

Central Coast

Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
04 February 2021



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held remotely - online,
THURSDAY 4 FEBRUARY 2021 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

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2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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3 PLANNING REPORTS

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3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial
premises and shop top housing 204

4 PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot
subdivision 303

Donna Rygate
Chairperson

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

4 February 2021 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: Environment and Planning

4 February 2021 Local Planning Panel Meeting

Reference: F2020/02502 - D14431927

Author: Rachel Callachor, Local Planning Panel Support Coordinator

Summary

The Minutes of the following Meetings 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 10 December 2020**
- **Supplementary Meeting - DA/97/2020 held on 9 December 2020**

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 10 December 2020 and Supplementary Meeting - DA/97/2020 held on 9 December 2020 are submitted for noting.

Attachments

- | | | |
|----------|--|-----------|
| 1 | MINUTES - Local Planning Panel - 10 December 2020 | D14395179 |
| 2 | MINUTES - Supplementary Meeting - DA/97/2020 held on 9 December 2020 | D14456820 |



Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL MEETING
Held remotely - online
on 10 December 2020

Panel Members

Chairperson	Donna Rygate
Panel Experts	Garry Fielding Linda McClure
Community Representative/s	Tony Tuxworth

Central Coast Council Staff Attendance

Alisa Prendergast	Section Manager Development Assessment South
Salli Pendergast	Section Manager Development Assessment North
Emily Goodworth	Section Manager Major Projects
Robert Eyre	Principal Planner Development Assessment South
Janice Wheeler	Senior Development Planner Section Manager Major Projects
Tracy Sharp	Senior Development Planner Development Assessment North
Chris Ross	Senior Development Planner Development Assessment South
Karen Hanratty	Senior Development Planner Development Assessment South
Guy Smith	Ecologist Environmental Strategies
Rachel Callachor	Local Planning Panel Support Coordinator
Maggie Rowland	Meeting Support Officer

The Chair declared the meeting open at 2.03pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of country statement.

The Chair advised that per the State Government's guidelines for Planning Panels, a briefing had been held with at the request of the applicant and representatives for agenda item 3.2 in relation to matters that are commercial in confidence or otherwise confidential or of a highly technical nature. The applicant's representatives were advised in that briefing to limit their comments only to those matters because to the fullest extent possible the Panel wants to have matters discussed in the public forum this afternoon.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that disclosure forms had been submitted by members and no conflicts of interest had been identified. Tony Tuxworth provided a verbal declaration in relation to no conflicts, as his emailed form had not been received by the Chair before the meeting commenced.

2.1 Confirmation of Minutes of Previous Meeting

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

- ***Local Planning Panel meeting held on 26 November 2020.***

Moved: Donna Rygate

Seconded: Linda McClure

Public Forum

Item 3.1

Nick Karahalios – on behalf of applicant

Item 3.2

Noel Denchfield – for recommendation

Doug Waud - President Kariong Progress Association – for recommendation

Lara Davies – for recommendation

Lin Armstrong, Stevens Group - addressed the Panel and provided responses to enquiries from the Panel.

Ben Calvert – Extent Heritage and Tim Rogers – Traffic Consultant, CBRK provided responses to enquiries from the Panel.

The following representatives of the applicant were in attendance to answer questions from the Panel if required: Michael Delbridge – ADW Johnson – Surveyor, David Turner – ADW Johnson – Surveyor, Ben Myles – ADW Johnson – Engineer and Craig Anderson – AEP Ecological – Ecology

Item 3.3

Tim Shelley - Tim Shelley Planning addressed the Panel and provided responses to enquiries from the Panel.

Hy Chheng, Architect addressed the Panel and provided responses to enquiries from the Panel.

Charlie Zeaiter, owner was registered to attend and be available to answer questions from the Panel if required.

Item 3.4

Farah Georges - Design Cubicle addressed the Panel and provided responses to enquiries from the Panel. Pratip Patil, also from Design Cubicle was in attendance to answer questions from the Panel if required.

Item 3.5

Adam Crompton – ADW Johnson - addressed the Panel and provided responses to enquiries from the Panel.

The Local Planning Panel public meeting closed at 3:29pm. The Panel moved into deliberation from 3:38pm, which concluded at 4:30pm.

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

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Supplementary memo, 9 December 2020
- Comments from speaker

Council Recommendation Approval

Panel Decision **1** ***That the Local Planning Panel grant consent to DA/1505/2018 - 741 Pacific Highway, Kanwal - demolition of existing structures and construction of a boarding house containing 27 rooms and a manager's residence subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, subject to the amendment of the conditions as follows:***

5.18 The Plan of Management contained within Appendix C of the Social Impact Assessment prepared by Judith Stubbs and Associates dated April 2019 shall be amended to include the following:

- a) The hours during which the onsite Manager will be working and suitable arrangements for outside these hours to ensure safety for residents and amenity for neighbours.*

- b) *The qualifications/experience required by the onsite Manager, to ensure that adequate management is provided.*
- c) *How emergency services will be able to access each room in case of emergency.*
- d) *The recommended actions specified in the Acoustic Report prepared by PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3.*
- e) *The recommendations of NSW Police as specified in Condition 5.17.*
- f) *The requirements of and be consistent with the operational conditions specified in Conditions of Consent 6.1, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9 and 6.10.*

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

- 6.2. *Undertake the operation and management of the boarding house in accordance with the Plan of Management contained within Appendix C of the Social Impact Assessment prepared by Judith Stubbs and Associates dated April 2019 as amended by Condition 5.18.*
- 6.4 *The boarding house shall be managed by the on-site manager, as outlined within the Plan of Management submitted with the application as amended by Condition 5.18. The boarding house manager shall be available at all times to ensure that the boarding house does not operate in a manner that disturbs residential amenity.*
- 6.8 *The Plan of Management submitted with the application as amended by Condition 5.18 shall be implemented and tenancy agreements shall be utilised. These mechanisms clearly identify to residents that anti-social behaviour will not be tolerated and may result in eviction from the boarding house.*
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

- Reasons**
- 1 This application has been assessed having regard to the matters for consideration under the Section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments, plans and policies.
 - 2 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.
 - 3 The proposal is consistent with the objectives of the R2 Low Density zoning of the site. The development provides for the housing needs of the community within a low density residential environment and maintains the residential amenity of the surrounding area. The development is a permissible use within the R2 Low Density zone of the Wyong Local Environmental Plan 2013.
 - 4 The proposal is satisfactory having regard to State Environmental Planning Policy (Infrastructure) in relation to development with frontage to a classified road.
 - 5 The development application provides sufficient information and detail to adequately assess the impacts of the proposed development.
 - 6 The provision of purpose-built affordable housing is in the public interest.

Votes The decision was unanimous

3.2 DA 58290/2020 - 5 The Avenue, Kariong - 6 Lot Subdivision and Fast Food Restaurants

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Comments from speakers

Council Recommendation Refusal

- Panel Decision**
- 1** *That the Local Planning Panel refuse the application for DA 58290/2020 6 Lot Subdivision and Fast Food Restaurants on Lot 101 DP1256044 No 5 The Avenue, Kariong for the reasons detailed in the assessment report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.*
 - 2** *That the Panel recommends that Council make representations to the Hunter Central Coast Development Corporation, Transport for NSW, Heritage NSW and other stakeholders encouraging them prepare a comprehensive strategy that addresses all environmental and planning issues relating to future use of the precinct.*
 - 3** *That Council advise those who made written submissions of the Panel's decision.*
 - 4** *That Council advise relevant external authorities of the Panel's decision.*

Reasons

- 1 The refusal of concurrence to the proposed access driveway by Transport for NSW (TfNSW).
- 2 The refusal by the Heritage Council of NSW to grant General Terms of Agreement (GTA) due to the impact on environmental heritage.
- 3 The proposal is not satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 4 The proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 and Gosford Development Control Plan 2013 and has been found to be not satisfactory.
- 5 There are 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 DA58026/2020 - 259 Burge Road and 200 Blackwall Road, Woy Woy - Multi Dwelling Housing

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report • Submissions
Council Recommendation	Refusal
Panel Decision	<p>1 That the Local Planning Panel refuse the application DA58026/2020 - Multi Dwelling Housing - 259 Burge Road and 200 Blackwall Road, Woy Woy for the reasons for refusal outlined in this assessment report having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.</p> <p>2 That Council advise those who made written submissions of the Panel's decision.</p> <p>3 That Council advise relevant external authorities of the Panel's decision.</p>
Reasons	<p>1 The development fails to adequately justify departures from clause 4.4 of Gosford Local Environmental Plan 2014 (GLEP) in relation to Floor Space Ratio.</p> <p>2 The development fails meet, or adequately justify departures from clause 101 of State Environmental Planning Policy (Infrastructure) 2007.</p> <p>3 The development fails to meet, or adequately justify departures from, Gosford Development Control Plan 2013 (GDGP).</p> <p>4 The submitted documentation does not provide adequate information to enable a proper assessment of the proposal.</p> <p>5 The proposal is not in the public interest.</p>
Votes	The decision was unanimous

3.4 DA57766/2019 - 24-28 Campbell Crescent and 26 Campbell Crescent, Terrigal - Demolition of Existing Structures and Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Comments from speaker

Council Recommendation Approval

Panel Decision **1** *Pursuant to the provisions of clause 4.6 of Gosford Local Environmental Plan 2014 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP.*

The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within Zone R1 General Residential in which the development is proposed to be carried out.

2 *That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.*

3 *That the Local Planning Panel grant consent DA57766/2019 - 24-28 Campbell Crescent and 26 Campbell Crescent, Terrigal for Demolition of Existing Structures and Construction of 4-storey Residential Flat*

Building containing 13 Units & 2 Levels of Basement Car Parking subject to the conditions detailed in attachment 1 to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

4 That Council advise those who made written submissions of the Panel's decision.

Reasons

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.
- 3 The proposal is suitable for the site.
- 4 The proposal is in the public interest.

Votes

The decision was unanimous

3.5 DA/968/2020 - 15-23 Hely Street, Wyong - Use of existing converted shipping container as a cafe

Site Inspected

Yes

Relevant Considerations

As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation

Approval

Panel Decision

1 That the Local Planning Panel grant consent to DA/968/2020 Use of existing converted shipping container as a cafe - 15-23 Hely Street, Wyong subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

Reasons

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

- 2 The proposal has been considered against the objectives of B3 Commercial Core zone and has been found to be satisfactory.
- 3 There are no significant issues or impacts or impacts identified with the proposal under section 4.15 of the Environmental Planning and Assessment Act 1979.
- 4 The proposed variation to the car parking requirement under the WDCP 2013, Chapter 2.11 Parking and Access is considered reasonable and acceptable in the circumstances.
- 5 The proposal is suitable for the site.
- 6 The proposal is in the public interest.

Votes The decision was unanimous

3.6 Request to Prepare a Planning Proposal - Sandra Street, Jilliby

1. The Panel agrees with the conclusion of the report and that the Planning Proposal has strategic merit.
2. The Panel recommends that prior to exhibition, an updated ecology report be prepared on the subject land, including an analysis of the likely impact of bush fire protection measures and access, together with utility service provision to potential dwelling sites.

4.1 Operation of the Central Coast Local Planning Panel in 2021

Recommendation

- 1 That the Panel receive and note the report in relation to upcoming meeting dates and potential for delegation of matters to Council staff.**
- 2 That the Central Coast Local Planning Panel agree, in accordance with Section 2.20(8) of the Environmental Planning & Assessment Act 1979, to delegating to Council staff the determination of matters as set out in Table 1 of this report.**
- 3 That the Central Coast Local Planning Panel adopt the proposed schedule of meeting dates for 2021 as set out in Table 2 of this report.**
- 4 That the Panel note that the schedule of meetings can be amended as required throughout the year (ie additional meetings added or meetings vacated as workload demands)**

Panel decision:

- 1 That the Panel receive and note the report in relation to upcoming meeting dates and potential for delegation of matters to Council staff, notwithstanding that the Panel rejects the value for money implications in the paper, and questions the full meeting cost estimate provided in the paper and its suggestion of significantly increased costs were face to face meetings held.**
- 2 That the Central Coast Local Planning Panel agree, in accordance with Section 2.20(8) of the Environmental Planning & Assessment Act 1979, to delegating to Council staff the determination of matters as set out in Table 1 of this report, subject to reference to 'events' being changed to 'one-off events', and Council obtaining the written concurrence of the Department of Planning, Industry and Environment to the proposed increase from 10 to 15 of the unique written objections threshold.**
- 3 That the Central Coast Local Planning Panel adopt the proposed schedule of meeting dates for 2021 as set out in Table 2 of this report.**
- 4 That the Panel note that the schedule of meetings can be amended as required throughout the year (ie additional meetings added or meetings vacated as workload demands).**
- 5 That the Panel note Council's intention to pay 'business undertaken outside of meetings' rates for matters determined by circulation of papers only.**
- 6 That planning proposals be dealt with via video or teleconference to allow discussion, for which 'business undertaken outside of meetings' rates will be paid.**
- 7 That, in addition to consulting with the Panel Chair re selection of panel members for each meeting as soon as agenda items and specific panel member expertise preferences have been identified by planning staff, the Panel secretariat is to provide a report to the Panel Chair by 30 June and 30 December each year to ensure that, while Panel members are selected based on specific expertise where appropriate, the opportunity to participate in Panel meetings and activities is also shared around.**
- 8 That the Pipeline/180 days report be provided to the Panel Chair each month, and that a video or teleconference be convened between the Chair, one expert, one community representative and relevant staff to allow its discussion, for which 'business undertaken outside of meetings' rates will be paid.**
- 9 The number of applications to be heard per meeting remains at 4, unless in special circumstances and with the Chair's approval.**



Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL MEETING
 Held remotely - online
 on 09 December 2020

Panel Members

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

Central Coast Council Staff Attendance

Rachel Callachor Local Planning Panel Support Coordinator

The Chairperson, Donna Rygate, declared the meeting open at 10:05am.

This Supplementary meeting is to consider DA/97/2020. A Supplementary Report was provided to the Local Planning Panel on 2 December 2020, as per request at the Panel meeting of 1 October 2020 where the matter was deferred.

Meeting closed 10.14am.

Relevant Considerations As per Council assessment report and Supplementary report

Material Considered

- Council assessment report
- Submissions and comments from public meeting
- Technical reports
- Supplementary report

Council Recommendation Approval subject to conditions and 12 month trial period

Panel Decision

- 1** *That the Local Planning Panel approve DA/97/2020 for Use of Existing Premises for the purposes of an Animal Boarding & Training Facility - Dog Breeding on Lot 45 DP 2244 at 604 Ourimbah Creek Road, PALM GROVE subject to conditions of development consent within Attachment 5 of the supplementary report, as modified below in relation to conditions 1.2, 1.6, 2.14, 2.15 and 2.16, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.*

Minutes of the Local Planning Panel Meeting 09 December 2020 contd

- 1.2. This consent is for a fifteen (15) month period only and accordingly the development must cease at the expiration of fifteen (15) months from the determination date of this consent.

Any extension of the approved use beyond fifteen (15) months will require the prior submission and approval of an application under section 4.55 of the Environmental Planning and Assessment Act, 1979. In considering any application for the extension of this consent, Council would have regard to relevant matters under the Environmental Planning and Assessment Act 1979, including any submissions received during the period.

Note: Any application to modify this condition should be submitted to Council three (3) months prior to the date the consent will lapse.

- 1.6 A Building Information Certificate application must be submitted for the evening house and outdoor dog kennels within 30 days from the determination date of this consent.
- 2.14. The operation of the premises is not to give rise to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 2.15. An acoustic assessment be prepared by an acoustic consultant who is independent of Renzo Tonin & Associates one (1) month after the date of this consent. The acoustic consultant must have a current membership of the Association of Australasian Acoustical Consultants. The acoustic assessment must compare operational noise levels to the predicted noise levels and identify any areas where further noise mitigation measures **will be required**. Monitoring shall be undertaken at the nearest residential receivers. Offensive noise is also to be considered. A copy of the Assessment must be submitted to Council's Environment and Public Health team within fourteen (14) days of the review being undertaken. Any recommendations must be implemented within thirty (30) days of the Assessment being undertaken.
- 2.16. Prepare a policy on complaints handling and dispute resolution, and maintain a complaint register within 1 month of the date of this consent and in accordance with the following:
- Retain a log of related communication and actions taken which includes date and time complaint received, name and designation (e.g. guest, neighbour, council, police etc.) of complainant and contact details of complainant, nature of complaint, action taken (by whom and when), outcome and/or further action required (e.g. community consultation, meet with Council, meet with local police, review management systems or issue resolved).
 - Respond to complaints and take effective action.
 - Appoint a manager who shall be contactable 24 hours per day. Provide adjoining neighbours with the phone number of the manager for them to contact in case there is a need to address an immediate concern regarding the use of the property for dog breeding.

2 That Council advise those who made written submissions of the Panel's decision.

Minutes of the Local Planning Panel Meeting 09 December 2020 contd

Reasons

- 1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 2 Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact.

Votes The decision was unanimous

Item No: 3.1
Title: DA58829/2020 - 59 Terrigal Drive, Terrigal -
Demolition and construction of Boarding House
Department: Environment and Planning

4 February 2021 Local Planning Panel Meeting

Reference: 011.2020.00058829.001 - D14402968
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 seven (7) room boarding house. 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 due to the number of public submissions received - 68 submissions were received to the first notification period and 17 submissions to the second notification period.

The application is recommended for approval subject to conditions.

Applicant	L Cox
Owner	R Cox
Application No	DA58829/2020
Description of Land	Lot 1 DP656630 No59 Terrigal Drive, Terrigal.
Proposed Development	Seven room boarding house
Site Area	747.6m ²
Zoning	R2 Low Density Residential
Existing Use	Dwelling house
Employment Generation	No
Estimated Value	\$634,500.00

Recommendation

- 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.***

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

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

Key Issues

- Matters raised in Public Submissions
- Impact on amenity of adjoining sites.
- Character of area.

Precis:

Proposed Development	Seven (7) room boarding house
Permissibility and Zoning	R2 Low Density Residential under the provisions of the Gosford Local Environmental Plan 2014. A boarding house is permissible with consent.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 – s. 4.15 (EP&A Act)</i> • <i>Rural Fires Act 1997</i> • <i>Protection of the Environment Operations Act</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>State Environmental Planning Policy (Affordable Rental Housing)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Gosford City Council Climate Change Policy.</i>
Current Use	Two storey dwelling house and shed
Integrated Development	No
Submissions	68 to first exhibition period 17 to second exhibition period

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

The following developments are immediately adjoining/nearby:

- A medical x-ray facility/office is located on the eastern side of the site (on the corner of Brunswick Road and Terrigal Drive).
- The adjoining development on the western and northern side,
- Development on the the eastern side of Brunswick Road contains multi-dwelling housing.
- On the southern side of Terrigal Drive are playing fields (Duffys Oval), ambulance station, multi-dwelling housing, and Terrigal High School.

Terrigal Drive is a main road with numerous bus stops in the vicinity of the site and a shell service station about 300m to the east. A bus stop is located at the front of the site.

The Proposed Development

It is proposed to demolish the existing dwelling house and construct a seven (7) room single-storey boarding house.

The building is proposed to be setback 13.945m from the street boundary, 1.5m from the side boundaries, and 3m-3.19m from the rear boundary. The proposed development will have a floor area of 272.05m², with a sloping roof from east to west from about RL 7.36m to RL 6.8m. The room sizes vary from 30.79m² to 35.35m². A common room is located at the rear of the building with access to the rear setback/communal area.

The proposed floor level is RL 4.40m, and water retention and detention tanks are proposed under the floor level.

Four (4) car parking spaces are proposed at the front of the site including one (1) accessible parking space.

A 6m wide driveway is proposed on the western side of the site, and a 2.5m wide landscape strip is proposed across the balance of the frontage. A screened waste storage area is proposed behind the front setback area adjoining the car parking spaces.

Access to the building is by an accessible ramp across the front of the building.

Landscaping is proposed within at the front of the site as well as within the side and rear setback areas.

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)



Figure 2- Front Perspective

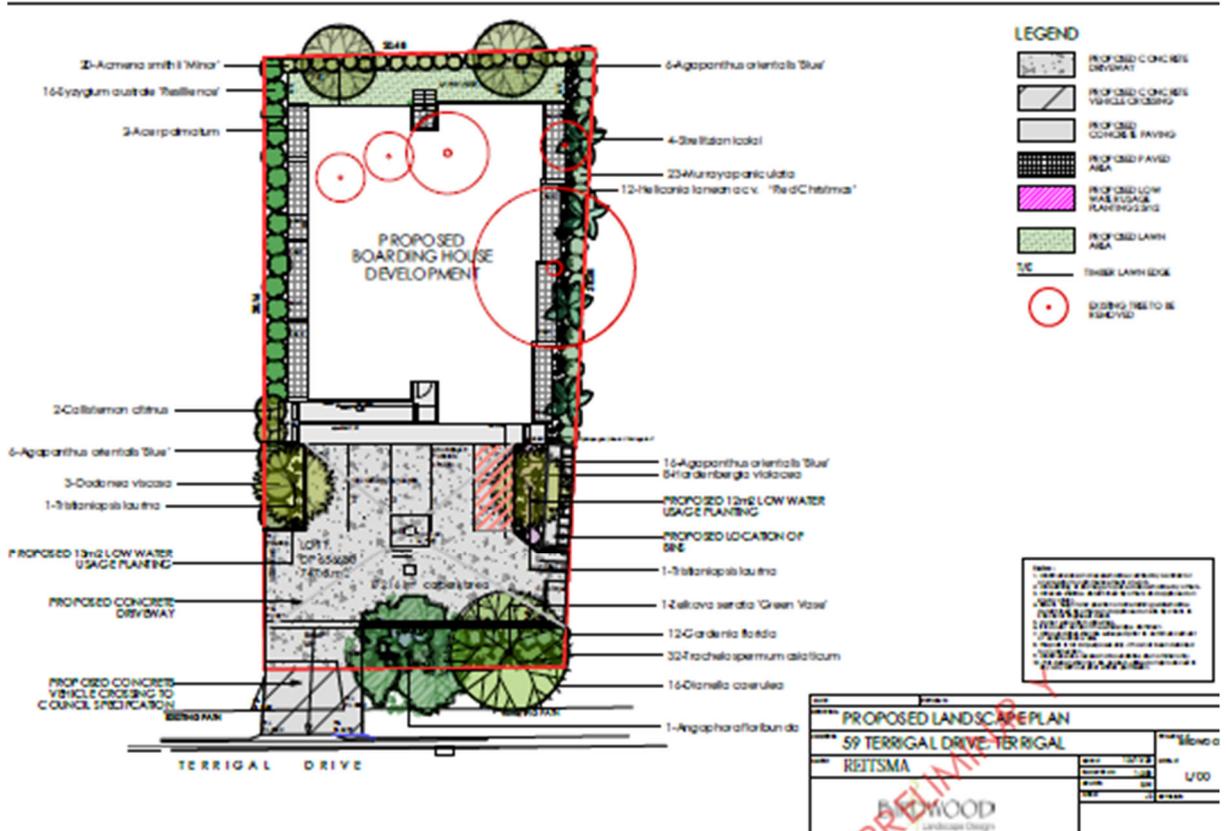


Figure 3-Landscape site plan

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

History (Previous Application)

DA65438/1991 approved a new dwelling house on the site on 30 October 1991.

History (Current Application)

The application presented to the Local Planning Panel has been amended during the assessment process. These amendments were a result of submissions to the application and issues raised by Council officers during the assessment.

The applicant submitted amended plans and additional information which was re-exhibited.

The following table illustrates the differences between the original and amended application

Item	Original Application	Amended application	Difference
Front setback	11.31m	13.945m	+2.635m
East setback	950mm	1.5m	+0.55m
West setback	950mm	1.5m	+0.55m
Rear setback	3m-3.19m	3m-3.19m	Nil
Floor area	298.3m ²	272.05m ²	-26.25m ²
No of rooms	9	7	- 2
Car parking spaces	6	4	-2
Front Landscaping	Nil	2.5m	+2.5m
Driveway width	3m	6m	+3m

The following assessment is based on the amended plans/application.

ASSESSMENT:

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

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.

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to TfNSW under Clause 101 as the site fronts a classified road.

TfNSW has reviewed the revised architectural plans dated 21 August 2020 and provides the following comments:

- The revised plans address the TfNSW requirement of providing a minimum 6m wide driveway crossover for the development.
- The revised plans appear to indicate that underground stormwater detention tanks with a total storage capacity of 40kL will be provided on site and a new kerb inlet pit will be installed at the site frontage. TfNSW highlights that the information provided does not fully address comments provided in its referral response letter dated 11 August 2020.
- TfNSW requires that the following information is provided for its review prior to making a determination on the development application:
 - 'Pre' and 'Post' development stormwater detention and discharge calculations for 1, 5, 10, 20, 50 and 100year ARI events;
 - Details of on-site detention tank, stormwater pipes and pits;
 - Connection details to the TfNSW stormwater system, with all works undertaken in accordance with TfNSW Specifications and Standard Drawings;
 - Confirmation of any impact on TfNSW Traffic Control Signal (TCS) infrastructure (control box) located at the site frontage.

Advice to Council

TfNSW recommends that the following matters should be considered by Council in determining this development:

- TfNSW has no proposal that requires any part of the property.
- On-site car parking for the development should be designed in accordance with the latest version of AS/NZS 2890. Council should ensure that all vehicles can enter and exit the site in a forward direction.
- Council should have consideration for the safety of pedestrians on footpath at the widened driveway crossover.

3.1

DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austrroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Terrigal Drive stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the Terrigal Drive, a classified State road (MR505). In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, TfNSW recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

- TfNSW concurrence is required in accordance with Section 138 of the *Roads Act (1993)* as the roadworks required affect Terrigal Drive, a classified State road. As such, the works are to be designed in accordance with the current version of *Austrroads Guide to Road Design (with Roads and Maritime Services supplements)* and relevant Australian Standards to the satisfaction of both TfNSW and Council.
- The developer shall ensure there is an approved Road Occupancy Licence (ROL) for the proposed road works. Contact Hunter Traffic Operations via the Roads and Maritime website (<https://www.rms.nsw.gov.au/business-industry/road-occupancy-licence/index.html>) to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the future roadworks.

The amended stormwater plans were referred to TfNSW, however no response has been received.

The amended stormwater plans show the drainage works are clear of the traffic signal control box.

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The issues raised by TfNSW have been addressed in the engineering assessment and draft conditions of consent. The works in Terrigal Drive are required to be approved by TfNSW prior to the issue of a Construction Certificate (Refer conditions 2.3, 2.5, 2.9, 3.6, 5.4, 5.5, 5.6, and 5.9).

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,*
- (g) the use of the surf zone.*

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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; and
- Drainage, nutrient and erosion control measures will be installed to protect the any reserve and water way.

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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;

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- 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

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 (Affordable Rental Housing)

The following table illustrates compliance with SEPP(ARH).

Clause	Comment
Clause 26 -Land to which division applies	Applies to R2 zoned land.
Clauses 27, 30 and 30A -Does not apply to R2 zoned land unless within an accessible area.	Site is within an accessible area. Within 400m of a bus stop and bus services. Complies

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Clause 29-Standards which cannot be used to refuse consent	
(1)(a) Maximum residential FSR 0.5:1	FSR 0.36:1- Complies
(2)(a) Maximum building height 8.5m	Height 4.5m- Complies
(2)(b) Landscape treatment of front setback compatible with streetscape.	Landscape width 2.5m and compatible with streetscape along Terrigal Drive-Complies
(2)(c) Communal living area to receive 3 hours sunlight between 9am and 3pm in mid-winter.	Communal room and outdoor area located on northern side of building-Complies
(2)(d) Private open space minimum 3m width and 20m ²	Private open space provided on northern side and 3m width and 60m ² -Complies
(2) e Parking-0.5 spaces per room	4 spaces required-Complies
(3) Each room may have private kitchen or bathroom.	Complies
Clause 30	
(a) If more than 5 rooms, communal area required.	Communal area provided-Complies
(b) Excluding kitchen and bathroom facilities, maximum floor area 25m ²	Excluding kitchen and bathroom, floor areas range from 20.3m ² to 23.6m ² . Complies.
(c) Maximum 2 adults per room	Complies. Restriction in POM.
(d) Adequate kitchen and bathroom facilities	Provided in each room-Complies
(e) If greater than 20 lodgers, a site manager is required.	Maximum capacity is 14 lodgers (2 per 7 rooms) No site manager required. Complies Refer condition 6.13.
(f) Minimum room size 2 lodgers 16m ²	> 16m ² -Complies
(h) At least one parking space for bicycle and on motorcycle per 5 rooms.	2 spaces required as condition of consent - Refer condition 2.8.
Clause 30AA Maximum size on R2 zoned land -12 rooms	7 rooms proposed-Complies
Clause 30A Consent authority to take into consideration the design is compatible with the character of the local area.	The proposed development is compatible with the character of the local area which is mainly multi-dwelling housing, single to two storey. Complies. See comments below.

Clause 30A-Character of Local Area.

Clause 30A states;

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

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In determining whether the design of the development is compatible with the character of the local area, consideration was given to the planning principle in *Project Venture Development Pty Ltd v Pittwater Council* [2005] NSWLEC 191. Compatibility is seen to be a measure of the ability to exist together in harmony. It is not a test of sameness. To establish compatibility with the character of the local area, the following questions should be asked.

1. Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

For a development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contribution to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.

The proposed development has a building height and appearance of a single dwelling house. The site is surrounded mostly by multi-dwelling houses and a medical X-Ray practice. The height, setbacks and landscaping of the proposed development have no significant impacts on adjoining sites or development potential of adjoining sites. The building appearance and car parking area will be screened from the street largely by the front landscaping.

It is considered the proposed development is in harmony with the character of the local area and streetscape.

Gosford Local Environmental Plan 2014 – Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of the Gosford Local Environmental Plan 2014.



Figure 4-Zoning Plan

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The proposed development is defined as a boarding house which is permissible with consent on R2 zoned land.

A 'boarding housing' is defined as follows:

boarding house means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note—

Boarding houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Gosford Local Environmental Plan 2014 – R2 Zone Objectives

The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low- density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

In this instance, it is considered the proposed development is consistent with the stated objectives of the R2 zone. The proposed development is low density, meets housing needs of the community, and is of a size and scale appropriate for the site and character of the area.

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Gosford Local Environmental Plan 2014 – Height and Floor Space Ratio

The following table represents an analysis of the proposal in terms of height and floor space ratio requirements from the Gosford Local Environmental Plan 2014

Clause	Item	Required	Proposed	Compliance
Clause 4.3 – Building Heights	Maximum height	8.5m	4.5m	Yes
Clause 4.4 – Floor Space Ratio	Maximum FSR	0.5:1	0.36:1	Yes

Gosford Local Environmental Plan 2014 – Clause 7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 4 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

Gosford Local Environmental Plan 2014 – Clause 7.1 Flood Planning

This land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to Clause 7.2 of *Gosford Local Environmental Plan 2014* and Council development engineers raise no objection in this regard.

Draft Central Coast Local Environmental Plan 2018

The site is subject to the draft Central Coast Local Environmental Plan 2018. The draft plan retains the R2 Low Density zoning of the land. The proposed development is consistent with the draft Plan.

Gosford Development Control Plan 2013

There is no chapter in the GDCP 2013 that applies to boarding houses. Chapter 3.3 of GDCP 2013 applies to multi- dwelling housing and residential flat building. The following table illustrates the comparison of Chapter 3.3 to the proposed development.

3.1

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Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.3.2 - Desired Character				Yes	Yes- see comments below
3.3.3.1 - Height	Building height maximum	8.5m	4.5m	Yes	Yes
	Number of storeys maximum	2	1	Yes	Yes
	Floor height of lowest occupied storey maximum	1m or minimum FL	RL 4.4m	Yes	Yes
	Ceiling height of habitable rooms minimum	2.7m	2.7m	Yes	Yes
	Ceiling height non-habitable rooms minimum	2.2m	2.7m	Yes	Yes
3.3.3.2 - Setbacks	Deep soil along side boundaries minimum	2m	1.5m	No - see comments below	Yes- see comments below
	Deep soil planting along front & rear boundaries minimum	6m	2.5m-3mm	No - see comments below	Yes- see comments below
	Side setback (up to 2 storeys) minimum	3.5m	1.5m	No - see comments below	Yes- see comments below
	Front setback (up to 2 storeys) minimum	6m	13.945m	Yes	Yes
	Rear setback (up to 2 storeys) minimum	6m	3m-3.19m	No - see comments below	Yes- see comments below
3.3.3.3 - Car Parking	Number of resident car parking spaces minimum	2	4	Yes	Yes
	Width of driveway minimum	5.8m	6m	Yes	Yes
3.3.3.4 - Articulation	Width and depth of building maximum	25m	19.68m	Yes	Yes
	"Unarticulated length" of any exterior wall maximum	8m	4.8m	Yes	Yes

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3.3.3.5.2 - Sunlight and Overshadowing	Sunlight to be received by each dwelling minimum	3 hours	3 hours	Yes	Yes
	Sunlight to existing neighbours minimum	3 hours	3 hours	Yes- see comments below	Yes- see comments below

Building Setbacks and Deep Soil Planting.

The above controls are designed mainly for multi dwelling housing and residential flat buildings. The proposed boarding house is equivalent to a large dwelling house due to its height and floor space.

While the side and rear setbacks do not comply with the Gosford DCP 2013 requirements, they are compensated for by the front setback in excess of that required, albeit for car parking.

The setbacks proposed provide an opportunity for landscaping and mitigation of impacts on adjoining sites.

It is considered the setbacks proposed are reasonable for the site and proposed development.

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 R2 Low Density Residential under GLEP2014 and is surrounded by residential developments.

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 GLEP2014, GDGP2013 and SEPP(ARH) 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 Terrigal Drive.

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

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 additional affordable housing in Terrigal and the Central Coast.

Suitability of the Site for the Development

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

- The site is zoned R2 Low Density Residential under GLEP2014. A boarding house is a permissible use under the R2 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.
- The site is located on and near public transport facilities as well as public recreation/community/educational 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 affordable housing near public transport and services;
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the GLEP2014, GDCP2013, and SEPP(ARH).
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

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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

Any Submission made in Accordance with the Act or Regulations

The application was notified on two occasions in accordance with GDCP 2013:

The First Notification Period was undertaken from 17 July 2020 to 14 August 2020. Sixty-eight submissions were received during this period, including four (4) in support.

In response to the issues raised in public submissions and Council, the applicant submitted amended plans and additional information, including reducing the development from 9 to 7 rooms, revision of the Plan of Management, car parking and landscaping.

The Second Notification Period was undertaken once amended plans/details and information were received. This re-notified was from 16 October 2020 to 13 November 2020. Seventeen submissions were received during this period, including two (2) in support.

The issues raised in public submissions are detailed below:

- The proposal does not improve the amenity of the area and is out of character.
- Cars will be encouraged to park in nearby streets as there is no street parking in front of the site.

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Comment - Parking has been provided on the side for that required for a boarding house. If visitors chose to park in side streets this is not a relevant matter to refuse an application.

- Poor access to the site and increase in traffic generation near the traffic signals and intersections.

Comment - The amended plans have increased the driveway width from a single to a double 6m wide driveway. This will permit vehicles to enter the site without delay if a vehicle is leaving the site. This was a requirement of TfNSW. The access driveway has also been located on the western side of the site to obtain the maximum distance away from the traffic lights and intersection.

- No on-site manager to control noise, behavior and complaints.

Comment - The proposal does not require an on-site manager due to the number of rooms. The development will be subject to a Plan of Management (POM) which tenants will be required to adhere to.

- Boarding houses are cheap accommodation for residents with little responsibility towards neighbours. The SEPP permits developers to sneak into an established family area.

Comment - Boarding houses are a type of special accommodation aimed to for low income or people with social needs. Such accommodation should be provided in a mixed residential area for support and services. There is no such planning criteria as a family area, residential areas are for all residents without discrimination.

- The proposal fails to address the site is opposite a high school.

Comment - The reason for this is not stated. The location of the proposal on a bus route, near a bus stop, and near a school is supported as it may be of a benefit to future residents.

- Car parking is inadequate and will result in about 20 cars parked in Brunswick Road which will impact existing residents.

Comment - The proposal complies with the car parking required for a boarding house. The submission exaggerates the likely car parking generated by such development and fails to acknowledge the car parking in Brunswick Road generated by the existing gated developments. The site is ideally located near a bus stop and within walking distance to Terrigal.

- The proposal does not comply with DCP 59 and is in breach of NSW planning law and legislation.

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Comment - The proposal is permissible with consent under the GLEP 2014 and SEPP Affordable housing.

- The rear setback required is 6m and the proposed setback is 3m. The proposal will impact the peace and privacy of adjoining residents who are mostly retired elderly residents.

Comment - There is no evidence that this will occur. The applicant has submitted an acoustic assessment and a POM for the use which identifies controls on the operation. It should be noted that such controls are not applied to residential dwelling houses or the adjoining developments.

- The R2 zone requires the development to be compatible with single dwelling character of the area. The proposed building materials are cheap and unattractive compared to existing residences.

Comment - The proposed building is single storey and has a height and FSR less than that permitted for a single dwelling house. This combined with the proposed landscaping results in being compatible with surrounding development.

- The removal of existing trees and shrubs and insufficient space for landscaping.

Comment - The amended plans have increased the front setback and provided 2.5m width of landscaping at the front of the site as well as within the side and rear setback areas. Council's architect and tree assessment officer support the proposal subject to conditions.

- There is already existing low cost affordable housing nearby at 33 Terrigal Drive, 2 and 12 Duffys Road, and 474 Terrigal Drive.

Comment - This is not a reason to refuse this application. There is an increasing need for such housing as supported by Council's Social Planner.

- The site is too close to existing traffic lights and pedestrian crossing. The proposal will add to traffic hazards and decrease safety.

Comment - The proposed use is low density and the driveway has been located as far from the traffic signals as possible. TfNSW has supported the proposal subject to conditions.

- No space for rubbish bins near the bus stop.

Comment - There is adequate kerb space in the location and the proposal is supported by Council's Waste Management Assessment Officer.

- Residents smoking in the rear outdoor area will create a health hazard to adjoining residents who are mostly elderly.

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Comment - The separation between buildings is considered to be adequate. If smoking does occur outdoors this is safer.

- The proposal will bring young singles and couples into the area. The site is in a good location with public transport and affordable housing is much needed.

Comment - The site is ideally located with a bus stop at the front. Affordable housing provides a greater chose for those that do not need or can afford a dwelling house.

- Swept paths for cars to enter and leave the site have not been provided.

Comment - The swept paths for vehicles to enter and leave the car parking area in a forward direction have been provided. These have been assessed by Council's engineer and are considered to be satisfactory and comply with Australian Standards.

- The proposal does not comply with articulation required under clause 3.3.3.4 of GDCP 2013.

Comment - The amended plans provide articulation with the verandahs along the side boundaries. The western side of the building has a length of 18.48m, and the eastern side a length of 19.68m.

- The social impacts are not addressed in the social impact statement.

Comment - An amended social impact statement was submitted and supported by Council's social planner. A POM and conditions will regulate the operation and mitigate the impacts of the proposed development.

- The proposal should have a Covid-19 plan.

Comment - This is not relevant to all developments and is subject to state and federal government health orders. The POM will control internal operation of the facility.

- Brunswick Road is used by school students to park and parents for pick up.

Comment - This is not relevant. The proposal does not rely on Brunswick Road for parking. The traffic generated and parking generated by the school should be provided on or near the school site.

- Outside lighting may impact neighbours.

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Comment - A condition of consent has been imposed to control outside lighting. **(Refer Condition 6.7)**

- Vehicles travelling to Gosford will need to do a 'U' turn in Brunswick Road.

Comment - Any vehicles leaving the site will have to comply with traffic rules on the public roadway.

- On 19 January 2020 the site suffered flood damage and carpets had to be removed. Where will residents go in times of flood.

Comment - The building is subject to a minimum floor level due to flooding the same as other developments in the area. This will raise the floor level 500mm above the flood level. Residents will be able to stay in the building or relocate to another site.

- There are concerns with child safety and protection if used as a half- way house. Who regulates the number of residents.

Comment - These matters are addressed and controlled by the operator and POM. **(Refer conditions 6.8 and 6.13)**

- The development is too large and no green space or deep soil planting.

Comment- The building is single storey and complies with the maximum FSR. An amended landscape plan provides landscaping at the front, sides, and rear of the site. The communal area exceeds the minimum requirements.

- Inadequate side and rear setbacks.

Comment - The setbacks are considered reasonable and permit landscaping. The rear setback is reduced due to the front setback being increased to provide access, parking and landscaping at the front of the site.

- Impact on market value of adjoining sites.

Comment - No evidence has been submitted to justify this claim. The provision of a variety of housing and accommodation should not decrease market value of adjoining developments. Market value is determined by a number of matters, in particular quality and quantity of housing.

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- The proposal does not comply with Clauses 29 (b) and (f) of the SEPPARH. The accommodation size does not comply and the proposal is not compatible with the streetscape. The front setback is dominated by hard stand area and the bin storage area is located within the front setback area.

Comment - The amended plans provide room sizes which comply, the building has been further setback from the street boundary, a 2.5m wide landscape area has been provided across the frontage of the site, and the waste storage area is setback behind the setback area and screened.

- The proposal is inconsistent with the zone objectives.

Comment - The proposal has been reduced from 9 rooms to 7 rooms, improved landscaping and is consistent with the zone objectives in particular; to provide for the housing needs of the community; low density residential; that is compatible with the desired future character of the zone; promotes ecological and economically sustainable development; does not adversely affect residential amenity or place demands on services beyond a level reasonably required for low density housing.

- Side setbacks should be 2m and front and rear setbacks should be 6m.

Comment - The front setback exceeds the 6m due to the location of the car parking area at the front of the site. The rear setback of 3m is considered reasonable due to the landscaping provided and separation from adjoining development. The variation to the side setbacks of 1.5m is considered reasonable as the setback is to the edge of the balconies. Internal living areas are setback a greater distance than 2m.

- The 900mm setback of balconies on the side of the building will impact privacy of adjoining sites, particularly given the higher floor height 1.1m above ground level due to flooding. This will result in overlooking of adjoining sites.

Comment - The site and adjoining sites when redeveloped will have to comply with minimum floor heights. The amended plans increase the side setbacks to 1.5m, provide screening on the balconies and landscaping. These measures mitigate the impact of privacy on the adjoining sites. In addition a condition of consent requires a 1.8m high solid fence along the side and rear boundaries. **(Refer Condition 5.8)**

- The rear 3m setback and communal area will impact adjoining sites as no acoustic mitigation or screening measures are proposed.

Comment - The amended plans provide landscaping along the rear boundary. A condition of consent requires the erection of a 1.8m high solid fence to mitigate noise and visual impacts.

- The amendments made are minor and previous objectors still stand.

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Comment - The amendments and additional information are significant improvements to the proposed development.

- The proposal is close to the Blue Point residential estate which mostly consists of older retired people.

Comment - The adjoining development is multi-dwelling housing and a gated community. The age of the residents is not relevant. The adjoining development is not classified as a sensitive development.

- Waste trucks cannot enter the site.

Comment - Waste trucks are not required to enter the site. Waste pick up will be from the kerbside.

- The reduction in parking from 6 spaces to 4 spaces will result in increased parking in Brunswick Road.

Comment - Parking meets the requirement for the boarding house. The site is located at a bus stop and good public transport is available.

- The bulk and scale is excessive.

Comment - The bulk and scale is reasonable for the site. The proposed development is below the height limit and FSR permitted. The number of rooms have been reduced from 9 to 7 which is a low density development.

- No clothes drying area.

Comment - Each room has an internal laundry. The rear communal area may be used for a drying area.

Submissions from Public Authorities

Authority	Comment
TfNSW	Supported subject to conditions
NSW Police Service	Supported subject to CCTV. Refer condition 5.7.

Internal Consultation

Development Engineer	Supported subject to conditions. Refer comments below. Refer conditions 2.3, 2.4, 2.5, 3.6, 5.4.
Traffic Engineer	Supported without conditions.
Environmental Health	Supported subject to conditions. Refer conditions 2.9, 3.8, 4.10, 5.9.
Water & Sewer	Supported subject to conditions. Refer condition 2.10.
Social Planner	Supported subject to conditions. Refer comments below. Refer condition 6.8.
Waste Officer	Supported subject to conditions. Refer conditions 4.7, 4.8, 4.9, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7.
Architect	Supported without conditions. Refer comments below.
Tree/Landscape Officer	Supported subject to conditions. Refer conditions 2.8, 6.8, 6.9.

Development Engineer

Flooding

The entire site is identified as affected by flooding. The peak flood level is RL 3.90m AHD, with a corresponding Flood Planning Level of RL 4.40m AHD.

Drainage

The development will provide on-site stormwater detention, water quality and on-site stormwater retention measures in accordance with Chapter 6.7 of Gosford DCP 2013.

Environmental Health

Air Quality

The development is not expected to contribute to negative impacts on the regions air quality.

Acid Sulfate Soil (ASS)

The land is mapped as Class 4 ASS. Construction works are not expected to disturb soils more than 2 meters below ground level, therefore it is unlikely that ASS will be exposed.

Asbestos Containing Material (ACM)

Due to its age the existing residential dwelling is expected to contain ACM.

Contamination/ SEPP 55

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The current use is residential which is consistent with the proposed use, therefore it is considered suitable, from a contamination perspective.

Noise

The site plan depicts the orientation of the driveway and carpark will be located closest to Terrigal Drive. Each unit will have individual balcony areas located at either the east and west of the building, including the common area. The east facing balconies adjoin a medical centre and the west facing balconies and open space at the north of the property adjoins residential townhouses. A plan of management ('POM') has been provided which includes a copy of the tenancy agreement and the house rules. The POM provides adequate noise mitigation measures to reduce the risk of noise impacts to adjoining properties.

Terrigal Drive is mapped as a busy road corridor by NSW RMS carrying between 20,000 and 40,000 annual average daily traffic. The acoustic assessment has been reviewed and it generally meets the minimum requirements of the NSW Department of Planning Development near Rail Corridors and Busy Roads- Interim Guidance 2008. Recommended noise mitigation measures for the building façade, windows (and doors), roof (and ceiling), walls and balcony balustrades have been listed to ensure the development meets the internal noise levels required by Clause 87 of the Infrastructure SEPP 2007. Mechanical ventilation is not required. The updated Ground Floor Plan depicts a change to the layout with the common area moved to the rear of the building, replaced with a residential unit.

Soils and Construction/ Water

Overland and internal stormwater flows enter the roadside stormwater system and enter a tributary of Terrigal Lagoon, a designated swimming location.

The area of soil disturbance is expected to be approximately 550m², therefore a formal Erosion and Sediment Control is required to be approved by Council prior to consent, as per Clause 6.3 of the Gosford DCP. The submitted ESCP has been amended and is satisfactory.

Social Planner

The original DA was for a 9 room, single storey new generation boarding house. It has now been revised to 7 room boarding house, with a common room, parking and a small grassed area. All rooms are self-contained with bathroom and kitchen facilities. The application is being made under the provisions of *SEPP Affordable Rental Housing 2009 (ARH SEPP)*.

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A Social Impact Assessment has been provided and the Plan of Management has been revised.

Social Planning comments

There is a need for affordable housing on the Central Coast due to the high rates of housing stress experienced by our community. This is outlined in Council's *Affordable and Alternative Housing Strategy*. However, affordable housing needs to be well located, well designed and well managed so that residents and the community are not negatively impacted. It also needs to be affordable.

Issues raised previously have now been addressed, including the below:

- Affordability: The Plan of Management states: "Rents will be set at a 20% discount of the market rent of similar sized and finished Units/Apartments within the Terrigal area". This statement should become a condition of consent through the Plan of Management.
- Design: The front façade has been revised to be more welcoming.
- Privacy/noise: Balcony setbacks have been increased and planting added along boundaries with other properties to increase privacy.
- Laundry tub, dryer and wardrobe have been added to improve livability of the rooms.

If approved, a Condition of Consent should be that the boarding house operates in compliance with the Plan of Management which sets out, among other things, the maximum number of lodgers, length of tenure (minimum 3 months) and rent as 20% discount to market rent etc **(condition provided refer to condition 6.8)**.

Architect

This is an amended application and this assessment refers to architectural drawings prepared by RJS & CE Price dated June 2020 Issue D and landscape drawings prepared by Birdwood Landscape Design dated 13/11/20.

It proposes the construction of a single level boarding house containing seven residential units and a common room. Parking for four cars is included at the front of the site.

It is subject to Gosford Development Control Plan 2013 (DCP).

Context

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

The site is surrounded by single storey townhouse developments. The application is single storey and now has similar landscaped setbacks to the adjoining sites and landscaping at the front of the site. These result in a small domestic scale building that is generally consistent with the current context and the Desired Character.

Built Form and Scale

Setbacks on adjoining sites generally comply with the DCP 3.3.3.2.2 *All Buildings Shall Provide*:

Setbacks to exterior walls that are up to two storeys high:

- *From side boundaries: an average of 4m with a minimum of 3.5m;*
- *From the front boundary: a minimum of 6m;*
- *From the rear boundary: a minimum of 6m.*

Setbacks on adjoining sites are approximately 4.2 metres on the west, 2.5 metres on the north and between .9 and 3.6 metres on the east.

The application provides approximately 3 metres on the north and has increased side setback to 1.5 metres on the west and east. It is acknowledged that the setbacks are noncomplying but are generally consistent with the adjoining sites and complying setbacks would severely restrict any development on the site.

The increased setbacks now allow an adequate area of deep soil area for landscaping to screen the building and provide visual privacy to and from adjoining sites and to disguise the scale of the new building; though it is accepted that planting also does not provide acoustic privacy.

Amenity

Units are generally well planned and the provision of a balcony for each room (though not mandatory for boarding houses) provides a private outdoor area for residents that improves amenity.

The larger setbacks and increased landscaping improve visual privacy and further improve amenity.

Landscape

The amended application now includes a landscape plan prepared by a qualified landscape designer. It is acknowledged that the deep soil areas are noncomplying but are generally consistent with the adjoining sites and achieve the objectives of deep soil in providing adequate area for planting to disguise the scale of the new building and providing outlook and visual privacy to and from adjoining sites.

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DCP. 3.3.3.2.2 All Buildings Shall Provide Deep soil along all boundaries:

- Next to side boundaries: a minimum width of 2m;
- Next to front and rear boundaries: a minimum width of 6m.

The side setbacks have been increased to a minimum of 1.5 metres and these setbacks now include screen planting with species capable of achieving a mature height of 3 metres.

The inclusion of significant (5 metres mature height) deciduous trees on the north (rear) setback improves winter solar access while providing summer shade, disguises the scale of the new building and provides a visual break between this development and adjoining residential sites.

The front (south) setback now includes large trees (10 metres mature height) in addition to lower planting to contribute to the canopy, provide screening from the street and soften the streetscape.

It is essential that all planting shown in the landscape drawings is fully implemented.

Recommendation

It is acknowledged that the application does not comply with setback or deep soil controls in the DCP. It is however similar in scale and form to surrounding residential units and the adjoining developments are strata titled and unlikely to be redeveloped in the foreseeable future.

The amendments have addressed the issues of setbacks and deep soil area in the previous scheme and is now supported.

Tree/Landscape Officer

The amended landscape plan has exchanged one of the two Japanese Elms with a native Apple Gum. The inclusion of an Apple Gum raises concern as it is a species which has potential to become larger and will not respond as well to regular pruning from power lines.

A better screen for the car park and outcome for mature trees would be for the two front trees to be replaced with three (3) smaller native trees such as *Tristaniopsis laurina* (Water Gum).

This could be addressed in an amended landscape plan with the trees set back as far as practical from the overhead power lines. **(Refer Conditions 2.8, 6.8, 6.9)**

Other Matters for Consideration:

Section 7.12 Contributions

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

The development is one subject to 1% contribution under the s7.12 Contribution Plan. A condition has been imposed requiring the payment of the contribution of \$6345.00 prior to the issue of a Construction Certificate. **(Refer Condition 2.7)**

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 land on the southern side of Terrigal Drive is zoned R1 General Residential and RE1 Public Recreation. The development under these zones permits residential flat buildings and playing/sporting fields. The separation between the zones by Terrigal Drive does not raise any significant planning issues and provides an appropriate transition between the opposite sides of Terrigal Drive.

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*.

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 (Affordable Rental Housing), Gosford Local Environmental Plan 2014 and Gosford Development Control Plan 2013 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.

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House (contd)

4. The applicant has made significant changes to the original proposal including a reduction in the number of rooms, increased side and front setbacks, increased driveway width and landscaping, and amended Plan of Management.

Attachments

1	Draft Conditions of Consent		D14403904
2	Architectural Plans - full set	Provided Under Separate Cover	D14394979
3	Architectural Plans (redacted)		D14394971
4	Landscape Plan		D14394970
5	Acoustic Assessment		D14196667
6	Plan of Management		D14196664
7	Social Impact Assessment		D14196657

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: RJS & CE Price

Drawing	Description	Sheets	Issue	Date
20030	Cover Sheet	1/10	D	27/10/2020
20030	Site Plan	2/10	D	27/10/2020
20030	Ground Floor Plan	3/10	D	27/10/2020
20030	Foundation & Roof Plan	4/10	D	27/10/2020
20030	Elevations	5/10	D	27/10/2020
20030	Elevations	6/10	D	27/10/2020
20030	Sections	7/10	D	27/10/2020
20030	Window Schedule & Bin Details	8/10	D	27/10/2020
20030	Basix Certificate	9/10	D	27/10/2020
	Landscape Plans by Birdwood Landscape Design			
L/00	Proposed Landscape Plan	1	-	13/11/2020
L/02	Landscape Details & Plant Schedule	1	-	13/11/2020

Supporting Documentation

Document	Title	Date
SRB Consulting Civil Engineers	Water Cycle Management Report Project 22006 Issue I	September 2020
SRB Consulting Civil Engineers	Water Cycle Management Plan Rev C 4 Sheets	12/11/2020
L Cox	Waste Management Plan	20/11/2020
Reverb Acoustics	Noise Impact Assessment Report No20-2529-R1	September 2020
L Cox	Plan of Management	15/09/2020
Judith Stubbs & Associates	Social Impact Assessment	27/08/2020
L Cox	Statement of Environmental Effects	June 2020
R Price	Bushfire Report	Undated

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 97A of the *Environment Planning and Assessment Regulation 2000*.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition
- 2.3. 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 the current version of Austroads Guide to Road Design (with Roads and Maritime Services supplements), relevant Australian Standards, and Council's *Civil Works Specifications* to the satisfaction of both TfNSW and Council.

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) Construction of a residential vehicle access crossing that has a minimum width of 6m at the road gutter crossing and 6m at the property boundary including construction of a reinforced gutter crossing and road pavement adjacent to the gutter crossing.
- b) 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.
- c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- d) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve, including the construction of a new extended kerb inlet pit.

The roadworks required by this condition are located on Terrigal Drive, a classified State Road, therefore concurrence to the design of the works from The Roads and Maritime Services (RMS) must be received by Council from the RMS and the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS prior to Council issuing the Section 138 Works Approval.

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.

- 2.4. 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.
- 2.5. Submit to the Registered 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. The car park shall be designed to permit all vehicles to enter and leave the site in a forward direction.
 - b) 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.
 - c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
 - d) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design
 - e) Construction 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 Terrigal Drive.

- f) Construction of buildings with the minimum floor level of all habitable rooms in the development being Reduced Level (RL) 4.40m Australian Height Datum (AHD).
- g) Construction of buildings from materials that are used or located below Reduced Level (RL) 4.40m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
- h) Construction of open type fences in flood affected areas that are of a height and type as not to restrict the flow of water or cause an accumulation of debris.

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

- 2.6. Assessment of the development against the provisions of Planning for Bush Fire Protection (2019) (NSW) has determined a Bush Fire Attack level (BAL) of 12.5.

Submit to the Registered Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2018: *Construction of buildings in bush fire prone areas and additional measures as contained within PBP Guidelines 2019* produced by the NSW Rural Fire Service.

- 2.7. Pay to Council a contribution amount of **\$6,345.00**, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

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 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 the contributions have been paid. A copy of this receipt must accompany the documents submitted by the principal certifier 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, 49 Mann Street Gosford, or 2 Hely Street Wyong or on Council's website:

[Development Contributions - former Gosford LGA](#)

- 2.8. Submit amendments to the approved plans to the Registered Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:

- a) Provide a minimum 2 bicycle and 2 motor cycle parking spaces.
- b) Amendment of landscape plan to replace Apple Gum trees with three (3) smaller native trees such as Water Gum trees set back as far as practical from overhead power lines.

2.9. Submit to the Registered Certifier evidence from a suitably qualified and experienced acoustic consultant that the detailed design is in accordance with the acoustic treatments recommended in Section 7.0 of the Noise Impact Assessment Residential Development 59 Terrigal Drive Terrigal NSW, September 2020, Reverb Acoustics with the following amendment:

Update Table Six: Glazing Schedule to accommodate the ground floor layout amendment resulting in the common area moved to the rear of the building and Unit 7 moved to the front of the building.

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

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

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. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.

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

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

- 3.8. 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:
- 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. 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.
- 4.5. 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*.
- 4.6. 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.
- 4.7. 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 L Cox dated 20 November 2020.
- 4.8. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.9. 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*.
- 4.10. Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan prepared by SRB Consulting Civil Engineers dated 12.11.2020 Revision C. 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).

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3. 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*.
- 5.4. 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.
- 5.5. Completion of landscaping works.
- 5.6. Construct the car park and access in accordance with Australian Standard AS2890.1-2004: *Parking facilities - Off-street parking*. Certification of the construction of the car park and associated accesses by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.7. 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) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
 - d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
 - e) install a system of Closed -Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.8. Erect a 1.8 metre high fence along the length of the side and rear boundaries behind the building line in compliance with condition 2.5 h.
- 5.9. Submission of evidence to the Principal Certifier from a suitably qualified and experienced acoustic consultant that all acoustic treatments recommended in Section 7.0 of the Noise Impact Assessment Residential Development 59 Terrigal Drive Terrigal NSW,

September 2020, Reverb Acoustics with the following amendment:

Update Table Six: Glazing Schedule to accommodate the ground floor layout amendment resulting in the common area moved to the rear of the building and Unit 7 moved to the front of the building have been implemented.

6. ONGOING OPERATION

- 6.1. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.2. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.3. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.4. Comply with all commitments as detailed in the Waste Management Plan signed by L Cox, dated 20 November 2020.
- 6.5. Locate the approved waste storage enclosure / area as indicated on Project No 20030/ Drawing Number 8/10 Issue D, dated 27 October 2020, prepared by RJS & CE Price.
- 6.6. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.7. Ongoing operation waste for a 7 room Boarding House to be managed with a minimum of 3 x 240 litre mixed waste mobile garbage bins serviced weekly and 2 x 240 litre recyclables waste MGB's serviced fortnightly at the kerbside with a side lift waste truck.
Additional bins are recommended subject to all bins being stored within the screened waste bin storage enclosure. Kerbside presentation bins must not encroach beyond side boundaries or onto the driveway.
- 6.8. The use and operation as a boarding house shall be carried out in compliance with the Plan of Management prepared by L Cox dated 15 September 2020.
- 6.7. Operate and maintain all external lighting so as not to impact on any adjoining property or roads.
- 6.8. 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.
- 6.9. 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.

- 6.10. The managing agency shall regularly inspect the premises and consult with owners of adjoining properties on a regular basis and establish a complaint register to address any issues that arise such as noise, parking or amenity impacts.
- 6.11. The use of the external communal area shall be restricted to between 7.00am and 9.00pm daily.
- 6.12. House rules and the Plan of Management shall be displayed in the common living area and each room.
- 6.13. The maximum number of lodgers is two adults per room.

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.

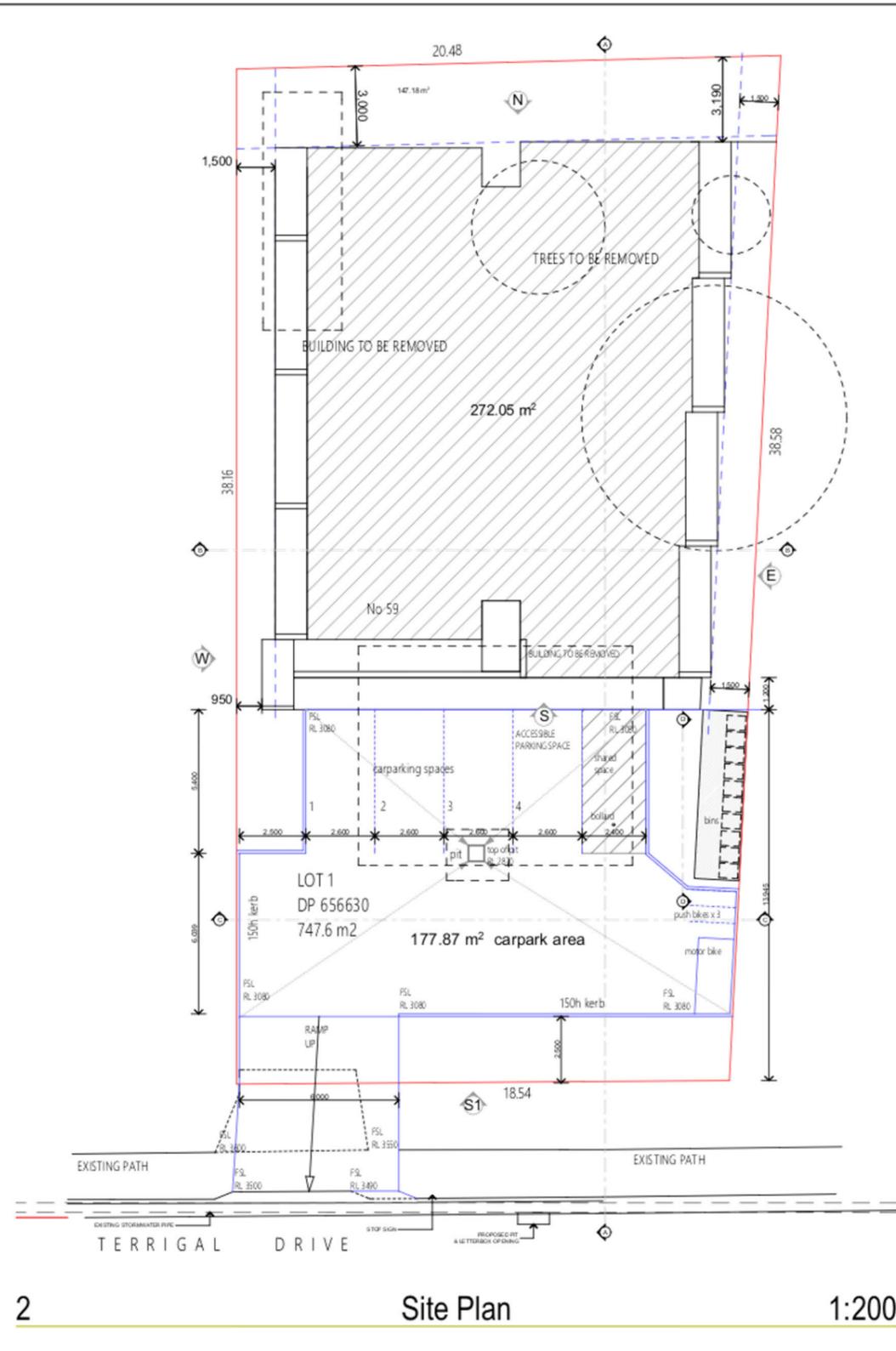
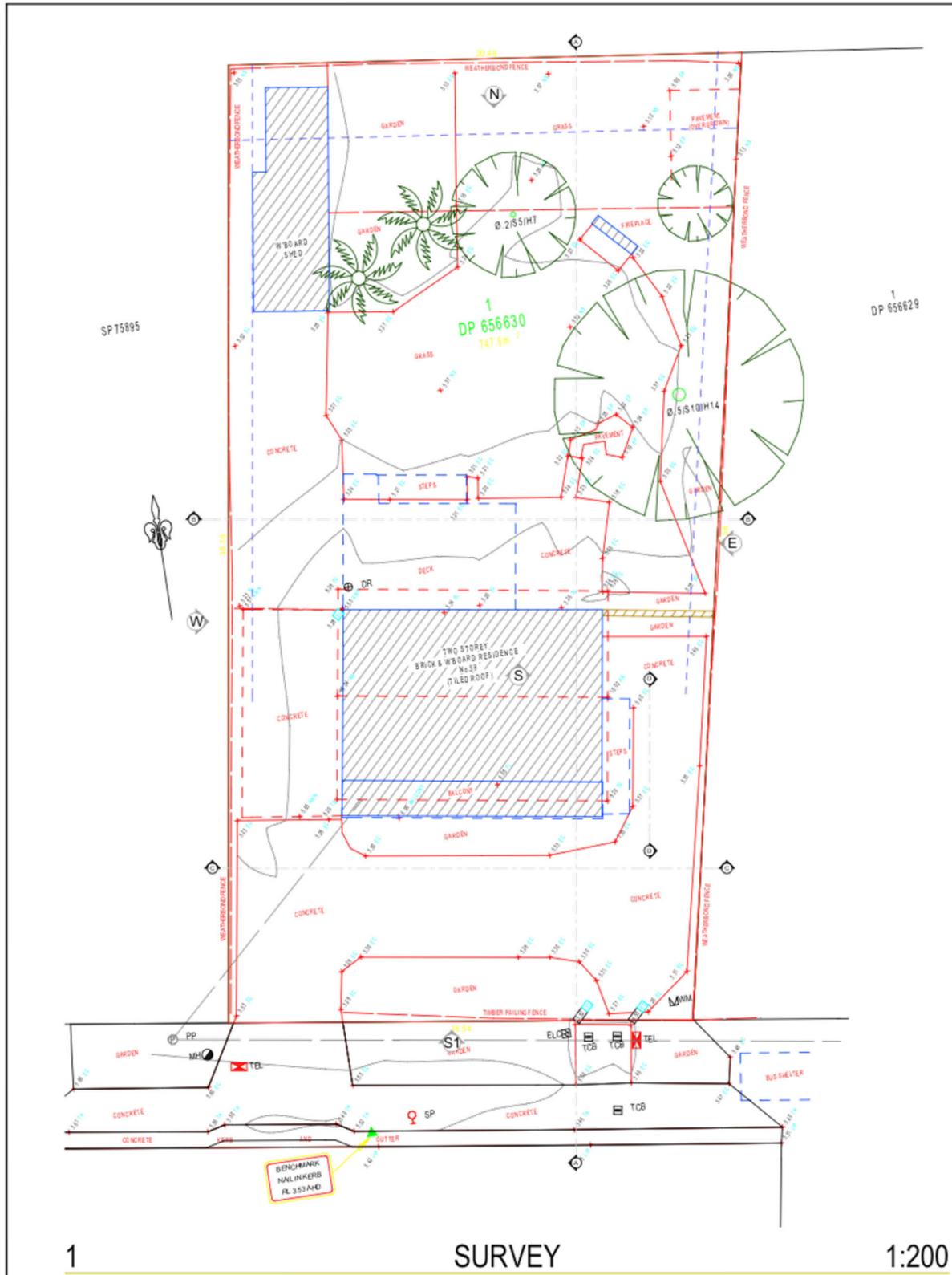
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au

DEVELOPMENT APPLICATION

PROPOSED BOARDING HOUSE
LOT 1 DP 656630, 59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW



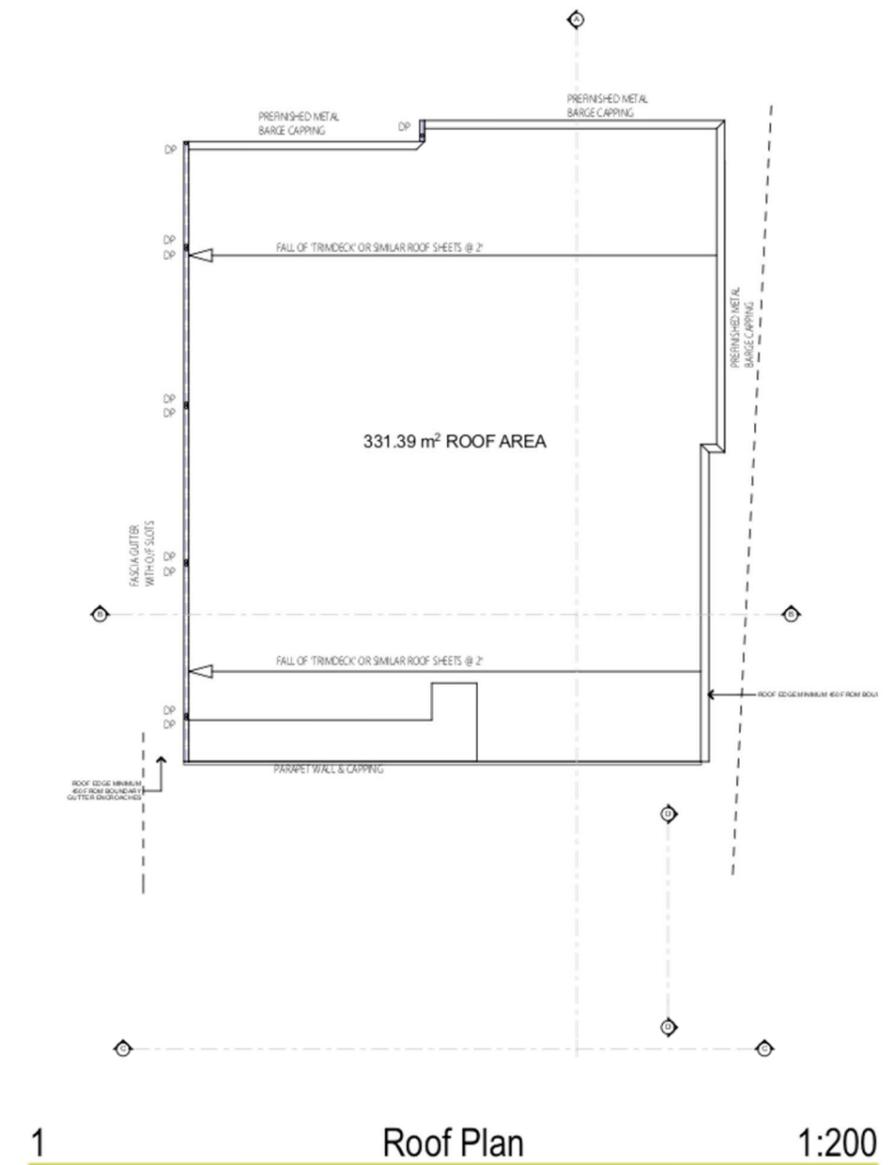
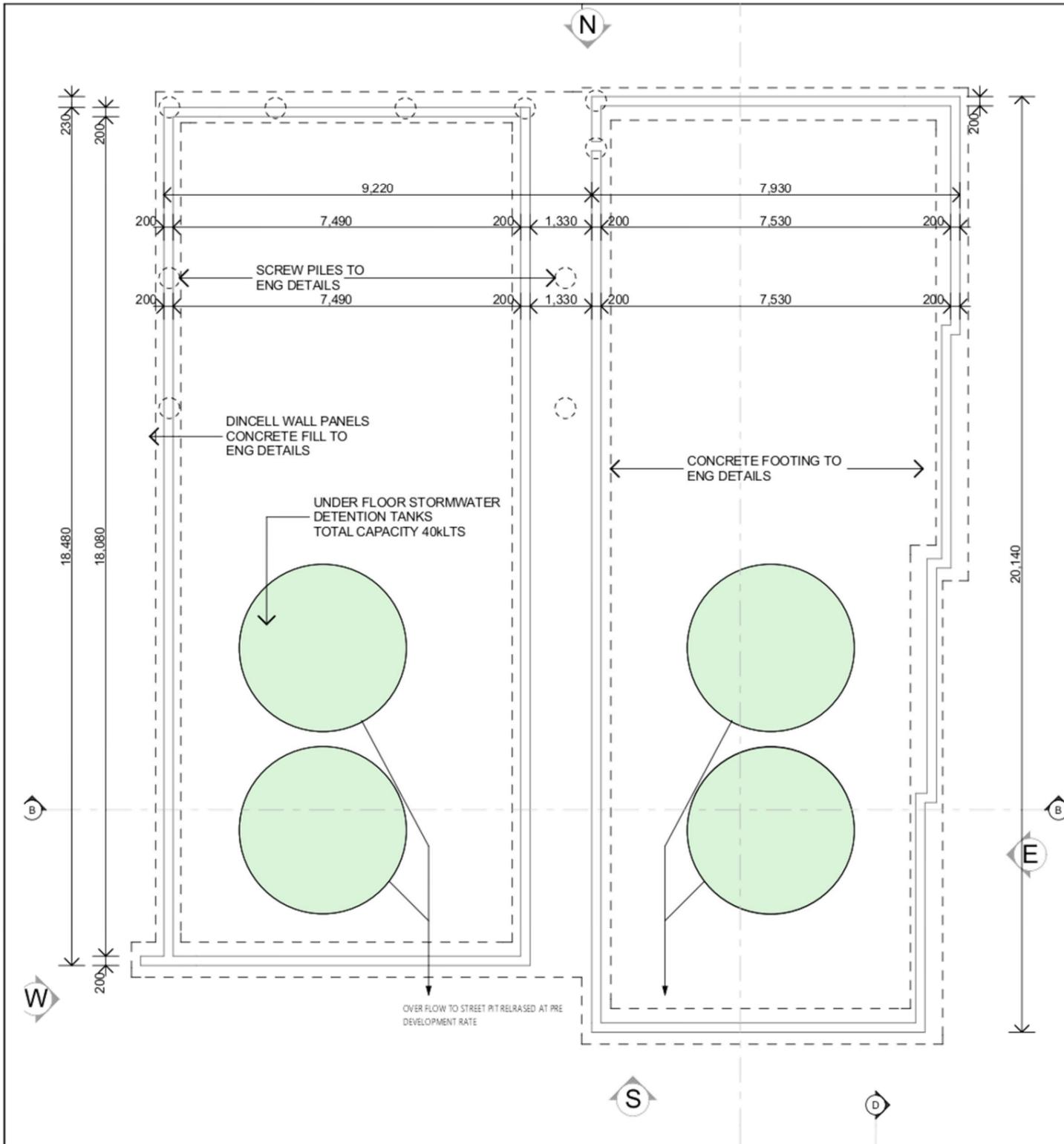
D C B A	SETBACK TO BDY INC TO 1.5 ADD TO FRONT	27.10.2020	WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING CONFIRM ALL DIMENSIONS, SETOUTS, LEVELS & ALL ASPECTS OF THE WORKS. ANY CORRECTIONS OR AMBIGUITY IS TO BE RESOLVED BEFORE COMMENCING WORKS OR FABRICATION WINDOW SIZES SHOWN ARE NOMINAL (HEIGHT WIDTH) IE 2124 = 2.1m x 2.4m ADJUST TO THE MANUFACTURERS STANDARD SIZES ALL LEVELS AND HEIGHTS INDICATED ARE TO AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE SPECIFICALLY REFERENCED	Project Name : PROPOSED BOARDING HOUSE		RJS & CE PRICE 25 KYEEMA AVENUE SARATOGA NSW 2251 P 02 43695200 M 0408 695200 robert@rjsandceprice.com.au		AMEND D ISSUE
	SWAPPED UNIT 3 WITH COMMON ROOM OBSCURE BALUSTRADES. ROBES ADDED	02.10.2020		Client Name : RJ & CJ COX		COVER PAGE		20030
	SUBMITTED FOR REVISED DA	21.08.2020	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT	Client Address : LOT 1 DP 656630		JUNE 2020	RP, RP	10
	SUBMITTED FOR DA	12.06.2020		Client Address : 59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW				
No	AMENDMENT / ISSUE	DATE						



No	AMENDMENT / ISSUE	DATE	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT
D	SETBACK TO BDY INC TO 1.5 ADD TO FRONT	27.10.2020	WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING. CONFIRM ALL DIMENSIONS, SETOUTS, LEVELS & ALL ASPECTS OF THE WORKS. ANY CORRECTIONS OR AMBIGUITY IS TO BE RESOLVED BEFORE COMMENCING WORKS OR FABRICATION. WINDOW SIZES SHOWN ARE NOMINAL (HEIGHT WIDTH) IE 2124 = 2.1m x 2.4m ADJUST TO THE MANUFACTURERS STANDARD SIZES. ALL LEVELS AND HEIGHTS INDICATED ARE TO AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE SPECIFICALLY REFERENCED.
C	SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES. ROBES ADDED	02.10.2020	
B	SUBMITTED FOR REVISED DA	21.08.2020	
A	SUBMITTED FOR DA	12.06.2020	

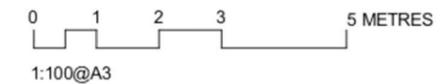
Project Name : PROPOSED BOARDING HOUSE	
Client Name :	RJ & CJ COX
Client Address :	LOT 1 DP 656630 59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW

RJS & CE PRICE 25 KYEEMA AVENUE SARATOGA NSW 2251 P 02 43695200 M 0408 695200 robert@rjsandceprice.com.au		AMEND D ISSUE
SITE PLAN JUNE 2020		20030
1:200	RP, RP	2 10

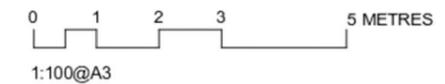
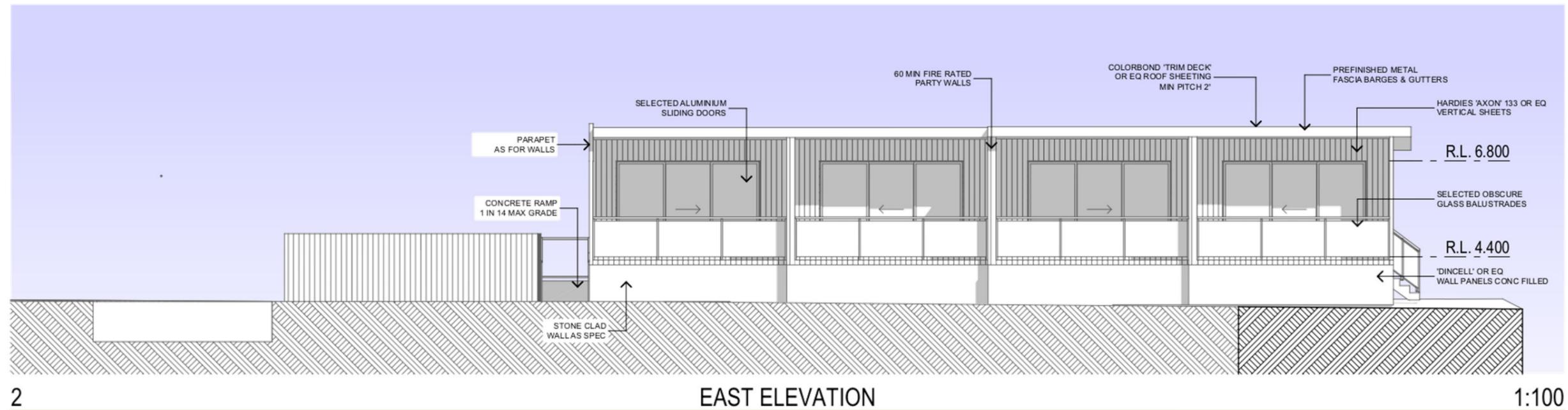
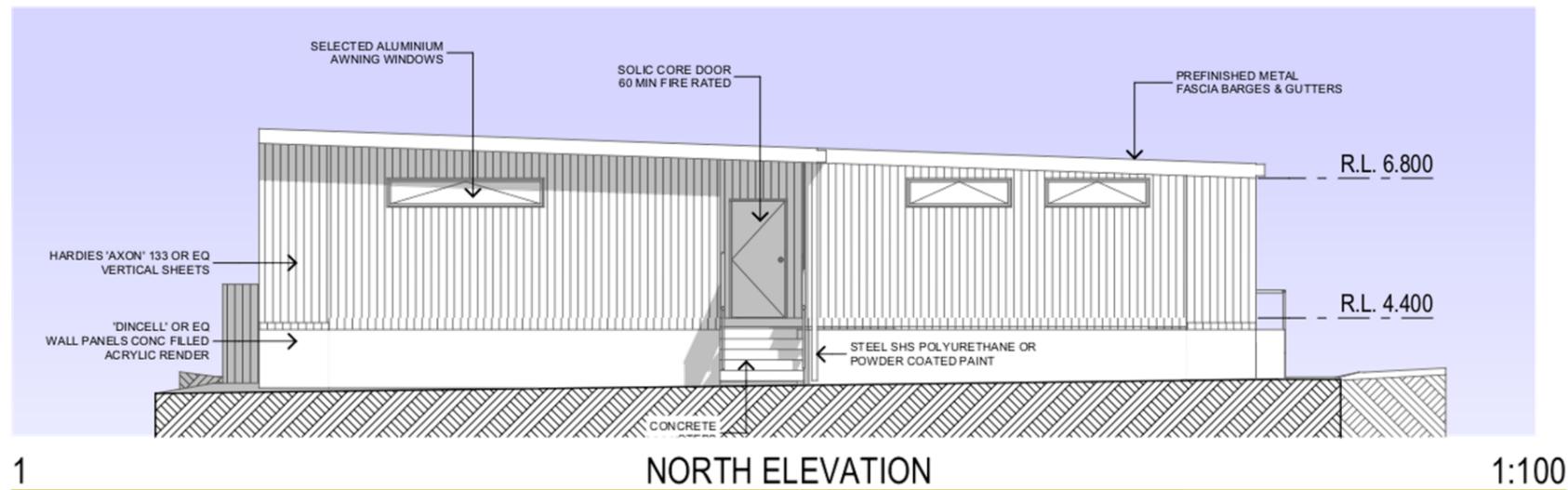


1 Roof Plan 1:200

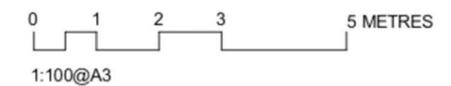
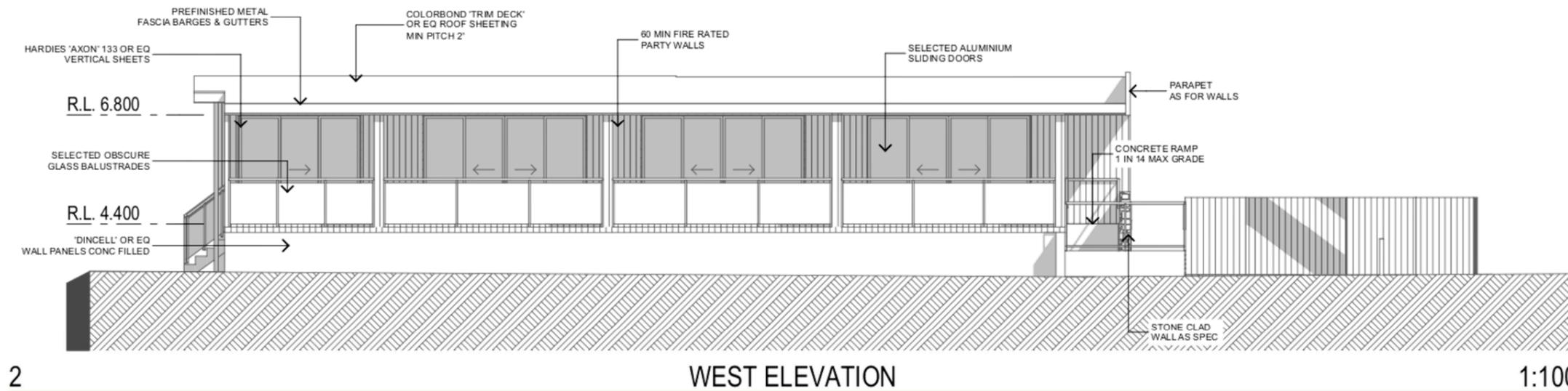
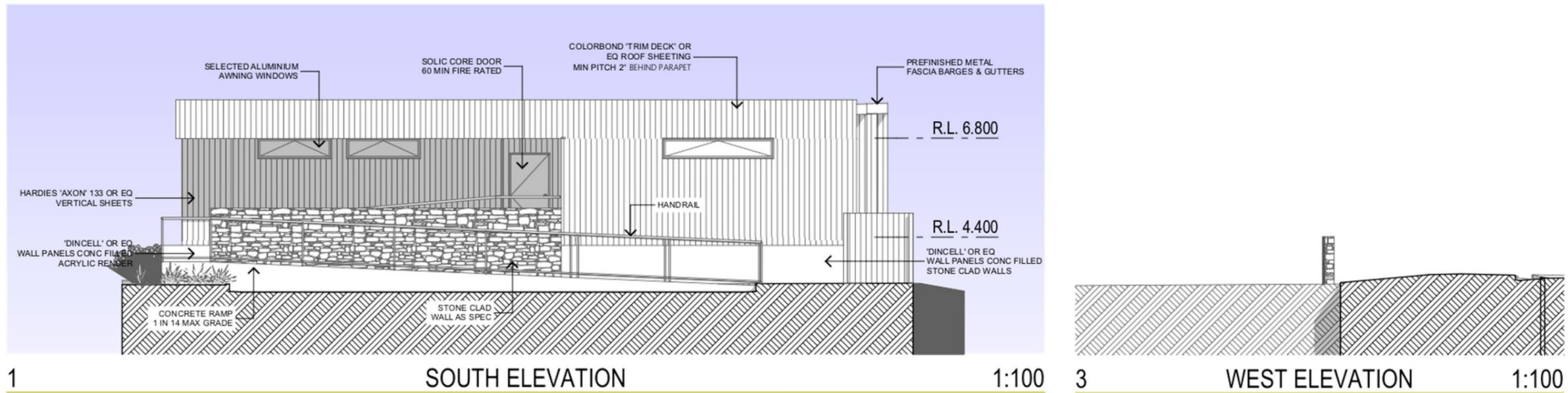
2 Foundation Plan 1:100



D C B A	SETBACK TO BDY INC TO 1.5 ADD TO FRONT SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES. ROBES ADDED	27.10.2020	WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING CONFIRM ALL DIMENSIONS, SETOUTS, LEVELS & ALL ASPECTS OF THE WORKS. ANY CORRECTIONS OR AMBIGUITY IS TO BE RESOLVED BEFORE COMMENCING WORKS OR FABRICATION WINDOW SIZES SHOWN ARE NOMINAL (HEIGHT WIDTH) IE 2124 = 2.1m x 2.4m ADJUST TO THE MANUFACTURERS STANDARD SIZES ALL LEVELS AND HEIGHTS INDICATED ARE TO AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE SPECIFICALLY REFERENCED	Project Name : PROPOSED BOARDING HOUSE		RJS & CE PRICE 25 KYEEMA AVENUE SARATOGA NSW 2251 P 02 43695200 M 0408 695200 robert@rjsandceprice.com.au		AMEND D ISSUE	
	SUBMITTED FOR REVISED DA	21.08.2020		Client Name : RJ & CJ COX	Client Address : LOT 1 DP 656630 59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW		FOUNDATION & ROOF PLANS	20030	4
	SUBMITTED FOR DA	12.06.2020				JUNE 2020	1:200, 1:100	RP, RP	10
	No AMENDMENT / ISSUE	DATE		REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT					



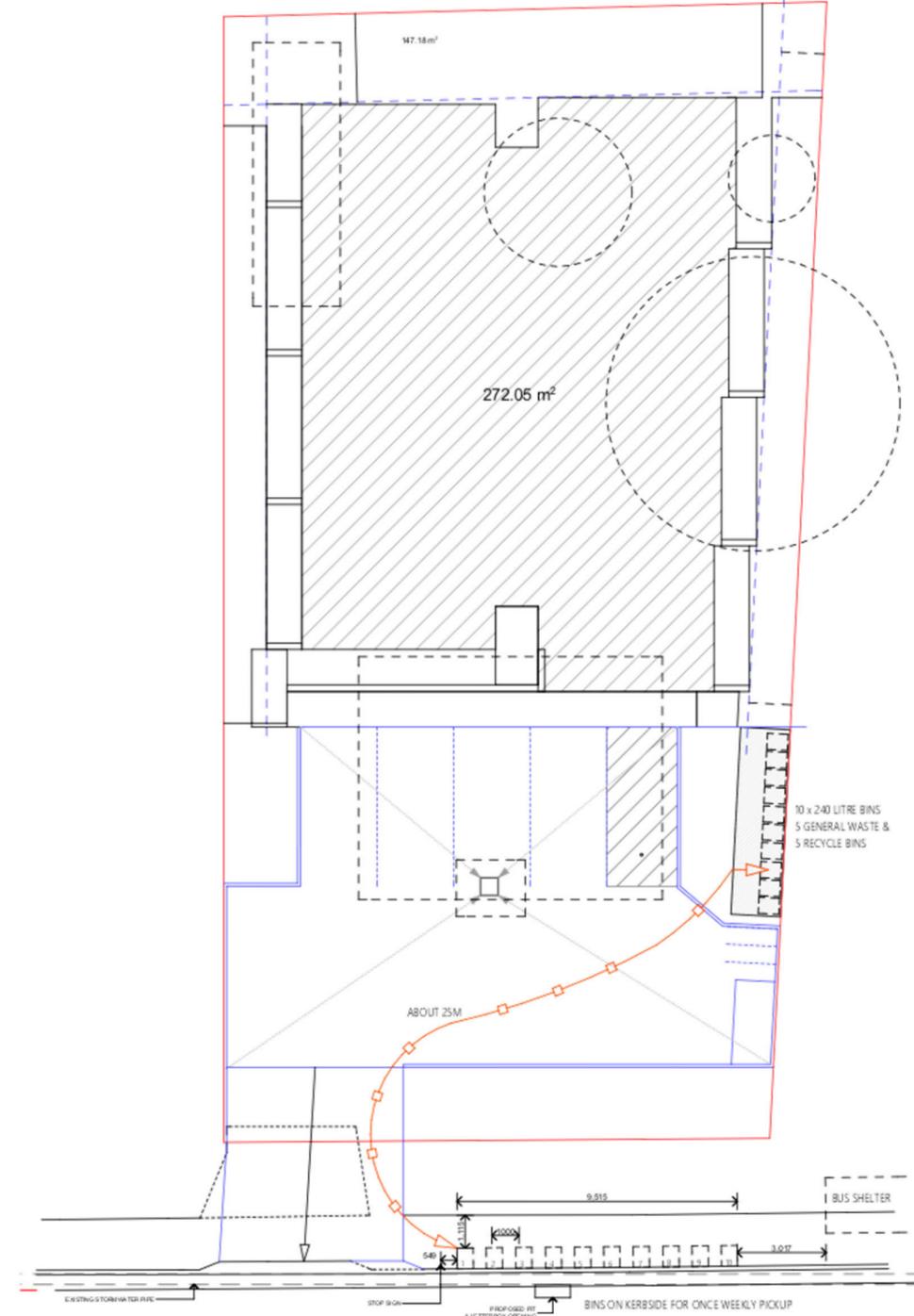
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	C	SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES. ROBES ADDED		02.10.2020		
B	SUBMITTED FOR REVISED DA	21.08.2020	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT	Client Address : LOT 1 DP 656630	JUNE 2020	5
A	SUBMITTED FOR DA	12.06.2020		59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW		
No	AMENDMENT / ISSUE	DATE				



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	C	SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES, ROBES ADDED		02.10.2020	Client Name : RJ & CJ COX		
B	SUBMITTED FOR REVISED DA	21.08.2020	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT	Client Address : LOT 1 DP 656630	6	RP, RP	10
A	SUBMITTED FOR DA	12.06.2020		59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW			
No	AMENDMENT / ISSUE	DATE					

Window Schedule										
Window Number	QTY	Style	Height	Width	Sill	3D Front View	Location	SA	Orient.	COMMENTS
W01	1	AWNING WINDOW	500	1,800	1,900		UNIT 3	0.90	N	
W02	1	AWNING WINDOW	500	1,800	1,900		UNIT 3	0.90	N	
W03	1	AWNING WINDOW	500	2,700	1,900		UNIT 4	1.35	N	
W04	1	SLIDING DOOR	2,400	3,600	0		UNIT 4	8.64	E	
W05	1	SLIDING DOOR	2,400	3,600	0		UNIT 5	8.64	E	
W06	1	SLIDING DOOR	2,400	3,600	0		UNIT 6	8.64	E	
W07	1	SLIDING DOOR	2,400	3,600	0		UNIT 7	8.64	E	
W08	1	AWNING WINDOW	500	2,700	1,900		UNIT 7	1.32	S	
W09	1	AWNING WINDOW	500	1,800	1,900		COMMON ROOM	0.90	S	
W10	1	AWNING WINDOW	500	1,800	1,900		COMMON ROOM	0.90	S	
W11	1	SLIDING DOOR	2,400	2,700	0		COMMON ROOM	6.48	W	
W12	1	SLIDING DOOR	2,400	3,600	0		UNIT 1	8.64	W	
W13	1	SLIDING DOOR	2,400	3,600	0		UNIT 2	8.64	W	
W14	1	SLIDING DOOR	2,400	3,600	0		UNIT 3	8.64	W	
	14							73.23		

1 Window Schedule 1:1



2 BIN LOCATION AND MOVEMENT DETAILS 1:200

0 1 2 3 5 METRES
1:100@A3

D C B A	SETBACK TO BDY INC TO 1.5 ADD TO FRONT	27.10.2020	WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING CONFIRM ALL DIMENSIONS, SETOUTS, LEVELS & ALL ASPECTS OF THE WORKS. ANY CORRECTIONS OR AMBIGUITY IS TO BE RESOLVED BEFORE COMMENCING WORKS OR FABRICATION WINDOW SIZES SHOWN ARE NOMINAL (HEIGHT WIDTH) IE 2124 = 2.1m x 2.4m ADJUST TO THE MANUFACTURERS STANDARD SIZES ALL LEVELS AND HEIGHTS INDICATED ARE TO AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE SPECIFICALLY REFERENCED	Project Name :	PROPOSED BOARDING HOUSE	RJS & CE PRICE 25 KYEEMA AVENUE SARATOGA NSW 2251 P 02 43695200 M 0408 695200 robert@rjsandceprice.com.au	AMEND	D	
	SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES, ROBES ADDED	02.10.2020		Client Name :	RJ & CJ COX		WINDOW SCHEDULE & BIN DETAILS	20030	8
	SUBMITTED FOR REVISED DA	21.08.2020		Client Address :	LOT 1 DP 656630 59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW				
	SUBMITTED FOR DA	12.06.2020							
No	AMENDMENT / ISSUE	DATE	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT			JUNE 2020	1:1, 1:200	RP, RP	10

BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1102085_03

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability. If it is built in accordance with the commitments set out below. Terms used in this certificate or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of Issue: Tuesday, 26 August 2020
To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary		
Project name	Cox Terrigal Drive_03	
Street address	997 TERRIGAL DRIVE TERRIGAL 2260	
Local Government Area	Central Coast Council	
Plan type and plan number	Deposited Plan 656630	
Lot no.	1	
Section no.	-	
Project type	unit	
No. of bedrooms	7	
Project score		
Water	63	Target 40
Thermal Comfort	Pass	Target Pass
Energy	73	Target 50

Certificate Prepared by	
Name / Company Name:	RJS & CE PRICE
ABN (if applicable):	34463816131

Description of project

Project address		Assessor details and thermal loads	
Project name	Cox Terrigal Drive_03	Assessor number	n/a
Street address	997 TERRIGAL DRIVE TERRIGAL 2260	Certificate number	n/a
Local Government Area	Central Coast Council	Climate zone	n/a
Plan type and plan number	Deposited Plan 656630	Area adjusted cooling load (kWh/m ² .year)	n/a
Lot no.	1	Area adjusted heating load (kWh/m ² .year)	n/a
Section no.	-	Project score	
Project type	unit	Water	63 Target 40
No. of bedrooms	7	Thermal Comfort	Pass Target Pass
Energy	73 Target 50	Energy	73 Target 50
Site details			
Site area (m ²)	748		
Roof area (m ²)	394		
Conditioned floor area (m ²)	298.0		
Unconditioned floor area (m ²)	0.0		
Total area of garden and lawn (m ²)	141		

Schedule of BASIX commitments

The commitments set out below require how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA (24 %)	Show on COC/DCD (24 % & 50 %)	Certifier check
Landscaping			
The applicant must plant indigenous or low water use species of vegetation throughout 20 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 6 but <= 7.5 Litres plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 5 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✓	✓
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✓	✓
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 10000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 394 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to:			
- at toilets in the development		✓	✓
- the cold water tap that supplies each clothes washer in the development		✓	✓
- at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✓	✓

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version 3.0 (DARWINIA_3_1)_8 Certificate No 1102085_03 Tuesday, 26 August 2020 page 1/8

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version 3.0 (DARWINIA_3_1)_8 Certificate No 1102085_03 Tuesday, 26 August 2020 page 2/8

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version 3.0 (DARWINIA_3_1)_8 Certificate No 1102085_03 Tuesday, 26 August 2020 page 3/8

Thermal Comfort Commitments	Show on DA (24 %)	Show on COC/DCD (24 % & 50 %)	Certifier check
General features			
The dwelling must not have more than 2 storeys.	✓	✓	✓
The conditioned floor area of the dwelling must not exceed 300 square metres.	✓	✓	✓
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✓	✓	✓
The dwelling must not contain an R4 level habitable attic room.	✓	✓	✓
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓
Construction			
Floor - suspended floor above enclosed subfloor, concrete	Additional insulation required (R-Value)	Other specifications	
external wall - framed (weatherboard, fibre cement, metal cladding) and roof - flat ceiling / flat roof, framed	0.70 (or 1.3 including construction) (down) 2.00 (or 2.40 including construction)	framed; medium (solar absorptance 0.475-0.70)	
ceiling and roof - flat ceiling / flat roof, framed	ceiling: 5 (ups) roof: foil-backed blanket (55 mm)		
Note	Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.		
Note	In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.		

Thermal Comfort Commitments	Show on DA (24 %)	Show on COC/DCD (24 % & 50 %)	Certifier check		
Windows, glazed doors and skylights					
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant over-shading specifications must be satisfied for each window and glazed door.	✓	✓	✓		
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✓	✓	✓		
The following requirements must also be satisfied in relation to each window and glazed door:	✓	✓	✓		
- For the following glass and frame types, the certifier check can be performed by visual inspection.			✓		
- Aluminium single clear			✓		
- Aluminium double (air) clear			✓		
- Timber PVC/Cltr glass single clear			✓		
- Timber PVC/Cltr glass double (air) clear			✓		
- For other glass or frame types, each window and glazed door must be accompanied with certification showing a U-value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range of those listed. Total system U-values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. Frame and glass types shown in the table below are for reference only.			✓		
- Over-shading buildings/vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'over-shading' column.	✓	✓	✓		
Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension in %)	Over-shading
North facing					
W02	500	1800	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, HI-Tsol Low-e)	eave 450 mm, 450 mm above head of window or glazed door	not over-shaded
W01	500	1800	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, HI-Tsol Low-e)	eave 450 mm, 450 mm above head of window or glazed door	not over-shaded
W03	500	2700	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, HI-Tsol Low-e)	eave 450 mm, 450 mm above head of window or glazed door	not over-shaded
East facing					

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension in %)	Over-shading
South facing					
W10	500	1800	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, HI-Tsol Low-e)	eave 1000 mm, 150 mm above head of window or glazed door	not over-shaded
W09	500	1800	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, HI-Tsol Low-e)	eave 1000 mm, 150 mm above head of window or glazed door	not over-shaded
W08	500	2700	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, HI-Tsol Low-e)	eave 1000 mm, 150 mm above head of window or glazed door	not over-shaded
West facing					
W14	2400	3600	U-value: 5.4, SHGC: 0.522 - 0.638 (aluminium, single, HI-Tsol Low-e)	eave 1500 mm, 300 mm above head of window or glazed door	2-4 m High, 2-5 m away
W13	2400	3600	U-value: 5.4, SHGC: 0.522 - 0.638 (aluminium, single, HI-Tsol Low-e)	eave 1500 mm, 300 mm above head of window or glazed door	2-4 m High, 2-5 m away
W12	2400	3600	U-value: 5.4, SHGC: 0.522 - 0.638 (aluminium, single, HI-Tsol Low-e)	eave 1500 mm, 300 mm above head of window or glazed door	2-4 m High, 2-5 m away
W11	2400	2700	U-value: 5.4, SHGC: 0.522 - 0.638 (aluminium, single, HI-Tsol Low-e)	eave 1500 mm, 300 mm above head of window or glazed door	2-4 m High, 2-5 m away

Energy Commitments	Show on DA (24 %)	Show on COC/DCD (24 % & 50 %)	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 4.5 stars.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase air conditioning. Energy rating: 6 star (average zone).	✓	✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase air conditioning. Energy rating: 6 star (average zone).	✓	✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase air conditioning. Energy rating: 6 star (average zone).	✓	✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase air conditioning. Energy rating: 6 star (average zone).	✓	✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom Individual fan, ducted to façade or roof. Operation control manual switch on/off	✓	✓	✓
Kitchen: Individual fan, ducted to façade or roof. Operation control manual switch on/off	✓	✓	✓
Laundry: Individual fan, ducted to façade or roof. Operation control manual switch on/off	✓	✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
- at least 7 of the bedrooms / study, dedicated	✓	✓	✓
- at least 1 of the living / dining rooms, dedicated	✓	✓	✓
- the kitchen, dedicated	✓	✓	✓

Energy Commitments	Show on DA (24 %)	Show on COC/DCD (24 % & 50 %)	Certifier check
Other			
- at all bathrooms/toilets, dedicated	✓	✓	✓
- the laundry, dedicated	✓	✓	✓
- at all hallways, dedicated	✓	✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓
The applicant must install a window and/or skylight in 9 bathrooms/toilets in the development for natural lighting.	✓	✓	✓
Alternative energy			
The applicant must install a photovoltaic system with the capacity to generate at least 2 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓
Other			
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.	✓	✓	✓
The applicant must construct each refrigerator space in the development so that it is 'well ventilated', as defined in the BASIX definitions.	✓	✓	✓
The applicant must install a fixed outdoor clothes drying line as part of the development.	✓	✓	✓
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.	✓	✓	✓

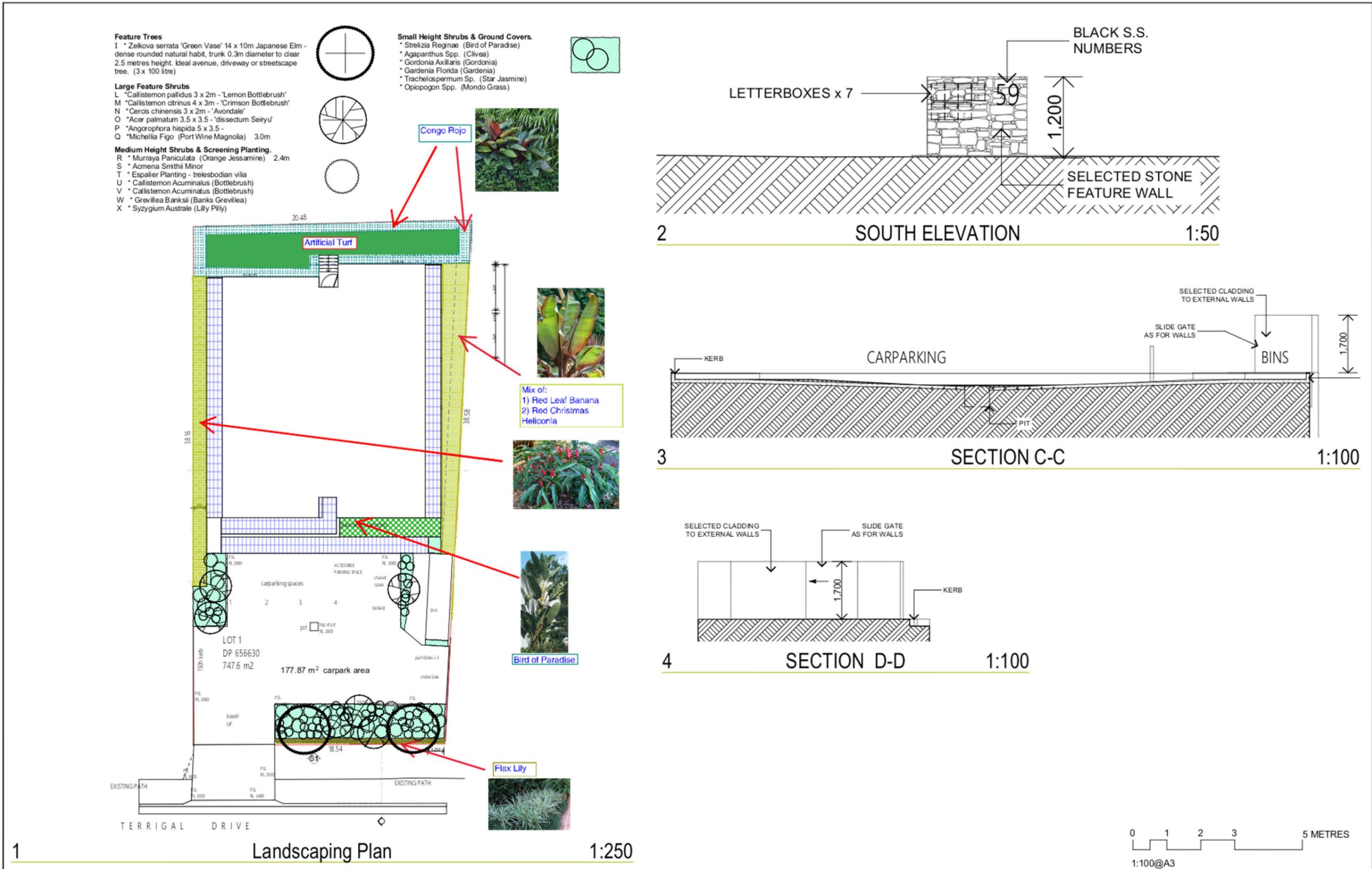
Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a ✓ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a ✓ in the "Show on COC/DCD plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a ✓ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

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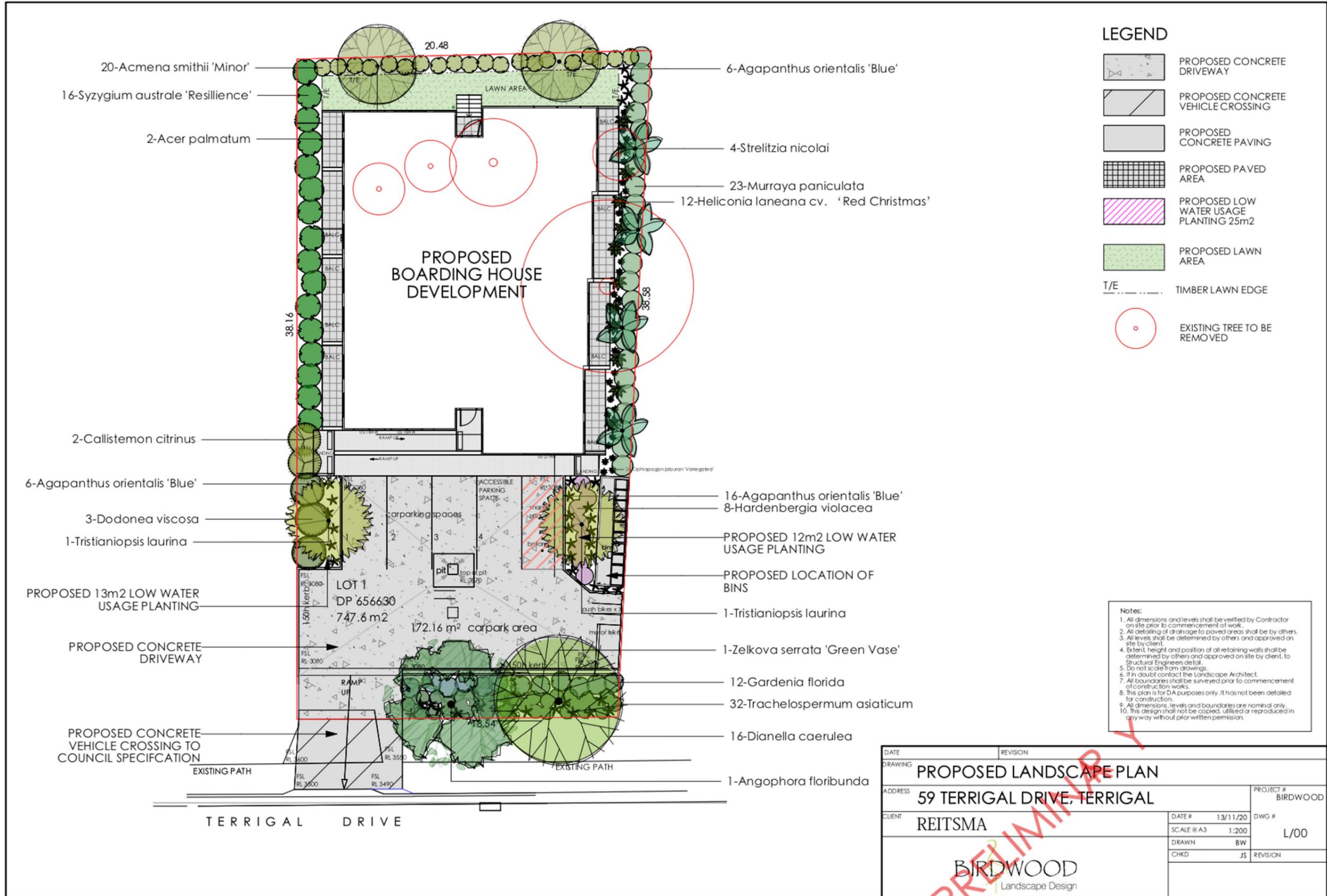
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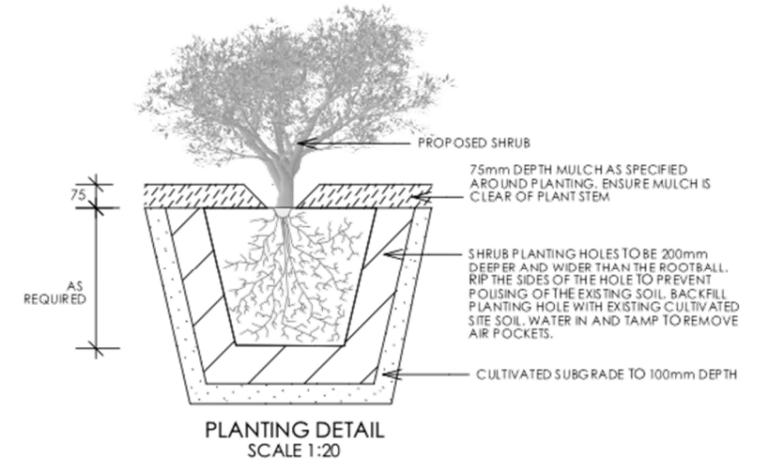
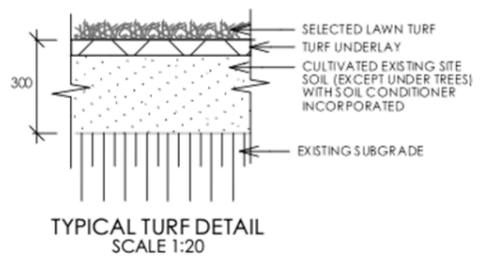
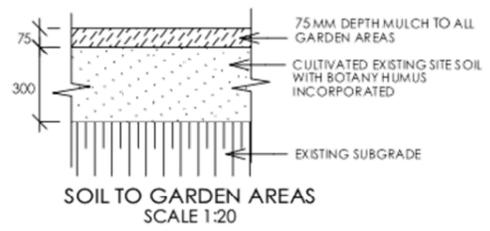
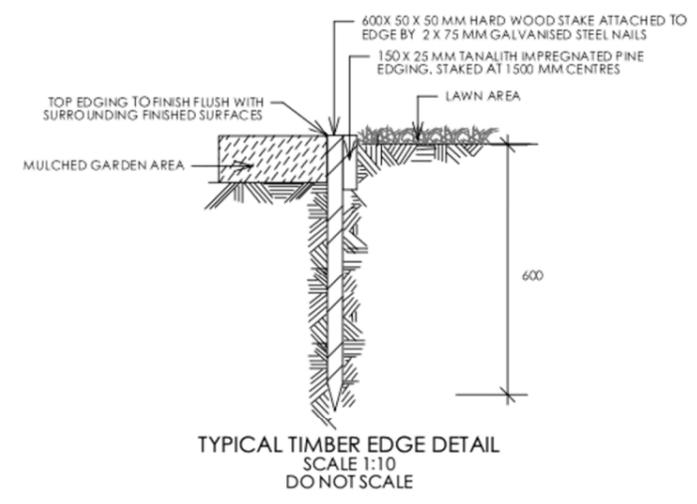
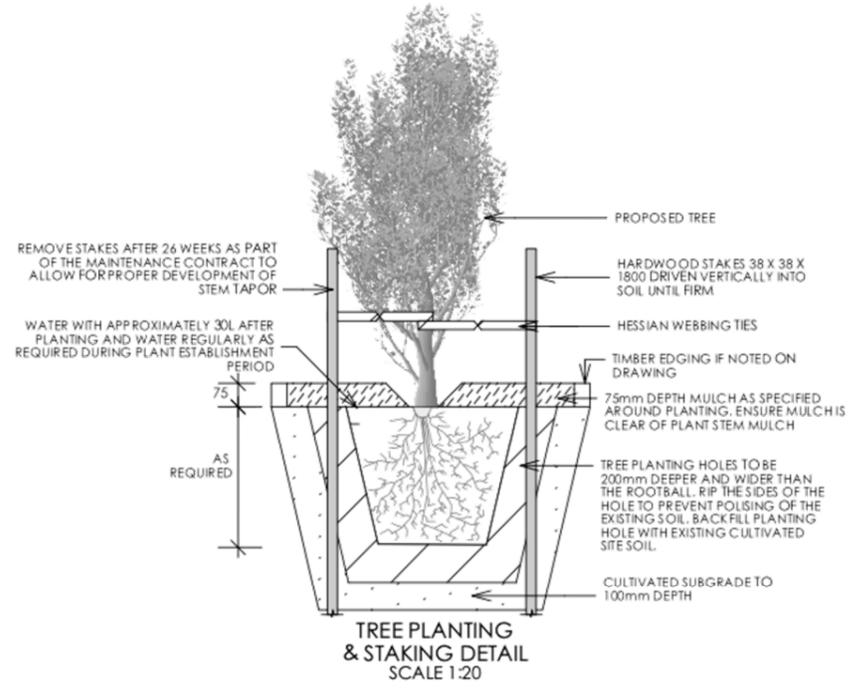
D	SETBACK TO BDY INC TO 1.5 ADD TO FRONT	27.10.2020	WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING CONFIRM ALL DIMENSIONS, SETOUTS, LEVELS & ALL ASPECTS OF THE WORKS. ANY CORRECTIONS OR AMBIGUITY IS TO BE RESOLVED BEFORE COMMENCING WORKS OR FABRICATION WINDOW SIZES SHOWN ARE NOMINAL (HEIGHT WIDTH) IE 2124 = 2.1m x 2.4m ADJUST TO THE MANUFACTURERS STANDARD SIZES ALL LEVELS AND HEIGHTS INDICATED ARE TO AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE SPECIFICALLY REFERENCED	Project Name :	PROPOSED BOARDING HOUSE	RJS & CE PRICE 25 KYEEMA AVENUE SARATOGA NSW 2251 P 02 43695200 M 0408 695200 robert@rjsandceprice.com.au	AMEND D ISSUE	
C	SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES, ROBES ADDED	02.10.2020		Client Name :	RJ & CJ COX			
B	SUBMITTED FOR REVISED DA	21.08.2020		Client Address :	LOT 1 DP 656630	BASIX COMMITMENTS	20030	9 10
A	SUBMITTED FOR DA	12.06.2020			59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW	JUNE 2020	1:2.22	
No	AMENDMENT / ISSUE	DATE	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT					



D	SETBACK TO BDY INC TO 1.5 ADD TO FRONT	27.10.2020	WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALING CONFIRM ALL DIMENSIONS, SETOUTS, LEVELS & ALL ASPECTS OF THE WORKS. ANY CORRECTIONS OR AMBIGUITY IS TO BE RESOLVED BEFORE COMMENCING WORKS OR FABRICATION WINDOW SIZES SHOWN ARE NOMINAL (HEIGHT WIDTH) IE 2124 = 2.1m x 2.4m ADJUST TO THE MANUFACTURERS STANDARD SIZES ALL LEVELS AND HEIGHTS INDICATED ARE TO AUSTRALIAN HEIGHT DATUM UNLESS OTHERWISE SPECIFICALLY REFERENCED	Project Name :	PROPOSED BOARDING HOUSE	RJS & CE PRICE 25 KYEEMA AVENUE SARATOGA NSW 2251 P 02 43695200 M 0408 695200 robert@rjsandceprice.com.au	AMEND	D
	C	SWAPPED UNIT 3 WITH COMMON ROOM. OBSCURE BALUSTRADES, ROBES ADDED		02.10.2020	Client Name :		RJ & CJ COX	LANDSCAPE PLAN & FENCE DETAILS
B	SUBMITTED FOR REVISED DA	21.08.2020	REPRODUCTION IN PART OR FULL IS PROHIBITED BY COPYRIGHT	Client Address :	LOT 1 DP 656630 59 TERRIGAL DRIVE TERRIGAL NSW 2260NSW	JUNE 2020	1:100	RP, RP
A	SUBMITTED FOR DA	12.06.2020		No	AMENDMENT / ISSUE	DATE	10	10



- Notes:**
1. All dimensions and levels shall be verified by Contractor on site prior to commencement of work.
 2. All detailing of drainage to paved areas shall be by others.
 3. All levels shall be determined by others and approved on site by client.
 4. Extent, height and position of all retaining walls shall be determined by others and approved on site by client, to Structural Engineers detail.
 5. Do not scale from drawings.
 6. If in doubt contact the Landscape Architect.
 7. All boundaries shall be surveyed prior to commencement of construction works.
 8. This plan is for DA purposes only, it has not been detailed for construction.
 9. All dimensions, levels and boundaries are nominal only.
 10. This design shall not be copied, utilised or reproduced in any way without prior written permission.



PLANTING

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
<i>Acer palmatum</i>	Japanese Maple	2	75Lt	5000	5500
<i>Acmena smithii</i> 'Minor'	Lillypilly	20	300mm	1000	2000
<i>Agapanthus orientalis</i> 'Blue'	Blue Nile Lily	28	200mm	600	600
<i>Angophora floribunda</i>	Rough Barked Apple	1	75Lt	8000	15000
<i>Callistemon citrinus</i>	Crimson Bottlebrush	2	300mm	2000	2000
<i>Dianella caerulea</i>	Blue Flax Lily	16	200mm	700	700
<i>Dodonea viscosa</i>	Purple Hop Bush	3	300mm	2000	2500
<i>Gardenia florida</i>	Gardenia	12	300mm	1200	1200
<i>Hardenbergia violacea</i>	Flase Sarsparilla	8	200mm	1000	400
<i>Heliconia laniata</i> cv. 'Red Christmas'	Heliconia 'Red Christmas'	12	300mm	1000	1500
<i>Murraya paniculata</i>	Orange Jessamine	23	300mm	1200	3000
<i>Ophiopogon jaburan</i> 'Variegated'	Dwarf Variegated Mondo Grass	26	200mm	400	400
<i>Strelitzia nicotai</i>	Giant Bird of Paradise	4	300mm	3000	8000
<i>Syzygium australe</i> 'Resilience'	Lillypilly	16	300mm	1500	2500
<i>Trachelospermum asiaticum</i>	Jasmine	32	140mm	800	300
<i>Tristaniaopsis laurina</i>	Water Gum	2	75Lt	5000	10000
<i>Zelkova serrata</i> 'Green Vase'	Green Vase zelkova	1	300mm	8000	14000

DATE	REVISION	PROJECT #
LANDSCAPE DETAILS & PLANT SCHEDULE		BIRDWOOD
59 TERRIGAL DRIVE, TERRIGAL		DWG #
REITSMA	DATE # 13/11/20	L/02
BIRDWOOD Landscape Design	SCALE # A3 REFER TO SCALE	DRAWN BW
	CHKD JS	REVISION

PRELIMINARY



Noise Impact Assessment Residential Development 59 Terrigal Drive Terrigal NSW

September 2020

Prepared for Reitsma Pty Ltd
Report No. 20-2529-R1

Building Acoustics-Council/EPA Submissions-Modelling-Compliance-Certification

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PO Box 252 BELMONT NSW 2280
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Reitsma Pty Ltd
Noise Impact Assessment – Residential Development
59 Terrigal Drive, Terrigal

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Reitsma Pty Ltd
Noise Impact Assessment – Residential Development
59 Terrigal Drive, Terrigal

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1 INTRODUCTION

Reverb Acoustics has been commissioned to conduct a noise impact assessment for a proposed residential development at 59 Terrigal Drive, Terrigal. The purpose of this assessment is to determine the noise impact from passing road traffic on Terrigal Drive, within habitable spaces of the development and to ensure that noise levels comply with the requirements of the Roads and Maritime Services (RMS), Department of Planning, Industry and Environment (DPIE), NSW Environment Protection Authority (EPA) and Central Coast Council (CCC).

The Assessment was requested by Reitsma Pty Ltd in support of and to accompany a Development Application to CCC and to ensure any noise control measures required for the development are incorporated during the design stages.

2 TECHNICAL REFERENCE / DOCUMENTS

AS 2107-2016 “Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors”.

AS 1276.1-1999 “Acoustics – Rating of sound insulation in buildings and of building elements. Part 1: Airborne sound insulation”.

NSW Environment Protection Authority (2017). *NSW Road Noise Policy*

NSW Roads and Traffic Authority (2001). *Environmental Noise Management Manual*

NSW Environment Protection Authority (2017). *Noise Policy for Industry*

Plans supplied by RJS & CE Price, Rev. B, dated 21 August 2020. Note that variations from the design supplied to us may affect the acoustic recommendations.

A Glossary of commonly used acoustical terms is presented in Appendix A to aid the reader in understanding the Report.

3 EXISTING ACOUSTIC ENVIRONMENT

Attended ambient and traffic noise monitoring was conducted along the south site boundary, approximately 7 metres from the near lane of traffic on Terrigal Drive (see Figure 1). Monitoring was conducted during the afternoon peak period and at night. All measurements were conducted using a Svan 977 Sound Level Meter. This instrument has the capability to measure steady, fluctuating, intermittent and/or impulsive sound, and to compute and display percentile noise levels for the measuring period. The instrument was calibrated with a Brüel and Kjaer 4230 sound level calibrator producing 94dB at 1kHz before and after the monitoring period, as part of the instruments' programming and downloading procedure.

Table 1: Measured Noise Levels – Terrigal Drive, dB(A)

Time	Date	Lmax	Leq
08:15	19/08/20	88.5	67.0
23:30	19/08/20	85.0	62.5

Site, weather and measuring conditions were all satisfactory during our noise surveys. We therefore see no serious reason to modify the results because of influencing factors related to the site, weather or our measuring techniques.

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Figure 1: Site Plan



4 CRITERIA

4.1 Road Traffic Noise

Criteria for the assessment of quasi-steady-state noise sources, such as continuous road traffic and mechanical services, are sourced from AS/NZS 2107-2016 “Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors” and are detailed below.

Room Type	dBA
RESIDENTIAL BUILDINGS	
<i>Houses and apartments in inner city areas or entertainment districts or near major roads</i>	
Living areas	35 – 45
Sleeping areas (night time)	35 – 40

DPIE’s “Development near Rail Corridors and Busy Roads - Interim Guidelines” document is used for assessment of road traffic noise impacts on residential developments. Limits specified within the Policy, which are virtually identical to those in AS/NZS2107-2016 are shown below:

<i>Type of Occupancy</i>	<i>Noise Level in dB(A)</i>	<i>Applicable Time Period</i>
Sleeping areas (bedroom)	35	Night 10pm to 7am
Other habitable rooms (excluding garages, kitchens bathrooms & hallways)	40	At any time

The RMS describes cognate criteria for the assessment of road traffic noise upon residential developments in their Environmental Noise Management Manual. Reference to Page 160 of the Manual, indicates that noise reduction measures for new developments should endeavour to meet the targets set out in the EPA’s Environmental Criteria for Road Traffic Noise (ECRTN).

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The ECRTN has been superceded by the NSW Road Noise Policy (RNP) which contains a number of criteria applied to a variety of road categories (freeway, arterial, sub-arterial and local roads) and situations (new, upgraded roads and new developments affected by road traffic). Table 2 shows the relevant category, taken from Table 3 of the RNP:

Table 2: - Extract from Table 3 of RNP Showing Relevant Criteria.

Road Category	Day	Night
New residential developments affected by noise from existing freeway/arterial /sub-arterial roads	55 LAeq,15hr	50 LAeq,9hr

Based on road categories defined in the RNP, Terrigal Drive is classified as an arterial road. Table 3 summarises satisfactory internal noise levels for residences, used for the basis of this assessment.

Table 3: Internal Traffic Noise Level Criteria (Residential)

Location	Criteria – dB(A),Leq		Remarks
	Day	Night	
Sleeping areas	-	35	Windows closed
	-	45	Windows open
Other habitable rooms	40	-	Windows closed
	50	-	Windows open

Note that limits specified in the EPA documents are in agreement with those contained in AS/NZS 2107-2016 and DPIE's Guideline. Therefore, the aim of the assessment is to ensure that the allowable noise levels shown above and in Table 3 are not (theoretically) exceeded within any habitable room due to road traffic noise. Transmission paths considered in the assessment are windows and doors with allowances made for shielding by balconies, intervening structures, etc.

5 METHODOLOGY

5.1 Traffic Noise Levels

Applicable noise level metrics, namely, for the day and night are those calculated from our measurements at the site. A +2.5dB(A) facade adjustment does not need to be applied to our results, as measurements were conducted 1 metre from the existing boundary fence. Received traffic noise for 2020 was calculated as follows:

$$\text{measured noise level (2020)} + \text{facade correction} = \text{received noise (2020)}$$

Applying the above formula gives:

Day	68.5dB(A) + 0.0dB(A) =	68.5dB(A) Leq15hr	7am – 10pm
Night	64.0dB(A) + 0.0dB(A) =	64.0dB(A) Leq9hr	10pm – 7am

No recent AADT figures could be sourced at the time of writing this report, therefore for assessment purposes we have assumed 20,000 vehicles pass the site along Terrigal Drive for the year 2020. A figure of 5% heavy vehicles has been adopted.

The AADT's for the year 2020 were applied to our computer programme, based on the EPA and RMS approved CoRTN Method of Traffic Noise Prediction, and noise levels were calculated to the theoretical facade at each level of the development. The adopted AADT figures and CoRTN values are merely arbitrary, as calculated noise levels are adjusted to correlate with our measured peak external noise levels, with the intention is to provide a (theoretical) means of determining the degree of noise control required for a particular building component.

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Equivalent continuous noise levels were calculated for each traffic lane separately on the basis that the noise source (i.e. the traffic) was located in approximately the centre of the respective lane. In particular, this gives an accurate estimation of the location of bus and truck exhausts which are generally located on the right hand side, being approximately at the same point for both traffic directions. Our calculations have been modified to compensate for the differing acoustic centres of cars and heavy vehicles, by modelling each separately and logarithmically adding received noise levels.

5.1.1 CoRTN Model Conversion

The EPA released their ECRTN in June 1999 and RNP in 2011, which specify modified assessment periods for day and night, namely, Leq,15hr (7am to 10pm) and Leq,9hr (10pm to 7am). These assessment periods have rendered the original Australian version of the CoRTN model invalid, which was designed to assess the impact over a single 24 or 18 hour period. Consequently, modification of the Model is required to adequately describe the new metrics.

The CoRTN algorithm pertaining to traffic flow percentages has been modified by inserting all AADT figures for arterial roads, contained in RMS publications - Traffic Volume Data for Hunter and Northern Regions, 1998, and establishing AADT figures for the applicable day and night periods. Our CoRTN model was then calibrated against long term measurements made at locations with reliable AADT figures.

6 ANALYSIS

6.1 Road Traffic (Impact on Development)

Shown below is a sample calculation detailing the procedure followed in order to calculate required glazing for the Bedroom/Living Room in Unit 7 on the south facade, facing Terrigal Drive. The traffic noise level at the outer face of the glazing is calculated as follows,

Table 4: Sample Calculation - Traffic Impact at Bedroom/Living Room Unit 7

Propagation calculation	dB(A)	Octave band Sound Pressure Levels, dB(A)							
		63	125	250	500	1k	2k	4k	8k
Facade traffic noise, Leq ¹	64	45	52	53	57	59	56	50	42
Directivity/distance Correction ³		-4	-4	-4	-4	-4	-4	-4	-4
Traffic noise at window	60	41	48	49	53	55	52	46	38

1. Measured noise level. 2. Intervening structures. 3. Includes angle of incidence correction & distance correction.

As the criterion for the Bedroom is 35dB(A), see Section 4.1, the required traffic noise reduction is $TNR = 60 - 35 = 25\text{dB(A)}$. The traffic noise attenuation, TNA , required of the glazing is calculated according to the equation given in Clause 3.4.2.6 of AS 3671,

$$TNA = TNR + 10\log_{10}[(S/S_f) \times 3/h \times 2T_{60} \times C] \quad \text{equation 1}$$

where

- S = Surface area of glazing = 1.4^2
- S_f = Surface area of floor = 14.5m^2
- h = Ceiling height, assumed to be 2.5m
- T_{60} = Reverberation time, s
- C = No. of components = 4 (walls, glazing, roof)

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Assuming that the room is acoustically average (neither too 'live' nor too 'dead') equation 9.26 in *Noise and Vibration Control*, L.L. Beranek, 1971, gives a reverberation time of 0.56s. Consequently, the value of 0.6s was used in equation 1.

Using the values listed above gives

$$TNA = 22\text{dB(A)} \text{ for the glazing}$$

Substituting this value into the equation given in Clause 3.4.3.1 of AS3671 gives

$$Rw = TNA + 6 \approx 28.$$

As can be seen by the above results, the glazing must have a tested Rw30 rating. Published sound insulation performance in terms of Rw or STC ratings relate to partitions tested in ideal laboratory conditions or opinions based on such measurements. Field conditions (eg. flanking paths, penetrations, air leaks etc) caused by lack of supervision of workmanship or inadequate attention to detail at design/specification stage can reduce the Rw rating. For this reason, we recommend selecting partition systems with a laboratory Rw rating 2-3dB higher than required on site. Therefore, the glazing in the Bedroom/Living Room must have a tested Rw31 rating. Based on typical laboratory performance data the glazing would consist of single-glaze laminated or Vlam Hush glass, or equivalent. Similar calculations to those above have been performed for windows and doors on affected facades. From these calculations, a schedule of required glazing has been compiled. See Section 7.

6.2 Ventilation Requirements

DPIE's Guideline states that if road traffic noise criteria cannot be met with windows open then they must be shut, if desired, while also meeting the ventilation requirements of the Building Code of Australia (BCA). This does not preclude the use of operable windows, although, the National Construction Code (NCC) states that when the minimum criteria cannot be met, mechanical ventilation is required (ref: Section 3.1.2 ABCB Indoor Air Quality, 2016). However, the DPIE's Apartment Design Guide Objective 4B-1 specifies all habitable rooms should be naturally ventilated in apartment complexes.

Noise and Pollution, Apartment Design Guide Section 4J, provides solutions to provide natural ventilation when windows are open, while satisfying internal traffic noise criteria. These include operable facades, winter gardens, partially shielded and insulated balconies, apartment setbacks, judicious building design and selection of acoustic materials and products to be incorporated into the building design.

Recent studies have conclusively proven that a typical open window will reduce noise by 15dB(A) or more when contained within a masonry structure with no exposed flooring.

Table 5 shows road traffic design criteria at exposed facades and the predicted internal noise levels with windows open, to determine compliance.

Table 5: Internal Noise Assessment – Windows Open

Time Period	Predicted Traffic Noise level L(A)eq		Internal Criteria L(A)eq	Compliant YES/NO
	External	Internal		
Day	64	49	50	YES
Night	60	45	45	YES

Results in the above Table predict that internal traffic noise levels will be compliant with the criteria with windows open to provide natural ventilation. Therefore, artificial means of natural ventilation will not be required.

7 DISCUSSION AND RECOMMENDATIONS

7.1 Glazing Construction

7.1.1 Glass installed in window assemblies must comply with AS1288-2006. Materials, construction and installation of all windows are to comply with the requirements of AS2047-2014. Similar calculations to those in Section 6 were performed for all building elements of the proposed development. From these calculations, a schedule of required glazing has been compiled, shown below. The glazing systems, sighted in the following Table, are presented as a guide for the supplier:

Glazing Systems:

- Type A: Standard glazing. No acoustic requirement.
- Type B: Single-glaze 5-6mm clear float glass.
- Type C: Single-glaze laminated or Vlam Hush glass.
- Type D: Double glaze or Insulating Glass Units (IGU)

Note: The typical glazing shown in the following Table should be used as a guide only. The supplier of the window/door must be able to provide evidence from a registered laboratory that the complete system will achieve the specified Rw performance, i.e. do not simply install our recommended glass in a standard window frame.

Table 6: Glazing Schedule

Facade	Location	Required Rw Compliance Requirement	Typical Glazing System (Not for Specification)
Facing South (Terrigal Dv)	Unit 7	31	Type C
	Common Room	28	Type B or C
	Entry	-	No acoustic requirement
Facing West	Common Room	26	Type B
	Units 1-3	27	Type B
Facing East	Unit 7	29	Type B or C
	Units 4-6	27	Type B
Facing North	All	-	No acoustic requirement

7.2 Roof/Ceiling Construction

7.2.1 Construction is to consist of Colorbond with a 30-40mm anticon foil faced building blanket hard under the roof sheeting (in situations where joists are at centres close enough to avoid excessive sagging of the blanket, sisalation may be omitted). Close off eaves gaps with 2 layers S3/R3 insulation in ceiling void, tightly packed at the building perimeter at 600mm width). All ceilings are to consist of 1 layer 10-13mm plasterboard.

7.2.2 To further assist in low frequency attenuation, all ceiling voids should contain a layer of fibreglass or rockwool insulation. This is to be installed in addition to, not in lieu of the building blanket. Specialised acoustic insulation is preferred, however dense thermal insulation (eg, R3 batts) will suffice and is much less expensive (\$15/m² for Rockwool 350 and \$6/m² for R3 batts).

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7.3 Wall Construction

7.3.1 All south external walls with lightweight cladding (i.e. Axon, Shadowclad, Weathertex, or similar) must be internally lined with minimum 13mm plasterboard, plus R2/S2 cavity insulation.

7.4 Balconies

7.4.1 To reduce the field of view of the noise source (i.e. traffic, mech plant), enclosed balustrade is required for all residential units, consisting of stud wall, masonry, or fixed glass panels to a height of minimum 800-900mm. Vertical gaps between each panel that do not exceed 75mm are permitted. A gap of say 50-100mm is permitted at floor level to allow cleaning, hosing, etc

8 CONCLUSION

A noise impact assessment for a residential development at 59 Terrigal Drive, Terrigal, has been completed. The report has shown that the site is suitable for the intended purpose, providing our recommendations are implemented. An assessment of external noise impacts upon the development has resulted in the compilation of a schedule of minimum glazing, wall, roof construction, etc, to meet the requirements of the EPA, DPIE and RMS. The recommended construction shown in Table 6 should be used as a guide only. The supplier of the window/door must be able to provide evidence from a registered laboratory that the complete system will achieve the specified Rw performance. Do not simply install the recommended glazing in a standard frame.

The guidelines herein are preliminary in that the selection of building materials depends on user/client requirements, space limitations, budgetary constraints and practicalities that relate to the acoustic design of suites. Adequate building facade design may be achieved through many different combinations of materials, all of which may achieve the same result, subject to review by us.

We have designed exposed facades of the building to ensure maximum noise level passbys from heavy vehicles are below 55-60dB(A). This upper limit is generally considered the threshold at which awakenings may occur.

In conclusion, providing the recommendations given in this report are implemented, external noise impacts (i.e. road traffic), will comply with the requirements of the EPA, RMS, DPIE and CCC within habitable spaces of the proposed development. We therefore see no acoustic reason why the proposal should be denied.

Steve Brady M.A.S.A. A.A.A.S.
Principal Consultant

Reitsma Pty Ltd
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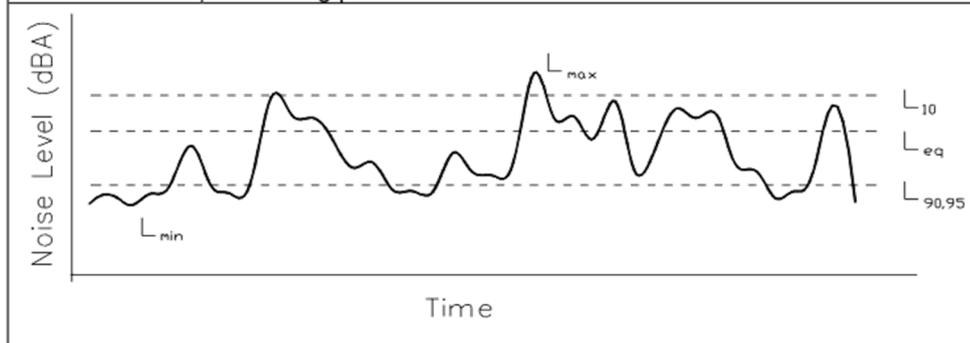
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APPENDIX A

Definition of Acoustic Terms

Definition of Acoustic Terms

Term	Definition
dB(A)	A unit of measurement in decibels (A), of sound pressure level which has its frequency characteristics modified by a filter ("A-weighted") so as to more closely approximate the frequency response of the human ear.
Rw/STC	Weighted Noise Reduction Index/Sound Transmission Class. The ability of a partition to attenuate sound, in dB. Given as a single number representation.
Lw	Sound Power Level radiated by a noise source per unit time re 1pW.
Leq	Equivalent Continuous Noise Level - which, lasting for as long as a given noise event has the same amount of acoustic energy as the given event. Used in NSW as a descriptor for intrusive noise from industrial premises.
L90	The noise level which is equalled or exceeded for 90% of the measurement period. An indicator of the mean minimum noise level, and is used in Australia as the descriptor for background or ambient noise (usually in dBA).
L10	The noise level which is equalled or exceeded for 10% of the measurement period. L ₁₀ is an indicator of the mean maximum noise level, and is generally used in Australia as the descriptor for intrusive noise (usually in dBA).
ABL	<i>Assessment Background Level</i> – A single figure representing each individual assessment period (day, evening, night). Determined as the L90 of the L90's for each separate period.
RBL	<i>Rating Background Level</i> – The overall single figure background level for each assessment period (day, evening, night) over the entire monitoring period.



Plan of Management and Attachments

59 TRRIGAL DRIVE, TERRIGAL BOARDING HOUSE

15th September– 2020

1. PURPOSE

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

- a. to minimise disturbance to residents and neighbours.
- b. to provide a procedure to receive and resolve complaints.
- c. to maintain the internal and external appearance and cleanliness of the premises.
- d. to ensure a person is readily contactable to assist in the ongoing implementation of this Plan of Management.
- e. to ensure the use of the premises will be controlled by the PoM, and that the PoM is enforceable.
- f. to ensure that the premises will be operated in strict accordance with the conditions of development consent.
- g. to give effect to the occupancy principles under the *Boarding House Act 2012*.
- h. to make provision for this plan to be amended from time to time with the approval of Central Coast Council in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

2. SITE MANAGEMENT

2.1 It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan of Management as well as all conditions of development consent DA 58829 granted by Central Coast Council and the *Boarding House Act 2012*.

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

2.3 The boarding house shall be restricted to **59 Terrigal Drive** and will consist of 7 Residents Units, indoor and outdoor common areas, and ground level parking area.

2.4 The boarding house will be a registerable, general boarding house as defined by the *Boarding House Act 2012*.

2.5 The maximum occupancy of the boarding house is 11 (Eleven) people with the maximum number of persons per Unit as follows:

- a) Unit 1: 2 persons

- b) Unit 2: 2 persons
- c) Unit 3: 2 persons
- d) Unit 4: 2 persons
- e) Unit 5: 1 person
- f) Unit 6: 1 person
- g) Unit 7: 1 person

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

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

2.8 The property owner will engage a Boarding House Property Manager. The Boarding House Property Manager will be familiar with the content of the Plan of Management and can be contacted at any time using the contact details provided at **Attachment 1**.

2.9 The duties of the Boarding House Property Manager are to:

- a) Be contactable by phone between the hours of **9am to 5pm Monday to Friday**, with after-hours contact number for urgent enquiries provided at **Attachment 1**. The boarding house will also have a website where information will be available. The Boarding House Manager will also be contactable via email [insert email address]
- b) Oversee all concerns related to boarders/residents of the premises
- c) Enforce the minimum occupancy period (see clause 2.6)
- d) Enforce maximum occupancy levels (see clause 2.5)
- e) Provide lodgers with appropriate information before they move in.
- f) Organise the cleaning and maintenance of common internal and external areas.
- g) Organise waste collection and facility needs for the site.
- h) Carry out regular inspections of rooms as per the terms of the Occupancy Agreement (every three months), and other areas, to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
- i) Record all inspections in an Inspection Register which will be made available to Council upon request.
- j) Maintain all electrical circuits to a safe standard.
- k) Maintain a complaints and incident register.
- l) Notify Central Coast Council in writing within 1 month of any change in the management of the boarding house and provide contact details for the new management processes and personnel.

The activities and procedures required by the Boarding House Manager to carry out these duties are detailed throughout this Plan of Management.

2.10 The Boarding House Manager shall have the appropriate qualifications and experience required to carry out these duties including First Aid Training, NSW National Police Check and introductory conflict management training.

3. ACCOMMODATION REGISTRATION

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

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

3.3 The minimum term for occupancy can be 3 months, 6 months or 12 months, with the option to roll over the agreement at the end of this fixed term for a further agreed period [noting that an amendment may need to be made to the Standard Occupancy Agreement to provide for this].

3.4 Provision for 12 month Residential Tenancy Agreements (RTA) will also be offered to applicants should they wish to enter into such an agreement.

3.5 Rents will be set at a 20% discount of the market rent of similar sized and finished Units/Apartments within the Terrigal area. Rents will be reviewed at the end of each respective lease period and may change to reflect CPI adjustments.

3.6 The Boarding House Manager will provide a copy of the signed Occupancy Agreement, House Rules, the Plan of Management, and a printed copy of the current version of the Fair Trading publication 'Living in a Boarding House' (**Attachment 4**) to each new resident.

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

3.8 It is the policy of the boarding house to not let rooms to occupants that are children aged under 16 years, including children accompanying a parent or to someone who could be a child aged under 16 years living away from home without parental permission.

3.9 If someone who could be a child aged under 16 years that could be living away from home without parental permission approaches the boarding house for accommodation, the Boarding House Manager will immediately inform Community Services via a call to the Child Protection Helpline on 132 111, as per instructions provided by NSW Fair Trading and the requirements of the *Children and Young Persons (Care and Protection) Act 1998*.

4. RESIDENT IDENTIFICATION & SELECTION

4.1 The Boarding House Manager requires photo ID (eg: typically either passport or driver's licence) of each resident at the time of signing the Occupancy Agreement. Where the person is an

Australian citizen and does not hold a driver's licence or a passport, then alternative ID which may not hold a photo can be accepted.

4.2 Tenants will be selected via eligibility criteria consisting of the following:

- (i) Applicants must meet income eligibility limits (these lower and upper limits vary with economic conditions, but are presently between \$20,000 per annum and \$85,000 per annum).
- (ii) Applicants must require medium to long-term affordable rental housing.
- (iii) Applicants must not own property or assets which could realistically be used to secure affordable, appropriate housing.
- (iv) Applicants must be permanent residents or citizens of Australia.
- (v) Applicants are to provide information of current housing arrangements, previous housing arrangement details, income details, employment details, references.

5. BOARDING HOUSE PROPERTY MANAGER RESPONSIBILITIES

5.1 The Boarding House Manager shall be familiar with and aware of his or her responsibilities under such legislation as the *Occupational Health and Safety Act 2000*, *Occupational Health and Safety Regulation 2001* and the *Boarding House Act 2012*.

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

- a. Registration of all residents;
- b. Maintenance of all records in relation to resident registration, resident meetings and inspections;
- c. Keeping all common areas in an excellent state of cleanliness;
- d. Undertake regular inspections of residents' rooms to check cleanliness, condition of furniture and maintenance of services, as per the terms of the Occupancy Agreement (every three months). The Boarding House Manager will maintain a record of inspections in an Inspections Register that will be available to Council upon request.
- e. Supervising all maintenance operations including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture and repair of any faulty services; and
- f. The management and documentation of any disputes and/or complaints from boarding house residents and/or neighbours (see clauses 10 and 11 in this plan).

6. RESIDENT RIGHTS AND RESPONSIBILITIES

6.1 All residents will be informed of the occupancy principles of the *Boarding Houses Act 2012*, which set out their basic rights and responsibilities before, during and when they move out of the boarding house.

6.2 Resident **rights** are as follows (a – n).

Before residents move in, they have a right to:

- a. have a written occupancy agreement with the boarding house proprietor
- b. be informed of how much the occupancy fee will be
- c. know whether they will be charged for utilities such as gas, electricity or water. The amount charged for these utilities must be based on the cost of providing the utility and a reasonable measure or estimate of how much the resident has used
- d. be informed of the house rules
- e. be advised if they have to pay a security deposit and how much it will be. A security deposit cannot be more than the equivalent of 2 weeks occupancy fee.
- f. know how and why the occupancy agreement can be terminated, including how much notice will be given.

While a resident is living in the boarding house, they have:

- g. a right to live in a house that is reasonably clean and secure, and in a reasonable state of repair.
- h. a right to have quiet enjoyment of the place in which they live.
- i. a right to be given receipts for any money they pay the proprietor or boarding house manager.
- j. a right to be given 4 weeks written notice of any increase in the occupancy fee.
- k. a right to have any charges for utilities limited to the cost of providing the utility plus a reasonable estimate or measure of their usage.
- l. a right to not to be 'fined' for a breach of the occupancy agreement and house rules. If a resident breaches the agreement or the house rules they can be asked to leave, consistent with notice periods contained in the occupancy agreement.

When a resident moves out they have a right to:

- m. have their security deposit refunded within 14 days of moving out minus any deductions allowed under the Boarding Houses Act. Allowable deductions include unpaid rent, the reasonable cost of repairs for damage caused by the resident or their guests, the reasonable cost of cleaning areas they occupied and didn't leave reasonably clean, and the cost of replacing locks they removed or added without permission.
- n. be given reasonable written notice of eviction. In deciding how much notice to give a resident, the boarding house proprietor or manager can take into account the safety of other people living or working in the boarding house.

6.3 Resident **responsibilities** are as follows (a-d):

- a. A responsibility to comply with the Occupancy Agreement or RTA, the Plan of Management and the House Rules for the Boarding House.

- b. A responsibility to keep their room and bathroom clean at all times, and to give reasonable access to their room for inspection by the Boarding House Manager every three months as per the Occupancy Agreement. A resident must be given written notice that access is required, except in an emergency.
- c. A responsibility to advise the Boarding House Manager of any broken furniture or faulty services within the Boarding House.
- d. A responsibility to try to resolve any disputes they have with the Boarding House proprietor or manager. Either party can apply to the NCAT for help if a dispute cannot be resolved.

7. VISITORS

- 7.1 No more than 2 adults shall be permitted in any private room. Greater occupancy than that registered may result in termination of the occupancy agreement.
- 7.2 Residents inviting visitors to the premises must accept full responsibility for their guests' behaviour.
- 7.3 Visitors to the premises are only permitted to use common areas between **7.00am and 10.00pm**; and then only in the company of a resident.

8. FACILITIES FOR RESIDENTS

- 8.1 Residents will be provided with a self-contained room fitted with a security lock on the entry door.
- 8.2 Rooms will be furnished with a self contained kitchen including oven, stove, microwave and sink, and curtains or blinds. The common room kitchen will contain a stove, oven, microwave, and sink. Laundry facilities will be provided via dedicated Laundry cupboard with inbuilt sink tub.
- 8.3 Residents are not permitted to bring their own furniture to the premises, other than with consent of the Boarding House Manager.
- 8.4 A Notice Board will be provided in a convenient location, and other signage will be installed in rooms and appropriate locations, to provide information for residents including:
 - a. Their rights and responsibilities
 - b. Boarding house rules
 - c. The right to privacy and complaints process
 - d. Health and safety procedures including emergency and other essential telephone numbers; and maintenance and fire safety in the building.
- 8.5 Communal living room and outdoor communal open space are provided for use by residents and their guests. The indoor Common Room will be provided with a Kitchen with a stove, oven, microwave, and sink. A Bathroom will also be provided within the Common Room and consist of Toilet and Wash Basin. The outdoor communal open space area will include an area of level artificial grass surrounded by garden on the Northern (rear) side of the property.

8.6 Laundry facilities will be provided via dedicated Laundry cupboard with inbuilt sink tub.

9. CAR, MOTOR BIKE AND BICYCLE PARKING

9.1 Ground level parking for 4 cars, 2 motor cycles and 3 bicycles is available on-site.

9.2 Vehicles will access the site via the driveway from Terrigal Drive. There are 4 car parking spaces for residents, including 1 accessible space.

9.3 Car parking spaces for residents will be allocated upon negotiation as part of occupancy agreements, with additional letting fees charged to residents with parking spaces.

9.4 The motorcycle and bicycle parking spaces will be available for use by any residents that require them and will be negotiated as part of letting agreements but no additional rent will be charged for their use.

10. COMPLAINTS

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

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

10.3 The details of the contact person in respect of all inquiries or complaints in relation to the premises are shown in **Attachment 1**.

10.4 The Boarding House Manager is responsible for recording all complaints, including complaints from residents, in a Complaints Register.

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

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

10.7 The Complaints Register will contain:

- a. Complaint date and time
- b. Name of person/police/council officer making the complaint
- c. Contact details of person making complaint
- d. Nature of the complaint

- e. Action taken (by whom and when)
- f. Outcome and/or further action required

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

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

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

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

11. DISPUTES

11.1 The Boarding House Manager will convene at least quarterly meetings with residents to discuss any issues or problems that may need to be resolved. These meetings will be recorded in a Residents' Meeting Minutes Register and all issues raised by these meetings will be recorded in the Minutes.

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

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

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

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

12. CLEANING AND ONGOING MAINTENANCE

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

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

12.3 Cleaning of individual resident rooms is the responsibility of the respective resident. A mop, bucket and broom will be provided in each room. A vacuum cleaner is available from the manager on request.

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

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

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

13. SAFETY AND SECURITY

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

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

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

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

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

13.6 The Boarding House Manager will maintain an Incident Register to record the details of incidents of serious misconduct and actions taken. The Incident Register will contain:

- a. Incident date and time
- b. Name(s) of person(s) involved in the incident
- c. Contact details of person(s) involved in the incident
- d. Nature of the incident
- e. Action(s) taken (by whom and when)
- f. Outcome and/or further action required

13.7 The Incident Register must be updated within 24 hours of an incident occurring.

13.8 The Incident Register will be made available for inspection by the Police and/or Central Coast Council upon request.

14. PUBLIC LIABILITY INSURANCE

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

15. WASTE MANAGEMENT

15.1 All residents shall be responsible for disposing of their waste to the garbage and recycling bins at ground level.

15.2 The Boarding House Manager shall be responsible for taking the bins to and from the street on collection day.

15.3 Should they be required, the Boarding House Manager shall be responsible for the regular cleaning and servicing of any special waste collection receptacles, such as for 'sharps' and/or sanitary napkins.

15.4 A floor waste and hose cock is to be provided near the external bin storage area to ensure that the area retains a high state of cleanliness. The Boarding House Manager will wash down the bin storage area once every week to maintain cleanliness.

15.5 The Boarding House Manager shall ensure that household clean-up collections are managed in accordance with Central Coast Council collection requirements.

16. FIRE SAFETY

16.1 The owner is responsible to ensure that certification of Fire Safety Equipment and preparation of the Form 15a is carried out each year by a qualified fire safety consultant.

16.2 A copy of the annual fire safety compliance statement and current fire safety schedule for the premises shall be displayed on the Notice Board in a prominent location.

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

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

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

16.6 All mattresses, curtains and furniture provided by the Boarding House owner will be of materials that resist the spread of fire, and limit the generation of smoke and heat.

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

16.8 The Boarding House Manager's contact phone number must be clearly displayed at the entrance of the premises and also be shown on signs available in each room. Other emergency contact details (police, fire, ambulance) as well as utility information (gas, electricity and plumbing) are to also be clearly visible in every room.

16.9 The Boarding House Manager shall conduct one emergency evacuation drill every three months.

17. ENERGY EFFICIENCY

17.1 Any replacement of fixtures or appliances is to be in accordance with the energy ratings required by the approved BASIX certificate.

18. AMENDMENT OF THE PLAN OF MANAGEMENT

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

ATTACHMENTS:

ATTACHMENT 1: CONTACT DETAILS FOR BOARDING HOUSE MANAGER

ATTACHMENT 2: OCCUPANCY AGREEMENT

ATTACHMENT 3: HOUSE RULES

ATTACHMENT 4: BROCHURE: 'Living in a Boarding House'

ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

ATTACHMENT 1: CONTACT DETAILS FOR RESIDENT MANAGER

NAME OF BOARDING HOUSE: _____

ADDRESS OF BOARDING HOUSE: _____

CONTACT DETAILS FOR BOARDING HOUSE PROPERTY MANAGER:

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

The contact person in respect of all enquiries in relation to the operation of these premises is:

Name: _____

Position: _____

Phone Number: _____

After Hours Contact Number: _____

Email: _____

ATTACHMENT 2

STANDARD OCCUPANCY AGREEMENT
For general boarding houses under the *Boarding Houses Act 2012*

Between

Proprietor	
Resident	

For

Room	Address

The resident's room is: unfurnished furnished (if furnished, an inventory can be attached)

Other areas of the premises which are available for use by the resident

Kitchen/s Bathroom/s Common room Laundry

Other _____

Term of Contract

Commencement Date	Term of agreement (if any)	Occupancy Fee	To be paid
		\$ _____ per week/month/year	

Proprietor's Contact Details	
------------------------------	--

AGREEMENT TERMS**1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)**

The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

2. House Rules (refer to occupancy principle 2)

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

3. No Penalties (refer to occupancy principle 3)

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

4. Quiet Enjoyment (refer to occupancy principle 4)

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

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

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

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

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

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

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

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

7. Utility Charges (refer to occupancy principle 7)

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

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

8. Security Deposit (refer to occupancy principle 8)

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

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

9. Dispute Resolution (refer to occupancy principle 11)

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

10. Written Receipts (refer to occupancy principle 12)

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

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

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

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

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

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

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

12. Use of the Premises

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

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

Signed: _____

(Proprietor)

Signed: _____

(Resident)

Date: _____

Date: _____

OPTIONAL INFORMATION

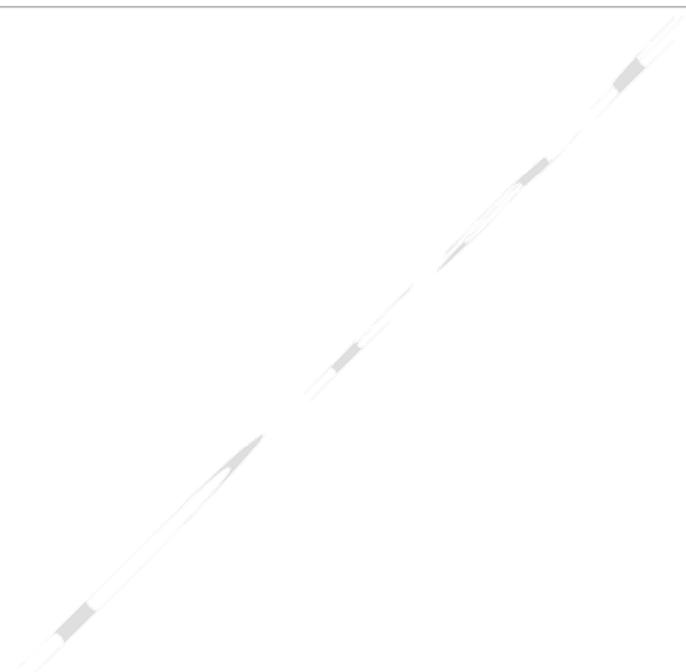
The resident may provide contact details to be used in an emergency

PERSONAL PHONE No/s: _____

EMERGENCY CONTACT PERSON

NAME: _____ RELATIONSHIP: _____

PHONE and/or ADDRESS: _____



Annexure 1

Occupancy principles

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

1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2. Rules of registrable boarding house

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

3. Penalties for breaches of agreement or house rules prohibited

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

4. Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5. Inspections and repairs

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

6. Notice of increase of occupancy fee

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

7. Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

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

8. Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

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

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover

the following:

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

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

(4) In this clause:

- security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:
 - (a) any failure by the resident to comply with the terms of an occupancy agreement, or
 - (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
 - (c) any other matter or thing prescribed by the regulations.

9. Information about occupancy termination

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

10. Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

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

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

11. Use of alternative dispute resolution

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

12. Provision of written receipts

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

Annexure 2

SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

NOTE:

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

Signed: _____
(Proprietor)

Signed: _____
(Resident)

Date: _____

Date: _____

ATTACHMENT 3: HOUSE RULES

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

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

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

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

1. Privacy and quiet enjoyment

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

1.2 Residents will ensure that noise levels are kept at an acceptable level and that noise does not adversely impact on neighbouring residents. Particular care is to be taken past 10pm and before 7am and, if another resident or a neighbouring property owner complains about the noise after that time, then it may be necessary to use headphones or the like.

1.3 No live or amplified music is permitted in the common outdoor areas, nor is music to be audible beyond individual rooms or common indoor areas.

1.4 No alcohol is permitted to be consumed in common open space areas.

1.5 The indoor and outdoor common areas are not to be used between 10pm and 7am the following day, unless authorised by the Boarding House Manager.

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

2. Health, Safety and Security

2.1 The premises are non-smoking. This includes within each private room and all common indoor and outdoor areas.

2.2 No unauthorised drugs are permitted on the premises.

2.3 Residents shall not engage in drug or alcohol abuse; sexual, racial or religious harassment; theft or violence.

2.4 Residents must speak and behave respectfully towards one another. Residents are not to discriminate against other residents on the basis of gender, ethnicity, race, sexuality or religious beliefs. Residents are to avoid speaking or behaving in a way that engenders ill-feeling.

2.4 No prohibited weapons are permitted on the premises. Prohibited weapons are as defined in Schedule 1 of the *Weapons Prohibition Act 1998*.

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

- 2.6 No visitors are permitted on the premises unless attended by a resident.
- 2.7 Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.
- 2.8 The Boarding House Manager has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.
- 2.9 No visitors are permitted to remain on the premises between the hours of 9 pm and 9 am.
- 2.10 Residents must keep the front door locked at all times.
- 2.11 If a resident loses their security card it will be necessary to pay for the replacement card.
- 2.12 Residents are not to use the premises for any illegal purpose. Residents are not to use the premises other than as a boarding room. For example, residents are not to use the premises as office premises or business premises or retail premises. (That does not preclude a boarding house resident using, for example, a laptop computer or phone for work-related purposes).

3. Cleanliness and good order

- 3.1 Rubbish is to be placed in the bins provided. Residents must remove waste from their rooms and place it in the communal bins on the ground floor. Residents shall separate recyclable material from non-recyclable material. No recyclable material shall be kept in bags (e.g. plastic bags). General waste is to be stored in plastic bags and shall be tied prior to storage. Residents are to wash recyclable containers so that gross organic matter is removed. The green bins are for Boarding House Manager use only for landscaping matter.
- 3.2 There shall be no littering.
- 3.3 Occupants are to keep their room and bathroom clean at all times, and make their room available for inspection by the Boarding House Manager every three months as per the Occupancy Agreement.
- 3.4 Residents are to keep the common areas clean and tidy. Residents who make a mess are to be responsible for cleaning up that mess. Residents are to clean kitchen surfaces and to sweep up food waste as soon as they have finished cooking – prior to eating their food. Residents are to wash their own dishes, cooking utensils, pots and pans immediately after use. Residents are to wipe down their table surface after they have finished eating.
- 3.5 Residents are to share the use of cooking facilities. For example, if another resident wishes to use the cooker, a resident is not to use all of the available hot plates.
- 3.6 Residents are to limit the storage of food to their allocated areas within the cupboards and fridge. Residents must not steal food from other residents. Residents may share other resident's food only with the prior arrangement with the other resident.
- 3.7 No clothes, washing, towels or other items are to be placed on any window or balcony.
- 3.8 Residents must remove their washing and belongings from the common laundry area immediately after their washing cycle has been completed.

3.9 Residents using the clothes drying lines are to remove the clothes when they are dry and are not to leave clothes hanging out for longer than necessary – within reasonable parameters acknowledging that residents might go out for the day and return to bring in their dry clothes.

3.10 The Boarding House Manager will have the authority to implement a roster for the use of the clothes drying area and washing machines if that is necessary. Residents shall adhere to that roster unless another rostered resident gives a resident permission to use their space in that roster.

3.11 Only small pets (small mammals such as mice or guinea pigs in appropriate cages, fish or birds) are permitted to be kept on the premises and with the Boarding House Manager's permission. No cats, dogs or large animals are permitted. The Boarding House Manager has the authority to restrict the number and/or type of pet, particularly where the keeping of the pet impacts upon the amenity and quiet enjoyment of other residents.

3.12 Residents must report any damage or maintenance requirements to the Boarding House Manager.

3.13 Residents must not remove or alter any furniture or fittings in the premises.

4. Fire safety

4.1 Residents must keep common areas and corridors free of personal belongings, to ensure there are no obstructions to the safe evacuation of the building.

4.2 Residents must not interfere with fire safety measure or equipment.

4.3 Candles and other naked flames are not to be used in the premises.

5. Parking spaces

5.1 Limited parking is available on-site for cars, motorcycles and bicycles.

5.2 4 car parking spaces are available for residents and will be allocated upon negotiation of the occupancy agreement with the Boarding House Property Manager.

5.3 Motorcycle and bicycle parking spaces will be allocated at no charge.

6. Mail boxes

6.1 Residents are asked to clear their mail boxes at least once per week.

The Boarding House Manager reserves the right to regulate additional matters within reason for the purposes of protecting the boarding house property or for the purposes of protecting the reasonable amenity of residents of the boarding house and of neighbouring properties.

I hereby acknowledge that I have read and understood the House Rules:

Name: _____

Signature: _____

Boarding House Room Number: _____

Date: _____



ATTACHMENT 4: Living in a Boarding House

Non-registrable boarding houses

Do you live in a boarding house that isn't 'registrable'? You and the boarding house operator can choose to enter into an agreement which includes the occupancy principles. You have rights as a consumer under the Australian Consumer Law.

To find out more, visit www.fairtrading.nsw.gov.au or call **13 32 20**.

Boarding house register

Did you know there is a public register that allows you to search for all 'registrable' boarding houses in NSW? Visit www.fairtrading.nsw.gov.au or call **13 32 20**.

Need help?

If you have any questions about your rights as a boarding house resident, call us on **13 32 20** or visit our website.

If you have a dispute with another resident or with the operator, the NSW Civil and Administrative Tribunal (NCAT) can help. The dispute can be about any of the occupancy principles including the state of the boarding house, fees and charges, inspections, repairs, notices of eviction and more.

Call the Tribunal on **1300 006 288** or visit www.ncat.nsw.gov.au



Useful contacts

Tenants Advice and Advocacy Services (TAAS)
TAAS provides boarders and lodgers, social housing tenants and other NSW tenants with free assistance and information. Find your nearest TAAS at www.tenants.org.au

Housing NSW
Provides people with emergency and temporary accommodation. Call 1300 468 746 or visit www.housing.nsw.gov.au

Mental Health Line
Call 1800 011 511 anytime to speak with a mental health professional.

 Like us on Facebook
facebook.com/FairTradingNSW

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youtube.com/NSWOFT

NSW Fair Trading – What we do

- Shopping and consumer guarantees
- Retirement villages
- Renting, buying, selling a home
- Co-operatives, associations and charitable fundraising
- Home building and renovating
- Product safety
- Strata and community living
- Resolving disputes
- Loose-fill asbestos implementation taskforce

www.fairtrading.nsw.gov.au Enquiries **13 32 20**
Language assistance 13 14 50 (ask for an interpreter in your language)
TTY 1300 723 404 for hearing impaired

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January 2016

Living in a boarding house?



Boarding houses

Boarding houses provide accommodation for a fee and are sometimes called lodging houses. Often, residents only have the right to occupy a room and share other facilities such as kitchens and bathrooms.

If you live in a 'registrable' boarding house, you have a basic set of rights called occupancy principles. This brochure outlines these rights and where to get more information.

What is a 'registrable' boarding house?

There are two types of 'registrable' boarding houses:

- **General boarding houses**
These accommodate five or more paying residents excluding the owner's family and manager. This does not include hotels, backpackers and aged care homes. To find out more, visit our website or call **13 32 20**.
- **Assisted boarding houses**
These accommodate two or more persons with additional needs. These are licensed by Ageing Disability & Home Care (ADHC). For more details visit www.adhc.nsw.gov.au or call **02 937 000**.

What is an occupancy agreement?

An occupancy agreement is a written contract between you and the boarding house operator. It details your basic rights and responsibilities. Legally, the operator must have an occupancy agreement with you. Even if they don't, your rights are still protected by law and you can enforce them. Always ask for a written agreement so you know your rights and responsibilities.

Your rights when living in a boarding house

Before you move in

You have a right to:

- have a written occupancy agreement
- be told how much the occupancy fee (ie. rent) will be
- know whether you will be charged for utilities such as gas, electricity or water
- be told the house rules
- be told if you have to pay a security deposit and how much it will be
- know how and why the occupancy agreement can be terminated, including how much notice you will get.

While you live there

You have a right to:

- live in a house that is reasonably clean and secure, and in a reasonable state of repair
- have quiet enjoyment of the place you live in
- be given receipts for any money you pay
- be given 4 weeks written notice of any increase in the occupancy fee
- have utility charges limited to the cost of providing the utility plus an estimate of your usage
- not be 'fined' for a breach of the occupancy agreement and house rules. If you breach the agreement or the house rules you can be asked to leave
- apply to the Tribunal for help if you cannot resolve a dispute with a boarding house operator
- be given written notice, except in emergencies, for room inspections or repairs.

When you move out

You have a right to:

- have your deposit refunded within 14 days of moving out minus any allowable deductions such as unpaid rent, the cost to repair any damage you caused or to clean areas you left unclean, or to replace locks you removed or added without permission
- be given reasonable written notice of eviction. The boarding house proprietor can consider the safety of others in deciding how much notice to give.



ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

Please return this check sheet to the Boarding House Manager after you have received all the documents listed below.

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF MY SIGNED:

- BOARDING HOUSE PLAN OF MANAGEMENT
- CONTACT DETAILS FOR BOARDING HOUSE MANAGER
- OCCUPANCY AGREEMENT
- HOUSE RULES
- BROCHURE: 'Living in a Boarding House'

Resident's Name: _____

Resident's Signature: _____

Boarding House Room Number: _____

Date: _____

Social Impact Assessment: Proposed Boarding House at 59 Terrigal Drive, Terrigal



27 August 2020

This report has been prepared for
R J & C J CoX

by

 **JUDITH STUBBS**
& ASSOCIATES

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Executive Summary

Overview of the proposal

The proposal is for a seven (7) room Boarding House over one level at 59 Terrigal Drive, Terrigal under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPPARH). The proposal is located in an R2 Low Density Residential Zone on a busy four-lane thoroughfare in close proximity to bus services with access to shopping and service centres of Terrigal, Erina and Gosford.

The immediate locality includes single and double storey separate and semi-detached houses including the gated Blue Point Estate adjacent to the proposal site to the north; and Duffy's Reserve a large public open space and recreation area and the Terrigal Ambulance Station on the south side of Terrigal Drive.

The 7 Boarding House rooms will include four double rooms and three single rooms. At capacity, the proposal would provide accommodation for a maximum of 11 residents if rooms are at full capacity. All rooms will be fully self-contained with kitchen, bathroom and laundry facilities and furnished with window coverings, desk, lamp chair, dining table and wardrobe.

The development includes an indoor common room at the front (south) of the property, and a common outdoor area at the rear (north) of the property.

Plans show the outdoor common area will be a grassed area, with no provision of clothes drying lines. It is assumed that private balconies will be required to be utilised for this purpose.

There is an on-site carpark on the south side of the site with primary vehicular and pedestrian access from Terrigal Drive that will provide parking for four cars, one motorbike and three bicycles.

The proposed Boarding House will be managed by an off-site manager, who will be responsible for ensuring that the Occupancy Agreement and House Rules are complied with by lodgers in accordance with the Boarding House Act 2012 (NSW) as set out in the Plan of Management (POM) (**Appendix C**).

Overview of the Social Impact Assessment

This Social Impact Assessment (SIA) has been prepared by JSA to accompany the Applicant's development application to the Central Coast Council. This SIA has assessed the proposal in terms of:

- its accessibility, facilities and design, internal and external amenity and social planning aspects of local character as per best-practice and with regard to compliance with relevant provisions of *State Environmental Planning Policy Affordable Rental Housing 2009* (SEPPARH);
- relevant provisions of the *Boarding House Act 2012*;

- the demographic, housing and service context of the locality relevant to the need and demand for Boarding House accommodation; and
- consultation with nearby residents via door knock survey to understand the locality, identify concerns and to inform mitigations if required.

This assessment process identifies potential benefits/positive impacts and adverse/negative impacts of the proposed development, and provides recommendations to mitigate any identified adverse impacts to the greatest extent possible.

Overview of likely social impacts

Local demography & predicted demography of boarding house

The locality within which the proposed Boarding House is located is an area of low disadvantage as per the Social Economic Indexes for Areas (SEIFA) indicators, among the highest 70-90% of areas in NSW and Australia for these indexes. The immediate area and particularly the Terrigal suburb have higher education, employment and income levels compared to the Central Coast LGA average, and lower levels of need for assistance with a core daily activity. Housing in the area is characterised by a large proportion of separate houses, albeit at a lower level than the Central Coast LGA; and a larger than LGA average level of semi-detached housing types such as the townhouses in the Blue Point estate adjacent to the proposal site to the north. The immediate area and Terrigal suburb have a higher level of home ownership and very low levels of social rental housing compared to the LGA and Greater Sydney.

Affordability

We have been advised by the Applicant that indicative rental costs for a room rented as a single will range from \$320-\$330 per week and rooms rented as a double will range from \$360-\$370 per week.¹

Using an estimate of 80% of median one-bedroom flat/unit in the Central Coast LGA for the June Quarter 2020, we would expect that rooms in the proposed boarding house would rent for around \$240 to \$250 depending on single or dual occupancy.

However, it is noted that our August 2020 snapshot of the local rental market in close proximity to Terrigal revealed low numbers of studio apartments, one bedroom and two bedroom apartments advertised for rent and at rents higher than LGA median levels. Our snapshot of advertised rental properties in Terrigal revealed one studio apartment for \$510.00 per week and one bedroom apartment for \$330.00 per week.

If rents were as per the Applicant's estimate, rooms in the proposed boarding house would be affordable to some low income households, but unaffordable to very low income households.

¹ Email correspondence from the Applicant, 12/08/2020.

Given the affordability context of the LGA, including high levels of housing stress particularly among very low income privately renting lone person households, the project would be a benefit to some low income households but would not alleviate housing stress for those earning very low incomes. The Applicant has indicated that he is willing to make some single rooms available for around \$250.00 per week, which would be affordable to very low income single person households.² This would be a significant benefit in this locality.

Character and Amenity

Amenity of the Immediate Locality

The amenity of the surrounding locality for boarding house residents is good. The proposal site is well-located to public transport with frequent access and short travel times to shopping, service and employment centres. The proposal site is within walking distance to a large public reserve, medical centre and service station/convenience store. It is noted that future residents of the boarding house will be required to access public transport or drive to nearby shopping facilities, as the service station/convenience store within walking distance would be unlikely to meet their grocery needs.

The most recent NSW Bureau of Crime Statistics and Research (BOCSAR) data shows that the Terrigal suburb and area of the proposal site is a low crime environment.

Character of the Immediate Locality

Housing in the immediate locality is a mix of older and newer separate houses and semi-detached (townhouses) in gated estate areas. The Blue Point estate borders the proposal site to the north and is accessed via a gated entrance from Brunswick Street. Developments along Terrigal Drive include fencing to reduce road noise and enhance privacy.

Elements of the proposal are similar to elements found in the local area.

Potential Amenity Impacts in the Immediate Locality

The immediate locality was observed by JSA to include quiet neighbourhoods with some commercial uses mixed in (such as the medical consulting rooms adjacent to the site at 57 Terrigal Drive). Terrigal Drive is a busy four-lane thoroughfare.

The location and proximity of resident balconies to adjacent properties may result in amenity and privacy impacts for boarding house residents and neighbours. JSA has made recommendations for the Applicant to consider regarding materials and screening of balconies and the location of the indoor common room and access to the outdoor common area.

With regard to potential amenity impacts due to the use of the outdoor common area, a suitable Plan of Management that contains provisions related to behaviour, restricted times of usage and complaints procedure would aim to mitigate potential adverse impacts to the greatest extent possible.

² Comments on draft report, 27 August 2020.

Parking and traffic impacts in the Immediate Locality

The development provides four car parking spaces, one motorcycle and three bicycle spaces, as required by the SEPPARH.

One resident surveyed expressed concern about the proposal and its impact on on-street parking on local streets. Terrigal Drive is 'no standing' near the proposal site. JSA observed opportunities for on-street parking on Raymond Terrace and Brunswick Street at the time of the site visit.

It is likely that some residents of the boarding house will require on-street parking if the boarding house was at capacity and each resident had their own car.

Within the Boarding House

The internal and external amenity of the proposal boarding house is relatively high. All rooms are fully self-contained with kitchen, bathroom and laundry facilities. There are indoor and outdoor common areas that meet the size requirements of the SEPPARH. Each room has a balcony for private outdoor space, which while enhancing amenity for residents in terms of having their own private space to sit and utilise, has the potential to create amenity and privacy impacts for adjacent neighbours as well as the residents due to overlooking and proximity.

Management Issues

Whilst the proposal does not include provision from an on-site manager, and is not required to do so under the SEPPARH, it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained, including excellent management processes by the Managing Agent.

The Plan of Management (**Appendix C**) includes such strategies, particularly regarding complaints handling and response procedures.

The Plan of Management would form part of conditions of consent in the event that the Boarding House is approved and can only be varied with the consent of the Council.

Issues raised in Resident Survey and Submissions to Council

JSA carried out a doorknock survey of 7 residents and 15 were letterboxed where the properties were unable to be accessed. Those who were letterboxed were encouraged to complete the survey over the telephone. Four residents completed the survey during the doorknock and no residents completed the survey via telephone. Three of the four residents surveyed raised concerns about the proposal.

- One resident expressed concern about low income residents of the boarding house and impacts to privacy due to potential overlooking;
- One resident was concerned about the impact of the proposal to on-street parking; and
- One resident expressed concern about noise.

The proposal was advertised by Central Coast Council to local residents in August 2020. Approximately 58 submissions were received including 51 in objection and 7 in support of the

proposal.³ While a range of concerns were raised in the submissions, the most common concerns relate to the characteristics and behaviour of future boarding house residents, how it will be managed to ensure amenity impacts are not experienced by neighbouring residents and physical attributes of the proposal. JSA does not have access to information regarding the location of submissions in relation to the proposal site. As such, it is not possible to make definitive comments regarding the reasonableness of these concerns.

Conclusions and Recommendations

The proposed Boarding House, with rents that will likely be affordable to some low income lone person and couple households, provides a positive benefit in the locality in terms of the addition of newly constructed private rental housing that is genuinely affordable to these households.

The site is well located in an 'accessible area' as per SEPPARH and is within walking distance to a large open space area and medical centre. A short 5 or 15 minute bus ride is necessary to access shops and services to meet residents needs either at Terrigal or Erina, where a wide range of options are available.

The proposed Boarding House is of relatively high amenity, with fully self-contained rooms with kitchen, bathroom and laundry facilities. Each room also has its own balcony for private outdoor space, which due to proximity and overlooking may result in a reduced level of amenity for adjacent neighbours and residents.

JSA's research⁴ with regard to successful new generation Boarding Houses indicates that the most important aspects of Boarding Houses that are well accepted within the surrounding community are related to good design and amenity; appropriate location and physical integration with the surrounding community; and excellence in management, including a detailed Plan of Management, House Rules, transparent complaints procedures and proactive communication with neighbours.

Provided the Plan of Management and other recommendations are adopted and implemented, it is likely that the benefits of the proposed boarding House would outweigh the potential adverse impacts of the development.

Recommendations

As noted, the location of the proposed Boarding House is positive and accessible to public transport. However, the outdoor spaces of private balconies and common outdoor area are likely to be highly valued by residents and should be designed carefully to avoid overlooking and amenity impacts for adjoining neighbours and future residents. It is suggested that the Applicant:

³ Submissions were obtained from Central Coast Council ePlanning portal, <https://plan.s.centralcoast.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx>.

⁴ Judith Stubbs and Associates (2017) Building Community Support for Community Housing, Toolkit for Providers and Research Reports, Prepared for the Community Housing Industry Association of NSW, Accessible online at <https://communityhousing.org.au/information/resources/>.

- Explore semi-transparent/opaque balustrades and screening options for balconies to reduce amenity impacts;
- Consider alternative room configuration, particularly moving the location of the indoor common room to the rear of the site (location of unit 3);
- Provide a 1.8 metre fence of appropriate materials for adjoining neighbours on the north, east and west sides of the property; and
- Adopt the Plan of Management and set of House Rules (Appendix C) to ensure the Managing Agent provides excellent oversight for the property and amenity impacts for residents and neighbours are mitigated to the greatest extent possible.

1 The Proposal

1.1 Description of the site and proposal

The proposal is for a nine room boarding house located at 59 Terrigal Drive, Terrigal under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the ARHSEPP).

Primary vehicular and pedestrian access to the site and on-site carpark is via Terrigal Drive.

The site is currently occupied by a two-storey separate house that is comprised of two flats (59A and 59B Terrigal Drive).



Figure 1-1: Subject Site (59 Terrigal Drive, Terrigal)

Source: Google Maps, Image Capture July 2018



Figure 1-2: Subject Site (59 Terrigal Drive) plus 59A and 59B Terrigal Drive

Source: JSA, 2020

The proposed seven room boarding house will include four double rooms (Rooms 1-4) and three single rooms (Rooms 5-7).

At capacity the boarding house would provide accommodation for 11 people.

All rooms are fully self-contained with kitchen and bathroom facilities. Kitchenettes in each room will include a sink, two-burner cooktop, bar fridge, microwave and kettle. In-room bathroom facilities will include a basin, toilet and shower.

All rooms will be fully furnished with window coverings, dining table, chair, lamp and wardrobe.

The development includes an indoor common room near the front entrance of the building and common outdoor space at the rear of the site.

At grade parking will be provided at the front of the site (to the south) accessed via Terrigal Drive for four cars, one motorbike and three bicycles.

The proposed boarding house will be a private development managed by an off-site manager who will be responsible for ensuring that Occupancy Agreement and House Rules are complied with by lodgers in accordance with the *Boarding House Act 2012 (NSW)*.

We have been advised by the Applicant that indicative rental costs for single rooms will range from \$320-\$330 per week and double rooms from \$360-\$370 per week.⁵ If rents were as per the Applicant's estimate, rooms in the proposed boarding house would be affordable to some low income households, but unaffordable to very low income households.

This report is based on the following Plans provided by the Applicant.

Table 1.1: List of Documents Reviewed

Drawing Number	Name
20030, 1/10	Cover Page
20030, 2/10	Site Plan
20030, 3/10	Ground Floor Plan
20030, 4/10	Foundation & Roof Plans
20030, 5/10	Elevations (North & East)
20030, 6/10	Elevations (South & West)
20030, 7/10	Sections
20030, 8/10	Window Schedule
20030, 9/10	BASIX Commitments
20030, 10/10	Landscape Plan & Fence Details

Source: RJS & CE Price, June 2020 and updated August 2020

⁵ Email correspondence from the Applicant, 12/08/2020.

1.2 Description of the locality

A visit to the proposed site and its immediate surrounds was undertaken by Judith Stubbs and Associates on 15 August, 2020 as part of the field work conducted for this Social Impact Assessment. Actual walking distance measurements were undertaken using a Bosch Professional GVM 32 trundle wheel.

The site is zoned R2 Low Density Residential, with boarding houses permitted with consent in this zone under *Gosford Local Environmental Plan 2014*.⁶

The proposal site is located on Terrigal Drive, a busy four-lane thoroughfare connecting Terrigal to the east with Erina and Gosford to the west.



Figure 1-3: View west on Terrigal Drive from Brunswick Road

Source: JSA, 2020

Adjacent neighbours to the proposal site include:

- To the east, 57 Terrigal Drive on the corner of Terrigal Drive and Brunswick Street, which is occupied by a two-storey brick dwelling that has most recently been used as a Chiropractic practice. At the time of the site visit, August 2020, the property including consulting rooms and five bedroom house was advertised for sale.

⁶ Gosford Local Environmental Plan 2014, Land Use Table, Zone R2, Permitted with consent.



Figure 1-4: Adjacent neighbour to the east, 57 Terrigal Drive

Source: JSA, 2020

- To the west and north, two-storey housing within the Blue Point gated estate, accessed via Brunswick Road



Figure 1-5: Entrance to Blue Point estate via Brunswick Road, Terrigal

Source: JSA, 2020

The proposed boarding house is located within easy walking distance to bus stops on Terrigal Drive including the Terrigal Drive at Brunswick Road stop which is located less than 10 metres to the east of the proposal site and the NSW Ambulance Service Terrigal Station bus stop located 180 metres walking distance from the proposal site on the opposite side of Terrigal Drive accessed via signalled crossings.

The nearest shop to the proposal site is a Coles Express service station and convenience store on Terrigal Drive (600 metres from the proposal site).

Duffy's Road oval is the nearest public open space area, 300 metres walking distance from the proposal site.

Table 1.2: Walking Distances from 59 Terrigal Drive to Key Points of Interest in the Locality

Place of Interest	Walking Distance from proposal site
Duffy's Road Oval, off Terrigal Drive and Charles Kay Drive	300 metres
Bus Stop ID 226015 (Terrigal Dr at Brunswick Rd) – services in easterly direction to Terrigal, North Avoca and Wamberal	Directly outside proposal site
Bus Stop ID 2260119 (NSW Ambulance Service Terrigal Station, Terrigal Dr) - services in westerly direction to Erina and Gosford	180 metres
Complete Health At Crossways, GP & medical centre	280 metres
Coles Express Convenience Store	600 metres

Source: JSA, 2020



Figure 1-6: Immediate Locality Map surrounding Proposal Site at 59 Terrigal Drive, Terrigal

Source: JSA, 2020 using Google Maps

1.2.1 Overview of housing in the immediate locality

Housing in the immediate locality of 59 Terrigal Drive includes a mix of older and newer single and two-storey dwellings, and housing within the newly constructed Blue Point estate that includes two-storey detached and semi-detached styles (townhouses).



Figure 1-7: Older single storey detached dwelling at 71 Terrigal Drive, Terrigal

Source: JSA, 2020



Figure 1-8: Mix of single and two-storey detached dwellings on Raymond Terrace

Source: JSA, 2020



Figure 1-9: Newly constructed two-storey detached and semi-detached housing in Blue Point estate

Source: JSA, 2020

1.2.2 Overview of demographic context of the locality

The locality within which the proposed boarding house is an area with a low level of disadvantage, with the SA1 and Terrigal suburb among the upper 70-90% of areas in NSW and Australia for the four Socio Economic Indexes For Australia (SEIFA) indices. Education, employment and income levels in the Terrigal suburb, and to some extent the SA1, are higher than the LGA average. The SA1 and Terrigal suburb have lower levels of need of assistance with a core daily activity compared to the LGA and Greater Sydney, despite a slightly older age profile in the SA1.

The dwelling structure within the SA1 differs to Terrigal suburb with a larger proportion of semi-detached housing and smaller proportion of flats and units. Separate houses are the most common dwelling type in the SA1 and Terrigal suburb, but at a lower level than in the Central Coast LGA. The tenure profile of the SA1 and Terrigal suburb differs from the LGA and Greater Sydney with a larger proportion of owned/mortgaged dwellings and very low levels of social rental housing.

1.2.3 Services and facilities in the locality

There is a medical centre, Complete Health At Crossways, located at 87 Terrigal Drive approximately 280 metres walking distance from the proposal site, that offers general practitioner services plus a range of preventative care programs.⁷ Complete Health At Crossways is open Monday to Friday.

⁷ Complete Health At Crossways, www.completehealthatcrossways.com.au/services, accessed 19/08/2020.



Figure 1-10: Complete Health At Crossways at 87 Terrigal Drive, Terrigal

Source: Google Maps, Image Capture July 2018

The nearest shop to the proposal site is a Coles Express petrol station and convenience store at 252 Terrigal Drive, which is a nine minute walk (600 metres). The Coles Express offers some basic grocery items and also includes coffee, take away food and an ATM.



Figure 1-11: Coles Express, 252 Terrigal Drive

Source: JSA 2020

The Terrigal Beach precinct is a five minute bus ride on routes 67 or 68 and contains numerous cafes and restaurants, banking facilities, clothing stores, a Spar Express grocery store, liquor store, laundrette, chemist and medical practitioners and services.

The nearest large shopping mall is the Erina Fair Shopping Centre which is a 15 minute bus ride via bus routes 67 and 68 and can be accessed from bus stop ID 2260113 (Brunswick Rd before Terrigal Dr) which is an 89 metre walk from the proposal site. Services run twice hourly on weekdays and at least hourly on weekends. Erina Fair is a large indoor shopping complex which

includes a range of supermarkets (Woolworths, Coles and Aldi), Kmart, a cinema complex, fast foods, specialty shops, banking, dental and medical services.

Gosford is approximately 11 kilometres from the proposed site and is a 17 minute trip by car and a 28 minute bus ride via routes 67 and 68 which is also accessed from the abovementioned bus stop ID 2260113. Gosford has a large commercial centre, Gosford Hospital and Gosford Railway Station with train services south to Sydney and north to Armidale.

1.2.4 Parks and open space areas in the locality

The entrance to Duffy’s Road Oval is located 300 metres from the proposal site south of Terrigal Drive. This is a large sporting oval which is also the home of the local football club.



Figure 1-12: Duffy’s Road Oval, Terrigal Drive and Charles Kay Drive

Source: JSA 2020



Figure 1-13: Map of services in wider locality

Source: JSA 2020 using Google Maps

1.3 Public transport accessibility

Bus stop ID 226015 (Terrigal Dr at Brunswick Rd) is located directly outside the proposal site (less than 10 metres to the east) and is serviced by bus routes 67 (Gosford to North Avoca via Terrigal Loop Service) and 68 (Gosford to Wamberal via Terrigal Loop Service) in an easterly direction to Terrigal, North Avoca and Wamberal.



Figure 1-14: Proximity of Terrigal Drive at Brunswick Rd bus stop to proposal site

Source: Google Maps, Image Capture July 2018

Bus stop ID 2260119 (NSW Ambulance Service Terrigal Station, Terrigal Dr) is located a two minute walk (180m) away and provides services on bus routes 67 and 68 in a westerly direction to Erina and Gosford.



Figure 1-15: Bus stop ID 2260119 (NSW Ambulance Service Terrigal Station, Terrigal Dr) services to Gosford and Erina

Source: JSA, 2020

Bus services are provided twice hourly between 6am and 11pm weekdays and at least once hourly between 8am and 6pm on Saturdays and Sundays and therefore complies with the SEPPARH requirements.⁸

Gosford Train Station is an approximately one hour trip by bus and is located on the Main Northern Line which runs between Sydney and Armidale.

1.4 Pedestrian and car movements

Terrigal Drive was observed by JSA to be heavily trafficked, as it is the major road connecting Gosford with Terrigal and other coastal areas to the north. There was little pedestrian traffic and there is no parking along Terrigal Drive. On street parking was available in Raymond Terrace and Brunswick Road.

1.5 Character of the area

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

The character of the area is mixed. Residential development along Terrigal Drive is predominantly characterised by high fences at the rear and front of buildings, with fences to the rear of the large multi dwelling development (Blue Point estate) at 2 Brunswick Road measured at 2.8 metres high and other fences measured at 1.8 metres high.



Figure 1-16: Barrier fencing of Blue Point estate along Terrigal Drive, view from Charles Kay Drive intersection

⁸ Bus Route 67, Gosford to North Avoca via Terrigal (Loop Service) Timetable Valid from 20 July 2020; Bus Route 68 68 (Gosford to Wamberal via Terrigal Loop Service) Timetable valid from 20 July 2020, accessed via www.transportnsw.info, 11/08/2020.

Source: JSA 2020



Figure 1-17: Barrier fencing of Blue Point estate along Terrigal Drive adjacent to proposal site

Source: JSA 2020



Figure 1-18: Front parking of 57 Terrigal Drive, accessed from Brunswick Road

Source: JSA, 2020



Figure 1-19: New housing within Blue Point estate with housing along Raymond Terrace behind

Source: JSA, 2020

Nearby areas, such as Raymond Terrace, are characterised by one and two storey separate housing, while Brunswick Road is characterised by two storey multi dwelling housing.



Figure 1-20: Separate housing to the west of the proposed development along Terrigal Drive

Source: JSA 2020

The south side of Terrigal Drive in the vicinity of the proposed development is generally playing fields and open space, and includes an ambulance station.



Figure 1-21: Ambulance station and open space to the south of the proposed development, view from Raymond Terrace & Terrigal Drive intersection

Source: JSA 2020

Elements of the proposal are similar to elements found in the local area. The single storey flat roof design is similar to the nearby ambulance station, the proposed front parking area is similar to that currently existing on the site and at 57 Terrigal Drive and the 1.5 metre front wall along Terrigal Drive is similar to that currently on the site and to the Terrigal Drive frontage of the multi dwelling development at 2 Brunswick Drive.

2 Relevant Legislation

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

2.1.1 General

The relevant application of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH)* for this proposal, within a **R2 Low Density Residential zone**, is in relation to design standards specific to boarding houses and to good practice as per Division 3.

2.1.2 Accessibility of the area

Under Clause 27(2) of the *SEPPARH* clauses 29, 30 and 30A of Division 3 do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.

The Central Coast LGA is within the **Greater Sydney Region**.

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

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the *Passenger Transport Act 1990*) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

Bus Services

Bus stop ID 226015 (Terrigal Dr at Brunswick Rd) is located directly outside the subject property (less than 10 metres walking distance from the site) and is serviced by bus routes 67 (Gosford to North Avoca via Terrigal Loop Service) and 68 (Gosford to Wamberal via Terrigal Loop Service) in an easterly direction to Terrigal, North Avoca and Wamberal.

Bus stop ID 2260119 (NSW Ambulance Service Terrigal Station, Terrigal Dr) is located a two minute walk (160 m walking distance) from the proposal site and provides services on bus routes 67 and 68 in a westerly direction to Erina and Gosford.

Bus services provided at these bus stops are frequent, with twice hourly services between 6am and 11pm on weekdays and hourly services between 8am and 6pm on Saturday, Sundays and public

holidays⁹ Therefore, the location and frequency of bus services to the proposal site complies with the accessible area requirements of the SEPPARH.

2.1.3 Private Open Space Requirements

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

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

Plans reviewed show common outdoor open space area at the rear of the site of 60m² with a minimum dimension of 3.190 metres.¹⁰ The proposal does not require provision of an on-site manager. The plans therefore meet the private open space requirements of the SEPPARH.

2.1.4 Onsite Parking Requirements

Clause 29(2)(e) of *SEPPARH* sets out the following standards regarding provision of onsite car parking spaces:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and
- (iia) in the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room, and
- (iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

As the development is not being carried out by or on behalf of a social housing provider, the number of car parking spaces required onsite to comply with Clause 29(e)(iia) of the SEPPARH is 0.5 per boarding room ((i.e. $0.5 \times 7 = 3.5$ (**4 spaces**)).

The plans report that **4 car spaces** are provided in compliance with the provisions of the SEPPARH. SEPPARH 2009 also requires the following:

⁹ Bus Route 67, Gosford to North Avoca via Terrigal (Loop Service) Timetable Valid from 20 July 2020; Bus Route 68 68 (Gosford to Wamberal via Terrigal Loop Service) Timetable valid from 20 July 2020, accessed via www.transportnsw.info, 11/08/2020.

¹⁰ Information provided by Applicant via email 25/08/2020; RJS & CE Price (2020) Ground Floor Plan, Drawing 20030.

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

The plans for the proposed boarding house provide for 1 motorbike space and 3 bicycle spaces, which is compliant with the SEPPARH requirements for bicycle spaces, but requires an additional motorbike space in order to comply ((i.e. $7/5 = 1.4$ (1 space)).

2.1.5 Accommodation Size

Clause 29(2)(f) of SEPPARH requires that boarding rooms be a minimum of 12m² for single rooms and 16m² for double rooms, excluding kitchen or bathroom facilities.

Plans provided give dimensions for all boarding house rooms.

The Applicant has provided floor area measurements for each unit that exclude kitchen and bathroom facilities. Rooms 1 to 3 measure 22m² and Rooms 4 to 7 measure 19m², exceeding the minimum size requirements for boarding house rooms required by the SEPPARH.

2.1.6 Other Requirements for Boarding Houses

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

Communal living area

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

The plans indicate that an indoor common room is located at the front of the boarding house opposite Unit 1, plans as of August 2020 do not annotate a total floor area for this room.¹¹ The common room includes a kitchenette, bathroom facilities including toilet and basin, and a balcony with an easterly aspect accessible via sliding doors.

There is no furniture or other facilities detailed in this area.

The provision of this common room meets the requirements of the SEPPARH.

However, the location of the common room could be moved to the rear of the boarding house (room 3) with connectivity to the outdoor common area which could provide future residents with a higher level of amenity and useability.

Maximum floor area, number of lodgers per room,

The proposed boarding house plans show that the gross floor area of any boarding room (excluding bathroom and kitchen facilities) does not exceed 25m². The largest rooms in the building, are 22m², excluding bathroom and kitchen facilities.¹²

¹¹ RJS & CE Price, Ground Floor Plan, Drawing 20030, provided August 2020.

¹² Information provided by Applicant via email 25/08/2020; RJS & CE Price (2020) Ground Floor Plan.

Subclause (c) states that boarding rooms are to be occupied by no more than two lodgers. The rooms proposed are configured to suit singles and couples. Ensuring that rooms are occupied by no more than two lodgers will be undertaken by the off-site manager.

The proposal complies with provisions of the SEPPARH regarding maximum floor area and number of lodgers per room.

Adequate kitchen & bathroom facilities

Subclause (d) states that adequate bathroom and kitchen facilities will be available within the boarding house for use of each lodger. As described, all rooms will be fully self-contained with their own kitchen, bathroom and laundry facilities.

In-room kitchen facilities will include dishwasher, oven, stove and microwave.

In-room bathroom facilities will include toilet, basin and shower. In-room laundry facilities will include a laundry tub.

Kitchen and bathroom facilities are also provided in the indoor common room.

Plans do not show the provision of clotheslines/hoists for outdoor drying, and are recommended to be included.

2.2 Gosford Local Environmental Plan 2014

Under the Gosford Local Environmental Plan 2014 (GLEP 2014), the land at 59 Terrigal Drive, Terrigal is zoned as R2 Low Density Residential. Under this zoning, boarding houses are permitted with consent.



Figure 1-22: Gosford LEP 2014, Zoning, 59 Terrigal Drive, Terrigal indicated

Source: NSW Planning Portal, www.planningportal.nsw.gov.au, accessed 12/08/2020

Maximum height of buildings for the site is 8.5m. Plans show that the roof level of the building at its highest point is 7.360 metres, meeting the height requirements for the site.¹³



Figure 1-23: Gosford LEP 2014, Height of Buildings, 59 Terrigal Drive indicated

Source: NSW Planning Portal, www.planningportal.nsw.gov.au, accessed 12/08/2020

¹³ RJS & CE Price, Sections, June 2020.

2.3 Gosford Development Control Plan 2013

The Gosford Development Control Plan 2013 does not have particular controls pertaining to boarding houses apart from parking requirements. Under Section 4.4.6.5 On-Site Parking, car parking requirements for boarding houses are set out as:

- 1 space/2 bedrooms (or part thereof), plus
- 1 space/residential manager, plus
- 1 space/2 employees
- Motorcycle Parking - 1 space/25 car spaces (or part thereof)

The provision of parking for the proposal of 4 car spaces, 1 motorcycle space and 3 bicycle spaces meet these requirements of the Gosford DCP 2013.¹⁴

It is noted that these parking requirements relate to the Gosford Waterfront area (Section 4.4), however Part 7 General Controls, Section 7.1 Car Parking does not refer specifically to boarding houses.¹⁵

2.4 Boarding Houses Act 2012

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

We understand that the proposed Boarding House will be a general boarding house under the Boarding House Act, and consequently will not house more than one person with additional needs.¹⁶

*1) For the purposes of this Act, a person is a **person with additional needs** if:*

(a) the person has any one or more of the following conditions:

(i) an age related frailty,

(ii) a mental illness within the meaning of the Mental Health Act 2007,

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

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

¹⁴ Gosford Development Control Plan 2013, Part 4 Centres, 4.4 Gosford Waterfront, 4.4.6 Access, Parking and Servicing, 4.4.6.5 On-Site Parking.

¹⁵ Gosford Development Control Plan 2013, Part 7 General Controls, 7.1 Car Parking, 7.1.3 Car Parking Requirement for Specific Land Uses.

¹⁶ Boarding House Act, clause 37(1).

(c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.¹⁷

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

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

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

¹⁷ Boarding House Act, clause 36.

³² Proposed BH 59 Terrigal Drive, Terrigal

3 Demographic and Housing Context

3.1 Comparative Demography of the Boarding House

The proposed boarding house will have 7 rooms, including 4 double rooms and 3 single rooms. At capacity the boarding house will have a maximum of 11 residents.

We have used data from the Australian Bureau of Statistics' Census of Population and Housing 2016 for boarding house residents (i.e. those enumerated in 'Boarding house, private hotel') in Greater Sydney as this provides more reliable data due to the number of such residents compared with the locality. Assuming that the population of this boarding house will be similar to the population of boarding house residents for the Greater Sydney Capital City Statistical Area, the following profile is likely compared to the surrounding area of the Terrigal Suburb:

- Larger proportion of males
- Larger proportion of young adults
- Smaller proportion of older people
- Higher proportion of those never married
- Lower weekly individual income levels
- Lower levels of labour force participation and employed population
- Higher level of unemployment, although this will depend on the affordability of the boarding house rooms for those reliant on an unemployment benefit.
- Higher level of occupations in trades/technical roles, and lower level of occupations in manager/professional roles, among those employed
- Higher levels of attendance of an educational institution
- Higher levels of transience

Details are shown in the table below.

Table 1.3: Predicted demography of residents of proposed boarding house using Boarding House residents in Greater Sydney as a proxy compared to Terrigal suburb

	Terrigal Suburb	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Likely # BH residents when at capacity	Proportion
Males	49%	7	67%
Age 18-24 years	8%	2	22%
Age 25-39 years	17%	3	27%

	Terrigal Suburb	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Likely # BH residents when at capacity	Proportion
Age 40-54 years	20%	2	22%
Age 55-69 years	20%	2	21%
Aged 70+ years	13%	1	6%
Aged 20-69 years	63%	10	87%
Never married (aged 15+ years)	30%	8	70%
Separated or divorced (aged 15+ years)	13%	2	17%
Median gross weekly individual income	\$734	-	\$504
Unemployment rate	5.2%	2	19%
Not in labour force	35%	5	42%
Employed	62%	5	47%
Work as trades or technical, machinery operator, labourer (% of workers 2016)	22%	2	42% (of employed people)
Work as manager or professional (% of workers 2016)	42%	1	25% (of employed people)
Attending educational institution (aged 20+) (2016)	8%	3	27%
Attending technical or further educational institution, university or other tertiary institution (all ages) (2016)	6%	2	17%
Needs assistance with core daily activities (disabled) (2016)	3.7%	1	5%
Will change address in less than one year (2016)	17.4%	4	38%
Will change address in less than five years (2016)	48.5%	7	66%

Source: JSA, calculations 2020, based on data from ABS (2016) Census of Population and Housing, Table Builder.

The proposed boarding house is likely to provide flexible and more long-term accommodation for low income workers, casual or contract workers, and people on aged pensions.

It is noted that under the *Boarding House Act 2012*, a renewable Occupancy Agreement of three or more months may be entered into, although boarding houses can provide normal Residential Tenancy Agreements where more stability in tenure is desired. It is recommended that the boarding house offer residents the option of a Residential Tenancy Agreement to assist with stability.

3.2 Rental Affordability

3.2.1 Overview

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

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

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

3.2.2 Affordable Rental Housing Definition and Benchmarks

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

'Affordable housing' has a statutory definition under the NSW Environmental Planning and Assessment Act 1979 (NSW), being housing for very low, low or moderate income households, where 'very low-income' households as those on less than 50% of median household income; 'low-income' households' as those on 50-80% of median household income, and 'moderate-income' households as those on 80-120% of median household income for Greater Sydney (referred to as 'Greater Sydney Statistical Area' in 2016 ABS Census of Population and Housing).

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

The following table provides benchmarks that are used in this policy when referring to 'affordable housing', in **June Quarter 2020 dollars**, and are consistent with relevant NSW legislation.

Table 1-4: Affordable Housing Income and Rental Benchmarks - Greater Sydney

	Very Low Income Household	Low Income Household	Moderate Income Household
Income Benchmark	<50% of Gross Median Household Income for Greater Sydney	50%-80% of Gross Median Household Income for Greater Sydney	80%-120% of Gross Median Household Income for Greater Sydney

	Very Low Income Household	Low Income Household	Moderate Income Household
Income Range (2)	<\$914 per week	\$915-\$1,464 per week	\$1,465-\$2,196 per week
Affordable Rental Benchmarks (3)	<\$274 per week	\$275-\$439 per week	\$440-\$659 per week

Source: JSA 2020, based on data from ABS (2016) Census of Population and Housing, ABS (2020) Consumer Price Index, indexed to June Quarter 2020 dollars

- (1) All values reported are in June Quarter 2020 dollars
- (2) Total weekly household income
- (3) Calculated as 30% of total household income

It can be seen from the above that for rental to be 'affordable' under statutory definitions, rental would need to be less than \$274 per week for a very low income household, between \$275 and \$439 for a low income household, and between \$440 and \$659 for a moderate income household as per the **Greater Sydney benchmarks**.

3.2.3 The Local Affordability Context

For the June Quarter 2020, there were no new bonds registered for bedsitters in the Central Coast LGA. The median rental for a bedsitter in Greater Sydney is \$355, comparable to a third quartile one-bedroom flat/unit in the Central Coast LGA.

The median rental price for new bonds for single bedroom flats and units in the Central Coast LGA was well below the median for Greater Sydney at \$298 compared with \$450. The median rental price for two bedroom flats and units in Central Coast LGA was also below Greater Sydney at \$360 compared to \$510, with similar trends at the lower and upper ends of the market.

Central Coast LGA is a 'more affordable' area than the Greater Sydney average, however it remains out of reach or 'unaffordable' by definition for most households on very low incomes. This group would find it very difficult to find affordable rental accommodation in Central Coast LGA, even for bedsits and single bedroom apartments at the lower end of the market. Very low income households requiring affordable rents less than \$274 per week are largely excluded from the local market, apart from the most basic first quartile one bedroom dwelling.

The affordability situation for different groups, using the above benchmarks, and for various products is shown in the table below.

Table 1-5: Weekly rental prices for bedsitters, one and two bedroom flats and units in Central Coast LGA and Greater Sydney

		Bedsitter (Total)			One Bedroom Flats & Units			Two Bedroom Flats & Units		
		First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile
Central Coast LGA	Weekly rent	\$-	\$-	\$-	\$260	\$298	\$350	\$325	\$360	\$400
	Affordability				Affordable to upper 5% of very low income band	Affordable to upper 86% of low income band	Affordable to upper 54% of low income band	Affordable to upper 70% of low income band	Affordable to upper 48% of low income band	Affordable to upper 24% of low income band
Greater Sydney	Weekly rent	\$300	\$355	\$440	\$380	\$450	\$515	\$400	\$510	\$625
	Affordability	Affordable to upper 85% of low income band	Affordable to upper 51% of low income band	Affordable to 100% of low income band & 0% of the moderate income band	Affordable to upper 36% of low income band	Affordable to upper 95% of moderate income band	Affordable to upper 66% of moderate income band	Affordable to upper 24% of low income band	Affordable to upper 68% of moderate income band	Affordable to upper 16% of moderate income band

Source: Department of Communities & Justice, Rent & Sales Issue 132, Rent Tables June Quarter 2020, JSA calculations.

3.2.4 Rental Stress – Lone Person Households Renting Privately

As at the time of the 2016 ABS Census, the rate of rental stress for lone person households renting privately in Central Coast LGA is higher than the rate for Greater Sydney (68% compared with 62%). Levels of rental stress for very low income privately renting households are slightly less than those for Greater Sydney (88% compared to 92%) but such households make up a much greater proportion of lone person private renting households in Central Coast LGA (62% compared to 39% in Greater Sydney). Levels of housing stress for low income lone person privately renting households are around 70% of levels for Greater Sydney, while levels of housing stress for moderate income privately renting households are one third of those for Greater Sydney.

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

Table 1-6: Rental Stress, Lone Person Households Renting Privately, Central Coast LGA compared with Greater Sydney, 2016

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

ss Proposed Boarding House: 59 Terrigal Drive, Terrigal

Single Person Households Renting Privately	No.	Central Coast LGA	Greater Sydney
		%	%
Moderate Stress	773	49%	57%
Severe Stress	45	3%	16%
Total Stress	817	52%	73%
Moderate Income	715	11% of all privately renting lone person households	19% of all privately renting lone person households
Not in Stress	612	86%	56%
Moderate Stress	102	14%	41%
Severe Stress	2	0%	3%
Total Stress	103	14%	44%
Very Low and Low Income	5775	85% of all privately renting lone person households	64% of all privately renting lone person households
Not in Stress	1271	22%	16%
Moderate Stress	2135	37%	35%
Severe Stress	2369	41%	49%
Total Stress	4504	78%	84%
Higher Income Households	315	5% of all privately renting lone person households	17% of all privately renting lone person households

Source: JSA, calculations 2019, based on data from ABS Census of Population and Housing 2016

3.2.5 Groups that would benefit from the proposal

The proposed boarding house has the potential to be a benefit to low income lone person private renters that are currently experiencing moderate and severe housing stress, including lower income workers, students and pensioners, if rental costs for the proposed development are set at prices indicated by the Applicant which would be genuinely affordable for these key groups in locality. However, at the rental prices indicated it will not benefit those on very low incomes that are in housing stress; which is a significant portion of the housing need among privately renting lone person households in the LGA.

3.3 Existing Boarding House Accommodation

Across the Central Coast LGA on Census night 2016, there were a total of 136 persons enumerated in a 'Boarding house, private hotel', representing 0.04% of the resident population of the area. In

2016, the ABS data indicated that there were 9 'boarding house, private hotels' in the Central Coast LGA and 0 boarding houses/private hotels were enumerated in Terrigal Suburb.

By comparison, 0.15% of the population of Greater Sydney was counted in boarding houses or private hotels, suggesting that Central Coast LGA is under supplied with this form of accommodation.

The NSW Department of Fair Trading Boarding House Register shows no boarding houses (General Registerable) registered in the Terrigal suburb, and two boarding houses in the surrounding suburbs (located in Erina and Wamberal) based on a search of the register among the surrounding suburbs of Erina, Erina Heights, Wamberal, Picketts Valley and North Avoca.

A search of the register showed a total of five registered boarding houses in Central Coast LGA, three in the former Gosford LGA and two in the former Wyong LGA.¹⁸

3.4 Social Housing

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

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

Of these social housing dwellings, 26% were one bedrooms or bedsits. Around 95% percent of these dwellings were occupied by single persons, 1% were occupied by single parent families and 4% by couples without children.¹⁹

Terrigal state suburb had a total of 24 social housing dwellings which represented 0.6% of all dwellings in this suburb.

The SA1 in which the proposed boarding house is located had no social housing dwellings reported as at 2016.

3.5 Snapshot of rental opportunities in Terrigal and surrounding suburbs

A search of www.domain.com.au was conducted on 12 August 2020 for studio, one and two bedroom accommodation (including granny flats) in Terrigal and suburbs within a five kilometre radius of the proposed site. These suburbs included Erina, Erina Heights, Matcham, Wamberal, Holgate, Picketts Valley, North Avoca and Avoca.

¹⁸ As of 21/08/2020, <http://parkspr.fairtrading.nsw.gov.au/BoardingHouse.aspx>

¹⁹ ABS (2016) Census of Population and Housing, Place of Enumeration, accessed via Table Builder.

In the suburb of **Terrigal** six properties were found for rent. There was one studio apartment available at a rental of \$510.00 per week. There was also a one bedroom apartment advertised at \$330.00 per week. Four two-bedroom properties were advertised (three apartments and one villa) with rentals ranging between \$350.00 and \$750.00 per week, a median rental of \$410.00 per week. These six properties comprised 25% of all properties advertised for rent in the suburb of Terrigal.

Within a **five kilometre radius** a further seven properties were advertised. These properties were located in the suburbs of Erina, North Avoca and Wamberal and comprised 58% of all properties advertised in those suburbs. There was one studio apartment available in Wamberal for a rental of \$350.00 per week and two one bedroom apartments located in Wamberal and North Avoca for rentals of \$340.00 and \$395.00 respectively. Four two bedroom apartments were advertised with rentals ranging between \$350.00 and \$480.00 (median rental \$405.00).

In the **Central Coast LGA** the Rent and Sales Report for June Quarter 2020 did not report a median rental for studio accommodation flats/units. The median rental for a one bedroom unit was \$298.00 and for a two bedroom unit \$360.00. These medians were lower than those found for the available rentals in Terrigal and the five kilometre radius surrounding the proposed site.

3.6 Affordability of Proposed Boarding House

The Applicant has advised that indicative rental costs for rooms rented as singles will range from \$320-\$330 per week and rooms rented as doubles from \$360-\$370 per week.²⁰

Based on the most recent Rent and Sales data for Central Coast LGA, we would expect that rooms in the proposed boarding house would likely rent for around \$240 to \$250 depending on single or dual occupancy (estimate based on 80% of median one-bedroom flat/unit June Quarter 2020). However, the low numbers of studio apartments, one bedroom and two bedroom apartments advertised for rent in August 2020 and the higher prices garnered in Terrigal and the wider locality is noted.

If rents were as per the Applicant's estimate, rooms in the proposed boarding house would be affordable to some low income households and unaffordable to very low income households. Given the affordability context of the LGA, including high levels of housing stress particularly for very low income privately renting lone person households, the project would be a benefit for low income renters in rental stress but would not alleviate housing stress for those earning very low incomes.

²⁰ Email correspondence from the Applicant, 12/08/2020.

4 Crime context

NSW Bureau of Crime Statistics and Research (BOCSAR) reports that,

“Hotspot maps illustrate areas of high crime density relative to crime concentrations in NSW. The hotspots indicate areas with a high level of clustering of recorded criminal incidents for the selected offence...LGAs with crime hotspots do not necessarily have high count of incidents relative to other LGAs. This is because hotspots reflect the density of incidents in specific areas and not the number of incidents in the entire LGA. Hotspots are not adjusted for the number of people residing in or visiting the LGA and so do not necessarily reflect areas where people have a higher than average risk of victimisation.”²¹

Appendix B provides a review of NSW BOCSAR crime statistics (two year trend and rate per 100,000 population) and hotspot maps for the Terrigal suburb, with the proposal site identified.

The Terrigal suburb has higher crime rates than NSW for some the offence types reviewed (assault non-domestic, theft-motor vehicle and theft-steal from person). The rate of incidents of non-domestic assault in Terrigal suburb is one and a half times higher than the state average. There are no hotspots located within the Terrigal suburb for non-domestic assault, robbery or theft-steal from person. Whilst there are hotspots in Terrigal for other offence types, the proposed boarding house site is not located within any high density crime hotspots. It is located on the edge of a low density hotspot for assault domestic.

The proposed development is located within a low crime environment.

²¹ Burgess, M (2011) Understanding crime hotspot maps, NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics, Bureau Brief, Issue paper no 60, April, Pg 3.

5 Amenity

5.1 Boarding House Residents

5.1.1 Internal Amenity

Based on the information and plans provided, the internal amenity of the boarding house is good as all rooms meet the size requirements of the SEPPARH and are self-contained with their own private kitchen, bathroom and laundry facilities.

As stated, in-room kitchen facilities will include a dishwasher, oven, stove and microwave; and the in-room laundry will include a wash tub.

Plans provided do not provide detail in terms of the furniture and other furnishings that will be provided in rooms. The Applicant has advised that all rooms will be furnished with a dining table, chair, window coverings, desk, lamp and wardrobe.

Apart from the indicative kitchen bench area, plans do not show provision of in-room storage/wardrobe for personal items. Each room should have a wardrobe for residents to store their clothing and personal items.

There is also no provision of a bulky storage area, such as for cleaning products and non-personal items like a vacuum that may or may not be lockable.

Each room also has a balcony of private outdoor open space with either an easterly or westerly aspect depending on what side of the building the room is on. The provision of a private balcony will add to the amenity for residents, as they will have their own place to sit and utilise as opposed to solely relying on the common outdoor open space area. However, these balconies look directly onto the adjoining neighbours to the east (57 Terrigal Drive) and to the west (one of the properties within the gated Blue Point estate). There are four balconies on the east side including three resident rooms and the common room; and four resident room balconies on the west side.

The location of these balconies has potential amenity impacts with regards to privacy and overlooking for adjoining neighbours (57 Terrigal Drive and the Blue Point estate neighbour) as well as future boarding house residents. It is noted that the Applicant has sought a variation for a reduced side setback area to accommodate the single storey design of the development, from an average of 4m and minimum 3.5m as per the Gosford DCP.²² The Applicant reports in the SEE that,

“Variation- A 0.95m side setback is proposed which is consistent with the Single Dwelling DCP. Given the single storey nature of the proposed development this is considered to have minimal impact. Note that an increased rear and side setback could be achieved, however, for the development to be feasible a design change to increase to two-storeys with up to 12

²² Gosford Development Control Plan 2013, Part 3 Specific Controls and Development Types, Residential, 3.3 Multi Dwelling Housing and Residential Flat Buildings, Section 3.3.3.2 – Setbacks.

Units would be required, and this would be considered a greater impact to neighbouring properties rather than having a single storey development with reduced setbacks.”²³

Whilst this SIA is tasked with assessing this proposal, we are familiar with other two-storey boarding house developments within R2 zoned areas with less than 12 rooms that have been designed in consideration of the potential amenity and privacy impacts due to overlooking for adjoining neighbours and future residents.

The proposal includes one indoor common room at the front (south) of the building near the entrance and opposite Unit 7 in the plans.²⁴ Plans do not annotate a total floor area of the indoor common room excluding kitchen and bathroom facilities. Plans show kitchen and bathroom facilities in the common room including sink, bench space and bathroom facilities including a toilet and basin. The common room has a balcony with a westerly aspect. Plans do not show detail with regard to furniture or other furnishings that will be provided in this space for residents.

Whilst the provision of this common room meets the requirements of the SEPPARH, amenity for residents could perhaps be enhanced by moving this room to the rear of the building (e.g. Unit 3) with connectivity to the common outdoor open space such as through the provision of a rear deck/balcony from the common room.

5.1.2 External Amenity

The proposal includes a common outdoor area at the rear of the property of 60m² with a width of 3m. This area is accessible via a set of six stairs at the rear of the property. Plans do not show any facilities or furnishings in this area, such as decking, seating or clothes drying lines. As such, it is presumed that residents will utilise their balconies for clothes drying. The SEE reports that glass semi-frameless balustrades will be used for the balconies.²⁵ The use of glass for the balustrades for balconies, while allowing more light into rooms, will also reduce privacy and screening for future residents and neighbours.

Generally, the external amenity of the neighbourhood is good. The proposed boarding house is located in close proximity by walking distance to public transport options (bus stops) that provide good access to larger shopping and service areas and employment centres including Terrigal, Erina and Gosford. Public open space at Duffy’s Reserve is also in close proximity to the proposal site providing facilities, amenities and opportunities for passive and active recreation.

There is no grocery shop or supermarket within walking distance from the proposal site. The Coles Express provides access to some basic essential items, but would not meet the grocery needs of future residents. A bus ride to either Terrigal where there is a Spar Express grocery (5 minute bus ride) or to Erina Fair Shopping Centre (15 minute bus ride) where there are Woolworths, Coles and Aldi will be required.

²³ Cox, L (2020) Statement of Environmental Effects: Proposed Boarding House 59 Terrigal Drive, Terrigal, June, Pg 11-12.

²⁴ RJS & CE Price, Ground Floor Plan, August 2020.

²⁵ Cox, L (2020) Statement of Environmental Effects: Proposed Boarding House 59 Terrigal Drive, Terrigal, June, Pg 15.

5.2 Residents living in the locality

5.2.1 Parking

During the site visit conducted by JSA there were a few cars parked on the street in nearby streets of Raymond Terrace and Brunswick Street, with on-street parking available. There is no on-street parking possible on Terrigal Drive.



Figure 1-24: On-street parking available Raymond Terrace, Terrigal

Source: JSA, 2020

The no stopping zone on Terrigal Drive near the proposal site is occupied by a bike lane.



Figure 1-25: Bike lane on Terrigal Drive in front of proposal site (59 Terrigal Drive, Terrigal)

Source: JSA, 2020

5.2.2 Noise and privacy

The immediate locality of the proposal site was observed by JSA to be quiet residential neighbourhoods with some commercial/service, in close proximity to the busy four-lane thoroughfare of Terrigal Drive.

As described above, there may be amenity impacts from residents using their balconies on the east and west sides of the property for the immediately adjoining neighbours. There may also be some impacts associated with the use of the outdoor common area at the rear of the property for adjacent neighbour within the Blue Point Estate which appear to back on to the proposal site.

Potential impacts could be managed by time restrictions on use of the common outdoor area and a transparent and robust procedure for handling complaints set out in the Plan of Management (**Appendix C**). Privacy impacts could be further mitigated by the use of privacy glass/semi-transparent material for balcony balustrades and the provision of 1.8 metre fencing and plantings between the development and adjacent lots.

JSA has not sighted an Acoustic Report for this proposal and would defer to an expert's view with regard to these issues.

5.2.3 Anti-social behaviour

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

As the development is to be managed from off-site, the Plan of Management must have sufficient procedures in place to ensure that amenity impacts for future residents and neighbours are mitigated to the greatest extent possible.

5.3 Survey of neighbours & local residents

A survey of neighbours and local residents was carried out by JSA on 15 August 2020. A total of 7 properties were door knocked, including properties on Raymond Terrace and Terrigal Drive. Access was not available to the adjacent multi dwelling development (2 Brunswick Road) and a letter was dropped off to 15 selected residences thought to be in closest proximity to the proposal site.

Four households completed the survey via doorknock and there was no answer at 3 households that were door knocked.

Participants were provided with basic information about the proposal, as JSA had been provided with at the date of the site visit and survey - the proposal was to be a private boarding house comprised of nine self-contained rooms over one storey with private balconies, common indoor and outdoor areas, and on-site parking spaces for six cars. It is noted that the Applicant revised

plans for the development by reducing the number of rooms to seven, after the site visit and survey was undertaken.

Overall, the four residents surveyed feel positively about living in the area noting the quiet area and proximity to services.

Three out of the four residents surveyed had concerns regarding the development.

- One resident expressed concern about low income residents of the boarding house and impacts to privacy due to potential overlooking;
- One resident was concerned about the impact of the proposal to on-street parking; and
- One resident expressed concern about noise.

None of the respondents who had concerns reported any suggestions for ways in which their concerns could be addressed by the Applicant.

JSA did not receive any calls from residents that were letterboxed to complete the survey over the phone.

We note that the proposal has recently been on exhibition by Central Coast Council (closed 21 August 2020). During the advertising period, approximately 58 submissions were received including 51 submissions in opposition to the proposal and 7 submissions in support.

A basic thematic analysis of main concerns raised by submissions in objection to the proposal was undertaken. The primary concerns raised related to:

- Future boarding house residents and their characteristics (low socio-economic, 'undesirables'), potential poor behaviour and concerns about management of their behaviour (41%, n=21 of submissions in objection).
- Physical aspects of the proposal and resultant amenity impacts, particularly setbacks, bulk and scale, fitting in with the character of the neighbourhood, lighting, privacy (14%, n=7 of submissions in objection).
- Parking and traffic impacts (6%, n=3 of submissions in objection).
- Other concerns (39%, n=20 submissions in objection) related to reduced property values, increased waste, breach of planning laws.

The seven submissions received in support for the proposal identified the provision of affordable housing, the suitability of the location due to its proximity to transport and services and benefits for community groups like key workers as reasons to support the proposal.

It is important to note that JSA does not have access to detailed information about each submission, such as their location in relation to the proposal site, in order to assess the reasonableness of some of the concerns raised.

5.4 The potential for community opposition to the proposed development

Some 'new generation' boarding house developments have been portrayed in the media, particularly in Sydney, as highly controversial and a lightning rod for community opposition regarding the 'type' of people who they fear will be future tenants (e.g. 'transients', 'paedophiles', 'deviants' and 'drug addicts').²⁶ However, recent JSA research on community resistance to affordable housing developments²⁷ shows how these types of development will have varying levels of opposition due to a variety of factors including the location of the development, the size, scale and design of the development, the way in which the development is marketed by private proponents, and the quality and responsiveness of management once operational.

This JSA research profiled a number of case study developments with varying levels of community opposition at DA stage. Post occupancy surveys in all cases indicated that there were no problems experienced in relation to these developments once occupied. It also indicates that there is no evidence that community fears about deviants and problem tenants have been realised in such developments. Of relevance, four of the case studies were for boarding house developments in the Greater Sydney area. Only one of these developments was controversial to neighbours during the planning process. Neighbours who responded to a post-occupancy survey by JSA indicated that no adverse impacts have been experienced in the locality since development and occupancy.

As detailed above, the doorknock survey of neighbours revealed three residents that have concerns about the proposal. The recent advertisement of the proposal by Council generated 51 submissions in opposition to the proposal. Overall, the level of concern about the proposal is relatively high. While a range of concerns are raised, the most common concerns relate to 'who' will be living in the boarding house, how it will be managed to ensure amenity impacts are not experienced by neighbouring residents and physical attributes of the proposal. Again, without locational information for the submissions it is not possible to make definitive comments regarding the reasonableness of these concerns.

It is important that boarding house proposals include an appropriately robust Plan of Management and set of House Rules to minimise potential amenity impacts for future residents and neighbours that includes clear complaints handling procedures. A Plan of Management for the proposal that satisfies these requirements is set out at **Appendix C**.

²⁶ For an example, 'You wouldn't like a boarding house next to your home': Cromer residents speak out against development, Sydney Morning Herald, 14 October 2015, accessed online at <http://www.smh.com.au/nsw/you-wouldnt-like-a-boarding-house-next-to-your-home-cromer-residents-speak-out-against-development-20151014-gk9byh.html#ixzz48sCVLBpz>

²⁷ Judith Stubbs and Associates (2016) *Responding to Community Resistance to Affordable Housing Developments*, Reports prepared for the NSW Federation of Housing Associations.

Appendix A: Demographic Profile of Locality

To gain an understanding of the context of the proposed boarding house site, a demographic profile have been provided for SA1 1103916 (the smallest Census area containing the proposal site with a population of xx people in 2016) in comparison with demographics for Terrigal State Suburb, Central Coast LGA and Greater Sydney. This information has been separated into selected person characteristics, education, employment and income and dwelling characteristics using data for place of usual residence.

Statistical Area Level 1, 1103916

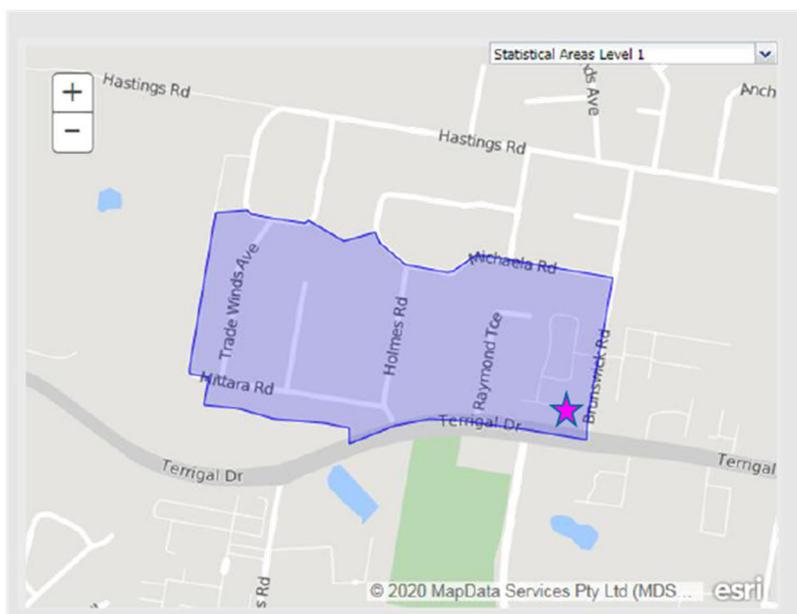


Figure A-1-26: Statistical Area Level 1, 1103916 with 59 Terrigal Drive, Terrigal indicated with star

Source: www.abs.gov.au

Terrigal State Suburb

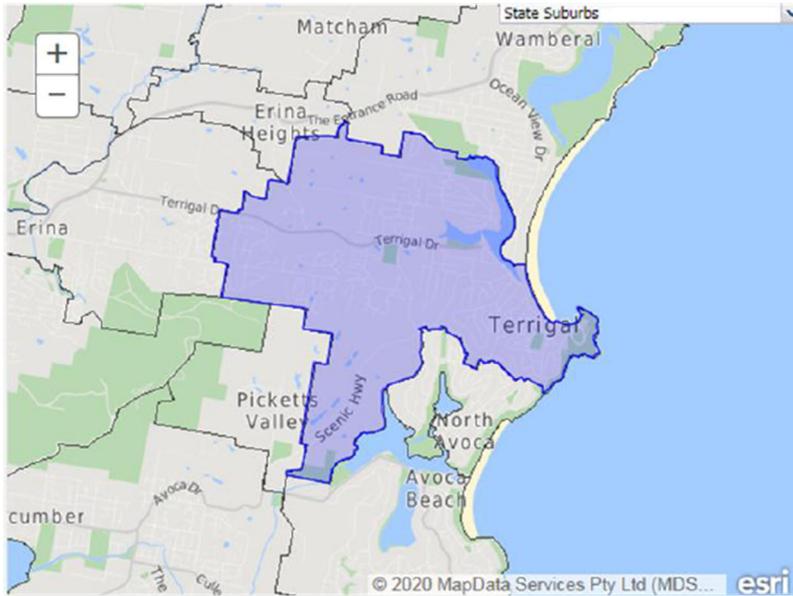


Figure A-1-27: Terrigal State Suburb

Source: www.abs.gov.au

Central Coast LGA

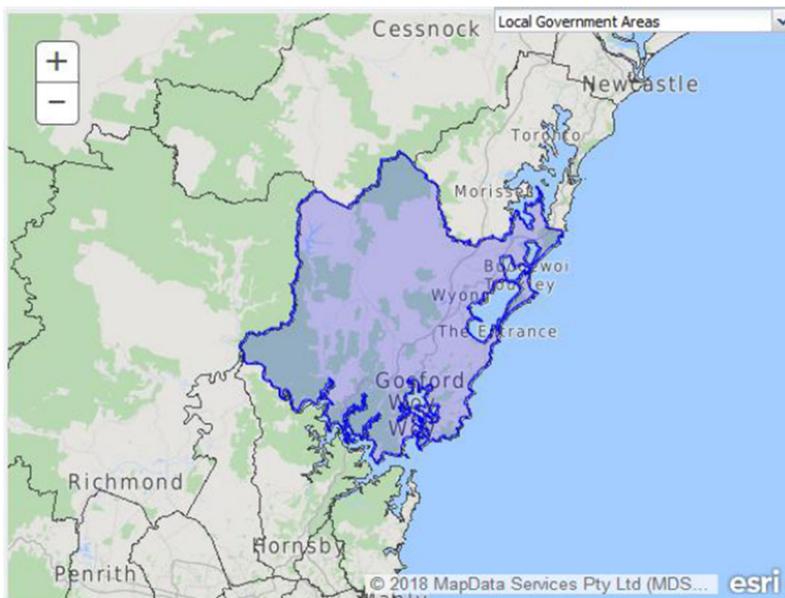


Figure A-1-28: Central Coast Local Government Area

Source: www.abs.gov.au

50 Proposed Boarding House: 59 Terrigal Drive, Terrigal

Greater Sydney

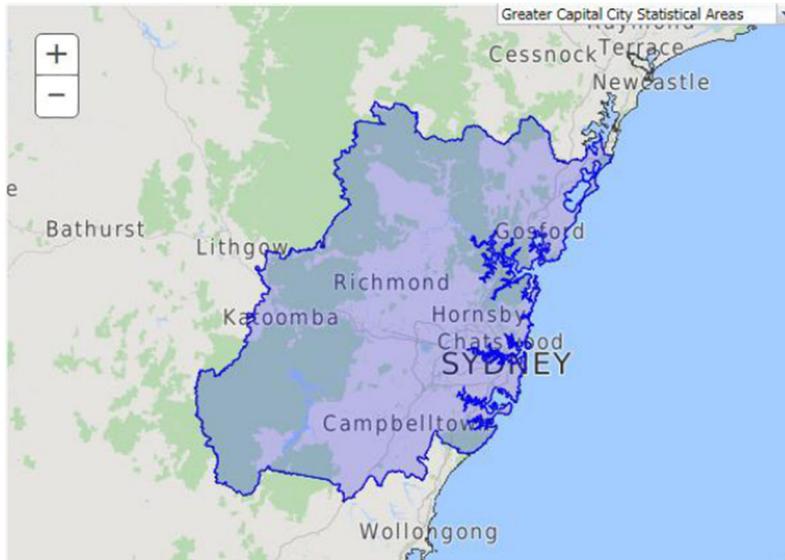


Figure A-1-29: Greater Sydney – Greater Capital City Statistical Area

Source: www.abs.gov.au

Overview

The locality within which the proposed boarding house is located has a low level of disadvantage, with the SA1 and Terrigal suburb among the upper 70-90% of areas in NSW and Australia for the four Socio Economic Indexes For Australia (SEIFA) indices. Education, employment and income levels in the Terrigal suburb, and to some extent the SA1, are higher than the LGA average. The SA1 and Terrigal suburb have lower levels of need of assistance with a core daily activity compared to the LGA and Greater Sydney, despite a slightly older age profile in the SA1.

The dwelling structure within the SA1 differs to Terrigal suburb with a larger proportion of semi-detached housing and smaller proportion of flats and units. Separate houses are the predominate dwelling type in the SA1 and Terrigal suburb, but at a lower level than the LGA. The tenure profile of the SA1 and Terrigal suburb differs from the LGA and Greater Sydney with larger owned/mortgaged dwellings and very low levels of social rental housing.

The demographic and housing profile of the locality is looked at in more detail below.

Socio-Economic Indexes for Australia (SEIFA)

The table below shows the scores and decile rankings for areas in NSW and Australia for the SA1 and Terrigal suburb for the four SEIFA indexes. The area is among the highest 70-90% of areas

across the four indices compared to either NSW or Australia. The SA1 and particularly Terrigal suburb are areas with low levels of disadvantage across these indices.

Table A.7: SEIFA Scores and Decile Rankings for SA1 1103916 and Terrigal Suburb

	SA1 1103916	Terrigal Suburb
Index of Relative Socio Economic Disadvantage		
Score	1073	1066
Decile ranking within NSW	8	9
Decile ranking within Australia	8	9
Index of Relative Socio Economic Advantage and Disadvantage		
Score	1062	1069
Decile ranking within NSW	7	9
Decile ranking within Australia	8	9
Index of Economic Resources		
Score	1062	1061
Decile ranking within NSW	7	7
Decile ranking within Australia	8	8
Index of Education and Occupation		
Score	1041	1068
Decile ranking within NSW	7	9
Decile ranking within Australia	7	9

Source: ABS (2016) SEIFA

Person Characteristics

The SA1 of the proposal site, 1103916 has a greater proportion of females than the benchmark areas and a slightly older age profile compared to Terrigal suburb and Central Coast LGA (which also have a slightly older age profile than Greater Sydney). The proportion of residents from an Indigenous background is similar in the SA1 and Terrigal suburb compared to Greater Sydney, but lower than the LGA. The SA1 and Terrigal suburb have lower proportions of those in need of assistance with a core daily activity than the LGA and Greater Sydney.

Table A-8: Selected person characteristics of residents of SA1 1103916, Terrigal Suburb and Central Coast LGA compared with Greater Sydney

	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
Sex				
Male	46%	49%	48%	49%
Female	53%	51%	52%	51%
Age				
0-9	9%	12%	12%	13%
10-19	12%	12%	12%	12%
20-29	13%	12%	11%	15%
30-39	10%	11%	11%	16%
40-49	11%	13%	13%	14%
50-59	14%	14%	13%	12%
60-69	14%	13%	12%	9%
70-79	13%	9%	9%	6%
80-89	3%	3%	5%	3%
90+	0%	0%	1%	1%
Indigenous Profile (INGP)	1%	2%	3.8%	1.5%
Needs Assistance with Core Daily Activities	3.4%	3.7%	6.9%	5.2%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1103916, Terrigal Suburb, Central Coast LGA and Greater Sydney.

Country of birth

The SA1, Terrigal Suburb and the Central Coast LGA are characterised by high proportions of those born in Australia (78%, 75% & 79% respectively) compared with Greater Sydney (57%). Predominate countries of birth amongst SA1 resident population include England, New Zealand South Africa and Scotland.

Table A-9: Top 5 country of birth responses for residents of SA1 1103916, Terrigal State Suburb and Central Coast LGA compared with Greater Sydney

	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
1	Australia (78%)	Australia (75%)	Australia (79%)	Australia (57%)

	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
2	England (7%)	England (7%)	England (5%)	China (excluding SARs & Taiwan) (5%)
3	New Zealand (3%)	New Zealand (2%)	New Zealand (2%)	England (3%)
4	South Africa (2%)	South Africa (1%)	Scotland (1%)	India (3%)
5	Scotland (2%)	Scotland (1%)	Philippines (1%)	New Zealand (2%)

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1103916, Terrigal Suburb, Central Coast LGA and Greater Sydney.

Education

The SA1 of the proposed site has higher levels of those with post-schooling qualification (59%) compared with the Greater Sydney average (58%) and the LGA (51%). The proportion of those holding a Bachelor degree or higher in the SA1 was 21% compared with 33% for Greater Sydney. The Terrigal suburb has a higher rate of higher qualifications than the Central Coast LGA.

Table A-10: Secondary and Tertiary education completed by residents of SA1 1103916, Terrigal State Suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
Post-Schooling Qualification (All people)				
Post-Graduate	2.5%	5.1%	3%	8%
Grad. Dip/Grad Cert.	1.4%	2.5%	2%	2%
Bachelor Degree	17%	20%	12%	22%
Adv. Dip/Dip Level	13%	13%	11%	11%
Cert. Level (I, II, III & IV)	26%	20%	24%	14%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1103916, Terrigal Suburb, Central Coast LGA and Greater Sydney.

School completion rates in the SA1 and the Terrigal suburb are higher than the Central Coast LGA but below Greater Sydney. 53% and 57% of residents in the SA1 and Terrigal suburb respectively completed Year 12 compared to 65% for Greater Sydney.

Table A-11: Highest year of secondary education (people aged 15+) for SA1 1103916, Terrigal State Suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
Highest Year of Secondary Education (people aged 15+)				

5+ Proposed Boarding House: 59 Terrigal Drive, Terrigal

Indicator	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
Year 12	53.4%	57.4%	44%	65%
Year 11	9.9%	7.1%	8%	5%
Year 10	29.2%	26.6%	33%	18%
Year 9	6.0%	6.2%	10%	5%
Year 8 or below	0.8%	2.5%	5%	4%
Did not go to school	0.0%	0.2%	0%	1%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1103916, Terrigal Suburb, Central Coast LGA and Greater Sydney.

Employment & Income

The labour force participation rate for the SA1 and Terrigal suburb is similar to Greater Sydney and higher than the LGA. The unemployment rate in the SA1 and Terrigal suburb at the time of the 2016 Census was lower than the LGA and Greater Sydney.

The main industries of employment in the SA1 and Terrigal suburb are health care and social assistance, construction, retail trade and education and training.

Personal and household income levels in the SA1 and Terrigal suburb are much higher than the Central Coast LGA. Median individual income levels are higher than Greater Sydney as well, with household income levels below Greater Sydney.

Table A-12: Employment and Income demographics of SA1 1103916, Terrigal State Suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
Labour Force Status				
Employed	61%	62%	56%	62%
Not in the Labour Force	36%	35%	40%	34%
Unemployment rate	3.5%	5.2%	7%	6%
Top Industries of Employment				
-	Health Care and Social Assistance (18%)	Health Care and Social Assistance (17%)	Health Care and Social Assistance (16%)	Health Care and Social Assistance (12%)
-	Construction (12%)	Construction (12%)	Construction (12%)	Professional, Scientific and

Indicator	SA1 1103916	Terrigal State Suburb	Central Coast LGA	Greater Sydney
-	Retail Trade (12%)	Education and Training (10%)	Retail Trade (12%)	Technical Services (10%)
-	Education and Training (11%)	Retail Trade (10%)	Education and Training (8%)	Retail Trade (9%)
Median Weekly Income (2016 \$)				
Personal	\$738	\$734	\$601	\$719
Household	\$1,563	\$1,679	\$1,263	\$1,747

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1103916, Terrigal Suburb, Central Coast LGA and Greater Sydney.

Dwelling Characteristics

The dwelling structure profile of the SA1 appears somewhat different to the Terrigal suburb, with a larger proportion of semi-detached housing and a smaller proportion of flats and units. Separate houses are the predominate dwelling type in the SA1 and Terrigal suburb, but at 68% of dwellings is a smaller proportion of dwellings in the LGA that are separate dwellings (77%) and a larger proportion than in Greater Sydney (55%).

The tenure profile of the SA1 and Terrigal suburb differs from the LGA and Greater Sydney with larger proportions of owned/mortgaged dwellings and very low levels of social rental housing at less than 1% compared to 4% in the LGA and 5% for Greater Sydney.

The SA1 and Terrigal suburb have a higher than average rate of car ownership compared with the Central Coast LGA, with only 3% and 4% of households respectively owning no motor vehicle compared with 7% for the LGA; and 65% and 64% owning two or more vehicles compared with 54% of households in the LGA.

Table A-13: Dwelling characteristics in SA1 1103916, Terrigal State Suburb and Central Coast LGA compared with Greater Sydney

Indicator	SA1 1103916	Terrigal suburb	Central Coast LGA	Greater Sydney
Dwelling Structure				
Separate House	68%	68%	77%	55%
Semi-detached, row or terrace house, town house etc	26%	8%	13%	14%
Flat, unit or apartment	6%	24%	9%	30%
Other dwelling type	0%	0%	1%	1%

Indicator	SA1 1103916	Terrigal suburb	Central Coast LGA	Greater Sydney
Tenure & Landlord Type				
Owned outright/with mortgage	77%	74%	71%	65%
Rented (private)	23%	25%	24%	30%
Rented (social)	0%	0.6%	4%	5%
Other tenure type	0%	1%	2%	1%
Number of motor vehicles per dwelling				
None	3%	4%	7%	12%
One	33%	32%	38%	38%
Two	41%	43%	36%	34%
Three	17%	14%	12%	10%
Four or more	7%	7%	6%	6%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1103916, Terrigal Suburb, Central Coast LGA and Greater Sydney.

Appendix B: NSW BoCSAR Crime Data & Maps

The Table below shows the two year trend to March 2020 and the incident rate (per 100,000 population) for the Year to March 2020, for the **Terrigal suburb** compared to NSW for a range of offence types. Crime hotspot maps for a range of offences for the Terrigal suburb for the period April 2019 to March 2020 (the most recent period available at the time of writing) follow.

Table B-14: NSW BoCSAR Incident Rates Terrigal State Suburb & Subject Site w/in Hotspot

Offence Type	Area	2 Yr Trend to March 2020	Rate (per 100,000 population) Yr to March 2020	59 Terrigal Drive w/in Hotspot?
Assault – Domestic	Terrigal Suburb	Stable	288.8	No
	NSW	Up 4.1% per year	393.8	
Assault – Non Domestic	Terrigal Suburb	Stable	643.8	No
	NSW	Up 0.7% per year	398.7	
Robbery	Terrigal Suburb	n.c.	24.8	No
	NSW	Stable	31.0	
Theft – Break and Enter dwelling	Terrigal Suburb	Stable	222.8	No
	NSW	Stable	316.2	
Theft - break & enter non-dwelling	Terrigal Suburb	Stable	33.0	No
	NSW	Stable	124.2	
Theft - motor vehicle theft	Terrigal Suburb	Stable	173.3	No
	NSW	Stable	167.4	
Theft – steal from motor vehicle	Terrigal Suburb	Stable	412.6	No
	NSW	Stable	471.4	
Theft- steal from Dwelling	Terrigal Suburb	Stable	214.5	No
	NSW	Stable	235.9	
Theft - steal from person	Terrigal Suburb	n.c.	49.5	No
	NSW	Down 10.4% per year	44.7	
Malicious Damage to Property	Terrigal Suburb	Down 26.3% per year	462.1	No
	NSW	Stable	701.8	

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 12/08/2020.

NSW BoCSAR Crime Hotspot Maps

Assault Domestic

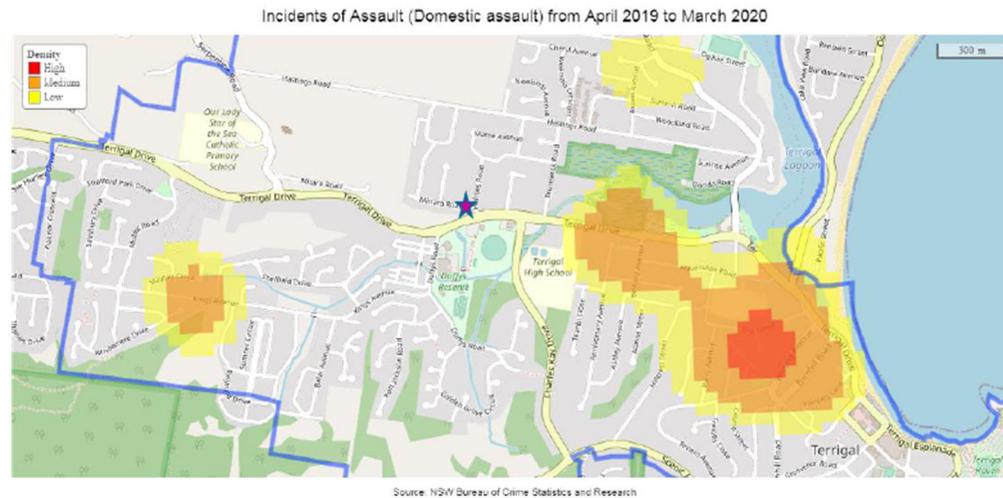


Figure B-1-30: Incidents of Assault (Domestic assault) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 12/08/2020.

Assault Non-Domestic



Figure B-1-31: Incidents of Assault (Non-domestic assault) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 12/08/2020.

Robbery

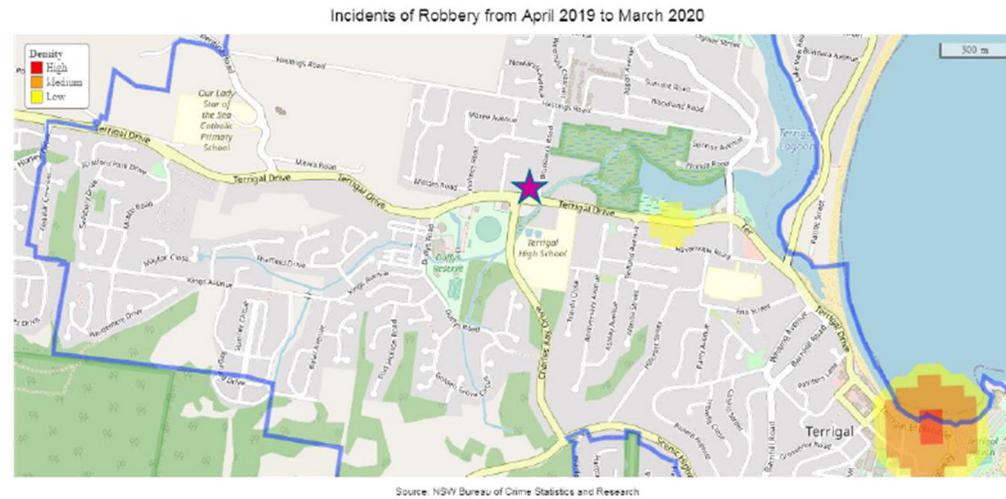
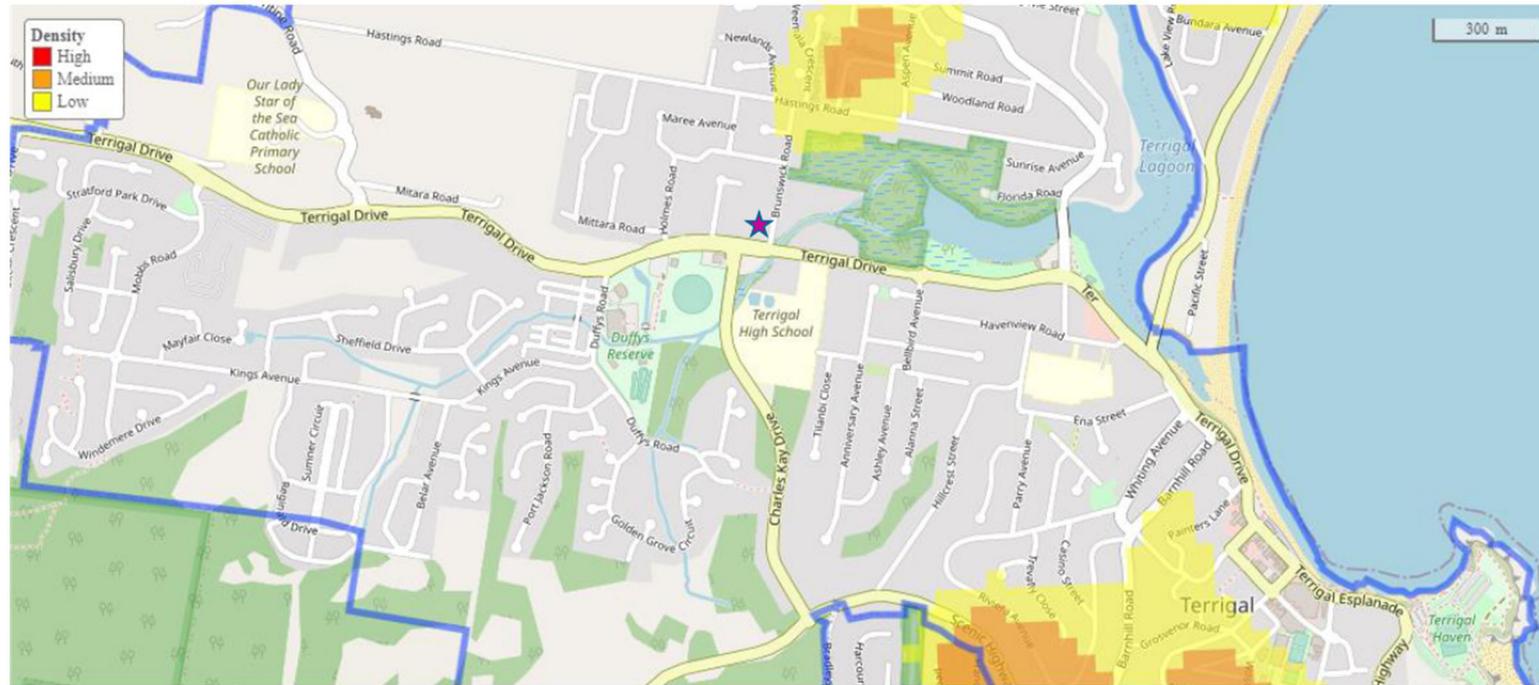


Figure B-1-32: Incidents of Robbery from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 12/08/2020.

Theft - Break and Enter Dwelling

Incidents of Theft (Break & enter dwelling) from April 2019 to March 2020



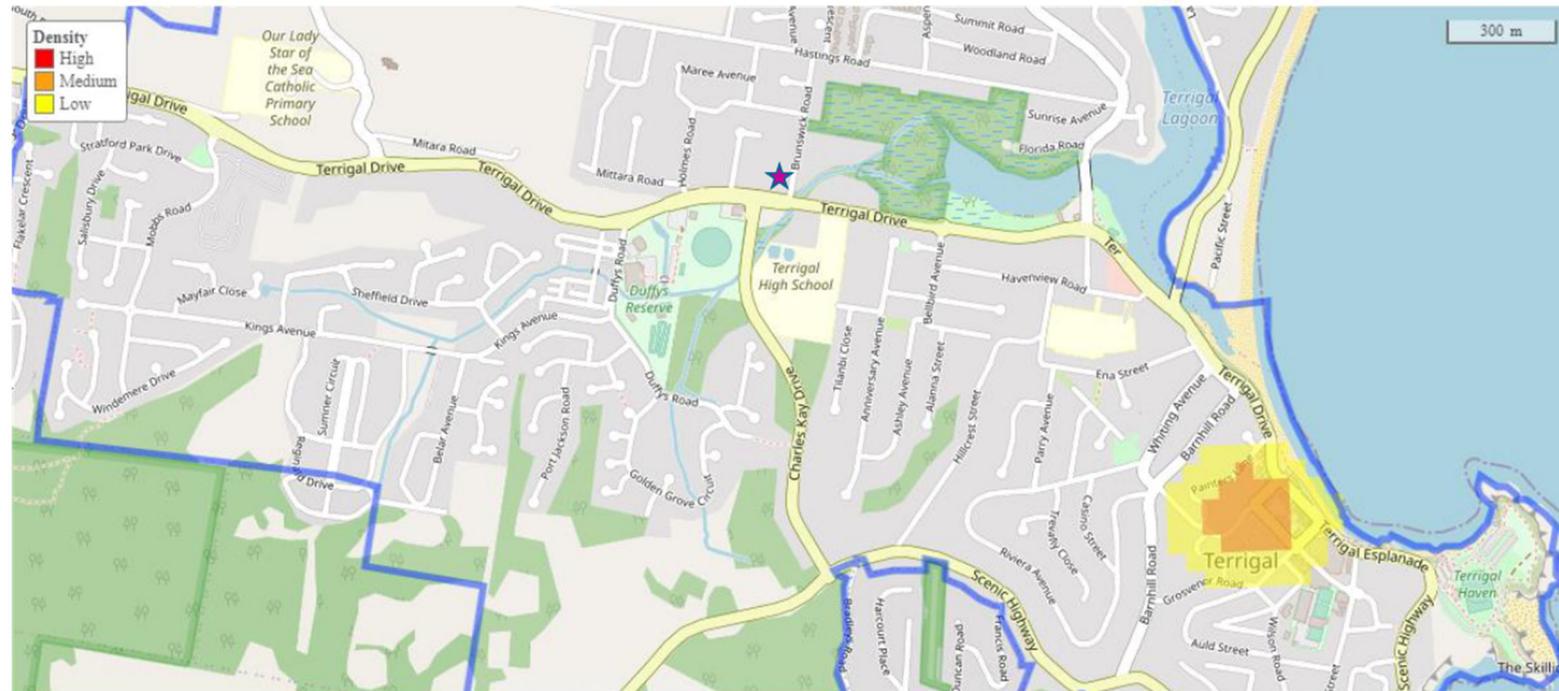
Source: NSW Bureau of Crime Statistics and Research

Figure B-1-33: Incidents of Theft (Break & enter dwelling) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

Theft- Break & enter non-dwelling

Incidents of Theft (Break & enter non-dwelling) from April 2019 to March 2020



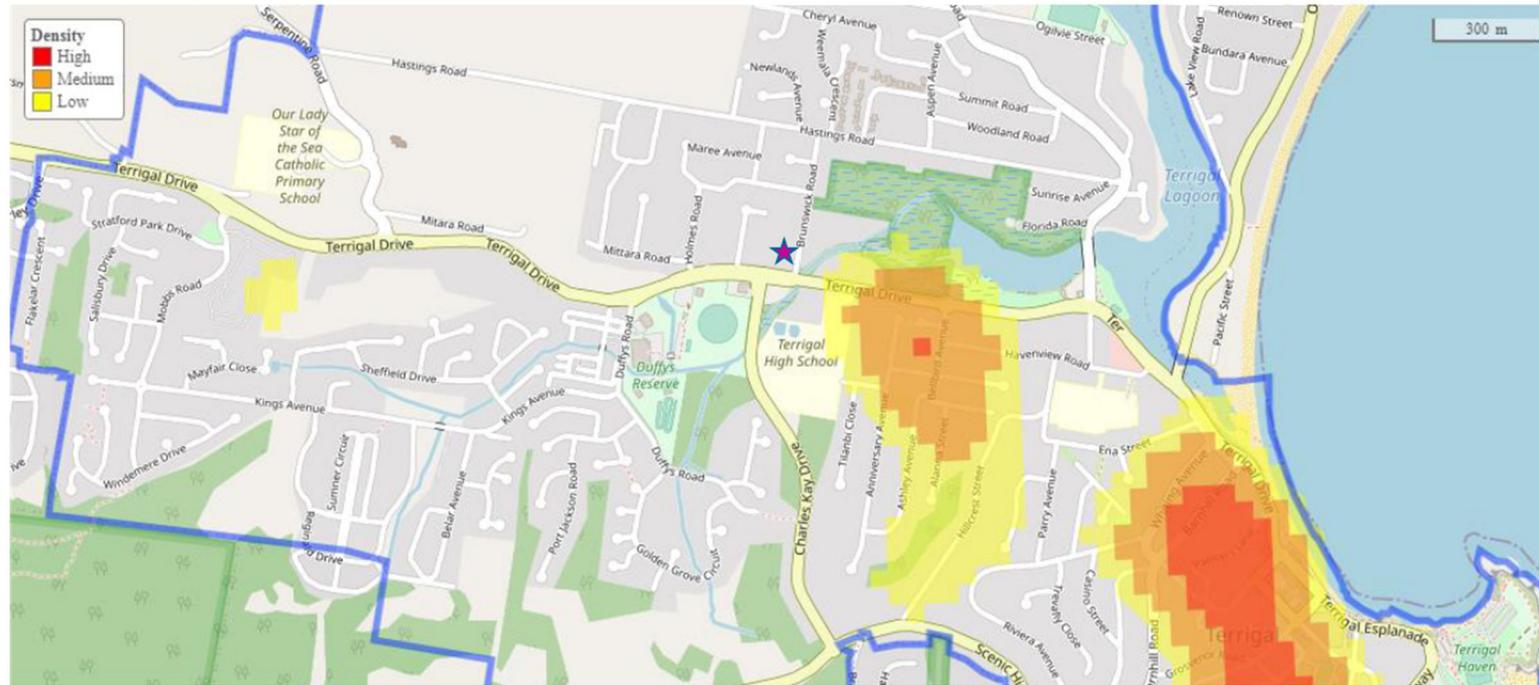
Source: NSW Bureau of Crime Statistics and Research

Figure B-1-34: Incidents of Theft (Break & enter non-dwelling) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

Theft – Motor Vehicle theft

Incidents of Theft (Motor vehicle theft) from April 2019 to March 2020



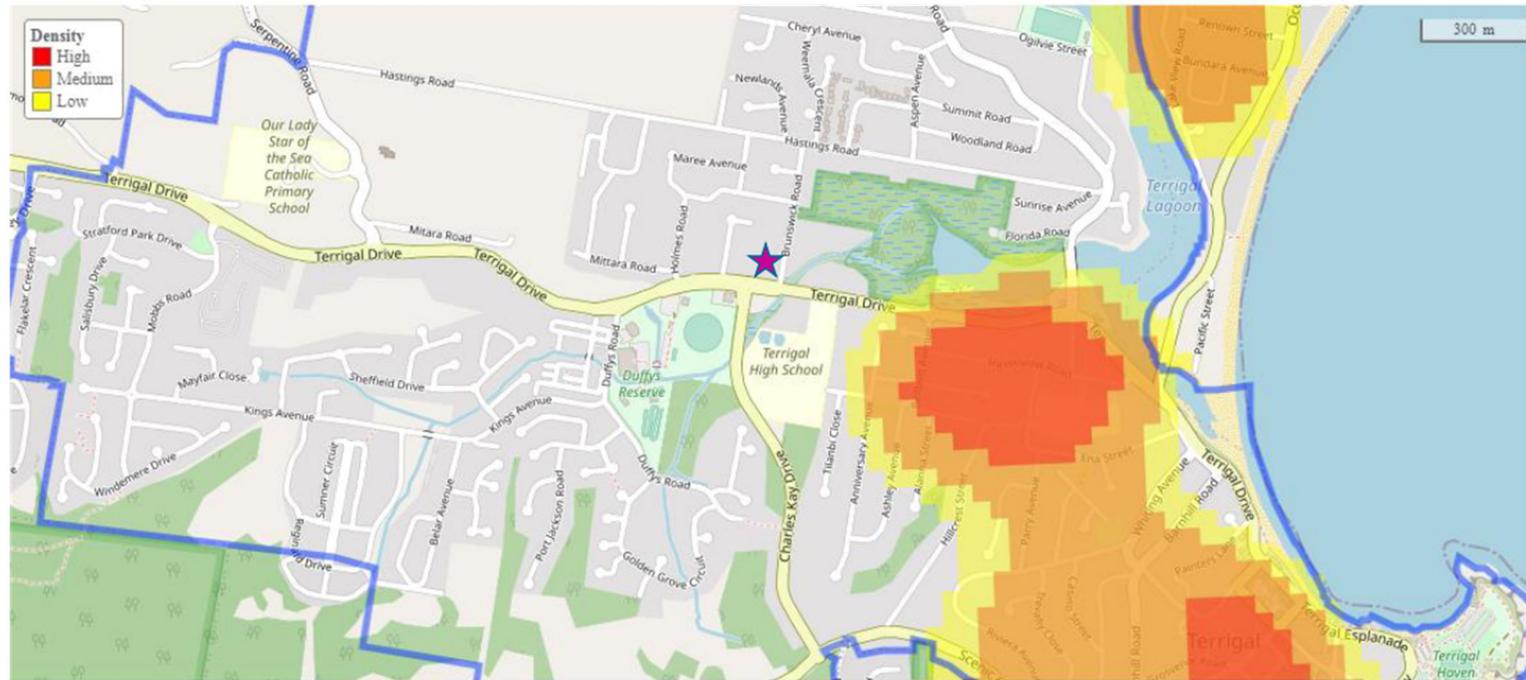
Source: NSW Bureau of Crime Statistics and Research

Figure B-1-35: Incidents of Theft (Motor vehicle theft) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

Theft – Steal from Motor Vehicle

Incidents of Theft (Steal from motor vehicle) from April 2019 to March 2020



Source: NSW Bureau of Crime Statistics and Research

Figure B-1-36: Incidents of Theft (Steal from motor vehicle) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

Theft – Steal from Dwelling

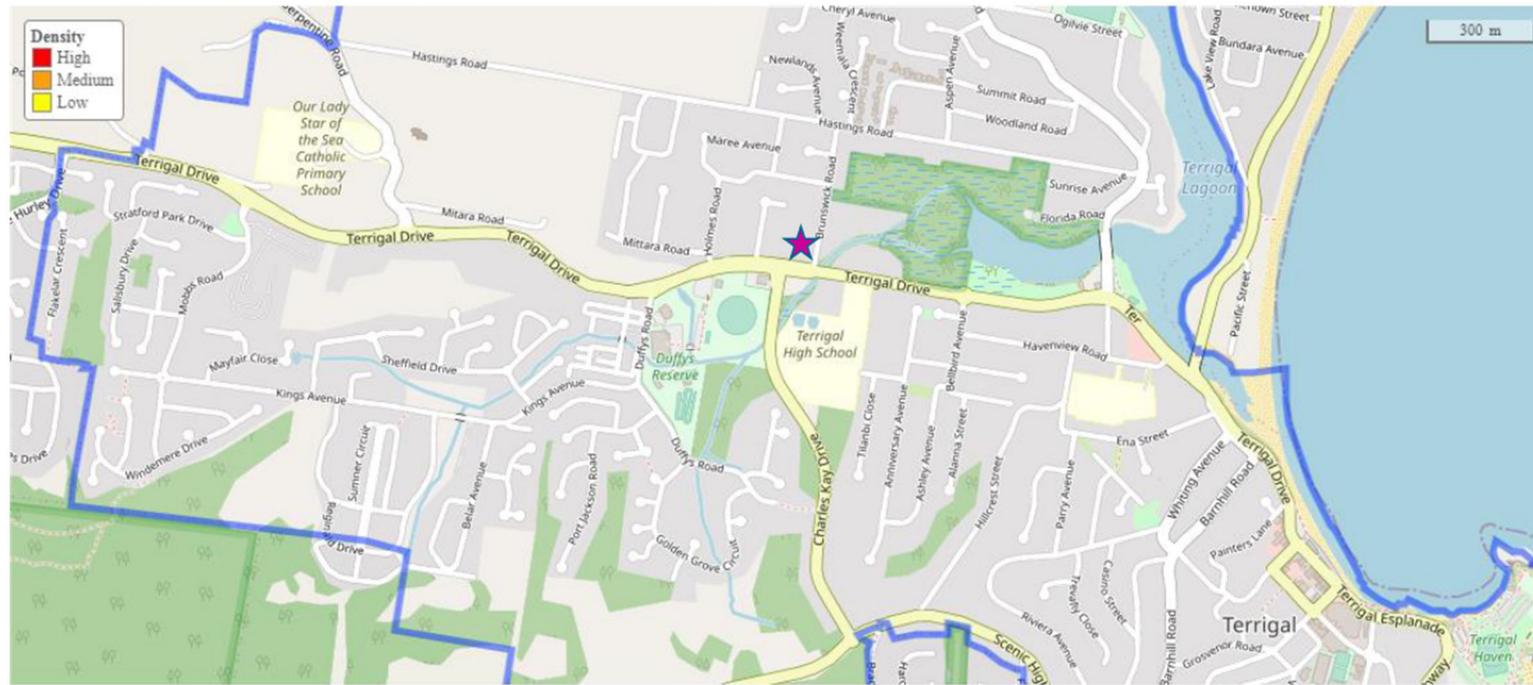


Figure B-1-37: Incidents of Theft (Steal from dwelling) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

Theft – Steal from Person

Incidents of Theft (Steal from person) from April 2019 to March 2020



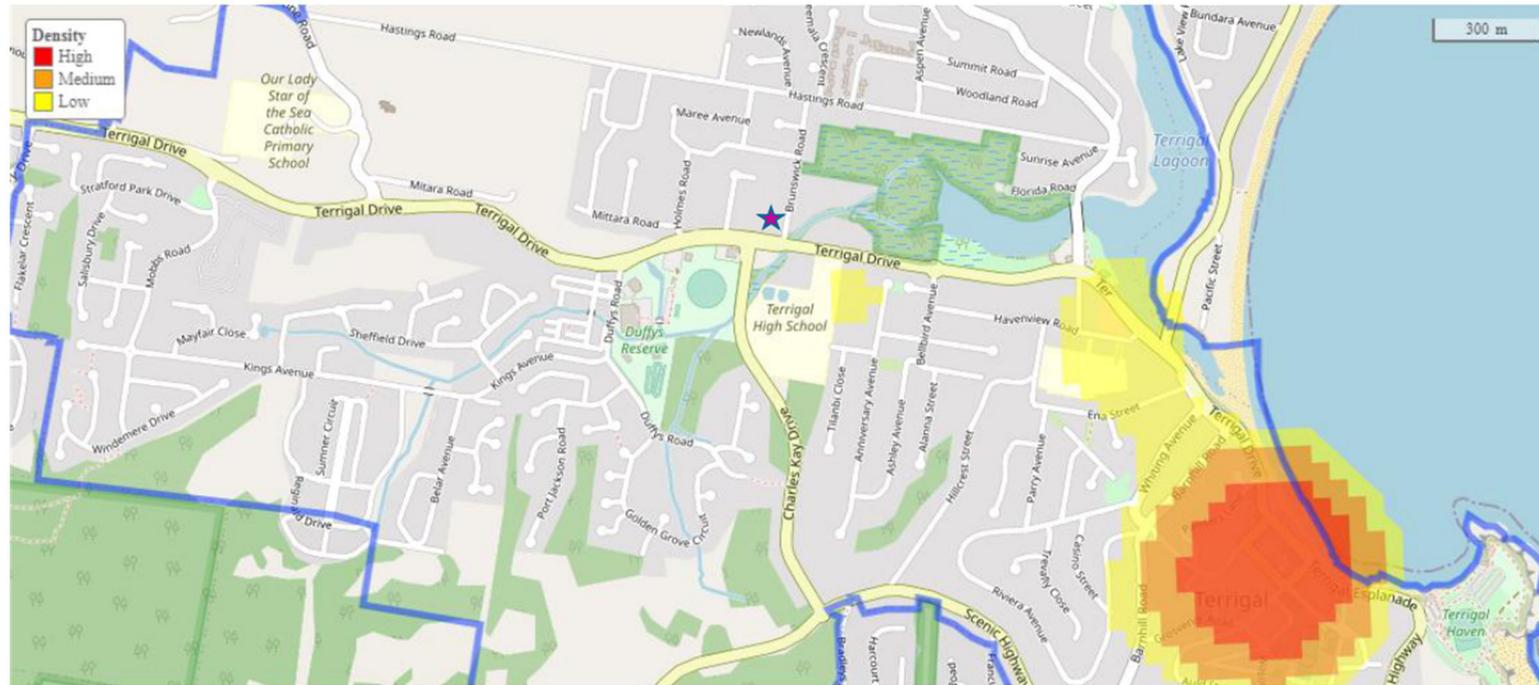
Source: NSW Bureau of Crime Statistics and Research

Figure B-1-38: Incidents of Theft (Steal from person) from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

Malicious Damage to Property

Incidents of Malicious damage to property from April 2019 to March 2020



Source: NSW Bureau of Crime Statistics and Research

Figure B-1-39: Incidents of Malicious Damage to Property from April 2019 to March 2020, Terrigal suburb boundary & proposal site identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 30/06/2020.

68 Proposed Boarding House: 59 Terrigal Drive, Terrigal

Appendix C: Plan of Management and Attachments

59 TRRIGAL DRIVE, TERRIGAL BOARDING HOUSE

25th August– 2020

1. PURPOSE

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

- a. to minimise disturbance to residents and neighbours.
- b. to provide a procedure to receive and resolve complaints.
- c. to maintain the internal and external appearance and cleanliness of the premises.
- d. to ensure a person is readily contactable to assist in the ongoing implementation of this Plan of Management.
- e. to ensure the use of the premises will be controlled by the PoM, and that the PoM is enforceable.
- f. to ensure that the premises will be operated in strict accordance with the conditions of development consent.
- g. to give effect to the occupancy principles under the *Boarding House Act 2012*.
- h. to make provision for this plan to be amended from time to time with the approval of Central Coast Council in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

2. SITE MANAGEMENT

2.1 It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan of Management as well as all conditions of development consent DA 58829 granted by Central Coast Council and the *Boarding House Act 2012*.

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

2.3 The boarding house shall be restricted to **59 Terrigal Drive** and will consist of 7 Residents Units, indoor and outdoor common areas, and ground level parking area.

2.4 The boarding house will be a registerable, general boarding house as defined by the *Boarding House Act 2012*.

2.5 The maximum occupancy of the boarding house is 11 (Eleven) people with the maximum number of persons per Unit as follows:

- a) Unit 1: 2 persons
- b) Unit 2: 2 persons
- c) Unit 3: 2 persons
- d) Unit 4: 2 persons
- e) Unit 5: 1 person
- f) Unit 6: 1 person
- g) Unit 7: 1 person

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

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

2.8 The property owner will engage a Boarding House Property Manager. The Boarding House Property Manager will be familiar with the content of the Plan of Management and can be contacted at any time using the contact details provided at **Attachment 1**.

2.9 The duties of the Boarding House Property Manager are to:

- a) Be contactable by phone between the hours of **9am to 5pm Monday to Friday**, with after-hours contact number for urgent enquiries provided at **Attachment 1**. The boarding house will also have a website where information will be available. The Boarding House Manager will also be contactable via email [insert email address]
- b) Oversee all concerns related to boarders/residents of the premises
- c) Enforce the minimum occupancy period (see clause 2.6)
- d) Enforce maximum occupancy levels (see clause 2.5)
- e) Provide lodgers with appropriate information before they move in.
- f) Organise the cleaning and maintenance of common internal and external areas.
- g) Organise waste collection and facility needs for the site.
- h) Carry out regular inspections of rooms as per the terms of the Occupancy Agreement (every three months), and other areas, to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
- i) Record all inspections in an Inspection Register which will be made available to Council upon request.
- j) Maintain all electrical circuits to a safe standard.
- k) Maintain a complaints and incident register.

- 1) Notify Central Coast Council in writing within 1 month of any change in the management of the boarding house and provide contact details for the new management processes and personnel.

The activities and procedures required by the Boarding House Manager to carry out these duties are detailed throughout this Plan of Management.

2.10 The Boarding House Manager shall have the appropriate qualifications and experience required to carry out these duties including First Aid Training, NSW National Police Check and introductory conflict management training.

3. ACCOMMODATION REGISTRATION

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

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

3.3 The minimum term for occupancy can be 3 months, 6 months or 12 months, with the option to roll over the agreement at the end of this fixed term for a further agreed period [noting that an amendment may need to be made to the Standard Occupancy Agreement to provide for this].

3.4 Provision for 12 month Residential Tenancy Agreements (RTA) will also be offered to applicants should they wish to enter into such an agreement.

3.5 Rents will be set at a 20% discount of the market rent of similar sized and finished Units/Apartments within the Terrigal area. Rents will be reviewed at the end of each respective lease period and may change to reflect CPI adjustments.

3.6 The Boarding House Manager will provide a copy of the signed Occupancy Agreement, House Rules, the Plan of Management, and a printed copy of the current version of the Fair Trading publication 'Living in a Boarding House' (**Attachment 4**) to each new resident.

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

3.8 It is the policy of the boarding house to not let rooms to occupants that are children aged under 16 years, including children accompanying a parent or to someone who could be a child aged under 16 years living away from home without parental permission.

3.9 If someone who could be a child aged under 16 years that could be living away from home without parental permission approaches the boarding house for accommodation, the Boarding House Manager will immediately inform Community Services via a call to the Child Protection Helpline on 132 111, as per instructions provided by NSW Fair Trading and the requirements of the *Children and Young Persons (Care and Protection) Act 1998*.

4. RESIDENT IDENTIFICATION & SELECTION

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

4.2 Tenants will be selected via eligibility criteria consisting of the following:

- (i) Applicants must meet income eligibility limits (these lower and upper limits vary with economic conditions, but are presently between \$20,000 per annum and \$85,000 per annum).
- (ii) Applicants must require medium to long-term affordable rental housing.
- (iii) Applicants must not own property or assets which could realistically be used to secure affordable, appropriate housing.
- (iv) Applicants must be permanent residents or citizens of Australia.
- (v) Applicants are to provide information of current housing arrangements, previous housing arrangement details, income details, employment details, references.

5. BOARDING HOUSE PROPERTY MANAGER RESPONSIBILITIES

5.1 The Boarding House Manager shall be familiar with and aware of his or her responsibilities under such legislation as the *Occupational Health and Safety Act 2000*, *Occupational Health and Safety Regulation 2001* and the *Boarding House Act 2012*.

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

- a. Registration of all residents;
- b. Maintenance of all records in relation to resident registration, resident meetings and inspections;
- c. Keeping all common areas in an excellent state of cleanliness;
- d. Undertake regular inspections of residents' rooms to check cleanliness, condition of furniture and maintenance of services, as per the terms of the Occupancy Agreement (every three months). The Boarding House Manager will maintain a record of inspections in an Inspections Register that will be available to Council upon request.
- e. Supervising all maintenance operations including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture and repair of any faulty services; and
- f. The management and documentation of any disputes and/or complaints from boarding house residents and/or neighbours (see clauses 10 and 11 in this plan).

6. RESIDENT RIGHTS AND RESPONSIBILITIES

6.1 All residents will be informed of the occupancy principles of the *Boarding Houses Act 2012*, which set out their basic rights and responsibilities before, during and when they move out of the boarding house.

6.2 Resident **rights** are as follows (a – n).

Before residents move in, they have a right to:

- a. have a written occupancy agreement with the boarding house proprietor
- b. be informed of how much the occupancy fee will be
- c. know whether they will be charged for utilities such as gas, electricity or water. The amount charged for these utilities must be based on the cost of providing the utility and a reasonable measure or estimate of how much the resident has used
- d. be informed of the house rules
- e. be advised if they have to pay a security deposit and how much it will be. A security deposit cannot be more than the equivalent of 2 weeks occupancy fee.
- f. know how and why the occupancy agreement can be terminated, including how much notice will be given.

While a resident is living in the boarding house, they have:

- g. a right to live in a house that is reasonably clean and secure, and in a reasonable state of repair.
- h. a right to have quiet enjoyment of the place in which they live.
- i. a right to be given receipts for any money they pay the proprietor or boarding house manager.
- j. a right to be given 4 weeks written notice of any increase in the occupancy fee.
- k. a right to have any charges for utilities limited to the cost of providing the utility plus a reasonable estimate or measure of their usage.
- l. a right to not to be 'fined' for a breach of the occupancy agreement and house rules. If a resident breaches the agreement or the house rules they can be asked to leave, consistent with notice periods contained in the occupancy agreement.

When a resident moves out they have a right to:

- m. have their security deposit refunded within 14 days of moving out minus any deductions allowed under the *Boarding Houses Act*. Allowable deductions include unpaid rent, the reasonable cost of repairs for damage caused by the resident or their guests, the reasonable cost of cleaning areas they occupied and didn't leave reasonably clean, and the cost of replacing locks they removed or added without permission.

n. be given reasonable written notice of eviction. In deciding how much notice to give a resident, the boarding house proprietor or manager can take into account the safety of other people living or working in the boarding house.

6.3 Resident **responsibilities** are as follows (a-d):

- a. A responsibility to comply with the Occupancy Agreement or RTA, the Plan of Management and the House Rules for the Boarding House.
- b. A responsibility to keep their room and bathroom clean at all times, and to give reasonable access to their room for inspection by the Boarding House Manager every three months as per the Occupancy Agreement. A resident must be given written notice that access is required, except in an emergency.
- c. A responsibility to advise the Boarding House Manager of any broken furniture or faulty services within the Boarding House.
- d. A responsibility to try to resolve any disputes they have with the Boarding House proprietor or manager. Either party can apply to the NCAT for help if a dispute cannot be resolved.

7. VISITORS

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

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

7.3 Visitors to the premises are only permitted to use common areas between **7.00am and 10.00pm**; and then only in the company of a resident.

8. FACILITIES FOR RESIDENTS

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

8.2 Rooms will be furnished with a self-contained kitchen including oven, stove, microwave and sink, and curtains or blinds; and a laundry tub. The common room kitchen will contain a stove, oven, microwave, and sink. Laundry facilities will be provided via dedicated laundry cupboard with inbuilt sink tub.

8.3 Rooms will be provided with window coverings, desk, lamp, dining table, chair and wardrobe, but will be required to provide their own bed.

8.4 A Notice Board will be provided in a convenient location, and other signage will be installed in rooms and appropriate locations, to provide information for residents including:

- a. Their rights and responsibilities
- b. Boarding house rules
- c. The right to privacy and complaints process

d. Health and safety procedures including emergency and other essential telephone numbers; and maintenance and fire safety in the building.

8.5 Communal living room and outdoor communal open space are provided for use by residents and their guests. The indoor Common Room will be provided with a Kitchen with a stove, oven, microwave, and sink. A Bathroom will also be provided within the Common Room and consist of Toilet and Wash Basin. The outdoor communal open space area will include an area of level artificial grass surrounded by garden on the Northern (rear) side of the property.

8.6 Laundry facilities will be provided via dedicated Laundry cupboard with inbuilt sink tub.

9. CAR, MOTOR BIKE AND BICYCLE PARKING

9.1 Ground level parking for 4 cars, 2 motor cycles and 3 bicycles is available on-site.

9.2 Vehicles will access the site via the driveway from Terrigal Drive. There are 4 car parking spaces for residents, including 1 accessible space.

9.3 Car parking spaces for residents will be allocated upon negotiation as part of occupancy agreements, with additional letting fees charged to residents with parking spaces.

9.4 The motorcycle and bicycle parking spaces will be available for use by any residents that require them and will be negotiated as part of letting agreements but no additional rent will be charged for their use.

10. COMPLAINTS

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

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

10.3 The details of the contact person in respect of all inquiries or complaints in relation to the premises are shown in **Attachment 1**.

10.4 The Boarding House Manager is responsible for recording all complaints, including complaints from residents, in a Complaints Register.

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

10.6 Complaints about noise will be attended to immediately. The Boarding House Manager will rectify the situation immediately and take all reasonable steps to prevent future occurrences. The

Boarding House Manager will follow up by contacting the individual who made the complaint about noise to verify that the problem has been resolved.

10.7 The Complaints Register will contain:

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

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

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

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

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

11. DISPUTES

11.1 The Boarding House Manager will convene at least quarterly meetings with residents to discuss any issues or problems that may need to be resolved. These meetings will be recorded in a Residents' Meeting Minutes Register and all issues raised by these meetings will be recorded in the Minutes.

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

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

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

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

12. CLEANING AND ONGOING MAINTENANCE

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

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

12.3 Cleaning of individual resident rooms is the responsibility of the respective resident. A mop, bucket and broom will be provided in each room. A vacuum cleaner is available from the manager on request.

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

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

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

13. SAFETY AND SECURITY

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

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

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

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

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

13.6 The Boarding House Manager will maintain an Incident Register to record the details of incidents of serious misconduct and actions taken. The Incident Register will contain:

- a. Incident date and time
- b. Name(s) of person(s) involved in the incident
- c. Contact details of person(s) involved in the incident
- d. Nature of the incident
- e. Action(s) taken (by whom and when)
- f. Outcome and/or further action required

13.7 The Incident Register must be updated within 24 hours of an incident occurring.

13.8 The Incident Register will be made available for inspection by the Police and/or Central Coast Council upon request.

14. PUBLIC LIABILITY INSURANCE

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

15. WASTE MANAGEMENT

15.1 All residents shall be responsible for disposing of their waste to the garbage and recycling bins at ground level.

15.2 The Boarding House Manager shall be responsible for taking the bins to and from the street on collection day.

15.3 Should they be required, the Boarding House Manager shall be responsible for the regular cleaning and servicing of any special waste collection receptacles, such as for 'sharps' and/or sanitary napkins.

15.4 A floor waste and hose cock is to be provided near the external bin storage area to ensure that the area retains a high state of cleanliness. The Boarding House Manager will wash down the bin storage area once every week to maintain cleanliness.

15.5 The Boarding House Manager shall ensure that household clean-up collections are managed in accordance with Central Coast Council collection requirements.

16. FIRE SAFETY

16.1 The owner is responsible to ensure that certification of Fire Safety Equipment and preparation of the Form 15a is carried out each year by a qualified fire safety consultant.

16.2 A copy of the annual fire safety compliance statement and current fire safety schedule for the premises shall be displayed on the Notice Board in a prominent location.

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

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

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

16.6 All mattresses, curtains and furniture provided by the Boarding House owner will be of materials that resist the spread of fire, and limit the generation of smoke and heat.

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

16.8 The Boarding House Manager's contact phone number must be clearly displayed at the entrance of the premises and also be shown on signs available in each room. Other emergency contact details (police, fire, ambulance) as well as utility information (gas, electricity and plumbing) are to also be clearly visible in every room.

16.9 The Boarding House Manager shall conduct one emergency evacuation drill every three months.

17. ENERGY EFFICIENCY

17.1 Any replacement of fixtures or appliances is to be in accordance with the energy ratings required by the approved BASIX certificate.

18. AMENDMENT OF THE PLAN OF MANAGEMENT

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

ATTACHMENTS:

ATTACHMENT 1: CONTACT DETAILS FOR BOARDING HOUSE MANAGER

ATTACHMENT 2: OCCUPANCY AGREEMENT

ATTACHMENT 3: HOUSE RULES

ATTACHMENT 4: BROCHURE: 'Living in a Boarding House'

ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

ATTACHMENT 1: CONTACT DETAILS FOR RESIDENT MANAGER

NAME OF BOARDING HOUSE: _____

ADDRESS OF BOARDING HOUSE: _____

CONTACT DETAILS FOR BOARDING HOUSE PROPERTY MANAGER:

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

The contact person in respect of all enquiries in relation to the operation of these premises is:

Name: _____

Position: _____

Phone Number: _____

After Hours Contact Number: _____

Email: _____

ATTACHMENT 2

STANDARD OCCUPANCY AGREEMENT
For general boarding houses under the *Boarding Houses Act 2012*

Between

Proprietor	
Resident	

For

Room	Address

The resident's room is: unfurnished furnished (if furnished, an inventory can be attached)

Other areas of the premises which are available for use by the resident

Kitchen/s Bathroom/s Common room Laundry

Other _____

Term of Contract

Commencement Date	Term of agreement (if any)	Occupancy Fee	To be paid
		\$ per week/month/year	

Proprietor's Contact Details	
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AGREEMENT TERMS

1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)

The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

2. House Rules (refer to occupancy principle 2)

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

3. No Penalties (refer to occupancy principle 3)

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

4. Quiet Enjoyment (refer to occupancy principle 4)

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

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

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

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

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

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

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

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

7. Utility Charges (refer to occupancy principle 7)

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

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

8. Security Deposit (refer to occupancy principle 8)

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

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

9. Dispute Resolution (refer to occupancy principle 11)

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

10. Written Receipts (refer to occupancy principle 12)

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

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

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

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

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

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

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

12. Use of the Premises

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

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

Signed: _____

(Proprietor)

Signed: _____

(Resident)

Date: _____

Date: _____

OPTIONAL INFORMATION

The resident may provide contact details to be used in an emergency

PERSONAL PHONE No/s: _____

EMERGENCY CONTACT PERSON

NAME: _____ RELATIONSHIP: _____

PHONE and/or ADDRESS: _____

Annexure 1

Occupancy principles

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

1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2. Rules of registrable boarding house

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

3. Penalties for breaches of agreement or house rules prohibited

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

4. Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5. Inspections and repairs

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

6. Notice of increase of occupancy fee

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

7. Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
 - (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:

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

8. Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

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

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover

the following:

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

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

(4) In this clause:

- security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:
 - (a) any failure by the resident to comply with the terms of an occupancy agreement, or
 - (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
 - (c) any other matter or thing prescribed by the regulations.

9. Information about occupancy termination

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

10. Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

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

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

11. Use of alternative dispute resolution

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

12. Provision of written receipts

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

Annexure 2

SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

NOTE:

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

Signed: _____
(Proprietor)

Signed: _____
(Resident)

Date: _____

Date: _____

ATTACHMENT 3: HOUSE RULES

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

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

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

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

1. Privacy and quiet enjoyment

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

1.2 Residents will ensure that noise levels are kept at an acceptable level and that noise does not adversely impact on neighbouring residents. Particular care is to be taken past 10pm and before 7am and, if another resident or a neighbouring property owner complains about the noise after that time, then it may be necessary to use headphones or the like.

1.3 No live or amplified music is permitted in the common outdoor areas, nor is music to be audible beyond individual rooms or common indoor areas.

1.4 No alcohol is permitted to be consumed in common open space areas.

1.5 The indoor and outdoor common areas are not to be used between 10pm and 7am the following day, unless authorised by the Boarding House Manager.

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

2. Health, Safety and Security

2.1 The premises are non-smoking. This includes within each private room and all common indoor and outdoor areas.

2.2 No unauthorised drugs are permitted on the premises.

2.3 Residents shall not engage in drug or alcohol abuse; sexual, racial or religious harassment; theft or violence.

2.4 Residents must speak and behave respectfully towards one another. Residents are not to discriminate against other residents on the basis of gender, ethnicity, race, sexuality or religious beliefs. Residents are to avoid speaking or behaving in a way that engenders ill-feeling.

2.4 No prohibited weapons are permitted on the premises. Prohibited weapons are as defined in Schedule 1 of the *Weapons Prohibition Act 1998*.

- 2.5 No glassware is permitted in the outdoor common open space area.
- 2.6 No visitors are permitted on the premises unless attended by a resident.
- 2.7 Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.
- 2.8 The Boarding House Manager has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.
- 2.9 No visitors are permitted to remain on the premises between the hours of 9 pm and 9 am.
- 2.10 Residents must keep the front door locked at all times.
- 2.11 If a resident loses their security card it will be necessary to pay for the replacement card.
- 2.12 Residents are not to use the premises for any illegal purpose. Residents are not to use the premises other than as a boarding room. For example, residents are not to use the premises as office premises or business premises or retail premises. (That does not preclude a boarding house resident using, for example, a laptop computer or phone for work-related purposes).

3. Cleanliness and good order

- 3.1 Rubbish is to be placed in the bins provided. Residents must remove waste from their rooms and place it in the communal bins on the ground floor. Residents shall separate recyclable material from non-recyclable material. No recyclable material shall be kept in bags (e.g. plastic bags). General waste is to be stored in plastic bags and shall be tied prior to storage. Residents are to wash recyclable containers so that gross organic matter is removed. The green bins are for Boarding House Manager use only for landscaping matter.
- 3.2 There shall be no littering.
- 3.3 Occupants are to keep their room and bathroom clean at all times, and make their room available for inspection by the Boarding House Manager every three months as per the Occupancy Agreement.
- 3.4 Residents are to keep the common areas clean and tidy. Residents who make a mess in a common indoor or outdoor area are responsible for cleaning up that mess promptly.
- 3.5 Residents must remove their washing and belongings from the common laundry area immediately after their washing cycle has been completed.
- 3.6 Residents using the clothes drying lines are to remove the clothes when they are dry and are not to leave clothes hanging out for longer than necessary – within reasonable parameters acknowledging that residents might go out for the day and return to bring in their dry clothes.
- 3.7 Only small pets (small mammals such as mice or guinea pigs in appropriate cages, fish or birds) are permitted to be kept on the premises and with the Boarding House Manager's permission. No cats, dogs or large animals are permitted. The Boarding House Manager has the authority to restrict the number and/or type of pet, particularly where the keeping of the pet impacts upon the amenity and quiet enjoyment of other residents.

3.8 Residents must report any damage or maintenance requirements to the Boarding House Manager.

3.9 Residents must not remove or alter any furniture or fittings in the premises.

4. Fire safety

4.1 Residents must keep common areas and corridors free of personal belongings, to ensure there are no obstructions to the safe evacuation of the building.

4.2 Residents must not interfere with fire safety measure or equipment.

4.3 Candles and other naked flames are not to be used in the premises.

5. Parking spaces

5.1 Limited parking is available on-site for cars, motorcycles and bicycles.

5.2 4 car parking spaces are available for residents and will be allocated upon negotiation of the occupancy agreement with the Boarding House Property Manager.

5.3 Motorcycle and bicycle parking spaces will be allocated at no charge.

6. Mail boxes

6.1 Residents are asked to clear their mail boxes at least once per week.

The Boarding House Manager reserves the right to regulate additional matters within reason for the purposes of protecting the boarding house property or for the purposes of protecting the reasonable amenity of residents of the boarding house and of neighbouring properties.

I hereby acknowledge that I have read and understood the House Rules:

Name: _____

Signature: _____

Boarding House Room Number: _____

Date: _____

ATTACHMENT 4: Living in a Boarding House

Non-registrable boarding houses

Do you live in a boarding house that isn't 'registrable'? You and the boarding house operator can choose to enter into an agreement which includes the occupancy principles. You have rights as a consumer under the Australian Consumer Law.

To find out more, visit www.fairtrading.nsw.gov.au or call **13 32 20**.

Boarding house register

Did you know there is a public register that allows you to search for all 'registrable' boarding houses in NSW? Visit www.fairtrading.nsw.gov.au or call **13 32 20**.

Need help?

If you have any questions about your rights as a boarding house resident, call us on **13 32 20** or visit our website.

If you have a dispute with another resident or with the operator, the NSW Civil and Administrative Tribunal (NCAT) can help. The dispute can be about any of the occupancy principles including the state of the boarding house, fees and charges, inspections, repairs, notices of eviction and more.

Call the Tribunal on **1300 006 288** or visit www.ncat.nsw.gov.au



Useful contacts

Tenants Advice and Advocacy Services (TAAS)
TAAS provides boarders and lodgers, social housing tenants and other NSW tenants with free assistance and information. Find your nearest TAAS at www.tenants.org.au

Housing NSW
Provides people with emergency and temporary accommodation. Call 1300 468 746 or visit www.housing.nsw.gov.au

Mental Health Line
Call 1800 011 511 anytime to speak with a mental health professional.

 Like us on Facebook
facebook.com/FairTradingNSW

 Follow us on Twitter
twitter.com/NSW_FairTrading

 View our videos on YouTube
youtube.com/NSWOFT

NSW Fair Trading – What we do

- Shopping and consumer guarantees
- Retirement villages
- Renting, buying, selling a home
- Co-operatives, associations and charitable fundraising
- Home building and renovating
- Product safety
- Strata and community living
- Resolving disputes
- Loose-fill asbestos implementation
- taskforce

www.fairtrading.nsw.gov.au Enquiries **13 32 20**
Language assistance 13 14 50 (ask for an interpreter in your language)
TTY 1300 723 404 for hearing impaired

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January 2016

Living in a boarding house?



Boarding houses

Boarding houses provide accommodation for a fee and are sometimes called lodging houses. Often, residents only have the right to occupy a room and share other facilities such as kitchens and bathrooms.

If you live in a 'registrable' boarding house, you have a basic set of rights called occupancy principles. This brochure outlines these rights and where to get more information.

What is a 'registrable' boarding house?

There are two types of 'registrable' boarding houses:

- **General boarding houses**
These accommodate five or more paying residents excluding the owner's family and manager. This does not include hotels, backpackers and aged care homes. To find out more, visit our website or call **13 32 20**.
- **Assisted boarding houses**
These accommodate two or more persons with additional needs. These are licensed by Ageing Disability & Home Care (ADHC). For more details visit www.adhc.nsw.gov.au or call **02 937 000**.

What is an occupancy agreement?

An occupancy agreement is a written contract between you and the boarding house operator. It details your basic rights and responsibilities. Legally, the operator must have an occupancy agreement with you. Even if they don't, your rights are still protected by law and you can enforce them. Always ask for a written agreement so you know your rights and responsibilities.

Your rights when living in a boarding house

Before you move in

You have a right to:

- have a written occupancy agreement
- be told how much the occupancy fee (ie. rent) will be
- know whether you will be charged for utilities such as gas, electricity or water
- be told the house rules
- be told if you have to pay a security deposit and how much it will be
- know how and why the occupancy agreement can be terminated, including how much notice you will get.

While you live there

You have a right to:

- live in a house that is reasonably clean and secure, and in a reasonable state of repair
- have quiet enjoyment of the place you live in
- be given receipts for any money you pay
- be given 4 weeks written notice of any increase in the occupancy fee
- have utility charges limited to the cost of providing the utility plus an estimate of your usage
- not be 'fined' for a breach of the occupancy agreement and house rules. If you breach the agreement or the house rules you can be asked to leave
- apply to the Tribunal for help if you cannot resolve a dispute with a boarding house operator
- be given written notice, except in emergencies, for room inspections or repairs.

When you move out

You have a right to:

- have your deposit refunded within 14 days of moving out minus any allowable deductions such as unpaid rent, the cost to repair any damage you caused or to clean areas you left unclean, or to replace locks you removed or added without permission
- be given reasonable written notice of eviction. The boarding house proprietor can consider the safety of others in deciding how much notice to give.



ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS

Please return this check sheet to the Boarding House Manager after you have received all the documents listed below.

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF MY SIGNED:

- BOARDING HOUSE PLAN OF MANAGEMENT
- CONTACT DETAILS FOR BOARDING HOUSE MANAGER
- OCCUPANCY AGREEMENT
- HOUSE RULES
- BROCHURE: 'Living in a Boarding House'

Resident's Name: _____

Resident's Signature: _____

Boarding House Room Number: _____

Date: _____

Item No: 3.2
Title: DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing

Department: Environment and Planning

4 February 2021 Local Planning Panel Meeting

Reference: 011.2019.00057779.001 - D14314200
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 commercial premises with shop top housing.

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 due to:

- The number of public submissions in excess of 10.
- The variation to the height development standard greater than 10%.
- The development is subject to State Environmental Planning Policy No65- Design Quality of Residential Flat Buildings.

The application is recommended for approval.

Applicant	Jedaclew Pty Ltd
Owner	Jedaclew Pty Ltd C/- Howard Leslie and Associates
Application No	57779/2019
Description of Land	Lots 1-4 DP24978 No 227-233 Oceanview Road, Ettalong Beach
Proposed Development	Commercial premises and shop top housing
Site Area	1951m ²
Zoning	B2 Local Centre
Existing Use	Shops
Employment Generation	No
Estimated Value	\$9,560,000.00

3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

Recommendation

- 1 That the Local Planning Panel assume the concurrence of the Secretary of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**

- 2 That the Local Planning Panel grant consent for demolition and construction of commercial premises and shop top housing on 227-233 Oceanview Road, Ettalong Beach, 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

- Public Submissions.
- Building Height and setback variations

Precis:

Proposed Development	Demolition, Commercial development and shop top housing.
Permissibility and Zoning	B2 Local Centre. Permissible with consent.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979-Section 4.15</i> • <i>Local Government Act 1993-Section 89</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Roads Act 1993</i> • <i>Water Management Act 2000</i> • <i>State Environmental Planning Policy No55-Remediation of Land</i> • <i>State Environmental Planning Policy No 65-Design Quality of Residential Flat Buildings</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Draft Central Coast Local Environmental Plan 2018</i>

3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

	<ul style="list-style-type: none"> • Gosford Development Control Plan 2013 • Apartment Design Guidelines (ADG) • Central Coast Climate Change Policy
Current Use	Shops and ancillary buildings.
Integrated Development	No
Submissions	Sixty-seven (67)

Variations to Policies

Clause	Clause 4.3, Chapter 4.2 and Part2F
Standard	Maximum Building Height and side setbacks.
LEP/DCP	GLEP 2014, DCP 2013 and ADG
Departure basis	Height - 2.41m (14.1% variation) Setbacks - Nil to 60% (see comments later in the report)

The Site and Surrounds

The site is located on the northern side of Ocean View Road, Ettalong, between Whiting Street and The Esplanade. The site consists of 4 lots with a width of 30.47 m, a depth of 64.01m, and an area of 1951m².

The site contains single storey masonry commercial buildings at the front of the site with ancillary buildings such as garages at the rear.

The surrounding development to the north, south and east includes mainly low rise dwelling houses and medium density residential units. To the west the development increases in height and scale for commercial and mixed- use developments.

The area is in transition to higher density development.



Figure 1 - Locality Plan



Figure 2 - Street view of site



Figure 3 - Street view of site

3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

Nearby Development

On 14 February 2018, consent was granted to DA49986/2016 for a commercial and residential development on 237-245 Ocean View Road which is located to the west of, and separated by No 235 Ocean View Road, from the subject site.

The consent was modified on 12 December 2019. This consent granted approval for 6 ground floor commercial units, with 52 shop-top apartments in 5 storeys and 78 car parking spaces. The approved development has a height variation of 1.26m or 7.4% to the 17m height development standard.

This development was the consolidation of 5 lots with a total area of 3903m².



Figure 4 - Street Elevation approved under DA49986/2016.

The Proposed Development

It is proposed to demolish the existing buildings on the site and construct a 6 storey mixed use development. The development will consist of;

- basement and ground level parking for 37 cars, including 2 accessible spaces, 3 visitor spaces, 15 bicycle and 4 motorcycle spaces.
- ground floor commercial premises (81.36m² net floor area) at the front of the site, with loading dock/waste storage and collection located behind the commercial premises.
- 5 levels of residential units with a total of 25 units. This includes 1 x 1 bedroom, 10 x 2 bedroom, and 14 x 3 bedroom.
- landscaping and on-site detention facility. Total landscaping 791m² including 593.69m² deep soil planting.

3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

Vehicular access is located on the eastern side of the site. This will provide access to the loading dock, waste storage/collection area and commercial and visitor parking spaces located behind the commercial premises. A ramp provides access to the basement level residential car parking spaces.

The building is set back 1.2m-3.525m from the street at ground level, and nil to 3.8m at levels 1-4 above, and 11.8m for level 5.

The eastern side setback varies from 6m to 13.3m. The western side setback varies from 3m to 6m. The rear setback varies from 7.8m to 9m.

The articulated setbacks, balconies, along with a mix of building materials and colours provide good articulation and appearance.



Figure 5 - 3D architect render (view from street)

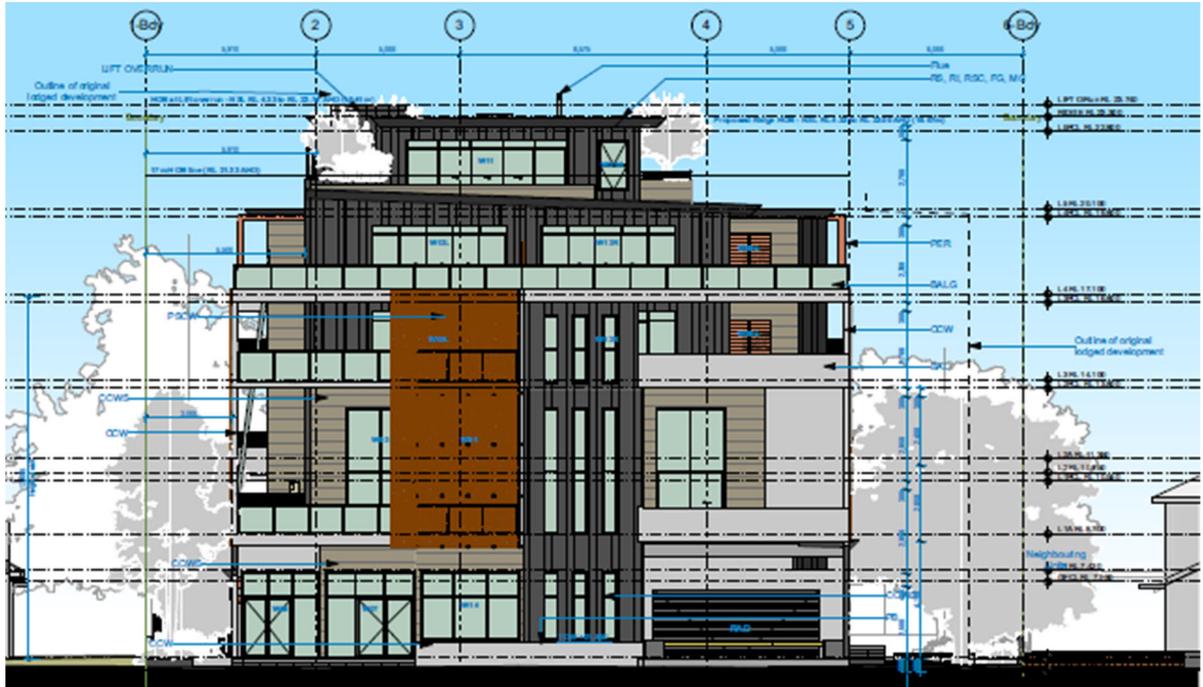


Figure 6 - Street (South) elevation

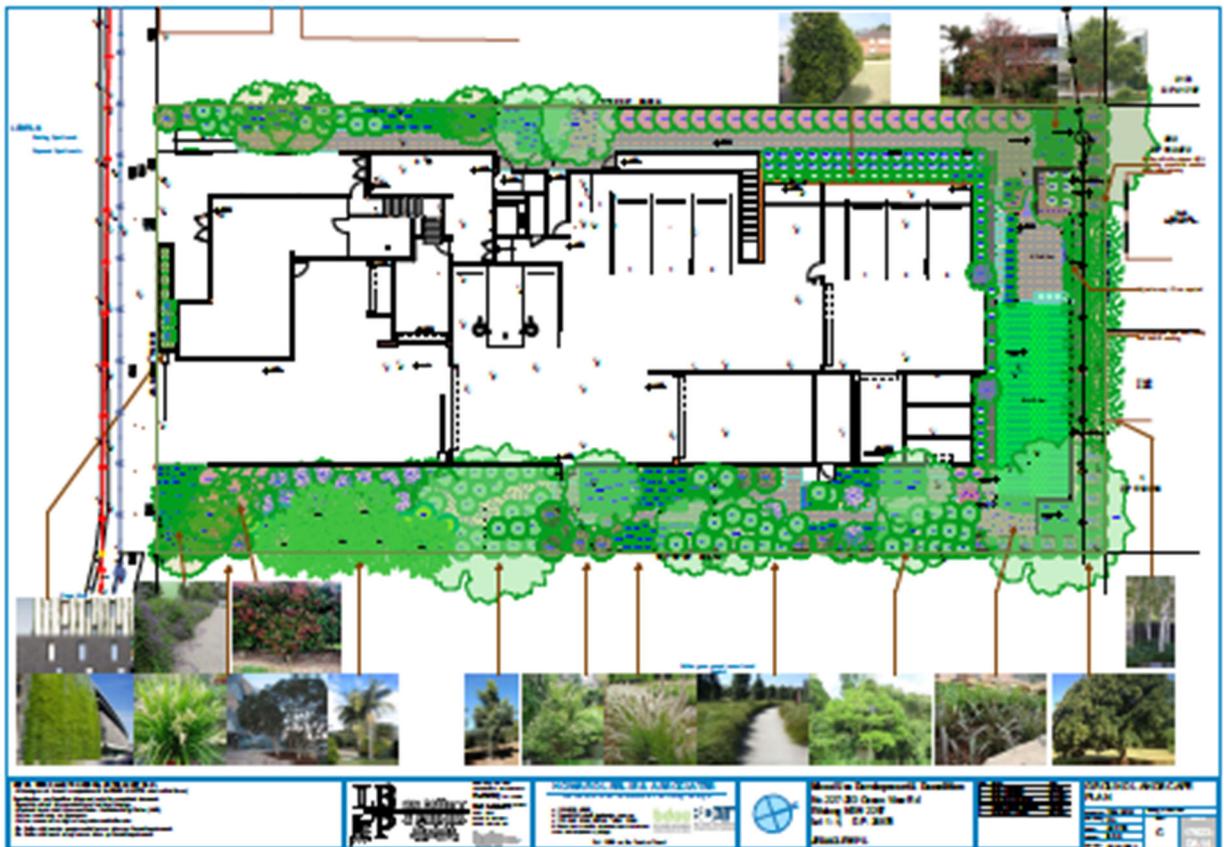


Figure 7 - Ground Landscape Plan

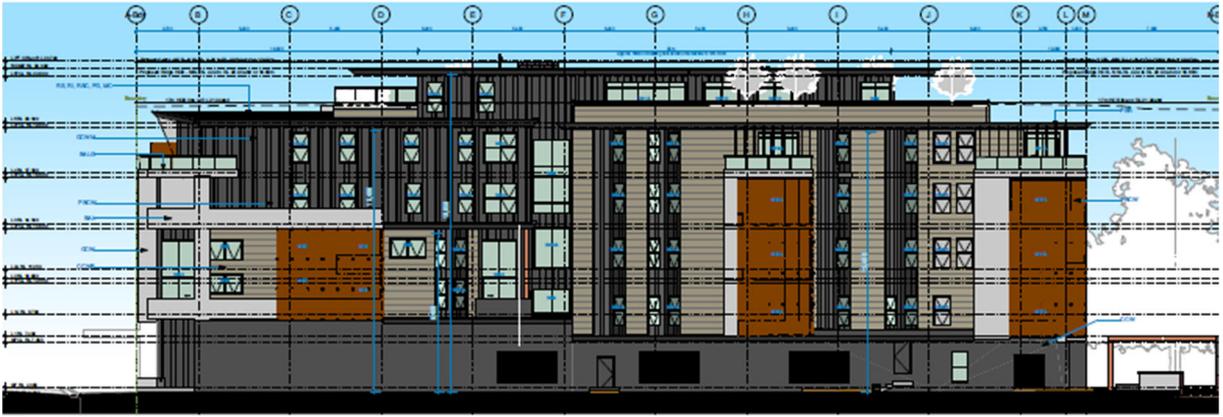


Figure 8 - East Elevation

History

DA12389/1989

Development Application - WAREHOUSE

Lodged: 18/10/1989 (Refused: 04/02/1991)

Address: 233 Ocean View Road ETTALONG BEACH NSW 2257

Applicant: Pre- Authority DAs

DA14424/1991 (File Ref. 003.1991.00014424.001)

Development Application - OUTBUILDING (NON RES)

Lodged: 26/03/1991 (Approved under Delegation: 11/06/1991)

Address: 233 Ocean View Road ETTALONG BEACH NSW 2257

BA62806/1991 (File Ref. 004.1991.00062806.001)

Building Application - GARAGE

Lodged: 22/02/1991 (Approved: 10/04/1991)

Address: 233 Ocean View Road ETTALONG BEACH NSW 2257

A previous application (DA55896/2019) for a similar residential development on 3 of the lots was withdrawn on 11 July 2019. The current application includes an additional lot (4 lots in total).

ASSESSMENT:

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

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,*
- (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*

3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

*(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; and
- 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

3.2 DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

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

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 (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 (Building Sustainability Index) 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 No 55-Remediation of Land

The past and current land uses for commercial and residential do not indicate that the site may be contaminated. No further investigation is required.

State Environmental Planning Policy No 65-Design Quality of Residential Flat Buildings

The following assessment of the application was carried out by an independent architect on behalf of Council under the provisions of SEPP 65 and the ADG.

1. General

The purpose of the Independent Design Review is to consider the proposal against the 9 Design Quality Principles contained in State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and the Apartment Design Guide.

When considering the Design Quality Principles, the review will also have regard to plans and policies, including Local Environmental Plans, Development Control Plans, urban design strategies and the like.

The report will identify any aspects of the design which do not achieve the one or more of the Design Quality Principles.

2. Review (Apartment Design Guide)

Clause	Heading	Compliance Achieved		Comments
		Yes	No	
Part 1	Identifying the context	-	-	
Part 1A	Apartment building types	-	-	Shop-top Apartments
Part 1B	Local Character and context	✓		Objectives adequately addressed in documentation especially the desired future character and part of a strategic Ettalong Village 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"> • General compliance with building envelope requirements in LEP & DCP • Although minor variation is sort for some setbacks below

Part 2C	Building Height - Gosford Local Environmental Plan (2014) – Clause 4.3 & Gosford Development Control Plan (2013) – Clause 4.2.5.2		✓	<p>Objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> • 17m height limit • 5 storeys max • 15.5m max wall height • 8.75m (2 storey) adjacent street <p><i>Clause 4.6 Exception submitted -</i></p> <ul style="list-style-type: none"> • <i>Proposed = 19.41m to the lift overrun (14.1% numeric variation) but if this is considered as part of the overall elevation massing the variation is only about 0.65% of the overall building mass which is negligible.</i> • <i>Proposed 18.67m to roof line of upper most storey (9.8% numerical variation) but if this is considered as part of the overall elevation massing the variation is only about 4.7% of the overall building mass which is very minor.</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 Gosford Local Environmental Plan (2014) – Clause 4.4	✓		<p>Floor Space Ratio complies</p> <ul style="list-style-type: none"> • 2:1 allowable. • 1.6:1 proposed.
Part 2E	Building Depth Gosford Development Control Plan (2013) – Clause 4.2.5.5	✓		<p>General objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> • 12-18m ADG required • 10-18m DCP required • 8-15m provided
Part 2F	Building Separation		✓	Design Objectives requirements:-

			<p>Minimum separation distances for buildings are:</p> <p>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:-</p> <p><u>East Boundary</u> Up to 4 Storeys (12m) – 6+3= 9m required / proposed 6 to 9m of articulated façade. 5-8 Storeys (25m) – 9+3 = 12m/ proposed 6 to 12m of articulated façade.</p> <p><u>West Boundary</u></p>
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				<p>Up to 4 Storeys (12m) – 6m required / proposed 3 to 5.5m of articulated façade. 5-8 Storeys (25m) – 9m/ proposed 3 to 5.5m of articulated façade.</p> <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
Part 2G	Street set backs Gosford Development Control Plan (2013) – Clause 4.2.5.3		✓	<p>General objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> • Good building articulation to reduce bulk and scale. • Mainly balconies within the zero setback zone allowing transparency. • This façade and the associated corner creates a well-defined edge to the change in precincts. • Built form within the 3m setback are void areas so those intrusions remain as transparent as possible.

				<p><i>Design Criteria (numerical) not complied with.</i></p> <ul style="list-style-type: none"> • <i>3m Setback not provided in part (especially commercial tenancy)</i> <p><i>Note suggested alterations to improve the design outcome –</i></p> <ul style="list-style-type: none"> • <i>Building line of commercial tenancy should be setback to allow for an "activation" zone – outdoor dining etc.</i>
Part 2H	Side and rear setbacks Gosford Development Control Plan (2013) – Clause 4.2.5.3	✓		<p>General objectives adequately addressed in documentation. (refer also part 3F)</p> <ul style="list-style-type: none"> • Setbacks commensurate with setbacks of multi-unit residential developments (Average of 4m minimum 3.5m). • Stepped façade to abutting residential zone. • Increased separation to living areas • Demonstrated that objectives of the control are met.
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

				<p>between 9am and 3pm on 21 June (mid winter)</p> <p>3. Note communal open space should have a minimum dimension of 3m</p> <p>Design Criteria and objectives has been complied with in the design.</p> <ol style="list-style-type: none"> 1. 791m² (40%) provided 2. 50% sunlight is provided. 3. 7.8 to 6m width provided
Part 3E	Deep soil zones		✓	<p>Design Criteria minimum width 3m and area equal to 7% of the site. Provided = 594m² (30%)</p> <p>Design Criteria and Objectives adequately addressed in documentation.</p> <p>Note also under Gosford DCP :-</p> <ul style="list-style-type: none"> • Deep soil planting 15% of site preferably in continuous block, min 6m width. <p>DCP Design Criteria and Objectives adequately addressed in documentation.</p>
Part 3F	Visual privacy		✓	<p>Design Objectives have been generally complied with improved setbacks and generally reasonable variations to the numerical setback requirements.</p> <p>Design elements 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

				<ul style="list-style-type: none"> 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>The orientation of the pop-out windows to the rear of the site, this encourage overlooking (especially at high level) of the private back yards of the adjoining residential area. Would suggest these are orientated to the front of the site to the long distant views.</i> <i>The large continuous balcony to the west of units 306 & 406. Would suggest the balcony outside the bedrooms is reduced to 1.5m to further articulate the façade and minimize intrusions into the setback zone.</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 – 31 spaces Provided – 37 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.

				<p>Design Criteria</p> <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 <p>Design Criteria has been complied with in the design.</p> <ol style="list-style-type: none"> 1. N/A 2. 84% (21 of 25) achieve the 3 hours solar access. 3. 0% achieve no solar access
Part 4B	Natural ventilation	✓		<p>Design Criteria and Objectives adequately addressed in documentation</p> <ol style="list-style-type: none"> 1. At least 60% of apartments are naturally cross ventilated Provided = 77% of units (not single aspect) 2. 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"> 1. Habitable Rooms – 2.7m 2. Non-Habitable – 2.4m 3. 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>All habitable rooms are min 2.7m ceiling height in all units other than the proposed mezzanine units, where some sleeping or utility spaces are 2.4m. These are offset by double height living areas which constitute the majority of the floor</p>

				area of these units. All non-habitable room are not less than 2.4 ceiling height.
Part 4D	Apartment size and layout	✓		<p>Design Criteria and Objectives adequately addressed in documentation</p> <ol style="list-style-type: none"> 1. Master beds rooms have a minimum area of 10m² (complies) and other bedrooms 9m² (excluding wardrobe space) – 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) – 3. 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>Previous non-conformances have been addressed.</p>
Part 4E	Private open space and balconies	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4F	Common circulation and space	✓		Design Criteria and Objectives adequately addressed in documentation
Part 4G	Storage	✓		<p>Design Criteria and Objectives adequately addressed in documentation</p> <ol style="list-style-type: none"> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided; – <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>
Part 4H	Acoustic Privacy	✓		Design Objectives adequately addressed in documentation.
Part 4J	Noise and pollution	✓		Design Objectives adequately addressed in documentation.

3.2

DA 57779/2019 - 233 Oceanview Road, Ettalong Beach - Commercial premises and shop top housing (contd)

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	✓		Design Objectives adequately addressed in documentation.
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.

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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 especially on the street façade and south east corner to reduce the perceivable bulk and scale of the building (ie appears as 4 storeys). The western façade facing the village centre, has been resolved further to reduce the impact of the perceived scale and bulk specially to address the building height variation sort.

The revised proposal has now more adequately addressed the variations in setbacks, privacy and amenity lacking in the previous application. 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.

The street and east façade establishes a unique expression and composition to successfully frame the transition of the site to the adjoining residential zone. The height, articulation, stepped façade and materials contribute positively to the changing character of the precinct.

Planning Comment:

In response to the above comments the applicant submitted amended plans which provide for:

- Setback of the ground floor commercial to 3.5 m front the street frontage with a planter box. This provides a covered area for outdoor activities or dining.
- The orientation of side windows at an angle to the side boundaries so as to minimise overlooking of the adjoining sites by facing the front or rear of the site.
- Reduction in width of the balconies for units 306 and 406. The variation in balcony width reduces side setbacks and retain articulation of the building.

Gosford Local Environmental Plan 2014 (GLEP 2014)

Permissibility

The proposed development is defined as Commercial premises and shop top housing which is permissible in the zone with consent of Council.

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

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shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Development Standards

Item	Required	Proposed	Compliance
Clause 4.3 Height	17m	19.41m	No-variation 2.41m (or 14.2% variation) See comments below.
Clause 4.4 and 4.4A-FSR	2.0:1	1.6:1	Yes

Objectives of Zone B2 Local Centre

The objectives of zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To provide for residential uses, but only as part of a mixed use development.
- To ensure that development is compatible with the desired future character of the zone.
- To promote ecologically, socially and economically sustainable development.
- To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.
- To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.
- To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.
- To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.
- To encourage the residential population of villages and town centres to contribute to the vitality of those locations.

Clause 4.3 - Height of buildings

The objectives of clause 4.3 are;

- (a) to establish maximum height limits for buildings,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity,
- (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,
- (f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation the maximum height of building development standards of 17m in clause 4.3 of GLEP 2014. A copy of the clause 4.6 variation is included in **Attachment 3**.

The applicant's written request refers to the first of the five tests established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard, Clause 4.3 Height of Buildings of the GLEP 2014.

The Applicant's written request to vary the height of building development standard demonstrates the following:

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

1. The consent authority is satisfied that the Applicant's written request has

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adequately addressed the matters required to be demonstrated in clause 4.6(3).

- 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?

Comment - The applicant has submitted a written request to vary the height development standard. The applicant submission contends that the development standards should be varied in summary for the following reasons:

- The variation is minor numerically and can be accommodated within the consolidated site without any significant additional impacts on amenity or overshadowing of adjoining developments.
- The development is of a high standard of architectural design and quality finishes and is below the maximum FSR permitted.
- The proposal is consistent with the objectives of the B2 zone to provide such development in close proximity to public transport, Ettalong town centre, Ettalong Beach, to encourage lot consolidation, as well as providing business and residential opportunities.
- The variation to height is only over part of the development and mostly located within the centre of the site which reduces visual impact or appearance of bulk and scale from the public areas of Ocean View Drive.
- The proposed development does not result in any significant loss of views or overshadowing of adjoining land.
- Approval is in the public interest and there are sufficient environmental planning grounds to justify the variation.

The applicant's written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental Planning grounds to justify contravening the development standard.

2. The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment - The proposed development is considered to be in the public interest. It is considered to comply with the objectives of the B2 zone and development standard objectives, as it provides for a commercial use supported by residential units above in close proximity to public transport and services.

The development will not have unreasonable impacts on the neighbouring residents or character of the area and remains consistent with the objectives of the development

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standards and objectives of the B2 Zone.

Has the concurrence of the Secretary been obtained?

Comment - Planning Circular PS 18-003 issued 21 February 2018 states that Council may assume the concurrence of the Secretary when considering exceptions to development standards under clause 4.6. The Council is therefore empowered to approve the application.

The requests for variation has been assessed with consideration of relevant principles set out in various judgements applying to variations to development standards, including:

- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *-Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

Compliance with the development standard is considered unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard?

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the development standard and the zone objectives such that the proposal is in the public interest. The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal. Strict compliance with the prescriptive building height control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

This assessment concludes that the clause 4.6 variation of GLEP 2014 provided having regard to clause 4.3(2) of GLEP 2014 is well founded and worthy of support.

The request for a variation under Clause 4.6 is considered to be well founded and is recommended for support.

Clause 7.1 - Acid Sulfate Soils.

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 3 Acid Sulfate Soils. In this instance, the proposed works are not

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considered to impact on Acid Sulfate Soils. The geotechnical report submitted identified that borehole and soil testing did not encounter acid sulphate soils. **(Refer condition 4.16)**

Clause 7.2 - Flood Planning

This land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to Clause 7.2 of Gosford Local Environmental Plan 2014.

Draft Environmental Planning Instruments

The Draft Central Coast Local Environmental Plan 2018 applies to the subject land.

The proposal is consistent with the draft plan.

Gosford Development Control Plan 2013.

Chapter 2.1 Character

The site is located within the Ettalong Beach 9: Mainstreet Centre. The desired character for this area is;

This should remain a mixed-use centre that provides a range of services and accommodation for local residents as well as visitors, where scenic potential of a prominent backdrop to Brisbane Water and the Hawkesbury is enhanced by new developments that encourage high levels of street activity and also achieve improved standards of amenity plus urban-and-civic design quality.

Protect and enhance existing levels of "main-street" activity with building forms that maintain the pedestrian-friendly scale of existing one and two storey shop-front developments, and also the current level of midday sunlight along all footpaths. Promote high levels of on-street activity by maximising the number of retailers or businesses and the continuity of shop-windows along all street or future laneway frontages. Avoid indoor arcades that would draw people away from the street. Incorporate awnings, colonnades or balconies in all buildings to provide sheltered pedestrian settings that encourage pavement dining. Contribute to high levels of visible activity along all streets by surrounding upper storeys with balconies that accommodate restaurant dining or residents' outdoor recreation.

Ensure that new developments (including alterations to existing buildings) do not dominate the informal scenic qualities of foreshore settings or disrupt the main-street development pattern in this established coastal shopping village. Along all public streets, shop-front facades should have a zero setback and a maximum height of two storeys, with taller storeys set back behind terraces to maintain a pedestrian-friendly scale as well as midday sunlight along all footpaths. Vary the overall height of

buildings within permissible height limit and ensure that siting and form preserve levels of privacy, sunlight and visual amenity that are enjoyed by existing dwellings and their private open spaces.

Reflect the form of development that is typical of traditional coastal centres where a wide variety of retailers are accommodated by separate buildings upon narrow-fronted allotments. Along any street or waterfront, avoid the appearance of a continuous wall of development or uniform building heights. Vary the shape and height of all visible facades. Top-most storeys should be setback behind wide roof terraces, and roofs plus parapet heights should step from one building to the next. Street corners should be emphasised by taller forms. In general, neighbouring buildings should be separated by landscaped courtyards and alleyways that provide view corridors, access to apartment lobbies, and daylight plus an outlook for above-ground dwellings. Within the foreshore precinct, future development should create separate building forms, and incorporate a pedestrian plaza from Ocean View Road to The Esplanade, generally along the alignment of Pacific Avenue, to provide additional sunlit retail frontages, access plus water-views.

Disguise the scale and bulk of new buildings. All visible facades should employ extensive windows that are shaded by lightly-framed balconies, verandahs or exterior sunshades, plus painted finishes and some board or sheet cladding rather than expanses of plain masonry. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that shade terraces and also disguise the scale of exterior walls. Side and rear facades should match the design quality of the street frontage.

Conceal off-street parking behind shops or apartments, and provide unobtrusive vehicle entrances from laneways or secondary streets to minimise the disruption of shopfronts and associated pedestrian activity. Contribute to co-ordinated street improvements that include dedicated pedestrian crossings, footpath paving, landscaping and lighting to provide safe and secure settings for informal social interaction. Building colour schemes and commercial signs should be co-ordinated and limited in size and number to promote the identity of this coastal centre, rather than emphasising corporate sponsorship.

In the waterfront reserve along The Esplanade, contribute to master planned landscape improvements that provide a visual link between the town centre and the coastal waterway, and that also improve recreation settings plus erosion control measures. New buildings that service visitors or future ferry operations should reflect the scale, form and architecture of traditional marine buildings, particularly by using a light-weight appearance and gently-pitched roofs with shady eaves.

The proposal is considered to be consistent with the desired character for the area as it:

- Provides commercial at ground level which does not dominant the street frontage.

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- Provides car parking within the site behind and in basement level.
- Provides residential accommodation to support the town centre.
- Enhances main street activity.

Chapter 2.2 Scenic Quality

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

Chapter 4.2.1 Where this Chapter applies

The site is located within the Ettalong Village Centre.

4.2.3 Objectives of this Chapter

The aims of this chapter of the DCP are to:

- 1 Promote efficient use of land by encouraging mixed use redevelopment that benefits local residents as well as visitors to Gosford City.
- 2 Encourage the amalgamation of small properties for redevelopment.
- 3 Ensure that future buildings allow for view sharing within the centres.
- 4 Promote the highest standards of urban and architectural design quality.
- 5 Ensure high levels of amenity along streets and laneways.
- 6 Encourage intensive pedestrian activity along all streets and laneways.
- 7 Address the desired character of residential areas that surround the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres.
- 8 Provide for high levels of residential amenity in surrounding residential areas as well as within the Woy Woy Town Centre and Ettalong Beach and Umina Beach Village Centres.
- 9 Maximise energy-efficient planning, design and construction for new buildings.
- 10 Prevent the discharge of contaminated stormwater into Brisbane Water and Broken Bay.
- 11 Ensure that new development does not exceed the capacity of existing public infrastructure.

4.2.3 Future Development within Peninsula Centres - Vision

The vision stated for the Ettalong Village centre is;

'Ettalong Beach Village Centre should continue as a mixed use centre that provides a range of retail/commercial activities and residential accommodation for local residents as well as visitors. Its provision of specialised niche retailing

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and recreational activities that serve a wider population should be encouraged, and particular to build on the strengths offered by major tourist resort development. The resultant dynamic active atmosphere should be enhanced and maintained to provide sustainable commercial and retail revitalisation within the Centre. All new buildings are to be satisfactorily integrated into the existing urban fabric with its predominately "Australiana heritage" style theme to provide cohesion and continuity to the streetscape. Picnic Parade will provide the "entrance avenue" to the village and public domain improvements will define the entrances to the village boundary to give a sense of "arrival" at the village. Existing niche activities, such as restaurants, cafes, specialist butchers and the like are to be encouraged. Developments are to be designed to integrate the foreshore area to the village centre and residential development within the town centre should be able to enjoy view lines to the waterway, including Lion Island, and not be obscured by inappropriate bulky buildings.

Opportunities that may be afforded by water based transport are to be maximised and integrated into the public domain of the overall centre.

The proposal provides a mixed use development with commercial on the ground floor and a mix of size of residential units above as shop top housing.

4.2.5.1 Street Frontage

The proposal complies with the aim to encourage the consolidation of lots which will permit a higher FSR for lots over 20m width. The proposal consolidates 4 lots into 1 lot with a width of 30.485m and therefore permits a FSR of 2:1. The proposed development has a FSR of 1.6:1 which is below the maximum permitted.

Clause	Description	Required	Proposed	Compliance	Comments
4.2.5.2- Building Height	Max height in storeys	5	6	No	See comments below
	Max external wall height	15.5m	12.81m	Yes	
	Max street wall height/storeys	2	4	No	See comments below
	Max street wall height	8.75m	12.81m	No	See comments below
4.2.5.3 Building setbacks	Building envelope			No	See comments below

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and envelope					
	Min street setback	3m	1.2m-3.525m	Yes	Shop front set back 3.525m as suggested in SEPP 65 review.
	Min side setback	3.5m	3m-13.3m	No	See comments below
	Min rear setback	6m	7.8m	Yes	
4.2.5.4 Building separation					Addressed under SEPP 65/ADG assessment.
4.2.5.5 Building depth	Max depth commercial	10m	10m	Yes	
	Max depth residential	18m	8-15m		Yes- Addressed under SEPP 65/ADG assessment.
4.2.6.1 Building Facades	Width of street level façade vertical panels			Yes	The building provides a modulated and articulated façade with higher levels setback a greater distance than the lower levels and angled windows.
4.2.6.2 Building articulation				Yes	The varying setbacks provide good articulation with a varying roof form. The top floor has setback greater than

3.2

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					the lower floors and is not visible from street level.
4.2.6.4 Active street frontage	Ground floor articulation for shopfront			Yes	The street façade uses multiple architectural materials and modulation using both horizontal and vertical elements. A separate pedestrian entry has been provided from Ocean View Road to the residential units.
4.2.6.5 Building entries				Yes	Separate residential and commercial entries have been provided.
4.2.6.6 Awnings				Yes	Awning provided
4.2.6.7 Materials and finishes	Materials and finishes to contribute to the streetscape and articulation			Yes	
4.2.7.1 Internal ceiling height and room dimensions	Min ceiling height-habitable rooms	2.7m	2.7m	Yes	
4.2.7.2 Internal common circulation				Yes	Compliance with BCA

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4.2.9 Housing choice and mix	Max same type dwellings	33%	56%	No	The mix of 1, 2 and 3 bedroom units in this location is considered reasonable.
	Min adaptable units	10%			Yes-3 provided
4.2.12	Energy/water efficiency			Yes	BASIX Certificate submitted

Building Height

The maximum building height is 17m. The proposed height is 19.41m (lift overrun and 18.67m to the roof ridge. The top 6th floor is set back 11.8m front the street boundary and will not be visible from street level. The additional setback also minimises or does not create any additional significant overshadowing.

The proposed height is considered reasonable for the site is supported.

Building Envelope and setbacks

The variation in setbacks adds to the building articulation and has increased the setbacks on the eastern side to mitigate the impact on the zone boundary.

The applicant amended the plans to provide a greater front setback for the ground level shop to provide an outdoor area as recommended by the independent SEPP 65 assessment.

The setbacks are considered reasonable for the site and are supported.

4.2.8 Heritage

The site is not identified as a heritage item. Further discussions regarding heritage refer to comments from Council's Heritage Officer.

4.2.11 Vehicle Access & Car Parking

Car parking driveway access has been provided on site in excess of the DCP requirements and all spaces are located well within the site so as not to cause vehicles entering the site to back up into the street. Driveway ramps comply with AS2890.1.

Chapter 6.3 Erosion Sedimentation Control

Appropriate controls to be conditioned.

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Chapter 6.4 Geotechnical Requirements for Development Applications.

A geotechnical report has been submitted. The land is not steep land. The geotechnical report identifies the site contains loose sandy soil. It recommends future cut be supported by engineered retaining walls with subsoil drainage.

Groundwater was not encountered in the boreholes. **(Refer condition 4.10)**

Chapter 6.7 Water Cycle Management

A water cycle management plan has been submitted and assessed by Council's development engineer as satisfactory. The proposal will incorporate rainwater tanks for retention and detention at the rear of the site.

Chapter 7.1 Car Parking

Item	Required	Proposed	Compliance
Shop top housing	25	32	Yes
Shop	3	3	Yes
Accessible	2	2	Yes
Total	30	37	Yes

The proposal complies with car parking requirements.

Chapter 7.2 Waste Management

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

Any Submission made in Accordance with this Act or Regulations

Sixty-seven (67) public submissions were received in relation to the application. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979.

A summary of the submissions are detailed below.

1. The building is out of character with and has very little architectural merit in classy Ettalong. The building size and height are 20% over height and floors 4 and 5 should be stepped in as per guidelines. The development is more suited to another area.

Comment – The variation to height is about 14% and only over part of the building. The building has been stepped in on the eastern side with the adjoining R1 zone to mitigate the impact at the zone interface.

2. The residential area to the north will lose privacy.

Comment – The building setbacks and orientation of windows mitigate any privacy loss which is not considered unreasonable. The building setback to the north (rear) is 7.8m and greater. This is adequate separation.

3. Setbacks do not comply with guidelines. A 9 metre setback is required for buildings of this height.

Comment – Building separation is shared between adjoining sites. The variations to setbacks are considered reasonable and supported.

4. Traffic assessment is poor and does not consider the 26 new units or other approved or pending DAs in this area. Using data from 2015 with minor time surveys is not adequate.

Comment – The proposal has been reduced to 25 units. Traffic generation is minor and the road system can cater for the additional traffic.

5. No street trees are provided to soften the aesthetics and provide shade in the street.

Comment- The proposed landscape plan shows generous plantings along the side and rear boundaries. Street tree planting is not expected in this location due to extent of paving and services in the footpath area.

6. The building height will overshadow adjoining sites and should be lowered in height.

Comment- The variation to height is minor and the building has been set back from the eastern zone interface to reduce the impact on the eastern side.

7. There is not enough infrastructure to support multi-storey buildings with more people. The additional strain on water supply alone is ridiculous.

Comment- The existing infrastructure can cater for the additional demand. The proposal generates only 21 additional dwellings on the 4 existing lots. Water and sewer is available and adequate for the development.

8. There are existing empty units and commercial space in Ettalong which obviously states that this is not what people want.

Comment- Vacancy rates depend on a number of factors. This is not a relevant issue or reason to refuse the application as demand may increase in the future.

9. There are already parking problems in the area.

Comment- Adequate parking has been provided on site and there is additional street parking in the location.

10. The proposal will block or reduce views of the sky, geographic features, landmarks, and will stand out like a sore thumb.

Comment- There are a number of similar developments in the area and the area is going through transition to higher density development in accordance with the zone objectives. The proposal not not impact views of any iconic features or waterways.

11. The bulk and scale of the development is out of scale with surrounding residential properties.

Comment- The development is located at the zone interface with land zoned R1 to the east and north. The design has taken this into consideration and is considered reasonable for the site. The FSR is below the maximum permitted under the planning controls.

12. The development includes the demolition of two historic significant buildings, which can be traced back to the earliest settlement of Ettalong Beach.

Comment- The buildings are not listed as items of environmental heritage under local or state provisions. The applicant has submitted an engineer's report which identifies that the front façade can not be retained with the development.

13. Council should reject all applications outside of planning guidelines.

Comment- All applications must be considered under the relevant planning controls and impacts of the development. It is considered the proposed development is reasonable and appropriate for the site.

14. The development is not in keeping with the village atmosphere of Ettalong.

Comment- The proposal is in keeping with the desired character for the area and existing recent developments.

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15. The shadow diagrams are incomplete and inaccurate. Shadows extend a greater distance onto adjoining sites than shown. The overshadowing of the footpaths is substantial.

Comment- The shadow impacts will be in the morning to the west and in the afternoon to the east. The shadow impacts are not unreasonable and adjoining sites will retain reasonable sunlight.

16. The reversing of the garbage truck to service the development is a risk to public safety. A turntable should be provided on site.

Comment- Council's traffic engineer supports the proposal. The frequency of such servicing is low and the risk is also low. Work safety measures must be employed with such servicing.

Submissions from Public Authorities

None required.

Internal Consultation

Development Engineer	Supported subject to conditions. (Refer conditions 2.6, 2.7, 2.8, 3.3, 5.2, 5.3, 5.4, 5.5, 5.7) See comments below.
Traffic Engineer	Supported subject to conditions. See comments below.
Waste	Supported subject to conditions. (Refer conditions 2.10, 2.11, 4.15, 5.11, 6.5, 6.6, 6.7)
Heritage Officer	Not supported. See comments below.
Tree/Landscape Assessment	Supported subject to conditions. (Refer conditions 6.2, 6.3) See comments below.
Water & Sewer	Supported subject to conditions. (Refer conditions 2.4, 2.5) See comments below.

Development Engineer.

Revised Traffic report by Seca Solution dated 1 June 2020, & plans by Cubo Engineering dated 12/05/20 include driveway plan and long section, swept vehicle paths for 10.5m long HRV garbage truck, AS2890 B85 & B99, car parking levels to be a minimum RL 4.35m AHD and FFL to be at a minimum RL 4.35m AHD.

Traffic Engineer

Council's traffic engineer supports the proposed introduction of No Parking Signs in Ocean View Road. The basement ramp and manoeuvring areas be designed to accommodate a B85 design vehicle. There is no objection to garbage collection by reversing into site.

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Heritage Officer

Council' Heritage Officer advises;

The property is not currently heritage listed.

A heritage nomination was received as part of an objection to the previous scheme lodged and subsequently withdrawn in 2019. The heritage nomination was for two buildings within the proposed development site be heritage listed, and spared demolition.

The western-most building within the site is identified as a brick shop, perhaps dating to the 1920s, - considerably intact and with painted signage and internal tiling indicating that it functioned as a butchery.

To the east of this, separated by a relatively narrow driveway, is a weatherboard structure- possibly older than the butchery. This lies directly behind, and is attached to, a nondescript shopfront of a later date.

Both buildings lie within the visual catchment of other interesting buildings of similar date, indicating that Ocean View Road was once the commercial 'strip' of Ettalong Beach. This adds to their local significance.

In summary, we recommend to Council that the former butchery be listed as a locally significant heritage item, - a contributory item to the streetscape presentation of Ocean View Road.

Conservation works would remove later accretions, such as the pedimented front awning and retain the painted signage, but otherwise the brickwork should not be painted.

It is possible that the rear-most section of the building may be sacrificed as part of a negotiated and conditioned approval- but further study is required, including a statement of significance and heritage impact assessment for the site.

In a perfect world, the weatherboard building would also be retained, but this is not considered feasible, as the original front of the structure appears to have been removed- seriously impacting its intactness and significance. Retention of both buildings would also impact the street front presentation of, and access to, the proposed development.

In consideration of this, retention and repurposing of the butchery for incorporation within the framework of the proposed development should now be our focus.

In response to the above heritage comments, the applicant advises;

The locale and Council have had previous opportunity to nominate the sites for heritage listing. The sites have not been deemed appropriate or worthy of being included in the Register.

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The previous application was not withdrawn due to the request for Heritage nomination. The existing buildings cannot be spared demolition due to their location on the sites, their structural adequacy and the façade and aesthetics being eclectic and hooch-pooch in terms of period and building material. The existing building unworthy of being integrated into a new development proposal.

The existing buildings cannot be spared demolition due to their location on the sites, their structural adequacy and the façade and aesthetics being eclectic and hooch-pooch in terms of period and building material. The existing building unworthy of being integrated into a new development proposal.

We acknowledge that similar buildings remain in the street or locality. The built form examples on the subject site are better represented on other sites in the area. Ie Hse 380-382 Ocean View Rd

It should be noted that if 233 Ocean View Rd was to remain in some form it would sit in isolation with no direct connection to the Village Centre and therefore out of context with the proposed and emerging build form character.

Due to the poor upkeep and maintenance of the building any obvious and relatable connection to the category factors to determine Heritage Significance are extremely vague and blurred. Hence why no previous action has been taken to classify.

Refer to Engineers observations. Due to the poor upkeep and maintenance of the building any obvious and relatable connection to the category factors to determine Heritage Significance are extremely vague and blurred. Hence why no previous action has been taken to classify.

The developments site/existing building have not been requested, acknowledged or accepted to be registered under the listing Criteria of the Office of Environment and Heritage.

Planning Comment

The site is not listed as a heritage item in GLEP 2014. The applicant has submitted a report from a Structural Engineer that states;

A visual inspection of the existing building elements revealed that:-

- 1. Many building elements were of poor finish and included embedded metal and fixings which would not allow the existing structure to have an extended life and therefore would not be suitable for incorporation into a new development.*

2. *Nonvisual elements, eg. Footings and services would not be conducive for the support or alteration to allow enhancement or incorporation into a new development.*



Photograph (P) 1. Front Facade

If the existing building façade cannot be retained, a heritage record of the existing buildings should be required. **(Refer Condition 3.9)**

Tree/Landscape Assessment

Council's Tree Officer reviewed the application and provided the following comments:

The proposal does not impact existing prominent trees.

The proposed Landscape plan shows generous plantings alongside and rear boundaries containing mostly suitable native tree species such as Blueberry Ash, Flowering Gums, Flame tree and Bangalow Palm.

Front or street tree planting is not expected due to no set from boundary and the entirely paved road reserve in this area.

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Water & Sewer

Water and sewer services are available to the land. A section 307 certificate is required. Contributions will apply, early application is recommended. Building over sewer conditions will apply. Retaining walls and garden beds adjoin the sewer mains. Level were not indicated within the road reserve, lowering may be required if there is cut for the ramp. Regardless protections will be required to the CICL water main during construction. **(Refer conditions 2.4 and 2.5)**

Likely Impacts of the Development

a) Built Environment

The subject site is zoned B2 Local Centre under GLEP 2014 and is surrounded mainly by residential developments.

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 GLEP 2014 and GDCP 2013 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 Ocean View Road.

The redevelopment of the site will result in a development consistent with that of existing and future development in this location. There is no significant tree removal and the proposed development does not impact the natural environment.

The submitted SWMP, Water Cycle Management Plan and Landscape Design Report provides an overall concept which will be in character with the area.

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 and residential accommodation on the Central Coast.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide employment in construction and the provision of medium density residential development in close proximity to public transport, Ettalong Beach and amenities.

Suitability of the Site for the Development

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

- The site is zoned B2 Local Centre Mixed Use under GLEP 2014. Shop top housing is permissible with consent under the B2 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.
- 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 GLEP 2014 and GDCP 2013.
- 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

Other Matters for Consideration:

Section 7.12 Contributions

Contributions are applicable under CP 31-Penninsula. A condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Construction Certificate. **(Refer to Condition 2.9)**

Bushfire

The land is not identified as bushfire prone land.

Shadow Impacts

The site runs approximately north-south. There will be shadow impacts in the morning on the western adjoining site and in the afternoon on the eastern adjoining site. The variation to the height is mainly located within the centre of the site which does not result in significant additional shadow impacts on the adjoining sites. It is considered the shadow impacts are not unreasonable for the proposed development over the 4 existing lots.

Isolation/Redevelopment of Adjacent Sites.

There is one lot on the western side (No 235) which is likely to be redeveloped in the future. The proposed development should not result in isolation of adjoining sites for future development.

The adjoining lot has an area of 976m² and under the provisions of clause 4.4A of GLEP 2014 for lots less than 1000m² the maximum FSR is reduced from 2.0:1 to 1:1.

The applicant advises that past attempts were made to include No 235 in the development proposal but were unsuccessful. While no formal offer was made, the owner indicated that they did not want to sell the property.

It should be noted that the previous application (DA55896/2019) included No227-231. The applicant was successful in including No 233 in the current application.

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Despite the reduction in FSR for No 235, a reasonable development could still be erected on the site.

Development at Zone Interface

The provisions of Clause 5.3 require Council to consider the amenity impacts of development near zone boundaries. The proposed development site is zoned B2 Local Centre and adjoins land (No 225) zoned R1 General Residential under Gosford Local Environmental Plan 2014 on the eastern and northern sides. Therefore, this clause applies.

The eastern adjoining site has a height control of 8.5m and is currently developed with 4 villas.

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The relevant amenity impacts at the zone interface are assessed as follows:

- The proposed building has been setback from the eastern side boundary by location of the 6m wide driveway on this side. Above the ground floor level the setbacks vary and increase from 7m to 10.216m to the walls of the proposed building, with angled windows to prevent direct viewing to the adjoining site.

The rear boundary has a 7.808m setback to the adjoining northern residential zone.

In *Seaside Property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117, the planning principle established that residents living in adjoining lower density residential areas must accept that higher density and larger scale development can happen in an adjoining zone and whilst impacts must be within reason they can nevertheless occur. Conversely development on the subject site may not be able to achieve the full potential under the applicable planning controls.

Council is satisfied that:

1. The development is not inconsistent with the objectives for development in both zones, and
2. the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The proposed development is considered to satisfy the matters of consideration for development at the zone interface. The building has been setback 6m and greater on the eastern side by the positioning of the driveway on the eastern side. This reduces the impact

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on the eastern adjoining site which is zoned R1. The proposed consolidation of 4 existing lots enables a better planning outcome than if each lot was developed separately.

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.

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 SEPP 65, ADG, Gosford Local Environmental Plan 2014 and Gosford DCP 2013 and has been found to be satisfactory.
3. The proposal has amended the design in line with the independent architectural assessment.
4. The proposal consolidates 4 lots and provides an appropriate design outcome for the site at the zone interface.
5. There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

Attachments

1	Draft Conditions of Consent		D14276415
2	Architectural Plans	Provided Under Separate Cover	D14067137
3	Architectural Plans (redacted)		D14457157
4	Statement of Environmental Effects and Clause 4.6 submission	Provided Under Separate Cover	D14454123
5	SEPP65 Design Verification		ECMD25487318
6	Traffic Impact Assessment		ECMD25487321

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 Howard Leslie and Associates

Drawing	Description	Sheets	Issue	Date
DA00	Drawing List & Symbols	1	C	22/05/2020
DA01	General Notes	1	C	22/05/2020
DA10	Site & Context Analysis	1	C	22/05/2020
DA11	Planning	1	C	22/05/2020
DA12	Site Pre-Construction Works Plan	1	C	22/05/2020
DA13	Site Plan	1	C	22/05/2020
DA14	Ground Landscape Plan	1	C	22/05/2020
DA15	L1, L3 & L5 Landscape Plan	1	C	22/05/2020
DA16	Landscape Details	1	C	22/05/2020
DA17	Shadow Diagrams	1	C	22/05/2020
DA30	Basement Floor Plan	1	C	22/05/2020
DA31	Ground Floor Plan	1	C	22/05/2020
DA32	L1 Floor Plan	1	C	22/05/2020
DA33	L2 Floor Plan	1	C	22/05/2020
DA34	L3 Floor Plan	1	C	22/05/2020
DA35	L4 Floor Plan	1	C	22/05/2020
DA36	L5 Floor Plan	1	C	22/05/2020
DA37	L5 Roof Plan	1	C	22/05/2020
DA38	Natural Ventilation Diagrams	1	C	22/05/2020
DA40	Building Sections	1	C	22/05/2020
DA41	Building Sections	1	C	22/05/2020
DA50	Building Elevations	1	C	22/05/2020
DA51	Building Elevations	1	C	22/05/2020
DA60	Bin Room Detail Plan	1	C	22/05/2020
DA70	Window Schedule	1	C	22/05/2020
DA72	External Materials Schedule	1	C	22/05/2020
DA80	External Views	1	C	22/05/2020
DA81	Balcony Views/Visual Privacy	1	C	22/05/2020
DA82	Solar Access	1	C	22/05/2020

Supporting Documentation

Document	Title	Date
Clarke Dowdle & Associates	Statement of Environmental Effects Ref 18145	December 2019
Clarke Dowdle & Associates	Survey Plan	14/10/2019
CKGeotech Pty Ltd	Geotechnical Report	24/06/2019
CKGeotech	Geotechnical Assessment	July 2018
David Rowe	Waste Management Plan	07/05/2020
	Engineering Plans 11 Sheets Rev 3	12/05/2020
Ian Bassett & Partners	Apartment Design Guideline Compliance Report	05/12/2019
Building Sustainability Assessments	BASIX Certificate No1054531M	30/10/2019
Building Certification Services (NSW)	BCA/NCC Assessment Report	November 2019
Ian Bassett & Partners	SEPP 65 Design Verification/Design Quality Principles	10/12/2019
Seca Solutions	Traffic Impact assessment	November 2019

1.2. Carry out all building works in accordance with the National Construction Code Series Building Code of Australia, Volume 1 and 2 as appropriate.

1.3. Comply with all commitments listed in the BASIX Certificate for the development 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. 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 construction, and/or
- b) Implementation of environmental protection measures, such as erosion control as required under this consent.
- c) Demolition.

- 2.3. 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).

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

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

- 2.5. Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building Over or Adjacent to Sewer and Water Main Guidelines to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. The Engineering details are to also include protections to the Cast Iron Water Main during construction. Plan assessment fees apply.
- 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:

- a. Construction of 'No Parking Signs' within Ocean View Road to facilitate garbage truck movements onto the site in accord with Cubo Engineering Plan 18092-CI-080 Rev

- 4 Waste collection vehicle swept path dated 12/05/20 (D14067148). Plan/signs are to be approved by Council's Traffic Committee prior to installation of the signs.
- b. Construction of a commercial vehicle access crossing that has a minimum width of 6.2 metres to a maximum width to accommodate Waste collection vehicle swept path shown in Cubo Engineering Plan 18092-CI-080 Rev 4 dated 12/05/20 (D14067148) at the road gutter crossing, and a minimum 6.2 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
 - c. Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
 - d. Removal and replacement of all damaged kerb and gutter with new kerb and channel.
 - e. Removal of all redundant vehicular access crossings. The verge/footway formation is to be reinstated with reinforced concrete footpath from top of kerb to property boundary.
 - f. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
 - g. Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.

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:
 - 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. Driveway to basement carparking to have a minimum crest level of Reduced Level (RL) 4.35 m Australian Height Datum (AHD).
 - b. 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.
- c. Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 - d. Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
 - e. Construction 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 Ocean View Road.
 - f. Construction of buildings with the minimum floor level of all habitable rooms in the development being Reduced Level (RL) 4.80 m Australian Height Datum (AHD).
 - g. Construction of buildings with the minimum floor level of all commercial rooms in the development being Reduced Level (RL) 4.35 m Australian Height Datum (AHD).
 - h. Construction of buildings from materials that are used or located below Reduced Level (RL) 4.35 m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
 - i. Ground floor car parking minimum floor level being Reduced Level (RL) 4.30 m Australian Height Datum (AHD).
 - j. 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. Pay to Council a total contribution amount of **\$302,583.00**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$17,168.00
Open Space - Land	C	(Key No 791)	\$49,000.00
Open Space - Embellishment	C	(Key No 790)	\$135,063.00
Community Facilities - Land	D	(Key No 793)	\$2,768.00
Community Facilities - Capital	D	(Key No 792)	\$43,943.00
Drainage - Land	A	(Key No 787)	\$11,102.00
Drainage - Capital	A	(Key No 788)	\$43,539.00
TOTAL AMOUNT			\$302,583.00

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

Contact council's Contributions Planner on Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by Council that verifies that the section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street, Gosford or on [Council's website](#).

- 2.10 Provide details that the internal road strength is strong enough to withstand a truck loading of 23.0 tonnes and the minimum height clearance within the waste truck servicing area is 4 metre.
- 2.11 Provide details that the waste truck servicing grade is 3% or less for the following areas:
- a) within the enclosure
 - b) for bulk bin roll out pads
 - c) within the 12.0m bulk bin and truck servicing area

3... PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2 Appoint a Principal Certifier for the building work:
- 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 Work 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. 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.

- 3.4. 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.

- 3.5. Install a hoarding or construction site fence between the work site and any public place to prevent any materials from or in connection with the work falling onto the public place. The use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the *Roads Act 1993* will need to be lodged with Council if the hoarding or construction site fence must be erected on the road reserve or a public place.

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

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

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

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

- 3.7. 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 Certifier 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

Remove the sign when the work has been completed.

- 3.8. 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.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 3.9 Prepare and submit an archival record of heritage listed building to Council. It must include measured drawings and an archival photographic record prepared in accordance with the NSW Heritage Office's guidelines. The photographs must include a record of the building before, during and after works have been completed.
- 3.10 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.

- 3.11 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

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. 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.

- 4.4. 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.
- 4.5. 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.
- 4.6. 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.

- 4.7. 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.
- 4.8. 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 Certifying Authority that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).

- 4.9 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 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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*.
- 4.14 Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.15 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 David Rowe, dated 7 May 2020.

5... PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions must be met under this section prior to the issue of any Occupation Certificate.
- 5.2. 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.

- 5.3. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.4. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.5. Amend the Deposited Plan (DP) for consolidated lot of lots 1, 2, 3 & 4 DP 24978 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:
 - a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. The facility will remain in place and fully operational
 - ii. The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility

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

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

- 5.6. The consolidation of Lot 1 DP 24978, Lot 2 DP 24978, Lot 3 DP 24978 and Lot 4 DP 24978 into one lot by registered subdivision. Documentary evidence of the lodgement of the Consolidation Plan with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.

- 5.7. Construction of 'No Parking Signs' within Ocean View Road to facilitate garbage truck movements onto the site in accord with Cubo Engineering Plan 18092-CI-080 Rev 4 Waste collection vehicle swept path dated 12/05/20 (D14067148). Plan/signs are to be approved by Council's Traffic Committee prior to installation of the signs
- 5.8. Erect a 1.8metre high fence along the length of the side and rear boundaries behind the building line.
- 5.9. Complete landscaping works.
- 5.10. 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.
- 5.11. 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.

6.. ONGOING OPERATION

- 6.1. All conditions under this section must be met for the operation of the development.
- 6.2. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.3. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.4. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
- 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 David Rowe dated 7 May 2020.
- 6.7. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

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

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

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

www.centralcoast.nsw.gov.au

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

GFA			
Category	Use/Unit Type	Area	FSR
CIRCULATION	GF LOBBY	36.33	0.02
CIRCULATION	L1 CORRIDOR	42.71	0.02
CIRCULATION	L2 CORRIDOR	42.55	0.02
CIRCULATION	L3 CORRIDOR	42.40	0.02
CIRCULATION	L4 CORRIDOR	37.47	0.02
COM RETAIL	GRD	201.46	0.10
RES STORAGE	GF STORAGE	81.36	0.04
RES STORAGE	GF STORAGE	11.69	0.01
RES STORAGE	GF STORAGE	16.83	0.01
RES STORAGE	GF STORAGE	38.53	0.02
RESIDENTIAL	L1 2 Bed	77.25	0.04
RESIDENTIAL	L1 3 Bed	113.06	0.06
RESIDENTIAL	L1 2 Bed + Study	93.83	0.05
RESIDENTIAL	L1 3 Bed	113.11	0.06
RESIDENTIAL	L1A 1 Bed	40.79	0.02
RESIDENTIAL	L1A 2 Bed + Study	84.71	0.04
RESIDENTIAL	L1A 3 Bed	89.63	0.05
RESIDENTIAL	L1A 2 Bed	70.25	0.04
RESIDENTIAL	L1A 3 Bed	113.06	0.06
RESIDENTIAL	L2 2 Bed + Study	93.83	0.05
RESIDENTIAL	L2 2 Bed	77.25	0.04
RESIDENTIAL	L2 3 Bed	113.11	0.06
RESIDENTIAL	L2A 2 Bed	47.95	0.02
RESIDENTIAL	L2A 3 Bed	30.48	0.02
RESIDENTIAL	L2A 2 Bed + Study	47.39	0.02
RESIDENTIAL	L2A 3 Bed	41.40	0.02
RESIDENTIAL	L2A 3 Bed	77.25	0.04
RESIDENTIAL	L2A 3 Bed	124.48	0.06
RESIDENTIAL	L2A 3 Bed	113.11	0.06
RESIDENTIAL	L2A 3 Bed	130.95	0.07
RESIDENTIAL	L2A 2 Bed + Study	93.82	0.05
RESIDENTIAL	L3 3 Bed	130.85	0.07
RESIDENTIAL	L3 3 Bed	124.44	0.06
RESIDENTIAL	L3 3 Bed	113.06	0.06
RESIDENTIAL	L3 3 Bed	130.85	0.07
RESIDENTIAL	L3 3 Bed + Study	93.83	0.05
RESIDENTIAL	L4 3 Bed	113.11	0.06
RESIDENTIAL	L4 2 Bed	77.25	0.04
RESIDENTIAL	L4 3 Bed	113.06	0.06
RESIDENTIAL	L4 3 Bed	185.67	0.10
RESIDENTIAL	L5 3 Bed	2,737.98	1.43
		3,049.32 m ²	1.59

UNIT BREAKUP			
Type	Story	Unit #	Area
2 Bed	L1	101	77.25
3 Bed	L1	102	113.11
3 Bed	L1	103	113.06
2 Bed + Study	L1	104	93.83
2 Bed	L1A	105	70.25
2 Bed + Study	L1A	106	84.71
3 Bed	L1A	107	89.63
1 Bed	L1A	108	40.79
2 Bed	L2	201	77.25
3 Bed	L2	202	113.11
3 Bed	L2	203	113.06
2 Bed + Study	L2	204	93.83
2 Bed	L2A	105	47.95
2 Bed + Study	L2A	106	47.39
3 Bed	L2A	107	41.40
1 Bed	L2A	108	30.48
2 Bed	L3	301	77.25
3 Bed	L3	302	113.11
3 Bed	L3	303	113.06
2 Bed + Study	L3	304	93.82
3 Bed	L3	305	124.48
3 Bed	L3	306	130.95
2 Bed	L4	401	77.25
3 Bed	L4	402	226.17
2 Bed + Study	L4	404	93.83
3 Bed	L4	405	124.48
3 Bed	L4	406	130.85
3 Bed	L5	501	185.67

SITE COVERAGE

Deep Soil Zone	593.69
Other Landscaped Area	197.31
Site Area	1,951.28
Building Footprint	1,951.28
Building Footprint	1,160.67
Building Footprint	1,160.67

PARKING

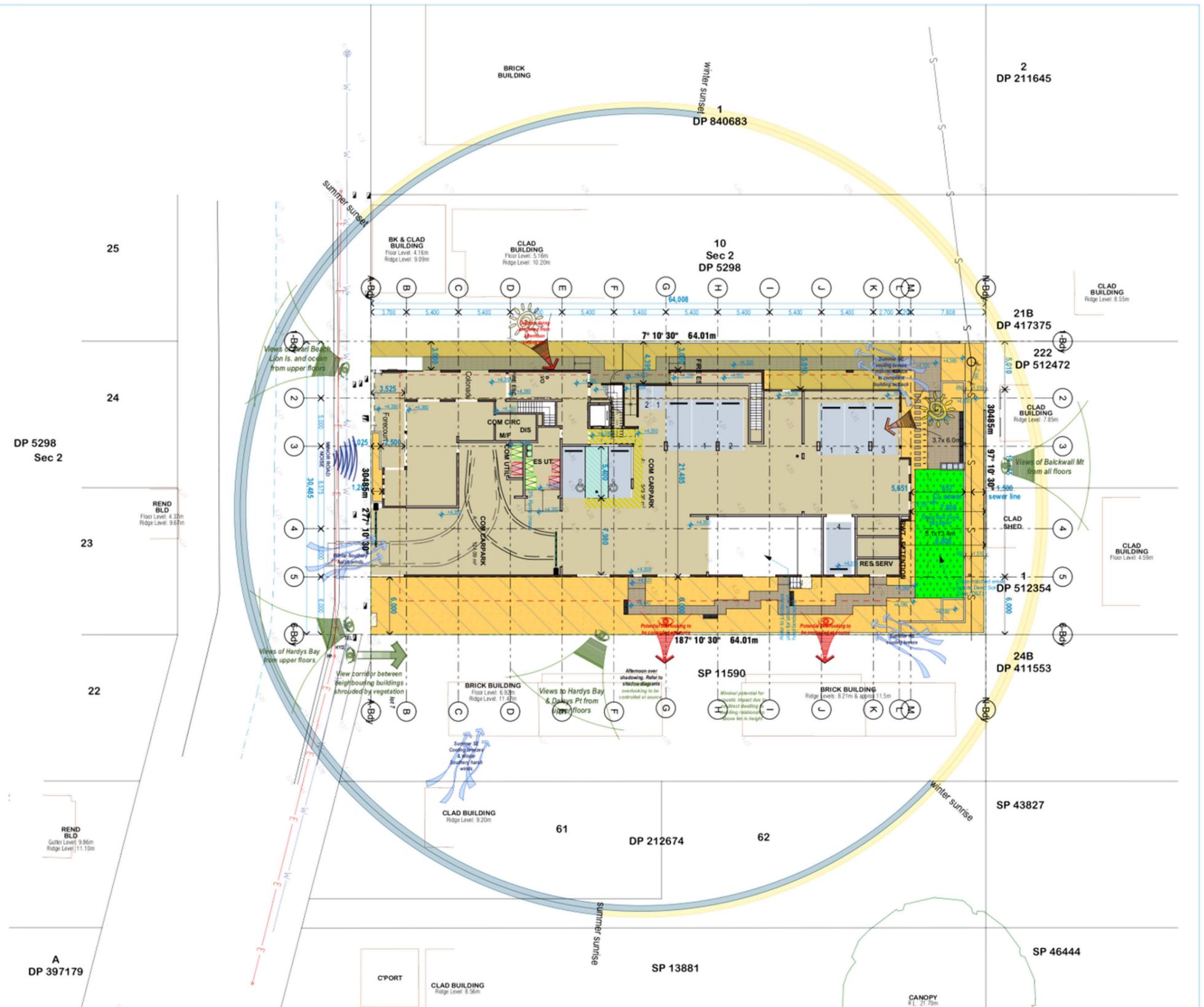
PROPOSED	Basement	Ground	CARS		OTHER	
			Resident Spaces	Commercial Spaces	Accessible Spaces	TOTAL
	27	-	-	-	13	-
	5	3	2	-	2	4
	TOTAL	32	3	2	37	15
	REQUIRED	28	3	2	31	-
	Compliance	-	-	-	-	-

SITE STATISTICS

	Existing	Required	Proposed	Compliance
Zoning	B2	B2	B2	✓
Site Area	1951m ²	750m ²	1951m ²	✓
Floor Space Ratio (FSR)	NA	2.1	1.61	✓
Height of Building (HOB)	NA	17m	18.67m	✗
Deep Soil Zone (DSZ)	NA	REAR 6m SIDE 6m FRONT NA	6m 6m NA	✓ ✓ ✓
		15% Site (min 6m)	30% Site (max 6m)	✓

LEVELS

Existing Spot Levels
Proposed Spot Levels



NOTES. REFER ALSO TO GENERAL NOTES SHEET DA01:
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Est. 1985 on the Central Coast

Mixed Use Development & Demolition
 No. 227-233 Ocean View Rd
 Ettalong NSW 2257
 Lot 1-4, D.P. 24978

JEDACLEW P/L

REV	Issue	Date
01	Issue to Consultants	31/05/19
02	Issue to Consultants	10/06/19
03	Issue for BSA Assessment	17/06/19
04	Issue for CA	28/07/19
05	Council request for information	09/09/20
06	Re-issue DA to Council	25/09/2020

SITE PLAN	
BSA Ref: 1054531M	Scale @ A1 sheet size: 1:200
BSA Rating: N/A	Issue: C
Drawn: ARF/DR	17623-DA13
Checked: IB/DR	
Print Date: 25/01/2021	



LEVELS
Existing Spot Levels
Proposed Spot Levels

21B
DP 4173

222
DP 512472

CLAD BUILDING
Ridge Level: 7.30m

CLAD SHED

1
DP 512354



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A	Issue for CA	26/03/2019
B	Council request for information	20/03/2020
C	Re-issue DA to Council	25/05/2020

GROUND LANDSCAPE PLAN

BA01: Cert: 1054531M Scale @ A1 sheet size

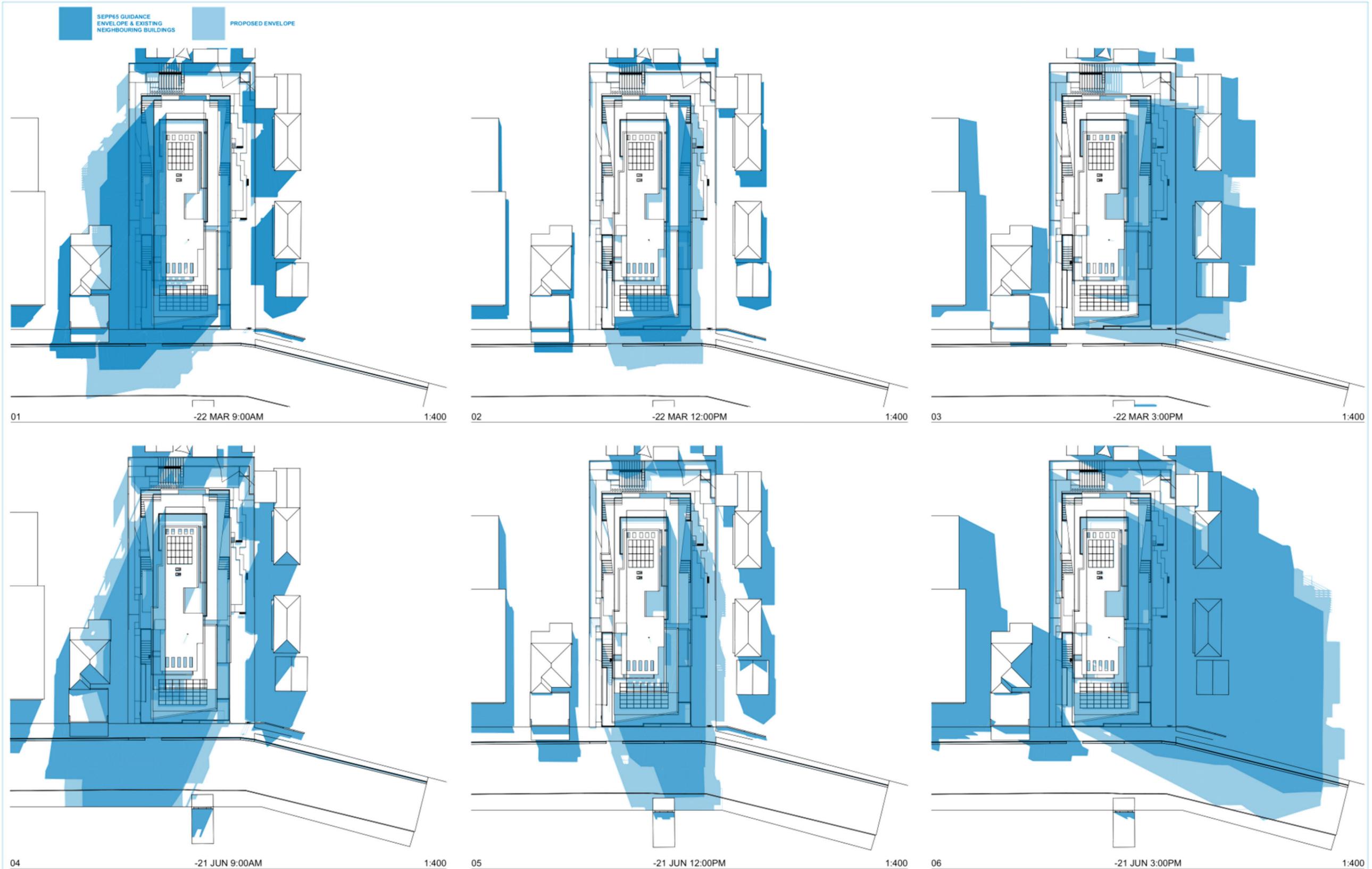
BA1 Rating: N/A

drawn: ARF/DR

checked: IB/DR

print date: 25/01/2021

17623-DA14



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NOTE
 - Locations, heights, and dimensions of all existing elements on neighbouring lands depicted in these drawings are an estimate only and have been ascertained using aerial photography, site observations, and other publicly available information. The designer does not warrant the accuracy of such information and information shown is indicative only.
 - Ground levels of both the subject site depicted have been ascertained from survey information available. Site conditions shall be verified prior to construction.

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A	Issue for CA	26/02/2019
B	Council request for information	05/03/2020
C	Re-issue DA to Council	22/05/2020

SHADOW DIAGRAMS

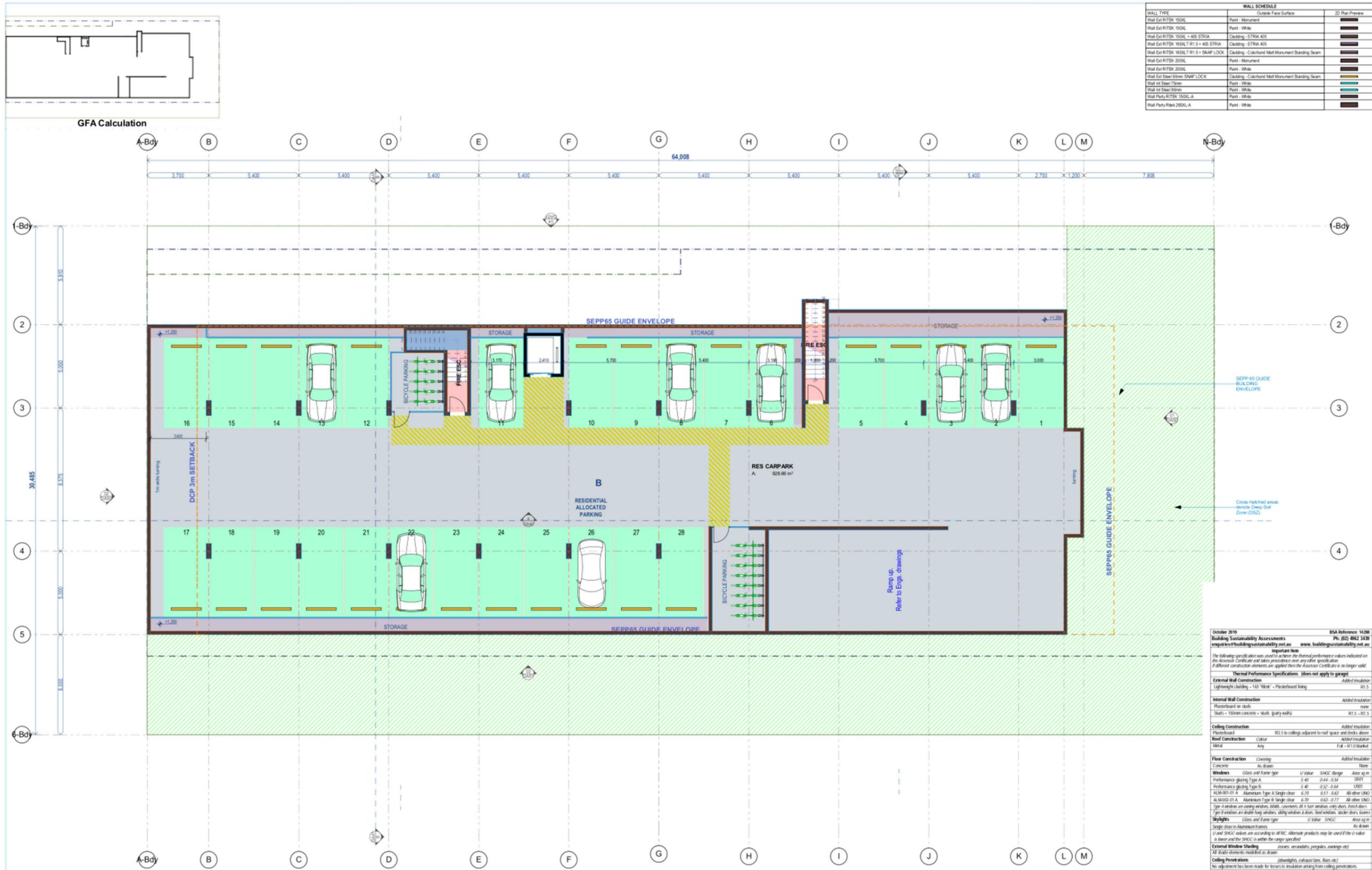
BA01X Cert: 1054531M Scale: @ A1 sheet size

BA1 Rating: N/A Issue: 17623-DA17

drawn: ARF/DR C

checked: IB/DR

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C	Re-issue DA to Council	25/05/2020

BASEMENT FLOOR PLAN

BSA Ref: 1054531M Scale @ A1 sheet size: 1:100

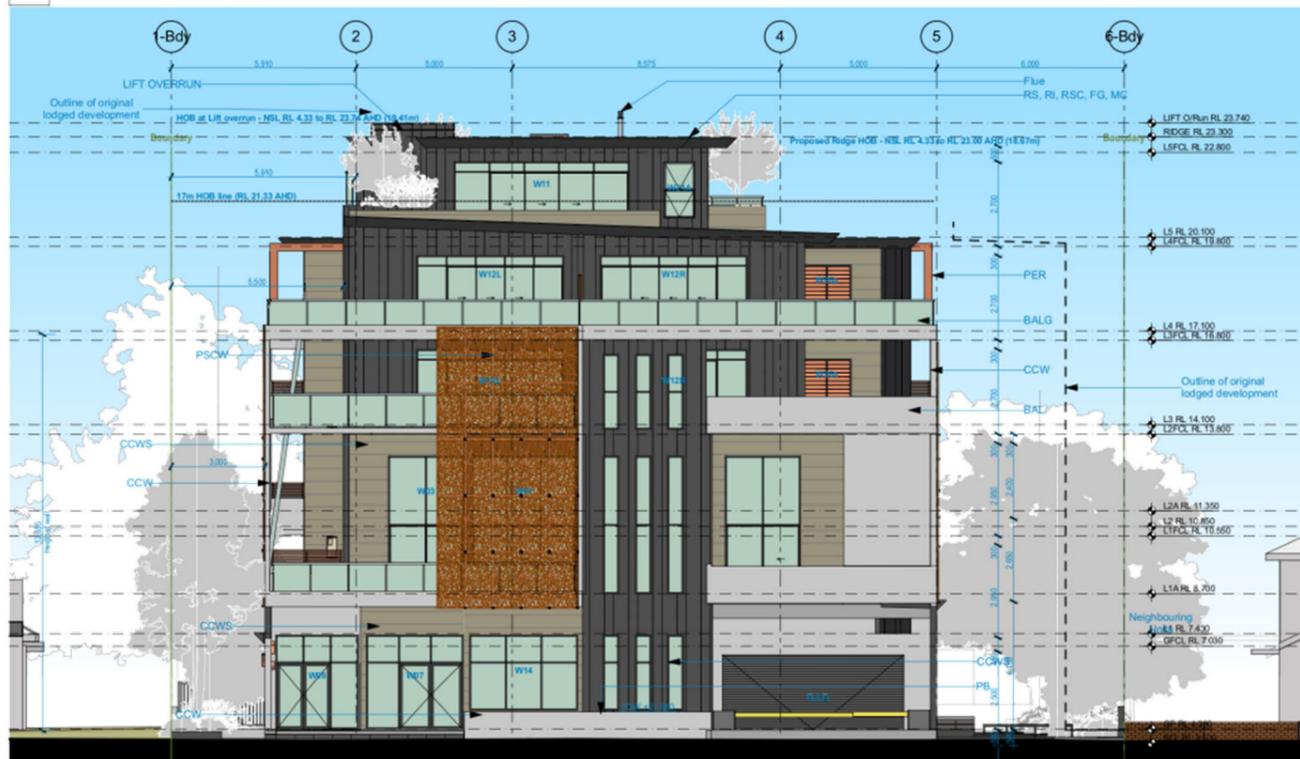
BSA Rating: N/A

drawn: ARF/DR
checked: IB/DR
print date: 25/01/2021

17623-DA30



01 NORTH ELEVATION
1:100



02 SOUTH ELEVATION
1:100

Generally, external materials are to External Materials Schedule	F&G	Selected 'Colorbond' fascia & half-round gutters.	RI	Provide min R3.5 insulation batts to all ceilings and walls between roof spaces and habitable spaces.
BAL Texture coated concrete composite balustrade wall to be min 1000mm high measured from adjacent finished floor level, and are to comply with Part 3.9.2 NCC	FSF	Proprietary steel framed mezzanine floor.	RS	Steel framed or Concrete roof structure to Engineers' details.
BALG Selected frameless glass balustrade to be min 1000mm high measured from adjacent finished floor level, and are to comply with Part 3.9.2 NCC	MAIL	Powder coated Aluminium mail boxes installed to Australia Post requirements.	RSC	Colorbond Kip-Lok 700 roof sheet layed at min 2" to manufacturer's documents. Refer to External Materials Schedule
CCPW Concrete composite party walls to comply with part 3.7.1 of the NCC. FFL 9090/90. R/c at min 50.	MC	Colorbond metal cappings and flashings to match roofing	SCS	Suspended concrete slab to Engineer's documents
CCW Texture coated concrete composite external walls. Refer to External Materials Schedule for colours.	PSL	Fixed aluminium louvred privacy screens to 1500 high above adjacent FFL	SFCW	Light steel framed wall with Colorbond Standing Seam SNAP LOCK 38 Cladding fixed to battens.
CCWM Colorbond Standing Seam SNAP LOCK 38 Cladding fixed to battens over concrete composite external walls.	PSCW	Fixed curtain wall privacy screens	SIL	Selected skylights.
CCWS JH Stria 405 or similar wall cladding fixed to battens over concrete composite external walls.	PB	Raised planter bed. Refer to Landscape Plan. Concrete floor to Engineer's documents where on roof.	SOG	Concrete slab on ground to Engineer's documents
CF Replace fencing with 'Colorbond' fencing. Refer to External Materials Schedule	PE	Painted FC Lined eaves. All eaves & gable overhangs to be 600mm unless noted otherwise.	STAIR	All stairs to comply with Part 3.9.1 NCC
	PER	Painted steel framed pergola to future detail. Refer to External Materials Schedule	TCB	Tiled concrete balcony. Provide non-slip tiles over waterproofing to AS4654
	PL	Light steel framed plasterboard wall and ceilings. Refer to wall types.		
	RAD	Selected Colorbond roller access doors.		

October 2019		BSA Reference: 14288
Building Sustainability Assessments		Ph: (02) 4962 3439
enquiries@building-sustainability.net.au		www.buildingsustainability.net.au
Important Note		
The following specifications are used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specifications. If different construction elements are applied then the Assessor Certificate is no longer valid.		
Thermal Performance Specifications (does not apply to garage)		
External Wall Construction	Added Insulation	
Lightweight cladding - 140 'R'ink - Plasterboard lining	R1.5	
Internal Wall Construction	Added Insulation	
Plasterboard on studs	none	
Studs - 150mm concrete - studs, quarry walls	R1.5 - R1.5	
Ceiling Construction	Added Insulation	
Plasterboard	R0.5 to ceilings adjacent to roof space and decks above	
Roof Construction	Added Insulation	
Colorbond	Added Insulation	
Truss	R1.8 - R1.0 battens	
Flow Construction	Covering	Added Insulation
Concrete	As drawn	None
Windows	Glazing and Frame type	U Value
Performance glazing Type A	5.40	0.44 - 0.52
Performance glazing Type B	5.40	0.52 - 0.64
ALM-01-01 A	Aluminium Type A Single clear	6.70
ALM-02-01 A	Aluminium Type B Single clear	6.20
U and SHGC values are according to AS/NZS 4842. All other U and SHGC values are according to AS/NZS 4842. Alternate products may be used if U value is lower and the SHGC is within the range specified.		
External Window Shading	Devices, materials, pergolas, awnings etc	
All shade elements modelled as drawn		
Ceiling Penetrations	(skylights, exhaust fans, ducts etc)	
No adjustment has been made for losses to insulation arising from ceiling penetrations.		

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JEDACLEW P/L

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BUILDING ELEVATIONS

BSA/Cert: 1054531M Scale @ A1 sheet size: 1:100

BSA Rating: N/A

drawn: ARF/DR
checked: IB/DR
pmt date: 25/01/2021

17623-DA50



VIEW 1



VIEW 2



VIEW 3



VIEW 4



VIEW 5



VIEW 6



VIEW 7



REAR YARD DSZ



EAST GARDEN WALK

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EXTERNAL VIEWS

BSA/Cert: 1054531M	Scale: @ A1 sheet size
BSA Rating: N/A	Issue: PROJECT P
Drawn: ARF/DR	C
Checked: IB/DR	17623-DA80
Print Date: 25/01/2021	



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SEPP 65 DESIGN VERIFICATION

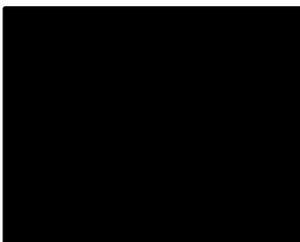
PROPOSED DEVELOPMENT: 227-233 OCEAN VIEW ROAD, ETTALONG BEACH. NSW

This is to certify that I, Ian Bassett, registered architect No 6987 have directed the re-design of the above project in partnership with Howard Leslie & Associates.

I further verify that I will direct any Section 96 design amendments.

I will ensure that the Construction Certificate documentation complies with the design intent of the approved Development Application and any attached Council Conditions of Consent.

I will ensure that the building 'as built' will comply with the design intent of the approved Development Application and Construction Certificate.



Ian Bassett
NSW Registered Architect No 6987
28th October, 2019



Proposed Mixed use
development,
227-233 Ocean View
Road Ettalong

Jedaclaw Pty Ltd

Traffic Impact Assessment

November 2019

SECAsolution 

Mixed-use development,
227-233 Ocean View Road, Ettalong Beach

Traffic Impact Assessment

Author: Robert Day / Sean Morgan/Shawn Lear

Client: Jedaclew Pty Ltd

Issue: Ver05/05112019

Reference: P1360

13 November 2019

Quality Review and Document History

Version	Date	Description	Prepared By	Reviewed By
Ver01	09/11/18	Draft	R. Day	S Morgan
Ver02	28/11/18	Final	S.Morgan	C.Thomas
Ver03	17/4/19	Final	S Morgan	C Thomas
Ver04	23/4/19	Update plan	S.Morgan	C.Thomas
Ver05	05/11/19	Update plan	S.Lear	C.Thomas



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1. Introduction

Background

Seca Solution Pty Ltd has been commissioned by HLA Building Design on behalf of Jedaclew Pty Ltd to prepare a traffic and parking report for a proposed mixed-use development at 227-233 Ocean View Road, Ettalong Beach. The plans for the development consist of 26 residential units and 1 commercial tenancy as well as a building manager's office located on the ground floor of the building. Parking for the site will be provided at ground level and in basement parking below the development. 35 standard car parking spaces and 2 disabled parking spaces will be provided on site to accommodate the parking demands for residents, visitors and shop/commercial elements. All vehicle access will be provided by a two-way driveway that runs along the eastern site boundary to Ocean View Road. Kerb side parking is provided along Ocean View Road adjacent to the site with public parking also provided along Picnic Parade and The Esplanade.

The subject site is located close to the centre of Ettalong Beach (shown below in Figure 1-1) and is within a short walk (less than 200m) from local shops and attractions. It has a single site frontage to Ocean View Road on its southern boundary and is bounded by a number of retail stores to the west and residences to the north. The development is well supported by pedestrian and public transport facilities with bus stops located along the site frontage providing half hourly services to Woy Woy and Gosford. Pedestrian footpaths and street lighting are provided throughout the area to both sides of the road, with pedestrian crossings located at regular intervals along Ocean View Road to the west of the site.



Figure 1-1 Location of the proposed development.

As part of the project Seca Solution has collected current traffic data at the intersection of Ocean View Road and The Esplanade and has observed traffic operations in the locality of the site during peak periods.

Planning Context

In preparing this document, the following guides and publications were used:

- RMS Guide to Traffic Generating Developments, Version 2.2 Dated October 2002. Note the RMS have advised that this document can continue to be used.
- RMS Technical Direction Guide to Traffic Generating Developments, Updated Traffic Surveys and Trip Rates August 2013;
- Gosford Development Control Plan 2013
- Australian / New Zealand Standard – Parking Facilities Part 1: off-street car parking (AS2890.1:2004);



2. Traffic Impact Assessment Summary

The following assessment has been completed in accordance with the requirements of the RMS's Guide to Traffic Generating Developments and Austroads Guidelines.

Item	Comment
2.1.1 Site Location and Access	The site is located at 227-233 Ocean View Road, Ettalong Beach with frontage to this road only. All vehicles access will be via a driveway on Ocean View Road along the eastern boundary of the site.
2.2.1 Road Hierarchy	<p>The main road through the locality is Ocean View Road that runs along the southern boundary of the site. Ocean View Road provides a single lane of travel in both directions with a wide pavement width in the order of 12m allowing for parking along both sides of the road. There are footpaths and street lights provided along both sides of the road, with pedestrian crossings at key locations to the west of the site.</p> <p>Picnic Parade intersects with Ocean View Road via a 4-way roundabout to the west of the site, and forms part of the local road network providing a connection to Maitland Bay Drive and the regional road network to the north. It provides a single lane of travel in both directions separated by a centralised median along most of its length. Footpaths, street lighting and on road cycling lanes are also provided to both sides of the road.</p> <p>The Esplanade is located south of the intersection between Picnic Parade and Ocean View Road. It provides a single lane of travel in each direction separated by centre line markings. A sealed pavement width in the order of 11m allows for kerbside parking to both sides of the road along the majority of its length. Footpaths and street lighting are provided along both sides of the street.</p> <p>The intersection of Ocean View Road and Picnic Parade/The Esplanade is controlled by a roundabout and allows for all turning movements.</p>
2.2.2 Roadworks	None noted in the general vicinity of site. Given the current traffic movements in the locality it can be seen that other than regular road maintenance there are no requirements to upgrade the roads within the general locality of the subject site.
2.2.3 Traffic Management Works	There are no planned traffic management works within the general locality of the subject site. Traffic flows in the general vicinity of the subject site are reasonably low and as such, the local road network operates well with minimal delays and congestion.
2.2.4 Pedestrian and Cycling Facilities	<p>There are pedestrian paths provided along all roads within the general vicinity of the site, allowing connections to local retail outlets and entertainment. Pedestrian crossings are provided at key locations along Ocean View Road to the west of the proposed development.</p> <p>Cycling facilities are provided throughout the local area with a shared pathway along Ettalong Beach and an on-road cycling lane provided to both sides of the road along Picnic Parade. Current off-road dedicated cycling facilities in the area are limited requiring cyclists to use the local road network to travel to surrounding areas. However, the relatively low traffic flows and the width of the roads allows cyclists to ride on road in a safe and acceptable environment.</p>
2.2.5 Public Transport	Busways operates a number of services along Ocean View Road that provide a connection between the proposed development, local attractions and surrounding centres including Gosford and Woy Woy.

Item	Comment
	<p>Bus services operate regularly throughout the area (with multiple services each hour) and also provide a connection to the local railway station at Woy Woy, 4km from the site.</p> <p>The site has good connectivity to public transport with bus stops located along the site frontage and on Picnic Parade less than 100 meters from the site. Footpaths and pedestrian crossings provide access from the site to these facilities.</p>
2.3 Traffic Flows	
2.3.1 Daily Traffic Flows	<p>Seca Solution collected traffic data in December 2015, as part of a previous study, at the intersection of Ocean View Road and Picnic Parade / The Esplanade to determine the peak hour traffic flows. RMS guidelines indicate the peak hours typically represent around 10% of the daily traffic flows. The peak hour 2-way flows on Ocean View Road past the site were 330 vehicles in the AM and 400 in the PM. This would indicate that daily traffic flows along Ocean View Road past the proposed development are in the order of 3700 vehicles per day.</p> <p>The surveys confirmed that the morning peak occurs between 8.30-9.30 whilst the afternoon peak is between 14.45 and 15.45.</p> <p>As part of the current project a traffic survey was conducted at the same intersection between 8.45am and 9.15am on Wednesday 7 November 2018 as a check if there had been any significant growth in traffic over the last 3 years. The two-way peak hour flows on Ocean View Road were 366 vehicles which indicates an increase of 11% (3.6% per annum) since the December 2015 traffic counts. This would indicate that daily traffic flows could now be up to 4,000 vehicles per day.</p>
2.3.2 Daily Traffic Flow Distribution	<p>Daily traffic flows would be reasonably balanced over the day. The peak hour surveys show that the flows are reasonably balanced past the site, reflective of traffic demands to access local shops along Ocean View Road (west of the site) as well as traffic leaving the area (including Booker Bay) towards Ettalong Public School or Gosford (via Picnic Parade and Maitland Bay Drive).</p>
2.3.3 Vehicle Speeds	<p>No speed surveys were completed as part of the study work. However, observations on site indicate that drivers typically travel within the speed limits due to the interaction with other roads, driveways and pedestrians. The site is located close to the roundabout controlled intersection of Ocean View Road and Picnic Parade which also discourages drivers from speeding.</p>
2.3.4 Existing Site Flows	<p>The site is currently occupied by three boutique retail shops which would generate a low level of traffic, estimated to be around 10-12 trips per hour during AM and PM peaks.</p>
2.3.5 Heavy Vehicle Flows	<p>There are a limited number of heavy vehicles on Ocean View Road. Regular buses services operate along Ocean View Road throughout the day with some delivery vehicles associated with local businesses. The area does not encourage through traffic movement for freight.</p>
2.3.6 Current Road Network Operation	<p>Observations on site during the morning and afternoon peak periods show that the road network in the vicinity of the subject site operates very well, with limited delays or congestion for existing road users.</p> <p>The roundabout at the intersection of Ocean View Road and Picnic Parade / The Esplanade generally operates well with minimal</p>



Item	Comment
	delays and congestion. Queuing was minimal and the overall delays were very low.
2.4 Traffic Safety and Crash History	<p>Crash data provided by RMS for the length of Ocean View Road between Picnic Parade and Whiting Road shows that during the past five years there have been 3 crashes.</p> <ul style="list-style-type: none"> • One at Whiting Road – rear end crash; • One at 50 metres east of Whiting Road – single vehicle, run off road crash; • One in Picnic Pde 10 metres north of Ocean View Road – run off road into a parked vehicle. <p>None of these crashes were close to the subject site. It is considered that the crash history indicates that the road network in the vicinity of the site operates at a high level of safety.</p>
2.5 Parking Supply and Demand	
2.5.1 On-street Parking Provision	<p>Parking is permitted along both sides of Ocean View Road in the general vicinity of the subject site, with normal restrictions associated with driveways, intersections and bus zones.</p> <p>Public car parking is available within the vicinity of the site including 45° angle car parks located along the centre of Picnic Parade between the roundabout and Bream Street. 2-hour parking restrictions apply between 8:30am and 6pm Monday – Friday and 8:30am to 12:30pm Saturday. Additional kerb side parking (1 hour) is also provided adjacent to the shopfronts along The Esplanade.</p>
2.5.2 Off-street Parking Provision	No public off-street parking is available within 200m of the site.
2.5.3 Parking Demand and Utilisation	Only a small number of vehicles were observed to park along Ocean View Road in the locality, with most of these vehicles parked close to the intersection of Ocean View Road and Picnic Parade / The Esplanade. Public parking is available along Picnic Parade and The Esplanade which satisfies most of the local demand.
2.5.4 Set down or pick up areas	There are no set down or pick up areas in the vicinity of the site.
2.6 Public Transport	
2.6.1 Rail Station Locations	This area is not serviced by train lines. The nearest railway station is located in Woy Woy approximately 4km from the site. There are regular bus services providing a connection to this train station.
2.6.2 Bus Stops and Associated Facilities	<p>Bus stops are provided along the length Ocean View Road with a bus stop located on each side of the street along the site frontage. Additional bus stops are located on Picnic Parade within 100 meters of the site and close to local shops.</p> <p>A majority of the bus stops close to the development are covered (protected by shopfronts & a sheltered bus stop on the site frontage) with two bus stop also providing seating.</p> <p>Pedestrian connection to these bus stops is provided along sealed footpaths with a number of pedestrian crossing providing a safe pathway across Ocean View Road.</p>
2.6.3 Pedestrians	There are pedestrian footpaths provided along the majority of the roads within the locality of the site, with footpaths typically provided to both sides of the road. There are a number of pedestrian crossings along Ocean View Road allowing for a safe connection to nearby bus stops and to local shops

Item	Comment
	<p>and entertainment within comfortable walking distance (less than 400m) of the site.</p> <p>A shared pathway runs along the waterfront at Ettalong Beach between Ferry Road and Lemon Grove Park.</p>
2.7 Other Proposed Developments	The Ettalong Beach area is fully-developed with residential and commercial properties. The only other development currently proposed is the redevelopment of an existing commercial property at 285 Ocean View Road for a children's swim school.
3.1 The Development	
3.1.1 Nature of Development	<p>The proposal for the site is a mixed-use development providing the following land uses:</p> <ul style="list-style-type: none"> • 26 residential units consisting of 1, 2 and 3 bedroom units over 5 levels; • 3 of these units are to be adaptable to cater for disabled use • 1 commercial tenancy of 90.2 m² GFLA; and • A building manager's office located on the ground floor. <p>On-site parking will be provided within a ground level and basement car park with all vehicle access from Ocean View Road.</p>
3.1.2 Access and Circulation Requirements	All vehicles (excluding waste collection vehicles) will enter and exit the site in a forward direction via a driveway off Ocean View Road. A ramp will provide access between the ground level and basement parking.
3.2 Access	A driveway 6 metres wide will be provided off Ocean View Road to allow for the two-way entry and exit movements to the car park/loading area.
3.2.1 Driveway Location	The driveway will be located on the eastern side of the site frontage and allows for good visibility for drivers entering and exiting the site. All movements will be permitted from this access.
3.2.2 Sight Distances	Ocean View Road in this location provides a relatively straight alignment offering good visibility for drivers entering and entering the subject site. Sight visibility for vehicles exiting the sight is acceptable in both directions Ocean View Road operates under the posted speed limit of 50 km/hr with a required sight distance of 69 meters for the access driveway in accordance with AS2890.1. The site distance has been checked on site in both directions along Ocean View Road and extends to approximately 280 meters east towards the intersection with Snapper Road. Visibility to the west extends to 75 meters to the roundabout intersection of Picnic Parade and The Esplanade which is in excess of the standard requirement.
3.2.3 Service Vehicle Access	<p>Waste collection from the site will be completed via a dedicated loading area (11.5 meters long) located along the side of the access driveway. The heavy rigid waste collection vehicles will be required to reverse into the site from Ocean View Road and will exit the site in a forward direction. A swept path analysis has been completed by Cubo Consulting to confirm that a 10.5m long dual rear axle, rear loading waste collection vehicle can complete a reverse entry manoeuvre without crossing the centreline on Ocean View Road in accordance Australian Standard AS2890.2.</p> <p>To ensure safety is maintained for workers associated with the waste collection vehicle, vehicles will not be able to enter or exit the site and travel past the service area when a refuse truck is parked there. Boom gates at the driveway entry and the northern side of the disabled parking position abutting the residential waste storage enclosure are to be</p>



Item	Comment
	<p>indicated. A flashing warning light and signage advising of "Waste Vehicle Servicing" will be provided adjacent to the boom gates. The boom gates and flashing warning light/signage to be activated by a height sensor at the driveway entry.</p> <p>The loading area will also be used by smaller delivery vehicles i.e. Toyota HiAce associated with commercial elements of the development. All commercial service vehicles will be able to enter and exit the site in a forward direction.</p> <p>The access arrangements are reflective of existing developments in the general locality of the site and along Ocean View Road.</p>
3.2.4 <i>Queuing at entrance to site</i>	<p>No vehicle queues are expected at site entry / exit point with comparatively low traffic flows along Ocean View Road and the local road network. Any traffic queuing within the site boundary will not have any impact on the current operation of Ocean View Road.</p> <p>With the majority of the traffic expected to require a left turn into the site there will be minimal impacts upon the through traffic movements along Ocean View Road.</p>
3.2.5 <i>Comparison with existing site access</i>	<p>Access to the site is currently provided off Ocean View Road via an existing driveway along the eastern boundary of the site. This driveway will be replaced by the proposed access that will be located to the west of the existing driveway.</p> <p>A second driveway is located towards the western side of the site. This is being removed as part of the proposed development.</p>
3.2.6 <i>Access to Public Transport</i>	<p>Bus stops are provided to both sides of Ocean View Road within 80 metres of the site. Pedestrian access across Ocean View Road is provided by a pedestrian crossing on the eastern approach to the roundabout at Picnic Parade 100 metres to the west of the site.</p>
3.3 <i>Circulation</i>	
3.3.1 <i>Pattern of circulation</i>	<p>All vehicles (including waste collection vehicles) will be able to enter and exit the site in a forward direction, with the internal site layout designed in accordance with AS2890 and Council requirements.</p>
3.3.2 <i>Road width</i>	<p>All internal driveways and circulating aisles in the car park are designed in accordance with Council requirements. The parking aisles allow for 2-way traffic movements.</p>
3.3.3 <i>Internal Bus Movements</i>	<p>No internal bus movement is required for the development.</p>
3.3.4 <i>Service Area Layout</i>	<p>There will be an 11.5 metre long loading bay / parking area for waste management vehicles located to the western side of the entry driveway which will allow for loading/unloading and waste pickup without impacting on traffic movements in and out of the carpark.</p>
3.4 <i>Parking</i>	
3.4.1 <i>Proposed Supply</i>	<p>A total of 37 car parking spaces will be provided on site across two parking areas with 28 parking spaces in the basement carpark and 9 parking spaces in the ground level carpark, including 2 x Accessible spaces.</p> <p>The proposed supply includes 32 resident car parking spaces, 28 within the basement car park and 4 in the ground level of the carpark along with 2 spaces for the commercial elements and 1 space for visitors. 2 accessible spaces are also provided in the ground floor parking area.</p>

Item	Comment																
	Parking for 13 bicycles will be provided in the basement car park and 2 motorcycle parking spaces will be provided in the ground level carpark.																
3.4.2 Authority Parking	<p>Gosford City Council DCP provides the following parking requirements based upon a shop top development outside of the Central Business Zone and more than 400m from a train station:</p> <ul style="list-style-type: none"> • 1 space per dwelling for shop top housing. • 1 space per 30 m² GFA for shop/retail premises. <p>Provisions are to be made for persons with disability in the car parking facilities in accordance with Australian Standard AS2890.1. Accessible parking is supplied at the rate of two (2) parking space per 100 spaces or part thereof of car parking spaces provided based on SEPP 65.</p>																
3.4.3 Parking Layout	<p>The internal parking aisles, ramps and parking spaces have been designed in accordance with Council requirements and comply with Australian Standard AS/NZS 2890.1: 2004 Off Street Car Parking.</p> <p>User Class: 1A Parking Bays: 2.4 x 5.4 metres Parking Aisle: 5.8 metres.</p>																
3.4.4 Parking Demand	<p>Normal parking demands will be accommodated on site in accordance with Council DCP requirements. The development requires the following parking supply:</p> <table border="1"> <thead> <tr> <th>Element</th> <th>Number / size</th> <th>Council Requirement</th> <th>Parking Provision</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>26 dwellings</td> <td>26</td> <td>34</td> </tr> <tr> <td>Retail</td> <td>90.2 m²</td> <td>3</td> <td>3</td> </tr> <tr> <td>Total</td> <td></td> <td>33</td> <td>37</td> </tr> </tbody> </table> <p>The development provides a total of 37 parking spaces across the ground level and basement car park including 2 accessible parking spaces. This exceeds the DCP parking requirement by 4 spaces.</p> <p>With 3 adaptable units, adequate parking is provided with double spaces between columns suitable for conversion as required in the future.</p>	Element	Number / size	Council Requirement	Parking Provision	Residential	26 dwellings	26	34	Retail	90.2 m ²	3	3	Total		33	37
Element	Number / size	Council Requirement	Parking Provision														
Residential	26 dwellings	26	34														
Retail	90.2 m ²	3	3														
Total		33	37														
3.4.5 Service Vehicle Parking	<p>Dedicated service vehicle parking will be provided in a loading bay / waste vehicle parking area within the ground level carpark. The design of this area allows for the swept path movements associated with the entry and exit of refuse collection vehicles in accordance with Council requirements. Normal practice is for refuse collection not to coincide with peak activities on the site.</p>																
3.4.6 Pedestrian and Bicycle Facilities	<p>The development will link with pedestrian paths along Ocean View Road and provide access to local shopping / entertainment in Ettalong Beach. A number of pedestrian crossings are located in the area to provide a safe pathway across Ocean View Road to connect to the various attractions in the locality. Pedestrian facilities along Ocean View Road also provide a connection to the shared path along Ettalong Beach.</p> <p>Cycling lanes are provided along Picnic Parade within 100 meters of the site.</p>																
4.1 Traffic Generation	<p>Standard traffic generation rates provided by the RMS Guide to Traffic Generating Developments should be applied to the development. The following rates are considered appropriate:</p>																



Item	Comment																
	<ul style="list-style-type: none"> • 0.53 trips per unit in the morning peak (for a high density residential flat building in a regional area) • 0.32 trips per unit in the evening peak (for a high density residential flat building in a regional area) • 16.3 trips per 100 m² GFA for retail in the morning and evening peaks <p>Applying these rates, the traffic movements generated by the proposed development would be:</p> <table border="1"> <thead> <tr> <th>Element</th> <th>Number</th> <th>AM peak</th> <th>PM peak</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>26 units</td> <td>14</td> <td>8</td> </tr> <tr> <td>Retail</td> <td>90.2 m²</td> <td>15</td> <td>15</td> </tr> <tr> <td>Total</td> <td></td> <td>29</td> <td>23</td> </tr> </tbody> </table> <p>The above rates are considered to be a worst-case scenario as it is very likely that the customers to the retail component of the development will either be residents of the development or people who are visiting the town centre for other purposes. In addition, the existing retail stores on the site are estimated to generate around 10-12 trips per hour. Consequently, it is reasonable to expect that the additional peak hour trip generation for this site will be less than that calculated above, possibly in the range of 15 to 20 trips per hour.</p>	Element	Number	AM peak	PM peak	Residential	26 units	14	8	Retail	90.2 m ²	15	15	Total		29	23
Element	Number	AM peak	PM peak														
Residential	26 units	14	8														
Retail	90.2 m ²	15	15														
Total		29	23														
4.1.1 Daily and Seasonal Factors	Limited daily and seasonal variation in traffic movements associated with the residential development or commercial elements.																
4.1.2 Pedestrian Movements	The site provides a good connection to the existing footpath along Ocean View Road which connects to local retail and attractions.																
4.2 Traffic Distribution and Assignments	<p>As shown by the traffic surveys, AM and PM traffic flows are reasonably balanced past the site along Ocean View Road. A larger number of vehicles travelling continue along Ocean View Road through the roundabout (intersection with Picnic Parade / The Esplanade) associated with trips to local shopping and Ettalong Public School (including vehicles from Booker Bay).</p> <p>All traffic from the development will enter and exit the site off Ocean View Road.</p>																
4.2.1 Origin / destinations assignment	<p>It is considered that most traffic in and out of the site will likely have an origin/destination that requires travel along Ocean View Road to the west of the site including:</p> <ul style="list-style-type: none"> • Local shops & attractions • Ettalong Public School • Surrounding suburbs of Woy Woy, Gosford and Erina • M1 Pacific Motorway <p>The majority of vehicles leaving the site are therefore expected to travel west along Ocean View Road towards its intersection with Picnic Parade. Traffic volumes along Ocean View Road throughout the day (and including peak hours) are comparatively low and allow sufficient gaps for vehicles to be able to turn out of the site in either direction. Only minor delays would be expected for vehicles leaving the site, with any queuing forming within the site boundary and not affecting the local road network.</p>																

Item	Comment
	<p>The width of the road pavement allows for traffic to pass a vehicle waiting to turn right into the site although if there is a vehicle parked along the kerb, traffic movements would have to stop behind the right turn vehicle. This could cause some minor delays but outside of the peaks these would be minimal.</p>
4.3 Impact on Road Safety	<p>The development will have a minimal impact on road safety. The site access is located on a reasonably straight section of road allowing for good visibility for drivers entering/exiting the site. There are no safety concerns relating to visibility with reduced vehicle speeds through the roundabout approaching the site.</p> <p>The access also allows for drivers on Ocean View Road to observe the traffic movements in and out of the site and adjust their speed accordingly. Overall it is considered that the development will have an acceptable impact upon road safety in the locality.</p>
4.4 Impact of Generated Traffic	
4.4.1 Impact on Daily Traffic Flows	<p>Based on the RMS Guidelines, the residential component of the development could generate up to 120 trips per day (based on 4.58 trips per unit) equally split between 60 inbound and 60 outbound per day.</p> <p>The retail component could generate up to 150 trips per day (assuming that the peak hour trips are around 10% of daily trips). With a majority of these movements to the west of the site, this could increase daily flows towards the intersection of Ocean View Road and Picnic Parade / The Esplanade by, as a worst-case scenario some 250 vehicles per day. This makes no allowance however for the existing flows generated by the site.</p> <p>The current daily traffic flows on Ocean View Road, adjacent to the subject site, are in the order of 4,000 vehicles per day. Allowing for traffic flow increases of up to 250 vehicles (worst case) entering/leaving the site, this could potentially increase daily traffic flows along Ocean View Road to 4,250 vehicles per day.</p> <p>Under the RMS publication entitled "Network and Corridor Planning" dated August 2008, Ocean View Road is classified as a local road with a classification of 2U (urban) providing a reasonable standard of travel with an undivided carriageway and two lanes of travel with limited kerbside parking restrictions. This classification of road has a capacity of around 5,000 vehicles per day which will be sufficient for the increase in daily traffic volumes associated with the proposed development.</p> <p>The projected increase in traffic flows movements of up to 250 vehicles per day will have an acceptable impact in the overall operation of Ocean View Road.</p>
4.4.2 Peak Hour Impacts on Intersections	<p>The major intersection that could be impacted upon is the roundabout at Ocean View Parade and The Esplanade. A traffic survey was conducted at this intersection during the morning and afternoon peak periods in December 2015 as part of an investigation for a proposed development on a nearby property fronting Ocean View Road. A subsequent traffic survey at this intersection on 7 November 2018 confirmed that there has been an increase in traffic volumes along Ocean View Road of around</p>



Item	Comment
	<p>11% since 2015, however, the intersection still operates at a good level of service with minimal delays and congestion.</p> <p>This intersection has previously been modelled using Sidra intersection software which confirmed the site observations, with the level of service on all approaches being LoS A with minimal delays and very low queues of less than 2 vehicles (AM and PM peaks). Given the low traffic flows generated by the proposed development it is considered that this additional traffic will have a minimal impact upon the overall operation of this roundabout and that existing road users will experience minimal changes in delays or congestion.</p>
<p>4.4.3 <i>Impact of Construction Traffic</i></p>	<p>The majority of the construction work will be contained within the site so will have a minimal impact upon the external road network. There will be a requirement for construction machinery to access the site and traffic associated with workers. A Construction Traffic Management Plan (CTMP) will be required for work on site and to provide access controls. This will be completed as part of the design process for the project.</p> <p>The development will require upgrades to an existing driveway on Ocean View Road (and removal of a redundant driveway crossing), requiring a traffic control plan. This will be completed at the detailed design stage and will be the responsibility of the contractor on site.</p> <p>An important element of the construction phase for the project will be managing the parking demands for the construction workers. Parking should be allowed for off-site due to the lack of space on the site and this must be managed to ensure that there are minimal impacts on the adjacent local roads. This will be addressed within the CTMP that will be prepared as part of the detailed design stage of the DA process.</p>
<p>4.4.4 <i>Other Developments</i></p>	<p>The only other development currently proposed in the locality of the subject site is for the development of a swim school at 285 Ocean View Road, however, the interaction between the two developments will be limited and neither is expected to impact on the other.</p>
<p>4.5 Public Transport</p>	
<p>4.5.1 <i>Options for improving services</i></p>	<p>The future residents on the site could be users of public transport and will be able to use the existing bus services in the locality. There are existing buses that operate within 80 metres of the site along Ocean View Road that provide adequate services to local shopping and surrounding suburbs including Gosford and Woy Woy.</p>
<p>4.5.2 <i>Pedestrian Access to Bus Stops</i></p>	<p>The existing footpaths along both sides of Ocean View Road and Picnic Parade allow for pedestrian access between the subject site and the nearby bus stops.</p>
<p>4.6 Recommended Works</p>	
<p>4.6.1 <i>Improvements to Access and Circulation</i></p>	<p>The access and internal driveways are to be constructed in accordance with Council requirements and AS2890.1. The plans for the ramp and carpark are being reviewed by others who will report on their findings.</p> <p>To ensure safety is maintained for workers associated with the waste collection vehicle, vehicles will not be able to enter or exit the site and travel past the service area when a refuse truck is parked there. Boom gates at the driveway entry and the northern side of the disabled parking position abutting the residential waste storage enclosure are to be</p>



Item	Comment
	indicated. A flashing warning light and signage advising of "Waste Vehicle Servicing" will be provided adjacent to the boom gates. The boom gates and flashing warning light/signage to be activated by a height sensor at the driveway entry.
4.6.2 <i>Improvements to External Road Network</i>	No external road upgrades are required because of the development on the site.
4.6.3 <i>Improvements to Pedestrian Facilities</i>	The development will allow for connection to the existing footpaths in the locality including a shared pathway that runs adjacent to Ettalong Beach between Ferry Road and Lemon Grove Park
4.6.4 <i>Effect of Recommended Works on Adjacent Developments</i>	No works proposed which will impact on adjacent developments.
4.6.5 <i>Effect of Recommended Works on Public Transport Services</i>	Nil
4.6.6 <i>Provision of LATM Measures</i>	None required
4.6.7 <i>Funding</i>	All works will be funded by the developer.



3. Site Photos



Photo 3-1 –Existing buildings on part of the site



Photo 3-2 – View to the left for drivers exiting the site onto Ocean View Road



Photo 3-3 – View to the right for drivers exiting the site onto Ocean View Road



Photo 3-4 – View for drivers approaching the site from the west along Ocean View Road.

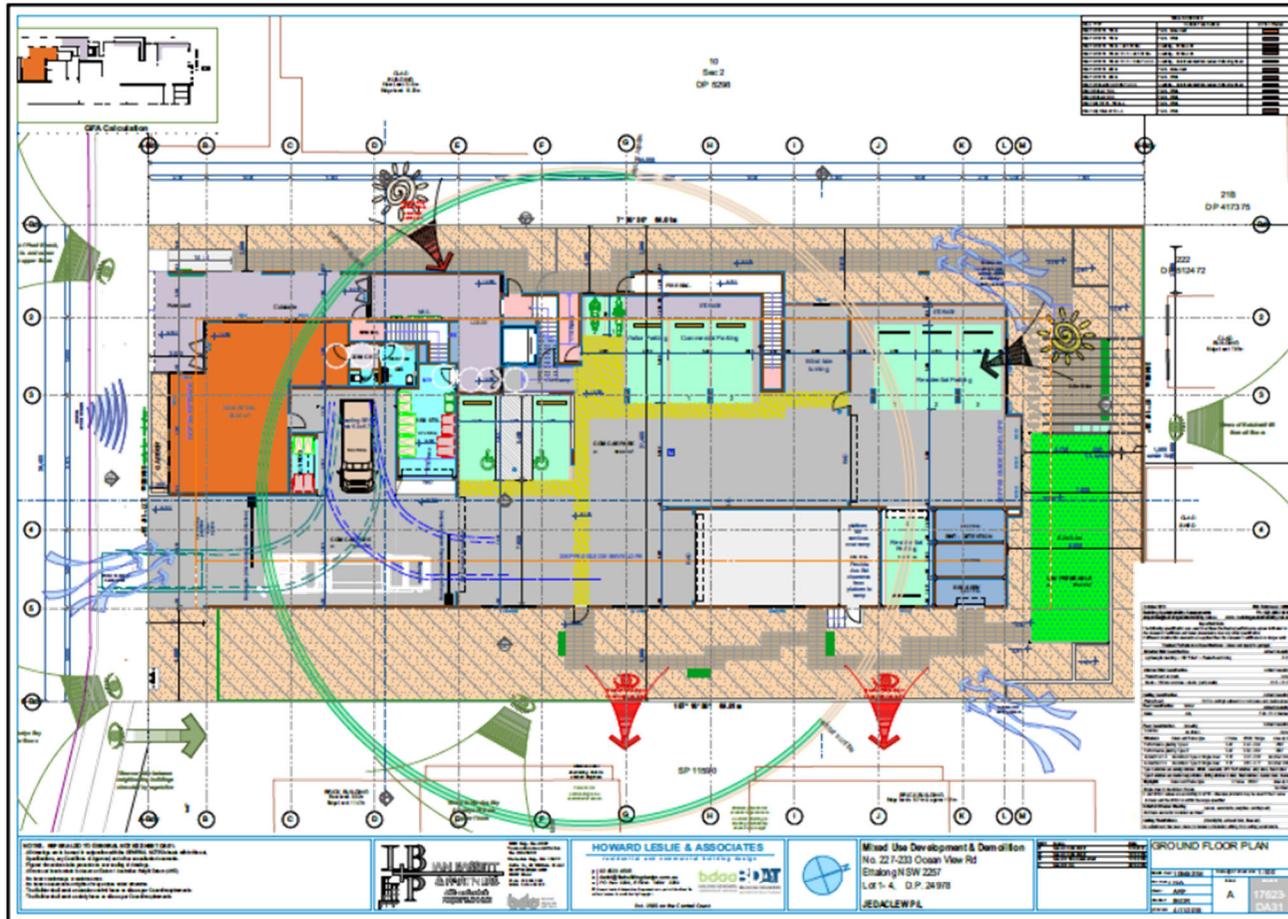


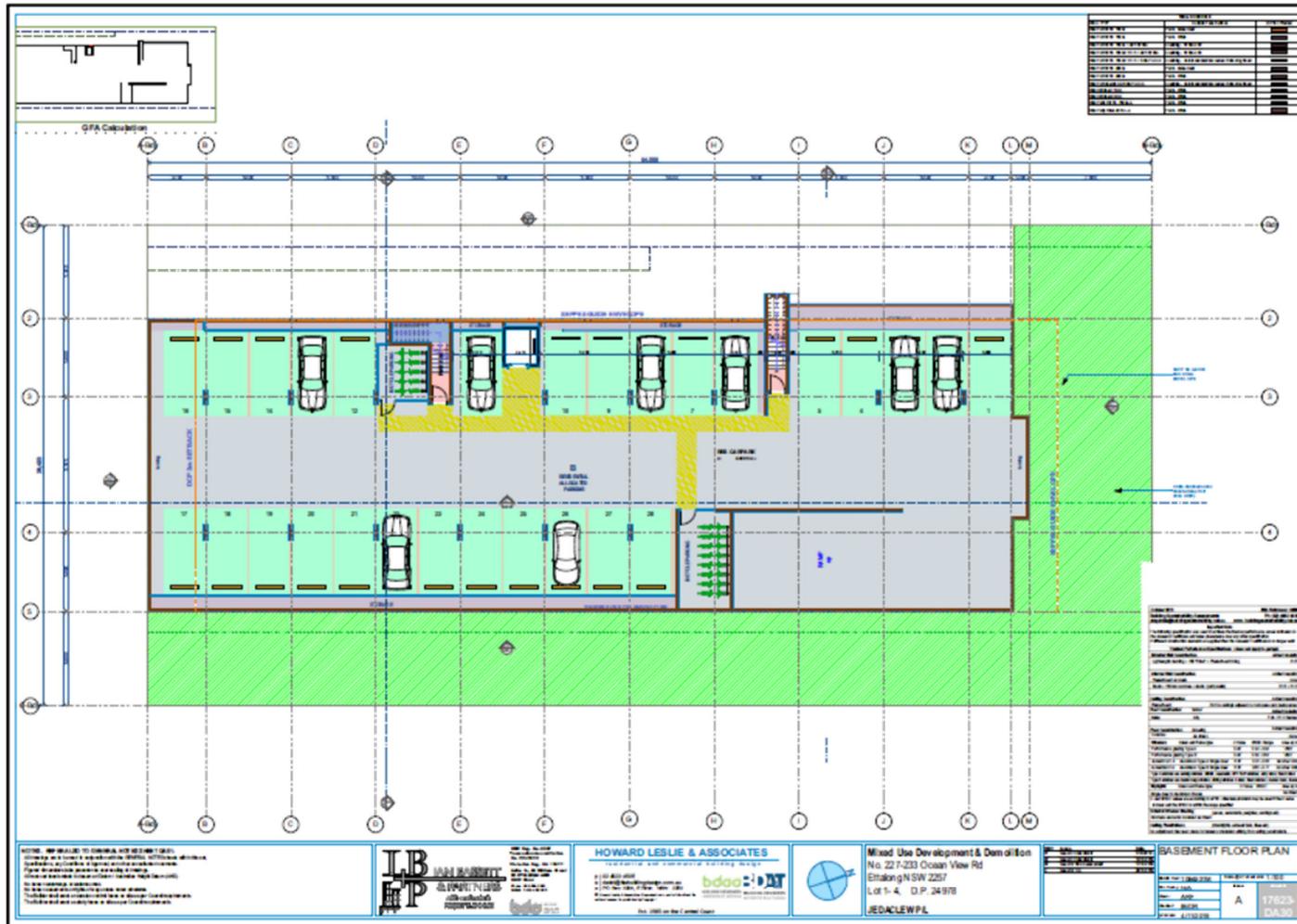
4. Conclusion

From the site work and the review of the development proposal against the requirements of the RMS's Guide to Traffic Generating Developments, it is considered that the proposed development application should be approved on traffic and access grounds. The additional traffic movements generated by the development will have a minimal impact upon the local road network and the site access can operate with no delay or congestion.

The proposal provides for parking in accordance with the Gosford DCP2013.

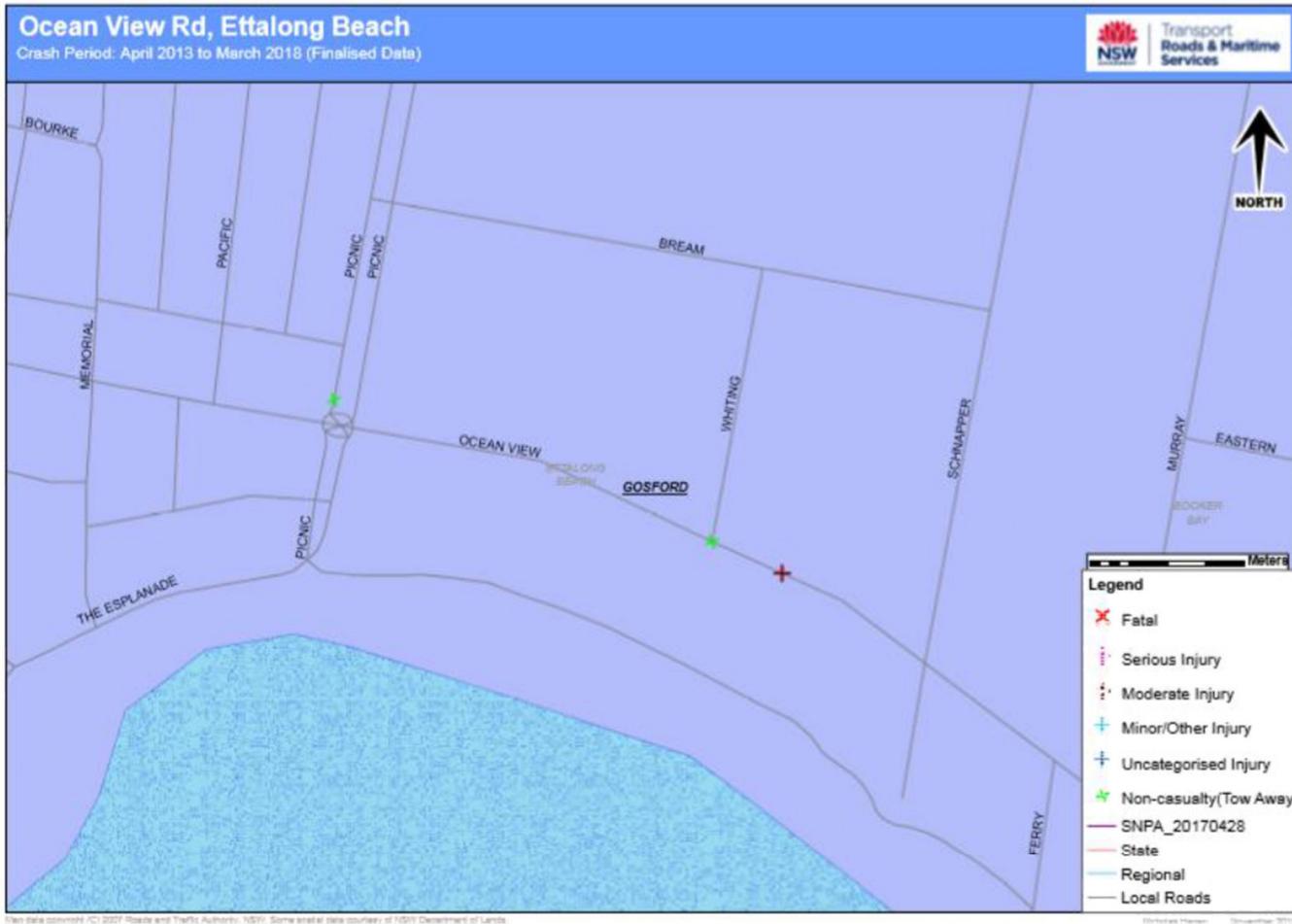
Appendix A Site Plans







Appendix B Crash Data





Rectangular Sign

NSW Transport for NSW

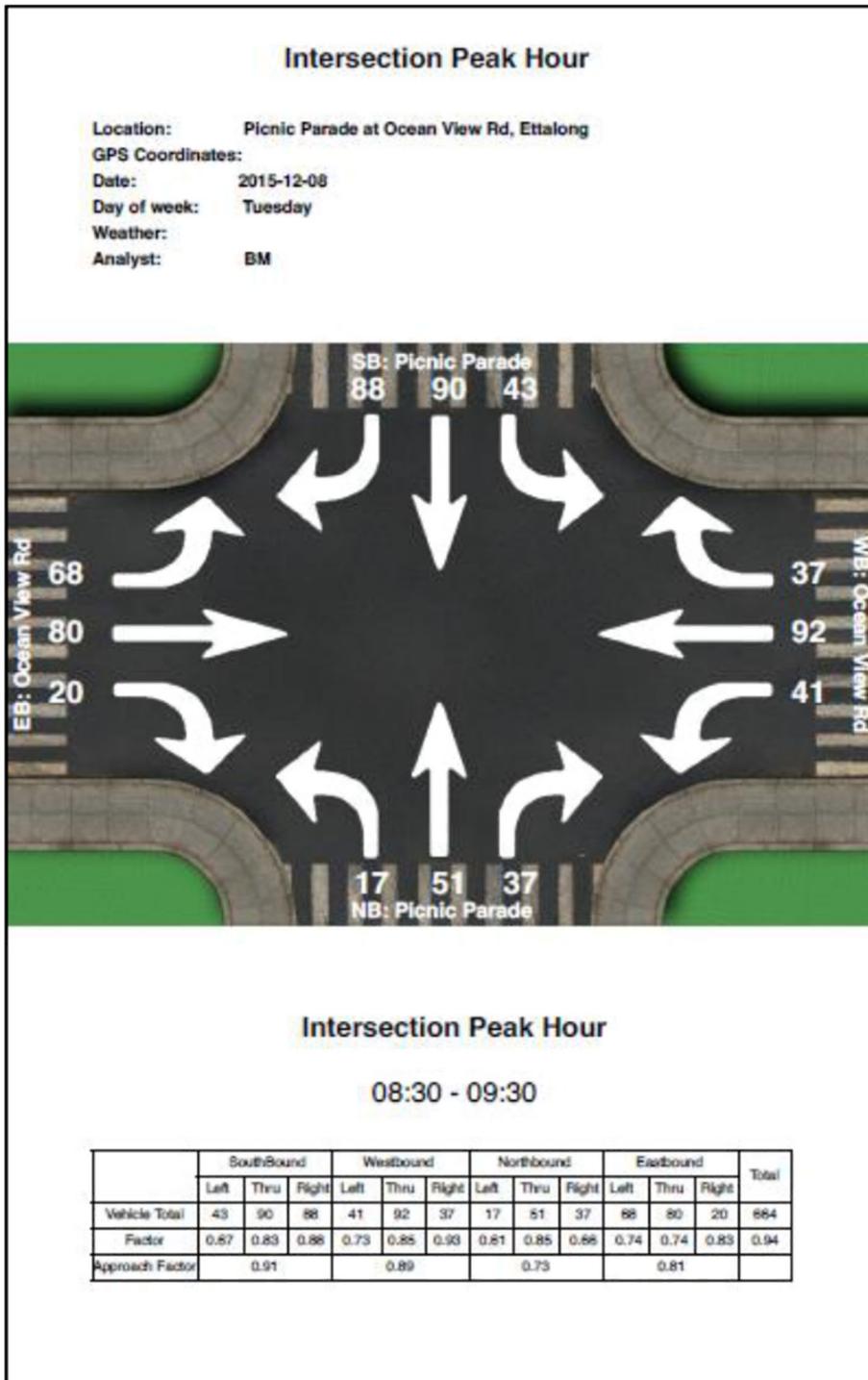
 Centre for Road Safety

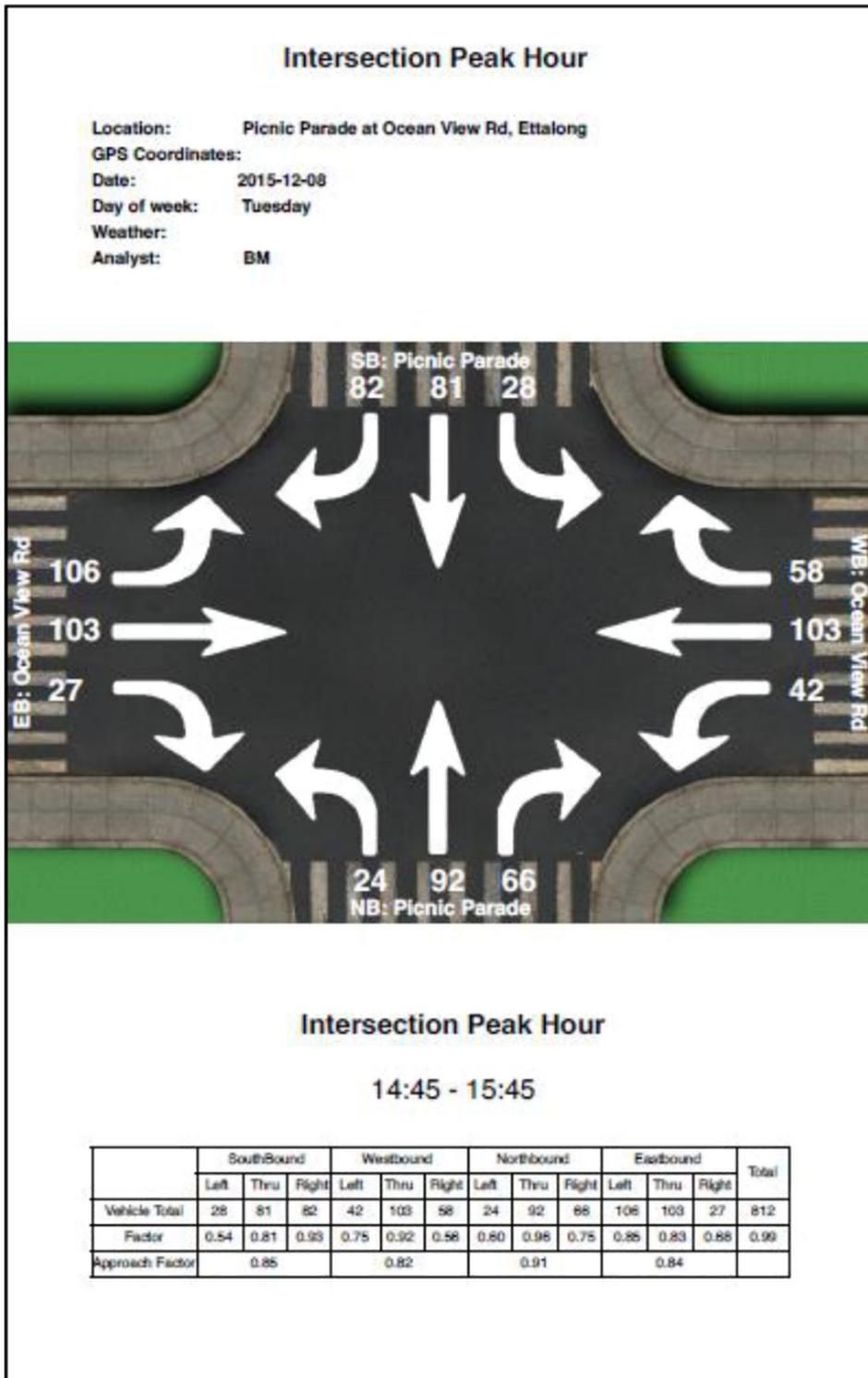
Detailed Crash Report - sorted

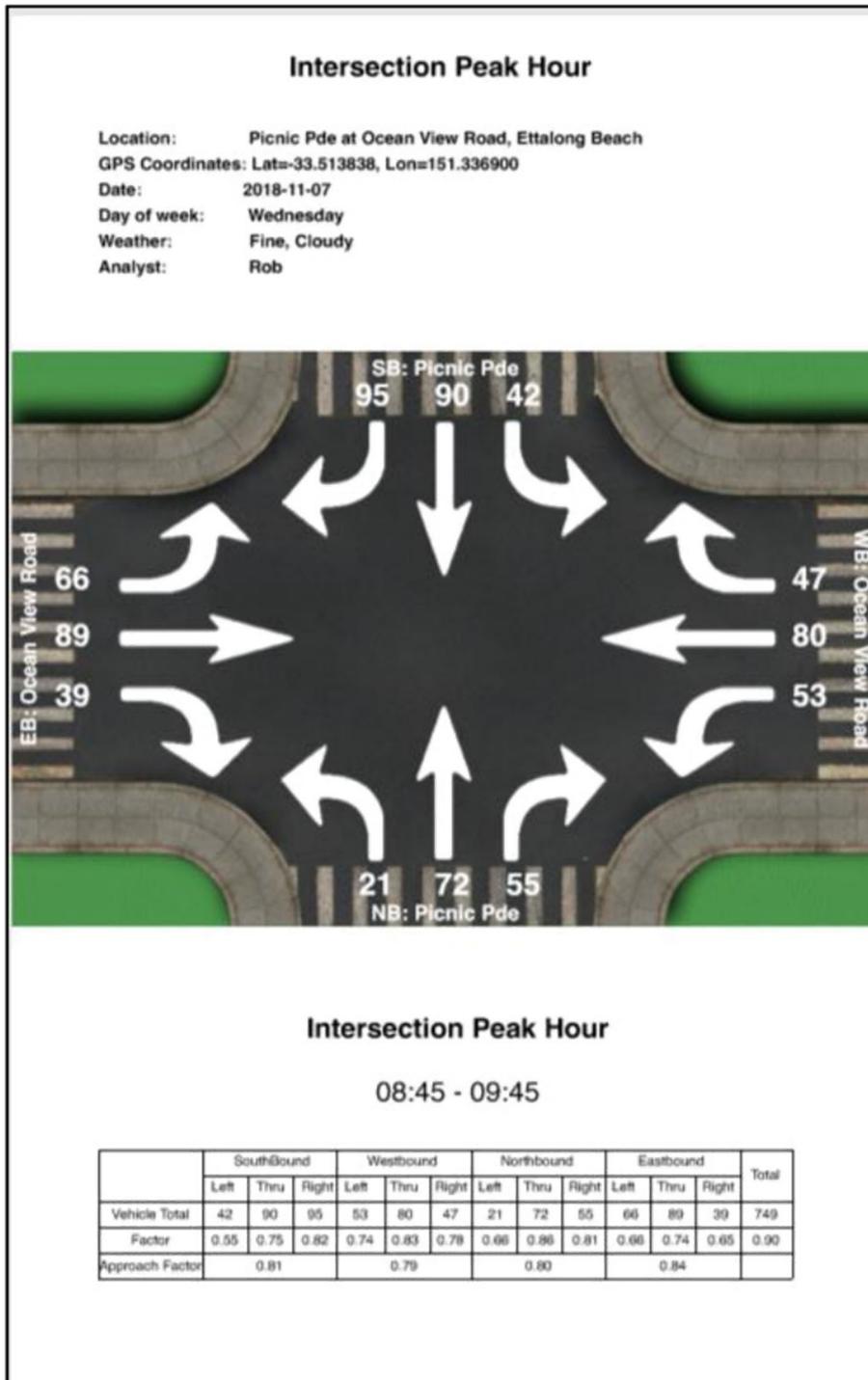
Crash No.	Data Source	Date	Day of Week	Time	Distance	ID Feature	Loc Type	Alignment	Weather	Surface Condition	Speed Limit	No. of Tus	Tu Type/Obj	Age/Sex	Street Travelling	Speed Travelling	Manoeuvre	Degree of Crash	Killed	Injured	Factors
Natural Lighting																					
Hunter Region Central Coast LGA Ettalong Beach Ocean View Rd																					
1071906 S		26/06/2015	Fri	18:35		at WHITING RD	TJN	STR	Fine	Dry	50	2	CAR M24	E	in OCEAN VIEW RD		Unk Turning right	N	0	0	S F
E58383357						Dusk	RUM:	39	Other same direction				4WD M27	E	in OCEAN VIEW RD		Unk Other forward				
Hunter Region Central Coast LGA Ettalong Beach Ocean View Rd																					
1164560 P		19/09/2017	Tue	11:30	50 m	E WHITING RD	2WY	STR	Fine	Dry	50	1	CAR M69	E	in OCEAN VIEW RD		Unk Proceeding in lane	I	0	1	
E67400582						Daylight	RUM:	71	Off rd left => obj				Utility pole								
Hunter Region Central Coast LGA Ettalong Beach Picnic Pde																					
1170067 P		12/12/2017	Tue	13:11	10 m	N OCEAN VIEW RD	RDB	CRV	Fine	Dry	50	2	CAR U U	E	in OCEAN VIEW RD		40 Turning left	N	0	0	S
E66057323						Daylight	RUM:	85	Off rt/ft bnd=>obj				4WD	E	in PICNIC PDE		0 Parked				
Report Totals:		Total Crashes: 3		Fatal Crashes: 0		Injury Crashes: 1		Killed: 0		Injured: 1											

Crashid dataset Ocean View Rd, Ettalong Beach - Crash Data from 01/04/2013 to 31/03/2018
 Note: Ordered by: Crash Date, Crash Time, Crash No.
 Crash self reporting, including self reported injuries began in Oct 2014. Trends from 2014 are expected to vary from previous years. More unknowns are expected in self reported data. For further information refer to Data Manual or report provider.

Appendix C Traffic Surveys









Appendix D Sidra Results

Criteria for interpreting results of SIDRA

1-Level of Service (LoS)

LoS	Traffic Signals and Roundabouts	Give Way and Stop Signs
A	Good	Good
B	Good, with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but requires accident study
D	Operating near capacity	Near capacity and requires accident study
E	At capacity, excessive delay: roundabout requires other control method	At capacity, requires other control mode
F	Unsatisfactory, requires other control mode or additional capacity	Unsatisfactory, requires other control mode

2-Average Vehicle Delay (AVD)

The AVD is a measure of operational performance of an intersection relating to its LoS. The average delay should be taken as a guide only for an average intersection. Longer delays may be tolerated at some intersections where delays are expected by motorists (e.g. those in inner city areas or major arterial roads).

LoS	Average Delay / Vehicle (secs)	Traffic Signals and Roundabouts	Give Way and Stop Signs
A	Less than 15	Good operation	Good operation
B	15 to 28	Good with acceptable delays and	Acceptable delays and spare
C	28 to 42	Satisfactory	Satisfactory but accident study required
D	42 to 56	Operating near capacity	Near capacity, accident study required
E	56 to 70	At capacity, excessive delays: roundabout requires other control mode	At capacity; requires other control mode
F	Exceeding 70	Unsatisfactory, requires additional capacity	Unsatisfactory, requires other control mode

3-Degree of Saturation (D/S)

The D/S of an intersection is usually taken as the highest ratio of traffic volumes on an approach to an intersection compared with the theoretical capacity and is a measure of the utilisation of available green time. For intersections controlled by traffic signals, both queues and delays increase rapidly as DS approaches 1.0. An intersection operates satisfactorily when its D/S is kept below 0.75. When D/S exceeds 0.9, queues are expected.

INTERSECTION SUMMARY

Site: Ettalong AM base

The Esplanade and Ocean View Road
AM base existing flows
Roundabout

Intersection Performance - Hourly Values		
Performance Measure	Vehicles	Persons
Travel Speed (Average)	48.5km/h	48.5km/h
Travel Distance (Total)	446.0veh-km/h	535.2pers-km/h
Travel Time (Total)	9.2veh-h/h	11.0pers-h/h
Demand Flows (Total)	720veh/h	864pers/h
Percent Heavy Vehicles (Demand)	4.2%	
Degree of Saturation	0.219	
Practical Spare Capacity	288.3%	
Effective Intersection Capacity	3289veh/h	
Control Delay (Total)	1.37veh-h/h	1.65pers-h/h
Control Delay (Average)	6.9sec	6.9sec
Control Delay (Worst Lane)	7.4sec	
Control Delay (Worst Movement)	10.8sec	10.8sec
Geometric Delay (Average)	5.7sec	
Stop-Line Delay (Average)	1.2sec	
Idling Time (Average)	0.0sec	
Intersection Level of Service (LOS)	LOS A	
95% Back of Queue - Vehicles (Worst Lane)	1.2veh	
95% Back of Queue - Distance (Worst Lane)	8.8m	
Queue Storage Ratio (Worst Lane)	0.01	
Total Effective Stops	431veh/h	517pers/h
Effective Stop Rate	0.60per veh	0.60per pers
Proportion Queued	0.40	0.40
Performance Index	21.3	21.3
Cost (Total)	308.60\$/h	308.60\$/h
Fuel Consumption (Total)	53.0L/h	
Carbon Dioxide (Total)	125.7kg/h	
Hydrocarbons (Total)	0.011kg/h	
Carbon Monoxide (Total)	0.133kg/h	
NOx (Total)	0.260kg/h	

Level of Service (LOS) Method: Delay (RTA NSW).

Intersection LOS value for Vehicles is based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.



MOVEMENT SUMMARY

 **Site: Ettalong AM base**

The Esplanade and Ocean View Road
AM base existing flows
Roundabout

Movement Performance - Vehicles											
Mov ID	ODMo v	Demand Flows		Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
		Total veh/h	HV %				Vehicles veh	Distance m			
South: The Esplanade											
1	L2	18	5.0	0.118	6.2	LOSA	0.6	4.4	0.43	0.62	47.4
2	T1	54	5.0	0.118	6.1	LOSA	0.6	4.4	0.43	0.62	48.6
3	R2	39	5.0	0.118	9.4	LOSA	0.6	4.4	0.43	0.62	47.4
3u	U	5	0.0	0.118	10.8	LOSA	0.6	4.4	0.43	0.62	49.0
Approach		116	4.8	0.118	7.4	LOSA	0.6	4.4	0.43	0.62	48.0
East: Ocean View Road											
4	L2	43	5.0	0.185	6.2	LOSA	1.0	7.4	0.44	0.61	47.8
5	T1	97	5.0	0.185	6.1	LOSA	1.0	7.4	0.44	0.61	49.0
6	R2	39	5.0	0.185	9.3	LOSA	1.0	7.4	0.44	0.61	47.7
6u	U	5	0.0	0.185	10.8	LOSA	1.0	7.4	0.44	0.61	49.4
Approach		184	4.9	0.185	7.0	LOSA	1.0	7.4	0.44	0.61	48.4
North: Picnic Parade											
7	L2	45	5.0	0.219	5.8	LOSA	1.2	8.8	0.38	0.60	47.6
8	T1	95	5.0	0.219	5.7	LOSA	1.2	8.8	0.38	0.60	48.8
9	R2	93	0.0	0.219	8.9	LOSA	1.2	8.8	0.38	0.60	48.5
9u	U	5	0.0	0.219	10.4	LOSA	1.2	8.8	0.38	0.60	49.3
Approach		238	2.9	0.219	7.1	LOSA	1.2	8.8	0.38	0.60	48.5
West: Ocean View Road											
10	L2	72	5.0	0.169	5.7	LOSA	0.9	6.7	0.36	0.56	48.5
11	T1	84	5.0	0.169	5.6	LOSA	0.9	6.7	0.36	0.56	49.7
12	R2	21	5.0	0.169	8.8	LOSA	0.9	6.7	0.36	0.56	48.4
12u	U	5	0.0	0.169	10.3	LOSA	0.9	6.7	0.36	0.56	50.2
Approach		182	4.9	0.169	6.1	LOSA	0.9	6.7	0.36	0.56	49.1
All Vehicles		720	4.2	0.219	6.9	LOSA	1.2	8.8	0.40	0.60	48.5

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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INTERSECTION SUMMARY

Site: Ettalong PM base

The Esplanade and Ocean View Road
PM base existing flows
Roundabout

Intersection Performance - Hourly Values		
Performance Measure	Vehicles	Persons
Travel Speed (Average)	48.1 km/h	48.1 km/h
Travel Distance (Total)	542.6 veh-km/h	651.1 pers-km/h
Travel Time (Total)	11.3 veh-h/h	13.5 pers-h/h
Demand Flows (Total)	876 veh/h	1051 pers/h
Percent Heavy Vehicles (Demand)	4.4%	
Degree of Saturation	0.260	
Practical Spare Capacity	226.4%	
Effective Intersection Capacity	3363 veh/h	
Control Delay (Total)	1.78 veh-h/h	2.13 pers-h/h
Control Delay (Average)	7.3 sec	7.3 sec
Control Delay (Worst Lane)	7.7 sec	
Control Delay (Worst Movement)	11.1 sec	11.1 sec
Geometric Delay (Average)	5.7 sec	
Stop-Line Delay (Average)	1.6 sec	
Idling Time (Average)	0.1 sec	
Intersection Level of Service (LOS)	LOS A	
95% Back of Queue - Vehicles (Worst Lane)	1.5 veh	
95% Back of Queue - Distance (Worst Lane)	11.1 m	
Queue Storage Ratio (Worst Lane)	0.01	
Total Effective Stops	555 veh/h	666 pers/h
Effective Stop Rate	0.63 per veh	0.63 per pers
Proportion Queued	0.47	0.47
Performance Index	27.7	27.7
Cost (Total)	381.31 \$/h	381.31 \$/h
Fuel Consumption (Total)	65.4 L/h	
Carbon Dioxide (Total)	155.2 kg/h	
Hydrocarbons (Total)	0.013 kg/h	
Carbon Monoxide (Total)	0.163 kg/h	
NOx (Total)	0.331 kg/h	

Level of Service (LOS) Method: Delay (RTA NSW).

Intersection LOS value for Vehicles is based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.



MOVEMENT SUMMARY

Site: Ettalong PM base

The Esplanade and Ocean View Road
PM base existing flows
Roundabout

Movement Performance - Vehicles												
Mov ID	ODMo	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed	
		Total	HV				Vehicles	Distance				
	v	veh/h	%	v/c	sec		veh	m		per veh	km/h	
South: The Esplanade												
1	L2	25	5.0	0.206	6.5	LOSA	1.1	8.3	0.49	0.65	47.2	
2	T1	97	5.0	0.206	6.5	LOSA	1.1	8.3	0.49	0.65	48.3	
3	R2	69	5.0	0.206	9.7	LOSA	1.1	8.3	0.49	0.65	47.1	
3u	U	5	0.0	0.206	11.1	LOSA	1.1	8.3	0.49	0.65	48.7	
Approach		197	4.9	0.206	7.7	LOSA	1.1	8.3	0.49	0.65	47.7	
East: Ocean View Road												
4	L2	44	5.0	0.219	6.2	LOSA	1.2	9.1	0.45	0.62	47.6	
5	T1	108	5.0	0.219	6.1	LOSA	1.2	9.1	0.45	0.62	48.8	
6	R2	61	5.0	0.219	9.3	LOSA	1.2	9.1	0.45	0.62	47.6	
6u	U	5	0.0	0.219	10.8	LOSA	1.2	9.1	0.45	0.62	49.2	
Approach		219	4.9	0.219	7.1	LOSA	1.2	9.1	0.45	0.62	48.2	
North: Picnic Parade												
7	L2	29	5.0	0.205	6.2	LOSA	1.1	8.2	0.45	0.64	47.2	
8	T1	85	5.0	0.205	6.1	LOSA	1.1	8.2	0.45	0.64	48.4	
9	R2	86	0.0	0.205	9.3	LOSA	1.1	8.2	0.45	0.64	48.1	
9u	U	5	0.0	0.205	10.8	LOSA	1.1	8.2	0.45	0.64	48.8	
Approach		206	2.8	0.205	7.6	LOSA	1.1	8.2	0.45	0.64	48.1	
West: Ocean View Road												
10	L2	112	5.0	0.260	6.5	LOSA	1.5	11.1	0.49	0.63	47.9	
11	T1	108	5.0	0.260	6.4	LOSA	1.5	11.1	0.49	0.63	49.1	
12	R2	28	5.0	0.260	9.6	LOSA	1.5	11.1	0.49	0.63	47.8	
12u	U	5	0.0	0.260	11.1	LOSA	1.5	11.1	0.49	0.63	49.6	
Approach		254	4.9	0.260	6.9	LOSA	1.5	11.1	0.49	0.63	48.4	
All Vehicles		876	4.4	0.260	7.3	LOSA	1.5	11.1	0.47	0.63	48.1	

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Item No: 4.1
Title: DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision
Department: Environment and Planning

4 February 2021 Local Planning Panel Meeting

Reference: DA/1176/2017 - D14387084
Author: Katrina O'Malley, Development Planner
Manager: Salli Pendergast, Principal Development Planner North
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for Residential Subdivision (88 Lots) including small lot housing, vegetation clearing, earthworks, retaining walls and associated roads, other infrastructure and servicing at 94 Sparks Road, Hamlyn Terrace. 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 matter is referred to the Local Planning Panel as a result of proposed variations to minimum lot size requirements under the *Wyong Local Environmental Plan 2013*.

The application is recommended for approval.

Applicant	RAJ & JAI Construction Pty Ltd
Owner	Mr I Kodzoman
Application No	DA/1176/2017
Description of Land	Lot 11 DP 1252673 94 Sparks Road, HAMLYN TERRACE NSW 2259
Proposed Development	Residential Subdivision (88 Lots) including small lot housing, vegetation clearing, earthworks, retaining walls and associated roads, other infrastructure and services
Site Area	72,520.00 m ²
Zoning	R1 General Residential, R2 Low Density Residential, SP2 Infrastructure and E3 Environmental Management
Existing Use	Residential
Employment Generation	N/A
Estimated Value	\$19,397,987

Recommendation

- 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 relevant external authorities of the Panel's decision.***

Key Issues

The proposed development has been assessed against the relevant policies and guidelines. Whilst the development has been found to be generally compliant with the requirements, the application requires variations in relation to the minimum lot size under the *Wyang Local Environmental Plan 2013* for three E3 zoned lots and under Development Control Plan 2013, Part 4: Subdivision for the minimum lot size for two corner lots. The proposed variations are considered to be suitable for the site and will result in a development that remains compliant with the relevant objectives for the zone and locality.

Given the extent of variation proposed to the minimum lot size under *the Wyong Local Environmental Plan 2013* for the E3 land, the proposal requires the Planning Secretary's concurrence in accordance with the Department of Planning and Environment's *Planning Circular PS 18-003 Variations to development standards*. The Secretary's concurrence was granted 21 December 2020.

The proposed development is suitable for the site and is recommended for approval subject to suitable conditions of consent.

Precis:

Proposed Development	Residential subdivision (88 lots) including small lot housing, clearing, earthworks, retaining walls and associated roads, other infrastructure and services.
Permissibility and Zoning	The site is zoned <i>R1 General Residential, R2 Low Density Residential, SP2 Infrastructure and E3 Environmental Management</i> under the <i>Wyang Local Environmental Plan 2013</i> (WLEP 2013). Subdivision is permissible under Clause 2.6 of the WLEP 2013.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1997</i> (EP&A Act 1997)

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> (SEPP 55) • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> (BASIX) • <i>State Environmental Planning Policy (Infrastructure) 2007</i> (SEPP Infrastructure) • <i>Wyong Local Environmental Plan 2013</i> (WLEP 2013) • <i>Draft Central Coast Local Environmental Plan 2018</i> (DCCLEP 2018) • <i>Wyong Development Control Plan 2013</i> (WDCP 2013)
Current Use	Vacant
Integrated Development	Yes – Section 100B Rural Fires Act 1997
Submissions	No Public Submissions

Variations to Policies

The following represents a summary of the proposed variations required to Council policies:

Clause	4.1
Standard	Minimum lot size E3 land = 40 hectares
LEP/DCP	<i>Wyong Local Environmental Plan 2013</i>
Departure basis	Shortfalls of 39,637m ² (99.99%) for Lot 1, 37,660m ² (99.94%) for Lot 5 and 30,175m ² (99.75%) for Lot 88.

Clause	3.3(c) Cut, fill and earthworks
Standard	Boundary retaining walls not to exceed 900mm
LEP/DCP	<i>Development Control Plan 2013 2013, Part 4: Subdivision</i>
Departure basis	Maximum height of retaining wall = 1.486m. wall exceeds height by 0.586m = 65% variation

Clause	4.1.2a Corner Lot
Standard	Minimum lot size = 700m ²
LEP/DCP	<i>Development Control Plan 2013 2013, Part 4: Subdivision</i>
Departure basis	Lot 23 = 691m ² . 9m ² shortfall = 1.3% variation. Lot 24 = 699m ² . 1m ² shortfall = 0.1% variation

Clause	2.4 Road Layout and Hierarchy
Standard	Indicative Road Layout of Site Provided
LEP/DCP	<i>Development Control Plan 2013 2013, Chapter 6.5 – Warnervale South</i>
Departure basis	Non numerical variation to indicative road layout to address site and adjoining development.

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

The Site

The site is located on Sparks Road, Hamlyn Terrace. The site has a rectangular shape with a slope from the north to the south. The site currently contains an existing dwelling with associated outbuilding that are currently vacant.

The southern portion of the site currently contains existing vegetation consistent with an endangered ecological community (EEC) of Swamp Sclerophyll Forest.

Surrounding Development

The land is located within an area that is currently being redeveloped from large vacant lots into new housing estates. The new estates predominantly consist of a detached residential development in the form of small lot housing and traditional residential development of single dwellings and dual occupancies.

Land immediately to the east of the site is currently vacant and is owned by the Department of Education with no plans known for the site (The Department of Education own a number of parcels of land in the locality). The Warnervale Town Centre is located to the north of the site and is currently undergoing development. The Great Northern Railway is located further



Figure 1. The site and surrounds.

The Proposed Development

The proposed development is for the 88 lot subdivision of the site to create a mixture of small lot housing lots, future residential lots, and an environmental lot that will include the following:

- 75 small lot housing lots which will contain a mixture of one and two storey dwellings that will range in size from 250m² to 328m²;
- 9 future residential lots consisting of corner lots that will range in size from 691m² to 809m²;
- Creation of three residue lots (Lots 1, 5 and 87) for future residential development ranging in size from 363m² to 10,000m²; and
- One lot of E3 land which is to be dedicated to Council at no cost to Council.

The proposed development will also include the construction of internal roads and a collector road, as well as earthworks (retaining walls to a height of between 0.106m and 1.213m) , vegetation clearing, and associated services and other works. The proposal will also include associated landscape works and street tree planting.

The collector road will run from north to south through the site and will connect Sparks Road in the north to the lot to the south and eventually Warnervale Road, through another subdivision. The proposed collector road will also include the construction of the southern portion of the Sparks Road signalised intersection with the Warnervale Town Centre.

One residue lot will be created along the eastern boundary which will be developed at a later date when suitable APZs can be created for the lots. Two smaller E3 lots will be created in the north of the site which will remain as residue lots at the present time. A larger E3 lot will be created in the south of the site which will contain an existing Endangered Ecological Community (EEC) and will be dedicated to Council.

The proposal will be undertaken in three stages as follows:

- Stage 1: All proposed works, excluding those in Stages 2 and 3.
- Stage 2: Construction of 13 dwellings on Lots 30-36 and 48 to 53; and
- Stage 3: Decommission and removal of temporary detention basin in south-east corner of the site on Lot 87.

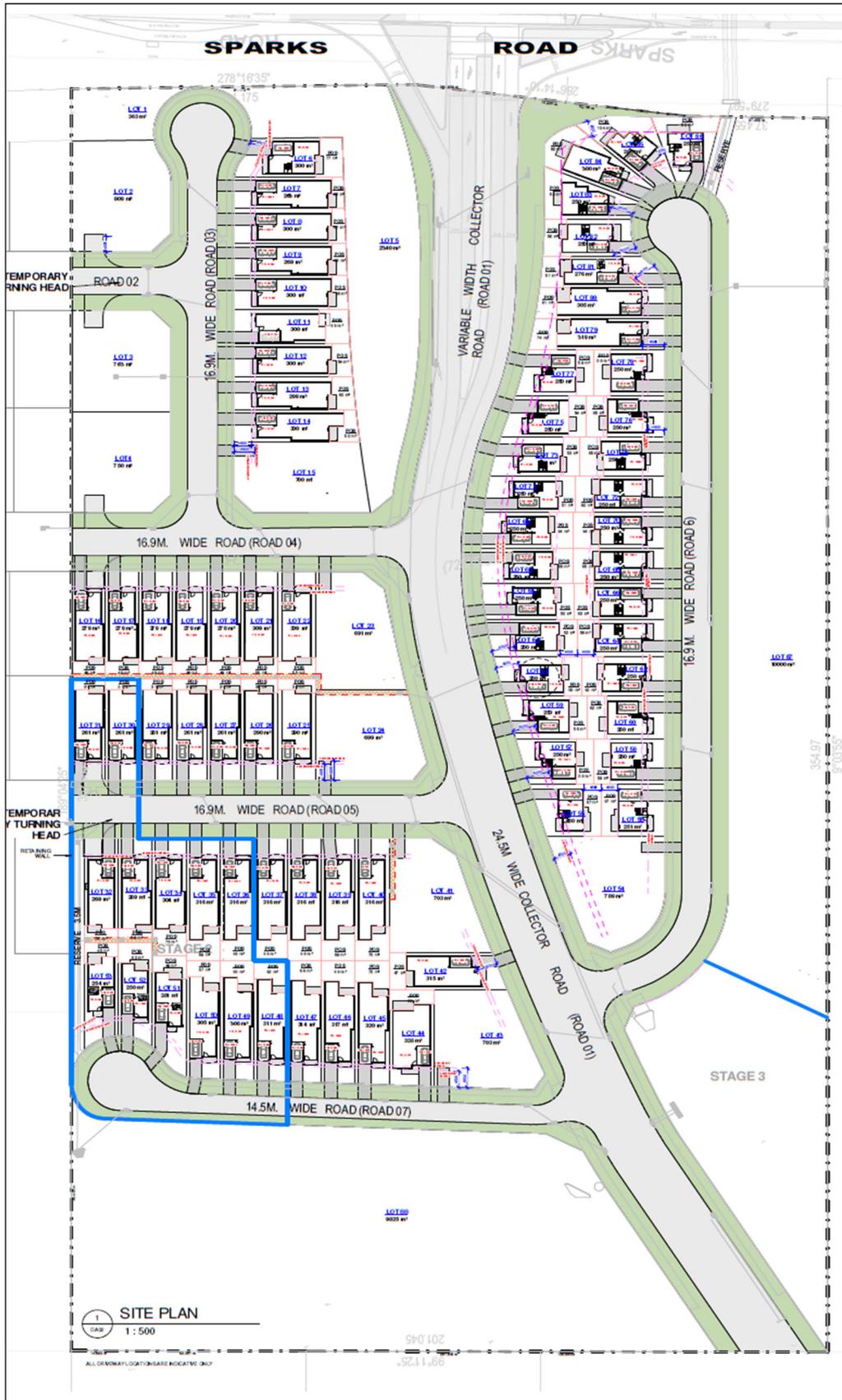


Figure 2. Proposed subdivision layout

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

History

- Development Application No. DA/654/2018 for the Demolition of existing dwelling and outbuildings on the site approved 26 June 2018.
- Pre lodgement Application No.PL/43/2017 undertaken 2017 for the subdivision of the site.

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

Provisions of Relevant Instruments/Plans/Policies:

Wyong Local Environmental Plan 2013

- **Wyong Local Environmental Plan 2013 Clause 2.6 – Subdivision consent requirements**

The site is zoned R1 General Residential, R2 Low Density Residential, SP2 Infrastructure and E3 Environmental Management under the WLEP 2013. Pursuant to clause 2.6 of the WLEP 2013 land may be subdivided with the consent of Council subject to the minimum allotment size map under Clause 4.1 of WLEP. The application proposes the Torrens Title subdivision of the site that will create 88 lots ranging in size from 250m² to 10,000m² in size.

- **Wyong Local Environmental Plan 2013 Clause 4.1 - Minimum subdivision lot size**

Clause 4.1 of the WLEP 2013 sets out the minimum lot size for subdivision in accordance with the *Lot Size Map*. Clause 4.1 states:

- “(1) The objectives of this clause are as follows—*
- (a) to ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,*
 - (b) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,*
 - (c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.*

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

*(2) This clause applies to a subdivision of any land shown on the **Lot Size Map** that requires development consent and that is carried out after the commencement of this Plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the **Lot Size Map** in relation to that land."*

Under the **Lot Size Map** the site is required to provide the following minimum lot sizes for the zones located across the site:

- R2 Low Density Residential Development – 450m²*
- R1 General Residential – No minimum lot size
- E3 Environmental Management – 40 hectares

The R2 portion of the site proposes a number of lots which are less than the required minimum lot size. Those lots which do not meet the minimum lot size are proposed to be created as exceptions under Clause 4.1B of the WLEP 2013 which is discussed in further detail below. The lots within the R1 portion are to be created in accordance with the requirements of Wyong Development Control Plan 2013 (WDCP 2013), Chapter 6.5 – Warnervale South of the and Part 4 - Subdivision.

The proposal includes three lots within the E3 portion of the site, with all to have site areas less than the required 40 hectares. The lots to be created will have areas of 363m² (Lot 1), 2340m² (Lot 5) and 9,825m² (Lot 88). A variation to this development standard is sought under Clause 4.6 (Exception to development standards) as outlined in detail below.

• **Wyong Local Environmental Plan 2013 Clause 4.1B - Exceptions to minimum lot sizes for certain residential development**

The Clause 4.1 of the WLEP 2013 requires a minimum lot size of 450m² for the R2 portion of the site. Clause 4.1B however states the following:

"(3) Development consent may be granted to a single development application for development on land to which this clause applies that is both of the following—

- (a) the subdivision of land into 5 or more lots of a size that is less than the minimum size shown on the Lot Size Map in relation to that land,*
- (b) the erection of a dwelling house on each lot resulting from the subdivision.*

(5) In determining whether to grant development consent for development under subclause (3) or (4), the consent authority must consider the following:

- (a) the likely impact of the height of the development on development located on adjoining land in relation to visual impacts and overshadowing,*
- (b) whether the development provides adequate pedestrian, vehicular and service access and car parking,*

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

- (c) whether the development incorporates the principles of ecologically sustainable development,*
(d) the relationship between each of the dwellings comprising the development in relation to location and siting."

The proposed subdivision of 75 lots within the site (known as lots 6-14, 16-22, 25-40, 42, 44-53 and 55-86) are to be undertaken concurrently with the erection of a dwelling house on each proposed lot under the above clause, excluding proposed corner lots. The proposed development is considered to meet the above objectives as follows:

- (a) likely impact of the height of the development on development located on adjoining land in relation to visual impacts and overshadowing,*

Comment: The proposed small lot housing dwellings consist of a mixture of single and two storey design. The proposed dwellings have been suitably designed and located to ensure privacy and solar access to adjoining properties is maintained.

- (b) whether the development provides adequate pedestrian, vehicular and service access and car parking,*

Comment: The proposal will be provided with suitable pedestrian paths within the site and each dwelling is provided with direct vehicular access from either the collector road or internal local roads. Provisions will also be available to ensure service access is available through the provision of temporary turning heads and required. Each small lot housing dwelling is also to be provided with parking in accordance with the requirements.

- (c) whether the development incorporates the principles of ecologically sustainable development,*

Comment: The proposed development has included dwellings that are energy and water efficient and meet or exceed the required standards.

- (d) the relationship between each of the dwellings comprising the development in relation to location and siting.*

Comment: The proposed dwellings have been sited to consider the orientation and solar access of the lots whilst ensuring the privacy of adjoining dwellings both to the side and rear of each site is provided.

The proposed development will not create any overshadowing impacts to adjoining properties and provides for adequate access and servicing. The proposed development will be compatible with other development in the area and each of the dwellings will complement other lots within the development.

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

The proposed development to create lots within R2 that are less than the minimum allotment size under Clause 4.1 is therefore considered to meet the requirements of Clause 4.1B and the subdivision of the site creating lots less than 450m² is supported.

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

The intention of Clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards to particular development, and in doing so, to achieve better outcomes for and from development by allowing flexibility in particular circumstances. Clause 4.1 is not a development standard that is expressly excluded from the operation of this clause under subclause 8. The standard must not be varied unless it can be demonstrated under subclause 3 that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has made a written request to vary the Minimum Lot Size development standard of Clause 4.1 of the Wyong Local Environmental Plan 2013. Under the proposed subdivision of the site, the E3 zone area that extends north-south through the site will be severed and encroached upon by the creation of new public roads. The minimum lot size breach for the development may be described as 39,637m² (99.99%) for Lot 1, 37,660m² (99.94%) for Lot 5 and 30,175m² (99.75%) for Lot 88. The applicant provided justification in writing and in this instance the exception proposed is considered reasonable.

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

- *(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.*

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 3) that provides the applicant's reasons why strict compliance with the minimum lot size 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.

It is considered that as the existing E3 zoning in the northern portion of the site is no longer applicable and therefore the planning ground in regards to minimum lot size for the E3 zone are no longer considered to be relevant and as such there is suitable justification for allowing the variation to lot size for lots one and five. The creation of the southern portion will allow

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

the lot to continue to be utilised for environmental management and will not create a lot which is any less than can be created.

A summary of the reasons identified by the applicant is provided below (note that this is a summary only, the applicant's full submission is contained in Attachment 3):

- *The E3 zoned land within the site could never comply with the minimum lot size as it only measures 14,693m² in area (below the 400,000m² minimum).*
- *The E3 zoned land in the manner that is configured adjoining the Collector Road was always going to be further subdivided as a result of further development applications, minimum four lots envisaged by the preferred road pattern for the property.*
- *Provision of Clause 4.1A envisages that there would need to be flexibility in the application of the minimum allotment size controls where split zones are involved.*
- *Strict compliance with the standard could not be achieved on the site without modification of the minimum lot size.*
- *The functional requirement of the E3 zoned land along the western alignment of the Collector Road – drainage; has been negated by Council's drainage design for works associated with the collector Road.*
- *The functional use of the E3 land in this instance has been displaced to suit a more logical and sustainable drainage strategy evolving through approvals on surrounding and adjoining properties.*

The proposal achieves the objectives of Clause 4.1 in relation to lot size in that the purpose for which the E3 land affecting Lots 1 and 5 is no longer applicable to the site. The E3 portion of the site that is located along the northern boundary and extends through the middle of the site was zoned such way for future public drainage purposes. This E3 portion of the site was originally identified as the location for which the stormwater from the Warnervale Town Centre, located to the north and upstream of the site, would be directed. As the area to the north has been developed it has resulted in the relocation of the downstream drainage arrangements through the development site.

The drainage from the north is now to be located within the eastern portion of the site and within the road reserve of proposed road 6. The northern E3 portion of the site is therefore no longer required for the purpose of which it was created. There are no important physical characteristics that constrain the future development of these lots that would required these lots to be retained and there is no significant or unreasonable adverse impact on the adjoining properties as a result of the variation.

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The southern portion of the site contains an existing endangered ecological community which will be retained through the creation of proposed Lot 88. This lot would ensure the important ecological community within this portion of the site is able to be retained and will be transferred to Council as part of the proposal. This land would then connect with other existing environmental lands to the south of the site.

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) (as discussed 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 ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,

(b) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,

(c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls."

The proposed creation of the undersized E3 lots will be consistent with the settlement strategy in that the proposal will maximise the creation of dwelling lots on the site whilst also ensuring environmental lands are maintained. The northern undersized lots to be created have been designed to address the constraints of the site without having any future impact on proposed lots or adjoining properties.

The proposed lots will also be able to be adequately serviced when developed. Proposed lots one and five would be suitable for future residential development whilst lot 88 is suitable for the retention of the existing vegetation in this area. The applicant's written request is considered to have identified and addressed the objectives of the standard.

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 18-003, the proposal requires the concurrence of the Secretary of

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

the Department of Planning and Environment where a lot is less than 90% of the required minimum lot size within E3 Environmental Management Zone. Where a proposal contravenes a numerical standard by greater than 10% concurrence cannot be assumed. The application therefore has sought and obtained the concurrence of the Planning Secretary.

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*

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 as it applies to the proposal.

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 5.10 - Heritage Conservation

Clause 5.10 requires consideration of heritage impacts in the assessment of development applications. The site does not contain any identified items of European or Aboriginal heritage significance. There are no declared or recorded Aboriginal sites or places within or near the site.

Wyong Local Environmental Plan 2013 Clause 6.1 – Arrangements for designated State public infrastructure

Clause 6.1 of WLEP 2013 requires that development consent must not be granted for the subdivision of land in an urban release area unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land. The site is identified as being located within the Warnervale South Urban Release Area.

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Council has received written advice from the Secretary that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure, as the developer has:

- Provided a signed copy of the 94 Sparks Road, Hamlyn Terrace Planning Agreement, which is deemed to be an irrevocable offer to enter into a planning agreement, which covers Lot 210 DP 1187449.
- Entered into the 94 Sparks Road, Hamlyn Terrace Planning Agreement, which covers Lot 210 DP 1187449.

It is considered that the Clause 6.1 of WLEP 2013 has been satisfied therefore the development consent for the proposed subdivision can be provided by Council (consent authority). See Attachment 4.

Wyong Local Environmental Plan 2013 Clause 6.2 Public Utility Infrastructure

Clause 6.2 states that consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangement have been made to make the infrastructure available when it is required. Plans have been assessed in relation to the future servicing of the new lots to be created. The proposal is considered satisfactory in relation to servicing subject to fulfilment of recommended conditions.

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 site is located within the Porters Creek catchment and the site is affected by flooding. The flooding risk for the site has been identified and the proposed development has been designed in accordance with the risk. The proposal has been designed to ensure that there are worsening of flooding impacts to adjoining developments or downstream of the

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision (contd)

property. The proposed development would not impact the local environment in terms of flooding and would not create costs to the community in regard to flooding.

Wyong Local Environmental Plan 2013 Clause 7.9 - Essential Services

Clause 7.9 of the above plan requires that consent must not be granted unless the consent authority is satisfied that essential services that are essential for the development are available or that adequate arrangements have been made to make them available when required. An assessment of the proposal has found that the development can be adequately be serviced for the provision of water supply, the disposal and management of sewage, the provision of electricity supply, suitable vehicular access and arrangements for stormwater drainage subject to fulfillment of recommended conditions. As such, the proposal is considered satisfactory with regard to Clause 7.9 of WLEP 2013.

Draft Central Coast Local Environmental Plan 2018 (DCCLEP 2018)

Under the provisions of the above draft plan the site would remain the R1 General Residential and R2 Low Density Residential zoning. Clause 4.1B of the WLEP 2013 that permits part of the proposed development is proposed to be replaced with Clause 4.1E of the DCCEP 2018.

Under the provisions of draft Clause 4.1E, small lot housing would no longer be permissible within the R2 zone and would only be permissible within the R1 zone. As such, the proposed use would no longer be permissible within the R2 portion of the site and the minimum lot size as shown on the *Lot Size Map*, being 450m², as identified under Clause 4.1 would be applicable to the R2 portion of the site.

The proposal was lodged prior to the exhibition of the draft document and the proposed LEP is yet to be gazetted as such, the provisions of the current WLEP remain applicable in accordance with the provisions of Clause 1.8A of the WLEP 2013 and the proposal is permissible. There are no other proposed provisions of the above plan which would be contrary to the proposed development.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy 55 – Remediation of Land

Clause 7(1) of the above policy requires that consent not be granted until Council has considered whether the land is contaminated. The potential contamination of the site was addressed as part of the Preliminary Site Investigation undertaken for the site. The site was previously utilised for a dwelling and farming activities. The report found that the site is not contaminated and would be appropriate for suitable and appropriate for residential land purposes proposed. The preliminary finding is made subject to the following, that will be added as suitable conditions of consent:

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- That a further and more detailed contamination assessment of the site is undertaken following anticipated demolition and rubbish/waste removal works to be undertaken on the site and prior to prospective residential development works; and
- That a more detailed geotechnical assessment is undertaken in accordance with standard practice prior to any future residential development works at the site.

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

A valid BASIX certificate for each dwelling has been submitted. The proposal complies with the requirement for the proposed dwellings to meet the NSW Government's requirements for sustainability in residential buildings in terms of meeting water and energy efficiency targets.

State Environmental Planning Policy – Infrastructure (2007)

The site has frontage to a classified road therefore the provisions of clause 101 of the *State Environmental Planning Policy - Infrastructure (2007)* (Infrastructure SEPP) apply.

Clause 101 - Development with frontage to classified road

The consent authority must not grant consent to the development unless it is satisfied that,

(a) where practicable, vehicular access to the land is provided by a road other than the classified road,

The proposed development will form part of the southern leg of an existing subdivision. No individual lots will have access to the classified road however the site will be required to have access to Sparks Road.

b) the safety, efficiency and on-going operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

The proposed intersection design has been undertaken in consultation with Transport for NSW (TfNSW) to ensure safe access to the classified road. The end development would not create any emissions or smoke. The volume of vehicles to access the classified road would be of a number that the road would be capable of handling.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to

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ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

A small number of proposed dwellings will adjoin the classified road and conditions will be applied to ensure the dwellings are constructed to take into consideration traffic noise and emissions from the classified road.

State Environmental Planning Policy (Koala Habitat Protection 2020)

Council's Ecologist is satisfied that the applicant has adequately considered the above SEPP as part of the ecological assessment of DA/1176/2017. The development area does not constitute 'potential koala habitat' as per the SEPP, nor does it represent 'core koala habitat' as described in the SEPP. There is a lack of accurate, recent (<18 year old) records within proximity to the site and as a result of the increasingly disturbed landscape surrounding the site, it is unlikely that individual Koalas would be impacted by the proposed works.

Wyong Development Control Plan 2013

DCP Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Structures

The proposed development has been assessed against the relevant requirements of the above policy and has been found to be compliant with the requirements. A full assessment against the requirements can be found in a compliance table at the rear of the report.

DCP Chapter 3.3 – Floodplain Management

The site is identified as flood prone land and as such the above chapter is applicable to the proposal. A flood study has been undertaken for the Precinct 7A area, which includes the development site. The proposal has provided an engineering report and plans which have identified the flooding risk to the site and measures to be implemented to those lots affected in accordance with the requirements of the above policy. The proposed development is compliant with the requirements of the above policy and the development is suitably designed to address the flood risk to the site.

DCP Part 4 - Subdivision

The proposed development has been assessed against the requirements of the above policy and has been found to be generally compliant with the requirements. The proposed development however requires a variation in regards to the height of retaining walls and a minor variation in regard to the minimum lot sizes for two corner lots. The above chapter requires boundary retaining walls to have a maximum height of 900mm and corner lots are to have a minimum lot size of 700m².

Clause 3.3(c) reads:

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Boundary retaining walls for cut or fill are not to exceed 900mm in height for residential zones and shall not exceed for more than 2 lots.

Retaining walls are proposed to be provided along the northern, eastern and western boundaries of the site. The walls are proposed to have varying heights along the boundaries ranging in height from 0.143 metres to 1.486 metres. The proposed development therefore requires a variation of 65% to the requirement.

The proposed variation does not extend for the full extent of the boundaries with less than 50% of each boundary to be provided with non-compliant retaining wall. The proposal retaining walls are required as a result of the existing topography of the site and the need to create suitable road levels and building sites. The proposed walls would not impact upon adjoining properties and have been designed by a suitable construction engineer. The proposed variation is therefore recommended for approval subject to suitable conditions of consent.

Clause 4.1.2a reads:

Corner lots should have a minimum area of 700m² for the purpose of providing adequate area for addressing dual streetscape impacts, privacy issues, setback implications and intersection sight lines. The larger area will also provide opportunities for subdividable corner lot Dual Occupancies.

Proposed corner Lots 23 and 24 have areas of 691m² and 699m² respectively. The proposed lots therefore seek variations of 1.3% and 0.1% to the DCP minimum area for corner lots. The proposed variations are considered to be of a minor nature and would not impact on the ability of the lots to accommodate a suitable dwelling at a future date, whilst also ensuring compliance with required setbacks and maintenance of sight lines.

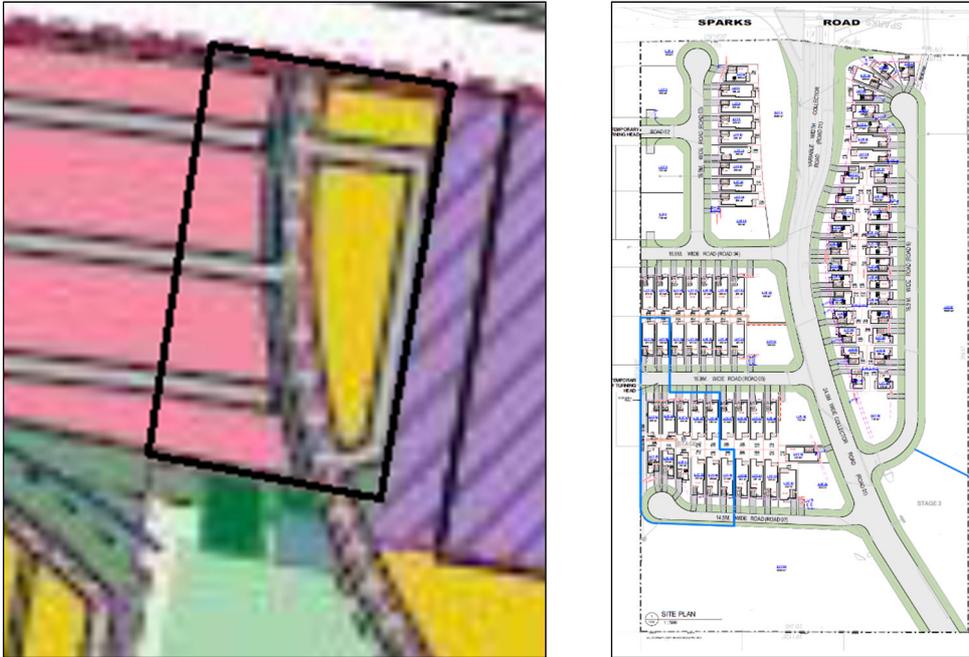
Despite the variations proposed to the DCP, the proposal is considered to achieve the objectives under Clause 4 that apply to residential subdivision and the proposal is considered to consistent with the objectives for minimum lot sizes under Clause 4.1 of the DCP. The proposed variations are therefore supported in their current form. A full assessment against the requirements can be found in a compliance table at the rear of the report.

Chapter 6.5 – Warnervale South

The above chapter provides guidance for development of land in the Precinct 7A area of Warnervale South. The objectives of the WDCP collectively are to provide a high quality and varied residential environment. A subdivision should provide safe, attractive streets with a mix of higher density development responding to amenity and the proximity to local services. The proposal has been assessed against the requirements of the above chapter.

Road layout and hierarchy

Figure 3 demonstrates the proposed road layout for the site under the above chapter. Figure 4 shows the road layout that is proposed on the site. The proposal includes some changes to the indicative road layout and as such the proposal requires a non-numerical variation to the requirement.



Figures 3 and 4. Proposed subdivision layout of the site under Chapter 6.5 and the subdivision layout proposed under the current application.

The proposed development has been designed to ensure that roads within the subdivision align with the developments to the west of the site, part of which has recently been constructed. This is consistent with the approach shown within Chapter 6.5. The proposal has not included provision for the northern access point in the eastern portion of the site as shown in the indicative plan.

The proposed road layout would ensure that adequate separation distances between intersections have been provided between the Sparks Road intersection and the internal local roads extending from the collector road. The road layout also allows the collector road to be suitably located on the site to join with the Sparks Road intersection at the north and the southern leg of the collector road to development in the south.

The objectives for the road layout and hierarchy requirements under Clause 2.4 are as follows:

- To establish a hierarchy of streets which maximises convenience, amenity and safety for vehicles, pedestrians and cyclists;
- To provide legible, connected and permeable grid of local streets that are sympathetic to the topography terminating with views to open space; and

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- To protect conservation areas through the appropriate location of roads, paths and developable areas.

The proposed subdivision is considered consistent with the above objectives that apply to the road layout and hierarchy requirements under Clause 2.4. The proposed variation to the proposed road layout is considered reasonable in achieving the intent of the road hierarchy and in providing suitable road connectivity with the future development of adjoining lands.

Residential Subdivision

The structure plan for the area identifies for R1 land the dwelling target is 18 dwellings per hectare whilst the target for R2 land is 10 dwellings per hectare. Both the R1 and R2 portions of the site provide dwellings at the rate of 18 dwellings per hectare resulting in the site exceeding the dwelling targets. The R1 portion of the site would be further increased with the future development of the proposed residue lot along the eastern boundary.

Acoustic mitigation

A small number of dwellings are to be located adjacent to Sparks Road to the north. Clause 2.9 of the DCP requires consideration of acoustic impacts from the increasing road noise environment. An acoustic report has been prepared for the proposal and provided suitable construction methods are implemented for the future dwellings the dwellings will be suitable in terms of acoustic issues. This matter will be addressed through the implementation of suitable recommended conditions to be included in any consent granted.

Water Cycle Management Requirements

Clause 2.10 aims to minimize the impacts of development on the Porters Creek Wetland and provide water quality and quantity control measures. The Soil and Stormwater Management Plan accompanying the subdivision application is consistent with the Integrated Water Cycle Management Strategy for Warnervale South.

Ecological Issues

Clause 2.14 requires that all development satisfy any requirements that are identified in any ecological management plan or offset strategy applicable to the precinct. A Vegetation Management Plan is to be submitted to Council wherever land is proposed to be transferred to Council for environmental or recreational management and is to demonstrate consistency with the actions outlined in the Precinct 7A Conservation Management Plan. Proposed Lot 88 will be required to be transferred to Council in accordance with recommended conditions. There was no threatened flora or fauna identified at the site.

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 DCP compliance.

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

Natural Environment

The site is identified as containing an Endangered Ecological Community (EEC) of Swamp Sclerophyll Forest by Council's Ecologist in the southern portion of the site. The impact to the EEC is considered not to be significant, with a large portion of the EEC in the south of the site to be retained within proposed lot 88 which is zoned E3. The retained EEC land will then be required to be dedicated to Council under recommended conditions.

The site is located within an area that is known to contain the endangered native orchid *Thelymitra adorata*. Through the course of the application multiple ecological surveys have been undertaken on the site by Council and the applicant and it has been determined that *Thelymitra adorata* is not present on the site.

No other endangered flora or fauna has been identified on the site or will be impacted as a result of the proposal. There will be no significant impact upon the natural environment as a result of the proposal.

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 an approval subject to recommended conditions.

Economic impacts

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

Social impacts

The development will provide high amenity residential subdivision and dwellings that have been designed to fit within their context, in close proximity to facilities and services. The development is considered to make a positive social impact upon the area.

Suitability of the Site for the Development:

A review of Council's Land Information mapping identifies the following constraints:

Bushfire

The subject site is identified as bushfire prone land and a Bushfire hazard report accompanied the proposal. As the proposal involves residential subdivision the proposal is required to obtain a Bushfire Safety Authority under 100B of the *Rural Fires Act 1997*. The Bushfire Safety Authority has been issued by the NSW Rural Fire Service for the proposal. The proposal is consistent with the relevant requirements of *Planning for Bushfire Protection*.

In order to achieve a suitable BAL level for the proposal, the proposal includes the provision of a road barrier between the south-western lots (Lots 43-53) and the vegetated area to be retained. The proposal will include the creation of a residue lot on the site along the eastern boundary. This was due to the adjoining lot to the east of the site being undeveloped and heavily vegetated, which meant that required BAL levels and APZs could not be achieved at the present time for dwellings within this location.

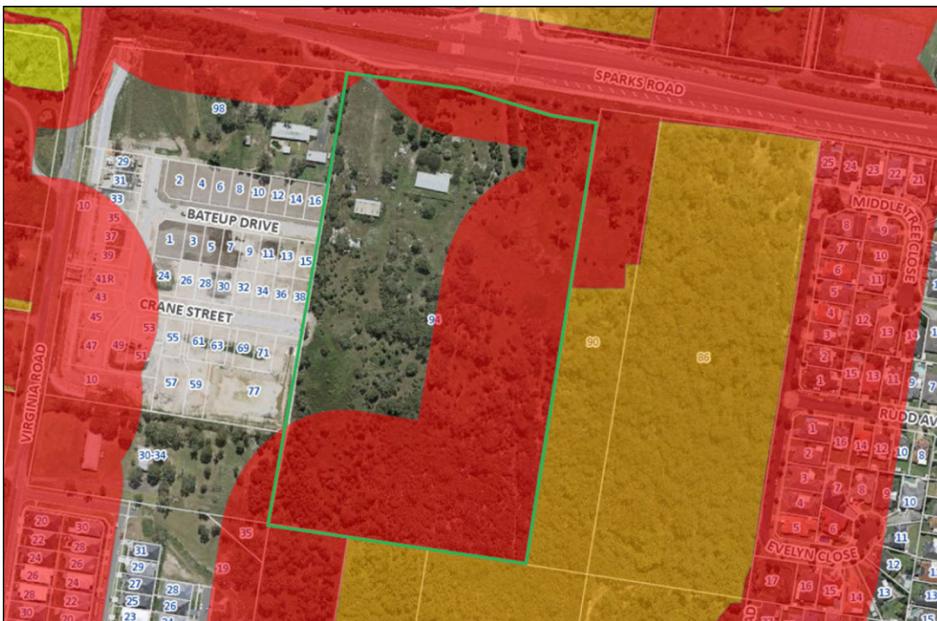


Figure 5. Bushfire prone land on the site.

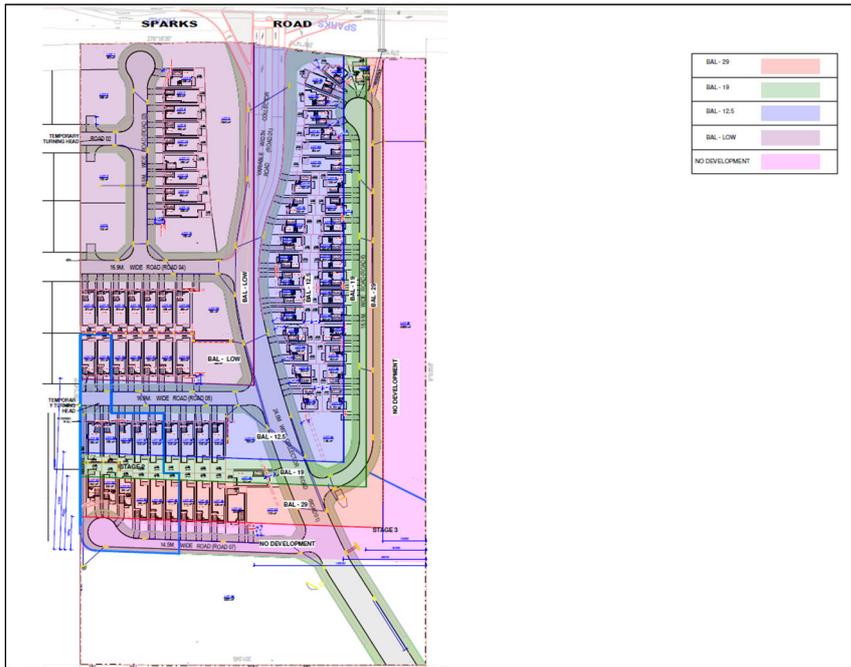


Figure 6. BAL levels applicable to proposed dwellings on the site.

Flooding

The site has been identified as been partially flood affected. The flooding across the site was a result of the culvert systems associated with the Warnervale Town Centre. The works undertaken to the west of the site have resulted in the proposal no longer being affected by flooding.

The proposal still however provides minimum floor levels for Lots 86, 32 and 53 that may be subject to overland flow issues. Stormwater flows from the site will be directed to a temporary onsite detention basin in the south-eastern corner of the site to ensure that no downstream flooding impacts are created. Upon such time that downstream drainage is available, the basin will be removed.

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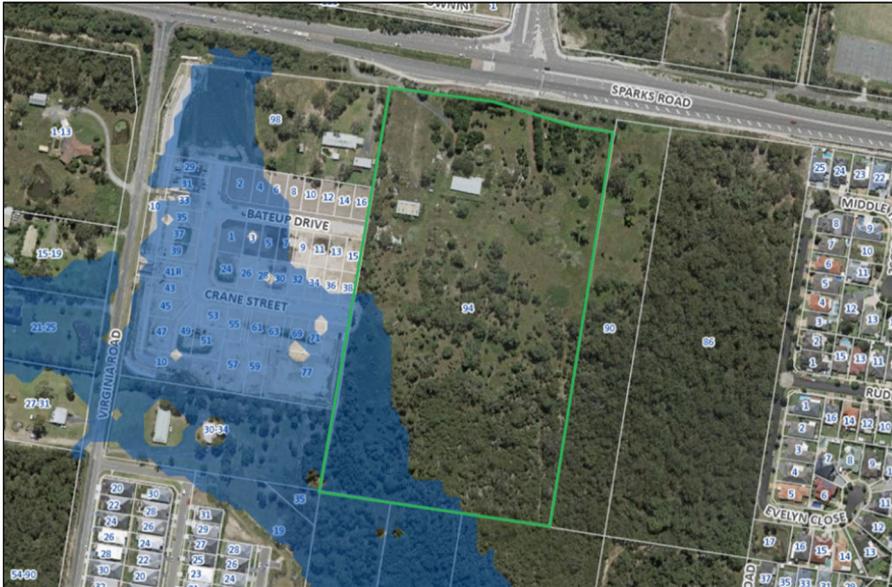


Figure 7. Flooding affecting the property.

There are no other constraints that would render the site unsuitable for development.

Submissions

The application was notified in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals with no submissions being received.

Submissions from Public Authorities

Transport for New South Wales (TfNSW)

The subject site adjoins Sparks Road which is identified as a State road. In accordance with Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*, the proposal is defined as traffic generating development as the proposal is for a subdivision of more than 50 lots that connect a classified road. The site also forms the southern leg of the signalised Warnervale Town Centre intersection with Sparks Road. As such, the proposal was required to be referred to TfNSW.

TfNSW have advised there is no objection to the proposal however there are still issues to be addressed in regards to the intersection design. Any outstanding issues are able to be addressed prior to the construction of the intersection and have been provided in an attachment which will form part of any consent for the proposal. TfNSW have also advised that the applicant will be required to enter into a Works Authorisation Deed (WAD) for the intersection works.

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Rural Fire Service (RFS):

The application is for residential land subdivision and the site is identified as being bush fire prone land. As such, the application was referred to the Rural Fire Service as integrated development requiring approval under the *Rural Fires Act 1997*. The RFS have issued their Bush Fire Safety Authority for the development which will be included as a recommended condition of consent.

NSW Department of Education and Communities (DEC)

Land to the east of the site is currently owned by DEC. DEC were contacted in regards to what the future plans were for the adjoining land and whether access from the development site would be required at a future date. To date no response has been received as to their future plans for the adjoining land. Should access be required by DEC at a later date, negotiations will be required to be undertaken between the landowner and DEC.

NSW Department of Planning, Industry and Environment (DPIE)

Given the extent of variation proposed to the E3 lots to be created for the proposal, the application required the Planning Secretary's concurrence in accordance with the Department of Planning and Environment's *Planning Circular PS 18-003 Variations to development standards*. The concurrence was granted on 21 December 2020 and conditional on:

- Lots 1 and 5 being rezoned to a residential use before any dwellings are approved on these lots; and
- Lot 88 being dedicated to Council as part of the subdivision approval.

These requirements will be added as recommended conditions of consent for the proposal.

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.

Senior Development Engineer	Supported subject to conditions.
Engineering – Traffic and Transport	Supported subject to conditions.
Water and Sewer	Supported subject to conditions.
Ecologist	Supported subject to conditions.
Environment Protection Officer	Supported subject to conditions.
Contributions Officer	Supported subject to conditions.

Senior Development Assessment Engineer

Council's Senior Development Assessment Engineer has provided the following advice regarding the proposal.

Roads, Access and Traffic – Engineering Works in the Existing Public Road under the Roads Act 1993 – Sparks Road

The site currently is serviced via an existing combined unformed access driveway from Sparks Road. The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's *Civil Works Specifications Design Guidelines*. These include the provision of a new Sparks Road / Road 1 intersection, stormwater drainage, culverts, kerb and channel, kerb ramps, shared paths etc. in the existing road reserve. These will be for the approval of Transport for NSW - Road & Maritime Services.

Roads, Battle-axe, Access and Traffic – Engineering Works within the subject property – Environmental Planning & Assessment Act 1979

The proposal seeks vehicular access for each dwelling from the new public roads to be constructed on the site. The development will necessitate the completion of road infrastructure in accordance with the relevant provisions of Council's *Civil Works Specifications Design Guidelines*. These include the provision of new public roads, stormwater drainage, culverts, kerb and channel, new driveway crossings and laybacks, reinforced concrete footpaths, kerb ramps, shared paths (both sides of Road 1) etc. in the proposed road reserve.

No battle-axe lots are proposed as part of the revised arrangement. The proposed single garage dimensions will need to comply with AS/NZS 2890.1 (2004) - "Off-street car parking".

Flooding

The site is located within the Porters Creek Catchment and Council's records indicate that the site is affected by flooding and/or minimum floor level requirements. Flooding of the site is from two culverts systems associated with the Warnervale Town Centre which includes the eastern and western systems.

The eastern system conveys stormwater from upstream properties to the north of Sparks Road. The flood affectation of the eastern system is not identified on Council's 1% AEP layer. Since the completion of engineering channel works, the lots identified as part of western system (Stage 2) are no longer affected by the 1% AEP flood event.

The Applicant has proposed a major trunk drainage system traversing longitudinally along Proposed Road 6. This system intends to remove the existing headwall and pipe the entire drainage system to the downstream system.

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Two drainage reserves have been proposed to convey stormwater from adjoining catchments (north and west). The western catchment must not be made operational until such time that the 'temporary' OSD is removed from the adjoining development.

Drainage

The site falls to the south-west. Stormwater management for each allotment is proposed in the following manner:

- Proposed Lots 1-15, 23-31 and 35-86 - Drainage to the new public roads.
- Proposed Lots 16-22 and 32-34 – Drainage to interallotment drainage

The proposal seeks to direct stormwater to a temporary on-site detention system on Proposed Lots 87 and Gross Pollutant Trap (GPT) system. This 'temporary' system also seeks to provide a component of gross pollutant removal.

'Temporary' on-site stormwater detention and drainage will be required to control the rate of runoff leaving the 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. It is anticipated that additional 'temporary' OSDs will be required in order to satisfy the above requirement. These can be established on the allotments not identified for development as required by the proposed conditions of consent.

Orderly development of this detention site will occur following the resolution of matters downstream associated with the Porters Creek Wetland.

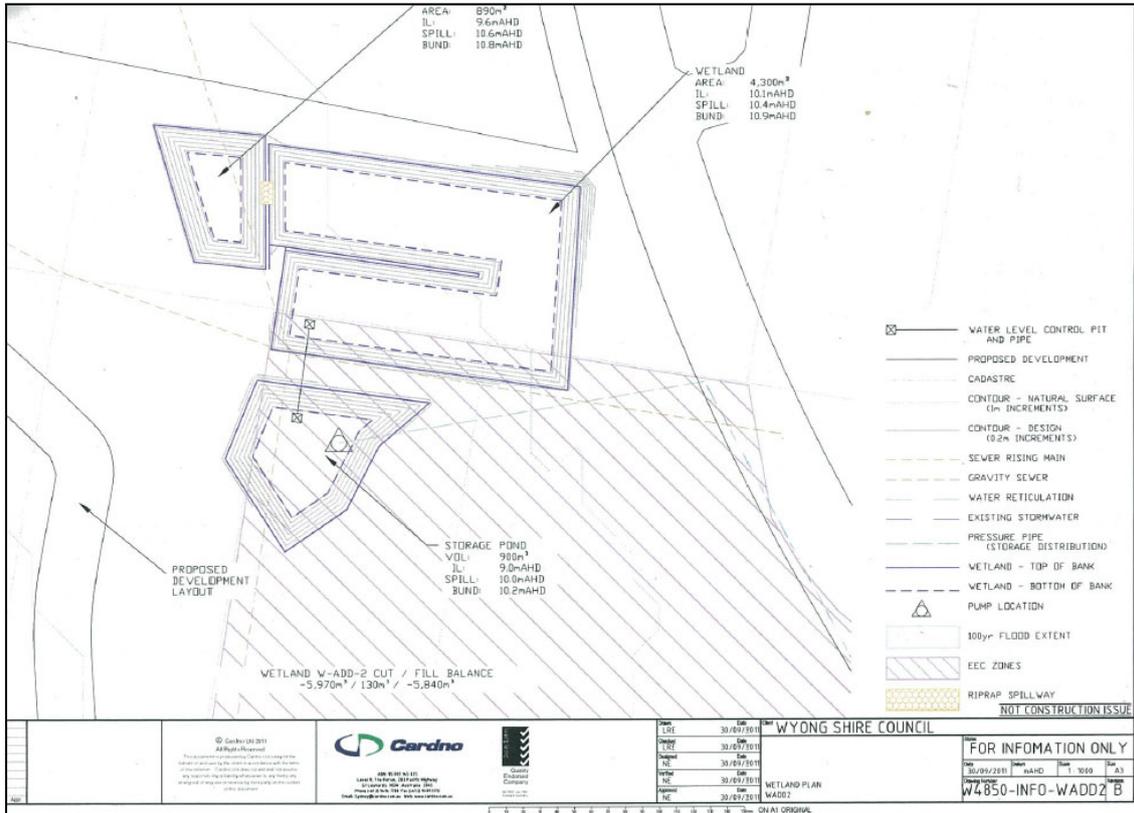


Figure 9– Regional water quality measure proposed within the southern E3 land – refer Precinct 7A Integrated Water Cycle Management Strategy, addendum dated April 2013

As detailed in Figure 9 above, the southern E3 portion of the site is to contain a regional water quality system containing swales, wetland and IWCM storage area. Previously submitted documentation indicated that the application proposes to dedicate this land to Council and that this regional system is to be constructed by others in the future.

Water

The proposal seeks an extension of the existing 100mm uPVC water main infrastructure in Sparks Road to provide connectivity to the subject and adjoining developments. Extension of the water main servicing the adjoining properties will also be required to provide connectivity. The adjoining development has been approved with an extension of the 150mm water mains through the road network. Suitable protection of the 600mm FRP (Fibre Reinforced Plastic) will be required for the necessary intersection upgrade. The proposed development is located outside the Zone of Influence (ZOI) of the water main servicing the area.

Sewer

The proposal seeks sewer servicing via the 450mm trunk main located on an adjoining southern property. Extension of the main will be required to service the development and will form part of the current proposal. The depth of the sewer trunk main (average 2.8m

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deep) confirms that thrust boring through the E3 zone is a feasible construction methodology minimising the environmental impacts.

The proposed dwellings are located within the Zone of Influence (ZOI) of the proposed sewer main extension. Therefore, the development will need to comply with Council's "Policy for Building Over or Adjacent to Sewer Mains". An extension of the sewer main will be required to the west and east in order to provide orderly development through the catchment.

Construction Issues

Suitable Construction Traffic Management plans will be required to ensure the safety of all road users and this will be addressed under recommended conditions.

Easements, 88B Requirements, etc

An investigation of Deposited Plans 543514 & 1187449 has not identified any burdens associated with this property. Road widening was previously made by the Roads & Maritime Services as part of the works for the construction of the Warnervale Town Centre entry road.

Earthworks

Cut of more than 2.5 metres is proposed for the 'temporary' on-site stormwater detention and drainage system. Fill of up to 2.0m is proposed to provide lot platforms for the development. Importation of fill has been identified within the submitted plan.

Retaining walls are proposed throughout the development as well as along the property boundaries to retain the intended cut / fill. The heights of the retaining walls will be between 1.486 metres and 0.143 metres.

Waste Management

The subdivision been suitably designed to allow for satisfactory servicing for waste collection. Although limited frontage is available for all allotments for the collection of waste bins, there is adequate area fronting adjoining areas to allow for bins to be accommodated without impacting upon serviceability and amenity.

Neighbouring Properties – Dilapidation, Noise, Etc

Standard conditions have been recommended regarding the preparation and documentation of dilapidation reports on Council assets.

Street lighting

Suitable street lighting will be required as part of this proposed development, likely within

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the new public roads. The development will require appropriate structural footings to ensure the protection of the proposed Council sewer main traversing the property.

Traffic and Transport Engineer

Council's Traffic and Transport Engineer has provided the following advice regarding the proposal.

Traffic Generation

The RMS' Guide to Traffic Generating Development's and the RMS Technical Direction TDT 2013/04 provides specific advice on the traffic generation potential of various land uses. The RMS rates for low density residential are:

- PM peak (1) hour = 0.78 per dwelling in regional areas. (Maximum 0.9)
- AM peak (1) hour = 0.71 per dwelling in regional areas. (Maximum 0.85)

Therefore, the additional traffic generated by the proposed subdivision can be calculated as:

- PM peak hour trips = 128 lots x 0.78 vtpd = 100 vtpd.
- AM peak hour trips = 128 lots x 0.71 vtpd = 91 vtpd.

The proponent had liaised with TfNSW regarding the upgrading of the signalised intersection with Sparks Road. TfNSW also Council consider the cumulative effects of all planned developments in the greater Warnervale area. In 2012, Council engaged Hyder Traffic Consultants to undertake a Traffic and Transport Study for the planning area known as Precinct 7A.

The purpose of Hyder's traffic study is to assess the performance of existing and future network capacity within the study area. Hyder used the RMS's Central Coast Regional Strategic Model together with its own TransCAD modelling software. For assessing individual intersection capacity, Hyder used SIDRA software. Future years modelling was undertaken for 2021 and 2031 using land use data sourced from Council. The traffic model included the cumulative growth from following planned developments including:

- Precinct 7A;
- Wyong Employment Zone (WEZ);
- Bruce Crescent;
- Warnervale Town Centre (WTC);
- The Lakes Anglican Grammar School;
- Precinct 14, and
- Wadalba Precinct

Therefore, Council has considered the cumulative effects of this and other proposed developments in the greater Warnervale area. Traffic generation for the site that is subject to

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this development application was included in the study and the applicant will be required to pay a development contribution towards intersection upgrades in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979*.

Car Parking

The calculation of on-site car parking provision is in accordance with Council's Development Control Plan (DCP) 2013, Chapter 2.11 - Parking and Access while the design of the on-site car parking is to be in accordance with Australian Standard AS2890.1 – *2004 Parking facilities – Part 1 Off-street car parking*. Wyong DCP 2013 requires:

- 1 space per dwelling if 3 or less bedrooms;
- 2 spaces per dwelling if 4 or more bedrooms; with
- At least one fully enclosed garage carpark is required for new dwelling houses in urban areas

Each dwelling has a single garage parking space and 1 stacked parking space in front of the garage with a minimum parking dimension of 5.5 metres by 2.4 metres within the boundary of the dwelling property and therefore complies with Council's DCP and Australian Standard requirements.

Water and Sewer Officer

Water Supply

Water supply to the proposed site will be through the adjoining development to the west. Council's existing system is adequate to provide water supply to the proposed development.

The applicant will be required to extend the DN150 from the adjoining development to the west through proposed Road No.2 and 3. The DN150mm will then construct through .proposed collector road and connect into proposed development to the south-east development. An existing DN100 is running along Sparks Rd. The applicant is required to extend this DN100 into the proposed development site and connect into the proposed DN150 at Road No. 2.

Any proposed adjustments to Council's water assets will require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate. The design and construction of the water mains are to be in accordance with the WSAA Water Supply Code of Australia WSA – 02 Sydney Water Edition, Wyong Shire Council Supplement.

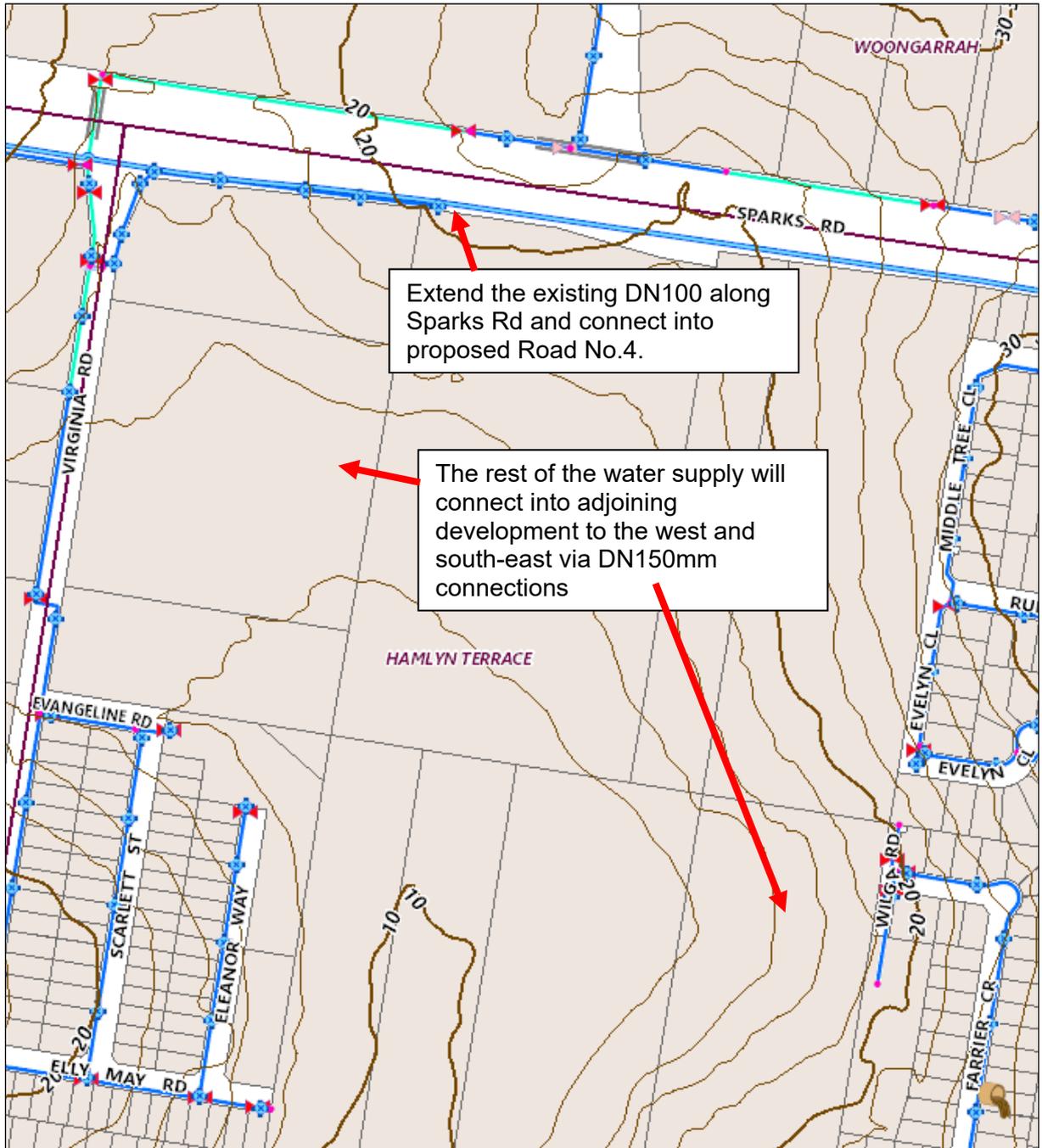


Figure 10 - Water Supply Arrangements

Sewer

The site is currently vacant and not connected into Council's sewer network. Existing gravity sewer main "7" is located on the southern side of the proposed site. Service can be made to the line and gravitates to the Sewerage Pump Station CH13 catchment area. Sufficient capacity exists in Council's sewerage network for the proposed development. A stub for future connection was provided at this manhole when the trunk main was constructed.

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Any proposed adjustments to Council's sewerage assets will require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate. Any adjustment or protection of the sewer mains are to be fully funded by the developer. The design and construction of any sewer main adjustments are to be in accordance with the WSAA Sewerage Code of Australia WSA-02 Sydney Water Edition. Council will undertake final connections to its live sewer system at the developer's full cost.

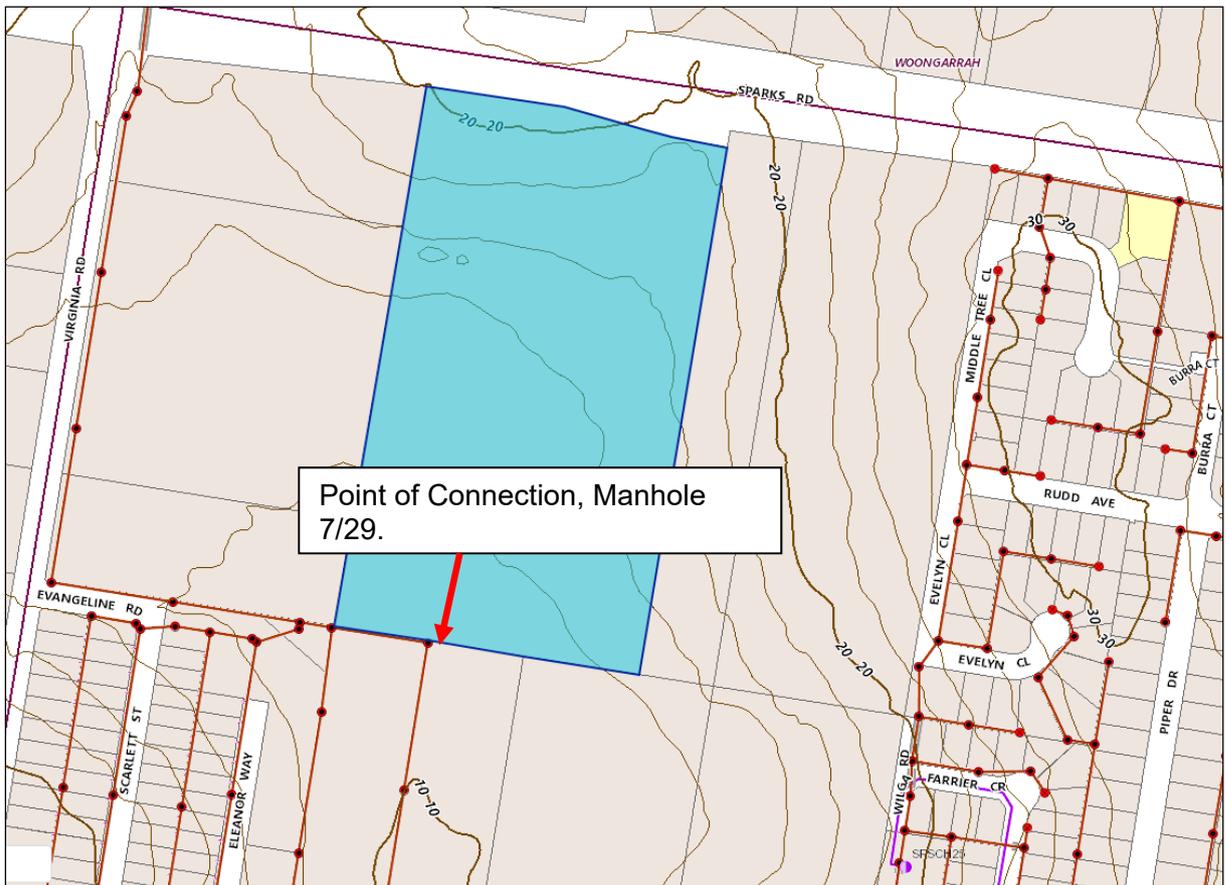


Figure 11 - Sewerage Arrangements

Ecologist

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Impacts to biodiversity values have been assessed in accordance with the *Threatened Species Conservation Act 1995* (TSC Act).

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Ecologist has no objection to the proposal subject to the imposition of relevant conditions being included within any consent granted.

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Over the course of the assessment, a number of ecological matters have been resolved, primarily the re-location of the proposed sediment basin out of the E3 zoned land as well as the surveying of the site for the presence of the critically endangered, *Thelymitra adorata*.

Within the southern extent of the site, there is the occurrence of the Endangered Ecological Community (EEC), *Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions (SSFF)*. Whilst the applicant's ecological consultant insists that the native vegetation within the southern extent of the property is not representative of this EEC, it has been the consistent opinion of Council's assessing officers that this vegetation does indeed conform to the specification of this EEC and that it should be assessed accordingly.

Over the course of the assessment, there have been a number of calculations done to determine the impact of the area of SSFF on the local extent of the EEC. The percentages identified have varied depending on the surrounding vegetation mapping used and range between 9% and over 10%. It is considered that the nominated removal of SSF EEC is unlikely to constitute a significant impact such that the local occurrence of this EEC is put at risk of extinction.

With an adequate level of survey for *Thelymitra adorata* now undertaken including inspection by Council's Ecologists during a prolific flowering season (2020), the proposal is supported subject to the imposition of conditions of development consent designed to protect and enhance the retained native vegetation within the site.

Environment Protection Officer

This environmental assessment has been undertaken to consider the historical contaminating impacts on the environment.

Noise

A review of the acoustic report prepared by RAPT Consulting titled "The Bathla Group, Noise Assessment 94 Sparks Road Hamlyn Terrace was undertaken. The report has identified that without acoustic attenuation measures, future residents of the proposal will be unreasonably impacted upon by traffic noise from Sparks Road. It has been determined that the acoustic concerns can be resolved by using specific construction materials outlined in AS 2107:2000 *Acoustics - Recommended design sound levels and reverberation times for building interiors*. To ensure that future property owners are made aware of their construction obligations to this approval it is recommended that a restriction notification be made/placed upon all impacted properties.

This proposal is consistent with similar subdivisions carried out in the area and with the appropriate attenuation measures it is anticipated that the impact upon the future resident will be at an acceptable level.

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Contamination

The proponent has addressed the requirements under *State Environmental Planning Policy 55 "Remediation of Land"* by providing a Preliminary contamination assessment by NG Child & Associates, titled "Preliminary Site Investigation: Stage 1 Environmental & Contamination, Preliminary Geotechnical, Preliminary Salinity - Residential Sub-Division & Development 94 Sparks Road Hamlyn Terrace NSW" (dated 25 August 2017 project ref: CA17/122/8001)

The findings of this contamination assessment advised that the likelihood of contamination from historical land use activities were considerably low and would not inhibit any future residential use. Notwithstanding this determination, it was identified that historical "Fibro buildings" are currently onsite and will eventually need to be demolished. Although not restrictive to the progression of this application a conditional requirement to will resolve any unexpected finds will be included.

There is no objection to the proposal subject to the imposition of proposed conditions being included within any consent granted.

Contributions Officer

The site is located within the Warnervale District s7.11 Contributions Plan – Precinct 7A – catchment H6 (& Shire Wide s7.11 Plan). Contributions will be levied for the proposal based on the proposed vacant development lots or the number of bedrooms for the lots to include dwellings. Contributions will not be levied for the residue lots within the development.

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.

Other Matters for Consideration:

Contributions

The application falls under the Warnervale District s7.11 Contributions Plan – Precinct 7A – catchment H6 (& Shire Wide s7.11 Plan). The following contributions are applicable:

- Shire wide contributions
- District Administration
- Studies

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- Roads
- Drainage Land & Works
- Water Quality Works
- Environmental Restoration Works
- Open Space Land & Works
- Community Facilities Land & Works

The contributions have been calculated based on 9 lots over 350m² (9 x 1 DU), 27 x 3 bedroom units (28 x 0.83 DU), and 47 x 4 bedroom units (47 x 1 DU), with a credit for the existing dwelling.

Lots 1, 5, 87 & 88 have been classed as residue lots as per FST tables in site plan – drawing No. DA02 dated November 19, and have not been included in the above contribution calculations.

Conclusion

The application seeks consent for a residential subdivision of the site including small lot housing (75 Lots), residue lots (three lots), conservation lots (one lot), vegetation clearing, earthworks, retaining walls and associated road, other infrastructure and servicing at 94 Sparks Road, Hamlyn Terrace. The proposal has been assessed using the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is generally considered the proposed development is suitable for approval subject to conditions.

The proposal is recommended for approval.

Reasons for Decision

The reasons for the decision as recommended under the assessment of this application are as follows:

- The proposal is considered satisfactory under the heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The proposal is considered satisfactory having regard for the provisions of *Wyang Local Environmental Plan 2013*, particularly in relation to permissibility and zone objectives.
- The proposal meets the objectives of Clauses 4.1 and 4.6 of the *Wyang Local Environmental Plan 2013* in relation to the minimum lot size.
- The proposal is considered satisfactory in relation to the requirements of *Wyang Development Control Plan 2013, Chapter 2.1 – Dwelling Houses and Ancillary Structures, Part 4 – Subdivision and Chapter 6.5 – Warnervale South*.

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- The variations proposed to the minimum lot size for E3 land, maximum retaining wall height, minimum lot size for corner lots and variation proposed to the road layout and hierarchy are considered reasonable and warranted in this instance.

Attachments

1	Assessment against DCP 2013 Chapter 2.1 - DA/1176/2017 - 94 Sparks Road, HAMLYN TERRACE	D14419241
2	Assessment against DCP 2013 Part 4 - DA/1176/2017 - 94 Sparks Road, HAMLYN TERRACE	D14419245
3	Revised Clause 4.6 Sparks Road November 2019 - DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace	D13729503
4	Satisfactory Arrangements designated state public infrastructure - 94 Sparks Rd Hamlyn Terrace - DA 1176 2017	D14419231
5	Concurrence under Clause 4.6 of the Wyong Local Environmental Plan 2013 - Department of Planning, Industry and Environment - DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace	D14419226
6	New Draft conditions/reasons - 94 Sparks Road, HAMLYN TERRACE NSW 2259 - DA/1176/2017 - Development - Central Coast Council	D14444142

Requirement	Proposed	Complies?
2.0 Building Scale		
2.1 Building Height		
Maximum building height 10m unless mapped by LEP(2.1b)	Maximum building height of 10 metres applicable and all dwellings have a height of less than 10 metres.	Yes
Generally not to exceed 2 storeys (2.1c)	A mixture of single and two storey dwellings proposed on the site.	Yes
2.2 Site Coverage		
Maximum site coverage of: <ul style="list-style-type: none"> <450m² = 60% of the site 450m² but <900m² = 50% 	All lots have a site coverage of less than 60%. Lots with an area of greater than 450m ² currently are not proposed to have dwellings on them.	Yes
2.3 Floor Space Ratio		
In accordance with LEP	No applicable FSR under the WLEP 2013.	Yes
3.0 Setbacks		
Front boundary		
Lots >300m ² = average distance between nearest 2 houses OR 4.5m	All lots will have a minimum setback of 4.5 metres. As the proposal is to be undertaken within a new subdivision no existing dwellings exists.	Yes
To a classified road = 7.5m	No dwellings are to be proposed on the classified road.	Yes
Garage or carport = minimum 1m behind front building setback	The proposed garages for all proposed dwellings have been located a minimum of 5.5 metres from the front setback.	Yes
Rear Boundary		
To private allotment = 0.9m for maximum 50% of length of boundary for single storey. 3m up to 4.5m high. >4.5m high = 6m	All proposed dwellings have been provided with a minimum setback of 3 metres or more.	Yes
To parallel road or public reserve = 3.0m	Any dwelling proposed to adjoin a parallel road have been provided with a rear setback of 3 metres or more.	Yes
Side boundary		
Lots >12.5m wide = 0.9m up to 4.5m. for building >4.5m = 0.9m plus ¼ of height above 4.5m	Side setbacks = 0.2m to 0.9m. Those portions of the building located less than 0.9m from the boundary are less than 10m in length and are provided with no openings. All reduced setbacks are only for single storey dwellings. An easement for maintenance will also be required to be created over adjoining properties.	Yes
Corner lots = 2m	No dwellings have been proposed to be located on the proposed corner lots.	Yes
Articulation Zone		
Primary road frontage = 1.5m from building to minimum required setback from the subject road	All portions of the proposed dwellings within the articulation zone have been proposed in accordance with the requirements.	Yes
Maximum total area no more than 25% of articulation zone	Any elements within the articulation zone for the dwellings covers less than 25% of the area.	Yes
4.0 Residential Amenity		
4.1 Views		
Addressed where applicable	There are no important views on the site that are required to be maintained.	Yes

4.2 Visual Privacy		
All development to minimise visual impact to adjoining development	Where possible windows have been offset and non-living areas have been provided on the first floor to maintain privacy to adjoining development.	Yes
4.3 Private Open Space Areas		
<ul style="list-style-type: none"> • Lots width <10m = 16m² • Lots >10m = 24m² 	Open space areas range in size from 31m ² to 104m ² and as such exceed the minimum requirements.	Yes
Minimum dimension = 3m	All open space areas proposed provided a minimum dimension of 3 metres.	Yes
4.4 Sunlight access		
Open space to receive at least 3 hours sunlight	All open space areas will be able to receive at least 3 hours of sunlight as required.	Yes
5.0 Carparking and Access		
<ul style="list-style-type: none"> • 3 or less bedrooms = 1 space • 4 or more bedrooms = 2 spaces 	All dwellings are provided with a single garage and where a second space is required it is to be provided within a stacked arrangement in front of the garage. Minimum requirements have been met for the parking spaces.	Yes
Maximum driveway width = 4m at street crossover	The driveways are less than four metres at the driveway crossover.	Yes

Requirement	Proposed	Compliance
2.0 Application Requirements		
Site Analysis (cl 2.2)	A suitable site analysis has been provided for the proposal.	Yes
Landscape Assessment Report and Vegetation Management Plan (cl. 2.3)	Landscaping details for the proposal have been provided as required.	Yes
Service Plan (cl. 2.4)	Details of services to be provided for the proposal have been provided.	Yes
Street Plan (cl. 2.5)	A street layout plan been provided for the proposal and details how the proposal will connect with Sparks Road to the north.	Yes
Lot Layout Plan (cl. 2.6)	A lot layout plan for the proposal has been provided.	Yes
3.0 General Design Principles		
3.1 Stormwater Management and Flooding		
Site works are not to obstruct or divert overland flows from upstream (cl. 3.1.1.a)	The proposal would not result in the obstruction of any overland flows from upstream of the development. The overland flows from the Warnervale Town Centre will be captured by street drainage and diverted to downstream drainage.	Yes
Adequate provision for gravity drainage (cl. 3.1.1.c)	Given the slope of the site the proposal can ensure that gravity fed drainage can be provided on the site.	Yes
Stormwater runoff shall discharge into inter-allotment or street drainage (cl. 3.1.1.d)	Stormwater from the proposed lots will be directed to either the street drainage or through inter-allotment drainage with easements to be created.	Yes
3.1.2 Erosion and Sediment Control		
Site Disturbance 250m ² -2500m ² - Erosion and Sedimentation Control Plan required (ESCP) (cl. 3.1.2.b)	An erosion and sediment control plan has been prepared for the proposal as required.	Yes
3.1.3 Flooding		
Subdivision of land on floodplain not encouraged. Development must comply with DCP 3.3 Floodplain Management.	The site is subject to some overland flooding however this will be addressed with the development of the adjoining land, which is currently underway, and those lots affected by the flooding will be staged to be undertaken at completion of development of the adjoining land.	Yes
3.2 Services		
In established areas, new services shall have regard to the existing mode of installation (cl. 3.2.c)	New services will be required to be consistent with existing services within the locality.	Yes
All services shall be provided underground (cl. 3.2.d)	The developer will be required to have the installation of underground services consistent with the other new development within the locality.	Yes
The location of utility services not to affect significant vegetation or waterways (cl. 3.2.f)	Services will be located to ensure any impacts to existing vegetation is minimised where possible.	Yes
3.3 Cut, Fill and Earthworks		

Cut, fill or retaining works shall not be permitted within close proximity to sewer, drainage or inter-allotment easements	Cut and fill will be located clear of any services as required.	Yes
Disturbance to natural drainage patterns avoided where possible	The proposal will ensure that natural drainage patterns can be maintained where possible.	Yes
Any fill is to be contained within the boundaries of the site	Any fill to be placed on the site will be within the boundaries of the lot.	Yes
3.4 Street Layout and Design		
A road hierarchy is to be established which distinguishes between access lanes/paths, access streets, local streets, collector streets and distributor roads (cl. 3.4.a)	The proposal includes a collector road that will link Sparks Road to the north to Warnervale Road in the south, through an adjoining property. The proposal will also include several local streets that will come from the collector road.	Yes
The street network shall respond to the area's topography and natural features (cl. 3.4.g)	Roads will generally follow the topography of the site.	Yes
The street network must interconnect between neighbourhood elements, transport modes and integrate with adjoining development (cl. 3.4.i)	The proposal has been designed to connect to the existing intersection in the north and connecting to the alignment of the southern portion of the collector road. The proposal has also been designed to connect to the approved development to the west of the site.	Yes
Streets are to be designed to enable each lot to access street frontage (cl. 3.4.j)	Each lot within the proposal will have access to a street frontage.	Yes
The street design should consider adequate sight distance in regard for lot access (cl. 3.4.n)	Each lot has been designed to ensure that adequate sight distance can be achieved for future dwellings.	Yes
Residential street blocks shall be no more than 80m deep and 160m long (cl. 3.4.o)	All lots are less than the maximum depth and lengths permitted.	Yes
Where the land abuts open space or bushland, an urban interface area is required (UIA) as outlined in s.3.9 (cl. 3.4.q)	A street is to be provided adjoining the E3 portion of the site that is located on the site.	Yes
Appropriate intersection controls are to be provided (cl. 3.4.r)	Appropriate intersections have been proposed and the proposal will result in the completion of the southern leg of the existing Sparks Road intersection.	Yes
3.5 Footpaths and Cycleways		
Footpaths are to be provided on one side of the street for access places/lanes, access streets and local roads (cl. 3.5.a)	Footpaths will be provided on the site as required.	Yes
Subdivisions are to provide pedestrian links between street networks. Cul de sacs where possible are to be designed in accordance with CPTED principles (cl. 3.5.b)	Pedestrian links are to be provided between the street networks and cul-de-sacs are consistent with the CPTED principles.	Yes
3.6 Street Trees and Landscaping		
Subdivisions are to incorporate street trees at a minimum rate of 1 semi-advanced tree per 15m frontage (cl.3.6.a)	Street trees are to be provided to each of the proposed streets within the development.	Yes
A street tree planting plan is to be included as part of the Landscape Assessment and Design Report (cl.3.6.b)	A street tree planting plan has been provided for the proposal identifying	Yes

	the species and quantities of plans to be provided	
3.7 Public Open Space and Parks		
No residential lot is to be located more than 400m from public open space (cl. 3.7)	The site is located less than 400 metres from a public open space to the south-west of the site.	Yes
3.8 Heritage		
Provide details of any identified heritage item or aboriginal site and proposed treatment (cl. 3.8.a)	There are no known items of heritage on the site or in the vicinity of the site.	Yes
3.9 Vegetation Management, Threatened Species and Urban Interface		
To clear land an ecological assessment and management plan is likely to be required which includes Threatened Species Assessment (cl.3.9.1.c)	The potential impacts on the Endangered Ecological Community on the site have been assessed by the applicant.	Yes
Subdivision should be designed appropriately to so as not to affect any threatened species of ecological communities on site or adjoining land (cl. 3.9.2.b)	The proposal has been designed to retain a large portion of the vegetation within the south of the site.	Yes
An urban interface required on land that contains or adjoins significant vegetation (cl. 3.9.3.a)	A road will be located between the proposed lots and the existing environmental lands in the south of the site.	Yes
3.10 Community Safety and Security		
Lot design must enable appropriate surveillance while protecting privacy of residents (cl.3.10.b)	The proposed lot designs would allow casual surveillance between properties whilst privacy would be able to be maintained.	Yes
Sight lines are to be preserved at all intersections (cl.3.10.d)	Dwellings have yet to be proposed to the corner lots however the design and size of the lots would ensure that adequate sights would be able to be provided at the completion of any future dwellings.	Yes
4.0 Residential Subdivision		
4.1 Lot Size		
The minimum lot size within R2 zone is 450m ² under WLEP 2013. Areas and dimensions to have regard for Table 2. (cl.4.1.a)	The proposed development is utilising Clause 4.1B of the WLEP 2013 to propose lots less than 450m ² . The assessment regarding small lot housing can be found further within the table.	Yes
Lot size in other residential zones is generally 450m ² , will range according to site characteristics (cl.4.1.b)	As above the proposal included small lot housing and an assessment against the relevant requirements can be found below.	Yes
Where subdivision under 450m ² is permissible, subdivisions of land with slopes less than 10% and proposing 10 or more lots is required to have at least 10% but not more than 20% of lots at 450m ² (cl.4.1.e)	A number of corner lots are to have an area greater than 450m ² within the proposal.	Yes
Lots are to have street access and frontage or legal and physical access to street frontage (cl.4.1.f)	All lots will have direct street frontage.	Yes
Battle-axe lots are in accordance with Table 2 (cl.4.1.g)	No battle-axe lots are proposed to be provided.	Yes
4.1.1 Slope		

Table 2 shows recommended lot size for various slopes and lot types. Table 3 shows recommended information to be submitted for various slope categories (cl.4.1.1.g)	Not applicable as proposal is for small lot housing and minimum lots size requirements are to be in accordance with Section 4.1.5.	Yes
4.1.2 Corner Lots		
Corner lots to have a minimum of 700m ² (cl.4.1.2.a)	Nine corner lots are proposed for the development. Two of the proposed lots, being Lots 23 and 24, are to be less than 700m ² . They are to have an area of 691m ² and 699m ² respectively. These lots will require a 1.3% and 0.1% variation. The proposed variations have previously been discussed.	Variation
5m x 5m corner boundary splay to improve sight distance (cl.4.1.2.c)	Each lot will be provided with the required corner splay.	Yes
Driveways to be setback a minimum 6m from the tangent point on the kerb return (cl.4.1.2.d)	Dwellings have yet to be proposed for the corner lots and as such the proposed driveway locations will be determined at the dwelling stage of the proposal. The lots are however of a suitable dimension that the setbacks would be able to be achieved for any future dwellings.	Yes
Driveways at signalised intersections to be setback beyond queue lengths (cl.4.1.2.e)	No dwellings are proposed within proximity of the intersection.	Yes
Driveways for lots adjacent to roundabouts or channeled intersections are to be clear of islands and pavement marking. Alternate access or right of carriageway from another street may be required (cl.4.1.2.f)	No roundabouts are proposed for the proposal and corner lots proposed would ensure driveways are suitably located regarding proximity to intersections.	Yes
4.1.4 Battle Axe Lots		
Recommended lot size for battle axe lots is 750m ² . The access handle is excluded from this calculation. (cl.4.1.4.b)	No battle-axe lots are proposed to be provided within the development.	Yes
4.1.5 Small Lot Housing Development		
4.1.5.1 Small Lot Housing in the R2 Low Density Residential Zone		
Applications for Small Lot Housing must address the requirements of Clause 4.1B of WLEP 2013 (cl.4.1.5.1.a)	The proposed development has designed to address the requirements of Clause 4.1B of the WLEP 2013.	Yes
Building Design: i. small lot housing development proposals shall include the submission of individual dwelling designs for each lot. ii. Designs to have regard for Chapter 2.1 Housing and Ancillary Structures. iii. Dwelling designs shall provide for variation and architectural interest. (cl.4.1.5.1.b)	The proposal has included the provision of dwelling designs for each of the proposed lots within the subdivision. The proposed dwellings have been designed in accordance with Chapter 2.1 with some minor variations proposed which have been discussed previously. The proposal also includes variation within the dwelling designs.	Yes
Lot Size and Design: i. Small lot housing development is to be confined to areas where the natural slope of the land is no greater than 15%; ii. Lot size is within the range of 200m ² to 450m ² . Lot sizes only considered when	The proposed development is to be undertaken on a site with a slope of less than 15% and the proposed lots will have a size varying from 250m ² to 328m ² . All the lots have a width greater than 7.5 metres and have	Yes

<p>lodged as part of a small lot housing development.</p> <p>iii. Lots to have a minimum lot area of 200m² and a minimum width of 7.5m at the building line.</p> <p>iv. Lots are generally rectangular in shape. (cl.4.1.5.1.c)</p>	<p>been designed to be generally rectangular in shape.</p>	
<p>Setbacks:</p> <p>ii. A zero side or rear boundary setback will not be permitted where the land adjoins a conventional housing lot.</p> <p>iii. Where a zero side boundary is proposed no windows or openings will be permitted. A 1.0m wide easement for maintenance is to be created on the adjoining property. No gutter, downpipe, eave etc shall project onto the adjoining lot (cl.4.1.5.1.d)</p>	<p>Several dwellings proposed include a small section of the dwelling to be located 0.2 metres from the side boundary. These portions of the dwellings adjoin other small lot housing lots and do not contain any openings within these portions. The lots with a zero setback will be required to create an easement for maintenance across the adjoining properties.</p>	Yes
<p>Summary of application requirements:</p> <p>i. all applications for 'small lot housing development' as defined in this Part, shall include complete details of the proposal which identify:</p> <ul style="list-style-type: none"> • site analysis; • proposed lot boundaries and dimensions; • proposed house designs; • side and front setbacks; • driveway and car parking locations; • relationship of private open space to neighbouring properties; • the length of any external wall on a boundary and proposed easements for maintenance, etc.; • details of any retaining walls (including height, location and extent of cut and/or fill, drainage details, etc.). 	<p>The proposed development has submitted all the required information for a small lot housing development.</p>	Yes
<p>4.2 Street Orientation and Lot Design for Solar Access</p>		
<p>Streets are to be aligned generally east-west and north-south where possible (cl.4.2.a)</p>	<p>Given the orientation of the site the proposal has generally proposed lots which have an east-west or north-south orientation.</p>	Yes
<p>Where streets are not orientated N-S and E-W, lots shall be angled to achieve better solar access and achieve maximum exposure to cooling breezes in summer (cl.4.2.c)</p>	<p>The small number of lots without the east-west or north-south orientations would still receive adequate solar access.</p>	Yes

**Clause 4.6 WLEP 2013 variation request – Minimum Lot Size
Proposed small lot housing development
No. 94 Sparks Road Hamlyn Terrace – Amended 25th November 2019**

This clause 4.6 variation request has been prepared in relation to the proposal's exceedance of the minimum lot size development standard; specifically clause 4.4(2) Wyong Local Environmental Plan 2013 (WLEP 2013). This variation request has been prepared on the basis of the architectural plans prepared by The Bathla Group dated November 2019.

This written variation request satisfies the provisions of clause 4.6 of Wyong LEP 2013 and the matters for consideration pursuant to the decisions in *Wehbe v Pittwater Council* [2007] NSW LEC 827, *Four2Five Pty v Ashfield Council* and *Mount Annan 88 Pty Ltd v Camden Council*.

In this regard, it will be demonstrated that strict compliance is both unreasonable and unnecessary under the circumstances and that sufficient environmental planning grounds exist to justify the variation sought.

Variation Sought

Zone and Zone Objectives (Figure 1 below)

The subject site is partly zoned E3 Environmental Management pursuant to WLEP 2013:

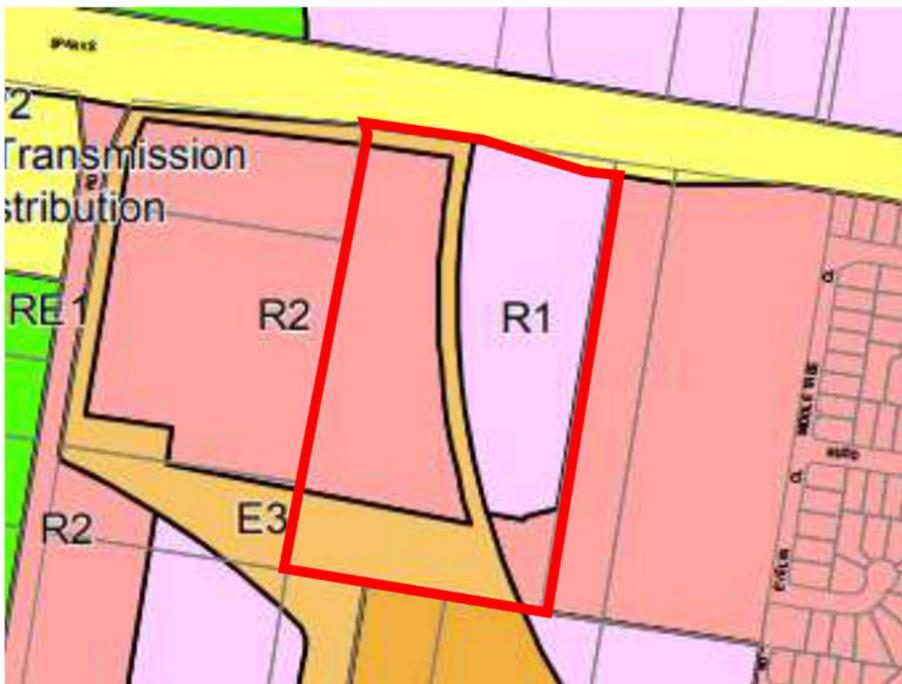


Figure 1 Zoning Plan

The land use table extract from WLEP 2013 is outlined below including the zone objectives:

Zone E3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Horticulture; Information and education facilities; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewage treatment plants; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Subdivision and limited residential uses together with roads and drainage etc are permitted with consent of Council.

Clause 4.1 contains a minimum lots size restriction for the E3 Environmental Management zoned land. The clause reads:-

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to ensure that minimum lot sizes reflect the outcomes of any adopted settlement strategy for Wyong,
 - (b) to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will not, through its potential cumulative effects, create capacity problems for existing infrastructure,
 - (c) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

The minimum lot size for subdivision in the E3 Environmental Management zone is **40hectares**.

Based on the this standard any subdivision of the E3 land would be precluded as the zoned area of E3 land on the site is approximately 14,963m² see below.

Given the adjoining approved road network to the west of the site, the E3 zoned land was always intended to be further subdivided below the existing zoned areas; the zoned E3 land was never intended to be held in a single holding due to the local road patterns, that dissect and bisect the zone hence creating multiple lots of E3 zoned land.

Subdivision of the E3 land below the 40 hectare minimum was always envisaged in the zoning strategy of this site and indeed would be necessary in order that the objectives of Clause 4.1 (1) (a) & (c) can be satisfied.

The consent authority can be satisfied that the LEP, as it applies to the subject site, always required the operation of Clause 4.6 to vary the minimum lot size for the E3 zoned land. The subdivision pattern together with the roads, was always going to result in the E3 zoned land within the subject site being further subdivided into four lots as reflected in **Figure 2** below. Only 3 lots are proposed in the current application – **Figure 3**.

Accordingly, there is no statutory impediment to the granting of consent, by the application of Clause 4.6 to the subject application.

Figure 2 – Local Road pattern – Collector Road & Local Roads

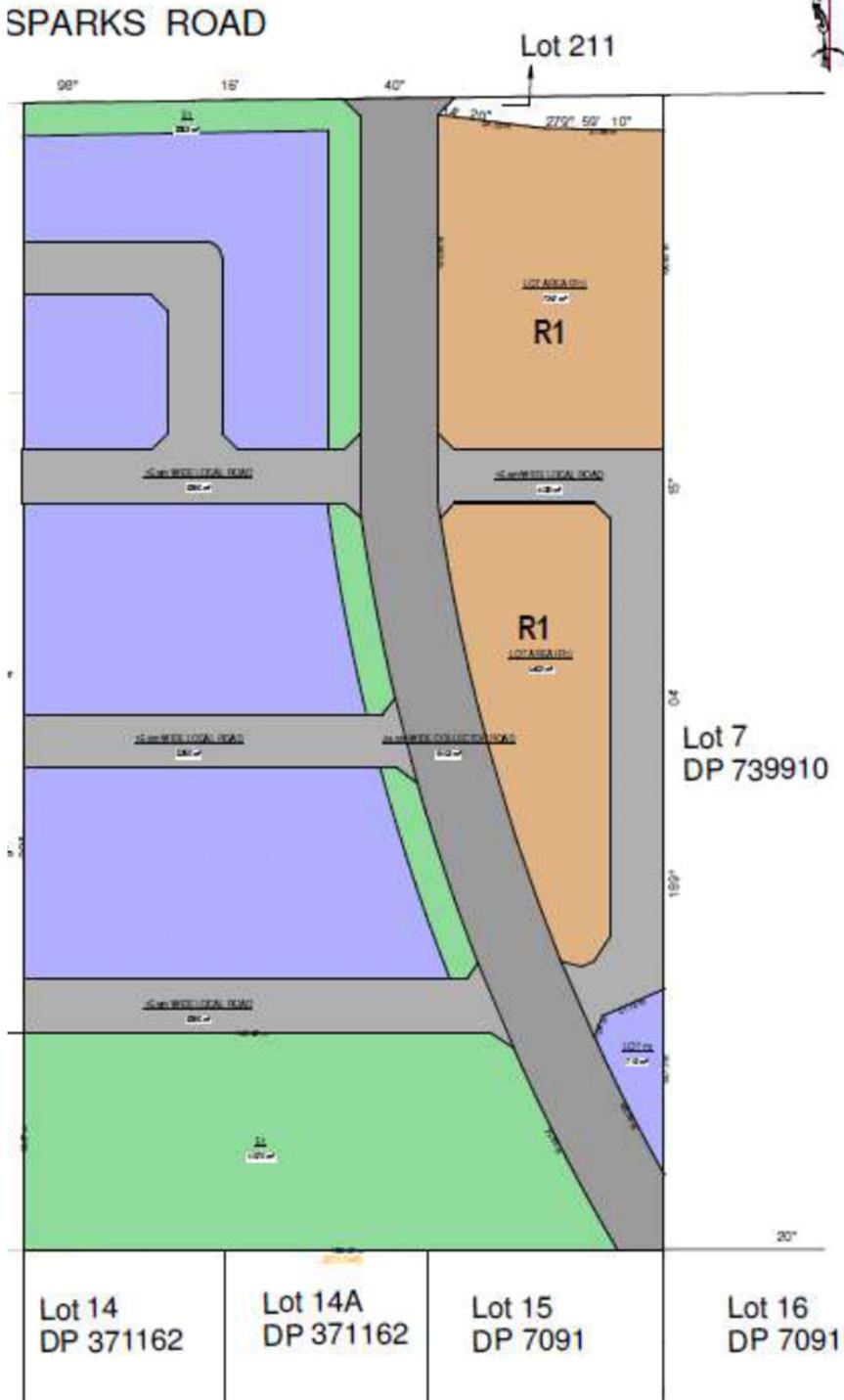


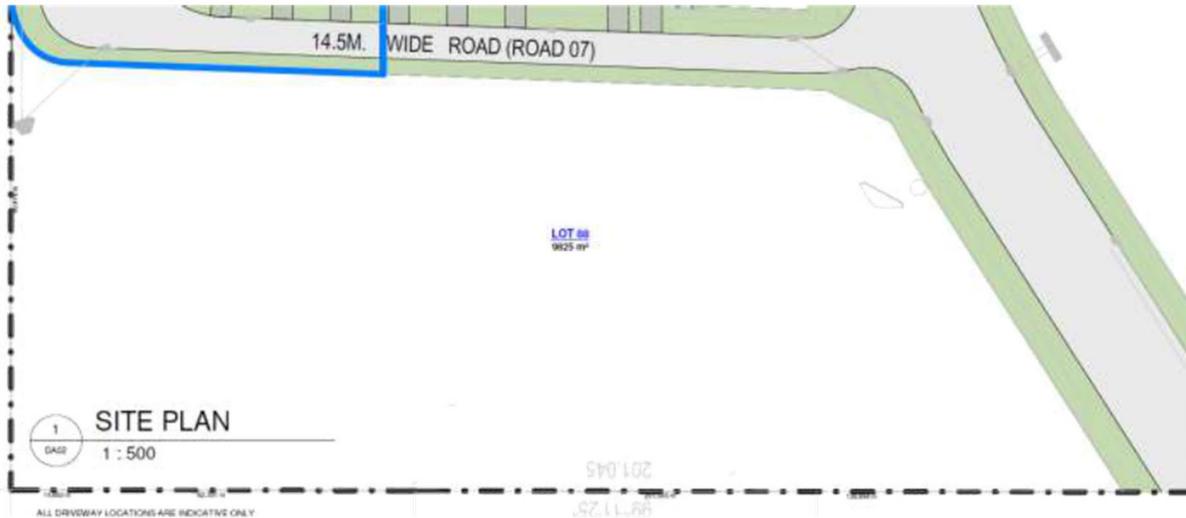
Figure 3 – Overlay of Zoning & Proposed Layout



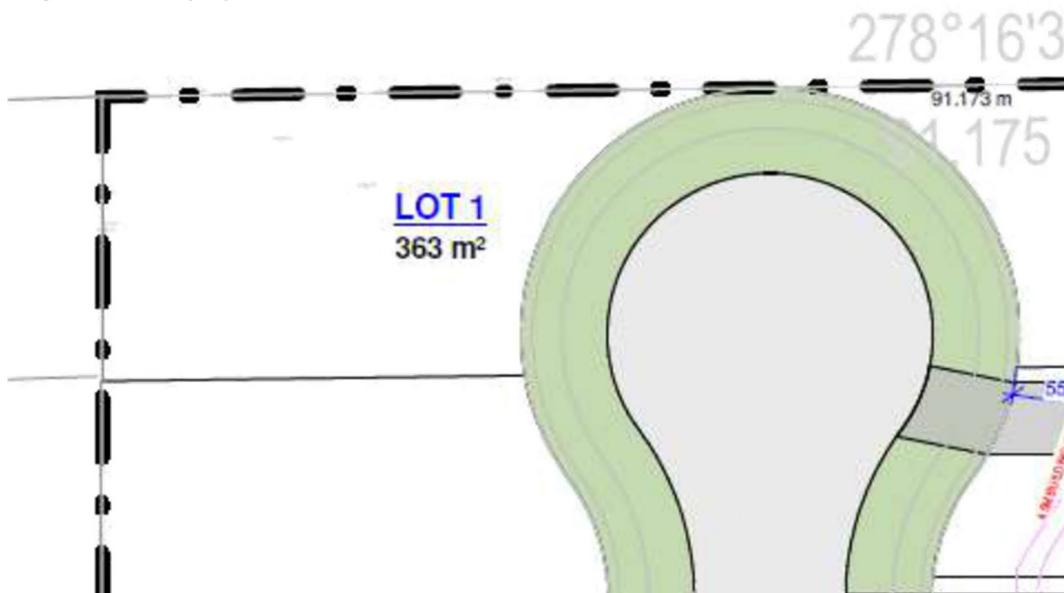
94 Sparks Road Hamlyn Terrace

A Clause variation requested relates to the creation of three E3 zoned lots as a consequence of the residential subdivision.

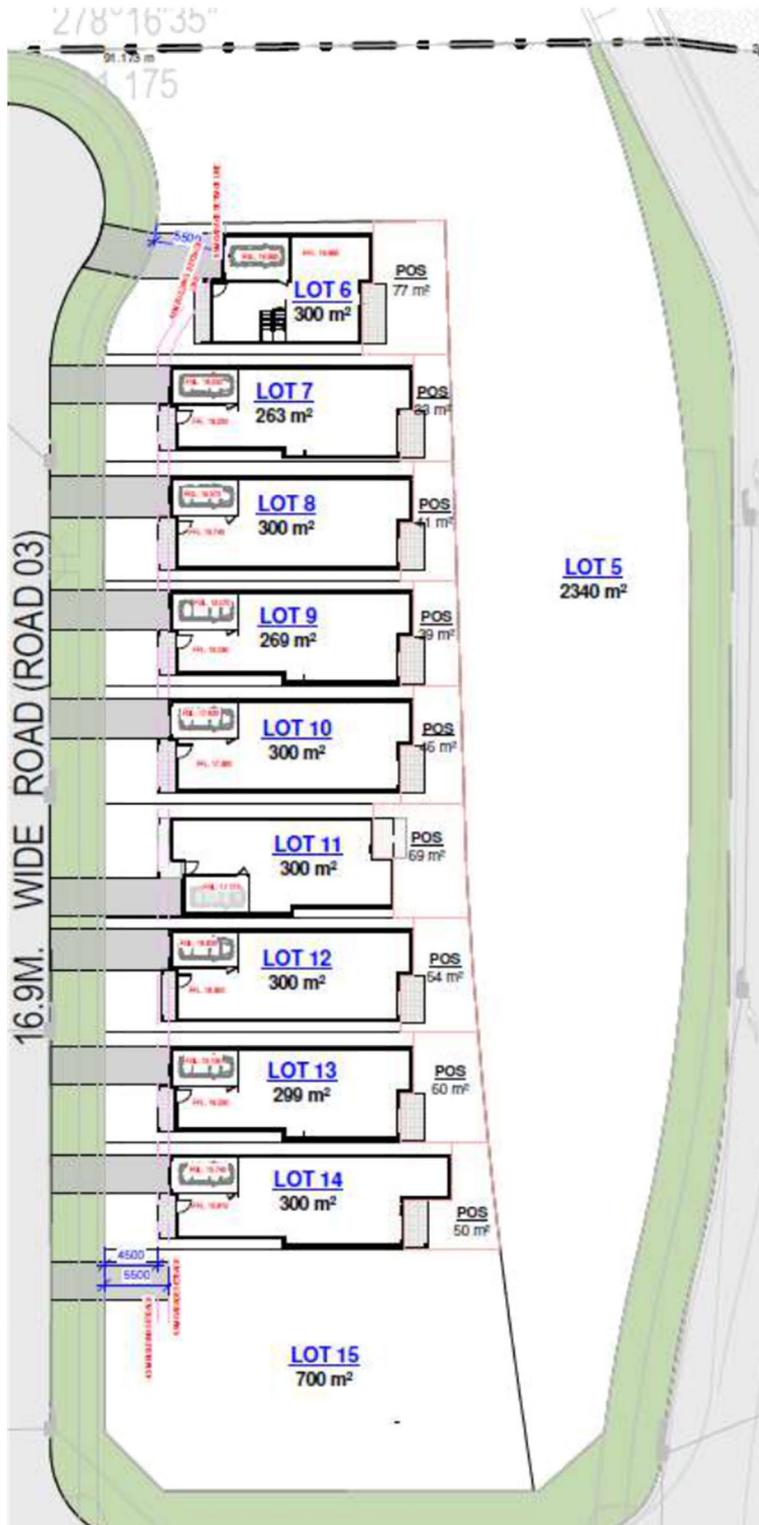
Proposed Lot 88 – proposed Site Area 9825m²



Proposed Lot 1 – proposed Site Area 363m²



Proposed Lot 5 – proposed Site Area 2340m²



The proposed development creates three E3 zoned lots within the subdivision which are to be held in single ownership and maintained.

Clause 4.1A envisages that there would need to be flexibility in the application of the minimum allotment size controls where split zones are involved;

4.1A Exceptions to minimum lot size for certain split zones

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

- (a) *to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- (b) *to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.*

The Clause shows a planning intent and objective although the Clause itself places lot size controls above that necessary to address the circumstances of this matter.

Having regard to the stated objectives of Clause 4.1 and clause 4.1A it is considered that strict compliance with the lots size for subdivision of the E3 land is both unreasonable and unnecessary for the following reasons:

- The E3 zoned land within the site could never comply with the minimum lot size as it only measures 14,693m² in area (below the 400,000m² minimum);
- The E3 zoned land in the manner that it is configured adjoining the Collector Road was always going to be further subdivided as a result of future development applications; minimum four lots envisaged by the preferred road pattern for the property.
- Provision of Clause 4.1A envisages that there would need to be flexibility in the application of the minimum allotment size controls where split zones are involved;
- Strict compliance with the standard could be not be achieved on the site without a modification of the minimum lot size.
- The functional requirement of the E3 zoned land along the western alignment of the Collector Road – drainage; has been negated by Council's drainage design for works associated with the Collector Road
- The functional use of the E3 land in this instance has been displaced to suit a more logical and sustainable drainage strategy evolving through approvals on surrounding and adjoining properties.

Accordingly, objectives (a) and (b) of the standard are not defeated.

Having regard to the matter of *Veloshin v Randwick City Council* [2007] NSWLEC 428 this is not a case where the difference between compliance and non-compliance is the difference between good and bad design. Indeed the flexibility provided by the Clause 4.6 will ensure the orderly and economic development of the site

This submission demonstrates that the Lot size variation proposed does not defeat the objectives of the zone or the objectives of the lot Size standard as outlined with strict compliance found to be both unreasonable and unnecessary under such circumstances.

In the 'Four2Five' judgement (*Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90), Pearson C outlined that a Clause 4.6 variation requires identification of grounds that are particular to the circumstances to the proposed development. That is to say that simply meeting the objectives of the development standard is insufficient justification of a Clause 4.6 variation.

In this regard, we have formed the considered opinion that there are sufficient environmental planning grounds to justify contravening the development standard.

Under such circumstances approval would not be antipathetic to the public interest.

Conclusions

Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

- (a) that the contextually responsive development is consistent with the zone objectives; both R2 & E3, and
- (b) that the contextually responsive development is consistent with the objectives of the lot size standard; Clause 4.1A envisages that there would need to be flexibility in the application of the minimum allotment size controls where split zones are involved, and
- (c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- (d) that having regard to (a), (b) and (c) above that compliance with the Lot Size development standard is unreasonable or unnecessary in the circumstances of the case, and
- (e) that given the developments ability to comply with the zone and FSR standard objectives that approval would not be antipathetic to the public interest, and
- (f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

As such, we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a Lot size variation in this instance.



Planning &
Environment

IRF18/2392

Mr Gary Murphy
General Manager
Central Coast Council
PO Box 20
WYONG NSW 2259

Dear Mr Murphy

I write in relation to DA 1176/2017 which seeks consent for a subdivision to create 119 residential lots on Lot 210 DP 1187449.

The Department has considered the above development application as it relates to clause 6.1 of the *Wyong Local Environmental Plan 2013*. I hereby confirm that satisfactory arrangements are in place for the provision of State public infrastructure. Please find attached a Satisfactory Arrangements Certificate for DA 1176/2017.

Under the 94 Sparks Road, Hamlyn Terrace Planning Agreement (Planning Agreement 2018/9218), to which the land subject to DA 1176/2017 applies, the Developer must pay the Contribution Amount prior to the issue of the relevant Subdivision Certificate. To ensure compliance, the Department would appreciate Central Coast Council providing written notification to the Department at planningagreements@planning.nsw.gov.au, referencing Planning Agreement 2018/9218, on receipt of any future Subdivision Certificate application for the land to which DA 1176/2017 applies.

Should you have any further questions in relation to this matter, please contact Mitchel Chin, Planning Officer, Infrastructure Contributions and Agreements, at the Department on 8289 6961 or mitchel.chin@planning.nsw.gov.au.

Yours sincerely

A black rectangular redaction box covering the signature of Brett Whitworth.

11 December 2018

Brett Whitworth
Acting Deputy Secretary
Planning + Design

Encl: *Satisfactory Arrangements Certificate*



Planning &
Environment

IRF18/2392

Secretary's Certificate
Satisfactory Arrangements for designated State public
infrastructure
Development Application
DA 1176/2017

In accordance with the provisions of clause 6.1 in the *Wyong Local Environmental Plan 2013*, I, Brett Whitworth, Acting Deputy Secretary, Planning + Design, as delegate for the Secretary of the Department of Planning and Environment, certify that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to:

Development application number:	DA 1176/2017
Address:	94 Sparks Road, Hamlyn Terrace Lot 210 DP 1187449
Development application description:	Subdivision to create 119 residential lots.
Map at Attachment A:	Yes

Brett Whitworth
Acting Deputy Secretary
Planning + Design

Date: 11 December 2018

(as delegate for the Secretary)

**the satisfactory arrangements certificate is being issued in relation to the above development application only.*



Planning,
Industry &
Environment

IRF20/5867
(Your ref: DA/1176/2017)

Mr Rik Hart
Acting Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

Attention: Katrina O'Malley

Dear Mr Hart

Concurrence under Clause 4.6 of the Wyong Local Environmental Plan 2013

I refer to Council's correspondence requesting the Secretary's concurrence received on 24 February 2020 and additional information provided on 15 December 2020 in relation to the residential subdivision at No. 94 Sparks Road Hamlyn Terrace.

As delegate of the Secretary, I wish to advise concurrence is granted to the above application to vary the development standard to create three undersized allotments zoned E3 Environmental Management.

This concurrence is conditional on:

- Lots 1 and 5 being rezoned to a residential use before any dwellings are approved on these lots; and
- Lot 88 being dedicated to Council as part of the subdivision approval.

Should you have any enquiries about this matter, I have arranged for Mr Trent Wink, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Wink can be contacted on 4904 2716.

Yours sincerely



21/12/2020
Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Date: 18 January 2021
Responsible Officer: Katrina O'Malley
Location: 94 Sparks Road, HAMLYN TERRACE NSW 2259
 Lot 11 DP 1252673
Owner: Mr I Kodzoman
Applicant: RAJ & JAI Construction Pty Ltd
Date Of Application: 15 September 2017
Application No: DA/1176/2017
Proposed Development: Residential Subdivision (88 Lots) including Small Lot Housing
 & Demolition of Existing Structures
Land Area: 72520.00
Existing Use: XXXX

1. PARAMETERS OF THIS CONSENT

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

Architectural Plans by: The Bathla Group

Drawing	Description	Issue	Date
DA01	Site Analysis	R08	Nov 2019
DA02	Site Plan	R08	Nov 2019
DA03	Ground Floor – Part 1	R08	Nov 2019
DA03	Ground Floor – Part 2	R08	Nov 2019
DA05	First Floor – Part 1	R08	Nov 2019
DA06	First Floor – Part 2	R08	Nov 2019
DA07	Elevations & Sections	R08	Nov 2019
DA09	Site Plan – Ultimate & Interim Design	R08	Nov 2019
X01	Subdivision Plan (with easements)	R08	Nov 2019

Landscape Plans by: The Bathla Group

Drawing	Description	Sheet	Issue	Date
LPDA 20 - 51	Landscape Plan 1	2	B	16.09.19
LPDA 20 – 51	Landscape Plan 2	3	B	16.09.19
LPDA 20 – 51	Landscape Plan 3	4	B	16.09.19
LPDA 20 – 51	Landscape Plan 4	5	B	16.09.19
LPDA 20 – 51	Landscape Plan 5	6	B	16.09.19
LPDA 20 – 51	Landscape Plan 6	7	B	16.09.19

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	Integrated Development Application S100B – Subdivision – Torrens Title Subdivision 210//1187449 – 94 Sparks Road HAMLYN TERRACE 2259 NSW Australia, 210//1187449 – 94 Sparks Road HAMLYN TERRACE 2259	DA-2018-05446	Wednesday 26 February 2020
Transport for NSW	Sparks Road (MR509) DA1176/2017 88 Lots Residential Subdivision, and 75 Dwellings, Lot: 210 DP: 1187449, 94 Sparks Road HAMLYN TERRACE	CR2020/003401 SF2017/042918	05 July 2020

- 1.4. Approval is granted for the development to be carried out in three stages in the following manner:

Stage 1 – Creation of all Lots and dwellings for Lots 6-14, 16-22, 25-29, 37-40, 42, 44-47 and 55 -86 and all road and services formation and installation and associated subdivision works.

Stage 2 – Construction of dwellings for Lots 30-36 and 48-53.

Stage 3 – Removal of temporary detention basin on Lot 87

Works and contributions are to be finalised appropriate for each stage prior to the release of the Occupation / Subdivision Certificate.

- 1.5. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

1.6. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.

1.7. 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.

1.8. An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

1.9. Where conditions of this consent require approval from Council under Section 138 of the *Roads Act 1993*, or as part of a Subdivision Works Certificate, a completed *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil* for must be lodged. 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 Design Guidelines* and NSW Rural Fire Service requirements. Where the application is submitted to Council, fees in accordance with Council's adopted 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. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

2.1. Stage 3 - Prior to the issue of any Subdivision Works Certificate, the completion (by others) of all the water quantity / quality treatments as identified within the latest Precinct 7A /Porters Creek Flood Studies.

2.2. Stages 1, 2 & 3 - Prior to the commencement of detailed design works within any public road, a subsurface utility investigation Quality Level A must be undertaken in accordance with AS 5488.1:2019.

2.3. Stages 1 & 2 - The road signage and pavement marking design drawings identifying parking, other regulatory elements and traffic management facilities must be endorsed by the Local Traffic Committee prior to any installation on site. The road signage and pavement marking design drawings are to be submitted to Council with the *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

2.4. Stages 1 & 2 - Design and construct street lighting in accordance with Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* including the provision of current best practice energy efficient lighting. Designs must detail street light footings, locations in relation to boundaries and infrastructure including offsets from road kerbs and safety barriers. Designs must be submitted to Council for review and comment prior to finalisation of the design and Council providing endorsement as the Public Lighting customer.

2.5. Stages 1 & 2 - Submit to Council as part of the Roads Act Works Approval and/or the Subdivision Works Certificate application, a design stage Road Safety Audit for the entire development by a minimum Level 3 and Level 2 Road Safety Auditor who are registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council and Council to sign off the corrective actions prior to the issue of a Roads Act Works Approval and/or a Subdivision Works Certificate. This condition must be identified in the Audit Report.

- 2.6. Stage 1 - Obtain an approval from Council under Section 138 of the *Roads Act 1993* for the following works within the road reserve:
- a) Signalised intersection (4th leg) at Sparks Road / Road 1, in accordance with the latest edition of Austroads Guides to Road Design/Traffic Management and NSW Transport Roads and Maritime Services (RMS) supplements to Austroads Guides if applicable. A detailed intersection and drainage design must address at least the highlighted issues identified in their correspondence dated 5/7/2020.
 - b) Construction of street storm water drainage.
 - c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
 - d) 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)
Sparks Road intersection As determined by the RMS
 - e) Construction of any retaining walls, including details of surface and subsurface drainage required for the retaining wall where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining wall designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Where works required by this condition are located on a Classified Roads concurrence to the design of the works from The Roads and Maritime Services (RMS) must be received by Council from the RMS and the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS prior to Council issuing the Section 138 Works Approval.

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. Stages 1, 2 & 3 - 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. Obtain an approval from Council or an Accredited Certifier for a Subdivision Works Certificate under the Environmental Planning and Assessment Act 1979 for the following works:

a) Full width road construction including on both sides of the road kerb and gutter, subsurface drainage, footpath verge formation and stormwater street drainage. The minimum face of kerb to face of kerb carriageway widths are to be:

Road Name/No.	Minimum Width.
Road 1	15m with suitable transitions to the Sparks Road intersection
Roads 2-6	7.9m
Road 7	5.5m

b) Stages 1 & 2 - Construction of 1.5-metre-wide reinforced concrete footpath on one side of Roads 2-7, including kerb ramps. The footpaths in Roads 4 & 5 must ensure consistency with the development to the west.

c) Stage 1 - Construction of 2.5-metre-wide reinforced concrete shared paths, including any signage and pavement marking on both sides of Road 1 and kerb ramps.

d) Stages 1 & 2 - Installation on all new roads of roadside furniture and safety devices as required e.g. Street name signs, fencing, guide posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.

e) Stages 1 & 2 - Construction of retaining walls, including details of surface and subsurface drainage required for the retaining wall where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining wall designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

f) Stages 1 & 2 - 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)
Road 1	2 x 107
All other roads	2 x 106

g) Stages 1 & 2 - Construction of storm water drainage piping and tail-out works within Proposed Lot 88.

h) Stages 1 & 2 - Construction of interallotment stormwater drainage where stormwater from individual allotments cannot be discharged directly into the proposed street drainage system or existing street drainage system.

i) Stages 1 & 2 - Construction of secondary stormwater flow paths capable of conveying the ultimate design overland flows from the underground pipe systems within the proposed Drainage Reserves. The western drainage reserve must not be made operational until such time that the 'temporary' OSD is removed from the adjoining development.

j) Stages 1 & 2 - Construction of on-site stormwater detention system/s. Designed to be in accordance with Council's Civil Works Specifications Design Guidelines 2018. The system(s) must be designed to limit post development peak flows from the development site to less than or equal to predevelopment peak flows for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing method must be used. An on-site stormwater detention design report including an operation and maintenance plan must accompany the design. The on-site stormwater detention facility is not permitted within drainage easements, and / or secondary flow paths. A safety fence may be required around the facility. This may require the provision of additional temporary OSD systems on proposed vacant allotments.

- k) Stages 1 & 2 - Construction of earthworks including filling of Lot(s) 86, 32 & 53. A flood study prepared by a suitably qualified and experienced civil / hydraulic engineer must be undertaken to determine the relevant flood level, with these lots to be filled to a minimum level of 500mm above (freeboard). The earthworks design must be endorsed by a practising Geotechnical Engineer or be in accordance with the recommendation of a practising Geotechnical Engineer. The endorsement or recommendations must only be made following an investigation of the site by the practising Geotechnical Engineer.
- l) Stages 1, 2 & 3 - Construction of earthworks including all excavation and filling including treatment of cut and fill surface for permanent stability. The earthworks design must be endorsed by a practising Geotechnical Engineer or be in accordance with the recommendation of a practising Geotechnical Engineer. The endorsement or recommendations must only be made following an investigation of the site by the practising Geotechnical Engineer.
- m) Stage 3 – Filling of the ‘temporary’ OSD system and reconfiguration of the stormwater drainage infrastructure. The earthworks must achieve a minimum of 95% standard compaction in accordance with Australian Standard AS 1289: Methods of testing soils for engineering purposes.
- n) Stage 1 – Concrete median in Road 1 for the Sparks Road / Road 1 intersection.
- o) Stage 1 – Pedestrian refuge in Road 1 between the identified kerb ramps.
- p) Stage 1 – Updated engineering plans with the correct lot layout.
- q) Stages 1 & 2

All detailed design drawings and design reports addressing the above construction items must form part of the Subdivision Works Certificate application. Subdivision Works must not commence until Council as the Principal Certifier has received a *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* and a pre-commencement meeting with Council, the Developer and their Contractor has taken place.

2.9. Stages 1 & 2 - Submit to Council a request for approval proposed new road names for each new road within the subdivision. The request is to reference the development application number and a plan showing the location of the proposed roads and the names of the proposed roads. (Two alternate names to be proposed in accordance with NSW Addressing User Manual.)

2.10. Stages 1, 2 & 3 - 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.

3. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE - DWELLINGS

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

3.2. An Unexpected Finds Management Plan must be developed and implemented prior to the issue of any Construction Certificate for the discovery of any asbestos fragments, or any other unexpected contamination during any future construction works at the site.

3.3. An EPA accredited site auditor must prepare a site audit statement stating that the site is suitable for the proposed development prior to construction of the proposed development. This requirement must be complied with prior to a Construction Certificate being issued.

3.4. Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

3.5. Submit a Vegetation Management Plan to Council's Ecologist prior to the issue of a construction certificate for all areas of retained vegetation on LOT: 11 DP: 1252673 No 94 Sparks Rd, Hamlyn Terrace. The Vegetation Management Plan must be prepared by a suitably qualified Ecologist in accordance with Central Coast Council: Flora and Fauna Survey Guidelines, 2019 and have duration of no less than 5 years. The Vegetation Management Plan must be prepared to Council's satisfaction for all areas of retained native vegetation on LOT: 11 DP: 1252673 No 94 Sparks Rd, Hamlyn Terrace.

The Vegetation Management Plan must:

- Integrate with other relevant plans eg. Landscape Plans or Erosion and Sediment Control Plans
- If relevant, integrate with NSW Department of Primary Industries: Water requirements.
- Recommend management actions to be undertaken during clearing, construction works and post construction.
- Clearly stage management actions to identify works required prior to commencement of construction works, during works, prior to subdivision certificate and ongoing.
- Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.
- Map weed occurrences and densities across the site
- Identify the location of monitoring points and include baseline photographs of current condition
- Detail ongoing reporting requirements.
- Be prepared by a suitably qualified and experienced restoration ecologist.
- Be implemented for no less than five years.
- Aiming to achieve the following outcomes by year 5 being:
 1. Less than 2% woody weed cover in any 1000m² of the subject site;
 2. Less than 20% exotic ground cover in any 1000m² of the subject site;
 3. If replanting is required, that replanted canopy species achieve a median height of no less than three metres;

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of 5 years after the commencement of works. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the Vegetation Management Plan at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

The primary objective of the Plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna as well as habitat values, threats and ameliorative measures to ensure protection for threatened species.

3.6. Prior to determination submit a Wildlife Management Plan (WMP) to Council's Ecologist for approval. The WMP must provide details of how mitigation against native animal welfare issues will be achieved and where relevant, how losses of hollow-bearing trees will be mitigated.

The WMP is to:

- Identify fauna likely to occur on-site and advise on management actions to avoid and/or mitigate the risk of harm to the welfare of native animals including avoiding breeding times for species present.
- Identify on a plan and physically mark habitat trees.
- Identify on a plan and physically mark other habitat resources for salvage (eg. very large or significant tree hollows, logs and boulders) and specify where the salvage materials are to be permanently placed or temporarily stored.
- Provide timeframe/schedules and protocols for clearing of non-habitat trees, and then habitat trees. The protocols for clearing of habitat trees are to identify the most benign method of dislodging fauna and felling trees and are to include visual inspection, measures to encourage fauna to leave prior to felling, relocation of fauna/tree felling while the fauna remains in-situ, and treatment of captured fauna.
- Identify nearby release areas for animals requiring immediate relocation (this may include a recommendation to install nest boxes in adjacent habitat prior to clearing as temporary refuge for displaced animals). Contact details for the nearest vet are to be included. Ensure appropriate permissions have been granted to enter third party properties if the animals are to be released offsite.
- Detail a Nest Box Replacement/Hollow Relocation Plan for nest box/natural hollow reuse, construction and placement. Details are to include information regarding hollow bearing trees (location, number, aspect of hollow, height), nest boxes (number, type, thermal insulation, thickness), location, installation methods and the recommended monitoring/maintenance program. Nesting boxes must be installed at a ratio of two boxes for every hollow that is removed or alternatively constructed (chainsaw) hollows and/or salvaged hollows can be installed at the same ratio to that of the hollows being removed.
- The final number of nest boxes to be installed will need to be calculated once the number of salvaged hollows is determined. Hollows/boxes must be installed across a sufficient area so as not to exceed natural hollow densities for target species, generally no more than 10 hollows per hectare.
- Nesting boxes must be constructed from a durable material such as High Density Polyethylene (HDPE) and cypress pine or similar materials to ensure maximum durability.
- Ensure that no less than 50% of the required number of nesting boxes, artificial hollows or salvaged hollows are installed at least two weeks prior to the commencement of clearing, with all appropriate documentation has been submitted to and approved by Council's Ecologist prior to commencing clearing works
- Detail a monitoring program for nest boxes/salvaged hollows to determine their usage and to carry out repairs or replacement (as required). Monitoring is to occur every six (6)

months for a minimum period of five (5) years following installation. Monitoring reports are to be prepared by the Ecologist and forwarded to Council by the 30th June each year.

- The outcomes of the clearing supervision are to be reported to Councils Ecologist within 14 days.
- Any injuries or fatalities will be reported to Councils Ecologist within 24 hours.

3.7. Submit a Tree Hollow Relocation/Replacement Strategy to Council's Environment Officer/ Ecologist for approval. The strategy must be approved by Council. Installation of salvaged hollows is to be prioritised over the use of pre-fabricated nest boxes. Nest boxes/salvaged hollows must be installed at a density that does not exceed the density of naturally occurring tree hollows. The strategy must include:

- Information on hollow bearing trees (location, number, size, aspect of hollow and height of hollow above natural ground).
- The number, type, thermal insulation, thickness (minimum 19mm) and size of nest boxes including targeted species.
- Details of hollow reuse and relocation (method of removal, wildlife protection).
- A plan showing location of proposed nest boxes/hollows including the corresponding tree numbers and aspect / height above natural ground level.
- Details of the timing for nest box/hollow installation to facilitate uptake by fauna that will move independently and fauna that will be actively relocated during tree clearing works.
- Details on installation and maintenance techniques.
- Details of ongoing monitoring ie. camera observation, stag watching, duration.

3.8. Submit a Dam Dewatering Report to Council's Environment Officer/ Ecologist for approval. The report should detail the procedures to be followed to ensure the protection of any native fauna inhabiting the dams to be removed as well as the ecological integrity of the surrounding environment. The report should include (but not be limited to):

- A map indicating the location of all dams on site to be decommissioned
- A map indicating suitable nearby release points for native captured during the dam dewatering process
- A process for dealing with sick or injured native animals encountered
- A process for dealing with exotic pest species that may be encountered during the dewatering process
- A process for dealing with any threatened fauna species encountered during the dewatering process.

3.9. Replace any Swamp Mahogany (*Eucalyptus robusta*) removed by the proposal in accordance with Council's Landscape and Vegetation Management Policy R6.03 as compensatory planting at a ratio of 4:1 i.e. four (4) Swamp Mahoganies planted for each single Swamp Mahogany removed. Replacement trees are to be maintained until the tree has reached a height of 3 m. Any plant loss will be replaced for like for like species.

3.10. Stages 1 & 2 - Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.

3.11. Stages 1 & 2 - Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings for the following engineering works:

- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
- b) Construction of tandem parking arrangements in accordance with Section 2.4.6.1 (a) from AS/NZS 2890.1 (2004) - "Off-street car parking". Certification from a suitably qualified and experienced civil / traffic engineer must be provided stating compliance with the above. The level of the proposed garages may need to be slightly adjusted (and corresponding steps into the dwelling) in order to comply.
- c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the approved connection to Council's storm water drainage system located in the public road or interallotment drainage easement.
- d) Lots 32, 53 & 86 - Construction of footings for structures that are designed in accordance with the requirements of Council's Guidelines for Building Adjacent to a Drainage Easement.
- e) Lots 32, 53 & 86 - Construction of buildings with the minimum floor level of all habitable rooms in the development being as per FPL identified with the Subdivision Works Certificate.
- f) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

4. PRIOR TO COMMENCEMENT OF ANY WORKS

4.1. All conditions under this section must be met prior to the commencement of any works.

4.2. 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.

4.3. 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

4.4. 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.

4.5. 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.

4.6. Erect a minimum two (2) metre high chain wire link security fence along the boundary of the area identified on the approved plan as being a Vegetation Management Zone (boundary between the retained E3 zoned land containing native vegetation and the area to be developed). A lockable access gate must be provided for maintenance purposes. The fence must be sign posted at intervals of no less than thirty (30) metres to identify the conservation value of the land and discourage access.

The sign must read as follows:

- "STOP! Land beyond this fence has been identified as having significant environmental value. Placing of people, materials, machinery, equipment or vehicles beyond this fence will result in fines.
- Fines of up to \$3,300 for an individual and \$16,500 for a corporation for each offence under the NSW Biodiversity Conservation Act 2016 are applicable to those in breach of this warning".

4.7. Stages 1, 2 & 3 (Subdivision) - 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.

4.8. Stages 1, 2 & 3 (Subdivision) - 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.

4.9. 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*.

5. DURING WORKS

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

5.2. 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.

5.3. 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 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*.

5.4. 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.

5.5. 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.

5.6. Undertake clearing in accordance with the approved survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

5.7. Maintain the fence around the conservation area. The fence must be maintained for the duration of construction works.

5.8. Implement the following fauna welfare measures during clearing:

- Supervision by Ecologist

Removal of hollow bearing trees and log habitat on the ground must be undertaken under the supervision and guidance of a suitably qualified Ecologist or licensed wildlife handler.

- Pre Clearing Inspection

The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use.

- Staged Clearing

Staged removal is to include clearing of understorey vegetation and non-hollow-bearing trees in Phase 1 and removal of hollow-bearing trees in Phase 2. There is to be a minimum of 24 to 48 hours between Phase 1 and Phase 2.

- Fauna Welfare

Prior to the felling of hollow bearing trees, hollows are to be visually inspected. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Department of Planning, Industry and Environment must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling, or the hollows are to be blocked with rags or similar material and the hollows sectionally dismantled and lowered carefully to the ground. The Ecologist is to work in conjunction with the machinery operator to identify the most benign method of dislodging fauna and for felling trees. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist. Any fauna rescued during vegetation clearance is to be assessed for injuries and, if unharmed, subsequently released into suitable nearby habitat. Captured fauna may be held until dusk prior to release in accordance with relevant animal ethics licensing and standards. If any fauna are injured during vegetation clearing they are to be taken promptly for treatment to a nearby veterinarian or wildlife carer.

- Reporting

Following the removal of hollow bearing trees, the Ecologist must notify Council's Ecologist/Environment Officer in writing of compliance with this condition within fourteen (14) days. Information provided must include fauna observations, number, size and location of nest boxes installed.

5.9. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance

specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan, where applicable.

5.10. Utilise timber from felled native trees by:

- Re-instating logs as ground habitat in areas of retained vegetation, and/or
- Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
- Using for firewood (but not piled burned on-site); and/or
- Recycling for use in construction materials, furniture or fencing.

5.11. Undertake works in accordance with the approved Vegetation Management Plan. No development or any works contrary to the Vegetation Management Plan are permitted in the designated Vegetation Management Zone as shown on the approved plan.

5.12. Implement the approved Nest Box Replacement Strategy and provide documentary evidence of compliance to Council and Principal Certifying Authority for its records.

5.13. Stockpiling will be undertaken within the approved works foot print.

Stockpiling will not be undertaken in locations that impact on adjacent areas of retained native, estuarine or aquatic vegetation or within a tidal zone or that has the potential to cause water pollution.

Stockpiles are to be managed to suppress dust, prevent erosion and reduce the impact of sediment and other contaminants on the environment. This may require compaction and the installation of adequate sediment and erosion control measures around the stockpiles in accordance with the Blue Book and Best Practice Erosion and Sediment Control (IECA) guidelines.

No contaminated material is permitted to be stockpiled onsite.

5.14. Vehicles and other equipment to be used on site must be free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. Standard hygiene protocols will be used to clean tools and other equipment. All vehicles and machinery must be inspected prior to site entry and those failing inspection are to be sent away for cleaning. Appropriate records of inspections shall be maintained.

5.15. Stages 1, 2 & 3 - 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.

5.16. Stage 1 – All works associated with the subject development must be undertaken at full cost to the developer and at no cost to TfNSW, and to TfNSW and Council's requirements.

5.17. 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*.

6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE - DWELLINGS

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

6.2. Stages 1 & 2 (Lots 32, 53 & 86) - Submit to Council certification by a practising structural engineer stating that all slabs and / or footings of approved structures within the zone of influence associated with Council's stormwater system and / or drainage easement have been constructed to transfer all structural loading below the zone of influence.

6.3. Stages 1 & 2 - Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

6.4. Stages 1 & 2 - Construct the vehicle access crossings in accordance with the vehicle access crossing Notice of Determination issued by Council.

6.5. Stages 1 & 2 - Drain all stormwater from impervious surface areas, including pathways and driveways, to the street kerb outlet or interallotment drainage easement serving the allotment.

6.6. Stages 1 & 2 - The submission to the Accredited Certifier of proof of registration with the Land Titles Office of the subdivision creating the property prior to the issue of any Occupation Certificate for the dwelling.

7. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

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

7.2. Prior to the release of the subdivision certificate a restriction must be placed upon all properties that the construction of any habitable dwelling must comply with the *AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors*.

7.3. Prior to the release of the subdivision certificate a 2-metre-high acoustic fence must be installed along all the boundaries fronting Sparks Road in accordance with the acoustic report prepared by RAPT Consulting titled "The Bathla Group, Noise Assessment 94 Sparks Road Hamlyn Terrace.

7.4. Prepare and submit a final certification report detailing the level of compliance for each stage of the development. The report with all conditions relating to ecology/trees must be prepared by the engaged Ecologist and forwarded to Council for review.

7.5. Implement vegetation management activities in accordance with the Vegetation Management Plan prepared under Condition 3.4. of this consent.

7.6. Protect the Vegetation Management Zone by either of the two following approaches:

- This area will be placed under a 'Restriction on Use' pursuant to section 88B and 'Public Positive Covenant' 88E of the Conveyancing Act 1919. These instruments must require the land to be managed under an approved Bushland Management Plan for the conservation of all identified threatened species. The public positive covenant must be created to require the implementation of the Bushland Management Plan.

The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council.

The public positive covenant must be prepared by Council's Solicitor at the cost of the registered proprietor.

The authority empowered to release, vary or modify the Restriction is Central Coast Council.

- The area must be dedicated under a conservation covenant to an eligible environmental body that is on the Register of Environmental Organisation (the Register). The dedication of this area, under a conservation covenant, must be conserved in perpetuity for the conservation of threatened species and their habitat.

Provide written evidence to Council from a suitably qualified ecologist detailing the implementation, supervision and compliance of the ecological protection measures specified in this consent and the Vegetation Management Plan.

7.7. Stages 1 & 2 - Complete construction of all subdivision works covered by the Subdivision Works Certificate(s) in accordance with Council's Civil Works Specifications set. 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.

7.8. Stages 1 & 2 - Submit to the Council/Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property, easement boundaries and rights of carriageway. The certification must be accompanied by a copy of the proposed subdivision plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.

7.9. Stages 1 & 2 - Submit to the Council/Principal Certifier certification prepared by a Registered Surveyor certifying that Lots 86, 32 & 53 have been filled to a minimum 500mm above the 1% Annual Exceedance Probability (AEP) flood level.

7.10. Stages 1 & 2 - 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 and/or the Subdivision Works Certificate do not adequately address transition works.

7.11. Stages 1 & 2 - Repair any damage to Council's infrastructure and the 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.

7.12. Stages 1 & 2 - Achieve a minimum of 95% standard compaction for all lots filled in accordance with Australian Standard AS 1289: Methods of testing soils for engineering purposes. Certification by a practising Geotechnical Engineer that all lot fill has been inspected and tested to Level 1 Inspection and Testing requirements of AS 3798: Guidelines on earthworks for Commercial and Residential Developments and the minimum compaction has been achieved is to be provided to Council/Principal Certifier. Certification to this effect will also be required in future for the works identified in Stage 3.

7.13. Stages 1 & 2 - 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.

7.14. Stages 1 & 2 - 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 Subdivision 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.

7.15. Stages 1 & 2 - Submit to Council written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where available:

- Telecommunications / national broadband network (NBN)
- electricity supply

Provide documentation that demonstrates that provision for gas supply to all lots.

7.16. Stages 1 & 2 - Show on the plan of subdivision the dedication to Council drainage reserves as indicated on the approved plans. The dedication must be at no cost to Council.

7.17. Stages 1 & 2 - Include on the Deposited Plan (DP) 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:

- a) Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system restricting any alterations to such a facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
- b) Create easements to drain water as indicated on the approved plans.
- c) Create for easements for support for the proposed retaining walls
- d) Create a 'Restriction on the use of Land' to prohibit direct vehicular access to and from Sparks Road / Collector Road for Proposed Lots 1, 5, 81-86.
- e) Create an easement for services as required.

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

7.18. Stages 1 & 2 - Include on the Deposited Plan (DP) a positive covenant by the registered proprietor in favour of Council pursuant to the *Conveyancing Act 1919* establishing the following with the authority empowered to release, vary or modify the positive covenant is Central Coast Council.

- a) Ensure on any lot containing an on-site stormwater detention system that:
 - (i) the facility will remain in place and fully operational
 - (ii) the facility is maintained so that it operates in a safe and efficient manner
 - (iii) Council staff is permitted 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.

7.19. Stages 1 & 2 - Submit to Council a "Pre-Opening" stage Road Safety Audit for the entire development prepared by an Audit team of a minimum Level 3 and Level 2 Road Safety Auditor registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council with sign off of the Corrective Actions by Council. Any works required as a result of the signed off Corrective Actions are to be satisfactorily completed and accepted by Council prior to issue of the Subdivision Certificate.

7.20. Stages 1 & 2 - Include on the Deposited Plan (DP) of subdivision the following:

- a) Dedication to Council / RMS of all roads as public road to the boundary of adjoining sites.
- b) Dedication of proposed Lot 88 to Council and at no cost to Council.

7.21. Stages 1 & 2 - Provide a report to Council prepared by a practising Geotechnical Engineer classifying each of the proposed and completed lots in accordance with AS 2870: *Residential Slabs and Footings*, prior to issue of a Subdivision Certificate.

7.22. Stage 1 – Completion of all road works under the Transport for NSW Works Authorisation Deed (WAD). Certification / sign off from the Roads and Maritime Services must be provided attesting to this requirement, prior to the issue of any Subdivision Certificate.

7.23. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$2,409,210.30** that may require adjustment at the time of payment, in accordance with the Warnervale District Development Contributions Plan with the applicable amounts as follows:

WD - PRECINCT 7A - OPEN SPACE WORKS	\$ 340,232.90
WD - PRECINCT 7A - COMMUNITY FACILITIES LAND	\$ 10,923.10
WD - PRECINCT 7A - COMMUNITY FACILITIES WORKS	\$ 251,132.40
WD - PRECINCT 7A - DRAINAGE LAND	\$ 24,335.75
WD - PRECINCT 7A - DRAINAGE WORKS	\$ 171,235.30
WD - PREC 7A WATER QUALITY WORKS H6	\$ 356,400.40
WD - PRECINCT 7A - ENVIRONMENTAL RESTORATION WORKS	\$ 31,220.10
WD - PRECINCT 7A - STUDIES	\$ 7,482.10
WD - WARNERVALE DISTRICT ADMINISTRATION	\$ 32,853.00
WD - PRECINCT 7A - ROADS	\$ 1,054,323.90
<i>Offset for road widening land (Total Value \$142,272.00)</i>	<i>-\$ 142,272.00</i>
<i>Revised WD - PRECINCT 7A - ROADS</i>	<i>\$ 912,051.90</i>
WD - PRECINCT 7A - OPEN SPACE LAND	\$ 271,343.35
Revised Total	\$ 2,409,210.30

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 Subdivision 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](#)

Note: The monetary contributions imposed under this condition have been reduced by \$142,272.00 which represents the value of the road widening land to be dedicated under

Condition 7.20. The value of this land has been determined in accordance with the Warnervale District Development Contributions Plan.

'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.'

7.24. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979 pay to Council a total contribution amount of \$109,493.95, 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	\$	18,843.45
Shire Wide Cycleway Network	\$	38,657.40
Shire Wide Performing Arts & Public Art	\$	43,621.25
Shire Wide Administration	\$	8,371.85
Total	\$	109,493.95

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 Subdivision 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](#)

7.25. The land shown on the plan of subdivision as Lot 88 is to be dedicated at no cost to Central Coast Council. The lot is to be clear of rubbish, weeds and contamination. Any batters are to be stabilised and any works on the lot required as part of this consent is to be carried out to completion prior to land dedication. A report is to be submitted to Council confirming the suitable state of the land (in accordance with this condition) prior to dedication.

7.26. 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.

8. ONGOING

8.1. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Subdivision Certificate to ensure the survival and establishment of the landscaping.

8.2. Maintain the fence around the conservation area. The fence must be maintained in perpetuity.

8.3. Implement vegetation management activities in accordance with the Vegetation Management Plan prepared under Condition 3.4. of this consent.

8.4. Monitor nest boxes/salvaged hollows in accordance with the Wildlife Management Plan prepared under Condition 3.5.

8.5. Use external lighting that minimises overspill into retained vegetated areas.

8.6. Stage 1 - The Conditions of Consent do not guarantee TfNSW’s final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

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Reporting Officer

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Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

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Date ___/___/___