

Central Coast

Local Planning Panel

Central Coast
Local Planning Panel Meeting
Business Paper
19 August 2021



Meeting Notice

**The Local Planning Panel Meeting
of Central Coast
will be held Remotely - Online,
Thursday 19 August 2021 at 2.00pm,
for the transaction of the business listed below:**

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Donna Rygate
Chairperson

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

22 July 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: Corporate Affairs

19 August 2021 Local Planning Panel Meeting

Reference: F2020/02502 - D14784317

Author: Rachel Callachor, Meeting Support Officer

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 22 July 2021**
- **Electronic Determination regarding DA59637/2020 dated 27 July 2021**

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 22 July 2021 and the Electronic Determination regarding DA59637/2020 dated 27 July 2021, which had been endorsed by the Chair of those meetings, are submitted for noting.

Attachments

- | | | |
|----------|--|-----------|
| 1 | MINUTES - Local Planning Panel - 22 July 2021 | D14758437 |
| 2 | MINUTES - Local Planning Panel - Supplementary Meeting -27 July 2021 | D14763302 |



Local Planning Panel

Minutes of the **LOCAL PLANNING PANEL MEETING**

Held Remotely, Online
on 22 July 2021

Panel Members

Chairperson	Donna Rygate Stephen Leathley (for item 3.2 only)
Panel Experts	Stephen Leathley Linda McClure
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager Development Assessment North
Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Erin Murphy	Senior Development Planner Development Assessment South
Susana Machuca	Senior Development Planner Development Assessment South
Rachel Callachor	Meeting Support Officer Civic Support
Sophie Kennedy	Civic Support Officer Civic Support

The Chairperson, Donna Rygate, declared the meeting open at 2:09pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement.

The Chair advised that Stephen Leathley would take role of the Chair for item 3.2 - Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley, because she was part of the Panel that considered the application previously. (In accordance with Section 8.2(5) of the Environmental Planning & Assessment Act 1979, the review must be referred to the Local Planning Panel. The Local Planning Panels Operational Direction states that: 'the determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination'. The Panel members at the 6 August 2020 meeting were: Donna Rygate, Grant Christmas, Garry Fielding and Scott McGrath.)

Apologies

The Panel noted that no apologies had been received.

The Chair advised that the application listed at agenda item 3.1 - DA/60262/2020 - 2 Scenic Highway, Terrigal - Ex- HMAS Adelaide Mast at the Terrigal Haven onto a plinth footing with landscaping and provision for a flagpole - was withdrawn by applicant prior to the public meeting and would therefore not be considered by the Panel.

1.1 Disclosures of Interest

Declaration forms have been received and management actions will be taken including exclusion of members with an interest from consideration of relevant matters.

2.1 Confirmation of Minutes of Previous Meeting

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

- ***Local Planning Panel meeting held on 24 June 2021***
- ***Electronic Determination regarding DA51538/2017 dated 28 June 2021***

Moved: Linda McClure

Seconded: Stephen Leathley

Unanimous

Donna Rygate left the public meeting at 2.16pm and was not present for agenda item 3.2.

Public Forum

The following people addressed the Panel:

Agenda item 3.2

- 1 Tessa Green - Secretary and Vice-President, Kincumber and Picketts Valley Community Action Group Inc. (KPVCAG) - for recommendation.
- 2 Steve Fortey – President, Avoca Beach Community Association - for Recommendation.
- 3 Fiona Morrison - for recommendation.
- 4 Pauline Wright, representative for Kincumber and Picketts Valley Community Action Group Inc. (KPVCAG) – for recommendation.
- 5 Roger Johnson - for recommendation.
- 6 Chris Smith, Consultant ADW Johnson on behalf of applicant, and Ian Tregoning, Director, LivingChoice (for applicant).

The Local Planning Panel public meeting closed at 3:00pm.

The Panel moved into deliberation from 3:05pm, which concluded at 3:28pm. Stephen Leathley left the deliberative meeting at 3:07pm and was not present for discussion of item 4.2, returning at 3:15pm.

Donna Rygate left the deliberative meeting at 3:16pm and was not present for discussion of item 3.2 and did not return to the meeting. Stephen Leathley took over the Chair for item 3.2.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley

Site Inspected	Yes – briefing via video conference
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 Section 8.2(a) review of determination of Development Application Ref DA/57698/2019 for the integrated and Staged 'Residential Land Lease Community' (Caravan Park) comprising 165 sites, community facilities, retained farmhouse, demolition of structures, removal of dams, roads and infrastructure and landscaping at Nos 255, 255A, 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley, subject to the reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.</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 proposed development is not properly characterised as a 'caravan park' as the two short-term dwelling sites must be proposed for a proper use to satisfy the requirements of the definition for a caravan park. The two short-term dwelling sites have been nominated for</p>

parking for visitors of residents.

- 2 The proposed development is not consistent with the objectives of the E4 Environmental Living zone under the provisions of the *Gosford Local Environmental Plan 2014*.
- 3 The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.
- 4 The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.
- 5 Insufficient information has been provided in relation to stormwater run-off and downstream flooding impacts, ecology, waste, soil and water management, emergency and construction access and tree retention.
- 6 The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.
- 7 The proposed development does not have adequate regard to achieving compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Votes The decision was unanimous

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures

Site Inspected Yes – via video conference given lockdowns

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/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures, subject to the conditions detailed in 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 This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and polices. Upon completion of this assessment, given the minor variations sought by the development, with these variations demonstrating general compliance with both the stated objectives of Chapter 3.1 and the area's desired future character statement, it is considered that the site is suitable for the proposed development.

Votes The decision was unanimous

4.2 DA/58543/2020 - Alternations & Additions to Shop Top Housing - 60 Terrigal Esplanade, Terrigal

Site Inspected Yes – via video conference given lockdowns

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 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.***

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 Floor Space Ratio (FSR) development standard and the objectives for development within zone B2 – Local Centre in which the development is proposed to be carried out.

- 2** ***That the Local Planning Panel grant consent to DA58543/2020 for a Shop Top Housing development on Lot: 1 DP: 214139 and Lot: B in DP: 374520, No. 60 Terrigal Esplanade, Terrigal, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

Reasons

- 1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 and has been found to be satisfactory.
- 3 There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

Votes

The decision was unanimous



Local Planning Panel

Minutes of the
LOCAL PLANNING PANEL
 Electronic Determination, held 27 July 2021

Panel Members

Chairperson	Jason Perica
Panel Experts	Greg Flynn Linda McClure
Community Representative/s	Paul Dignam

A Supplementary Report was provided to the Local Planning Panel on 9 July 2021, as per request at the Panel meeting of 8 April 2021 where the matter was deferred.

The Local Planning Panel members considered the original Council staff report, the supplementary report and supporting documents for DA/59637/2020 – 68 Railway Street Woy Woy – Stratum Torrens Subdivision (as amended) via electronic determination.

1.1 DA/59637/2020 – 68 Railway Street WOY WOY - Stratum Torrens Subdivision (as amended)

Relevant Considerations	As per Council assessment report and Supplementary report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report, 8 April 2021 • Supplementary Report, 9 July 2021
Council Recommendation	Approval
Panel Decision	<p>1 That the Local Planning Panel grant consent to DA59637/2020 – 68 Railway Street Woy Woy for 2-lot Stratum Torrens Subdivision of Lot: 12 DP: 1009830 and 2-lot Strata Subdivision of Proposed Lot 2 in the Stratum Subdivision of Lot: 12 DP: 1009830, 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,</p>

subject to the following changes to conditions 2.1 and 2.2.

- 2.1 *All conditions under this section must be met prior to the issue of the Stratum Subdivision Certificate. The Strata Subdivision Certificate may be issued at the same time but not prior to the issue of the Stratum Subdivision Certificate.*
- 2.2 *Submit details to Council / Principal Certifier that demonstrate the completion of all works and implementation of any plans required under conditions of Development Consent No 48230/2015.*

Note: The details shall include a statement to the satisfaction of Council from a suitably qualified Heritage Consultant certifying the restoration and conservation works to the heritage building have been carried out in accordance with Development Consent No 48230/2015.

Reasons

- 1 The Panel agreed with the assessment of the revised proposal by Council staff, subject to some refinement to conditions.
- 2 The proposal involves subdivision to give effect to previously approved works.
- 3 The Panel supports conservation of the heritage building. The Panel wanted to ensure appropriate conservation works were completed at the appropriate stage, which led to some refinement of conditions.
- 4 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 Floor Space Ratio (FSR) development standard, the objectives of the minimum lot size development standard and the objectives for development within zone R1 General Residential in which the development is proposed to be carried out.

- 5 While there significant breaches of numerical development standards the unique circumstances related to prior approval and heritage conservation works were peculiar to this particular application.
- 6 The proposal had been appropriately amended since the original consideration by the Panel from a 3 lot to a 2 lot stratum torrens subdivision and strata subdivision.
- 7 The environmental impacts, where they exist, are reasonably managed and mitigated by recommended conditions of consent, as amended.

Votes The decision was unanimous

Date 27 July 2021

Item No: 3.1
Title: DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower
Department: Environment and Planning

Central Coast
Local Planning Panel

19 August 2021 Local Planning Panel Meeting

Reference: 011.2019.00057736.001 - D14632302
Author: Susana Machuca, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for a telecommunications facility on Lot: 1 DP: 616676, No. 37 Wards Hill Road Killcare Heights.

The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application has been referred to the Local Planning Panel (LPP) as a result of the number of submissions. The proposal was notified four (4) times:

- Firstly on 15 January 2020 to 14 February 2020 (**Notification 1**) where fifty-nine (59) submissions were received by Council including twenty-one (21) in support.
- The proposal's amended plans were re-notified on 19 March 2021 to 26 April 2021 (re-**Notification 2**) where twenty-seven (27) submissions were received by Council including nine (9) in support.
- The proposal's second amendment plans (April 2021) were re-notified on 25 June 2021 to 16 July 2021 (re-**Notification 3**) where eleven (11) submissions were received by Council including three (3) in support.
- And the proposals same second amendment plans (April 2021) were reloaded (dated 08/07/21) and re-notified on 14 July 2021 to 4 August 2021 (re-**Notification 4**) where nine (9) submissions were received by Council none in support.

Additionally, the development application is required to be reported to the Local Planning Panel (LPP) as a result in variation to the maximum Height of Building (HOB) in excess of 10%, in this instance 24.5m or 288.23%. A delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of *Gosford Local Environmental Plan (GLEP) 2014* if the development contravenes a development standard by greater than 10%. As such, the application is required to be reported to the LPP for determination.

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

Applicant	Lendlease – Telecommunication Services Pty Ltd
Owner	Optus Mobiles Pty Ltd
Application No	DA57736/2019
Description of Land	Lot:1 DP:616676
Proposed Development	Telecommunications Facility
Site Area	2,908m ²
Zoning	E4 Environmental Living
Existing Use	Water Reservoir
Employment Generation	No
Estimated Value	462,000.00

Recommendation

- 1 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.**
- 2 That the Local Planning Panel grant consent to DA57736/2019 for a telecommunications facility on Lot:1 DP:616676, 37 Wards Hill Road Killcare Heights, 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.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Key Issues

- Height of the proposal
- Visual Impact
- Character of the zone
- Scenic Vegetation Value and preservation of trees
- Matters raised in public submissions

Precis:

Proposed Development	The construction and installation of a telecommunications facility comprising a 33m monopole telecommunications tower and communications equipment shelter for ancillary infrastructure, an access road track and the removal of 33 trees.
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Permissibility and Zoning	<p>The land is zoned E4 Environmental Living under the <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The proposed development is considered a 'Telecommunications Facility' is prohibited within E4 zone but permissible under the <i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>.</p> <p>A 'telecommunications facility' means:</p> <p>(a) any part of the infrastructure of a telecommunications network, or</p> <p>(b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or</p> <p>(c) any other thing used in or in connection with a telecommunications network.'</p>
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 –Section 4.15</i> • <i>Telecommunications Act 1997</i> • <i>Local Government Act 1993 – Section 89</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>Gosford Development Control Plan 2013</i>
Current Use	Water Reservoir
Integrated Development	No – not integrated development in accordance with <i>Clause 4.46 of the Environmental Planning & Assessment Act 1979</i> .

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

Submissions	<p>The proposal was notified four (4) times as follows:</p> <ol style="list-style-type: none"> 1. Original plans were notified on 15 January 2020 to 14 February 2020, fifty-nine (59) submissions were received (38 Objections and 21 Support); 2. The proposal's amended plans were re-notified on 19 March 2021 to 26 April 2021, twenty-seven (27) submissions were received (18 Objections and 9 Support); 3. The proposals amended plans April 2021 including hydro excavation findings were re-notified on 25 June 2021 to 16 July 2021, 11 submissions were received (8 Objections and 3 support); and 4. The proposals amended plans April 2021 were reloaded onto e-planning portal with a new upload date of 08/07/2021 to assist in public viewing of the amended application documents. These were re-notified on 14 July 2021 to 4 August 2021, 9 submissions were received (9 Objections).
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Variations to Policies

Clause	4.3 Height of Buildings
Standard	8.5m
LEP/DCP	<i>Gosford Local Environmental Plan 2014</i>
Departure basis	288.23% - (33.0m)

The Site

The site is legally identified as Lot:1 DP:616676 No. 37 Wards Hill Road, Killcare Heights, has a site area of 2,908m², and is owned by Central Coast Council (Water and Sewer Division (W&S)). It is located on the eastern side of Wards Hill Road between Maitland Drive and Stewart Street, has an approximate frontage of 48.35m to Wards Hill Road, a rear boundary of 47.00m, a northern side boundary of 58.80m and a southern side boundary of 72.62m. The site runs on an approximate east to west axis, is regular in shape and has a total 10.00m longitudinal section from the south-west corner (RL104) to mid-section of the site (RL108) to the north-east corner (RL114).

The site currently contains an above ground reservoir tank 10.90m in height and an ancillary electrical building, has two (2) vehicular accesses from Wards Hill Road (refer to figures 1- 4) and a number of underground services mains.



Figure 1: Aerial Image of Locality and Subject Site in Blue – Source Nearmap



Figure 2: Aerial Photograph of Subject Site (outlined in blue) – Source Nearmap



Figure 3: Photograph of existing northern site entry from Wards Hill Road



Figure 4: Photograph of existing electrical building looking south

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)



Figure 5: Photograph of existing reservoir tank



Figure 6: Photograph of existing south western quadrant of the site where the telecommunications facility is proposed

Council mapping system does not show that the site contains any Endangered Ecological Communities nor Wildlife Corridors. However, the perimeter edges of the site (mainly to the west, north and east boundaries) contain core habitat corridor and heavy native vegetation which comprises of Smooth-barked Apple - Turpentine - Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast (refer to figure 7).



Figure 7: Aerial Image of Subject Site Plant Community Land Type Mapping – Smooth-barked Apple Turpentine Sydney Peppermint Healthy woodland on Sandstone ranges of the Central Coast

The subject site is identified as being " bushfire prone land" on Council's bushfire maps (refer to figure 8). A bushfire assessment report and addendum was submitted with the application recommending the proposed tower and building shelters be maintained in perpetuity within a 10m APZ and the construction of the equipment shelters shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009.

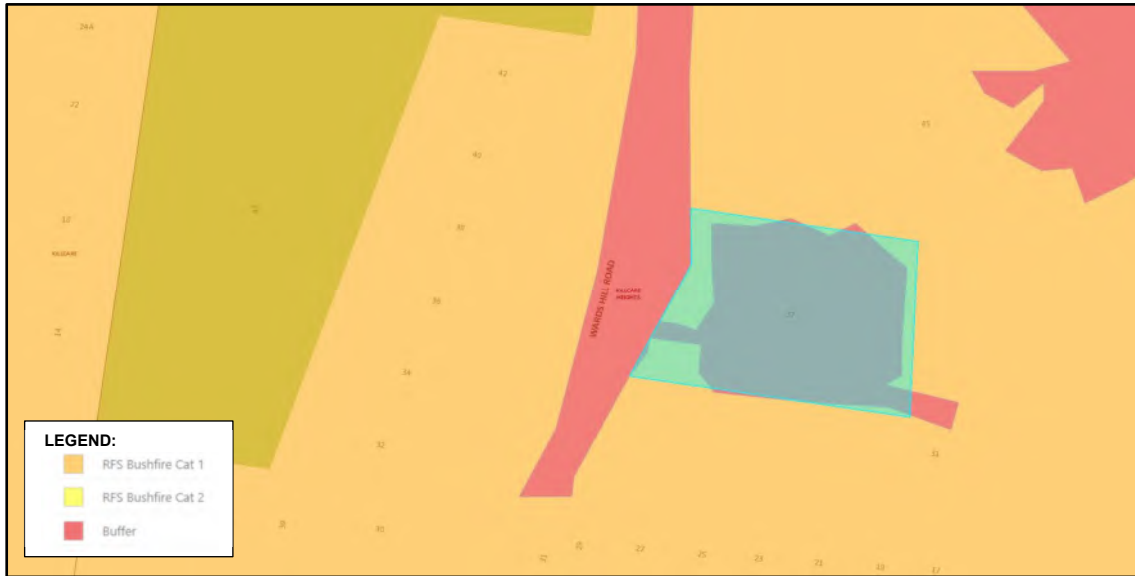


Figure 8: Aerial Image of Subject Site Bushfire Prone Land Mapping

The subject site is located is zoned E4 Environmental Living under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014) (refer to figure 9). It is noted that the subject site is proposed to retain the same zoning under *Draft Central Coast Local Environmental Plan 2018* (CCLEP 2018).

The application has been amended twice during the assessment process (amended plans lodged on 19 March 2021) in response to issues raised through community consultation and initial assessment by Council officers. Final amended plans (lodged 03 May 2021) include Hydro-Excavation survey findings.

Surrounding Development

The proposed development for a telecommunications facility is located approximately 1.9km to the south of Empire Bay Drive and Wards Hill Road intersection and 140m to the north from Wards Hill Road and Stewart Street intersection.

As previously mentioned, the subject site is zoned E4 Environmental Living under the GLEP 2014 and located on the fringe of R2 low density residential land zoning to the west and south. Surrounding development in the immediate vicinity predominately consist of a combination of one and two storey residential dwellings, mainly more suburban in character and modern architectural styles. The land immediately to the north-east is predominantly zoned E4 Environmental Living and DM Deferred Matter under the GLEP 2014 which contains mainly large rural residential lots and dwellings of varying ages and architectural styles. To the north-west of the subject site the land is predominately zoned E1 National Parks and Nature Reserves with pockets of DM Deferred Matter and RE1 Public Recreation land zonings (refer to figure 9).

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

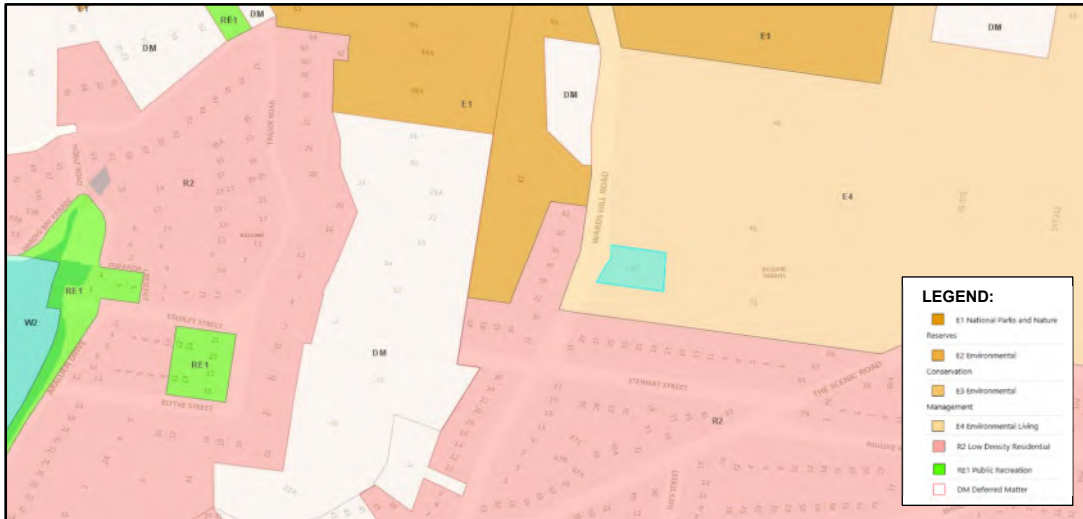


Figure 9: Aerial Image of Land Zoning of Subject Site (highlighted in blue) and adjoining properties



Figure 10: Image of Wards Hill Road (northern site entry shown with red arrow line) travelling south – Source Nearmap



Figure 11: Image of Wards Hill Road (southern site entry shown with red arrow line) travelling north – Source Nearmap

The Proposed Development

The proposal is for the construction and installation of a telecommunications facility on Council-owned infrastructure land. The proposed development will be located near the top end of the south-western quadrant of the site in line with the existing electrical building and comprises two lease land areas/ compounds of 36.40m² (5.20m x 7.00m) and 25.00m² (5.00m x 5.00m) respectively (refer to figures 12,13 & 14). The lease areas will be enclosed by transparent security chain-link fencing and contain:

- A 30.00m concrete monopole;
- The installation of a head frame atop the monopole to an overall height of 33.00m;
- The installation of three panel antennas with a centre line height of 33.00m;
- The installation of three panel antennas with a centre line height of 20.00m;
- The erection of equipment shelters at the base of the monopole to a maximum height of 3.0m;
- Ancillary equipment associated with the safe operation of the facility, such as remote radio units, cabling, earthing and electrical works. It is noted that there is only dedicated floor space area on the plans in the event of requiring a generator say for example a statewide black out (power failure);
- Construction of access track adjoining existing north site entry track; and Landscape works includes a maximum removal of 33 trees and planting of suitable native tree species such as Bloodwood, Angophora and Bangalay Gum as replacement planting and in line with NSW RFS APZ requirements. It is noted overall that the proposal is for a mobile network base station that would provide improved depth and quality of coverage to the Optus and Telstra networks within the Killcare Heights and surrounding suburbs which currently present a significantly deficient mobile coverage service. This translates to the proposed facility ability to provide coverage for two carriers (Optus and Telstra) from one single structure (co-located).

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

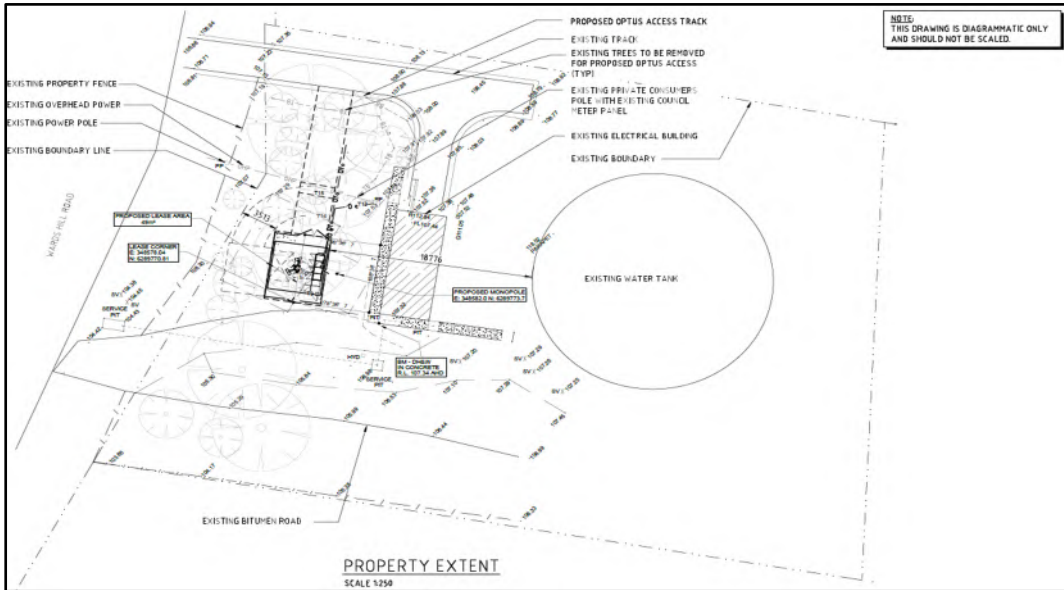


Figure 12: Site Plan

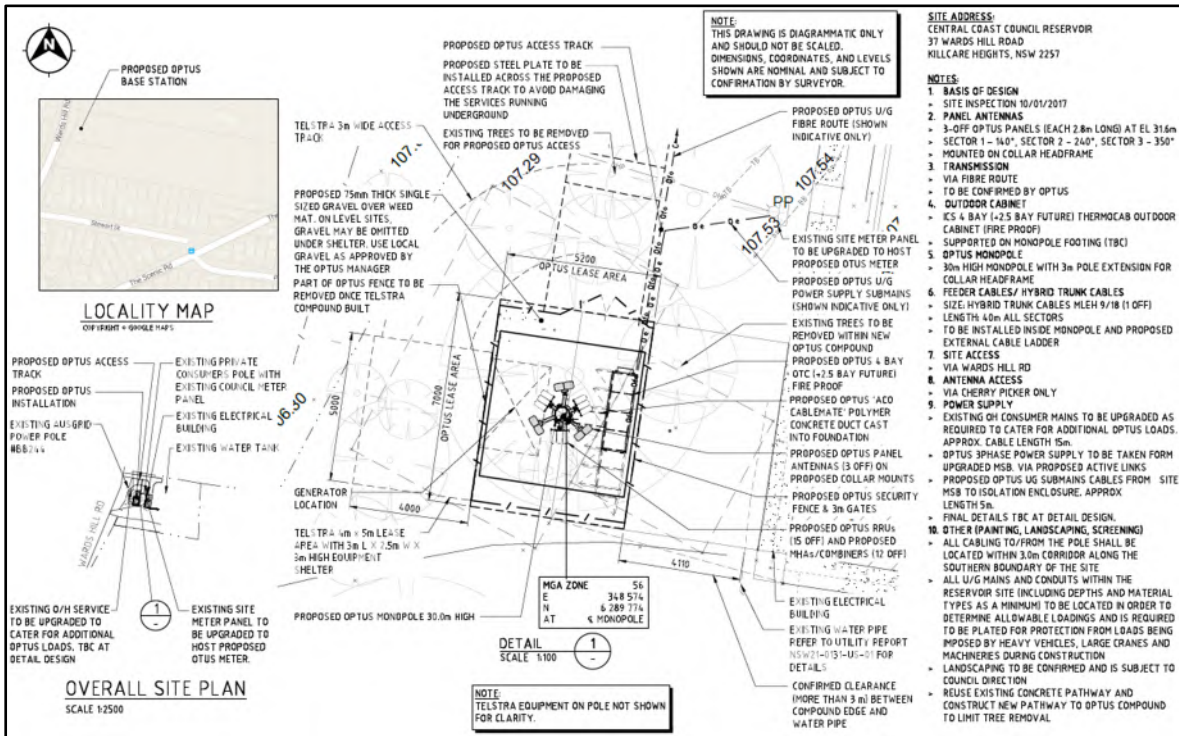


Figure 13: Amended Plans Lease Area - (7.00m x 5.20m + 5.00m x 5.00)

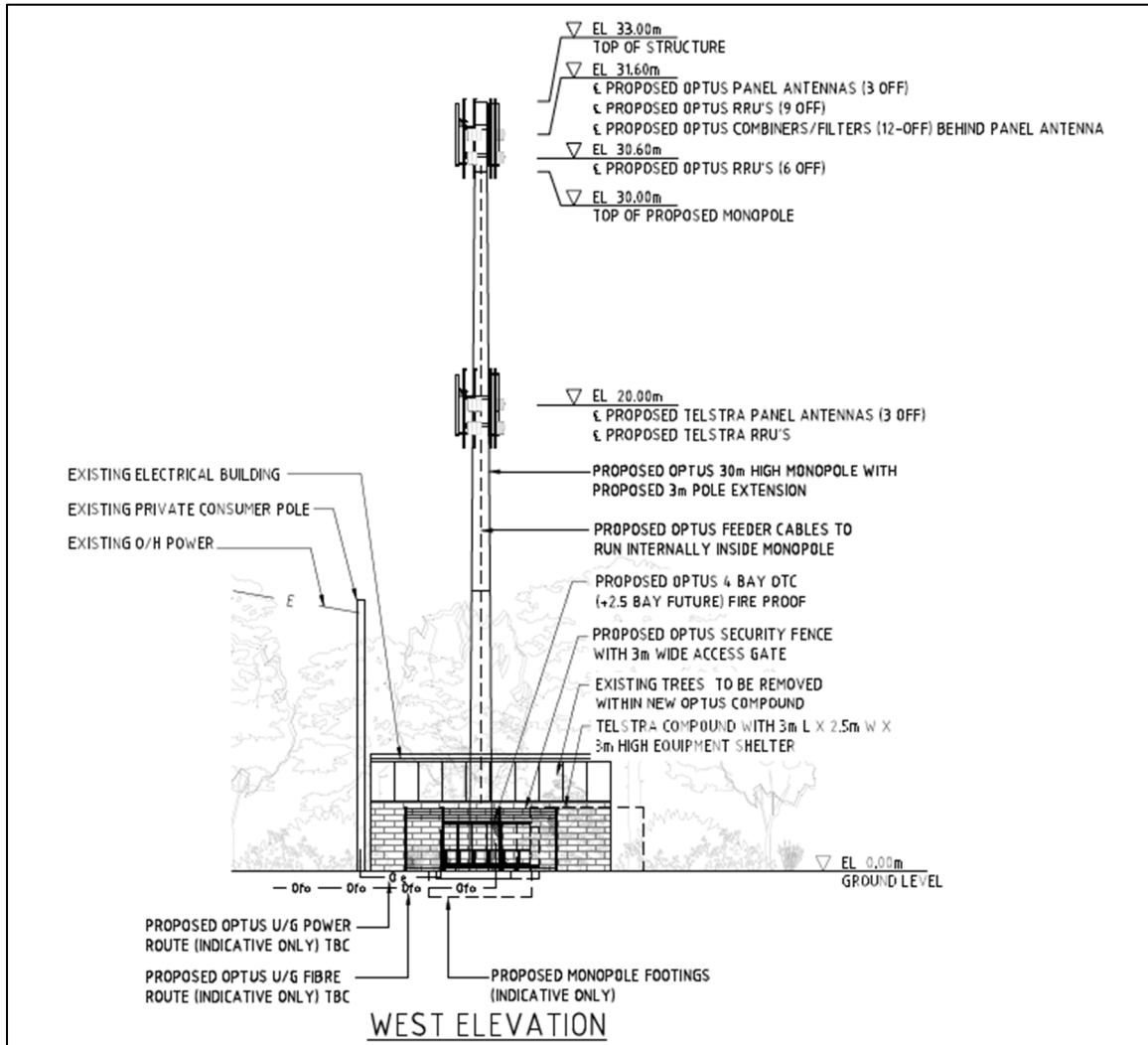


Figure 14: Amended Plans West Elevation (facing Wards Hill Road) – 6 Antennas

History

Today, mobile smart phones have become an essential communication systems element within everyday life, as such there is a high demand for high quality mobile phone services, call coverage and data usage for work, health and safety, emergency and leisure purposes. Given the topographical characteristics of Killcare Heights and its surrounds these locations have encountered persistent mobile network capacity and coverage deficiency and need infrastructure that will facilitate, increase, deliver and maintain quality telecommunications services.

It is estimated that over 1300 registered addresses in the immediate Killcare area as well as adjoining parts of Box Head, Hardys Bay, Wagstaff, Booker Bay and Ettalong areas will benefit from increased network capacity and high-quality telecommunication delivery and coverage services.

Development Application History

On 17 March 2016 a pre-development meeting was held for a telecommunication's mobile base station /facility. The proposal was prohibited within the E4 zone but permissible under *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). Overall, recommendations for the proposal included matters regarding the requirement of detailed plans, photo montage, specialist reports, amenity issues, retaining as much as possible trees and vegetation that contribute to the natural and desired character of Killcare Heights and minimising environmental impacts on biodiversity.

In December 2018, the applicant conducted two (2) community information sessions which were held at Killcare Surf Life Saving Club (81 Beach Drive Killcare) as part of a pre-application consultation process. These sessions were published /advertised in the Central Coast Express advocate (22 November 2018) and approximately 950 letters were delivered to properties in Killcare and Killcare Heights. An article on the Central community News was also published on 4 December 2018. Approximately 16 persons attended the sessions (not everyone signed attendance register) of which twelve (12) comments were positive given the bad coverage conditions of the area. Two (2) were neutral and requested for a photo montage of the tower as viewed from their property and two (2) were averse to the proposal on the grounds of detrimental impacts of tower on visual amenity.

In February 2019, a pre-application meeting was held with Council officers to further discuss the proposal. After various plan revisions the applicant submitted a final Draft Site Layout Plan Revision 8 dated 29 October 2019 which delineated more closely Council's W&S Engineers preferred lease area footprint within the Wards Hill Road site and formed the basis of future discussions.

Development Application Background

The development application seeks approval for the site preparation, construction and installation of a telecommunications facility at 37 Wards Hill Road Killcare Heights, a site held in the ownership of Council (used for the purposes of a water reservoir).

It is noted that the development application underwent various milestones for final amended plans to be resubmitted, these included but were not limited to the following:

- i. On 17 December 2019 DA57736/2019 for a Telecommunications Facility was lodged by Urbis Pty Ltd including draft site layout plan revision 7 dated 15 May 2019 and various specialist reports including but not limited to SoEE, Visual Impact assessment, Ecological assessment, EME Report, Bushfire Protection assessment, AHIMS Search, Community Information Leaflet etc., (refer to figures 15 & 16).
- ii. The application was advertised and notified for extended notification period from 15 January – 14 February 2020 (**Notification 1**);

- iii. As a result of a preliminary development assessment and notification of the proposal, on 30 January 2020 a request for information email was sent to the applicant requiring additional information and amended plans regarding several matters such as:
- Inconsistencies found with the draft version of Ecological Assessment, tree assessment/ schedule /species and tree removal quantities within the proposal's building footprint and NSW RFS APZ zones.
 - Due considerations and comments required by applicant on issues raised by large number of submissions received within extended notification period (15 January – 14 February 2020); and
 - Advised on intent to organise a meeting to discuss and review the proposed location of the telecommunications facility on the subject site and the opportunities for an alternate location. It was pointed out that these outcomes would need to form part of the amended plans and reports.
- iv. On 11 February 2020 a site visit was held with Senior Council staff, the 'asset owners' (Council's Water & Sewer Directorate), Councillors, objectors, key neighbours/residents and community representatives who registered an interest in attending a meeting. In this instance, the key matters of concern for the application were the location of the telecommunications tower (residents preferred to see the tower moved further from the road reserve), tree and native vegetation removal and the lack of landscaping and vegetative screening near front streetscape of Wards Hill Road and overall visual impact.
- v. On 25 & 28 February 2020, Council received preliminary response and image mapping from the applicant showing the extent of coverage from the proposed facility location and alternative on-site position.
- vi. On 25 March 2020, after an internal Senior Council Staff meeting (9 March 2020) and Council meeting with applicant (17 March 2020) respectively, a second request for information email was sent to the applicant requiring:
- Solid justification on why the subject site was selected and others discarded;
 - Any alternative location of the proposal within the subject site were to consider reduction of visual impact from road, maintain as many as possible existing trees and allow for landscaping that acts as a buffer and screen from road;
 - Additionally it was recommended that the resulting Optus lease areas within the site should maintain a minimum 1m distance from water mains located near the existing electrical building; any formalisation of access track into the site should be formed around trees where possible; flip and/or mirroring of building footprint to minimise street frontage impacts and allow for landscape buffer zone and an underground survey

of existing infrastructure was to be conducted to determine the precise location of water/ sewer / electricity services/ mains etc for proper positioning of building and tower footprints.

- Updated NSW RFS Determination Letter to be incorporated into amended plans; and
 - Previous Ecological Assessment report and tree comments were also to be included into amended submission.
- vii. On the 25 May 2020, Council was advised of applicant change from Urbis Pty Ltd to Lendlease Telecommunication Services Pty Ltd.
- viii. On the 24 of July 2020, Council receives formal Statutory declaration that agent for applicant changes from Urbis to Lendlease.
- ix. After three (3) sketch plan studies reflecting alternative site locations were reviewed, on 11 March 2021, amended plans and report addendums to SoEE, EME report, Flora and Fauna Assessment, indicative Landscape Plan and Bushfire Report were submitted by the applicant.

It is noted that the amended plans dated 10 March 2021 were based upon standard underground survey information which reflect a 3.00m distance to the water main pipe collar near the existing electrical building. A hydro excavation survey and visual pegging was required by Council W&S Engineers to confirm the precise on-site location of the water main and pipe collar near the existing electrical building to finalise assessment and support application.

- x. The amended proposal was considered by staff with appropriate delegation to determine whether the amendments were minor or would result in no additional impacts. The relevant delegated member of staff was of the opinion that the amendments to the proposal were minor and resulted in no additional impacts. It was contained within the same quadrant area, (reducing the lease area footprint (from 95m² to 61m²) and the quantity of antennas on the monopole tower (from 10 to 6) (refer to figures 12, 13, 14, 15 & 16). As such the amended proposal was not required to be re-advertised or re-notified, pursuant to cl 7.3.210 c. of *Gosford Development Control Plan (GDGP) 2013*.
- xi. However, because of the number of submissions received as a result of the advertising and notification of the original application, it was decided to re-advertise and re-notify this amended proposal. A second notification process was conducted on 19 March 2021 to 26 April 2021 (re-**Notification 2**) in accordance with Chapter 7.3.2.4 of GDGP 2013. It is noted that the re-notification 2 period included an extension period from 12 April 2021 to 26 April 2021 due to Council e-Planning online portal issues.

- xii. On the 3rd of May 2021, amended plans to include the hydro excavation survey findings and outstanding updated information (Addendum to SoEE April 2021) were submitted. The final amended plans reflect a 4.11m distance to the water main pipe collar near the existing electrical building (an overall 1.11m shift towards the west boundary). Additionally, a Cl. 4.6 Exception to Development Standards variation for the non-compliance associated with Height of Building (HOB) (Cl. 4.3 (2)) of GLEP 2014 was submitted by the applicant as part of the addendum to SoEE. As such a third notification process was conducted on 25 June 2021 to 16 July 2021 (re-**Notification 3**) in accordance with Chapter 7.3.2.4 of GDCP 2013.
- xiii. During re-notification 3 process, Council was made aware that the publication of the last revised/additional information for DA57736/2019 had not displayed in a correlated form and/or user-friendly manner onto the e-planning portal as a result of the overall large amount of content on file and inherent upload system. The relevant delegated member of staff was of the opinion that merit was found in the difficulty of public viewing and/or inspection of the information contained on the website. As such, a fourth notification process was conducted on 14 July 2021 to 4 August 2021 (re-**Notification 4**) in accordance with Chapter 7.3.2.4 of GDCP 2013.
- xiv. The application was re-notified and specifically noted that this additional information should be read in conjunction with the supporting information appended to this application including:
- *Public Appendix G Revised Plans April 2021* - including the hydro excavation survey findings requested by Council's Water & Sewer Unit; and
 - *Public Addendum to the Statement of Environmental Effects April 2021* - addressing all and outstanding updated information including but not limited to:
 - Site selection;
 - Range of the proposed telecommunications facility;
 - Clause 115 of the State Environmental Planning Policy (Infrastructure) 2007;
 - Clause 4.6 Variation Request;
 - On-going operational management plan for the lease area; and
 - Landscaping and tree removal offset options.
- xv. The two documents listed above were reloaded onto the e-planning portal dated 8/07/2021 with the intent to assist in the public view and/or inspection of information, including *Table 1 - Schedule of Documentation associated with DA 57736/2019* which was provided by the applicant to assist submitters understand the relevance of the amended application documents and where items had been superseded. It is noted that during this process the relevant delegated member of staff advised those submitters email registered to amend/correct a mis print on the Re-notification letter/communication sent

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and dated 14 July 2021 for the above-mentioned development application. This information had a typo error that needed to be rectified as follows:

- in Table 1 - Schedule of Documentation associated with DA 57736/2019 under the column "**DATE SUBMITTED**" of the original documents that should read **19-Dec-19 NOT 19-Dec-21**.
- On item 2.1 under column "**Document**" should read "**Amendment Letter to Accompany DA Location (V2)**" and under column "**UPLOADED TO E-PORTAL FOR PUBLIC REVIEW**" should read **Yes**

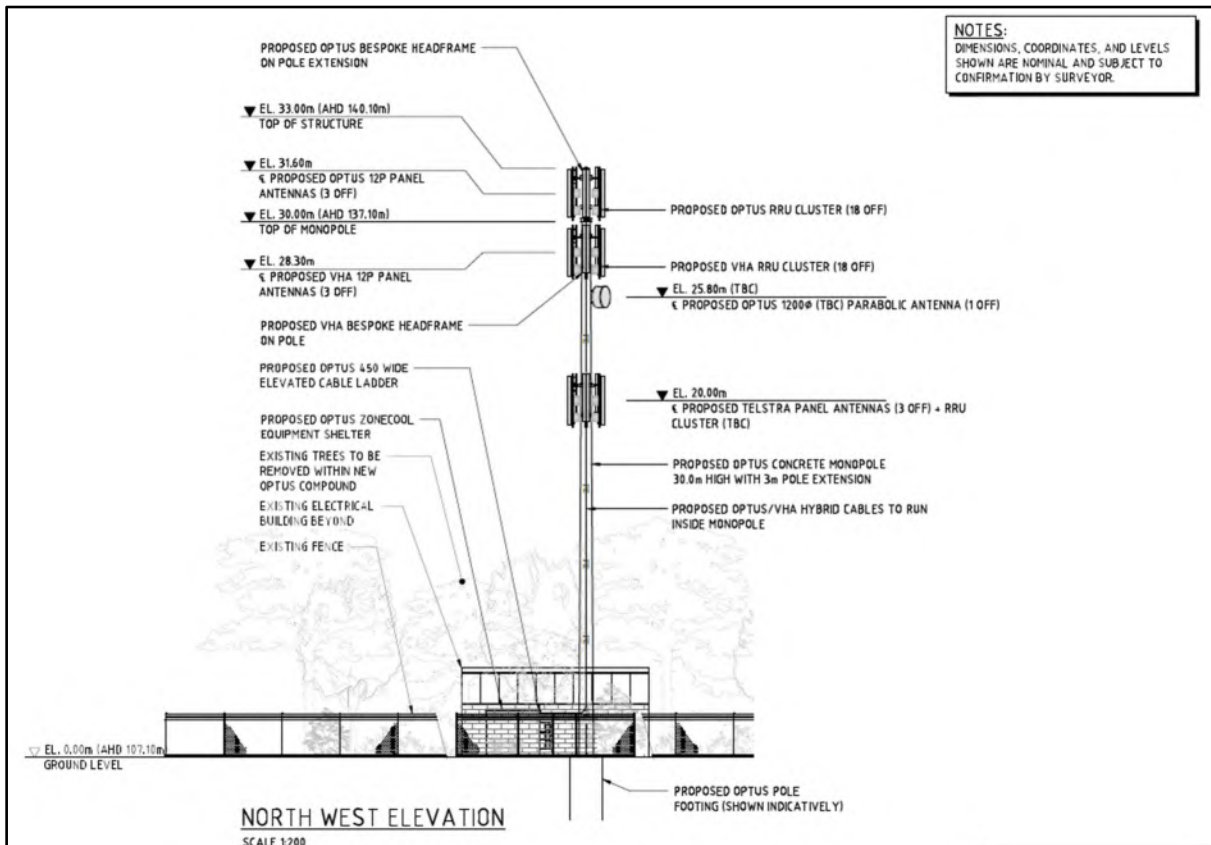


Figure 16: Draft West Elevation (facing Wards Hill Road) Revision 7 dated 15/05/2019 – 10 Antennas

- xvi. In summary and regarding the built component of the proposed development latest amended plans (which include the hydro excavation survey findings) indicate the following:
- A reduction of the total lease area footprint from 95m² to 61m²;
 - The reduction of the quantity of antennas on the monopole tower from ten (10) to six (6);
 - An increased setback distance from Wards Hill Road boundary to Optus equipment shelter building from 0.5m to 3.51m; and
 - An increased setback distance from Wards Hill Road Boundary to Centre Line (CL) of monopole from 2.7m to 7.4m.

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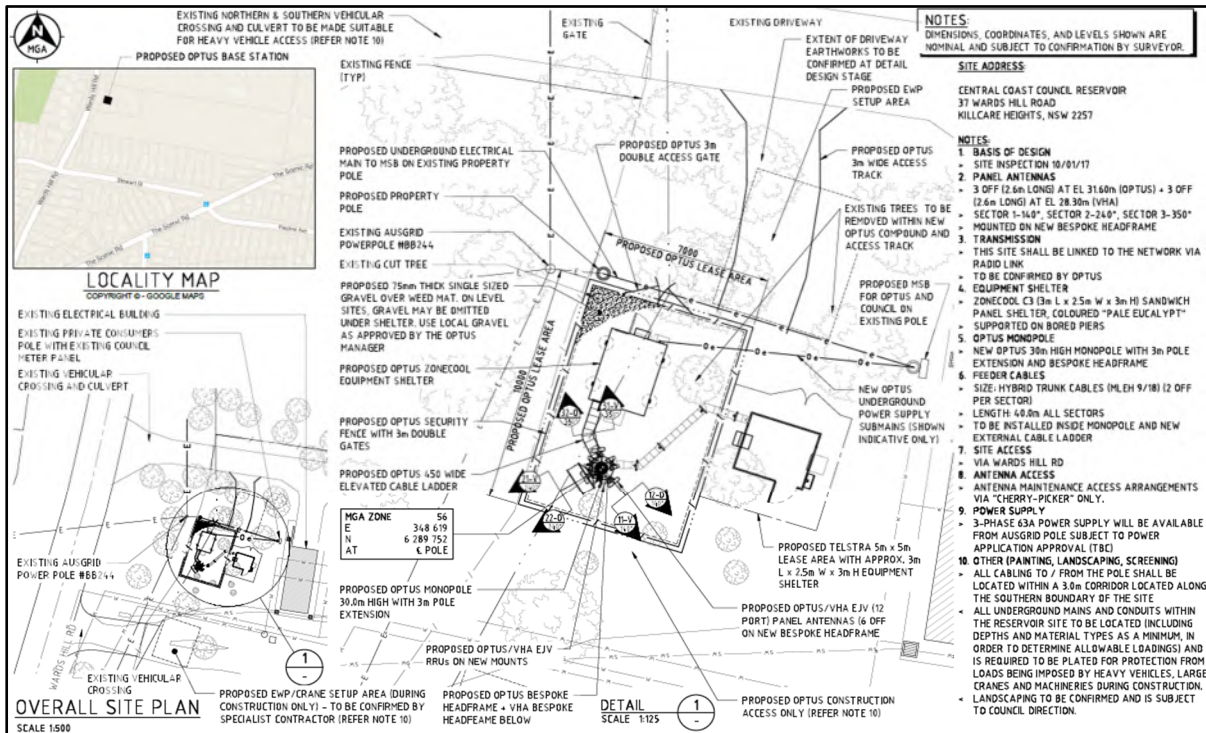


Figure 15: Draft Site Layout Plan Revision 7 dated 15/05/2019 - Lease Area Plan (7.00m x 10.00m + 5.00m x 5.00)

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 if the Local Planning Panel. Any tables relating to plans or policies are provided as an attachment.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) was gazetted on 21 December 2007, providing a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. Division 21 of the ISEPP applies to telecommunications and other communication facilities, establishing the approval regimes for telecommunications in NSW. Division 21 classifies certain telecommunications development that is permitted either as development with consent, development that is complying or development exempt from local environmental approvals.

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Clause 116 and 116A allow for a flexibility in installing new towers and facilities via exempt or complying development. Under this amendment, new telecommunications towers required to deliver broadband or mobile phone access in certain rural or industrial zones would be allowed as complying development subject to amenity and safety issues like height limits and separation from residential areas. In this instance however, the proposal is not able to be undertaken as exempt or complying development specified under Clause 116 and 116A due to the nature and location of the proposal and therefore development consent is required from the consent authority which in this case is Central Coast Council.

Clause 113 of the ISEPP defines a “telecommunications facility” as:

- (a) any part of the infrastructure of a telecommunications network, or*
- (b) any line, cable, optical fibre, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network.*

The ISEPP as amended by the SEPP (Infrastructure) Amendment (Telecommunications Facilities) 2010 is of specific relevance to the proposal, as the provisions of clauses 113 and 115 are being relied upon for permissibility of the proposed development at the subject location and are the basis for lodging and seeking Council consent for this development.

Clause 115(1) provides that:

Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under 20 or 116, may be carried out by any person with consent on any land.

Telecommunications facilities are therefore permissible in all zones within the Central Coast LGA with the consent of the Council.

Under Division 21, clause 115 requires the consent authority to take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purpose of the clause. In this instance the NSW Telecommunications Facilities Guideline Including Broadband 2010 is one such guideline that applies to the proposal and must be considered.

The aim of the NSW Telecommunications Facilities Guideline Including Broadband 2010 is to provide a guide to the State-wide planning provisions and development controls for telecommunication facilities in NSW contained in the *State Environmental Planning Policy (Infrastructure) 2007*.

The proposal has been considered for consistency with the relevant guideline principles as follows:

3.1

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Telecommunications Tower (contd)**

Assessment of the Telecommunications Facilities Guideline including Broadband (2010) Principles		
Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact		
Specific Principles	Comment	Consistent
a. As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	This principle is not applicable to the application given that the telecommunications facility will not be attached and/or mounted to any of the existing water reservoir structures /buildings.	NA
b. The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and the physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.	The proposal is standalone, (a free-standing monopole) in this instance and is not being attached to any adjacent building, as such this principle is not applicable to the application.	NA
c. Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.	The proposal is not being attached and/or protrude from a building, as such this principle is not applicable to the application.	NA
d. Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.	The ancillary facilities are to be situated near existing buildings contained within required NSW RFS APZ area. The ancillary structures will be material colour blended with existing surroundings and will formalize new screen landscaping and tree planting were practical in line with APZ requirements.	Yes
e. A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	The proposal is located within a remnant portion of National Park landscaping surrounded by a combination of suburban residential dwellings and large rural residential lots. As such, the telecommunication facility will be positioned within the dense vegetated surrounds and sit behind existing road reserve heavy vegetation.	Yes
f. A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.	The proposal is accompanied by an AHIMS report which indicates that the site is not located within a Heritage sensitive area/ item nor conservation area.	NA
g. A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	The proposal is not located within immediate surrounding significant vistas/ panoramic views.	NA
h. The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other	The DA was accompanied by ecology reports and landscape plans that have been assessed by Environmental	Yes

3.1

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vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	Ecologist and Tree Officers who are supportive of the proposal subject to conditions.	
i. A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.	A condition has been included in draft Schedule 1 Conditions of Consent to remove the facility and restore the site to a condition similar to its condition before construction when the facility is no longer required.	Yes
j. The siting & design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	The siting and design are considered to be in accordance with the relevant Industry Design Guides.	Yes
Principle 2: Telecommunications Facilities should be co-located wherever practical		
a. Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	The installation of telecommunications lines will be underground.	Yes
b. Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	The proposal will be serving co-located equipment that is, for two (2) carriers (Optus and Telstra equipment) and capable of providing wireless radio services to the surrounding locality.	Yes
c. Towers may be extended for the purposes of co-location.	The proposal has been designed to provide enough height for co-location of equipment, terrain and location conditions of the locality.	Yes
d. The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.	This principle is not applicable to the proposal, it is new and there are no existing towers.	NA
e. If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.	The proposal is for a co-located telecommunication facility.	Yes
f. If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard. Note: Co-location is 'not practicable' where there is no existing tower or other suitable telecommunications facility that can provide equivalent site technical specifications including meeting requirements for coverage objectives, radio traffic capacity demands and sufficient call quality.	The proposal is for a new standalone facility therefore this principle is not applicable.	NA

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Telecommunications Tower (contd)**

Principle 3: Health standards for exposure to radio emissions will be met.		
a. A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.	The proposal is accompanied by an Environmental EME report and addendum that confirms compliance with calculated levels as set out by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). Council's Environmental Health officer has assessed the application and is supportive subject to conditions.	Yes
b. An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and demonstrate compliance with the Mobile Phone Networks Code.		
Principle 4: Minimise disturbance and risk, and maximise compliance		
a. The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia (CASA).	CASA have been notified of the proposal and have advised via letter dated May 2019 that the proposal is not within the obstacle restriction area of an aerodrome or at a height level that would mandate the structure to be marked or lit.	Yes
b. The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	The base station facilities have been designed to create no electrical interference problems with other radio-based systems and will comply with the requirements of relevant AS in this regard.	Yes
c. The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	The base station facilities have been designed and will be installed in accordance with any relevant manufacturer specifications. The proposal will also comply with the requirements of relevant AS.	Yes
d. The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	The proposal is a standalone telecommunication facility, as such will not be erected on any building or structure.	NA
e. The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The proposal is located wholly within the site where owners consent has been given.	Yes

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f. The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.	The construction of the telecommunication facility will be in accordance with all relevant regulations of the Blue Book.	Yes
g. Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	The proposal will be located away from pedestrian or vehicle access. Notwithstanding, the proposal will be conditioned to comply.	Yes
h. Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	Conditioned to comply.	Yes
i. Traffic control measures are to be taken during construction in accordance with <i>Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.</i>	Conditioned to comply.	Yes
j. Open trenching should be guarded in accordance with <i>Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</i>	Conditioned to comply.	Yes
k. Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.	It is noted that the proposal is accompanied by a Flora & Fauna Impact Assessment report and Addendum which confirms that 33 trees have been identified for removal for the implementation of the proposal's footprint and/or the prescribed 10M APZ area. Council's Ecologist has assessed that the proposal will not result in a significant impact to any threatened entities under the NSW Biodiversity Conservation Act as such, has supported the application subject to conditions.	Yes
l. The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.		
m. The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.	A search of the AHIMS data base has been completed and it indicates that there are no items of Aboriginal archaeological heritage known to be located on, or in the vicinity of the site. However, draft Schedule 1 Conditions of Consent will contain conditions to comply with unexpected findings protocols.	Yes
n. Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.	Any damage to the area surrounding or associated with the facility will be reinstated to its prior condition. Conditioned to comply.	Yes

Given the above, the development application is considered compatible with the principles outlined in the guideline and therefore deemed acceptable in this instance.

State Environmental Planning Policy (Coastal Management) 2018

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 & Environment and the subject property does not fall within the SEPP (Coastal Management) mapping. As such, the proposal would not have a negative impact upon coastal management and complies with the requirements of the Coastal Management Act 2016.

Gosford Local Environmental Plan 2014

The site is subject to the *Gosford Local Environmental Plan (GLEP) 2014*.

Clause 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of the Central Coast local government area to which this Plan applies (in this Plan referred to as Gosford) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Gosford,*
 - (b) to foster economic, environmental and social well-being so that Gosford continues to develop as a sustainable and prosperous place to live, work and visit,*
 - (c) to provide community and recreation facilities, maintain suitable amenities and offer a variety of quality lifestyle opportunities to a diverse population,*
 - (d) (Repealed)*
 - (e) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,*
 - (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
 - (g) to conserve, protect and enhance the environmental and cultural heritage of Gosford,*
 - (h) to protect and enhance the natural environment in Gosford, incorporating ecologically sustainable development,*
 - (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*

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- (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,*
- (k) to promote design principles in all development to improve the safety, accessibility, health and well-being of residents and visitors,*
- (l) to encourage the development of sustainable tourism that is compatible with the surrounding environment.*

The development application is considered to be consistent with Clause 1.2 (2)(a), (b), (f), (i) and (k) aims of the GLEP 2014.

Zoning and Permissibility

The site is zoned E4 Environmental Living under the *Gosford Local Environmental Plan 2014* (GLEP 2014) as shown in Figure 9.

1 Objectives of Zone:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- To ensure that residential development does not have an adverse effect on those values.*
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.*
- To ensure that development is compatible with the desired future character of the zone.*

2 Permitted without consent:

Home occupations; Recreation areas

3 Permitted with consent:

Animal boarding or training establishments; Camping grounds; Caravan parks; Dwelling houses; Eco-tourist facilities; Environmental protection works; Extensive agriculture; Home-based child care; Home industries; Oyster aquaculture; Pond-based aquaculture; Pubs; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Roads; Secondary dwellings; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water storage facilities

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4 *Prohibited*

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The proposed development is considered a telecommunications facility and prohibited in the E4 Environmental Living zoning. Notwithstanding, Clause 113 of *the State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) defines a "telecommunications facility" as:

- (a) any part of the infrastructure of a telecommunications network, or*
- (b) any line, cable, optical fibre, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network.*

The ISEPP is of specific relevance to the proposal, as the provisions of clauses 113 and 115 are being relied upon for permissibility of the proposed development at the subject location and are the basis for lodging and seeking Council consent for this development.

Clause 115(1) provides that:

Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under 20 or 116, may be carried out by any person with consent on any land.

As such, Telecommunications facilities are therefore permissible in all zones within the Central Coast LGA with the consent of the Council.

Notwithstanding, it is noted that although the proposal comprises an essential element of infrastructure that will not only provide efficient and equitable provision of public services and amenities to the immediate local and surrounding areas but increase network capacity and high-quality telecommunication delivery and coverage services. Hence, encouraging emergency services app connectivity, a range of housing, employment and recreational areas that will promote a variety of lifestyle opportunities in a sustainable and safe place to live, work and visit.

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,*

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- (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 4.3(2) of the Gosford Local Environmental Plan (GLEP) 2014 states that the height of a building on any land is not to exceed the maximum height indicated on the Height of Buildings Map. Council's LEP as per the Height of Buildings Map prescribes a maximum height of 8.5m for the subject land. The proposed telecommunications facility exceeds this height as the proposal amounts to a total height of 33.00m, this results in a variation of 288.23%.

It is noted a Cl. 4.6 Exemptions to development standards variation for non-compliance associated with Height of Building (Cl. 4.3(2)) of GLEP 2014 was prepared and submitted by the applicant.

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 24.5m in clause 4.3 of GLEP 2014. A copy of the clause 4.6 variation is included in **Attachment 4**.

Together with the applicant's written request, Council 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

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development that contravenes a development standard unless:

- 1 The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).
 - 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 cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council* [2007] NSW 827) and how there are sufficient environmental planning grounds to justify the contravention, is summarised below:

- *The nature of telecommunication facilities requires the radio frequency equipment, such as antenna, to sit elevated above the surrounding structures and vegetation. Greater height of radio frequency equipment allows the signal to propagate further, providing more effective coverage to a greater area from the facility. A 33m height is the minimum height required to allow the radio signal to provide coverage to the appropriate area. A 33m height allows for signal to be uninterrupted by surrounding buildings and trees and accounts for surrounding topography.*
- *If the proposed development was to comply with the building height requirement of 8.5m it would not effectively meet the coverage objectives of the facility. This would therefore make the proposed facility unviable for Optus. This would not be effective co-ordination of orderly development.*
- *Strict compliance with the current building height standard would be unreasonable in this instance. Strict compliance would inhibit the proposed development's purpose.*
- *The proposal is for a telecommunication facility required to provide necessary infill mobile voice and data coverage, an essential service, to a bushfire prone area. Effort has been made to locate the facility in the most appropriate location in the context of the area. The facility will be located with an existing utility services area, in an otherwise primarily residential area. As stated above, telecommunication facilities must protrude above the surrounding building line and be designed at a height which allows the RF signal to adequately service the area.*

As a result of the above, Council must consider that the application sufficiently demonstrates that compliance with the development standard for height is unreasonable and that the application to the best of its ability, provides the most reasonable outcome with regards to height limits and other relevant development standards.

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- 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 aims and objectives of the LEP, E4 Environmental Living Zone and development standard objectives, as it provides for an essential service that supports surrounding residential areas.

As impractical to expect to provide and better integrate a tower of this height, in this instance, it is considered that the additional building height proposed does not detract from the attainment of providing quality suburban and rural form in accordance with the character of the zone and locality. The design of the tower is slimline and with less headframes and antennae which will be located within an existing utility service site that is surrounded by heavy vegetation around boundary edges.

The subject site has not been identified as being located within an immediate protected view corridor nor will the proposal cause excessive overshadowing to public open spaces.

Has the concurrence of the Secretary been obtained?

Comment: Planning Circular PS 18003 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 request 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

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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 identified as the development option that best avoids unreasonable environmental amenity impacts that would otherwise be associated with a standard telecommunications facility.

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.

7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

Draft Central Coast Local Environmental Plan

The application has been assessed under the provisions of the draft *Central Coast Local Environmental Plan (draft CCLEP) 2018* with respect to zoning, development standards and special provisions.

Under the draft CCLEP the subject land will remain to be zoned as E4 Environmental Living. Permissibility for development within this zone is to remain as per the current applicable Gosford Local Environmental Plan 2014 and ISEPP which permits the proposal with consent of Council.

Gosford Development Control Plan 2013

This plan is known as the *Gosford Development Control Plan (GDGP) 2013* and supports the objectives identified by the *Gosford Local Environmental Plan 2014*, the Gosford Planning Scheme *Ordinance or Interim Development Order No 122*.

Part 2 Scenic Quality and Character

2.1 Character

The subject site is located within the Killcare Heights 5: Scenic Buffers character area.

The desired character statement for this locality (summarized) recommends that:

- *These should remain rural-residential buffers where the scenically-distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major roads and tourist routes are preserved by appropriate very-low density residential developments associated with low-impact rural activities, and by small-scale businesses or community and educational facilities that have a modest impact.*

Comment: It is noted that the proposal is situated on an established infrastructure services site which is already largely cleared to accommodate Water reservoir infrastructure and buildings within the required NSW RFS bushfire APZ area. Overall, the proposal involves the installation of a telecommunications facility comprising a building (lease area) footprint which has been reduced in floor area (originally 96m² to 61m² as indicated on amended plans) and located near as technically possible to the existing electrical building contained within the subject site. The design chosen for the proposal is that of a co-location (for two carriers) slender monopole tower with smaller antennae quantities (originally had 10 and amended plans indicate 6). The ancillary facility structures are of modest design up to a maximum height of 3m, located within the cleared and 10m APZ areas of the site and with the use of appropriate building materials and colours to blend into the existing low-level surrounds. Furthermore, the site is surrounded on all its boundaries including Wards Hill Road reserve by existing dense native vegetation that will assist as a buffer between the immediate facility ancillary structures and surrounding residences.

The proposal for a telecommunications facility will provide an essential service that supports at many levels the modernization trends of the surrounding residential, semi-rural and business areas. It is acknowledged that the height of the tower is higher than what is currently existing, but given the evolving suburban densification and many sustainable rural activities including but not limited to the installation of large ancillary structures /workshops and windmills within the immediate area that it is considered that infrastructure of this type is acceptable and in the public interest.

- *Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by*

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concentrating new buildings and pavements in existing clearings. Use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.

Comment: As previously mentioned, the proposal is located on an established infrastructure site that is already largely cleared to accommodate essential services infrastructure and a 10m bushfire APZ. Works will not include any public road work formalization. However, the proposal will require the removal of 33 trees which have been assessed to be of low or limited value. The opportunity to retain and replace as many trees and native vegetation that are allowed within the 10m APZ area in accordance with the guidance provided by the *RFS Planning for Bushfire Protection 2019* will be included in the draft Schedule 1 Conditions of Consent. It is considered that this approach will assist in maintaining the landscape setting of the area.

- *In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures. Minimise the extent of cleared asset protection zones by fire-resistant siting, design and construction for all new structures plus effective management of gardens. The ideal compromise between desired scenic quality and hazard-reduction would limit clearing to the understory plus thinning of the canopy to establish breaks between existing trees.*

Comment: The proposal is identified as 'bushfire prone land' on Council's bushfire mapping system and accordingly was referred to NSW RFS for assessment who are supportive of the proposal subject to conditions. As such, these recommendations along with those of Council's Ecologist and Tree Officer will form part of the draft Schedule 1 Conditions of Consent to reflect the opportunity to retain and replace as many trees and native vegetation that are allowed within the APZ area in accordance with the guidance provided by the *RFS Planning for Bushfire Protection 2019* report and landscape plan. Landscape Plan to update and include as much permitted screen planting buffer to Wards Hill street frontage.

The assessment of the development application concludes that the proposal is consistent with the requirements of Gosford DCP 2013 Chapter 2.1 – Character.

2.2 Scenic Quality

The proposal is subject to the provisions of *Gosford Development Control Plan (DCP) 2013* Chapter 2.2 Scenic Quality and is located within the Bouddi Geographic Unit encompassing the Killcare Heights Landscape Unit. The relevant development objectives of the landscape unit in question are summarised as follows:

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- *Continue to secure lands identified for inclusion in Coastal Open Space System as part of the visual landscape*
- *Recognise importance of privately-owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands and National Parks.*

As previously stated, the resulting height of the telecommunications tower is acknowledged to have an important impact from a planning perspective against the visual vegetated landscape and suburban character of the immediate area. However, given the diverse and evolving densification and character currently present and trending in the Killcare Heights area, it is considered that the locality has the ability to absorb an infrastructure development of this type whilst still retaining the attributes of the zone.

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6.3 Erosion Sedimentation Control

Appropriate siltation control is recommended in conditions of consent.

6.6 Preservation of Trees or Vegetation

The vegetation on the subject site comprises of the Plant Community Type (PCT) 1627 Smooth-barked Apple - Turpentine - Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast with intergrading species characteristic of the PCT 1645 Old Man Banksia - Rough-barked Apple - Bangalay shrubby open forest on coastal sands of the Central Coast. The proposed works will include the construction of a 33m high concrete monopole, Optus compound, Telstra Lease Area, fenced area to house the facility, a 10m APZ area for bushfire purposes and an Optus access track of the north Wards Hill Road site entry. The total impact area for these works is estimated at 0.037ha.

The proposal was accompanied by an Ecological assessment report and subsequent report addendums prepared by ECO Logical Australia Pty Ltd which was assessed by Council's Ecologist 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 Biodiversity Conservation Act 2016 (BC Act) and comments as follows:

'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 attached conditions being included within any consent granted.

It is noted that a total of 33 trees have been identified for removal as a requirement of the implementation of with the tower footprint or the prescribed 10m APZ (refer to figure 17). It is acknowledged that a majority of these trees will be required to be removed, however it is recommended that consideration be given to retain a number of trees that will represent 14% canopy coverage within the 10m APZ area as is allowed in accordance with the guidance provided by the RFS Planning for Bushfire Protection 2019 document, and the RFS' specific determination and consent conditions relevant to this proposal.

Council's Ecologist has undertaken a site assessment and reviewed the Flora and Fauna Impact Assessment provided (Eco Logical, 2021), and agrees with the determination that the proposal will not result in a significant impact to any threatened entities, listed under the NSW Biodiversity Conservation Act (2016). No tree hollows or fauna habitat features of significance were identified as occurring within the proposed impact area. No threatened flora species were observed at the time of inspection.

The formulation and subsequent implementation of a formal landscaping plan within the site is likely to provide a small scale replacement of some of the fauna foraging habitat lost within the landscape as a result of the proposal, however given the entirely fenced nature of the existing site, any fauna value of vegetation within the compound is likely restricted to

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mobile avian and arboreal species. The vegetation proposed to be removed as a result of the implementation of the proposal and its associated bushfire APZ is not likely to significantly impact on or sever/ fragment an identified wildlife corridor. The vegetation surrounding the property is identified as an existing wildlife corridor and will not be impacted as a result of this proposal (refer to figure 18).

As such, the proposal does not impact the NSW Biodiversity Offsets Scheme, in accordance with the following triggers:

- No native vegetation proposed for removal is identified on the NSW biodiversity Values Map (as at 03/06/2021);
- The proposal is not considered likely to result in a significant impact to a listed threatened entity in NSW; and
- The proposal will not exceed the Area Clearing Threshold relevant to the property (0.5ha).



Figure 17: Subject Site Ecological Value Mapping – Source: ECO Logical Au Pty Ltd



Figure 18: Subject Site Identified Local Wildlife Corridors Mapping (green overlay)

It is noted that the applicant is committed to formalizing a landscape plan that will include planting on the northern and southern portion of the subject site that will ameliorate the impacts of the proposed tree removals. The landscape plan is to include and contribute to a vegetated buffer at the street frontage in line with and within the inner protection (IPA) that is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Additionally, the applicant has offered to undertake offset 2:1 replacement planting at an alternate location for the community but unfortunately at this stage Council does not have the mechanism in place that will allow to implement *unrelated public land under control of other Council assets owners*.

Council's Tree Officer comments are summarised as follows:

'It is understood that thirty-three (33) trees within the vicinity of the tower and associated works are to be removed due to being impacted by the works and/or for bushfire APZ purposes (refer to figure 19). The landscape Plan proposes planting of eight (8) native trees within available areas at completion of the works, with three (3) within bushfire APZ

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conforming with requirements of IPA (refer to figure 20). Suitable native tree species such as Bloodwood, Angophora and Bangalay Gum are to be used as replacement planting.

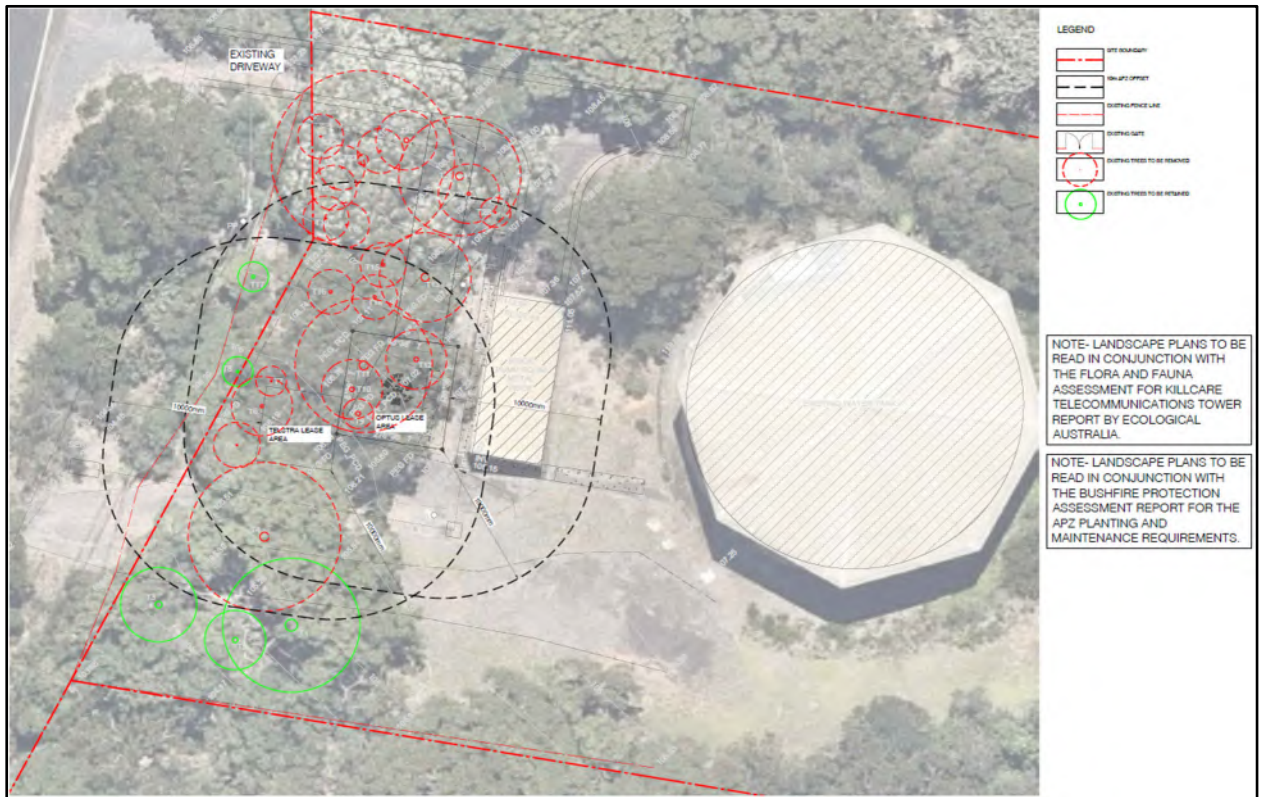


Figure 19: Subject Site Landscape Plan - Tree Retention Plan (DWG No. L201 Rev A - 09/02/2021)

The Addendum to SoEE explains that a full vegetated screen could not be achieved due to bushfire requirements, however areas of understory planting are outside APZ have been proposed. Existing native trees along the road reserve frontage are not nominated for removal, so should maintain some screening of the facility.

The proposed tree replacement within the subject site is considered satisfactory. The offer of further 2:1 offset planting at an alternative location is not recommended given that Council has no mechanism for implementing on unrelated public land under control of other Council assets owners'.

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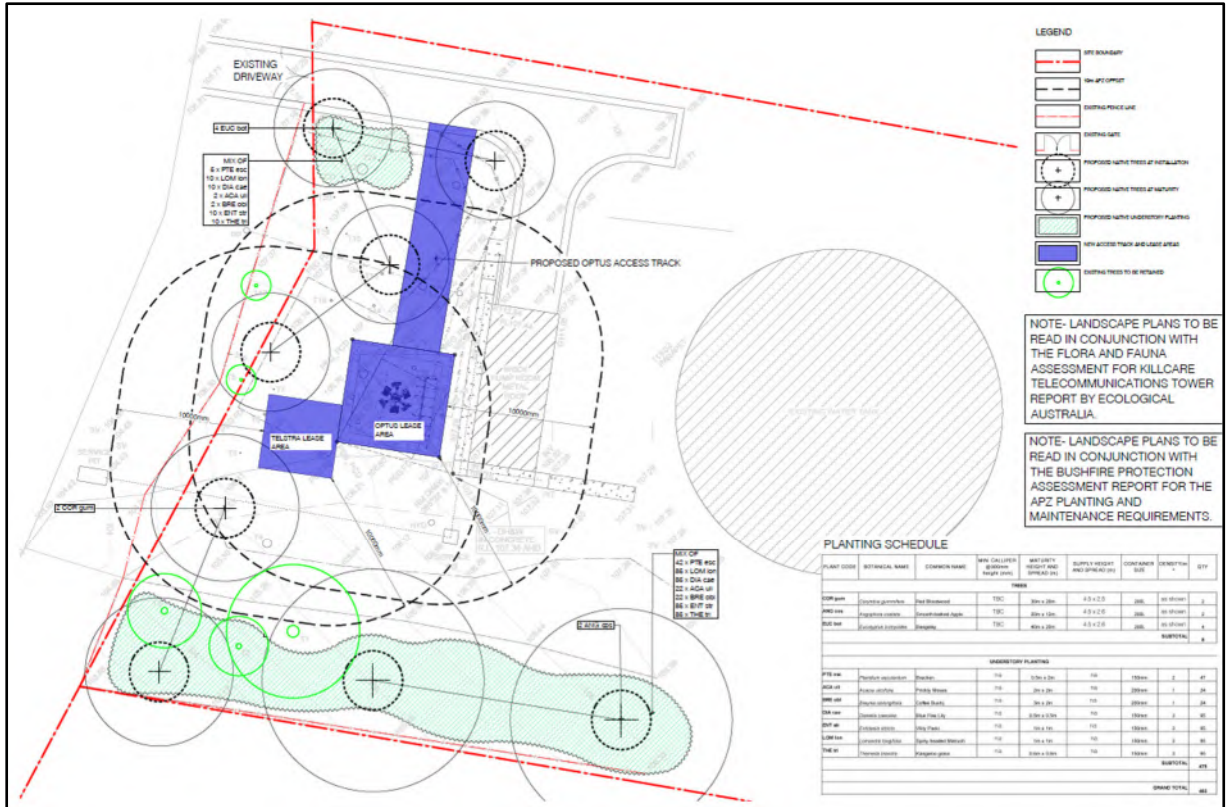


Figure 20: Subject Site Indicative Landscape Plan (DWG No. L202 Rev C – 09/02/2021)

As such, Council’s Ecologist and Tree Officer are satisfied that the proposal is not likely to have a significant impact upon threatened species, populations, EEC’s or their habitat and have no objection to the proposal subject to conditions.

Any Planning Agreement

There are no planning agreements applicable to the application.

Relevant Regulations

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

Likely Impacts of the Development:

The subject site is zoned E4 Environmental Living under GLEP 2014 and is surrounded by fringe pockets of National Park and Nature Reserves (E1 zoning), large rural residential lots (E4 & DM zoning) low density suburban residential (R2 zoning). The subject site is Council-owned land and used for infrastructure services.

The proposed development for a telecommunications facility is considered by nature to have an important impact upon the amenity of adjoining public land, and private development by way of visual impact of the monopole tower. Notwithstanding and as previously mentioned, given the diverse zoning, evolving densification and suburban character present in the immediate area of Killcare Heights it is considered that the locality has the ability to absorb an infrastructure development of this typology whilst retaining the attributes of the zones.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the GLEP 2014, GDCP 2013 and applicable codes relevant to telecommunication facilities for compliance. The potential impacts are considered reasonable.

Suitability of the Site for the Development:

The Telecommunications Act 1997 and ISEPP 2007 require all carriers to consider co-location and upgrading existing facilities as a priority in site selection. As a result, when first considering the appropriate location for a required new greenfield facility, co-location opportunities are always first reviewed.

As such, Optus and Telstra undertook a detailed process in selecting the site for the facility (refer to Appendix I of original SOEE Precautionary Approach Checklist – Site Selection Code Ref Section 4.1) in line with the Radio Frequency (RF) National Site Archive (RFNSA) data base. It is noted the RFNSAs database contains the locations of existing telecommunications facilities of carriers and non-carriers and was used to identify and investigate the potential for co-locations in the area.

There has been a known coverage deficit within the Killcare Heights for a number of years. The subject site was selected based on an extensive search within the desired coverage area (refer to figure 21). The target coverage area for the site for infill coverage has the following characteristics/ parameters to be dealt with:

- is located in high bushfire risk area;
- the topography is very undulating – rising generally from west to north, north-east and from south to north;
- the undulating and tall dense vegetation rule out utilizing other small cell facilities that could potentially cover the area; and

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- Due to the land elevation, the selection for a viable site was generally limited to the areas north of Manly View Road (approximately between No. 23 and corner of Macdonald Street), North of Macdonald Street and East of Wards Hill Road.

As such, the RFNSA search identified six potential sites (refer to figure 22).



Figure 21: Location of existing site (Source: RFNSA, 2019 AUSIMAGE 2017)



Figure 22: Location of existing and new site Candidates (A-F)

The viable coverage results also indicated that:

- Approximately half of this area is low density residential development with very high amenity. Most residences in the area are orientated towards the ocean views, as such this area does not provide any viability for the sitting of a monopole;
- The land north of Stewart Street and north of the Scenic Road is more open with large rural residential properties; and
- Any commercial /utility land uses within the area include:
 - Council's Water Reservoir;
 - Bell's Hotel and Restaurant; and
 - Water reservoir and NSW Police monopole.

As presented on the SoEE and subsequent addendums, six candidates were considered in the selected coverage area. Four (4) of these candidates were ruled out as they did not meet the coverage objectives for the proposed facility, primarily driven by topography issues such as insufficient height, unable to project above canopies of nearby trees etc. Overall results are summarized in table 1 below.

Table 1 – Summary of previously considered Candidates (as presented in SoEE dated December 2019)	
Candidate	Reason Location was Discounted
<p>A. RFNSA site number: 2257007 Address: 223 Scenic Road, Killcare Heights Zoning: E3 Environmental Management</p> <p>Proposal: Replace existing 29m steel monopole and install a new taller monopole with network providers along-side NSW Police co-located on same structure.</p>	<p>NSW Police has its own telecommunications equipment on the site. This existing facility is near the boundary of the coverage area. A site in this location will not meet the RF requirements for the site. It is also close to existing Optus facility S1289 at Macmasters Beach and thus does not provide the required in-fill coverage.</p>
<p>B. Address: 223 Scenic Road, Killcare Heights Zoning: E3 Environmental Management</p> <p>Proposal: Install antennas and ancillary equipment on top of the water reservoir.</p>	<p>The site is too far outside of the search area and it does not achieve the required height nor the objectives outlined by Optus. Furthermore, given the small size of the lot, its constraints with underground services and swept paths to access the water reservoir for maintenance all restricted the land area where a compound could be located.</p>
<p>C. Address: 37 Wards Hill Road, Killcare Heights Zoning: E4 Environmental Living Owner: Central Coast Council</p> <p>Proposal: Install antennas and ancillary equipment on top of the water reservoir.</p>	<p>Council are not supportive of attaching telecommunications equipment to the water reservoir tank. Equipment attached to the water reservoir tank would restrict the ability to maintain both the proposed telecommunications facility and the water reservoir tank in terms of access, repair, structural capacity and maintenance.</p>
<p>D. Address: 37 Wards Hill Road, Killcare Heights Zoning: E4 Environmental Living Owner: Central Coast Council</p> <p>Proposal: Erect a new monopole with an overall structure height of 33m.</p>	<p>This candidate is considered to have the least impact on the surrounding environment and best meets the coverage requirements. The design and configuration adopted is sympathetic to the surrounding landscape. With a willing landowner and access readily available, this candidate was considered the best to progress given the constraints in the surrounding area.</p>
<p>E. Address: National Park, Wards Hill Road, Killcare Heights Zoning: E1 National Parks & Nature Reserve Owner: State of NSW</p> <p>Proposal: Erect a new monopole within NSW National Parks land.</p>	<p>Tree clearing would be required to establish an asset protection zone to meet NSW Rural-Fire-Service. Tree clearing would also be required to establish a compound area and access track.</p> <p>Near the edge of the coverage area. A site in this location will not meet the RF requirements for the site.</p>
<p>F. Address: National Park, Hawke Head Drive Box Head Zoning: E1 National Parks & Nature Reserve Owner: State of NSW</p> <p>Proposal: Erect a new monopole within NSW National Parks land.</p>	<p>As with candidate E, tree clearing would also be required to establish a compound area and access track and an asset protection zone to meet NSW Rural Fire Service requirements. Furthermore, these locations are too far outside the search area and, again, given the challenging topography these locations were further discounted from a radio frequency perspective.</p>

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As a result of the first consultation period and submission feedback received, a second site selection process was undertaken to consider locations where reasonable confidence dictated that the site location would satisfy the required coverage objectives. It is noted that, most of these locations are low density residential developments with high amenity value limiting the opportunities. The results of this secondary review are presented as follows (refer to figure 23):

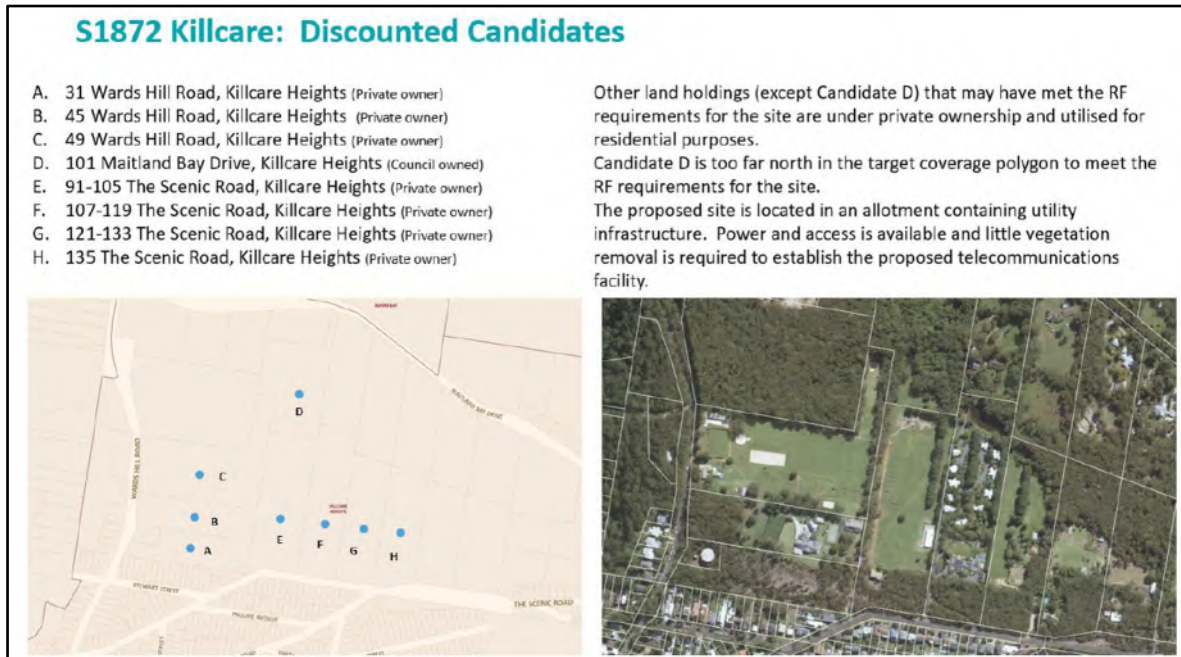


Figure 23: Location of Second Site Selection Candidates (A-H)

All candidates (except for candidate D) are private land holders that may have met the RF requirements for the site but are under private ownership and utilized for residential purposes. Candidate D is Council owned land but, it is too far north within the target coverage area to meet the RF requirements for the site selection.

As such, given the above summarised site selection process and considerations, due to the natural topography characteristics of the area and associated impacts of radio frequency performance and existing utility services, it was determined that the most suitable and viable location was that of 37 Wards Hill Road Killcare Heights. Based on this conclusion the Applicant has made considerable effort to best fit the telecommunication facility on the subject site allotment.

Context and Site sitting


As outlined previously, and as a result of the first consultation period and submission feedback received, the proposed facility's reduced distance from Wards Hills Road and

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subsequent visual impact upon immediate surrounding residents, Council requested a review of the building footprint (lease area) relocation within the subject site.

As such, the applicant undertook the study of four possible relocation areas within the subject site. The criterion and options for relocation within the site are summarised as follows (refer to table 2 and figure 24):

- 1 To remain consistent with the proposed location as per the Development Application lodged in December 2019;
- 2 To remain within the existing site footprint but rotating the compound 180 degrees to allow for a moderate increase in separation to the roadway;
- 3 Moving north to locate the facility at the northern most portion of subject land, aligned with the existing access point;
- 4 Partial shift to align with the existing pump room; and
- 5 Relocation of the footprint to the rear (southern) portion of the subject land.

Table 2 – Alternative locations considered within Subject Land	
Location Considered	Benefits and Constraints
<p>1. Original proposed location</p>	<p>This location was originally considered most viable however after consideration of matters raised during community consultation and based on Council engineering feedback, it was determined alternate locations within the subject land needed to be reviewed.</p>
<p>2. Remaining within existing site footprint but flipping the compound to allow for moderate increased separation from the roadway.</p>	<p>This location allows for the proposed monopole to be moderately setback from the property boundary, reducing the visual impact of the proposal to residential dwellings in the locality and to Wards Hill Road. Further setback was not possible due to Council’s engineering requirement to have the facility setback by a minimum of 3m from underground services, specifically the undergrounded water pipe. Subsequently this distance needed to be adjusted in line with Hydro excavation findings.</p>
<p>3. Moving north to site the facility (in yellow) at the northern most portion of subject site, aligned with existing access point.</p> 	<p>This location is depicted within the below mark-up. Whilst originally considered viable, this location was not acceptable to Council W&S due to its potential impact on accessibility and maintenance of the other utilities on the subject land. Council’s water reservoir is a crucial water asset within the Central Coast Council and any facility constructed within the subject land cannot compromise the existing functionality of the property.</p>

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<p>4. Partial shift to align with the existing pump room.</p>	<p>This location allowed the facility to be further setback off Wards Hill Road and aligned with the existing pump room. However, due to Council's specific requirements for a 3m setback from underground utilities (as discussed in relation to Option 3 above), this location was not acceptable to Council.</p>
<p>5. Option 5 Relocation to the rear (southern) portion of the subject land.</p>	<p>This location was originally considered during the 2018 site selection process for the proposed facility. This location was ruled out as Council Water and Sewer staff could not support the facility being located anywhere east of the pumping station. This was due to the risk to buried water mains and Council's infrastructure in general. As a result, this location could not be pursued.</p>



Figure 24: Indicative Locations considered on Subject Site

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After consultation with Council (especially with Water and Sewer Engineers), Option/Location 2 was determined to be the most viable given the it best fit the existing above and below ground mains service infrastructure which is to include considerations of ongoing maintenance requirements of operations on the subject site. It also created and improved the most distance possible (although moderate from original plans) from Wards Hill Road street frontage with possibilities to create a more substantial buffer with screen landscaping. As previously outlined, the preferred option has:

- amended the facility compound orientation;
- reduced both the Optus and Telstra lease areas (from 91m² to 61m²);
- reduced the quantity of antennae (from 10 to 6) on the monopole;
- incentivized Optus to utilize a smaller scaled outdoor unit as opposed to larger equipment shelter;
- moderately improved the distance from Wards Hill Road to the monopole tower (from 2.7m to 7.4m); and
- created some additional land space to improve landscaping and buffer from street frontage (from 0.5m to 3.51m).

Once the preferred option was established Council Water and Sewer Engineering team requested and reiterated that the below asset management requirements be accounted for when mitigating the visual impact:

- A minimum of 3m separation from underground services to be verified by means of a Hydro-excavation survey to physically peg out the exact location of the 300mm watermain running parallel to the existing electrical building;
- Maintain at least 1m from all other underground services and assets;
- Steel plate to be installed across the access way for protection of existing services; and
- Utilisation only of the northern access gate for Optus ingress and egress.

It is acknowledged that although the height of the monopole tower continues to be considerably above the land conditions of the locality and will be clearly visible from various vantage points, the re-orientation and alignment of the facility compound have improved the possibilities at the low ground level. Whilst not eliminating the visual impacts at the higher level of the monopole of the preferred option, it is considered that the alternative repositioning has improved the mitigating the effects on the streetscape and immediate neighbouring properties.

Built Form – Height, Bulk and Scale

The development of the telecommunications facility by typology can be perceived as a simple one storey building base with a maximum height of 3m with a monopole tower component of a maximum height of 33m. It is noted that the diameter/section of the supporting monopole tower tapers to the top, the main section averages 1.0m in diameter from the base up to 20m approximately and the top section from 20m to 33m averages a

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diameter of approximately 0.70m. We can conclude that although the monopole is very tall in height, it is of a slender tubular section and in proportion results in an appropriate modern but minimalistic architectural design style.

Whilst it is acknowledged that the height of the monopole is considerably above any of the surrounding properties in Killcare Heights and will be clearly visible from many other parts of the area, it is contained within pockets of heavy national park reserves and vegetated areas that contain tree canopies that easily surpass 20m in height. As such the aesthetic, visual bulk and scale of the monopole tower is considered adequate and overall to have minor detrimental amenity impacts on character of the area and residential surroundings.

Visual Impacts

As outlined throughout the report, the proposal's subject site is located to the east of the Bouddi Peninsula, in pockets of well vegetated national park and reserves that comprise of woodland communities typically 15m to 20m tall tree canopies. Killcare township and residences extend along the coastal edges, ridgelines and slopes rising from Hardy's Bay and Putty Beach and which are generally orientated towards ocean views.

It is noted that on a radius of approximately 70m to the west and south the immediate surrounding residential homes, the dwellings are located within pockets of the national park and reserve areas and typically located on the less elevated side of Wards Hill Road and of the subject site. They are therefore located from a depressed view-point position and mostly facing the perusal of the ocean views, resulting overall facing back to the road and ultimately with screened and/or filtered views of the subject site. To the north-east the properties are all large rural blocks the nearest being approximately 180m away which contains a good buffer zone of native vegetation and canopy trees (refer to figure 25).



Figure 25: Aerial View of Subject Site and contours of the land

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The proposal is accompanied by a Visual Impact Assessment report which outlines the assessment of various viewpoints representative of residential areas, open space and main streets within the suburbia and scenic roads/ routes considered to be directly of visual exposure to the subject site and monopole tower. A summarised photomontage analysis of these viewpoints illustrates the following visual impact results:



Figure 26: Aerial View of Sensitive Viewpoint Locations (Source: Google Earth)



Figure 27: View east from VP1 – The Scenic Road



Figure 28: View east from VP1 – The Scenic Road with proposed Tower photomontage in orange



Figure 29: View north-east from VP2 – Cnr Araluen Drive and Killcare Road



Figure 30: View north-east from VP2 – Cnr Araluen Drive and Killcare Road with proposed Tower photomontage in orange



Figure 31: View south-east from VP4 – Wards Hill Road



Figure 32: View south-east from VP4 – Wards Hill Road with proposed Tower photomontage in orange



Figure 33: View north north-west from VP5 – Stewart Street



Figure 34: View south from VP6 – Wards Hill Road

As indicated overall, the proposed monopole tower is expected to have minor to no visual impact for distant open spaces, townships, roads and general suburbia given the proposal will be screened by intervening vegetation. For those residential properties in the immediate vicinity, it is expected that higher impacts will be experienced from the upper part of the monopole and antennae. For those proximate streets and roads such as Wards Hill Road and Stewart Street low to moderate visual impact are expected especially for those homes that may not be fully oriented towards the ocean and/or could have some direct view angle without any vegetation or break in the tree canopies.

Council's Architect comments are summarised as follows:

The application proposes the construction of a telecommunications tower on a site adjacent to an existing water tower. The height is 33 metres above the ground line. It will be surrounded by an enclosure approximately 3 metre high.

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

Context and neighbourhood character

The site has residential buildings directly to west on the opposite side of Wards Hill Road approximately 55 metres from the tower and to the south approximately 70 metres from the tower.

The site of the enclosure is currently screened by approximately 40 trees and shrubs within the site and approximately 10 within the road reserve.

The application proposes to remove 33 trees including significant mature trees within the site that screen the tower and enclosure from Wards Hill Road. The application proposes to replace the removed trees with indigenous species.

Impact on adjoining sites

The tower is located between 55 and 79 metres from nearby properties. The tower will be visible from properties directly to the north and south but because of its distance from boundaries and the thin structure the visual impact is considered reasonable.

Visual impacts

The removal of mature trees will result a lack of screening of the tower and enclosure. It is understood that this is because the tower is in a bushfire zone and that new landscaping is proposed outside the APZ, however this will take many years to achieve a height and density capable of screening the tower and enclosure.

Overshadowing

The tower will result in overshadowing of properties to the south east and south west. It will cast a shadow of approximately 90 metres to the south west and south east at 9am and 3pm on June 21 but because of the tower is narrow, the area of shadow falling on adjoining sites is minimal and is considered to have little detrimental impact on amenity.

Conclusion

It is acknowledged that the application will be visible from parts of the wider area and adjoining sites. The retention of existing trees would have mitigated this visual impact but the removal of all existing trees will expose the tower and associated enclosures to view from the Ward Hill Road.

It is recommended that an arborist investigate retaining and pruning existing trees and possibly providing landscaped earth mounding on the western (Wards Hill Road) boundary to provide addition screening in addition to proposed new planting.

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

Overall, it is considered that the aesthetics of the monopole tower is generally acceptable as the structure is tapered and slender in its proportions, is made of material and colour that is matt and not reflective. Similarly, the low-level shelter equipment will be of a 'pale eucalyptus' colour to ensure compatibility with the hue of the proposed screening vegetation along the western boundary facing Wards Hill Road is found acceptable. A thorough assessment of the proposed development's impact on the built environment has been undertaken and the proposal is considered to be compatible with, and will not adversely impact on, the character and amenity of the growing community locality, public recreation areas residential suburbia and streetscape.

Natural Environment

The proposal for a telecommunications facility is found to be satisfactory in relation to impacts on the natural environment as identified throughout this report and as follows:

- The proposal is on Council owned land dedicated to infrastructure services - Water Reservoir;
- The subject site does not contain
 - Rainforest;
 - Coastal dunes;
 - Wetland vegetation or swap;
 - dams, ponds or watercourse (aquatic habitat);
 - a native vegetation corridor; or
 - riparian vegetation
- The proposed works are contained within an existing cleared area and required NSW RFS 10m APZ area of the subject site;
- The native vegetation present within the subject site comprises of the PCT 1627 Smooth-barked Apple - Turpentine - Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast with species characteristic of the PCT 1645 Old Man Banksia - Rough-barked Apple - Bangalay shrubby open forest on coastal sands of the Central Coast;
- Both PCTs do not correspond to any Threatened Ecological Communities (ETCs) listed under the *Biodiversity Conservation Act 2016* (BC Act) or *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- The total clearing impact area for these works is estimated at 0.037ha which falls below the 0.5ha clearing threshold of native vegetation under the BC Act 2016;
- The native vegetation proposed for removal within the subject site is not identified on the NSW biodiversity Values Map;
- No tree hollows or fauna habitat features of significance were identified as occurring within the impacted area;
- No threatened flora species or threatened ecological communities were observed within the subject site;
- The vegetation surrounding the property is identified as an existing wildlife corridor and will not be impacted as a result of the proposal;

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

- The formulation and subsequent implementation of the formal landscape plan within the subject site is to replace at least eight (8) native trees; and
- Landscaping also likely to provide a small-scale replacement of some of the fauna foraging habitat lost with the landscape. Given the fenced nature of the existing site any fauna value of vegetation within the compound is likely restricted to mobile avian and arboreal species.

In these circumstances, the development is considered acceptable in terms of impact of the proposed works as assessed against the biodiversity values to determine if the changes in the landscape are consistent with the natural environment of the locality.

Economic Impacts

The proposed development will have beneficial economic impacts bringing reliable communication services to the locality, boosting stability and ease of communication and trading services at all levels the local economy.

Social Impacts

The proposed development will have beneficial social, health and safety, emergency, finance, technological, educational, cultural, historical, tourism and leisure impacts as it will provide greater range and quality mobile phone coverage for the residents of Killcare Heights, Killcare, Box Head, Hardy's Bay, Wagstaff, Booker Bay and Ettalong residents.

Safety, Maintenance and Vandalism

The Public Interest

The approval of the application is considered to be in the public interest. The proposal constitutes essential infrastructure aimed at providing enhanced network coverage within Killcare Heights and surrounding areas which is currently identified as experiencing insufficient and deficient coverage.

The proposal has been designed to the maximum extent possible that achieves consistency with the desired future character of the area and result in the lowest visual impact achievable to the surrounding areas.

Submissions

The development application was notified between 15 January 2020 to 30 January 2020 (**Notification 1**) in accordance with *Gosford Development Control Plan 2013* (GDGP 2013): Chapter 7.3 Notification of Development Proposals. Subsequently, the notification period was extended from 30 January 2020 to 14 February 2020 due to Council ePlanning online portal issues. A total of 59 submissions (including 2 Community Associations) were received by Council - 38 Objections and 21 in support.

3.1 **DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)**

It is noted that in addition to notifying adjoining properties, Council determined the application to be of a significant community interest and therefore elected to notify surrounding landowners in accordance with section 7.3.2.2 of the GDCP 2013. This resulted in the notification process being expanded to include those properties within a 200m radius from the proposal to be formally notified. The decision of a 200m radius was based on the submitted Environmental EME Report that displayed residences up to 200m away as being at greatest exposure to EME and which generally constitutes a key concern for the locality.

Amended plans were submitted responding to the issues raised in submissions and matters raised during Council Officers initial assessment. These amended plans and addendums to SoEE (received by Council on 11 March 2021) addressing matters raised included but were not limited to the following amendments:

- realignment and horizontal mirroring of building footprint within the same quadrant to allow an extended distance between the front boundary line and the center line of monopole tower whilst maintaining the 3m separation to underground services;
- reduction of building (lease areas) footprint from 96m² to 61m²;
- reduction in quantity of antennae on monopole tower from 10 to 6; and
- increased front boundary area to allow for more landscaping and tree replacement opportunities.

The amended proposal was considered by staff with appropriate delegation to determine whether the amendments were minor or would result in no additional impacts. The relevant delegated member of staff was of the opinion that the amendments to the proposal were minor and resulted in no additional impacts. It was contained within the same quadrant area, reduced the lease area footprint (from 95m² to 61m²) and the quantity of antennas on the monopole tower (from 10 to 6) (refer to figures 13, 14, 15 & 16). As such, the amended proposal was not required to be re-advertised or re-notified, pursuant to cl 7.3.2.10(c). of *Gosford Development Control Plan 2013*.

However, because of the number of submissions received as a result of the advertising and notification of the original application, it was decided to re-advertise and re-notify this amended proposal. A second notification process was conducted on 19 March 2021 to 26 April 2021 (re-**Notification 2**) in accordance with Chapter 7.3.2.4 of *Gosford Development Control Plan 2013*. The amended development application was initially re-notified on 19 March 2021 to 12 April 2021. Subsequently, the notification period was extended from 12 April 2021 to 26 April 2021 due to Council e-Planning online portal issues. The original submitters, surrounding landowners and relevant community associations were re-notified of the amended proposal.

A total of twenty-seven (27) submissions (including 2 Community Associations) were received by Council – 18 objections and 9 in support.

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

During the final assessment phases of the development application Council Water and Sewer Engineers requested that the hydro-excavation survey be actioned to form part of the final set of plans to be approved. As such, the applicant provided and submitted final amended plans and letter /addendum to SoEE (received by Council on 03 May 2021) to reflect the findings of the Hydro-excavation surveying and on-site pegging. The final amended plans are the same as the re-notified plans except for a 1.11m shift of the building (lease area) footprint towards the west. Additionally, a Cl. 4.6 Exception to Development Standards variation for the non-compliance associated with Height of Building (HOB) (Cl. 4.3 (2)) of GLEP 2014 was submitted by the applicant as part of the addendum to SoEE. As such a third notification process was conducted on 25 June 2021 to 16 July 2021 (re-**Notification 3**) in accordance with Chapter 7.3.2.4 of GDCP 2013.

A total of eleven (11) submissions were received by Council – 8 objections and 3 in support.

As previously mentioned, during the re-notification 3 process, Council was made aware that the publication of the last revised/additional information for DA57736/2019 had not displayed in a correlated form and/or user-friendly manner onto the e-planning portal as a result of the overall large amount of content on file and inherent upload system. As such, a fourth notification process was conducted on 14 July 2021 to 4 August 2021 (re-**Notification 4**) in accordance with Chapter 7.3.2.4 of GDCP 2013.

A total of nine (9) submissions were received by Council, all objections.

Those matters associated with key issues have been addressed in the report here within. 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 issues in the submissions in relation to the proposal are detailed below.

- *The proposal is too tall and does not meet minimum height requirements for the site.*

Comment: Clause 4.3(2) of the Gosford Local Environmental Plan 2014 states that the height of a building on any land is not to exceed the maximum height indicated on the Height of Buildings Map. Council's LEP prescribes a maximum height of 8.5m for the subject land and the proposed telecommunications facility exceeds this height by 24.5m or 88.2%. However, Clause 4.6 does allow Council to consider proposals that contravene development standards. Clause 4.6(3) states consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

In addition, development consent must not be granted unless:

- a. the consent authority is satisfied that:
- i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The applicant has provided council with a request for exemption to the development standard contained under Clause 4.3 concerning height. Justification for non-compliance with the development standard has been outlined below:

'...The nature of telecommunication facilities requires the radio frequency equipment, such as antenna, to sit elevated above the surrounding structures and vegetation. Greater height of radio frequency equipment allows the signal to propagate further, providing more effective coverage to a greater area from the facility. A 33m height is the minimum height required to allow the radio signal to provide coverage to the appropriate area. A 33m height allows for signal to be uninterrupted by surrounding buildings and trees and accounts for surrounding topography.....If the proposed development was to comply with the building height requirement of 8.5m it would not effectively meet the coverage objectives of the facility. This would therefore make the proposed facility unviable for Optus. This would not be effective co-ordination of orderly development...'

Given the above mentioned, Council must consider that the application sufficiently demonstrates that compliance with the development standard for height is unreasonable and that the application to the best of its ability, provides the most reasonable outcome with regards to height limits and other relevant development standards.

- *Visual Impacts of the proposed tower*

Comment: It is acknowledged that the proposed monopole tower will be seen from various points within the locality. This is predominantly due to the nature of a telecommunications tower which must have a minimum height and a direct line of site to all target coverage areas to ensure appropriate operation. Complete compliance with development standards involving visual impacts is likely to result in contradiction to the purpose of a telecommunication tower. Furthermore, as it is reasonably established that there are no design or location alternatives to provide an essential service, it is therefore considered unreasonable to expect further compliance options in this regard.

Council recognises that the proposal incorporates a design that will reduce visual impacts

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

however, it is noted that the characteristics of a telecommunications tower will continue to be felt in the locality. Nevertheless, completely denying the nature of an infrastructure service is unavoidable and not considered as reasons to warrant refusal of the application as per the case of *Telstra Corporation Limited v Palerang Council [2009] NSWLEC 1391*.

- *...E4 Environmental Living I thought was for low impact housing on this type of land not a 30m tower...*

Comment: Telecommunication facilities are prohibited within the E4 zoning but permissible under the ISEPP. The proposal involves the installation of an infrastructure which provides an essential service to nearby residential areas. Although the proposal is of a scale that is larger than what is currently existing, the chosen monopole design together with the slender antenna 'crown' will aim to reduce any significant variance to the desired low-density residential profile of surrounding areas.

- *...Concerned re graffiti which is already on the old building but will be more visible with the proposed tower. From the road the tower is unsightly & ginormous which does not suit the bush setting where it is to be based. There is no proposed vegetation to camouflage the tower but even if there were it would still be an eyesore.*

Comment: Noted. The amended plans have realigned and mirrored the Building (lease areas) footprint to firstly push back the monopole tower from Wards Hill Road as much as possible into the site. And create additional area to provide more landscaping and tree replacement near the streetscape in line with bushfire APZ requirements. The applicant has also provided an on-site operational management plan that outlines protocols for various items including but not limited to , upkeep of , Draft Schedule 1 includes Conditions of Consent to be complied with on this matter.

- *... My late husband made an extensive submission against the tower when it was first proposed late in 2019. This amended application has done nothing to right the issues to which he objected..*
- *... The current proposed siting and plan for a mobile tower at 37 Wards Hill Road needs reconsideration. The planned removal of trees would expose the sight of this extremely ugly structure to nearby residents and passersby and is an affront to the rural landscape and character of the area...*

Comment: Noted. The site has many natural and infrastructure underground services constraints. The applicant was requested to investigate further alternative locations within the subject site. Unfortunately, the research and sketch plans completed only confirmed that the best position to erect the telecommunications structure is in that front west quadrant. It is expected that they will be able to provide some extra screening planting and tree replacement now that there is some extra area near the front boundary.

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- *Throughout, Council has proceeded upon the basis that the subject land is operational land, that is incorrect...The terms of the proposed resolution were omitted...as a result the purported classification was nullity, as such that s31(2A) of the Act had effect and the land was taken to be classified as Community land...*

Comment: Noted. Due diligence documentation provided by Council Property Officer and preliminary review by Council Legal Advice Services (LAD) on:

- 1 the legality of the process and resolution pursuant to minutiae of the Local Government Act of the Operational land classification contained in Gazettal Notice dated 24 July 1998, including but not limited to Lot 1 DP616676 at 37 Wards Hill Road; and
- 2 Assertion that "the terms of the proposed resolution" were correct and did not contain omissions.

In summary, it is the view of LAD that the 1998 notice of the proposed resolution clearly indicated the intention to classify the land as operational therefore was not in breach of any procedural requirement in that regard. Notwithstanding the fact that it was resumed in 1983 by Department of Public Works (PWD) for the Gosford Wyong Water Supply scheme and transferred to former Gosford City Council (fGCC) by PWD in 1998 pursuant to s.59 of the LG Act. It is noted that S.59 does not mandate that land vested in a Council under that section must be classified as community... The nature of this land (and the other land vested in Council at the same time being land used for the supply of water) is quintessentially operational. It is used by Council in its operations as a water supply authority. As such, the classification of the land is operational land under S.59 of the LG Act is correct.

- *This fourth further submission became necessary because the Council's e-portal did not, with clarity, reveal what documents were referable to an addendum dated 28 April 2021 to the SEE dated December 2019...The re-submissions, confusing sharing of data, and incorrect dates have caused confusion for those effected by this DA...*

Comment: Noted. Council is looking into the process of uploading information in a more orderly and systematic methodology within a vast quantity of information contained in the e-portal planning system. Notwithstanding, it does recognize that applicants must also conform to the universal systems created to submit amended plans and documentation with revisions and dates accordingly.

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Submissions from Public Authorities

There have been no submissions from any Public Authorities.

Internal Consultation

Environment and Public Health Officer	Supported subject to conditions 1.1, 4.12, 4.13 and 6.17 . See comments below.
Environment Officer	Supported subject to conditions 1.1, 2.18, 2.9, 3.16, 4.11, 4.13, 4.14, 4.16, 4.17 and 4.18 . See comments below.
Tree Assessment Officer	Supported subject to conditions 1.1, 4.11, 6.11 and 6.12 . See comments below.
Water and Sewer	Supported subject to conditions 1.1, 2.5, 2.6, 2.7 and 5.10 .
Council Architect	Supported without conditions

Environmental Health

Council's Environment and Public Health Officer has reviewed the applicant and provides the following comments:

'Acid Sulfate Soils (ASS)

The land is in Class 5 (Works within 500m of Class 1, 2, 3 or 4 and below 5m) ASS. The Environmental Health Team has no concerns in relation to ASS.

Air

The proposal is not expected to impact on the region's air quality.

Asbestos Containing Material

The Environmental Health Team has no concerns regarding asbestos.

Contamination

The land is not mapped as a potential or known contaminated site. Council records do not indicate potentially contaminated historic land uses. The Environmental Health Team has no concerns in relation to contaminated land.

Noise

The proposal states installation and associated works will take approximately 2 weeks. Noise is expected during construction however this will be temporary. The SoEE states air

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conditioning equipment will be housed in the equipment shelter however will be comparable to a domestic air conditioner. Standard condition applied.

Radio Frequency Electromagnetic Emissions (RF EME) Exposure

The proposed is located approximately 70m to the nearest residential dwelling. The SEE has been prepared generally in accordance with the requirements set out in the Industry Code C564:2018 Mobile Phone base Station Deployment ("the Code") (Communications Alliance Ltd) and NSW Telecommunications Facilities Guideline including Broadband ("the Guidelines") (NSW Government, 2010). The Code and Guidelines outlines specific requirements for site selection, design, construction and operation, including providing an EME Environmental Report in the format provided by the Australian Radiation Protection and Nuclear Safety Agency (ARPNSA) to demonstrate maximum predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority (ACMA) and the Electromagnetic Radiation Standard (2002).

The proposal includes an amended EME Environmental Report to align with the revised location. The maximum EME level calculated for the proposed at 169m from the location is 2.02% of the public exposure limit of the ARPNSA EME Standard. This is an acceptable calculation as it is well below the maximum exposure standard of the ARPNSA EME standard.

Mobile base stations are designed to operate at the lowest possible power level to accommodate only the number of customers using the facility at any one time, therefore the base station operates at a minimum not maximum power level (called "adaptive power control"). The EME level in the report is the worst-case scenario.

The Environmental EME Report indicates the proposed will accommodate 3G and 4G systems. Any upgrading of the tower to accommodate future systems (such as 5G) will require an amended Environmental EME Report to be submitted to Council. Condition applied.

The proposal also provides addition safeguards to limit EME exposure by limiting public access to the monopole and equipment cabinet by installation of anti-climbing devices, security fencing on compounds and the appropriate EME signage.

Soils

The area of soil disturbance is indicated on site plans as 95m². The SEE states erosion and sediment controls will be implemented in accordance with the Blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom, 2004). Standard conditions applied.

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Water

No waterways traverse the site. The Environment and Public Health Team has no concerns. As such, Council's Environment and Public Health Officer is supportive of the proposal subject to conditions.

Water and Sewer

Council's Water and Sewer Engineers have reviewed the application and provide the following comments:

'A Section 307 certificate will be required. Building in proximity to pipelines conditions apply. ie Crane, vehicles etc can't be located in a location that could crush the water mains. Northern access must be exclusively used. Or no boring methods that cause vibration like piling for tower footings.

A lease is being prepared, and evidence of an agreement in place is required. Conditions to consider for a S306 include application to technical services, BOS, providing contact info to civil etc.'

As such, Council's Water and Sewer team is supportive of the proposal subject to conditions.

External Consultation

NSW Rural Fire Service (RFS)	Supported subject to condition 1.1, 3.12, 3.13, 3.15 and 6.14 . See comments below.
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Bushfire Assessment

The subject site is mapped as "bushfire prone land. A bushfire report and subsequent report addendums prepared by ECO Logical Au Pty Ltd have been submitted with the proposal which was referred to the NSW Rural Fire Services (RFS) for comment under Section 4.14 Environmental Planning and Assessment Act 1979.

The NSW RFS has by correspondence dated 17 March 2020, advised that the Service has considered the information submitted and provides recommended conditions as follows summarised:

'Asset Protection Zones

- 1. Any part of the subject property within 10 metres of the proposed towers and buildings (shelters) shall be managed in perpetuity as an inner protection area (IPA). The IPA must comprise:*

**3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights -
Telecommunications Tower (contd)**

- *Minimal fine fuel at ground level;*
- *Grass mowed or grazed on a frequent basis;*
- *Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;*
- *Trees and shrubs located far enough from buildings so that they will not ignite the building;*
- *Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;*
- *Minimal plant species that keep dead material or drop large quantities of ground fuel;*
- *Tree canopy cover not more than 15%;*
- *Tree canopies not located within 2 metres of the building;*
- *Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and*
- *Lower limbs of trees removed up to a height of 2 metres above the ground.*

Construction Standards

2. *New construction of the equipment shelters shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.*
3. *Where practicable, the proposed communication tower shall be non-combustible.*
4. *Any other Class 10b structures as defined per the 'Building Code of Australia' shall be non-combustible.*

Water and Utility Services

- 5 *The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*

Landscaping Assessment

- 6 *Landscaping within the inner protection (IPA) is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.*

The comments of the NSW Rural Fire Service are noted and where applicable, have been included as suitable conditions of consent. (**Refer Conditions 1.1, 3.12, 3.13, 3.15 and 6.14**)

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 native 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 its assessment of the application.

This assessment has included consideration of such matters as potential 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:

Telecommunications Act 1997

The Telecommunications Act 1997 sets up the framework for regulating the actions of telecommunications carriers which includes the installation of any telecommunications facilities. This is achieved through subclause 6(3) of schedule 3 of the act which gives authority to the Telecommunications (Low-impact Facilities) Determination 2018 (TD 2018). The TD 2018 is the instrument containing criteria which specifies when a telecommunications carrier is empowered to undertake any proposed works without approval. In this instance, the proposal is concerned with the installation of a monopole and does not satisfy the criteria specified in the TD 2018, therefore approval is required from the consent authority which in this case is Council.

Under the *Telecommunications Act 1997* the Federal Government established the *Telecommunications Code of Practice 1997*, which sets out the conditions under which a carrier must operate. Section 2.11 of the *Telecommunications Code of Practice 1997* sets out the design, planning and installation requirements for the carriers to ensure the installation of the facilities is in accordance with 'industry best practice'. This is required to:

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower (contd)

"...minimise the potential degradation of the environment and the visual amenity associated with the facilities." [Section 2.11(3)]

Best practice also involves the carrier complying with any relevant industry code or standard that is registered by the Australian Communications Authority (ACA) under Part 6 of the Act and includes the *Mobile Phone Base Station Deployment Industry Code (C564:2018)* (The Deployment Code).

The Deployment Code came into effect 17 December 2018, development of The Deployment code has been facilitated by the Communications Alliance through a working committee comprised of representatives from the telecommunications industry and government regulatory agencies and is an ultimate result of intentions of the Commonwealth Parliament as set out under Section 112 of the *Telecommunications Act 1997*. The Deployment Code is designed to:

- Allow the community and councils to have greater participation in decisions made by carriers when deploying mobile phone base stations; and
- Provide greater transparency to local community and councils when a carrier is planning, selecting site for, installing and operating mobile phone radio communications infrastructure.

The proposal has been considered for consistency with the relevant clauses of The Deployment Code and relevant conditions have been included as part of this consent.

Development Contributions

The proposed development is a development type that is subject to section 7.12 development contributions under the Contribution Plan as the cost of works amount to that larger than \$200,000 threshold. Therefore, contributions to the amount of \$4,620 will be applicable in this instance. See **Condition 2.2**.

Water and Sewer Contributions

There are no water and sewer contributions applicable to the proposed development.

CONCLUSION:

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. 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 overall not expected to have adverse social or economic impact however, it is expected that to have a moderate impact on the built and

**3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights -
Telecommunications Tower (contd)**

natural environment. Notwithstanding, it is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, it is recommended that development consent be granted, subject to conditions set out in Attachment 1.

Attachments

- | | | |
|----------|--|-----------|
| 1 | Attachment 1 - Draft Conditions of Consent 37 Wards Hill Road
KILLCARE HEIGHTS | D14682577 |
| 2 | Attachment 2 - Amended Plans April 2021 LPP | D14682543 |
| 3 | Attachment 3 - PUBLIC Amended EME Report - 37 Wards Hill Road,
KILLCARE HEIGHTS | D14534539 |
| 4 | Attachment 4 - Addendum to Statement of Environmental Effects -
April 2021 - Location Update - Hydro Excavation Survey Complete -
28-04-2021 | D14625849 |

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 Lendlease Pty Ltd

Drawing	Description	Sheets	Issue	Date
S1872-P1	Site Layout	1	01	23/04/2021
S1872-P2	Site Elevation	1	01	23/04/2021
S1872-P3	Property Layout	1	01	23/04/2021
S1872-P4	Utility Layout	1	01	23/04/2021
L200	Tree Retention	1	A	09/02/2021
L201	Tree Retention with Aerial	1	A	09/02/2021
L202	Landscape Plan	1	C	09/02/2021
DWG-01	Underground Utility Survey	2	R0	24/06/2020

Supporting Documentation

Title	Document No.	Prepared by	Date
Statement of Environmental Effects (SoEE)	ECMD25477288	Urbis Pty Ltd	December 2019
Addendum SoEE	D14625849	Lendlease Pty Ltd	28 April 2021
Amended Flora & Fauna Assessment V3	D14534525	Eco Logical Au Pty Ltd	01 December 2020
ARPANSA Environmental EME Report	D14534539	Lendlease Pty Ltd	06 January 2021
Visual Impact Assessment Report	ECMD25477284	Urbis Pty Ltd	December 2019
Amended Bushfire Report V1	D14541724	Eco Logical Au Pty Ltd	30 November 2020

1.2. Carry out all building works in accordance with the Building Code of Australia.

1.3. Comply with the General Terms of Approval from the Authorities as listed below and

Title	Description	Document No.	Date
NSW RFS Determination	57736/2019 (CNR-3557) DA20200115000106	D13900757	17 March 2020

attached as a schedule of this consent

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Pay to Council a contribution amount of \$4,620.00 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](#)

- 2.3. Submit amendments to the approved plans to the Accredited Certifier pursuant to Clause 139 of the Environmental Planning Regulation 2000 that must detail:
- a. Landscape Plan
This condition must include any alterations to the development design

- 2.4. No activity is to be carried out on site until any 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 etc that are required by this consent.
 - c. Demolition

- 2.5. 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.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.6. Submit a site traffic access plan for approval with excavation method(s) proposed. No plant or vehicles shall traverse the site within the zone of influence of Council's Water Mains in accordance with Council's Building Over or Adjacent to Sewer and Water Main Guidelines. Site access shall be from the northern access only. No vibratory excavation/earth work to take place. A plan assessment fee applies.
- 2.7. Prior to issue of a construction certificate execute an agreement between Council and the operator of the telecommunication facility for installation of telecommunication infrastructure on Council land.
- 2.8. 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.
- 2.9. **Delineate edge of IPA and OPA (modified)**

Permanently delineate the edge of the bushfire Asset Protection Zone for the structure using fencing, posts, bollards or similar. Evidence of compliance to this condition is to be provided to Council.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
 - 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* 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.gosford.nsw.gov.au
- 3.3. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 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 may be contacted outside of working hours; and
 - a. That unauthorised entry to the work site is prohibited;
 - b. 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.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 3.6. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
- 3.7. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.8. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.9. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c. be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.10. 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.

- 3.11. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
- 3.12. Landscaping within the inner protection (IPA) is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- 3.13. Any part of the subject property within 10 metres of the proposed towers and buildings (shelters) shall be managed in perpetuity as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed on a frequent basis;

- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building;
- and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

3.14. The proposed communication tower shall be of non-combustible materials.

3.15. New construction of the equipment shelters shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) '*National Standard Steel Framed Construction in Bushfire Areas –2014*' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.

3.16. Submit a tree removal/retention survey plan to Council's Ecologist/Environment Officer for approval. The Plan for management of vegetation within the bush fire asset protection zones and driveway must be approved by Council. Tree retention is to be limited to a maximum of 14% canopy cover whilst adhering to all other relevant requirements of an Inner Protection Zone as per the NSW Rural Fire Service document, *Planning for Bushfire Protection (2019)*.

Trees to be retained/removed within the bush fire asset protection zone and driveway area are to be selected as per the following criteria:

Trees to be retained:

- hollow bearing trees
- larger healthy native trees
- trees containing nests or signs of fauna usage; and
- trees growing in clusters

Trees that may be suitable for removal:

- damaged trees or trees with poor structural form
- non-natives
- small/regrowth trees; and

- trees that are likely to damage assets or infrastructure

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 and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.5. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with *the Plumbing and Drainage Act 2011*.
This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).
- 4.7. 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*.

- 4.8. Pruning of trees to accommodate the works must be undertaken in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.
- 4.9. Cease work immediately in that area if any relics are uncovered during excavation on-site. Contact the Heritage Office in accordance with section 146 of *the NSW Heritage Act 1977*.

Work must not recommence until any necessary Excavation Permit has been obtained from the Heritage Council under section 140 of *the NSW Heritage Act, 1977*.

- 4.10. The facility tower is to be constructed of non-combustible materials and colours that are matt and non-reflective. The equipment shelters are to be of a 'pale eucalyptus' colour to ensure compatibility with the hue of the proposed screening vegetation.
- 4.11 Undertake the removal of trees as shown on the approved Tree Retention Plan by Urbis 9/2/21 in a manner so as to prevent damage to those trees that are to be retained.
- 4.12. Implement erosion and sediment control measures and undertake works in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.13. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the Protection of the Environment Operations Act 1997.
- 4.13 Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 4.14 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.
- 4.15 Manage native fauna appropriately during clearing and construction phase of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.

4.16 Stockpiling

Stockpiling will be undertaken within the approved works footprint.

Stockpiling will not be undertaken in locations that impact on adjacent areas of retained native, estuarine or aquatic vegetation or within a tidal or riparian 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.

4.17 Weeds and pathogens

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.

4.18 Bushfire Asset Protection Zone Management

Maintain native tree canopy cover within the prescribed Inner Protection Area (IPA) - Asset Protection Zone (APZ) at no less than 14% in perpetuity. Canopy coverage should be maintained and should not exceed 14%. Retained vegetation should be maintained in order to satisfy all other requirements of an IPA APZ.4.20 No native vegetation or tree removal is permitted under this consent.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.2. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.3. 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*.
- 5.4. Complete landscaping works in accordance with the approved landscape plan.
- 5.5. Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.6. Install lighting to telecommunication facility and access track in accordance with the requirements of Australian Standard 1158: *Lighting for roads and public spaces* and Australian Standard 2890.1.
- 5.7. 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.
- 5.8. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.9. Plant a minimum of 8 replacement tree(s) (advanced specimens min 200lt pot size). Replacement trees must be native species capable of achieving a minimum height of 20m. New trees are not to be located within an authority's service easement, or within 3m of an approved building. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.
- 5.10. Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate.

6. ONGOING OPERATION

- 6.1. Comply with On-Going Operation and Management and Use commitments detailed in the Operations Management Plan signed by Joanna Ward, 28 April 2021.

-
- 6.2. Load and unload Delivery/Maintenance vehicles wholly within the site. Delivery/Maintenance vehicles must enter and exit the site in a forward direction
 - 6.3. Manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
 - 6.4. Maintain all security fencing for the life of the development in the approved location.
 - 6.5. Maintain the site landscaping for the life of the development.
 - 6.6. Do not store goods, equipment, packaging material or machinery exposed outside the building so as to be visible from any public road or thoroughfare.
 - 6.7. Operate and maintain all external lighting so as not to impact on any adjoining property.
 - 6.8. Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.
 - 6.9. Implement the required Asset Protection Zone to the perimeter of the asset. The Asset Protection Zone must be fuel managed so as to maintain fuel loadings as detailed within *Planning for Bush Fire Protection Guidelines 2006* (NSW).
 - 6.10. Use external lighting that minimises overspill into retained vegetated areas.
 - 6.11. 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.
 - 6.12. 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.
 - 6.13. Service Waste Management in accordance with *Gosford Development Control Plan 2013*, Part 7: Chapter 7.2 - Waste Management, Appendix H.
 - 6.14. The entire property must be managed as an inner protection area (IPA) in perpetuity. The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed on a frequent basis;

- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building;
and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

6.15 The facility is to be removed and the site restored to a condition similar to that before construction once the facility is no longer required.

6.16 Do not give rise to electromagnetic energy emissions greater than the maximum amount specified in the Radiation Protection Series No. 3 Standard by the Australian Radiation Protection and Nuclear Safety Agency.

6.17 Any upgrades to the Telecommunications Facility will require an Environmental (EME) report to be submitted and approved by Council.

6.18 Use external lighting that minimises overspill into retained vegetated areas.

6.19 **Bushfire Asset Protection Zone Management**

Maintain native tree canopy cover within the prescribed Inner Protection Area (IPA) - Asset Protection Zone (APZ) at no less than 14% in perpetuity. Canopy coverage should be maintained and should not exceed 14%. Retained vegetation should be maintained in order to satisfy all other requirements of an IPA APZ.

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.

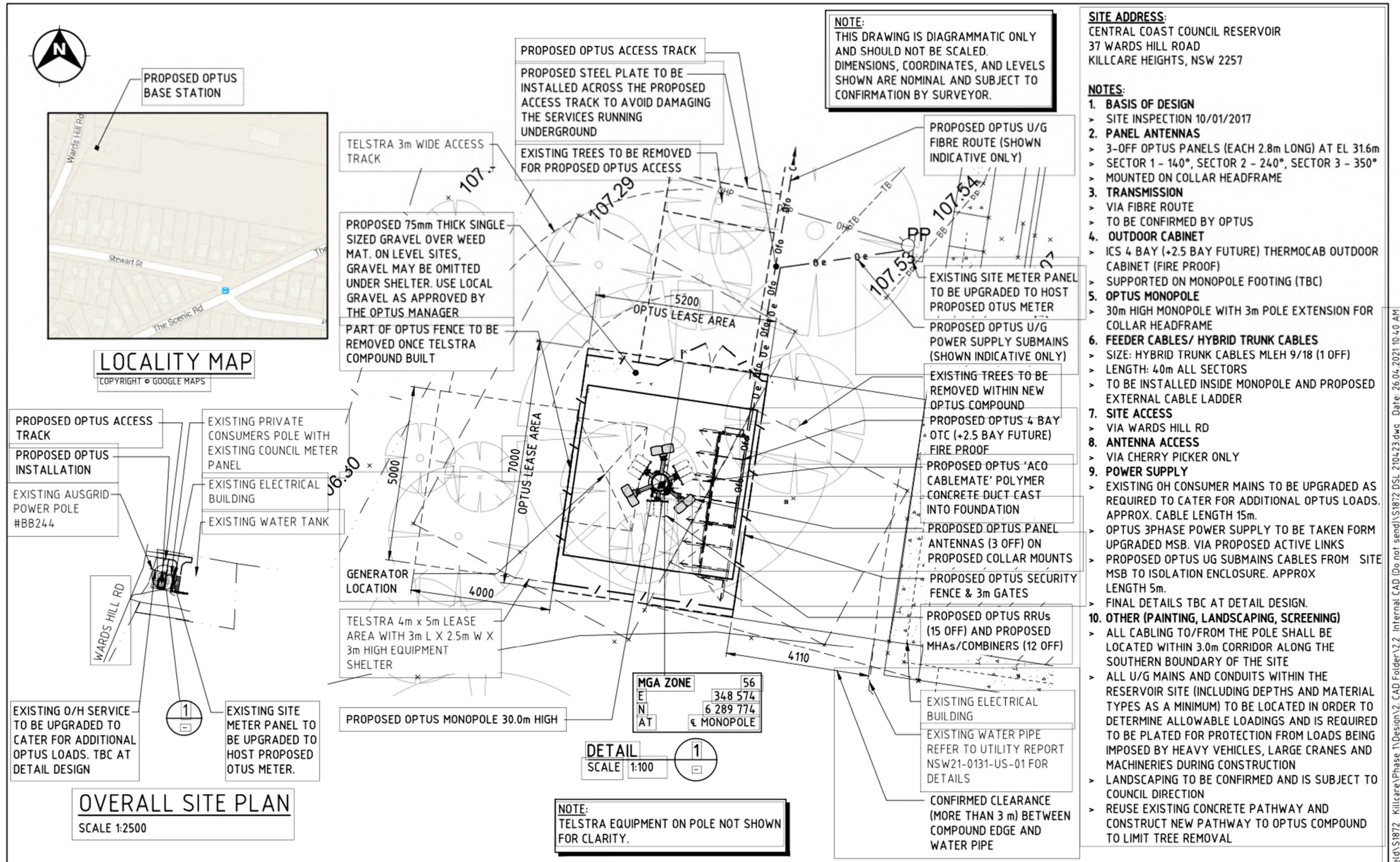
ADVISORY NOTES

- It is an offence under the National Parks and Wildlife Act 1974 to disturb an Aboriginal artefact without a Permit.
- Offence to harm native protected fauna
It is an offence under the Biodiversity Conservation Act 2016 to harm protected native wildlife. If during works fauna is displaced, it must not be harmed.

If required works will cease and fauna will be transferred to the nearest veterinary hospital and Councils Ecologist will be notified within 24hrs.
- 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 who may have separate requirements in the following aspects:
 - a. *Australia Post* for the positioning and dimensions of mailboxes 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.
- The 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.

- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au
- 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.
- The operation of all mechanical plant equipment and machinery must not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.



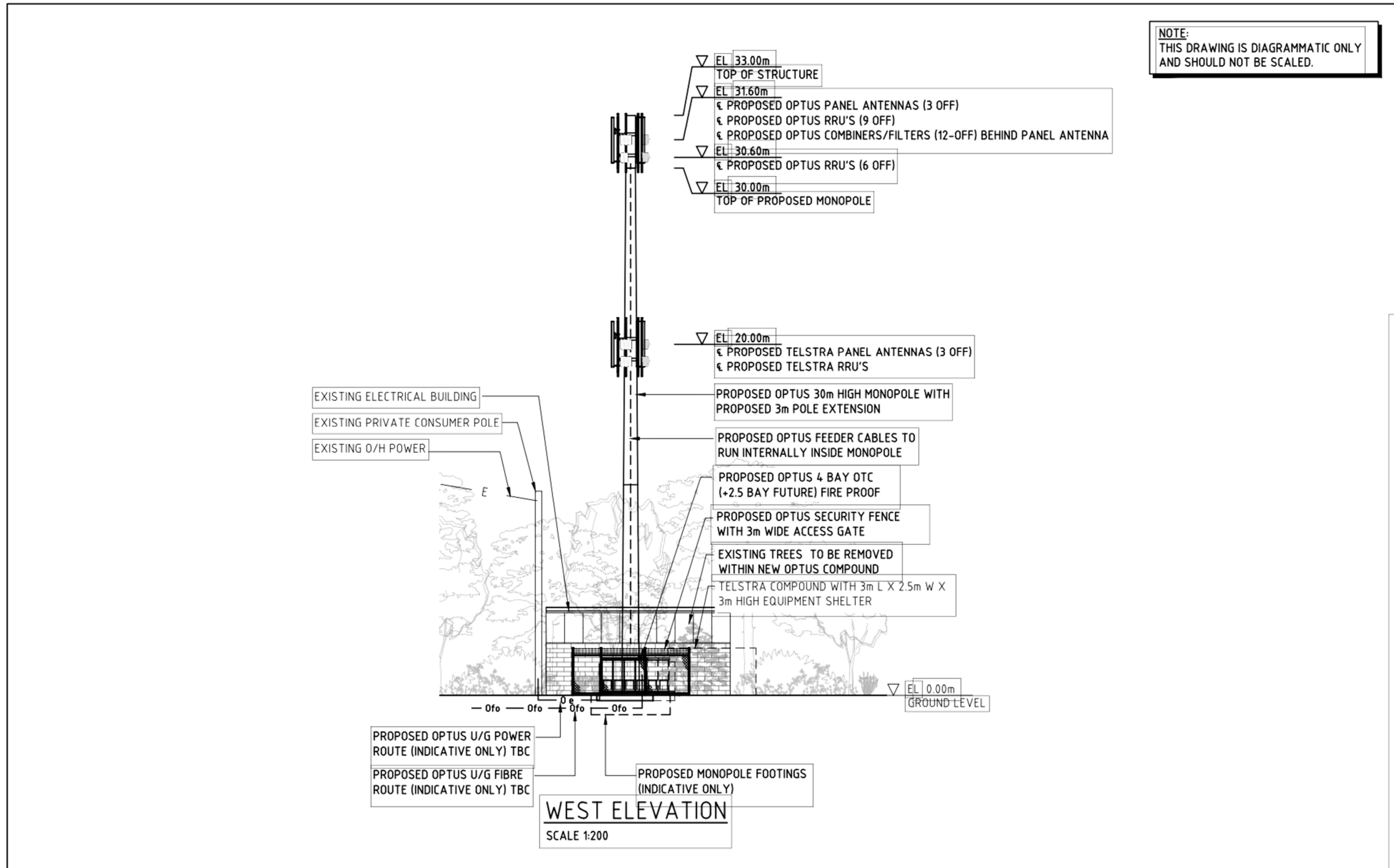
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 Project: SITE No:- S1872
 KILLCARE
 CENTRAL COAST COUNCIL RESERVOIR

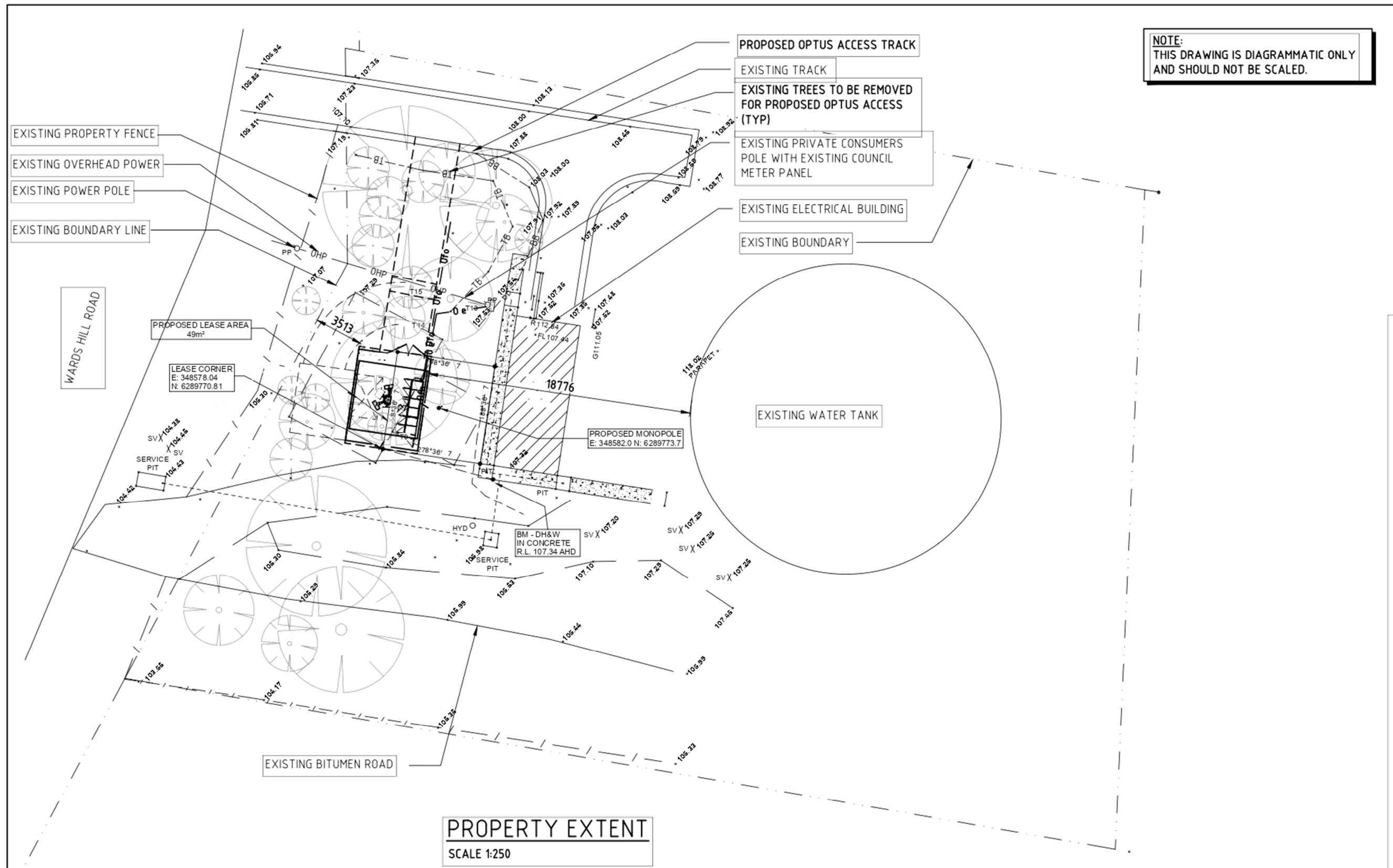
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 Drawing Status: FOR APPROVAL
 Drawing No. S1872-P1
 Revision 01

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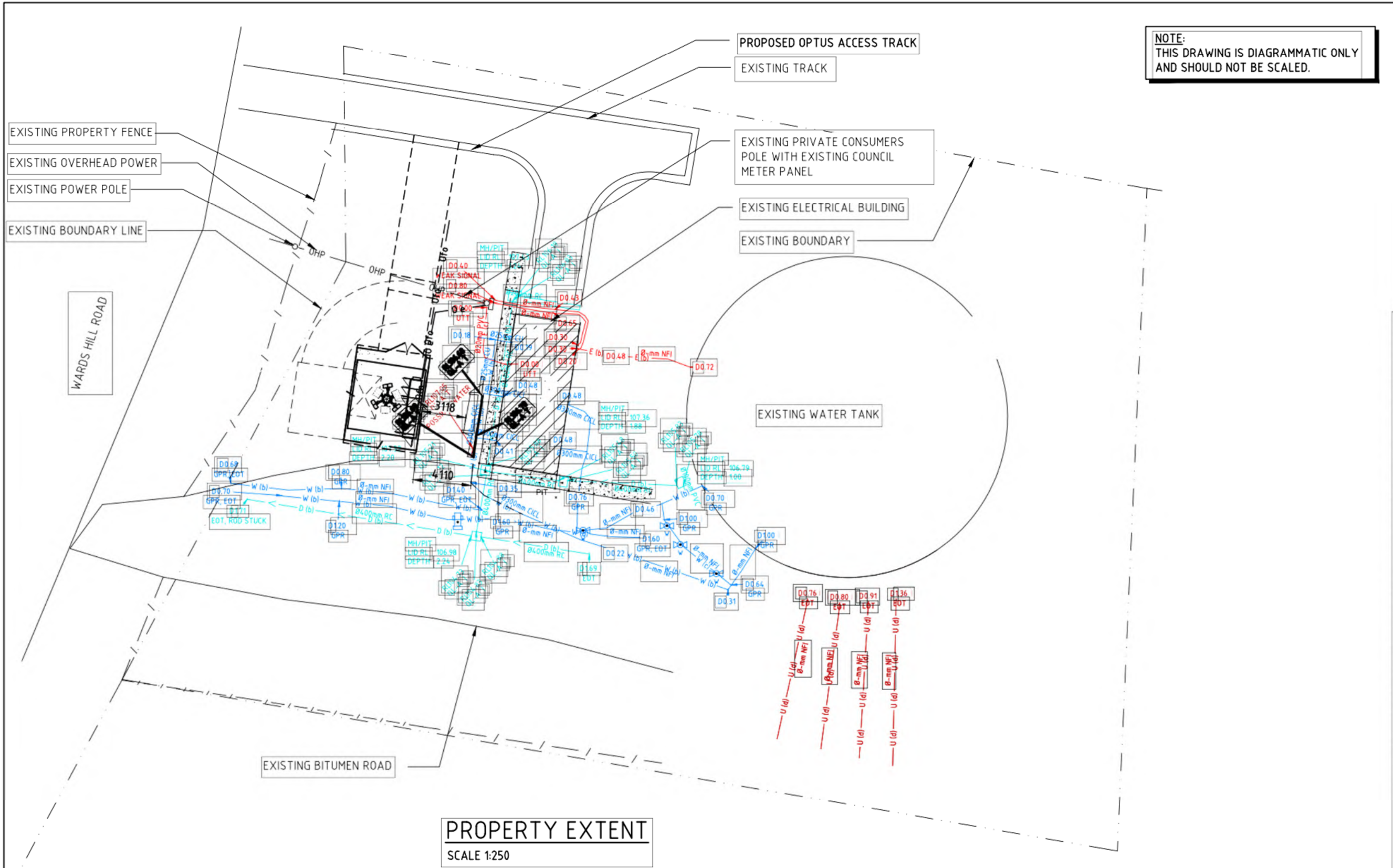
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NOTE:
THIS DRAWING IS DIAGRAMMATIC ONLY
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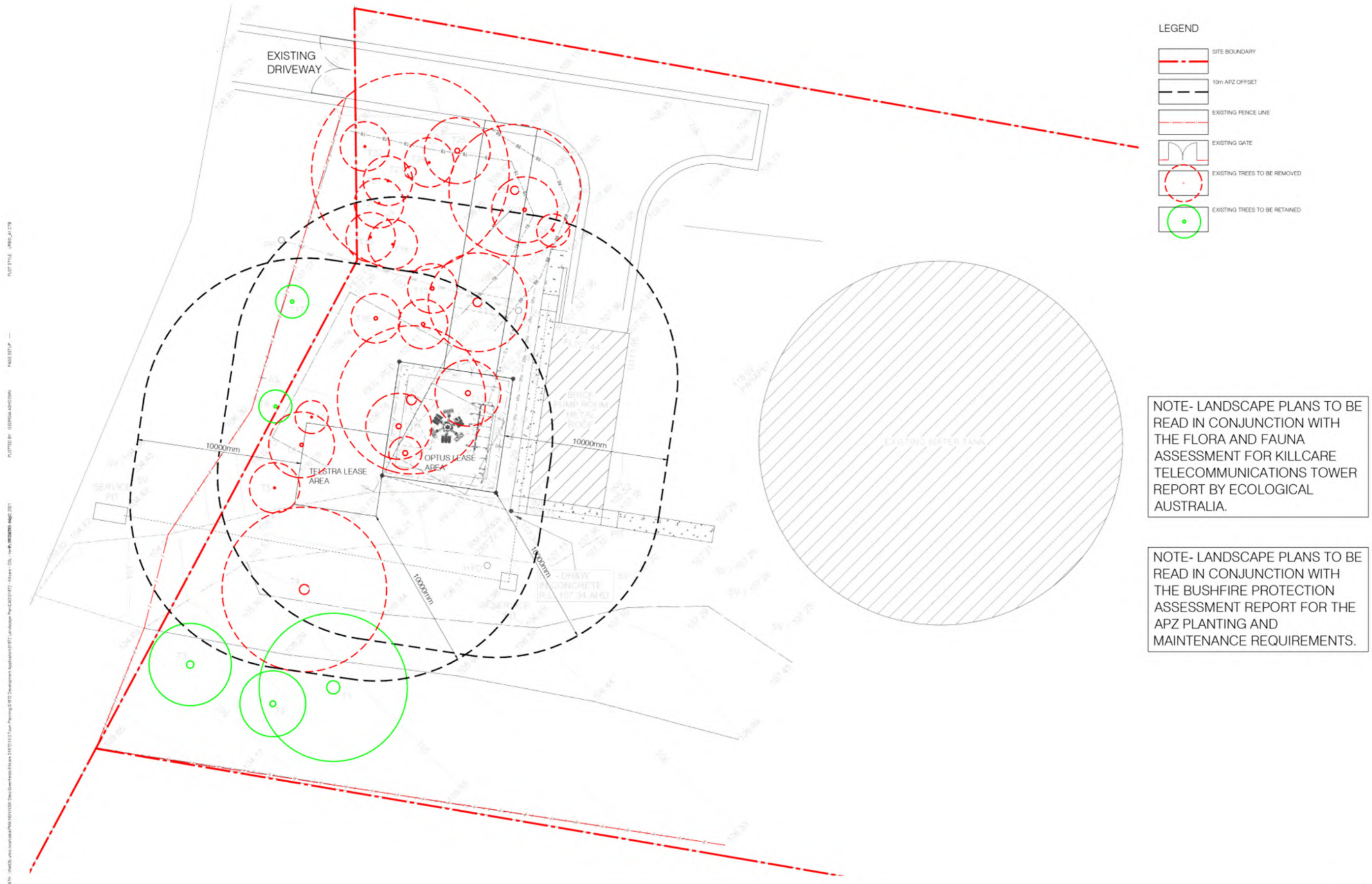
Project:
MOBILE NETWORK AUSTRALIA
SITE No:- S1872
KILLCARE
CENTRAL COAST COUNCIL RESERVOIR

Drawing Title:
DRAFT UTILITY LAYOUT

Drawing Status:
FOR APPROVAL

Drawing No.
S1872-P4

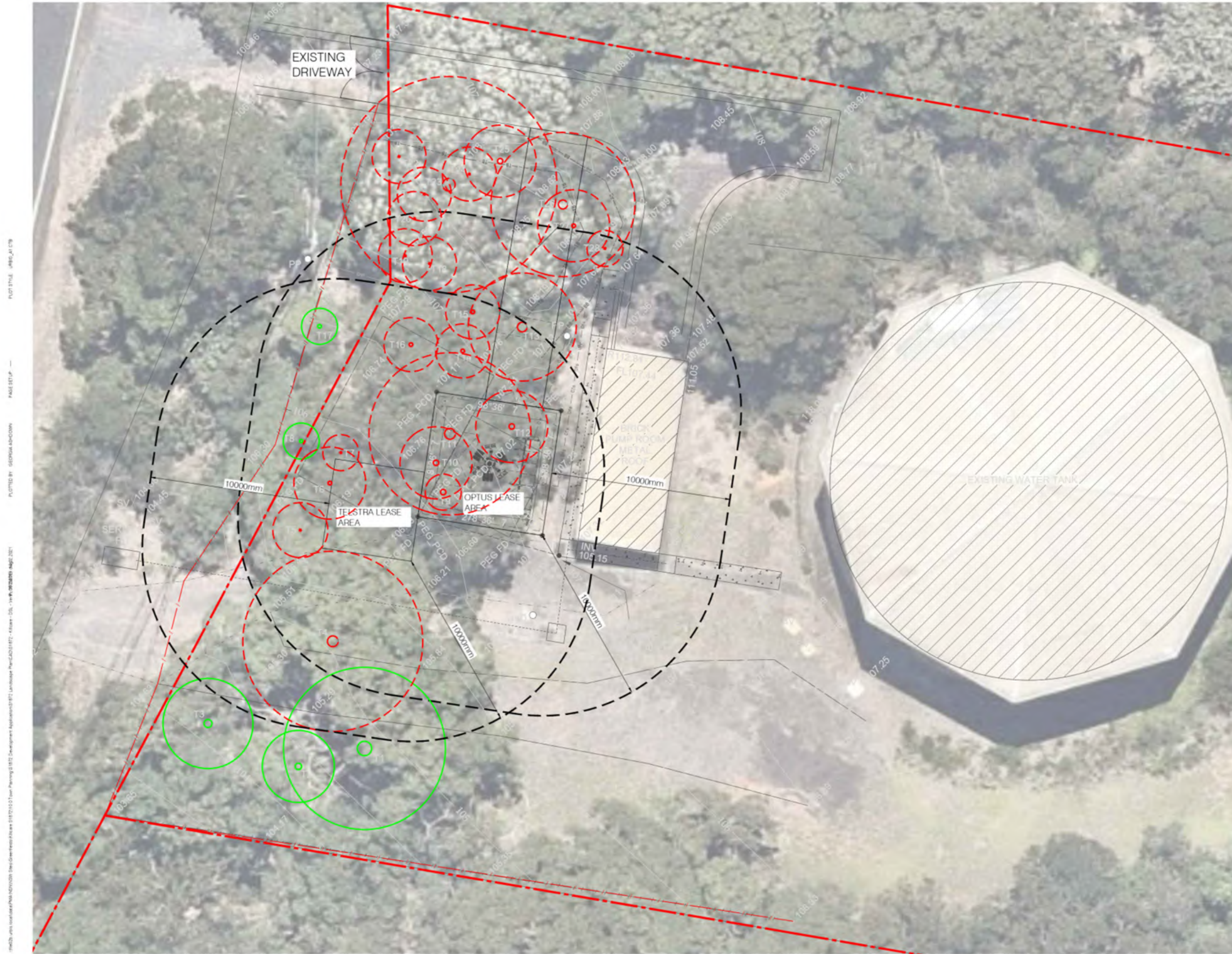
Revision
01



NOTE- LANDSCAPE PLANS TO BE READ IN CONJUNCTION WITH THE FLORA AND FAUNA ASSESSMENT FOR KILLCARE TELECOMMUNICATIONS TOWER REPORT BY ECOLOGICAL AUSTRALIA.

NOTE- LANDSCAPE PLANS TO BE READ IN CONJUNCTION WITH THE BUSHFIRE PROTECTION ASSESSMENT REPORT FOR THE APZ PLANTING AND MAINTENANCE REQUIREMENTS.

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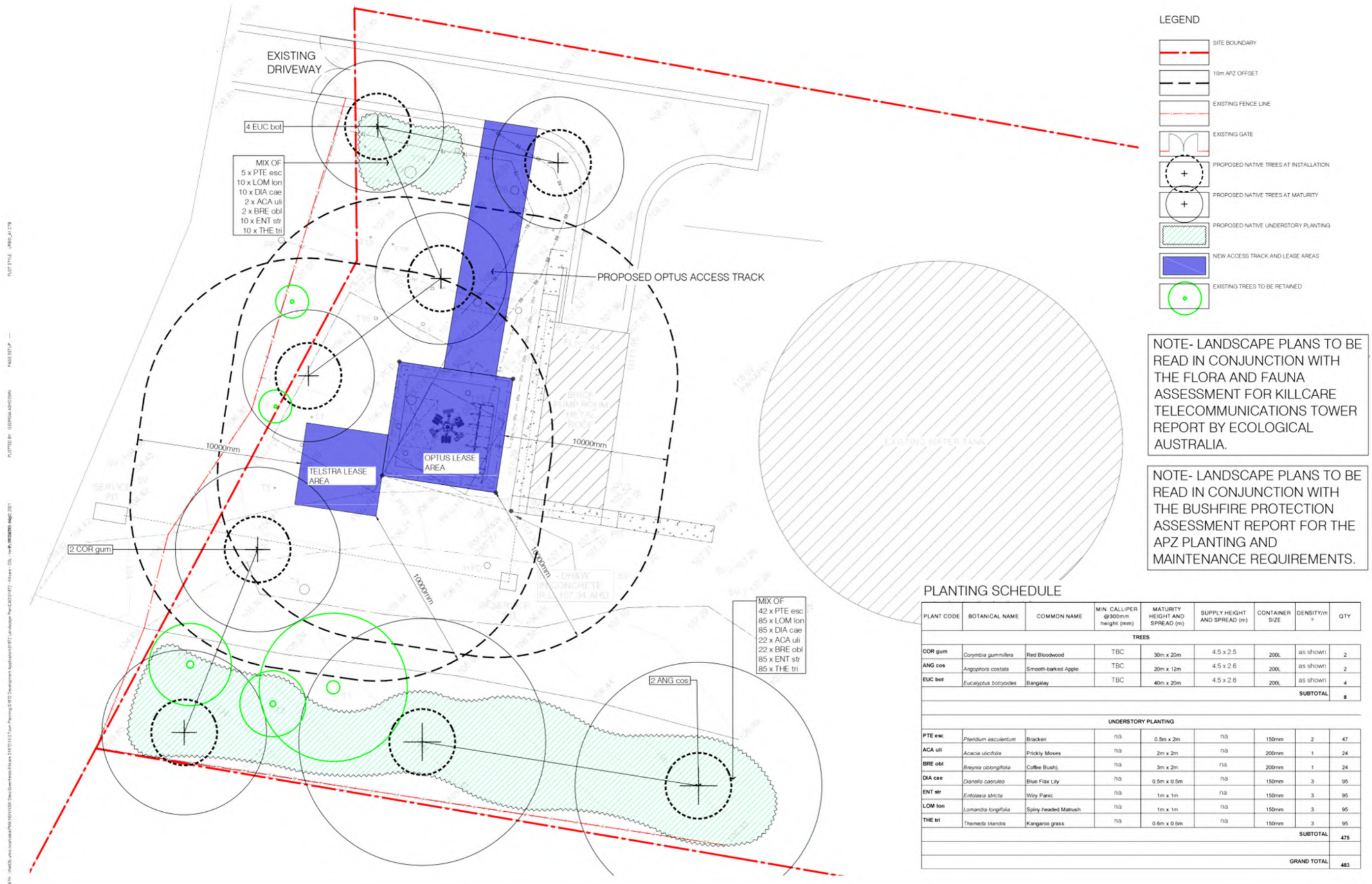
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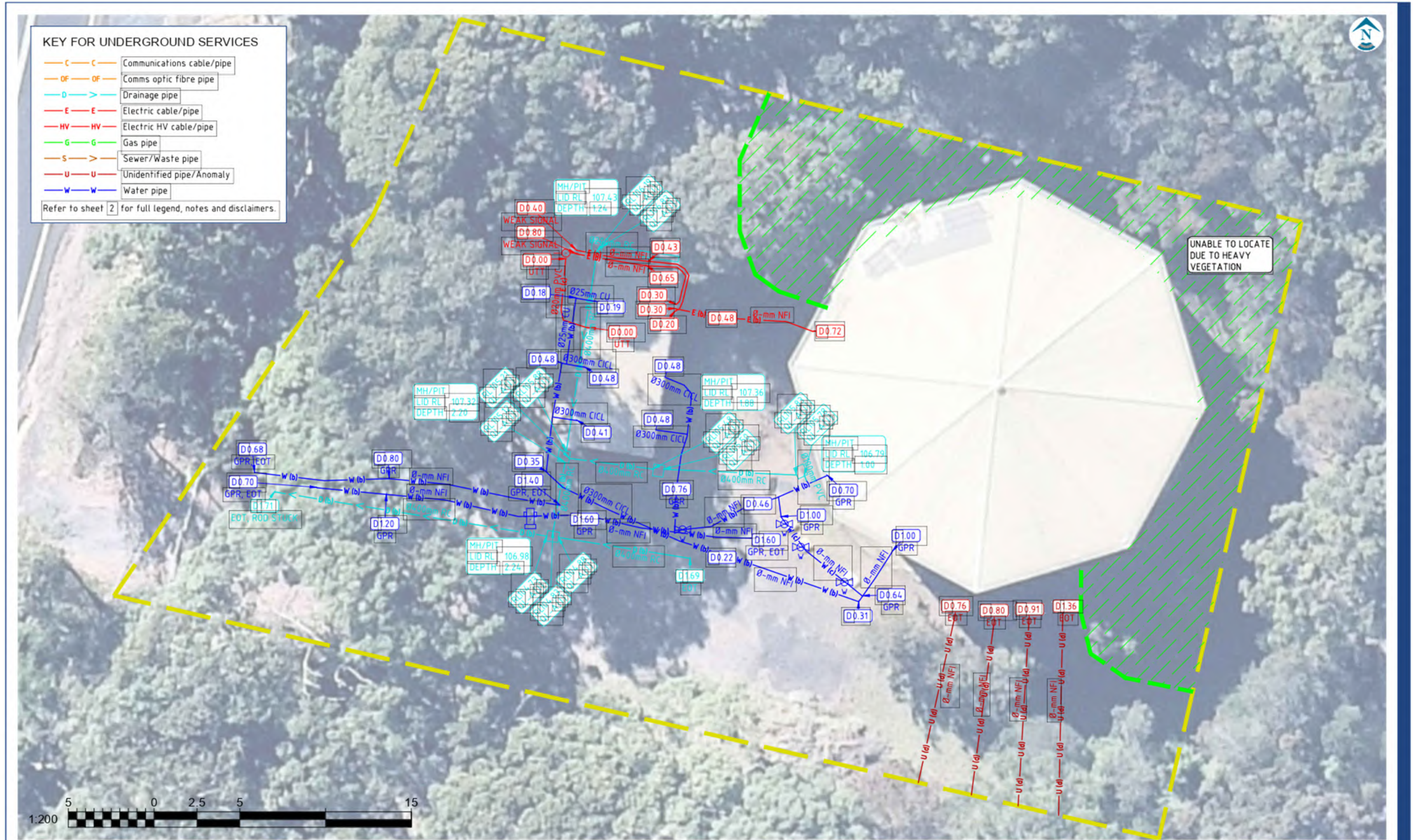
- SITE BOUNDARY
- 10m APZ OFFSET
- EXISTING FENCE LINE
- EXISTING GATE
- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO BE RETAINED

NOTE- LANDSCAPE PLANS TO BE READ IN CONJUNCTION WITH THE FLORA AND FAUNA ASSESSMENT FOR KILLCARE TELECOMMUNICATIONS TOWER REPORT BY ECOLOGICAL AUSTRALIA.

NOTE- LANDSCAPE PLANS TO BE READ IN CONJUNCTION WITH THE BUSHFIRE PROTECTION ASSESSMENT REPORT FOR THE APZ PLANTING AND MAINTENANCE REQUIREMENTS.

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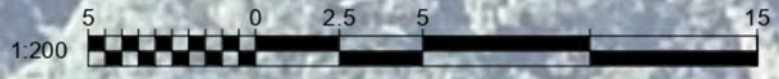


KEY FOR UNDERGROUND SERVICES

C	Communications cable/pipe
OF	Comms optic fibre pipe
D	Drainage pipe
E	Electric cable/pipe
HV	Electric HV cable/pipe
G	Gas pipe
S	Sewer/Waste pipe
U	Unidentified pipe/Anomaly
W	Water pipe

Refer to sheet 2 for full legend, notes and disclaimers.

UNABLE TO LOCATE DUE TO HEAVY VEGETATION



<p>Unit 8, 3 Gibbes Street Chatswood NSW 2067</p> <p>Ph: 1300 62 77 46 Mail: sydney@utilitymapping.com.au Web: www.utilitymapping.com.au</p>				<p>LEND LEASE UNDERGROUND UTILITY SURVEY 37 WARDS HILL ROAD KILLCARE HEIGHTS NSW</p>				<p>LOCATED: CR CHECKED: SN DATE: 24/06/2020 SURVEYED: GC SCALE AT A3: 1:200 DATUM: AHD DRAWN: HM DBYD REF: 19276909 GRID: MGA20 Z56</p>						
				<p>STATE/YEAR JOB No DRG TYPE DRG No REV</p> <p>NSW20 0270 US 01 R0</p>				<p>SHEET 1 OF 2</p>						
REV	REVISION DESCRIPTION	DATE	DRN	CHK										

SUBSURFACE UTILITY INFORMATION (SUI) AS5488 CLASSIFICATION
 QUALITY LABELING UTILITY INFORMATION BY A CLASSIFICATION CODE ALLOWS THE USER OF THIS INFORMATION TO UNDERSTAND CLEARLY HOW THE INFORMATION WAS COLLECTED AND THEN PLACE AN APPROPRIATE AMOUNT OF RELIANCE ON IT. PROJECT RISKS RELATED TO UNDERGROUND UTILITIES CAN THEN BE PROPERLY MANAGED.

QUALITY A:
 INFORMATION IS THE HIGHEST POSSIBLE LEVEL OF ACCURACY AND IS OBTAINED EXPOSING THE UNDERGROUND UTILITY USING A NON DESTRUCTIVE EXCAVATION (POT HOLING) TECHNIQUE. THE VERTICAL INFORMATION FOR THIS LOCATING METHOD IS TO THE TOP OF THE SHALLOWEST PART OF THE LOCATED SERVICE. THE 3D LOCATION IS RECORDED AS AN X,Y,Z COORDINATE. EXPECTED HORIZONTAL AND VERTICAL ACCURACY IS +/-50mm.

QUALITY B:
 INFORMATION IS COLLECTED BY DESIGNATING THE HORIZONTAL AND VERTICAL LOCATION OF UNDERGROUND UTILITIES BY USING ELECTROMAGNETIC PIPE AND CABLE LOCATORS, SONDES OR FLEXI TRACE, GROUND PENETRATING RADAR AND ACOUSTIC PULSE EQUIPMENT. THIS IS THE MOST COMMON FORM OF UTILITY LOCATING AND ALTHOUGH AN X,Y, AND Z AXIS CAN BE ESTABLISHED IT IS NOT ALWAYS ENTIRELY ACCURATE DUE TO DIFFERING ELECTROMAGNETIC FIELDS, SOIL CONDITIONS AND MULTIPLE BANKS OF CABLES AFFECTING THE LOCATING SIGNAL. EXPECTED HORIZONTAL ACCURACY IS +/-300mm; VERTICAL ACCURACY +/-500mm.

QUALITY C:
 INFORMATION IS COLLECTED BY CORRELATING THE SURVEY OF VISIBLE UTILITY SURFACE FEATURES SUCH AS MARKER PLATES OR WATER HYDRANTS AND ACQUIRED DIAL BEFORE YOU DIG PLANS TO DRAW A STRING WHICH SHOWS THE APPROXIMATE POSITION OF SERVICES. THIS METHOD DOES NOT USUALLY SHOW MULTIPLE BANKS OF CABLES AND DOES NOT ALWAYS SHOW THREE DIMENSIONAL INFORMATION. EXPECTED HORIZONTAL ACCURACY (SURFACE FEATURES ONLY) IS +/-300mm.

QUALITY D:
 INFORMATION IS THE MOST BASIC LEVEL OF UTILITY LOCATIONS USING ONLY INFORMATION BASED ON EXISTING DIAL BEFORE YOU DIG PLANS OR OTHER RECORDS AND BY MEASURING BOUNDARY OFFSETS ETC. THIS METHOD OF UTILITY LOCATION SHOULD ALWAYS BE TREATED AS AN INDICATION OF THE PRESENCE OF A SERVICE ONLY AND SHOULD NOT BE USED FOR DESIGN. TOLERANCE DOES NOT APPLY TO AN INDICATIVE LOCATION THAT IS ATTRIBUTED TO QUALITY LEVEL D.

DETECTION DISCLAIMER:
 ELECTROMAGNETIC LOCATING TECHNIQUES AS WELL AS GROUND PENETRATING RADAR HAVE BEEN UTILISED IN THE LOCATION OF UNDERGROUND SERVICES. THESE RESULTS ARE NOT INFALLIBLE AND A NON DESTRUCTIVE DIG PROCESS SHOULD BE CARRIED OUT TO CONFIRM SERVICE IDENTIFICATION, POSITIONS AND PARTICULARLY HEIGHTS, WHERE THESE ARE CRITICAL. ALTHOUGH ALL REASONABLE EFFORT HAS BEEN MADE IN LOCATING AND MAPPING THE UNDERGROUND SERVICES, THE COMPLETE EXTENTS OF THE THIS UTILITY SURVEY INFORMATION CANNOT BE GUARANTEED.

SURVEY TECHNIQUE DISCLAIMER:
 ALL SURVEY INFORMATION COLLECTED BY UTILITY MAPPING SHOWN ON THIS PLAN HAS BEEN SURVEYED USING GNSS AND TPS SURVEY METHODS. EXPECTED MINIMUM ACCURACY OF GNSS SURVEY DATA IS +/-50mm. ACCURACY IS SUBJECT TO VARIATION DEPENDANT ON SITE CONDITIONS AND SURVEY CONTROL NETWORK SOURCES. AFOREMENTIONED TOLERANCE PROVIDED SHOULD BE USED AS A GUIDE ONLY AND REVIEWED ON A PROJECT BY PROJECT BASIS.

THIRD PARTY INFORMATION DISCLAIMER:
 ALL FEATURES SHOWN IN GREY HAVE BEEN TAKEN FROM EXTERNAL SOURCES AND AS SUCH UTILITY MAPPING CANNOT VERIFY THE ACCURACY OF THIS INFORMATION. CONTACTING THE RELEVANT PROVIDER IS RECOMMENDED FOR THE LATEST INFORMATION.

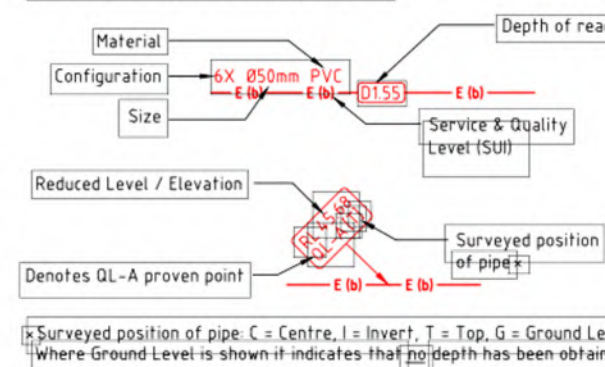
AERIAL IMAGERY DISCLAIMER:
 AERIAL IMAGERY HAS BEEN SUPPLIED UNDER A COMMERCIAL LICENCE AGREEMENT AND IS NOT TO BE REPRODUCED FOR ANY OTHER PURPOSES OTHER THAN THAT INTENDED BY UTILITY MAPPING UNDER ANY CIRCUMSTANCE WITHOUT WRITTEN APPROVAL. FEATURES SHOWN ON IMAGERY ARE INDICATIVE ONLY AND MAY NOT REPRESENT THE TRUE AND FINAL POSITION OF FEATURES ON SITE.

KEY FOR UNDERGROUND SERVICES

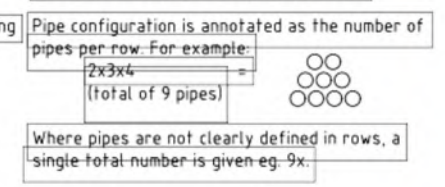
AIR	Air line	OIL	Oil pipe
CH	Chemical cable/pipe	RC	Rail counter cable/pipe
C	Communications cable/pipe	S	Sewer/Waste pipe
OF	Comms optic fibre pipe	P	Sewer pressure main pipe
D	Drainage pipe	TC	Traffic cable/pipe
ER	Electric earth cable/pipe	U	Unidentified pipe/Anomaly
E	Electric cable/pipe	W	Water pipe
DB	Electric direct buried cable	MUD	Underground storage tank
HV	Electric HV cable/pipe	EMPTY	Empty duct
F	Fuel pipe	O/H	Overhead service
G	Gas pipe		Survey Boundary
IR	Irrigation pipe		Cable/Pipe group or duct
CW	Chilled water pipe		Trench scar
HW	Heated water pipe		

A	Air pit centre		Fuel access point		Sewer main marker
	Air valve	F	Fuel pit centre		Sewer connection
CH	Chemical pit centre		Fuel valve		Sewer flush point
	Chemical valve		Gas bottle		Sewer inspection opening
	Comms main marker		Gas meter		Sewer inspection shaft
	Comms pillar		Gas main marker		Sewer pit centre
	Comms pole		Gas pit centre		Sewer pipe vent
C	Comms pit centre		Gas test point		Sewer valve
	Drainage connection		Gas valve		Traffic camera
	Drainage down pipe	I	Irrigation pit centre		Traffic pit centre
	Drainage pump		Irrigation sprinkler		Traffic signal light
D	Drainage pit centre		Irrigation valve		Traffic sensor
	Electric dome		Mechanical chilled water valve		Unknown main marker
	Electric earth cover		Mechanical hot water valve		Unknown pit centre
	Electric earth spike	ME	Mechanical pit centre		Unknown valve
	Electric junction box	O	Oil pit centre		Water bore
	Electric light		Oil valve		Water connection
	Electric light pole		Rail junction box		Water fire hose
	Electric main marker		Rail light		Water hydrant
	Electric power pole	R	Rail pit centre		Water meter
E	Electric pit centre		Rail signal control box		Water main marker
I	Electric sign centre		Rail traffic signal		Water pump
				W	Water pit centre
					Water tap
					Water valve
					Characteristic change
					Pothole (indicative)
					Miscellaneous pipe riser
					End of trace

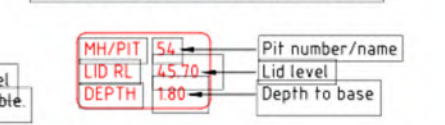
EXPLANATION OF PIPE ANNOTATION



EXPLANATION OF CONFIGURATION



EXPLANATION OF PIT ANNOTATION



EXPLANATION OF SUBSURFACE UTILITY INFORMATION (SUI AS5488)

- E (a) Denotes electric pipe/cable verified to QL-A
- E (b) Denotes electric pipe/cable verified to QL-B
- E (c) Denotes electric pipe/cable verified to QL-C
- E (d) Denotes electric pipe/cable verified to QL-D

ABBREVIATIONS FOR UNDERGROUND SERVICES

AC Asbestos cement	NLA Not located - route assumed
ALK Alkathene	NLI Not located - route plotted from on-site information
BR Brick	NLR Not located - route plotted from records
CI Cast iron	NLT Not located - plotted from visible trench scar detail
CIEL Cast iron cement lined	NVP No visible pipes
CONC Concrete	UTF Unable to find
CU Copper	UTGA Unable to gain access
DI Ductile iron	UTL Unable to lift
DICL Ductile iron cement lined	UTR Unable to rod
DIPL Ductile iron poly lined	UTS Unable to survey
EW Earthenware	UTT Unable to trace
FG Fibreglass	BL Base level
GI Galvanised iron	CL Cover level
GRP Glass reinforced plastic	IL Invert level (pipe)
MDPE Medium density polyethylene	NEI No further information
MS Medium steel	NS No signal
MSSL Medium steel cement lined	O/H Overhead
PE Polyethylene	(R) Information taken from records
PVC Polyvinyl chloride	
RC Reinforced concrete	
SGW Salt glazed ware	
SI Spun iron	
SPL Street poly lined	
ST Steel	
VC Vitrified clay	

NOTES FOR UNDERGROUND SERVICES

- Pipe sizes which cannot be obtained by visual survey are taken from record drawings/marker plates where available.
- Cable routes shown as a single line may actually consist of many cables, refer to annotated configuration details.
- Drainage pipe sizes & invert levels have been determined without man entry into chambers. Every effort has been made to correctly obtain this information, however, accuracy is dependent on visibility from the surface.
- All annotations depict 'depth to service' UNLESS otherwise stated. Annotations marked 'RL' indicate the true elevation of service feature.
- Utility lines located using Electromagnetic Induction (EMI) or similar proving techniques are assumed to have been located to the approximate CENTRE of the service.
- Utility lines located using Ground Penetrating Radar (GPR) or similar proving techniques are assumed to have been located to the TOP of the service.

REV	REVISION DESCRIPTION	DATE	DRN	CHK	<p>Utility MAPPING</p> <p>Unit 8, 3 Gibbs Street Chatswood NSW 2067</p> <p>Ph: 1300 62 77 46 Mail: sydney@utilitymapping.com.au Web: www.utilitymapping.com.au</p>	<p>LEND LEASE</p> <p>UNDERGROUND UTILITY SURVEY</p> <p>37 WARDS HILL ROAD KILLCARE HEIGHTS NSW</p>	LOCATED: CR SURVEYED: GC DRAWN: HM	CHECKED: SN SCALE AT A3: 1:200 DBYD REF: 19276909	DATE: 24/06/2020 DATUM: AHD GRID: MGA20 Z56	STATE/YEAR NSW20	JOB No 0270	DRG TYPE US	DRG No 01	REV R0	SHEET 2 OF 2
							NSW20	0270	US						

Environmental EME Report

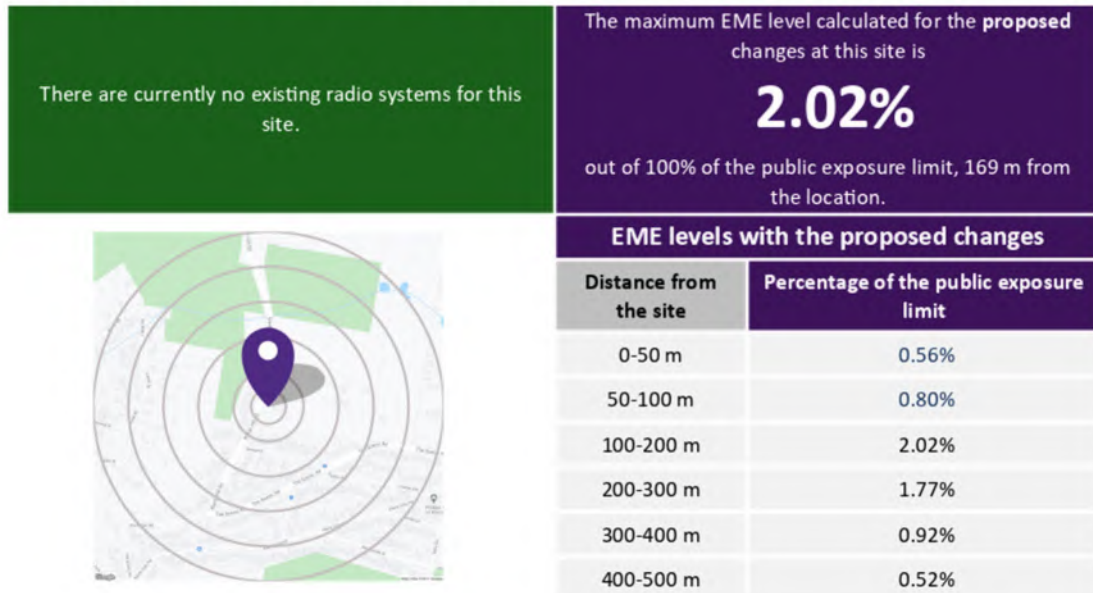
Location	Water Reservoir, 37 Wards Hill Road, KILLCARE HEIGHTS NSW 2257		
Date	06/01/2021	RFNSA No.	2257008

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Water Reservoir, 37 Wards Hill Road, KILLCARE HEIGHTS NSW 2257. These levels have been calculated by Lend Lease using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

A document describing how to interpret this report is available at ARPANSA's website:
[A Guide to the Environmental Report.](#)

A snapshot of calculated EME levels at this site



For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/2257008>.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Optus			3G, 4G	LTE700 (proposed), WCDMA900 (proposed), LTE1800 (proposed), LTE2300 (proposed), LTE2100 (proposed), LTE900 (proposed), LTE2600 (proposed)

Telstra			3G, 4G	WCDMA850 (proposed), LTE700 (proposed), LTE1800 (proposed), LTE2600 (proposed)
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An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
0-50m				4.10	44.58	0.56%
50-100m				4.06	43.77	0.80%
100-200m				6.57	114.56	2.02%
200-300m				6.36	107.19	1.77%
300-400m				4.69	58.47	0.92%
400-500m				3.54	33.15	0.52%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2018](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
Residential Property	0-6 m	1.94	9.94	0.14%
Residential Property	0-3 m	1.79	8.47	0.13%
Residential Property	0-3 m	2.24	13.33	0.18%
Residential Property	0-6 m	2.49	16.41	0.24%
Residential Property	0-6 m	2.53	16.94	0.27%
Multi-storey Residential Property	0-6 m	7.67	156.09	2.74%
Multi-storey Residential Property	0-6 m	8.65	198.67	3.11%



28 April 2021

Susana Machuca
Development Assessment South
Central Coast Council
P.O. Box 21
GOSFORD, NSW 2250

Sent via email: Susana.Machuca@centralcoast.nsw.gov.au

Dear Ms Machuca

Addendum to Statement of Environmental Effects to accompany Development Application for a proposed Optus telecommunications facility at 37 Wards Hill Road, KILLCARE HEIGHTS NSW 2257 (DA 57736/2019)

Optus Mobiles Pty Ltd (Optus) has engaged Lendlease Services Pty Ltd (Lendlease) to project manage the end-to-end rollout of the Optus wireless network across Australia.

Lendlease is writing on behalf of Optus, to provide additional information to assist with the assessment of DA 57736/2019.

As a result of feedback received during the consultation period, it was requested by Council that the design for the proposal was modified to reduce the proposed facility's visual impact on Wards Hill Road. In addition, Council requested the below engineering and asset management requirements be accounted for when mitigating the visual impact:

- Minimum 3m separation from underground services;
- Adequate separation from existing Council assets;
- Steel plate to be installed across the access way for the protection of existing services; and
- Utilisation of only the northern access gate for Optus access and egress.

This addendum to the Statement of Environmental Effects (SEE) is aimed to address the following matters:

- Site selection
- Range of the proposed telecommunications facility
- Clause 115 of the State Environmental Planning Policy (Infrastructure) 2007
- Clause 4.6 Variation Request
- Operational management plan for the lease area
- Landscaping and tree removal offset

Lendlease Services
Zenith Centre, Level 3, Tower B, 821 Pacific Highway
Chatswood NSW 2067 Australia
www.lendlease.com

Site Selection

The State Environmental Planning Policy (Infrastructure) (2007), commonly referred to as the ISEPP, requires Carriers to seek co-location opportunities wherever practical. As a result, when first considering the appropriate location for a required new greenfield facility, co-location opportunities are always first reviewed.

The proposed facility is required for infill network coverage in a high bushfire risk area and limited opportunities were available. Co-location opportunities and the reason they were unable to be pursued are detailed below.

Opportunities for Co-Location

Existing New South Wales Government Telco Authority Facility (1.18km from proposal location)

This location was addressed in the original Statement of Environmental Effects (SEE). This existing facility is near the boundary of the coverage area. A site in this location will not meet the RF requirements for the site. It is also close to existing Optus facility S1289 at Macmasters Beach and thus does not provide the required in-fill coverage.

Existing Rooftop Site 51-54 The Esplanade, Ettalong Beach (3.28m from proposal location)

This site is an existing rooftop facility. This facility currently hosts Optus, Vodafone and Telstra equipment. Even if upgraded, this facility would not have sufficient radio frequency range to provide coverage to the area which is currently lacking mobile voice and data service.

Existing Facility at Bombi Road South, Macmasters Beach (3.3m from proposal location)

Similarly, with the existing facility at Ettalong Beach, this facility currently hosts Optus, Vodafone and Telstra equipment. Even if upgraded, this facility would not have sufficient radio frequency range to provide coverage to the area which currently lacks mobile voice and data service.

The proposed design, co-locating Telstra and Optus on the same facility, removes the need for multiple sites in the Killcare Heights, Killcare and Hardys Bay area.

Greenfield Site Selection

There has been a known coverage deficit within this location for a number of years. Optus and Telstra have been seeking a solution to this coverage issue for a number of years. The subject site was selected based on an extensive search of the area.

The coverage area is represented by a 'coverage polygon' which depicts the desired coverage area of the facility. Figure 1 shows the target coverage polygon and surrounding sites.



Figure 1: Target coverage polygon and surrounding sites

The site is for infill network coverage in a high bushfire risk area, for surrounding sites at Ettalong Beach (Resort rooftop) and Macmasters Beach (45m lattice tower). All three Carriers are co-located on these sites.

Topography in the coverage polygon is very undulating, rising generally from west to north and north-east and from south to north.

The undulating land and tall, dense vegetation rule out utilising Small Cell facilities to cover the area. The antennae of a facility must be above the canopy of trees to provide reliable coverage.

Due to the land elevation, selection for a viable site in the polygon is generally limited to the area:

- North of Manly View Road (east of approx. 23 Manly View Road to approx. Macdonald Street);
- North of Macdonald Street; and
- East of Wards Hill Road.

Only locations within the above parameters have produced candidates with viable coverage results.

Approximately half of this area is low density residential development with very high amenity. Many dwellings in the area are oriented to take in views of the ocean. Being entirely residential (save for a small portion of Bouddi National Park), this area provides no opportunities for siting a monopole.

Land north of Stewart Street and north of The Scenic Road (east beyond its intersection with Stewart Street) is more open with, for the most part, rural residential properties.

Commercial / Utility land uses in this area include:

- Council's water reservoir
- Bells at Killcare hotel and restaurant
- Water reservoir and NSW Police monopole

As presented within the SEE, six candidates were originally considered in the wider area. Four of these six candidates were ruled out as they did not meet the coverage objectives of the proposed facility. This is primarily driven by topography. These candidates were detailed within Section 4 of the SEE and are summarised in Table 1 below.

Table 1 – Summary of Previously Considered Candidates As presented in Section 4 of SEE	
Candidate	Reason Location was Discounted
Candidate A: Swap out of existing NSW Police 29m monopole Zone: E3 223 The Scenic Road, Killcare Heights	This existing facility is near the boundary of the coverage area. A site in this location will not meet the RF requirements for the site. It is also close to existing Optus facility S1289 at Macmasters Beach and thus does not provide the required in-fill coverage.
Candidate B: Low Impact on the water reservoir Zone E3 223 The Scenic Road, Killcare Heights	Near the edge of the coverage area. A site in this location will not meet the RF requirements for the site. Insufficient height to provide coverage into the development areas in the polygon.
Candidate C: Low Impact on the water reservoir Zone E4 37 Wards Hill Road, Killcare Heights	Insufficient height under LI – unable to project above canopies of nearby trees. Council not supportive.
Candidate D: New 30m monopole (overall height 33m) Zone E4 37 Wards Hill Road, Killcare Heights	Proposed Candidate.
Candidate E: New 30m monopole Zone E1 National Park. Hawke Head Drive Box Head	Significant tree clearing required. Near the edge of the coverage area. A site in this location will not meet the RF requirements for the site.
Candidate F: New 30m monopole Zone E1 Bouddi National Park. Off Hawk Head Drive	Significant tree clearing required. Near the edge of the coverage area. A site in this location will not meet the RF requirements for the site.

As a result of feedback received, a second site selection process was undertaken to consider locations where there was more confidence that a site at the location would satisfy the required coverage objectives.

The majority of these locations are low density residential developments with very high amenity. This further limits opportunities for site selection. The result of this secondary review is presented within Figure 2 below:

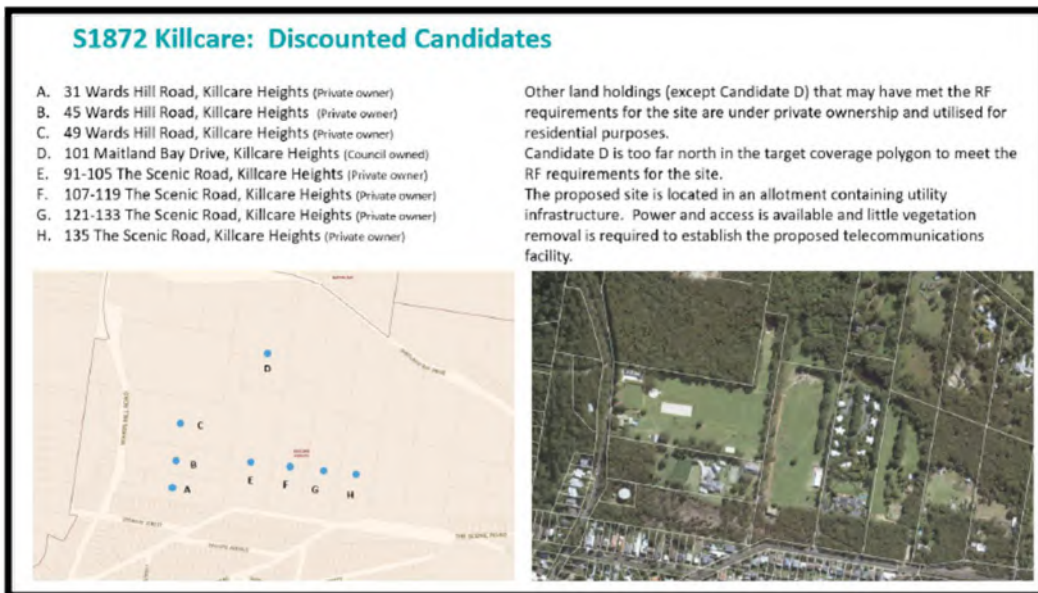


Figure 2: Discounted Candidates

Based on the limited number of sites for consideration due to topography and its associated impacts of radio frequency performance, it was determined that the subject site, where existing utility services are already present, was the most suitable location for the proposed facility. Based on this determination, considerable effort was made to best site the facility on the subject allotment to reduce visual impact on the residential area and Wards Hill Road.

Siting on the Subject Property

The locations considered on this property and why they were discounted was detailed within the Addendum to the SEE submitted to Council on 11 March 2021 and is presented again below.

Options considered within the subject site were:

1. Remaining consistent with the proposed location as per the Development Application lodged in December 2019;
2. Remaining within the existing site footprint but rotating the compound 180 degrees to allow for a moderate increase in separation to the roadway;
3. Moving north to site the facility at the northern most portion of subject land, aligned with the existing access point;
4. Partial shift to align with the existing pump room; and
5. Relocation to the rear (southern) portion of the subject land.


These locations are identified indicatively within Figure 3 below.



Figure 3: Indicative Locations Considered on Subject Site

After extensive consultation with Council over a period of months, Option 2 was determined to be most viable. This site allowed for Council's ongoing maintenance requirements at the subject land to

be met whilst improving separation from Wards Hill Road. Further details about the five considered options is provided within **Table 2** below.

Table 2 – Options Considered within the Subject Land	
Option Considered	Benefit and Constraints
Option 1 - Remaining consistent with proposed location.	This location was originally considered most viable however after consideration of matters raised during community consultation and based on Council engineering feedback, it was determined alternate locations within the subject land needed to be reviewed
Option 2 Remaining within existing site footprint but flipping the compound to allow for moderate increased separation from the roadway.	This location allows for the proposed monopole to be moderately setback from the property boundary, reducing the visual impact of the proposal to residential dwellings in the locality and to Wards Hill Road. Further setback was not possible due to Council’s engineering requirement to have the facility setback by 3m from underground services, specifically the underground water pipe.
Option 3 Moving north to site the facility at the northern most portion of subject site, aligned with existing access point.	This location is depicted within the below mark-up. Whilst originally considered viable, this location was not acceptable to Council due to its potential impact on accessibility and maintenance of the other utilities on the subject land. Council’s water reservoir is a crucial water asset within the Central Coast Council and any facility constructed within the subject land should not compromise the existing functionality of the property. 
Option 4 Partial shift to align with the existing pump room.	This location allowed the facility to be further setback off Wards Hill Road and aligned with the existing pump room. However, due to Council’s specific requirements for a 3m setback from underground utilities (as discussed in relation to Option 3 above), this location was not acceptable to Council.

Option 5 Relocation to the rear (southern) portion of the subject land.	This location was originally considered during the 2018 site selection process for the proposed facility. This location was ruled out as Council Water and Sewer staff could not support the facility being located anywhere east of the pumping station. This was due to the risk to buried water mains and Council's infrastructure in general. As a result, this location could not be pursued.
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It is hoped that by altering the compound orientation, and reducing both the Optus and Telstra lease areas, the visual impact of the proposed facility from Wards Hill Road will be partially improved. Further to this, Optus has elected to utilise an outdoor unit as opposed to a larger equipment shelter to further reduce the visual impact of the proposed facility from Wards Hill Road.

It is acknowledged that this will not eliminate the visual impact however, it is hoped the impact will be minimised (as much as is possible) from outside of the subject land.

Range of Proposed Telecommunications Facility

The proposed facility will provide an essential service to the Killcare area.

At present, there is a significant mobile coverage deficiency within the Killcare area and surrounding suburbs. The proposed facility will provide coverage to an estimated 1300 registered addresses. In addition, the proposal involves both Optus and Telstra equipment and as such will allow for the provision of coverage in the area for two Carriers from one structure, preventing the proliferation of towers within the area.

The facility is expected to provide coverage to areas highlighted in dark orange identified within Figure 4.

The coverage quality will vary as distance from the facility increases.

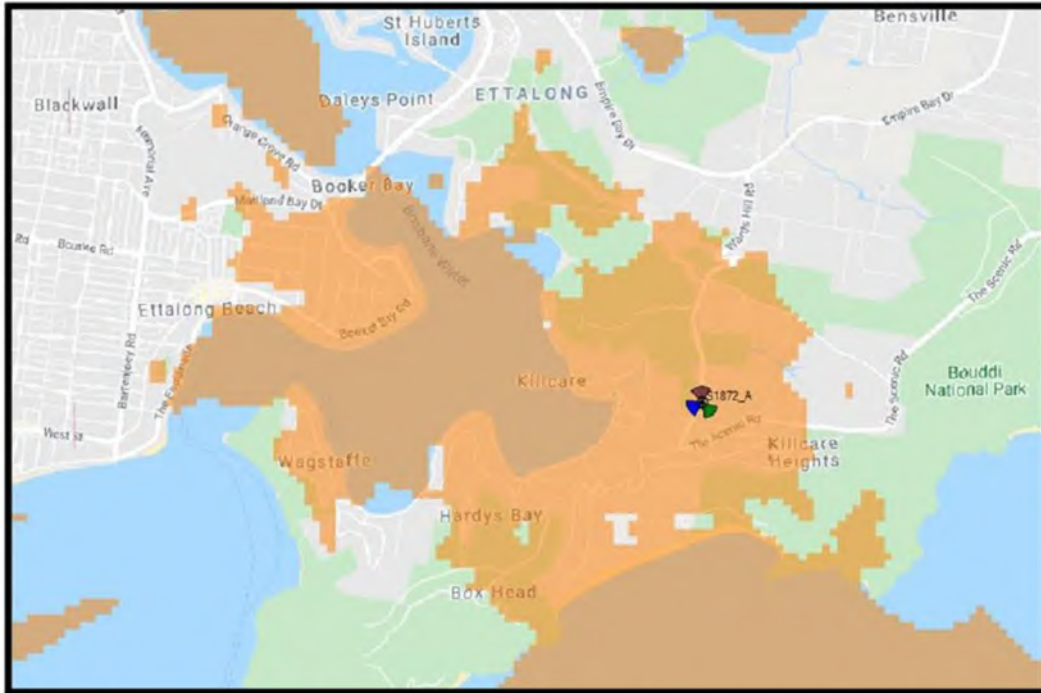


Figure 4: Expected LTE700 Coverage from the Proposed Facility (shown in dark orange)

Generally the coverage received from the proposed facility can be summarised as:

- The proposed facility is expected to provide coverage to over 1300 addresses.
- There is no effective site currently servicing the area within a 3km radius.
- There are two Optus facilities within 3.6km of the proposed facility, one is 3.3km north-east and the second 3.36km west across the Brisbane Waterway at Ettalong Bay. The proposed facility intends to fill the coverage gap between these two facilities.
- The challenging terrain further reduces the impact existing sites have in the area. Given the bushfire risk within the area, and that the proposal includes both Telstra and Optus coverage, it is considered that a facility in this location would be important for communication services within the community in an emergency.
- The proposed facility will provide improved Optus coverage in an area which is currently considered to have poor mobile voice and data coverage. It will improve data download capacity and call traffic capacity.

Clause 115 of the State Environmental Planning Policy (Infrastructure) 2007

Clause 115 of the State Environmental Planning Policy (Infrastructure) (ISEPP), requires the consent authority take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Secretary for the purposes of this clause and published in the Gazette before determining an application for a telecommunications facility.

These Guidelines are known as the NSW Telecommunications Facilities Guideline Including Broadband (2010). An assessment of the proposal against these guidelines was submitted as Appendix K to the SEE. This assessment has been moderately updated in Table 3 below, to include the latest information on the proposed facility.

Table 3: Assessment of Proposal Against the NSW Telecommunications Facilities Guideline Including Broadband (2010)		
Principle 1: A Telecommunications facility should be sited to minimize visual impact		
Specific Principles	Compliance	Comment
<p>(a) <i>As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.</i></p> <p>(b) <i>The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.</i></p> <p>(c) <i>Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.</i></p>	<p>Yes</p>	<p>(a) to (c) These principles relate to facilities that are located on an existing building or structure and are not directly applicable to new freestanding monopole elements such as proposed in this instance.</p> <p>(d) The associated equipment would be housed in a prefabricated outdoor unit and equipment shelter. The shelters would be coloured Pale Eucalypt and this could be conditioned by council as part of any development consent.</p> <p>(e) The facility has been located and designed to respond to the surrounding landscape context. The location was significantly influenced by the landscape, as detailed in the addendum to the SEE. For further detail, please see chapter 10.4.5 of the SEE and associated visual impact assessment.</p> <p>(f) The proposal is not within proximity of a local or state heritage listed item or conservation area.</p>

<p>(d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical</p> <p>(e) A telecommunications facility should be located and designed to respond appropriately to its landscape setting.</p> <p>(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.</p> <p>(g) A telecommunications facility should be located to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.</p> <p>(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.</p> <p>(i) A telecommunications facility that is no longer required is to be</p>		<p>(g) The proposed facility does not occupy a position that will or sightlines to any heritage item of place landmark, streetscape, vista or panorama.</p> <p>(h) The direct impact area for the construction of the compound, 10m APZ and access track requires the removal of 0.037 ha of the PCT 1627 Smooth-barked Apple - Turpentine - Sydney Peppermint heathy woodland. For this assessment, it is assumed that a total of 33 trees will require removal, with 22 of these relatively small with Diameter at Breast Height (DBH) between 30-150mm. Two E. botryoides are substantial sized trees, with DBH of 800mm, however, neither of these, nor any other trees to be impacted comprise hollows. The ecological impacts are detailed within the associated ecological impact assessment, submitted on 11 March 20 Council.</p> <p>(i) This aspect could be conditioned as part of any development consent.</p> <p>(j) The siting and design have taken into consideration the precautionary approach. For more detail please see Appendix I of SEE</p>
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<p><i>removed and the site restored, to a condition that is like its condition before the facility was constructed.</i></p> <p><i>(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.</i></p>		
Principle 2: Telecommunications facilities should be co-located wherever possible		
<p><i>(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.</i></p> <p><i>(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.</i></p> <p><i>(c) Towers may be extended for the purposes of co-location.</i></p> <p><i>(d) The extension of an existing tower must be considered as a practical co- location solution prior to building new towers.</i></p> <p><i>(e) If a facility is proposed not to be co- located the proponent must demonstrate that co-location is not practicable.</i></p> <p><i>(f) If the development is for a co- location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co- located telecommunications</i></p>	<p>Yes</p>	<p>(a) Not applicable</p> <p>(b) There are currently no existing telecommunications facilities located in the vicinity, please see chapter 4 of the SEE as well as this addendum to the SEE, with the required position, height and/or structural suitability that are potentially capable of providing the wireless radio services to the locality on which the proposed equipment can be co-located.</p> <p>(c) The proposal has been designed to allow for co-location and provide sufficient height. This proposal includes Optus and Telstra equipment.</p> <p>(d) Not applicable.</p> <p>(e) The proposal is for a co-located facility.</p> <p>(f) Not applicable.</p>

<p><i>facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.</i></p>		
<p>Principle 3: Health standards for exposure to radio emissions will be met</p>		
<p>(a) <i>A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.</i></p> <p>(b) <i>An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and demonstrate compliance with the Mobile Phone Networks Code.</i></p>	<p>Yes</p>	<p>(a) The proposed installation would comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic radiation exposure levels.</p> <p>(b) EME Exposure Levels from this site have been calculated in accordance with the ARPANSA prediction methodology and report format. This report is enclosed as appendix 1. For more detail, please see chapters 8 and 10.4.8 of the SEE.</p>
<p>Principle 4: Minimise disturbance and risk, and maximize compliance</p>		
<p>(a) <i>The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any</i></p>		<p>(a) CASA has been notified of the proposal and has advised that the proposal is not within the obstacle restriction area of an aerodrome or at a height above ground level that would mandate the structure to be marked or lit. Please find enclosed a letter to and a letter from CASA as appendix F.</p>

<p>relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.</p> <p>(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.</p> <p>(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.</p> <p>(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.</p> <p>(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.</p> <p>(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.</p>		<p>(b) The base station is designed to create no electrical interference problems with other radio-based systems and complies with the requirements of relevant Australian Standards in this regard.</p> <p>(c) The base station facility is designed and will be installed in accordance with any relevant manufacturer specifications. The proposal would comply with the requirements of all relevant Australian Standards.</p> <p>(d) The facilities are not being erected on any existing building or structure.</p> <p>(e) The location and layout of the facilities reflect discussions with the landowner and would be reflected in any associated lease or licence entered between Optus/Telstra and the landowner/s.</p> <p>(f) to (j) These matters can be appropriately addressed through the imposition of conditions by council on any development consent.</p> <p>(k) to (l) The direct impact area for the construction of the compound, 10m APZ and access track requires the removal of 0.037 ha of the PCT 1627 Smooth-barked Apple - Turpentine - Sydney Peppermint heathy woodland. For this assessment, it is assumed that a total of 33 trees will require removal, with 22 of these relatively small with Diameter at Breast Height (DBH) between 30-150mm. Two E. botryoides are substantial sized trees, with DBH of 800mm, however, neither of these, nor any other trees to be impacted comprise hollows. The ecological impacts are detailed within the associated ecological impact</p>
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<p>(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.</p> <p>(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.</p> <p>(i) Traffic control measures are to be taken during construction in accordance with Australian Standard S1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.</p> <p>(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</p> <p>(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.</p> <p>(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species</p>		<p>assessment, submitted on 11 March 20 Council.</p> <p>(m) The site has been cleared to accommodate the water reservoir use. As such it is unlikely that there would be any Aboriginal heritage located at the subject site. For more detail, please see chapters 3.1, 9.2.5, 9.2.6 and 10.4.3 of the SEE.</p> <p>(n) The site has been cleared to accommodate the water reservoir use. As such it is unlikely that there would be any Aboriginal heritage located at the subject site. For more detail, please see chapters 3.1, 9.2.5, 9.2.6 and 10.4.3 of the SEE</p>
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<p><i>and communities avoided wherever possible.</i></p> <p><i>(m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.</i></p> <p><i>(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.</i></p>		
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Clause 4.6 Variation Request

Below is a written response providing grounds for a variation to a development standard prepared in accordance with Appendix 3 of the Department of Planning's guidelines.

1. *What is the name of the environmental planning instrument that applies to the land?*

Gosford Local Environmental Plan 2014

2. *What is the zoning of the land?*

E4 – Environmental Living

3. *What are the objectives of the zone?*

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.

- To provide land for low-impact tourist-related development that is of a scale that is compatible with the special ecological, scientific or aesthetic values of the area.
- To ensure that development is compatible with the desired future character of the zone.

4. *What is the development standard being varied? e.g. FSR, height, lot size*

Height of Building

5. *Under what clause is the development standard listed in the environmental planning instrument?*

Clause 4.3 – Height of Buildings

6. *What are the objectives of the development standard?*

- to establish maximum height limits for buildings,
- to permit building heights that encourage high quality urban form,
- to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,
- to nominate heights that will provide an appropriate transition in built form and land use intensity,
- 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,
- to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

7. *What is the numeric value of the development standard in the environmental planning instrument?*

8.5m height limit.

8. *What is proposed numeric value of the development standard in your development application?*

33m in height.

9. *What is the percentage variation (between your proposal and the environmental planning instrument)?*

75%

10. *How is strict compliance with the development standard unreasonable or unnecessary in this particular case?*

The nature of telecommunication facilities requires the radio frequency equipment, such as antenna, to sit elevated above the surrounding structures and vegetation. Greater height of radio frequency equipment allows the signal to propagate further, providing more effective coverage to a greater area

from the facility. A 33m height is the minimum height required to allow the radio signal to provide coverage to the appropriate area. A 33m height allows for signal to be uninterrupted by surrounding buildings and trees and accounts for surrounding topography.

11. *How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.*

If the proposed development was to comply with the building height requirement of 8.5m it would not effectively meet the coverage objectives of the facility. This would therefore make the proposed facility unviable for Optus. This would not be effective co-ordination of orderly development.

12. *Is the development standard a performance based control? Give details.*

This development standard is not performance based.

As outlined in "Varying Development Standards: A Guide" there are other additional matters that applicants should address when applying to vary a development standard.

13. *Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?*

Strict compliance with the current building height standard would be unreasonable in this instance. Strict compliance would inhibit the proposed development's purpose.

14. *Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.*

There are sufficient environmental planning grounds to justify contravening the relevant development building standard. The proposal is for a telecommunication facility required to provide necessary infill mobile voice and data coverage, an essential service, to a bushfire prone area. Effort has been made to locate the facility in the most appropriate location in the context of the area. The facility will be located with an existing utility services area, in an otherwise primarily residential area. As stated above, telecommunication facilities must protrude above the surrounding building line and be designed at a height which allows the RF signal to adequately service the area.

Operational Management Plan for Lease Area

The ongoing operational management of the Optus lease area will be government by the agreed conditions within the final lease document between Central Coast Council and Optus Mobiles Pty Ltd. The lease has not been finalised and executed by both parties however at present, on-going management includes:

- The Lessee must use all reasonable endeavours to minimise interference with the Lessor's existing use of the Land.
- The Lessee must keep the Premises clean and tidy and free from rubbish.
- The Lessee must not install or display advertisements on the Premises. This clause does not apply to the Lessee's operational signage or signage required by law.

- The Lessee must maintain the ground areas within the Premises, including mowing, weeding and removing leaf litter and fallen branches.
- The Lessee must not contaminate, pollute or cause any environmental harm or hazard on the Premises or the Land ('Environmental Harm') and must comply with all relevant environmental laws.
 - If the Lessee creates any Environmental Harm or breaches any environmental laws, the Lessee must immediately notify the Lessor and the relevant Government Agency. The Lessee is responsible for preparing, at its own cost, any reports required to determine the nature and extent of the Environmental Harm and for preparing a remediation plan, if required by the Lessor or the relevant Government Agency. The Lessee must provide the Lessor with a copy of all notes and reports and obtain the Lessor's approval of the remediation plan (if one is required).
- The Lessee must remove any Environmental Harm caused by the Lessee and clean up the Premises in accordance with the remediation plan (if any) and the requirements of the relevant Government Agency, and to the reasonable satisfaction of the Lessor.
- The Lessee must on receiving a written notice from the Lessor:
 - remove any graffiti on the Premises or on the Telecommunications Equipment; or
 - make good any damage to the Premises or anything on the Premises, or to any access controls installed by the Lessee, caused by vandalism.
- The Lessee must maintain the Premises in good repair, order and condition during the Term, fair wear and tear excepted.
- The Lessee must maintain the Telecommunications Equipment in good repair, order and condition during the Term at its cost to the reasonable satisfaction of the Lessor and in accordance with all relevant statutory requirements.
- If the Lessee or the Lessee's employees or agents damage the Premises or any part of the Premises the Lessee must promptly make good the damage to the reasonable satisfaction of the Lessor.

Landscaping and Tree Removal Offset

A landscaping plan has been submitted to Council to demonstrate a landscaping solution. It is intended to be considered indicatively, upon Council approval of the proposed site location, Optus will commit to formalising the landscape plan and seek approval from Council prior to obtaining a Construction Certificate.

The landscaping plan is designed to mitigate the impact of the proposed tree removal as well as partially screen the proposed facility from Wards Hill Road. Due to the requirements of the Inner Protection Area (IPA) associated with the asset protection zone (APZ) a full screening solution of the facility could not be achieved. The IPA requirements for the APZ include:

- Tree canopy cover should be less than 15% at maturity;
- Lower limbs should be removed up to a height of 2 m above the ground;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover; and
- Leaves and vegetation debris should be removed.

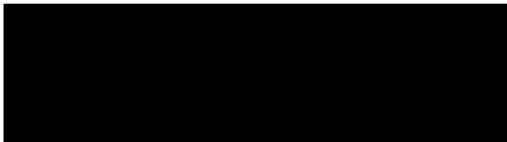
To achieve the above, outlined within the submitted bushfire impact plan, the landscaping plan provides provision for three large trees within the APZ and no understory planting.

Planting is proposed on the northern and southern portion of the subject site to offset the impact of the associated tree removal for the proposal. Optus is also committed to undertake offset 2:1 replacement planting at an alternate location, such as a local park, of Council's choosing and are happy for this to be conditioned within any planning permit.

The below accompanies this addendum to the SEE:

- Appendix 1 – Amended Plans

Kind regards,



Joanna Ward
Lendlease Services – on behalf of Optus Mobiles Pty Ltd
0447682140
Joanna.Ward@Lendlease.com

Item No: 3.2
Title: DA/57957/2020 - 396 & 404 The Entrance Road,
Erina Heights - Centre-Based Child Care Facility
Department: Environment and Planning

Central Coast
Local Planning Panel

19 August 2021 Local Planning Panel Meeting

Reference: 011.2020.00057957.001 - D14618987
Author: Robert Eyre, Principal Development Planner South
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for a centre-based child-care facility. 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 recommended for approval, subject to conditions.

The application is required to be reported to the LPP due to the number of public submissions exceeding 15.

Applicant	Perception Planning
Owner	R D Kaur (Kalra Chauhan Group Pty Ltd)
Application No	DA57957/2020
Description of Land	Lot 32 DP1223138 and Lot 9 DP1135884 (No 396 and 404 The Entrance Road, Erina Heights)
Proposed Development	Centre-Based Child Care Facility
Site Area	1.4 ha
Zoning	7(c2) Scenic Protection-Rural Small Holdings under IDO122-Gosford
Existing Use	Dwelling house and former boarding kennels.
Employment Generation	No
Estimated Value	\$1,559,775.00

Recommendation

- 1 That the Local Planning Panel grant consent to DA57957/2020 for a Centre-Based Child Care Facility on No. 396 and 404 The Entrance Road, Erina Heights 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.***
- 2 That Council advise those who made written submissions of the Panel's decision.***
- 3 That Council advise relevant external authorities of the Panel's decision.***

Key Issues

- Public Submissions and matters raised therein;
- Access and Traffic; and
- Character and amenity.

Precis:

Proposed Development	Centre-based child-care facility
Permissibility and Zoning	Permissible with consent under 7(c2) Scenic Protection-Rural Small Holdings of IDO 122.
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>Biodiversity Conservation Act 2016</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Protection of the Environment Operations Act</i> • <i>State Environmental Planning Policy No 19-Urban Bushland</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>State Environmental Planning Policy 64 – Advertising and Signage</i> • <i>State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>State Environmental Planning Policy (Koala Habitat Protection) 2019</i> • <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> • <i>Interim Development Order 122-Gosford</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Draft State Environmental Planning Policy (Exempt and Complying Development) 2008</i> • <i>Draft State Environmental Planning Policy (Environment) 2017</i>

	<ul style="list-style-type: none"> • <i>Draft State Environmental Planning Policy (Short Term Rental Accommodation) 2019</i> • <i>Draft State Environmental Planning Policy (Infrastructure) 2007</i> • <i>Draft State Environmental Planning Policy (Design and Place)</i> • <i>Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>Draft State Environmental Planning Policy (State and Regional Development)</i> • <i>Draft State Environmental Planning Policy (Housing Diversity)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> • <i>Central Coast Regional Plan 2036 (CCRP 2036)</i> • <i>Central Coast Climate Change Policy</i>
Current Use	Lot 32-Vacant. Lot 9-Former dwelling house and boarding kennels
Integrated Development	Yes-Rural Fire Service
Submissions	<p>The application has been exhibited on two occasions, with a total of 46 submissions:</p> <ul style="list-style-type: none"> • 20 submissions in response to the first exhibition • 26 submissions in response to the second exhibition

The Site

The site is located on the southern side of The Entrance Road, Erina Heights and consists of two (2) existing lots.

No. 396 The Entrance Road is vacant.

No. 404 The Entrance Road contains a dwelling house and former boarding kennels which are to be demolished.

The site is steep and falls from about RL 49m on the northern side with The Entrance Road to about RL 26m at the southern tip of the site.

The site contains a number of trees mostly on the eastern and southern side of the site. Water is available to the site, but sewer is not. The site relies on site effluent disposal.

3.2 DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility (contd)

The Entrance Road in this location is a 4 lane divided carriageway (2 lanes in each direction) with a 'left-in and left-out' arrangement from an existing driveway in the north-eastern corner of the site to The Entrance Road. A bus lane, bus stop and pedestrian signals are located at the frontage of the site.

A driveway access to No. 396 is located on the western side of the site.



Figure 1-Site Plan



Figure 2- existing access driveway 404 The Entrance Road



Figure 3-The Entrance Road at the front of the site looking north

Surrounding Development

Surrounding development consists of dwelling houses on small rural lots, commercial uses (such as art gallery, plant nursery, café, shops) with frontage to The Entrance Road, educational establishments (primary and high school), roadside stall and agriculture (poultry sheds).

The site is located only a short distance from Erina Fair Shopping Centre and Erina town centre.



Figure 4-Surrounding Development Aerial View

Relevant History

There was a previous development application (Ref. DA21383/2003) granting consent for a garage on No. 396 The Entrance Road.

There are no recent consents for No. 404 The Entrance Road.

With regard to the current application. The application has been amended plans throughout the assessment process. The most recent plans were lodged on 9 November 2020 to relocate the outdoor play area to the northern side of the building, delete the access driveway on the western side, and changes to the car parking layout. These are the plans that are the subject of this assessment.

The amended plans were notified and referred to TfNSW and NSW Rural Fire Service.

The Proposed Development

It is proposed to construct a centre-based child care facility for up to 120 children aged from 0-5 years operating 6.30am to 6.30pm. A total of 25 staff including manager and administration staff.

The proposal will provide for:

- Age 0-1 years. 20 children and 5 staff.
- Age 1-2 years. 20 children and 5 staff.
- Age 2-3 years. 25 children and 5 staff.
- Age 3-4 years. 27 children and 3 staff.
- Age 4-5 years. 28 children and 3 staff.

The proposed centre is two storey and includes:

- Deck and outdoor play areas.
- Indoor play areas.
- 45 on site car parking spaces including 2 disabled spaces.
- Single combined access driveway on eastern side of site.
- Landscaping
- Disabled access

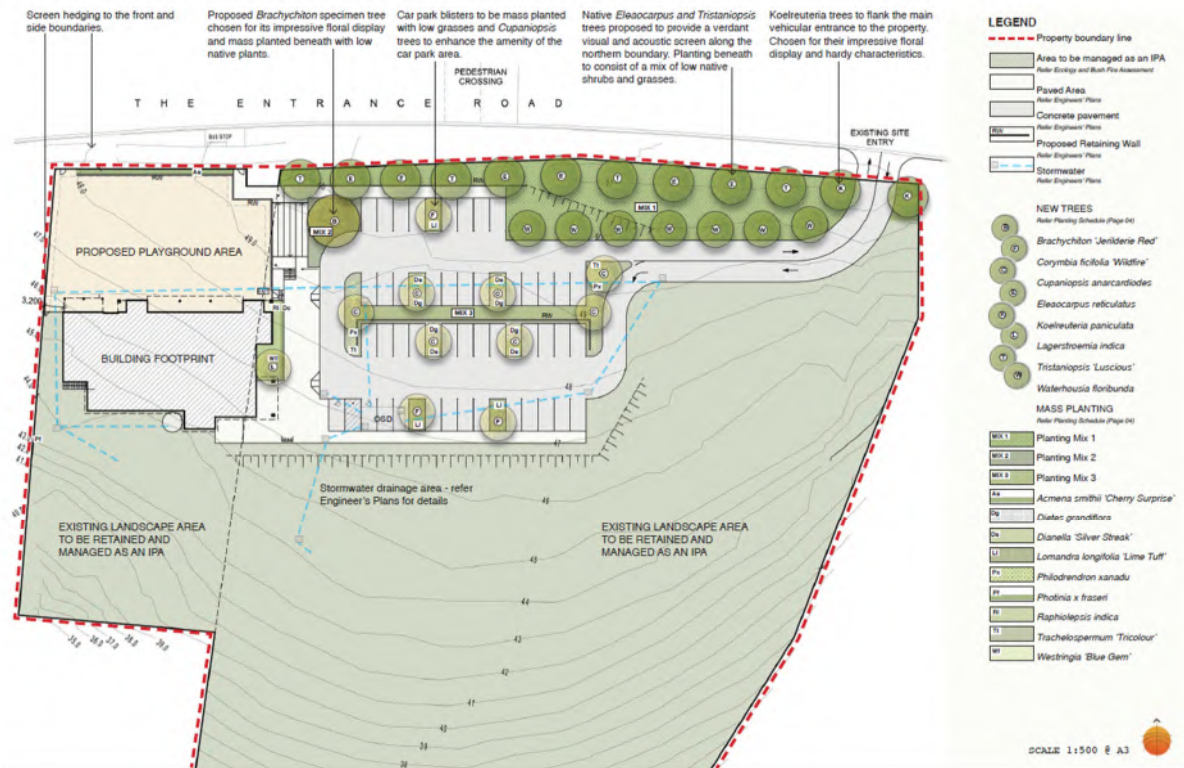


Figure 5-Landscape Plan

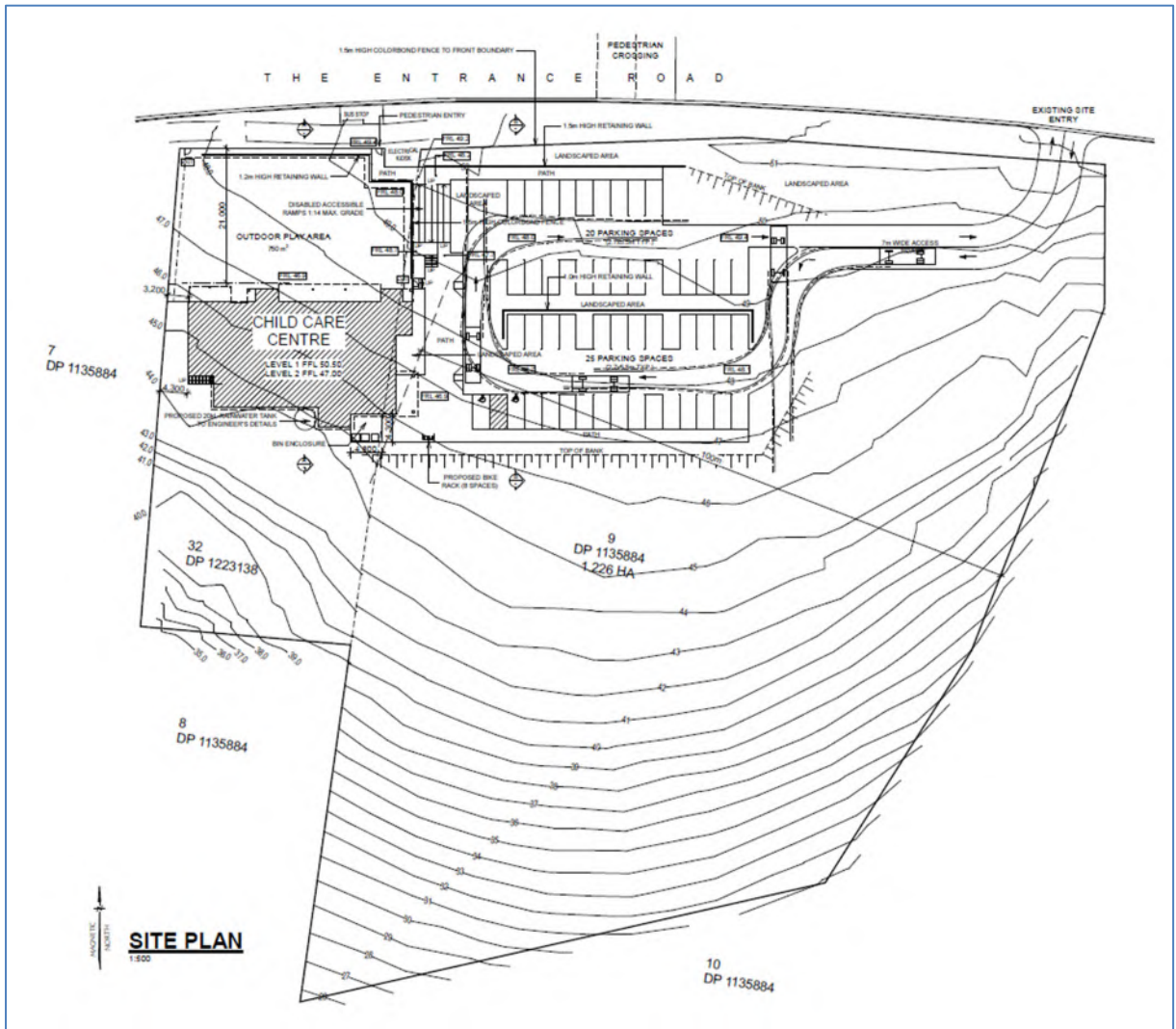


Figure 6- Site Plan Extract

The proposal will involve cut/fill within the car park, play outdoor area and building area. This results in a 1.2m high retaining wall on The Entrance Road boundary at the outdoor play area and a 1.5m high retaining wall beside the car parking area.

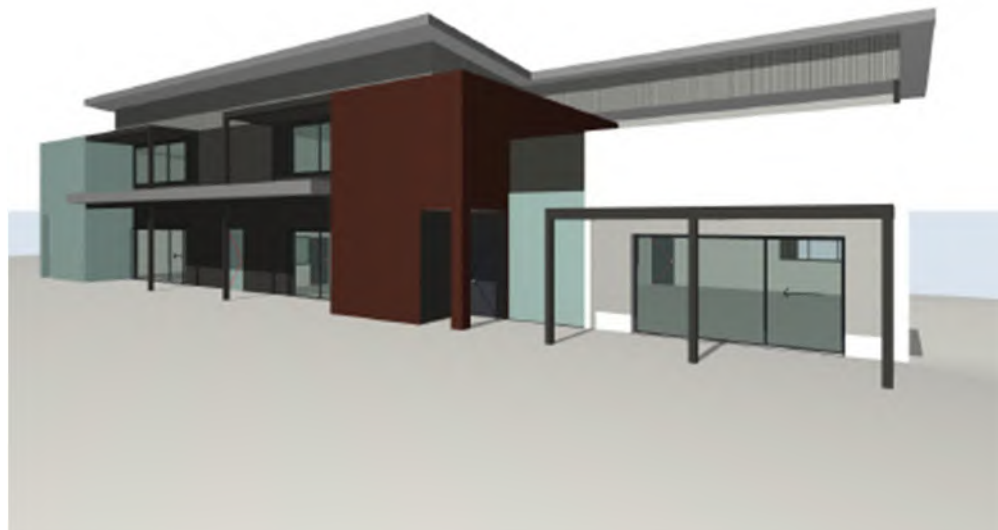
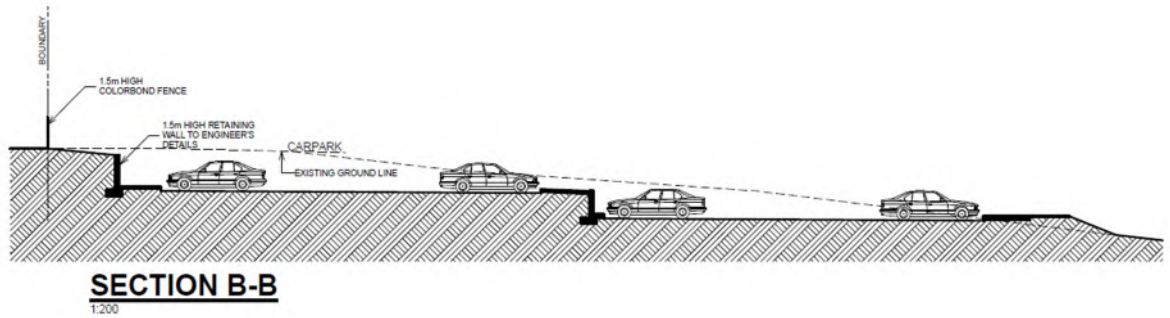
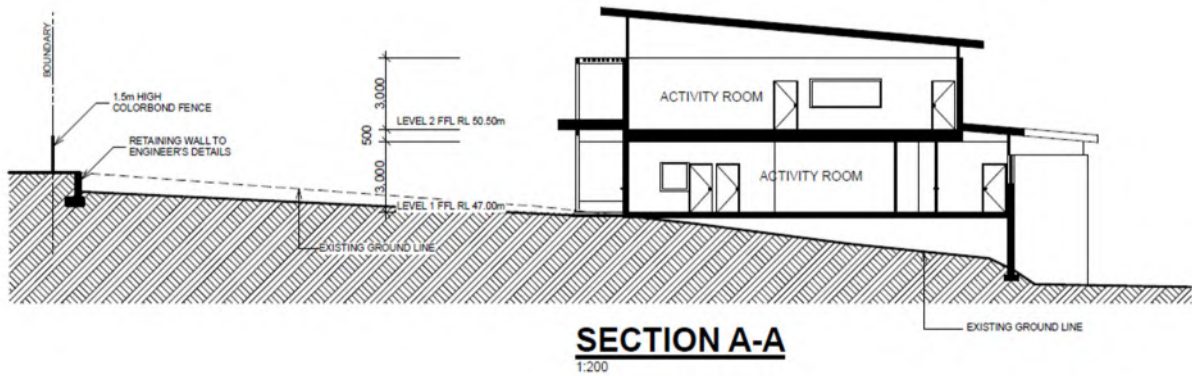


Figure 7 -Sections & Northern Elevation

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.

Applicable Planning Controls

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

- *Environmental Planning & Assessment Act 1979* – Section 4.15
- *Local Government Act 1993* – Section 89
- State Environmental Planning Policy (Coastal Management) 2018
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1997*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)
- State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011

Draft Environmental Planning Instruments

The following draft Environmental Instruments apply to this application:

- Draft Central Coast Local Environmental Plan 2018.
- Draft State Environmental Planning Policy (Exempt and Complying Development) 2008
- Draft State Environmental Planning Policy (Environment) 2017
- Draft State Environmental Planning Policy (Short Term Rental Accommodation) 2019
- Draft State Environmental Planning Policy (Infrastructure) 2007
- Draft State Environmental Planning Policy (Design and Place)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Draft State Environmental Planning Policy (State and Regional Development)
- Draft State Environmental Planning Policy (Housing Diversity)

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The draft CCLEP 2018 proposes to zone the site E4 Environmental Living. Centre-based child care facilities are permissible with consent on E4 zoned land. The proposal is consistent with the draft plan.

Draft State Environmental Planning Policy (Education and Childcare Facilities) 2017

The NSW Department of Planning, Industry and Environment has exhibited from 20 November 2020 to 17 December 2020 proposed reforms to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).

The proposed amendments are part of the NSW Government's Planning Reform Action Plan to create a more 'timely, certain and transparent planning system'. The amendments to the Education SEPP are said to aim to:

- further streamline approval processes to make it easier for schools, TAFEs and universities to build new facilities and improve existing ones,
- contribute to the student housing strategy proposed by the draft Housing Diversity SEPP by allowing student housing on existing tertiary institution campuses,
- support the changing nature of tertiary institutions by making provision for innovation hubs,
- respond to concerns regarding the amenity impacts of child-care centres in low density residential zones
 - It is proposed to introduce provisions to prevent child-care centres within close proximity of each other in low density residential zones (R2). A separation distance of 200m between child-care centres is being considered. The amendment seeks to address concerns raised about amenity impacts, such as noise and traffic, arising from child-care centres being in close proximity to one another.
- address existing policy anomalies in the Education SEPP in relation to definition of 'educational establishment', permissible uses, development permitted without consent for 2-storey facilities on behalf of a public authority for development not exceeding the equivalent of an additional classroom (30 students) or 10% of the existing student or staff numbers, whichever is the greater, exempt development
- amendment to the State Environmental Planning Policy (State and Regional Development) 2011 for new triggers proposed to be \$20 million for new schools, \$50 million for alterations and additions to schools and \$50 million for tertiary institutions.

The assessment concluded the proposal is consistent with the review of the Education SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to TfNSW under Clause 104-Traffic Generating Development of the SEPP. TfNSW have no objections to the proposed development subject to conditions. (Refer engineering comments).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The proposal is subject to the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education and Child Care SEPP).

The proposed development is defined as **centre-based child care facility**

centre-based child care facility means—

(a) *a building or place used for the education and care of children that provides any one or more of the following—*

- (i) *long day care,*
- (ii) *occasional child care,*
- (iii) *out-of-school-hours care (including vacation care),*
- (iv) *preschool care, or*

(b) *an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

(c) *a building or place used for home-based child care or school-based child care, or*

(d) *an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*

(e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*

(f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*

(g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*

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(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The relevant provisions are addressed as follows:

Clause 22 - Concurrence of Regulatory Authority

The proposal achieves the requirements of Clause 107 and 108 of the regulations in relation to space requirements (both indoor and outdoor) and therefore does not require concurrence.

Clause 23

In accordance with Clause 23 of the Education and Child Care SEPP the proposal has been assessed in relation to the following:

- the design quality principles in Part 2 of the Child Care Planning Guideline;
- the matters for consideration cited in Part 3 (refer below) of the Child Care Planning Guideline
- the regulatory requirements in Part 4 of the Child Care Planning Guideline - National Quality Framework Assessment Checklist.

The proposed centre-based child care facility is generally in keeping with the provisions of the Childcare Planning Guideline stated above as required by the Education and Child Care SEPP. **(Refer Conditions 5.14 and 5.15 and Attachment 16).**

Clause 25 - Centre-based child care facility—non-discretionary development standards

The proposed development complies with the non-discretionary development standards as detailed in the table below:

Development Standard	Required	Compliance
(a) Location	Any distance from an existing or proposed facility	Yes
(b) Indoor or outdoor space	Complies with Clauses 107 & 108 the Education and Care Services National Regulations	Yes
(c) Site area & dimensions	Located on a site of any size and any street frontage	Yes
(d) Colour of building materials	The development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area. The site is not a heritage item and external finishes are acceptable.	Yes

Clause 26 - Development Control Plans

The proposal is assessed against the provisions of Chapter 3.9 Child Care and Chapter 7.1 Car Parking of Gosford Development Control Plan 2013 (GDGP 2013) and despite minor non-compliances the proposed development is supported. **(Refer to detailed assessment under GDGP 2013 in this report and Attachment 17).**

Part 3

Part 3 of the SEPP outlines the relevant provisions for child-care facilities, of which the following is a summary.

- *Principle 1 - Context*

The proposed childcare centre responds to the qualities and identity of the area and enhances the rural residential and surrounding mixed uses in this locality.

- *Principle 2 - Built form*

The childcare centre is to be setback 21m from The Entrance Road boundary. Due to the land falling away from The Entrance Road, the building will not be highly visible from the street.

- *Principle 3 - Adaptive learning spaces*

High quality learning spaces are proposed that achieve a high level of amenity for children and staff, with fit-for-purpose, outdoor play areas designed to offer a variety of settings and multiple opportunities for interaction. Five (5) indoor activity rooms are proposed that will cater for individual age groups, enabling appropriate teaching to be tailored for the groups. A total indoor play area of 394m² is provided above the 390m² required.

- *Principle 4- Sustainability*

The centre will benefit from adequate cross ventilation, sunlight and passive thermal design. Outdoor play areas and shading allow for year-round comfort that requires minimal artificial heating and cooling.

- *Principle 5 – Landscape*

The outdoor play areas of the proposed centre are in excess of that required. A total of 860m² is provided above the 840m² required. The outdoor spaces within the centre are well designed and include diversity in function and use, age-appropriateness and amenity.

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- *Principle 6 – Amenity*

Appropriate indoor and outdoor learning spaces with good access to sunlight and natural ventilation are proposed. All learning rooms have outlook, visual and acoustic privacy and adequate storage.

- *Principle 7 - Safety*

The childcare centre has been designed and located in a manner that ensures the safety of students, parents and staff through well located access ways, numerous opportunities for surveillance of the outdoor areas from all rooms of the centre. This results in a child care centre that monitors access to and from the areas that children are cared for and allows for the principles of CPTED to be achieved.

Summary

The relevant provisions of the Education and Child Care SEPP pertaining to child care developments have been assessed and the proposal is considered to be consistent with the aims of the policy to facilitate the effective delivery of centre-based child care facilities.

It is concluded the proposed child care centre is considered to display compliance with the principles of the *Child Care Planning Guideline*.

The proposed child care centre is considered to be compatible with the surrounding land uses.

State Environmental Planning Policy (Koala Habitat Protection) 2019

The SEPP aims to encourage the conservation and management of Koala habitat. The site is identified on the Koala Development Application Map and has an area greater than 1ha. The site is not subject to an approved Koala plan of management.

In considering the application, the Council must take into account any information provided by a qualified person demonstrating that the land does not include any feed tree species listed in the SEPP.

The Threatened Biodiversity Assessment report submitted with the application confirms that the site is not core koala habitat. This is supported by Council's ecologist.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The SEPP aims to protect the biodiversity and amenity values of vegetation in non-rural areas. The proposed clearing within the site does not require a separate permit under the SEPP if it is approved under the development consent.

Interim Development Order No 122 - Objectives of Zone

The site is a Deferred Matter (DM) under Gosford LEP 2014 and subject to the provisions of IDO No122-Gosford. Clause 5(3) of Interim Development Order No 122 stipulates that consent must not be granted for development of land within the prescribed zone, unless the objectives of the zone have been taken into consideration in conjunction with the objectives of the Local Government Act 1993, pertaining to Ecologically Sustainable Development.

The subject allotments are zoned 7(c2) Conservation and Scenic Protection (Scenic Protection Rural Small Holdings) under *Interim Development Order No 122* (IDO122).

The objectives for the 7(c2) zone are:

- a) *to provide a buffer or transition zone between conservation areas and urban areas; and*

Comment:

- The proposed development provides reasonable transition between conservation and urban areas. The proposal is located within a rural residential area. The proposal is and consistent with the scale, building height, setback and site coverage of surrounding residential dwellings and other developments.
- b) *to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely:*
 - i. *to adversely affect the aesthetic and scenic value of the land and its setting; or*
 - ii. *to create a demand for the uneconomic provision of services; and*

Comment:

- The proposal does not involve development for the purpose of a rural-residential holding, nor does it prevent the development of neighbouring land in the locality for that purpose.
- c) *to allow for non-residential uses where those uses are:*
 - i. *compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;*
 - ii. *unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and*
 - iii. *unlikely to interfere unreasonably with the amenity of adjoining properties.*

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Comment:

- The proposal is compatible with neighbouring residential development and it will not interfere unreasonably with the amenity of neighbouring properties.
- The proposed development will be bordered by perimeter landscaping and security fencing and will provide a streetscape compatible with neighbouring residential development.
- The proposal will implement acoustic measures to minimise noise impacts from the main road and to adjoining properties.
- The proposal is consistent with the desired character and scenic quality of the area and will not place demands on the services beyond the level reasonably required for small rural holdings.

In this instance, it is considered that the proposal is consistent with the stated objectives of the 7c2) zone and is also consistent with the principles of Ecologically Sustainable Development, as specified within the *Local Government Act 1993*.

Interim Development Order No 122 - Character

Clause 5(4) of Interim Development Order No 122 stipulates that the Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.

In this instance, the proposal does not detract from the character of the immediate locality, refer detailed response under *Chapter 2.1 Character of Gosford DCP 2013* (later in this report).

Interim Development Order No 122 - Permissibility

The subject site is zoned 7(c2) Scenic Protection (Scenic Protection – Rural Small Holdings under *Interim Development Order No. 122* (IDO 122)). The proposed development is defined as **Child care centre** which is permissible in the zone with consent of Council.

Child care centre means a building or place used or intended for use for the purpose of educating, minding, or caring (without provision for residential care) for 8 or more children under 6 years of age, not related to the person so using the said building or place, but does not include an educational establishment.

The application is made pursuant to the provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

Gosford Development Control Plan 2013.Chapter 2.1 Character

The site is located within Erina Heights 4: Mixed-use Corridor (Scenic Buffer)

Desired Character

This should remain a ribbon of low-impact retail, business and residential activities, where the distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major tourist routes are preserved or reinstated by future road works and by developments that maintain leafy settings, as well as by limiting the proliferation of business signs.

Maintain existing informal scenic characters of hillside and roadside properties together with meandering road verges by retaining natural slopes and preventing further fragmentation of the tree canopy, particularly mature bushland remnants that provide scenically-prominent backdrops to a major tourist route or nearby properties. Limit the intrusion of structures upon their landscape setting by concentrating new development within existing cleared areas. Use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes and near bushland. Locate large buildings to preserve existing vistas from the road towards natural scenic backdrops.

In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures. Minimise the extent of cleared asset protection zones required for dwellings by fire-resistant siting, design and construction for all new structures plus effective management of their grounds. The ideal compromise between the desired scenic quality and bushfire protection would limit hazard-reduction clearing to the understorey plus thinning of the canopy to establish breaks between existing trees.

Maintain the informal character of existing semi-rural hillsides by avoiding front and side fences that are not see-through, tall retaining walls and extensive terraces or substantial parking courtyards that would be visible from any road frontage or nearby property. For street fences, a see-through post-and-rail style is preferred. Surround all buildings with extensive garden setbacks, planted with trees and shrubs that are predominantly indigenous to complement the established canopy. Noxious or environmental weeds must not be planted, and existing infestations should be controlled.

In order to minimise their scale and bulk, all new buildings that would be visible from any road or nearby property should reflect the modest character and simple articulation of traditional farm buildings. For example, divide floorspace into separate pavilion structures that are surrounded by landscaped courtyards. Roofs

should be simple hips or gables without elaborate articulation, gently-pitched to minimise the height of ridges and flanked by wide eaves or verandahs to disguise the scale of exterior walls. (In bushfire prone areas, screen all verandahs and roofs to prevent the entry of sparks and flying embers.)

To disguise the scale and bulk of new buildings, a light-weight appearance is preferred for all facades that would be visible from the road. For example, incorporate extensive windows and verandahs, paint finishes and some sheet or board cladding rather than expanses of plain masonry, Ensure that outbuildings are compatible with the scale and design of the primary building upon each property, particularly by using roofs with eaves and similar pitches.

Complement the desired streetscape quality of road frontages by preventing the proliferation of business signs. Pylons should be limited to one per development and designed to complement landscaping along the road-frontage. Building signs should be attached in consistent locations such as along awnings or fascias and limited in both size and number.

The proposal complies with the desired character. The building is set back from The Entrance Road and will not be highly visible from public places. It maintains the scenic character and is located on that part of the site previously disturbed. There is minimal tree removal.

Chapter 3.7 Advertising Signage.

No signage is proposed as part of this application.

Chapter 3.9 Child Care Centres

The objectives of this chapter are as follows:

- 1 To encourage the provision of high quality child care which meets the needs of the community;
- 2 To ensure that potential impacts of child care centres on surrounding residential amenity is minimised.
- 3 To ensure that child care centres are located on appropriate sites having regard to the topography and relationship to adjoining development.
- 4 To provide measures to protect the natural and built environment.
- 5 To encourage the provision of child care centres in appropriate locations to meet the needs of the community.
- 6 To ensure consistency between Council's requirements for development and those of the licensing authority (NSW Department of Community Services).

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The proposal meets the objectives of this chapter. The proposal is of a high quality design, does not significantly impact adjoining development, protects the natural environment, and is consistent with the policy requirements for child care.

In accordance with Clause 26 of the Education and Child Care SEPP development guidelines in a development control plan that conflicts with the SEPP and the associated Child Care Planning Guidelines 2017 do not apply other than those concerning building height, side and rear setbacks or car parking rates.

Notwithstanding this, the proposal has been assessed in accordance with the relevant provisions of GDCP 2013 Chapter 3.9 Child Care Centers. **(Refer Attachment 17).**

The proposal is considered satisfactory notwithstanding minor areas of non-compliance with the following:

- Clause 3.9.3d Location - Where possible, the site should be adjacent to a public reserve which and separated from residential activities.
- Clause 3.9.5.2e Traffic and Parking – a separate entry/exit driveways shall be provided for centres.

The areas of non-compliance including other relevant development controls are detailed as follows:

Clause 3.9.3 Location

Clause 3.9.3 of GDCP 2013 seeks to ensure that child care centres are located in areas with high environmental quality without exposure to undesirable health and safety risks from the site and surrounding areas, provide privacy and acoustic measures for neighbours, and are able to be accessed by a range of transport means.

Comment:

The site is located in an area of high environmental quality with extensive tree cover at the rear of the site.

The site is located on a main road and noise and air quality impacts have been taken into consideration and mitigation measures proposed. There are not considered to be any undesirable health and safety risks. The site has good public transport access.

The site is considered suitable for use as a child care centre.

- 3.9.3c. *The site should not be located in a cul-de-sac, opposite an intersection or on any other road where additional vehicles may create traffic conflict or adverse impact on the amenity of the area.*

Comment:

The proposal is not located on a battle axe allotment. The site has frontage to the Central Coast Highway. The traffic report identifies that the traffic generated by the proposed development will not impact traffic flows or the road system. It is supported by TfNSW and Council's Engineers.

3.9.3d. Where possible, the site should be adjacent to a public reserve which will reduce the number of properties potentially affected by the child care centre. The site should be separated from residential activities. Preferred locations include sites adjacent to public reserves, commercial sites, schools or other non-residential uses. Sites located in the general vicinity of primary schools are encouraged.

Comment:

The site is not located adjacent to a public reserve. The assessment has considered that the design and location of the building on the site provides adequate building separation including the location of the child play areas to adjoining development. The Acoustic Report recommends acoustic fencing to child play areas to the road to mitigate potential noise impacts and including extensive landscaping surrounding the building and car parking areas. The proposal appropriately responds to the site characteristics, constraints and opportunities of its surrounds and is not considered to have detrimental amenity impacts on adjoining properties with respect to privacy and noise. The site is located in close proximity to two schools.

3.9.3f. Ease of access to the site by public transport should be taken into account in site selection.

Comment:

The site is located on a bus route, with a bus stop and footpath paving at the front of the site.

The proposal demonstrates through its siting and design on the land the following:

- The proposal will not generate traffic movements which would create traffic conflict or adverse impacts on the amenity of the locality.
- The Acoustic Report has been reviewed by Council's Environmental Health officer and deemed satisfactory subject to conditions to comply with the recommendations of the Acoustic Report.
- The proposal complies with the parking requirements of the GDCP 2013 with sufficient area for vehicles to circulate on site for maximum traffic flows to reduce delays at the carpark entry and is not considered to have adverse traffic impact or disruption to adjoining residents.

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- The proposal achieves satisfactory separation to adjoining residential development.
- The proposal achieves the objectives of the clause and is supported.

Chapter 3.12 Non- Residential uses in the E3/7(c2) Zone

The objectives of this chapter are as follows:

- 1. To provide for non-residential developments and uses that are compatible with the size and scale of rural-residential forms of development that would otherwise be permissible on the land.**

Comment

The proposed use is compatible with the size and scale of development that would otherwise be permissible on the land. The proposal consolidates two (2) existing lots that could be developed separately.

- 2. To ensure that such forms of development are likely to adversely affect the principal role of the E3 and 7(c2) zones as a buffer or transition zone between conservation areas and/or urban areas;**

The E3/7(c2) Zone is intended to maintain scenic and conservation values on lands located between urban areas and adjoining lands included within the E2/7(a) Zones. It is therefore important to ensure that non-residential buildings and structures are in scale and context with residential buildings that are permitted in the zone.

In order to be consistent with the current requirements, non residential buildings in the 7(c2) zone should not exceed a maximum Floor Space Ratio of 0.15:1 nor a height in excess of 7 metres. Height and Floor Space Ratio in the E3 zone are contained in Gosford LEP 2014.

Comment:

The proposed FSR is 0.081:1 and the proposed varies up to 8.726m. The FSR is significantly below the desired 0.15:1. The height is partly due to the steep slope of the land and the sloping roof which does not create any unreasonable bulk and scale impacts due to the low FSR.. The building is effectively two storey in height which is consistent with that envisaged for the zone.

The proposal is not likely to affect the principal role of the 7(c2) zone and is compatible with the multiple uses in this location.

- 3. To ensure that development does not create an unreasonable demand for public services or substantially reduce existing level of service**

The provision of public services in rural areas is generally less available than in urban areas due to lower densities of development and remoteness from facilities. Non-residential forms of development should not therefore be encouraged where they have an unreasonable demand for services in comparison with other forms of development located within the locality or where they would reduce services currently available to residents.

Comment:

All services are available except sewer to the site. An OSSM system is proposed which is suitable for the site. The proposal does not create an unreasonable demand for public services or substantially reduce existing services.

4. To ensure that development does not create significant environmental effects

As reticulated utility services (water and sewerage) are generally not available to lands zoned E3/7(c2), special attention needs to be given to the collection and storage of water and the treatment and disposal of effluent from non-residential uses on site. Where reticulated services are not available, a report addressing the proposed method of water collection and storage and on-site treatment and disposal of effluent will be required to be submitted with a development application. The report is to be prepared by a suitably qualified and experienced person.

In some circumstances additional reports may be required relating to noise and/or air quality issues.

Comment:

An adequate OSSM system is proposed as well as a water cycle management plan.

5. To maintain the aesthetic and scenic value of the land and its environmental character

One of the principal objectives of the E3/7(c2) zone is to maintain scenic protection values. Non-residential developments should therefore only be permitted where they will not adversely affect the particular aesthetic and scenic values and environmental character of the locality within which they are proposed. Consideration should be given to the provisions of the Scenic Quality and Character chapters of this DCP in preparing and assessing proposals for non-residential developments.

In particular consideration needs to be given to the environmental characteristics of the land, including slope, aspect, flora and fauna and drainage in determining the location of development on a site. A site analysis plan should be prepared to accompany the development application for non-residential development to indicate how environmental characteristics have been taken into account. Where possible, development should be restricted to cleared areas of land with slopes of less than 20% in order to minimise the need for cut and fill.

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Proximity to watercourses will need to be considered having regard to the provision of the Rivers and Foreshores Improvement Act.

Comment:

The proposed development is generally located in the benched and cleared areas of the site. There are no nearby watercourses or significant impacts on vegetation or ecological values. A water cycle management plan has been submitted.

6. To ensure that development has regard to the amenity of adjoining properties.

Development of land for non-residential purposes in the E3/7(c2) Zone has the potential to adversely affect the amenity of residents of adjoining properties which have been developed for rural-residential purposes. Particular consideration therefore needs to be given to the location of non-residential uses to ensure that they have regard to the amenity of the adjoining properties.

Issues to be addressed in the site analysis plan should include the location of indoor and outdoor living areas, aspect, vegetation, access to the property and drainage on adjoining properties.

Comment:

The application has been accompanied by an acoustical assessment. The proposal will not significantly impact the amenity of adjoining properties. Adjoining and nearby developments include a café, art gallery, schools and commercial premises.

7. To facilitate traffic management and/or pedestrian safety

Non-residential uses have the potential to generate significant amounts of traffic in an otherwise low density rural environment. All development proposals for non-residential development should be accompanied by a traffic study prepared by a qualified and experienced traffic engineer to address the potential traffic generation for the proposed development and its potential effect on the local road system. Traffic management, car parking and pedestrian safety are key components of such a report.

Comment:

A traffic and car parking assessment has been submitted and assessed by TfNSW and Council's engineers who support the proposal subject to conditions. The proposed development and traffic generated will not significantly impact traffic flows or the local road system.

8. To ensure that development occurs with due regard to issues of bushfire

All forms of non-residential development are to have regard to relevant Australian Standards to mitigate the effects of bushfire attack and Planning for Bushfire Protection

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2006, due to the likelihood that additional people will be encouraged to use a rural/environmental/conservation/non-urban area of the City.

Comment:

A bushfire report has identified the development is suitable for the land and the RFS has issued a bush fire safety authority subject to conditions.

Chapter 6.1 Acid Sulphate Soils.

The site is not identified as containing acid sulphate soils.

Chapter 6.3 Erosion Sedimentation Control.

Appropriate conditions have been imposed.

Chapter 6.6 Preservation of Trees or Vegetation.

An arboricultural impact assessment and landscape plan has been submitted and assessed as satisfactory by Council's Tree Assessment Officer. Four existing trees are proposed to be removed and additional planting proposed including within the car parking area.

Chapter 6.7 Water Cycle Management

A water cycle management plan has been submitted and assessed as satisfactory by Council's engineers. A 20,000L rainwater tank is proposed as part of the water retention and detention system.

Chapter 7.1 Car Parking

The proposal provides 45 off- street car parking spaces and 8 bicycle spaces as per the DCP requirements, including 2 assessable car spaces.

Chapter 7.2 waste Management.

A waste management plan has been submitted which is required to be amended. (Refer condition 2.14)

Any Submission made in Accordance with this Act or Regulations.

The application was notified on two occasions:

- From 26 February 2020 to 18 March 2020 - 20 submissions were received.

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- Amended plans to relocate the outdoor play area from the southern side to the northern side of the proposed building were notified from 13 November 2020 to 11 December 2020 - 26 submissions were received.

A summary of the issues raised in the public submissions are detailed below.

- Not an appropriate use of land and negative impact on traffic conditions.

Comment- A child care centre is a permissible use with consent. A number of educational establishments already exist in the locality, as well as approval for 2 other child care centres, one of which is currently under construction.

TfNSW have not objected to the proposal and two existing driveways will be reduced to one driveway. The proposal is not expected to have a significant impact on traffic flows or safety.

- Out of character with scenic bush area of Erina Heights.

Comment- The proposed development is located generally in the cleared area where existing buildings were located. As the site falls away from The Entrance Road, it will not be highly visible when viewed from The Entrance Road.

It will not be out of character with existing development on adjoining sites or in the locality as the building will appear as a large house.

- The site has bushfire, septic tank, stormwater, traffic and ecology issues.

Comment- The RFS has issued approval subject to conditions. Stormwater, septic tank, ecology and traffic issues have been addressed to the satisfaction of Council's engineer, environmental health officer, and ecologist, as well as TfNSW.

- The amended plans were not referred to TfNSW and RFS.

Comment- The amended plans were referred to TfNSW and RFS who advise the amendments do not change their previous comments/conditions.

- The proposal will be affected by odour from the poultry shed on the other side of The Entrance Road.

Comment- An air quality assessment has been submitted with the application and is considered satisfactory by Council's Environmental Health officer. The air quality report has considered air quality impact from traffic on The Entrance Road which is closer to the proposed development than the poultry sheds.

- The proposal is not permitted under the LEP and DCP.

Comment- The proposal is permissible with consent under the IDO 122. The GDCP 2013 cannot prohibit development permissible under the GLEP 2014.

3.2 DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility (contd)

- The western driveway will interfere with the driveway to 392 The Entrance Road and should be removed. The bus shelter will block sight distance for vehicles exiting the western driveway.

Comment- The western driveway has been deleted in the amended plans. All access to the site is from the eastern driveway.

- The water tank on the western boundary will impact stormwater flows. Groundwater absorption trenches are not an appropriate method of stormwater disposal.

Comment- The application includes a water cycle management plan which has been assessed by Council's Development Engineer as satisfactory.

- The effluent disposal report is not supported by a geotechnical report. Effluent may impact the adjoining site.

Comment- The existing system and report has been assessed by Council's Environmental Health Officer who supports the proposal subject to conditions.

- The application does not identify existing structures. The consent for the dog kennels needs to be surrendered.

Comment- The existing structures are to be demolished. There is no need to surrender any past consents.

- The consolidation of the two lots is required.

Comment- Refer condition 5.9.

- No objection subject to the driveway to 402 The Entrance Road not being used for access. A barrier should be erected.

Comment- The site does not rely on access over the adjoining land or driveway. A barrier separating the driveway is not required or desirable.

Internal Consultation

Development Engineer	Supported subject to conditions. Refer conditions 2.4-2.6, 3.11, 3.12, 5.4, 5.6-5.8. See comments below.
Tree Assessment Officer	Supported subject to conditions. Refer conditions 4.10, 5.11, 5.12. See comments below.
Waste Services	Amended waste management plan required. Refer conditions 2.14, 3.6 and 4.8.

3.2**DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility (contd)**

Water and Sewer	Supported subject to conditions. Refer condition 2.13.
Ecologist	Supported subject to conditions. Refer conditions 2.10-2.12, 3.13, 3.15, 3.16, 4.16-4.28, 6.5, 6.6.
Environmental Health (OSSM)	Supported subject to conditions. Refer conditions 2.7, 5.10.
Environmental Health	Supported subject to conditions. Refer conditions 2.9, 3.7, 4.7, 4.9, 4.11-4.15, 5.13, 6.1-6.4. See comments below.
Building Surveyor	Supported subject to conditions. Refer conditions 2.2, 2.3, 3.8, 3.9, 3.10, 5.3.
Environmental Health (Food)	Supported subject to conditions. Refer conditions 2.16, 2.17, 3.6, 5.17-5.20.

External Consultation

NSW Rural Fire Service (RFS)	Supported subject to conditions. Refer condition 1.3.
Transport for NSW (TfNSW)	Supported subject to conditions. Refer engineering conditions.

Development EngineerAccess & Parking

The site is presently accessed by two vehicle access crossings (1 per existing lot) located near the eastern and western side boundaries of the total site. The western vehicle crossing is proposed to be deleted.

The eastern vehicle access crossing is proposed to be slightly moved to the east and will be utilised as a combined entry/exit arrangement. Changes to this vehicle access crossing will require formal approval under S138 of the Roads Act 1993.

A one-way traffic flow is proposed for vehicles associated with the child care centre, and this will need to be appropriately sign posted. Furthermore, the access from the internal 6.6m wide access road into the car park will need to be amended to be a one-way movement into the car park to enforce the one-way movement.

Section 3.2.5.2 of Council's Gosford DCP2013 as related to Child Care Centres does not permit direct access to a State road. As this site only has suitable access available directly to The Entrance Road, no other alternative is available. TfNSW have no objection to the proposal. Also the access is left-in and left-out only.

The development is proposed to be serviced by a medium rigid truck (more than likely a private contractor) with forward entry & exit achieved utilising the one-way movement through the site.

Bushfire

3.2 DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility (contd)

An internal access road 6.6m wide is proposed to traverse the existing eastern lot of the development (Lot 9 DP 1135884) to provide access to the car park but also to an area within the site to the south east of the proposed childcare building and play area for bushfire protection purposes. It is noted the bushfire report submitted with the application indicates certain recommendations for improvements to the access, and that the application has been referred to the NSW RFS for comment/concurrence.

Traffic

A Traffic & Parking Assessment prepared by Intersect Traffic (Ref 19/015 dated April 2019) was submitted with the application. This report indicates:

- There is spare capacity in the traffic volumes in The Entrance Road to accommodate the additional traffic generated by the proposed development.
- The site is well serviced by public transport (buses) and school buses with a bus lane and bus stop within the site frontage.
- The development will generate 48vtph (i.e. 96 combined in & out) in the AM peak and 42vtph (i.e. 84 combined in and out) in the PM peak traffic times.
- The development would not result in traffic capacity problems being reached in The Entrance Road, including estimations in traffic growth up to year 2029.
- Vehicular sight distance as per Fig 3.2 of AS2890.1:2004 is achieved for the 60km speed zone.
- Pedestrian sight lines as per Fig 3.2 of AS2890.1:2004 are achieved.
- The car park proposed is compliant with Category 3 development as per AS2890.1:2004.
- The car park is compliant with AS2890.1:2004.

Transport for NSW (TfNSW)

The Entrance Road is part of Central Coast Highway which is a State Road (HW 30). As such the development application was referred to Transport for NSW (TfNSW) incorporating Roads & Maritime Services (RMS).

The TfNSW response dated 30 March 2020 included the following comments as related to engineering matters:

TfNSW comment

TfNSW has reviewed the information provided and raises no objection to the proposed development, provided the following matter(s) are addressed and included in Council's conditions of development consent:

- *Install 1 x W6-7 bicycle warning sign and post north of the entrance to the proposed facility. Contact is to be made with Ken Saxby, Network and Safety Services Manager to discuss the appropriate location of the sign.*

3.2 DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility (contd)

Council Comment

This can be appropriately conditioned.

TfNSW comment

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.*

Council Comment

Noted.

TfNSW comment

- *The developer should consider the installation of a TfNSW approved safety barrier along the roadside boundary if there are concerns with vehicles crossing the boundary from The Entrance Road.*

Council Comment

An acoustic fence 2.2m above ground level on top of a 1.2m retaining wall is proposed on the northern side of the outdoor play area adjoining The Entrance Road boundary. This should provide adequate protection against out of control vehicles leaving the road. This should include/incorporate a crash barrier for safety purposes as well as an acoustic barrier. **(Refer condition 2.6)**

TfNSW comment

- *Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveways promotes safe vehicle movements.*

Council Comment

Sight line distances at the entry & exit for the development appear to be satisfactory.

3.2 DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility (contd)

TfNSW comment

- *Discharged stormwater from the development shall not exceed the capacity of The Entrance Road 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 Comment

The development does not drain directly towards The Entrance Road, although is part of a stormwater catchment that discharges stormwater across The Entrance Road further to the west at the Hubbards Creek culvert crossing. On-site detention is proposed and required for the site to limit post development flows back to pre-development flows for all storms up to and including the 1%AEP recurrence interval.

TfNSW comment

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 Entrance Road, a classified State Road (A49). 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.

Council Comment

An acoustic report has been submitted which identifies noise mitigation measures for the proposal, including an acoustic fence on the northern side of the outdoor play area.

Waste

The development is proposed to be serviced by a medium rigid truck (more than likely a private contractor) with forward entry & exit achieved utilising the one-way movement through the site.

Flooding

Council's records do not indicate the site as being affected by flooding or flood planning controls.

Drainage

The site generally grades away from the northern boundary (The Entrance Road frontage) towards the rear southern boundary of the site. The site is rural in nature, however the development proposed is of a commercial nature.

A 'Water Cycle Management Plan Report' prepared by RGH Consulting Group (Ref 20180048_R01 Rev A dated May 2019), together with 'Concept Stormwater Management Plans' prepared by RGH Consulting Group (Job No 20190048 Sheets DA.1.01, DA.2.01, DA.2.02, DA.3.01, DA.3.02, DA.3.03, & DA.3.04, all Rev A dated 16.05.19) were submitted in support of the application. These details propose the following measures in relation to stormwater management for compliance with Chapter 6.7 of Council's Gosford DCP20013:

- Water Conservation: The development proposes the use of a water tank with a minimum volume of 20,000 litres for reuse within the development, being proposed to be connected to outdoor taps, cold laundry taps, and toilets.
- Retention Target: 100% of the roof water of the child care centre building is to be captured and discharged to the proposed 20,000 litre water tank, with overflows then draining to infiltration trenches.
- Stormwater Quality: A treatment train approach has been adopted to capture roof water into the retention tank to settle out pollutants, with outflows to on-site detention tanks and infiltration trenches (Atlantis drainage cells or equivalent including filter beds below comprising a sandy loam). Proprietary 'Ecosol Litter Basket' or similar are also proposed to be installed on all drainage pits.
- On-site Detention (OSD): OSD is proposed to limit post development flows back to pre-development flows for all stormwater and recurrence intervals up to the 1%AEP storm event. Two separate OSD tanks are proposed in the details as RGH have assumed the two sites will not be amalgamated (consolidated). As indicated below the sites need to be consolidated. If the two lots are consolidated, two separate tanks can still be provided as indicated in the RGH WCMP & stormwater management plans.
- Overland flow: Concrete level spreaders are proposed downslope of the OSD & infiltration areas to dissipate and sheet out overland flows from the development area.
- Operation & Maintenance Plan: A recommended maintenance schedule is indicated in the WCMP.

The proposed stormwater management measures are satisfactory for the purposes of the DA assessment.

With due consideration to the clay soils in this area and the slope of the land, it is recommended that the infiltration trenches are designed in conjunction with recommendations from a practising registered Geotechnical Engineer, to ensure that slope stability is maintained.

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Water and Sewer

The development is serviced by water but not sewer. The development will require a S307 Certificate under the Water Management Act 2000.

Lot Consolidation

Although the child care centre building, play areas and part of the car park are proposed over the western lot (Lot 32 DP1223138), large areas of the eastern lot (Lot 9 DP 1135884) are to be utilised for access, car parking, bushfire, access, bushfire protection measures, and on-site sewer management. On this basis the two lots will need to be consolidated prior to the issue of any Occupation Certificate, else the development would result in excessive restrictions on Lot 9 that could make it difficult to enable any further development on this lot.

Furthermore, if the two lots are not consolidated then there would be a requirement for the creation and construction of interallotment drainage easements and associated interallotment drainage pipelines, and right of accessways all to subdivision standards that have not been proposed nor assessed for the application, and hence no consent conditions recommended for such works and easements. In this instance the engineering conditions do include a condition to consolidate the two lots. **(Refer condition 5.9)**

Tree Assessment

Council's Tree Assessment Officer advises:

The Landscape Plan by GSP Feb 21, nominates the use of advanced 45lt Water Gum, Blue Berry Ash and Golden Rain Tree along the front boundary and a row of Weeping Lilly Pilly to 8m high set further back. This new planting will be slightly set back and replace the existing Banksia and Blue Berry Ash to 5m high located under the power wires, expected to be removed.

Carpark will have Tuckeroo, Flowering Gums and specimen Illawarra Flame tree.

The proposed Landscape Plan is considered very satisfactory.

Ecology

Council's ecologist advises:

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 attached conditions being included within any consent granted.

*It is noted that the site is known to contain two *Rhodamnia rubescens* within the proposed Bushfire Asset Protection Zone. Neither specimen will be removed and both*

with be provided with a 3m protective buffer from any understory clearing. An additional survey of the APZ area will be recommended via conditions in order to identify any seedlings or re-shooting individuals that may have emerged. All identified species are to be subject to a Management Plan that will encompass the APZ area, in which regular inspections and fungicide treatments are to be conducted with the aim of preventing the further decline of the plants as a result of Myrtle Rust Infection.

Hollow bearing trees should be prioritised for retention within the proposed APZ. Where this is not possible due to the requirements of the IPA APZ, tree hollows should be salvaged and reinstated within the retained native vegetation within the APZ. Where tree hollows are unable to be salvaged and reinstated, replacement nest boxes should be installed.

With regards to the expected tree removal at 396-404 The Entrance Rd, Erina Heights, there are four (4) trees likely to go within the footprint of the development (2 native, 2 non-native).

The remainder of the vegetation within the lots is required to be managed as an Inner Protection Zone APZ so will need to be reduced to a maximum of 15% canopy coverage. We won't know the exact number of trees to be removed within this area until the applicant prepares and submits their Tree Removal/ Retention Plan, conditioned Prior to Commencement of Any Works.

Environmental Health

Council's Environmental Health Officer advises:

Air Quality

The use is not expected to impact on the region's air quality and there are no industrial uses nearby that would impact on the development.

The Entrance Road is classified as a 'busy road' carrying between 20,000 to 40,000 Annual Average Traffic Volume and is a potential source of air pollution, with children and the elderly being more susceptible to impacts from air pollution. The revised plans indicate the orientation of the outdoor play areas is NO longer situated perpendicular to The Entrance Road with the building acting as a buffer between the pollution source. It is now proposed to have the outdoor play areas at the front of the building adjacent to The Entrance Road. Second storey windows and first floor sliding doors openings in and out of indoor to outdoor play areas are also now facing towards the Entrance Road. Physical separation from the pollution source is indicated in the revised acoustic report to be a 2.2-metre-high fence. Section 3.6 of the Child Care Planning Guideline August 2017 also recommends distance to the pollution source which is not

afforded in the revised design. Due to the revised design it was recommended that an air quality assessment was conducted, as per Section 3.6, Clause 28 of the Childcare planning guideline August 2017 and Section 4 of the Interim Guidance- Development near rail corridors and busy roads 2008.

The submitted air quality assessment prepared by Rapt Consulting was reviewed and was not considered adequate for the following reasons:

- Williamtown automatic weather station ('AWS') has been used for wind speed and direction rose/s which is located approximately 85 kilometres from the site. There are several closer AWSs run by the Bureau of Meteorology which are considered more suitable,*
- Temperature and rainfall data have not been included in the assessment,*
- All potential contaminants of concern have not been modelled, including VOCS,*
- On site sampling of existing background air pollutants at the site have not been undertaken nor has worst case input data been used for dispersion modelling,*
- The report concludes that the site is considered satisfactory for use as a childcare facility, however this is not based on any evidence including dispersion modelling and interpretation of dispersion modelling data and/or impact assessment criteria.*
- Ventilation requirements for the centre and the preferred location of the air intake for any mechanical ventilation systems has not been provided.*
- The design of the centre is not such that the location of play areas are not located as far as practicable from The Entrance Road (Central Coast Highway) and the report does not confirm that there will be no impacts on the occupants from vehicle emissions and the design is acceptable from an air quality perspective,*
- The author of the report has not demonstrated that he has the necessary qualifications, skills and experience to undertake this type of air quality assessment nor has the report been peer reviewed,*
- The report has not been prepared in accordance with the relevant guidelines including the NSW EPAS approved methods for modelling and assessment of air pollutants, NSW DP Development near rail corridors and busy roads- Interim guidance and Child care Planning Guideline.*

A qualitative air quality assessment was requested. The submitted air quality assessment prepared by Northstar Air Quality Pty Ltd, 30 June 2021 is satisfactory. The report concludes that the site is suitable for the proposed use from an air quality perspective and provides additional recommendations to reduce potential air quality impacts from The Entrance Road.

Acid Sulfate Soil (ASS)

The land is mapped as Class 5 ASS. The development is not expected to disturb ASS.

Asbestos Containing Material (ACM)

396 The Entrance Road ('H396') is currently vacant. Demolition of dog kennels on 404 The Entrance Road ('H404') is required for the access driveway, which may contain ACM.

Contamination/ Sepp 55

H396, which is proposed to be the location of the childcare centre and outdoor play areas, is currently vacant, however aerial imagery shows two residential dwellings and outbuildings were present on the land in 2010. The previous land use is not potentially contaminating therefore further investigation is not warranted under SEPP 55.

In any case, the applicant will need to apply for a service approval for centre-based service which requires the submission of a soil assessment (or statement) to meet the conditions of regulation 25 of the Education and Care Services National regulation.

Noise

Proposed hours of operation are:

- Monday to Friday 6:30am to 6:30pm.

The total number of children proposed is 120, 0-5 year old's, and 25 staff (including manager and administration) consisting of:

- 20 children, 0-1 year old's, 5 staff,
- 20 children, 1 -2 year old's, 5 staff,
- 25 children, 2-3 year old's, 5 staff,
- 27 children, 3-4 year old's, 3 staff,
- 28 children, 4-5 year old's, 3 staff.

The proposed outdoor play areas are no longer located perpendicular to the highway to reduce noise impacts from the highway which no longer meets the requirements of clause 25 of the Child Care Planning Guideline.

The acoustic report details the noise impact of the child care centre on the closest residential and commercial receivers, including the impacts of children playing and crying (indoors and outdoors), mechanical plant (exhaust and air conditioning), vehicle movements on site and all cumulative impacts. It also considers noise impacts from The Entrance Road on the centre. Recommendations are proposed to meet project specific noise criteria, including the preparation of a noise management plan (to include administration controls, maintain gap free existing boundary fences,

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closing windows/doors of cots rooms if complaints are received and staggering the use of outdoor areas for different age groups), maximum sound power levels of plant and equipment (and barriers if these are exceeded) and Rw required glazing for north and east facing windows and doors. It also recommends keeping and maintain the acoustic fence at the northern boundary with The Entrance Road and install a 2.2 metre acoustic fence to northern boundary of outdoor play area and Level 1 veranda enclosed balustrade.

Soils and Construction/ Water

Both sites are located approximately 200 metres upslope of an unnamed creek, a tributary of Erina Creek. Wet weather flows are expected to traverse through several properties prior to entering the water course.

The area of soil disturbance is expected to be greater than 2500m², therefore a Soil and Water Management Plan ('SWMP') was requested. The submitted SWMP satisfies the minimum requirements of Clause 6.3 of the Gosford DCP.

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 7(c2) Conservation and Scenic Protection (Scenic Protection Rural Small Holdings) under IDO122 and adjoins rural-residential developments mainly comprising single dwellings, but also including a number of other uses including educational, commercial, and agriculture.

The siting and design of the proposed child care facility within the subject land together with proposed landscaping and fencing will ensure that the proposed development does not overlook or adversely impact the visual and acoustic privacy of neighbouring residential properties.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the Education and Child Care SEPP, IDO 122, and GDCP 2013 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is two-storey and is not considered to have any adverse impacts on scenic quality or the streetscape of The Entrance Road and will sit below the level of the

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main road, Central Coast Highway, as it will be screened from the public domain by site fencing and landscaping. Existing trees will be retained where possible.

All roof water will be directed to the rainwater tank for harvesting and re-use within the site. corner of the site. Post-development flow will not exceed pre-development during any storm event through on-site detention system provided in accordance with Chapter 6.7 Water Cycle Management of GDCP 2013.

c) Economic Impacts

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Regional Plan 2036* and facilitates economic development that will lead to more local employment opportunities on the Central Coast in the building construction industry, in the operation of the child care facility through employment of 25 staff at any one time and service support sectors providing services to the facility.

d) Social Impacts

The proposed development will positive social contribution to expanding the region's child care services in order to meet increasing demand from local residents.

There is a high demand for child care for families and will provide a more suitable arrangement (single community) for those families which currently face the disturbance of having to send siblings to different locations/services.

The proposal is suitably located for its accessibility and proximity to local amenities/services. Utility services are available to the proposed development without the need for the upgrading of any infrastructure provided by a public authority.

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.

Suitability of the Site for the Development:

The site is zoned is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection Rural Small Holdings) under IDO122. A centre-based child care facility is permissible in the zone.

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The proposal is generally in keeping with the provisions of the Childcare Planning Guideline as required by the Education and Child Care SEPP.

The site is not subject to flooding and the RFS have issued a bushfire safety certificate for the proposal. The site has been remediated following previous uses of the site and there will be no significant impact upon the natural environment as a result of the proposal.

The proposed development raises no adverse impacts or consequences regarding the principles of Ecologically Sustainable Development and is considered to be an appropriate use of the land in terms of social, economic and environmental criteria.

As such the site is considered suitable for this type of development subject to conditions of consent relating to civil works, traffic, visual and acoustic privacy and the provision of landscaping.

The Public Interest: (s79C(1)(e)):

The approval of the application is considered to be in the public interest.

- The proposal will generate social and economic benefits for the community by providing much needed child care services in the local area;
- It will not have any adverse impact on the natural environment,
- It will not unreasonably impact the amenity of neighbouring properties.

Climate Change

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

Development Contributions:

The development is subject to CP36A Erina Valley and Section 7.12 Central Coast Regional Contribution Plan. No contribution applies under CP36A due to lot consolidation.

A contribution applies under Sect 7.12. (**Refer condition 2.8**)

Political Donations

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

Conclusion:

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impacts.

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 Interim Development Order No 122 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*.

Attachments

1	Draft Conditions of Consent		D14620122
2	Updated Plans - 396 The Entrance Road Erina Heights		D14737164
3	Traffic Parking Report 396 & 404 The Entrance Road, ERINA HEIGHTS DA57957 Part 1	Provided Under Separate Cover	D13827666
4	RFS Determination Letter 396 & 404 The Entrance Road, ERINA HEIGHTS DA57957 Part 1		D14095080
5	Compliance Table-SEPP Child Care.		D14695471
6	Compliance Table Chapter 3.9 Child Care Centres DA57957		D14695480

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: Sorensen Design & Planning

Landscape Plans by: Green Space Planning Co

Drawing	Description	Sheets	Issue	Date
1802611	Proposed Site Plan	1 of 8	E	06/07/2021
1802611	Existing Site Plan	2 of 8	E	06/07/2021
1802611	Existing Site Plan	3 of 8	E	06/07/2021
1802611	Level 1 Plan	4 of 8	E	06/07/2021
1802611	Level 2 Plan	5 of 8	E	06/07/2021
1802611	Elevations and Section	6 of 8	E	06/07/2021
1802611	3D Views	7 of 8	E	06/07/2021
1802611	Swept Path Diagrams	8 of 8	E	06/07/2021
	Landscape Plans			
00	Cover Sheet	1	-	February 2021
01	Site Analysis	1	-	February 2021
02	Landscape Concept Plan	1	-	February 2021
03	Planting Plan	1	-	February 2021
04	Planting Schedule	1	-	February 2021

Supporting Documentation

Document	Title	Date
Perception Planning	Statement of Environmental Effects	02/07/2019
Perception Planning	Waste Management Plan	20 May 2021
Intersect Traffic	Traffic & Parking Assessment	April 2019
Lindsay perry Access	Disability Access Report Ref LP_19007	09/04/2019
Decentralised Water Consulting	On-Site Waste Water Management Report	02/07/2019
Bushfire Planning & Design	Bushfire Assessment Report	28 September 2020
Perception Planning	BCA Assessment Ver 2	19/08/2020

Reverb Acoustics	Noise Impact Assessment Report No19-2290-R2	August 2020
RGH Consulting Group	Water Cycle Management Plan Report Ref 20190048_R01 Rev B	October 2020
RGH Consulting Group	Concept Stormwater Management Plan DA.1.01-DA3.04 (7 Sheets)	October 2020
North Star Air Quality	Air Quality Impact Assessment	30 June 2021
AEP	Biodiversity Development Assessment Report Rev 2 Ref 2125	09/03/2021

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the General Terms of Approval 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	Bushfire Safety Certificate under Section 100B of <i>Rural Fires Act 1997</i>	DA20200408001235-Original- 1	07/07/2020

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Submit to the Registered Certifier structural plans prepared by a suitably qualified Registered Structural Engineer for the following building elements:
 - ground slabs
 - footings
 - retaining structures in excess of 0.6 metres in height
- 2.3. Submit to the Registered Certifier, responsible for issuing a construction certificate for works within the development properties, lighting design drawings approved by an accredited electrical designer for the car park and public places. The design must be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* and AS/NZS 4282: *Control*

of the obtrusive effects of outdoor lighting. The design is to include the provision of current best practice energy efficient lighting.

- 2.4. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- a) Construction at the eastern side of the frontage of the site in The Entrance Road, an industrial/commercial vehicle access crossing that has a minimum width of 6.2m at the property boundary and splayed at the kerb line to accommodate the swept paths of an AS2890.2:2018 Heavy Rigid Vehicle entering and exiting the site, including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- c) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete shared path to be constructed where required.
- d) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- e) Installation of 1 x W6-7 bicycle warning sign and post north of the entrance to the proposed facility. Contact is to be made with Ken Saxby, Network and Safety Services Manager (ken.saxby@transport.nsw.gov.au) to discuss the appropriate location of the sign

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 Transport for NSW (TfNSW) may need to be received by Council and the developer may 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.

- 2.5. 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.

- 2.6. 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) Installation of a TfNSW approved safety/crash barrier within the northern boundary of the site (i.e. The Entrance Road frontage) from the north-western corner of the site and extending in an easterly direction to across the full frontage area of the proposed car park. The safety/crash barrier must be designed by a suitably qualified structural/civil engineer in accordance with Austroads "Roadside Design, Safety and Barriers".
 - b) Installation of a TfNSW approved safety/crash barrier between the 4m wide access road on the western side of the car park and the childcare centre building & outdoor play area. The safety/crash barrier must be designed by a suitably qualified structural/civil engineer, to prevent errant vehicles from entering the childcare centre building & outdoor play area.
 - c) Construction of internal access roads, driveways and car parking areas in accordance with the requirements of the current edition of Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards, and the NSW RFS 'Planning for Bushfire Protection 2019' publication. The following shall also be included in the internal access driveway arrangements:
 - i. The convergence of the one-way loop arrangement into the two-way access road on the eastern side of the car park is to be modified to enable vehicles to continue the loop arrangement again back around and through the car park.
 - ii. The inside radius of bends within the internal access road and circulating areas through the car park shall be 6m. A minimum distance of 6m is to be provided between the inner radius and the outer edge of the access.
 - iii. The design shall comply with the NSW Planning for Bushfire Protection 2019 requirements to facilitate an RFS vehicle entering and exiting the site in a forward direction.
 - d) Construction of on-site stormwater detention systems generally in accordance with the principles contained within the Water Cycle Management Plan Report' prepared by RGH Consulting Group (Ref 20180048_R01 Rev A dated May 2019), and 'Concept Stormwater Management Plans' prepared by RGH Consulting Group (Job No 20190048 Sheets DA.1.01, DA.2.01, DA.2.02, DA.3.01, DA.3.02, DA3.03, & DA.3.04, all Rev A dated 16.05.19), but redesigned to reflect the development related to the approved consent plans. The design shall also be 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.
 - e) Construction of nutrient and pollution control measures generally in accordance with the principles contained within the Water Cycle Management Plan Report' prepared by RGH Consulting Group (Ref 20180048_R01 Rev A dated May 2019), and 'Concept Stormwater Management Plans' prepared by RGH Consulting Group (Job No 20190048 Sheets DA.1.01, DA.2.01, DA.2.02, DA.3.01, DA.3.02, DA3.03, &

- DA.3.04, all Rev A dated 16.05.19), but redesigned to reflect the development related to the approved consent plans. The design shall be in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2012. A nutrient and pollution control report including an operation and maintenance plan must accompany the design. Any proposal to utilise infiltration must be designed by a suitably qualified and practising civil engineer in conjunction with the recommendations of a suitably qualified and practising Geotechnical engineer to ensure that the infiltration systems will not compromise slope stability in the area.
- f) Construction of on-site stormwater retention measures with a minimum volume of 20,000 litres generally in accordance with the principles contained within the Water Cycle Management Plan Report' prepared by RGH Consulting Group (Ref 20180048_R01 Rev A dated May 2019), and 'Concept Stormwater Management Plans' prepared by RGH Consulting Group (Job No 20190048 Sheets DA.1.01, DA.2.01, DA.2.02, DA.3.01, DA.3.02, DA3.03, & DA.3.04, all Rev A dated 16.05.19), but redesigned to reflect the development related to the approved consent plans. The design shall also be 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.
- g) Construction of level spreaders on the downslope side of the proposed OSD and nutrient/infiltration systems to disperse concentrated stormwater flows. The design shall be generally in accordance with the principles contained within the Water Cycle Management Plan Report' prepared by RGH Consulting Group (Ref 20180048_R01 Rev A dated May 2019), and 'Concept Stormwater Management Plans' prepared by RGH Consulting Group (Job No 20190048 Sheets DA.1.01, DA.2.01, DA.2.02, DA.3.01, DA.3.02, DA3.03, & DA.3.04, all Rev A dated 16.05.19), but redesigned to reflect the development related to the approved consent plans.
- h) Construction of stormwater drainage collection, piping of all stormwater runoff from developed areas within the site, and disposal of generally in accordance with the principles contained within the Water Cycle Management Plan Report' prepared by RGH Consulting Group (Ref 20180048_R01 Rev A dated May 2019), and 'Concept Stormwater Management Plans' prepared by RGH Consulting Group (Job No 20190048 Sheets DA.1.01, DA.2.01, DA.2.02, DA.3.01, DA.3.02, DA3.03, & DA.3.04, all Rev A dated 16.05.19), but redesigned to reflect the development related to the approved consent plans.
- i) 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.

- 2.7. Submit an application to Council under the provisions of section 68 of the *Local Government Act 1993* for an approval to install an on-site sewage management system. The system must be designed generally in accordance with the Waste Water Report number R.0325.001.00_396theentranceroad_Erinaheights_WMR, dated 2 July 2019 and prepared by Decentralised Water Consulting. The section 68 application can be found on Council's website: www.centralcoast.nsw.gov.au

- 2.8. Pay to Council a contribution amount of **\$15,597.75.00** 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](#)

- 2.9. Confirmation must be provided by an acoustic consultant that the detailed design is in accordance with the acoustic treatments recommended in Section 8.0 the *Noise Impact Assessment 396-404 The Entrance Road Erina Heights NSW*, Report No. 19-2290-R2, August 2020, Reverb Acoustics.

2.10. Identify 'No Go Area'

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.

2.11. Submit VFMP

Submit a Vegetation and Fauna Management Plan (VFMP) covering all retained areas of vegetation on Lot 32 DP: 1223138 & Lot: 9 DP: 1135884 to Council's Ecologist for approval prior to issue of construction certificate or commencement of any works (whichever occurs first). The Vegetation and Fauna Management Plan must be prepared to Council's satisfaction. The Management Plan must be prepared by a suitably qualified Ecologist in accordance with Central Coast Council's *Flora and Fauna Guidelines* (2019) and include:

- All relevant mitigation measures outlined in the "Biodiversity Development Assessment Report (Small Area)" by Anderson Environment & Planning dated March 9th 2021 under Sections 2.1 & 2.2 of the report.
- Specifications for management of the APZ, weed control, habitat augmentation, performance measurement and monitoring.

- Procedure for removing hollow bearing trees under direct supervision of an Ecologist as outlined in the BSAR. This is to include pre clearing checks and ecologist supervision of all tree clearing works.
- Details of nest box designs and locations. Nest box requirements are to be finalised after the assessment of all trees required to be removed. All required replacement nest boxes are to be made from durable materials such as marine ply or cyplas and are to be representative of the habitat feature removed. Where possible, salvaged tree hollows are to be installed in place of nest boxes.
- *Rhodamnia rubescens* specific requirements:
 - Detail the permanent fencing requirement for each *R.rubescens* identified (installed at a minimum 3m radius from the trunk of each identified individual). If any 'clumps' of this species are identified, they should be fenced collectively.
 - Detail the monitoring of all identified individuals for *Austropuccinia psidii* (Myrtle Rust) infection.
 - Detail any ameliorative actions to be undertaken in order to prevent/ manage Myrtle Rust infection
 - Monitor the overall health of all *Rhodamnia rubescens* identified and inform the consent authority of any improvement or decline via the annual monitoring report required.
- A minimum five (5) year monitoring and maintenance period for all works in the VFMP.
- 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 VFMP 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. Monitoring of both installed nest boxes and *Rhodamnia rubescens* individuals can be undertaken concurrently.

The primary objective of the plan is weed management and monitoring of the native vegetation within the site, the supplementary nest boxes/ salvaged hollows installed and the ongoing management and protection of identified *Rhodamnia rubescens* within the subject property.

2.12. Like for like credit retirement - Ecosystem credit retirement

- a. Prior to the issue of a Construction Certificate the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
- b. The requirement to retire ecosystem credits in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).
- c. Evidence of the retirement of ecosystem credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to the issue of a Construction Certificate.

Table 1. Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
PCT 1564 Blackbutt – Rough-barked Apple – Turpentine – ferny tall open forest of the Central Coast	8	Wyong, Hunter, Pittwater and Yengo. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Northern Hinterland Wet Sclerophyll Forests This includes PCT's: 690, 697, 698, 755, 1092, 1262, 1267, 1268, 1281, 1385, 1548, 1549, 1550, 1556, 1557, 1558, 1564, 1565, 1580, 1582, 1584, 1585, 1845, 1846, 1847, 1914

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

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

2.14. 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) Amended Waste Management Plan to provide for;
- b) Demolition, construction and operational waste.
- c) Turning paths for waste collection vehicles.
- d) Bulk waste storage area and bin service area not to exceed 3% grade.
- e) Decorative screening of the waste storage area from public view.

2.15. The preparation of an Emergency Evacuation Plan for the child care centre and approval by the Principle Certifying Authority in accordance with the requirements of the NSW Rural fire Service and condition 1.3 of this consent.

2.16. Submit details to the Principal Certifier of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the *Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate. Details of compliance are to be included in the plans and specifications for the Construction Certificate.

2.17. Submit details to the Principal Certifier of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant

requirements of Clause F4.12 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate, Australian Standard AS 1668.1:2015 *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and Australian Standard 1668.2:2012 *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings* (including exhaust air quantities and discharge location points). These details are to be included in the 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. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.7. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.8. Provide certification to the Principal Certifier that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.9. 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.

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

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

- 3.11. 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.

- 3.12. 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.

3.13. Tree protection is to be generally as per the recommendations of the Arboricultural Impact Assessment, prepared by Accurate tree assessment Ian Hills June 2019.

3.14. Submit tree removal/retention survey plan

Submit a tree removal/retention survey plan to Council's Ecologist/Environment Officer for approval. The Plan for management of vegetation within the bush fire asset protection zones must be approved by Council. The tree removal/ retention plan should aim to retain the maximum canopy coverage allowable under the NSW RFS IPA requirements (no more or no less than 14% canopy coverage).

Trees to be retained/removed within the bush fire asset protection zone area are to be selected as per the following criteria:

Trees to be retained:

- *hollow bearing trees*
- *larger healthy native trees*
- *trees containing nests or signs of fauna usage; and*
- *trees growing in clusters*

Trees that may be suitable for removal:

- *damaged trees or trees with poor structural form*
- *non-natives*
- *small/regrowth trees; and*
- *trees that are likely to damage assets or infrastructure*

3.14. Removal of greater than 10m² of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2019*.

3.15. Submit tree removal/retention survey plan

Submit a tree removal/retention survey plan to Council's Ecologist/Environment Officer for approval. The Plan for management of vegetation within the bush fire asset protection zones must be approved by Council. The tree removal/ retention plan should aim to retain the maximum canopy coverage allowable under the NSW RFS IPA requirements (no more or no less than 14% canopy coverage).

Trees to be retained/removed within the bush fire asset protection zone area are to be selected as per the following criteria:

Trees to be retained:

- hollow bearing trees
- larger healthy native trees
- trees containing nests or signs of fauna usage; and
- trees growing in clusters

Trees that may be suitable for removal:

- damaged trees or trees with poor structural form
- non-natives
- small/regrowth trees; and
- trees that are likely to damage assets or infrastructure

3.16. Protect Threatened species

Engage a suitably qualified Ecologist to oversee the protection of the threatened species, *Rhodamnia rubescens*, including the installation of a protective fence around a 3m radius from each individual identified. The ecologist must notify Council in writing and include photos of compliance with this condition.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7:00am and 5:00pm Monday to Saturday

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

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.8. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.10. Undertake the removal of trees as shown on the approved plan and Arboricultural Impact Assessment in a manner so as to prevent damage to those trees that are to be retained.
- 4.11. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plans, Sheet DA.2.01 and Sheet DA.2.02, Revision A, prepared by RGH Consulting Group dated 7/10/2020. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).
- 4.12. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997.
- 4.13. Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
- 4.14. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.15. Carry out construction and/or demolition works between the following times only:

Monday to Saturday: 7:00am to 5:00pm

No construction and/or demolition works are permitted to be carried out at any time on a Sunday or public holiday.

4.16. Undertake clearing in accordance with survey plan

Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.

4.17. Prevent damage

Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.

4.18. Removal of stumps

Undertake the removal of stumps in a manner that avoids damaging or disturbing roots of trees to be retained.

4.19. Pruning of trees

Pruning of trees to accommodate the works must be undertaken in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees by a qualified Arborist*.

4.20. Maintain temporary fencing around Threatened Species

Maintain the protective fencing surrounding the threatened species identified.

4.21. Implement fauna welfare measures

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.

4.22. Requirements for underscrubbing

Carry out tree or other vegetation removal consisting of underscrubbing in accordance with the following requirements:

- Underscrubbing is to be carried out with the use of rubber tyred machinery only and only by hand held implements within 5 meters of any identified *Rhodamnia rubescens*.
- clumps of vegetation to be retained in areas within at least 3m of any identified *Rhodamnia rubescens*. These will be required to be fenced off to prevent intrusion by stock and/or machinery
- Fallen timber is to be recycled (such as through chipping, grinding, mulching), and left on-site or otherwise removed from the site for an approved recycling process. Temporary windrows or heaps are to be placed across contours and be a minimum of 20 metres from any vegetation which is to be retained
- No vegetation is to be pushed into those areas of no disturbance (exclusion zones), particularly drainage lines
- Removal of noxious weeds is to be by hand implements only in those areas to be retained (i.e. in the exclusion zones)
- All erosion control measures to be in place prior to clearing

- If there is to be a time lapse between clearing and sowing or planting, then a suitable cover crop must be required to be planted

4.23. Landscape using local plant stock

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.

4.24. Conduct works according to the Vegetation & Fauna Management Plan

Conduct all works in accordance with the Vegetation and Fauna Management Plan (VFMP) approved under 2.11.

4.25. Felled native trees to be used in landscaping

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.

4.26. Stockpiling

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 or riparian 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.

4.27. Weeds and pathogens

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.

4.28. Implement Nest Box Replacement Strategy

Implement the approved Nest Box Replacement Strategy and provide documentary evidence of compliance to Council and Principal Certifying Authority for its records.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2019 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL 12.5.
- 5.4. 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. 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.
- 5.6. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.7. Amend the Deposited Plan (DP) for Lot 32 DP 1223138 and Lot 9 DP 1135884 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.

- 5.8. Complete construction of internal access roads, driveways and car parking areas in accordance with the requirements of the current edition of Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards, and the NSW RFS 'Planning for Bushfire Protection 2019' publication, and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.9. The consolidation of Lot 32 DP 1223138 and Lot 9 DP 1135884 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. A copy of the consolidation plan is to also be submitted to the Council.
- 5.10. Obtain an Approval to Operate the on-site sewage management system from Council.
- 5.11. 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.
- 5.12. 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.

5.13. Confirmation must be provided by an acoustic consultant that all acoustic treatments recommended in Section 8.0 the *Noise Impact Assessment 396-404 The Entrance Road Erina Heights NSW*, Report No. 19-2290-R2, August 2020, Reverb Acoustics have been implemented.

5.14. Provide certification to the accredited certifier prior to the occupation of the child care centre is constructed in accordance with the requirements of the Child Care Planning Guidelines of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Education and Care Services National Regulations.

5.15. Comply with the licensing/approval requirements of the NSW Regulatory Authority for early childhood education.

5.16. Complete the landscaping works and fencing/acoustic wall and crash barrier.

5.17. Provide certification to the Principal Certifier to confirm the final fit-out of the premises complies with the *Food Act 2003*, *Food Regulation 2010*, *Australia New Zealand Food Standards Code*, Australian Standard AS 4674-2004: *Design, Construction and Fit-out of Food Premises* and Clause G1.2 of the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.

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

5.19. Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:

- Australian Standard AS 1668 Part 1-2015: *The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings*
- Australian Standard AS 1668 Part 2-2012: *The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings*

5.20. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au

5.21. 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.

6.. ONGOING OPERATION

6.1. Operate and manage the site in accordance with the Air Quality Impact Assessment R1 V1, prepared by Northstar Air Quality, dated 30 June 2021.

6.2. Restrict hours of operation to between the following times only:

Monday to Friday: 6:30am to 6:30pm.

Any variation to these times required the prior consent of the Council.

6.3. Restrict accommodation limits to a daily maximum of 120 children.

6.4. An acoustic assessment must be undertaken by an acoustic consultant, one (1) month after operative consent of DA57957/2020 Part 1. The acoustic consultant must meet the technical requirements for membership to the Association of Australasian Acoustical Consultants. The acoustic assessment must compare operational noise levels to the predicted noise levels, during peak usage periods, and identify any areas where further noise mitigation measures **will be required**. Monitoring must be undertaken during the hours of operation. A copy of the Report shall be submitted to Council's Compliance and Health team within fourteen (14) days of the review being undertaken.

6.5. Minimise external lighting

Use external lighting that minimises overspill into retained vegetated areas and adjoining properties and road- way. Outdoor lighting shall comply with AS 4282:1997. Control of the obtrusive effects of outdoor lighting.

6.6. Implement Vegetation and Fauna Management Plan

Conduct all works in accordance with the Vegetation and Fauna Management Plan (VFMP) approved under Condition 2.11. The maintenance period, including monitoring and maintenance of nest boxes and *Rhodamnia rubescens*, is a minimum 5 years from the implementation of the plan

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of 5 years after the implementation of the plan. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the VFMP 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.

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
- Decommission the existing septic tank in accordance with NSW Health Advisory Note 3 *Destruction, Removal or Reuse of Septic Tanks, and AWTS* dated January 2017. This Advisory note is available from the NSW Health website: www.health.nsw.gov.au

GENERAL NOTES

1. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF PORT STEPHENS COUNCIL, THE BUILDING CODE OF AUSTRALIA AND CURRENT AUSTRALIAN STANDARDS.
2. ALL DIMENSIONS AND LEVELS TO BE CONFIRMED PRIOR TO CONSTRUCTION.
3. REPORT ANY DISCREPANCIES TO THE DESIGNER.
4. DO NOT SCALE OFF THESE DRAWINGS.
5. THESE PLANS ARE TO BE READ TOGETHER WITH THE ENGINEERS DRAWINGS AND SPECIFICATION.
6. SCALES APPLY TO A2 SHEET.
7. THE BUILDER IS TO CHECK ALL FLOOR, CEILING AND ROOF LEVELS TO ENSURE THAT THE FINISHED ROOF HEIGHT DOES NOT EXCEED THE DA APPROVED RL & 8m HEIGHT LIMIT.
8. A REGISTERED SURVEYOR IS TO SET OUT THE BUILDING & CONFIRM ALL LEVELS.
9. ALL STORMWATER TO BE CONFIRMED BY STORMWATER ENGINEERING.

LEGEND

- AW AWNING WINDOW
- BFD BI-FOLD DOOR
- CONC CONCRETE
- C.O.S. CHECK ON SITE
- CPT CARPET
- CSD CAVITY SLIDING DOOR
- CB CORNER BASIN
- CT COOKTOP
- CW CASEMENT WINDOW
- DCSD DOUBLE CAVITY SLIDING DOOR
- DH DOUBLE HUNG WINDOW
- DP DOWNPIPE
- FG FIXED GLASS
- f.w. FLOOR WASTE
- GB GLASS BLOCKS
- gr. EXHAUST GRILLE
- HWS HOT WATER SYSTEM
- LW LOUVRE WINDOW
- M.H. MANHOLE
- PLD PANEL-LIFT DOOR
- RD ROLLER DOOR
- REF REFRIGERATOR
- SD SLIDING DOOR
- s.d. SMOKE DETECTOR
- SW SLIDING WINDOW
- SH SHOWER
- TOW TOP OF WALL
- VA VANITY BASIN
- WB WALL BASIN
- WM WASHING MACHINE
- WC WATER CLOSET

ENTRANCE ROAD CHILDCARE CENTRE

120 CHILD CARE PLACES

STAFF REQUIREMENTS
 AGE 0-2YRS 1 EDUCATOR PER 4 CHILDREN
 AGE 2-3YRS 1 EDUCATOR PER 5 CHILDREN
 AGE 3-5YRS 1 EDUCATOR PER 11 CHILDREN
 MORE THAN 80 PLACES - 2 EARLY CHILDHOOD TEACHERS

AGE 0-1YRS - 20 CHILDREN - 5 EDUCATORS
 AGE 1-2YRS - 20 CHILDREN - 5 EDUCATORS
 AGE 2-3YRS - 25 CHILDREN - 5 EDUCATORS
 AGE 3-4YRS - 27 CHILDREN - 3 EDUCATORS
 AGE 4-5YRS - 28 CHILDREN - 3 EDUCATORS
 EARLY CHILDHOOD TEACHERS - 2
 ASSUMED 1 ADMIN & 1 CENTRE MANAGER

TOTAL STAFF - 25

PARKING REQUIREMENTS
 1 SPACE PER STAFF MEMBER
 1 SPACE PER 6 CHILDREN FOR DROP OFF

STAFF - 25
 DROP OFF - 20

TOTAL - 45

INDOOR PLAY AREA REQUIREMENTS
 3.25m² PER CHILD

TOTAL REQUIRED - 390m²
 TOTAL PROVIDED - 394m²

OUTDOOR PLAY AREA REQUIREMENTS
 7.00m² PER CHILD

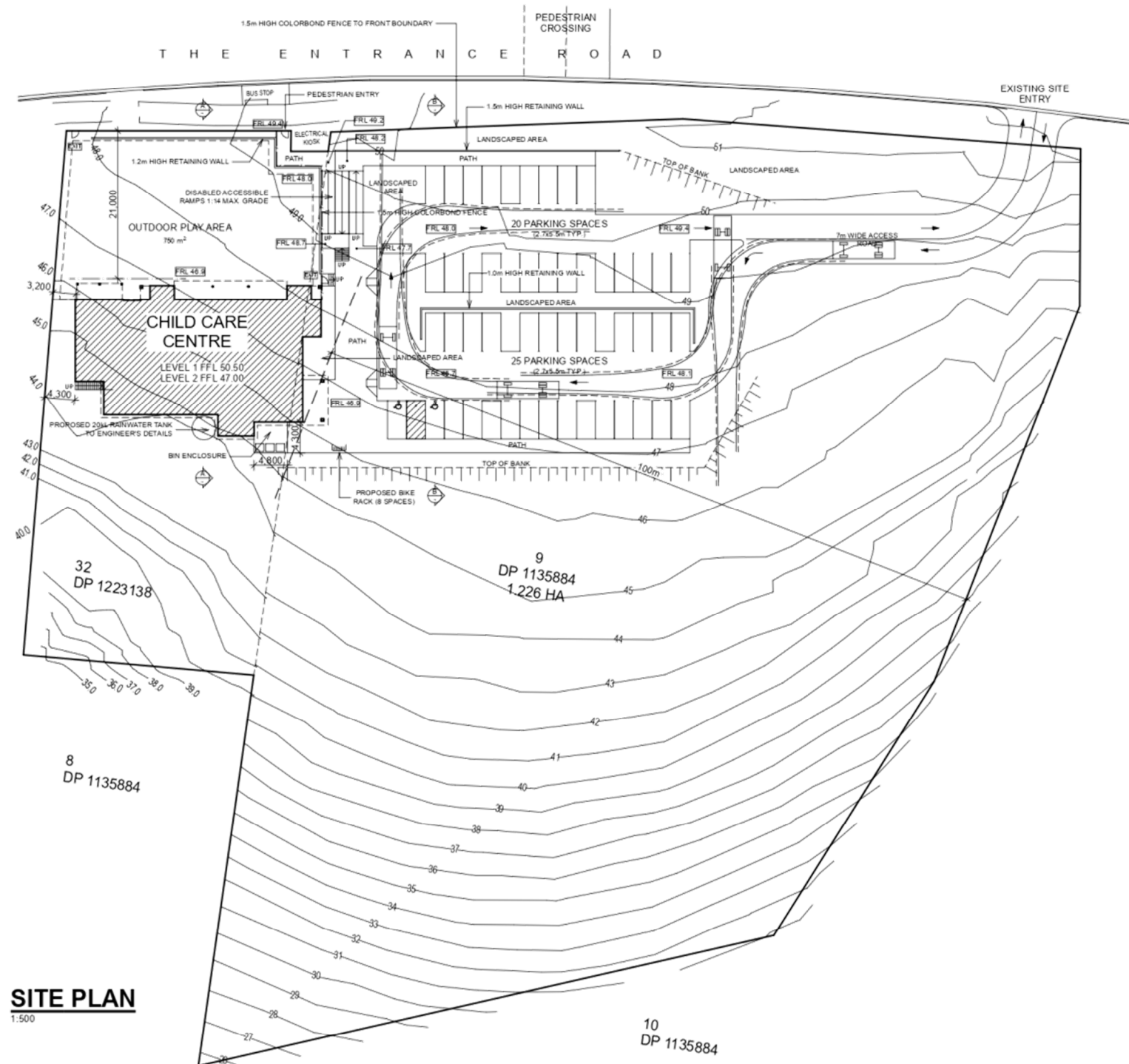
TOTAL REQUIRED - 840m²
 TOTAL PROVIDED - 860m²

INDOOR STORAGE VOLUME REQUIREMENTS
 0.2m³ PER CHILD

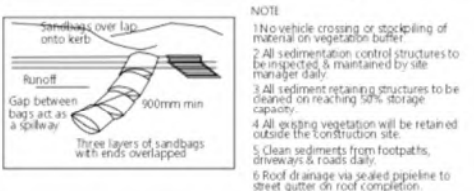
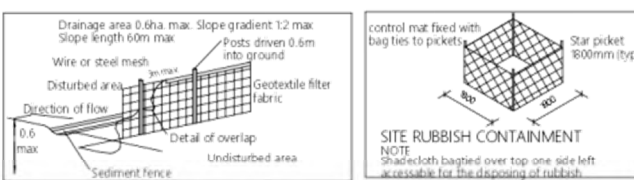
TOTAL REQUIRED - 24m³
 TOTAL PROVIDED - 24m³

OUTDOOR STORAGE VOLUME REQUIREMENTS
 0.3m³ PER CHILD

TOTAL REQUIRED - 36m³
 TOTAL PROVIDED - 36m³



SITE PLAN
1:500



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ISSUE	DETAILS
A	06/07/21 SECTION, TURNING PATHS ADDED
B	23/08/21 SECTION ADDED
C	13/08/20 FEMALE WC ADDED
D	23/07/20 REVISED DR ISSUE
E	18/06/19 PRELIMINARY ISSUE

SORENSEN DESIGN & PLANNING

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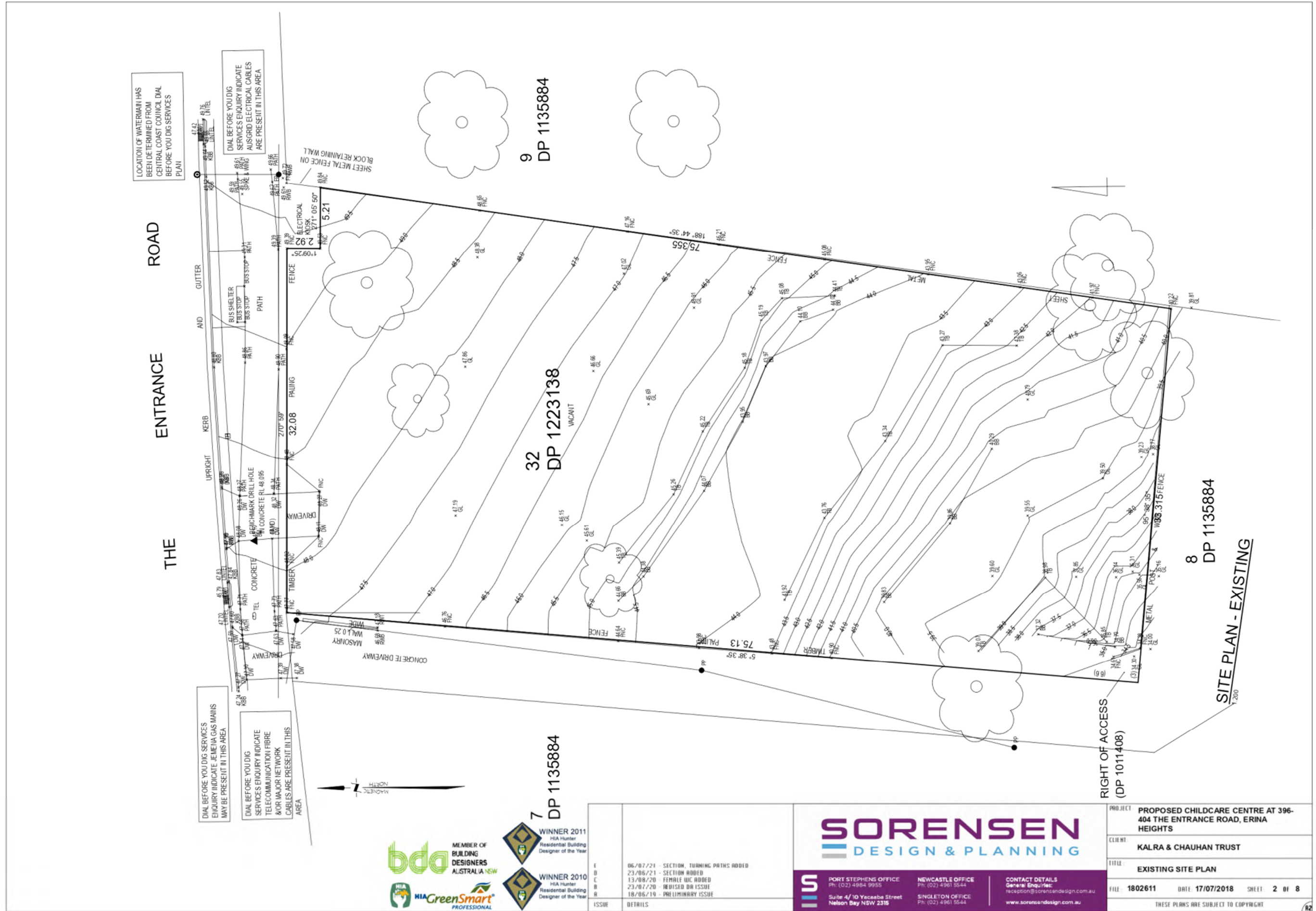
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PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS
CLIENT	KALRA & CHAUHAN TRUST
TITLE	PROPOSED SITE PLAN
FILE	1802611
DATE	17/07/2018
SHEET	1 OF 8

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LOCATION OF WATER MAIN HAS BEEN DETERMINED FROM CENTRAL COAST COUNCIL DIAL BEFORE YOU DIG SERVICES PLAN

DIAL BEFORE YOU DIG SERVICES ENQUIRY INDICATE AUSGRID ELECTRICAL CABLES ARE PRESENT IN THIS AREA

DIAL BEFORE YOU DIG SERVICES ENQUIRY INDICATE JENIEHA GAS MAINS MAY BE PRESENT IN THIS AREA

DIAL BEFORE YOU DIG SERVICES ENQUIRY INDICATE TELECOMMUNICATION FIBRE &/OR MAJOR NETWORK CABLES ARE PRESENT IN THIS AREA

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ISSUE	DETAILS
F	06/07/21 SECTION, TURNING PATHS ADDED
D	23/06/21 SECTION ADDED
C	13/08/20 FEMALE WC ADDED
B	23/07/20 REVISED DR ISSUE
A	18/06/19 PRELIMINARY ISSUE

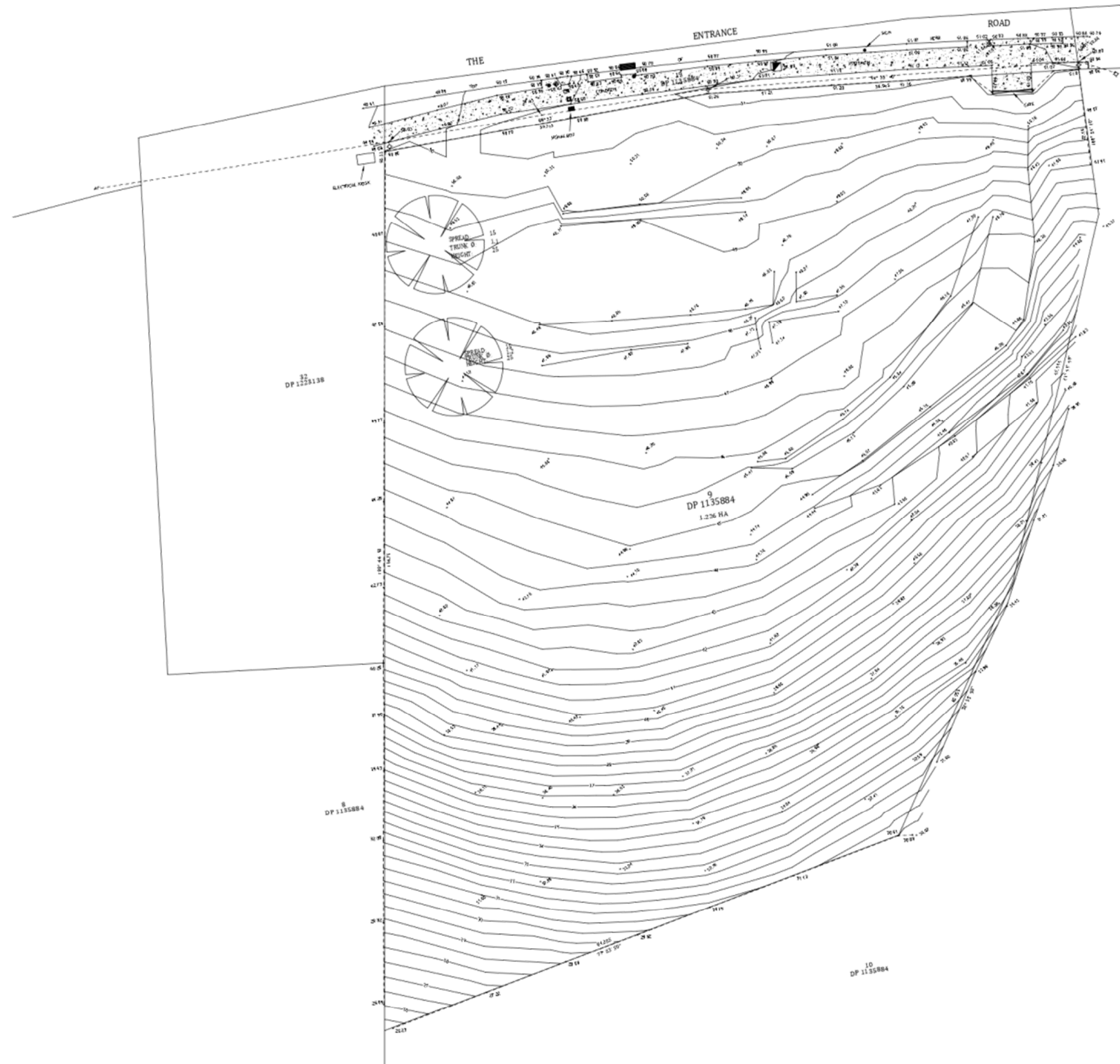
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PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS		
CLIENT	KALRA & CHAUHAN TRUST		
TITLE	EXISTING SITE PLAN		
FILE	1802611	DATE	17/07/2018
		SHEET	2 OF 8
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ISSUE	DETAILS
E	06/07/21 SECTION, TURNING PATHS ADDED
D	23/06/21 SECTION ADDED
C	13/08/20 FEMALE WC ADDED
B	23/07/20 REVISED DR ISSUE
A	18/06/19 PRELIMINARY ISSUE

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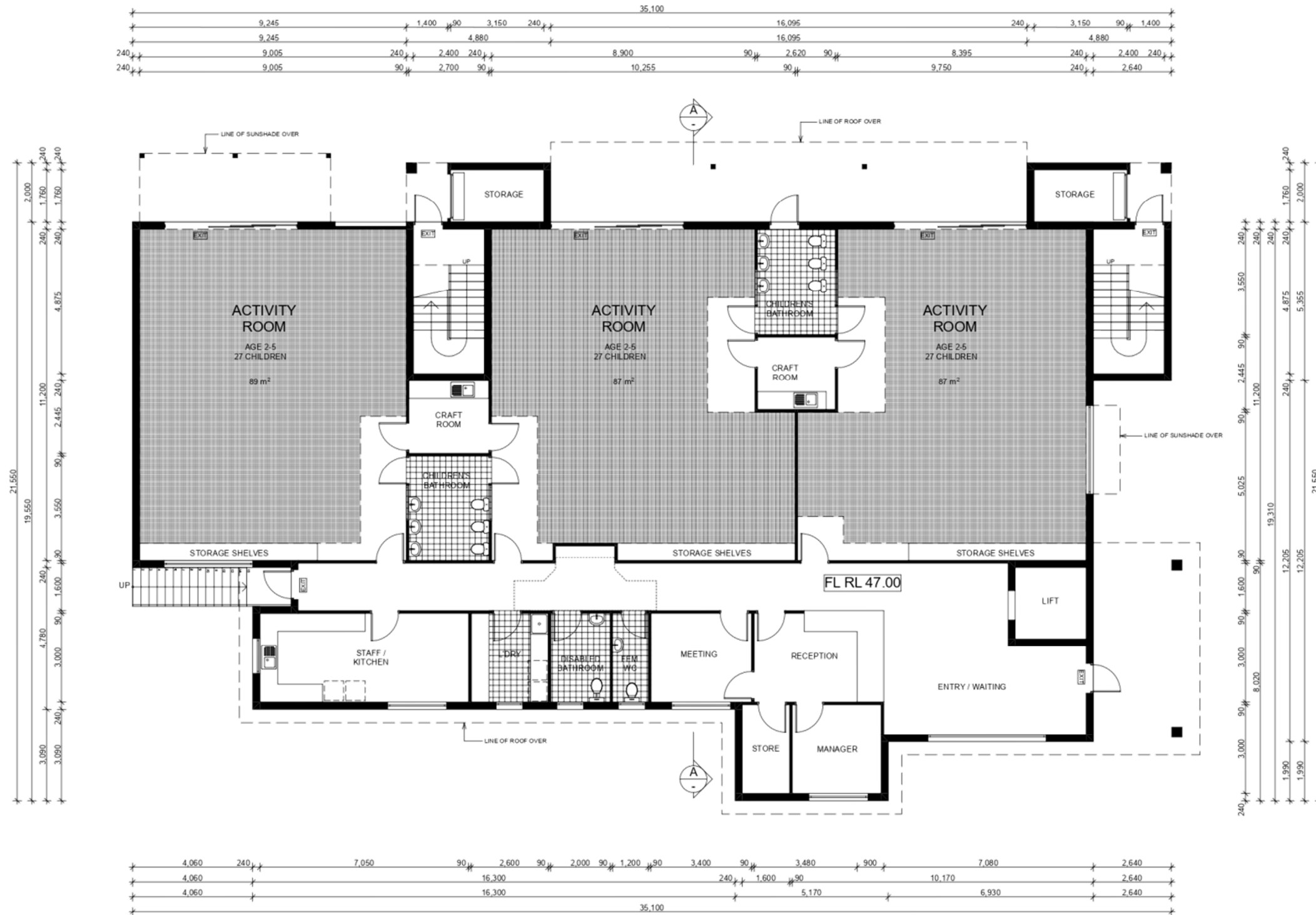
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PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS		
CLIENT	KALRA & CHAUHAN TRUST		
TITLE	EXISTING SITE PLAN		
FILE	1802611	DATE	17/07/2018
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LEVEL 1 FLOOR PLAN

1:100

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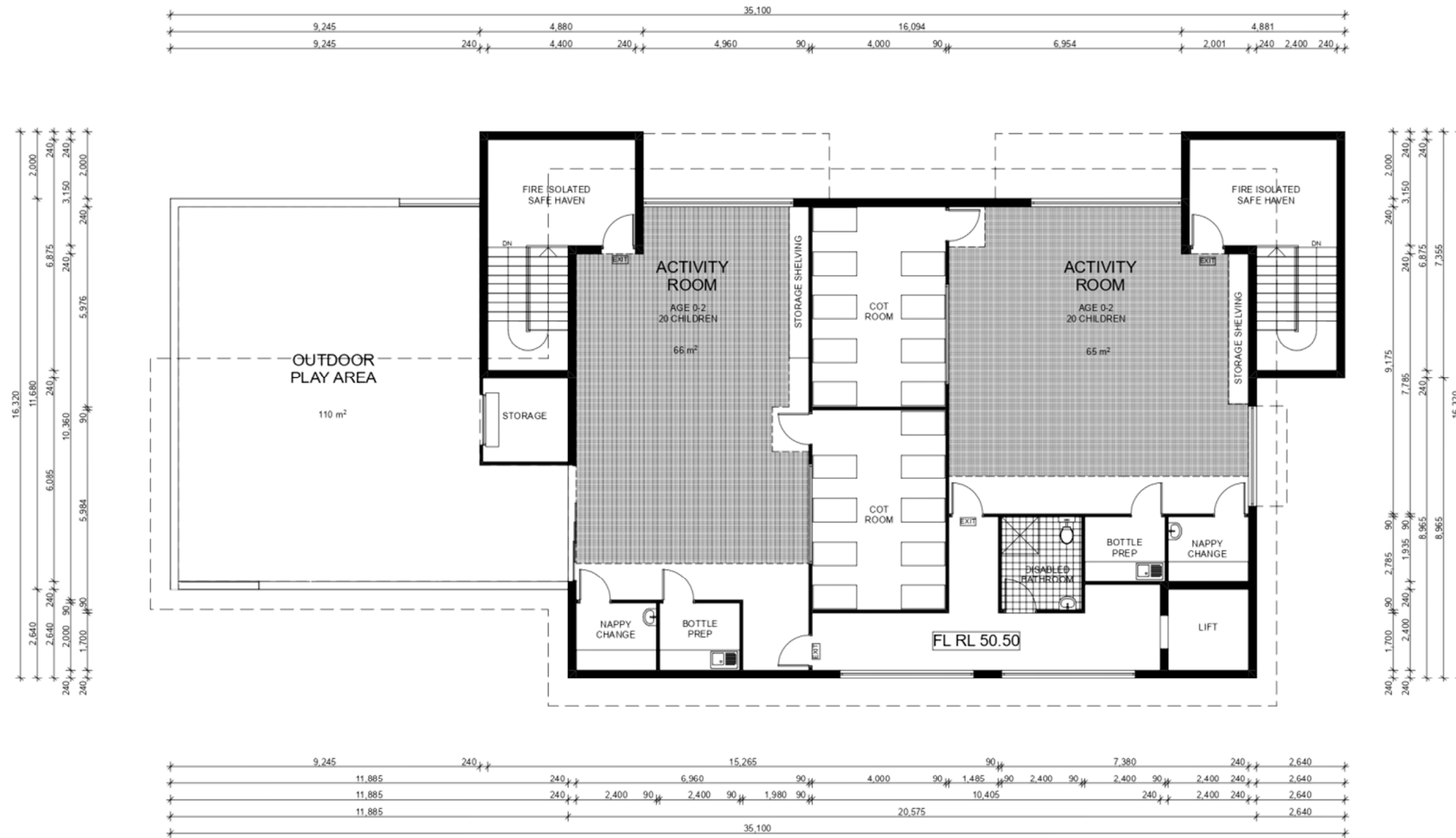
ISSUE	DETAILS
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D	23/06/21 - SECTION ADDED
C	13/08/20 FEMALE WC ADDED
B	23/07/20 REVISED DR ISSUE
A	18/06/19 PRELIMINARY ISSUE

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PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS
CLIENT	KALRA & CHAUHAN TRUST
TITLE	LEVEL 1 PLAN
FILE	1802611
DATE	17/07/2018
SHEET	4 OF 8
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LEVEL 2 FLOOR PLAN

1:100



ISSUE	DETAILS
E	06/07/21 SECTION, TURNING PATHS ADDED
D	23/06/21 SECTION ADDED
C	13/08/20 FEMALE WC ADDED
B	23/07/20 REVISED DR ISSUE
A	18/06/19 PRELIMINARY ISSUE

SORENSEN DESIGN & PLANNING

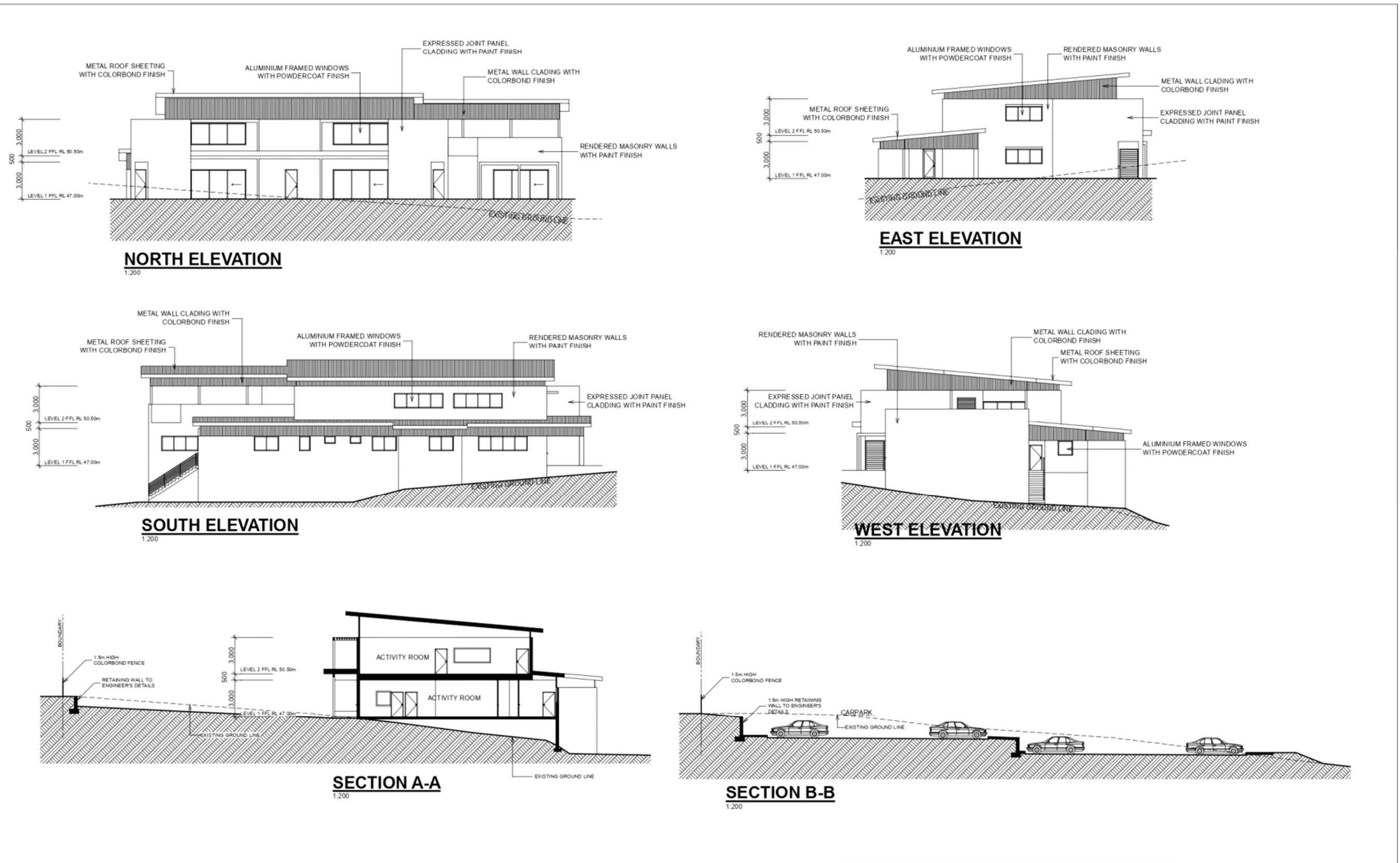
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CLIENT	KALRA & CHAUHAN TRUST
TITLE	LEVEL 2 PLAN
FILE	1802611
DATE	17/07/2018
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E	06/07/21 SECTION, TURNING PATHS ADDED
D	23/06/21 - SECTION ADDED
C	13/08/20 FEMALE WC ADDED
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A	18/06/19 PRELIMINARY ISSUE

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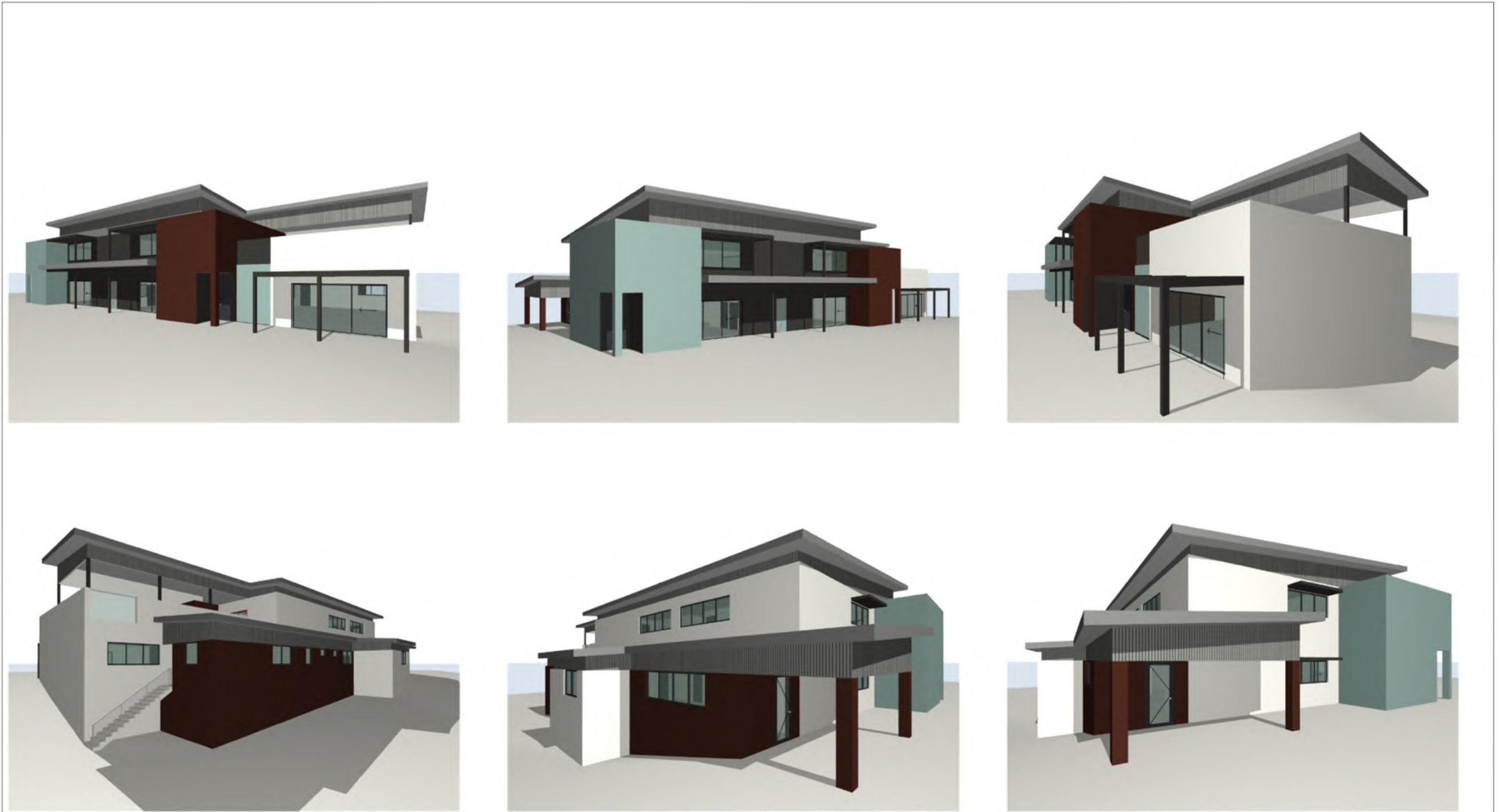
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PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS		
CLIENT	KALRA & CHAUHAN TRUST		
TITLE	ELEVATIONS & SECTION		
FILE	1802611	DATE	17/07/2018 SHEET 6 OF 8
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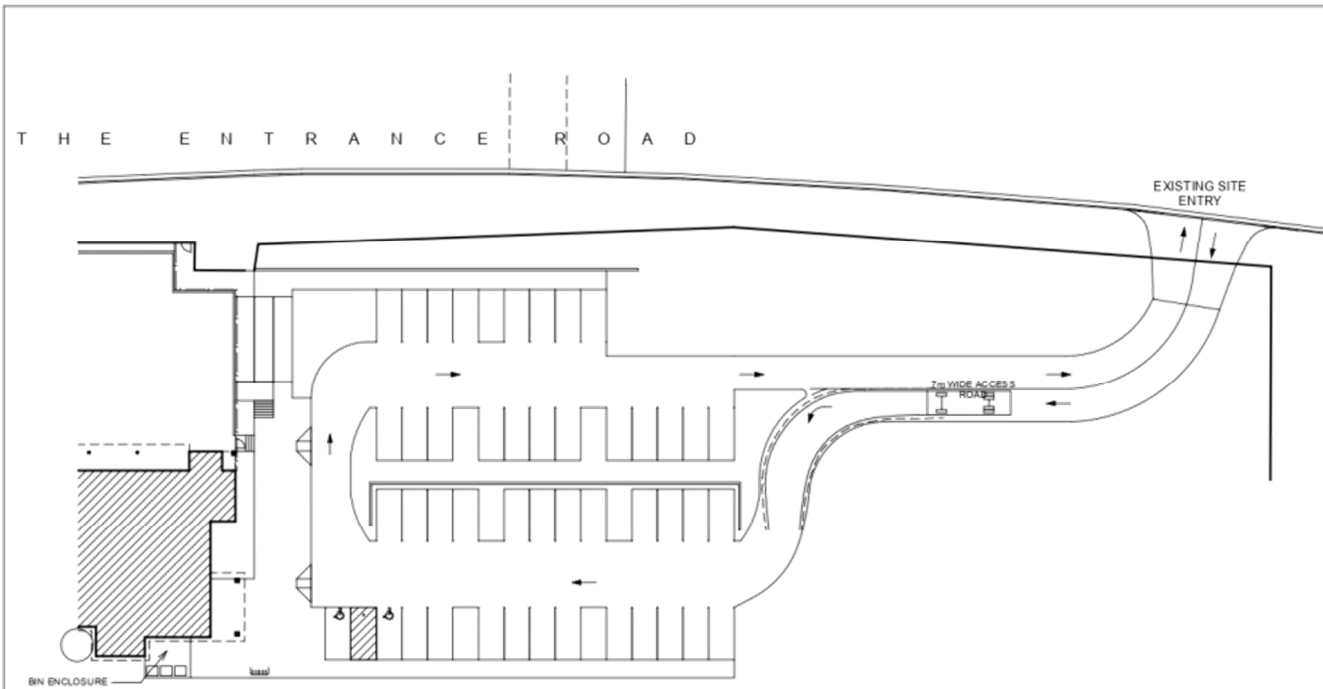
WINNER 2010
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ISSUE	DETAILS
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D	23/06/21 SECTION ADDED
C	13/08/20 FEMALE WC ADDED
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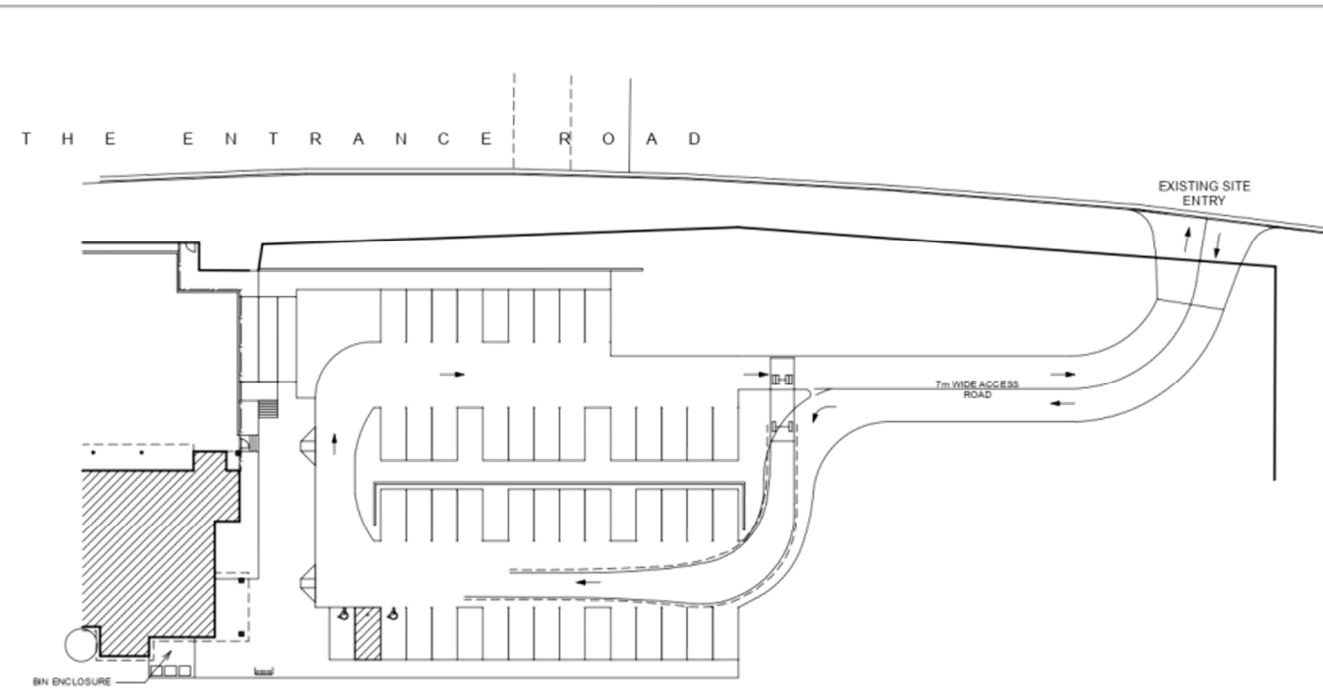

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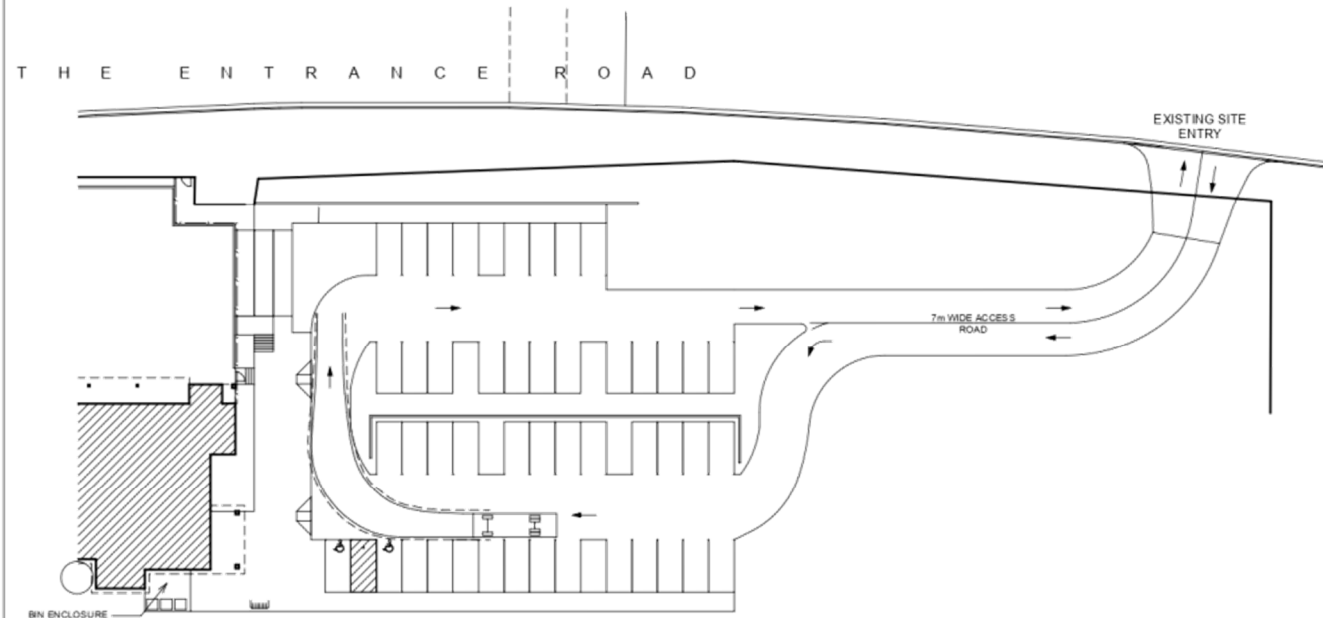
PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS		
CLIENT	KALRA & CHAUHAN TRUST		
TITLE	3D VIEWS		
FILE	1802611	DATE	17/07/2018
SHEET	7		OF 8
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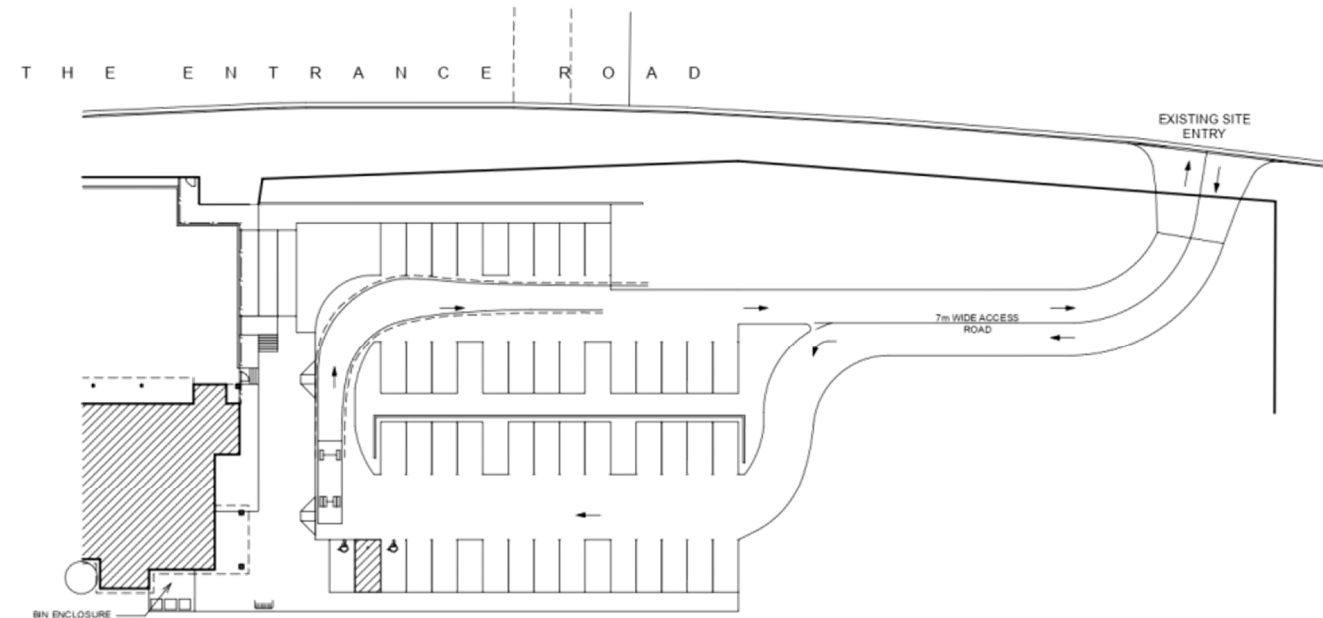
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MAGNETIC NORTH
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 WINNER 2010 HIA Hunter Residential Building Designer of the Year

ISSUE	DETAILS
E	06/07/21 SECTION, TURNING PATHS ADDED
D	23/06/21 SECTION ADDED
C	13/08/20 FEMALE WC ADDED
B	23/07/20 REVISED DR ISSUE
A	18/06/19 PRELIMINARY ISSUE



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PROJECT	PROPOSED CHILDCARE CENTRE AT 396-404 THE ENTRANCE ROAD, ERINA HEIGHTS
CLIENT	KALRA & CHAUHAN TRUST
TITLE	CARPARK AS2890.2 MRV SWEPT TURNING PATHS
FILE	1802611
DATE	17/07/2018
SHEET	8 OF 8
THESE PLANS ARE SUBJECT TO COPYRIGHT	



NSW RURAL FIRE SERVICE

Central Coast Council
PO Box 20
WYONG NSW 2259

Your reference: 57957/2020 (CNR-5311)
Our reference: DA20200408001235-Original-1

ATTENTION: Chris Ross

Date: Monday 27 July 2020

Dear Sir/Madam,

Integrated Development Application
s100B - SFPP - Child Care Centre
396 The Entrance Road Erina Heights NSW 2250, (none)

I refer to your correspondence dated 06/04/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

Condition 1

At the commencement of building works or the issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

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- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

Condition 2

New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014as* appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access - Internal Roads

Intent of measures: to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

Condition 3

Access roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019*:

- SFPP access roads are two-wheel drive, all-weather roads;
- access is provided to all structures;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- access roads must provide suitable turning areas in accordance with Appendix 3; and
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression

Condition 4

Non-perimeter roads for special fire protection purpose (SFPP) developments must comply with general requirements of Table 6.8b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- there are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Condition 5

The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

Emergency and Evacuation Planning Assessment

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

Condition 6

Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the:

- The NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development. An Emergency Planning Committee needs to be established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual. Detailed plans of all emergency assembly areas including on site and off-site arrangements as stated in AS 3745:2010 are to be clearly displayed, and an annual emergency evacuation exercise is to be conducted.

For any queries regarding this correspondence, please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services



BUSH FIRE SAFETY AUTHORITY

SFPP – Child Care Centre
396 The Entrance Road Erina Heights NSW 2250, (none)
RFS Reference: DA20200408001235-Original-1
Your Reference: 57957/2020 (CNR-5311)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Monday 27 July 2020

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Compliance Tables

The proposal has been assessed in accordance with the relevant provisions of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education and Child Care SEPP) as detailed in the following compliance tables.

1. the design quality principles in Part 2 of the Child Care Planning Guideline;
2. the matters for consideration cited in Part 3 of the Child Care Planning Guideline;
3. the regulatory requirements in Part 4 of the Child Care Planning Guideline - National Quality Framework Assessment Checklist.

1. Child Care Planning Guideline 2017 - design quality principles

The proposal has assessed in accordance with the Design Quality Principles and is considered satisfactory as follows:

Design Quality Principle	Compliance
Principle 1 — context	
<p>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The proposed development is conveniently based centrally in the local community, which will support learning around the community. It is located on a rural-residential property that is partly cleared and has generous open space areas. The proposed development will be bordered by perimeter landscaping and security fencing, suitable for purpose, in order to provide a streetscape compatible with neighbouring rural and low-density residential development.</p> <p>The new child care facility will provide a valuable addition to the area, and also deliver the extra capacity for additional child numbers needed by the community. It is a development that has been formulated to provide a lasting level sustainability and care of the highest quality and industry best practice standard for parents and children in the Erina Heights area. The functional, visual, and spatial outcomes that will be achieved by the proposed facility will be of very high quality. it is positioned with a northerly aspect that ensure day long solar access.</p> <p>The subject land adjoins land zoned 7(c2) and is located on the southern side of the Central Coast</p>

	<p>Highway. The site is readily accessible from an extensive population catchment area.</p> <p>The subject land is located adjacent to a major route (road network) through the Central Coast and is located on a bus route, with bus stops located in close proximity to the site.</p> <p>The siting and design of the proposed child care centre within the subject land together with proposed landscaping and fencing will ensure that the proposed development does not overlook or adversely impact the visual privacy of neighbouring residential dwellings</p>
<p>Principle 2 — built form</p>	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> <p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>The architectural concept for the new facility, has been designed to be a modern facility and compliment the surrounding area.</p> <p>The building envelopes employ a series of different roof lines with a variety of broken up roof forms. The overall building envelope embodies a high degree of façade relief and articulation.</p> <p>The materials to be used will be of high and durable quality. Quality design detailing will be used throughout to ensure that the integrity and visual appearance of the external (as well as internal) fabric of the building will be maintained at a high level over time.</p> <p>The two storey building integrates within the context and setting of the surrounding low scale residential development.</p> <p>The carpark has been designed to be below road level of The Entrance Road so that it will be largely concealed from view from the highway.</p>
<p>Principle 3 — adaptive learning spaces</p>	
<p>Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.</p>	<p>The proposal has been designed to reflect the site layout and provides for generous outdoor play and activity areas. The facility provides multiple indoor rooms including craft rooms, transitional play rooms, grassed outdoor areas and activity rooms.</p> <p>Secure child outdoor play / courtyard areas, tailored with best practice age appropriate play activities and props, each calibrated to suit the respective age</p>

<p>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	<p>groups, and with shade canopies and high-quality child-oriented landscaping.</p> <p>The internal learning spaces are compliant with the Child Care Planning Guideline which offers a variety of settings and opportunities for inter-action to the benefit of both children and staff.</p>
<p>Principle 4 — sustainability</p>	
<p>Sustainable design combines positive environmental, social and economic outcomes.</p> <p>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> <p>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.</p>	<p>The design/configuration of the child care rooms and their associated external play areas optimise northern solar access during winter, optimum levels of control and shielding from solar radiation in summer months.</p> <p>Measures have been incorporated in the design to increase the level of natural cross ventilation, natural light and solar access to both levels.</p> <p>The development has generous areas of soft landscaping and retention of existing vegetation.</p>
<p>Principle 5 — landscape</p>	
<p>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by</p>	<p>The landscaping components of the development feature high quality landscaped gardens and other areas of soft vegetation and new trees. Landscaping includes tree planting and hedging to soften the boundaries of the site and building.</p>

Attachment 5

Compliance Table-SEPP Child Care.

<p>contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>Outdoor play areas will be turfed and canopy trees to provide shade and interest.</p>
<p>Principle 6 — amenity</p>	
<p>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.</p> <p>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	<p>The proposal provides a high degree of amenity with integration of indoor and outdoor spaces. It combines efficient indoor/outdoor learning spaces that have generous access to sunlight, natural ventilation, good solar access.</p> <p>The internal layout ensures ease of access for all age groups between age-group rooms whilst providing class room privacy, generous storage and accessible service areas.</p>
<p>Principle 7 — safety</p>	
<p>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community.</p>	<p>The proposal provides optimum use of both the built and natural assets by location mostly in the cleared areas on the site.</p> <p>The master planning of the facility, and also the configuration of the child play areas, priority has been given to arranging the buildings to deliver a good level of natural security and surveillance by staff.</p> <p>The proposal provides a good balance of learning and play opportunities consistent with evolving regulatory standards and industry requirements.</p> <p>Passive surveillance is provided between activity rooms and the outdoor areas.</p>

Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).	
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2. Child Care Planning Guideline 2017 – Part 3 – matters for consideration

The proposal has assessed in accordance with the Matters for Consideration in Part 3 of the Child Care Planning Guideline and is considered satisfactory as follows:

Matters for Consideration		Response	Compliance (Yes or No)
3.1 — Site selection and location			
Objective: To ensure that appropriate zone considerations are assessed when selecting a site	C1 For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity. 	<p>The facility is well placed in the locality. The orientation of the facility is such that impacts on neighbouring rural and residential development is minimised.</p> <p>There is no significant air or noise pollution impacts that might affect children, staff or visitors. The building is well set back from The Entrance Road and acoustic fences are proposed.</p> <p>Traffic impacts are also considered to be acceptable for this type of facility. The proposal will not generate traffic movements which would create traffic conflict or adverse impacts on the amenity of the locality.</p>	Yes
Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.	C2 When selecting a site, ensure that: <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size 	<p>There are no detrimental environmental impacts or natural hazards affecting the site.</p> <p>Previous uses of the land have been considered, The previous uses are unlikely to have resulted in contamination.</p> <p>The proposed design of the development has considered the topography of the site. Proposed earth works and retaining walls will result in appropriate site levels to provide suitable landform for the proposed building and car park construction and the provision of outdoor play areas. Retaining methods are suitable and will be designed and certified by a structural engineer.</p>	Yes

	<ul style="list-style-type: none"> - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>The subject site is well located in terms of accessibility and proximity to local amenities/services. Utility services are available to the proposed development without the need for the upgrading of any infrastructure provided by a public authority.</p> <p>The site is considered appropriate for the proposed use. The proposal has been designed to appropriately address the site characteristics including traffic and noise impacts with minimal impact on adjoining residential properties whilst providing interior and external spaces that are suitable for their respective proposed uses.</p> <p>Risks such as bushfire have been assessed and are mitigated by conditions of consent.</p>	
<p>Objective: To ensure that sites for child care facilities are appropriately located.</p>	<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The proposed development is located within the local community to support learning within and around the community. The site is readily accessible from an extensive population catchment area and local schools.</p> <p>The subject land is located adjacent to a major route (road network) through the Central Coast and is located on a bus route, with bus stops located in close proximity to the site.</p>	<p>Yes</p>
<p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p>	<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems 	<p>There are no high-risk sites or facilities within close proximity to the subject site.</p>	<p>Yes</p>

	<p>- odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses, extractive industries, intensive agriculture, agricultural spraying activities</p> <ul style="list-style-type: none"> • any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 		
<p>3.2 Local character, streetscape and the public domain interface</p>			
<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p>	<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. 	<p>The proposed development integrates with the existing rural-residential amenity of the area.</p> <p>The proposed development is of two storey construction designed to meet the specific design and legislative requirements for a child care centre and is of a size and scale compatible with neighbouring low-density residential development.</p> <p>The proposal provides suitable transition between rural conservation areas and urban areas and is consistent with the character of the local area.</p> <p>The proposed development integrates car parking into the design and position on the site and is bordered by perimeter landscaping and security fencing, suitable for purpose, in order to provide a streetscape compatible with neighbouring residential development.</p>	<p>Yes</p>
<p>Objective: To ensure clear delineation between the child care facility and public spaces.</p>	<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing. 	<p>The facility will provide appropriate delineation of private and public spaces. An acoustic and security fence will be required along the boundary of the outdoor play area and the main road with appropriate landscaping.</p>	<p>Yes</p>

	<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	Not applicable	N/A
	<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences. 	<p>The proposal does not adjoin public parks, open space or bushland. The pedestrian path and access to the bus stop is clearly defined.</p> <p>Vehicular and pedestrian access to the site is clearly defined.</p>	N/A
<p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p>	<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	The proposed development has no adverse impact on scenic quality or streetscape as the subject land is not visually prominent and will be generally screened from view from the Central Coast Highway by security fencing and landscaping.	Yes
	<p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	To meet the project specific noise criteria in the Noise Policy for Industry 2017 and NSW Road Noise Policy the Acoustic Report Acoustic Consulting recommends a 2.2m acoustic fence on the boundary of the outdoor play area with the main road and a 900mm balustrade on the level 1 balcony.	Yes
3.3 Building orientation, envelope and design			
<p>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p>	<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living 	<p>The proposal is designed and configured to minimise acoustic and visual privacy.</p> <p>Child play areas are located adjoining the Central Coast Highway and away from residences.</p>	Yes

Attachment 5

Compliance Table-SEPP Child Care.

	<p>rooms and bedrooms in adjoining residential properties</p> <ul style="list-style-type: none"> - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>The siting and design of the proposed child care centre within the subject land together with proposed landscaping and fencing will ensure that the proposed development does not overlook or adversely impact the visual and acoustic privacy of neighbouring residential properties.</p> <p>There are no shadowing effects on neighbouring properties. Within the facility, all children's play area are configured so that they receive winter sun from the north, so as to minimize any shadowing effects.</p> <p>Acoustic barriers and landscaping provide adequate protection from wind and provide canopy shade outdoor.</p> <p>The building and site works design minimises earthworks and disturbance to the site utilising previous cleared and benched areas.</p>	
<p>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p>	<p>C12</p> <p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. 	<p>Building height and setback is consistent with other surrounding development.</p>	<p>Yes</p>
<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development</p>	<p>C13</p> <p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there</p>	<p>The building setback to Central Coast Highway (classified road) is 21.1m and consistent with the adjoining residential development to the east. To set the building back further would result in being located on steeper land which is undesirable.</p>	<p>Yes</p>

Attachment 5

Compliance Table-SEPP Child Care.

within the immediate context.	are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The proposal is consistent with the objective where setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.	
	C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The site is not located on or within a residential zone. The side setback on the western side of 3.2m to 4.3m is considered satisfactory.	Yes
Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.	C15 The built form of the development should contribute to the character of the local area, including how it: • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place.	The proposal is a low impact community/educational facility responds to the site characteristics and topography and is visually compatible with the low-density rural-residential development occurring in the immediate locality.	Yes
Objective: To ensure that buildings are designed to create safe environments for all users.	C16 Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building.	The design of the proposal provides one secure access point into the facility. Car access is directly visible from The Entrance Road. The proposal creates a safe environment for all users.	Yes
Objective To ensure that child care facilities are designed to	C17 Accessible design can be achieved by:	The development has been designed so that upon completion, it will comply with all BCA and Premises Code and other applicable	Yes

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Compliance Table-SEPP Child Care.

<p>be accessible by all potential users.</p>	<ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>Australian Standards requirements to achieve compliance for the acceptable standards of access for persons with a disability.</p> <p>Two (2) accessible car spaces are provided at adjacent to the main entrance lobby. This satisfies the number required by code.</p>	
<p>3.4 Landscaping</p>			
<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p>	<p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>The proposed landscape plan by Green Space Planning Co provides a very satisfactory selection of trees.</p>	<p>Yes</p>
	<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback 	<p>The Landscape Plan as stated above is considered very satisfactory for the proposal and incorporates landscaping screening around and within the car parking area.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • using low level landscaping to soften and screen parking areas. 		
3.5 Visual and acoustic privacy			
Objective: To protect the privacy and security of children attending the facility.	C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not applicable	N/A
	C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	The proposal provides visual privacy to child play areas through acoustic screening/fencing and landscaping.	Yes
Objective: To minimise impacts on privacy of adjoining properties	C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	The proposal does not create any overlooking opportunities or result in any overlooking of indoor rooms or outdoor play areas from public areas.	Yes
Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.	C23 A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	The proposal provides acoustic privacy to child play areas through acoustic screening/fencing and landscaping. The location and sound power levels of outdoor mechanical plant and equipment will be checked by an acoustic consultant prior to finalisation, conditions applied.	Yes
	C24 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for 	An acoustic report by Reverb Acoustics has been provided, which details noise impacts from: <ul style="list-style-type: none"> • road traffic noise on the indoor sleep areas, as well as indoor and outdoor play areas, • carpark traffic and outdoor play areas on the closest residential neighbours, in accordance with the 	Yes

	<p>outdoor play areas during times they are proposed to be in use</p> <ul style="list-style-type: none"> determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>Noise Policy for Industry 2017 and NSW Road Noise Policy.</p> <p>The proposal meets the project specific noise criteria subject to conditions.</p>	
3.6 Noise and air pollution			
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p>	<p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> creating physical separation between buildings and the noise source orienting the facility perpendicular to the noise source and where possible buffered by other uses using landscaping to reduce the perception of noise limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>The new building has been designed and configured with priority given placement to the child play areas and child care rooms away from external noise sources.</p> <p>Acoustic measures as per Clause 3.5 will be implemented including use of landscaping buffers to minimise the perception of noise.</p>	Yes
	<p>C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> on industrial zoned land where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 on a major or busy road other land that is impacted by substantial external noise. 	<p>An acoustic report by Reverb Acoustics has been provided as detailed above and in Clause 3.5.</p>	Yes
<p>Objective: To ensure air quality is acceptable where</p>	<p>C27 Locate child care facilities on sites which avoid or minimise the potential impact of external</p>	<p>The land is located adjacent to the Central Coast Highway, a source of air pollution.</p>	Yes

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child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.	sources of air pollution such as major roads and industrial development.	The proposal is supported by Council's Environmental Health Officer. An air quality report has been provided by RAPT Consulting.	
	<p>C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	See response above.	Yes
3.7 Hours of operation			
Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.	<p>C29 Hours of operation within areas where the predominant landuse is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses</p>	The child care facility will operate between 6.30am – 6.30pm. This is acceptable in this location and supported by the acoustic report.	Yes
	<p>C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	The proposal meets the objectives and matters of consideration in relation to hours of operation.	Yes
3.8 Traffic, parking and pedestrian circulation			

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Compliance Table-SEPP Child Care.

<p>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</p>	<p>C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>C32 does not apply to the proposal.</p>	<p>DCP parking requirements for child care centres are: 1 space per person employed in connection with the use, plus a temporary stand area at the rate of 1 car for each 6 children (a minimum of 5 temporary stand spaces).</p> <p>The proposal requires 45 car spaces for 25 staff plus 20 car spaces to cater for the 120-place child care facility. A total of 45 car spaces are required.</p> <p>The development provides 45 car spaces and complies with the car parking requirements in the DCP.</p>	<p>Yes</p>
	<p>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	<p>A Traffic and Parking Study by Intersect Traffic demonstrates the proposal will not impact on the amenity of the surrounding area or the safe operation of the road network.</p> <p>The proposal is supported by Transport for NSW and Council's Engineers.</p>	<p>Yes</p>
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p>	<p>C34 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road 	<p>The site only has access to The Entrance Road. The proposal results in the reduction of existing driveways from two to one. TfNSW have no objection to the proposal subject to conditions.</p>	<p>Yes</p>
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p>	<p>C35 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>A Traffic and Parking Study by Intersect Traffic demonstrates the proposal will not impact on the amenity of the surrounding area or the safe operation of the road network.</p> <p>The proposal is supported by Council's Development Engineer and Transport for NSW.</p>	<p>Yes</p>
<p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p>	<p>C36 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility 	<p>The proposal provides accessible pedestrian ramps, pathways, and pedestrian covered areas.</p> <p>A separate pedestrian path is provided within the site and along</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. <p>C37 does not apply to the proposal.</p>	<p>The Entrance Road frontage of the site.</p> <p>As stated above the proposal will provide a safe and connected environment for pedestrians both in and around the site.</p> <p>The driveway will allow for 2-way traffic movements with the existing driveway to be formalised during construction. The car park layout has a circulating one-way flow arrangement. Once cars enter the site, they should be able circulate with minimal delays. Vehicles will enter and exit the site in a forward direction.</p> <p>Servicing for the site is expected to be minimal with the majority of deliveries able to be undertaken by commercial size vans. Such vehicles can undertake their deliveries outside of the peak pick up and drop off period and can park in the delivery bay or within available parking spaces.</p> <p>The collection of waste shall occur within the site and be managed to avoid peak periods with these trucks able to enter and exit the site in a forward direction having manoeuvred through the site.</p>	
	<p>C38</p> <p>Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 	<p>As stated above the proposal will provide a safe and connected environment for pedestrians both on and around the site.</p> <p>The proposal provides accessible pedestrian ramps, pathways, and pedestrian areas.</p> <p>The parking onsite shall be designed in accordance with AS2890.</p> <p>Two accessible car spaces are provided near the entry to the building.</p> <p>A child safe fence is to be erected to separate the parking area from the entrance to the building.</p>	<p>Yes</p>

3. Child Care Planning Guideline 2017 – Part 4

The table below provides a summary of Part 4 of the Child Care Planning Guideline and demonstrates how the proposed development meets the Education and Care Services National Regulations.

Regulation	Proposed	Compliance (Yes or No)
103. Premises, furniture and equipment to be safe, clean and in good repair	The premises will be constructed in accordance with the NCC/BCA building regulations and Australian Standards using new materials. Maintenance of the premises and all new furniture will be maintained on an ongoing basis to ensure that hazards/risks are minimised.	Yes
104. Fencing or barrier that encloses outdoor spaces	Fencing provided in accordance with Kid Safe recommendations including boundary fencing, childproof gates and entry security. Minimum 1.5m high fencing is required to meet Australian Standards for playground fencing with spaces not more than 10mm either under or through the fence, with child proof gates. Acoustic fencing is required to play areas in accordance with Acoustic Report by Reverb Acoustics. A minimum of 2.2m high fencing is required to the outdoor play area. This fencing will be erected on retaining walls of varying height to accommodate the slope of the land. The landscaping proposed will mitigate visual impact of the retaining walls to surrounding development. No structure or item will be built close to the fence to allow children to climb over the fence.	Yes
105. Furniture, materials and equipment	Furniture and equipment will be provided for installation at the service to meet the needs of children.	Yes
106. Laundry and Hygiene Facilities	Separate laundry facilities provided and included within the development that provides sufficient space for washing and drying laundry onsite, storage of linen.	Yes
107. Unencumbered indoor space - 3.25m ² per child	120 children require 390m ² indoor space Provides – 394m ² in excess of requirement.	Yes
108. Unencumbered outdoor space - 7m ² per child	120 children require a total 840m ² outdoor space Provides – 860m ² in excess of requirement The provision Includes verandah space. Landscaping does not encroach into the play spaces.	Yes
109. Toilet and hygiene facilities	The location and design of the toilet facilities enables safe and convenient use by the children as shown on architectural plans. Handwashing facilities provided in each area convenient to toileting facilities. There are developmentally sized junior toilets throughout each environment for children. Additionally, there are infant bathing facilities nappy change facility. Separate staff and children's toilets are provided including an accessible toilet. 2-5 years have direct access to activity rooms as well as outdoor play areas.	Yes
110. Ventilation and natural light	The building is designed with high levels of cross ventilation, natural light and shade to verandah and playground as recommended by the Australian Standards to allow for flexible use of the building and yards by the children across the day.	Yes

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Compliance Table-SEPP Child Care.

111. Administration space	Area provided for the purposes of conducting the administrative functions, consulting with parents of children and conducting private conversations, including reception, foyer and lounge area.	Yes
112. Nappy change facilities	A defined nappy changing area is proposed. Hand cleansing facilities for adults are provided in the immediate vicinity of the nappy change area and designed to include a built-in bath and nappy disposal unit.	Yes
113. Outdoor space – natural environment	Natural outdoor spaces are provided to allow children to explore and play. Outdoor learning environments adjoin each indoor learning environment and include natural and manmade resources. The landscaping components are of a detailed fit out nature and are intended to be designed in the future as part of the special fit out work. All landscaping and vegetation such as trees and shrubs will be selected that avoids risk to health, safety and welfare of the facility's occupants.	Yes
114. Outdoor space – shade	Shade is provided to outdoor spaces and distributed across the area. The proposal is capable/designed to comply and will provide: <ul style="list-style-type: none"> All of the child outdoor spaces are each provided with large shaded areas. These are shown on the plans in the form of the very extensive verandah structures in each courtyard. Each of the child outdoor yards have sun protection provided by these verandahs of around 30 to 35% proportion of their area. In addition, the detailed fit outs of other portions of these yards will include carefully positioned supplementary small shade structures that are beyond the main shaded areas. The outdoor play area areas will have purpose-built sun safe and shade sales or roof covered outdoor verandas/pergolas. The service intends to meet Sun Smart guidelines to meet criteria to be a Sun Smart registered service. 	Yes
115. Premises designed to facilitate supervision	The proposal has been designed to eliminate areas of poor surveillance, and to promote effective supervision of all areas.	Yes
97 & 168. Emergency and evacuation procedures	Prior to operating an emergency and evacuation plan will be developed for the entire development including a risk assessment and displayed in the building. It is proposed to carry out and provide: <ul style="list-style-type: none"> Risk assessments of possible emergencies that may impact the service will be undertaken and a procedure designed to use in case of emergency and all regulatory requirements will be met prior to operating. A expert fire company/WHS consultant will be engaged to consult for the developer who will design the fire compliance for the development. They will be contracted to design emergency procedures, draw and validate fire diagrams, install fire lighting and install fire equipment. A fire safety schedule will be provided prior to occupation/final construction certificate. There will be an evacuation plan will be provided at building completion that will give occupants the location of the emergency meeting area. Evacuation routes and assembly area will be directed to street. Provision has been for an evacuation to exit the cot room with an emergency door and wide doorways with clear width clearances of 870mm throughout the building to manoeuvre the evacuation cot through to assembly area/s as identified by fire/WHS expert. 	Yes

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Compliance Table-SEPP Child Care.

25. Soil Assessment	Past use as a dwelling house is unlikely to have resulted in contamination and a soil assessment is not required.	Yes
123 Educator to child ratios – centre-based services	<p>Educator to child ratios— centre-based services requires</p> <p>(a) for children from birth to 24 months of age – 1 educator to 4 children</p> <p>(b) for children over 24 months and less than 36 months of age, - 1 educator to 5 children</p> <p>(c) for children aged 36 months of age or over, (not including children over preschool age), -1 educator to 10 children in NSW). (For children over preschool age, 1 educator to 15 children).</p> <p>A total of 21 educators are required and 21 are provided. Total staff are 25 persons.</p>	Yes

Gosford Development Control Plan 2013 – Compliance TableChapter 3.9 Child Care Centres

The relevant provisions of Chapter 3.9 Child Care Centres of GDCP 2013 have been considered in the assessment of application as summarised in the table below:

Clause	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.9.3 - Location	Appropriate location of child care centres	Considers environmental health hazard or risk relevant to the site	No risk from past use of the site..	Yes	Yes
		Not permitted on battle axe allotments	Not located on a battle axe allotment	Yes	Yes
		Not located in a cul-de-sac	The site has frontage to the Central Coast Highway. The proposal is not located within a cul-de-sac. As demonstrated in the accompanying Traffic Assessment Report the proposal will not generate traffic movements which would create traffic conflict or adverse impacts on the amenity of the locality.	Yes	Yes
		Not located on old service station sites	The land is not a former service station site.	N/a	N/a
		Be located adjacent a public reserve and separated for residential activities	Not located adjacent a public reserve and adjoins residential development. The Acoustic Report provides acoustic measures for the building and acoustic fencing to minimise noise to the facility and amenity impacts from noise to adjoining residents. The siting and design of the proposed child care centre within the subject land together with proposed landscaping and fencing will ensure that the proposed development does not overlook or	No	Yes

Attachment 6

Compliance Table Chapter 3.9 Child Care Centres DA57957

			adversely impact the visual privacy of neighbouring residential dwellings.		
		Accessible by public transport	Easily accessible by motor vehicle. Located on major arterial road on a bus route, with bus stops located in close proximity to the site.	Yes	Yes
3.9.4 Site Requirements	Compliance with objective	To ensure minimal impact on adjoining development and acceptable standards of design, open space, landscaping and parking can be accommodated within the site.	<p>The site is located within a rural residential zone and is considered to comply with the objective.</p> <p>The proposed development complies with the objective to ensure minimal impact on adjoining development and that acceptable standards of design, open space, landscaping, car parking and vehicle manoeuvring can be accommodated within the site and will not have adverse amenity impacts on neighbouring dwellings.</p>	Yes	Yes
3.9.5 Traffic and Parking	Off Street Car Parking provided in accordance with Chapter 7.1	Requires 45 car spaces	<p>Provides 45 car spaces.</p> <p>Traffic and Parking Study demonstrates the proposal meets objectives in that the development:</p> <ul style="list-style-type: none"> Provides safe movement of traffic entering and leaving the site. Provides adequate provision on site for staff parking. No separate pick-up or drop off area is proposed. A marked pedestrian crossing is provided at the building entrance to facilitate safe access. This is considered suitable for the site layout. Promotes the safety of pedestrians 	Yes	Yes
	Min entry and exit	Separate entry/exit required for centres	The driveway will allow for 2-way traffic movements	No	Yes

Attachment 6

Compliance Table Chapter 3.9 Child Care Centres DA57957

	driveways required	which cater for ten (10) or more children	with the existing driveway to be formalised during construction. The car park layout has a circulating one-way flow arrangement. Once cars enter the site, they should be able to circulate with minimal delays. Vehicles will enter and exit the site in a forward direction.		
	Min width of driveway required	3m	7m at the boundary and at the layback	Yes	Yes
	Parking and vehicle areas separated from child areas	Promote safety of pedestrians	Complies	Yes	Yes
3.9.6 - Visual and Acoustic Privacy	Max hours of operation required	Hours of operation within residential areas shall not extend outside the core hours of 7am to 7pm.	6.30am - 6.30pm Monday - Friday This is considered suitable in this location of rural-residential development.	No	Yes
	Acoustic Privacy	Mitigate noise impact	Acoustic Assessment – recommends acoustic measures to building and acoustic fencing. Minimal noise impact to surrounding residential development and will comply with legislative requirements.	Yes	Yes
	Overlooking / Visual Privacy	Mitigate overlooking	The siting and design of the proposed child care centre within the subject land together with proposed landscaping and fencing will ensure that the proposed development does not overlook or adversely impact the visual privacy of neighbouring residential properties.	Yes	Yes
3.9.7 - Design of Outdoor Play Areas	Max height of play equipment required	Equipment shall not be higher than the fence and should not be closer than two metres to a fence	No play equipment proposed. Designed to comply with the requirements of the NSW Department of Community Services. Compliance achieved through appropriate conditions and licencing.	Yes	Yes

Attachment 6

Compliance Table Chapter 3.9 Child Care Centres DA57957

	Min outdoor area shading required	50% of all outdoor areas should be shaded during the hours of 10.00 am to 3.00 pm	Shade is provided to outdoor spaces and distributed across the area. The proposal is capable/designed to comply and will provide: <ul style="list-style-type: none"> • The outdoor play area areas will shade trees and covered areas outdoor verandahs. • The centre intends to meet Sun Smart guidelines to meet criteria to be a Sun Smart registered service. 	Yes	Yes
	Location of outdoor play areas	In residential area, locate outdoor areas away from living/bedroom windows of surrounding dwellings	Child play areas are located adjoining the Central Coast Highway and away from residences. Appropriate air quality and acoustic reports have been submitted which identify the proposal meets the objectives.	Yes	Yes
3.9.8 - Accessibility	Max width of pathways required	1200 - 1500mm	Access achieves the requirements	Yes	Yes
3.9.9 – Landscaping	Concept landscaping design required	Landscaping should enhance surrounding areas and soften the impacts of hard stand areas and car parking on surrounding locality	Landscape plan submitted. Landscaping to car park area good. High level of landscaping to outdoor spaces and integrates with fencing.	Yes	Yes
3.9.10 - Building Appearance	Design of buildings should relate to the slope of the land	The building design is sympathetic to the topography and natural features of the subject land.	Slopes down to the south. Cut and fill minimised due to use of previously cleared and benched areas. Does not result in bulky building or amenity loss to adjoining residential development.	Yes	Yes
	Complement character of area	Materials, finishes and planting along street frontage complement adjoining development	The materials, finishes and planting along street frontage provide a streetscape that complements adjoining rural residential development and character of the area. Building colours are to be finalised.	Yes	Yes
3.9.11 – Building Code of		The building will need to comply with the Building Code of	The proposal can comply with the BCA and Food Regulations/fit out of food	Yes	Yes

Attachment 6**Compliance Table Chapter 3.9 Child Care Centres DA57957**

Australia and Food Regulations		Australia (BCA) and Food Regulations	premises through appropriate conditions of consent and supporting documentation submitted.		
3.9 - Appendix - Guidelines for Shade Planning and Design	The Child Care Planning Guideline 2017 is the most appropriate current document for the assessment of child care facilities. Shade planning design is addressed throughout this document, first and foremost by the building orientation and its design and landscaping. Regulation 114 of Part 4 of the Guidelines specifically addresses shade planning design. The proposal complies with the Guideline.		Yes	Yes	

Item No: 4.1
Title: DA/61991/2021 - 23 Anchorage Crescent, Terrigal
- Alterations and Additions
Department: Environment and Planning

19 August 2021 Local Planning Panel Meeting

Reference: 011.2021.00061991.001 - D14756324
Author: Neil Skeates, Senior Building Surveyor
Manager: Wayne Herd, Section Manager, Building Assessment and Certification
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for Alteration/Additions to Existing Dwelling. 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 for determination as the applicant is a member of NSW Parliament (under the 'Conflict of Interest' provisions of the Ministerial Direction titled *Local Planning Panels Direction – Development Applications and Application to Modify Development Consents* and dated 30 June 2020).

The application is recommended for approval, subject to conditions.

Applicant	T M Martin
Owner	T M Martin
Application No	DA61991/2021 Part 1
Description of Land	LOT: 15 DP: 202199, 23 Anchorage Crescent TERRIGAL
Proposed Development	Alteration/Additions to Existing Dwelling
Site Area	765 m2
Zoning	R2 LOW DENSITY RESIDENTIAL
Existing Use	Dwelling House
Employment Generation	Yes
Estimated Value	\$274,363.00

Recommendation

- That the Local Planning Panel grant consent to DA61991/2021 Part 1 - LOT: 15 DP: 202199, 23 Anchorage Crescent, Terrigal - Alteration/Additions to Existing Dwelling 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.***

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

Key Issues

- Minimal issues - minor internal changes, alterations and additions to an existing dwelling.

Precis:

Proposed Development	Alteration/Additions to Existing Dwelling
Permissibility and Zoning	R2 LOW DENSITY RESIDENTIAL under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014). The proposed development is for alteration and additions of an existing <i>dwelling house</i> , which is permissible with consent of Council.
Relevant Legislation	The following planning policies and control documents are relevant to the development and were considered as part of the assessment: <ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979 – Section 4.15 (EP&A Act) • Local Government Act 1993 – Section 89 • State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • Gosford Local Environmental Plan 2014 (GLEP 2014) • Gosford Development Control Plan 2013 (GLEP 2013)
Current Use	Existing two-storey dwelling house
Integrated Development	No
Submissions	Nil

Variations to Policies

Clause	Clause 3.1.3.1a
Standard	The average of the two adjoining dwelling house within 40 m. In addition, for carport an extra 1.0 m setback is required upon the average setback value.
LEP/DCP	Gosford Development Control Plan 2014
Departure basis	Front wall and deck above the carport 40.5 % Carport 71%

The Site

The site is a 765m² parcel of land located in a residential area and mapped as *bush fire prone land* on Council's maps. The proposal has been considered against the provisions of Planning for Bush Fire Protection 2019 with the appropriate BAL level being LOW as only *managed land* within 100 m. It is noted only the rear part of the lot is mapped as bush fire prone land however, there is no impact on site. An existing two-story dwelling house occupies the site and is typical of the housing stock in the area from the period 1980's.



Figure 1 – Site Image (Source: Council system)



Figure 2 – Photograph of existing front facade.



Figure 3 – Photograph of existing front façade looking more northwards where carport is proposed.



Figure 4 – Photograph of existing rear façade.

Surrounding Development

Surrounding development is residential dwelling houses with a combination of single and two storey dwelling houses, some with *outbuildings*.

The Proposed Development

The proposal comprises:

- Demolish rear pergola/sun room and front stairs and front balcony
- Excavation for front carport, new carport, new roof over existing dwelling house and associated retaining wall
- Alter existing driveway, new double garage, new rear studio, alteration of existing floor plans and associated retaining wall
- New upper storey terrace over front carport, new bedrooms, new rear covered outdoor lounge area, various internal floor layout changes

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

History

[DA18333/2002](#) (011.2002.00018333.001)

Development Application - Glass Enclosure

Lodged: 22/11/2002 (**Approved under Delegation** : 03/01/2003)

[TREE12028/2020](#) (024.2020.00012028.001)

Private Tree Works Application - Removal of 1 x Eucalyptus pilularis (blackbutt) tree located at the front of the property.

Lodged: 18/08/2020 (**Approved** : 24/08/2020)

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.

Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

Draft Central Coast Local Environmental Plan 2018.

The application has been assessed under the provisions of the Draft Central Coast Local Environment Plan 2018 previously on exhibition in respect to zoning, development standards and special provisions. The assessment concluded the proposal is consistent with the Draft Plan.

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW Government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Coastal Management) 2018

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

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

within the mapped coastal management area of *Coastal Environment Area*.

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

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.

The proposed development is permissible in the zone with consent of Council.

Gosford Local Environmental Plan 2014 - Zone Objectives

The objectives of the R2 Low Density Residential 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.*

The proposal is consistent with the stated objectives of the zone and provides for residential development in a low density environment, compatible with the existing and future desired character of the locality.

Gosford Local Environmental Plan 2014 – Development Standards

The following table provides a review of the application against height and FSR standards:

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 - Height of buildings	8.5 m	6.84 m	Yes	Nil	Yes
4.4 - Floor space ratio	0.50:1	<0.50:1	Yes	Nil	Yes

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

Gosford Local Environmental Plan 2014 - 7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered.

The site contains Class 5 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

Gosford Development Control Plan 2013

A review of the application against the provisions of the Gosford Development Control Plan 2013 is included in the table below:

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.1.2.1 - Building Height	Maximum building height required	8.5 m	6.84 m	Yes	Yes
	Number of storeys required	2	2	Yes	Yes
	Building height Outbuildings and Detached Ancillary Development required			n/a	n/a
3.1.2.2 - Site Coverage	Site coverage required	50%	<50%	Yes	Yes
3.1.2.3 - Floor Space Ratio	FSR required	0.50:1	<0.50:1	Yes	Yes
3.1.3.1a - Front Setback	Front setback where site area greater than 300m ² required	19.75 m	Upper storey wall: 11.940 m	No - see comments below	Yes - see comments below
	Front setback to a classified road required			n/a	n/a
	Front setback where site area up to 300m ² required			n/a	n/a
	Front setback for garage and carport required	1.0 m behind front	Carport: 5.780 m	No - see comments below	Yes - see comments below

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
		setback (20.75 m)			
3.1.3.1b - Rear Setback	Rear setback to private allotment required	6 m	> 6 m	Yes	Yes
	Rear setback to parallel road or public reserve required			n/a	n/a
	Rear setback within coastal hazard area required			n/a	n/a
3.1.3.1c - Side Setback	Side setback for lots greater than 12.5m wide required	North: 900 mm. South: 1.225 m	north: 1.27 m +. South: 1.51 m+	Yes	Yes
	Side setback for lots up to 12.5m wide required			n/a	n/a
	Side setback for lots less than 8m wide required			n/a	n/a
	Side setback for carports required	500 mm	> 500 mm	Yes	Yes
3.1.4.1 - Views				Yes	Yes
3.1.4.2 - Visual Privacy				Yes	Yes
3.1.4.3 - Private Open Space Areas	Private open space for lots less than 10m wide required				
	Private open space for lots greater than 10m wide required				
	Private open space dimension required				

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
	Private open space gradient required				
3.1.5 - Car Parking and Access	Number of car spaces required	2	4	Yes	Yes
	Car space measurements required	6 m x 6 m	>6 m x 6 m	Yes	Yes
	Driveway width required	4.0 m plus wings either side	As per pending VAC approval	Yes	Yes
3.1.6.1 - Earthworks	Earthworks maximum depth required	3.0 m	<2.0 m (within sub floor)	Yes	Yes
	Earthworks maximum fill required			n/a	n/a
3.1.6.2 - Retaining Walls and Structural Support				Yes	Yes
3.1.6.3 - Drainage				Yes	Yes

Gosford Development Control Plan 2013 - Character Provisions

The subject land lies within the *Terrigal 4: Open Woodland Hillsides* Character area, which has the following desired character:

Terrigal 4: Open Woodland Hillsides - Desired

The development will remain low-density residential. The semi-natural character of this hillside is retained by no proposed fill and cut only as required with the rearward site vegetation remaining. The avoidance of the appearance of a continuous wall of development along the street and hillside is achieved by locating the main building bulk behind front and rear setbacks similar to their surrounding properties on this side of the street. Also, providing at least one wide side setback such as the south setback of >1.5 m combining with the front and rear articulation

in the facade lines ameliorates the building width.

Minimisation of the scale and bulk of this building is achieved by use of the balcony, terrace and verandahs. The new roof is gently-pitched to minimise the height of ridges, and flanked by sufficiently wide eaves to disguise the scale of exterior walls. Minimisation of the scale of prominent facades by using extensive windows and verandahs plus a variety of materials and finishes rather than expanses of plain masonry is provided. This proposal displays a traditional "street address" with a verandah and terrace with living room and a front door that is visible from the roadway. No wide garage is proposed that would otherwise visually-dominate the front facade or block views from a dwelling to the street.

The proposed development is consistent with the desired character as set out in the Development Control Plan. The development provides for low density residential development in a locality with a similar character and appearance. The proposed development utilises a variety of textures/finishes and has been appropriately designed given the nature of the locality and surrounding residential developments.

Gosford Development Control Plan 2013 - 3.1.3.1a (Front Setback)

The following represents a review of the front setback:

Dwelling additions: The front wall additions required setback is the average of the two adjoining dwellings which is 19.75 m. The proposed front wall setback is 11.940 m and the deck above the carport is as per the carport at 5.780 m.

Carport: The required front setback is 1.0 m behind the front setback requirement, total carport requirement is 20.75 m. The proposed front setback for the carport is 5.780 m.

The objectives of this clause are as follows with comments.

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore. Comment: The site is on a significant slope on the hillside and sits near the corner of the road and the setbacks are variable. There is no public reserve and no coastal foreshore in this area.
- To ensure the visual focus of a development is the dwelling, not the garage. Comment: The garage is located on the lower storey with other design elements above that take the focus above and across from the garage area.
- To protect the views, privacy and solar access of adjacent properties. Comment: The proposed works have little impact on the adjoining southern dwelling that is lower down the hillside and impacted by the existing dwelling.

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

- To maintain view corridors to coastal foreshores and other desirable outlooks. Comment: The proposed carport and front decking is located low on the front setback and in the remainder of the building are no higher than the existing dwelling elsewhere. There is little to no impacts on view corridors.
- To maintain the scenic and environmental qualities of natural water bodies and their foreshores and respond to site attributes such as topography. Comment: The site is not located near these items.
- To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping. Comment: The rear of the site retains this ability with the front requiring some hardstand for parking and turning to accommodate safe access and parking on what is a very steep street.
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage(s). Comment: The front facade has steps which create break in the wall appearance within the centrally located stair entry, decking and carport providing articulation. The lower storey has a rendered finish and upper storey has horizontal light weight cladding which breaks up bulk and creates visual interest.

The variations in design are considered reasonable for this site and are supported as proposed.

Gosford Development Control Plan 2013 - 3.1.4.1 (Views)

The proposal is consistent with the objectives of Consideration of Views. The primary views and outlook from the existing neighbouring dwellings will not be substantially affected.

Gosford Development Control Plan 2013 - 3.1.4.2 (Visual Privacy)

Minimal to nil impact on privacy considering the location, size and setbacks of the proposed habitable spaces and windows from allotment boundaries.

Gosford Development Control Plan 2013 - 3.1.6.3 (Drainage)

There is existing drainage to the street gutter system which is sufficient for the proposed development.

Gosford Development Control Plan 2013 - 6.3 (Erosion Sedimentation Control)

Appropriate erosion and siltation controls to be conditioned.

Gosford Development Control Plan 2013 - 6.4 (Geotechnical Requirements For Development Applications)

The property is mapped as being in a low hazard landslip risk.

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

It has been considered due to the existing area where there is no evidence of landslip there would be no additional geotechnical information required to support the development at the DA stage. Noting that the proposed development is additions and alterations to an existing residence.

Gosford Development Control Plan 2013 - 6.6 (Tree and Vegetation Management)

No trees impacted by this proposal with the large native tree in the front yard recently moved under the separate tree application approval from 2020.

Gosford Development Control Plan 2013 - 6.7 (Water Cycle Management)

The water retention target calculation requires 4,800 litres to be retained onsite assuming that a rainwater tank capacity is at least the same as there is no ponding or slow infiltration proposed.

Gosford Development Control Plan 2013 - 7.2 (Waste Management)

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

Development Contributions

The proposed development is a development type that is not subject to S94 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

The Public Interest

The approval of the application is considered to be in the public interest. The proposal will not have any adverse impact on the natural or built environment and will not unreasonably impact the amenity of neighbouring properties and provide for the orderly and economic development of the land. The proposal will not impact on the character of the area or the character of the approved development.

Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013, no submissions were received.

Submissions from Public Authorities

No submissions were received.

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

Internal Consultation

Water and Sewer Assessment	Supported, subject to conditions, see conditions 2.5, 2.6 & 5.5
Vehicle Access Crossings	Supported, subject to conditions, see conditions 2.4 & 5.4

External Consultation

No external consultation was required.

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.

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.

Attachments

- | | | |
|----------|--|-----------|
| 1 | REDACTED PLAN SET for LPP 23 Anchorage Crescent TERRIGAL DA61991/2021 Part 1 | D14775928 |
| 2 | DRAFT Conditions DA61991/2021 Part 1, 23 Anchorage Crescent TERRIGAL NSW | D14757357 |
| 3 | Waste management plan 23 Anchorage Crescent, Terrigal DA/61991/2021 | D14668454 |
| 4 | Statement of environmental effects 23 Anchorage Crescent, Terrigal DA/61991/2021 | D14668449 |

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions (contd)

5	Survey plan 23 Anchorage Crescent, Terrigal DA/61991/2021	D14668453
6	BASIX certificate 23 Anchorage Crescent, Terrigal DA/61991/2021	D14668444

Proposed Alterations and Additions

23 Anchorage Crescent, Terrigal
 NSW 2260

Drawing Sheet List

Sheet Number	Sheet Name	Current Revision
A000	Cover Page	2
A001	Site Assessment / Analysis / Demolition Plan	2
A002	Proposed Site Plan	2
A003	Slab and Footing Layout Plan	2
A004	Ground Floor layout Plan	2
A005	Roof Layout Plan	2
A100	Proposed Garage/ Studio Floor Plan	2
A101	Proposed Ground Floor Plan	2
A103	Proposed Roof Plan	2
A200	Proposed Elevation 1 & 2	2
A201	Proposed Elevation 3 & 4	2
A300	Proposed Section	2
A301	Proposed Sections (cont.)	2
A400	Proposed Electrical Plan - Garage / Studio Floor Plan	2
A401	Proposed Electrical Plan - Ground Floor Plan	2
A500	Proposed Door Schedule	2
A501	Proposed Window Schedule	2
A600	Proposed Shadow Diagrams	2
A700	Basix Notes	2
A800	Driveway Profile	2



Project	Proposed Alterations and Additions	Drawing Number	A000
Issue		Issue	2
Client	Taylor Martin	Date Printed	19/07/2021 12:19:33 PM
Location	23 Anchorage Cres, Terrigal NSW 2260		
Drawing	Cover Page		
Revision	Description	Date	Staff Member
2	Revision 1	14/07/2021 10:58:11	L.S.MITH
1	DA/CLIENT ISSUE	06/04/2021 10:58:11	L.S.MITH
Scale As indicated @ A3			

DA SUBMISSION
 NOT TO BE USED DURING CONSTRUCTION

PROPERTY DETAILS

LOT 15 | DP202199
 SITE AREA - 765.1m²
 EXISTING DWELLING AREA - 197m² (Approx.)

LAND ZONING - R2 LOW RESIDENTIAL DENSITY
 MINIMUM LOT SIZE - 550M²
 ACID SULFATE SOILS - CLASS 5
 FLOOR SPACE RATIO - 0.5:1
 HEIGHT OF BUILDING - 8.5m MAX.

PROPOSED ALTERATIONS AND ADDITIONS

GROUND FLOOR LEVEL - 50m²
 BALCONYS/ TERRACE/ DECKS - 50m²
 TOTAL ALTERATIONS AND ADDITIONS - 100m²

LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
 COUNCIL - CENTRAL COAST COUNCIL
 SUBURB - TERRIGAL

EXTERNAL MATERIAL FINISHES SCHEDULE

ALL MATERIALS SELECTED ARE TO BE OF LIKE OR SIMILAR TO PRODUCTS AND MATERIALS SELECTED FOR CONSTRUCTION. MATERIALS MAY VARY IN COLOR OR LIKENESS DUE TO PRINTING OR SCREEN QUALITY WHEN VIEWED.

 RENDER WALL FINISH - WHITE	 ALUMINUM WINDOW/ DOOR FRAMES, GATES, AWNINGS BALUSTRADES AND DOWNPIPES/ GUTTERS - WHITE	 METAL SHEET ROOFING - WHITE
 TURF SELECTION	 TIMBER DECKING - NATURAL	 WEATHERBOARD CLADDING - WHITE
 CONCRETE DRIVEWAY - LIGHT GREY	 GLASS BALUSTRADE (POOL TO BE MIN. 1200MM HIGH)	

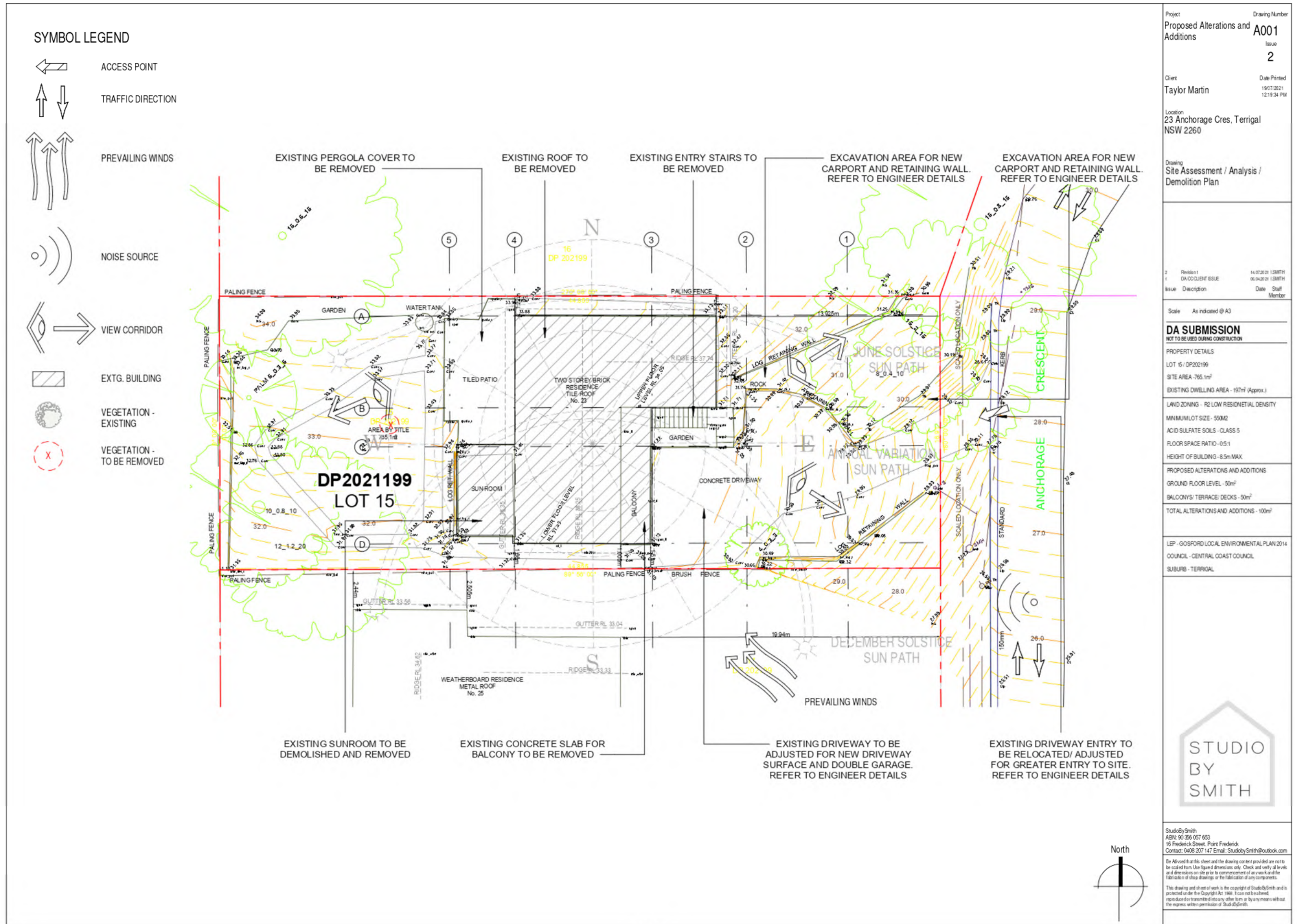
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Key Value	Keynote Text
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BAL	SELECTED BALUSTRADE
BBQ	BBQ GRILL
BT	BATHTUB
C	SELECTED COOKTOP
D	DRYER SPACE
DP	DOWNPIPE
DSK	SELECTED DESK
DW	DISHWASHER SPACE
G	GUTTER
GBAL	SELECTED GLASS BALUSTRADE
GD	GRATED DRAIN. REFER TO ENG'S DETAILS
LT	LAUNDRY TUB
MR	SELECTED METAL DECK ROOF
OHC	CUPBOARD - OVERHEAD
POST	STRUCTURAL POST. REFER TO ENG'S DETAILS
REF	REFRIGERATOR SPACE
RHS	RANGEHOOD - SLIDE OUT
RPC01	SELECTED RENDERED CONCRETE. SELECTED PAINT FINISH. REFER TO FINISHES SCHEDULE
SHR	SHOWER
SK	SELECTED SINK
SKL	SKYLIGHT
TILE	SELECTED TILE FLOORING
TIM01	SELECTED TIMBER FLOORING FINISH 1
TV	TELEVISION
VB	VANITY BASIN
WB	SELECTED WEATHERBOARD CLADDING. REFER TO FINISHES SCHEDULE
WC	WATER CLOSET
WM	WASHING MACHINE SPACE
WR	WARDROBE
WT	SELECTED WATER TANK AS REQ.



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Project	Proposed Alterations and Additions	Drawing Number	A001
		Issue	2
Client	Taylor Martin	Date Printed	19/07/2021 12:19:34 PM
Location	23 Anchorage Cres, Terrigal NSW 2260		
Drawing	Site Assessment / Analysis / Demolition Plan		
2	Revision 1	14/07/2021 10:58 AM	
1	DA/CLIENT ISSUE	06/04/2021 10:58 AM	
Issue	Description	Date	Staff Member
Scale As indicated @ A3			

DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION	
PROPERTY DETAILS	
LOT 15 / DP2021199	
SITE AREA - 765.1m ²	
EXISTING DWELLING AREA - 197m ² (Approx.)	
LAND ZONING - R2 LOW RESIDENTIAL DENSITY	
MINIMUM LOT SIZE - 550M ²	
ACID SULFATE SOILS - CLASS 5	
FLOOR SPACE RATIO - 0.5:1	
HEIGHT OF BUILDING - 8.5m MAX.	
PROPOSED ALTERATIONS AND ADDITIONS	
BALCONY FLOOR LEVEL - 50m ²	
BALCONYS/ TERRACE/ DECKS - 50m ²	
TOTAL ALTERATIONS AND ADDITIONS - 100m ²	
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014	
COUNCIL - CENTRAL COAST COUNCIL	
SUBURB - TERRIGAL	

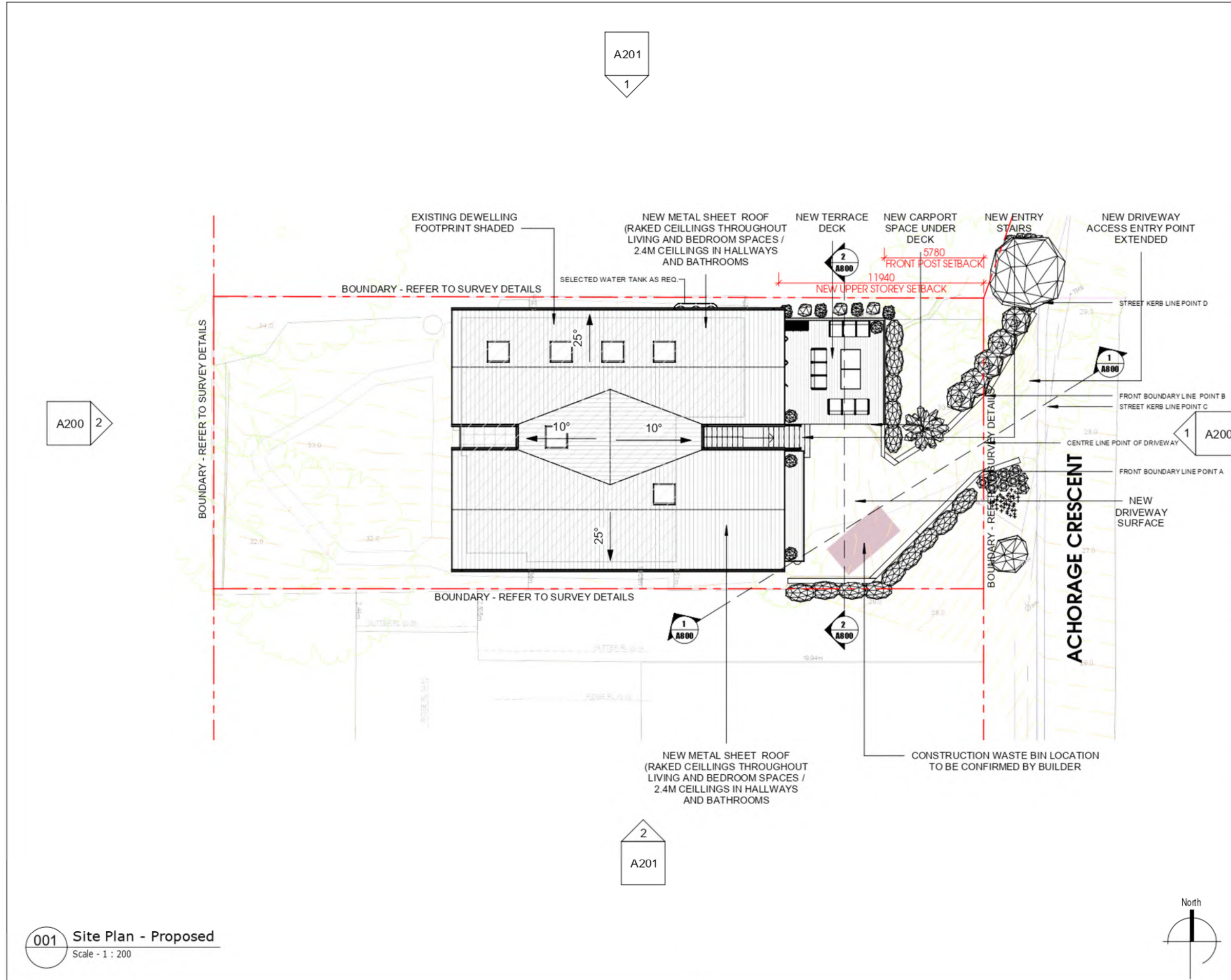


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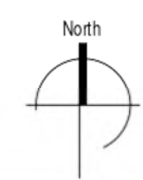
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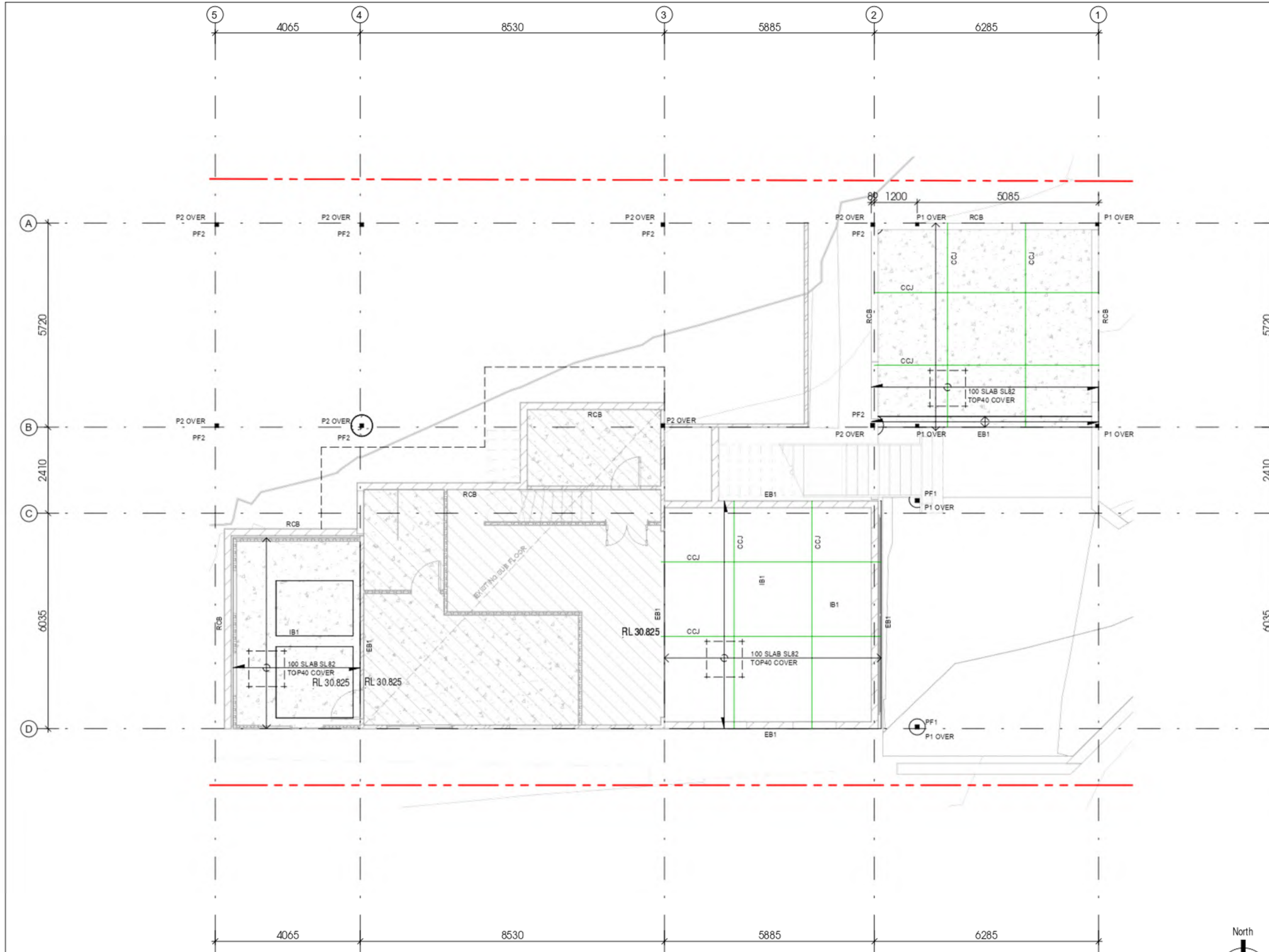




Project Proposed Alterations and Additions	Drawing Number A002												
	Issue 2												
Client Taylor Martin	Date Printed 19/07/2021 12:19:36 PM												
Location 23 Anchorage Cres, Terrigal NSW 2260													
Drawing Proposed Site Plan													
<table border="1"> <tr> <td>2</td> <td>Revision 1</td> <td>14/07/2021</td> <td>LSMTH</td> </tr> <tr> <td>1</td> <td>DA/CLIENT ISSUE</td> <td>06/04/2021</td> <td>LSMTH</td> </tr> <tr> <td>Issue</td> <td>Description</td> <td>Date</td> <td>Staff Member</td> </tr> </table>		2	Revision 1	14/07/2021	LSMTH	1	DA/CLIENT ISSUE	06/04/2021	LSMTH	Issue	Description	Date	Staff Member
2	Revision 1	14/07/2021	LSMTH										
1	DA/CLIENT ISSUE	06/04/2021	LSMTH										
Issue	Description	Date	Staff Member										
Scale As indicated @ A3													
DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION													
PROPERTY DETAILS													
LOT 15 / DP202199													
SITE AREA - 765.1m ²													
EXISTING DWELLING AREA - 197m ² (Approx.)													
LAND ZONING - R2 LOW RESIDENTIAL DENSITY													
MINIMUM LOT SIZE - 550M ²													
ACID SULFATE SOILS - CLASS 5													
FLOOR SPACE RATIO - 0.5:1													
HEIGHT OF BUILDING - 8.5m MAX.													
PROPOSED ALTERATIONS AND ADDITIONS													
GROUND FLOOR LEVEL - 50m ²													
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TOTAL ALTERATIONS AND ADDITIONS - 100m ²													
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014													
COUNCIL - CENTRAL COAST COUNCIL													
SUBURB - TERRIGAL													
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001 Site Plan - Proposed
Scale - 1 : 200





Project: Proposed Alterations and Additions
 Drawing Number: A003
 Issue: 2
 Client: Taylor Martin
 Date Printed: 19/07/2021 12:19:36 PM
 Location: 23 Anchorage Cres, Terrigal NSW 2260
 Drawing: Slab and Footing Layout Plan

2	Revision 1	14/07/2021 13:58:11	LSMTH
1	DA CLIENT ISSUE	06/04/2021 13:58:11	LSMTH
Issue	Description	Date	Staff Member

Scale: 1:100 @A3

DA SUBMISSION
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PROPERTY DETAILS
 LOT 15 / DP202199
 SITE AREA - 765.1m²
 EXISTING DWELLING AREA - 197m² (Approx.)

LAND ZONING - R2 LOW RESIDENTIAL DENSITY
 MINIMUM LOT SIZE - 550M²
 ACID SULFATE SOILS - CLASS 5
 FLOOR SPACE RATIO - 0.5:1
 HEIGHT OF BUILDING - 8.5m MAX.

PROPOSED ALTERATIONS AND ADDITIONS
 GROUND FLOOR LEVEL - 50m²
 BALCONYS/ TERRACE/ DECKS - 50m²
 TOTAL ALTERATIONS AND ADDITIONS - 100m²

LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
 COUNCIL - CENTRAL COAST COUNCIL
 SUBURB - TERRIGAL

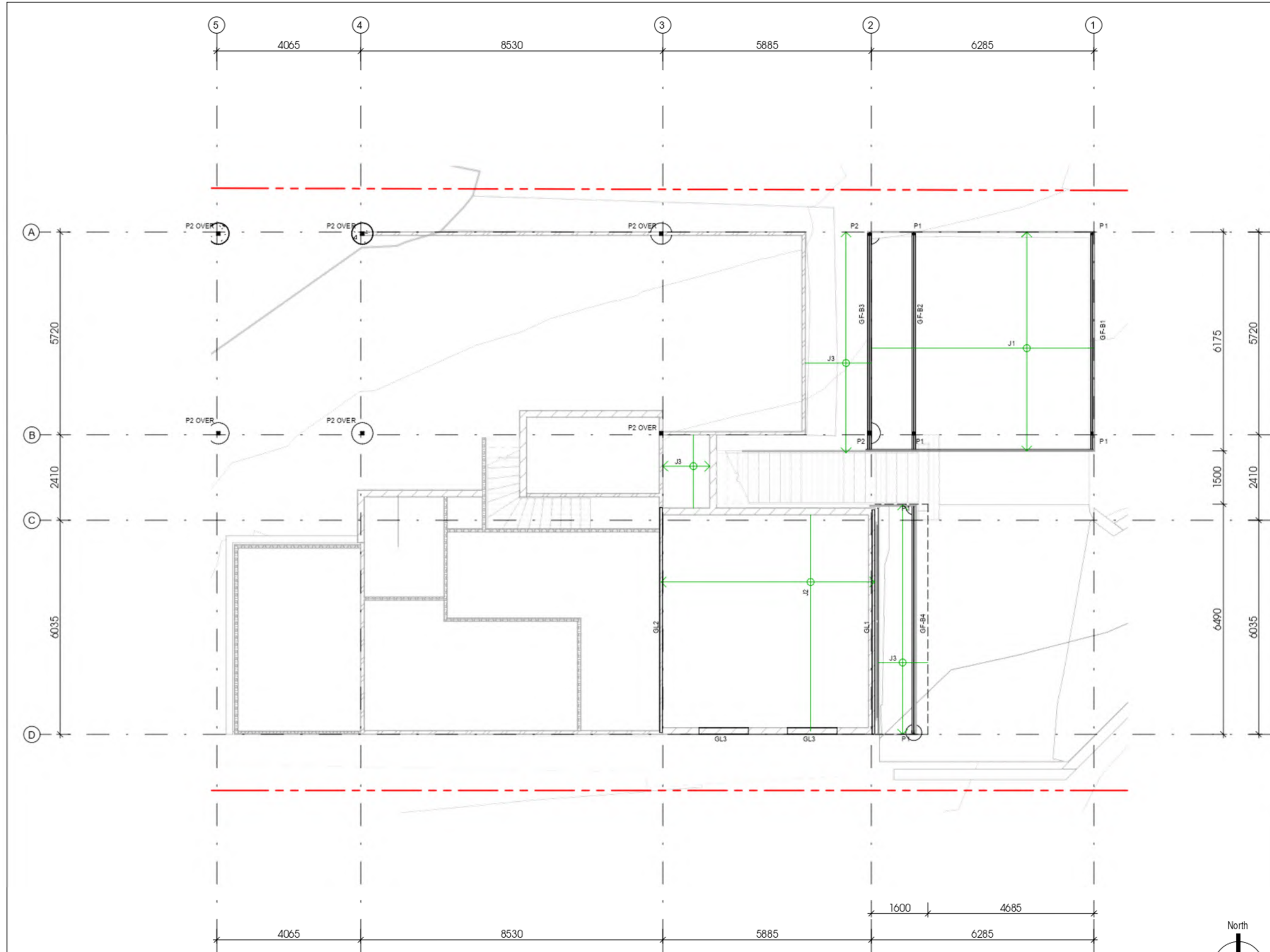


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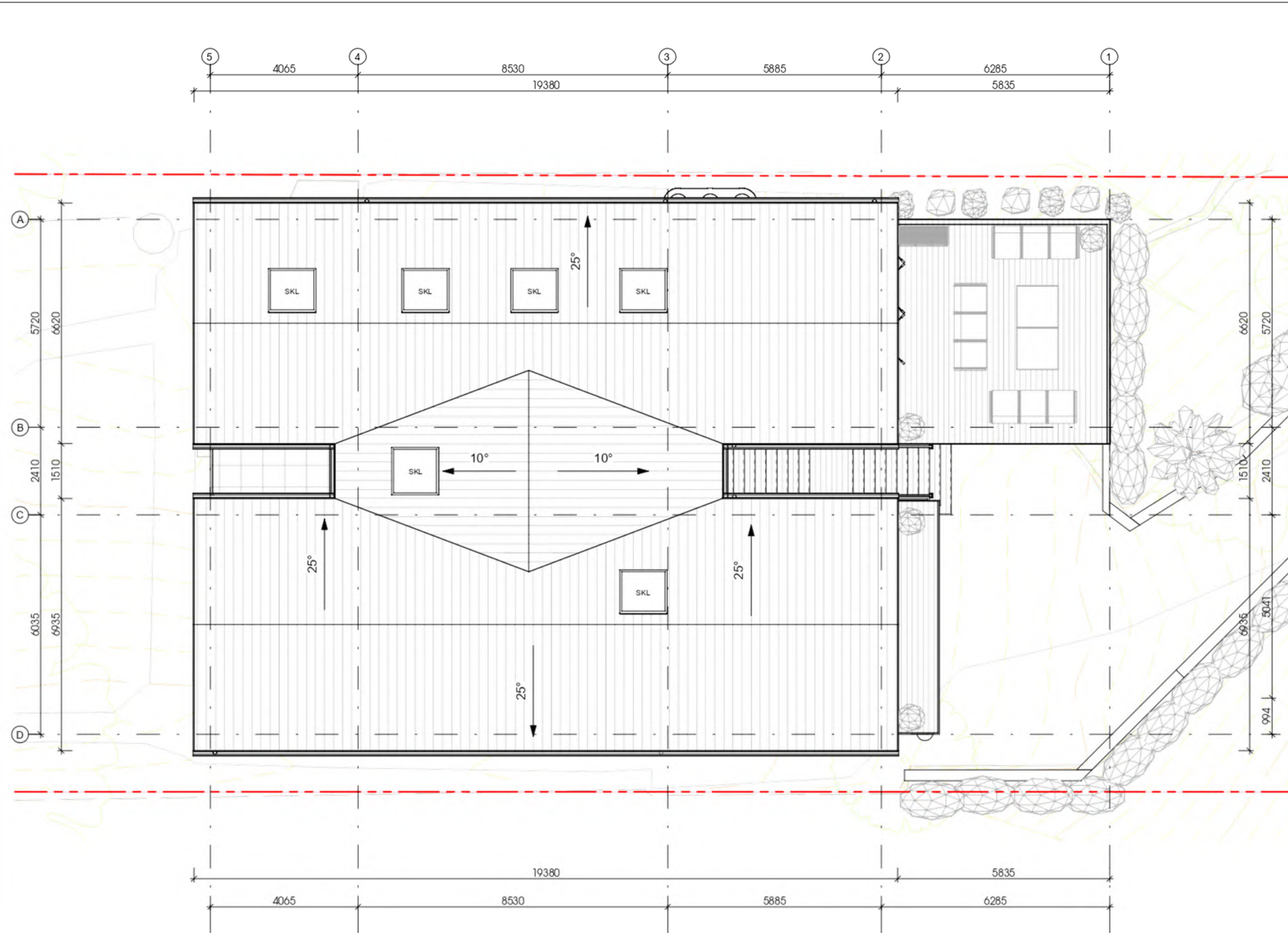
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001 SLAB AND FOOTING PLAN - GARAGE / STUDIO LVL
 Scale - 1 : 100



Project Proposed Alterations and Additions	Drawing Number A004									
Client Taylor Martin	Issue 2									
Location 23 Anchorage Cres, Terrigal NSW 2260	Date Printed 19/07/2021 12:19:37 PM									
Drawing Ground Floor layout Plan										
<table border="1"> <tr> <td>2</td> <td>Revision 1</td> <td>14/07/2021 10:58PM</td> </tr> <tr> <td>1</td> <td>DA CLIENT ISSUE</td> <td>06/04/2021 10:58PM</td> </tr> <tr> <td>Issue</td> <td>Description</td> <td>Date Staff Member</td> </tr> </table>		2	Revision 1	14/07/2021 10:58PM	1	DA CLIENT ISSUE	06/04/2021 10:58PM	Issue	Description	Date Staff Member
2	Revision 1	14/07/2021 10:58PM								
1	DA CLIENT ISSUE	06/04/2021 10:58PM								
Issue	Description	Date Staff Member								
Scale 1 : 100 @A3										
DA SUBMISSION										
NOT TO BE USED DURING CONSTRUCTION										
PROPERTY DETAILS										
LOT 15 / DP202199										
SITE AREA - 765.1m ²										
EXISTING DWELLING AREA - 197m ² (Approx.)										
LAND ZONING - R2 LOW RESIDENTIAL DENSITY										
MINIMUM LOT SIZE - 550M ²										
ACID SULFATE SOILS - CLASS 5										
FLOOR SPACE RATIO - 0.5:1										
HEIGHT OF BUILDING - 8.5m MAX.										
PROPOSED ALTERATIONS AND ADDITIONS										
GROUND FLOOR LEVEL - 50m ²										
BALCONYS/ TERRACE/ DECKS - 50m ²										
TOTAL ALTERATIONS AND ADDITIONS - 100m ²										
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014										
COUNCIL - CENTRAL COAST COUNCIL										
SUBURB - TERRIGAL										
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001 GROUND FLOOR LAYOUT PLAN
Scale - 1 : 100



Project: Proposed Alterations and Additions
 Drawing Number: A103
 Issue: 2
 Client: Taylor Martin
 Date Printed: 19/07/2021 12:19:44 PM
 Location: 23 Anchorage Cres, Terrigal NSW 2260
 Drawing: Proposed Roof Plan

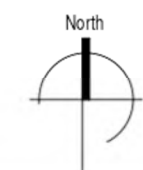
Revision	Description	Date	Staff Member
2	Revision 1	14/07/2021	LSMTH
1	DA CLIENT ISSUE	06/04/2021	LSMTH

Scale: 1:100 @ A3
DA SUBMISSION
 NOT TO BE USED DURING CONSTRUCTION
 PROPERTY DETAILS
 LOT 15 / DP202199
 SITE AREA - 765.1m²
 EXISTING DWELLING AREA - 197m² (Approx.)
 LAND ZONING - R2 LOW RESIDENTIAL DENSITY
 MINIMUM LOT SIZE - 550M²
 ACID SULFATE SOILS - CLASS 5
 FLOOR SPACE RATIO - 0.5:1
 HEIGHT OF BUILDING - 8.5m MAX.
 PROPOSED ALTERATIONS AND ADDITIONS
 GROUND FLOOR LEVEL - 50m²
 BALCONYS/ TERRACE/ DECKS - 50m²
 TOTAL ALTERATIONS AND ADDITIONS - 100m²
 LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
 COUNCIL - CENTRAL COAST COUNCIL
 SUBURB - TERRIGAL

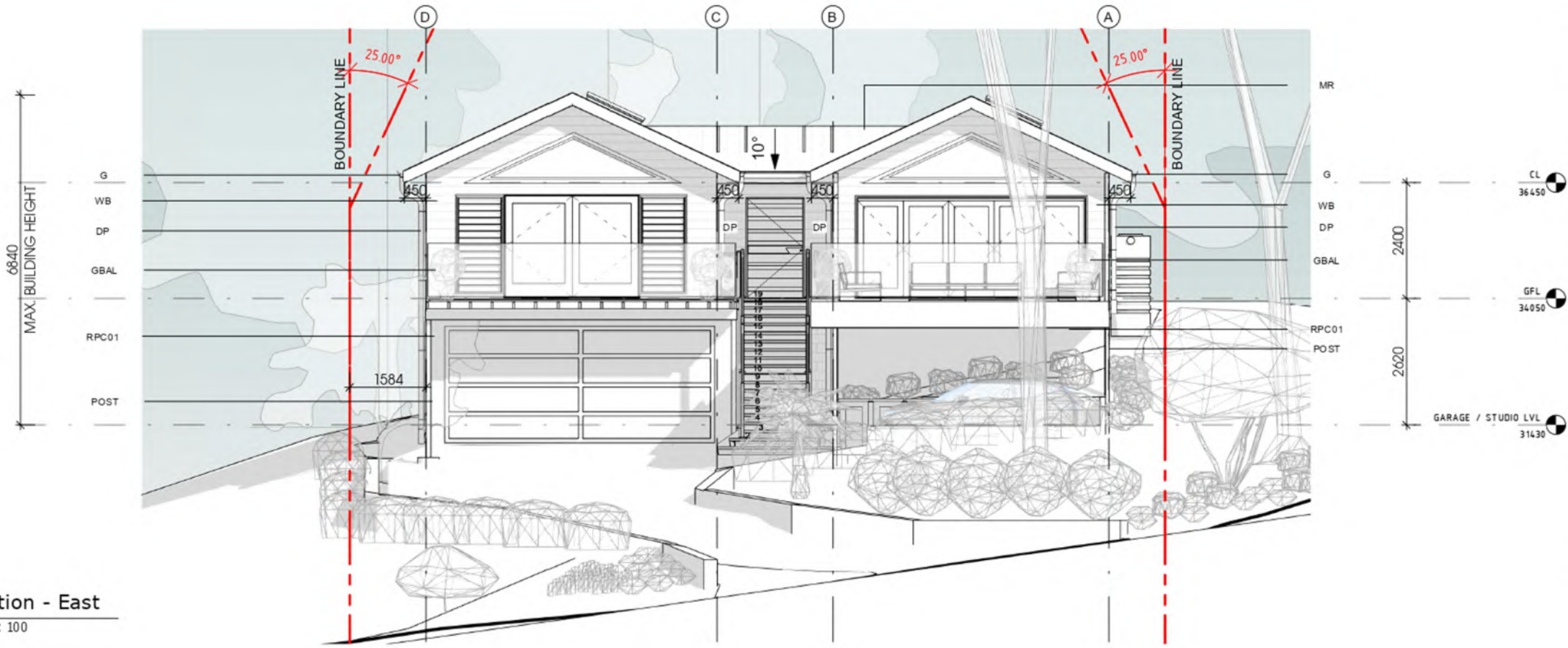


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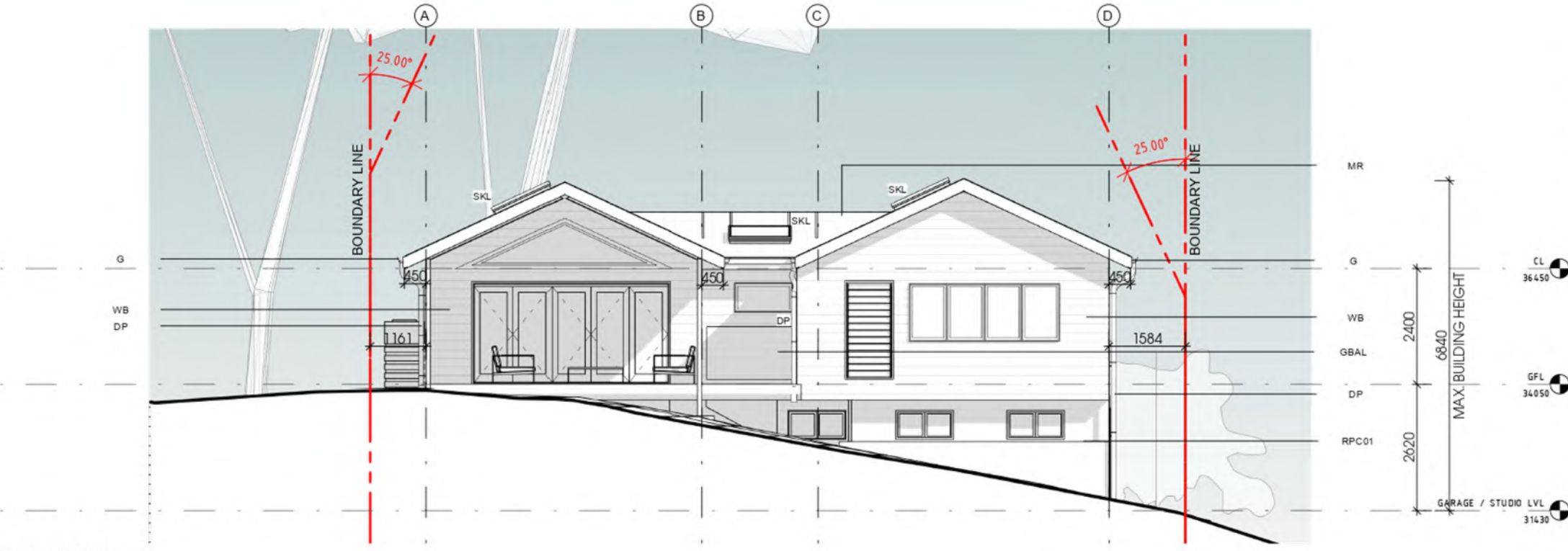
001 Proposed Roof Plan
 Scale - 1 : 100



Project	Proposed Alterations and Additions	Drawing Number	A200
Issue	2	Date Printed	19/07/2021 12:19:51 PM
Client	Taylor Martin	Location	23 Anchorage Cres, Terrigal NSW 2260
Drawing	Proposed Elevation 1 & 2	Scale	1:100 @ A3
Revision 1	DA CLIENT ISSUE	Date	14/07/2021 10:58:11 AM
Revision 2	DA CLIENT ISSUE	Date	06/04/2021 10:58:11 AM



001 Elevation - East
Scale - 1 : 100



002 Elevation - West
Scale - 1 : 100

DA SUBMISSION
NOT TO BE USED DURING CONSTRUCTION

PROPERTY DETAILS
LOT 15 / DP202199
SITE AREA - 765.1m²
EXISTING DWELLING AREA - 197m² (Approx.)

LAND ZONING - R2 LOW RESIDENTIAL DENSITY
MINIMUM LOT SIZE - 550M²
ACID SULFATE SOILS - CLASS 5
FLOOR SPACE RATIO - 0.5:1
HEIGHT OF BUILDING - 8.5m MAX.

PROPOSED ALTERATIONS AND ADDITIONS
GROUND FLOOR LEVEL - 50m²
BALCONYS/ TERRACE/ DECKS - 50m²
TOTAL ALTERATIONS AND ADDITIONS - 100m²

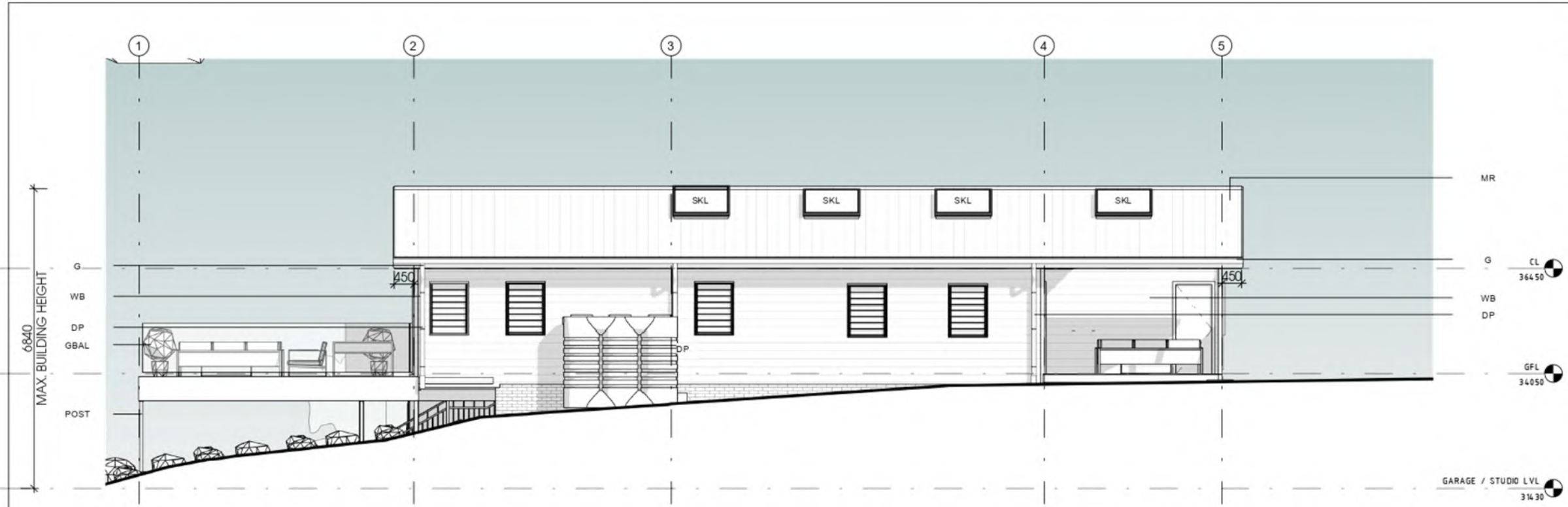
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
COUNCIL - CENTRAL COAST COUNCIL
SUBURB - TERRIGAL



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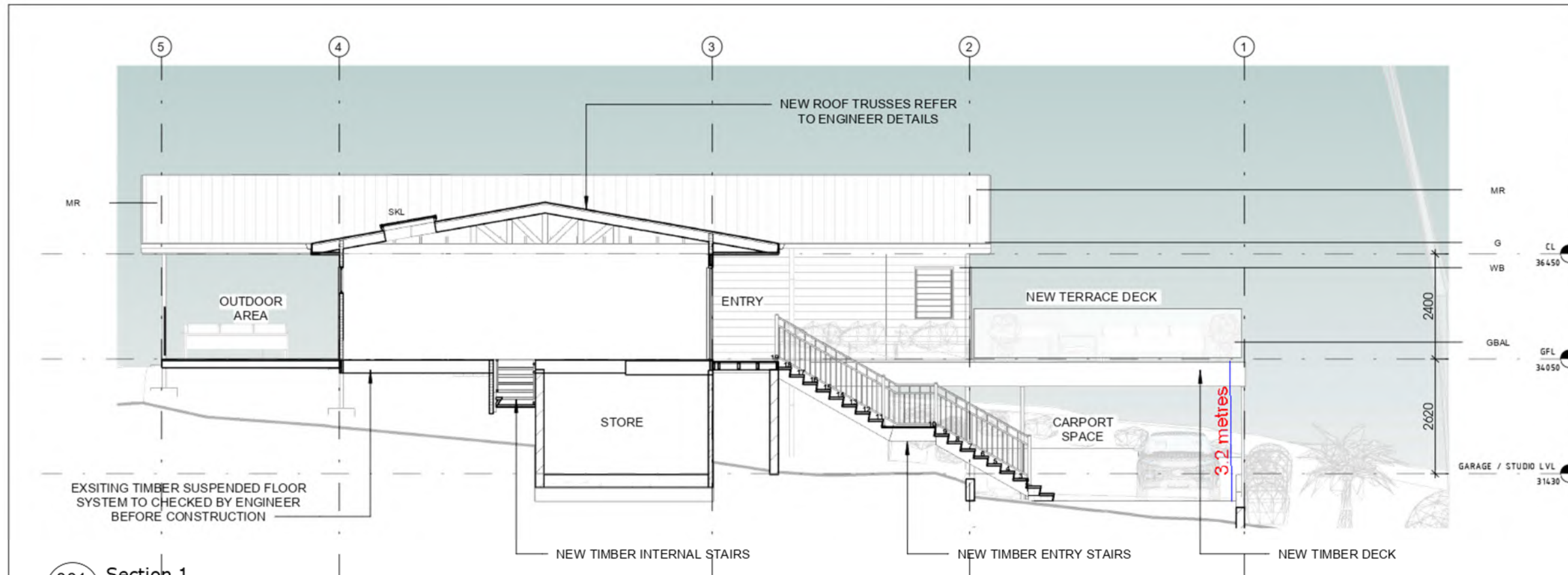


001 Elevation - North
 Scale - 1 : 100

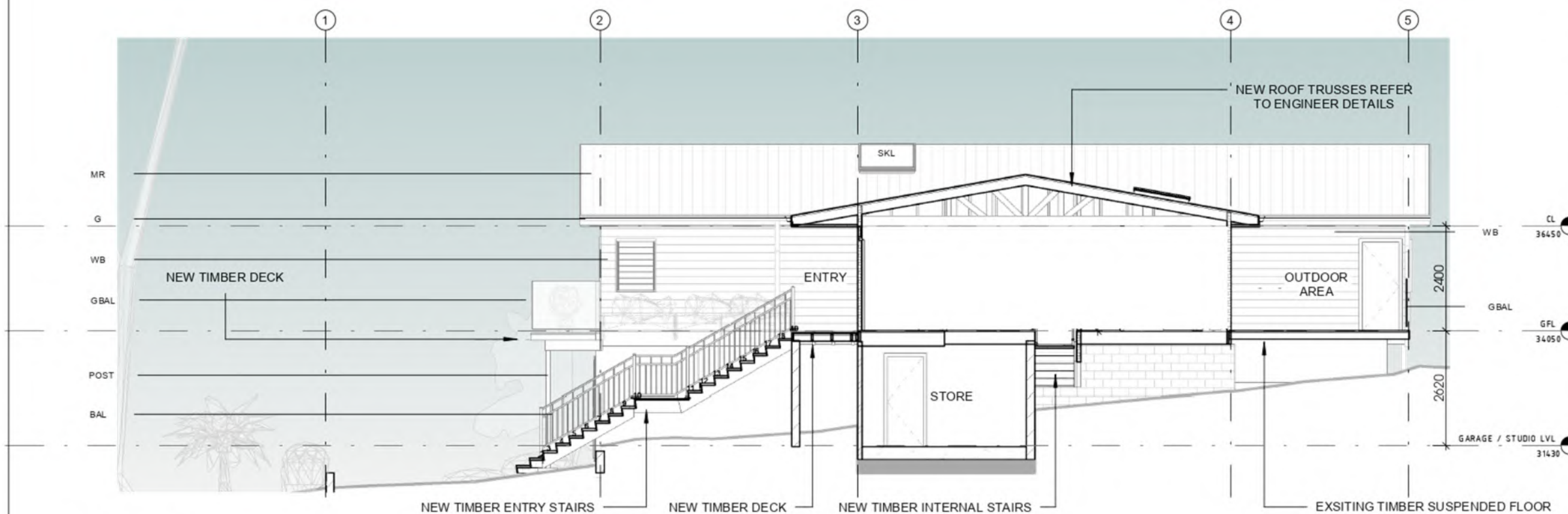


002 Elevation - South
 Scale - 1 : 100

Project Proposed Alterations and Additions	Drawing Number A201
Client Taylor Martin	Issue 2
Location 23 Anchorage Cres, Terrigal NSW 2260	Date Printed 19/07/2021 12:19:38 PM
Drawing Proposed Elevation 3 & 4	
2 Revision 1 14/07/2021 L.S.MITH 1 DA CLIENT ISSUE 06/04/2021 L.S.MITH Issue Description Date Staff Member	
Scale 1 : 100 @ A3	
DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION	
PROPERTY DETAILS	
LOT 15 / DP202199	
SITE AREA - 765.1m ²	
EXISTING DWELLING AREA - 197m ² (Approx.)	
LAND ZONING - R2 LOW RESIDENTIAL DENSITY	
MINIMUM LOT SIZE - 550M ²	
ACID SULFATE SOILS - CLASS 5	
FLOOR SPACE RATIO - 0.5:1	
HEIGHT OF BUILDING - 8.5m MAX.	
PROPOSED ALTERATIONS AND ADDITIONS	
GROUND FLOOR LEVEL - 90m ²	
BALCONYS/ TERRACE/ DECKS - 50m ²	
TOTAL ALTERATIONS AND ADDITIONS - 100m ²	
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014	
COUNCIL - CENTRAL COAST COUNCIL	
SUBURB - TERRIGAL	
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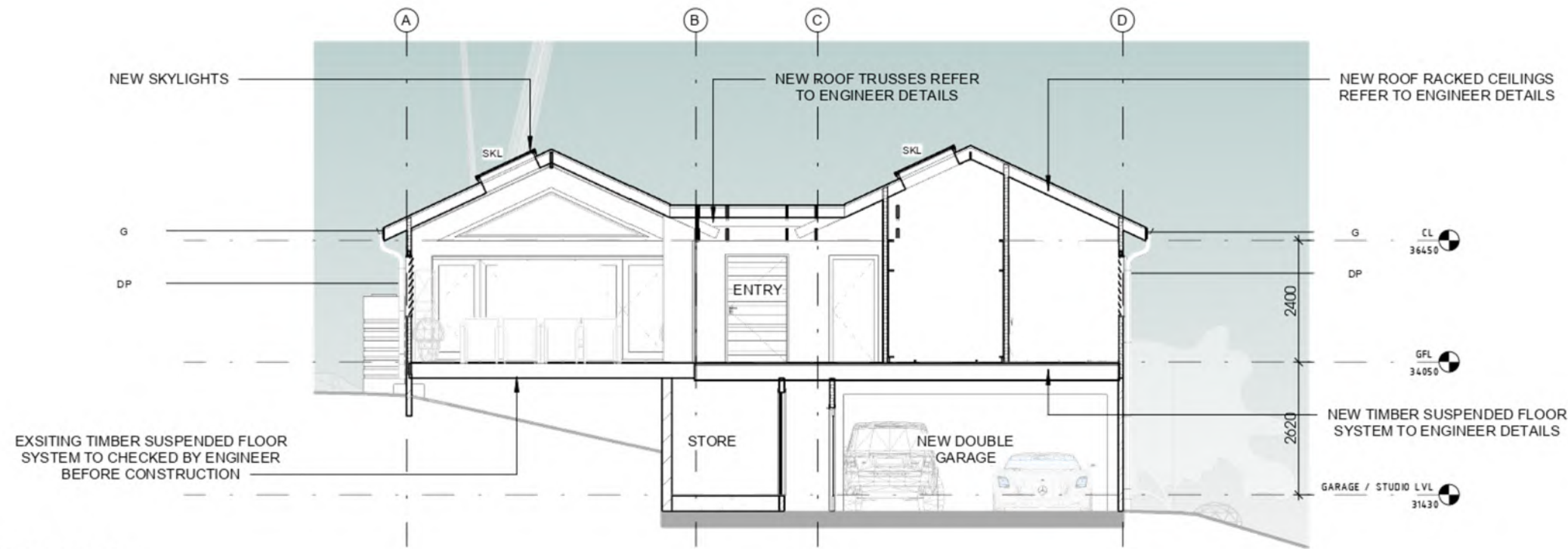


001 Section 1
 Scale - 1 : 100

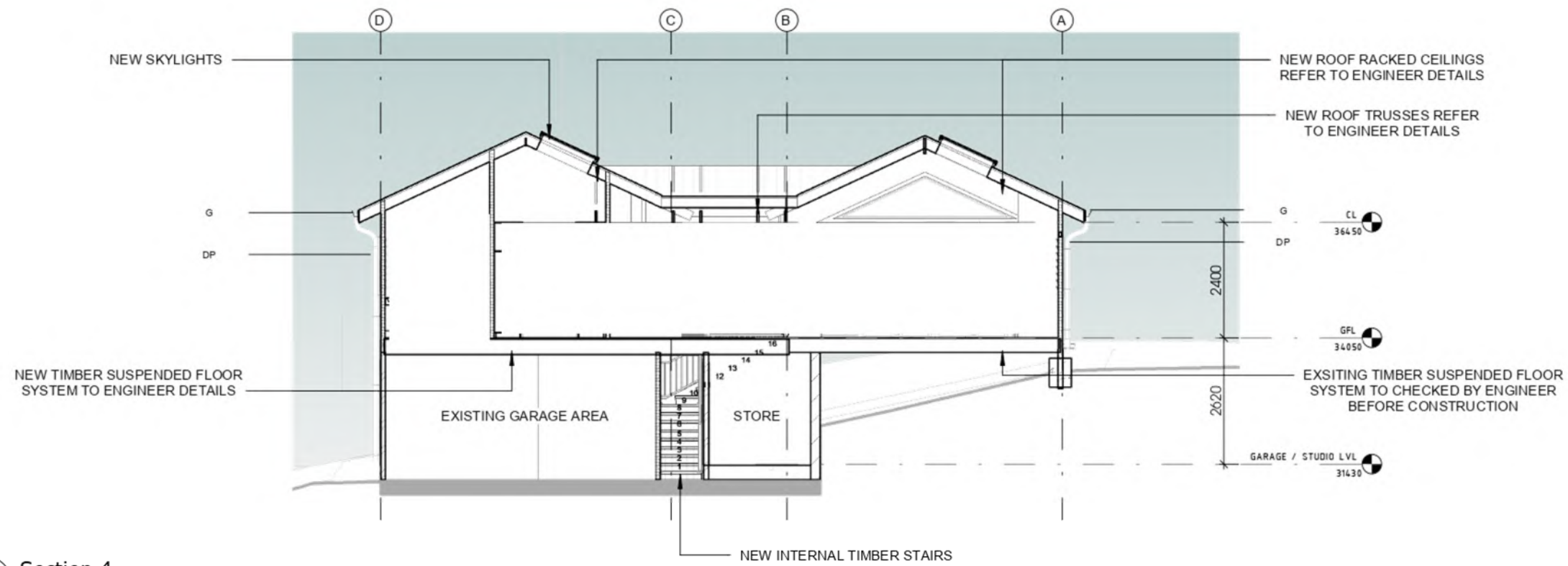


002 Section 2
 Scale - 1 : 100

Project	Proposed Alterations and Additions	Drawing Number	A300
		Issue	2
Client	Taylor Martin	Date Printed	19/07/2021 12:20:01 PM
Location	23 Anchorage Cres, Terrigal NSW 2260		
Drawing	Proposed Section		
Scale	1 : 100 @A3		
DA SUBMISSION NOT TO BE USED DURING CONSTRUCTION			
PROPERTY DETAILS			
LOT 15 DP202199			
SITE AREA - 765.1m ²			
EXISTING DWELLING AREA - 197m ² (Approx.)			
LAND ZONING - R2 LOW RESIDENTIAL DENSITY			
MINIMUM LOT SIZE - 550M ²			
ACID SULFATE SOILS - CLASS 5			
FLOOR SPACE RATIO - 0.5:1			
HEIGHT OF BUILDING - 8.5m MAX.			
PROPOSED ALTERATIONS AND ADDITIONS			
GROUND FLOOR LEVEL - 90m ²			
BALCONYS/ TERRACE/ DECKS - 50m ²			
TOTAL ALTERATIONS AND ADDITIONS - 100m ²			
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014			
COUNCIL - CENTRAL COAST COUNCIL			
SUBURB - TERRIGAL			
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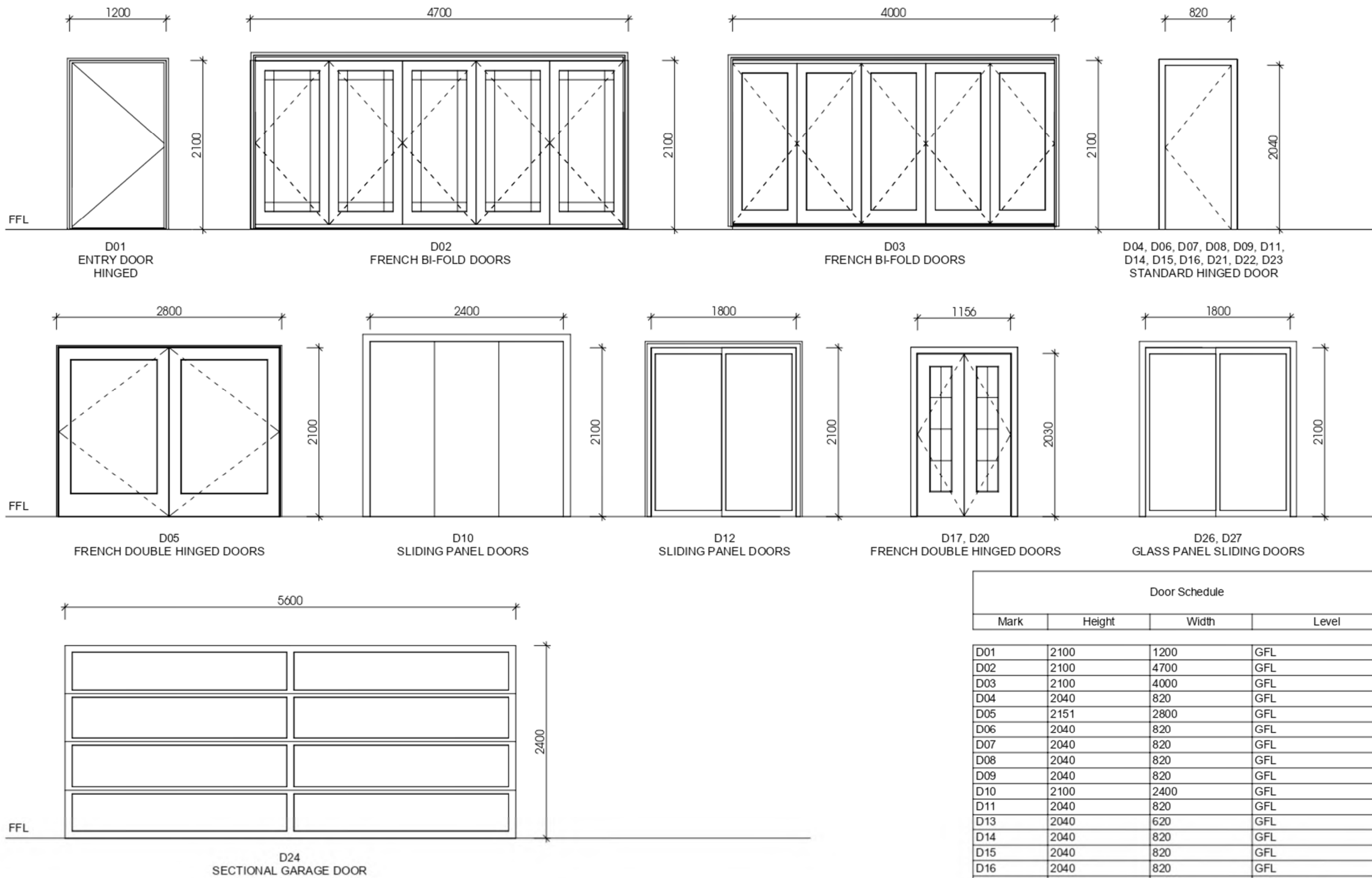


001 Section 3
Scale - 1 : 100



002 Section 4
Scale - 1 : 100

Project Proposed Alterations and Additions	Drawing Number A301
Client Taylor Martin	Issue 2
Location 23 Anchorage Cres, Terrigal NSW 2260	Date Printed 19/07/2021 12:20:04 PM
Drawing Proposed Sections (cont.)	
2 Revision 1 14/07/2021 L SMITH 1 DA/CLIENT ISSUE 06/04/2021 L SMITH Issue Description Date Staff Member	
Scale 1:100 @A3	
DA SUBMISSION	
NOT TO BE USED DURING CONSTRUCTION	
PROPERTY DETAILS	
LOT 15 DP202199	
SITE AREA - 765.1m ²	
EXISTING DWELLING AREA - 197m ² (Approx.)	
LAND ZONING - R2 LOW RESIDENTIAL DENSITY	
MINIMUM LOT SIZE - 550M ²	
ACID SULFATE SOILS - CLASS 5	
FLOOR SPACE RATIO - 0.5:1	
HEIGHT OF BUILDING - 8.5m MAX.	
PROPOSED ALTERATIONS AND ADDITIONS	
GROUND FLOOR LEVEL - 90m ²	
BALCONYS/ TERRACE/ DECKS - 50m ²	
TOTAL ALTERATIONS AND ADDITIONS - 100m ²	
LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014	
COUNCIL - CENTRAL COAST COUNCIL	
SUBURB - TERRIGAL	
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Door Schedule			
Mark	Height	Width	Level
D01	2100	1200	GFL
D02	2100	4700	GFL
D03	2100	4000	GFL
D04	2040	820	GFL
D05	2151	2800	GFL
D06	2040	820	GFL
D07	2040	820	GFL
D08	2040	820	GFL
D09	2040	820	GFL
D10	2100	2400	GFL
D11	2040	820	GFL
D13	2040	620	GFL
D14	2040	820	GFL
D15	2040	820	GFL
D16	2040	820	GFL
D17	2040	1200	GFL
D20	2040	1200	GARAGE / STUDIO LVL
D21	2040	820	GARAGE / STUDIO LVL
D22	2040	820	GARAGE / STUDIO LVL
D23	2040	820	GARAGE / STUDIO LVL
D24	2400	5600	GARAGE / STUDIO LVL
D26	2100	1800	GARAGE / STUDIO LVL
D27	2100	1800	GARAGE / STUDIO LVL

Project: Proposed Alterations and Additions
 Drawing Number: A500
 Issue: 2
 Client: Taylor Martin
 Date Printed: 19/07/2021 12:20:07 PM
 Location: 23 Anchorage Cres, Terrigal NSW 2260
 Drawing: Proposed Door Schedule

2 Revision 1 14/07/2021 L SMITH
 1 DA CLIENT ISSUE 06/04/2021 L SMITH
 Issue Description Date Staff Member

Scale: 1:50 @ A3

DA SUBMISSION
 NOT TO BE USED DURING CONSTRUCTION

PROPERTY DETAILS
 LOT 15 / DP202199
 SITE AREA - 765.1m²
 EXISTING DWELLING AREA - 197m² (Approx.)

LAND ZONING - R2 LOW RESIDENTIAL DENSITY
 MINIMUM LOT SIZE - 550M²
 ACID SULFATE SOILS - CLASS 5
 FLOOR SPACE RATIO - 0.5:1
 HEIGHT OF BUILDING - 8.5m MAX.

PROPOSED ALTERATIONS AND ADDITIONS
 GROUND FLOOR LEVEL - 50m²
 BALCONYS/ TERRACE/ DECKS - 50m²
 TOTAL ALTERATIONS AND ADDITIONS - 100m²

LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
 COUNCIL - CENTRAL COAST COUNCIL
 SUBURB - TERRIGAL

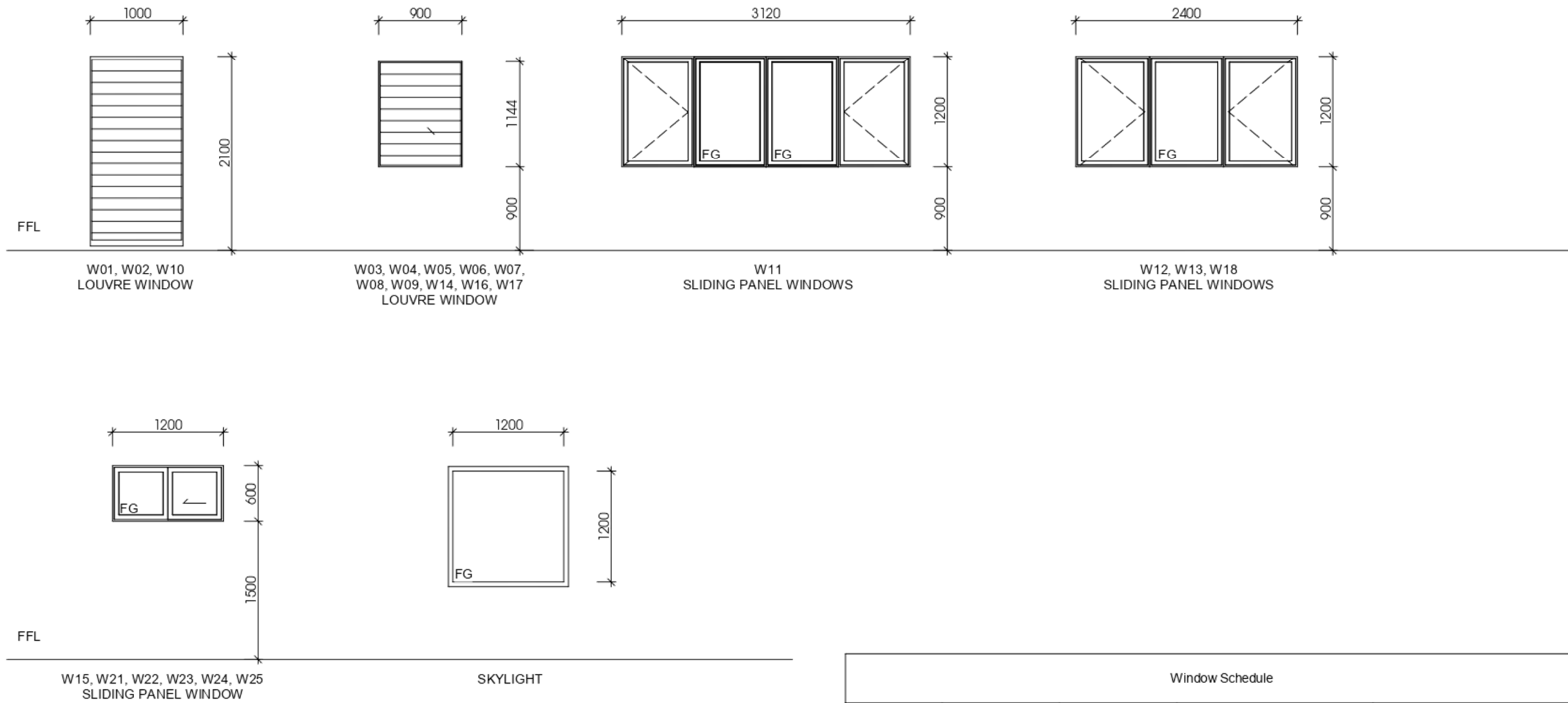


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Door Schedule
 Scale - 1 : 50



Project: Proposed Alterations and Additions
 Drawing Number: A501
 Issue: 2
 Client: Taylor Martin
 Date Printed: 19/07/2021 12:20:08 PM
 Location: 23 Anchorage Cres, Terrigal NSW 2260
 Drawing: Proposed Window Schedule

2	Revision 1	14/07/2021	LSMTH
1	DA/CLIENT ISSUE	06/04/2021	LSMTH
Issue	Description	Date	Staff Member

Scale: 1:50 @ A3

DA SUBMISSION
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PROPERTY DETAILS
 LOT 15 / DP202199
 SITE AREA - 765.1m²
 EXISTING DWELLING AREA - 197m² (Approx.)

LAND ZONING - R2 LOW RESIDENTIAL DENSITY
 MINIMUM LOT SIZE - 550M²
 ACID SULFATE SOILS - CLASS 5
 FLOOR SPACE RATIO - 0.5:1
 HEIGHT OF BUILDING - 8.5m MAX.

PROPOSED ALTERATIONS AND ADDITIONS
 GROUND FLOOR LEVEL - 50m²
 BALCONYS/ TERRACE/ DECKS - 50m²
 TOTAL ALTERATIONS AND ADDITIONS - 100m²

LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
 COUNCIL - CENTRAL COAST COUNCIL
 SUBURB - TERRIGAL

Window Schedule				
Mark	Height	Width	Level	Comments
W01	2124	1000	GFL	LOUVRE WINDOW
W02	2124	1000	GFL	LOUVRE WINDOW
W03	1144	900	GFL	LOUVRE WINDOW
W04	1144	900	GFL	LOUVRE WINDOW
W05	1144	900	GFL	LOUVRE WINDOW
W06	1144	900	GFL	LOUVRE WINDOW
W07	1144	900	GFL	LOUVRE WINDOW
W08	1144	900	GFL	LOUVRE WINDOW
W09	1144	900	GFL	LOUVRE WINDOW
W10	1144	1000	GFL	LOUVRE WINDOW
W11	1200	3200	GFL	SLIDING PANEL WINDOW
W12	1200	2400	GFL	SLIDING PANEL WINDOW
W13	1200	2400	GFL	SLIDING PANEL WINDOW
W14	1144	900	GFL	LOUVRE WINDOW
W15	600	1200	GFL	SLIDING PANEL WINDOW
W16	1144	900	GFL	LOUVRE WINDOW
W17	1144	900	GFL	LOUVRE WINDOW
W18	1200	2400	GFL	SLIDING PANEL WINDOW
W21	600	1200	GARAGE / STUDIO LVL	SLIDING PANEL WINDOW
W22	600	1200	GARAGE / STUDIO LVL	SLIDING PANEL WINDOW
W23	600	1200	GARAGE / STUDIO LVL	SLIDING PANEL WINDOW
W24	600	1200	GARAGE / STUDIO LVL	SLIDING PANEL WINDOW
W25	600	1200	GARAGE / STUDIO LVL	SLIDING PANEL WINDOW



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Window Schedule
 Scale - 1 : 50

Project: Proposed Alterations and Additions
Drawing Number: A700
Issue: 2
Client: Taylor Martin
Date Printed: 19/07/2021 12:20:12 PM
Location: 23 Anchorage Cres, Terrigal NSW 2260
Drawing: Basix Notes
Revision 1: 14/07/2021 LSMTH
Revision 2: 06/04/2021 LSMTH
Scale: 1:250 @ A3

PRELIMINARY
NOT TO BE USED DURING CONSTRUCTION

PROPERTY DETAILS
LOT 15 / DP202199
SITE AREA - 765.1m²
EXISTING DWELLING AREA - 197m² (Approx.)
LAND ZONING - R2 LOW RESIDENTIAL DENSITY
MINIMUM LOT SIZE - 550M²
ACID SULFATE SOILS - CLASS 5
FLOOR SPACE RATIO - 0.5:1
HEIGHT OF BUILDING - 8.5m MAX.
PROPOSED ALTERATIONS AND ADDITIONS
GROUND FLOOR LEVEL - 50m²
BALCONYS / TERRACE / DECKS - 50m²
TOTAL ALTERATIONS AND ADDITIONS - 100m²

LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014
COUNCIL - CENTRAL COAST COUNCIL
SUBURB - TERRIGAL

STUDIO BY SMITH

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BASIX Certicate
Building Sustainability Index www.basix.nsw.gov.au
Alterations and Additions
Certificate number: A412407

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 documents entitled "BASIX Alterations and Additions Definitions", dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 06 April 2021
Note: this certificate is valid for 3 months from the date of issue.

Description of project

Project address	23 Anchorage Cres, Terrigal
Project name	23 Anchorage Crescent Terrigal 2260
Local Government Area	Central Coast Council
Plan type and number	Deposited Plan 202199
Lot number	15
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more and does not include a pool (or pool spa).

Certificate Prepared by: please complete before submitting to Council or PCA
Name / Company Name: Studio By Smith
ABN (if applicable): 90356057553

Basix Certicate Number: 0412407 Page 1 of 7

Features and systems

Features and systems	Show on DA Plans	Show on COGDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Rating: Industry & Environment Building Sustainability Index www.basix.nsw.gov.au

Basix Certicate Number: 0412407 Page 2 of 7

Glazing requirements

Windows and glazed doors	Show on DA Plans	Show on COGDC Plans & specs	Certifier Check			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. The following requirements must also be satisfied in relation to each window and glazed door: Each window or glazed door with improved frames, or polycarbonate glazing, or clear or tinted polycarbonate glazing, or tinted or polycarbonate glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Federation of Roofing Contractors (NFRC) conditions. The description is provided for information only. Alternative systems with competing U-value and SHGC may be substituted. For projections described in millimetres, the leading edge of each awning, pergola, verandah, balcony or overhang must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill. Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35. Pergolas with fixed louvers must have louvers parallel to the window or glazed door above which they are situated, unless the pergola also includes a perpendicular window. The spacing between louvers must not be more than 90 mm. Overhanging buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the overshadowing columns in the table below.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass (m ²)	Overhanging Height (m)	Overhanging Distance (m)	Shading device	Frame and glass type
W1	E	2	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W2	E	2	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W3	N	1	2.4	2.4	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W4	S	1	2.4	2.4	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)

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Glazing requirements

Skylights glazing requirements	Show on DA Plans	Show on COGDC Plans & specs	Certifier Check
See table below			
Skylights glazing requirements			
Skylight number	Area of glazing (m ²)	Shading device	Frame and glass type
S1	1	no shading	temper low-E internal argon filled clear external, (U-value: 2.5, SHGC: 0.456)
S2	1	no shading	temper low-E internal argon filled clear external, (U-value: 2.5, SHGC: 0.456)
S3	1	no shading	temper low-E internal argon filled clear external, (U-value: 2.5, SHGC: 0.456)
S4	1	no shading	temper low-E internal argon filled clear external, (U-value: 2.5, SHGC: 0.456)
S5	1	no shading	temper low-E internal argon filled clear external, (U-value: 2.5, SHGC: 0.456)

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Glazing requirements

Window / door no.	Orientation	Area of glass (m ²)	Overhanging Height (m)	Overhanging Distance (m)	Shading device	Frame and glass type
W5	N	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W6	N	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W7	N	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W8	N	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W9	N	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W10	W	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W11	W	3.8	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W12	S	2.8	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W13	S	2.8	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W14	S	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W15	S	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W16	S	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W17	S	1	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)

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Glazing requirements

Window / door no.	Orientation	Area of glass (m ²)	Overhanging Height (m)	Overhanging Distance (m)	Shading device	Frame and glass type
W18	S	2.8	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W19	W	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W20	W	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W21	W	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W22	W	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W23	W	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W24	S	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
W25	S	0.72	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
D00	E	9.8	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
D01	W	0.4	2.4	4	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)
D02	E	9.8	0	0	convex/curved/polycarbonate/aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)	aluminium, single Lo-Tint low-e, (U-value: 5.6, SHGC: 0.36)

Skylights

The applicant must install the skylights in accordance with the specifications listed in the table below.
The following requirements must also be satisfied in relation to each skylight:
Each skylight may either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in

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Legend

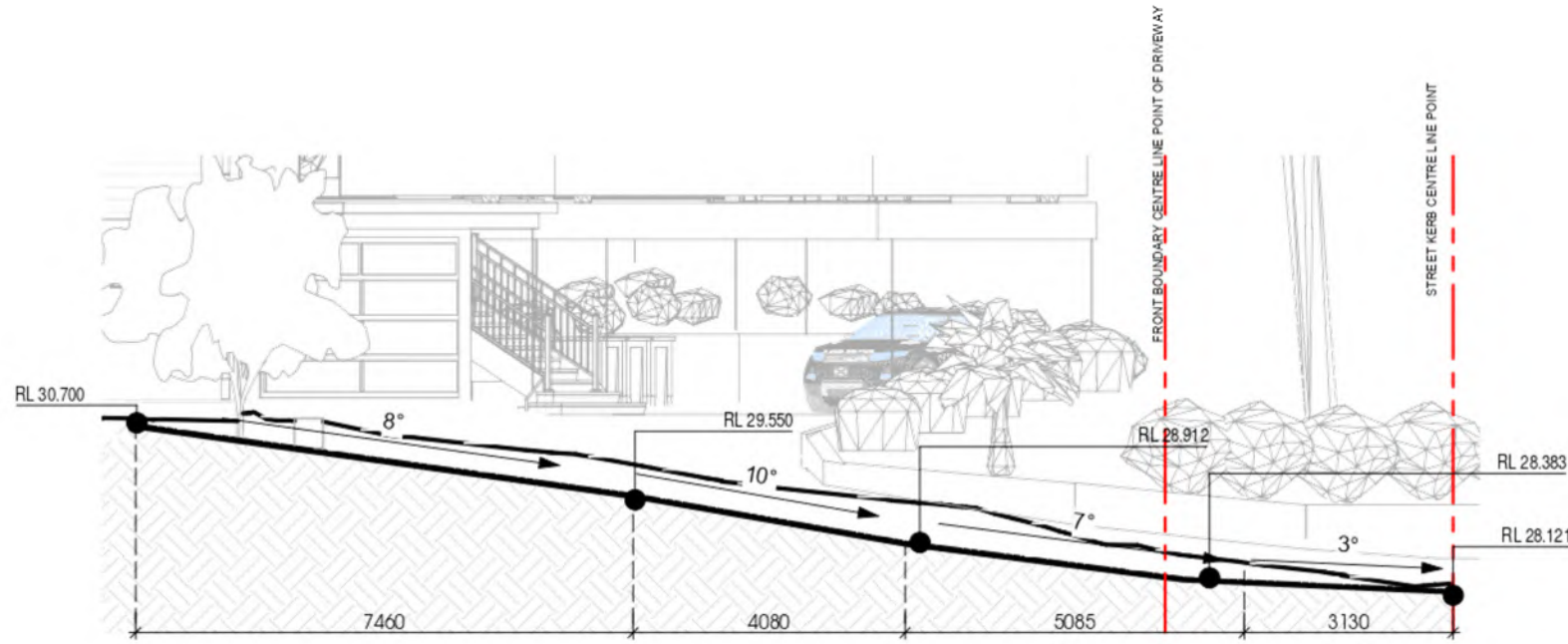
In these commitments, "applicant" means the person carrying out the development.

Comments identified with a "u" 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).

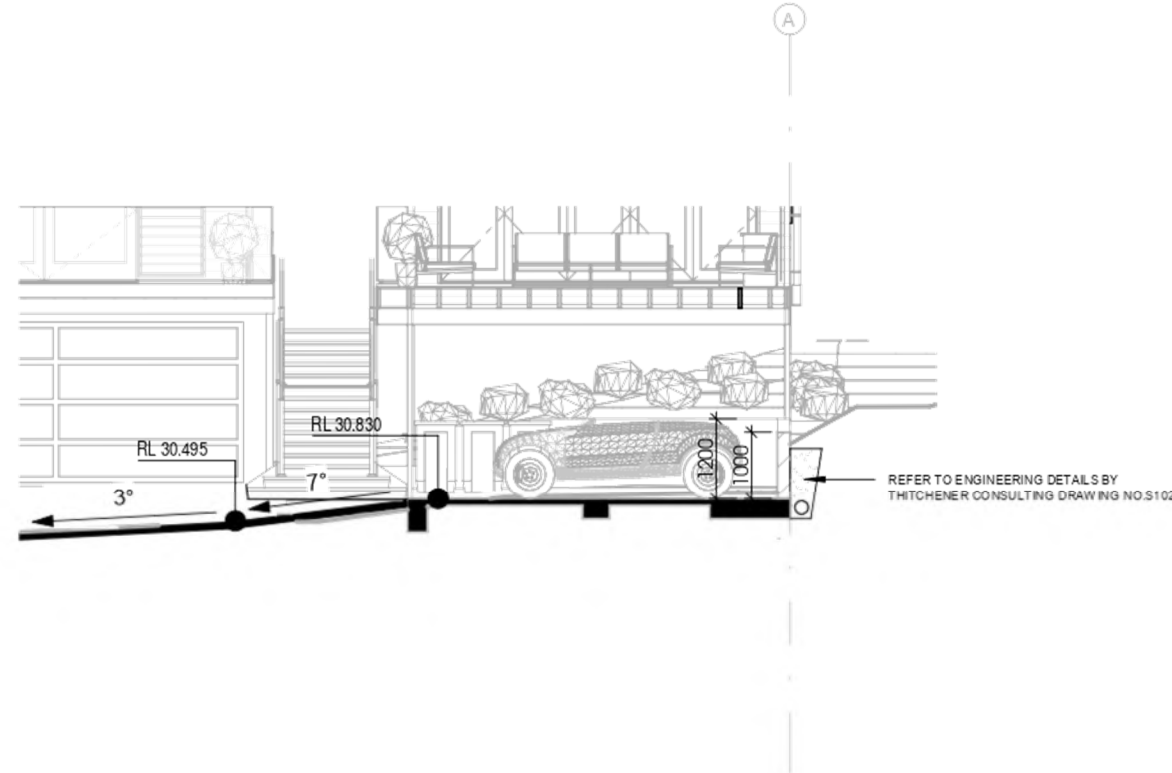
Comments identified with a "c" in the "Show on COGDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Comments identified with a "v" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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001 Driveway Section - HIGH LEVEL ACCESS WITHOUT PATH
 Scale - 1 : 100



002 Carport Section - RETAINING WALL DETAIL
 Scale - 1 : 100

Project	Proposed Alterations and Additions	Drawing Number	A800
Client	Taylor Martin	Issue	2
Location	23 Anchorage Cres, Terrigal NSW 2260	Date Printed	19/07/2021 12:20:13 PM
Drawing	Driveway Profile		
Revision 1	DA CLIENT ISSUE	14/07/2021	L SMITH
Revision 2	DA CLIENT ISSUE	06/04/2021	L SMITH
Issue	Description	Date	Staff Member

Scale 1 : 100 @A3

PRELIMINARY
 NOT TO BE USED DURING CONSTRUCTION

PROPERTY DETAILS

LOT 15 / DP202199

SITE AREA - 765.1m²

EXISTING DWELLING AREA - 197m² (Approx.)

LAND ZONING - R2 LOW RESIDENTIAL DENSITY

MINIMUM LOT SIZE - 550M2

ACID SULFATE SOILS - CLASS 5

FLOOR SPACE RATIO - 0.5:1

HEIGHT OF BUILDING - 8.5m MAX.

PROPOSED ALTERATIONS AND ADDITIONS

GROUND FLOOR LEVEL - 50m²

BALCONYS/ TERRACE/ DECKS - 50m²

TOTAL ALTERATIONS AND ADDITIONS - 100m²

LEP - GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

COUNCIL - CENTRAL COAST COUNCIL

SUBURB - TERRIGAL



StudioBySmith
 ABN: 90 356 057 553
 16 Frederick Street, Port Frederick
 Contact: 0408 207 147 Email: StudioBySmith@outlook.com

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Conditions

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Architectural Plans by: Studio by Smith

Drawing	Description	Sheets	Issue	Date
Taylor Martin	Plans	17	2	14.07.2021

Supporting Documentation:

Title	Prepared by	Date
BASIX Certificate Number A412407	Studio By Smith	06, April 2021

- 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:
- Site investigation for the preparation of the construction, and / or
 - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - Demolition
- 2.3 Submit to the Registered Certifier structural plans prepared by a suitably qualified Registered Structural Engineer for the following building elements:
- ground slabs
 - footings
 - retaining structures
- 2.4 Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- 2.5 Submit engineering details prepared and certified by a practising structural engineer that comply with Council's Building in Proximity to Water and Sewer Pipelines Procedure to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

- 2.6 Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision 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 Appoint a Principal Certifier for the building work:
- a. The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3 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
 - d. Remove the sign when the work has been completed.
- 3.4 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 proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.
- 3.5 Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.6 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot

- 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:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - involve the enclosure of a public place or part of a public place

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

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

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

Each toilet must:

- be a standard flushing toilet connected to a public sewer, or
- have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- be a temporary chemical closet approved under the *Local Government Act 1993*

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

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

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

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

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday

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

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

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

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

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

- 4.7 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*.
- 4.8 Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.9 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.10 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.
- 4.11 No fill other than that as indicated within the approved plans is permitted to be placed upon the site.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

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

- 5.3 Install a rainwater tank with a minimum capacity of 4,800 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from at least 100 m² of roof area as detailed within the approved development plans. 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 at least one WC, one outdoor garden tap and the laundry cold tap. 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%. All overflow must be connected via piped drainage line to the existing street kerb outlet / allotment drainage line where available.
- 5.4 Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 5.5 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 as the Water Supply Authority, prior to issue of the Occupation Certificate.

6. ONGOING OPERATION

- 6.1 Do not adapt or use the non-habitable garage or outbuilding for residential, commercial or industrial purposes.
- 6.2 Do not let, adapt or use the dwelling / building for separate occupation in two or more parts.
- 6.3 The studio is not to have any separate laundry and or kitchen / cooking facilities installed/ provided within or otherwise. The building is to have only one laundry and one kitchen.
- 6.4 Do not change the location of the Vehicle Access Crossing without prior written approval from Council.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

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

easements

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

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

Waste Management Plan

Proposed Alterations and Additions

No. 23 Anchorage Cres, Terrigal

NSW, 2260



Prepared by: Studio by Smith

on behalf of

Taylor Martin

April 10, 2021

Project Details

Location: 23 Anchorage Cres, Terrigal

Existing Buildings on Site: Main Residential dwelling and Studio flat

Description:

The Proposal seeks for alterations and additions to the main dwelling. With additions to the front of the dwelling and with alterations to existing leaking roof being replaced with a new roof.

Demolition Works:

Demolition works will include the following listed but are not limited to further areas if required during construction phases:

- Removal of Existing Roof
- Removal of Front Balcony
- Removal Rear Sunroom (walls and roof only)

Types of Waste Generated during Demolition Works

- Brick
- Plaster
- Timber (both Roof and Stud Framing)
- Tiles (Roof Tiles)
- Glass (existing Glass Windows to be removed and replaced)
- Fixtures and Fittings (existing light fixtures in ceilings and wiring)
- Floor Coverings (existing floor to be removed and replaced)

Note: Builder to specify volume as per demolition/ removal phases as some areas and parts of the dwelling may or may not have to be removed due to structural integrity or reuse of materials on site from other areas of the dwelling.

Estimate of Approximate Total Waste for the Demolition Stage = 20m³

Final amount to be determined by the builder as to nominate exact amounts of waste volume and types of materials. Any materials of a recyclable nature are to be processed at the nearest suitable recycling plant available.

Excavation Works:

Excavation works will include the following listed but are not limited to further areas if required:

- New Front Carport Area
- New Low Driveway Retaining wall
- New Driveway Path and Access Entry Point

Types of Waste Generated during Excavation Works

- Earth/ Soil

Note: Builder to specifier volume as per required during excavation phases as some areas and parts of the site may or may not require any further excavation.

Estimate of Approximate Total Excavation Stage = 6m³

If possible, the reuse of Earth/ Soil on site is preferable and if not suitable it is to be determined by the builder as to nominate the exact amounts of excavation volume required.

Construction Works:

Construction works will include the following listed but are not limited to further areas if required:

Waste off cuts

- New Metal Sheet Roof
- New Timber Decking
- New Brick/ Block works walls
- New Walls, Floors and Roof Framing
-

Types of Waste Generated during Construction Works

- Brick/ Block
- Plaster Board
- Timber (both Roof and Stud Framing/ beam off cuts)
- Metal Sheets (New Roof Sheets)

Note: Builder to specifier volume as per required during construction phases as some areas and parts of the dwelling may or may not require any further construction due to structural integrity or reuse of materials on site from other areas of the dwelling.

Estimate of Approximate Total Waste for the Construction Stage = 6m³

Final amount to be determined by the builder as to nominate exact amounts of waste volume and types of materials. Any materials of a recyclable nature are to be processed at the nearest suitable recycling plant available.

Ongoing Operations

The existing dwelling has the existing services of general waste, recyclable waste, and general garden waste bins available, and this service is to continue as normal.

The New driveway allows for easier access down and up from main dwelling to the Street Kerb side for pickup services of waste bins.

Construction Design

The aim with the design was to utilize the existing dwelling frame and by only adding the additions as required along with and some minor alterations to the internal layout. The New Roof is required as the old one does leak and is no long suitable. Every effort has been made to reduce the overall volume of waste and sees only the minimal requirements from excess of new materials cut onsite.

The Proposed Alterations and Additions will have a significant impact on the improved performance of the dwelling and will increase its lifecycle for many years in the future.

Plan and Drawings

Please refer to Architectural Drawings A001 and A002 for further details.

STATEMENT
OF
ENVIRONMENTAL EFFECTS

Proposed Alterations and Additions

No. 23 Anchorage Cres, Terrigal

NSW, 2260



Prepared by: Studio by Smith

on behalf of

Taylor Martin

April 10, 2021

Introduction

This statement of environmental effects has been prepared on behalf of Taylor Martin and is to be submitted to the Local Authority in support of the Development Application for the construction of Alterations and Additions located at No. 23 Anchorage Cres. Terrigal.

This report has been completed to determine whether the above development complies with the relevant planning instruments and guidelines and assesses any impacts the development may have on the surrounding environment.

Site Analysis

The site is located at No. 23 Anchorage Cres. Terrigal on Lot 15 / DP 202199. The land is of a rectangular shape and slopes uphill from front boundary to rear boundary.

Access is directly from Anchorage Cres and the current driveway is of not suitable for regular vehicles to access up to the main garage and dwelling.

The site is approximately orientated East to West with the North, West and South Boundary lines all Fenced.

The site's existing dwelling is approximately 197m floor space.

The site is currently serviced by electricity, water, telecommunications, and sewer systems.

Proposed Development

Consent is being sought for Alterations and Additions.

Site area: 765.1m²

Existing Dwelling Area: 197m² (Approximately)

Proposed New Residential Dwelling Area: 300m²

(Includes Wet Areas, Storage Areas, Balcony's/ Terraces and Decks)

Proposed New Alterations and Additions

The Proposed New Alterations and Additions are to include the use of lightweight materials. Systems such as suspended timber frame floor for new extended ground floor level additions and timber decking and light weight cladding to wrap the existing dwelling and a new metal sheet roof to replace the old existing leaking roof.

The Proposed New Alterations and Additions will see an addition of a new Master Bedroom and Ensuite, extended lounge room and front balcony/deck area, New Double Garage with internal

access to main dwelling, New Roof over entire existing dwelling proposed new additions, and extended studio room under existing dwelling space.

Will also see a new and more suitable driveway entry to dwelling being formed to allow for easier access up to the main dwelling and double garage areas.

CHARACTER STATEMENT

The character of the area is of mixed styles with both brick and timber construction types. Various pitched roofing styles are seen throughout the surrounding area with a non- singular style taking more preference than another.

The character of the Proposed New Alterations and Additions are to be of similar colors used from the neighboring dwellings with light and white facades of a non-reflective finish and the overall construction being of light weight building that will aim to complement the surrounding area and amenities. The color scheme is to be of natural tones that encompasses the natural surrounding themes of the coastal area and of other neighboring dwellings.



Site Photography of Existing Conditions

Street View with Existing Dwelling – No. 23 Anchorage Cres, Terrigal

Present and Previous Land and Building Uses

Description of the existing established dwelling and change of use on the site.

The Existing Site and Dwelling consist of Brick Veneer Construction with Timber Floor system and Tiled Roofing.

The Existing Dwelling is to be renovated as to the proposed areas mentioned above and the complete removal of the existing dwelling roof as this is to be replaced with the design proposed.

Current Layout is with 3 x Bedrooms, 1 x Bath, 1 x WC, 1 x Lounge, 1 x Dining, 1 x Kitchen and 1 x Garage space with Workshop Space and there is also 1 x Studio Space.

The Suitability of the Site

The site area is Approximately 765.1m² with the existing dwelling on the site currently only 197m² (Approximately). The Alterations and Additions will see this Old leaking and moist damp dwelling being revamped and brought up to date to accommodate the lifestyle of the current owner and for the safety on the occupants.

The site is more than accommodating for the alterations and additions and allows for existing outdoor space to be unaffected.

There are no constraints to the site.

The site is relatively close to transport services / main road access and not far from main shopping centers and community recreational facilities.

The immediate neighbors consisting to the North, West, South sides of the property where a mix of single double and tri level dwellings exist with their nominal setbacks.

The Proposed New Alterations will have no affect directly or indirectly to these surrounding dwellings or that of the general area.

The size of the allotment allows for this proposed scale of development.

The proposal will fall under the Central Coast Council Requirements.

The site is zoned R2 – Low Density Residential Development

Central Coast Council Development Control Plan 2013 (DCP 2013)

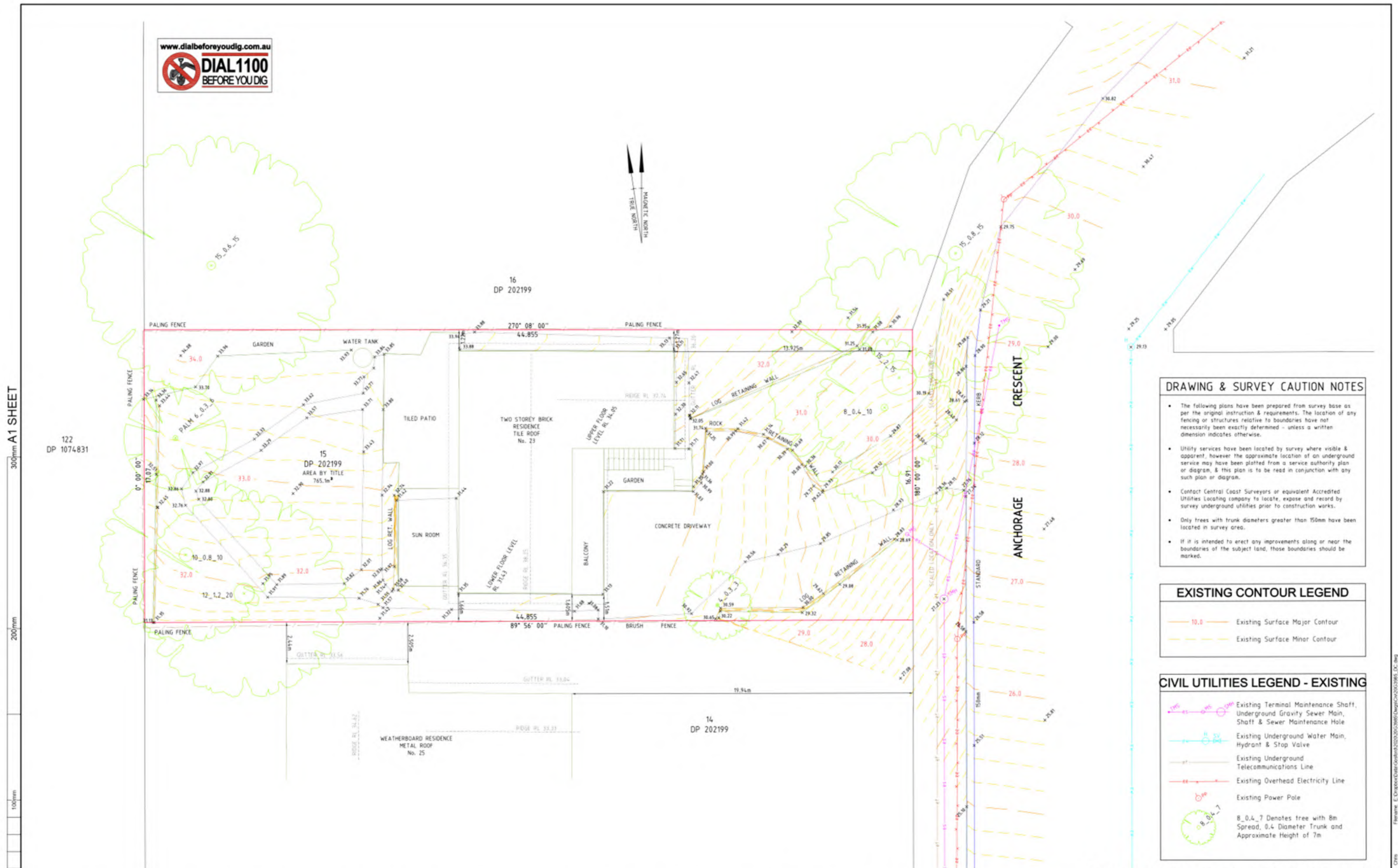
Part 2 Scenic Quality and Character		
	Comment / Variation Note	Compliance
Chapter 2.1		Complies
Part 3 Specific Controls and Development types – Residential		
3.1 Dwelling Houses, Secondary Dwelling and Ancillary Development		Complies
3.1.2 Building Scale		Complies
3.1.2.1 Building Height		Complies
3.1.2.2 Site Coverage		Complies
3.1.2.3 Floor Space Ratio		Complies
3.1.3 Setbacks		Complies
3.1.3.1 Residential Lots		Complies
3.1.3.1a Front Setbacks	-The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or If 2 dwelling houses are not located within 40m of the lot - 4.5m / 7.5m	Complies
3.1.3.1b Rear Setback	- For any part of the building with a height of up to 4.5m- 0.9 m for 50% of the length of the rear boundary otherwise 3m - For any part of the building with a height greater than 4.5m – 6m	Complies
3.1.3.1c Side Setback	-For any part of the building with a height of more than 4.5m— 0.9m plus one-quarter of the height of the building above 4.5m	Complies
3.1.3.3 Articulation Zones		Complies
3.1.4 Residential Amenity		Complies
3.1.4.1 Views		Complies
3.1.4.2 Visual Privacy		Complies
3.1.4.3 Private Open Space		Complies
3.1.4.4 Sunlight Access		Complies
3.1.5 Carparking and Access	-2 spaces if dwelling has 4 or more bedrooms - Car parking should be located behind the primary road setback and/or secondary road setback. - Driveways are to be designed in accordance with the relevant Australian Standard and provisions	Complies

	of Council's <u>Civil Works - Design Guideline and Construction Specification</u> .	
3.1.6 Earthworks, Structural Support and Drainage		Complies
3.1.6.1 Earthworks	-Adequate erosion control measures are designed and installed in accordance with the Erosion and Sedimentation Control chapter of this DCP.	Complies
3.1.6.2 Retaining Walls and Structural Support	Refer to Engineer Drawings & Details	Complies
3.1.6.3 Drainage	Note: all Down Pipes to be connected to existing stormwater pipes and with existing water tank systems where possible and overflow to be gravity fed or charged to public drainage system	Complies
3.1.7 Outbuilding and Other Ancillary Development		Complies
3.1.7.5 Fencing		Complies
3.1.8 Secondary Dwellings		Complies
<u>Part 6 Environmental Controls</u>		
6.1 Acid Sulfate Soils		Complies
6.2 Coastal Frontage		N/A
6.3 Erosion Sedimentation Control		Complies
6.4 Geotechnical Requirements for Development		N/A
6.5 On- site Effluent and Greywater Disposal	-Connection to existing service lines	Complies
6.6 Tree and Vegetation Management	All and Any Plants/ Trees to be planted on site are to be of similar or same in nature to the currently existing or surrounding trees in the area.	Complies
6.7 Water Cycle Management	Where possible all Down Pipes to be connected into Water tank systems and overflow to be connected into existing services lines.	Complies
<u>Part 7 General Controls</u>		
7.1 Car Parking		Complies
7.2 Waste Management	Refer to Waste Management Report	Complies

Conclusion

The proposal is seen to be in general compliance with the Central Coast Council Local Environmental Plan and Central Coast Council Development Control Plan (DCP 2013). The Proposed New Alterations and Additions are to be supported by the surrounding dwellings and local amenities. The proposal provides a fresh and vibrant look at the future potential of developmental opportunities for the area.

The Proposed New Alterations and Additions should be supported as it will add value to the current property and to that of the surrounding area with an aesthetically appealing look to the eye and for the future character of the area. The new layout will provide a more functional living lifestyle throughout the home. There is to be no direct or indirect impacts from or to the surrounding residential dwellings or to that of the environmental areas surrounding.



DRAWING & SURVEY CAUTION NOTES

- The following plans have been prepared from survey base as per the original instruction & requirements. The location of any fencing or structures relative to boundaries have not necessarily been exactly determined - unless a written dimension indicates otherwise.
- Utility services have been located by survey where visible & apparent, however the approximate location of an underground service may have been plotted from a service authority plan or diagram, & this plan is to be read in conjunction with any such plan or diagram.
- Contact Central Coast Surveyors or equivalent Accredited Utilities Locating company to locate, expose and record by survey underground utilities prior to construction works.
- Only trees with trunk diameters greater than 150mm have been located in survey area.
- If it is intended to erect any improvements along or near the boundaries of the subject land, those boundaries should be marked.

EXISTING CONTOUR LEGEND

- 10.0 Existing Surface Major Contour
- Existing Surface Minor Contour

CIVIL UTILITIES LEGEND - EXISTING

- Existing Terminal Maintenance Shaft, Underground Gravity Sewer Main, Shaft & Sewer Maintenance Hole
- Existing Underground Water Main, Hydrant & Stop Valve
- Existing Underground Telecommunications Line
- Existing Overhead Electricity Line
- Existing Power Pole
- 8_0.4_7 Denotes tree with 8m Spread, 0.4 Diameter Trunk and Approximate Height of 7m

FOR ARCHITECTURAL DESIGN PURPOSES

<p>Copyright This drawing remains the property of Civil Directions Pty Ltd. It may only be used for the purpose for which it was commissioned & in accordance with the terms of engagement for that commission. Civil Directions denies any liability or responsibility for loss or damage caused by the inappropriate use of this drawing.</p>		<p>Scale 1:100 Plan</p>		<p>Magnetic North</p>		<p>CENTRAL COAST SURVEYORS THE SUBDIVISION SPECIALISTS REGISTERED SURVEYORS AND CIVIL ENGINEERS</p>		<p>Project DETAIL & CONTOUR SURVEY LOT 15 DP 202199 23 ANCHORAGE CRESCENT TERRIGAL</p>		<p>Drawing Title SITE PLAN</p>	
<p>DATUM AUSTRALIAN HEIGHT DATUM ORIGIN OF LEVELS: SSM 134625 RL 91 919 CLASS B ORDER 2 - S.C.I.M.S.</p>		<p>* Drawing Status Warning: Unless there is an authorised Civil Directions signature at *, this drawing is not authorised for issue</p>		<p>ACN 124 963 435 ABN: 22 124 963 435 P.O. BOX 1295 GOSFORD NSW 2250 Ph: 1300 729 694 info@centralcoastsurveyors.com.au www.centralcoastsurveyors.com.au</p>		<p>Client TAYLOR MARTIN Architect/Project Manager TAYLOR MARTIN</p>		<p>Drawing No. 20G3985-01</p>		<p>Sheet 01 of 01</p>	
<p>Rev Amendment / Reason For Issue</p>		<p>Date</p>		<p>Completed by</p>		<p>Designed & Checked by</p>		<p>Verified by</p>		<p>Issue Authorised (*)</p>	

BASIX[®]Certificate

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

Alterations and Additions

Certificate number: A412407

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 Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Tuesday, 06, April 2021

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,
Industry &
Environment

Description of project

Project address	
Project name	23 Anchorage Cres, Terrigal
Street address	23 Anchorage Crescent Terrigal 2260
Local Government Area	Central Coast Council
Plan type and number	Deposited Plan 202199
Lot number	15
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)

Name / Company Name: Studio By Smith

ABN (if applicable): 90356057653

BASIX Certificate number: A412407

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Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

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Construction			Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements					
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.			✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications			
suspended floor with open subfloor: framed (R0.7).	R0.8 (down) (or R1.50 including construction)				
suspended floor above garage: framed (R0.7).	nil				
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)				
internal wall shared with garage: other/undecided	nil				
raked ceiling, pitched/skillion roof: framed	ceiling: R3.00 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			

Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																																					
Windows and glazed doors																																													
<p>The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.</p> <p>The following requirements must also be satisfied in relation to each window and glazed door:</p> <p>Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.</p> <p>For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.</p> <p>Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.</p> <p>Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.</p> <p>Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.</p>						✓	✓	✓																																					
<p>Windows and glazed doors glazing requirements</p> <table border="1"> <thead> <tr> <th rowspan="2">Window / door no.</th> <th rowspan="2">Orientation</th> <th rowspan="2">Area of glass inc. frame (m²)</th> <th colspan="2">Overshadowing</th> <th rowspan="2">Shading device</th> <th rowspan="2">Frame and glass type</th> </tr> <tr> <th>Height (m)</th> <th>Distance (m)</th> </tr> </thead> <tbody> <tr> <td>W1</td> <td>E</td> <td>2</td> <td>0</td> <td>0</td> <td>eave/verandah/pergola/balcony >=450 mm</td> <td>aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)</td> </tr> <tr> <td>W2</td> <td>E</td> <td>2</td> <td>0</td> <td>0</td> <td>eave/verandah/pergola/balcony >=450 mm</td> <td>aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)</td> </tr> <tr> <td>W3</td> <td>N</td> <td>1</td> <td>2.4</td> <td>2.4</td> <td>eave/verandah/pergola/balcony >=450 mm</td> <td>aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)</td> </tr> <tr> <td>W4</td> <td>S</td> <td>1</td> <td>2.4</td> <td>2.4</td> <td>eave/verandah/pergola/balcony</td> <td>aluminium, single Lo-Tsol low-e, (U-value:</td> </tr> </tbody> </table>						Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type	Height (m)	Distance (m)	W1	E	2	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)	W2	E	2	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)	W3	N	1	2.4	2.4	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)	W4	S	1	2.4	2.4	eave/verandah/pergola/balcony	aluminium, single Lo-Tsol low-e, (U-value:	✓	✓	✓
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device				Frame and glass type																																				
			Height (m)	Distance (m)																																									
W1	E	2	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)																																							
W2	E	2	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)																																							
W3	N	1	2.4	2.4	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)																																							
W4	S	1	2.4	2.4	eave/verandah/pergola/balcony	aluminium, single Lo-Tsol low-e, (U-value:																																							

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Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
					>=450 mm	5.6, SHGC: 0.36)		
W5	N	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W6	N	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W7	N	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W8	N	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W9	N	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W10	W	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W11	W	3.8	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W12	S	2.8	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W13	S	2.8	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W14	S	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W15	S	0.72	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W16	S	1	0	0	eave/verandah/pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W17	S	1	0	0	eave/verandah/pergola/balcony	aluminium, single Lo-Tsol low-e, (U-value:		

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Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
					>=450 mm	5.6, SHGC: 0.36)		
W18	S	2.8	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W21	W	0.72	600	4	eave/verandah/ pergola/balcony >=900 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W22	W	0.72	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W23	W	0.72	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W24	S	0.72	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
W25	S	0.72	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
D02	E	9.8	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
D03	W	8.4	2.4	4	eave/verandah/ pergola/balcony >=900 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
D05	E	5.8	0	0	eave/verandah/ pergola/balcony >=450 mm	aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)		
Skylights								
The applicant must install the skylights in accordance with the specifications listed in the table below.							✓	✓
The following requirements must also be satisfied in relation to each skylight:							✓	✓
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in							✓	✓

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Glazing requirements				Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
the table below.						
Skylights glazing requirements						
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type			
S1	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)			
S2	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)			
S3	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)			
S4	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)			
S5	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)			

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 CC/CDC plans & 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 for the development may be issued.

Item No: 4.2
Title: DA/61627/2021 - 7 Helen Drive, Copacabana -
Demolition of Existing and new Three Storey
Dwelling

Department: Environment and Planning

19 August 2021 Local Planning Panel Meeting

Reference: 011.2021.00061627.001 - D14767553
Author: Stephen Goodworth, Senior Building Surveyor
Manager: Wayne Herd, Section Manager, Building Assessment and Certification
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for demolition of an existing dwelling and the erection of a single dwelling over three levels and garage on a steep sloping site. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This development application is required to be reported to Local Planning Panel due to the development exceeding the '*Height of Buildings*' development standard specified and calculated within clauses 4.3 and 4.5 of Gosford Local Environment Plan 2014 (GLEP 2014) by more than 10%. The proposed height of the dwelling for a portion of the development along the rear elevation exceeds the permissible maximum Height of Buildings of 8.5m by 1.9m (proposed at 10.4m) or by 22%.

The application is recommended for approval with conditions.

Applicant	Mr James R Murchison
Owner	Mr J R Murchison
Application No	61627/2021
Description of Land	Lot 1080 DP 32092 -7 Helen Drive Copacabana
Proposed Development	Demolition of dwelling and the erection of a single dwelling over three levels
Site Area	588 m ²
Zoning	R2 Low Density Residential
Existing Use	Dwelling house
Employment Generation	N/A
Estimated Value	\$1,482,196

Recommendation

- 1 ***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.***

- 2 ***That the Local Planning Panel grant deferred development consent to DA61627/2021 – 7 Helen Drive, Copacabana demolition of dwelling and construction of single dwelling over three levels subject to appropriate conditions as 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.***

Precis:

Proposed Development	Demolition of dwelling and construction of single dwelling over three levels and attached garage.
Permissibility and Zoning	<p>The subject site is zoned <i>R2 - Low Density Residential</i> under the provisions of <i>Gosford Local Environmental Plan 2014 (Gosford LEP 2014)</i>.</p> <p>The proposed development is defined as a 'dwelling house' which is defined under the <i>Gosford LEP 2014</i> as;</p> <p>'dwelling house' means – a building containing only one dwelling.</p> <p>The use is permissible with consent of the relevant Authority within the zone.</p>
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&A Act)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development" (Gosford DCP 2013)</i>
Current Use	Dwelling house

4.2 DA/61627/2021 - 7 Helen Drive, Copacabana - Demolition of Existing and new Three Storey Dwelling (contd)

Integrated Development Submissions	No
	The development application was notified (in accordance with the provisions of the <i>Gosford Development Control Plan 2013</i>) from 13 May 2021 until 3 June 2021. No submissions were received.

Variations to Plans and Policies

Gosford Local Environmental Plan 2014

Clause	4.3 (2)
Standard	Height limit of 8.5 metres.
Departure basis	The proposal seeks a maximum height of 10.4m metres of a portion of the garage, entry and lift lobby area at the upper level. This represents a variation of 1.9m metres or 22% at the highest point.

Chapter 3.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Gosford Development Control Plan 2013

Clause	3.1.2.1
Planning Control	- Height limit of 8.5m
Departure basis	The proposal seeks a maximum height of 10.4 metres of portion of the garage, entry and lift lobby area at the rear of the upper level. This represents a variation of 1.9 metres or 22% t the highest point.

Clause	3.1.3.1a (i)
Planning Control	The permissible front setback is 4.2m. This is the average of the two adjoining properties (excluding the garage structures built close to the front boundary).
Departure basis	The proposal seeks to position the garage with a 2m setback which equates to a 52% variation.

Clause	3.1.3.1a (iv)
Planning Control	The permissible setback for the garage shall be 1m behind the front boundary setback; in this case the garage should have a 5.2m front setback.
Departure basis	The proposed garage has a 2m front boundary setback which is a 62% variation.

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Clause	3.1.3.1c (i)
Planning Control	Side boundary setbacks of 1.8m (with an external wall height of 8.1m, at its highest point, measured at the northeastern and southeastern corners of the dwelling) to the northern and southern side boundaries.
Departure basis	The proposal seeks a northern and southern side boundary setback of 1.2m. This represents a variation of 0.6m or 33%.

Clause	3.1.5
Planning Control	Driveway width is to be a maximum of 4m
Departure basis	The proposed driveway for the garage is 6.4 metres wide.

The Site

The site is a single lot legally identified as Lot 1080 DP 32092 (No. 7 Helen Drive Copacabana). The site falls away from the road and is located on the eastern side of Helen Drive having a total area of 588 sqms. The site contains a two storey residential dwelling (Figure 1).

Along the rear boundary of the site there is a 3.66m wide right of way as detailed on the survey diagram (see Figure 4).

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)* (Figure 2).

The site is not mapped as bushfire prone land on Councils maps.



Figure 1: Aerial photograph of subject site with the site etched in blue.

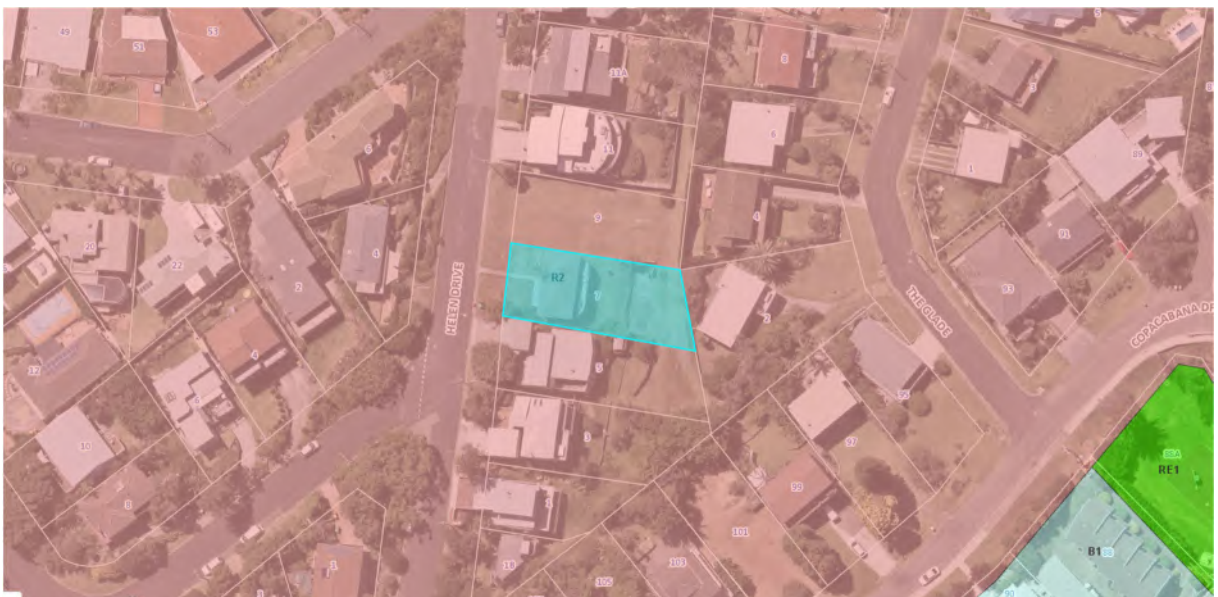


Figure 2: Aerial photograph of subject site with zoning overlay included.

Surrounding Development

The subject site is surrounded on all sides by existing R2 – low density zoned residential allotments, generally containing a mixture of older style single storey dwellings interspersed with newer dwellings of mainly two or three storey design and associated ancillary development.

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Garages and other parking structures are located close or on the front boundaries and are a common element to the streetscape. This is a result of the steep topography of the area and the constraints imposed in providing safe gradient vehicular access to off-street parking spaces.



Figure3: Photo taken from Del Rio Dr with a representation of development on the hillside. The red arrow is pointing to the subject land.



Figure 4: Photo taken from road of existing white weatherboard clad and blue/grey tiled roof to be demolished

The Proposed Development

The application submitted to Council comprises demolition of the existing dwelling and construction of a new five bedroom dwelling over three levels. The lower level comprises two bedrooms, lounge and games room. The middle level contains three bedrooms, dining/living kitchen areas, bathroom and laundry. The upper level comprises the double garage and entry area over a smaller floor area than the middle level. The levels are connected by stairs and a lift.

The double garage is positioned 2m from the front boundary of the site. The garage floor level will be approximately 700mm lower than the street level. The garage floor could not be lower (from the street level) than the specified measurement, otherwise it would not be compliant with vehicular slope and transitional arrangements specified within the relevant Australian Standards.

It is also proposed to remove a palm tree located in close proximity to the front entrance of the existing dwelling.

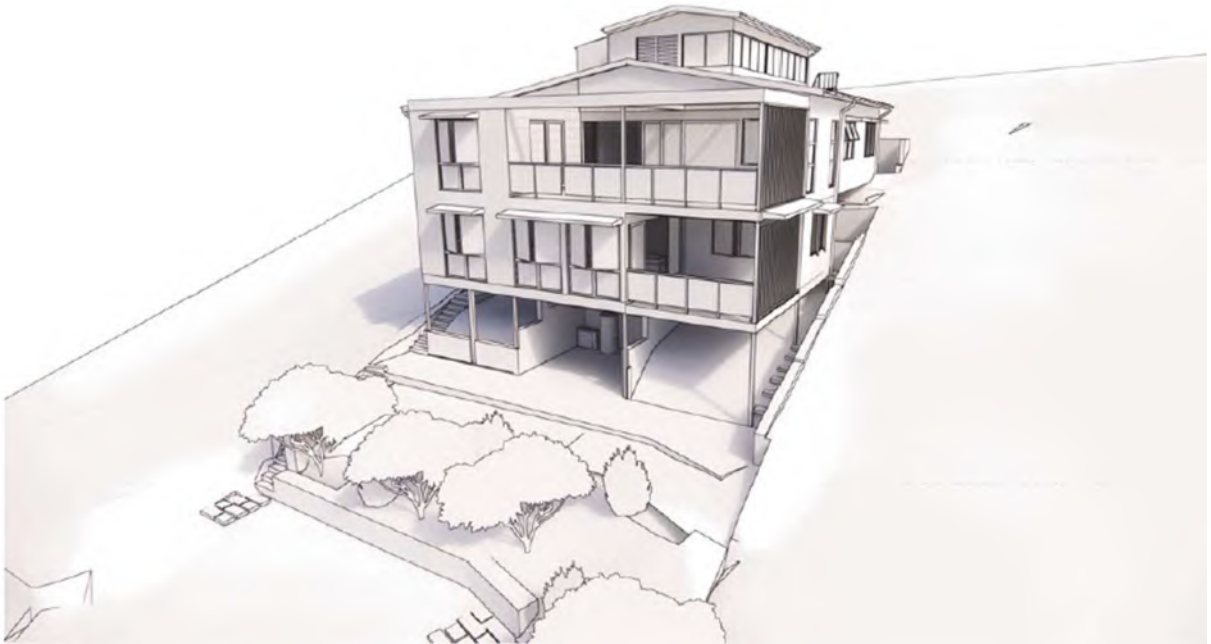


Figure 5: Perspective drawing of proposed dwelling

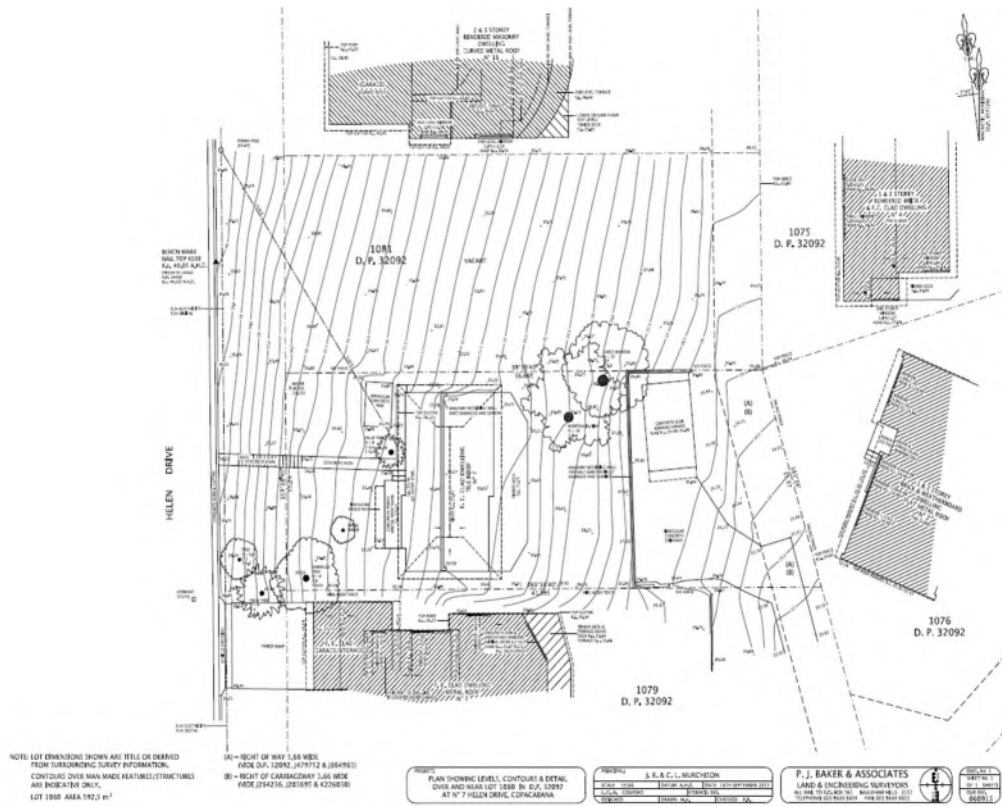


Figure 6: Detailing the site survey report

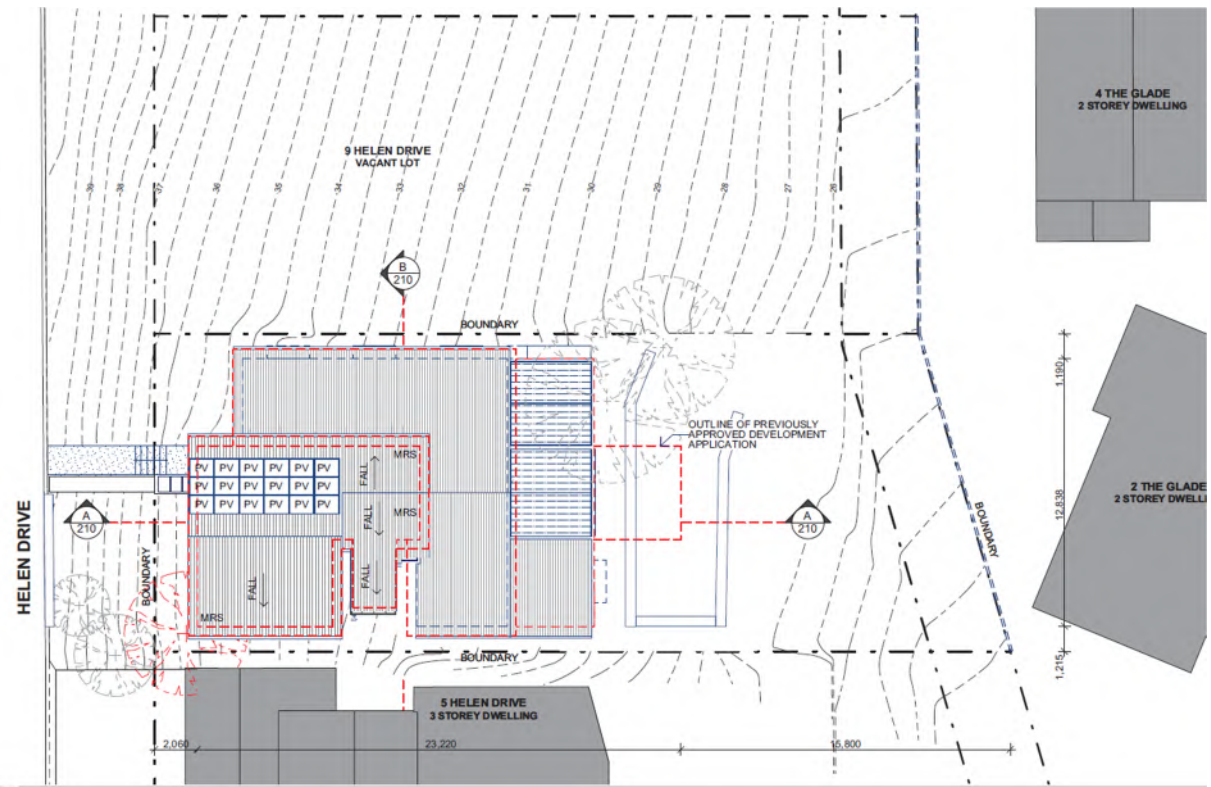
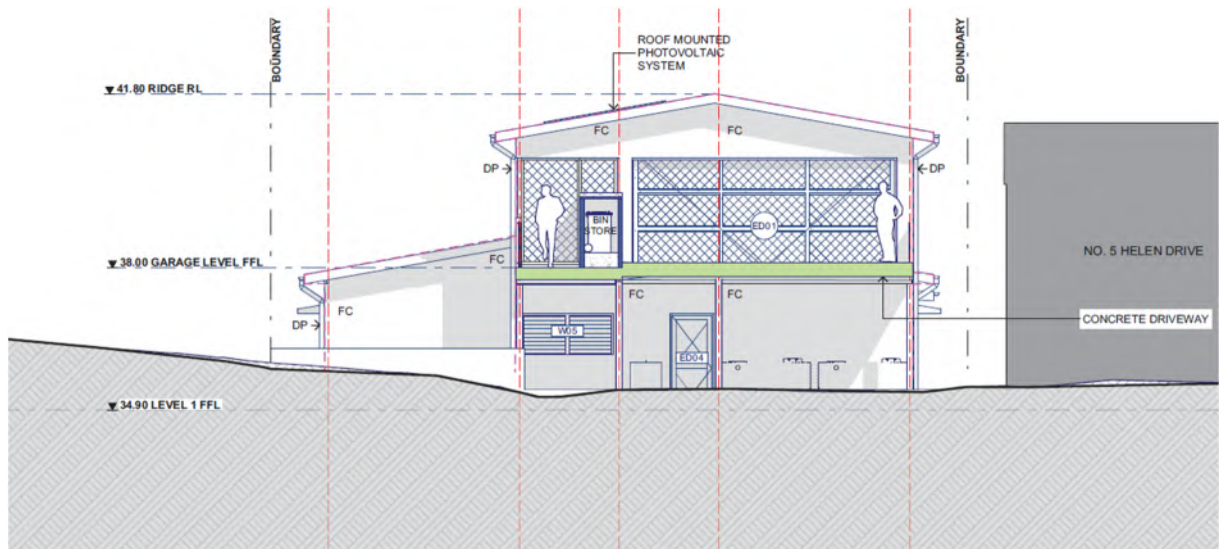


Figure 7: Detailing the proposed site plan



WEST ELEVATION
1:100

Figure 8: Detailing the proposed western (street) elevation

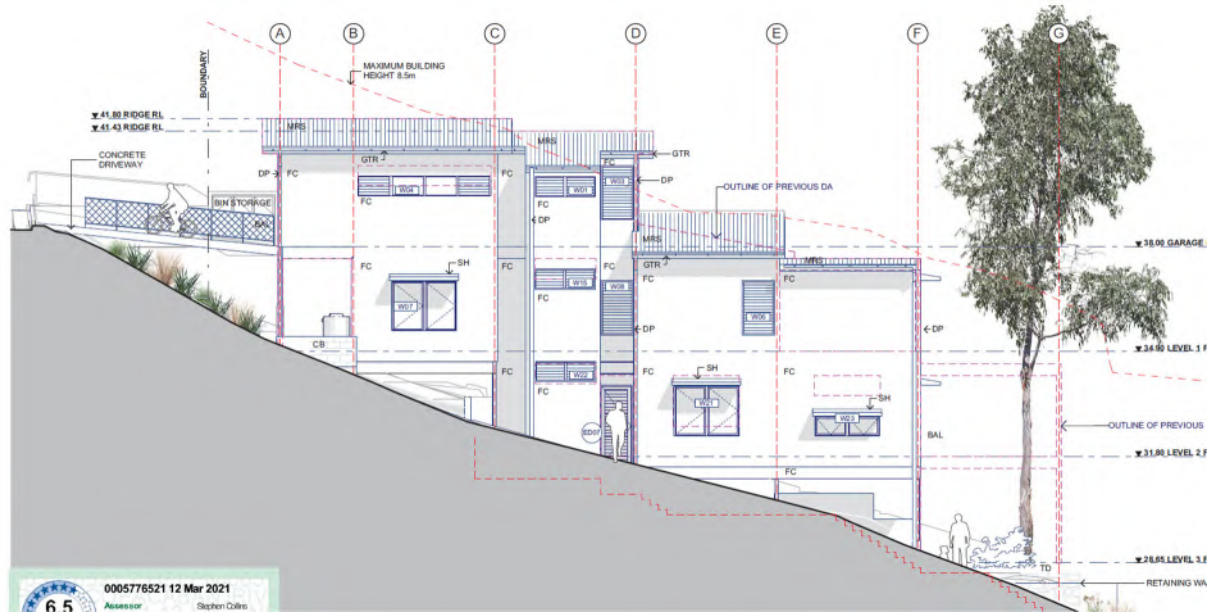


Figure 9: Detailing the proposed southern side elevation

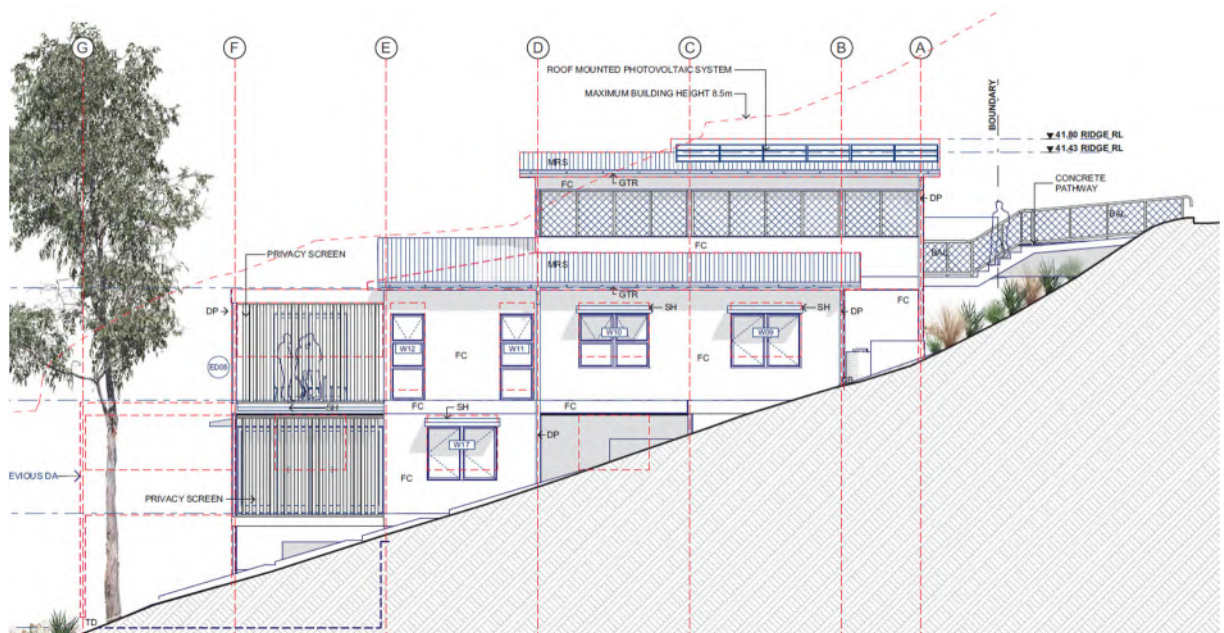


Figure 10: Detailing the proposed northern side elevation

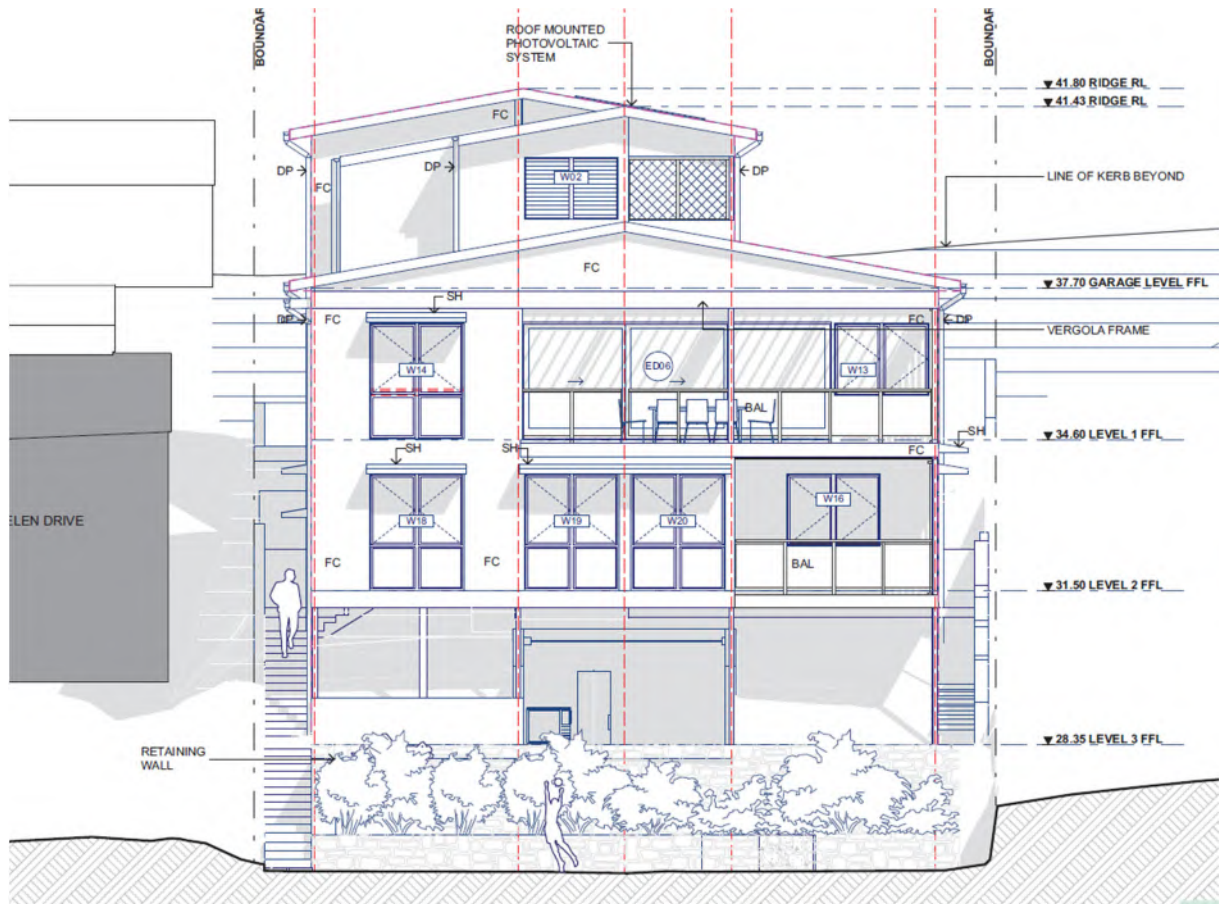


Figure 11: Detailing the proposed rear eastern elevation

History

A very similar development proposal (DA46161/2014) involving a new dwelling on the site with the same floor levels, setbacks and the same variation to the height of buildings development standard at clause 4.3 of the Gosford LEP 2014, was considered by Council at its meeting held in February 2015. The development application received consent subject to a deferred commencement condition as follows:

Prior to the activation of this consent, the Applicant shall submit registered documentary evidence that the property (Lot1080 DP 32092) benefits from a drainage easement over downstream adjoining properties as far as the public drainage system. This consent will not operate until the documentary evidence registered with the Department of Lands has been submitted to and approved by Council.

The Deferred Commencement Consent has now lapsed as a result of the time period included to the consent.

The land is subject to a High Hazard Area as defined within *Chapter 6.4 – Geotechnical Requirements For Development Applications of Gosford DCP 2013*. The land is on the low side

4.2 DA/61627/2021 - 7 Helen Drive, Copacabana - Demolition of Existing and new Three Storey Dwelling (contd)

of the street and without a drainage easement conveying stormwater to an established drainage system within the road below the site, the only other alternative is to install an on-site absorption system.

The applicant's consulting geotechnical engineer is concerned that an on-site stormwater system would increase the risk of land slip and hence would not support the installation of an absorption system.

Therefore, in the event this development application is supported the matter of creating a stormwater easement as a deferred commencement condition is considered pertinent to this 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, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for the Local Approval Panels information. Any tables relating to plans or policies are provided within the report.

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.

State Environmental Planning Policy (Building sustainability Index) BASIX 2004

A compliant BASIX certificate achieving the State Government's Energy Efficiency targets has been provided in support of the application.

State Environmental Planning Policy No 71 – Coastal Protection

State Environmental Planning Policy No 71 (Coastal Protection) (SEPP 71) was repealed on 3 April 2018 when the *State Environmental Planning Policy (Coastal Management) 2018* (SEPP Coastal Management) came into effect. The savings and transitional provisions contained within the SEPP Coastal Management state the SEPP 71 provisions continue to apply if a development application is lodged and not finally determined prior to the commencement of the SEPP Coastal Management.

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The provisions of SEPP 71 require Council (or the LPP) to consider the Aims and Objectives of the SEPP No 71 together with the matters for consideration listed in Clause 8 of the SEPP 71 when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

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

State Environmental Planning Policy (Coastal Management) 2018

Whilst the savings and transitional provisions of SEPP Coastal Management apply, the proposed development has also been considered against the provisions of SEPP Coastal Management and considered satisfactory.

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)

Following a review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, the subject site retains its low density R2 residential zoning, with dwelling houses remaining permissible with the consent of Council and/or LPP.

Gosford Local Environmental Plan 2014 – Zoning and Permissibility

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)*.

The development proposal is permissible in the zone with consent.

Gosford Local Environmental Plan 2014 - Objectives of zone

The objectives of the *R2 - Low Density Residential* zone of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)* 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.

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

Gosford Local Environmental Plan 2014 4.3 Height of buildings

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of buildings	8.5 metres	10.4m metres of a portion of the garage, entry and lift lobby area at the upper level.	No – see comments below	22%	Yes – see comments below

The proposed mapped height limit variation is supported by a Clause 4.6 application to vary the development standard. The elevations and site plan for the development are provided within this report.

Gosford Local Environmental Plan 2014 Clause 4.6 - Exceptions to development standards

The proposed application seeks variation in terms of the mapped permissible height controls provided for within GLEP 2014.

Mapped Height Variation

The applicant seeks a variation to Clause 4.3(2) of GLEP 2014 in relation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 10.4 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment, resulting in a variation of 22%.

Clause 4.6 of GLEP 2014 requires consideration of the following:

2. Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:
 - a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - b. that there are sufficient environmental planning grounds to justify contravening the development standard?

Comment

The applicant has provided a detailed request to vary the mapped height development standard by the proposed 22%. In requesting the variation, the applicant has provided the following matters in support of the proposal: -

- *Denial of the height variation being proposed would erode the high quality urban form of the proposed building, contrary to objective (b) of the height control clause. Furthermore, it would prevent the installation of the lift that is required for access for the client and his wheelchair bound daughter.*
- *The extent of variation is minor in the overall context of the proposed building. Furthermore, the proposed height variation does not present any undesirable environmental impacts on adjoining properties. There is no additional overshadowing of the adjoining dwelling house to the south caused by the proposed height departure when compared with the conforming building envelope applying to the subject land. In addition, the proposed minor extent of the variation does not adversely impact upon views from other dwellings in the locality.*
- *The proposed height variation is not contrary to the relevant objectives of Clause 4.3 of LEP 2014 nor incompatible with the desired low density residential character promoted under the 3rd zone objective of the R2 Zone. Furthermore, the proposed variation is consistent with the encouragement of best practice design under the 4th zone objective. Overall, then, the proposed minor variation to building height is not inconsistent with the relevant objectives of Zone R2.*

In reviewing the proposed variation, consideration of the Residential R2 Low Density Residential Zone objectives is also considered necessary. Residential R2 Low Density Residential Zone objectives are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To 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 considering these zone objectives, the following points are considered relevant:

- *Dwelling Houses are permissible within the zone and satisfies the zone objective in terms of the provision of low density residential development.*
- *The proposed dwelling design is considered in keeping with the existing and desired future character of the area.*
- *The design of the dwelling incorporates suitable architectural design elements and incorporates sustainable design features.*

The Gosford LEP 2014 sets out six objectives pertaining to the building height development standard. The objectives are contained within clause 4.3 (1) (a) to (f). These objectives are replicated below and commentary in respect to compliance or otherwise with each objective in relation to the proposed development are included as follows—

a) to establish maximum height limits for buildings.

The proposed height of the building, whilst exceeding the numerical height limit, is consistent to numerous other dwellings within the vicinity on this steep coastal hillside locality.

b) to permit building heights that encourage high quality urban form,

The new dwelling incorporating pitched roof forms and extensive glass and fibre cement sheeting materials will result in a contemporary design and use of quality materials that will encourage a desired urban form in the locality.

c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,

The proposed dwelling will result in overshadowing of the southern adjoining property in the winter months, however the extent of shadowing, considering the orientation of the dwellings within a north-south axis is reasonable. The adjoining southern dwelling has a garage wall and the remainder of the dwelling has limited windows within the northern side elevation.

d) to nominate heights that will provide an appropriate transition in built form and land use intensity,

The height exceedance is only a small portion of the roof and centrally located on the site and will be consistent to the height of other buildings on the hillside within this locality.

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,

The proposed dwelling design meets the relevant zone objectives and does not cause any unreasonable level of view loss impacts to the adjoining and surrounding properties. Furthermore, the proposed design reduces the scale and bulk of the dwelling by incorporating stepping of floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms.

f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

The proposed dwelling design and height will not create any overshadowing to public open spaces and not impact on viewing natural topographical features from surrounding open spaces within the Copacabana locality.

In terms of the proposed design, it is noted that the height exceedance is only a small portion of the roof and will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

It is considered the applicants request to vary the development standard would be consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any unreasonable level of detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site contribute to the difficulty in complying with the height controls.

Having regard to the site factors, minimal impact on the character of the area and that of the residents, the applicants request to vary the height development standard is considered reasonable and therefore supported.

Figures 12 and 13 (following page) provide indications as to the areas of non-compliance with respect to height.

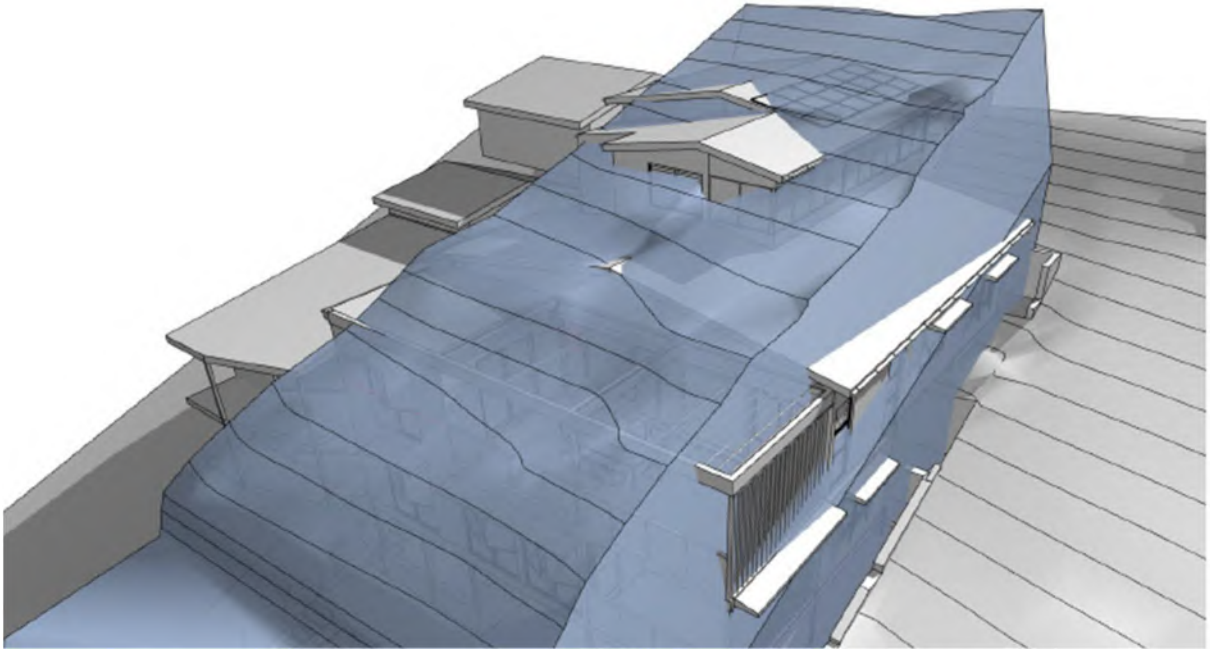


Figure 12: Detailing the extent of dwelling encroachment of the 8.5m height control and side boundary setbacks from the north east

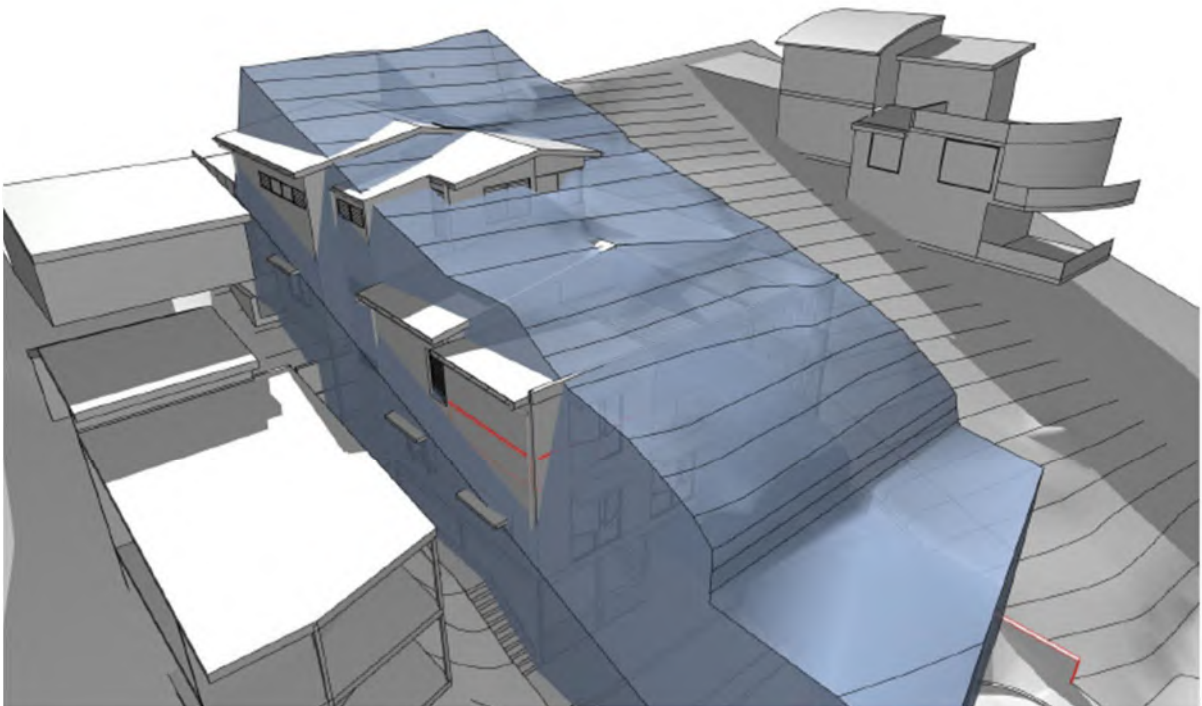


Figure 13: Detailing the extent of dwelling encroachment of the 8.5m height control and side boundary setbacks from the south east

Gosford Development Control Plan 2013 (GDCP 2013)Gosford DCP Chapter 2.1 – Character

The site is located within the Copacabana 3: Prominent Open Hillside precinct of Copacabana. The desired character of this precinct suggests, amongst other things, buildings to minimise the scale and bulk of buildings by stepping floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms. The proposed dwelling design has both these features and is considered to be consistent with the desired character of the precinct.

Gosford DCP Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.2.1 Building Height	Three storeys on steeply sloping sites 8.5metre building height	The dwelling has 3 storeys 10.4 metres	Yes No – see comments below
Clause 3.1.2.2 Site Coverage	Maximum 50% site coverage.	Less than 50% site coverage is proposed (48%)	Yes
Clause 3.1.2.3 Floor Space Ratio	0.5:1 floor space ratio	0.4:1 floor space ratio proposed	Yes
Clause 3.1.3.1a – Front Setback	The permissible front setback is 4.2m. This is the average of the two adjoining properties (excluding the garage structures built close to the front boundary). Garage setback to be setback 1.0 metre behind front boundary setback	Front of garage is aligned on front boundary with a 2m setback. Garage is forward of the proposed dwelling on the allotment	No – see comments below No – see comments below
Clause 3.1.3.1b – Rear Setback	6m Rear setback to a private allotment with a wall height greater than 4.5m	16.1 metres	Yes

Chapter 3.1	Requirement	Proposed	Compliance
Clause 3.1.3.1c – Side Setback	Side boundary setback of 1.8m based on a external wall height of 8.1m measured at its highest point at the northeastern and southeastern corners of the dwelling.	1.2m measured to the southern and northern side boundaries.	No – see comments below
Clause 3.1.3.3.2 – Garage Door Articulation	Maximum 6m width garage door	5.8 metres	Yes
Clause 3.1.4.1	To encourage view sharing between properties	Meets the requirements for view sharing under the NSW Land and Environment Court Planning Principles	Yes
Clause 3.1.4.2 Visual Privacy	To minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Given the steep topography of the site, the proposal is considered to meet the requirements of this clause.	Yes
Clause 3.1.5 – Car Parking and Access	2 car spaces 4 metres driveway width required	2 car spaces 6.5 metres	Yes No – see comments below
Clause 3.1.6 Earthworks, Structural Support and Drainage	Cut – 1m when within 1m from the boundary	1 metre	Yes

Clause 3.1.2.1 Building Height

The applicant seeks a variation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 10.4 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment. The variation proposed is 22%.

An assessment of the building height has been carried out under the GLEP 2014. In terms of the proposed design, it is noted that the height exceedance is within the middle of the site and of a portion of the garage, entry and lift lobby area at the upper level. The proposed

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development will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

It is considered the applicants request to vary the development standard would be consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site together with the current levels set by the existing buildings contribute to the difficulty in complying with the height controls and justification to vary them.

Clause 3.1.3.1a(i) – Front Setback

The proposed development seeks variation for the front setback off Helen Drive. The subject lot is constrained due to the slope of the land, therefore car parking behind the required setback is impracticable in this instance. Street parking is very limited and therefore the proposal is to construct a double garage on the site is appropriate. It is observed that garages and parking structures forward of the building line are a visual element of the Helen Drive streetscape.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 by ensuring the setback is compatible with adjacent development and compliments the character and streetscape. No objections have been raised in relation to the setback encroachment. The variation is considered acceptable and supported in this instance.

3.1.3.1a (iv) Front Setback – Garages/carports

The GDCP 2013 requires garages and carports to be setback 1m behind the front boundary setback which is 4.2m, therefore requiring a setback of 5.2m. The proposed garage is positioned 2m from the front alignment which is a variation of 62%. Garages and carports located forward of the front setback are consistently located along Helen Drive. The location of the proposed garage is considered to be consistent with the character of the streetscape, therefore the variation is supported in this instance.

Clause 3.1.3.1c – Side Setback

The proposed development seeks a variation to the permitted side boundary setbacks as a result of the buildings height. In considering the required variation, review of the proposal in terms of the relevant objectives of Chapter 3.1 of GDCP 2013 is necessary. Relevant objectives of Chapter 3.1 are as follows:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore*
- *To protect the views, privacy and solar access of adjacent properties*
- *To maintain view corridors to coastal foreshores and other desirable outlooks*

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- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

In response to these objectives the following commentary is provided:

The proposal seeks a northern & southern side boundary setback of 1.2m. This represents a variation of 0.6m or 33%. The extent of encroachment of the side external walls outside the envelope is illustrated with the building envelope perspective included within figures 12 and 13. The extent of building encroachment of the external side walls is reduced further towards the sites frontage, due to the increase in setback to other components of the building and decreasing building height with the slope of the land.

The external walls forming part of the variation are consistent in height and have similar side boundaries setback measurements to other dwellings within this locality. The extent of variation of 0.6m would not unreasonably impact on the amenity of the occupants of neighbouring properties.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 and is therefore considered acceptable and supported in this instance.

Clause 3.15 – Car Parking and Access

The DCP requires a maximum 4.0m wide driveway measured at the crossover. The proposed driveway is 6.1m which is a variation of 53%. The garage is located 2m from the road alignment and to splay the driveway from the road would create access issues from Helen Drive.

A review of the proposed driveway design was undertaken internally by Councils development engineer. The concept driveway plan including longitudinal profile and cross sections were supported.

The proposed driveway is considered to be in keeping with the driveways located on the street and will have minimal impact on the environment. The variation is supported in this instance.

Gosford DCP Chapter 6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned within the issued development consent.

Gosford DCP Chapter 6.4 Geotechnical Requirements for Development Applications

The property is mapped as being in a High Hazard Area of landslip risk or hazard Category 3 area as specified within table M1 of the DCP. The implications of Category 3 are that a 'Class

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1' geotechnical report is required. Upon completion of the development a 'post development' report will also be required to confirm that the works have been carried out in accordance with all provided geotechnical advice.

The application has been accompanied by a report on geotechnical investigation and slope stability assessment prepared by Douglas Partners. The report considers the extent of excavation and foundation support for the dwelling.

Included to the report is the requirement for surface and roof waters directed in a controlled manner away from foundations, retaining structures and any cut or filled slopes and directing stormwater to Council drains at the access at the base of the slope.

The land contains a right of way for vehicle access at the rear of the site, however the site is not benefitted by any stormwater drainage easement to enable collected roof stormwater to be conveyed to any stormwater drainage system. In other words, the only available current method of disposal of roof water from the proposed dwelling is to install an on-site stormwater absorption system. An on-site absorption system on land that is classified as a High Hazard Area is not supported by the applicant's geotechnical engineer.

In the event that the proposed development is supported, any development consent, similar to the previous development consent should require the creation of a registered stormwater drainage easement to address the risk of land slip and recommendations of the applicants consulting geotechnical engineer.

Gosford DCP Chapter 7.2 Waste Management

A Waste Management Plan has been submitted in support of the proposed development.

The likely impacts of the development

Built Environment

Given the position of the proposed dwelling and garage on the allotment and comparison of bulk and scale with other dwellings, the proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of the GLEP 2014 and GDCP 2013 compliance. It is considered on balance that the potential impacts are considered reasonable.

4.2 DA/61627/2021 - 7 Helen Drive, Copacabana - Demolition of Existing and new Three Storey Dwelling (contd)

Natural Environment

The proposal involves some site excavation given the site's sloping topography. Whilst there is some impact upon the natural environment, this is considered to be reasonable as the main bulk of excavation occurs centrally on the site and is relatively concealed by the proposed dwelling. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

The suitability of the site for the development

A review of Council's records identifies the following constraints:

- *Acid Sulfate Soils – The subject site has been identified as containing potential Class 5 acid sulfate soils. It is considered that the provisions of an acid sulfate soils management plan is not required.*
- *Bushfire – The subject site is not mapped as being bushfire affected.*

There are no other constraints that would render the site unsuitable for development.

Submissions

The development application did not receive any objections to the proposed development.

The Public Interest

The proposed development is seen to be in the public interest by providing assurance that the subject land is able to be developed in proportion to its site characteristics.

Other Matters for Consideration:

Removal of Tree

The proposal includes the removal of a palm tree that is within 1m of the existing dwelling.

The removal of the tree would not unreasonably impact on the characteristics of the area.

Development Contribution Plan

The proposed development is not a development type that is subject to *Section 7.11 or Section 7.12 of the Environmental Planning and Assessment Act 1979* development contributions. Therefore, no contributions are applicable.

4.2 DA/61627/2021 - 7 Helen Drive, Copacabana - Demolition of Existing and new Three Storey Dwelling (contd)

Water and Sewer Contributions

The proposed development is not subject to Water & Sewer Contributions.

CONCLUSION:

The development application has been assessed in accordance with Section 4.15 of the EP&A Act 1979, and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variations. The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act 1979.

Attachments

1	Draft Conditions of Consent		D14767182
2	Unredacted Development Plans	Provided Under Separate Cover	D14597760
3	Redacted Development Plans		D14597759
4	Applicants objection under Cl 4.6 to Height		D14597753

Conditions

DEFERRED COMMENCEMENT

This consent does not operate until the following have been satisfied:

- a. Prior to the activation of this consent, the Applicant shall submit registered documentary evidence that the property (Lot 1080 DP 32092) benefits from a drainage easement over downstream adjoining properties to enable the roof water and surface waters from the subject property to be connected to the public drainage system. This consent will not operate until the documentary evidence registered with NSW Land Registry Services has been submitted to and approved by Council.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within forty - eight (48) months of the date of this approval, otherwise this consent will lapse.

Upon compliance with the conditions of deferred commencement Council will issue an operative consent (including stamped plans) that is subject to the attached conditions.

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Architectural Plans by: Pidcock Architecture + Sustainability

Drawing	Description	Sheets	Issue	Date
Project 13-018 DA 001 to DA004, DA100 to DA005, DA200 to DA203, DA210 to DA215, DA220, DA230, DA235, DA241 to DA243, DA260 & DA261	Architectural details	33	01	12/3/2021

Supporting Documentation:

Title	Prepared by	Date
Geotechnical Report referenced No. 84351.00	Douglas Partners	July 2014

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

- 2.3 Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier.

- 2.4 Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- An elevated vehicle crossing, including vehicle barriers, that is generally in accordance with the design detailed in the drawings by 3D Environment, ref 01056, Drawings DA 104 and DA 105, both revision 01 and dated 12/3/21.

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

- 2.5 Submit to the 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. Design of an interallotment drainage system that conveys stormwater and stormwater runoff from subject properties, across the downstream properties and discharges stormwater to Council's drainage system. The interallotment drainage system shall be designed in accordance with Council's 'CCC Design Specification for Survey, Road and Drainage Works' & 'Civil Construction Specification', and be capable of conveying the 1% AEP event peak discharge rate with a 50% pipe blockage
 - b. Structural engineering details or written certification from a practicing structural engineer in relation to compliance with *clause 3.6, Table 3.3 and clause 3.8 of AS/NZS 1170.1-2002 Structural Design Actions-Permanent, Imposed and Other Actions*. This requirement is in relation to a barrier at the rear of the garage to withstand the accidental impact from vehicles when entering or exiting the garage. In the event that the proposed timber stud wall achieves the imposed force of 30kN as calculated under CI 3.8, then the engineer is to provide commentary and details to justify compliance.

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

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

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision 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 Appoint a Principal Certifier for the building work:
- a. The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3 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
 - d. Remove the sign when the work has been completed.

- 3.4** 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 proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 3.5** Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.6** Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.7** Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 3.8** Provide certification to the Principal Certifier that the structural engineer's details have been prepared in accordance with the recommendations of the geotechnical report(s) listed as supporting documentation in this development consent.
- 3.9** 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:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - 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.

- 3.10** 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:

- be a standard flushing toilet connected to a public sewer, or
- have an on-site effluent disposal system approved under the [Local Government Act 1993](#), or
- be a temporary chemical closet approved under the [Local Government Act 1993](#)

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

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

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

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

- 3.12** Submit an application to Council for approval under the Roads Act to install ground anchors should ground anchors within a road reserve be required for construction of this development.

The application to Council for Works Approval under Section 138 of the *Roads Act* must be made using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

The application is to be accompanied by detailed design drawings, reports and other documentation endorsed by a suitably qualified professional. General requirements for anchoring proposals can be obtained from Council's Engineering Assessment Section.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

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 and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

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

- 4.4** Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5** Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.

- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

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

- 4.7 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*.
- 4.8 Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building indicating that the finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.
- 4.9 Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.10 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.11 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.
- 4.12 No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.13 Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

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

- 5.3 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%.

- 5.4 Construct the vehicle access crossing in accordance with the vehicle access crossing Notice under Section 138 of the Roads Act 1993 issued by Council.
- 5.5 Drain all roof water by a piped drainage line to the interallotment drainage line.

6. ONGOING OPERATION

- 6.1 Do not let, adapt or use the dwelling for separate occupation in two or more parts. In this regard the bar located at level 2 is not to contain a pantry or any cooking facilities.

7. PENALTIES

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

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

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

Warnings as to Potential Maximum Penalties

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

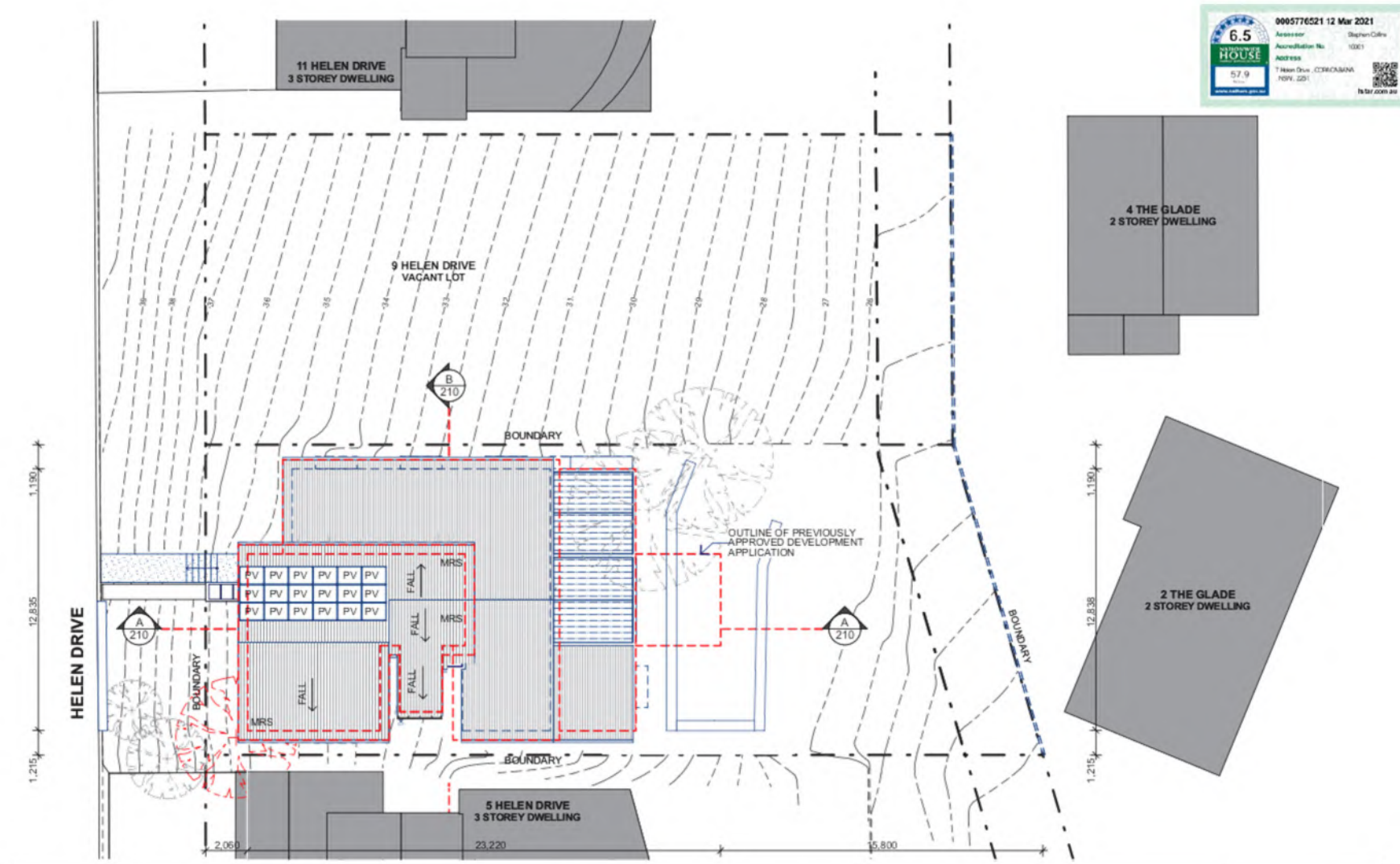
ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an

amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

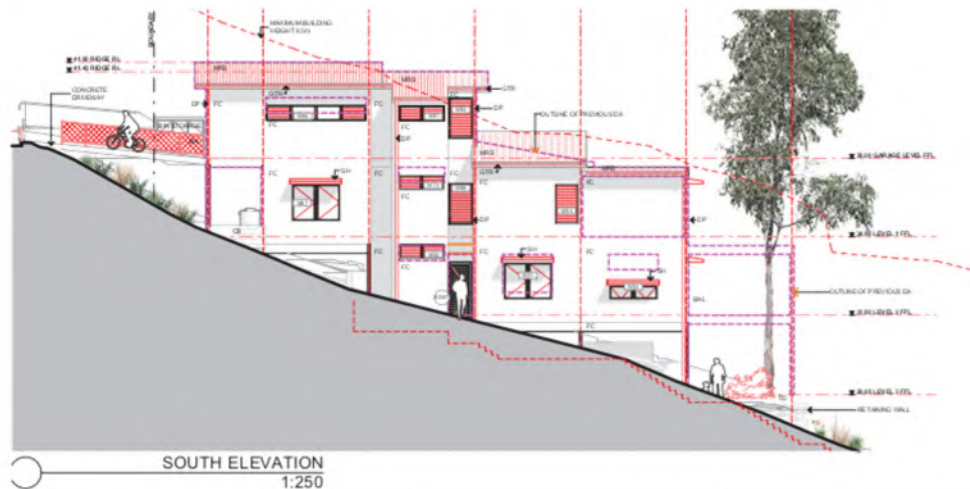
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

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



<p>16 KENT STREET MILLERS POINT, SYDNEY NSW 2000 AUSTRALIA +61 2 9357 1366 WWW.PIDCOCK.COM.AU ABN 51 100 969 793 REG NO. 5946</p>	<table border="1"> <thead> <tr> <th>Rev.</th> <th>Description</th> <th>Date</th> <th>NOTES</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>PRELIMINARY DA</td> <td>12/03/2021</td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev.	Description	Date	NOTES	01	PRELIMINARY DA	12/03/2021															<p>CLIENT JIM MURCHISON + CAROLINE HIGHLAND</p> <p>PROJECT 7 HELEN DRIVE COPACABANA NSW 2251</p>	<p>DRAWING TITLE NOTIFICATION PLANS NOTIFICATION PLAN</p> <p>DATE 12/03/2021</p> <p>SCALE 1:250@A4</p> <p>FILENAME 13018 Murchison Residence</p>	<p>PROJECT CODE 13-018</p> <table border="1"> <tr> <th>DRAWING NUMBER</th> <th>REVISION</th> </tr> <tr> <td>DA 260</td> <td>01</td> </tr> </table>	DRAWING NUMBER	REVISION	DA 260	01
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	<p>Verify all dimensions on site before fabrication or construction. Figured dimensions take precedence over scaled. This drawing remains copyright © of PIDCOCK Pty Ltd</p>																												

Attachment 3



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CLIENT JIM MURCHISON + CAROLINE HIGHLAND	DRAWING TITLE NOTIFICATION PLANS NOTIFICATION ELEVATIONS	PROJECT CODE 13-018
PROJECT 7 HELEN DRIVE COPACABANA NSW 2251	DATE 12/03/2021	SCALE 1:250@A4
FILENAME 13018 Murchison Residence	INITIALS AF	DRAWING NUMBER DA 261
		REVISION 01

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CLAUSE 4.6 REQUEST

TO	ASSESSMENT OFFICER	PROJECT NO	20-002
OF	GOSFORD CITY COUNCIL	DATE	03-03-21
SUBJECT	CLAUSE 4.6 APPLICATION TO VARY DEVELOPMENT STANDARD (HEIGHT) – No.7 HELEN STREET, COPACABANA	REF	20-002 C4.6R

This *Application to Vary a Development Standard* (height) is submitted pursuant to Clause 4.6 of Gosford Local Environmental Plan 2014 in respect of a proposed single dwelling house at No.7 Helen Drive, Copacabana. The application is submitted in accordance with the Department of Planning's *Varying Development Standards : A Guide* (August 2011). We request that exception to the development standard be granted in respect of the maximum height limit for buildings as set out in Part 4 Clause 4.3 (2) of LEP 2014.

1. What is the name of the environmental planning instrument that applies to the land?

Gosford Local Environmental Plan 2014.

2. What is the zoning of the land?

Zone R2 Low Density Residential.

3. What are the objectives of the zone?

- 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.

4. What is the development standard being varied? e.g. FSR, height, lot size

Height.

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 of LEP 2014

6. What are the objectives of the development standard?

- (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.

7. What is the numeric value of the development standard in the environmental planning instrument?

8.5 metres.

8. What is proposed numeric value of the development standard in your development application?

A small proportion of the eastern upper roof over the Garage and Lobby breaches the 8.5 metre height, reaching an upper-most height of 10.4 metres (refer to DA drawings No. 200, 202 and 210).

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

The total surface area of the southern elevation of the building is 146m² and the surface area above the 8.5 metre height limit is 4m². As a percentage, this constitutes 2.7% of the southern elevation above the 8.5 metre height.

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

Strict compliance with the 8.5 metre height would be unreasonable or unnecessary in this case for the following reasons:

- The extent of variation is minor in the overall context of the proposed building. Furthermore, the proposed height variation does not present any undesirable environmental impacts on adjoining properties. There is no additional overshadowing of the adjoining dwelling house to the south caused by the proposed height departure when compared with the conforming building envelope applying to the subject land. In addition, the proposed minor extent of the variation does not adversely impact upon views from other dwellings in the locality.
- Denial of the height variation being proposed would erode the high quality urban form of the proposed building, contrary to objective (b) of the height control clause.
- Furthermore, it would prevent the installation of the lift that is required for access for the client and his wheelchair bound daughter.
- The proposed height variation is not contrary to the relevant objectives of Clause 4.3 of LEP 2014 nor incompatible with the desired low density residential character promoted under the 3rd zone objective of the R2 Zone. Furthermore, the proposed variation is consistent with the encouragement of best practice design under the 4th zone objective. Overall, then, the proposed minor variation to building height is not inconsistent with the relevant objectives of Zone R2.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Strict compliance with the 8.5 metre height limit in this case would be contrary to the relevant Objects of the EP&A Act by not managing development in a manner that promotes high quality built forms in the local environment and best practice in residential design. Strict compliance with the height limit would also be contrary to promotion of the orderly and economic use and development of the subject land by hindering a building proposal having considerable design merit, true accessibility and which does not present any unreasonable environmental impacts in the locality.

12. Is the development standard a performance based control? Give details.

No.

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

The responses to question 10 apply equally to this question.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

As referred to above, acceptance of the proposed height variation would not be inconsistent with the relevant objectives of the R2 Zone and the relevant height control objectives. It will promote a high quality urban form and will not unreasonably impact on exposure to sky or sun of any nearby dwellings or public areas. The proposal is consistent with the desired low density residential character for the area and supports the encouragement of best practice design. There is no additional overshadowing of the adjoining dwelling house to the south caused by the proposed height departure when compared with the conforming building envelope applying to the subject land. In addition, the proposed minor extent of the variation does not adversely impact upon views from other dwellings in the locality. Accordingly, there are sufficient environmental planning grounds to justify the proposed variation to the height control.