

Central Coast

Local Planning Panel

Central Coast
LOCAL PLANNING PANEL MEETING
Business Paper
13 May 2021



Meeting Notice

**The LOCAL PLANNING PANEL MEETING
of Central Coast
will be held remotely - online,
THURSDAY 13 MAY 2021 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

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2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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(New) and Garage 243

Donna Rygate
Chairperson

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

13 May 2021 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

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

Recommendation

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

Item No: 2.1
Title: Confirmation of Minutes of Previous Meeting
Department: Environment and Planning

13 May 2021 Local Planning Panel Meeting

Reference: F2020/02502 - D14619316
Author: Rachel Callachor, Administration Officer

Summary

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

- ***Local Planning Panel Meeting held on 22 April 2021***

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 22 April 2021.

Attachments

- 1 MINUTES - Local Planning Panel - 22 April 2021 D14598574



Local Planning Panel

Minutes of the **LOCAL PLANNING PANEL MEETING**

Held remotely - online
on 22 April 2021

Panel Members

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

Central Coast Council Staff Attendance

Rachel Callachor	Administration Officer Business Support
Belinda Jennett	Administration Officer Business Support
Kathryn Williams	Administration Officer Business Support

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

The Chair, Donna Rygate 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 no disclosures have been identified and forms had been submitted by members.

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the previous Local Planning Panel Meeting held on 8 April 2021 were submitted for noting.

Moved: Donna Rygate

Seconded: Grant Christmas

Given the withdrawal of applications scheduled for the public meeting and no speakers being registered, the Local Planning Panel public meeting closed at 2:11pm.

The Panel moved into deliberation from 2:14pm, which concluded at 2:35pm.

PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING**4.1 Section 8.2 Review of Determination - DA/162/2020 - Mixed use development - 135-136 Tuggerah Pde, Long Jetty**

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report • Supplementary Memo, 22 April 2021
Council Recommendation	Refusal
Panel Decision	<p>1 The Local Planning Panel reviewed the previous decision to refuse Development Application DA/162/2020 for a proposed mixed use building at 135-136 Tuggerah Parade, Long Jetty, as per the Section 8.2 (c)(2) application for review of determination, and reaffirmed the Refusal subject to the reasons for refusal detailed in the schedule attached to the report, and having regard to the matters for consideration detailed in Sections 8.2 and 4.15 of the Environmental Planning and Assessment Act 1979.</p>
Reasons	<p>1 The proposal does not comply with the maximum 16 metres Height of Building provisions of Clause 4.3 of the Wyong Local Environmental Plan 2013.</p> <p>a. the height of the building of 17.39 metres to the lift overrun contributes to an unsympathetic development form that is not appropriate in the context of directly adjoining and nearby development sites and contrary to the objectives of the standard resulting in unacceptable scale, bulk, form and amenity concerns to neighbouring properties. The proposal does not achieve the objectives of the height of building development standard of Clause 4.3 because the proposal is not</p>

compatible with the bulk, height and scale of existing and future character and the development results in poor visual bulk and privacy impacts to neighbouring properties.

- b. The written request that has been submitted with the development application under the provisions of Clause 4.6 of the Wyong Local Environmental Plan 2013 does not adequately demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to justify contravening the standard.
 - c. The variation to the Height of Buildings development standard of Clause 4.3 is not in the public interest because it is not consistent with the objectives of the development standard and the objectives for the zone.
- 2 The proposal does not comply with the maximum 1.5:1 Floor Space Ratio provision of Clause 4.4 of the Wyong Local Environmental Plan 2013.
- a. The floor space ratio of the proposal is 1.75:1. The proposal does not achieve the objectives of the floor space ratio development standard of Clause 4.4 because the proposal does not achieve a compatible bulk that is appropriate for the site and it does not sufficiently integrate with the streetscape and character of the area. The proposed mass and scale of the building form is inappropriate for the corner location, does not adequately respond to the RE1 and R2 zone interface, and results in poor amenity outcomes.
 - b. The written request that has been submitted with the development application under the provisions of Clause 4.6 of the Wyong Local Environmental Plan 2013 does not adequately demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case or that there are sufficient

environmental planning grounds to justify contravening the standard.

- c. The variation to the Floor Space Ratio development standard of Clause 4.4 is not in the public interest because it is not consistent with the objectives of the development standard and the objectives for the zone.
- 3 The development does not achieve the zone objectives of the B2 Local Centre zoning of Wyong Local Environmental Plan 2013.

The proposed commercial premises and 'commercial multi-functional tenancy' (or 'function centre') do not achieve the zone objective of providing active retail, business and other non-residential uses at street level.

The proposal does not demonstrate that it achieves the zone objective of minimising conflict between land uses within the zone and land uses within adjoining zones. Insufficient information has been provided regarding the number and location of serviced apartments and how they will be managed. Commercial premises and a function centre are proposed at both the ground floor and within the rooftop cabana and open space. No detail is provided in relation to the hours of operation, number of patrons, potential noise sources or how any potential amenity conflicts with the residential apartments on the subject site or neighbouring sites can be managed.

- 4 The proposal has not addressed Clause 7.1 of the Wyong Local Environmental Plan 2013, which requires the submission of an Acid Sulfate Soil Management Plan.
- 5 The proposal does not adequately address the provisions of State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development). Adequate regard to the design quality principles and the objectives of the design criteria specified by the apartment design guide has not been given as required by Clause 30(2), including design quality, context, neighbourhood character, built form and character, density, amenity and safety.
- 6 The proposal does not satisfactorily achieve the objectives and design criteria of the Apartment Design Guide, including

- a. Inadequate building separation and privacy impacts to neighbouring properties and within the development, and compromised safety and security as a result of the narrow diagonal alley with limited sight lines.
 - b. insufficient deep soil landscaping, façade treatment, unit layout and space planning.
- 7 Car parking is inadequate for the intended uses and does not comply with Chapter 2.11 Parking and Access of the Wyong Development Control Plan 2013.
- 8 The proposal does not adequately address the provisions of State Environmental Planning Policy (Coastal Management) 2018 relating to visual amenity for a highly visible coastal location, and the bulk and scale of the development.
- 9 Insufficient information:
- a. Application has not demonstrated how it meets the requirements of Chapter 3.1 of Wyong Development Control Plan 2013 and the former Wyong Shire Council Waste Control Guidelines.
 - b. A Loading Dock Management Strategy as referred to in the Traffic Impact Assessment report by Seca Solutions has not been provided.
 - c. No acoustic report or plan of management has been submitted to address the amenity conflicts arising from tourist and visitor accommodation and permanent residential apartments, nor the intended use or operation of the proposed "function space".
 - d. Application has not demonstrated that two vehicles can pass each other on the curved sections of the ramp driveway.

- e. No information has been provided in relation to a Social Impact Assessment (SIA) that addresses any current tenant accommodation and the possible loss of affordable housing and available alternative housing for tenants.

Votes The decision was unanimous

4.2 Alterations and additions to Central Coast Conservatorium of Music

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Supplementary Memo, 14 April 2021

Council Recommendation Approval

Panel Decision

1 *That the Local Planning Panel grant consent to DA60219/2020 for alterations and additions to the Conservatorium of Music on 45 Mann Street, Gosford subject to the conditions detailed in the schedule attached to the report, excluding condition 2.8 (as the development involves the adaptive reuse of a heritage item, no contribution is applicable), and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*

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

Reasons

1 The proposal is satisfactory having regard to 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 proposal provides for the upgrading and continued use of a heritage item for educational, social and cultural purposes while retaining the heritage value of the building.

Votes The decision was unanimous

4.3 Request to Prepare a Planning Proposal for land at 39 Dell Road, West Gosford

The Panel considered the report on the matter. The Panel supports the rationale of the proposal, the conclusion of the Officer's Report, and the recommendation.

The request to rezone part of the subject land to IN1 General Industrial and the remainder of the land to E2 Environmental Conservation for dedication to Council for inclusion in the COSS reserves has strategic merit, subject to confirmation by updating of existing studies (post-Gateway Determination). It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Item No: 3.1
Title: DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole
Department: Environment and Planning

13 May 2021 Local Planning Panel Meeting

Reference: 011.2020.00060262.001 - D14610115
Author: Robert Eyre, Principal Development Planner South
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Given the potential for perceived conflict of interest, the assessment of the application, including drafting of this report, were undertaken by an independent planning consultant rather than Council officers.

Summary:

An application has been received for installation of the Ex-HMAS Adelaide mast at Terrigal Haven. The mast is proposed to be situated on a sandstone block plinth footing, surrounded by a sandstone retaining wall, garden bed and an access pathway linked to the existing car park. The development application is required to be reported to the Central Coast Local Planning Panel (CCLP) for determination as, Central Coast Council (CCC) is the applicant.

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 development application was notified from 12 February 2021 until 22 March 2021. A total of six (6) submissions were received.

The application is recommended for **Refusal**.

Applicant	Central Coast Council
Owner	Crown Land managed and operated by Central Coast Council
Application No	DA 60262/2020
Description of Land	2 Scenic Highway, Terrigal
Proposed Development	Community Facility-Installation of Mast
Site Area	50.7 sqm (8.450 metres x 6 metres)
Zoning	RE1 Public Recreation
Existing Use	Public Recreation
Employment Generation	No
Estimated Value	\$50,000.00

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (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 its decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Key Issues

- Visual Impact
- Bulk and Scale
- Access
- Traffic
- Character
- Safety and Vandalism
- Inconsistent with the Terrigal Haven Plan of Management 2009
- Insufficient information

Precis:

Proposed Development	Installation of the Ex-HMAS Adelaide mast onto a sandstone block plinth footing, surrounded by a sandstone retaining wall, garden bed and an access pathway linked to the existing car park.
Permissibility and Zoning	<p>RE1 Public Recreation under the <i>Gosford Local Environmental Plan 2014</i>.</p> <p>The proposed development is considered a <i>community facility</i> and permissible with consent.</p> <p>A <i>community facility</i> means a building or place:</p> <p>(a) <i>owned or controlled by a public authority or non-profit community organisation, and</i></p> <p>(b) <i>used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</i></p>

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

Relevant Legislation	<i>Environmental Planning & Assessment Act 1979 – Section 4.15 Local Government Act 1993 - Section 89 Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy State Environmental Planning Policy (Coastal Management) 2018 Gosford Local Environmental Plan 2014 Gosford Development Control Plan 2013 Draft Central Coast Local Environmental Plan 2018</i>
Current Use	Public Recreation
Integrated Development	No
Submissions	Six (6)

The Site

The site known as No. 2 Scenic Highway, Terrigal is located within Terrigal Haven (the Haven), which is rocky headland east of the Terrigal central business district.

The Haven is Crown land managed by Council. It is noted that the Terrigal Haven Plan of Management 2009 (adopted 2010) permits the installation of the Ex-HMAS Adelaide mast but does not identify a specific site for the development.

The Haven is a distinctive landform in the shape of a bowl with four saddles that form the edges of the bowl. Saddles are depressions at the edges which provide view corridors to the ocean.

The four saddles include Terrigal Beach, the northern base of the Skillion (which is an iconic landform that rises towards the south and is a popular vantage lookout point), the southern base of the Skillion, and, Broken Head, which is a small protected bay, sandy beach and rock platforms.

The Broken Head saddle is the proposed site location of this development application (Site 1). The site is accessed from a number of existing paths from the north eastern and south eastern car park. Currently, a trail road allows vehicular access and limited wheelchair access from the slip rail located on the northern side of the Skillion car parking bays. There is also a footpath encompassing the whole Haven area which allows foot traffic to the site.

The landscape comprises rolling grass slopes with clustering of dense native vegetation and a large number of pine trees along the beach front and across the site.

The Haven is popular for picnics, sporting events, informal recreation, day and evening dining, and water- based activities such including scuba diving.

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)



Figure 1 – Site Plan

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

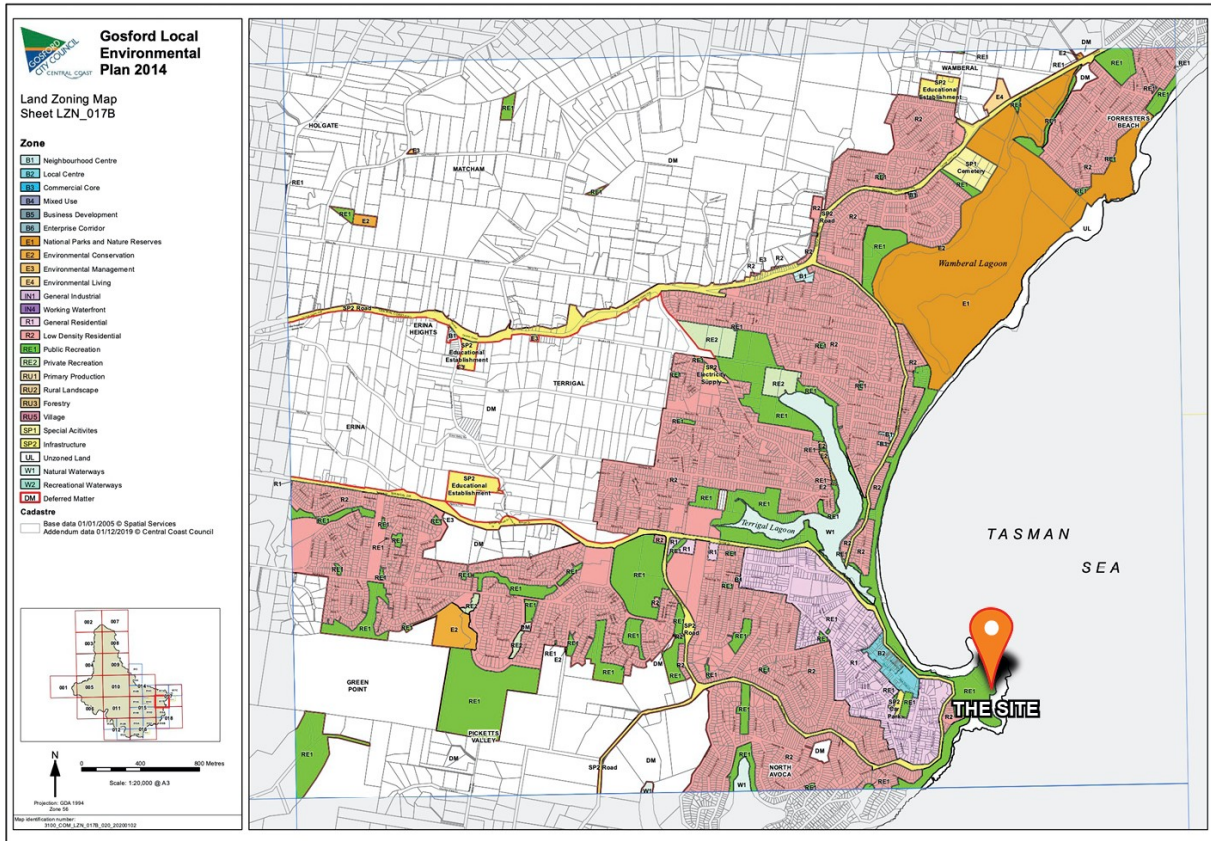


Figure 2 – Zoning Plan showing the site and locality

Surrounding Development

The site is located within the Terrigal Haven (the Haven) which is a zoned RE1 Public Recreation which provides a diverse range of public assets such as the newly upgraded boat ramp, a sporting field, a dog exercising area, whale watching platforms, with their associated activities as well as rock fishing and diving.

The area character is typical of a Hawksbury Sandstone Coastal Landscape, and heavily influenced by coastal processes. The site is surrounded by remnant vegetation and planted native species from the Coastal Headland Low Forest, Coastal Headland Grassland and Coastal Headland Shrubland plant communities.

To the west of the site is the seaside suburb of Terrigal and north west is Terrigal Beach with residential dwellings, apartment complexes, and, The Crown Hotel fronting the beach. The beach has a commercial main strip comprising of a variety of restaurant, café, retail and office uses.

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

Immediately south west of the site is the Terrigal Haven rugby field and clubhouse. This area forms a natural amphitheater landscape with plenty of parking and picnic areas, access to the ocean with from a boat ramp, fish cleaning table, restaurants, and a sports field oval.

The visual catchment of the site extends north along the established walking track to the various viewing platforms on Broken Head, west to the sporting oval, Reef Restaurant, The Haven Beach, residential areas and the viewing platform between Terrigal and The Haven beaches and south to the Skillion.

There is a new boardwalk recently constructed linking Terrigal Beach to the Haven. Upgrades to the existing rockpool and boardwalk should be completed by April 2021, delivering many social, health and economic benefits for our community.

These projects are jointly funded by Central Coast Council and the NSW Government's Restart NSW Regional Growth Environment and Tourism Fund, and, Crown Reserves Improvement Fund. The delivery of these projects has been planned to minimise inconvenience, ensure safety and reduce the construction impact on residents, local businesses and tourists.

The boardwalk significantly improves pedestrian access between Terrigal Beach promenade and The Haven, providing a safe and more accessible route around the headland and new attraction for the Central Coast community and visitors to enjoy.

The 277-metre-long boardwalk has been designed to complement the natural environment and will be composed of materials that can withstand the elements to ensure longevity and ease of maintenance. The design includes a viewing platform, integrated seating, lighting and access to the rock platforms and smooth integration with the existing walkways either end, which creates a continuous link to the town centre.

Restoration works to the rockpool include the replacement of the rockpool foundations and walls, construction of an access ramp to replace the existing stairs and linking this area with the new boardwalk and existing pathways.

The Proposed Development

A development application has been lodged by Central Coast Council (CCC) on behalf of a community group and, as per Council's resolution, will project manage the installation if required.

The proposal seeks installation of the Ex-HMAS Adelaide mast onto a sandstone block plinth footing, surrounded by a sandstone retaining wall, garden bed and an access pathway linked to the existing car park.

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

The total height of the memorial will be approximately 9.5 metres including the Ex-HMAS Adelaide mast which is 7.4 metres in length and 450 mm in diameter and new 2 metre footings.

The project is a memorial dedicated to the crew of Ex-HMAS Adelaide which was sunk/scuttled off the coast in April 2011 to provide an artificial reef and dive site. The memorial will create a formal lookout area which will replicate a ship's bow. The dive site is an important tourist attraction for the Central Coast. Prior to the scuttling of the Ex-HMAS Adelaide in 2011, the mast from the Ex-HMAS Adelaide was gifted to the former Gosford City Council by the NSW State Government.

The site which has been chosen for the memorial known as Site 1 is a small saddle between two elevated rock outcrops on Broken Head and forms a notable depression in the skyline, void of large trees and vegetation.

The rolling grass slope gives way to an eroding scree slope that then steps down suddenly in blocky sandstone terraces to the flat rock platform below. The grassed area provides one of the only natural viewing areas out to the ocean that has yet to be formalised with a viewing platform or path. Areas of dense vegetation have been established along the initial section of the proposed alignment that then gives way to open grass areas with groups of small trees.

The existing access path to the site begins at the car park overlooking the bolder field between the Skillion and Broken Head, heading in a north east direction towards the memorial site. The mast will have the ability to raise a flag on commemorative days and events. It is noted that after a military vessel or piece of infrastructure is decommissioned flags, illumination and the like are not permitted without consent from maritime forces or RSL, other than on commemoration days such as Anzac Day and between sunrise and sunset only.

The project is funded by the NSW Stronger Communities Fund, NSW Government Minister's Discretionary Fund, the community, in kind contributions from Thales and associates and CCC. Initial funding grants have now expired and require further grant applications to be endorsed.

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)



Figure 3 – The Ex-HMAS Mast from the HMAS Adelaide, Source: CCC



Figure 4 – Photomontage of proposed development prepared by Leslie Howard Associates, dated 6 November 2020

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)



Figure 5 – Site Plan prepared by Leslie Howard Associates, dated 6 November 2020

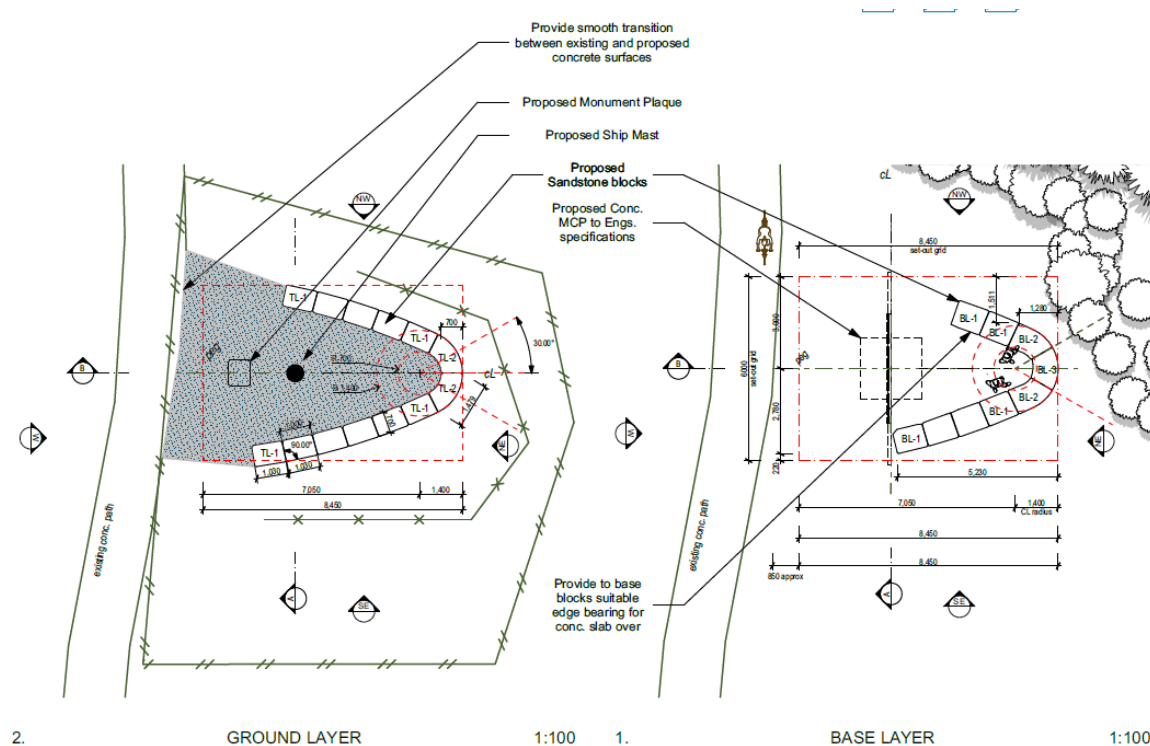


Figure 6 – Base and Ground Plan prepared by Leslie Howard Associates, dated 6 November 2020

3.1

DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

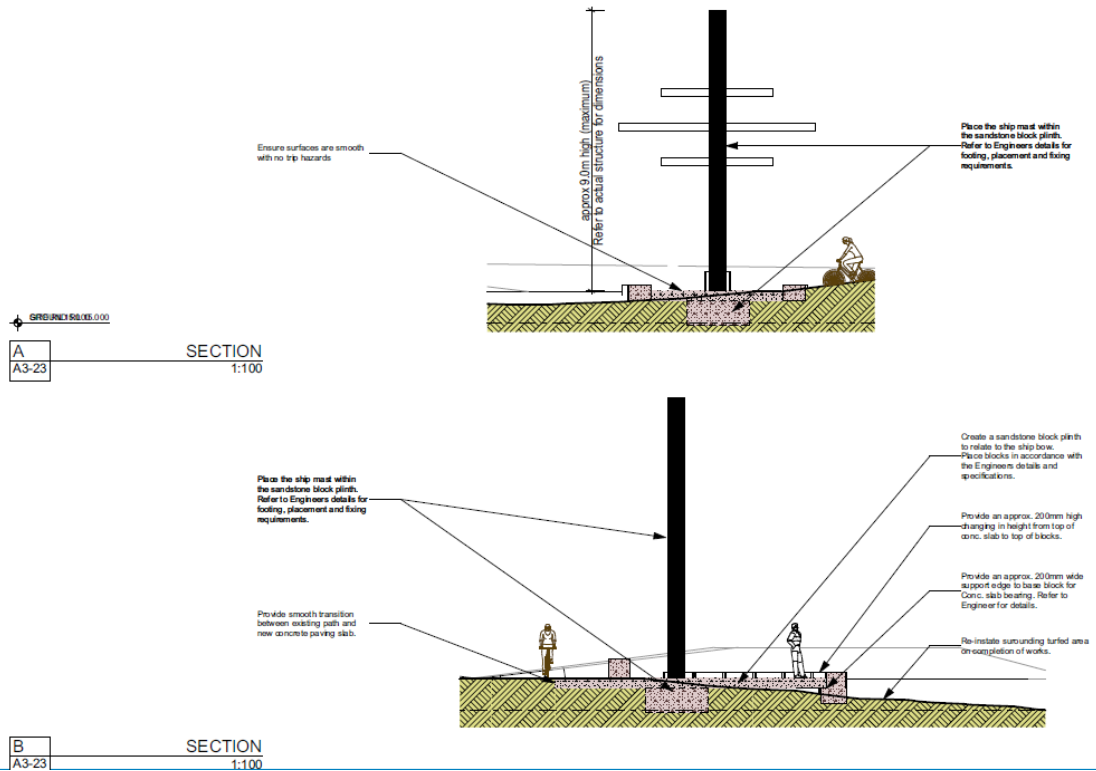


Figure 7 – Sections prepared by Leslie Howard Associates, dated 6 November 2020

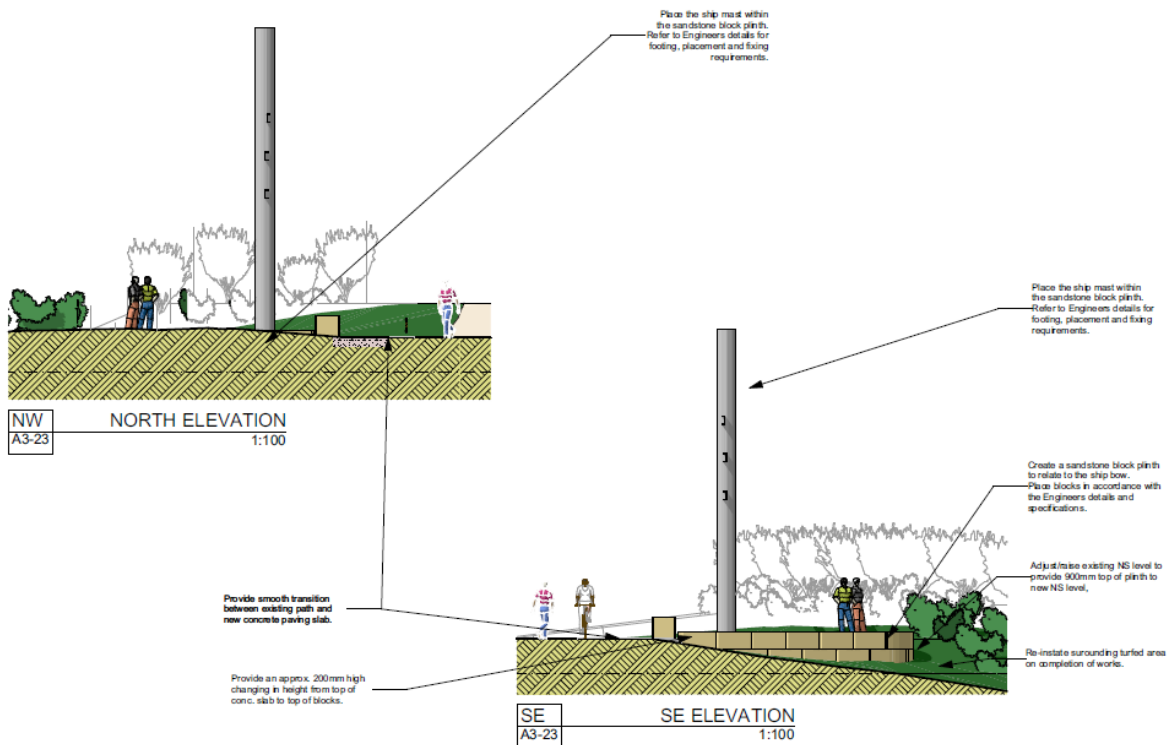


Figure 8 – North West and South East Elevations prepared by Leslie Howard Associates, dated 6 November 2020

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

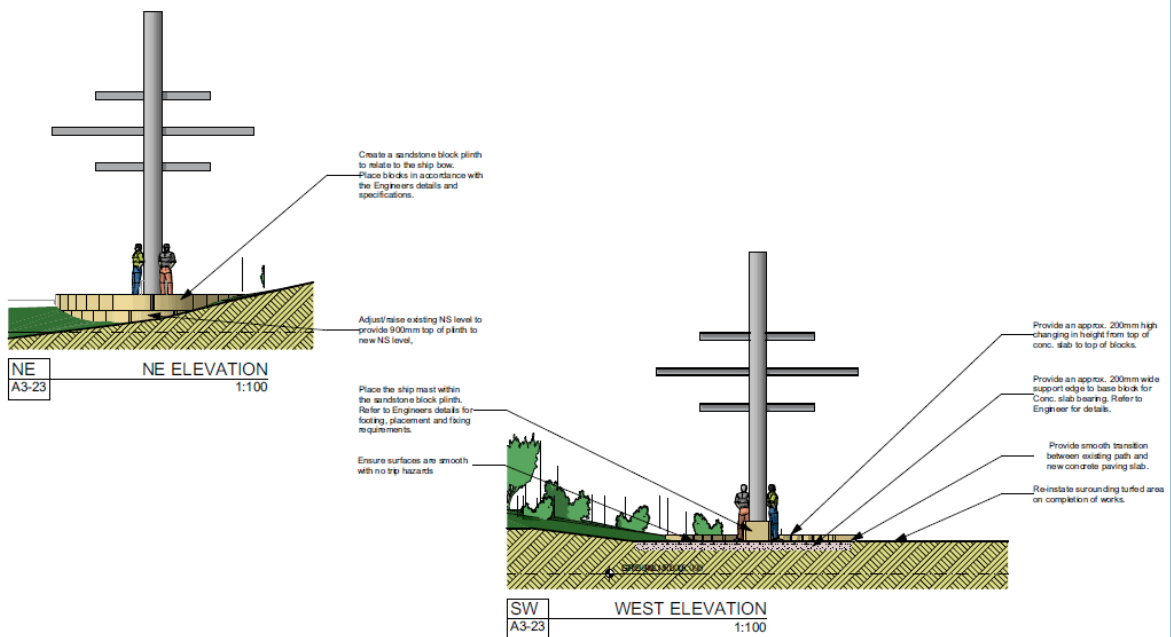


Figure 9 – North East and Western Elevations prepared by Leslie Howard Associates, dated 6 November 2020



Impression 2 1:200



Site Location 1:5.56



Impression 1 1:200

Figure 10 – External Views and Impression prepared by Leslie Howard Associates, dated 6 November 2020

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

History of the HMAS Adelaide

In November 1980, the HMAS Adelaide was commissioned and built in the United States of America as one of the first of six Adelaide-class guided missile frigates delivered to the Royal Australian Navy. The naval vessel participated in the Gulf War between 1990 - 1991 Gulf War, peacekeeping operations in East Timor in 1999 and 2006, and, was deployed to the Arabian Gulf in 2001 and 2004.

In 2008, the vessel was decommissioned and HMAS Adelaide was demilitarised by the Department of Defence before being handed over to the NSW Government in 2009. A mast from the Ex-HMAS Adelaide was gifted to the former Gosford City Council by the NSW State Government and Council undertook formal consultation regarding a suitable pathway for its use as part of the Terrigal Haven Plan of Management 2009 (adopted 2010). The mast has been in Council storage since 2011.

On 13 April 2011, the Ex-HMAS Adelaide was scuttled to the ocean floor 1.8km off the coast between Terrigal Beach and Avoca Beach to establish an artificial reef and dive site, which has since attracted military historians and recreational divers to the area. The sunken wreck joined four other former naval vessels that have been transformed into dive sites in waters off Western Australia, South Australia, Queensland and Victoria since 1997.

Community interest in establishing a use for the mast as a memorial commenced in 2016. The mast was assessed by the Navy and deemed to be in poor condition. The Navy recommended specialist treatment, including a sandblast and painting to ensure the mast was structurally sound. The mast is now intended to be used as part of a memorial monument in honour of the many who have sailed on the HMAS Adelaide, in recognition of the Royal Australian Navy and as a visual marker for the ship's position on the ocean floor.

Development Application History

In 2012 Gosford Council resolved that:

- a. *Council consider the allocation of funding in future capital works programs for engineering investigations and the required assessments into a Memorial for the ex-HMAS Adelaide within the Terrigal Haven reserve.*
- b. *Subsequent to the confirmation of an appropriate site, Council Officers source grant opportunities and funding for the construction of a memorial for the ex-HMAS Adelaide.*

Council again undertook consultation to determine community sentiment on this project and will be responsible for project management and ongoing maintenance.

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

In 2015, the former Gosford Council agreed to project manage the installation of the mast on behalf of a community group led by Matthew Wales which identified a site and submitted a Development Application (DA) which received nine (9) submissions. A key issue raised related to the identification of an alternate site to that proposed.

A visual impact assessment and access assessment accompanying this DA did not support the application and considered the development inconsistent with the Terrigal Haven Plan of Management 2009. The DA was subsequently withdrawn. However, various community groups continued to lobby for the development and raised \$4796.00. A request was made to Council to manage the project including installation of the mast, which was agreed to by the former Gosford Council.

On 14 May 2018, Council considered a report prepared by the Assets, Infrastructure and Business Department (Item 3.3) to determine a potential preference for a site within The Haven at Terrigal for placement of the mast. The report details site options for a bipartisan project with the community raising money for the restoration and support from the Australian Royal Navy, Returned Services League, and the State Government.

This project had support from the Returned Services League (RSL) Sub-Branches, the retired Navy services and the Australian Royal Navy and Crown Lands provided advice and consent for the project. Further private consultation was undertaken before Council was engaged to manage the construction of the development. Information provided to Council states that consultation was with the following groups:

- Local community groups;
- Terrigal Wamberal RSL Sub-Branch;
- Australian Royal Navy;
- Crown Lands;
- Council staff in relation to the impact of placement in the areas identified in Figure 10 below; and
- A letter of support was provided by Adam Crouch MP, Member for Terrigal.

Council had estimated the cost of installation of the mast to be \$35,000.00. Grant funding from the NSW State Government has been provided in the sum of \$3,000.00 and community funds totalled \$4,796.00. Substantial in-kind support was provided. The community group intended to raise the balance of funds required to complete the project through grants.

Council nominated a location for the proposed known as Site 1, the community proposed an alternative location known as Site 2 (see Council Item 3.3 - Attachment 1 at Figure 10 below). Visual impact and risk management remained major issues associated with the development, such as the risk of a person climbing the mast and falling. In response to this issue, stepping points up to 4 metres previously proposed been deleted from the design.

Council Minutes state:

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

Mayor Smith declared a significant non-pecuniary interest in the matter due to her involvement with the Marine Discovery Centre and a number of the dive clubs that have been involved in the matter. Mayor Smith advised that she would leave the Chamber during consideration of this item and not participate in discussion and voting. This item was resolved by the exception method.

Councillor Greenaway left the Chamber at 10.52pm, did not return and was absent for the vote.

Moved: Councillor Gale Collins

Seconded: Councillor Sundstrom

At this meeting Council resolved:

"That Council request the Acting Chief Executive Officer install the mast from the HMAS Adelaide II at Site 1 identified in the attached photograph."

(See Figures 10 and 11 below).

For: Unanimous

Attachment 1

Proposed Sites for Placement of the Mast from HMAS Adel

Proposed Sites for Placement of the Mast from the HMAS Adelaide II



Figure 10 – Council Meeting dated 14 May 2008 – Item 3.3 Attachment 1 - Proposed Sites for Placement of the Mast from HMAS Adelaide II

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)



Figure 11 – Aerial view of Site 1 shown circled in red

History (Current Development Application)

This Development Application DA 60262/2020 has been lodged by Central Coast Council (CCC) on behalf of a community group.

The development application is presented to the Central Coast Local Planning Panel.

Prior to lodgement formal community engagement was held between 9 November 2020 and 7 December 2020 through Council's web page. Hyperlink to community engagement: <https://www.yourvoiceourcoast.com/HMASadelaide>

Community Engagement Summary

Consultation was undertaken to determine community sentiment on the monument and its location to inform the application.

Positive and negative feedback received:

- *Support for this longstanding promise moving forward;*
- *Importance of leaving the headland in its natural state*
- *Concern about ongoing cost and Council's financial position;*

3.1 **DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)**

- *Concern about the identified location for the monument limiting access for people with impaired mobility;*
- *Concern about the obstruction of view and the need to keep the natural environment in mind when implementing anything at The Haven; and*
- *Ex-HMAS Adelaide Monument was the preferred name of the location should the installation of the Ex-HMAS Adelaide Monument move forward.*

The development application was exhibited between 12 February 2021 and 26 February 2021. Six (6) submissions were received including a letter from the Terrigal Area Residents Association Inc. (TARA)

On 17 February 2021, a request for further information was made to the applicant which has not been satisfied. It was recommended that either the development application be withdrawn to prepare the additional information, or alternatively, a recommendation will be made for refusal.

The requested additional information was required in order to undertake a more comprehensive assessment addressing the relevant provisions of the *Environmental Planning and Assessment 1979*.

Assessment:

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for the Panel's information. Any tables relating to plans or policies are provided as an attachment.

Provisions of Relevant Instruments/Plans/Policies:

Gosford Local Environmental Plan 2014

Draft Environmental Planning Instruments

The site is subject to the draft Central Coast Local Environmental Plan 2018.

1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in the Central Coast local government area in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*

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- (a) to foster economic, environmental and social wellbeing so that the Central Coast continues to develop as a sustainable and prosperous place to live, work and visit,*
- (b) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of the Central Coast,*
- (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (d) to provide for a range of local and regional community facilities for recreation, culture, health and education purposes,*
- (e) to conserve, protect and enhance the natural environment of the Central Coast, incorporating ecologically sustainable development,*
- (f) to conserve, protect and enhance the environmental and cultural heritage of the Central Coast,*
- (g) to minimise risk to the community in areas subject to environmental hazards, including flooding, climate change and bush fires,*
- (h) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,*
- (i) to promote design principles in all development to improve the safety, accessibility, health and wellbeing of residents and visitors,*
- (j) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,*
- (k) to encourage the development of sustainable tourism that is compatible with the surrounding environment.*

The proposal is inconsistent with the draft 2.1 (2) (c), (e), (f), (g), (h), (i) and (j) aims of the CCLEP 2018.

Zoning and Permissibility

The draft plan retains the RE1 Public Recreation zoning of the land.

Zone Objectives

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*
- To identify areas suitable for development for recreational and cultural purposes.*
- To provide space for integrated stormwater treatment devices for flow and water quality management.*

2 Permitted without consent Environmental facilities; Environmental protection works

3 Permitted with consent Boat launching ramps; Boat sheds; Building identification sign; Business identification sign; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre based child care facilities; Community facilities; Eco-tourist facilities;

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Emergency services facilities; Entertainment facilities; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetty; Kiosks; Marina; Market; Mooring pen; Mooring; Recreation areas; Recreation facility (indoor); Recreation facility (major); Recreation facility (outdoor); Registered clubs; Respite day care centres; Roads; Sewerage systems; Water recreation structures; Water supply system 4 Prohibited Any development not specified in item 2 or 3

The proposed development is considered a *community facility* and permissible with consent.

In this instance, it is considered the proposed development is inconsistent with the stated draft objectives of the RE1 Public Recreation Zone and incompatible with the desired future character of the locality.

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (SEPP1) was gazetted on 21 December 2007, providing a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

Council did not refer the application to Transport for NSW (TfNSW) under Clause 101.

State Environmental Planning Policy (Coastal management) 2018

The provisions of State Environmental Planning Policy (Coastal Management) 2018 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas.

The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning, Industry and Environment and the site falls within the mapped coastal management areas.

Division 3 Coastal environment area

13 Development on land within the coastal environment area

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

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

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- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.'*

The relevant matters have been considered in the assessment of this development application.

Assessment: The application is inconsistent with the stated aims and objectives of the SEPP (Coastal Management) 2018.

The proposed development will cause an adverse impact on the matters required to be considered under Clause 13 (1) (a) – (g), Clause 13 (2) (a) – (c) of SEPP (Coastal Management) 2018.

- Without further specialist analysis, the proposed development may have adverse impact on the integrity or resilience of the biophysical, hydrological or ecological environment, coastal environmental values and natural coastal processes;
- It is unknown as to whether the proposed development will have no adverse impact on the water quality of the marine estate;
- Flora recorded at the Haven includes Coastal Headland Shrubland (E51b). There are no anticipated impacts on this vegetation as all construction works will be contained within the exposed grassed area of the site. The proposed development may have an adverse impact on marine vegetation; native vegetation/fauna and their habitats; undeveloped headlands; or rock platforms;
- The proposed development has adverse impact on the public amenity of the existing public open space and public access to the coastal foreshore with regards to the chosen location and limitations placed upon access;

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- The proposed development may have an adverse impact on any known Aboriginal cultural heritage, practices or places;
- The proposed development is far removed from the "surf zone" therefore will not adversely impact its use by the public; and
- Drainage, nutrient and erosion control measures would be required to be installed to protect the any reserve and water way.

14 Development on land within the coastal use area

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

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

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

(b) is satisfied that—

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

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

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

Assessment: The application is inconsistent with the stated aims and objectives of the SEPP (Coastal Management) 2018. The proposed development will cause an adverse impact on the matters required to be considered under Clause 14 (1) (a) – (b) and Clause 2 of SEPP (Coastal Management) 2018.

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

(ii) Division 5 – General.

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

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

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

16 Development in coastal zone generally - coastal management programs to be considered

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

Assessment: Due to its location and proximity to the coastal foreshore, the subject land may be considered subject to increased risk of coastal hazards.

The Terrigal Haven Plan of Management 2009 has not addressed the proposed location for any likely impacts in terms of any certified coastal management program and will require revision to incorporate any future project location, construction, management and maintenance.

The proposed development could cause increased risk of coastal erosion.

Suitable long term safety has not been adequately addressed in the design i.e.. No fencing is proposed along the lookout to the Pacific Ocean, and, the geotechnical investigation / dilapidation report prepared by Douglas Partners, dated July 2010 states "the scope for work for this investigation/report did not include the assessment of surface or sub-surface materials, or ground water for contaminants within or adjacent to the site" is outdated.

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

Gosford Local Environmental Plan 2014

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

Clause 1.2 Aims of Plan

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

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The current development application proposal is inconsistent with the Clause 2.1 (2)(c), (f), (g), (h), (i), (j) and (k) aims of the GLEP 2014.

Zoning and Permissibility

The site is zoned RE1 Public Recreation Zone.

Zone Objectives

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To identify areas suitable for development for recreation, leisure and cultural purposes.*
- *To ensure that development is compatible with the desired future character of the zone.*

2 Permitted without consent

Environmental facilities; Environmental protection works

3 Permitted with consent

Aquaculture; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

The proposed development is considered a *community facility* and permissible with consent.

A *community facility* means a building or place:

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

In this instance, it is considered the proposed development is inconsistent with the stated objectives of the RE1 Zone being incompatible with the desired future character of the locality.

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Clause 7.1 Acid Sulfate Soils

Acid Sulphate Soils are not present within the construction footprint. The site comprises of very stiff grading to hard residual clay soils. An updated Geotechnical Investigation is recommended as the report provided as part of the development application is dated July 2010. Environmental conditions can change as discussed within this report.

The matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered.

Clause 7.4 Flood Planning

This land has not been classified as being under a "flood planning level".

Gosford Development Control Plan 2013

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

Part 2 Scenic Quality and Character

The proposal does not acknowledge the desire to maintain the Coastal Open Space System (COSS). Although the COSS does not cover all visually significant ridge lands and upper slopes such as the Haven, the broad controls relate to the proposed development which should have regard to the character of the area both built and natural nature of the landscape characteristics of it's surroundings.

The structure is deemed unsuitable for Site 1, reconsideration of an alternative location with consideration of the issues addressed in this report would be preferable in order to respect the scenic character of an area.

Any Planning Agreement

There are no planning agreements applicable to the application.

Relevant Regulations

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

Likely Impacts of the Development (built environment, natural environment, economic and social impacts)

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A thorough assessment of the aspects of the proposed development on the built, natural environments and social and economic impacts has been undertaken in terms of the relevant planning controls.

Built Environment

The subject site is zoned RE1 Public Recreation under GLEP 2014 and is surrounded by public park and sports and recreation facilities with ocean front views.

The proposed development is considered to have adverse impact upon the amenity of adjoining public land, and private development by way of view obstruction, and inequitable accessibility.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken. The potential impacts are considered unreasonable.

Built Form – Height, Bulk and Scale

The development of the Ex-HMAS mast and surrounding sandstone structure is articulated by virtues of it's maritime design and is proposed to be made of a subtle material which may appear as an unsuitable bulk and scale when viewed from a distance.

The development application did not include a survey, and amendments requested to architectural drawing package to show correct dimensions of the structure and surrounding area has not been provided. It is further noted that the Statement of Environmental Effects (SEE) states the structure is 7.4 metres, and that the base of the mast will be 2 metres above ground level.

The architectural drawings show the mast height at approximately 9 metres and the Independent Review of the Green Light Visual Impact Assessment states the proposal will be approximately 9.5 metres. Therefore, proper comprehension of the scale of the development is unable to be achieved,

From inspection of the site and surrounds, it is apparent there is no existing fencing along this part of the cliff coastline and none proposed. Given there may be interest in groups gathering at the memorial on commemorative days such as Anzac Day and Remembrance Day, Council should take into consideration establishing future safety fencing similar to the transparent lightweight fencing along the cliff line gap at the Skillion.

The architectural drawings show landscaping immediately to the north and east of the proposed development which does not appear to be consistent with that in situ. Inadequate

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information has been submitted regarding the protection of, or proposed removal and rectification of existing landscaping.

The character of the area is typical of a Hawkesbury Sandstone Coastal Landscape, heavily influenced by coastal processes. The site chosen is a small saddle between two elevated rock outcrops on Broken Head and forms a notable depression in the skyline, void of large trees and vegetation.

The rolling grass slope gives way to an eroding scree slope that then steps down suddenly in blocky sandstone terraces to the flat rock platform below. The grass area provides one of the only natural viewing areas out to the Pacific Ocean that has yet to be formalised with a viewing platform or path.

The aesthetics are generally acceptable as the structure is articulated by virtues of its maritime design and is made of a subtle material, however from a distance its purpose may not be discernible and the structure may be confused for a pole with no meaning and therefore will appear as an inappropriate and bulky structure within the landscaped setting impacting upon views.

The proposal is not compatible with, and will adversely impact on, the character and amenity of the locality, public recreation area and streetscape. This is predominantly as a result of the visual impact applicable to the height of the development that would result in an outcome that is uncharacteristic and unplanned in this location. As a result, the proposed development is unsatisfactory in terms of impacts on the built environment.

A thorough assessment of the proposed development's impact on the built environment has been undertaken having regard for SEPP Coastal Management along with the provisions of GLEP 2014 and GDCP 2013 and it is considered the potential built environment impacts are unreasonable.

Visual Impact

Visual impacts are considered unreasonable. The development will cause adverse visual impact upon view corridors from private and public places. The Visual Impact Assessment (VIA) Independent Review prepared by Kristy Ryan of The Design Partnership supports the recommendations identified in the Visual Impact Assessment prepared by Green Light Design Group dated 1 October 2019. In particular:

"... it will have significant impact upon Terrigal Haven and neighbouring residential dwellings. We are also of the opinion that the memorial will have a greater impact on Terrigal CBD than identified in the Visual Impact Assessment report. This is due to the possibility it to be perceived as a functional element such as a ventilation shaft."

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The visual impact assessments do not support the project and consider the development inconsistent with the Terrigal Haven Plan of Management 2009.

Concern is raised regarding obstruction of views and the need to keep the natural environment in mind when implementing anything at The Haven. Height poles would have assisted with understanding the accuracy of view loss.

The study area for the visual impact assessment has been selected to cover the main geographic extent of potential visual impacts of the development. The Design Partnership assessed the proposed development from the same view corridors as Green Light.

The independent review concludes that the development is unacceptable in terms of the impact of the proposed works when assessed against the scenic values identified in the Terrigal Haven Plan of Management 2009, in particular to determine if the changes in the landscape are consistent with the desired character of the reserve.

The following scenic values extract from the Terrigal Haven Plan of Management 2009 have formed the basis of Ms Ryan's (The Design Partnership) independent assessment:

- *Retain natural landscape quality;*
- *Preservation of Views to the Pacific Ocean;*
- *Embellish Natural Vantage Points; and*
- *Effective maintenance.*

The review found that the proposal will have a moderate to high visual impact overall in its proposed location, noting the natural setting and that the mast would introduce a built element in a prominent location which is visible from key locations.

Several key viewpoints were selected for further analysis representative only of the spread and type of receivers that may be affected by the proposed works, they are not exhaustive, nor do they reflect the exact view shared by all receivers in a similar area.

The impact rating for any given viewpoint within the study area was based on an evaluation of the sensitivity and magnitude, the methodology of the proposed change:

- *Sensitivity: Each viewpoint has an inherent sensitivity to change in the visual scene of the landscape based on the context of the viewer. This will have a direct influence on the perceived visual impact experienced by the receiver; and*
- *Magnitude: A series of factors are taken into account when assessing the magnitude of visual effect from any one viewpoint. These factors include the distance from the proposed works, extent of view, the amount of time the works are within view, and the scale of change to the landscape setting.*

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Photo 1 – Photo 4 below shows a sample of the key viewpoint locations and the potential visual impact. The proposed development is shown in red:



***Photo 1: View south in the Haven of the proposed development
Source: Green Light VIA***

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***Photo 2: View from the west in the public car park
Source: Green Light VIA***



***Photo 3: View south east from the Scenic Highway
Source: Green Light VIA***

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***Photo 4: View east from the Scenic Highway
Source: Green Light VIA***

In summary, both Visual Impact Assessments accompany this development application do not support the project in the location chosen (Site 1).

Views that pedestrians will have when approaching the memorial site along the concrete pathway on Broken Head will be affected. The existing view takes in the vegetated headlands and outlook over the rock platform and Pacific Ocean. The existing viewscape is scenic and dominated by soft landscape elements, in particular a rolling grass slope that drops down to the sandstone cliff edge. This viewpoint is considered of high sensitivity.

The proposed memorial will dominate the overall view and become the focal point of the natural depression in the landform. Access to the grass slope would also be impacted. The new structure would change the overall appearance of the landscape and change the way the space is used leading to a high magnitude of change.

The assessment states that for private residences on the high side of the Scenic Highway, the proposal will change the overall appearance of the skyline slightly as the existing trees and light poles from the sports oval already extend above this line. Subsequently, the development will impact upon the existing privacy and amenity of the Public Recreation area

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in terms of view loss, cause obstruction of views for local residences and visual impact is not considered negligible.

It is noted that the installation of temporary height poles to identify the exact location and height of the proposed development and structure was not undertaken in order to further understand the extent of visual impact.

The following extract from the Green Light assessment summarises the overall visual impact:

"The visual impact of the proposed works would be greatest for those viewers in close proximity to the site. Viewpoints 1, 2 and 3 are representative of the catchment of viewers who will perceive a high impact to the visual amenity of the reserve. In general, the memorial structure will change the overall appearance of the skyline and would become the dominant hard landscape element in the reserve. Viewers that will see the change from a greater distance will likely perceive a reduced visual impact from the proposed works however the change to the skyline may still impact the views to the Pacific Ocean."

Assessment: The proposed site for the memorial has been considered from the same view corridors, and, with consideration of the above extract from the Green Light assessment.

The proposal is considered unacceptable in terms of the impact of the proposed works as assessed against the scenic values identified in the Terrigal Haven Plan of Management 2009 to determine if the changes in the landscape are consistent with the desired character of the reserve.

The following scenic values (extract from the Terrigal Haven Plan of Management) were used to form the basis of this assessment and reiterated within the VIA:

Retain natural landscape quality

Large sections of Broken Head and the Skillion are covered with native vegetation remnant of the plant communities that inhabited the headlands over a long period. These sections of vegetation contribute significantly to the natural landscape qualities that the community value.

The proposed memorial will not complement this part of the public recreation area and does not provide a visually interesting cultural, scenic and heritage element into an otherwise harsh windswept environment.

An improved landscape setting could be achieved by integrating a memorial garden with native species of flora to attract local fauna and soften the appearance of the gap at the focal point in the skyline between the vegetated headlands on Broken Head. The design of the

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proposed memorial will not provide an improvement to the natural landscape qualities of the area as viewed from a number of important viewpoints.

The proposed access pathway will require the removal of a section of native vegetation which will have an impact on the natural landscape qualities. Replacement landscaping has not been proposed.

Preservation of Views to the Pacific Ocean

The proposed memorial will impact on views to the ocean from a number of key viewpoints and it is expected that a number of residents in private dwellings as well as users of The Haven will be affected. The extent of the impact varies depending on the distance the viewer is from the proposed memorial. Typically the closer the viewer is located to the memorial the greater the magnitude of impact to their view of the ocean.

Embellish Natural Vantage Points

The proposed memorial is a new hard structure that will be placed in an otherwise informal grass slope overlooking the rock platform and ocean. The proposed development in its current form are not considered a visually interesting addition to the landscape and will not embellish an existing important historical naval viewing platform.

Effective maintenance

The review of the Green Light Visual Impact Assessment has found that the proposal will have a moderate to high visual impact overall in its proposed location, noting the natural setting and that the mast would introduce a built element in a prominent location which is visible from several key locations. The proposed development has not been included in the Terrigal Haven Plan of Management 2009 in terms of maintenance.

In summary, the project has the ability to provide enormous cultural, social, educational, and community benefits that will result from the memorial however not at the expense of impacting upon scenic view corridors from private and public land. A key concern raised has been that the purpose of the structure will not be identifiable and from a distance will appear as a ventilation shaft. Consideration should be given to ameliorating this issue by raising and flying the appropriate flags with consent.

The proposal is not reasonable in this circumstance and inconsistent with the planning principle established in *Tenacity Consulting Pty Limited v Warringah Council* [2004] NSWLEC 140. The development does not respect the principle of view sharing.

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Access and Transport

Equitable access is not addressed which may limit access to the memorial site for people with impaired mobility. Given the site is proposed as a commemorative place this is of paramount importance on national days of significance such as ANZAC Day and Remembrance Day.

The proposed access does not comply with AS 1428.1, 1428.4.1, NCC (BCA 2016 Volume 1), Disability (Access to Premises – Buildings) Standards, and Central Coast Council Disability Inclusion Plan.

The identified location for the monument limits access for people with impaired mobility.

Presently, the site is accessed from a number of existing paths from the north eastern and south eastern car park. Currently, a trail road allows vehicular access and limited wheelchair access from the slip rail located on the northern side of the Skillion car parking bays. There is also a footpath encompassing the whole Haven area which allows foot traffic to the site.

A new accessible pathway should provide compliant access for all abilities.

Recommendations made in an access report prepared by Access Solutions Consultants dated 7 March 2019 should be updated to assess the proposed situation and how the accessible pathway will be resolved and installed by Council to meet access requirements. Access Solutions do not support Site 1 due to cost, accessibility, lack of access to sanitary facilities and the steep slope.

It is further recommended that any future development application associated with a memorial include a resting place or bench type structure given the site location is atop a steep climb of The Haven.

A Traffic Impact Assessment is also recommended for any future application to address the potential impact management of traffic and parking overflow on national days of recognition and commemoration such as ANZAC Day and Remembrance Day.

Overall built environment impacts

The proposal is not compatible with, and will adversely impact on, the character and amenity of the locality, public recreation area and streetscape. This is predominantly as a result of the visual impact applicable to the height of the development that would result in an outcome that is uncharacteristic and unplanned in this location. As a result, the proposed development is unsatisfactory in terms of impacts on the built environment.

A thorough assessment of the proposed development's impact on the built environment has been undertaken having regard for SEPP Coastal Management along with the provisions of

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

GLEP 2014 and GDCP 2013 and it is considered the potential built environment impacts are unreasonable.

Natural Environment

There will be significant impact upon the natural environment as a result of the proposal. Although, the development of the site would result in a public structure and memorial consistent with the existing use of the Haven as a place of public recognition of the sunken Adelaide, insufficient information has been provided addressing the impact upon the existing landscaping and vegetation surrounding the site with regard to removal or protection.

Context and Setting

The site is located on the Haven. The memorial is proposed to be located within a gap (saddle) of the vegetation line which is situated within a landscaped setting and fronts the ocean.

The vegetation in this area is classified as Coastal Headland Shrubland (E51b) with species identified consistent with those found in surrounding coastal environments (e.g. She-oak, Coastal Banksia and Coastal Tea-tree). This site was selected as it has direct view of the buoys over the site of the Ex-HMAS Adelaide, is close to the Marine Rescue Centre, and is clear of vegetation.

The structure is 450mm in diameter and up to 9m in height. It is considered that the development will obstruct significant or iconic views or vistas from public and private land.

In this circumstance, the location chosen at Site 1 is not considered suitable given that the application was accompanied by insufficient information.

The intention of the development is to establish a mast above the sunken naval vessel to form part of a memorial at The Haven. Whilst this application is not considered acceptable, the project to establish a memorial does have value. The Haven is part of the RE1 Public Recreation area and an important area of significant scenic quality and a special place for both locals and tourists. It is considered that a future memorial could enhance this experience.

The Terrigal Haven Plan of Management 2009 which was adopted by the former Gosford City Council in 2010 has not been updated to include the subject development application and 'Lifecycle Plan' has not been prepared.

In this circumstance, the development is considered unacceptable in terms of the impact of the proposed works as assessed against the scenic values identified in the Terrigal Haven Plan of Management 2009 to determine if the changes in the landscape are consistent with the desired character of the reserve.

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Heritage interpretation has not addressed the actions of the Terrigal Haven Plan of Management. The concept plan must be consistent with appropriate management of any culturally significant sites within the vicinity.

Geotechnical

The proposed structure is on a small saddle between two elevated rock outcrops, on stable, slightly sloped land which is currently prone to erosion from storms and associated coastal processes. The site however is well protected from the south where severe storms can cause wider-spread erosion and damage.

Douglas Partners Pty Ltd (DP) carried out a geotechnical investigation. The work was carried out for Wales & Associates Pty Ltd. The geotechnical investigation was carried out to assess the subsurface conditions in order to provide geotechnical design parameters for a footing to support the mast.

The investigation comprised the drilling of a single borehole at the location of the proposed monument. The borehole was drilled using a 4WD-mounted push tube rig with 60 millimetre diameter sampling tubes and was taken to a depth of 3.2 metres.

Conditions encountered in the borehole broadly comprised very stiff grading to hard residual clay soils, with drilling terminating at 3.2 metre depth due to refusal on weathered sandstone. No free groundwater was observed in the borehole which was backfilled shortly after drilling for health and safety reasons.

It is noted that groundwater levels are affected by factors including rainfall and will therefore vary over time.

The report dated July 2010 investigations found that:

- Based on the conditions encountered in the borehole, it is considered that the mast could be supported either by a pad footing or by concrete bored pier(s), depending on the applied loads.
- Pad footings being at least 0.5 m below ground level on at least very stiff residual clay could be proportioned for a maximum allowable bearing pressure of 200 kPa.
- Concrete bored piers could be designed based on a maximum allowable end bearing pressure of 600 kPa and maximum allowable shaft adhesion 50 kPa

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within the weathered rock profile. Shaft adhesion could also be included for the section of the piles within the residual clay and a maximum allowable adhesion of 15 kPa would be appropriate. Lateral loads (e.g, wind loading) could be resisted by the portion of the bored pile embedded into the ground and could be based on an ultimate passive earth pressure of 150 kPa within at least very stiff clay and 300 kPa within the weathered sandstone. The upper 1 m should be ignored in this loading case.

- Settlements associated with footings designed based on the aforementioned parameters would be expected to be less than about 1% of the footing width.
- Footing excavations or pier holes should be free of water and loose debris prior to pouring concrete. It is also recommended that all footing excavations be inspected by a geotechnical engineer to check that the founding conditions are consistent with the design requirements.

It is recommended that any future development application provide an updated geotechnical investigation / dilapidation report as the report dated July 2010 states that the "the scope for work for this investigation/report did not include the assessment of surface or sub-surface materials, or ground water for contaminants within or adjacent to the site".

There has been reported cliff dilapidation in 2020. Structural stability remains an issue for investigation.

Flora and Fauna

Flora recorded at the Haven includes Coastal Headland Shrubland (E51b). There are no anticipated impacts on this vegetation as all construction works would be required to be contained within the exposed grassed area of the site.

Bushfire

The site is not bushfire affected.

Flooding

The site is not flood affected.

Acid Sulfate Soils

The site does not affect acid sulfate soils.

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Economic Impacts

An Economic Impact Assessment has not been submitted with this development application. The proposed development could have beneficial economic impacts bringing tourism to the memorial and local economy. It is noted that the proposal is not considered that the proposal is inconsistent with the aims of the Central Coast Structure Plan 2036 (CCSP 2036).

Social Impacts

A Social Impact Assessment has not been submitted with the development application outlining the net community benefits.

The proposed development could have beneficial social, cultural, historical and educational impacts as it will provide a memorial in the Terrigal Haven (as approved within the Terrigal Haven Plan of Management 2009) to the sunken naval vessel to which it relates and sits sunken and decommissioned off the coast providing a diving reef adjacent north of this part of the coastal headland.

The proposal for a memorial in principle is reasonable, however the built form will be incongruous within the location within The Haven (Site 1) and will adversely impact on the planned character and amenity of the locality.

Safety and Vandalism

Memorials and public artwork on the Central Coast have not been consistently maintained. The construction of this memorial would require a maintenance program, maintenance funding and a 'Lifecycle Plan'. A Lifecycle Plan determines the lifespan of the memorial, and determines ongoing maintenance costs and a program for inspection and maintenance.

The memorial is likely to experience vandalism, which will require removal as soon as possible as tags left in place become a reward to the vandal. Vandalised memorials also become more prominent in the landscape and send a signal that encourages anti social behaviour. How climbable the memorial should also be considered. Vandalised memorials also become more prominent in the landscape and send a signal that encourages anti social behaviour.

Safety measures have not been sufficiently addressed. Safety, vandalism and maintenance regarding the construction and maintenance of the memorial requires a maintenance program, maintenance funding and a 'Lifecycle Plan' determining the lifespan of the memorial, ongoing maintenance costs and a program for inspections, and, how this part of the cliff coastline will be ensured for public safety with fencing and the like.

Suitable safety measures such as way finding signage have not been provided to ensure mourners and visitors to the site are aware of the structures close proximity to the cliff drop

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off. It is recommended future consideration be given to providing low lying safety fencing along the cliff line gap similar to that at the Skillion.

Where relevant The Terrigal Haven Plan of Management 2009 which was adopted by the former Gosford City Council in 2010 should be updated to include the development, safety and maintenance program.

Heritage Interpretation – European and Aboriginal

There is significant Aboriginal heritage known to be within the surrounding area specifically along the northern foreshore and adjacent to the Skillion on the eastern side. Indigenous and non-indigenous heritage Indigenous heritage sites have been identified within the Terrigal Haven area however due to the sensitive nature of the information, specific details cannot be provided.

It is recognised that the actions in this Terrigal Haven Plan of Management and the concept plan must be consistent with appropriate management of these culturally significant sites. Any future application should include a heritage interpretation strategy and plaque will provide public awareness of the mast ex-naval history and importance of service, identifying and respecting the memorial as it comprises the original mast from the Ex-HMAS Adelaide which will be placed within a sandstone block plinth.

Suitability of the Site for the Development

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

- The site is zoned RE1 Public Recreation under GLEP 2014. The proposal is a permissible use under the RE1 Public Recreation zone, however the scale of the proposed development by virtue of it's chosen location is inconsistent with the objectives of the zone.
- There may be environmental hazards which would prevent development of the site.
- Utility services may be required which may not be available at the site.
- The site is not located on and near public transport facilities however, is located within a public recreation space providing community facilities.
- The development application is in not accordance with desired character/scenic quality for the area.
- There is no character statement for this precinct that specifically addresses the land, however it is conserved in this circumstance the aesthetics are generally unacceptable and given the environmental impact, the application is not supported.
- The HMAS Adelaide monument could in future present as a visually interesting historical monument structure if it were of a suitable bulk and scale and sited within an equitable location.

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Any Submission made in Accordance with this Act or Regulations

The development application was notified between 12 February 2021 to 22 March 2021 in accordance with DCP 2013 – Chapter 1.2 Notification of Development Proposals with 6 submissions received. The general issues raised in relation to the proposal are included below:

- *Concern about ongoing cost and Council's financial position.*

Comment: Funding is already established (although may require renewal) for the development. The NSW Government has committed funding of the installation with a \$66,000 grant from the Stronger Communities Fund (round 2), with an additional \$3,000 provided by the Minister's Discretionary fund (FY2015-16). Council is submitting the development application and will be responsible for project management and ongoing maintenance. Council will seek funding for the installation of the access path as part of future project work.

- *Concern about the identified location for the monument limiting access for people with impaired mobility.*

Comment: An Access Report prepared by Accessible Solutions dated 7 March 2019 accompanies this development application which does not support Site 1 due to cost, accessibility, lack of access to sanitary facilities and the steep slope. Equitable accessibility should be resolved and remains an ongoing issue at the Haven.

- *Concern about the obstruction of view and the need to keep the natural environment in mind when implementing anything at The Haven.*

Comment: Two Visual Impact Assessment (VIA) reports accompany this DA including a June 2020 Independent Review by The Design Partnership (TDP) of the Visual Impact Assessment (VIA) by the Green Light Design Group (GLDG). Neither VIA support the DA, however it is considered that the issues raised could be mitigated in order to achieve a more negligible outcome particularly given the enormous cultural, social, educational, and community benefits that will result from the Ex-HMAS Adelaide memorial.

- *Access*

Comment: Equitable access is not addressed which may limit access to the memorial site for people with impaired mobility. Given the site is proposed as a commemorative place this is of paramount importance on national days of significance such as ANZAC Day and Remembrance Day.

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The proposed access does not comply with AS 1428.1, 1428.4.1, NCC (BCA 2016 Volume 1), Disability (Access to Premises – Buildings) Standards, and Central Coast Council Disability Inclusion Plan.

Access Solutions do not support Site 1 identified by Council for the development due to cost, accessibility, lack of access to sanitary facilities and the steep slope.

It is recommended that any future development application associated with a memorial include a resting place or bench type structure given the site location is atop a steep climb of the Haven.

A Traffic Impact Assessment is also recommended for any future application to address the potential impact management of traffic and parking overflow on national days of recognition and commemoration such as ANZAC Day and Remembrance Day.

- *Consultation*

Comment: Prior to lodgement formal community engagement was held between 9 November 2020 and 7 December 2020 through Council's web page. Hyperlink to community engagement: <https://www.yourvoiceourcoast.com/HMASadelaide>

Consultation was undertaken to determine community sentiment on the monument and its location to inform the application.

The development application has been formerly exhibited between 12 February 2021 and 26 February 2021. Six (6) submissions were received including a letter from the Terrigal Area Residents Association Inc. (TARA). The issues raised have been considered in the assessment.

- *Would Staff and Councillors consider a Site inspection at which time two marker poles could be erected?*

Comments: Although recommended in correspondence to the applicant dated 17 February 2021, height poles were not placed on the site to determine the height and visual impact.

- *Maintenance*

Comment: The installation of the mast was included in the Terrigal Haven Plan of Management 2009 which states 'Investigate appropriate location for a memorial in honour of the ex-HMAS Adelaide II and her crew. Construct environmentally sensitive viewing platform incorporating interpretive / educational signage and relevant relics from the vessel.'

Any future application will require the plan to be updated to include a maintenance program, maintenance funding and a 'Lifecycle Plan'. A Lifecycle Plan determines the lifespan of the

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole (contd)

memorial and determines ongoing maintenance costs and a program for inspection and maintenance.

- *The 'cluttering up' of one of nature's quiet, simple and open landscapes would be a disaster when viewed close up or from a distance.*

Comment: The proposed structure is not considered suitable for this location in this circumstance. Visual impact has been thoroughly considered in this assessment.

- *Support - In view of the long period of gestation, corresponding increases in cost over 9 years the option for site 2 proposal is strongly supported based on the current documentation supporting this Development Application. The caveat being that Central Coast Council rate payers are not requested to financially support this proposal particularly given the cost overrun of the Terrigal Boardwalk.*

Comment: Noted.

Submissions from Public Authorities

Roads and Maritime Services (TfNSW)

Council did not refer the development application too TfNSW for comments.

Internal Consultation

The application has been referred to and reviewed by the following experts in council:

Building Surveyor	Supported subject to conditions.
Development Engineer	Supported subject to conditions. Refer comments below.
Environmental Health	Supported without conditions.
Ecology	Supported without conditions.
Urban Design	See comments below.

Development Engineer

Accessible footpath

The development will require the construction of accessible footpath from the Skillion car park to the perimeter footpath adjoining the proposed location of the memorial structure. The design and construction of this is to be in accordance with the Building Code of Australia and Council's Civil Works Specification.

Fencing

Planner to consider whether the provision of safety fencing between the memorial structure and the cliff is warranted.

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Urban Design Comments

In terms of Urban Design, the proposed location appears to be satisfactory but the dimensions of the monument are problematic and some of the issues still need to be worked through.

We may need to ask for a Landscape Plan from a suitably qualified professional, revised drawings with a more generous allocation to allow for circulation, and confirmation that the appearance of the mast does not include the 3 horizontal projections that are up to 4 metres long.

There is also opportunity to modify the design to remove trip hazards in both the walls and the plaque and incorporate interpretative signage in more appropriate locations.

The application is unable to be supported for the reasons outlined in the recommended reasons for **Refusal**.

The Public Interest

The development will have an adverse impact on the public amenity of the existing public open space and does not provide equitable access. Visual impact must be resolved in order to mitigate environmental impact by way of view obstruction from neighbouring properties and surrounding public land.

Ecologically Sustainable Principles

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be not inconsistent with the principles.

Further analysis is required to determine whether the proposed development is considered satisfactory in terms of stormwater, drainage and erosion control. A detailed landscape plan and arborist report has not been submitted outlining the protection, retention and replacement of vegetation where possible.

Suitable information has not been submitted with the application demonstrating that the development is unlikely to have any significant adverse impacts on the environment which could in turn decrease environmental quality for future generations.

Flora recorded at the Haven includes Coastal Headland Shrubland (E51b). There are no anticipated impacts on this vegetation as all construction works will be contained within the exposed grassed area of the site.

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Climate Change

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

Other Matters for Consideration

The Terrigal Haven Plan of Management 2009

The installation of the mast was included in the Terrigal Haven Plan of Management 2009 adopted by the former Gosford City Council in 2010 which states 'Investigate appropriate location for a memorial in honour of the ex-HMAS Adelaide II and her crew. Construct environmentally sensitive viewing platform incorporating interpretive/educational signage and relevant relics from the vessel.'

Clauses 5.1 to 5.4 of the plan are relevant to the proposed development and were addressed in the Visual Impact Assessment prepared by Greenlight as independently reviewed by Kristie Ryan.

Any future application will require the plan to be updated to include a maintenance program, maintenance funding and a 'Lifecycle Plan'. A Lifecycle Plan determines the lifespan of the memorial and determines ongoing maintenance costs and a program for inspection and maintenance.

Illumination

No illumination of the development of surrounding public land is proposed. This is not permissible without consent of Australian Navy or RSL.

Waste Management

A Waste Management Plan (WMP) has been prepared in line with the requirements of the Gosford Development Control Plan.

Construction Management Plan/Project Delivery

The proposal would most likely not produce excessive dust or noise during the construction affecting neighbours as there are no nearby sensitive noise receivers such as residential dwellings, schools or hospitals. However, the use of the public recreation area would be restricted during construction.

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The delivery of this project has been planned to minimise inconvenience, ensure safety and reduce the construction impact on residents, local businesses and tourists.

The proposed works are anticipated to last for approximately 2 weeks with the initial installation of the mast the priority. A plinth footing is required to a depth of a minimum 4.4 metres deep by a 750 millimetres width to ensure enough strength is obtained to secure the mast.

The base of the mast itself is 2 metres above ground and held by a pre-welded stainless steel cage that is concreted into the plinth and tightened with GR316 stainless steel bolts.

During the construction period, access to the area around the footprint of the structure and upgrade to access pathways would be restricted, plus a small section of the Terrigal Haven carpark may be closed to cater to construction vehicles etc.

Users of the Haven, Main Oval and Skillion as well as foreshore areas and car park areas are advised to adhere to onsite signage and not to enter the construction area. However, a Construction Management Plan (CMP) was not submitted.

Planning Agreements

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

Development Contributions

Development Contribution Plan under Section 7.12 may be applicable if the proposal was supported.

Water and Sewer Contributions

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

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 unsuitable for the proposed development.

The proposed development is expected to have an adverse impact on the built and natural environment as well as visual impacts.

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It is considered that the proposed development will not complement the locality and meet the desired future character of the area. Accordingly, the application is recommended for **Refusal** pursuant to Section 4.16 of the Environmental Planning and Assessment Act.

The development application is not supported, for the reasons below.

Reasons for the Decision

The reasons for the decision as recommended under the assessment of this application are as follows:

1. The proposal is unsatisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. The proposal has been considered against the provisions of State Environmental Planning Policy (Coastal Management), Gosford Local Environmental Plan 2014 and Gosford Development Control Plan 2013 and has been found to be unsatisfactory.
3. There are significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.
4. Additional information requested in order to undertake a more comprehensive assessment addressing the relevant provisions of the Environmental Planning and Assessment 1979 has not been provided:
 - a. A survey has not been provided clearly identifying the location of the proposed structure and proximity of vegetation that may be affected.
 - b. Amendments are required on the architectural drawings to show correct dimensions of the structure and surrounding area. It is noted that the SEE states the structure is 7.4m, and that the base of the mast will be 2m above ground level. The architectural drawings show the mast height at approximately 9m and the Independent Review of the Greenlight VIA states the proposal will be approximately 9.5m.
5. The application is inconsistent with the stated aims and objectives of the SEPP (Coastal Management) 2018. The proposed development will cause an adverse impact on the matters required to be considered under Clause 13 (1) (a) – (g), Clause 13 (2) (a) – (c), Clause 14 (1) (a) – (b) and Clause 2 of SEPP (Coastal Management) 2018.

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6. Equitable access will not be achieved, and does not comply with AS 1428.1, 1428.4.1, NCC (BCA 2016 Volume 1), Disability (Access to Premises – Buildings) Standards, and Central Coast Council Disability Inclusion Plan.
7. The development will cause adverse visual impact upon view corridors from private and public places.
8. The development is considered unacceptable in terms of the impact of the proposed works as assessed against the scenic values identified in The Terrigal Haven Plan of Management 2009 to determine if the changes in the landscape are consistent with the desired character of the reserve.
9. Safety measures have not been sufficiently addressed.
10. A traffic impact assessment (TIA) has not assessed the additional traffic overflow may be managed on commemorative days of the year.
11. An ecology, biodiversity and landscape or arborist assessment has not been submitted to assess the impact of the development on the natural environment, fauna and flora.
12. A social impact assessment and economic impact assessment has not been submitted to assess the net community and economic benefits of the development.
13. The geotechnical investigation / dilapidation report dated July 2010 prepared by Douglas Partners is considered outdated and does not specifically address the proposed location of the mast and plinth footing.
14. A Construction Management Plan (CMP) has not been submitted.
15. The development is not presently considered in the public interest. The development will have an adverse impact on the public amenity of the existing public open space and does not provide equitable access. Visual impact must be resolved in order to mitigate environmental impact by way of view obstruction from neighbouring properties and surrounding public land.

Attachments

1	Architectural Plans 2 Scenic Highway TERRIGAL DA60262 Part 1	D14327718
2	Statement of Environmental Effects Revised Nov 2020 2 Scenic Highway TERRIGAL DA60262 Part 1	D14468432
3	Engineering Plan & Carpark & Pathway Plan 2 Scenic Highway TERRIGAL DA60262 Part 1	D14327723

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4	Access Report 2 Scenic Highway TERRIGAL DA60262 Part 1	D14327733
5	Geotechnical Report 2 Scenic Highway TERRIGAL DA60262 Part 1	D14327735
6	Visual Impact Assessment 2 Scenic Highway TERRIGAL DA60262 Part 1	D14327729
7	Independent Review 2 Scenic Highway TERRIGAL DA60262 Part 1	D14327736

HMAS Adelaide Monument

*Approximate
site location*

*Approx. HMAS
ADELAIDE location*



Project Locality

Sheet Index - COUNCIL SUBMISSION DA					AMENDMENTS					
No.	NAME	...	REV	ISSUED	REMARK	ID	Description	Last Modified	By	Status
A3-00	COVER PAGE		04	<input checked="" type="checkbox"/>						
A3-01	DRAWING LISTS & REVISIONS		04	<input checked="" type="checkbox"/>						
A3-02	GENERAL NOTES 1		04	<input checked="" type="checkbox"/>						
A3-03	GENERAL NOTES 2		04	<input checked="" type="checkbox"/>						
A3-04	GENERAL NOTES 3		04	<input checked="" type="checkbox"/>						
A3-05	GENERAL NOTES 3			<input type="checkbox"/>						
A3-06	GENERAL NOTES 3			<input type="checkbox"/>						
A3-10	SITE PLAN		04	<input checked="" type="checkbox"/>						
A3-11	SURVEY			<input type="checkbox"/>						
A3-12	SHADOW DIAGRAMS			<input type="checkbox"/>						
A3-20	GROUND FLOOR DEMOLITION			<input type="checkbox"/>						
A3-21	FIRST FLOOR DEMOLITION			<input type="checkbox"/>						
A3-22	SLAB & SETOUT			<input type="checkbox"/>						
A3-23	BASE and GROUND		04	<input checked="" type="checkbox"/>						
A3-24	FIRST FLOOR			<input type="checkbox"/>						
A3-25	ROOF PLAN			<input type="checkbox"/>						
A3-30	SECTIONS		04	<input checked="" type="checkbox"/>						
A3-40	NW & SE ELEVATIONS		04	<input checked="" type="checkbox"/>						
A3-41	NE & SW ELEVATION		04	<input checked="" type="checkbox"/>						
A3-50	FACADE DETAILS			<input type="checkbox"/>						
A3-51	INTERIOR DETAILS			<input type="checkbox"/>						
A3-60	DOOR SCHEDULE			<input type="checkbox"/>						
A3-61	WINDOW SCHEDULE			<input type="checkbox"/>						
A3-62	MATERIALS SCHEDULE			<input type="checkbox"/>						
A3-90	EXTERNAL VIEWS		04	<input checked="" type="checkbox"/>						
A3-91	INTERNAL VIEWS			<input type="checkbox"/>						

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	HOWARD LESLIE & ASSOCIATES residential and commercial building design	Community Project for: HMAS Adelaide Monument at: The Haven. Scenic Hwy TERRIGAL NSW 2260 lot: 6 dp: 857477	<table border="1"> <thead> <tr><th>REV</th><th>Issue</th><th>Date</th></tr> </thead> <tbody> <tr><td>01</td><td>Issue DA</td><td>5/03/2019</td></tr> <tr><td>02</td><td>Re-Issue DA</td><td>31/08/2020</td></tr> <tr><td>03</td><td>Re-Issue DA</td><td>14/09/2020</td></tr> <tr><td>04</td><td>Re-Issue DA</td><td>6/11/2020</td></tr> </tbody> </table>	REV	Issue	Date	01	Issue DA	5/03/2019	02	Re-Issue DA	31/08/2020	03	Re-Issue DA	14/09/2020	04	Re-Issue DA	6/11/2020	DRAWING LISTS & REVISIONS	
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p 02 4323 4505 e david@hlabuildingdesign.com.au a PO Box 3206, ERINA NSW 2250 <small>© Reproduction in part or full is prohibited by Copyright</small>	 <small>ACCREDITED MEMBER OF BUILDING DESIGNERS AUSTRALIA</small>	<table border="1"> <tr><td>BASIX Cert: #</td><td>BASIX Cert #</td></tr> <tr><td>BAL Rating: #</td><td>BAL Rating</td></tr> <tr><td>drawn:</td><td>DR</td></tr> <tr><td>checked:</td><td>DR</td></tr> <tr><td>print date:</td><td>6/11/2020</td></tr> <tr><td>scale @ A3:</td><td></td></tr> </table>	BASIX Cert: #	BASIX Cert #	BAL Rating: #	BAL Rating	drawn:	DR	checked:	DR	print date:	6/11/2020	scale @ A3:		Issue: 04	sheet #: 16595-A3-01				
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GENERAL

Works are to be carried out in accordance with the following list of standards. This list may not be exhaustive.

REFERENCE	TITLE
AS 1170 (Part1)	Structural design actions—Preferment, imposed and other action
AS 1170 (Part2)	Structural design actions—Wind actions
AS 1319	Safety signs for the occupational environment
AS/NZS 1576 (set)	Scaffolding- General requirement fixed platform, walkways, stairways and ladders- design, construction & installation
AS 1657	Safety in welding and allied processes- Fire precautions
AS 1674.1	Interior and workplace lighting—General principles and recommendations
AS/NZS 1680.1	Interior lighting—industrial tasks and processing
AS/NZS 1650.2.4	The use of ventilation and air conditioning in buildings
AS 1668.2	Swimming Pool Safety
AS 1926	The storage and handling of flammable and combustible liquids
AS 1940	Cranes, hoists and winches- Safe use- General requirements
AS 2550 (set)	The demolition of structures
AS 2601	Electrical installation (known as the Australian New Zealand wiring roles)
AS 3000	Parking Facilities Set
AS 2890 (set)	Formwork for concrete
AS 3610	Formwork for concrete- Commentary
AS 3610 (Sup 2)	Concrete structures
AS 3600	Guidelines for the erecting of building steelwork
AS 3828	Pre- fabricated concrete elements- General Requirements
AS 3850.1	Pre- fabricated concrete elements—Building Construction
AS 3550.2	Construction of buildings in bushfire prone areas
AS 3959	Safety of machinery
AS 4024.1 (set)	Steel structures
AS 4100	Sprat pointing booths
AS/AZS 4114	Risk management
AS/NZS 4360	Safety mesh
AS/NZS 4359	Guidelines for scaffolding
AS/NZS 4576	

AS/NZS 4801 OH&S management systems- Specification with guidance for use
AS/NZS 4994. Roof edge protection equipment.

All works are to comply with the NCC (National Construction Code) and all relevant authority requirements including (but not limited to) the following requirements:

CONTRACTORS AND SUBCONTRACTORS

All contractors and subcontractors have environmental responsibilities during the performance of their various activities on the Project in particular:

- The submission to the Project Manager of their own documentation which complies with Federal, State, and Local Authority regulations and the contents of this CEMP,

• The preparation and implementation of specific environmental control plans deemed necessary by the Project Manager or his nominee to correct identified deficiencies or to enhance overall environmental performance and compliance on the Project;

• Taking all necessary precautions or actions in relation to any activity conducted on the Project that may potentially cause environmental harm and ensuring compliance with this Project CEMP and relevant regulations including the development and implementation of an environmental monitoring program;

• Providing initial and ongoing environmental awareness training including induction training for all new employees detailing each person’s individual environmental responsibilities and key aspects of the Project CEMP and their own environmental objectives and compliance plans, and any other details specific to their individual work scope on the Project;

• The immediate reporting to the project manager of all environmental incidents, non-conformances, or concerns and the timely implementation of corrective actions or remediation strategies to control or ameliorate the extent of environmental harm; and

• Ensure that all environmental complaints are handled in a prompt and courteous manner and in compliance with the guidelines contained in this CEMP.

WORKS IN THE PUBLIC DOMAIN

Works associated with the development will take place outside of the main site footprint such as road works and provision of site services.

The Principal Contractor will consider the following indicative issues with regards to local authority assets:

• Local authority assets such as roads, kerbing and channels etc, stormwater drains and street furniture will be protected and made good if damaged as a direct result of the building work;

• Priority repair will be given to those areas relied upon by pedestrians, cyclists and motorists’ safety; and

• Any services installation such as electrical, drainage etc. that extends over footpaths will be temporarily covered over and pedestrian and

disability access facilitated by a ramp until such time as full reinstatement is complete.

SAFETY AND SECURITY

The following indicative issues will be considered with regards to the safety and security of the site:

• Adequate lighting, safety signage and traffic controls will be provided in accordance with Codes of Practice (from RTA, Sydney City Council etc.);

• Traffic controls and a traffic management plan will be developed and will comply with the relevant legislation;

• Any temporary or permanent changes to street lighting will be approved by the relevant authority;

• Security measures will be in place at all times when the site is not in operation;

• If the site cannot be fully secured, then consideration may be given to a security service, with patrols or fixed guards; and

• Hazardous chemicals will be stored in accordance with the relevant Australian Standard (mainly including items such as fuel, paints, and solvents).

FIRE PRECAUTIONS DURING CONSTRUCTION

During construction there is to be:

• not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit or temporary stairway or exit, in accordance with NCC Volume 1 Part E1.9(a)

EMERGENCY PROCEDURES

Emergency services will be informed of the location and nature of the works and the nature of potentially hazardous materials encountered at the Site during the demolition and recycling works and the early works in general. Emergency procedures on site will cover actions to be taken if a serious event occurs. Serious events may include but not be limited to:

- Oil or other contamination spillage;
- Collapse or potential collapse of a structure;
- Fire and explosion;
- Failure of any control structures;

• Industrial accident.

In order to ensure that the environmental impact of catastrophic events is minimised, emergency procedures are to be followed. These include:

• The first priority is the safety of any persons either workers or others involved in the events;

• Whatever reasonable actions necessary to protect safety will be taken. The site Occupational Health and Safety Plan will outline actions to be taken in relation to safety of persons if these circumstances eventuate;

• The second priority is to quickly minimise the environmental damage. All emergency action should take place as soon as possible after the event.

Actions to be taken may include:

• The containment of any pollution by booms, silt fences or other means. Supplies of silt fences are to be kept on-site;

• The temporary re-establishment of the control structure; and

• The taking of appropriate samples to assess the extent of the problem.

DUST SUPPRESSION

• Water sprays will be used for dust suppression across unsealed areas of the site, stockpiles and other dust generating areas. The water will be applied to the area at a rate sufficient to maintain dust control.

WORKPLACE HEALTH & SAFETY

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not exclusive to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, and DEMOLISHERS.

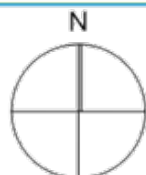
1. FALLS, SLIPS, TRIPS

A) WORKING AT HEIGHTS

DURING CONSTRUCTION

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will

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Community Project

for: **HMAS Adelaide Monument**
at: **The Haven. Scenic Hwy TERRIGAL NSW 2260**
lot: 6 dp: 857477

REV	Issue	Date
01	Issue DA	5/03/2019
02	Re-Issue DA	31/08/2020
03	Re-Issue DA	14/09/2020
04	Re-Issue DA	6/11/2020

GENERAL NOTES 1

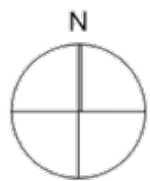
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BAL Rating: #BAL Rating	04	16595-A3-02
drawn: DR		
checked: DR		
print date: 6/11/2020		
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<p>require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.</p> <p>DURING OPERATION OR MAINTENANCE</p> <p>For houses or other low-rise buildings where scaffolding is appropriate:</p> <p>Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.</p> <p>For buildings where scaffold, ladders, trestles are not appropriate:</p> <p>Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.</p> <p>ANCHORAGE POINTS</p> <p>Anchorage points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.</p>	<p>CONSTRUCTION NOISE MANAGEMENT AND MITIGATION</p> <p>Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.</p> <p>Principal contractor to make provisions for the prevention of any paint spillages or other damage to the public footpath while work is being carried out.</p> <p>Hours for building noise and work hours required by Council:</p> <p>Monday to Friday - 7:00am to 6:00pm</p> <p>Saturday - 8:00am to 5:00pm</p> <p>Work is not to be carried out on Sundays or Public Holidays</p> <p>Australian Standard AS 2436-2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites' sets out numerous practical recommendations to assist in mitigating construction noise emissions. Recommendations provided in this standard include operational strategies, source noise control strategies, noise barrier controls, and community consultation.</p> <p>It is estimated that adopting strategies contained in this standard may result in the following noise attenuation:</p> <ul style="list-style-type: none"> up to 10 dB(A) where space requirements place limitations on the attenuation options available; <p>and</p> <ul style="list-style-type: none"> up to 20 dB(A) in situations where noise source noise mitigation measures 	<p>(silencers, mufflers, etc.) can be combined with noise barriers and other management techniques.</p> <p>Further descriptions of management measures and mitigation options are provided for specific construction activities and work areas in the following sections. General noise mitigation and management measures are included in Table 4.1.</p> <p>STANDARD CONSTRUCTION ACTIVITIES</p> <p>During construction activities, the following noise management and mitigation strategies should be adopted where feasible:</p> <ul style="list-style-type: none"> plant, where possible, to be strategically positioned to provide shielding where noise generation at a site is predicted to be above criteria at surrounding receptors; limitation of use of acoustically significant plant (reticulation pumps) to minimise exposure to nearby residences (where possible); undertake regular maintenance of machinery to minimise noise emissions. Maintenance will be confined to standard daytime construction hours and where possible, away from noise sensitive receivers; and hydraulic fracture stimulation to use localised screens to block line of site from construction plant to adjacent receivers, screens may include other not operational plant, shipping containers, site sheds etc. <p>TRUCKING OPERATIONS</p> <p>Mitigation strategies to manage noise from on-site truck operations include:</p> <ul style="list-style-type: none"> trucks will be well maintained; and trucks will adhere to the designated speed limits in and around local streets. 	<ul style="list-style-type: none"> No chemicals to come onto site unaccompanied by a suitable MSDS; MSDS, chemical inventory and copy of Emergency Response Plan be held at each storage facility; Designated hazardous substances or dangerous goods require Principal Contractor Project Manager approval prior to bringing on Site; Corrosive materials to be stored and handled in accordance with AS3780.8 (Class 8 substances – Corrosives); All fuel, oils and chemicals must be clearly labelled; Transfer of bulk fuel and handling of hazardous chemicals to be conducted only by appropriately trained personnel; Spill clean-up kits including absorbent materials will be kept at each storage place. No permanent bulk oil storage areas would be permitted; All temporary fuel, oil, or chemical storage areas shall be bunded, have suitable fire protection, appropriate procedures for monitoring and clearing accumulated stormwater, and appropriate procedures for spill containment and clean up with equipment stored in close proximity ready for immediate use; Operational procedures for bulk oil or chemical handling, delivery and disposal shall be documented and shall be in accordance with the relevant regulations and Australian Standards; Only personnel trained in the relevant procedures and in contingency action and spill clean-up procedures shall supervise the loading and unloading of bulk oil and chemicals (if any); and Appropriate quantities of spill containment material shall be available for immediate use 	<ul style="list-style-type: none"> The preparation and implementation of specific environmental control plans deemed necessary by the Project Manager or his nominee to correct identified deficiencies or to enhance overall environmental performance and compliance on the Project; Taking all necessary precautions or actions in relation to any activity conducted on the Project that may potentially cause environmental harm and ensuring compliance with this Project CEMP and relevant regulations including the development and implementation of an environmental monitoring program; Providing initial and ongoing environmental awareness training including induction training for all new employees detailing each person's individual environmental responsibilities and key aspects of the Project CEMP and their own environmental objectives and compliance plans, and any other details specific to their individual work scope on the Project; The immediate reporting to the project manager of all environmental incidents, non-conformances, or concerns and the timely implementation of corrective actions or remediation strategies to control or ameliorate the extent of environmental harm; and Ensure that all environmental complaints are handled in a prompt and courteous manner and in compliance with the guidelines contained in this CEMP. <p>WORKS IN THE PUBLIC DOMAIN</p> <p>Works associated with the development will take place outside of the main site footprint such as road works and provision of site services.</p> <p>The Principal Contractor will consider the following indicative issues with regards to local authority assets:</p> <ul style="list-style-type: none"> Local authority assets such as roads, kerbing and channels etc, stormwater drains and street furniture will be protected and made good if damaged as a direct result of the building work; Priority repair will be given to those areas relied upon by pedestrians, cyclists and motorists' safety; and Any services installation such as electrical, drainage etc. that extends over footpaths will be temporarily covered over and pedestrian and
<p>B) SLIPPERY OR UNEVEN SURFACES</p> <p>FLOOR FINISHES Specified</p> <p>If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.</p>		<p>DANGEROUS GOODS MANAGEMENT</p> <p>It is not envisaged that any dangerous goods will be required as part of the demolition and remediation works. If the need arises, then the following points below will be adhered to:</p> <ul style="list-style-type: none"> Sub-contractors to provide list of hazardous chemicals and MSDS to the Principal Contractor prior to bringing chemicals on site; 	<p>CONTRACTORS AND SUBCONTRACTORS</p> <p>All contractors and subcontractors have environmental responsibilities during the performance of their various activities on the Project in particular:</p> <ul style="list-style-type: none"> The submission to the Project Manager of their own documentation which complies with Federal, State, and Local Authority regulations and the contents of this CEMP, 	

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<p>disability access facilitated by a ramp until such time as full reinstatement is complete.</p> <p>SAFETY AND SECURITY</p> <p>The following indicative issues will be considered with regards to the safety and security of the site:</p> <ul style="list-style-type: none"> • Adequate lighting, safety signage and traffic controls will be provided in accordance with Codes of Practice (from RTA, Sydney City Council etc.); • Traffic controls and a traffic management plan will be developed and will comply with the relevant legislation; • Any temporary or permanent changes to street lighting will be approved by the relevant authority; • Security measures will be in place at all times when the site is not in operation; • If the site cannot be fully secured, then consideration may be given to a security service, with patrols or fixed guards; and • Hazardous chemicals will be stored in accordance with the relevant Australian Standard (mainly including items such as fuel, paints, and solvents). 	<ul style="list-style-type: none"> • Industrial accident. <p>In order to ensure that the environmental impact of catastrophic events is minimised, emergency procedures are to be followed. These include:</p> <ul style="list-style-type: none"> • The first priority is the safety of any persons either workers or others involved in the events; • Whatever reasonable actions necessary to protect safety will be taken. The site Occupational Health and Safety Plan will outline actions to be taken in relation to safety of persons if these circumstances eventuate; • The second priority is to quickly minimise the environmental damage. All emergency action should take place as soon as possible after the event. <p>Actions to be taken may include:</p> <ul style="list-style-type: none"> • The containment of any pollution by booms, silt fences or other means. Supplies of silt fences are to be kept on-site; • The temporary re-establishment of the control structure; and • The taking of appropriate samples to assess the extent of the problem. 	<p>require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.</p> <p>DURING OPERATION OR MAINTENANCE</p> <p>For houses or other low-rise buildings where scaffolding is appropriate:</p> <p>Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.</p> <p>For buildings where scaffold, ladders, trestles are not appropriate:</p> <p>Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.</p>		
<p>FIRE PRECAUTIONS DURING CONSTRUCTION</p> <p>During construction there is to be:</p> <ul style="list-style-type: none"> • not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit or temporary stairway or exit, in accordance with NCC Volume 1 Part E1.9(a) 	<p>DUST SUPPRESSION</p> <ul style="list-style-type: none"> • Water sprays will be used for dust suppression across unsealed areas of the site, stockpiles and other dust generating areas. The water will be applied to the area at a rate sufficient to maintain dust control. <p>WORKPLACE HEALTH & SAFETY</p> <p>THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES (but is not exclusive to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, and DEMOLISHERS.</p>	<p>ANCHORAGE POINTS</p> <p>Anchorage points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.</p>		
<p>EMERGENCY PROCEDURES</p> <p>Emergency services will be informed of the location and nature of the works and the nature of potentially hazardous materials encountered at the Site during the demolition and recycling works and the early works in general. Emergency procedures on site will cover actions to be taken if a serious event occurs. Serious events may include but not be limited to:</p> <ul style="list-style-type: none"> • Oil or other contamination spillage; • Collapse or potential collapse of a structure; • Fire and explosion; • Failure of any control structures; 	<p>1. FALLS, SLIPS, TRIPS</p> <p>A) WORKING AT HEIGHTS</p> <p>DURING CONSTRUCTION</p> <p>Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will</p>			

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Community Project

for:
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 at:
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 lot: 6 dp: 857477

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01	Issue DA	5/03/2019	BASIX Cert: #BASIX Cert #	Issue:
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			scale @ A3:	16595-A3-04

Landscape Management - Trees

Existing Vegetation to be Retained and Protected:

- * All existing trees shown to be retained are to be protected in accordance with "the act landscape guidelines" & The "basic specification for road, hydraulic Services and landscape vol. 1, edition no.1 July 1991" - unless noted otherwise. Refer to ACT Environment Tree Damaging Activity Approval.
- * No storage of materials/waste or parking is permitted within the tree protection zone (2m outside the drip zone) of significant trees
- * Existing crown and apex not to be altered unless noted otherwise.
- * Ensure construction equipment can pass beneath lowest limb without damage to trees.
- * Access requiring excavation is not permitted on two sides of trees.
- * All work within the drip zone must be undertaken by hand.
- * Do not sever large roots (greater than 30mm dia) closer than halfway from the drip line to the trunk.
- * All roots must be cut cleanly with equipment specially designed to cut roots.
- * Roots exposed during excavation must be protected from drying out.

Waste Management:

- * No unauthorised use of public land for storage of waste/recyclables or parking is permitted. The method of disposal for all demolished structures and vegetation shall be as per the Waste Management Plan Parts 1, 2 & 3

Temporary Fencing:

- * Temporary 1800H chain wire verge protection fence to be erected prior to commencement of the works.
- * Temporary protection fences may be required around significant trees on site also, in accordance with ACT Environment recommendations. Refer to ACT Environment Tree Damaging Activity Approval.
- * Remove fencing for landscape restoration only after the completion of construction works

Temporary Access:

- * Temporary access across verge: where possible use existing driveways.

Reinstatement:

- * The contractor is responsible for the reinstatement of all damages incurred to land, vegetation, services, paths, roads and other public property, as a result of this construction work.
- * At the completion of construction, verges are to be restored to non irrigated grass. Top soil is not to be removed and the soil level must not be changed

Work On Site Only:

- * All construction work is to be contained within the site except for work otherwise approved by all relevant authorities.
- * Advertising, signage, and the like to be located within the property boundary



Site location



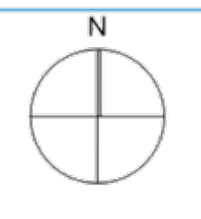
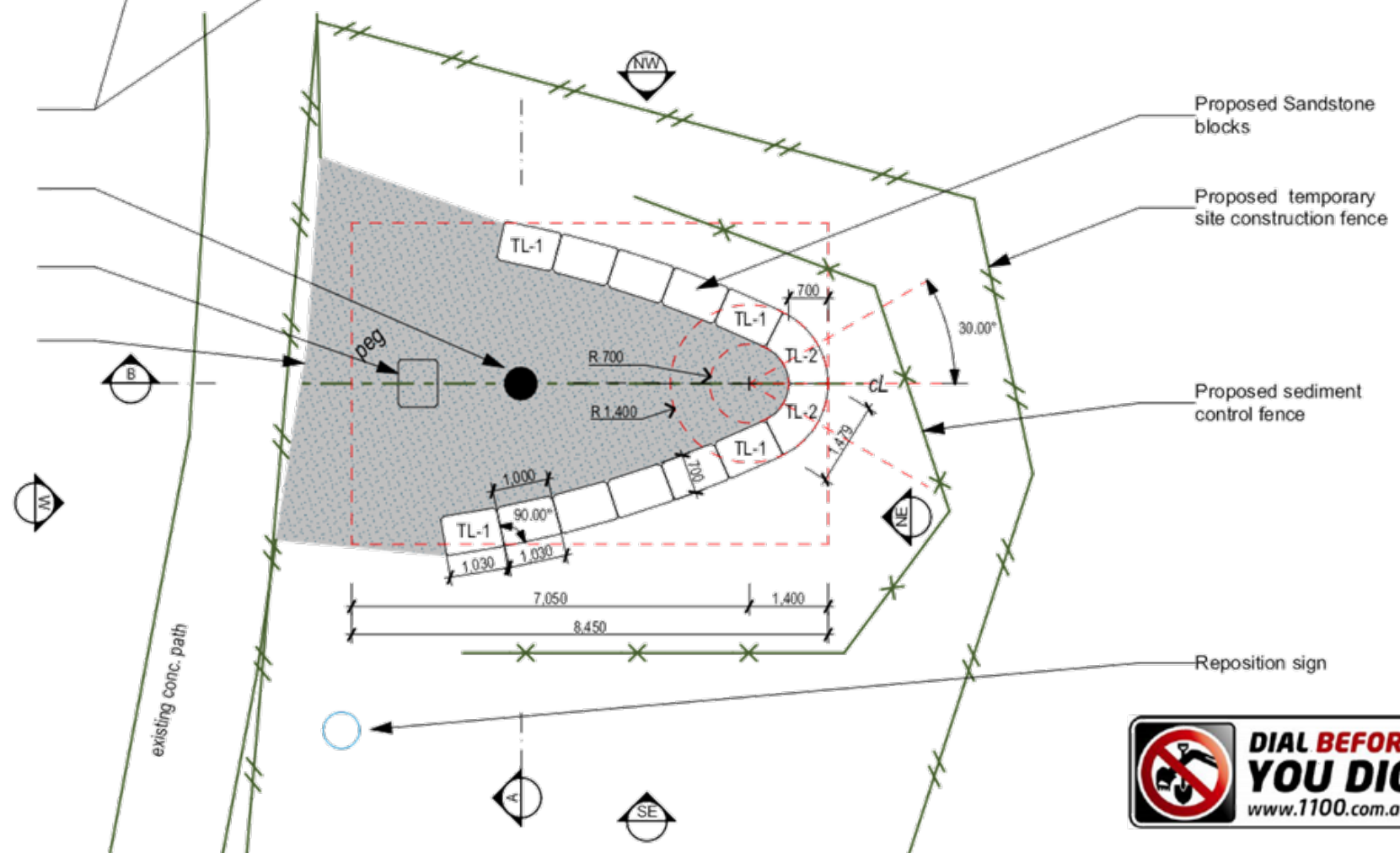
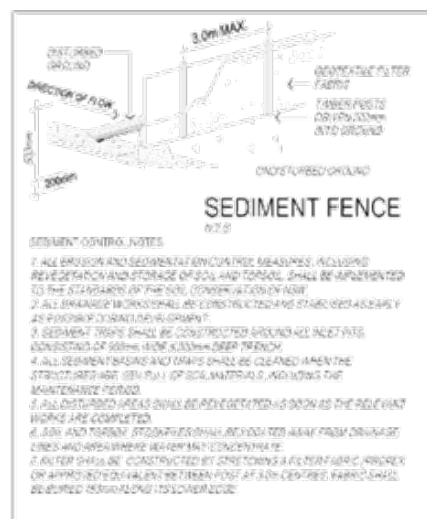
Site location

Approximate site location

Proposed Ship Mast

Proposed Monument Plaque

Provide smooth transition between existing and proposed concrete surfaces



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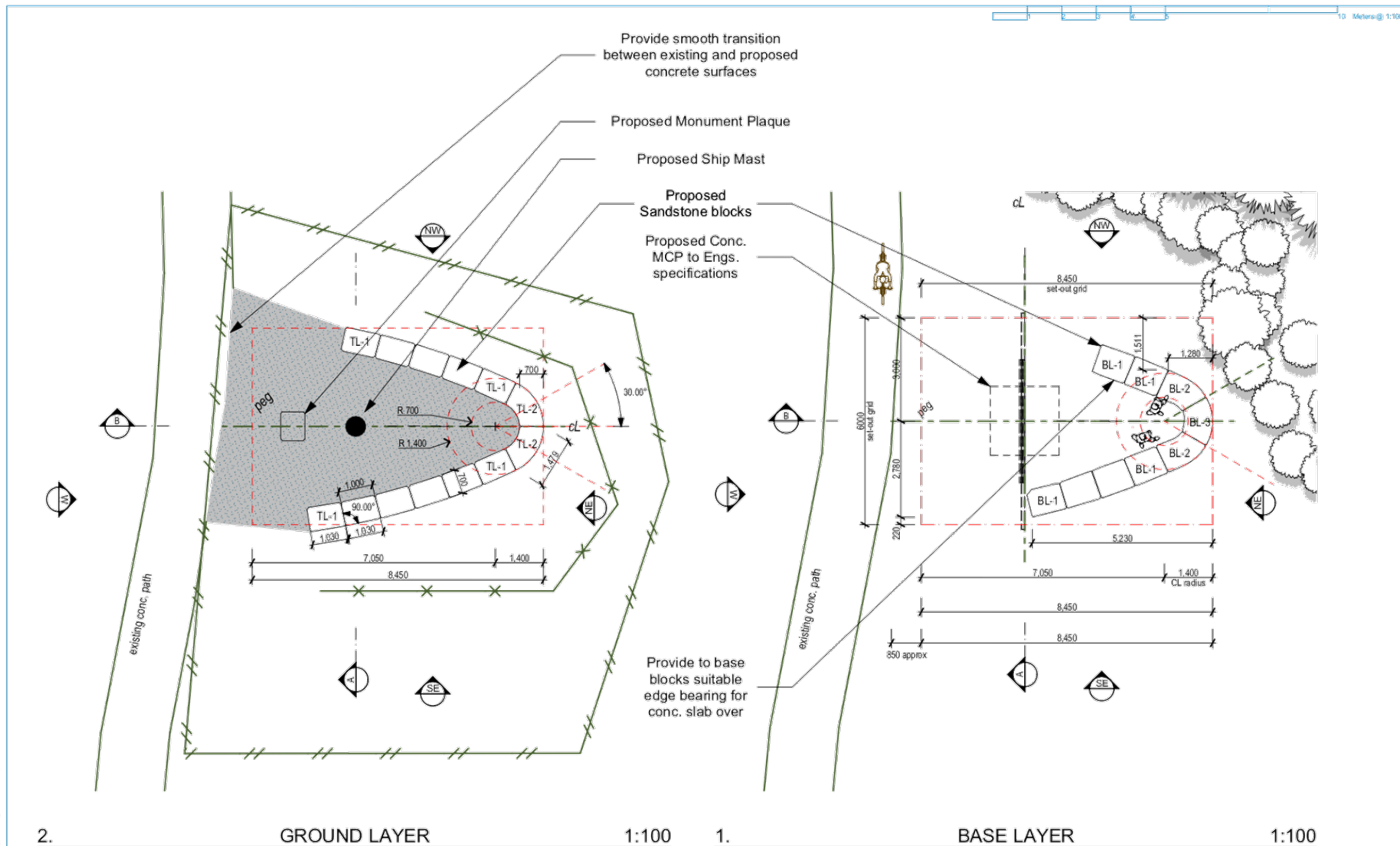
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REV	Issue	Date	SITE PLAN	
01	Issue DA	5/03/2019	BASIX Cert: #BASIX Cert #	Issue:
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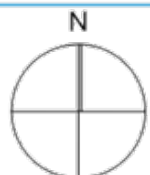
GROUND LAYER

1:100

1.

BASE LAYER

1:100



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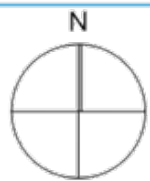
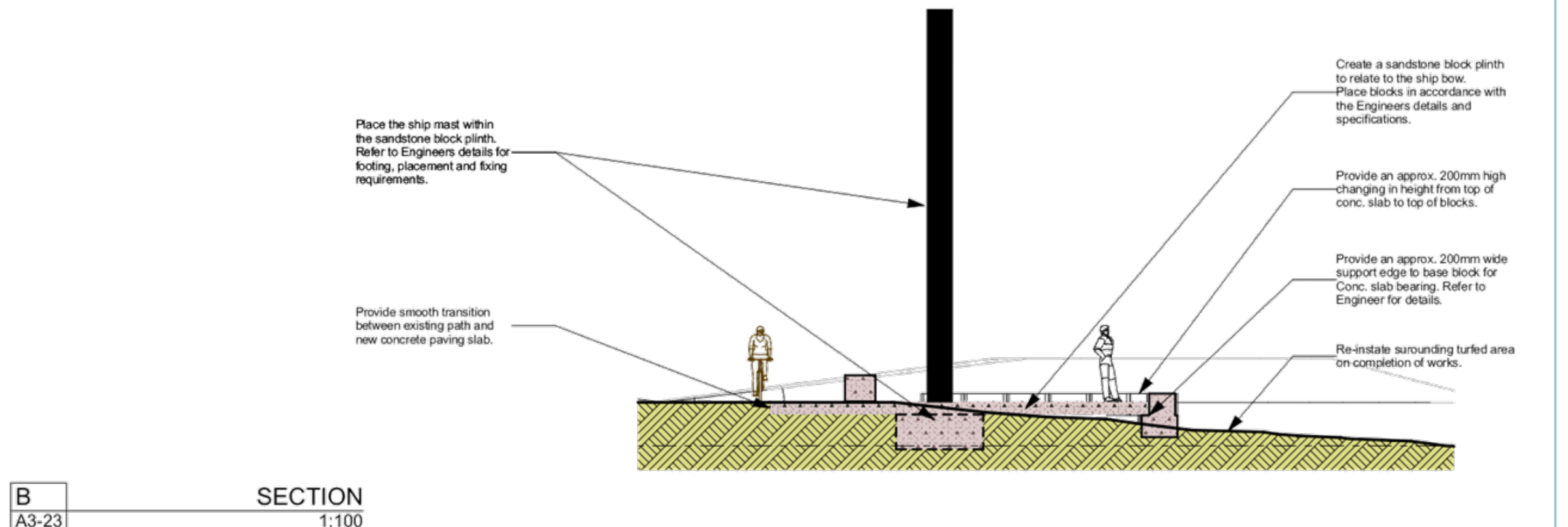
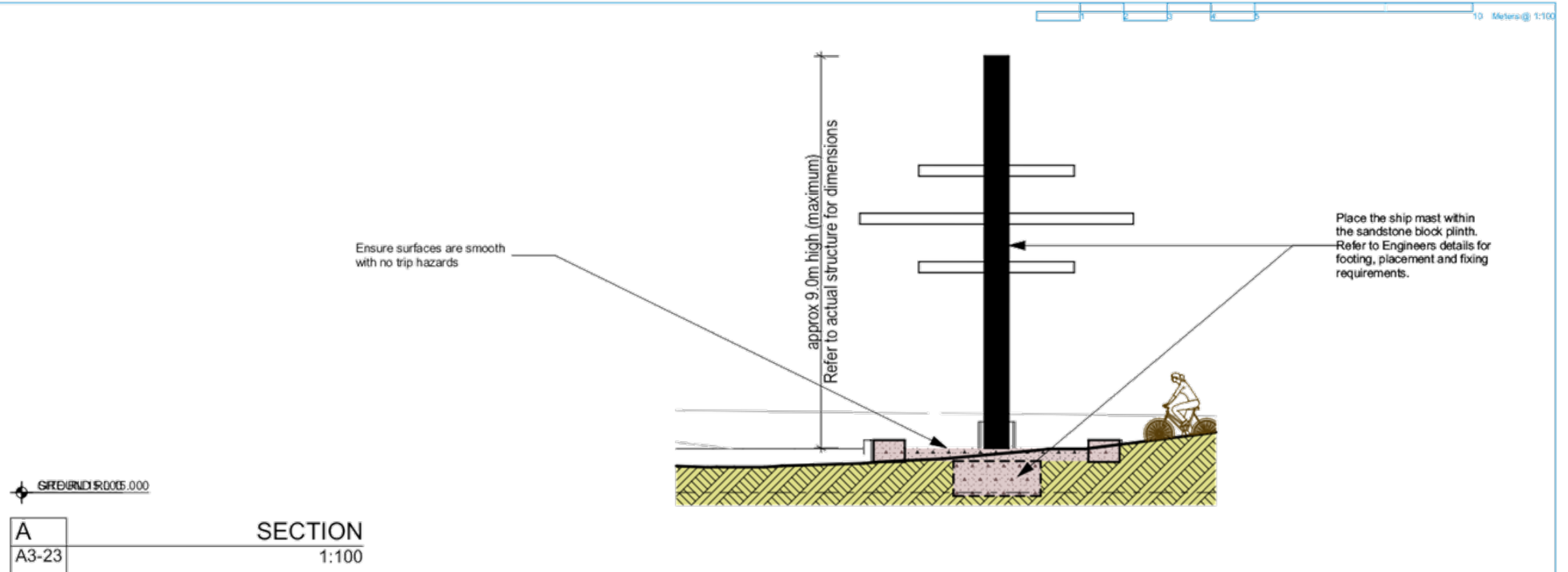
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BASE and GROUND

BASIX Cert: #BASIX Cert #
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Issue:
04

sheet #:
16595-A3-23



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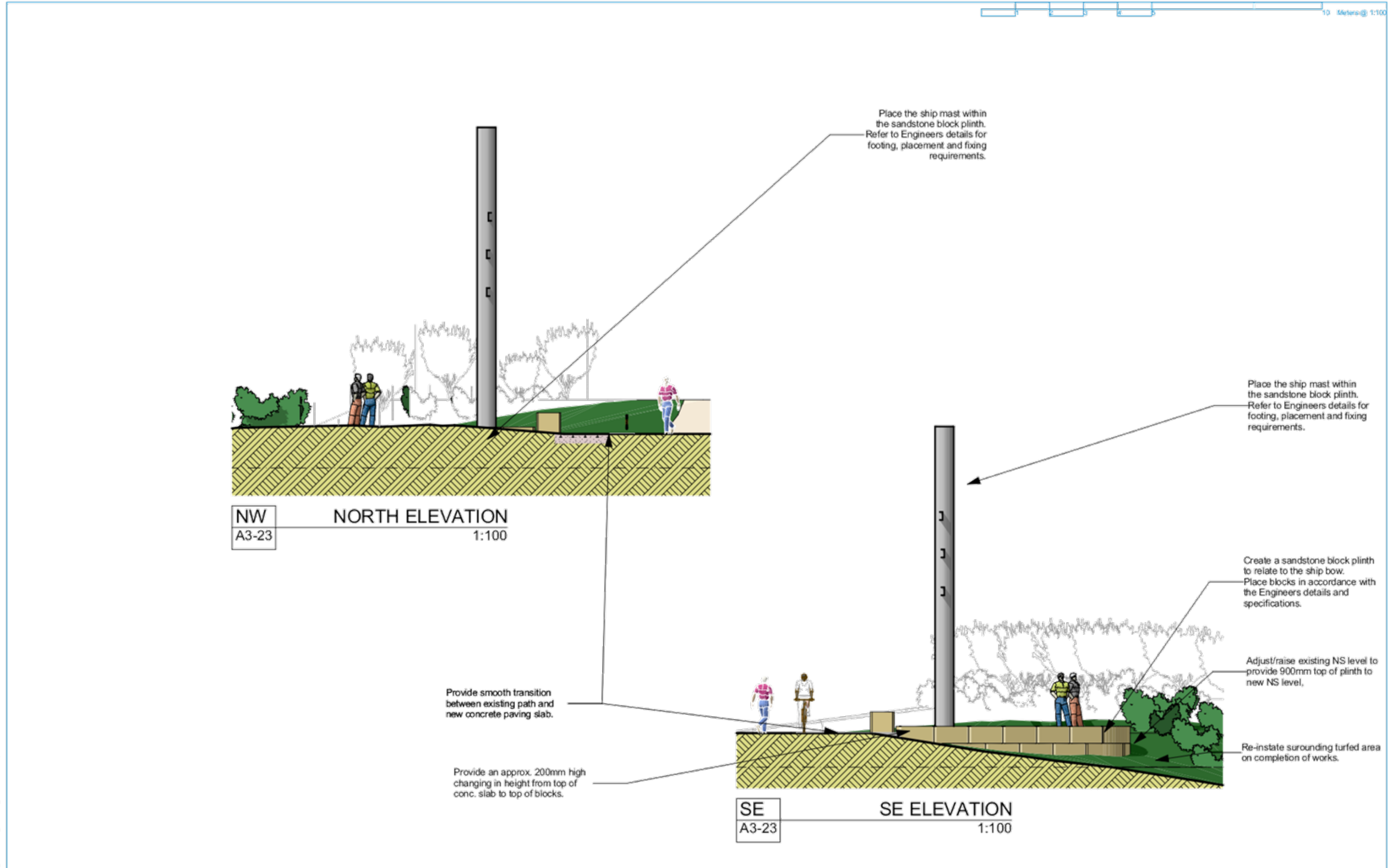


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lot: 6 dp: 857477

REV	Issue	Date
01	Issue DA	5/03/2019
02	Re-Issue DA	31/08/2020
03	Re-Issue DA	14/09/2020
04	Re-Issue DA	6/11/2020

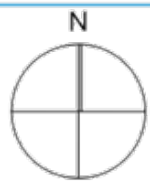
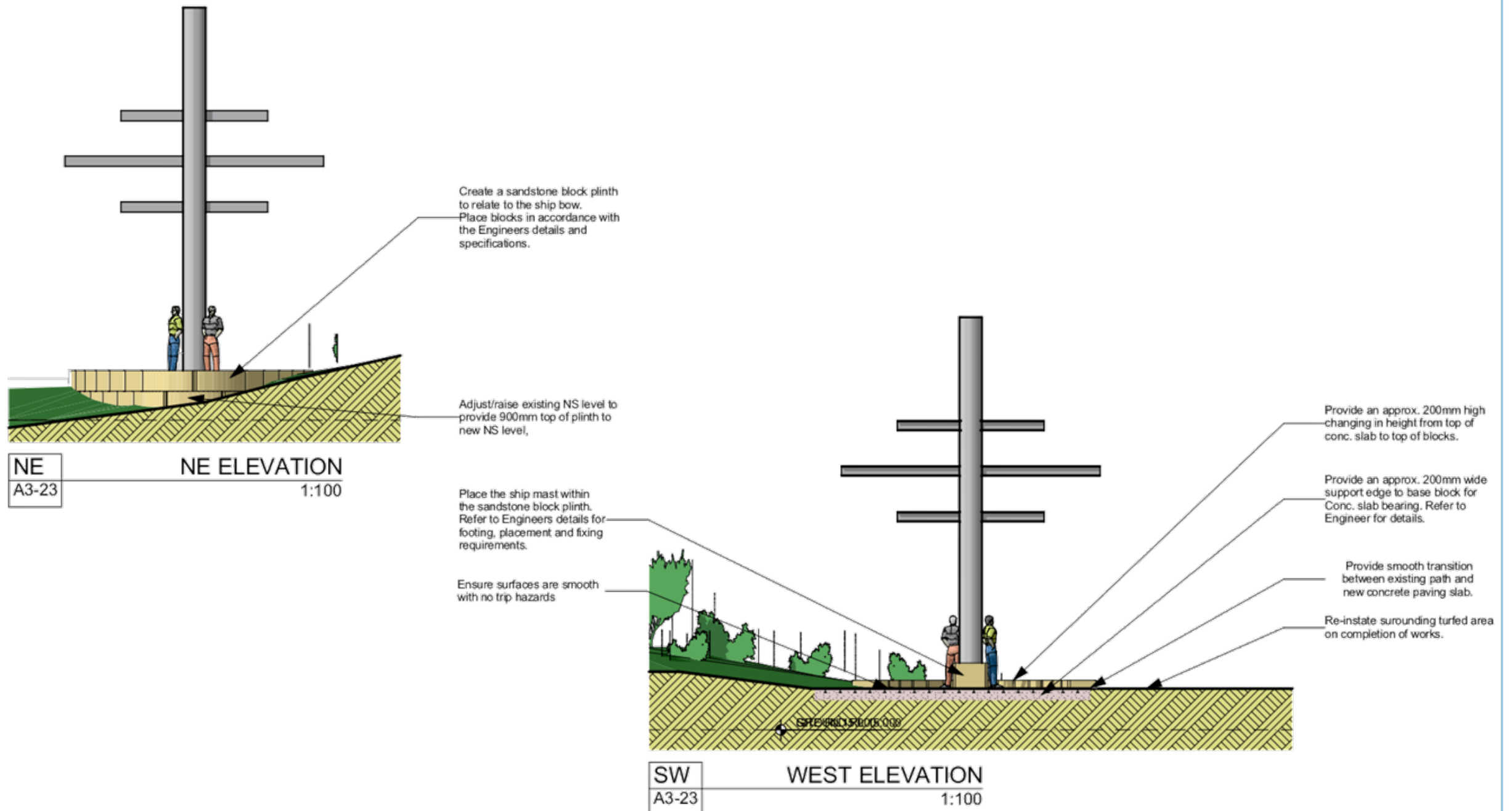
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04	16595-A3-30



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	HOWARD LESLIE & ASSOCIATES residential and commercial building design	Community Project for: HMAS Adelaide Monument at: The Haven. Scenic Hwy TERRIGAL NSW 2260 lot: 6 dp: 857477	<table border="1"> <thead> <tr> <th>REV</th> <th>Issue</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>Issue DA</td> <td>5/03/2019</td> </tr> <tr> <td>02</td> <td>Re-Issue DA</td> <td>31/08/2020</td> </tr> <tr> <td>03</td> <td>Re-Issue DA</td> <td>14/09/2020</td> </tr> <tr> <td>04</td> <td>Re-Issue DA</td> <td>6/11/2020</td> </tr> </tbody> </table>	REV	Issue	Date	01	Issue DA	5/03/2019	02	Re-Issue DA	31/08/2020	03	Re-Issue DA	14/09/2020	04	Re-Issue DA	6/11/2020	NW & SE ELEVATIONS	
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p 02 4323 4505 e david@hlabuildingdesign.com.au a PO Box 3206, ERINA NSW 2250 © Reproduction in part or full is prohibited by Copyright	ACCREDITED MEMBER OF BUILDING DESIGNERS AUSTRALIA	Issue: 04 sheet #: 16595-A3-40	BASIX Cert: #BASIX Cert # BAL Rating: #BAL Rating drawn: DR checked: DR print date: 6/11/2020 scale @ A3: 1:100																	



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Community Project
for:
HMAS Adelaide Monument
at:
The Haven. Scenic Hwy TERRIGAL NSW 2260
lot: 6 dp: 857477

REV	Issue	Date
01	Issue DA	5/03/2019
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03	Re-Issue DA	14/09/2020
04	Re-Issue DA	6/11/2020

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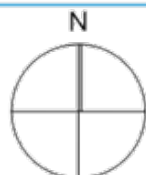
Impression 2 1:200



Site Location 1:5.56



Impression 1 1:200



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Community Project

for:
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REV	Issue	Date
01	Issue DA	5/03/2019
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04	Re-Issue DA	6/11/2020

EXTERNAL VIEWS

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print date:	6/11/2020		
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Statement of Environmental Effects EX-HMAS

Adelaide Mast Installation



Prepared By: Open Space and Recreation: Assets, Infrastructure and Business

Date: September 2018

Revised by Project Management Environment & Planning - November 2020



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PROPOSED DEVELOPMENT

This application has been submitted by Central Coast Council (CCC) staff on behalf of the community group and, as per Council's resolution, will project managing the installation if required.

The proposal is to install the Ex-HMAS Adelaide mast onto a plinth footing, surrounded by a sandstone retaining wall, garden bed and an access path linked to the existing car park.

The project is funded by the NSW Stronger Communities Fund, NSW Govt. Minister's Discretionary Fund, the community, in kind contributions from Thales and associates and CCC.

Included in the application are the following attachments:

1. Design plan set 04- D14285420
2. Engineering Design Footing plan - ECMD24460577
3. Pathway Plan- D13713749
4. Access Report - D13714348
5. Geotechnical Survey D14304885
6. Photo Montage EX-HMAS Adelaide site - ECMD24431717
7. Visual Impact Assessment (VIA) - Ex-HMAS Adelaide -D14171156
8. Visual Impact Assessment Peer Review EX-HMAS Adelaide FINAL - D14171151
9. Waste Management Plan EX-HMAS Adelaide

INTRODUCTION

Built in the United States, HMAS Adelaide was commissioned in November 1980 and was the first of six Adelaide-class guided missile frigates to be delivered to the Royal Australian Navy. The ship participated in the 1990/91 Gulf War, in peacekeeping operations in East Timor in 1999 and 2006 and was deployed to the Arabian Gulf in 2001 and 2004. Decommissioned in 2008, HMAS Adelaide was demilitarised by the Department of Defence before being handed over to the NSW Government in 2009.

On 13 April 2011, the Ex-HMAS Adelaide II was scuttled to the ocean floor 1.8km off the coast between Terrigal and Avoca to become an artificial reef and dive site, which has since attracted military historians and recreational divers to the area. The sunken wreck joined four other former naval vessels that have been transformed into dive sites in waters off Western Australia, South Australia, Queensland and Victoria since 1997.

The Ex-HMAS Adelaide mast is 7.4 metres in length and 450 mm in diameter and has been stored by Council since 2011. In re-establishing the project again in 2016 following community requests, the mast was assessed by the Navy and deemed to be in poor condition. The recommendation was to seek specialist treatment, including a sandblast and painting. The mast is now structurally sound, and all the preparation work was successfully implemented (refer attachment – design plans).

BACKGROUND

Prior to the scuttling of the Ex-HMAS Adelaide in 2011, the former Gosford City Council, was gifted the mast with the intention that it would form part of a future memorial at Terrigal Haven.

In 2012 Gosford Council resolved that:



a. Council consider the allocation of funding in future capital works programs for engineering investigations and the required assessments into a Memorial for the ex-HMAS Adelaide within the Terrigal Haven reserve.

b. Subsequent to the confirmation of an appropriate site, Council Officers source grant opportunities and funding for the construction of a memorial for the ex-HMAS Adelaide.

In 2015 the former Gosford Council CEO agreed to project manage the installation of the mast on behalf of a community group led by Matthew Wales.

On 14 May 2018, Council considered a report detailing options for the site and installation of the mast.

At this meeting Council resolved:

"That Council request the Acting Chief Executive Officer install the mast from the HMAS Adelaide II at Site 1 identified in the attached photograph." (refer site map)

LOCATION

Council is submitting a Development Application on behalf of a community group for the mast of the Ex-HMAS Adelaide II to be installed as a monument at Terrigal Haven. The proposed site of the monument is at the "Broken Head" headland southern cliff-top (above the dog leash area), close to the Marine Rescue Centre which has direct view of the buoys over the site of the Ex-HMAS Adelaide. (refer site map below).

Terrigal Haven ('the Haven') is in the seaside suburb of Terrigal on the Central Coast of NSW. The Haven itself is a very popular public area with a diverse range of public assets such as the newly upgraded boat ramp, a sporting field, a dog exercising area, whale watching platforms, with their associated activities as well as rock fishing and diving.



SITE MAP

Proposed location



PLANNING CONTEXT

APPROVAL

CCC Projects and Planning Environment and Planning is submitting the Development Application on behalf of a community group led by Matthew Wales and as per the Council resolution of the 14 May 2018.

ZONING

The area is zoned RE1 Public Recreation under the Gosford LEP 2014.

DEVELOPMENT COMPLIANCE

The installation of the mast was included in the *'Terrigal Haven Plan of Management' 2009* which was adopted by the former Gosford City Council in 2010. The Plan of Management states: *'Investigate appropriate location for a memorial in honour of the ex-HMAS Adelaide II and her crew. Construct environmentally sensitive viewing platform incorporating interpretive/educational signage and relevant relics from the vessel.'* Clause 5.1 to 5.4 of the POM are relevant to the proposed development. These sections of the POM were addressed in the Visual Impact Assessment. (refer attachments).

The proposal does not comply with State Environmental Planning Policy (Exempt or Complying Development Codes) 2008 or State Environmental Planning Policy (Infrastructure) 2007. State Environmental Planning Policy (Coastal management) 2018 will apply as will the Gosford LEP 2014.

STAKEHOLDER CONSULTATION

Consultation was undertaken as part of the *Terrigal Haven Plan of Management 2009*. However, due to time that has lapsed since this early consultation and the very public location proposed for the Ex-HMAS Adelaide II mast installation, it is expected that there will be significant stakeholder interest in the project.

Council staff are currently undertaking independent community engagement on the proposal with the wider community to ensure stakeholders can provide feedback for this proposal. Submissions will be received until 7 December 2020 through Council's web page and the results will inform the DA process. A link to this is below

<https://www.yourvoiceourcoast.com/HMASadelaide>

SITE CONTEXT

SITE SUITABILITY

The vegetation is classified as Coastal Headland Shrubland (E51b) with species identified consistent with those found in surrounding coastal environments (e.g. She-oak, Coastal Banksia and Coastal Tea-tree). This site was selected as it has direct view of the buoys over the site of the Ex-HMAS Adelaide, is close to the Marine Rescue Centre, is clear of vegetation.

ACCESS AND TRAFFIC

The site is accessed by a trail road from the bottom of the Skillion parking bays and is the only road access in. There is a footpath that surrounds the site which can also be used for foot traffic.

BUSHFIRE PRONE LAND

The area is not classified as Bushfire Prone



FLOOD PRONE LAND

The site is not identified as flood prone.

ACCESSIBILITY

Currently a trail road allows vehicular access and limited wheelchair access from the slip rail located on the northern side of the Skillion car parking bays. There is also a footpath encompassing the whole Haven area which allows foot traffic to the site.

A new accessible pathway is proposed as part of future works which will provide compliant access for all abilities. Recommendations made in an access report prepared by Access Solutions Consultants will be included as part of the future proposed path construction. (refer attachments).

VISUAL IMPACT

A visual impact assessment (VIA) has been prepared for the proposal by Greenlight Design Group and this has also been peer reviewed by The Design Partnership. The impact of the proposal was assessed against the scenic values identified in the Terrigal Haven Plan of Management 2009 to determine if the changes in the landscape are consistent with the desired character of the reserve.

Clause 5.1 to 5.4 of the POM are relevant to the proposed development.

5.1 Retain Natural Landscape Quality

5.2 Preservation of Views to the Pacific Ocean

5.3 Embellish Natural Vantage Points

5.4 Effective Maintenance

As outlined in the VIA, the proposal will have a moderate to high visual impact overall in its proposed location, noting the natural setting and that the mast would introduce a built element in a prominent location which is visible from several key locations. (refer attachments)

ENVIRONMENTAL IMPACTS AND MANAGEMENT

LANDFORM AND TOPOGRAPHY

The character of the area is typical of a Hawksbury Sandstone Coastal Landscape, heavily influenced by coastal processes. The site for the Ex-HMAS Adelaide memorial is a small saddle between two elevated rock outcrops on Broken Head and forms a notable depression in the skyline, void of large trees and vegetation. The rolling grass slope gives way to an eroding scree slope that then steps down suddenly in blocky sandstone terraces to the flat rock platform below. The grass area provides one of the only natural viewing areas out to the Pacific Ocean that has yet to be formalised with a viewing platform or path.

SOIL EROSION

The proposed structure is on a small saddle between two elevated rock outcrops, on stable, slightly sloped land which is currently prone to erosion from storms and associated coastal processes. The site however is well protected from the south where severe storms can cause wider-spread erosion and damage.

Council's standard erosion and protection methods will be implemented during construction including the installation of silt fencing to ensure there are no issues regarding erosion or run-off.

Turf will be placed on battered slopes around the sandstone retaining wall (1 in 5 grade), which will assist with reducing any erosion issues by controlling run-off in the short term as well as once established.

Erosion and sediment controls will be undertaken in accordance with the publication commonly known as



The Blue Book (Managing Urban Stormwater, 4th Edition, Landcom, 2004). The contractor engaged to undertake the construction will also be required to develop an erosion and sediment control plan relevant to the project.

FLORA AND FAUNA

Fauna - There is no significant fauna on the existing site. No fauna will be impacted by the development.
Flora – Coastal Headland Shrubland (E51b) - There are no anticipated impacts on this vegetation as all construction works will be contained within the exposed grassed area of the site.

WASTE

A Waste Management Plan (WMP) has been prepared in line with the requirements of the Gosford Development Control Plan (refer attachments).

Waste will be generated from the construction of the plinth footing and to a lesser extent the construction of the surrounding infrastructure (sandstone retaining wall and garden bed).

All waste from construction will be recycled or reused where possible.

DUST AND NOISE

The proposal will not produce excessive dust or noise during the construction, and dust mitigation measures, such as wetting down, will be implemented during construction. There are no nearby sensitive noise receivers such as residential dwellings, schools or hospitals

During construction, methods to minimise any excessive noise, consideration of adjoining land users and adherence to working hours will be implemented as stipulated by the Conditions of Consent.

PRIVACY, VIEWS AND OVERSHADOWING

There will be no overshadowing, impact on privacy or obstruction of views for local residences as the proposed site is in a cleared area away from any residential areas. The VIA proposes that for private residences on the high side of the Scenic Highway, the proposal will only change the overall appearance of the skyline slightly as the existing trees and light poles from the sports oval already extend above this line. The proposed access path will largely be hidden behind existing vegetation and would not become the focal point of the view, leading to a low magnitude of change for these residences.

HERITAGE

The development will have no adverse effect on the heritage of the area.

There is significant Aboriginal heritage known to be in the surrounding area specifically along the northern foreshore and adjacent to the Skillion on the eastern side. This development will have no impact on these sites as it is not in the proximity of these areas.

GEOTECHNICAL INVESTIGATION

A geotechnical investigation has been undertaken for the site. (refer attachments). Investigations found that:

- Acid Sulphate Soils are not present within the construction footprint.
- Site was observed as comprising of very stiff grading to hard residual clay soils, with drilling terminated at 3.2 metres depth due to refusal on weathered sandstone.



- Concrete bore piers could be designed based on a maximum allowable end bearing pressure of 600kPa and maximum allowable shaft adhesion of 50kPa.
- Groundwater was not observed to the drilling depth of 3.2 metres within the construction footprint.

CONSTRUCTION METHOD DESCRIPTION

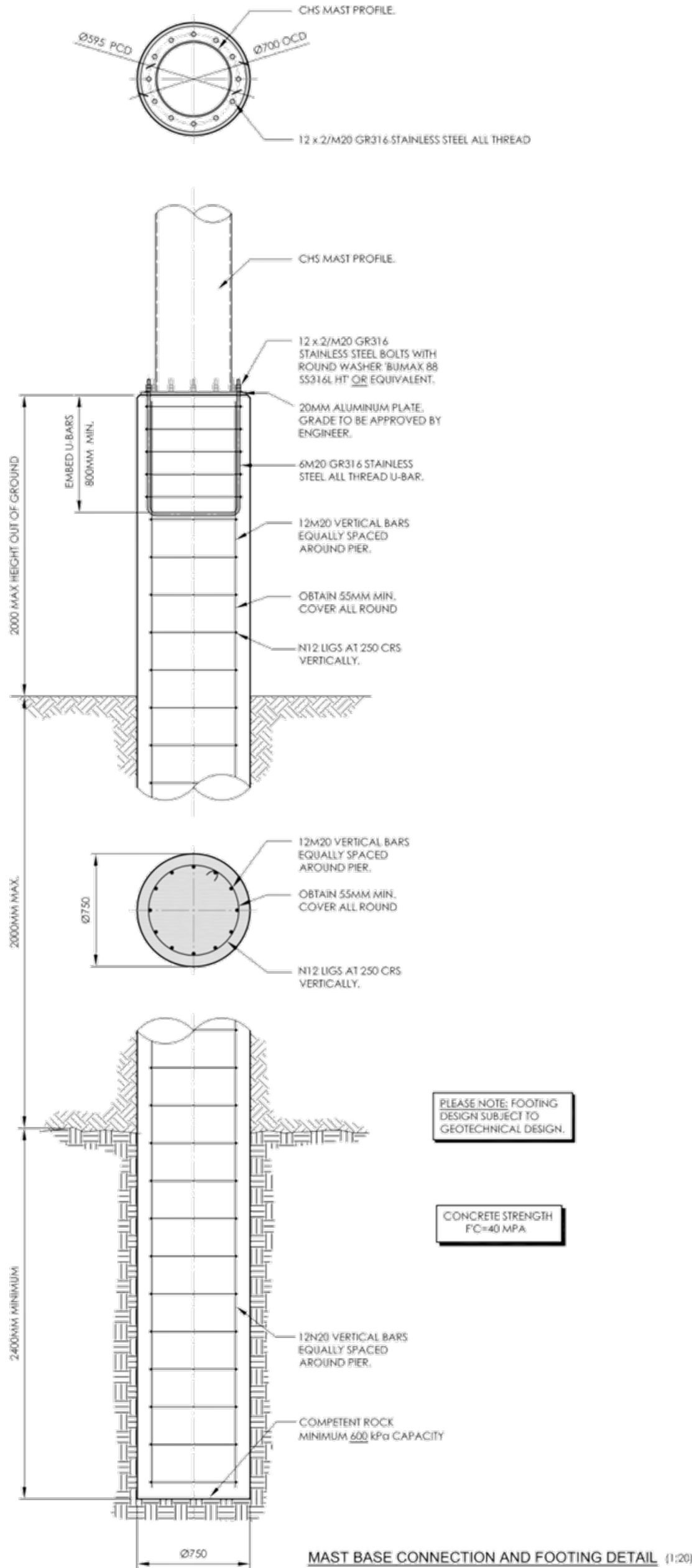
The proposed works are anticipated to last for approximately 2 weeks with the initial installation of the mast the priority. A plinth footing is required to a depth of a minimum 4.4 metres deep by a 750 millimetre width to ensure enough strength is obtained to secure the mast. The base of the mast itself is 2 metres above ground and held by a pre-welded stainless steel cage that is concreted into the plinth and tightened with GR316 stainless steel bolts (Refer Engineering Design Footing Detail in attachments).


CONCLUSION

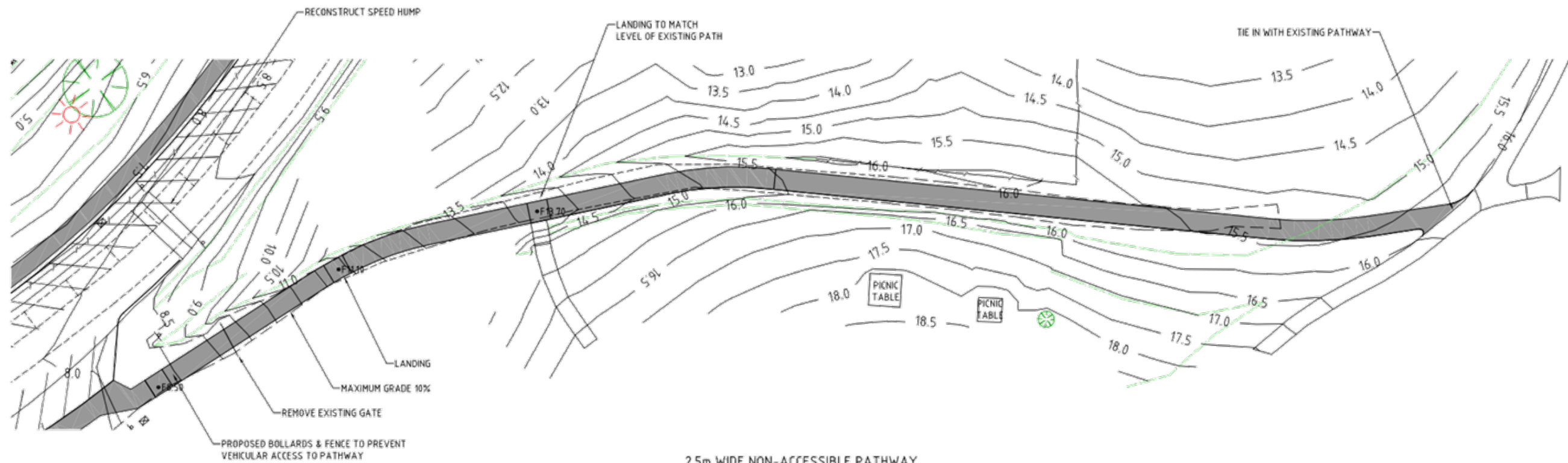
The proposed development will provide a land based memorial for the Ex- HMAS Adelaide. The environmental impacts of the proposal have been addressed and considered to be within range for this type of proposal.



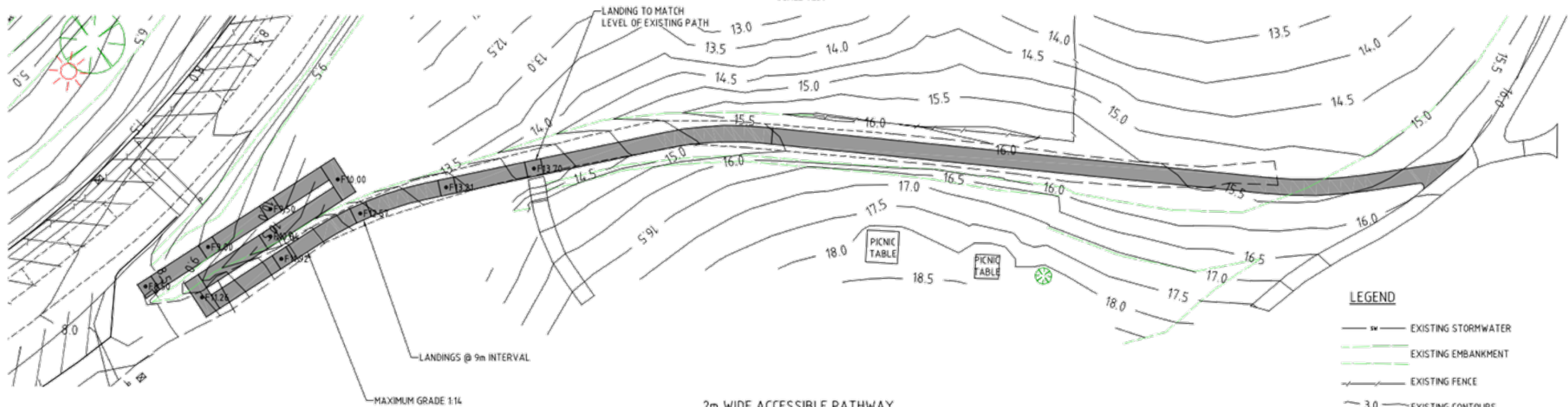
ATTACHMENTS 1-8



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DATE: 11.10.16	SCALE: 1:20	PROJECT: PROPOSED MAST STRUCTURE AT		ORG. NO. 1 of 1	PAGE SIZE: A2
APPROVED:	SITE: THE HAVEN, TERRIGAL		4 Chiltern Road, ERINA, N.S.W., 2250. Phone: (02) 4365 4949. Email: office@eddyconsulting.com.au		
BEing MIEAus!	TITLE: MAST AND FOOTING DETAIL				

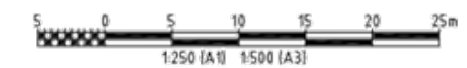


2.5m WIDE NON-ACCESSIBLE PATHWAY
PLAN
SCALE 1:250



2m WIDE ACCESSIBLE PATHWAY
(ALTERNATIVE OPTION)
PLAN
SCALE 1:250

- LEGEND**
- sw — EXISTING STORMWATER
 - EXISTING EMBANKMENT
 - EXISTING FENCE
 - 3.0 — EXISTING CONTOURS
 - F10.00 PROPOSED FINISHED LEVEL



NOTES

1. ACCESSIBLE WALKWAY/RAMP DESIGNED IN ACCORDANCE WITH AS1428.1



ISSUE	DATE	ISSUE DESCRIPTION	DRAWN
A	10/10/19	ISSUED FOR COUNCIL REVIEW	PBC



TERRIGAL HAVEN CAR PARKING REDESIGN
PEDESTRIAN PATH - SKILLION CAR PARK TO HEADLAND
PATHWAY PLAN

301015-03363-CI-DSK-0006

LOCATION: S:\10363\03 TERRIGAL HAVEN CAR PARK REDSIGN\DRAWINGS\TERRIGAL\10363-CI-DSK-0006.DWG
 USER NAME: jmlcarroll
 PLOT DATE & TIME: 10/10/2019 3:43:30 PM
 SAVE DATE & TIME: 10/10/2019 15:44:31 PM
 CTD FILE: Worley-FILE078



7th March 2019

Central Coast Council
2 Hely Street
Wyong
NSW 2259

Report: Access for people with disability and others to the proposed HMAS Adelaide Memorial Sites.



Benchmarks

The following benchmarks have been used in preparing this report:

- AS 1428.1 (2009) 'Design for access and mobility, General requirements for access', New building work',
- AS1428.4.1 (2009) Design for access and mobility Part 4.1: 'Means to assist the orientation of people with vision impairment—Tactile ground surface indicators'.
- National Construction Code (BCA 2016 volume 1)
- Disability (Access to Premises – Buildings) Standard
- Central Coast Council Disability Inclusion Plan

 **1300 328 002**

 Sydney – GPO Box 1353, Sydney, NSW 2001  Newcastle – PO Box 282 Hamilton, NSW 2300
 admin@accesssolutions.com.au  accesssolutions.com.au

Introduction

"Council aims to increase the inclusion of people with disabilities in all aspects of community life by providing accessible natural and built environments, inclusive events, activities and services and by continuing to provide meaningful engagement opportunities with all community members." Central Coast Disability Inclusion Plan.

In April 2011 the HMAS Adelaide was scuttled off Terrigal. Prior to being scuttled the Adelaide's mast was removed and, with the support of the Returned Services League (RSL) and the Royal Australian Navy, there has been a decision to install the mast as a memorial to the HMAS Adelaide at The Haven, Terrigal.

Two Sites that are adjacent to each other have been proposed for the Memorial. Council initially proposed Site 1 and Site 2 was later proposed by objectors to the Council Development Application (DA). Site 1 is located at the top of a slope with a steep gradient and provides ocean views with a line of sight to the location of the scuttled ship. Site two is located at the head of a rocky inlet, with relatively level access and also has line of sight to the location of the HMAS Adelaide.

Access Solutions has been requested to provide advice to Council regarding the location of the HMAS Adelaide Memorial and how physical access for people with disability and others could be achieved at each of the two proposed locations. The report includes recommendations for the provision of access to the two sites and the provision of accessible facilities for people with a disability.

The option of providing a site for the HMAS Adelaide memorial without providing compliant access would be inadvisable as to do this would be to propose to treat the person with the disability less favourably than others without the disability. By definition this is direct discrimination (Disability Discrimination Act Part 1 'Disability Discrimination 5. (1)) and is illegal under Federal Law. Given the Council's promotion of community inclusion for people with disability, it could be expected that there would be strong repercussions within the community.

The report does not consider any impact of Aboriginal heritage items at the two locations as information about this is not publicly available.

Car Parking



Car parking is located a short distance from both the proposed Sites. No compliant accessible parking is currently provided and we recommend the provision of accessible parking, designed in accordance with the design requirements of AS2890.6 'Off Street Parking for People With Disabilities', in the existing car park. Accessible parking should be spread between different locations in the parking area so there are choices as to where to park, depending on what areas individuals wish to access.

Recommendation 1

Provide accessible parking that is compliant with the design requirements of AS2890.6 'Off Street Parking for People With Disabilities'.

Ramps and Pathways



Existing pathways to Site 1

Width of path of travel

Australian Standard 1428.1 (2009) 'Design for Access and Mobility, Part 1 - General Requirements for Access - New Building Work' is referenced by the 'Disability (Access to Premises - Buildings) Standard, which is a Regulation of the Disability Discrimination Act (DDA). AS1428.1 requires an accessible path of travel, including pathways with a gradient of 1:20 or less and ramps with a gradient between 1:14 and 1:20, to have a minimum width of 1 meter and a cross fall on concrete of no more than 1:40. A 2 meters wide accessible pathway, as proposed by Worley and Parsons in their 2013 proposal, would exceed the requirements of AS1428.1 for the required width of a path of travel but would clearly provide a higher level of accessibility. AS1428.2 (1992) 'Design for Access and Mobility Part 2: Enhanced and Additional Standards' clause 6.4 suggests a pathway at least 1200mm wide, however an accessible path of travel less than 1800mm wide requires spaces for wheelchair users to maneuver past each other and passing spaces at least 1800mm wide and 2000mm long would be required at least every 20-meters on an accessible pathway.

Recommendation 2

Provide an accessible path of travel to the Memorial Site at least 1800mm wide in accordance with AS1428.2 (1992).

An accessible path of travel would not include a "step, stairway, turnstile ... or other impediment". (AS1428.1 (2009) clause 6). It would have a minimum overhead clearance of at least 2 meters and an unobstructed width of at least 1 meter. Street furniture would be located outside the width of the pathway.

Recommendation 3

If the path of travel is less than 1800mm wide provide passing spaces at least 1800mm wide and 2000mm long at least every 20 meters.

Changes in ground surface levels

Changes in surface levels, where surfaces abut, should not exceed 3mm unless the edges are beveled, in which case the difference in levels should not exceed 5mm.

Rest Areas

A ramp is, by definition, a gradient between two landings. In accordance with BCA a series of connected ramps must not have a combined vertical rise of more than 3.6 metres, which means that at least every 3.6 meters of vertical rise the ramp must be interrupted. A level rest point with a cross fall in any direction of 1:40 or less would satisfy the requirement if the area were clearly not a landing. From a Universal access point of view this might include a weather shelter, which would serve as a rest point and would be provided with

seating and drinking water. Rest points would be located as indicated in Figure 1.

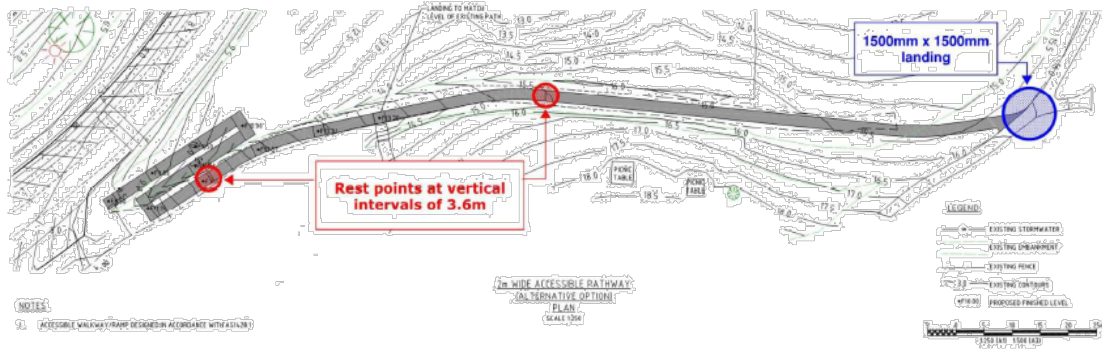


Figure 1 - Rest Points on the ramp proposed by Worley and Parsons

Recommendation 4
 Provide rest areas at least at each point that the vertical elevation of the path of travel has achieved 3.6 meters since the previous rest area.

Tactile Ground Surface Indicators (TGSi)

TGSi are required by National Construction Code (BCA 2016 volume 1) clause D.3.8 at an accessway meeting a vehicular way and to warn a person that they are approaching a ramp. They are not required at an enclosed landing. TGSi should be provided in accordance with sections 1 and 2 of AS1428.1.4

Landings

A ramp with a gradient between 1:14 and 1:20 must have a landing at least every 9-meters. A walkway with a gradient of 1:33 is required to have a landing at least every 25-meters and walkways with a gradient of 1:20 must have a landing every 15 meters. Walkways with a gradient between 1:20 as 1:333 should have landings at intervals obtained by linear interpolation.

On a ramp where there is no change in direction a landing should be at least 1200mm long and where there is a change in direction not exceeding 90 degrees the landing should be at least 1500mm long with the internal corner truncated for a minimum of 500mm in both directions.

Recommendation 5
 Provide an accessible path of travel to the Memorial Site that is in accordance with AS1428.2 (1992).

Sanitary Facilities

There are no accessible toilets near either Site with the closest facilities being located in the nearby restaurants on the other side of the sporting field. The

distance to facilities would make it difficult for many people, with or without disability, to use the Site.

Recommendation 6

Provide accessible sanitary facilities that are compliant with the design requirements of AS1428.1 clause 15.

Signage

Clearly visible directional signage, incorporating the international symbol for accessibility should be provided to indicate the accessible path of travel and the location of any other accessible facilities, including accessible parking and accessible sanitary facilities. Signage should be in accordance with BCA D3.6.

Recommendation 7

Provide signage indicating the location of accessible pathways and facilities, in accordance with BCA D3.6

Equity

It is important that once a person with a disability has reached the Memorial that they have the same opportunities as other people without their disability to enjoy it. There should be no steps, stairs or other impediment to accessing the memorial.

Recommendation 8

Provide access to the Memorial without steps, stairs or any other impediment

Proposed Locations

Site 1



Site 1 has been proposed by Council as the preferred location for the installation of the HMAS Adelaide mast. The Site is atop a steep slope that overlooks the ocean and has line of sight to the approximate position of the

scuttled ship. The Site is currently accessed by a pathway with stairs and is not accessible for many people including wheelchair users, people with children in strollers and others who are unable to use stairs. To make the site accessible it is clearly necessary to provide an alternative to the current pathway.



Existing stairs

Ramp Options

Access Solutions has prepared two options for ramps to access the site from different points in the car parking area. Both ramp options are compliant with the requirements of AS1428.1 in regards to gradient and provision of rest areas. The width of the ramps, although required to be at least 1 meter wide, is not illustrated as this would preempt the decision of Council in this regard.

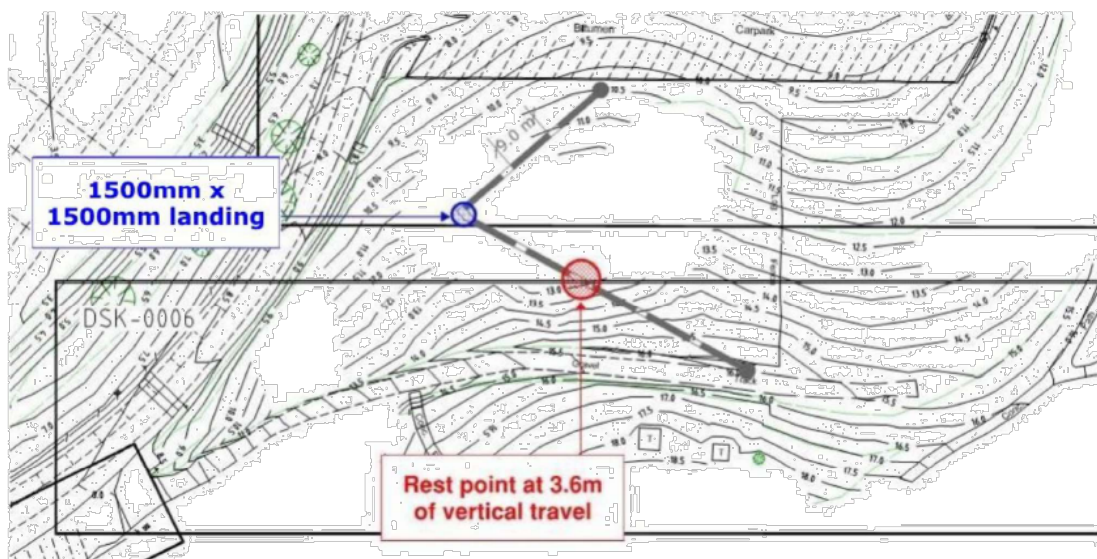


Figure 2 - Site 1 Ramp 1

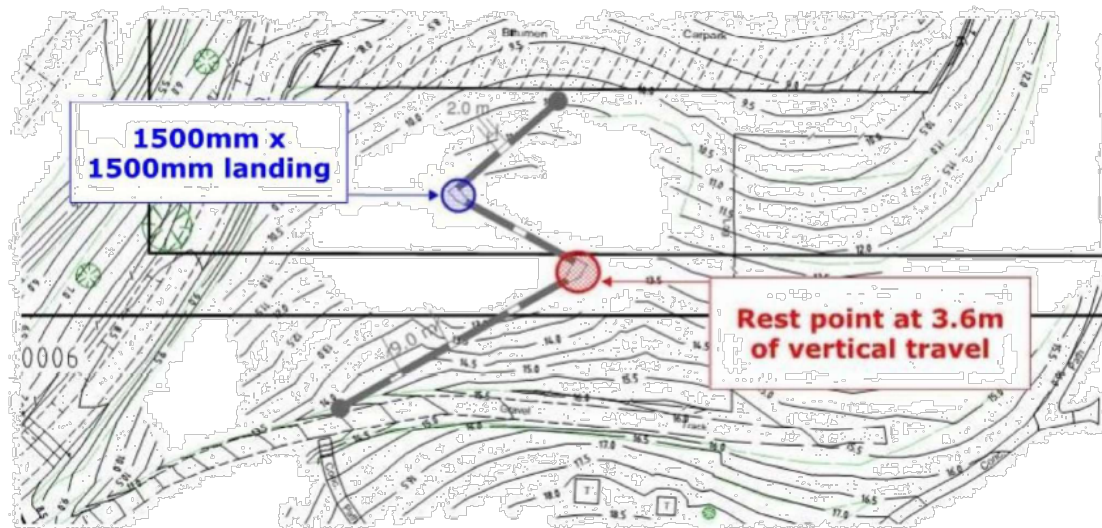


Figure 3 - Site 1 Ramp 2

A design with two options to access Site 1 was provided to Council by the company Worley Parsons in 2013. Although not proposed to meet the current need for people with a disability to access a site for the Memorial to HMAS Adelaide, they do provide a basis from which to proceed.

Two possible methods of accessing Site 1 were proposed by Worley Parsons in 2013. One of the routes proposes a 2.5-meter wide path of travel with gradients as steep as 1:10. This alternative would not be acceptable as a path of travel to the site as it is not accessible for people with disability and therefore does not meet the requirements of the scope of works.

The other proposed route to Site 1 includes a 2 meter wide path of travel with gradients and dimensions that are in accordance with AS1428.1 clause 10, 'Walkways Ramps and Landings' and is in accordance with the scope provided to Access Solutions by Council.

Access Solutions recommends a path of travel at least 1800mm wide as not only would this allow room for people with strollers or using a wheel chair to overtake each other but would also allow people in groups to pass each other on the path without having to make room for an approaching party. (See Recommendation 3.

Recommendation 9

Provide an accessible path of travel to the Memorial Site that is in accordance with AS1428.2 (1992).

Site 2

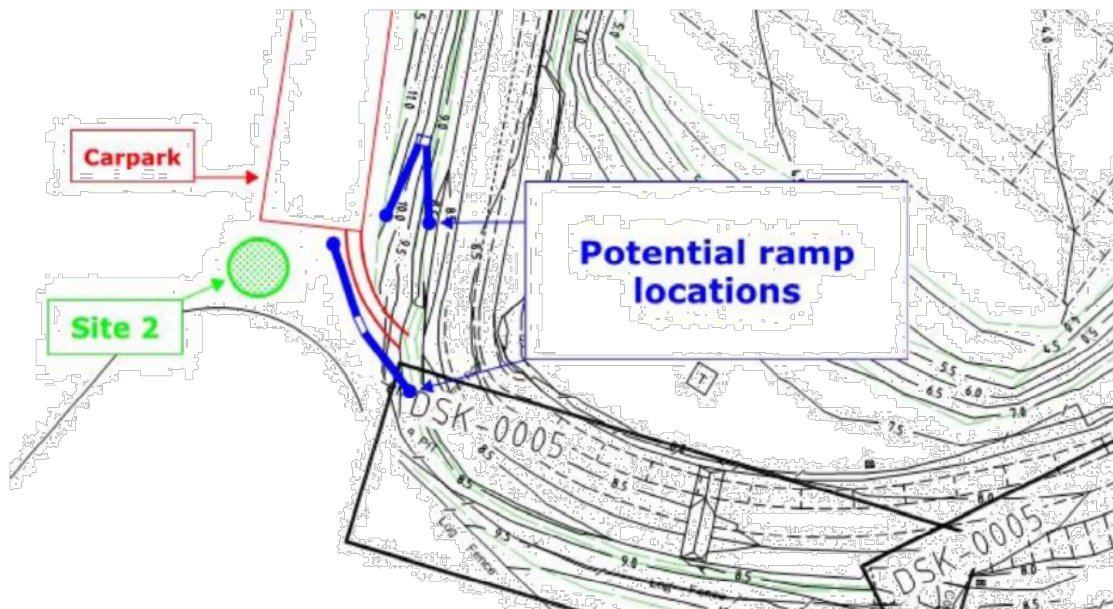


Figure 4 - Site 2 Proposed Ramp Locations

Site 2 has been proposed by objectors to the Development Application as an alternative to the Site proposed by Council. The Site is at the Southwestern corner of the park and directly overlooks the approximate location of the scuttled ship. The area immediately to the North of the proposed position of the lookout could be easily developed to provide accessible parking close to the monument.

The existing foot path adjacent to the road terminates before the entrance to the car park area. This Site is less than 3.6m of elevation above the current road, however the topography currently prevent footpath access to the Site and it would be necessary to provide ramped access to the Site in order to reach the required level.

Figure 4 details the proposed locations that a ramp could be installed for access from accessible parking to Site 2. Access to Site 2 would require considerably less expenditure than Site 1 as an access ramp would be shorter and would not require sheltered rest areas. The addition of accessible car parking adjacent to this Site would require the provision of additional access points, which would be designed in conjunction with the new ramp and footpaths.

Summary

Site 1

Benefits

- Superior visual outlook from the monument giving more of a connection between the Memorial and the location of the Adelaide as well a view of the ocean and surrounding area
- The visibility of the Memorial because of it's central location and the proximity to the rest of the precinct.
- As well as providing access to the Memorial this option would provide improved access to the existing lookout.
- The provision of the required rest points at least every 3.6 meters of vertical elevation would provide the park with added shade and rest areas for use by the public generally as well as users of the ramp.

Detriments

- The cost of this option would be substantially more than the cost of providing access to Site 2.
- Difficulty accessing the Site for people with mobility impairment considering the length and steepness of the slope.

- Because of the distance to the top of the slope, exposure to the weather may be an issue, including being cold and wet from rain and the potential for sunburn and dehydration during hot weather.
- Because sanitary facilities would most likely be located near car parking, there would be a lack of sanitary facilities within proximity to the Site.
- Difficulty accessing the Site for older ex service men and women.

Site 2

Benefits

- The cost of providing access to Site 2 would be far less than the cost of providing access to Site 1.
- The physical effort required to access the Memorial from car parking is far less than for Site 1, thereby making Site 2 more accessible for more people.
- Because the Site is more sheltered there would be less exposure to the elements and some safety issues would be mitigated.
- The area immediately to the North of the proposed position of the lookout is already roughly surveyed as a car park and could be easily developed to provide accessible parking close to the monument. The proximity of car parking to the Site would provide improved visibility of the Memorial.

Detriments

- Significant infrastructure would be needed to give access to Site 2 from existing car parking.
- As for Site 1, the line of sight from Site 2 is directly towards the location of the scuttled ship and provides a direct link between the mast monument and its origin, however there is no improved outlook over the ocean and surrounding area.

Conclusion

Access to Site 1 would cost more to build but would provide improved access to the hillside and lookout for the public generally. On the other hand it would be much more difficult for people with mobility impairment to access the site because of the steepness of the slope and the length of the pathway to the Memorial. Because of the nature of the Memorial it would have a strong attraction for ex service men and women many of whom are aged and have mobility issues, including breathlessness and use of walking aids. Positioning the Memorial at Site 1 may prevent many of these people accessing the Site

Situating the Memorial at Site 1 would provide many benefits to the public generally but would be considerably less accessible than Site 2 for people with mobility impairment.

Providing access to Site 2 would be far less than the cost of providing access to Site 1. Also, the physical effort required to access the Memorial from car parking would be much less than it would be for Site 1, thereby making Site 2 more accessible for more people.

Recommendation

For the reasons outlined above, Access Solutions recommends the HMAS Adelaide Memorial be located at Site 2

Summary of Recommendations

Recommendation 1

Provide accessible parking that is compliant with the design requirements of AS2890.6 'Off Street Parking for People With Disabilities'.

Recommendation 2

Provide an accessible path of travel to the Memorial Site at least 1800mm wide in accordance with AS1428.2 (1992).

Recommendation 3

If the path of travel is less than 1800mm wide provide passing spaces at least 1800mm wide and 2000mm long at least every 20 meters.

Recommendation 4

Provide rest areas at least at each point that the vertical elevation of the path of travel has achieved 3.6 meters since the previous rest area.

Recommendation 6

Provide accessible sanitary facilities that are compliant with the design requirements of AS1428.1 clause 15.

Recommendation 7

Provide signage indicating the location of accessible pathways and facilities, in accordance with BCA D3.6

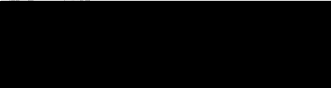
Recommendation 8

Provide access to the Memorial without steps, stairs or any other impediment

Recommendation 9

Provide an accessible path of travel to the Memorial Site that is in accordance with AS1428.2 (1992).

Kind regards



Bill Casey
Disability Access Consultant
Master Disability Studies (dist)





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Memorandum

To	Wales & Associates	Attn: Matthew Wales	Email: matthew@walesassociates.com.au
From	Darryl Carson	Date	16 Nov 2016
Subject	Proposed Monument - Adelaide Mast	Project No.	83105.00

Introduction

Douglas Partners Pty Ltd (DP) has carried out a geotechnical investigation in connection with a proposed monument at the crest of the headland at Terrigal Haven, Terrigal. The work was carried out for Wales & Associates Pty Ltd.

It is understood that the mast of the former navy ship HMAS Adelaide is to be erected on the headland. Geotechnical investigation was carried out to assess the subsurface conditions in order to provide geotechnical design parameters for a footing to support the mast.

Field Work

The investigation comprised the drilling of a single borehole (Bore 1) at the location of the proposed monument, shown in Figure 1. The borehole was drilled using a 4WD-mounted push tube rig with 60 mm diameter sampling tubes and was taken to a depth of 3.2 m.



Figure 1: Location of Borehole at Terrigal.



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Conditions encountered in the borehole broadly comprised very stiff grading to hard residual clay soils, with drilling terminating at 3.2 m depth due to refusal on weathered sandstone. No free groundwater was observed in the borehole which was backfilled shortly after drilling for health and safety reasons. It is noted that groundwater levels are affected by factors including rainfall, and will therefore vary over time.

A log of the borehole is attached along with explanatory notes.

Comments

Based on the conditions encountered in the borehole, it is considered that the mast could be supported either by a pad footing or by concrete bored pier(s), depending on the applied loads.

Pad footings being at least 0.5 m below ground level on at least very stiff residual clay could be proportioned for a maximum allowable bearing pressure of 200 kPa.

Concrete bored piers could be designed based on a maximum allowable end bearing pressure of 600 kPa and maximum allowable shaft adhesion 50 kPa within the weathered rock profile. Shaft adhesion could also be included for the section of the piles within the residual clay and a maximum allowable adhesion of 15 kPa would be appropriate. Lateral loads (eg wind loading) could be resisted by the portion of the bored pile embedded into the ground, and could be based on an ultimate passive earth pressure of 150 kPa within at least very stiff clay and 300 kPa within the weathered sandstone. The upper 1 m should be ignored in this loading case.

Settlements associated with footings designed based on the aforementioned parameters would be expected to be less than about 1% of the footing width.

Footing excavations or pier holes should be free of water and loose debris prior to pouring concrete. It is also recommended that all footing excavations be inspected by a geotechnical engineer to check that the founding conditions are consistent with the design requirements.

Limitations

Douglas Partners (DP) has prepared this report for this project at Terrigal in accordance with phone and email correspondence between DP and Wales & Associates. The work was carried out under DP's standard Conditions of Engagement. This report is provided for the exclusive use of Wales & Associates for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.



The results provided in the report are indicative of the subsurface conditions at the specific sampling location, and then only to the depths investigated and at the time the work was carried out. Subsurface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after DP's field testing has been completed.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

The scope for work for this investigation/report did not include the assessment of surface or subsurface materials or groundwater for contaminants, within or adjacent to the site.

We trust that this letter is sufficient for your present requirements. If you have any queries regarding this project, then feel free to contact the writer on 4351 1422.

Yours faithfully
Douglas Partners Pty Ltd



Darryl Carson
Senior Associate


Reviewed by

John Harvey
Principal

Attachment: About this Report
Borehole Log

About this Report

Douglas Partners



Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;

- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

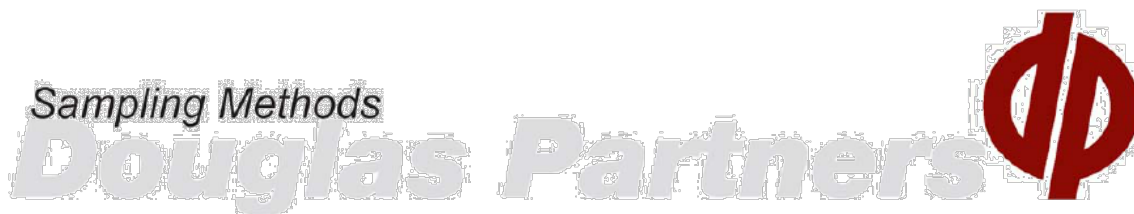
In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.



Sampling

Sampling is carried out during drilling or test pitting to allow engineering examination (and laboratory testing where required) of the soil or rock.

Disturbed samples taken during drilling provide information on colour, type, inclusions and, depending upon the degree of disturbance, some information on strength and structure.

Undisturbed samples are taken by pushing a thin-walled sample tube into the soil and withdrawing it to obtain a sample of the soil in a relatively undisturbed state. Such samples yield information on structure and strength, and are necessary for laboratory determination of shear strength and compressibility. Undisturbed sampling is generally effective only in cohesive soils.

Test Pits

Test pits are usually excavated with a backhoe or an excavator, allowing close examination of the in-situ soil if it is safe to enter into the pit. The depth of excavation is limited to about 3 m for a backhoe and up to 6 m for a large excavator. A potential disadvantage of this investigation method is the larger area of disturbance to the site.

Large Diameter Augers

Boreholes can be drilled using a rotating plate or short spiral auger, generally 300 mm or larger in diameter commonly mounted on a standard piling rig. The cuttings are returned to the surface at intervals (generally not more than 0.5 m) and are disturbed but usually unchanged in moisture content. Identification of soil strata is generally much more reliable than with continuous spiral flight augers, and is usually supplemented by occasional undisturbed tube samples.

Continuous Spiral Flight Augers

The borehole is advanced using 90-115 mm diameter continuous spiral flight augers which are withdrawn at intervals to allow sampling or in-situ testing. This is a relatively economical means of drilling in clays and sands above the water table. Samples are returned to the surface, or may be collected after withdrawal of the auger flights, but they are disturbed and may be mixed with soils from the sides of the hole. Information from the drilling (as distinct from specific sampling by SPTs or undisturbed samples) is of relatively low

reliability, due to the remoulding, possible mixing or softening of samples by groundwater.

Non-core Rotary Drilling

The borehole is advanced using a rotary bit, with water or drilling mud being pumped down the drill rods and returned up the annulus, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from the rate of penetration. Where drilling mud is used this can mask the cuttings and reliable identification is only possible from separate sampling such as SPTs.

Continuous Core Drilling

A continuous core sample can be obtained using a diamond tipped core barrel, usually with a 50 mm internal diameter. Provided full core recovery is achieved (which is not always possible in weak rocks and granular soils), this technique provides a very reliable method of investigation.

Standard Penetration Tests

Standard penetration tests (SPT) are used as a means of estimating the density or strength of soils and also of obtaining a relatively undisturbed sample. The test procedure is described in Australian Standard 1289, Methods of Testing Soils for Engineering Purposes - Test 6.3.1.

The test is carried out in a borehole by driving a 50 mm diameter split sample tube under the impact of a 63 kg hammer with a free fall of 760 mm. It is normal for the tube to be driven in three successive 150 mm increments and the 'N' value is taken as the number of blows for the last 300 mm. In dense sands, very hard clays or weak rock, the full 450 mm penetration may not be practicable and the test is discontinued.

The test results are reported in the following form.

- In the case where full penetration is obtained with successive blow counts for each 150 mm of, say, 4, 6 and 7 as:

4,6,7
N=13
- In the case where the test is discontinued before the full penetration depth, say after 15 blows for the first 150 mm and 30 blows for the next 40 mm as:

15, 30/40 mm

Sampling Methods

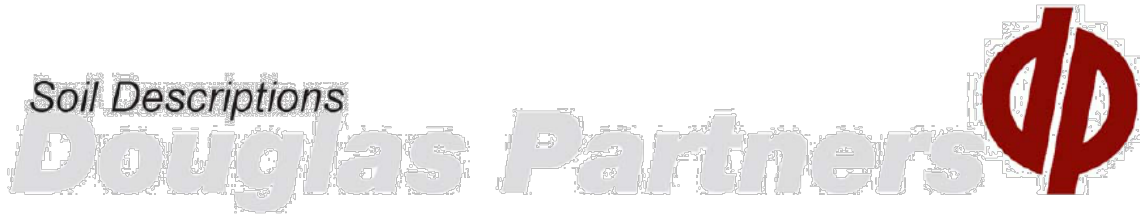
The results of the SPT tests can be related empirically to the engineering properties of the soils.

Dynamic Cone Penetrometer Tests /

Perth Sand Penetrometer Tests

Dynamic penetrometer tests (DCP or PSP) are carried out by driving a steel rod into the ground using a standard weight of hammer falling a specified distance. As the rod penetrates the soil the number of blows required to penetrate each successive 150 mm depth are recorded. Normally there is a depth limitation of 1.2 m, but this may be extended in certain conditions by the use of extension rods. Two types of penetrometer are commonly used.

- Perth sand penetrometer - a 16 mm diameter flat ended rod is driven using a 9 kg hammer dropping 600 mm (AS 1289, Test 6.3.3). This test was developed for testing the density of sands and is mainly used in granular soils and filling.
- Cone penetrometer - a 16 mm diameter rod with a 20 mm diameter cone end is driven using a 9 kg hammer dropping 510 mm (AS 1289, Test 6.3.2). This test was developed initially for pavement subgrade investigations, and correlations of the test results with California Bearing Ratio have been published by various road authorities.



Description and Classification Methods

The methods of description and classification of soils and rocks used in this report are based on Australian Standard AS 1726, Geotechnical Site Investigations Code. In general, the descriptions include strength or density, colour, structure, soil or rock type and inclusions.

Soil Types

Soil types are described according to the predominant particle size, qualified by the grading of other particles present:

Type	Particle size (mm)
Boulder	>200
Cobble	63 - 200
Gravel	2.36 - 63
Sand	0.075 - 2.36
Silt	0.002 - 0.075
Clay	<0.002

The sand and gravel sizes can be further subdivided as follows:

Type	Particle size (mm)
Coarse gravel	20 - 63
Medium gravel	6 - 20
Fine gravel	2.36 - 6
Coarse sand	0.6 - 2.36
Medium sand	0.2 - 0.6
Fine sand	0.075 - 0.2

The proportions of secondary constituents of soils are described as:

Term	Proportion	Example
And	Specify	Clay (60%) and Sand (40%)
Adjective	20 - 35%	Sandy Clay
Slightly	12 - 20%	Slightly Sandy Clay
With some	5 - 12%	Clay with some sand
With a trace of	0 - 5%	Clay with a trace of sand

Definitions of grading terms used are:

- Well graded - a good representation of all particle sizes
- Poorly graded - an excess or deficiency of particular sizes within the specified range
- Uniformly graded - an excess of a particular particle size
- Gap graded - a deficiency of a particular particle size with the range

Cohesive Soils

Cohesive soils, such as clays, are classified on the basis of undrained shear strength. The strength may be measured by laboratory testing, or estimated by field tests or engineering examination. The strength terms are defined as follows:

Description	Abbreviation	Undrained shear strength (kPa)
Very soft	vs	<12
Soft	s	12 - 25
Firm	f	25 - 50
Stiff	st	50 - 100
Very stiff	vst	100 - 200
Hard	h	>200

Cohesionless Soils

Cohesionless soils, such as clean sands, are classified on the basis of relative density, generally from the results of standard penetration tests (SPT), cone penetration tests (CPT) or dynamic penetrometers (PSP). The relative density terms are given below:

Relative Density	Abbreviation	SPT N value	CPT qc value (MPa)
Very loose	vl	<4	<2
Loose	l	4 - 10	2 - 5
Medium dense	md	10 - 30	5 - 15
Dense	d	30 - 50	15 - 25
Very dense	vd	>50	>25

Soil Descriptions

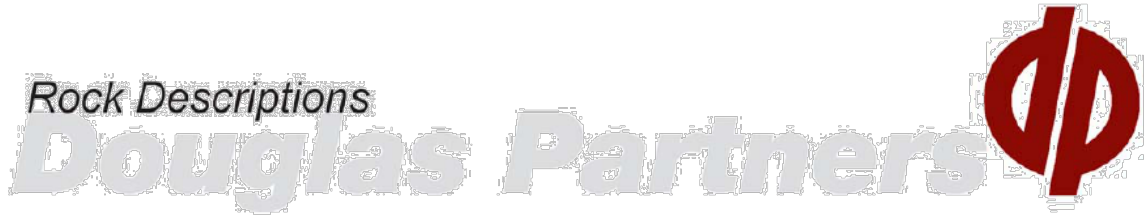
Soil Origin

It is often difficult to accurately determine the origin of a soil. Soils can generally be classified as:

- Residual soil - derived from in-situ weathering of the underlying rock;
- Transported soils - formed somewhere else and transported by nature to the site; or
- Filling - moved by man.

Transported soils may be further subdivided into:

- Alluvium - river deposits
- Lacustrine - lake deposits
- Aeolian - wind deposits
- Littoral - beach deposits
- Estuarine - tidal river deposits
- Talus - scree or coarse colluvium
- Slopewash or Colluvium - transported downslope by gravity assisted by water. Often includes angular rock fragments and boulders.



Rock Strength

Rock strength is defined by the Point Load Strength Index ($I_{s(50)}$) and refers to the strength of the rock substance and not the strength of the overall rock mass, which may be considerably weaker due to defects. The test procedure is described by Australian Standard 4133.4.1 - 1993. The terms used to describe rock strength are as follows:

Term	Abbreviation	Point Load Index $I_{s(50)}$ MPa	Approx Unconfined Compressive Strength MPa*
Extremely low	EL	<0.03	<0.6
Very low	VL	0.03 - 0.1	0.6 - 2
Low	L	0.1 - 0.3	2 - 6
Medium	M	0.3 - 1.0	6 - 20
High	H	1 - 3	20 - 60
Very high	VH	3 - 10	60 - 200
Extremely high	EH	>10	>200

* Assumes a ratio of 20:1 for UCS to $I_{s(50)}$

Degree of Weathering

The degree of weathering of rock is classified as follows:

Term	Abbreviation	Description
Extremely weathered	EW	Rock substance has soil properties, i.e. it can be remoulded and classified as a soil but the texture of the original rock is still evident.
Highly weathered	HW	Limonite staining or bleaching affects whole of rock substance and other signs of decomposition are evident. Porosity and strength may be altered as a result of iron leaching or deposition. Colour and strength of original fresh rock is not recognisable
Moderately weathered	MW	Staining and discolouration of rock substance has taken place
Slightly weathered	SW	Rock substance is slightly discoloured but shows little or no change of strength from fresh rock
Fresh stained	Fs	Rock substance unaffected by weathering but staining visible along defects
Fresh	Fr	No signs of decomposition or staining

Degree of Fracturing

The following classification applies to the spacing of natural fractures in diamond drill cores. It includes bedding plane partings, joints and other defects, but excludes drilling breaks.

Term	Description
Fragmented	Fragments of <20 mm
Highly Fractured	Core lengths of 20-40 mm with some fragments
Fractured	Core lengths of 40-200 mm with some shorter and longer sections
Slightly Fractured	Core lengths of 200-1000 mm with some shorter and longer sections
Unbroken	Core lengths mostly > 1000 mm

Rock Descriptions

Rock Quality Designation

The quality of the cored rock can be measured using the Rock Quality Designation (RQD) index, defined as:

$$\text{RQD \%} = \frac{\text{cumulative length of 'sound' core sections} \geq 100 \text{ mm long}}{\text{total drilled length of section being assessed}}$$

where 'sound' rock is assessed to be rock of low strength or better. The RQD applies only to natural fractures. If the core is broken by drilling or handling (i.e. drilling breaks) then the broken pieces are fitted back together and are not included in the calculation of RQD.


Stratification Spacing

For sedimentary rocks the following terms may be used to describe the spacing of bedding partings:

Term	Separation of Stratification Planes
Thinly laminated	< 6 mm
Laminated	6 mm to 20 mm
Very thinly bedded	20 mm to 60 mm
Thinly bedded	60 mm to 0.2 m
Medium bedded	0.2 m to 0.6 m
Thickly bedded	0.6 m to 2 m
Very thickly bedded	> 2 m

Symbols & Abbreviations

Douglas Partners



Introduction

These notes summarise abbreviations commonly used on borehole logs and test pit reports.

Drilling or Excavation Methods

C	Core Drilling
R	Rotary drilling
SFA	Spiral flight augers
NMLC	Diamond core - 52 mm dia
NQ	Diamond core - 47 mm dia
HQ	Diamond core - 63 mm dia
PQ	Diamond core - 81 mm dia

Water

▷	Water seep
▽	Water level

Sampling and Testing

A	Auger sample
B	Bulk sample
D	Disturbed sample
E	Environmental sample
U ₅₀	Undisturbed tube sample (50mm)
W	Water sample
pp	pocket penetrometer (kPa)
PID	Photo ionisation detector
PL	Point load strength Is(50) MPa
S	Standard Penetration Test
V	Shear vane (kPa)

Description of Defects in Rock

The abbreviated descriptions of the defects should be in the following order: Depth, Type, Orientation, Coating, Shape, Roughness and Other. Drilling and handling breaks are not usually included on the logs.

Defect Type

B	Bedding plane
Cs	Clay seam
Cv	Cleavage
Cz	Crushed zone
Ds	Decomposed seam
F	Fault
J	Joint
Lam	lamination
Pt	Parting
Sz	Sheared Zone
V	Vein

Orientation

The inclination of defects is always measured from the perpendicular to the core axis.

h	horizontal
v	vertical
sh	sub-horizontal
sv	sub-vertical

Coating or Infilling Term

cln	clean
co	coating
he	healed
inf	infilled
stn	stained
ti	tight
vn	veneer

Coating Descriptor

ca	calcite
cbs	carbonaceous
cly	clay
fe	iron oxide
mn	manganese
sit	silty

Shape

cu	curved
ir	irregular
pl	planar
st	stepped
un	undulating

Roughness

po	polished
ro	rough
sl	slickensided
sm	smooth
vr	very rough





Other

fg	fragmented
bnd	band
qtz	quartz



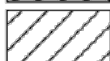
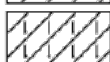







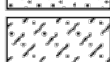





Symbols & Abbreviations

Graphic Symbols for Soil and Rock




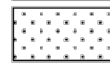
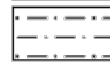
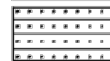
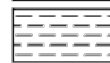


General

	Asphalt
	Road base
	Concrete
	Filling

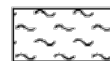


Soils

	Topsoil
	Peat
	Clay
	Silty clay
	Sandy clay
	Gravelly clay
	Shaly clay
	Silt
	Clayey silt
	Sandy silt
	Sand
	Clayey sand
	Silty sand
	Gravel
	Sandy gravel
	Cobbles, boulders
	Talus

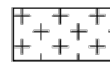


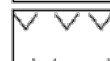

Sedimentary Rocks

	Boulder conglomerate
	Conglomerate
	Conglomeratic sandstone
	Sandstone
	Siltstone
	Laminite
	Mudstone, claystone, shale
	Coal
	Limestone

Metamorphic Rocks

	Slate, phyllite, schist
	Gneiss
	Quartzite

Igneous Rocks

	Granite
	Dolerite, basalt, andesite
	Dacite, epidote
	Tuff, breccia
	Porphyry

BOREHOLE LOG

CLIENT: Wales & Associates Pty Ltd
PROJECT: Proposed Monument - Adelaide Mast
LOCATION: Terrigal Haven, Terrigal

SURFACE LEVEL: --
EASTING:
NORTHING:
DIP/AZIMUTH: 90°/-

BORE No: 1
PROJECT No: 83105.00
DATE: 31/10/2016
SHEET 1 OF 1

RL	Depth (m)	Description of Strata	Graphic Log	Sampling & In Situ Testing				Water	Dynamic Penetrometer Test (blows per 150mm)				
				Type	Depth	Sample	Results & Comments		5	10	15	20	
	0.3	TOPSOIL: Brown silty sand topsoil with a trace of fine rootlets (grass covered), humid		D	0.1								
	0.8	SILTY SANDY CLAY: Very stiff, brown silty sandy clay, M<Wp		D	0.5								
	1.0	CLAY: Very stiff, brown mottled orange brown clay with a trace of sand, M=Wp		D	1.0								
	1.8	SILTY CLAY: Hard, light grey mottled red silty clay, M=Wp		D	2.0		pp >400						
	2.8	SANDY SILTY CLAY: Hard, light grey mottled brown sandy silty clay, M=Wp		D	3.2		pp >400						
	3.2	- from 3.0m, grading into a weathered rock with soil like properties											
	3.2	Bore discontinued at 3.2m. Refusal on weathered rock		D	3.2		pp >400						

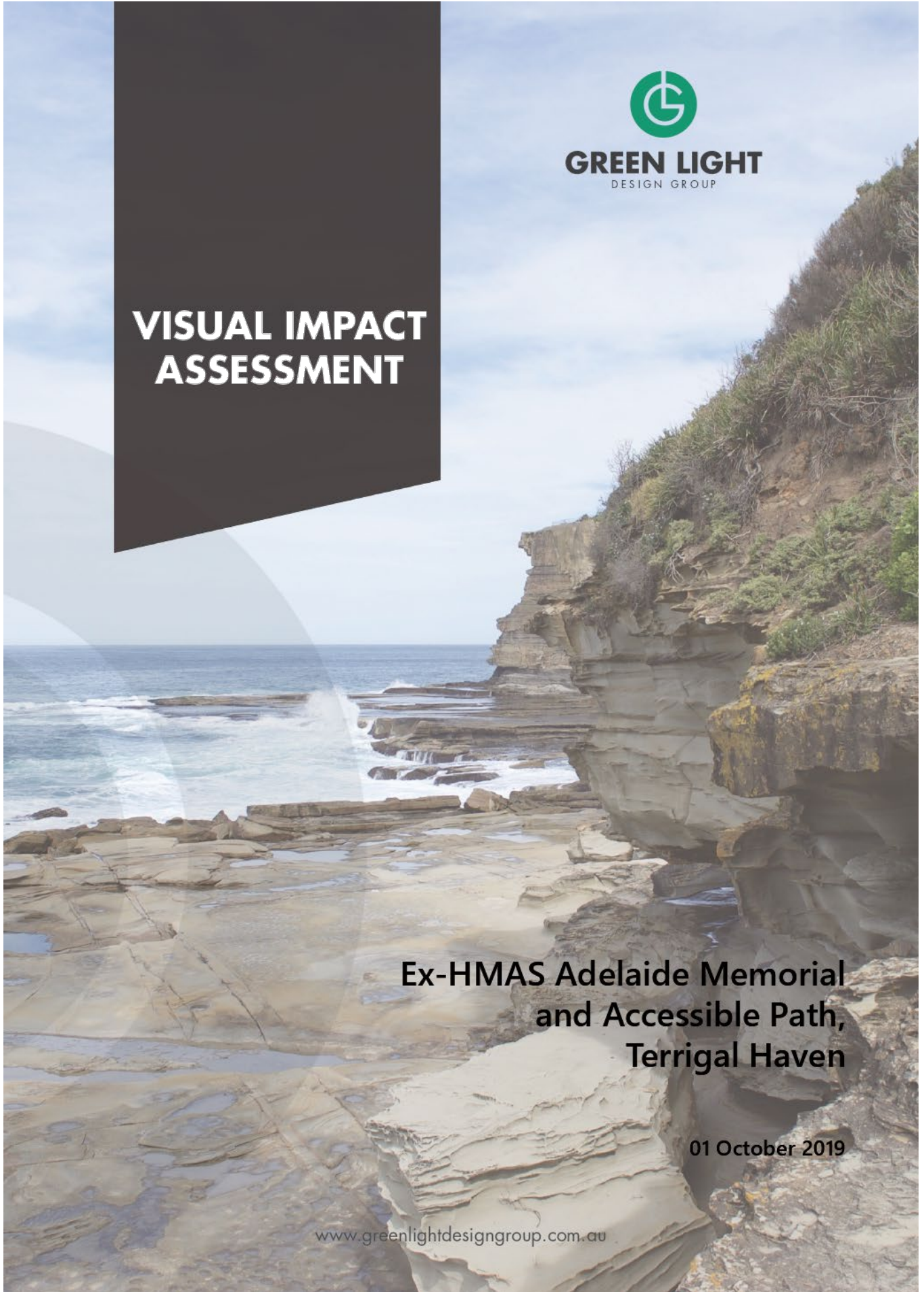
RIG: Toyota 4WD **DRILLER:** M Hickman **LOGGED:** M Hickman **CASING:**
TYPE OF BORING: Dynamic Push Tube (continuous sample)
WATER OBSERVATIONS: No Free Groundwater Observed
REMARKS:

Sand Penetrometer AS1289.6.3.3
 Cone Penetrometer AS1289.6.3.2

A	Augers sample	G	Gas sample	PID	Photo ionisation detector (ppm)
B	Bulk sample	P	Piston sample	PL[A]	Point load axial test Is(50) (MPa)
BLK	Block sample	U	Tube sample (x mm dia.)	PL[D]	Point load diametral test Is(50) (MPa)
C	Core drilling	W	Water sample	pp	Pocket penetrometer (kPa)
D	Disturbed sample	▷	Water seep	S	Standard penetration test
E	Environmental sample	≡	Water level	V	Shear vane (kPa)







GREEN LIGHT
DESIGN GROUP

**VISUAL IMPACT
ASSESSMENT**

**Ex-HMAS Adelaide Memorial
and Accessible Path,
Terrigal Haven**

01 October 2019

www.greenlightdesigngroup.com.au



This report is prepared for:

CENTRAL COAST COUNCIL

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REVISION TABLE			
Revision	Date	Description	Approved By
P1	25/09/19	Draft Report	Derek Hill
A	01/10/19	Final Report	Derek Hill

This report is prepared by:

GREEN LIGHT DESIGN GROUP PTY LTD
PO Box 4080
EAST GOSFORD NSW 2250

ACKNOWLEDGEMENTS

Thank you to the following people who assisted in the preparation of this report.
Shari Massey - Central Coast Council
Karen Tucker - Central Coast Council
Karen O'Mara - Central Coast Council
Derek Hill - Green Light Design Group

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6.1 Artists Impression of Ex-HMAS Adelaide Memorial

1.0 INTRODUCTION

This report has been prepared by Green Light Design Group Pty Ltd for Central Coast Council to identify the likely visual impact the proposed ex-HMAS Adelaide Memorial and access path will have on Terrigal Haven and the surrounding landscape and suburban areas. The proposed works are based on plans and details contained in the following documents:

Howard Leslie & Associates

- *Elevations E & W*, HMAS Adelaide, The Haven, Sheet # 16595 SK06
- *External Views*, HMAS Adelaide, The Haven, Sheet # 16595 SK07

Eddy Consulting

- *Mast and Footing Detail*, Proposed Mast Structure, The Haven, Terrigal Job No. 1603003, Drg No. 1of1, Date 11.10.16.

Unnamed (Based on Design by Worley Parsons 13.12.2013)

- *Potential Accessible Pathway to Proposed Location*, HMAS Adelaide - Terrigal Haven

It should be noted that visual impacts during construction have not been included in this assessment. It is assumed that any visual impacts during construction will be temporary and do not warrant consideration or inclusion in this report.

2.0 METHODOLOGY

2.1 Study Area

The study area for this visual impact assessment has been selected to cover the main geographic extent of potential visual impacts of the proposed works.

2.2 Visual Impact Assessment

The assessment is used to determine the effects of the proposed works on the visual receivers both on public land and from private properties.

Viewpoint Selection

Following a thorough desktop study and site visit, representative viewpoints with the potential to be visually affected by some element of the proposal are identified and selected for further analysis. Viewpoints are selected to illustrate:

- A range of receiver types including public and private domain views;
- A range of view types including elevated, panoramic and filtered views;
- A range of viewing distances from the proposal;
- Any key or protected views identified within relevant planning literature.

Limitations

The viewpoints selected are representative only of the spread and type of receivers that may be affected by the proposed works, they are not exhaustive nor do they reflect the exact view shared by all receivers in a similar area.

Impact Rating

The impact rating for any given viewpoint within the study area is based on an evaluation of the sensitivity and magnitude of the proposed change. The overall score is calculated using the matrix shown in Figure 1.0.

Sensitivity

Each viewpoint has an inherent sensitivity to change in the visual scene of the landscape based on the context of the viewer. This will have a direct influence on the perceived visual impact experienced by the receiver. The assessment matrix qualifies these quantitative impacts into four broad categories including:

- Negligible - vacant land or building;
- Low - roads, car parks and industrial areas;
- Moderate - residential properties with filtered views, commercial properties and sporting clubs;
- High - Public reserves, viewing platforms, living areas and balconies of residential properties with direct views towards the proposed works.

Magnitude

A series of factors are taken into account when assessing the magnitude of visual effect from any one viewpoint . These factors include the distance from the proposed works, extent of view, the amount of time the works are within view, and the scale of change to the landscape setting. The value determined to represent each viewpoint falls into one of the four broad categories listed below:

- Negligible - no perceivable change to the landscape setting;
- Low - minor perceived change to the landscape setting;
- Moderate - substantial perceived change to the landscape setting from a distance of greater than 100m;
- High - substantial perceived change to the landscape setting from a distance of less than 100m;

		SENSITIVITY			
		High	Moderate	Low	Negligible
MAGNITUDE	High	High Impact	High-Moderate Impact	Moderate Impact	Negligible Impact
	Moderate	High-Moderate Impact	Moderate Impact	Moderate-Low Impact	Negligible Impact
	Low	Moderate Impact	Moderate-Low Impact	Low Impact	Negligible Impact
	Negligible	Negligible Impact	Negligible Impact	Negligible Impact	Negligible Impact

Figure 1. Impact Rating Matrix

2.3 Scenic Value Impact (Terrigal Haven Plan of Management 2009)

The impact of the proposed works will be assessed against the scenic values identified in the Terrigal Haven Plan of Management 2009 to determine if the changes in the landscape are consistent with the desired character of the reserve.

The following scenic values (extract from the POM) will form the basis of the assessment:

- retain natural landscape quality;
- preservation of views to the Pacific Ocean;
- embellish natural vantage points; and
- effective maintenance.

3.0 SITE CONTEXT

3.1 Landform and Topography

The character of the area in the vicinity of the proposed memorial and access path presents is typical of a Hawksbury Sandstone Coastal Landscape, heavily influenced by coastal processes.

The site for the memorial is a small saddle between two elevated rock outcrops on Broken Head and forms a notable depression in the skyline, void of large trees and vegetation. The rolling grass slope gives way to an eroding scree slope that then steps down suddenly in blocky sandstone terraces to the flat rock platform below. The grass area provides one of the only natural viewing areas out to the Pacific Ocean that has yet to be formalised with a viewing platform or path.

The access path begins at the formal car park overlooking the bolder field between the Skillion and Broken Head, heading in a north east direction towards the memorial site. Areas of dense vegetation have been established along the initial section of the proposed alignment that then gives way to open grass areas with groups of small trees.

3.2 Vegetation

The site is surrounded by remnant vegetation and planted native species from the Coastal Headland Low Forest, Coastal Headland Grassland and Coastal Headland Shrubland plant communities.

4.0 VISUAL IMPACT ASSESSMENT

4.1 Existing Visual Catchment

The approximate extent of visual catchment of the proposed works is indicated on the visual catchment plan, Figure 2. The visibility of the proposed works extends north along the established walking track to the various viewing platforms on Broken Head. West to the sporting oval, Reef Restaurant, The Haven Beach, residential areas and the viewing platform between Terrigal and The Haven beaches. South to the Skillion.



Figure 2. Visual Catchment Plan

4.2 Selected Viewpoints

As a result of a detailed site visit, the following key viewpoints were selected for further analysis:

- VP1. Viewing platform north of proposed Memorial Site
- VP2. Northern extent of grass area on Broken Head
- VP3. Fish cleaning table adjacent boat ramp
- VP4. Grass area to east of Reef Restaurant
- VP5. Viewing platform between Terrigal and The Haven Beaches
- VP6. Grass area to south of Rugby/Cricket clubhouse
- VP7. High side of Scenic Highway
- VP8. The Skillion viewing platform
- VP9. Base of the Skillion grass area

The location of each viewpoint is illustrated on the Viewpoint Location Plan, Figure 3.



Figure 3. Viewpoint Location Plan

Viewpoint	Sensitivity Rating	Magnitude Rating	Impact Rating
VP1	High	High	High Impact
VP2	High	High	High Impact
VP3	High	High	High Impact
VP4	High	Negligible	Negligible Impact
VP5	High	Low	Moderate Impact
VP6	High	Low	Moderate Impact
VP7	High	Low	Moderate Impact
VP8	High	Negligible	Negligible Impact
VP9	High	Low	Moderate Impact

Table 1. Visual Impact Assessment Rating Summary Table

4.2.1 Viewing platform north of proposed memorial site

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians will have when approaching the memorial site along the concrete pathway on Broken Head. The existing view takes in the vegetated headlands and outlook over the rock platform and Pacific Ocean. The view is scenic and dominated by soft landscape elements, in particular a rolling grass slope that drops down to the sandstone cliff edge. The viewpoint is considered of high sensitivity.

Magnitude Rating - High

The proposed memorial will dominate the view and become the focal point of the natural depression in the landform. Access to the grass slope would be impacted. The new structure would change the overall appearance of the landscape and would change the way the space is used leading to a high magnitude of change.

Impact Rating - High Impact



Figure 4. Viewpoint 1 (Proposed location of Memorial and Access Path Shown in Red)

4.2.2 Northern extent of grass area on Broken Head

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians will have from the viewing platforms and open grass area to the north of the the proposed memorial site on Broken Head. The existing view takes in the vegetated headlands, open grass area, car park and some larger trees, with glimpses of the Pacific Ocean through the low point in the skyline. The view is scenic and dominated by soft landscape elements, in particular the rolling open grass slope that drops down to the car park. The viewpoint is considered of high sensitivity.

Magnitude Rating - High

The proposed memorial will change the shape of the skyline and interrupt the glimpse of the Pacific Ocean through the low point. The proposed access path will be a small visual addition to the landscape setting and will create another division in the open grass area. The new memorial structure would change the overall appearance of the skyline and would become the dominant hard landscape element, leading to a high magnitude of change.

Impact Rating - High Impact



Figure 5. Viewpoint 2 (Proposed location of Memorial and Access Path Shown in Red)

4.2.3 Fish cleaning table adjacent boat ramp

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians, motorists and patrons of the fish and chips shop will have when looking towards the open grass area on Broken Head. The existing view takes in the vegetated headlands, open grass area, car park, some larger trees, and power poles. The view is somewhat scenic with a mix of hard and soft landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - High

The proposed memorial will change the shape of the skyline and will add a further hard landscape element into the view cone. The new memorial structure would change the overall appearance of the skyline and would become the focal point of the view, leading to a high magnitude of change.

Impact Rating - High Impact



Figure 6. Viewpoint 3 (Proposed location of Memorial and Access Path Shown in Red)

4.2.4 Grass area to east of Reef Restaurant

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians, beach goers, patrons of the Reef Restaurant will have when looking towards Broken Head. The existing view takes in the row of mature Norfolk Island Pines, The Haven beach and open grass areas. The view is scenic with a mix of hard and soft landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - Negligible

The view towards the proposed memorial and access path is obscured by mature tree canopy and therefore the magnitude of change would be negligible.

Impact Rating - Negligible Impact



Figure 7. Viewpoint 4 (Proposed location of Memorial and Access Path Shown in Red)

4.2.5 Viewing platform between Terrigal and The Haven beaches

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians will have when looking towards Broken Head from the viewing platform and walkway between Terrigal and The Haven beaches. The existing view takes in The Haven beach, the vegetated headland of Broken Head, and distant views of the Pacific Ocean. The view is scenic with a mix of natural and constructed landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - Low

The proposed memorial will change the shape of the skyline in the distance. The new memorial structure will only change the overall appearance of the skyline slightly and would not become the focal point of the view, leading to a low magnitude of change.

Impact Rating - Moderate Impact



Figure 8. Viewpoint 5 (Proposed location of Memorial and Access Path Shown in Red)

4.2.6 Grass area to south of rugby/cricket clubhouse

Sensitivity Rating - High

This viewpoint is representative of the view that rugby and cricket spectators and patrons of the Rugby Union Cafe will have when looking towards Broken Head. The existing view takes in the sports oval, the vegetated headland of Broken Head, some large trees, and views of the Pacific Ocean. The view is somewhat scenic with a mix of natural and constructed landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - Low

The proposed memorial will add another built element to the landscape setting however it will only change the overall appearance of the skyline slightly as the existing trees and light poles from the sports oval already extend above this line. The proposed access path will be hidden behind existing vegetation and would not become the focal point of the view, leading to a low magnitude of change.

Impact Rating - Moderate Impact



Figure 9. Viewpoint 6 (Proposed location of Memorial and Access Path Shown in Red)

4.2.7 High side of Scenic Highway

Sensitivity Rating - High

This viewpoint is representative of the view that private residences and motorists on the Scenic Highway will have when looking towards Broken Head. The existing view takes in the steel walkway balustrade, sports oval, the vegetated headland of Broken Head, some large trees, and views of the Pacific Ocean. The view is somewhat scenic with a mix of natural and constructed landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - Low

The proposed memorial will add another built element to the landscape setting however it will only change the overall appearance of the skyline slightly as the existing trees and light poles from the sports oval already extend above this line. The proposed access path will largely be hidden behind existing vegetation and would not become the focal point of the view, leading to a low magnitude of change.

Impact Rating - Moderate Impact



Figure 10. Viewpoint 7 (Proposed location of Memorial and Access Path Shown in Red)

4.2.8 The Skillion viewing platform

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians will have when looking towards Broken Head from The Skillion viewing area. The existing view takes in the old timber balustrades, car park, rock and scree slope, rock platform, sports oval, vegetated headland of Broken Head, some large trees, and views of Terrigal and Wamberal Beaches. The view is scenic with a mix of natural and constructed landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - Negligible

The proposed memorial will be obscured from view by the vegetated headland of Broken Head and only a small section of the proposed access path will be visible, leading to a negligible magnitude of change.

Impact Rating - Negligible Impact



Figure 9. Viewpoint 8 (Proposed location of Memorial and Access Path Shown in Red)

4.2.9 Base of Skillion grass area

Sensitivity Rating - High

This viewpoint is representative of the view that pedestrians will have when looking towards the car park and Broken Head from the base of The Skillion grass area. The existing view takes in the grassy slope at the base of the Skillion, car park, sports oval, vegetated headland of Broken Head, some large trees, and glimpses of Terrigal and Wamberal Beaches. The view is scenic with a mix of natural and constructed landscape elements. The viewpoint is considered of high sensitivity.

Magnitude Rating - Low

The proposed memorial will be obscured from view by the vegetated headland of Broken Head. The proposed access path will be visible and will require removal of a section of existing vegetation however the overall appearance will not change significantly, leading to a low magnitude of change.

Impact Rating - Moderate Impact



Figure 10. Viewpoint 9 (Proposed location of Memorial and Access Path Shown in Red)

4.3 Overall Visual Impact

The visual impact of the proposed works would be greatest for those viewers in close proximity to the site. Viewpoints 1, 2 and 3 are representative of the catchment of viewers who will perceive a high impact to the visual amenity of the reserve. In general, the memorial structure will change the overall appearance of the skyline and would become the dominant hard landscape element in the reserve. Viewers that will see the change from a greater distance will likely perceive a reduced visual impact from the proposed works however the change to the skyline may still impact the views to the Pacific Ocean.

5.0 SCENIC VALUE ASSESSMENT

The impact of the proposed ex-HMAS Adelaide memorial and access path in relation to the scenic values listed in the Terrigal Haven Plan of Management 2009 are discussed below.

5.1 Retain Natural Landscape Quality

Large sections of Broken Head and the Skillion are covered with native vegetation remnant of the plant communities that inhabited the headlands over a long period. These sections of vegetation contribute significantly to the natural landscape qualities that the community value.

The proposed memorial will add a constructed element into an otherwise soft landscape setting at the focal point in the skyline between the vegetated headlands on Broken Head. This would have a significant impact on the natural landscape qualities of the area as it is visible from a number of important viewpoints.

The proposed access path will require the removal of a section of native vegetation and will have an impact on the natural landscape qualities however this impact is minimal as there is only a small area at the base of the Skillion where the change would be apparent.

5.2 Preservation of Views to the Pacific Ocean

The proposed memorial will have an impact on views to the Pacific Ocean from a number of key viewpoints and it is expected that a number of residents in private dwellings as well as users of The Haven will be affected. The extent of the impact varies depending on the distance the viewer is from the proposed memorial. Typically the closer the viewer is located to the memorial the greater the magnitude of impact to their view of the Pacific Ocean.

The proposed access path will not impact views to the Pacific Ocean.

5.3 Embellish Natural Vantage Points

The proposed memorial is a new hard landscape structure that will be placed in an otherwise informal grass slope overlooking the rock platform and Pacific Ocean. The works will be a new visual intrusion in the landscape rather than an embellishment of an existing viewing platform. While the grass slope is a natural vantage point, the

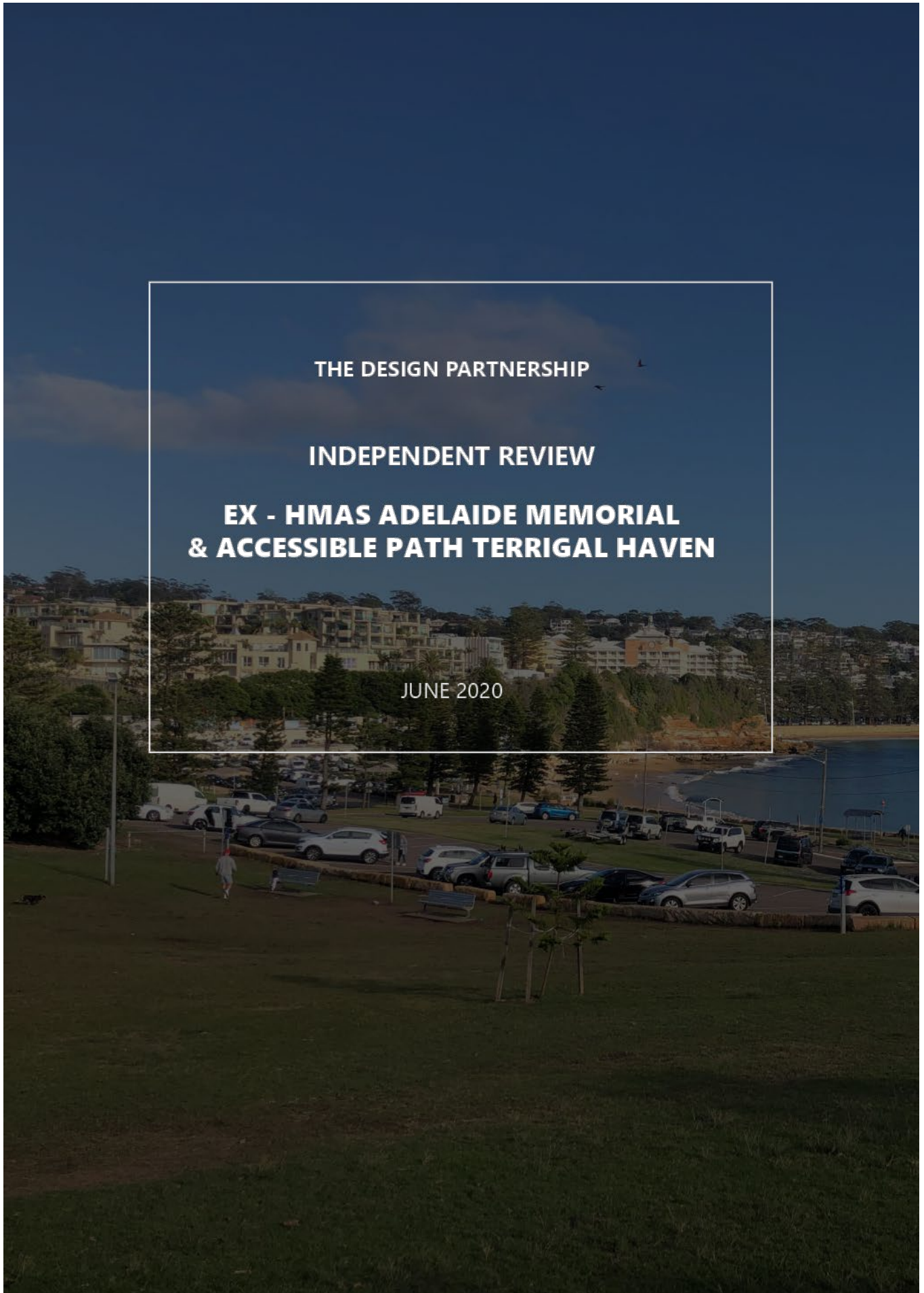
6.0 APPENDIX

6.1 Artists Impression of Ex-HMAS Adelaide Memorial



Photomontage of Proposed Ex-HMAS Adelaide Memorial based on Plans prepared by Howard Leslie & Associates.

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4	SCENIC VALUE AND SUPPORTING CONSIDERATIONS	8
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	APPENDIX A: VISUAL IMPACT ASSESSMENT BY GREEN LIGHT DESIGN GROUP	
	APPENDIX B: DESIGN DOCUMENTATION BY HOWARD LESLIE & ASSOCIATES	
	APPENDIX C: IMAGE OF THE PROPOSED MAST FOR USE IN THE MEMORIAL	

CENTRAL COAST COUNCIL

**Ex - HMAS Adelaide Memorial and Accessible Path, Terrigal
Independent Visual Impact Assessment Review**
TERRIGAL HAVEN NSW 2260

PROJECT NUMBER: 20.016

PREPARED BY



Kristy Ryan | Managing Director, Urban Designer and Registered Architect.

Quality Control Plan

ISSUE	DATE	DESCRIPTION	AUTHOR	CHECKED BY
A	19.06.20	DRAFT VIA Independent Review	KR	KR
B	26.06.20	FINAL VIA Independent Review	KR	KR

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Disclaimer | This report has been prepared based on the information supplied by the Client and investigations undertaken by The Design Partnership and other consultants. Recommendations are based on professional judgement and whilst every effort has been taken to provide accurate advice, the Client should be aware that Council, Government Agencies and other regulatory bodies may not concur with the recommendations within this report. The preparation of this report does not guarantee approval of any application.

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1 INTRODUCTION

The Design Partnership has been engaged by Central Coast Council to undertake an independent review of the Visual Impact Assessment (VIA) prepared by Green Light Design Group for the Ex-HMAS Adelaide Memorial and Accessible Path at Terrigal Haven.

1.1 PURPOSE OF A VISUAL IMPACT ASSESSMENT?

The purpose of a Visual Impact Assessment (VIA) process is to ensure that the project is of a physical form which will have the lowest practicable visual impact on its landscape setting, when viewed from publicly accessible viewpoints. Visual management objectives provide the basis for determining the degree of intervention required to modify any identified adverse visual and landscape impacts.

1.2 SCOPE & METHODOLOGY

The scope of this independent review is an of the VIA prepared by Green Light Design Group. To prepare the report, The Design Partnership's undertook the following Methodology:

1. Review of the VIA report prepared by Green Light Design Group.
2. Desktop review of the design prepared by Howard Leslie & Associates.
3. Site Visit by Kristine Ryan (Managing Director) on 18 June 2020.
4. Email correspondence with Central Coast Council's project manager Samantha Cummins.
5. Preparation of draft Report for review by Central Coast Council and
6. Preparation of final Report and issue to Central Coast Council.

1.3 AUTHOR OF THE REPORT

The report has been prepared by Kristine (Kristy) Ryan, Managing Director of The Design Partnership. Kristy is an urban designer and a registered Architect (No. 9254 NSW) located on the Central Coast. Kristine sits on two urban design review panels (for Lake Macquarie and Port Stephens Council), which includes consideration of visual impact assessment criteria. Kristine has personally authored VIA's and specialises in projects of cultural significance.

1.4 STRUCTURE OF THE REPORT

The report comprises four (4) parts. Part 1 introduces the project and identifies TDP's methodology in undertaking a review. Parts 2 and 3 reviews the assessment and recommendations from the VIA report prepared by Green Light Design Group (GLDG). Part 4 presents a conclusion to this review. Three appendices have been included which includes the VIA report prepared by Green Light Design Group, the design drawings by Howard Leslie & Associates and a photo the ship mast that will be used for the proposed memorial.

1.5 LIMITATIONS OF THE REPORT

This report is limited to a review of the VIA prepared by Green Light Design Group. TDP's methodology does not include a Visual Impact Assessment or include photomontages to test and articulate the impact of the proposed memorial on its landscape setting.

2 LOCATION AND PROJECT

2.1 LOCATION

The subject site is located within Terrigal Haven which is rocky headland east of Terrigal CBD. The Haven is distinctive landform in the shape of a bowl. The precinct comprises Broken Head, a small protected bay, sandy beach and rock platforms.

The Haven is popular for picnics, sporting events, informal recreation, day and evening dining, and water based activities.

The Skillion is a iconic landform that rises towards the south and is a popular vantage point for the area. Terrigal Haven has a series of pedestrian paths and lookouts which are popular for walkers. The landscape comprises rolling grass slopes with clusterings of dense native vegetation. There are also a large number of pine trees along the beach front and across the site. There are four saddles that form the edges of the bowl. Saddles are depressions at the edges of the bowl which provides views over the Pacific Ocean. The four saddles include, the beach (1), the northern base of the Skillion (2) and the southern base of the Skillion (3) and the Broken Head (4). The Broken Head saddle (4) is the location of the proposed memorial which is the subject of this report.

2.2 THE PROJECT

The project is a memorial dedicated to the crew of Ex-HMAS Adelaide which was sunk/scuttled off the coast in April 2011 to provide an artificial reef and dive site. The dive site is an important tourist attraction for the Central Coast.

The memorial will comprise the original mast from the Ex-HMAS Adelaide which will be placed within a sandstone block plinth. The mast will have the ability to raise a flag on commemorative days and events. A sandstone block plinth will create a formal lookout area which will replicate the ships bow. The total height of the memorial will be will approximately 9.5 metres which will include the flag.

The documentation provided for the review does not identify any attribution or interpretive signage. There is also no fence shown on the plans.



Figure 1: Location of the memorial in the Haven (TDP 2020)

3 REVIEW OF VISUAL IMPACT ASSESSMENT

This assessment includes a desktop review of the Visual Impact Assessment (VIA) prepared by Green Light Design Group (GLDG) dated 01 October 2019 and the plans prepared by Howard Leslie & Associated dated 5 March 2019. The desktop assessment was accompanied by a site visit to review the viewpoints and scenic quality identified in the VIA. The weather was favourable during the site visit and there were no weather obstructions.

3.1 REVIEW OF ASSESSMENT METHODOLOGY

The assessment methodology used by GLDG is different to that used by TDP however, there are no concerns regarding the approach, with the following exceptions:

1. The assessment uses two types of assessment criteria (Sensitivity and Magnitude) opposed to three measures that are used by TDP (Visibility, Visual Absorption Capacity and Visual Impact Rating). *The impact of the GLDG methodology is discussed in points 2 and 3 below.*
2. The Impact Rating - Magnitude criteria does not comment on the value and quality of each viewshed. *In another context this might be a problem, however for this project all viewsheds would be considered to be high.*
3. The report does not include a measure that identifies whether the landscape has the capacity to absorb the development. Visual Absorption Capacity (VAC) is the estimated capacity of the landscape to absorb the development without creating significant visual change, which results in a reduction in scenic quality. The capacity to absorb development is primarily dependent on vegetation cover, landform and the presence of other development. *Although not provided as a specific assessment criteria the VIA has partially addressed these considerations in some viewline assessments. Had this criteria been included it would have been clear that many key views do not have the ability to absorb the impact of the project in the landscape.*

In summary, although the report uses a different and simpler methodology, it is likely that a similar conclusion would have been reached by The Design Partnership.

3.2 REVIEW OF VIEW POINTS

The Visual Impact Assessment identified nine (9) view points. Seven (7) view points are located within the Terrigal Haven 'bowl', while two are located outside the area on footpaths that lead to the Haven. During the site visit, two other sites were identified that are also relevant to the assessment. Council may consider requesting additional assessment of these Viewsheds from the author.

The additional viewsheds could include:

View 10: *(viewshed inside the Haven)*

View from the proposed accessible path looking towards the proposed memorial. It is assumed that the existing unformed road/trail is the location for the proposed accessible path.

This view is likely to have similar rating to Viewpoint 1 and Viewpoint 2 which were nominated as High Impact.

View 11: *(viewshed outside the Haven)*

View from Terrigal CBD. There could be numerous views taken from key points including, the promenade and footpath. However, the views are likely to be very similar.

This view is likely to have similar rating to Viewpoint 5 which was nominated as Moderate Impact.



Figure 2: Copy of the VIA Viewpoint Location Plan (GLDG VIA Figure 3). This diagram identifies the location of the recommended Viewpoint 10. (GLDG 2019 & TDP 2020)



Figure 3: Aerial showing the location of the recommended Viewpoint 11. (TDP 2020)

4 SCENIC VALUE & SUPPORTING CONSIDERATIONS

Section 5 of the Visual Impact Assessment prepared by GLDG provides a Scenic Value Assessment which takes into consideration the Terrigal Haven Plan of Management 2009. The following assessment provides comments on the GLDG's assessment and puts forward additional factors for consideration.

4.1 REVIEW OF SCENIC VALUE ASSESSMENT

There are four (4) considerations addressed in the report and are commented upon below:

4.1.1 Retain Natural Landscape Quality

The report identifies that the Haven - comprising Broken Head and the Skillion comprises natural vegetation and this contributes to the scenic quality of the precinct. The addition of a 'constructed element', comprising the memorial and the concrete path will be visible from numerous viewpoints. The report states the memorial will have a **significant impact** on the natural landscape qualities and the accessible pathway will have **minimal impact**.

*This assessment is supported and we agree the memorial will have **significant impact** on the Haven precinct. There are no similar structures or elements and the memorial will disrupt the experience of the public space. The proposed memorial comprises an element (ship mast) sited 'out of context' - as an abstracted form. This further highlights the element which results in greater contrast in the landscape context.*

*The assessment of the accessible path as **minimal impact** is supported due to its low scale, the ability to restore native vegetation and its value to improve the existing functions of the precinct.*

4.1.2 Preservation of Views to the Pacific Ocean

The report identifies that the memorial will impact views to the Pacific Ocean from key viewpoints. It also notes that private residents will also be impacted. It is also stated that the closer the viewer is to the memorial, the greater the impact. The accessible path is not considered an issue as it will not impact views to the Pacific Ocean.

This assessment is supported and we agree the memorial will have an impact on views to the Pacific Ocean. The memorial is proposed within one of four key saddles in the Haven precinct. Each view line is unique however, the subject site is of particular importance. This is a pedestrian only view line and the only way to experience this view is on foot. While undertaking the site visit, the popularity of the space to meet and talk while watching the view was observed. The impact of this structure will be significant and will change the experience of the space.

Furthermore, the water as viewed through the saddle, will be blocked by the structure.

4.1.3 Embellish Natural Vantage Points

The report identifies that the memorial will be a new visual intrusion in the landscape rather than an embellishment of an existing viewing platform. The assessment identifies that the memorial will be focused on the mast of the Ex-HMAS Adelaide rather than the view to the Pacific Ocean.

This assessment is supported as the memorial results in a new focal point and inhibitor of viewlines. The impact of standing beneath a significant structure will change the experience of connecting with the water in the distance. It could be argued that the mast will give the impression of looking out to see from a ship, however, the memorial is out of context and has been abstracted and this experience would require a strong imagination.

4.1.4 Effective Maintenance

The report identifies that the accessible path will provide access for people of varying mobilities, reduce erosion from the informal path and highlights an existing desire line between the car park and viewing platforms. The report also states the memorial will require regular maintenance to ensure it remains safe. A balustrade has also been recommended to prevent falls.

This assessment is supported as a formal access path would improve movement through the site. This path is a missing link in the pedestrian network. It is also agreed that regular maintenance will be required. Memorials and public artwork on the Central Coast has not been consistently maintained. The construction of this memorial would require a maintenance program, maintenance funding and a Lifecycle plan (A Lifecycle Plan determines the lifespan of the memorial which determines maintenance costings and programs). The memorial is likely to experience vandalism which will require removal as soon as possible - as tags left in place become a reward to the vandal. Vandalised memorials also become more prominent in the landscape and send a signal that encourage anti social behaviour.

The climbability of the memorial should also be considered. Any structures such as attribution or interpretive signage should ensure they do not facilitate the climbing of structures.

In summary, the assessment and recommendations from the VIA are supported.

4.2 OTHER CONSIDERATIONS

In addition to the assessment and recommendations identified in the VIA, these further comments and recommendations are provided for consideration:

4.2.1 Ridgeline Rule of Thumb

There is a rule of thumb that when determining the scale of a new constructed element in a landscape context, the ridgeline of the area should form a 'ceiling' for new development. In this case the memorial is located within a gap (saddle) of the vegetation line. This gap further highlights the memorial making it more prominent and out of place. The memorial would be read differently had it been located in front vegetation. This would have enabled the memorial to become part of the landscape opposed to contrasting with it.

4.2.2 Public Art Considerations

Structures that are 'public art' are often intended to contrast with the natural environment. As this is a memorial and not a public art element, the argument for a bold statement that changes the landscape is not as strong.

4.2.3 Form of the Memorial

We have been advised the memorial structure is the actual mast from the Ex - HMAS Adelaide. This memorial will comprise an element that has been abstracted from its original context and placed in a new context. This will bring more attention to the element and results in a stronger impact. Furthermore, as the element has been abstracted, it can be perceived to have a different purpose, particularly from a distance. From the images provided of the mast, the structure could be misconstrued as a vent shaft or outlet. As this can be considered as an offensive object, even if this is not its true purpose, this increases its visual impact. In our opinion this could increase the impact rating from viewpoints 2 - 3, 5 - 10 to a high order of magnitude.

5 CONCLUSION

This independent review supports the assessment and recommendations identified in the Visual Impact Assessment prepared by Green Light Design Group. Although The Design Partnership uses a different methodology, it is our opinion that we would have arrived at a similar conclusion.

The proposed memorial project is an admirable endeavour however, it will have significant impact upon Terrigal Haven and neighbouring residential dwellings. We are also of the opinion that the memorial will have a greater impact on Terrigal CBD than identified in the Visual Impact Assessment report. This is due to the possibility it to be perceived as a functional element such as a ventilation shaft.

It is noted the design drawings do not identify attribution or interpretive signage. It is important that these elements form part of the proposed memorial to ensure it is not misinterpreted. Attribution and interpretive signage has not been implemented on the majority of Central Coast artworks and memorials and should not be overlooked for this project.

The Haven is an important area of significant scenic quality and a special place for both locals and tourists - and it is believed this memorial will impact that experience.

APPENDIX A

VISUAL IMPACT ASSESSMENT BY GREEN LIGHT DESIGN GROUP

APPENDIX B

DESIGN DOCUMENTATION BY HOWARD LESLIE & ASSOCIATES

APPENDIX C

IMAGE OF THE PROPOSED MAST FOR USE IN THE MEMORIAL



Mast from Ex-HMAS Adelaide which will form the central element in the proposed memorial.

Item No: 3.2
Title: DA59347/2020 - 2C Amethyst Avenue Pearl Beach
- New Dwelling House Alterations & Additions
Keeping Existing Ground Floor Cottage in its
Current Form

Department: Environment and Planning

13 May 2021 Local Planning Panel Meeting

Reference: 011.2020.00059347.001 - D14606504
Author: Karen Hanratty, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for a dwelling house (including retaining existing ground floor level and extension above).

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 31 submissions were received by Council during notification.

The application is recommended for approval, subject to conditions.

Applicant	P Elias
Owner	P Elias
Application No	DA59347/2020
Description of Land	LOT: 2 DP: 838892, 2C Amethyst Avenue PEARL BEACH
Proposed Development	Dwelling House (Alterations & Additions, Retaining Existing Ground Floor)
Site Area	236.2sqm
Zoning	R2 Low Density Residential
Existing Use	Dwelling House
Employment Generation	No
Estimated Value	\$244,000

Recommendation

- That the Local Planning Panel grant consent to DA59347/2020 for New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form on LOT: 2 DP: 838892, 2C Amethyst Avenue PEARL BEACH subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

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

Key Issues

- Non-compliance with *Chapter 5.10* of the *Pearl Beach Residential Development of Gosford Development Control Plan 2013* – floor space ratio, building setbacks and building lines
- Matters raised in public submissions, including amenity impacts.

Precis:

Proposed Development	Dwelling House (Retaining Existing Ground Floor)
Permissibility and Zoning	<p>The subject site is zoned <i>R2 Low Density Residential</i> under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014).</p> <p>The proposed development is defined in the GLEP 2014 as 'dwelling house' and is permissible in the zone with the consent of Council.</p> <p><i>dwelling house</i> means a building containing only one dwelling.</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</i> (EP&A Act) • <i>Protection of the Environment Operations Act 1997</i> (POEO Act) • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> (SEPP 55) • <i>State Environmental Planning Policy (Coastal Management) 2018</i> (Coastal Management SEPP) • <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014) • <i>Gosford Development Control Plan 2013</i> (GLEP 2013)
Current Use	Dwelling House
Integrated Development	No
Submissions	31 Submissions

Variations to Policies

Clause	Clause 5.10.7 Site Development subclause b) iii) - the development will have a floor space ratio (FSR) of 0.448:1 which is greater than the allowable FSR of 0.4:1.
Standard	0.4:1
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	11.37sqm or 12%

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

Clause	Clause 5.10.9 Building Setbacks and Building Lines
Standard	o subclause b) i) – the building does not provide a minimum setback of 6m from the street and rear boundary.
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	<p>Front Setback –</p> <p>Front setback of existing dwelling -1.116m</p> <ul style="list-style-type: none"> • ground level of existing dwelling is retained • Width of dwelling upper floor including stairs, floor area and deck area is 8.69m • first floor setback is variable and consistent with existing dwelling and adjoining dwelling at No 6 Pearl Parade as follows: <ul style="list-style-type: none"> o 1.116m setback for a length of 4.2m is 4.88m or 81% variation o 3.068m setback for a length of 1.4m is 48% variation <p>Rear Setback –</p> <p>Rear setback of existing dwelling -1.106m</p> <ul style="list-style-type: none"> • ground level of existing dwelling is retained • first floor setback to deck - 3.5m • first floor setback to external wall – 6m

Clause	Clause 5.10.9 Building Setbacks and Building Lines
Standard	o Subclause b) iv) – a dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the sum of: <ul style="list-style-type: none"> a. the amount of the setback specified for the relevant sized lot in subclause 5.10.9b(iii) and b. an amount that is equal to one-quarter of the additional building height above 3.8m.
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	Minor encroachment of east facing upper level external wall and deck as shown on the architectural plans

The Site

The subject site is described as Lot 2 DP 838892, No. 2C Amethyst Avenue Pearl Beach, situated on the northern side of the street and having an area of 236.2sqm (Figure 1).

The site is generally flat, with minimal slope and regular in shape with a frontage to Amethyst Avenue of 15.5m, a rear boundary of 15.5m and side boundaries of 15.24m. The lot contains an existing single storey dwelling house with carport under the existing roof (refer Figures 2 & 3).

Council’s sewer main traverses the site in a north/south direction under the existing dwelling house and is concrete encased. In addition, an easement for sewerage purposes over existing line of pipes burdens the site as indicated on the architectural Site Plan for the benefit of No. 19 Diamond Road, Pearl Beach.

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The site is not identified as being "bushfire prone land" on Council's bushfire maps. A Norfolk Island Pine tree exists in the front southwest corner of the site close to the boundary with No. 19 Diamond Road.



Figure 1 – Site Plan – subject site (blue highlight)



Figure 2 – Street presentation of existing dwelling house

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Figure 3 – Private open space of existing dwelling house

Surrounding Development

The site is located within a low-density residential area, characterised by a mixture of one and two storey dwelling houses. Adjoining development comprises a 2-storey dwelling house to the east, No. 6 Pearl Parade and north, No. 21 Diamond Road and a single storey dwelling house to the west, No. 19 Diamond Road.

Approximately 50m to the east is Pearl Beach Reserve and beach and the small commercial area of Pearl Beach.

The Proposed Development

The proposed development is for alterations and additions to the existing single storey dwelling house and comprises the following:

- Ground floor internal reconfiguration of bedroom 2 and relocating existing ensuite to allow a new bigger window from the bedroom to the south/front facade.
- The existing carport is to be retained.

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- Addition of a first-floor area of 43.10sqm containing a master bedroom with ensuite, a study with a wet bar and new deck.
- 1.8m high privacy screen to new deck, stairs and landing with timber/hardwood horizontal angled louvres/slats fixed at upward 30-degree angle.
- External access stairs to the first floor on western elevation.
- Hardwood privacy and shading screen to western elevation for privacy to neighbouring properties from the stair access and first floor addition which incorporates fixed angle vertical and horizontal screening.
- Landscaping
- Stormwater infiltration system

Figure 4 provides a street perspective of the proposal, prepared by Site Studio.



Figure 4 – Perspective - Amethyst Street View – Site Studio

History / Background

Development consent 15146/1991 was granted on 25 November 1991 for a detached dual occupancy on 19 Diamond Road, Pearl Beach (formally Lot 314 DP 14592) under the provisions of Sydney Regional Environmental Plan No. 12 Dual Occupancy. The proposed dwelling located to the eastern boundary of the site with access to Amethyst Avenue. The site being located on the corner of Diamond Road and Amethyst Avenue and the existing residence located to the western boundary of the site. The development was amended on 7 September 1993 to include an extension to the kitchen of the existing residence.

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Development consent 16871/1993 was granted on 6 April 1993 for subdivision of a consented to dual occupancy development under State Environmental Planning Policy No. 25 Amendment 3 into two torrens title allotments; Lot 1 having a site area of 438.4sqm containing existing residence and Lot 2 having a site area of 236.2sqm containing the dual occupancy residence. The subdivision created an easement over existing sewer line of pipes including a restriction on the use of the land for no building or other structure to be erected, constructed or placed on the land shown as the easement. The subdivision was registered on 30 March 1994.

Development application 58347/2020 for first floor addition and minor modification to existing dwelling was lodged on 12 May 2020. The application was notified for the period 20 May 2020 to 10 June 2020. The submission period was extended following request from neighbours to 1 July 2020. A total of 18 submission were received. The application was subsequently withdrawn by the applicant on 14 July 2020.

Following advice from the Council assessment staff at that time and issues raised in submissions, the subject application was lodged as a new dwelling house rather than alterations and additions to the existing dwelling, making amendments to the previous proposal that was withdrawn.

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

Draft 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 land retains its R2 Low Density Residential zoning. Dwelling houses remain permitted within the zone. No height of building or floor space ratio development standards are proposed in the CCLEP for the residential area.

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

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State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) applies to all development and requires consideration and management of site contamination issues as part of the development assessment process. The current use of the site is for domestic residential purposes, and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

State Environmental Planning Policy (Coastal Management) 2018

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* (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 the mapped coastal management areas.

The subject property is within the Coastal Environment area and Coastal Use area. The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

Gosford Local Environmental Plan 2014 - Permissibility

The subject site is zoned R2 Low Density Residential under *Gosford Local Environmental Plan 2014* (GLEP 2014).

The proposed development is defined as ***dwelling house*** which is permissible in the zone with consent of Council.

dwelling house means a building containing only one dwelling.

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Gosford Local Environmental Plan 2014 - 2.3 Zone Objectives and Land Use Table

Subclause 2.3(2) of the GLEP 2014 requires the consent authority to have regard to the objectives for development in a zone when determining a development application.

The objectives of the R2 Low Density Residential zone are:

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

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

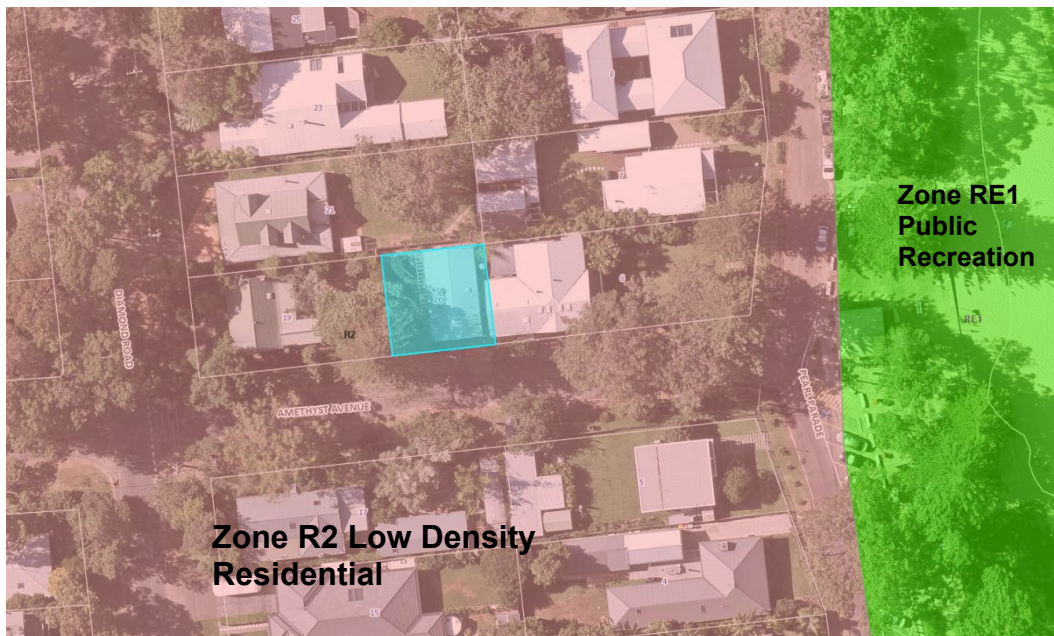


Figure 4 – Zoning Map – subject site (blue highlight)

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Gosford Local Environmental Plan 2014 - Development Standards

An assessment of the proposed development against the relevant planning controls is detailed below.

Table 1 – GLEP 2014 Development Standards

Development Standard	Required	Proposed	Compliance with Controls	Compliance with Objectives
Clause 4.3(2) - Height	8.5m	7.74m	Yes	Yes
Clause 4.4(2) - Floor Space Ratio (FSR)	0.5:1	0.448:1	Yes	Yes

The proposal is consistent with the relevant development standards of the GLEP 2014.

Gosford Local Environmental Plan 2014 - 7.1 Acid sulfate soils

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

Gosford Development Control Plan 2013

Gosford Development Control Plan 2013 (GDCP 2013) provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice.

Despite resulting in several minor variations with the requirements of Chapter 5.10 Pearl Beach Residential Development of GDCP 2013, it is concluded the development is appropriate in the locale.

Additional detail is provided on the following relevant chapters of the GDCP 2013:

Chapter 2.1 Character

The site is located within the character area: Pearl Beach 7: Woodland Bungalows of Gosford Development Control Plan 2013 (GDCP 2013) Chapter 2.1 Character.

The existing character is generally medium-sized allotments with medium frontages facing unkerbed streets with narrow pavement flanked by wide grassed verges. Dwellings vary from traditional bungalows that are modestly-scaled single storey timber framed buildings, to new houses that are medium to large one or two storey buildings of brick or timber, with balconies and verandahs surrounded by leafy gardens. Garages are incorporated within each dwelling, or located as free-standing structures to the side or rear. Gardens maintain a

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

natural profile, supporting either a back-yard backdrop of woodland remnants or a near-continuous woodland canopy in both front and back gardens, above an open understorey of grass studded with planted trees and shrubs that are mostly native or indigenous to this area.

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 areas should remain low-density residential hillsides where scenic quality of the existing bushland canopy is conserved, and where new buildings complement the distinctive pattern of mid-Twentieth Century bungalows that are distinctive features of Gosford City's older hillside suburbs.*
- *Ensure that prominent hillside settings are not dominated by new structures. Surround each dwelling with a leafy, sloping garden to conserve existing trees that are visually-prominent features of ridgelines or local streetscapes, as well as accommodating clusters of new trees and shrubs that are mostly indigenous in order to complement the established canopy. Avoid disturbing natural landforms, and on the steeper properties, use low-impact construction such as suspended floors and decks rather than extensive landfilling. Also avoid tall retaining walls or fences, steep driveways or terraces that would disrupt these established informal landscape settings, or compromise the privacy and amenity enjoyed by neighbours. Maintain the informal qualities of streets that are flanked by shady trees, with wide verges and no kerbing.*
- *Complement the siting of surviving traditional cottages or bungalows nearby. Maintain street setbacks that are similar to neighbouring properties, and avoid the appearance of a continuous wall of buildings along any street or hillside by providing at least one wide side setback or by stepping the shape of front and rear facades.*
- *For new dwellings and additions to existing dwellings, reflect the modest scale and simple articulation of traditional early-to-mid Twentieth Century cottages and bungalows. Roofs should be simple hips, gables or skillions without elaborate articulation, gently-pitched to minimise the height of ridges, and flanked by wide eaves to disguise the scale and bulk of exterior walls. Use stepped floorplans, or divide floorspace into linked pavilion structures that are capped by individual roofs and separated by landscaped courtyards. Any facades that are taller or longer than those of neighbouring dwellings should be screened by an extra setback or by balconies and verandahs. Preferably, provide parking in open carports or detached garages that are screened by shady trees, or on steeper sites in part-basement levels.*
- *In order to complement the scale and design character of traditional bungalows, a "light-weight appearance" is preferable for facades that are visible from the street or down-hill locations. For example, incorporate large windows plus timber-framed*

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balconies or verandahs, plus painted finishes and some sheet or board cladding rather than extensive plain masonry. Also, provide a traditional "street address" with verandahs and living rooms or front doors that are visible from the road, and ensure that wide garages do not visually-dominate any facade.

- *Facing the street, maintain the informal qualities of existing sloping street verges and plant new shady street trees. Plant the boundaries facing streets with hedges or shrubs to allow a filtered view from each dwelling, rather than using fences that are tall and opaque. Screen terraces and balconies to protect the privacy and amenity that are enjoyed by neighbouring dwellings.*

Figure 5 below shows the existing streetscape of Amethyst Avenue.



Figure 5 – Looking east - existing streetscape of Amethyst Avenue, Pearl Beach

The proposal is a second storey addition to an existing dwelling to create a new dwelling on a small site. Consideration has been given to the limitations and opportunities of developing the site in the design of the dwelling proposed to achieve the desired character as follows:

- The existing dwelling will be retained including external materials and roof structure within the building. At ground level the building footprint is retained as existing and minimal site disturbance is proposed.
- The leafy gardens and informal streetscape are preserved by retaining the current location of the driveway access and existing vegetation on the site and in the road reserve. New plantings within the site will contribute to the leafy garden setting.
- No excavation, filling or retaining walls are proposed.
- The architectural design of the dwelling reflects the modest scale and simple articulation of traditional early-to-mid Twentieth Century cottages and bungalows.
- The front setback of the existing dwelling is utilised to align the upper floor to the street however bulk and scale of the new 2-storey dwelling is minimised by providing:
 - A light-weight appearance to the dwelling façade with a variety of materials and finishes incorporating materials of the existing dwelling clad with painted fibre cement with expressed vertical hardwood battens using traditional oiled timber and roof edge detailing,
 - Visual impact of the height of external walls is reduced by providing large windows facing the street together with the horizontal and vertical detailing on the façade, including a simple skillion roof without elaborate articulation, gently pitched with wide eaves to minimum the scale and bulk of the building.
 - Gives the appearance of a traditional “street address” with architectural treatments incorporating balconies, stair access and maintains the single width carport within the existing building footprint which does not visually dominate the front façade.
- The built form steps back on the east to reduce the visual impact on the adjoining two storey building and has a 5.5m landscaped setback on the west.
- The upper level rear deck (reduced in size) has a setback of 3.5m to the rear boundary and the northern elevation of the first floor is setback 6m.
 - Privacy screening is proposed at a height of 1.8m to minimise amenity impacts to neighbours. The proposed rear setback of the deck and external walls of the first floor provide a stepped façade of the east and west elevations of the building.
 - The façade of the upper level at the rear of the dwelling aligns with the residence of the adjoining eastern property and provides a reasonable separation of buildings to all adjoining neighbours. The upper level will not dominate adjoining properties, particularly to the west as the large setback to the western boundary is maintained,
 - Stairs, landing and upper floor deck areas are screened to protect privacy and amenity of adjoining residential properties.
- A semi-transparent timber slatted fence is maintained with native plants to allow filtered view from the dwelling.

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Chapter 2.2 Scenic Quality

The proposal is located within the Broken Bay geographic unit and the Pearl Beach landscape unit, which is of state significance and described as follows:

The Pearl Beach Landscape Unit is an isolated beach-side residential and recreational settlement contained within a natural heavily vegetated backdrop and surrounded by National Park landscapes of steep wooded hills on the foreshore of Broken Bay. Urban form is largely of traditional beachcomber, bungalows and more recent residential development, mostly of similar scale, with an almost tropical setting. The area is distinctively different from nearby Patonga, more closely settled, smaller in extent and heavily vegetated.

For the Pearl Beach Landscape Unit area, the need to conserve the consistency of small-scale residential development, informal street alignments and paths, low speed traffic environment, vernacular form and compact scale of village.

Detracting elements in the landscape are overscale and bulky modern beach side buildings.

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:

- 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.*

Comment:

The proposal is considered to have appropriate context and compatibility within the character and streetscape of the area and is considered to appropriately respond to characteristics, topography and natural features of the site.

The proposal will not impact on the scenic quality of the area, overpower the natural elements of the coastal lagoon, beach and surrounding natural backdrop.

The proposal located on a very small lot has appropriate context in the landscape. The footprint of the existing dwelling is retained. The dwelling including the roof structure is retained and proposes a first floor addition of simple articulation with skillion roof mimicking the external materials of the existing cottage however with an improved urban design that

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blends into the existing unique fabric of the vernacular character and environment of Pearl Beach.

The first-floor addition is located towards the front of the site on the existing cottage to maintain view corridors of surrounding residential development and respects the scale of existing buildings in the street.

The proposal will present a building form to Amethyst Avenue consistent with the adjoining dwelling to the east, retains a 5.5m landscaped setback to the western boundary and will preserve the large Norfolk Island Pine on the western boundary adjoining No. 19 Diamond Road and existing vegetation in the road reserve.

The proposal is consistent with the stated objectives of GDCP 2013 Chapter 2.2 - Scenic Quality.

Chapter 5.10 - Pearl Beach Residential Development

The proposal has been assessed in accordance with the relevant provisions of GDCP 2013 Chapter 5.10 Pearl Beach Residential Development at detailed in the table below:

Table 2 – GDCP 2013 Chapter 5.10 Pearl Beach Residential Development

Development Control	Required	Proposed	Compliance
5.10.5 Protection of Natural Vegetation and Fauna	An Erosion and Sediment Control Plan is required. The wildlife habitat of the Koala is protected.	<ul style="list-style-type: none"> Erosion & Sediment Control Plan is required and conditioned. No loss of existing vegetation on the site. Landscape Plan proposes native plantings. 	Yes
5.10.6 Tree Cover	Retain, or replace existing tree cover to ensure the predominant landscape quality of the locality is maintained.	No tree removal proposed onsite or on road reserve. <ul style="list-style-type: none"> Amended Stormwater Plan locates absorption pit as far from existing trees as practical. The setback distance of 3m from the western boundary ensures that works are outside the structural root zone of the Jacaranda and Norfolk Island Pine. Standard tree protection conditions are provided. Refer Conditions 3.11, 3.12, 3.13, 4.10 & 4.11. 	Yes
5.10.7 Site Development	<ul style="list-style-type: none"> Site coverage max 40% total site area Minimum open space 50% total site area Maximum FSR 0.4:1 	<ul style="list-style-type: none"> Site coverage – 93.23sqm or 39.5% Open Space – ground level 116.66sqm plus upper deck 39.34sqm = 156sqm or 66% Maximum FSR - 0.448:1 	Yes Yes No

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Development Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> • Maximum 10% site area to be hard surfaces • Maximum site coverage 300sqm on any site 	<ul style="list-style-type: none"> ○ The development proposes a maximum FSR of 0.448:1 and complies with the development standard of 0.5:1 in the GLEP 2014 however exceeds the FSR of the DCP for the Pearl Beach area by 11.37sqm or 12%. • Provides balance between hard surfaces and soft landscaping to maintain bushland character. • Not applicable – lot has a site area of 236.2sqm 	<p>Variation supported</p> <p>Yes</p> <p>n/a</p>
	Minimise Site Disturbance	<ul style="list-style-type: none"> • Retains existing building footprint • Retains existing tree cover and does not impact on root zones of existing trees • No change to natural ground level – no cut and fill required • Retains existing driveway access • Proposes permeable paving to replace existing paving 	Yes
	Erosion Control	<ul style="list-style-type: none"> • Provided as indicated on Site Analysis Plan – conditions applied. 	Yes
5.10.8 Streetscape	<p>The size and shape of development, the extent of cut and fill, the type and colour of building materials, the design of roofs (in terms of materials, colour, pitch, etc) and the amount and type of landscaping:</p> <ul style="list-style-type: none"> • are to be compatible with the character and scale of surrounding residential development. • do not intrude or otherwise impact upon the natural landscape, particularly on the beachfront, hillsides, headlands and on ridgetop locations and adjoining public reserves. <p>Textured face brick is to be avoided.</p>	<p>The proposal is generally consistent with the character and scenic quality of the area.</p> <p>The proposal has a lower total height than the adjoining building to the east although has minor intrusion into the Pearl Beach building envelope however will not have adverse amenity impacts on adjoining development and is not discernible to the streetscape character.</p> <p>The built form steps back on the east to reduce the visual impact on the adjoining two storey building and has a 5.5 metre landscaped setback on the west.</p> <p>Existing trees that are visually-prominent features of the local streetscape will be conserved on the property and in front of the property in the road reserve.</p> <p>No face brick is proposed; fibre cement sheeting and hardwood timber screening materials.</p>	Yes

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House Alterations & Additions Keeping Existing Ground Floor Cottage
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Development Control	Required	Proposed	Compliance
5.10.9 Building Setbacks and Building Lines	Front setback 6m	Front setback of existing dwelling -1.116m <ul style="list-style-type: none"> • ground level of existing dwelling is retained • Width of dwelling upper floor including stairs, floor area and deck area is 8.69m • first floor setback is variable and consistent with existing dwelling and adjoining dwelling at No 6 Pearl Parade as follows: <ul style="list-style-type: none"> ○ 1.116m setback for a length of 4.2m is 4.88m or 81% variation ○ 3.068m setback for a length of 1.4m is 48% variation 	No Variation supported
	Rear setback 6m	Rear setback of existing dwelling -1.106m <ul style="list-style-type: none"> • ground level of existing dwelling is retained • first floor setback to deck - 3.5m • first floor setback to external wall – 6m 	No Variation supported
	Side setback for building height up to 3.8m – 1m, if the lot has an area of at least 450sqm – 900sqm.	The control is applied although the subject lot size is 236.2sqm. <ul style="list-style-type: none"> • Eastern side boundary ground level of existing dwelling is retained – 1.155m with further encroachment for a length of 2.076m - 717mm – this encroachment does not contribute to floor area and occurs above 1.2m high from finished floor level. • Western side boundary 5.5m 	No Variation supported Yes
	Side setback for building height over 3.8m – 1m plus ¼ of building height over 3.8m – 1.985m	<ul style="list-style-type: none"> • Eastern side boundary first floor setback <ul style="list-style-type: none"> ○ Deck/privacy screen – 1.168m ○ External wall - 3.313m ○ Minor encroachment into building envelope – refer Figure 6 • Western side boundary - 5.5m 	No Variation supported Yes Yes
5.10.10 Building Styles	<p>Building form should be compatible with the scale and character of development in Pearl Beach</p> <p>Buildings should be articulated by breaking up the building mass to reduce their apparent size.</p> <p>Sympathetic development</p>	<ul style="list-style-type: none"> • The proposal is generally consistent with the scale and desired character of the area. • Provides building articulation incorporating decks (screened) to enhance the articulation of the built form. • Will enable passive surveillance of public spaces from upper floor deck at site frontage. • Development does not interrupt the streetscape of Amethyst Ave – provides consistency in setbacks to adjoining eastern property, No. 6 Pearl Parade. • Proposal respects privacy to adjoining development providing 1.8m high screening to deck areas and highlight windows on western elevation. • Building mass of first floor level aligns with the adjoining 2-storey dwelling at No. 6 	Yes

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Development Control	Required	Proposed	Compliance
		<p>Pearl Parade to retain view corridors and sunlight to neighbouring properties.</p> <ul style="list-style-type: none"> The proposed addition has been sited so that the view corridors from West to East are maintained. 	
5.10.11 External Materials, Colours & Finishes	<ul style="list-style-type: none"> External materials and finishes complement the natural environment and streetscape character Avoid undue glare 	<p>Materials schedule provided and provides a unified concept, low reflectivity and designed to blend into locality</p> <ul style="list-style-type: none"> External materials and finishes complement the natural environment Avoid expanses of reflective/brightly coloured materials Landscaping rather than excessive paved areas Driveways/carparking areas shall not dominate streetscape Provides unified concept 	Yes
5.10.12 Privacy		<ul style="list-style-type: none"> 1.8m high screening comprising solid timber louvres, fixed angled upwards prevents overlooking and provides privacy from first floor deck to adjoining residences at the rear and to side boundaries. Where there is no privacy screening – highlight windows prevent overlooking from first floor level. Large setback to western boundary of 5.5m including existing and proposed landscaping provides privacy. 	Yes Additional comments provided below
5.10.13 Views	Development to maintain, within reason, the views and outlook of existing buildings.	<ul style="list-style-type: none"> The siting of the upper floor additions behind the tall blank wall of the eastern 2-storey residence, ensures that visual corridors from any possible future developments to the west will maintain a desirable outlook. 	Yes
5.10.14 Solar Access	<ul style="list-style-type: none"> Development should not unreasonably reduce solar access to living and recreational areas on adjacent properties. 	<ul style="list-style-type: none"> Shadow diagrams have been submitted with the application which shows the development maintains a reasonable level of sunlight to neighbours living and recreational space between 9.00am and 3.00pm during the winter solstice, 22 June Site design and building orientation of living and recreational areas achieves the objectives of the controls. The proposed development will not have any adverse overshadowing effects on adjoining residential development. 	Yes

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Development Control	Required	Proposed	Compliance
		<ul style="list-style-type: none"> Solar access to ground floor living area is improved by the provision of a north facing window. 	
5.10.15 Noise	<ul style="list-style-type: none"> Noise level, measured at any point of the boundary of a site, shall not exceed 5dBA above background noise level. Use may be made of screen barriers or noise mitigation techniques, to Council's approval 	<ul style="list-style-type: none"> The dwelling has been designed to minimise noise. The Applicant has considered the concerns raised in submissions by reducing the size of the deck, increasing the setback to the rear boundary to 3.5m and providing timber screening to provide privacy. The use of rough sawn class 1 Australian Hardwood (turpentine) will absorb and dampen noise from the first floor deck. Submissions raise concerns regarding noise emission. Additional comments are provided in relation to these concerns. The proposal has addressed neighbours concerns and meets the requirements and objectives as stated above for potential noise for the proposal. A condition of consent is recommended, Refer Condition 5.3, for the following: <i>Enclose any outdoor air conditioning systems within a soundproof acoustic enclosure.</i> 	Yes Additional comments provided below
5.10.16 Construction Controls	Minimise disturbance to neighbours and the environment during construction.	<ul style="list-style-type: none"> Construction hours - conditioned Appropriate method for removal of any asbestos if encounter – conditioned Tree protection measures – conditioned 	Yes
5.10.17 Landscaping & Stormwater	<ul style="list-style-type: none"> Maintain and enhance landscape quality of the village Decrease stormwater run-off by the inclusion of soft landscaped areas. Ensure the natural environment is not threatened by development. Avoid curb and guttering 	<ul style="list-style-type: none"> Landscape concept plan provided with native species Existing trees onsite and on road reserve are retained and tree protection measure conditioned Stormwater Management Plan provided – absorption system proposed – designed by hydraulic engineer 	Yes
5.10.18 Alterations & Additions	Alterations and additions shall comply with the objectives and controls contained in this plan	The application proposes to retain the existing dwelling with minor internal alterations and includes an addition of a first-floor level. The proposal has been considered and despite non-compliances to FSR for development in Pearl Beach and setbacks to boundaries the	Yes

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Development Control	Required	Proposed	Compliance
		proposal complies with the objectives of the plan and will not have adverse impact on privacy and amenity of adjoining residential development.	
5.10.19 Car Parking	Off street car parking shall not take priority over other provisions of this chapter	<p>The existing dwelling provides 1 off street car space within the carport and retains the existing setback to the front boundary in line with the existing building footprint.</p> <p>The proposal retains this space and driveway access and does not impact on existing trees to be retained.</p> <p>In addition, other chapters of GDCP 2013 provide car parking requirements for dwelling houses. The proposal is consistent with these provisions in clause 3.1.5 Car Parking and Access and clause 7.1.3.2 Schedule of requirements in the provision of 1 car space for a 3 bedroom dwelling house or a dwelling less than 125sqm respectively.</p>	Yes

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

- Clause 5.10.7 Site Development subclause b) iii) - the development will have a floor space ratio (FSR) of 0.448:1 which is greater than the allowable FSR of 0.4:1.
- Clause 5.10.9 Building Setbacks and Building Lines
 - subclause b) i) – the building does not provide a minimum setback of 6m from the street and rear boundary.
 - Subclause b) iv) – a dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the sum of:
 - a. the amount of the setback specified for the relevant sized lot in subclause 5.10.9b(iii) and
 - b. an amount that is equal to one-quarter of the additional building height above 3.8m.

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

Clause 5.10.7 - Site Development

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Clause 5.10.7 (b) (iii) requires the floor space ratio (FSR) of the development on the land not exceed 0.4:1 which equates to an allowable gross floor area of 94.48sqm. The development proposes a floor area of 105.85sqm which is an FSR of 0.448:1 and complies with the development standard of 0.5:1 in the GLEP 2014 however exceeds the FSR control for the Pearl Beach area by 11.37sqm or 12%.

The purpose of the clause is to control the density of the development on the site in combination with other controls for site coverage and open space areas.

The Applicant requests variation to the FSR exceedance:

- The alterations and additions comply with other provisions of the chapter and meet the provisions and objectives for bulk and scale, site coverage, maintain the prominence of foliage and vegetation, compatible with the desired character of the area and do not have adverse impact on privacy and amenity of adjoining neighbours by reason of overlooking or overshadowing.
- The proposal complies with the Height of Building and Floor Space Ratio development standards in the GLEP 2014, is consistent with the desired future character of the area, meets the objectives of the R2 Low Density Residential zone and the overarching objectives for development in Pearl Beach in that:
 - The proposal fits into and is compatible with the desired character of the locality, being of lightweight construction, using FC sheet cladding separated at the joins by expressed vertical hardwood battens. The Additions and the existing structure have been integrated but clearly articulated, with volumes on the upper level comprising of three visually separate sections with varying setbacks, enhanced by verandahs, deep reveals and a generous roof overhang. Thus visual relationship between the proposed development and the existing character of the area is maintained in terms of materiality, size, proportions as well as scale.
 - The design facilitates design excellence by allowing space for the articulation and modulation of the facades and functions within the additions. The upper level caters for working at home usability as well as catering for extended family visits. The size of the dwelling is correlated with the size of the site with ample vegetated open space maintained on the site - the proposal is below the site coverage recommendation of 40% for allotments in Pearl Beach.
 - The existing building is retained on ground level. The overall building height complies with the GLEP 2014. The first floor addition has minor intrusion into the building setbacks and building line (building envelope) as shown in Figure 6.
- The proposed floor area provides better amenity and more useable space that could be achieved through compliance with the requirement in this instance.
- The proposal does not affect the amenity of neighbours, the increase in area only extends over the private garden by an additional 480mm over the length of the west

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elevation. This does not have any impact on overshadowing or privacy of the neighbouring properties.

- The proposal promotes ecologically, socially and economically sustainable development as well as biodiversity in Gosford.

Comment:

The objectives for site development stated below are achieved notwithstanding the minor non-compliance:

- i. The natural character of the locality is maintained by reserving a significant portion of the site for landscaping. Prominence is given to the natural environment over the built environment.
- ii. Minimise intrusion of buildings into the landscape by distributing landscaped areas in such a way as to screen and break up the bulk of the buildings. Take account of appearance from the street, from surrounding properties, public places and surrounding National Park.
- iii. Sufficient unsurfaced area shall be retained for site absorption of rain water to minimise the effect of run-off on neighbouring properties, on the creek systems and ultimately on the frontal dune and the beach itself.

The site is one of the smallest allotments in Pearl Beach, having a site area of 236.2sqm that is developed with a dwelling house. The FSR non-compliance is minor; the exceedance of the floor area of 11.37sqm to the development controls is not readily visible from the street and the public domain and does not discernibly impact on bulk and scale. The design of the dwelling locates the building mass towards the street with a consistent setback to the front boundary to that of the existing dwelling using façade articulation and external material treatment to minimise visual impact and provide improved presentation to the street to that currently exists.

The proposal has appropriate height, bulk and scale and respects the existing character of Pearl Beach. The proposal retains the existing building footprint and existing vegetation with proposed new plantings and minimal site disturbance. A rainwater tank and an absorption trench designed by a hydraulic engineer is proposed which provides a stormwater management system for the site.

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the controls. The proposal is consistent with the zone objectives and as such that the proposal is in the public interest. The contravention of the FSR height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal. Strict compliance with the prescriptive FSR control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is a

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compatible form of development that does not result in unreasonable environmental amenity impacts and the proposal is worthy of support.

Clause 5.10.9 - Building Setbacks and Building Lines

The proposed development does not comply with the following:

- subclause b) i) – the building does not provide a minimum setback of 6m from the street and rear boundary.
- Subclause b) iv) – a dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the sum of:
 - a. the amount of the setback specified for the relevant sized lot in subclause 5.10.9b(iii) and
 - b. an amount that is equal to one-quarter of the additional building height above 3.8m.

The Applicant requests variation to the non-compliances as follows:

- Front Setback
 - The first floor proposes a setback to the front boundary consistent with the existing dwelling. Articulation is provided to the front façade on the upper level comprising external wall setback of 3.068m from the front boundary and deck area. This in combination with the eastern side boundary setback of 3.313m of the upper level provides a positive contribution to the streetscape and adjoining dwelling at No. 6 Pearl Parade.
 - The alignment of the proposal to Amethyst Avenue is consistent with the setback of the dwelling at No. 6 Pearl Parade which has a main entry and windows to Amethyst street and boundary setback of 0.954m on both ground and first floor level and an entry awning at the boundary.
 - The façade articulation results in the upper additions recede into the background retaining visual focus on the existing vegetation and dwelling.
 - There are no adverse impacts on views, privacy and solar access to adjacent properties.
 - The siting of the upper floor additions behind the tall blank wall of the eastern two storey neighbour, ensures that visual corridors from any possible future developments to the west will maintain a desirable outlook.
 - The siting directly on top of the existing cottage also reduces impact on deep soil areas on the site, maintains all trees on the site as well as maintaining appropriate articulation, reducing bulk and providing a stimulating and fitting contribution to the streetscape.
 - The proposed first floor additions are designed to be setback further than the adjoining dwelling and further back than the existing dwelling and complies with the stated objectives of the clause.

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- Rear Setback
 - No change is proposed to the setback of the existing ground floor. The first floor deck is setback 2.354m from the rear elevation of the existing dwelling.
 - The alignment of the new roof over the existing roof maintains the existing dwelling setback and provides a neat junction of the old roof that will be retained, enclosed visually however till sued functionally to drain stormwater off the deck, alleviating the need for additional cost and material for waterproofing and allowing the new deck to maintain the traditional hardwood materiality with good air circulation.
 - A 1.8m high privacy screen is proposed to address overlooking to the rear and the sides.
 - The siting of the proposed additions does not impact shading to neighbours as demonstrated by the shadow diagrams.
 - The proposed first floor additions internal space are set back 6m, with respect to the required 6m, and as such complies with cl 5.10.9 requirement.

- Side Setback
 - The DCP 5.10.9 for Pearl Beach require a 1m side setbacks for blocks with an area of at least 450sqm. The proposed side setbacks conform with this requirement even though the site area is well below 450sqm at 236.2sqm. It should be noted that the Pearl Beach DCP does not cater for properties below 450sqm in size.
 - The proposal complies with the setbacks and building envelope in Chapter 3.1 clause 3.1.3.1c, Figure 4 for lots greater than 12.5m wide at the building line which requires for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m.
 - Given the small size of the block an encroachment to the 1m setback of 287mm is proposed for a length of 2.075m at window sill level on the ground floor to improve the kitchen amenity and natural ventilation. The setback here of 713mm requiring a 60/60/60FRL wall, however access is still maintained around the building and no additional floor space is added because the minor widening (287mm) occurs above 1.2m high from finished floor level. This wall will not have any adverse effect the neighbour as it does not change the existing glazed kink at the window sill level in the same location.
 - As stated above and demonstrated in the plans, the first floor addition side external wall comply (with cl 3.1.3.1c) and as such the additions will not have any adverse impact on the surrounding built and natural environment.

Comment:

The existing dwelling was approved as a dual occupancy located to the rear of the parent allotment, No. 19 Diamond Road and complied with the legislative planning controls at that time. The land was subsequently subdivided resulting in the dual occupancy dwelling on its

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own lot of land having an area of 236.2sqm, a front boundary setback to Amethyst Avenue of 1.12m and a rear setback to the northern boundary of 1.106m and side boundary setback of 1.168m to the eastern boundary.

The application proposes alterations and additions to an existing development and consideration has been given to existing setbacks in this instance.

- Front Setback
 - Locating the building mass of the first floor towards the street is a preferred design outcome that has minimal amenity impacts to adjoining residences, ensures that visual corridors from any future developments to the west will maintain a desirable outlook.
 - The car space is retained and has been integrated into the existing building footprint. The proposed dwelling is well articulated, enhanced by verandahs, deep reveals and generous roof overhang and is consistent with the size, bulk and scale of dwellings in the area and streetscape character.

- Rear Setback
 - The rear setback of the existing dwelling is retained.
 - The proposal was amended during the assessment process to address neighbour concerns of privacy and noise impacts by reducing the size of the first floor deck and design of the 1.8m high privacy screening and thereby increasing the rear setback of the deck to 3.5m to the northern boundary.
 - The proposed rear setback of the deck and external walls of the first floor provide a stepped façade of the east and west elevations of the building. The amendments reduce the visual impact of the rear of the building, do not have adverse impact on views, privacy and solar access of any adjacent properties.
 - The façade of the upper level at the rear of the dwelling aligns with the residence of the adjoining eastern property and provides a reasonable separation of buildings to all adjoining neighbours. The upper level will not dominate adjoining properties, particularly to the west as the large setback to the western boundary is maintained,
 - Stairs, landing and upper floor deck areas are screened to protect privacy and amenity of adjoining residential properties.

- Side Setback
 - The development controls for side setbacks for lots below 450sqm are silent in the Pearl Beach DCP.
 - Chapter 5.10 provides specific guidelines for residential development in Pearl Beach. A lot with an area of 450sqm-900sqm requires a setback of 1m for a building height of up to 3.8m. For any part of the building over 3.8m, 1m plus an amount that is equal to one-quarter of the additional building height above 3.8; in this instance is 1.985m.

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- The guidelines in Chapter 5.10 are more restrictive than the controls for dwellings under Chapter 3.1 Dwelling Houses, Secondary Dwellings and Ancillary Development of GDCP 2013. Chapter 3.1, clause 3.1.3.1c provides setback guidelines for lot greater than 12.5 wide at the building line and states:
 - for any part of the building with a height of up to 4.5m—0.9m, and
 - for any part of the building with a height of more than 4.5m—0.9m plus one quarter of the height of the building above 4.5m
- Under Chapter 5.10 the proposal has a minor encroachment by part of the external wall, deck and privacy screen however under the criteria of Chapter 3.1 the proposal generally complies as shown in Figure 6.
- Notwithstanding the non-compliance the built form steps back on the east to reduce the visual impact on the adjoining two storey building and has a 5.5m landscaped setback on the west. The side setbacks of the proposal do not have adverse impact on views, privacy and solar access of any adjacent properties.

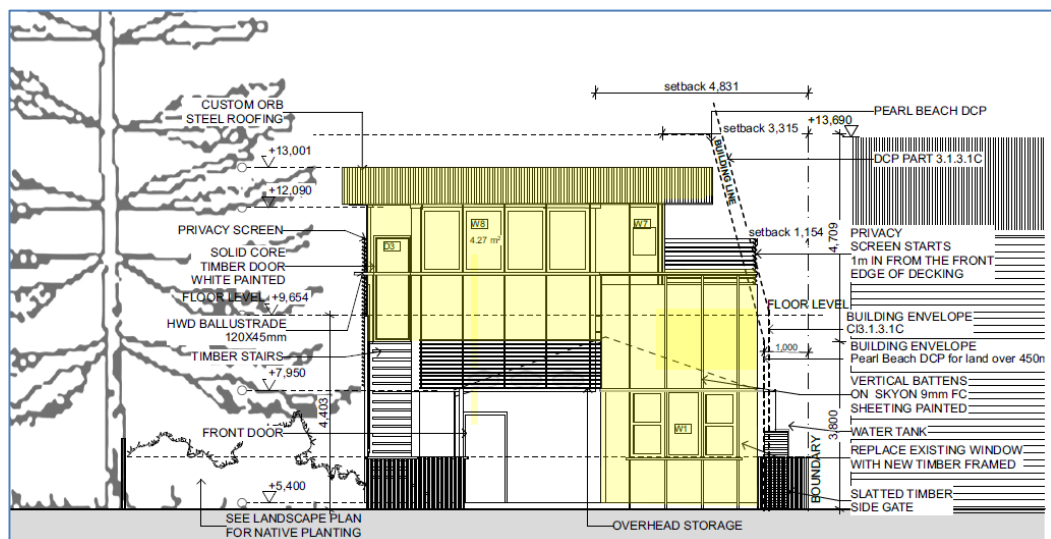


Figure 6: Southern Elevation – proposed dwelling building setback and building line

The purpose of setbacks is to provide reasonable amenity for both existing and proposed dwellings. The non-compliance will not have any amenity impact on adjoining and proposed development. Despite the size of the lot the proposed development has a density that is compatible to adjoining developments and is consistent with the desired character of the area.

Notwithstanding the non-compliance with setbacks, no objection is made given the limited amenity implications associated with these encroachments. It is considered the proposal complies with the setback objectives.

The proposal is located so as to:

3.2 **DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)**

- maintain reasonable and adequate separation between buildings.
- provide sufficient area of soft landscaping.
- enhance streetscape quality.
- retain an impression of openness and space between built elements.

The proposal is considered an appropriate response to site area constraints and is considered reasonable development of the site. The applicant's request for variation to the proposed setback requirements is supported.

Clause 5.10.12 Privacy

Development shall be sited and designed to minimise the potential for overlooking neighbours habitable rooms and recreational areas and provide a reasonable level of privacy.

Objections from 3 adjoining neighbours have raised concern regarding privacy from overlooking of the upper floor, windows and deck.

Amendments have been made to the proposal by the Applicant at the request of Council following site inspection and discussions with neighbours as follows:

- The deck is reduced in size with an increased setback to the rear northern boundary.
- The privacy screening has been redesigned and proposes hardwood timber fixed louvres angled upwards. The angled screen directs any views over the top of neighbouring houses and gardens, does not block sun or rain to the building.
- **6 Pearl Beach**
 - Areas of the dwelling subject to privacy concerns as raised by the neighbour are shown in Figures 7, 8 & 9. Separation distance to habitable facade are 3m from the edge of the deck.
 - Privacy impacts to No. 6 Pearl Parade are addressed by the reduction in size of the deck which will reduce potential for viewing into the upper floor windows to a bathroom and walk-in wardrobe area to a bedroom, now an oblique angle to edge of proposed deck.
 - No overlooking can occur into rear courtyard and spa of the neighbour from the deck with privacy screening; it should be noted that viewing is reduced by a sail structure erected over the spa and courtyard.
 - In addition to this courtyard area the dwelling has large east-facing covered deck areas on both levels of the dwelling facing Pearl Parade and the beach.



Figure 7: No 6 Pearl Parade – ground level rear courtyard deck to subject site – dwelling visible above fence – north-facing door to laundry on ground level and upper level windows to bathroom and walk-in robe area to bedroom



Figure 8: No 6 Pearl Parade – change in angle - upper level window to bathroom – looking northwest – over shade sail over spa on rear courtyard deck – roof line of buildings on No 7 Pearl Parade visible – part of existing dwelling roof visible – rear deck of No. 21 Diamond Road and dwelling of No. 23 Diamond Road visible



Figure 9: No 6 Pearl Parade – upper level window walk-in robe area to bedroom looking north – over shade sail over spa on rear courtyard deck – roof line of buildings on No 7 Pearl Parade visible – small part only of subject site existing dwelling roof visible

- **No. 21 Diamond Road**

- Areas of the dwelling subject to privacy concerns as raised by the neighbour are shown in Figures 10 & 11.
- Privacy impacts to No. 21 Diamond Road are addressed by increasing the setback of the deck to the adjoining northern boundary.
- A separation distance of 12m is achieved from the edge of the deck to the nearest habitable façade of the dwelling on this site. No overlooking can occur into the yard and rear ground floor deck due to the angled louvres around the deck and the western elevation.



***Figure 10: No. 21 Diamond Road – Ground level rear deck –
looking east over rear yard to the subject site and beyond to No 6 Pearl Parade***



***Figure 11: No. 21 Diamond Road - Upper level rear deck –
looking east over rear yard to subject site and beyond to No 6 Pearl Parade***

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

- **No. 19 Diamond Road**

- Privacy impacts to No. 19 Diamond Road are addressed.
- Privacy screening is provided to the external stairs on the western elevation. Use of both fixed vertical and horizontal louvres will restrict overlooking from the stairs, the landing to the upper floor and deck into the rear yard, deck and bedroom of the dwelling on this site.
- Privacy measure are proposed notwithstanding a large separation distance of 13m is achieved from the edge of the deck to the nearest habitable façade of the dwelling on this site and vegetated perimeter screening (approximately 2.2m in height) above the fence line between the two properties, refer Figure 12.
- Where there is no privacy screening – highlight windows prevent overlooking from first floor level.



Figure 12: No. 19 Diamond Road – looking from deck to rear yard at sitting position – roof of existing building on subject site and western façade of No 6 Pearl Parade visible

The proposal has been sited on the existing dwelling to maintain separation to the west and northwest. Separation distance to the east is minimal however there is no potential for overlooking to all properties from the 1.8m high screening with fixed louvres angled upwards and the proposal is not considered to have adverse impact on amenity of adjoining properties. The proposal complies with the objectives and is supported.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

Clause 5.10.15 - Noise

The objective states:

Development will be designed so that noise levels from outside sources and within buildings minimise transmission to adjacent buildings.

Implementation of the objectives are as follows:

- *Noise level, measured at any point of the boundary of a site, shall not exceed 5dBA above background noise level.*
- *Development shall be designed to achieve separation of noise sources from noise sensitive areas.*
- *Use may be made of screen barriers or noise mitigation techniques, to Council's approval.*

Objections from 3 adjoining neighbours have raised concern regarding acoustic privacy due to the proximity of the first-floor deck to their properties, particularly the potential use of the dwelling and upper deck for short-term rental accommodation. An acoustic report has been submitted to support their neighbours objections.

It is considered that an acoustic report is not appropriate for this type of development. Notwithstanding this the following comments are provided following review of the Report by Council's Environmental Health Officer:

- Clause 5.10.15 Noise of the Gosford DCP applies to this development. My interpretation of this clause is that the requirement for noise to not exceed the background level by more than 5dB at the boundary relates to mechanical plant and equipment (i.e. air conditioners) only. The author of the acoustic report is of the same opinion and confirms this on page 4.
- The author is not a member of the AAAC. Reports produced by consultants that are members of the AAAC enable Council to have greater certainty that the reports are of a high quality and comply with the relevant standards and guidelines.
- The background and amenity noise levels are not accepted. Attended noise monitoring was conducted at four properties surrounding the site for a two-hour period only. This is not considered enough monitoring to establish actual background levels. Normally a minimum of 24 hours/7 days of unattended noise monitoring is required. The attended noise monitoring was carried out in the morning between 6:30am to 8:30am which is a quiet period when most people are indoors.
- The project specific noise criteria and noise modelling assessment is not accepted. The criteria are set at background plus 5 dBA, which as stated above relates to clause 5.10.5 of the DCP, which is only suitable to be used for mechanical plant and equipment. In any case, the dwelling is not a large house, being three bedrooms only, and it is not expected that large numbers of people will frequent the deck area.
- The relevant legislation has not been referenced or discussed in the acoustic report. The Protection of the Environment Operations Act 1997 is the relevant legislation that applies to noise in residential areas. These override any planning controls and are

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

used for regulating 'offensive noise', as well as setting hours of use for domestic equipment (i.e. lawn mowers, air conditioners etc).

- The reference that the property will be used by large groups for short term holiday letting is not accepted. The development application proposes a residential dwelling not short-term rental accommodation. If the property is used for this purpose it can be dealt with by the relevant authority.
- The reference that the property will be used for dual occupation, and this will result in increased noise levels is not accepted. There is only one bedroom upstairs and two downstairs, therefore large groups of people are not expected to use outdoor areas.

Comment:

The Applicant states that the dwelling has been designed to minimise noise transmutation from the proposed additions. The doors opening to the rear deck face away from any adjacent dwellings. The walls of the upper floor additions will utilise acoustic as well as thermal insulation.

The Applicant has considered the concerns raised in submissions by reducing the size of the deck, increasing the setback to the rear boundary to 3.5m and providing timber screening to provide privacy. The use of rough sawn class 1 Australian Hardwood (turpentine) will absorb and dampen noise from the first floor deck.

Notwithstanding the design of the dwelling, short-term rental accommodation can be carried out as exempt development under GLEP 2014 for dwellings up to 4 bedrooms and will continue to be able to operate as exempt development under new statewide legislation due to commence November 2021 replacing provision in the GLEP 2014. It should be noted that the adjoining property owners currently rent their premises for this purpose.

The proposal has addressed neighbours concerns and meets the requirements and objectives as stated above for potential noise for the proposal. A condition of consent is recommended, **Refer Condition 5.3**, for the following:

- *Enclose any outdoor air conditioning systems within a soundproof acoustic enclosure.*

Chapter 6.3 Erosion and Sediment Control

Erosion and sediment control plan provided. Conditions applied.

Chapter 6.6 Preservation of Trees or Vegetation

The controls require the protection of trees on privately owned land that contribute positively to the amenity, scenic landscape characteristics and ecological values of the Central Coast Local Government Area.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

No tree removal is proposed. No significant vegetation is to be impacted upon by the proposed development.

Chapter 6.7 Water Cycle Management

The proposal is consistent with Chapter 6.7 – Water Cycle Management. A stormwater management plan is provided and considered satisfactory. The proposed development with minimise the impact of the development on the natural predevelopment water cycle.

Chapter 7.2 Waste Management

No demolition is proposed as the existing dwelling is to be retained. A Waste Management Plan has been provided and deemed appropriate for the scale of the proposal. Appropriate conditions are applied.

Other Matters for Consideration

Development Contribution Plan

The land is subject to Central Coast Council Regional Section 7.12 Development Contributions Plan 2019. Development that is not subject to a section 7.11 contribution under any other contributions plan adopted by the Council under the Environmental Planning & Assessment Act, may be subject to levy of section 7.12 contributions unless is development that is exempt under Clause 1.5 of this Plan.

The proposal is for a dwelling house or alterations and additions to a dwelling house and is exempt under Clause 1.5 of the Plan. Therefore, no contributions are applicable.

Planning Agreements

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

Referrals

Internal Referral Body	Comments
Architect	Supported, without conditions
Vehicle Access Crossings	Supported, subject to conditions
Trees	Supported, subject to conditions
Water & Sewer	Supported, without conditions Comment: Water and sewer are available to the land.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

	The proposed addition to existing dwelling does not attract any water or sewer requirements.
Environmental Health	Supported, subject to conditions

Public Submissions

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

A total of 31 public submissions were received in relation to the application.

The application was amended during the assessment following site inspection of the adjoining neighbours properties to the subject site. The amendments were not formally notified to all objectors. The amendments were notified to and comments received from the immediate neighbours subject of the site inspection.

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. *Objected to previous DA lodged on the site which was withdrawn. The new DA is almost identical to the one withdrawn.*

Comment:

The design of the proposal was amended prior to the lodgement of the subject application taking into consideration the assessment of the previous application and issues raised in submissions.

The description of the proposal has been amended and the development application notified as a new dwelling house, rather than alterations and additions.

The proposal has been considered in relation to the planning principle in held in *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187 in that both a qualitative and quantitative approach is required in determining whether a development can be defined as 'alterations and additions' or a 'new build'. On a practical note, the greater the departure from the existing development, the greater the likelihood that a proposal should be characterised as a new development.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

Qualitatively, the appearance of the existing building will be altered when view from a public place. Quantitatively, the proposal will result in changes to the floor space ratio, building envelope and setbacks resulting in non-compliances to the planning controls for Pearl Beach, Chapter 5.10 Pearl Beach Residential Development of GDCP 2013. Therefore, the proposal has been considered as a new dwelling, alterations and additions, keeping the ground floor cottage in its current form.

The assessment of the proposal has considered, notwithstanding the non-compliances with the planning controls the proposal is worthy of support as it complies with the desired character and objectives of the R2 zone and does not have adverse amenity impacts on adjoining development.

2. *Submission to amended plans on behalf of 19 Diamond Road, 21 Diamond Road and 6 Pearl Parade Pearl Beach*

Comment:

Submission received to amended plans on behalf of 19 Diamond Road, 21 Diamond Road and 6 Pearl Parade Pearl Beach. The submission included an acoustic report and proposed dwelling design for the subject site.

A comprehensive assessment has been undertaken in accordance with the matters raised to the amended plans and it is concluded that the proposal will not have adverse impact on the privacy and amenity to adjoining neighbours and the proposal is supported.

3. *The Statement of Environmental Effects lacks detail and important statutory information, such as consideration of the impact of development in the coastal zone under State Environmental Planning Policy (Coastal Management) 2018 required for assessment of a development application.*

Comment:

The information submitted with the development application, the Statement of Environmental Effects, plans and reports are satisfactory for Council to make an assessment for determination of the proposal on the impacts of the development on the natural and built environment.

4. *Overdevelopment of a small site and not in keeping with the low-density profile which has been maintained in Pearl Beach.*

- ***Out of character with the neighbourhood for a double storey building to be built on an exceedingly small site***
- ***In effect, it would create two self-contained units and open the possibility of further undesirable short term rental of property close to the beach.***

3.2 **DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)**

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.

- The proposal complies with the allowable building height stipulated in GLEP 2014 of 8.5m. The proposal has a roof height of 7.774m.
- The maximum floor space ratio (FSR) for the site stipulated in Gosford Local Environmental Plan 2014 (GLEP 2014) is 0.5:1. The subject site has a total area of 236.2sqm and floor area of 105.86sqm which results in FSR of 0.448:1 and complies with the development standard.
- The development control plan Chapter 5.10 Pearl Beach Residential Development of GDCP 2013 provides further guidance for development within the Pearl Beach area which requires consideration to the bulk of buildings to address visual amenity of the street, reserves, neighbours, the balance between vegetation cover and built form. The DCP further reduces the FSR on a site to 0.4:1 (cl 5.10.7b). The proposal does not comply with the provision having variation of 12%. The FSR does not stand alone in the assessment of overdevelopment and is to be considered in combination with controls in the DCP for site coverage, open space and vegetation cover to control the density of development on the site. Whilst the proposal has minor non-compliance with the FSR it complies with the other density provisions.
- The Applicant has reduced the size of the dwelling by reducing the floor area on the upper level. The built form has not been increased to a level beyond the capacity of the site.
- The proposal has been modified to that submitted under DA58347/2020 as a result of objections to that proposal, reducing the floor area of the upper floor from 124.52sqm (1 May 2020) resultant FSR 0.52:1, to 111.63sqm (21 May 2020) resultant FSR 0.47:1 to that currently proposed at 105.86sqm (10 March 2021) resultant FSR 0.448:1.
- The proposal has again been modified during the assessment of the subject application as a result of objections by immediate neighbours to address privacy and amenity concerns by reducing the size of the rear upper deck and modifications to privacy screening.
- The proposal is considered to be a suitable design response for the small site, in context with the surrounding area and is of an appropriate height, bulk and scale. A detailed assessment is provided in the report.
- The development application has been lodged as a single dwelling house. The following conditions of consent are recommended:
 - Do not let, adapt or use the dwelling / building for separate occupation in two or more parts.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

- Do not provide cooking facilities to the first floor upper level of the dwelling house.
- Dual occupancy development is not a permitted use in the R2 zone under GLEP 2014. Under the draft consolidated Central Coast Local Environmental Plan dual occupancy development will be permitted in the R2 zone however subject to lodgement and merit assessment of a development application.
- Short-term rental accommodation of dwellings up to 4 bedrooms may be carried out as exempt development under GLEP 2014. Adjoining dwellings to the subject site are currently rented by the owners for this purpose.
- The proposal is consistent with the objectives of the R2 zone and desired character of the area and will not impact on views and does not have adverse impact generally on the privacy and amenity of surrounding and adjoining properties.

5. *Does not comply with Pearl Beach planning controls. Council continues to allow developments that do not meet local requirements*

Comment:

The development application has been considered under the provisions of Chapter 5.10 of Gosford Development Control Plan 2013 (GDGP 2013 which contains site specific controls for residential development in Pearl Beach that are applied to new buildings and alterations and additions to existing buildings when development consent is sought.

Matters for consideration in this chapter relate to the protection of natural vegetation and fauna, site development, site disturbance, erosion control, streetscape requirements, setbacks and building lines, building styles, external colours and materials, privacy, views, solar access, and noise generation.

The proposal results in a number of non-compliances with these development controls for floor space ratio and building setbacks and a comprehensive assessment is provided in the report.

The variations have been considered and in this instance the proposal is supported, subject to conditions; notwithstanding the stated non-compliances. The proposal is consistent with the objectives of the R2 zone and desired character of the area and is not considered to have adverse impact on the on the natural or built environment or the privacy and amenity of surrounding and adjoining properties

The proposal has been considered on its merits. Development standards contained within DCP's are automatically given flexibility by virtue of the legislative framework under which they operate. Thus, where variations are approved, this does not mean the

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

development controls are being applied incorrectly, just that the extent of the variation was adequately justified and supported.

6. *Overlooking, noise, privacy and visual impacts on adjoining properties from the proposed first floor and upper deck*

Comment:

A comprehensive assessment of the amenity impacts from the first floor and upper deck has been carried out and detailed within the Report. Amendments have been made during the assessment to the deck which has been reduced in size, has an increased setback to the northern boundary of the site and will be screened by fixed angle timber louvres that will prevent overlooking and improve noise, privacy and amenity impacts to neighbours.

7. *Overshadowing*

Comment:

Shadow diagrams have been submitted with the application which shows the development maintains a reasonable level of sunlight to neighbours living and recreational space between 9.00am and 3.00pm during the winter solstice, 22 June. Site design and building orientation of living and recreational areas achieves the objectives of the development controls. The proposed development will not have any adverse overshadowing effects on adjoining residential development.

8. *Vegetation on the site has been previously removed*

Comment:

The assessment has considered the level of vegetation currently on the site is which is to be retained including trees on the road reserve. The application proposes additional plantings within the ground level open space area which is considered satisfactory to ensure the landscape quality of Pearl Beach is maintained and enhanced and that there is sufficient area to manage stormwater run-off and installation of an absorption trench to reduce run-off and ensure the natural environment is not threatened by the development.

9. *Management of the Norfolk Pine. The development retains the large Norfolk Pine however any building foundations could kill some of the tree roots and cause the tree to die.*

Comment:

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Consideration has been given to retaining and protection of the Norfolk Island Pine. An amended drainage/stormwater plan locates the absorption pit as far from existing trees as practical. The setback distance of 3m from the western boundary ensures that works are outside the structural root zone of the Jacaranda and Norfolk Island Pine. Conditions of consent are recommended for tree protection measures. **Refer Conditions 3.11, 3.12, 3.13, 4.10 & 4.11.**

10. Asbestos management

Comment:

The existing dwelling is to be retained. No demolition is proposed. Notwithstanding this, for abundant caution appropriate conditions of consent are recommended for asbestos management should any identified asbestos material be removed/disturbed. **Refer Condition 3.10.**

11. There is no structural engineering report on how the upper level will be supported

Comment:

Advice has been received from a structural engineer that confirm future engineering plans will be prepared are to be designed as a steel portal type frame independent of the existing ground floor structure and will not rely on the existing building support. Conditions of consent are recommended for structural details and report from a suitably qualified structural engineer prior to the issue of any construction certificate. **Refer Conditions 2.3 & 2.4.**

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.

a) Built Environment

The subject site is zoned R2 Low Density Residential under GLEP 2014 and adjoins residential developments comprising single and 2-storey dwellings. A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of GLEP 2014 and GDCP 2013 compliance. There will be minimal amenity impacts as a result of the non-compliant floor space ratio, building setbacks and building lines in Chapter 5.10 Pearl Beach Residential Development. The proposed built form is considered acceptable in the context of the site.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

b) Natural Environment

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed development will contribute to the supply of housing needs in the locality and is satisfactory from an economic perspective.

d) Social Impacts

No social impacts will arise from the approval of this residential development.

Suitability of the Site for the Development

The site is zoned R2 Low Density Residential under GLEP 2014. The proposed development is permitted in the zone with development consent. The proposal complies with the provisions of GLEP 2014 and despite minor non-compliances is generally in keeping with the provisions of Chapter 5.10 Pearl Beach Residential Development of GDCP 2013 and raises no adverse impacts or consequences in regard to the principles of Ecologically Sustainable Development.

The site is not subject to flooding or bushfire constraints. As such the site is considered suitable for this type of development subject to conditions.

The Public Interest

The approval of the application is considered to be in the public interest. The proposal will not have any adverse impact on the natural environment and 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

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.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form (contd)

Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.

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

Reasons for the Decision

The reasons for the decision as recommended under the assessment of this application are as follows:

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

Attachments

1	Draft Conditions of Consent DA59347 2C Amethyst Ave Pearl Beach		D14262911
2	Architectural Plans DA59347 2c Amethyst Avenue Pearl Beach	Provided Under Separate Cover	D14613745
3	REDACTED Architectural Plans DA59347 2c Amethyst Avenue Pearl Beach		D14614644
4	BASIX Certificate 2c Amethyst Avenue, PEARL BEACH DA59347 Part 1		D14165760
5	Waste Management 2c Amethyst Avenue, PEARL BEACH DA59347 Part 1		D14165755
6	Statement of Environmental Effects_2c Amethyst_290421		D14613743
7	Cover letter amended plans DA58347 2C Amethyst Ave Pearl Beach		D14546890
8	Stormwater Management Plan (Engineer Certified) 2C Amethyst Avenue Pearl Beach DA59347 Part 1 D14237792		D14262910
9	Structural Adequacy Certificate (updated) 2C Amethyst Avenue Pearl Beach DA59347 Part 1		D14262911

STRUCTURAL ADEQUACY CERTIFICATE - FIRST FLOOR ADDITION

AT 2c AMETHYST AVEUE, PEARL BEACH

To Whom It May Concern,

This is to confirm that we have viewed the proposed development applications plans prepared Site Studio (Plans A-01 to A-12 11/08/2020) for work comprising alterations including timber framed first floor addition.

We confirm that the future engineering plans prepared by our office are to be designed as a steel portal type frame independent of the existing ground floor structure and will not rely on the existing building support.

This certificate is to be read in conjunction with the development application plans and is subject to future engineering plans which are to be prepared for this project.

Regards



Anthony Yialousis
BE(Civil) Hons MIEAust
MGroupe Designers & Engineers
22/10/2020



DESIGN
ENGINEERING
MANAGEMENT
INTERIORS
mgroupe.com.au



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NEW DWELLING ALTERATIONS AND ADDITIONS
KEEPING EXISTING GROUND FLOOR
COTTAGE IN ITS CURRENT FORM

2c Amethyst Avenue, Pearl Beach

AMETHYST STREET VIEW



DRAWING SHEET INDEX:

DRAWING No.	DESCRIPTION
A01	COVER
A02	SITE SURVEY
A03	ROOF PLAN/SITE ANALYSIS PLAN
A04	FLOOR PLANS 1:100
A05	ELEVATIONS - West & East
A06	ELEVATIONS - South & North
A07	SECTION S1
A08	SECTION S2
A09	SHADOWS JUNE
A10	SHADOWS SEPTEMBER
A11	PRIVACY SCREEN - SIGHT LINES
A12	PRIVACY SCREEN DETAIL (AT STAIRS AND L...
A13	LANDSCAPE PLAN
A14	STORMWATER DRAINAGE PLAN

CALCULATIONS:

site area: 236.2m ²
allowable FSR 0.4 (LEP 0.5)
total GFA allowed: 95.48m ² (LEP106.29m ²)
existing GFA: 62.76m ²
max. area that can be added: 31.72m ²
AREA ADDED: 43.10m²
TOTAL GFA 105.86m²
NEW FSR: 0.448



Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

COVER PAGE

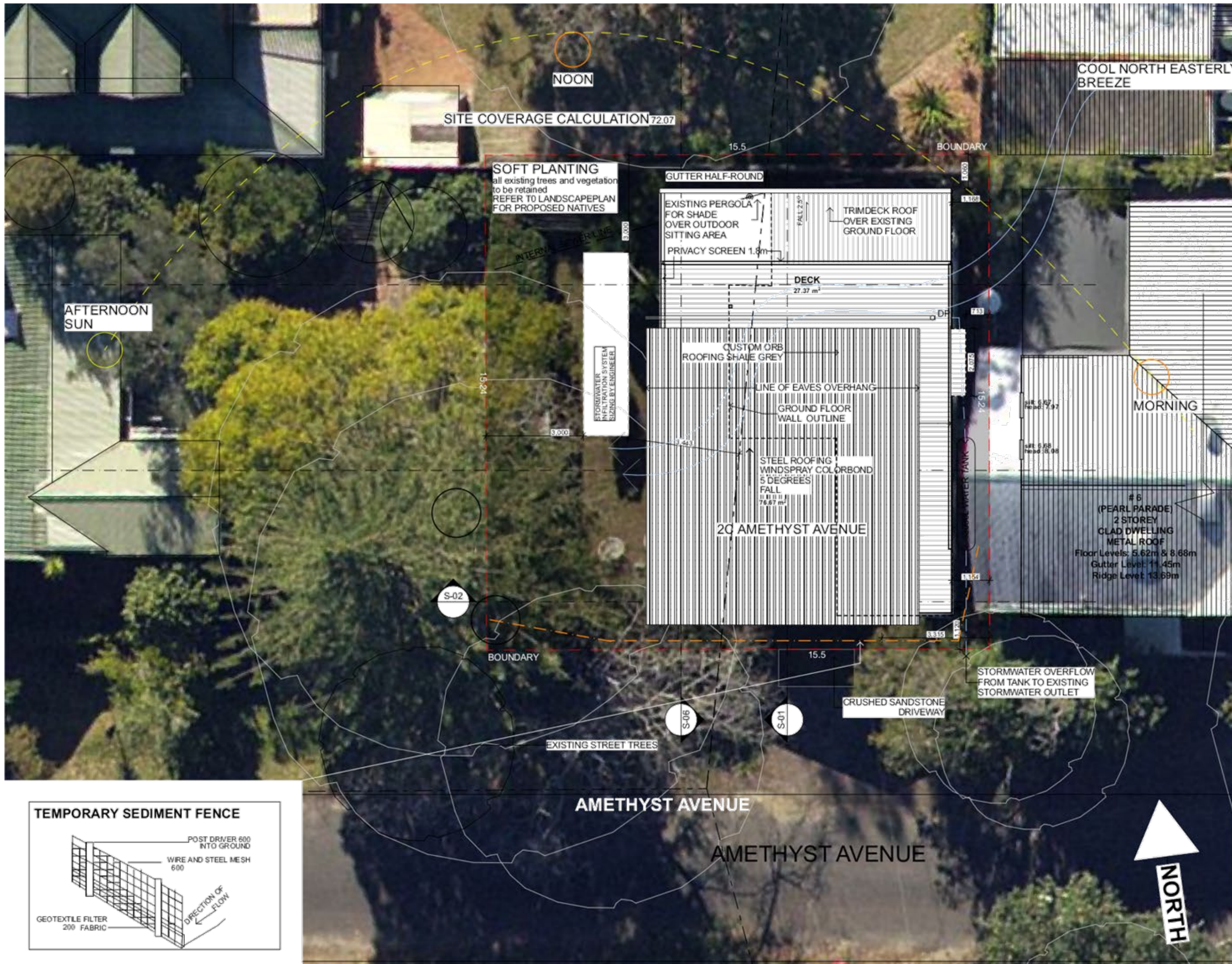
DA Submission

scale	date 11/08/20 amended 29/04/21
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A-01



SITE STUDIO
0410 710 865



Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

SITE ANALYSIS

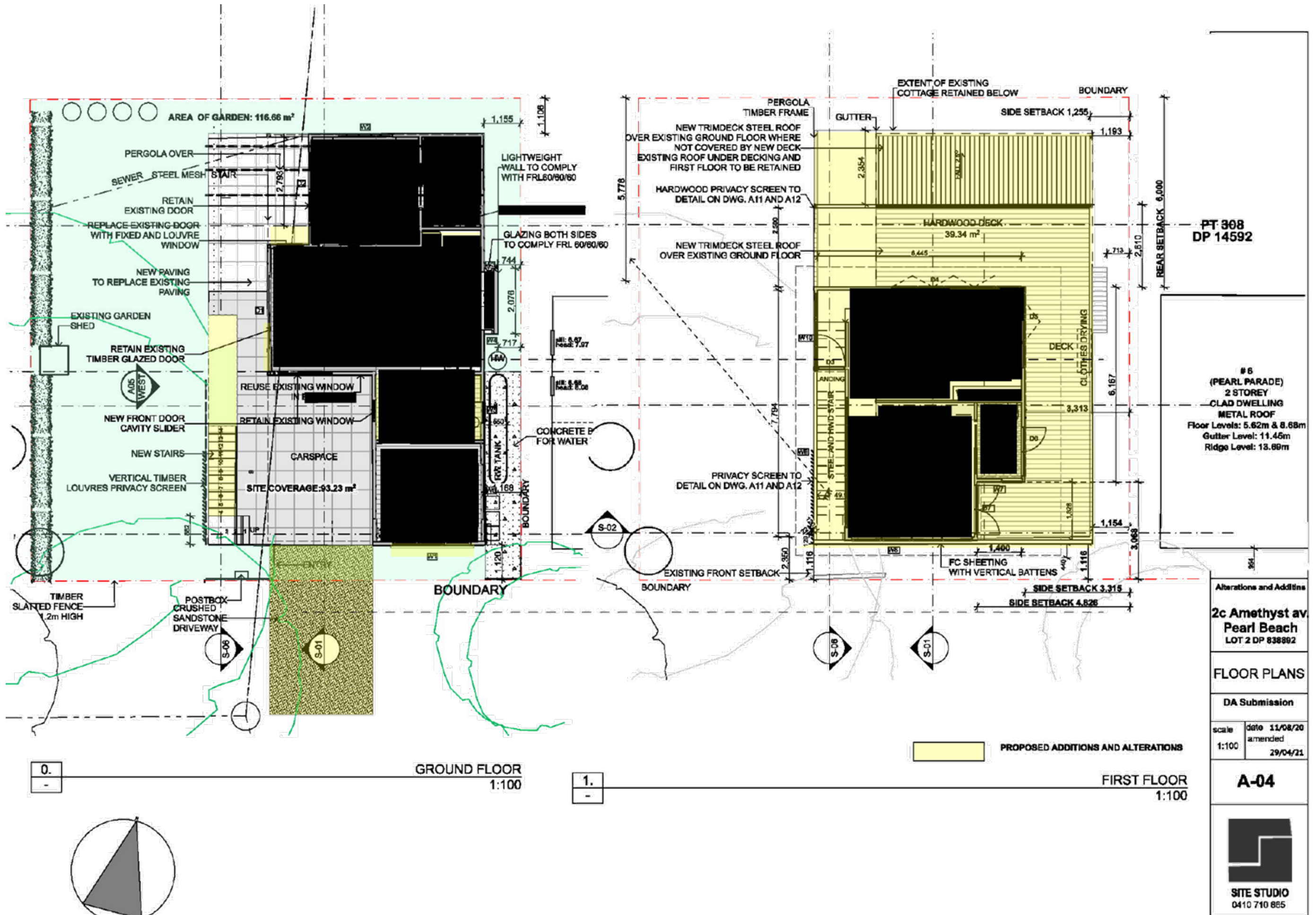
DA Submission

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A-03



SITE STUDIO
0410 710 865



**PT 308
DP 14592**

**# 6
(PEARL PARADE)
2 STOREY
CLAD DWELLING
METAL ROOF**
Floor Levels: 5.62m & 8.68m
Gutter Level: 11.45m
Ridge Level: 13.69m

Alterations and Additions

**2c Amethyst av.
Pearl Beach
LOT 2 DP 838892**

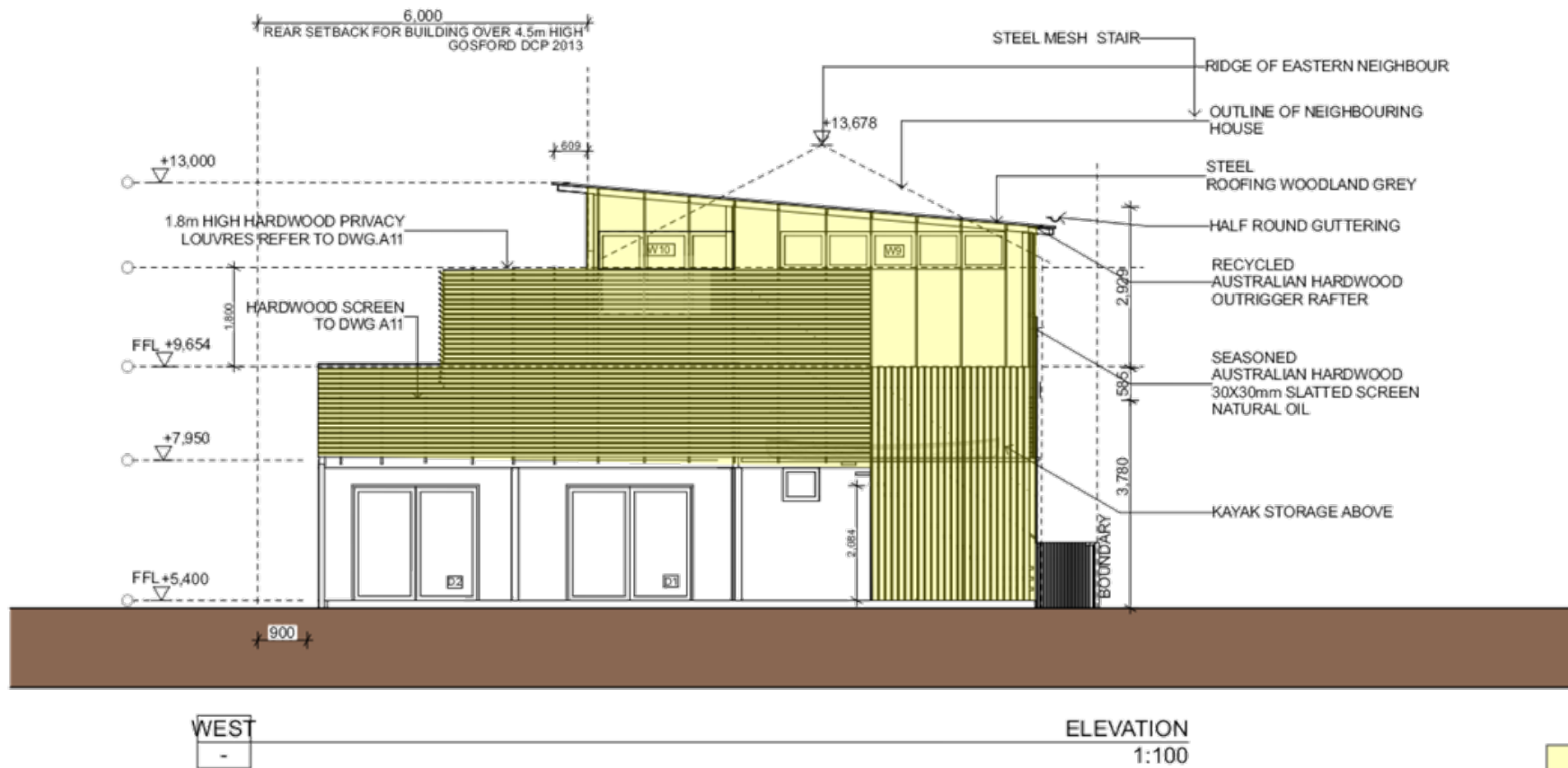
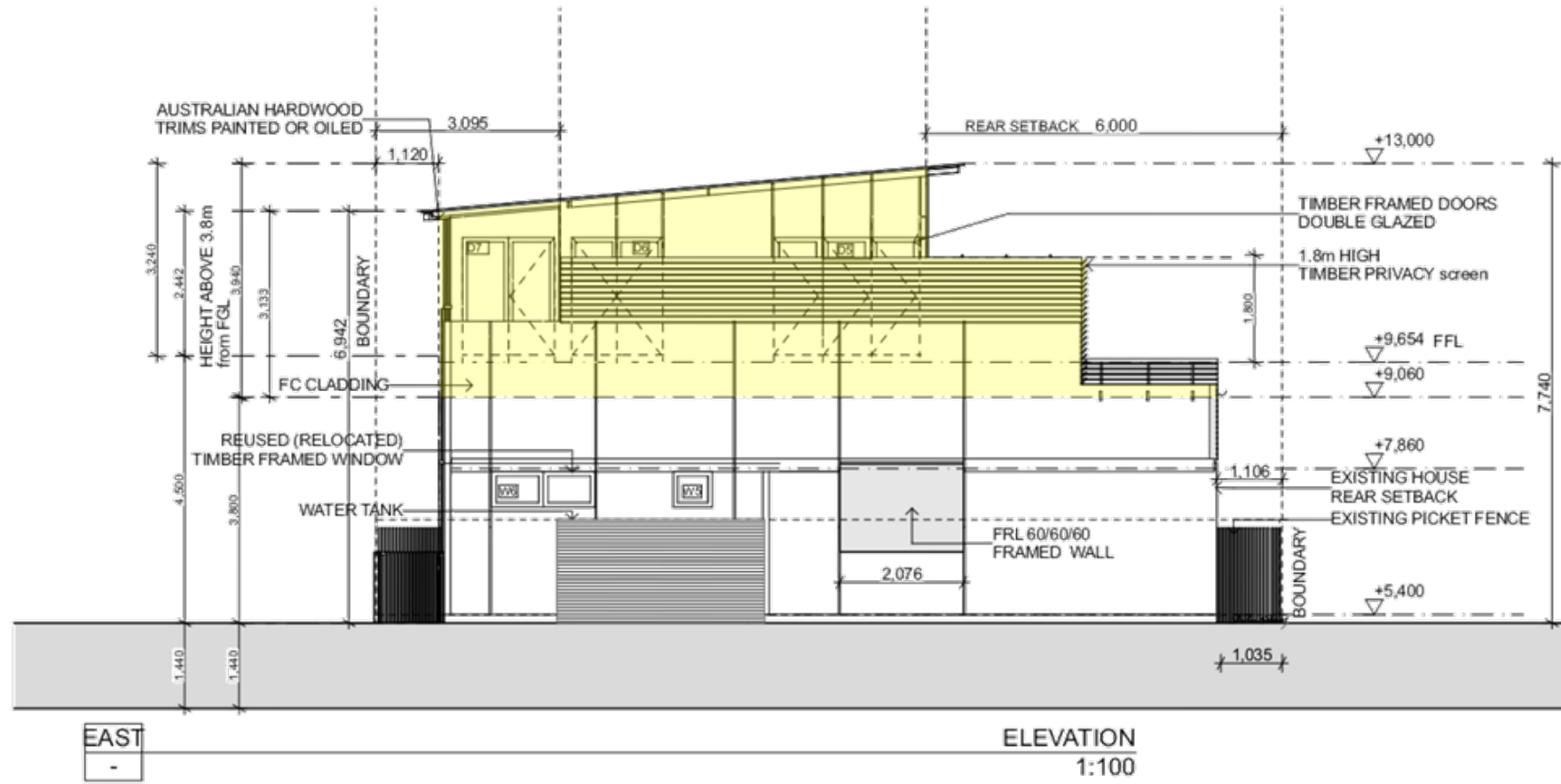
FLOOR PLANS

DA Submission

scale 1:100 date 11/08/20 amended 29/04/21

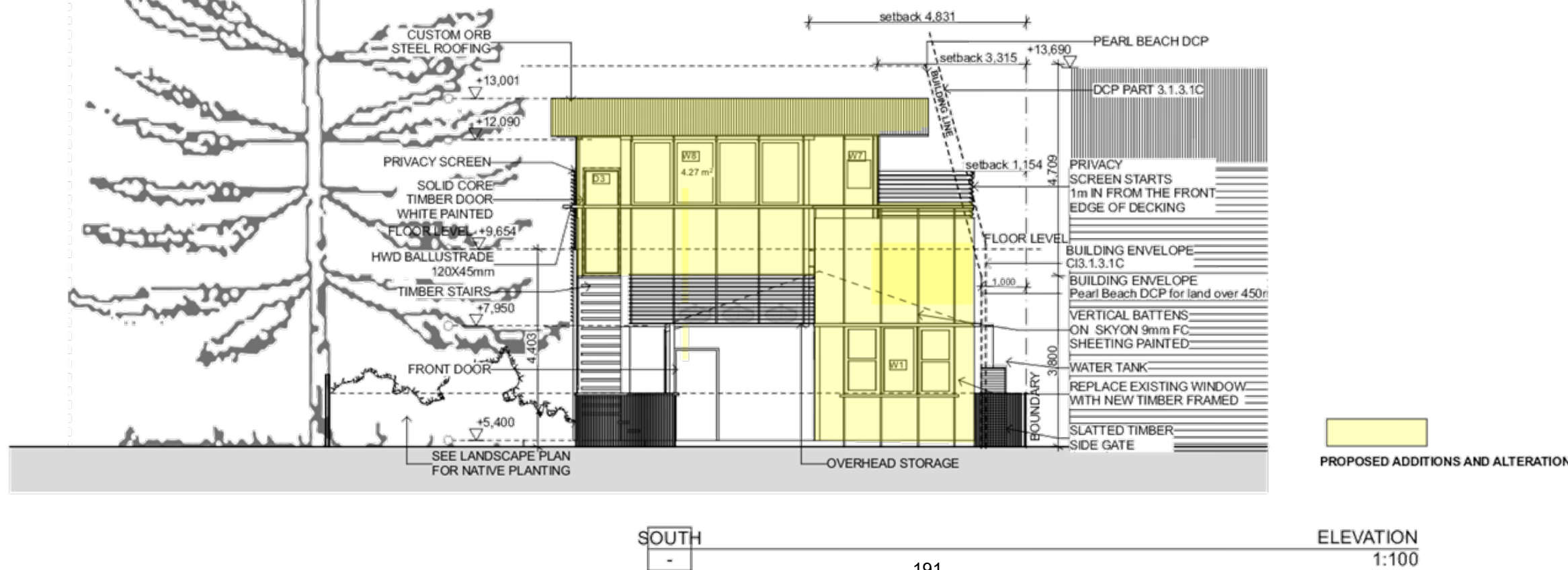
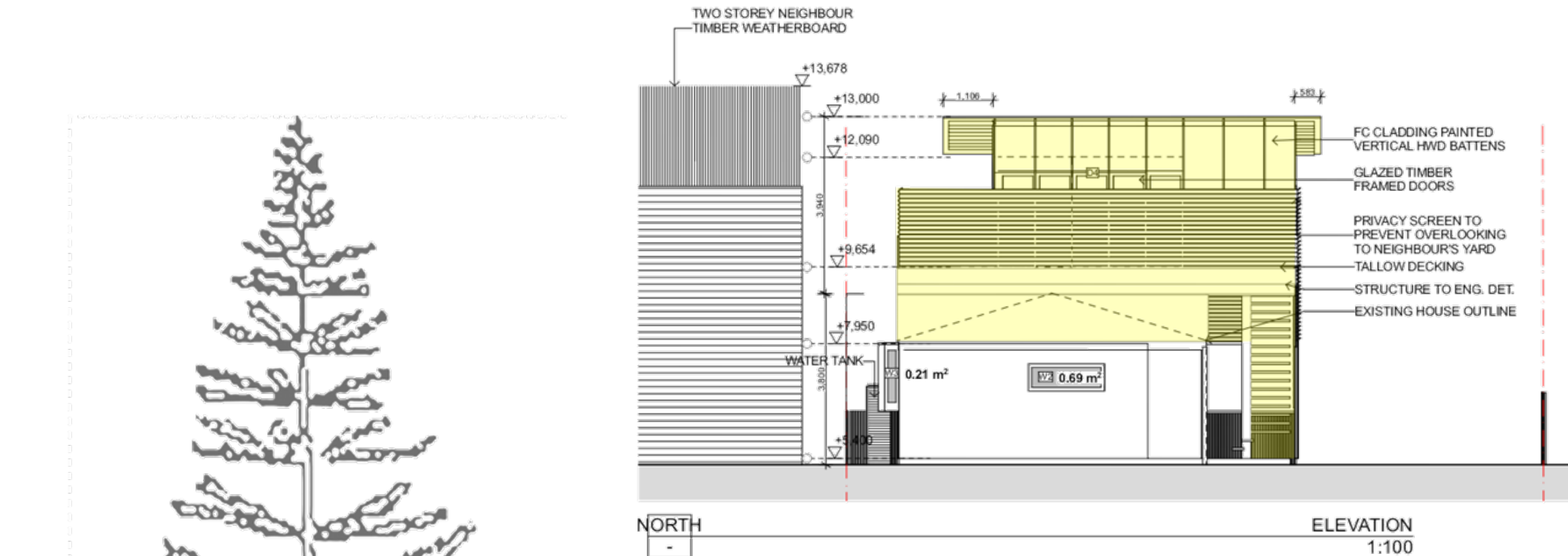
A-04

SITE STUDIO
0410 710 885



PROPOSED ADDITIONS AND ALTERATIONS

Alterations and Additions	
2c Amethyst av. Pearl Beach LOT 2 DP 838892	
ELEVATIONS	
DA Submission	
scale 1:100	date 11/08/20 amended 29/04/21
A-05	
SITE STUDIO 0410 710 865	



Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

ELEVATIONS

DA Submission

scale 1:100 date 11/08/20
amended 29/04/21

A-06





S-01

SECTION
1:100

EXTERIOR MATERIALS SCHEDULE

ELEMENT	DESCRIPTION	IMAGE
WALLS:	SKYON 9mm FC SHEETING WITH EXPRESSED VERTICAL BATTENS FC OFF WHITE REFLECTS THE COLOURS OF THE TIME OF DAY	
ROOF:	KINGSPAN COMPOSITE ROOFING OR EQUIVALENT CORRUGATED COLORBOND SHALE GREY	
PAVING:	CERAMIC TILE	
WINDOWS AND DOORS:	BING DOUBLE GLAZED DOORS AND WINDOWS	
DECKING:	SEASONED TALLOWOOD DECKING 90X25mm	
TIMBER PRIVACY WALL/SCREEN LOUVRE:	ROUGHSAWN TALLOWOOD LOUVRES 120X25mm	

Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

SECTION S1

DA Submission

scale 1:100 date 11/08/20 amended 29/04/21

A-07

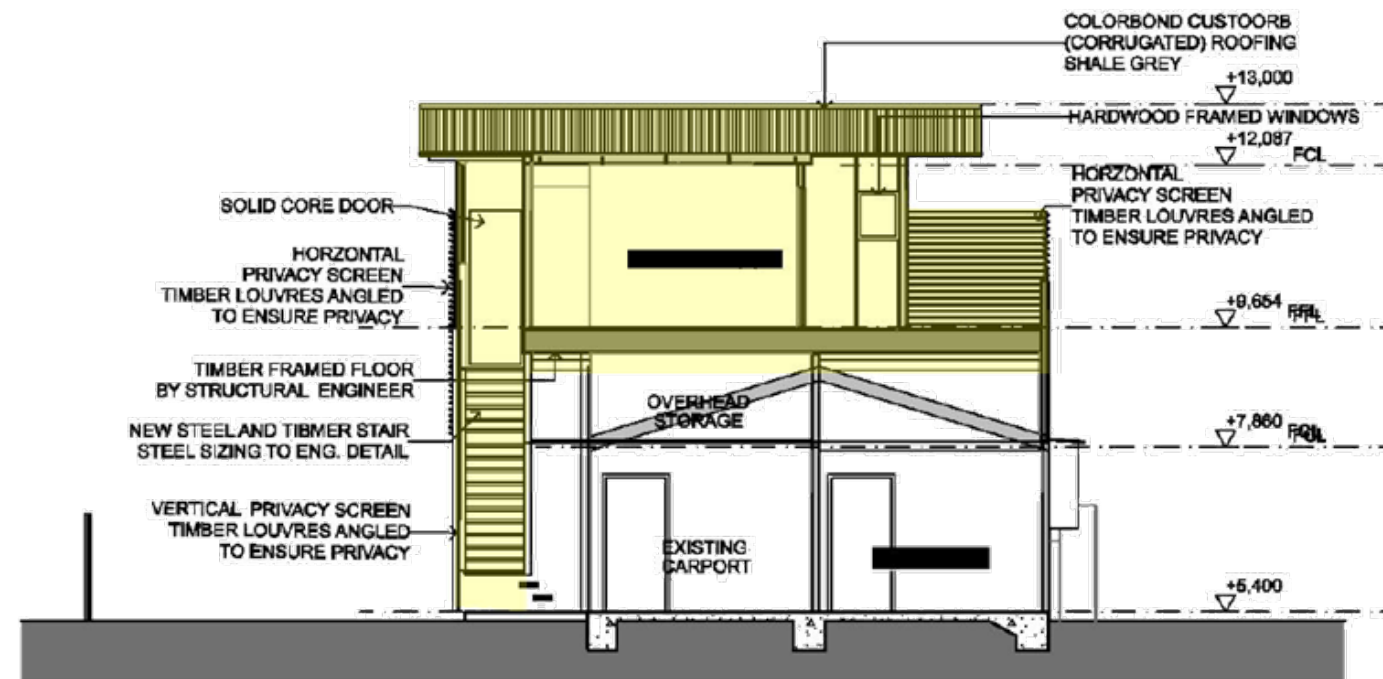


SITE STUDIO
0410 710 885

BASIX COMMITMENTS

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground, 62.76 square metres	nil	
floor - above habitable rooms or mezzanine, 43.1 square metres, framed	nil	
external wall - framed (weatherboard, fibre cement, metal clad)	3.00 (or 3.40 including construction)	
ceiling and roof - raked ceiling / pitched or skillion roof, framed	ceiling: 4.5 (up), roof: foil backed blanket (100 mm)	framed, medium (solar absorptance 0.475-0.70)

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
North facing					
W2	510	1570	timberUPVC/fibreglass, single, clear	none	>4 m high, 2-5 m away
W3	1050	200	timberUPVC/fibreglass, single, clear	none	>4 m high, 2-5 m away
D4	2050	3500	timberUPVC/fibreglass, single, clear	eave 690 mm, 600 mm above head of window or glazed door	>4 m high, 2-5 m away
East facing					
W5	560	600	timberUPVC/fibreglass, single, clear	none	>4 m high, <2 m away
W6	470	1700	timberUPVC/fibreglass, single, clear	none	>4 m high, <2 m away
D5	2050	2100	timberUPVC/fibreglass, single, clear	solid overhang 1100 mm, 600 mm above head of window or glazed door	1-2 m high, <1.5 m away
D6	2050	1400	timberUPVC/fibreglass, single, clear	solid overhang 1100 mm, 189 mm above head of window or glazed door	2-4 m high, 2 m away
D7	2050	1450	timberUPVC/fibreglass, single, clear	solid overhang 1100 mm, 66 mm above head of window or glazed door	1-2 m high, <1.5 m away
South facing					
W1	1160	2250	timberUPVC/fibreglass, single, clear	none	>4 m high, <2 m away
W7	570	820	timberUPVC/fibreglass, single, clear	eave 1828 mm, 100 mm above head of window or glazed door	2-4 m high, 2 m away
W8	1200	3300	timberUPVC/fibreglass, single, clear	eave 440 mm, 100 mm above head of window or glazed door	2-4 m high, 2 m away
West facing					
D1	2050	2260	timberUPVC/fibreglass, single, clear	solid overhang 3351 mm, 620 mm above head of window or glazed door	>4 m high, 2-5 m away
D2	2050	2260	timberUPVC/fibreglass, single, clear	solid overhang 2152 mm, 1040 mm above head of window or glazed door	>4 m high, 2-5 m away
W9	600	3700	timberUPVC/fibreglass, single, clear	eave 580 mm, 200 mm above head of window or glazed door	>4 m high, 2-5 m away
W10	1200	2460	timberUPVC/fibreglass, single, clear	eave 583 mm, 560 mm above head of window or glazed door	>4 m high, 2-5 m away



S-02
-

SECTION
1:100

Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

SECTION S2

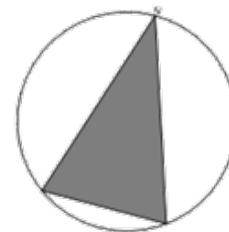
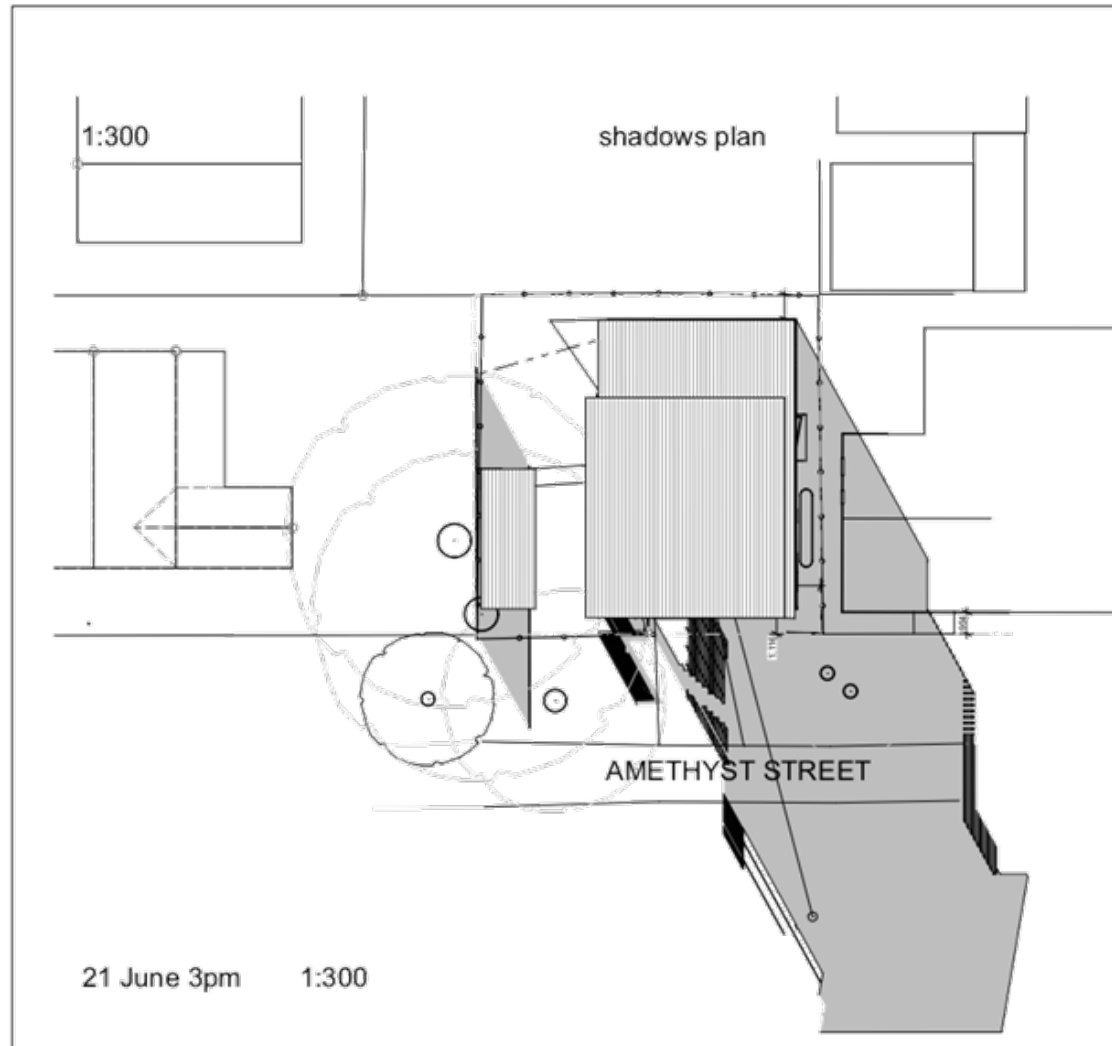
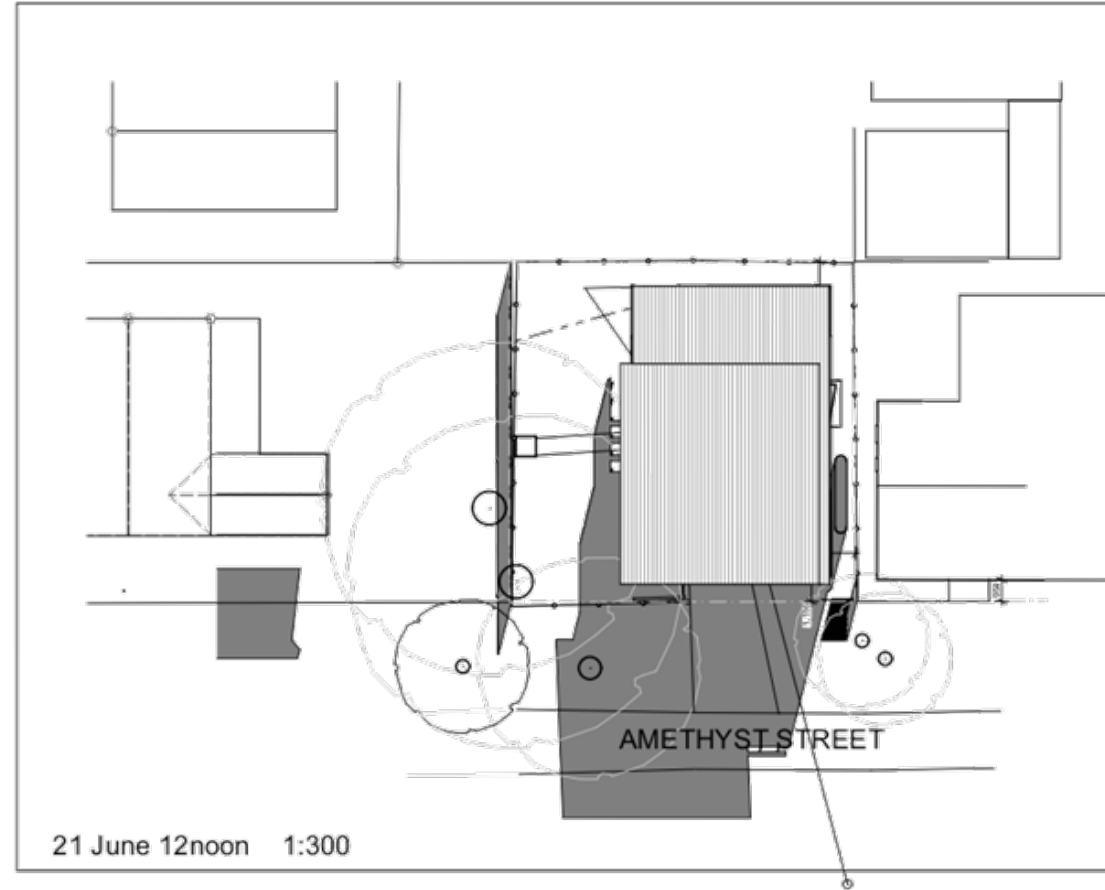
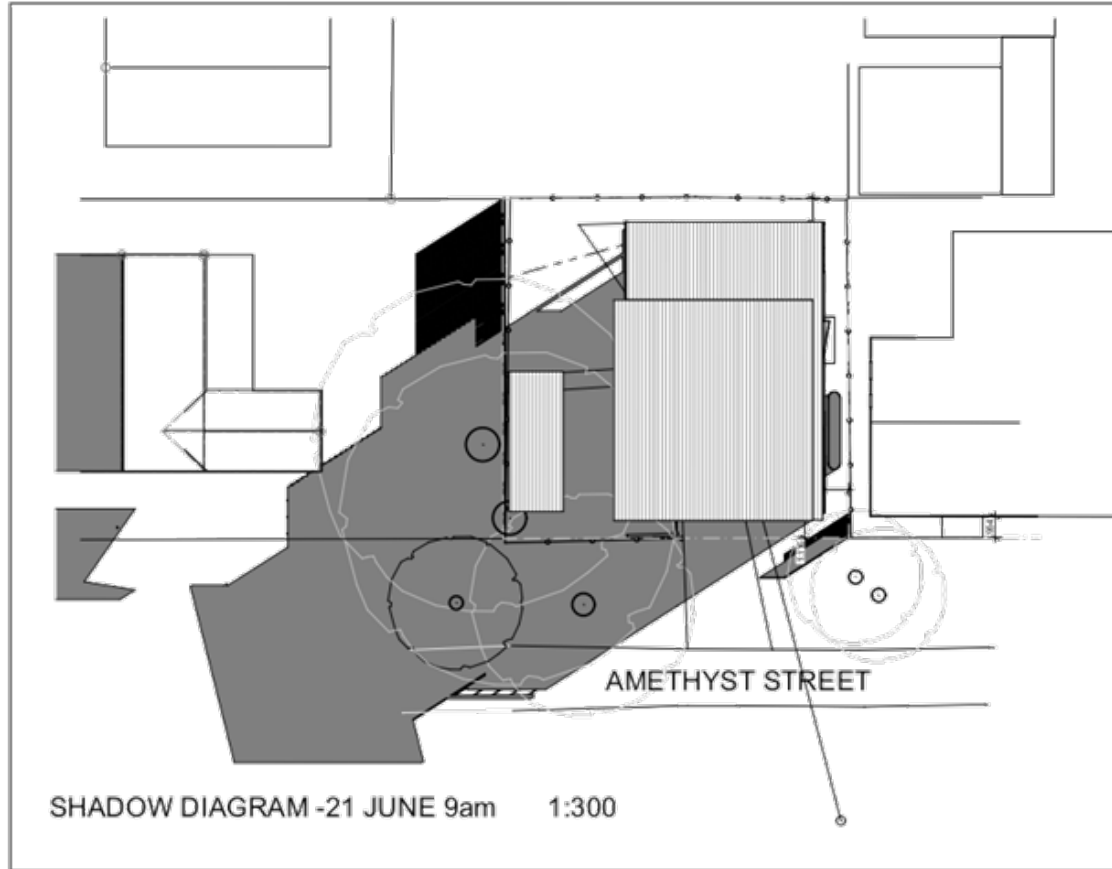
DA Submission

scale date 11/08/20
amended
29/04/21

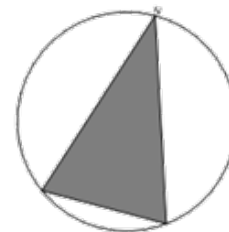
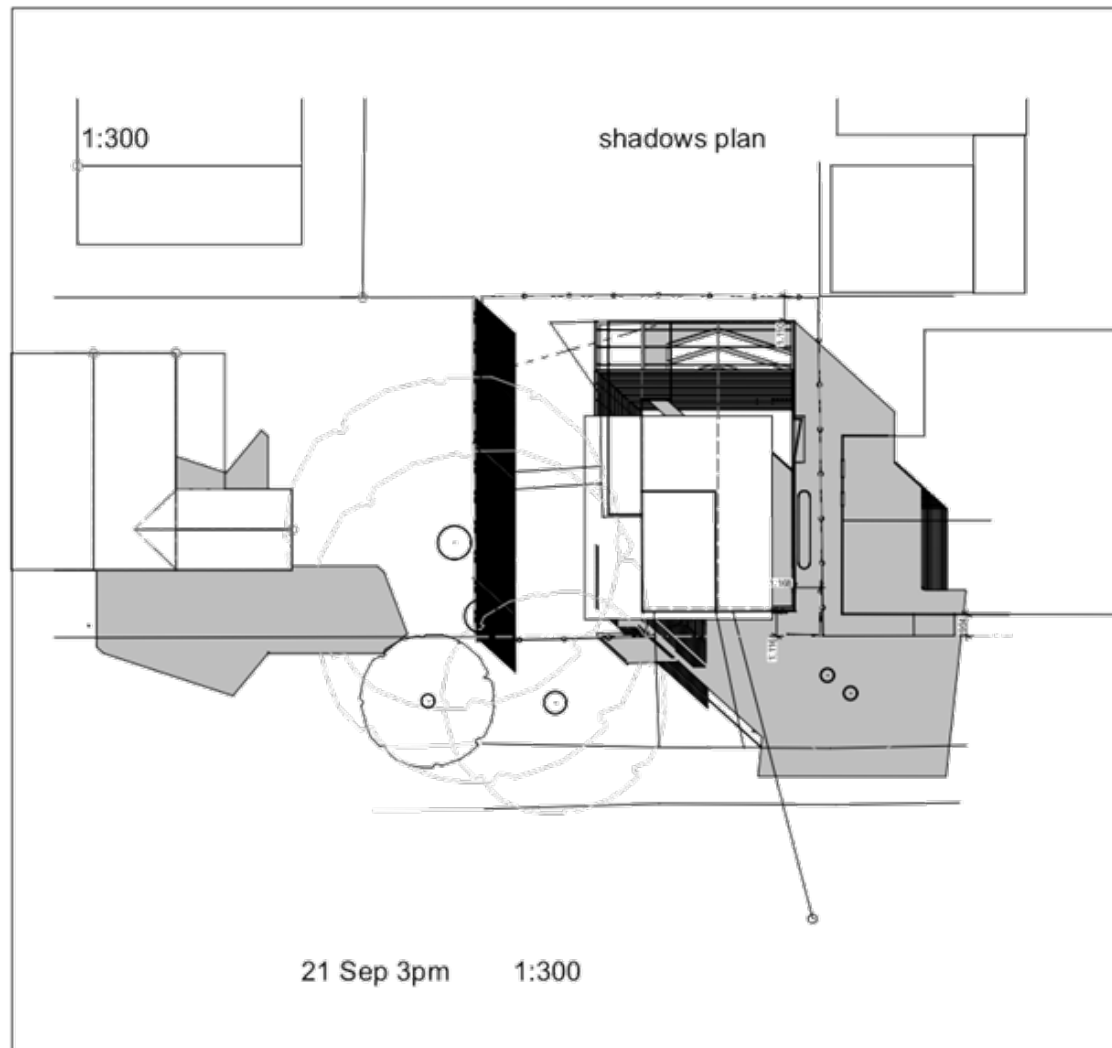
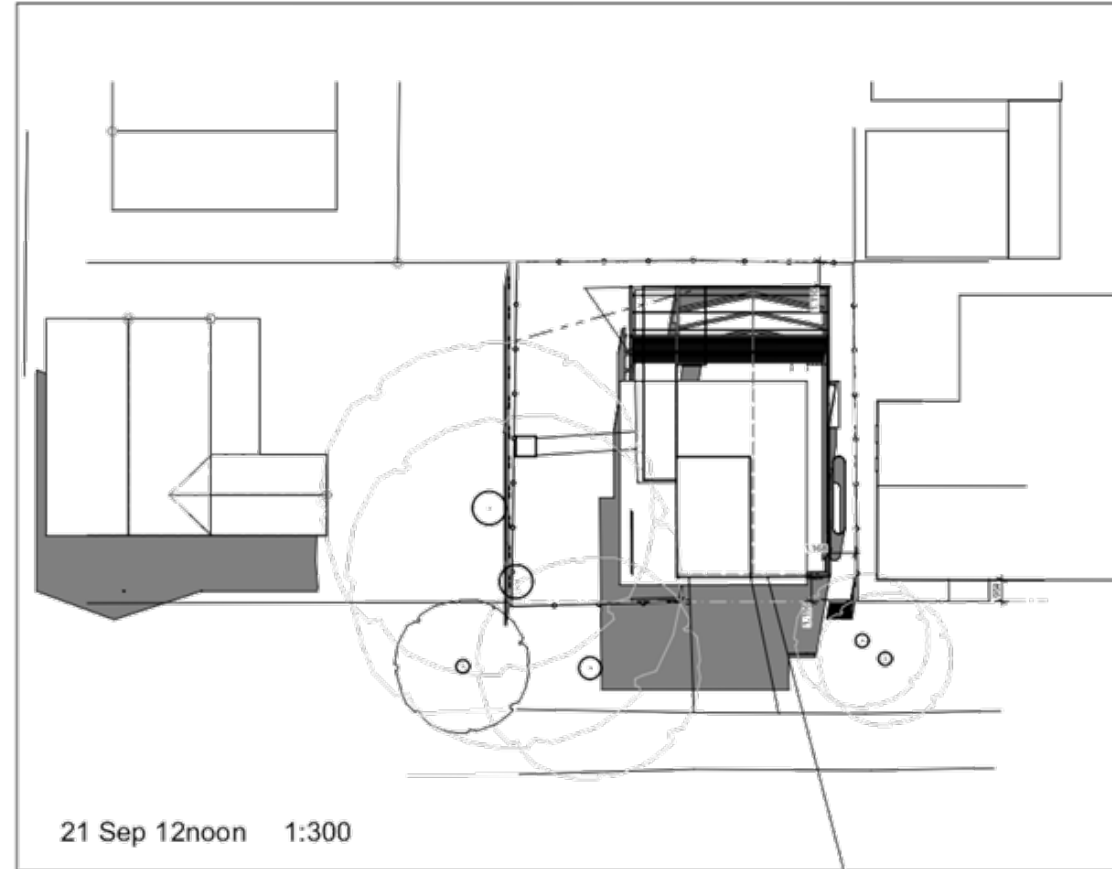
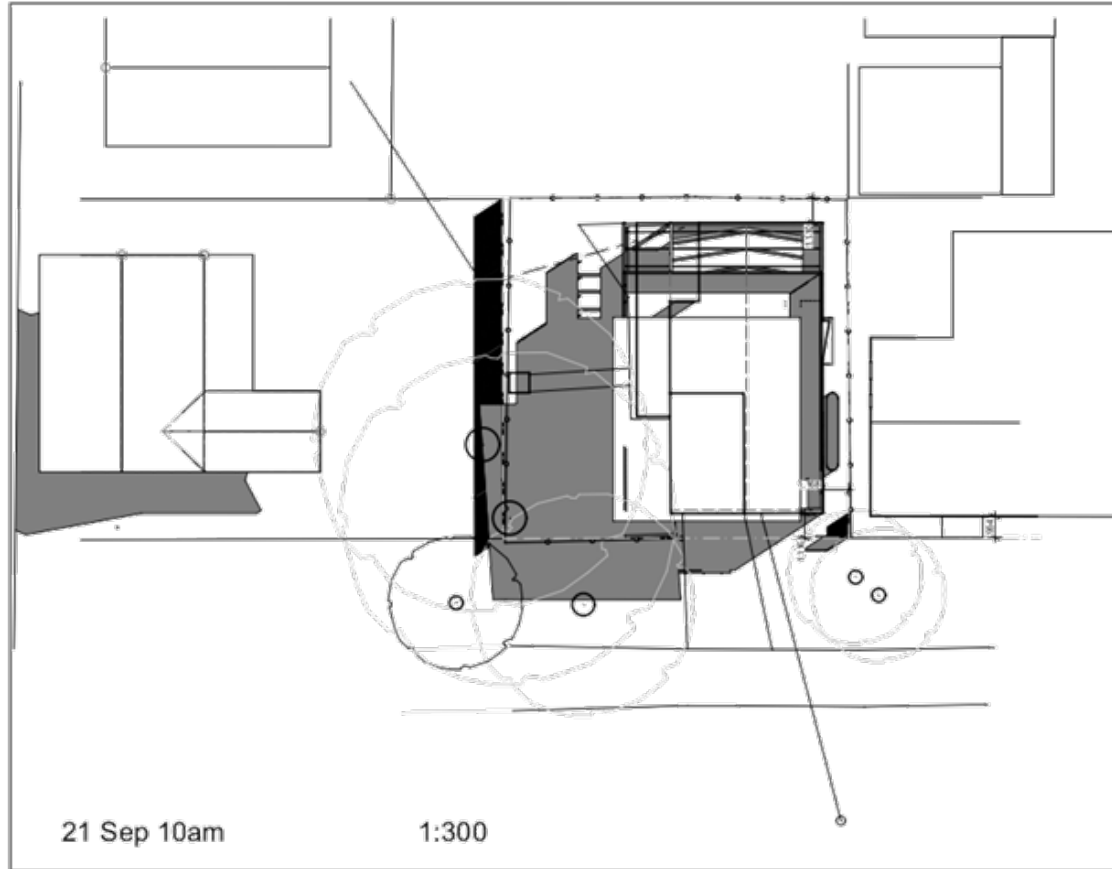
A-08



SITE STUDIO
0410 710 885



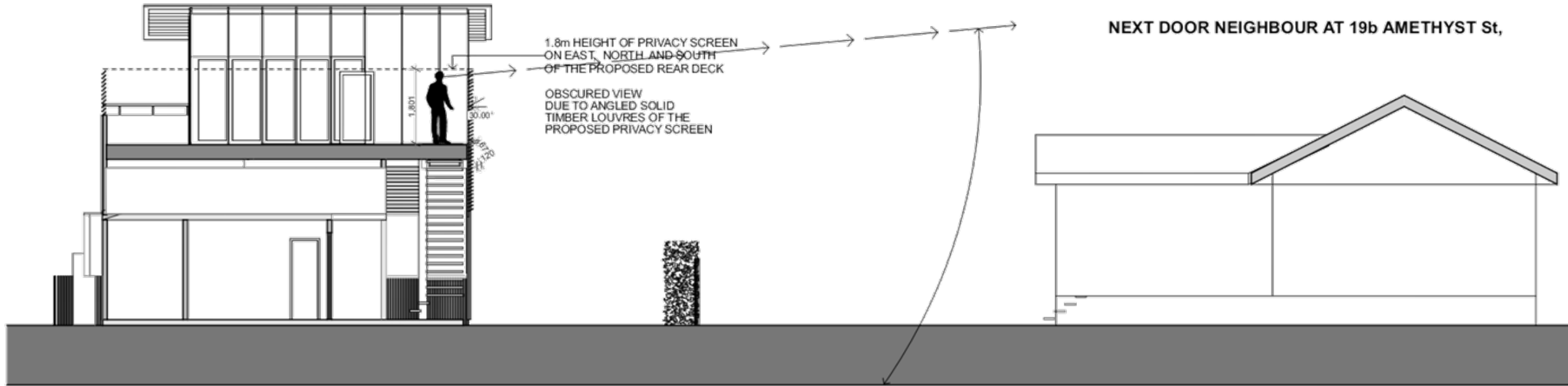
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2c Amethyst av. Pearl Beach LOT 2 DP 838892	
SHADOW DIAGRAMS	
DA Submission	
scale	date 11/08/20 amended 29/04/21
A-09	
 SITE STUDIO 0410 710 865	



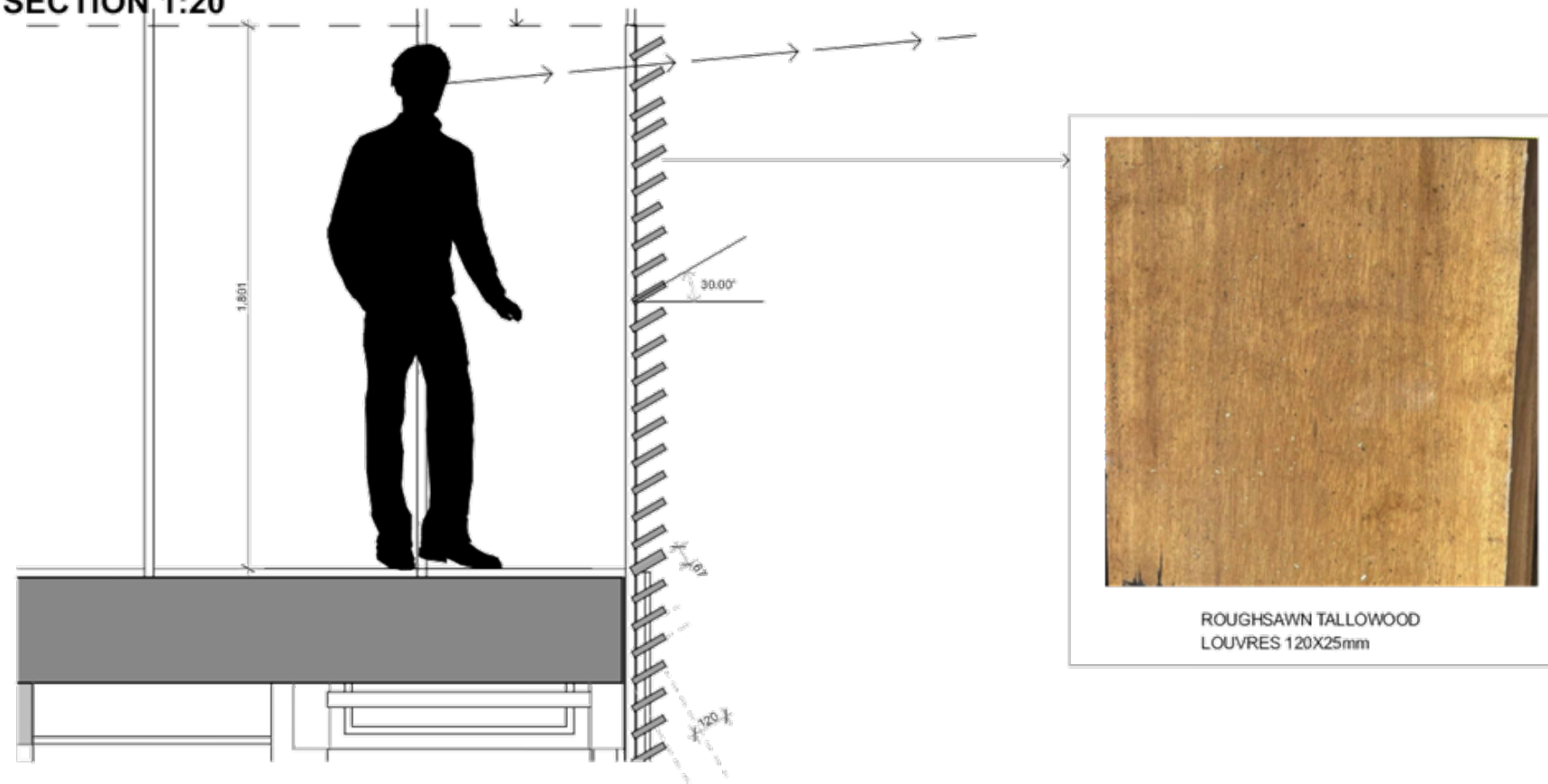
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SHADOW DIAGRAMS	
DA Submission	
scale	date 11/08/20 amended 29/04/21
A-10	
 SITE STUDIO 0410 710 865	

SECTION 1:100

PROPOSED ADDITIONS AT 2c AMETHYST St,



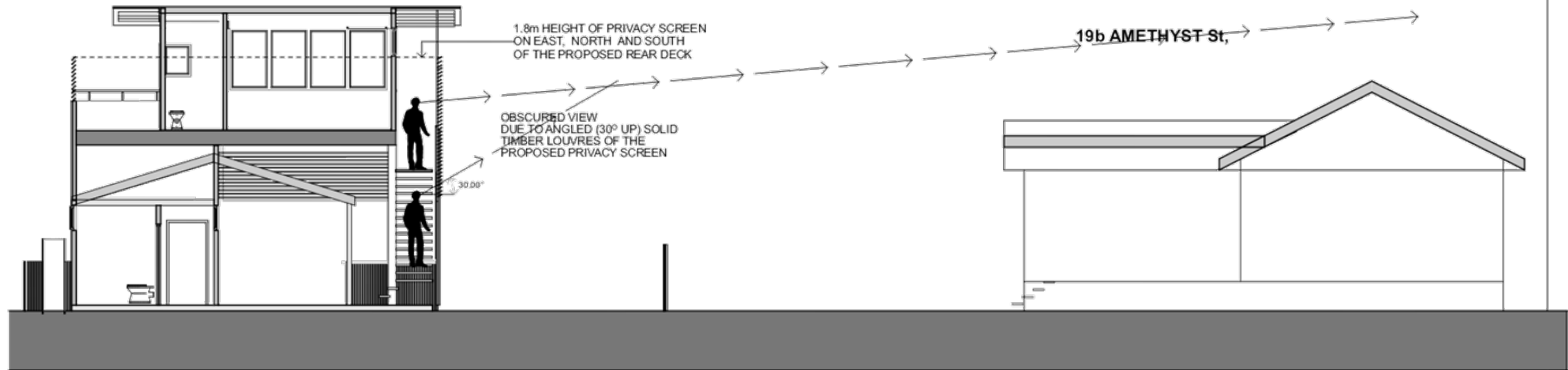
SECTION 1:20



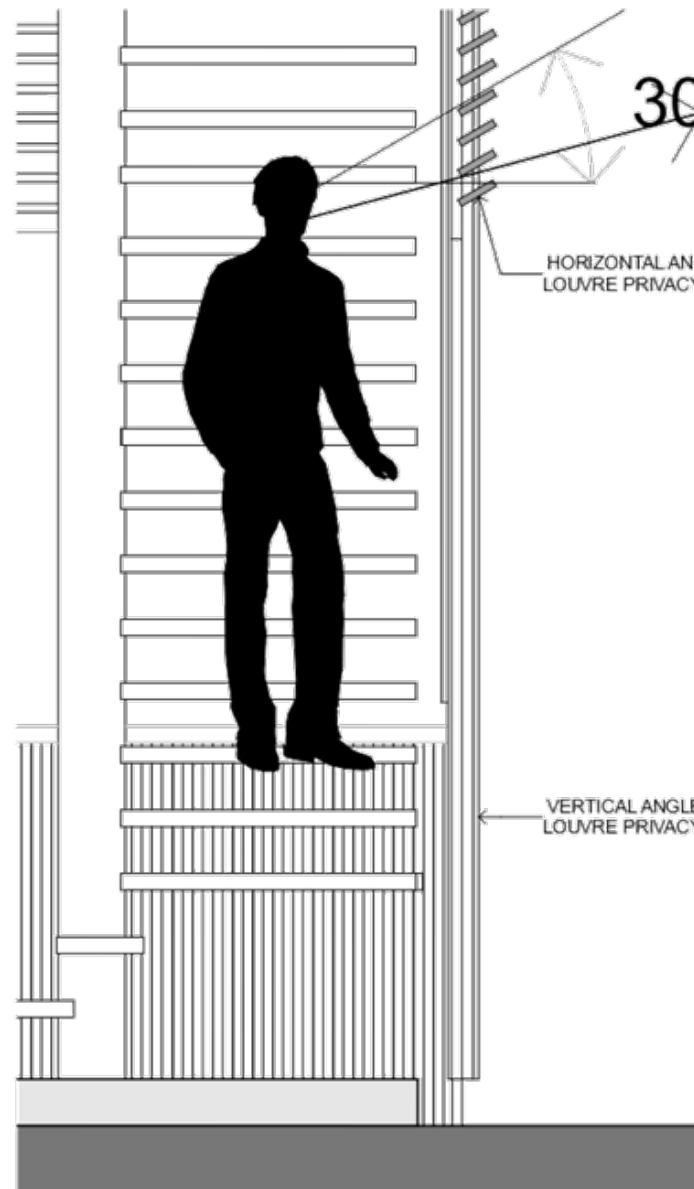
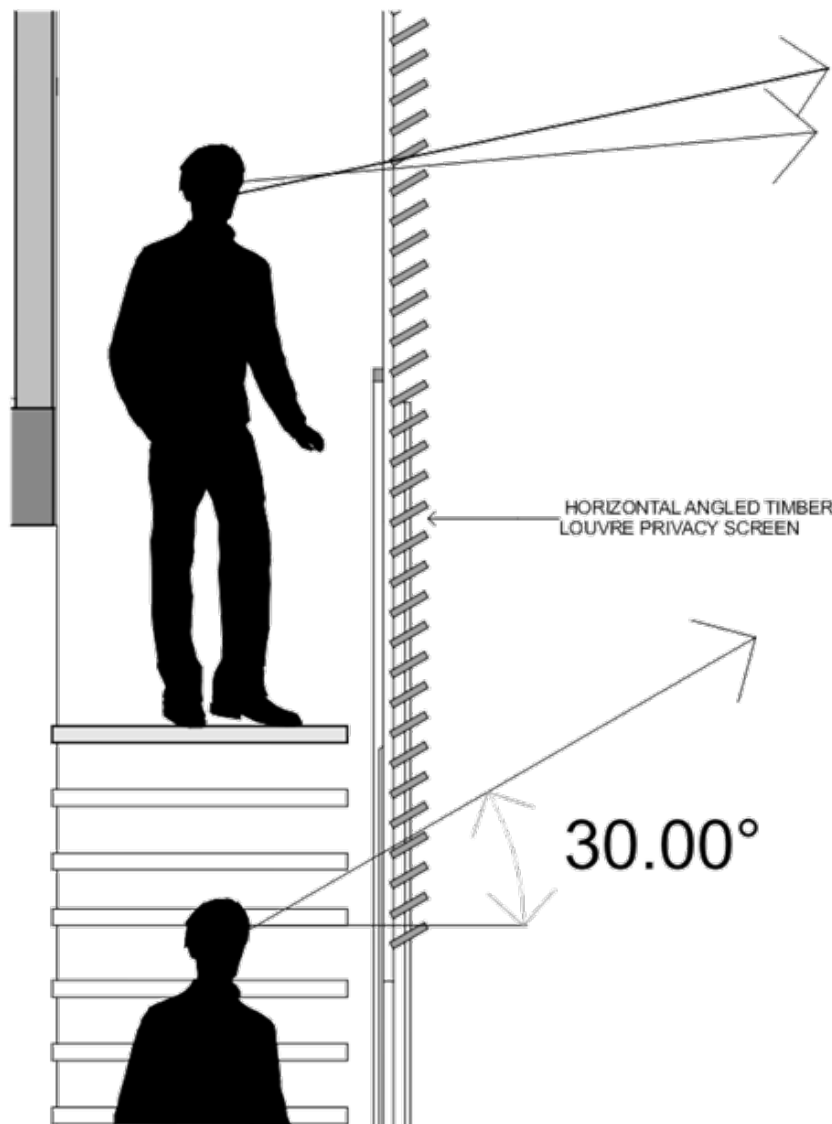
DETAIL OF FIXED EXTERNAL TIMBER PRIVACY HORIZONTAL LOUVRES LOOKING WEST AT WINDOWS W10 AND ALONG WEST EDGE OF DECK, DEMONSTRATING HOW SCREEN TIMBERS ARE ANGLED TO OBSCURE VIEWS OF NEIGHBOURING HOUSE AND GARDEN. SAME DETAIL APPLIES TO NORTH AND EAST EDGES OF PROPOSED DECK

Alterations and Additions	
2c Amethyst av. Pearl Beach LOT 2 DP 838892	
PRIVACY SCREEN DETAILS	
DA Submission	
scale	date 11/08/20 amended 29/04/21
A-11	
 SITE STUDIO 0410 710 865	

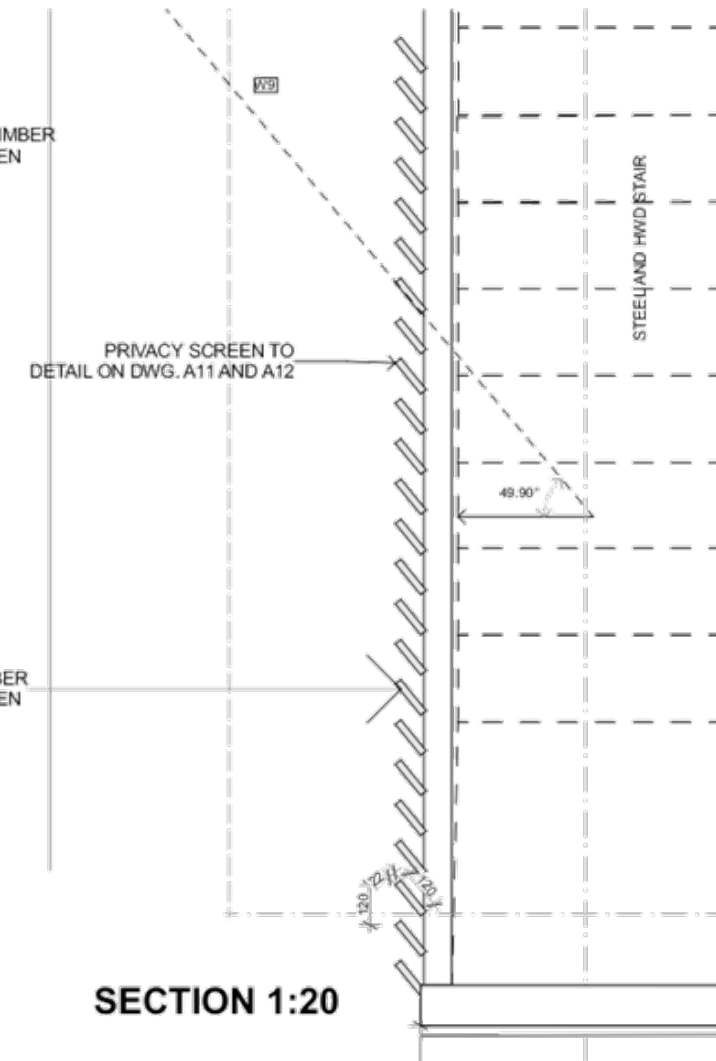
SECTION 1:100



SECTION 1:20



DETAIL OF FIXED EXTERNAL TIMBER PRIVACY VERTICAL LOUVRES ALONG LOWER SECTION OF STAIRS SHOWING DIMENSIONS AND ANGLE OF TIMBER LOUVRES TO OBSCURE ALL VIEWS OF NEIGHBOURING HOUSE AND GARDEN



Alterations and Additions


**2c Amethyst av.
Pearl Beach**
LOT 2 DP 838892

PRIVACY
SCREEN DETAILS

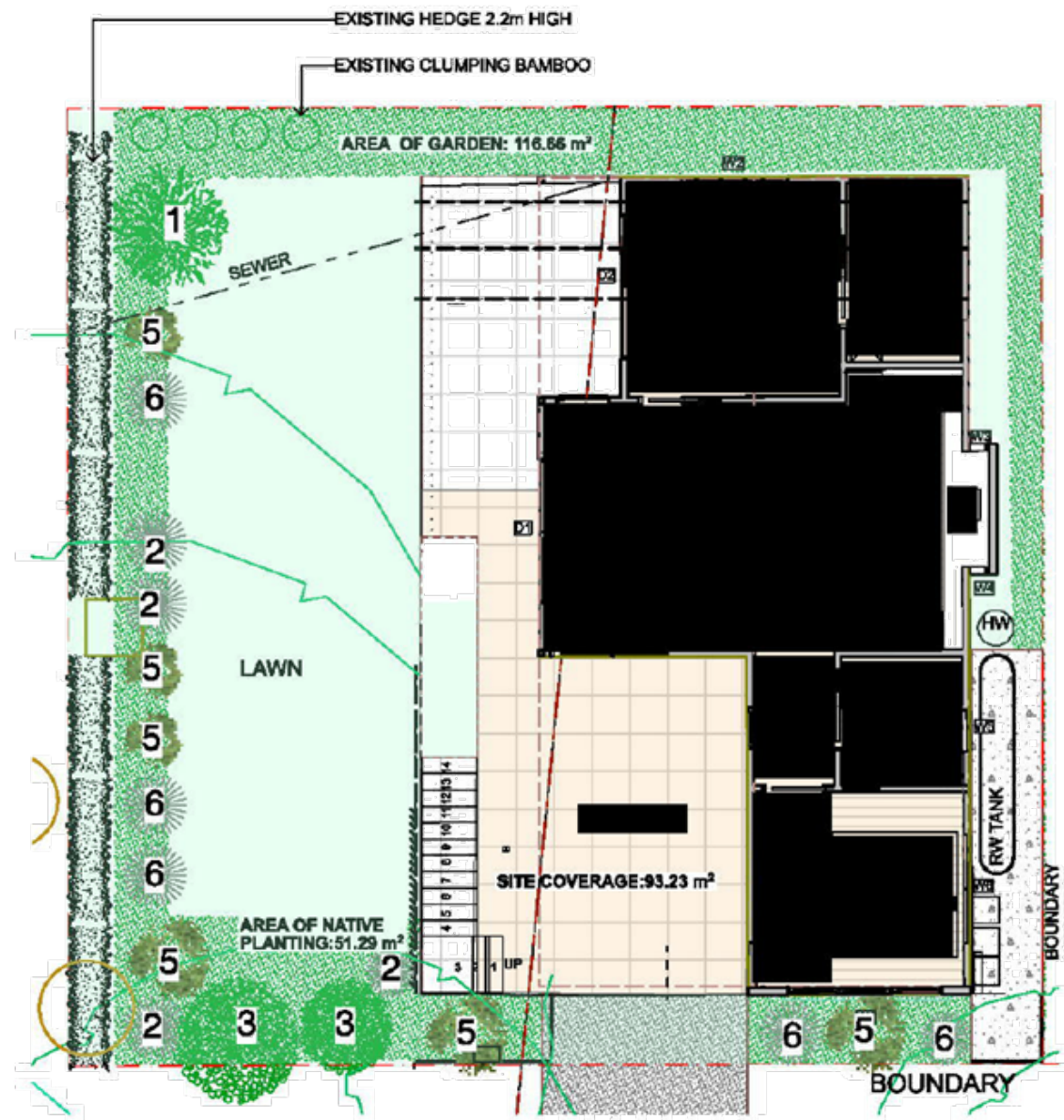
DA Submission

scale date 11/08/20
amended
29/04/21

A12



SITE STUDIO
0410 710 865



LANDSCAPE PLAN 1:100

PROPOSED NATIVE PLANTING SCHEDULE

PLAN NUMBER	NAME	POT SIZE	QUANTITY	IMAGE OF MATURE PLANT
1.	<i>Clerodendrum tomentosum</i> (Hairy Lolly Bush)	5L	2	
2.	<i>Hakea dactyloides</i> (Finger Hakea)	4L	4	
3.	<i>Leptospermum polygallifolium</i> (Lemon Scented Tea Tree)	4L	2	
4.	<i>Viola hederacea</i> (Native Violet)	0.5L	35	
5.	<i>Dianella caerulea</i> (Blue Flax Lily)	2L	10	
6.	<i>Lomandra longifolia</i> (Spiny Headed Mat Rush)	2L	6	

Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

LANDSCAPE PLAN

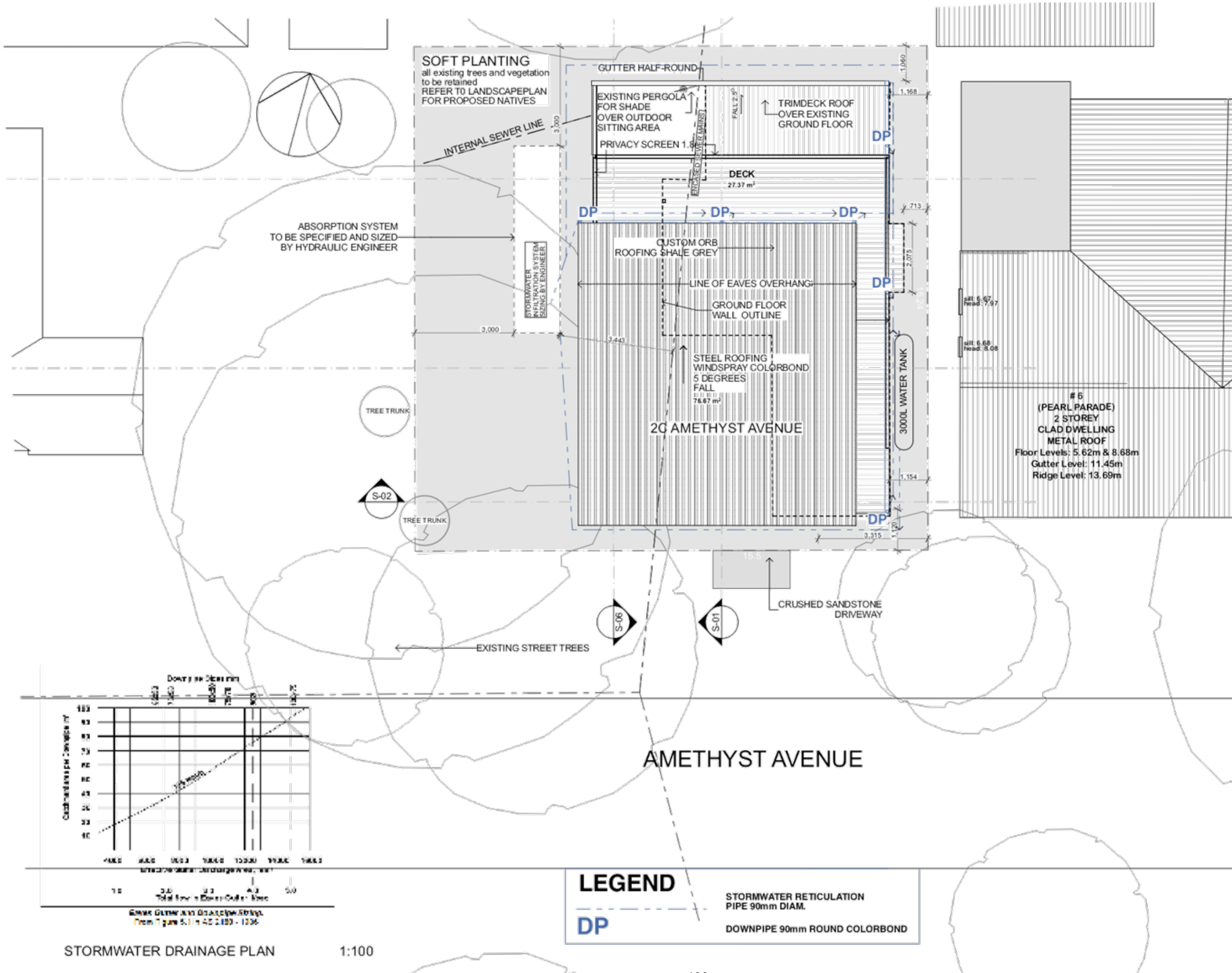
DA Submission

scale date 11/08/20
amended
29/04/21

A13



SITE STUDIO
0410 710 885



STORMWATER DRAINAGE PLAN

1:100

Alterations and Additions

2c Amethyst av.
Pearl Beach
LOT 2 DP 838892

DRAINAGE PLAN

DA Submission

scale	date 11/08/20 amended 29/04/21
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A14



SITE STUDIO
0410 710 865

BASIX[®] Certificate

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

Single Dwelling

Certificate number: 1125637S

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

Secretary

Date of issue: Monday, 10 August 2020

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary		
Project name	2C AMETHYST AV	
Street address	2C AMETHYST Avenue PEARL BEACH 2256	
Local Government Area	Central Coast Council	
Plan type and plan number	deposited 838892	
Lot no.	2	
Section no.	-	
Project type	separate dwelling house	
No. of bedrooms	3	
Project score		
Water	✓ 46	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 51	Target 50

Certificate Prepared by

Name / Company Name: Site Studio

ABN (if applicable): 63637062138

Description of project

Project address	
Project name	2C AMETHYST AV
Street address	2C AMETHYST Avenue PEARL BEACH 2256
Local Government Area	Central Coast Council
Plan type and plan number	Deposited Plan 838892
Lot no.	2
Section no.	-
Project type	
Project type	separate dwelling house
No. of bedrooms	3
Site details	
Site area (m ²)	236
Roof area (m ²)	77
Conditioned floor area (m2)	103.02
Unconditioned floor area (m2)	2.84
Total area of garden and lawn (m2)	113

Assessor details and thermal loads			
Assessor number	n/a		
Certificate number	n/a		
Climate zone	n/a		
Area adjusted cooling load (MJ/m ² .year)	n/a		
Area adjusted heating load (MJ/m ² .year)	n/a		
Project score			
Water	✓ 46	Target 40	
Thermal Comfort	✓ Pass	Target Pass	
Energy	✓ 51	Target 50	

Schedule of BASIX commitments

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

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 51.29 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 5 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 72 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to: <ul style="list-style-type: none"> all toilets in the development at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.) 		✓ ✓	✓ ✓

Thermal Comfort Commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
General features				
The dwelling must not have more than 2 storeys.		✓	✓	✓
The conditioned floor area of the dwelling must not exceed 300 square metres.		✓	✓	✓
The dwelling must not contain open mezzanine area exceeding 25 square metres.		✓	✓	✓
The dwelling must not contain third level habitable attic room.		✓	✓	✓
Floor, walls and ceiling/roof				
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.		✓	✓	✓
Construction	Additional insulation required (R-Value)	Other specifications		
floor - concrete slab on ground, 62.76 square metres	nil			
floor - above habitable rooms or mezzanine, 43.1 square metres, framed	nil			
external wall - framed (weatherboard, fibre cement, metal clad)	3.00 (or 3.40 including construction)			
ceiling and roof - raked ceiling / pitched or skillion roof, framed	ceiling: 4.5 (up), roof: foil backed blanket (100 mm)	framed; medium (solar absorptance 0.475-0.70)		
Note	• Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.			
Note	• In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.			

Thermal Comfort Commitments				Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Windows, glazed doors and skylights						
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.				✓	✓	✓
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.				✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:				✓	✓	✓
<ul style="list-style-type: none"> For the following glass and frame types, the certifier check can be performed by visual inspection. <ul style="list-style-type: none"> Aluminium single clear Aluminium double (air) clear Timber/uPVC/fibreglass single clear Timber/uPVC/fibreglass double (air) clear Overshadowing buildings/vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column. 				✓	✓	✓
Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing	
North facing						
W3	1050	200	timber/UPVC/fibreglass, single, clear	none	>4 m high, 2-5 m away	
D4	2050	3500	timber/UPVC/fibreglass, single, clear	eave 690 mm, 600 mm above head of window or glazed door	>4 m high, 2-5 m away	
W2	510	1570	timber/UPVC/fibreglass, single, clear	none	>4 m high, 2-5 m away	
East facing						
W5	560	600	timber/UPVC/fibreglass, single, clear	none	>4 m high, <2 m away	
D6	2050	1400	timber/UPVC/fibreglass, single, clear	solid overhang 1100 mm, 189 mm above head of window or glazed door	2-4 m high, 2 m away	

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
D5	2050	2100	timber/UPVC/fibreglass, single, clear	solid overhang 1100 mm, 600 mm above head of window or glazed door	1-2 m high, <1.5 m away
W6	470	1700	timber/UPVC/fibreglass, single, clear	none	>4 m high, <2 m away
D7	2050	1450	timber/UPVC/fibreglass, single, clear	solid overhang 1100 mm, 66 mm above head of window or glazed door	1-2 m high, <1.5 m away
South facing					
W1	1160	2250	timber/UPVC/fibreglass, single, clear	none	>4 m high, <2 m away
W8	1200	3300	timber/UPVC/fibreglass, single, clear	eave 440 mm, 100 mm above head of window or glazed door	2-4 m high, 2 m away
W7	570	820	timber/UPVC/fibreglass, single, clear	eave 1828 mm, 100 mm above head of window or glazed door	2-4 m high, 2 m away
West facing					
D2	2050	2260	timber/UPVC/fibreglass, single, clear	solid overhang 2152 mm, 1040 mm above head of window or glazed door	>4 m high, 2-5 m away
W10	1200	2460	timber/UPVC/fibreglass, single, clear	eave 583 mm, 560 mm above head of window or glazed door	>4 m high, 2-5 m away
D1	2050	2260	timber/UPVC/fibreglass, single, clear	solid overhang 3351 mm, 620 mm above head of window or glazed door	>4 m high, 2-5 m away
W9	600	3700	timber/UPVC/fibreglass, single, clear	eave 580 mm, 200 mm above head of window or glazed door	>4 m high, 2-5 m away

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 5.5 Star (old label)		✓	✓
The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: wood heater; Energy rating: n/a		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 5.5 Star (old label)		✓	✓
The wood heater must have a compliance plate confirming that it complies with the relevant Australian standards, and must be installed in accordance with the requirements of all applicable regulatory authorities.			✓
Ventilation			
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: no mechanical ventilation (ie. natural); Operation control: n/a		✓	✓
Kitchen: individual fan, ducted to façade or roof; Operation control: manual on / timer off		✓	✓
Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps: <ul style="list-style-type: none"> at least 3 of the bedrooms / study; dedicated at least 2 of the living / dining rooms; dedicated 		✓ ✓	✓ ✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none"> the kitchen; dedicated 		✓	✓
<ul style="list-style-type: none"> all bathrooms/toilets; dedicated 		✓	✓
<ul style="list-style-type: none"> the laundry; dedicated 		✓	✓
<ul style="list-style-type: none"> all hallways; dedicated 		✓	✓
Other			
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.		✓	

Legend

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a ✓ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a ✓ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a ✓ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.



Appendix A: Waste Management Plan Template

Information on this form is collected by council for administrative and assessment purposes. It will be used by council staff and other government agencies for the purpose of assessing the application and will be made available for public access. To protect the applicant and the owner(s) privacy, personal details are recorded only on the Part B - Application Detail and Owner(s) Consent form which is not published. It is the applicant's responsibility to ensure other documents do not contain any personal or financial information.



Address of development: 2C AMETHYST AV.

PEARL BEACH

Existing buildings and other structures currently on the site: SINGLE STOREY SINGLE DWELLING (2 BEDROOMS)

Description of proposed development: FIRST FLOOR ADDITIONS

This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, OEH or WorkCover NSW.

Prepared By (in Block Letters): SITE STUDIO

Date: 11 MAY 2020

Waste Management Plan Template - Appendix A

Part 7: General Controls - Chapter 7.2 - Waste Management

2C AMETHYST AVENUE Pearl Beach

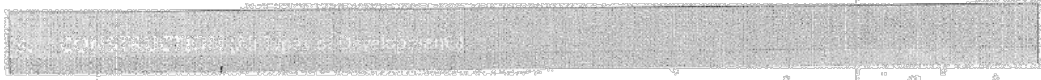
Address of development: 2, AMETHYST AV.

Refer to Section 7.2.13 of the DCP for objectives regarding demolition waste.

most favourable ← least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m ³) or Weight (t)	Estimate Volume (m ³) or Weight (t)	Estimate Volume (m ³) or Weight (t)	Specify method of on-site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material	0.01			CLEAN FILL TO LOCAL BUILDING SITE
Timber (specify)	0.02			Woy Woy TIP
Concrete	N/A			
Bricks/pavers	N/A			
Tiles	0.02			Woy Woy TIP
Metal (specify)	N/A			
Glass	N/A			
Furniture	N/A			
Fixtures and fittings	N/A			
Floor coverings	N/A			
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste	0.01			Woy Woy TIP
Hazardous/special waste (e.g. asbestos) (specify)				
Other (specify)				

Part 7. General Controls - Chapter 7.2 - Waste Management



Address of development: 2c AMETHYS AV PEARL BEACH

Refer to Section 7.2.14 of the DCP for objectives regarding construction

most favourable ← least favourable

Type of waste generated	Estimate: Volume (m ³) or Weight (t)	Estimate: Volume (m ³) or Weight (t)	Estimate: Volume (m ³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material	0.01	0.01		CLEAN FILL TO LOCAL BUILDING SITE
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)	0.01			Reuse in landscape
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard			0.01	
Residual waste			0.03	Woy Woy TIP
Hazardous/special waste (specify)				

Part 7: General Controls - Chapter 7.2: Waste Management

2. DEVELOPER OPERATION (Residential, Multi-unit, Commercial, Mixed Use and Industrial)

Address of development: 2, AMETHYST AV. PEARL BEACH

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostables	General waste	
	Paper/ Plastic	Metals/ Glass/Wood			
Amount generated (L per unit per day)	1L	1L	2L	0.5L	
Amount generated (L per development per week)	7L	7L	10L	4L	
Any reduction due to compacting equipment					
Frequency of collections (per week)	1	1			
Number and size of storage bins required	1		1	1	
Floor area required for storage bins (m ²)	0.5		0.5	0.5	
Floor area required for manoeuvrability (m ²)	0.5		0.5	0.5	
Height required for manoeuvrability (m)	1m		1m	1m	

Current "non-recyclables" waste generation rates typically include food waste that might be further separated for composting.

Part 7: General Controls - Chapter 7.2 - Waste Management

7.2.14 WASTE AVOIDANCE (All types of developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section 7.2.14 of the DCP)

Materials

The lightweight structural components will be delivered to site pre-cut and ready to assemble this reducing all off-cuts and waste. Minimal excavation for precast footings (8) minimises disturbance and excess soil.

Lifecycle

The hand wearing silicenced FC sheeking reduces the need to repaint as well as pollution from weathering oiled Hardwood class 4 also reduces paint wear and maintenance close to the ocean.

7.2.15 DOMESTIC WASTE COLLECTION (All types of developments)

Domestic waste collected weekly by council.

Part 7: General Controls - Chapter 7.2 - Waste Management

7.2.15 WASTE STORAGE (All documents)

The following checklists are designed to help ensure WMP are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation

Demolition

Refer to Section 7.2.13 of the chapter for specific objectives and measures.
Do the site plans detail/indicate?

Size and location(s) of waste storage area(s)	✓
Access for waste collection vehicles	✓
Areas to be excavated	N/A
Types and numbers of storage bins likely to be required	✓
Signage required to facilitate correct use of storage facilities	N/A

Construction

Refer to Section 7.2.15 - 7.2.19 of the chapter for specific objectives and measures.
Do the site plans detail/indicate?

Size and location(s) of waste storage area(s)	✓
Access for waste collection vehicles	✓
Areas to be excavated	N/A
Types and numbers of storage bins likely to be required	N/A
Signage required to facilitate correct use of storage facilities	N/A

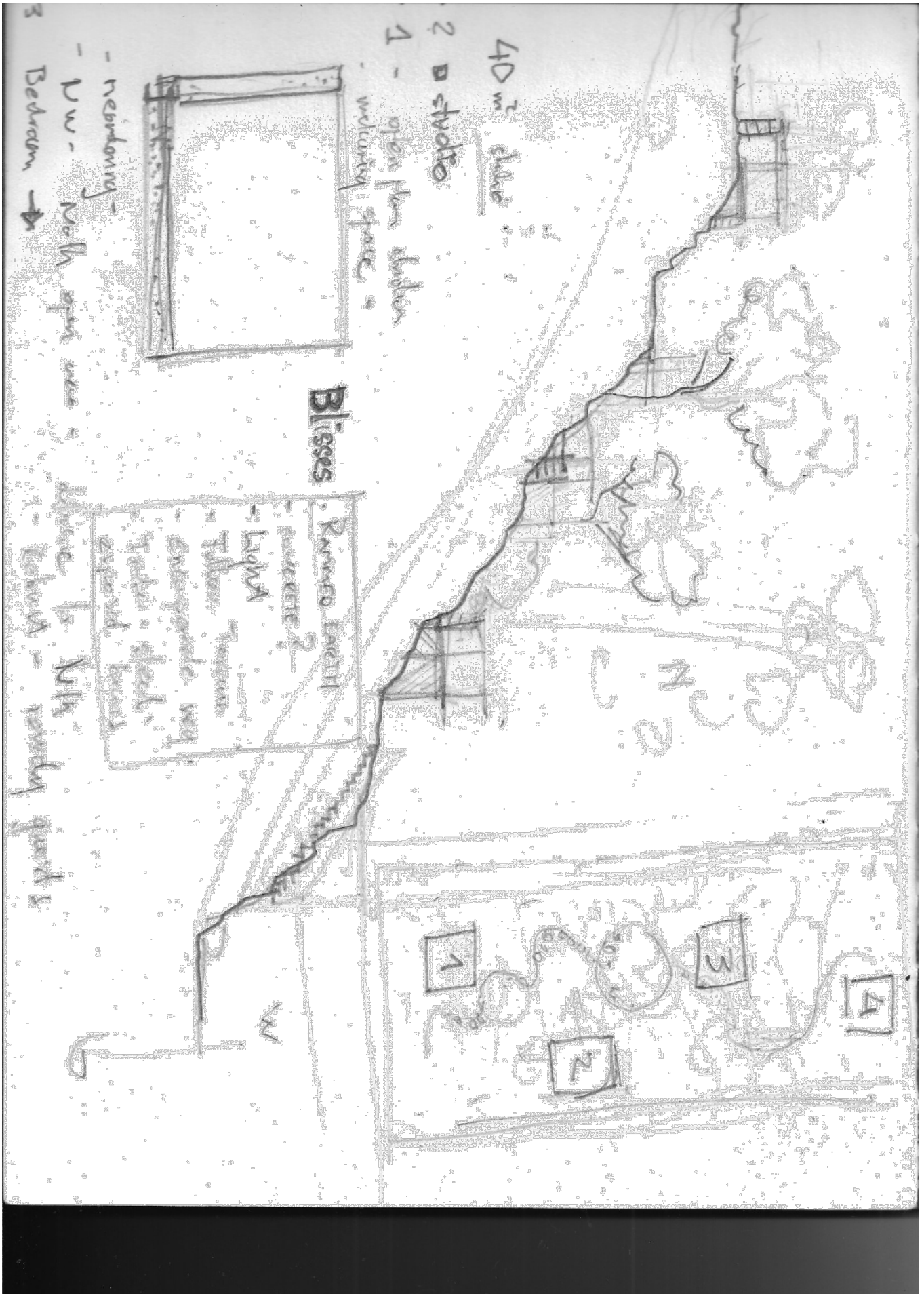
Part 7: General Controls - Chapter 7.2 - Waste Management

Ongoing Operation

Refer to Section 7.2.15 - 7.2.19 of the chapter for specific objectives and measures.

Do the site plans detail indicate?

Space	
Size and location(s) of waste storage areas	✓
Recycling bins placed next to residual waste bins	✓
Space provided for access to and the manoeuvring of bins/equipment	✓
Any additional facilities	N/A
Access	
Access route(s) to deposit waste in storage room/area	N/A
Access route(s) to collect waste from storage room/area	✓
Bin carting grade not to exceed 10% and travel distance not greater than 100m in length	✓
Location of final collection point	✓
Clearance, geometric design and strength of internal access driveways and roads	✓
Direction of traffic flow for internal access driveways and roads	N/A
Amenity	
Aesthetic design of waste storage areas, including being compatible with the main building/s and adequately screened and visually unobtrusive from the street	✓
Signage - type and location	N/A
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions, cross & longitudinal section showing clear internal dimensions between engaged piers and other obstructions, etc)	N/A





Site Studio

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Statement of Environmental Effects

NEW DWELLING ALTERATIONS AND ADDITIONS KEEPING EXISTING GROUND FLOOR COTTAGE IN ITS CURRENT FORM

2c Amethyst Avenue Pearl Beach NSW 2256

LOT: 891 DP: 551423



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SUMMARY

A. Compliance Table

The following table is a summary assessment of the development proposal in accordance with the relevant numerical planning controls contained in GOSFORD LEP 2012 and GOSFORD DCP 2012.

INSTRUMENT	PROPOSED	STANDARD	COMPLIANCE
Gosford LEP 2014			
Zoning R2 Low Density Residential	first floor additions to single dwelling		yes
Site Area:	236.2sqm		
Floor Space Ratio	0.448	0.5	yes
Building Height	7.7m	8.5m	yes
Total GFA	105.86sqm	106.29sqm	yes
Gosford DCP 2013 cl5.10 Pearl Beach Residential Dev.			
Site Area:	236.2sqm		
Total GFA	105.86sqm	94.48sqm	exceeds by 11.38sqm
Floor Space Ratio	0.448	0.4	no- exceeds by 0.048
Building Height	7.7m	8.5m	yes
5.10.5 Protection of natural vegetation	refer to statement and plans		yes
5.10.6 Tree Cover	refer to statement and plans		yes
5.10.7 Site Development	refer to statement and plans		yes
5.10.8 Streetscape	refer to statement and plans		yes
5.10.9 Building Set-backs and Building Lines	3.315m confirmed on plans	1m+quarter of additional height over 3.8 required side setback above 3.8m $1+(3.94/4)= 1.985m$	yes
5.10.11 External Materials, Colours and Finishes	refer to statement and plans		yes

5.10.12 Privacy	refer to statement and plans		yes
5.10.14 Solar Access	refer to statement and plans		yes
5.10.15 Noise	refer to statement and plans		yes
5.10.16 Construction Controls	refer to statement and plans		yes
5.10.17 Landscaping and Stormwater	Endemic species and stormwater onsite infiltration system	Endemic landscape plan provided, infiltration stormwater system proposed	yes
5.10.19 Car Parking	off street car parking will not take priority over other provisions of the Pearl Beach DCP	Existing Single off street carpark provided	yes
5.10.20 Supplementary provisions N/A			n/a
Gosford DCP 2013 part 4 AND specific controls for Pearl Beach cl 5.10			
Private Open Space	151.55sqm	118.1 (50% of total site area)	yes
Site Coverage	88.84sqm (37.6% of site area)	94.48sqm (40% of total site area required by Pearl Beach controls in cl5.10) 141.72sqm (60% of total site area required by Gosford DCP part 3.1.2.2)	yes

B. Key features of the proposal

The proposed are additions to the existing Single Dwelling retaining the extents of the existing ground floor cottage in its entirety. The added area is 43.10 sqm compared with the existing 62.76. As such, and considering previous Land and Environment rulings, the proposal is to be classified as a new dwelling incorporating the existing ground floor structure in its current form. The wholistic design approach aims to reduce waste and to ultimately provide an aesthetically much improved and more appropriate presentation to the street and neighbourhood of Pearl Beach. The proposal comprises of the following:

- Ground floor internal reconfiguration of existing bedroom 2 and relocating existing ensuite to allow a new bigger window from the bedroom to the South/front facade. This improves the appearance to the street which currently displays narrow bathroom windows.
- Relocating the existing laundry which is only accessible from bedroom 1 to the new ground floor space near bedroom 2 so that it can be accessible from the corridor
- The existing carport is to be retained to ensure that parking or car access does not affect any existing adjacent trees
- Addition of a first floor area of 43.10 containing a master bedroom with ensuite , a study for working at home, a wet bar for making tea and coffee and a traditional wrap around deck
- The new deck will be screened on all sides by a living green privacy screen on a fixed slats to 1.8m high. This will ensure privacy with regard to adjacent neighbouring properties, achieving an informal softening of the proposed building from all sides.
- External access stairs to the first floor are a design feature which treats the two levels as separate pavilions of the same house , as an interpretation of the desired character statement encouraging articulation of forms and with respect to an outdoors way of life that the owner occupier would like to enjoy in Pearl Beach.
- Western elevation features a greyed hardwood slatted privacy and shading screen. This ensures privacy with regard to neighbouring properties from both the stair access and the new upstairs study and bedroom. The screen also adds to the local architectural aesthetic
- Local endemic planting has been proposed as per the attached landscape plan in keeping with the Pearl Beach DCP.

The renovated house is intended to cater for the owner occupier, who is working from home.

1. Description of the proposal

The property at 2c Amethyst street in Pearl Beach is identified as LOT 2 in DP 838892. The allotment is zoned R2 LOW DENSITY RESIDENTIAL. The Site area is 236 sqm with a 15.46m long frontage. The area that can be added to comply with the maximum FSR of 0.4 as per cl 5.2 of the Pearl Beach Residential DCP is 31.72sqm. The proposed added area is 43.10 sqm which brings the total FSR to 0.448.

Justification has been submitted at the end of this proposal to show that the small area of 11.38sqm by which the proposal exceeds the allowable is necessary for the amenity of the dwelling as a whole, to cater for the owner-occupier working from home in semi retirement while also catering for family visiting and staying at the house for extended periods of time.

All existing significant vegetation and trees are proposed to be retained and a comprehensive endemic selection of plants is proposed as shown on the enclosed landscape plan.

The house has four immediate neighbours, of which only the Eastern neighbour is relatively close. The houses to the West and rear(North) are 12 and 16m away from the subject house with the area directly to the North being the large garden. There is a large two storey house immediately to the East, and the proposed first floor additions are nestled behind this two storey, the blank wall of that building on the second floor has no windows and therefore no potential for privacy issues to arise. The fourth neighbour does not share a boundary with the property at 2c Amethyst but is close to the Eastern corner - this structure is an out-house cottage and not the main dwelling.

The property is on the edge of the woodland bungalows and village centre character classification under the Gosford DCP 2013 and as such it has been designed to be of lightweight materials with a beach bungalow appearance, strong articulation of form and a simple skillion roof, clad with painted fibre cement with expressed vertical hardwood battens using traditional oiled timber and roof edge detailing which blend into the neighbourhood and is appropriate so close to Pearl Beach.

This report shows how the proposed architectural design fits into the natural and built landscape and how it dimensionally and conceptually complies with the current Central Coast Council's planning instruments namely the Gosford DCP 2013, in particular the Clause 5.1 Pearl Beach Residential Development Guidelines as well as the Gosford LEP 2014.

Please refer to Architectural Plans submitted by Site Studio

2.NSW Planning Considerations
Gosford City Council LEP 2014

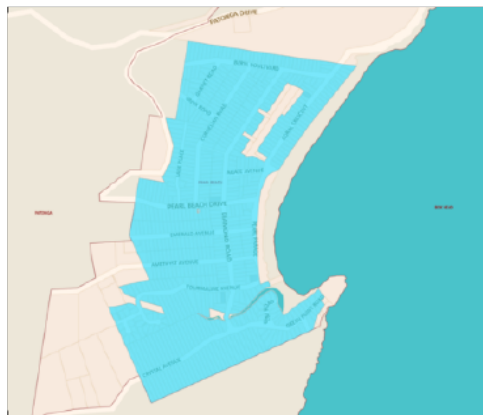


Under the Gosford Local Environmental Plan (LEP) 2014, Land Zoning Mapping above the subject land is classified as R2 Low Density Residential.

The corresponding Land Use Table for Zone R2 Low Density Residential, indicates the proposed Principal Dwelling is 'Permitted with Consent'.

The proposed development is therefore allowable and encouraged within the given zoning . The proposed alterations and additions comply with the GCC LEP. The Relevant compliance figures are shown below:

Permitted Floor Space Ratio
Gosford LEP and Gosford DCP 5.1 Pearl Beach Residential Development.



—	LEP Gosford
—	2014 - Floor Space Ratio
■	D - 0.5

According to the above Floor Space Ratio Map the FSR classification is 0.5

The area of the subject allotment is 236.2sqm, which means that the total Gross Floor area according to the LEP stipulation of an FSR 0.5, is 118.10sqm allowable. The existing two bedroom cottage is only 62.76sqm, therefore, by calculation, 55.34sqm can be added in keeping with the Gosford Local Environment Plan 2014. The proposed addition of 43.10sqm is well below the LEP requirement with a calculated FSR of 0.448.

However, the provisions in the DCP for Pearl Beach Residential Development require a reduced 0.4 FSR. The area that is allowed to be added to the existing 62.76 sqm, with consideration to the maximum FSR of 0.4 stipulated in cl 5.2 of the Pearl Beach Residential DCP is 31.72 sqm. The proposed added area is 43.10 sqm which brings the total FSR to 0.448. This exceeds the required total gross floor area by 13.34 sqm and the FSR is 0.048 more than required.

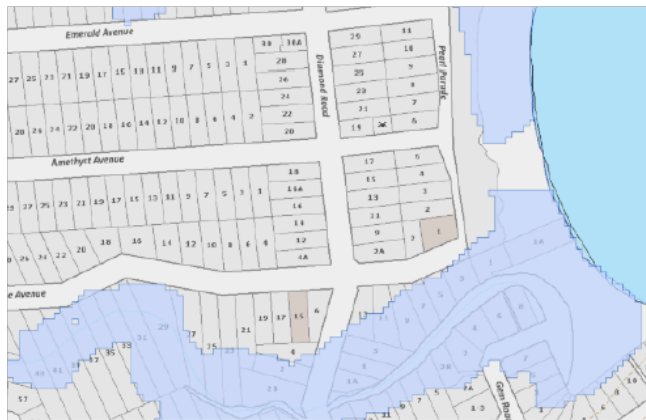
The justification for this is based on compliance with the objectives of the Pearl Beach DCP 5.1, namely compliance with site coverage provisions, maintaining the prominence of foliage and vegetation, compliance with character statement for the locality and taking into account the small size of the subject allotment. The detailed justification for exceeding the requirements for FSR as per clause 5.1 Pearl Beach Residential development is discussed in more detail in the last section of this document.

Heritage

The property is not heritage listed, near a heritage item nor is it in a heritage conservation area,

Flooding

Flood affected properties from Gosford Electronic Mapping System



The property is not affected by 100yr flooding, surge flooding or watchmen flooding as identified on the Gosford Electronic Mapping System above.

Bushfire



The property is not within bushfire hazard zoning and a bushfire report is not required

3. Local Council requirements Gosford DCP 2013

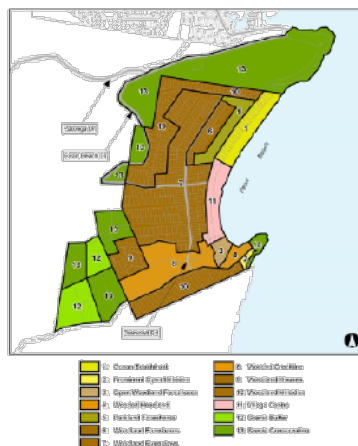
3.1 Scenic Quality and Character (CL. 5.1 PEARL BEACH & Part 2 of the GDCP 2013)

To encourage development which is in character with the surrounding area and which is sympathetic to the streetscape and locality in which it is proposed.

Under the relevant Character Statement, the property at 2c Amethyst falls within the classification of no 7 WOODLAND BUNGALOWS as described below:

Pearl Beach 7: Woodland Bungalows - Desired

Pearl Beach



Proposed Character

The siting of the proposal maximises and maintains existing generous separation between its closest residential neighbours, and in doing so preserves all the trees and vegetation on the site. The site coverage is not increased. Existing trees that are visually-prominent features of the local streetscape will be conserved on the property and in front of the property in the reserve. The proposal will use very low impact construction methods, with no excavation, filling or retaining walls proposed. The informal quality of the verbless street, flanked by shady trees will be maintained and celebrated.

The unique location and setback of the existing bungalow is maintained, being the first house behind zone 11 - town centre. In this case the subject house is already rather close the large two storey building next door - however careful consideration has been given to articulating the facade to create solids and voids, with a large cantilever to the garden. The house has been deliberately kept as far as possible from the neighbours to the rear (North) and west, by proposing the additions on top of the existing cottage and adjacent to the steel blank wall of the neighbouring property. This creates even more separation in the Woodland Bungalow zone the proposal is in.

The new additions and alterations reflect the modest scale and simple articulation of traditional early-to-mid Twentieth Century cottages and bungalows. The roof is a skillion without elaborate articulation, gently-pitched to minimise the height of ridges, and flanked by wide eaves to disguise the scale and bulk of exterior walls. Exposed hardwood rafters and slender vertical battens at the joins of the fibre cement com-

plete the lightweight structure and give it an elegant yet simple appearance. The articulation of the forms create separation of the different components and functions of the house, with the wrap around decks reducing the bulk on the proposed elevations. The facade is not taller or longer than the adjacent building and the outdoor areas surrounding the building create voids and separation where increased setbacks are required. Timber slatted screening that is see-through is used to create the desired balance between connection to the street and privacy. The existing off street parking in the front is to be retained and enhanced with slatted screening to the west and above headlight to the street.

In order to complement the scale and design character of traditional bungalows, the facade is of "light-weight appearance" as recommended in the character statement. As the building is close to and visible from the street, large windows are incorporated with timber-framed verandahs, painted and oiled timber finishes as well as the use of both some sheet and board cladding is used in the exterior finishes of the house. A traditional "street address" is provided with the new ground floor verandah facing the street and visible from the road to encourage good traditional neighbourly relations and interactions, as well as security for the street.

A semi transparent timber slatted fence will be maintained with native plants as existing. The upper floor terrace will be screened to ensure the privacy in both directions, by the proposed installation of a vegetated privacy screen to the North (rear) and a similar one to the East.

As described the proposed character of the design closely resembles the desired character statement in the Gosford DCP 2014.

4. SPECIFIC CONTROLS AND DEVELOPMENT REQUIREMENTS

GDCP 2013

Pearl Beach Residential Development (PART 5.10 GDCP)

Protection of Natural Vegetation and Fauna (cl. 5.10.5 GDCP 2013)

All existing vegetation on the site will be maintained. Weeds and introduced species will be replaced by native, endemic vegetation only.

The location of the site is not near the endangered Koala habitat and no Grey Gum will be affected.

Tree Cover (cl. 5.10.6)

All existing trees are to be maintained on and around the site

Site Development (cl. 5.10.7 GDCP 2013)

Prominence is given to natural environment A significant portion of the site is retained for landscaping - the proposal is located on top of the existing house so the footprint on the site is not being increased by the proposal.

Site Coverage

The glossary of the Gosford DCP defines **site coverage** as the proportion of a site area covered by buildings.

However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Objectives:

- To maintain the natural character of the locality by reserving a significant portion of the site for landscaping. Prominence to be given to the natural environment over the built environment
- To minimise intrusion of buildings into the landscape by distributing landscaped areas in such a way as to screen and break up the bulk of the buildings. Take account of appearance from the street, from surrounding properties, public places and surrounding National Park
- To retain sufficient un surfaced area for site absorption of rain water to minimise the effect of run-off on neighbouring properties, on the creek systems and ultimately on the frontal dune and the beach itself

The total proposed site coverage of the minor ground floor alterations, first floor additions and first floor deck do not alter the existing site coverage. Unenclosed awnings and balconies are not included in the calculation, while the existing carport to be retained is included. It is proposed to replace the existing hard paving to the west of the house and carport with permeable paving to further increase potential for rainwater absorption and reduce stormwater runoff.

The total existing and proposed site coverage is 93.23sqm

The requirements for site coverage applicable to a lot in Pearl Beach is 40% regardless of site area. Since the subject property is 236.2sq in area. According to the regulations, 40% or 94.48sqm of the lot is allowed to be covered. The proposal just well within the site coverage requirements with **93.23sqm** total coverage , or 37.4% of the total site area. The area included in the calculation includes all of the area directly below the proposed first floor and deck, and excludes the area under the external stair, behind the screen on the premise that this area will still receive ample sunshine and exposure to rain, especially given that the screen louvres are angled up and do not block sun and rain from entering.

Private Open Space

Clause 5.10.7 (b) calls for 50% of the site to be open space areas, in this case this figure is required to be 118.1sqm. This is achieved in the proposal , with 112.21sqm of private open space on the ground floor alone, not including the upper deck. Including the deck of 39.34sqm the total proposed private open space adds up to 151.55sqm.

The proposal demonstrates that the existing Private Open Space Areas are maintained on the ground floor , as well as adding space on the first floor which has an office space with direct access to an outdoor private deck, screened from neighbours with a green privacy screen

Building Height

NOTE: no specific height controls are stipulated in cl. 5.1 Pearl Beach Residential Development so Cl.3.4.6 GDCP 2013 and LEP mapping height restrictions apply.



2014 - Height of Building (m)	
	A - 0
	I - 8.5
	J - 9

All proposed development is required to be under the 8.5 m height, stipulated in the LEP height map above. The top of the roof of the proposed first floor additions are 7.7m from natural ground, therefore well below the required maximum height. The proposed additions comply with the height requirements.

Furthermore, clause 3.1.2.1 of the Gosford Council DCP 2014, refers the above requirements of the LEP to determine the maximum height of the building. The additions comply with both planning instruments.

**Building Setbacks and Building Lines
(cl. 5.10.9 GDCP 2013)**

Front, side and rear boundary setbacks:

Objectives

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore*
- *To ensure the visual focus of a development is the dwelling, not the garage*
- *To protect the views, privacy and solar access of adjacent properties*
- *To maintain view corridors to coastal foreshores and other desirable outlooks*
- *To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography*
- *To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping*
- *To provide appropriate articulation of facades and horizontal elements , to reduce the appearance of bulk and provide visual interest to the building and subsequent streetscape where they face a street frontage*

Front Setback

The requirement for front setback for residential development in Pearl Beach is 6m from the front boundary, however the existing house already has a front setback of 1.116m, which is consistent with the adjacent neighbouring property to the East. The Eastern neighbour has a main entry and windows to the street and is set back only 954mm on both the ground and first floor. Furthermore, the entry awning of the neighbour is on the front boundary.

The proposed first floor additions are above the existing house which has an existing front set back of 1120mm . The two volumes presenting to Amethyst street of the proposed first floor additions are set back **3.068m** and **1.120m** from the front boundary, thus creating good and desired articulation of the upper floor street facade. The shorter distance maintains the retained existing ground floor front setback, and is still further set back than the neighbouring house which is set back 0.954m from the front boundary. The proposed front setback should be considered on its merits as it is compatible with adjacent development, which is a two storey building with a vertical two storey facade to Amethyst street. The generous proposed side setback of **3,315m** should also be taken into account as a positive contribution increasing the existing apparent space between the two adjacent houses. Therefore proposed first floor additions are designed to be set back further than the adjacent house and further back than the existing house. As such the proposal complies with the following objectives:

- 1.It creates facade articulation and makes the upper additions recede into the background retaining visual focus on the existing vegetation and dwelling.
- 2.It has no adverse impact on views, privacy and solar access of any adjacent properties.

- 3.The siting of the upper floor additions behind the tall blank wall of the Eastern two storey neighbour, ensures that visual corridors from any possible future developments to the west will maintain a desirable outlook.

- 4.The siting directly on top of the existing cottage also reduces impact on deep soil areas on the site, maintains all trees on the site as well as maintaining appropriate articulation, reducing bulk and providing a stimulating and fitting contribution to the street-scape.
5. Photograph below shows that the proposed building additions are set back and will not be visible behind the Eastern neighbour where the street facade is on the front boundary.



Rear Rear Setback

Applicable requirements for residential development in Pearl Beach as per cl 5.10.9 is 6m. The general requirements in part 4 of the DCP are as follows:

- For any part of the building with a height of up to 4.5m-0.9 m for 50% of the length of the rear boundary otherwise 3m
- For any part of the building with a height greater than 4.5m – 6m

The Rear setback of the existing ground floor cottage is **1.106m**. The existing cottage is to be retained in its current location. All proposed additions that are below 4.5m in height including the structural columns, decking and privacy screen on the deck are set back **2,354m** from the rear, leaving a 2.6m wide deck proposed. This ensures a neatly presented junction of the upper deck, supported in line with the roof of the existing house below, which will be enclosed visually but still used functionally to drain stormwater off the deck, thus alleviating the need for additional cost and material for waterproofing and allowing the new deck to maintain the traditional hardwood materiality with good air circulation. A 1.8m high living Privacy Screen is proposed to address any issues of overlooking to the rear and the sides. The screen has been detailed to show its function on plans A11 and A12. The siting of the proposed additions do not impact shading the neighbours in any way as demonstrated by the shadow diagrams. The proposed first floor additions internal space are set back **6m**, which respect to the required 6m, and as such complies with cl 5.10.9 requirement.

Side Setback

Side setbacks in Pearl Beach must be primarily determined by Section 5.10.9 of the Pearl Beach DCP, Principal Development Standards as follows:

1. A dwelling house with a building height of up to 3.8m and any carport, garage balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the following:
 - 2.. 1m, if the lot has an area of at least 450m² but less than 900m²,
 3. 1.5m, if the lot has an area of at least 900m² but less than 1500m²,
 4. 2.5m, if the lot has an area of at least 1500m².
5. A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary of at least the sum of:
 6. The amount of the setback specified for the relevant sized lot in sub-clause 5.10.9b(iii) and
 7. An amount that is equal to one-quarter of the additional building height above 3.8m.

However the above controls do not cater for allotments smaller than 450sqm in area. There are no specific controls for side setback on allotments smaller than 450sqm in the DCP 5.1 Pearl Beach Residential Development therefore the side setback as per chapter 3.1, clause 3.1.3.1c, Figure 4:

- (i) all lots greater than 12.5m wide at the building line
 - for any part of the building with a height of up to 4.5m—0.9m, and
 - for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5

The length of the front boundary is 15.485m. The attached plans show that the side setbacks are within the above requirements.

The following are calculations for the required setback with reference to each set of regulations:

GDCP Pearl Beach for allotments above 450sqm (this is not entirely applicable as the size of the allotment is under 450sqm) :

At the rear (NE) corner: $1000+(1/4 \times 3133) = 1783.25\text{m}$

At the front (SE) corner: $1000+(1/4 \times 3940) = 1985\text{m}$

GDCP Part 3: Residential Setback provisions as per chapter 3.1, clause 3.1.3.1c, Figure 4:

At the rear (NE) corner: $900+(1/4 \times 2422) = 1505.5\text{m}$
 At the front (SE) corner: $900+(1/4 \times 3240) = 1710\text{m}$

The side setback of the ground floor remains unchanged for the retained existing cottage.

The side boundary setback of the new exterior walls on the first floor comply with the Pearl beach calculation as demonstrated on the plans:

Front (SE) corner is set back further at **4.831m from the East boundary.**

The rest of the East facing external wall on the first floor is **3,315 from the eastern boundary.** These setbacks are almost double that required.

Decking which is under 4.5m above natural ground is **1.154 m** from the Eastern side boundary.

Please refer to drawings A04 and A06.

Given the small size of the block, an encroachment to the 1m setback by 287mm is proposed for a length of 2075m at window sill level on the ground floor to improve the kitchen amenity and natural ventilation. The setback here of 713mm requiring a 60/60/60FRL wall, however access is still maintained around the building and no additional floor space is added because the minor widening (287mm) occurs above 1.2m high from finished floor level. This wall will not have any adverse effect the neighbour as it does not change the existing glazed kink at the window sill level in the same location.

As stated above and demonstrated in the plans, the first floor additions side setbacks comply and as such the additions will not have any adverse impact on the surrounding built and natural environment.

Building Styles

(cl 5.10.10)

The proposal is consistent with the scale and character of development in Pearl beach, streetscape amenity and uses the recommended sympathetic standard of building design. The proposed building is broken up to articulate and reduce the size of individual volumes presenting to the street. Verandahs and decks are also used to reduce building bulk and contribute to the character of the Pearl Beach Vernacular. This is discussed in more detail in the part addressing local Pearl Beach character in part 3 above.

Sympathetic Development

(cl 5.10.10.1)

The proposed additions are in keeping with the streetscape and do not cause any loss of heritage or environmental amenity. Privacy and sunlight to neighbouring properties is respected and remains unaffected. Furthermore, view corridors and scale of existing buildings in the street are respected.

External Materials, Colours, Finishes

(cl. 5.10.11)

The specified external colours and finishes have been designed to blend into the locality as recommended in the GDCP cl5.1 being the specific requirements for Pearl Beach. Further detailed description of the lightweight FC clad walls with vertical hardwood battens is given in part 3 character statement above. The materiality of the design presents a unified concept of natural and lightweight material.

Retaining Walls and Structural Support

(cl. 3.1.6.2 GDCP 2013)

No retaining walls are proposed. Please also refer to part 6 below, geotechnical - cut and fill.

**Landscape and Stormwater
(cl. 5.10.17 Pearl Beach DCP)**

Stormwater water will be collected in the proposed water tank with overflow conveyed by a gravity fed or charged system to the proposed on site infiltration system in the yard as shown in the stormwater drainage diagram. This will ensure that the intensive native garden receives adequate natural watering and it will ensure that no stormwater runoff is discharged to the street or neighbouring properties. The street is not furnished with a town stormwater reticulation system.

Please refer to the Landscape plan enclosed. The proposed planting schedule shows that only native plants endemic to the area are being proposed in a carefully designed yard, achieving the desired informal softening on the building. The proposed paving is permeable further reducing the ground stormwater runoff and softening the traffic able area as native ground covers are to be replanted in and around the specifically designed paving system.

It should be noted that the proposal maintains the existing area of deep soil planting and increases the absorbent area by the proposed replacement of hard paving by permeable paving.

**Residential Amenity
(cl. 3.1.4 GDCP 2013)****Views**

The proposed addition has been sited so that the view corridors from West to East are maintained. The proposal will not have any impact on views.

Visual Privacy

The retention of all existing vegetation on site including the mature trees will ensure that privacy to neighbours is maintained. The rear deck will have a solid 1.8m high timber privacy screen around its perimeter as shown on the plans and elevations, to ensure that no overlooking is possible into the yard of any neighbours.

**Sunlight Access (Solar Access)
(cl.5.10.14)**

Shadow diagrams demonstrate that there will be no adverse overshadowing to the neighbours. The diagrams confirm that more than 50% of the principal private open area of the dwelling as well as principal private open spaces on adjoining land all receive substantially more than 3 hours of sunlight on 21st June. This is due to the orientation and siting of the subject dwelling and the proposed additions.

Noise**(cl 5.10.15)**

The proposed additions are positioned behind a blank wall of the Eastern two storey facade. The doors opening to the rear deck face away from any adjacent dwellings. The walls of the upper floor additions will utilise acoustic as well as thermal insulation. These measures all help to minimise noise transmission from the proposed additions.

**Car Parking and Access
(cl. 3.1.5 and 5.10.18 GDCP 2013)**

The existing single off-street parking space will be retained, in keeping with the requirements for off-street car parking stipulated in clause 3.1.5, which requires one (1) off-street space if the dwelling has 3 or less bedrooms. The proposed dwelling will have a total of 3 bedrooms. It is proposed to keep the single off street carpark in the same existing location, thus it complies with the Car parking and Access requirements of the Gosford DCP 2014. This minimal provision for car parking will not affect the vegetation or the amenity required to be maintained in Part 5 of GDCP 2013. Furthermore It ensure that parking the car does not interfere with any tree roots in the

street reserve and will not compromise the health of any trees in the street reserve or on the property.

Construction Controls (cl 5.10.16)

The construction methods proposed will aim to maximise off site production of frames and structural components which will be erected quickly and with minimal disturbance in the neighbourhood. Minimal digging for 8 pad footings and panelling proposed for cladding will also minimise noise and disturbance on site.

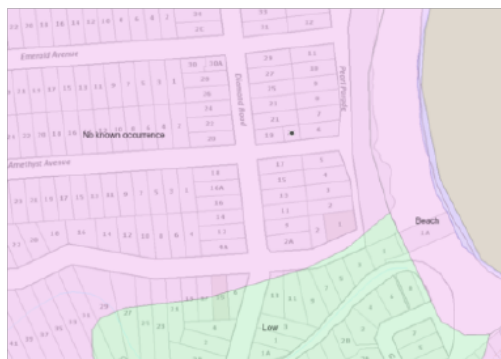
Earthworks Structural Support and Drainage (cl. 3.1.6.1 GDCP 2013)

No earthworks or fill is proposed and no excess soil will be removed from site.

5. Environmental Controls (part 5.10 Pearl Beach DCP and part 6 in GDCP 2013)

Acid Sulphate Soils

The property is not affected by Acid Sulphate Soils as shown in the mapping below.



Erosion Sedimentation Control

Please refer to the site analysis plan for the location of Sedimentation and erosion measures which are to be put in place during construction to eliminate the risk of pollution to the environment.

Energy and Water Cycle Management (Stormwater cl. 5.10.17)

The proposed alterations aim to lower or significantly improve the consumption of both energy and water compared with the current household in spite of the increased floor area and wall area and additional ensuite. The reason for this is the installation of above standard thermal and acoustic insulation and improved natural ventilation by the proposed location and openable double glazed windows and doors. The use of the ventilated void and retained existing low pitch roof between the ground and first floors will draw cool air through in summer creating and encouraging further air movement between the floors.

A 3000L water tank is proposed as shown on the plans. The collected rain water will be used to water the garden to conserve town water consumption. All storm water overflow will be diverted to the proposed infiltration and absorption system in the yard and shown on the stormwater drainage plan.

Tree and Vegetation Management (Landscaping cl 5.10.17)

All existing on site vegetation will be maintained and additional ongoing native flora and fauna propagation is committed to as per the plant species indigenous to Pearl Beach recommendation under cl .5.10.17.1.

Geotechnical Requirements - Cut and Fill

The first floor additions will be supported independently of the existing structure on steel columns, on concrete pier footings to structural engineer's specification . No cut and fill is proposed and as such no geotechnical assessment of the ground is necessary. Previous, relatively recent renovations on the property have had the sewer mains pipe concrete encased for the full length where it runs below and in close proximity to the house. The new structural columns will be located outside the zone of influence of the encased sewer.

6. General controls

(Part 7 in GDCP 2013)

The property is sewerred, there is no on-site effluent and grey water disposal proposed.

7. Conclusion

The proposed alterations will have no impact on the surrounding build or natural environment and will contribute positively to the neighbourhood.



8. Further Justification for exceeding Gosford DCP 2013 Regulations.

Floor Space Ratio (FSR) Requirement

Pearl Beach Residential Development DCP cl.5.10.7

The Property is in zoning R2 Low Density Residential. The Gosford LEP stipulates that the maximum FSR on this site has to be 0.5. The proposal complies with the LEP FSR requirement, having a total proposed FSR of 0.448.

The Pearl Beach DCP cl.5.19.7 requires a max FSR of 0.4:1 . The proposed additions have an FSR of 0.448 and as such exceed the recommendation for Pearl

Beach by 0.048. The area that can be added to comply with the maximum FSR of 0.4 as per cl 5.2 of the Pearl Beach Residential DCP is 31.72sqm. To make the additions useable and worth while on the small allotment, the proposed added area is 43.10sqm which brings the total FSR to 0.448.

The justification for this is based on the fact that the additions and alterations comply with other objectives of DCP 5.1, ie, they meet bulk and scale objectives, site coverage provisions, maintain the prominence of foliage and vegetation, comply with character statement for the locality and don't pose any adverse effect on any neighbours.

The objectives of the Low Residential zoning as stipulated in the Gosford Local Environment Plan 2014 are as follows:

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

The proposal complies with the numerical provisions of the LEP as well as all the objectives above.

With regards to the non-compliance with specific requirements of cl 5.10.7 relating to the Floor Space Ratio in Pearl Beach (0.448 instead of 0.4), the underlying objective of the standards is stated in clause 5.1 as follows:

- *To ensure that property owners and authorities recognise the special landscape qualities and significance of Pearl Beach*
- *To ensure that land is used and developed in a way that is compatible with, and respects the natural and built character of, Pearl Beach*
- *To conserve the pattern of vegetation, landscape quality and ecosystems*
- *To conserve biodiversity, and protect and enhance local indigenous wildlife populations and habitats*
- *To promote the landscaping of properties and encourage the planting and maintenance of native trees, particularly those indigenous to the area, and, especially, to protect existing tree cover*

- *To prevent buildings from intruding into the natural environment due to their bulk, height, colour and materials*
- *To minimise the adverse impact of development on the amenity of the area*
- *To encourage a high level of urban design which recognises the form and character of the important built and natural context*
- *To promote the principles of ecologically sustainable development*
- *To conserve the cultural significance of identified heritage items*

The proposed additions are situated and have been carefully designed to achieve the objectives above as follows:

1. The proposal fits into and is compatible with the desired character of the locality, being of lightweight construction, using FC sheet cladding separated at the joins by expressed vertical hardwood battens. The Additions and the existing structure have been integrated but clearly articulated, with volumes on the upper level comprising of three visually separate sections with varying setbacks, enhanced by verandahs, deep reveals and a generous roof overhang. Thus visual relationship between the

proposed development and the existing character of the area is maintained in terms of materiality, size, proportions as well as scale. Please refer to the submitted plans to view the design strategies described above.

2. The development satisfies the objectives of the FSR controls under the LEP, and although it exceeds the requirement for Pearl Beach, it is consistent with the objectives of clause 5.1 for Residential Development in Pearl Beach. Namely the design facilitates design excellence by allowing space for the articulation and modulation of the facades and functions within the additions. The upper level caters for working at home usability as well as catering for extended family visits. The size of the dwelling is correlated with the size of the site with ample vegetated open space maintained on the site - the proposal is below the site coverage recommendation of 40% for allotments in Pearl Beach.

The design fits into the required building envelope with regards to setbacks as well as within the required height restrictions, as demonstrated on the attached plans and in the statement above.

It is impossible to achieve full compliance with the FSR controls because the house will be permanently used as a work from home environment as well as catering for visitors during the clients semi-retirement phase of life, therefore the small overrun to the regulation ensures a much better amenity upstairs, with a more useable study and bedroom proportions.

3. The non-compliance does not raise any matters of significance for State or regional environmental planning. The property is not zoned as being of environmental significance and it does not impact in any way on the local environment.

4. Compliance with the development standard would be unreasonable and unnecessary in this case due to the following reasons:

- The owner requires a house which has capability to cater for working from home upstairs while catering to family and friends staying over for longer periods of time downstairs.
- The slight increase in floor space makes the study and general amenity upstairs more practical and useable.

5. The proposal does not affect the neighbours in any way and the increase in area only extends over the private garden by an additional 480mm over the length of the West elevation. This does not have any impact on overshadowing or privacy of the neighbouring properties.

6. The proposal is consistent with the objectives of the R2 Low Density Residential zone as it provides facilities that meet the day to day needs of its occupants. The proposal is compatible with the desired future character of the zone. It is an example of best practice in the design of low-density residential development, as well as promoting ecologically, socially and economically sustainable development as well as biodiversity in Gosford.

7. For reasons given above, the exception request is considered to be well founded.



Site Studio

0410 710 865
site.studio@bigpond.com

ATT : Karen Hanratty

RE: DA 58347/2020 2c Amethyst Av Pearl Beach

Dear Karen,

Please find enclosed the modifications to DA plans at 2c Amethyst Avenue, as requested in the letter from yourself and Chris Ross, received by our client and owner of 2c Amethyst on 3 March 2021.

We have made all the sought modifications to overcome all the privacy concerns raised by the neighbours, as follows:

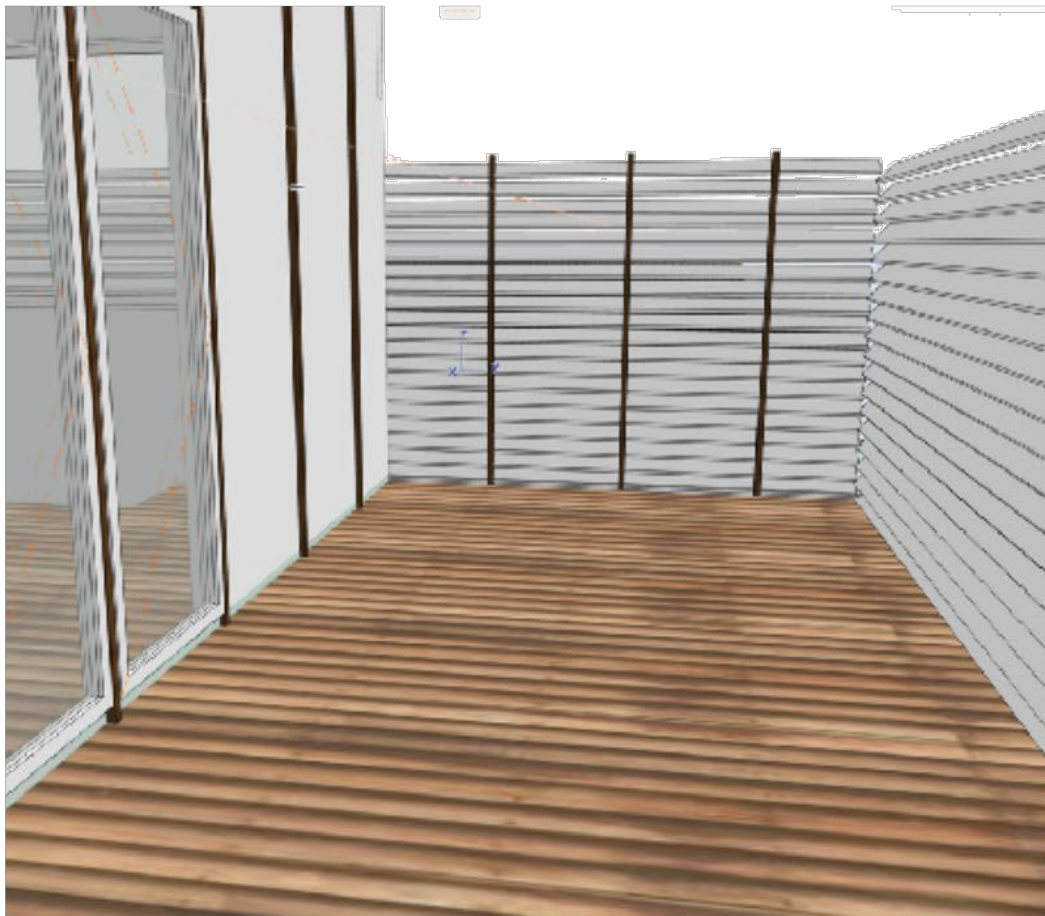


fig. 1

1. First floor deck area has been truncated and now measures 2.5m from the Northern doors to the northernmost edge of the deck.
2. The privacy screen has been redesigned as per the attached plans, please refer to [dwg.no. A11 AND A12](#) to see placement, dimensions and angles of the class 1 hardwood louvre screen on all three sides of the proposed deck, along the stairs and landing and in front of windows W9. The drawings show how the proposed angled privacy screen now directs any views over the top of the neighbouring houses and gardens.
3. The solid timber louvres angled upwards extend to cover the lower portion of the window W9 up to a height of 1.8m from the finished floor level. This directs all views through the window up and over the top of no.19 Diamond Road, while still allowing diffused light to enter through the louvres from above. This solution achieves the same outcome raising of the same window sill to 1.8 above floor level, as suggested in your point 3. This achieves the intent of the suggested solution.
4. The redesigned privacy louvres on the western facade are shown on the plans and detailed on dwg. A11 and A12. No overlooking is now possible from any position along the stairs, inside the first floor or the rear deck. Furthermore, the proposed use of rough sawn class 1 Australian Hardwood (turpentine) will absorb and dampen noise from the first floor deck.



fig 2

In addition to the architectural plans enclosed, the desired effect of the timber louvre system restricting views from the stairs, living room and deck are also illustrated by figures 1-3 in this letter.

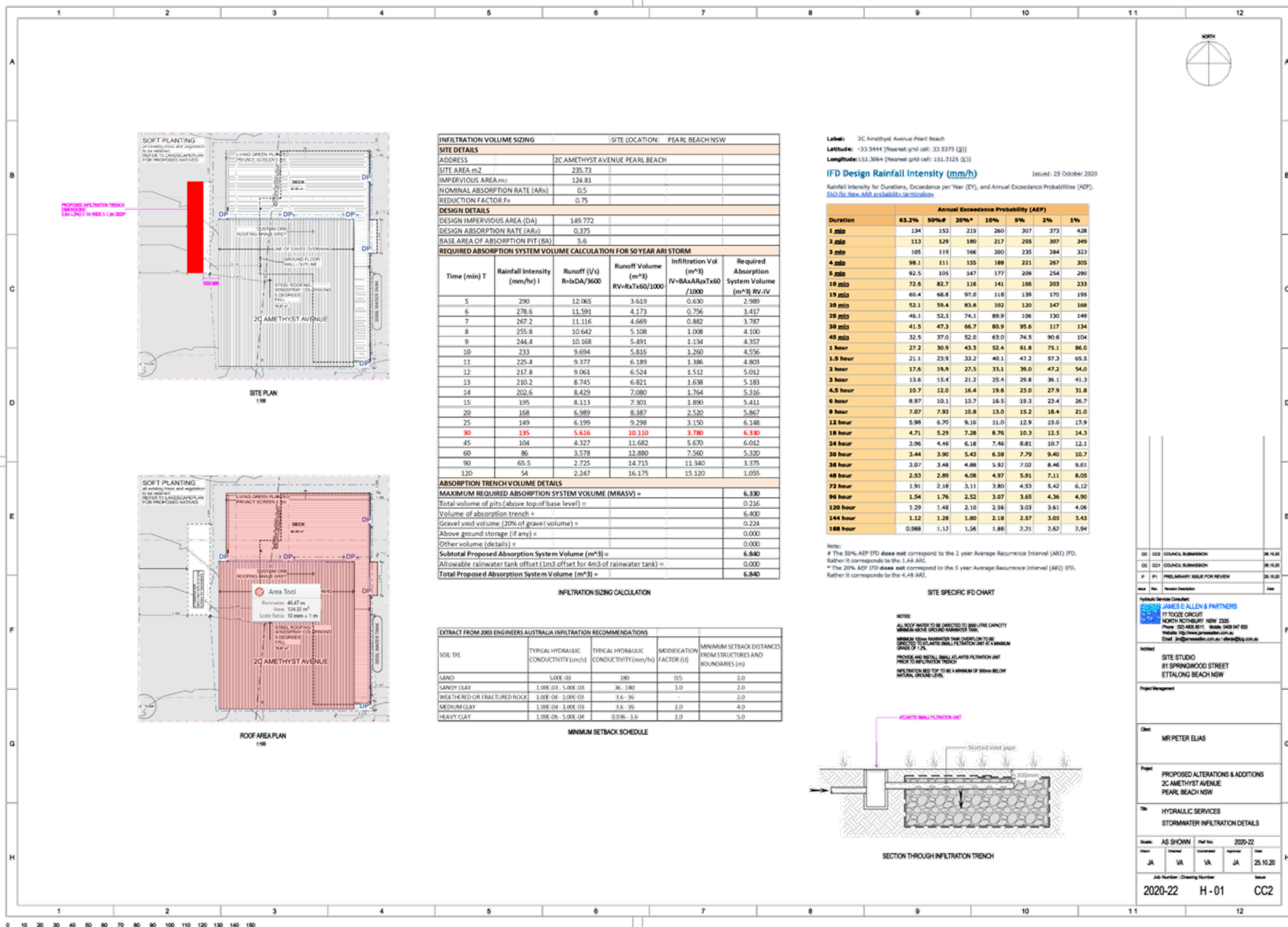
These design modifications are consistent with those requested. We hope that the proposed additions now meet with your approval. Please don't hesitate to contact me if you need to discuss any of the modifications.



fig. 3

Best Regards,

Milosh Obradovic
Architect reg. 7365
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site.studio@bigpond.com
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INFILTRATION VOLUME SIZING SITE LOCATION: PEARL BEACH NSW

SITE DETAILS

ADDRESS	2C AMETHYST AVENUE PEARL BEACH		
SITE AREA m ²	235.73		
IMPERVIOUS AREA m ²	124.81		
NOMINAL ABSORPTION RATE (AR _N)	0.5		
REDUCTION FACTOR F _R	0.75		

DESIGN DETAILS

DESIGN IMPERVIOUS AREA (DA)	149.772		
DESIGN ABSORPTION RATE (AR _D)	0.375		
BASE AREA OF ABSORPTION PIT (BA)	5.6		

REQUIRED ABSORPTION SYSTEM VOLUME CALCULATION FOR 50 YEAR ARI STORM

Time (min) T	Rainfall Intensity (mm/hr) I	Runoff (l/s) R=IxDA/3600	Runoff Volume (m ³) RV=RxTx60/1000	Infiltration Vol (m ³) IV=BAxAR _D xTx60/1000	Required Absorption System Volume (m ³) RV-IV
5	290	12.065	3.619	0.630	2.989
6	278.6	11.591	4.173	0.756	3.417
7	267.2	11.116	4.669	0.882	3.787
8	255.8	10.642	5.108	1.008	4.100
9	244.4	10.168	5.491	1.134	4.357
10	233	9.694	5.816	1.260	4.556
11	225.4	9.377	6.189	1.386	4.803
12	217.8	9.061	6.524	1.512	5.012
13	210.2	8.745	6.821	1.638	5.183
14	202.6	8.429	7.080	1.764	5.316
15	195	8.113	7.301	1.890	5.411
20	168	6.989	8.387	2.520	5.867
25	149	6.199	9.298	3.150	6.148
30	135	5.616	10.110	3.780	6.330
45	104	4.327	11.682	5.670	6.012
60	86	3.578	12.880	7.560	5.320
90	65.5	2.725	14.715	11.340	3.375
120	54	2.247	16.175	15.120	1.055

ABSORPTION TRENCH VOLUME DETAILS

MAXIMUM REQUIRED ABSORPTION SYSTEM VOLUME (MRASV) =	6.330
Total volume of pits (above top of base level) =	0.216
Volume of absorption trench =	6.400
Gravel void volume (20% of gravel volume) =	0.224
Above ground storage (if any) =	0.000
Other volume (details) =	0.000
Subtotal Proposed Absorption System Volume (m ³) =	6.840
Allowable rainwater tank offset (1m ³ offset for 4m ³ of rainwater tank) =	0.000
Total Proposed Absorption System Volume (m ³) =	6.840

Label: 2C Amethyst Avenue Pearl Beach
Latitude: -33.5444 (Nearest grid cell: 33.5375 (S))
Longitude: 151.3064 (Nearest grid cell: 151.3125 (E))
Issued: 25 October 2020

IFD Design Rainfall Intensity (mm/h)
Rainfall intensity for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).
IAQ for New ARR accessibility terminal only.

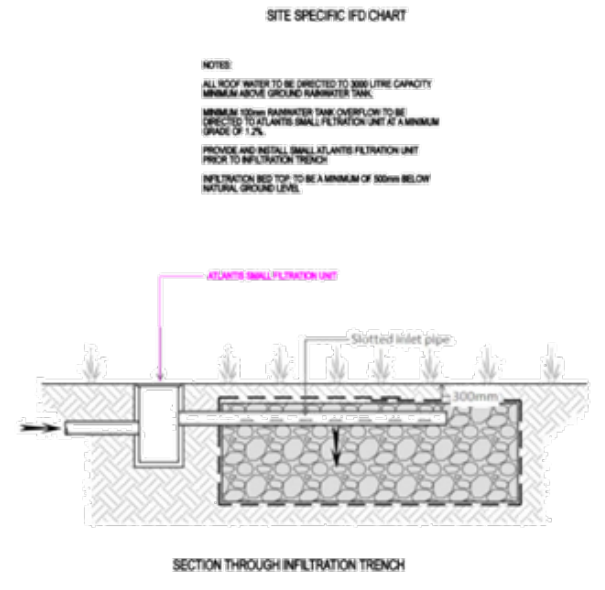
Duration	Annual Exceedance Probability (AEP)						
	63.2%	50%#	20%*	10%	5%	2%	1%
1 min	134	153	215	260	307	373	428
2 min	113	129	180	217	255	307	349
3 min	105	119	166	200	235	284	323
4 min	98.1	111	155	188	221	267	305
5 min	92.5	105	147	177	209	254	290
10 min	72.6	82.7	116	141	166	203	233
15 min	60.4	68.8	97.0	118	139	170	195
30 min	52.1	59.4	83.8	102	120	147	168
28 min	46.1	52.5	74.1	89.9	106	130	149
30 min	41.5	47.3	66.7	80.9	95.6	117	134
45 min	32.5	37.0	52.0	63.0	74.5	90.6	104
1 hour	27.2	30.9	43.3	52.4	61.8	75.1	86.0
1.5 hour	21.1	23.9	33.2	40.1	47.2	57.3	65.5
2 hour	17.6	19.9	27.5	33.1	39.0	47.2	54.0
3 hour	13.6	15.4	21.2	25.4	29.8	36.1	41.3
4.5 hour	10.7	12.0	16.4	19.6	23.0	27.9	31.8
6 hour	8.97	10.1	13.7	16.5	19.3	23.4	26.7
9 hour	7.07	7.93	10.8	13.0	15.2	18.4	21.0
12 hour	5.98	6.70	9.16	11.0	12.9	15.6	17.9
18 hour	4.71	5.29	7.28	8.76	10.3	12.5	14.3
24 hour	3.96	4.46	6.18	7.46	8.81	10.7	12.1
30 hour	3.44	3.90	5.43	6.58	7.79	9.40	10.7
36 hour	3.07	3.48	4.88	5.92	7.02	8.46	9.61
48 hour	2.53	2.89	4.08	4.97	5.91	7.11	8.05
72 hour	1.91	2.18	3.11	3.80	4.53	5.42	6.12
96 hour	1.54	1.76	2.52	3.07	3.65	4.36	4.90
120 hour	1.29	1.48	2.10	2.56	3.03	3.61	4.06
144 hour	1.12	1.28	1.80	2.18	2.57	3.05	3.43
168 hour	0.988	1.12	1.56	1.88	2.21	2.62	2.94

INFILTRATION SIZING CALCULATION

EXTRACT FROM 2003 ENGINEERS AUSTRALIA INFILTRATION RECOMMENDATIONS

SOIL TYPE	TYPICAL HYDRAULIC CONDUCTIVITY (cm/s)	TYPICAL HYDRAULIC CONDUCTIVITY (mm/hr)	MODIFICATION FACTOR (U)	MINIMUM SETBACK DISTANCES FROM STRUCTURES AND BOUNDARIES (m)
SAND	5.00E-03	180	0.5	3.0
SANDY CLAY	1.00E-03 - 5.00E-03	36 - 180	3.0	2.0
WEATHERED OR FRACTURED ROCK	1.00E-04 - 1.00E-03	3.6 - 36	-	2.0
MEDIUM CLAY	1.00E-04 - 1.00E-03	3.6 - 36	2.0	4.0
HEAVY CLAY	1.00E-06 - 5.00E-04	0.036 - 3.6	2.0	5.0

MINIMUM SETBACK SCHEDULE



CC	CC1	COUNCIL SUBMISSION	26.10.20	
CC	CC2	COUNCIL SUBMISSION	26.10.20	
P	P1	PRELIMINARY ISSUE FOR REVIEW	26.10.20	
Rev	Rev	Revision Description	Date	
Hydraulic Services Consultant				
JAMES E ALLEN & PARTNERS 77 TOUZE CIRCUIT NORTH ROTHURBY NSW 2235 Phone: (02) 4925 8511 Mobile: 0429 047 633 Website: http://www.jamesallen.com.au Email: jen@jamesallen.com.au allen@jag.com.au				
Project				
SITE STUDIO 81 SPRINGWOOD STREET ETTALONG BEACH NSW				
Project Management				
Client				
MR PETER ELIAS				
Project				
PROPOSED ALTERATIONS & ADDITIONS 2C AMETHYST AVENUE PEARL BEACH NSW				
Title				
HYDRAULIC SERVICES STORMWATER INFILTRATION DETAILS				
Status: AS SHOWN				
Rev No: 2020-22				
Drawn	Checked	Reviewed	Approved	Date
JA	VA	VA	JA	25.10.20
Job Number / Drawing Number				
2020-22 H-01				
Issue				
CC2				

STRUCTURAL ADEQUACY CERTIFICATE - FIRST FLOOR ADDITION

AT 2c AMETHYST AVEUE, PEARL BEACH

To Whom It May Concern,

This is to confirm that we have viewed the proposed development applications plans prepared Site Studio (Plans A-01 to A-12 11/08/2020) for work comprising alterations including timber framed first floor addition.

We confirm that the future engineering plans prepared by our office are to be designed as a steel portal type frame independent of the existing ground floor structure and will not rely on the existing building support.

This certificate is to be read in conjunction with the development application plans and is subject to future engineering plans which are to be prepared for this project.

Regards



Anthony Yialousis
BE(Civil) Hons MIEAust
MGroupe Designers & Engineers
22/10/2020



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02:95538777 suite 3f1-4 belgrave st kogarah po box 1024 kogarah town centre nsw 1485 abn 41404123562

Item No: 3.3
Title: DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House (New) and Garage
Department: Environment and Planning

13 May 2021 Local Planning Panel Meeting

Reference: 011.2020.00060516.001 - D14592648
Author: Ellin Blackwell, Building Surveyor
Manager: Wayne Herd, Section Manager, Building Certification South
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for new dwelling house and garage. 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 development application is required to be reported to the Local Planning Panel due to the number of submissions being received on this application. 15 submissions were received during the notification period.

The application is recommended for approval, subject to conditions.

Applicant	Matt Thitchener Architect
Owner	Mr John Cornish
Application No	DA60516/2020
Description of Land	Lot H DP4961 – 63 Wagstaffe Avenue Wagstaffe
Proposed Development	New Dwelling House and Garage
Site Area	272m ²
Zoning	R2 Low Density Residential
Existing Use	Dwelling House
Employment Generation	N/A
Estimated Value	\$422,918

Recommendation

- 1 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.***
- 2 That the Local Planning Panel grant consent to DA60516/2020 – 63 Wagstaffe Avenue Wagstaffe – New Dwelling House and Garage subject to***

the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

Precis:

Proposed Development	A new two storey, three bedroom dwelling and garage to replace the existing dwelling.
Permissibility and Zoning	<p>The subject site is zoned <i>R2 - Low Density Residential</i> under the provisions of <i>Gosford Local Environmental Plan 2014 (Gosford LEP 2014)</i>.</p> <p>The proposed development is defined as a 'dwelling house' which is defined under the <i>Gosford LEP 2014</i> as;</p> <p>'dwelling house' means – a building containing only one dwelling.</p> <p>The use is permissible with consent of the relevant Authority within the zone.</p>
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 -section 4.15 (EP&A Act)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development" (Gosford DCP 2013)</i>
Current Use	Dwelling House
Integrated Development	No
Submissions	<p>The development application was notified (in accordance with the provisions of the Gosford Development Control Plan 2013) from 28 January 2021 until 18 February 2021.</p> <p>Fifteen (15) submissions were received.</p>

3.3 DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House (New) and Garage (contd)

Variations to Policies

Gosford Local Environmental Plan 2014

Clause	4.4 (2)
Standard	Floor Space Ratio of 0.5:1
Departure basis	The proposal seeks a floor space ratio of 0.548:1 being an additional 12.99m ² . This represents a variation of 9.6%.

Chapter 3.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Gosford Development Control Plan 2013

Clause	3.1.2.3
Standard	Floor Space Ratio of 0.5:1
Departure basis	The proposal seeks a floor space ratio of 0.548:1 being an additional 12.99m ² . This represents a variation of 9.6%

Clause	3.1.3.1a (iv)
Standard	Established setback of 4.35m
Departure basis	The proposal seeks a front setback of 0.88m-1.17m. This represents a variation of 79%

The Site

The site is a single lot legally identified as Lot H DP 4961 (No. 63 Wagstaffe Ave Wagstaffe). The site has an area of 272m², and is a narrow lot of 6.11m width with frontages to Wagstaffe Avenue to the west and Brisbane Water to the east. The site slopes gently from the west to the east, with a fall of approximately 1m from the front to rear boundaries. There is some minor landscaping in the rear yard, and there is no vegetation of significance on the site.

The site contains an existing single-storey dwelling house located on the western part of the site, facing Wagstaffe Avenue, and with a rear deck and open grassed area facing Brisbane Water. The existing dwelling will be demolished in its entirety to allow for the proposed development (Figure 1).

Existing development on the site differs from adjoining and nearby properties in that the dwelling house is located close to the street, with no on-site car parking provided, whereas adjoining dwellings are set back further from the street. The existing dwelling house is also setback considerably further at the rear from Brisbane Water compared to dwellings on adjoining and nearby properties.

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The subject site is zoned *R2 – Low Density Residential* under the provisions of the *Gosford Local Environmental Plan 2014* (Gosford LEP 2014) (Figure 2).

The site is mapped as being flood prone on Councils maps. The proposal has been considered with regard to Councils flooding requirements and will achieve compliance with the required minimum floor levels.

The site is mapped as being Class 3 for Acid Sulphate Soils. There is no excavation proposed and the consent will be conditioned accordingly to ensure there is no impact associated with acid sulphate soils.

The site is mapped as being both *Coastal Use* and *Coast Environment* areas under the *Coastal Management State Environmental Planning Policy, 2018*, and is not mapped as being in proximity to any coastal wetlands or littoral rainforests.



Figure 1: Aerial photograph of subject site with the site etched in blue.

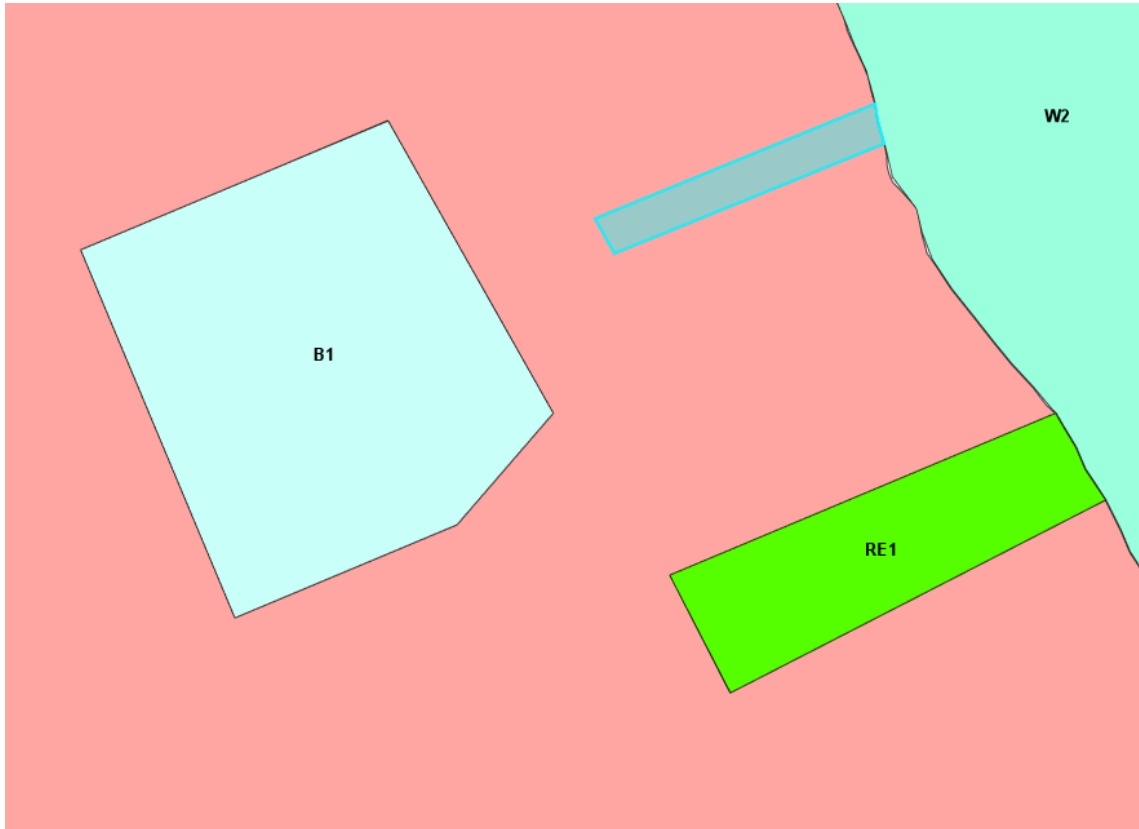


Figure 2: Zoning map for the locality, subject site is etched in blue.

Surrounding Development

The subject site sits adjacent to lots also zoned existing R2 – low density residential, generally containing a mixture of older style single-storey dwellings interspersed with new contemporary dwellings (of mainly two-storey design) and associated ancillary development.

Along Wagstaffe Ave, garages and other parking structures are located close to or on the front boundaries and are a common element to the streetscape. This is a result of these allotments fronting Brisbane Water.

Surrounding waterfront properties contain detached dwelling houses, which are orientated towards Brisbane Water, and most of which have foreshore open space/deck areas facing the water.

Due to the narrow width of properties, existing dwellings in the surrounding area are built either close to, or on the side boundaries, and the majority of dwellings are sited toward the eastern, water side of the properties.

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The Proposed Development

The application submitted to Council comprises a new two-storey dwelling with three bedrooms and a detached single car garage, which will replace the existing dwelling house on site.

The proposed dwelling house is broken into two separate pavilion elements, separated by a walkway on each level, and which provides a ground level courtyard on the northern side, and a light well area on the southern side that corresponds with the recessed deck area on the adjoining property to the south. The proposed garage is a detached structure, located close to the Wagstaffe Avenue frontage, which is similar to other garages on properties to the north and will maintain a street setback similar to nearby garages and that of the existing dwelling house on the subject land.

The proposed dwelling house has partial zero side setbacks on both sides, consistent with the provisions of Gosford Councils Development Control Plan for narrow lots, and is setback between 13.63m and 14.18m from Wagstaffe Avenue, and between 8.5m and 8.9 m to the rear boundary to Brisbane Water. Along the northern side there is a wall element 10.3m in length on the side boundary, and the remainder of the dwelling is setback between 0.63m (front pavilion) and 2.77m (internal walkway) from the northern side boundary. On the southern side, the dwelling is built to the side boundary for a combined length of 18.25m, and this is broken up by a recessed light well area 5.4m wide, which is setback 1m from the side boundary.

The following images detail the proposed development (Figures 3 to 8).

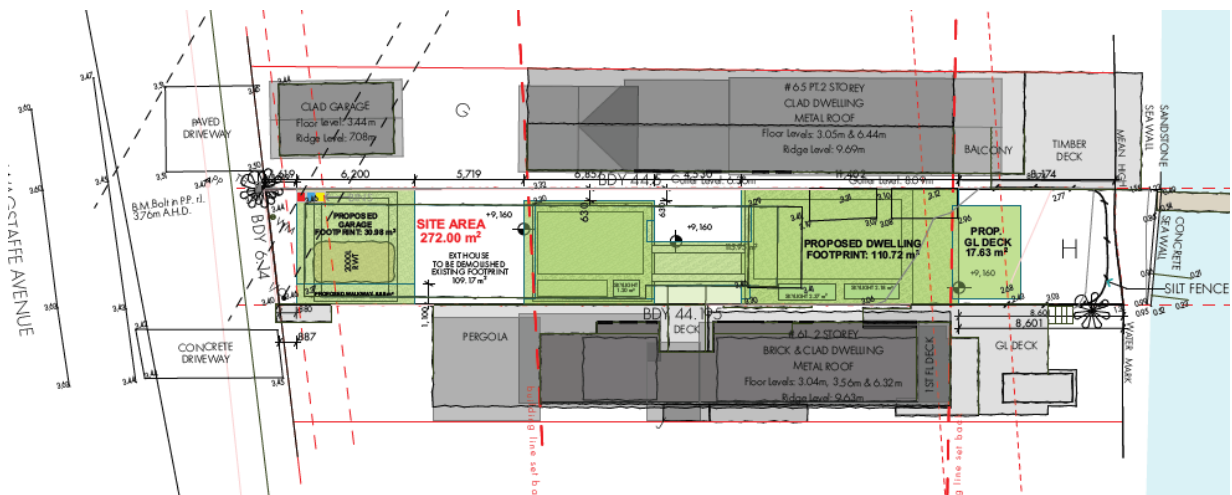


Figure 3: Detailing the proposed site plan and analysis

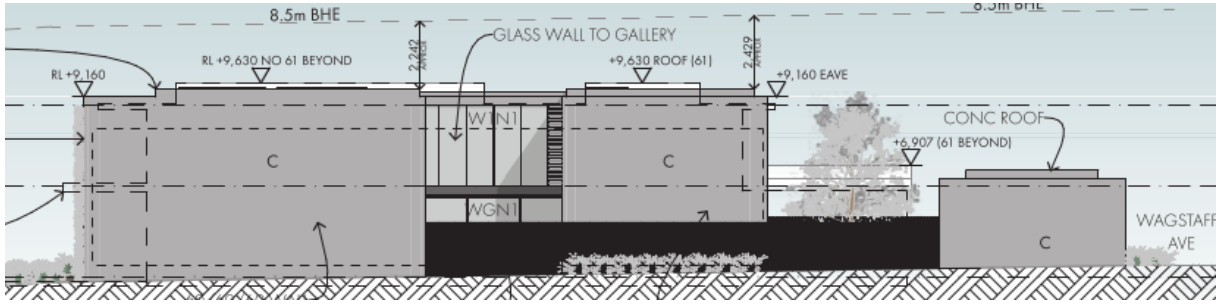


Figure 4: Detailing the proposed north elevation

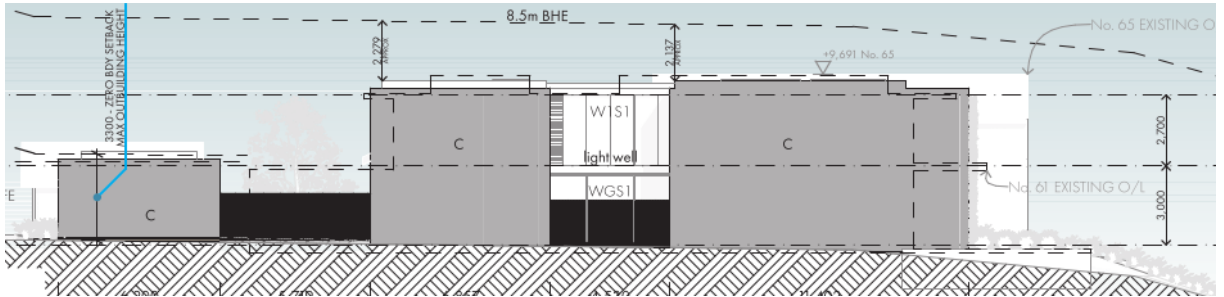


Figure 5: Detailing the proposed south elevation

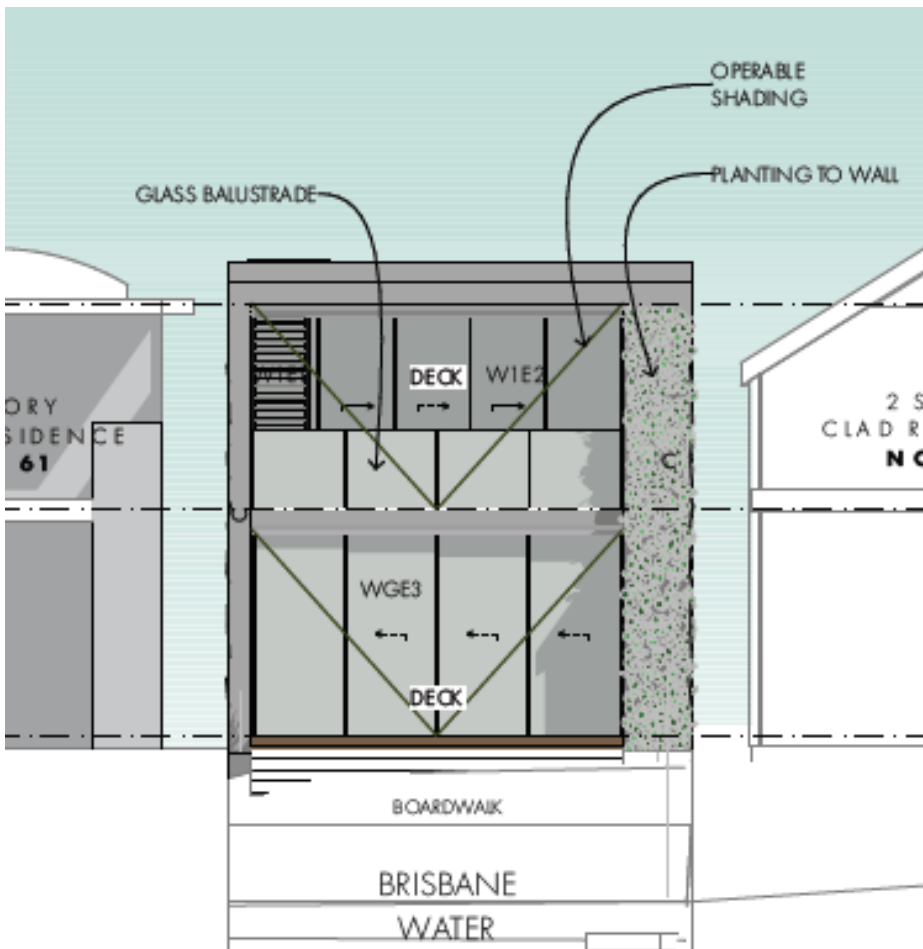


Figure 6: Detailing the proposed waterfront elevation

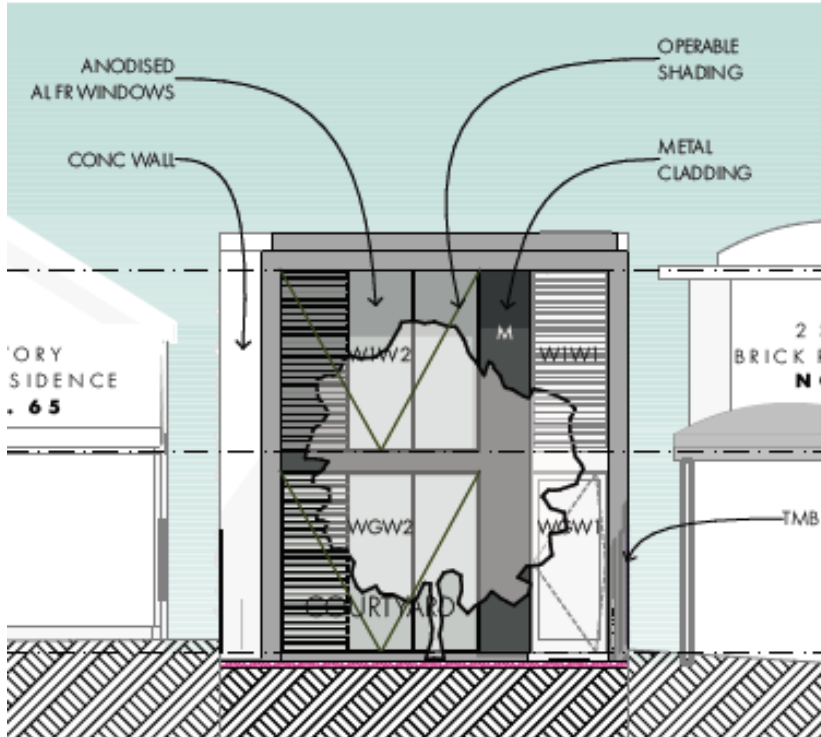


Figure 7: Detailing the proposed western elevation of the dwelling

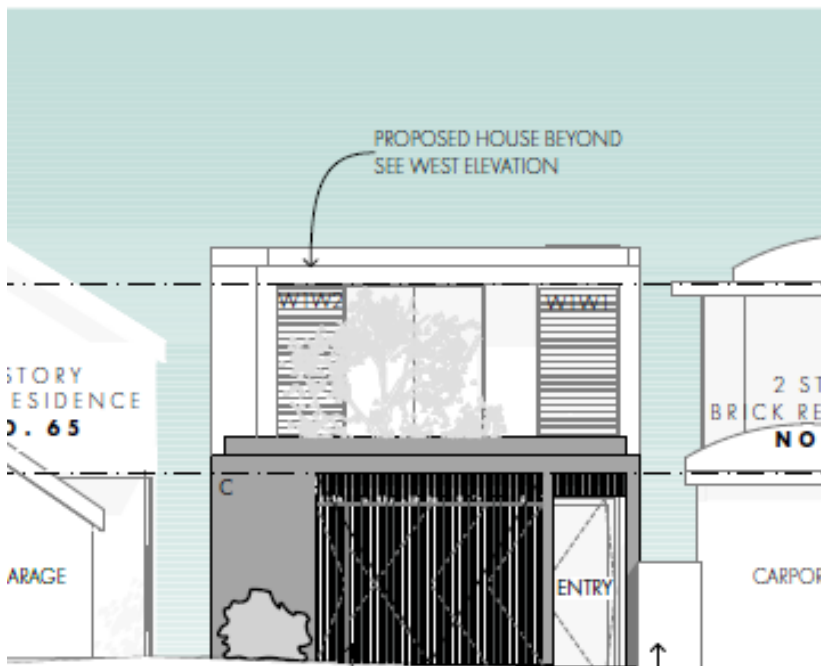


Figure 8: Detailing the western elevation and street view

History

There is no history of relevance of the property in relation to the current development proposal.

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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 (Building sustainability Index) BASIX 2004

A compliant BASIX certificate achieving the State Governments Energy Efficiency targets have been provided in support of the application.

State Environmental Planning Policy No 71 – Coastal Protection

State Environmental Planning Policy No 71 (Coastal Protection) (SEPP 71) was repealed on 3 April 2018 when the *State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)* came into effect. The savings and transitional provisions contained within the SEPP Coastal Management state the SEPP 71 provisions continue to apply if a development application is lodged and not finally determined prior to the commencement of the SEPP Coastal Management.

The provisions of SEPP 71 require Council (or the LPP) to consider the Aims and Objectives of the SEPP No 71 together with the matters for consideration listed in Clause 8 of the SEPP 71 when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

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

State Environmental Planning Policy (Coastal Management) 2018

Whilst the savings and transitional provisions of SEPP Coastal Management apply, the proposed development has also been considered against the provisions of SEPP Coastal Management and considered satisfactory.

Gosford Local Environmental Plan 2014 - Permissibility

The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)*. The development proposal is permissible in the zone with consent and, is considered consistent with the objectives of the zone (see comments below).

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Gosford Local Environmental Plan 2014 - Objectives of zone

The objectives of the zone are:

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

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

Gosford Local Environmental Plan 2014 - Development Standards

Development Standards	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of Buildings	Maximum building height of 8.5 metres	6.258m	Yes	Yes	Yes
4.4 – Floor Space Ratio	0.5:1 Maximum	0.548:1	No – See comments below	9.6%	Yes – See comments below

As shown in the table above, the proposal does not comply with the floor space ratio development standard permitted under GLEP 2014.

Gosford Local Environmental Plan 2014 - Clause 4.4 Mapped Floor Space Ratio Variation

The applicant seeks a variation to Clause 4.4(2) of GLEP 2014 in relation to the proposed maximum floor space ratio of the dwelling. The overall floor space ratio is 0.548:1. The mapped floor space ratio limit is 0.5:1, the proposed floor space ratio is 0.548:1 which is 12.99m² over the max permissible floor space or a 9.6% variation.

Gosford Local Environmental Plan 2014 - Clause 4.6 Exceptions to development standards

Clause 4.6 of GLEP 2014 requires consideration of the following:

'Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:

- a. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b. *that there are sufficient environmental planning grounds to justify contravening the development standard?*

The applicant has provided a detailed request to vary the mapped floor space ratio standard by the proposed 9.6%. The applicant suggests:

The minor variation has arisen due to the very small size of the lot, and the need to accommodate a reasonable size dwelling house for the use of the owners, consistent with surrounding development.

Compliance with the 0.5:1 floor space ratio requirement is considered to be unreasonable or unnecessary in the circumstances of this site, for the following reasons:

1. The variation is both minor and modest, being for 12.99m² additional floor area, which is able to be accommodated within the proposed dwelling house, and without adding to the perceptible bulk or appearance of the development compared to a complying development;
2. The proposed dwelling house has a gross floor area of 148.99m², which is a reasonable size for a dwelling house, particularly given the site's waterfront location and the large size of other surrounding dwelling houses;
3. The proposal maintains a comparable building setback to Brisbane Water, and overall building height compared to adjoining development, and will be compatible with other development along the foreshore area;
4. The minor additional gross floor area is able to be accommodated on the site, and will not result in unreasonable amenity, privacy, overshadowing or view impacts on adjoining properties compared with a complying development; and
5. The proposal is consistent with the objectives of the R2 Low Density Residential zone and Gosford DCP 2013.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Chief Justice outlined a number of ways an objection can demonstrate that compliance with a development standard is unreasonable

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or unnecessary, including by establishing that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, which is relevant in this case.

Comment - The applicants written request has adequately justified that compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard as detailed below.

2. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

Gosford Local Environmental Plan 2014 - Objectives of the development standard (cl. 4.4)

The proposal is consistent with the objectives of the development standard as follows:

(a) to establish standards for the maximum development density and intensity of land use

Comment: this objective explains the purpose of the standard, and the proposal is not inconsistent with the objective.

(b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,

Comment: the proposal is consistent with the desired future character for the area, as detailed in the assessment against Chapter 2 of Gosford DCP 2013, and having regard to development on surrounding properties. The variation is not unreasonable given the small size of the site and will not increase the bulk and scale of development in any perceptible way beyond that already allowed under the LEP controls.

(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

Comment: the proposed additional floor space will not increase any environmental effects on adjoining properties, including view impacts, overshadowing and privacy. This statement considers the impacts of the development on adjoining properties and concludes the proposal will not unreasonably impact on adjoining properties and will not impact on any areas of public domain;

(d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,

Comment: the subject site is in an established waterfront residential area, characterised by large dwelling houses, and the proposal will be compatible with the scale of adjoining and surrounding development and will not result in adverse visual impacts.

(e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

Comment: the site is a small and narrow property, and the proposed design response is appropriate for the site noting the scale of existing development on adjoining and surrounding properties. The site coverage for the development is compliant and the floor space ratio is only slightly higher than that allowed under Council's DCP and adequate space is maintained for landscaping and on-site stormwater infiltration.

(f) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,

Comment: It is considered that the proposal provides a very good standard of architectural form and detailing, which is appropriate for the size, dimensions and characteristics of the site. Variable setbacks and design features provide articulation and modulation to the building design, and where zero setbacks are provided, these are less than those allowed under the DCP on each side elevation.

(g) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,

Comment: this objective does not apply to the subject site which is zoned R2 Low Density Residential.

(h) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.

Comment: this objective does not apply to the subject site which is zoned R2 Low Density Residential.

Comment – It is considered that there is sufficient environmental planning grounds to justify a minor variation to the floor space ratio in this case, for the reasons as set out above, and with reference to the objectives of the *Environmental Planning and Assessment Act 1979*. The nature of the control is to regulate development density and intensity. The proposal is consistent with the general intended intensity of use of the land in the locality and having regard to development on surrounding land. The requested variation to floor space ratio will not have an adverse impact on the environment, nor on the social and economic welfare of the community and is consistent with the objects of the Act.

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3. Has the concurrence of the Secretary been obtained?

Comment – Planning Circular PS 18-003 issued 21 February 2018 states that Council may assume the concurrence of the Secretary when considering exceptions to development standards under clause 4.6. The Council is therefore empowered to approve the application.

The request for variation under Clause 4.6 is considered to be well founded and is recommended for support.

Gosford Local Environmental Plan 2014 - 7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 3 Acid Sulfate Soils. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

Gosford Local Environmental Plan 2014 - 7.2 Flooding Planning

This land has been classified as being under a “flood planning level” and subject to the imposition of minimum floor level. The development is considered satisfactory in respect to Clause 7.2 of Gosford Local Environmental Plan 2014.

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)

Following a review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, the subject site retains its low density R2 residential zoning, with dwelling houses remaining permissible with the consent of Council and/or LPP.

Chapter 2.1 Character

The site is located within the Wagstaffe 1: Cottage Foreshores precinct of Wagstaffe. The desired character of this precinct provides, amongst other things, that new development should:

“Ensure that new structures complement the siting and informal scenic character displayed by traditional foreshore cottages. Surround all buildings with gardens that retain existing trees and also accommodate clusters of new shady trees to provide distinctive backdrops facing both waterways and streets. Maintain waterfront setbacks that are similar to neighbouring properties”.

The proposal has been sited to maintain the same rear setback to Brisbane Water as the adjoining property to the north and the predominant rear setback of other properties along the waterfront. The dwelling will be a similar in scale and presentation to Brisbane Water as

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development on nearby waterfront properties and proposes a waterfront setback that is considered both compliant and generous in comparison to those properties to the north.

The proposal includes a flat roof to minimise building height. The overall height of the structure is consistent with adjacent buildings and well under the maximum permitted height limits. As encouraged by the GDCP 2013, the floor plans provides separate pavilion elements, a recessed first floor balcony and a green wall to the waterfront along with new landscaping and garden beds to provide additional articulation and reduce the overall size of the structure albeit only six (6) metres wide.

The proposed dwelling design is considered to be consistent with the desired character of the precinct.

Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

Chapter 3.1	Required	Proposed	Compliance with Control
3.1.2.1 – Building Height	8.5m (R1,R2 zones) 4.8m (outbuildings R1, R2 or RU5)	6.258m	Yes
3.1.2.2 – Site Coverage	60% (lot less than 450m ²) 40% (lot 900m ² – 1500m ²) 30% (lot over 1,500m ²)	54.57%	Yes
3.1.2.3 – Floor Space Ratio	0.5:1	0.548:1	No – See Comments
3.1.3.1a – Front Setbacks	Established Dwelling 13.4m Average Garage Setback 4.35m	13.45m 0.88m	Yes No – See Comments
3.1.3.1c – Side Setbacks	Lots less than 8m wide zero lot setback for maximum 20m	Zero for 18.25m	Yes
3.1.3.1e – Natural Waterbody	6m to ground storey 10m to above ground storey	8.14m 10.84m	Yes Yes
3.1.4.1 – Views	View sharing principles identified in the NSW Land & Environment Court Case must be met	Meets the principles for view sharing	Yes
3.1.4.2 – Visual Privacy	Development must minimise visual impact on adjoining properties	Meets the principles for privacy	Yes
3.1.4.3 – Private Open Space Areas	Lots greater than 10m wide: 24m ² of open space	>24m ²	Yes
3.1.5 – Car Parking	1 space (3 or less bedrooms) 2 spaces (4 or more bedrooms)	1 space	Yes
3.1.6.1 – Earthworks	Cut – 1m (<1m from boundary) Cut – 3m (> 1m from boundary) Fill – 1m	Cut – Footings only Fill - Nil	Yes Yes
6.7 – Water Cycle Management	Roof water to be treated	2000L underground rainwater tank	Yes

Clause 3.1.2.3 – Floor Space Ratio

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The applicant seeks a variation to the proposed maximum floor space of the dwelling. In this regard, the proposal seeks a maximum floor space ratio of 0.548:1 in lieu of the 0.5:1 mapped floor space ratio limit applicable to the allotment. The variation proposed is 9.6%.

An assessment of the floor space ratio has been carried out under the GLEP 2014. In terms of the proposed design, it is noted that the increased space is not apparent from the Wagstaffe Avenue or from the waterfront as the dwelling is well under the height provisions and the structure is limited to a width of six (6) metres.

The variation has arisen due to the small lot size and the need to accommodate a reasonable size dwelling consistent with the surrounding development. The floor space variation is able to be accommodated on the site without resulting in adverse amenity, privacy, overshadowing or unreasonable view impacts on adjoining properties and is consistent with the objectives of the GDCP 2013.

Clause 3.1.3.1a (iv) – Front Setback (Garage)

The applicant seeks a variation to the numerical standard for a front setback to a garage. As proposed, the garage is forward of the dwelling and within a metre of the front boundary. This is consistent with the majority of dwellings on Wagstaffe Ave given their proximity to Brisbane Water.

The established setback for garages on this allotment however has been calculated as four (4) metres. This is due to the property on the southern boundary having a greater setback than those surrounding and is in fact an anomaly in the street which causes the calculated established setback for the subject site, to be an inaccurate representation of the front setbacks along this section of Wagstaffe Ave. The following properties all have garage/parking/storage structures located within close proximity to the front boundary, No 65, 67, 69, 71, 73, 75, 77 & 79 with No. 63 & 57 having the dwelling located within 1m of the front boundary.

As proposed, the garage is considered to be in keeping with the surrounding development and the precedence set along this part of Wagstaffe Ave.

Clause 3.1.4.1 – View Assessment

Clause 3.1.4.1 of Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Structures requires the design of new buildings to have regard to existing views enjoyed by surrounding properties.

The primary view lines of adjacent properties will be maintained where possible and view sharing will be maintained whilst not restricting the reasonable development of the site.

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For the purpose of this assessment, the planning principles established by the Land and Environment Court have been considered. The Court adopted a four-step assessment process for determining potential impacts on existing views and is detailed as follows.

Step 1: Determining the type of view to be affected.

The first step is to consider the type of view to be affected. Water views are valued more highly than land views. Whole views are valued more highly than partial views, eg. A water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The neighbour at No. 61 has lodged an objection relating to potential view loss from the ground floor living space & kitchen and the upstairs bedroom & study.

The view obtained to the north east may be described as immediate and scenic (no iconic views are available). The proposal will result in a partial view loss.

Step 2: Determining how reasonable it is to retain the view.

The second step is to consider from what part of the property the views are obtained. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant.

The views are currently obtained from a sitting and standing position from the living space located on the ground floor. Views are also obtained from a sitting and standing position from the second storey bedroom, ensuite and study. The views are obtained across the side boundary of No. 63 Wagstaffe Avenue over the subject site in a north east direction.

Step 3: Assessing the extent of the impact.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The proposal will restrict views as indicated in Photo 1, 2, 3 & 4. This site address currently enjoys immediate scenic views of Brisbane Water from the north to the south east over the side and rear boundary of the allotment. The property will maintain views to the north east and through to the south east as detailed in Photo 5, 6 & 7.



Photo 1: Details the interrupted views currently obtained from the ground floor living area across the side boundary to the north east which will be impacted by the subject development. Note the timber pergola/fence is located on the common boundary.



Photo 2: Views to the north obtained from the living space over the side and rear boundary.



Photo 3: Details the views currently obtained from the second storey study over the side boundary that will be impacted by the proposal



Photo 4: Details the partial uninterrupted view loss from the upper storey bedroom to the north across the side boundary



Photo 5: Details the views to be retained from the upper storey bedroom across the rear boundary.



Photo 6: Details the retained view from the ground floor living space across the rear boundary



Photo 7: Details the retained view from the ground floor entertaining deck across the rear and side boundary.

Step 4: Assessing the reasonableness of the proposal.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact could be considered unreasonable.

With a complying proposal, the question should be, whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is "no", then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Views across side boundaries are more difficult to protect than views from front and rear boundaries, and the expectation to retain side views is often unrealistic. As shown in Figure 1 (of page 4), the objectors property is located south of the subject allotment and they are concerned with their view loss to the north (across a side boundary).

The proposal complies with the planning controls, with the exception of the minor encroachment of the floor space ratio and the numerical standard for front setback to a garage, however these variations have no impact upon the expected view loss on the

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adjoining property. The design incorporates a compliant waterfront setback and sits behind the adjacent property to the north therefore impacting on its own view corridor but provides for greater view sharing for the property to the south, the property subject of which this view loss assessment relates.

Assessment of the view loss cause by the development at No. 63 Wagstaffe Avenue is considered to be moderate given the views are obtained across the side boundary. The affected view will be lost to the north across a side boundary however maintained to the north east due to the waterfront setback of the proposal. The area of the development which affects views is compliant with the development controls. It is considered that the proposal is satisfactory in this regard.

Chapter 6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned within the issued development consent.

Chapter 7.2 Waste Management

A Waste Management Plan has been submitted in support of the proposed development.

The likely impacts of the development

Built Environment

Given the position of the proposed dwelling and garage on the allotment and separation distance to other dwellings, the proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of the GLEP 2014 and GDCP 2013 compliance. It is considered on balance that the potential impacts are considered reasonable.

Natural Environment

The proposal involves some site excavation given the site's sloping topography. Whilst there is some impact upon the natural environment, this is considered to be reasonable as the main bulk of excavation occurs centrally on the site and is relatively concealed by the proposed dwelling. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

The suitability of the site for the development

A review of Council's records identifies the following constraints:

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- *Acid Sulfate Soils – The subject site has been identified as containing potential Class 3 acid sulfate soils. It is considered that the provisions of an acid sulfate soils management plan is not required.*
- *Flood Affected – The subject site is mapped as being flood prone. In this regard, the development proposal complies with Councils minimum floor height requirements.*

There are no other constraints that would render the site unsuitable for development.

Ecologically Sustainable Principles:

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

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

Climate Change

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

The assessment has included consideration to such matters as potential rise in sea level; potential for more intense and/or 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.

Submissions

Public Consultation

The development was notified in accordance with Chapter 7.3 of GDCP 2013. The notification period was from 28 January 2021 to 18 February 2021. Council received a total of fifteen (15) submissions.

A summary of the submissions are detailed below.

1. Floor Space Ratio

Comment – The subject development will exceed the floor space provisions by 12.99m². This variation is considered minor and has arisen due the very small size of the lot, and the need

3.3 DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House (New) and Garage (contd)

to accommodate a reasonable size dwelling house for the use of the owners, consistent with surrounding development.

The applicant has provided a detailed request to vary the mapped floor space ratio standard by the proposed 9.6%. An assessment of the floor space ratio has been carried out under the GLEP 2014 and is contained within the body of the report.

The floor space variation is able to be accommodated on the site without resulting in adverse amenity, privacy, overshadowing or unreasonable view impacts on adjoining properties and is considered as being consistent with the objectives of the GDCP 2013.

The variation is considered acceptable in its current form given the small size of the allotment.

2. Character

Comment – Development of surrounding waterfront properties is characterized by larger, new contemporary dwelling houses, built close to or on side boundaries, and with large, glazed presentations to Brisbane Water to take advantage of water views. The proposed dwelling will be similar in scale to adjoining dwellings and will maintain a generally similar presentation to both Brisbane Water and Wagstaffe Avenue as existing development in the area.

3. Flat roof, appearance and bulk and scale

Comment – The bulk and scale of this development is considered moderate by today's standards being a simple two storey three-bedroom home. The total width of this structure is 6.11m with the total floor area being 149m² which is not considered a large home.

The second storey is recessed and includes significant glazing. There is also a green wall provided to the waterfront elevation to reduce the perceived bulk of the structure.

The overall height of the structure is well under the maximum permitted and complies with all the provisions of the GDCP 2013 in terms of building height. The proposal has a flat roof, to reduce the overall building height, and this will be consistent with other roofing designs in the area. The height of the dwelling will be compatible with the height of adjoining and nearby dwellings.

Viewed from Brisbane Water, there is a range of different roof types for development surrounding the subject land, and the horizontal line of the roof will be compatible with the adjoining dwelling house at No. 61 Wagstaffe Avenue, which has an apparent flat roof form when viewed from a seated or standing position in public areas as detailed in Figure 9. Further to this the recently approved dwelling house at No. 71 Wagstaffe Avenue (DA56534/2019) has a flat roof.

3.3 DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House (New) and Garage (contd)

It is considered that the design of the proposed dwelling incorporating the flat roof design, the overall width of the dwelling, the significant windows, the recessed upper storey, the inclusive garden beds, proposed landscaping and 'green wall' all assist in reducing the visual impact on the waterfront. The proposal will not result in adverse amenity issues or adverse scenic and environmental qualities of Brisbane Water.



Figure 9: Detailing the front elevation rear elevation of No. 61 Wagstaffe Avenue

4. Wildlife Corridor

Comment – The proposal dwelling is to be located on a residential allotment where household pets such as dogs and cats are permitted. It is not mapped as being a defined wildlife corridor and there are no significant native trees to be removed as part of the proposal. There are no provisions in the *GDCP 2013* for a path of travel to be provided for wildlife from the waterfront to the street.

5. Overshadowing

Comments – *GDCP 2013 Part 3.1.4.4 Sunlight Access* requires that on June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.

The proposed dwelling will allow morning solar access to the private open space of No. 61 Wagstaffe Ave as detailed in Figure 10 below. Overshadowing will start to occur from midday

3.3 DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House (New) and Garage (contd)

onwards due to the north and south orientation of the lots in this area. The shadow cast by the two storey home is anticipated and unavoidable.

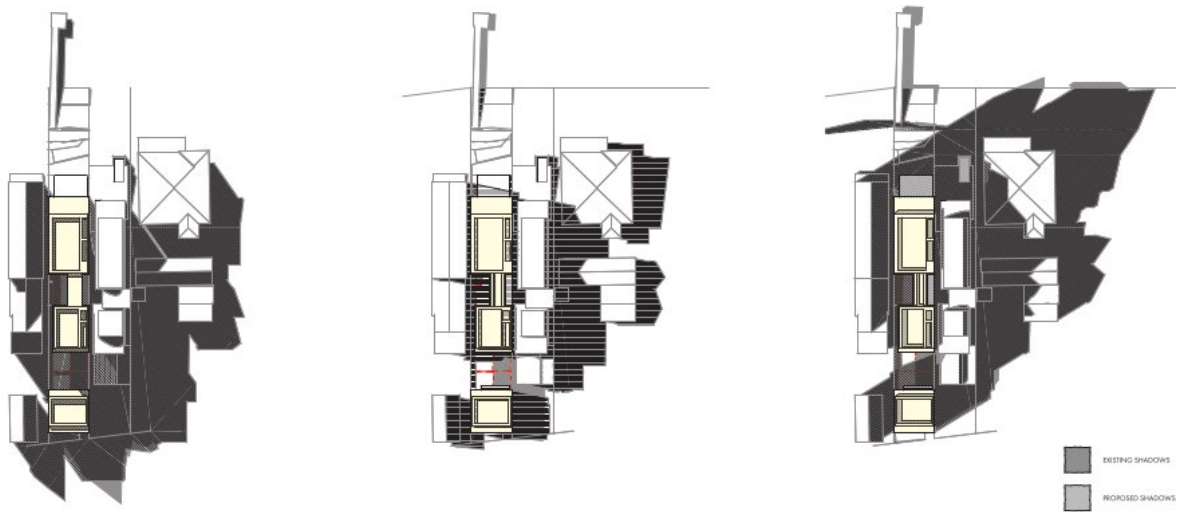


Figure 10: Detailing the existing and proposed shadows

6. Side Setback

Comments – Where lots are less than 8m in width a zero lot side setback is permitted for a length of twenty (20) metres. The southern boundary has a zero lot setback for 18.25m. The proposal complies with the provisions of the *GDCP 2013* and is considered acceptable given the well-considered design and lot width.

7. Waterfront Setback

Comment – The natural waterfront setbacks comply with the provisions of the *GDCP 2013* and is in keeping with the adjacent development.

As detailed below in Figure 11, the waterfront setback (as detailed by the red line) is set back considerably in comparison to the properties to the north and is in keeping with that to the South. This setback aligns with the setbacks of the adjacent dwelling houses on either side, both of which also have decks or balconies extending beyond this alignment and into the foreshore area.



Figure 11: Aerial photo of the existing waterfront setbacks of properties located on Wagstaffe

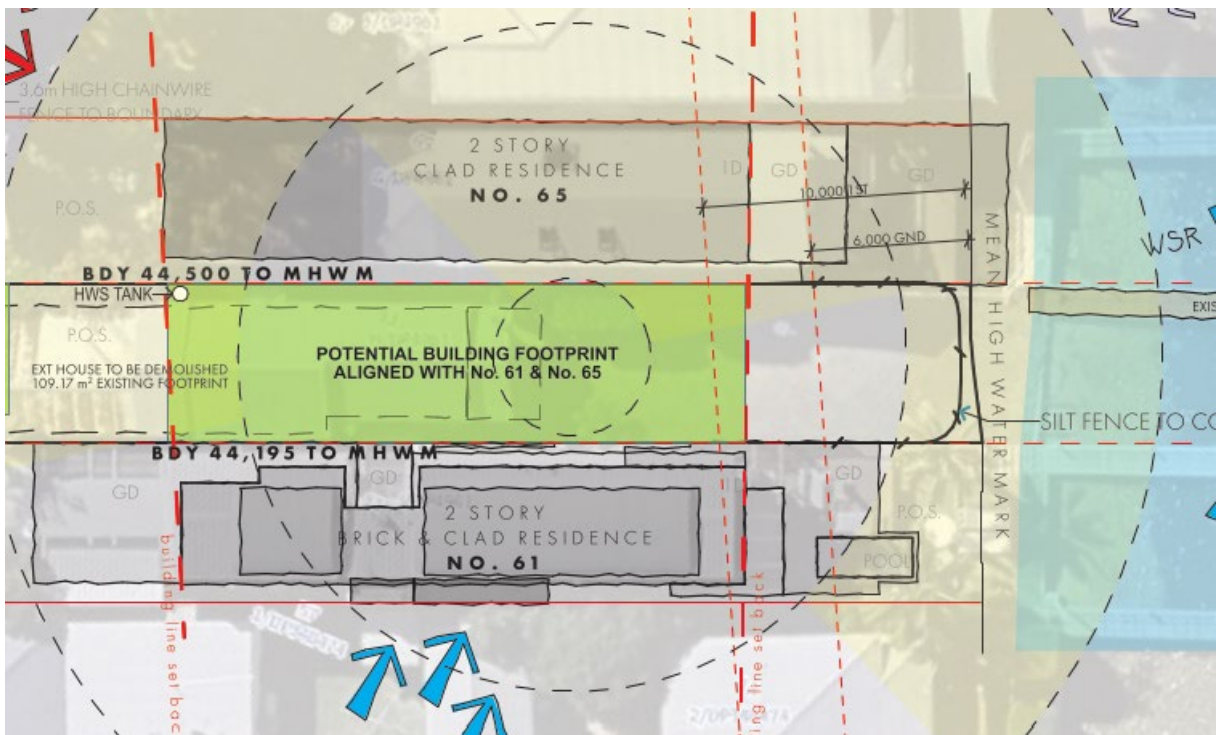


Figure 12: Detailing the setbacks as being in keeping with those adjacent.

8. Views

Comments – A view loss assessment has been included in the body of the report which addresses specifically No. 61 Wagstaffe Ave. The assessment finds the view sharing is appropriate. The proposal has an increased waterfront setback in comparison to those along this water frontage and has been sited to ensure that view sharing is achieved.

9. Side access for maintenance and fire

Comments – The proposal will be required to be constructed to comply with the *National Construction Code (NCC)* with appropriate Fire Resistance Levels for external walls within 900mm of the allotment boundary. The *NCC* allows for dwellings to be constructed on the boundary as does the *GDCP 2013*. The architect has provided further information with regards to maintenance and suitability of the boundary construction and is supplied as an attachment (number 5) to this report.

10. Impacts to health due to side setback and lack of ventilation

Comment – The *NCC* requires buildings to be constructed to comply with *Part 3.8 Health & Amenity* by providing for sufficient light and ventilation to dwellings, appropriate water proofing, damp proofing etc. Further to this the *NCC* permits dwellings to be constructed on the boundary.

A window located 900mm from an allotment boundary is considered to receive sufficient ventilation in accordance with the *NCC*. An operational window would not be permitted within 900mm of the boundary. If a window was located within 900mm of an allotment boundary, it would not be an openable window and would not be included as part of the ventilation calculations. It is therefore considered that the subject development allows for an *NCC* compliant level of ventilation, health and amenity to neighbouring properties.

11. Flooding

Comment – The minimum floor heights have been provided in accordance with the provisions of *GDCP 2013* and the elevated floor heights have not compromised the overall building heights of the dwelling. Councils Development Engineer has reviewed the proposal and supports the development in its current form subject to conditions.

12. Privacy

Comment – Along the southern side elevation there are no windows in the walls facing the adjoining property, other than windows alongside the internal walkway between the front and rear pavilions, which are setback 1m from the boundary. Narrow windows are provided internally to the ground floor living area and a bathroom, which will be below the level of the boundary fencing, and on the upper level to a lightwell void area, which will not result in privacy impacts on the southern side to 61 Wagstaffe Avenue.

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On the rear elevation, there is a deck on the first floor oriented towards Brisbane Water, with screening on either side to minimise cross viewing or privacy impacts on adjoining properties, and the deck is similar to decks on dwelling houses on either side.

Internal Consultation

Development Engineer	Supported subject to conditions. See comments below.
----------------------	--

Flooding

The area is subjected to flood planning controls (Brisbane Water Foreshore Flood Study). The 1% AEP flooding level is RL 1.60m AHD. The flood planning level (FPL) is RL 2.30m AHD.

All building materials used or located below RL 2.30m AHD must be of a type that is capable to withstand the effects of immersion. The location of all electrical and gas fixtures and outlets is to be at a minimum height of RL 2.30m AHD.

The proposed ground floor level is RL 3.19m AHD.

The Public Interest

The proposed development is seen to be in the public interest by providing assurance that the subject land is able to be developed in proportion to its site characteristics.

Conclusion:

It is recommended that the conditions as indicated are included in the development consent issued in support of the development.

Development Contribution Plan

The proposed development is not a development type that is subject to *Section 7.11 of the Environmental Planning and Assessment Act 1979* development contributions. Therefore, no contributions are applicable.

Water and Sewer Contributions

The proposed development is not subject to Water & Sewer Contributions.

Conclusion:

The development application has been assessed in accordance with Section 4.15 of the EP&A Act 1979, and all relevant instruments and polices. The proposed development is considered suitable for the site despite the listed variations. The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act 1979.

**3.3 DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House
(New) and Garage (contd)**

Attachments

1	Draft Conditions Summary DA60516/2020 H63 Wagstaffe Avenue WAGSTAFFE		D14599177
2	Amended Plans DA60516/2020 H63 Wagstaffe Ave WAGSTAFFE	Provided Under Separate Cover	D14596196
3	Redacted Architectural Plans DA60516/2020 H63 Wagstaffe Ave Wagstaffe		D14599306
4	Clause 4.6 Variation to Development Standard DA60516/2020 H63 Wagstaffe Avenue Wagstaffe		D14599223
5	Pre cast concrete supplement DA60516/2020 H63 Wagstaffe Ave WAGSTAFFE		D14599196

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: Matt Thitchener Architect

Drawing	Description	Sheets	Issue	Date
2012	Plan Set	1-15	01	25/11/20

1.2 Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.

1.3 Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.

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

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

2.3 Submit to the Accredited Building Certifier a report approved by a suitably qualified consultant demonstrating that the development complies with the design parameters outlined in the current edition of the Australian Building Codes Board (ABCB) *Construction of Buildings in Flood Hazard Areas* Standard or compliance with the Building Code of Australia as appropriate for the development. The following flooding characteristics are applicable to the development:

Submit design details of the following engineering works within private property:

1.

All building materials used or located below RL 2.30m AHD must be of a type to withstand the effects of immersion..

Non-habitable floor levels: Garage, shed, laundry, or public toilets/sporting amenities to have floor levels at the 1% AEP flood level (RL 1.60m AHD) or at least 300mm (desirable 500mm) above surrounding finished ground level, whichever is higher. Materials, equipment or contents are not to be stored below the FPL unless they are flood compatible, capable of withstanding the forces of floodwater, debris and buoyancy, and not prone to causing pollution or an environment hazard. (Refer to DCP 2013 Part 6.7.7.6.4 B and to Brisbane Water Risk Management Plan).

These design details and any associated reports must be certified and included in the Construction Certificate.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1** All conditions under this section must be met prior to the commencement of any works.
- 3.2** Appoint a Principal Certifier for the building work:
- a. The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3** Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a. The name, address and telephone number of the Principal Certifier for the work; and
 - b. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited
 - d. Remove the sign when the work has been completed.
- 3.4** Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au
- Contact Council prior to submitting these forms to confirm the relevant fees.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.
- 3.5** Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for food scraps and papers.
- 3.6** Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.7** Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

- 3.8** 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** Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

4. DURING WORKS

- 4.1** All conditions under this section must be met during works.
- 4.2** Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday

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

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

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

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 4.6 Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 4.7 Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9 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.
- 4.10 No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.11 Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 4.12 Locate all electrical fixtures (including meter box) and/or gas outlets associated with the proposed works at a minimum height of RL 2.30m AHD. Alternatively, all electrical outlets and fixtures located between RL 2.30m AHD (minimum floor level) and RL 1.60m AHD (1% AEP flood level) can be protected by a residual current device (safety switch).

These details and any associated reports must be certified and included in the Construction Certificate.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.2** Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 5.3** Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.4** Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

6. ONGOING OPERATION

- 6.1** Do not let, adapt or use the dwelling for separate occupation in two or more parts.

7. PENALTIES

- 7.1** Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and / or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services

- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

63 WAGSTAFFE AVENUE WAGSTAFFE NSW 2257



MATT THITCHENER ARCHITECT

NSW Arch Reg. 8973 m: 0488 922 199 e: matt@mattarch.com.au





PROPOSED NEW RESIDENCE

63 WAGSTAFFE AVENUE WAGSTAFFE NSW 2257

DRAWING No.	DESCRIPTION	Rev	ISSUED	Comment
DA01	COVERSHEET	01	<input checked="" type="checkbox"/>	
DA02	DRAWING LIST + LOCATION	01	<input checked="" type="checkbox"/>	
DA03	SITE ANALYSIS	01	<input checked="" type="checkbox"/>	
DA04	SITE PLAN	01	<input checked="" type="checkbox"/>	
DA05	LANDSCAPE PLAN	01	<input checked="" type="checkbox"/>	
DA10	FLOOR PLANS	01	<input checked="" type="checkbox"/>	
DA20	NORTH / SOUTH ELEVATIONS	01	<input checked="" type="checkbox"/>	
DA21	EAST/WEST ELEVATIONS	01	<input checked="" type="checkbox"/>	
DA30	S-01 & 02 SECTIONS	01	<input checked="" type="checkbox"/>	
DA40	SHADOWS JUNE EXISTING	01	<input checked="" type="checkbox"/>	
DA41	SHADOWS JUNE PROPOSED	01	<input checked="" type="checkbox"/>	
DA42	SHADOWS MAR/SEPT EXIST	01	<input checked="" type="checkbox"/>	
DA43	SHADOWS MAR/SEPT PROP'D	01	<input checked="" type="checkbox"/>	
DA50	WIN/DOOR SCHEDULE	01	<input checked="" type="checkbox"/>	



NTS LOCATION PLAN



MATT HITCHENER ARCHITECT	RevID	CHD	Change Name	Date
	01	A	ISSUE FOR DA	25/11/20

NSW Arch Reg. 8973 m: 0488 922 199 e: mat@mtarch.com.au

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Project: PROPOSED NEW RESIDENCE
 Address: LOT H, DP 4961,
 63 WAGSTAFFE AVENUE WAGSTAFFE
 For: CORNISH

Scale: 1:100 @ A3
 Date: DA
 Plot Date: 25/11/20

Drawing Title: DRAWING LIST + LOCATION
 Project No: 2012 Drawing No: DA 02



Gosford Development Control Plan 2013

SITE AREA = 272m²

BUILDING SCALE (GDCP 2013: 3.1.2.1)

MAXIMUM HEIGHT = 8.5m

MAXIMUM FLOOR SPACE RATIO = 0.5 : 1 or 136m²

SITE COVERAGE = MAX 60% SITE AREA (GDCP 2013: 3.1.2.2)

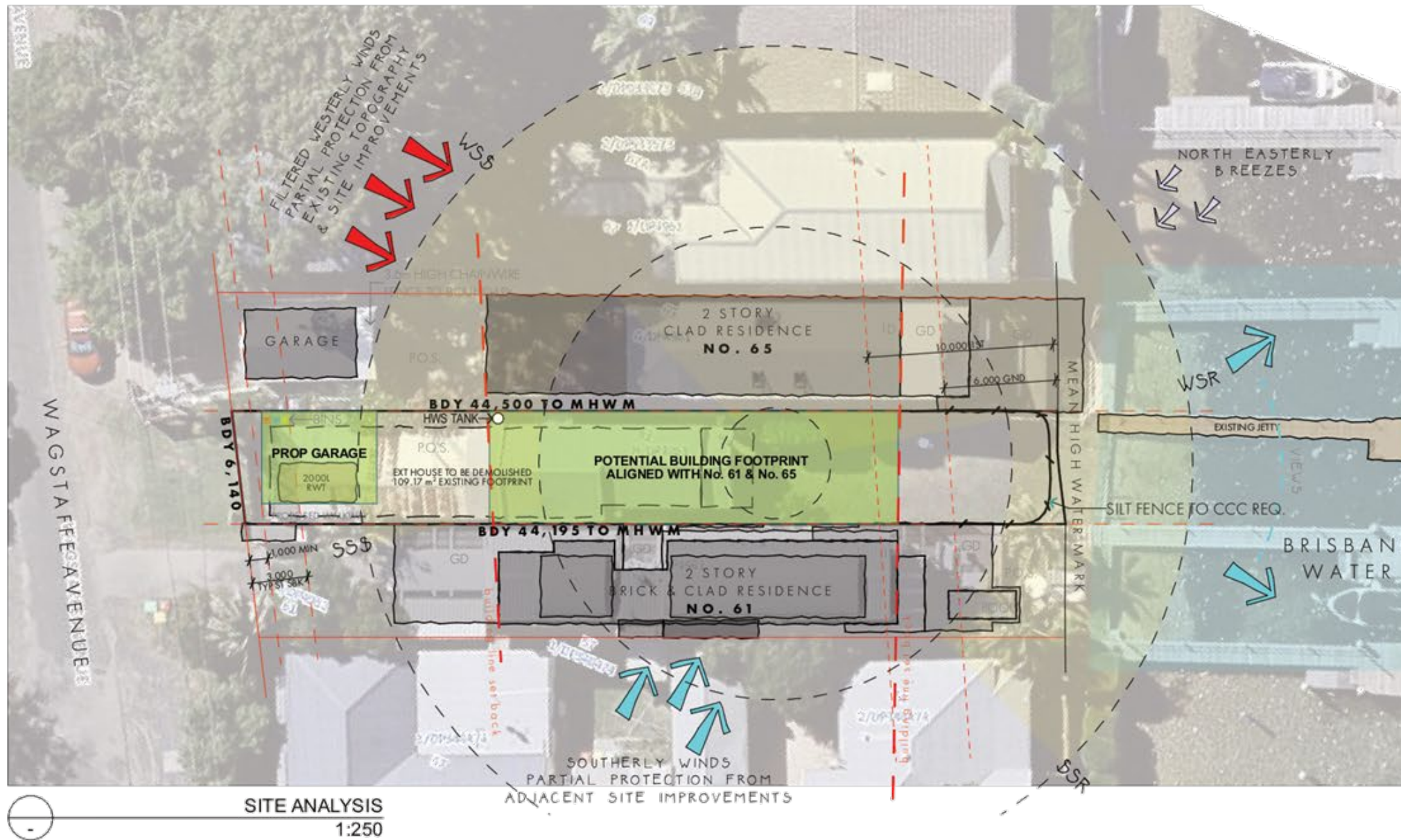
SOFT LSCP = USUALLY ALLOW 40% SITE AREA or 108.8m²

SITE SETBACKS (GDCP 2013: 3.1.3.1)

STREET USE EXISTING GARAGE SETBACK
or
3.0m FROM THE STREET BDY TO 1.0m MIN.
or
NEIGHBOURING GARAGE

SIDE ZERO for 20.0m MAXIMUM
then
900mm MIN to 4.5m HIGH THEN 4:1 SLOPE

REAR Straight line drawn between Houses 65 and 61
or
6.0m Gnd FLOOR
10.0m 1st FLOOR



SITE IS MAPPED AS:
CLASS 3 ACID SULPHATE SOILS

HIGH LEVEL FOOTINGS ARE NOT LIKELY TO REQUIRE GEOTECHNICAL ADVICE
CONFIRM ON SITE.

NATHERS CERTIFICATE FROM REPORT BY CERTIFIED ENERGY

SITE IS NOT IN A BUSHFIRE ZONE IN ACCORDANCE WITH CENTRAL COAST COUNCIL MAPPING WEBSITE AS OF SEPTEMBER 2020

POTENTIAL BUILDING FOOTPRINT SHOWN TO INDICATE APPROXIMATE POSITION OF HOUSE - NOT BUILDING FOOTPRINT.

LEGEND

ID = 1ST FLOOR DECK

GD = GND FLOOR DECK



MATT HITCHENER ARCHITECT
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RevID	CHD	Change Name	Date
01	A	ISSUE FOR DA	25/11/20

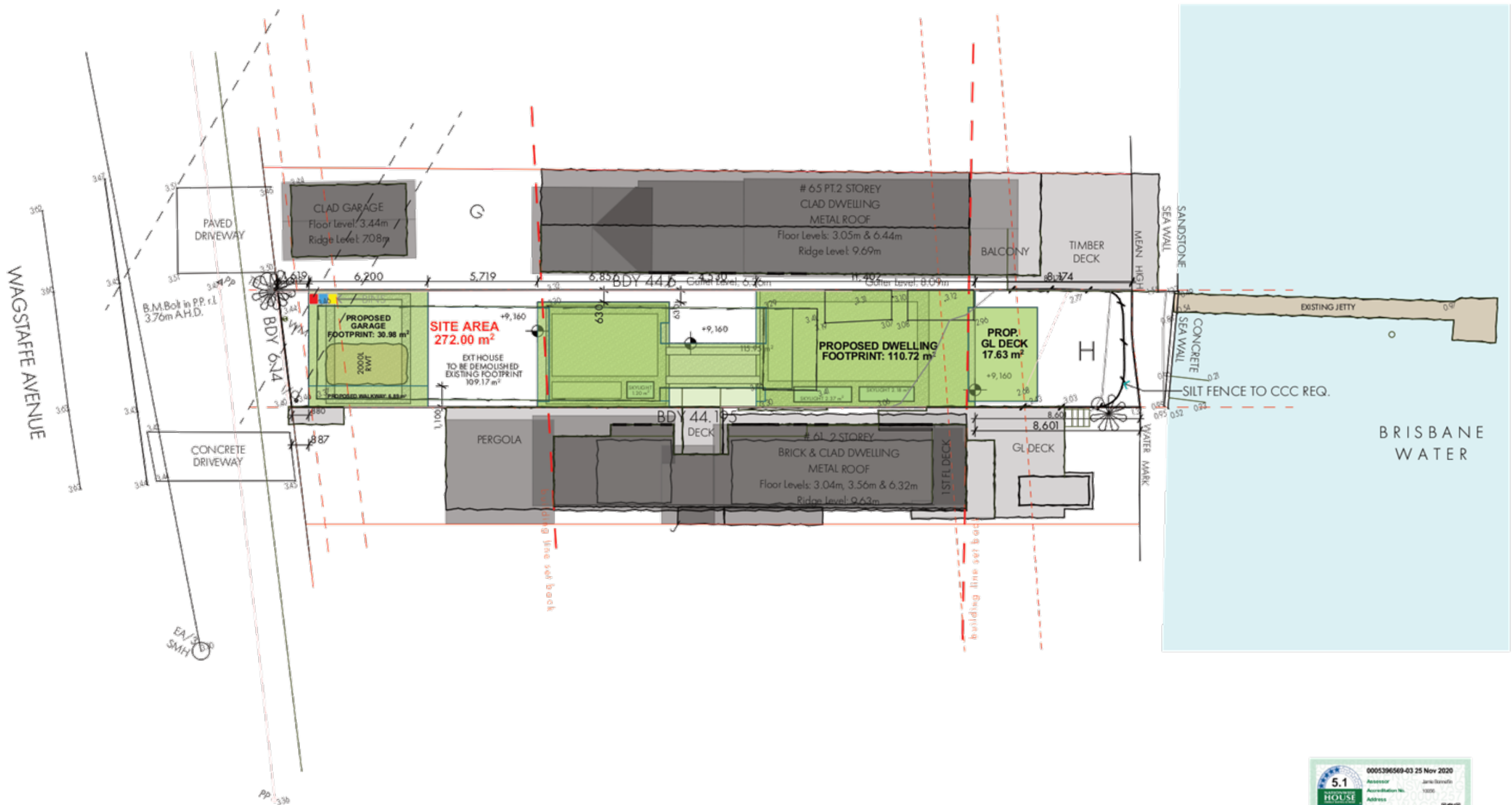


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Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961, 63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
RevDate: 25/11/20

Drawing Title: **SITE ANALYSIS**
Project No: 2012
Drawing No: DA03



MATT THITCHENER ARCHITECT		RevID	CHD	Change Name	Date
		01	A	ISSUE FOR DA	25/11/20

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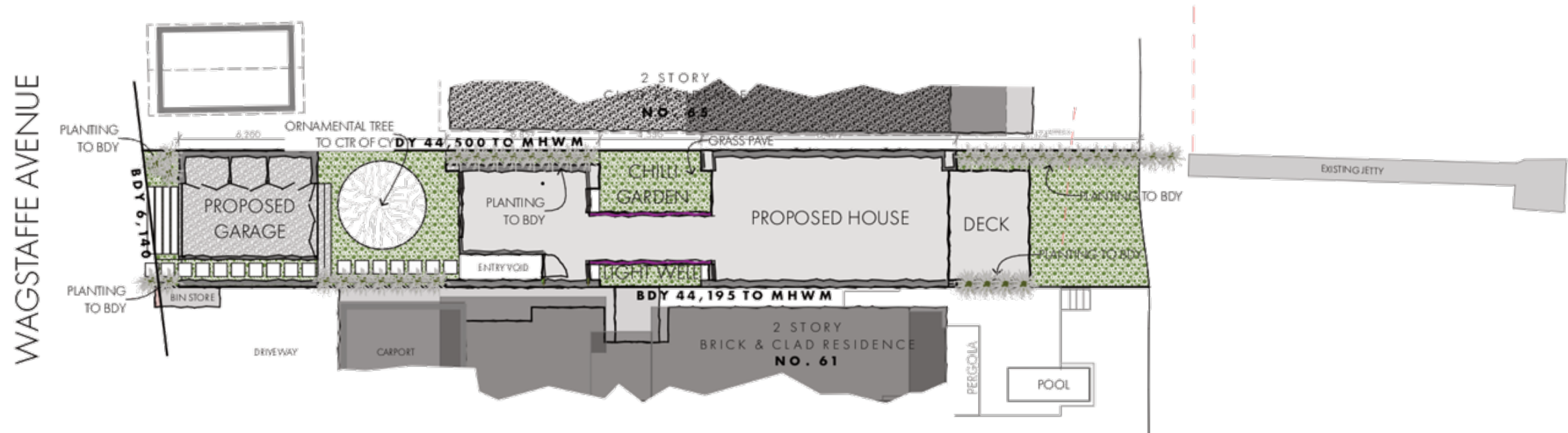
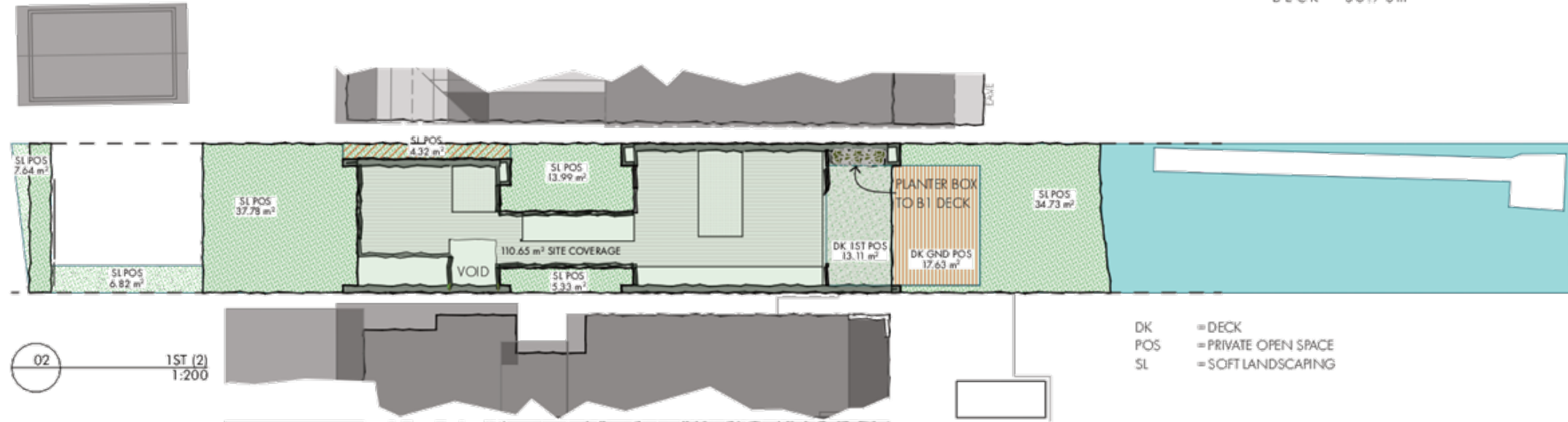
Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev Date: 25/11/20

Drawing Title: SITE PLAN
Project No: 2012
Drawing No: DA04



SOFT LANDSCAPING = 110.61m²
DECK = 30.73m²



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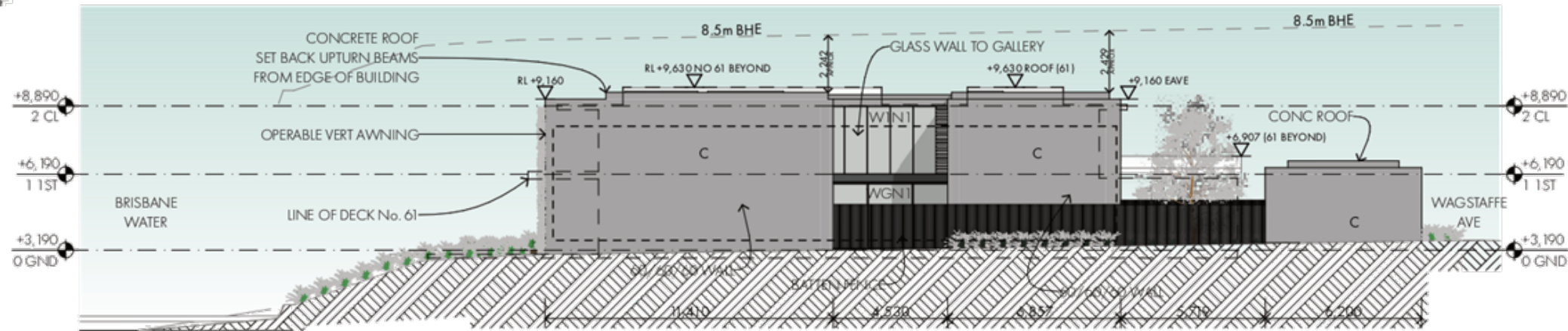


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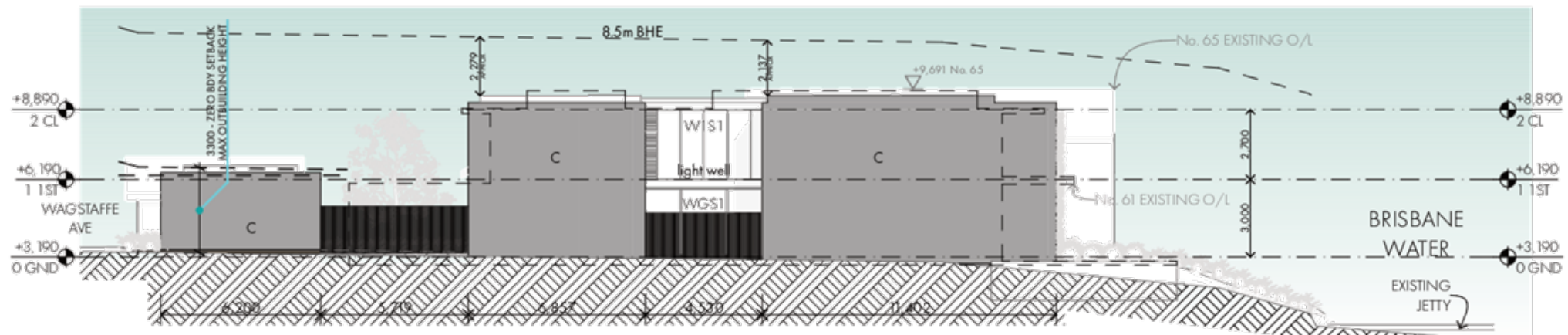
Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev Date: 25/11/20

Drawing Title: LANDSCAPE PLAN
Project No: 2012
Drawing No: DA05



01 NORTH ELEVATION
1:200



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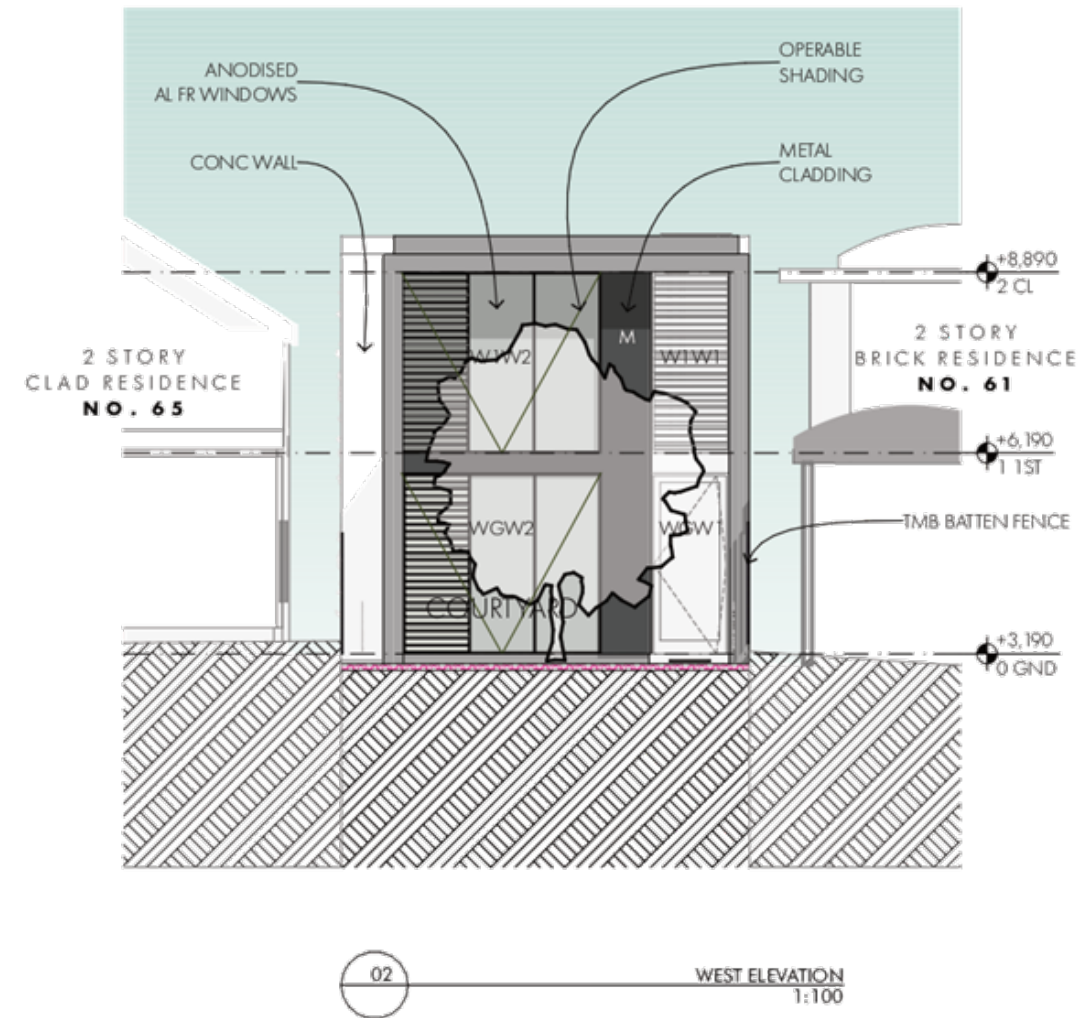
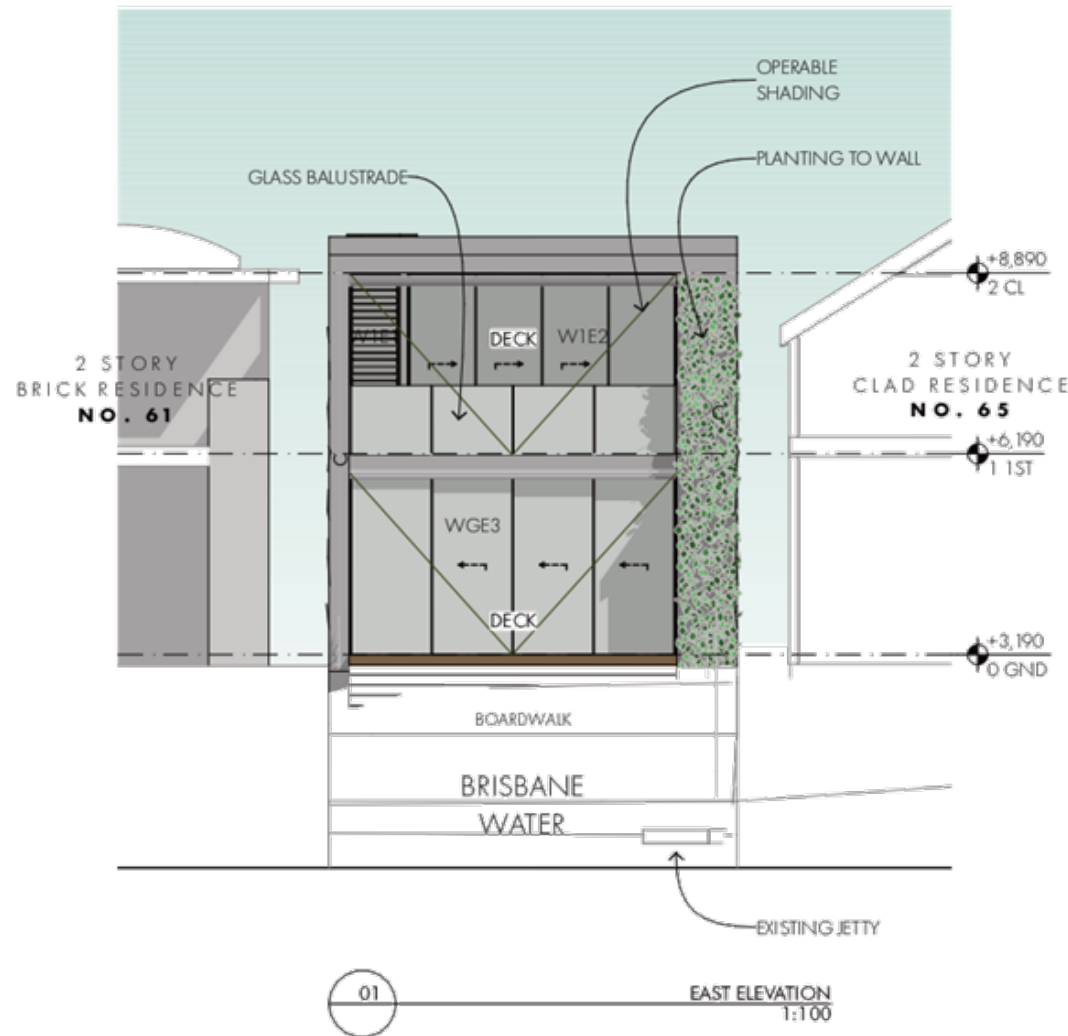
RevID	CHD	Change Name	Date
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Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev Date: 25/11/20

Drawing Title: NORTH / SOUTH ELEVATIONS
Project No: 2012
Drawing No: DA 20



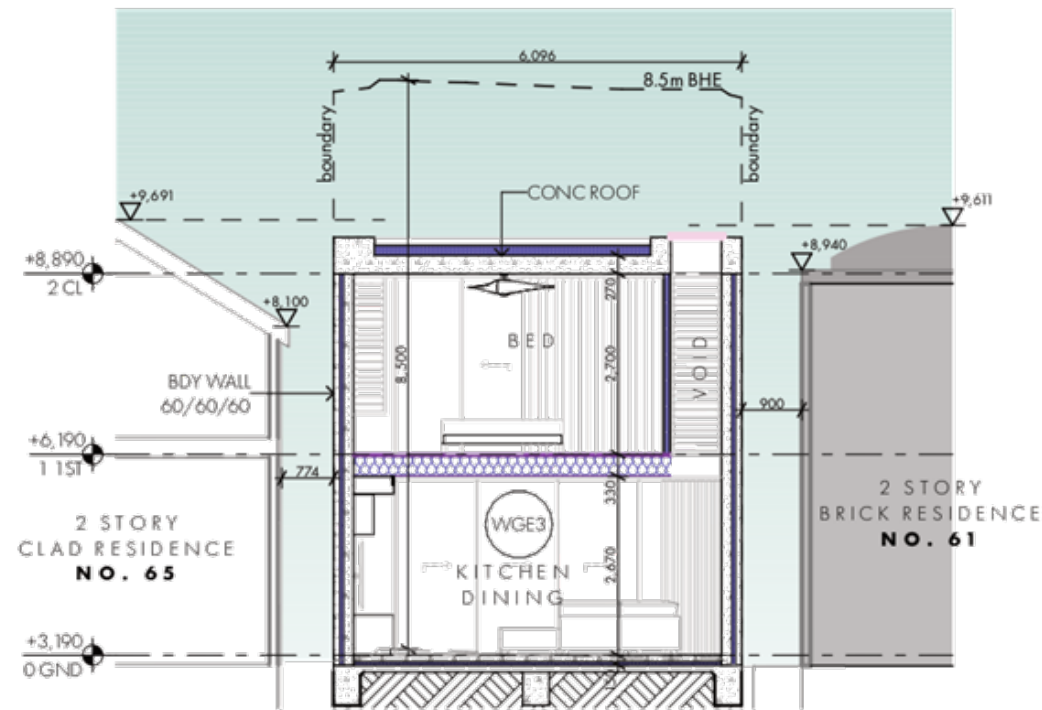
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NSW Arch Reg. 8973	in: 0488 922 199	e.mat@march.com.au		

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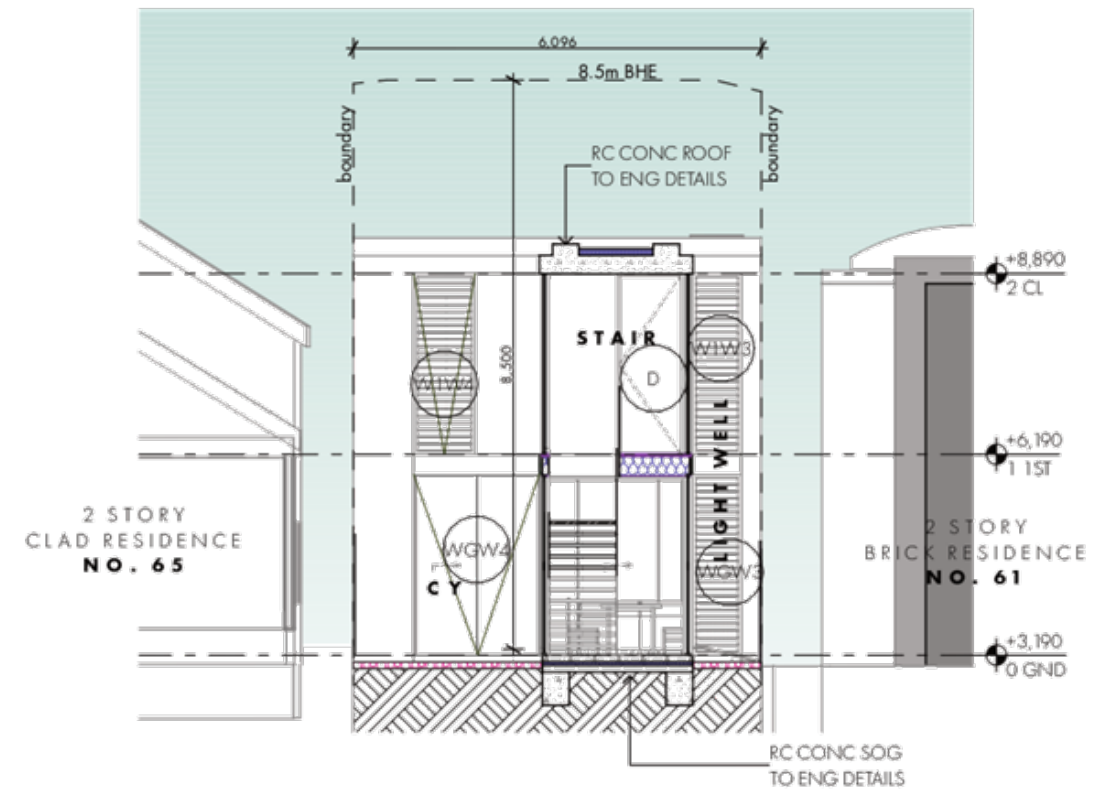
Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev Date: 25/11/20

Drawing Title: EAST/WEST ELEVATIONS
Project No: 2012
Drawing No: DA 21



S-01 SECTION 1
1:100



S-02 SECTION 2
1:100



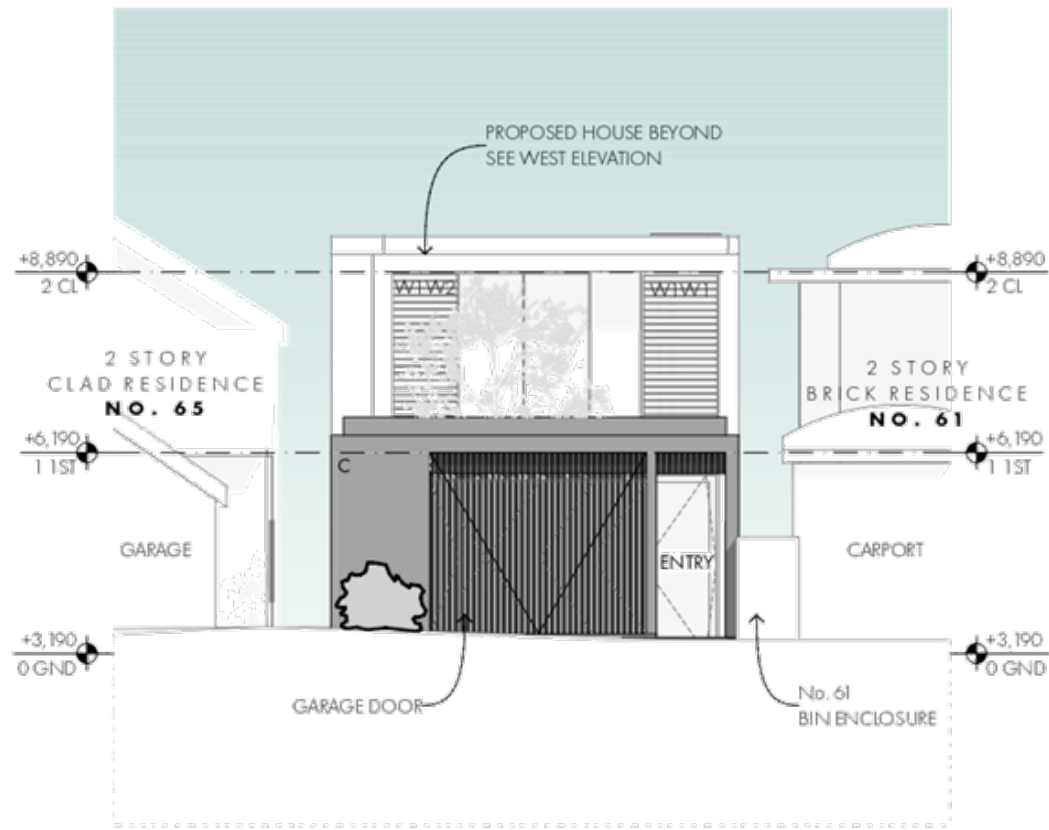
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Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev Date: 25/11/20

Drawing Title: S-01 & 02 SECTIONS
Project No: 2012
Drawing No: DA 30



1 WEST ELEVATION (GARAGE) 1:100

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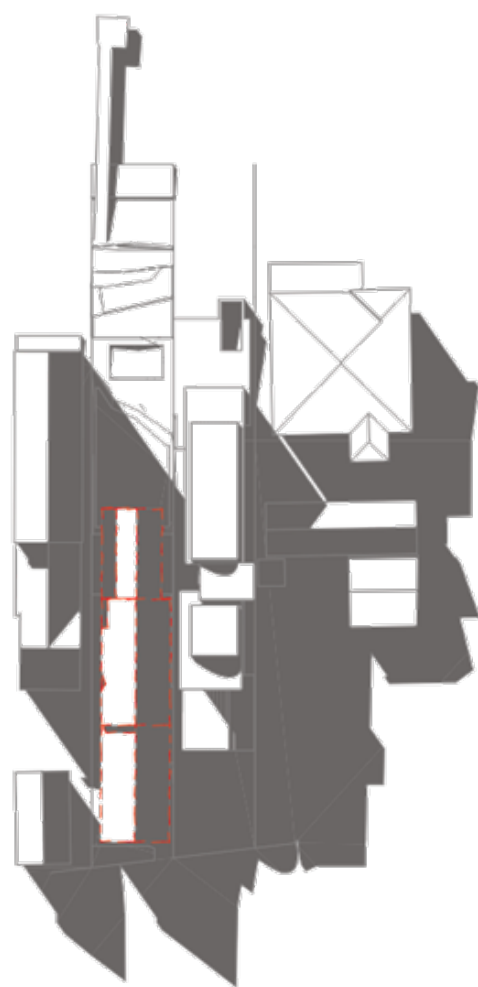
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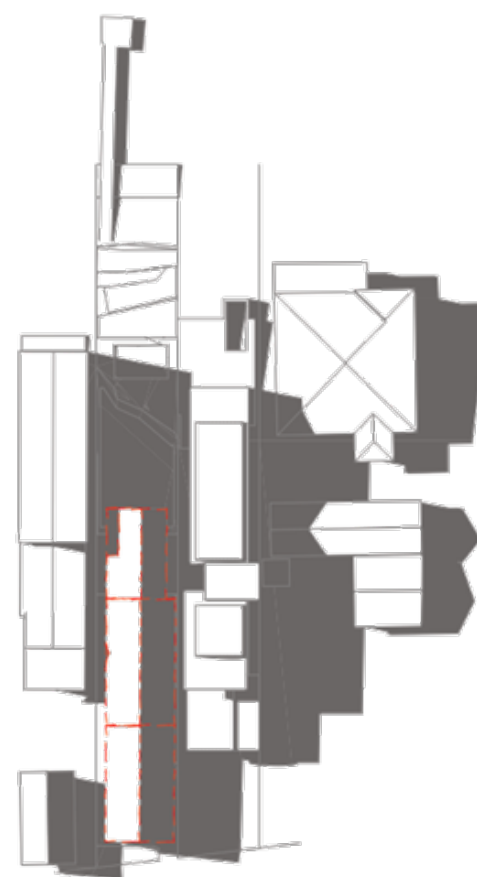
Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
To: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev Date: 20/4/21

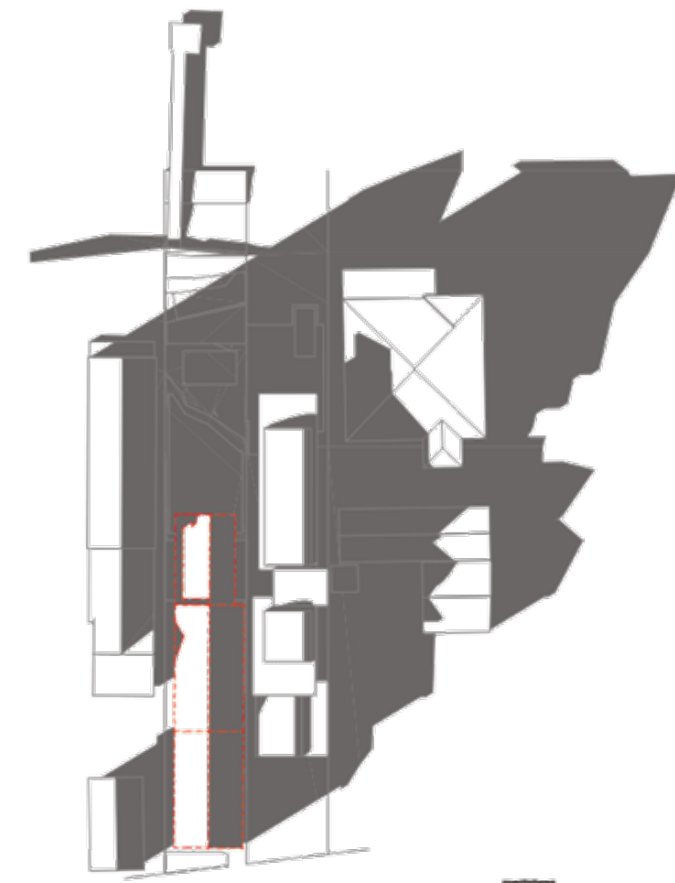
Drawing Title: STREET (WEST) ELEVATION
Project No: 2012 Drawing No: DA 22



01 SHADOW 21 JUN at 0900h
1:500



02 SHADOW 21 JUN at 1200h
1:500

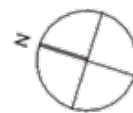


03 SHADOW 21 JUN at 1500h
1:500

EXISTING SHADOWS

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RevID	CHD	Change Name	Date
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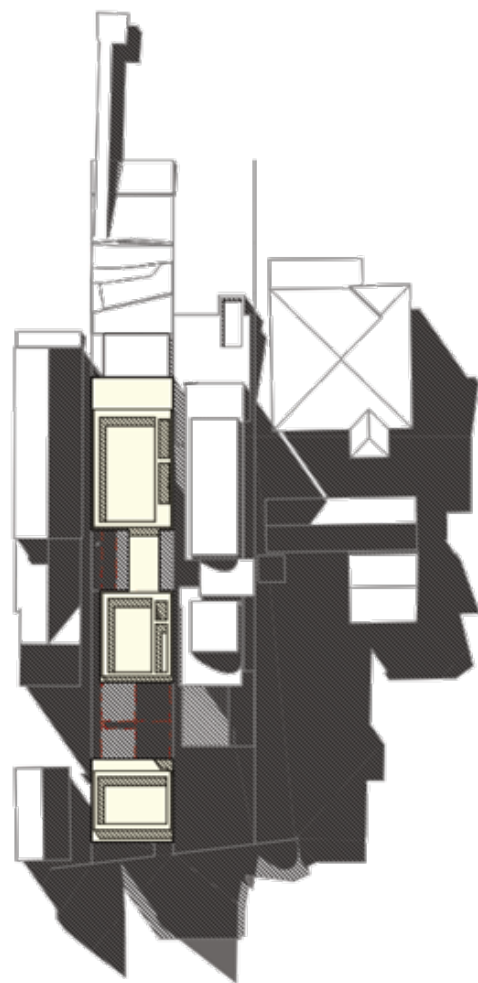


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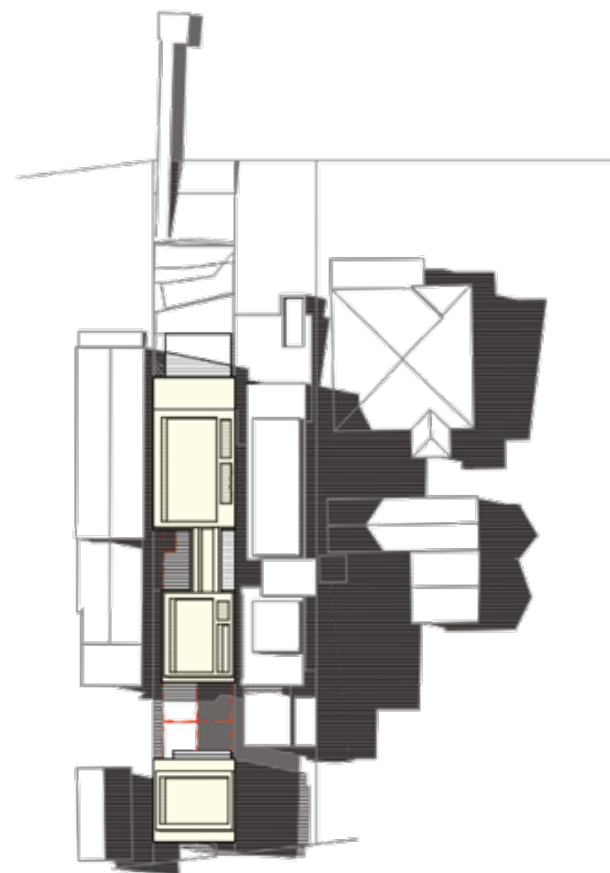
Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev/Date: 25/11/20

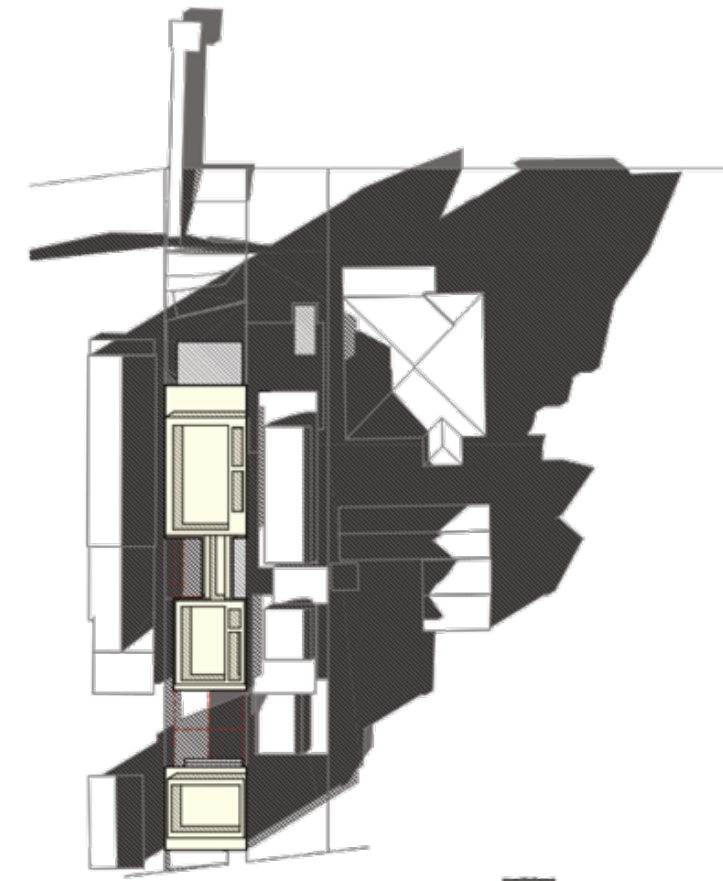
Drawing Title: SHADOWS JUNE EXISTING
Project No: 2012
Drawing No: DA 40



01 SHADOW 21 JUN at 0900h
1:500



02 SHADOW 21 JUN at 1200h
1:500

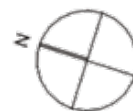


03 SHADOW 21 JUN at 1500h
1:500

EXISTING SHADOWS
 PROPOSED SHADOWS

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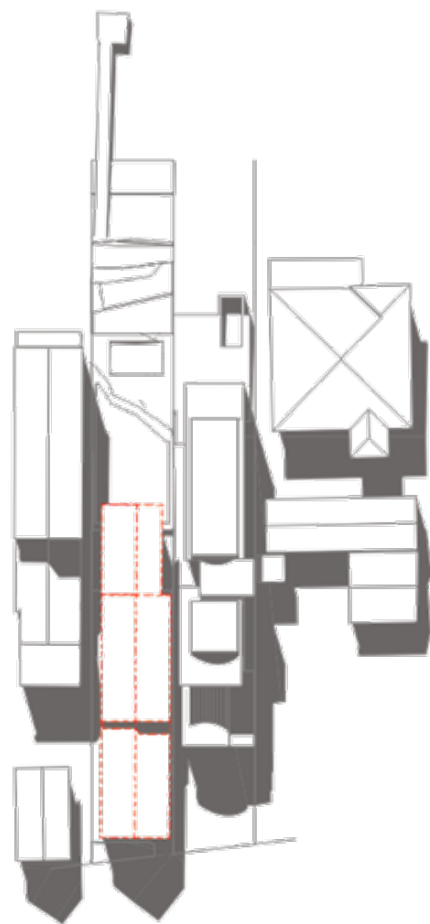


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Project: PROPOSED NEW RESIDENCE
 Address: LOT H, DP 4961,
 63 WAGSTAFFE AVENUE WAGSTAFFE
 For: CORNISH

Scale: 1:100 @ A3
 Date: DA
 Plot Date: 25/11/20

Drawing Title: SHADOWS JUNE PROPOSED
 Project No: 2012
 Drawing No: DA 41



EXISTING SHADOWS

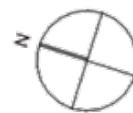
04 SHADOW 21 MAR at 0900h
1:500

05 SHADOW 21 MAR at 1200h
1:500

06 SHADOW 21 MAR at 1500h
1:500

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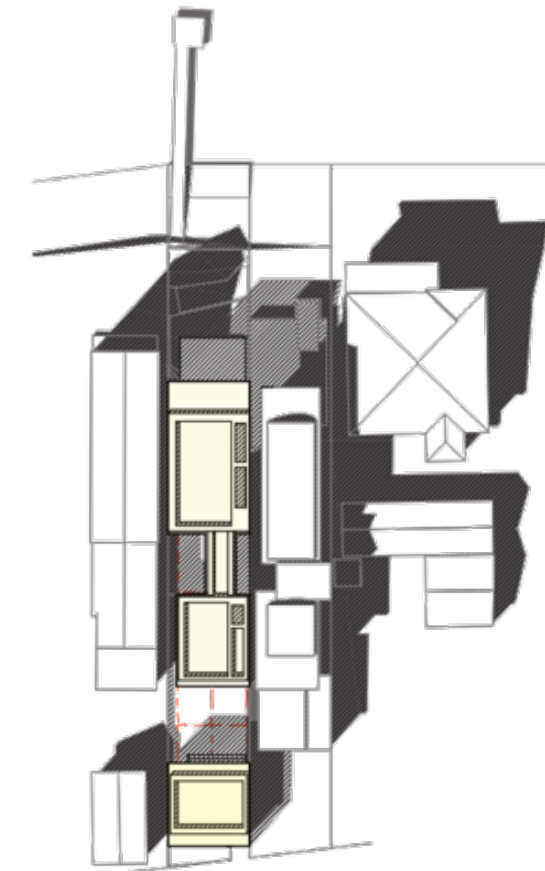
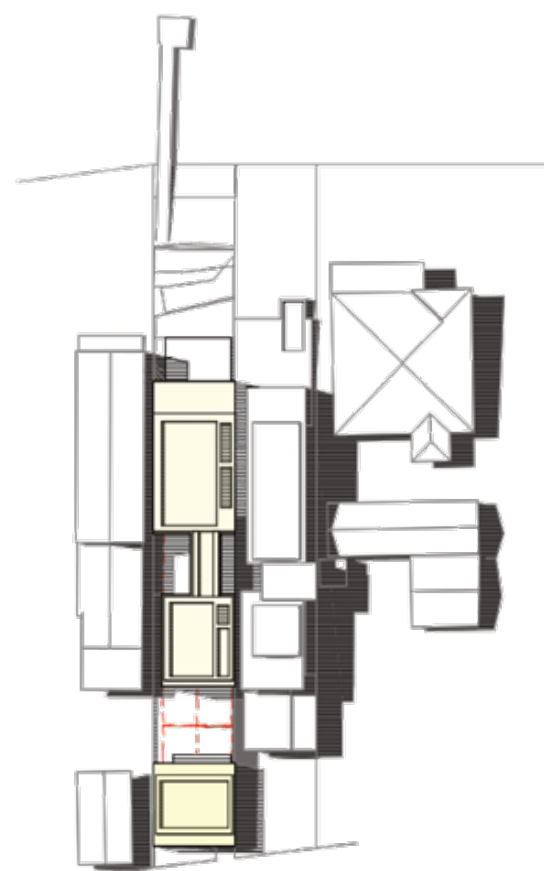
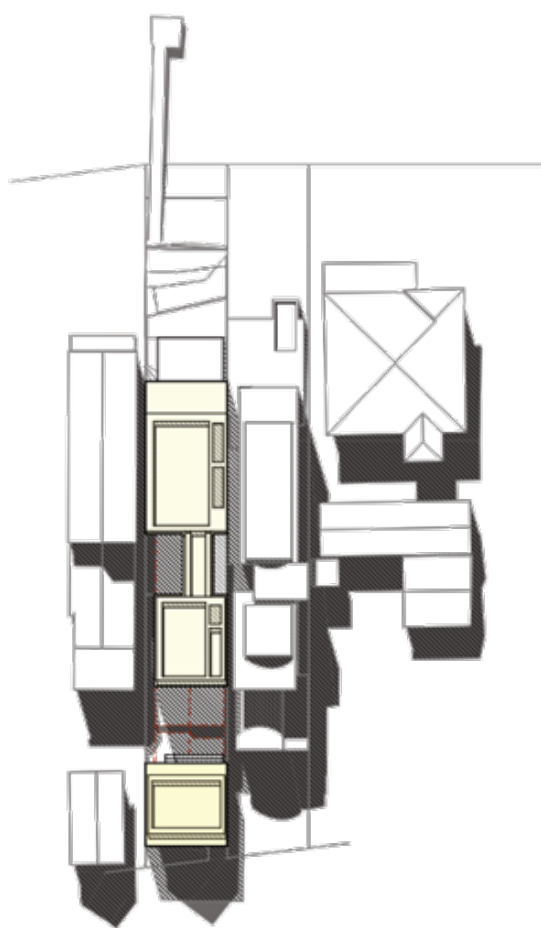


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Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
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For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev/Date: 25/11/20

Drawing Title: SHADOWS MAR/SEPT EXIST
Project No: 2012 Drawing No: DA 42



EXISTING SHADOWS
PROPOSED SHADOWS

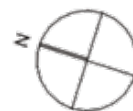
04 SHADOW 21 MAR at 0900h
1:500

05 SHADOW 21 MAR at 1200h
1:500

06 SHADOW 21 MAR at 1500h
1:500

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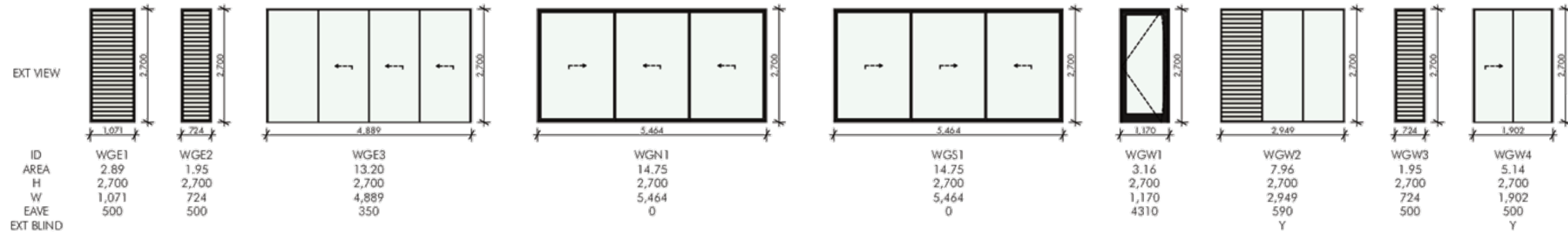


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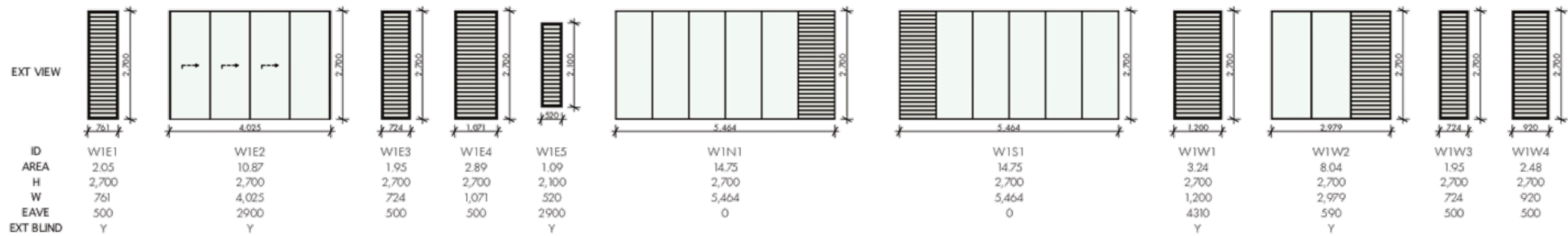
Project: PROPOSED NEW RESIDENCE
Address: LOT H, DP 4961,
63 WAGSTAFFE AVENUE WAGSTAFFE
For: CORNISH

Scale: 1:100 @ A3
Date: DA
Rev/Date: 25/11/20

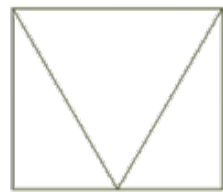
Drawing Title: SHADOWS MAR/SEPT PROP'D
Project No: 2012
Drawing No: DA 43



WINDOWS_GND 1:1



WINDOWS_1ST 1:1



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Project: PROPOSED NEW RESIDENCE
 Address: LOT H, DP 4961,
 63 WAGSTAFFE AVENUE WAGSTAFFE
 For: CORNISH

Scale: 1:100 @ A3
 Date: DA
 Plot/Date: 25/11/20

Drawing Title: WIN/DOOR SCHEDULE
 Project No: 2012 Drawing No: DA 50



Attachment A – Clause 4.6 Variation to Development Standard

The proposal requires a minor variation to the floor space ratio standard under clause 4.4 of Gosford LEP 2014, and the applicant requests an exemption to the development standard as is allowed by Clause 4.6 of Gosford LEP 2014.

This written request for variation has been prepared with consideration of the requirements of clause 4.6 of the LEP and relevant principles set out in Land and Environment Court judgements applying to variations to development standards, and in particular *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, which summarises previous decisions of the Court including *Wehbe v Pittwater Council [2007] NSWLEC 827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*; *[2015] NSWCA 248*, and *Randwick City Council v Micaul Holdings Pty Ltd [2016] 225 LGERA 94*; *[2016] NSWLEC 7*.

Relevant Development Standard

Clause 4.4 (2) of Gosford LEP 2014 sets maximum floor space ratio through the Floor Space Ratio Map. The Map identifies the site as having a floor space ratio of 0.5:1, which would allow a floor space of 136m².

Extent of Variation to Development Standard

The proposed development has a gross floor area of 148.99m² which is a floor space ratio of 0.548:1. The additional floor space of 12.99m² is a 9.55% variation to the development standard.

Reason for the Variation

The minor variation has arisen due the very small size of the lot, and the need to accommodate a reasonable size dwelling house for the use of the owners, consistent with surrounding development.

Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 0.5:1 floor space ratio requirement is considered to be unreasonable or unnecessary in the circumstances of this site, for the following reasons:

1. The variation is both minor and modest, being for 12.99m² additional floor area, which is able to be accommodated within the proposed dwelling house, and without adding to the perceptible bulk or appearance of the development compared to a complying development;
2. The proposed dwelling house has a gross floor area of 148.99m², which is a reasonable size for a dwelling house, particularly given the site's waterfront location and the large size of other surrounding dwelling houses;



63 Wagstaffe Avenue, Wagstaffe

3. The proposal maintains a comparable building setback to Brisbane Water, and overall building height compared to adjoining development, and will be compatible with other development along the foreshore area;
4. The minor additional gross floor area is able to be accommodated on the site, and will not result in unreasonable amenity, privacy, overshadowing or view impacts on adjoining properties compared with a complying development; and
5. The proposal is consistent with the objectives of the R2 Low Density Residential zone and Gosford DCP 2013.

In *Wehbe v Pittwater Council [2007] NSWLEC 827* the Chief Justice outlined a number of ways an objection can demonstrate that compliance with a development standard is unreasonable or unnecessary, including by establishing that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, which is relevant in this case and is addressed below.

Objectives of the development standard (cl. 4.4 Gosford LEP 2014)

The proposal is consistent with the objectives of the development standard as follows:

- (a) *to establish standards for the maximum development density and intensity of land use*
Comment: this objective explains the purpose of the standard, and the proposal is not inconsistent with the objective.
- (b) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,*
Comment: the proposal is consistent with the desired future character for the area, as detailed in the assessment against Chapter 2 of Gosford DCP 2013, and having regard to development on surrounding properties. The variation is not unreasonable given the small size of the site, and will not increase the bulk and scale of development in any perceptible way beyond that already allowed under the LEP controls.
- (c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
Comment: the proposed additional floor space will not increase any environmental effects on adjoining properties, including view impacts, overshadowing and privacy. This statement considers the impacts of the development on adjoining properties and concludes the proposal will not unreasonably impact on adjoining properties and will not impact on any areas of public domain;
- (d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*



Comment: the subject site is in an established waterfront residential area, characterised by large dwelling houses, and the proposal will be compatible with the scale of adjoining and surrounding development and will not result in adverse visual impacts.

- (e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*

Comment: the site is a small and narrow property, and the proposed design response is appropriate for the site noting the scale of existing development on adjoining and surrounding properties. The site coverage for the development is only slightly higher than that allowed under Council's DCP and adequate space is maintained for landscaping and on-site stormwater infiltration.

- (f) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,*

Comment: the proposal provides a good standard of architectural form and detailing, which is appropriate for the size, dimensions and characteristics of the site. Variable setbacks and design features provide articulation and modulation to the building design, and where zero setbacks are provided these are less than those allowed under the DCP on each side elevation.

- (g) *to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,*

Comment: this objective does not apply to the subject site which is zoned R2 Low Density Residential.

- (h) *to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.*

Comment: this objective does not apply to the subject site which is zoned R2 Low Density Residential.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify a minor variation to the floor space ratio in this case, for the reasons as set out above, and with reference to the objectives of the *Environmental Planning and Assessment Act 1979* as detailed below. The nature of the control is to regulate development density and intensity, and the proposal is consistent with the general intended intensity of use of the land in the locality, and having regard to development on surrounding land.

The proposal will *promote the orderly and economic use and development of land* (Objective 1.3(c) of the Act) by applying appropriate flexibility to enable the development of a modest size dwelling house on the site for the reasonable use of the owners, and with a design that is



responsive to site conditions and is compatible with adjoining development and will not adversely impact on surrounding land.

A restriction on floor space in this case, given the narrow width of the site, would result in a shorter development (on the western side) rather than a narrower development due to the need to provide reasonable sized rooms and internal circulation/ access spaces, and side setbacks comply with Council's DCP requirements. The additional floor space on the western side of the dwelling does not unreasonably impact on adjoining properties and does not result in adverse impacts on the streetscape or the appearance of development viewed from Brisbane Water.

The variation will also *promote good design and amenity of the built environment* (Objective 1.3(d) of the Act) by providing a responsive design for the physical characteristics site. The variation effectively involves a very small part of the building in the centre of the site, which does not have adverse impacts on adjoining properties, and which will not adversely impact on the streetscape or appearance of the development from Brisbane Water.

The requested variation to floor space ratio will not have an adverse impact on the environment, nor on the social and economic welfare of the community, and is consistent with the objects of the Act.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R2 Low Density Residential zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal has been considered against the objectives of the R2 Low Density Residential zone in the assessment under Gosford LEP 2014, and the proposal is consistent with the objectives of the zone.

Conclusion

In conclusion, this written request demonstrates that the variation to the development standard is minor and is as a result of the unique circumstances and size of the site and will result in a development is compatible with the scale of surrounding development. The proposal provides a reasonable design response for the site that will not unreasonably add to the bulk of the building and will not impact on the amenity of surrounding properties.

This written request demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify the variation. Further, the variation is in the public interest as it is consistent with the objectives of the development standard and the objectives for development within the zone in which the development is proposed to be carried out. On this basis the request satisfies the requirements of clause 4.6 of the LEP and the principles developed through case law.



63 Wagstaffe Avenue, Wagstaffe

Attachment B – AHIMS Search Results



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 63 Wagstaffe Ave
Client/Service ID : 54 7966

Michael Leavey Consulting
Suite 2.08 Platinum Building East 4 Ilya Ave
Erina New South Wales 2250
Attention: Michael Leavey
Email: michael@michaelleaveyconsulting.com.au

Date: 05 November 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : H, DP:DP4961 with a Buffer of 50 meters, conducted by Michael Leavey on 05 November 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *

MATT THITCHENER ARCHITECT

M T A 2 0 1 2 D A 2

18th March 2021

Attn: Ellin Blackwell
Building Surveyor
Central Coast Building Certification South
Central Coast Council

Re: DA 60516/2020 - 63 Wagstaffe Avenue WAGSTAFFE

Dear Ellin,

I feel it appropriate assist council by way of responding to the misleading and incorrect claims against the finishes and construction methodology proposed for Development Application 60516/2020, 63 Wagstaffe Avenue.

Residential pre-cast concrete panels have been selected for several aesthetic and site-specific reasons outlined below:

Residential pre-cast concrete panels will be manufactured locally to provide a high end off form concrete finish, suitable to the high-quality build that we wish to obtain.

Pre-casting ensures a minimum of waste on site, and reduces on site construction times, thereby reducing impact to neighbouring dwellings.

Residential pre-cast concrete panels are pre-finished and require no ongoing maintenance - there will be no requirement to paint the panels or gain access to the panels from the outside after installation.

Residential pre-cast concrete panels have the ability to be installed from the subject site without encroaching on the neighbouring properties, which is of high priority on a narrow site such as those located along the foreshore of Wagstaffe Avenue.

Residential pre-cast concrete panels embody high thermal mass and are well insulated - typically with far better thermal performance than a traditional timber framed weatherboard clad building. These features make them more suitable for residential construction as household energy requirements become more and more stringent.

Residential pre-cast concrete panels are non-combustible and will be designed to suit the minimum FRL required to meet NCC compliance for the proposed setback.

It should also be noted that the application demonstrated a higher level of open space than that required which we intend to use for dense planting to soften the building, and provide abundant green space for the occupants.

Kind regards

Matt Thitchener Architect

NSW Architects reg. 8973

www.mtarch.com.au

m: 0488 922 199

Applicant for DA 60516/2020

MATT THITCHENER ARCHITECT

matt@mtarch.com.au

NSW Arch. Reg. 8973