

Central Coast

Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
12 November 2020



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held remotely - online,
THURSDAY 12 NOVEMBER 2020 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

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3.3	DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013	153
3.4	DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek.....	258

Donna Rygate
Chairperson

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

Central Coast
Local Planning Panel

12 November 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

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

Recommendation

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

Item No: 2.1
Title: Confirmation of Minutes of Previous Meeting
Department: Governance

Central Coast
Local Planning Panel

12 November 2020 Local Planning Panel Meeting

Reference: F2020/02502 - D14277919

Author: Rachel Callachor, Local Planning Panel Support Coordinator

Summary

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

- ***Local Planning Panel Meeting held on 29 October 2020***

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 29 October 2020 are submitted for noting.

Attachments

- 1 MINUTES - Local Planning Panel - 29 October 2020 D14267875

Panel Members

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Garry Fielding
Community Representative/s	Paul Dignam

Central Coast Council Staff Attendance

Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Rachel Callachor	Local Planning Panel Support Coordinator

The Chair, Donna Rygate, declared the meeting open at 2:07 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

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

Paul Dignam made a verbal declaration that he had no conflicts of interest identified and committed to submit his disclosure form after the meeting.

2.1 Confirmation of Minutes of Previous Meeting

Attachment 1

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

- ***Local Planning Panel Meeting held on 1 October 2020.***

***Moved: Donna Rygate
Unanimous***

Public Forum

Item 3.1

There were no registered speakers.

Item 3.2

Shea Cullen, ADG Architects on behalf of the applicant, was available to provide responses to enquiries from the Panel, however there were no questions or queries raised. Garry Fielding took this opportunity to note and thank the project architect for the amendments made to this proposal to make it more compliance with the Apartment Design Guide.

Item 3.3

There were no registered speakers.

The Local Planning Panel public meeting closed at 2:18pm. The Panel moved into deliberation from 2:20pm, with Paul Dignam joining at 2:26pm. The deliberative meeting concluded at 2:52 pm.

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

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

- 1 That the Local Planning Panel approves the modification to the development consent to Development Application 1234/2016/A as the proposal is satisfactory having regard to the relevant matters for consideration detailed in Section 4.15 and Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979.**

Reasons

- 1 The modification to development consent 1234/2016, involving the amendment to condition 9 to increase student numbers from 45 to 60, is considered reasonable and warranted.
- 2 The modification is of minimal environmental impact and will result in substantially the same development for which consent was originally granted and before the consent as originally granted was modified.

Votes The decision was unanimous.

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

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Approval

Panel Decision

- 1 That numbering be replaced with letter referencing in Conditions of Consent 2.6, 2.8 and 5.9.**

Attachment 1

- 2 That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report (as amended by 1. above) 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 State Environmental Planning Policy (Gosford City Centre) 2018 and Gosford City Centre Development Control Plan 2018 and has been found to be satisfactory.
- 3 There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.
- 4 The design of the proposed building has been appropriately amended to address the issues identified in relation to the Apartment Design Guide by Council's appointed external Architect.

Votes The decision was unanimous

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

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- 1 Submission

Council Recommendation Approval

Panel Decision

- 1 Pursuant to the provisions of clause 4.6 of Wyong Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP.**

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

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within Zone R3 Medium Density Residential in which the development is proposed to be carried out.

- 2 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Wyong Local Environmental Plan 2013, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 3 That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council advise those who made written submissions of the Panel's decision.**

Reasons

1. As detailed by the applicant in their Request seeking to justify the contravention of the development standard, the Panel agrees that: *the height exceedance within the streetscape and locality will not be readily identifiable nor incongruous within this context, and as a result will not have any significant impact on the establishment and emerging setting in any appreciable way. The visual context will remain unaltered, and in this way the impact to the amenity and character of the surrounding*

Attachment 1

development is negligible.

2. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development in its current form.
3. The proposal is consistent with the objectives of the R3 Medium Density zoning of the site. The development maintains the residential amenity of the surrounding area and amalgamates lots to achieve a medium density development that is generally compliant with the Apartment Design Guide without resulting in the isolation of adjoining lots.
4. The development is a permissible use within the R3 Medium Density zone of the *Wyang Local Environmental Plan 2013*.
5. The proposal meets the objectives of Clauses 4.3 and 4.6 of the *Wyang Local Environmental Plan 2013* in relation to built form. The proposal has a compatible bulk that is appropriate for the site, integrates with the emerging streetscape and character of the area and results in acceptable amenity outcomes.
6. The proposal achieves fundamental design quality that is required by *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)*.
7. The proposal satisfactorily addresses likely impacts to the coastal environment as required by the provisions of *State Environmental Planning Policy (Coastal Management) 2018*.

Votes

The decision was unanimous

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036

Item No: 3.1

Title: DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036

Central Coast
Local Planning Panel

Department: Environment and Planning

12 November 2020 Local Planning Panel Meeting

Reference: 011.2020.00058066.001 - D14222233
Author: Karen Hanratty, Senior Development Planner
Manager: Robert Eyre, Principal Development Planner South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for development of a Centre Based Child Care Facility on proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 under DA57350/2019.

The development provides for the construction of a single-storey administration and facilities/amenities building to accommodate 103 children with outdoor play areas, on-site car parking to accommodate 41 car spaces, security fencing and landscaping. The development proposes to operate from 7.00am – 6.00pm, Monday to Friday with 22 staff on-site at any one time.

The development application has been referred to the Local Planning Panel (LPP) as a result of the number of submissions objecting to the proposal. A total of 26 submissions were received by Council to the proposal; 7 in support and 19 submissions in objection.

The application is recommended for approval, subject to deferred commencement consent for the completion and registration with the NSW Land Registry Services of the boundary realignment between Lot 70 DP1215036 and Lot 71 DP1215036.

Applicant	Thrum Architects Pty Limited
Owner	High Valley Holdings Pty Limited
Application No	DA58066/2020
Description of Land	LOT: 70 DP: 1215036, 2 High Valley Close WAMBERAL
Proposed Development	Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036
Site Area	5,054m ² - Proposed Lot 1
Zoning	7(C2) Scenic Protection Rural (IDO122)

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

Existing Use	Vacant Land
Employment Generation	Yes
Estimated Value	\$3,255,000.00

Recommendation

- 1 That the Local Planning Panel grant deferred commencement consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That the following conditions be required to be satisfied prior to the consent operating:**
 - a) Completion and registration with the NSW Land Registry Services of the boundary realignment between Lot 70 DP1215036 and Lot 71 DP1215036.**
- 3 That Council advise those who made written submissions of the Panel's decision.**
- 4 That Council advise relevant external authorities of the Panel's decision.**

Key Issues

- Traffic, noise and privacy impacts on residents of High Valley Close and surrounding development; and
- Matters raised in public submissions.

Precis:

Proposed Development	Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036
Permissibility and Zoning	<p>The subject site is zoned 7(c2) Scenic Protection (Scenic Protection – Rural Small Holdings under <i>Interim Development Order No. 122</i> (IDO 122)).</p> <p>The proposed development is defined in the IDO 122 as:</p> <p>'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</p>

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

	<p><i>place, but does not include an educational establishment.'</i></p> <p>The use is permissible in the zone with the consent of Council.</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>Environmental Planning & Assessment Act 1979 – Section 4.15 (EP&A Act)</i> • <i>Local Government Act 1993 – Section 89</i> • <i>Education and Care Services National Regulations (National Regulations)</i> • <i>Roads Act 1997 (Roads Act)</i> • <i>Water Management Act 2000 (WM Act)</i> • <i>State Environmental Planning Policy (SEPP) No 55 – Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy (SEPP) No 64 - Advertising and Signage (SEPP 64)</i> • <i>State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education and Child Care SEPP)</i> • <i>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</i> • <i>Interim Development Order No 122 (IDO 122)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Gosford Development Control Plan 2013 (GLEP 2013)</i>
Current Use	Vacant Land
Integrated Development	No
Submissions	26 submissions – 19 Objections / 7 Support

Variations to Policies

Clause	Chapter 3.9 Child Care Centres - Clause 3.9.3d Location
Standard	Where possible, the site should be adjacent to a public reserve which and separated from residential activities
DCP	Gosford Development Control Plan 2013

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

Departure basis	Partial non-compliance in that the site not located adjacent a public reserve
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Clause	Chapter 3.9 Child Care Centres - Clause 3.9.5.2e Traffic and Parking
Standard	Separate entry/exit driveways shall be provided for centres
DCP	Gosford Development Control Plan 2013
Departure basis	2-way entry/exit driveway is provided

Clause	Chapter 3.12 Non-Residential uses in the E3/7(c2) Zone – Clause 3.12.4b
Standard	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.
DCP	Gosford Development Control Plan 2013
Departure basis	FSR 0.18:1 – variation 20% Height – 5.315m – complies with control

The Site

The subject site is described as proposed Lot 1 in the boundary realignment of Lot 70 DP 1215036 No. 2 High Valley Close Wamberal and LOT 71 DP 1215036 No. 689 The Entrance Road Wamberal approved under DA57350/2019, refer Figure 1.

Proposed Lot 1 is located to the north of The Entrance Road and east of High Valley Close. It has a site area of 5,054m² with a frontage to The Entrance Road (Central Coast Highway) of 64.25m, a frontage to High Valley Close of 92.77m, a northern side boundary of 62.625m, and a rear variable boundary of 93.92m.

Site levels range between approximately RL 22m AHD at the north-western boundary and RL 32, AHD at the south-western boundary at High Valley Close and The Entrance Road. There is a falling slope of between 6 and 9 degrees from The Entrance Road.

Proposed Lot 1 is not identified as bushfire prone land and is not affected by flooding or flood planning controls. The site is generally cleared of vegetation with maintained lawns and a few large scattered trees.

All utility services are available to the site to service the proposed development. Proposed Lot 1 is burdened by easement to drain sewer and benefitted by easements for electricity supply.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

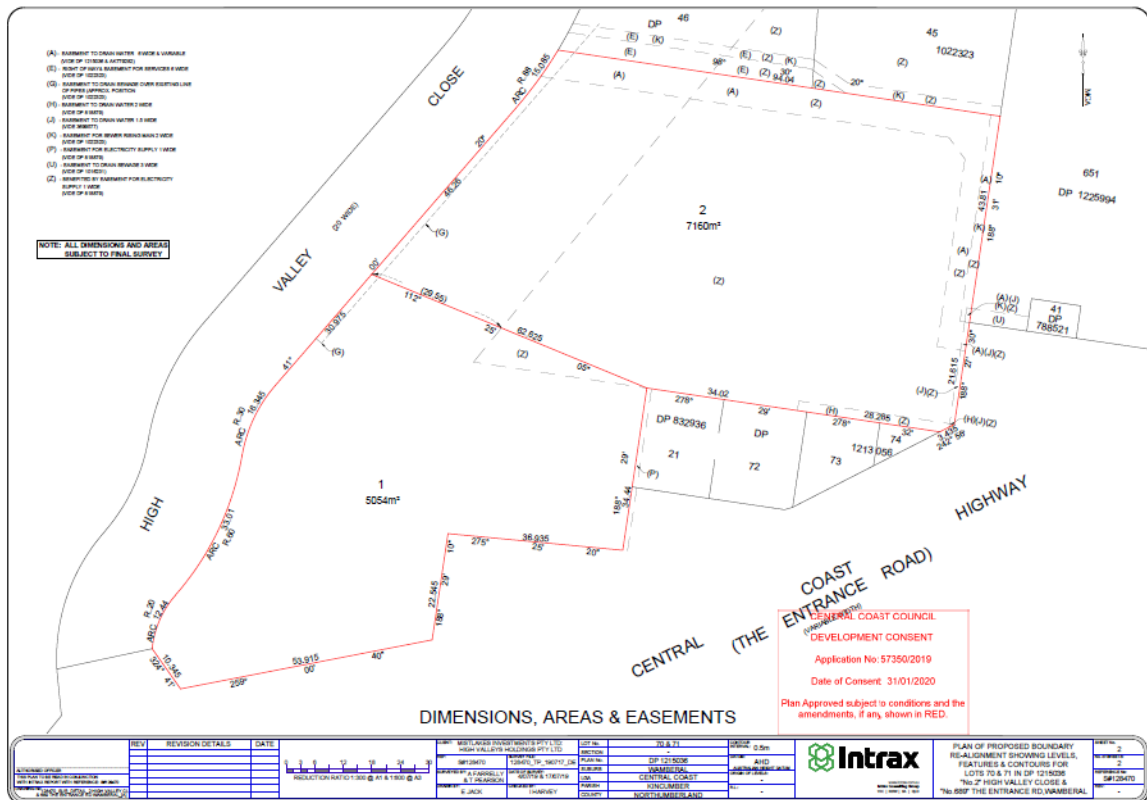


Figure 1 – Subject site Proposed Lot 1 in subdivision approved under DA57350/2019

Surrounding Development

The existing allotments/outlined proposed allotment and its relationship to surrounding development is shown in Figure 2.

The Entrance Road is a sealed four lane road with kerb and gutter and pathways. There is a concrete service road with a roll-kerb adjacent to the pavement that provides access to adjoining properties on the northern side of The Entrance Road.

The site slopes down from the south to the north and located below the level of The Entrance Road although is elevated above the Wamberal Valley with views to the north, west and east to large rural residential holdings, varying in allotment size. The stated service road provides access to several properties to the east (duplex development).

The locality to the south of the Central Coast Highway is low density suburban residential development.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)



Figure 2 - Locality Plan
Subject site – Proposed Lot 1 in subdivision of DA57350/2019 (orange outline)

The Proposed Development

The proposal comprises the development of a **centre-based child care facility** incorporating:

- Construction of a single storey administration and facilities/amenities building to accommodate 103 children with outdoor play areas
- On-site car parking to accommodate 41 car spaces including accessible car space with forward ingress and egress, circulation driveways and delivery bay
- Accessible pedestrian ramps, pathways, and pedestrian covered areas
- Staffing: 22 staff at any one time
- Hours of operation: 7.00am – 6.00pm, Monday to Friday
- Bulk earthworks, retaining walls and civil works
- Infrastructure services
- Acoustic and security fencing
- Site landscaping

The site plan/master plan and elevations are shown in Figures 3 and 4.

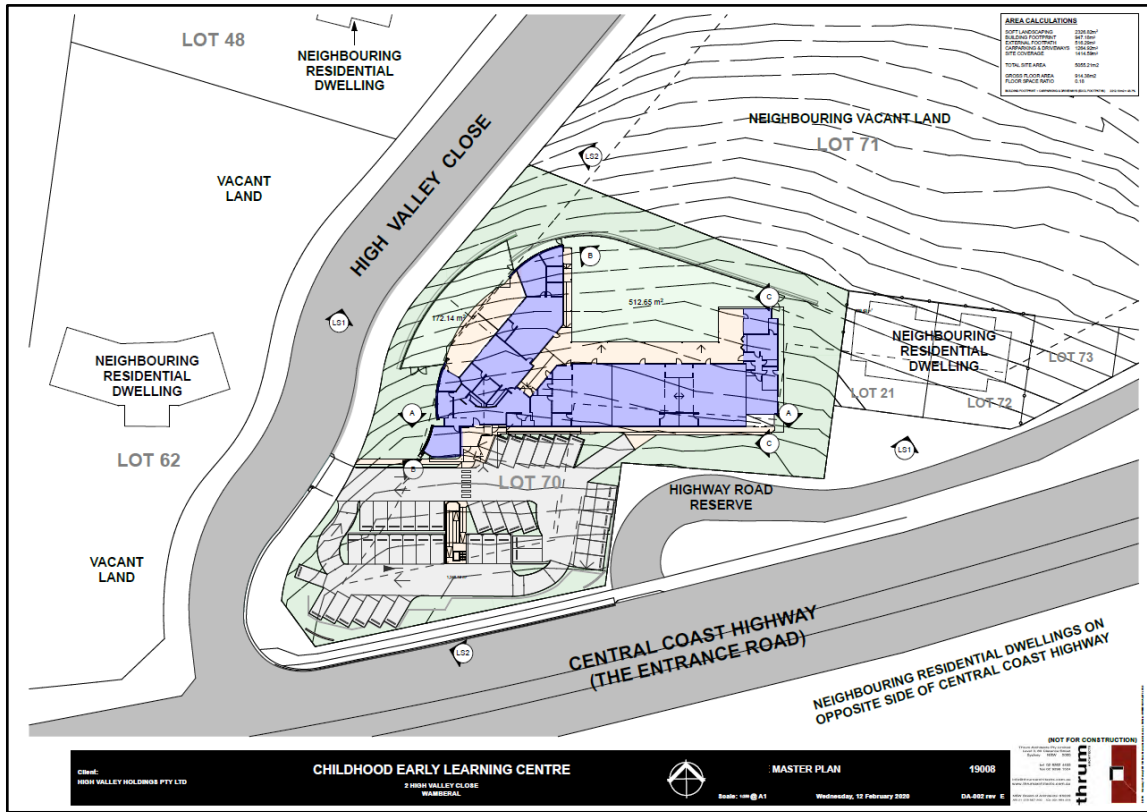


Figure 3 – Site/Master Plan

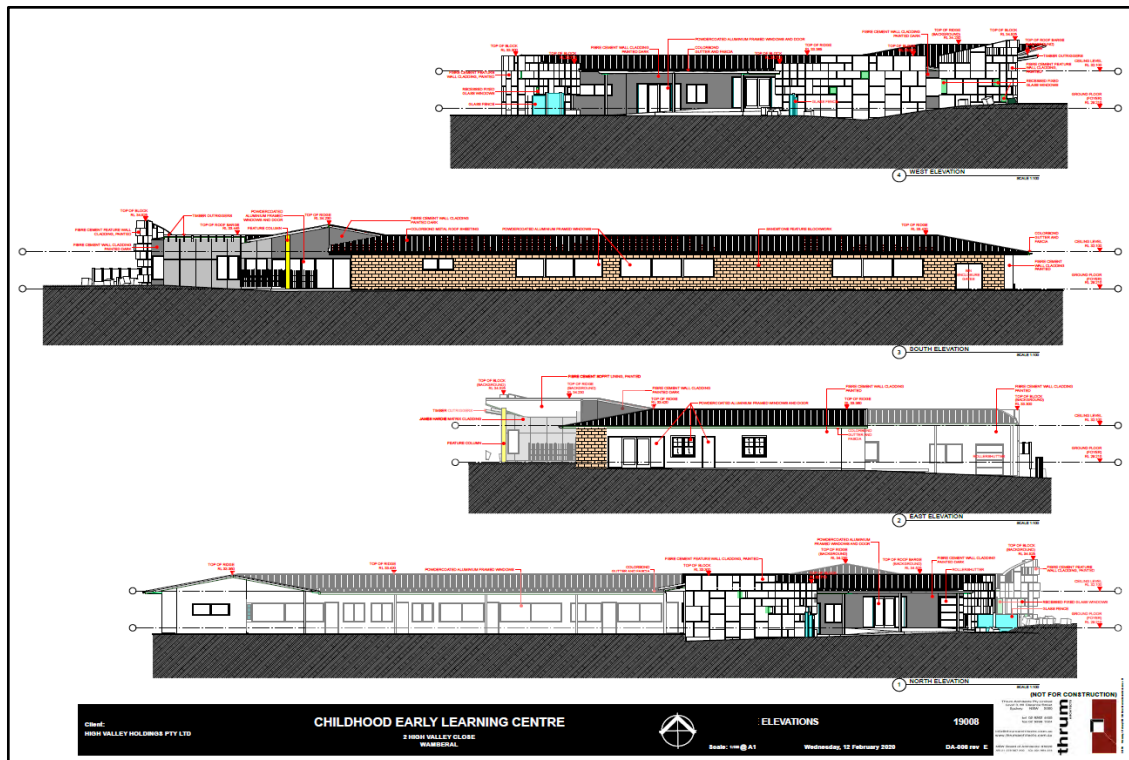


Figure 4 – Elevations

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

History / Background

Development consent 57350/2019 was granted approval on 31 January 2020 for Integrated Boundary Re-alignment of Lot 70 DP 1215036 (No. 2 High Valley Close Wamberal) and Lot 71 DP 1215036 (No. 689 The Entrance Road Wamberal).

Figure 5 identifies these allotments with the proposed new boundary between the properties by a red dashed line. The proposed subdivision has not been registered with the NSW Land Registry Services.

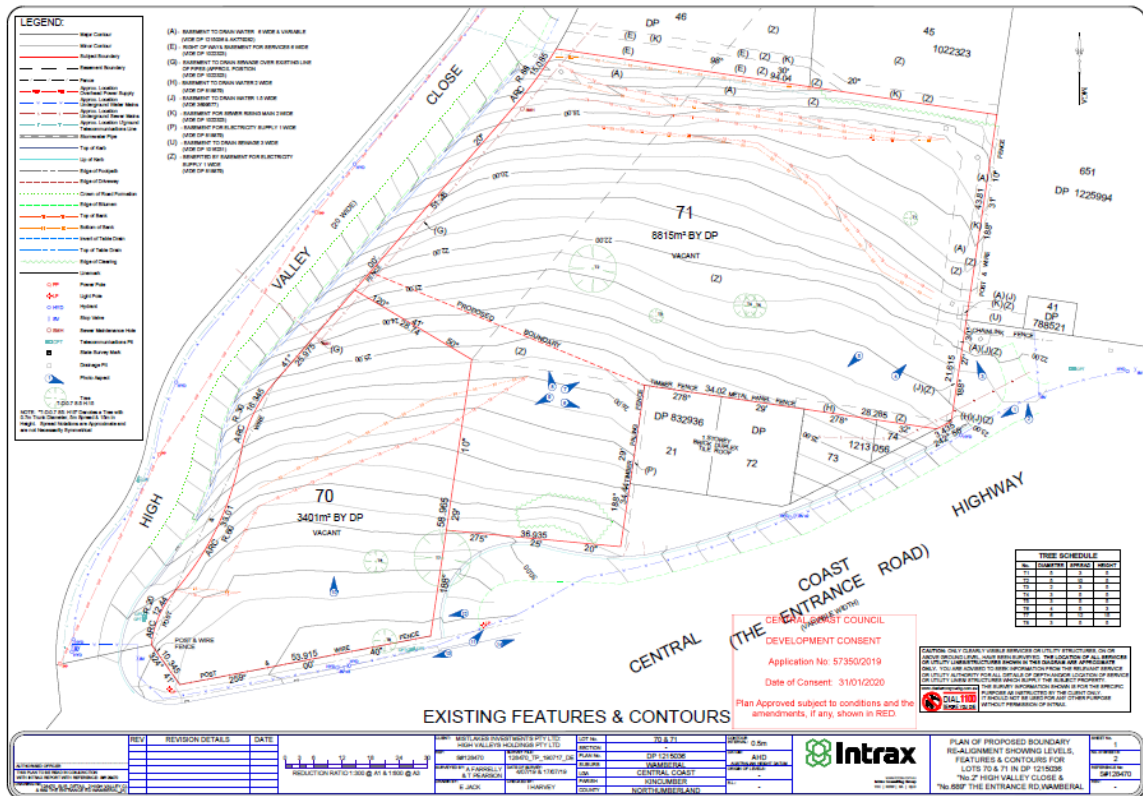


Figure 5 – Existing subdivision layout and features Lot 70 DP 1215036 No. 2 High Valley Close Wamberal and Lot 71 DP 1215036 No. 689 The Entrance Road Wamberal

Assessment

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

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

State Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Council's Property Attribute Certificate Message No. 3861 on the existing properties, No. 2 High Valley Close and No. 689 The Entrance Road, states:

The land has been remediated from contamination. Restrictions apply for residential land use.

The land has been remediated under a previous development consent. The Stage 4 Validation report (CM doc no: ECMD24632394), submitted to Council as a condition of that consent, concludes the site is suitable for residential use with gardens and accessible soil.

The Preliminary Site Contamination Report Prepared by Douglas Partners, Ref 83717.00.R.002.Rev0.FINAL dated 2 December 2019 submitted with this application indicates that the contaminants of concern are related to the former land uses including agriculture, underground petroleum storage systems (USTs) used by a plant mechanic and Transport for NSW use as a storage facility during the Central Coast Highway upgrade. The author has not been provided with the above-mentioned Validation Report and concludes that the site is suitable for use as a child care centre excluding the area of the former USTs and recommends a Stage 2 site investigation.

Due to the change of use from agricultural and industrial activities to a more sensitive land use a site audit statement and report was required, to give greater assurance that the site is suitable for the proposed use. The site audit statement and Contaminated Site Audit Report prepared by Phreatic Consulting, Ref 20014 SAR dated 15 May 2020 were prepared by an NSW EPA Accredited Contaminated Site Auditor who confirmed the site has been comprehensively assessed in relation to soil, groundwater and residual potential for vapour intrusion and concludes that the site is suitable for use as a child care centre.

State Environmental Planning Policy (Coastal Management) 2018

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

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 (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*
- (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:

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

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 of the Child Care Planning Guideline
- the regulatory requirements in Part 4 of the Child Care Planning Guideline - National Quality Framework Assessment Checklist; and

The development application is supported by:

- Childcare Report - Design Compliance Criteria Assessment prepared by Thrum Architects Pty Limited dated 27 January 2020
- Architectural Report prepared by Thrum Architects Pty Limited, Ref: 19008 dated 3 January 2020

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 as detailed in Attachment 4.

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

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

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 (GDCP 2013) and despite minor non-compliances the proposed development is supported, refer to detailed assessment under GDCP 2013 in this report and Attachment 5.

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.

Gosford Local Environmental Plan 2014

The subject site is defined as "Deferred Matter" on the Land Application Map and as such *Gosford Local Environmental Plan 2014* (GLEP 2014) does not apply to the site in accordance with Clause 1.3(1A). The assessment and determination of this application has been made under Interim Development Order No. 122 (IDO 122).

Interim Development Order No 122 - Objectives Of Zone

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), refer Figure 6 Zoning Map.

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 and low-density residential area. The proposal is single storey and consistent with the scale, building height, setback and site coverage of surrounding residential dwellings.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

- 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.*

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*.

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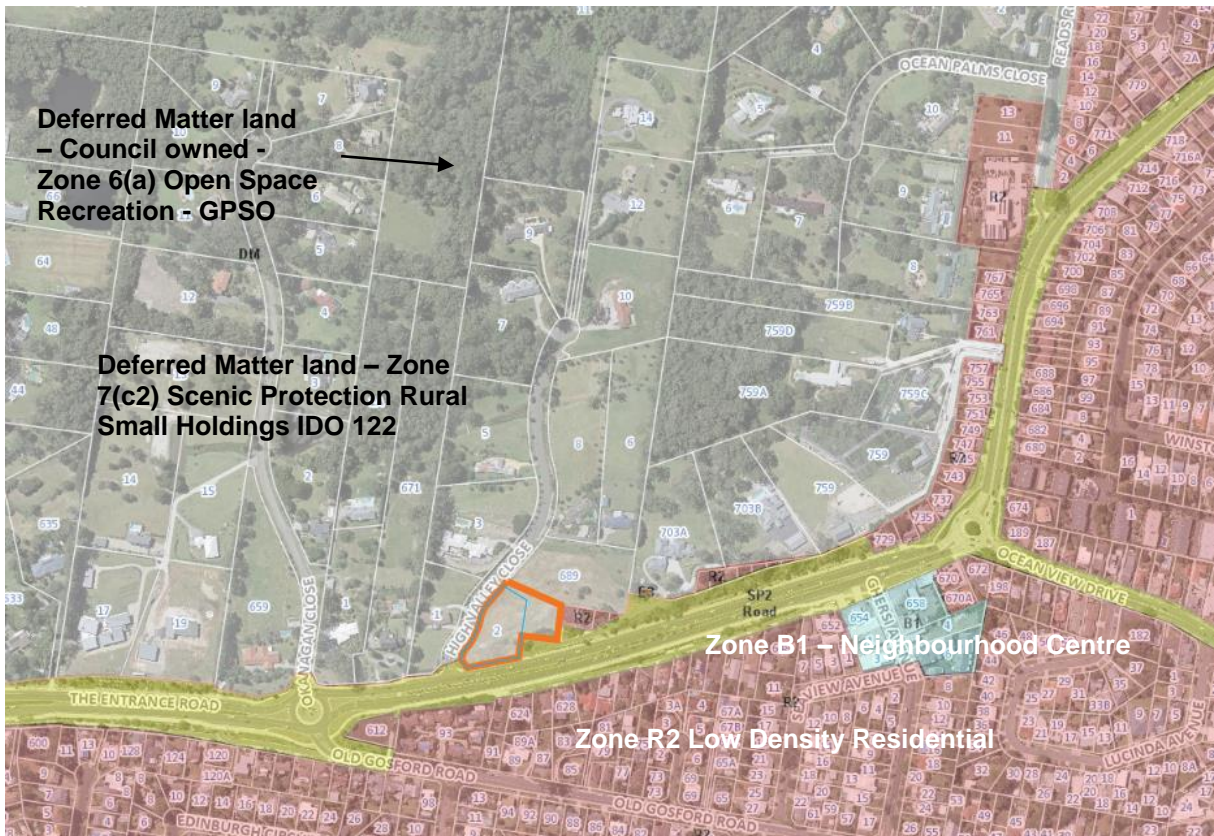


Figure 6 – Zoning Map - subject site
Proposed Lot 1 in subdivision of DA57350/2019 (orange outline)

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.

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***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*.

Draft Environmental Planning Instruments

Draft Central Coast Local Environmental Plan

The application has been assessed under the provisions of the draft *Central Coast Local Environment Plan 2018* (draft CCLEP) publicly exhibited from 6 December 2018 to 28 February 2019 with respect to zoning, development standards and special provisions.

Under the draft CCLEP the subject site is proposed to be zoned E4 Environmental Living where centre-based child care facilities are permissible with development consent.

The assessment concluded the proposal is consistent with the *Draft Central Coast Local Environment Plan*.

Gosford Development Control Plan 2013 - Chapter 2.1 Character

The site is located within the *Character Area: Wamberal 11: Scenic Buffer* of GDCP 2013 Chapter 2.1 Character. The existing character identifies that along broad regional thoroughfares that sometimes meander across undulating hillsides, rural-residential properties of one to two hectares have partially-cleared front paddocks flanking steep roadside embankments and surrounded by rural-style fences, providing a scenically-distinctive semi-rural character.

The character statement provides for the desired character. In this context, the proposal is consistent with the desired future character and densities of the area and is considered to comply with the objectives of Chapter 2.1 Character which are to protect and enhance environmental character of the development site and the surrounding area whereby the development displays improved standards of scenic, urban and civic design quality as follows:

- *These should remain 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 effective landscape management, by appropriate very-low density residential developments on private lands that are associated with low-impact rural*

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activities, or with small-scale businesses, community or educational facilities that have a modest impact.

Comment:

The proposed development of a centre-based child care facility is a low impact community/educational facility and is visually compatible with the low-density residential development occurring in the immediate locality.

- *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 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:

The subject land does not contain any remnant tree canopy or natural biodiversity values requiring retention. The proposed building will not intrude on the scenic landscape of the broader locality.

The proposal requires cut and fill; the area of soil disturbance is approximately 5000m². The building and site works design minimises earthworks and disturbance to the site, and comprises cuts up to 2m at the southern boundary and fill up to 3.5m at the northern portion of the site; batters and retaining walls are proposed. This allows the building to sit comfortably within the slope of the land to provide a level floor plate for the development, pedestrian and vehicle accessibility and avoid excessive retaining walls.

- *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 understorey plus thinning of the canopy to establish breaks between existing trees.*

Comment:

The proposal will be located on proposed Lot 1 in the subdivision approved under DA57350/2019 and is not identified as bushfire prone land.

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- *On private properties, maintain the informal character of existing semi-rural hillsides by avoiding tall retaining walls, extensive terraces or broad driveways that would be visible from any road or nearby property, and provide boundary fences that are see-through such as traditional post-and-rail designs. Surround all buildings with extensive garden setbacks, planted with new 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.*

Comment:

The subject land is located adjacent to the Central Coast Highway and will have a large street frontage to High Valley Close. The proposed development will require excavation and filling of the land and retaining walls however will be bordered by perimeter landscaping and security fencing which will reduce the visual impact of the building to the streetscape and adjoining properties.

- *In order to minimise their scale and bulk, all new structures that would be visible from a road or nearby property should reflect the modest character and simple articulation of traditional farm buildings. For example, divide floorspace into a series of linked pavilion structures or wings of rooms that are surrounded by landscaped courtyards, and preferably, provide parking in carports or separate garages. Roofs should be simple hips or gables without elaborate articulation, gently-pitched to minimise the height of ridges and flanked by wide eaves or extensive verandahs to disguise the scale of exterior walls. (In bushfire prone areas, verandahs, roofs and suspended floors must be screened to prevent the entry of sparks and flying embers.)*
- *Disguise the scale of facades that are visible from the street by incorporating extensive windows and verandahs, some painted finishes rather than expanses of plain masonry, and avoid wide garages that would visually-dominate any frontage. Ensure that outbuildings are compatible with the scale and design of their associated dwelling, particularly by using a similar roof pitch and wide eaves. Any commercial signs should be limited in size and number.*

Comment:

The building is single storey design to meet the specific design and legislative requirements for a child care facility. It provides a built form which defines the public domain, contributes to the character of the streetscape, views and vistas, and provides a high level of internal amenity and outlook.

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The building envelopes employ a series of segmented sub-envelopes with curved facades, a variety of simple, broken up roof forms. The overall building envelope embodies a high degree of façade relief and articulation.

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. from view from the highway and side street.

The carpark has been designed to be below natural ground level, so that it will be largely concealed from view from the highway and side street. The single storey building with its softened curving geometry integrates within the context and setting of the surrounding low scale residential development.

No signage is proposed with the development. Signage would be subject to separate development application.

In summary, the proposal is considered to have appropriate context and compatibility within the character and streetscape of the area providing a proposal that has a building height, setbacks to boundaries and extensive landscaping along site boundaries consistent with adjoining rural residential and low-density residential development. The design of the building and site works minimises earthworks and disturbance to the site and is considered to appropriately respond to characteristics, topography and natural features of the site.

Gosford Development Control Plan 2013 - Chapter 2.2 Scenic Quality

The proposal is located within the North Coastal geographic unit and the Wamberal landscape unit, which is of regional significance and described as follows:

'The Wamberal landscape Unit is more reflective of the Gosford area and consists of a diversity of characteristics. Urban development in Wamberal is not intrusive as it is contained within the forested ridge formed by COSS lands, Environmental/ Conservation zoned areas and Wamberal Lagoon. The shopping centre does though detract from this character. Within the Wamberal urban areas the landform is generally open and limited large scale vegetation results in a moderate to high level of visual exposure. Rural-residential areas of Wamberal consist of a small enclosed valley stretching between Matcham Road and Reads Road. The western portion of the valley is highly visible from The Entrance Road. This rural-residential area form a significant part of the rural buffer between Erina and Wamberal.'

The principle aim of the Scenic Quality Development Control Plan is to provide guidelines for the interpretation and management of the scenic quality of the area and provides for the following objectives:

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- i to provide a detailed assessment of Gosford's landscape character which highlights the diversity between and within landscape units;*
- ii to detail the components of that landscape character;*
- iii to provide a comparative ranking of the landscapes; and*

- iv to develop appropriate guidelines for the management of the landscape character.*

The land is located adjacent to the Central Coast Highway (The Entrance Road) between Matcham Road and Reads Road overlooking the valley of rural residential development and north toward the ridgeline of COSS lands as described in the landscape unit.

The proposal is consistent with the development objectives in that non-residential uses permitted in Environmental Management/scenic protection zoned areas should be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located. The proposal is consistent in scale with other existing non-residential uses located along the main road in this area.

The proposed development will require excavation and filling of the land and retaining walls however will be bordered by perimeter landscaping and security fencing which will reduce the visual impact of the building to the streetscape and adjoining properties along High Valley Close and will not be overly visible to the main road.

The single storey building provides articulation of façades, broken roof forms, uses a variety of materials. The proposal is of a low impact community/educational facility that is visually compatible with the low-density residential development occurring in the immediate locality and will not impact surrounding development their views and vistas of the valley.

Gosford Development Control Plan 2013 - Chapter 3.9 Child Care Centres

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 Centres, refer Attachment 5. 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.

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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.

Specifically, the following is addressed:

- 3.9.3a. *The location of a Child Care Centre is to take into consideration any environmental health hazard or risk relevant to the site and/or existing buildings within the site or in the surrounding area.*
- 3.9.3e. *Sites such as old service stations are inappropriate for the establishment of child care centres owing to potential for site contamination and harmful effects on children, unless the site has been remediated.*

Comment:

The site is currently vacant land. Previous uses of the land require consideration of the level of contaminants on the land and comprise agriculture, underground petroleum storage systems (USTs) used by a plant mechanic and Transport for NSW use as a storage facility during the Central Coast Highway upgrade. The assessment of site suitability is detailed in the report under State Environmental Planning Policy No. 55 – Remediation of Land.

The site audit statement and report prepared by an NSW EPA Accredited Contaminated Site Auditor confirmed the site has been comprehensively assessed in relation to soil, groundwater and residual potential for vapour intrusion and concludes that the site is suitable for use as a child care centre.

- 3.9.3b. *Child care centres will not be permitted on battle axe allotments owing to adverse amenity, traffic and noise impacts on adjoining properties.*
- 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.*

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Comment:

The proposal is not located on a battle axe allotment. The site has frontage to both Central Coast Highway and High Valley Close which is a no-through road. The proposal is not located within the cul-de-sac or turning head on High Valley Close a distance approximately 350m from the proposed access to the facility and is not located opposite an intersection.

The majority of trips to and from the development will be destined for Central Coast Highway. There will be minimal (or nil) additional movements using the cul-de-sac at the end of High Valley Close.

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 applicant states:

Notwithstanding that the proposed development is located in a low density/rural residential area, the accompanying Acoustic Report demonstrates that the proposed development is consistent with acoustic privacy objectives as the proposed childcare centre is expected to comply with acoustic legislative requirements, provided the recommendations of the assessment are implemented.

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.

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 by PKA Acoustic Consulting dated 17 January 2020 recommends acoustic fencing to child play areas and along the eastern site boundary 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.

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

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Comment:

The site is located on a bus route, with bus stops located in close proximity to the site. The proposal will be required to construct a footpath to improve pedestrian access from the access driveway to Central Coast Highway, Refer Condition 2.5a.

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 as addressed in the Traffic and Parking Study (the Report) prepared by Seca Solution, Ref P001629 dated 23 January 2020 (refer detailed comments under Clause 3.9.5 Traffic and Parking.
- The Acoustic Report by PKA Acoustic Consulting Ref 11700 R01v1, dated 17 January 2020 has been reviewed by Council's Environmental Health officer and deemed satisfactory subject to conditions to comply with the recommendations of the Acoustic Report. Refer to Other Matters for Consideration in this report for a detailed assessment.
- 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 residents use of High Valley Close.
- The proposal achieves satisfactory separation to adjoining residential development.
- The proposal achieves the objectives of the clause and is supported.

Clause 3.9.4. Site Requirements

The objective states:

To ensure minimal impact on adjoining development and acceptable standards of design, open space, landscaping and parking can be accommodated within the site.

Site requirements for child care facilities are addressed under the Clause 25 the Education and Child Care SEPP including the design principles set out in Part 2 of the Child Care Planning Guideline, the matters for consideration set out in Part 3 and the regulatory requirements set out in Part 4 of that Guideline as detailed in Attachment 4.

The proposal has been considered under the relevant provisions stated above and is considered to have appropriate context and compatibility within the character and streetscape of the area providing a proposal that has a building height, setbacks to boundaries and extensive landscaping along site boundaries consistent with adjoining rural residential and low-density residential development. The design of the building and site

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works minimises earthworks and disturbance to the site and is considered to appropriately respond to characteristics, topography and natural features of the site.

The Architectural Report dated 3 January 2020 and Childcare Report – Design Compliance Criteria Assessment dated 17 January 2020 by Thrum Architects Pty Limited address the siting, design and compliance with the legislation requirements and design planning guidelines.

The proposed development complies with the objective to ensure minimal impact on adjoining development and that acceptable standards of design, open space, landscaping and car parking/vehicle manoeuvring can be accommodated within the site and will not have adverse amenity impacts on neighbouring dwellings.

Clause 3.9.5 Traffic and Parking

Clause 3.9.5 relates to traffic and parking and seeks to ensure the development achieves safe movement of traffic entering and leaving the site, that there is adequate provision for staff parking and drop off and pickup parking and promotes pedestrian safety.

A Traffic and Parking Study (the Report) prepared by Seca Solution, Ref P001629 dated 23 January 2020 was submitted with the proposal and has been reviewed by Transport for NSW (TfNSW) and Council's Traffic and Transport Engineer.

A number of submissions have raised concern in relation to the proposal and potential traffic impacts and therefore a detailed assessment is provided.

The Report takes into consideration the requirements of the RTA Guide to Traffic Generating Developments, providing a review of the existing traffic movements within the local road network and determining the capacity of the local road network to accommodate the demands of the proposed child care facility.

The Report states the following:

1. Existing Conditions

- *The site is located on the northeast corner of the give-way controlled intersection of the Central Coast Highway and High Valley Close with the Central Coast Highway having priority. The Central Coast Highway is the main road through the locality and is a classified road (HW30) which runs along the south of the subject site. This road provides a major route through the Central Coast. The main road provides 2 lanes of travel in each direction, with a raised central median and operates under the posted speed limit of 60 km/hr. Based on AADT data for the count station (ID05914) to the west of the site the Central Coast Highway carries over 20,000 vehicles per day (2008/2010). No parking is permitted within the vicinity of the site with a cycling lane provided on the northern side heading east.*

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- *There are two roundabout intersections provided within the locality along the Central Coast Highway, with the roundabout intersection of Okanagan Close and the Central Coast Highway up to 140 metres to the west of the site and the roundabout intersection of Ocean View Drive and the Central Coast Highway up to 520 metres to the east of the site.*
- *There is a footpath provided along both sides of the Central Coast Highway to the south of the site. A signalised pedestrian crossing is located just over 400 metres to the east of High Valley Close which connects to the footpath and residential areas on the southern side of the Central Coast Highway.*
- *High Valley Close is a local residential road providing a single lane of travel in both directions and a width in the order of 9 metres. It is a no through road and operates under the posted speed limit of 50 km/hr. There are no footpaths provided along its length however street lighting is provided at its intersection with the Central Coast Highway. No parking is permitted on both sides of the road from the site access to the intersection of High Valley Close and the Central Coast Highway. North of the site access parking is restricted on the western side of High Valley Close within the verge, with parking along the eastern side of High Valley Close restricted due to a drainage channel.*
- *The existing site is vacant with a driveway provided from High Valley Close, measured to be 30 metres from the intersection with the Central Coast Highway.*

2. Traffic Impact

- *The proposed Child Care Centre will generate additional traffic movements to and from the site during the morning drop off and afternoon pick up periods. The RTA/RMS Guide to Traffic Generating Developments provides traffic generating rates for childcare centres with the rates for long day care being 0.8 vehicle trips per child during the morning peak (determined as being 7.30am-8.30am), 0.7 vehicle trips per child in the afternoon peak.*
- *For the proposed development with 103 licensed places the following peak traffic has been calculated:*
 - *86 vehicle trips per hour (vph) in the AM*
 - *72 vph in the PM*

These represent two-way movements, giving an additional 43 inbound / 43 outbound in the AM and 36 inbound / 36 outbound in the PM.

- **Capacity of Central Coast Highway:**

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Two way flows on the Central Coast Highway east of High Valley Close were 2524vph with the dominant flow westbound (1664vph) with eastbound flows of 860vph. The flows on High Valley Close are minimal (2vph) reflective of the low number of dwellings that this road services.

The RMS Guide to traffic generating developments provides advice on the capacity during the peak hour for urban roads. For a two-lane two-way road, the upper limit of Level of Service (LoS) C is 1,800 vehicle per hour. The Westbound flows on the Central Coast Highway therefore represent a LoS C. Eastbound the road operates at Los A (<900 vph).

Allowing for the level of residential development within the general vicinity of the site it is considered that the origin for parents/carers dropping off children will be split evenly 50/50 from the east and west. Given the high traffic flows on the Central Coast Highway reflecting its role as an arterial road the child care centre is likely to appeal to local families who are already travelling along this route as part of their daily commute. In this way many of the families are likely to divert into the centre and then re-join the highway to complete their trips.

Parents/Carers travelling from the west will turn left into High Valley Close to drop off or pick up the children and then re-join the highway by turning left out of High Valley Close. For those with a destination then to the west they can complete a U-turn at the roundabout intersection of the Central Coast Highway and Ocean View Drive.

Parents/Carers who come from the east will complete a U-turn at the roundabout intersection of the Central Coast Highway and Okanagan Close before turning left into High Valley Close. Of these some parents / carers may need to head west to complete their journey and so will re-join the highway and travel east to complete a U-turn at the roundabout intersection of the Central Coast Highway and Ocean View Drive before heading west.

Given the 50/50 split of inbound traffic and the worst case scenario of all parents travelling from both directions needing to head west after dropping off children the flows westbound on the Central Coast Highway could increase from 1,664 to 1,729 vph and flows eastbound shall increase from 860 to 903 vph during the morning peak. This is based on all trips being additional which will provide no change to the LoS in the westbound direction along the Central Coast Highway and equates to a 3.5% increase in traffic. Eastbound flows will see a change to LoS B and a 2.3% increase in traffic, with the additional flows to have little effect on the current operations to the Central Coast Highway. It is however recognised that a significant number of these trips may be passing the site and so would be diverted only and therefore would have less impact than that shown above.

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- Capacity of High Valley Close:

The RMS guide also provides advice on the environmental capacity of local roads. High Valley Close is classed as a local road per the RMS guide which provides an environmental capacity of 200 vph, 300 vph maximum. The existing flows along High Valley Close are well below this.

Peak hours flow along High Valley Close will increase from 2 to 88 vph which will see this road still within its environmental capacity. The location of the site at the start of this road will also see a minimal impact on this road with most motorists turning right into the site and left out of the site without needing to travel along High Valley Close.

Observations on site show that the roundabout intersection of the Central Coast Highway and Okanagan Close operates with minimal delays or queues during both the morning and afternoon peak. The roundabout intersection of the Central Coast Highway and Ocean View Drive operates well with some queues observed along Ocean View Drive with large westbound flows along the Central Coast Highway through the roundabout during the morning peak. During the afternoon peak the roundabout operates with acceptable queues and delays with the higher eastbound movements through the roundabout creating gaps in the westbound flows and allowing for vehicles to exit Ocean View Drive.

The additional traffic movements will also have a minimal impact upon road safety. Current road safety is high in the vicinity of the site, with recent upgrades completed in 2013 for the Central Coast Highway to improve capacity and road alignment from Erina to Wamberal. Accident data provided by the RMS for the locality shows there has no accidents in the immediate locality of the subject site, and with the majority of the accidents due to the high flows along the Central Coast Highway as well as at the two roundabout intersections. Observations on site show that the two roundabout intersections operate with minimal delays and queues with lights to the west of the roundabout intersection of Okanagan Close and the Central Coast Highway providing gaps in traffic for drivers exiting High Valley Close.

- Accident Data

Accident data provided by the RMS for the period 01/04/2014 to 31/03/2019 shows a total of 16 accidents within the vicinity of the subject site. The majority of the crashes were recorded at the roundabout intersections of the Central Coast Highway and Okanagan Close as well as the Central Coast Highway and Ocean View Drive. The crash types are consistent with the high flows along the Central Coast Highway as part of the state road network as well as the two intersections mentioned above with both rear ends and intersection related accidents being the predominant cause. There were no

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accidents recorded along High Valley Close nor within the vicinity of the intersection of High Valley Close and the Central Coast Highway.

3. *In conclusion, it is considered that the proposed Child Care Centre will have an acceptable impact upon the local road network. Observations on site show that the current roundabout intersections to the east and west of the site operate with little delays during the peak periods with adequate capacity to accommodate additional turning traffic. Many of the families attending the centre are expected to be already travelling past the site and so shall be diverted trips rather than additional traffic. The additional flows due to the development will have little impact on the Central Coast Highway through the locality with no change anticipated to the Level of Service.*

Although the sight distance from the access driveway to the left is less than the requirement set by AS 2890, as the vast majority of drivers are expected to exit the site and turn left this negates the need for this sight distance requirement. The slower speed of a vehicle turning into High Valley Close will allow sufficient reaction time for a driver exiting right out of the driveway. Sight distances to the right are available.

Comment:

The findings of the Report from parking surveys undertaken have been reviewed by TfNSW and Council's Traffic and Transport Engineer. TfNSW has reviewed the information provided and in correspondence dated 30 March 2020 raises no objection to the proposed development.

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

Council's Traffic and Transport Engineer has reviewed the proposal in conjunction with the Report and raises no objection as follows:

- Access
 - Council's Traffic Engineer agrees with the following findings of the Traffic Study extract which states:
 - *"AS/NZS 2890 Part 1 provides sight distance requirements for exit driveways. For the posted speed limit of 50km/hr on High Valley Close the desirable 5 second gap distance is 69 metres while the minimum sight stopping distance (MSSD) is 45 metres. The sight distance looking right along High Valley Close from the proposed driveway is up to 60 metres and looking left is up to 30 metres.*

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- *The sight distance looking right from the access driveway satisfies the MSSD requirements while the sight distance looking left fall short of the MSSD. The vast majority of drivers exiting the driveway will be turning left which negates the requirement for this sight distance. The sight distance looking left however is deemed adequate as vehicles looking left out of the driveway can sight the intersection of High Valley Close and the Central Coast Highway (see photo 1) with vehicles turning into High Valley Close travelling at lower speeds than 50km/hr."*
- Traffic Impact Findings
 - Council's Traffic Engineer agrees with the findings of the Traffic Study.
 - Noting there is a potential for rear-ender type crashes into any vehicle waiting to turn right into the proposed access point. This risk will be minimal given the low speeds on this section of High Valley Close and low existing volumes of approximately 2 vehicles per hour. Most traffic movements from the site will left out onto High Valley Close (and right in). There will be minimal right turn outs due to it being a cul de sac.
 - During the AM peak with the proposed development there would be an additional 43 vehicles making this right turn into the site.
 - The car park layout has a circulating one-way flow arrangement. Once cars enter the site, they should be able circulate with minimal delays.
 - The network has the capacity to cater for the development with minimal concerns.
- Pedestrian Access
 - Bus stops are located on both sides of the Central Coast Highway immediately to the west of High Valley Close as well as around 450 metres to the east of the site. Both bus stops are in a slip lane adjacent to the two lanes heading both directions along the Central Coast Highway. Signage, seating and lighting is provided at both stops. The bus stops service both public and school buses with a list of the services provided below:
 - *Route 17 – The Entrance North to Gosford*
 - *Route 18 – The Entrance to Gosford*
 - *Route 19 – Wyong to Gosford*
 - *Route 21 – The Entrance North to Gosford via Bateau Bay East*
 - *Route 23 – The Entrance to Gosford via Bateau Bay West*
 - *Route 28 – The Entrance to Gosford via Springfield*
 - Pedestrian movements along a section of High Valley Close from the development could be generated by staff and visitors to/from these bus stops. As there are currently no footpaths available, the Applicant should provide a 1.5-metre-wide footpath along the eastern side of High Valley Close to link with the existing footpath along Central Coast Highway (less than 30-metre-long), refer Condition 2.5a.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

In addition to the above, the controls under Clause 3.9.5.2e require the following:

- 3.9.5e *Separate entry and exit driveways shall be provided for centres which:*
- *are located on a collector road; **or***
 - *cater for ten (10) or more children; **or***
 - *are located on sites where Council determines the requirement is necessary to ensure the safety of pedestrians, carers, staff and others visiting the centre.*

The site will not accommodate separate entry and exit driveways; access is not available or proposed from the Central Coast Highway. In this instance, the driveway will allow for 2-way traffic movements with the existing driveway to be formalised during construction.

The proposal is supported, despite the non-compliance with Clause 3.9.5.2e as follows:

- A condition of consent is applied for construction of an industrial/commercial vehicle access crossing that has a minimum width of 6.5 metres at the road gutter crossing and minimum 6.5 metres at the property boundary, together with construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing., refer Condition 2.5b.
- The car park layout on the architectural plan shows there are wheel stops throughout the carpark which could represent a trip hazard for pedestrians and make wheelchair access more difficult. AS2801.1 Off-street carparking cites that wheel stops should be avoided in any situations where there may be in the path of pedestrians moving to or from parked cars or crossing a carpark for any other purpose.
- The Traffic and Transport Engineer considers the proposed wheel stops are acceptable and should remain on safety grounds as they provide some barrier / resistance for any cars which might park too close to the walkway and building.
- The car park layout has a circulating one-way flow arrangement. The carpark layout allows for several cars to queue within the site and the first section of the carpark is dedicated to staff parking to reduce potential conflicts between vehicle movements.
- Once cars enter the site, they should be able circulate with minimal delays. Vehicles will enter and exit the site in a forward direction.
- The architectural plans indicate 19 staff car spaces. In addition, to further reduce any likelihood of queuing within the immediate entry of the car park, it is recommended car spaces 10, 11 and 12 be designated for staff to reduce the turnover. The proposal will then provide 22 marked staff car spaces required to comply with GDCP 2013; a condition is applied to amend the architectural plans prior to issue of a construction certificate, refer Condition 2.2a.
- The construction of driveways, ramps and car parking areas shall be designed in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards; refer conditions 2.5 and 2.7.

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Parking

In accordance with Clause 3.9.5.3a of GDCP 2013 onsite car parking rates for child care facilities is to be provided in accordance with Clause 7.1.3 of Chapter 7.1 Car Parking of GDCP 2013 which requires:

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).

The proposal requires a total of 22 staff as follows:

- Educator to child ratios for centre-based services in accordance with Regulation 123 = 18 staff
- Administration: 1 x Manager, 1 x Educational Leader and 1 x floating educator = 3 staff
- Kitchen Chef = 1 staff

In accordance with Clause 7.1.3 of GDCP 2013 car parking is to be provided as follows:

- 22 car spaces for 22 staff, plus
- 18 temporary car spaces to cater for the 103-place child care facility.
- A total of 40 car spaces are required. The development provides 41 car spaces and complies with the development controls.

In relation to the demand for car parking the following is provided:

- The Traffic and Parking Study states that the facility proposes 24 staff. During the assessment of the proposal the staffing numbers were revised as stated above. The proposal provides 41 car spaces and complies with car parking requirements for a 103-place child care facility.
- The proposal provides a greater number of car parking spaces than required by the RTA/RMS Guideline for Traffic Generating Development for centre-based child care facilities which provides an off-street parking rate of one space for every four children in attendance – requiring 26 car spaces. Updated survey data has been undertaken for TfNSW by TEF Consulting, Validation Trip Generation Surveys for Child Care Centres dated September 2015. This data resulted in revised car parking rates for child care facilities with more than 70 children, suggests a peak parking accumulation of 1 per 6 children enrolled. On this basis a minimum of 18 car parking spaces would be required.
- The architectural plans indicate staff parking locations showing 19 spaces and shall be amended to provide 22 marked staff car spaces, refer Condition 2.2a.

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Site Servicing

- 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.
- 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. This has been confirmed using Autoturn with the entry and exit movements shown for an 8.8 metre service vehicle as shown in the Traffic and Parking Study (Attachment D).

Amenity Impacts on High Valley Close residents from increase in traffic volumes

The proposal will increase traffic flows in and around the development although this is not considered to have detrimental amenity impact on High Valley Close. High Valley Close is more than capable of accommodating the anticipated increase in traffic volumes. From an amenity point of view, what is important is the total volume of traffic (existing plus proposed), the majority of the development traffic will be confined to the section of High Valley Close and Central Coast Highway. The traffic volumes west of the access driveway will largely remain the same. Councils Civil Works Specification suggest that "Local" roads should be accommodating daily traffic volumes in the order of 150-1000.

In addition, the proposal provides onsite car parking in accordance with the car parking rates specified in GDCP 2013 and with the design of the car park and vehicle movements/traffic flow within the car park it is considered the proposal is unlikely to have adverse queuing impacts that would have a detrimental amenity impact on High Valley Close.

The Report does not consider impact on the surrounding area and parking requirements during "special" event activities such as Christmas and Easter large events and smaller events such as grandparents' day, graduation day etc which is likely to generate additional traffic/parking to that considered for general daily operation. While High Valley Close could accommodate infrequent parking along the verges associated with special events, however there are no footpaths to accommodate associated pedestrian movements.

In this regard, it is considered that if any events were to occur the parking impact should be managed via staggering smaller events by room over the day or the week depending on booked attendance for that week to ensure car parking can be managed onsite and minimise any off-street parking impact. There shall be no "whole of centre" event at any time throughout the year and large events shall be held off site. Refer Condition 6.3 under ongoing operation.

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Conclusion

Council's Development Engineer and Traffic and Transport Engineer have reviewed the proposed access and car parking arrangements and no objections are raised, subject to conditions where stated above.

The proposal is supported, despite the non-compliance with Clause 3.9.5.e. The Traffic and Parking Study by Seca Solutions demonstrates the proposal meets the objectives of clause 3.9.5 Traffic and Parking of GDCP 2013.

The assessment of the application considers the proposal meets the objectives for car parking and traffic management and achieves safe movement of traffic entering and leaving the site, that there is adequate provision for staff parking and drop off and pickup parking and is not considered to impact on pedestrian safety, the site's serviceability or have detrimental amenity impacts to the surrounding area.

Clause 3.9.10 Building Appearance

Clause 3.9.10 seeks to ensure that the building appearance of the child care facility maintains amenity of the area whilst meeting the needs of the children.

The Architectural Report dated 3 January 2020 by Thrum Architects Pty Limited addresses the siting, design and compliance with the legislation requirements and design planning guidelines. The architectural/building appearance of the development is supported and considered an appropriate response to the site characteristics and surrounding locality for the following reasons:

- The site has slopes between 12-15% down to the north. Cut and fill is proposed to create useable area for the facility and does not result in bulky building or amenity loss to adjoining residential development. While this will require cuts up to 2m at the southern boundary and fill up to 3.5m at the northern portion of the site; batters and retaining walls are proposed to be screened by a very satisfactory level of landscaping as proposed in the Landscape Plan by Conus Landscape Architects around site boundaries and the car parking area. The building and site works design minimises earthworks and disturbance to the site.
- The building design is sympathetic to the topography and natural features of the subject land. The building is single storey and proposes large setbacks to boundaries; consistent with dwellings on adjoining rural residential allotments. The materials, finishes and planting along the street frontage provide a streetscape that is compatible with adjoining rural residential development and character of the area. The proposed development will not exhibit bright paint colours or large signage. The building appearance complements the built

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

character of the area and provides a functional and pleasant environment for the centre's users.

Gosford Development Control Plan 2013 - Chapter 3.12 Non-Residential uses in the E3/7(c2) Zone

The provisions of Chapter 3.12 apply to the proposed development of a centre-based child care facility on land zoned 7(c2) Scenic Protection – Rural Small Holdings under IDO 122.

The specific requirements of the chapter are detailed as follows:

- a. *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 proposal involves the development of the subject land for a use which is of a size and scale compatible with neighbouring low-density residential development.

The characteristics of the site are suitable for the scale and type of development proposed having regard to:

- size of street frontage, lot configuration, dimensions and overall size
 - number of shared boundaries with residential properties
 - the development will not have adverse environmental impacts from traffic, noise and privacy on the surrounding area
- b. *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.*

Comment:

The proposed development has a floor space ratio of 0.18:1 and a single storey maximum building height of 5.315m (maximum roof ridge height RL 34.525m) and therefore is partly inconsistent with the control.

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The applicant states:

Whilst the proposed development complies with the maximum 7m building height guideline, the proposed building's exceedance of the 0.15:1 floor space ratio guideline is warranted, in order to ensure that the proposed child care centre is consistent with the requirements of the Child Care Planning Guideline. Exceedance of the 0.15:1 FSR guideline in this case does not have any adverse amenity impacts on neighbouring properties.

The proposed facility is of a size and scale consistent with adjoining residential buildings permitted in the zone demonstrated as follows:

- The proposal is single storey with setbacks that comply with the setback requirements of 10m for dwellings on large lots in Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development, Clause 3.1.3.2b and 3.1.3.2c for rear and side setbacks respectively under the GDCP 2013.
- The building setback to Central Coast Highway (classified road) is greater than 10m and consistent with the adjoining residential development to the east.
- The proposal has a site coverage of 25.96% (combined building footprint and verandahs) and is significantly less than 30% site coverage requirements in Chapter 3.1 of GDCP 2013 for dwelling on a lot 1,500m² in area.

Notwithstanding, the exceedance of the FSR for non-residential development in the 7(c2) zone the proposal demonstrates it is compatible with the size and scale of rural-residential forms of development that would otherwise be permissible on the land.

- c. *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:

The proposed development does not create a demand for public services that are not already available to the land.

- d. *To ensure that development does not create significant environmental effects.*

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- *As reticulated utility services (water and sewerage) are generally not available to lands zoned 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:

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. The subject land is provided with reticulated services.

- e. *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.*

Comment:

The proposal is consistent with the character and scenic quality of the area as stated under Chapter 2.1 Character and Chapter 2.2 Scenic Quality of GDCP 2013. The subject land does not exhibit any aesthetic, scenic or environmental values. The proposed development is confined to cleared/disturbed land.

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The site has slopes between 12-15% down to the north. Cut and fill is proposed to create useable area for the facility and does not result in bulky building or amenity loss to adjoining residential development. While this will require cuts up to 2m at the southern boundary and fill up to 3.5m at the northern portion of the site; batters and retaining walls are proposed to be screened by a very satisfactory level of landscaping as proposed in the Landscape Plan by Conus Landscape Architects around site boundaries and the car parking area. The building and site works design minimises earthworks and disturbance to the site.

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

Comment:

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. Retaining walls to the north, east and west are appropriately setback from site boundaries with landscaping screening in these setback areas.

The proposal is designed and configured to minimise acoustic and visual privacy. Child play areas are located away from the Central Coast Highway, car parking area and from residences.

To meet the project specific noise criteria in the Noise Policy for Industry 2017 and NSW Road Noise Policy the Acoustic Report by PKA Acoustic Consulting recommends acoustic building treatments for all indoor play areas located on the south facing façade; acoustic treatments on the under croft of outdoor decks and noise barriers on the eastern boundary and both outdoor play areas (north and west facing).

g. To facilitate traffic management and/or pedestrian safety.

Comment:

The Traffic and Parking Study by Seca Solution demonstrates that the proposed development will not have adverse traffic impacts and provides for the safety of pedestrians.

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

Comment:

The proposal is to be located on proposed Lot 1 in the approved subdivision and this lot is not identified as bushfire prone land.

Gosford Development Control Plan 2013 - Chapter 6.3 Erosion and Sediment Control

The land is contained within the Terrigal Lagoon catchment, with surface flows entering an unnamed creek discharged from the roadside Council stormwater system. The area of soil

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disturbance is approximately 5000m². The soil and water management plans provided meets the minimum requirements of Clause 6.3 of the Gosford DCP.

Gosford Development Control Plan 2013 - Chapter 6.4 Geotechnical Requirement

The development comprises earthworks to create a relatively flat platform for the facility along with associated driveway access and car park pavements. The proposal will require cuts up to 2m at the southern boundary and fill up to 3.5m at the northern portion of the site. An excavation plan drawing SK-013, rev B, dated 6 October 2020 showing the extent of the excavation and fill area is provided within the Architectural Plan set.

In accordance with Chapter 6.4 a geotechnical report has been prepared by Douglas Partners for consideration of:

- Subsurface conditions at test locations and groundwater observations,
- Site classification in accordance with AS2870.2011,
- Suitable foundation options and parameters for both high level and piled footings,
- Safe batter slopes,
- Retaining wall geotechnical design parameters,
- Design subgrade CBR (California bearing ratio) values and flexible pavement thickness design for access/car park pavements,
- Site and subgrade preparation and earthworks recommendations,

The proposal will be required to comply with the details specified in the report, conditions applied. **Refer Conditions 4.13 and 5.21.**

In addition, the following is to be provided:

- 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, refer Condition 2.12.
- A dilapidation report is required to be submitted to the Accredited Certifier and Council detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries, Refer Condition 2.13.

Gosford Development Control Plan 2013 - Chapter 6.7 Water Cycle Management

Chapter 6.7 seeks to minimise the impact of development on the natural predevelopment water cycle. This will lead to more sustainable outcomes that will protect the environment.

The site is not subject to flooding.

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A water cycle management plan has been prepared by RGH Consulting Group and demonstrates that the proposal will comply with Gosford DCP 2013 Chapter 6.7 Water Cycle Management.

Gosford Development Control Plan 2013 - Chapter 7.1 Car Parking

The parking and traffic management of the child care facility is detailed under Chapter 3.9 Child Care Centres of GDCP 2013.

In accordance with Clause 7.1.3 car parking rates for child care facilities requires 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).

The proposal requires 22 car spaces for 22 staff plus 18 temporary car spaces to cater for the 103-place child care facility. A total of 40 car spaces are required.

The development provides 41 car spaces and complies with the car parking requirements and meets the objectives of this chapter in that:

- The proposal facilitates traffic management and safe traffic movement.
- Parking facilities associated with site development are satisfactory, convenient and sufficient for the use of staff and visitors.
- The proposal achieves a balance between the needs of the proposed development and its use, and that of vehicular and pedestrian traffic.
- The proposal is not considered to have detrimental amenity impacts to residents and the surrounding area.

Other Matters for Consideration

Noise

The proposed child care centre will accommodate a maximum of 103 children; operate between 7.00am – 6.00pm, Monday to Friday; and will have a maximum of 22 staff present at any one time.

An acoustic report by PKA Acoustic Consultants, Ref 11700 R01v1 dated 17 January 2020 has been provided in accordance with the Noise Policy for Industry 2017 and NSW Road Noise Policy which details noise impacts from:

- 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,

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To meet the project specific noise criteria the report recommends acoustic building treatments for all indoor play areas located on the south facing façade; acoustic treatments on the under croft of outdoor decks and noise barriers on the eastern boundary and both outdoor play areas. A maximum speed limit of 10km/hr for the carpark and signage is also recommended.

The location and sound power levels of outdoor mechanical plant and equipment will be checked by an acoustic consultant prior to finalisation.

The proposal is designed and configured to minimise acoustic privacy. Child play areas are located away from the Central Coast Highway, car parking area and from residences. The proposal provides acoustic privacy to child play areas through acoustic screening/fencing and landscaping.

Acoustic fencing 2.1m in height will be provided to the child play areas (Courtyards 1 & 2) to mitigate noise to residential properties to the north and west of the site and 1.8m in height at the eastern site boundary to the adjoining sensitive receiver being the property to the east at No. 693A The Entrance Road as recommended by PKA Acoustic Consulting and shown in Figure 7.

The acoustic barrier must be of solid construction (with no air gaps or penetrations including the connections and structural bases) such as:

- Polycarbonate Transparent Sheeting (selection must ensure the Rw rating is met)
- Timber fence with double lapped boards of standard 15mm thickness, allowing a continuous thickness of 30mm
- Aerated Concrete panels such as Hebel
- Masonry or Precast concrete panels
- Any combination of the above

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Figure 7 – Location of Acoustic Fencing

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. Conditions are applied to ensure compliance with the recommendations of the Acoustic Report; refer Conditions 3.10, 4.11, 5.19.

Air Quality

The land is located adjacent to the Central Coast Highway, a source of air pollution. The proposed design orientates the play areas perpendicular to the highway, which is supported by environmental health.

Section 10.7 (2) of Certificate Messages – EP&A Act

The 10.7 (2) messages contain the following:

- Road Widening (The Entrance Road/Central Coast Highway) - TfNSW have advised in their corresponding that they require no part of the property.
- Council's records indicate that the current lot No. 689 The Entrance Road contains a Threatened Species, *Melaleuca Biconvexa*. Aerial photographs of the land and an assessment by Council's Ecologist to DA57350/2019 indicates that the species does not exist on the land.

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Development Contribution Plan

The site is not subject to the provisions of any section 7.11 development contribution plan.

Contributions may be applicable to development which is subject to Central Coast Regional Section 7.12 Contributions Plan. Development contributions are only levied where the proposal meets the cost of works thresholds and not subject to any exemption under this plan.

A quantity surveyors report prepared by Muller Partnership Quantity Surveyors dated 15 January 2020 was submitted with the application and deemed satisfactory. The proposed cost of works is \$3,255,000.00 and is not exempt under this plan. The cost of works is greater than \$200,000 and a 1% levy has been applied. A standard condition of consent has been imposed requiring the development contribution to be paid prior to the issue of any Construction Certificate. Refer Condition 2.3.

Planning Agreements

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

Referrals

Internal Referral Body	Comments
Engineering	Supported, subject to conditions
Engineering - Traffic	Supported, subject to conditions
Environmental Health	Supported, subject to conditions
Food Surveillance	Supported, subject to conditions
Traffic	Supported, subject to conditions
Trees	Supported, subject to conditions
Waste Services	Supported, subject to conditions
Water and Sewer	Supported, subject to conditions

External Referral Body	Comments
Transport for NSW	Supported, subject to conditions

Public Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013.

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A total of 26 public submissions were received in relation to the application. Of these submissions the following is provided:

- 19 submissions object to the proposal, 7 of which did not live within the immediate locality however visit friends and relatives of High Valley Close.
- 7 submissions support the proposal for the following reasons:
 - benefits the development will provide to families in the area
 - provides purpose built quality child care centre
 - more availability for parents to provide flexibility in available days
 - creates jobs and stimulates the local economy.

Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the Environmental Planning and Assessment Act 1979.

A summary of the submissions objecting to the proposal is detailed below.

1. ***Amenity impacts – increase traffic, noise and light, rubbish removal and other required commercial traffic – should be located in a business park where people work. Time for Council to change zonings of these properties to ban commercial operations/large gatherings like child care centres and churches to protect your citizens.***

Comment

A comprehensive assessment has been undertaken in accordance with the matters for consideration under s4.15 of the EP&A Act, and subject to the architectural plans, associated reports and conditions in relation to the identified matters the proposal is deemed appropriate development for the site.

A child care facility is a permissible use in the zone, 7(c2) Conservation and Scenic Protection, Scenic Protection – Rural Small Holdings under Interim Development Order No. 122. The proposal complies with *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the associated Childcare Planning Guidelines.

The site is well positioned being located with a frontage to Central Coast Highway, a main road through the locality and is on a bus route with bus stops located near the site, and a frontage to High Valley Close to provide safe vehicle and pedestrian access to the proposed facility. Traffic impacts have been satisfactorily addressed with the Traffic and Parking Study by Seca Solutions and the proposal is supported on traffic grounds by TfNSW and Council's Traffic and Transport Engineer.

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The proposal is suitably located on the site, provides acoustic measures to minimise noise impacts and has a more than satisfactory level of landscaping along site boundaries and is not considered to have adverse privacy and amenity impacts on surrounding residential development. The proposal is required to comply with the acoustic measures (including the design and height of acoustic fencing) and recommendations stated in the Acoustic Report by PKA Acoustic Consulting, **Refer Conditions 3.10, 4.11, 5.20.**

2. *Amenity and safety impacts on wildlife that visit the valley and are located on bushland slopes to the north from increase traffic and noise.*

Comment

There is no documentary evidence that suggest wildlife in the area will be impacted by the proposal. The proposal is not located on the edge of bushland that require acoustic and microclimate reports to address noise that will be increased under prevailing conditions. The proposal has a significant distance to the bushland slopes which occur to the rear of the properties located at the northern end of High Valley Close, a variable distance approximately 400m-550m from the northern boundary of the subject site. The proposal will implement acoustic measures and acoustic fencing to minimise noise impacts to residents including wildlife that may live and visit within the valley.

3. *Site contamination from previous land uses*

Our property is adjacent to the land in question which was an RMS depot during the construction of the Central Coast Highway. I am aware that there were various potentially hazardous building materials buried on the site during construction. RMS cleanup following closure of the depot appeared to consist of merely grading the ground until things disappeared. I am also aware the previous owner did have underground diesel tanks to provide for his tractors. Therefore, it should be treated as a former service station and the area should be checked for contamination from the underground tank.

Comment

A detailed assessment has been undertaken in accordance with State Environmental Planning Policy No 55 – Remediation of Land and Part 4 of the Child Care Planning Guideline 2017, Regulation 25 Soil Assessment of the Education and Care Services National Regulations.

A soil assessment has been undertaken and a site audit statement and report prepared for the proposal. Refer detailed comments under SEPP 55 – Remediation of Land. In summary, the site audit statement and report were prepared by an NSW EPA Accredited Contaminated Site Auditor who confirmed the site has been comprehensively assessed in relation to soil, groundwater and residual potential for vapour intrusion and concludes that the site is suitable for use as a child care centre.

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- 4. *The child care centre will be the only solely commercial premises on the northern side of the Central Coast Highway between Tumbi Road and Erina Heights. This reinforces the total inappropriateness of the application as a buffer between 7(c2) Zone conservation areas and urban areas and its consistency with the character and scenic quality of the area.***

Comment

The zoning of the land identified in Point 1 permits non-residential uses in the 7(c2) zone. The proposal is consistent with the character and scenic quality of the area as detailed within this report. The proposal complies with the design quality principles of the Childcare Planning Guidelines.

The photomontage provided within the architectural plans clearly shows the building provides a level of façade detailing, building articulation with simple roof forms, materials and finishes that sits comfortably on the site and does not detract from the building forms of surrounding development or visually impact on the scenic quality of the area. The proposal does not exhibit large signage or excessive bright colours that detract from the character of the locality.

The proposal is considered to have appropriate context and compatibility within the zone and surrounding locality providing a proposal that has a building height, setbacks to boundaries and extensive landscaping along site boundaries consistent with adjoining rural residential and low-density residential development. The design of the building and site works minimises earthworks and disturbance to the site and is considered to appropriately respond to characteristics, topography and natural features of the site.

The proposal is not the only non-residential use located on the northern side of the Central Coast Highway and Tumbi Road as indicated below:

To the west:

- Several objectors state they walk to the Veterinary Hospital located on the corner of Okanagan Close and the Central Coast Highway approximately 125 metres to the west of the subject land.

To the east:

- 8 Old Tumbi Road, Wamberal – corner of Tumbi Road and Central Coast Highway – place of public worship – land zoned R2 Low Density Residential under Gosford LEP 2014.
- 1 Reads Road Wamberal – corner of Reads Road and Central Coast Highway – child care facility – land zoned R2 Low Density Residential under Gosford LEP 2014.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

- 759C and 759 The Entrance Road Wamberal – access off Central Coast Highway – wholesale plant nurseries – land zoned 7c2 under IDO 122.
- 729 The Entrance Road Wamberal – car park / commercial premises - land zoned R2 Low Density Residential.

In each instance the above developments have setbacks, a level of landscaping and a streetscape consistent with surrounding residential developments. Notwithstanding this, the proposal has been considered on its merits and is supported. However, the proposal is consistent in its design approach to these existing non-residential developments. The landscaping components of the development feature high quality landscaped gardens and other areas of soft vegetation and new trees. The proposal provides good streetscape amenity.

5. *Traffic impacts, increased traffic volumes and safety concerns:*

- a. By carer for use of electric wheelchair by resident (spouse of carer) with a disability with an increase in traffic from the proposed child care facility. Resident exercises in the cul-de-sac and visits neighbours via the road (High Valley Close)***

Comment

Council is foremost concerned with all users of High Valley Close pedestrians and motorists and acknowledges the health issues raised by the residents, the need for respite care and the toll that is placed on the residents and their families in dealing with a significant disability.

High Valley Close is a local residential road providing a single lane of travel in both directions and a width in the order of 9 metres. It is a no through road and operates under the posted speed limit of 50 km/hr. There are no footpaths or bicycle lane provided along its length however street lighting is provided at its intersection with the Central Coast Highway.

In accordance with Transport for NSW Centre for Road Safety in NSW electric wheelchairs and mobility scooters do not require registration or third-party insurance or a license. A motorised wheelchair user is generally considered to be a pedestrian and must comply with the NSW Road Rules that apply to pedestrians. To ensure motorised wheelchairs can mix safely with other pedestrians, they must meet the requirements of NSW Road Rules 2008. A user must not cause a traffic hazard by moving into the path of a driver and not unreasonably obstruct the path of another driver or pedestrian. Provided that the safety rules listed above are met, a motorised wheelchair may be used on a footpath and on a nature strip. If the user is forced to use roads, travel on quieter streets, keep to the side and face oncoming traffic wherever possible.

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The assessment of the traffic and parking impacts by Seca Solution does not indicate that the proposal will result in the traffic coming down and turning in the cul-de-sac on a regular basis.

The assessment of the proposal considers there will be minimal (or nil) additional movements using the cul-de-sac at the end of High Valley Close. The majority of trips to and from the proposal will be destined for Central Coast Highway and the car parking area has capacity to cater for the required car parking and vehicle movements onsite.

- b. Queuing - cars stacking will block entrances for residents of High Valley Close and emergency services.***

Comment

The proposal provides on-site parking for 41 vehicles; and this complies with development guidelines in Gosford Development Control Plan 2013 Clause 3.9.5 Traffic and Parking and Chapter 7.1 Car Parking. Vehicles will circulate on the site in a clockwise direction maximising traffic flows and reducing delays at the carpark entry and potential for queuing externally of the site and therefore should not have impact or obstruct emergency vehicles attending properties along High Valley Close. The proposal is conditioned to provide 22 car spaces for staff with car spaces 10, 11 and 12 allocated to staff parking to reduce the turnover and reduce the likelihood of queuing within the immediate entry of the car park; ***Refer Conditions 2.2, 6.1.***

- c. Creates traffic conflict and adverse amenity impacts on the locality from an increase in traffic from the extra cars (500 plus) in High Valley Close. No traffic surveys were completed for afternoon peak.***

Comment

A comprehensive assessment of the increase in traffic to that currently experienced in High Valley Close has been undertaken, refer to the detailed discussion in the report under GDCP 2013, Chapter 3.9, Clause 3.9.5 Traffic and Parking. The proposal will not increase traffic by extra cars in the capacity of 500 plus as stated in submissions. The traffic modelling by Seca Solution based on the RTA/RMS Guide to Traffic Generating Developments and the more recent modelling/updated survey data undertaken for TfNSW by TEF Consulting, Validation Trip Generation Surveys for Child Care Centres dated September 2015 indicates that while High Valley Close currently operates at 2vph this will increase to 88vph for the morning and 72vph for the afternoon. These represent two-way movements, giving an additional 43 inbound / 43 outbound in the AM and 36 inbound / 36 outbound in the PM. Peak hours flow along High Valley Close will still operate within its environmental capacity.

The volume of opposing traffic along High Valley Close is negligible (2 per hour) therefore these movements will largely turn unopposed and without delay. These figures suggest that

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for the majority of the time, there will only be 1 vehicle turning right at any given time and without delay.

TfNSW survey supports the notion that trip generation associated with child centres more closely aligns with the morning peak hour of the surrounding road network and as such no survey data is provided for the evening peak where pick-ups are less concentrated and more spread out to that in the morning peak where there is a concentrated time line and less window of drop offs for parents to get to work.

d. Proximity to CC Hwy – danger to children if manage to get away from parents

Comment

The likelihood of a child (0-5 years old) becoming separated from a parent/carer and making their way towards the Central Coast Highway is considered to be extremely low. No more likely than any other educational facility. The facility will provide appropriate delineation of private and public spaces. Security fencing will be provided for the child care centre in a manner which will not be visually intrusive and integrated with proposed landscaping.

e. The loss of walking on High Valley Close because of increased traffic - Safety whether in a vehicle or as a pedestrian

Comment

The Traffic report states that the additional flows due to the development will have little impact on the Central Coast Highway through the locality with no change anticipated to the Level of Service.

Although the sight distance from the access driveway to the left is less than the requirement set by AS 2890, as the vast majority of drivers are expected to exit the site and turn left this negates the need for this sight distance requirement. The slower speed of a vehicle turning into High Valley Close will allow sufficient reaction time for a driver exiting right out of the driveway. Sight distances to the right are available.

f. Impact of the excess traffic that will be encountered at the roundabout off Okanagan Close when the already approved 80-place Child Care Centre is built on the corner of Old Gosford Road and the Central Coast Highway. The additional traffic will utilise both this roundabout and the roundabout at Ocean View Drive thus creating more strain on the traffic entering from Ocean View Drive.

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Comment

The submission refers to DA51671/2017 approved on 13 March 2019 by the Land and Environment Court for an 80-place child care centre at 612 The Entrance Road Wamberal with basement car parking accessed from Old Gosford Road. This development has not been constructed at this time.

The traffic impacts from the approved child care centre in Old Gosford Road are minimal and not of a significant scale that is likely to have a detrimental and/or cumulative impact on the level of service or safety of the road network should both facilities operate.

The Old Gosford Road roundabout has sufficient capacity to cater for the relatively low traffic generation of both child care facilities. The Ocean View Drive roundabout would operate at a lower level of service, however still be able to accommodate the additional traffic generation from both developments.

g. Attached media articles on the following:

- ***Dangers of child care centres on highway intersections prepared by Wamberal Community Group December 2017 to an adjacent child care development. The loss of walking on High Valley Close because of increased traffic - Safety whether in a vehicle or as a pedestrian***
- ***Sophie Delizio accident on busy main road February 2016***

Comment

The media articles are noted.

The assessment of the traffic impacts has been considered and the proposal is supported by Transport for NSW and Council's Transport and Traffic Engineer.

The increase in traffic generation associated with the proposal is considered to have minimal impact on the environmental capacity of the existing road system or impact on road safety, specifically in relation to vehicular and pedestrian movements.

6. Compliance with Chapter 3.9 Child Care Centres of Gosford Development Control Plan 2013

Comment

A comprehensive assessment under Chapter 3.9 Child Care Centres has been undertaken. Despite issues raised in submissions the areas of non-compliance are relatively minor. For a detailed assessment refer to this section of the report.

In summary, the relevant clauses are identified as follows:

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

- Clause 3.9.3d Location - Where possible, the site should be adjacent to a public reserve which and separated from residential activities.
 - The site does not adjoin a public reserve. The siting and design of the proposed child care centre within the subject land together with the proposed building setbacks to boundaries, landscaping and fencing will ensure that the proposed development does not overlook or adversely impact the visual privacy of neighbouring residential properties.
 - Acoustic privacy will be achieved by compliance with the acoustic report prepared for the proposal and compliance with conditions of consent, refer Condition 3.10, 4.11, 5.20.
- Clause 3.9.5.2e Traffic and Parking – a separate entry/exit is required.
 - The proposal provides 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. The carpark layout allows for several cars to queue within the site and the first section of the carpark is dedicated to staff parking to reduce potential conflicts between vehicle movements.
 - Once cars enter the site, they should be able circulate with minimal delays. Vehicles will enter and exit the site in a forward direction.
 - The increase in traffic generation associated with the proposal is considered to have minimal impact on the environmental capacity of the existing road system or impact on road safety, specifically in relation to vehicular and pedestrian movements or have a detrimental amenity impact on residences within High Valley Close.

7. Evacuation is an issue

Comment

In accordance with Part 4 of the *Child Care Planning Guideline 2017, Regulation 97 & 168 of Education and Care Services National Regulations* requires the consideration of 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. This is required in order to obtain a Service Approval from the NSW Regulatory Authority for early childhood Education, Refer Condition 1.3.

The proposal will carry out and provide:

- 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.
- An 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

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

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 provided at building completion that will give occupants the location of the evacuation routes and emergency meeting area.
- 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.

8. Hours of Operation – the proposal must strictly adhere to the proposed hours of operation to minimise noise impacts on surrounding residential development

Comment

In accordance with the Matters for Consideration in Part 3 of the Child Care Planning Guideline amenity impacts on neighbouring residential developments in relation to hours of operation have been considered.

Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The proposal complies with the core hours.

The following conditions of consent are recommended for restrictions on hours of operation and holding special event activities on the site:

Condition 6.2 restricts hours of operation to:

- Monday to Friday: 7:00am to 6:00pm
- Saturday and Sunday (including public holidays): Closed

Waste servicing is to avoid peak drop off and pick up period. It should be noted that the hours of operation do not include garbage collection which may operate outside these hours.

Condition 6.3 restricts special event activities listed below:

- There shall be no “whole of centre” event activities held on the site at any time throughout the year. Large special event activities such as Christmas end of year concert and Easter events and the like that are likely to generate additional parking demands are to be held off site.
- Small special event activities such as grandparents’ day, mothers’ day, graduation day and the like may occur onsite and shall be staggered by room over the day or the week depending on booked attendance for that week to ensure car parking

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

can be managed onsite. No reliance is to be given to on-street parking for these events.

9. Social and economic impacts.

- a. Economic competition on existing child care centres in the locality is unacceptable.**
- b. There are sufficient child care facilities locally, many with long-term vacancies.**

Comment

The commercial viability or competing interests of neighbouring child care centres is not a matter for consideration under s. 4.15 of the EP&A Act. Council cannot be anti-competitive or restrictive on these grounds. The market should dictate supply and demand.

Notwithstanding this, the the application provides a statement from the director of a local centre in Terrigal which indicates it has 726 children on its waiting list, there is a high demand for child care for families, and the need for strong early childhood services within the Gosford Region.

The assessment of the proposal has considered the relevant matters for consideration under section 4.15 of the EP&A Act. In accordance with clause 4.15(b) the likely impacts of the development including social and economic impacts in the locality have been considered. The proposal is considered to provide a positive contribution to the social and economic benefits to the area through employment during construction, staffing and support services associated with the centre and will provide services to meet increasing demand from residents. The proposal is recommended for approval.

10. Significant monetary cost to owners of the surrounding properties. Case studies have been done about the destruction of amenity and value of properties that surround child care centres.

Comment

There is no documentary evidence that suggests the proposal will impact on property values in the area.

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:

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

a) Built Environment

The subject site is zoned 7(c2) Conservation and Scenic Protection (Scenic Protection Rural Small Holdings) under IDO122 and adjoins residential developments to the northern and eastern site boundary comprising single dwellings, Central Coast Highway to the southern boundary and High Valley Close to the western boundary.

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 and GDCP 2013 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is single-storey and is not considered to have any adverse impacts on scenic quality or the streetscape of High Valley Close and will sit below the level of the main road, Central Coast Highway, as it will be screened from the public domain by site fencing and landscaping.

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 22 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.

The application provides a statement from the director of a local child care facility in Terrigal which indicates it has 726 children on its waiting list, there is a high demand for child care for

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

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 director states there is evidence through the Australian Early Development Census - Community Profile 2018 indicating the need for strong early childhood services within the Gosford Region.

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.

Suitability of the Site for the Development:

The site 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. 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 or identified as bushfire prone land. 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

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.

Political Donations

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

Conclusion

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 (contd)

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 as a deferred commencement consent** 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 Deferred Commencement Conditions of Consent DA58066 2 High Valley Close Wamberal	D14246509
2	Architectural Plans DA58066 2 High Valley Close Wamberal	D14240889
3	Landscape Plans DA58066 2 High Valley Close Wamberal	D14078377
4	Child Care Planning Guideline Compliance Table DA58066 2 High Valley Close Wamberal	D14246471
5	GDCP 2013 Compliance Table Chapter 3.9 Child Care Centres DA58066 2 High Valley Close Wamberal	D14246487
6	Civil Engineering Plans & Soil and Water Management Plan DA58066 2 High Valley Close Wamberal	D14078490

Attachment 1**Draft Conditions of Consent**

Development Application: DA58066/2020

Proposal: Centre Based Child Care Facility on Proposed Lot 1 in the
Realignment of the Boundary between Lots 70 & 71 of DP1215036
Property: Lot 70 DP1215036
2 High Valley Close WAMBERAL

DEFERRED COMMENCEMENT

This consent does not operate until the following have been satisfied:

- a) Completion and registration with the NSW Land Registry Services of the boundary realignment between Lot 70 DP1215036 and Lot 71 DP1215036.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within twenty-four (24) 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: Thrum Architects, Project No. 19008

Drawing	Description	Issue	Date
DA-000	Cover Sheet	E	12/02/2020
DA-001	Site Analysis	E	12/02/2020
DA-002	Master Plan	E	12/02/2020
DA-003	Floor Plan	F	28/05/2020
DA-004	Roof Plan	E	12/02/2020
DA-005	Car Park Plan	E	12/02/2020
DA-006	Elevations	E	12/02/2020
DA-007	Building Sections, A, B & C	E	12/02/2020
DA-008	Site Long Sections 1 & 2	E	12/02/2020
DA-009	Shadow Diagrams	E	12/02/2020
DA-010	Perspective Renders	E	12/02/2020

SK-013	Excavation Plan	B	06/10/2020
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Landscape Plans by: Conus Landscape Architects, Project No. 19.33

Drawing	Description	Issue	Date
LDA00	Cover Sheet	B	21/01/2020
LDA01	Site Analysis	B	21/01/2020
LDA02	Landscape Concept Master Plan	B	21/01/2020
LDA03	Plant Schedule & Details	B	21/01/2020

Engineering Plans by: RGH Consulting Group, Project No. 20190522

Drawing	Description	Issue	Date
DA.1.01	Cover Sheet and Locality Plan	E	June 2020
DA.2.01	Soil and Water Management Plan	E	June 2020
DA.2.02	Soil and Water Management Details – Sheet 1 of 2	D	June 2020
DA.2.03	Soil and Water Management Details – Sheet 2 of 2	A	June 2020
DA.3.01	Concept General Arrangement Plan	C	03/02/2020
DA.3.02	Concept Stormwater Management Details	B	31/01/2020
DA.4.01	Concept Carpark Plan	C	03/02/2020
DA.4.02	Concept Driveway Longitudinal Section	B	31/01/2020

Supporting Documentation

Document	Prepared By	Date
Acoustic Report	PKA Acoustic Consulting, Ref 11700 R01v1	17/01/2020
Architectural Report	Thrum Architects Pty Limited, Ref: 19008	03/01/2020
Childcare Report - Design Compliance Criteria Assessment	Thrum Architects Pty Limited	27/01/2020
Contaminated Site Audit Report	Phreatic Consulting, Ref 20014 SAR	15/05/2020
Geotechnical Report	Douglas Partners, Ref 83717.00 R.001.Rev0	19/11/2019
Preliminary Site Contamination Report	Douglas Partners, Ref 83717.00.R.002.Rev0.FINAL	02/12/2019
Site Audit Statement	NSW EPA – Ref TNC145	25/05/2020
Traffic Parking and Access Report	Seca Solution, Ref P001629	23/01/2020
Waste Management Plan	Thrum Architects Pty Ltd	28/05/2020
Water Cycle Management Plan Report	RGH Consulting Group, Ref 20190522 R01 Rev C	May 2020

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

- 1.3. Prior to the commencement of the operation of the child care facility obtain a Service Approval from the NSW Regulatory Authority for early childhood education.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000 that must detail:
 - a) Provide 22 staff car spaces. Car spaces 10, 11 and 12 to be designated for staff car spaces to reduce turnover of vehicles in these spaces and further reduce any likelihood of queuing within the immediate entry of the car park.
- 2.3. Pay to Council a contribution amount of **\$32,550.00**, 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.

The contribution amount is to be paid before any works authorised under a Complying Development Certificate commences and the developer is to provide the principal 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](#)

- 2.4. Submit to the Accredited Certifier, responsible for issuing a construction certificate for works within the development properties, lighting design drawings approved by an accredited electrical designer for the car park and public places. The design must be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: *Lighting for roads and public spaces* and AS/NZS 4282: *Control of the obtrusive effects of outdoor lighting*. The design is to include the provision of current best practice energy efficient lighting.
- 2.5. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The

application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- a) Construction of concrete footpath 1.5 metres wide across the frontage of the site in High Valley Close from the existing footpath located in Central Coast Highway to the vehicular entry to the development.
- b) Construction of an industrial/commercial vehicle access crossing that has a minimum width of 6.5 metres at the road gutter crossing and minimum 6.5 metres at the property boundary, together with construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- c) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- d) Removal and replacement of all damaged kerb and gutter with new kerb and channel.
- e) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary.
- f) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation. Works shall include (but not be limited to) extending the piped street stormwater downhill of the proposed vehicle crossing and construction of a new concrete headwall, and the relocation / reconstruction of the existing kerb inlet pit uphill of the proposed vehicle crossing.
- g) Installation of roadside furniture and safety devices as required by design e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.
- h) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.

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

- 2.6. 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.

- 2.7. Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
 - c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
 - d) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design
 - e) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in High Valley Close.
 - f) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

- 2.8. Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

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

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

- 2.10. 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.
- 2.11. 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.
- 2.12. Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.

If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Accredited Certifier.

- 2.13. Submit a dilapidation report to Council, the Accredited Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site.

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

3. 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. 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. 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.

- 3.7. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.8. 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.

- 3.9. 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:

- 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*.
- 3.10. An acoustic consultant that meets the technical eligibility criteria for membership with the Association of Australasian Acoustical Consultant must provide written confirmation that all recommendations listed in the *DA Acoustic Report*, 17 January 2020, PKA Acoustic Consulting are shown on the detailed design plans.

4. DURING WORKS

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

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

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

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

- 4.4. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.5. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.6. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.7. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Thrum Architects Pty Ltd, dated 28 May 2020.
- 4.8. 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.
- 4.9. 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. All waste material must be disposed of to an approved waste management facility, and receipts of the disposal must be kept on-site.
- 4.10. Implement all soil and water management control measures and undertake works in accordance with the approved Soil and Water Management Plan Sheet Number DA.2.01 Revision E, June 2020, Sheet Number DA.2.02 Revision D, June 2020 and Sheet Number DA.2.03 Revision A, June 2020 prepared by RGH Consulting Group. 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).

- 4.11. Implement all recommendations of the DA Acoustic Report, 17 January 2020, PKA Acoustic Consulting.
- 4.12. No soils to be imported to the subject site except for Virgin Excavated Natural Material.
- 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).
- 4.14. Incorporate the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
 - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*.
 - b) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
 - d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development.
 - e) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.4. Provide certification to the accredited certifier prior to occupation of the premises that the child care centre is constructed in accordance with the requirements of the Child Care Planning Guideline of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Education and Care Services National Regulations.
- 5.5. Comply with all licensing/approval requirements of the NSW Regulatory Authority for early childhood education.
- 5.6. Complete landscaping in accordance with the approved Landscape Plan.

- 5.7. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.8. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.9. 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.
- 5.10. 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.
- 5.11. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.12. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.13. Amend the Deposited Plan (DP) to:
 - 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
 - Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system 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.

- 5.14. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.15. 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.
- 5.16. 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.
- 5.17. 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*
- 5.18. Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au
- 5.19. An acoustic consultant that meets the technical eligibility criteria for membership with the Association of Australasian Acoustical Consultant must provide written confirmation that all recommendations listed in the DA Acoustic Report, 17 January 2020, PKA Acoustic Consulting have been complied with.
- 5.20. Provide certification from a geotechnical engineer to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.

6. ONGOING OPERATION

- 6.1. Restrict the maximum number of children attending the child care facility to one hundred and three (103) children at any one time. Restrict the maximum number of staff employed at any one time with the proposed use to twenty-two (22). Any increase in the number of children or staff will require separate application.
- 6.2. Restrict the hours of operation of the use to those times listed below:
 - Monday to Friday: 7:00am to 6:00pm
 - Saturday and Sunday (including public holidays): Closed

Any variation to these hours is subject to the prior consent of Council.
- 6.3. Restrict special event activities on the site as listed below:
 - There shall be no "whole of centre" event activities held on the site at any time throughout the year. Large special event activities such as Christmas end of year concert, Easter hat parade and the like that are likely to generate additional parking demands are to be held off site.
 - Small special event activities such as grandparents' day, mothers' day, graduation day and the like may occur onsite and shall be staggered by room over the day or the week depending on booked attendance for that week to ensure car parking can be managed onsite. No reliance is to be given to on-street parking for these events.
- 6.4. The height of all outdoor play equipment is not to be higher than the boundary/acoustic fence and is to be located not less than 2m from the fence.
- 6.5. Maintain all works associated with the approved Landscape Plan for the lifetime of the development.
- 6.6. 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.
- 6.7. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.8. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
- 6.9. Maintain internal pavement and pavement marking.
- 6.10. Do not use amplified music or speakers external to the building.

- 6.11. Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.
- 6.12. Do not erect third party advertisement on or in conjunction with the proposed development.
- 6.13. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.14. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.15. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.16. Comply with all commitments as detailed in the Waste Management Plan signed by Thrum Architects Pty Ltd, dated 28 May 2020.
- 6.17. Locate the approved waste storage enclosure / area as indicated on Project No. 19008, Drawing Number DA-003, Revision F, dated 28 May 2020, prepared by Thrum Architects.
- 6.18. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.19. Mixed and recyclables bulk waste bins to be serviced at a suitable frequency to ensure waste storage availability at all times.
- 6.8. Mixed and recyclables bulk waste bins to be serviced by a private commercial waste contractor with a maximum 8.8 m MRV as referred to in the Traffic Report by SECA solutions dated 23 January 2020.

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
- Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

NOTE: The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

DEVELOPMENT APPLICATION

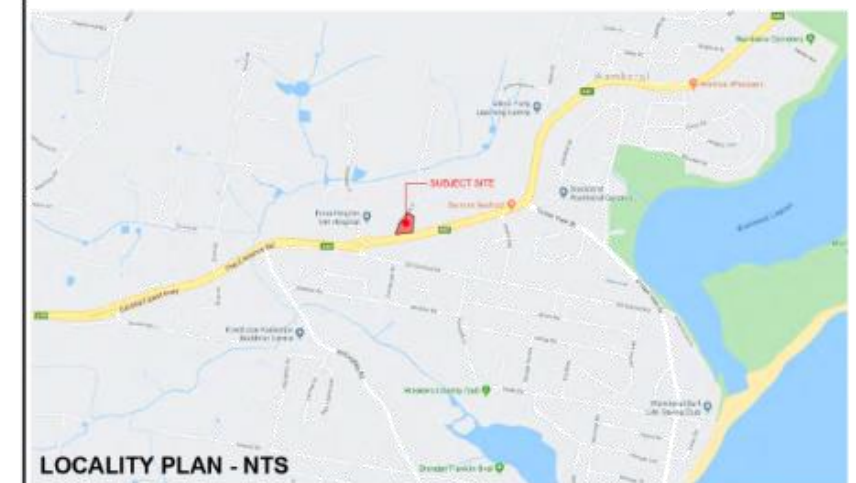
'2 HIGH VALLEY CLOSE, WAMBERAL' CHILDHOOD EARLY LEARNING CENTRE



DRAWING LIST

ARCHITECTURAL DRAWINGS

- DA-000 COVER SHEET
- DA-001 SITE ANALYSIS
- DA-002 MASTER PLAN
- DA-003 FLOOR PLAN
- DA-004 ROOF PLAN
- DA-005 CARPARK PLAN
- DA-006 ELEVATIONS
- DA-007 BUILDING SECTIONS A, B & C
- DA-008 SITE LONG SECTIONS 1 & 2
- DA-009 SHADOW DIAGRAMS
- DA-010 PERSPECTIVE RENDERS



LOCALITY PLAN - NTS

Client:
HIGH VALLEY HOLDINGS PTY LTD

CHILDHOOD EARLY LEARNING CENTRE

2 HIGH VALLEY CLOSE
WAMBERAL



COVER SHEET

19008

Scale: 1:100 @ A1

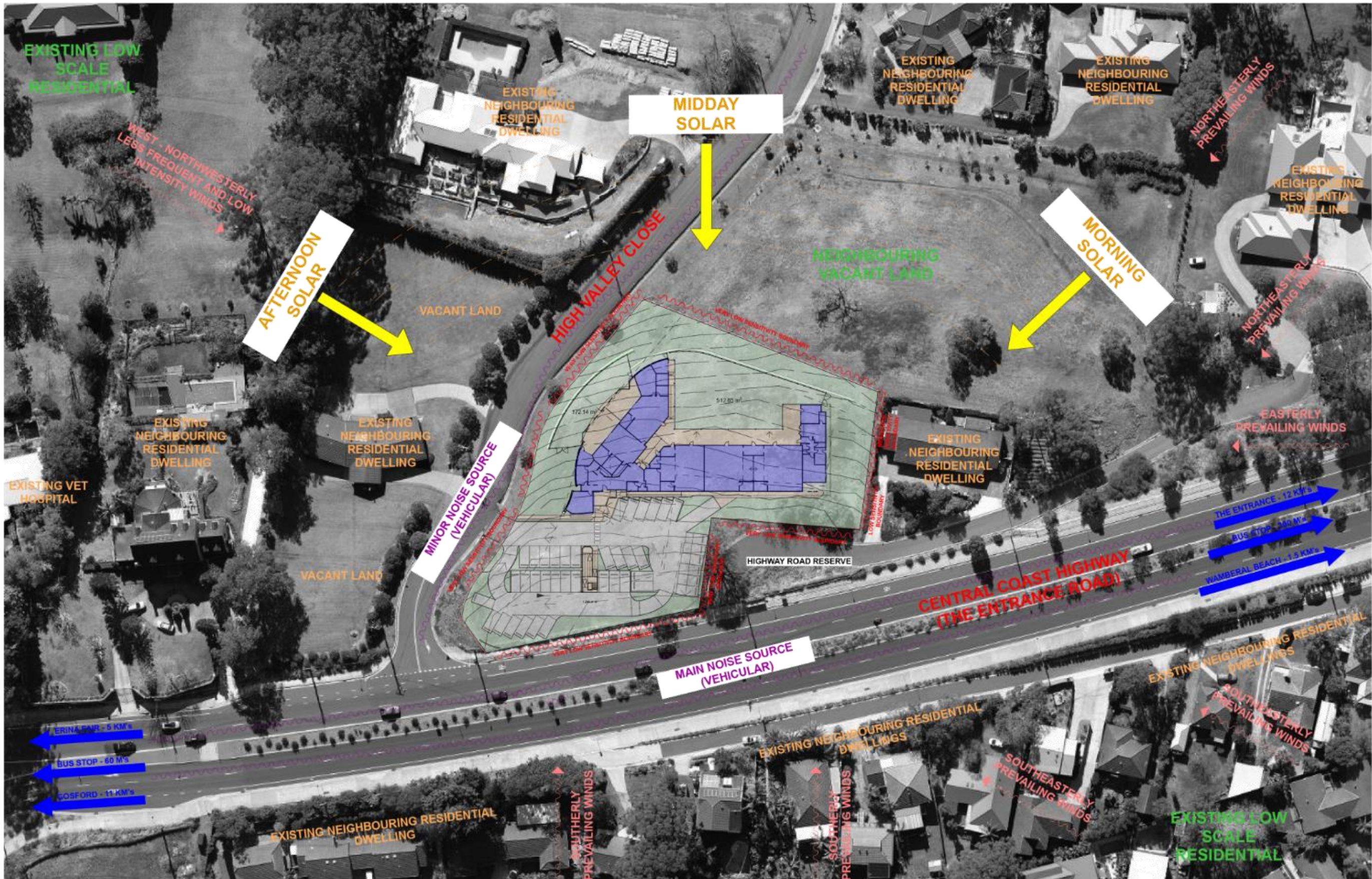
Wednesday, 12 February 2020

DA-000 rev E

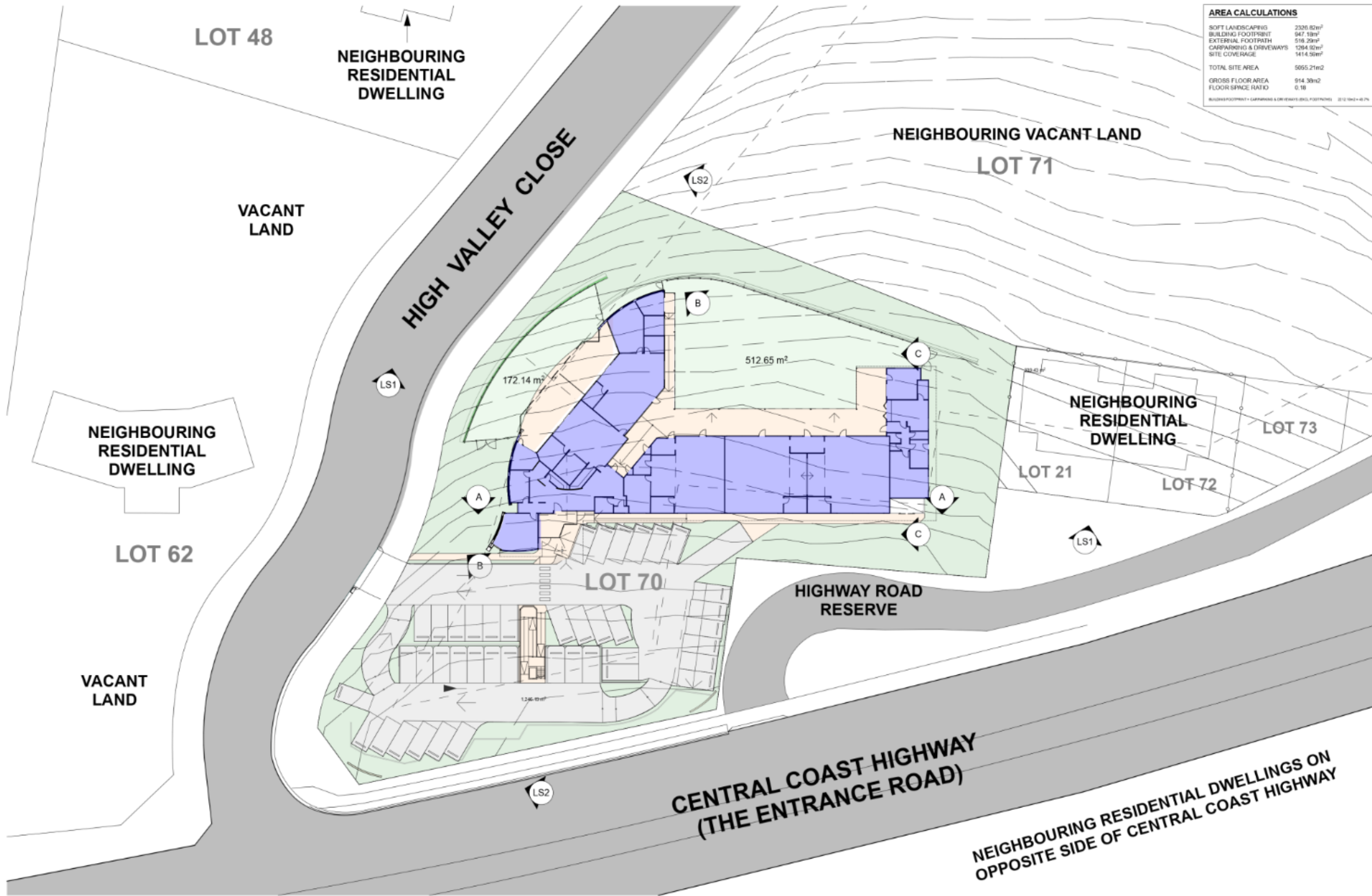
(NOT FOR CONSTRUCTION)

Thrum Architects Pty Ltd
Level 3, 80 Cleveland Street
Sydney NSW 2000
Tel: (02) 9550 4800
Fax: (02) 9550 1304
www.thrumarchitects.com.au

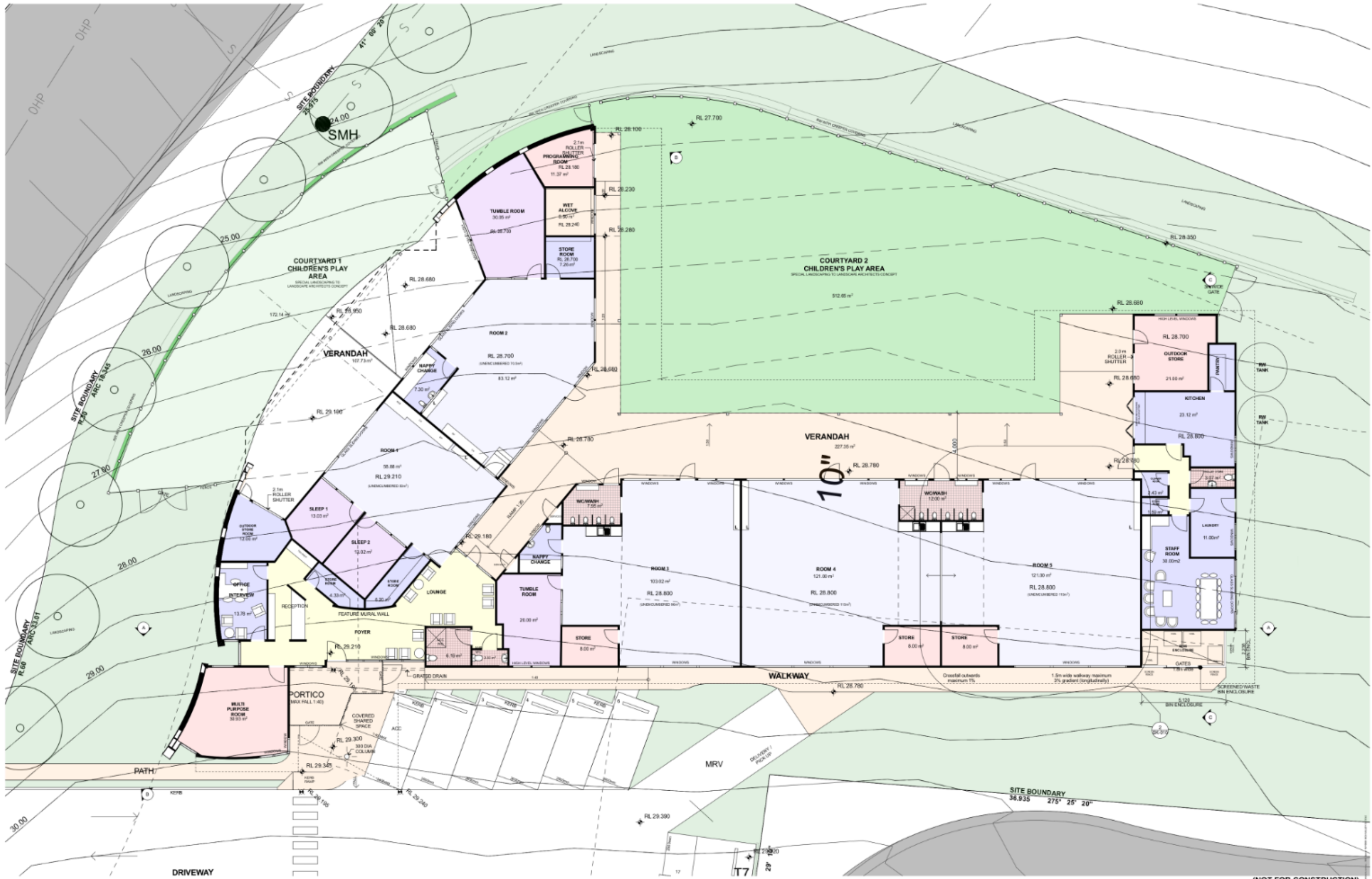




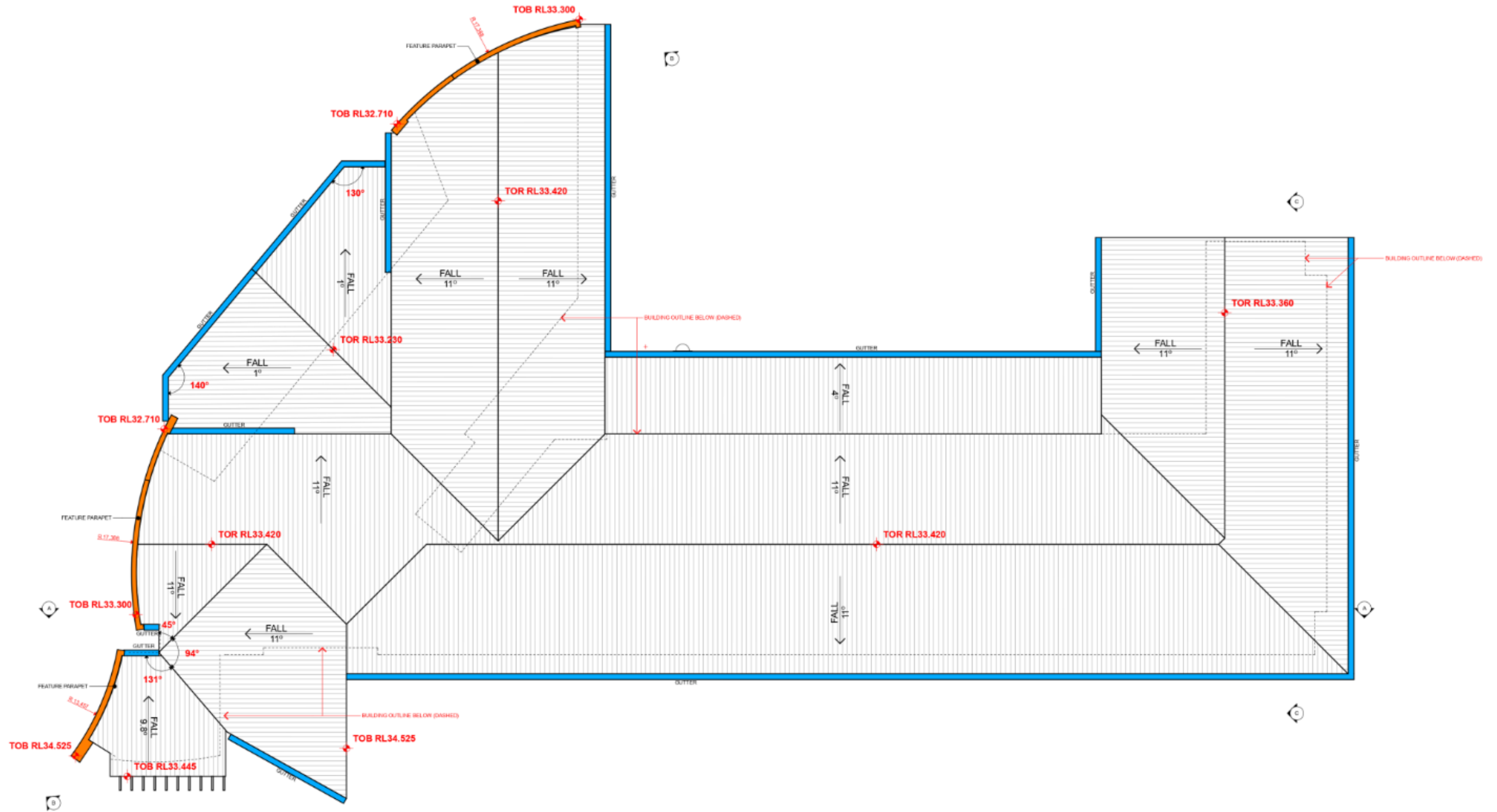
<p>Client: HIGH VALLEY HOLDINGS PTY LTD</p>	<p>CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE WAMBERAL</p>	<p>SITE ANALYSIS</p> <p>Scale: 1:100 @ A1</p> <p>Wednesday, 12 February 2020</p>	<p>19008</p> <p>DA-001 rev E</p>	<p>(NOT FOR CONSTRUCTION)</p> <p>Thrum Architects Pty Ltd Level 1, 80 Cleveland Street Sydney NSW 1585 ABN 62 629 482 000 NSW Council of Architects 80000 NSW Council of Engineers 100 000 000</p> <p>thrum</p>
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<p>Client: HIGH VALLEY HOLDINGS PTY LTD</p>	<p>CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE WAMBERAL</p>		<p>MASTER PLAN</p> <p>Scale: 1:200 @ A1</p> <p>Wednesday, 12 February 2020</p>	<p>19008</p> <p>DA-002 rev E</p>	<p>(NOT FOR CONSTRUCTION)</p> <p>Thrum Architects Pty Limited Level 3, 80 Cleveland Street Sydney NSW 2000</p> <p>ABN 62 629 483 483 Tel: 02 9399 1304 Fax: 02 9399 1304</p> <p>www.thrum.com.au</p> <p>MEMBER Board of Architects 90223 MEMBER Board of Engineers 100 800 000</p>
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<p>Client: HIGH VALLEY HOLDINGS PTY LTD</p>	<p>CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE WAMBERAL</p>	<p>FLOOR PLAN</p> <p>Scale: 1:100 @ A1</p> <p>Thursday, 28 May 2020</p>	<p>19008</p> <p>DA-003 rev F</p>	<p>(NOT FOR CONSTRUCTION)</p> <p>Thrum Architects Pty Limited Level 5, 301 Glenmore Street Sydney NSW 2000</p> <p>NSW 02 9550 4400 NSW 02 9550 1324</p> <p>www.thrumarchitects.com.au www.thrumarchitects.com.au</p> <p>NSW Board of Architects: 95500 NSW 02 9550 2000</p> 
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<p>Client: HIGH VALLEY HOLDINGS PTY LTD</p>	<p>CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE WAMBERAL</p>		<p>ROOF PLAN</p> <p>Scale: 1:100 @ A1 Wednesday, 12 February 2020</p>	<p>19008 DA-004 rev E</p>	<p>(NOT FOR CONSTRUCTION)</p> <p>Thrum Architects Pty Limited Level 3, 80 Cleveland Street Sydney NSW 2000</p> <p>ABN 62 629 483 000 NSW 1204</p> <p>www.thrum.com.au</p>
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(NOT FOR CONSTRUCTION)

Client:
HIGH VALLEY HOLDINGS PTY LTD

CHILDHOOD EARLY LEARNING CENTRE

2 HIGH VALLEY CLOSE
WAMBERAL



CARPARK PLAN

19008

Scale: 1:100 @ A1

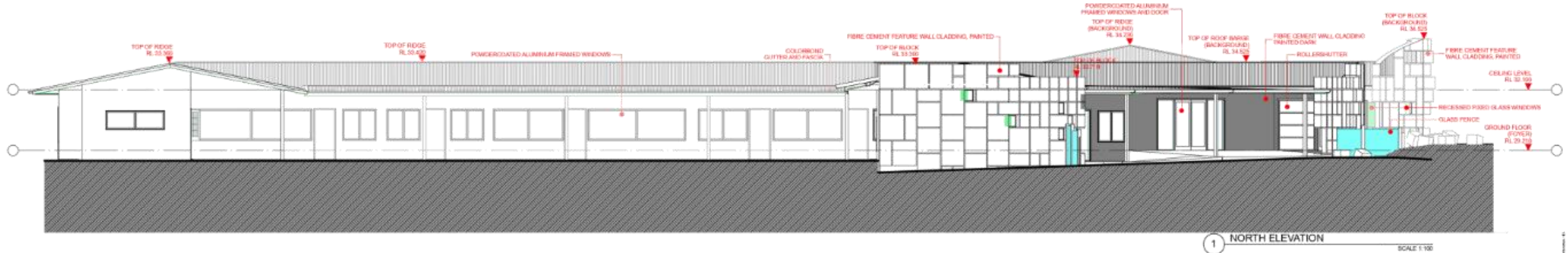
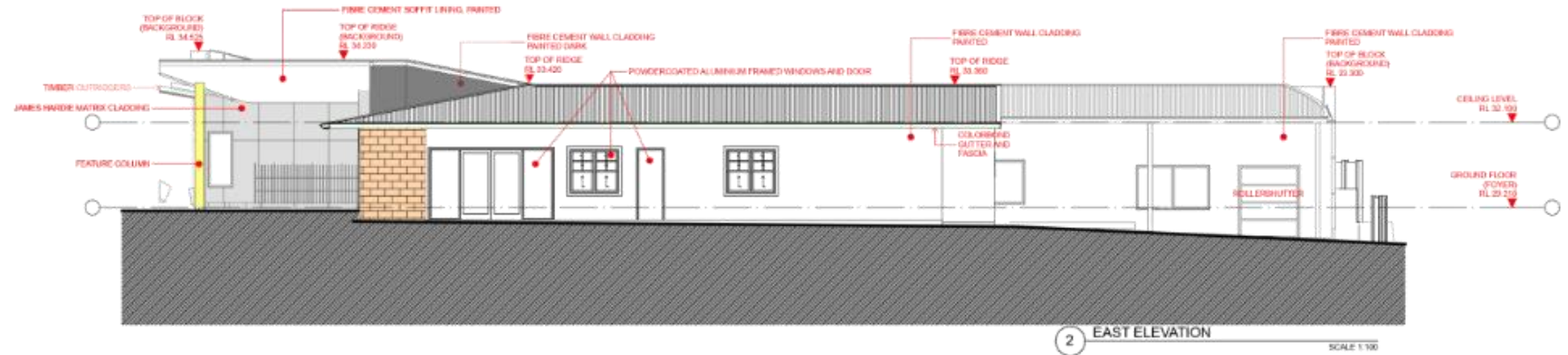
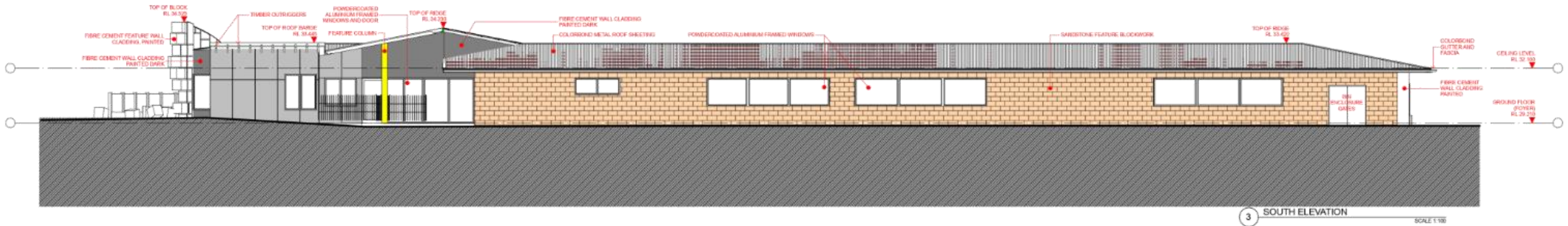
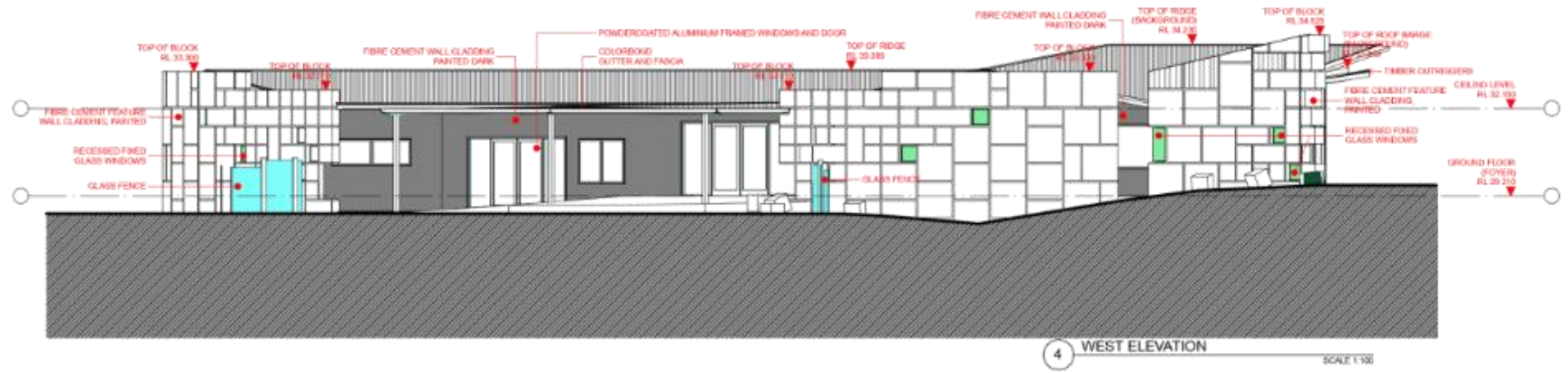
Wednesday, 12 February 2020

DA-005 rev E

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NSW Board of Architects: 98223
NSW Board of Engineers: 100-80-000-000



Client:
HIGH VALLEY HOLDINGS PTY LTD

CHILDHOOD EARLY LEARNING CENTRE

2 HIGH VALLEY CLOSE
WAMBERAL



ELEVATIONS

19008

Scale: 1:100 @ A1

Wednesday, 12 February 2020

DA-006 rev E

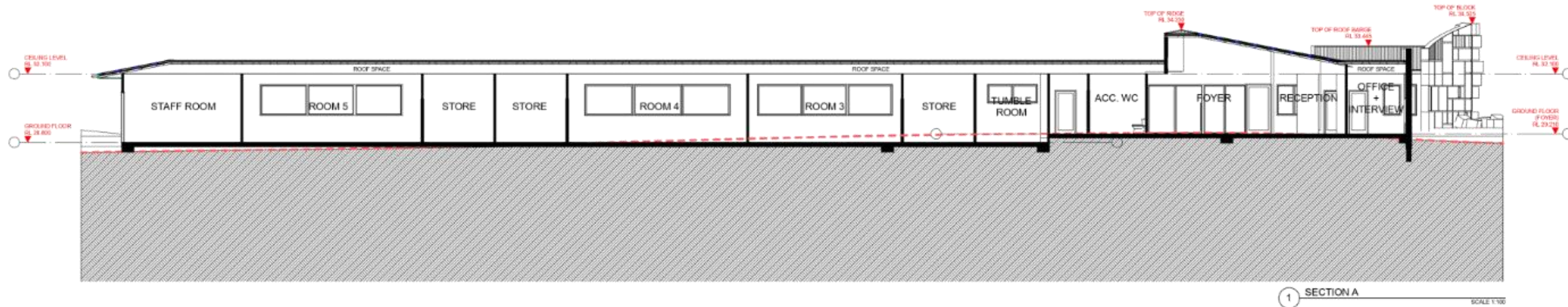
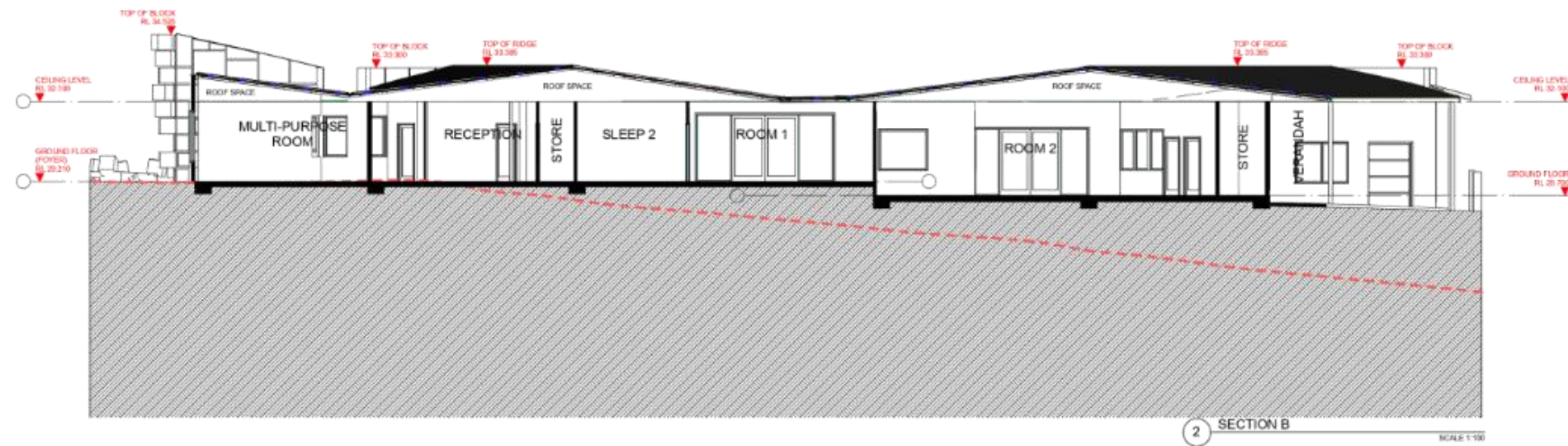
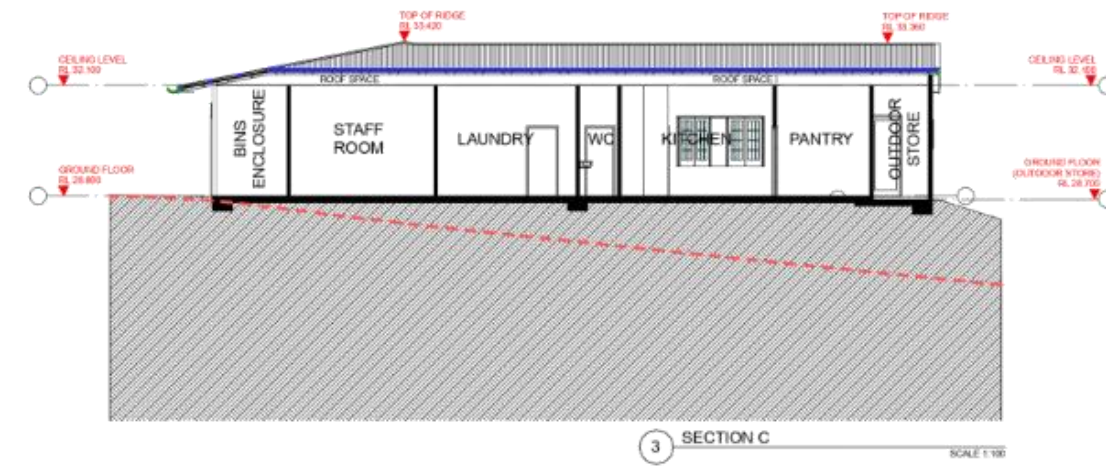
(NOT FOR CONSTRUCTION)

thrum
ARCHITECTS

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Client:
 HIGH VALLEY HOLDINGS PTY LTD

CHILDHOOD EARLY LEARNING CENTRE
 2 HIGH VALLEY CLOSE
 WAMBERAL



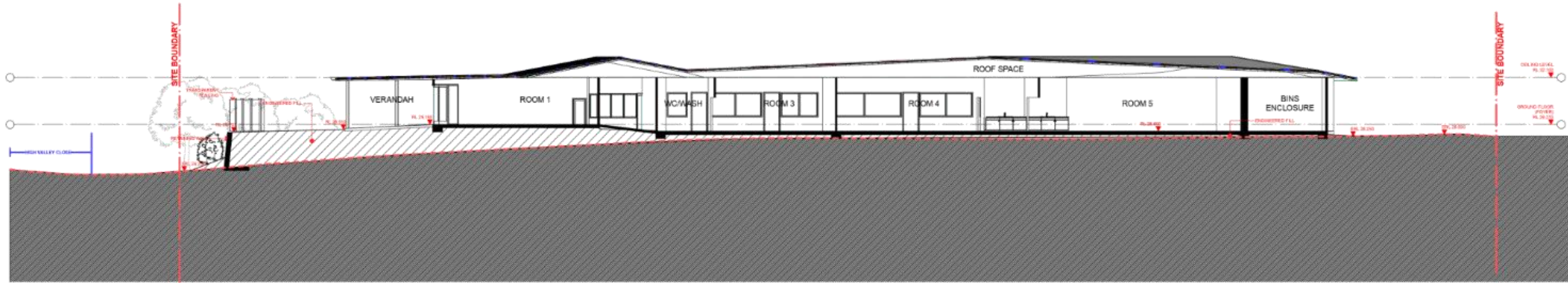
BUILDING SECTIONS A, B & C

19008

Scale: 1:100 @ A1

Wednesday, 12 February 2020

DA-007 rev E



2 LONG SECTION 2 SCALE 1:100



1 LONG SECTION 1 SCALE 1:100

Client:
HIGH VALLEY HOLDINGS PTY LTD

CHILDHOOD EARLY LEARNING CENTRE

2 HIGH VALLEY CLOSE
WAMBERAL



SITE LONG SECTIONS 1 & 2

19008

Scale: 1:100 @ A1

Wednesday, 12 February 2020

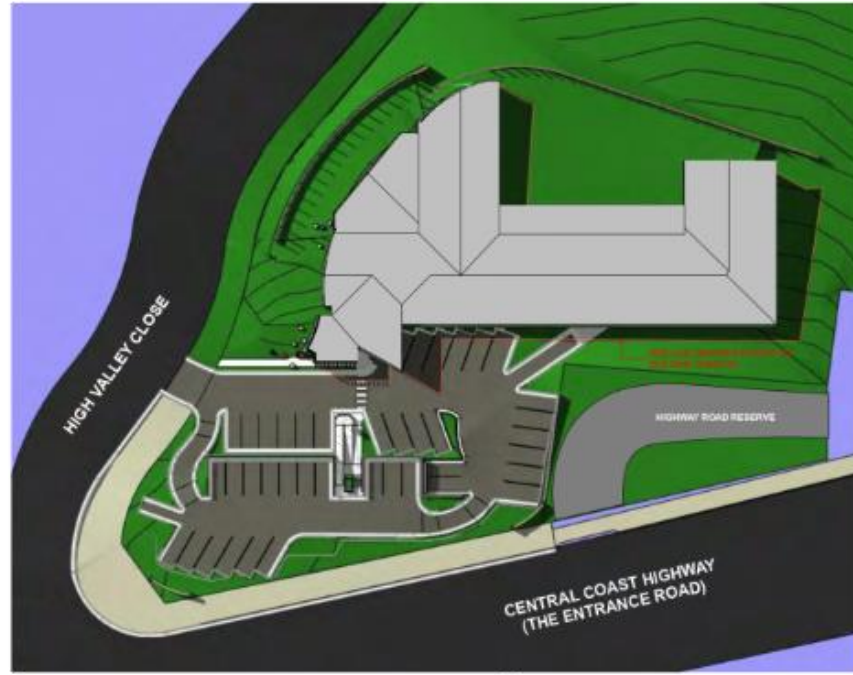
DA-008 rev E

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Sydney NSW 2000
ABN 62 629 483 000
NSW 15704



NSW Board of Architects 60000
08 91 376 607 ext 100 800 800 000



6 AUTUMN EQUINOX - 3pm
MARCH 21 NTS



5 AUTUMN EQUINOX - 12pm
MARCH 21 NTS



4 AUTUMN EQUINOX - 9am
MARCH 21 NTS



3 WINTER SOLSTICE - 3pm
JUNE 21 NTS



2 WINTER SOLSTICE - 12pm
JUNE 21 NTS





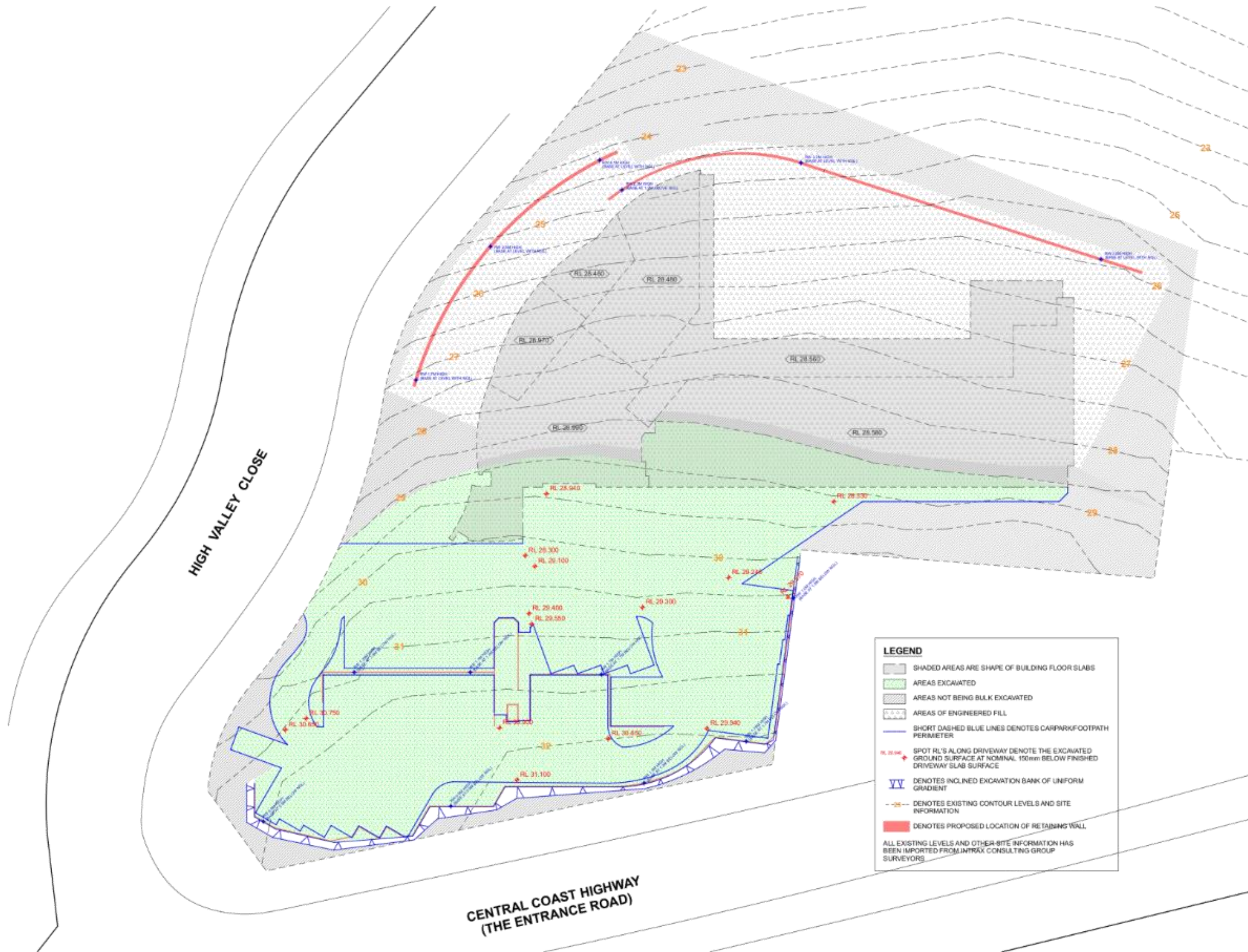
1 WINTER SOLSTICE - 9am
JUNE 21 NTS

<p>Client: HIGH VALLEY HOLDINGS PTY LTD</p>	<p>CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE WAMBERAL</p>		<p>SHADOW DIAGRAMS</p> <p>Scale: NTS @ A1 Wednesday, 12 February 2020</p>	<p>19008 DA-009 rev E</p>	<p>(NOT FOR CONSTRUCTION)</p> <p>Thrum Architects Pty Ltd Level 3, 80 Cleveland Street Sydney NSW 1585 Tel: (02) 9550 4820 Fax: (02) 9550 1204 www.thrumarchitects.com.au</p>
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(NOT FOR CONSTRUCTION)

<p>Client: HIGH VALLEY HOLDINGS PTY LTD</p>	<p>CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE WAMBERAL</p>		<p>PERSPECTIVE RENDERERS Scale: 1:75 @ A1 Wednesday, 12 February 2020</p>	<p>19008 DA-010 rev E</p>	<p>Thrum Architects Pty Ltd Level 3, 80 Cleveland Street Sydney NSW 1585 Tel: (02) 9550 4800 Fax: (02) 9550 1304 www.thrumarchitects.com.au www.thrumarchitects.com.au NEW South Wales Architect No: 60000 NSW Architect No: 100-000-000-000</p> 
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Client:
HIGH VALLEY HOLDINGS PTY LTD

CHILDHOOD EARLY LEARNING CENTRE

2 HIGH VALLEY CLOSE
WAMBERAL



EXCAVATION PLAN

19008

Scale: 1:200 @ A1

Tuesday, 6 October 2020

SK-013 rev B

(NOT FOR CONSTRUCTION)

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NSW Board of Architects: 95505
NSW Professional Code: 408-101-100-004

PROPOSED CHILDHOOD EARLY LEARNING CENTRE



SOURCE: GOOGLE MAPS

LOCATION: 2 HIGH VALLEY CLOSE, WAMBERAL

DRAWING SCHEDULE

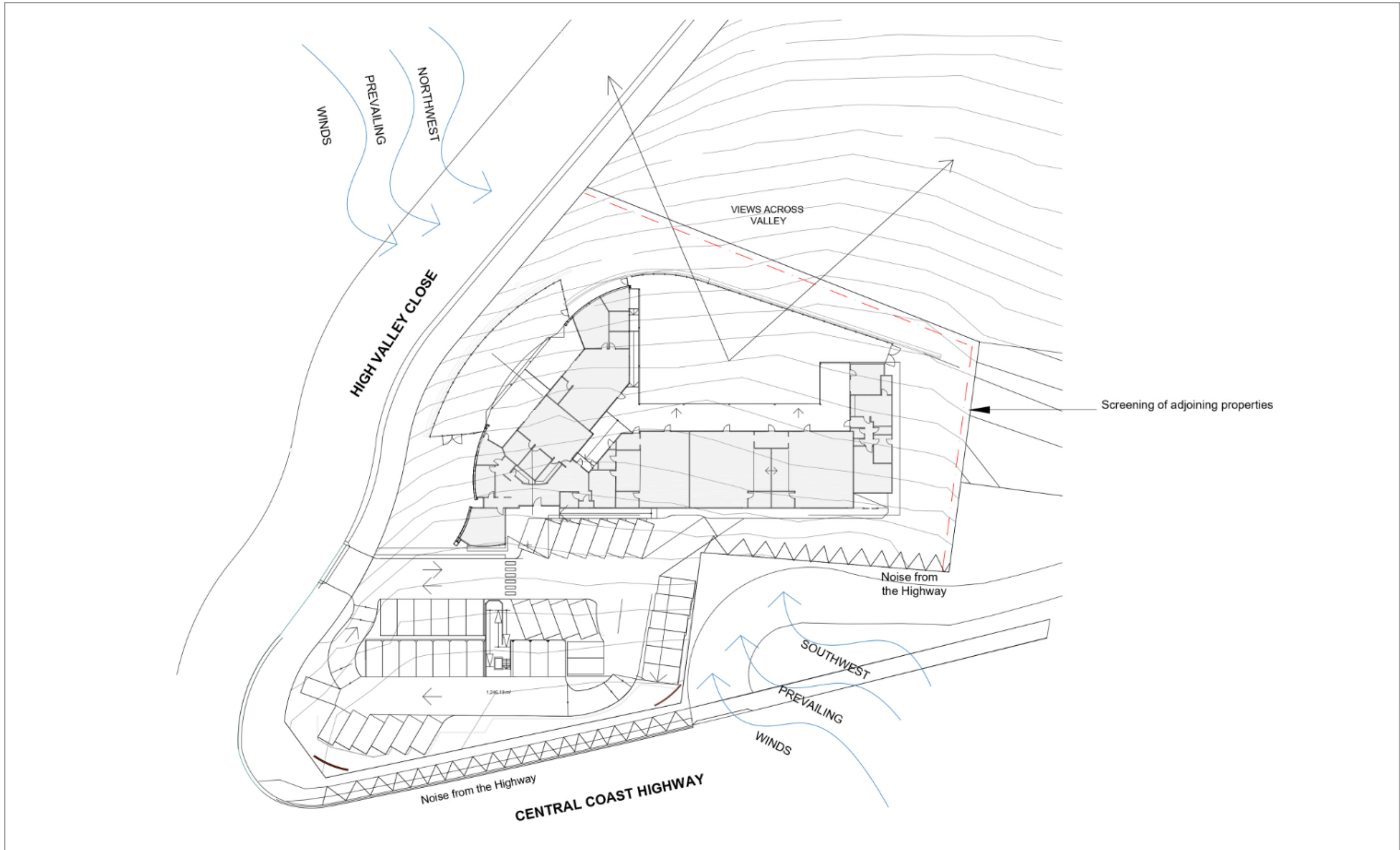
LDA00- COVER SHEET

LDA01- SITE ANALYSIS

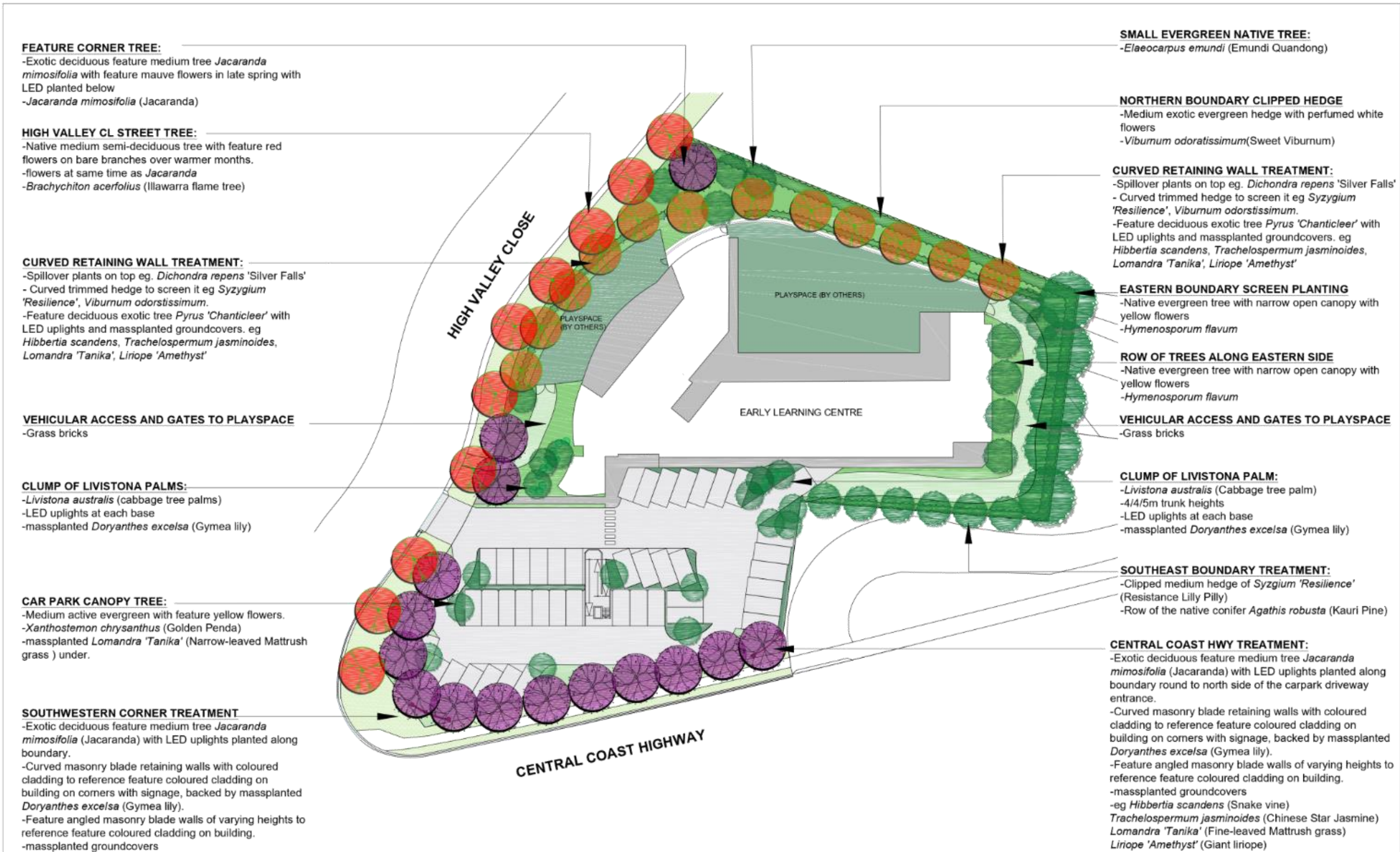
LDA02- LANDSCAPE PLAN

LDA03-PLANT SCHEDULE & DETAILS

LANDSCAPE ARCHITECT Conus Landscape Architecture 158 Grandview St, New Lambton Hills, NSW 2305 p. 02 4950 9195 e. info@conuslandscape.com.au w. conuslandscape.com.au abn. 52 144 562 736 Registered Landscape Architect: Anton Conus AILA No. 8420	BAR SCALE 	ASPECT 	CLIENT Commercial HQ	ARCHITECT thrum 1/100 ARCHITECTS Pty Limited 1/100 Grandview Street Wamberal NSW 2539 T +61 2 636 6168 F +61 2 636 6164 ABN 11 254431 288 ACH 91 981 244	PROJECT PROPOSED CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE, WAMBERAL	TITLE COVER SHEET	STATUS Development application	Page 0/3
					SCALE DATE 21/01/20	JOB No. 19.33	ISSUE B	DWS No. LDA00



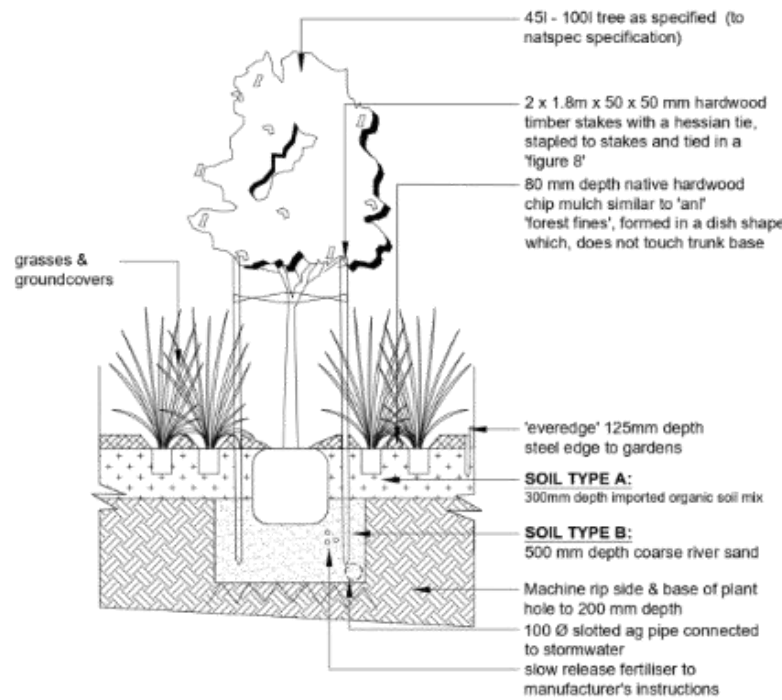
LANDSCAPE ARCHITECT: Conus Landscape Architecture 158 Grandview Rd, New Lambton Hills, NSW 2305. p. 02 4950 9195 e. info@conuslandscape.com.au w. conuslandscape.com.au abn. 52 144 562 756 Registered Landscape Architect: Anton Conus AILA No. 8420	BAR SCALE: 0 1 5 10 20 40M 1:200 @ A1 0 1 5 10 20 40M 1:400 @ A3	ASPECT: 	CLIENT: Commercial HQ	ARCHITECT: thrum 1/100 Grandview Rd, New Lambton Hills, NSW 2305 t. 02 4950 9195 f. 02 4950 9195 a. info@thrum.com.au abn. 52 144 562 756	ID: 2109/20 For Submission	PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE, WAMBERAL	TITLE: SITE ANALYSIS	STATUS: Development application 1/3	Page: 19.33
					A: 06/1/20 Preliminary Concept for review				
DO NOT SCALE DRAWINGS. CHECK ALL DIMENSIONS. FIGURED DIMENSIONS TAKE PRECEDENCE. THESE DRAWINGS ARE NOT FOR CONSTRUCTION.					REV: DATE: NOTATION: AMENDMENT:	REVISION: B DATE: LDA01 PLOTTED: 1	DRAWN: ND CHECKED: AC APPROVED: AC		



LANDSCAPE ARCHITECT Conus Landscape Architecture 158 Grandview Rd, New Lambton Hills, NSW 2303 p. 02 4950 9195 e. info@conuslandscape.com.au w. conuslandscape.com.au abn. 52 144 562 756 Registered Landscape Architect: Anton Conus AILA No. 8420	 Australian Institute of Landscape Architects	BAR SCALE: 1:200 @ A1 1:400 @ A3	ASPECT: 	CLIENT: Commercial HQ	ARCHITECT: thrum From: 4804/0070.jpg (web) G:\30-Drawing Desk 05/05/2020 10:58 1:481 (08/04/20) Plot: 1:200 (18) 4804/0070.dwg 20/01/2020	PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE, WAMBERAL	TITLE: LANDSCAPE CONCEPT MASTERPLAN	STATUS: Development application 2/3
		ID: 2101/20 For Submission A: 06/1/20 Preliminary Concept for Review REV: DATE: NOTATION/AMENDMENT	PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE, WAMBERAL	TITLE: LANDSCAPE CONCEPT MASTERPLAN	SCALE: 1:200 @ A1 1:400 @ A3	DATE: 21/01/20	JOB No: 19.33	

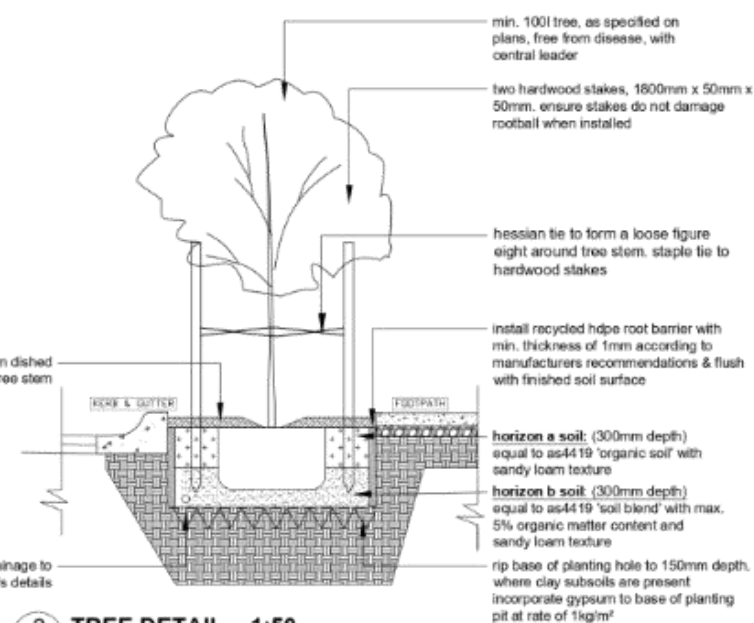
PLANT SCHEDULE

Botanic Name	Common Name	Size (m)	Pot Size	Spacing
Trees				
Brachychiton acerifolius	Illawarra Flame Tree	9H x 5W	100L	As shown
Elaeocarpus eumundii	Eumundi Quandong	8H x 5W	45L	As shown
Hymenospermum flavum	Native Frangipani	12H x 5W	45L	As shown
Lagerstroemia indica x fauriei 'Natchez'	White Crepe Myrtle	7H x 5W	45L	As shown
Livistona australis	Cabbage Tree Palm	15H x 4W	3/4/5m trunk hgt	As shown
Pyrus calleryana 'Capital'	Ornamental Pear 'Narrow Form'	6H x 2W	45L	As shown
Pyrus calleryana 'Chanticleer'	Ornamental Pear 'Chanticleer'	10H x 6W	45L	As shown
Waterhousia floribunda	Weeping Lilly Pilly	12H x 8W	45L	As shown
Xanthostemon chrysanthus	Golden Penda	8H x 4W	45L	As shown
Accent plants				
Crassula arborescens	Blue Jade Plant	1H x 1W	200mm	0.8m
Doryanthes excelsa	Gyme Lily	2H x 2W	200mm	1m
Sanseveria trifasciata 'Laurenti'	Mother-in-Laws-Tongues	1H x 0.8W	200mm	0.7m
Zamia furfuracea	Caraboard Plant	1H x 1W	200mm	0.9m
Shrubs				
Carissa macrocarpa 'Emerald Star'	Natal Plum	1H x 1W	200mm	0.9m
Murraya paniculata	Orange Jessamine	4H x 4W	200mm	0.9m
Raphiolepis orientalis 'Oriental Pearl'	Dwarf Indian Hawthorn	0.8H x 0.8W	200mm	0.5m
Syzygium australe 'Resilience'	Dwarf Lilly Pilly	4H x 2W	200mm	0.8m
Teucrium fruticans	Shrubby Germander	1H x 1W	200mm	0.8m
Westringia fruticosa 'Aussie Box'	Dwarf Native Rosemary	0.8H x 0.8W	200mm	0.7m
Viburnum odoratissimum	Sweet Viburnum	4H x 4W	200mm	1.5m
Groundcovers & Climbers				
Lomandra longifolia 'Tanika'	Thin-leaved Matrush Grass	0.6H x 0.6W	140mm	0.5m
Liriope muscari 'Amethyst'	Liriope	0.6H x 0.6W	140mm	0.4m
Pennisetum advena 'Rubrum'	Purple Foxtail Grass	1.5H x 1.5W	140mm	0.5m
Senecio madraliscaeae 'Blue Chalk Sticks'	Blue Chalk Sticks	0.3H x 1W	140mm	0.4m
Trachelospermum jasminoides	Chinese Star Jasmine	0.3H x 1W	140mm	0.5m



1 TREE DETAIL 1:50
02 TYPICAL TREE IN MASS PLANTING

- NOTES:**
- All garden beds to contain premium imported garden mix
 - Provide slow-release fertiliser to each plant to manufacturer's instructions
 - All garden beds to contain 80mm depth native hardwood chip mulch similar to ANL Forest Fine!
 - All trees to be staked by 1800 x 50 x 50mm hardwood timber stakes fastened with hessian ties
 - All trees to comply with NATSPEC specifications
 - Furf to be Kikuyu
 - All garden bed edges to be galvanised steel



2 TREE DETAIL 1:50
02 TYPICAL STREET TREE WITH FOOTPATH



Brachychiton acerifolius



Elaeocarpus eumundii



Lagerstroemia indica x fauriei 'natchez'



Waterhousia floribunda



Murraya paniculata



Sanseveria trifasciata



Pennisetum alopecuroides



Trachelospermum jasminoides

<p>Conus Landscape Architecture 158 Grandview St, New Lambton Hills, NSW 2305 p: 02 4950 9195 e: info@conuslandscape.com.au w: conuslandscape.com.au abn: 52 144 562 736</p>				<p>Client: Commercial HQ</p>	<p>Project: PROPOSED CHILDHOOD EARLY LEARNING CENTRE 2 HIGH VALLEY CLOSE, WAMBERAL</p>	<p>STATUS: Development application Page 3/3</p>					
						<p>Scale: 1:50 @ A1</p>	<p>Date: 21/01/20</p>	<p>Job No: 19.33</p>			
<p>Registered Landscape Architect: Anton Conus AILA No. 8420</p>						<p>Issue: B</p>	<p>DWG No: LDA63</p>	<p>Plotted: 1</p>	<p>Drawn: ND</p>	<p>Checked: AC</p>	<p>Approved: AC</p>

Attachment 4**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 property that is 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 Wamberal 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 R2 Low Density Residential on its eastern boundary and on the southern side of the Central Coast Highway. The site</p>

	<p>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 properties.</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 engaging with children visually, and to foster imagination.</p> <p>The building envelopes employ a series of segmented sub-envelopes with curved facades, 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 single storey building with its softened curving geometry integrates within the context and setting of the surrounding low scale residential development.</p> <p>The carpark has been designed to be below natural ground level, so that it will be largely concealed from view from the highway and side street.</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>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes</p>	<p>The proposal has been designed to reflect the site layout and provides for generous outdoor play and activity areas.</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 groups, and with shade canopies and high-quality child-oriented landscaping.</p>

<p>appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</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 building’s detailing will achieve the Section J (NCC/BCA) requirements for sustainability and resources efficiency.</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>Each of the children’s play courtyards, will be provided with tensioned shade canopies, for summer protection.</p> <p>Measures have been incorporated in the design to increase the level of natural ventilation that is able to be received when needed into each room.</p> <p>The development has generous areas of soft landscaping and deep soil planting opportunities.</p> <p>The development will take on an active role in caring for its environment and contributes to a sustainable future by energy efficient measures which are identified as possible at the site and works will include the use of sustainable materials and resources. Waste will also be sorted and disposed of sustainably.</p> <p>Opportunities for children will be supported to become environmentally responsible and show respect for the environment through the inclusion of:</p> <ul style="list-style-type: none"> • recycling through waste disposal and • the care and involvement in caring for vegetable and sensory gardens included in our outdoor design.
<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 contributing to the landscape character of the streetscape and neighbourhood.</p>	<p>The proposal provides good streetscape amenity.</p> <p>The landscaping components of the development feature high quality landscaped gardens and other areas of soft vegetation and new trees.</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>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>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>The proposal provides optimum use of both the built and natural assets by expansion of the existing</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>

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 apparent air or noise pollution impacts that might affect children, staff or visitors.</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 - 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 	<p>There are no detrimental environmental impacts or natural hazards affecting the site.</p> <p>Previous uses of the land have been considered, The preliminary site contamination report considered former land uses including agriculture, underground petroleum storage systems (USTs) used by a plant mechanic and Transport for NSW use as a storage facility during the Central Coast Highway upgrade.</p> <p>A soil assessment has been undertaken and a site audit statement and report prepared for the proposal. Refer detailed comments under SEPP 55 – Remediation of Land. In summary, the site audit statement and report were prepared by an NSW EPA Accredited Contaminated Site Auditor who confirmed the site has been comprehensively assessed in relation to soil, groundwater and residual potential for vapour intrusion and concludes that the site is suitable for use as a child care centre.</p>	Yes

	<ul style="list-style-type: none"> • 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 proposed design of the development has considered the topography of the site. Proposed bulk 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> <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>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 in 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>	Yes
<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 	<p>There are no high-risk sites or facilities within close proximity to the subject site.</p>	Yes

	<ul style="list-style-type: none"> - LPG tanks or service stations - water cooling and water warming systems - 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 • 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 residential amenity of the area.</p> <p>The proposed development is of single 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 	<p>The facility will provide appropriate delineation of private and public spaces.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> integrating existing and proposed landscaping with fencing. 		
	<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. 	The proposal does not adjoin public parks, open space or bushland.	N/A
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>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 and High Valley Close by appropriate site 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>	<p>To meet the project specific noise criteria in the Noise Policy for Industry 2017 and NSW Road Noise Policy the Acoustic Report by PKA Acoustic Consulting recommends acoustic building treatments for all indoor play areas located on the south facing façade; acoustic treatments on the under croft of outdoor decks and noise barriers on the eastern boundary and both outdoor play areas (north and west facing).</p> <p>Retaining walls to the north, east and west are appropriately setback from site boundaries with landscaping screening in these setback areas.</p>	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 rooms and bedrooms in adjoining residential properties - 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 proposal is designed and configured to minimise acoustic and visual privacy.</p> <p>Child play areas are located away from the Central Coast Highway, car parking area and from residences.</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 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.</p> <p>The area of soil disturbance is approximately 5000m². The building and site works design minimises earthworks and disturbance to the site, and comprises cuts up to 2m at the southern boundary and fill up to 3.5m at the northern portion of the site; batters and retaining walls are proposed.</p>	<p>Yes</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 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 	<p>Building height and setback is consistent with other surrounding development.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> setbacks to the street should be consistent with the existing character. 		
<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p>	<p>C13 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 are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>The building setback to Central Coast Highway (classified road) is greater than 10m and consistent with the adjoining residential development to the east. The building is setback 10m to High Valley Close and to the proposed boundary and is consistent with surrounding residential development.</p> <p>The acoustic wall adjacent to the child play areas at the western boundary of the site has a variable setback of a minimum of 2.3m to 6m for a length of 32m only with landscaping within the setback area. This is over a small portion of the site frontage to High Valley Close.</p> <p>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.</p>	Yes
	<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The proposed setbacks comply with the setback requirements of 10m for dwellings on large lots in Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development, Clause 3.1.3.2b and 3.1.3.2c for rear and side setbacks respectively under the GDCP 2013.</p>	Yes
<p>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.</p>	<p>C15 The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> 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 	<p>The proposal is a low impact community/educational facility responds to the site characteristics and topography and is visually compatible with the low-density residential development occurring in the immediate locality.</p>	Yes

	<ul style="list-style-type: none"> • contributes to the identity of place. 		
<p>Objective: To ensure that buildings are designed to create safe environments for all users.</p>	<p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • 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. 	<p>The design of the proposal provides one secure access point into the facility. Car access is directly visible from High Valley Close. The proposal creates a safe environment for all users.</p>	<p>Yes</p>
<p>Objective To ensure that child care facilities are designed to be accessible by all potential users.</p>	<p>C17 Accessible design can be achieved by:</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>The development has been designed so that upon completion, it will comply with all BCA and Premises Code and other applicable Australian Standards requirements to achieve compliance for the acceptable standards of access for persons with a disability.</p> <p>One (1) accessible car space is provided at adjacent to the main entrance lobby. This satisfies the number required by code.</p> <p>Each level of the development will be step-less, and the requirements of AS1428.1 will be met including wider door leaf widths and circulation spaces.</p>	<p>Yes</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</p>	<p>The proposed landscape plan by Conus Landscape Architecture provides a very satisfactory selection of trees that should be quite remarkable in the future.</p>	<p>Yes</p>

	<p>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>Of particular note is the choice of Jacaranda and Illawarra flame tree which are expected to flower together over warmer months.</p> <p>This new street tree plan is expected to require removal of existing young street trees consisting of up to 30 small ornamental species recently planted, however the proposed tree planting scheme is expected to provide a much better outcome.</p> <p>Cabbage Tree Palm and smaller native trees such as Quandong, Native Frangipani and Lilly Pilly hedges within the grounds are also a good selection.</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 • using low level landscaping to soften and screen parking areas. 	<p>The Landscape Plan as stated above is considered very satisfactory for the proposal and incorporates landscaping screening around the car parking area.</p>	Yes
3.5 Visual and acoustic privacy			
Objective: To protect the privacy and security of children attending the facility.	<p>C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	Not applicable	N/A
	<p>C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>The proposal provides visual privacy to child play areas through acoustic screening/fencing and landscaping.</p>	Yes
Objective: To minimise impacts on privacy of adjoining properties	<p>C22 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>The proposal does not create any overlooking opportunities or result in any overlooking of indoor rooms or outdoor play areas from public areas.</p>	Yes

<p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p>	<p>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. </p>	<p>The proposal provides acoustic privacy to child play areas through acoustic screening/fencing and landscaping.</p> <p>The location and sound power levels of outdoor mechanical plant and equipment will be checked by an acoustic consultant prior to finalisation, conditions applied.</p>	<p>Yes</p>
	<p>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 outdoor play areas during times they are proposed to be in use • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. </p>	<p>An acoustic report by PKA Acoustic Consulting 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 Noise Policy for Industry 2017 and NSW Road Noise Policy. <p>The proposal meets the project specific noise criteria the report recommends acoustic building treatments for all indoor play areas located on the south facing façade; acoustic treatments on the undercroft of outdoor decks and noise barriers on the eastern boundary and both outdoor play areas. A maximum speed limit of 10km/hr for the carpark and signage is also recommended.</p> </p>	<p>Yes</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: <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 </p>	<p>The new building has been designed and configured with priority given placement to the child play areas and child care rooms away from both the Central Coast Highway and from residences.</p> <p>Acoustic measures as per Clause 3.5 will be implemented including use of landscaping buffers to minimise the perception of noise.</p>	<p>Yes</p>
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	<ul style="list-style-type: none"> • 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>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 PKA Acoustic Consulting has been provided as detailed above and in Clause 3.5.</p>	<p>Yes</p>
<p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p>	<p>C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The land is located adjacent to the Central Coast Highway, a source of air pollution. The proposed design orientates the play areas perpendicular to the highway.</p> <p>The proposal is supported by Council’s Environmental Health Officer. An air quality report is not required.</p>	<p>Yes</p>
	<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. <p>The location of play areas,</p>	<p>See response above.</p>	<p>Yes</p>

	<p>sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</p> <ul style="list-style-type: none"> • 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. 		
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 7.00am – 6.00pm, Monday to Friday.	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			
Objective: To provide parking that satisfies the needs of users and demand generated by the centre.	<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 22 car spaces for 22 staff plus 18 temporary car spaces to cater for the 103-place child care facility. A total of 40 car spaces are required.</p> <p>The development provides 41 car spaces and complies with the car parking requirements in the DCP.</p>	Yes
	<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</p>	A Traffic and Parking Study by Seca Solution demonstrates the proposal will not impact on the amenity of the surrounding area or the safe operation of the road network.	Yes

	<p>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>The proposal is supported by Transport for NSW and Council's Transport and Traffic Engineer.</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>No vehicle access is provided from the Central Coast Highway; access is provided from High Valley Close.</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>The site has frontage to both Central Coast Highway and High Valley Close which is a no-through road. The proposal is not located within the cul-de-sac or turning head on High Valley Close and is not located opposite an intersection. High Valley Close is a local road</p> <p>A Traffic and Parking Study by Seca Solution 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 Traffic 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 • 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 	<p>The proposal provides accessible pedestrian ramps, pathways, and pedestrian covered areas.</p> <p>Pedestrian movements along a section of High Valley Close from the development could be generated by staff and visitors to / from these bus stops. As there are currently no footpaths available, the Applicant is required to provide a 1.5-metre-wide footpath along the eastern side of High Valley Close to link with the existing footpath along Central Coast Highway (less than 30-metre-long), condition applied.</p> <p>As stated above the proposal will provide a safe and connected environment for pedestrians both on and around the site.</p> <p>The driveway will allow for 2-way traffic movements with the existing</p>	<p>Yes</p>

	<p>separated from any truck circulation or parking areas</p> <ul style="list-style-type: none"> • vehicles can enter and leave the site in a forward direction. <p>C37 does not apply to the proposal.</p>	<p>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. This has been confirmed using Autoturn with the entry and exit movements shown for an 8.8 metre service vehicle shown in the Traffic and Parking Study (Attachment D).</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 covered areas.</p> <p>The parking onsite shall be designed in accordance with AS2890 Part 1 with staff parking provided as employee parking (2.4m x 5.4m spaces) whilst the parent / carer parking will be designed as short term, high turnover parking (2.6m x 5.4m spaces). Accessible parking shall be designed in accordance with AS2890.6. The concept plan for the site indicates that vehicles would circulate in a clockwise direction maximising traffic flows and reducing delays at the carpark entry.</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	<p>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.</p> <p>Acoustic fencing is required to play areas in accordance with Acoustic Report by PKA Acoustic Consulting. A minimum of 2.1m high fencing required to Courtyards 1 & 2. This fencing will be erected on retaining walls of varying height to accommodate the slope of the land to a maximum of 3.3m. The landscaping proposed will mitigate visual impact of the retaining walls to surrounding development.</p> <p>No structure or item will be built close to the fence to allow children to climb over the fence (Condition 6.4).</p>	Yes
105. Furniture, materials and equipment	Furniture and equipment will be provided for installation at the service to meet the needs of children.	
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	<p>103 children require 334.75m² indoor space Provides – 446m² or 4.33m² per child (111.25m² in excess of requirement)</p> <p>Refer Regulation 123 for a breakdown of outdoor spaces by room, age and educator numbers.</p>	Yes
108. Unencumbered outdoor space - 7m ² per child	<p>103 children require a total 721m² outdoor space Provides – 1,019.87m² or 9.9m² per child (298.87m² in excess of requirement) as follows: Courtyard 1 – 172.14m² + verandah 107.73m² (rooms 1 & 2) = total 279.87m² Courtyard 2 – 512.65m² + verandah 227.35m² (rooms 3, 4 & 5) = total 740m²</p> <p>Outdoor learning environments adjoin each indoor space. The outdoor learning environments will contain man-made and natural resources. The provision Includes verandah space. Landscaping does not encroach into the play spaces.</p> <p>Refer Regulation 123 for a breakdown of outdoor spaces by room, age and educator numbers.</p>	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.	Yes

	<p>Separate staff and children's toilets are provided including an accessible toilet.</p> <p>2-5 years children's toilets - rooms 3, 4 & 5 have direct access to activity rooms as well as outdoor play areas.</p>	
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
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	<p>A defined nappy changing area is proposed for Rooms 2 & 3. 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.</p> <p>In each area/room that children aged up to 4 have a bathroom room/room which is purposefully designed and built in nappy change bench which is fitted with a door/gate into the space to restrict the access of children under 3 years.</p> <p>The areas in which the bathrooms/nappy change facilities are provided have been purposely designed with glazing to provide supervision to the area.</p>	Yes
113. Outdoor space – natural environment	<p>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.</p> <p>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.</p> <p>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.</p>	Yes
114. Outdoor space – shade	<p>Shade is provided to outdoor spaces and distributed across the area. The proposal is capable/designed to comply and will provide:</p> <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	<p>Prior to operating an emergency and evacuation plan will be developed for the entire development including a risk assessment and displayed in the building.</p> <p>It is proposed to carry out and provide:</p> <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 	Yes

	<p>emergency and all regulatory requirements will be met prior to operating.</p> <ul style="list-style-type: none"> • 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. 	
25. Soil Assessment	<p>A soil assessment has been undertaken and a site audit statement and report prepared for the proposal. Refer detailed comments under SEPP 55 – Remediation of Land. In summary, the site audit statement and report were prepared by an NSW EPA Accredited Contaminated Site Auditor who confirmed the site has been comprehensively assessed in relation to soil, groundwater and residual potential for vapour intrusion and concludes that the site is suitable for use as a child care centre.</p>	
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 (b) for children over 24 months and less than 36 months of age, - 1 educator to 5 children 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>Proposed room, unencumbered outdoor and indoor spaces, educator to child ratios:</p> <ul style="list-style-type: none"> • Room 1 – 0–2 years (newborns-babies) - 12 children <ul style="list-style-type: none"> - Outdoor space (unencumbered) = required 84.0m² – provided 120.0m² - Indoor space (unencumbered) = required 39.0m² – provided 50.0m² - Educator to child ratio = 1 educator to 4 children = 3 educators • Room 2 - 0-2 years – 16 children <ul style="list-style-type: none"> - Outdoor space (unencumbered) = required 112.0m² – provided 160.0m² - Indoor space (unencumbered) = required 52.0m² – provided 70.5m² - Educator to child ratio = 1 educator to 4 children = 4 educators • Room 3 – 2-3 years – 25 children <ul style="list-style-type: none"> - Outdoor space (unencumbered) = required 170.5m² – provided 246.76m² - Indoor space (unencumbered) = required 81m² – provided 96.0m² - Educator to child ratio = 1 educator to 5 children = 5 educators • Room 4 – 3-4 years – 25 children <ul style="list-style-type: none"> - Outdoor space (unencumbered) = required 170.5m² – provided 246.76m² - Indoor space (unencumbered) = required 81m² – provided 96.0m² - Educator to child ratio = 1 educator to 10 children = 3 educators • Room 5 – 4-5 years – 25 children <ul style="list-style-type: none"> - Outdoor space (unencumbered) = required 170.5m² – provided 246.76m² - Indoor space (unencumbered) = required 81m² – provided 96.0m² - Educator to child ratio = 1 educator to 10 children = 3 educators 	

Attachment 5

Gosford Development Control Plan 2013 – Compliance Table

Chapter 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	The site audit statement and report were prepared by an NSW EPA Accredited Contaminated Site Auditor who confirmed the site has been comprehensively assessed in relation to soil, groundwater and residual potential for vapour intrusion and concludes that the site is suitable for use as a child care centre.	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 both Central Coast Highway and High Valley Close which is a no-through road. The proposal is not located within the cul-de-sac or turning head on High Valley Close and is not located opposite an intersection. 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	No	Yes

			<p>measures for the building and acoustic fencing to minimise noise to the facility and amenity impacts from noise to adjoining residential development.</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 properties.</p>		
		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 40 car spaces	<p>Provides 41 car spaces.</p> <p>The proposal requires 22 car spaces for 22 staff plus 18 temporary car spaces to cater for the 103-place child care facility.</p> <p>Traffic and Parking Study by Seca Solutions demonstrates the proposal</p>	Yes	Yes

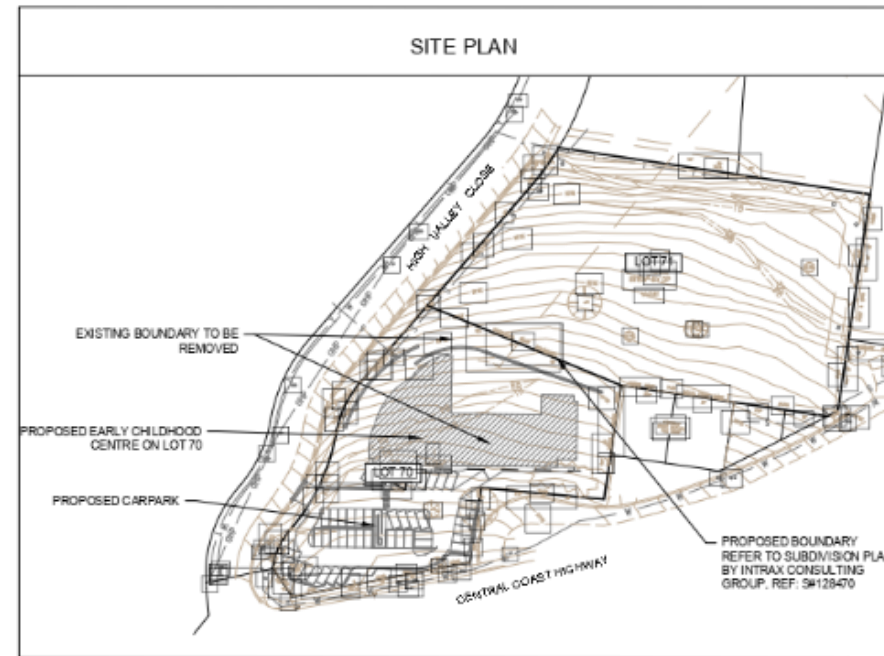
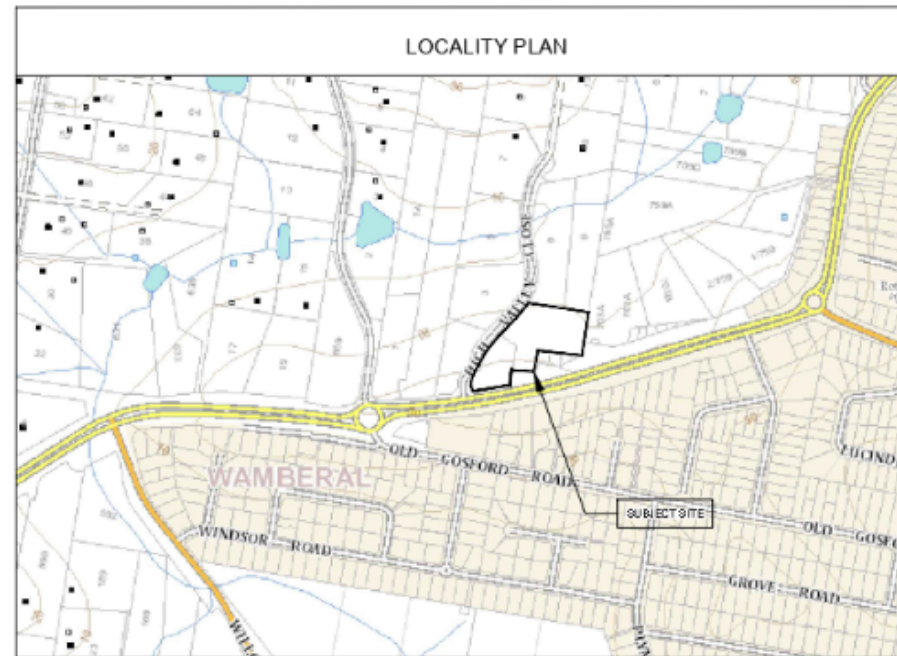
			meets objectives in that the development: <ul style="list-style-type: none"> • Provides safe movement of traffic entering and leaving the site. • Provides adequate provision on site for staff parking and setting down and picking up of children to reduce the incidence of on-street car parking that would be detrimental to the amenity of the surrounding area and pedestrians; subject to conditions. • Promotes the safety of pedestrians 		
	Min entry and exit driveways required	Separate entry/exit required for centres which cater for ten (10) or more children	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 to circulate with minimal delays. Vehicles will enter and exit the site in a forward direction.	No	Yes
	Min width of driveway required	3m	6.5m 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.	7am - 6pm Monday - Friday	Yes	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.	Yes	Yes
	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 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	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 away from the Central Coast Highway, car parking area and from residences.	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 reasonable. High level of landscaping to outdoor spaces and integrates with fencing.	Yes	Yes
3.9.10 - Building Appearance	Design of buildings should relate	The building design is sympathetic to the topography and	Slopes down to the north between 12-15%. Cut and fill proposed to create	Yes	Yes

	to the slope of the land	natural features of the subject land.	useable area and does not result in bulky building or amenity loss to adjoining residential development.		
	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.	Yes	Yes
3.9.11 – Building Code of Australia and Food Regulations		The building will need to comply with the Building Code of Australia (BCA) and Food Regulations	The design statement by Thrum Architects Pty Ltd indicates the proposal can comply with the BCA and Food Regulations/fit out of food premises through appropriate conditions of consent.	Yes	Yes
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

DEVELOPMENT APPLICATION CIVIL ENGINEERING PLANS

FOR THE PROPOSED CHILDHOOD EARLY LEARNING CENTRE AT LOT 70 & 71 DP1215036 2 HIGH VALLEY CLOSE, WAMBERAL, NSW 2260 CENTRAL COAST COUNCIL LOCAL GOVERNMENT AREA



LEGEND	
	DENOTES STORMWATER PIPE AND DIAMETER.
	DENOTES PROPOSED GRATED SURFACE INLET PIT
	DENOTES PROPOSED STORMWATER OUTLET HEADWALL AND ROCK SCOUR PROTECTION
	DENOTES STORMWATER CATCHMENT LABELS (LINE No./PT No.)
	DENOTES UNDERGROUND OSD TANK
	DENOTES ABOVE GROUND RAINWATER RE-USE AND OSD TANK
	DENOTES CONCRETE DRIVEWAYS & FOOTPATHS. PAVEMENT DETAILS BY OTHERS
	PROPOSED SURFACE SPOT LEVEL
	DRIVEWAY CHANGE
	EXISTING STORMWATER PIPE
	DENOTES PROPOSED CARPARK OVERLAND FLOW DIRECTION AND GRADE
	PROPOSED RETAINING WALL
	PROPOSED WHEEL STOPS IN ACCORDANCE WITH AS 2890
	PROPOSED BATTERS 1v:3h U.N.O.
	PROPOSED CAR SPACE LINEMARKING
	EXISTING WATER MAIN
	EXISTING OVERHEAD POWER
	EXISTING GAS MAIN
	EXISTING COMMUNICATIONS
	EXISTING SEWER MAIN AND MAINTENANCE HOLE
	EXISTING MAJOR CONTOURS (1.0m INTERVAL)
	EXISTING MINOR CONTOURS (0.5m INTERVAL)

DRAWING LIST - DA SERIES	
DA.1.01	COVER SHEET AND LOCALITY PLAN
DA.2.01	SOIL AND WATER MANAGEMENT PLAN
DA.2.02	SOIL AND WATER MANAGEMENT DETAILS - SHEET 1 OF 2
DA.2.03	SOIL AND WATER MANAGEMENT DETAILS - SHEET 2 OF 2
DA.3.01	CONCEPT GENERAL ARRANGEMENT PLAN
DA.3.02	CONCEPT STORMWATER MANAGEMENT DETAILS
DA.4.01	CONCEPT CARPARK PLAN
DA.4.02	CONCEPT DRIVEWAY LONGITUDINAL SECTION

SURVEY									
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2. REFERENCE:	SH128470								
3. DATE:	04/07/19 & 17/07/19								
4. ORIGIN OF COORDINATES:	<table border="1" style="width: 100%;"> <tr> <td>OSM NO</td> <td>E</td> <td>H</td> <td>K.L.</td> </tr> <tr> <td>NOT PROVIDED</td> <td>NOT PROVIDED</td> <td>NOT PROVIDED</td> <td>NOT PROVIDED</td> </tr> </table>	OSM NO	E	H	K.L.	NOT PROVIDED	NOT PROVIDED	NOT PROVIDED	NOT PROVIDED
OSM NO	E	H	K.L.						
NOT PROVIDED	NOT PROVIDED	NOT PROVIDED	NOT PROVIDED						
5. ALL WORKS TO BE SET OUT BY A REGISTERED SURVEYOR									
6. ALL LEVELS SHOWN ARE TO AHD									

NOTE
ALL UTILITIES ARE TO BE ACCURATELY LOCATED BY CONTRACTOR BEFORE CONSTRUCTION.

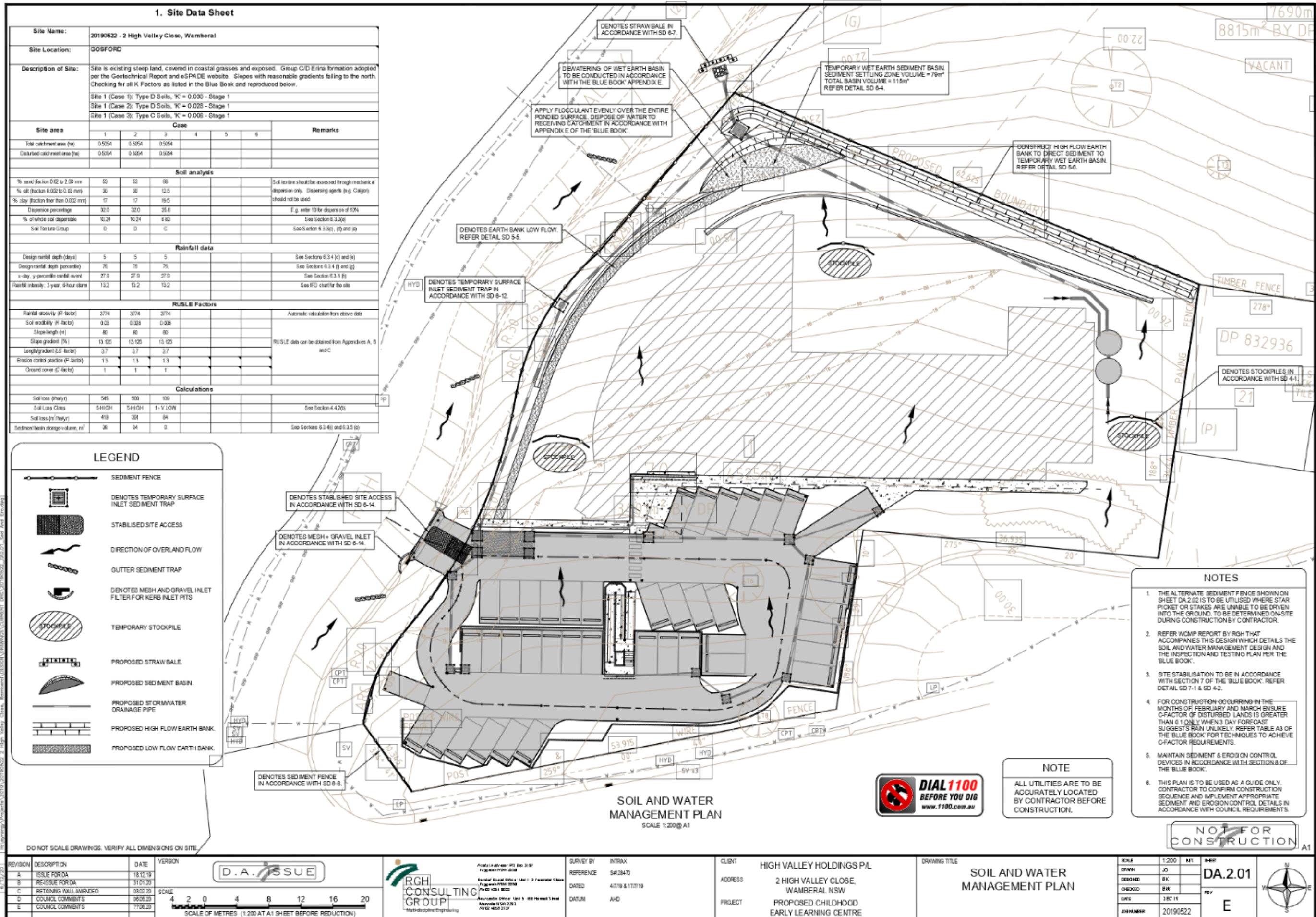


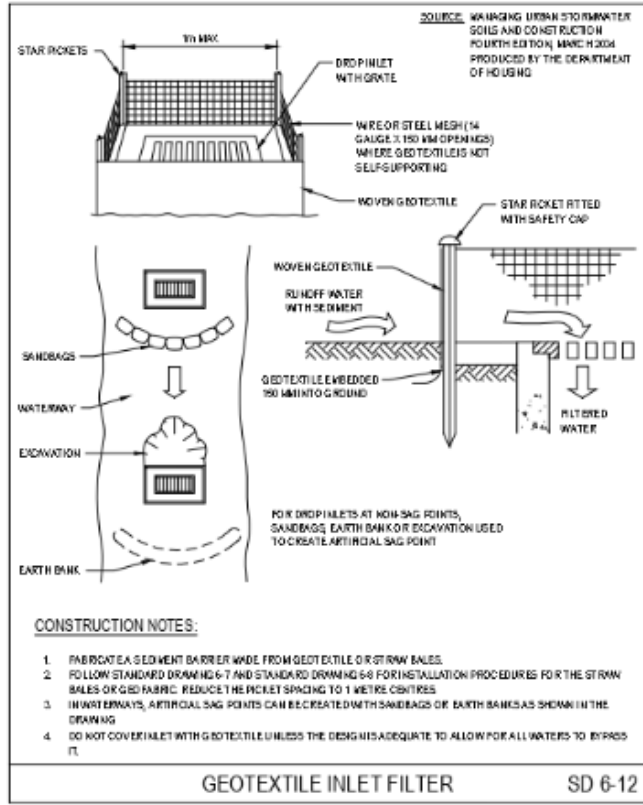
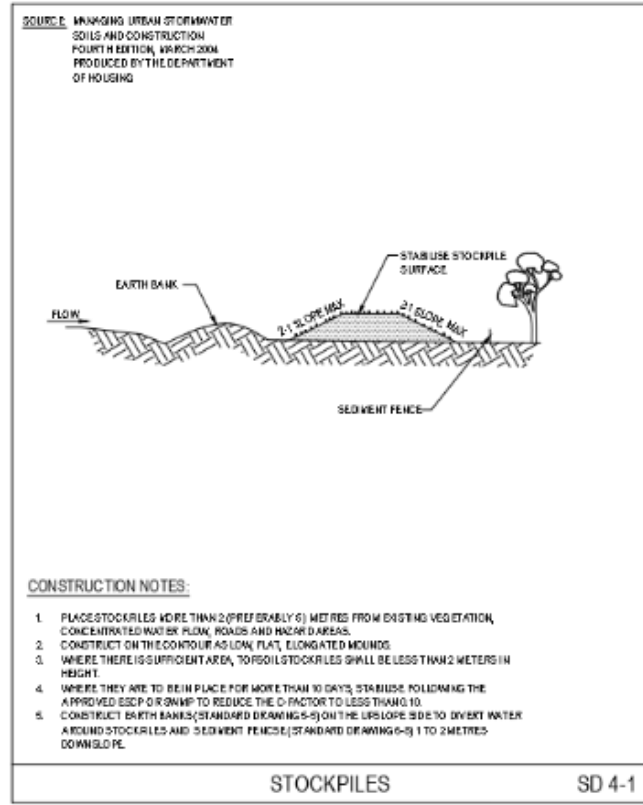
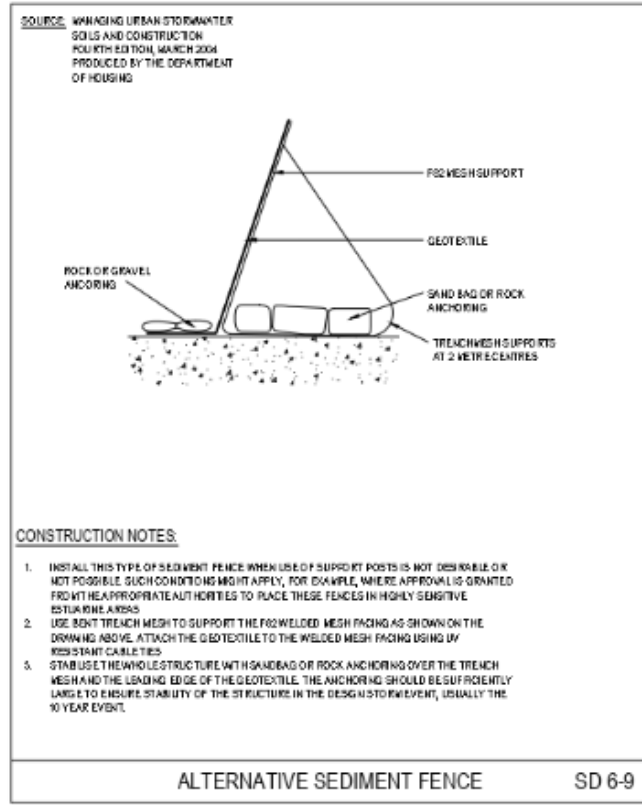
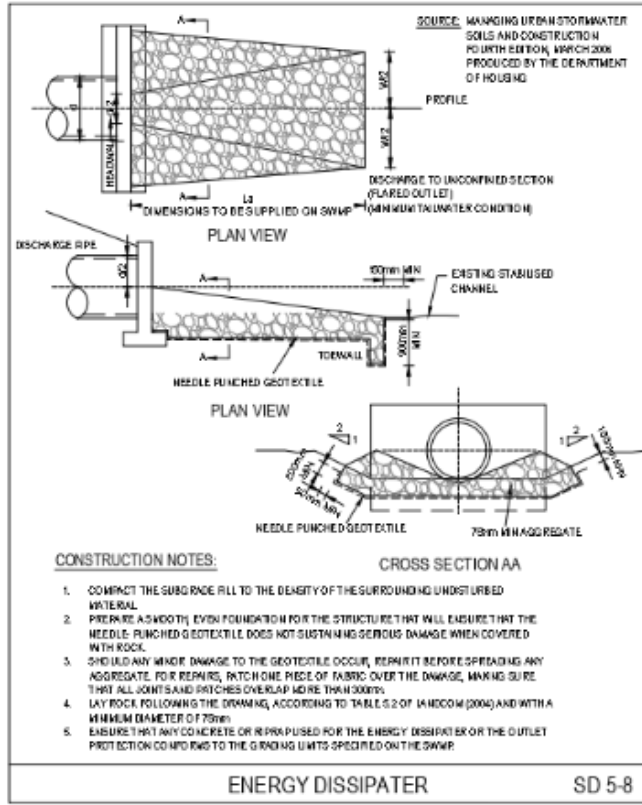
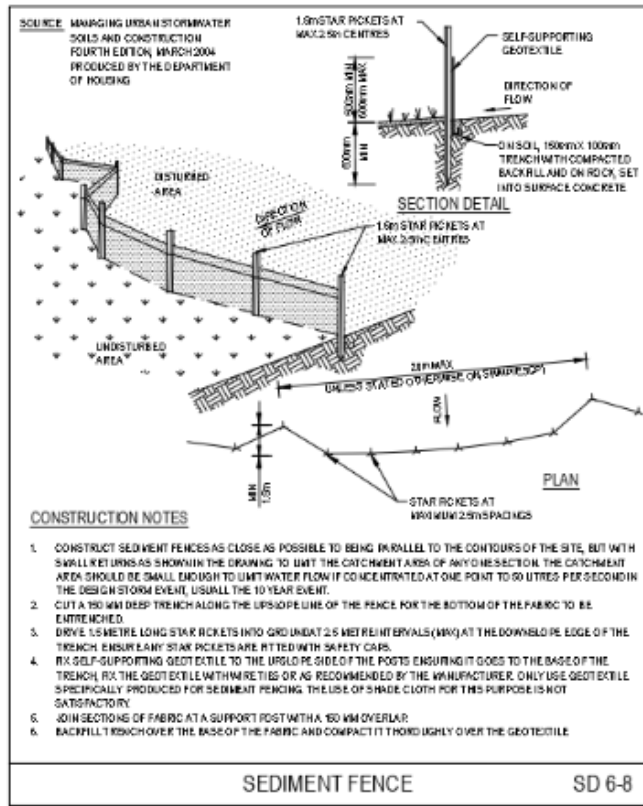
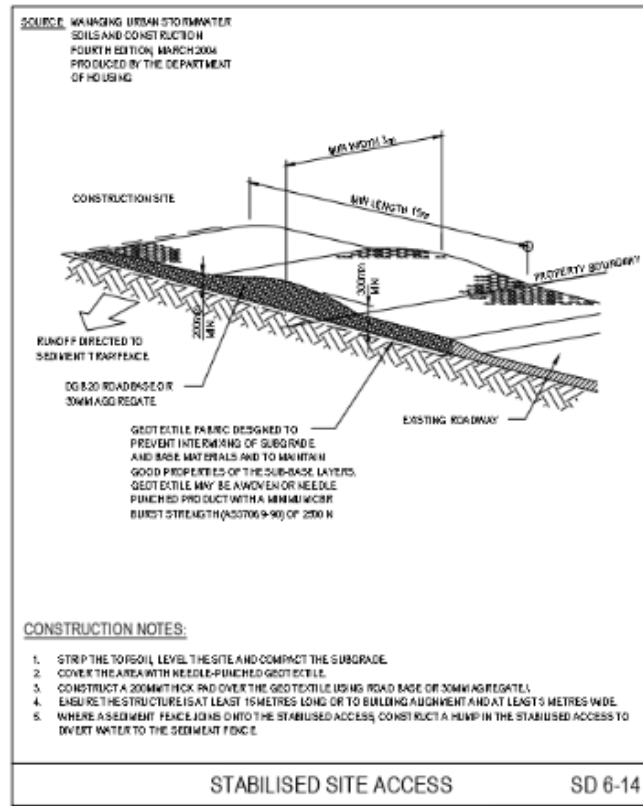
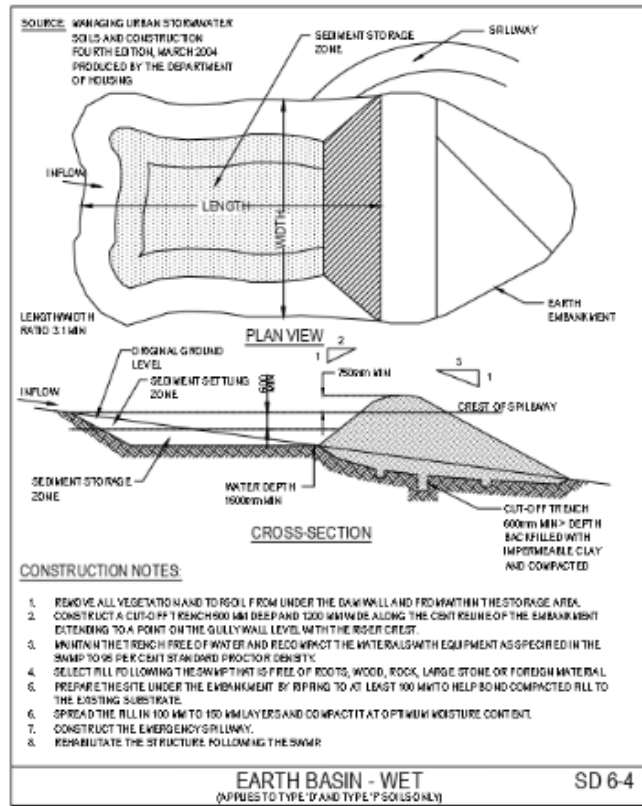
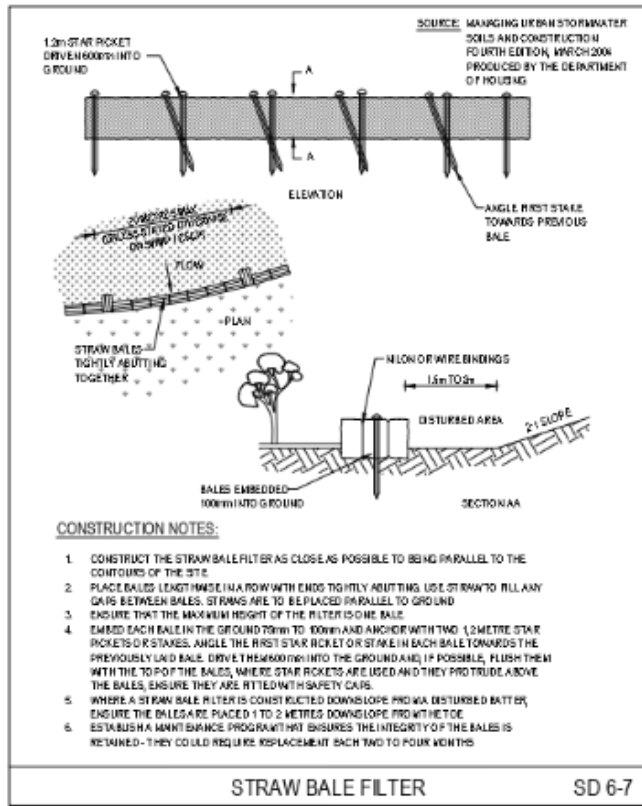
Postal Address: PO Box 3197, Tuggerah NSW 2259

Central Coast Office:
 Unit 1, 3 Teamster Close
 Tuggerah, NSW 2259
 Ph 02 4351 9022

Newcastle Office:
 Unit 5, 166 Hannel Street
 Maryville, NSW 2293
 Ph 02 4058 2137

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.		D.A. ISSUE				SURVEY BY: INTRAX REFERENCE: SH128470 DATED: 4/7/19 & 17/7/19 DATUM: AHD		CLIENT: HIGH VALLEY HOLDINGS PTY LTD ADDRESS: 2 HIGH VALLEY CLOSE, WAMBERAL NSW PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE		DRAWING TITLE: COVER SHEET AND LOCALITY PLAN		<table border="1" style="width: 100%;"> <tr> <td>SCALE</td> <td>N.T.S.</td> <td>NT</td> <td>DATE</td> </tr> <tr> <td>DRAWN</td> <td>JG</td> <td></td> <td>DA.1.01</td> </tr> <tr> <td>CHECKED</td> <td>JK</td> <td></td> <td></td> </tr> <tr> <td>DATE</td> <td>28/11</td> <td></td> <td></td> </tr> <tr> <td>DATE</td> <td>20190522</td> <td></td> <td></td> </tr> </table>		SCALE	N.T.S.	NT	DATE	DRAWN	JG		DA.1.01	CHECKED	JK			DATE	28/11			DATE	20190522			<table border="1" style="width: 100%;"> <tr> <td>REV</td> <td>DATE</td> <td>BY</td> </tr> <tr> <td>E</td> <td></td> <td></td> </tr> </table>		REV	DATE	BY	E				
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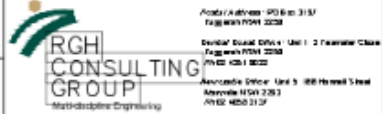




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D.A. ISSUE



Project Address: 2019-05-31
 Project Number: 2019
 Surveyed: 2019-05-31
 Drawn: 2019-05-31
 Checked: 2019-05-31
 Approved: 2019-05-31
 Date: 2019-05-31

SURVEY BY: INTRAX
 REFERENCE: S4/20470
 DATED: 4/7/10 & 17/7/10
 DATUM: AHD

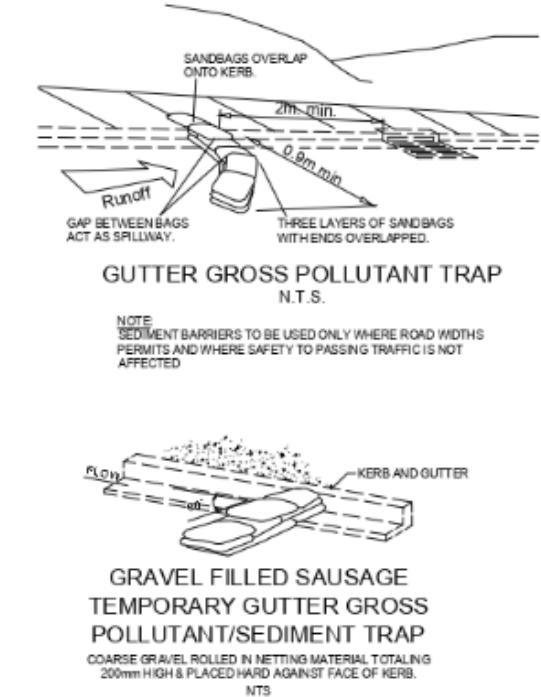
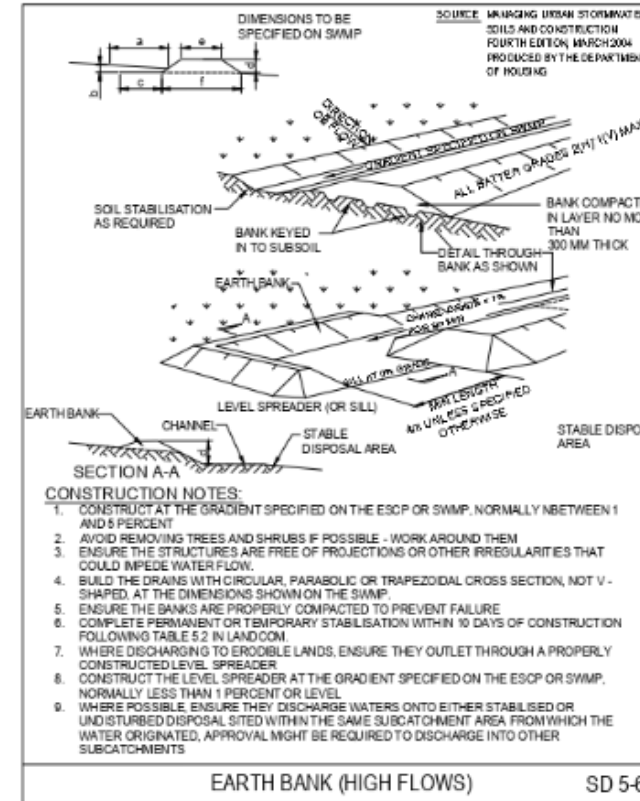
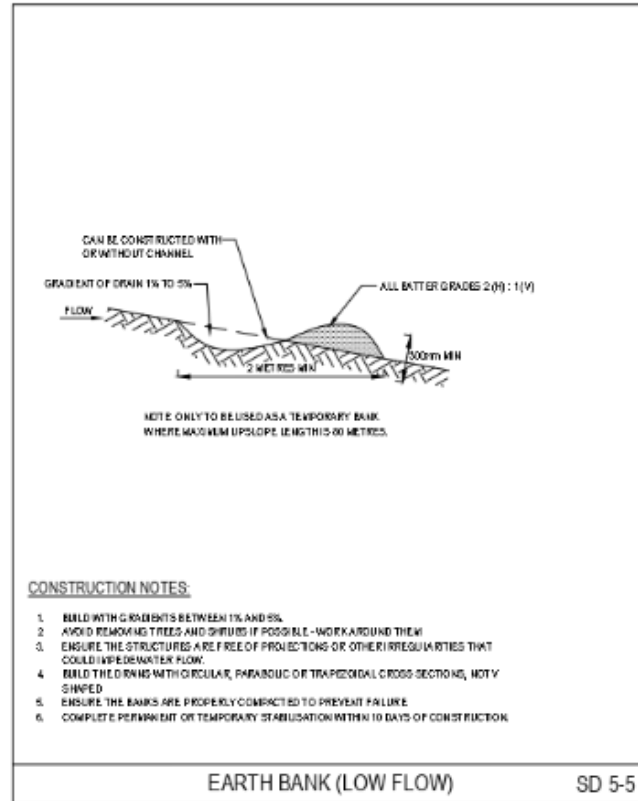
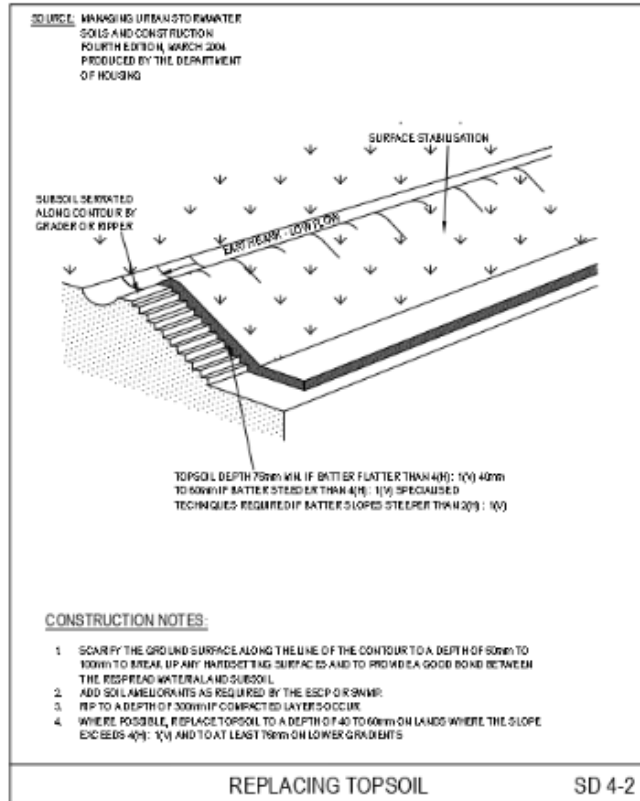
CLIENT: HIGH VALLEY HOLDINGS PTY LTD
 ADDRESS: 2 HIGH VALLEY CLOSE, WAMBERAL NSW
 PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE

DRAWING TITLE: SOIL AND WATER MANAGEMENT DETAILS - SHEET 1 OF 2

NO.	REV.	DATE	BY
1	01	18/12/19	JG
2	02	31/01/20	JK
3	03	06/05/20	BN
4	04	22/05/20	BN

NOT FOR CONSTRUCTION

PROJECT: DA.2.02
 SHEET: D
 DATE: 20190522



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 Plot Style: acad.ctb
 Plot Device: HP DesignJet 500 Series

REVISION	DESCRIPTION	DATE	VERSION
A	COUNCIL COMMENTS	17/08/20	

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D.A. ISSUE

RG CONSULTING GROUP
 Multi-disciplinary Engineering

Project Address: 2019 05 22
 Project Name: DA58066_2
 Surveyed By: INTRAX
 Reference: S4128470
 Dated: 4/7/19 & 17/7/19
 Datum: AHD

CLIENT: HIGH VALLEY HOLDINGS PTY LTD
 ADDRESS: 2 HIGH VALLEY CLOSE, WAMBERAL NSW
 PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE

DRAWING TITLE: SOIL AND WATER MANAGEMENT DETAILS - SHEET 2 OF 2

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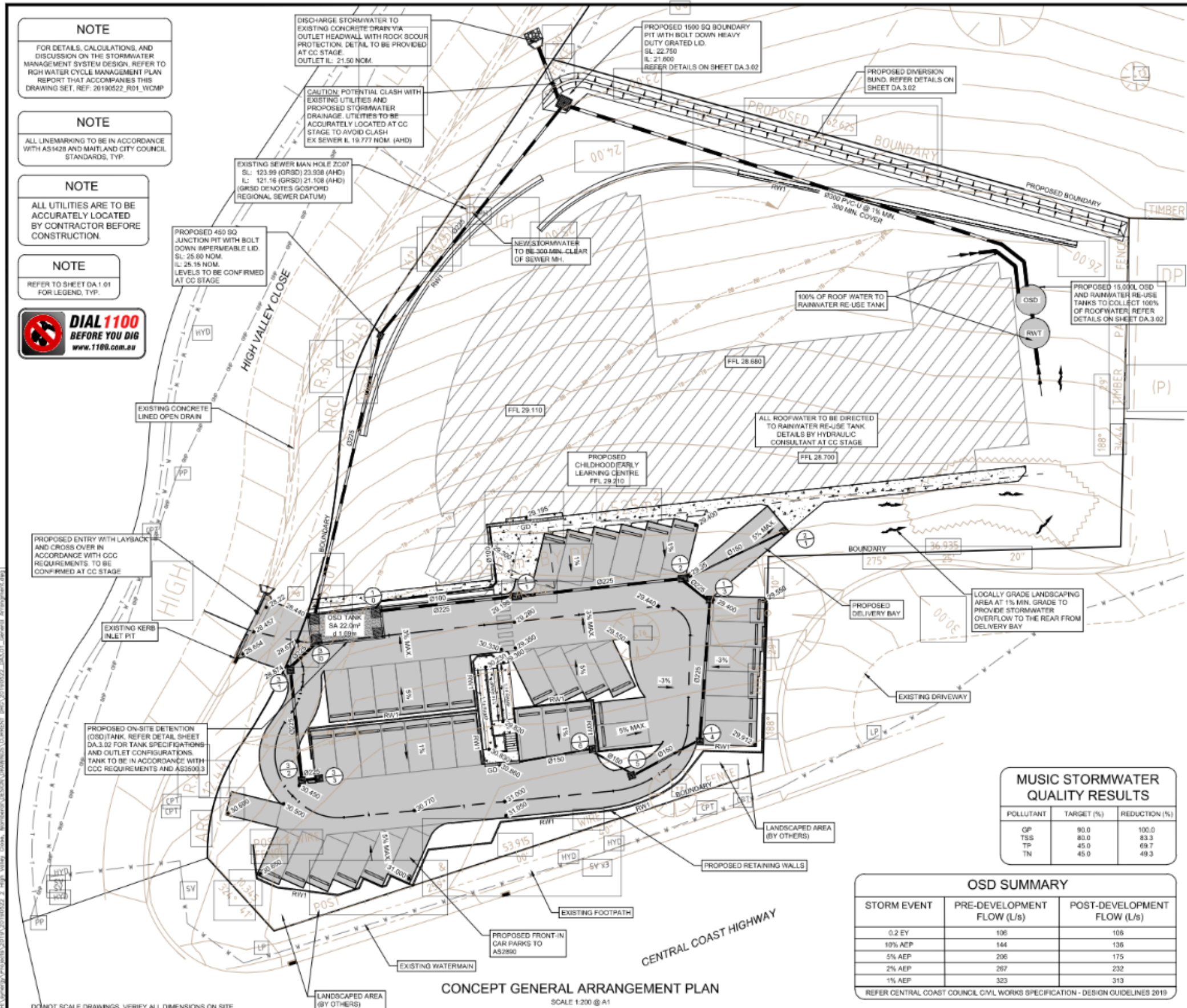
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REV A

DATE: 18/08/19

PROJECT: 20190522



OCC WATER CYCLE MANAGEMENT REPORT - GOSFORD DCP CH 6.7

Engineer: Nick Lane BEng (Civil) MIE Aust Date: 9/12/2019
 Project: 20190522 - 2 High Valley Close, Wamberal
 Details: Proposed Child Care Development

DEVELOPMENT TYPE: INDUSTRIAL AND COMMERCIAL
 Total Site Area (m²): 5055
 Proposed Roof Area (m²): 1457
 Proposed Hardstand Area (m²): 1393

Table 1 Development Control Targets Matrix

Development Control Targets	Development Types						
	Form & Space	Alterations & Additions in excess of 50m ²	Single Dwellings & Code Compliance	Medium and High Density Residential Development	Group Homes, seniors housing, emergency services	Commercial/Industrial	Subsidiary (Other & Rural)
Water Conservation	✓	✓	✓	✓	✓	✓	✓
Retention	✓	✓	✓	✓	✓	✓	✓
Stormwater Quality	X	X	✓	✓	✓	✓	✓
Onsite Detention	X	X	X	✓	✓	✓	✓
Local Overland Discharge	✓	✓	✓	✓	✓	✓	✓
Flooding	✓	✓	✓	✓	✓	✓	✓

1. WATER CONSERVATION
INSTALL THE FOLLOWING
 Ensure any water use fittings demonstrate minimum standards defined by the Water Efficiency Labeling and Standards (WELS) Scheme. Minimum WELS ratings are:
 4 star dual-flush toilets
 3 star showerheads
 4 star taps (for all taps other than bath outlets and garden taps)
 3 star urinals
 Water efficient washing machines and dishwashers are to be used wherever possible.
 Inoperable dual reticulation for toilet flushing, laundry, irrigation. Development within the Gosford CBD will be required to provide dual plumbing throughout.

2. RETENTION
 $V = 0.01A(0.02F)^2$ V = Stormwater Retention Volume (m³)
 A = Total Site Area (m²)
 F = Fraction Impervious (%)

Total Site Area (m ²):	5055
Proposed Roof Area (m ²):	1457
Proposed Hardstand Area (m ²):	1393
% Impervious:	56.4
Retention Volume (m ³):	84.3

Table 3 Rainwater reuse plumbing options

Proportions of Household Water Usage	Rainwater reuse plumbing options			
	Outdoor Only	Toilet & Laundry	Hot Water	Entire House
Outdoor	20%	✓	✓	✓
Toilet	20%	X	✓	✓
Laundry (cold)	10%	X	✓	✓
Hot Water	25%	X	X	✓
Kitchen & Bath	25%	X	X	✓
Total	100%	20%	60%	75%

Rainwater Re-use Option % - Table 3: 20
 Rainwater Usage per Week (L/m²): 35
 Rainwater Reuse over 1 Week (kL): 10.2
 Balance to be retained on site by infiltration or slow release (kL): 54.1
 Minimum Rainwater Tank Volume Required to be installed (kL): 10.2
 Rainwater Tank Volume to be installed (kL): 15.0
 Revised balance to be retained on-site: 49.3

It is proposed to utilise 15 kilolitres of rainwater tank storage to overcome councils DTC requirements for stormwater retention and management.

3. STORMWATER QUALITY
STORMWATER QUALITY REQUIRED - REFER TO RGH WCMF REPORT AND THE MUSIC MODELLING RESULTS PROVIDED AND DISCUSSED WITHIN

4. ON-SITE DETENTION
ON-SITE DETENTION REQUIRED - REFER TO RGH WCMF REPORT AND THE DRAINS MODELLING RESULTS PROVIDED AND DISCUSSED WITHIN

5. LOCAL OVERLAND FLOW
THE FOLLOWING IS REQUIRED:
 All floor levels complying with the minimum requirements of the Building Code of Australia.
 Adequately sized clear overland flow paths, including special attention where the driveway connects to the public road.
 Details of cut and/or fill.
 Show location of all stormwater discharge points including overland flowpaths.
REFER STORMWATER MANAGEMENT DRAWINGS

6. FLOODING
COUNCIL FLOOD MAPPING CONSULTED - SITE IS NOT BUNDAGED

MUSIC STORMWATER QUALITY RESULTS

POLLUTANT	TARGET (%)	REDUCTION (%)
GP	90.0	100.0
TSS	80.0	83.3
TP	45.0	69.7
TN	45.0	49.3

OSD SUMMARY

STORM EVENT	PRE-DEVELOPMENT FLOW (L/s)	POST-DEVELOPMENT FLOW (L/s)
0.2 EY	106	106
10% AEP	144	136
5% AEP	206	175
2% AEP	267	232
1% AEP	323	313

REFER CENTRAL COAST COUNCIL CIVIL WORKS SPECIFICATION - DESIGN GUIDELINES 2019

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.

SCALE 1:200 @ A1

REVISION

REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	18.12.19	
B	RE-ISSUE FOR DA	31.01.20	
C	RETAINING WALL AMENDED	03.02.20	

D.A. ISSUE

RGH CONSULTING GROUP
 Multi-discipline Engineering

Project Address: 401 Ross Street, Tuggerah NSW 2259
 Central Coast Office: Unit 1, 3 Traverser Court, Tuggerah NSW 2259
 Newcastle Office: Unit 5, 160 Inverell Street, Murrumbidgee NSW 2213
 Ph: 4888 2137

SURVEY BY: INTRAX
 REFERENCE: SA128410
 DATED: 4/7/18 & 13/7/19
 DATUM: AHD

CLIENT: HIGH VALLEY HOLDINGS P/L
 ADDRESS: 2 HIGH VALLEY CLOSE, WAMBERAL NSW
 PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE

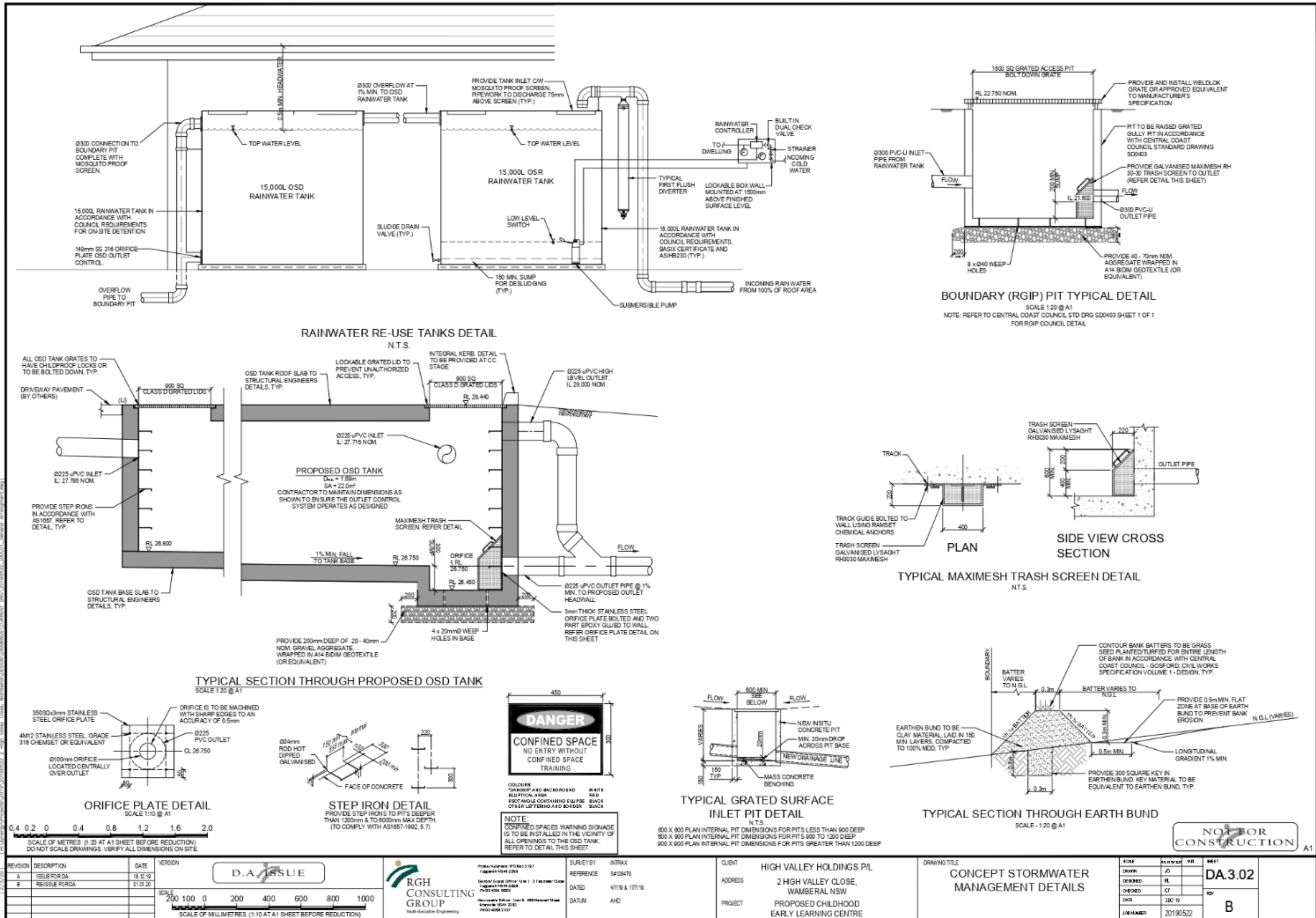
DRAWING TITLE: CONCEPT GENERAL ARRANGEMENT PLAN

SCALE: 1:200 (INT)
 DRAWN: JS
 DESIGNED: NL
 CHECKED: OF
 DATE: DEC '19
 JOB NUMBER: 20190522

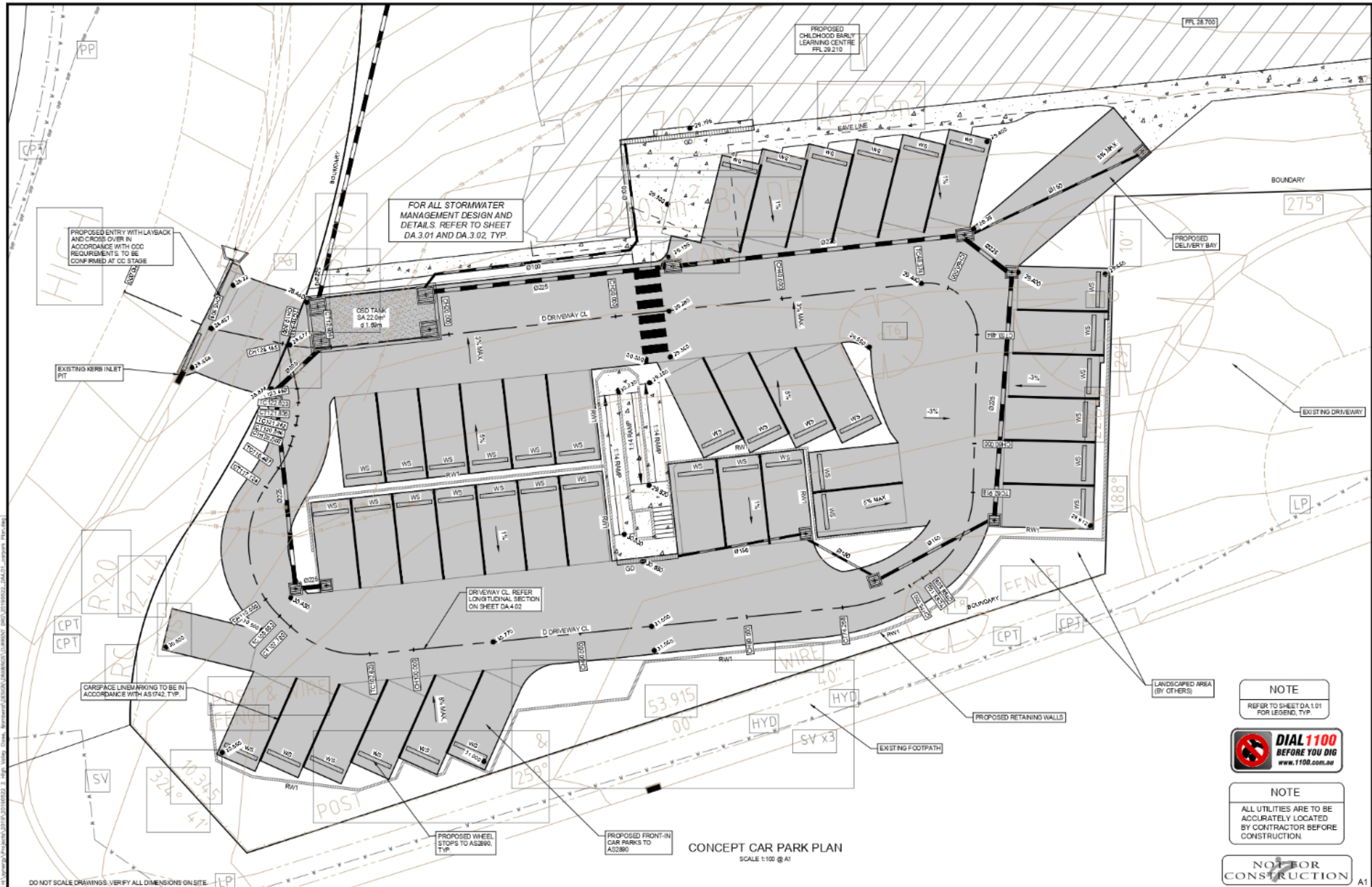
DA.3.01

REV: C

NOT FOR CONSTRUCTION

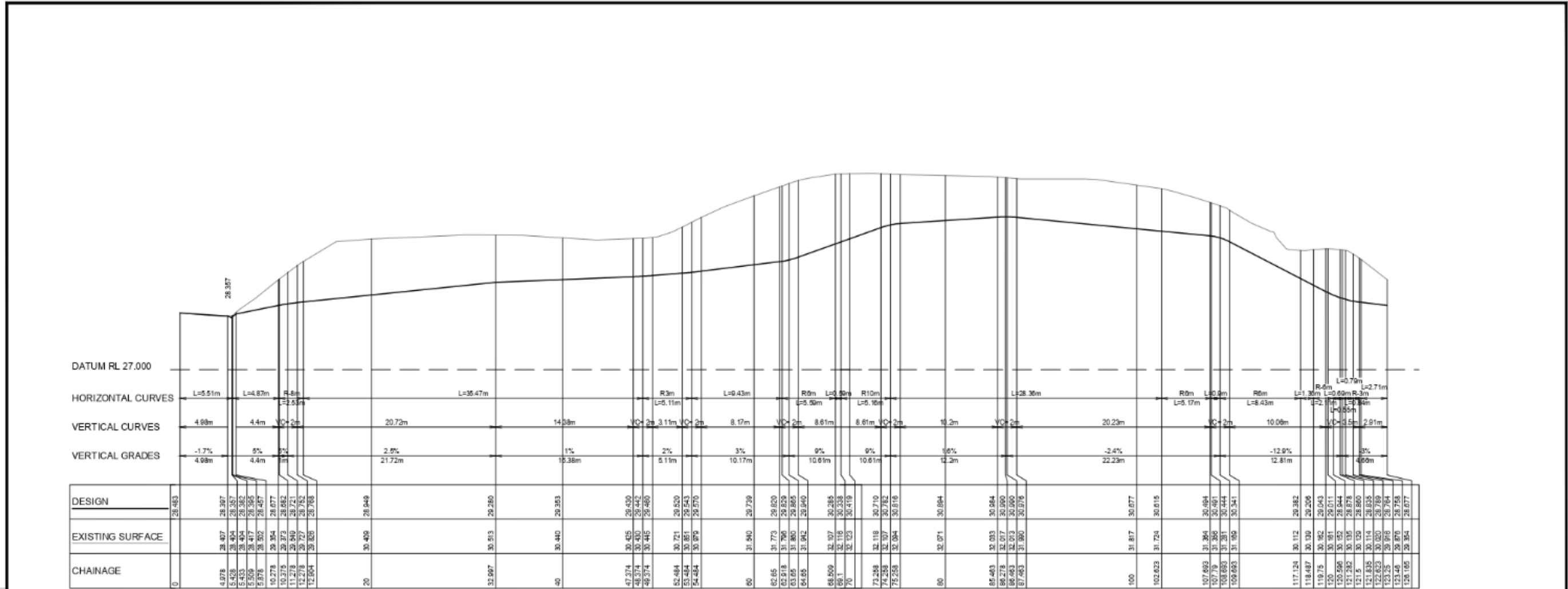


REVISION A ISSUE FOR DA B REISSUE FOR DA		DATE 18.12.19 31.01.20		VERSION D.A. ISSUE		RGH CONSULTING GROUP Multi-discipline Engineering		Project Address: P10853/9/7 (2019) 10414 2/19 Contact: Geoff Upton 1300 733 833 geoff@rghe.com.au www.rghe.com.au		SURVEY BY INTRAX		CLIENT HIGH VALLEY HOLDINGS P/L		DRAWING TITLE CONCEPT STORMWATER MANAGEMENT DETAILS		<table border="1"> <tr> <th>NO</th> <th>ISSUED</th> <th>BY</th> <th>REV</th> </tr> <tr> <td>01</td> <td>18/12/19</td> <td>JD</td> <td>1</td> </tr> <tr> <td>02</td> <td>31/01/20</td> <td>ML</td> <td>2</td> </tr> <tr> <td>03</td> <td>31/01/20</td> <td>CF</td> <td>3</td> </tr> </table>		NO	ISSUED	BY	REV	01	18/12/19	JD	1	02	31/01/20	ML	2	03	31/01/20	CF	3
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02	31/01/20	ML	2																														
03	31/01/20	CF	3																														
SCALE 200 100 0 200 400 600 800 1000 SCALE OF MILLIMETRES (1:10 AT A1 SHEET BEFORE REDUCTION)				DATUM AND REFERENCE 54/08470 DATED 4/1/16 & 1/7/19				PROJECT PROPOSED CHILDHOOD EARLY LEARNING CENTRE				DRAWING NO DA.3.02																					
SCALE OF METRES (1:20 AT A1 SHEET BEFORE REDUCTION) DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE.				NOTE: CONFINED SPACES WARNING SIGNAGE IS TO BE INSTALLED IN THE VICINITY OF ALL OPENINGS TO THE OSD TANK. REFER TO DETAIL THIS SHEET.				TYPICAL SECTION THROUGH EARTH BUND SCALE: 1:20 @ A1				NO FOR CONSTRUCTION A1																					



REVISION	DESCRIPTION	DATE	VERSION
A	ISSUE FOR DA	18.12.19	
B	REISSUE FOR DA	31.01.20	
C	RETAINING WALL AMENDED	03.02.20	

<p>SCALE</p> <p>1 2 4 6 8 10</p> <p>SCALE OF METRES (1:100 @ A1 SHEET BEFORE REDUCTION)</p>	<p>D.A. ISSUE</p>	<p>RGH CONSULTING GROUP Multi-discipline Engineering</p>	<p>Project Address: PO Box 3197 7100 Wamberal NSW 2263</p> <p>Central Coast Office: Unit 1/3 Fernvale Close 7460 Wamberal NSW 2263 Ph: 02 4321 0222</p> <p>North Coast Office: Unit 1/111 Berrigal Street 2430 Wamberal NSW 2263 Ph: 02 4321 0217</p>	<p>SURVEY BY: INTRAX</p> <p>REFERENCE: SP/08470</p> <p>DATED: 4/1/19 & 1/7/19</p> <p>DATUM: AHD</p>	<p>CLIENT: HIGH VALLEY HOLDINGS P/L</p> <p>ADDRESS: 2 HIGH VALLEY CLOSE, WAMBERAL NSW</p> <p>PROJECT: PROPOSED CHILDHOOD EARLY LEARNING CENTRE</p>	<p>DRAWING TITLE: CONCEPT CAR PARK PLAN</p>	<table border="1"> <tr> <td>SCALE</td> <td>1:100</td> <td>DATE</td> <td>18/12/19</td> </tr> <tr> <td>DRAWN</td> <td>JG</td> <td>CHECKED</td> <td>CF</td> </tr> <tr> <td>DESIGNED</td> <td>ML</td> <td>DRAWN</td> <td>JBC/19</td> </tr> <tr> <td>CHECKED</td> <td>CF</td> <td>DATE</td> <td>20/10/22</td> </tr> <tr> <td>DATE</td> <td>20/10/22</td> <td>JOB NUMBER</td> <td>20190522</td> </tr> </table>	SCALE	1:100	DATE	18/12/19	DRAWN	JG	CHECKED	CF	DESIGNED	ML	DRAWN	JBC/19	CHECKED	CF	DATE	20/10/22	DATE	20/10/22	JOB NUMBER	20190522	<p>DA.4.01</p> <p>C</p>
SCALE	1:100	DATE	18/12/19																									
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DESIGNED	ML	DRAWN	JBC/19																									
CHECKED	CF	DATE	20/10/22																									
DATE	20/10/22	JOB NUMBER	20190522																									



D Driveway CL - LONGITUDINAL SECTION
 A1 HORZ SCALE 1:200
 A1 VERT SCALE 1:50



NOT FOR CONSTRUCTION A1

REVISION A ISSUE FOR DA 18.12.19 B REISSUE FOR DA 31.01.20		DATE 18.12.19 31.01.20		VERSION D.A. ISSUE		SCALE 4 2 0 4 8 12 16 20 SCALE OF METRES (1:200 AT A1 SHEET BEFORE REDUCTION)		RGH CONSULTING GROUP Multi-discipline Engineering		SURVEY BY INTRAX REFERENCE S4/08470 DATED 4/7/10 & 1/7/10 DATUM AHD		CLIENT HIGH VALLEY HOLDINGS P/L ADDRESS 2 HIGH VALLEY CLOSE, WAMBERAL NSW PROJECT PROPOSED CHILDHOOD EARLY LEARNING CENTRE		DRAWING TITLE CONCEPT DRIVEWAY LONGITUDINAL SECTION		NO FOR CONSTRUCTION A1	
								RGH CONSULTING GROUP 1/100 WARRAWONG ROAD WARRAWONG NSW 2570 PH: 02 4321 2322 FAX: 02 4321 2323 WWW.RGHCONSULTING.COM.AU				DA.4.02 REV B DATE 28/01/20 JOB NUMBER 20190522					

Item No: 3.2
Title: DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use)

Department: Environment and Planning

12 November 2020 Local Planning Panel Meeting

Reference: DA/1418/2016/B - D14266841
 Author: Nathan Burr, Senior Development Planner
 Manager: Salli Pendergast, Principal Development Planner North
 Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

A section 4.55(1A) application has been received to facilitate the ongoing use of the site for purposes of a function center and short term accommodation. The application has been examined having regard to the matters for consideration detailed in section 4.55 and 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.

Having regard for the Ministerial Directions of 23 February 2018, 3 November 2019 and 30 June 2020, the application is required to be determined by the Central Coast Local Planning Panel as the development is considered to be contentious due to the number of submissions received (12 submissions received).

The application is recommended for refusal.

Applicant	Tim Shelley Planning
Owner	Ms J Cooney
Application No	DA/1418/2016/B
Description of Land	Lot 622 DP 1115049, 1376 Yarramalong Road, WYONG CREEK NSW 2259
Proposed Development	Amendment to approved function centre and use of heritage item (dwelling) for temporary short term accommodation (under Clause 5.10 (10) of Wyong Local Environmental Plan 2013 - Conservation Incentives)
Site Area	46.81Ha
Zoning	RE1 Public Recreation, E3 Environmental Management
Existing Use	Residential
Employment Generation	No
Estimated Value	Nominal

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

Recommendation

- 1 That the Local Planning Panel refuse the modifications to Development Application 1418/2016/B for the reasons detailed in the schedule attached to the report and having regard for the matters for consideration detailed in 4.55 (1A) and Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**

Key Issues

- The original consent was granted pursuant to the adaptive use of a heritage item provisions of the *Wyong Local Environmental Plan 2013*.
- The original consent is subject to a condition which stipulated a trial period to observe the impacts of the use.
- The proposed modification seeks an ongoing consent.
- The development generated economic benefits through employment of contractors and attracting customer for tourist related businesses.
- The use had an adverse impact on the amenity of the area primarily through the generation of noise.
- Public Submissions.
- Modification not demonstrated to be of minimal environmental impact.

Precis:

Proposed Development	Delete condition 41 – The trial period condition (to allow ongoing use) Amend conditions 30 and 31 which relate to acoustic controls.
Permissibility and Zoning	The land is zoned <i>RE1 Public Recreation</i> and <i>E3 Environmental Management</i> under the <i>Wyong Local Environmental Plan 2013</i> . The development occurs wholly within the E3 zoned portion of the site. Function centres are not permissible within the E3 zone. Clause 7.18 of WLEP 2013 makes short term rental accommodation permitted in certain circumstances in any zone.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

	Consent to the development was originally granted pursuant to the heritage conservation provisions of WLEP 2013.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Rural Fires Act 1997</i> • <i>Environmental Planning & Assessment Regulation 2000 (EP&A Regulation)</i> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Draft Central Coast Local Environmental Plan 2018</i> • <i>Wyong Shire Development Control Plan 2013</i>
Current Use	Residential (approved time limited approval for functions)
Integrated Development	Yes
Submissions	12 Submitters. However, 1 submission is from a customer of the use and the submission does not relate to planning matters and/or the current application.

The Site

The subject site of 1376 Yarramalong Road, Wyong Creek is legally known as Lot 622 in DP 1115049. The site is located on the southern side of Yarramalong Road and is an irregular shaped parcel comprising an area of 46.8 hectares. The site has a frontage of approximately 259m to Yarramalong Road.

A single storey weatherboard dwelling with a metal roof known as "Hillview" is located in the north-east corner of the site adjacent to Yarramalong Road. The dwelling is listed as a local heritage item (I148) under *Schedule 5 of Wyong Local Environmental Plan 2013*.

A machinery shed and informal gravel car park are located to the west of the dwelling. The northern portion of the site that is intended to be used for the proposed development comprises cleared paddocks, orchard areas and a dam that are within the vicinity of the existing built structures on site. The southern portion of the site is densely vegetated woodland.

A barn/farm building has been erected south of the existing dwelling. This approved barn/shed has been fitted out, without consent, for the purposes of a function center.

Access to the property is provided by an existing driveway off Yarramalong Road between the existing dwelling and the machinery shed.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

The subject Lot is burdened by an easement for access and services in favour of adjoining Lot 621 as shown as "A" and "S" on the deposited plan (DP). The existing easements will remain in place and unimpeded by the proposed use.



Figure 1 - 2019 aerial photograph of the area site of the site for the proposed development

The land is zoned *RE1 Public Recreation* and *E3 Environmental Management* under Wyong LEP 2013.

The WLEP 2013 does not establish development standards for height of buildings or floor space ratio on the site but does set a minimum lot size of 40Ha.

The site is within the drinking water catchment, is not identified as being subject to acid sulphate soils. While the valley is generally subject to high hazard flooding the site is not impacted by flooding in any event including the PMF.

The curtilage of the existing dwelling and the portion of the site fronting Yarramalong is not mapped as being bushfire prone however, the bulk of the site is mapped as bushfire prone land or bushfire buffer.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

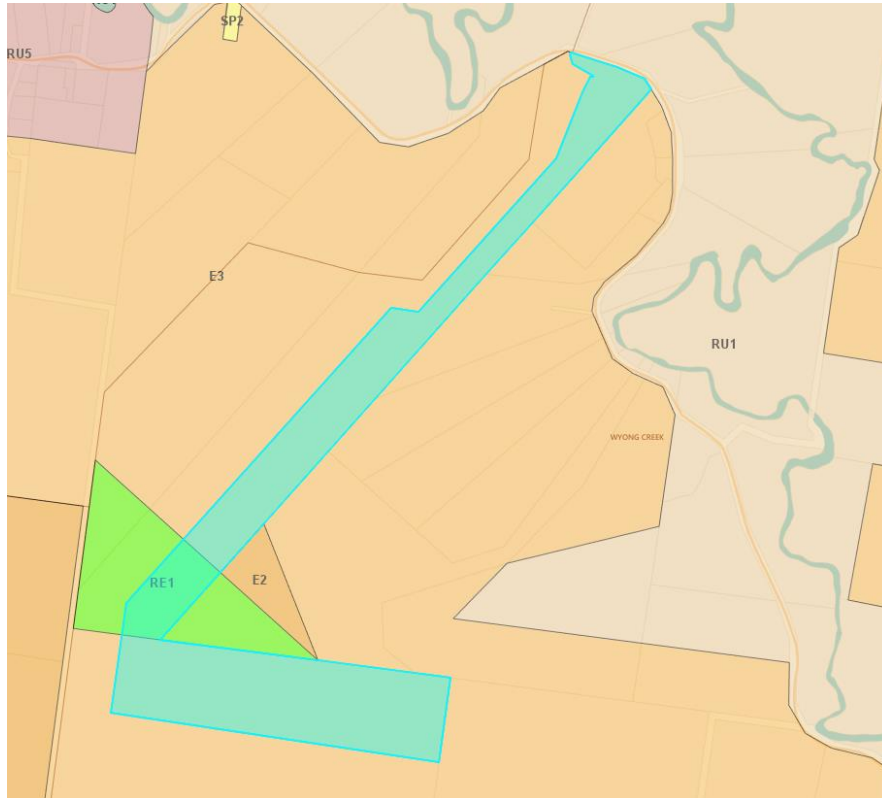


Figure 2 - Wyong LEP 2013 zoning map – Subject area of the site for the application is zoned E3 – Environmental conservation

Surrounding Development

The area is characterized by the cleared valley floor utilised for small farming, animal keeping and residential pursuits which give way to heavily vegetated hillslopes.

The valley contains numerous water courses which tend to be tree lined, the main one being Wyong River. Allotments in the area are eclectic in arrangement and varying in size from 0.5Ha to 10-20 Ha within the valley floor and circa 30-60Ha on the hill slopes. Dwellings in the area tend to be located toward the public road frontage of the respective sites.

History

The following history is pertinent to the proposed development

Alterations & Additions to Existing Heritage Listed Dwelling (DA/1418/2015)

Development Consent was granted on 23 February 2016 for alterations and additions to the existing dwelling (locally listed heritage item). Floor plans of the historic and approved development are included below.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

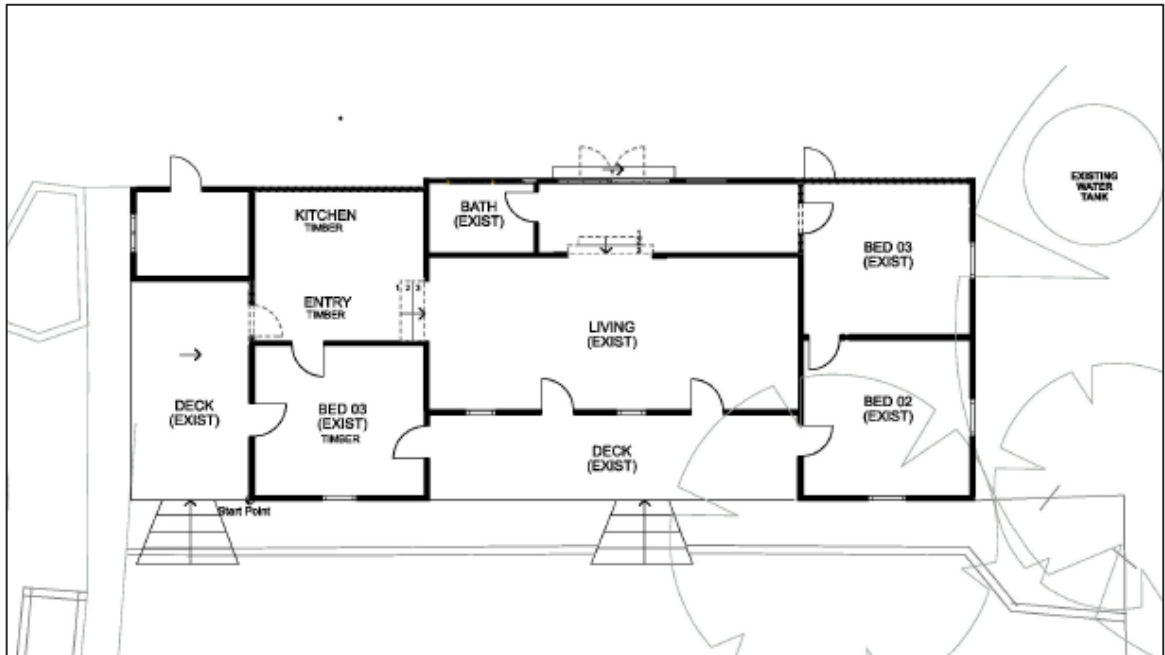


Figure 3 - Historic Dwelling Floor Plan

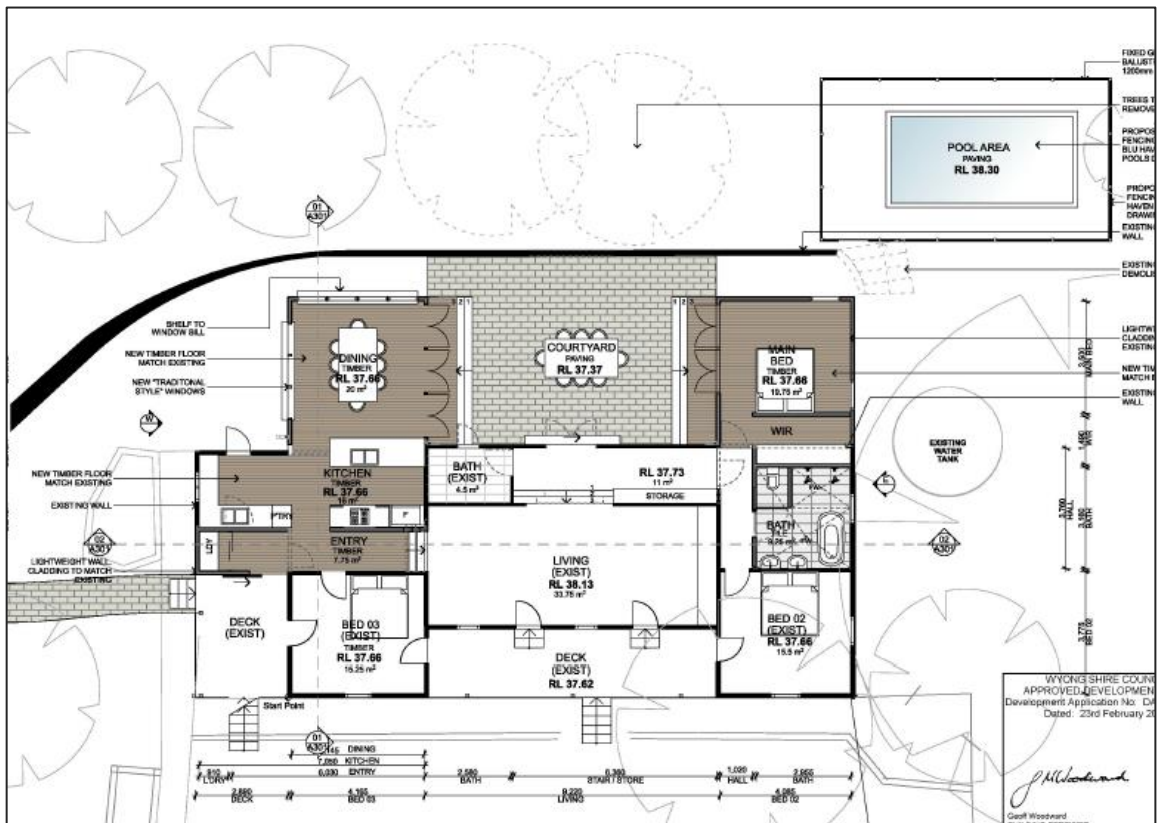


Figure 4 - Approved Alterations and Additions to Dwelling - DA1418/2015

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

Temporary Use of Site for Functions – Utilising Temporary Marquee (DA/1418/2016)

Development Consent granted for the use of the site as a function centre (mainly weddings), comprising the temporary erection of a marquee and portable toilets for the duration of the event and use of the existing locally heritage listed dwelling (Hillview) for accommodation by the wedding party or event organisers during the event.

The consent also allowed for upgrading works of the existing car parking area, the construction of a concrete slab for the placement of temporary toilets and a pathway for accessible toilets located in the dwelling house.



Figure 5 - Approved Site Plan for Function Centre in Temporary Structures and Accommodation

The consent was taken up and functions were held at the site utilising the area of the site notated as Option B.

The use for temporary events was modified (under Ref. DA/1418/2016/A) which was approved in order to remove references and requirements relating to obtaining a construction certificate or an occupation certificate (given the temporary nature of the marquee/toilet and facilities relating to the use of the site for functions and that the relevant consent did not involve the erection of any buildings).

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

Agricultural Shed/Machinery Shed (DA/1512/2017)

Development consent was granted on 19 February 2018 for the erection of a shed ancillary to agricultural use of the land. Condition 9 of consent DA/1512/2017 provides that the shed is not to be used for any commercial purposes, nor function centre or wedding functions – noting that there was a time limited previous consent for use of the site for the purposes of functions in temporary marquee.

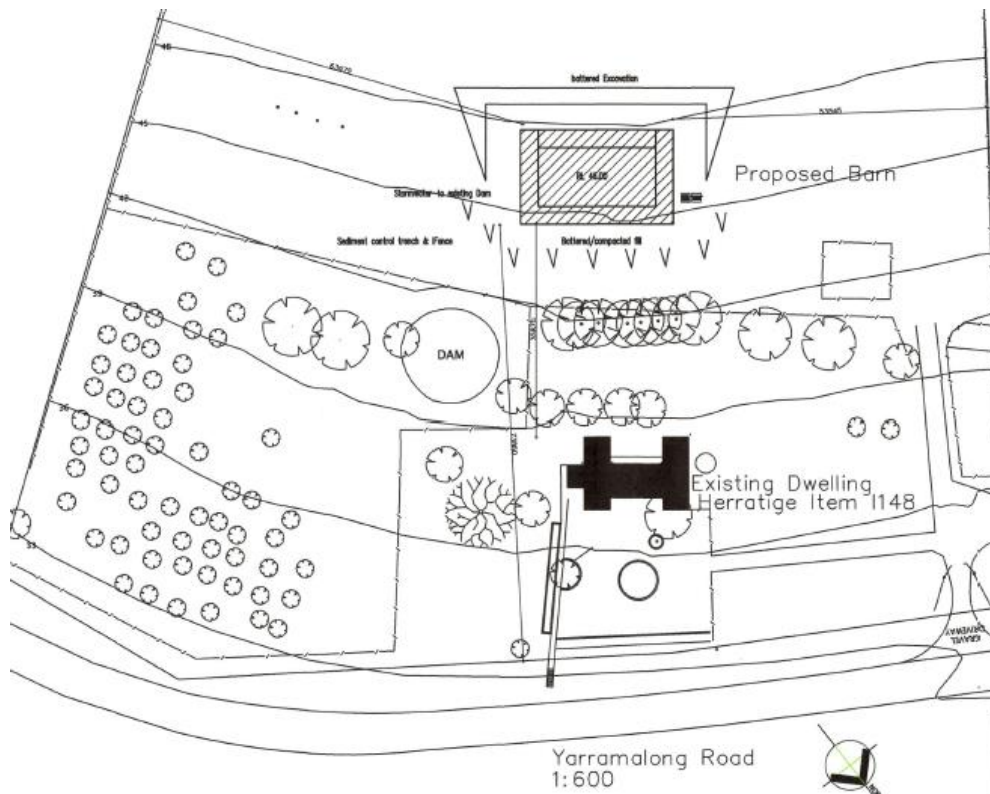


Figure 5 - Approved Site Plan for a Shed

Fit out and Use of Machinery Shed

Upon completion of the farm building erected pursuant to DA/1512/2017 (mentioned above) it appears that the use of the site for weddings/functions transitioned from the use of temporary marquees to functions being held in the shed. The shed has been fitted out for this purpose with substantial facilities (including flooring, french doors, decking, lighting, semi-commercial kitchen/food preparation area and the like).

The use of the shed for non-approved activities has been the subject of ongoing complaints from neighbouring property owners as well as compliance action from Council.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

Two Current Development Applications

At the time of writing of this report, there are two outstanding applications relevant to the subject property:

- DA/410/2019 – Application has been made for the use of the shed approved under DA/1512/2017 for the purposes of a function centre.
- DA/1418/2016/B (This application is the subject of this report) – seeking continued use of the site for the purposes of wedding/function centre (temporary marquee/facilities), use of dwelling for guest accommodation and amendment to conditions relating to acoustic measures.

The Proposed Development

Under the provisions of Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979, approval is sought to delete condition 41 to allow the permanent use of the site for the purposes of a function centre including the use of the existing dwelling which is a locally listed heritage item for short-term accommodation as follows:

Delete Condition 41.

Existing Condition 41

- 41 *This consent is for an additional twelve (12) month period only and accordingly must cease at the expiration of twelve (12) months from the date of the modified consent. Any extension of the approved use beyond twelve (12) months will require the prior submission and approval of an application under Section 96 of the Environmental Planning and Assessment Act 1979. In considering any application for the extension of this consent, Council would have regard for relevant matters under the Environmental Planning and Assessment Act 1979, including any submission received during the period.*

The proposed modification was subsequently expanded via amendment to include the following.

Replace condition 30 as follows:

Existing Condition 30

- 30 *A suitable qualified professional who is currently practicing as an accredited Acoustic Consultant must confirm by undertaking a field assessment that the use of the function is not unreasonably impacting the surrounding environment.*

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

The applicant considers condition 30 to be impractical by involving subjective assessment and as a result is incapable of being complied with and seeks the following condition in its place.

Proposed Condition 30

- 30 "A suitable qualified professional who is currently practicing as an accredited Acoustic Consultant must confirm by undertaking a field assessment that that noise levels at the nearest potentially affected residence do not exceed the projected maximum noise level identified in the Noise Assessment."

Replace condition 31

Existing Condition 31:

- 31 *An acoustic limiting device must be installed on all amplified equipment that is used in association with the function centre. The maximum electronic frequency is to be set at a decibel level by an accredited acoustic consultant that does not reasonably impact upon the surrounding residents.*

The applicant considers that Condition 31 is not in accordance with the noise assessment submitted with the original application and is also difficult and expensive to implement given the temporary nature of the structures. The applicant considers that the test contained within the condition is subjective therefore difficult to comply with and proposes the following condition in its place,

Proposed Condition 31:

- 31 *"An acoustic limiting device must be installed on all amplified equipment that is used in association with the function centre the maximum electronic frequency is to be set at a decibel level by an accredited acoustic consultant that. ensures that noise levels at the nearest potentially affected residence do not exceed the projected maximum noise level identified in the Noise Assessment."*

Other Necessary Changes

The proposed modification does not seek to modify the provisions of conditions 32 and 33 but if the application to modify the consent were to be approved conditions 32 and 33 should be revisited. Conditions 32 and 33 are include below.

- 32 *A compliance certificate must be obtained from an accredited acoustic consultant demonstrating that the acoustic limiting device has been correctly*

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

installed on all amplified equipment that is used in association with the function centre.

- 33 *A current compliance certificate must be kept onsite and made available to any Council/EPA officer upon request.*

It is noted in the application that conditions 30 and 31 as they appear on the consent have not been complied with and therefore conditions 32 and 33 which relate to the certification of the requirements of conditions 30 and 31 being met have also not been met.

Condition 35 of the consent requires the function to be carried out within the area marked on the approved plan as Option A however, the typical operation of the development has tended to utilise the area notated Option B and if the application to modify the consent were to be approved condition 35 should be revisited. Condition 35 is included below.

- 35 *The marquee is restricted to the location marked as Option A on the approved plans. The marquee must be erected 24 hours prior to the event starting and removed within 24 hours following the completion of the event on site.*

The application for modification of the consent contains traffic and flood risk management plans which relate to the satisfaction of matters required to be addressed prior to the use of the premises and do not relate to a request to modify the consent.

Assessment

Having regard for the matters for consideration detailed in Sections 4.55(1A) and 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for information.

Environmental Planning and Assessment Act 1979 – Section 4.55

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

- (1A) *Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
 - i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

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

The use of the site for the purposes of a function centre has resulted in a number of complaints being received by Council regarding functions held at the site disrupting the amenity of the locality. This has been reflected in the public submissions received in response to the notification of the current proposed modification and the Council's compliance files.

The impacts to the amenity of the nearby residents relates to the generation of traffic and noise generated by the operation of the site for the purposes of a function centre including traffic, congregational noise, and amplified noise such as music and speeches.

The original assessment was based on a noise assessment which utilised modelled information and accordingly the consent was granted subject to a trial period condition to allow for observation of the actual impacts and collection of data with respect to the actual use. The developer did not comply with condition 30 of the consent 1418/2016/A that required field assessment of acoustic impacts (during the initial 12 month operation). The acoustic report subsequently submitted in support of the current application does not address the use of marquees for functions and relies on modelled data and is considered unable to demonstrate that the proposal would be of minimal environmental impact.

As previously mentioned, the operation of the development didn't incorporate the requirements of conditions intended to reduce the noise impacts of the development. It is not clear whether a compliant development would have an acceptable impact on amenity. It is not necessary for the current assessment to suppose what impact a compliant development may have had. There has been no submission from the applicant in the way of

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expert assessment or otherwise that demonstrate that the proposal would be of minimal environmental impact.

Based upon the applicant's submissions, the public submissions, and Council's files Council's Environmental Health Officer is the opinion that it is likely that the operation of the development has an adverse impact on the amenity of the locality.

On the face of it an extension of the use as sought would result in impacts that are beyond the scope of what would reasonably be considered to be minimal and the application fails to meet the test of S. 4.55(1A)(a) and as a result authority by which the application may be approved does not exist.

The original approval granted consent for a Function Centre and use of heritage item (dwelling) for temporary short term accommodation (under Clause 5.10 (10) of Wyong Local Environmental Plan 2013 - Conservation Incentives). The Modification DA/1418/2016/A removed references to the obtaining of an occupation certificate and the essence of the approval remained unaltered following that modification.

It is apparent that use of the site did not comply with the conditions of the subject consent and following the initial use of marquess the function centre use transformed and went beyond the scope of the consent through the use of the shed approved under DA/1512/2017. Notwithstanding the non-compliances are not regarded to be an abandonment of the consent and the use could foreseeably be a compliant development.

The proposed modification relates principally to the removal of the limitation of the extent of time in which the consent operates, and in doing so allow for the continuation of the use. The modification also seeks to refine conditions related to the management of the acoustic impacts of the development and apart from those amendments there are no proposed changes to the approved development sought.

While the use is having a detrimental impact on the amenity of the neighbourhood simply allowing for a continuation of the use despite the impacts identified does not transform the proposed modification into some other form of development which is not substantially the same as that which was originally approved and were the current application approved the development would be substantially the same development.

The proposed modification was notified in accordance with *Wyong Development Control Plan 2013* from 22 February to 15 March 2019 and again following the submission of additional information from 4 March 2020 to 18 March 2020.

Submissions were received from twelve separate parties in response to the notification of the proposed modification (although one submission was not relevant). The submissions may be

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generally characterised as either objections (10 submissions) to the development or as being generally supportive of the development (1 submission).

The matters raised in submission are summarised below.

Objections:

- The development is operating beyond the conditions of approval and/or is not consistent with the terms of the original development application.
- The number of guests attending the events is excessive.
- The noise generated by the development is disturbing the amenity of the neighbourhood.
- The noise generated on the site continues late into the night and while music may cease at 10.30pm noise from the gathering persists for up to an hour beyond this.
- Question the legitimacy of the use of the heritage provisions to approve the development.
- The site and surrounds are subject to natural hazards such as flooding.

In support:

- The development boosts the local economy and has a positive flow on effect on other tourist related businesses in the area.
- The operator has taken all the necessary steps to ensure the venue does not unduly impact on neighbours and there is little disturbance to the neighbourhood.
- The site and the business is well presented and is a positive contribution to the character of the local area.

Comment:

The submissions provide conflicting views with regard to the impact of the development on locality particularly in relation to the generation of noise.

While one submission is not favoured over others with respect to the nature or intensity at which impacts or felt or perceived in relation to the development it is noted that the projection of noise associated with the development is not uniform. Therefore the impact across all receivers is not uniform and it is considered likely that the development is having a significant adverse impact on some but not all residents in the surrounding area.

It is acknowledged that the development during its operation would have been having a positive economic impact in the locality with regard to flow-on effects to other tourist related developments.

A positive economic impact does not negate the consideration of impact on amenity within the surrounding area. The consent was originally granted pursuant to the heritage provisions of the WLEP 2013 which set a high bar with regard to a development not having any

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significant adverse effect on the amenity of the surrounding area. The use of the site is not considered to have met that bar and the current modification is not considered to be of minimal environmental impact.

An inspection of the site revealed that grounds are landscaped and the landscaping is well maintained. The consideration of heritage matters is included below in relation S.4.55(1A)(3) below.

While the site is subject to natural hazards it is considered that these hazards may be appropriately managed through the cancellation of events and if necessary, the evacuation of the site.

A traffic management plan has been submitted as part of the current application which is satisfactory. Council's Traffic and Transport Engineer has reviewed the proposal and has not raised significant concerns with the development. It is noted that amenity impacts from traffic which were raised in submissions.

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in S. 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Wyong Local Environmental Plan (LEP) 2013 - Permissibility

The development is defined as function centre which is not a permissible use within the E3 Environmental management under the WLEP 2013. Consent was originally granted pursuant to clause 5.10(10) which allows for the adaptive reuse of a heritage item for any use, including uses which are otherwise prohibited provided the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

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Council's Heritage Advisor is of the opinion that the development does not meet the requirements of (c), (d) and (e). In this regard the restoration works the application cites are related to alterations and additions carried under DA/1418/2015 for their own intents and purposes and the subject proposal ought not rely on works which have already been completed as a justification for a prohibited use under clause 5.10 of WLEP 2013. Further there is no evidence that works to conserve the heritage item have resulted from the approved development.

The proposed modification seeks the continuation of the use through the deletion of condition 41 and while the modified development would be substantially the same development that consent was originally granted and it is a critical and inseparable element of the adaptive reuse provision that the proposed development would not have any significant adverse effect of the amenity of the surrounding area.

The development as modified is not considered to meet the requirements of clause 5.10 of WLEP 2013 and the development is therefore for a prohibited land use. The entrenchment of a prohibited land use is undesirable and not supported.

While the development is considered to be prohibited a separate head of power exists under clause 7.18 of WLEP 2013 for the use of the dwelling for the purposes of short term rental accommodation that use in any zone with consent provided the subject dwelling has up to 6 bedrooms. Consent for the short term rental accommodation was originally granted as part of the overall proposal pursuant to clause 5.10 of WLEP 2013 and the use of the dwelling cannot be separated from the function centre under the current modification.

Wyong Local Environmental Plan (LEP) 2013 Clause 2.3 – Zone objectives and land use table

Subclause 2.3(2) of the *Wyong LEP 2013* requires the consent authority to have regard for the objectives of the zone when determining a development application. The objectives of the E3 zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values*

The original assessment did not examine the zone objectives however, notwithstanding the use being for a prohibited development, it is foreseeable that a development for the type proposed could be consistent with the objectives of the zone. In this regard a development only need not have an adverse effect on the special ecological, scientific, cultural or aesthetic values of the zone to be consistent with the objectives.

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Wyong Local Environmental Plan (LEP) 2013 - Clause 5.10 (10) Conservation incentives

Permissibility with respect to Clause 5.10 (10) has been discussed above. The temporary use in and of itself is not considered to have a detrimental impact on the heritage value of the site.

Wyong Local Environmental Plan (LEP) 2013 - Clause 7.4 – Drinking water catchments

The original assessment found that the proposed development will not significantly impact the water quality and flows within the water drinking catchment, as the function centre is serviced by porta loos and rubbish bins that will remove all waste water and rubbish from the site to a licensed disposal facility. The proposed use of the existing dwelling for accommodation will utilise the existing waste water system (septic tank) on site. The proposed modification does not alter the original assessment.

Wyong Local Environmental Plan (LEP) 2013 - Clause 7.9 – Essential services

The original assessment found that the subject site is not serviced by Council's reticulated water supply or Council's sewer and is serviced by tank water and a septic system. The existing services provided (septic tank and water tank) on site is utilised for the accommodation purposes of the existing dwelling and porta loos will be provided on site per event and the proposed development was considered to satisfy Clause 7.9 of the WLEP 2013. The vehicular access is considered to be suitable and the proposed modification does not alter the original assessment.

Draft Central Coast Local Environmental Plan 2018

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP) was exhibited from 2 December 2018 until 28 February 2019 and will replace the planning instruments relating to the former Local Government Areas. Under the provisions of Draft CCLEP, the site retains its E3 Environmental Management zoning. Development for the purpose of a function centre is prohibited in the E3 Environmental Management zone pursuant to the Draft CCLEP.

Wyong Development Control Plan 2013 (WDCP 2013)

DCP Chapter 1.2 -Notification of Development Proposals

This modification application was notified in accordance with Chapter 1.2 Notification of Development Proposals. Refer to the discussion above in relation to S.4.55(1A).

DCP Chapter 2.11 – Parking and Access

The original assessment found that the specific parking requirements for function centre are,

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*15 spaces per 100m² or 1 space per 3 seats, whichever is the greater
1 space per 400m² GFA up to 2,000m² GFA then 1 space per 1,000m² thereafter.*

The original Statement of Environmental Effects indicated there would be a maximum 70 guests per event which would require 23 car parking spaces to be provided on site. The car parking area and the overflow car parking area on site can accommodate a greater amount of car parking than the required 23 car spaces and it was considered that the parking complied with chapter 2.11 of the WDCP 2013. The actual number of patrons accommodated on site was significantly higher than that specified in the original statement of environmental effects and if the current modification were to be approved the provision of car parking should be revisited.

Likely Impacts of the Development:

Built Environment

The surrounding locality is predominantly rural small holdings and the original assessment did not identify any adverse impacts associated with the development in relation to impacts to adjoining development from overshadowing, privacy, and views. The proposed modification does not alter the original assessment in this regard.

As mentioned above the original assessment identified the potential for noise generated by the development and conditions of consent were recommended accordingly. The development during its operation has been found to have a negative impact on the amenity of the surrounding area. The noise impacts not considered to be reasonable given context of the site.

The premise of the original application was that the heritage value of the site would be conserved as a result of the function centre use funding the upkeep and improvement of the heritage building. The operation of the development however, has not been shown to have contributed to the conservation of the heritage item. If the modification were approved to allow for the continued operation of the function centre could potentially allow for the conditions of consent to be pursued with respect to the carrying out of conservation works pursuant to an approved heritage management document.

Natural Environment

The original assessment did not reveal any undue impacts to the natural environment including the drinking water catchment. The proposed modification does not include any works that would impact the natural environment.

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Economic Impacts

The public submissions indicate the development had a positive economic impact in terms of generating tourism and business for contractors servicing the business. The proposed modification would allow for continued economic benefits from the function centre.

Social Impacts

The public submissions indicate that the development in operation had a negative impact on amenity in the locality and has resulted in a diminished social cohesion and sense of place. Unless the negative impacts of the development could be ameliorated, which is not proposed under the current modification, the development will have a negative social impact.

Suitability of the Site for the Development

The modification does not accord with the findings of the original assessment which found the approved development suitable for the site and in keeping with the character of the area. The operation of the development has resulted in a larger footprint than originally anticipated and the modification does not contain sufficient measures to reduce to the impact footprint of the development to site.

Notwithstanding the development is satisfactory in terms of natural hazards such as, flood prone land, bushfire hazard, land contamination or the like. Generally, the major constraints on the development in terms of site suitability are responding to the existing and potential development on the adjoining sites.

Any Submission made in Accordance with this Act or Regulations

The proposed modification was notified in accordance with Wyong Development Control Plan 2013 from 22 February to 15 March 2019 and again following the submission of additional information from 4 March 2020 to 18 March 2020. Submissions have been addressed above in relation to S.4.55(1A) above.

Submissions from Public Authorities

There were no referrals or submissions from any public authorities associated with the modified development. The development is subject to a Bushfire Safety Authority which is unaffected by the proposed modification.

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Internal Consultation

Internal Referral Body	Comments
Environmental Health	Not supported
Heritage	Application is considered to be ineligible. See comments below

Environmental Health Officer

Having reviewed the sampling data, methodology and findings of this acoustic assessment. Based on the content within this report, the history of complaints, submissions and the current approval for the use of the property as a function centre Council's Environmental Health Officer does not support the current proposal for the following reasons:

- Spectrum Acoustics have provided non site specific data relating to the sound levels being generated from a typical band playing at the venue. To account for all different types of bands that could play, no consideration was given to the "worst case scenario" in their predictive modelling and or assessment.
- The recommended attenuation controls for live bands at an event is very subjective, as the responsibility of the person who hired the event and or musician must determine whether the band is unreasonably impacting upon the surrounding neighbours.
- The predictive modelling and assessment has not accounted for pedestrian flow out of the building whilst the band was playing. The attenuation control is heavily reliant on the person who hirers the event to manage/restrict the use of specific doors.
- The predictive modelling and assessment has not accounted for a worst case scenario of congregational noise at the outdoor bar, firepit and carpark. Therefore, the distance to the closet receivers are miss interpreted for the predictive modelling and acoustic impacts.
- As this assessment elected not to use real monitoring data from the function centre and or account for worst case scenarios, no confidence in these results and recommendations are made.
- Due to the proponent not complying with condition 30 of development consent 1418/2016 the acoustic consultant has not been able to utilise real data in their predictive modelling to support their findings and or refute the submission of objections.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

- Council has received numerous complaints and objections to this proposal and based on the consistent concern that the management of the facility is having detrimental impact upon the amenity of the neighbourhood. The current management approach and reassurance to additional conditional requirements for the operator to determine amenity impacts is not supported.
- Although a "Management Plan" has been provided to support this proposal the owners of the property are not onsite during an event.
- The function centre has expanded its current operation and has not been captured within this proposal nor consideration within the acoustic assessment.
- The current operation of the function centre is not being carried out in accordance with the current development consent and appears to be having an unreasonable impact upon the amenity of the neighbourhood.

The findings and recommendations in all four acoustical reports are not accurately justified through the use of the data provided in the assessments. In Noise and Sound Services view the initial sound power level assumptions, sound transmission loss values, barrier attenuation, etc all underestimate the levels and hence the effects of low frequency noise annoyance on residents. Hence, the data used in these assessments is not shown to be reliable or reflective of the proposed use.

Based on this peer review identifying additional concerns relating to the acoustic assessments that supported this proposal, I am still of the opinion that the proponent has failed to provide adequate information that can demonstrate that the use of the function centre will not unreasonably impact upon the amenity of the surrounding neighbourhood.

Heritage Officer

The majority of restoration work appears to have been completed as such the application is considered to be ineligible under Clause 5.10(10) of Wyong LEP 2013, unless additional information can be provided that shows evidence of an ongoing maintenance workplan (based on income from events) and including building contractors costings that demonstrate the works required to be undertaken to preserve the heritage item.

Ecologically Sustainable Principles:

The original assessment had regard to ecologically sustainable development principles and was considered to be consistent with the principles. The original assessment considered the proposal to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and was unlikely to have any significant adverse

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

impacts on the environment and would not decrease environmental quality for future generations. The development in fact resulted in undue noise and social impacts but impacts on the natural otherwise have not been identified through consideration of the proposed modification.

Climate Change

The potential impacts of climate change on the proposed development were considered by Council as part of the original assessment of the application. The assessment included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. It is considered that the proposed amendment will remain consistent with the original climate change assessment.

Other Matters for Consideration

Contributions

There are no applicable contributions required to be levied for the proposed modification under Council's Section 7.11 Contributions Plan. There are no applicable Section 7.12 Contributions as the value of the development does not meet the minimum threshold for contributions.

The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the modification would be adverse to the public interest. The modification is not of minimal environmental impact and there is no evidence that the operation of the development made provision for the conservation of the heritage item. The public submissions reveal that use of the site for the purposes of a function centre had a detrimental impact on the amenity of the area through the generation of noise. While the development is considered to have generated economic benefit the impacts generated were not commensurate with the objectives of the zone or the provisions of clause 5.10 of WLEP 2013 and the public interest is best served by refusing the current application.

Conclusion

In this instance a condition was attached to the initial consent in order to allow for a trial period where the impacts of the development could be monitored and where necessary the terms of the consent adjusted to address undue impacts. The use of the site as a function centre had an adverse impact on the surrounding area.

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use) (contd)

The modification does not contain information demonstrating that heritage conservation will be carried out or that noise mitigation measures that might otherwise render the application acceptable.

After consideration of the development against S. 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is not suitable for the site, is not in the public interest and is not of minimal environmental impact. Therefore, it is recommended that the s4.55(1A) application be refused.

Recommendation

That the application for modification of Development Application No. DA/1418/2016/B be refused for the following reasons:

1. The proposed modification is not of minimal environmental impact and s4.55(1A) is not enlivened and there is no statutory authority to grant approval to the application to the modify the consent.
2. The development as modified would be for a prohibited land use.
3. The proposed modification is adverse to the public interest and would entrench a use of the site which negatively impacts on the amenity of the surrounding area.
4. The modified development is not consistent with the original reasons for the granting of consent.
5. The modified development does not make provision for the conservation of the heritage item.

Attachments

Nil.

Item No: 3.3
Title: DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013

Department: Environment and Planning

12 November 2020 Local Planning Panel Meeting

Reference: DA/410/2019 - D14271455
 Author: Nathan Burr, Senior Development Planner
 Manager: Salli Pendergast, Principal Development Planner North
 Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for the change of use of an existing machinery/agricultural shed to a function centre and the use of an existing dwelling for short term accommodation pursuant to *clause 5.10(10) of Wyong Local Environmental Plan 2013*. 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.

Having regard for the Ministerial Directions of 23 February 2018, 3 November 2019 and 30 June 2020, the application is required to be determined by the Central Coast Local Planning Panel as the development is considered to be contentious due to the number of submissions received (28 submissions received).

The application is recommended for refusal.

Applicant	Tim Shelley Planning
Owner	Ms J Cooney
Application No	DA/410/2019
Description of Land	Lot 622 DP 1115049, 1376 Yarramalong Road, WYONG CREEK NSW 2259
Proposed Development	Change of use of an existing shed to a function centre and the use of an existing dwelling for short term accommodation pursuant to clause 5.10(10) of Wyong Local Environmental Plan 2013
Site Area	46.81Ha
Zoning	RE1 Public Recreation, E3 Environmental Management
Existing Use	Residential
Employment Generation	No
Estimated Value	\$20,0000

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Recommendation

- 1 That the Local Planning Panel refuse the application subject to the reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Key Issues

- Consent is sought pursuant to the adaptive use of a heritage item provisions of the *Wyong Local Environmental Plan 2013*.
- There have been a significant number of public submissions received both in support and objecting to the development.
- The development is likely to have an adverse impact on the amenity of the area including through the generation of noise.

Precis:

Proposed Development	Change of use of an existing machinery/agricultural shed to a Function Centre and use of a heritage item (dwelling) for temporary short-term accommodation (under Clause 5.10(10) of <i>Wyong Local Environmental Plan 2013</i>).
Permissibility and Zoning	<p>The land is zoned <i>RE1 Public Recreation</i> and <i>E3 Environmental Management</i> under the <i>Wyong Local Environmental Plan 2013</i>.</p> <p>The development occurs wholly within the E3 zoned portion of the site.</p> <p>Function centres are not permissible within the E3 zone. Clause 7.18 of <i>Wyong Local Environmental Plan 2013</i> makes short term rental accommodation permitted in certain circumstances in any zone.</p>

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

	Consent is being sought under clause 5.10(10) of <i>Wyong Local Environmental Plan 2013</i> which allows for the use of a heritage item for any purpose.
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Rural Fires Act 1997</i> • <i>Environmental Planning & Assessment Regulation 2000 (EP&A Regulation)</i> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Draft Central Coast Local Environmental Plan 2018</i> • <i>Wyong Shire Development Control Plan 2013</i>
Current Use	Residential
Integrated Development	Yes
Submissions	28 submissions

The Site

The subject site of 1376 Yarramalong Road, Wyong Creek is legally known as Lot 622 in DP 1115049. The site is located on the southern side of Yarramalong Road and is an irregular shaped parcel comprising an area of 46.8 hectares. The site has a frontage of approximately 259m to Yarramalong Road.

A single storey weatherboard dwelling with a metal roof known as "Hillview" is located in the north-east corner of the site adjacent to Yarramalong Road. The dwelling is listed as a local heritage item (I148) under Schedule 5 of Wyong Local Environmental Plan 2013.

A machinery shed and informal gravel car park are located to the west of the dwelling. The northern portion of the site comprises cleared paddocks, orchard areas and a dam that are within the vicinity of the existing built structures on site. The southern portion of the site is densely vegetated woodland.

An agricultural barn/farm machinery shed has been erected south of the existing dwelling. This approved barn/shed has been fitted out, without consent, for the purposes of a function center. It is this building that is the subject of the application.

Access to the property is provided by an existing driveway off Yarramalong Road between the existing dwelling and the machinery shed.

The subject Lot is burdened by an easement for access and services in favour of adjoining Lot 621 as shown as "A" and "S" on the deposited plan (DP). The existing easements will remain in place and unimpeded by the proposed use.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)



Figure 1: 2019 aerial photograph of the area site of the site for the proposed development

The land is zoned RE1 Public Recreation and E3 Environmental Management under WLEP 2013.

The WLEP 2013 does not establish development standards for height of buildings or floor space ratio on the site but does set a minimum lot size of 40Ha.

The site is within the drinking water catchment, is not identified as being subject to acid sulphate soils. While the valley is generally subject to high hazard flooding the site is not impacted by flooding in any event including the PMF.

The curtilage of the existing dwelling and the portion of the site fronting Yarramalong is not mapped as being bushfire prone however, the bulk of the site is mapped as bushfire prone land or bushfire buffer.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

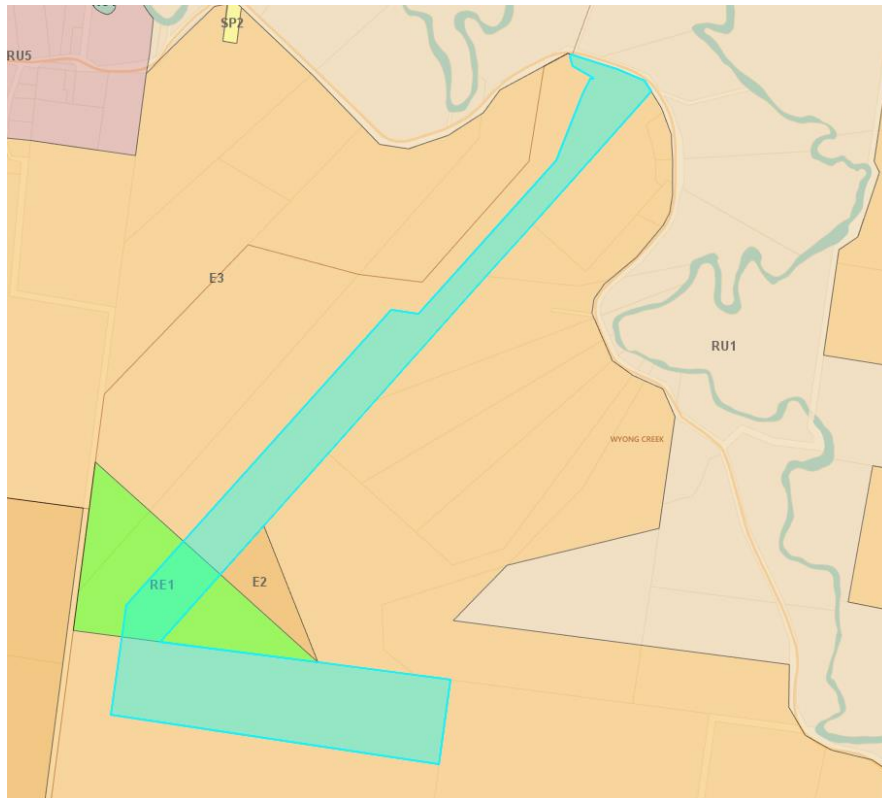


Figure 2: Wyong LEP 2013 zoning map – Subject area of the site for the application is zoned E3 – Environmental conservation

Surrounding Development

The area is characterized by the cleared valley floor utilised for small farming, animal keeping and residential pursuits which give way to heavily vegetated hillslopes.

The valley contains numerous water courses which tend to be tree lined, the main one being Wyong River. Allotments in the area are eclectic in arrangement and varying in size from 0.5Ha to 10-20 Ha within the valley floor and circa 30-60Ha on the hill slopes. Dwellings in the area tend to be located toward the public road frontage of the respective sites

History

The following history is pertinent to the proposed development

Alterations & Additions to Existing Heritage Listed Dwelling (DA/1418/2015)

Development Consent was granted on 23 February 2016 for alterations and additions to the existing dwelling (locally listed heritage item). Floor plans of the historic and approved development are included below.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd))

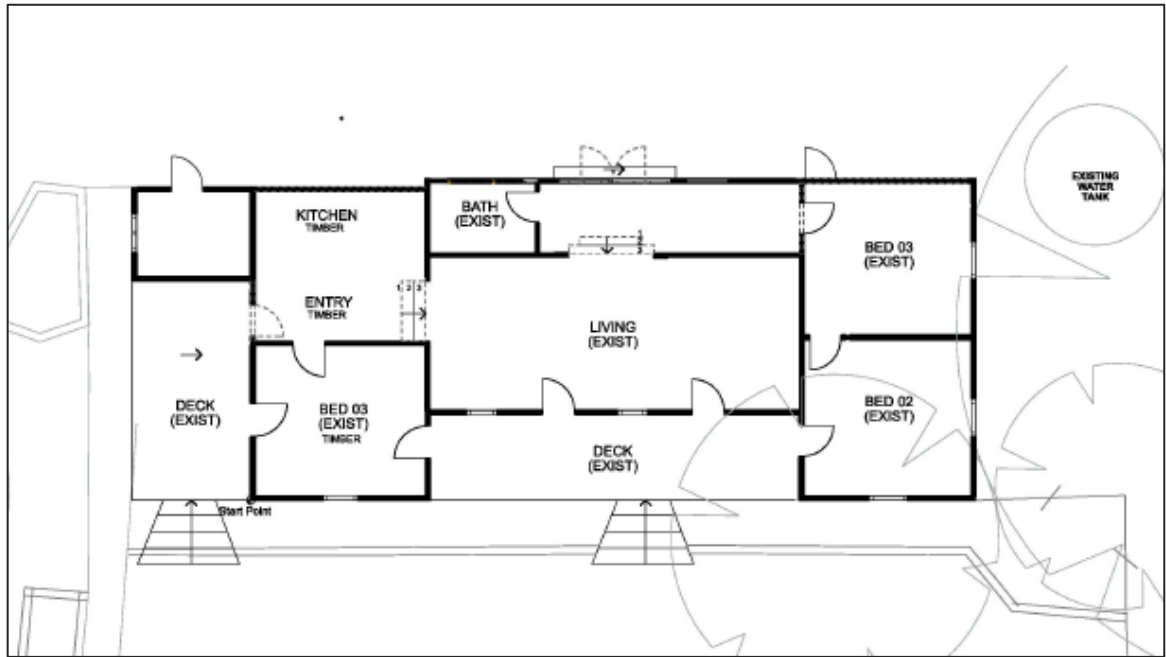


Figure 3 - Historic Dwelling Floor Plan

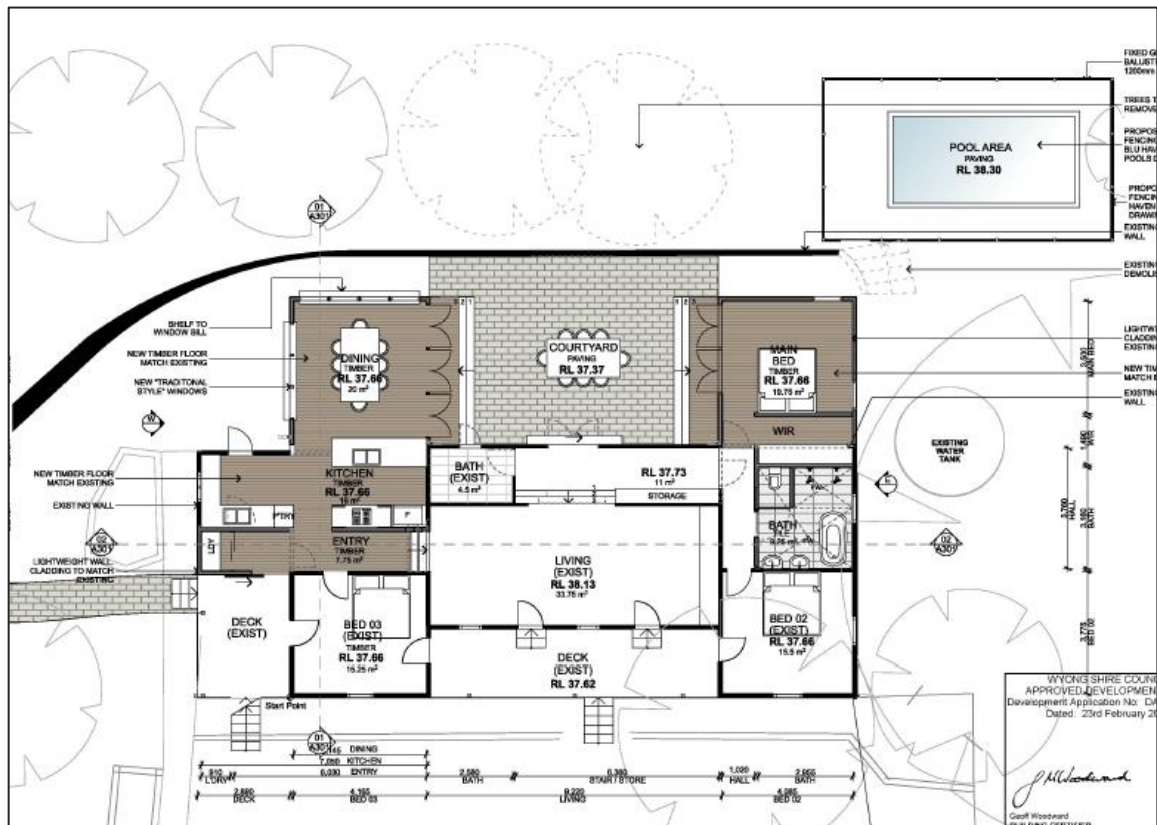


Figure 4 - Approved Alterations and Additions to Dwelling – DA1418/2015

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Temporary Use of Site for Functions – Utilising Temporary Marquee (DA/1418/2016)

Development Consent granted for the use of the site as a function centre (mainly weddings), comprising the temporary erection of a marquee and portable toilets for the duration of the event and use of the existing locally heritage listed dwelling (Hillview) for accommodation by the wedding party or event organisers during the event.

The consent also allowed for upgrading works of the existing car parking area, the construction of a concrete slab for the placement of temporary toilets and a pathway for accessible toilets located in the dwelling house.



Figure 5 - Approved Site Plan for Function Centre in Temporary Structures and Accommodation

The consent was taken up and functions were held at the site utilising the area of the site notated as Option B.

The use for temporary events was modified (under Ref. DA/1418/2016/A) which was approved in order to remove references and requirements relating to obtaining a construction certificate or an occupation certificate (given the temporary nature of the marquee/toilet and facilities relating to the use of the site for functions and that the relevant consent did not involve the erection of any buildings).

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Agricultural Shed/Machinery Shed (DA/1512/2017)

Development consent was granted on 19 February 2018 for the erection of a shed ancillary to agricultural use of the land. Condition 9 of consent DA/1512/2017 provides that the shed is not to be used for any commercial purposes, nor function centre or wedding functions – noting that there was a time limited previous consent for use of the site for the purposes of functions in temporary marquee.

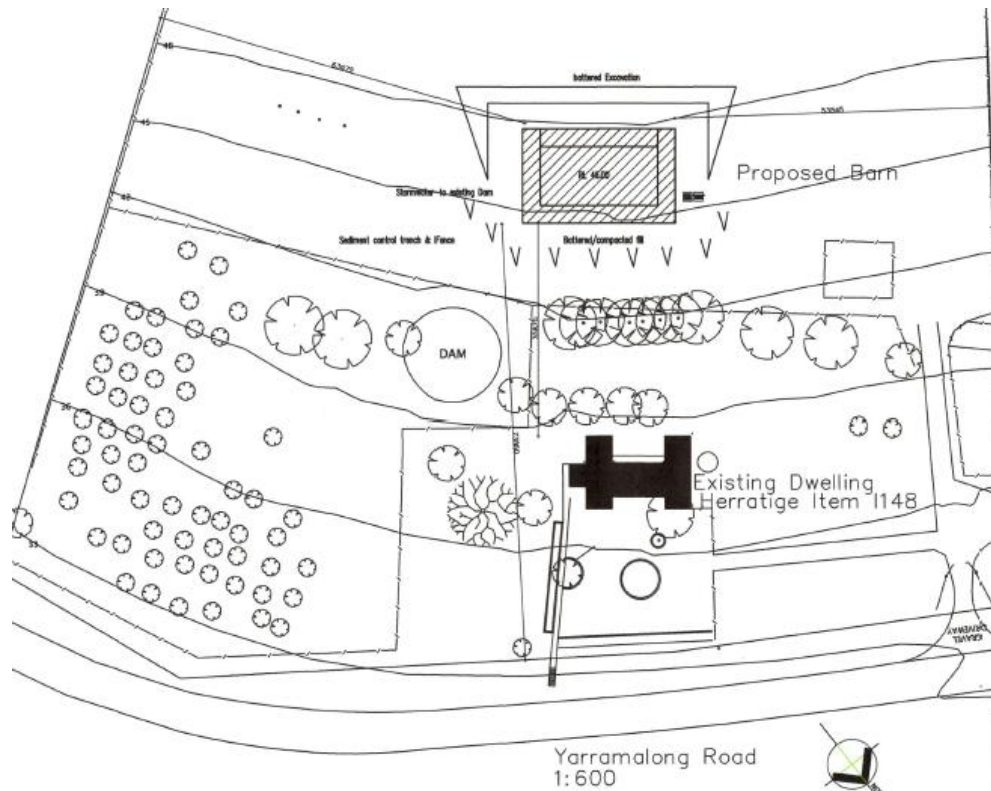


Figure 6 - Approved Site Plan for a Shed

Fit out and Use of Machinery Shed

Upon completion of the farm building erected pursuant to DA/1512/2017 (mentioned above) it appears that the use of the site for weddings/functions transitioned from the use of temporary marquees to functions being held in the shed. The shed has been fitted out for this purpose with substantial facilities (including flooring, french doors, decking, lighting, semi-commercial kitchen/food preparation area, outdoor bar area, fire-pit, landscaping and the like) – see further details later in this report, including photographs of existing development.

The use of the shed for non-approved activities has been the subject of ongoing complaints from neighbouring property owners as well as compliance action from Council.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd))

Two Current Development Applications

At the time of writing of this report, there are two outstanding applications relevant to the subject property:

- DA/410/2019 (This application is the subject of this report) – Application has been made for the use of the shed approved under DA/1512/2017 for the purposes of a function centre, as well as ongoing use of the dwelling for guest accommodation.
- DA/1418/2016/B – seeking continued use of the site for the purposes of wedding/function centre (temporary marquee/facilities), use of dwelling for guest accommodation and amendment to conditions relating to acoustic measures.

The Proposed Development

The statement of environmental effects describes the proposed development as comprising the following.

'...The proposed development involves the use of the existing barn (approved under separate DA No. 1512/2017) on the property as a function centre (mainly for weddings), plus use of the "Hillview" dwelling for short-term accommodation by the wedding party or event organisers if necessary over the course of the weekend of the wedding or function. Consent is also sought for the provision of disabled car parking adjacent to the barn and the minor internal works to the barn required to ensure compliance with the relevant building classification under the Building Code of Australia.

The proposed development would replace the function centre and short-term accommodation currently approved on the property under DA 1418/2016A (as originally approved on 4th June 2017 and subsequently modified on 21st September, 2017). This development comprised the temporary erection of a marquee and portable toilets for the duration of the event, as well as the use of the Hillview dwelling for short-term accommodation and the upgrading of the carpark. As such, the proposed use of the barn – including its fitting out with upgraded fire safety features and acoustic measures – would negate the need to erect and remove a marquee on the property before and after each event and provide for improved control of noise and management of events on a permanent basis...'

'...Capacity

- *Wedding/events Maximum capacity at any one time would be limited to 80 guests.*
- *Accommodation Maximum six (6) house guests.*

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Toilet Facilities

- *High quality, temporary toilet facilities will be provided for the duration of each event (this is usually provided through the company "Lavish Loos – see website for details: www.lavishloos.com.au).*
- *Toilets will be delivered on-site prior to the event and removed on completion of the event.*
- *Toilets will be located on the level being provided at the top end of the driveway to the west of the barn/function centre as shown on the plans.*

Catering

- *All cooking is to be done off-site and delivered on-site by a licensed catering company for each event at the time required. If necessary, this food will be plated in the food plating area at the rear of the building and then served to patrons on the premises.*

Hours/Duration of Events

- *Events to be undertaken on either a Friday, Saturday or Sunday.*

Afternoon/evening wedding/event:

Commences: 11:00am for afternoon events and approx. 3:00pm for evening events.

Concludes: 4:00pm for daytime events and 10:30pm for evening events.

Music Stops: 10:00pm (half an hour earlier than currently permitted under development consent 1418/2016A and the "Fernbank" Function Centre to the east and substantially earlier than other venues in the vicinity).

Guests depart thereafter (either by private transport or by a courtesy bus if organised by the event holder/hirer).

*House Guests of Hillview:
Arrive 9:00am Friday
Leave 12:00 noon Sunday...'*

A Building Code of Australia 2016 Compliance Report (D13526557) forms part of the statement of environmental effects which details the nature of works proposed with respect to upgrading the shed.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd))

It is noted that the development consent DA/1418/2016/A mentioned in the description of the proposal was subject to a trial period which has expired and the use of the site under that consent has ceased. A current application to modify consent DA/1418/2016/A removing the trial period restriction on the is currently under assessment (DA/1418/2016/B).

There is an external fire pit area and a bar has been erected external to the building east of the existing shed which are not shown on the plans of the development which are included below.

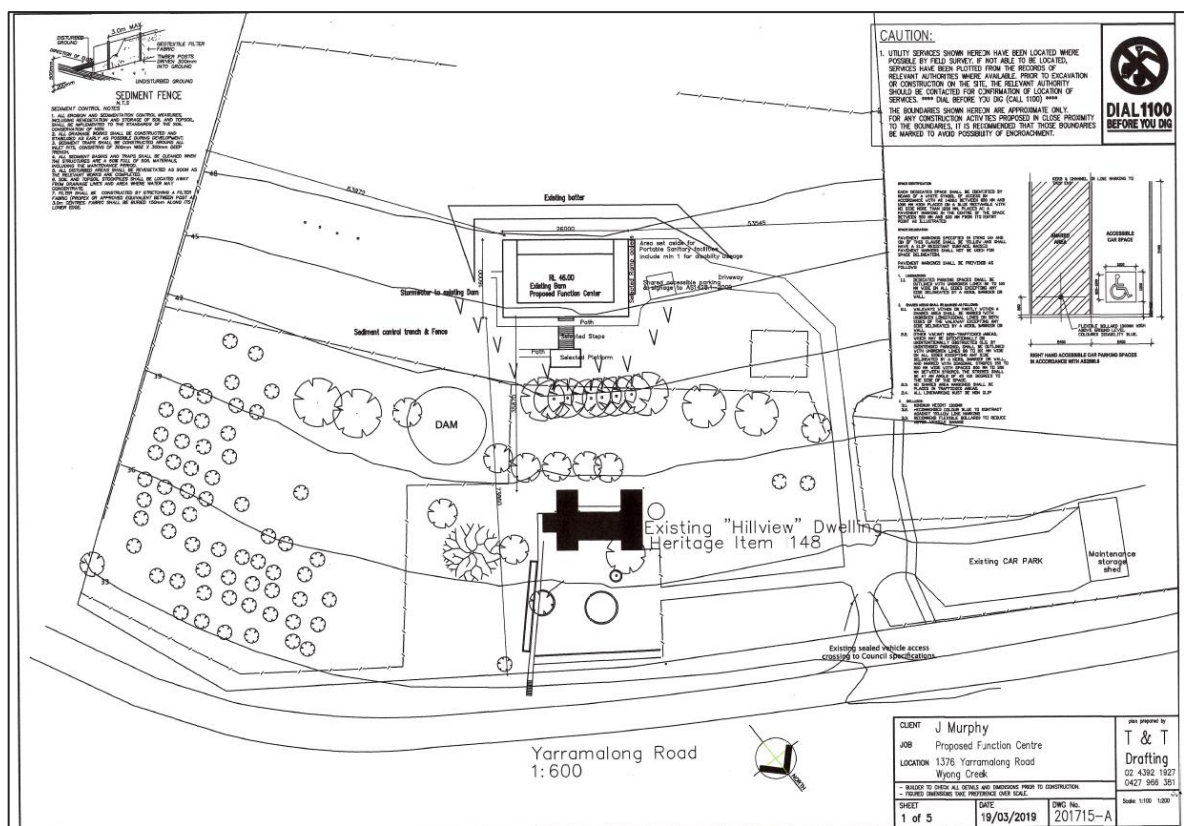


Figure 7: Site Plan

3.3

**DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre
use of a heritage item (dwelling) for temporary short term
accommodation (under Clause 5.10(10) of Wyong Local Environmental
Plan 2013 (contd)**

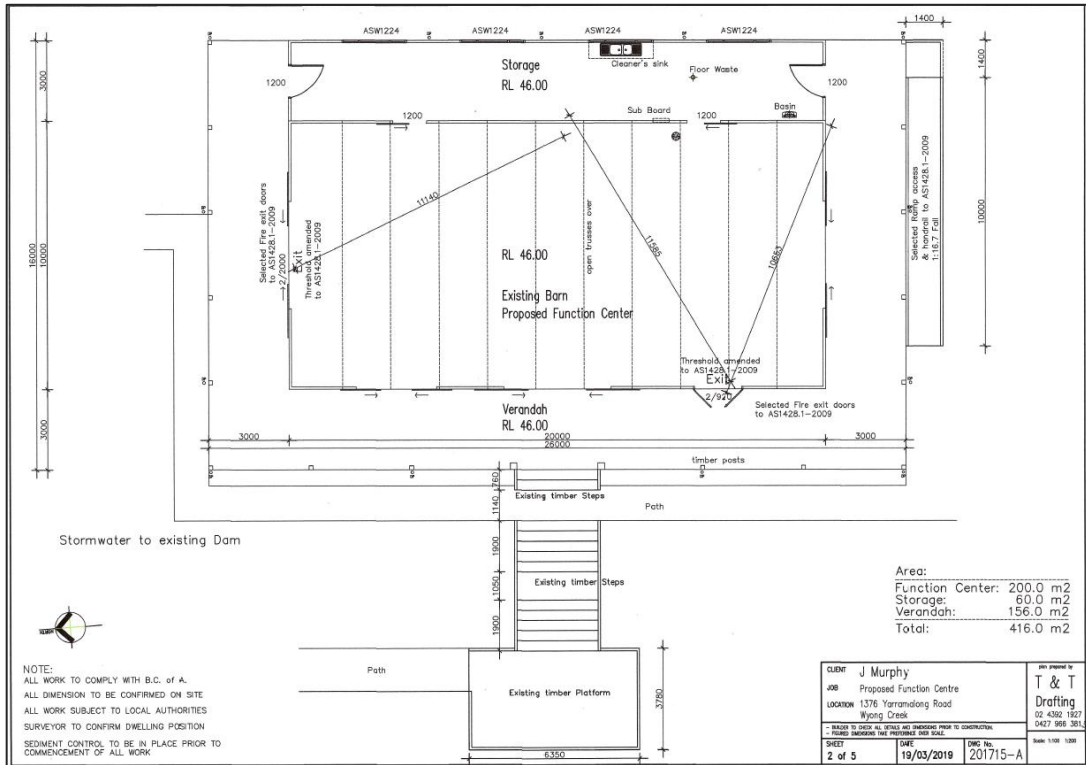


Figure 8: Floor Plan

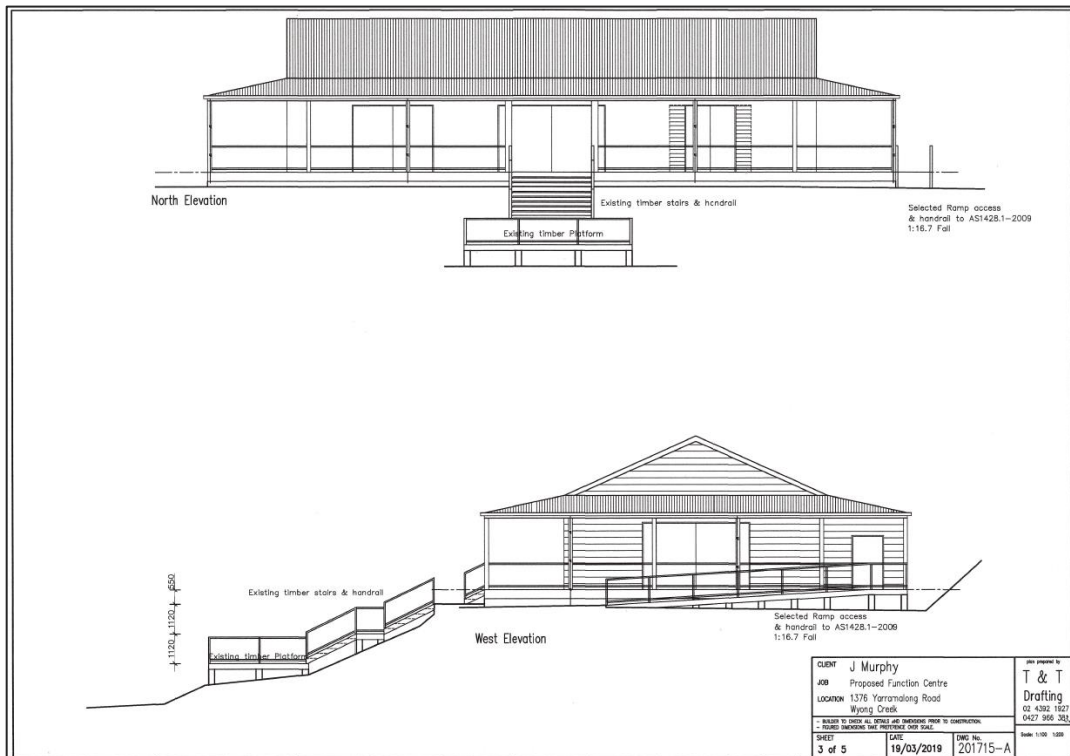


Figure 9: North and West Elevation

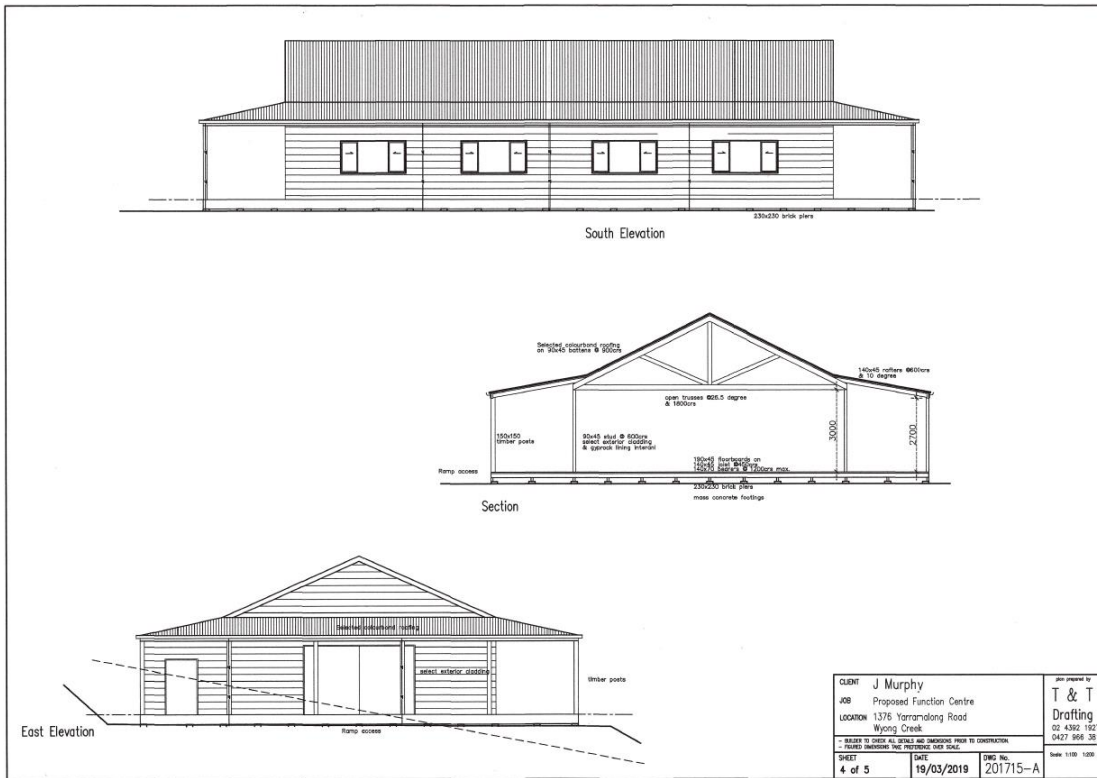


Figure 10: East and South Elevation and Section



Figure 11: Photograph of the internal layout of the shed



Figure 12: Photograph of existing fire pit area, shed and external bar



Figure 13: External Bar

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Assessment

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, 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.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purposes for which the development is proposed to be carried out.

There are no known land uses or sources of contamination that would present a risk to the temporary occupation of the site by guests/patrons of the development.

Wyong Local Environmental Plan 2013 - Permissibility

The development is defined as '*function centre*' as defined under the Wyong LEP 2013:

***function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

A 'Function centre' is not a permissible use within the *E3 Environmental Management zone* under the Wyong LEP 2013.

Potential Use of Clause 5.10 of the Wyong LEP

However, the applicant aims to use the provisions of Clause 5.10 of Wyong LEP 2013 in order to have the use considered. In summary, Clause 5.10 of the Wyong LEP 2013 permits the granting of consent for the use of a heritage item, or on land that a heritage item is erected, in order to provide conservation incentives for restoration, conservation (and the like) of such heritage item. Consideration of this Clause is set out later in this report. As discussed below, it is the view of assessing officers that the provisions of clause 5.10 have not been enlivened and the proposed function centre use is prohibited.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Use of Clause 7.18 of the Wyong LEP 2013 – Short Term Rental Accommodation

A separate head of power exists under clause 7.18 of WLEP 2013 for the use of the dwelling for the purposes of short term rental accommodation.

A partial consent for the use of the dwelling is not recommended in this instance as that use is integral and subordinate to the broader function centre use.

Wyong Local Environmental Plan 2013 - Clause 2.3 – Zone objectives and land use table

Subclause 2.3(2) of the *Wyong LEP 2013* requires the consent authority to have regard for the objectives of the zone when determining a development application. The objectives of the E3 zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values*

The use being for a prohibited development, it is foreseeable that a development for the type proposed could be consistent with the objectives of the zone. In this regard a development only need not have an adverse effect on the special ecological, scientific, cultural or aesthetic values of the zone to be consistent with the objectives.

Wyong Local Environmental Plan 2013 - Clause 5.10 (4) Effect of proposed development on heritage significance

The consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

A comprehensive heritage impact assessment has been provided as part of the development application (D13830652) which details the history of the site and examines the heritage significance which is described in the Wyong Heritage Inventory as,

Historically and aesthetically significant as the family home of the pioneering Stinson family, the property is a good representative example of pre-war construction, reflecting early patterns of permanent settlement and agriculture.

The heritage impact assessment provides the following statement of heritage impact:

'...The proposed use of the barn as a function centre and house as accommodation will not alter the historic, aesthetic and social significance that contributes to the

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

overall heritage significance of "Hillview". The uses proposed will not change the external appearance of the barn or dwelling as viewed from the road or site frontage and the use of the site will be short term for a function-by-function basis. When not used for functions, the barn and house will remain as a private residence and associated outbuildings.

The uses proposed for the site will enable visitors to visit the property and the heritage item, which will ensure that the historic, aesthetic and social significance will not be altered and with appropriate interpretation, it will make the site more visible and appreciated...'

It is considered that the development would not have a detrimental impact on the heritage significance of the site or the heritage item.

Wyong Local Environmental Plan 2013 - Clause 5.10 (10) Conservation incentives

Clause 5.10(10) allows for the adaptive reuse of a heritage item for any use, including uses which are otherwise prohibited provided the consent authority is satisfied that:

- a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

As per the discussion above with respect to clause 5.10(4) the development is not likely to have an adverse impact on the heritage significance of the heritage item or the site.

However, to enliven Clause 5.10(10) the consent authority must also be satisfied that the development will facilitate the conservation of the heritage item.

While the heritage impact assessment demonstrates the proposal will not negatively impact on the development it doesn't demonstrate how the heritage item will be conserved, nor how the use of the site for the purposes of a function centre will facilitate such conservation.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

It is recognised that the heritage impact assessment includes details of building maintenance related to the heritage item such as replacing timbers and the like, the bulk management works relate to landscaping and the payments of rates, fees and insurance. The heritage impact assessment doesn't demonstrate how and when the building maintenance works would be carried out or how the landscaping works relate to conservation through the restoration of the setting. The heritage management document submitted which on consent would be seeking the satisfaction of clause 5.10(10)b is not considered to adequately address clauses 5.10(10)a&c.

Clause 5.10(10)e requires that the proposed development '*would not have any significant adverse effect of the amenity of the surrounding area*'. In the context of the site the surrounding area may be appropriately described as the holdings adjoining and adjacent to the site but also those beyond.

The impact of the proposed development, including noise impacts in the locality, is discussed later in this report. It is considered that the impacts of the development and it has been found that the development would have a significant adverse impact on the surrounding area and the development fails the test of clause 5.10(10)e.

The development does not satisfy the provisions of clause 5.10 and therefore the development is prohibited in the zone.

Wyong Local Environmental Plan 2013 - Clause 7.4 – Drinking water catchments

The proposed development will not significantly impact the water quality and flows within the water drinking catchment, as the function centre is serviced by self contained package toilets and rubbish bins that will remove all waste water and rubbish from the site to a licensed disposal facility. The proposed use of the existing dwelling for accommodation will utilise the existing waste water system (septic tank) on site.

Wyong Local Environmental Plan 2013 - Clause 7.9 – Essential services

The subject site is not serviced by Council's reticulated water supply or Council's sewer and is serviced by tank water and a septic system. The existing services provided (septic tank and water tank) on site is utilised for the accommodation purposes of the existing dwelling and package system toilets will be provided on site per event and the proposed development was considered to satisfy Clause 7.9 of the WLEP 2013. The vehicular access is considered to be suitable.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Draft Central Coast Local Environmental Plan 2018

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP) was exhibited from 2 December 2018 until 28 February 2019 and will replace the planning instruments relating to the Central Coast Local Government Area.

Under the provisions of Draft CCLEP, the site retains its *E3 Environmental Management* zoning.

Development for the purpose of a function centre is prohibited in the *E3 Environmental Management* zone pursuant to the Draft CCLEP.

Wyong Development Control Plan 2013 (WDPC 2013)

DCP Chapter 1.2 - Notification of Development Proposals

This modification application was notified in accordance with Chapter 1.2 Notification of Development Proposals. Refer to the discussion above in relation to public submissions.

DCP Chapter 2.11 – Parking and Access

The specific parking requirements for a function centre are:

*15 spaces per 100m² or 1 space per 3 seats, whichever is the greater
1 space per 400m² GFA up to 2,000m² GFA then 1 space per 1,000m² thereafter.*

The Statement of Environmental Effects indicated there would be a maximum 80 guests per event which would require 27 car parking spaces which will be accommodated within the existing 30 space car park located on the site. An additional two spaces are proposed to make provision for accessible parking making the total car parking on the site to 32 spaces. The public submissions indicate that the parking has occurred along the frontage of Yarramalong Rd which would be undesirable from a road safety perspective but given the nature of the site it is considered that were consent granted, overflow parking could be accommodated within the site to prevent any parking or standing within Yarramalong Rd.

DCP Chapter 3.7 – Heritage Conservation

Clause 2.11 of chapter 3.7 provides the following considerations for proposals that involves an adaptive reuse of a heritage item.

- *Any proposal involving the adaptive reuse or change of use of a heritage item is to demonstrate that:*

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

- a) *the new use requires minimal alterations to significant fabric and building elements, and that any changes to these are reversible or have minimal impact on the heritage significance of the item;*
 - b) *alterations and/or additions required to support the new use do not obscure the understanding of the building's significant use;*
 - c) *the significant use can be interpreted;*
 - d) *any internal changes do not compromise the heritage significance of the external appearance of the building or any significant internal elements;*
 - e) *the introduction of new services will not have a detrimental impact on significant fabric or spaces; and*
 - f) *the new use is consistent with the management recommendations provided in the Heritage Inventory Assessment Report.*
- *The significant use of the building should be interpreted on site. Interpretation of the significant use may include the use of historic artefacts, retention of historic internal layouts, the in situ retention of machinery and signage, or artistic interpretation.*
 - *Reinstatement of lost heritage significant fabric (e.g. windows, decoration, verandahs, garden elements etc) is encouraged.*
 - *Changes to fabric should be reversible, where possible, and their effect on the heritage fabric and other characteristic features should be minimised. Non-reversible changes to a heritage item will only be considered where there is no alternative way of retaining the place as a viable asset. New work is to be identifiable as such.*
 - *New additions and adjacent or related new construction will be undertaken in such a way that, if they are removed in the future, the essential form and integrity of the place is unimpaired.*

The proposed development doesn't generally involve works to the heritage item other than conservation works that would be required if a consent were issued and there are no apparent concerns related to the preservation of the building fabric as a result of the proposal. The use of the heritage item for short term accommodation purposes is expected to have a negligible impact on the heritage item. As mentioned above with respect to clause 5.10 of WLEP 2013 the development application is not particularly detailed with respect to the conservation works proposed or other actions that would enhance the heritage item.

Clause 6 of chapter 3.7 makes provision for variations to floor space ratio and car parking requirements where a development would facilitate the continued use of a heritage item. In

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

this instance the nature of the site, access and use make it requisite for all parking to be accommodated within the site.

Likely Impacts of the Development:

Built Environment

The surrounding locality is predominantly rural small holdings. The assessment did not identify any adverse physical impacts associated with the development in relation to impacts to adjoining development from overshadowing, privacy, or view loss.

Noise

The application was submitted with an acoustic assessment report. In response to concerns raised by the preliminary assessment with the details of the initial report subsequent reports were received including submission from a second consulting firm. Council engaged an external noise expert to carry out a peer review of the various noise reports submitted in support of the application.

'...The findings and recommendations in all four acoustical reports are not accurately justified through the use of the data provided in the assessments. In Noise and Sound Services view the initial sound power level assumptions, sound transmission loss values, barrier attenuation, etc all underestimate the levels and hence the effects of low frequency noise annoyance on residents. Hence, the data used in these assessments is not shown to be reliable or reflective of the proposed use...'

In response to the review of the acoustical assessments by Council's consultant further submissions were received from applicant in the way of acoustic assessments. The report by Acoustic Dynamics includes a range of recommendation actions to ameliorate noise impacts including the potential to erect an acoustic barrier. It is noted that the plans contained in the Acoustic Dynamics report do not specifically address the external bar and fire pit areas. The further submission and reports were reviewed by Council's noise consultant who raised concerns in relation to the methodology and findings of the Acoustic Dynamics report as stated in the except below.

'...The Acoustic Dynamics report entitled "Noise Emission Assessment – The Hillview 1376 Yarramalong Road, Yarramalong, NSW", Document No. 4736R003.GR.200720, dated 27 July 2020, does not define the type of proposed 'live entertainment'. This term usually refers to live bands which includes drums and bass guitar rather than just pre-recorded music. If live bands are intended, the sound power level used for acoustic modelling in the report, are significantly underestimated.

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The noise character of the low frequency repetitive impulsive noise as can be produced by drums, bass guitars and even pre-recorded music with a subwoofer has not been taken into account.

As with previous reports for this application, the findings and recommendations in the acoustical report are not accurately justified through the use of the data provided in the assessments. In the view of Noise and Sound Services, the initial sound power level assumptions, sound transmission loss values, barrier attenuation, etc., all underestimate the levels and hence the effects of low frequency noise annoyance on residents. Hence, the data used in these assessments is not shown to be reliable or reflective of the proposed use..'

The evidence contained in public submissions indicates that the development has the potential to have significant adverse impact on the amenity of the area through the generation of noise. In this regard the submissions relate to the site as it operated holding function either with or without consent and the prior operation may be different to that recommended in the latest Acoustic Dynamics report and the impacts of the proposal may be different to those previous encountered by the submitters.

The concerns raised by Council's noise consultant in relation to the reliability of the Acoustic Dynamic report would on balance suggest that the matters raised in public submissions with respect to noise impacts on amenity should be given considerable weight. Due to the topography, vegetation and existing development in the area the footprint of impact is not uniform in shape and direction but on balance it is considered likely that the development would have a significant adverse impact on the amenity of the surrounding area.

Natural Environment

The assessment did not reveal any undue impacts to the natural environment including the drinking water catchment. The proposed modification does not include any works that would impact the natural environment.

Economic Impacts

The public submissions indicate the development under DA/1418/2016/A had a positive economic impact in terms of generating tourism and business for contractors servicing the business. The proposed development would likely to be generate economic multipliers and boost the local economy.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Social Impacts

The public submissions indicate that the development when operating under DA/1418/2016/A had a negative impact on amenity in the locality and has resulted in a diminished social cohesion and sense of place. Unless the negative impacts of the development could be ameliorated the development is likely to have a negative social impact.

Submissions

The proposed modification was notified in accordance with Wyong Development Control Plan 2013 from 9 May 2019 to 30 May 2019 and again following the submission of additional information from 4 March 2020 to 18 March 2020.

Submissions were received from 28 separate parties in response to the notification of the proposed modification. The submissions may be generally characterised as either, objections to the development or as being supportive of the development.

The matters raised in submission are summarised below.

Objections:

- The development is prohibited and doesn't comply with the objectives of the zone.
- The number of guests attending the events is excessive.
- The noise generated by the development is disturbing the amenity of the neighbourhood.
- The noise generated by the development interferes with livestock and horse, the keeping of which is consistent with the local area.
- The noise generated on the site continues late into the night and while music may cease at 10.30pm noise from the gathering persists for up to an hour beyond this.
- Question the legitimacy of the use of the heritage provisions to approve the development.
- The shed was erected under false pretenses and the site has been unlawfully used.
- The site and surrounds are subject to natural hazards such as flooding.

In support:

- The development boosts the local economy and has a positive flow on effect on other tourist related businesses in the area.

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- The operator has taken all the necessary steps to ensure the venue does not unduly impact on neighbours and there is little disturbance to the neighbourhood.
- The site and the business is well presented and is a positive contribution to the character of the local area.

Comment:

The submissions provide conflicting views with regard to the impact of the development on locality particularly in relation to the generation of noise.

While one submission is not favoured over others with respect to the nature or intensity at which impacts or felt or perceived in relation to the development it is noted that the projection of noise associated with the development is not uniform. The impact across all receivers is not uniform and it is considered likely that the development is having a significant adverse impact on some but not all residents in the surrounding area.

It is acknowledged that the development during its operation under DA1418/2016/A had been having a positive economic impact in the locality with regard to flow-on effects to other tourist related developments.

A positive economic impact does not negate the consideration of impact on amenity within the surrounding area. The consent was originally granted pursuant to the heritage provisions of the WLEP 2013 which set a high bar with regard to a development not having any significant adverse effect on the amenity of the surrounding area. The use of the site is not considered to have met that test and the development is for a prohibited land use.

An inspection of the site revealed that grounds are landscaped and the landscaping is well maintained.

The site and previous use has been the subject of compliance investigations by Council officers however, for the purposes of the current application the assessment relates to the proposed development which is for the future use of the site and shed.

While the site is subject to natural hazards it is considered that these hazards may be appropriately managed through the cancellation of events and if necessary, the evacuation of the site.

Council's Traffic and Transport Engineer has reviewed the proposal and has not raised significant concerns with the development. It is noted that amenity impacts from traffic which were raised in submissions.

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Suitability of the Site for the Development

The development is satisfactory in terms of natural hazards such as, flood prone land, bushfire hazard, land contamination and the like.

Generally, the major constraints on the development in terms of site suitability relate the impacts generated by the development are not able to be buffered by the site or locality.

The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the modification would be adverse to the public interest. The development is not likely to have an adverse impact on the heritage value of the site but it also hasn't been made clear that the development will enhance the heritage item and setting. The public submissions reveal that use of the site for the purposes of a function centre in the past has had a detrimental impact on the amenity of the area through the generation of noise. While the development is considered to have generated economic benefit the impacts generated were not commensurate with the objectives of the zone or the provisions of clause 5.10 of WLEP 2013 and the public interest is best served by refusing the current application. (Refer to reason for refusal No.2)

Submissions from Public Authorities

Integrated Development - Bushfire Prone Land

The proposed development is 'integrated development' pursuant to Section 4.46 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The NSW RFS have issued a Bush Fire Safety Authority under S100B of the Rural Fires Act 1997 and the recommended conditions of consent are in accordance with Section 4.47 of the EP&A Act.

The NSW Rural Fire Service issued a Bushfire Safety Authority with respect of the proposal which includes fire protection measures. If consent were to be granted to the development the provisions of the Bushfire Safety Authority could be adopted as conditions of consent.

Internal Consultation

Environmental Health Officer

The findings and recommendations in all four acoustical reports are not accurately justified through the use of the data provided in the assessments. In Noise and Sound Services view the initial sound power level assumptions, sound transmission loss values, barrier attenuation, etc all underestimate the levels and hence the effects of low frequency noise annoyance on

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

residents. Hence, the data used in these assessments is not shown to be reliable or reflective of the proposed use.

Based on this peer review identifying additional concerns relating to the acoustic assessments that supported this proposal, I am still of the opinion that the proponent has failed to provide adequate information that can demonstrate that the use of the function centre will not unreasonably impact upon the amenity of the surrounding neighbourhood. (Refer to attachments 3 and 4 for Council's consultant report)

Heritage Officer

The majority of restoration work appears to have been completed as such the application is considered to be ineligible under Clause 5.10(10) of Wyong LEP 2013, unless additional information can be provided that shows evidence of an ongoing maintenance workplan (based on income from events) and including building contractors costings that demonstrate the works required to be undertaken to preserve the heritage item.

Ecologically Sustainable Principles

The proposal has been assessed having regard to ecologically sustainable development 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. It is noted that the development has been found likely to have an unacceptable impact with respect of noise and social impacts.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

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

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Other Matters for Consideration:

There are no applicable contributions to the proposal under the Shire Wide Section 7.11 contributions plan, and the site falls outside the area covered by the Wyong District Section 7.11 contributions Plan.

The proposal is exempt from a contribution under Council's Section 7.12, as the cost of the development is valued under \$100,000.

Conclusion:

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is not suitable for the proposed development. The proposal is expected to have an adverse social impact and adversely affect the amenity of the locality.

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

Recommendation

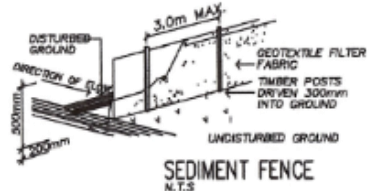
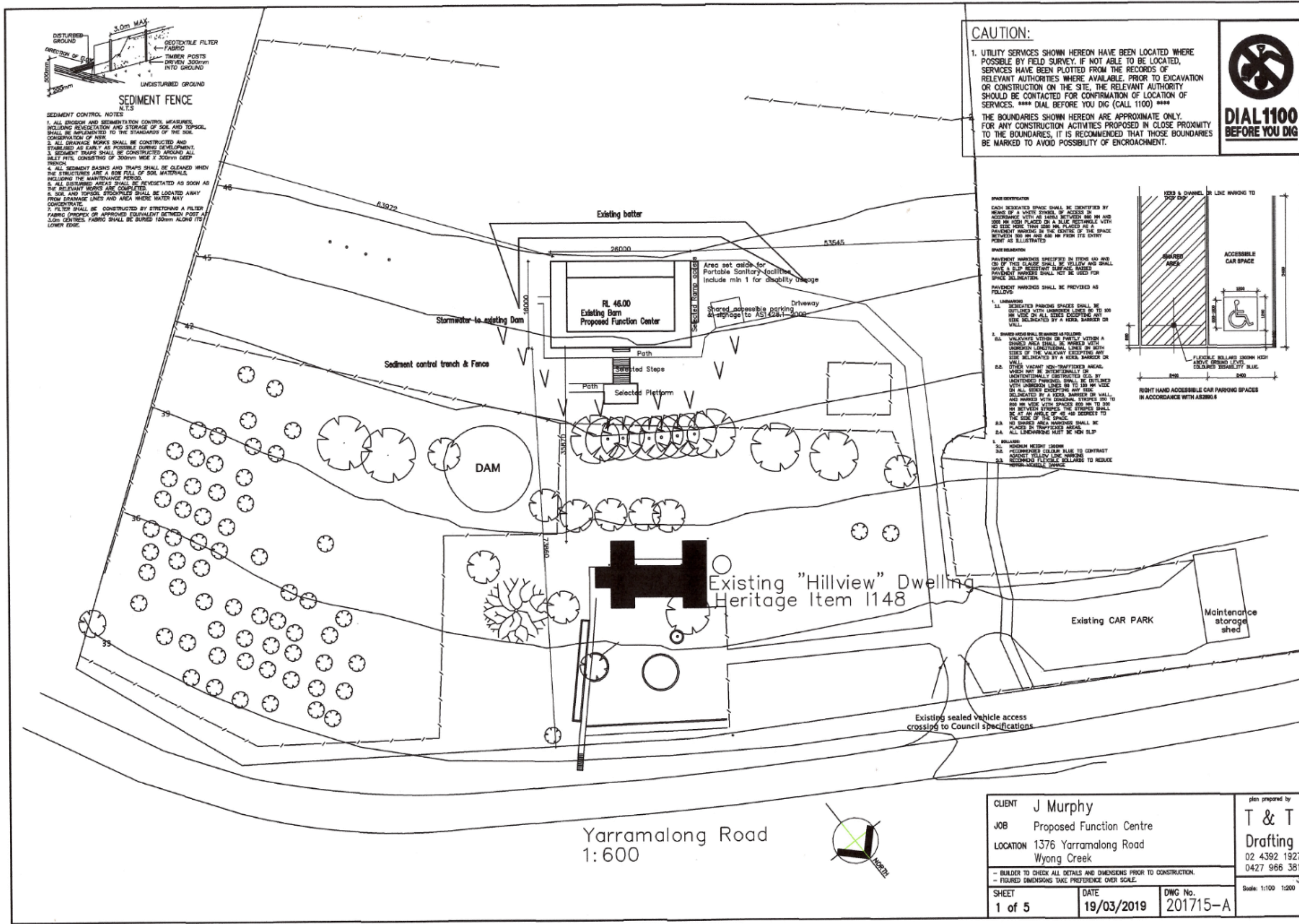
That the application for modification of Development Application No. DA/410/2019 be refused for the following reasons:

1. The development is prohibited land use under the current *E3 Environmental Management* zoning of the subject land in accordance with the provisions of the *Wyong Local Environmental Plan 2013*.
2. Clause 5.10(10) – 'Conservation Incentives' of the *Wyong Local Environmental Plan 2013* is not applicable because:
 - a. It has not been demonstrated that the proposed development will facilitate the conservation of the heritage item in accordance with Clause 5.10(10)(a);
 - b. It has not been demonstrated that the use will not have a significant adverse impact on the amenity of the surrounding area as required by Clause 5.10(10)(e)
3. The proposed development is likely to have an adverse impact on the surrounding area, including by virtue of noise/acoustic impacts.
4. The proposed development is adverse to the public interest.

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013 (contd)

Attachments

1	DA/410/2019 Plans	D14269569
2	DA/410/2019 Redacted Heritage & Assessment Yarramalong Road, WYONG CREEK	D14269555
3	DA/410/2019 Central Coast Peer Review Noise The Hillview	D14269534
4	DA/410/2019 Central Coast second Peer Review The Hillview	D14269494
5	DA/410/2019 Acoustic Dynamics Report July 2020 - redacted version	D14269285



- SEDIMENT CONTROL NOTES**
1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION ACT.
 2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILISED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
 3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE X 300mm DEEP TRENCH.
 4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A 80% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
 5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
 6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREAS WHERE WATER MAY CONCENTRATE.
 7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT) BETWEEN POSTS AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.

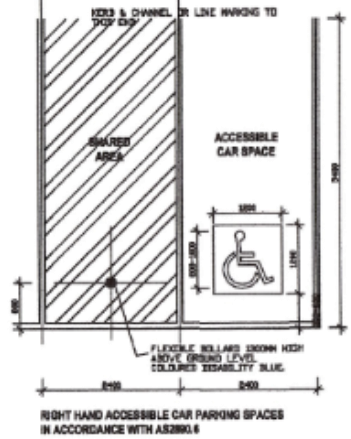
CAUTION:

1. UTILITY SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO BE LOCATED, SERVICES HAVE BEEN PLOTTED FROM THE RECORDS OF RELEVANT AUTHORITIES WHERE AVAILABLE. PRIOR TO EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR CONFIRMATION OF LOCATION OF SERVICES. **** DIAL BEFORE YOU DIG (CALL 1100) ****

THE BOUNDARIES SHOWN HEREON ARE APPROXIMATE ONLY. FOR ANY CONSTRUCTION ACTIVITIES PROPOSED IN CLOSE PROXIMITY TO THE BOUNDARIES, IT IS RECOMMENDED THAT THOSE BOUNDARIES BE MARKED TO AVOID POSSIBILITY OF ENCROACHMENT.



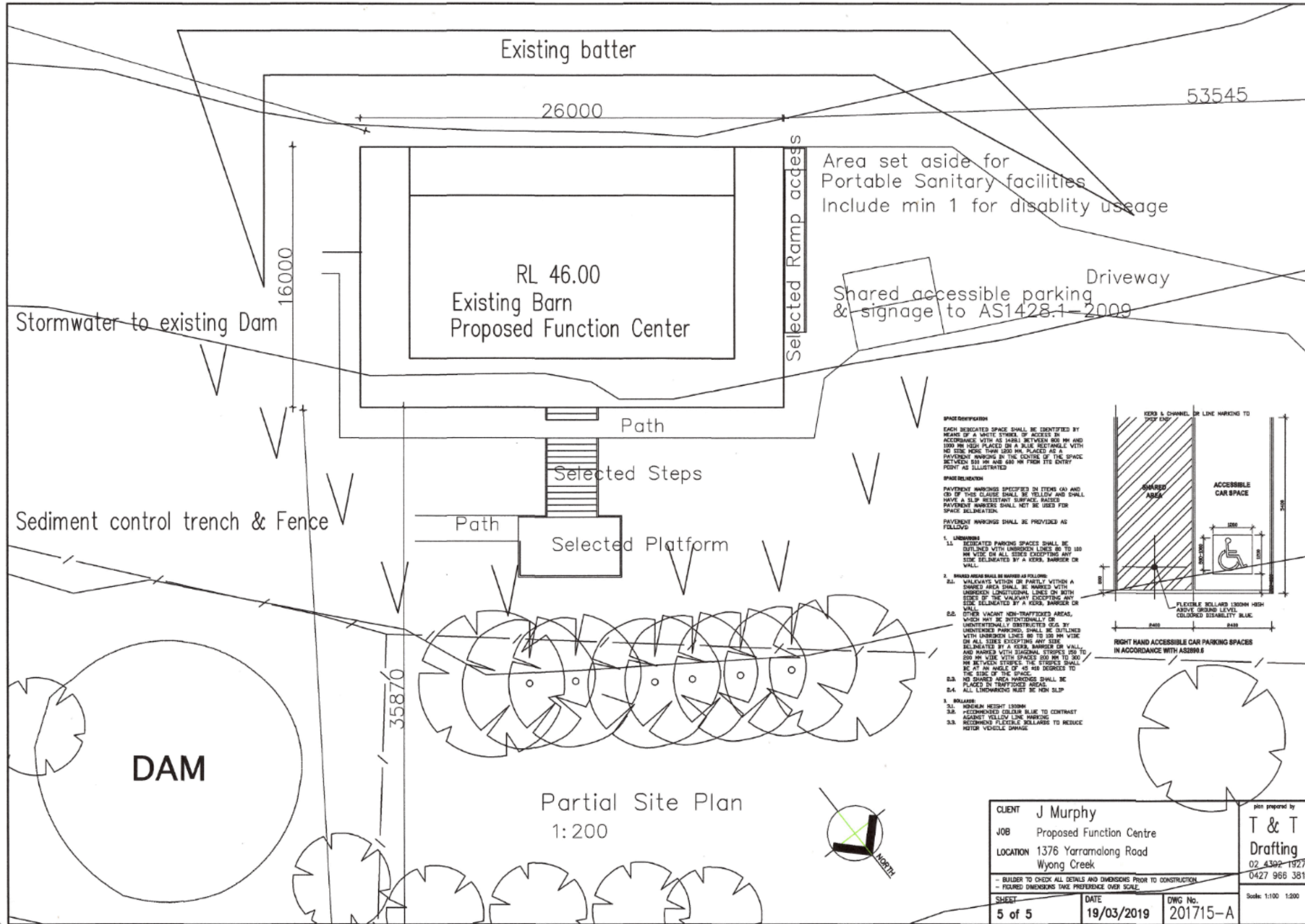
- SPACE DELINEATION**
- EACH DESIGNATED SPACE SHALL BE IDENTIFIED BY MEANS OF A WHITE SYMBOL OF ACCESS IN ACCORDANCE WITH AS 1924 BETWEEN 80 MM AND 200 MM HIGH PLACED ON A PALE RECTANGLE WITH NO SIDE MARKS THAT ARE 80 MM PLACED AS A PAINT MARKING IN THE CENTRE OF THE SPACE BETWEEN 80 MM AND 400 MM FROM ITS ENTRY POINT AS ILLUSTRATED.
- PAVEMENT MARKINGS**
- PAVEMENT MARKINGS SPECIFIED IN ITEMS 1.1 AND 1.2 OF THIS CLAUSE SHALL BE YELLOW AND SHALL HAVE A SLIP RESISTANT SURFACE. RAISED PAVEMENT MARKINGS SHALL NOT BE USED FOR SPACE DELINEATION.
- PAVEMENT MARKINGS SHALL BE PROVIDED AS FOLLOWS:
1. UNMARKED
 - 1.1. DESIGNATED PARKING SPACES SHALL BE OUTLINED WITH UNMARKED LINES 80 TO 100 MM WIDE ON ALL SIDES EXCEPTING ANY SIDE DELINEATED BY A KERB, BARRIER OR WALL.
 2. MARKED AREAS SHALL BE MARKED AS FOLLOWS:
 - 2.A. WALKWAYS WITHIN OR PARTLY WITHIN A MARKED AREA SHALL BE MARKED WITH UNMARKED DIRECTIONAL LINES ON BOTH SIDES OF THE WALKWAY EXCEPTING ANY SIDE DELINEATED BY A KERB, BARRIER OR WALL.
 - 2.B. OTHER VACANT NON-TRAFFICED AREAS, WHICH MAY BE INTENTIONALLY OR UNINTENTIONALLY CONSTRUCTED OR BY UNMARKED PARKING, SHALL BE DELINEATED WITH UNMARKED LINES 80 TO 100 MM WIDE ON ALL SIDES EXCEPTING ANY SIDE DELINEATED BY A KERB, BARRIER OR WALL, AND MARKED WITH DIAGONAL STRIPES 80 TO 100 MM HIGH WITH SPACES 80 MM TO 100 MM BETWEEN STRIPES. THE STRIPES SHALL BE AT AN ANGLE OF 45 DEGREES TO THE SIDE OF THE SPACE.
 - 2.C. NO MARKED AREA MARKINGS SHALL BE PLACED IN TRAFFICED AREAS.
 - 2.D. ALL LINEWORKING MUST BE HIGH SLIP.
 3. BOLLARDS
 - 3.A. BOLLARDS MUST BE 100MM HIGH.
 - 3.B. RECOMMENDED COLOUR BLUE TO CONTRAST WITH YELLOW LINE MARKINGS.
 - 3.C. RECOMMEND FLEXIBLE BOLLARDS TO REDUCE IMPACT DAMAGE.



Yarramalong Road
1:600



CLIENT	J Murphy	plan prepared by	T & T
JOB	Proposed Function Centre		Drafting
LOCATION	1376 Yarramalong Road Wyong Creek		02 4392 1927 0427 966 361
- BUILDER TO CHECK ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION. - FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALE.			Scale: 1:100 1:200
SHEET	DATE	DWG No.	
1 of 5	19/03/2019	201715-A	

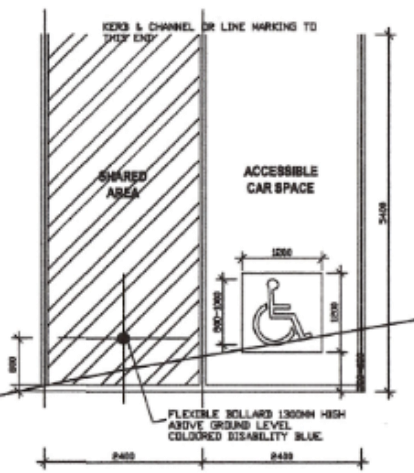


SPACE DELINEATION
 EACH DESIGNATED SPACE SHALL BE IDENTIFIED BY MEANS OF A WHITE STRIPE, OF ACCESS IN ACCORDANCE WITH AS 1428.1-2009. STRIPES SHALL BE 100MM HIGH PLACED ON A BLUE RECTANGLE WITH NO SIDE MARKS THINER THAN 100MM PLACED AS A PAVEMENT MARKING IN THE CENTRE OF THE SPACE BETWEEN 500MM AND 600MM FROM ITS ENTRY POINT AS ILLUSTRATED.

SPACE DELINEATION
 PAVEMENT MARKINGS SPECIFIED IN ITEMS (A) AND (B) OF THIS CLAUSE SHALL BE YELLOW AND SHALL HAVE A SLIP RESISTANT SURFACE. RASSED PAVEMENT MARKERS SHALL NOT BE USED FOR SPACE DELINEATION.

PAVEMENT MARKINGS SHALL BE PROVIDED AS FOLLOWS:

- 1. UNDESIGNATED**
 - 1.1 DESIGNATED PARKING SPACES SHALL BE OUTLINED WITH UNBROKEN LINES 80 TO 100MM WIDE ON ALL SIDES EXCEPTING ANY SIDE DELINEATED BY A KERB, BARRIER OR WALL.
 - 1.2 OTHER VACANT NON-TRAFFICED AREAS, WHICH MAY BE INTENTIONALLY OR UNINTENTIONALLY UNTRAFFICED AREAS, SHALL BE OUTLINED WITH UNBROKEN LINES 80 TO 100MM WIDE ON ALL SIDES EXCEPTING ANY SIDE DELINEATED BY A KERB, BARRIER OR WALL, AND MARKED WITH DIAGONAL STRIPES 150 TO 200MM WIDE WITH SPACES 800MM TO 900MM BETWEEN STRIPES. THE STRIPES SHALL BE AT AN ANGLE OF 45 DEGREES TO THE SIDE OF THE SPACE.
 - 1.3 NO SHARED AREA MARKINGS SHALL BE PLACED IN TRAFFICED AREAS.
 - 1.4 ALL LINDMARKINGS MUST BE NON SLIP.
- 2. BOLLARDS:**
 - 2.1 HORIZONTAL HEIGHT 1300MM
 - 2.2 RECOMMENDED COLOUR BLUE TO CONTRAST AGAINST YELLOW LINE MARKINGS
 - 2.3 RECOMMEND FLEXIBLE BOLLARDS TO REDUCE MOTOR VEHICLE DAMAGE

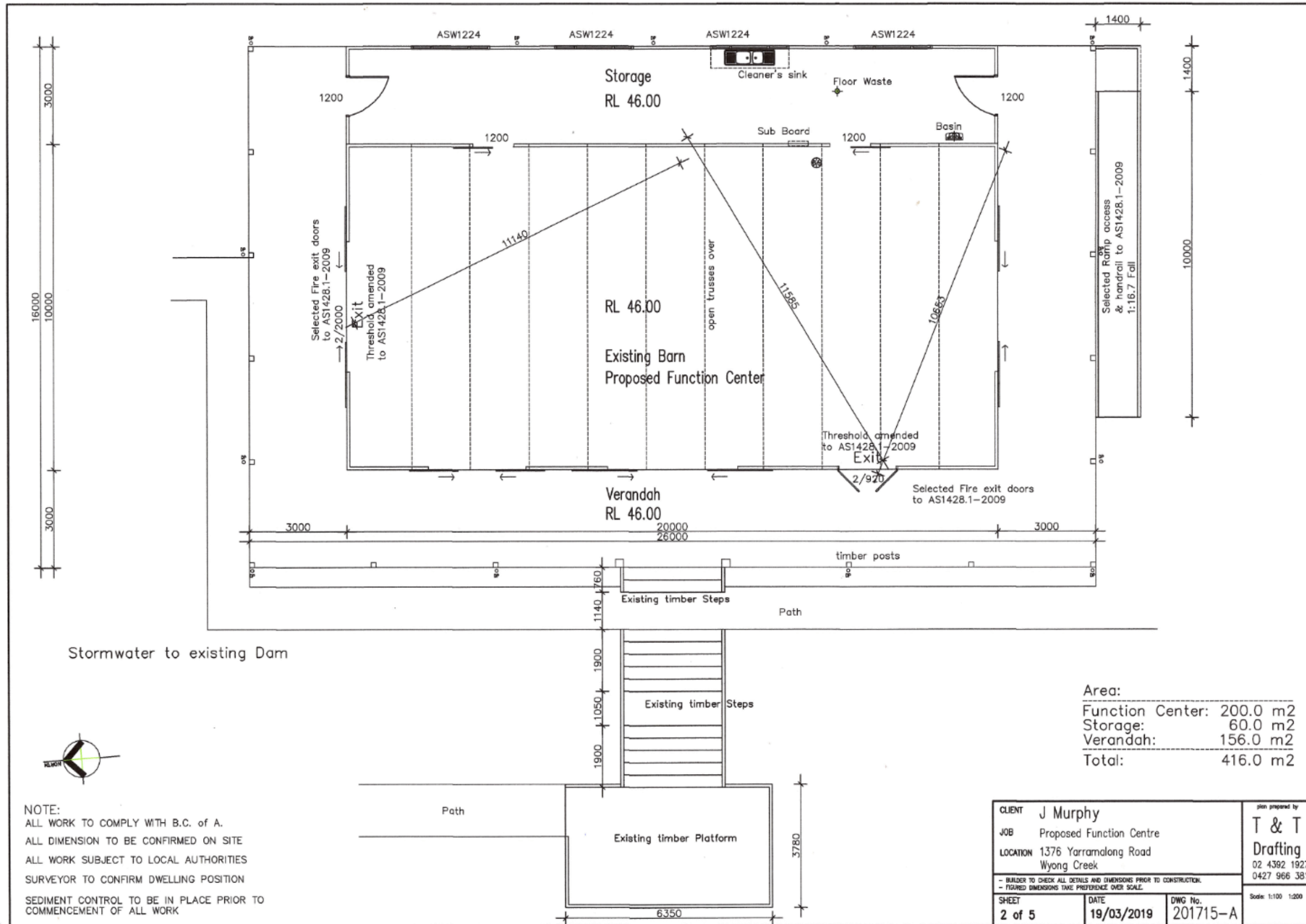


RIGHT HAND ACCESSIBLE CAR PARKING SPACES IN ACCORDANCE WITH AS2899.6

Partial Site Plan
 1:200



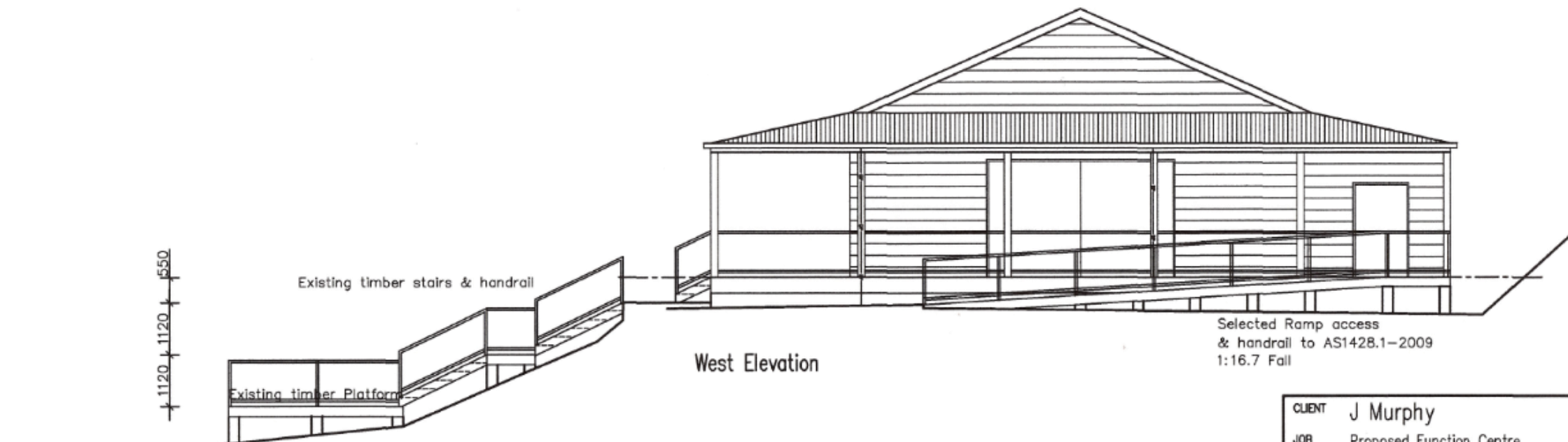
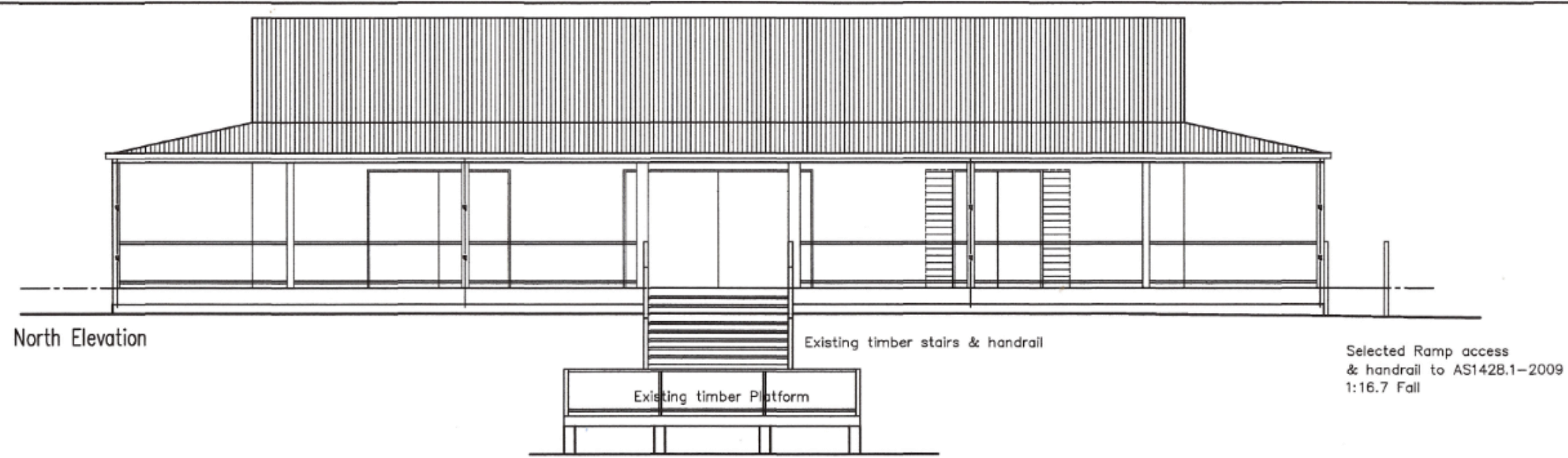
CLIENT	J Murphy	plan prepared by	T & T Drafting
JOB	Proposed Function Centre		
LOCATION	1376 Yarramalong Road Wyong Creek		
- BUILDER TO CHECK ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION		02 4392 1927	
- FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALE		0427 966 381	
SHEET	DATE	DWG No.	Scale: 1:100 1:200
5 of 5	19/03/2019	201715-A	



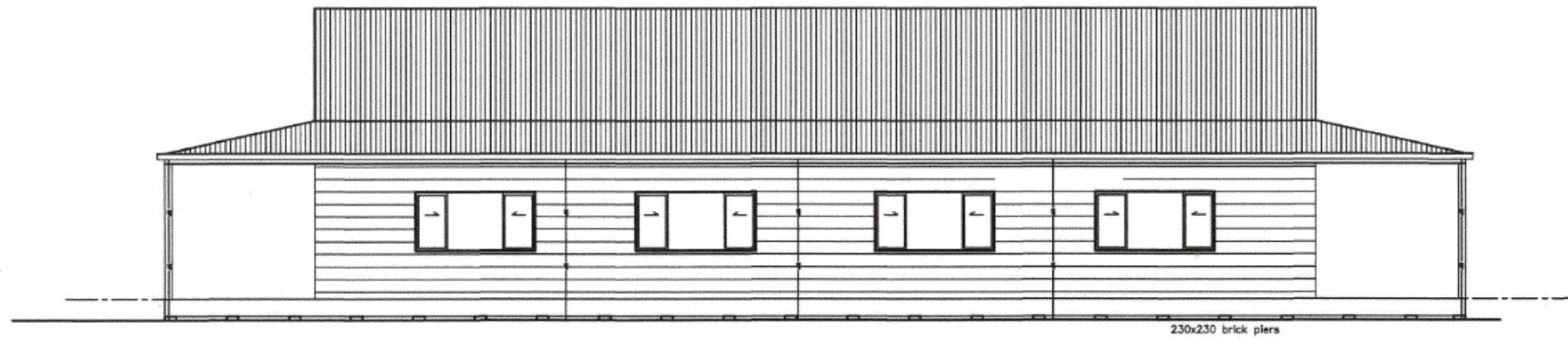
Area:

Function Center:	200.0 m2
Storage:	60.0 m2
Verandah:	156.0 m2
Total:	416.0 m2

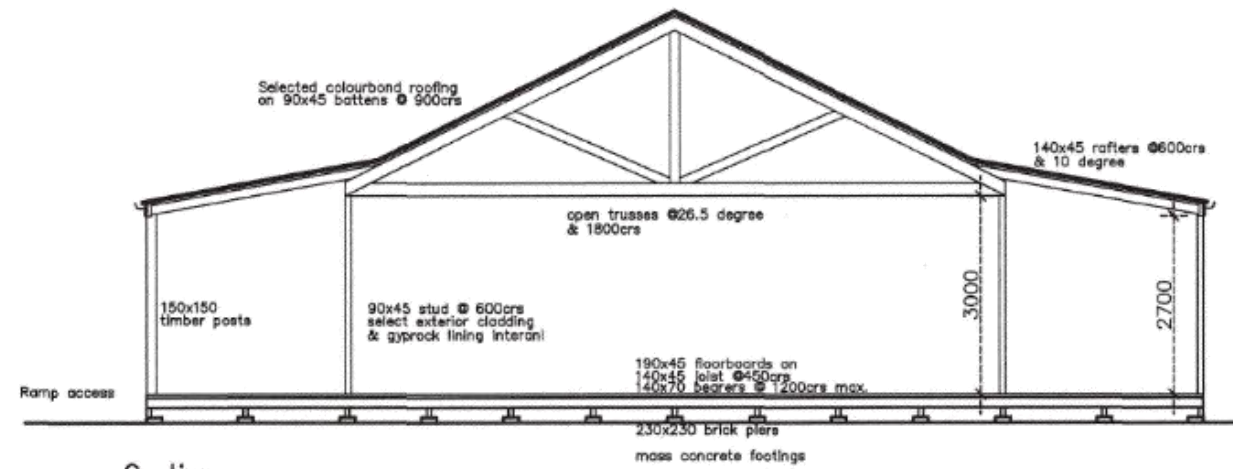
CLIENT	J Murphy	plan prepared by	T & T
JOB	Proposed Function Centre	Drafting	
LOCATION	1376 Yarramalong Road Wyong Creek		02 4392 1927 0427 966 3813
- BUILDER TO CHECK ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION. - FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALE.			
SHEET	DATE	DWG No.	Scale: 1:100 1:200
2 of 5	19/03/2019	201715-A	



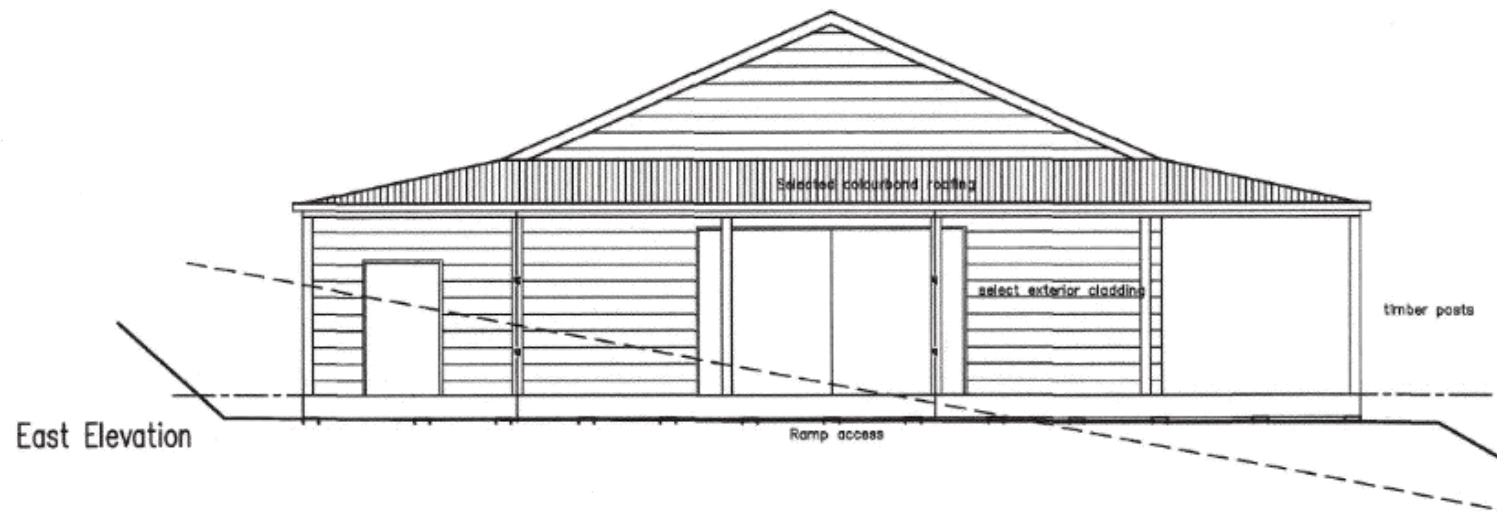
CLIENT	J Murphy	plan prepared by	T & T
JOB	Proposed Function Centre		Drafting
LOCATION	1376 Yarramalong Road Wyong Creek		02 4392 1927 0427 966 383
- BUILDER TO CHECK ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION. - FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALE.			
SHEET	DATE	DWG No.	Scale: 1:100 1:200
3 of 5	19/03/2019	201715-A	



South Elevation



Section



East Elevation

CLIENT	J Murphy		plan prepared by	T & T
JOB	Proposed Function Centre		Drafting	02 4392 1927
LOCATION	1376 Yarramalong Road Wyong Creek			0427 966 381
- BALDER TO CHECK ALL DETAILS AND DIMENSIONS PRIOR TO CONSTRUCTION. - FIGURED DIMENSIONS TAKE PREFERENCE OVER SCALE.				
SHEET	DATE	DWG No.	Scale: 1:100 1:200	
4 of 5	19/03/2019	201715-A		



Ms Jill Murphy

Updated
Heritage Impact Assessment Report
& Management Plan

1376 Yarramalong Road, Wyong Creek

14 January 2020

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ENGINEERING
PLANNING
PROJECT MANAGEMENT
SURVEYING
CERTIFICATION



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Project No.	CC150093
Author	LW
Checked	IS
Approved	LW

Rev No.	Status	Date	Comments
1	Draft	20/12/2019	
2	Final	14/01/2020	

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1 Introduction

1.1 Background

Barker Ryan Stewart have been engaged to prepare an updated Heritage Impact Assessment (HIA) and Heritage Management Plan (HMP) for the use of an approved barn / shed as a function centre with ancillary accommodation within the existing dwelling house (Refer to DA 410/2019).

The site is located at 1376 Yarramalong Road, Wyong Creek. The house, "Hillview" on the site, is listed as a local heritage item in Wyong Local Environmental Plan (LEP) 2013 as it relates to a significant local family of the area.

There have been a number of development applications submitted for the property in the last few years including:

- Small extension to the existing residence (DA No 1418/2015);
- Use of the site as a function centre (DA No 1418/2016); and
- Construction of a barn / shed (DA No 1512/2017).

All applications were approved with conditions, the two of relevance are:

- Use of the site as a function centre, which was limited by Council to a 12 month consent; and
- Construction of the barn / shed, which was prohibited for use as a function centre.

This report considers a new development application for "the change in use of a barn on land at 1376 Yarramalong Road at Wyong Creek to a function centre and the use of the existing dwelling house on the property as short-term accommodation in association with same" as detailed in the Statement of Environmental Effects prepared by Tim Shelley Planning.

1.2 Methodology

This report has been prepared in accordance with the requirements of the Australia ICOMOS Burra Charter and more specifically the guidelines for *Statements of Heritage Impact, Assessing Heritage Significance and Conservation Management Documents* as issued by the NSW Heritage Office (now known as the NSW Heritage). It also considers the provisions of the Wyong Local Environmental Plan (LEP) 2013 and Development Control Plan (DCP) 2013.

1.3 Proposed Development

Below is an extract of the Statement of Environmental Effects (SEE), prepared by Tim Shelley Planning that provides an overview of the proposed development:

The proposed development comprises the following:

- Use of the existing barn (as approved under DA 1512/2017) as a function centre to hold weddings, community gatherings, art and craft exhibitions, heritage events etc as per Clause 5.10(10) of Wyong LEP 2013 – Heritage Conservation Incentives. This building can cater for a maximum of 80 persons;
- Minor earthworks on the northern side of the top section of the driveway adjacent to the barn, comprising levelling (via cut and fill as necessary) to provide two (2) disabled car parking spaces in close proximity to the building and existing ramp;
- Minor earthworks on the southern side of the top of the driveway opposite the disabled spaces to provide a suitable level area to temporarily locate portable toilets during events;

1376 Yarramalong Road, Wyong Creek**Heritage Impact Assessment & Management Report**

- Minor internal works to the barn including lining of walls for noise attenuation purposes and upgrading works as necessary to ensure compliance with the relevant building classification under the Building Code of Australia (including any necessary fire safety measures); and
- Use of the Hillview homestead as temporary accommodation for those wishing to stay on the site whilst hosting weddings or other events (unchanged from the current approval under DA 1418/2016) and use of the surrounding grounds for ceremonies and photographs.

Full details of the proposal can be found in the SEE and accompanying documents submitted with the development application.

Below in Figure 1 is an aerial photograph of the main part of the site relevant to the development application.



Figure 1: Aerial Photograph of Site (Source: NearMap 2019)

The extract of the proposed site plan provided as Figure 2 below shows the location of the relevant parts of the development. Refer to detailed plans and Statement of Environmental Effects for more details.

1376 Yarramalong Road, Wyong Creek

Heritage Impact Assessment & Management Report

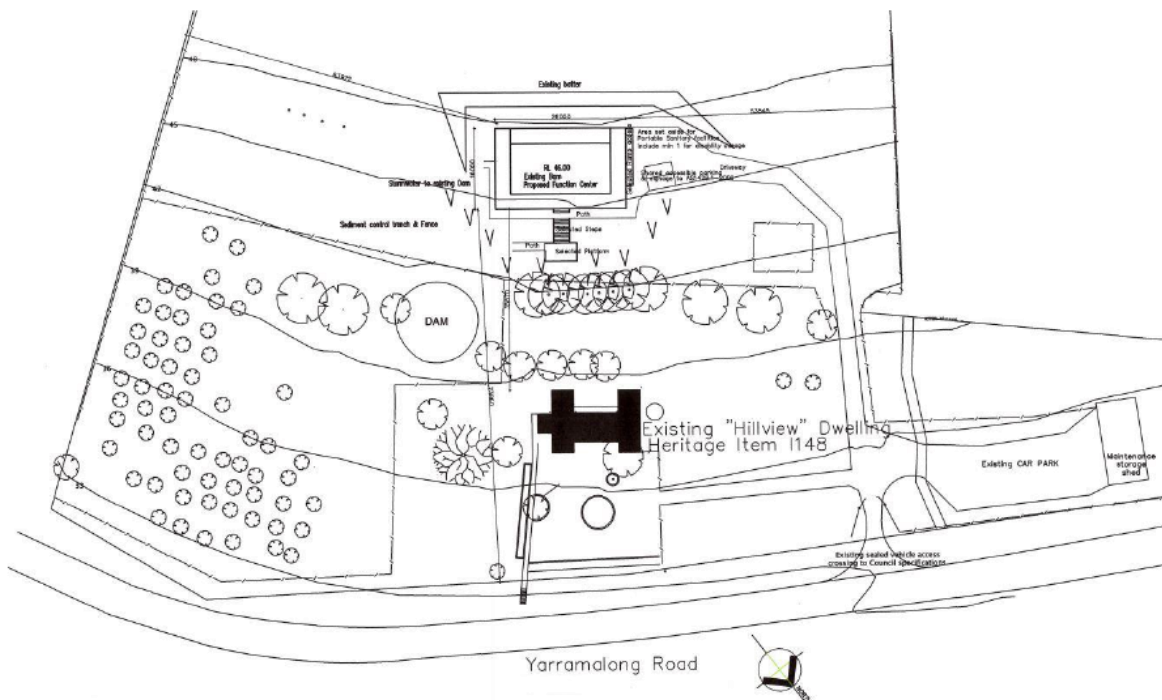


Figure 2: Extract of Site Plan from Development Application

1.4 Purpose

Clause 5.10 of Wyong LEP 2013 includes the following provisions that relate specifically to the development of this site and the development application:

- (4) **Effect of proposed development on heritage significance**
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment**
The consent authority may, before granting consent to any development—
 (a) *on land on which a heritage item is located, or*
 (b) *on land that is within a heritage conservation area, or*
 (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (10) **Conservation incentives**
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
 (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*

1376 Yarramalong Road, Wyong Creek

Heritage Impact Assessment & Management Report

- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

In relation to subclause 5.10(4), the report considers the potential for impacts on the heritage item and surrounds. In relation to subclause 5.10(5) this report considers an assessment of the proposal in relation to the heritage item and the future management of the site for future generations.

Subclause 5.10(10) permits a development that may not otherwise be permissible if the development assists with the conservation of the heritage item. Table 1 below includes details responding to the provisions of this clause in more detail.

Table 1: Response to Provisions of Clause relating to purpose of development

Sub-clause of 5.10(10)	Response
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	Heritage items require considerably more maintenance and attention than a standard dwelling, due to the age and in some cases deteriorated condition of the property. In order to conserve the property and its surrounds, considerable finance is required. This consent and use of the property is key to financing the continued restoration and ongoing maintenance of the house and surrounds. Details of the work required is included in Section 5 below.
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and	A heritage management document was previously approved for the former development application for a function centre use on the site. This is an updated version of that management plan to cater for the new development.**
(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and	The heritage management document included here is for the ongoing maintenance and management of the heritage building and property and will be undertaken over time as part of the consent.
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and	The proposed building is existing on the site and as previously agreed to by Council will not adversely impact on the heritage significance of the dwelling or its setting. It will actually enhance it by funding works to the original orchard area, allow use and understanding of the history of the site by locals and users of the property and ensure its ongoing maintenance and protection into the future.
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	The amenity of the area has been considered in the SEE and accompanying reports. The potential amenity impacts would be visual, traffic and

1376 Yarramalong Road, Wyong Creek**Heritage Impact Assessment & Management Report**

Sub-clause of 5.10(10)	Response
	noise. The proposal will have limited visual impacts on the locality as the proposal is for use of an existing structure. The traffic impacts will be appropriately managed, all parking is located on site and access to and from the site will be managed through the traffic management plan provided with the development application. An acoustic report has considered the potential for noise impacts from the proposal which has concluded there will not be significant adverse impacts on the amenity of the locality in terms of noise from the proposal. Refer to reports included with the SEE.

***Note: The previous management document approved by Council was for the use of the site as a function centre within a marquee. Council only approved this as a temporary use, the management document, however was for the ongoing use.*

1.5 Limitations

This Heritage Impact Assessment is limited to the investigation of the non-Aboriginal cultural heritage of the site. Therefore, it does not include any identification or assessment of Aboriginal or archaeological significance. A detailed historical archaeological study is also beyond the scope of this assessment.

1.6 Identification of Authors

This HMP has been prepared by Lisa Wrightson, Planning Manager and Heritage Advisor with Barker Ryan Stewart (Resume in Appendix A).

2 Historic Overview and Context

2.1 History of site

The settlement of the Yarramalong Valley occurred in the mid 1800s by farmers and timber getters. Timber was the main industry for a number of years until the railway came to Wyong in 1887-89, which opened up the valley for orchards, dairying and more recently turf.

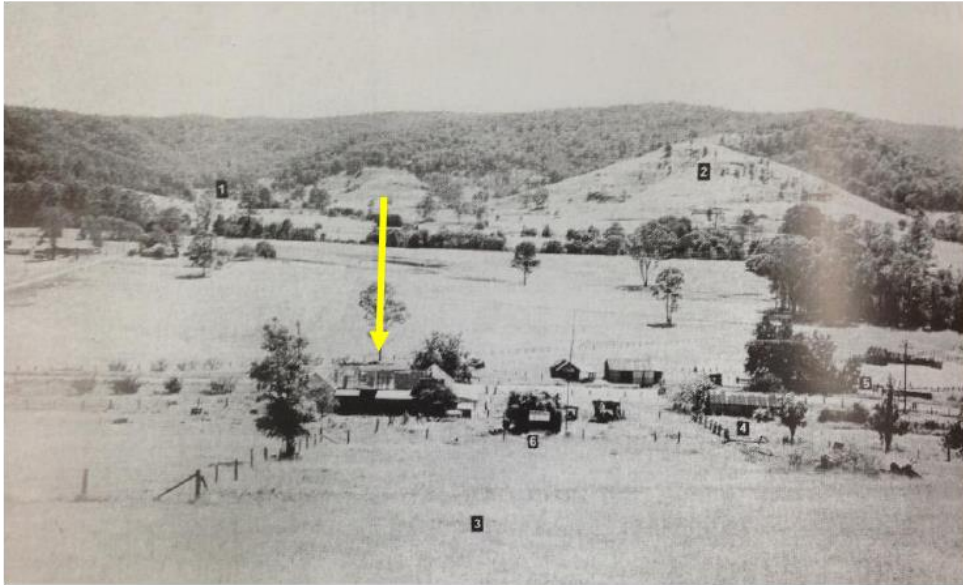
The first private land ownership was from the 1840s by the pioneering Cape family. The Stinson family was also one of the early families in the area, arriving in about 1856. "Hillview" was owned by the Stinson family who built the original house on this property in 1902, shown in Photograph 1 below.



Photograph 1: Original Stinson home in c1910

The home was added to in 1920 and 1926 with a wing on each side of the home as can be seen today. E. H. Stinson ("Eddie") and his brother Harry lived in the house, both bachelors. Eddie continued to live there until his death in 1989. E H Stinson recorded much of the area's history in pictorial histories, published over a number of years. In one of his books he included the Photograph 2 below which had the following caption / information accompanying it:

Looking north down Stinsons Lane towards Stinsons Gully (1) in left distance. The bare hill in the distance to the right of centre (2) was where Thomas Stinson junior (a son of pioneer Thomas Stinson) raised sheep. My father reared sheep on the hill shown in bottom foreground (3). Their sheep were mainly the breed known as Crossbreds which thrive in the local hills. My father had three orange orchards, and a dairy, besides his grazing lands. There was plenty of work to do on his properties, and he employed men to do it. They were houses in the workmen's cottage shown (4), now a general purpose shed. The dairy and bails and calf pens were beside the road (5). Our home (shown in foreground) had eight rooms (including four bedrooms) and two verandahs. The outside pit toilet is shown (6). There is not an indoor septic system.



Photograph 2: Stinson's property, house identified with yellow arrow

Additional internal changes and minor external changes were made over the years to the house. A number of the outbuildings shown in Photograph 2 have since been demolished.

2.2 Existing Fabric and Setting – Physical Context

Hillview was constructed in about 1913 and has been added to and changed over the years as shown in Section 2.1 above.

Below is an extract from the heritage listing that details the existing physical description and modifications.

Physical Description	<i>Unusually planned single storey house. Two widely spaced projecting wings with gabled flank, a recessed verandah and entry. A verandah runs down the Eastern side. The house is relatively intact with all original joinery.</i>
Modification and dates	<i>New fence and bargeboards. Re-roofed. Window hoods appear to be later modification.</i>

The photographs below (3-7) show the existing dwelling and surrounds prior to the recent restoration works (taken about 2017). Photograph 8 shows the dwelling following the recent restoration works

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Photograph 3: Front of dwelling



Photograph 4: Rear of house – the location of the approved extension

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Photograph 5: Section of the house which is the original dwelling



Photograph 6: Orchard to the east of the house

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Photograph 7: Side verandah where new entry has been approved



Photograph 8: Recent restoration works

2.3 Listings

There are different types of statutory heritage listings for local, state and national heritage items. A property, building, site or landscape is considered a "heritage item" if it is:

- Listed in the heritage schedule of a local Council local environmental plan (LEP) or a regional environmental plan (REP);
- Listed on the State Heritage Register, a register of places and items of particular importance to NSW under the NSW Heritage Act 1977; and/or
- Listed on the National Heritage List established by the Federal Government to list places of heritage significance on a national level under the Environmental Protection and Biodiversity Conservation Act 1999.

These statutory registers and listings provide legal protection for heritage items. "Hillview" and the site is heritage listed within Wyong Local Environmental Plan (LEP) 2013 within Schedule 5 Environmental Heritage and associated mapping. An extract from the listing and the mapping is included below and in Figure 3.

Wyong Creek	"Hillview"— dwelling	1376 Yarramalong Road	Lot 622, DP 1115049	Local	1148
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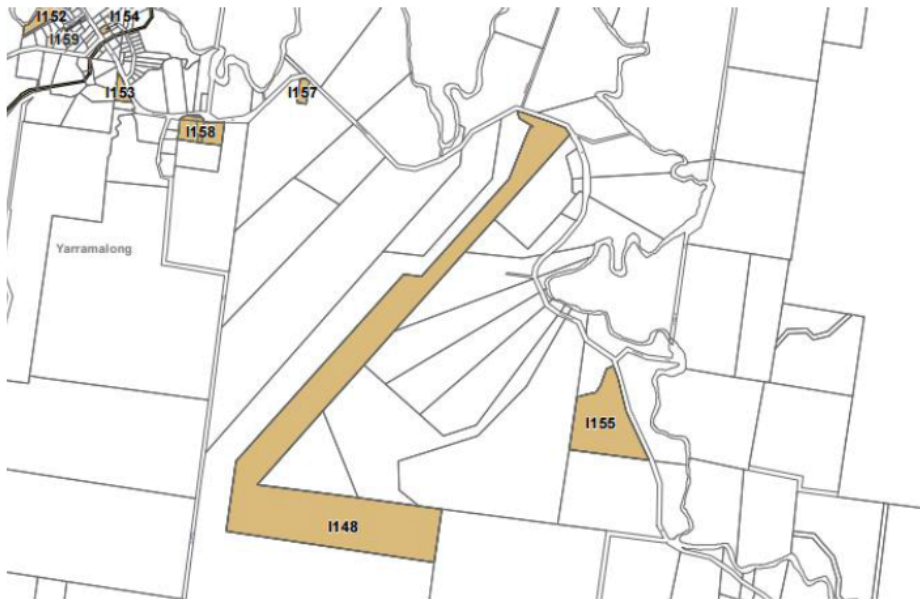


Figure 3: Extract from Wyong LEP 2013 Heritage Map

3 Heritage Significance

3.1 Assessment of Significance

The NSW Heritage Assessment Guidelines (published by the Office of Environment and Heritage in 2001) incorporates four possible values of heritage significance, which include:

- Historical significance;
- Aesthetic significance;
- Social significance; and
- Research / technical significance.

These four values are expressed a list of seven detailed assessment criteria, which specifically address key areas of possible significance. An item will be considered to be of significance if it meets one or more of the following criteria.

- | | |
|---------------|--|
| Criterion (a) | An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area); <ul style="list-style-type: none"> • <i>This dwelling is representative of the pioneering families of the region establishing in the region's farming birthplace. Like its neighbours, it has close association with the first settlement of the region.</i> |
| Criterion (b) | An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area); <ul style="list-style-type: none"> • <i>Stinson family</i> |
| Criterion (c) | An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area); <ul style="list-style-type: none"> • <i>The dwelling has local aesthetic significance for its unusual composition and its extensive use of local timber. The dwelling has potential to contribute to an understanding of the lifestyle of successful farmers in the pioneering area of the region around the turn of the century.</i> |
| Criterion (d) | An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons; <ul style="list-style-type: none"> • <i>Has social significance to the descendants of the Stinson family.</i> |
| Criterion (e) | An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area); <ul style="list-style-type: none"> • The site does not meet the criteria for inclusion under this category. |
| Criterion (f) | An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area); <ul style="list-style-type: none"> • The site does not meet the criteria for inclusion under this category. |
| Criterion (g) | An item is important in demonstrating the principal characteristics of a class of NSW's (or the local area's) cultural or natural places, or cultural or natural environments. <ul style="list-style-type: none"> • <i>Representative of its type.</i> |

The points above have been extracted from the Council heritage listing form included in Appendix B.

3.2 Statement of Significance

The Statement of Significance for "Hillview", updated recently for the Wyong Heritage Inventory on behalf of Central Coast Council is shown below:

Historically and aesthetically significant as the family home of the pioneering Stinson family, the property is a good representative example of pre-war construction, reflecting early patterns of permanent settlement and agriculture.

The full heritage listing is included in Attachment B.

Further to this statement, the original orchard area has been retained and enhanced. This is an important element of the property and heritage significance and was referred to by E. H. Stinson specifically in his recollection of the area.

3.3 Curtilage

The curtilage of "Hillview" can be defined as the area surrounding the house, including the original orchard area (since enhanced) and views to and from the dwelling, especially the front verandah area. The image below in Figure 4 details the curtilage of the historic house and elements that are important to its protection and listing.

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**KEY**




-  Curtilage of dwelling and associated vegetation and orchard
-  View corridor to and from the dwelling
-  Location of original orchard area, which has been enhanced over the years

Figure 4: Detail of Heritage Curtilage (Aerial Source: NearMap 2019)

3.4 Recent Changes

As detailed above, some recent changes have occurred to the dwelling and property including:

- Minor extension to the rear of the dwelling;
- Enhancements to the garden; and
- Construction of a barn / shed.

Figure 5 shows the location of the extension to the dwelling and garden changes and Figure 1 shows the new barn / shed location.



Figure 5: Comparison of House and Garden from February 2016 and October 2019

Photograph 9 shows the new barn / shed and Photographs 10 and 11 show that there is no visual impacts to the curtilage of the barn from the main viewing points along Yarramalong Road.



Photograph 9: Approved barn / shed

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Photograph 10: View of site looking south east from Yarramalong Road



Photograph 11: View of site looking south west from Yarramalong Road

4 Heritage Impact Assessment

4.1 Potential Impact of proposal on “Hillview”

The following aspects of the proposal respect or enhance the heritage significance of the item for the following reasons:

- Retention of the original dwelling and façade;
- Protection and retention of the views from the public road to the site and Hillview;
- Protection and retention of the orchard area; and
- Opportunities for the public and small groups to visit the site and appreciate its heritage value.

The following aspects of the proposal could detrimentally impact on the heritage significance of the dwelling:

- More intense use could increase potential for damage to item if not managed appropriately;

This Heritage Impact Assessment analyses the extent of these potential impacts and the measures taken to mitigate negative impacts.

4.2 Assessment of Proposal

The following assessment is based on the guidelines set out by the NSW Heritage Office (now NSW Heritage) publication ‘Statements of Heritage Impact’, referred to above. The standard format and questions have been adapted to suit the unusual circumstances of this proposal.

Use of Barn as Function Centre / Use of Dwelling as Short-term Accommodation – “Hillview”

How is the impact of the proposed use as a function centre and accommodation on the heritage significance of the item or area to be minimised?

The barn has been located an adequate distance from the historic dwelling so as to not impact on views to and from and of the setting of the site. The materials and colours of the barn also reflect the era of the property and will support the setting and detail of the site and surrounds, although in most cases there will be limited opportunities to see the barn from the road or house. The use of the barn as a function centre or otherwise will not impact on the significance of the heritage item, it will actually improve the visibility of the item, by allowing more people to appreciate its significance and importance to the local area.

The use of the old house as accommodation for an event or function would enable the heritage significance of the building and item to be acknowledged and learned.

Why is the proposed function centre / accommodation required to be adjacent or near to a heritage item?

The barn is set back behind the heritage item and is visually separated by mature trees and vegetation, so it is not directly adjacent to it. In addition, from a topographical perspective and to limit any excavation required, this has been identified as the best and most appropriate location.

Part of the promotion and appeal of the site is its heritage significance. Using the barn as a function centre and the dwelling as accommodation would enable this significance to be promoted. It would also provide funding for the ongoing maintenance and restoration works.

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How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?

The garden and orchard areas have been retained around the existing dwelling to retain its setting and character. The location and use of the barn will not interrupt views to or from the dwelling and will enable the setting and garden areas to be enhanced and improved. Also due to the existing trees and vegetation, it will not visually impact on the dwelling from behind. The proposed use of the dwelling for accommodation is only temporary and involves no works and therefore will not impact on the curtilage of the dwelling.

How does the proposed use of the barn as a function centre and dwelling as accommodation affect views to, and from, the heritage item? What has been done to minimise any potential negative effects?

The barn is set back to the rear of the dwelling which ensures that views to and from the site have been maintained. See the site plan with details below in Figure 6 showing how these views have been retained (yellow arrows). In addition, the vegetation that is mature enough to screen the barn has been highlighted by a green oval. Further, the cut allowed the barn to sit into the side of the slope.

The accommodation is proposed within the existing dwelling so there are also no impacts from that part of the proposal.

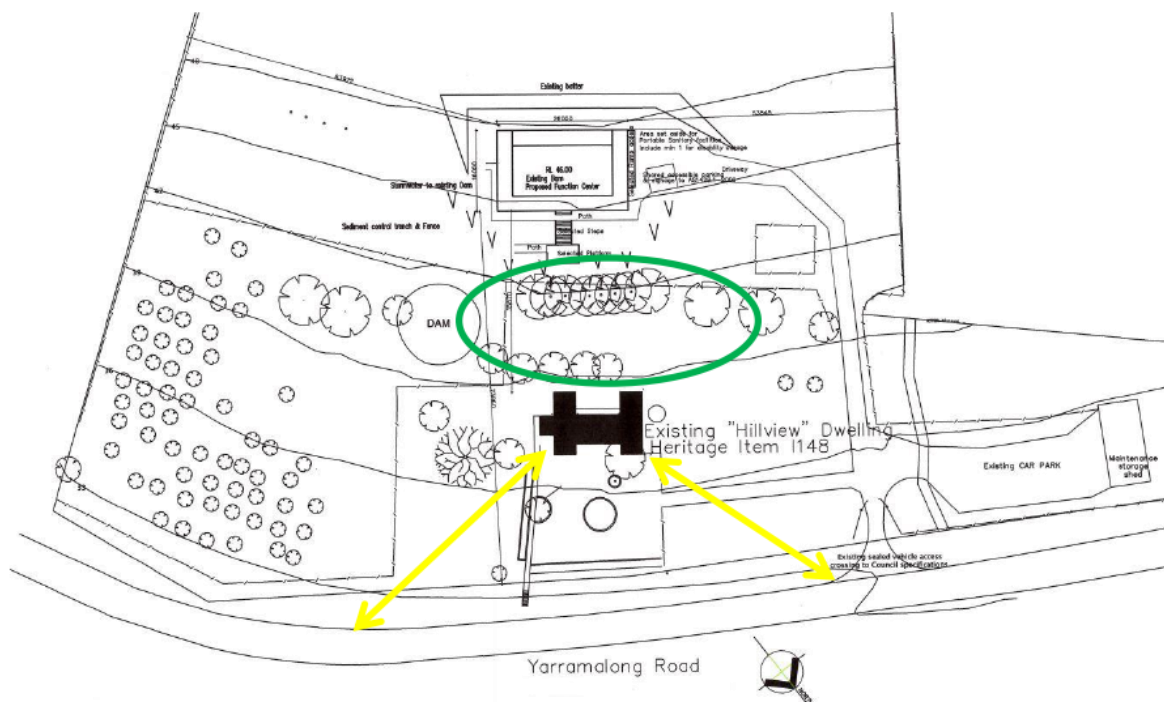


Figure 6: Site plan showing retention of views

Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?

There are no known archaeological deposits on the site and no construction is proposed.

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Is the proposed use of the barn as a function centre and dwelling as temporary accommodation sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?

The barn was designed to be sympathetic to the rural location and site. The materials are low key, light weight and rural in nature and colour and therefore do not detract from the heritage item. The use of the barn for a function centre will not adversely impact the heritage significance of the property due to the temporary nature of the functions and given that no further works are proposed to the barn structure. The accommodation is within the existing dwelling does not include or require any alterations and additions over those already approved by Council.

Will the proposed function centre / accommodation visually dominate the heritage item? How has this been minimised?

The barn has been setback from the item and behind a screen of mature trees and vegetation to ensure it will not visually dominate the dwelling. Furthermore the size and materials are low key and low scale to ensure the barn will not dominate. The use of the dwelling as temporary accommodation will not cause any visual impacts.

What changes to the fabric and/or site are required as a result of the proposed function centre / accommodation?

No changes to the fabric of the barn or house are required for the use as a function centre or accommodation component.

Will the public, and users of the item, still be able to view and appreciate its significance?

The view of the heritage item from the road and public space has not been interrupted by the barn, so passers-by will still be able to appreciate the heritage value of the item. The proposal use of the barn and accommodation in the dwelling will actually increase the ability for the public to view and appreciate the significance of the item and during events and functions. A history of the property and house will also be made available for viewing.

4.3 Statement of Heritage Impact

The proposed use of the barn as a function centre and house as accommodation will not alter the historic, aesthetic and social significance that contributes to the overall heritage significance of "Hillview". The uses proposed will not change the external appearance of the barn or dwelling as viewed from the road or site frontage and the use of the site will be short term for a function-by-function basis. When not used for functions, the barn and house will remain as a private residence and associated outbuildings.

The uses proposed for the site will enable visitors to visit the property and the heritage item, which will ensure that the historic, aesthetic and social significance will not be altered and with appropriate interpretation, it will make the site more visible and appreciated.

4.4 Wyong LEP 2013 – Clause 5.10

Clause 5.10 of Wyong LEP 2013 includes objectives and requirements for heritage conservation within the former Wyong Shire portion of Central Coast Council Local Government Area. These requirements are specifically related to heritage listed items, such as "Hillview".

As stated above in Section 1, clause 5.10 (10) permits Council to grant consent to uses that may otherwise be prohibited if the conservation of the item is facilitated by the consent, the proposal is in

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accordance with a heritage management document, the proposed development would not adversely impact on the item or the surrounding area.

Under the Wyong LEP, the site where "Hillview" is located is zoned E3 Environmental Management zone. This zone has the following permissible uses:

Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Home businesses; Home industries; Horticulture; Information and education facilities; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewage treatment plants; Water recreation structures; Water recycling facilities; Water supply systems

A function centre is not listed as a permissible use and ordinarily would be prohibited, such that Council would not be able to grant consent. However, under Clause 5.10(10), consent can be granted for any use subject to certain requirements. Table 1 above and Table 2 below discusses each of the requirements and how they are addressed or considered by the proposed development.

Table 2: Clause 5.10(10) Assessment

Clause	Criteria	Comment
5.10(10)(a)	<i>the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i>	The funds received from the use of the site as a function centre will enable continued restoration and maintenance of the dwelling house and surrounds. The owner has already put significant funds into the restoration and the proposal will ensure this can continue.
5.10(10)(b)	<i>the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i>	The previous development application for a function centre was the subject of a heritage management document that was approved. This document is an updated / amended version of that approved document, to support this proposal. It outlines the management of the property and the need for income to continue to manage the maintenance and restoration.
5.10(10)(c)	<i>the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i>	Considerable work on the heritage item has been undertaken and will continue as needed, including painting, roof replacement (as required in the future), general repairs and maintenance. Refer to details in Section 5 below.
5.10(10)(d)	<i>the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i>	The proposed development is for the use of the barn for functions and events with associated accommodation within the existing dwelling. These uses will not have adverse impacts on the heritage significance of the item, and in many cases will improve the understanding and value of the item.
5.10(10)(e)	<i>the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</i>	The amenity of the surrounding development has been considered in the preparation of this application as outlined above. The function centre is a for weddings, ceremonies and other small scale functions and events. The rural nature of the locality and the distance to other

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Clause	Criteria	Comment
		<p>dwelling and receptors will ensure that there are no adverse impacts on the immediate locality in which the heritage item is located.</p> <p>More detail on potential impacts such as noise have been submitted with the development application and Statement of Environmental Effects which confirms there will be no adverse amenity impacts. The noise emissions assessment prepared for the proposal concludes that subject to the implementation of a number of recommendations the proposed use of the barn as a function centre will not unduly interfere with the acoustic amenity of the surrounding area.</p>

5 Management Policies

5.1 Constraints and Opportunities

When considering the long-term management of this site, it is important to consider the constraints and opportunities that have the potential to arise and prepare appropriate policy responses to these constraints and opportunities. Table 3 considers these and the management policies in response.

Table 3: Constraints and Opportunity Assessment

Opportunity	Constraint	Management Policy
House is substantially intact with many original features including doors, windows, floorboards, vents, etc.		Existing features of the dwelling should be maintained and restored where possible.
External integrity of the house is relatively high and additions and changes are easily readable and understood.		Any future alterations should pay careful consideration to ensure that the historical layout of the house is not obscured. The simple scale and bulk of the house should be maintained.
Remnant plantings from the use of the property as an orchard.		Remnant plantings of the orchard should be retained and maintained, including relationship to house.
	Potential for additional impacts from termites without adequate protection. Recent pest report shows past damage from termite action which means protection and management is required on an ongoing basis.	Ensure recommendations from pest inspection report are undertaken including annual inspections.
	Most the outbuildings that exist on the site are not original.	The outbuildings are not historically significance and should not be subject to the conservation requirements and may be removed and altered.
The owners see an opportunity to assist with the conservation of the property using the incentives provision of the Wyong LEP 2013.	The previous owners had let the property and dwelling fall into a state of disrepair.	The current owners have worked to restore the dwelling and continued maintenance is essential. Ensure use for function centre and accommodation does not adversely impact the heritage value of the dwelling and curtilage.
Opportunity for community events to use the premises. This will allow greater appreciation for the heritage of the area.		Ensure community events have restricted numbers, at any one time on site, so that potential for

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Opportunity	Constraint	Management Policy
		damage to garden and surrounds does not occur. The Statement of Environmental Effects identifies 80 guests for the function centre and 6 guests for the dwelling.

5.2 Management Policies

The following management policies should apply to the long-term management of "Hillview".

Development of the Site

- The existing original features of the house should be maintained.
- Any further alterations to the house should pay careful consideration to ensuring that the original house and layout is not obscured in any way.
- The scale and bulk of the small-scale farmhouse should be maintained. A second storey or large scale addition is not recommended.
- The existing outbuildings to the west and north of the house are relatively recent additions and should not be the subject of conservation requirements and may be removed.
- The rural nature of the property should be retained.

Landscaping

- The original orchard should be retained and maintained.
- Recommendations of a specialist arborist should be followed in relation to the orchard.
- Other remnant plantings and their relationship to the house should be retained and protected.

Functions and Events

- Numbers of patrons should be limited to those included in the development application and Statement of Environmental Effects.
- Functions (large scale) should be limited to the barn and not impact on the "Hillview" dwelling.
- Ceremonies (small scale) can be held in the orchard or curtilage of the dwelling.
- A history of the site and dwelling should be made available for users of the site.

5.3 Asset Management

The management of the heritage asset is an important part of maintaining the building and ensuring its protection into the future. In the past the house has not been well maintained and significant work was required to restore it to its current condition.

The following ongoing management and maintenance items (Table 4), once-off major expenditure items needed over next 1-2 years (Table 5) and general ongoing major expenditure items over next 8-10 years (Table 6) have been identified by the land owner with potential costs identified by service providers. These are specific to the historic portion of the dwelling and property.

6 Conclusion and Recommendations

6.1 Conclusion

The proposal, as outlined in Section 1.3, has been assessed against the relevant criteria for heritage significance and impact produced in NSW Office of Environment and Heritage publications.

This assessment demonstrates that, subject to the recommendations in Section 6.2 below, the proposed Function centre / accommodation, will not result in any adverse impacts and maintains the embodied values and cultural significance of the site and dwelling "Hillview".

It is the opinion of the author that the use of the site for functions and ancillary accommodation within the listed dwelling would be the best possible social, economic and financial heritage outcome for the site and the use of Clause 5.10(10) of Wyong LEP 2013 is the appropriate mechanism to facilitate such a use.

The dwelling and property is an important part of the growth and development of the Wyong Creek and Yarramalong area and its maintenance and protection should be supported by Council through the approval of this application. Further the ability of residents and the public to view the site and understand its history through events is an important outcome.

Subject to the recommendations, the author supports the proposed proposed development on heritage grounds and is of the opinion that the provisions of Clause 5.10(10) of Wyong LEP have been satisfied.

6.2 Recommendations

The following recommendations are made to ensure that the proposal for the Function centre / accommodation that has the potential to have adverse or negative impacts, are mitigated by:

- The owners / developers ensuring an interpretation of the history of the site is available as part of the proposal for the function centre / accommodation;
- That continued maintenance of the property being undertaken in accordance with the management policies and budget included in Section 5;
- That any major restoration works, as detailed in Section 5, be carried out by appropriately qualified tradespeople in accordance with Central Coast Council and NSW Office of Environment and Heritage (or similar) policies;
- Ensuring that the orchard area and gardens are maintained to protect the views and setting of the site from the road;
- The recommendations of the acoustic report be adhered to, which will ensure the amenity of the area is maintained;
- The car parking area being maintained as an informal gravel area with appropriate drainage, to ensure the rural nature of the site is maintained; and
- The accommodation within the dwelling being restricted based on the number of bedrooms.

7 References

1. NSW Government, 1979, 'Environmental Planning and Assessment Act 1979 No 203', viewed 23 November 2015, www.legislation.nsw.gov.au.
2. NSW Government, 2000, 'Environmental Planning and Assessment Regulation 2000', viewed 23 November 2015, www.legislation.nsw.gov.au.
3. NSW Government, 2014, 'Wyong Local Environmental Plan 2013', viewed 23 November 2015, www.legislation.nsw.gov.au.
4. NSW Heritage Office, 2001, 'Assessing Heritage Significance', Part of NSW Heritage Manual, NSW Government.
5. NSW Heritage Office, undated, 'Statements of Heritage Impact', Part of NSW Heritage Manual, NSW Government.
6. Wyong Shire Council, copy edited 16/4/2014, *Wyong Heritage Inventory*, State Heritage Inventory Format, SHI No 2720082, Wyong Shire Council.
7. Stinson, E. 1994 (Fourth Edition), 'A Pictorial History of the Wyong Shire Volume One', Wyong Shire Council.
8. Stinson, E. 1988, 'A Pictorial History of the Wyong Shire Volume Six', Wyong Museum group and Historical Society.
9. Stinson, E. 1994 (Second Edition), 'A Pictorial History of the Wyong Shire Volume Three', Wyong Shire Council.
10. Stinson, E. 1986 (Second Edition), 'A Pictorial History of the Wyong Shire Volume Two', Wyong Shire Council.
11. Farley, Max. 2015, 'Yarramalong Valley History Notes', The Wyong District Museum and Historical Society Inc.

Appendix B: Heritage Listing

Wyong Heritage Inventory									
Item Name 'Hillview' - Dwelling		SHI Number	2720082						
Other Names/s Group Name		Study Number	82						
Location 1376 Yarramalong Road Wyong Creek 2259		Assessed Significance	Local						
Item Type Built Group Residential buildings (private) Category House Themes <table border="0"> <tr> <td>National</td> <td>State</td> <td>Local</td> </tr> <tr> <td>3. Economy</td> <td>Agriculture</td> <td>(none)</td> </tr> </table>		National	State	Local	3. Economy	Agriculture	(none)	Statement of Significance Historically and aesthetically significant as the family home of the pioneering Stinson family, the property is a good representative example of pre-war construction, reflecting early patterns of permanent settlement and agriculture.	
National	State	Local							
3. Economy	Agriculture	(none)							
Owner									
Current Use									
Former Use									
Years 1913	Circa Yes	Physical Description Unusually planned single storey house. Two widely spaced projecting wings with gabled flank, a recessed verandah and entry. A verandah runs down the Eastern side. The house is relatively intact with all original joinery.							
Designer									
Builder									
Physical Condition									
Modification Dates New fence and bargeboards. Re-roofed. Window hoods appear to be later modification.									
Further Comments		Historical Notes							
Lot and DP LOT 622 DP 1115049									
State Heritage Inventory									
<i>Date: 16/04/2014</i>		<i>Date First Entered 12/04/2002</i>	<i>Date Updated: 16/04/2014</i>						
		<i>Data Entry Status: Partial</i>	<i>Page: 1</i>						

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Images  Caption 'Hillview' - Dwelling Copyright: Image by: David Scobie Date: 20/09/2009 Number: 1/1	Listings <table border="1"> <thead> <tr> <th>Name</th> <th>Number</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Local Environmental Plan</td> <td>82</td> <td>10/09/1999</td> </tr> </tbody> </table>			Name	Number	Date	Local Environmental Plan	82	10/09/1999									
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Studies <table border="1"> <thead> <tr> <th>Author</th> <th>Title</th> <th>Number</th> <th>Year</th> </tr> </thead> <tbody> <tr> <td>Wyong Local Environmental Plan</td> <td>Inventory of Heritage Items</td> <td>82</td> <td>1991</td> </tr> <tr> <td>David Scobie Architects</td> <td>Wyong Shire Heritage Study Review</td> <td></td> <td>2009</td> </tr> <tr> <td>Rod Howard Heritage Conservation Pty Ltd</td> <td>Wyong Shire Heritage Study</td> <td></td> <td>1994</td> </tr> </tbody> </table>			Author	Title	Number	Year	Wyong Local Environmental Plan	Inventory of Heritage Items	82	1991	David Scobie Architects	Wyong Shire Heritage Study Review		2009	Rod Howard Heritage Conservation Pty Ltd	Wyong Shire Heritage Study		1994
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Assessment Degree Criteria SHR Criteria f) SHR Criteria g) Representative of its type. Intactness / Integrity																		
Assessment Criteria SHR Criteria a) This dwelling is representative of the pioneering families of the region establishing in the region's farming birthplace. Like its neighbours, it has close association with the first settlement of the region. SHR Criteria b) Stinson family SHR Criteria c) The dwelling has local aesthetic significance for its unusual composition and its extensive use of local timber. The dwelling has potential to contribute to an understanding of the lifestyle of successful farmers in the pioneering area of the region around the turn of the century. SHR Criteria d) Has social significance to the descendants of the Stinson family. SHR Criteria e)																		
Recommended management Statutory Instrument List on a Local Environmental Plan (LEP) Recommended Management Consult with owner and/or community																		
State Heritage Inventory																		
Date: 16/04/2014		Date First Entered 12/04/2002	Date Updated: 16/04/2014															
		Data Entry Status: Partial	Page: 2															

Noise and Sound Services

**Peer Review – Development Application Numbers
DA/410/2019 and DA/1418/2016B**

June 2020

Report No. nss23212 – Final

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1. INTRODUCTION

Noise and Sound Services was requested by Central Coast Council, PO Box 20, Wyong, NSW 2259, to carry out a peer review of four acoustical reports for the development applications currently being considered, which are relying on the same acoustic advice (Outdoor use & Conversion of a shed) DA 410/2019 & DA 1418/2016B. This is at 1376 Yarramalong Road, Wyong Creek.

2. PEER REVIEW OF THE FIRST REPORT FROM SPECTRUM ACOUSITCS

The first Spectrum Acoustics report is entitled "*Noise Assessment Hillview Function Centre Yarramalong, NSW*", Project No. 171382, dated March 2017.

2.1 Section 2 of report - Background to the Proposal

It is stated in section 2 of the report that "*the proponent aims to utilise the grounds of the residence as a facility for small weddings and other functions.*" It should be stated, in detail, what the other functions involve. It is stated that the entertainment may be in the form of a live band or DJ style performance and that the music will stop at 10:30 (pm is assumed).

2.2 Section 4 of report - Noise Criteria

It is stated in the report that the responsibility for approval and control of noise emissions from commercial and industrial premises within Council boundaries are shared between the Office of Environment and Heritage (now the Environment Protection Authority (EPA) and Councils (in this case Central Coast Council).

It is also stated that as the premises are not licensed the Office of Liquor, Gaming and Racing (now the Liquor & Gaming NSW) criteria are not applicable. They then use the NSW Government's Industrial Noise Policy 2000 now called the Noise Policy for Industry 2017 (with some moderate changes).

The Noise Policy for Industry applies to industrial noise sources from activities listed in Schedule 1 of the POEO Act and regulated by the EPA. All scheduled activities require an environment protection licence issued under the POEO Act. Importantly, it is stated in the policy that it does not apply to amplified music/patron noise from premises.

The Director of NSW Liquor and Gaming is responsible for dealing with disturbance complaints made in relation to hotels and other licensed venues

including registered clubs under Section 79 of the *Liquor Act 2007* but not for amplified music/patron noise from unlicensed premises.

The main legal framework basis for managing unacceptable noise is the *Protection of the Environment Operations Act 1997* (POEO Act) and the Protection of the Environment Operations (Noise Control) Regulation 2008 (Noise Control Regulation).

As stated in the NSW Government's Noise Guide for Local Government the POEO Act, the Protection of the Environment Operations (General) Regulation 2009 (POEO General Regulation) make certain agencies the appropriate regulatory authority (ARA) responsible for various premises/activities. This includes local councils, the EPA Section 6 of the POEO Act makes the EPA the ARA for:

- premises, and all activities carried on at those premises, on which scheduled activities are carried out that are listed in Schedule 1 to the POEO Act (these are generally large industrial sites)
- premises, and all activities carried on at those premises, to which an environment protection licence has been issued for the purpose of regulating water pollution
- activities conducted by state or public authorities, whether at premises occupied by the state or a public authority or otherwise (e.g. noise from public schools, local council road works etc).
- The POEO General Regulation makes the EPA the ARA for certain non-scheduled activities, which may involve noise issues, for example:
 - route of the Inner West Light Rail (cl 89)
 - large outdoor entertainment activities and certain sporting activities at certain state facilities (cl 90)
 - other activities such as large plants that mix crushed rock with bituminous materials, large concrete batching plants and certain mobile plants (cl 92).

Section 6 of the POEO Act makes local councils the ARA for any premises/activities in its local government area other than those covered by other ARAs as noted above. Hence it is for the Central Coast Council to set criteria for non-licensed amplified music venues.

The Noise Policy for Industry specifically excludes amplified music/patron noise from premises. This is predominantly because of the fact that the overall 'A' frequency weighted sound pressure level vastly underestimates the low frequency, repetitive impulsive noise annoyance from amplified music events. This is correctly stated in Spectrum Acoustics report (page 6) i.e. "*It is typically the low frequency noise which is the cause of most complaints in relation to noise from entertainment venues*" but this low frequency issue is not addressed in the report.

Other NSW Councils apply criteria based on that previously used by the NSW Liquor and Gaming as this is used for amplified music noise assessments that take into account the low frequency. A proposed noise condition for amplified music events in this instance could be:

The $L_{Aeq, 15 \text{ minute}}$ * noise level emitted from the premises shall not exceed the background noise level $L_{AF90, 15 \text{ minute}}$ in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive), when the premise is not in operation, by more than 5 dB between 7:00 am and 10:30 pm at the boundary position or 30 metres from any affected residential building whichever is the closest.

* For the purpose of this condition, the $L_{Aeq, 15 \text{ minute}}$ can be taken as the average maximum deflection of the noise emission from the premises.

2.3 Section 5 of report - Noise Assessment

It is stated in Section 5 of the report that noise levels for entertainment at similar venues was taken from the Spectrum Acoustics technical database which were measured in one-third octaves. Examples of these one-third octaves are not given in the report. Table 2 gives centre frequency sound power levels.

It should be reported how the sound pressure level measurements have been converted to sound power levels. From our database, the sound pressure levels from live bands (with bass guitar and drums) are typically 90 dBA in the octave band centred on 125 Hz in the reverberant field, giving sound power levels closer to 100 dBA.

These octave bands are all 'A' frequency weighted; however, this is not stated in the Table. As noted above, Spectrum Acoustics are aware that it is the low frequency noise which is the cause of most complaint in relation to noise from entertainment venues. The sound power levels given in the Table for the octave bands centred on 63 Hz and 125 Hz are 100 dB and 101 dB respectively without the 'A' frequency weighting. The 'A' frequency weighting is not, as commonly assumed, the frequency weighting of the human ear but a very rough estimation for loudness and a poor estimation for noise annoyance. The directivity and topographic shielding as given in the Table are optimistic for these low frequencies.

The report needs to consider the closest resident, which is reported by a local resident to be 1380 Yarramalong Road (Lot 621/DP1115049), Wyong Creek.

2.4 Section 5 of report - Recommendations

In the last paragraph of the report it is recommended that bass noise is monitored and kept at low levels, but this is only recommended where possible. If not possible, which is likely in any live band situation, then the recommendation does not apply and bass noise from the bass guitarist and drummer will, or could be, high.

3. PEER REIVEW OF THE SECOND REPORT FROM SPECTRUM ACOUSTICS

The second Spectrum Acoustics report is entitled "*Noise Assessment Hillview Function Centre Yarramalong, NSW*", Project No. 171382, dated February 2019.

This report adds details of the proposed barn conversion. It states, on page 4, that the music source must be in the corner of the room of the shed. However, this space is too small for a band with drums, bass guitar and a PA system. The recommended small amount of acoustically absorbent material to be used will have a minimal effect on the low frequency overall noise level from inside to outside. The absorbent coefficients of the proposed material at octave bands centred on 63 Hz and 125 Hz need to be stated. Also, the mid to high frequency of the amplified music is likely to be adjusted upwards, by the band or DJ, to compensate for the absorption at these frequencies.

It is stated that the roof/ceiling sound transmission loss (STL) is based on corrugated sheet steel. In Table 2 of the report the STL is given as 13 dB for the octave band centred on 63 Hz and 17 dB for the octave band centred 125 Hz. More realistic values are 8 dB for the octave band centred on 63 Hz and 11 dB for the octave band centred 125 Hz. See, for example, *Insul* sound insulation prediction program (www.insul.co.nz).

The STL, directivity and topographic shielding as given in Table 2 are optimistic for low frequencies which is likely to lead to a significant underestimated of the noise level at neighbouring residences, particularly for live bands.

4. PEER REIVEW OF THE FIRST REPORT FROM ACOUSTIC DYNAMICS

The first Acoustic Dynamics report is entitled "*Noise Emission Assessment - The Hillview 1376 Yarramalong Road, Yarramalong, NSW*", Project No. 4736R001.GR.191218, dated 18 December 2019.

4.2 Section 1.2 of report - Description of Location

In the description of location, section 1.2 of the report, Acoustic Dynamics provides a list of the nearest external residential receivers. However, they do not include 1380 Yarramalong Road.

4.2 Section 2.3.1 of report - Noise Policy for Industry

In section 2.3.1 of the report it is stated that the Noise Policy for Industry 2017 (NPI) has been applied for mechanical plant. However, they do not state which criteria should be used for amplified music/patron noise from premises as this is specifically excluded from Noise Policy for Industry. They go on to use the NPI for amplified music/patron noise and there is no assessment of any mechanical plant.

4.3 Section 3.1 of report - Scenarios

In section 3.1 it is stated that Acoustic Dynamics have undertaken measurements, however no sound level measurements are given in the report at all. Only predictions of sound levels are provided.

4.4 Section 4.1.2. of report - Recommendations

In section 4.1.2 one sub-woofer loudspeaker is including in the recommendations, but no details have been provided on the expected low frequency noise from this sub-woofer at external residential receivers. Hence there is a need for octave band noise criteria to address low frequency noise annoyance.

In section 4.1.2 a barrier is recommended. The predicted attenuation at the octave bands centred on 63 Hz and 125 Hz are not provided.

5. PEER REVIEW OF THE SECOND REPORT FROM ACOUSTIC DYNAMICS.

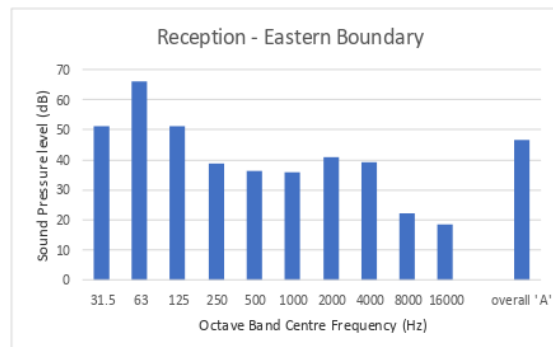
The second Acoustic Dynamics report is entitled "*Noise Emission Assessment - The Hillview 1376 Yarramalong Road, Yarramalong, NSW*", Project No. 4736R001.GR.200416, dated 21 December 2020. This updates the first report (referenced above) by including some measurement results.

5.1 Section 3 of report - Noise Measurement Equipment and Standards

It is stated in section 3 of the report that all measurements were carried out in accordance with Australian Standard AS 1055.1 1997. This standard was superseded in 2018 by Australian Standard AS 1055:2018.

5.2 Appendix C of report - Measured Noise Sampling Data

The 'y' axis on graph 'C.1' is correctly labelled "Sound Pressure Level (dBA)" however the other graphs in this section have 'y' axis labelled "Decibel [dB]" giving the impression that the octave bands are not frequency weighted and the low frequency noise is not significant. When the graph is shown without the 'A' weighting octave bands, as shown below in the example for graph 2.3 003 - Reception at Eastern Site Boundary, the low frequency issues become apparent.



Nevertheless the ($L_{Aeq, 15 \text{ minute}}$) octave band centre on 63 Hz is given as 40 dBA (66 dB) and should be considered against the existing background noise level ($L_{A90, 15 \text{ minute}}$) for amplified music criteria. The octave band backgrounds are not given in any of the reports however a reasonable indication of the background octave band centre on 63 Hz can be gained from the graph 2.8 003 - Reception at Western Site Boundary, where the level is 22 dBA. This indicates that the background level at this frequency is exceeded by 18 dB compared to the amplified music criteria of 27 dBA (22 dBA background plus 5 dB).

5 SUMMARY

The methodology and content of all four acoustical reports is not compliant with the NSW Government's publication "Noise Policy for Industry" 2017 as it is stated in the policy (Section 1.5 What has been excluded from the policy?) that

the policy does not apply to amplified music/patron noise from premises. Whilst it is accepted that the proposed development is not for licensed premises the criteria previously given by Liquor and Gaming NSW is intended specially for amplified music/patron noise. The main concern is the low frequency noise from bass instruments and drum music and the octave band criteria (rather than an overall 'A' frequency weighted criterion) is essential. The Council should set their own criteria based on octave band centre frequencies from 31.5 Hz to 8 kHz.

The findings and recommendations in all four acoustical reports are not accurately justified through the use of the data provided in the assessments. In Noise and Sound Services view the initial sound power level assumptions, sound transmission loss values, barrier attenuation, etc all underestimate the levels and hence the effects of low frequency noise annoyance on residents. Hence, the data used in these assessments is not shown to be reliable or reflective of the proposed use.

6 CONCLUSIONS

The following conclusions indicates points for further considerations towards future planning: -

1. The Council, as the appropriate regulatory authority, should set noise limits for the venue. This must include octave band noise limits not just overall 'A' frequency weighted limits, as it is agreed that the low frequency noise is the cause of most complaints in relation to noise from entertainment venues. This could be, for example: -

*The $L_{Aeq, 15 \text{ minute}}$ * noise level emitted from the premises shall not exceed the background noise level $L_{AF90, 15 \text{ minute}}$ in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive), when the premise is not in operation, by more than 5 dB between 7:00 am and 10:30 pm at the boundary position or 30 metres from any affected residential building whichever is the closest.*

For the purpose of this condition, the $L_{Aeq, 15 \text{ minute}}$ can be taken as the average maximum deflection of the noise emission from the premises.

2. The Council should identify the closed residential property to the venue.
3. An independent acoustical consultant should provide a report which clearly demonstrates compliance with the Councils octave band noise limits. The report should include an on-site and a night time on-road noise assessment for vehicles associated with the venue event. The report must include a recommended community relations program.

- 4. A different independent acoustical consultant should carry out a compliance survey at the closed residential property to the venue without prior notice to the venue operators.

Date	Prepared by:	Status
5 th June 2020	Ken Scannell MSc MAAS	Draft
Date	Issued by:	Status
19 th June 2020	Ken Scannell MSc MAAS	Final

Noise and Sound Services

**Peer Review – Acoustic Dynamics report entitled
‘Noise Emission Assessment - The Hillview 1376
Yarramalong Road, Yarramalong, NSW’,
Document No. 4736R003.GR.200720, dated 27 July 2020.
Development Application Numbers DA/410/2019 and DA/
1418/2016B**

October 2020

Report No. nss23281 – Draft

Prepared at the Request of: -

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1. INTRODUCTION

Noise and Sound Services was requested by Central Coast Council, PO Box 20, Wyong, NSW 2259, to carry out a peer review and comment on the Acoustic Dynamics report entitled "*Noise Emission Assessment - The Hillview 1376 Yarramalong Road, Yarramalong, NSW*", Document No. 4736R003.GR.200720, dated 27 July 2020. This report has also been made in response to our previous peer review (see report nss23212, dated 19th June 2020) of the Acoustic Dynamics reports entitled "*Noise Emission Assessment - The Hillview 1376 Yarramalong Road, Yarramalong, NSW*", Project No. 4736R001.GR.191218, dated 18 December 2019 and Acoustic Dynamics report entitled "*Noise Emission Assessment - The Hillview 1376 Yarramalong Road, Yarramalong, NSW*", Project No. 4736R001.GR.200416, dated 16 April 2020.

The Central Coast Council also requested a comment on whether the proponent has adequately addressed / satisfied the deficiencies highlighted in our previous peer review for the development applications currently being considered, which are for (Outdoor use & Conversion of a shed) DA 410/2019 & DA 1418/ 2016B. This is at 1376 Yarramalong Road, Wyong Creek.

2. PEER REVIEW OF THE THIRD REPORT FROM ACOUSTIC DYNAMICS

2.1 Section 1.2 of the report - Description of Location

In the description of location, section 1.2 of the report, Acoustic Dynamics states that 'live entertainment' has been performed. It is not stated if future use of the venue will involve live bands, and if so what type of band and if it will include drums and/or bass guitars etc.

In the description of location, section 1.2 of the report, Acoustic Dynamics provides a list of the nearest external residential receivers. They have now included 1380 Yarramalong Road which is shown to be the nearest affected residential receiver.

2.2 Section 2.3.1 of the report - Noise Policy for Industry

The stated use of the Noise Policy for Industry 2017 (NPI) applied for mechanical plant has now been removed. Acoustic Dynamics do now seem to accept that criteria with octave band analysis should be applied for amplified

music/patron noise from the premises. Amplified music noise assessments are specifically excluded from the NPfI.

2.3 Section 2.3.2 of the report – EPA Sleep Disturbance Criterion

It is stated that the criterion as given in the NPfI for screening for sleep disturbance is 52 dBA. However, the noise character of the low frequency repetitive impulsive noise, as can be produced by drums, bass guitars and subwoofer music, are not considered in the report. A noise source may be measured to have only a marginal difference to the background noise level but is likely to be perceived as annoying due to this type of character of the noise. Therefore, the criterion as given in the NPfI for screening for sleep disturbance does not apply to amplified music noise.

2.4 Section 4.1 of the report – Source Sound Levels

In section 4.1 Acoustic Dynamics give the sound power level used in their acoustic model. They do not state if this is for live music bands or for pre-recorded music for the reception area. If it does include live music bands the levels are underestimated by 10 to 20 dB.

2.5 Section 4.3 of the report – Scenario B (Reception)

Predicted noise levels are given, for example, for the residential location of R5. Here, Acoustic Dynamics predict noise levels to be 19 dBA in the octave bands centred on 63 Hz and 125 Hz. This is 45 dB and 35 dB respectively without taking the 'A' frequency weighting into account. The 'A' frequency weighted sound pressure levels are a very approximate indication of loudness, but a poor indication of annoyance from amplified music noise sources. For the reason stated in section 2.3 above this is likely to be perceived as annoying due to this type of character of the noise. Location R5 is the residential receiver at 1380 Yarramalong Road previously overlooked in past Acoustic Dynamics reports.

2.6 Section 5 of the report – Recommendations

In section 5.1.2 Acoustic Dynamics recommend that doors are kept closed other than when patrons enter and exit the barn. They do not state, how often this is likely to occur or if their noise model takes into account the potential increase in noise when the doors are open by these patrons.

In section 5.1.3 (1) one subwoofer loudspeaker is included in the recommendations. The typical frequency range for a subwoofer is approximately 30 Hz to 200 Hz for consumer products. This justifies the need for octave band noise criteria to address low frequency noise annoyance.

In section 5.1.3 (2) a noise limiter is suggested. In the experience of Noise and Sound Services, noise limiters have found to be inadequate due to the many ways that they can be 'modified' by sound producers. Such practices include running the power from distant electrical outlets, placing materials over the sensing microphones etc. Therefore, these have been found to be insufficient for noise control, particularly low frequency noise. In addition, there is no details given on who should set-up, calibrate, and maintain the set sound level.

In section 5.1.4 a barrier is recommended. The predicted attenuation at the octave bands centred on 63 Hz and 125 Hz have been requested in the previous peer review for any proposed barriers, but these are still not provided.

3. SUMMARY AND CONCLUSIONS

The Acoustic Dynamics report entitled "*Noise Emission Assessment - The Hillview 1376 Yarramalong Road, Yarramalong, NSW*", Document No. 4736R003.GR.200720, dated 27 July 2020, does not define the type of proposed 'live entertainment'. This term usually refers to live bands which includes drums and bass guitar rather than just pre-recorded music. If live bands are intended, the sound power level used for acoustic modelling in the report, are significantly underestimated.

The noise character of the low frequency repetitive impulsive noise as can be produced by drums, bass guitars and even pre-recorded music with a subwoofer has not been taken into account.

As with previous reports for this application, the findings and recommendations in the acoustical report are not accurately justified through the use of the data provided in the assessments. In the view of Noise and Sound Services, the initial sound power level assumptions, sound transmission loss values, barrier attenuation, etc., all underestimate the levels and hence the effects of low frequency noise annoyance on residents. Hence, the data used in these assessments is not shown to be reliable or reflective of the proposed use.

As mentioned in our previous peer review, the report must include a recommended community relations program.

The proponent has not adequately addressed / satisfied the deficiencies highlighted in our previous peer review for the development application.

Date	Prepared by:	Status
15 th October 2020	Ken Scannell MSc MAAS	Draft



Noise Emission Assessment
The Hillview
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27 July 2020



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GLOSSARY

NOISE

Noise is produced through rapid variations in air pressure at audible frequencies (20 Hz – 20 kHz). Most noise sources vary with time. The measurement of a variable noise source requires the ability to describe the sound over a particular duration of time. A series of industry standard statistical descriptors have been developed to describe variable noise, as outlined in Section 2 below.

NOISE DESCRIPTORS

dB – Decibels. The fundamental unit of sound, a Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell. Probably the most common usage of the Decibel in reference to sound loudness is dB sound pressure level (SPL), referenced to the nominal threshold of human hearing. For sound in air and other gases, dB(SPL) is relative to 20 micropascals (μPa) = 2×10^{-5} Pa, the quietest sound a human can hear.

L_{Aeq} – The A-weighted sound pressure level averaged over the measurement period. It can be considered as the equivalent continuous steady-state sound pressure level, which would have the same total acoustic energy as the real fluctuating noise over the same time period. Measured in dB.

L_{Amax} – The maximum or peak A-weighted noise level that occurs over the measurement period. Measured in dB.

Indoor Design Level – The recommended maximum level in dB(A) inside a building from external noise sources.

A-WEIGHTING

"A-weighting" refers to a prescribed amplitude versus frequency curve used to "weight" noise measurements in order to represent the frequency response of the human ear. Simply, the human ear is less sensitive to noise at some frequencies and more sensitive to noise at other frequencies. The A-weighting is a method to present a measurement or calculation result with a number representing how humans subjectively hear different frequencies at different levels.

NOISE CHARACTER, NOISE LEVEL AND ANNOYANCE

The perception of a given sound to be deemed annoying or acceptable is greatly influenced by the character of the sound and how it contrasts with the character of the background noise. A noise source may be measured to have only a marginal difference to the background noise level, but may be perceived as annoying due to the character of the noise.

Acoustic Dynamics' analysis of noise considers both the noise level and sound character in the assessment of annoyance and impact on amenity.



1 INTRODUCTION

1.1 SUMMARY

Acoustic Dynamics is engaged by **The Hillview** to assess the noise emission associated with the proposed use and operation of The Hillview Function Centre, conducting operator attended measurements during the private event held on Saturday 19 October 2019, in accordance with the requirements of the Central Coast Council.

Acoustic Dynamics has been provided the previous acoustic reports completed by Spectrum Acoustics, namely the report titled *"Noise Assessment, Hillview Function Centre, Yarramalong, NSW"*, dated February 2019. Additionally, Acoustic Dynamics is in receipt of the independent review of Mr Ken Scannell of Noise and Sound Services dated 19 June 2020. This document intended to be independent of and supersede Acoustic Dynamics' previous assessments.

This document provides an assessment of contributed noise emission levels from the noise sources associated with the event, at the nearest external receiver residential locations, and is prepared in accordance with the various acoustic assessment requirements of the Central Coast Council, the NSW Environment Protection Authority (EPA), the NSW Office of Liquor & Gaming and relevant Australian Standards.

1.2 DESCRIPTION OF LOCATION

Wedding and small function events are proposed to be held within The Hillview property. Operator-attended measurements were conducted on Saturday 19 October 2019 at a private function. Typical operations include:

- Wedding ceremonies held in the North Eastern corner of the property; and
- Wedding receptions held in the barn area on the Southern boundary of the property.

The wedding event held during Acoustic Dynamics' operator-attended noise measurements on Saturday 19 October 2019 included a PA system during the ceremony, and the provision of live entertainment being performed within the indoor reception area at the rear of the property, and incorporated the use of a sound amplification system. Acoustic Dynamics is of the understanding that this type of event is typical for The Hillview.

The subject site of the event has one road frontage, with the Northern boundary direct to Yarramalong Road. Guests attending the event entered via Yarramalong Road.

The nearest external residential receivers are:

- R1 – 1387 Yarramalong Road (Western);
- R2 – 8 Whippet Lane (Northern);
- R3 – 1350 Yarramalong Road (Eastern);
- R4 – 39 Stinsons Lane (Northern);
- R5 – 1380 Yarramalong Road (North-western); and
- R6 – 1362 Yarramalong Road (Southern).



Review of the receiver location (R5) indicates that the building located on this property is a farm shed, as shown in Figure 1 and 2, and would not be considered a residential dwelling for assessment purposes.

Figure 1 & 2 – Photos of shed at 1380 Yarramalong Road



The subject site, proposed event map, and adjacent receiver locations, are shown in the Location Map and Aerial Photograph presented within **Appendix A**.

1.3 SCOPE

The scope of this assessment is to include the following:

- Review all existing available documentation relevant to noise emission associated with the event;
- Conduct noise monitoring at the site for the duration of the event, and determine relevant noise emission criteria for assessment of the event;
- Perform relevant modelling and calculations to determine likely received noise levels at the boundaries of adjacent receivers, resulting from the operation of the event; and
- Where applicable, determine relevant noise mitigation and/or management recommendations to ensure the ongoing operations achieve compliance with the relevant noise emission criteria and objectives.

2 ASSESSMENT CRITERIA

Acoustic Dynamics has conducted a review of the relevant Local Council planning controls and State Government Legislation and Guidelines that are applicable to noise emission from the subject events.

Responsibility for the control of commercial noise emission at the subject development site is vested in the Local Council. Guidelines for the assessment of environmental noise are contained within the EPA's Noise Policy for Industry (NPfI). In addition to these guidelines, some Councils have specific noise criteria, against which, certain noise sources must be assessed. Additionally, the NSW Independent Liquor and Gaming Authority (ILGA) provides acoustic criteria for the assessment of patron and music noise from licensed premises.

The following section presents the noise emission criteria used in this assessment.



2.1 CENTRAL COAST COUNCIL REQUIREMENTS

2.1.1 LOCAL ENVIRONMENT PLANS

Acoustic Dynamics has conducted a review of the Wyong *Local Environment Plan (LEP) 2013*. The review of this document did not yield specific relating to noise emission from events.

2.1.2 DEVELOPMENT CONTROL PLANS

Acoustic Dynamics has conducted a review of the Wyong *Development Control Plan (DCP) 2013*. The review of this document did not yield specific relating to noise emission from events.

2.2 NSW LEGISLATION

2.2.1 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Noise emission from the subject event must comply with the requirements of the *Protection of the Environment Operations (POEO) Act 1997*. The POEO Act 1997 requires that the subject development must not generate "offensive noise".

Offensive noise is defined as follows:

"offensive noise" means noise:

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*
 - (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

2.3 NSW ENVIRONMENT PROTECTION AUTHORITY (EPA)

2.3.1 NOISE POLICY FOR INDUSTRY (NPFI)

Acoustic Dynamics advises that noise emission assessment at nearby and adjacent noise sensitive receivers has been conducted with reference to relevant acoustic criteria and standards and has yielded the following information.

The newly implemented NSW Noise Policy for Industry (NPfI, 2017) has replaced the NSW Industrial Noise Policy (INP, 2000), with certain specific exceptions. Acoustic Dynamics advise that the following criteria have been applied for the assessment of the Hillview Function Centre.



Project Intrusiveness Noise Level

The intrusiveness noise level is determined as follows:

$L_{Aeq, 15min}$ = rating background noise level + 5 dB	
where:	
$L_{Aeq, 15min}$	represents the equivalent continuous (energy average) A-weighted sound pressure level of the source over 15 minutes.
and	
Rating background noise level	represents the background level to be used for assessment purposes, as determined by the method outlined in Fact Sheets A and B.

Project Amenity Noise Level

The recommended amenity noise levels represent the objective for **total** industrial noise at a receiver location, whereas the **project amenity noise level** represents the objective for a noise from a **single** industrial development at a receiver location.

To ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows:

Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB(A)
--

The NPfI provides exceptions to the above method to derive the project amenity noise level. Exception 4 states:

“Where cumulative industrial noise is not a necessary consideration because no other industries are present in the areas, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity noise level for the development.”

Acoustic Dynamics advises that the assessment of the development has been based on the **lowest** background noise levels in the area during typical **maximum** use and operation of the Hillview Function Centre. Acoustic Dynamics advises that such an assessment is conservative and designed to protect the acoustic amenity of nearby residential receivers.

Following the general procedures outlined in the EPA’s NPfI, a summary of the established noise environment, and relevant environmental noise criteria, based upon short-term noise logging and operator-attended background noise level measurements conducted in the absence of noise emission from the subject venue, are presented in **Table 2.1**.



Table 2.1 Summary of Measured Noise Levels and Noise Emission Criteria – At Residences

Location	Time of Day	L _{A90} Rating Background Noise Level (RBL) [dB] ²	Measured L _{Aeq} [dB]	Project Intrusive Noise Level [dB] ²	Project Amenity Noise Level L _{Aeq} [dB] ³	Project Noise Trigger Level L _{Aeq} [dB]
Nearest Residential Receivers	Day Time ¹ (7am to 6pm)	35	69	40	48	40
	Evening (6pm to 10pm)	36 ⁴	58	41	43	41
	Night time (10pm to 7am)	30	54	35	38	35

Note: 1) 8am to 6pm on Sundays and public holidays
 2) Acoustic Dynamics has adopted the more conservative minimum assumed rating background level (RBL), as published from **Table 2.1** of the NPfI document
 3) Amenity adjustment based on “Rural” receiver type. The noise emission objective has been modified in accordance with the recommendations detailed within the NPfI Section 2.2, for time period standardising of the intrusiveness and amenity noise levels (L_{Aeq,15min} will be taken to be equal to the L_{Aeq, period} + **3 decibels (dB)**)
 4) Previously the assumed minimum background for the night-time shoulder period had been used in accordance with the NPfI, however in light of this assessment and consideration of octave band criteria, this has been adjusted to reflect the measured evening background noise environment.

Assessment Locations

For a **residence**, the project noise trigger level and maximum noise levels are to be assessed at the reasonably most-affected point on or within the residential property boundary or, if that is more than 30 metres from the residence, at the reasonably most-affected point within 30 metres of the residence, but not closer than 3 metres to a reflective surface and at a height of between 1.2–1.5 metres above ground level. This should not be read to infer that the project noise trigger level (or a limit in a statutory document) applies only at the reasonably most affected location.

2.3.2 THE EPA'S SLEEP DISTURBANCE CRITERION

Acoustic Dynamics advises that sleep disturbance is a complex issue and the potential for sleep disturbance to occur depends on both the level of noise at a residential receiver and the number of events that occur.

The EPA has in the past investigated overseas and Australian research on sleep disturbance. The method of assessing noise for sleep disturbance relies on the application of a screening that indicates the potential for this to occur. The EPA's Noise Guide for Local Government, provides the following guidance for such a screening test:

“Currently, there is no definitive guideline to indicate a noise level that causes sleep disturbance and more research is needed to better define this relationship. Where likely disturbance to sleep is being assessed, a screening test can be applied that indicates the potential for this to occur.”



For example, this could be where the subject noise exceeds the background noise level by more than 15 dB(A). The most appropriate descriptors for a source relating to sleep disturbance would be $L_{A1(1\text{ minute})}$ (the level exceeded for 1% of the specified time period of 1 minute) or L_{Amax} (the maximum level during the specified time period) with measurement outside the bedroom window."

Additionally, the guidelines of the NSW EPA's NPfl provide the following additional information:

"Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is greater"

Further to the above information, the following summarizes the sleep disturbance criterion:

$$L_{Amax} \text{ or } L_{A1(1\text{ minute})} < L_{A90} + 15 \text{ dB or } 52 \text{ dB(A), whichever is greater}$$

In addition to the above, the EPA has published the following additional information relating to findings of significant research carried out for sleep disturbance:

"Maximum internal noise levels below 50-55 dBA are unlikely to cause awakening reactions... One or more noise events per night, with maximum internal noise levels of 65-70 dBA, are not likely to affect health and wellbeing significantly."

Conservatively based on the measured minimum external ambient background noise level, the following sleep disturbance screening criterion was determined:

$$L_{Amax} \text{ or } L_{A1(1\text{ minute})} = 30 \text{ dB(A)} (L_{A90}) + 15 \text{ dB(A)} = \mathbf{45 \text{ dB(A)}}$$

Therefore in accordance with the NPfl guidelines detailed above, the following sleep disturbance screening criterion has been applied for this project:

$$\mathbf{\text{Sleep Disturbance Criterion} = 52 \text{ dB(A)}}$$

2.4 NSW INDEPENDENT LIQUOR AND GAMING AUTHORITY (ILGA)

Acoustic Dynamics understands the development application does not include a liquor license application, however it is possible that some subcontractors (service providers), and hence functions may be licensed. Should Council determine it appropriate for noise emission to be assessed in accordance with the acoustic criteria normally applied to licensed venues, the following information is provided.

Prior to the *Liquor Act 2007* being gazetted by the NSW State Parliament, and establishment of the *Liquor Regulation 2008*, noise emission from licensed premises had to comply with the Independent Liquor and Gaming Authority (ILGA) noise emission criteria, detailed below.



Acoustic Dynamics advises that many NSW liquor licenses still specify the following noise emission criteria:

The ILGA conditions require that:

“The L_{A10} noise emitted from the licensed premises shall not exceed the background noise level in any octave band frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dB(A) between 7.00am and midnight at the boundary at any affected residence.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) between midnight and 7.00am at the boundary of any affected residence.

Notwithstanding compliance of the above, noise from the licensed premises shall not be audible in any habitable room in any residential premises between the hours of midnight and 7.00am.”

Acoustic Dynamics advises that the above ILGA noise criteria are in general accordance with the requirements of the *Protection of the Environment Operations Act 1997*, and correspond to the requirements set-down by Council. We advise that compliance with the noise emission criteria presented in **Table 2.2** is considered adequate to ensure that the noise emission due to the use of the proposed operation of the subject site does not adversely impact the nearest sensitive receivers.

Table 2.2 Summary of Octave Band Noise Level Criteria

Location	Assessment Period	Method for Calculation For Assess't	L_{A10} Noise Emission Criteria [dB] (Octave Band Centre Frequencies in Hz)									
			32	63	125	250	500	1K	2K	4K	8K	O/A
Residential Receivers (External)	Day (7am – 6pm)	Octave Band $L_{A10} \leq L_{A90} + 5$ dB	25 ³	16	22	25	33	36	34	30	21	40
	Evening (6pm to 10pm)		25 ³	17	20	22	35	37	33	26	19	41
	Night Shoulder (10pm to 12am) ²		25 ³	8	13	13	22	25	26	31	19	35

- Notes: 1) Acoustic Dynamics advises that by achieving compliance with the more stringent evening shoulder criterion, compliance will also be achieved with the less stringent daytime/evening criteria.
 2) Note is made that the proposed temporary use of the subject premise as an event venue is proposed to cease between the hours of 12:00am and 7:00 am.
 3) Based on ISO threshold of hearing (Tf) levels.



3 NOISE MEASUREMENT EQUIPMENT & STANDARDS

All measurements were conducted in general accordance with Australian Standard 1055.1-1997, "Acoustics - Description and Measurement of Environmental Noise Part 1: General Procedures". Acoustic Dynamics' sound measurements were carried out using precision sound level meters conforming to the requirements of IEC 61672-2002 "Electroacoustics: Sound Level Meters – Part 1: Specifications". The survey instrumentation used during the survey is set out in **Table 3.1**.

Table 3.1 Noise Survey Instrumentation

Type	Serial Number	Instrument Description
2270	2664115	Brüel & Kjaer Modular Precision Sound Level Meter
4189	2670479	Brüel & Kjaer 12.5 mm Prepolarised Condenser Microphone
4231	1730737	Brüel & Kjaer Acoustic Calibrator
Ngara	878000	ARL Ngara Type 1 Noise Logger

The reference sound pressure level was checked prior to and after the measurements using the acoustic calibrator and remained within acceptable limits.

4 ASSESSMENT RESULTS

The following subsection provides an assessment of the proposed event against the various noise emission criteria and objectives outlined above.

Acoustic Dynamics has undertaken noise emission modelling and calculations of the likely **maximum** external noise emission associated with both the ceremonies and receptions held at The Hillview Function Centre, including the provision of live entertainment and use of PA Systems and amplification during events.

The assessment is based upon a maximum capacity of 80 patrons.

The six (6) receiver locations assessed are the nearest affected receivers. Acoustic Dynamics is aware that there are other residential premises in the surrounding area, however if acoustic compliance is achieved at the nominated nearest locations, then compliance will be achieved at locations further away.



4.1 SOURCE SOUND LEVELS

Table 4.1 presents the source sound power levels used by Acoustic Dynamics within our CadnaA noise model to determine the likely maximum noise emission levels associated with wedding ceremony and reception events held at The Hillview Function Centre. Wedding ceremonies are typically held in the North Eastern corner of the subject property. Refer to **Appendix A** for accurate location.

Table 4.1 Source Sound Power Levels (From Operator-Attended Noise Measurements)

Location/ Description	Calculated Source Sound Power Levels L _{A10} Emission Levels [dB(A)] Octave Band Centre Frequency [Hz]									
	32	63	125	250	500	1K	2K	4K	8K	O/A
Ceremony Patrons	27	35	51	56	62	60	56	52	43	66
Ceremony PA System	33	44	58	71	82	87	84	85	69	91
Reception – Western End	50	68	73	70	74	80	78	70	60	84
Reception – Eastern End	56	75	76	73	82	86	83	90	69	93
Smokers	14	32	53	71	82	72	75	68	57	83
Vehicle Passby	2	33	49	59	69	77	78	72	63	81



4.2 SCENARIO A (CEREMONY)

Accordingly, Acoustic Dynamics has undertaken attended measurements, calculations and modelling to assess the **maximum** noise emission levels associated with wedding ceremonies held at The Hillview, including the following:

- 30 x Vehicle Movements per 15 minutes;
- Arrival and chatter of guests;
- Small PA system for wedding celebrant and light music; and
- Applause and guest noise.

We advise that these source noise levels are based on operator attended measurements, and are conservatively worst case, and that the typical source noise levels associated with the subject event are likely to be lower than those presented in **Table 4.2**.

The noise emission from the ceremony only occurs in day-time period. Acoustic Dynamics understands that wedding ceremonies finish prior to 4pm.

Table 4.2 External Octave Band Noise Emission Criteria at Nearby Receivers

Assessment Period	Location	Determined L _{A10} Emission Levels [dB(A)]										Complies?
		Octave Band Centre Frequency [Hz]										
		32	63	125	250	500	1K	2K	4K	8K	O/A	
Residential Receivers (External) Daytime (8am to 6pm)	L _{A10} Criteria	25	16	22	25	33	36	34	30	21	40	-
	R1	<0	<0	<0	9	20	23	19	13	<0	26	Yes
	R2	<0	<0	12	23	33	36	32	30	7	39	Yes
	R3	<0	<0	10	21	31	34	29	26	1	37	Yes
	R4	<0	<0	2	14	25	29	23	15	<0	31	Yes
	R5	<0	<0	<0	9	19	21	15	9	<0	24	Yes
	R6	<0	<0	4	17	28	32	28	25	<0	35	Yes

Note: 1) External noise emission levels calculated to 30 meters from nearest receiver facade to the relevant source, as per the requirements outlined in the NPfl, in **Section 2.3** above.



4.3 SCENARIO B (RECEPTION)

Further to this, Acoustic Dynamics has undertaken attended calculations and CadnaA noise modelling to assess the **maximum** noise emission levels associated with wedding receptions held at The Hillview, including the following:

- Guest noise, inside and outside the barn;
- Smoker noise (from smokers at the designated smoking area); and
- Amplified music from within the barn.

We advise that these source noise levels are based on operator attended measurements, and are worst case, and that the typical source noise levels associated with the subject event are likely to be lower than those presented in **Table 4.3**. Acoustic Dynamics has been advised that wedding receptions finish by 10pm.

Table 4.3 External Octave Band Noise Emission Criteria at Nearby Receivers

Assessment Period	Location	Determined L _{A10} Emission Levels [dB(A)]										Complies?
		Octave Band Centre Frequency [Hz]										
		32	63	125	250	500	1K	2K	4K	8K	O/A	
	Criteria	25	17	20	22	35	37	33	26	19	41	–
Residential Receivers (External) Evening (6pm to 10pm)	R1	<0	12	13	13	24	24	21	21	<0	29	Yes
	R2	<0	17	17	21	31	25	24	19	<0	33	Yes
	R3	<0	17	17	15	23	22	16	17	<0	27	Yes
	R4	<0	11	11	10	19	17	12	6	<0	23	Yes
	R5	<0	19	19	17	27	27	24	28	<0	33	Yes
	R6	<0	16	14	11	19	16	10	12	<0	23	Yes

Note: 1) External noise emission levels calculated to 30 meters from nearest receiver facade to the relevant source, as per the requirements outlined in the NPfl, in **Section 2.3** above.

2) Assessment period is determined to be the Evening period, as receptions will finish by 10pm.

The predicted noise emission levels presented above in **Table 4.3** includes allowances for relevant distance, direction and shielding losses, along with the incorporation of the acoustic benefits provided by the recommendations presented in **Section 5** of this report.

Acoustic Dynamics advises that the above calculated noise emission levels are conservatively based on the maximum source noise levels and maximum capacity operations (i.e. worst-case scenario) for the event.



4.4 SCENARIO C (EGRESS OF GUESTS)

Table 4.4 presents the source noise levels used by Acoustic Dynamics to determine the likely maximum noise emission levels associated with egress of patrons attending events held at The Hillview. Patrons park in the carpark located within the property along the Western boundary of the subject property. Refer to **Appendix A** for accurate location.

Accordingly, Acoustic Dynamics has undertaken attended measurements, calculations and modelling to assess the **maximum** noise emission levels associated with guest egress from The Hillview:

- Guest egress; and
- 30x Vehicle movements per 15 minutes.

We advise that these source noise levels are based on operator attended measurements, and are conservatively high, and that the actual source noise levels associated with the subject event are likely to be lower than those presented in **Table 4.4**. Acoustic Dynamics has been advised that wedding receptions finish by 10pm, and therefore egress takes place after 10pm.

Table 4.4 Calculated Maximum Event Noise Emission Levels and Criteria – Egress

Receiver Location	Noise Source	Calculated Maximum Cumulative L_{Aeq} Noise Level ² [dB]	Relevant Assessment Period	L_{Aeq} Noise Emission Objective [dB] ¹	Complies?						
R1 1387 Yarramalong Road	Egress	26	Night Time (10pm to 7am)	35	Yes						
	Vehicle Movements										
R2 8 Whippet Lane	Egress	28			Night Time (10pm to 7am)	35	Yes				
	Vehicle Movements										
R3 1350 Yarramalong Road	Egress	25					Night Time (10pm to 7am)	35	Yes		
	Vehicle Movements										
R4 39 Stinsons Lane	Egress	16							Night Time (10pm to 7am)	35	Yes
	Vehicle Movements										

Note: 1) External noise emission levels calculated to 30 meters from nearest receiver facade to the relevant source, as per the requirements outlined in the NPfl, in **Section 2.3** above.

2) Assessment period is determined to be the night time period, as receptions will finish by 10pm.

The predicted noise emission levels presented above in **Table 4.4** includes allowances for relevant distance, direction and shielding losses.



Acoustic Dynamics advises that the above calculated noise emission levels are conservatively based on the maximum source noise levels and maximum capacity operations (i.e. worst-case scenario) for the event.

4.5 SLEEP DISTURBANCE

Acoustic Dynamics considers that sleep disturbance does not require assessment, given the distance separating the location of source noise events (eg. car door and boot slams) and nearby sensitive receivers.

With a sleep disturbance criterion of 52 dB(A), all such noise events associated with the departure of guests are likely to easily comply with this criterion.

5 RECOMMENDATIONS

Acoustic Dynamics' calculations and analysis indicate that incorporate of the following recommendations will ensure the event achieves compliance with the various relevant acoustic assessment criteria.

5.1.1 RECOMMENDATIONS FOR CEREMONY OPERATIONS

Acoustic Dynamics provides the following recommendations relating to the ceremony operation to minimise noise emission to nearby sensitive receivers:

- 1) The venue is to provide a noise limited single speaker PA system that is to be used for all ceremonies; and
- 2) The speaker is to be directed inwards towards the centre of the subject property at all times (in lieu of facing the sensitive receivers).

5.1.2 RECOMMENDATIONS FOR RECEPTION OPERATIONS

Acoustic Dynamics provides the following recommendations relating to the reception operation to minimise noise emission to nearby sensitive receivers:

- 1) Ensuring the glass windows/doors on the barn are kept closed for the duration of the event (other than when patrons enter and exit the barn); and
- 2) The erection of clear signage at all entries and exits advising patrons that they must not generate excessive noise when entering and leaving the premises.



5.1.3 RECOMMENDATIONS FOR RECEPTION SPEAKERS

Acoustic Dynamics provides the following recommendations relating to the speaker system and layout, to minimise noise emission to nearby sensitive receivers:

- 1) Limitation to the number of sub-woofer speakers. We advise that sub-woofer speakers have the highest potential to cause disturbance at the surrounding receivers, and we recommend that no more than 1 sub-woofer speaker be included in the speaker systems for any future events;
- 2) In addition to the above, we advise that all speakers associated with the reception are to be located internally; and
- 3) Installing a noise limiter, such as the CSV CSM-2N Sound Monitor or SoundEar Classic (or equivalent), to electrically limit the speaker sound level output and to give visual representation of internal noise levels to both bands and staff.

5.1.4 RECOMMENDATIONS FOR ACOUSTIC BARRIER

Should Council determine that octave band noise emission criteria should apply to the subject venue, then an acoustic barrier is recommended to be installed at the eastern end of the reception venue.

Such an acoustic barrier along the eastern edge of the barn, to minimise noise emission to receivers R3 & R6 (refer to **Appendix A**). The acoustic barrier should be designed and installed in accordance with the following recommendations:

- 1) We recommend installation of an acoustic barrier along the eastern edge of the barn structure, around the perimeter of the eastern outdoor area. Please see **Appendix A** for more detail;
- 2) The subject acoustic barrier should be installed to be a minimum height of 1.8m above ground level;
- 3) The acoustic barrier must be installed to provide a minimum surface density of 15kg/m², and any and all gaps along the surface of the barrier must be adequately treated and sealed using a flexible mastic sealant. Acoustic Dynamics advises that the barrier could be constructed to be:
 - Kingspan KS1000AWP 50mm thick acoustic barrier; or
 - A double layer Custom Blue Orb Colorbond™ (or equivalent) barrier; or
 - A minimum 9mm thick compressed fibros-cement sheeting on a timber or steel stud; or
 - Masonry blockwork; or
 - Other suitable material (min surface density of 15 kg/m²).
- 4) We advise that the supports for the acoustic barrier must be verified by a suitably qualified contractor to ensure sufficient structural support is provided for the barrier.



6 CONCLUSION

Acoustic Dynamics has conducted an acoustic assessment of the likely noise emission associated with the events held at The Hillview.

A review of applicable noise standards and local authority noise requirements has been conducted. Noise levels were assessed in accordance with the requirements of:

- The Central Coast Council; and
- The NSW POEO Act 1997; and
- The NSW EPA.

As detailed within **Section 4** above, noise emission associated with wedding ceremonies and reception events have been shown to comply with the applicable noise emission criteria in **Table 4.2**, **Table 4.3** and **Table 4.4** above, with the incorporation of the recommendations detailed in **Section 5**.

Acoustic Opinion

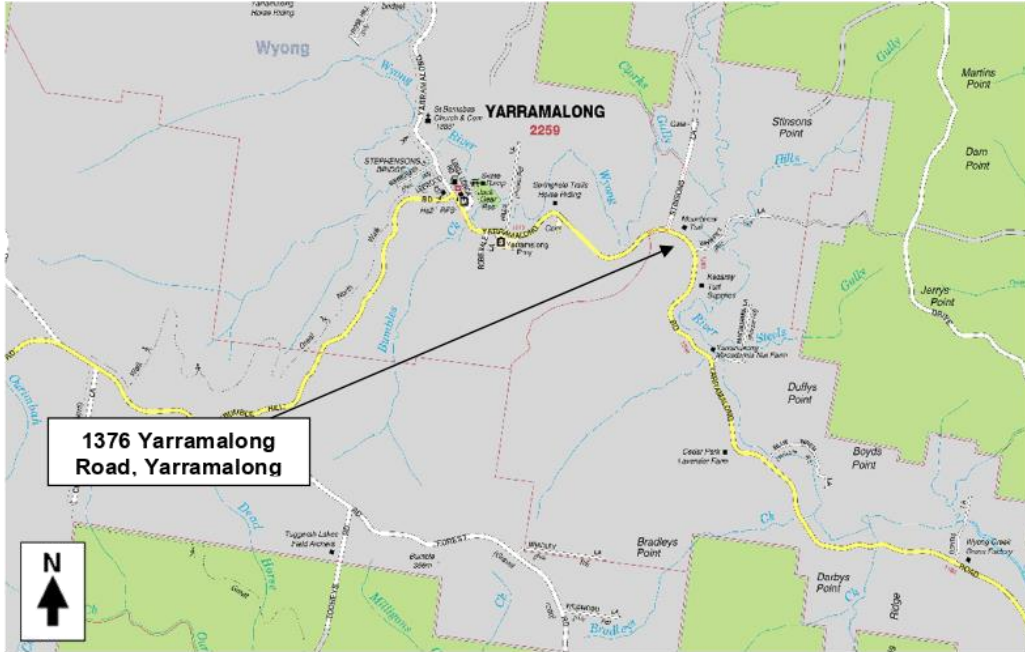
Further to our review of the relevant acoustic criteria and requirements and our calculations, Acoustic Dynamics advises that the events held at The Hillview, incorporating the recommendations detailed in Section 4 above, is predicted to comply with the NSW EPA, the POEO Act 1997 and the intent of the applicable noise emission criteria of The Central Coast Council.

We trust that the above information meets with your requirements and expectations. Please do not hesitate to contact us on 02 9908 1270 should you require more information.

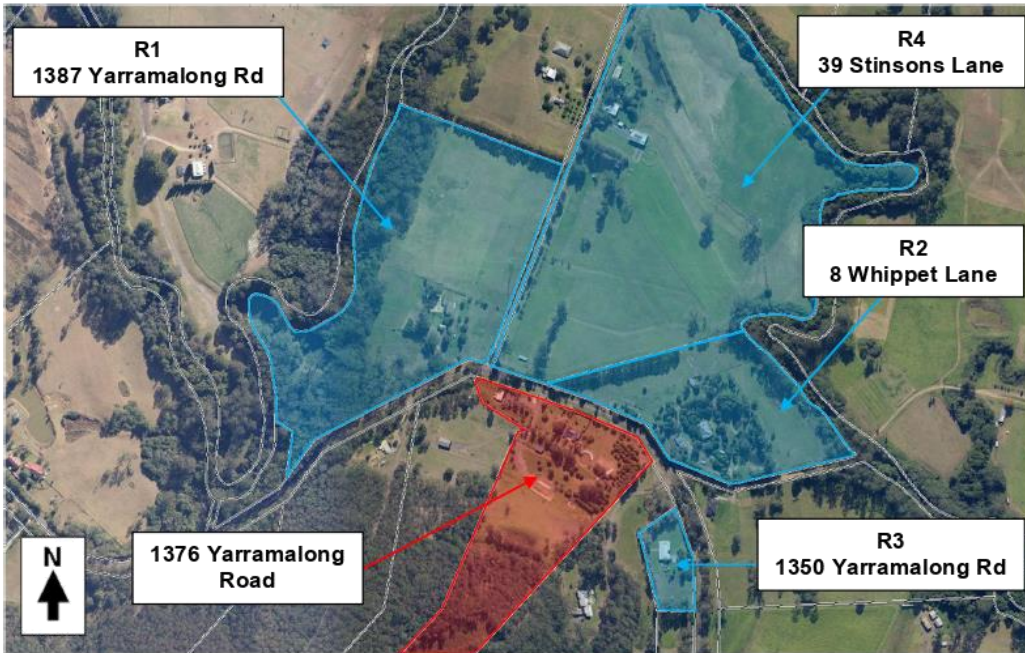


APPENDIX A – LOCATION MAP & AERIAL, SOURCE & BARRIER LOCATIONS

A.1 LOCATION MAP



A.2 AERIAL PHOTO





A.3 NOISE SOURCE LOCATIONS



A.4 ACOUSTIC BARRIER LOCATION





A.5 ACOUSTIC BARRIER (IF REQUIRED BY COUNCIL)





APPENDIX B – MEASUREMENT LOCATIONS

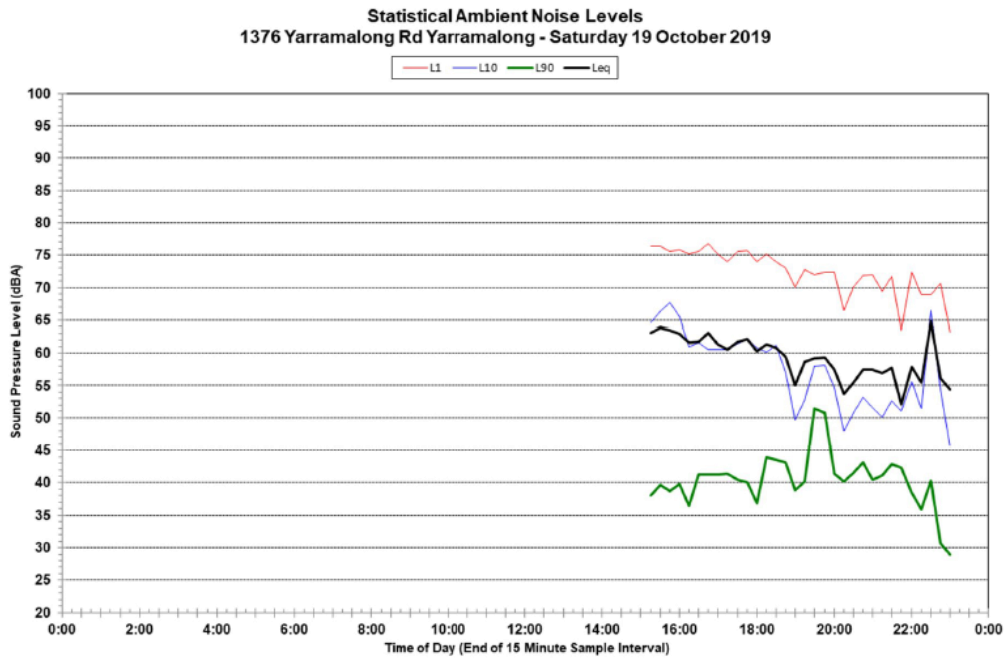
B.1 OPERATOR ATTENDED MEASUREMENT LOCATIONS





APPENDIX C – MEASURED NOISE SAMPLING DATA

C.1 UNATTENDED NOISE LOGGER DATA



Item No: 3.4
Title: DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek

Department: Environment and Planning

12 November 2020 Local Planning Panel Meeting

Reference: DA/587/2020 - D14210815
Author: Amanda Hill, Town Planner
Manager: Salli Pendergast, Principal Development Planner North
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for a Transitional Group Home to be known as 'The Glen for Women Drug and Alcohol Rehabilitation Facility' at 253 Yarramalong Road, Wyong Creek. The application utilises the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH).

The development will be an Aboriginal community controlled facility providing temporary accommodation for drug and alcohol rehabilitation services to women. The facility is related to the owner and operator of 'The Glen' which is an Aboriginal community controlled facility operating at Chittaway Point that has been providing drug and alcohol rehabilitation to men since 1994.

The proposed facility will accommodate up to 20 women and will operate with 12 staff. The development will consist of using the existing dwelling on site as an administration building; construction of an accommodation building; consultation room building; staff and visitor carpark; a new shed; and installation of water tanks and a new on site sewer management system as the subject site is not connected to Council's water and sewerage system.

The proposed development is defined pursuant to Division 7 of SEPP ARH as a '*transitional group home*' and is therefore a permissible use within the RU1 Primary Production zone.

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 has been referred to the Local Planning Panel as a result of the number of written objections received during the public exhibition period. A total of 60 submissions in objection have been received. The application is recommended for approval.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

Applicant	Gulgul Nyugang Aboriginal Corporation
Owner	Gulgul Nyugana Aboriginal Corporation
Application No	DA/587/2020
Description of Land	Lot 21 DP 869123 253 Yarramalong Road, WYONG CREEK NSW 2259
Proposed Development	Transitional Group Home - The Glen for Women Drug and Alcohol Rehabilitation Facility
Site Area	40,780.00 m ² (4.078ha)
Zoning	RU1 Primary Production
Existing Use	Dwelling House
Employment Generation	No
Estimated Value	\$2,384,000.00

Recommendation

- 1 That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Key Issues

- The proposal has been lodged under *State Environmental Planning Policy (Affordable Rental Housing) 2009* and is considered meets the definition of a transitional group home under the SEPP;
- The proposed development is not permissible under *Wyong Local Environmental Plan 2013 (Wyong LEP)* but is considered satisfactory with regard to the other relevant provisions of Wyong LEP;
- Consideration of other impacts of the development on the locality (including social impacts, amenity, traffic and parking, safety and security, environmental); and
- Matters raised in submissions - 60 written submissions received regarding the proposal

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

Precis:

Proposed Development	Transitional Group Home - The Glen for Women Drug and Alcohol Rehabilitation Facility
Permissibility and Zoning	<p>The subject site is zoned RU1 Primary Production under the provisions of <i>Wyong Local Environmental Plan 2013</i>.</p> <p>The proposed development is defined pursuant to Division 7, <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (SEPP ARH) as a <i>transitional group home</i>.</p> <p>The site is considered a prescribed zone and therefore the proposed <i>Transitional Group Home</i> is permitted with development consent under Clause 43(b) of SEPP ARH and is therefore a permissible use within the RU1 Primary Production zone.</p>
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Rural Fires Act 1997</i> • <i>Coal Mine Subsidence Compensation Act 2017</i> • <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>Draft Central Coast Local Environmental Plan 2018</i> • <i>Wyong Local Environmental Plan 2013</i> • <i>Wyong Development Control Plan 2013</i>
Current Use	Dwelling House
Integrated Development	<p>Yes. Under:</p> <ul style="list-style-type: none"> • the <i>Rural Fires Act 1997</i>; and • <i>Mine Subsidence Compensation Act 1961</i>.
Submissions	<p>The development application was notified (in accordance with the provisions of the <i>Wyong Development Control Plan 2013</i>) from 3 July 2020 to 24 July 2020.</p> <p>60 written submissions were received. (An evaluation of matters raised in these submissions is included later in this report).</p>

Variations to Policies

There are no variations to report.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

Background

The application was lodged with Council on 19 June 2020. A site inspection was carried out with the applicant, Council staff and the NSW Police on 29 July 2020.

Additional information was requested on 4 August 2020 in relation to planning, engineering, noise, on-site sewer management, and waste control matters, in addition to addressing concerns raised in public submissions.

On-site meetings at neighbouring properties were conducted with Council staff and the NSW Police in response to the matters raised in submissions.

The Site

The subject site is known as No. 253 Yarramalong Road, Wyong Creek and is legally described as Lot 21 DP 869123. The subject site is located within an established rural area.

The site is an irregular shaped piece of land with a total area of 4.078ha. The site contains an existing dwelling house, detached garage, secondary dwelling, shed, and outbuildings comprising two (2) small horse stables.

The site is accessed via the existing bitumen sealed driveway from Yarramalong Road. The site generally falls towards the east, before falling more significantly towards the rear of the site. The site backs on to Wyong River, and contains a watercourse within the north-west and south-east corners.

The south-eastern and northern fringes of the property includes remnant native vegetation likely to constitute two EECs, including River-flat Eucalypt Forest (which fringes a tributary stream in the south-east corner) and Lowland Rainforest (which fringes Wyong River at the northern (rear) site boundary). The proposed development does not propose any works within proximity to this vegetation.

The riparian corridor along Wyong River is mapped on the Biodiversity Values Map. The site is mapped as bushfire prone land; flood prone land; contains class 4 and 5 acid sulfate soils; and is subject to mine subsidence. The site is not connected to Council's water and sewer service.

The site is zoned *RU1 Primary Production* under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013).



Figure 1 – Aerial photograph of subject site



Figure 2 – WLEP 2013 Zoning Map

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)



Figure 3 – View of subject site from Yarramalong Road

Surrounding Development

Surrounding the subject site are other rural properties generally used for primary production; horse studs; and rural residential lifestyle.

The site is surrounded by:

- Wyong River to the north, with larger open paddock further afield;
- Yarramalong Road to the south, with rural residential and horse studs further afield;
- Rural residential development to the east; and
- A Horse Farm Stud and Stay to the west.

The site is also close to Central Coast Mountain Bike Park; Treetops Adventure, Amazement and Wyong Creek Produce.

History of Applications

Council's records show that a Pre-Lodgement Meeting (Ref. PL/68/2020) was held for a proposed transitional group home under the provisions of SEPP (Affordable Rental Housing) 2009 on 16 April 2020.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

The Proposed Development

Development Application No. 587/2020 seeks approval for a transitional group home (TGH) under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that is to be used to provide temporary accommodation for drug and alcohol rehabilitation purposes for women.

The proposed development will consist of:

- Construction of an accommodation building containing 10 bedrooms; bathroom amenities; living rooms; laundry; multi purpose and dining room; kitchen; counsellors office; and staff sleeper room.
- Construction of a block of 4 consultation rooms ancillary to the TGH.
- Minor internal refurbishment works to the existing dwelling for future use as an administration building ancillary to the TGH.
- Demolition of the existing shed and construction of a new 10m x 15m shed ancillary to the TGH.
- Demolition of some existing fencing, horse stables, and concrete areas.
- Installation of 2 x 100,000L rainwater tanks.
- Installation of a new on-site sewer management system (OSSM).
- Decommission of the existing OSSM.
- Driveway upgrades including a new driveway access location; front entry gate; and passing bay.
- A carpark for 14 car spaces.
- Associated earthworks and minor tree removal.
- The existing secondary dwelling will be used for storage purposes only. All fixtures will be removed from the granny flat.

Proposed Operation of the Transitional Group Home

- The facility will provide temporary accommodation for drug and alcohol rehabilitation purposes consistent with Clause 42 of SEPP ARH for women.
- Accommodation for up to 20 residents.
- Residents can be referred or are self-referred.
- All residents undergo detoxification prior to arrival onsite.
- The program is abstinence based and does not involve any drug treatments such as methadone.
- The program duration is 90 days (or as required) for each resident.
- Residents will be regularly breath tested and will provide urine samples on a random basis for testing. A positive result of these tests may result in the person being removed from the program.
- All transport to and from the facility for the residents will be provided by staff or by family and friends of residents. No residents will have their own vehicles

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

onsite. The facility will own vehicles including 2 x 12 seater vans for transporting residents to appointments, activities or outings as required.

- Residents in the program will not have regular visitations from family. Any family visitations are limited and by appointment only.
- If a resident elects for any reason to leave at any time, they are able to do so. The exit plan involves a discussion with the management of the facility, and if the resident still wishes to leave, they will be assisted to do so.
- All meals are prepared on site by residents and staff.
- Staff will be present at the facility 24 hours a day / 7 days a week operating in 3 shifts. A total of 12 Staff will work at the facility and include the following:
 - 1 x CEO
 - 1 x Program Director
 - 1 x Mental Health Nurse
 - 5 x Counsellors/Case Managers
 - 1 x Intake Officer
 - 1 x Data and Admin Officer
 - 1 x Outreach Officer
 - 1 x Support Worker

Shifts include the following:

- Day Shift – 7am to 3pm
 - Afternoon Shift – 1pm to 8pm
 - Night Shift - 3pm-11pm, with one staff member sleeping in accommodation on site until 7am.
- Operating hours of the Administration Building is 7am to 3pm Monday to Friday.

The proposal is accompanied with a Plan of Management (POM) that includes all operational details of the TGH facility.

3.4

DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

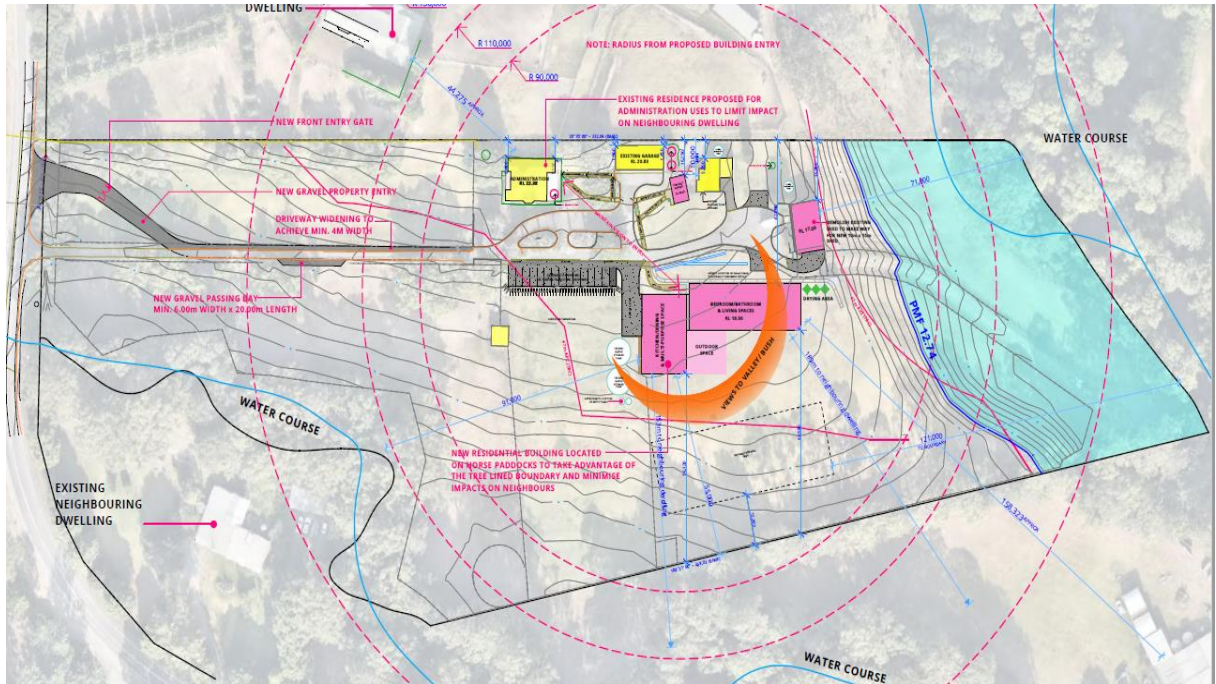


Figure 4 – Proposed Site Plan

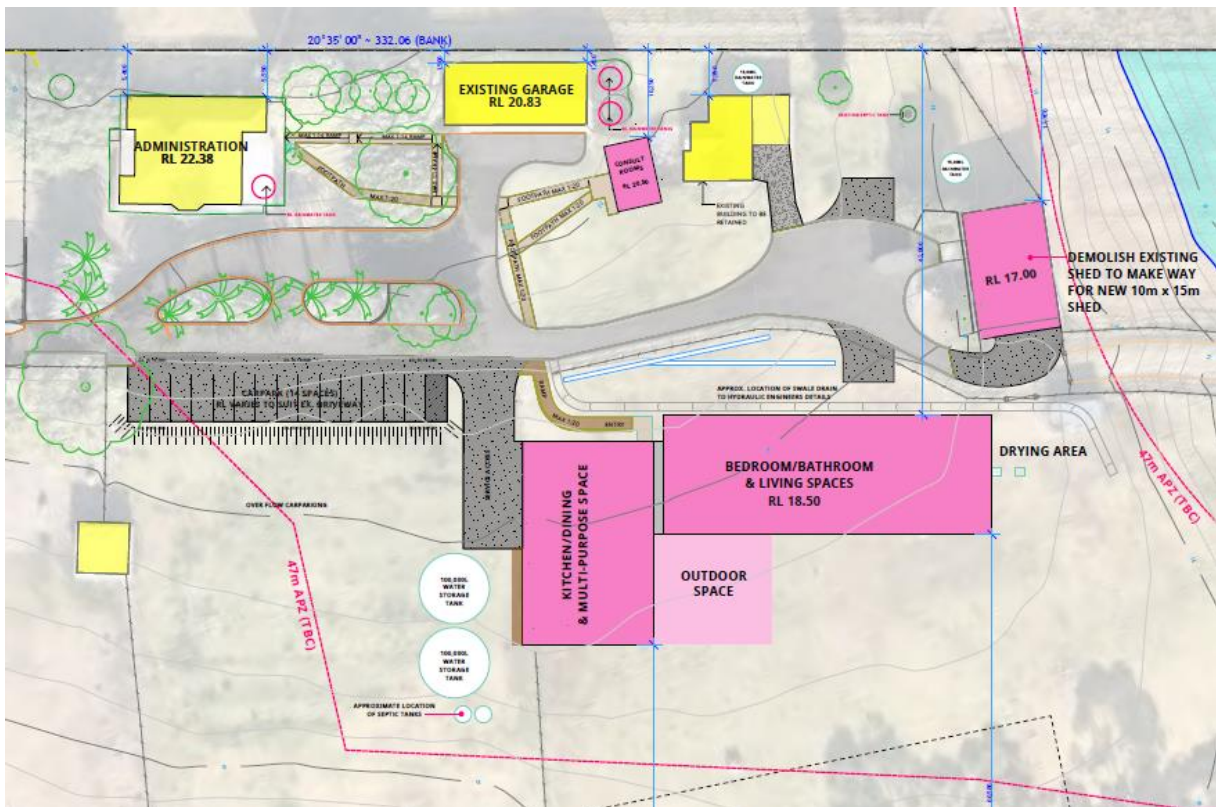


Figure 5 – Proposed Site Layout

3.4

DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)



Figure 6 – Proposed Landscape Concept Plan



Figure 7 – 3D Perspective View of accommodation building

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)



Figure 8 – 3D Perspective View of entry to accommodation building

Environmental Planning and Assessment Act 1979 - Integrated Development

The subject site is mapped as bushfire prone land and located in a mine subsidence district. The proposed development is Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it requires separate approval under:

- Section 100B of the *Rural Fires Act 1997*; and
- Section 22 of the *Mine Subsidence Compensation Act 1961*.

The New South Wales Rural Fire Service (NSW RFS) have provided their general terms of approval and issued a Bush Fire Safety Authority under s.100B of the *Rural Fires Act 1997* subject to conditions.

Subsidence Advisory (SA) NSW have granted approval to the proposed development under s.22 of the *Mine Subsidence Compensation Act 1961* subject to conditions.

Assessment

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

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development relies on the provisions of Division 7 under *State Environmental Planning Policy (Affordable Rental Housing) 2009* for permissibility as a *transitional group home* (TGH) is not a permissible land use in the RU1 Primary Production Zone under *Wyong Local Environmental Plan 2013*.

The proposed development is defined pursuant to Division 7 *State Environmental Planning Policy (Affordable Rental Housing) 2009* as a *group home*.

Clause 42(1) defines a group home as follows:

group home means a permanent group home or a transitional group home.

Clause 42(1) defines a *transitional group home* as follows:

transitional group home means a dwelling—

(a) that is occupied by persons as single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people, but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

The definition of *dwelling* as defined in the *Standard Instrument* and *Wyong Local Environmental Plan 2013* is:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

It is considered that the proposed development is consistent with the above definitions of a TGH and dwelling. The proposed accommodation building is a dwelling and contains a suite of rooms to be occupied and used as a separate domicile. The accommodation building will be occupied by persons as a single household and will provide temporary accommodation for the relief or rehabilitation of people for drug and alcohol rehabilitation purposes.

By virtue of the site being in a prescribed zone under Clause 43(b), the proposed *transitional group home* is permitted with development consent under Clause 43(b) of SEPP ARH.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

Clause 46 states:

- 1) *A consent authority must not—*
 - (a) *refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or*
 - (b) *impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.*
- (2) *This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.*

The submitted Social Impact Assessment report (SIA) has undertaken an assessment of the community need for the proposed transitional group home. Council's Social Planner supports the findings within the SIA. There are insufficient drug and alcohol rehabilitation facilities for women in NSW and the proposed development will address that gap. The societal and economic costs of untreated drug and alcohol misuse are very high. As stated in the SIA, drug and alcohol misuse in the LGA is estimated to cost around \$20 million per annum (tangible and intangible costs estimate).

Furthermore, Central Coast LGA has the largest Aboriginal population in NSW and the 4th largest in Australia. Culturally appropriate services are more likely to attract Aboriginal people to participate and are likely to have better results as Aboriginal culture is a great source of strength for Aboriginal people. Aboriginal women have much higher rates of hospitalisation related to alcohol and other drugs (AOD) and higher rates of incarceration than non-Aboriginal women. It is considered that an appropriate assessment on the community need for the transitional group home has been carried out and the application has adequately addressed Clause 46.

The proposal has been assessed against the requirements of *Division 7 – Group Homes* and complies with the relevant SEPP ARH requirements.

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

The proposed accommodation building is a BASIX affected building. A valid BASIX certificate for the accommodation building has been submitted. The proposal complies with the requirement for the proposed building to meet the NSW Government's requirements for sustainability in residential buildings in terms of meeting water and energy efficiency targets. **(Condition 1.4)**

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land states that the consent authority must not consent to the carrying out of any development on land unless it has considered if the land is contaminated and if so, after remediation, if it will be suitable for the intended purpose.

The submitted Preliminary Contamination Assessment (PCA) dated 11 June 2020 and Phase 2 Contamination Assessment report dated 14 July 2020 has been assessed by Council's Environmental Protection Officer. The subject site has been used for rural residential and agricultural purposes from mid to late 1960s.

Two areas of potential environmental concern were identified, namely the former and current buildings, and septic tanks.

The soils (to 0.2m) around the current and former shed shall be classified as general solid waste (non-putrescible), soils below that depth would classify as VENM.

The existing septic tanks are currently in use and it is proposed that these will be decommissioned. The Phase 2 found no evidence that the septic tanks were leaking. A hazardous substances audit was undertaken by Panacea Occupational Safety and Health. Bonded asbestos was identified in the existing dwelling house, and on the power boards to both the dwelling house and rear shed. It was also identified that lead paint is likely present on the property however this was not sampled, paint was in a good condition. No immediate impacts were identified, though a guide has been provided on how to appropriately remove and dispose of these materials if/when removed from the site and is subject to compliance with recommended conditions of development consent. **(Condition 4.7)**

The site is considered suitable for the proposed development. Furthermore, the site is not identified in Council's mapping as being potentially contaminated. Accordingly, the proposal is considered satisfactory with regard to SEPP No. 55 – Remediation of Land.

State Environmental Planning Policy Koala Habitat Protection 2019

The site is mapped as both 'Koala Development Application Map' and 'Site Investigation Area for Koala Plans of Management' under *State Environmental Planning Policy Koala Habitat Protection 2019 (SEPP KHB)* as shown in figure 9 below.

The submitted Ecological Assessment Report undertook a Tier 1 Assessment in accordance with the Koala Habitat Protection Guidelines and was found that the proposed development has low or no direct impacts and thus requires no further assessment under *SEPP KHB*.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)



Figure 9 – SEPP KHP Map

Wyong Local Environmental Plan 2013 - Zoning and Permissibility

The subject site is zoned RU1 Primary Production under the provisions of *Wyong Local Environmental Plan 2013* (WLEP 2013). The proposed development is a *transitional group home*. Under WLEP 2013, a *transitional group home* is a prohibited land-use in the RU1 zone. However, a *transitional group home*, the subject of this application is permitted with development consent under the provisions of Clause 43 of SEPP ARH.

Clause 43 of SEPP ARH states:

- 1) *Development for the purpose of a permanent group home or transitional group home on land in a prescribed zone may be carried out:*
 - a) *Without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or*
 - b) *With consent in any other case.*

Under Clause 42 of SEPP ARH, a prescribed zone means:

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

prescribed zone means:

(a) any of the following land use zones or a land use zone that is equivalent to any of those zones—

- (i) Zone R1 General Residential,
- (ii) Zone R2 Low Density Residential,
- (iii) Zone R3 Medium Density Residential,
- (iv) Zone R4 High Density Residential,
- (v) Zone B4 Mixed Use,
- (vi) Zone SP1 Special Activities,
- (vii) Zone SP2 Infrastructure, and

(b) any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.

As dwelling houses are a permitted land use in the RU1 Primary Production Zone, it is considered a prescribed zone and therefore the proposed *transitional group home* is permitted with development consent under Clause 43(b) of SEPP ARH.

The proposed accommodation building meets the definition of a TGH and dwelling as previously addressed in this report under SEPP ARH.

The change of use of the existing dwelling to the administration building; consultation building; proposed shed; use of existing garage and the re-use of the existing secondary dwelling for storage purposes are proposed to be ancillary in nature to the proposed TGH. This is consistent with the findings in *McAuley v Northern Region Joint Regional Planning Panel (2013) NSWLEC 125* and is supported.

Wyong Local Environmental Plan 2013 - Objectives of the Zone

The objectives of the RU1 Primary Production Zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for non-agricultural land uses, including tourism, which support the primary production purposes of the zone.*
- *To allow other appropriate land uses that are not suited to urban zones while maintaining the rural character of the land.*

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

The proposed development must have regard to the zone objectives as required by Clause 2.3(2) of WLEP 2013. In this regard, as the proposed development relies on the provisions under Division 7 of SEPP ARH, the aims under Clause 3 of SEPP ARH are to be considered first.

The aims of SEPP ARH are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation*

The proposed TGH will provide supportive accommodation for 20 women and thus the proposed development can be facilitated in the RU1 Primary Production zone by virtue of SEPP ARH.

The proposed TGH providing drug and alcohol rehabilitation services for women within the RU1 zone is an appropriate land use that is not suited to urban zones. The proposal is not considered to alienate the land or surrounding lands for primary production purposes. It is evident that the current use of the subject site is not being used for primary production purposes and predominantly is used for rural residential purposes. The proposed development will retain some existing paddocks and rural land that can be used by the facility for small scale farming practices to support the primary production purposes of the zone.

In this regard, it is considered the proposed development is consistent with the relevant objectives of the RU1 zone and the aims in SEPP ARH for a transitional group home.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

Wyong Local Environmental Plan 2013 - Demolition

Development consent is required for the demolition of existing structures. The application seeks consent for the demolition of structures on site in accordance with clause 2.7 of WLEP 2013.

Wyong Local Environmental Plan 2013 - Erection of dual occupancies and dwelling houses on land in certain rural and environment protection zones

The provisions of Clause 4.2B apply to the subject site. Clause 4.2B(5) permits development in the RU1 zone for the erection of a dwelling house on land if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

According to Council's records, Building Approval 1420/97 was granted for a Machinery Shed for Use as Tack Room, Storage and Workshop on 30 June 1997. The location of this building on site is similar to the existing secondary dwelling on the site. This approved building may not have been built. However, the approved plans clearly show the existing dwelling house and 2 other sheds on the site. In addition, the applicant has submitted historical aerial imagery which demonstrates that the existing dwelling has been in place since at least 1966. On this basis, it is considered that the existing dwelling house on the site is lawful.

The proposed accommodation building meeting the definition of a TGH and dwelling is to replace the existing dwelling house on the site and complies with the provisions of Clause 4.2B. The existing dwelling house will be used under the proposal for ancillary administration purposes.

Wyong Local Environmental Plan 2013 - Building Height

Under the provisions of Clause 4.3 of WLEP 2013, the site is not subject to a maximum building height.

Wyong Local Environmental Plan 2013 - Floor Space Ratio

Under the provisions of Clause 4.4 of WLEP 2013, the site is not subject to a maximum floor space ratio.

Wyong Local Environmental Plan 2013 - Acid Sulfate Soils

This subject site has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of WLEP 2013 have been considered.

The rear portion of the site is identified as Class 4 Acid Sulfate Soils (ASS), with the remainder of the site identified as Class 5 ASS as shown in figure 10.

3.4 **DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)**



Figure 10 – ASS Map (Class 5 = yellow area; Class 4 = purple area)

The proposed development will be carried out within the mapped Class 5 ASS area.

The proposed development is not below 5 metres Australian Height Datum and by where the water table is likely to be lowered below 1 metre Australian Height Datum. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

Wyong Local Environmental Plan 2013 - Flood Planning

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

- Is compatible with the flood hazard of the land, and
- Is not likely to significantly adversely affect flood behaviour resulting in worsened flood hazard to other development or properties, and
- Incorporates appropriate measures to manage risk to life from flood and

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The subject site is located within the Wyong River Catchment and Council's records indicate that the site is affected by flooding. The proposed development is located outside and above the Probable Maximum Flood (PMF) extent, with freeboard of at least 4 metres provided. The extent of the PMF is detailed in figure 11 below.

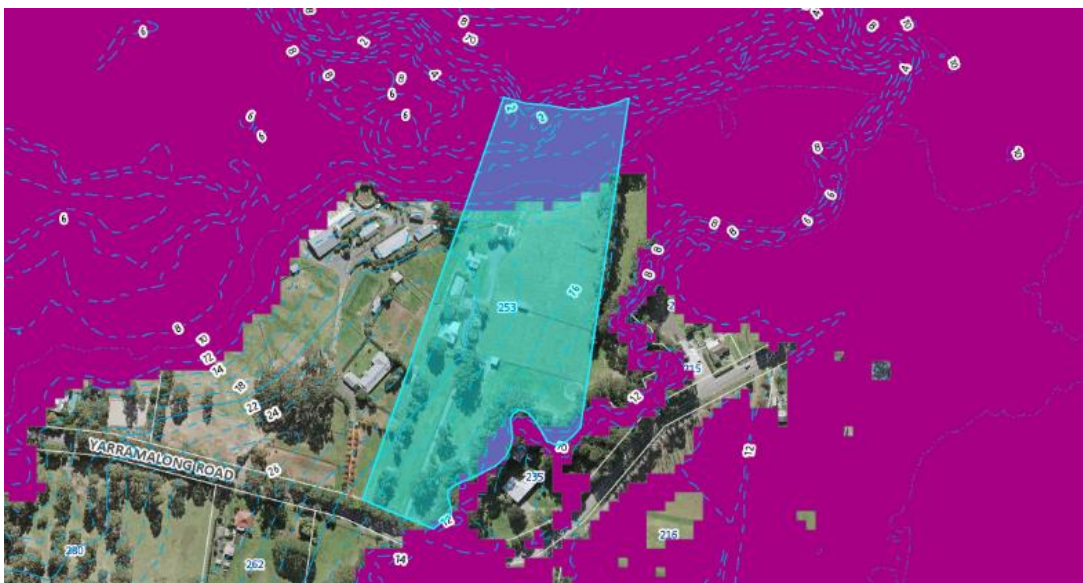


Figure 11 - Probable Maximum Flood (PMF) as per Geocortex

The proposed development will not impact on flood planning for the subject site and satisfies Clause 7.2 of WLEP 2013.

Wyong Local Environmental Plan 2013 - Floodplain Risk Management

Clause 7.3 applies to the site and development consent must not be granted unless the consent authority is satisfied that the development will not affect the safe occupation and evacuation from the land in a flood event.

The TGH facility proposes a 'Shelter in Place' strategy during a flood event and consideration must be given to the vulnerability of persons who remain isolated. Isolation of the site during a flood event has the potential to remain cut-off and isolated for an extended period. During the PMF, less than 3 hours of effective warning time is available until the frontage road and likely potential evacuation routes to the east such as Alison Road and Old Maitland Road are cut. The duration of flood inundation is identified as 35.5 hours. However, this is more likely to be longer due to presence of debris, silt, fallen trees, power lines etc.

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

Following a site inspection and a request for additional information, the applicant submitted a revised Flooding Assessment Report (18 September 2020); information on “vulnerable persons” from the Executive Director of The Glen; and a revised Plan of Management (POM).

The information from the Executive Director of The Glen has addressed what is considered to be vulnerable people on the site. The information states (as summarised):

- *I would like to offer the following advice to show that in my opinion The Glen for Women staff and residents will not be vulnerable people and will be more than capable of safely remaining on-site during a flood event, just as we have done at The Glen for Men for the last 26 years.*
- *We have detailed formal legal advice obtained from Matthew Fraser (Independent Planning Law Barrister) in regards to whether or not residents attending The Glen for Women will be “vulnerable persons”. That advice provides that the most apt available definition of vulnerable persons in a flooding context defines “vulnerable persons” as someone living in the community who is:*
 - *Frail and/or physically or cognitively impaired; and*
 - *Unable to comprehend warnings and directions and/or respond in an emergency situation.*
- *The service will have a high staff-to-client ratio and an effective and detailed Plan of Management that will enable a policy to be followed in the lead up to and during any potential flooding event.*
- *The residents who are on-site will not be drug or alcohol affected and they will be able to behave like any other person who is not frail, or physically or cognitively impaired.*
- *All residents will be able to comprehend and respond to warnings and directions in an emergency situation. They would not be assessed as suitable for the program in the detailed application process contained in the Plan of Management if this was not the case.*
- *All new residents will have a thorough induction process to the facility and will understand the process for when flooding can occur.*

A peer review of the revised information was carried out by Council’s Floodplain Management Section who have considered ‘the level of vulnerability of the people who remain isolated’ and ‘if there is a group of more vulnerable people on the site, does this place additional burden on emergency services?’. The peer review states (as summarised):

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek (contd)

- *The information from the Executive Director of The Glen has described the characteristics of the residents and staff to the facility, and state they will be largely independently mobile. Based on the information received, it is clear that the characteristics of the inhabitants of this development does not preclude them from having to evacuate if the need arises. However, it is also clear that the development is to some extent able to become fully autonomous.*
- *The document from 'The Glen' Executive Director, specifically addresses the status of what may have been considerable vulnerable people on the site.*

Council's Floodplain Management Section raise no objection to the proposal and is based on the statement from the Executive Director of The Glen as Council cannot conduct an internal assessment to the statement as the basis for the statement is reflective of the resident intake process, operational procedures and management of the TGH which is detailed in the Plan of Management (POM).

The POM outlines the procedures in preparing an Emergency Control Plan; a Flood Emergency Management Plan; and Isolation Plan. Staff will be inducted into the facility and the Plan of Management, policies and procedures applying to the facility. They will also be trained on how to operate the facility under normal and emergency conditions. Staff working on-site will be educated and trained on potential flood emergency and evacuations risks, with residents being made aware of such risks at the beginning of their stay. The isolation plan requires at least 1 weeks inventory in stock at all times and includes food, water, petrol, gas and medical supplies. There will be generators on-site and all staff will be trained on how to access and use them. A maintenance calendar and checklist will be implemented to ensure there is available petrol or diesel to fuel the generators.

During a flood event the staff will monitor the Bureau of Meteorology (BOM) website and warnings along with updates from the SES and Council. This will provide ample notice of a weather event that could lead to the property becoming isolated for staff and residents. If the property was to become isolated, there would be a minimum of two staff members who will stay on site with residents as part of the Isolation Plan. If a resident becomes unwell or begins to exhibit any behaviours which might fall within the definition of "vulnerable persons" from Matthew Fraser during an emergency event, there would be a minimum of two staff to manage the situation. The staff on-site would be supported by off-site team members, including the Mental Health Nurse and the CEO via telephone or video conferencing.

The proposed development is above the PMF and there is no need to evacuate to higher ground during a flood event. The submitted documentation has demonstrated that the shelter in place strategy is a viable option and that the residents would not be considered vulnerable people provided strict compliance with the POM is undertaken by the facility and that if a resident would be considered a vulnerable person, they would not be accepted to enter the facilities treatment program. It is considered the proposed development will

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provide safe occupation on the land during a flood event, and satisfies Clause 7.3 of WLEP 2013.

Compliance with the POM and the preparation of a Flood Emergency Management Plan (FEMP) are recommended conditions of development consent. **(Condition 2.7 and 6.1)**

Wyong Local Environmental Plan 2013 - Essential Services

Under the provisions of Clause 7.9, development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

The following services are essential for the site:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

- *Supply of water*

The subject site will rely on rainwater tanks for the supply of water. The development proposes to install rainwater tanks with a total capacity of 200,000L for the supply of water as the site is not connected to the town water supply.

- *Supply of electricity*

The subject site is currently connected to electricity.

- *Disposal and management of sewage*

The proposed development will require an on-site sewer management system (OSSM) as the site is not connected to Council's sewage system.

The development proposes a new OSSM to be installed for the site. The existing OSSM will be decommissioned. The amended Wastewater Report prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 4 September 2020 has been assessed by Council's Environmental Protection Officer and considered acceptable. The OSSM will require an approval under Section 68 of the *Local Government Act 1993* before being installed and is subject to compliance with recommended conditions of development consent. **(Conditions 5.5 and 5.6)**

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- *Stormwater drainage*

The proposal seeks to direct stormwater to 2 x 100,000L rainwater-reuse tanks with a dedicated 25,000L static water supply for bushfire fighting purposes. Overflow from the 2 main rainwater tanks and runoff from the driveway will be directed to separate level spreader system. Compliance with Council's stormwater drainage requirements are included in the recommended conditions of development consent. **(Conditions 2.10, 3.10, and 5.13)**

- *Suitable vehicular access*

The proposed vehicle access to the site has been relocated 20m to the west to increase sight distance to the east to 100m while reducing sight distance to the west to 130m.

This location for the driveway is therefore considered compliant with the minimum sight distance requirements of Australian Standard AS2890.1-2004 Parking facilities – Part 1 - Off-street car parking.

The applicant has demonstrated that all required services are available to the site or will be provided to suit the development and satisfies Clause 7.9.

Draft Central Coast Local Environmental Plan 2018

Draft Central Coast Local Environmental Plan 2018 (CCLEP) was exhibited from 2 December 2018 to 28 February 2019 and will replace the planning instruments relating to the former local government areas.

Under Draft CCLEP, the site retains its RU1 Primary Production zoning.

Wyong Development Control Plan 2013

Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

The proposed development comprising the accommodation building (AB), consultation building (CB) and shed has been assessed having regard to the relevant requirements of Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development as they are proposed as new buildings. The assessment concludes the proposal complies with the relevant requirements of Chapter 2.1 and the table of compliance is located under Attachment 2.

Matters requiring further discussion are addressed below.

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- *Privacy*

The existing dwelling on the site will be used as the administration building being ancillary to the TGH. Minor internal refurbishment works are proposed to accommodate the administration staff. The building's external façade, building setbacks, and building height will be retained and are not subject to strict compliance with Chapter 2.1 as the building is existing.

This building along with the consultation building will house the administrative functions of the TGH and provide a form of separation to the western neighbour from the proposed accommodation building. The use of these buildings will be Monday to Friday between the hours of 7am to 3pm as outlined within the Plan of Management (POM).

In terms of potential privacy impacts, it is noted that the existing dwelling house to be used as the administration building is located 44m from the neighbouring dwelling to the west, and that significant landscaping exists between the two (2) buildings, screening the neighbouring dwelling from the administration building. The proposed consultation building is located more than 10m from the western boundary and complies with the setback requirements under Chapter 2.1 of WDCP 2013. The consultation building is located more than 60m from the neighbours dwelling and is further screened by the existing garage on the subject site.

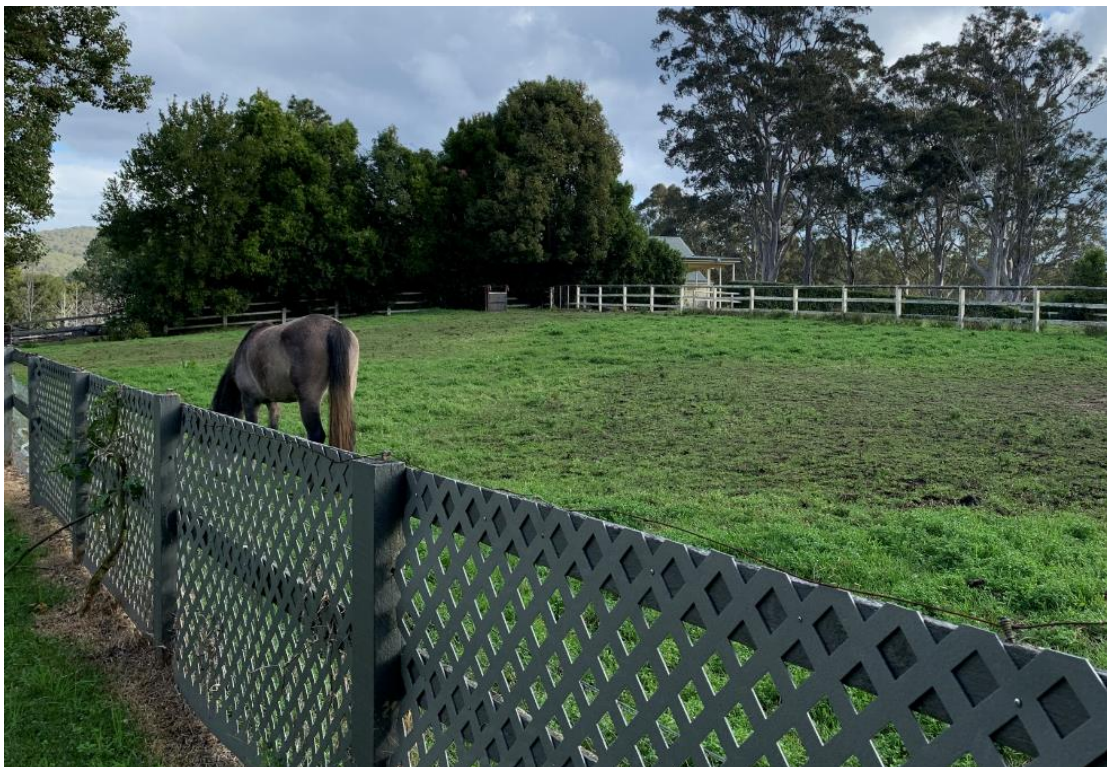


Figure 12 – View of western boundary adjoining administration building and neighbouring dwelling

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The western neighbour raised further concerns about privacy and security impacts from within their paddock which is on the boundary adjoining the proposed Administration Building (as shown in figure 12). In addition to this are other concerns raised by the neighbour and the request to install 1.8m high security fencing similar to that in NSW Public Schools. Whilst this request has been discussed with the neighbour and this type of security fence would not be considered appropriate within the rural setting and area, it was requested by the neighbour that a privacy screen 1.8m high like a timber paling fence and landscaping be provided from the existing garage on the subject site to past their dwelling house (front building line) and that any gates be removed and replaced with fencing. The applicant responded to the neighbours request and will offer boundary landscaping (screening) along portions of the western boundary to address the concerns of the neighbour as there is appropriate separation and existing landscaping screening the neighbours dwelling to the proposed administration and consultation buildings.

The proposal by the applicant to improve privacy between the adjoining neighbour is considered reasonable taking into consideration the existing landscaping and separation distance between the buildings.

The neighbouring property to the north-east raised similar concerns with regards to a security type fence and overlooking from the accommodation building and outdoor space to their property. The proposed accommodation building is located approximately 189m to the north-east neighbours dwelling. It is to be noted that from the subject site, the neighbours dwelling cannot be seen. The boundary line between the 2 properties is vegetated with existing fencing and the proposed accommodation building is located 55m from this boundary. Figure 13 is a view towards the north-east neighbours shed area from the proposed area of the accommodation building. There is a small cleared area where you can see the shed from the subject site. However, the potential for direct overlooking between buildings is low due to the separation distance achieved.



Figure 13 – View of north-east property from proposed accommodation building (grassed area)

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The north-east neighbour has requested a security type fence similar to that in NSW Public Schools or a 1.8m high colourbond fence as seen in urban residential areas. It was explained to the neighbour that this type of fencing is not appropriate within the rural setting and area and is not normally supported. The applicant has responded to the north-east neighbours request and will provide additional boundary landscaping where required.

The applicant has confirmed that additional boundary landscaping would comply with the bushfire requirements and the NSW RFS Bushfire Safety Authority issued. A recommended condition of development consent is recommended to include native landscaping along the western, eastern and north-east boundaries and that any boundary gates be removed and replaced with fencing similar to the existing boundary fencing. **(Condition 2.3)**

As outlined in Section 4.1 'Use of External Areas' of the Plan of Management (POM), the use of external areas for activities will mainly occur between 7.00am and 7.00pm. The POM also states that the accommodation building will be locked down from 10.00pm to 6.00am each night and that areas along the boundaries to neighbouring properties will be off limits to residents unless involved in a supervised maintenance program. This approach is considered reasonable and will maintain neighbouring properties privacy.

It is considered that the proposed development has addressed the potential privacy impacts and proposed mitigation measures to ensure the TGH will not pose unreasonable privacy impacts to neighbouring properties.

- *Existing garage and secondary dwelling (existing building)*

The existing garage will retain its use and be ancillary to the TGH. The existing secondary dwelling known as 'existing building' on the submitted architectural plans will be used for storage purposes. All fixtures are proposed to be removed. A recommended condition of development consent is recommended requiring the secondary dwelling/existing building to be utilised for storage purposes only and not for any habitable use and that all fixtures are to be removed. **(Conditions 5.2 and 6.3)**

Chapter 2.11 – Parking and Access

This chapter of the DCP is silent on the number of car spaces required for a TGH and therefore the proposed number of car spaces is to be assessed on merit.

The proposed development falls within the dwelling requirements from the DCP requiring two (2) spaces for dwellings with more than two (2) bedrooms. The proposed development also provides counselling services and with up to four (4) practitioners and four (4) additional staff on site for the counselling and reception duties. Under the DCP for medical consulting rooms, an additional requirement of one (1) space per employee would be required.

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It is therefore considered that based on the above analogy the development is required to provide 10 on-site car parking spaces. The proposed development proposes 14 car parking spaces and this complies with the DCP requirements.

It is to be noted that residents on-site after having been transported to the site by others do not require a car parking space. The car parking spaces will be predominantly used by staff, practitioners and visitors (by appointment).

The proposed car parking is considered suitable and based on the above methodology would comply with the requirements of the DCP.

Chapter 3.1 – Site Waste Management

A suitable Waste Management Plan was submitted with the application in accordance with the DCP.

Waste generated by the proposed use will be collected by a private waste contractor twice per week and is subject to recommended conditions of development consent. **(Conditions 4.8, 6.9 to 6.16)**

Chapter 3.3 – Floodplain Management

Chapter 3.3 provides direction on floodplain management and proposed development within flood prone areas. The proposed development is described as a 'sensitive' land-use under this chapter and addresses the Performance Based Assessment criteria within the submitted Flooding Assessment Report by ADW Johnson and is further discussed under Clause 7.3 Floodplain Risk Management of this report. The proposed development is located above the PMF and will not affect flood behaviour.

Chapter 3.8 – On Site Effluent Disposal in Non Sewered Areas

The above DCP chapter aims to protect the health of people within the Central Coast Council area through proper on-site effluent disposal and to minimise the impacts from on-site effluent disposal on the natural environment.

The subject site is not connected to the town's sewer. The submitted Wastewater Report prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 4 September 2020, report no. NEW20P-0053-Acv2 satisfactorily demonstrates that the site can accommodate the required land application areas as well as allocated reserve application areas for the proposed On Site Sewer Management (OSSM) system on the site.

It is considered the proposed development satisfies the requirements of the above DCP chapter and is subject to recommended conditions of consent. **(Conditions 5.5 and 5.6)**

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Likely Impacts of the Development:

Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance and in terms of the submissions received. As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

Natural Environment

Council's Ecologist has assessed the ecological impact of the proposed development and reviewed the submitted Ecological Assessment Report prepared by AEP dated 9 June 2020 and the Ecological Assessment Letter prepared by AEP dated 26 August 2020.

The subject site includes remnant native vegetation that is likely to constitute two EECs, including River-flat Eucalypt Forest (which fringes a tributary stream in the south east corner) and Lowland Rainforest (which fringes Wyong River at the northern site boundary). The riparian corridor along Wyong River is mapped on the Biodiversity Values Map. All remnant native vegetation at the subject site is proposed to be retained. The proposed development is set back at least 40m from Wyong River.

New structures are confined to horse paddocks which are kikuyu grass dominated. An old shed and horse stable are proposed for demolition. AEP undertook targeted searches for microbats in the shed and found no signs of roosting or habitation. The shed is unlikely to form important roost habitat given the structure is quite open and exposed. Four planted *Callistemon* trees are to be removed to support the building of a new shed at the location of the existing shed.

AEP identified two threatened flora species during the site assessment, including an individual *Rhodomyrtus psidioides* (Native Guava) stem on the subject site and *Syzygium paniculatum* (Magenta Lily Pilly) observed on a neighbouring property. *Rhodomyrtus psidioides* is growing behind a wooden post and rail fence which provides some protection from direct impacts such as trampling. AEP completed a test of significance for *R. psidioides* and *S. paniculatum*. The assessment identified that potential impacts of proposed activities are unlikely to have a significant impact on these threatened species.

The proposed driveway entry has been relocated 20m to the west of the current driveway. The relocation of the driveway will impact six to eight trees in the road reserve including a hollow bearing *Glochidion ferdinandi*. The hollows (open fissures) may potentially support microbats. Suitable recommendations have been provided in the ecological letter, such as ecologist supervision, which has been included in the recommended conditions of development consent. Additionally, a tree retention and protection plan is required prior to issue of any construction certificate and is also included in the recommended conditions of development consent. **(Conditions 2.4, 4.9 to 4.14, 5.8 to 5.11)**

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Council's Ecologist did not identify any additional threatened species during a site inspection. At the subject site, the Wyong River riparian corridor was observed to provide threatened species habitat and other wildlife habitat including wombat burrows. Conditions have been recommended to protect environmentally sensitive areas. **(Conditions 3.9, 6.17 to 6.21)**

The submitted civil engineering plans detail stormwater to 2 x 100,000L rainwater-reuse tanks. The site plans detail additional proposed 2 x 15,000L tanks along with existing tanks to be retained. Overflow from the 2 main rainwater tanks and runoff from the driveway will be directed to separate level spreader / swale systems. Additional stormwater management is proposed towards the front of the property as part of the revised vehicle access arrangement. Stormwater drainage works will be subject to compliance with recommended conditions of development consent. **(Conditions 2.10, 3.10, and 5.13)**

The proposed OSSM system will require no vegetation clearing and the submitted Wastewater Report dated 4 September 2020 demonstrates that the site can accommodate the required land application area as well as allocated reserve application for proper on-site effluent disposal.

The potential environmental impacts associated with the proposal on the natural environment have been considered. The proposal is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

Access and Transport

The proposed development provides compliant vehicle access to the site via the relocated driveway access as a result of a revised traffic assessment and the submissions received. The proposed development is not traffic generating with the Traffic Impact Assessment report dated September 2020 stating that the proposal will generate 10 vehicle trips in the AM and PM periods. This level of traffic generation will have minimal impact on the surrounding road network. The proposed off-street car parking dimensions, vehicle manoeuvrability and internal driveway grades generally comply with AS/NZS 2890.1 (2004) - "Off-street car parking".

It is considered that suitable vehicle access and car parking will be provided to the subject site and is subject to compliance with recommended conditions of development consent. **(Conditions 2.8, 2.7, 2.10, 3.10, 5.14, and 5.17)**

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Safety, Security and Crime Prevention

The proposed development is accompanied by a Crime Prevention Through Environmental Design (CPTED) report prepared by James Marshall and Co.

The NSW Police (Tuggerah Lakes Police District) have reviewed the CPTED report and are in support of the report's findings and recommendations.

The report adequately addresses the CPTED four key strategies – Surveillance, Access Control, Territorial Reinforcement and Space/Activity Management. Compliance with the recommendations/CPTED principles of the report are included in the recommended conditions of development consent. **(Conditions 5.12 and 6.22)**

Acoustic Impacts

The submitted Noise Impact Assessment undertaken by Spectrum Acoustics dated September 2020 provides a reasonable insight into potential acoustic impacts by the proposed development.

The proposed development has considered the potential acoustic impacts with the anticipated noise levels associated with the proposed development to be below the trigger levels and therefore should not present an adverse impact on surrounding residents. There will be a manager on site 24 hours and any antisocial behaviour which may be contributing to the noise can be dealt with immediately. Conditions of development consent are recommended requiring compliance with the Noise Impact Assessment report. **(Conditions 5.7, 6.7, 6.8)**

Social Impacts

The potential social impacts of the proposal have been considered having regard for the Social Impact Assessment Report (SIA) submitted with the application and the submissions received. The application has been reviewed by Council's Social Planner.

There are insufficient alcohol and other drug (AOD) rehabilitation facilities for women in NSW. The societal and economic costs of untreated AOD misuse are very high. As stated in the SIA, AOD misuse in the LGA is estimated to cost around \$20m per annum (tangible and intangible costs estimate).

The Central Coast LGA has the largest Aboriginal population in NSW and the 4th largest in Australia. Culturally appropriate services are more likely to attract Aboriginal people to participate and are likely to have better results as Aboriginal culture is a great source of strength for Aboriginal people. Aboriginal women have much higher rates of hospitalisation

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related to alcohol and other drugs and higher rates of incarceration than non-Aboriginal women.

The submitted Plan of Management (POM) is comprehensive. The POM outlines the nature of the operations and the operational procedures at 'The Glen for Women Drug and Alcohol Rehabilitation Facility' having regard to the various reports and supporting documentation submitted with the development application and the submissions received from the community. The community consultation carried out before the submission of the development application is considered adequate and included properties within 500m of the subject site. The Glen at Tuggerah also invited residents of the Yarramalong Valley to attend an Open Day at The Glen to better understand the operating model.

The proposed development has addressed the potential social impacts which are considered to be minimal as the TGH facility is capable of being well managed and staffed. Compliance with the POM is included as a recommended condition of development consent. **(Condition 6.1)**

Submissions

The application was notified in accordance with *Chapter 1.2 (Notification of Development Proposals)* of Wyong Development Control Plan 2013 (WDPC 2013) from 3 July 2020 to 24 July 2020. A total of 60 written submissions in objection were received.

The issues raised during the notification period are detailed below:

- *Development does not meet the definition of a Transitional Group Home under SEPP ARH.*

Comment: It is considered that the proposed development meets the definition of a transitional group home as previously addressed in this report under SEPP ARH.

- *There are significant differences between the McAuley LEC decision in our opinion the proposed DA in its current design of multiple buildings for specific uses, 14 carparking area and layout should be rejected.*

Comment: The assessment of the proposal has considered the other uses of buildings on the site and has concluded that the change of use of the existing dwelling to the administration building; proposed block of 4 consultation rooms; proposed shed; use of existing garage and the re-use of the existing secondary dwelling for storage purposes are all intended to be subordinate and ancillary in nature to the proposed TGH. None of these other uses are independent of the primary purpose which is for the operation of a TGH. This is considered to be consistent with the findings in *McAuley v Northern Region Joint Regional Planning Panel (2013) NSWLEC 125*.

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- *How is placing seven (buildings) and a 14 carparking area on a parcel of land that is only 1/5 of the minimum lot size (40ha) on agricultural land permitted.*

Comment: The proposed development is permissible on the site by virtue of SEPP ARH. The site coverage has been assessed and complies with requirements under Chapter 2.1 - Dwelling Houses, Secondary Dwellings and Ancillary Development of Wyong Development Control Plan 2013.

- *Consent Authority must give consideration to Section 1.3 of the EP&A Act 1979. (orderly and economic use of the land...)*

Comment: Section 1.3 of the Environmental Planning and Assessment Act 1979 sets out the objects of the Act. The proposed development is a permissible land-use on the subject site by virtue of the SEPP and the proposed development is consistent with the definitions of a TGH and dwelling. In this regard, the proposed development will allow for the orderly and economic use of the land for a transitional group home within the RU1 zone.

- *The development is not compatible with the character of the local area.*

Comment: The locality of Wyong Creek is within a rural setting which contains a mix of primary producers; stud farms; tourist attractions and rural residential lifestyle properties. The proposed built form of the dwelling and its ancillary buildings to be used as the transitional group home are single storey containing architectural features that are domestic in style and scale allowing generous setbacks that are consistent with other dwellings and buildings in the surrounding rural area. Existing horse paddocks are to be retained and there is potential for small scale/hobby type farming practices to be carried out on the site consistent with the dominant use of the area. The proposed development will allow the site to retain its existing rural setting; its built form is consistent and in harmony with the existing streetscape and is considered to be compatible with the character of the Wyong Creek area.

- *Assess the heritage value of existing dwelling on the site.*

Comment: The subject site does not contain any listed heritage items of local or state significance and is not located within a Heritage Conservation Area. There is no requirement under WLEP 2013 to assess the heritage value of the existing dwelling on the site. The existing dwelling house on the site will undergo a change of use to become the administration building ancillary to the TGH. There are no building works proposed to this building to accommodate the change in use other than minor internal refurbishment works and an external accessible pathway to enable disabled access to the building. The dwelling house as it exists will be largely retained and it is noted that it has undergone renovation works in the past which were evident during Council's site inspection.

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- *Make the Administration building 10m off side boundary.*

Comment: The administration building is located 5.4m to 5.5m off the western boundary. As considered within the assessment of the development application, a condition of development consent is recommended to improve privacy along the western boundary that will consist of boundary landscaping and privacy screens.

- *What is the purpose of the new shed? Does it constitute being part of the traditional group home?*

Comment: The new shed will replace an existing shed and be used to store machinery and maintenance equipment for the proposed use. The shed is ancillary to the proposed transitional group home.

- *Misleading information on setbacks from existing buildings on the subject site to boundaries.*

Comment: The architectural plans have been amended to reflect correct boundary setbacks of the existing buildings based on the submitted survey plan.

- *The application was not referred to the NSW Department of Primary Industries for their consideration in relation to Primefact No. 1063 dated June 2013.*

Comment: The Primefact No. 1063 document issued by the NSW Department of Primary Industries is a guideline that relates to infrastructure facilities for: electricity and gas transmission and distribution, telecommunication facilities, railways, sewage systems, air transport facilities, wind farm proposals and other small scale renewable energy developments. Secondary minor local government work on roads, road realignments and associated facilities such as bridges. The Primefact guideline has no relation to the proposed development and does not need to be considered in the assessment of the proposed development.

- *Lack of community consultation*

Comment: The community consultation outlined in the submitted Social Impact Assessment is considered adequate. Properties within 500m of the subject site were provided with information on the proposal and an opportunity to ask further questions and to make submissions. The Glen (Tuggerah) also offered residents of the Yarramalong Valley to attend an Open Day at The Glen (Tuggerah) to better understand the operating model.

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- *Devalue property's in Wyong Creek and Yarramalong Area*

Comment: This is speculation and is not a matter for consideration under Section 4.15 of the EP&A Act 1979. In addition, there is no evidence to substantiate this claim.

- *Impact on local economy and affect local tourism*

Comment: This is speculation with no evidence to substantiate this claim. The comment is considered to be based on perception rather than fact.

- *Fire risk from fire pit*

Comment: The proposed development does not include a fire pit.

- *Personal and Public Safety / Break-ins to surrounding properties / Increased Crime*

Comment: The Glen for Women is a drug and alcohol rehabilitation facility. All residents to the facility must have been sober for 5 days before entering the facility. Residents are not forced to be at the facility, but instead choose to be there receiving help to overcome their addiction. The perception of increased crime and break-ins to adjoining properties is based on perception rather than fact. The submitted Plan of Management (POM) outlines an Admission Criteria in Section 3.1.3 that includes:

The following are the admission criteria for potential residents:

- *Age 18 years or older;*
- *Female only;*
- *Must be recovering from drug or alcohol dependency;*
- *Must be sober and chemically free for a minimum of 5 days;*
- *Must comply with preliminary assessment criteria, including criminal record restrictions.*

The facility will not accept residents who have a history of the following offences:

- *Malicious wounding;*
- *Assault or robbery involving a weapon of any description;*
- *Sexual or indecent assault;*
- *Arson;*
- *Murder or manslaughter;*
- *Drug Supply / Trafficking.*

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In regards to perceived threats to personal or public safety, the issues raised relate to both residents at the facility leaving the site unsupervised and the potential for other parties (e.g. partners of residents) to come to the site.

Should residents choose to leave the facility they are assisted to do so in a Discharge Plan as outlined in Section 3.4 of the POM. Residents who leave the facility as they are discharged from the program will not be allowed to walk from the facility. They will either have a lift pre-arranged with family or friends or will be taken by a staff member to a safe place identified in their exit plan.

Visitors to the site are required to report to the Office. Visitation is addressed in the POM under Section 4.6. Residents in the program will not have regular visitations from family. Any family visitations are limited and by appointment only. No visitors will remain overnight. Other visitors to the facility may include service providers such as psychologists, cooking teachers, gestalt therapists, art and music teachers, yoga instructors and community Elders who would attend during office hours on a scheduled (weekly, fortnightly, or monthly) basis.

The facility will include the following safety and security elements to deal with safety and security which is outlined in Sections 3.3.4 and 4.4 of the POM:

- *The entry to the site will be signposted and identify areas that are private property (i.e. adjoining residences) and areas of restricted entry within the site.*
- *The entry gates will be maintained and monitored by CCTV surveillance at the entry to record/monitor who is accessing the facility.*
- *The entry gate will be locked between 5pm and 6am daily.*
- *Boundaries of the property will be monitored by CCTV at all times to record / monitor who is coming and going from the property.*
- *Signage at the start of the driveway will reinforce that the site is private and access is by those authorised to do so and by appointment only.*
- *Directional signage will be provided throughout the site which is clear, legible and useful, to aid way-finding throughout the site (particularly around the entry and car parking areas).*
- *All visitors will be required to report to the administration building and sign on/off.*
- *Separation of residential areas from the communal and public areas which are secured area at night to ensure safety and peace of mind for the residents.*
- *The areas along the boundaries to the neighbouring dwellings will be off limits to residents unless involved in a supervised maintenance program.*
- *The area near the river will be out of bounds during wet weather events.*

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- *Placement of the residential building on the site ensures significant physical distance between the facility and neighbours. This provides acoustic separation and allows for passive surveillance around the buildings of anyone entering or exiting the facility.*
- *Some visual screening from neighbouring dwellings will be installed.*
- *A maintenance plan will be developed for the site. Maintenance of the grounds and vegetation will ensure that areas for concealment are minimised and managed*
- *Landscaping will not block sight lines between the buildings or provide concealment and entrapment opportunities.*
- *Lighting will be located around the immediate buildings, carpark and pathways between buildings where access is likely at night.*
- *Other buildings which may not be used at night will have sensor lights installed to help monitor for unauthorised access.*
- *The accommodation building will be locked as a secured area at night.*
- *Location of the staff sleepout and counsellors office adjacent to the entry to the residential building for passive surveillance during the day.*
- *High windows to bedrooms to reduce opportunity for unwanted vision into bedrooms and as a deterrent from physical entry.*
- *Duress alarms will be available to residents and staff.*
- *Staff will be onsite 24/7 providing assistance as required to residents.*

It is considered the submitted Plan of Management (POM) has addressed the above matters and compliance with the POM is a recommended condition of development consent.

(Condition 6.1)

- *Noise Impacts have not been adequately assessed*

Comment: As previously discussed, the submitted Noise Impact Assessment undertaken by Spectrum Acoustics dated September 2020 has considered the potential acoustic impacts by the proposed development including during construction works and is considered adequate.

- *Concerns for our children's safety as their play area is 30m to 40m from the proposed accommodation/kitchen/recreation building.*

Comment: The proposed setback of the TGH from the eastern boundary and play area of the neighbouring property to the north east is between 55m to 60m. Safety and security has been addressed within the Plan of Management (POM) and compliance with the POM is a recommended condition of development consent. **(Condition 6.1)**

- *The new buildings and deck will overlook neighbouring property's to the east (privacy impacts)*

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Comment: The neighbouring dwelling to the north east is located 189m from the proposed TGH. The neighbouring dwelling to the south east is located over 100m from the TGH; and the neighbouring dwelling directly to the east is located 153m from the TGH. Existing vegetation is located along the sites eastern boundary and watercourse (creek) line. It is therefore considered that, given the setbacks proposed which are compliant with WDCP 2013 and existing vegetation there will be no overlooking impacts upon neighbours as a result of the proposed development. This matter has been discussed in further detail in the report under the heading of Wyong Development Control Plan 2013.

- *Administration and consultation building causing privacy issues to western neighbour*

Comment: This matter has been addressed in the assessment report under Wyong Development Control Plan 2013. A condition of development consent is recommended to include additional landscaping along the western boundary. **(Condition 2.3)**

- *Floodlights will detract from rural setting and impact on neighbouring properties.*

Comment: As outlined in the POM, outdoor lighting is to be provided around the immediate buildings, car park and pathways between buildings where access is likely after dark and it will be located and installed to minimise spill and potential nuisance to adjoining properties. A condition of development consent is recommended to minimise impact from lighting on any adjoining property. **(Condition 6.6)**

- *The number of detoxification days before entering the transitional group home varies between 3 and 5 days in the documentation submitted.*

Comment: The documentation has been updated by the Applicant to be consistent. The Plan of Management (POM) states that the detoxification period is 5 days. Compliance with the POM is a recommended condition of development consent. **(Condition 6.1)**

- *Entry to the site to be clearly identified but the facility not named.*

Comment: The POM states that the entry to the site will be signposted.

- *Is one staff member to care for 20 residents in rehabilitation appropriate?*

Comment: As outlined in Section 4.3 of the Plan of Management (POM), management for the Glen for Women will comprise of the CEO, Program Director and Mental Health Nurse. Management will be on-site Monday-Friday 7am-3pm. The administration office operating hours will be Monday-Friday 7am-3pm. The administration office will be secured and locked and not used between 4pm and 7am daily, and on weekends. Management will be on-call outside of these hours. Counselling staff will rotate between two (2) shifts seven (7) days a week. The majority of the program is offered during the day at the facility and that is why

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there is a higher staff/resident ratio during the days. The night time program is more relaxed and there is no need for more than 1 staff member on at night time to support the residents.

- *What happens when The Glen For Women falls on hard economic times and government funding or sponsorship is reduced. Will the admission criteria then be relaxed to increase patient numbers in order to help the justifiability of the Development and attract new sponsorship and funding?*

Comment: If development consent is granted for the proposal, the approval will remain with the subject site and the operation and management of the TGH facility will need to comply with the conditions of development consent.

- *What happens when there is a change of management?*

Comment: If development consent is granted for the proposal, the approval will remain with the subject site and the operation and management of the facility need to comply with the conditions of development consent despite any change in management.

- *How will the Wyong Creek Community know what areas of NSW the patients are coming from?*

Comment: The Plan of Management (POM) outlines the intake process for all residents in Section 3.1. The intake process exists to ensure all residents are suitable before they are offered a place in the facility. The information about residents entering the facility would be kept private and confidential by the facility.

- *How will the Wyong Creek Community know the criminal and mental history of visitors and contractors entering the facility?*

Comment: The Plan of Management (POM) in Section 4.6 outlines visitation requirements. Any family visitations are limited and by appointment only. Other visitors to the facility may include service providers such as psychologists, cooking teachers, gestalt therapists, art and music teachers, yoga instructors and community Elders who would attend during office hours on a scheduled (weekly, fortnightly, or monthly) basis. All service providers to the facility are assessed for suitability by management.

- *Where does the detoxification process take place before patients enter the facility?*

Comment: The detoxification process occurs off-site. The intake requirement as stated within the POM, requires all residents to be sober and chemically free for a minimum of 5 days. The POM also states that most referrals for intake at the facility will be made through other services, including detox centres, solicitors and courts and residents self-referring.

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During the initial application process, potential residents will be added to the pre-program support straight away to start engaging in treatment and to also understand what the facility will be like when they arrive.

- *Is the relapse rate of women attending drug and rehabilitation centres lower or higher than male counterparts?*

Comment: The relapse rate of women attending drug and alcohol rehabilitation centres is not a planning consideration. The submitted Social Impact Assessment report (SIA) prepared by Aigis Group provides information on the prevalence of alcohol and other drug problems in society and the need for rehabilitation services to prevent incarceration of both men and women.

- *Site fencing arrangements provides no security to the adjacent residents nor restricts entry to any uninvited visitor entering the facility.*

Comment: The Plan of Management (POM) states that the entry gate will be locked between 5pm and 6am daily, and the boundaries of the property will be monitored by CCTV at all times to record / monitor who is coming and going from the property. To address any concerns (including those of safety and security), of surrounding neighbours or the public during operation, the POM in Section 4.5 outlines Complaints Handling procedures. The facility will have a website (www.theglenforwomen.org.au) with a "Contact Us" page with direct communication to the CEO. The facility will establish and maintain a complaint register in which all complaints shall be recorded. Compliance with the POM is a recommended condition of development consent. **(Condition 6.1)**

- *There is a bridge that should be removed from back of the property. This gives access to Davenport and Dunks Lane Jilliby properties.*

Comment: There is no proposal to remove the bridge. As stated within the Plan of Management (POM), the areas along the boundaries to the neighbouring dwellings will be off limits to residents unless involved in a supervised maintenance program. In addition are CCTV cameras along the boundary monitoring who is coming and going from the property.

- *If consent authority was to support a 'transitional group home' at this site than a condition of consent must be the installation of a security fence. The standard of the security fence should be equal to what is provided around public schools. The security fence should be erected around the full property boundary with an adjustment of the alignment of the security fence along the northern boundary above the floodway of Wyong Creek.*

Comment: A security type fence similar to the types of fencing seen around NSW Public Schools is not in keeping with the character of the rural area. As previously discussed, the residents of the facility are not forced to be at the facility, but instead choose to be there

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receiving help to overcome their addiction. CCTV will monitor the boundaries of the property. The Plan of Management submitted with the application covers the safety and security of the facilities residents, staff and the adjoining neighbours comprehensively.

- *CPTED Issues with property boundaries – concealment, no surveillance, no fencing.*

Comment: The submitted CPTED report adequately addresses the CPTED four key strategies – Surveillance, Access Control, Territorial Reinforcement and Space/Activity Management and is supported by the NSW Police.

- *How will electricity outages on the site be dealt with?*

Comment: The Plan of Management (POM) under Section 4.13 outlines procedures for staff and residents in the event of isolation. There will be generators on-site and all staff will be trained on how to access and use them if required.

- *Flooding risks not properly considered for vulnerable people.*

Comment: The flooding risks for vulnerable people has been assessed and the proposed shelter in place strategy is supported as the proposed operation will have contingency and management plans in place and the site is flood free with only the evacuation path temporarily affected by flooding. This matter has been discussed in more detail under the Clause 7.3 'Floodplain risk management' section of this report.

- *The Traffic Impact Assessment report prepared by Intersect Traffic is inaccurate, uses outdated data and underestimates the traffic generation for the proposed development.*

Comment: The revised Traffic Impact Assessment report dated September 2020 has been reviewed by Council's Traffic Engineer and Development Engineer and is supported.

- *The access assessment provided within Section 10.3 of the Traffic Report is unacceptable and does not consider the site context or road safety considerations.*

Comment: The proposed vehicle access to the site has been relocated 20m to the west to increase sight distance to the east to 100m while reducing sight distance to the west to 130m. The revised location for the driveway is considered compliant with the minimum sight distance requirements of Australian Standard AS2890.1-2004 Parking facilities – Part 1 – Off-street car parking.

- *The driveway is on a high speed (80km/h) blind corner and crest of a hill and is dangerous for vehicles entering and exiting the site.*

Comment: The proposed vehicle access has been relocated as mentioned above. The access will be constructed with a minimum width of 6m through the new entry gate to allow light

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and heavy vehicles to pass along the section of access to the entry gate and for a short distance within the property. The gate will be set back 10 metres into the property to allow a waste truck to queue behind the gate while waiting for the gate to open without impeding traffic on Yarramalong Road. The wide verge within Yarramalong Road will also allow another vehicle to queue (i.e. 2 queue spaces) behind the proposed gate in a safe position off the travel lanes of Yarramalong Road. The revised location of the driveway has overcome any previous concerns with vehicles entering and exiting the site.

- *Peer Review of Traffic Report submitted and prepared by McLaren Traffic Engineering and should be considered by Council.*

Comment: The submitted Peer Review of the Traffic Impact Assessment (TIA) prepared by McLaren Traffic Engineering has been reviewed and considered by Council in the assessment of this application. As a result, a revised Traffic Impact Assessment report prepared by Intersect Traffic dated September 2020 was submitted. In regards to McLaren disputing the correctness of the statement in the report that should traffic volume increases be less than 10% of existing traffic volumes, no adverse impact on the road network would occur. The additional traffic generation from the site is less than the 10 vtpm which McLaren's suggest is the correct threshold for the statement. As suggested by McLaren's, a speed survey of vehicles travelling westbound around the bend near the site has been undertaken by Northern Transport Planning and Engineering and the access sight distance assessment modified based on the results of the survey and consultation with Council in regard to the survey results.

The vehicle access design has been modified to allow two-way flow between the road and the proposed gate. Suitable queuing areas are now provided behind the gate and passing bays have been provided within the internal driveway. The calculation of the car parking requirements for the proposed development has been assessed as acceptable, given there is ample space for overflow parking, which was acknowledged in the peer review.

- *This development is located at 253 Yarramalong Road identified as a "Black Spot" road by the Federal Government.*

Comment: Yarramalong Road, Wyong Creek is part of a Safer Roads program. The proposed development is not considered to affect the Safer Roads program.

- *The internal driveway has lack of passing bays.*

Comment: The revised driveway layout and location provide suitable passing bays and is compliant with Australian Standard AS2890.1-2004 Parking facilities – Part 1 - Off-street car parking.

- *OSSM system is too close to water catchment and concerns with sewer going into Wyong Creek and Wyong River and neighbouring properties.*

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Comment: Viral die off calculations have been completed by the waste water consultant due to the proximity of the proposed development and OSSM system to Wyong Creek. The calculations determined that the horizontal distance from the land application area to where viral die off occurs was 5.6m. The area indicated on the plans as the effluent disposal area is greater than 40m from any waterway.

- *The OSSM report allows for disposal of sewage generated by 20 residents and does not take into consideration staff, contractors, services personnel and visitors on the site.*

Comment: The updated Wastewater Report prepared by Qualtest Laboratory (NSW) Pty Ltd, dated 4 September 2020, calculates the wastewater load based on 20 residents, but also includes an allowance for day and night staff and visitors to the site and is considered to be satisfactory.

Submissions from Public Authorities

External Referral Body	Comments
NSW Rural Fire Service	Supported, subject to conditions
NSW Police	Supported

NSW Rural Fire Service (NSW RFS)

The proposed development is Integrated Development under the *Rural Fires Act 1997* and was referred to the NSW RFS. NSW RFS have issued the general terms of approval and Bushfire Safety Authority under s.100B of the *Rural Fires Act 1997*.

NSW Police

Tuggerah Lakes Police District have inspected the subject site; reviewed the submitted CPTED report; met with neighbours and made comment on the proposed development. The NSW Police consider the facility will be well managed and that the CPTED principles have been adequately addressed for their needs and raise no objection to the proposed development.

Internal Consultation

The development application was referred to the following internal officers for comment:

Internal Referral Body	Comments
Development Engineer	Supported, subject to conditions
Traffic Engineer	Supported
Environmental Health	Supported, subject to conditions
Social Planner	Supported, subject to conditions

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Ecologist	Supported, subject to conditions
Waste Services Officer	Supported, subject to conditions

Development Engineer

The development application has been assessed by Council's Development Engineer with regards to roads; vehicle access; traffic; flooding; drainage; water and sewer and is supported subject to conditions.

Traffic Engineer

The development application has been assessed by Council's Traffic Engineer with regards to car parking, traffic generation, and vehicle sight distances and is supported.

Environmental Health Officer

The development application has been assessed by Council's Environmental Health Officer with regards to acoustic impact, site contamination and the on-site sewer management system (OSSM) and is supported subject to conditions.

Social Planner

The development application has been assessed by Council's Social Planner who raises no objection to the proposed development subject to conditions.

Ecologist

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and raises no objection subject to conditions.

Waste Services Officer

The development application has been assessed by Council's Waste Services Officer and is supported subject to conditions.

Ecologically Sustainable Principles:

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

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

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts.

Other Matters for Consideration:

Section 7.11 and 7.12 Contributions

There is no contribution under Council's current Section 7.11 contributions plan for the Wyong District Contributions Plan for this area. However, the land is also subject to the provisions of Council's Section 7.12 Contributions Plan, which would levy contributions based on 1% of the development cost. Section 7.12 Contributions are included under recommended conditions.

Suitability of the Site for the Development:

A review of Council's Land Information mapping identifies the following constraints:

Acid Sulfate Soils:

As previously discussed the proposed development will not impact upon acid sulfate soils and as such is considered to be suitable for the site.

Flood Planning:

As previously discussed the proposed development will not impact upon flood planning and as such is considered to be suitable for the site.

Bushfire Prone Land:

As previously discussed the proposed development has obtained a Bushfire Safety Authority from NSW RFS.

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Mine subsidence:

As previously discussed the proposed development has obtained approval from Subsidence Advisory (SA) NSW.

There are no other constraints that would render the site unsuitable for a transitional group home. The subject site will allow residents to the program to recover in a dignified and safe environment, and non-clinical setting.

The Public Interest:

There is a need for alcohol and other drug (AOD) rehabilitation facilities for women in NSW and particularly on the Central Coast. The proposed development seeks to continue a residential use on the site by providing temporary accommodation for persons undertaking drug and alcohol rehabilitation. The proposal will retain some existing paddocks and rural land that can be used by the facility for small scale farming practices to support the primary production purposes of the zone and rehabilitation of its residents. The Plan of Management comprehensively outlines the operational procedures at 'The Glen for Women Drug and Alcohol Rehabilitation Facility'. The proposal has addressed the concerns raised in the submissions received; is low impact; and maintains the rural character of the area. In this regard it is considered the proposed development is within the public interest.

Conclusion and Recommendation:

Based on the assessment under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposal is recommended for approval subject to the conditions of development consent in Attachment 1.

Reasons for decision

The reasons for the decision as recommended under the assessment of this application are as follows:

- The proposal is considered satisfactory under the heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The proposal is considered satisfactory with the relevant provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- The proposal is considered satisfactory with regard to *Wyong Local Environmental Plan 2013*.
- The proposal is suitable for the site.

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- The proposal is in the public interest.

Attachments

1	Conditions of Development Consent		D14044299
2	DCP 2014 Chapter 2.1 Compliance Table		D14249753
3	Development Plans		D14249690
4	Plan of Management	Provided Under Separate Cover	D14259841
5	Development Plans (full set)	Provided Under Separate Cover	D14249719
6	Plans for Approval	Provided Under Separate Cover	D14256457

Attachment 1 – Conditions of Development Consent

1. PARAMETERS OF THIS CONSENT

1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

Architectural Plans by: Space Design Architecture

Drawing	Description	Sheets	Issue	Date
DD000	Cover page	-	10	21/09/2020
DD100	Site Analysis Plan	-	10	21/09/2020
DD101	Site Master Plan	-	11	21/09/2020
DD102	Site Plan - Overall	-	9	21/09/2020
DD103	Site Demolition Plan	-	10	21/09/2020
DD104	Site Layout Plan	-	8	21/09/2020
DD105	Landscape Concept Plan	-	4	21/09/2020
DD106	Window Schedule Existing	-	3	-
DD107	Window Schedule Proposed	-	3	-
DD108	Window Schedule Proposed	-	2	-
DD200	Existing Building	-	10	21/09/2020
DD201	Ground Floor Plan	-	11	21/09/2020
DD202	Roof Plan	-	9	21/09/2020
DD300	Elevations – Sheet 1	-	10	21/09/2020
DD301	Elevations – Sheet 2	-	10	21/09/2020
DD400	Shed Plan	-	8	21/09/2020
DD401	Consulting Room Plan	-	8	21/09/2020
DD700	Waste Storage Enclosure Plan	-	1	21/09/2020

Supporting Documentation

Document	Prepared By	Date
Bushfire Safety Authority - Section 100B Ref:	NSW Rural Fire Service	5 August 2020
Notice of Determination – s.22 Coal Mine Subsidence Compensation Act 2017 Ref: TBA20-01364	Subsidence Advisory NSW	12 June 2020
Plan of Management	Gulgul Nyugang Aboriginal Corporation	22 September 2020
Social Impact Assessment Report	Aigis Group	September 2020
CPTED: The Glen for Women	James Marshall & Co	June 2020

Ecological Assessment Report Rev 1	AEP	9 June 2020
Ecological Assessment Letter	AEP	26/08/2020
Traffic Impact Assessment Ref 20/042 Issue H	Intersect Traffic	17 September 2020
Swept Turning Path Review and Certification	Intersect Traffic	21 September 2020
Bushfire Assessment Report Ref. 20052	David Peterson	10 June 2020
Building Code of Australia 2019 Compliance Report, Rev 2	Buildcert	21 August 2020
Disability Access Report	Lindsay Perry Access	11 June 2020
On-Site Waste Water Disposal Assessment Report, NEW20P-0053-Acv2	Qualtest Laboratory (NSW) Pty Ltd	4 September 2020
Phase 2 Contamination Assessment Ref. NEW20P-0053-AD	Qualtest Laboratory (NSW) Pty Ltd	14 July 2020
Noise Impact Assessment Report 202004-8918	Spectrum Acoustics	September 2020
Survey Plans Sheets 1 to 4, ver. B	ADW Johnson Pty Ltd	13.08.2020
Civil Engineering Plans set	RGH Consulting Group	18 September 2020
Flooding Assessment, ref. 190540P MI/BM	ADW Johnson Pty Ltd	18 September 2020
Waste Management Plan, Issue B	ADW Johnson Pty Ltd	11 June 2020
BASIX Certificate No. 1147927M	Evergreen Energy Consultants Pty Ltd	22 October 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 / requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No.	Date
NSW Rural Fire Service	Bushfire Safety Authority - Section 100B	DA20200701002369-Original-1	5 August 2020
Subsidence Advisory NSW	Notice of Determination – s.22 Coal Mine Subsidence	TBA20-01364	12 June 2020

	Compensation Act 2017		
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1.4. 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*.

1.5. A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

1.6. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.

2.2. 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.

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) The shed is to have a maximum building height of 7m above natural ground level.
- b) Additional boundary landscaping (where required) consisting of native tree species along the western, eastern and north-eastern boundaries that also comply with the recommendations of the NSW Rural Fire Service Bushfire Safety Authority.
- c) 1.8m high privacy screening along the western boundary between the administration building and the western neighbours paddock.
- d) Removal of any existing boundary gates between neighbouring properties and replace with boundary fencing that currently exists on the site.

2.4. Submit a tree removal and retention survey plan to Council's Ecologist for approval. The Plan must include all trees proposed for removal or pruning inclusive of services (water, sewer and electricity) and any clearing associated with fence lines. All retained trees must include tree protection measures consistent with the Australian Standard AS4970-2009 Protection of Trees on Development Sites. The location of retained trees must be shown on all approved plans.

2.5. Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* pay to Council a total contribution amount of **\$23,840** that may require adjustment at the time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contributions Plan

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

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

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

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: [Development Contributions](#)

2.6. Submit to the Accredited 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

2.7. Prior to issue of any Construction Certificate, the Applicant shall submit for approval by the Accredited Certifier, a Flood Emergency Management Plan (FEMP) to mitigate the risk to life and property. The plan shall be prepared by a suitably qualified and experienced consultant and must include, but not be limited to, the following:

- Source and severity of flooding.
- A site-specific plan.
- Methods of accessing real time flood data and warnings, such as the Australian Broadcasting Corporation (ABC) and State Emergency Services (SES) networks.
- Recommendations and contingencies for occupants during and after a flood event in relation to communications, supplies, services and any other elements identified by the flooding consultant.
- Methods of disseminating the contents of the FEMP to current and future occupants.

- Revision frequency for the FEMP, and requirement to provide a copy of any revision to Central Coast Council.

A copy of the FEMP must be supplied to Central Coast Council and the property owner and/or tenant.

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

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

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

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

- a) Construction of a residential vehicle access crossing that has a width of 19 metres at the edge of bitumen and 12.5 metres at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- b) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary.
- c) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- d) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.

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.

2.9. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.

2.10. Submit to the Accredited Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:

- a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
- b) Construction of stormwater quality control facilities such as rainwater tank first flush facilities, swales etc. to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council's stormwater drainage / level spreader systems.
- c) Construction of stormwater drainage collection and piping of all stormwater runoff from areas within the site to the street and / or level spreader systems.

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

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

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

3. PRIOR TO COMMENCEMENT OF ANY WORKS

3.1. All conditions under this section must be met prior to the commencement of any works.

3.2. Appoint a Principal Certifying Authority for the building work:

- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au

3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

- a) The name, address and telephone number of the Principal Certifying Authority for the work; and

- b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.
- d) Remove the sign when the work has been completed.

3.4. 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.

3.5. 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.

3.6. 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.

3.7. 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*.

3.8. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

3.9. Maintain the existing wooden post and rail fence around the threatened flora habitat on the property, as identified in Figure 5 in the Ecological Assessment (AEP, 09/06/2020). The fence must be sign posted at intervals of no less than fifteen (15) metres to identify the conservation value of the land and discourage access.

The sign must read as follows:

"KEEP OUT"

"This is an environmental protection area."

3.10. 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 Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.

4. DURING WORKS

4.1. All conditions under this section must be met during works.

4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and

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

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

4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.

4.6. 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.

4.7. Immediately notify Council of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation.

4.8. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by ADW Johnson Pty Ltd, dated 11 June 2020.

4.9. Undertake the removal of any tree located on Council managed land due to works approved by a Development Application at the full cost and responsibility of the developer / owner using a Pre-qualified Tree Contractor.

Contact Central Coast Council on Tel 1300 463 954 for the current list of relevant contractors.

4.10. 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. The Fauna Ecologist must physically mark any habitat trees prior to clearing. 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.

4.11. Undertake clearing in accordance with the tree removal and retention survey plan approved under condition 2.4.

4.12. Comply with mitigation measures as stated in the Ecological Assessment (AEP, 09/06/2020) and Ecological Assessment Letter (AEP, 26/08/2020). Where these

recommendations contained within Ecological reports are inconsistent, the conditions of consent prevail.

4.13. Maintain the existing wooden post and rail fence around the threatened flora habitat on the property, as identified in Figure 5 in the Ecological Assessment (AEP, 09/06/2020).

4.14. Stockpiling will be undertaken within the approved works foot print. Stockpiling will not be undertaken in locations that impact on areas of retained native vegetation.

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.

4.15. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.

5. 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. All kitchen and bathroom fixtures are to be removed from the secondary dwelling/existing building.

5.3. Complete the landscaping works.

5.4. Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.

5.5. Obtain an Approval to Operate the on-site sewage management system from Council.

5.6. 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

5.7. A report prepared by a suitably qualified and experienced acoustic consultant shall be submitted to Council prior to an Occupation Certificate being issued for the development which demonstrates and certifies that noise and vibration emissions from mechanical equipment installed as part of the subject development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environment Protection

Authority's Noise Policy for Industry, including any recommendations of the acoustic report 202004-8918, prepared by Spectrum Acoustics, dated September 2020.

Details demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

5.8. The proposed removal of trees and vegetation shall be replaced with local native endemic species at a ratio of 1:1 (minimum 25 litre pot size).

5.9. Engage a Fauna Ecologist to install two microbat nest boxes on the property to compensate for the loss of potential day roost habitat, identified in the Ecological Assessment Letter (AEP, 26/08/2020). The nesting boxes must be constructed from a durable material such as High Density Polyethylene (HDPE), marine ply or similar materials to ensure maximum durability. The nesting boxes must not be exposed to the elements such as direct sunlight and positioned a minimum four (4) meters above the ground. If any other tree hollows are identified that require removal, nesting boxes must be installed at a ratio of two boxes for every hollow that is removed or alternatively salvaged hollows can be installed at the same ratio to that of the hollows being removed.

5.10. Comply with mitigation measures as stated in the Ecological Assessment (AEP, 09/06/2020) and Ecological Assessment Letter (AEP, 26/08/2020). Where these recommendations contained within Ecological reports are inconsistent, the conditions of consent prevail.

5.11. Prepare and submit a final certification report detailing the level of compliance for each stage of the development. The report with all conditions relating to ecology / trees must be prepared by the engaged Ecologist and forwarded to Councils for review. The report must include photos and GPS points of any nest boxes installed.

5.12. Implement the CPTED Principles as detailed in the CPTED report prepared by James Marshall & Co dated June 2020.

5.13. 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.

5.14. 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.

5.15. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development

works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.

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

5.17. Complete construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.

5.18. Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council (North) as the Water Supply Authority, prior to issue of the Occupation Certificate. All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

6. ONGOING

6.1. Implement and comply with the Plan of Management by Gulgul Nyugang Aboriginal Corporation, dated 22 September 2020, at all times.

Periodic upgrading of the Plan of Management must be undertaken to ensure that it remains relevant to changes in circumstance, with Council being kept informed of any changes.

6.2. Do not adapt or use the shed for residential, commercial or industrial purposes. 6.3. The secondary dwelling/existing building is to be used for storage purposes only being ancillary to the transitional group home and must not used for any habitable purpose.

6.4. Maintain the site landscaping for the life of the development.

6.5. Do not erect advertising sign(s) on or in conjunction with the use and / or development without development consent unless the advertisement is exempt development or otherwise permitted without development consent.

6.6. Operate and maintain all external lighting so as not to impact on any adjoining property.

6.7. Construct, operate and manage the site in accordance with the Acoustic Report 202004-8918, prepared by Spectrum Acoustics Pty Ltd, dated September 2020.

6.8. Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.

6.9. Store all waste generated on the premises in a manner so that it does not pollute the environment.

6.10. Transport all waste generated on the premises to a facility which is licensed to receive that material.

6.11. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.

6.12. Comply with all commitments as detailed in the Waste Management Plan signed by ADW Johnson Pty Ltd, dated 11 June 2020. 6.13. Locate the approved waste storage enclosure / area as indicated on Project No. 2019-164, Dwg No. DD700, Issue 01, dated 21 September 2020 prepared by SDA Architecture.

6.14. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure. 6.15. Waste vehicle manoeuvring to be as demonstrated in the Swept Turning Path Review and Certification by Intersect Traffic dated 21 September 2020.

6.16. Mixed and recyclables waste bulk bins to be serviced at a determined frequency to ensure waste storage capability at all times.

6.17. Maintain permanent fencing around the threatened flora habitat on the property, as identified in Figure 5 in the Ecological Assessment (AEP, 09/06/2020).

6.18. Human trampling is to be minimised in the Wyong River riparian area to prevent adverse impact to threatened species and other wildlife habitat.

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

6.20. Where a replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity with a like for like species.

6.21. Maintain all nesting boxes required to be installed according to the conditions of consent for a minimum ten (10) years.

6.22. Maintain and comply with the CPTED Principles as detailed in the CPTED report prepared by James Marshall & Co dated June 2020.

6.23. Restrict the hours of operation of the administration building and consultation building to those times listed below:

- Monday to Friday 7:00am to 3:00pm
- Saturdays and Sundays Closed

Any variation to these hours is subject to the prior consent of Council.

Attachment 2 –Wyong DCP 2013, Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development, Compliance Table

Requirement	Proposed	Complies?
2.0 Building Scale		
2.1 Building Height		
Maximum building height 10m unless mapped by LEP (2.1b)	No mapped LEP building height applies. Accommodation building (AB) = 5.94m. Consultation building (CB) = 4m	Yes
Generally not to exceed 2 storeys (2.1c)	All buildings are single storey.	Yes
Outbuildings and detached ancillary development: 7m (RU1)(2.1d)	New Shed (outbuilding) = 6.8m to 7.168m. Shed height is greater than 7m due to the sites topography and can be reduced to a maximum height of 7m. Consent condition is recommended.	No – Consent condition recommended
2.2 Site Coverage		
Maximum site coverage of: • 1,500m ² or more = 30%	Proposed site coverage is 4% or 1574m ² .	Yes
2.3 Floor Space Ratio		
In accordance with LEP	No mapped LEP FSR	N/A
3.2 Setbacks – Large Lots		
Front boundary		
Lots >4000m ² = 20m for dwellings and all ancillary development	The proposed development is setback more than 20m from Yarramalong Road.	Yes
Rear Boundary		
Dwellings and ancillary development = 10m	The proposed AB and CB are located more than 10m from the rear boundary.	Yes
Outbuildings = 5m	The shed is located more than 5m from the rear boundary.	Yes
Side boundary		
Lots >4000m ² = 10m for dwellings and all ancillary development	The proposed AB and CB are located more than 10m from any side boundary.	Yes
5m for outbuildings	The proposed shed is located more than 5m from any side boundary.	Yes
Rivers, Creek lines, Estuary or Lake		
From any bank of any perennial watercourse = 40m	The proposed development is located more than 40m from the bank of Jiliby/Wyong Creek.	Yes
Ridgelines		
From crest, highest point or prominent brow = 50m	The proposed development is located more than 50m from any ridgeline.	Yes
3.3 Articulation Zone		
Primary road frontage = 1.5m from building to minimum required setback from the subject road	The proposed AB does not include an articulation zone as it is located more than 20m from the road frontage.	N/A

4.0 Residential Amenity		
4.2 Visual Privacy		
All development to minimise visual impact to adjoining development	The proposed development has compliant setbacks. There will be no direct overlooking to neighbouring properties internal living areas and principal private open spaces areas as neighbouring dwelling houses are located from 44m to 189m away from the proposed AB and CB. The proposed development has minimal to nil privacy impacts. Submissions have raised privacy concerns for the neighbouring properties to the west and north east of the site which have been addressed within the Submissions section of the assessment report.	Yes
4.3 Private Open Space Areas		
Lots >10m in width = 24m ² Minimum dimension = 3m No steeper than 1:50 grade	Compliant outdoor private open space (POS) of more than 24m ² is proposed for the AB.	Yes
4.4 Sunlight access		
Open space to receive at least 3 hours sunlight	The proposed AB's POS will receive compliant solar access during winter.	Yes
6.0 Earthworks		
6.1 Earthworks		
Excavation for the purposes of development must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary.	Excavation will not exceed 3m as indicated on the architectural plans.	Yes
Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling.	Fill will not exceed 1m and no retaining walls are proposed near any side and rear boundaries.	Yes
6.2 Retaining Walls and structural support		
a) Retaining walls that are more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, must be designed by a professional engineer.	Noted and is a standard condition of development consent.	Yes

<p>b) Earthworks not structurally supported by a retaining wall having an unprotected sloping embankment or batter must:</p> <ul style="list-style-type: none"> i. not have an embankment slope greater than that required by the BCA for its soil type ii. generally not extend by more than 3m from the dwelling or have the toe of the embankment or batter within 1m from a side or rear boundary. 	<p>Site batters for the site will generally comply and are subject to conditions of consent.</p>	<p>Yes</p>
<p>6.3 Drainage</p>		
<p>All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.</p>	<p>Concept stormwater drainage plans have been submitted and are considered satisfactory. Stormwater management for the site is subject to conditions of consent.</p>	<p>Yes</p>
<p>7.0 Outbuildings and Ancillary Development</p>		
<p>7.2 Outbuildings</p>		
<p>Outbuildings shall not exceed the relevant provisions detailed within this chapter.</p>	<p>Noted</p>	<p>Yes</p>
<p>An outbuilding is not to be used as a habitable building.</p>	<p>The proposed shed is to be used for non-habitable purposes. The shed's use is a condition of development consent.</p>	<p>Yes</p>
<p>Maximum Floor Area of Ancillary Outbuildings on a lot zoned R1, R2, R3 or RU5:</p> <ul style="list-style-type: none"> i. 45m² for lots with a site area up to 600m². ii. 60m² for lots with a site area from 600m² to 900m². iii. 100m² for lots with an area greater than 900m². 	<p>The site is within the RU1 zone and there is no maximum floor area for the proposed shed.</p> <p>The shed proposes a floor area of 150m² which is appropriate in the local context and cannot be seen from the road frontage. The shed will replace an existing shed and will not require the removal of any significant tree species. The shed will not compromise the privacy, views and solar access of adjoining properties.</p>	<p>N/A</p>

The Glen for Women Transitional Group Home has been designed to respond to the specific needs of the residents, the site and the surrounding context. From the outset, the brief required a facility that was residential in scale, considerate of its surroundings and serviceable for the organisation.

The existing site provides an opportunity for the building to be located to take advantage of the northern aspect, natural privacy and views North toward the Wyong River. The collection of existing buildings to the West of the site will house the administrative functions of the organisation while also providing physical separation to the neighbouring residences. Large trees exist along the eastern boundary providing separation to the neighbouring dwellings.

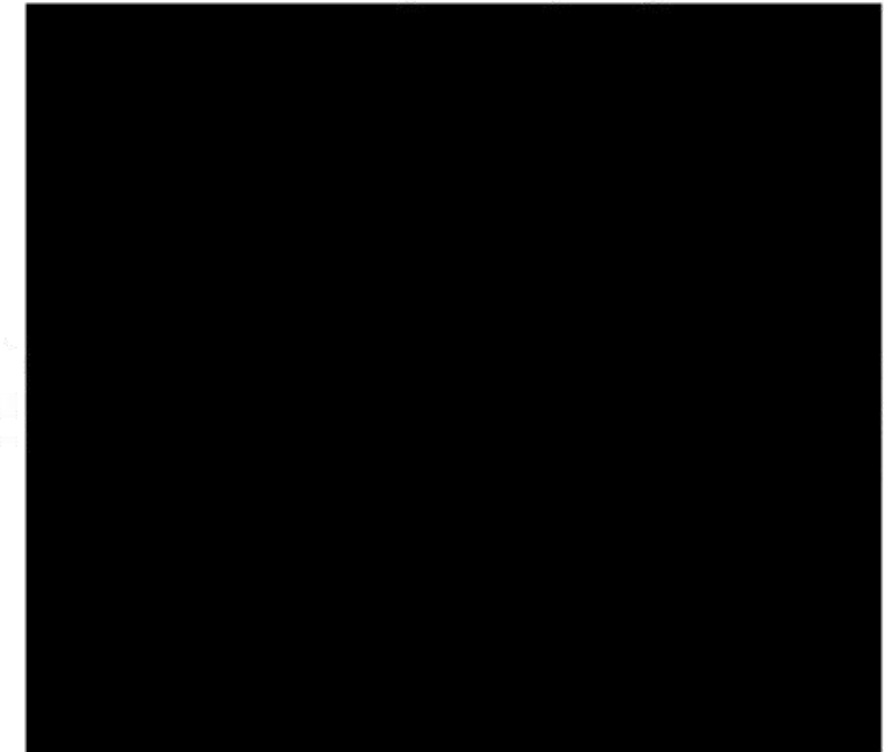
The new main building has been designed as two separate pavilions to reduce the scale and bulk of the development. Upon Entry, the Residential building will appear as an ancillary structure to the existing residence which is typical of the farm houses of the local area. A neutral and understated material pallet will help settle the building into its surroundings with subtle detail elements adding visual interest for the residents and staff.

Staff and Service vehicles will be afforded ease of access off Yarramalong road due to upgrades to the internal driveway network and security infrastructure. Waiting bays, Passing bays, truck turning areas and on site parking that have been incorporated into the site layout; whilst crucial to the day-to-day operations; are played down to integrate them into the residential feel of the facility.

Where possible, sustainability principles have been considered as part of the design approach. The narrow proportion of each pavilion will provide opportunities for cross flow ventilation. Window and skylight locations have been carefully considered to capture views and natural breezes. Deep eaves provide shading and sun hoods to the windows to block western summer sun. On site water storage collected from each of the buildings on site will provide for the needs of the facility. The roof orientation has capabilities for a large PV system to be considered in the future.

Disabled access has been considered throughout the proposal. Special consideration has been given to the network of paths to minimise ramp and handrail requirements where possible as this can often detract from the targeted residential aesthetic. Consideration has been given to the location of landscape areas to provide safe and useful areas of landscaping for the residents.

The Glen for Women: A Place to Gather, Relax, Support and Recover



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ISSUE	DESCRIPTION	BY	CHK	DATE
00	For Final Construction			18/06/2019
01	FOR APPROVAL			18/06/2019
02	FOR DA APPROVAL			19/09/2019
03	FOR SECTION JUMP			19/09/2019
07	REVISED ISSUE			21/09/2019

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
ASPIRATION |
INSPIRATION

PROJECT NO.
2019-164

LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD001

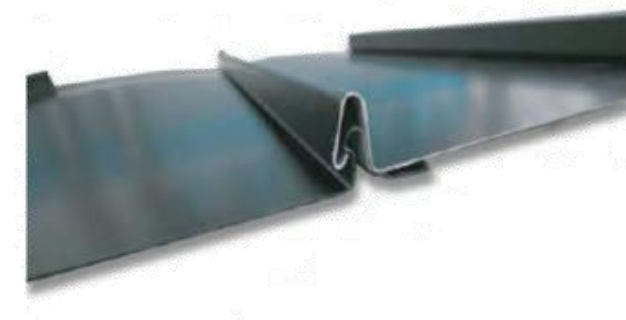
ISSUE NO.
07

SCALE
@A3





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welcome



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REV	DESCRIPTION	BY	CHK	DATE
01	For Final Review			09/07/2019
02	FOR APPROVAL			09/07/2019
03	FOR DA APPROVAL			10/09/2019
10	FOR SECTION REPORT			10/09/2019
11	REVISED BOUND			21/08/2020

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
3D PERSPECTIVES - SHEET
1

PROJECT NO.
2019-164

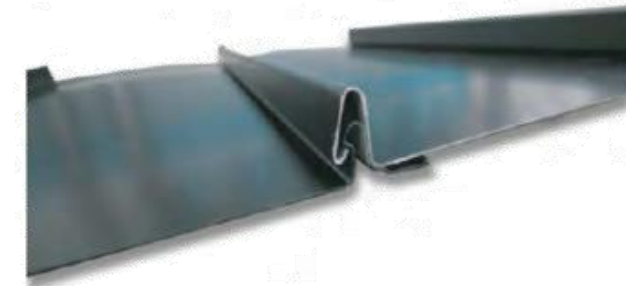
LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD002

ISSUE NO.
11

SCALE
@A3





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REV	DESCRIPTION	BY	CHK	DATE
01	FOR FINAL REVIEW			10/07/2019
02	FOR APPROVAL			04/08/2019
03	FOR DA APPROVAL			10/09/2019
10	FOR SECTION REPORT			15/09/2019
11	REVISED BOULE			21/09/2019

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
3D PERSPECTIVES - SHEET
2

PROJECT NO.
2019-164

LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD003

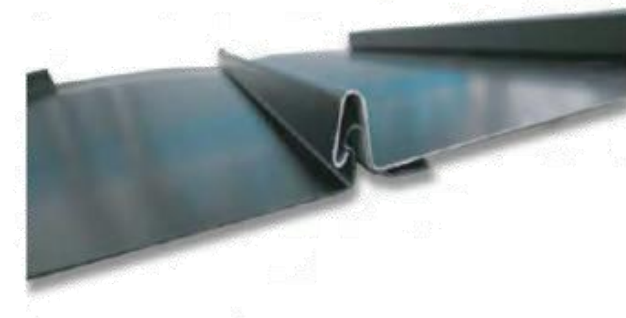
ISSUE NO.
11

SCALE
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REV	DESCRIPTION	BY	CHK	DATE
07	For Final Review			09/07/2019
08	FOR APPROVAL			09/07/2019
09	FOR DA APPROVAL			10/09/2019
10	FOR SECTION REPORT			10/09/2019
11	REVISED BOUND			27/09/2019

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
3D PERSPECTIVES - SHEET
3

PROJECT NO.
2019-164

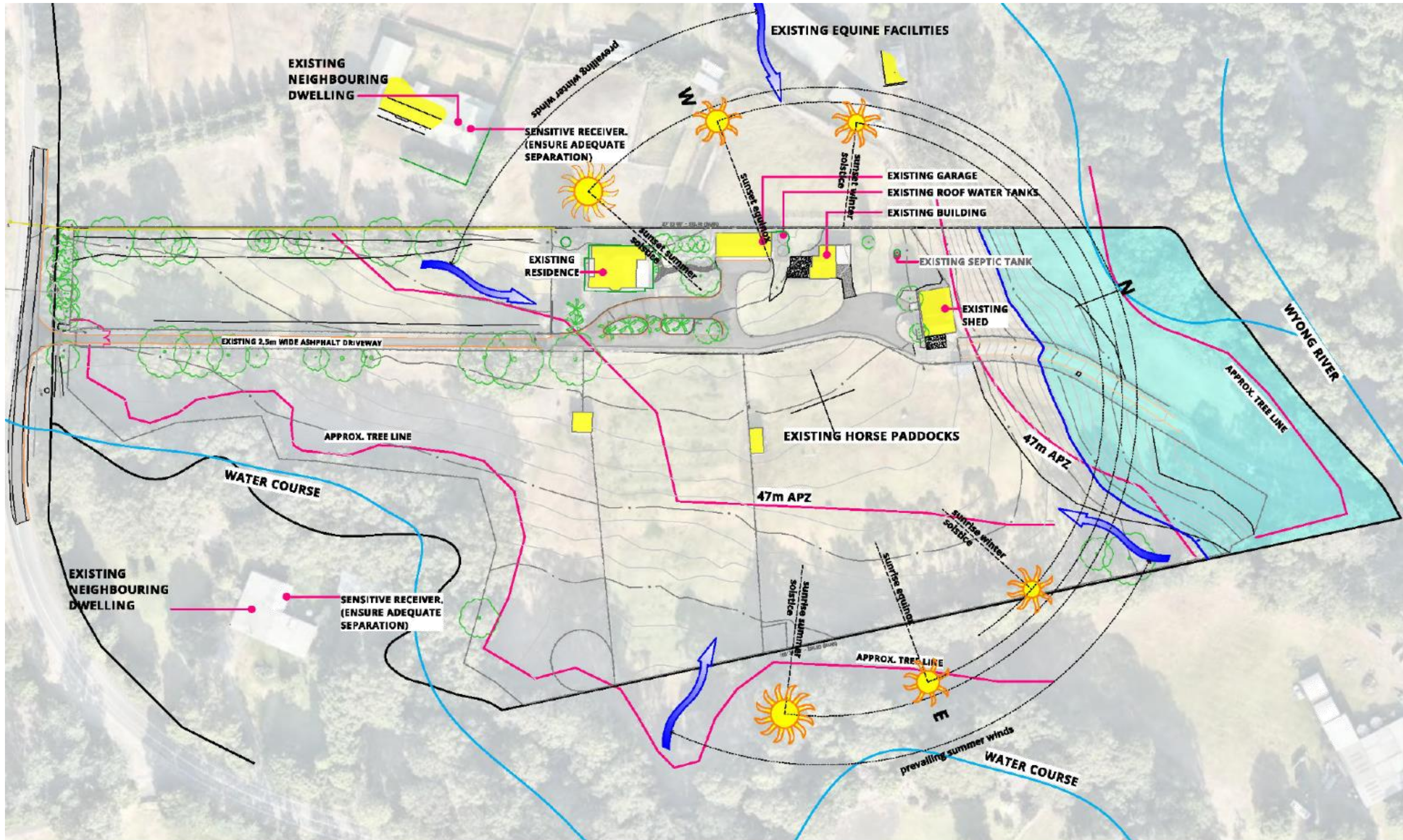
LOCATION
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DRAWING NO.
DD004

ISSUE NO.
11

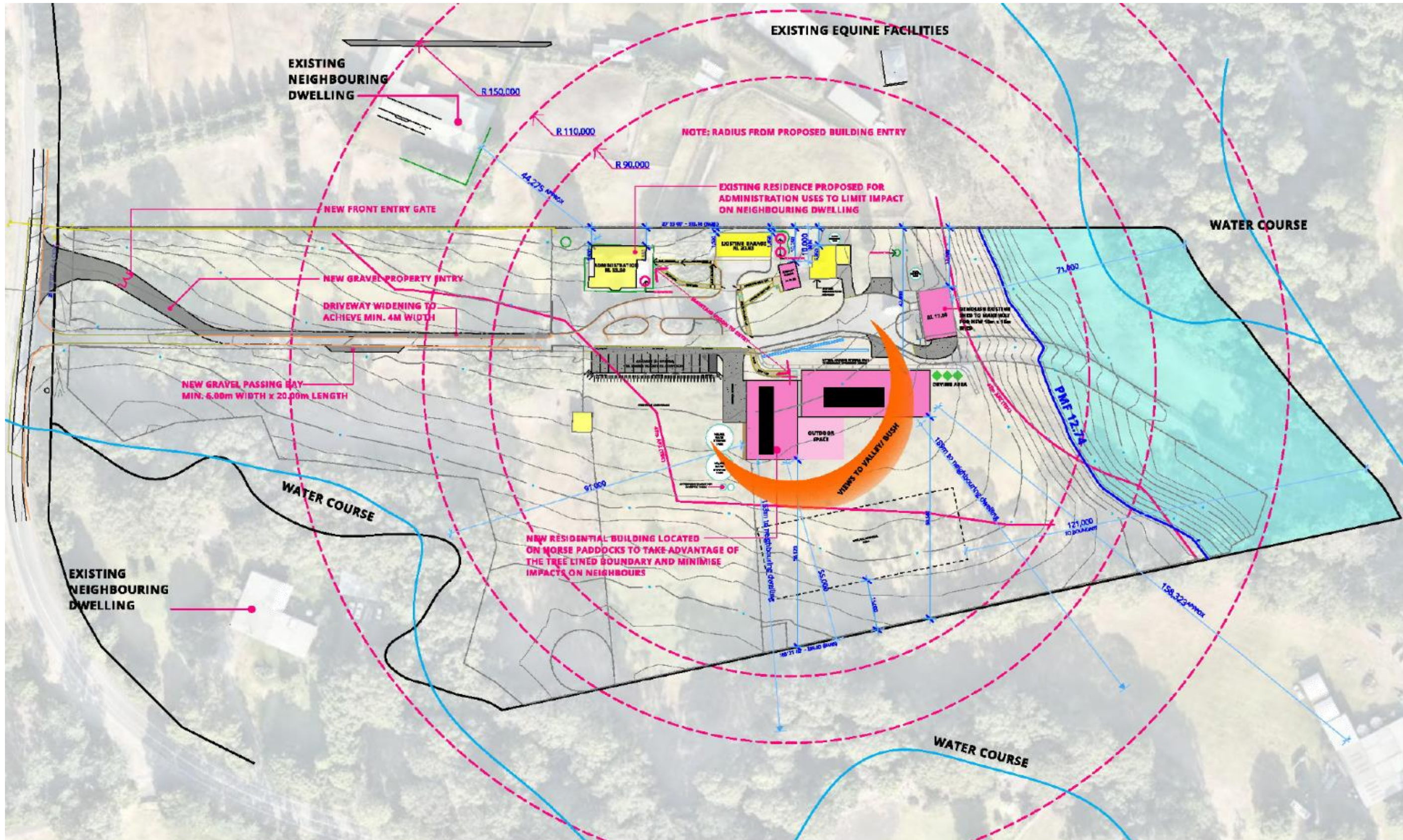
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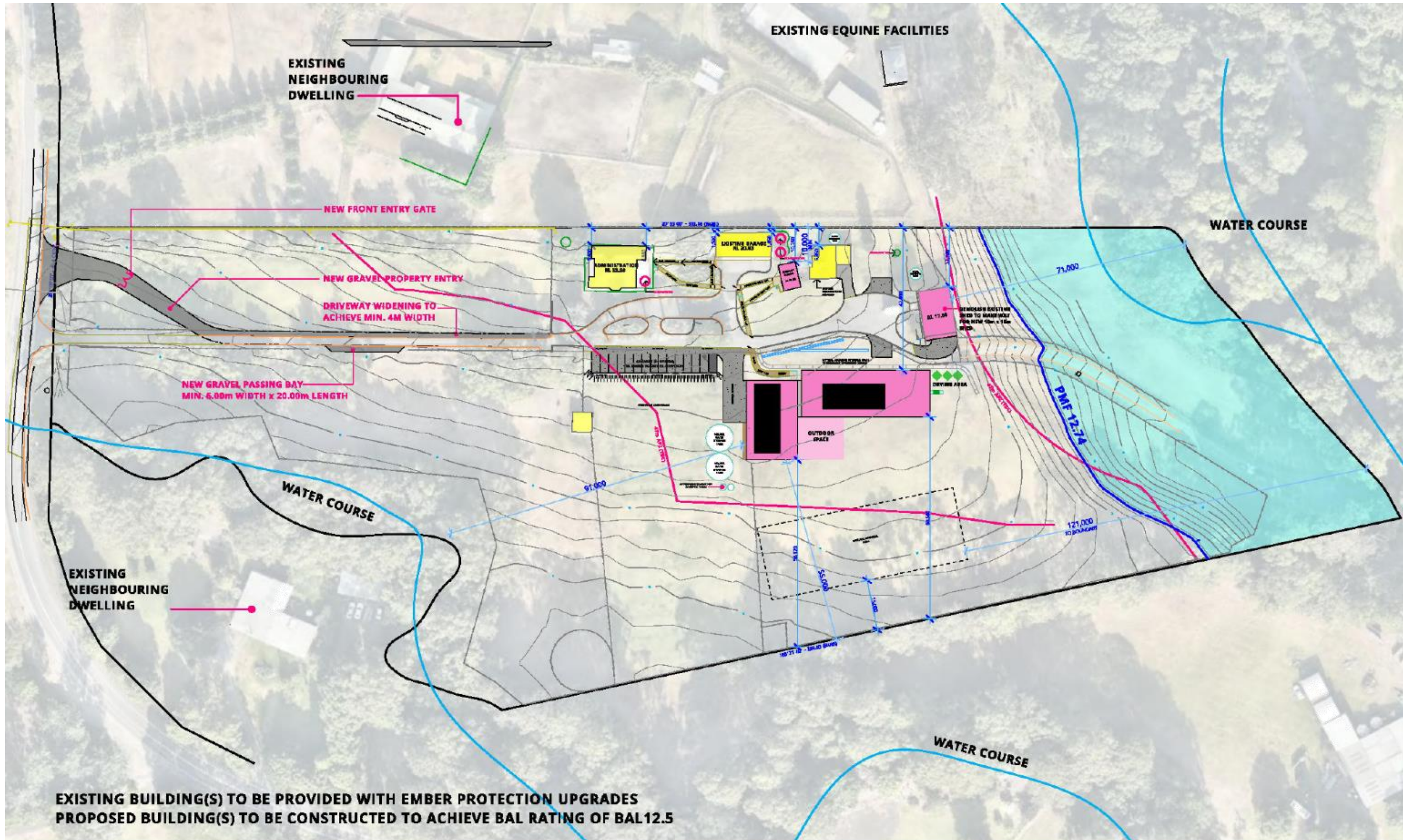


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		06	FOR REVIEW	08	09	09/07/2019	The Glen For Women	SITE ANALYSIS PLAN	253 Yarramalong Rd, WYONG CREEK NSW		
		07	FOR APPROVAL	09	10	09/07/2019					
		08	FOR DA APPROVAL	10	11	10/09/2019	CLIENT	PROJECT NO.	DRAWING NO.	ISSUE NO.	SCALE
		09	FOR SECTION REPORT	11	12	10/09/2019	Gulgul Nyungang Aboriginal Corporation	2019-164	DD100	10	1:1000@A3
10	REVISED BOUND			21/08/2020							





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		<p>08/01 FOR APPROVAL</p>	<p>09/01 FOR APPROVAL</p>	<p>10/01 FOR APPROVAL</p>	<p>CLIENT Gulgul Nyungang Aboriginal Corporation</p>	<p>PROJECT NO. 2019-164</p>	<p>DRAWING NO. DD101</p>	



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REV	DESCRIPTION	BY	CHK	DATE
05	FOR APPROVAL			10/07/2019
06	FOR APPROVAL			10/08/2019
07	FOR APPROVAL			10/09/2019
08	FOR SECTION REPORT			10/09/2019
09	REVISED BOUND			21/09/2019

PROJECT: The Glen For Women
 CLIENT: Gulgul Nyungang Aboriginal Corporation
 DRAWING: SITE PLAN- OVERALL
 PROJECT NO.: 2019-164
 LOCATION: 253 Yarramalong Rd, WYONG CREEK NSW
 DRAWING NO.: DD102
 ISSUE NO.: 09
 SCALE: 1:1000@A3

SDA
 SPACES·DESIGN·ARCHITECTURE



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REV	DESCRIPTION	BY	CHK	DATE
06	FOR REVIEW			09/07/2019
07	FOR APPROVAL			09/07/2019
08	FOR APPROVAL			10/09/2019
09	FOR SECTION REPORT			15/07/2020
10	REVISED BOUND			27/08/2020

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
SITE DEMOLITION PLAN

PROJECT NO.
2019-164

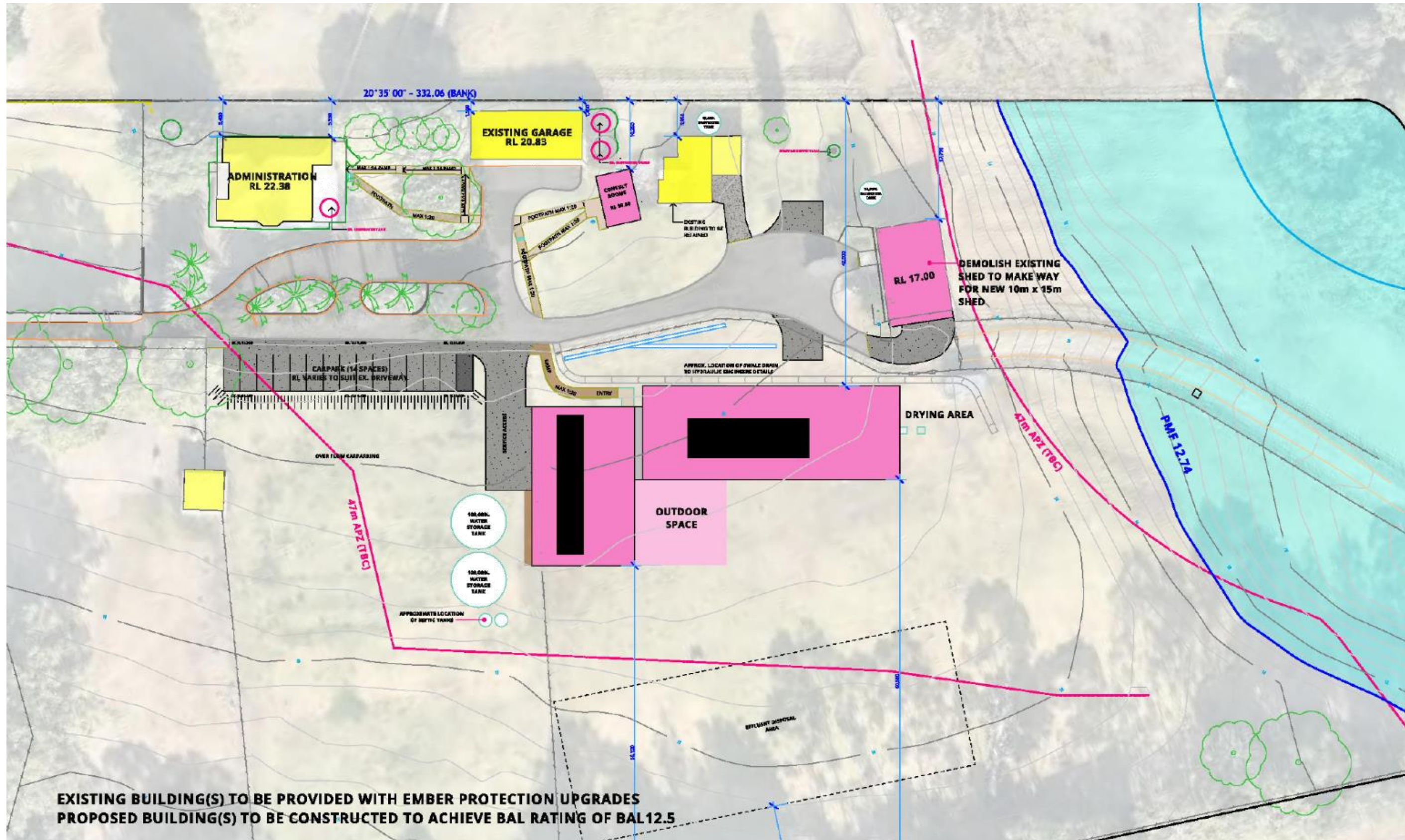
LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD103

ISSUE NO.
10

SCALE
1:500@A3





**EXISTING BUILDING(S) TO BE PROVIDED WITH EMBER PROTECTION UPGRADES
 PROPOSED BUILDING(S) TO BE CONSTRUCTED TO ACHIEVE BAL RATING OF BAL12.5**

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NO.	DESCRIPTION	BY	CHK	DATE
01	FOR REVIEW			09/07/2019
02	FOR APPROVAL			09/07/2019
03	FOR APPROVAL			10/09/2019
04	FOR SECTION REPORT			10/09/2019
05	ISSUED FOR CONSTRUCTION			27/09/2019

PROJECT
 The Glen For Women

CLIENT
 Gulgul Nyungang Aboriginal Corporation

DRAWING
 SITE LAYOUT PLAN

PROJECT NO.
 2019-164

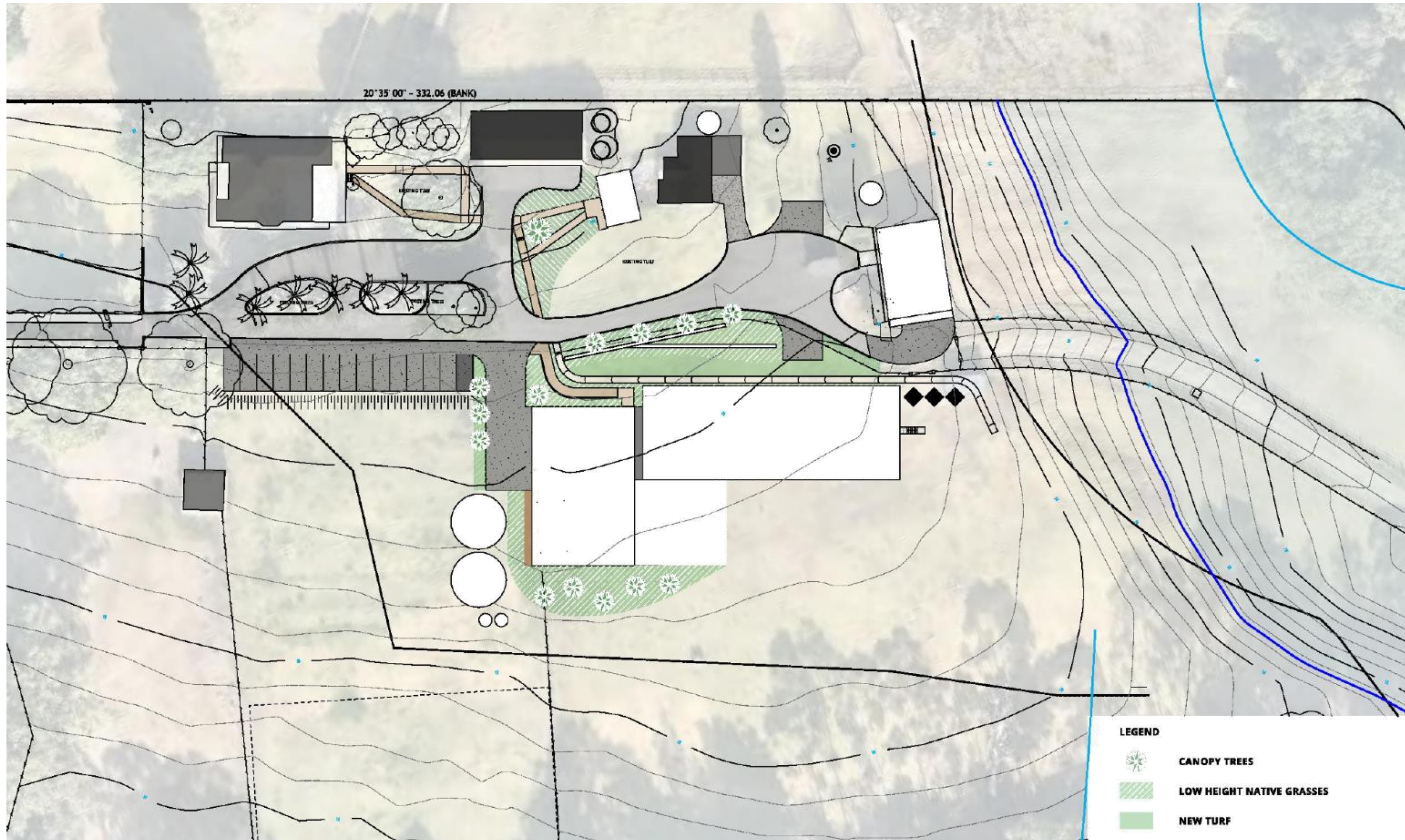
LOCATION
 253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
 DD104

ISSUE NO.
 08

SCALE
 1:500@A3





- LEGEND**
-  **CANOPY TREES**
 -  **LOW HEIGHT NATIVE GRASSES**
 -  **NEW TURF**

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REV	DESCRIPTION	BY	CHK	DATE
01	FOR APPROVAL			13/06/2020
02	FOR DA APPROVAL			15/06/2020
03	FOR DESIGN REVIEW			16/07/2020
04	REVISIONS			21/08/2020

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
LANDSCAPE CONCEPT PLAN

PROJECT NO.
2019-164

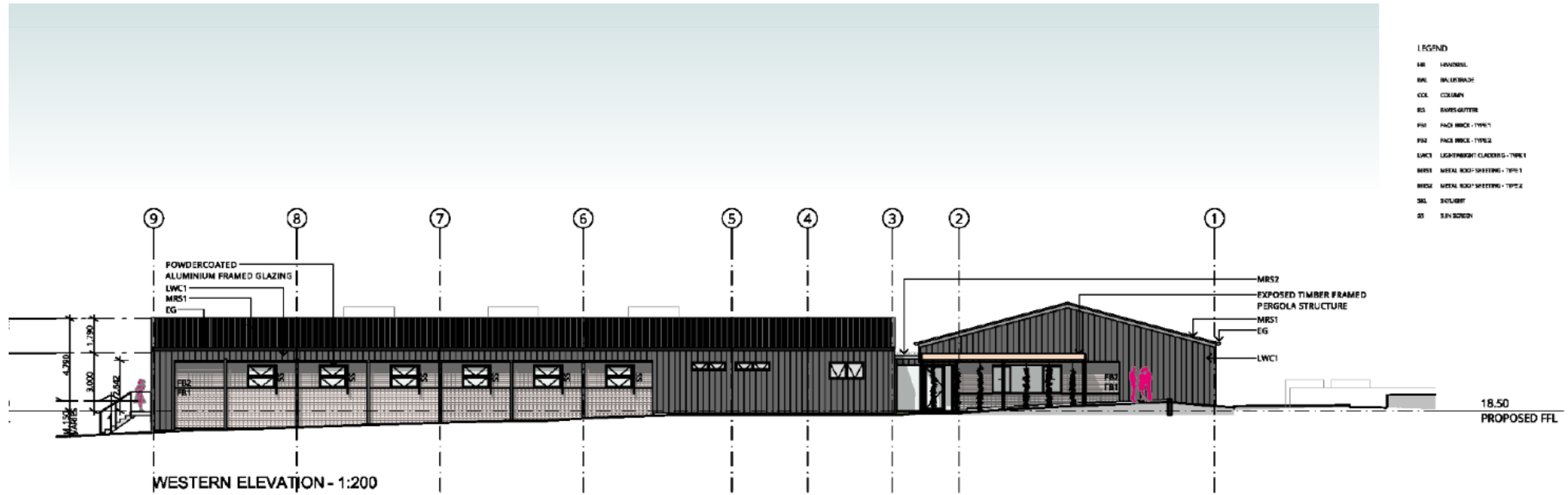
LOCATION
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DRAWING NO.
DD105

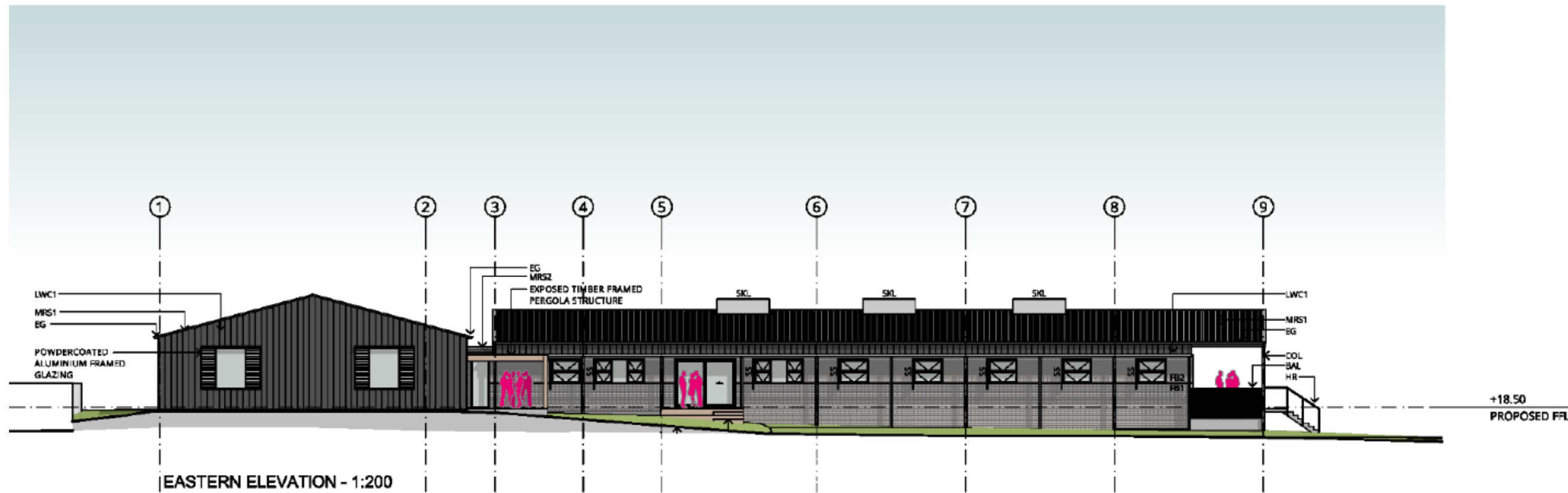
ISSUE NO.
04

SCALE
1:500@A3





- LEGEND
- HR HORIZONTAL
 - RL RAILWAY
 - COL COLUMN
 - RS RAISED GUTTER
 - FB1 FACE BRICK - TYPE 1
 - FB2 FACE BRICK - TYPE 2
 - LWC1 LIGHTWEIGHT CLADDING - TYPE 1
 - MRS1 METAL ROOF SHEETING - TYPE 1
 - MRS2 METAL ROOF SHEETING - TYPE 2
 - SKL SKYLIGHT
 - SS SUN SCREEN



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REV	DESCRIPTION	BY	CHK	DATE
06	For Final Review			09/07/2019
07	FOR APPROVAL			09/09/2019
08	FOR APPROVAL			10/09/2019
09	FOR SECTION SHEET			10/09/2019
10	REVISED BOUND			21/09/2019

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
ELEVATIONS - SHEET 1

PROJECT NO.
2019-164

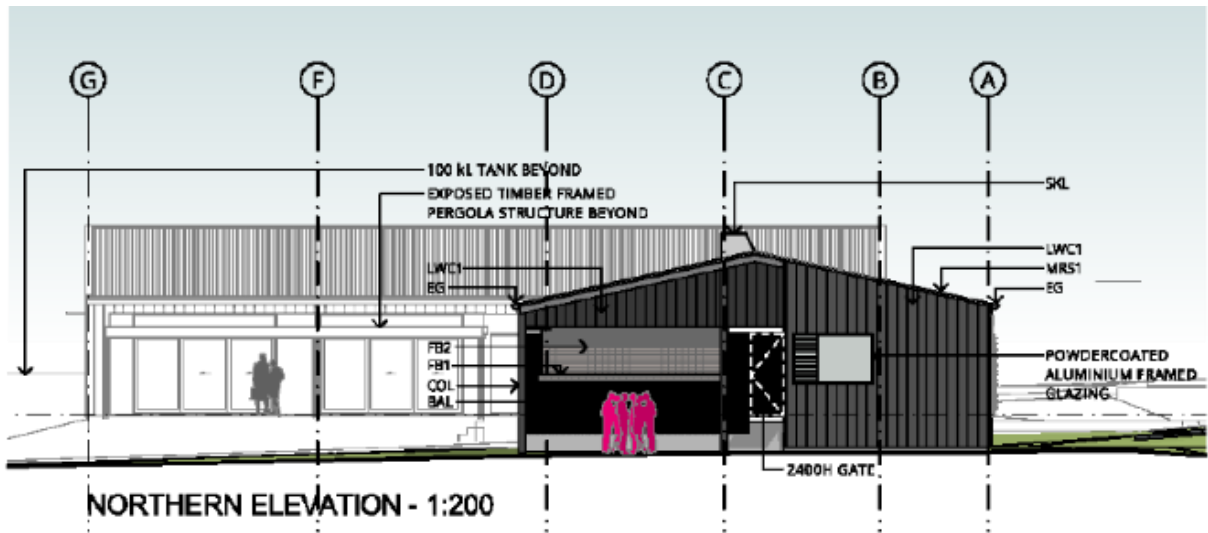
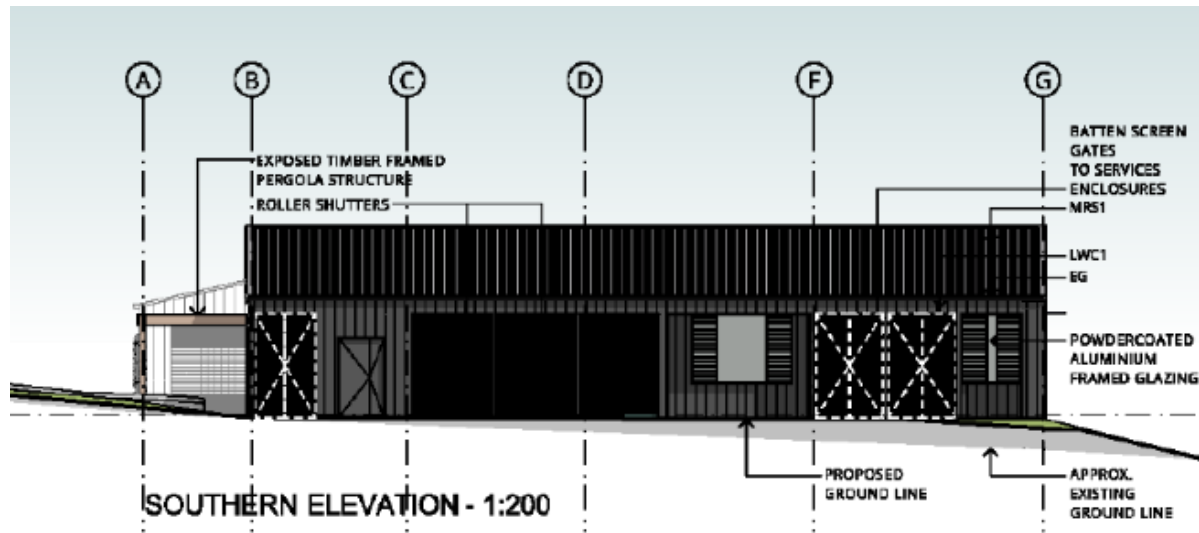
LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD300

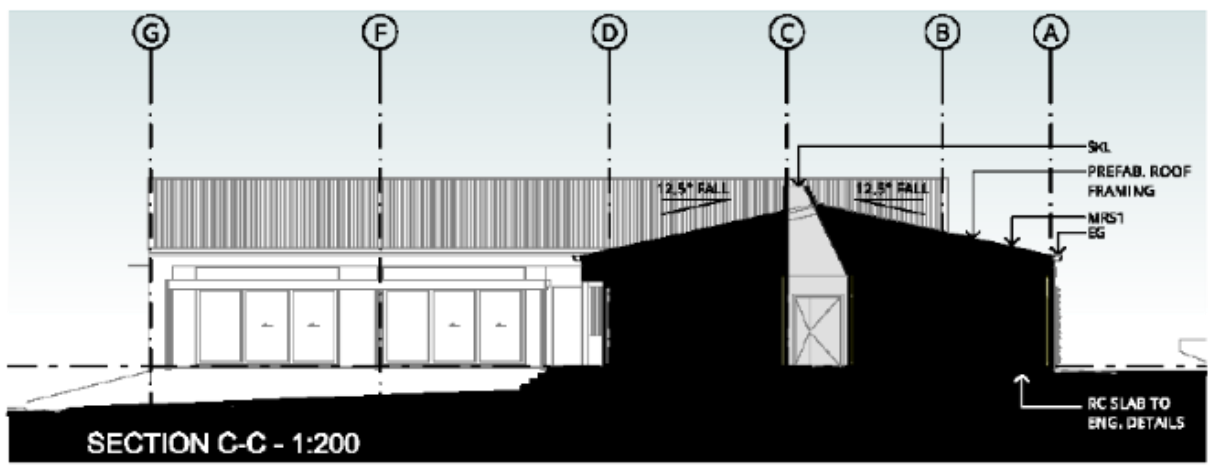
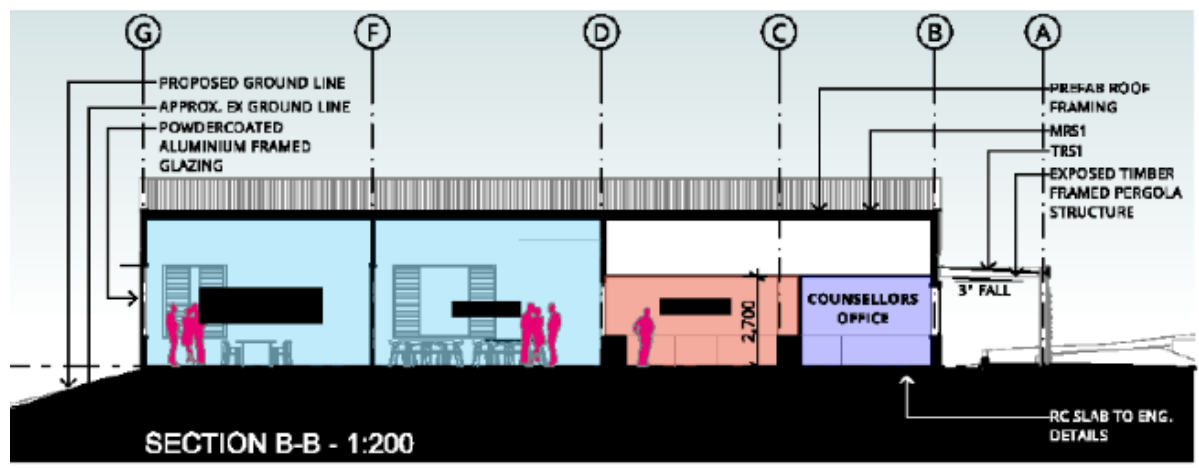
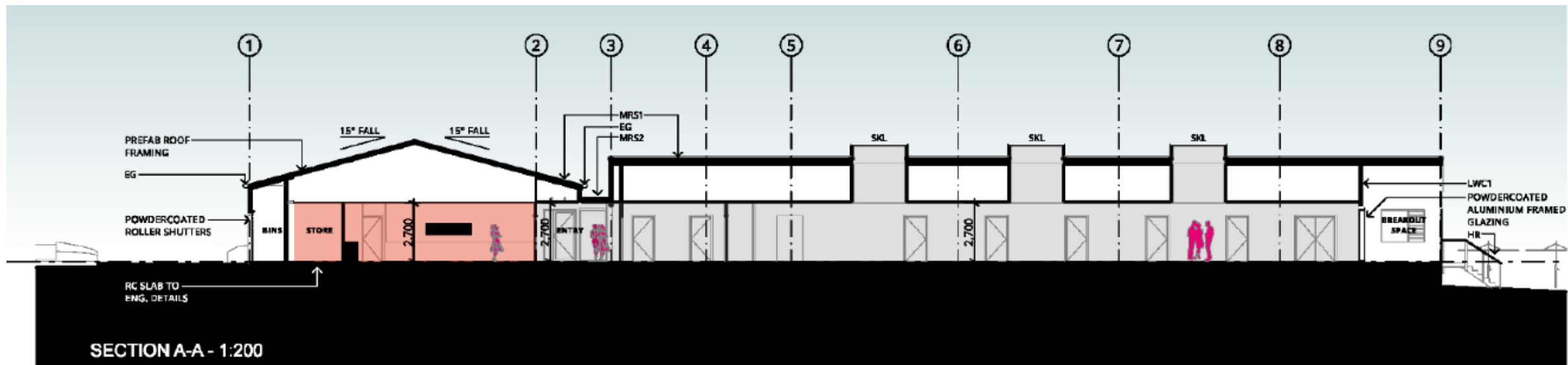
ISSUE NO.
10

SCALE
@A3





LEGEND
 NO. DOTTING



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NO.	DESCRIPTION	BY	CHK	DATE
06	For Final Review			09/07/2019
07	FOR APPROVAL			04/08/2019
08	FOR APPROVAL			10/09/2019
09	FOR SECTION REPORT			15/09/2019
10	REVISED BOUND			27/09/2019

PROJECT
 The Glen For Women

CLIENT
 Gulgul Nyugang Aboriginal Corporation

DRAWING
 ELEVATIONS - SHEET 2

PROJECT NO.
 2019-164

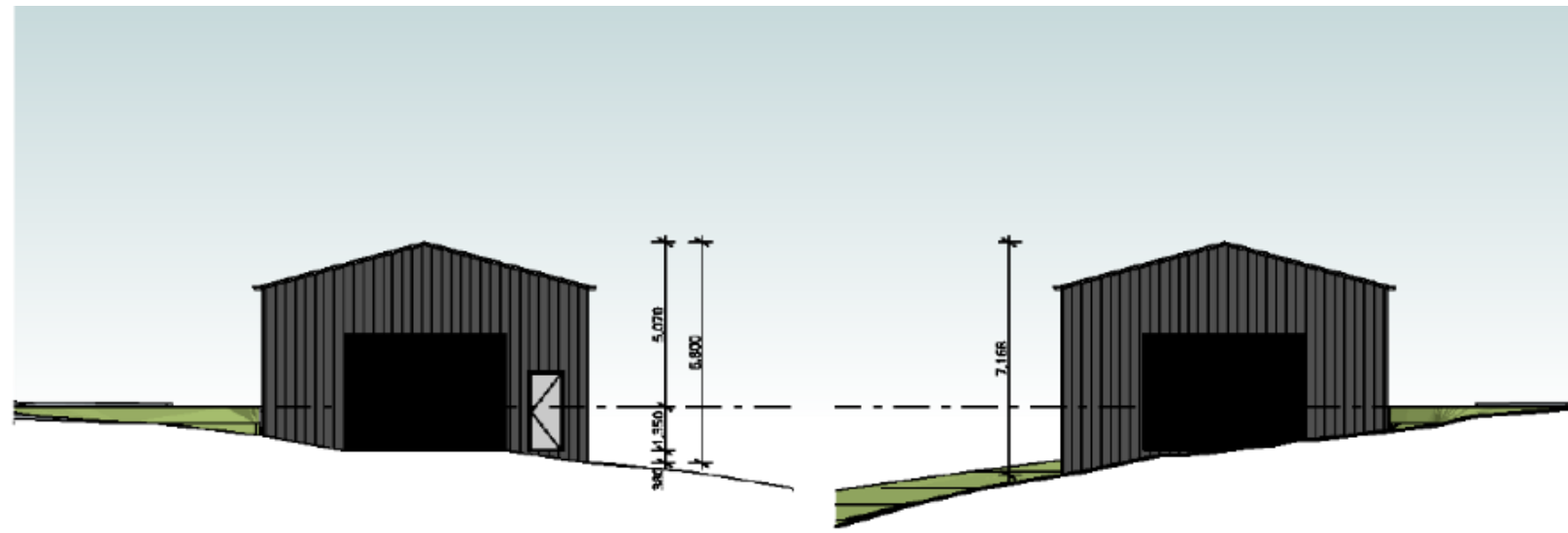
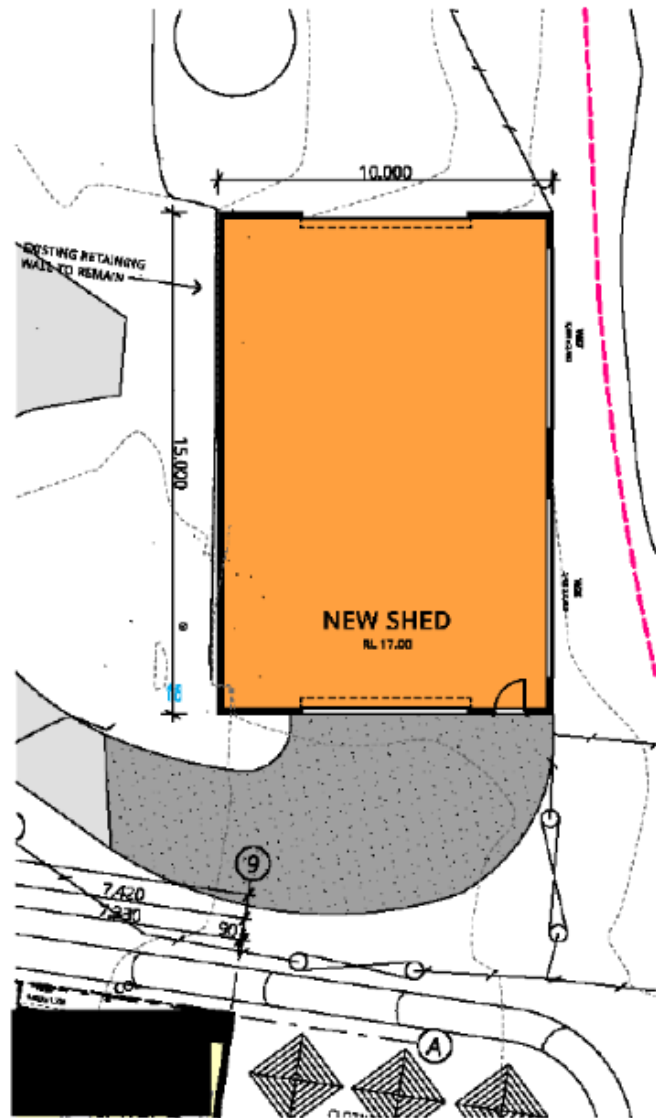
LOCATION
 253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
 DD301

ISSUE NO.
 10

SCALE
 @A3



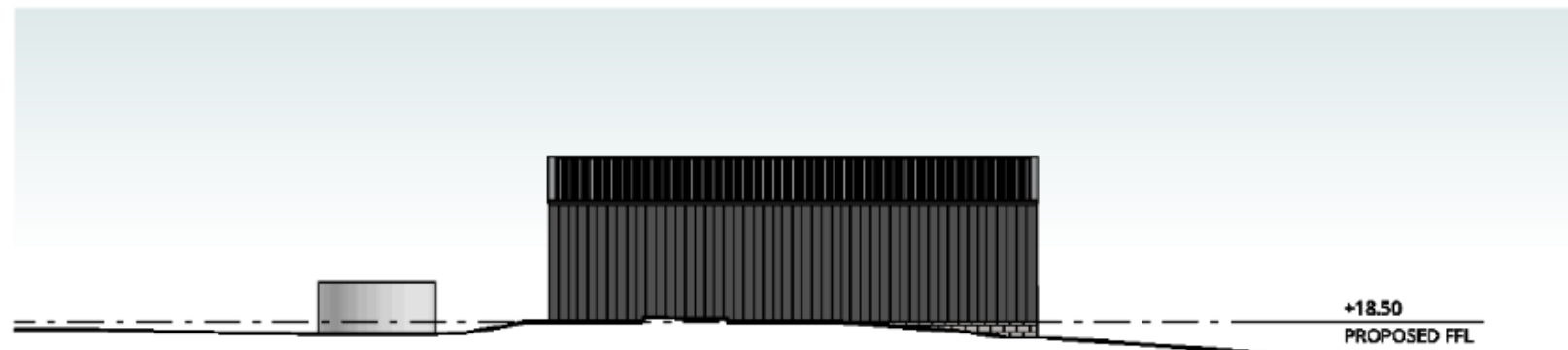


EASTERN ELEVATION - 1:200

WESTERN ELEVATION - 1:200



SOUTHERN ELEVATION - 1:200



NORTHERN ELEVATION - 1:200

PROPOSED BUILDING(S) TO BE CONSTRUCTED TO ACHIEVE BAL RATING OF BAL12.5

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REV	DESCRIPTION	BY	CHK	DATE
01	FOR REVIEW			09/07/2019
02	FOR APPROVAL			09/09/2019
03	FOR APPROVAL			10/09/2019
04	FOR SECTION SHEET			10/09/2019
05	REVISED BOUND			21/09/2019

PROJECT
The Glen For Women

CLIENT
Gulugul Nyugang Aboriginal Corporation

DRAWING
SHED PLAN

PROJECT NO.
2019-164

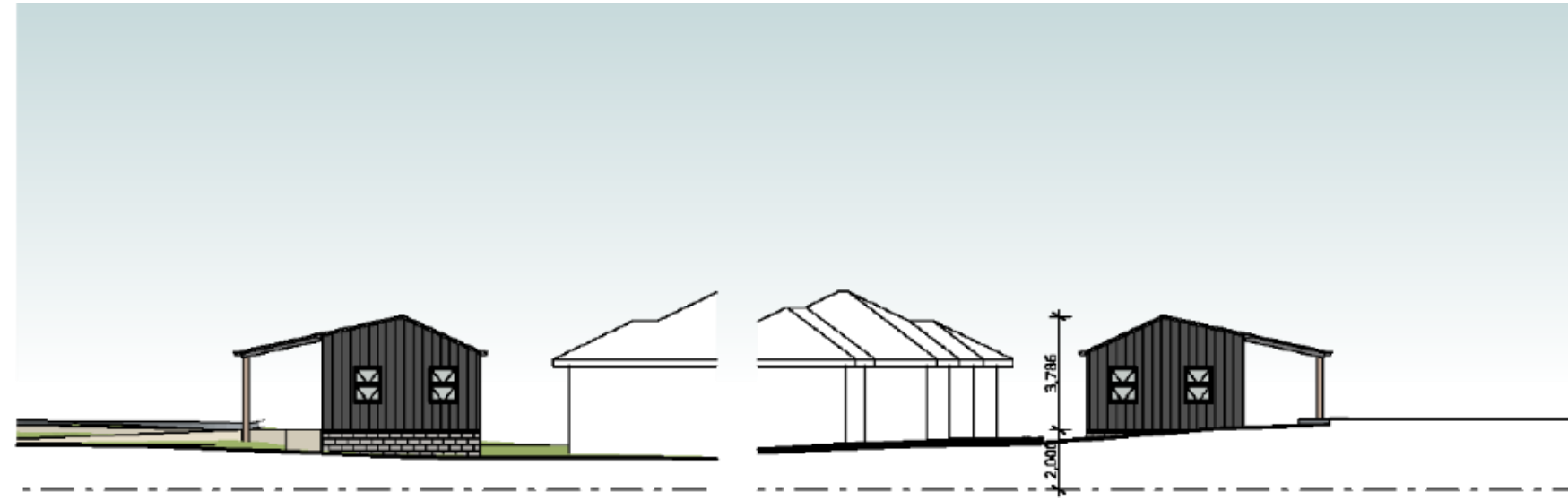
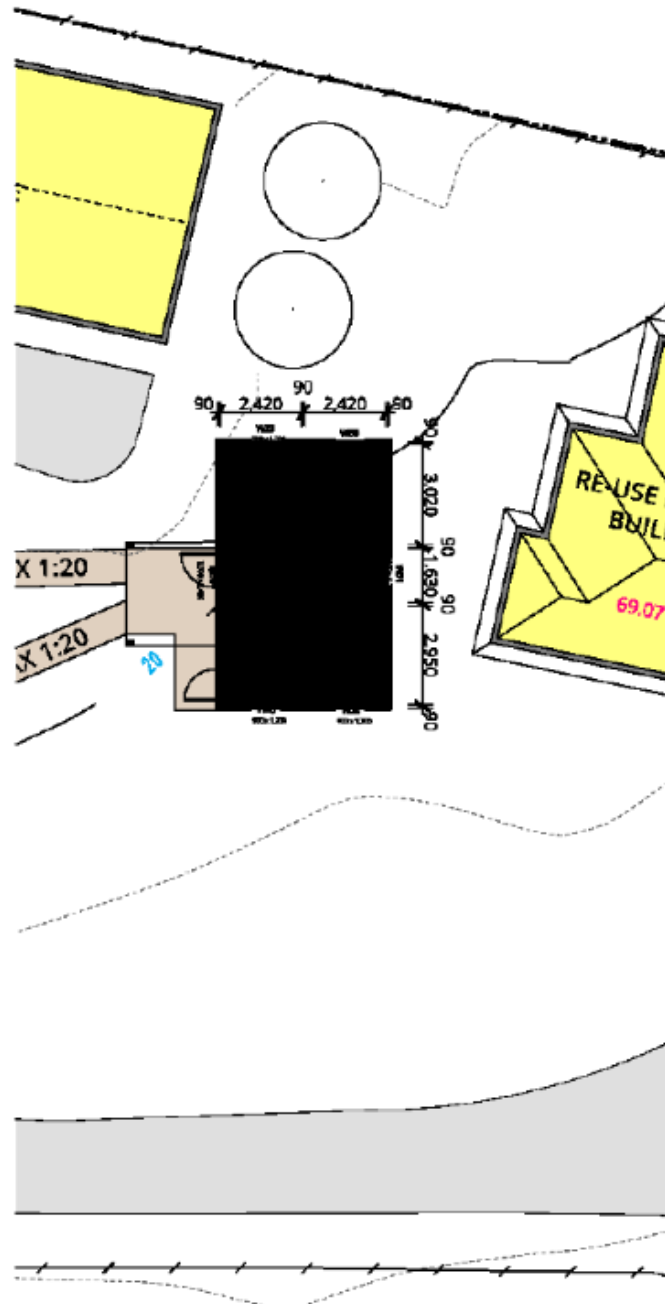
LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD400

ISSUE NO.
08

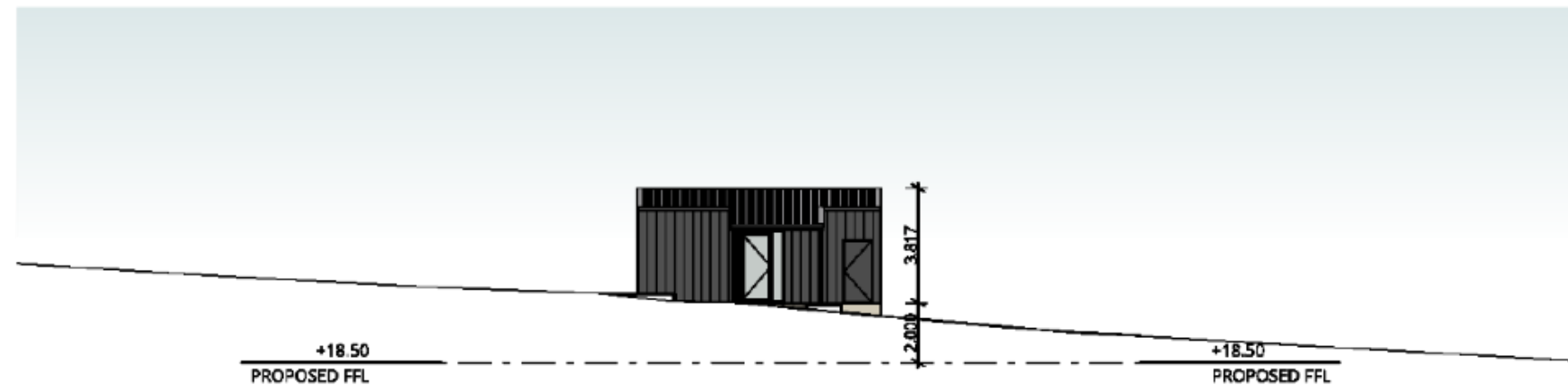
SCALE
1:200@A3



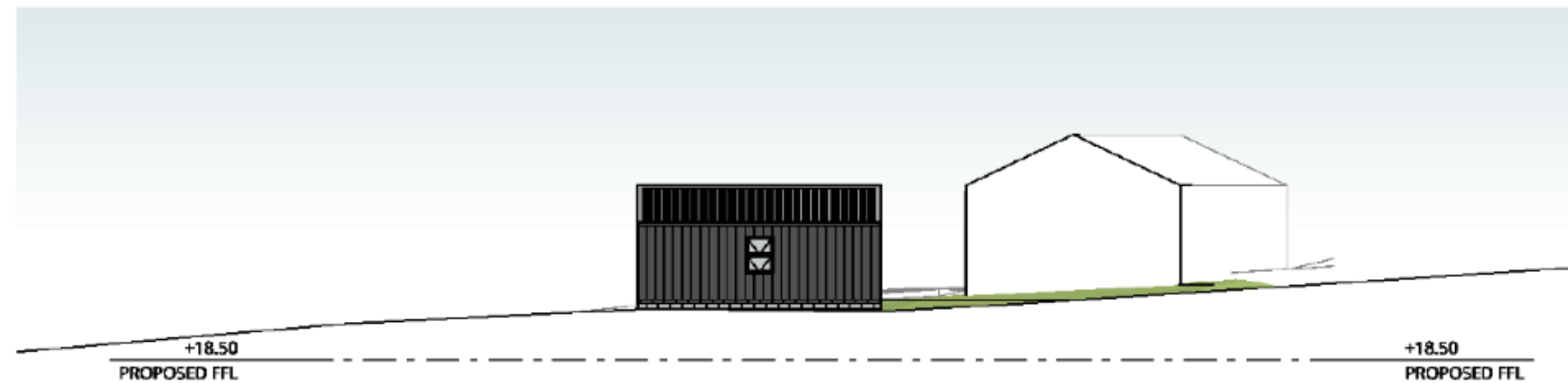


EASTERN ELEVATION - 1:200

WESTERN ELEVATION - 1:200



SOUTHERN ELEVATION - 1:200



NORTHERN ELEVATION - 1:200

PROPOSED BUILDING(S) TO BE CONSTRUCTED TO ACHIEVE BAL RATING OF BAL12.5

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NO.	DESCRIPTION	BY	CHK	DATE
01	FOR FINAL REVIEW			09/07/2019
02	FOR APPROVAL			08/08/2019
03	FOR APPROVAL			10/09/2019
04	FOR SECTION REPORT			15/09/2019
05	REVISED BOUND			27/09/2019

PROJECT
 The Glen For Women

CLIENT
 Gulgul Nyungang Aboriginal Corporation

DRAWING
 CONSULTING ROOM
 PLAN

PROJECT NO.
 2019-164

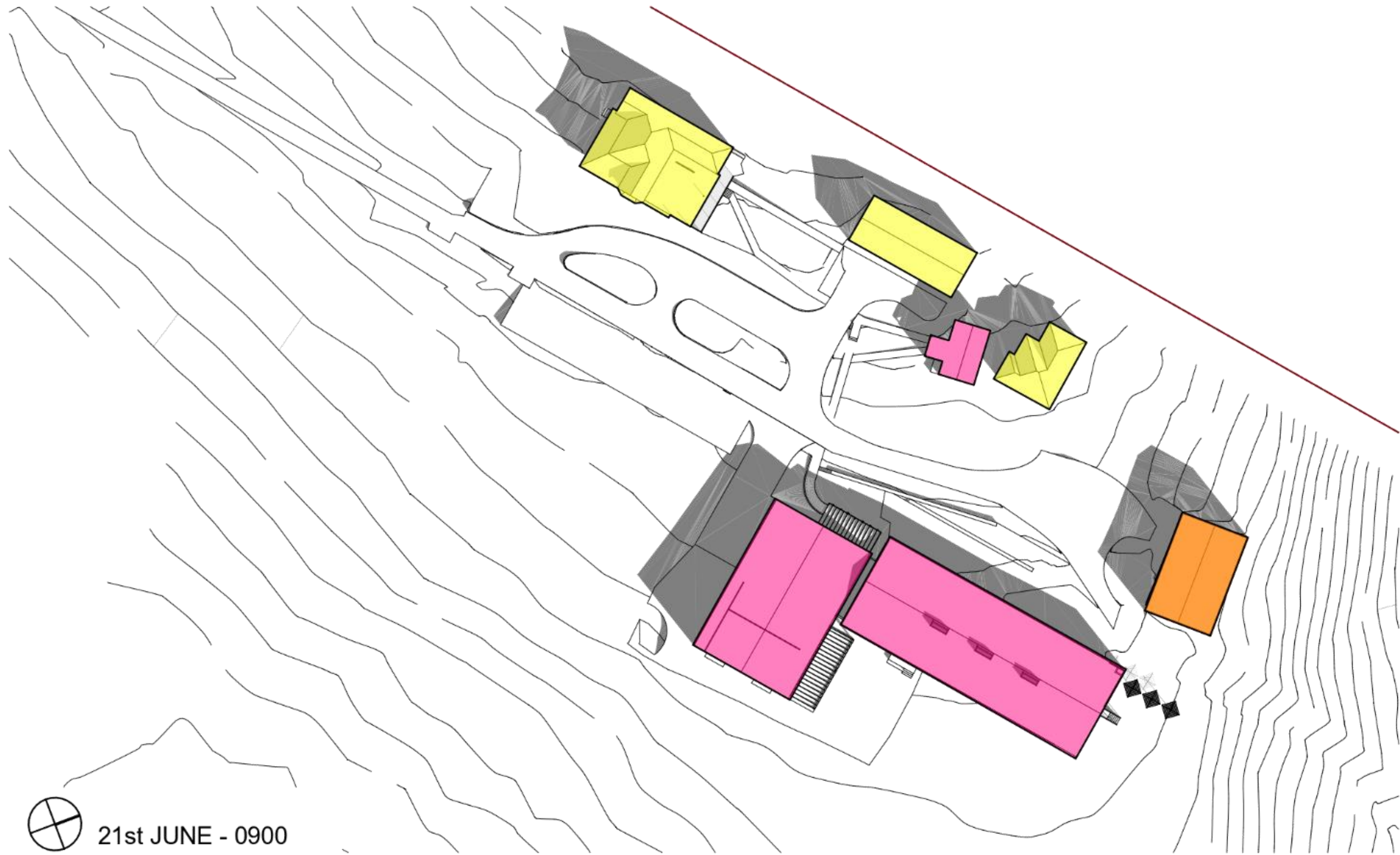
LOCATION
 253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
 DD401

ISSUE NO.
 08

SCALE
 @A3





⊕ 21st JUNE - 0900

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DATE	DESCRIPTION	BY	CHECK	DATE
04	INITIAL REVIEW			3/06/2020
05	ISSUE FOR PERMIT			3/06/2020
06	ISSUE FOR APPROVAL			15/06/2020
07	WORK IN PROGRESS			15/07/2020
08	REVISED PERMIT			21/09/2020

PROJECT
 The Glen For Women

CLIENT
 Guigul Nyungang Aboriginal Corporation

DRAWING
 SHADOW DIAGRAMS - SHEET 1

PROJECT NO.
 2019-164

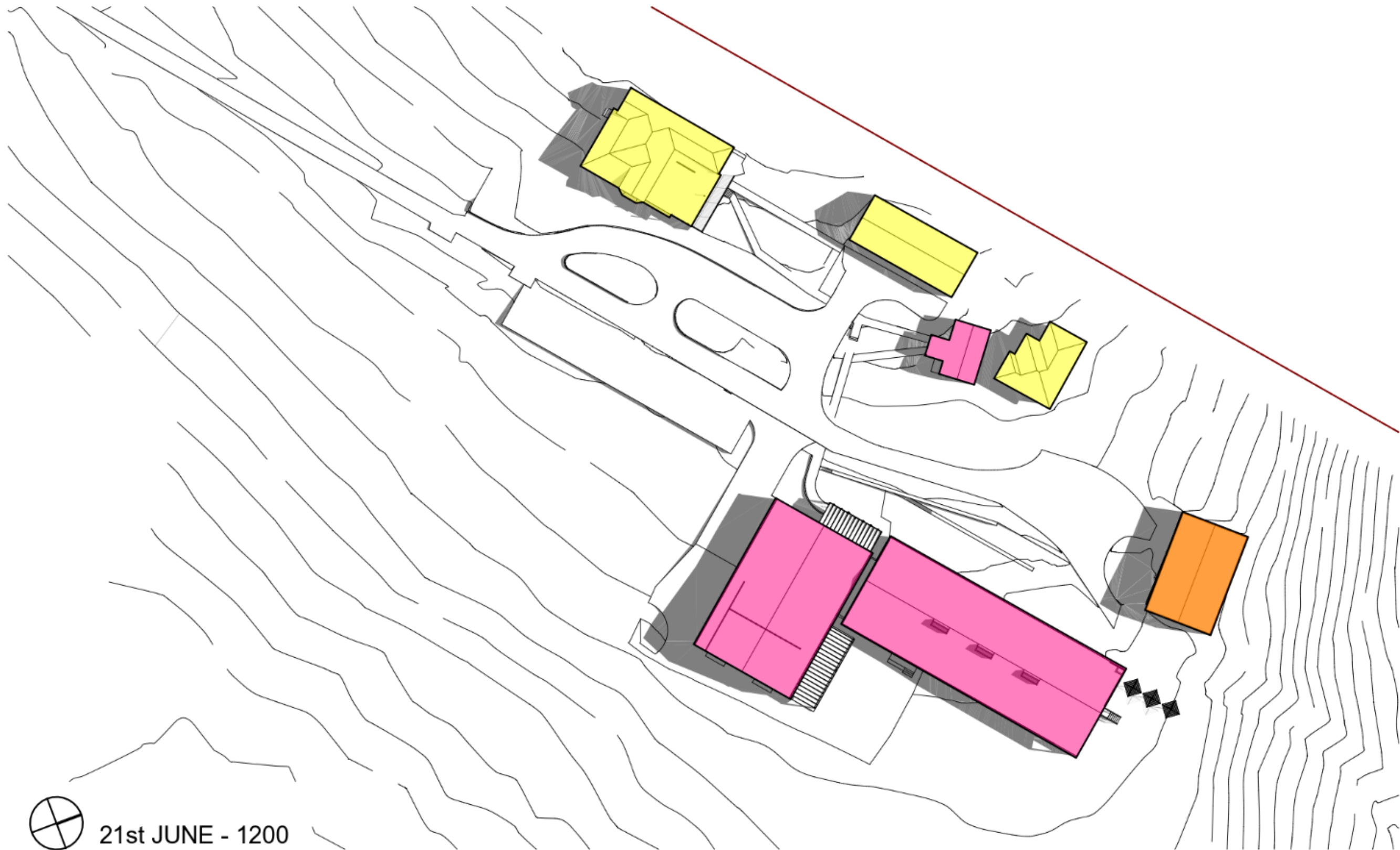
LOCATION
 253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
 DD500

ISSUE NO.
 08

SCALE
 @A3





⊕ 21st JUNE - 1200

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DATE	DESCRIPTION	BY	CHECK	DATE
04	NOT FOR REVIEW			3/06/2020
05	FOR APPROVAL			3/06/2020
06	FOR DATA PREPARE			13/06/2020
07	FOR SECTION INPUT			15/07/2020
08	REVISED SHEET			21/09/2020

PROJECT
 The Glen For Women

CLIENT
 Gulgul Nyungang Aboriginal Corporation

DRAWING
 SHADOW DIAGRAMS - SHEET 2

PROJECT NO.
 2019-164

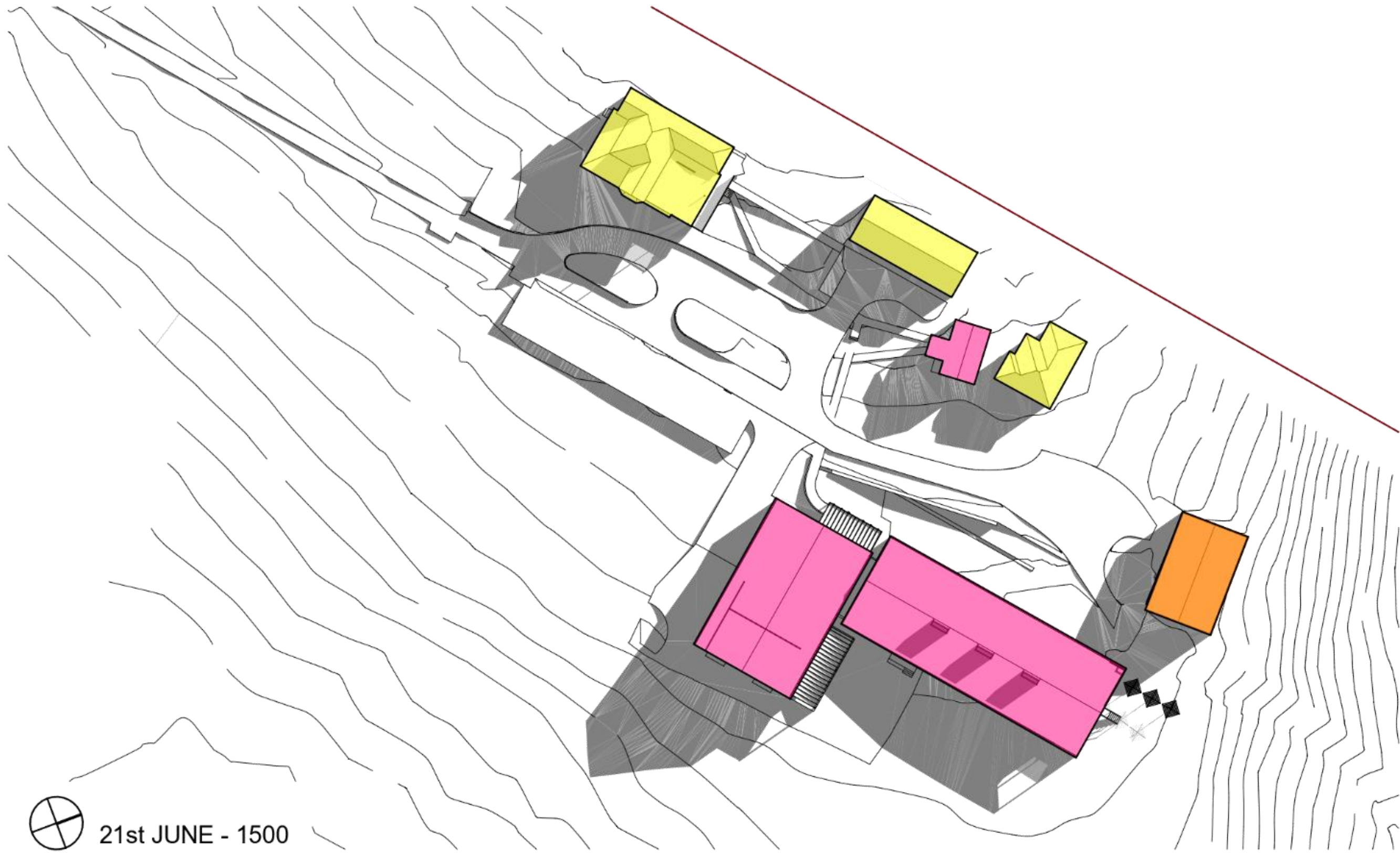
LOCATION
 253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
 DD501

ISSUE NO.
 08

SCALE
 @A3





⊕ 21st JUNE - 1500

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DATE	DESCRIPTION	BY	CHECK	DATE
04	NO FINAL REVIEW			3/06/2020
05	NO KAT PROVAL			3/06/2020
06	NO KAT APPROVAL			13/06/2020
07	NO KAT APPROVAL INPUT			15/07/2020
08	REVISED 0881			21/09/2020

PROJECT
 The Glen For Women

CLIENT
 Guigul Nyungang Aboriginal Corporation

DRAWING
 SHADOW DIAGRAMS - SHEET 3

PROJECT NO
 2019-164

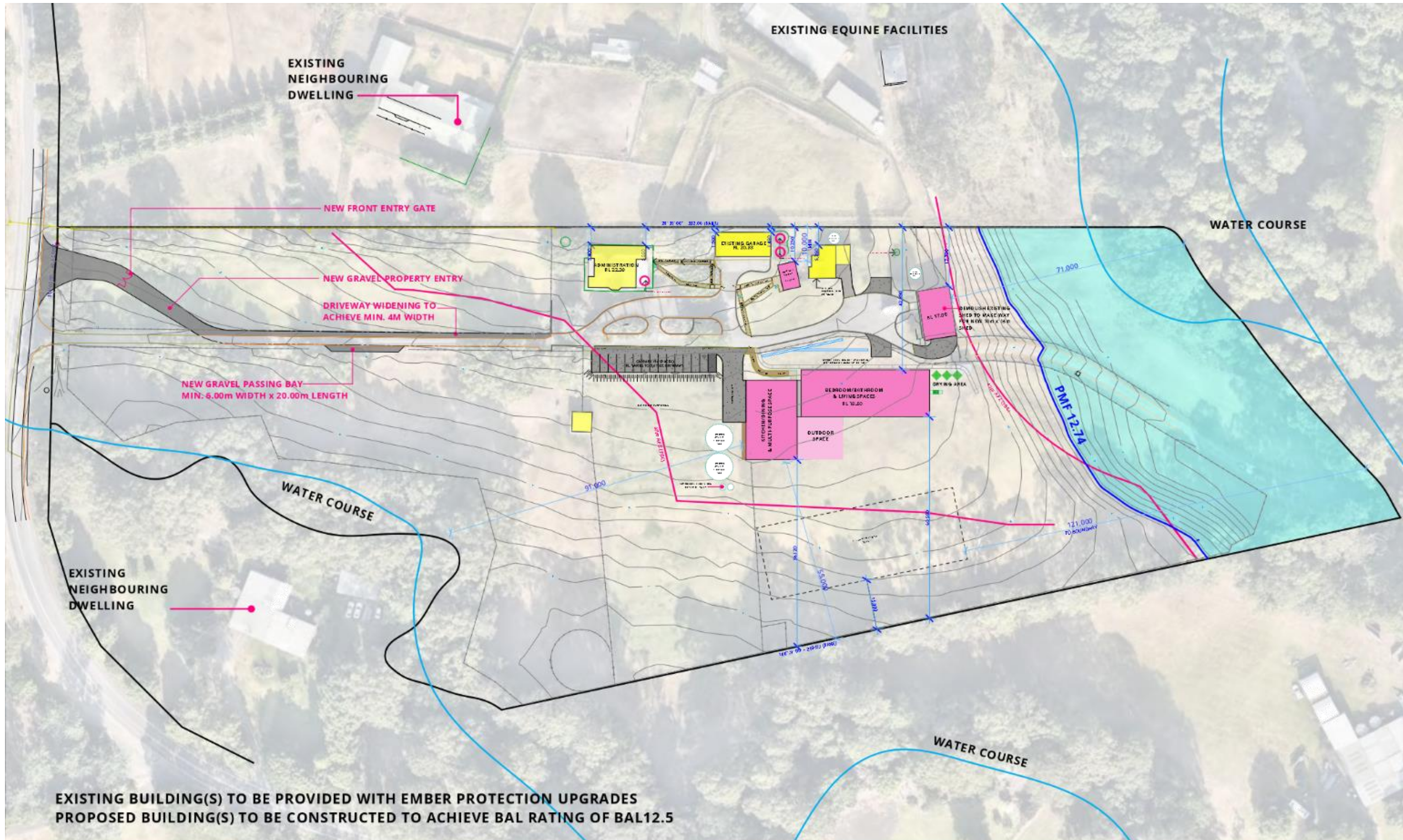
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DRAWING NO.
 DD502

ISSUE NO.
 08

SCALE
 @A3





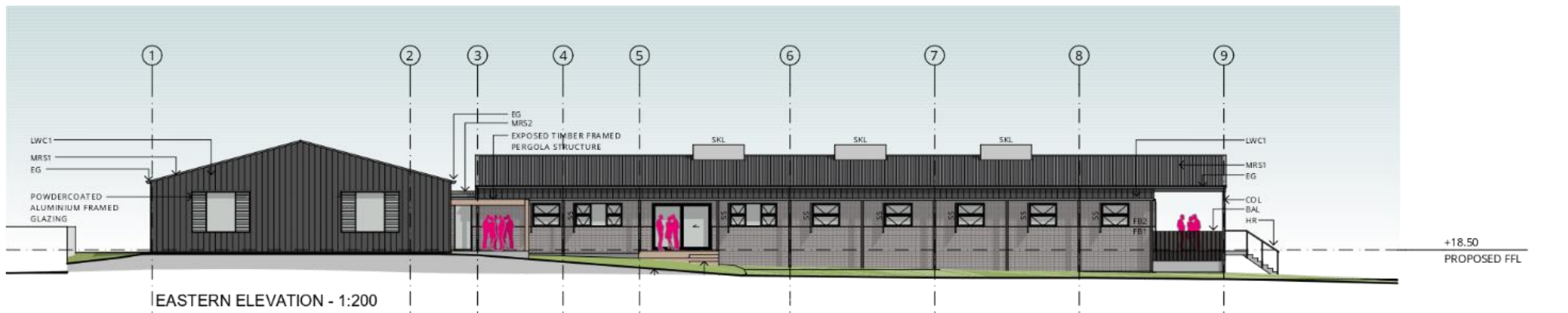
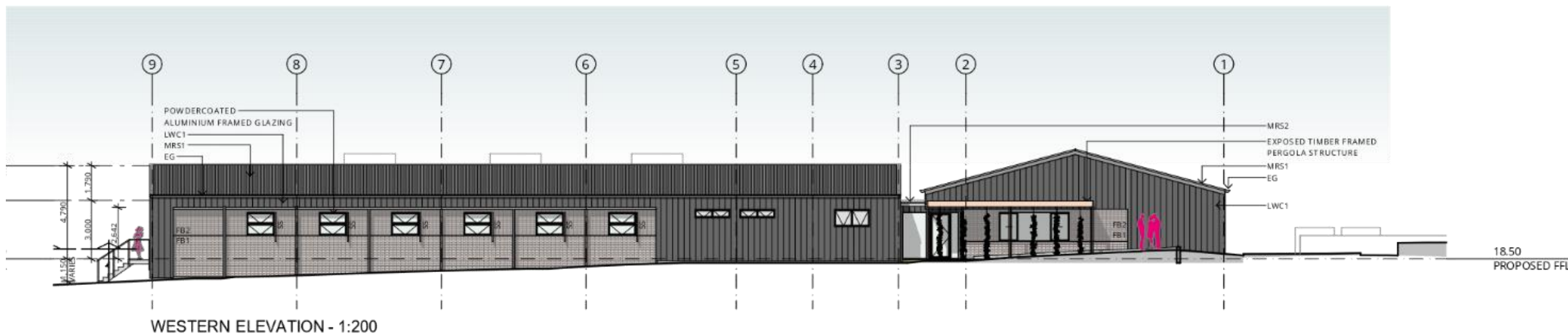
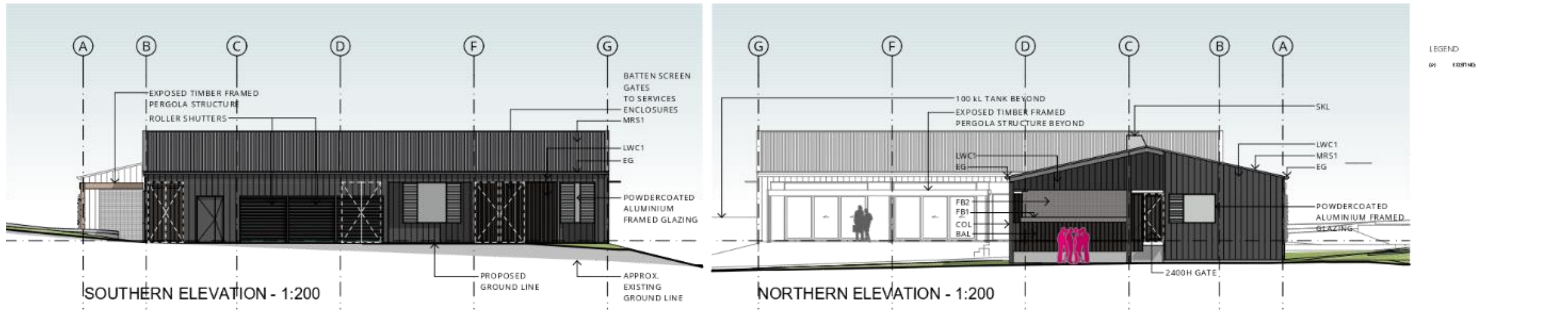
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REV	DESCRIPTION	BY	CHECK	DATE
01	FOR INFORMATION			13/06/2020
02	REVISED/ISSUE			21/09/2020

PROJECT: The Glen For Women
 CLIENT: Guigul Nyungang Aboriginal Corporation
 DRAWING: NOTIFICATION PLAN
 PROJECT NO: 2019-164
 LOCATION: 253 Yarramalong Rd, WYONG CREEK NSW
 DRAWING NO: DD600
 ISSUE NO: 02
 SCALE: 1:1000@A3

SDA
 SPACE DESIGN ARCHITECTURE



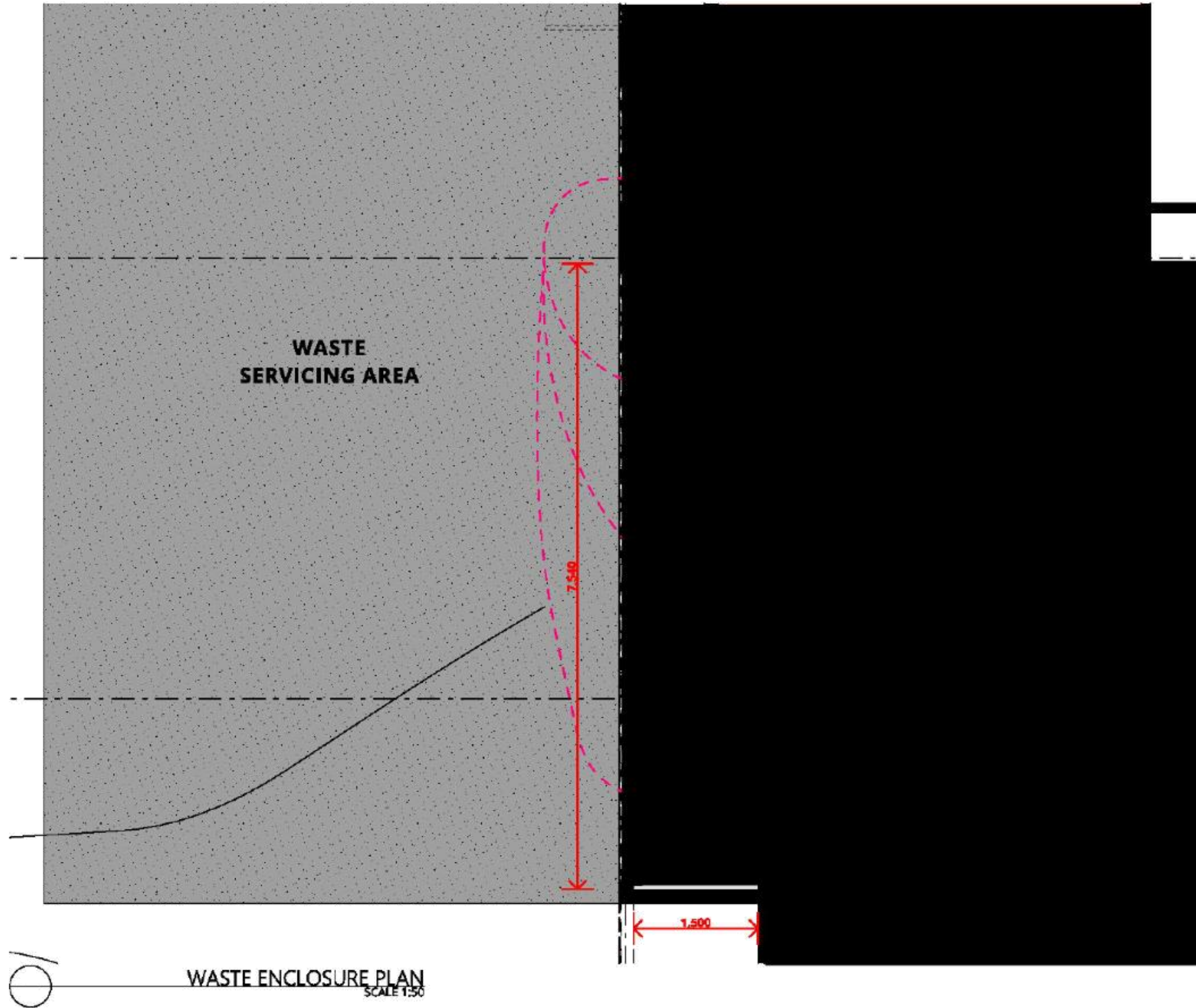
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REV	DESCRIPTION	BY	CHECK	DATE
01	FOR APPROVAL			13/06/2020
02	REVISED/ISSUE			21/09/2020

PROJECT: The Glen For Women
 CLIENT: Gulgul Nyugang Aboriginal Corporation
 DRAWING: NOTIFICATION PLAN
 PROJECT NO: 2019-164
 LOCATION: 253 Yarramalong Rd, WYONG CREEK NSW
 DRAWING NO: DD601
 ISSUE NO: 02
 SCALE: @A3

SDA
 SPACE DESIGN ARCHITECTURE



**WASTE BINS EQUAL TO:-
SULO 1500 LITRE CONTAINERS**

← TRAVEL PATH FOR TRANSFER OF WASTE

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REV	DESCRIPTION	BY	CHK	DATE

PROJECT
The Glen For Women

CLIENT
Gulgul Nyungang Aboriginal Corporation

DRAWING
WASTE STORAGE ENCLOSURE PLAN

PROJECT NO.
2019-164

LOCATION
253 Yarramalong Rd, WYONG CREEK NSW

DRAWING NO.
DD700

ISSUE NO.
01

SCALE
@A3

