

Central Coast

Local Planning Panel

Central Coast
Local Planning Panel Meeting
Business Paper
24 February 2022



Meeting Notice

**The Local Planning Panel Meeting
of Central Coast
will be held remotely - online,
Thursday 24 February 2022 at 2.00 pm,
for the transaction of the business listed below:**

1 PROCEDURAL ITEMS

1.1 Disclosures of Interest 3

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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3 PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

3.1 DA/63212/2021 - 38 Harcourt Place, North Avoca - 2 Storey Dwelling
and Garage.....23

Donna Rygate
Chairperson

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

24 February 2021 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

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

Recommendation

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

Item No: 2.1
Title: Confirmation of Minutes of Previous Meeting
Department: Corporate Affairs

Central Coast
Local Planning Panel

24 February 2022 Local Planning Panel Meeting

Reference: F2020/02502 - D15042068

Author: Rachel Callachor, Meeting Support Officer

Summary








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

- ***Local Planning Panel Meeting held on 16 December 2021***
- ***Local Planning Panel Record of Electronic Determination dated 13 January 2022***
- ***Local Planning Panel Supplementary Meeting held on 19 January 2022***
- ***Local Planning Panel Supplementary Meeting held on 4 February 2022***

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 16 December 2021, Record of Electronic Determination dated 13 January 2022 and Local Planning Panel Supplementary Meetings of 19 January 2022 and 4 February 2022 which were endorsed by the Chair of that meeting, are submitted for noting.

Attachments

- | | | |
|--|--|-----------|
| 1  | MINUTES - Local Planning Panel - 16 December 2021 | D14983295 |
| 2  | MINUTES - Local Planning Panel Record of Electronic Determination -
 13 January 2022 | D15001758 |
| 3  | MINUTES - Local Planning Panel Supplementary Meeting held on 19
 January 2022 | D15009656 |
| 4  | MINUTES - Local Planning Panel Supplementary Meeting held on 4
 February 2022 | D15028451 |



Local Planning Panel

Minutes of the
Local Planning Panel Meeting
Held Remotely - Online
on 16 December 2021

Panel Members

Chairperson	Kara Krason
Panel Experts	Greg Flynn
Community Representative	Glenn Watts

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner (South)
Rachel Callachor	Meeting Support Officer
Maggie Rowland	Civic Support Officer

The Chairperson, Kara Krason, declared the meeting open at 11.02am and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair, Kara Krason read an acknowledgement of Country statement.

Apologies

The Panel noted that no apologies have been received.

Public Forum

The following people addressed the Panel:

DA57779/2019 - 227-233 Ocean View Road, Ettalong Beach - S8.2 Review of Determination Proposed demolition and Mixed Use Development

- 1 Peter Brell – against recommendation
- 2 Peter Gillis – representative of RRED Group (Residents for Responsible Ettalong Development) – against recommendation
- 3 Thomas Masterson – against recommendation

Minutes of the Local Planning Panel Meeting 16 December 2021 contd

- 4 Ravi Sharma, Town Planner, Clarke Dowdle and Associates – on behalf of applicant
- 5 Alex Bishop, Jedaclew Pty Ltd (applicant)
- 6 Matthew Wales, Wales and Associates – on behalf of applicant

1.1 Disclosures of Interest

The Panel noted that declaration forms had been received and no conflicts had been identified.

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the previous Local Planning Panel Meeting held on 9 December 2021 which were endorsed by the Chair of that meeting, are submitted for noting.

The Local Planning Panel public meeting closed at 12:14pm. The Panel moved into deliberation from 12:17pm, which concluded at 1:13pm. The Panel reconvened for further deliberations at 4:00pm, which concluded at 5:15pm.

Minutes of the Local Planning Panel Meeting 16 December 2021 contd

3.1 DA57779/2019 - 227-233 Ocean View Road, Ettalong Beach - S8.2 Review of Determination - Proposed demolition and Mixed Use Development

Site Inspected	Site orientation via video conference
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report • 79 submissions
Council Recommendation	Approval
Panel Decision	<p>1 The Local Planning Panel reviewed the previous decision to refuse Development Application DA57779/2019 227-233 Ocean View Road, Ettalong Beach – as per the Section 8.2 application for review of determination, and reaffirmed the Refusal subject to the reasons as outlined below and having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.</p> <p>2 That Council advise those who made written submissions of the Panel's decision.</p>
Reasons	<p>1 The applicant's written statement submitted with the application fails to adequately address the matters in clause 4.6(3) and 4.6(4) of Gosford Local Environmental Plan 2014 (GLEP2014) sufficient to justify departure from clause 4.3 of GLEP2014 in relation to the development standard for Height of Buildings.</p> <p>2 The applicant's written statement does not demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances, and does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>3 The proposed development is not consistent with the objectives of the height of buildings development standard. The height of the development does not provide an appropriate transition in built form, and circumstances of the site do not justify the height standard being exceeded.</p> <p>4 The proposed development is not consistent with the objectives for development in the B2 Local Centre zone.</p>

Minutes of the Local Planning Panel Meeting 16 December 2021 contd

An adequate range of retail, business, entertainment and community uses are not provided, and the proposed development only provides a minimal quantity of commercial floorspace on the site.

- 5 The proposed development would isolate the adjacent site at No. 235 Ocean View Road, and may diminish the development potential of that property, thereby undermining the zone objectives.

The application does not provide sufficient evidence in relation to the potential isolation of the adjacent site as required under the Land and Environment Court planning principles.

The potential for the orderly development and economic use of the isolated site consistent with the planning controls is not established. Rather, the economic potential of the isolated site could be reduced. The isolated site would be of such a size that its potential floor space when redeveloped could potentially be half of the maximum floor space ratio of an amalgamated site. As a consequence, this proposal fails to promote economically sustainable development.

A schematic design, which sufficiently demonstrates that the isolated site can be developed with an appropriate urban form and an acceptable level of amenity, has not been provided. There is insufficient evidence of the likely impacts that the potential development of both sites would have on each other, particularly solar access and privacy impacts for residential development. The panel notes that the proposal does not comply with the building separation distance of the department design guide.

- 6 The proposed development fails to adequately respond to the objectives and criteria of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP No.65) and the Apartment Design Guide (ADG). The proposed development provides poor amenity for future residents and visitors, and would have adverse impacts on the neighbouring low density residential properties.
- 7 The development fails to meet, or adequately justify departures from, Gosford Development Control Plan 2013 (GDGP 2013).

Minutes of the Local Planning Panel Meeting 16 December 2021 contd

- 8 The proposal is not in the public interest as it is not consistent with the objectives of the GLEP2014, SEPP No.65 Apartment Design Guide, and GDCP2013.
- 9 The proposed non-compliance with the Gosford LEP 2014, SEPP65 and Gosford DCP 2013 would constitute an undesirable precedent for future development and threaten the future achievement of the strategic planning objectives for the desired future character of the area.

Votes The decision was unanimous

4.1 DA/2020/60589 - 129 Alan Street, Niagara Park - Proposed Dwelling House

Site Inspected Site orientation via video conference

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Approval

Panel Decision *That the Local Planning Panel defer consideration of this matter for electronic determination, to seek the following:*

- 1 *Details of the terms of the access easement through 137 Alan Street (Lot 16 DP2480) Niagara Park.*
- 2 *The extent of works proposed to and within the easement and Ilbery Road, road reserve.*
- 3 *Assessment of the environmental impacts of those proposed works through 137 Alan Street (Lot 16 DP2480) Niagara Park and the Ilbery Road road reserve.*
- 4 *Owners consent from 137 Alan Street (Lot 16 DP2480)) Niagara Park or alternatively legal advice to indicate owners consent is not required for the development application on this land.*
- 5 *Investigate any land owner consent requirements for works proposed within the Ilbery Road road reserve.*
- 6 *Confirmation that the proposed On Site Sewerage*

Minutes of the Local Planning Panel Meeting 16 December 2021 contd

Management (OSSM) system can function practicably and reasonably within the terms of Ausgrid proposed Conditions of Approval and Council's proposed condition 2.5.

- 7** *Consideration of whether the address of the application needs to change, and whether re-notification is required, in accordance with Council's notification policy.*

The applicant is to provide the above information to the consent authority within 3 months of the panel meeting date.

The Panel requests Council to submit a supplementary assessment report addressing the above matters to a special electronic Panel meeting.

Reasons

The Panel was not satisfied that it had sufficient information to properly determine the application, in the absence of the information noted above in the Decision.

Votes

The decision was unanimous



Local Planning Panel

Record of Electronic Determination

DA/62737/2021 40 Trevally Close Terrigal - Alterations and Additions

Panel Members

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Linda McClure
Community Representative/s	Lyn Hunt

A Supplementary Report was provided to the Local Planning Panel on 23 December 2021, as per request at the Panel meeting of 9 December 2021 where the matter was deferred.

The Local Planning Panel members considered the supplementary report and supporting documents for DA/62737/2021 40 Trevally Close Terrigal - Alterations and Additions and made its decision via electronic determination.

Relevant Considerations

As per Council assessment report and Supplementary report

Material Considered

- Council assessment report, 9 December 2021
- Supplementary report, 23 December 2021
- Amended Clause 4.6 Variation Request, December 2021

Council Recommendation

Approval

Panel Decision

- The Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with the Height of Buildings development standard is unnecessary in the circumstances of the case because of the minimal environmental impact that would result from the noncompliance with the Height of Buildings standard, that compliance with the Height of Buildings standard would be unreasonable in the circumstances of the case because compliance would not allow the proposed Alterations and Additions to the existing dwelling house in its current location, and that there are sufficient environmental planning grounds to justify contravening that development***

Minutes of the Supplementary Local Planning Panel 23 December 2021 contd

standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within zones R2 Low Density Residential in which the development is proposed to be carried out.

- 2** *That the Local Planning Panel grant consent to DA62737/2021, 40 Trevally Close Terrigal - Alterations & Additions - subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*

Reasons

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. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact

Votes The decision was unanimous

Date: 13 January 2022



Local Planning Panel

Minutes of the Supplementary Local Planning Panel Held Remotely - Online on 19 January 2022

Panel Members

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Linda McClure
Community Representative/s	David Kitson

Central Coast Council Staff Attendance

Janice Wheeler	Senior Development Planner (North)
Mark Dowdell	Principal Development Assessment Engineer Development Engineering
Rachel Callachor	Meeting Support Officer

The Chairperson, Donna Rygate, declared the meeting open at 3:06pm

A Supplementary Report was provided to the Local Planning Panel on 12 January 2022, as per request at the Panel meeting of 24 June 2021 where the matter was deferred.

The Local Planning Panel members considered the supplementary report, submissions and supporting documents for DA/530/2019 - 2 & 11 Bryant Drive Tuggerah - Mixed Use Development comprising Specialised Retail Premises, Signage and Food and Drink Premises.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel Members confirmed that declaration forms lodged for the 24 June 2021 meeting were still current and no conflicts had been identified.

The Local Planning Panel meeting concluded at 3:34pm.

Minutes of the Supplementary Local Planning Panel 19 January 2022 contd

2.1 Supplementary Report - DA/530/2019 - 2 & 11 Bryant Drive Tuggerah - Mixed Use Development comprising Specialised Retail Premises, Signage and Food and Drink Premises - (Agenda Item 4.1 Local Planning Panel meeting 24 June 2021)

Site Inspected	Yes
Relevant Considerations	As per Council assessment report and supplementary assessment report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report, 24 June 2021 • Supplementary assessment report and documentation, 12 January 2022 • 5 Submissions
Council Recommendation	Approval
Panel Decision	<p>1 That the additional information be considered in the Panel's determination of the application.</p> <p>2 That the Local Planning Panel grant consent to DA/530/2019 Mixed Use Development comprising Specialised Retail Premises, Signage and Food and Drink Premises on 2 & 11 Bryant Drive Tuggerah, 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.</p> <p>3 That Council advise those who made written submissions of the Panel's decision.</p> <p>4 That the Council advise relevant external authorities of the Panel's decision</p>
Reasons	<p>1 The application was re-notified to surrounding properties and three additional submissions were received. The applicant has submitted a Water Cycle Management Plan Addendum Letter (Revision C) in response to the issues raised, and Council has met with submitters.</p> <p>2 The additional stormwater measures proposed by the applicant are further revised via conditions of consent to ensure an adequate storm water management outcome at the interface with adjoining properties. A detailed explanation of the calculation of s7.11 contributions has been</p>

Minutes of the Supplementary Local Planning Panel 19 January 2022 contd

provided and the recommended condition of consent has been revised.

The original assessment report, which was considered by the Panel on 24 June 2021, and the supplementary report, have had regard to the matters for consideration of Section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments, plans and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

Votes

The decision was unanimous



Local Planning Panel

Minutes of the
Supplementary Local Planning Panel
Held Remotely - Online
on 04 February 2022

Panel Members

Chairperson	Kara Krason
Panel Experts	Stephen Leathley Greg Flynn
Community Panel Member	Stephen Glen

Central Coast Council Staff Attendance

Salli Pendergast	Principal Development Planner Development Assessment North
Nathan Burr	Senior Development Planner (North)
Mark Dowdell	Principal Development Assessment Engineer
Steven McDonald	Transport and Traffic Engineer
Rachel Callachor	Meeting Support Officer
Zoie Magann	Meeting Support Officer

The Chairperson, Kara Krason, declared the meeting open at 11:34am and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of Country statement.

A Supplementary Report was provided to the Local Planning Panel on 28 February 2022, as per request at the Panel meeting of 23 September 2021 where the matter was deferred.

The Local Planning Panel members considered the supplementary report, updated plans, submissions and supporting documents for DA/221/2014/B – **Amended application to 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot at 31 Aldenham Road, Warnervale .**

Apologies

The Panel noted that no apologies have been received.

Minutes of the Supplementary Local Planning Panel 4 February 2022 contd

1.1 Disclosures of Interest

The Panel Members confirmed that declaration forms lodged for the 23 September 2021 meeting were still current and no conflicts had been identified.

Public Forum

The following people addressed the Panel:

Item Agenda item 2.1

Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale

1. Steve Marsh – against recommendation
2. David Harris MP, Member for Wyong – against recommendation
3. Paul McDonald – against recommendation

The Local Planning Panel public meeting closed at 12:17pm. The Panel moved into deliberation from 12:20pm, which concluded at 1:34pm.

2.1 Supplementary Report - DA/221/2014/B - 43 Lot Subdivision to create 40 residential lots, 1 public reserve, 1 detention basin and 1 residue lot (Amended Application) at 31 Aldenham Road, Warnervale

Relevant Considerations	As per Council assessment report dated 23 September 2021 and supplementary assessment report dated 28 February 2022
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report • 16 Submissions (across all notification periods) • Amended plans and documentation lodged following September 2021 panel meeting • Supplementary assessment report Local Planning Panel Business Panel 4 February 2022
Council Recommendation	Approval
Panel Decision	<p>1. That the Local Planning Panel grant modification of consent to DA/221/2014/B – 31 Aldenham Road, Warnervale – Increase by 2 lots to create a subdivision</p>

Minutes of the Supplementary Local Planning Panel 4 February 2022 contd

containing 43 Residential lots, 1 drainage lot, 1 public reserve, minor road layout & drainage changes, subject to the conditions detailed in the schedule attached to the supplementary report, and as modified below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

Modification to the following conditions, as per red text, from the Conditions of Consent, as follows:

Amend Condition 1.

Add following words to the end of condition:

The building footprint for Lot 26 is indicative only and is to be the subject of further design, assessment and approvals including engineering considerations relating to proximity of the sewer easement.

Amend Condition 20 to read:

Prior to works associated with the development commencing, details are to be provided for the approval of Council as the Roads Authority, of the proposed routes to and from the site for heavy vehicle traffic accessing the site.

No construction access is permitted via Aldenham Road or Railway Road. All construction vehicles are to access the site via the Link Road.

Insert new condition – Condition 20B under heading of Filling and Haulage Requirements to read:

A pedestrian management plan is to be submitted to address any potential conflicts between construction traffic and pedestrians in the vicinity of the site access.

Insert new condition – (Condition Number to be advised by Council) under heading of Construction Traffic and Pedestrian Management Plan – For works within the development site to read:

The applicant is to prepare and submit to Council for approval a Construction Traffic and Pedestrian

Minutes of the Supplementary Local Planning Panel 4 February 2022 contd

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

Minutes of the Supplementary Local Planning Panel 4 February 2022 contd

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

Amend Condition 56 to read:

Dedication at no cost to Council for Public Recreation purposes the land zoned RE1 at the date of the modified consent (Modification B) under the Wyong Local Environmental Plan 2013. The area to be dedicated under this condition is to be identified with individual lot number on the subdivision plan for registration.

Insert new condition 56A to read:
Proposed Lot 44 as shown on the stamped approved plan is to be dedicated at no cost to Council for the purposes of stormwater facility (detention basin).

- 2** *That all references to the lot number supporting plans and documentation are updated to reference the current lot and DP number: Lot 1 DP 1234942 (replacing the historic property description lot 26, DP 1159349)*

Minutes of the Supplementary Local Planning Panel 4 February 2022 contd

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

Reasons

- 1 After consideration of the development against Sections 4.55(2) and 4.15 of the Environmental Planning and Assessment Act 1979, the panel is satisfied that the amended application is substantially the same development, and is considered acceptable in relation to relevant requirements including the provisions of Wyong Local Environmental Plan 2013 and Wyong Development Control Plan 2013.
- 2 The supplementary report provides additional information to adequately address the Panel's reasons for deferral dated 23 September 2021.
- 3 The Panel has considered all matters raised in the submissions that are relevant to the proposed modifications to the existing approval. The Panel has recommended that construction access is via the roundabout on the Link Road rather than Aldenham Road and Railway Road, subject to suitable safety management being implemented prior to and during the construction phase noting the location of proximate education facilities on the Link Road.

Note: While it is not within the scope or ability of the panel to revisit matters associated with the original application that fall outside the scope of the modification proposal, such as but not limited to the broader strategic planning issues affecting Warnervale and the proposed local traffic network, the Panel recommends that broader planning and traffic issues are considered by Council as part of future strategic planning updates for the local area.

Further, while the Panel noted the advice of Council's Traffic Engineer that TfNSW may not support the extension of railway road to the future Link Road, the Panel notes its support for this link to be maintained as identified in the current Warnervale Structure Plan and suggests that Council further investigates the opportunity to maintain transport connection, in consultation with TfNSW as part of

Minutes of the Supplementary Local Planning Panel 4 February 2022 contd

the detailing planning and design for the link road.

Votes

The decision was unanimous

Item No: 3.1
Title: DA/63212/2021 - 38 Harcourt Place, North Avoca -
2 Storey Dwelling and Garage
Department: Environment and Planning

Central Coast
Local Planning Panel

24 February 2022 Local Planning Panel Meeting

Reference: DA/63212/2021 - D14993687
Author: Stephen Goodworth, Senior Building Surveyor
Manager: Wayne Herd, Section Manager, Building Assessment and Certification
Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for the erection of a single dwelling over two levels and garage on a steep sloping vacant site. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 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 dwelling along the entire southeastern) elevation exceeds the permissible maximum Height of Buildings of 8.5m by up to 3.5m (proposed height of 12m at the southern corner of the dwelling). This represents a maximum variation of 41%.

The application is recommended for approval with conditions.

Applicant	Ms Cicek Ceper
Owner	Mr Yuksel Ceper
Application No	63212/2021
Description of Land	Lot 1 DP 773368 -38 Harcourt Place North Avoca
Proposed Development	Erection of a single dwelling over two levels with garage
Site Area	1850 m2
Zoning	R2 Low Density Residential
Existing Use	Vacant land
Employment Generation	N/A
Estimated Value	\$815,000.00

Recommendation

- 1 The Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with the Height of Buildings development standard is unnecessary in the circumstances of the case because of the minimal environmental impact that would result from the noncompliance with the Height of Buildings standard.**

Compliance with the Height of Buildings development standard would be unreasonable in the circumstances of the case because of the steep sloping nature of the block and compliance would not allow the Two Storey Dwelling and Garage as currently proposed, and that there are sufficient environmental planning grounds to justify contravening that development standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

- 2 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 3 That the Local Planning Panel grant development consent to DA63212/2021 – 38 Harcourt Place, North Avoca to construct of single dwelling over two levels with 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.**
- 4 The objector be notified of the outcome of the development application.**

Precis:

Proposed Development	Construction of single dwelling over two levels and attached garage.
Permissibility and Zoning	<p>The subject site is zoned R2 - Low Density Residential under the provisions of Gosford Local Environmental Plan 2014 (Gosford LEP 2014).</p> <p>The proposed development is defined as a 'dwelling house' which is defined under the Gosford LEP 2014 as;</p> <p>'dwelling house' means –</p>

	<p>a building containing only one dwelling.</p> <p>The use is permissible with consent of the relevant Authority within the zone.</p>
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&A Act)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018)</i> • <i>Gosford Development Control Plan 2013 Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development" (Gosford DCP 2013)</i>
Current Use	Vacant Land
Integrated Development	No
Submissions	<p>The development application was notified (in accordance with the provisions of the <i>Gosford Development Control Plan 2013</i>) from 28 October 2021 until 18 November 2021.</p> <p>One submission was received.</p>

Variations to Plans and Policies

Gosford Local Environmental Plan 2014

Clause	4.3 (2)
Standard	Height limit of 8.5 metres.
Departure basis	The proposal seeks a maximum height of 12m consisting mainly of the awning roof over the southeast deck and a portion of the clerestory roof at the upper level. This represents a variation of 3.5m metres or 41% at the highest point.

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

Clause	3.1.2.1
Planning Control	Height limit of 8.5m
Departure basis	The proposal seeks a maximum height of 12m consisting mainly of the awning roof over the southeast deck and a

3.1 DA/63212/2021 - 38 Harcourt Place, North Avoca - 2 Storey Dwelling and Garage (contd)

	portion of the clerestory roof at the upper level. This represents a variation of 3.5m metres or 41% at the highest point.
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The Site

The site is a single lot legally identified as Lot 1 DP 773368 (No. 38 Harcourt Place North Avoca). The site rises steeply from the road and is located on the north western side of Harcourt Place, having a total area of 1850 sqms. The site is vacant and heavily vegetated

Access to the proposed dwelling will not be from Harcourt Place, but rather along a ROW of variable width, accessible between dwellings at No's 30 & 32 Bradleys Road and traverses along the rear of dwellings at No's 22 to 38 Harcourt Place. (see Figure 1). The red arrow within figure 1 designates the entry point to the ROW along Bradleys Road.

Until the gazettal of Gosford LEP 2014, this land was zoned 9c – Steep Land- under the Gosford Planning Scheme Ordinance. During 1985 this land was part of a 3 allotment (land) subdivision. Due to the steepness of the land, the subdivision application at the time was accompanied by a geotechnical engineering report (Ref: RN 85075/1/ L075 dated 20 October 1985 from Shirley Consulting) to consider the impacts on land slip risk associated with future developments on the then proposed newly created land parcels. The geotechnical engineer determined the rear upper portion of the site to be the most suitable for a dwelling. A restriction on development (marked as "z") within the front portion of the land was included as a condition of the land subdivision consent and was subsequently included to the deposited plan of subdivision. (see figure 3)

The subject site is now 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 application is supported by a Bushfire Assessment Report referenced GO:24260, prepared by Clarke Dowdle & Associates of August 2021. The report concludes the bushfire attack level (BAL) for the development to be constructed to BAL 12.5 as outlined with AS3959 – 2018 and NSW RFS Planning for Bushfire Protection of November 2019. The recommendations of this report are supported and will be included in the conditions of any development consent.



Figure 1: Aerial photograph of subject site with the site etched in blue. Red arrow marks entry point to ROW.



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

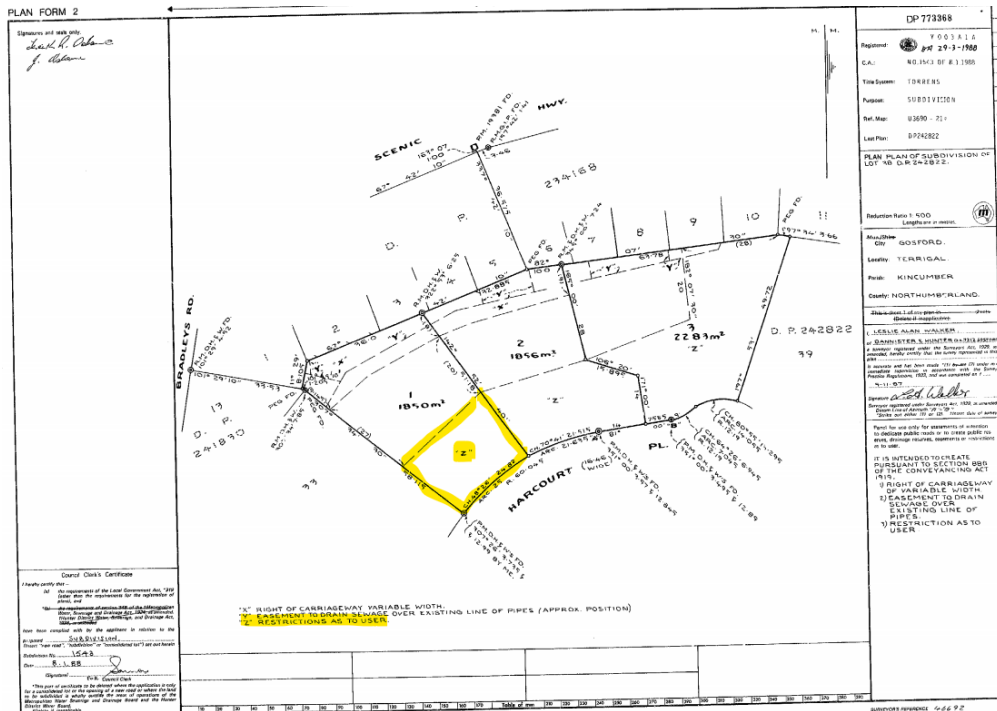


Figure 3: Restriction as to user "z" marked in yellow on Deposited Plan for lot 1 (subject land)

Surrounding Development

The subject site is surrounded on all sides by existing R2 – low density zoned residential allotments, generally containing a mixture of older style single storey dwellings interspersed with newer dwellings of mainly two or three storey pole home design on the steep hillside.

Due to the steepness of the land, garages and other parking structures associated with dwellings on land along the western side of Harcourt Place are located at the rear and adjacent to the ROW traversing along the rear boundaries. This is a result of the steep hillside topography of the area and the constraints imposed in providing safe gradient vehicular and pedestrian access directly from Harcourt Place.



Figure 4: Photo taken from Harcourt Place with a representation of the steep hillside. The subject land is heavily vegetated to the right of the excavation shown in the foreground on the adjoining land. Access to subject land is along ROW behind and on the top side of the dwelling shown above excavation.



Figure 5: Photo taken from ROW located along rear boundary of land viewing in a southeasterly direction.

The Proposed Development

The application submitted to Council comprises construction of a new five-bedroom dwelling over two levels. The lower level comprises two bedrooms, family and terrace. The upper level comprises the double garage and entry area, three bedrooms, study kitchen/dining/living space, terrace, double parking space and utility rooms. The levels are connected by stairs.

The garage and entrance to the dwelling is orientated towards the rear boundary and adjacent to the ROW. The garage and main floor level ranges from 0.3m to 1.3m above the road within the ROW.

It is also proposed to remove trees located within or close to the footprint of the proposed dwelling.



Figure6: Photo Montage of proposed dwelling from ROW

3.1 DA/63212/2021 - 38 Harcourt Place, North Avoca - 2 Storey Dwelling and Garage (contd)

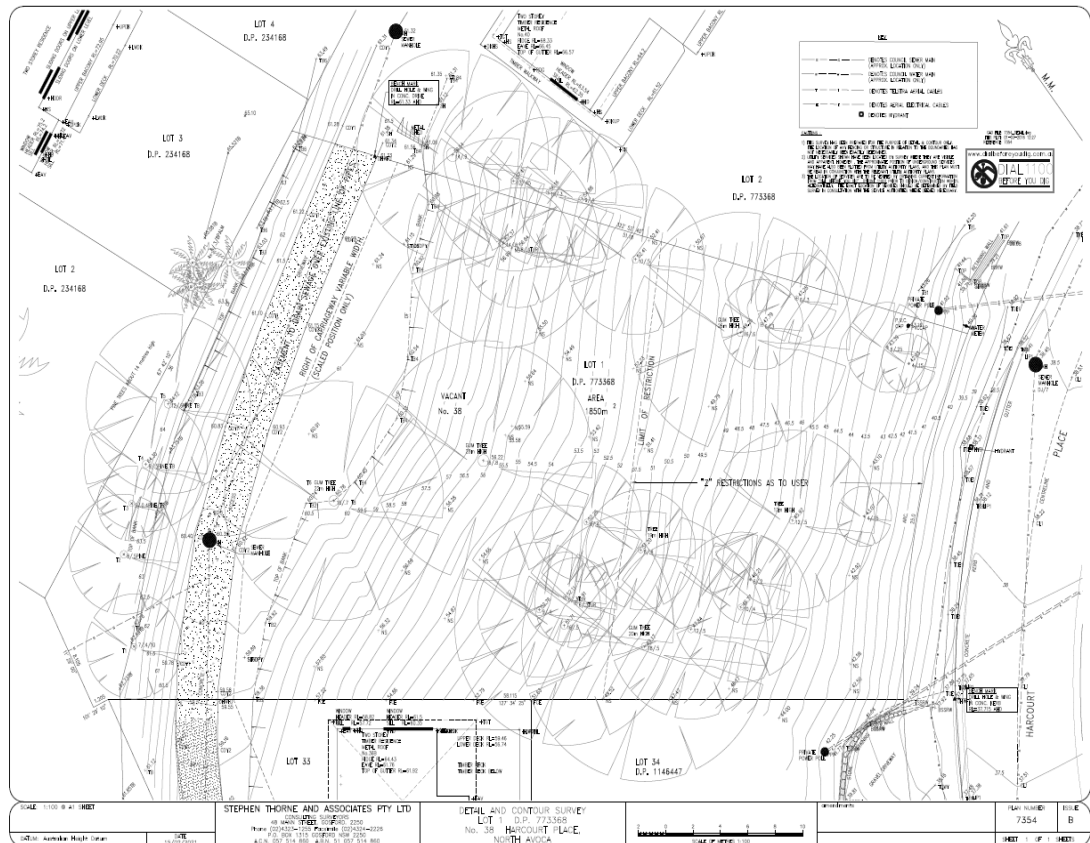


Figure 7: Detailing the site survey report

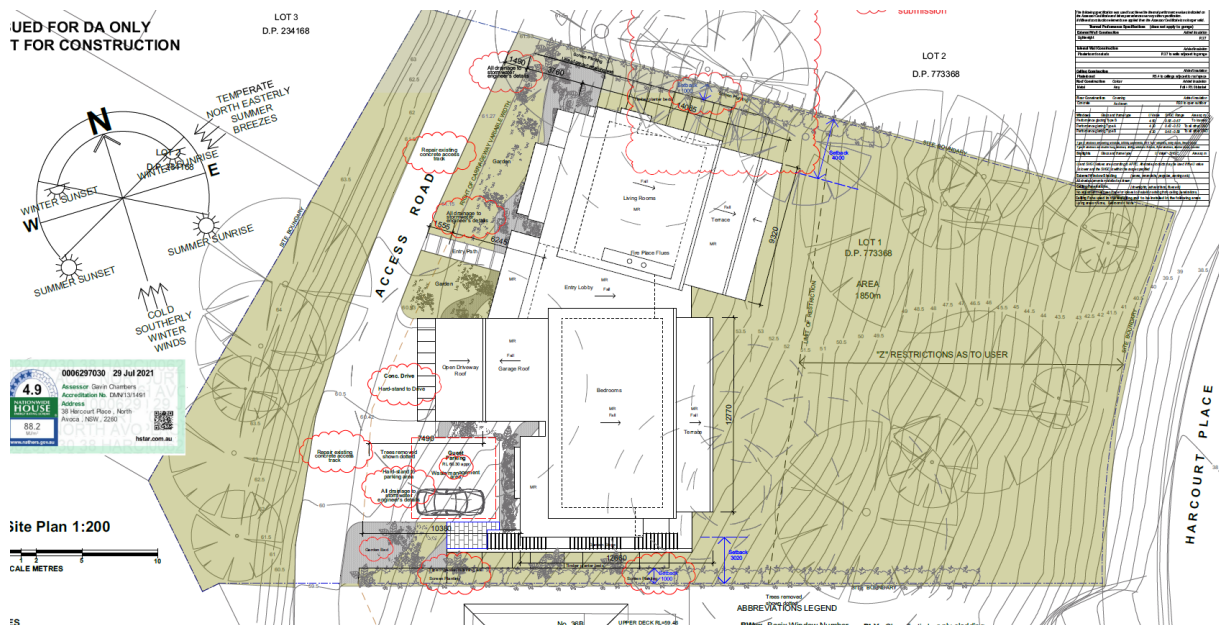


Figure 8: Detailing the proposed site plan

3.1 DA/63212/2021 - 38 Harcourt Place, North Avoca - 2 Storey Dwelling and Garage (contd)

PROPOSED NEW DWELLING AT 38 HARCOURT PLACE
NORTH AVOCA NSW 2260
ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION

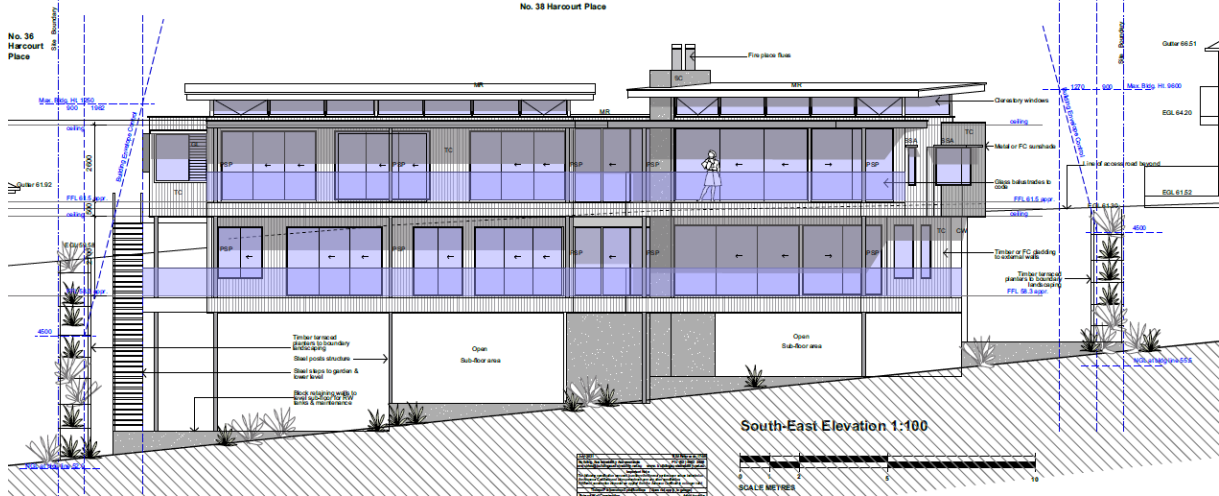


Figure 9: Detailing the southeast (street) elevation

PROPOSED NEW DWELLING AT 38 HARCOURT PLACE
NORTH AVOCA NSW 2260
ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION

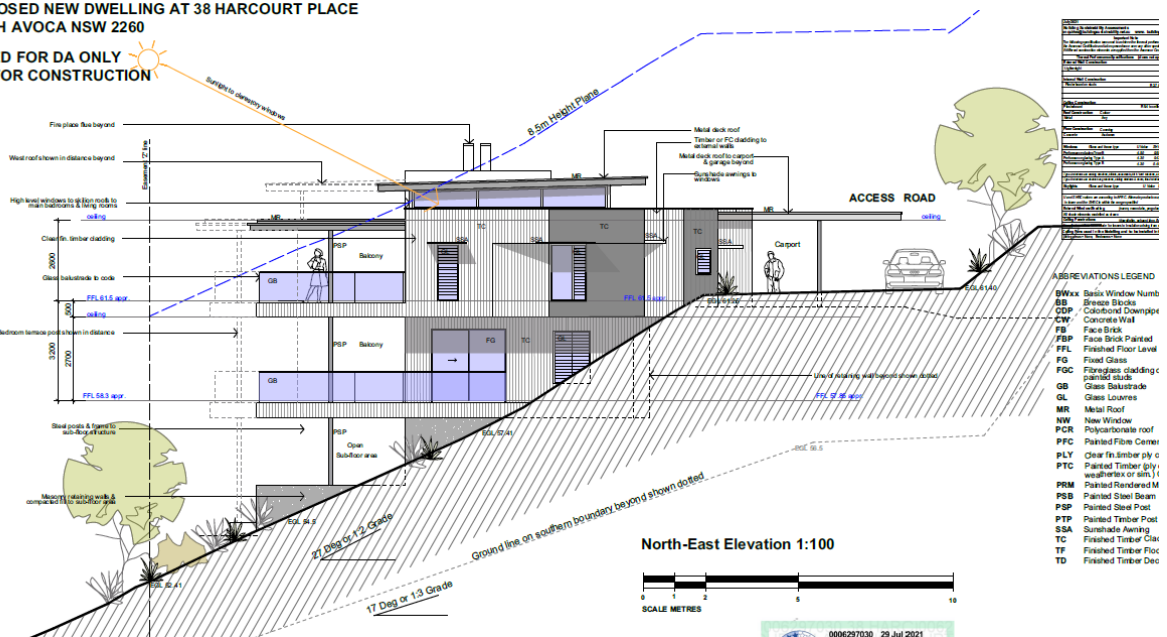


Figure 10: Detailing the proposed northeast side elevation

3.1 DA/63212/2021 - 38 Harcourt Place, North Avoca - 2 Storey Dwelling and Garage (contd)

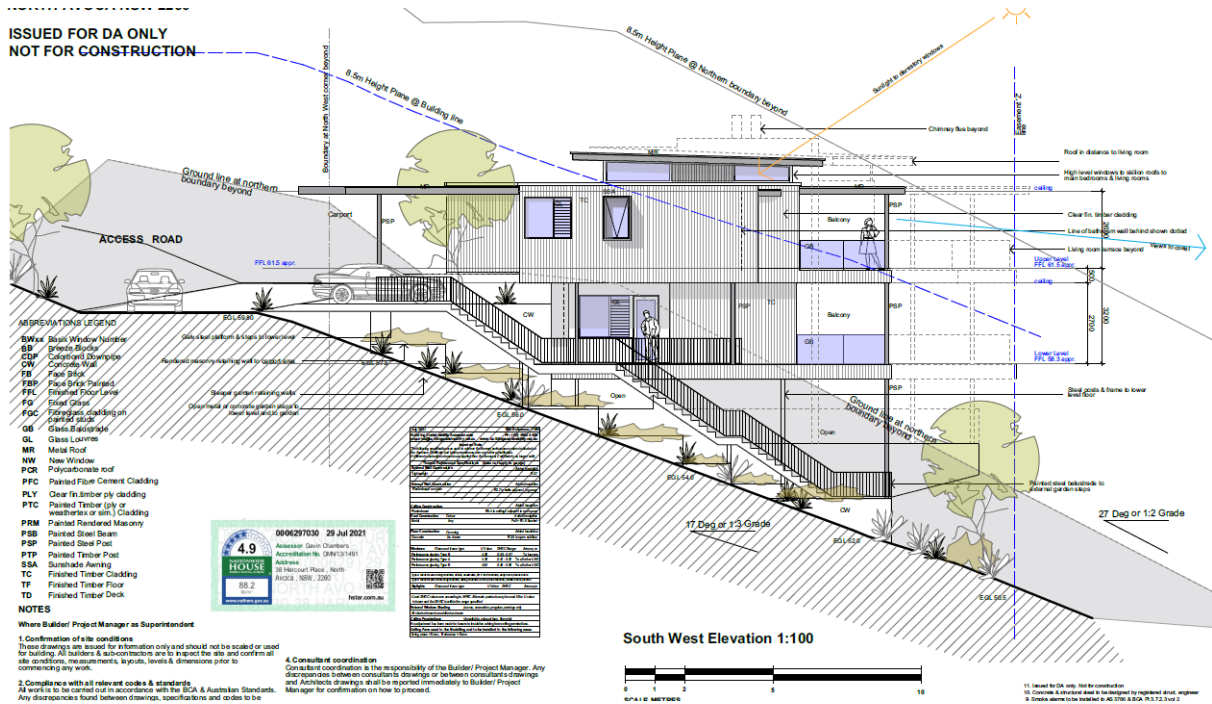


Figure 11: Detailing the proposed southwest side elevation

ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION

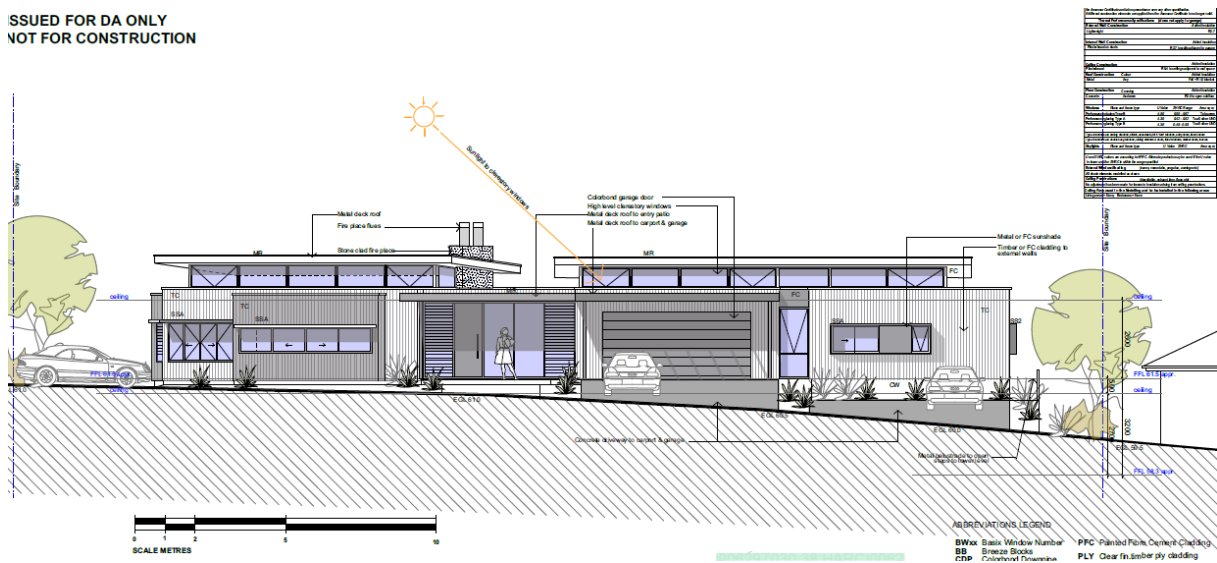


Figure 12: Detailing the proposed rear north – west elevation from the ROW

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.

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*.

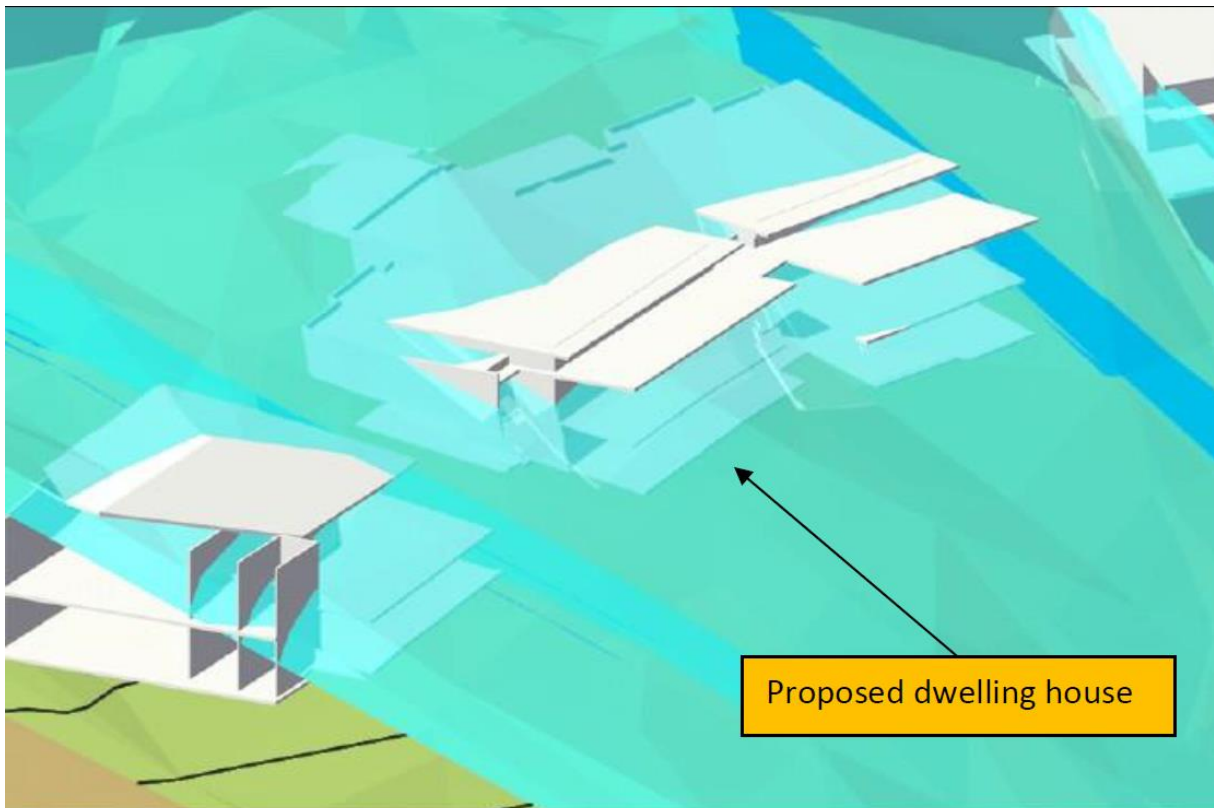
4.3 Height of buildings

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of buildings	8.5 metres	The proposal seeks a maximum height of 12m.	No – see comments below	41%	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.



Envelope View from South West

Figure 13: conceptual perspective representing portions of the proposed development and of neighbouring dwellings (displayed in light grey) above the height control.

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 12 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment, resulting in a variation of 41%.

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 41%. In requesting the variation, the applicant has provided the following matters in support of the proposal: -

- *The steep topography (approximately 50% fall) makes designing dwelling house within an 8.5 metre height plane somewhat restricting with most dwelling-houses established along the hillsides of North Avoca breaching the 8.5 metre height plane.*
- *Compliance with the 8.5m building height standard would result in an inferior built form outcome for the site. The upper floor which is recessed into the centre of the floor plate provides a transitional building element from the bulk of the floor levels as it rises up from Harcourt Place. The proposed top floor level has increased setbacks compared to the levels below and all setbacks for this level generally exceed the setbacks required under the DCP requirements. Thus the massing above the 8.5m limit entails transitional building elements as the structure rises into the skyline that would barely be perceptible from a pedestrian on the road reserve or from adjoining or from surrounding development.*
- *The building element above the 8.5m height plane entail sections of the roofing above the balcony which consist of light weight open structures that do not entail additional floor area or flooring above the 8.5m height plane. The balconies located to the rear of the dwelling provide an articulated rear façade that negate building massing when presented to the street and neighbouring lots*

- *The proposed height of the dwelling-house is compatible height of dwelling-houses that have been erected along the hillsides of North Avoca that are sited upon steep lots. The development provides an appropriate scale and intensity, noting compliance with the FSR control, and is comparable to the 3 storey development surrounding the development.*

In reviewing the proposed variation, consideration of the Residential R2 Low Density Residential Zone objectives is also considered necessary. Residential R2 Low Density Residential Zone objectives are as follows:

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

In considering these zone objectives, the following points are considered relevant:

- *Dwelling Houses are permissible within the zone and satisfies the zone objective in terms of the provision of low-density residential development.*
- *The proposed dwelling design is considered in keeping with the existing and desired future character of the area.*
- *The design of the dwelling incorporates suitable architectural design elements and incorporates sustainable design features.*

The Gosford LEP 2014 sets out six objectives pertaining to the building height development standard. The objectives are contained within clause 4.3 (1) (a) to (f). These objectives are replicated below and commentary in respect to compliance or otherwise with each objective in relation to the proposed development are included as follows—

a) to establish maximum height limits for buildings,

The proposed height of the building, whilst exceeding the numerical height limit, is consistent to numerous other dwellings within the vicinity on this steep coastal hillside locality.

b) to permit building heights that encourage high quality urban form,

The new dwelling incorporating skillion roof forms and extensive glass and timber board materials will result in a contemporary design and use of quality materials that will encourage a desired urban form in the locality.

c) to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,

The proposed dwelling will result in overshadowing of the southern adjoining property in the winter months, however the extent of shadowing, considering the orientation of the dwellings within a north-south axis is reasonable.

d) to nominate heights that will provide an appropriate transition in built form and land use intensity,

The height exceedance relates to the open awning above the southeast deck and small components of the clerestorey and will be consistent to the height of other buildings on the hillside within this locality.

e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,

The proposed dwelling design meets the relevant zone objectives and does not cause any unreasonable level of view loss impacts to the adjoining and surrounding properties. Furthermore, the proposed design reduces the scale and bulk of the dwelling by orientating the building along the land contours and by using irregular floorplans to create well-articulated forms.

f) to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.

The proposed dwelling design and height will not create any overshadowing to public open spaces and not impact on viewing natural topographical features from surrounding open spaces within the North Avoca locality.

In terms of the proposed design, it is noted that the height exceedance is predominately to an open awning structure above the southeast deck and will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts to the adjoining properties.

It is considered the applicants request to vary the development standard would be consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any unreasonable level of detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site contribute to the difficulty in complying with the height controls.

Having regard to the site factors, minimal impact on the character of the area and that of the residents, the applicants request to vary the height development standard is considered reasonable and therefore supported.

Gosford Development Control Plan 2013 (GDCP 2013)

Chapter 2.1 – Character

The site is located within the North Avoca 4: Woodland Hillsides precinct of North Avoca. The desired character of this precinct suggests, amongst other things, buildings to minimise the scale and bulk of buildings by strongly-articulated forms that sit beneath the canopy, with floor-levels that step to follow natural slopes and irregular floorplans, such as linked pavilions that are separated by courtyards and capped by individual roofs. Front or rear facades that are taller than neighbouring dwellings should be screened by balconies, verandahs, stepped forms or extra setbacks.

The proposed dwelling design incorporate these desired character features with the exception of steeping of floor levels. The land width is approximately 40m in the location of the proposed dwelling and the architect has been able to elongate the building to the land contours with a lesser than normally encountered building depth. The proposed dwelling design is considered to be consistent with the desired character of the precinct.

Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

<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 12 metres	Yes No – see comments below
Clause 3.1.2.2 Site Coverage	Maximum 50% site coverage.	Less than 30% site coverage is proposed (18%)	Yes
Clause 3.1.2.3 Floor Space Ratio	0.5:1 floor space ratio	0.2:1 floor space ratio proposed	Yes
Clause 3.1.3.1a – Front Setback	The permissible front setback is 20.6m. This is the average of the nearest two dwellings having the same primary road boundary and located within 40m of the lot on which the dwelling house is to be erected.	25.4m	Yes
Clause 3.1.3.1b – Rear Setback	6m Rear setback to a private allotment with a wall height greater than 4.5m	10 metres	Yes
Clause 3.1.3.1c – Side Setback	Side boundary setback of 2.6m to southwest elevation and 1.9m to northeast elevation based on external wall heights of 11.4m and 8.4m respectively measured at its highest points at the southern and eastern corners of the dwelling.	3m measured to the southwestern and 4m northeastern side boundaries.	Yes

<i>Chapter 3.1</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Compliance</i>
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 car spaces	Yes
Clause 3.1.6 Earthworks, Structural Support and Drainage	Cut – 3m when more than 1m from the boundary	2.7 metres	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 12 metres in lieu of the 8.5 metre mapped maximum height limit applicable to the allotment. The variation proposed is 41%.

An assessment of the building height has been carried out under the GLEP 2014. The proposed development will be consistent to the height of other buildings on the hillside. The proposal meets the relevant zone objectives and does not cause view loss impacts or an unreasonable level of overshadowing to the adjoining properties.

It is considered the applicants request to vary the development standard would be consistent to the height and scale of other dwellings within the immediate area. In addition, the development would not impose any unreasonable level of detrimental impact on the amenity of residents in nearby dwellings. It has been concluded the steepness of the site contribute to the difficulty in complying with the height controls and comparisons to the height and scale of other dwellings along the hillside provide justification to vary them.

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 assessed as being "*Category 4 -Immediate High Hazard Area*" for potential landslip hazard as defined within tables M1 and M2 of the document. The implications of Category 4 are that a 'Class 1' geotechnical report is required. Upon completion of the development a 'post development report' as defined within chapter 6.4 of the Gosford DCP 2013, will also be required to confirm that the works have been carried out in accordance with all provided geotechnical advice.

The application has been accompanied by a report on geotechnical investigation and slope stability assessment prepared by 5QS Consulting Group referenced 212012 dated 6 May 2021. The report considers the extent of excavation and foundation support for the dwelling.

Included to the report is the requirement for surface and roof waters directed in a controlled manner away from foundations, retaining structures and any cut or filled slopes and directing stormwater to Council's drainage system within Harcourt Place.

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 comparison of bulk and scale with other dwellings, the proposal is considered to be suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of the GLEP 2014 and GDCP 2013 compliance. It is considered on balance that the potential impacts are considered reasonable.

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. A report prepared by a BPAD certified Practitioner bushfire consultant has been included with the application.*

There are no other constraints that would render the site unsuitable for development.

Section 4.15(1)(d) of the EP&A Act: *any submission made in accordance with this Act or Regulations*

The development application received one (1) submission to the proposed development. The submission is from the owners of a property located along Scenic Highway, that share their rear boundary with the rear boundary of the subject land. The concerns are as follows:

1. *Unclear of the intended height of the proposal. We would think it to be no higher than the dwellings on either side.*

Comment: The roof level of the proposed dwelling is 2.5m lower than the dwelling on the eastern adjoining land and approximately 1.4m higher than the dwelling on the western adjoining land. The objectors main floor level is approximately 7m above on the roof level of the proposed dwelling. The height of the proposed dwelling would not unreasonably impact on the outlook from dwellings upslope of the subject land.

2. *We would object to the removal of the Norfolk Pine trees located along the rear northern boundary of the subject land.*

Comment: The Norfolk Pine trees are located on the northern side of the existing access road within the ROW. It is not proposed to undertake development within the vicinity of these trees and therefore it is not expected that any impact will occur to the trees.

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 can be developed in proportion to its site characteristics.

Other Matters for Consideration:

Removal of Trees

Councils Tree Officer has considered the impact on vegetation on the land. The proposed dwelling is within the most appropriate location of the vacant site and whilst some trees, within and close to the footprint of the dwelling will be impacted, the proposal is considered reasonable.

The removal of the trees would not unreasonably impact on the characteristics of the area.

Development Contribution Plan

The proposed development is not a development type that is subject to *Section 7.11 or Section 7.12 of the Environmental Planning and Assessment Act 1979* development contributions. Therefore, no contributions are applicable.

Water and Sewer Contributions

The proposed development is not subject to Water & Sewer Contributions.





Conclusion:

The development application has been assessed in accordance with Section 4.15 of the EP&A Act 1979, and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variation. The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act 1979.

Attachments

1 	Draft Conditions of Consent		D14991821
2 	Unredacted Development Plans	Provided Under Separate Cover	D14990794

3.1 DA/63212/2021 - 38 Harcourt Place, North Avoca - 2 Storey Dwelling and Garage (contd)

3 	Redacted Development Plans	D14993736
		
4 	Applicant's Objection Under CI 4.6 to	D14857903
	Height	

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: Celsius Architecture Project no. 20-019 (12 sheets)

Drawing	Description	Issue	Date
DA01	Title details	A	-/08/21
DA02	Site and Roof Plan	B	-/12/21
DA03	Ground floor Plan	B	-/12/21
DA04	Lower Floor Plan	B	-/12/21
DA04A	Sub-Floor Plan	A	-/12/21
DA05	South-West Elevation	A	-/08/21
DA06	North-East Elevation	A	-/08/21
DA07	North-West Elevation	A	-/08/21
DA08	South-East Elevation	A	-/08/21
DA09	Section	B	-/12/21
DA10	Shadows	A	-/08/21
DA11	BASIX	A	-/08/21

Supporting Documentation

Document	Description	Date
5QS Ref:212012	Water Cycle Management Plan by 5QS Consulting Group	3/8/21
5QS Ref 212012	Geotechnical Engineers report prepared by 5QS Consulting Group	6/5/21
GO:24260	Bushfire Assessment Report by Clarke Dowdle & Associates	Aug 2021

- 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. 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
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:

- a) The name, address and telephone number of the principal certifying authority for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au.
- Contact Council prior to submitting these forms to confirm the relevant fees.
- 3.6. 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 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

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

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

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

- 4.7. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.8. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.10. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.11. Implement all recommendations of the geotechnical report(s) listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s).
- 4.12. Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.
- 4.13. Pruning of trees to accommodate the works must be undertaken in accordance with Australian Standard AS 4373:2007: *Pruning of amenity trees* by a qualified Arborist.
- 4.14. All care is to be taken to avoid damage to tree roots. Roots that cannot be avoided are to be cut (not ripped) with a sharp tool such as pruners or handsaw. Seek Arboricultural advice before severing roots greater than 75mm diameter.

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 10000 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 tap 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. Drain all roof water from the tank overflow and impervious areas by a piped drainage line to the street kerb outlet.
- 5.6. A Post Development Report (as defined within Part 6.4 of Gosford DCP 2013) is to be submitted by the Geotechnical Engineer confirming that the completed development has been constructed in accordance with the requirements of the geotechnical report referenced within the development consent and that no unforeseen ground conditions have been encountered which could impact on the stability of the land and/or structures on the land.

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:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments

- b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
 - Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
 - Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
 - Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: www.centralcoast.nsw.gov.au

**ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION**

DA01/A	Title Sheet, View from street
DA02/A	Site / Roof Plan
DA03/A	Upper Level Plan
DA04/A	Lower Level Plan
DA05/A	South West Elevation
DA06/A	North East Elevation
DA07/A	North West Elevation
DA08/A	South East Elevation
DA09/A	Section
DA10/A	Shadows
DA11/A	Basix

SITE AREA	1850 m ²	Totals
EXIST. FLOOR AREAS	0m ²	
PROPOSED FLOOR AREAS		
Upper Level	207m ²	378m ²
Lower Level	171m ²	
FSR Allowable	0.5:1	925m ²
FSR Provided	0.2:1	378m ²

[illegible]

Stormwater Notes:
-Refer stormwater plan by 5QS Engineers



Aerial Photo

Site



View From Access Road

Finishes Schedule

House walls	Clear finished timber cladding or sim. to upper walls
Roof	Dark grey metal deck
Alum Windows	Dark grey Powdercoat
Decks	Timber or tile/ paver
Pavers	Light Grey Concrete or sim.

QUALITY MANAGEMENT NOTES
Where Builder/ Project Manager as Superintendent

1. Confirmation of site conditions
These drawings are issued for information, coordination and approval only and should not be used for construction. All dimensions take precedence and all builders & sub-contractors are to inspect the site and confirm all site conditions. Measurements, layouts, levels & dimensions prior to commencing any work.

2. Compliance with all relevant codes & standards
It is the responsibility of the Builder/Project Manager to ensure compliance with the BCA & Australian Standards. Any discrepancies found between drawings, specifications and codes to be reported immediately to Builder/ Project Manager for clarification on how to proceed.

3. Status of Documents
These drawings have been prepared for Development Approval issue only, they are not intended for use as construction documents. Should they be used for construction, the Builder/ Project Manager takes full responsibility for coordination of all construction details, approval & compliance to all relevant codes and by all relevant authorities.

4. Consultant coordination
Consultant coordination is the responsibility of the Builder/ Project Manager. Any discrepancies between consultants drawings or between consultants drawings and Architects drawings shall be reported immediately to Builder/ Project Manager for confirmation on how to proceed.

5. Changes to drawings
These documents have been prepared with due regard to Council DA conditions, client brief, relevant codes & standards. Should the design, details, materials, or other information be altered or not as documented, the Builder/ Project Manager takes full responsibility for coordination of details, adequacy of finish and approval & compliance to all relevant codes and by all relevant authorities.

6. Discrepancies in Documents
Any discrepancies found between architectural or sub-consultant drawings, dimensions, notes or site measurements, report immediately to the Builder/ Project Manager for clarification on how to proceed.

7. Levels
Existing and proposed new ground & site levels to be confirmed by builder/ surveyor prior to construction

RevNo	Revision note	Date
1	Issued for review	-/07/21
A	Issued for DA	-/08/21



Existing access road Right of Way



SW Boundary & Neighbour



NE Boundary & Neighbour



North side of access road



SW neighbour from Harcourt Place

Existing Site Photos



**Adelaide
Sydney
Central Coast**

Michael Harris
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ABSA Assessor No. 20870

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Avoca Beach
NSW 2256
ABN 2818 034 9868

**New Dwelling at Lot 1, DP 773368
No. 38 Harcourt Place, North Avoca
NSW 2260**

Project 20-019	Date -/08/21	Scale @ A3 NTS	Sheet 01/11
--------------------------	------------------------	--------------------------	-----------------------

11. Issued for DA only. Not for construction
10. Concrete & structural steel to be designed by registered structural engineer
9. Smoke alarms to be installed to AS 3786 & BCA Pt 3.7.3 and AS 2187
8. Balustrades to comply with BCA Pt 3.9.2 and AS 1288-1994
7. Glass installations to comply with AS 1288-1994
6. All timber framing to comply with AS1684, engineers design & specifications
5. All new work to be set out by registered surveyor & setbacks comply with DA conditions & council local authority requirements. All existing site dimensions & boundaries to be confirmed by registered surveyor
4. These drawings are to be read with any relevant specification & consultant dwgs
3. All work to be carried out in accordance with the BCA & Australian Standards
2. Any discrepancies found between drawings, dimensioned noted and site measurements should be reported immediately to the architect for clarification
1. All builders & sub-contractors are to inspect the site and confirm all measurements, lay out and dimensions of the site and surrounding property work

NOTES:

Dwg. No. DA01	Issue No. A	MAGNETIC	TRUE
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TITLE SHEET, VIEW FROM STREET

**ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION**

LOT 3
D.P. 234168

LOT 2
D.P. 773368

Revision clouds denote changes to original DA submission

[illegible]



4.9
NATIONWIDE
HOUSE
ENERGY RATING SCHEME

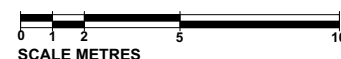
0006297030 **29 Jul 2021**

Assessor Gavin Chambers
Accreditation No. DMN13/1491
Address
 38 Harcourt Place, North
 Avoca, NSW, 2260



hstar.com.au

Site Plan 1:200



NOTES

Where Builder/ Project Manager as Superintendent

1. Confirmation of site conditions

All builders & sub-contractors are to inspect the site and confirm all measurements, layouts, levels & dimensions prior to commencing any work.

2. Compliance with all relevant codes & standards

2. Compliance with all relevant codes & standards
All work is to be carried out in accordance with the BCA & Australian Standards. Any discrepancies found between drawings, specifications and codes to be reported immediately to Builder/ Project Manager for clarification on how to proceed.

3. Status of Documents

These drawings have been prepared for Development Application issue only, they are not intended for use as construction documents. Should they be used for construction, the Builder/ Project Manager takes full responsibility for coordination of construction details, approval & compliance to all relevant codes and by all relevant authorities.

4. Consultant coordination

Consultant coordination is the responsibility of the **Builder/ Project Manager**. Any discrepancies between consultants drawings or between consultants drawings and Architects drawings shall be reported immediately to Builder/ Project Manager for confirmation on how to proceed.

5. Changes to drawings

These documents have been prepared with due regard to Gosford Council DA conditions, client brief, relevant codes & standards. Should the design, details, materials, finishes be altered from those documented, the Builder/ Project Manager takes full responsibility for coordination of details, adequacy of finish and approval & compliance to all relevant codes and by all relevant authorities.

6. Discrepancies in Documents

Any discrepancies found between architectural drawings, dimensions, notes or site measurements, report immediately to the Builder/ Project Manager for clarification on how to proceed.

RevNo	Revision note	Date
1	Issued for review	-/07/21
A	Issued for DA	-/08/21
B	Re-Issued for DA	-/12/21



No. 36B

TWO STOREY
TIMBER RESIDENCE
METAL ROOF

UPPER DECK RL=59.41
LOWER DECK RL=56.76

RIDGE RL=64.43
EAVE RL=61.76
TOP OF GUTTER RL=61.92

TIMBER DECK
TIMBER DECK BELOW

shown dotted
ABBREVIATIONS LEGEND

BWxx	Basix Window Number	PLY	Clear fin.timber ply cladding
BB	Breeze Blocks	PTC	Painted Timber (ply or weathertex or sim.) Cladding
GDP	Colorbond Downpipe	PRM	Painted Rendered Masonry
FB	Face Brick	PSB	Painted Steel Beam
FBP	Face Brick Painted	PSP	Painted Steel Post
FFL	Finished Floor Level	PTP	Painted Timber Post
FGC	Fibre/glass cladding on painted studs	SSA	Sunshade Awning
GB	Glass Balustrade	TC	Finished Timber Cladding
MR	Metal Roof	TF	Finished Timber Floor
NW	New Window	TD	Finished Timber Deck
PCR	Polycarbonate roof		
PFC	Painted Fibre Cement Cladding		

7. Issued for DA only, Not for construction
8. Concrete & structural steel to be designed by registered structural engineer
9. Smoke alarms to be installed with AS 3786 & BCA Pt 3.1.3.7 vol 2
10. Balustrades to comply with BCA Pt 3.9.2 vol 2
11. Gas installations to comply with AS 1288-1994
12. All interior framing to comply with AS1664, engineers design & specifications
13. All new work to be set out by registered surveyor & all setbacks comply with DA
14. All pourings, foundations, footings, walls, etc. to be set out by registered surveyor & boundaries to be confirmed by registered surveyor
15. These drawings are to be read with any relevant specification & consultant drawings
16. All work to be carried out in accordance with the BCA and Aust. Standards
17. All discrepancies, omissions or ambiguities in the dimensions noted and site measurements should be reported immediately to the architect for clarification
18. All builders & sub-contractors are to inspect the site and conform all requirements, instructions and specifications of the architect and the work

NOTES:

Dwg. No. DA02	Issue No. B	 MAGNETIC	 TRUE
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SITE & ROOF PLAN

**New Dwelling at Lot 1, DP 773368
No. 38 Harcourt Place, North Avoca
NSW 2260**

Project 20-019	Date -/12/21	Scale @ A3 1:200	Sheet 02/11
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CELSIUS
ARCHITECTURE

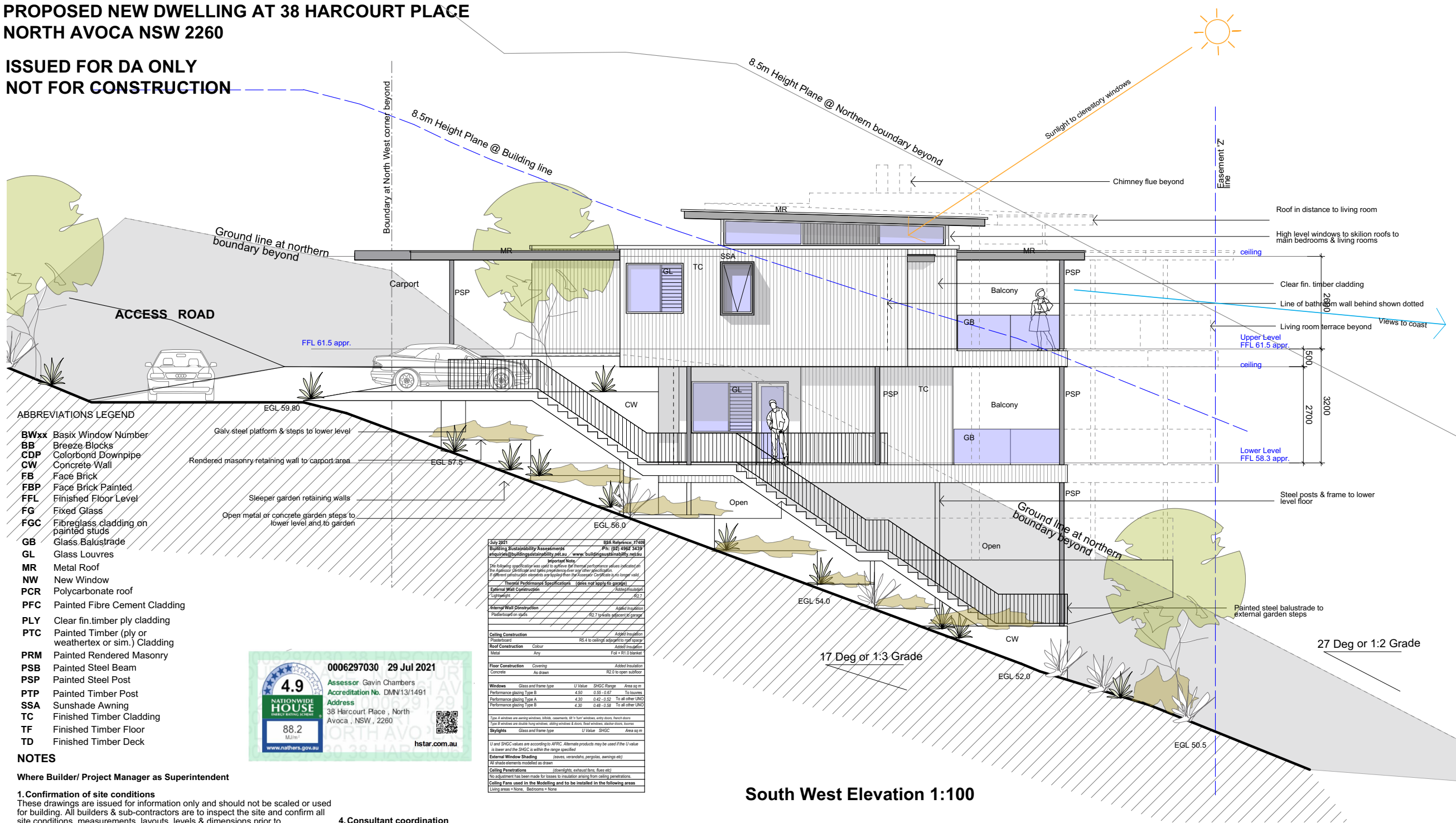
Adelaide
Sydney
Central Coast

Michael Harris
Architect, B.Arch. (Hons.1) RAlA
ABSA Assessor No. 20870

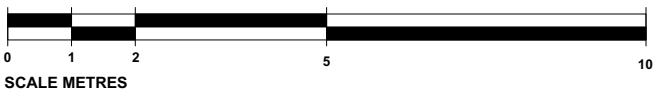
04033 90169
info@celsiusarchitects.com.au
75 Cape Three Points Rd.
Avoca Beach
NSW 2256
ABN 2818 034 9868

PROPOSED NEW DWELLING AT 38 HARCOURT PLACE
NORTH AVOCA NSW 2260

ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION



South West Elevation 1:100



11. Issued for DA only. Not for construction
10. Concrete & structural steel to be designed by registered struct. engineer
9. Smoke alarms to be installed to AS 3786 & BCA Pt 3.7.2.3 vol 2
8. Balustrades to comply with BCA Pt 3.9.2 vol 2
7. Glass installation to comply with AS 1288-1994
6. All timber framing to comply with AS1684, engineers design & specifications
5. All new work to be set out by registered surveyor & setbacks comply with DA conditions & council code & statutory requirements. All existing site dimensions & boundaries to be confirmed by registered surveyor
4. These drawings are to be read with any relevant specification & consultant drwgs
3. All work to be carried out in accordance with the BCA and Aust. Standards
2. Any discrepancies found between drawings, dimensioned noted and site measurements should be reported immediately to the architect for clarification
1. All builders & sub-contractors are to inspect the site and confirm all measurements, layouts, levels & dimensions prior to commencing any work

Dwg. No.	Issue No.
DA05	A

SOUTH-WEST ELEVATION

RevNo	Revision note	Date
1	Issued for review	-/07/21
A	Issued for DA	-/08/21



- 4. Consultant coordination**
Consultant coordination is the responsibility of the Builder/ Project Manager. Any discrepancies between consultants drawings or between consultants drawings and Architects drawings shall be reported immediately to Builder/ Project Manager for confirmation on how to proceed.
- 5. Changes to drawings**
These documents have been prepared with due regard to Gosford Council DA conditions, client brief, relevant codes & standards. Should the design, details, materials, finishes be altered from those documented, the Builder/ Project Manager takes full responsibility for coordination of details, adequacy of finish and approval & compliance to all relevant codes and by all relevant authorities.
- 6. Discrepancies in Documents**
Any discrepancies found between architectural drawings, dimensions, notes or site measurements, report immediately to the Builder/ Project Manager for clarification on how to proceed.

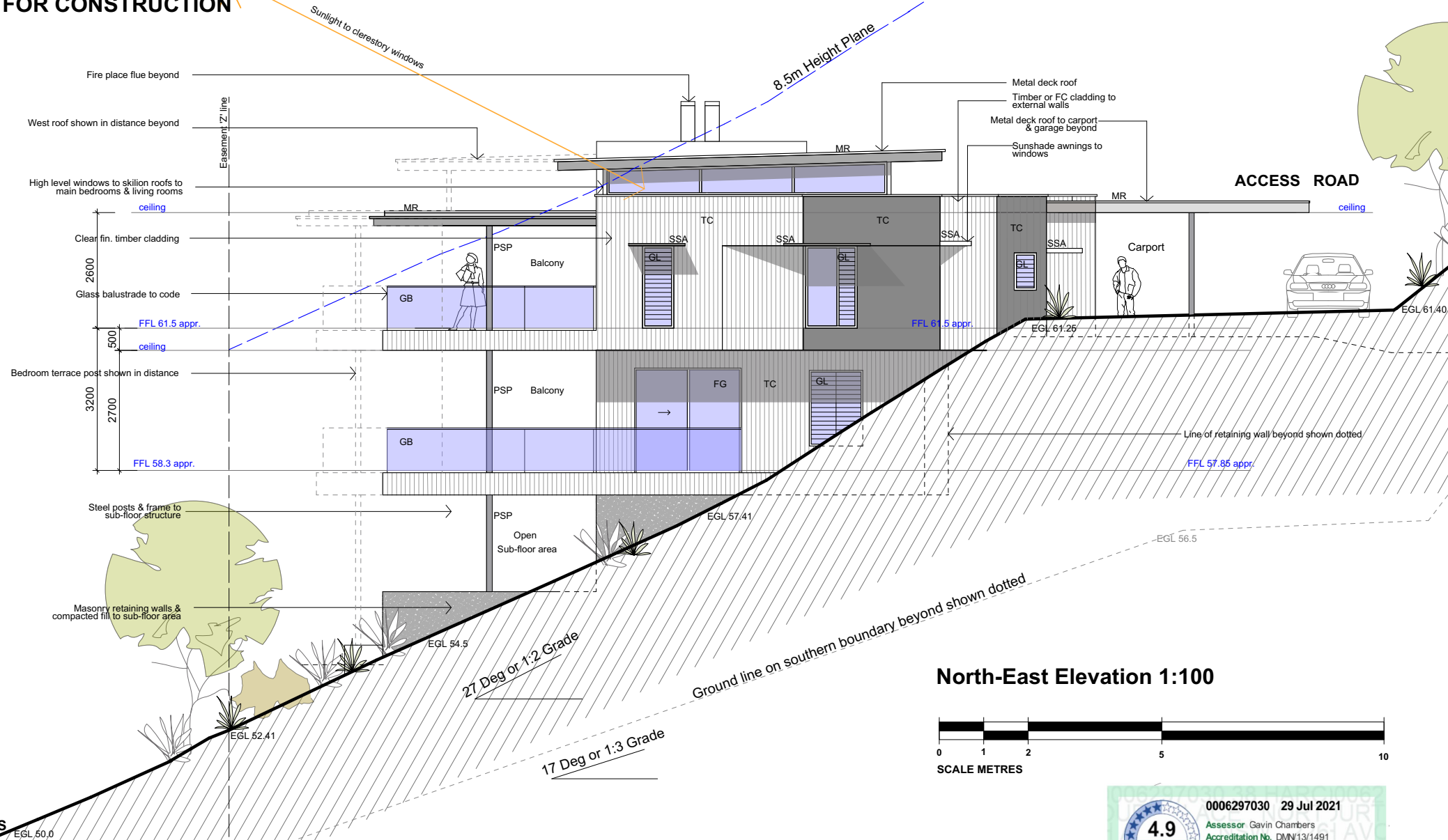
CELSIUS
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New Dwelling at Lot 1, DP 773368
No. 38 Harcourt Place, North Avoca
NSW 2260

Project	Date	Scale @ A3	Sheet
20-019	-/08/21	1:100	05/11

PROPOSED NEW DWELLING AT 38 HARCOURT PLACE NORTH AVOCA NSW 2260

ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION



NOTES

Where Builder/ Project Manager as Superintendent

1. Confirmation of site conditions

These drawings are issued for information only and should not be scaled or used for building. All builders & sub-contractors are to inspect the site and confirm all site conditions, measurements, layouts, levels & dimensions prior to commencing any work.

2. Compliance with all relevant codes & standards

All work is to be carried out in accordance with the BCA & Australian Standards. Any discrepancies found between drawings, specifications and codes to be reported immediately to Builder/ Project Manager for clarification on how to proceed.

3. Status of Documents

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4. Consultant coordination

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RevNo	Revision note	Date
1	Issued for review	-/07/21
A	Issued for DA	-/08/21



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New Dwelling at Lot 1, DP 773368
No. 38 Harcourt Place, North Avoca
NSW 2260

Project	Date	Scale @ A3	Sheet
20-019	-/08/21	1:100	06/11

- Issued for DA only. Not for construction
- Concrete & structural steel to be designed by registered struct. engineer
- Smoke alarms to be installed to AS 3786 & BCA Pt 3.7.2.3 vol 2
- Balustrades to comply with BCA Pt 3.9.2 vol 2
- Glass installation to comply with AS 1288-1994
- All timber framing to comply with AS1684, engineers design & specifications
- All new work to be set out by registered surveyor & setbacks comply with DA conditions & council code & statutory requirements. All existing site dimensions & boundaries to be confirmed by registered surveyor
- These drawings are to be read with any relevant specification & consultant drwgs
- All work to be carried out in accordance with the BCA and Aust. Standards
- Any discrepancies found between drawings, dimensioned noted and site measurements should be reported immediately to the architect for clarification
- All builders & sub-contractors are to inspect the site and confirm all measurements, layouts, levels & dimensions prior to commencing any work

NOTES:

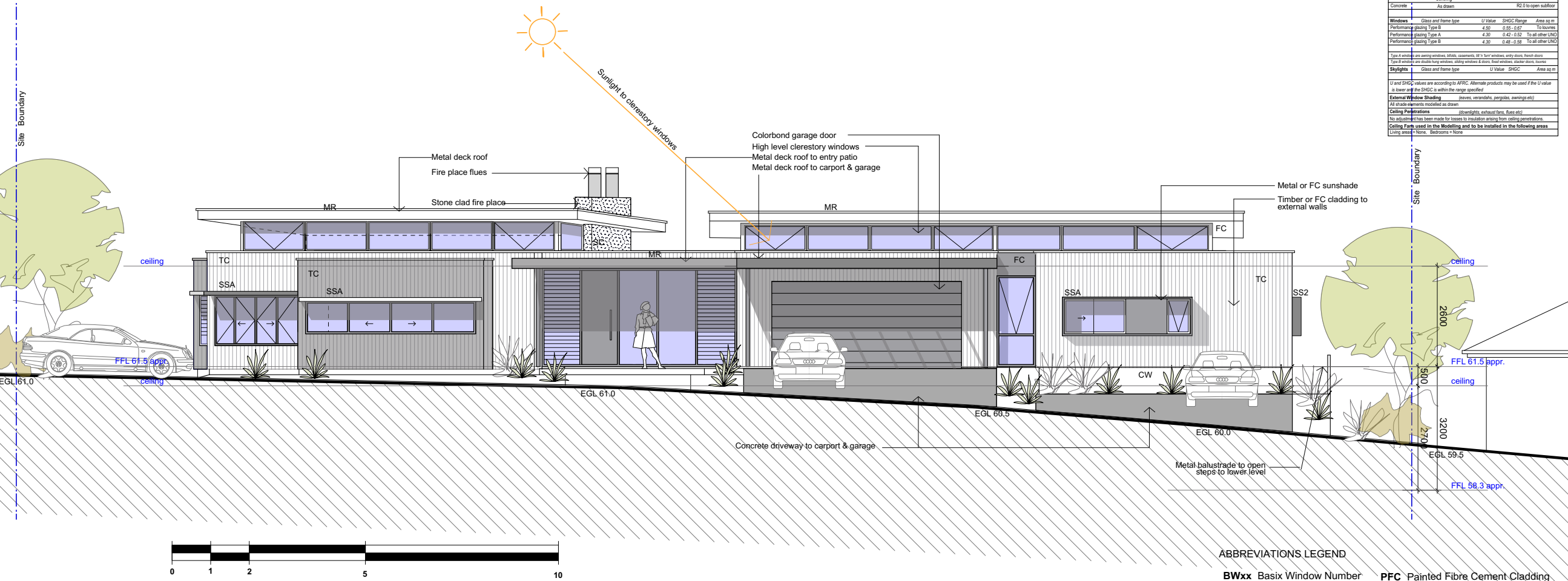
Dwg. No.	Issue No.
DA06	A

NORTH-EAST ELEVATION

July 2021	
Building Sustainability Assessment	Ph: (02) 4962 3439
enquiries@buildingsustainability.net.au	www.buildingsustainability.net.au
Important Note	
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification. If different construction elements are applied then the Assessor Certificate is no longer valid.	
Thermal Performance Specifications (does not apply to garage)	
External Wall Construction	Added insulation
Lightweight	R2.7
Internal Wall Construction	Added insulation
Plasterboard on studs	R2.7 to walls adjacent to garage
Ceiling Construction	Added insulation
Plasterboard	RS 4 to ceilings adjacent to roof space
Roof Construction	Added insulation
Metal	Any
Floor Construction	Added insulation
Concrete	R2.0 to open subfloor
Windows	Glass and frame type U Value SHGC Range Area sq m
Performance glazing Type B	4.30 0.55 0.67 To louvers
Performance glazing Type A	4.30 0.42 0.52 To all other UGC
Performance glazing Type S	4.30 0.48 0.58 To all other UGC
Type A windows are swing windows, double, operable, 80% turn windows, safety doors, French doors	
Type S windows are double hung windows, swing windows & doors, fixed windows, double doors, French doors	
Skylights	Glass and frame type U Value SHGC Area sq m
U and SHGC values are according to AS/NZS 4833. Alternative products may be used if the U value is lower and the SHGC is within the range specified	
External Window Shading leaves, verandahs, pergolas, awnings etc	
Ceiling Penetrations downlights, exhaust fans, ducts etc	
All shade elements installed as shown	
Ceiling Penetrations use for losses to insulation arising from ceiling penetrations	
Ceiling fans used in the modelling and to be installed in the following areas	
Living areas + Hallways, Bedrooms + Bathrooms	

PROPOSED NEW DWELLING AT 38 HARCOURT PLACE
NORTH AVOCA NSW 2260

ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION



July 2021		B5A Reference: 17402	
Building Sustainability Assessments		Ph: (02) 4962 3439	
enquiries@buildingssustainability.net.au		www.buildingsustainability.net.au	
Important Note			
The following specification was used to achieve the thermal performance values indicated on the Assessment Certificate and takes precedence over any other specification.			
If different construction elements are applied then the Assessment Certificate is no longer valid.			
Thermal Performance Specifications (does not apply to garage)			
External Wall Construction	Added insulation	Lightweight	R2.7
Internal Wall Construction	Added insulation	Plasterboard on studs	R2.7 to walls adjacent to garage
Ceiling Construction	Added insulation	Plasterboard	RS.4 to ceilings adjacent to roof space
Roof Construction	Added insulation	Metal	Any
Floor Construction	Added insulation	Concrete	R2.0 to open subfloor
Windows	Glass and frame type	U Value	SHGC Range
Performance glazing Type B	4.30	0.55	0.67
Performance glazing Type A	4.30	0.42	0.52
Performance glazing Type B	4.30	0.48	0.58
Type A windows are swing windows, double, casement, 10% turn windows, safety doors, French doors			
Type B windows are double hung windows, sliding windows & doors, fixed windows, screen doors, bi-parting			
Skylights	Glass and frame type	U Value	SHGC
U and SHGC values are according to AS/NZS 4833. Alternative products may be used if the U value is lower and the SHGC is within the range specified.			
External Window Shading	Leaves, verandahs, pergolas, awnings etc	No shading is required as shown	
Ceiling Finishes	Plasterboard, external (awnings, shutters etc)	No adjustment has been made for losses to insulation arising from ceiling penetrations.	
Ceiling Fans used in the Modelling and to be installed in the following areas			
Living areas, bedrooms, hallways, etc.			

NOTES

Where Builder/ Project Manager as Superintendent

- Confirmation of site conditions**
These drawings are issued for information only and should not be scaled or used for building. All builders & sub-contractors are to inspect the site and confirm all site conditions, measurements, layouts, levels & dimensions prior to commencing any work.
- Compliance with all relevant codes & standards**
All work is to be carried out in accordance with the BCA & Australian Standards. Any discrepancies found between drawings, specifications and codes to be reported immediately to Builder/ Project Manager for clarification on how to proceed.
- Status of Documents**
These drawings have been prepared for Development Application issue only, they are not intended for use as construction documents. Should they be used for construction, the Builder/ Project Manager takes full responsibility for coordination of construction details, approval & compliance to all relevant codes and by all relevant authorities.

4. Consultant coordination

Consultant coordination is the responsibility of the Builder/ Project Manager. Any discrepancies between consultants drawings or between consultants drawings and Architects drawings shall be reported immediately to Builder/ Project Manager for confirmation on how to proceed.

5. Changes to drawings

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6. Discrepancies in Documents

Any discrepancies found between architectural drawings, dimensions, notes or site measurements, report immediately to the Builder/ Project Manager for clarification on how to proceed.



ABBREVIATIONS LEGEND

BWxx Basix Window Number	PFC Painted Fibre Cement Cladding
BB Breeze Blocks	PLY Clear fin. timber ply cladding
CDP Colorbond Downpipe	PTC Painted Timber (ply or weathertex or sim.) Cladding
CW Concrete Wall	PRM Painted Rendered Masonry
FB Face Brick	PSB Painted Steel Beam
FBP Face Brick Painted	PSP Painted Steel Post
FFL Finished Floor Level	PTP Painted Timber Post
FG Fixed Glass	SSA Sunshade Awning
FGC Fibreglass cladding on painted studs	TC Finished Timber Cladding
GB Glass Balustrade	TF Finished Timber Floor
GL Glass Louvres	TD Finished Timber Deck
MR Metal Roof	
NW New Window	
PCR Polycarbonate roof	

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NOTES:

Dwg. No.	Issue No.
DA07	A

NORTH-WEST ELEVATION

RevNo	Revision note	Date
1	Issued for review	-/07/21
A	Issued for DA	-/08/21



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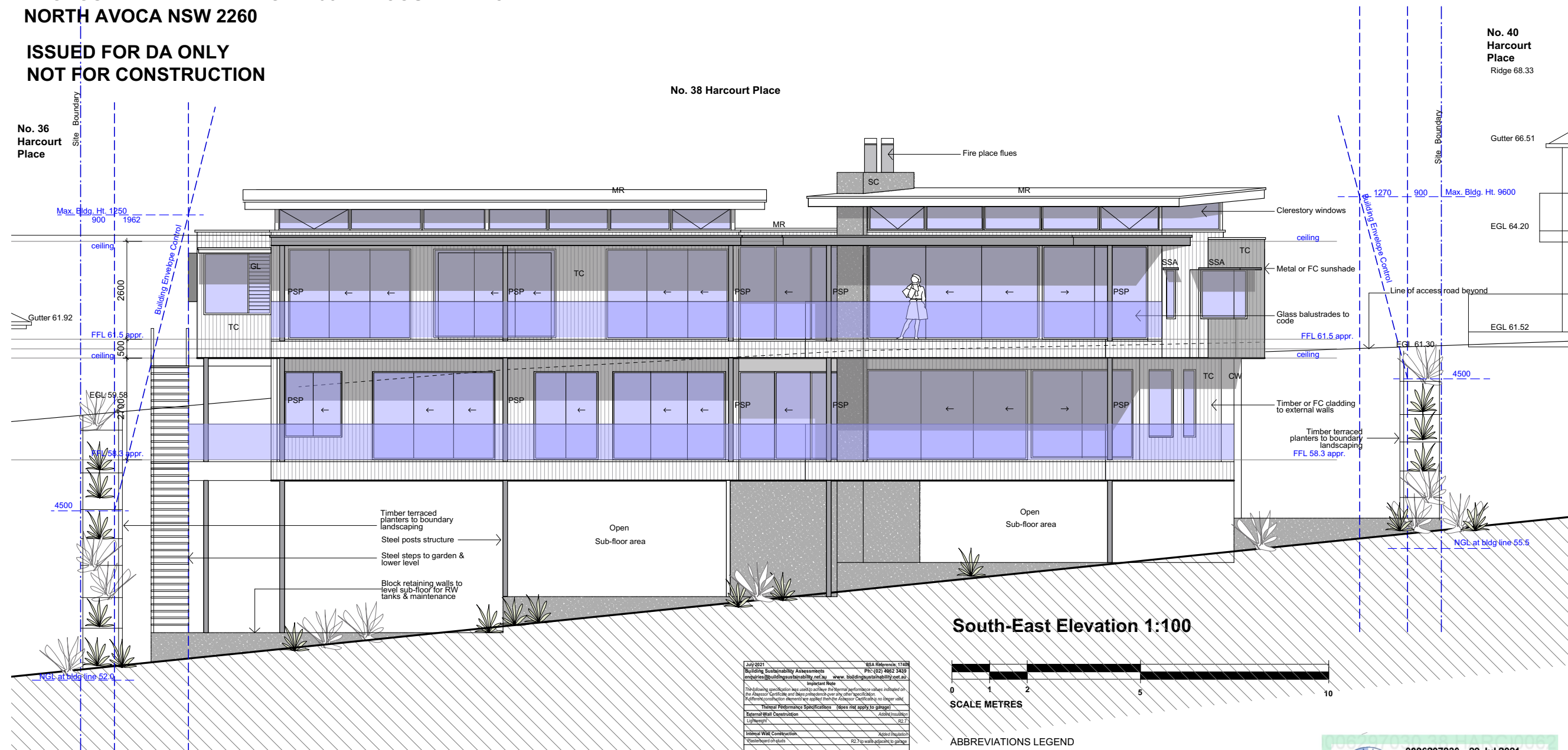
New Dwelling at Lot 1, DP 773368
No. 38 Harcourt Place, North Avoca
NSW 2260

Project	Date	Scale @ A3	Sheet
20-019	-/08/21	1:100	07/11

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No. 38 Harcourt Place

**No. 40
Harcourt
Place**
Ridge 68.33



NOTES

Where Builder/ Project Manager as Superintendent

1. Confirmation of site conditions

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2. Compliance with all relevant codes & standards

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3. Status of Documents

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4. Consultant coordination

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5. Changes to drawings

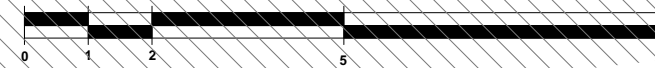
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[illegible]

South-East Elevation 1:100



ABBREVIATIONS LEGEND

BWxx	Basix Window Number	PFC	Painted Fibre Cement Cladding
BB	Breeze Blocks	PLY	Clear fin.timber ply cladding
CDP	Colorbond Downpipe	PTC	Painted Timber (ply or weathertex or sim.) Cladding
CW	Concrete Wall	PRM	Painted Rendered Masonry
FB	Face Brick	PSB	Painted Steel Beam
FBP	Face Brick Painted	PSP	Painted Steel Post
FFL	Finished Floor Level	PTP	Painted Timber Post
FG	Fixed Glass	SSA	Sunshade Awning
FGC	Fibreglass cladding on painted studs	TC	Finished Timber Cladding
GB	Glass Balustrade	TF	Finished Timber Floor
GL	Glass Louvres	TD	Finished Timber Deck
MR	Metal Roof		
NW	New Window		
PCR	Polycarbonate roof		



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NOTES:

Dwg. No. DA08	Issue No. A	
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SOUTH-EAST ELEVATION

RevNo	Revision note	Date
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A	Issued for DA	-/08/21



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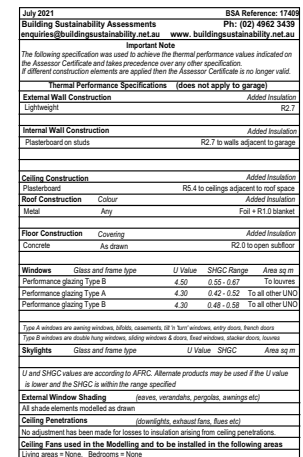
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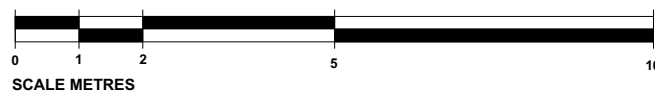
Project 20-019	Date -/08/21	Scale @ A3 1:100	Sheet 08/11
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Revision clouds denote changes to original DA submission



Section 1:100



NOTES

Where Builder/ Project Manager as Superintendent

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21 Deg or 1:3 Grade

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NOTES:

Dwg. No. DA09	Issue No. B	
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SECTION

RevNo	Revision note	Date
1	Issued for review	-/07/21
A	Issued for DA	-/08/21
B	Re-Issued for DA	-/12/21

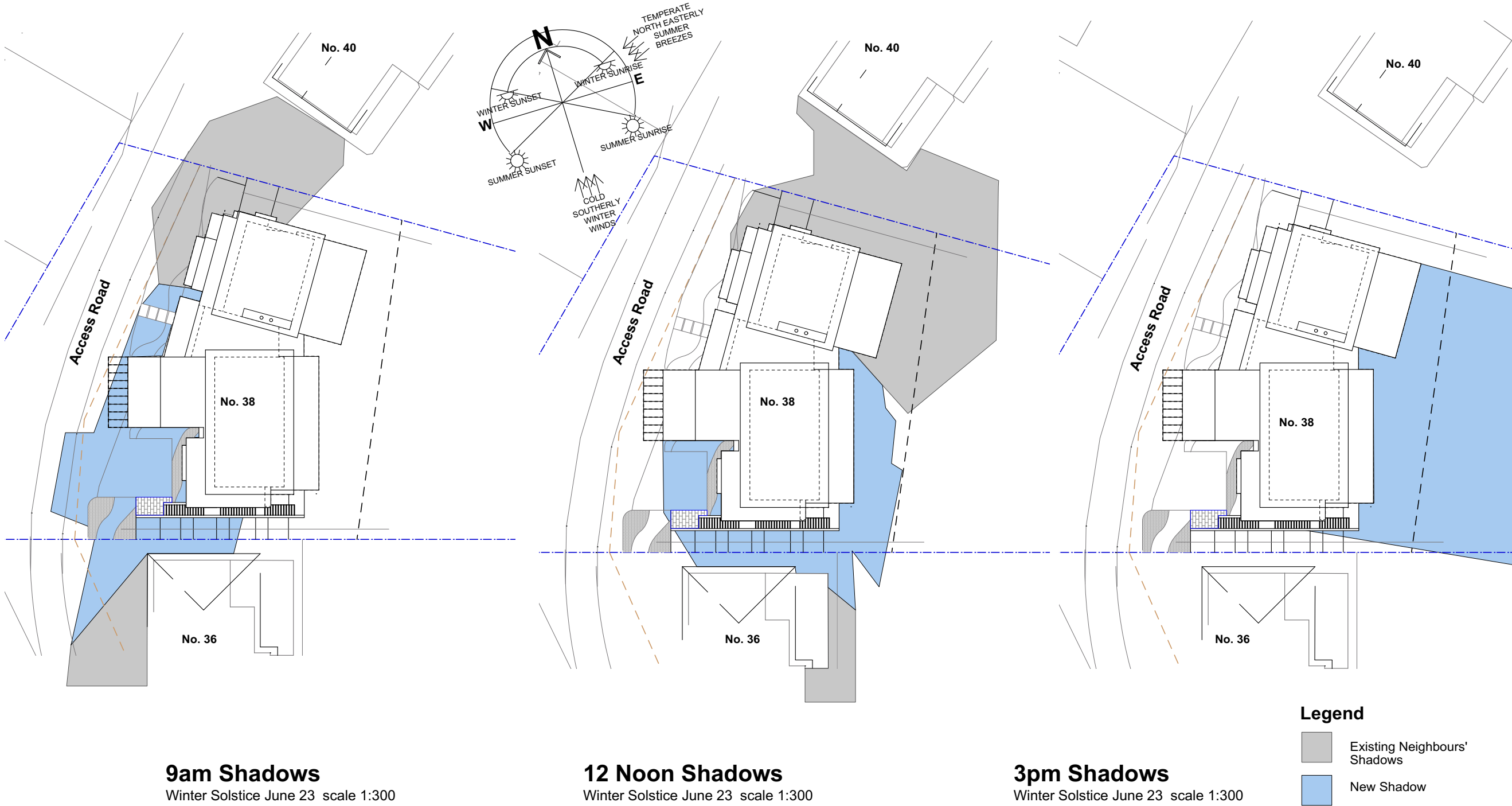


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**New Dwelling at Lot 1, DP 773368
No. 38 Harcourt Place, North Avoca
NSW 2260**

Project 20-019	Date -/12/21	Scale @ A3 1:100	Sheet 09/11
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New Dwelling at Lot 1, DP 773368 No. 38 Harcourt Place, North Avoca NSW 2260			
Project	Date	Scale @ A3	Sheet
20-019	-/08/21	1:350	10/11

NOTES:
Dwg. No. **DA10** Issue No. **A**

MAGNETIC

TRUE

SHADOWS

PROPOSED NEW DWELLING AT 38 HARCOURT PLACE
NORTH AVOCA NSW 2260

BASIX CERTIFICATE No. 1223680S

ISSUED FOR DA ONLY
NOT FOR CONSTRUCTION**BASIX** Certificate

Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1223680S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Thursday, 29 July 2021
To be valid, this certificate must be lodged within 3 months of the date of issue.

Planning,
Industry &
Environment

Project summary			
Project name	38 Harcourt Place		
Street address	38 Harcourt Place North Avoca 2260		
Local Government Area	Central Coast Council		
Plan type and plan number	deposited 773368		
Lot no.	1		
Section no.	n/a		
Project type	separate dwelling house		
No. of bedrooms	5		
Project score			
Water	✓ 45	Target 40	
Thermal Comfort	✓ Pass	Target Pass	
Energy	✓ 50	Target 50	

Certificate Prepared by

Name / Company Name: celsius architects

ABN (if applicable): 28180349868

Project address	
Project name	38 Harcourt Place
Street address	38 Harcourt Place North Avoca 2260
Local Government Area	Central Coast Council
Plan type and plan number	Deposited Plan 773368
Lot no.	1
Section no.	n/a
Project type	
Project type	separate dwelling house
No. of bedrooms	5
Site details	
Site area (m²)	1850
Roof area (m²)	360
Conditioned floor area (m²)	350.0
Unconditioned floor area (m²)	36.5
Total area of garden and lawn (m²)	900

Assessor details and thermal loads			
Assessor number	DMN/13/1491		
Certificate number	0006297030		
Climate zone	15		
Area adjusted cooling load (MJ/m²·year)	30		
Area adjusted heating load (MJ/m²·year)	59		
Ceiling fan in at least one bedroom	No		
Ceiling fan in at least one living room or other conditioned area	No		
Project score			
Water	✔ 45	Target 40	
Thermal Comfort	✔ Pass	Target Pass	
Energy	✔ 50	Target 50	

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 700 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 4.5 but <= 6 L/min) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 200 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to:			
• all toilets in the development		✓	✓
• the cold water tap that supplies each clothes washer in the development		✓	✓
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✓	✓

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	✓	✓	✓
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓

Floor and wall construction	Area
floor - suspended floor/open subfloor	All or part of floor area square metres
floor - new floor above another dwelling or building	All or part of floor area

Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (electric boosted) with a performance of 31 to 35 STCs or better.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating: 4 Star (old label)		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans; Energy rating: n/a		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating: 4 Star (old label)		✓	✓
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:			
• at least 6 of the bedrooms / study; dedicated		✓	✓
• at least 2 of the living / dining rooms; dedicated		✓	✓
• the kitchen; dedicated		✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
• all bathrooms/toilets; dedicated		✓	✓
• the laundry; dedicated		✓	✓
• all hallways; dedicated		✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓
The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
Other			
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.		✓	

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NOTES:

Dwg. No.	Issue No.
DA11	A

BASIX

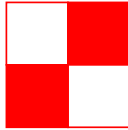
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Project	Date	Scale @ A3	Sheet
20-019	~/08/21	NTS	11/11



CLARKE DOWDLE & ASSOCIATES

DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

Statement of Environmental Effects

New dwelling-house

Lot 1 in DP 773368

38 Harcourt Place, North Avoca

Our Ref: 24260

Clarke Dowdle & Associates

August 2021

**CLARKE DOWDLE & ASSOCIATES****DEVELOPMENT CONSULTANTS**

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Office Address: 1 Oscar Street UMINA BEACH NSW 2257

Prepared by Ravi Sharma
Town PlannerB.A., Grad Dip URP (MPIA)
Dip. Surveying, Dip. Building Surveying**REPORT DISCLAIMER**

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1.0 Introduction

This Statement of Environmental Effects is part of a development application to Central Coast Council to seek approval for the erection of a dwelling-house at 38 Harcourt Place, North Avoca. This application has been prepared on behalf of the owner of the land and has been based on the plans and information prepared by *Celsius Architects* within the relevant land title.

An on-site inspection has been undertaken and a photographic record of the inspection is provided in this document. The designers have supplied all the relevant information required for the preparation of this document and should be read in conjunction with the accompanying plans together with any other supporting documentation.

2.0 Site Location and Description

The 653.5m² site is legally described as Lot 1 in DP 773368 and has a street address of 38 Harcourt Place, North Avoca. The vacant lot is located on the northern side of the Harcourt Road reserve side of the road reserve. however the site is accessed from an access row located at the top of the lot. The lot falls steeply from the access road frontage to the lower lying Harcourt Road reserve. The rear portion of the site includes a restriction to development.

The surrounding residential development is characterised by an eclectic blend of one and two storey dwelling-houses, ranging from modest, post-war design to dwelling-houses of a contemporary appearance. The site is not mapped as being flood prone, however is mapped a bushfire prone and as such bushfire report accompanies the DA in accordance with s.4.14 of the EPA Act 1979.

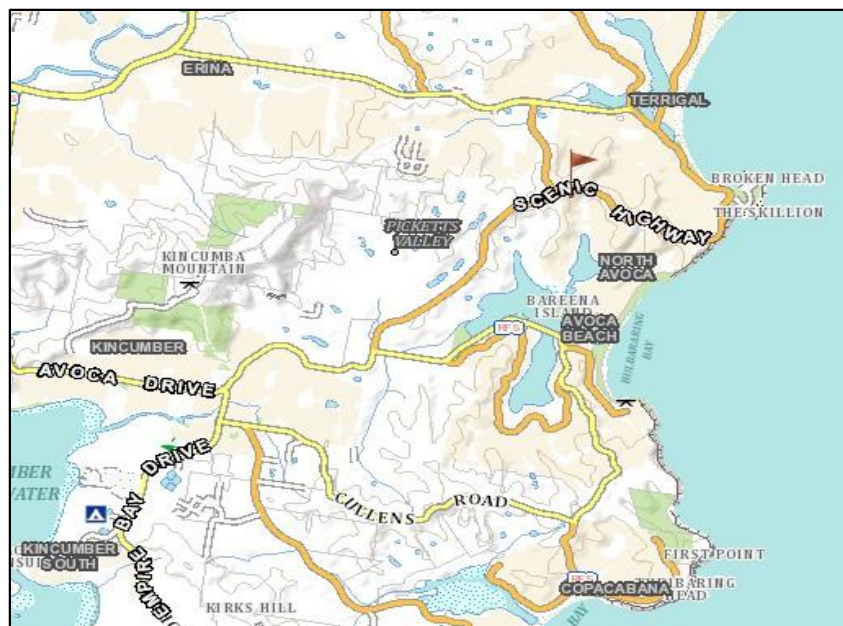


Figure 1 – Location of the site within southern Central Coast

LPI maps (August 2021)



Figure 2 – Aerial Photograph of the site

LPI maps (August 2021)



Figure 3 – Photograph of the site from the access road

CDA (August 2021)



3.0 Description of Proposal

The application includes the erection a new split level two storey dwelling house.

The dwelling would be founded on concrete slab footings and piers with timber framing and with a combination of wall claddings and colorbond roofing. The external finishes schedule forms part of the architectural drawings prepared by *Celsius Architects* and would incorporate the use of the materials that would be within harmony with the colour palette from the surrounding bushland.

The dwelling house would include a double garage with new driveways, entry, 3 bedrooms, study, laundry, bathroom open kitchen living areas with an adjoining balcony on the ground floor. The lower ground floor includes 2 bedrooms, bathrooms, store rooms, living room with adjoining balconies.

The first floor includes bedrooms, bathroom and rumpus room on the first floor.

Attached with the application is a BASIX Certificate demonstrating compliance with energy efficient measures in the design of the dwelling.

4.0 Environmental Planning Controls and Consideration

In determining a development application, a consent authority is to take into consideration the following matters as they are of relevance to the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(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, and

(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,

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,...

The following Environmental Planning Instruments are applicable to the subject land and have been duly considered in the preparation of this development proposal and application.

The relevant Statutory Planning Controls include:

- *The Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (SEPP) – Coastal Management*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Gosford Local Environmental Plan 2014*
- *Gosford Development Control Plan 2013*

4.1 State Environmental Planning Policy (SEPP) – Coastal Management

The SEPP applies to the Central Coast Council LGA with the site mapped as being within the Coastal Environment Area. The objective of this policy is to protect and manage the coastal lands of NSW in an ecologically sustainable way. This objective is particularly associated with sensitive coastal locations as defined under Part 13 and Section 14 of the SEPP. Matters of consideration by a consent authority are outlined under Clause 15 and 16 of the SEPP. However given the minor nature of the proposal where potential environmental impacts would be negligible, the proposed erection of a single dwelling-house is acceptable in light of the provisions of the SEPP in this instance.

4.2 Central Coast Regional Plan

The Central Coast Regional Plan is the NSW Government's provides a planning framework for long term land use plan for the region, which covers the Gosford City and Wyong Shire Local Government Areas. The Regional Plan contains policies and actions designed to cater for the region's projected housing and employment growth over the period to 2036. The proposed alterations and additions to the dwelling-house to be sited on a residential lot within an urban infill area is consistent with the policies and strategic actions outlined in the regional plan.

4.3 State Environmental Planning Policy (BASIX)

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to ensure consistency in the implementation of the BASIX scheme throughout the State. A BASIX certificate is required for all new dwellings and has been considered in this application as a BASIX certificate has been submitted as part of this application.

4.4 Gosford LEP 2014

The *Gosford Local Environmental Plan* (LEP) is currently Council's primary planning control for development in the Gosford Local Government Area and establishes the

requirements for the use and development of within the municipality. The LEP provides objectives, zones and principal development standards including minimum lot sizes, floor space ratios, densities and height of buildings. The zoning maps provided by Gosford City Council's website indicate the subject site is currently zoned R2 – Residential. The proposed use falls under the definitions of a 'dwelling-house' under the LEP and is permissible subject Council consent.

Under the LEP the objectives of the R2 Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*
- *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 would cater for the housing needs for the local population within the Gosford LGA.
- The dwelling-house scale and design is compatible with the low density setting and provides a dwelling-house development that is consistent with the scale and intensity of residential development within the coastal hillside location.
- The proposal would allow the continuation of residential development that would facilitate the appropriate dwelling-house design for the locality by maintaining open space and landscaping that is compatible with the low density residential zone.

4.4.1 – GLEP 2014 - Clause 7.1 Acid sulfate soils

The site is within a low (class 5) acid sulphate zone in accordance with Council's Acid Sulphate Soils Map. Given the minimal cut and height above sea level (above 50m AHD) the likelihood of exposure to acid sulphate soils is minimal.

Principal Development Standards

The table below summarises the relevant development standards of GLEP 2014 against the proposal

Gosford LEP 2014 (GLEP)			
Development Standard	Required	Proposed	Compliance
Cl 4.3 - Height of Building	8.5m	12m	No – refer to cl.4.6 variation
Cl 4.4 - Floor Space Ratio	0.5:1	0.2:1	Yes

4.5 Gosford DCP 2013

Along with the Gosford Local Environment Plan 2014, Council's Development Control Plan 2013 outlines overarching objectives and prescriptive measures in relation to development standards and the use of land within the Gosford LGA. In this instance the proposed development is assessed as having regard to the relevant Chapters within Council's DCP 2013.

4.5.1 Development Control Plan 2013 Chapter 2.1 – Character

The subject allotment is located in the suburb of North Avoca and is classified as being located within Place 6: Open Woodland Hillsides within the Character Statement map. The desired character of the area as outlined within the character statement states that area is to:

“remain low-density residential areas where the existing scenic quality and amenity of prominent hillsides are enhanced substantially by further “greening” of gardens and street verges in order to screen new development and to complement the open bushland canopy that surrounds most dwellings. Maintain the semi-natural character of hillsides by retaining existing natural slopes throughout gardens and along street verges, and by conserving bushland trees that are visually-prominent features. Complement the established canopy by planting trees and shrubs that are predominantly indigenous throughout all garden areas and along street verges. Do not plant identified noxious or environmental weeds in any garden that is close to a bushland reserve. Facing all boundaries, emphasise a leafy garden character by avoiding tall retaining walls, elevated structures such as terraces or pools, and steep driveways that would visibly compromise the leafy hillside character.

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

flying embers.

Avoid disturbing natural slopes and trees by appropriate siting of structures plus low-impact construction such as suspended floors and decks, rather than extensive cut-and-fill. On the steeper sites, locate parking next to the street in structures that are designed to blend with their desired bushy setting. Avoid the appearance of a continuous wall of development along any street or hillside by locating buildings behind front and rear setbacks similar to their surrounding properties, and providing at least one wide side setback or stepping the shape of front and rear facades.

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. For example, divide floorspace into linked pavilions that are separated by courtyards and capped by individual roofs. Front or rear facades that are taller than neighbouring dwellings should be screened by balconies, verandahs, stepped forms or extra setbacks. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves to disguise the scale of exterior walls.

Minimise the scale of prominent facades by using extensive windows and verandahs plus a variety of materials and finishes rather than expanses of plain masonry. All dwellings should display a traditional "street address" with verandahs or decks, and living rooms or front doors that are visible from the roadway. Avoid wide garages that would visually-dominate any front façade or block views from a dwelling to the street. Locate and screen all balconies or decks to maintain the existing levels of privacy and amenity that are enjoyed by neighbouring dwellings...."

Comment:

The proposed dwelling-house would be commensurate with the FSR, site coverage, height and scale of residential development within the immediate vicinity and in relation to the North Avoca hillsides. The proposal incorporates sufficient open space to allow building separation and the protection of the native trees and vegetation that is located towards the rear of the lot. The proposed dwelling incorporates a tiered / stepped design that follows the topography as it falls towards the lower lying street allowing the protection of the lower slope and vegetation upon this bank.

The contemporary dwelling-house incorporates various cladding finishes utilising an appropriate schedule of finishes that would be compatible with the contemporary dwellings that have been erected in the locality. The dwelling-house would incorporate balconies and terraces and that would be modulated in a manner to alleviate monotonous façade presentation and incorporates a balance of horizontal and vertical elements to incorporate breaks in form that is encouraged by the character statement for the hillside locale. On the basis outlined above, the proposed dwelling-house adheres to the desired character of the woodland ridgeline area of the North Avoca hillside locale.

4.5.2 GDCP 2013 – Chapter 3.1 – Dwelling-House and Ancillary Development

The application has been assessed against the prescriptive measures outlined in GDCP 2013 – Chapter 3.1 – Dwelling House and Ancillary Structures below.

Control	Requirement	Proposal	Complies
Floor Space Ratio	0.5:1 max	0.2:1	Yes
Open Space	40% min open space	>40%	Yes
Articulation Zone	Front door and window to habitable room facing the primary road	Front door and window to habitable room faces the primary road	Yes
	Door and window to habitable room facing a parallel road	n/a	n/a
	Max coverage 25% within Articulation Zone	25%	Yes
Front setback	Average of adjoining within 40m or if 2 dwelling houses are not located within 40m of the lot - 4.5m	25.4m	Yes
Side setbacks	Envelope 900mm+(0.25 x HOB>4.5m)	With envelope	Yes
Rear setbacks	For any part of the building with a height of up to 4.5m- 0.9 m for 50% of the length of the rear boundary otherwise 3m 6m – first floor	>6.24m (wall)	Yes
	Carport to row Garage to row	2.58m	No
Height Restrictions	Consistent with height of existing surrounding development	Complies	Yes
Privacy	Maintain privacy for neighbours	appropriately orientated to minimise privacy impacts to adjoining dwelling houses	Yes
Private Open Space	24m ²	>24m ²	Yes
Sunlight access	50% pf POS – 3hrs on 21 June for subject lot and neighbouring lots	>50% pf POS – 3hrs on 21 June for subject lot and neighbouring lots	Yes
Views	LEC principles	View impacts are acceptable when assessed against the LEC planning principle	Yes
Earthworks	1m max (cut / fill) < 1m of boundary 3m > 1m from boundary	2.62m	Yes

Car Parking and Access	2 spaces if dwelling has 4 or more bedrooms located behind the primary road setback 4m max width of cross over	2 spaces Behind the building line	Yes
Driveways	Access – vehicle movement to and from the site designed to reduce potential conflict with street traffic and pedestrians	Driveway can be designed to meet AS2890.1 and be commensurate with established driveways	Yes

As detailed in the above table, the proposed development generally complies with the objectives of *Chapter 3.1 – Single Dwellings and Ancillary Structures of Gosford DCP 2013. Matters of non-compliance in relation to the numerical measure and the ability to comply with the relative objectives are discussed below.*

Front Setback of the dwelling

The site is benefited from being located within a unique position as the surrounding dwellings have their frontages facing the right-of-way that is located above the surrounding lots. The siting of the garage and carport would be commensurate with the location parking accommodation that is siting on the higher portion of the lots to allow congenial and compliant parking grades for vehicle access. Given the rear setbacks do not face the public road system there would be no impacts to the public domain and the scenic aspects of the hillside locale.

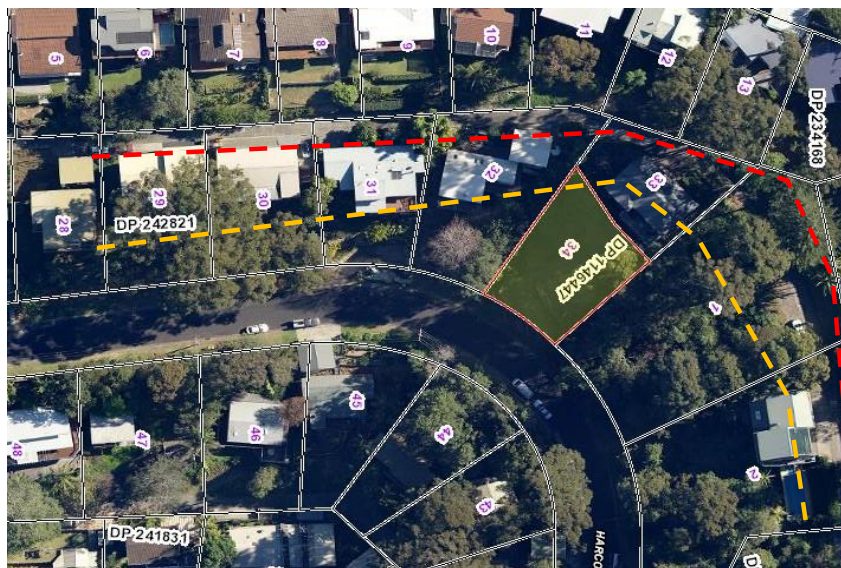


Figure 3. Aerial Photograph of the site the surrounding dwellings that face the right-of-carriage way and have their rear to the Harcourt Place

Front entry facing the right-of-way — — — — —

Rear setbacks facing Harcourt Place — — — — —



Sunlight Access

The development would allow greater than 3 hours solar access to 50% of the required principal private open space on the adjoining land during the winter solstice in accordance with 3.1.4.4 Sunlight Access.

Privacy

The proposed dwelling has been designed in a manner that would allow sufficient separation and screening to alleviate the overlooking of the adjoining properties. The living areas of the dwelling are oriented to the views over the North Avoca district towards. As the dwelling is located towards the front of the allotment with windows from active living areas focused towards the east to obtain solar access and views this would negate the occupants looking towards the neighbouring lots.

Cut

The establishment of the new dwelling would incorporate a 2.62m amount of cut for the establishment of an appropriate floor level. Due to lot rising up steeply from the road reserve and difficulty in achieving compliant vehicle and pedestrian access, the most practical design is to cut into the natural surface and lower the building platform / envelope. By allowing the cut to proceed it will assist in lowering the building mass into the natural surface in turn mitigating the visual impacts to the neighbouring properties and the streetscape. All proposed excavations will be adequately retained and drained and structurally certified, in accordance with structural engineering details required prior to the issue of a construction certificate. Adequate construction measures would be undertaken in accordance with erosion control measures to be installed in accordance with Chapter 6.3 - Erosion and Sedimentation Control of the GDCP 2013.

4.5.3 GDCP 2013 – Chapter 6.3 – Erosion Sedimentation Control

This proposed works will require construction to take place. Potential impact of these works will be designed so as to minimise any soil disturbance on and stopped from leaving the site. The design of such erosion and sedimentation control measures will be in accordance with Gosford City Council's *Code of Practice for Erosion and Sedimentation Control*. These Erosion and Sedimentation Controls will be used to minimise soil movement and generation both on site and prevent its movement away from the site. Plans showing these works will form part of construction drawings, and as usual be a requirement of the Council consent conditions.

4.5.4 GDCP 2013 – Chapter 6.6 – Preservation of Trees or Vegetation

The proposal would require the removal of 8 trees to allow the siting of the dwelling-house upon the residential allotment. The allotment has a building right and the retention of the trees is unrealistic as the retention of the trees would be sterilize the site in regards to the ability to erect a dwelling-house development within the residential zone. Notwithstanding the required removal of the trees, the proposal would allow sufficient deep soil landscaping to implement replacement tree planting and maintain a leafy atmosphere. The DA includes an arborist report prepared by Advance Treescape Consulting that recommends the appropriate measure to be undertaken for the retention of 'tree 9' during construction.

4.6.4 GDCP 2013 – Chapter 6.4 – Geotechnical Requirements

The siting of the dwelling-house would be on a high slip zone and as such included with the application is a Geotechnical Report prepared by 5QS that has undertaken a physical inspection of the site including borehole sampling and analysis. The report has investigated the site in relation to the stability of the site to allow the erection of a dwelling-house. The report raises no objections to the proposal, subject to recommendations.

4.6.5 GDCP 2013 – Chapter 6.7 – Water Cycle Management

The intent of Water Cycle Management Chapter in the Gosford DCP 2013 is to minimize the impact of development on the natural water cycle. In this instance the development would relate to this plan in regards to stormwater management. The proposal incorporates a rainwater tank to capture stormwater discharge from the development in accordance with the Water Cycle DCP. The proposed dwelling-house incorporates water recycling measures in accordance with the BASIX requirements.

4.5.7 GDCP 2013 – Chapter 7.2 – Waste Management

The proposed dwelling-house will have access to the existing road waste collection system from the road reserve. The proposal would be consistent with the provisions of the waste management collection in the area with waste collection bins to be collected from the road reserve. Moveable garbage bins would be located within a screened location to minimise visual impacts to the streetscape and the private open spaces within the site. A Waste Management Plan in relation to the recycling of materials and the disposal of waste during demolition and construction has been prepared and is provided with this application.

5.0 Social and Economic Impacts

Positive social and economic impacts are anticipated as a result of the proposed development with the implementation of a new dwelling-house upon a vacant lot within an established low density residential zone.

6.0 Suitability of the Site for the development

The site is of sufficient size and dimensions to accommodate a new dwelling-house in accordance with the objectives outlined in the relevant environmental planning controls. In view of the fact that the site is located within an established residential zoned area and that all utility services would be available for the site, the proposed development would not infringe on these established services.

Bushfire Prone Land

The dwelling house is located within a bushfire prone area and subsequently a BPA report has been prepared by an accredited BPA consultant – Clarke Dowdle & Associates that recommends suitable BAL rating. Subsequently the dwelling house would be constructed to meet the bushfire construction requirements in accordance AS3959 Construction of buildings in bushfire-prone areas.

7.0 The Public Interest

The public interest is well served by the proposed dwelling house development. In view of the minor nature of the development it is considered that the health and safety of the public will not be affected. The dwelling-house caters for additional residential accommodation whilst maintaining a low density development in accordance with the land use zone objectives.

8.0 Conclusion

As detailed within this report, the dwelling house development at the property known as 38 Harcourt Place, North Avoca is consistent with the objectives, planning strategies and controls applicable to the site. The dwelling-house proposal is consistent with the scale of development within the residential zone and is commensurate with the character of development within the Avoca hillside area. The above analysis supports the Development Application for the erection of the alterations and additions to the existing dwelling-house and that justifies a favorable determination by Central Coast Council.

Appendix A

GLEP 2014 Clause 4.6 Exception to Development Standards – Height of Building

1.0 Introduction

CDA has been commissioned by *Celsius Architects* to prepare a request pursuant to Clause 4.6 of Gosford LEP 2014 in respect of the proposed dwelling-house at 38 Harcourt Place, North Avoca. Clause 4.3 under the Gosford LEP 2014 stipulates a maximum building height of 8.5m for the subject site. The numerical height departure is illustrated in figure 1 below and will exhibit the following building height elements and extent of departure.

The proposed dwelling house development at 0.2:1 easily achieves the 0.5:1 maximum floor space ratio (FSR) development standard which applies to the site and, accordingly, the height breach is not undertaken to maximise FSR. The proposed development has only a 0.2:1 FSR as shown on the architectural plans prepared by *Celsius Architects*. The variation is to best accommodate and locate the building footprint and envelope – given the restriction to the rear of the allotment. The height variation is not a function or result of an FSR 'grab' for floor area.

The Nature of the Development Standard sought to be varied and details of the variation:

The proposed dwelling-house has a ridge level of 12m which does not meet the 8.5m LEP height of building under Clause 4.4(2), which entails a variation of 33%. Notwithstanding the numerical non-compliance with the development standard, the variation is justified on planning grounds and is discussed below.

Gosford LEP 2014 - Clause 4.6 Exceptions to Development Standards

Clause 4.6 Exceptions to Development Standards states:

4.6 Exceptions to development standards

(1) *The objectives of this clause 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.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has*



considered a written request from the applicant 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.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

4.0 Assessment:

4.1 Relevant Case Law

The proposed variation to the 8.5m building height development standard has been considered in light of the evolving methodology and "tests" established by the NSW Land & Environment Court (the Court) including the following cases:

- *Winten Developments Pty Ltd v North Sydney Council [2001]*
- *Wehbe v Pittwater Council [2007]*
- *Four2Five Pty Ltd v Ashfield Council [2015]*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016]*
- *Moskovich v Waverley Council [2016]*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*



The decision by Chief Judge Preston in a judgement dated 14 August 2018 in the matter of Initial Action Pty Ltd v Woollahra Council confirmed that the absence of impact was a suitable means of establishing grounds for a departure and also confirmed that there is no requirement for a development that breaches a numerical standard to achieve a 'better outcome'.

However recent developments in the law in *RebelMH Neutral Bay Pty Limited v*

North Sydney Council [2019] NSWCA 130 have set out to confirm that the approach taken in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 ('Al Maha') is also relevant.

Essentially from Al Maha it was established that a Clause 4.6 departure will have only adequately addressed Clause 4.6(3) if the consent authority is satisfied the matters have in fact been demonstrated in the Clause 4.6 request itself - rather than forming a view by the consent authority itself.

This Clause 4.6 request provides written justification that demonstrates that

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The key tests or requirements arising from recent judgements are that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and zone. It is not a requirement to "achieve" those objectives. It is a requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.
- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate environmental planning grounds that support any variation; and
- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the R2 Low Density Residential zoning; and
- Satisfying the relevant provisions of Clause 4.6.

4.2 Consistency with the Objectives of the Floor Area Standard

The subject clause 4.3(2) of the Gosford LEP 2014 - maximum 8.5 metre building height does includes an overarching objective within the parent clause which states:

Height of Building Objectives

- (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.*

In relation to the underlying objective, outlined are the reasons of compliance with the set of objectives based on environmental planning grounds:

- The steep topography (approximately 50% fall) makes designing dwelling house within an 8.5 metre height plane somewhat restricting with most dwelling-houses established along the hillsides of North Avoca breaching the 8.5 metre height plane.
- Compliance with the 8.5m building height standard would result in an inferior built form outcome for the site. The upper floor which is recessed into the centre of the floor plate provides a transitional building element from the bulk of the floor levels as it rises up from Harcourt Place. The proposed top floor level has increased setbacks compared to the levels below and all setbacks for this level generally exceed the setbacks required under the DCP requirements. Thus the massing above the 8.5m limit entails transitional building elements as the structure rises into the skyline that would barely be perceptible from a pedestrian on the Ocean very low trafficked road reserve or from adjoining or from surrounding development.
- Compliance with a somewhat boxier and heavier form would result in an inferior built form outcome when perceived from the Harcourt Road when entering the and in relation to providing a transition of building massing in regards to the public domain within the low density zone. Notwithstanding the height of building breach, the upper floor is setback from the street (southern) boundary is 30m that would not entail additional amenity impacts to the surrounding residential developments illustrated in and shadow diagrams prepared by the designers.

- As previously, noted in this Clause 4.6 variation request, the exceedance of the 8.5m building height limit for a small portion of the building minor numerical nature relating to the recessed balcony is considered to be consistent with the established built form within the North Avoca hillsides (refer to figure 1).

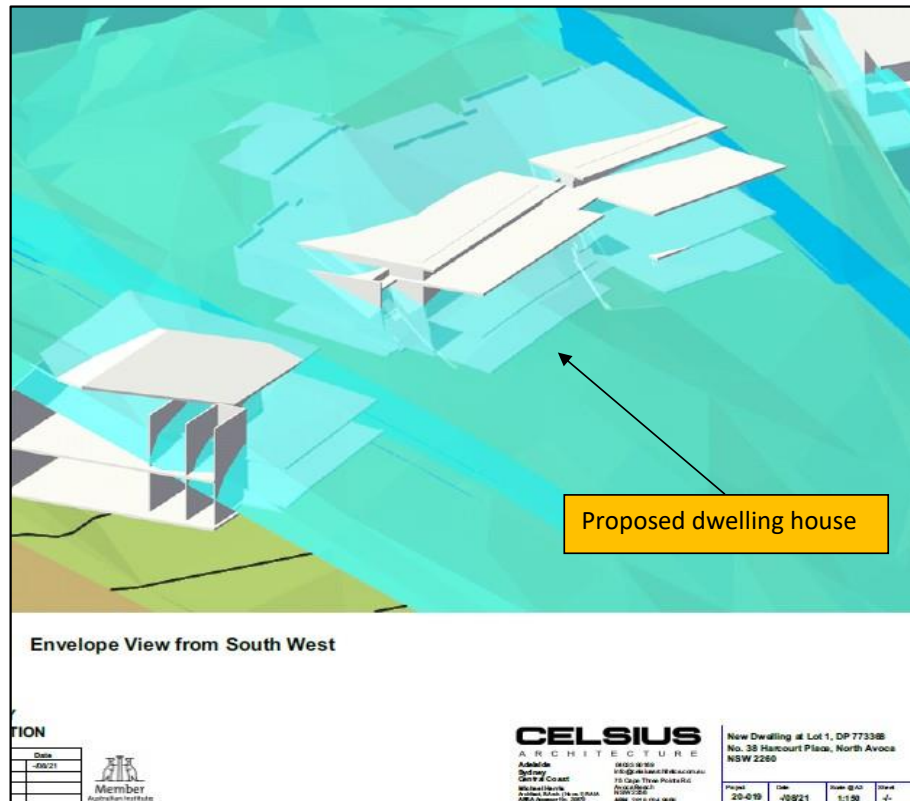


Figure 1. Building envelope (8.5m) diagram of subject lot and neighbouring dwelling houses.

- The upper balcony is considered a lightweight component that is a light weight element entailing an uplifting element as opposed to simply squaring off the upper floor to comply with the 8.5m numerical measure that would portray a boxier / heavier presentation of the building to the surrounds. The height plane illustration prepared by the building designer) indicates that the portion of the dwelling-house above the 8.5m plane entails a minor encroachment of the upper floor roofing over the rear balcony that simply allow protection from the elements.
- Although the lot has an area of 1850m², the lower portion has a restriction to user that negates the ability to building the dwelling towards the Harcourt Place road frontage. The alternative to terrace the dwelling further down the slope would be an inferior concept as it would entail further disturbance of the ground vegetation removal and site cover (increased stormwater discharge). Thus to build in a more vertical and limit the footprint is regarded as a beneficial environmental outcome.

- The building element above the 8.5m height plane entail sections of the roofing above the balcony which consist of light weight open structures that do not entail additional floor area or flooring above the 8.5m height plane. The balconies located to the rear of the dwelling provide an articulated rear façade that negate building massing when presented to the street and neighbouring lots.



Figure 2. 32 and 34 Harcourt Place

CDA August 2021



Figure 3. 36B Harcourt Place and 14 Bradleys Road behind CDA August 2021

- The proposed height of the dwelling-house is compatible height of dwelling-houses that have been erected along the hillsides of North Avoca that are sited upon steep lots (refer to figure 1-3). The development provides an appropriate scale and intensity, noting compliance with the FSR control, and is comparable to the 3 storey development surrounding the development.

- The area of the dwelling-house that project outside the height envelope includes a small portion located within the centre of the site that does not include floor area.
- The additional height provides an improved internal amenity for the dwelling-house whilst not imposing amenity impacts to the neighbours or the public domain.
- The separation distances ensure that there are no adverse or unreasonable visual or acoustic privacy impacts whilst the proposal also maintains solar access in accordance with LEC solar access planning principles.
- The overshadowing from the additional height would not be detrimental does not entail a non-compliance with the solar access element and allows greater than 3hrs to the adjoining residence – 36B Harcourt Place during the winter months.

As discussed within the Statement of Environmental Effects, no views would be affected by the proposal which confirms achievement with the height Objectives.

Consistency with the Zone Objectives

- *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.*

Assessment:

- The proposal is permissible within the R2 Low Density Residential Zone and satisfies the zone objectives through the increased amenity of housing stock whilst maintaining a low density scaled development.



- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality. The residential development squarely adheres to the objective of achieving best practice of in the design of low density residential development with passive design techniques incorporated with the design and compliance with BASIX requirements. As outlined within the character statement within the SEE the dwelling would further represent the evolving character of the North Avoca locale in a positive manner with a well deigned and aesthetic building.
- The high internal performance of the dwelling house, lack of external impacts to the surrounding properties as well as the improved environmental and social outcomes ensure that the scale of the proposal satisfies the zone objectives and the desired future character as encouraged by the local controls.
- The additional height does not include additional floor area and maintains the structure to be a two-storey structure that is compatible with the objectives of the low density zone. The proposal would not be out of context in relation to the height of single dwelling-house that have been erected along the North Avoca hillsides. Subsequently the dwelling-house would be compatible with low density residential development within the immediate area.
- The development entails an FSR of 0.2:1 which is less than half of the floor area available for the 1850m² site. The floor plate thus remains relatively small over the land that negates vegetation removal, site cover (increased stormwater discharge) and slope impacts.
- As addressed within the SEE, the proposal complies with the objectives and prescriptive measures within the relevant chapters within GDCP 2013 that demonstrate the consistency the low density zone objectives.

Consistency with State and Regional Planning Policies

The development caters for additional dwellings in accordance with the *Central Coast Regional Plan released in November 2015*. The proposed development would be in line with *Draft Central Coast Regional Strategy*. The Regional Strategy contains policies and actions designed to cater for the region's projected housing and employment growth over next 20 years. Greater housing choice is prioritised to satisfy the community's desire for smaller households. The plan places emphasis on providing new housing in existing and committed growth areas. To meet the projected housing demands over the next 20 years, an average of 1,980 new homes will need to be constructed each year. This is 590 more homes than the average annual housing production of 1,390 dwellings over the 19 years to 2014-15.

The Variation in the Public Interest

The proposal is considered to be in the public interest due to the superior housing amenity afforded to the occupants whilst the proposal adheres to the objectives of the low density zone and the overarching objectives that have been established for the height of building within such zones. The proposal is commensurate with the height of

dwelling within the area and maintains the low density character and housing density that have been erected upon the steep lots along the North Avoca hillsides and surrounds.

Conclusion

For the reasons outlined above the clause 4.6 variation is provided in support of the development proposal at 38 Harcourt Place, North Avoca as detailed above, in this instance the proposal:

- Is consistent with the relevant objective.
- *Compliance with the development standard is unreasonable.*
- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

Consequently, strict compliance with the development standard is both unreasonable and unnecessary.