

**SUPPLEMENTARY INFORMATION**

**TO:** Central Coast Local Planning Panel  
**FROM:** Andrew Roach Unit Manager Development Assessment  
**SUBJECT:** Additional Information (Development Application No. DA57958/2020)  
Telecommunications Facility (138-140 Davistown Rd, Saratoga)  
**DATE:** 24 February 2021

I refer to the abovementioned Development Application which is to be considered by the Central Coast Local Planning Panel at its meeting of 23 February 2021. Following site inspection, the Panel members raised several matters relation to the contents of the report.

This addendum provides an update on those matters.

**Compliance variation to Clause 4.3 Height of Buildings**

It has been identified that areas within the report concerned with the relevant height control contains a mathematical error in describing the numerical departure basis and makes incorrect reference to the applicable numerical building height limit. This includes the variations to Policies table, commentary addressing clause 4.3 and 4.6 and officer's response to submissions.

Currently, the Variations to Policies table and above identified sections of the report that reads consistent with the table is as follows:

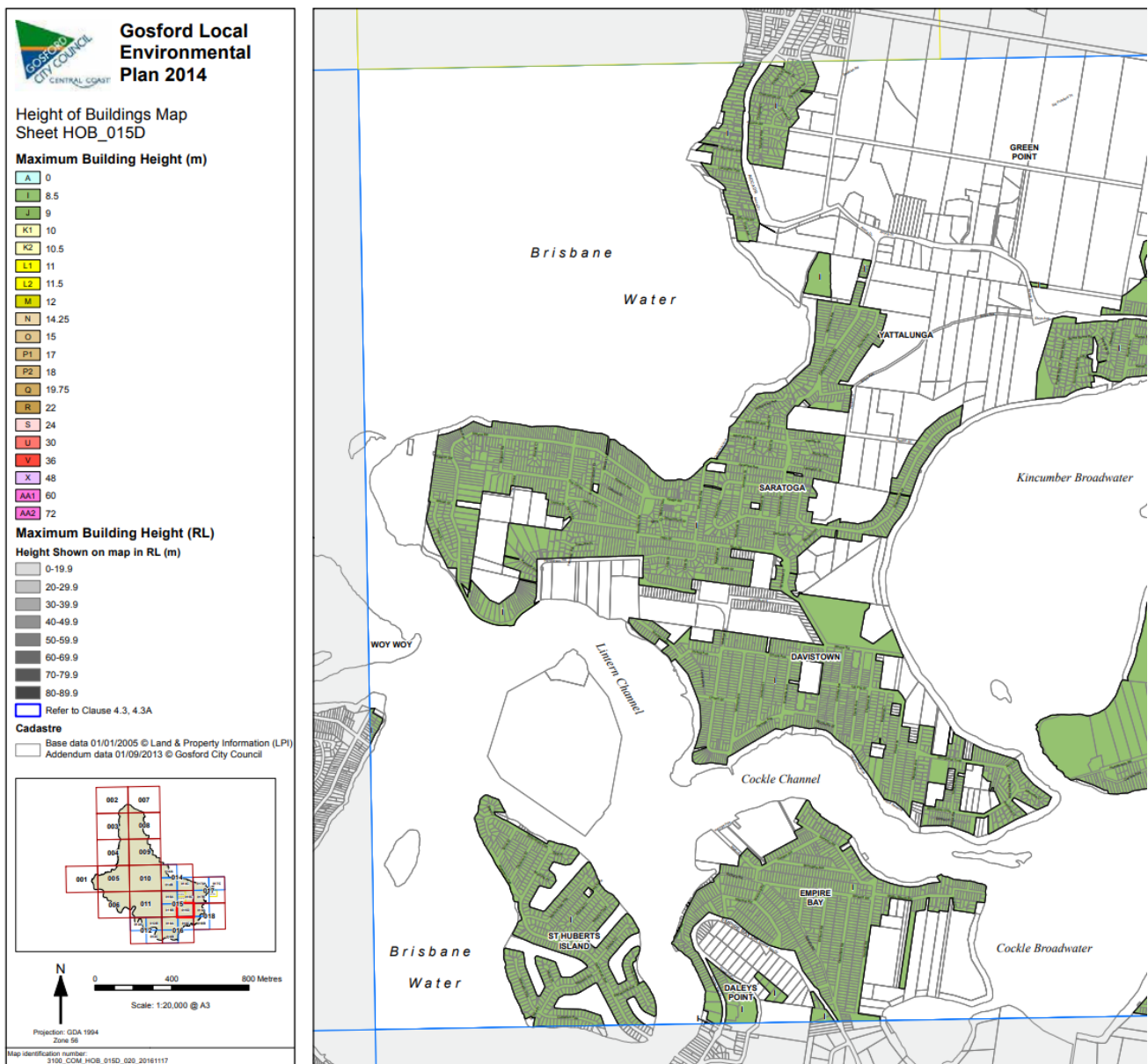
Clause	4.3 Height of Buildings
Standard	11.5m
LEP/DCP	<i>Gosford Local Environmental Plan 2014</i>
Departure basis	80%

The Variations to Policies table and the identified sections of the report which reads consistent should read as follows:

Clause	4.3 Height of Buildings
Standard	8.5m
LEP/DCP	<i>Gosford Local Environmental Plan 2014</i>
Departure basis	215%

The 215% departure basis is calculated using the total height of the proposal (including antenna headframe) which measures 26.8m high, and the correct maximum building height limit of 8.5m prescribed under clause 4.3 and reflected by the Height of Buildings Map Sheet HOB\_01515D (see below).

Assessment of the application was undertaken with respect to compliance of the maximum building height of 8.5m permitted. The application remains acceptable in this instance.



## Key issues

The Key issues are to be summarised to read as follows:

- Permissibility in zone
- Proposed height
- Visual impacts
- Compliance with character objectives
- Public submissions

## Permissibility

The Permissibility and Zoning description on page three of the report reads:

"Telecommunications facilities are permitted with development consent in the R2 Low Density Residential zone."

Under the *Gosford Local Environmental Plan 2014*, the land use table lists development permitted with consent and includes the following:

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture*

A telecommunications facility is not listed as a permissible form of development and as a result the Permissibility and Zoning description on page three should read the following:

"Telecommunication facilities are a form of development considered prohibited in the R2 Low Density Residential Zone. However, clauses 113 and 115 under the *State Environmental Planning Policy (Infrastructure) 2007* provide that a telecommunications facility is a permissible form of development on any land. As per clause 8 of the *State Environmental Planning Policy (Infrastructure) 2007*, if there is any inconsistency with this policy and any other environmental planning instrument, this policy prevails to the extent of the inconsistency. Clauses 113 and 115 therefore override the *Gosford Local Environmental Plan 2014* and therefore telecommunications facilities are permitted with development consent in the R2 Low Density Residential zone."

Furthermore, the site currently enjoys the full benefit of the provisions of existing use rights. The proposal is related to land which has been subject to the use of a telecommunications facility with Council records showing this use as existing since 2005. At the time the site was allocated the 5(a) Special Use zone under the *Gosford Planning Scheme Ordinance*.