

# Central Coast Local Planning Panel

Central Coast  
LOCAL PLANNING PANEL MEETING  
Business Paper  
**08 April 2021**



# Meeting Notice

**The LOCAL PLANNING PANEL MEETING  
of Central Coast  
will be held remotely - online,  
THURSDAY 8 APRIL 2021 at 2.00 pm,  
for the transaction of the business listed below:**

<b>1</b>	<b>PROCEDURAL ITEMS</b>	
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<b>2</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	
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<b>3</b>	<b>PLANNING REPORTS</b>	
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<b>4</b>	<b>PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING</b>	
4.1	DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage.....	159
4.2	DA 59637/2020 - 68 Railway Street Woy Woy - Stratum Torrens Subdivision.....	202

Jason Perica  
**Chairperson**



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

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**Central Coast**  
Local Planning Panel

8 April 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

8 April 2021 Local Planning Panel Meeting

Reference: F2020/02502 - D14566070

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 25 February 2021***

### **Recommendation**

***That the minutes of the previous Local Planning Panel Meeting held on 25 February 2021.***

### **Attachments**

- 1 MINUTES - Local Planning Panel - 25 February 2021 D14509417



## Local Planning Panel

Minutes of the  
**LOCAL PLANNING PANEL MEETING**  
Held remotely - online  
on 25 February 2021

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### Panel Members

Chairperson	Kara Krason
Panel Experts	Grant Christmas Greg Flynn
Community Representative/s	Scott McGrath

### Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Janice Wheeler	Senior Development Planner Major Projects
Cade Tracey	Trainee Development Planner Development Assessment South
Rachel Callachor	Local Planning Panel Support Coordinator

The Chair, Kara Krason, declared the meeting open at 2:03pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of country statement.

### Apologies

***The Panel noted that no apologies had been received.***

### Disclosures of Interest

***The Panel noted that disclosure forms had been submitted by members.***

#### **2.1 Confirmation of Minutes of Previous Meeting**

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

- **Local Planning Panel meeting held on 4 February 2021**  
**Moved: Kara Krason**

## Public Forum

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### Item 3.1

Angelique Perak, Melissa Stephens (on behalf of Gareth Stephens), and Graham Hughes all spoke against the recommendation.

Paul Davidson (Telstra) and Phil Hull (Kordia) spoke on behalf of the applicant and provided responses to enquiries from the Panel.

### Item 3.2

Steve Barr (Barr Property and Planning) spoke on behalf of the applicant and provided responses to enquiries from the Panel.

The Local Planning Panel public meeting closed at 3:25pm. The Panel moved into deliberation from 3:27pm, which concluded at 4:05pm.

### 3.1 DA57958/2020 - 138-140 Davistown Road, Saratoga - Telecommunications Tower

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<b>Site Inspected</b>	Yes
<b>Relevant Considerations</b>	As per Council assessment report
<b>Material Considered</b>	<ul style="list-style-type: none"> <li>• Documentation with application</li> <li>• Council assessment report</li> <li>• Submissions</li> <li>• Supplementary Memo</li> </ul>
<b>Council Recommendation</b>	Approval
<b>Panel Decision</b>	<p><b><i>That the Local Planning Panel defer consideration of DA57958/2020 - 138-140 Davistown Road, Saratoga - Telecommunications Tower and invite the applicant to:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1 Make an amended clause 4.6 request addressing the correct height development standard applicable to the site.</i></b></li> <li><b><i>2 Undertake further investigation and justification of the proposal in relation to site selection and location with regard to clause 115(3) of State Environmental Planning Policy (Infrastructure) 2007. Updated coverage diagrams clearly identifying additional land to be serviced by the proposal and whether such land is currently serviced by other</i></b></li> </ol>

**facilities or not at all should be provided. Consideration of other sites as discussed at the meeting is encouraged to adequately demonstrate to the Panel that the proposal meets the requirements of the guidelines referred to within SEPP (Infrastructure) 2007.**

**The amended details and plans referred to above are to be submitted to Council within 21 days.**

**Reasons**

- 1 The Panel does not consider that the current clause 4.6 request properly reflects the provisions of Gosford Local Environmental Plan 2014. The site is subject to a maximum 8.5m height control, however the clause 4.6 request incorrectly references an 11.5m height control applying to the site.
- 2 The Panel considers that further investigation and justification of the proposal in terms of site selection is required, including overlay of coverage details of the local area serviced by other telecommunications facilities.

**Votes**

The decision was unanimous

**3.2 DA/420/2019 - 139 Main Road, Toukley - Construction of a mixed use building containing commercial uses and a residential flat building comprising 9 apartments (affordable rental housing)**

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**Site Inspected**

Yes

**Relevant Considerations**

As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions

**Council Recommendation**

Refusal

**Panel Decision**

- 1 ***That the Local Planning Panel refuse the application DA/420/2019 - 139 Main Road, Toukley - Construction of a mixed use building containing commercial uses and a residential flat building comprising 9 apartments (affordable rental housing) subject to the reasons for refusal detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.***

- 2 ***That Council advise those who made written submissions of the Panel's decision.***
- 3 ***That Council advise relevant external authorities of the Panel's decision.***

**Reasons**

- 1 The proposal does not meet the objectives of *Clause 4.3 or 4.6 of the Wyong Local Environmental Plan 2013* in relation to building height and built form. 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 and does not adequately respond to the R2 zone interface.
- 2 The proposal fails to meet a fundamental character test that is required by *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The proposed building is not sufficiently compatible with the character of the surrounding locality and fails to relate to its context. The building bulk and height result in an overbearing visual impact upon the adjoining *R2 Low Density Residential* zone and adjoining *B4 Mixed Use* zoned land.
- 3 The proposal fails to adequately respond to its context that is required by *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)* and the *Apartment Design Guide (ADG)*.
- 4 The proposal does not satisfactorily address likely impacts to the coastal environment as required by the provisions of *State Environmental Planning Policy (Coastal Management) 2018*.
- 5 The development application has insufficient information and detail to adequately assess all impacts of the proposed development application.

**Votes**

The decision was unanimous

**Item No:** 3.1  
**Title:** DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre  
**Department:** Environment and Planning

8 April 2021 Local Planning Panel Meeting

Reference: 011.2020.00059244.001 - D14523018  
Author: Robert Eyre, Principal Development Planner South  
Manager: Ailsa Prendergast, Section Manager, Development Assessment South  
Approver: Andrew Roach, Unit Manager, Development Assessment

### Summary

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

The application is referred to the Local Planning Panel due to the number of submissions. 18 submissions have been received.

The application is recommended for approval, subject to conditions.

<b>Applicant</b>	Sam Yasseen
<b>Owner</b>	SkyLife Management Pty Ltd
<b>Application No</b>	DA59244/2020
<b>Description of Land</b>	Lot 11 DP616412 No83 Gindurra Road, Somersby.
<b>Proposed Development</b>	Warehouse and Distribution Centre
<b>Site Area</b>	28,566m <sup>2</sup>
<b>Zoning</b>	IN1 General Industrial
<b>Existing Use</b>	Vacant
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$10,420,760.00

### Recommendation

- 1 That the Local Planning Panel grant consent to DA59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***
- 2 That Council advise those who made written submissions of the Panel's decision.***
- 3 That Council advise relevant external authorities of the Panel's decision.***

**3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

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**Key Issues**

- Public Submissions and matters raised therein;
- Traffic/road system;
- Impact on amenity of locality; and
- Somersby Industrial Estate Plan of Management (including issues of Aboriginal Heritage and Ecology).

**Precis:**

<b>Proposed Development</b>	Warehouse or Distribution Centre
<b>Permissibility and Zoning</b>	<i>IN1 - General Industrial</i> under the Gosford Local Environmental Plan 2014.  The proposed development (warehouse or distribution centres) is permissible with consent.
<b>Relevant Legislation</b>	<i>Environmental Planning and Assessment Act 1979 Local Government Act State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Koala Habitat Protection) 2019 State Environmental Planning Policy State and Regional Development) 2011 State Environmental Planning Policy No55-Remediation of Land State Environmental Planning Policy No64-Advertising and Signage Sydney Regional Environmental Plan No20-Hawkesbury-Nepean River (No2-1997) Gosford Local Environmental Plan 2014 Gosford Development Control Plan 2013 Central Coast Climate Change Policy</i>
<b>Current Use</b>	Vacant
<b>Integrated Development</b>	No
<b>Submissions</b>	18



**3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

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**Variations to Policies**

Clause	3.11.5.2 of the Gosford Development Control Plan 2013
Standard	Building setbacks
Departure basis	Setbacks - 30% variation to setback on eastern corner of building.

**The Site**

The site is a triangular shaped lot located on the northern side of Gindurra Road, between the M1 Motorway to the west and Debenham Road to the east. Refer figure 1.

The site has a fall of about 7m from the northern corner (RL 229m) to the south-west corner (RL 202.4m). There is an existing drainage easement along the western boundary which serves the Motorway.



**Figure 1 - Locality Plan**

**Surrounding Development**

The site is located on the north-east edge of the Somersby Industrial estate. To the east is rural zoned land with dwelling houses.

### **3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

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To the south is existing and proposed industrial development include a building waste recycling facility and manufacturing uses.

To the west is the M1 Motorway and other industrial developments.

#### **The Proposed Development**

It is proposed to construct four (4) warehouses, each with an office, car parking, landscaping, and services.

The proposed development will include clearing and earthworks.

Access driveways will be form Gindurra Road and two from Debenham Road, with an extension of Debenham Road required. 103 car parking spaces are proposed throughout the site.

Stage 1 (or initial works) will include erosion and sedimentation control, vegetation removal, bulk earthworks, and road/civil works.

Stage 2 (or final works) will include building and car parking construction, signage and landscaping.

About 2.51ha of vegetation will be removed. Earthworks will include about 15,141m<sup>3</sup> cut and about 23,403m<sup>3</sup> fill, resulting in the importation of about 8,262m<sup>3</sup>.

The proposed buildings will have a height of 23.7m.

Hours of operation will be 24/7 days a week.

The gross floor area is 11,469m<sup>2</sup> including 1,376m<sup>2</sup> offices and 10,094m<sup>2</sup> warehouse. Pylon signage boards will be installed at the driveway entrances (4m x 12m) and painted wall signs on the future warehouse building. The wall signs proposed are west elevation 7m x 30m (210m<sup>2</sup>), south elevation 5m x 13m (65m<sup>2</sup>), east elevation 3m x 12.5m (37.5m<sup>2</sup>).

The building will be setback 10m and greater from Gindurra Road, except for a minor variation of about 3m in the eastern corner. The building setbacks to all roads will be landscaped with 9,560m<sup>2</sup> landscaping or 33.4% of the site. Site coverage is 40%.

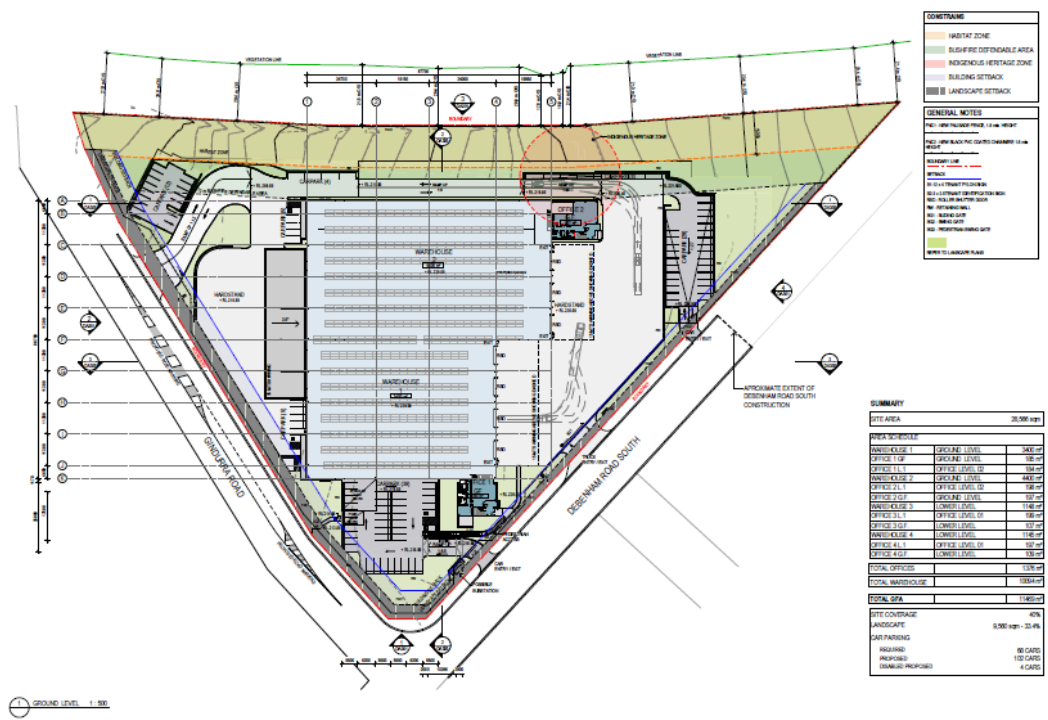


Figure 2- Site Plan

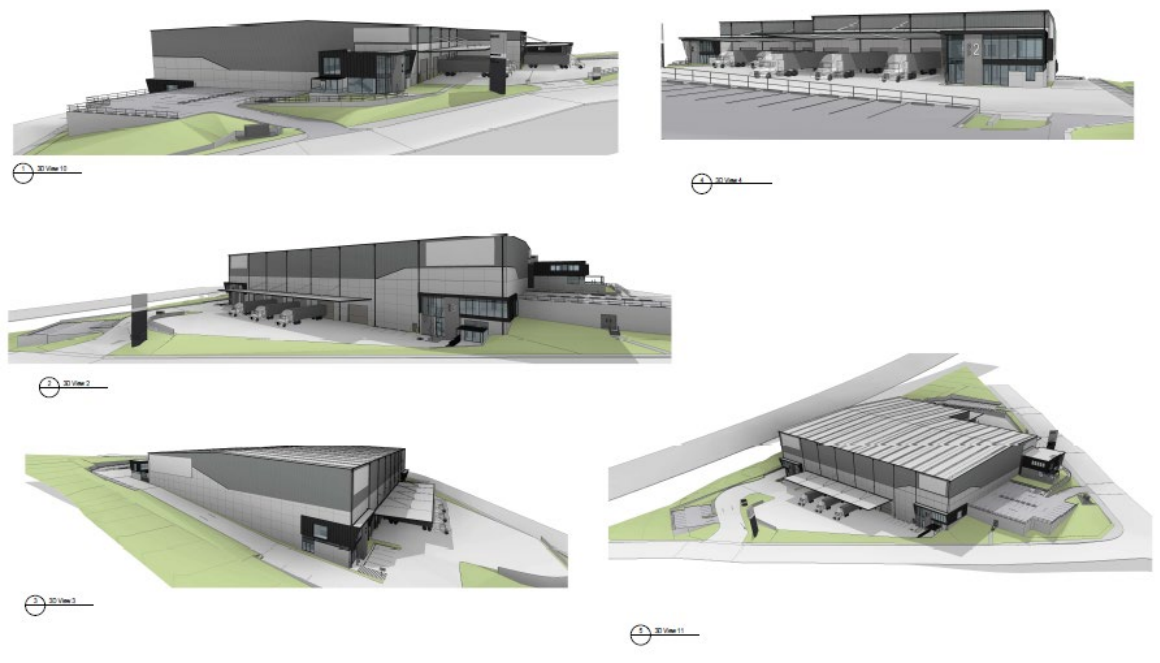


Figure 3-3D Views

## **History**

There are no previous applications on this site.

## **ASSESSMENT:**

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

### **State Environmental Planning Policies (SEPP)**

#### State Environmental Planning Policy (Infrastructure) 2007

A gas main runs along the southern boundary of the site in Gindurra Road. Pursuant to clause 66 (c) of the SEPP, the gas authority was notified and advised that the gas main will be lowered to facilitate the development.

The western boundary of the site adjoins the M1 Motorway. Pursuant to clause 103 of the SEPP, TfNSW was notified and comments included in the assessment and conditions of consent. Refer Development Engineer comments.

#### State Environmental Planning Policy (Koala Habitat Protection) 2019.

The ecology and BDAR identify that the site does not support koala habitat.

#### State Environmental Planning Policy (State and Regional Development) 2011.

The proposed development is not defined as State Significant development as the capital investment value is less than \$50 million.

#### State Environment Planning Policy No 55- Remediation of Land.

Council's records and heavily vegetated site indicate that the site is unlikely to be contaminated and suitable for the proposed warehouse use. (Refer Environmental Health comments).

#### State Environmental Planning Policy No 64-Advertising and Signage.

The provisions of this *State Environmental Planning Policy No 64 – Advertising and Signage* (SEPP 64) apply to the application. In accordance with the *State Environmental Planning Policy 64 (SEPP 64) Clause 18*, the consent authority must not grant development consent without the concurrence of Roads and Maritime, to the display of advertising signs greater than 20 square metres and within 250 metres of, and visible from, a classified road.

**3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

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Two (2) business identification pylon signs are proposed at each access driveway. The signs will be 4m wide, 12m height, and 0.3m depth, positioned on a 0.4m high concrete plinth.

The SEPP defines signage as all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) *Building identification signs;*
- (b) *Business identification signs; and*
- (c) *Advertisements to which Part 3 applies, but does not include traffic signs or traffic control facilities.*

The proposed signage is considered to constitute "*business identification signage*". The provisions of Part 3 therefore do not apply in this instance, as "*business identification signs*" are exempt from the provisions. The signs are therefore assessed against the objectives of the plan and the criteria contained within Schedule 1 below.

The policy aims:

- (a) *To ensure that signage (including advertising):-*
  - (i) *Is compatible with the desired amenity and visual character of the area;*
  - (ii) *Provides effective communication in suitable locations; and*
  - (iii) *Is of high quality design and finish*
- (b) *To regulate signage (but not content) under Part 4 of The Act; and*
- (c) *To provide time-limited consents for the display of certain advertisements.*
- (d) *To regulate the display of advertisements in transport corridors, and*
- (e) *To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage is considered to satisfy the objectives of the policy in this instance in accordance with Clause 13(2) of the SEPP.

Additional consideration has been provided below with regard to Schedule 1 Assessment criteria within State Environmental Planning Policy No 64 — Advertising and Signage:

<b>Clause</b>	<b>Comment</b>	<b>Compliance</b>
1. Character of area	The materials, colour and style are consistent with the existing and future character of the industrial area.	Yes
2. Special areas	The sign is not located near any environmentally sensitive area and is not visible from residential zoned land.	Yes
3. Views and vistas	The signage will not protrude above building height and does not interfere with other signage in the area.	Yes

**3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

4. Streetscape, setting or landscape.	The proposed signage will combine future identification signage for future individual uses within the site.	Yes
5. Site and building	The proposed signage is in proportion to the size of the proposed development and buildings and compatible with industrial development.	Yes
6 Associated devices, logos, advertisements and advertising structures	Not proposed	Yes
7 Illumination	Proposed	Yes
8 Safety	The signage is setback from the street boundary and integrated into the driveway/landscape design layout.	Yes

Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2 1997).

The site is located within the catchment area of the Hawkesbury-Nepean River system. The aim of the plan is to minimize the impact of development on the river system by catchment management, water quality and protection of the ecological systems. Appropriate erosion and sedimentation controls will be provided.

**Gosford Local Environmental Plan 2014**

Permissibility

The subject site is zoned IN1 General Industrial under *Gosford Local Environmental Plan 2014*. The proposed development is defined as Warehouse or distribution centre which is permissible in the zone with consent of Council.

*warehouse or distribution centre* means a building or place mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.



**Figure 4-Zone Map**

### 2.3 Zone IN1 General Industrial

The objectives for the IN1 General Industrial are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To promote ecologically, socially and economically sustainable development.*
- *To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.*
- *To ensure that development is compatible with the desired future character of the zone.*

The proposed development meets the objectives of the zone.

### 4.3 Height of buildings.

The site is not subject to a maximum height.

### 4.4 Floor space ratio.

The site is not subject to a maximum FRS.



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 not considered to impact on Acid Sulfate Soils.

7.4 Development in Somersby Business Park.

The Clause objectives are set out below:

- (1) The objectives of this clause are as follows—*
  - (a) to maximise the opportunity for industrial development in Somersby Business Park to provide employment opportunities in Gosford,*
  - (b) to protect ecologically significant land and land with Aboriginal heritage characteristics in Somersby Business Park,*
  - (c) to ensure that the function and appearance of future subdivision of, or other development in, Somersby Business Park protects ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park,*
  - (d) to provide that subdivision occurs in a flexible manner to take account of ecologically significant land and land with Aboriginal heritage characteristics within Somersby Business Park.*
  
- (2) This clause applies to land identified as "Somersby Business Park" on the [Key Sites Map](#).*
  
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority considers that the development is consistent with—*
  - (a) any applicable plan of management adopted by the consent authority, and*
  - (b) the objectives of this clause.*
  
- (4) In deciding whether to grant development consent to the subdivision of land to which this clause applies, the consent authority must consider the following—*
  - (a) whether the proposed subdivision relates to land identified as "Ecologically Significant and Aboriginal Heritage Lands" on the [Key Sites Map](#),*
  - (b) the potential for the lots to be created from the proposed subdivision to accommodate future development (in terms of their size, configuration and the topography of the land) that will not have an adverse impact on the protection of the ecological and Aboriginal heritage characteristics of the locality.*

The proposal is consistent with the Somersby Industrial Estate Plan of Management and Clause 7.4.

The proposed development has provided the 15m wide management zone identified in the POM and addressed the ecological and aboriginal issues. While an aboriginal object was



### 3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)

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identified in the POM on the north-west corner of the site, surveys of the land for the POM and subsequent surveys by representatives of the Land Councils have not been able to locate the object. **(Refer Conditions 3.16 and 4.3).**

#### **Draft Environmental Planning Instruments**

The Draft Central Coast Local Environmental Plan 2018 applies to the subject land. The draft plan retains the IN1 General Industrial zone and the proposed development is permissible under the draft plan.

#### **Gosford Development Control Plan 2013**

##### Chapter 2.1 Character

The site is located within Somersby 2: Employment Estate with the following character statements:

*Existing Character - On a major industrial release area that is located next to the Freeway, future development will be guided by extensive master planning and detailed planning controls.*

*Including numerous as-yet undeveloped properties, this area is environmentally- and culturally-significant in terms of aboriginal artefacts and threatened native species. Detailed master plans have been prepared by the State Government with input from Gosford City Council in order to guide future development without significant impact upon these values.*

*To date, development within the estate has typically involved utilitarian industrial structures that are surrounded by expansive aprons for outdoor storage or loading. Although development has been economically-significant to the surrounding region, where large-scale buildings are prominently-visible from the Freeway, scenic qualities of the Freeway's natural backdrops have been compromised.*

*Desired Character - This area will remain a master-planned estate for medium- and higher-impact employment activities, where development conserves the scenic value of surrounding bushland backdrops, protects Aboriginal cultural values, maintains the amenity of nearby residential properties, and achieves high standards of streetscape quality.*

*Future development will conform to detailed planning controls that have been prepared and adopted for this area.*

The proposed development is considered to be compatible with the desired character as;

- The development provides employment opportunities.
- The key buildings and landscaping address Gindurra Road and Debenham Road.

**3.1 DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

- The vegetation corridor/management zone along the western boundary is retained and enhanced in accordance with the Somersby POM to conserve ecological and aboriginal cultural values.
- Parking and landscaping have been incorporated throughout the site. And the street frontages/streetscape.
- The proposal is consistent with large scale industrial development on similar lots.

Chapter 2.2 Scenic Quality

The proposed development does not unreasonably impact scenic quality. The site is located within an industrial estate adjoining the M1 Motorway.

<b>Development Standard</b>	<b>Description</b>	<b>Proposed</b>	<b>Compliance with Control</b>	<b>Compliance with Objective</b>
Chapter 3.7 Advertising Signage.	3.7.7.2- Pylon Sign. Maximum height 6m and area 12m <sup>2</sup> .	12m and 48m <sup>2</sup> .	No- the pylon signs while exceeding the DCP controls are in proportion to the size of the site and proposed building. They will be used for business identification signage. The size and location of the signs at the entry driveways are supported. Such variations are permitted under clause 3.7.9.3 of the GDCP 2013 for large industrial development. Refer comments below.	Yes
	3.7.7.5 Painted wall sign/flush wall sign- Maximum 6m <sup>2</sup>	37.5m <sup>2</sup> -210m <sup>2</sup>	No-see comments below.	Yes-see comments below.
Chapter 3.11 Industrial Development	3.11.5.2- Building Setbacks. Front 10m, side and rear 5m.	Front -7m and greater. Side & rear >5m.	No-minor variation to eastern corner of building. Variation very minor and offset by landscaping and average setback well in excess of 10m.	Yes
	3.11.5.3- Building Height	No maximum height. Proposed heights vary throughout site and have no significant overshadowing or scenic impacts on surrounding properties.	Yes	Yes
	3.11.6-Acillary uses.	Proposed office uses permissible with consent.	Yes	Yes
	3.11.7-Parking & Loading	The proposal requires 68 car parking spaces and 103 have been provided. Provision has been made for internal	Yes-however it is considered the paved areas in the car parking areas should be reduced by landscaping/tree planting throughout the car park for shade. About 5 car spaces could be replaced with such tree	Yes

## 3.1

**DA 59244/2020 - 83 Gindurra Road, Somersby - Warehouse and Distribution Centre (contd)**

		loading bays and for delivery and service vehicles to be able to enter and exit the site in a forward direction.	planting/landscaping. This would reduce the number of spaces to 98 which is still well in excess of the minimum required. (Refer condition 2.13)	
	3.11.8- Environment	Erosion & Sedimentation Control Plan submitted.	Yes	Yes
	3.11.8.3- Landscaping	Building setbacks have been landscaped.	Yes- additional landscaping should be provided within the car parking areas. (Refer condition 2.13)	Yes
	3.11.9-Site Services	All services are available including road access, water, sewer, electricity, drainage, and waste collection.	Yes	Yes
Chapter 6 Environmental Controls	6.1 -Acid Sulphate Soils	Class 5 soils No plan required.	Yes	Yes
	6.2- Coastal Frontage	N/A		
	6.3-Erosion Sedimentation Control.	Plan provided and addressed by conditions of consent.	Yes	Yes
	6.4- Geotechnical Requirements.	Geotechnical report submitted.	Yes	Yes
	6.6-Tree & Vegetation management.	Aborists report and landscape plan submitted	Yes	Yes
	6.7-Water Cycle Management.	Water cycle plan submitted and assess by Council's engineer.	Yes	Yes
Chapter 7- General Controls	7.1 Car Parking	103 spaces including 5 accessible spaces.	Yes-however it is considered the paved areas in the car parking areas should be reduced by landscaping/tree planting throughout the car park for shade. About 5 car spaces could be replaced with such tree planting/landscaping. This would reduce the number of spaces to 98 which is still well in excess of the minimum required. (Refer condition 2.13)	Yes
	7.2 Waste Management	Waste Management Plan submitted and assessed by Council's Waste Management Officer.	Yes	Yes

Chapter 3.7.3 - Signage

The objectives of this chapter are as follows:

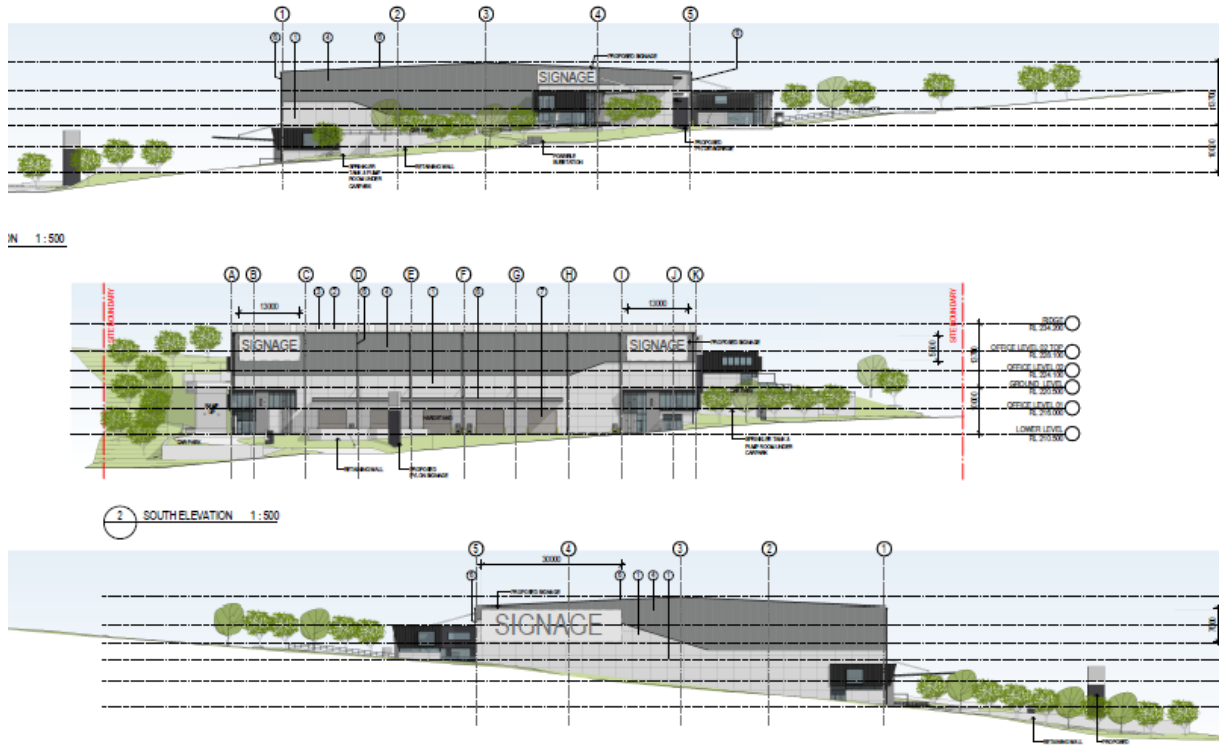
- 1 Establish appropriate procedures in respect of the control and regulation of advertisements and advertising structures, consistent with sound planning and urban design principles.*
- 2 Maintain uniformity and orderly standards for advertisements and advertising structures, as well as controlling the number and types of advertisements.*
- 3 Ensure that the placement and design of advertisements and advertising structures are consistent with the architectural theme and design of a building and that such advertisements are not placed on prominent architectural features of a building including gables or the like.*
- 4 Ensure that advertisements and advertising structures do not detract from the streetscape and waterscape of the locality, nor lead to visual clutter through the proliferation of such advertisements.*
- 5 Ensure that advertisements and advertising structures do not constitute a traffic hazard to motorists and pedestrians.*
- 6 Ensure that advertisements and advertising structures do not interfere with the operation of traffic control signs and signals, nor with harbour navigation devices.*
- 7 Ensure equal viewing rights where practical, for all advertisements and advertising structures, and to ensure that such advertisements are affixed and maintained in good structural condition at all times.*
- 8 Reduce the proliferation of advertisements and advertising structures by requiring rationalisation of existing and proposed advertisements and the use of common directory boards in proposed and existing multi-occupancy developments.*
- 9 Ensure that advertisements and advertising structures conveys advertisers' messages and images while complementing and conforming to both the building and land use on which it is displayed and the character of the locality.*
- 10 Ensure that proper consideration has been given in the assessment procedure of advertisements and advertising structures, consistent with the relevant "Heads of Consideration" specified under the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.*

3.7.9.3 Business and Industrial Zones

Council, in certain circumstances, may consider a variation to the maximum permissible height and advertising area criteria of 6m and 6m<sup>2</sup> respectively. Such variation will only be considered where, in the Council's opinion, such variation is in keeping with the purpose and objectives of this plan and providing that such a variation is proportional to the height and scale of the building, whilst at the same time complimenting the streetscape of the immediate locality.

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While the proposed pylon signs and wall signs are large, they are in keeping with the objectives of the DCP and proportional to the height and scale of the building. Refer figure 5 below.



**Figure 5- Elevations showing signage.**

#### **Any Submission made in Accordance with this Act or Regulations**

The application was notified from 2 September 2020 to 23 September 2020 in accordance with Gosford DCP 2013.

Eighteen (18) public submissions were received in relation to the application. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

- 1 *The site is a pristine area and flora and fauna sanctuary. It houses pygmy possums and endangered flora species.*

Comment- An ecological study and BDAR has been submitted with the application. This has been assessed by Council's ecologist as satisfactory.

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It should be noted that the site is affected by the Somersby Industrial Park Plan of Management (SPOM) which provides for a 15m wide management zone/corridor along the western site of the site with the M1 Motorway. This combined with the 15m corridor on the M1 Motorway gives a total width of 30m.

- 2 *House values will decrease due to impact from dust, noise, traffic and vibrations.*

Comment- The site is located within an industrial estate and the zoning permits such development. While there may be greater impacts during construction, this is for a relatively short period. The impact of the ongoing operation for a warehouse and distribution centre is compatible with that expected in an industrial area. The future impact will be mainly by traffic movements 24/7, which can be mitigated by conditions. **(Refer conditions 5.10, 5.11, 6.6-6.12)**

- 3 *The proposal has not considered the cumulative impact from the proposed development at 90 Gindurra Road for a waste recycling facility.*

Comment- The development at 90 Gindurra Road is under assessment by the Department of Planning and Environment. The traffic report has been assessed by TfNSW and Council's Traffic Engineer who consider the road system can cater for the additional traffic.

- 4 *The impact of heavy vehicles including B-Doubles on roads and intersections.*

Comment- B-Doubles will have to access the site through the industrial estate and not use Debenham Road. The roads and intersections from the industrial estate to the M1 Motorway are capable of catering for the additional traffic. Roads within the estate are being upgraded by Council or the developer.

- 5 *The traffic report and SIDRA modelling is based on traffic counts done over 5 years ago. Up to date traffic counts should be carried out.*

Comment- Council's Traffic Engineer advises that the previous traffic counts identified that there is ample spare capacity in the road and intersection system and that additional traffic counts are not warranted.

- 6 *Measures should be imposed to stop vehicles using Debenham Road which is a narrow rural residential road.*

Comment- Debenham Road is a back road into West Gosford and not suitable for heavy vehicles. It is not approved as a B-Double route.

- 7 *The proposal will impact the amenity of residents on the eastern side of Debenham Road by the 24/7 operation, truck movements, external lighting.*

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Comment- The applicant has submitted an acoustic assessment of the impact on the nearest residences. The assessment concludes that providing the recommendations of the acoustic report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of Central Coast Council, the EPA and Australian Standards. **(Refer conditions 5.10, 5.11, 6.6-6.12)**

8 *The bulk and scale is excessive with the height of 23.7m.*

Comment- There are no height and floor space controls for the site. The height is not excessive for the proposed use within an industrial estate. Such development should be expected and is not unreasonable for such a large site.

9 *The proposal is not a warehouse and distribution centre and is a waste and recycling facility. The development is classified as designated development and no Environmental Impact Statement has been submitted. No details have been provided on the type of materials to be stored and distributed.*

Comment- The application is for a warehouse and distribution centre, not a waste recycling facility. The type materials to be stored and distributed is yet to be determined. This is not uncommon.

10 *Sight distance at driveways is inadequate.*

Comment- Council's engineers have checked the sight distance and it complies with traffic standards.

11 *The proposal is contrary to the Central Coast Regional Plan.*

Comment- The plan identifies the Somersby Industrial Estate as an industrial/employment area.

12 *The location of the 2 access driveways in Debenham Road.*

The 2 driveways located in Debenham Road are set back an adequate distance from the intersection with Gindurra Road. This is the only industrial development that will gain access from Debenham Road. The applicant will be required to extend the pavement in Debenham Road to service the driveways. This section of Debenham Road also provides access to residences in the rural zoned land.

**Internal Consultation**

Traffic Engineer	Supported subject to conditions. <b>Refer conditions 6.1-6.3.</b> See comments below.
Development Engineer	Supported subject to conditions. <b>Refer conditions 2.2, 2.3, 2.4, 3.6, 3.7, 3.8, 5.3-5.9.</b> See comments below.
Tree Assessment Officer	Supported subject to <b>conditions 6.4 and 6.5.</b> See comments below.
Waste Services	Supported subject to conditions. <b>Refer conditions 4.21, 6.16 and 6.17.</b> See comments below.
Water and Sewer	Supported subject to conditions <b>Refer condition 2.12.</b>
Ecologist	Supported subject to conditions. <b>Refer conditions 2.7-2.11, 3.9-3.15, 4.12-4.20, 5.12-5.15, 6.13-6.15.</b> Refer comments below.
Environmental Health	Supported subject to conditions. <b>Refer conditions 2.5, 2.6, 4.7-4.10, 5.10, 5.11, 6.6.</b> Refer comments below.

**Traffic Engineer**

Traffic Impact

Gindurra Road has a posted speed limit of 50 km/hr. 90 Gindurra Road has been approved to use B-Doubles to access the site via the Somersby Industrial area. This approval has been granted by the National Heavy Vehicle Regulator (NHVR).

Existing volumes.

Traffic surveys were previously conducted at the Wisemans Ferry Road / Gindurra Road intersection in December 2015. During the morning peak hour (6.15am to 7.15am) the two-way traffic volumes along Wisemans Ferry Road (south) were 427 vehicles per hour and in the afternoon peak (3.30pm to 4.30pm) volumes were 545 vehicles per hour (average 486). Daily volumes along Wisemans Ferry Road in this location could therefore be in the order of 4,900 vehicles per day.

Peak hour volumes along Gindurra Road (east) were slightly lower with two-way volumes of 329 vehicles per hour in the AM and 433 vehicles per hour in the PM (average 381). This would give daily flows in the order of 3,800 vehicles per day.

Access

The site is not level and the difference in level across the site has required access to be split between the two road frontages. Vehicular access will be provided off Gindurra Road, with a new driveway located towards the north-western corner of the site that will allow for all vehicles to enter including heavy vehicles. On Debenham Road South there are 3 access



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points, with two separate driveways providing access to car parking areas only. The central access allows for trucks to enter and exit the site.

The driveway location on Gindurra Road has been determined after discussion with Council and takes into account the proposed access upgrade works associated with the development of 90 Gindurra Road opposite the subject site.

All heavy vehicles will approach and depart the site from the west of the site via the roundabout controlled intersection of Gindurra Road and Wisemans Ferry Road. For light vehicles, the majority would approach / depart from the west with some local traffic from Gosford using Kangoo Road and Debenham Road South. It has been assumed that 30% of the light traffic would use Kangoo Road with the balance arriving from the west via the roundabout on Wisemans Ferry Road.

#### Sight Distances

The posted speed limit along Gindurra Road is 50 km/h. Based on Austroads Guide to Road Design, the sight distance requirement is 69 metres. The site access on Gindurra Road allows for this sightline, with the vegetation to be trimmed within the site to allow for this as well as some earthworks within the site to ensure that the visibility is available to the right for a driver exiting the site. Visibility to the left is available through to the 90 degree bend, which reduces vehicle speeds to below 50 km/h.

Sight distances are below the 69 metres on the frontage to Debenham Road South, but this road is a dead end and only provides access to the subject site and another property and as such the traffic flows and speeds are very low. As such it is considered that the sight lines available will allow for safe entry and exit movements to the site.

It is proposed to provide 103 parking spaces on site, which will accommodate the parking demands for employees. No dedicated parking area for heavy vehicles is required, with these vehicles able to park in front of the various warehouse units as required for direct access.

The parking layout has been designed in accordance with AS/NZS 2890.1:2004 Parking facilities Off-street car parking.

Parking Class: 1A (employee parking).

- Bay lengths: 5.4 metres
- Bay widths: 2.4 metres
- Aisle widths: 5.8 metres (note extra clearance may be required where parking is provided on a single side only and the other side is bounded by a wall or other vertical obstruction).

For the project site the aisle widths have been increased to accommodate the swept path requirements for the trucks circulating through the site and have been checked with Autoturn simulation to ensure the space available is adequate

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#### Traffic Generation

The Guide to Traffic Generating Developments provides the following rates for the project:

- 2 trips per 100 m2 for office space
- 0.5 trips per 100 m2 for warehouse

For the 10,140 m2 of warehouse this provides a generation value of 51 vehicles and for the 1,160 m2 of office gives 23 trips. This gives total peak hour flows of 74 vehicles.

Daily flows are given as

- 4 per 100m2 for the warehouse and
- 10 per 100m2 for the office space.

This would give 405 per day for the warehouse element and 116 for the offices.

All heavy vehicles will approach and depart the site from the west of the site via the roundabout controlled intersection of Gindurra Road and Wisemans Ferry Road. For light vehicles, the majority would approach / depart from the west with some local traffic from Gosford using Kangoo Road and Debenham Road South. It is considered that 30% of the light traffic would use Kangoo Road with the balance arriving from the west via the roundabout on Wisemans Ferry Road.

All vehicles shall be able to enter and exit in a forward direction. Access and internal circulation are to be designed in accordance with AS2890 and Council's DCP.

#### Intersect Traffic Impact/Public Submission

With regard to Intersect Traffic Report/public submission dated 22 September 2020 the submission made six points. I have reviewed each point below. The Seca Traffic Study for 90 Gindurra Somersby was dated December 2018.

**Point 1** "a general statement that vehicles will arrive once every 5 minutes therefore two queuing spaces should be enough, but they do not prove it."

Comment-This has been included in assessment.

**Point 2** "The traffic data used for the traffic assessment is 5 years old."

Comment- Traffic Study peak hour volumes along Kangoo Road were observed to be significantly low with two-way volumes averaging 340 vehicles per hour. The Study outlined there would be daily flows in the order of 3,500 vehicles per day. My view based Austroads Guide to Traffic Management Part 3 Traffic Studies and Analysis (2017), the existing traffic volumes of 340 vehicles per hour is well below the theoretical daily midblock two-way / two

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lanes capacity of 1,200 vehicles per hour for urban roads with interrupted flows, see Table 5.1 below.

Traffic surveys were previously conducted at the Wisemans Ferry Road / Gindurra Road intersection in December 2015. During the morning peak hour (6.15am to 7.15am) the two-way traffic volumes along Wisemans Ferry Road were 453 vehicles per hour and in the afternoon peak (3.30pm to 4.30pm) volumes were 545 vehicles per hour. The Study outlines daily volumes along Wisemans Ferry Road could therefore be in the order of 5,000 vehicles per day.

Peak hour volumes along Gindurra Road were low with two-way volumes averaging 394 vehicles per hour. This observation of existing traffic volume is well below the theoretical daily midblock two-way / two lanes capacity of 1,200 vehicles per hour for urban roads with interrupted flows see Table 5.1 below. The Study outlines daily flows would be in the order of 4,000 vehicles per day.

Table 5.1: Typical mid-block capacities for urban roads with interrupted flow

Type of lane	One-way mid-block capacity (pc/h)
<b>Median or inner lane</b>	
Divided road	1000
Undivided road	900
<b>Middle lane (of a 3 lane carriageway)</b>	
Divided road	900
Undivided road	1000
<b>Kerb lane</b>	
Adjacent to parking lane	900
Occasional parked vehicles	600
Cleanway conditions	900

Source: Table 5.1 in Austroads (2013).

The road network has significantly ample spare capacity in 2015 when the traffic counts were taken. The sections of Kangoo Road and Gindurra Road have ample spare capacity and hence there is no need to carry out any updated traffic surveys.

**Point 3** "I am not sure that the measures to stop vehicles heading through the rural residential area to the east is sufficient. At the moment they are only suggesting signposting at the access. I think new load limit signs and enforcement should occur to the east of the site and the development should..."

Comment - The proposed signage to prohibit right turns is considered to be adequate.

**Point 4** "Both traffic impact reports do not appear to have considered the cumulative impacts of other development in the area".

Comment - The road system can cater for the additional traffic.

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**Point 5** "Sidra modelling was done for 2017 traffic, yet the report was dated July 2020. It is my opinion that the modelling should have been undertaken for 2020 conditions".

Comment - Not necessary as adequate capacity is available.

**Point 6** "it is usual to undertake traffic impact assessments over a horizon period of 10 years".

Comment - Refer Point 2 above. There is significantly ample spare capacity in the roads like Gindurra Road and Kangoo Road which negate the need to carryout analysis over a ten year period.

#### Traffic Summary

The road network has adequate transport capacity to cater for the proposed development provided the claimed available sight distances of 69 metres along Gindurra Road is confirmed in accordance with AS2890.2:2018.

#### **Development Engineer**

##### Existing Infrastructure

Although the site has three road frontages (M1 Pacific Motorway, Gindurra Road, and Debenham Road South), physical access is only permitted via Gindurra Road and Debenham Road South.

In Gindurra Road:

- there is full road pavement (approx. 10.3m kerb-kerb) including kerb & gutter both sides of the road, drainage, sandstone block retaining walls in part of the footway, and battering in other parts of the footway.
- adjoining the western side of the site there is a bridge overpass with abutments where the M1 Pacific Motorway crosses over Gindurra Road.
- There are services in the footway (e.g. gas & electricity) that may cause constraints to proposed/required works.

In Debenham Road South:

- there is full road pavement (12m kerb-kerb) across the southern part of the road frontage, including kerb & gutter both sides of the road, and drainage.
- there is partial footway formation (generally approx. 1.5m behind the kerb where road works have been constructed).
- there are services in the footway (e.g. gas & electricity) that may cause constraints to proposed/required works.
- there is a gravel track to the north of the constructed full road pavement works.

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#### Road works

##### Debenham Road South extension

As part of the development application, the developer proposes to extend the existing full road construction works northwards in Debenham Road South. Full road construction with kerb & guttering on both sides of the road will be required with these works. Works will need to be in accordance with the alignment and level associated with Council's design for Debenham Road South.

The application as lodged indicated that the kerb return at the intersection of Gindurra Road and Debenham Road South will also require reconstruction to facilitate safe access for articulated vehicles turning from Gindurra Road (left) into Debenham Road South. However, since then revised plans submitted indicate that revised swept turn paths for the Articulated Vehicles may no longer require these works.

Works within the road reserve will require approval of an application under S138 of the Roads Act.

Parts of the existing 20m wide road reserve in Debenham Road South are vegetated, and the required extension proposed will encroach into this vegetation. The application seeks approval to clear and extend the roadworks to tie-in with the existing road construction. From discussions with Council's Ecologist it appears that consideration of associated ecological issues related to road works within the Debenham Road South road reserve have been considered.

##### Splay dedication required at intersection of Gindurra Road & Debenham Road South

Council's Land Information Officer has advised that the splay dedication at this intersection as indicated in DP1244628 has not been registered and dedication to Council finalised.

##### Vehicular Access

The development proposes the following provisions for vehicular access:

- A vehicular access crossing within the western side of the Gindurra Road frontage. This vehicle access crossing is proposed to cater for entry and exit movements of cars and servicing vehicles up to articulated vehicles.
- A vehicular access crossing centrally located within the Debenham Road South frontage. This vehicle access crossing is proposed to cater for entry and exit movements of servicing vehicles up to articulated vehicles. This vehicle access crossing is opposite an unformed section of Crown road reserve (part of Kowara Road); It is unlikely that the Crown road section of Kowara Road would be constructed in the future, and the properties located either side of this road reserve can gain alternative access off Debenham Road South.
- A vehicular access crossing in Debenham Road South located midway between the Debenham Road South / Gindurra Road intersection and the abovementioned service vehicle access. This vehicle access crossing is proposed

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to cater for entry and exit movements of cars and provides access to a dedicated car park.

- A vehicular access crossing in Debenham Road South located on the northern side of the above-mentioned service vehicle access that is proposed to cater for entry and exit movements of cars and provides access to a car park.

The separate vehicle access points have been proposed in consideration of the different levels within the development, even after site regrading has occurred, and in an attempt to separate passenger vehicles from service vehicles as best practical. All vehicle access crossings will need to be of a heavy duty standard and cater for the concurrent two way entry & exit movements of the largest vehicles proposed to use them.

Within the development, a circulation driveway arrangement is proposed to enable vehicular movements throughout the site from the vehicle access crossing in Gindurra Road to the northern and central vehicle access crossings in Debenham Road South, and also to enable access car parking and servicing & loading areas associated with the warehouse. The access arrangements have been designed to accommodate the manoeuvrability for vehicles up to the 19mAV (articulated vehicle) and the B-Double vehicle.

The site allows delivery trucks to park immediately outside the individual warehouse units for ease of loading / unloading as well as for servicing needs. No dedicated parking area for heavy vehicles is required, with these vehicles able to park in front of the various warehouse units as required for direct access.

The development has been designed to enable all vehicles to enter and exit the site in a forward direction. All access points and internal driveways, service and circulation areas are to be in accordance with Australian Standard 2890, in particular AS2890.1:2004 & AS2890.6:2009 for passenger vehicles, and AS2890.2:2018 (for vehicles up to the 19m Articulated Vehicle, & Austroads for the B-Double vehicles.

All heavy vehicles associated with the subject site will need to enter and exit the site from the west of the site via the roundabout on Wisemans Ferry Road. No heavy vehicles are to utilise Debenham Road South south of the Gindurra Road / Debenham Road South intersection towards Acacia Road as the road south of this intersection is of a rural road standard fronting rural zoned properties, and not of an industrial road standard; Council has no plans to upgrade that section of road.

The location of the vehicle access crossing and associated driveway in Gindurra Road was discussed at a pre-DA meeting held with Council, and takes into consideration account the proposed access upgrade works associated with the development of No 90 Gindurra Road opposite the site, which will incorporate line marking for a dedicated right turn bay into that site.

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#### Car parking

The development as revised now proposes a total of 103 car parking spaces (including 4 disabled car parking spaces) located in 7 parking areas within the site. The car parking arrangements will need to comply with AS2890.1:2004 & AS2890.6:2009.

#### Pedestrian Access

The amended plans submitted indicate a pedestrian link from a pump room below one of the car parks to Gindurra Road. This is **not** supported for the following reasons:

- The area of the pedestrian link within the Gindurra Road road reserve has steep batters and retaining works making it unsuitable for safe pedestrian movements in this area of the road reserve.
- The area of the pedestrian link within the Gindurra Road road reserve is in a location of a traffic through lane and future 'no stopping' restrictions associated with line marking for the access arrangements into a development for No 90 Gindurra Road. It is therefore undesirable and not safe to promote access to and from the site (including potential drop off) in this location.

For safety reasons, alternative arrangements are to be designed for pedestrian access to/from the pump room to either a car park within the development or to the Debenham Road South frontage of the site.

#### Traffic

A 'Traffic Impact Assessment' (TIA) prepared by SECAsolution (Ref P1616 Issue: Ver02 dated 29 July 2020) was submitted with the application. In general, the TIA does not indicate any problems with traffic management related to the development. The TIA indicates that *The posted speed limit along Gindurra Road is 50 km/h. Based on Austroads Guide to Road Design, the sight distance requirement is 69 metres. The site access on Gindurra Road allows for this sightline, with the vegetation to be trimmed within the site to allow for this as well as some earthworks within the site to ensure that the visibility is available to the right for a driver exiting the site.* For clarity, the following information was requested to be submitted to further address safety traffic matters raised in this assessment:

- Preliminary engineering plans including a plan view and section views are to be submitted to indicate the works required in Gindurra Road on the western side of the proposed vehicle access crossing to improve and comply with the sight stopping distance requirements under AS2890.2:2018. From review of the application to date it appears that vegetation removal, vegetation trimming, and formation of batters are proposed in this frontage area. The plans are to clearly indicate the property boundary, the road and associated infrastructure including permanent sight distance obstructions (e.g. the abutments of the M1 Pacific Motorway over pass), and any proposed works (earth works and changes to existing vegetation). It is noted it is likely that any vegetation removal within the required environmental corridor within the western boundary of the site in this vicinity would not be supported, nor within the adjoining environmental corridor associated with the M1 Pacific Motorway road reserve.

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Additional information prepared by Seca Solution dated 11 November 2020 (CM D14293876) was submitted for the sight distance analysis, however, the sight lines provided in the analysis are based on a habitat corridor link 13m wide as indicated on the plans proposed for the development (as at that point in time). Council's Ecologist in their assessment dated 12/11/2020 had again stated that full compliance with the Somersby Plan of Management is to be provided, that is, the whole 15m wide habitat corridor link within the western boundary of the site must be provided and undisturbed. Therefore, the analysis of the sight distance prepared by Seca Solution (Ref 200032-SK-0002 Rev 1 dated 6/11/20) was requested to be revisited and revised to be based on a 15m wide undisturbed habitat link, and the revised information verify that the minimum 69m sight stopping distance is achieved without encroachments into the required 15m habit corridor link. – referred in note dated 26/11/2020 attached to this document in CM.

Amended/further information from Seca Solution dated 4 December 2020 (CM 14388869) was submitted which now indicates that the required 69m sight line can be provided without encroaching into the 15m wide habitat corridor. However, some vegetation trimming may be required within other parts of the sight frontage to achieve this. It is recommended that an ongoing condition is also imposed to ensure that sight stopping distances are maintained without affecting vegetation within the 15m wide habitat corridor.

The TIA also indicates that *"Sight distances are below the 69 metres on the frontage to Debenham Road South, but this road is a dead end and only provides access to the subject site and another property and as such the traffic flows and speeds are very low. As such it is considered that the sight lines available will allow for safe entry and exit movements to the site"*. It is also noted that the prioritisation of the Debenham Road South / Gindurra Road intersection is such that vehicles exiting the site need to give way at the intersection which would improve safety at the intersection.

#### **Transport for NSW (TfNSW)**

The application was referred to TfNSW who in their correspondence dated 6 October 2020 advised in part of the following (as relevant to this engineering assessment).

##### TfNSW comment

- *TfNSW notes that the property has a common boundary with the M1 Pacific Motorway which has been declared a Freeway by notification in Government Gazette No 174 of 21/12/1990 Folio 11370. Direct access across the common boundary is restricted.*

##### Development Engineer's response

Noted.

##### TfNSW comment

- *The site is burdened by a registered easement for drainage which is associated with the Freeway corridor drainage and has been measured as DP640990. It must be*



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*ensured that drainage swale/catch drain within this easement is protected during the construction and operation of the development.*

#### Development Engineer's response

The easement to drain water indicated on DP640990 is wholly located within the proposed habitat corridor / conservation area within the western boundary of the site. No works are proposed that would affect this easement to drain water.

#### TfNSW comment

- *TfNSW has no proposal that requires any part of the property.*

#### Development Engineer's response

Noted.

#### TfNSW comment

- *TfNSW considers that there will be an impact on the Central Coast Highway from this and other developments within the area, within the larger catchments of Mount Penang and Somersby. TfNSW recommend Council undertake S7.11 plans for each catchment informed by a Traffic Impact Assessment in consultation with TfNSW, to determine appropriate upgrades to the State road network and funding mechanisms.*

#### Development Engineer's response

The Somersby Industrial is subject to a legal agreement when the land was rezoned. The agreement collects contributions for infrastructure works, including road upgrading, within the Industrial Estate. The Somersby Industrial Estate is not subject to s7/11 or s7.12 contributions for this reason.

#### TfNSW comment

- *The TIA adopts traffic generation rate of 0.5 trips per 100 m<sup>2</sup> for the warehouse component of the development. TfNSW notes that the development proposes 125 parking spaces which exceeds the DCP requirement of 63 spaces to allow for potential intensive use of the development such as an industrial (factories) site. TfNSW considers that it is reasonable to adopt traffic generation rates (0.70 trips / 0.78 trips per 100 m<sup>2</sup>) specified for business parks and industrial estates in the TfNSW Technical Direction (TDT 2013/04a) to determine the maximum potential traffic impact of proposed development.*

#### Development Engineer's response

Refer Traffic engineer's comments.

#### TfNSW comment

- *TfNSW highlights that the M1 Pacific Motorway Overpass Bridge on Gindurra Road has a low height clearance of 4.7m. It is understood that the development will be accessed by heavy vehicles to/from Gindurra Road underneath the overpass bridge.*

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*It should be noted that under the national mass and loading arrangements, General Access Vehicles (up to 4.3m high) have unrestricted access to the road network, except where a road or bridge is signposted otherwise.*

Development Engineer's response

Noted.

TfNSW comment

- *The swept path diagrams provided in the civil engineering plans indicate that the development will accommodate 19m articulated vehicle, however section 3.6 and Table 6 of the SEE indicate that the development has been designed to accommodate turning paths of B-Double vehicles. TfNSW highlights that Gindurra Road and Debenham Road South are not identified as BDouble routes (neither 19m B-double over 50t, nor 25/26m B-doubles) on the TfNSW Restricted Access Vehicles (RAV) map, and if the applicant seeks to use B-Doubles on-site they will have to approach Council to commence route investigations.*

Development Engineer's response

Noted. Refer also to section on 'Servicing by B-Doubles' detailed separately in this assessment report.

TfNSW comment

- *TfNSW has reviewed the road widening plan (DP1244628) and current title of the property (Lot 11 DP616412). It appears that Lot 11 is affected by a Council road widening on Gindurra Road and was dedicated as public road vide DP640248 and Debenham Road to the extent as measured as Lot 110 DP1244628 which was proposed to be acquired by Council for road purposes. The road plan (DP640248) does not appear to have been excluded from the proposal on Lot 11. Council is recommended to ensure that any improvements to the site exclude the area/s as shown by DP640248 and DP1244628.*

Development Engineer's response

A check of DA640248 & DP1244628 indicates that works are proposed clear of the areas of dedication for road purposes under these DP's.

TfNSW comment

- *Council is recommended to review heavy vehicle accessibility to Warehouses 3 & 4. The site plan (lower level) indicates these warehouses will be accessed by a 12.5m Single Unit (SU) truck whereas photomontage appears to indicate 19m articulated vehicles parked outside these warehouse.*

Development Engineer's response

Noted.

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#### TfNSW comment

- *Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*

#### Development Engineer's response

Refer condition 3.6.

#### TfNSW comment

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

#### Development Engineer's response

Additional information has been received in relation to potential works that may be required on the western side of the proposed vehicle access crossing in Gindurra Road to improve and comply with the sight stopping distance requirements under AS2890.2:2018.

#### TfNSW comment

- *Discharged stormwater from the development shall not exceed the capacity of the M1 Pacific Motorway stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing upstream and downstream system that are required prior to final approval of the development.*

#### Development Engineer's response

The development will be required to provide on-site detention to limit post development flows back to pre-development flows for all storms up to and including the 1%AEP recurrence interval. Therefore, stormwater flows from the site should not adversely impact the stormwater associated with the M1 Pacific Motorway.

#### Servicing by B-Doubles

Reference to the National Heavy Vehicle Regulator (NHVR) portal indicates that the following roads in the vicinity of the development are **not** identified as **general** B-Double routes:

- Gindurra Road (total length between Wisemans Ferry Road and Debenham Road South).
- Debenham Road South (total length).
- Acacia Road (total length between Debenham Road South and Kangoo Road).
- Kangoo Road (from Acacia Road to the intersection of Kangoo Road and Acacia Road).

It is **not** recommended that B-Double vehicles associated with the development utilise Debenham Road South, south of the Debenham Road South / Gindurra Road intersection, as

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that part of Debenham Road South from this intersection to Acacia Road, Acacia Road and a section of Kangoo Road are rural roads and have not been designed to cater for the traffic loadings and vehicle manoeuvrability for B-Double vehicles. As such, it is unlikely that Council would support this route for B-Double vehicles between the site and the intersection of Kangoo Road and Wella Way via Debenham Road South and Acacia Road, and the section of Kangoo Road north of Wella Way. The use of Debenham Road South within the site frontage (i.e. north of the intersection of Gindurra Road & Debenham road South) would be satisfactory safe movements for B Double vehicles and Articulated vehicles turning left into Debenham Road South from Gindurra Road, and vice versa are achievable.

The use of B-Double trucks in Gindurra Road & Debenham Road South in general is prohibited unless a site specific permit from the NHVR is obtained and is currently valid. (Note: No 90 Gindurra Road has a current & site specific permit from NHVR for the use of B-Double vehicles). These permits are site specific to the subject site, and a particular operator, and to a certain date (i.e. say max. 3yrs). It is recommended that an Ongoing Condition be imposed on the development consent to require that "B-Doubles may only be used in conjunction with the development under the approval of a valid permit issued by the National Heavy Vehicle Register (NHVR)."

#### Flooding

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

#### Drainage

The site generally grades from the northern corner of the site (approx. RL 229m AHD) to the south western corner of the site (approx. RL 202.4m AHD), with a fall approximately 26.6m. There is an existing drainage easement located within the western boundary of the site which caters for a portion stormwater from the M1 Pacific Motorway. This drainage easement is located within the proposed environmental corridor.

A Civil Engineering and Stormwater Management Report prepared by Enspire Solutions Pty Ltd (Ref REPT001-200032-00 Rev 3 dated 15/07/2020) was submitted with the application as lodged which detailed and proposed the following in relation to stormwater management for the development:

- General stormwater  
The proposed development will incorporate a piped drainage network to cater for the 5% AEP event with overland flow paths for events in excess of the 5% AEP. Stormwater runoff will be collected and conveyed to a below ground on-site detention tank system before discharging to the existing piped drainage network in Gindurra Road. Stormwater runoff generated upstream of the site will continue to be collected within the Debenham Road South corridor before being conveyed to Gindurra Road within the existing drainage network. To facilitate the minor extension of Debenham Road South, it is proposed to include additional drainage inlet pits and pipes and connect to the existing drainage network in Debenham Road South. It is not anticipated that overland stormwater flows generated

upstream of the development site or from Debenham Road will enter the development site.

- Stormwater Quantity  
The development proposes extensive impervious areas within the site that has the potential to generate and discharge additional stormwater flows from the site into Council's stormwater system and the natural environment further downstream of the site. Therefore, on-site detention (OSD) is required to limit post development flows back to pre-development flows for all storm events up to and including the 1%AEP recurrence interval. Analysis for the OSD design has been undertaken via a DRAINS model to route all stormwater through an OSD tank proposed near the south-western corner of the site (& outside of the environmental corridor), with outflows from the basin connecting to Council's piped stormwater system in Gindurra Road. The tabulated results in the report indicate that the proposed OSD tank will achieve the required objective of limiting post development flows back to pre-development flows for all storm events up to and including the 1%AEP recurrence interval
- Stormwater Quality  
The proposal incorporates an overall treatment system involving the use of proprietary products including a Gross Pollutant Trap (GPT), water quality filters and associated stormwater drainage pit baskets. Water harvesting is incorporated from roof areas only. The MUSIC modelling program has been utilised to assess the performance of the proposed Water-Sensitive Urban Design strategy against the adopted stormwater quality targets. The results indicate that the proposed stormwater quality strategy would achieve the Council's target reductions for pollutant loads.

Although the proposal has been slightly amended since the DA lodgement to reduce the impact of disturbance within the site, it is considered that the principles and details contained in this document and associated stormwater plans are satisfactory for the purposes of the assessment of the development application. Adjustments as required to the stormwater management indicated in this document can be made to reflect the revised proposal prior to the issue of a construction certificate.

### **Water and Sewer**

Water and sewer is available to the land. The site has paid contributions in accordance with the Somersby Industrial Estate agreement. This was confirmed by Council's Senior Strategic Contributions Planner as paid under transaction number 1120138 dated 4/04/2018. The proponent will be required to obtain a section 307 certificate of compliance under the Water Management Act for the development.

A Council DN225 PP sewer main is located within the road reserve of Gindurra Road adjacent to the south west corner of the development site.

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The development proposal does not appear to impact water supply and sewer assets with respect building within the zone (s) of influence.

**Ecology**

Background

The application includes construction of a multi-unit warehouse and distribution facility. The subject site is located on the eastern edge of the Somersby Industrial Park forming part of the study area for the Somersby Industrial Park Draft Plan of Management (SIPPoM).

The subject site is 2.86 ha. The proposal (development) area includes an area of 2.26 ha within Lot 11, DP616416 and 0.1 ha within the Debenham Road corridor. In total, 2.36 ha of native vegetation is proposed to be removed to facilitate the development.

The Biodiversity Offset Scheme applies to the proposal given the development exceeds the area clearing threshold (minimum lot size is <1 ha). A Biodiversity Development Assessment Report (BDAR) has been lodged with the application, completed by Arcadis (Mr Ed Cooper, BAAS18047) in accordance with the Biodiversity Assessment Method (BAM) 2017.

The SIPPoM identifies a 30m habitat corridor which appears to include 15m in the M1 Pacific Motorway and 15m on the subject site (Lot 11, DP616416) which runs along the full extent of the western boundary (see Figure 1). The minimum corridor width of 15 metres has been incorporated in development plans.

Ecological Values identified in the BDAR

Two Plant Community Types (PCTs) were identified at the subject site, with three vegetation zones classified (see Table 1). PCT 1699 is commensurate to the State and Nationally listed Endangered Ecological Community, *Coastal Upland Swamp*.

Table 1: PCT impact summary (excluding the Debenham Road corridor\*)

<b>PCT – Veg. Zone</b>	<b>Vegetation Integrity Score</b>	<b>Total area (ha) on subject site</b>	<b>Total area proposed to be removed</b>	<b>% of veg. directly impacted on subject site</b>	<b>Area (ha) of veg. avoided not including habitat corridor</b>	<b>% of veg. retained outside of habitat corridor on subject site</b>
1642-Good	60.5	1.03	0.80	77.67	0.01	1.66
1642-Modified	27.4	1.61	1.35	83.85	0.10	7.04
1699	29.1	0.21	0.11	52.38	0.05	29.26
<b>TOTAL</b>		<b>2.85</b>	<b>2.26</b>	<b>79.30</b>	<b>0.16</b>	<b>6.66</b>

\* An additional 0.1 ha of PCT 1642 (modified) is proposed to be impacted in the Debenham Road corridor (not included in the table above)

In total the calculator identified 40 candidate (species credit) species, including 13 flora and 27 fauna species. Out of these species, potential habitat was identified for 12 flora and two fauna species. Field surveys were undertaken between November 2017 and November 2020.

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All threatened species were surveyed during periods prescribed on the NSW Bionet Threatened Biodiversity Data Collection. Surveys for threatened fauna with suitable habitat at the subject site included nest box surveys to detect the presence of the Eastern Pygmy-possum and camera trap surveys to detect the Long-nosed Potoroo.

Two threatened species were recorded at the subject site including the Eastern Pygmy-possum and the Spreading Guinea Flower (*Hibbertia procumbens*). A total of 5/12 nest boxes deployed to detect the Eastern Pygmy-possum during 2018 showed signs of occupation by the species. The species polygon mapped for the Eastern Pygmy-possum includes all native vegetation proposed to be impacted (2.36 ha). Two individual *Hibbertia procumbens* plants were recorded on the southern and eastern boundary of the development site during October 2019. The species polygon (area of occupancy) mapped for *Hibbertia procumbens* is 0.27 ha, calculated using the required 30 metre buffer from each individual plant recorded.

One species with suitable habitat at the subject site that was not detected during targeted surveys is *Prostanthera junonis* (Somersby Mintbush). This species was originally determined to be absent from the subject site by Arcadis based on result of targeted survey alone. Council's Ecologist requested a thorough review of the disturbance history of the site given *P. junonis* is a post fire coloniser. Arcadis found that targeted searches for *P. junonis* during 2017 were undertaken 23 years since a wildlife last burnt through the subject site during 1993-1994, according to the NPWS Fire History dataset (2020). The Somersby Mintbush Recovery Plan (2000) identifies that fire intervals for *P. junonis* should not exceed 30 years. By reviewing Bionet records in the surrounding area, Arcadis identified populations of *P. junonis* that have persisted in the local area that were subject to the same wildlife that impacted the subject site in 1993-1994. As such, Arcadis considered surveys at the subject site were adequate to allow the detection of the species. Council's Ecologist agrees with this assessment. No offset is required for *P. junonis*.

The following offset requirements have been determined for the proposal:

- 33 ecosystem credits for PCT 1642;
- 2 ecosystem credits for PCT 1699;
- 9 species credits for *Hibbertia procumbens* (species polygon 0.27 ha); and
- 46 species credits for Eastern Pygmy-possum (species polygon 2.36 ha).

#### Avoid and minimise considerations

The applicant has demonstrated that the proposal avoids or minimises impacts on biodiversity values prescribed by the Biodiversity Conservation Act and Regulations.

#### *Threatened species abundance*

The proposal does not avoid direct impact on the NSW listed Endangered plant *Hibbertia procumbens* which was recorded on the southern and eastern boundary of the development site. Council's Ecologist acknowledges limitations regarding retention of this threatened

species on the subject site given the development footprint is primarily located along the north and south frontages of the site. Impacts on *Hibbertia procumbens* can be mitigated through an appropriate Vegetation Management Plan (VMP) which would require translocation of individuals to the retained habitat corridor.

The entire subject site provides potential habitat for the Eastern Pygmy-possum. The proposal avoids 0.6 ha of potential foraging/ breeding habitat of the Eastern Pygmy-possum (majority of which occurs in the habitat corridor). Note, the Eastern Pygmy-possum is not a hollow dependent species, however the species will preferentially use hollows. Table 20 in the BDAR identifies four out of the 10 hollow bearing trees (HBTs) recorded on the subject site for retention. However, Council's Ecologist considers that two of the HBTs identified for retention may be cleared by the proposal due to significant encroachments into tree protection zones. The BDAR proposes suitable mitigation measures to minimise impacts on the Eastern Pygmy-possum (through an appropriate VMP) including installation of up to 20 nest boxes and supplementary planting of key food resource plants in the habitat corridor.

*Vegetation abundance*

Table 1 shows that 20.7% (or 0.6 ha) of the vegetation on the subject site will be retained by the proposal, this includes the entire habitat corridor (15 m in width) that runs along the western boundary of the subject site. 6.7% of vegetation identified to be retained at the subject site occurs outside of the prescribed habitat corridor.

Figure 1 shows that impacts on native vegetation have been avoided during project planning. For example, some ancillary features (firefighting equipment) was relocated to provide greater retention of native vegetation located in the north west corner of the site.





#### *Habitat connectivity and threatened species movement*

According to the SIPPoM the habitat link (30 metres in width) that runs along the western boundary of the subject site is identified as providing linkage between areas of significant habitat for threatened flora, including *Prostanthera junonis* and *Hibbertia procumbens*. The habitat corridor is also identified as a linkage for fauna species including forest birds and mammals.

The portion of the habitat corridor that occurs on the subject site is identified for full retention. A technical advice report was included in the BDAR (Appendix D) completed by Dr Elvira Lanham, Principal Ecologist at Arcadis. The report provides a detailed assessment of the value of the habitat corridor at the subject site at supporting the Eastern Pygmy-possum. According to Dr Lanham, the 30 metre width designated in the SIPPoM is considered acceptable provided it contains suitable habitat and is managed to minimise edge effects. It was also discussed that retention of vegetation along the northern and southern extents of the habitat corridor may help 'funnel' fauna towards the corridor, providing improved habitat connectivity compared to if the habitat corridor was retained in isolation.

The BDAR/ technical report includes appropriate recommendations which will be incorporated into a future VMP to help optimise the value of the habitat link for Eastern Pygmy-possum. This includes planting of food resource plants (i.e Banksia), installation of up

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to 20 nest boxes (including associated maintenance/ monitoring for five years), weed management and protective fencing along proposal areas.

#### *Water sustainability*

Hydrological processes are crucial to the development and persistence of the Coastal Upland Swamp ecological community including high surface run-on and low rates of percolation and run-off. The patch of Coastal Upland Swamp that intersects the habitat zone is not identified for full retention, despite Council's Ecologist recommendation regarding averting potential prescribed impacts (hydrological processes that sustain threatened ecological communities). Out of the 0.21 ha of *Coastal Upland Swamp* identified on the subject site, 0.11 ha will be retained, or 48%. The original BDAR (Rev C) submitted with the application only proposed retention of 0.4 ha, or 19% of *Coastal Upland Swamp* on the subject site. Potential prescribed impacts (i.e. drawdown of groundcover caused by the proposal) may be appropriately averted through detailed design (as reported in the BDAR), including construction of retaining wall (above the groundwater table) along the interface of *Coastal Upland Swamp* identified for retention.

#### Conclusion

During project design the BDAR has demonstrated efforts to avoid and minimise impacts on biodiversity values. Mitigation recommendations provided in the BDAR have been conditioned, such as preparation of an appropriate VMP prior issue of any construction certificate. Council's Ecologist is satisfied that the application is generally consistent with the objectives of Clause 7.4 of the Gosford Local Environmental Plan 2014, given habitat zones will be retained by the proposal.

The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Ecologist has no objection to the proposal subject to the attached conditions being included within any consent granted. Biodiversity credits are proposed to be offset by purchase of credits on the market, or, if unavailable payment to the Biodiversity Conservation Trust. The number of credits has not been increased or decreased compared to those specified in the BDAR.

Council's Ecologist is required to approve the offset obligation for the DA in the Biodiversity Offsets and Agreement Management System (BOAMs). Please notify Council's Ecologist when the DA is determined.

#### **Environmental Health**

##### Air Quality

Dust is expected during the construction phase of the development. Conditions are applied.

##### Acid Sulfate Soil (ASS)

The land is mapped as Class 5 ASS; therefore, the proposed development is unlikely to disturb ASS.

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#### Asbestos Containing Material (ACM)

The site consists of vacant bushland, ACM not expected.

#### Contamination/ SEPP 55

Councils historic aerial imagery indicates that the land has remained bushland with no evidence of contaminating activity, therefore the contamination risk is very low.

#### Noise

The site is zoned IN1 General Industrial and forms part of the Somersby Business Park. Adjacent the proposed at No. 90 Gindurra Road there is an existing waste recycling operation for which an SSD application has been lodged with the Department of Planning for a significant expansion/extension of the use.

The closest sensitive residential receiver is approximately 70m to the South East on land zoned RU2 Rural landscape.

Proposed hours of operation are 24 hour/7 days a week. Expected noise sources include heavy vehicle (B-double) movements (including reversing), forklift operations inside the warehouses, and staff using the carpark at the corner of Debenham Road South and Gindurra Road (including vehicle door slamming).

An amended Acoustic Assessment was requested to assess the operation as a 24hours/7day a week operation as indicated in the SEE. The amended Acoustic Assessment, *Acoustic DA Assessment* prepared by Acouras Consultancy, Document Reference: STD2020-1111-R001D, dated 18/12/2020, indicates the development can comply with the project specific noise criteria at all sensitive residential locations subject to restrictions to use including number of trucks, forklifts, restrictions on areas for loading and unloading, restrictions on areas for exiting during evening and night times periods and office facility hours. Conditions are applied.

Construction noise is expected.

#### Soils and Construction/Cut and Fill

The area of soil disturbance exceeds 2500m<sup>2</sup> therefore a Soil and Water Management Plan (SWMP) is required. The amended Soil and Water Management Plan was provided following a request for additional information. The amended plan has addressed all items identified in previous comments. The dewatering of the sediment basin indicates turbidity water quality objective is maximum 60NTU, I would prefer 50NTU and will include this as a condition of consent rather than ask for amended plans again as it is a minor administration update. The amended plan satisfactorily meets the minimum requirements of Clause 6.3 of the Gosford DCP or Landcom 'Blue Book', provided the 50NTU is added as a condition of consent. Conditions are applied.

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Earthworks for the development include approximately 15,141m<sup>3</sup> of cut and approximately 23,403m<sup>3</sup> of fill, a balance of 8,262m<sup>3</sup> of imported fill. Any fill imported must be ENM or VENM. Condition to be applied.

#### Water

The site slopes from the northern corner to the south-western corner with surface waters discharged to Council roadside stormwater and into Pile Creek approximately 100m downslope of the development. The SWMP is satisfactory to ensure that the water course is not negatively impacted from sediment laden water leaving the site.

#### Bulk Earthworks

The development proposes bulk earthworks across the site to achieve the nominated levels and provide adequate drainage for the proposed development. Generally, the earthworks strategy for the development is to fill above natural ground surface to achieve a suitable platform for the construction of the proposed building structures, rigid and flexible pavements. In relation to proposed bulk earthwork volumes for the proposal as originally lodged, the development proposed approximately 15,141m<sup>3</sup> of cut and approximately 23,403m<sup>3</sup> of fill, resulting in a balance of approximately 8,262m<sup>3</sup> of imported fill to achieve the desired levels. The extent of works has been modified for which revised cut/fill volumes were not provided, however it is noted that there may now be less cut proposed particularly within the northern part of the site which could result in additional imported fill being required to balance the levels for the development.

#### Geotechnical engineering and retaining works

A geotechnical engineering report was submitted with the application which indicates that the site is generally underlain by Hawkesbury sandstone.

Civil engineering works including bulk earthworks are to be undertaken in conjunction with a registered Geotechnical engineer. Retaining walls are to be designed and certified by a structural engineer, in conjunction with recommendations from a registered Geotechnical engineer.

#### **External Consultation**

NSW Rural Fire Service	Supported with conditions. <b>Refer condition 1.3.</b>
TfNSW	Supported with conditions. Refer engineering comments.
Heritage NSW	Not integrated development for the purpose of the NPW Act as there are no known Aboriginal objects. <b>Refer conditions 3.16 and 4.3.</b>
Darkinjung Local Aboriginal Land Council	No comments within timeframe. <b>Refer Conditions 3.16 and 4.3.</b>
Jemina	Jemina will relocate gas main in Gindurra Road.
Ausgrid	Supported subject to conditions. <b>Refer Condition 1.3.</b>

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#### Ausgrid

Power Pole relocation – referral to Ausgrid

The application indicates that the development:

- *is likely to involve the relocation of an aboveground electricity pole. As per clause 45 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), the DA needs to be referred to the energy authority for a period of 21 days; and that*
- *Pursuant to clause 45 of the ISEPP, works are proposed within Debenham Road South and result in a potential disturbance to an electricity distribution pole. As such, before determining a DA, Council must give written notice to the electricity supply authority, inviting comments about potential safety risks and take into consideration any response to the notice that is received within 21 days after the notice is given.*

It is noted that the application was referred to Ausgrid, whom in their response dated 02/12/2020 indicated amongst other matters, that any service relocations are to be at the developers cost.

#### Jemina

The application indicates that:

- *An existing gas main runs along the southern boundary of the site and minor alterations to the vertical alignment are required. Pursuant to clause 66(c) of ISEPP, Council need to provide notice to Jemena within 7 days of the DA being made and consider any comments received within 21 days; and that*
- *Pursuant to clause 66(C) of the ISEPP, an existing gas main exists along the southern boundary of the site. Following a field analysis that the gas main will need to be lowered to permit construction of the new access driveway along Gindurra Road, further discussions with Jemena are required and are to be confirmed during detailed design phases of the development. Therefore, before determining a DA for development adjacent to land in a pipeline corridor, Council must give written notice of the DA to the pipeline operator within 7 days after the application is made and take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*

In this regard, it is noted that documented correspondence between the applicant and the Jemina has been submitted in relation to future lowering works for the gas main associated with the proposed access in Gindurra Road.

**s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development**

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

**a) Built Environment**

The subject site is zoned IN1 General Industrial under GLEP2014 and is located within an industrial zoned area with a Management Zone 15m wide on the western side of the site. The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the GLEP2014 and GDCP2013. The potential impacts are considered reasonable.

**b) Natural Environment**

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Gindurra Road or Debenham Road.

The development of the site will result in a development consistent with development in the Somersby Industrial Estate. There is significant tree and vegetation removal which has been addressed through the Somersby Plan of Management and the BDAR submitted. The submitted SWMP, Water Cycle Management Plan and Landscape Design Report provides an overall concept which will stabilise and manage the entire site.

There will be no significant impact upon the natural environment as a result of the proposal.

**c) Economic Impacts**

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

**d) Social Impacts**

The proposed development will have beneficial social impacts as it will provide employment in construction and the provision of warehouse and other uses/services.

**s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development**

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

- The site is zoned IN1 General Industrial under GLEP2014. The proposed development is permissible under the IN1 zone and the scale of the proposed development is consistent with the objectives of the zone, size of the site, and proposed use.
- There are no environmental hazards which would prevent development of the site.
- Utility services are available to the site.
- The site is located on and near major transport routes, including the M1 motorway.

**s. 4.15 (1)(e) of the EP&A Act: The Public Interest**

The approval of the application is considered to be in the public interest as follows:

- The proposal will generate social and economic benefits for the community by providing additional employment opportunities and services.
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the GLEP2014 and GDCP2013.
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

**Other Matters for Consideration**

**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

**Climate Change**

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed

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development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change

#### **Development at Zone Interface**

The site is located on the eastern side of the Somersby Industrial Estate. Land on the eastern side of Debenham Road is zoned RU2 Rural Landscape and contains dwelling houses on rural allotments.

The application has addressed the likely impact from the proposed development on the adjoining land by limitations on night- time operations, landscaping and traffic controls. Similarly, residences to the east must accept that the site is zoned industrial and will be developed for industrial purposes. (*Seaside property Developments Pty Ltd v Wyong Shire Council* [2004] NSWLEC 117.

It is considered the development for a warehouse and distribution centre is suitable for the site in this location.

#### **Conclusion:**

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

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

#### **Reasons for the Decision**

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

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



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**Attachments**

<b>1</b>	Draft Conditions of Consent	D14537592
<b>2</b>	Architectural Plans	D14422040
<b>3</b>	Civil Plans	D14422049
<b>4</b>	Acoustic Report	D14422038
<b>5</b>	Aboriginal Cultural Heritage Report Provided Under Separate Cover	D14180754
<b>6</b>	Traffic Impact Assessment	D14136406
<b>7</b>	Landscape Plans	D14136396

## 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: SBA Architects

Drawing	Description	Sheets	Issue	Date
DA000	Cover Sheet	1	E	09/07/2020
DA001	3D Views	1	F	01/12/2020
DA201	Site Plan-Upper Level	1	I	01/12/2020
DA202	Site Plan-Lower Level	1	I	01/12/2020
DA203	Roof Plan	1	D	01/12/2020
DA301	Elevations	1	F	01/12/2020
DA305	Sections	1	E	09/07/2020
DA401	Office 1	1	D	09/07/2020
DA402	Office 2	1	D	09/07/2020
DA403	Office 3	1	C	09/07/2020
DA404	Office 4	1	C	09/07/2020
DA501	Signage Details	1	A	09/07/2020

#### Supporting Documentation

Document	Title	Date
GLN Planning	Statement of Environmental Effects	03/08/2020
Bissett & Wright	Survey Plan	21/11/2019
Arcadis	Biodiversity Development Assessment Report	February 2021
Enspire Solutions	Civil Plans 13 Sheets-DA-C01-01 to DA-C22-03	04/12/2020 & 08/12/2020
Skylife	Waste Management Plan	31/07/2020
Seca Solutions	Traffic Impact Assessment	20/07/2020
Jamie King Landscape Architect	Landscape Plans 101-104 (4 Sheets) Issue B	03/08/2020
Building Code & Bushfire Hazard Solutions Pty Ltd	Bushfire assessment Report Ref No 200342	05/06/2020
BCA Logic	Access Capability Statement	20/07/2020
BCA Logic	BCA Capability Statement	06/07/2020

Acouras Consultancy	Acoustic DA Assessment RefSYD2020-1111-R001D	18/12/2020
OzArk	Aboriginal Cultural Heritage Report	August 2020
Empire Solutions	Civil Engineering & Stormwater Management Report	15/07/2020

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with the requirements from the Authorities as listed below and attached as a schedule of this consent.

Government Agency / Department / Authority	Description	Ref No	Date
NSW Rural Fire Service	S4.14 of Environmental Planning & Assessment Act 1979	DA20201230004911-Original-1	22/01/2021
Ausgrid			02/12/2020

- 1.4. The development being carried out by;
  - Stage 1- Sediment and erosion control, clearing/vegetation removal, bulk earthworks, road and civil works.
  - Stage 2- Construction of warehouse and distribution centre, car parking, landscaping and signage.

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

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

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

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

- a) Full width road construction in Debenham Road South from the northern end of the existing full road construction up to and including the extent of the proposed road extension in Debenham Road South as indicated on the approved plans. The road construction is to include on both sides of the road kerb and channel, road pavement, subsurface drainage, verge formation, stormwater street drainage, and end transitions. The plans are to be in accordance with Council's design for Debenham Road South (Project No 452/453) in relation to design, alignment, pavement width and level up to and including the extent of the proposed road extension in Debenham Road South as indicated on the approved plans.
- b) Construction of the road verge/footway formation with a minimum width of 2.5m graded at +2% from the top of existing kerb towards the property boundary, across the full frontage of the site in Debenham Road South where road works are required. Construction to include transitions to existing formation either side of the works.
- c) Construction of an industrial/commercial vehicle access crossing in Gindurra Road that has a width of 20 metres at the road gutter crossing and 18 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. The configuration shall accommodate concurrence movements of AS2890.2:2018 19m Articulated Vehicle and AS2890.2:2018 12.5m Heavy Rigid Vehicle entering and exiting the site (or vice versa) without encroachments in their swept turning paths.
- d) Construction of an industrial/commercial vehicle access crossing in Debenham Road South that has a width of 22.5 metres at the road gutter crossing and 22.5 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. The configuration shall accommodate concurrence movements of two AS2890.2:2018 19m Articulated Vehicles entering and exiting the site without encroachments in their swept turning paths. This vehicle access crossing is associated with the central access point in Debenham Road South associated with truck movements.
- e) Construction of an industrial/commercial vehicle access crossing in Debenham Road South that has a width of 6.5 metres at the road gutter crossing and 6.5 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. This vehicle access crossing is associated with the southern vehicle access point in Debenham Road South associated with access to a car park.
- f) Construction of an industrial/commercial vehicle access crossing in Debenham Road South that has a width of 7.0 metres at the road gutter crossing and 7.0 metres at the property boundary including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. This vehicle access crossing is associated with the northern vehicle access point in Debenham Road South associated with access to a car park.
- g) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- h) Removal and replacement of all damaged kerb and gutter with new kerb and channel.
- i) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary.
- j) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

- k) Installation of roadside furniture and safety devices as required by design e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.
- l) Construction of a storm water drainage connection from the development site to Council's piped storm water drainage system and drainage pit located within Gindurra Road.
- m) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:
 

Name of Street	Traffic Loading (ESAs)
Debenham Road South	5x10 <sup>6</sup>
- n) Clearing of vegetation on the western side of the vehicle access crossing in Gindurra road within the road reserve and within the site frontage (not including the 15m wide habitat corridor) to achieve a minimum sight stopping distance of 69m.
- o) The pedestrian access in Gindurra Road associated with access to the pump room is not supported. Alternative access arrangements are to be designed for pedestrian access to/from the pump room to either a car park within the development site or to the Debenham Road South frontage of the site.

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

- 2.3. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.4. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
  - a) Construction of driveways, ramps, circulation areas, and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890 in particular AS/NZS2890.1:2004 & AS2890.6:2009 for passenger vehicles, AS2890.2:2018 for vehicles up to the 19m Articulated Vehicle, & Austroads for the B-Double vehicles, and any other applicable Australian Standards. The design of the access driveways within the site shall also comply with the following:
    - For the access from Gindurra Road: The configuration shall accommodate concurrence movements of AS2890.2:2018 19m Articulated Vehicle and AS2890.2:2018 12.5m Heavy Rigid Vehicle entering and exiting the site (or vice versa) without encroachments in their swept turning paths.

- For the truck access associated with the central access point in Debenham Road South: The configuration shall accommodate concurrence movements of two AS2890.2:2018 19m Articulated Vehicles entering and exiting the site without encroachments in their swept turning paths.
- b) Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design.
- c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
- d) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
- e) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's piped drainage system located in Gindurra Road.
- f) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- g) Clearing of vegetation on the western side of the access driveway within the frontage of the site to Gindurra Road (not including the 15m wide habitat corridor) to achieve a minimum sight stopping distance of 69m.
- h) The pedestrian access from the pump room is to connect to a car park within the development site and/or to the Debenham Road South frontage of the site. Connection to the Gindurra Road frontage is not permitted.

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

2.5 An acoustic consultant (AAAC member) is to confirm the designed acoustic barrier fence complies with that set out in *Acoustic DA Assessment* prepared by acouras Consultancy, Document Reference: STD2020-1111-R001D, dated 18/12/2020

2.6 An acoustic consultant (AAAC member) is to confirm the design and the selection of the mechanical equipment will comply with the NSW EPA *Noise Policy for Industry* (2017)

2.7. Identify 'No Go Area'

Identify trees and native vegetation proposed for retention and those approved for removal must be clearly marked on all final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

#### 2.8. Submit Vegetation Management Plan

Submit a Vegetation Management Plan (VMP) to Council's Ecologist for approval prior to issue of any construction certificate. The VMP must cover all areas of retained vegetation on LOT 11 DP 616412, No 83 Gindurra Road, Somersby (the subject site). The primary objective of the VMP is weed management and threatened species habitat management.

The VMP must be prepared to Council's satisfaction, according to Councils Flora and Fauna Guidelines and have duration of no less than 5 years:

[https://cdn.centralcoast.nsw.gov.au/sites/default/files/Central\\_Coast\\_Council\\_Flora\\_and\\_Fauna\\_Guidelines\\_July\\_2019.pdf](https://cdn.centralcoast.nsw.gov.au/sites/default/files/Central_Coast_Council_Flora_and_Fauna_Guidelines_July_2019.pdf)

The Vegetation Management Plan must:

- Integrate with other relevant plans e.g. Landscape Plans, Erosion and Sediment Control Plans, Bushfire Assessment Report.
- Include management actions to allow implementation of recommendations contained in Table 31 (mitigation measures) and Appendix D (Eastern Pygmy Possum Assessment) of the approved BDAR by Arcadis (18/02/2021). Where recommendations contained within the BDAR are inconsistent with management actions prescribed by the conditions of consent, the management actions prescribed by the conditions of consent prevail. The implementation period (years), timing (pre, during and post construction) and maintenance requirements (frequency) of management actions is to be clearly specified. Management actions must be specific to management zones which are to be defined based on broad condition class of vegetation.
- Include a figure showing the extent of the area that will be subject to the VMP, this area will be subject to instrument(s) under the *Conveyancing Act 1919*.
- Include a figure that shows management zones/areas, including the temporary and permanent fence (and type) to be installed to protect the VMP area.
- List weeds that occur in the VMP area and identify which management zones they occur in. Appropriate control measures are to be included in the VMP.
- Specify planting densities, species and number of plants required for revegetation works. Species used for revegetation must be locally endemic, known food resource plants of the Eastern Pygmy-possum and found in remnant vegetation at the subject site/ or nearby reference sites. Contingency measures must be included in the VMP if survival rates of tubestock fall below 90%.
- Include measures to limit potential adverse impacts on threatened flora species and threatened ecological communities that may be disturbed during works/ implementation of the VMP. This must include protocols to mitigate potential adverse impacts on Coastal Upland Swamp during construction of the permanent retaining wall along the interface of the development area and patch of Coastal Upland Swamp identified for retention.
- Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.
- Include a translocation plan for threatened flora species that occur in the development area or are identified in the development area during pre-clearance surveys. All

translocated flora is to be planted in a suitable area in the habitat corridor on the subject site.

- Be implemented for no less than five years and detail ongoing monitoring and reporting requirements.
- Include costings/ a quote prepared by a qualified ecologist/ bush regenerator that demonstrate the VMP is appropriately funded.
- Aiming to achieve the following outcomes by year 5 being:
  1. Less than 1% woody weed cover in any 1000m<sup>2</sup> of the subject site; and
  2. Less than 20% exotic ground cover in any 1000m<sup>2</sup> of the subject site; and
  3. Achieve 90% survival rate of all tubestock planted at year five.

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of five years following clearing of vegetation from the development area. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the VMP at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

#### 2.9. Submit Wildlife Management Plan

Submit a Wildlife Management Plan (WMP) to Council's Ecologist for approval. The WMP must mitigate against animal welfare issues and detail management actions to improve fauna habitat in areas of retained vegetation on LOT 11 DP 616412, No 83 Gindurra Road, Somersby (the subject site).

The WMS must be prepared to Council's satisfaction, according to Councils Flora and Fauna Guidelines and have duration of no less than 5 years:

[https://cdn.centralcoast.nsw.gov.au/sites/default/files/Central\\_Coast\\_Council\\_Flora\\_and\\_Fauna\\_Guidelines\\_July\\_2019.pdf](https://cdn.centralcoast.nsw.gov.au/sites/default/files/Central_Coast_Council_Flora_and_Fauna_Guidelines_July_2019.pdf)

The Wildlife Management Plan must:

- Include management actions to allow implementation of recommendations contained in Table 31 (mitigation measures) and Appendix D (Eastern Pygmy Possum Assessment) of the approved BDAR by Arcadis (18/02/2021). Where recommendations contained within the BDAR are inconsistent with management actions prescribed by the conditions of consent, the management actions prescribed by the conditions of consent prevail. The implementation period (years), timing (pre, during and post construction) and maintenance requirements (frequency) of management actions is to be clearly specified.
- Identify fauna likely to occur on-site and advise on management actions to avoid and/or mitigate the risk of harm to the welfare of native animals including avoiding breeding times for species present.
- Identify on a plan and physically mark habitat trees.
- Identify on a plan and physically mark other habitat resources for salvage (eg. significant tree hollows and logs) and specify where the salvage materials are to be permanently placed in the habitat corridor.
- Provide timeframe/schedules and protocols for clearing of non-habitat trees, and then habitat trees. The protocols for clearing of habitat trees are to identify the most benign



method of dislodging fauna, felling trees and treatment/ relocation of captured fauna. Tree hollows are to be visually inspected prior to habitat tree felling.

- Identify nearby release areas for animals requiring immediate relocation. Contact details for the nearest vet are to be included.
- Detail a Nest Box Replacement/Hollow Relocation Plan for nest box/natural hollow reuse, construction and placement. Details are to include information regarding hollow bearing trees (location, number, aspect of hollow, height), nest boxes (number, type, thermal insulation, thickness), location, installation methods and the recommended monitoring/maintenance program.
- Nesting boxes must be constructed from a durable material such as High Density Polyethylene (HDPE) and cypress pine or similar materials to ensure maximum durability.
- Ensure that no less than 50% of the required number of nesting boxes for the Eastern Pygmy-possum are installed in retained areas of vegetation at least two weeks prior to the commencement of clearing. Council's Ecologist must receive documentation that shows compliance with this management action prior to commencing clearing works.
- Hollows of high quality or with fauna recorded residing within are to be sectionally dismantled for instalment on recipient trees in retained areas of vegetation.
- Detail a monitoring program for nest boxes/salvaged hollows to determine their usage (by internal visual inspection) and to carry out repairs or replacement (as required). Monitoring is to occur every six (6) months for a minimum period of five (5) years following installation. Monitoring reports are to be prepared by the Ecologist and forwarded to Council by the 30th June each year.
- The outcomes of the clearing supervision are to be reported to Councils Ecologist within 14 days.
- Any injuries or fatalities will be reported to Councils Ecologist within 24hours.

#### 2.10. Tree Protection Plan

Engage a qualified Arborist (AQF 5) to determine if any habitat (hollow bearing) trees identified for retention in the approved Biodiversity Development Assessment Report by Arcadis (18/02/2021) may be subject to Tree Protection Zone or Structural Root Zone encroachments. The Arborist is to provide a letter report to Council's Tree Assessment Officer on this assessment. Where there is an encroachment (>10%) on any habitat trees, a Tree Protection Plan is to be submitted to the Consent Authority in accordance with Australian Standard 4970-2009: Protection of Trees on Development Sites.

#### 2.11. Comply with the Biodiversity Development Assessment Report

Comply with impact mitigation and minimisation measures as stated in Table 31 of the Biodiversity Development Assessment Report (Arcadis, 18/02/2021). Where these recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

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

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

- 2.13. Submit amendments to the approved plans to the Registered Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
- a) Amend the landscape plan to reflect the approved development plans with the 15m wide management zone along the western boundary of the site as well as the following.
  - b) Deletion of at least 5 car parking spaces and replace with landscaping containing at least trees of mature height of 8m within the car parking areas to provide shade within the parking areas.

### **3. PRIOR TO COMMENCEMENT OF ANY WORKS**

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
- a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
- a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.

- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au).

Contact Council prior to submitting these forms to confirm the relevant fees.

- 3.6. Prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for all activities related to works within the site. The plan must be prepared and implemented only by persons with Roads and Maritime Service accreditation for preparing and implementing traffic management plans at work sites.

The CTPMP must describe the proposed construction works, the traffic impacts on the local area and how these impacts will be addressed.

The CTPMP must address, but not be limited to, the following matters:

- Ingress and egress of construction related vehicles to the development site.
- Details of the various vehicle lengths that will be used during construction and the frequency of these movement.
- Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
- Deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
- Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
- Control of pedestrian and vehicular traffic where pre-construction routes are affected.
- Temporary Road Closures.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to Council upon request.

- 3.7. Submit to Council, for approval, details of proposed haulage routes to and from the site. Approval of haulage routes may be subject to the provision of a dilapidation report of all or part of the approved haulage route.
- 3.8. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.9. Engage a project ecologist  
Engage a suitability qualified and experienced project ecologist to oversee and / or implement ecological protection measures.
- 3.10. Like for like credit retirement
  - a. Prior to commencement of works the class and number of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts of the development.
  - b. The requirement to retire ecosystem credits in Table 1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator<sup>1</sup>.
  - c. Evidence of the retirement of ecosystem credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any works.

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

<b>Impacted plant community type</b>	<b>Number of ecosystem credits</b>	<b>HBT</b>	<b>IBRA sub-region</b>	<b>Plant community type(s) that can be used to offset the impacts from development</b>
1642-Scribbly Gum - Red Bloodwood - Old Man Banksia heathy woodland of southern Central Coast	18	Yes	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Sydney Coastal Dry Sclerophyll Forests This includes PCT's: 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786, 1787

<sup>1</sup> Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

<b>Impacted plant community type</b>	<b>Number of ecosystem credits</b>	<b>HBT</b>	<b>IBRA sub-region</b>	<b>Plant community type(s) that can be used to offset the impacts from development</b>
1642-Scribbly Gum - Red Bloodwood - Old Man Banksia heathy woodland of southern Central Coast	15	No	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Sydney Coastal Dry Sclerophyll Forests This includes PCT's: 1083, 1138, 1156, 1181, 1183, 1250, 1253, 1619, 1620, 1621, 1623, 1624, 1625, 1627, 1632, 1636, 1638, 1642, 1643, 1681, 1776, 1777, 1778, 1780, 1782, 1783, 1785, 1786, 1787
1699-Heath-leaved Banksia - Coral Fern wet heath on sandstone ranges of the lower Central Coast	2	No	Pittwater, Cumberland, Sydney Cataract, Wyong and Yengo or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Coastal Upland Swamp in the Sydney Basin Bioregion This includes PCT's: 978, 1078, 1134, 1699, 1707, 1803, 1804

Like for like species credit retirement

- d. Prior to commencement of works the class and number of species credits in Table 2 must be retired to offset the residual biodiversity impacts of the development.
- e. The requirement to retire species credits outlined in Table 2 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.
- f. Evidence of the retirement of species credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any works.

*Table 2. Species credits required to be retired – like for like*

<b>Impacted species credit species</b>	<b>Number of species credits</b>	<b>IBRA sub-region</b>
<i>Cercartetus nanus / Eastern Pygmy-possum</i>	46	Anywhere in NSW
<i>Hibbertia procumbens / Spreading Guinea Flower</i>	9	Anywhere in NSW

3.11. Conservation Fencing

Erect a temporary fence, minimum two (2) metre high chain wire link along the boundary of the area subject to the approved Vegetation Management Plan. A lockable access gate must be provided for access/ maintenance purposes. The fence must be sign posted at intervals of no less than thirty (30) metres to identify the conservation value of the land and discourage access. The sign must read as follows: "KEEP OUT This is an environmental protection area. Fines will apply for offences which cause damage to this area, under the NSW Biodiversity Conservation Act 2016".

**3.12. Comply with the Biodiversity Development Assessment Report**

Comply with impact mitigation and minimisation measures as stated in Table 31 of the Biodiversity Development Assessment Report (Arcadis, 18/02/2021). Where these recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

**3.13. Comply with the Vegetation Management Plan**

Implement and conduct all works in accordance with the Vegetation Management Plan approved under condition 2.8 of this consent.

**3.14. Comply with the Wildlife Management Plan**

Implement and conduct all works in accordance with the Wildlife Management Plan approved under condition 2.9 of this consent.

**3.15. Certification of tree and ecological protection measures**

Prior to the commencement of any clearing, construction or earthworks, the project ecologist is to certify, in writing, by forwarding a letter to Council's Ecologist, implementation of the tree and ecological protection measures required by this consent or recommendations provided in Table 31 of the Biodiversity Development Assessment Report (Arcadis, 18/02/2021). The letter is to include photos that demonstrate compliance of tree and ecological protection measures.

3.16. Prior to the commencement of any works on site, including clearing and earthworks, the Darkinjung Local Aboriginal Land Council shall be notified at least 7 days prior to the commencement of work. A member/representative of the Land Council shall be permitted to view the work and clearing while in progress to observe for the presence of any aboriginal objects.

## **4. DURING WORKS**

4.1. All conditions under this section must be met during works.

4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7:00am and 5:00pm Monday to Saturday

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

4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately in that area, and
- b) The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Implement all soil and water management control measures and undertake works in accordance with the approved Demolition, Erosion, Soil and Water Management Plan prepared by Enspire Solutions Pty Ltd, Project Number/Drawing Number 200032-DA-C03.01 (Revision 7), 200032-Da-C03.02 (Revision 2) 200032-DA-C03.031 (Revision 6), as amended by condition of consent. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (Managing Urban Stormwater: Soils and Construction, Landcom, 2004).
  - Amend the approved Soil and Water Management Plan turbidity water quality objective to maximum 50NTU for the dewatering of the sediment basin.
- 4.8. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the Protection of the Environment Operations Act 1997.
- 4.9. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997.
- 4.10. Restrict the importation of fill to about 8,262m<sup>3</sup>. In the event spoil from the site is not suitable for reuse, additional fill may be imported to achieve the required levels subject to the unsuitable soil being disposed of to an approved site.
- 4.11. 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.

- 4.12. Maintain temporary fence  
Maintain the temporary fence around the conservation area, as identified in the approved Vegetation Management Plan. The fence must be maintained for the duration of construction

works. No clearing of native vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.

#### 4.13. Tree protection

Tree protection is to be as per the recommendations provided in the Tree Protection Plan approved under condition 2.10. Habitat trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.

#### 4.14. Implement fauna welfare measures

Implement the following fauna welfare measures during clearing:

- **Nest Boxes**  
In accordance with the approved Wildlife Management Plan, ensure that no less than 50% of the required number of nesting boxes for the Eastern Pygmy-possum are installed in retained areas of vegetation at least two weeks prior to the commencement of clearing.
- **Supervision by Ecologist**  
Removal of hollow bearing trees and log habitat on the ground must be undertaken under the supervision and guidance of a suitably qualified Ecologist or licensed wildlife handler.
- **Pre Clearing Inspection**  
The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use.
- **Staged Clearing**  
Staged removal of vegetation is to be undertaken according to the approved Wildlife Management Plan.
- **Fauna Welfare**  
Prior to the felling of hollow bearing trees, hollows are to be visually inspected. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Department of Planning, Industry and Environment must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling, or the hollows are to be blocked with rags or similar material and the hollows sectionally dismantled and lowered carefully to the ground. The Ecologist is to work in conjunction with the machinery operator to identify the most benign method of dislodging fauna and for felling trees. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist. Any fauna rescued during vegetation clearance is to be assessed for injuries and, if unharmed, subsequently released into suitable nearby habitat. Captured fauna may be held until dusk prior to release in accordance with relevant animal ethics licensing and standards. If any fauna are injured during vegetation clearing they are to be taken promptly for treatment to a nearby veterinarian or wildlife carer.
- **Reporting**



Following the removal of hollow bearing trees, the Project Ecologist must notify Council's Ecologist in writing of compliance with this condition within fourteen (14) days. Information provided must include fauna observations, number, size and location of nest boxes/ salvaged hollows installed.

**4.15. Retaining wall wetland boundary**

Prior to substantial cut and fill earthworks, construct a permanent retaining wall along the boundary of Coastal Upland Swamp that intersects the development area with reference to the protocols contained in the approved Vegetation Management Plan to mitigate any potential adverse impacts on the Endangered Ecological Community.

**4.16. Stockpiling**

Stockpiling will be undertaken within the approved works foot print. Stockpiling will not be undertaken in locations that impact on adjacent areas of retained native vegetation. Stockpiles are to be managed to suppress dust, prevent erosion and reduce the impact of sediment and other contaminants on the environment. This may require compaction and the installation of adequate sediment and erosion control measures around the stockpiles in accordance with the Blue Book and Best Practice Erosion and Sediment Control (IECA) guidelines. No contaminated material is permitted to be stockpiled onsite.

**4.17. Weeds and pathogens**

Vehicles and other equipment to be used on site must be free of soil, seeds and plant material before entering/leaving the site to prevent the spread of exotic plant species and pathogens. Standard hygiene protocols will be used to clean tools and other equipment. All vehicles and machinery must be inspected prior to site entry and those failing inspection are to be sent away for cleaning. Appropriate records of inspections shall be maintained.

**4.18. Comply with the Biodiversity Development Assessment Report**

Comply with impact mitigation and minimisation measures as stated in Table 31 of the Biodiversity Development Assessment Report (Arcadis, 18/02/2021). Where these recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

**4.19. Comply with the Vegetation Management Plan**

Implement and conduct all works in accordance with the Vegetation Management Plan approved under condition 2.8 of this consent.

**4.20. Comply with the Wildlife Management Plan**

Implement and conduct all works in accordance with the Wildlife Management Plan approved under condition 2.9 of this consent.

**4.21. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Skylife dated 31 July 2020.**

**5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.
- 5.4. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.5. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.6. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.7. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.8. Amend the Deposited Plan (DP) for lot 11 DP 616412 to:
  - 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
    - Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

- 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
  - a) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
    - i. the facility will remain in place and fully operational.
    - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
    - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
    - iv. Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

- 5.9. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
  
- 5.10. An acoustic consultant (AAAC member) is to confirm the designed acoustic barrier fence complies with that set out in *Acoustic DA Assessment* prepared by acouras Consultancy, Document Reference: STD2020-1111-R001D, dated 18/12/2020
  
- 5.11. An acoustic consultant (AAAC member) is to confirm the design and the selection of the mechanical equipment complies with the NSW EPA *Noise Policy for Industry* (2017)
  
- 5.12. Execute Section 88E instrument(s)  
Execute section 88E instruments under the *Conveyancing Act 1919* to -
  - (a) Place a restriction on that part of the land subject to the approved Vegetation Management Plan (VMP) for the purpose of protecting the native vegetation and threatened species habitat. The instrument must address the following terms, placing a restriction on-
    - (i) Land clearing and construction, and
    - (ii) Storage and dumping of equipment/materials, and
    - (iii) Vehicular movement of machinery, and
    - (iv) Activities prohibited under the Somersby Industrial Park Plan of Management (June 2005).

- (b) Place a public Positive covenant on that part of the land subject to the approved Vegetation Management Plan for the purpose of restoring and maintaining native vegetation and threatened species habitat. The instrument must address the following terms and obligations –
- (i) Positive acts required to restore and maintain the native vegetation set out in the approved Vegetation Management Plan (VMP), and
  - (ii) Positive acts required to implement management actions to improve fauna habitat set out in the approved Wildlife Management Plan (WMP), and
  - (iii) The duration of the obligations as set out in the approved VMP and WMP, and
  - (iv) Powers of the Central Coast Council, or its nominee, to enter, inspect and carry out the obligations imposed by the covenant and may recover expenses if the owner of the land fails to meet those obligations.

Council will have the benefit of the restrictive and positive covenants and will have sole authority to release and modify the instruments. Contact Council for the wording of the covenant(s). The 88E instruments must be approved by Council prior to issue of any occupation certificate. Submit to Council copies of registered title documents showing the restrictive and positive covenants.

**5.13. Comply with the Biodiversity Development Assessment Report**

Comply with impact mitigation and minimisation measures as stated in Table 31 of the Biodiversity Development Assessment Report (Arcadis, 18/02/2021). Where these recommendations contained within the Biodiversity Development Assessment Report are inconsistent, the conditions of consent prevail.

**5.14. Comply with the Vegetation Management Plan**

Implement and conduct all works in accordance with the Vegetation Management Plan approved under condition 2.8 of this consent.

**5.15. Comply with the Wildlife Management Plan**

Implement and conduct all works in accordance with the Wildlife Management Plan approved under condition 2.10 of this consent.

## **6. ONGOING OPERATION**

- 6.1. A minimum sight stopping distance of 69m as per Australian Standard AS2890.2:2018 must be maintained for vehicles exiting the site in Gindurra Road from the vehicle crossing towards the west. No vegetation clearing or trimming is permitted within the 15m wide habitat corridor within the western boundary of the site.
- 6.2. B-Doubles may only be used in conjunction with the development under the approval of a valid permit issued by the National Heavy Vehicle Register (NHVR).
- 6.3. All heavy vehicles associated with the operation of the subject site must enter and exit the site from Gindurra Road and/or the section of Debenham Road South north of the Gindurra Road / Debenham Road South intersection, via the Wisemans Ferry Road / Gindurra Road

intersection. No heavy vehicles are to utilise the section Debenham Road South south of the Gindurra Road / Debenham Road South intersection towards Acacia Road.

- 6.4. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.5. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.6. Hours of operation for the office facility is restricted to Monday to Saturday 7am to 6pm.
- 6.7. No more than 4 semi-trailers are to enter/exit the site from Debenham Road at any one time during the following periods:
  - 7am to 6pm Monday to Saturday
  - 8am to 6pm Sundays and public holidays.
- 6.8. No more than 3 forklifts are to operate simultaneously on the northern hardstand area off Debenham Road South.
- 6.9. No heavy vehicles are to enter or exit the site via Debenham Road during the periods from 6pm to 7am Monday to Sunday.
- 6.10. Trucks are always to be loaded and unloaded on the hardstand area of the warehouse as indicated in *Acoustic DA Assessment* prepared by acouras Consultancy, Document Reference: STD2020-1111-R001D, dated 18/12/2020.
- 6.11. Operate in accordance with the *Acoustic DA Assessment* prepared by acouras Consultancy, Document Reference: STD2020-1111-R001D, dated 18/12/2020.
- 6.12. An Operational Acoustic Assessment be undertaken by an accredited Acoustic Consultant at one (1) month after occupation in order to compare operational noise levels to the predicted noise levels (i.e. during peak usage periods, loading, delivery and dispatch) and identify any areas where further noise mitigation measures may be required. A copy of the assessment shall be submitted to Council within fourteen (14) days of the review being undertaken. All recommended noise mitigation methods must be implemented within 30 days of the assessment being undertaken.
- 6.13. Implement vegetation management activities  
Implement vegetation management activities in accordance with the Vegetation Management Plan approved under condition 2.8 of this consent.
- 6.14. Monitor nest boxes / salvaged hollows  
Monitor nest boxes/salvaged hollows in accordance with the Wildlife Management Plan prepared under condition 2.10.

6.15. Minimise external lighting

Use external lighting that minimises overspill into retained vegetated areas.

6.16. Comply with all commitments as detailed in the Waste Management Plan signed by Skylife, dated 31 July 2020.

6.17. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.

6.18. All signs shall meet the criteria contained in the Department of Planning's *TfNSW Corridor Outdoor Advertising and Signage Guideline* (November 2017) including Section 3.3.3 Illumination and Reflectance.

## 7. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### **Warnings as to Potential Maximum Penalties**

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.

- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- Offence to disturb Aboriginal artefact  
It is an offence under the National Parks and Wildlife Act 1974 to disturb an Aboriginal artefact without a Permit.
- Advisory  
It is an offence under the Biodiversity Conservation Act 2016 to harm protected native wildlife. If during works fauna is displaced, it must not be harmed. Advice must be sought from the Project Ecologist and if required, works will cease and fauna will be transferred to the nearest veterinary hospital.



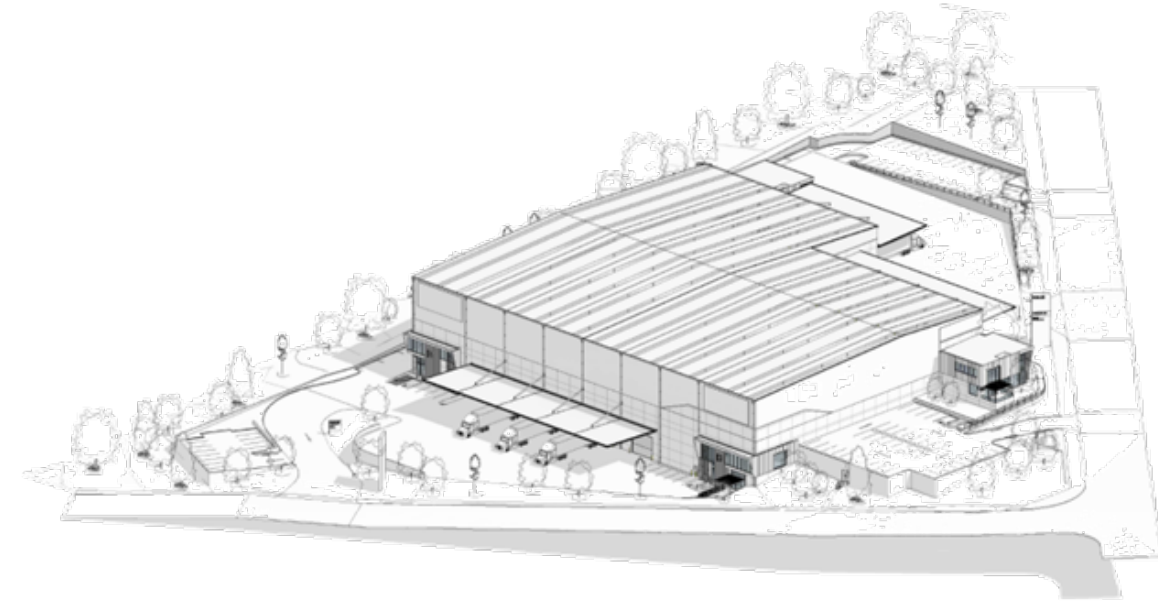
# PROPOSED INDUSTRIAL DEVELOPMENT

83 GINDURRA ROAD, SOMERSBY, NSW, 2250

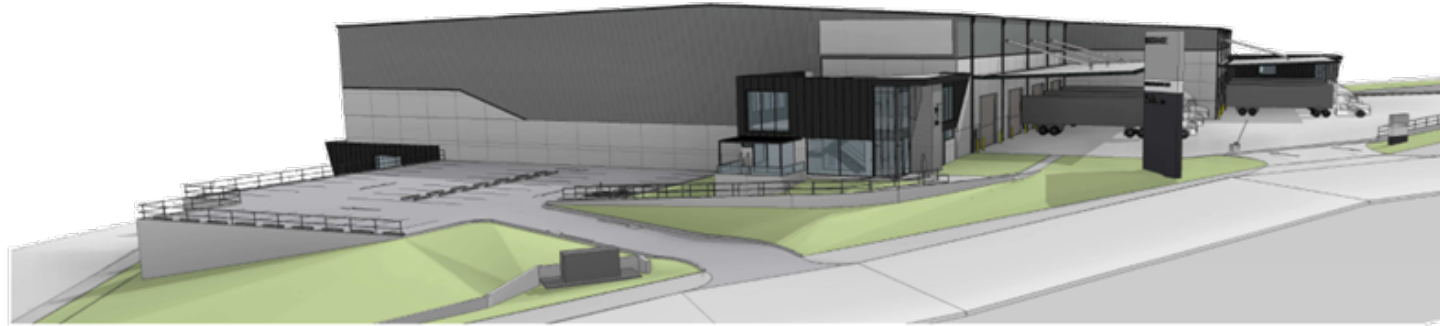
## DEVELOPMENT APPLICATION

### DRAWING LIST

Sheet Number	Sheet Name
DA000	COVER PAGE
DA001	3D VIEWS
DA201	SITE PLAN UPPER LEVEL
DA202	SITE PLAN LOWER LEVEL
DA203	ROOF PLAN
DA301	ELEVATIONS
DA305	SECTIONS
DA401	OFFICE 1
DA402	OFFICE 2
DA403	OFFICE 3
DA404	OFFICE 4
DA501	SIGNAGE DETAILS
MKT001	UPPER LEVEL
MKT002	LOWER LEVEL
MKT003	UNIT 1
MKT004	UNIT 2
MKT005	UNIT 3
MKT006	UNIT 4







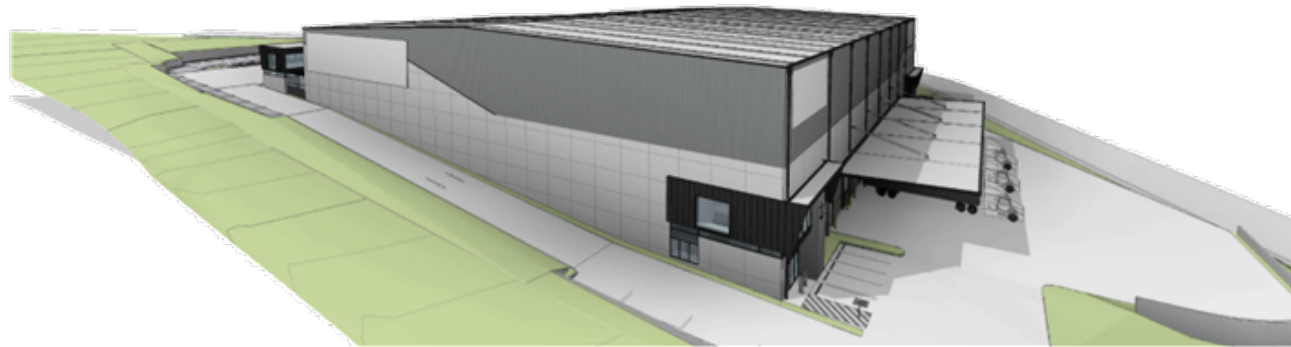
1 3D View 10



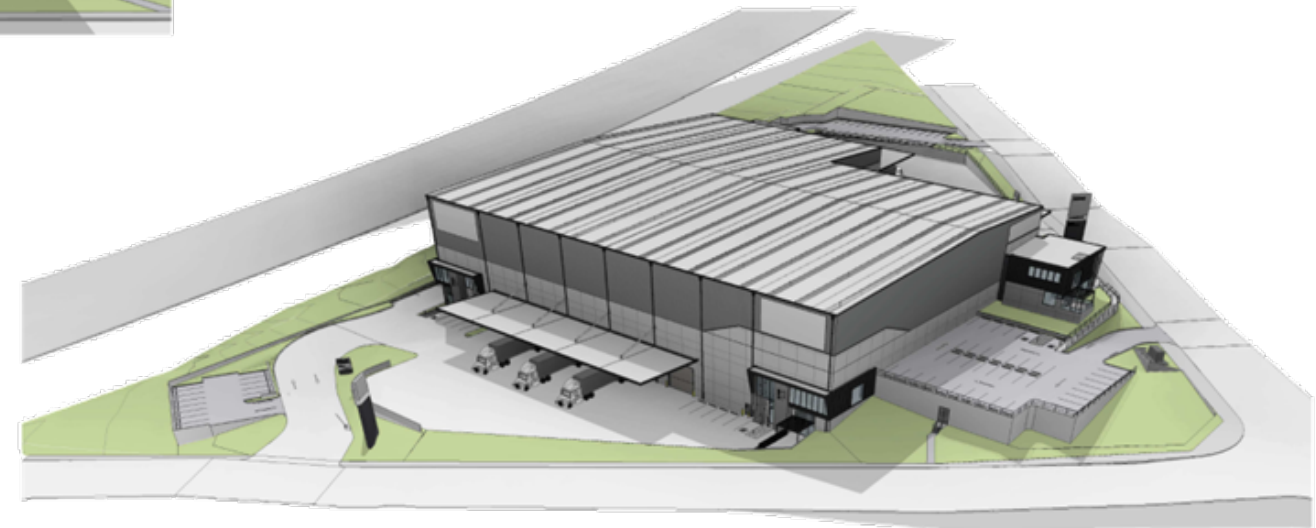
4 3D View 4



2 3D View 2



3 3D View 3



5 3D View 11

	1	PROPOSAL AMENDMENTS	27.11.2020
	2	DESIGN FOR 2D	19.12.2020
	3	PROPOSAL REVIEW - COORDINATION	18.01.2021
	4	FOR CLIENT REVIEW	21.01.2021
	5	FOR CLIENT REVIEW	28.02.2021
	6	FOR CLIENT REVIEW	07.03.2021
		REVISIONS	04/21



**PROPOSED INDUSTRIAL DEVELOPMENT**

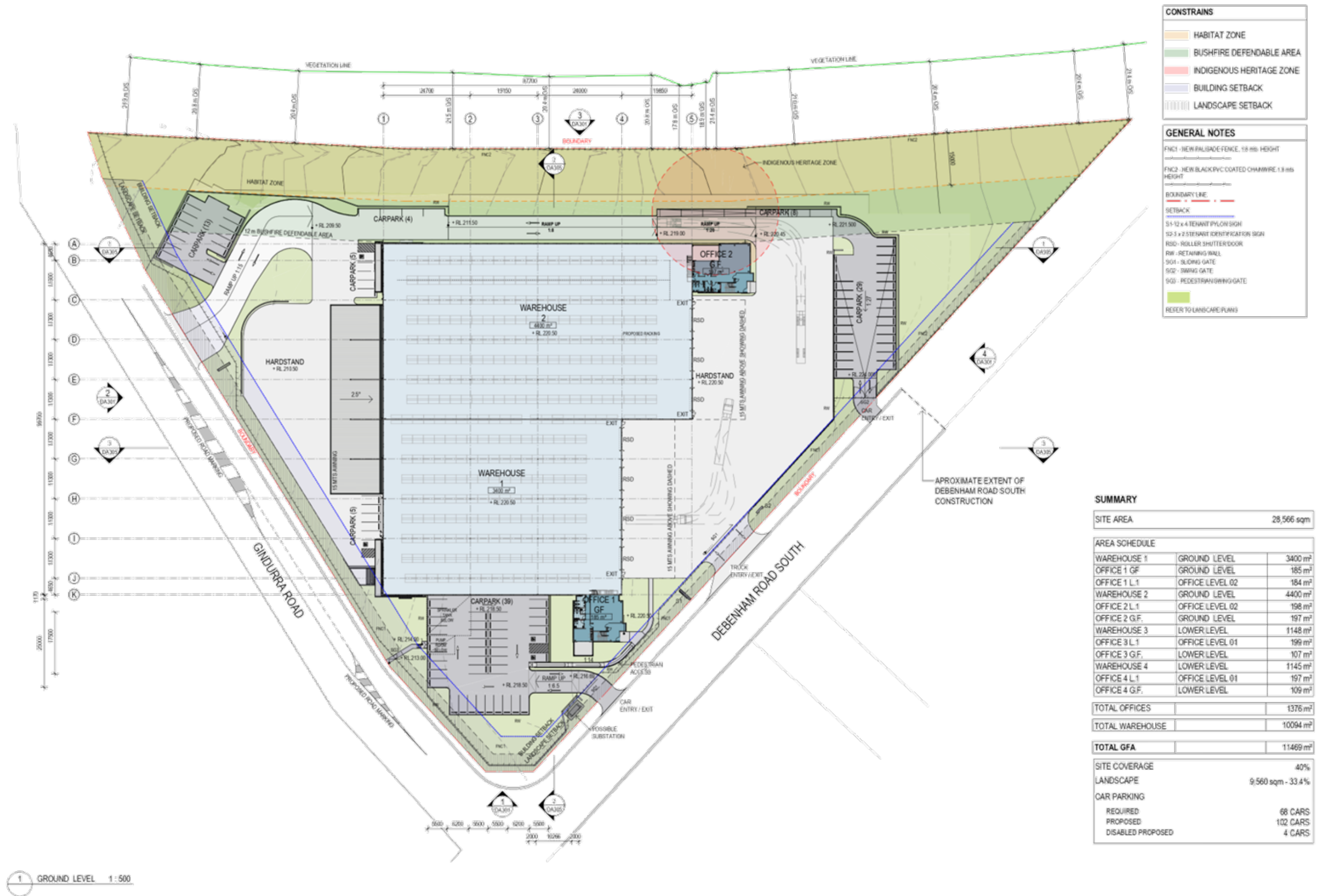
83 GINDURRA ROAD, SOMERSBY, NSW, 2250

THESE DRAWINGS, INCLUDING ANY AND ALL THE CONTENTS THEREOF, ARE THE PROPERTY OF SKYLIFE AND ARE NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF SKYLIFE.

SKYLIFE AND SBA ARCHITECTS HAVE BEEN ADVISED BY THE CLIENT THAT THE CLIENT HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FOR THE CONSTRUCTION OF THE DEVELOPMENT.

THESE DRAWINGS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION UNLESS A SEPARATE AGREEMENT IS MADE WITH SKYLIFE.

TITLE		3D VIEWS	
DATE	SCALE	PROJECT NO.	REVISION
01.12.2020	A1	20126	DA001 F



**CONSTRAINTS**

- HABITAT ZONE
- BUSHFIRE DEFENDABLE AREA
- INDIGENOUS HERITAGE ZONE
- BUILDING SETBACK
- LANDSCAPE SETBACK

**GENERAL NOTES**

- FNC1 - NEW RAISED FENCE, 1.8 MHS HEIGHT
- FNC2 - NEW BLACK PVC COATED CHAINWIRE, 1.8 MHS HEIGHT
- BOUNDARY LINE
- SETBACK
- S1 - 12 x 4 TENANT Pylon SIGN
- S2 - 3 x 2.5 TENANT IDENTIFICATION SIGN
- RSD - ROLLER SHUTTER DOOR
- RW - RETAINING WALL
- S01 - SLIDING GATE
- S02 - SWING GATE
- S03 - PEDESTRIAN WING GATE
- REFER TO LANDSCAPE PLANS

**SUMMARY**

SITE AREA	28,566 sqm
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AREA SCHEDULE		
WAREHOUSE 1	GROUND LEVEL	3400 m <sup>2</sup>
OFFICE 1 GF	GROUND LEVEL	185 m <sup>2</sup>
OFFICE 1 L1	OFFICE LEVEL 02	184 m <sup>2</sup>
WAREHOUSE 2	GROUND LEVEL	4400 m <sup>2</sup>
OFFICE 2 L1	OFFICE LEVEL 02	198 m <sup>2</sup>
OFFICE 2 G.F.	GROUND LEVEL	197 m <sup>2</sup>
WAREHOUSE 3	LOWER LEVEL	1148 m <sup>2</sup>
OFFICE 3 L1	OFFICE LEVEL 01	199 m <sup>2</sup>
OFFICE 3 G.F.	LOWER LEVEL	107 m <sup>2</sup>
WAREHOUSE 4	LOWER LEVEL	1145 m <sup>2</sup>
OFFICE 4 L1	OFFICE LEVEL 01	197 m <sup>2</sup>
OFFICE 4 G.F.	LOWER LEVEL	109 m <sup>2</sup>
<b>TOTAL OFFICES</b>		<b>1376 m<sup>2</sup></b>
<b>TOTAL WAREHOUSE</b>		<b>10094 m<sup>2</sup></b>
<b>TOTAL GFA</b>		<b>11469 m<sup>2</sup></b>

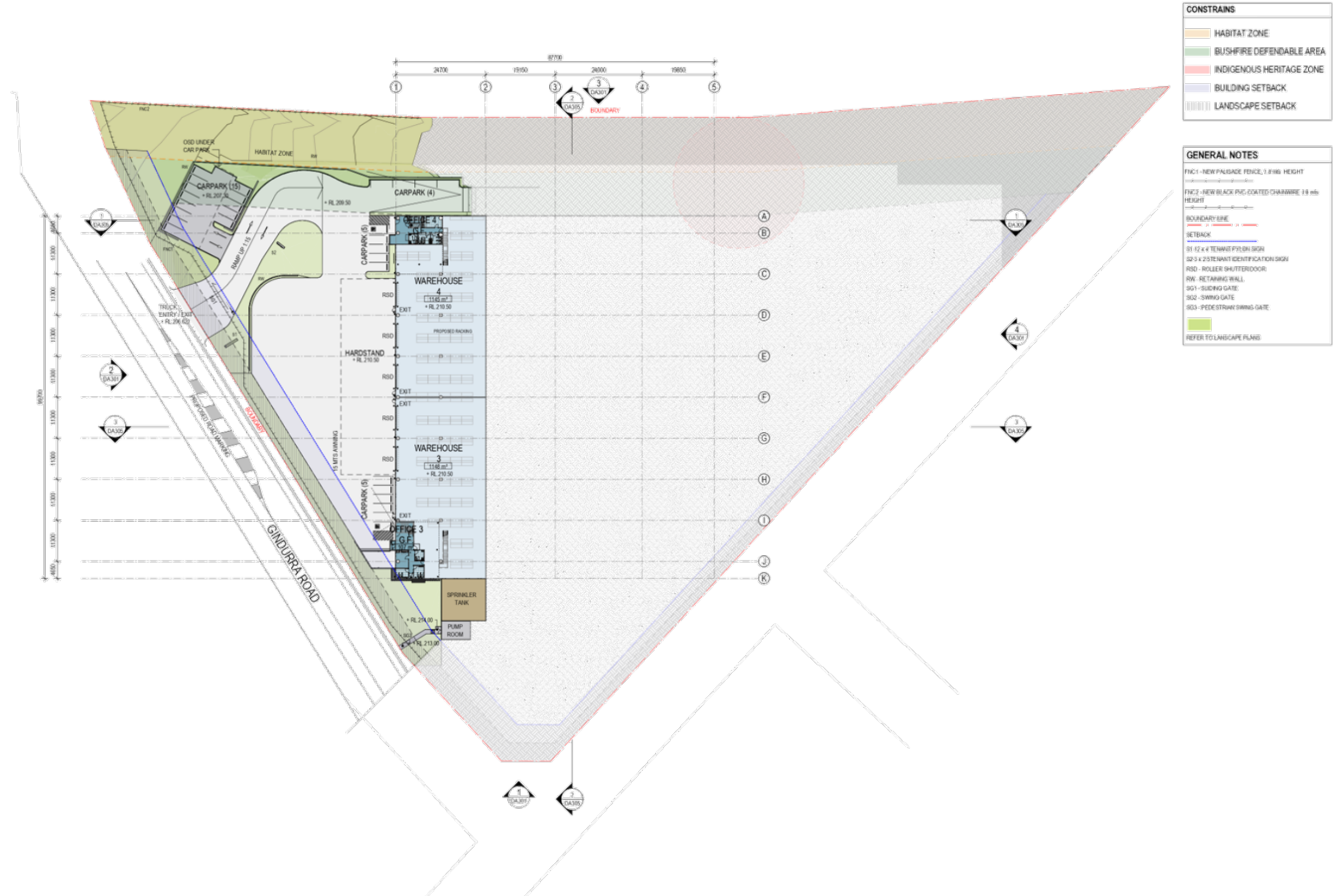
SITE COVERAGE	40%
LANDSCAPE	9,560 sqm - 33.4%

<b>CAR PARKING</b>	
REQUIRED	68 CARS
PROPOSED	102 CARS
DISABLED PROPOSED	4 CARS

1 GROUND LEVEL 1:500





**CONSTRAINS**

[Green Hatched]	HABITAT ZONE
[Red Hatched]	BUSHFIRE DEFENDABLE AREA
[Blue Hatched]	INDIGENOUS HERITAGE ZONE
[Purple Hatched]	BUILDING SETBACK
[Grey Hatched]	LANDSCAPE SETBACK

**GENERAL NOTES**

FIN1 - NEW PALISADE FENCE, 1.8M HEIGHT

FIN2 - NEW BLACK PVC-COATED CHAINWIRE 18 mlt HEIGHT

BOUNDARY LINE

SETBACK

S1 - 12 x 4 TENANT FIELD SIGN

S2 - 3 x 25 TENANT IDENTIFICATION SIGN

RS0 - ROLLER SHUTTER DOOR

RW - RETAINING WALL

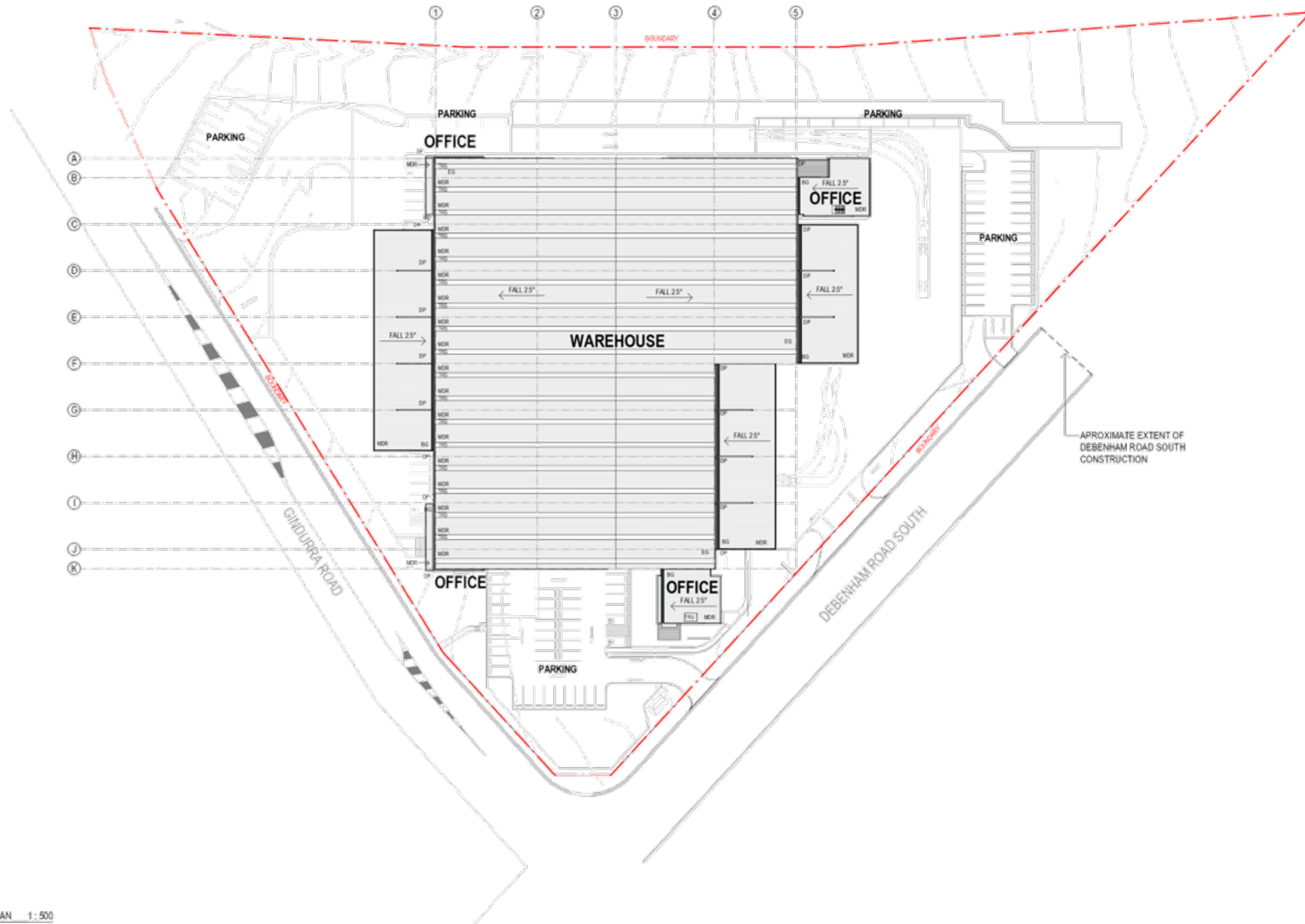
SG1 - SLIDING GATE

SG2 - SWING GATE

SG3 - PEDESTRIAN SWING GATE

REFER TO LANDSCAPE PLANS

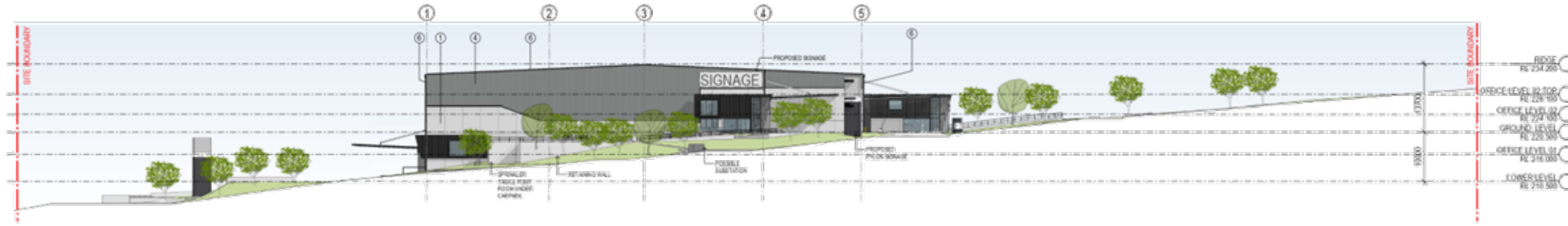
1 LOWER LEVEL 1:500



1 ROOF PLAN 1:500

LEGEND	
DP	DOWN PIPE
BG	BOX GUTTER
EG	EAVES GUTTER
MOR	METAL DECK ROOFING
TRS	TRANSLUCENT ROOF SHEET

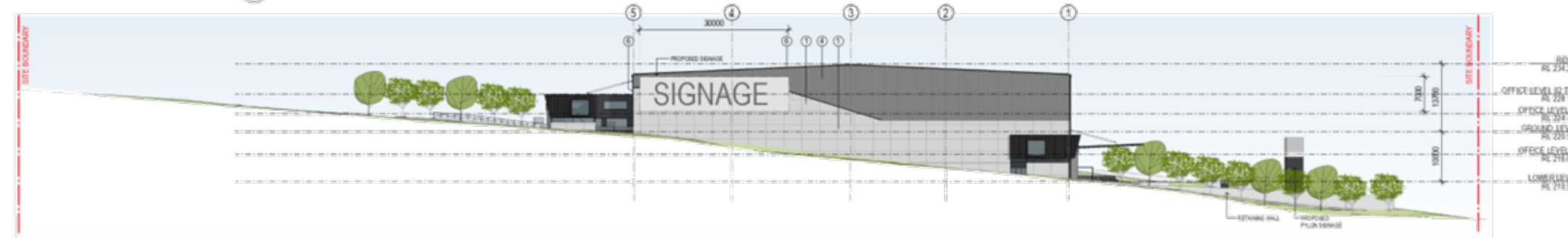




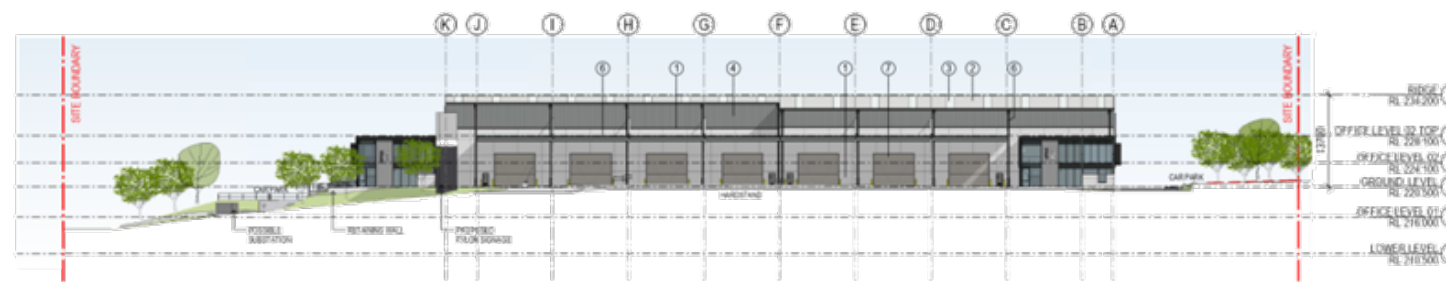
1 EAST ELEVATION 1:500



2 SOUTH ELEVATION 1:500



3 WEST ELEVATION 1:500



4 NORTH ELEVATION 1:500

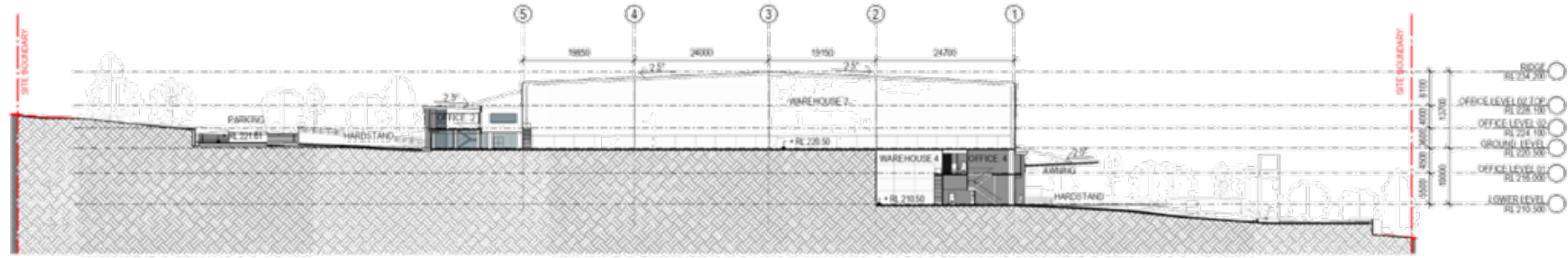
INDICATIVE EXTERNAL FINISHES SCHEDULE			
1	- CONCRETE PANELS NATURAL FINIS	4	- METAL WALL CLADDING - PREFINISHED COLORBOND "WINDSPRAY"
2	- METAL DECK ROOF - PREFINISHED COLORBOND "SURFMIST"	7	- ROLLER SHUTTER DOOR TO MATCH COLORBOND "WINDSPRAY"
3	- TRANSLUCENT ROOF SHEETING	8	- ALUMINIUM FRAMED GLAZING SYSTEM IN BLACK POWDER COAT FINISH W/ CLEAR TONE GLASS OR SIMILAR
		9	- FEATURED PROFILE METAL WALL CLADDING - BLACK
		10	- WINDOW HOODS - BLACK FINISH
		11	- BRICK WALL IN GREY PALLET
		12	- STEEL MESH SHADING ON BLACK PAINTED METAL FRAME
		13	- CONCRETE PANELS PAINT FINISH MONUMENT
		6	- DOWNPIPES, EAVES GUTTERS & FASCIAS TO MATCH COLORBOND "MONUMENT"

**SBA** ARCHITECTS  
 1/12/2020  
 15/07/2020  
 18/07/2020  
 19/08/2020  
 27/09/2020  
 04/10/2020

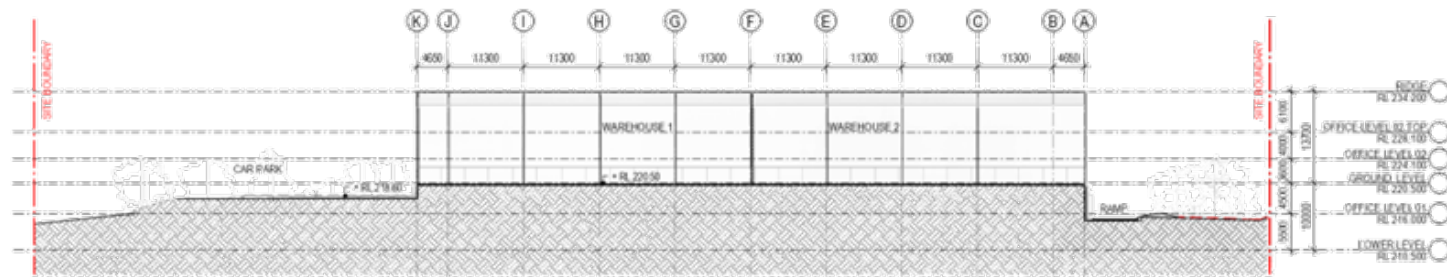
**skylife**

**PROPOSED INDUSTRIAL DEVELOPMENT**  
 83 GINDURRA ROAD, SOMERSBY, NSW, 2250

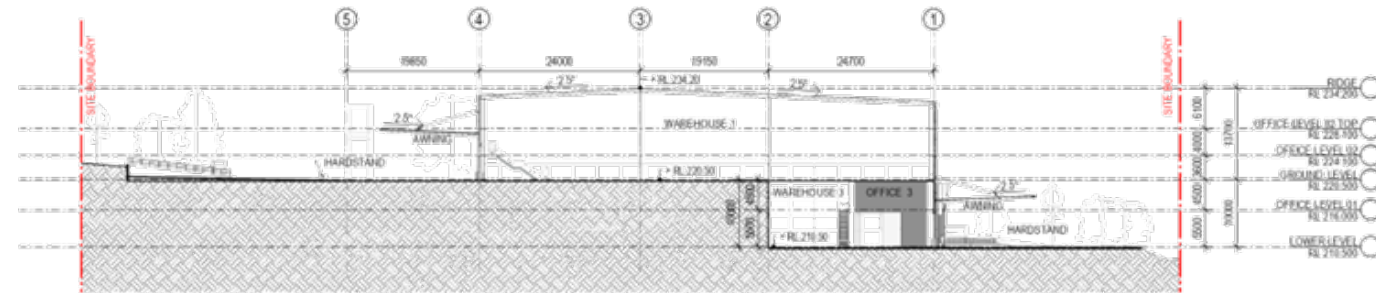
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 SCALE: As indicated @A1  
 PROJECT NO: 20128  
 DWG NO: DA301  
 REVISION: F



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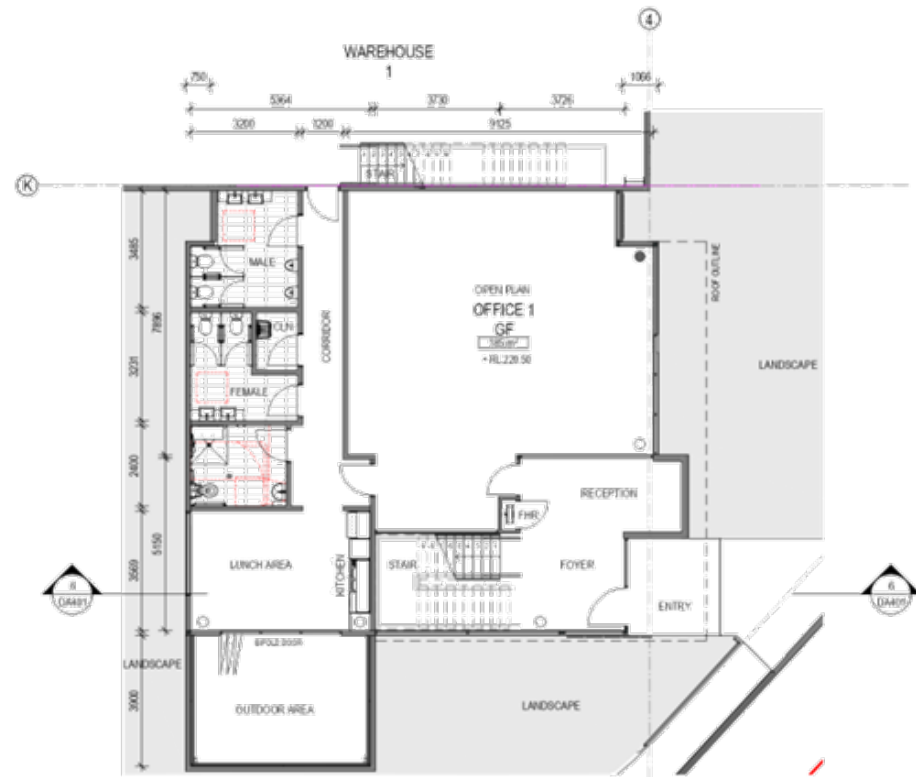


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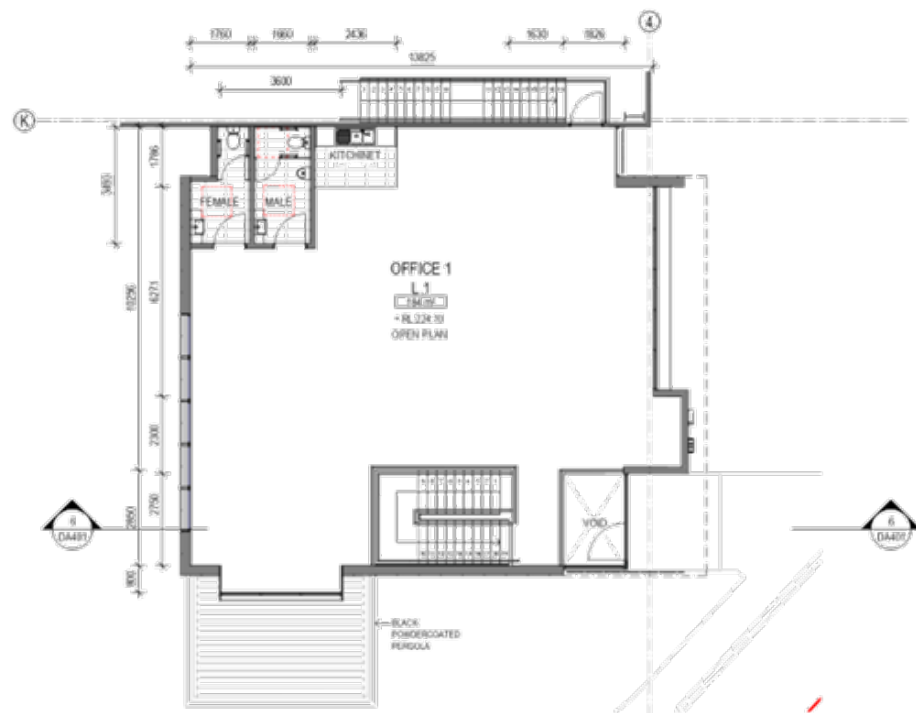


3 Section 3 1:500





1 OFFICE 1 G.F. 1:100



2 OFFICE 1 L1 1:100

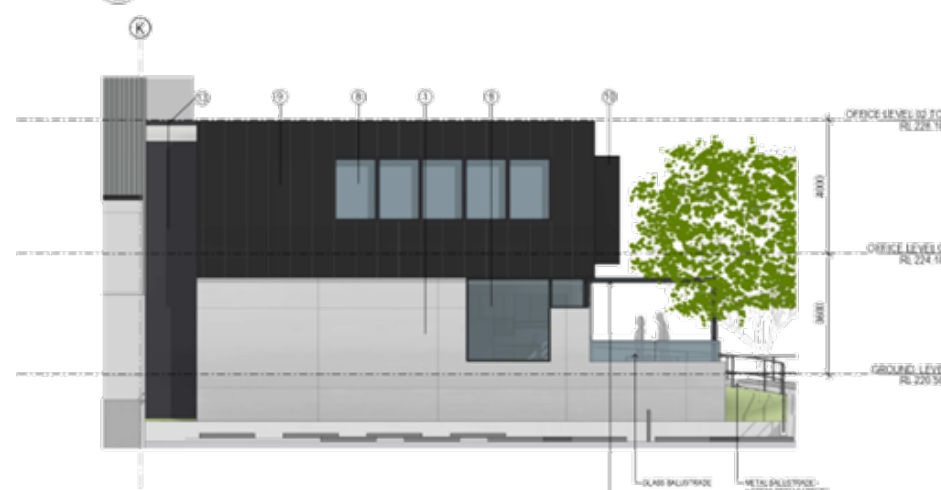
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OFFICE 1 G.F.	GROUND LEVEL	185 m <sup>2</sup>
OFFICE 1 L.1	OFFICE LEVEL 02	184 m <sup>2</sup>
		<b>3769 m<sup>2</sup></b>



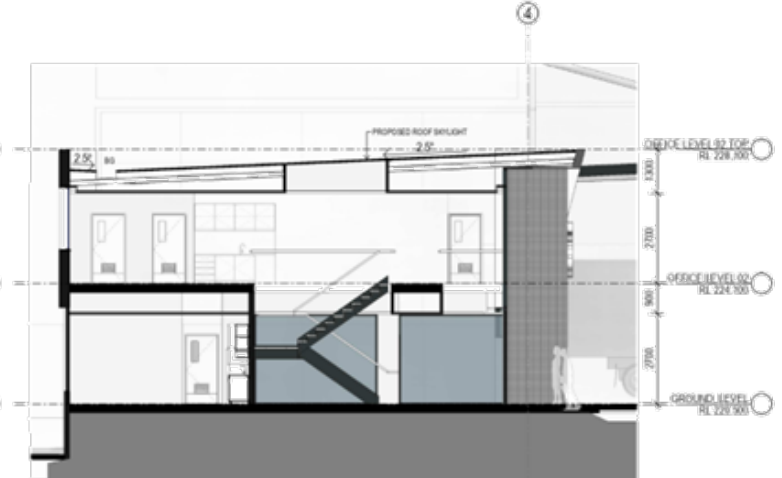
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4 OFFICE 1 - NORTH ELEVATION 1:100



5 OFFICE 1 - SOUTH ELEVATION 1:100



6 Section OFF 1 1:100



7 OFFICE 1 - 3D View 1

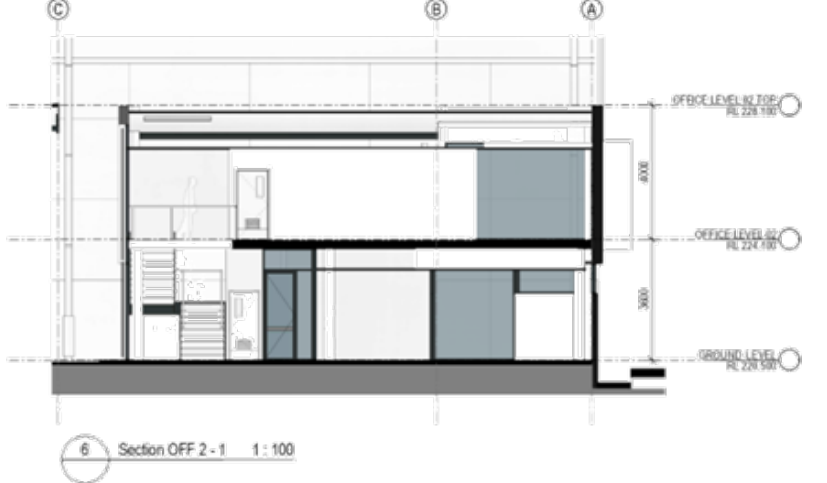
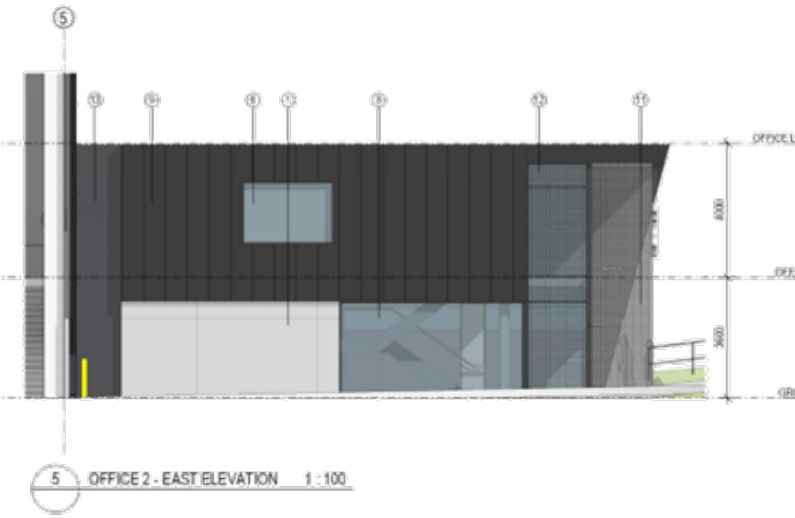
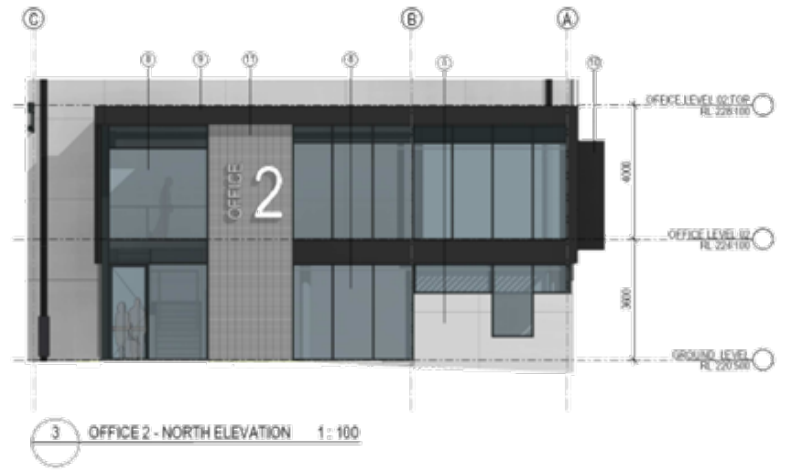


8 OFFICE 1 - 3D View 2



9 OFFICE 1 - 3D View 3

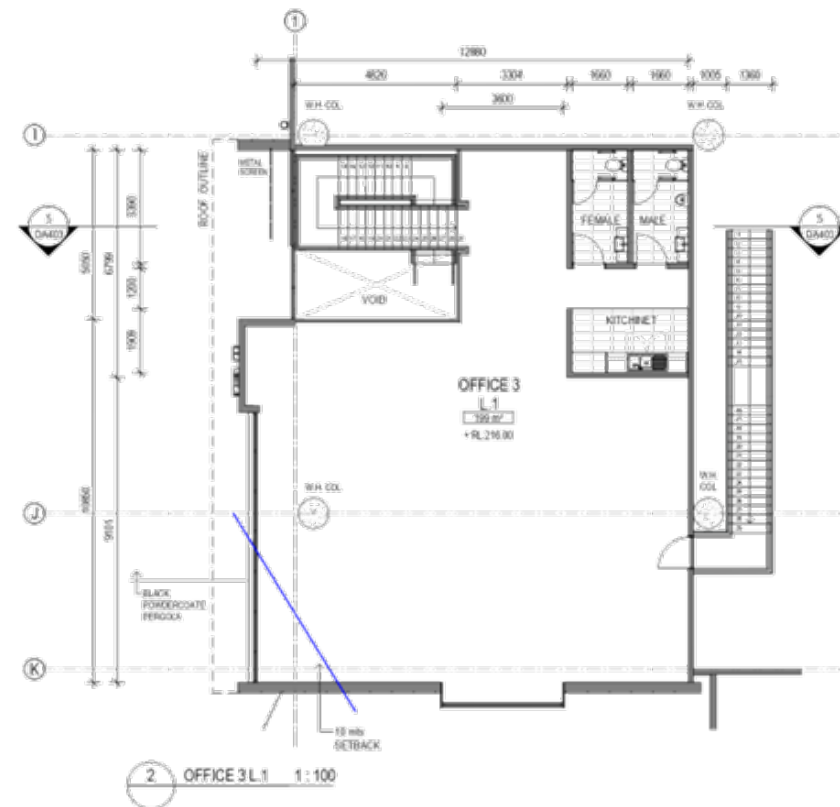
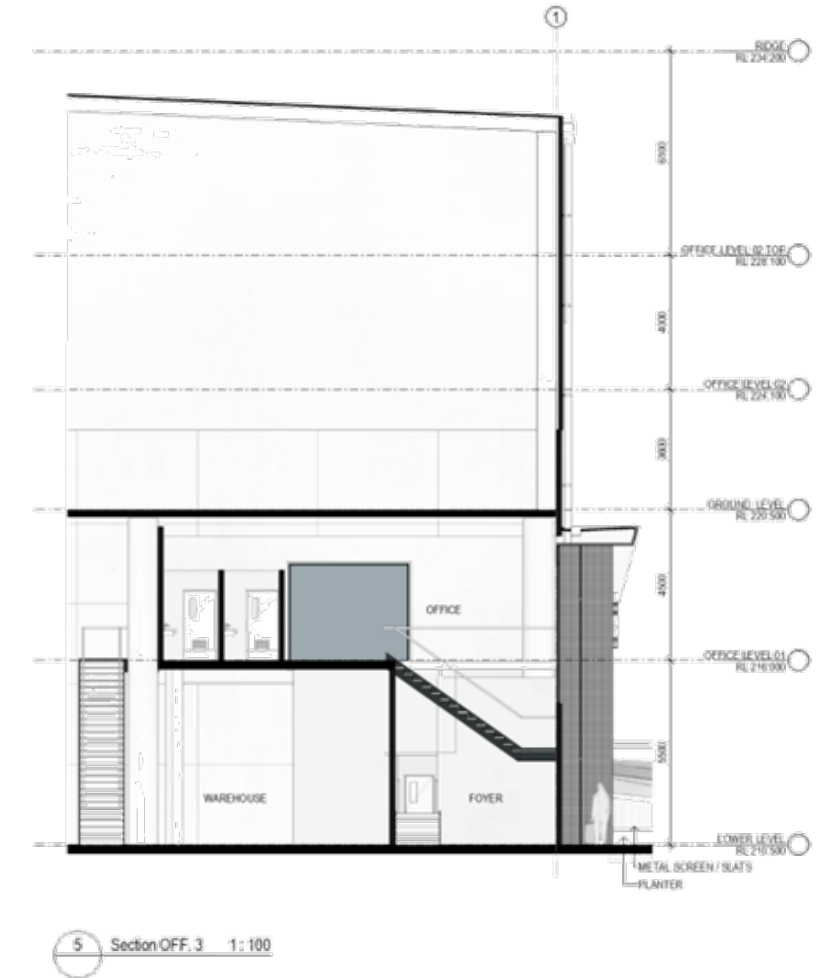
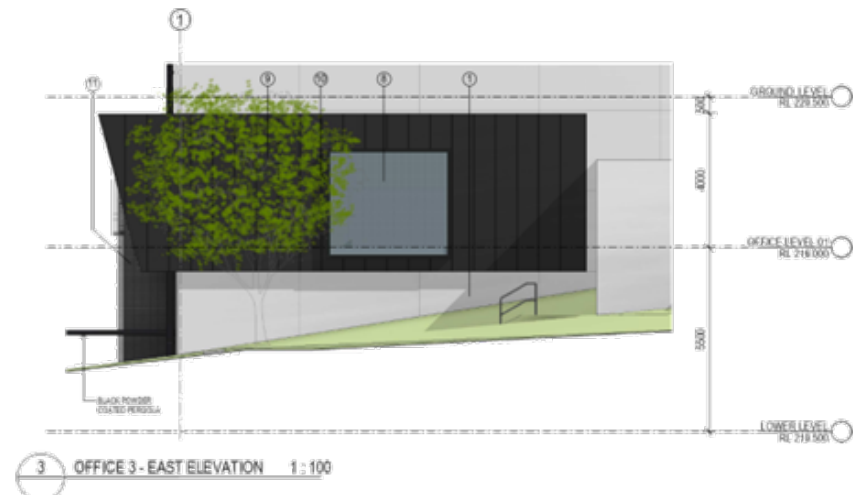
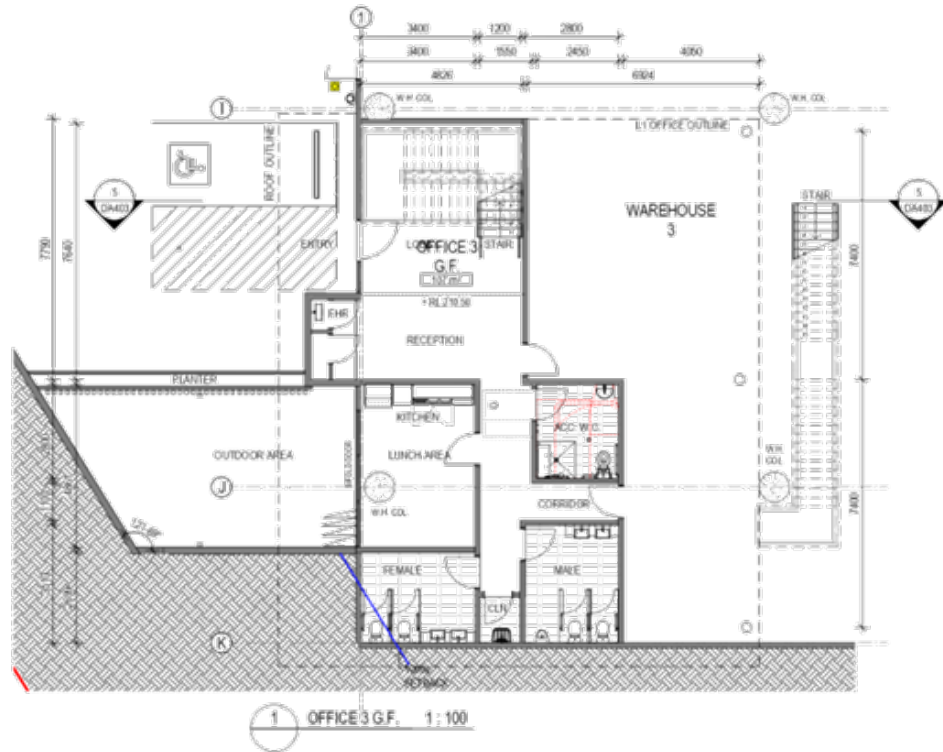
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1	- CONCRETE PANELS NATURAL FINIS	4	- METAL WALL CLADDING - PREFINISHED COLORBOND "WINDSPRAY"
2	- METAL DECK ROOF - PREFINISHED COLORBOND "SURFIMIST"	7	- ROLLER SHUTTER DOOR TO MATCH COLORBOND "WINDSPRAY"
3	- TRANSLUCENT ROOF SHEETING	8	- ALUMINUM FRAMED GLAZING SYSTEM IN BLACK POWDER COAT FINISH W/ CLEAR TONE GLASS OR SIMILAR
6	- DOWNPIPES, EAVES GUTTERS & FASCIAS TO MATCH COLORBOND "MONUMENT"	9	- FEATURED PROFILE METAL WALL CLADDING - BLACK
10	- WINDOW HOODS - BLACK FINISH	12	- STEEL MESH SHADING ON BLACK PAINTED METAL FRAME
11	- BRICK WALL IN GREY PALLET	13	- CONCRETE PANELS PAINT FINISH MONUMENT



UNIT 2		
WAREHOUSE 2	GROUND LEVEL	4400 m <sup>2</sup>
OFFICE 2 L1	OFFICE LEVEL 02	198 m <sup>2</sup>
OFFICE 2 G.F.	GROUND LEVEL	197 m <sup>2</sup>
		4796 m <sup>2</sup>

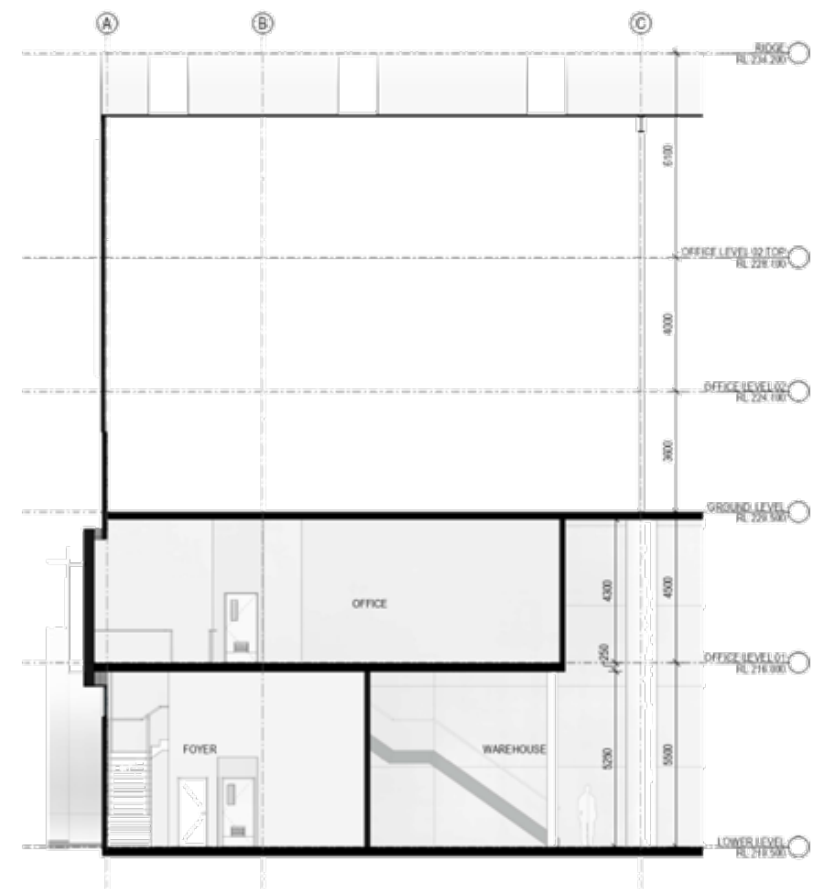
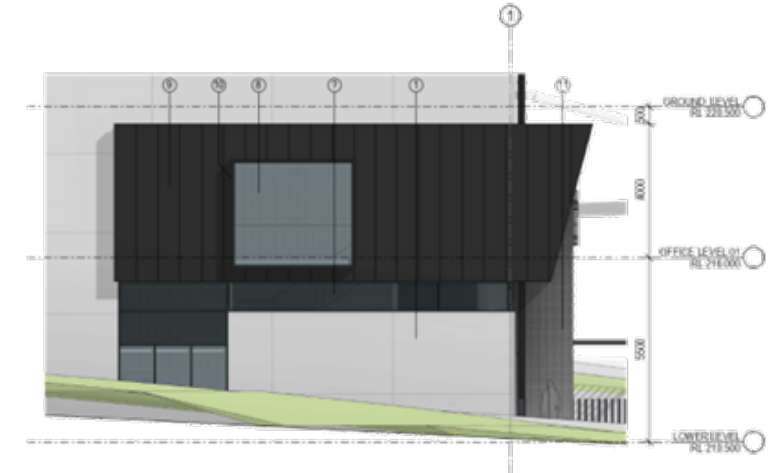
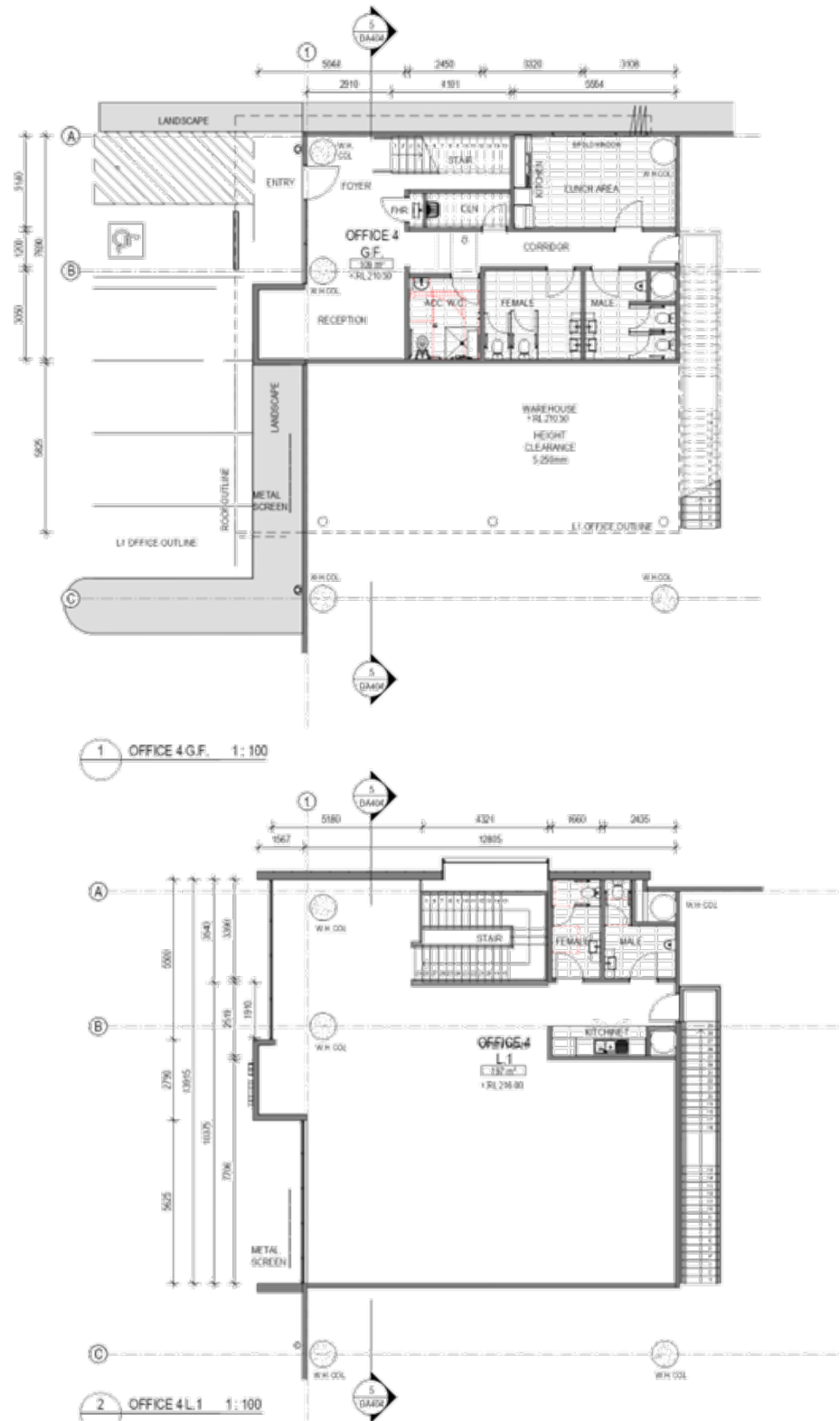
INDICATIVE EXTERNAL FINISHES SCHEDULE			
1	- CONCRETE PANELS NATURAL FINIS	7	- ROLLER SHUTTER DOOR TO MATCH COLORBOND "WINDSPRAY"
2	- METAL DECK ROOF - PREFINISHED COLORBOND "SURFMIST"	8	- ALUMINIUM FRAMED GLAZING SYSTEM IN BLACK POWDER COAT FINISH W/ CLEAR TONE GLASS OR SIMILAR
3	- TRANSLUCENT ROOF SHEETING	9	- FEATURED PROFILE METAL WALL CLADDING - BLACK
4	- METAL WALL CLADDING - PREFINISHED COLORBOND "WINDSPRAY"	10	- WINDOW HOODS - BLACK FINISH
5	- DOWNPIPES, EAVES GUTTERS & FASCIAS TO MATCH COLORBOND "MONUMENT"	11	- BRICK WALL IN GREY PALLET
		12	- STEEL MESH SHADING ON BLACK PAINTED METAL FRAME
		13	- CONCRETE PANELS PAINT FINISH MONUMENT





UNIT 3		
WAREHOUSE 3	LOWER LEVEL	1148 m <sup>2</sup>
OFFICE 3 L.1	OFFICE LEVEL 01	199 m <sup>2</sup>
OFFICE 3 G.F.	LOWER LEVEL	107 m <sup>2</sup>
		1453 m <sup>2</sup>

INDICATIVE EXTERNAL FINISHES SCHEDULE			
1	- CONCRETE PANELS NATURAL FINIS	4	- METAL WALL CLADDING - PREFINISHED COLORBOND "WINDSPRAY"
2	- METAL DECK ROOF - PREFINISHED COLORBOND "SURFIMIST"	5	- ALUMINUM FRAMED GLAZING SYSTEM IN BLACK POWDER COAT FINISH W/ CLEAR TONE GLASS OR SIMILAR
3	- TRASLUCENT ROOF SHEETING	6	- DOWNPIPES, EAVES-GUTTERS & FASCIAS TO MATCH COLORBOND "MONUMENT"
7	- ROLLER SHUTTER DOOR TO MATCH COLORBOND "WINDSPRAY"	8	- WINDOW HOODS - BLACK FINISH
9	- FEATURED PROFILE METAL WALL CLADDING - BLACK	10	- BRICK WALL IN GREY PALLET
		11	- STEEL MESH SHADING ON BLACK PAINTED METAL FRAME
		12	- CONCRETE PANELS PAINT FINISH MONUMENT
		13	



UNIT 4		
WAREHOUSE 4	LOWER LEVEL	1145 m <sup>2</sup>
OFFICE 4 L1	OFFICE LEVEL 01	197 m <sup>2</sup>
OFFICE 4 G.F.	LOWER LEVEL	109 m <sup>2</sup>
		1452 m <sup>2</sup>

INDICATIVE EXTERNAL FINISHES SCHEDULE			
1	- CONCRETE PANELS NATURAL FINIS	4	- METAL WALL CLADDING - PREFINISHED COLORBOND "WINDSPRAY"
2	- METAL DECK ROOF - PREFINISHED COLORBOND "SURFMIST"	5	- DOWNPIPES, EAVES GUTTERS & FASCIAS TO MATCH COLORBOND "MONUMENT"
3	- TRANSLUCENT ROOF SHEETING	6	- ROLLER SHUTTER DOOR TO MATCH COLORBOND "WINDSPRAY"
		7	- ALUMINIUM FRAMED GLAZING SYSTEM IN BLACK POWDER COAT FINISH W/ CLEAR TONE GLASS OR SIMILAR
		8	- FEATURED PROFILE METAL WALL CLADDING - BLACK
		9	- WINDOW HOODS - BLACK FINISH
		10	- BRICK WALL IN GREY PALLET
		11	- STEEL MESH SHADING ON BLACK PAINTED METAL FRAME
		12	- CONCRETE PANELS PAINT FINISH MONUMENT

**SBA** ARCHITECTS  
 1. ISSUE FOR I.D.  
 2. FOR CLIENT REVIEW - COORDINATOR  
 3. FOR CLIENT REVIEW  
 4. SUBMITTALS

18.07.2020  
 18.07.2020  
 22.08.2020  
 08/20

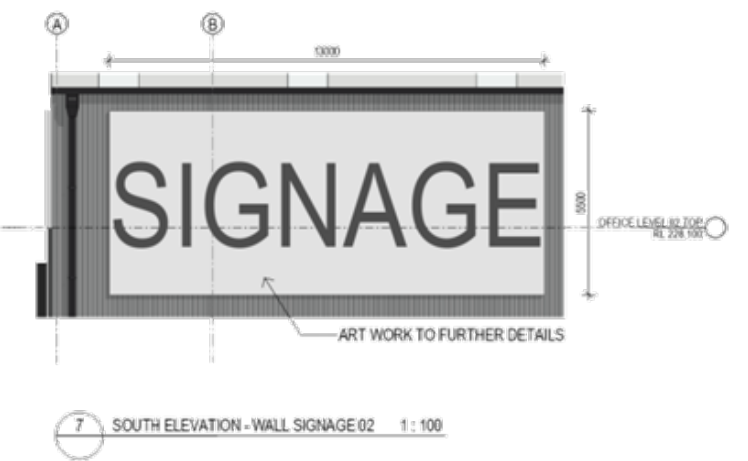
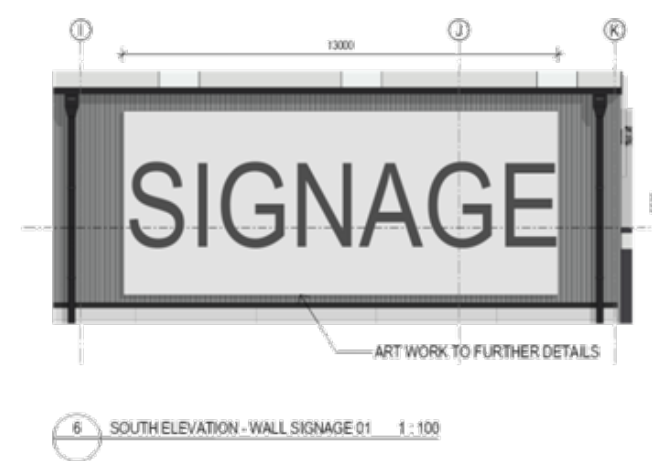
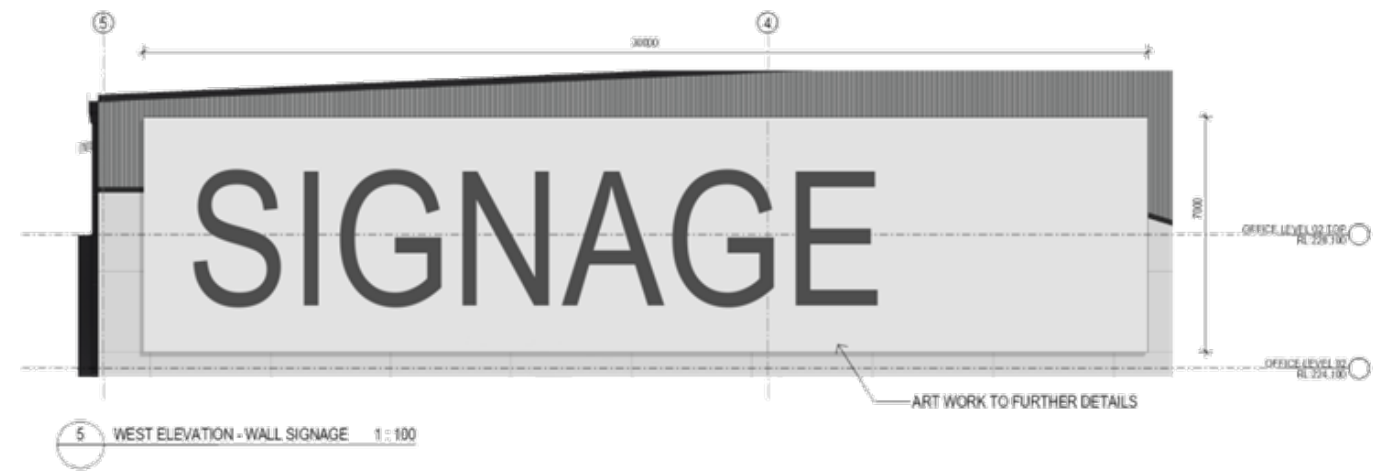
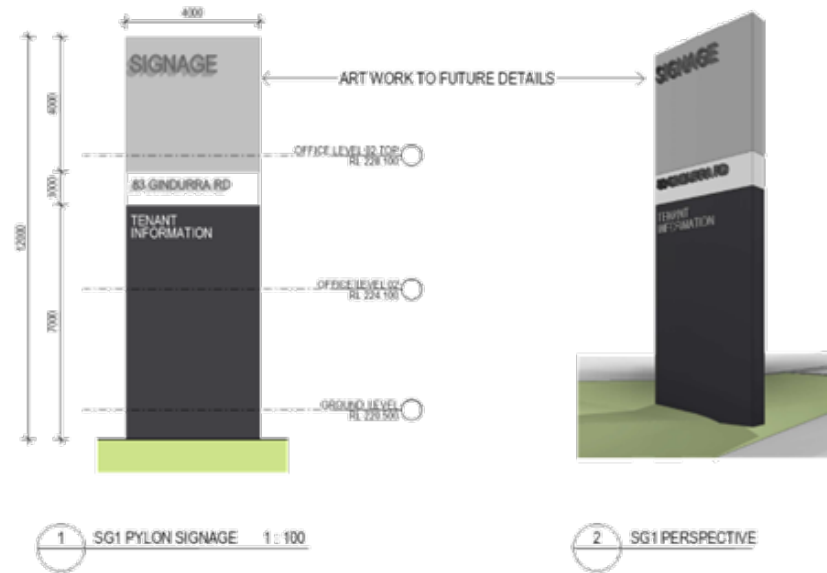
**skylife**

**PROPOSED INDUSTRIAL DEVELOPMENT**

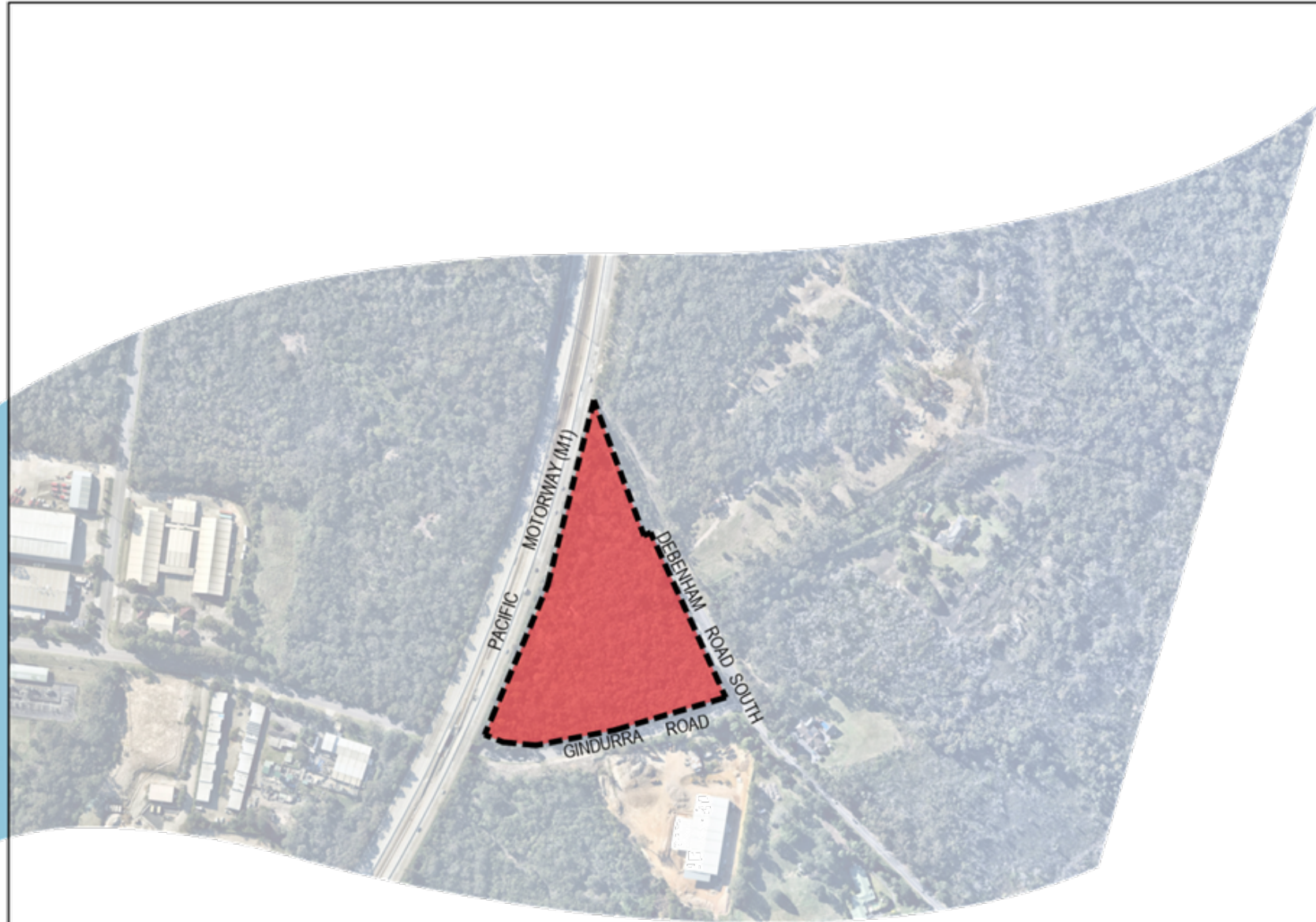
83 GINDURRA ROAD, SOMERSBY, NSW, 2250

**OFFICE 4**

DATE: 06.07.2020  
 SCALE: As indicated @A1  
 PROJECT NO: 20128  
 DWG NO: DA404  
 REVISION: C







SKYLIFE

# 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION

**DRAWING SCHEDULE**

DRAWING NO.	DESCRIPTION
200032-DA-C01.01	COVER SHEET AND DRAWING SCHEDULE
200032-DA-C02.01	GENERAL ARRANGEMENT PLAN
200032-DA-C03.01	DEMOLITION, SOIL AND WATER MANAGEMENT PLAN
200032-DA-C03.02	SOIL AND WATER MANAGEMENT NOTES
200032-DA-C03.03	SEDIMENT BASIN PLAN AND SECTION
200032-DA-C04.01	BULK EARTHWORKS - CUT AND FILL PLAN
200032-DA-C05.01	SITWORKS AND STORMWATER MANAGEMENT PLAN - SHEET 01
200032-DA-C05.02	SITWORKS AND STORMWATER MANAGEMENT PLAN - SHEET 02
200032-DA-C10.01	PAVEMENT, SIGNAGE AND LINE MARKING PLAN
200032-DA-C20.01	SATCHMENT PLAN
200032-DA-C22.01	TURNING PATH PLANS - SHEET 01
200032-DA-C22.02	TURNING PATH PLANS - SHEET 02
200032-DA-C22.03	TURNING PATH PLANS - SHEET 03

REV.	DATE	DESCRIPTION	BY	CHECK	APP'D
6	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	SKH
5	1/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
4	1/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
3	0/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
2	30/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	SKH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH

Client



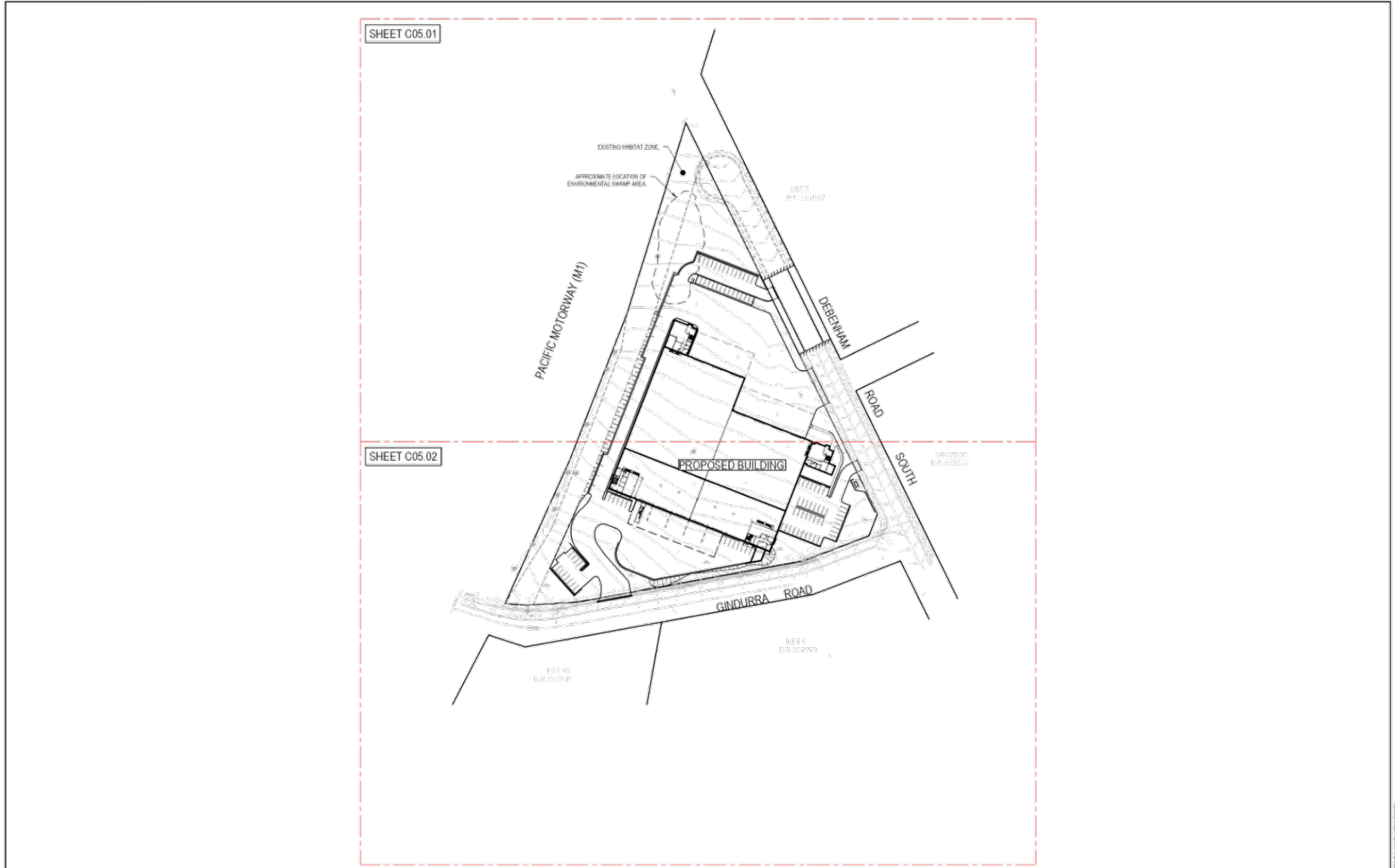

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Enspire Solutions Pty Ltd  
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Phone: 02 9622 6135

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Date	18/06/2020	Project Number/Drawing Number	200032-DA-C01.01
Size	A1	Revision	6
Drawn	AHD		

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REV	DATE	DESCRIPTION	BY	CHK	APP
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4	1/02/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
3	0/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
2	20/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH

Client



Scale



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North




Enspire Solutions Pty Ltd  
205/275 Alfred Street St, North Sydney NSW 2060  
ABN: 71 624 801 890  
Phone: 02 9522 6135

Project  
83 GINDURRA ROAD  
SOMERSBY, NSW  
DEVELOPMENT APPLICATION

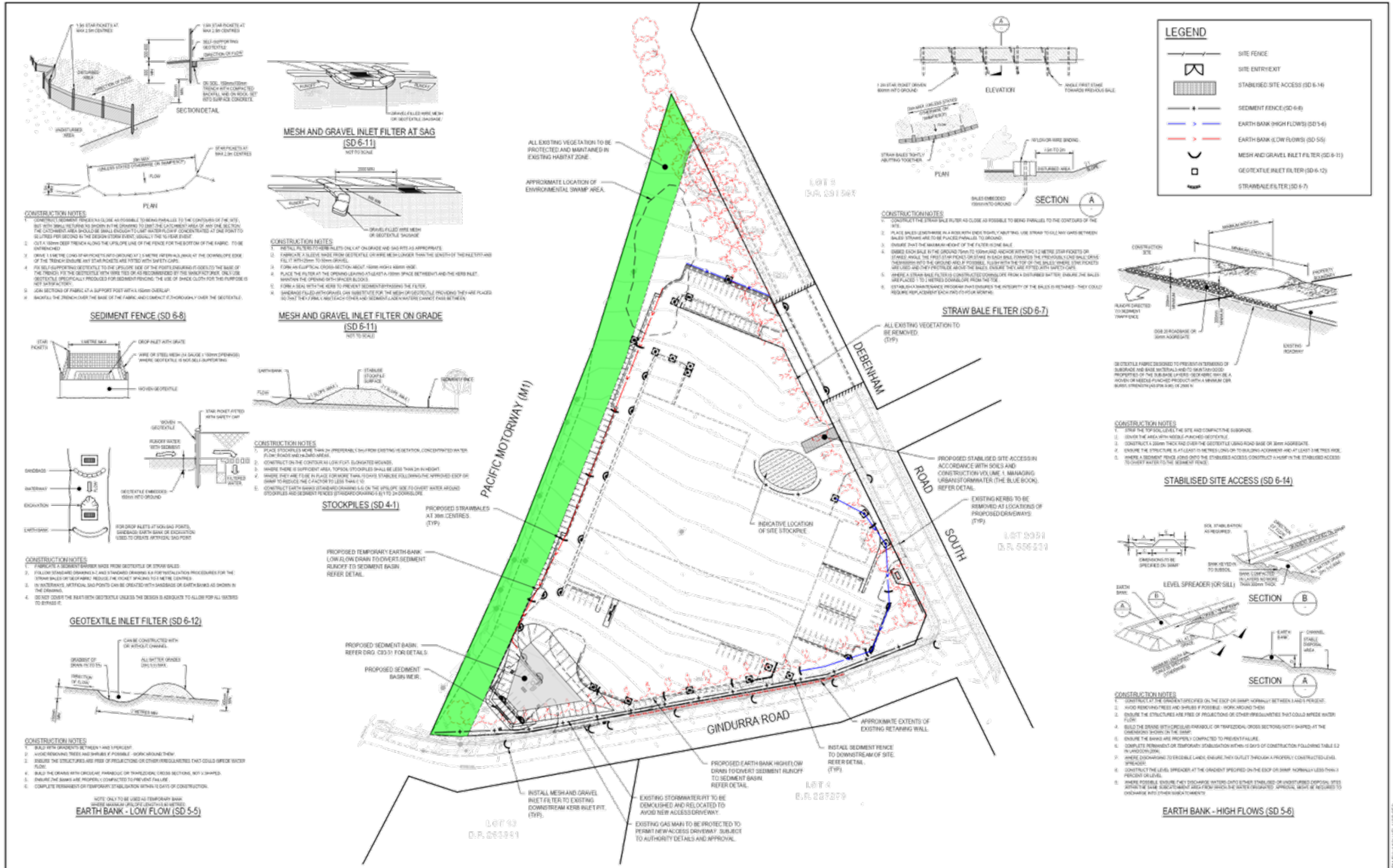
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Date 18/06/2020	Project Number/Drawing Number 200032-DA-C02.01
Size A1	Revision 6
Drawn AHD	

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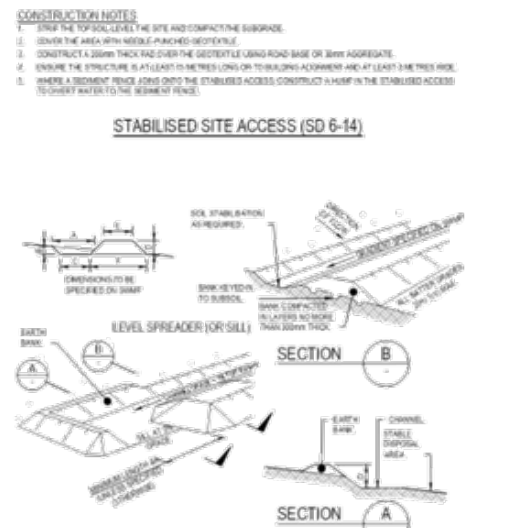
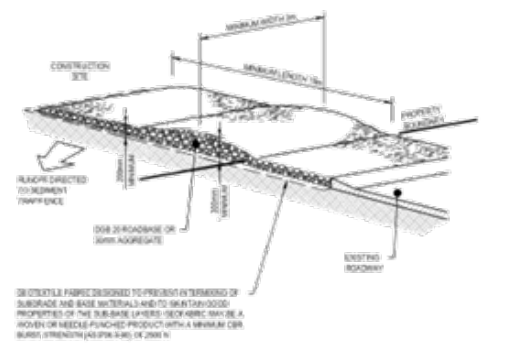
DATE PLOTTED: 4 December 2020 4:10 PM BY: MANDY HENNESSY





### LEGEND

- SITE FENCE
- SITE ENTRY POINT
- STABILISED SITE ACCESS (SD 6-14)
- SEDIMENT FENCE (SD 6-8)
- EARTH BANK (HIGH FLOWS) (SD 5-4)
- EARTH BANK (LOW FLOWS) (SD 5-5)
- MESH AND GRAVEL INLET FILTER (SD 6-11)
- GEOTEXTILE INLET FILTER (SD 6-12)
- STRAW BALE FILTER (SD 6-7)



REV	DATE	DESCRIPTION	DESIGNER	CHECKER	DATE
1	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	18/06/2020
2	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	18/06/2020
3	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CH	MC	18/06/2020
4	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CH	MC	18/06/2020
5	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CH	MC	18/06/2020
6	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	18/06/2020
7	18/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CH	MC	18/06/2020

Scale: 1:750

North

Enspire Solutions Pty Ltd  
205/275 Alfred Street St, North Sydney NSW 2060  
ABN: 71 624 801 880  
Phone: 02 9522 6135

Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION

Scale: 1:750  
Date: 18/06/2020

FOR INFORMATION ONLY  
NOT TO BE USED FOR CONSTRUCTION

Size: A1  
Client: AHD

Project Number/Drawing Number: 200032-DA-C03.01

Revision: 7



### SOIL AND WATER MANAGEMENT OBJECTIVES

- THE OBJECTIVES OF THE EROSION AND SEDIMENT CONTROL FOR THE DEVELOPMENT SITE ARE TO ENSURE:
  - ADEQUATE EROSION AND SEDIMENT CONTROL MEASURES ARE APPLIED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND ARE MAINTAINED THROUGHOUT CONSTRUCTION AND
  - CONSTRUCTION SITE RUNOFF IS APPROPRIATELY TREATED IN ACCORDANCE WITH CENTRAL COAST COUNCIL REQUIREMENTS.
- AS PART OF THE WORKS, THE EROSION AND SEDIMENTATION CONTROL WILL BE CONSTRUCTED IN ACCORDANCE WITH COUNCIL REQUIREMENTS AND THE NSW DEPARTMENT OF HOUSING, MANAGING URBAN STORMWATER SOIL & CONSTRUCTION 2004 (BLUE BOOK) PRIOR TO ANY EARTHWORKS COMMENCING ON SITE.

### SITE SURVEY

- A DETAIL SURVEY PLAN WAS PREPARED BY BISSET & BRIGHT Pty Ltd (SEE REFERENCE 1525), DATED 2/11/2019) TO PROVIDE A BASIS FOR DESIGN. THE SURVEY PLAN SHOWS EXISTING SITE CONTOURS, VEGETATION AND EASEMENTS.
- THE EXISTING SITE IS RELATIVELY STEEP AND FALLS FROM NORTH TO SOUTH AT SLOPES BETWEEN 3-11%. THERE IS AN EXISTING TANKING WALL ALONG THE SOUTHERN BOUNDARY UP TO APPROXIMATELY 1m HIGH. THERE ARE RELATIVELY STEEP BATTERS LOCATED NORTH-SOUTH THROUGH THE SITE TO CREATE WORKING PLATFORMS ALONG THE EASTERN BOUNDARY TO TAKE UP LEVEL DIFFERENCES, WITH A SLOPE OF APPROXIMATELY 10/200.
- THERE IS AN EXISTING DRAINAGE EASEMENT LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE.

### LOCALITY OF SITE

- THE SITE IS LOCATED AT 83 GINDURRA ROAD, SOMERSBY AND IS DESCRIBED AS LOT 11 IN DP 83412.
- THE SITE BOUNDARIES WERE LOCATED BY THE SURVEY DESCRIBED IN (2) ABOVE.

### LOCATION OF ADJOINING ROADS

- THE SITE IS BOUNDED BY THE PACIFIC MOTORWAY (M1) TO THE WEST, DEBENHAM ROAD SOUTH TO THE EAST AND GINDURRA ROAD TO THE SOUTH.
- ACCESS TO THE SITE WILL BE OFF DEBENHAM ROAD SOUTH AND GINDURRA ROAD.

### LOCATION OF SITE WITHIN CATCHMENT

- THE LOCATION OF THE SITE WITHIN THE OVERALL CATCHMENT IS PRESENTED ON DRAWING 20002-DA-C03-01.
- THE SUBJECT SITE WILL DRAIN TO THE EXISTING COUNCIL PIPED STORMWATER DRAINAGE WITHIN DEBENHAM ROAD SOUTH AND GINDURRA ROAD.
- A STORMWATER DRAINAGE EASEMENT IS LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE.

### EXISTING VEGETATION AND SITE DRAINAGE

- THE SITE IS CURRENTLY VEGETATED AND IS FREE FROM EXISTING DEVELOPMENTS.
- A HABITAT ZONE IS LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE. ALL VEGETATION WILL BE PROTECTED AND RETAINED WITHIN THE HABITAT ZONE.
- THERE IS NO FORMAL STORMWATER DRAINAGE NOTED WITHIN THE SITE.

### EXTENT OF CLEARING, EXCAVATION AND FILLING

- GENERALLY, THE EARTHWORKS STRATEGY FOR THE DEVELOPMENT IS TO UNDERTAKE A CUT/FILL EXERCISE TO PROVIDE A SUITABLE PLATFORM FOR THE CONSTRUCTION OF BUILDING STRUCTURES AND PAVEMENTS, AS WELL AS CAR PARKING AREAS.
- EXCLUDING THE HABITAT ZONE IN (3) ABOVE, IT IS PROPOSED TO CLEAR AND GRUB THE REMAINDER OF THE SITE, WHICH INCLUDES REMOVAL OF ALL VEGETATION, SHRUBS AND TREES FROM WITHIN THE SITE.
- GIVEN THE STEEPNESS OF THE EXISTING SITE, CUT AND FILL IS REQUIRED AS PRESENTED ON DRAWING 20002-DA-C03-01 TO COMPLY WITH THE SITE ACCESS AND PARKING REQUIREMENTS OF A3280.

### DIVERSION OF RUNOFF AROUND DISTURBED AREAS

- THE PROPOSED SEDIMENT BASIN HAS BEEN SIZED TO ACCOMMODATE THE ENTIRE SITE AREA OF 2.85ha AS PRESENTED ON DRAWING 20002-DA-C03-01.
- ANY EXTERNAL FLOWS WILL BE PREVENTED FROM ENTERING THE SITE AS REQUIRED BY THE CONTRACTOR.

### LOCATION AND TYPE OF EROSION AND SEDIMENT CONTROL MEASURES

- THE LOCATION AND TYPE OF SEDIMENT CONTROL MEASURES ARE PRESENTED ON DRAWING 20002-DA-C03-01. THESE NOTES MUST BE READ IN CONJUNCTION WITH THE EROSION AND SEDIMENTATION CONTROL NOTES.
- EROSION AND SEDIMENT CONTROL MEASURES INCLUDE:
  - A SEDIMENT FENCE ALONG ALL LOW SIDE SITE BOUNDARIES AND DOWNSTREAM OF ANY TEMPORARY STOCKPILES.
  - A STABILISED CONSTRUCTION ACCESS AT THE ULTIMATE DEBENHAM ROAD SOUTH SITE ACCESS POINT.
  - A TEMPORARY SEDIMENT BASIN.
  - EARTH BANKS ALONG THE LOW SIDE OF THE SITE, WITH STRAW BALE FILTERS AT 30m SPACINGS ALONG THEIR LENGTH.
  - GEOTEXTILE FILTER INLETS AROUND PROPOSED JUNCTION PITS AND SURFACE INLET PITS.
  - MESH AND GRAVEL FILTER AROUND PROPOSED KERB INLET, AS WELL AS EXISTING DOWNSTREAM KERB INLET.
- SPECIFIC CONSTRUCTION NOTES FOR THE VARIOUS EROSION AND SEDIMENT CONTROL MEASURES ARE PRESENTED ON DRAWING 20002-DA-C03-01.
- DUST CONTROL MEASURES INCLUDING COVERING STOCKPILES, INSTALLING FENCE-HESBIAH AND WATERING EXPOSED AREAS WILL BE IMPLEMENTED AS APPROPRIATE.
- A STABILISED SITE ACCESS IN LINE WITH THE LANDCOM 'BLUE BOOK' IS PROPOSED AT THE CONSTRUCTION SITE VEHICLE ACCESS ON DEBENHAM ROAD SOUTH.

### SOIL AND WATER MANAGEMENT (CONT)

#### MATERIAL STOCKPILES

- A BULK EARTHWORKS STOCKPILE SITE IS ENVISAGED IN THE NORTHERN CORNER OF THE SITE.
- ANY STOCKPILED MATERIAL, INCLUDING TOPSOIL, WILL BE LOCATED AS FAR AWAY AS POSSIBLE FROM ANY ASSOCIATED NATURAL WATERCOURSES OR TEMPORARY OVERLAND FLOW PATHS.
- ALL STOCKPILES AND EMBANKMENT FORMATIONS WILL BE STABILISED BY HYDROSEEDING OR HYDRO MULCHING ON FORMATION.

#### DUST CONTROL

- TEMPORARY PROTECTION FROM WIND AND WATER EROSION WILL BE UNDERTAKEN ON LANDS WHERE WORKS ARE UNLIKELY TO PROCEED FOR PERIODS OF AT LEAST TWO MONTHS AND FINAL SHAPING HAS NOT BEEN COMPLETED (E.G. TOPSOIL STOCKPILES). THIS MAY BE ACHIEVED WITH A VEGETATIVE COVER. A RECOMMENDED LISTING OF PLANT SPECIES FOR TEMPORARY COVER IS AS FOLLOWS:
 

SEPTEMBER - MARCH SOWING	SPANISH MILLET @ 50 KG/HA
APRIL - AUGUST SOWING	OATSEYECORN @ 50 KG/HA
- FOOT AND VEHICULAR TRAFFIC SHOULD BE KEPT AWAY FROM ANY REHABILITATED AREAS WHERE PRACTICAL.
- DURING WINDY WEATHER, LARGE UNPROTECTED AREAS ARE TO BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER FOR DUST CONTROL.

#### SEDIMENT BASIN CALCULATIONS

- REFER TO SEDIMENT BASIN VOLUME CALCULATIONS ON DRAWING 20002-DA-C03-01.

#### PROPOSED STORMWATER TREATMENT MEASURES

- ONCE THE SITE HAS BEEN DEVELOPED AND DISTURBED SURFACES HAVE BEEN STABILISED, EROSION AND SEDIMENT CONTROL MEASURES WILL BE REINFORCED WITH WATER QUALITY TREATMENT MEASURES.
- THE SITE WILL DRAIN TO AN EXISTING STORMWATER DRAINAGE PIT IN GINDURRA ROAD.
- PROPOSED OPERATIONAL WATER QUALITY TREATMENTS ARE PRESENTED ON DRAWING 20002-DA-C03-02 AND INCLUDE:
  - A GROSS POLLUTANT TRAP AS THE PRIMARY POLLUTANT REMOVAL MEASURE.
  - A SECONDARY MEASURE IN THE FORM OF A PROPRIETARY WATER QUALITY TREATMENT DEVICE TO REDUCE THE REMAINDER OF GROSS POLLUTANTS, SUSPENDED SOLIDS, NITROGEN AND PHOSPHOROUS.
  - ONSITE DETENTION WILL BE PROVIDED TO ATTENUATE POST DEVELOPED FLOWS TO BE NO GREATER THAN PRE DEVELOPED FLOWS. THIS WILL CONSIST OF A BELOW GROUND TANK IN THE SOUTH WESTERN CORNER OF THE SITE.
  - ALL WATER QUALITY TREATMENT MEASURES AND ONSITE DETENTION WILL BE SIZED AND SPECIFIED AT THE DETAILED DESIGN STAGE TO MEET COUNCIL POLLUTION REDUCTION TARGETS AND PERMISSIBLE SITE DISCHARGE.

#### SITE REHABILITATION AND LANDSCAPING

- IT IS RECOMMENDED THE SITE IS STABILISED PROGRESSIVELY THROUGHOUT THE BULK EARTHWORKS.
- ALL FINISHED BULK EARTHWORKS SURFACES SHOULD BE STABILISED WITHIN 20 DAYS OF COMPLETION. REMEDIATION IS CONSIDERED TO HAVE BEEN ACHIEVED WHEN A MINIMUM OF 70% GROUND COVER IS ACHIEVED THROUGH EITHER VEGETATED GROUND COVER OR OVERLAIN WITH PERMANENT SEALED SURFACING.

#### CONSTRUCTION STAGING

- THE SEQUENCE OF WORK FOR THE BULK EARTHWORKS WILL GENERALLY INCLUDE:
  - PROVISION OF SITE ESTABLISHMENT EROSION AND SEDIMENT CONTROL MEASURES TYPICALLY AS OUTLINED ABOVE AND ON THE DRAWINGS;
  - CLEARING OF THE SITE INCLUDING VEGETATION;
  - DEMOLITION OF EXISTING STRUCTURES AND PAVEMENTS (AS REQUIRED);
  - STIRRING AND STOCKPILING OF TOPSOIL SUITABLE FOR REUSE;
  - INSPECTION OF EXPOSED NATURAL MATERIAL TO ENSURE CONFORMITY WITH DESIGN ASSUMPTIONS AND REQUIREMENTS;
  - PLACEMENT AND COMPACTION OF FILL MATERIAL IN LAYERS NOT GREATER THAN 200mm IN THICKNESS;
  - PROGRESSIVE SURFACE STABILISATION;
  - DECOMMISSIONING OF EROSION AND SEDIMENT CONTROL MEASURES AS APPROPRIATE.

#### MAINTENANCE PROGRAM

- THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES ACCORDING TO THE WEATHER AND SITE CONDITIONS AT THE TIME.
- TO ENSURE THE SEDIMENT BASIN IS WORKING EFFECTIVELY IT MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION WORKS. MAINTENANCE INCLUDES:
  - ENSURING ADEQUATE SETTLEMENT TIMES OR FLOCCULATION AS NECESSARY TO MANUFACTURER'S SPECIFICATIONS;
  - REMOVAL OF SEDIMENTS TO MAINTAIN A MINIMUM STORAGE ZONE;
  - PUMPING OF CLEAN WATER TO REACH THE MINIMUM STORAGE VOLUME AT THE LOWER LEVEL OF THE SETTLING ZONE;
  - THE SETTLING ZONE WILL BE IDENTIFIED BY PEGS TO CLEARLY SHOW THE LEVEL AT WHICH EXCESS STORAGE CAPACITY IS AVAILABLE.
  - THE PUMPED WATER FROM THE SEDIMENT BASIN CAN BE REUSED FOR DUST CONTROL DURING CONSTRUCTION.
  - THE CONTRACTOR WILL MONITOR THE EFFECTIVENESS OF THE STABILISED SITE ACCESS IN THE AVOIDANCE OF TRACKING OF SITE SEDIMENTS ONTO DEBENHAM ROAD SOUTH. IF THE DEVICE IS NOT OPERATING ADEQUATELY, THEN THE CONTRACTOR WILL CONSIDER THE ADDITION OF REPLACEMENT WITH A VEHICLE WASH DOWN BAY OR SHAKER PAD TO IMPROVE EFFECTIVENESS.
  - AFTER EACH RAINFALL EVENT THE CONTRACTOR WILL INSPECT THE EROSION AND SEDIMENT CONTROL MEASURES AND:
    - REMOVE ACCUMULATED SEDIMENT IN CATCH DRAINS AND BEHIND STRAW BALES, SEDIMENT FENCES, GEOTEXTILE FILTER INLETS, AND MESH AND GRAVEL INLET FILTERS;
    - IF SCOURING IS EVIDENT IN CATCH DRAINS, IMPLEMENT FURTHER STRAW

### SOIL AND WATER MANAGEMENT (CONT)

#### MAINTENANCE PROGRAM


(BASED ON ROCK CHECK DAM)

- INSPECT STRAW BALES FOR LOSS OF STRAW MASS AND REPLACE AS APPROPRIATE.
- ALL MATERIALS REMOVED FROM EROSION AND SEDIMENT CONTROL DEVICES, BOTH HESBIAH AND SOLID, SHALL BE DISPOSED OF IN AN APPROPRIATE MANNER, ENSURING DISPOSAL DOES NOT CAUSE ONGOING EROSION OR POLLUTION.

### SEDIMENT BASINS - INSTALLATION AND MAINTENANCE


- SEDIMENT BASINS SHALL BE CONSTRUCTED AND FULLY OPERATIONAL PRIOR TO ANY OTHER SOIL DISTURBANCE IN THEIR CATCHMENT. CONSTRUCTION SHALL INCLUDE PLACEMENT OF A RAIN GAUGE TO ACCURATELY MEASURE AND RECORD DAILY RAINFALL AS WELL AS PLACEMENT OF A VISIBLE MARKER TO DELINEATE THE REQUIRED SEDIMENT STORAGE ZONE AND SETTLING ZONE.
- PRIOR TO CONTROLLED DISCHARGE (E.G. DE-WATERING ACTIVATED FROM EXCAVATIONS) AND SEDIMENT BASINS OF ANY WATER (OVERLAND WATER OR LAKE WATER) FROM THE SITE DURING CONSTRUCTION, THE FOLLOWING WATER QUALITY OBJECTIVES SHALL BE ACHIEVED:
  - TOTAL SUSPENDED SOLIDS (TSS) TO A MAXIMUM 50MG/L
  - TURBIDITY MEASURED IN NTU (MAXIMUM OF 60 NTU)
- PRIOR TO ANY FORECAST WEATHER EVENT UNLIKELY TO RESULT IN SEDIMENT LOAD RUNOFF ON THE SITE, THE SEDIMENT BASIN SHALL BE DETERMINED TO ACHIEVE THE REQUIRED SETTLING ZONE CAPACITY.
- NO ALUMINIUM BASED PRODUCTS MAY BE USED UNLESS APPROVED BY WRITING FROM COUNCIL'S ENVIRONMENTAL OFFICER.
- THE PREFERRED CHEMICAL AGENT TO BE EMPLOYED IS A GYSSUM BASED PRODUCT AS A GUIDE, THE INITIAL DOSAGE RATES WILL BE APPROXIMATELY 300KG/0.0001M PER 100 CUBIC METERS OF TREATED WATER. THE DOSAGE RATE SHALL BE CONFIRMED AND REFINED FOLLOWING THE OBSERVATIONS OF THE INITIAL TREATMENT ATTEMPTS.
- THE APPLICATION METHOD SHALL ENSURE THAT THE CHEMICAL AGENT IS SPREAD THROUGHOUT THE ENTIRE SURFACE OF THE SEDIMENT BASIN AND MIXED THROUGH TO AID IN RAPID SETTLEMENT.
- THE APPLICATION SETTLEMENT AND SUBSEQUENT TESTING (OR OTHER METHOD OF CONFIRMING WATER QUALITY) IS REQUIRED TO BE ACHIEVED WITHIN FOUR (4) DAYS OF THE CONCLUSION OF THE STORM EVENT, ALLOWING ONE (1) DAY TO PUMP IT OUT TO RESTORE SETTLING VOLUMES. THE NOMINATED PUMP SHOULD ENSURE SUFFICIENT CAPACITY TO ACHIEVE THIS PUMP OUT RATE AND A SUITABLE DESIGN TO COMPLY WITH COUNCIL HOSE RESTRICTIONS.
- ALL MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED FOR THE USE OF ANY CHEMICAL AGENTS USED ON SITE, EXCEPT WHERE APPROVED BY THE RESPONSIBLE PERSON OR AN APPROPRIATE COUNCIL OFFICER.
- SUFFICIENT QUANTITIES OF CHEMICAL AGENTS TO TREAT TURBID WATER SHALL BE SECURELY STORED ON SITE TO PROVIDE AT LEAST THREE COMPLETE TREATMENTS OF ALL BASINS REQUIRING CHEMICAL TREATMENT ON SITE.
- ALL SEDIMENT BASINS SHALL REMAIN FULLY OPERATIONAL AT ALL TIMES UNTIL THE BASIN DESIGN CATCHMENT ACHIEVES 70% GROUND COVERAGE, OR SURFACE STABILISATION ACCEPTABLE TO COUNCIL.
- SETTLED SEDIMENT SHALL BE REMOVED AS SOON AS REASONABLE AND PRACTICABLE FROM ANY SEDIMENT BASIN:
  - IT IS ANTICIPATED THAT THE NEXT STORM SUKELY TO CAUSE SEDIMENT TO SETTLE ABOVE THE BASIN SEDIMENT STORAGE ZONE, OR
  - THE ELEVATION OF SETTLED SEDIMENT IS ABOVE THE TOP OF THE BASIN SEDIMENT STORAGE ZONE, OR
  - THE ELEVATION OF SETTLED SEDIMENT IS ABOVE THE BASIN SEDIMENT MARKER LINE.
- SCOUR PROTECTION MEASURES PLACED ON SEDIMENT BASIN EMERGENCY SPILLWAYS SHALL APPROPRIATELY PROTECT THE SPILLWAY CHUTE AND ITS SIDE BATTERS FROM SCOUR, AND SHALL EXTEND A MINIMUM OF 3m BEYOND THE DOWNSTREAM TOE OF THE BASIN EMBANKMENT WHERE FEASIBLE/SOUND.
- ALL MATERIALS REMOVED FROM EROSION AND SEDIMENT CONTROL DEVICES DURING MAINTENANCE, OR DECOMMISSIONING, WHETHER SOLID OR LIQUID, SHALL BE DISPOSED OF IN A MANNER THAT DOES NOT CAUSE ANY ONGOING EROSION OR POLLUTION HAZARD.
- SEDIMENT BASIN WATER QUALITY SAMPLES SHALL BE TAKEN AT A DEPTH NO LESS THAN 200mm BELOW THE WATER SURFACE WITHIN THE BASIN.
- THE VOLUMES AND STORAGE CAPACITIES IDENTIFIED WITHIN THIS SWMP ARE BASED ON A RAINFALL DEPTH ASSOCIATED WITH THE 5 DAY 75% ALE RAINFALL EVENT. ANY CHANGE TO THE REQUIRED RAINFALL EVENT WILL REQUIRE AMENDMENT TO THE ASSOCIATED VALUES.

REV.	DATE	DESCRIPTION	BY	CHK	APP
2	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
3	18/09/2020	ISSUED FOR DEVELOPMENT APPLICATION	JR	MC	MCH



Scale: \_\_\_\_\_ North: \_\_\_\_\_

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Project	83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION	Scale	N.T.S	Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION
Date	18/09/2020	Size	A1	Project Number/Drawing Number	200032-DA-C03.02
File	SOIL AND WATER MANAGEMENT NOTES	Client	AHD	Revision	2

DATE PLOTTED: 4 December 2020 4:10 PM BY: MACHINER/MS/001



**1. Erosion Hazard and Sediment Basins**

Site Name:	83 Gindurra Road
Site Location:	Somersby
Precinct/Stage:	
Other Details:	

Site area	Sub-catchment or Name of Structure	Notes
Total catchment area (ha)	2.853	
Disturbed catchment area (ha)	2.853	

**Soil analysis (enter sediment type if known, or laboratory particle size data)**

Sediment Type (C, F or D) if known:	D	From Appendix C (if known)
% sand (fraction 0.02 to 2.00 mm)	29	Enter the percentage of each soil fraction. E.g. enter 10 for 10%
% silt (fraction 0.002 to 0.02 mm)	29	
% clay (fraction finer than 0.002 mm)	29	
Dispersion percentage	10.0	E.g. enter 10 for dispersion of 10%
% of whole soil dispersible	4.35	See Section 6.3.3(e). Auto-calculated
Soil Texture Group	D	Automatic calculation from above

**Rainfall data**

Design rainfall depth (no of days)	5	See Section 6.3.4 and, particularly, Table 6.3 on pages 6-24 and 6-25.
Design rainfall depth (percentile)	75	
1-day, y percentile rainfall event (mm)	27.9	
Rainfall R-factor (if known)		Only need to enter one or the other here
IFD (2-year, 6-hour storm (if known))	12.3	

**RUSLE Factors**

Rainfall erosivity (R-factor)	3260	Auto-filled from above:
Soil erodibility (K-factor)	0.046	
Slope length (m)	175	
Slope gradient (%)	9	RUSLE LS factor calculated for a high rainfall ratio:
Length/gradient (LS-factor)	3.99	
Erosion control practice (P-factor)	1.3	1.3
Ground cover (C-factor)	1	1

**Sediment Basin Design Criteria (for Type D/F basins only. Leave blank for Type C basins)**

Storage (soil zone design (no of months))	2	Minimum is generally 2 months
Cv (Volumetric runoff coefficient)	0.70	See Table F2, page F-4 in Appendix F

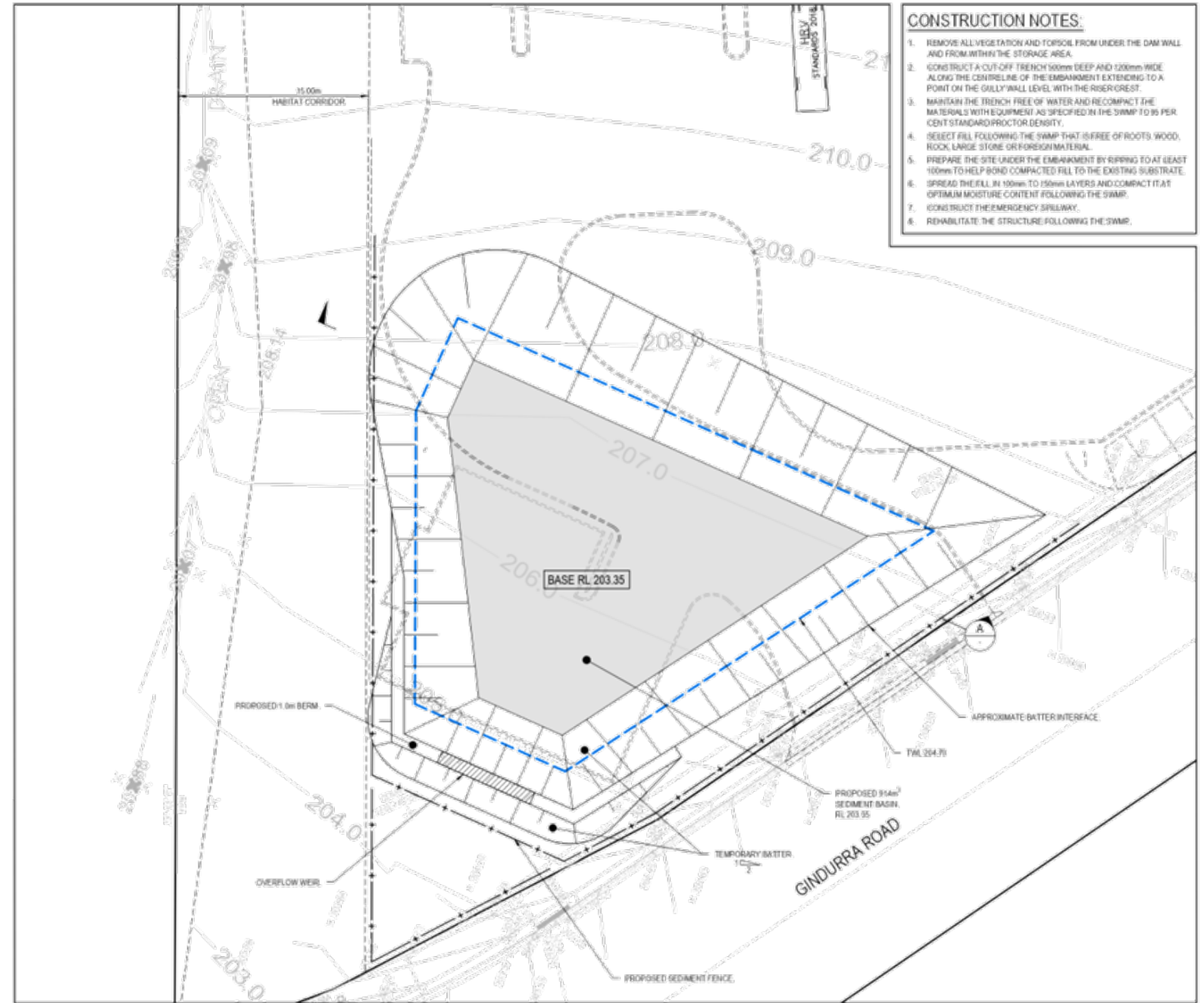
**Calculations and Type D/F Sediment Basin Volumes**

Soil loss (t/ha/yr)	778	
Soil Loss Class	6	See Table 4.2, page 4-13
Soil loss (m <sup>3</sup> /ha/yr)	596	Conversion to cubic metres
Sediment basin storage (soil) volume (m <sup>3</sup> )	295	See Sections 6.3.4(i) for calculations
Sediment basin settling (water) volume (m <sup>3</sup> )	629	See Sections 6.3.4(i) for calculations
Sediment basin total volume (m <sup>3</sup> )	914	

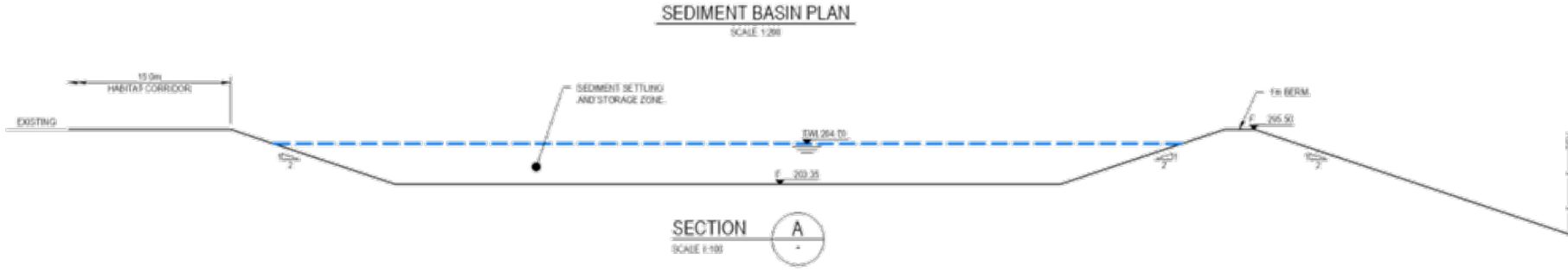
**4. Volume of Type C (Coarse) Sediment Basins**

**Type C Basin Design Criteria**

Structure Name	SB01	Auto-filled from Worksheet 1
Catchment Area (ha)	2.853	Auto-filled from Worksheet 1
Sediment type (C, F or D)	D	Auto-filled from Worksheet 1
Design rainfall event	0.5	Choose design event from dropdown
Flow volume (m <sup>3</sup> /ha)	0.216	Calculated from IFD values above
Area Factor	4100	Default is 4 100. See pg 6-12
Depth of settling (water zone) (m)	0.6	Minimum is 0.6m (pg 6-12)



- CONSTRUCTION NOTES:**
- REMOVE ALL VEGETATION AND TOPSOIL FROM UNDER THE DAM WALL AND FROM WITHIN THE STORAGE AREA.
  - CONSTRUCT A CUT-OFF TRENCH 500mm DEEP AND 1200mm WIDE ALONG THE CENTRELINE OF THE EMBANKMENT EXTENDING TO A POINT ON THE GALLY WALL LEVEL WITH THE RISER CREST.
  - MAINTAIN THE TRENCH FREE OF WATER AND RECOMPACT THE MATERIALS WITH EQUIPMENT AS SPECIFIED IN THE SWAMP TO 95 PER CENT STANDARD PROCTOR DENSITY.
  - SELECT FILL FOLLOWING THE SWAMP THAT IS FREE OF ROOTS, WOOD, ROCK, LARGE STONE OR FOREIGN MATERIAL.
  - PREPARE THE SITE UNDER THE EMBANKMENT BY RIPPING TO AT LEAST 100mm TO HELP BOND COMPACTED FILL TO THE EXISTING SUBSTRATE.
  - SPREAD THE FILL IN 100mm TO 150mm LAYERS AND COMPACT IT AT OPTIMUM MOISTURE CONTENT FOLLOWING THE SWAMP.
  - CONSTRUCT THE EMERGENCY SILLWAY.
  - REHABILITATE THE STRUCTURE FOLLOWING THE SWAMP.



REV	DATE	DESCRIPTION	ISSN	DES	VEP/APP	Client	
6	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION		MCH	MC	SKN	SK01
5	1/09/2020	RE ISSUED FOR DEVELOPMENT APPLICATION		CE	MC	SKN	SK01
4	1/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION		CE	MC	SKN	SK01
3	09/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION		CE	MC	SKN	SK01
2	30/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION		MCH	MC	SKN	SK01
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION		CE	MC	SKN	SK01



Scale 0 5 10 15 20m  
SCALE 1:200  
SCALE 1:100

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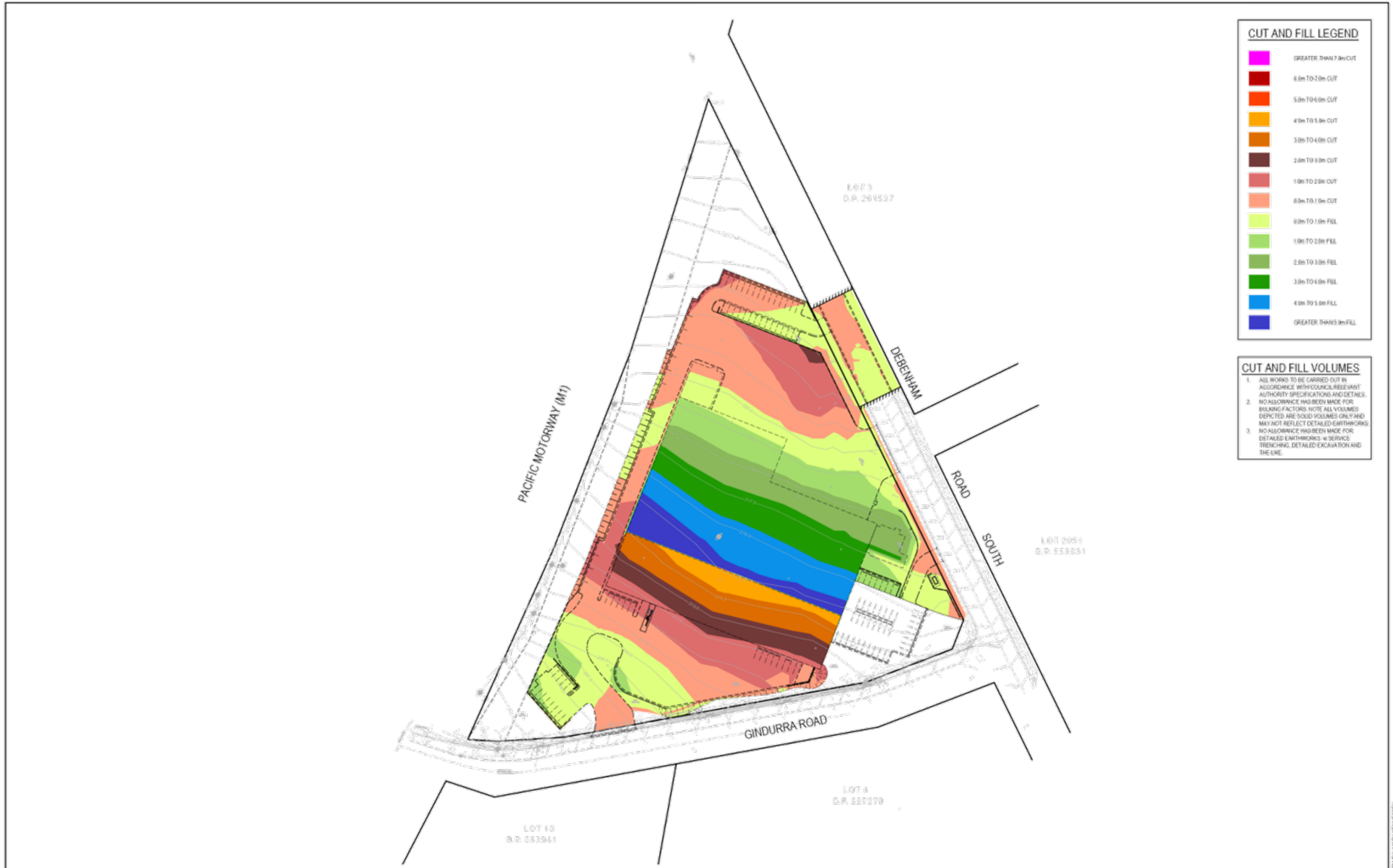
Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION

Title: SEDIMENT BASIN PLAN AND SECTION

Scale: AS SHOWN	Date: 18/06/2020	Status: FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION
Size: A1	Client: AHD	Project Number/Drawing Number: 200032-DA-C03.31
		Revision: 6

CAD File: P:\200032-83GindurraSomersby\DWG\03-SedBasin\Drawings\OACC\200032-DA-C03.31\SED BASIN.dwg





**CUT AND FILL LEGEND**

[Pink]	GREATER THAN 7.9m CUT
[Red]	6.0m TO 7.0m CUT
[Orange]	5.0m TO 6.0m CUT
[Yellow-Orange]	4.0m TO 5.0m CUT
[Yellow]	3.0m TO 4.0m CUT
[Light Green]	2.0m TO 3.0m CUT
[Light Yellow]	1.0m TO 2.0m CUT
[Light Green]	0.0m TO 1.0m CUT
[Light Green]	0.0m TO 1.0m FILL
[Light Green]	1.0m TO 2.0m FILL
[Light Green]	2.0m TO 3.0m FILL
[Light Green]	3.0m TO 4.0m FILL
[Light Blue]	4.0m TO 5.0m FILL
[Blue]	GREATER THAN 5.0m FILL

**CUT AND FILL VOLUMES**

- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH COUNCIL RELEVANT AUTHORITY SPECIFICATIONS AND DETAILS.
- NO ALLOWANCE HAS BEEN MADE FOR BULKING FACTORS. NOTE ALL VOLUMES DEPICTED ARE SOLID VOLUMES ONLY AND MAY NOT REFLECT DETAILED EARTHWORKS.
- NO ALLOWANCE HAS BEEN MADE FOR DETAILED EARTHWORKS AS SERVICE TRENCHING, DETAILED EXCAVATION AND THE LIKE.

REV	DATE	DESCRIPTION	BY	CHK	APP
6	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
5	1/09/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
4	1/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
3	0/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
2	20/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH

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SCALE 1:750 @A1

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Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION

Title: BULK EARTHWORKS - CUT AND FILL PLAN

Scale: 1:750	Date: 18/06/2020	Project Number/Drawing Number: 200032-DA-C04.01	Revision: 6
Size: A1	Drawn: AHD	<b>FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION</b>	

CAD File: P:\200032\83GindurraSomersby\DWG\83-GindurraSomersby\DWG\83-DA-C04.01-CUT AND FILL.dwg

**DESIGN SUMMARY:**

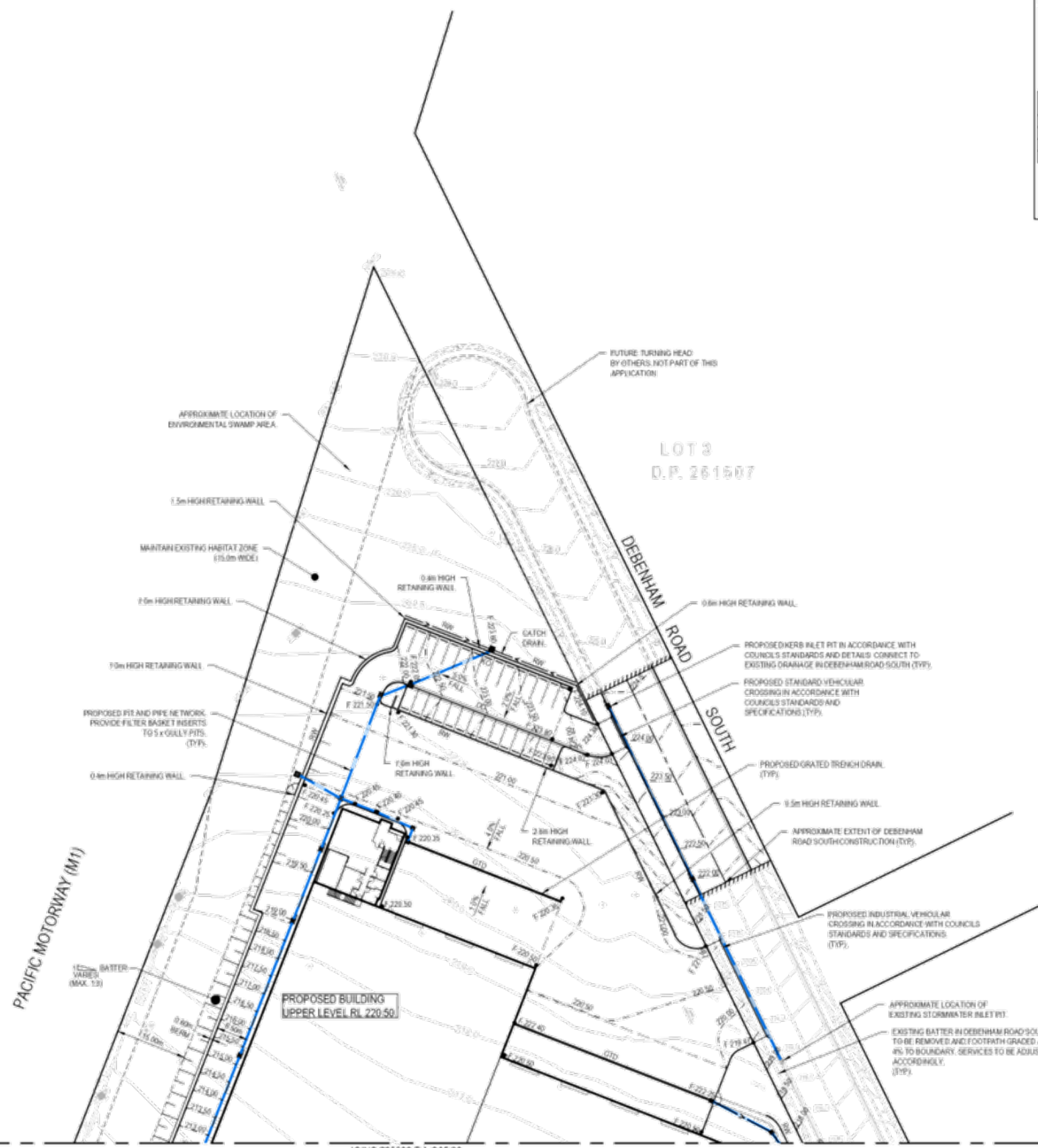
SITE AREA = 2.85Ha  
 LGA = CENTRAL COAST COUNCIL

WATER QUANTITY  
 PERMISSIBLE SITE DISCHARGE = 1.29m<sup>3</sup>/s, 15A/FP  
 TOTAL OSD VOLUME REQUIRED = 850 m<sup>3</sup>

WATER QUALITY

POLLUTANT	TARGET %	REDUCTION %
GROSS POLLUTANT	90	95.7
TOTAL SUSPENDED SOLIDS	90	89.3
TOTAL PHOSPHOROUS	90	88.3
TOTAL NITROGEN	90	85.1

PROPOSED TREATMENT TRAIN  
 • GROSS POLLUTANT TRAP  
 • 1 x OCEAN PROTECT-BELEYRSH (A/C255-13-3)  
 • 5 x GRILEY PIT FILTER BASKETS  
 • 1 x 200L RAINWATER TANK




REV	DATE	DESCRIPTION	BY	CHK	APP'D
6	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
5	1/09/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
4	1/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
3	10/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
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1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH


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Scale 1:500



Scale 1:500 @A1



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 Phone: 02 9522 6135

Project 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION

Title SITEWORKS AND STORMWATER MANAGEMENT PLAN

SHEET 01

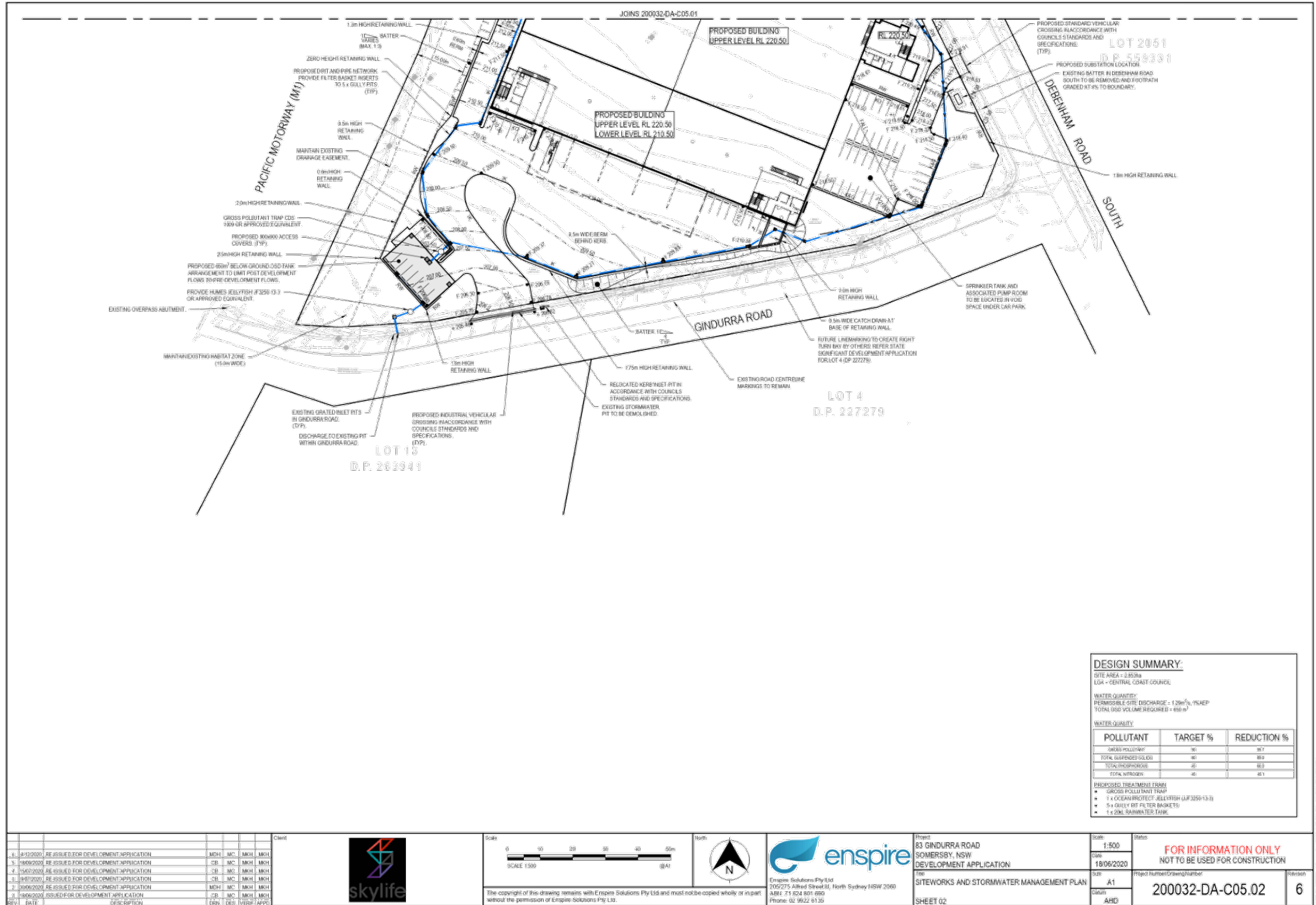
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Project Number/Drawing Number  
 200032-DA-C05.01

Revision  
 6

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REV	DATE	DESCRIPTION	BY	CHECK	APP'D
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5	1/09/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
4	1/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
3	0/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
2	30/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH

Client

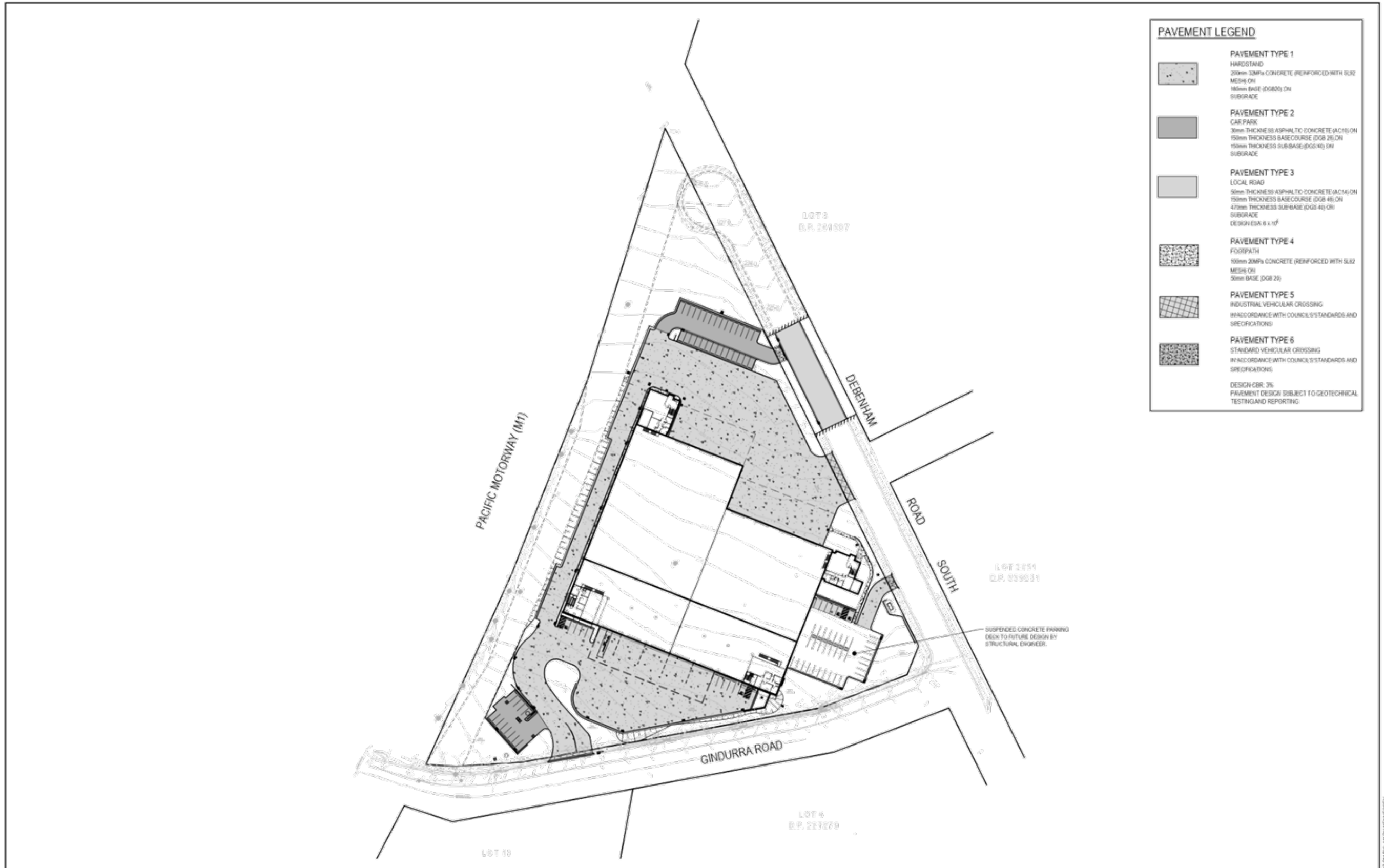
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Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION  
 Title: SITEWORKS AND STORMWATER MANAGEMENT PLAN  
 SHEET 02

Scale: 1:500  
 Date: 18/06/2020  
 Status: **FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION**  
 Project Number/Drawing Number: 200032-DA-C05.02  
 Revision: 6





PAVEMENT LEGEND	
	<b>PAVEMENT TYPE 1</b> HARDSTAND 200mm 20MPa CONCRETE (REINFORCED WITH S102 MESH) ON 100mm BASE (DGB 25) ON SUBGRADE
	<b>PAVEMENT TYPE 2</b> CAR PARK 30mm THICKNESS ASPHALTIC CONCRETE (AC10) ON 150mm THICKNESS BASE COURSE (DGB 25) ON 150mm THICKNESS SUBBASE (DGB 40) ON SUBGRADE
	<b>PAVEMENT TYPE 3</b> LOCAL ROAD 30mm THICKNESS ASPHALTIC CONCRETE (AC10) ON 150mm THICKNESS BASE COURSE (DGB 40) ON 470mm THICKNESS SUBBASE (DGB 40) ON SUBGRADE DESIGN SA 6 x 10'
	<b>PAVEMENT TYPE 4</b> FOOTPATH 100mm 20MPa CONCRETE (REINFORCED WITH S102 MESH) ON 50mm BASE (DGB 25)
	<b>PAVEMENT TYPE 5</b> INDUSTRIAL VEHICULAR CROSSING IN ACCORDANCE WITH COUNCIL'S STANDARDS AND SPECIFICATIONS
	<b>PAVEMENT TYPE 6</b> STANDARD VEHICULAR CROSSING IN ACCORDANCE WITH COUNCIL'S STANDARDS AND SPECIFICATIONS
DESIGN GR. 3% PAVEMENT DESIGN SUBJECT TO GEOTECHNICAL TESTING AND REPORTING	

REV	DATE	DESCRIPTION	BY	CHK	APP'D
6	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
5	1/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
4	1/02/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
3	08/12/2019	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH
2	20/06/2019	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH
1	1/06/2019	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH

Client

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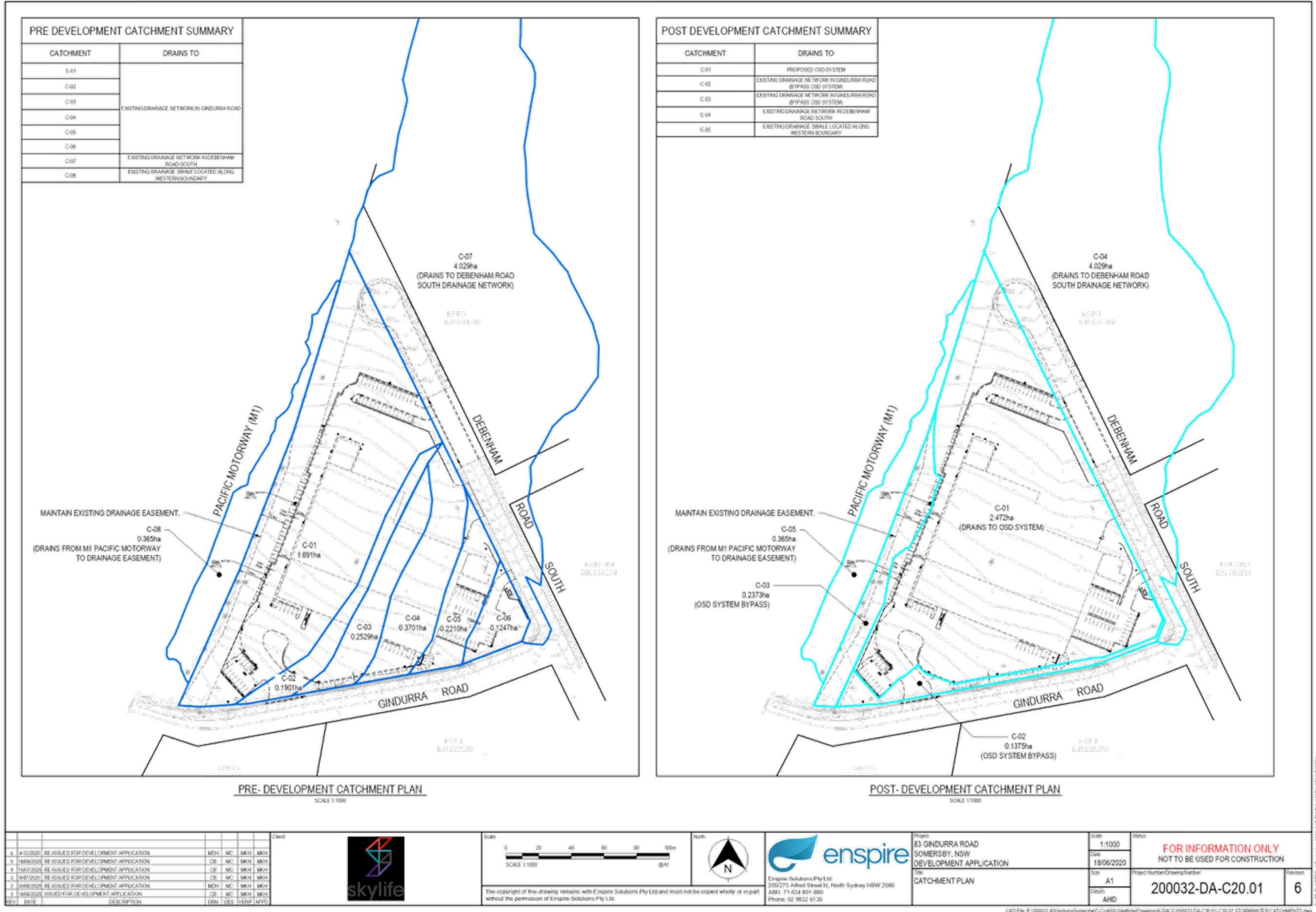
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Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION

Title: PAVEMENT, SIGNAGE AND LINEMAKING PLAN

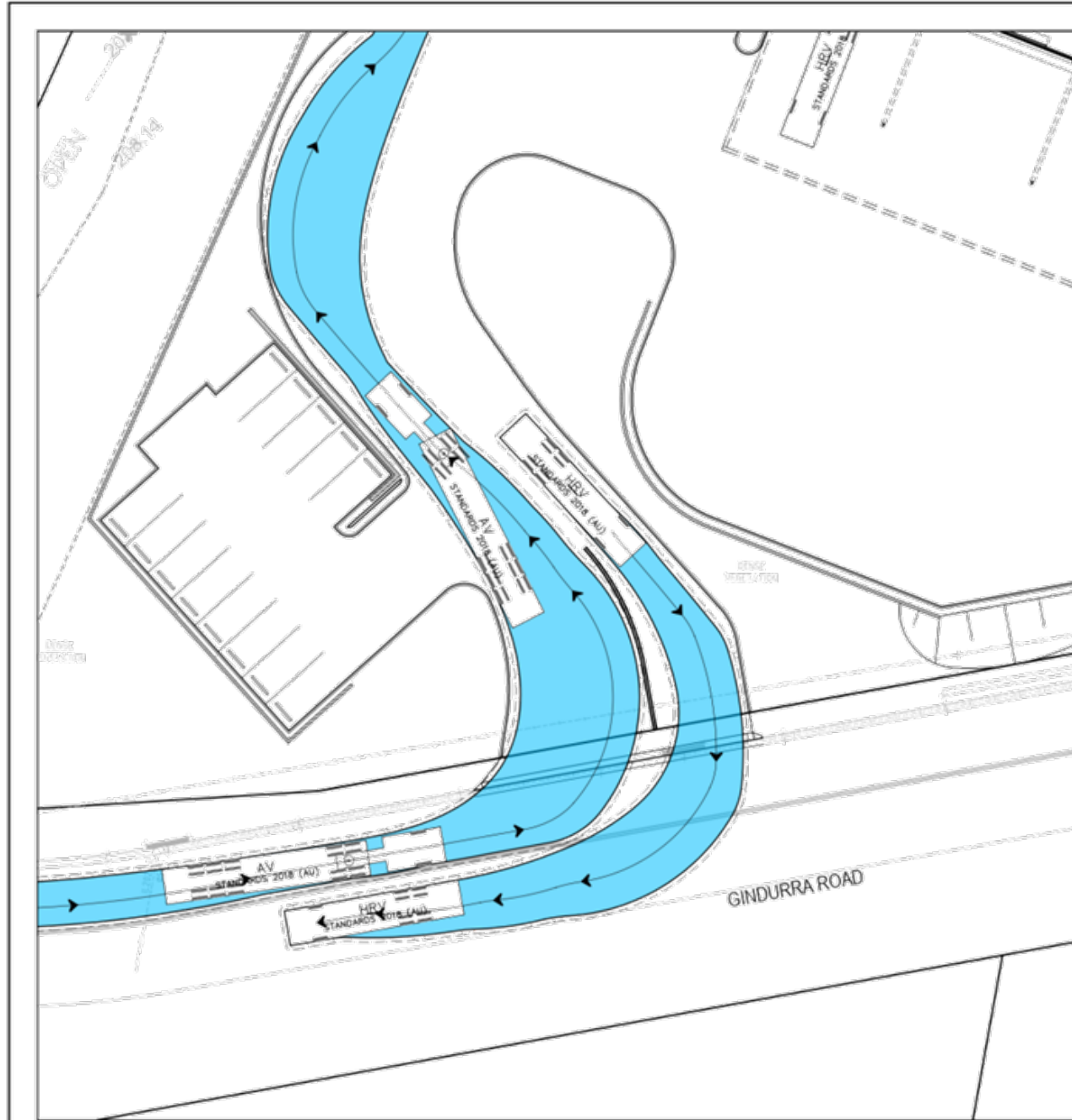
Scale: 1:750	Date: 18/06/2020	Project Number/Drawing Number: 200032-DA-C11.01	Revision: 6
Size: A1	Drawn: AHD	<b>FOR INFORMATION ONLY</b> NOT TO BE USED FOR CONSTRUCTION	

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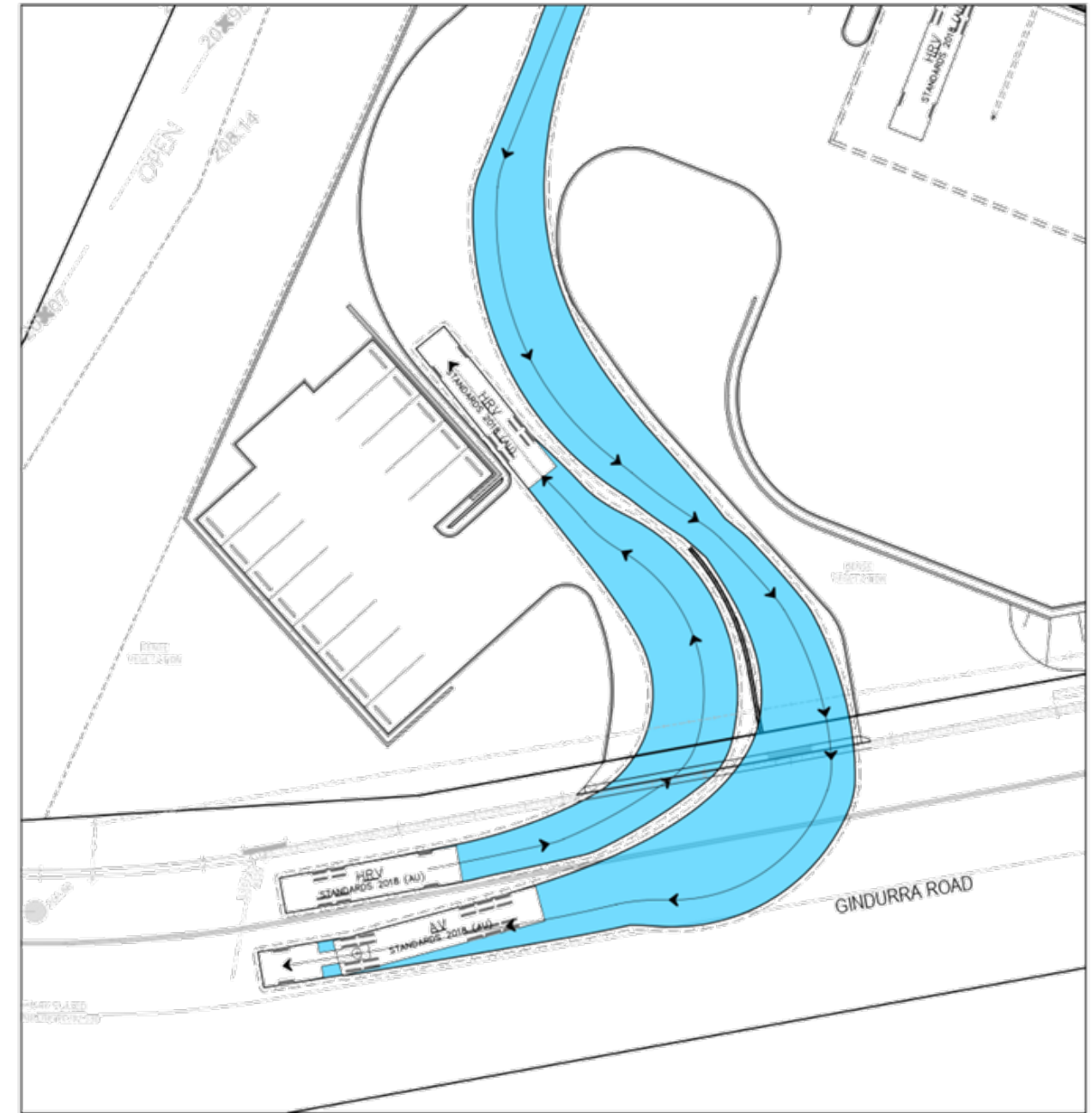


DATE PLOTTED: 4 December 2020 4:17 PM BY: MCH/MCH/CE/MSSEY





**TURN 1**  
SCALE 1:200  
20m SEMI-TRAILER ENTERING SITE  
AND  
12.5m RIGID VEHICLE EXITING SITE



**TURN 3**  
SCALE 1:200  
12.5m RIGID VEHICLE ENTERING SITE  
AND  
20m SEMI-TRAILER EXITING SITE

REV	DATE	DESCRIPTION	BY	CHK	APP
6	4/10/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	SKH
5	1/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
4	1/02/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
3	0/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
2	20/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	SKH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH

Client



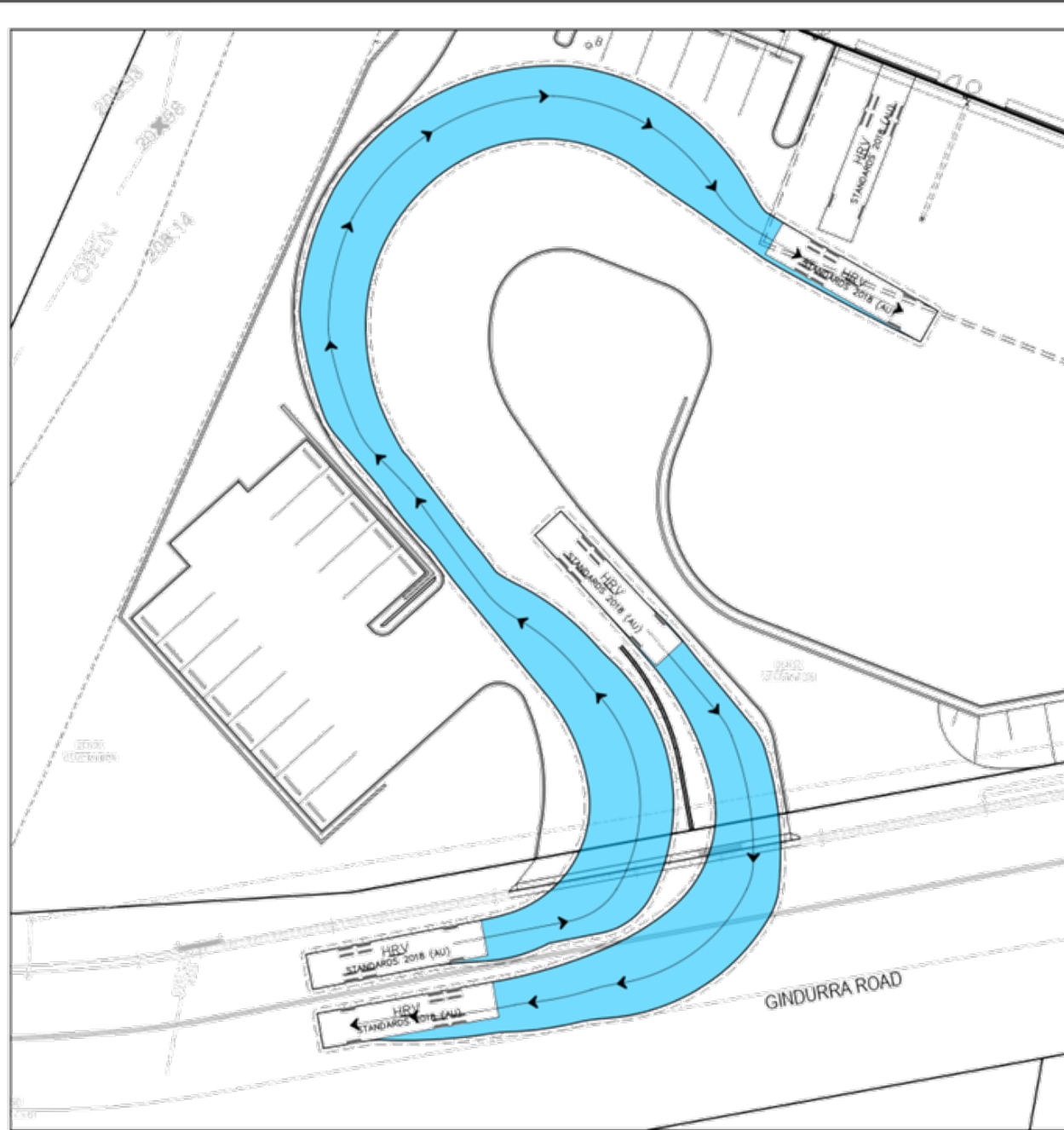
Enspire Solutions Pty Ltd  
205/275 Alfred Street St, North Sydney NSW 2060  
ABN: 71 624 801 890  
Phone: 02 9922 6135

Project  
83 GINDURRA ROAD  
SOMERSBY, NSW  
DEVELOPMENT APPLICATION  
Title  
TURNING PATH PLAN  
SHEET 01

Scale  
1:200  
Date  
18/06/2020  
Size  
A1  
Datum  
AHD

Status  
**FOR INFORMATION ONLY**  
**NOT TO BE USED FOR CONSTRUCTION**  
Project Number/Drawing Number  
**200032-DA-C22.01**  
Revision  
**6**

CAD File: P:\200032-83GindurraSomersby\0-Civil\05-Builder\Drawings\04-C22\01-C22-01 TURNING PATHS.dwg DATE PLOTTED: 4 December 2020 4:17 PM BY: MANUELE MARIANO

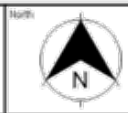


**TURN 2**  
SCALE 1:200  
12.5m RIGID VEHICLE ENTERING SITE  
AND  
12.5m RIGID VEHICLE EXITING SITE



**TURN 4**  
SCALE 1:200  
20.0m - SEM TRAILER

REV	DATE	DESCRIPTION	BY	CHK	APP
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5	1/09/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
4	1/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
3	10/1/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH
2	30/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	SKH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	SKH



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Enspire Solutions Pty Ltd  
205/275 Alfred Street St, North Sydney NSW 2060  
ABN: 71 624 801 890  
Phone: 02 9922 6135

Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION  
Title: TURNING PATH PLAN  
SHEET 02

Scale:	1:200
Date:	18/06/2020
Size:	A1
Drawn:	AHD

**FOR INFORMATION ONLY  
NOT TO BE USED FOR CONSTRUCTION**

Project Number/Drawing Number: 200032-DA-C22.02  
Revision: 6

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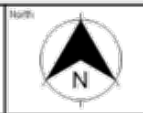




**TURN 5**  
SCALE 1:200  
20.0m WHEEL TROWLER

REV	DATE	DESCRIPTION	BY	CHK	APP
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5	1/09/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH/MCH
4	1/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH/MCH
3	0/07/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH/MCH
2	20/06/2020	RE ISSUED FOR DEVELOPMENT APPLICATION	MCH	MC	MCH/MCH
1	1/06/2020	ISSUED FOR DEVELOPMENT APPLICATION	CE	MC	MCH/MCH

Client



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 Enspire Solutions Pty Ltd  
 20/275 Alfred Street St, North Sydney NSW 2060  
 ABN: 71 824 801 880  
 Phone: 02 9922 6135

Project: 83 GINDURRA ROAD SOMERSBY, NSW DEVELOPMENT APPLICATION  
 Title: TURNING PATH PLAN  
 SHEET 03

Scale:	1:200
Date:	18/06/2020
Size:	A1
Drawn:	APD

<b>FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION</b>	
Project Number/Drawing Number	Revision
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83 Gindurra Rd, Somersby

Acoustic DA Assessment

Author	Fu Siong Hie, B.Eng, MAAS Principal Consultant
Document Reference:	SYD2020-1111-R001D
Date	18/12/2020
Comments:	Final

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## 1 Introduction

The following report has been prepared by Acouras Consultancy on behalf of Skylife to assess the potential for noise impact associated with the 83 Gindurra Rd, Somersby. The commercial development will include:

- Open carpark.
- Four (4) warehouse and office units.

The proposed development is located in a general light industrial zone (IN1) with surrounded by commercial and industrial buildings. The traffic noise along the Gindurra and Pacific Motorway (M1) contributes to the local ambient noise levels.

Potentially, the nearest affected receiver are the residents located:

- R1 – Residential dwelling at 242 Debenham Road, approximately 80m from the site.
- R2 – Residential dwelling at 252 Debenham Road, approximately 240m from the site.
- R3 - New residential dwelling at 260 Debenham Road, approximately 50m from the site.

The site location is shown in Figure 1.

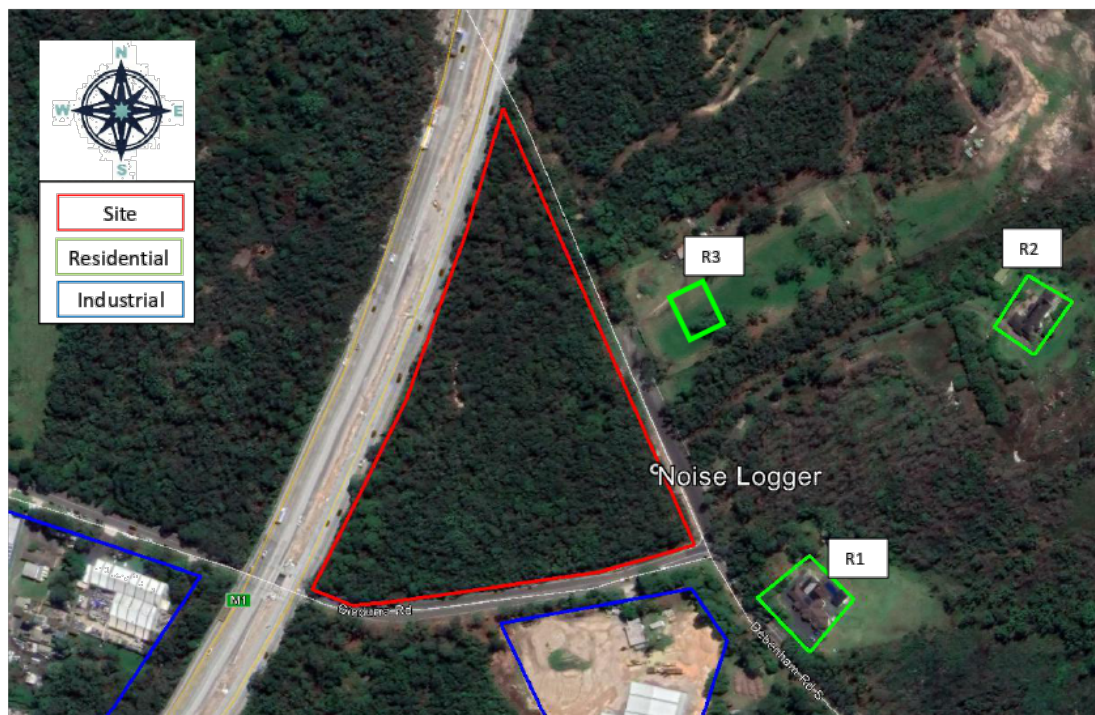


Figure 1 – Site Location and Noise Logger Position

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## 2 Noise Criteria

The following standards and guidelines are applicable to this project:

- Central Coast Council (DA No: 59244/2020) letter 8 September 2020.
- NSW EPA “Noise Policy for Industry” (NPfI) and “Road Noise Policy” (RNP).
- Australian standard AS/NZS 2107-2016: Acoustics – Recommended design sound levels and reverberation times for building interiors.
- Australian standard AS 1055.1-1997: Acoustics – Description and measurement of environmental noise - General procedures.

### 2.1 Internal Noise Levels

The AS/NZS 2107–2016 outlines the acceptable internal noise levels such that a satisfactory acoustic environment within non-residential spaces in new and existing buildings can be achieved. Table 1 presents the recommended internal design noise levels.

**Table 1— Recommended Internal Design Noise Levels (AS/NZS 2107)**

Type of occupancy/activity	Design sound level ( $L_{Aeq,t}$ ) range
General office areas (commercial)	40 to 45
Corridors & Lobbies	45 to 50
Toilets	45 to 55
Coffee shops	40 to 50
Warehouse (Packaging and delivery)	< 60
Enclosed Carparks	< 65

### 2.2 Central Coast Council Requirements

As requested in the Central Coast Council letter dated 8 September 2020, the following is the requirement for commercial development:

*An acoustic report to be prepared by a suitably qualified acoustic consultant that meets the technical eligibility criteria for membership with the Association of Australasian Acoustical Consultants. The report must be prepared in accordance with the NSW EPAs Noise Policy for Industry (2000).*

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### 2.3 Noise Survey and Project Specific Limits

An unattended noise survey was carried out at the site to measure the background and ambient noise levels. Noise monitoring was conducted between Thursday 17<sup>th</sup> to Wednesday 23<sup>rd</sup> September 2020. The monitor was positioned as shown in Figure 1. Measurements were conducted using the following equipment:

- SVAN 958A Type 1 Real time Analyser/Noise Logger. Serial No. 36625.
- SVAN SV30A Type 1 Sound Level Calibrator. Serial No. 31830.

Noise monitoring was conducted in general accordance with Australian standard AS 1055.1-1997: Acoustics-Description and measurement of environmental noise-General procedures. The noise analyser was calibrated immediately before and after measurements were taken with no discernible differences between these two recorded levels. The sound analyser is Type 1 and complies with Australian standard AS1259.2: 1990. During the monitoring period any adverse weather condition have been excluded. The noise logger results are presented in Appendix C.

#### 2.3.1 Project Noise Limits

In accordance with the procedures as set out in the NSW NPfI for commercial and industrial developments, Table 2 presents a summary of the measured background noise level and the allowable intrusive noise limit for this project. The amenity criteria for the residential properties are based on a rural receiver.

**Table 2—EPA NPfI Noise Limits for Commercial & Retail, dBA**

Receiver	Time Period	Existing Noise Levels		NSW EPA NPI			Project Noise Trigger Level Leq(15min)
		Leq (period)	RBL	Recommended ANL	Project ANL <sup>1</sup> Leq(15min)	Intrusiveness Criteria, Leq(15min)	
Residential	Day	55	46	50	48	51	48
	Evening	53	47	45	43	52	43
	Night	52	41	40	38	46	38
Commercial	When in use	-	-	65	-	-	65

During detailed design stage, the design and selection of the mechanical equipment required to service the proposed development will be required to achieve the EPA noise limits as presented in the table above.

<sup>1</sup> 2. Project ANL is recommended ANL minus 5 dB(A) and plus 3 dB(A), to convert from a period level to a 15-minute level.

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### 2.3.2 Sleep disturbance

To assess the potential of sleep disturbance, the EPA 'Noise Policy for Industry' applies the following criteria where premises night-time noise levels at a residential location exceed:

- $L_{Aeq,15min}$  40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- $L_{AFmax}$  52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

Other factors that may be important in assessing the extent of impacts on sleep include:

- how often high noise events will occur.
- the distribution of likely events across the night-time period and the existing ambient maximum events in the absence of the subject development.
- whether there are times of day when there is a clear change in the noise environment (such as during early-morning shoulder periods).
- current scientific literature available at the time of the assessment regarding the impact of maximum noise level events at night.

The  $L_{A1, (1 \text{ minute})}$  descriptor is meant to represent a maximum noise level measured under 'fast' time response. The EPA will accept analysis based on either  $L_{A1, (1 \text{ minute})}$  or  $L_{A, (Max)}$ . Table 2 presents the limits for sleep disturbance.

**Table 3 — Sleep Disturbance Limits, dBA**

Period	Night RBL	Sleep Disturbance Limits $L_{AFmax}$	Sleep Disturbance Limits $L_{Aeq,15min}$
Night (10pm-7am)	34	52	40



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### 2.3.3 Traffic Noise Generation

The development has the potential to generate increased traffic noise along Gindurra Road will be assessed in accordance with the NSW EPA Road Noise Policy (RNP). Table 4 sets out the assessment criteria for residences to be applied to particular types of project, road category and land use.

**Table 4— Road traffic noise assessment criteria for residential land uses**

Road Category	Type of project/land use	Assessment Criteria - dBA	
		Day (7am-10pm)	Night (10pm-7am)
Local roads	Existing residences affected by additional traffic on existing local roads generated by land use developments	L <sub>Aeq, (1 hour)</sub> 55 (external)	L <sub>Aeq, (1 hour)</sub> 50 (external)

For existing residences and other sensitive land uses affected by additional traffic on existing roads generated by land use developments, any increase in the total traffic noise level should be limited to 2 dB above that of the corresponding 'no build option'.



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### 3 Assessment and Recommendations

#### 3.1 Façade Glazing Requirements

Acoustic glazing for the industrial and commercial facility are given in Table 5 are required to reduce noise impact on the internal occupants and should result in noise levels in accordance the Australian Standards AS/NZS 2107:2016.

**Table 5 – Schedule of Window and Glazing ( $R_w$ )**

	Space	Glazing Thickness	Minimum $R_w$ (Glazing+Frame)
All	Industrial Warehouse	6.38mm laminated	30
	Commercial Office	6.38mm laminated	30

All other non-habitable spaces, such as bathrooms and laundries require minimum 6mm monolithic glass ( $R_w$  28). All Windows/doors should be well sealed (air tight) when closed with good acoustic seals around the top and bottom sliders. Mohair seals are not considered to be acoustic seals.

#### 3.2 Building Façade Construction

To provide sufficient acoustic attention of noise, the general external construction of the proposed building would need to be constructed as detailed in Table 6.

**Table 6 – External Façade Construction ( $R_w$ )**

Building Element	Proposed Construction	Minimum $R_w$
External Wall	Pre-cast Concrete or Masonry	45
Roof and ceiling	Warehouse: Colorbond roof with internal thermal insulation.	35
	Office: Colorbond roof with a suspended plasterboard cavity ceiling. Thermal insulation in ceiling cavity	45

#### 3.3 Mechanical Services

At the DA stage, the design and selection of mechanical equipment has not been finalised. Following the DA approval of the proposed development, during the Construction Certification Stage a detail assessment of all mechanical plant and equipment will be conducted to ensure compliance with the EPA noise criteria. Typical acoustic measures may include the construction of acoustic barriers, enclosures, attenuators and/or acoustic louvres.

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### 3.4 Industrial Activity Noise (Loading Dock)

The proposed commercial and warehouse facility is to be located in a new industrial zone. The nearest residential property are located to the east of the site as shown in Figure 1. Proposed operating times of the development are:

- Office facility: Monday to Saturday from 7am to 6pm.
- Warehouse and Loading Dock facility: Monday to Sunday, 24 hour operation.

As part of our assessment we have taken the following activities into consideration:

- Movement associated with employee and client vehicles entering/exiting the facility.
- Movement from semi-trailers entering/exiting the facility.
- Operation noise of the load/unloading in the loading docks.

The assessment of vehicle activity noise in the external playscape have been predicted based on the following parameters:

- Source is taken at an average height is taken a 1m from the ground level.
- Receiver taken location taken as 1.5m above ground.
- Calculations have been conducted based on ISO9613 using CadnaA (version 4.5.149).
- Typical sound pressure levels of vehicle noise are listed in Table 7 below and have been used for the calculations.

**Table 7 – Typical Noise Level of Vehicles, L<sub>max</sub> dBA**

Type	Sound Pressure Level Range
General passenger vehicle	67-88 @ 0.5m, L <sub>max</sub> dBA <sup>2</sup>
Semi-trailer (eg, Western Star or Kenworth)	80-101 @ 0.5m, L <sub>max</sub> dBA <sup>2</sup>
Forklift	78 @ 10m, L <sub>max</sub> dBA <sup>3</sup>

<sup>2</sup> Based on ADR83/00 external noise test.

<sup>3</sup> AS 2436-2010 Table A1

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- For the calculations we have assumed the following activities:
  - Daytime peak periods: there would be approximately a maximum of four (4) semis enter/existing during peak periods and potentially up to three (3) forklifts could operate simultaneously.
  - Evening & Night: Potentially up to three (3) forklifts could operate simultaneously. No heavy vehicles will enter/exit the site via Debenham Road.
- All trucks/semi-trailers would be loaded and unloaded on the hardstand of the warehouse. Forklifts would operate on the loading dock hardstand area, with the doors opened.
- Construction of an acoustic barrier 4.5m high as shown in Figure 2 and Figure 3.
- The acoustic barrier fence is to be constructed of a solid material, such as:
  - 75mm thick Hebel,
  - Concrete/masonry,
  - There are to be no gaps in the barriers.

**Table 8 – Predicted Cumulative Noise from Delivery and Loading Dock Activity**

Receiver	Predicted Receiver Noise Level, dBA			EPA Noise Limits		Complies (Y/N)
	Daytime $L_{eq15min}$	Evening & Night $L_{eq15min}$	Night $L_{AFmax}$	NPfI $L_{eq(15min)}$ (D/E/N)	Sleep Disturbance $L_{Aeq}/L_{AFmax}$	
R1	42	34	-	48/43/38	N/A	Y
R2	38	29	-	48/43/38	N/A	Y
R3	49	40	53	48/43/38	40/52	Y

Based on the predictions, during the day time and evening noise levels would comply with the EPA limits. During the night there is only a marginal exceedance by 1-2 dB which subjectively is no perceivable to the average listener.

Note, that this the cumulative noise levels during the worst-case scenario for all activities. The predicted noise levels are shown in Table 8 and noise model is presented in Figure 2 and Figure 3.

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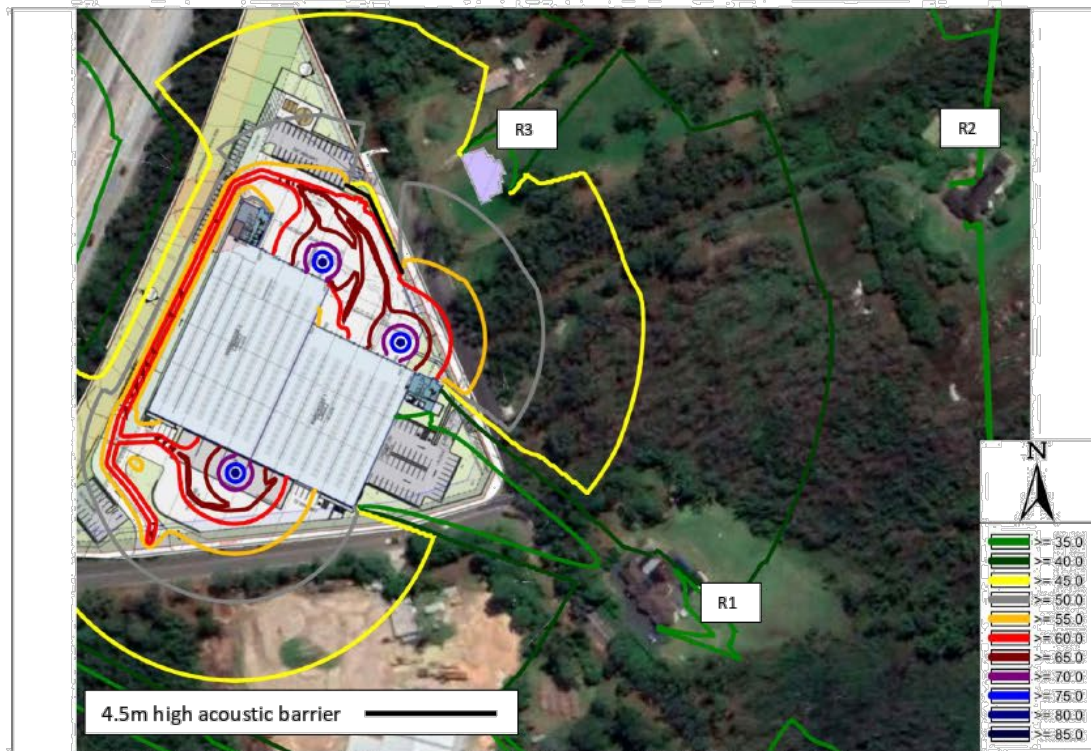


Figure 2 – Delivery Vehicle and Loading Dock Activity – Daytime Noise Model (Ground Level)

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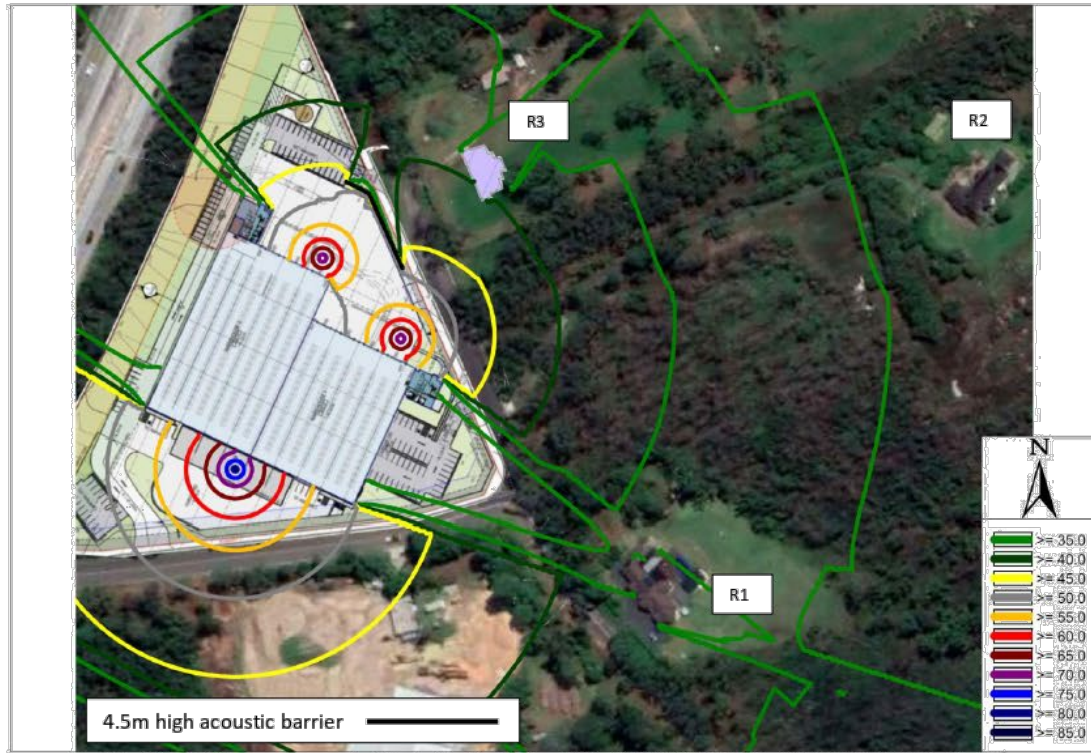


Figure 3 – Loading Dock Activity – Evening/Night-Time Noise Model (Ground Level)



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### 3.5 Assessment of Traffic Noise Generation

This section details a review of the expected increase in traffic noise generation from this new commercial facility. Based on the report prepared by SECA Solution (Reference: P1616, dated 29 July 2020), Section 4.1 of the report indicates the potentially peak hour traffic generation of 74 vehicles.

The traffic report states that a previous traffic survey conducted in 2017 of the existing traffic volumes along Gindurra Road (east), was 417 vehicles per hour during the morning peak and an estimated 549 vehicles per hour during the afternoon peak.

Based on the current traffic flows along Gindurra Road, the following Table 9 summaries the predicted change in traffic noise levels.

**Table 9: Predicted Change Traffic Noise Levels during Peak Periods**

Road	Period	Existing Peak Traffic Flow	Total Increase Peak Traffic Flow	Change in Traffic Noise, dBA
Gindurra Road	AM Peak	417	491	0.7
	PM Peak	549	623	0.5

The change in traffic noise levels are predicted to be less than 2dB and therefore comply with the EPA RNP guidelines.

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The logo for acouras CONSULTANCY, with 'acouras' in a blue, lowercase, sans-serif font and 'CONSULTANCY' in a smaller, blue, uppercase, sans-serif font below it.

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## 4 Conclusion

An acoustic assessment of the proposed development has been carried out in accordance with the requirements of Central Coast Council requirements, EPA noise policies and Australian Standards.

Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria and are detailed in Section 3.1 and Section 3.2 based on the impact of road traffic noise.

An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the EPA NPI. The limits are presented in Table 2. The potential operation noise impact for the use of the facility is detailed in Section 3.4. Based on our predictions, the operational activities would comply with therefore would comply with the EPA guidelines.

For this assessment, we have reviewed the traffic consultant's report detailing the potential increase in traffic volumes for the development. Based on our review and our predictions, it is highly unlikely that the traffic flow generated by the new development would increase the existing traffic noise by more 2dB and therefore would comply with the EPA RNP guideline.

Providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of Central Coast Council, the EPA noise policies and Australian Standards.

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## Appendix A – Acoustic Terminology

**Decibel, dB:** A dimensionless unit which denotes the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level in decibels is equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 micro Pascals.

**A-WEIGHTING:** A measure of sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. To describe sound in a manner representative of the human ear's response it is necessary to reduce the effects of the low and high frequencies with respect to medium frequencies. The resultant sound level is said to be A-weighted, and the units are in decibels (dBA). The A-weighted sound level is also called the noise level.

**Sound Pressure Level, L<sub>p</sub> (dB), of a sound:** 20 times the logarithm to the base 10 of the ratio of the r.m.s. sound pressure to the reference sound pressure of 20 micro Pascals. Sound pressure level is measured using a microphone and a sound level meter, and varies with distance from the source and the environment.

**Ambient Noise/Sound:** All noise level present in a given environment, usually being a composite of sounds from many sources far and near. Traffic, HVAC, masking sound or even low-level background music can contribute to ambient level of noise or sound.

**Percentile Level - L<sub>90</sub> , L<sub>10</sub> , etc:** A statistical measurement giving the sound pressure level which is exceeded for the given percentile of an observation period, e.g. L<sub>90</sub> is the level which is exceeded for 90% of a measurement period. L<sub>90</sub> is commonly referred to as the "background" sound level.

**Background Noise (L<sub>90</sub>):** The sum total of all unwanted residual noise generated from all direct and reflected sound sources in a space that can represent an interface to, or interfere with good listening and speech intelligibility.

**Rating Background Level – RBL:** Method for determining the existing background noise level which involves calculating the tenth percentile from the L<sub>A90</sub> measurements. This value gives the Assessment Background Noise Level (ABL). Rating Background Level is the median of the overall ABL.

**L<sub>AEQ,T</sub>:** Equivalent continuous A-weighted sound pressure level. The value of the A-weighted sound pressure level of a continuous steady sound that, within a measurement time interval T, has the same A-weighted sound energy as the actual time-varying sound.



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**Appendix B – Architectural Drawings**

This assessment was based on the following architectural drawings provided by SBA Architects.

<b>Drawing</b>	<b>Issue</b>	<b>Date</b>	<b>Description</b>
DA000	E	09.07.2020	Cover Page
DA001	E	09.07.2020	3D Views
DA201	H	09.07.2020	Site Plan Upper Level
DA202	H	09.07.2020	Site Plan Lower Level
DA203	C	09.07.2020	Roof Plan
DA301	E	09.07.2020	Elevations
DA305	E	09.07.2020	Sections

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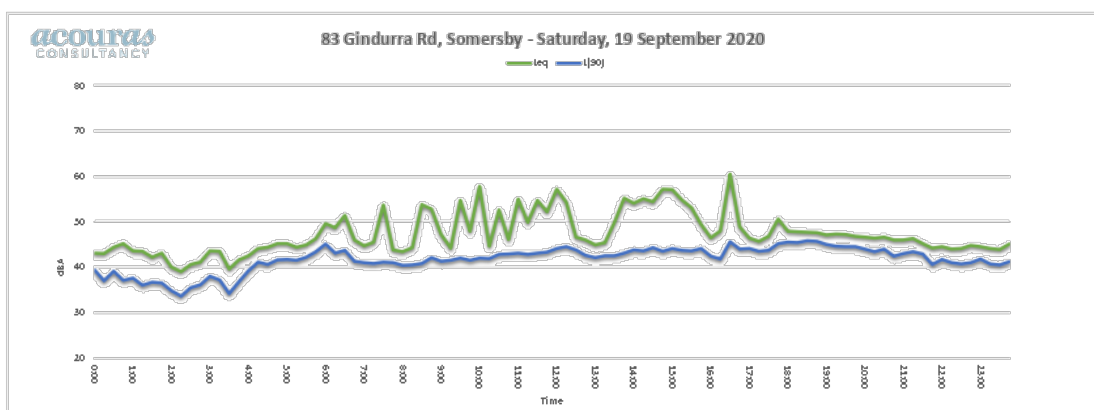
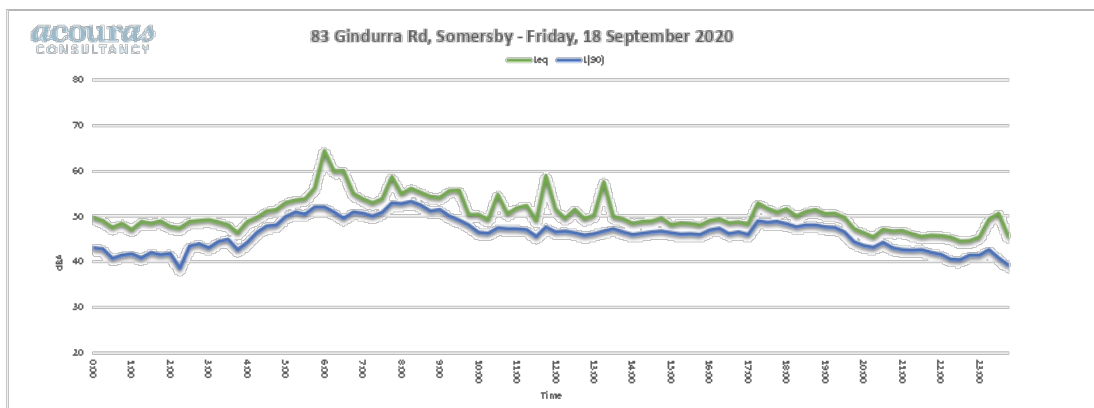
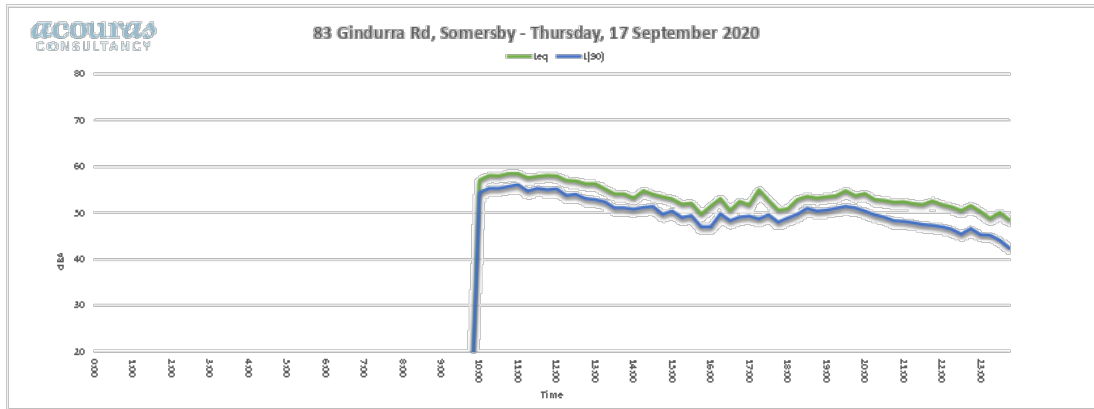


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SYD2020-1111-R001D

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### Appendix C – Noise Logger Results



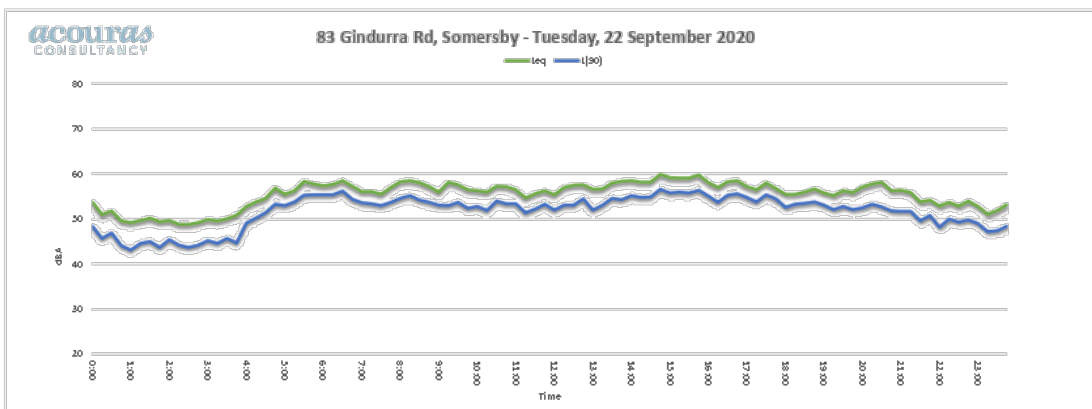
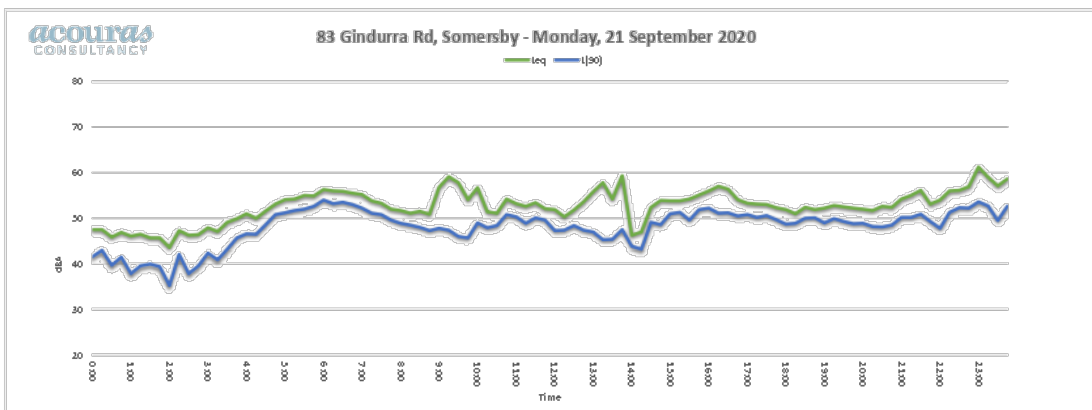
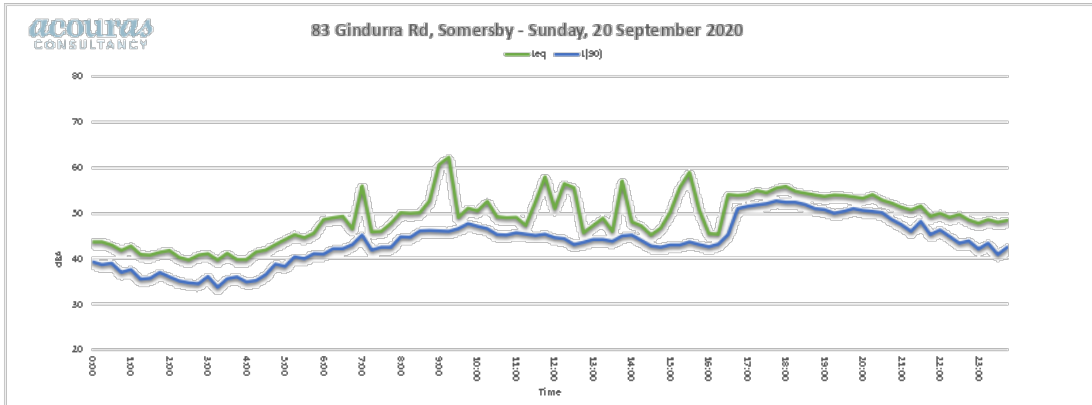
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83 GINDURRA RD, SOMERSBY - ACOUSTIC DA ASSESSMENT

SYD2020-1111-R001D



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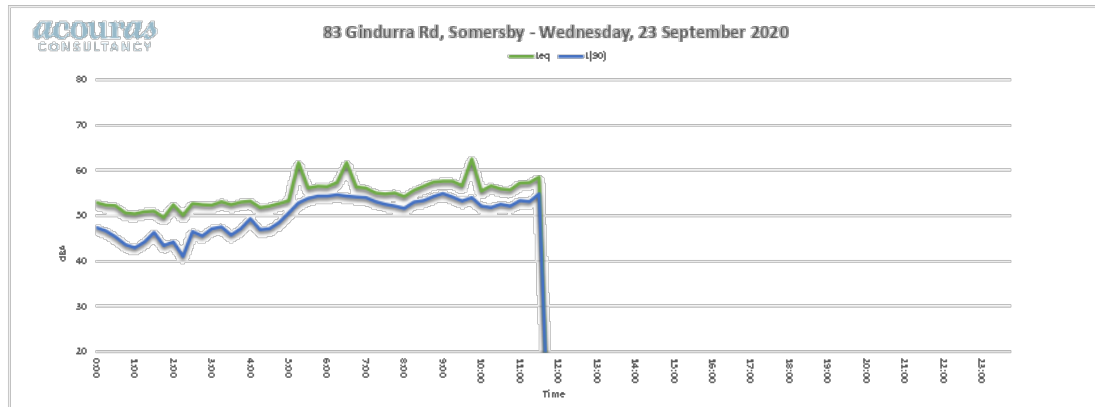
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18/12/2020





# Light Industrial Subdivision

Skylife

Traffic Impact Assessment

20 July 2020



83 Gindurra Road, Somersby

Development Application

Traffic Impact Assessment

Author: Sean Morgan

Client: Skylife

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Ground Floor, 161 Scott Street, Newcastle NSW 2300  
 Ph (02) 4032 7979  
[www.secasolution.com.au](http://www.secasolution.com.au)

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## 1. Introduction

### Background

Seca Solution Pty Ltd has been commissioned by Skylife to provide a traffic impact assessment to support the proposed light industrial development located at 83 Gindurra Road, Somersby NSW.

### Planning Context

In preparing this document, the following guides and publications are used:

- Guide to Traffic Generating Developments, Version 2.2 Dated October 2002;
- Technical Direction TDT 2013/ 04a Updated traffic surveys;
- Gosford Development Control Plan 2013;
- Australian / New Zealand Standard – Parking Facilities Part 1: Off-street car parking (AS2890.1:2004).

### Proposed Development

The subject site is located at 83 Gindurra Road, Somersby as shown to follow in Figure 1. The surrounding land use consists primarily of light industrial and rural residential properties.

The site is currently vacant, and the project allows for the construction of a new complex providing a number of light industrial units. Access will be provided off Gindurra Road and parking is provided across the site for staff and visitors.

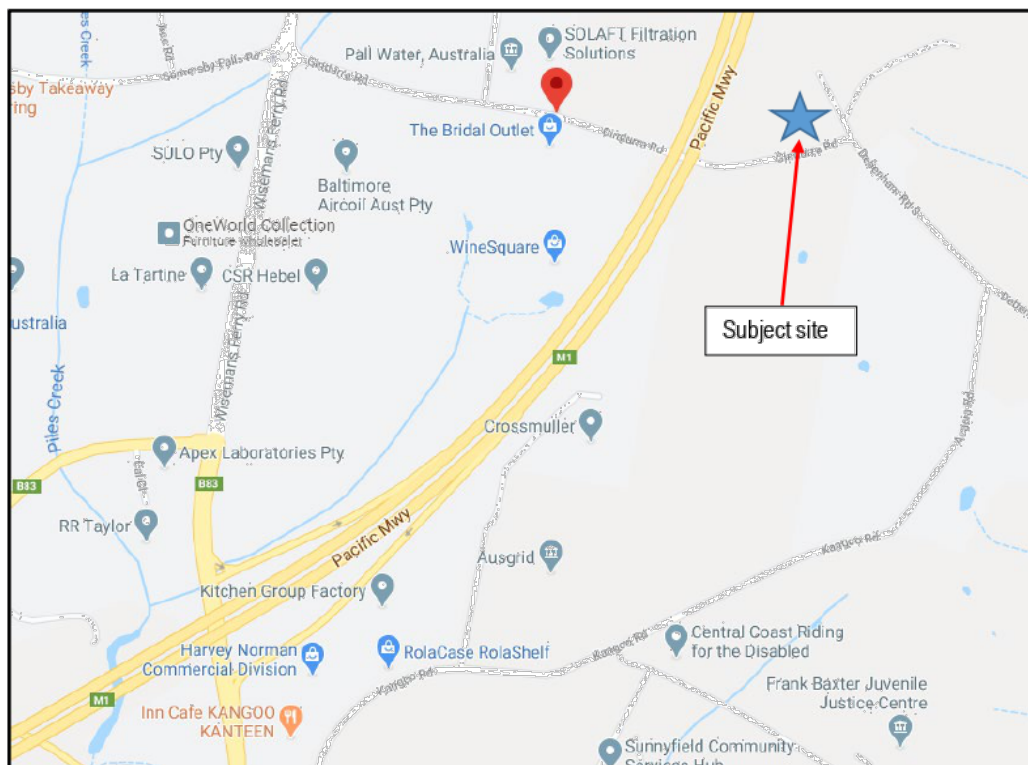


Figure 1 – Site Location



## 2. Traffic Impact Assessment Summary

The following assessment has been completed following the requirements of the Guide to Traffic Generating Developments and Austroads Guidelines.

Item	Comment
<b>Existing Situation</b>	
2.1 Site Location and Access	The subject site is located at 83 Gindurra Road Somersby. The surrounding land use consists primarily of light industrial and rural residential properties.
2.2 Existing Road Network	
2.2.1 Road Hierarchy	<p>The main road through the locality is the <b>Central Coast Highway (A49)</b> which lies to the south of the subject site. This road provides a major link between the M1 Pacific Motorway to Gosford and through to the Central Coast. In the vicinity of the subject site it provides 2 lanes of travel in each direction with additional lanes provided at intersections to maintain capacity. Being an arterial road, the Central Coast Highway carries over 40,000 vehicles per day.</p> <p><b>Wisemans Ferry Road</b> is a regional road connecting the Central Coast Highway with the Pacific Highway, Somersby Industrial Area and the rural residential and agricultural areas of the Somersby plateau, Mangrove Mountain, Mangrove Creek and through to Wisemans Ferry on the Hawkesbury River. At its southern end Wisemans Ferry Road connects with the Central Coast Highway via a signalised intersection at the start of the southbound on ramp to the M1 Pacific Motorway. Between the Central Coast Highway and the Pacific Highway, it passes under the M1 and connects with the southbound off ramp and the northbound on ramp. This section has a four-lane divided formation and the Pacific Highway intersection is a two-lane roundabout. North of the Pacific Highway the formation becomes two-lane divided standard up to the Gindurra Road / Somersby Falls Road intersection which is also under roundabout control. North of this intersection Wisemans Ferry Road reverts to a two-lane rural road formation. The whole section between the Central Coast Highway and Gindurra Road is designed to cater for heavy vehicles accessing the businesses within the Somersby Industrial Area. The posted speed limit is 70km/h.</p> <p><b>Gindurra Road</b> is a local road providing access to businesses within the eastern section of the Somersby Industrial Area including the subject site. At its eastern end it connects with Debenham Road South which provides access to primarily rural residential properties and a few scattered light industrial developments as well as providing an alternative light traffic connection with Dyer Crescent at West Gosford. Gindurra Road was upgraded in previous years to provide a 10-metre-wide asphalt pavement to cater for heavy vehicle access to the industrial developments in this area. This pavement width provides a single lane of travel in each direction with sufficient space for kerb side parking to both sides, however there is little demand for on-street parking. There are no pedestrian footpaths provided along Gindurra Road, although the grass verges on each side are wide enough to provide for pedestrian access. The posted speed limit is 50 km/hr. 90 Gindurra Road has been approved to use B-Doubles to access the site via the Somersby Industrial area. This approval has been granted by the National Heavy Vehicle Regulator (NHVR).</p> <p><b>Kangoo Road</b> is a local road that provides a connection between the Central Coast Highway and Debenham Road. It lies generally to the south-east of Gindurra Road and connects with Debenham Road about 330 metres south of Gindurra Road. It provides access primarily to light industrial businesses as well as Mount Penang Parklands and several rural residential properties. It also forms the southern boundary of the subject site,</p>

Item	Comment
	<p>however, there is no existing access to the site from Kangoo Road. About 450 metres before it connects with Debenham Road the road name changes to Acacia Road. For a length of 1km from the Central Coast Highway, Kangoo Road has kerb and gutter along its eastern side and a pavement that varies between 9 to 10 metres wide, which is suitable for heavy vehicles servicing the adjacent industrial developments. Past this point and along the frontage of the subject site to Debenham Road, Kangoo Road narrows to a typical two-lane rural road standard with a pavement width of 6 metres and narrow gravel shoulders. The posted speed limit is 50km/h.</p> <p>The section of <b>Debenham Road</b> between Gindurra Road and Acacia Road (Kangoo Road) is a two-lane rural road with a 7-metre-wide sealed pavement and narrow gravel shoulders. The posted speed limit is 50km/h.</p>
2.2.2 Roadworks	<p>There are no significant roadworks occurring or planned in the locality other than general road maintenance and resurfacing undertaken by Council.</p> <p>The M1 Motorway has been upgraded by TfNSW to increase the number of travel lanes and improve the capacity. This upgrade has also allowed for improved capacity at the intersection of the M1 Motorway and the Central Coast Highway.</p>
2.2.3 Traffic Management Works	No traffic management works noted or planned for this area.
2.2.4 Pedestrian and Cycling Facilities	Pedestrian and cycling facilities are provided along the Central Coast Highway and a short section of Wisemans Ferry Road in the form of shared paths and on-road cycle lanes. There is no direct connection between these facilities and the subject site.
2.2.5 Public Transport	There is a regular bus service between Gosford and Somersby by Busways with the route including Central Coast Highway, Kangoo Road, Debenham Road, Gindurra Road, Somersby Falls Road and Pile Road.
2.3 Existing Traffic Flows	
2.3.1 Daily Traffic Flows	<p>Seca Solution have previously collected traffic data at the intersection of <b>Central Coast Highway and Kangoo Road</b> during typical weekday morning and afternoon peak periods. This survey was completed on Thursday 30 November 2017 from 6.00am to 8.00am and from 3.00pm to 6.00pm, with the peak hours determined as 7.00am to 8.00am and 4.45pm to 5.45pm (<b>Appendix D</b>).</p> <p>Peak hour volumes typically represent around 10% of the daily traffic volumes. During the morning peak hour, the two-way traffic volumes along Central Coast Highway (west of Kangoo Road) were in the order of 3,900 vehicles per hour whilst in the afternoon peak volumes were 4,300 vehicles per hour. Daily volumes could therefore be in the order of 41,000 vehicles per day, reflecting both local demand as well as through traffic in this location.</p> <p>Peak hour volumes along Kangoo Road were significantly lower with two-way volumes averaging 340 vehicles per hour. This would give daily flows in the order of 3,500 vehicles per day.</p> <p>Traffic surveys were also conducted at the intersection of <b>Central Coast Highway and Wisemans Ferry Road</b> on Thursday 7 December 2017 from 6.00am to 8.00am and 4.00pm to 6.00pm, with the peak hours determined as 6.15am to 7.15am and 5.00pm to 6.00pm (<b>Appendix D</b>).</p>



Item	Comment
	<p>During the morning peak hour, the two-way traffic volumes along Wisemans Ferry Road were 1,000 vehicles per hour whilst in the afternoon peak volumes were in the order of 1,300 vehicles per hour. Daily volumes could therefore be in the order of 11,500 vehicles per day. Traffic flows along the Central Coast Highway were lower in this location.</p> <p>Traffic surveys were previously conducted at the <b>Wisemans Ferry Road / Gindurra Road</b> intersection in December 2015. During the morning peak hour (6.15am to 7.15am) the two-way traffic volumes along Wisemans Ferry Road (south) were 427 vehicles per hour and in the afternoon peak (3.30pm to 4.30pm) volumes were 545 vehicles per hour (average 486). Daily volumes along Wisemans Ferry Road in this location could therefore be in the order of 4,900 vehicles per day.</p> <p>Peak hour volumes along Gindurra Road (east) were slightly lower with two-way volumes of 329 vehicles per hour in the AM and 433 vehicles per hour in the PM (average 381). This would give daily flows in the order of 3,800 vehicles per day.</p> <p>A survey of traffic volumes was conducted at the Wisemans Ferry Road / Gindurra Road intersection on Thursday 23 November 2017 during the AM peak period. During the morning peak hour, the two-way traffic volumes along Wisemans Ferry Road (south) were 490 vehicles per hour. The 2015 data found afternoon flows were 27.6% higher than morning flows. On this basis, afternoon flows in 2017 would be in the order of 625 vehicles. This would give daily flows in the order of 5,600 vehicles per day.</p> <p>During the morning the two-way peak hour volumes along Gindurra Road (east) were 417 vehicles per hour. The 2015 data found afternoon flows were 31.6% higher than morning flows. On this basis, afternoon flows in 2017 would be in the order of 549 vehicles. This would give daily flows in the order of 4,800 vehicles per day.</p>
2.3.2 Daily Traffic Flow Distribution	The traffic surveys conducted for this assessment indicate that there is a priority movement of 65% total traffic towards the M1 Motorway in the AM Peak and the reverse in the PM Peak.
2.3.3 Vehicle Speeds	No speed surveys were completed as part of the study work. Observations on site indicate that vehicle speeds along Gindurra Road are generally above the 50km/h posted speed limit, however the speed is reduced due to drivers having to navigate around the intersection of Gindurra Road and Debenhams Road South.
2.3.4 Existing Site Flows	The existing site is vacant and therefore does not generate any traffic flows.
2.3.5 Heavy Vehicle Flows	During the peak hour traffic surveys, heavy vehicle volumes accounted for around 16% of total volumes in Wisemans Ferry Road and 10% in Gindurra Road. This equates to around 800 heavy vehicle movements per day on Wisemans Ferry Road and 400 per day on Gindurra Road. This is reflective of the industrial units and factories in this location within the Somersby Industrial area.
2.3.6 Current Road Network Operation	<p>Observations on site during the morning and afternoon peak periods show that the road network in the vicinity of the subject site operates well, with low delays and congestion for drivers.</p> <p>The RMS Guide to Traffic Generating Developments, Section 4 (Table 4.4) provides guidance as to the operating level of service for urban roads at various ranges of mid-block traffic volumes.</p>



Item	Comment
	<p>According to Table 4.4, the roads surrounding the subject site are currently operating at the following levels of service during peak periods:</p> <ul style="list-style-type: none"> <li>• Wisemans Ferry Road (2017 AM-surveyed): 1 lane each direction, 273vph – LoS B.</li> <li>• Wisemans Ferry Road (2017 PM-adjusted): 1 lane each direction, 431vph – LoS C.</li> <li>• Gindurra Road (2017 AM-surveyed): 1 lane each direction, 249vph – LoS B.</li> <li>• Gindurra Road (2017 PM-adjusted): 1 lane each direction, 299vph – LoS B.</li> <li>• Kangoo Road (2017 AM): 1 lane each direction, 228 vehicles per hour – LoS B.</li> <li>• Kangoo Road (2017 PM): 1 lane each direction, 215 vehicles per hour – LoS B.</li> </ul>
2.4 Traffic Safety and Crash History	<p>Crash data provided by Roads and Maritime Services show that there have been 38 recorded crashes along the roads within the study area since January 2012. 29 of these crashes occurred along the Central Coast Highway between Kangoo Road and Wisemans Ferry Road, 5 were at the intersections of Wisemans Ferry Road and the M1 Motorway ramps, 2 were on Wisemans Ferry Road between the Pacific Highway and Gindurra Road, one on Kangoo Road 200 metres north of the Central Coast Highway and one was at the Acacia Road / Debenham Road intersection. Almost half of the crashes were rear-end crashes associated with queueing along the Central Coast Highway.</p> <p>None of these crashes resulted in a fatality, however, 21 were injury crashes with the remaining 17 being non-injury crashes.</p> <p>The crash rate along the Central Coast Highway averages at just under 5 per year over the last 6 years of recorded data which indicates a reasonably high level of safety considering the high volume of traffic travelling along this route each day. The other roads in the study area, particularly Wisemans Ferry Road, Gindurra Road and Kangoo Road are operating at a high level of safety and it is important to note that there have been no recorded crashes in the vicinity of the subject site.</p>
2.5 Parking Supply and Demand	
2.5.1 On-street Parking Provision	Unrestricted on-street parking is available along both sides of Gindurra Road near the site.
2.5.3 Parking Demand and Utilisation	There is no parking demand in the immediate vicinity of the subject.
2.5.4 Set down or pick up areas	There are no dedicated set down or pick up areas near the site.
2.6 Public Transport	
2.6.1 Rail Station Locations	The closest railway station is located at Gosford some 6kms from the site.
2.6.2 Bus Stops and Associated Facilities	Local bus services are available from a bus stop in Gindurra Road about 500 metres to the south of the site.
2.6.3 Pedestrians	There are no footpaths along Gindurra Road, but pedestrian access is available via a wide grass verge along the southern side of the road.
2.7 Other Proposed Developments	There is limited potential for further developments within the Somersby Industrial area but primarily to the west of Wisemans Ferry Road. Any future developments in this area will contribute traffic to the Wisemans Ferry Road / Somersby Falls Road / Gindurra Road intersection but will have only a minor impact on the operation of the subject site.





Item	Comment
	The site opposite the subject site has been approved for receiving, processing and storage of up to 200,000 tonnes per annum of soil, sand and building supplies. The building work for this site are complete and the site is operational.
<b>The Development</b>	
3.1.1 Nature of Development	The development allows for the development of the land for light industrial use, with 4 new warehouses to be provided with associated offices. There will be 125 parking spaces on site with access off both Gindurra Road and Debenham Road South.
3.1.2 Access and Circulation Requirements	All vehicles shall be able to enter and exit in a forward direction. Access and internal circulation are to be designed in accordance with AS2890 and Council's DCP.
3.2 Access	
3.2.1 Driveway Location	<p>The site is not level and the difference in level across the site has required access to be split between the two road frontages. Vehicular access will be provided off Gindurra Road, with a new driveway located towards the north-western corner of the site that will allow for all vehicles to enter including heavy vehicles. On Debenham Road South there are 3 access points, with two separate driveways providing access to car parking areas only. The central access allows for trucks to enter and exit the site.</p> <p>The driveway location on Gindurra Road has been determined after discussion with Council and takes into account the proposed access upgrade works associated with the development of 90 Gindurra Road opposite the subject site.</p>
3.2.2 Sight Distances	<p>The posted speed limit along Gindurra Road is 50 km/h. Based on Austroads Guide to Road Design, the sight distance requirement is 69 metres. The site access on Gindurra Road allows for this sightline, with the vegetation to be trimmed within the site to allow for this as well as some earthworks within the site to ensure that the visibility is available to the right for a driver exiting the site. Visibility to the left is available through to the 90 degree bend, which reduces vehicle speeds to below 50 km/h.</p> <p>Sight distances are below the 69 metres on the frontage to Debenham Road South, but this road is a dead end and only provides access to the subject site and another property and as such the traffic flows and speeds are very low. As such it is considered that the sight lines available will allow for safe entry and exit movements to the site.</p>
3.2.3 Service Vehicle Access	Service vehicle access will be available via the main entry / exit off Gindurra Road and via Debenham Road South.
3.2.4 Queuing at entrance to site	<p>The internal layout of the site allows for ease of vehicle movements and will not impact upon vehicles entering the site. As such there will be no queues expected at the site entry points.</p> <p>Any delays for exiting traffic will be contained on site and not impact upon external traffic movements.</p>
3.2.5 Comparison with existing site access	No existing access to site.
3.2.6 Access to Public Transport	Local bus services are available from a bus stop in Gindurra Road about 500 metres to the south of the site. This service connects with Gosford railway station.

Item	Comment
3.3 Circulation	
3.3.1 <i>Pattern of circulation</i>	<p>All vehicles will be able to enter and exit the site in a forward direction, with the internal parking layout to be designed at the detailed design stage of the development in accordance with Council requirements and AS/NZS 2890.1:2004 Parking facilities Off-street Parking.</p> <p>The internal roads will allow heavy vehicles to circulate within the site to load or unload and exit onto Debenham Road South from the upper level and for a heavy rigid truck to exit direct onto Gindurra Road. Light vehicles will be able to enter and exit via the 3 separate driveways in a forward direction.</p> <p>Swept paths have been prepared to confirm the ability of large trucks to enter and exit the site, including semi-trailers to the development with access via Debenham Road South.</p>
3.3.2 <i>Road width</i>	The accesses, internal roads and parking aisles have been designed in accordance with AS/NZS 2890.1:2004 Parking facilities, Part 1: Off-street car parking and AS 2890.2:2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.
3.3.3 <i>Internal Bus Movements</i>	There will be no internal bus movement associated with this development.
3.3.4 <i>Service Area Layout</i>	Service vehicle access will be available via Gindurra Road or Debenham Road South, depending upon the warehouse being accessed.
3.4 Parking	
3.4.1 <i>Proposed Supply</i>	<p>It is proposed to provide 125 parking spaces on site, which will accommodate the parking demands for employees.</p> <p>No dedicated parking area for heavy vehicles is required, with these vehicles able to park in front of the various warehouse units as required for direct access.</p>
3.4.2 <i>Authority Parking</i>	<p>Under the Gosford DCP the parking requirement is given as</p> <ul style="list-style-type: none"> <li>• 1 space per 300m<sup>2</sup> for the warehouse element and</li> <li>• 1 space per 40m<sup>2</sup> for the office space.</li> </ul>
3.4.3 <i>Parking Layout</i>	<p>The parking layout shall be designed in accordance with AS/NZS 2890.1:2004 Parking facilities Off-street car parking.</p> <p>Parking Class: 1A (employee parking).</p> <ul style="list-style-type: none"> <li>• Bay lengths: 5.4 metres</li> <li>• Bay widths: 2.4 metres</li> <li>• Aisle widths: 5.8 metres (note extra clearance may be required where parking is provided on a single side only and the other side is bounded by a wall or other vertical obstruction).</li> </ul> <p>For the project site the aisle widths have been increased to accommodate the swept path requirements for the trucks circulating through the site and have been checked with Autoturn simulation to ensure the space available is adequate.</p>
3.4.4 <i>Parking Demand</i>	<p>Total warehouse floor area – 10,140 m<sup>2</sup> giving a requirement for 34 parking spaces.</p> <p>Total office space – 1,160 m<sup>2</sup> giving a requirement for 29 parking spaces</p> <p>Hence total parking requirement under the DCP is 63 spaces.</p>



Item	Comment
	The site allows for 125 parking spaces to be provided, to ensure that future tenant parking demands are met on site.
3.4.5 Service Vehicle Parking	Service vehicle parking will be provided on site adjacent to the various buildings as required.
3.4.6 Pedestrian and Bicycle Facilities	Internal pedestrian access will be managed on site as part of the on-site traffic management plans. No external pedestrian traffic demands are expected, given the location of the site and lack of pedestrian paths in this location. Cyclists can be accommodated on site and parking can be accommodated within the individual warehouse buildings as required.
<b>Traffic Assessment</b>	
4.1 Traffic Generation	<p>The Guide to Traffic Generating Developments provides the following rates for the project:</p> <ul style="list-style-type: none"> <li>• 2 trips per 100 m<sup>2</sup> for office space</li> <li>• 0.5 trips per 100 m<sup>2</sup> for warehouse</li> </ul> <p>For the 10,140 m<sup>2</sup> of warehouse this provides a generation value of 51 vehicles and for the 1,160 m<sup>2</sup> of office gives 23 trips. This gives total peak hour flows of 74 vehicles.</p> <p>Daily flows are given as</p> <ul style="list-style-type: none"> <li>• 4 per 100m<sup>2</sup> for the warehouse and</li> <li>• 10 per 100m<sup>2</sup> for the office space.</li> </ul> <p>This would give 405 per day for the warehouse element and 116 for the offices.</p>
4.1.1 Daily and Seasonal Factors	The facility shall operate 6 days per week (Monday – Saturday). Limited annual variation is expected except for holiday periods.
4.1.2 Pedestrian Movements	The development is not expected to generate external pedestrian activity.
4.2 Traffic Distribution and Assignments	All heavy vehicles will approach and depart the site from the west of the site via the roundabout controlled intersection of Gindurra Road and Wisemans Ferry Road. For light vehicles, the majority would approach / depart from the west with some local traffic from Gosford using Kangoo Road and Debenham Road South. It is considered that 30% of the light traffic would use Kangoo Road with the balance arriving from the west via the roundabout on Wisemans Ferry Road.
4.2.1 Origin / destinations assignment	
4.3 Impact on Road Safety	<p>The major impact of the development will be increased traffic movements along Gindurra Road and Wisemans Ferry Road.</p> <p>Due to the low volumes of additional traffic that will be generated from this development and the low incidence of crashes it is considered that the additional traffic movements at this intersection will have a minimal impact upon road safety.</p> <p>The site access on Gindurra Road will allow for safe entry and exit movements, with adequate sightlines available for driver exiting the site at this location. The access points on Debenham Road South allow for safe traffic movements, with the truck and light vehicle</p>

Item	Comment
	<p>access points separated. The existing flows on this section of the road are negligible and this road has been upgraded by Council to current design standards.</p> <p>The traffic exiting the site via Debenham Road South connect to Gindurra Road at the 90 degree bend, where vehicle speeds are low. The side road is on the outside of the curve, ensuring that good visibility is available in both directions for traffic exiting Debenham Road South.</p> <p>The major impact would be at the roundabout controlled intersection of Gindurra Road and Wisemans Ferry Road – this roundabout is well laid out with good visibility on all approaches. The accident data provided by TfNSW shows that there are a low number of accidents at this location. It is considered that the additional traffic movements associated with the project will have a minor impact upon the overall operation of this roundabout and as such does not create any safety concerns.</p>
4.4 Impact of Generated Traffic	
4.4.1 Impact on the capacity of the existing road network.	<p>Current daily traffic volumes in the other major roads in the network area:</p> <ul style="list-style-type: none"> <li>• Wisemans Ferry Road (south of Gindurra Road) - 5,600 vehicles per day.</li> <li>• Gindurra Road (east of Wisemans Ferry Road) – 4,800 vehicles per day.</li> <li>• Kangoo Road (north of Central Coast Highway) - 3,500 vehicles per day.</li> </ul> <p>The RMS Guide to Traffic Generating Developments, Section 4 (Table 4.4) provides guidance as to the operating level of service for urban roads at various ranges of mid-block traffic volumes. According to Table 4.4. Allowing for the Level of Service detailed above in Sec 2.3.6 the additional 74 trips per hour that will be generated by the full development in the peak periods will have only a minor impact, with no change to the existing LoS of these roads which can continue to operate within their existing capacity.</p>
4.4.2 Peak Hour Impacts on Intersections	The key intersections have been assessed below in Section 4 using Sidra intersection modelling.
4.4.3 Impact of Construction Traffic	<p>Most of the construction work will be contained within the site so minimal impact is expected upon the external road network. There will be a requirement for construction machinery including earth moving machinery and traffic associated with workers to access the site. A Traffic Management Plan will be required for work on site and to provide access controls. This will be completed as part of the design process by the contractor on site.</p> <p>During the construction of the site access there will be a need to manage traffic flows along Gindurra Road. The Traffic Control Plan for this work will be prepared as part of the detailed design/construction certificate stage of the project.</p>
4.4.4 Other Developments	There are no other sites in the area currently being developed that will affect this site. The site opposite has been approved for expansion and the main building has been built. This site will generate truck movements associated with waste material and the site access is to be upgraded to allow the right turn into the site. The design of the access to the subject site has been discussed with Council and the location of the entry on Gindurra Road has been determined to minimise the interaction with the site opposite.
4.5 Public Transport	
4.5.1 Options for improving services	Current bus services in the area are adequate.



Item	Comment
4.5.2 <i>Pedestrian Access to Bus Stops</i>	This proposal will not impact on pedestrian access to bus services.
<b>4.6 Recommended Works</b>	
4.6.1 <i>Improvements to Access and Circulation</i>	The access to the site and internal roads will be designed for the safe and efficient movement of all vehicles entering and exiting the site.
4.6.2 <i>Improvements to External Road Network</i>	Road works associated with the site opposite the subject (at 90 Gindurra Road) is shown in <b>Appendix B</b> .  No further upgrades are required as part of this development.
4.6.3 <i>Improvements to Pedestrian and Cyclist Facilities</i>	No improvements required as the existing facilities are adequate.
4.6.4 <i>Effect of Recommended Works on Adjacent Developments</i>	No impact on adjacent development.
4.6.5 <i>Effect of Recommended Works on Public Transport Services</i>	Nil
4.6.6 <i>Provision of LATM Measures</i>	None required
4.6.7 <i>Funding</i>	All recommended works shall be funded by the developer.



### 3. Site Photos



Photo 1 Gindurra Road, with site access to right hand side of the photo



Photo 2 View looking west along Gindurra Road, with site on right hand side





Photo 3 – View to right for driver exiting Debenham Road South onto Gindurra Road.



Figure 2 – Sight line for drivers exiting Debenham Road South onto Gindurra Road (source: Nearmap)

#### 4. Sidra Assessment

The intersections at Central Coast Highway / Wisemans Ferry Road and Wisemans Ferry Road / Gindurra Road have been modelled using Sidra Intersection 8 software to assess their existing operational performance during the morning and afternoon peak. The results of the modelling are shown below (AM/PM).

Intersection		Level of Service	Average Delay (s)	95% Queue (m)
<b>Central Coast Hwy / Wisemans Ferry Rd</b>				
Central Coast Hwy (westbound)	Through	B / A	17.7 / 14.2	302.5 / 65.3
	Right Turn	E / E	64.4 / 58.6	97.9 / 152.6
Wisemans Ferry Road	Right Turn	F / E	72.3 / 70.2	48.8 / 20.2
Central Coast Hwy (eastbound)	Through	A / B	10.1 / 23.6	53.8 / 313.0
<b>Overall</b>		B / C	26.4 / 31.6	302.5 / 313.0

Intersection		Level of Service	Average Delay (s)	95% Queue (m)
<b>Wisemans Ferry Rd / Gindurra Rd</b>				
Wisemans Ferry Road (northbound)	Right Turn	A / A	10.0 / 9.8	11.1 / 9.9
Gindurra Road	Right Turn	A / A	9.6 / 10.4	9.6 / 12.5
Wisemans Ferry Road (southbound)	Right Turn	A / A	10.4 / 11.7	4.0 / 7.2
Somersby Falls Road	Right Turn	A / A	11.2 / 10.6	3.1 / 8.2
<b>Overall</b>		A / A	6.3 / 6.7	11.1 / 12.5

Note: PM flows from the 2015 survey data were factored up for each movement consistent with the observed increase in the 2015 – 2017 AM movements, to achieve 2017 PM volumes.

The results indicate that, overall, these intersections are currently operating at a satisfactory level of service, particularly the roundabout at Wisemans Ferry Road / Gindurra Road. Some of the movements at the Central Coast Highway intersection are experiencing low levels of service but these are the minor movements turning right to and from Wisemans Ferry Road. However, the queue lengths are acceptable and do not exceed the available lengths of the right turn lanes.

Furthermore, the major through movements on the Central Coast Highway are operating at LoS A or B and the queue lengths do not block adjacent intersections as there is at least 500 metre separation between Woy Woy Road, Kangoo Road and Wisemans Ferry Road. It is considered that the additional traffic movements associated with the project will have a minor impact upon the operation of this intersection, with the majority of traffic using Wisemans Ferry Road to access the site. All heavy vehicles will access the site via Wisemans Ferry Road.

The intersection of Wisemans Ferry Road / Gindurra Road / Somersby Falls Road currently operates well within the acceptable levels of service and has sufficient spare capacity to cater for the additional 52 trips per hour in the peak hours generated by the development through this roundabout.



## 5. Summary and Conclusion

The project allows for the on-going light and heavy industrial development in the Somersby area and will connect through the existing road network for the industrial area. The project allows for access direct to Gindurra Road as well as separate access on Debenham Road South. The access points ensure that all vehicles can enter and exit the site in a forward direction, with heavy and light vehicle movements separated on Debenham Road South to maximise road safety. The access arrangement for the site have been discussed with Council and ensure that there is minimal interaction with the site opposite (90 Gindurra Road) which has heavy vehicle movements turning right in and left out.

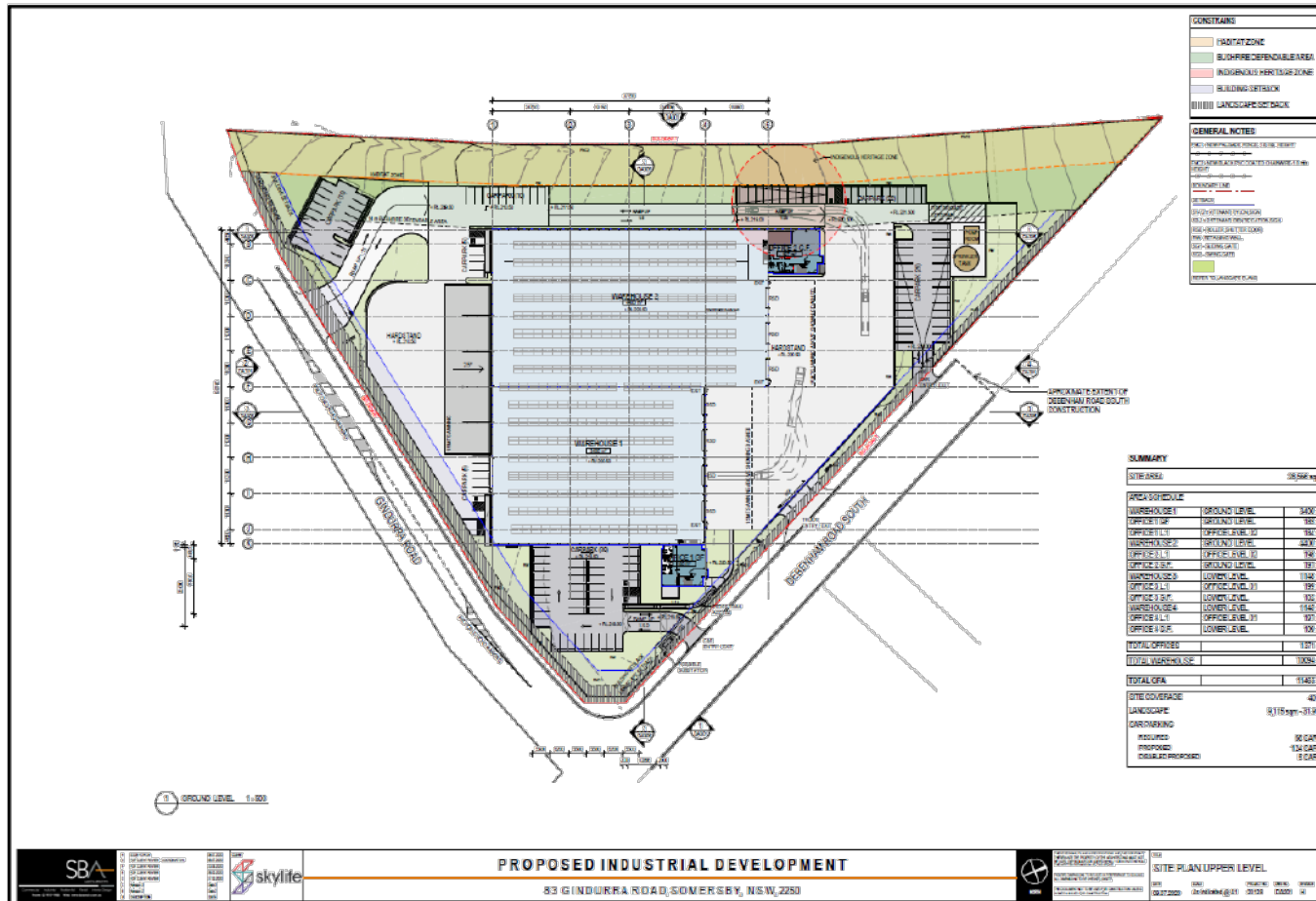
The parking for the site has been assessed against the requirements of the Council DCP and exceed the requirements, ensuring that all staff and visitors can park on site with no external parking impacts. The site allows delivery trucks to park immediately outside the individual warehouse units for ease of loading / unloading as well as for servicing needs.

The additional traffic movements associated with the project have been assessed using standard rates from the Guide to Traffic Generating Developments and determined to be in the order of 74 trips in the peak hours. All heavy vehicles will access the site from the west via the roundabout on Wisemans Ferry Road and this roundabout operation has been assessed with Sidra. This roundabout currently works well with minimal delays and congestion. The additional traffic movements associated with the project shall have a minor impact upon the operation of this roundabout. The signal-controlled intersection of the Central Coast Highway and Kangoo Road suffers from some delays for the right turns, however it is considered that the traffic associated with the project shall not impact on the right turn out and only 30% of the light traffic will use the right turn in at this location. Overall, this intersection will continue to operate to an acceptable level of service.

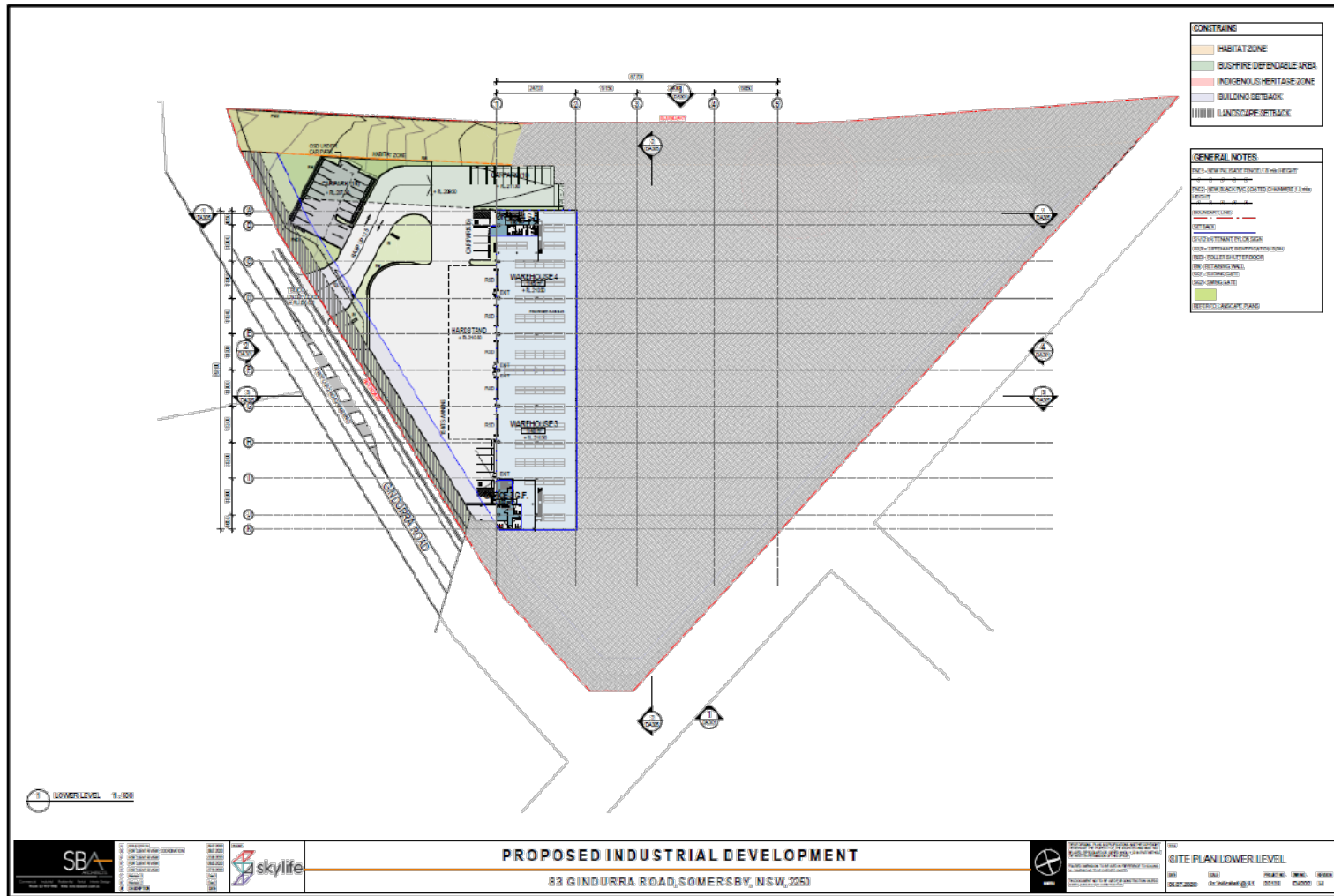
It is therefore considered that the proposed development be approved given the acceptable impact on traffic, access and safety.



Appendix A Site Plan

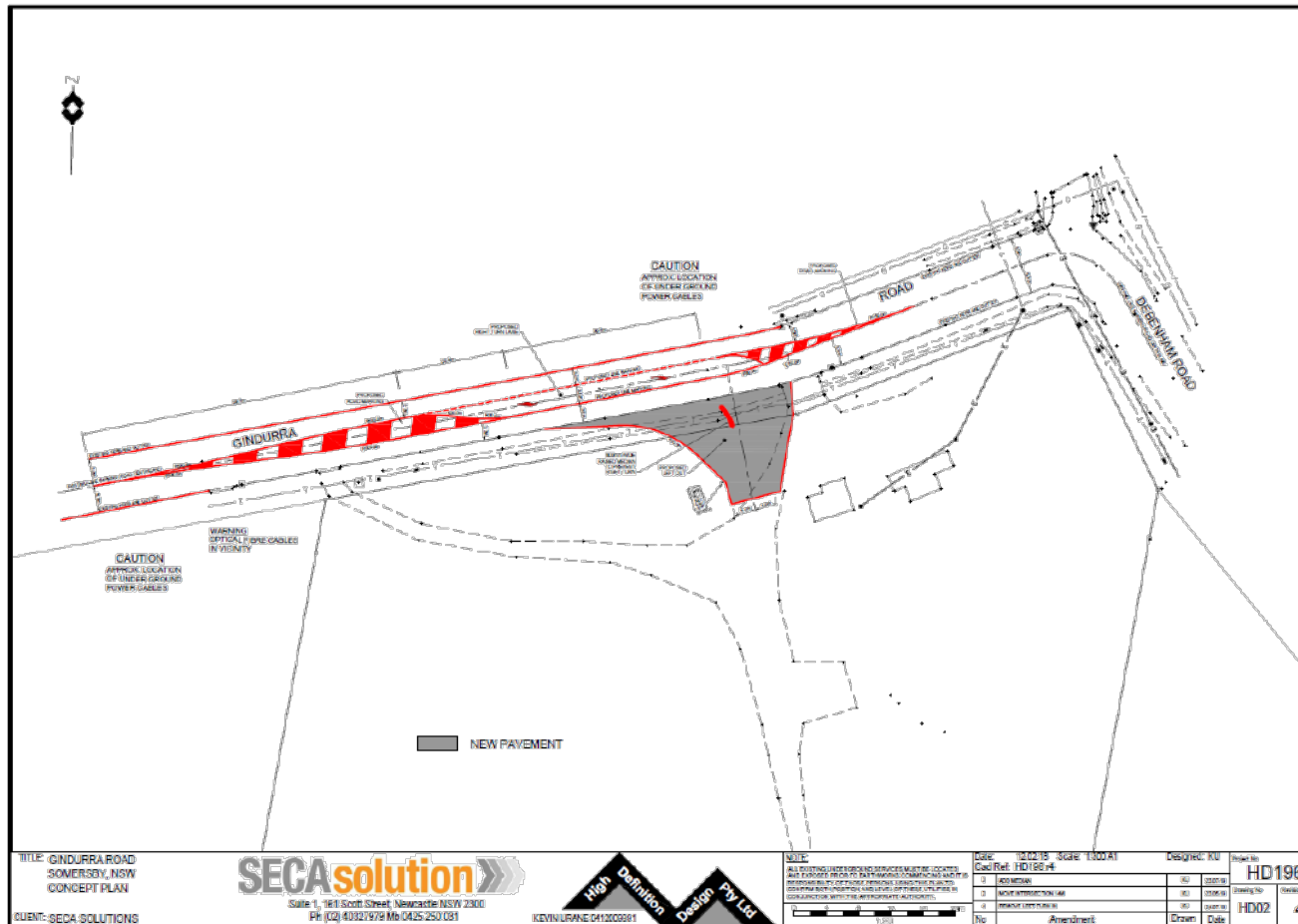








Appendix B Concept Access Design for 90 Gindurra Road (opposite subject site)



TITLE: GINDURRA ROAD  
SOMERSBY, NSW  
CONCEPT PLAN  
CLIENT: SECA SOLUTIONS

**SECA solution**  
Suite 1, 16/1 Scott Street, Newcastle NSW 2300  
Ph: (02) 40327979 Mo: 0425 250 031

High Definition Design Pty Ltd  
KEVIN LANE 012003061

NOTE:  
ALL EXISTING UNDERGROUND SERVICES MUST BE LOCATED  
AND DEPTH NOTED BY THE ENGINEER/CONTRACTOR AND THE  
RESPONSIBLE PARTY BEFORE ANY WORK IS PLACED  
ON THE GROUND SURFACE AND THE CONTRACTOR IS  
CONSULTED WITH THE APPROPRIATE AUTHORITIES.

Scale: 1:200 Scale: 1:200  
Cac Ref: HD166#

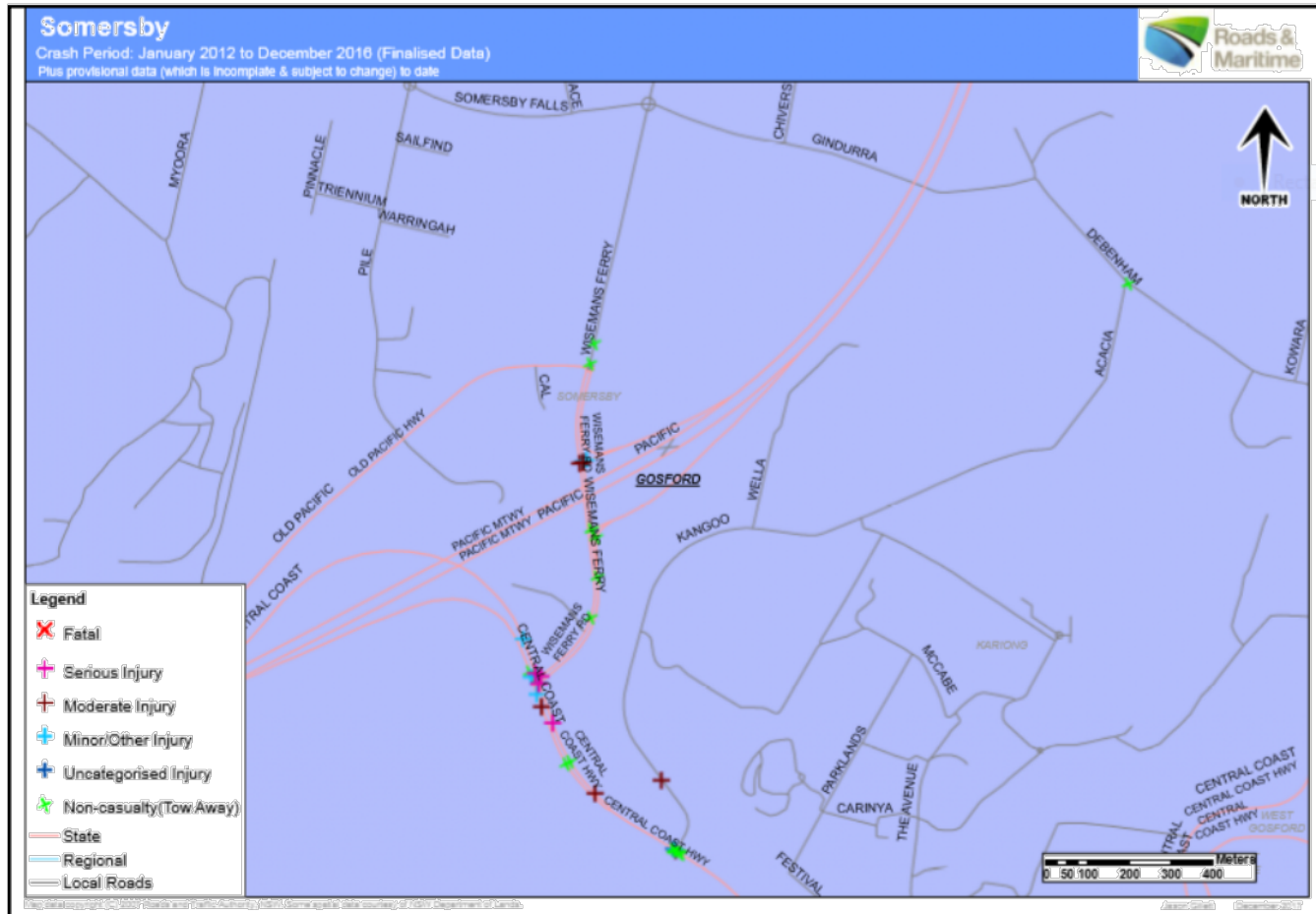
No	Amendment	Drawn	Date
1	HD166#	AV	20/07/16
2	Amendment 1	AV	20/07/16
3	Amendment 2	AV	20/07/16
4	Amendment 3	AV	20/07/16

Project No: HD196  
Drawing No: HD02  
Sheet: 4





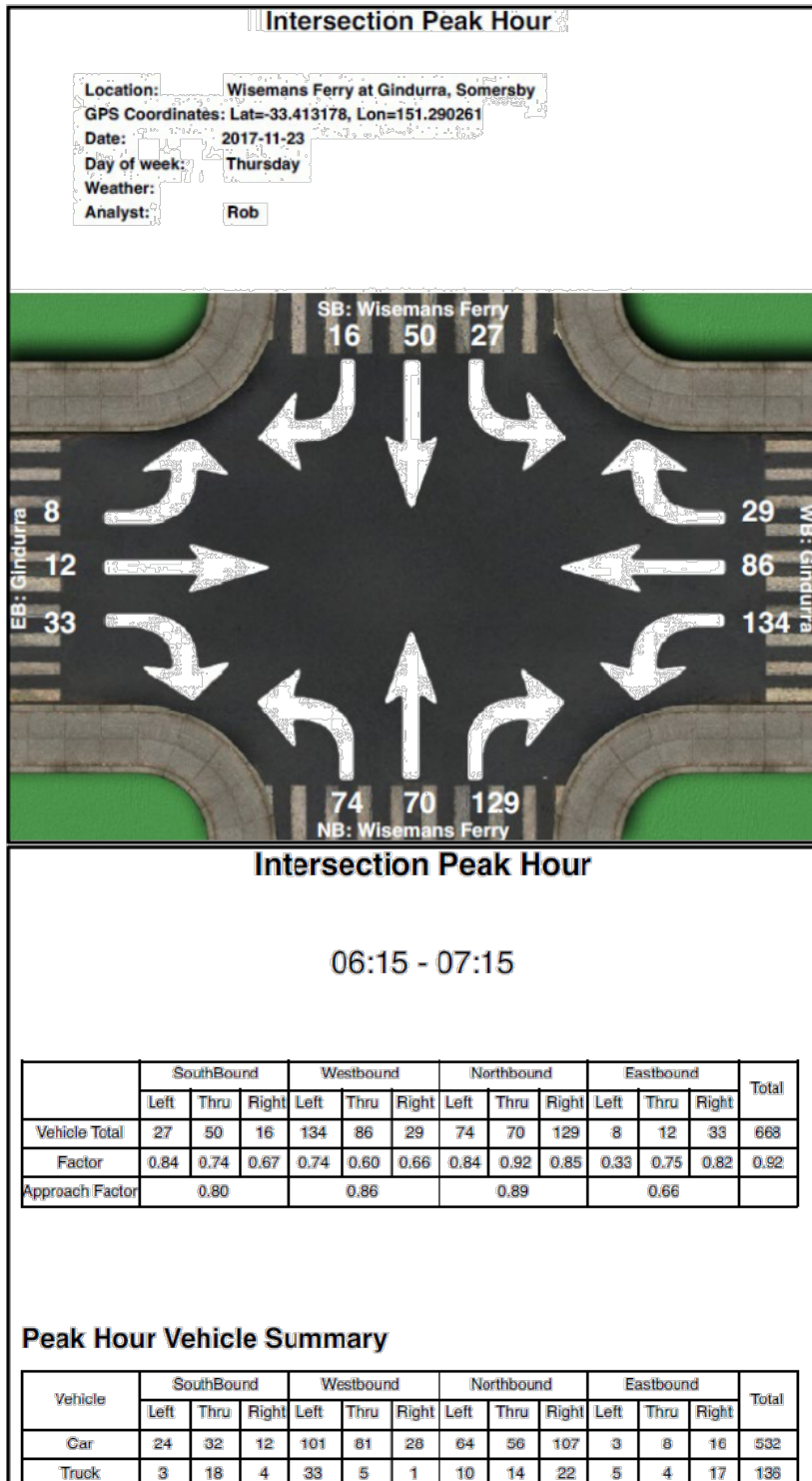
## Appendix C Crash Data

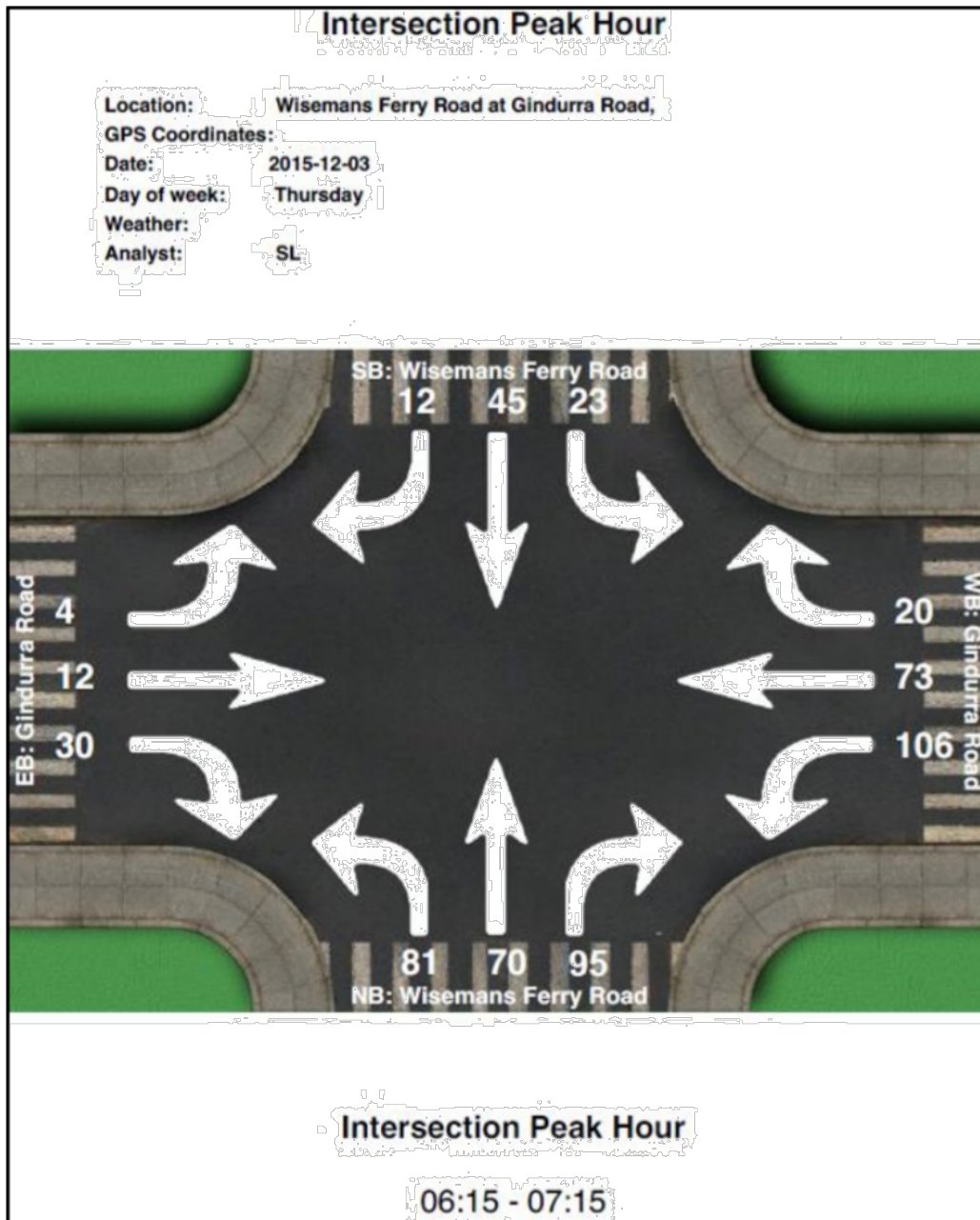


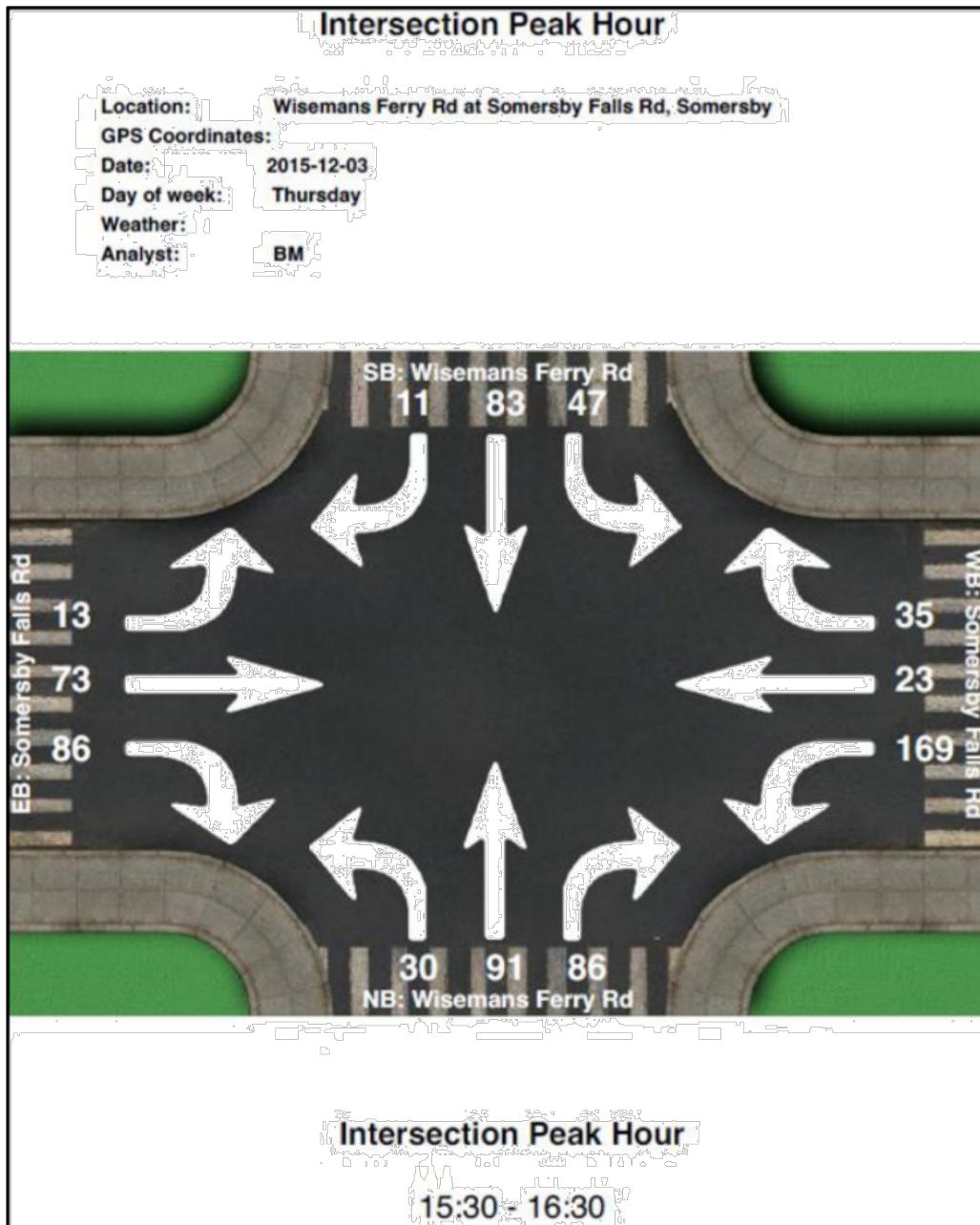




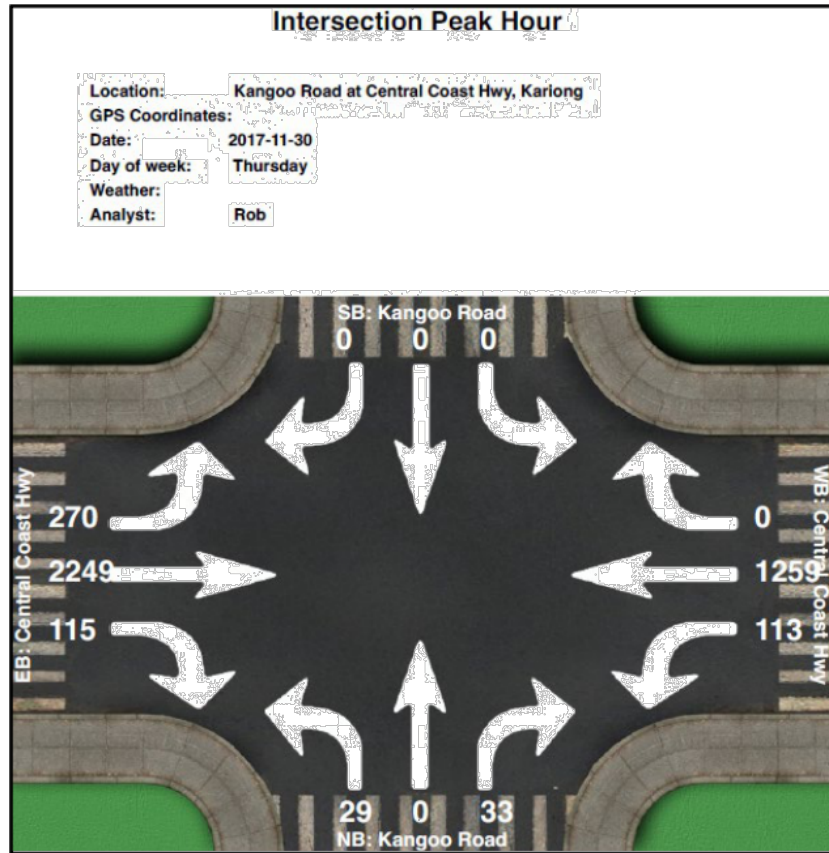
## Appendix D Traffic Survey Results











**Intersection Peak Hour**

07:00 - 08:00

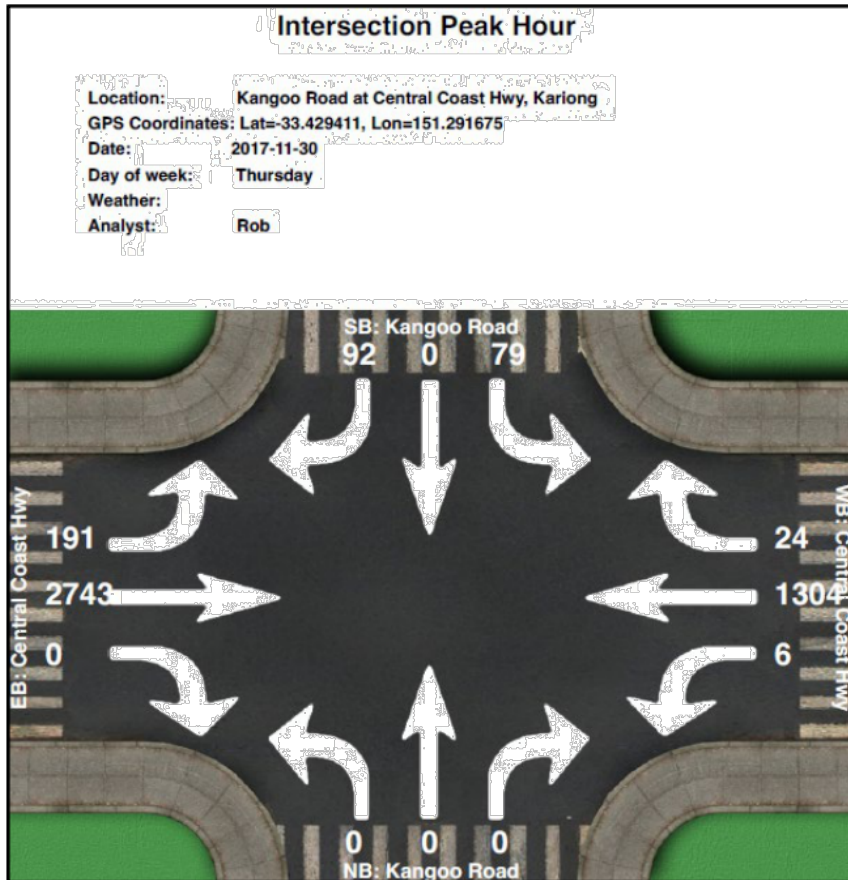
	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	0	0	0	113	1259	0	29	0	33	270	2249	115	4068
Factor	0.00	0.00	0.00	0.72	0.83	0.00	0.66	0.00	0.82	0.87	0.87	0.85	0.95
Approach Factor	0.00			0.82			0.82			0.87			

**Peak Hour Vehicle Summary**

Vehicle	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Car	0	0	0	109	1192	0	25	0	29	268	2193	108	3924
Truck	0	0	0	4	67	0	4	0	4	2	56	7	144







**Intersection Peak Hour**

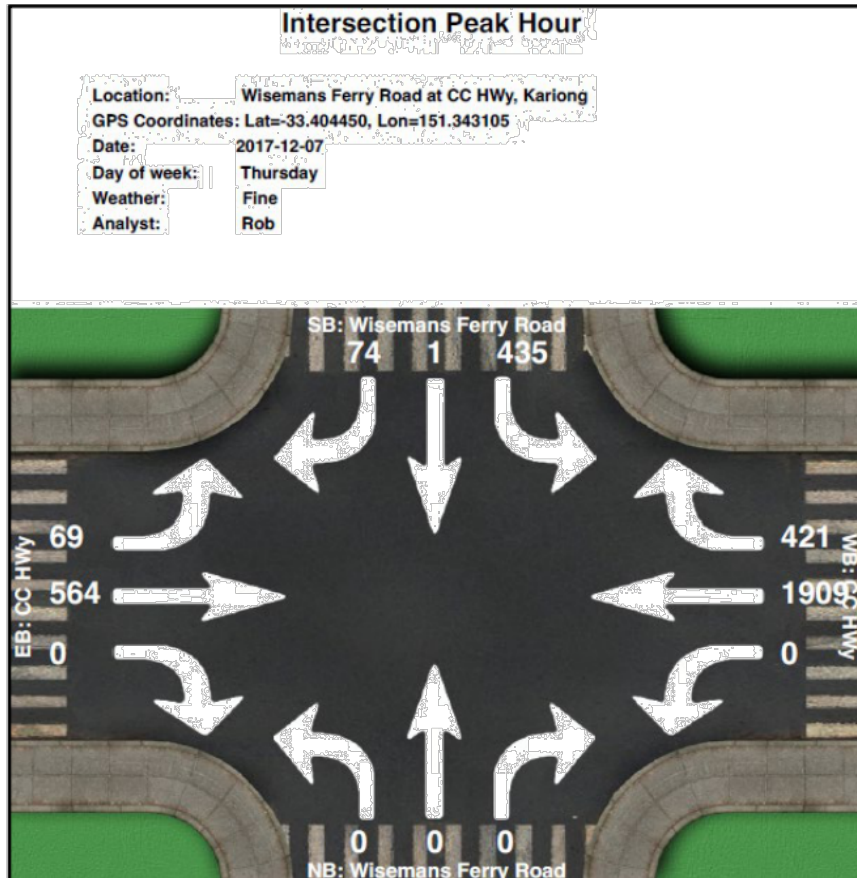
16:45 - 17:45

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	79	0	92	6	1304	24	0	0	0	191	2743	0	4439
Factor	0.62	0.00	0.68	0.30	0.93	0.67	0.00	0.00	0.00	0.61	0.97	0.00	0.96
Approach Factor	0.65			0.93			0.00			0.97			

**Peak Hour Vehicle Summary**

Vehicle	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Car	75	0	91	6	1242	23	0	0	0	166	2674	0	4297
Truck	4	0	1	0	62	1	0	0	0	5	69	0	142





**Intersection Peak Hour**

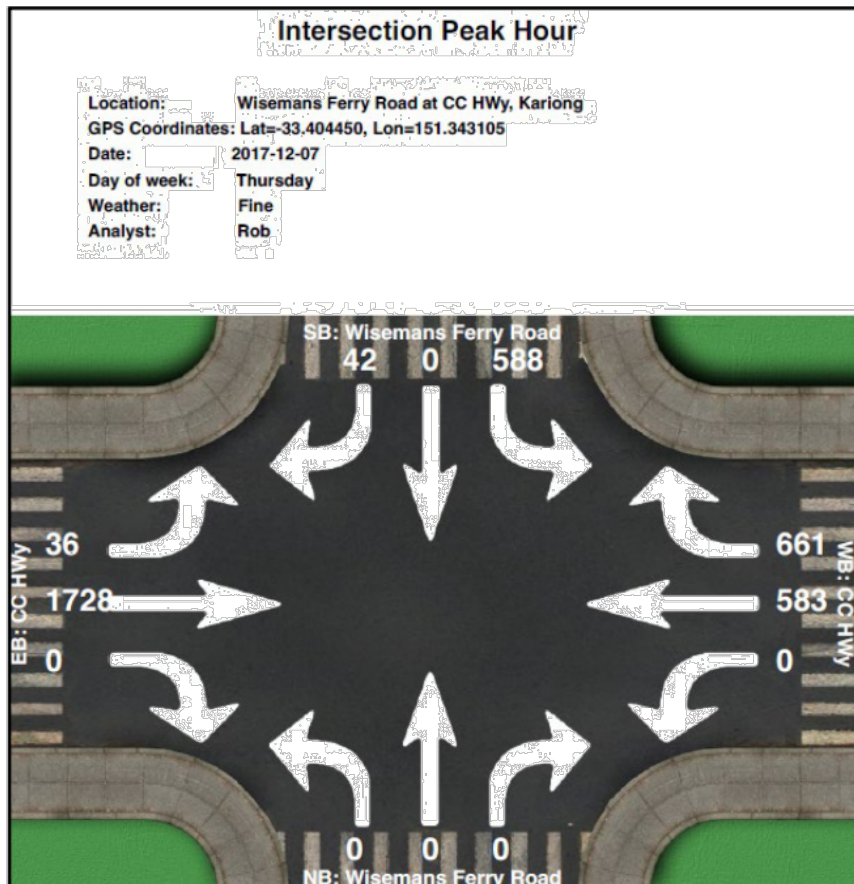
06:15 - 07:15

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	435	1	74	0	1909	421	0	0	0	69	564	0	3473
Factor	0.81	0.25	0.71	0.00	0.78	0.76	0.00	0.00	0.00	0.66	0.81	0.00	0.89
Approach Factor	0.79			0.86			0.00			0.85			

**Peak Hour Vehicle Summary**

Vehicle	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Car	397	1	39	0	1898	401	0	0	0	46	525	0	3307
Truck	38	0	35	0	11	20	0	0	0	23	39	0	168





**Intersection Peak Hour**

17:00 - 18:00

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	588	0	42	0	583	661	0	0	0	36	1728	0	3638
Factor	0.93	0.00	0.55	0.00	0.88	0.87	0.00	0.00	0.00	0.75	0.83	0.00	0.91
Approach Factor	0.95			0.89			0.00			0.84			

**Peak Hour Vehicle Summary**

Vehicle	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Car	548	0	39	0	565	635	0	0	0	29	1708	0	3524
Truck	40	0	3	0	18	26	0	0	0	7	20	0	114



## Appendix E Sidra Results

### Criteria for interpreting results of SIDRA

#### 1-Level of Service (LoS)

LoS	Traffic Signals and Roundabouts	Give Way and Stop Signs
A	Good	Good
B	Good, with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but requires accident study
D	Operating near capacity	Near capacity and requires accident study
E	At capacity, excessive delay: roundabout requires other control method	At capacity, requires other control mode
F	Unsatisfactory, requires other control mode or additional capacity	Unsatisfactory, requires other control mode

#### 2-Average Vehicle Delay (AVD)

The AVD is a measure of operational performance of an intersection relating to its LoS. The average delay should be taken as a guide only for an average intersection. Longer delays may be tolerated at some intersections where delays are expected by motorists (e.g. those in inner city areas or major arterial roads).

LoS	Average Delay / Vehicle (secs)	Traffic Signals and Roundabouts	Give Way and Stop Signs
A	Less than 15	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	28 to 42	Satisfactory	Satisfactory but accident study required
D	42 to 56	Operating near capacity	Near capacity, accident study required
E	56 to 70	At capacity, excessive delays: roundabout requires other control mode	At capacity, requires other control mode
F	Exceeding 70	Unsatisfactory, requires additional capacity	Unsatisfactory, requires other control mode

#### 3-Degree of Saturation (D/S)

The D/S of an intersection is usually taken as the highest ratio of traffic volumes on an approach to an intersection compared with the theoretical capacity, and is a measure of the utilisation of available green time. For intersections controlled by traffic signals, both queues and delays increase rapidly as DS approaches 1.0. An intersection operates satisfactorily when its D/S is kept below 0.75. When D/S exceeds 0.9, queues are expected.



## Wisemans Ferry Road / Gindurra Road

## MOVEMENT SUMMARY

Site: 101 [Wisemans Ferry / Gindurra 2017 AM]

Wisemans Site Roundabout      Ferry      /      Gindurra      2017      AM (None)  
Category:

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Sat'n	Average Delay	Level of Service	95% Back of Queue Vehicles	of Queue Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %									
South: Wisemans Ferry Road												
1	L2	78	13.5	0.238	4.5	LOS A	1.4	11.1	0.35	0.55	0.35	52.7
2	T1	74	20.0	0.238	4.7	LOS A	1.4	11.1	0.35	0.55	0.35	54.1
3	R2	136	17.1	0.238	10.0	LOS A	1.4	11.1	0.35	0.55	0.35	54.0
Approach		287	16.8	0.238	7.1	LOS A	1.4	11.1	0.35	0.55	0.35	53.7
East: Gindurra Road												
4	L2	141	24.6	0.212	4.5	LOS A	1.2	9.6	0.32	0.48	0.32	53.7
5	T1	91	5.8	0.212	4.4	LOS A	1.2	9.6	0.32	0.48	0.32	55.8
6	R2	31	3.4	0.212	9.6	LOS A	1.2	9.6	0.32	0.48	0.32	56.0
Approach		262	15.7	0.212	5.1	LOS A	1.2	9.6	0.32	0.48	0.32	54.7
North: Wisemans Ferry Road												
7	L2	28	11.1	0.093	4.7	LOS A	0.5	4.0	0.38	0.51	0.38	53.6
8	T1	53	36.0	0.093	5.2	LOS A	0.5	4.0	0.38	0.51	0.38	54.7
9	R2	17	25.0	0.093	10.4	LOS A	0.5	4.0	0.38	0.51	0.38	54.6
Approach		98	26.9	0.093	5.9	LOS A	0.5	4.0	0.38	0.51	0.38	54.4
West: Somersby Falls Road												
10	L2	8	62.5	0.062	5.9	LOS A	0.3	3.1	0.44	0.59	0.44	50.8
11	T1	13	33.3	0.062	5.4	LOS A	0.3	3.1	0.44	0.59	0.44	53.1
12	R2	35	51.5	0.062	11.2	LOS A	0.3	3.1	0.44	0.59	0.44	52.0
Approach		56	49.1	0.062	9.1	LOS A	0.3	3.1	0.44	0.59	0.44	52.1
All Vehicles		703	20.4	0.238	6.3	LOS A	1.4	11.1	0.35	0.52	0.35	54.0

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

**Site: 101 [Wisemans Ferry / Gindurra 2017 PM]**

Wisemans Ferry / Gindurra 2017 PM Peak  
 Site Category: (None)  
 Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue Vehicles	Queue Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %									
South: Wisemans Ferry Road												
1	L2	32	26.7	0.204	4.4	LOS A	1.2	9.9	0.31	0.53	0.31	52.4
2	T1	96	24.2	0.204	4.5	LOS A	1.2	9.9	0.31	0.53	0.31	54.0
3	R2	123	17.4	0.204	9.8	LOS A	1.2	9.9	0.31	0.53	0.31	54.0
Approach		251	21.2	0.204	7.1	LOS A	1.2	9.9	0.31	0.53	0.31	53.8
East: Gindurra Road												
4	L2	224	12.4	0.271	5.0	LOS A	1.6	12.5	0.45	0.57	0.45	53.6
5	T1	28	12.4	0.271	5.1	LOS A	1.6	12.5	0.45	0.57	0.45	55.2
6	R2	54	12.4	0.271	10.4	LOS A	1.6	12.5	0.45	0.57	0.45	55.1
Approach		306	12.4	0.271	6.0	LOS A	1.6	12.5	0.45	0.57	0.45	54.0
North: Wisemans Ferry Road												
7	L2	58	12.4	0.166	5.4	LOS A	0.9	7.2	0.49	0.56	0.49	53.5
8	T1	97	12.0	0.166	5.5	LOS A	0.9	7.2	0.49	0.56	0.49	55.1
9	R2	16	45.5	0.166	11.7	LOS A	0.9	7.2	0.49	0.56	0.49	53.7
Approach		171	15.3	0.166	6.0	LOS A	0.9	7.2	0.49	0.56	0.49	54.4
West: Somersby Falls Road												
10	L2	27	30.8	0.192	5.7	LOS A	1.1	8.2	0.48	0.62	0.48	51.7
11	T1	77	13.7	0.192	5.4	LOS A	1.1	8.2	0.48	0.62	0.48	53.5
12	R2	100	4.7	0.192	10.6	LOS A	1.1	8.2	0.48	0.62	0.48	53.8
Approach		204	11.6	0.192	8.0	LOS A	1.1	8.2	0.48	0.62	0.48	53.4
All Vehicles		932	15.1	0.271	6.7	LOS A	1.6	12.5	0.43	0.57	0.43	53.9

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## Wisemans Ferry Road / Central Coast Highway

## MOVEMENT SUMMARY

Site: 101 [CC Hwy / Wisemans Ferry 2017 AM]

CC Site: Wisemans Ferry Road 2017 AM Peak (None)  
 Signals - Fixed Time Isolated Cycle Time = 115 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Sat'n	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total veh/h	HV %				Vehicles	Distance				
East: Central Coast Hwy												
5	T1	2009	0.6	0.826	17.7	LOS B	43.0	302.5	0.84	0.78	0.84	46.6
6	R2	443	4.8	0.834	64.4	LOS E	13.4	97.9	1.00	0.93	1.23	28.8
Approach		2453	1.3	0.834	26.1	LOS B	43.0	302.5	0.87	0.81	0.91	41.9
North: Wisemans Ferry Road												
7	L2	458	8.7	0.486	44.0	LOS D	10.9	81.8	0.89	0.81	0.89	34.6
9	R2	79	46.7	0.814	72.3	LOS F	5.0	48.8	1.00	0.93	1.37	26.8
Approach		537	14.3	0.814	48.1	LOS D	10.9	81.8	0.91	0.83	0.96	33.2
West: Central Coast Hwy												
10	L2	73	33.3	0.065	10.0	LOS A	1.1	9.5	0.28	0.61	0.28	50.1
11	T1	594	6.9	0.254	10.1	LOS A	7.3	53.8	0.48	0.41	0.48	51.5
Approach		666	9.8	0.254	10.1	LOS A	7.3	53.8	0.45	0.43	0.45	51.4
All Vehicles		3656	4.8	0.834	26.4	LOS B	43.0	302.5	0.80	0.74	0.84	41.7

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians										
Mov ID	Description	Demand Flow	Average Delay	Level of Service	Average Back of Queue	Prop. Queued	Effective Stop Rate			
		ped/h	sec		Pedestrian	Distance				
					ped	m				
P3	North Full Crossing	5	11.8	LOS B	0.0	0.0	0.45	0.45		
P3S	North Slip/Bypass Lane Crossing	5	9.6	LOS A	0.0	0.0	0.41	0.41		
P4S	West Slip/Bypass Lane Crossing	5	43.5	LOS E	0.0	0.0	0.87	0.87		
All Pedestrians		16	21.6	LOS C			0.58	0.58		

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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Project: C:\Sidra folders\IP1042 CCHwy Wisemans.sip8



## MOVEMENT SUMMARY

**Site: 101 [CC Hwy / Wisemans Ferry 2017 PM]**

CC Hwy / Wisemans Ferry Road 2017 PM Peak  
 Site Category: (None)  
 Signals - Fixed Time Isolated Cycle Time = 120 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Deg. Satn HV %	Average Delay sec	Level of Service	95% Back of Queue Vehicles	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h	
East: Central Coast Hwy												
5	T1	614	3.1 0.283	14.2	LOS A	9.1	65.3	0.55	0.48	0.55	48.7	
6	R2	696	3.9 0.825	58.6	LOS E	21.1	152.6	1.00	0.92	1.14	30.2	
Approach		1309	3.5 0.825	37.8	LOS C	21.1	152.6	0.79	0.71	0.86	36.8	
North: Wisemans Ferry Road												
7	L2	619	6.8 0.524	40.4	LOS C	14.6	108.4	0.86	0.82	0.86	35.8	
9	R2	44	7.1 0.500	70.2	LOS E	2.7	20.2	1.00	0.74	1.00	27.6	
Approach		663	6.8 0.524	42.4	LOS C	14.6	108.4	0.87	0.81	0.87	35.1	
West: Central Coast Hwy												
10	L2	38	19.4 0.035	13.0	LOS A	0.7	6.0	0.36	0.62	0.36	48.5	
11	T1	1819	1.2 0.835	23.6	LOS B	44.3	313.1	0.89	0.83	0.90	43.3	
Approach		1857	1.5 0.835	23.4	LOS B	44.3	313.1	0.88	0.83	0.89	43.4	
All Vehicles		3829	3.1 0.835	31.6	LOS C	44.3	313.1	0.85	0.78	0.88	39.4	

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians										
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian	Queue Distance m	Prop. Queued	Effective Stop Rate		
P3	North Full Crossing	5	15.5	LOS B	0.0	0.0	0.51	0.51		
P3S	North Slip/Bypass Lane Crossing	5	13.1	LOS B	0.0	0.0	0.47	0.47		
P4S	West Slip/Bypass Lane Crossing	5	36.8	LOS D	0.0	0.0	0.78	0.78		
All Pedestrians		16	21.8	LOS C			0.59	0.59		

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## MOVEMENT SUMMARY

### Site: 101 [CC Hwy / Wisemans Ferry 2017 AM - Development]

CC Hwy / Wisemans Ferry Road 2017 AM Peak  
 Site Category: (None)  
 Signals - Fixed Time Isolated Cycle Time = 115 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	Turn	Demand Flows Total	Deg. Satn HV %	Average Delay sec	Level of Service	95% Back of Queue Vehicles	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
East: Central Coast Hwy											
5	T1	2009	0.6 0.838	19.2	LOS B	44.6	314.1	0.86	0.81	0.87	45.7
6	R2	447	5.6 0.800	61.6	LOS E	13.2	96.7	1.00	0.90	1.17	29.5
Approach		2457	1.5 0.838	26.9	LOS B	44.6	314.1	0.89	0.83	0.92	41.5
North: Wisemans Ferry Road											
7	L2	461	9.4 0.476	43.1	LOS D	10.8	81.9	0.88	0.81	0.88	34.9
9	R2	81	48.1 0.842	73.9	LOS F	5.2	51.3	1.00	0.96	1.43	26.5
Approach		542	15.1 0.842	47.7	LOS D	10.8	81.9	0.90	0.83	0.96	33.3
West: Central Coast Hwy											
10	L2	75	35.2 0.068	10.3	LOS A	1.1	10.2	0.29	0.61	0.29	49.8
11	T1	594	6.9 0.258	10.6	LOS A	7.4	55.1	0.49	0.42	0.49	51.2
Approach		668	10.1 0.258	10.5	LOS A	7.4	55.1	0.46	0.44	0.46	51.0
All Vehicles		3667	5.1 0.842	27.0	LOS B	44.6	314.1	0.81	0.76	0.85	41.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians										
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian	Queue Distance m	Prop. Queued	Effective Stop Rate		
P3	North Full Crossing	5	12.2	LOS B	0.0	0.0	0.46	0.46		
P3S	North Slip/Bypass Lane Crossing	5	10.0	LOS B	0.0	0.0	0.42	0.42		
P4S	West Slip/Bypass Lane Crossing	5	42.6	LOS E	0.0	0.0	0.86	0.86		
All Pedestrians		16	21.6	LOS C			0.58	0.58		

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.





## MOVEMENT SUMMARY

**Site: 101 [CC Hwy / Wisemans Ferry 2017 PM - Development]**

CC Hwy / Wisemans Ferry Road 2017 PM Peak  
 Site Category: (None)  
 Signals - Fixed Time Isolated Cycle Time = 120 seconds (Site Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total	Deg. HV %	Average Delay	Level of Service	95% Back of Queue Vehicles	Queue Distance	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed	
		veh/h	v/c	sec		veh	m				km/h	
East: Central Coast Hwy												
5	T1	614	3.1	0.283	14.2	LOS A	9.1	65.3	0.55	0.48	0.55	48.7
6	R2	698	4.2	0.830	59.0	LOS E	21.3	154.2	1.00	0.92	1.15	30.1
Approach		1312	3.7	0.830	38.0	LOS C	21.3	154.2	0.79	0.71	0.87	36.7
North: Wisemans Ferry Road												
7	L2	621	7.1	0.527	40.5	LOS C	14.7	109.2	0.86	0.82	0.86	35.8
9	R2	45	9.3	0.520	70.4	LOS E	2.8	21.1	1.00	0.75	1.02	27.5
Approach		666	7.3	0.527	42.5	LOS D	14.7	109.2	0.87	0.81	0.87	35.1
West: Central Coast Hwy												
10	L2	39	21.6	0.036	13.0	LOS A	0.8	6.3	0.36	0.62	0.36	48.4
11	T1	1819	1.2	0.835	23.7	LOS B	44.3	313.4	0.89	0.83	0.90	43.3
Approach		1858	1.6	0.835	23.4	LOS B	44.3	313.4	0.88	0.83	0.89	43.4
All Vehicles		3836	3.3	0.835	31.7	LOS C	44.3	313.4	0.85	0.79	0.88	39.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians										
Mov ID	Description	Demand Flow	Average Delay	Level of Service	Average Back of Queue	Queue Distance	Prop. Queued	Effective Stop Rate		
		ped/h	sec		Pedestrian	m				
P3	North Full Crossing	5	15.5	LOS B	0.0	0.0	0.51	0.51		
P3S	North Slip/Bypass Lane Crossing	5	13.1	LOS B	0.0	0.0	0.47	0.47		
P4S	West Slip/Bypass Lane Crossing	5	36.8	LOS D	0.0	0.0	0.78	0.78		
All Pedestrians		16	21.8	LOS C			0.59	0.59		

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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Master Landscape Plan  
1:500@A1 1:1000@A3. Do not scale off plan



- Legend**
- TURFAREA
  - TIMBER DECKING
  - CONCRETE PAVING
  - UNIT PAVING
  - STAIRS
  - PEBBLE
  - GRAVEL
  - COBBLESTONE
  - TIMBER
  - WATER
  - MASONRY RETAINING WALL
  - STONE RETAINING WALL
  - TIMBER RETAINING WALL
  - BOULDER RETAINING WALL
  - SITE OR WORKS BOUNDARY
  - PROPOSED LEVEL
  - TOP OF WALL LEVEL
  - MATERIAL NAME
  - SURFACE FALL DIRECTION
  - SURFACE DRAIN
  - SURVEY (30% GREY)
  - EXISTING TREE TO RETAIN
  - EXISTING TREE TO REMOVE
  - EXISTING ROCK OUTCROP

See Sht-102  
Detail Landscape Plan 1

See Sht-104  
Detail Landscape Plan 3



HIBBERTIA



ISOLEPIS



ACMENA



ANGOPHORA



BANKSIA



CORYMBIA

See Sht-103  
Detail Landscape Plan 2



DIANELLA



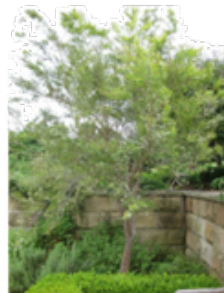
ELAEOCARPUS



EUCALYPTUS



GREVILLEA



LEPTOSPERMUM



LOMANDRA FILIFORMIS



LOMANDRA LONGIFOLIA



LOMANDRA TANIKA



TRISTANIOPSIS



WESTRINGIA

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**JAMIE KING**  
 LANDSCAPE ARCHITECT  
 DESIGN • APPROVE • MANAGE

ISSUE	DATE	REVISION	PROJECT #
B	03/08/20	Issue B	2106
A	14/07/20	DRAFT	
PROJECT	83 Gindurra Road, Somersby		DATE
CLIENT	Skylife		SCALE @ A1
ISSUE	Master Landscape Plan		DATE
			DATE
Jamie King Landscape Architect			DATE
84 Palgrave Rd, Avonah, NSW, 2107			DATE
T: 0421 517 991			DATE
E: jamie@jamieking.com.au			DATE
W: www.jamieking.com.au			DATE







Detail Landscape Plan 2  
1:200@A1 1:400@A3. Do not scale off plan



Notes:  
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 onsite before quoting or commencing work.  
 \*If discrepancies arise, contact the  
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ISSUE	DATE	REVISION	PROJECT #
B	03/08/20	Issue B	2106
A	14/07/20	DRAFT Issue for review	
PROJECT	83 Gindurra Road, Somersby		2106
CLIENT	Skylife		2106
DATE	03/08/20	ISSUE	2106
SCALE	See Plan	SCALE	See Plan
DESIGN	JK	DATE	03/08/20
DRAWN	JK	DATE	03/08/20
REVISION	JK	DATE	03/08/20



**JAMIE KING**  
 LANDSCAPE ARCHITECT  
 DESIGN • APPROVE • MANAGE

Jamie King Landscape Architect  
 84 Palegrove Rd, Avoca, NSW, 2107 T: 0421 517 991 E: jamie@jamieking.com.au  
 W: www.jamieking.com.au



**Item No:** 4.1

**Title:** DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage.

**Central Coast**  
Local Planning Panel

**Department:** Environment and Planning

---

8 April 2021 Local Planning Panel Meeting

Reference: 011.2020.00059362.001 - D14484457  
Author: Stephen Goodworth, Senior Building Surveyor  
Manager: Wayne Herd, Section Manager, Building Certification South  
Approver: Andrew Roach, Unit Manager, Development Assessment

### Summary

An application has been received for alterations and additions to the existing dwelling, removal of three trees on the site and a proposed attached 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.

This development application is required to be reported to Local Planning Panel due to the development exceeding the '*Height of Buildings*' development standard specified and calculated within clauses 4.3 and 4.5 of Gosford Local Environment Plan 2014 (GLEP 2014) by more than 10%. The proposed height of the dwelling for a portion of the development along the rear elevation exceeds the permissible maximum Height of Buildings of 8.5m by 2.45m (proposed at 10.95m) or by 29%.

The application is recommended for approval with conditions.

<b>Applicant</b>	Mrs CA North
<b>Owner</b>	Mr RW and Mrs CA North
<b>Application No</b>	59362/2020
<b>Description of Land</b>	Lot 947 DP 30925 - 114 Oceano Street Copacabana
<b>Proposed Development</b>	Alterations and additions to existing dwelling, removal of three trees and attached garage
<b>Site Area</b>	626 m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Dwelling house
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$292,000

### Recommendation

**1** *That the Local Planning Panel assume the concurrence of the Secretary of the*

**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

---

***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 development consent to DA59362/2020 – 114 Oceano Street, Copacabana – Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage subject to appropriate conditions as detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act and other relevant issues.**

**Precis:**

<b>Proposed Development</b>	Alterations and additions to existing dwelling, removal of three trees and attached garage.
<b>Permissibility and Zoning</b>	<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><i>'dwelling house'</i> means – a building containing only one dwelling.</p> <p>The use is permissible with consent of the relevant Authority within the zone.</p>
<b>Relevant Legislation</b>	<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"> <li>• <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&amp;A Act)</i></li> <li>• <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i></li> <li>• <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i></li> <li>• <i>Gosford Development Control Plan 2013 Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development" (Gosford DCP 2013)</i></li> </ul>
<b>Current Use</b>	Dwelling house
<b>Integrated Development</b>	No



**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

<b>Submissions</b>	<p>The development application was notified (in accordance with the provisions of the <i>Gosford Development Control Plan 2013</i>) from 8 October 2020 until 29 October 2020.</p> <p>No submissions were received.</p>
--------------------	---

**Variations to Plans and Policies**

Gosford Local Environmental Plan 2014

<b>Clause</b>	4.3 (2)
<b>Standard</b>	Height limit of 8.5 metres.
<b>Departure basis</b>	The proposal seeks a maximum height of 10.95m metres of a portion of the roof space located above bedroom1. This represents a variation of 2.45m metres or 29% at the highest point.

Chapter 3.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Gosford Development Control Plan 2013

<b>Clause</b>	3.1.2.1
<b>Planning Control</b>	- Height limit of 8.5m
<b>Departure basis</b>	The proposal seeks a maximum height of 10.95m metres of a portion of the roof space located above bedroom1. This represents a variation of 2.45m metres or 29% at the highest point.

<b>Clause</b>	3.1.3.1a (i)
<b>Planning Control</b>	The permissible front setback is 8m. This is the average of the two adjoining properties (excluding the garage structures built close to the front boundary).
<b>Departure basis</b>	The proposal seeks to position the garage on the front alignment (i.e. nil setback) which equates to a 100% variation.

<b>Clause</b>	3.1.3.1a (iv)
<b>Planning Control</b>	The permissible setback for the garage shall be 1m behind the front boundary setback; in this case the garage should have a 9m front setback.
<b>Departure basis</b>	The proposed garage has a nil front boundary setback which is a 100% variation.



**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

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<b>Clause</b>	3.1.3.1c (i)
<b>Planning Control</b>	Side boundary setback of 1.8m (with an external wall height of 8.1m measured at the southwestern corner of the living room) to the southern side boundary
<b>Departure basis</b>	The proposal seeks a southern side boundary setback of 1.7m measured at the southwestern corner of the living room. This represents a variation of 100mm or 6%. The remainder of the building complies with the required side boundary setback due to the increase in setback to other components of the building and decreasing building height with the slope of the land.

<b>Clause</b>	3.1.5
<b>Planning Control</b>	Driveway width is to be a maximum of 4m
<b>Departure basis</b>	The proposed driveway for the garage is 6 metres wide.

**The Site**

The site is a single lot legally identified as Lot 947 DP 30925 (No. 114 Oceano Street Copacabana). The site falls away from the road and is located on the western side of Oceano Street having a total area of 626 sqms. The site contains a two storey residential dwelling with existing driveway access to Oceano Street (Figure 1).

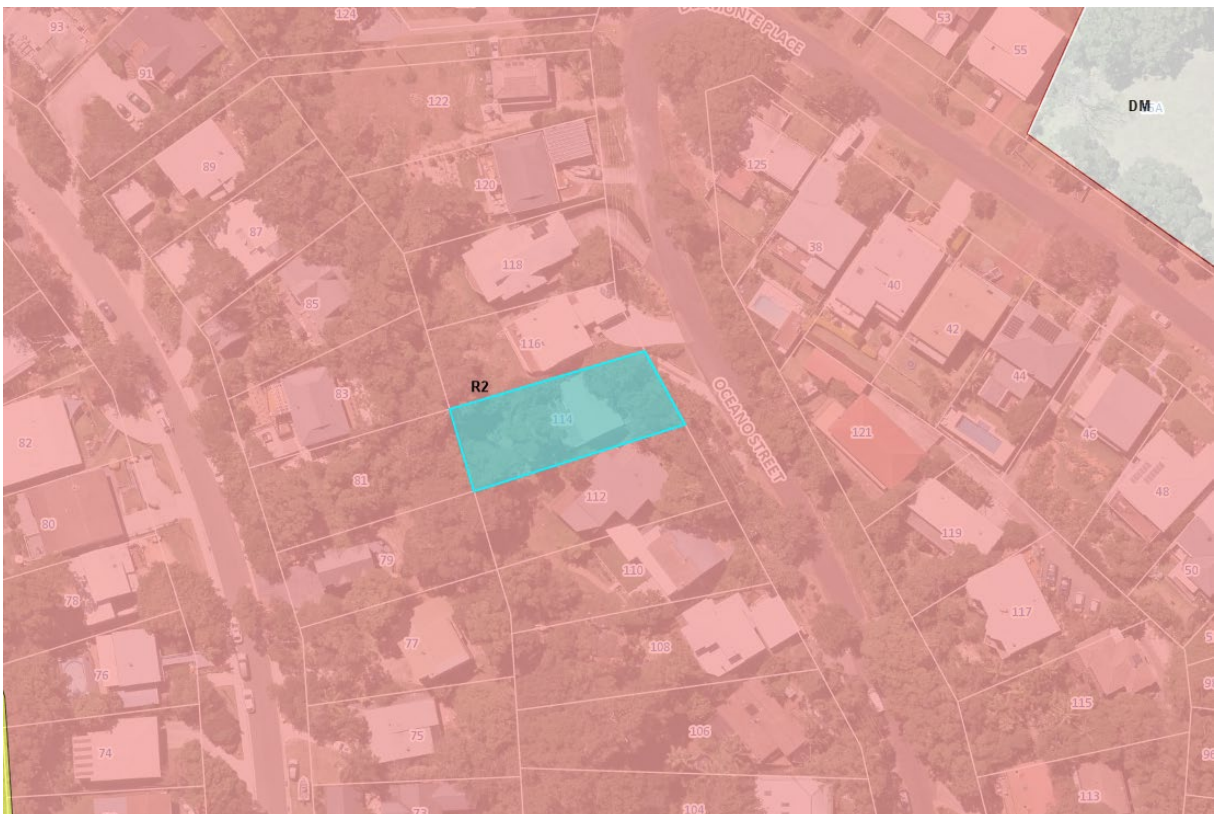
The subject site is zoned *R2 - Low Density Residential* under the provisions of *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)* (Figure 2).

The site is mapped as bushfire prone land on Councils maps. The proposal has been considered against the provisions of *Planning for Bush Fire Protection 2019* prepared by the NSW Rural Fire Service with the appropriate construction requirements of Bushfire Attack Level of 12.5 to be included to any consent.

**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**



**Figure 1: Aerial photograph of subject site with the site etched in blue.**



**Figure 2: Aerial photograph of subject site with zoning overlay included.**



**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

---

**Surrounding Development**

The subject site is surrounded on all sides by existing R2 – low density zoned residential allotments, generally containing a mixture of older style single storey dwellings interspersed with newer dwellings of mainly two storey design and associated ancillary development.

Garages and other parking structures are located close or on the front boundaries and are a common element to the streetscape. This is a result of the steep topography of the area and the constraints imposed in providing safe gradient vehicular access to off-street parking spaces.



***Figure3: Photo taken from road of existing weatherboard clad and metal roof dwelling proposed to be renovated.***

**The Proposed Development**

The application submitted to Council comprises extensive alterations and additions to the existing dwelling resulting in an increase to the floor space, height and size of the existing dwelling. Rooms will be added to the dwelling including bedrooms, bathrooms, laundry, kitchen, deckings and new roof design.

A double garage is also proposed. The garage will be attached to the front of the dwelling and positioned on the front boundary of the site. The garage will be partly elevated above the main roof structure to facilitate compliant vehicular slope and transitional arrangements specified within the relevant Australian Standards.

It is also proposed to remove three trees located in close proximity to the existing dwelling and would be impacted by the proposed additions.



4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)

Figure 5: Detailing the proposed site plan

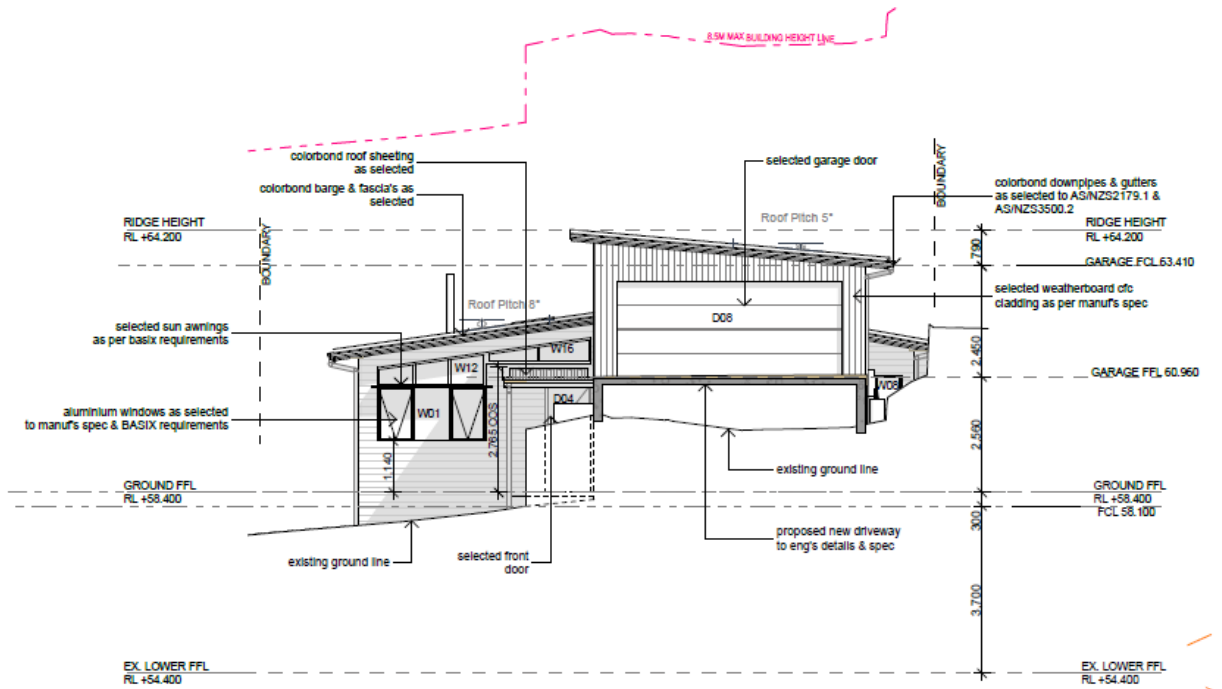


Figure 6: Detailing the proposed eastern (street) elevation

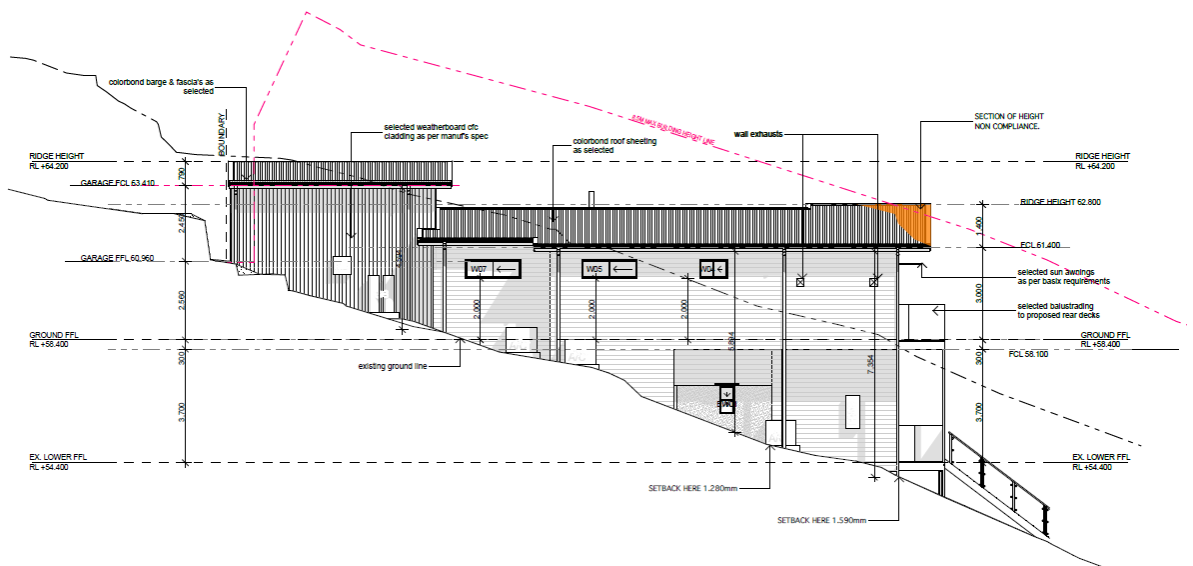


Figure 7: Detailing the proposed northern side elevation



4.1

DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)

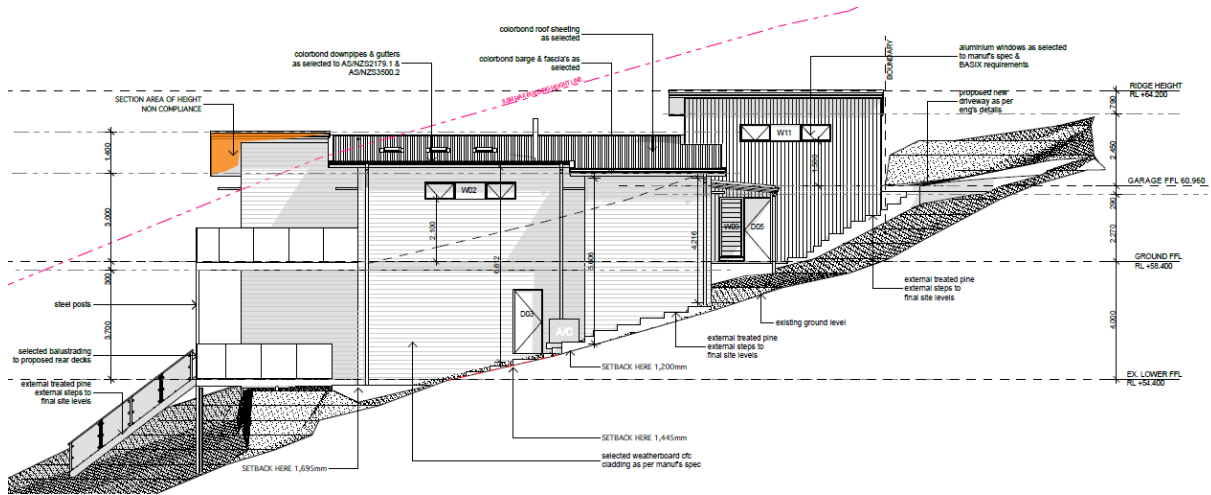


Figure 8: Detailing the proposed southern side elevation

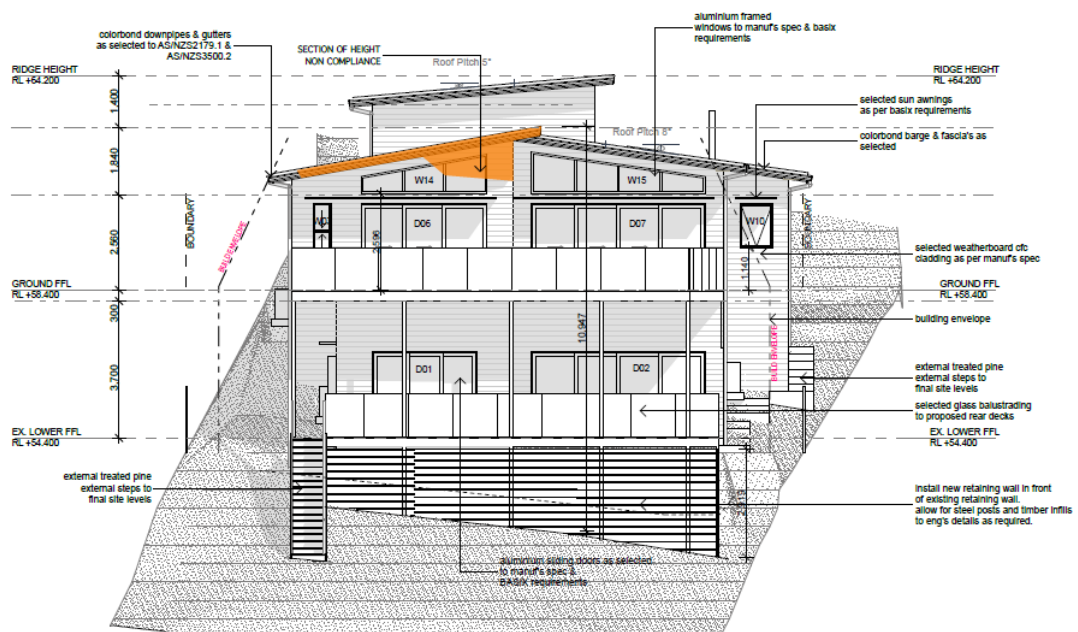


Figure 9: Detailing the proposed rear western elevation

History

There is no history of relevance of the property in relation to the current development proposal.

**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

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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 the Local Approval Panels information. Any tables relating to plans or policies are provided within the report.

**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

**State Environmental Planning Policy (Building sustainability Index) BASIX 2004**

A compliant BASIX certificate achieving the State Governments Energy Efficiency targets has been provided in support of the application.

**State Environmental Planning Policy No 71 – Coastal Protection**

*State Environmental Planning Policy No 71 (Coastal Protection) (SEPP 71)* was repealed on 3 April 2018 when the *State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)* came into effect. The savings and transitional provisions contained within the SEPP Coastal Management state the SEPP 71 provisions continue to apply if a development application is lodged and not finally determined prior to the commencement of the SEPP Coastal Management.

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.

**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

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**State Environmental Planning Policy (Coastal Management) 2018**

Whilst the savings and transitional provisions of SEPP Coastal Management apply, the proposed development has also been considered against the provisions of SEPP Coastal Management and considered satisfactory.

**Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)**

Following a review of the Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) which was exhibited until 27 February 2018, the subject site retains its low density R2 residential zoning, with dwelling houses remaining permissible with the consent of Council and/or LPP.

**Gosford Local Environmental Plan 2014**

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 which are as follows:

**Zone R2 Low Density Residential - Objectives of zone**

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

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*.

**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

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**4.3 Height of buildings**

<i>Development Standard</i>	<i>Required</i>	<i>Proposed</i>	<i>Compliance with Controls</i>	<i>Variation %</i>	<i>Compliance with Objectives</i>
4.3 – Height of buildings	8.5 metres	10.95m metres to a portion of the southwestern corner of bed 1	No – see comments below	29%	Yes – see comments below

The proposed mapped height limit variation is supported by a Clause 4.6 application to vary the development standard. The elevations and site plan for the development are provided within this report.

**4.6 Exceptions to development standards**

The proposed application seeks variation in terms of the mapped permissible height controls provided for within GLEP 2014.

Mapped Height Variation

The applicant seeks a variation to Clause 4.3(2) of GLEP 2014 in relation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 10.95 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment, resulting in a variation of 29%.

Clause 4.6 of GLEP 2014 requires consideration of the following:

2. Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:
  - a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - b. that there are sufficient environmental planning grounds to justify contravening the development standard?

Comment

The applicant has provided a detailed request to vary the mapped height development standard by the proposed 29%. In requesting the variation, the applicant has provided the following matters in support of the proposal: -

- *The land slopes steeply from the front to the rear boundary which causes the building to project above the existing ground level more than the*

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*maximum height of 8.5m in the centre of the site. The portion of the building that exceeds the height limit is indicated on the plans submitted with the application.*

- *The part of the building that exceeds the height limit is limited to a small section of roof at the middle of the site where the roof extends over the bed 1 located at the rear of the building.*
- *The overall height of the building could be reduced by extending a flat roof, however this would be detrimental to the design of the dwelling and result in a less attractive building.*
- *The additional height does not result in any significant impact on the amenity of any adjoining properties in relation to overshadowing or loss of view.*
- *The height of the building is consistent with the height of other developments in the locality.*
- *Other than the small part of the building that encroaches on the height limit the remaining part of the dwelling is well under the maximum height control.*

In reviewing the proposed variation, consideration of the Residential R2 Low Density Residential Zone objectives is also considered necessary. Residential R2 Low Density Residential Zone objectives are as follows:

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

In considering these zone objectives, the following points are considered relevant:

- *Dwelling Houses are permissible within the zone and satisfies the zone objective in terms of the provision of low density residential development.*
- *The proposed dwelling design is considered in keeping with the existing and desired future character of the area.*

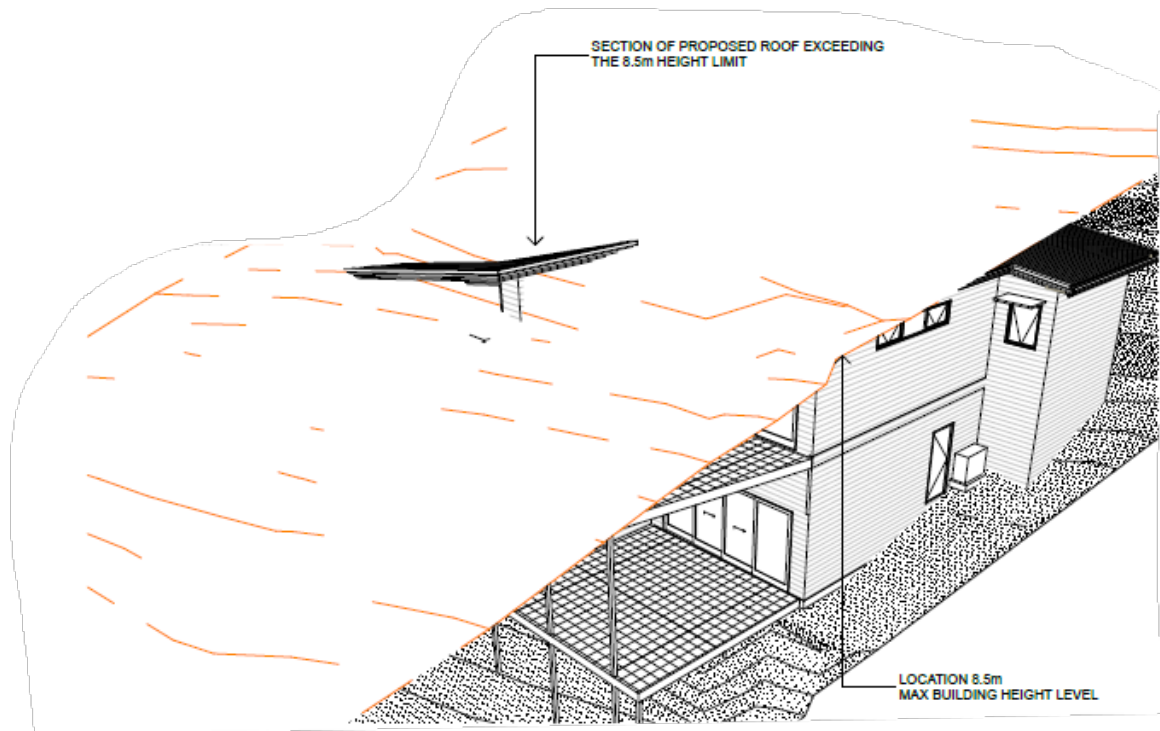


- *The design of the dwelling incorporates suitable architectural design elements and incorporates sustainable design features.*

In terms of the proposed design, it is noted that the height exceedance is only a small portion of the roof and will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

It is considered the applicants request to vary the development standard would be consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site together with the current levels set by the existing buildings contribute to the difficulty in complying with the height controls.

Having regard to the site factors, minimal impact on the character of the area and that of the residents, the applicants request to vary the height development standard is considered reasonable and therefore supported.



**Figure 10: Detailing the extent of dwelling encroachment of the 8.5m height control**

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**Gosford Development Control Plan 2013 (GDGP 2013)**

Chapter 2.1 – Character

The site is located within the Copacabana 5: Woodland Hillside precinct of Copacabana. The desired character of this precinct suggests, amongst other things, buildings to minimise the scale and bulk of buildings by stepping floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms. The proposed dwelling design has both these features and is considered to be consistent with the desired character of the precinct.

Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

<i>Chapter 3.1</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
Clause 3.1.2.1 Building Height	Three storeys on steeply sloping sites  8.5metre building height	The dwelling has 2 storeys  10.95 metres	Yes  No – see comments below
Clause 3.1.2.2 Site Coverage	Maximum 50% site coverage.	Less than 50% site coverage is proposed (32%)	Yes
Clause 3.1.2.3 Floor Space Ratio	0.5:1 floor space ratio	0.3:1 floor space ratio proposed	Yes
Clause 3.1.3.1a – Front Setback	The permissible front setback is 8m. This is the average of the two adjoining properties (excluding the garage structures built close to the front boundary).  Garage setback to be setback 1.0 metre behind front boundary setback	Front of garage is aligned on front boundary with a nil setback.  Garage is forward of the proposed dwelling on the allotment	No – see comments below  No – see comments below
Clause 3.1.3.1b – Rear Setback	6m Rear setback to a private allotment with a wall height greater than 4.5m	16 metres	Yes

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<i>Chapter 3.1</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
Clause 3.1.3.1c – Side Setback	Side boundary setback of 1.8m (with an external wall height of 8.1m measured at the southwestern corner of the living room) to the southern side boundary	1.7m measured at the southwestern corner of the living room	No – see comments below
Clause 3.1.3.3.2 – Garage Door Articulation	Maximum 6m width garage door	5.6metres	Yes
Clause 3.1.4.1	To encourage view sharing between properties	Meets the requirements for view sharing under the NSW Land and Environment Court Planning Principles	Yes
Clause 3.1.4.2 Visual Privacy	To minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Given the steep topography of the site, the proposal is considered to meet the requirements of this clause.	Yes
Clause 3.1.5 – Car Parking and Access	2 car spaces  4 metres driveway width required	2 car spaces  6 metres	Yes  No – see comments below
Clause 3.1.6 Earthworks, Structural Support and Drainage	Cut – 3m if more than 1m from the boundary	1.5 metres over the central portion of the development.	Yes

Clause 3.1.2.1 Building Height

The applicant seeks a variation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 10.95 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment. The variation proposed is 29%.

An assessment of the building height has been carried out under the GLEP 2014. In terms of the proposed design, it is noted that the height exceedance is within the middle of the site and at the rear of the dwelling above bed 1. The proposed development will be consistent to

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the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

It is considered the applicants request to vary the development standard would be consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site together with the current levels set by the existing buildings contribute to the difficulty in complying with the height controls and justification to vary them.

Clause 3.1.3.1a(i) – Front Setback

The proposed development seeks variation for the front setback off Oceano Street. The subject lot is constrained due to the slope of the land, therefore car parking behind the required setback is impracticable in this instance. The proposal is to construct a double garage on the site which is appropriate as street parking is very limited. Garages and parking structures forward of the building line are a visual element of the Oceano St streetscape.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 by ensuring the setback is compatible with adjacent development and compliments the character and streetscape. No objections have been raised in relation to the setback encroachment. The variation is considered acceptable and supported in this instance.

3.1.3.1a (iv) Front Setback – Garages/carports

The GDCP 2013 requires garages and carports to be setback 1m behind the front boundary setback which is 8m, therefore requiring a setback of 9m. The proposed garage is positioned on the front alignment which is a variation of 100%. Garages and carports located forward of the front setback are consistently located along the Oceano Street. The location of the proposed garage is considered to be consistent with the character of the streetscape, therefore the variation is supported in this instance.

Clause 3.1.3.1c – Side Setback

The proposed development seeks a variation to the permitted side boundary setbacks as a result of the buildings height. In considering the required variation, review of the proposal in terms of the relevant objectives of Chapter 3.1 of GDCP 2013 is necessary. Relevant objectives of Chapter 3.1 are as follows:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore*
- *To protect the views, privacy and solar access of adjacent properties*

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- *To maintain view corridors to coastal foreshores and other desirable outlooks*
- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

In response to these objectives the following commentary is provided:

The proposal seeks a southern side boundary setback of 1.7m measured at the southwestern corner of the living room. This represents a variation of 100mm or 6%. The remainder of the building complies with the required side boundary setback due to the increase in setback to other components of the building and decreasing building height with the slope of the land.

The external wall forming part of the variation is not parallel to the side boundary and therefore the 100mm variation measured at the corner of the living room equates to wall length of 200mm. The extent of variation is nominal and would not unreasonably impact on the amenity of the occupants of neighbouring properties.

The proposed variation is considered to achieve the objectives of Chapter 3.1 of GDCP 2013 and is therefore considered acceptable and supported in this instance.

Clause 3.15 – Car Parking and Access

The DCP requires a maximum 4.0m wide driveway measured at the crossover. The proposed driveway is 6m which is a variation of 50%. The garage is located on the road alignment and to splay the driveway from the road would create access issues from Oceano Street.

A review of the proposed driveway design was undertaken internally by Councils development engineer. The concept driveway plan including longitudinal profile and cross sections were supported.

The proposed driveway is considered to be in keeping with the driveways located on the street and will have minimal impact on the environment. The variation is supported in this instance.

**Chapter 6.3 Erosion Sedimentation Control**

Appropriate siltation control to be conditioned within the issued development consent.

**Chapter 6.4 Geotechnical Requirements for Development Applications**

The property is mapped as being in a medium landslip risk or hazard Category 2 area as specified within table M1 of the DCP. Having regard of the site conditions and extent of



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development, it has not been required for the development application to be supported by a report on the geotechnical conditions of the site.

**Chapter 7.2 Waste Management**

A Waste Management Plan has been submitted in support of the proposed development.

**Section. 4.15(1)(b) of the EP&A Act: *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.

**Section 4.15(1)(c) of the EP&A Act: *the suitability of the site for the development***

A review of Council's records identifies the following constraints:

- *Acid Sulfate Soils – The subject site has been identified as containing potential Class 5 acid sulfate soils. It is considered that the provisions of an acid sulfate soils management plan is not required.*
- *Bushfire – The subject site is mapped as being bushfire affected. In this regard, the development proposal has been accompanied by an appropriate bushfire self-assessment report. The building will need to be constructed to BAL 12.5 bushfire resisting construction.*

There are no other constraints that would render the site unsuitable for development.

**4.1 DA 59362/2020 - 114 Oceano Street, Copacabana - Alterations and Additions to the existing dwelling, removal of three trees on the site and a proposed attached garage. (contd)**

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**Figure 11: Extract from Councils bushfire mapping with the site boundaries highlighted in blue**

**Section 4.15(1)(d) of the EP&A Act: any submission made in accordance with this Act or Regulations**

The development application did not receive any objections to the proposed development.

**Section 4.15(1)(e) of the EP&A Act: *the public interest***

The proposed development is seen to be in the public interest by providing assurance that the subject land is able to be developed in proportion to its site characteristics.

**Other Matters for Consideration:**

**Removal of Trees**

The proposal includes the removal of three trees in close proximity to the existing dwelling. The land is bushfire prone and in accordance with bushfire legislation the owner could remove two of the trees as they are within 10m of the existing dwelling.

The removal of the trees would not unreasonable impact on the character of the area.

**Internal Consultation**

Development Engineer	Supported without conditions. See comments below.
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Access: The proposed concept driveway longitudinal profile and cross sections submitted to Council are supported.

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Flooding: Council's Property Attributes document and flooding mappings identify this property as not flood liable land.

Conclusion: No engineering conditions apply that would preclude 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.

**Attachments**

<b>1</b>	Draft Conditions of Consent D14484240		D14484240
<b>2</b>	Unredacted Development Plans	Provided Under Separate Cover	
<b>3</b>	Redacted Development Plans		D14171765
<b>4</b>	Applicants objection under Cl 4.6 to Height		D14171772

## 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:** LT & Associates

Drawing	Description	Sheets	Issue	Date
20LTA269 1 to 18	Architectural details	18	9	20/7/2020

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Retain the land where any excavation is required below the adjoining land level and preserve and protect from damage any improvements or buildings upon that land including public roads and utilities.  
  
If necessary, the improvements or buildings must be designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared to comply with this condition are to include geotechnical investigations, any excavation that impacts on public infrastructure, and are to be submitted for the approval of the Registered Certifier.
- 2.3. Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- 2.4. Assessment of the development against the provisions of Planning for Bush Fire Protection (2019) (NSW) has determined a Bush Fire Attack level (BAL) of 12.5.

Submit to the Registered Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2018: Construction of buildings in bush fire prone areas and (where applicable) the additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of Planning for Bush Fire Protection (2019) (NSW).

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition approved by this consent.
- 3.3. Appoint a Principal Certifying Authority for the building work:
  - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a) The name, address and telephone number of the principal certifying authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au).

Contact Council prior to submitting these forms to confirm the relevant fees.
- 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:
  - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.



- 3.7. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.
- 3.8. 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.
- 3.9. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
  - a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - b) could cause damage to adjoining lands by falling objects, or
  - c) involve the enclosure of a public place or part of a public place.

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

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

- 3.10. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

## 4. DURING WORKS

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

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

## **Attachment 1 Draft Conditions of Consent**

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.7. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.8. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9. 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.

## **5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.3. Complete the building in accordance with the provisions of Planning for Bush Fire Protection 2019 (NSW) and the requirements of Australian Standard AS 3959-2018 - Construction of Buildings in Bush Fire Prone Areas and additional measures contained within section 7.5.2 - 'NSW State variations to AS3959' of Planning for Bush Fire Protection (2019) (NSW) for a Bush Fire Attack Level of BAL 12.5.

- 5.4. Install the required 5000 litre rainwater tank in the location as detailed on the site with suitable plumbing connections provided to collect rainwater from the roof. 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 new wc's, cold water tsp in laundry and outside tap. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.5. Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 5.6. Drain all roof water by a piped drainage line to the street kerb outlet to a new infiltration trench.

**Note:** Infiltration trench details are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year Annual Exceedance Probability (AEP) storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

## 6. ONGOING OPERATION

- 6.1. Do not let, adapt or use the dwelling for separate occupation in two or more parts.

## 7. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### **Warnings as to Potential Maximum Penalties**

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## ADVISORY NOTES

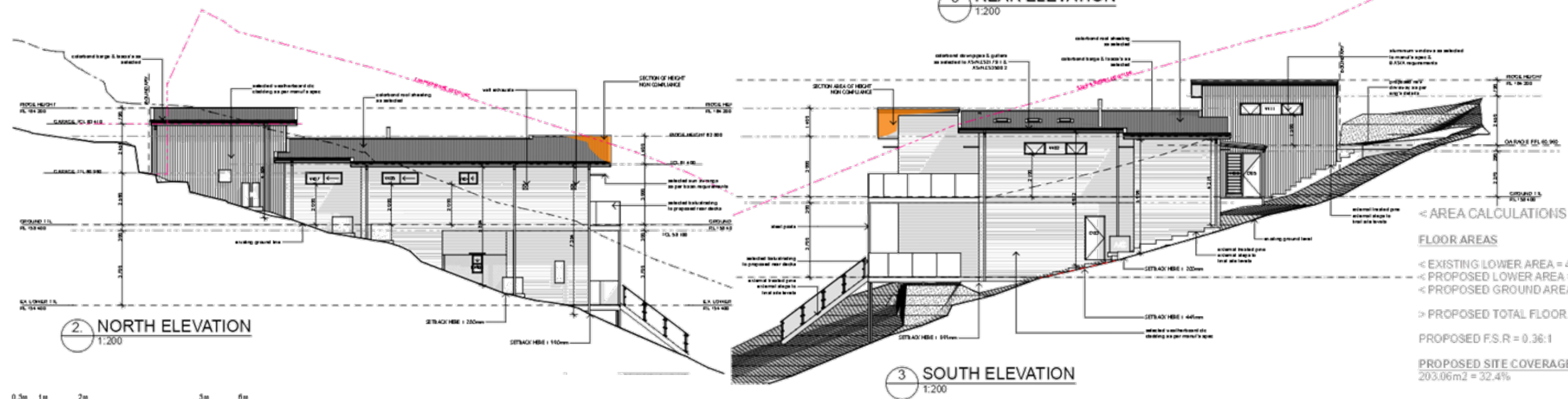
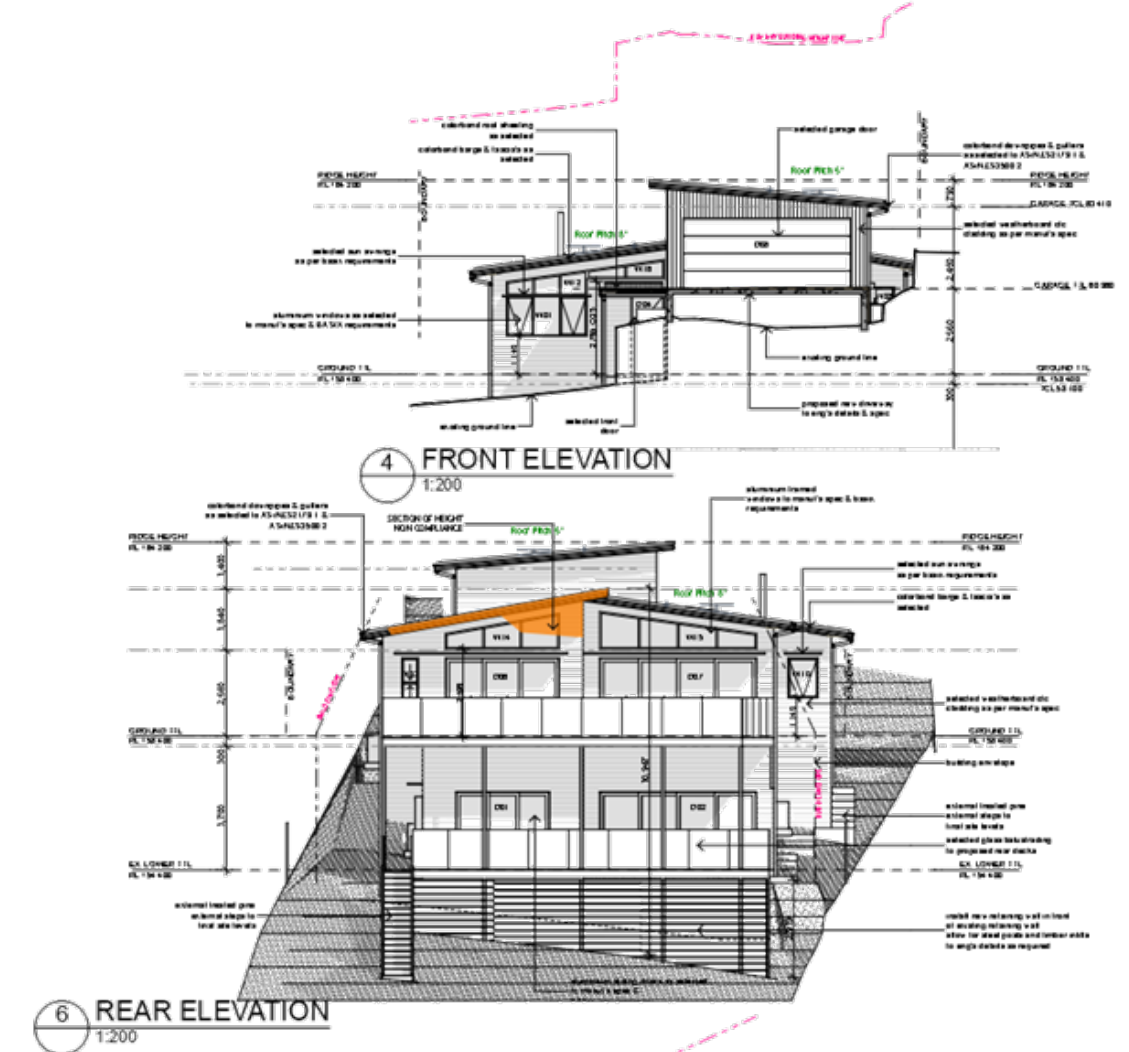
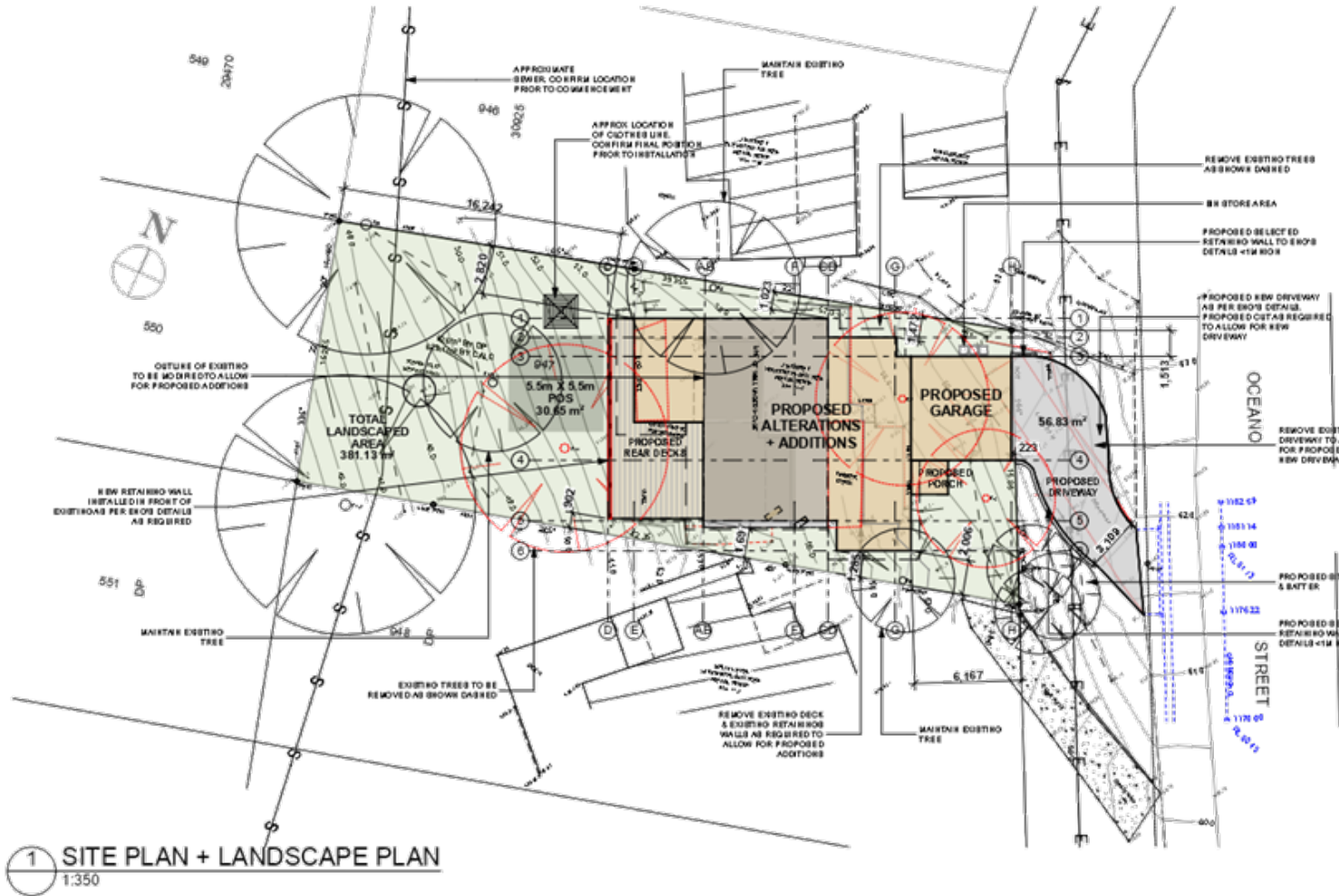
- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:

## **Attachment 1 Draft Conditions of Consent**

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- 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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
  - Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
  - Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)





**< AREA CALCULATIONS**

**FLOOR AREAS**

< EXISTING LOWER AREA = 40.31m<sup>2</sup>

< PROPOSED LOWER AREA = 18.11

< PROPOSED GROUND AREA = 173.08m<sup>2</sup>

> PROPOSED TOTAL FLOOR AREA = 231.3m<sup>2</sup>

PROPOSED F.S.R = 0.36:1

PROPOSED SITE COVERAGE  
203.06m<sup>2</sup> = 32.4%

Rev.	Date	Issue By	Revision notes
4.	29.1.20	LT	Preliminary DA plans for Client Review
5.	4.2.20	LT	Preliminary DA plans for Client Review
6.	11.2.20	LT	Preliminary DA plans for Client Review
7.	22.2.20	LT	Draft application plans for review
8.	2.3.20	LT	DA Plans issued for submission
9.	20.7.20	LT	Amended DA Plans issued for submission

LEGEND KEY / NOTES

NOTES

THIS DRAWING IS PART OF A SET, AND SHOULD BE READ IN CONJUNCTION WITH ALL OTHER DOCUMENTS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR FABRICATIONS.

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LT & Associates  
"The Right Architect"

Project:  
ALTERATION 6 + ADDITIONS

AT 114 OCEANO STREET, COPACABANA NSW 2251

Client:  
MR & MRS NORTH

Layout Name:  
NOTIFICATION PLAN

Job Number:  
20LA269

Scale:  
1:350, 1:200 @ A3

Plot Date:  
10/8/20

Drawing Status:  
NOTIFICATION PLAN

Layout No:  
33

Po Box 417 Swansea NSW 2282 ph 02 6279 2266 e. LAURAN@LTAA.COM.AU w. LTAA.COM.AU Nominated Architect Lauren Trevena 10034





**114 Oceano Street**

**Copacabana NSW 2251**

**Clause 4.6 Application to Vary a  
Development Standard – Building  
Height**

**March 2020**

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Clause 4.6(5)(c) any other matters required to be taken into consideration by the Secretary before granting concurrence..... 11

How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act.11



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 Clause 4.6 Application to Vary a Development Standard
 

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## Clause 4.6 Application to Vary a Development Standard – Building Height.

### 1. The Subject Site

The subject site is located at 114 Oceano Street Copacabana NSW 2251 and is legally described as Lot 947 DP 30925. The site is a generally rectangular with frontage to Oceano Street and slopes steeply to the rear. It comprises an area of 626m<sup>2</sup> and is currently occupied by a split level, 2 storey dwelling.

Surrounding land uses are detached residential dwellings in all directions.

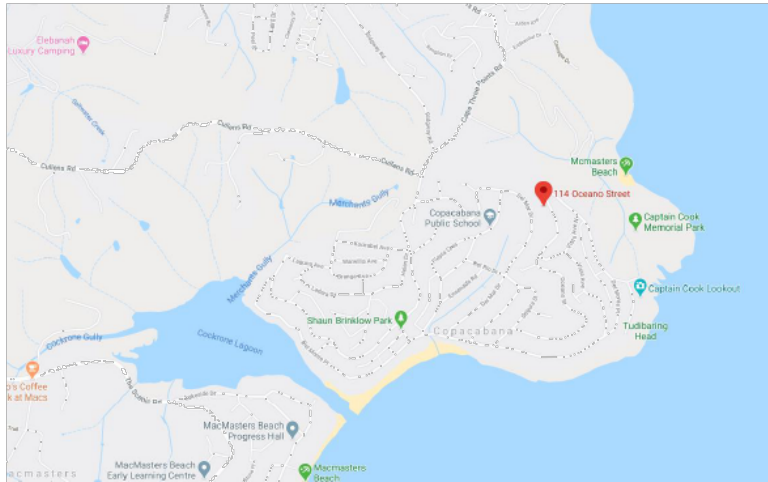


Figure 1. Locality Plan

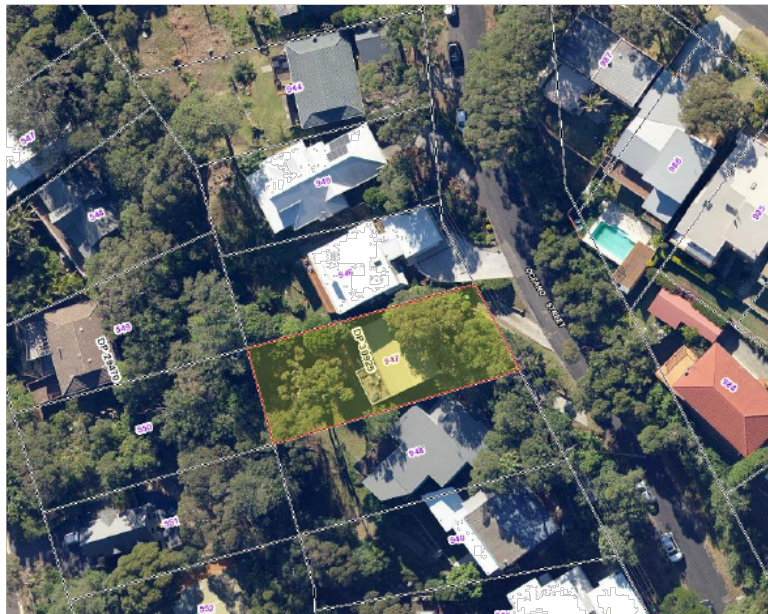


Figure 2: Aerial Image

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 Clause 4.6 Application to Vary a Development Standard
 

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## 2. Proposed Development

The proposed development is for alterations and additions to the existing dwelling.

## 3. Clause 4.6

Clause 4.6 of the Gosford Local Environmental Plan 2014 (GLEP 2014) permits departures from development standards in certain circumstances. In this case, it is necessary to consider if compliance with the development standard is consistent with the aims of the policy and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* being:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The aims and objectives of GLEP 2014 Clause 4.6 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Under Clause 4.6(3) and (4) of the GLEP 2014, consent for a development that contravenes a development standard must not be granted unless the consent authority is satisfied that:

- (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*



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Clause 4.6 Application to Vary a Development Standard

*(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,*

These matters, along with case law judgements from the NSW Land and Environment Court, are addressed below.

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 Clause 4.6 Application to Vary a Development Standard
 

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**4. Environmental Planning Instrument Details (Gosford LEP 2014)****4.1 What is the name of the environmental planning instrument that applies to the land?**

Gosford Local Environmental Plan 2014 (GLEP 2014)

**4.2 What is the zoning of the land?**

R2 – Low Density Residential

**4.3 What are the objectives of the zone?**

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

**4.4 What is the development standard being varied?**

Cl 4.3 of the Gosford Local Environmental Plan 2014, Height of Buildings

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

Cl 4.3 of the Gosford Local Environmental Plan 2014

**4.6 What are the objectives of the development standard?**

*The objectives of this clause are as follows:*

- (a) to establish maximum height limits for buildings,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity,*
- (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
- (f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*

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

The numeric value of the height of buildings development standard applicable to the subject site is a maximum of 8.5m.

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Clause 4.6 Application to Vary a Development Standard

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

The numeric value of the development standard in this development application is a maximum of 10.95m.

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

The percentage variation sought is 28.8%  $((10.95m-8.5m/8.5m*100 = 28.8\%)$ .

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 Clause 4.6 Application to Vary a Development Standard
 

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## 5. NSW Land and Environment Court Case Law

Several key Land and Environment Court (NSW LEC) judgements have refined the manner in which variations to development standards are required to be approached. The key findings and direction of each of these matters are outlined in the following discussion.

### 5.1 *Wehbe v Pittwater* [2007] NSW LEC 827

The decision of Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827, (expanded on the findings in *Winten v North Sydney Council*), identified 5 ways in which the applicant might establish that compliance with a development standard is unreasonable or unnecessary. It was not suggested that the five ways were the only ways that a development standard could be shown to be unreasonable or unnecessary.

The five ways outlined in *Wehbe* include:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*

In the Micaul decision Preston CJ confirmed that the requirements mandated by SEPP 1 (as discussed in *Wehbe*) are only relevant in demonstrating that compliance with a development standard is unreasonable or unnecessary for the purpose of Clause 4.6(3)(a).

### 5.2 *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC

In the matter of *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC, initially heard by Commissioner Pearson, upheld on appeal by Justice Pain, it was found that an application under Clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe v Pittwater* [2007] NSW LEC 827 and demonstrate the following:

1. Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP;
2. That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
3. That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs;
4. All three elements of clause 4.6 have to be met and it is best to have different reasons for each but it is not essential.

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**Clause 4.6 Application to Vary a Development Standard**

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**5.3 Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7**

In *Randwick City Council v Micaul Holdings*, the Court allowed a departure from development standards, provided the processes required by clause 4.6 are followed, a consent authority has a broad discretion as to whether to allow a departure from development standards under clause 4.6, even where the variation is not justified for site or development specific reasons.

Preston CJ noted that *the Commissioner did not have to be satisfied directly that compliance with each development standard was unreasonable or unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request had adequately addressed the matter in clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.*

**5.4 Zhang v City of Ryde**

Commissioner Brown reiterated that clause 4.6 imposes three preconditions which must be satisfied before the application could be approved:

- 1. The consent authority must be satisfied that the proposed development will be consistent with the objectives of the zone;*
- 2. The consent authority must be satisfied that the proposed development will be consistent with the objects of the standard which is not met; and*
- 3. The consent authority must be satisfied that the written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.*

It is only if all of these conditions are met that consent can be granted to the application, subject to an assessment of the merits of the application.

The Commissioner applied the now familiar approach to determining consistency with zone objectives by considering whether the development was antipathetic to the objectives.

In contrast to four2five, the reasons relied on to justify the departure from the standards in this case were not necessarily site specific.

**5.5 Action Pty Ltd v Woollahra Municipal Council [2018]**

In *Action Pty Ltd v Woollahra Municipal Council*, the court demonstrated the correct approach to the consideration of clause 4.6 requests, including that the clause does not require that a development that contravenes a development standard, must have a neutral or better environmental planning outcome than one that does not.



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 Clause 4.6 Application to Vary a Development Standard
 

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## 6. Consideration

The following section addresses the provisions of clause 4.6 of the GLEP 2014 together with principles established in the NSW Land and Environment Court Case Law outlined above.

### Clause 4.6(3)(A) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case (and is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case)?

In order to demonstrate that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, the Five (5) Part Test established in *Winten v North Sydney Council* and expanded by Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827 is considered: b

The five ways outlined in *Wehbe* include:

#### Five (5) Part Test - *Wehbe v Pittwater*

##### 1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way).*

The objectives of the standard are:

(a) *to establish maximum height limits for buildings,*

#### Comment

As described above Cl. 4.6 of the GLEP 2014 permits the application of a departure from a development standard, provided it is not excluded from the application of the clause. Clause 4.3: Height of buildings, is not excluded from the application of a Cl. 4.6 departure, thus a variation can be sought.

This application for a variation to the building height control, is therefore permitted and in no way affects the application of Cl. 4.3 height of buildings control. It is considered this objective is met, despite the numerical variation.

(b) *to permit building heights that encourage high quality urban form,*

#### Comment

The proposed variation is largely the result of the significant slope of the site, with the vast majority of the building complying with the maximum height control. The resulting development remains of a similar scale to the neighbouring dwellings and presents with a compliant height to Oceano Street.

The proposed breach only applies to a very small portion of the rear of the dwelling, due to the steep fall of the lot. The resulting dwelling is considered to be compatible with the prevailing height of buildings and streetscape character within the locality, despite the non-compliance.

It is considered this objective is met, despite the numerical variation.

(c) *to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,*

#### Comment

The proposed variation to height does not result in any unreasonable solar access impacts to adjoining dwellings or public areas.

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Clause 4.6 Application to Vary a Development Standard

As described in the SEE and illustrated in the shadow diagrams, the subject site and adjoining properties retain compliant solar access.

Given that the proposed height variation does not impact on achieving compliant solar access, it is considered the underlying objective of this clause has been satisfied.

*(d) to nominate heights that will provide an appropriate transition in built form and land use intensity,*

Comment

The proposed built form, for the most part is below the permitted height of 8.5 metres. The proposed height exceedance is considered to be negligible in relation to bulk and scale, given that it applies to such a small portion of the dwelling and is located to the rear of the lot, where it falls away steeply.

The proposed development will not present with excessive bulk from the public domain and presents to Oceano Street with a compliant height.

It is considered this objective is met, despite the numerical variation.

*(e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*

Comment

The subject site and surrounding properties enjoy water views to Copacabana and Macmasters Beach to the south west. Due to the significant slope of the site and the broad vista available, the proposal will have no impact on the existing views from surrounding properties.

It is therefore considered this objective is met, despite the numerical variation.

*(f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*

Comment

As described above the proposed variation to height does not result in any unreasonable solar access impacts to public areas. In addition, the proposal will not impact on any natural topographical features.

It is considered the underlying objective of this clause has been satisfied.

**2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way).**

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved as outlined in (i) above.

**3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way).**

Not applicable. The underlying object or purpose of the standard would not be defeated or thwarted if compliance was required.

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Clause 4.6 Application to Vary a Development Standard

- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way).**

This exception to development standards request does not rely on this reason.

- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).**

This exception to development standards request does not rely on this reason.

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the height of buildings control pursuant to the First Way outlined in Wehbe.

Thus it is considered that compliance with Clause 4.6(3)(a) is satisfied.

**Clause 4.6(3)(B) – Are there sufficient environmental planning grounds to justify contravening the development standard?**

There are sufficient grounds to permit the variation of the development standard. In particular:

- The proposed variation is largely the result of the significant slope of the site, with the vast majority of the building complying with the maximum permitted height control,
- The proposed variation satisfies the objectives of the underlying intent of Clause 4.3, and therefore the merits of the proposal are considered to be worthy of approval. It has been demonstrated within Council and the Courts to apply a reasonable approach in supporting variations to development standards.
- Strict numerical compliance would not necessarily result in a materially better urban design outcome and would thwart the underlying objectives of the controls.
- The proposed development will not present with excessive bulk from the public domain due to the sloping topography of the site and surrounding area. The building presents to Oceano Street with a compliant height.
- By supporting this variation to building height in its current form, it is considered that an appropriate degree of flexibility be applied, which results in a reasonable built form, consistent with newer dwelling houses in the locality.
- The extent of the variation is considered to be in the public interest as the proposal remains consistent with the objectives of the zone.
- The proposed variation adequately satisfies the underlying objectives of the controls and will not result in any unacceptable built, natural, social or economic impacts for consideration under the Act.

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 Clause 4.6 Application to Vary a Development Standard
 

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**Clause 4.6(4)(A)(ii) – Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone which the development is proposed to be carried out.**

The proposed development is consistent with the objectives of the standard (see Cl 4.6(3)(A)). An assessment of consistency with the objectives of the Zone is provided below:

**Zone – R2 Low Density Residential**

Objective	Assessment
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	Consistent. The proposal is for a new dwelling house
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	Not relevant. The proposal is for a residential dwelling.
<ul style="list-style-type: none"> <li>To ensure that development is compatible with the desired future character of the zone.</li> </ul>	Consistent. The development will result in a modern, aesthetically pleasing dwelling, consistent with newer dwellings in the locality.
<ul style="list-style-type: none"> <li>To encourage best practice in the design of low-density residential development.</li> </ul>	Consistent. The proposal has been designed by a licensed and accredited architect and incorporates current design best practice.
<ul style="list-style-type: none"> <li>To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.</li> </ul>	Consistent. The proposal is for the redevelopment of the existing dwelling and complies with current BASIX controls.
<ul style="list-style-type: none"> <li>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</li> </ul>	Not relevant. The proposal is for a residential dwelling.

The proposed development is not contrary to the public interest, because it is consistent with the objectives of the standard (see Cl 4.6(3)(A)) and objectives for development within the zone.

**Clause 4.6(5)(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,**

The non-compliance will not raise any matter of State or Regional Significance.

**Clause 4.6(5)(b) the public benefit of maintaining the development standard,**

The proposed development is not contrary to the public interest, accordingly there can be no quantifiable or perceived public benefit in maintaining the standard.

**Clause 4.6(5)(c) any other matters required to be taken into consideration by the Secretary before granting concurrence**

**How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act.**

Strict compliance with the standard would hinder the attainment of the objects specified in section 1.3 of the Act

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**Clause 4.6 Application to Vary a Development Standard**

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- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Strict compliance with the standard would hinder the development for the purpose of *promoting the orderly and economic use and development of land and promoting good design and amenity of the built environment* as the subject site can comfortably accommodate the proposed dwelling.

**Conclusion**

The proposed development is for alterations and additions to an existing dwelling on land zoned R2 – Low Density Residential.

As stated above the variation is largely the result of the significant slope of the site, with the vast majority of the building complying with the maximum height control. The variation will not result in any unreasonable impacts with the dwelling presenting with a compliant building height to Oceano Street. Overall the proposed development does not present with excessive bulk and is of a lesser or consistent scale to surrounding properties. There will not be unreasonable view loss for surrounding properties.

Strict numerical compliance is considered to be unnecessary and unreasonable given that the proposed variation sought is consistent with the underlying objectives of the control despite the numerical variation of which have been reasonably satisfied under the provisions of Clause 4.6.

The proposed variation satisfies the objectives of the zone, underlying intent of Clause 4.6 and Clause 4.3, and therefore the merits of the proposed variation are considered to be worthy of approval.



**Item No:** 4.2  
**Title:** DA 59637/2020 - 68 Railway Street Woy Woy -  
Stratum Torrens Subdivision  
**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

8 April 2021 Local Planning Panel Meeting

Reference: 011.2020.00059637.001 - D14542342  
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 Stratum Torrens Subdivision of an approved mixed-use development comprising 1 lot into 3 lots.

The development application has been referred to the Local Planning Panel as there is proposed variation to the minimum subdivision lot size development standard of *Gosford Local Environmental Plan 2014*.

The application is recommended for approval.

<b>Applicant</b>	Bruce Kerr Pty Ltd
<b>Owner</b>	J D Matthews
<b>Application No</b>	DA59637/2020
<b>Description of Land</b>	LOT: 12 DP: 1009830, 68 Railway Street WOY WOY
<b>Proposed Development</b>	Stratum Torrens Subdivision
<b>Site Area</b>	472.8sqm
<b>Zoning</b>	R1 General Residential
<b>Existing Use</b>	Two-storey heritage building
<b>Employment Generation</b>	No
<b>Estimated Value</b>	Nil

### 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 DA59637/2020 – 68 Railway Street Woy Woy for Stratum Torrens Subdivision 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.***

### Key Issues

- Variation to minimum subdivision lot size development standard in *Gosford Local Environmental Plan 2014* and Chapter 3.5 of Gosford Development Control Plan for subdivision of residential land.

### Precis:

<b>Proposed Development</b>	Stratum Torrens Subdivision
<b>Permissibility and Zoning</b>	The subject site is zoned R1 General Residential under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014).  The proposed development is for subdivision of land permissible with consent of Council.
<b>Relevant Legislation</b>	The following planning policies and control documents are relevant to the development and were considered as part of the assessment: <ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979 – Section 4.15 (EP&amp;A Act)</li> <li>• Local Government Act 1993 – Section 89</li> <li>• Conveyancing Act 1919</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</li> <li>• State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)</li> <li>• Gosford Local Environmental Plan 2014 (GLEP 2014)</li> <li>• Gosford Development Control Plan 2013 (GLEP 2013)</li> </ul>
<b>Current Use</b>	Two-storey heritage building
<b>Integrated Development</b>	No
<b>Submissions</b>	Nil

**Variations to Policies**

Clause	Clause 4.1(3) Minimum Subdivision Lot Size
Standard	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
LEP/DCP	Gosford Local Environmental Plan 2014
Departure basis	Proposed Lot 1 – 71.8%, Proposed Lot 2 – 74.8%, Proposed Lot 3 – 67.6%

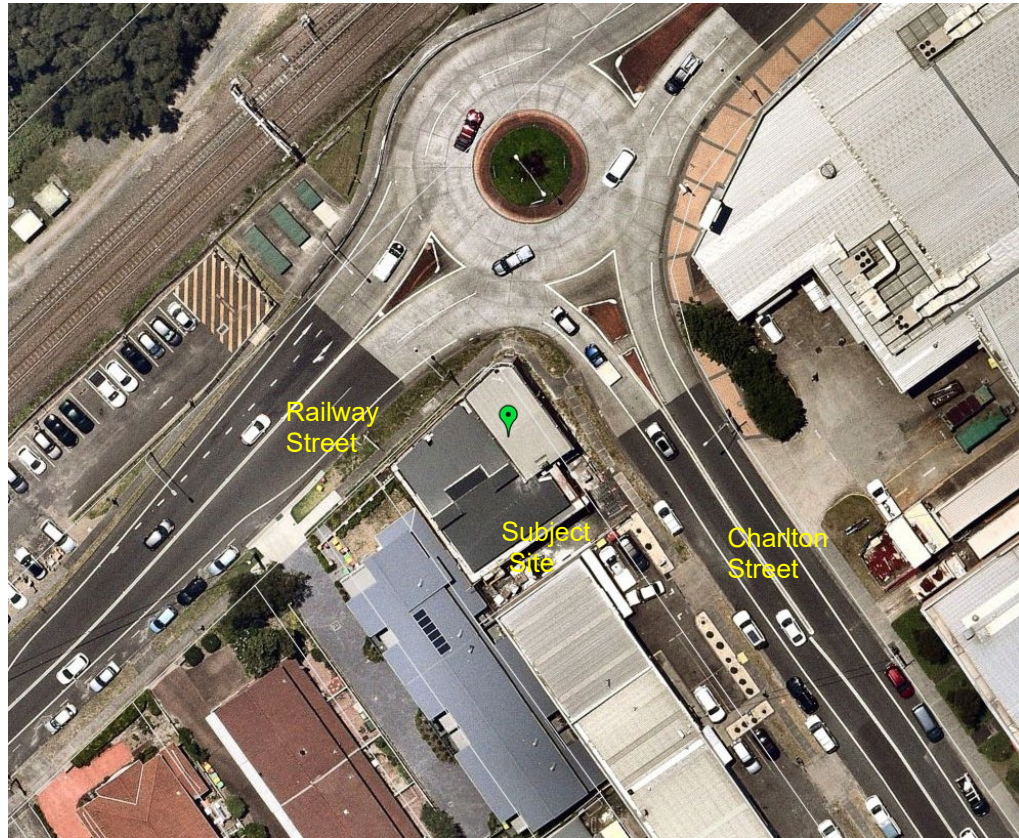
Clause	Clause 3.5.3.2a Allotment Size
Standard	The minimum allotment area (specified in Gosford LEP 2014) and width at the building lines are: Zone R1 - General Residential <ul style="list-style-type: none"> <li>• 550sqm minimum area</li> <li>• 18m minimum width at building line</li> </ul>
LEP/DCP	Gosford Development Control Plan 2014
Departure basis	Proposed Lot 1 – 71.8%, Proposed Lot 2 – 74.8%, Proposed Lot 3 – 67.6% Minimum lot width is 5.80m a maximum variation of 68%

**The Site**

The subject site has an area of 472.8sqm and is located on the southern corner of the intersection of Railway Street and Charlton Road described as LOT: 12 DP: 1009830, 68 Railway Street WOY WOY, refer Figure 1.

The site is flat land and subject to flooding. The site is not identified as being "bushfire prone land" on Council's bushfire maps.

The site contains an existing 2-storey heritage building (Former Shop, "Mrs Wilson's) which is being restored and conserved in accordance with DA48230/2015 for retail and commercial use and verandah with attached side-by-side 2 x 2-storey residential units (approved 18 May 2016) which front Railway Street. Construction of the development has commenced, refer Figures 2 & 3. Vehicular access to the site is provided from Charlton Street to car parking via a driveway behind the heritage building and residential units.



**Figure 1 – Site Plan (Source: Nearmap)**



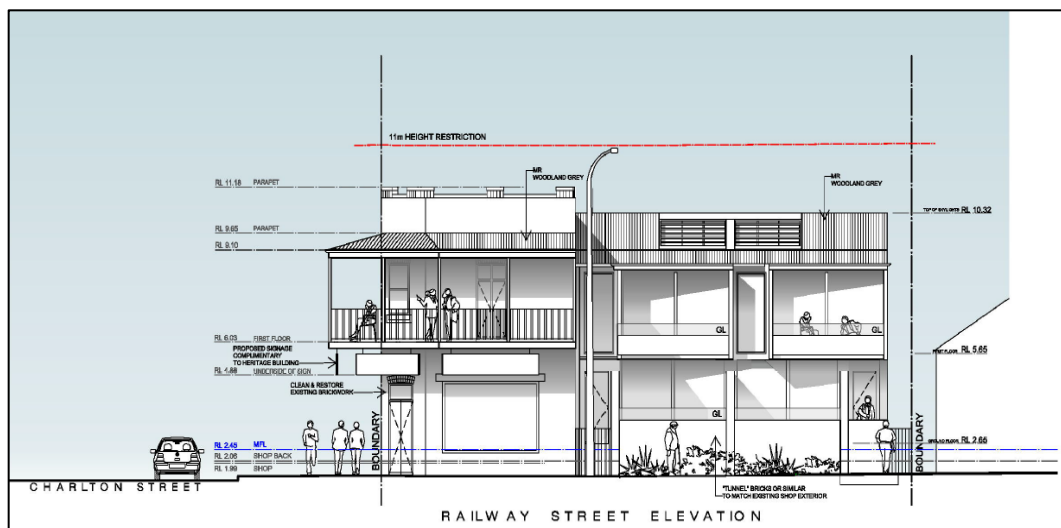
**Figure 2 – Development under construction viewed from Railway Street**





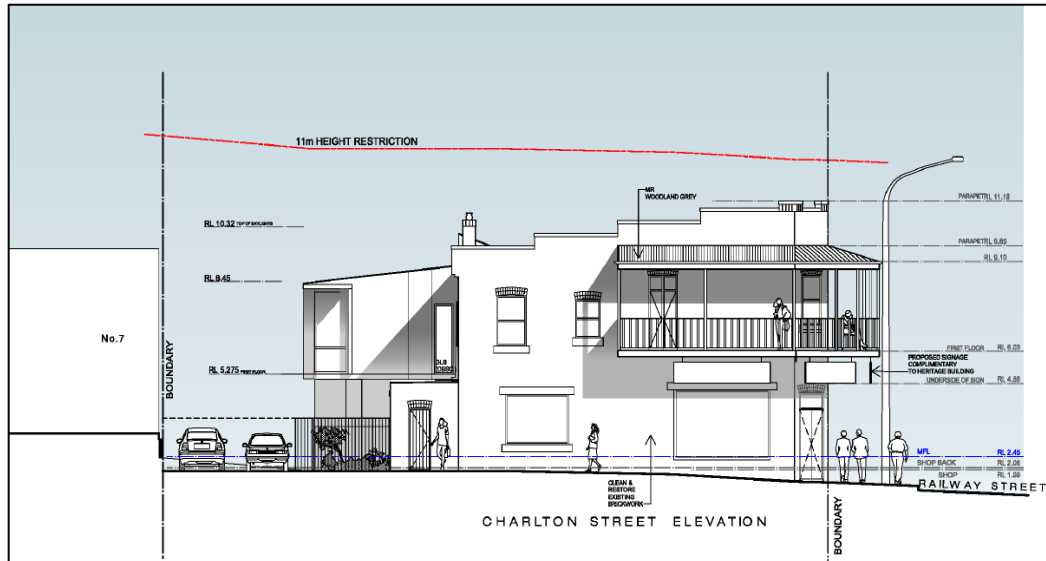
**Figure 3 – Rear of development under construction viewed from access driveway at Charlton Street**

The approved development elevations are shown in Figures 4 & 5.



**Figure 4 – Approved Development - Railway Street Elevation**





**Figure 5 – Approved Development - Charlton Street Elevation**

### Surrounding Development

Surrounding land to the north-east and south-east is commercial, including a car repair/service business adjoining to the south-east in Charlton Street, and the Deepwater Plaza Shopping Centre immediately opposite in Charlton Street. Adjoining land to the south-west is residential and has recently been developed for a 5-unit, two-storey multi dwelling housing development. Land to the north-west, on the opposite side of Railway Street, is rail corridor and the main northern rail line.

### The Proposed Development

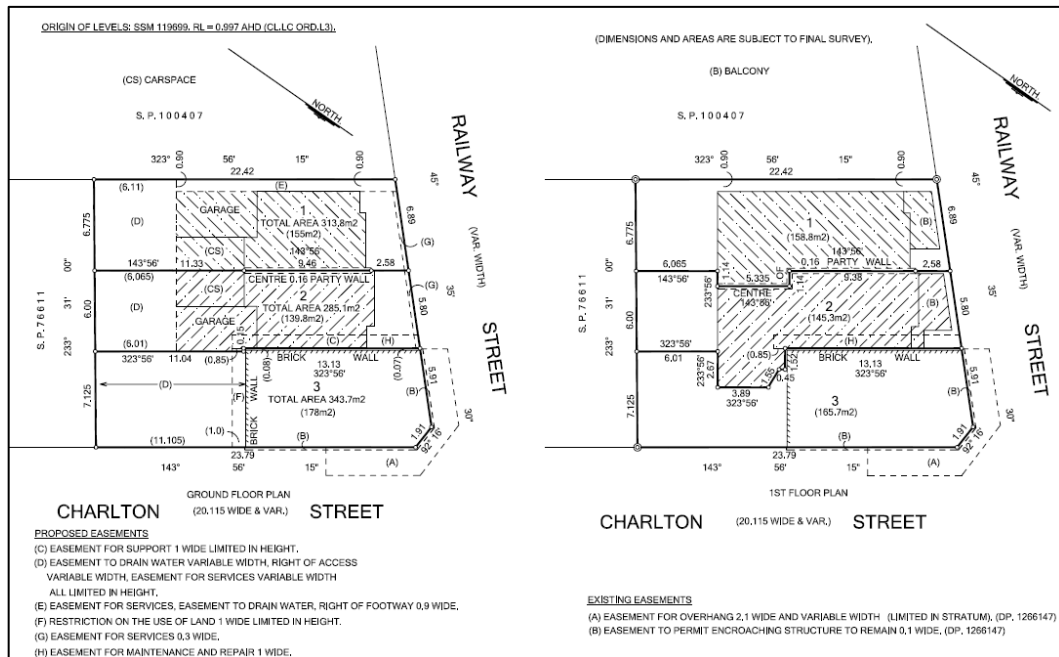
The proposal comprises stratum Torrens subdivision of the land into 3 lots with rights-of-way created over the rear of the site to allow for services and access to properties and car parking.

The proposed subdivision also seeks approval for two separate sewer connections for the residential units to the local sewer line in Railway Street, in lieu of the shared connection as has already been approved. The former Mrs Wilsons Shop previously connected to the local line in Railway Street, before redirection of the connection to the sewer main in Charlton Street. These works will be carried out in conjunction with the completion of the development under DA48230/2015.

The summary table, Table 1, provides an overview of the proposed lot/site areas as shown in Figure 6. The area of each lot for the calculation of lot size under *Gosford Local Environmental Plan 2014* (GLEP 2014) is taken to be the ground floor area.

**Table 1 – Proposed subdivision lot areas**

Lot	Applies to	Total Area	Ground Area	Level 1 Area
Lot 1	Residential Unit 1	313.8sqm	155sqm	158.8sqm
Lot 2	Residential Unit 2	285.1sqm	139.8sqm	145.3sqm
Lot 3	Heritage Building	343.7sqm	178sqm	165.7sqm



### Form of Title

A stratum Torrens title subdivision is proposed as the preferred process to cater for future management of the mixed-use nature of the approved development and the overhangs between different building elements that do not allow a more traditional form of Torrens subdivision for reasons outlined as follows:

- DA48230/2015 assessed the residential units as dual occupancy, and the proposal is in effect subdivision of the approved dual occupancy into two lots and the creation of a separate lot for the heritage building which will be used separately for commercial/retail purposes. The approved plans have small parts of Level 1 overhanging the adjoining unit/heritage building at the ground level as shown in Figure 6.
- The approved development is in effect a single development comprising both commercial and residential uses, and with the commercial component also being

a heritage item undergoing restoration and conservation works. There are different operational and maintenance requirements between the approved commercial and residential uses on the site, including heritage maintenance obligations, and the use of stratum subdivision will ensure that the different operational and maintenance responsibilities between the commercial and residential uses remain clear and independent of each other.

- The use of stratum subdivision will enable a better identification of responsibilities for the future heritage management of the site, with responsibility for the ongoing conservation and maintenance of the heritage item more appropriately resting with the owner of that building, as a single point of contact, rather than with a strata body covering both heritage and non-heritage buildings. Stratum subdivision would also assist Council to better identify the mapped heritage listing applying to part of the site, which could not be achieved through a strata subdivision approach.
- In support of the stratum subdivision between the 2 residential units, this will provide a consistent approach to the subdivision and titling of the site as a whole, rather than having a different type of subdivision then again for just the residential component, and the subdivision of the residential units in this way would be consistent with Council's intended planning approach under the draft Central Coast Local Environmental Plan 2018, which intends to allow the Torrens subdivision of dual occupancy dwellings below the minimum lot size in some circumstances. There is an overhang at the first level between the 2 residential units which preclude standard Torrens subdivision, and the use of a stratum subdivision will be consistent with the subdivision of the development as a whole, will be consistent with Council's intended planning approach to allow the Torrens subdivision of dual occupancy units and will result in no different impacts compared to a strata subdivision of the units, which would also be permissible.
- For the reasons stated above the Applicant seeks a stratum subdivision of the development as a whole, and the proposed subdivision will not result in any external changes to the already approved development and will not result in any external impacts for neighbouring properties compared to other forms of subdivision.
- The Applicant is not intending to prepare a Building Management Statement, due to the layout and separate access provided to each of the proposed lots. The NSW Registrar General's Guidelines for stratum subdivision identifies that s.196D of the Conveyancing Act, 1919 provides that a Building Management Statement may be prepared for a stratum subdivision, and this is typically where there is shared use or shared access within internal building areas, and where corresponding management measures are required. In this instance, there is no shared use of internal building areas and separate pedestrian and vehicular access is provided to each of the lots.

**Assessment:**

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

**Draft Environmental Planning Instruments**

**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.

On 14 December 2020, the Central Coast Local Environmental Plan and Development Control Plan were adopted by the administrator. The Central Coast Local Environmental Plan will now go to the Department of Planning, Industry and Environment (NSW DPIE) and the Parliamentary Counsel before being gazetted. The draft LEP is now imminent and certain now and greater weight is now afforded to the draft CCLEP in planning decisions.

The following is relevant in the merits of the application:

- The subject land retains its R1 General Residential zoning.
- The minimum lot size for subdivision in the zone is 550sqm.
- Subdivision of dual occupancy development below the minimum lot size is permitted where there is a combined application for dual occupancy and subdivision (Clause 4.1D).

Given the site characteristics, existing lot size of 472.8sqm, existing approved development and its location and context within the immediate locality adjoining the Woy Woy Town Centre, existing and proposed planning controls and conditions contained in the recommendation, it is considered that the granting of consent to the proposal will not be detrimental to the Draft CCLEP.

**State Environmental Planning Policies**

**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 proposal is for subdivision of an approved development and will not alter the approved use of the site under DA48230/2015, or the approved development form or density. There are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

**State Environmental Planning Policy (Coastal Management) 2018**

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

The subject property is within the Coastal Wetlands – Buffer zone. The subject property is within the Coastal Environment area and Coastal Use area.

The proposal is for subdivision of an approved development. No works are proposed. 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 R1 General Residential under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as subdivision and is permissible in the zone with consent of Council and relates to an approved use of the land.

**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.

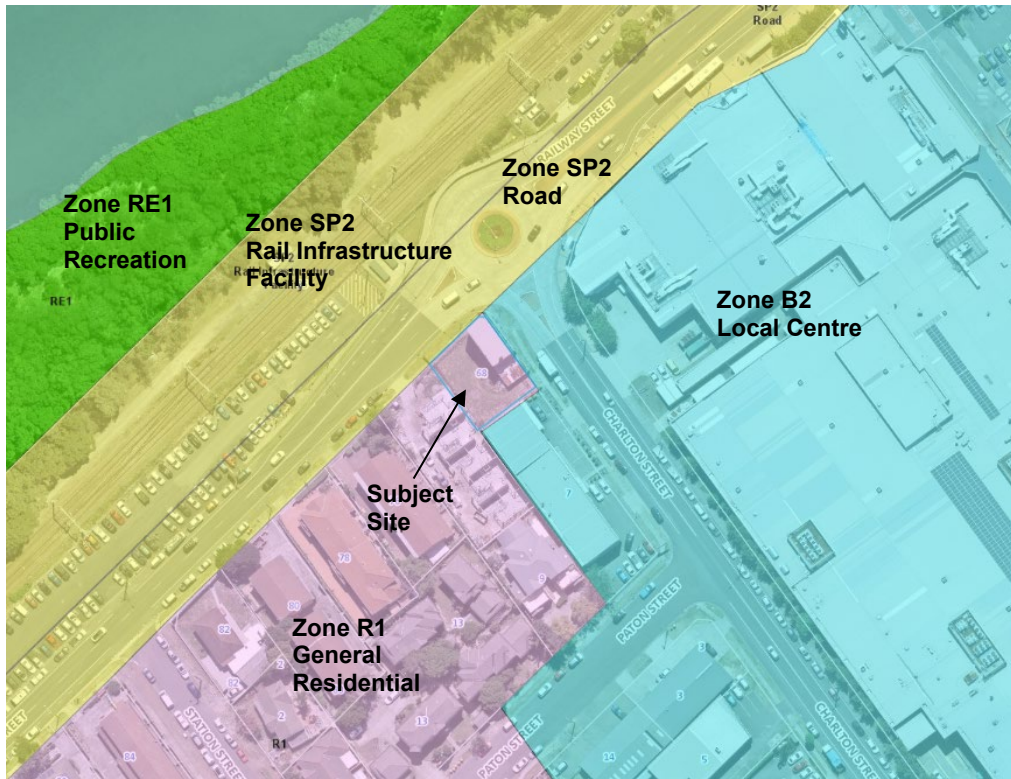
The objectives of the R1 General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *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 promote best practice in the design of multi dwelling housing and other similar types of development.*



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- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.



**Figure 7 – Zoning Map**

The proposal will not impact on the consistency of the approved development with the objectives of the R1 General Residential zone. The proposal will continue to provide for the restoration, conservation and adaptive re-use of a heritage item and provide for the housing needs of the community and additional housing on the site consistent with the zone objectives. The proposal will not impact on the character of the area or the character of the approved development.

### **2.6 Subdivision – consent requirements**

Subdivision of land is permitted with development consent. The proposed subdivision is substantially in accordance with the approved development plans under DA48230/2015.

The Torrens title stratum subdivision will ensure that different operational and maintenance responsibilities between commercial and residential uses are clear and independent of each other. The proposed stratum subdivision is not likely to interfere with the likely future amenity of the neighbourhood.

Adequate attention has been given to access to services. Separate occupation of the proposed lots will not conflict with the provisions of the *Environmental Planning and*

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Assessment Act, 1979 (EP&A Act), or any Environmental Planning Instrument within the meaning of that act.

**Development Standards**

An assessment of the proposed development against the relevant development standards is detailed in Table 2 as follows:

**Table 2 – Development Standards in GLEP 2014**

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Compliance with Objectives</b>
Clause 4.1(3) – Minimum Subdivision Lot Size	550sqm	The proposed lots sizes are: <ul style="list-style-type: none"> <li>• Lot 1 = 155sqm</li> <li>• Lot 2 = 139.8sqm</li> <li>• Lot 3 = 178sqm</li> </ul>	No	Yes – Refer Clause 4.6 Exception to Development Standard
Clause 4.3 - Height	11.5m	The proposal does not result in any change to the approved building height under DA48230/2015.	N/a	N/a
Clause 4.4(2) - Floor Space Ratio (FSR)	Mapped = 0.85:1 Exception clause 4.4(2A) (e) 0.75:1 building used for any other purpose	The development under DA48230/2015 was approved with an FSR of 0.89:1.  The proposal will not alter the approved development on the land, other than changing the nature of the title, although the gross floor area (GFA) will now be distributed across three separate properties, no further assessment in relation to FSR is required in this instance.		Refer comments under clause 4.4 Floor Space Ratio

#### 4.4 Floor Space Ratio

Clause 4.4(2) Floor Space Ratio of GLEP 2014 provides the maximum floor space ratio for a building on any land. The maximum floor space ratio (FSR) shown on the relevant map is 0.85:1.

For information to note, in accordance with the assessment of DA48230/2015 the site is subject to exception under subclause 4.4(2A) (e) if the building is used for any other purpose (excluding a dwelling house) the resultant FSR is 0.75:1. The FSR of 0.75:1 applies to the whole of the site; the primary use of the site is the commercial use of the heritage building (being a use for a purpose other than a residential use). Therefore, the 0.75:1 FSR applies to the whole of the site, not to portions of the site used for different uses. The development under DA48230/2015 was approved with an FSR of 0.89:1.

The proposal will not result in any additional impacts on the character of the area, ecological, social or economic sustainability impacts beyond the existing approval, and will be consistent with the approved use and development of the land.

The proposed lots will reflect an already approved development, which has been the subject of separate assessment by Council, and will not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.

The proposal will not alter the approved development on the land, other than changing the nature of the title, although the GFA will now be distributed across three separate properties, no further assessment in relation to FSR is required in this instance.

The Applicant submitted a request to vary the FSR for the proposal, however as stated above, Council is of the view assessment of FSR is not warranted in this instance.

#### **Gosford Local Environmental Plan 2014 - 4.6 Exceptions to Development Standards**

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the minimum subdivision lot size development standard in clause 4.1(3) of GLEP 2014. A copy of the clause 4.6 variation is included as **Attachment 3**.

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Clause 4.1(3) of GLEP 2014 provides the size of any lot resulting from subdivision of land is not to be less than the minimum size shown on the Lot Size Map. The minimum lot size for subdivision on the relevant map is 550sqm.

The proposed development seeks to vary the minimum subdivision lot size development standard resulting in variations as follows:

**Table 3 – Minimum Subdivision Lot Size**

<b>Lot</b>	<b>Applies to</b>	<b>Min Subdivision Lot Size</b>	<b>Ground Area</b>	<b>Variation</b>
Lot 1	Residential Unit 1	550sqm	155sqm	71.8%
Lot 2	Residential Unit 2	550sqm	139.8sqm	74.6%
Lot 3	Heritage Building	550sqm	178sqm	67.6%

The applicant’s written request refers to the first of the five tests established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard.

The Applicant’s written request (summarised) to vary the minimum subdivision lot size development standard demonstrates the following:

- The proposal is for the subdivision of the approved development under DA48230/2015, which is under construction, and will not create additional development capacity beyond that already approved for the site. The lots to be created reflect the approved development, and are in effect the subdivision of an approved dual occupancy and the creation of a separate lot for the heritage item approved for commercial/ retail use;
- Strata subdivision of the land in a similar configuration would be permissible without the need for any clause 4.6 variation. The Torrens stratum subdivision is proposed to allow for a more appropriate identification of the actual heritage item on the site, which could not be achieved by way of strata subdivision. Torrens subdivision would allow for the better future identification of the heritage item on Council’s LEP maps,
- Subdivision of the dual occupancy below the minimum lot size would be generally consistent with Council’s intended planning directions under the draft Central Coast LEP 2018, and in particular clause 4.1D which permits the Torrens subdivision of dual occupancy development below the minimum lot size where an application for both dual occupancy and subdivision is submitted, and this is also similar to the existing clause 4.1B under the Wyong LEP 2013.

- The proposal differs from these provisions in that the dual occupancy development has already been approved, and subdivision is being applied for separately, however the net outcome would be the same, where Torrens subdivision could be achieved, based on a known development form that has been the subject of a Council assessment process and is currently under construction.
- The proposal does not rely on clause 4.1D of the draft Central Coast LEP 2018, however the clause 4.6 variation would be consistent with the intended future outcomes from planning controls that will apply to the land and the remainder of the Central Coast in the future;
- The location of the site and the nature of the approved development is unique and would be unlikely to create a precedent for smaller minimum lot sizes in other circumstances.
- The site is located immediately adjacent to the Woy Woy Town Centre, being bound by the town centre and commercial zoning on two sides, and also contains a heritage item which is commercial in its former and future use. Subdivision of the heritage item is reasonable, due to its different use to the approved residential development, and LEP heritage controls would continue to apply to both the lot and the building notwithstanding any subdivision.
- The variation to minimum lot sizes will reflect the approved development form on the site, and will not result in any impacts on the identified heritage item;
- The variation will not result in any changes to the approved development under DA48230/2015, which will maintain the same development form, scale and appearance as already approved, and the subdivision will not result in any additional impact on adjoining properties;
- The proposed variation is consistent with the objectives of both the development standard and the R1 General Residential zone.

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

1. The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).

Comment:

The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary having regard to various relevant decisions in the NSW Land and Environment Court and New South Wales Court of Appeal and how there are sufficient environmental planning grounds to justify the contravention. Council is satisfied that the matters required to be demonstrated in subclause 4.6(3)(a) have been adequately addressed for the variation to minimum subdivision lot size development standard.



2. The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

In order to demonstrate if the proposal has merit, consideration of the proposed minimum subdivision lot size non-compliance regarding the objectives of the control contained within Clause 4.1 of GLEP 2014 is as follows:

- a) *to reflect State, regional and local planning strategies relating to the provision of various sizes of land,*
- b) *to ensure that the subdivision of land is compatible with the desired future character of the area,*
- c) *to promote the ecologically, socially and economically sustainable subdivision of land,*
- d) *to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure.*

The proposal is consistent with objectives in GLEP 2014 as follows:

- The proposed size of the lots reflects the approved development on the land, which includes a heritage item, and the site adjoins the Woy Woy Town Centre and is within close proximity to both rail and bus public transport. Additionally, subdivision of the dual occupancy below the minimum lot size is generally consistent with future planning intentions under the draft CCLEP.
- The proposal will not alter the approved development on the land, other than changing the nature of the title, and will result in no additional impacts on the character of the approved development or of the surrounding area.
- The proposal will not result in any additional ecological, social or economic sustainability impacts beyond the existing approval, and will be consistent with the approved use and development of the land.
- The proposed lots will reflect an already approved development, which has been the subject of separate assessment by the Council, and will not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.

The proposed development is consistent with the objectives for the R1 General Residential zone as follows:

- The proposed subdivision is consistent with the approved development under DA48230/2015 which provides housing needs for the local community and will increase housing choice in the area.
- The proposal will facilitate the ongoing separate use of the heritage item for commercial or retail purposes, and which will serve residents of the surrounding area.
- The proposal relates to a change in the title of the land, which would otherwise be permitted through strata subdivision and will have no additional impacts on the future character of the area.
- There is no change to the design or appearance of the approved development and the proposal will not impact on the amenity of adjoining residences or impact on the approved non-residential use of the land.

The assessment of the proposal against the objectives of the development standard and the R1 General Residential zone confirms that the proposal complies with these objectives despite the variation.

3. The concurrence of the Secretary has been obtained.

Comment:

Planning Circular PS 18-003 issued 21 February 2018 states that the consent authority may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The Central Coast Local Planning Panel is therefore empowered to determine the application.

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the development standard and the zone objectives such that the proposal is in the public interest. The contravention of the minimum subdivision lot size 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 measures of the control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

This assessment concludes that the clause 4.6 variation of GLEP 2014 provided having regard to clause 4.1(3) of GLEP 2014 is well founded and worthy of support.

### **5.10 Heritage Conservation**

The proposal relates to the subdivision of an approved development. The proposed subdivision will not change the approved building form on the site. The proposed subdivision

## **4.2 DA 59637/2020 - 68 Railway Street Woy Woy - Stratum Torrens Subdivision (contd)**

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will allow for a more appropriate identification of the heritage item, which is to be located on a separate Torrens lot which can be mapped under GLEP 2014.

Council's Heritage Officer has reviewed the proposed subdivision and raises no objection to the application on heritage grounds as follows:

- The non-compliance does not result in any detrimental impacts on adjoining sites or on the internal amenity of the townhouses or the heritage item.
- The amendment has no effect on the proposed and approved work to the heritage item or conditions of consent.

### **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. The proposal will not impact on Acid Sulphate Soils.

### **7.2 Flooding**

Council's Development Engineer has reviewed the proposed subdivision and raises no objection to the application on engineering grounds in relation to the flooding impacts as follows:

- Council's records indicate that the site is affected by flood planning controls associated with Council's Brisbane Water Foreshore Floodplain Risk Management Plan and Brisbane Water Foreshore Flood Study.
- It appears that at the time of assessment of DA48230/2015, the Brisbane Water Foreshore Floodplain Risk Management Plan and Brisbane Water Foreshore Flood Study had not yet been adopted by Council, and as such flood levels and controls for the site for DA48230/2015, were reflective of a flood level of RL 1.95m AHD, and a flood planning level of RL 2.45m AHD. With the adoption of the Brisbane Water Foreshore Floodplain Risk Management Plan and Brisbane Water Foreshore Flood Study, these levels have been revised and lowered for this site to a 1%AEP flood level of RL 1.62m AHD, and a flood planning level of RL 2.32m AHD.
- The flood messages 4181, 3162, & 3163 on the current registered lot will be automatically carried over to all three proposed lots when created, and the S10.7 certificate messages will reflect that all three lots are subject to flooding and/or flood planning controls.

### **Gosford Development Control Plan 2013**

The Gosford Development Control Plan 2013 (GDGP 2013) was considered during assessment of this application.

**Chapter 2.1 Character**

The proposal does not change the use, density, layout or external appearance of the approved development under DA48230/2015 and maintains the same approved building height and overall floor space ratio. Torrens subdivision of the land will be consistent with the approved development on the site and will not impact on the character of the approved development or the character of the surrounding area.

**Chapter 3.5 Residential Subdivision**

Chapter 3.5 of GDCP 2013 provides guidelines for residential subdivision. In this instance the proposal is for subdivision to establish the form of title for appropriate management of the approved commercial/retail and residential uses and does not create the opportunity for additional lots and additional development capacity.

The proposed subdivision lot arrangement/orientation reflects the approved development of the site under DA48230/2015 and is consistent with the provisions and objectives of the controls notwithstanding variation to the minimum subdivision lot size of 550sqm (refer Table 3 for the extent of the variations) and minimum lot width of 18m (minimum lot width is 5.80m a maximum variation of 68%) on land zoned R1 General Residential required by Clause 3.5.3.2 Allotment Size.

The proposal seeks variation to the minimum 550sqm lot size development control which largely restates to clause 4.1 of GLEP 2014 minimum lot size requirement for the reasons outlined under clause 4.6 of GLEP 2014. The submitted clause 4.6 is considered well founded and is supported as stated within this report.

The assessment considers the proposal is consistent with the objectives of the controls and the variation is supported for the following reasons:

- An acceptable level of amenity for the existing and future residents is provided.
- The subdivision layout is done in an efficient and orderly manner; consistent with the approved development.
- All lots are satisfactorily serviced by infrastructure:
  - The proposal is consistent with the approved development of the site, including approved floor levels, and will not increase risk from natural hazards. Flood messaging will be carried over to all three proposed lots to reflect that all three lots are subject to flooding and/or flood planning controls.
  - DA48230/2015 approved the vehicular access arrangements for the development to/from Charlton Street including certain matters raised by Roads & Maritime Services at that time. No changes to the access provisions are proposed with the subdivision. No referral was required to TfNSW (formerly Roads & Maritime Services) under Clause 101 of SEPP (Infrastructure) 2007.

## 4.2 DA 59637/2020 - 68 Railway Street Woy Woy - Stratum Torrens Subdivision (contd)

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- Road works are not required for this subdivision.
- However, a right of access is to be created with the proposed subdivision over the access provisions approved and being constructed under DA48230/2015.
- The proposed subdivision would not be increasing or changing traffic movements when compared to that associated with the assessment and approval for DA48230/2015.
- Stormwater - the drainage assessment for DA48230/2015 was associated with a stormwater management plan that included the provision of water tanks, internal drainage arrangements, nutrient controls, and an overland secondary stormwater flow path outside of the driveway area. The proposed subdivision development does not appear to propose any changes to the physical drainage network approved under DA48230/2015.
- Appropriate easements are created on the proposed plan of subdivision, **refer Condition 2.7**.
- The final plan of subdivision must indicate reduced levels for stratum easements to Australian Height Datum, **refer Condition 2.7**

### Other Matters for Consideration

#### Completion of approved development under DA48230/2015

The proposal will require completion of the approved development under DA48230/2015 for the Demolition, Restoration & Conservation of Existing Heritage Building for Retail & Commercial Use & Construction of Two Residential Units & Verandah prior to the issue of a subdivision certificate, **refer Condition 2.2**.

#### Development Contribution Plan

The proposed development is a development type that is not subject to section 7.11 or 7.12 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

#### Water and Sewer Requirements / Contributions

The proposal is supported by the Water Authority (Council). The development site is within the water and sewer service area.

The proposal will require:

- Separate water meter and sewer connection point is required under the stratum Torrens subdivision for each lot.
- Connection to Councils water supply system for each lot shall be to the 100mm CICL water main located at Charlton Street.

## 4.2 DA 59637/2020 - 68 Railway Street Woy Woy - Stratum Torrens Subdivision (contd)

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- Connection to Council's sewer reticulation system for lot 1 shall be from the 150mm VC main located at Railway Street. Sewer connection point for lot 2 and lot 3 is currently available at site.
- Sewer connection point for lot 3 should be raised with Inspection Opening as it is directly under driveway. Inspection Opening should be flushed with driveway and made available at any time for future inspection and maintenance.

Water and sewer contribution, assessment and inspection fees shall apply to the proposal to obtain a 307 Certificate of Compliance under the Water Management Act 2000, **refer Condition 2.4.**

### Planning Agreements

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

### Referrals

Internal Referral Body	Comments
Engineering	Supported, subject to conditions, <b>refer Conditions 2.5 – 2.8</b>
Heritage	Supported, without conditions
Water and Sewer	Supported, subject to conditions, <b>refer Condition 2.4</b>

### Public Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013, no submissions were received.

### Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposed stratum Torrens subdivision will reflect an already approved development, which has been the subject of separate assessment by Council, and will not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.



## **4.2 DA 59637/2020 - 68 Railway Street Woy Woy - Stratum Torrens Subdivision (contd)**

---

The proposed development will contribute to the supply of housing needs in the locality and is satisfactory from an economic perspective. No social impacts will arise from the approval of the proposed subdivision.

### **Suitability of the Site for the Development**

The site is zoned is zoned R1 General Residential under GLEP 2014. The proposal is generally in keeping with the provisions of GLEP 2014 and GDCP 2013. The proposal is for the subdivision of the approved development under DA48230/2015, which is under construction, and will not create additional development capacity beyond that already approved for the site.

A stratum Torrens title subdivision is proposed as the preferred process to cater for future management of the mixed-use nature of the approved development and the overhangs between different building elements that do not allow a more traditional form of Torrens subdivision.

The site subject to flooding controls. It is recommended that the flood messages on the existing lot is carried over to all three proposed lots, and that the S10.7 certificate messages also reflect that all three lots are subject to flooding and/or flood planning controls.

As such the site is considered suitable for this type of development subject to conditions of consent.

### **The Public Interest**

The approval of the application is considered to be in the public interest. The proposal will not have any adverse impact on the natural or built environment and will not unreasonably impact the amenity of neighbouring properties and provide for the orderly and economic development of the land.

The proposal will continue to provide for the restoration, conservation and adaptive re-use of a heritage item and provide for the housing needs of the community and additional housing on the site consistent with the zone objectives. The proposal will not impact on the character of the area or the character of the approved development.

### **Political Donations**

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

### **Conclusion**

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

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Draft Conditions of Consent DA59637 68 Railway Street Woy Woy                                 | D14542779 |
| <b>2</b> | PUBLIC Updated Stratum Subdivision Plans_AI-45484 68 Railway Street<br>WOY WOY DA59637 Part 1 | D14431443 |
| <b>3</b> | Updated Cl.4.6 Variation Request DA 59637 68 Railway St Woy Woy                               | D14542597 |
| <b>4</b> | PUBLIC Statement of Environmental Effects 68 Railway Street, WOY<br>WOY DA59637 Part 1        | D14219526 |
| <b>5</b> | Addendum to SEE DA59637 68 Railway St Woy Woy   | D14542940 |

**Draft Conditions of Consent**

DA59637/2020: Stratum Torrens Subdivision

Description of Land: LOT: 12 DP: 1009830, 68 Railway Street WOY WOY

**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: M J Bissett**

Drawing	Description	Issue	Date
14847STRATUM	Administration Sheets Sheet 1 of 2 & 2 of 2	-	undated
14847STRATUM	Location Plan	-	21/08/2020
14847STRATUM	Ground Floor Plan & 1st Floor Plan	-	21/08/2020
14847STRATUM	Lot 1 Elevations	-	21/08/2020
14847STRATUM	Lot 2 Elevations	-	21/08/2020
14847STRATUM	Lot 3 Elevations	-	21/08/2020

**2. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE**

- 2.1. All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 2.2. Submit details to Council / Principal Certifier that demonstrate the completion of all works and implementation of any plans required under Development Consent No 48230/2015.
- 2.3. Submit, and have approved, an application for a Subdivision Certificate to Council / Certifying Authority. The Subdivision Certificate application is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 2.4. Submit an application to Council under section 305 of the Water Management Act 2000 to obtain a 307 Certificate of Compliance. The Application for a 307 Certificate under section 305 Water Management Act 2000 form can be found on Council's website [www.centralcoast.nsw.gov](http://www.centralcoast.nsw.gov). Early application is recommended.
- 2.5. Submit to the Council/Principal Certifier certification prepared by a Registered Surveyor certifying that all construction has been affected within the appropriate property, easement boundaries and rights of access. The certification must be accompanied by a copy of the proposed subdivision plan, with the distances from the boundaries to the edges of these structures endorsed in red and signed by the surveyor.

- 2.6. Submit to Council written confirmation from the relevant service authorities that satisfactory arrangements have been made for the provision of the following services to each lot where available:
- Telecommunications / national broadband network (NBN)
  - Electricity supply
- 2.7. Include on the Deposited Plan (DP) an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
- a) Create a 'Restriction on the use of Land' over all lots containing a nutrient / pollution control facility restricting any alteration to such a facility or the erection of any structure over the facility or the replacement of any obstruction over the facility.
  - b) Create an easement to drain water as indicated on the approved plans and as required over all interallotment drainage pipelines.
  - c) Create a 'Restriction on the use of Land' over all lots affected by a secondary flow path to ensure the shape of the flow path is not altered.
  - d) Create for easements for support as indicated on the approved plans.
  - e) Create easements for maintenance and repair as indicated on the approved plans.
  - f) Create a right of access, right of footway, and an easement for services as indicated on the approved plans.

The plan of subdivision must indicate reduced levels for stratum easements to Australian Height Datum.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

- 2.8. Include on the Deposited Plan (DP) a positive covenant by the registered proprietor in favour of Council pursuant to the *Conveyancing Act 1919* establishing the following with the authority empowered to release, vary or modify the positive covenant is Central Coast Council.
- a) Ensure on any lot containing a nutrient/pollution control facility that:
    - (i) the facility will remain in place and fully operational
    - (ii) the facility is maintained so that it operates in a safe and efficient manner
    - (iii) Council staff is permitted to inspect and repair the facility at the owner's cost
    - (iv) Council is indemnified against all claims of compensation caused by the facility

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

### 3. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

**Warnings as to Potential Maximum Penalties**

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

PLAN FORM 6 (2020) <span style="float: right;">WARNING: Creasing or folding will lead to rejection</span>	
<b>DEPOSITED PLAN ADMINISTRATION SHEET</b> <span style="float: right;">Sheet 1 of 2 sheet(s)</span>	
Office Use Only	Office Use Only
Registered:	
Title System:	
<b>PLAN OF STRATUM SUBDIVISION OF LOT 12 IN DEPOSITED PLAN 1009830.</b>	LGA: CENTRAL COAST Locality: WOY WOY Parish: PATONGA County: NORTHUMBERLAND
<p style="text-align: center;"><b>Survey Certificate</b></p> <p>I, .....MICHAEL JAMES BISSETT ..... of .....PO BOX 4130 EAST GOSFORD NSW 2250..... a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on ....., or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding ** ..... .....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on,..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: .....</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>Signature: ..... Dated: .....</p> <p>Surveyor Identification No: .....</p> <p>Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>*Strike out inappropriate words.</p> <p>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	<p style="text-align: center;"><b>Crown Lands NSW/Western Lands Office Approval</b></p> <p>I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: .....</p> <p>Date: .....</p> <p>File Number: .....</p> <p>Office: .....</p>
	<p style="text-align: center;"><b>Subdivision Certificate</b></p> <p>I, ..... *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: .....</p> <p>Registration number: .....</p> <p>Consent Authority: .....</p> <p>Date of endorsement: .....</p> <p>Subdivision Certificate number: .....</p> <p>File number: .....</p> <p>*Strike through if inapplicable.</p>
<p>Plans used in the preparation of survey/compilation.</p> <p>DP 362576    DP 1256381</p> <p>DP 407651    DP 1009830</p> <p>DP 520842    SP 21504</p> <p>DP 547278    SP 76611</p> <p>DP 863783</p>	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p>
Surveyor's Reference: 14847STRATUM	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A



PLAN FORM 6A (2019) <b>DEPOSITED PLAN ADMINISTRATION SHEET</b> Sheet 2 of 2 sheet(s)																								
Office Use Only  <b>Registered:</b>  <b>PLAN OF STRATUM SUBDIVISION OF LOT 12 IN DEPOSITED PLAN 1009830.</b>  Subdivision Certificate number: ..... Date of Endorsement: .....	Office Use Only  This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> <li>• A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i></li> <li>• Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>• Signatures and seals- see 195D <i>Conveyancing Act 1919</i></li> <li>• Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul>																							
<b><u>SCHEDULE OF STREET ADDRESSES</u></b>																								
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 10%;">LOT</th> <th style="width: 15%;">STREET NUMBER</th> <th style="width: 25%;">STREET NAME</th> <th style="width: 15%;">STREET TYPE</th> <th style="width: 35%;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1/68</td> <td>RAILWAY</td> <td>STREET</td> <td>WOY WOY</td> </tr> <tr> <td>2</td> <td>2/68</td> <td>RAILWAY</td> <td>STREET</td> <td>WOY WOY</td> </tr> <tr> <td>3</td> <td>3/68</td> <td>RAILWAY</td> <td>STREET</td> <td>WOY WOY</td> </tr> </tbody> </table>					LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY	1	1/68	RAILWAY	STREET	WOY WOY	2	2/68	RAILWAY	STREET	WOY WOY	3	3/68	RAILWAY	STREET	WOY WOY
LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY																				
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3	3/68	RAILWAY	STREET	WOY WOY																				
<p><b>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919 IT IS INTENDED TO CREATE:</b></p> <ol style="list-style-type: none"> <li>1. EASEMENT FOR SUPPORT 1 WIDE LIMITED IN HEIGHT (C) .</li> <li>2. EASEMENT TO DRAIN WATER VARIABLE WIDTH, RIGHT OF ACCESS VARIABLE WIDTH, EASEMENT FOR SERVICES VARIABLE WIDTH, ALL LIMITED IN HEIGHT (D).</li> <li>3. EASEMENT FOR SERVICES AND RIGHT OF FOOTWAY 0.9 WIDE (E).</li> <li>4. RESTRICTION ON THE USE OF LAND 1 WIDE LIMITED IN HEIGHT (F).</li> <li>5. EASEMENT FOR SERVICES 0.3 WIDE (G).</li> <li>6. EASEMENT FOR REPAIRS 1 WIDE (H).</li> <li>7. POSITIVE COVENANT.</li> <li>8. RESTRICTION ON THE USE OF LAND.</li> </ol>																								
				_____ Janet Denise Matthews																				
Signature of witness: .....  Name of witness: .....  Address of witness: .....																								
If space is insufficient use additional annexure sheet																								
Surveyor's Reference: 14847STRATUM																								

PLAN FORM 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of Sheets

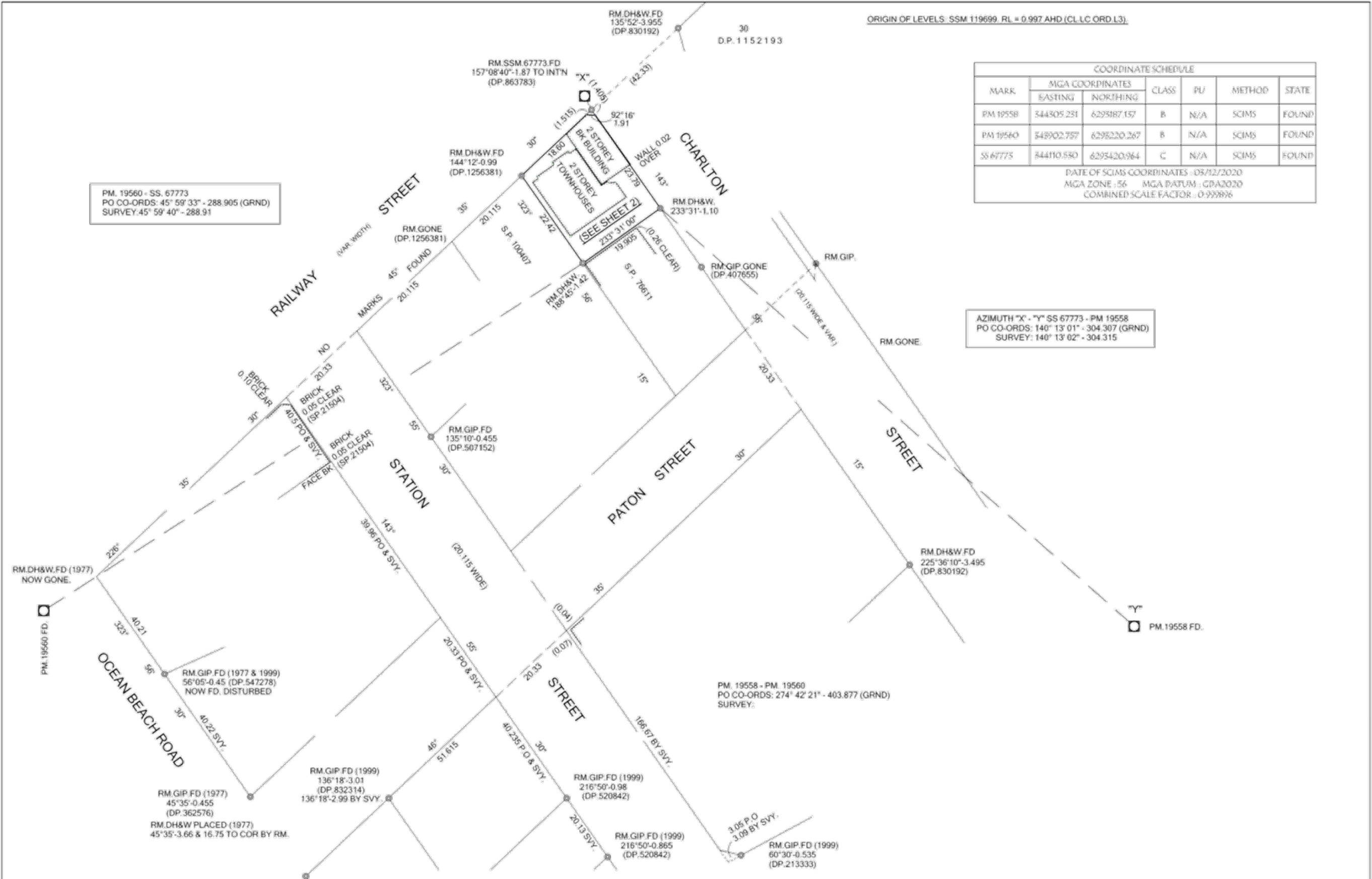
ORIGIN OF LEVELS: SSM 119699, RL = 0.997 AHD (CL LC ORD L3)

COORDINATE SCHEDULE						
MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
PM 19558	344805.231	6295187.157	B	N/A	SCIMS	FOUND
PM 19560	343902.757	6295220.267	B	N/A	SCIMS	FOUND
SS 67775	344110.530	6295420.964	C	N/A	SCIMS	FOUND

DATE OF SCIMS COORDINATES - 03/12/2020  
MGA ZONE - 56 MGA DATUM - GDA2020  
COMBINED SCALE FACTOR - 0.999896

AZIMUTH "X" - "Y" SS 67773 - PM 19558  
PO CO-ORDS: 140° 13' 01" - 304.307 (GRND)  
SURVEY: 140° 13' 02" - 304.315

PM 19560 - SS 67773  
PO CO-ORDS: 45° 59' 33" - 288.905 (GRND)  
SURVEY: 45° 59' 40" - 288.91



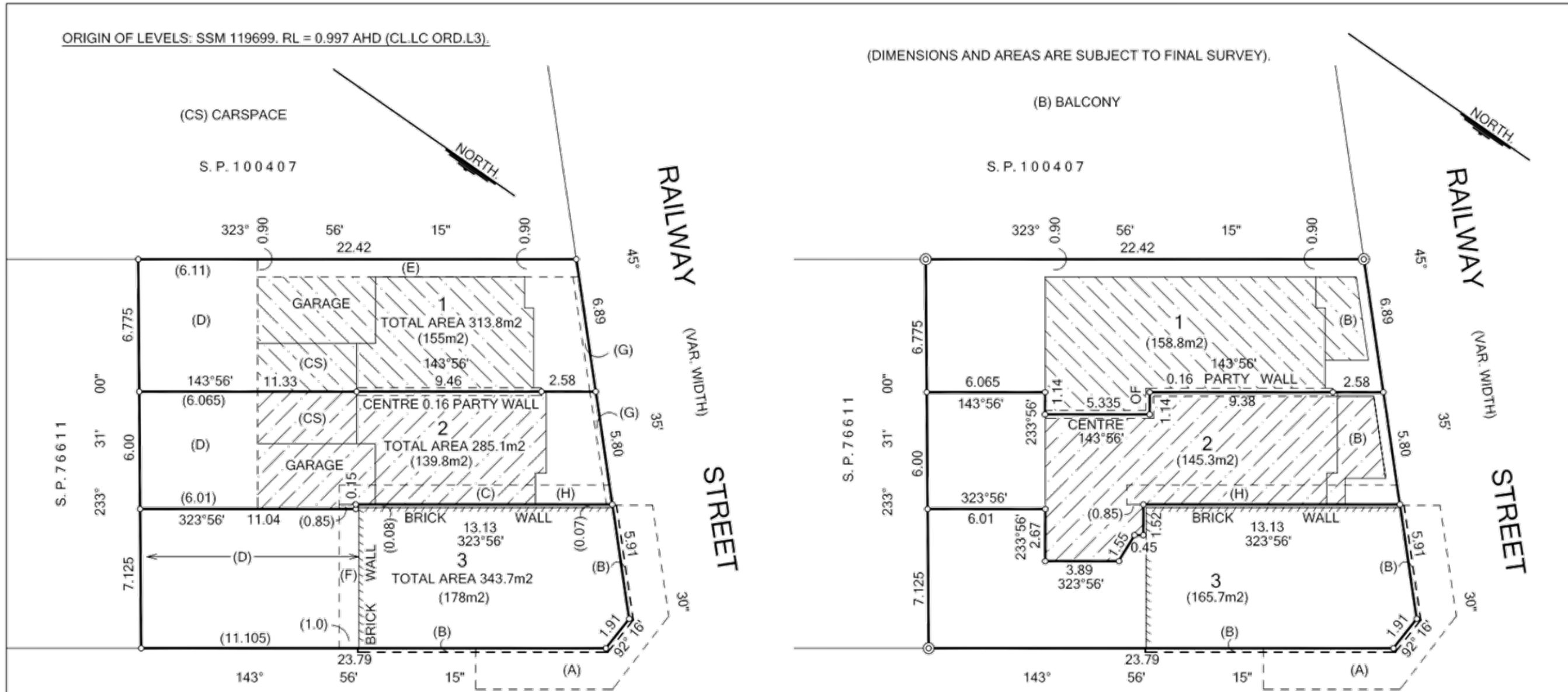
Surveyor: MICHAEL JAMES BISSETT Date of Survey: 21/08/2020 Surveyor's Ref: 14847STRATUM	<b>PLAN OF STRATUM SUBDIVISION OF LOT 12 IN D.P. 1009830</b>	L.G.A.: CENTRAL COAST Locality: ETTALONG BEACH Subdivision No: Lengths are in metres. Reduction Ratio 1:500	Registered
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PLAN FORM 1 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 2 of sheets



ORIGIN OF LEVELS: SSM 119699. RL = 0.997 AHD (CL.LC ORD.L3).

(DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY).

GROUND FLOOR PLAN  
 CHARLTON STREET (20.115 WIDE & VAR.)

1ST FLOOR PLAN  
 CHARLTON STREET (20.115 WIDE & VAR.)

PROPOSED EASEMENTS

- (C) EASEMENT FOR SUPPORT 1 WIDE LIMITED IN HEIGHT.
- (D) EASEMENT TO DRAIN WATER VARIABLE WIDTH, RIGHT OF ACCESS VARIABLE WIDTH, EASEMENT FOR SERVICES VARIABLE WIDTH ALL LIMITED IN HEIGHT.
- (E) EASEMENT FOR SERVICES, EASEMENT TO DRAIN WATER, RIGHT OF FOOTWAY 0.9 WIDE.
- (F) RESTRICTION ON THE USE OF LAND 1 WIDE LIMITED IN HEIGHT.
- (G) EASEMENT FOR SERVICES 0.3 WIDE.
- (H) EASEMENT FOR MAINTENANCE AND REPAIR 1 WIDE.

EXISTING EASEMENTS

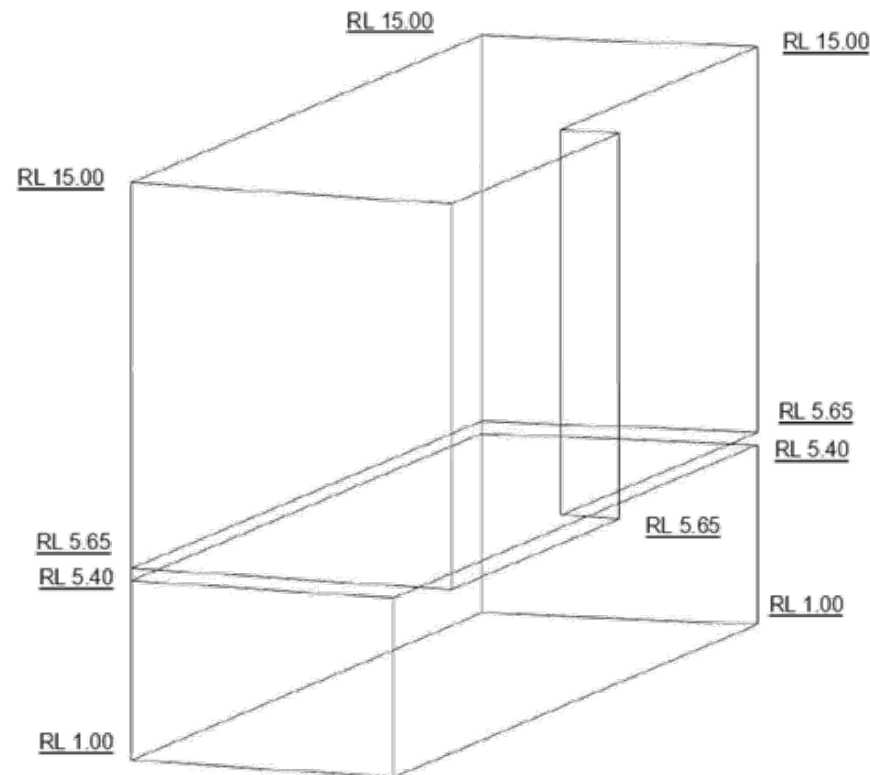
- (A) EASEMENT FOR OVERHANG 2.1 WIDE AND VARIABLE WIDTH (LIMITED IN STRATUM). (DP. 1266147)
- (B) EASEMENT TO PERMIT ENCROACHING STRUCTURE TO REMAIN 0.1 WIDE. (DP. 1266147)

SURVEYOR Name : MICHAEL JAMES BISSETT Date : 21/08/2020 Reference : 14847STRATUM	PLAN OF STRATUM SUBDIVISION OF LOT 12 IN DP 1009830.	L. G. A. : CENTRAL COAST Locality : WOY WOY Reduction Ratio : 1:200 Lengths are in metres.	Registered	DP
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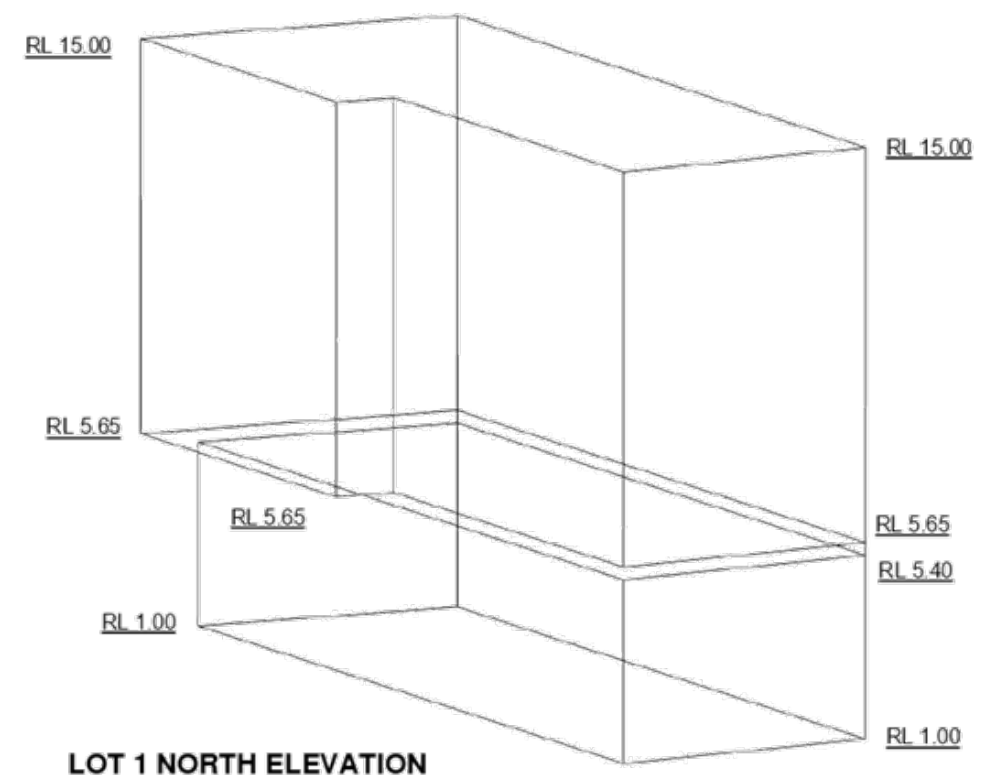
PLAN FORM 1 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

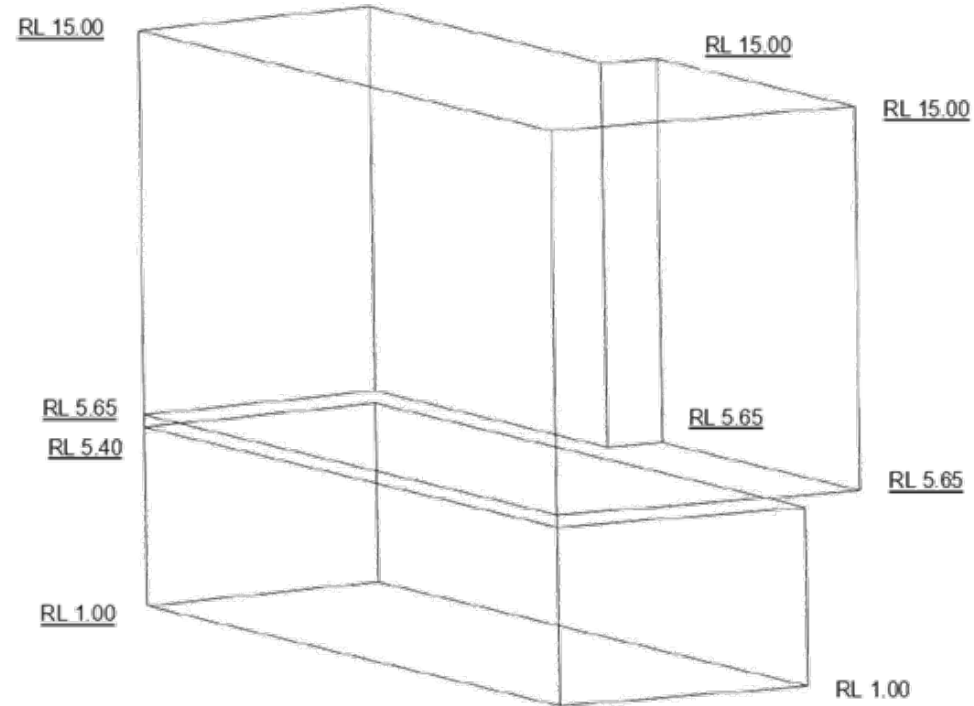
Sheet 2 of sheets



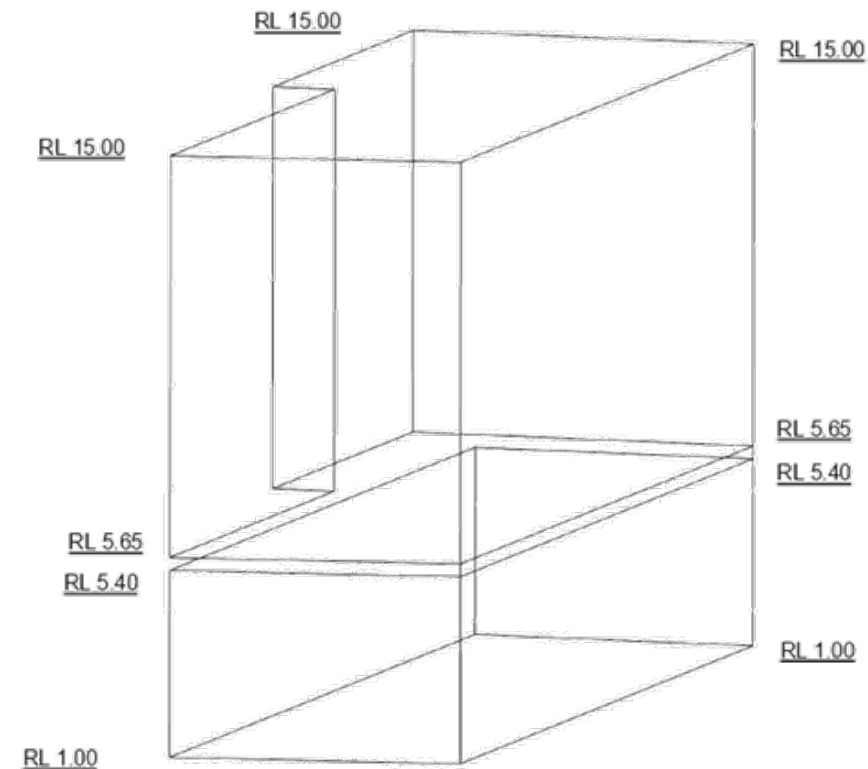
LOT 1 EAST ELEVATION



LOT 1 NORTH ELEVATION



LOT 1 SOUTH ELEVATION



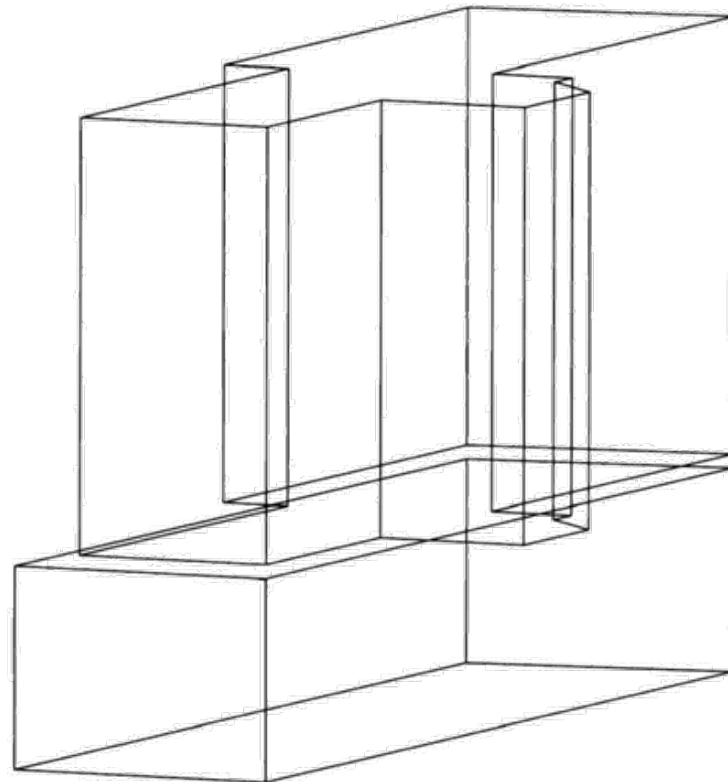
LOT 1 WEST ELEVATION

<p>SURVEYOR Name : MICHAEL JAMES BISSETT Date : 21/08/2020 Reference : 14847STRATUM</p>	<p>PLAN OF STRATUM SUBDIVISION OF LOT 12 IN DP 1009830.</p>	<p>L. G. A. : CENTRAL COAST Locality : WOY WOY Reduction Ratio : 1:200 Lengths are in metres.</p>	<p>Registered</p>	<p>DP</p>
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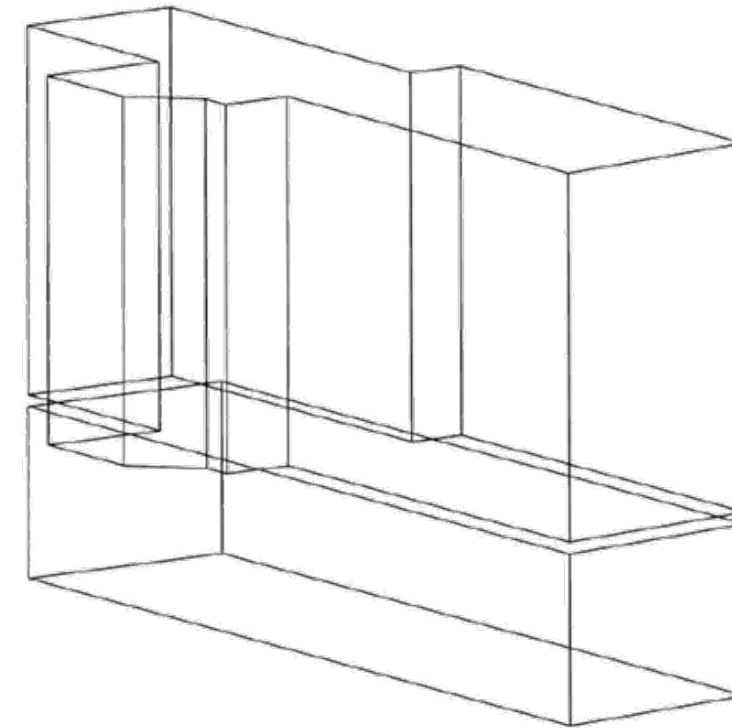
PLAN FORM 1 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

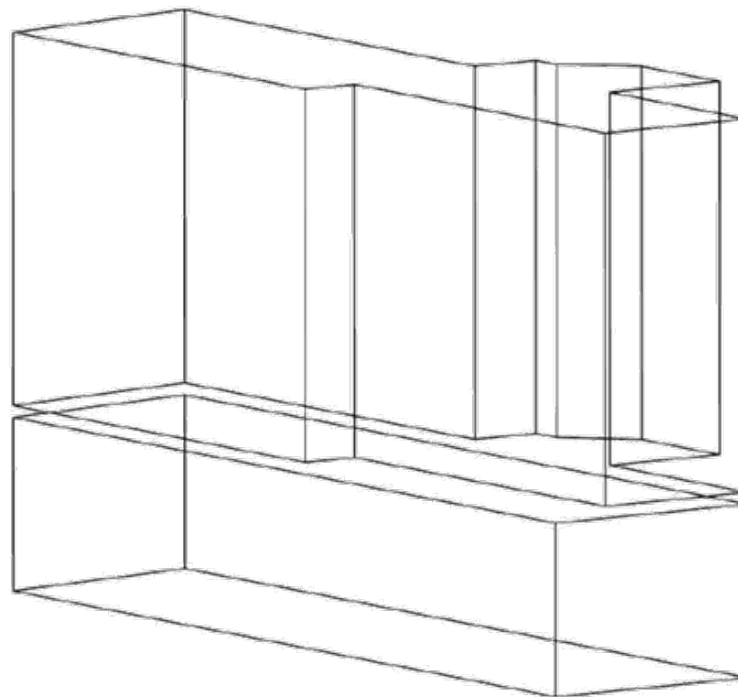
Sheet 3 of sheets



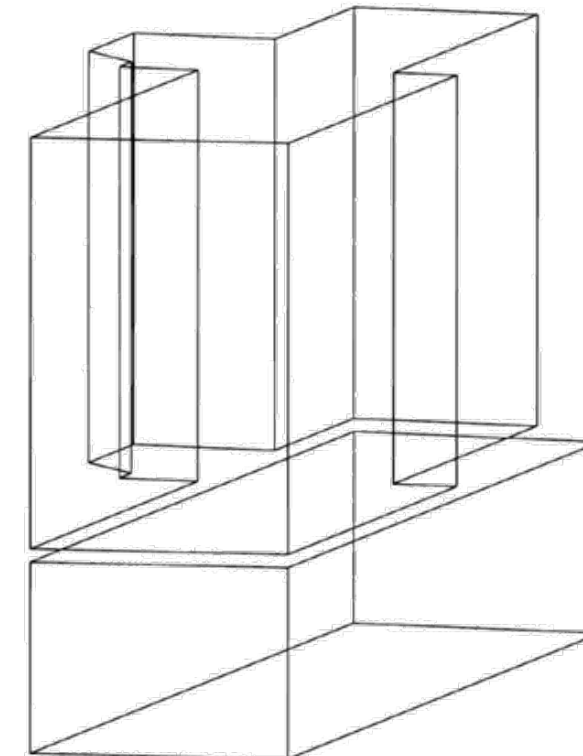
LOT 2 EAST ELEVATION



LOT 2 NORTH ELEVATION



LOT 2 SOUTH ELEVATION



LOT 2 WEST ELEVATION

SURVEYOR  
Name : MICHAEL JAMES BISSETT  
Date : 21/08/2020  
Reference : 14847STRATUM

PLAN OF STRATUM SUBDIVISION  
OF LOT 12 IN DP 1009830.

L. G. A. : CENTRAL COAST  
Locality : WOY WOY  
Reduction Ratio : 1:200  
Lengths are in metres.

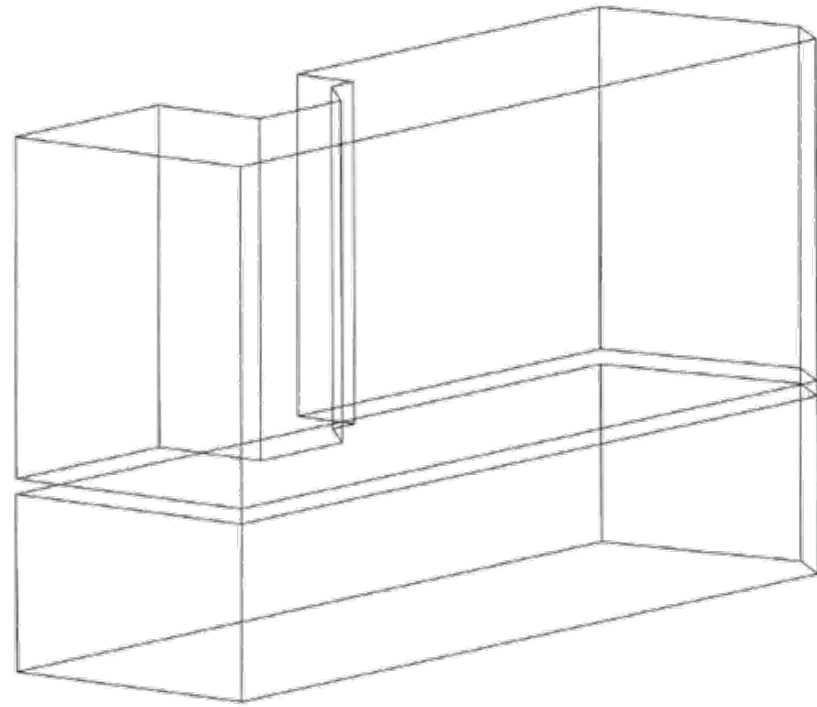
Registered

DP

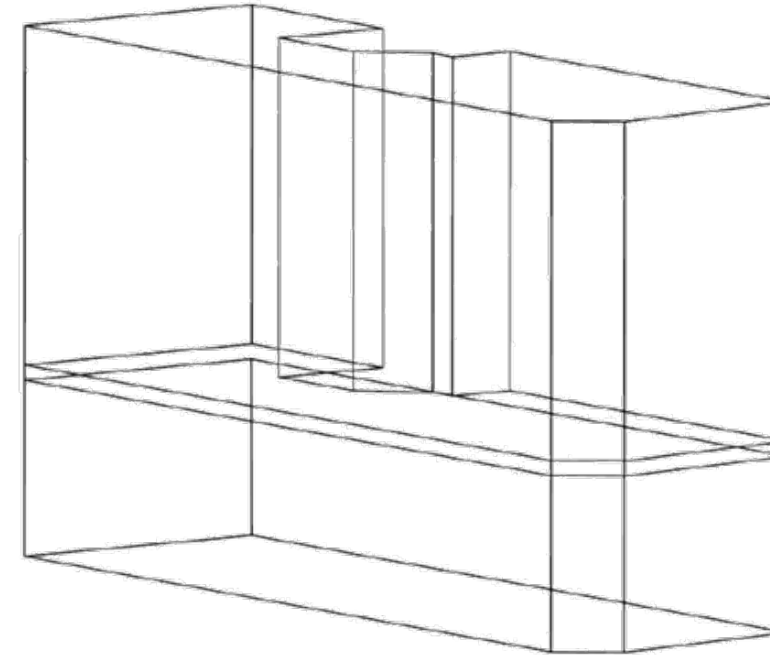
PLAN FORM 1 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

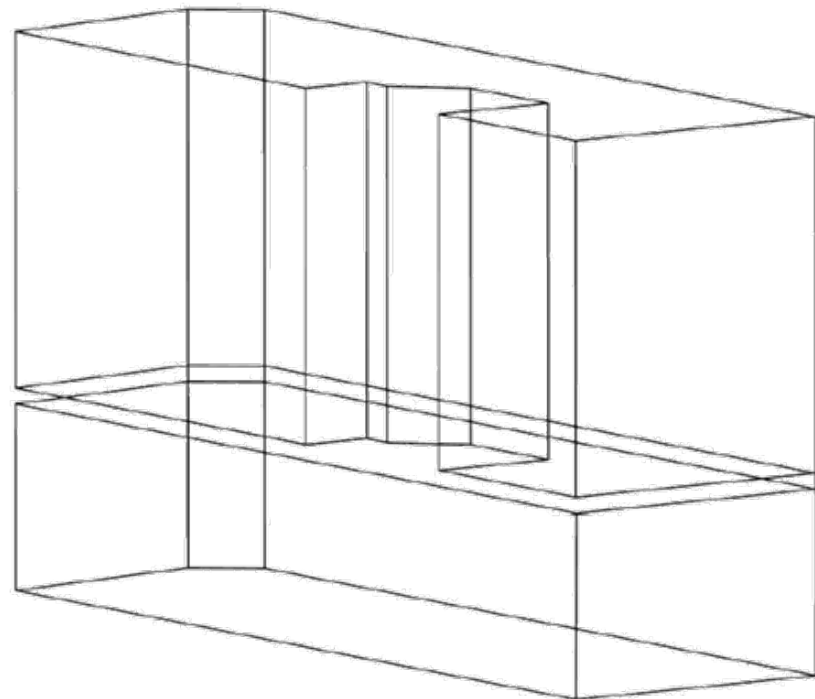
Sheet 4 of sheets



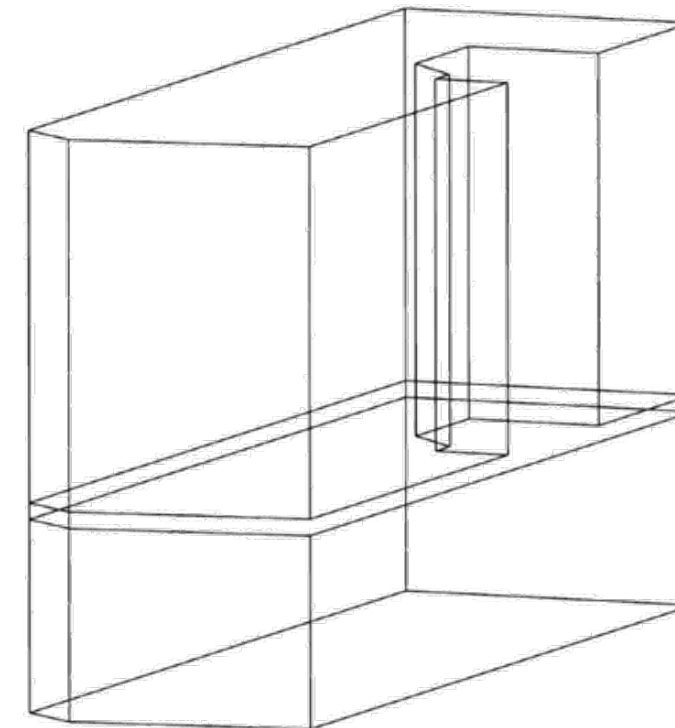
LOT 3 EAST ELEVATION



LOT 3 NORTH ELEVATION



LOT 3 SOUTH ELEVATION



LOT 3 WEST ELEVATION

SURVEYOR Name : MICHAEL JAMES BISSETT Date : 21/08/2020 Reference : 14847STRATUM	PLAN OF STRATUM SUBDIVISION OF LOT 12 IN DP 1009830.	L. G. A. : CENTRAL COAST Locality : WOY WOY Reduction Ratio : 1:200 Lengths are in metres.	Registered	DP
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### **Updated Variation to Development Standard under Clause 4.6 Gosford LEP 2014**

The proposal has a variation to the minimum subdivision lot size, and the applicant requests a variation to the development standard as allowed by Clause 4.6 of Gosford LEP 2014. This updated request updates the lot sizes following the amended plans submitted to Council on 21 December 2020.

The request for variation has been prepared with consideration of relevant principles set out in various judgements applying to variations to development standards, including *Wehbe v Pittwater Council [2007] NSWLEC 827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*, *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* and *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

#### **Minimum Subdivision Lot Size**

##### Relevant Development Standard

Clause 4.1(3) of Gosford LEP 2014 sets minimum subdivision lot sizes through reference to the *Lot Size Map*. The relevant Map identifies the site as having minimum lot size of 550m<sup>2</sup>.

##### Extent of Variation to Development Standard

Based on ground floor areas, the proposal has lot sizes of 155m<sup>2</sup>, 139.8m<sup>2</sup> and 178m<sup>2</sup>, which are variations of 71.8%, 74.6% and 67.6% to the 550m<sup>2</sup> standard.

##### Reason for the Variation

The proposal has unique circumstances, being the subdivision of an approved mixed-use development under DA48230/2015, and is in effect a subdivision of an approved dual occupancy and the creation of a separate lot for a heritage item which is approved for commercial/ retail use. Council's intended planning controls under the draft Central Coast LEP (as well as the current Wyong LEP 2013) permit the subdivision of dual occupancy development below the minimum lot size in some circumstances, and the proposal would be generally consistent with this intent. Additionally, the proposal will allow the heritage item provisions to relate only to the actual heritage item, which could not be achieved by way of a strata subdivision.

##### Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 550m<sup>2</sup> minimum lot size is unreasonable or unnecessary in the circumstances of the site and the proposal, for the following reasons:



1. The proposal is for the subdivision of the approved development under DA48230/2015, which is under construction, and will not create additional development capacity beyond that already approved for the site. The lots to be created reflect the approved development, and are in effect the subdivision of an approved dual occupancy and the creation of a separate lot for the heritage item approved for commercial/ retail use;
2. Strata subdivision of the land in a similar configuration would be permissible, without the need for any clause 4.6 variation, however Torrens subdivision is proposed to allow for a more appropriate identification of the actual heritage item on the site, which could not be achieved by way of strata subdivision. The whole of the site (ie the existing lot) is identified as a heritage item, however the actual heritage item is only located on part of the site and on the balance are two new residential units, which are not heritage items. Torrens subdivision would allow for the better future identification of the heritage item on Council's LEP maps, which is based on Torrens, not strata lots, and any future works on the residential units/ lots would still be subject to development assessment processes and consideration of heritage issues due to their proximity of the units to the heritage item;
3. The proposal will involve no additional impacts different to a strata subdivision of the land, and will reflect a known and approved development form under DA48230/2015. Creation of Torrens lots will not create additional development capacity for the land, which will continue to be subject to LEP building height, floor space ratio and other controls, and will reflect an approved development;
4. Subdivision of the dual occupancy below the minimum lot size would be generally consistent with Council's intended planning directions under the draft Central Coast LEP 2018, and in particular clause 4.1D which permits the Torrens subdivision of dual occupancy development below the minimum lot size where an application for both dual occupancy and subdivision is submitted, and this is also similar to the existing clause 4.1B under the Woyong LEP 2013.

The proposal differs from these provisions in that the dual occupancy development has already been approved, and subdivision is being applied for separately, however the net outcome would be the same, where Torrens subdivision could be achieved, based on a known development form that has been the subject of a Council assessment process and is currently under construction.

The proposal does not rely on clause 4.1D of the draft Central Coast LEP 2018, however the clause 4.6 variation would be consistent with the intended future outcomes from planning controls that will apply to the land and the remainder of the Central Coast in the future;



5. The location of the site and the nature of the approved development is unique, and would be unlikely to create a precedent for smaller minimum lot sizes in other circumstances. The site is located immediately adjacent to the Woy Woy Town Centre, being bound by the town centre and commercial zoning on two sides, and also contains a heritage item which is commercial in its former and future use. Subdivision of the heritage item is reasonable, due to its different use to the approved residential development, and LEP heritage controls would continue to apply to both the lot and the building notwithstanding any subdivision.
6. The variation to minimum lot sizes will reflect the approved development form on the site, and will not result in any impacts on the identified heritage item;
7. The variation will not result in any changes to the approved development under DA48230/2015, which will maintain the same development form, scale and appearance as already approved, and the subdivision will not result in any additional impact on adjoining properties; and
8. The proposed variation is consistent with the objectives of both the development standard and the R1 General Residential zone, as detailed below.

In *Wehbe v Pittwater Council [2007] NSWLEC 827* the Chief Justice of the Land and Environment Court 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. 4.1 Gosford LEP 2014)

- (a) *to reflect State, regional and local planning strategies relating to the provision of various sizes of land*  
Comment: The proposed size of the lots reflects the approved development on the land, which includes a heritage item, and the site adjoins the Woy Woy Town Centre and is within close proximity to both rail and bus public transport. Additionally, subdivision of the dual occupancy below the minimum lot size is generally consistent with future planning intentions under the draft Central Coast LEP 2018.
- (b) *to ensure that the subdivision of land is compatible with the desired future character of the area*  
Comment: The proposal will not alter the approved development on the land, other than changing the nature of the title, and will result in no additional impacts on the character of the approved development or of the surrounding area.



- (c) *to promote the ecologically, socially and economically sustainable subdivision of land*  
Comment: The proposal will not result in any additional ecological, social or economic sustainability impacts beyond the existing approval, and will be consistent with the approved use and development of the land. The proposal will also enable the future clearer identification of the heritage listing on the land, and relative to other newer development on the site.
- (d) *to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure*  
Comment: The proposed lots will reflect an already approved development, which has been the subject of separate assessment by the Council, and will not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify the variations to minimum lot size in this case, for the reasons set out above, and having regard to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act*, 1979 ("the Act"), including the objects in section 1.3 of the Act, as referred to in *Four2Five Pty Ltd v Ashfield Council*, relevant to the variation as opposed to the benefits of carrying out the development as whole.

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 a subdivision which is consistent with approved development on the site, and will allow for the better identification of the heritage listing applying to the site/ heritage item, and will achieve an outcome with the residential units that is generally consistent with Council's intended future planning direction.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:

- To provide for the housing needs of the community.  
Comment: The proposal will facilitate appropriate subdivision of the land, consistent with the approved development under DA48230/2015, which provides additional housing to meet the needs of the community.



- To provide for a variety of housing types and densities.  
Comment: The proposal will facilitate appropriate subdivision of the land, consistent with the approved development under DA48230/2015, which provides increased housing choice and a housing form appropriate for the site and its location.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.  
Comment: The proposal will facilitate the ongoing separate use of the heritage item for commercial or retail purposes, and which will serve residents of the surrounding area.
- To ensure that development is compatible with the desired future character of the zone.  
Comment: The proposal relates to a change in the title of the land, which would be otherwise be permitted through strata subdivision, and will result in no additional impacts on the character of the approved development or the surrounding area.
- To promote best practice in the design of multi dwelling housing and other similar types of development.  
Comment: The proposal will not change the design or appearance of the approved development under DA48230/2015, which has been subject to separate assessment by Council.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.  
Comment: The proposal does not impact on the approved non-residential use of the land as has been approved under DA48230/2015.

#### Conclusion

In conclusion, this written request demonstrates that the variation to the development standard relates to an approved development, with unique circumstances, and that compliance with the development 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 particular 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 can be supported.



Michael Leavey

**Michael Leavey Consulting**

16 March 2021



ABN 63 279 339 494

## Statement of Environmental Effects

Proposed Subdivision of Land (1 lot into 3 lots)

68 Railway Street, Woy Woy  
(Lot 12 DP 1009830)

Prepared for Bruce Kerr Pty Ltd

September 2020

0449 536 694  
michael@michaelleaveyconsulting.com.au  
www.michaelleaveyconsulting.com.au





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**Attachment A – Variations to Development Standards under clause 4.6 Gosford LEP 2014**

Vers 1.3 Final for Submission 25.09.2020
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68 Railway Street, Woy Woy

## 1. INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of Bruce Kerr Pty Ltd in support of a development application to Central Coast Council for the stratum Torrens subdivision of 68 Railway Street, Woy Woy to create 3 lots.

The proposal has a close relationship with the approved development on the site under DA48230/2015, which is for demolition, restoration & conservation of an existing heritage building for retail and commercial use and construction of two residential units and verandah. Construction works in accordance with this consent are presently underway, and the proposal seeks separate titles for each of the residential units and the heritage building.

The site is zoned R1 General Residential under Gosford LEP 2014, and subdivision of the land is permissible with the consent of Council. The proposal seeks a variation to the minimum lot size applying to land, due to the circumstances and nature of the approved development, and a clause 4.6 variation request is submitted as part of the application. Additionally, a corresponding clause 4.6 variation is submitted in relation to floor space ratio, which is incidental and technical in nature, as the proposal is not altering the overall floor space ratio of the approved development.

This assessment considers the proposal against the provisions of relevant planning instruments, including Gosford LEP 2014, Gosford DCP 2013, draft Central Coast LEP 2018, and relevant state planning controls. The assessment also addresses the matters identified in Council's Development Application Guide and the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*.

The assessment of the proposal against Gosford LEP 2014, Gosford DCP 2013, other planning controls and the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979* concludes that the proposal is permissible, is warranted given the nature of the proposal and the approved development on the site, and will not alter the nature or density of the approved development, nor impact on surrounding properties or the environment.

This Statement should be read in conjunction with the supporting information submitted with the development application, and in particular the plan of subdivision prepared by Michael James Bissett.



2. THE SITE

2.1 Site Location and Description

The subject site is 68 Railway Street, Woy Woy, and the real property description is Lot 12 DP 1009830. The site has an area of 472.8m<sup>2</sup> and has frontage to both Railway Street and Charlton Street.



Figure 1 – Locality

Source: SIX Maps

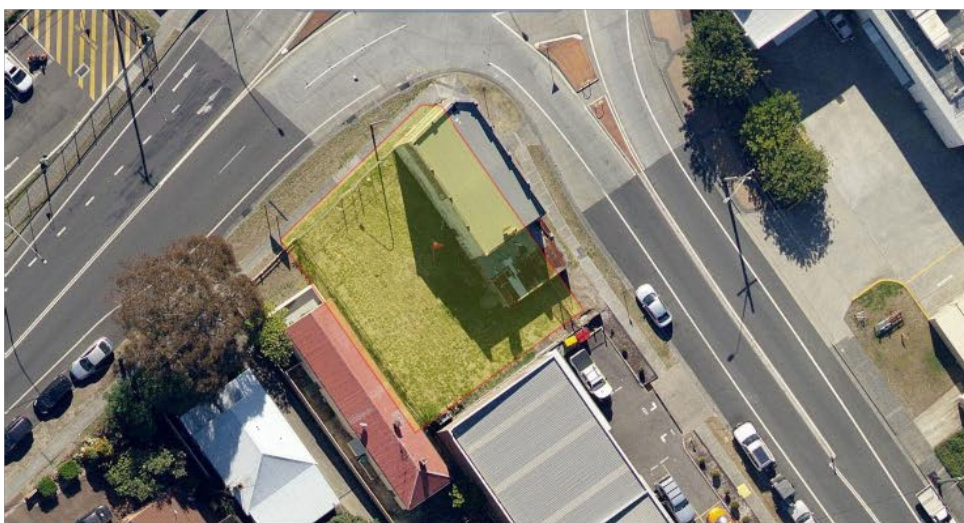


Figure 2 – Site Aerial Photograph (pre development)

Source: SIX Maps

## 2.2 Site Features and Existing and Surrounding Development

The site is located immediately adjoining the Woy Woy Town Centre, and commercial land to the north-east and south-east.

The site contains an existing two-storey heritage building (Former Shop, "Mrs Wilson's"), which had been abandoned for many years and is now being restored and conserved in accordance with DA48230/2015 for commercial and retail use, and with two side-by-side, two-storey residential units under construction along the remainder of the Railway Street frontage (Refer Figures 8 & 9). Access to the site is provided via Charlton Street, with access and car parking provided through a driveway behind the heritage building and residential units.

Surrounding land to the north-east and south-east is commercial, including a car repair/ service business adjoining to the south-east in Charlton Street, and the Deepwater Plaza Shopping Centre immediately opposite in Charlton Street. Adjoining land to the south-west is residential and has recently been developed for a 5 unit, two-storey multi dwelling housing development. Land to the north-west, on the opposite side of Railway Street, is rail corridor and the main northern rail line.

The site is shown in the following photographs:



Figure 3 – Site viewed from Railway Street, with residential units under construction





68 Railway Street, Woy Woy



Figure 4 – Site viewed from Charlton Street



Figure 5 – Adjoining commercial land to the south-east in Charlton Street



**Figure 6 – Commercial land to the north-east, on the opposite side of Charlton Street**



**Figure 7 – Adjoining residential land to the south-west in Railway Street**





68 Railway Street, Woy Woy

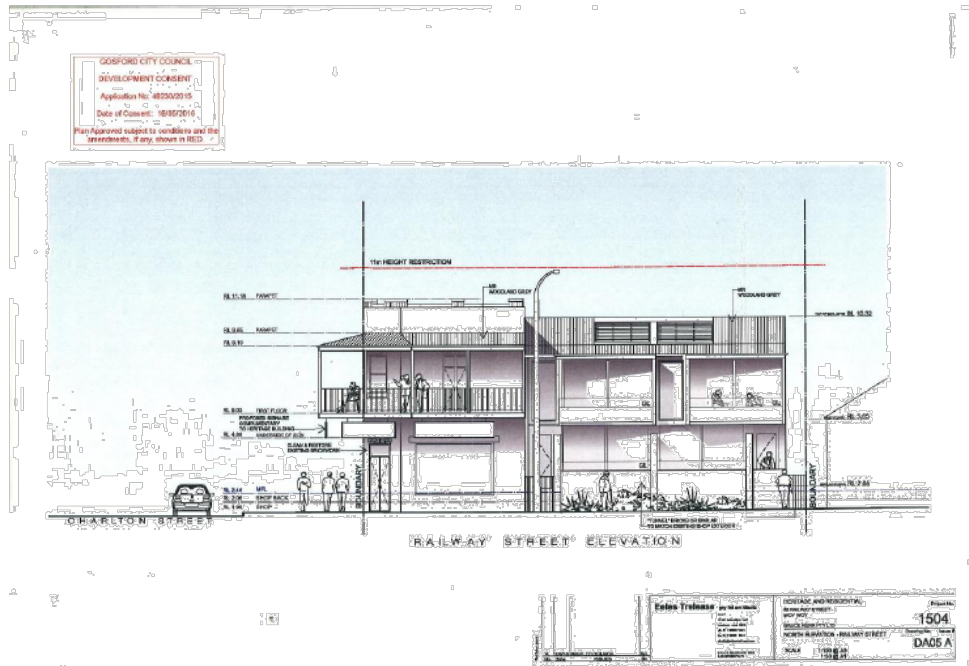


Figure 8 – Approved Railway Street Elevation – DA48230/2015

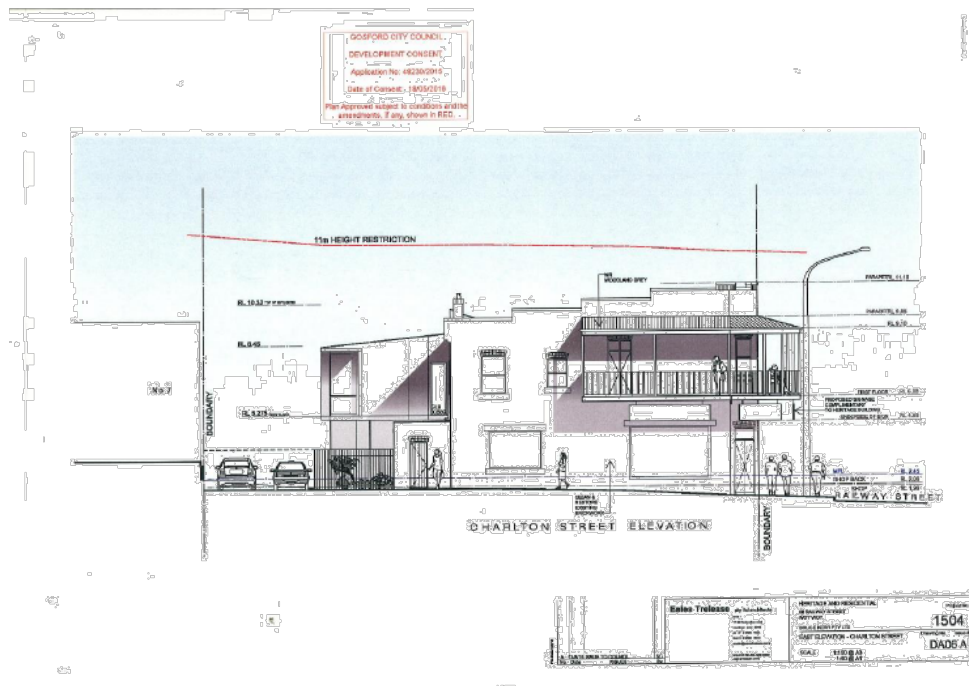


Figure 9 – Approved Charlton Street Elevation – DA48230/2015



**3.0 ZONING AND PLANNING CONTROLS**

**3.1 Zoning**

The land is zoned R1 General Residential under Gosford LEP 2014, as is adjoining land to the south-west, and land to the north-east and south-east is zoned B2 Local Centre. The zoning of the site and surrounding land is shown in the following figure:



**Figure 10 – Land zoning** (NSW Planning Portal)

**3.2 Height of Buildings**

The permitted building height for the site is 11.5m, and 19.8m to the north-east and south-east.



**Figure 11 – Height of Buildings** (NSW Planning Portal)



### 3.3 Floor Space Ratio

The permitted floor space ratio for the site is 0.85:1, and 2.3:1 to the north-east and south-east.



Figure 12 – Floor Space Ratio (NSW Planning Portal)

### 3.4 Minimum Lot Size

The minimum lot size for the site is 550m<sup>2</sup>, and there is no minimum lot size to the north-east and south-east.

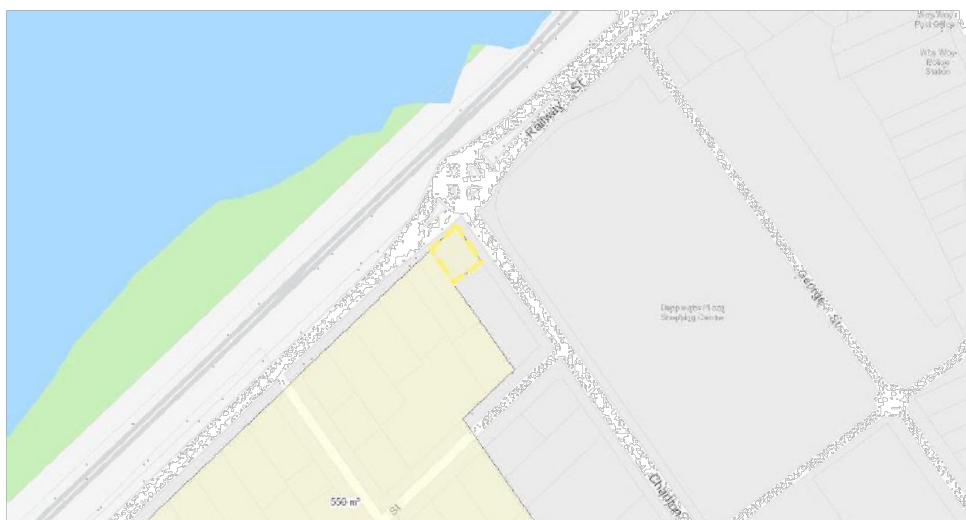


Figure 13 – Minimum Lot Size (NSW Planning Portal)

### 3.5 Other

The site contains a heritage item I90 (Former Shop "Mrs Wilson's"), and is bound to the north-east and south-east by the mapped Woy Woy Town Centre area, as shown below.

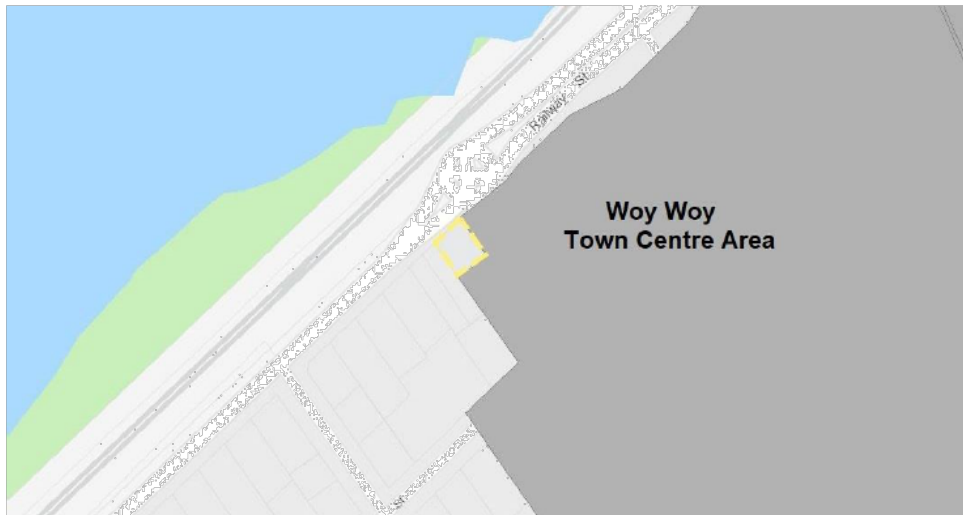


Figure 14 – Woy Woy Town Centre area

(NSW Planning Portal)

The site is not identified on the following LEP maps:

- Land Reservation Acquisition
- Additional Permitted Uses
- Urban Release Area

The site is mapped as being Class 2 and Class 3 for Acid Sulfate Soils.

The land is subject to the Coastal Management State Environmental Planning Policy, 2018, and is in mapped Coastal *Environment* and *Use* areas, and in proximity to mapped *coastal wetlands*.

The site is not mapped as being bushfire prone, and is mapped as flood prone on the adjoining road reserve in Railway Street.

#### Draft Central Coast LEP 2018

Under the draft Central Coast LEP 2018, which has been publicly exhibited but not yet finalised, the site retains its R1 General Residential zoning and the minimum lot size remains as 550m<sup>2</sup>. The draft LEP also includes Clause 4.1D, which permits the subdivision of dual occupancy development below the minimum lot size where there is a combined application for dual occupancy and subdivision, which has some relevance in the considering the overall merits of the current application.



#### 4. THE PROPOSAL

The proposal is for a stratum Torrens subdivision of the land into 3 lots, with each of the residential units and the heritage building being on separate lots. The subdivision will accord with the approved development under DA48230/2015, and rights of way would be created at the rear to allow access to the properties and car parking, as well as for services.

DA48230/2015 assessed the residential units as dual occupancy, and the proposal is in effect subdivision of the approved dual occupancy into two lots and the creation of a separate lot for the heritage building which will be used separately for commercial/ retail purposes.

The approved plans under DA48230/2015 have small parts of Level 1 overhanging the adjoining unit/ heritage building at the ground level, and accordingly a stratum subdivision is proposed. The lot sizes that would result from stratum subdivision of the approved development are:

Lot	Applies To	Total Area	Ground Area	L1 Area
Lot 1	Approved Residential Unit 1	324m <sup>2</sup>	154m <sup>2</sup>	170m <sup>2</sup>
Lot 2	Approved Residential Unit 2	277.5m <sup>2</sup>	138.5m <sup>2</sup>	139m <sup>2</sup>
Lot 3	Heritage Building	344m <sup>2</sup>	180.5m <sup>2</sup>	163.5m <sup>2</sup>

For the purpose of planning assessment, the area of each lot for the calculation of lot size under Gosford LEP 2014 is taken to be the ground floor area.

In seeking a Torrens subdivision of the land, the owner is seeking to enable the heritage designation to apply only to the actual heritage item, and not also to the two newly constructed residential units on the balance of the site. This could not be achieved by way of a strata subdivision, as LEP mapping relates to Torrens lots, and the subdivision as proposed would enable Council to better identify the mapped heritage listing in Gosford LEP 2014 as part of a future administrative amendment to Gosford LEP 2014, or alternatively through a minor adjustment of the draft Central Coast LEP 2018.

Another reason for seeking Torrens subdivision of the land is to provide for better identification of responsibilities for the future management of the site, having regard to the differences between the residential and heritage/ commercial uses on the site, and different operational and maintenance responsibilities between these different uses. In particular, responsibility for the ongoing conservation and maintenance of the heritage item would more appropriately rest with the owner of that building, as a single point of contact, rather than with a strata body covering both heritage and non-heritage buildings.



68 Railway Street, Woy Woy

In seeking the lot sizes as proposed, by way of a Torrens title subdivision, there are unique circumstances applying to the site and the proposal that are addressed in the clause 4.6 variation request, and the proposal will have no material impact on the approved development under DA48230/2015, including no change to the use, density, layout or external appearance of the approved development. The proposal maintains the same overall floor space ratio as has been approved for the development, and a separate clause 4.6 variation request is provided to reflect the new individual floor space ratios that would apply following the subdivision.

As part of the application the owner is seeking approval for two separate sewer connections for the residential units to the local sewer line in Railway Street, in lieu of the shared connection as has already been approved, and this would not result in any additional load on this line compared to the existing approval. The former Mrs Wilsons Shop previously connected to the local line in Railway Street, before redirection of the connection to the sewer main in Charlton Street.





## 5. PLANNING CONSIDERATIONS

### 5.1 Gosford Local Environmental Plan 2014

Compliance with relevant controls in Gosford LEP 2014 is set out in the following table:

LEP Control/ Standard	Proposed	Complies
<b>Permissibility</b>	The uses and development on the land have been approved under DA48230/2015, and subdivision of the land is permitted with development consent under cl. 2.6 of the LEP.	<b>Yes</b>
<b>R1 Zone Objectives</b> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To ensure that development is compatible with the desired future character of the zone.</li> <li>To promote best practice in the design of multi dwelling housing and other similar types of development.</li> <li>To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.</li> </ul>	<p>The proposal is for the subdivision of the land and the approved development under DA48230/2015, and does not change or impact on the approved use or development form on the land, or result in any additional impact on surrounding properties.</p> <p>The proposal will not impact on the consistency of the approved development with the R1 zone objectives, and the proposal will continue to provide for the restoration, conservation and adaptive re-use of a heritage item and provide for the housing needs of the community and additional housing on the site consistent with the zone objectives. The proposal will not impact on the character of the area or the character of the approved development.</p>	<b>Yes</b>
<b>Clause 4.1 Minimum Subdivision Lot Size</b> Mapped 550m <sup>2</sup>	<p>The proposed lot sizes, based on the ground floor area, are:</p> <p>Lot 1 – 154m<sup>2</sup>            Lot 2 – 138.5m<sup>2</sup>            Lot 3 – 180.5m<sup>2</sup></p> <p>The proposal is for subdivision of an approved development, which is under construction, and will not create any additional entitlement or development potential beyond that already approved under DA48230/2015. In this regard the proposal is merely a change in the nature of the title.</p> <p>The proposed lot sizes are supported by a written clause 4.6 variation request, which is included as Attachment 1 to this Statement.</p>	<b>Clause 4.6 variation provided</b>



<b>Clause 4.3 Height of Buildings</b> Mapped 11.5m	The proposal does not result in any change to the approved building height under DA48230/2015, and the development following subdivision will remain below the allowed building height.	<b>Yes</b>																
<b>Clause 4.4 Floor Space Ratio</b> Mapped 0.85:1, clause 4.4(2A)(e) also applies	Development of the site under DA48230/2015 has an approved floor space ratio of 0.89:1, which included a clause 4.6 variation supported by Council. The proposal will not increase the overall approved gross floor area under DA48230/2015, however this will now be distributed across 3 separate properties, being: <table border="1" data-bbox="679 725 1141 846"> <thead> <tr> <th>Lot</th> <th>Area</th> <th>GFA</th> <th>FSR</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>154m<sup>2</sup></td> <td>121.3m<sup>2</sup></td> <td>0.79:1</td> </tr> <tr> <td>2</td> <td>138.5m<sup>2</sup></td> <td>127.3m<sup>2</sup></td> <td>0.92:1</td> </tr> <tr> <td>3</td> <td>180.5m<sup>2</sup></td> <td>168.9m<sup>2</sup></td> <td>0.94:1</td> </tr> </tbody> </table> <p>The combined gross floor area of the 3 lots under the proposal remains <u>exactly the same</u> as the approved gross floor area under DA48230/2015.</p> <p>The redistribution of the already approved gross floor area across 3 lots is supported by a written clause 4.6 variation request, which is included as Attachment 1 to this Statement</p>	Lot	Area	GFA	FSR	1	154m <sup>2</sup>	121.3m <sup>2</sup>	0.79:1	2	138.5m <sup>2</sup>	127.3m <sup>2</sup>	0.92:1	3	180.5m <sup>2</sup>	168.9m <sup>2</sup>	0.94:1	<b>No change to approved FSR overall and clause 4.6 variation to reflect the FSR of new individual lots.</b>
Lot	Area	GFA	FSR															
1	154m <sup>2</sup>	121.3m <sup>2</sup>	0.79:1															
2	138.5m <sup>2</sup>	127.3m <sup>2</sup>	0.92:1															
3	180.5m <sup>2</sup>	168.9m <sup>2</sup>	0.94:1															
<b>Clause 5.10 Heritage Conservation</b>	The proposal relates to the subdivision of an approved development, and will not change the approved building form or density, or result in impacts on the heritage item on the site. The subdivision as proposed will allow for a more appropriate identification of the heritage item, which is to be located on a separate Torrens lot which can be mapped under Gosford LEP 2014.	<b>Yes</b>																
<b>Clause 7.1 Acid Sulfate Soils</b>	The site is mapped as being Class 2 and Class 3 for Acid Sulfate Soils, and the proposal does not result in any additional works beyond those already approved under DA48230/2015.	<b>Yes</b>																
<b>Clause 7.2 Flood planning</b> sets out requirements for land at or below the flood planning level.	The site adjoins land affected by flooding, and minimum floor levels are able to be achieved on the site, as has been approved under DA48230/2015	<b>Yes</b>																

## 5.2 Gosford Development Control Plan 2013

### Chapter 2 - Character

Chapter 2 of DCP 2013 contains Character Maps and Character Statements to be considered with development applications. The subject site is in the *Woy Woy Sandplain Medium Density* character area.



68 Railway Street, Woy Woy

The proposal does not change the use, density, layout or external appearance of the approved development under DA48230/2015, and maintains the same building height and overall floor space ratio that was approved under this DA. Torrens subdivision of the land will be consistent with the approved development on the site and will not impact on the character of the approved development or the character of the surrounding area.

The proposal's compliance with relevant provisions of Chapter 3.5 - Residential Subdivision under Gosford DCP 2013 is detailed in the table below. In assessing the proposal against these provisions, the proposal is for the subdivision of an approved development rather than for a more traditional subdivision of land which creates additional lots and additional development capacity.

DCP Requirement	Proposed	Consistent
<b>3.5.2.2 Natural Hazards</b> Consider risks of bushfire, soil, sub-soil and slope instability, mainstream flooding, nuisance flooding, coastal erosion and storm damage, unhealthy building land	The proposal is consistent with the approved development of the site, including approved floor levels, and will not increase risk from natural hazards.	<b>Yes</b>
<b>3.5.3.2 Allotment Size</b> - various	The proposal has (ground level) lot sizes of between 138.5m <sup>2</sup> and 180.5m <sup>2</sup> , reflecting the existing approved development, and a variation to lot sizes under clause 4.6 of Gosford LEP 2014 has been prepared. Accordingly, the variation if supported would also require a corresponding variation to the DCP control, which largely restates the LEP minimum lot size requirement.	<b>Addressed in clause 4.6 variation request</b>
<b>3.5.2 Orientation</b>	The proposal reflects the approved development of the site under DA48230/2015, and the orientation of the lots will be consistent with the approved development.	<b>Yes</b>
<b>3.5.4.5 Site Constraints</b>	The proposal reflects the approved development of the site under DA48230/2015, and there are no site constraints that would impact of the subdivision of the land in accordance with the approved development.	<b>Yes</b>
<b>3.5.5.2 Streetscape</b>	The proposal reflects the approved development of the site under DA48230/2015, and there will be no impact on streetscape as a result of the subdivision.	<b>Yes</b>
<b>3.5.5.3 Public Open Space</b>	The proposal reflects the approved development of the site under DA48230/2015, and does not require the dedication of land for open space.	<b>Yes</b>
<b>3.5.5.4 SEPP 19 Bushland in Urban Areas</b>	There are no trees on the site.	<b>N/A</b>
<b>3.5.6.2 Pedestrian and Bicycle Facilities</b>	The proposal reflects the approved development of the site under DA48230/2015, and does not require additional pedestrian or bicycle facilities.	<b>Yes</b>
<b>3.5.6.3 Roads and Streets</b>	The proposal reflects the approved development and access arrangements for the site under DA48230/2015 and does not require any additional roadworks or dedication. The proposal includes a right of access on the approved driveway to enable	<b>N/A</b>



68 Railway Street, Woy Woy

	legal access for each lot to car parking and for access to Charlton Street.	
<b>3.5.7.2 Stormwater</b>	The proposal reflects the approved development and stormwater arrangements for the site under DA48230/2015. The proposal includes an easement for the drainage of water between each property and Charlton Street.	<b>Yes</b>
<b>3.5.7.3 Water and Sewer</b>	The proposal will result in the same servicing arrangements as have been approved under DA48230/2015, apart from the provision of separate connections to each property. The proposal will involve separate sewer connections for the residential units to the local sewer line in Railway Street, however will not increase the load on this line compared to the shared connection that has already been approved.	<b>Yes</b>
<b>3.5.7.4 Electricity, Gas and Telephone</b>	The proposal reflects the approved development. The proposal includes an easement for services between each property and Charlton Street.	<b>Yes</b>

### 5.3 State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPPs) applying to the land are SEPP 55 – Remediation of Land and the Coastal Management SEPP 2018.

#### SEPP 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 proposal is for the subdivision of an approved development, and will not alter the approved use of the site under DA48230/2015, nor the approved development form or density, and the subdivision will not give rise to contamination issues.

#### Coastal Management SEPP 2018

The site is subject to the Coastal Management SEPP 2018, and is located in mapped *coastal use* and *coastal environment* areas under the SEPP. The site is not mapped as containing *coastal wetlands* or *littoral rainforests*, and is within a mapped proximity area for *coastal wetlands* to the north-west.

The proposal is for the subdivision of an approved development, which was separately assessed by Council against the Coastal Management SEPP, and found to be consistent. The proposed subdivision will not give rise to any inconsistency with the approved development on the site and will be consistent with the Coastal Management SEPP.



## 6. ENVIRONMENTAL IMPACTS

The proposal has minimal environmental impact, if any, being for the subdivision of an approved development under DA48230/2015, which is under construction. The proposal will maintain the same development form and density as has already been approved, and will not result in any additional works or increase in gross floor area compared to that approval.

Matters relevant to environmental impacts are addressed in Part 5 of this Statement, in the assessment against planning controls, and the following additional comments are provided:

- Character – the proposal is for the subdivision of an approved development, which would otherwise be permitted through strata subdivision, and the subdivision will not impact on the character of the approved development or of the surrounding area, and will be compatible with the desired future character of the locality as expressed in Chapter 2 of Gosford DCP 2013.
- Impacts on surrounding properties – the proposal will not alter the approved development form and density under DA48230/2015, and will not result in any adverse impacts for surrounding properties relating to privacy, solar access or view impacts.
- Stormwater management and flooding – the proposal will not alter the approved stormwater arrangements under DA48230/2015, and will not result in any additional impacts on surrounding properties, and will not alter the minimum floor levels approved under DA48230/2015 or increase flooding risk or affectation.
- Heritage – the site contains a heritage item, Former Shop “Mrs Wilson’s”, which is to be restored and conserved in accordance with DA48230/2015 for commercial and retail use. The proposed subdivision will not result in any impacts on the heritage item, and the creation of a separate Torrens lot will enable better identification of the heritage item on the site.
- Waste – the proposed subdivision will not alter the approved waste management and collection arrangements for the site, and rights of access are provided for each unit to Charlton Street which will facilitate the transport of bins for collection.



## 7. SECTION 4.15 CONSIDERATIONS

The following assessment addresses the matters required to be considered under Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

### (1) *Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

(i) *any environmental planning instrument*

Comment: the proposal has been considered against both Gosford LEP 2014 and relevant State Environmental Planning Policies, and variations to the minimum lot size and floor space ratio development standards are supported by a written clause 4.6 variation request;

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)*

Comment: The site is subject to a Planning Proposal for the draft Central Coast Local Environmental Plan which applies to the entire LGA and has completed public exhibition. Under the draft LEP the subject land retains its R1 General Residential zoning and the existing minimum lot size, and the draft LEP also proposes to allow the subdivision of dual occupancy development below the minimum lot size where an application for both dual occupancy and subdivision is lodged.

(iii) *any development control plan*

Comment: the proposal has been assessed against the Gosford DCP 2013, and will be compatible with the desired future character of the area, and will be consistent with DCP requirements with a variation to allotment sizes and dimensions, consistent with the submitted clause 4.6 variation request;

(iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F*

Comment: There is no planning agreement relevant to the subject land or the proposal.

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates*

Comment: There are no matters prescribed in the regulations that impact on the proposal.





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- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Comment: The proposal will not result in any physical or external impacts, and relates to the subdivision of land in accordance with an approved development.

- (c) *the suitability of the site for the development*

Comment: The site is suitable for the proposed subdivision given the approved development under DA48230/2015 that is under construction, and the identification of the heritage item on a separate lot will assist in more accurate heritage mapping of the site and the heritage item in the future under Gosford LEP.

- (d) *any submissions made in accordance with this Act or the regulations*

Comment: This is a matter for Council to consider if the application is required to be notified.

- (e) *the public interest*

Comment: the proposal will be in the public interest, being consistent with the objectives of the R1 General Residential zone, and providing for the subdivision of the land in accordance with an approved development which would otherwise be permissible through strata subdivision, and will be consistent with Council's future planning controls that intend to allow the subdivision of dual occupancy development below the minimum subdivision lot size.



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## 8. CONCLUSION

In conclusion, the proposal is for a subdivision to create 3 lots, including two residential lots, and the creation of a separate lot for a heritage item that has been approved for commercial use, which will be consistent with the approved development under DA48230/2015. The proposal seeks a Torrens title subdivision, which will allow for the better identification of the existing heritage item on the site, and will create no additional development capacity beyond the already approved development. The proposal is supported by a clause 4.6 variation request for the minimum lot size, given the unique circumstances of the site, and the residential subdivision will be generally consistent with the intent of Council's future planning controls which propose to allow the subdivision of dual occupancy development below the minimum lot size where a combined application is lodged. The proposal will not result in any changes to the approved development form or density on the site, and will not result in any adverse impacts for surrounding properties.

An assessment of the proposal has been carried out pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which supports the proposal, and it is recommended that Council approve the application.



## Attachment A

### **Variations to Development Standards under Clause 4.6 Gosford LEP 2014**

The proposal has a variation to the minimum subdivision lot size, and also requires a variation to floor space ratio, notwithstanding the proposal will maintain the approved floor space ratio under DA48230/2015, and the applicant requests a variation to the development standards as allowed by Clause 4.6 of Gosford LEP 2014. Neither of the development standards are expressly excluded from the operation of Clause 4.6.

The requests for variation has been prepared with consideration of relevant principles set out in various judgements applying to variations to development standards, including *Wehbe v Pittwater Council [2007] NSWLEC 827*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*, *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* and *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

#### **1. Minimum Subdivision Lot Size**

##### Relevant Development Standard

Clause 4.1(3) of Gosford LEP 2014 sets minimum subdivision lot sizes through reference to the *Lot Size Map*. The relevant Map identifies the site as having minimum lot size of 550m<sup>2</sup>.

##### Extent of Variation to Development Standard

Based on ground floor areas, the proposal has lot sizes of 154m<sup>2</sup>, 138.5m<sup>2</sup> and 180.5m<sup>2</sup>, which are variations of 72%, 74.8% and 67.2% to the 550m<sup>2</sup> standard.

##### Reason for the Variation

The proposal has unique circumstances, being the subdivision of an approved mixed-use development under DA48230/2015, and is in effect a subdivision of an approved dual occupancy and the creation of a separate lot for a heritage item which is approved for commercial/ retail use. Council's intended planning controls under the draft Central Coast LEP (as well as the current Wyong LEP 2013) permit the subdivision of dual occupancy development below the minimum lot size in some circumstances, and the proposal would be generally consistent with this intent. Additionally, the proposal will allow the heritage item provisions to relate only to the actual heritage item, which could not be achieved by way of a strata subdivision.

##### Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 550m<sup>2</sup> minimum lot size is unreasonable or unnecessary in the circumstances of the site and the proposal, for the following reasons:



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1. The proposal is for the subdivision of the approved development under DA48230/2015, which is under construction, and will not create additional development capacity beyond that already approved for the site. The lots to be created reflect the approved development, and are in effect the subdivision of an approved dual occupancy and the creation of a separate lot for the heritage item approved for commercial/ retail use;
2. Strata subdivision of the land in a similar configuration would be permissible, without the need for any clause 4.6 variation, however Torrens subdivision is proposed to allow for a more appropriate identification of the actual heritage item on the site, which could not be achieved by way of strata subdivision. The whole of the site (ie the existing lot) is identified as a heritage item, however the actual heritage item is only located on part of the site and on the balance are two new residential units, which are not heritage items. Torrens subdivision would allow for the better future identification of the heritage item on Council's LEP maps, which is based on Torrens, not strata lots, and any future works on the residential units/ lots would still be subject to development assessment processes and consideration of heritage issues due to their proximity of the units to the heritage item;
3. The proposal will involve no additional impacts different to a strata subdivision of the land, and will reflect a known and approved development form under DA48230/2015. Creation of Torrens lots will not create additional development capacity for the land, which will continue to be subject to LEP building height, floor space ratio and other controls, and will reflect an approved development;
4. Subdivision of the dual occupancy below the minimum lot size would be generally consistent with Council's intended planning directions under the draft Central Coast LEP 2018, and in particular clause 4.1D which permits the Torrens subdivision of dual occupancy development below the minimum lot size where an application for both dual occupancy and subdivision is submitted, and this is also similar to the existing clause 4.1B under the Wyong LEP 2013.

The proposal differs from these provisions in that the dual occupancy development has already been approved, and subdivision is being applied for separately, however the net outcome would be the same, where Torrens subdivision could be achieved, based on a known development form that has been the subject of a Council assessment process and is currently under construction.

The proposal does not rely on clause 4.1D of the draft Central Coast LEP 2018, however the clause 4.6 variation would be consistent with the intended future outcomes from planning controls that will apply to the land and the remainder of the Central Coast in the future;



5. The location of the site and the nature of the approved development is unique, and would be unlikely to create a precedent for smaller minimum lot sizes in other circumstances. The site is located immediately adjacent to the Woy Woy Town Centre, being bound by the town centre and commercial zoning on two sides, and also contains a heritage item which is commercial in its former and future use. Subdivision of the heritage item is reasonable, due to its different use to the approved residential development, and LEP heritage controls would continue to apply to both the lot and the building notwithstanding any subdivision.
6. The variation to minimum lot sizes will reflect the approved development form on the site, and will not result in any impacts on the identified heritage item;
7. The variation will not result in any changes to the approved development under DA48230/2015, which will maintain the same development form, scale and appearance as already approved, and the subdivision will not result in any additional impact on adjoining properties; and
8. The proposed variation is consistent with the objectives of both the development standard and the R1 General Residential zone, as detailed below.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Chief Justice of the Land and Environment Court 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. 4.1 Gosford LEP 2014)

- (a) *to reflect State, regional and local planning strategies relating to the provision of various sizes of land*

Comment: The proposed size of the lots reflects the approved development on the land, which includes a heritage item, and the site adjoins the Woy Woy Town Centre and is within close proximity to both rail and bus public transport. Additionally, subdivision of the dual occupancy below the minimum lot size is generally consistent with future planning intentions under the draft Central Coast LEP 2018.

- (b) *to ensure that the subdivision of land is compatible with the desired future character of the area*

Comment: The proposal will not alter the approved development on the land, other than changing the nature of the title, and will result in no additional impacts on the character of the approved development or of the surrounding area.



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- (c) *to promote the ecologically, socially and economically sustainable subdivision of land*  
Comment: The proposal will not result in any additional ecological, social or economic sustainability impacts beyond the existing approval, and will be consistent with the approved use and development of the land. The proposal will also enable the future clearer identification of the heritage listing on the land, and relative to other newer development on the site.
- (d) *to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure*  
Comment: The proposed lots will reflect an already approved development, which has been the subject of separate assessment by the Council, and will not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify the variations to minimum lot size in this case, for the reasons set out above, and having regard to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act*, 1979 ("the Act"), including the objects in section 1.3 of the Act, as referred to in *Four2Five Pty Ltd v Ashfield Council*, relevant to the variation as opposed to the benefits of carrying out the development as whole.

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 a subdivision which is consistent with approved development on the site, and will allow for the better identification of the heritage listing applying to the site/ heritage item, and will achieve an outcome with the residential units that is generally consistent with Council's intended future planning direction.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:

- To provide for the housing needs of the community.  
Comment: The proposal will facilitate appropriate subdivision of the land, consistent with the approved development under DA48230/2015, which provides additional housing to meet the needs of the community.





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- To provide for a variety of housing types and densities.  
Comment: The proposal will facilitate appropriate subdivision of the land, consistent with the approved development under DA48230/2015, which provides increased housing choice and a housing form appropriate for the site and its location.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.  
Comment: The proposal will facilitate the ongoing separate use of the heritage item for commercial or retail purposes, and which will serve residents of the surrounding area.
- To ensure that development is compatible with the desired future character of the zone.  
Comment: The proposal relates to a change in the title of the land, which would be otherwise be permitted through strata subdivision, and will result in no additional impacts on the character of the approved development or the surrounding area.
- To promote best practice in the design of multi dwelling housing and other similar types of development.  
Comment: The proposal will not change the design or appearance of the approved development under DA48230/2015, which has been subject to separate assessment by Council.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.  
Comment: The proposal does not impact on the approved non-residential use of the land as has been approved under DA48230/2015.

#### Conclusion

In conclusion, this written request demonstrates that the variation to the development standard relates to an approved development, with unique circumstances, and that compliance with the development 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 particular 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 can be supported.



## 2. Floor Space Ratio

### Relevant Development Standard

Clause 4.4 (2) of Gosford LEP 2014 sets maximum floor space ratio through reference to the *Floor Space Ratio Map*. The relevant Map identifies the site as having an allowed floor space ratio of 0.85:1, which reduces to 0.75:1 under Cl. 4.4(2A)(e) of the LEP as the primary use of the building is not for a residential purpose, as has been assessed by Council.

### Extent of Variation to Development Standard

Development of the site under DA48230/2015 has an approved floor space ratio of 0.89:1, which included a clause 4.6 variation supported by Council. The proposed subdivision will maintain exactly the same approved floor space ratio across the 3 lots combined, however this will now be distributed across 3 separate lots, which results in minor variations for each lot, both up and down, and which balance out. The resulting floor space ratio across each of the 3 lots is:

Lot	Ground Level Area	GFA	FSR	Approved FSR
1	154m <sup>2</sup>	121.3m <sup>2</sup>	0.79:1	0.89:1
2	138.5m <sup>2</sup>	127.3m <sup>2</sup>	0.92:1	
3	180.5m <sup>2</sup>	168.9m <sup>2</sup>	0.94:1	

The creation of these lots will result in a floor space ratio on each lot that is greater than 0.75:1, and therefore a clause 4.6 variation request is required, however this is largely technical as the proposal is not altering the overall or combined floor space ratio of development already approved under DA48230/2015. The extent of technical variation to the 0.75:1 standard under the LEP is between 5.0% and 24.8% and the lots vary from the approved floor space ratio by between -11% and 5%

### Reason for the Variation

The variation has arisen as a result of the distribution of approved gross floor area across 3 lots, and the gross floor area and floor space ratio across the 3 lots combined remains exactly the same as has been approved under DA48230/2015.

### Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 0.75:1 floor space ratio requirement is unreasonable or unnecessary in the circumstances of this application, for the following reasons:

1. Council has approved a floor space ratio of 0.89:1 for the site under DA48230/2015, and construction on this development is underway;
2. The proposal maintains the approved floor space ratio under DA48230/2015 across the 3 lots combined, and the proposal will not result in any additional gross floor area or floor space ratio compared to the approved development;



3. The variations to floor space ratio within each lot will reflect the approved development form on the site, and will not result in any impacts on the identified heritage item;
4. The variation does not result in any changes to the approved development form or density and will not result in any impacts on surrounding properties; and
5. The proposed variation is consistent with the objectives of both the development standard and the R1 General Residential zone, as detailed below.

In *Wehbe v Pittwater Council [2007] NSWLEC 827* the Chief Justice outlined a number of ways an objection under SEPP 1 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)

(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 having regard to the objectives and provisions of clause 4.6 of the LEP.

(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 variation will not impact on the approved development density and bulk under DA48230/2015 and will result in no additional impacts on the character of the approved development or the surrounding area.

(c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Comment: The variation reflects the approved development form on the site, and the overall approved floor space ratio, and will not result in any adverse environmental impacts on the enjoyment of adjoining properties or the 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 variation will not impact on the approved development form, or the visual relationship between the approved development and surrounding properties.



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(e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*

Comment: The proposal will maintain the overall approved floor space ratio on the site, with some minor variation up and down on each lot compared to the overall approved floor space ratio, and there will be no change to the approved development form or density.

(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 variation will not result in any change to the approved development form or envelope.

(g) *to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,*

Comment: The variation will not result in any change to the approved development form or envelope.

(h) *to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.*

Comment: The variation will not result in any change to the approved carparking arrangements under DA48230/2015.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify a variation to the floor space ratio in this case, for the reasons set out above, and having regard to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act*, 1979 ("the Act"), including the objects in section 1.3 of the Act, as referred to in *Four2Five Pty Ltd v Ashfield Council*, relevant to the variation as opposed to the benefits of carrying out the development as whole.

The proposal will *promote the orderly and economic use and development of land* (Objective 1.3(c) of the Act) by applying appropriate flexibility in the distribution of approved floor space ratio across separate lots, which does not change the overall approved floor space ratio on the site.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:



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- To provide for the housing needs of the community.  
Comment: The proposal will facilitate appropriate subdivision of the land, consistent with the approved development under DA48230/2015, which provides additional housing to meet the needs of the community.
- To provide for a variety of housing types and densities.  
Comment: The proposal will facilitate appropriate subdivision of the land, consistent with the approved development under DA48230/2015, which provides increased housing choice and a housing form appropriate for the site and its location.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.  
Comment: The proposal will facilitate the ongoing separate use of the heritage item for commercial or retail purposes, and which will serve residents of the surrounding area.
- To ensure that development is compatible with the desired future character of the zone.  
Comment: The proposal relates to a change in the title of the land, which would be otherwise be permitted through strata subdivision, and will result in no additional impacts on the character of the approved development or the surrounding area.
- To promote best practice in the design of multi dwelling housing and other similar types of development.  
Comment: The proposal will not change the design or appearance of the approved development under DA48230/2015, which has been subject to separate assessment by Council.
- To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development  
Comment: The proposal does not impact on the approved non-residential use of the land as has been approved under DA48230/2015.

#### Conclusion

In conclusion, this written request demonstrates that the variation to the development standard is consistent with the approved development on the site, and that compliance with the development 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 particular 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 can be supported.

**Karen Hanratty**

**From:** Michael Leavey <michael@michaelleaveyconsulting.com.au>  
**Sent:** Tuesday, 16 March 2021 12:30 PM  
**To:** Karen Hanratty  
**Cc:** Janet Matthews  
**Subject:** CM: DA59637/2020 - 68 Railway Street, Woy Woy  
**Attachments:** DA 59637 68 Railway St Woy Woy Updated Cl.4.6 Variation Request.pdf

**[EXTERNAL EMAIL]** Do not click any links or attachments unless you have checked the sender and trust the content is safe. If you are unsure, please report this to IM+T Service Desk.

Hi Karen, following submission of the amended plans on 21 December 2020, please find attached:

1. an updated table describing the proposed lots, to be treated as an addendum to the SEE; and

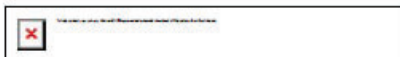
Lot	Applies To	Total Area	Ground Area	L1 Area
Lot 1	Approved Residential Unit 1	313.8m <sup>2</sup>	155m <sup>2</sup>	158.8m <sup>2</sup>
Lot 2	Approved Residential Unit 2	285.1m <sup>2</sup>	139.8m <sup>2</sup>	145.3m <sup>2</sup>
Lot 3	Heritage Building	343.7m <sup>2</sup>	178m <sup>2</sup>	165.7m <sup>2</sup>

2. an updated clause 4.6 variation request for the minimum lot size.

Regards

Michael

Michael Leavey



ph: 0449 536 694

a: Suite 2.08 Platinum Building East  
4 Ilya Ave, Erina NSW 2250

e: [michael@michaelleaveyconsulting.com.au](mailto:michael@michaelleaveyconsulting.com.au)

w: [www.michaelleaveyconsulting.com.au](http://www.michaelleaveyconsulting.com.au)