

Central Coast

Local Planning Panel

Central Coast
Local Planning Panel Meeting
Business Paper
21 April 2022



Meeting Notice

**The Local Planning Panel Meeting
of Central Coast
will be held remotely - online,
Thursday 21 April 2022 at 2.00 pm,
for the transaction of the business listed below:**

1 Procedural Items

1.1	Disclosures of Interest.....	3
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2 Confirmation of Minutes of Previous Meetings

2.1	Confirmation of Minutes of Previous Meeting.....	4
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3 Planning Reports

3.1	DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room.....	13
3.2	DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings	213

Donna Rygate
Chairperson

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

Central Coast
Local Planning Panel

21 April 202 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

21 April 2022 Local Planning Panel Meeting

Reference: F2020/02502 - D15122007

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 24 March 2022**
- **Local Planning Panel Supplementary Meeting held on 22 March 2022**

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 24 March 2022 and Local Planning Panel Supplementary Meeting held on 22 March 2022 which were endorsed by the Chair of that meeting, are submitted for noting.

Attachments

- | | | |
|---|--|-----------|
| 1   | MINUTES - Local Planning Panel - 24 March 2022 | D15095509 |
| 2   | MINUTES - Local Planning Panel - 22 March 2022 | D15091112 |



Local Planning Panel
Minutes of the
Local Planning Panel Meeting
Held Remotely - Online
on 24 March 2022

Panel Members

Chairperson	Donna Rygate
Panel Experts	Sue Francis Linda McClure
Community Representative/s	Glenn Watts

Central Coast Council Staff Attendance

David Milliken	Director, Environment and Planning (Acting) <i>attendance from 2:35pm</i>
Ailsa Prendergast	Section Manager Development Assessment South
Amy Magurren	Development Planner
Grant Killen	Principal Building Surveyor, Building Assessment and Certification
Shane Smith	Building Surveyor, Building Assessment and Certification
Brian Pike	Tree Assessment Officer, Development Assessment Pre Lodgement
Craig Glynn	Tree Risk Management Officer, Development Assessment Pre Lodgement
Rachel Callachor	Meeting Support Officer

The Chairperson, Donna Rygate, declared the meeting open at 2.03pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair, Donna Rygate read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

Minutes of the Local Planning Panel Meeting 24 March 2022 contd

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

The minutes of the previous Local Planning Panel Meeting held on 24 February 2022 which were endorsed by the Chair of that meeting, were submitted for noting.

Public Forum

The following people addressed the Panel:

Agenda item 3.1 - DA/63281/2021 - 40 Webb Road Booker Bay - Dual Occupancy Attached and Demolition of Existing Dwelling

- 1 Francis Wiffen - against
- 2 Sandra Trad, Building Designer/Drafter, Red Apple Design – on behalf of applicant

Agenda item 3.2 - DA/1508/2021 - 11 Trelawney Street, Killarney Vale - Demolition of existing & new dwelling

- 1 Joseph Halwagy – against
- 2 Gill Boehringer – against
- 3 Adam Roser – Director, South Coast Building Design – on behalf of applicant
- 4 Russell Kingdom – Arborist, Advanced Treescape Consulting – on behalf applicant
- 5 Karen Goodman – applicant

The Local Planning Panel public meeting closed at 3:00pm. The Panel moved into deliberation from 3:05pm, which concluded at 4:00pm.

3.1 DA/63281/2021 - 40 Webb Road Booker Bay - Dual Occupancy Attached and Demolition of Existing Dwelling

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• 15 submissions• Memo from Council dated 24 March 2022 re: landscaping
Council Recommendation	Approval

Minutes of the Local Planning Panel Meeting 24 March 2022 contd

Panel Decision

- 1 That the Local Planning Panel grant consent to DA/63281/2021– 40 Webb Road Booker Bay – Dual Occupancy Attached and Demolition of Existing Dwelling subject to the conditions 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.**

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

8.1 Plant a minimum of three (3) replacement trees (advanced specimens min 45lt pot size) within the road reserve along Eastern Road and one (1) replacement tree along Webb Road. Replacement trees are to be evenly spaced and adequately staked/protected to prevent vandalism. Street Trees must be a native species such as Water Gum capable of achieving a minimum height of 10m.

8.2 Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of any Occupation Certificate to ensure the survival and establishment of the landscaping.

8.3 Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.

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

Reasons

- 1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 2 There are no significant issues or impacts identified with the proposal under s.4.15 a. of the Environmental Planning and Assessment Act 1979.

Votes

The decision was unanimous.

Minutes of the Local Planning Panel Meeting 24 March 2022 contd

3.2 DA/1508/2021 - 11 Trelawney Street, Killarney Vale - Demolition of existing & new dwelling

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- 152 submissions
- Supplementary Memo, 24 March 2022 re: flooding

Council Recommendation Approval

Panel Decision

1 *That the Local Planning Panel defer consideration of this matter in order for Council assessing officers and the applicant to address the following matters detailed below.*

2 *The applicant is requested to:*

2.1 Provide Council with advice as to the current arrangements allowing it to use the driveway and attempts made to secure the driveway's continued use through legal means (eg via an easement). If no such attempts have been made, advice on the rationale for this position is requested.

2.2 Provide Council with documents to support its assertion in the public meeting that it had a previous design for the development that allowed the Norfolk Island Pine (tree) in front of the site to be retained, and its assertion that Council advised against this approach.

3 *Council is to:*

3.1 Provide the Panel with the detailed plans it referred to in the public meeting that show proposed stormwater flow and detention on site. The Panel notes the memo from Council officers regarding flooding and minimum floor levels for the property that was distributed to it prior to the meeting.

3.2 Provide advice to the Panel re the process undertaken, the factors it considered and the circumstances in which it determined that the tree should be listed on the

Minutes of the Local Planning Panel Meeting 24 March 2022 contd

Significant Tree Register.

3.3 Commission at Council's cost a thorough independent assessment of the medium and long term viability of its tree (including root assessment):

- a. should no development proceed,**
- b. should development proceed that simply demolishes the above ground part of the existing garage, with no disturbance to the existing garage slab and existing driveway, and**
- c. should development proceed as proposed.**

3.3 Provide documents to the Panel to support its response to the second assertion referred to in 2.2 above.

3.4 Provide advice to the Panel as to the work it has undertaken with the applicant to finalise a design that allows the tree to be retained, unless the independent assessment referred to at 3.2 above shows the tree's retention is not viable under any circumstances. Redesign options to be considered must include modifying the current design so the garage is on the south west rather than south east side of the proposed building, achieving setbacks as per the DCP, having a single garage in the building on the south west side and retaining the current garage slab as both an additional parking place and turning space, and environmentally friendly options to over-top the existing driveway and garage slab.

3.5. Provide a supplementary assessment report to the Panel on all of the above, including its analysis of the additional material submitted by the applicant, and a recommendation in relation to approval or refusal of the application in this context. The report is to be provided to the Panel before 31 May 2022.

Reasons	Insufficient information and inadequate analysis for the Panel to make a decision.
Votes	The decision was unanimous.

4.1 DA/1825/2021 - 3 Vintage Court, Watanobbi - Construction of New Dwelling Including Tree Removal

Site Inspected	Yes
Relevant	As per Council assessment report

Minutes of the Local Planning Panel Meeting 24 March 2022 contd

Considerations

- Material Considered**
- Documentation with application
 - Council assessment report
 - 1 submission

Council Recommendation Approval

- Panel Decision**
- 1** *That the Local Planning Panel grant consent to DA/1825/2021 – Lot 7040 DP 849117, 3 Vintage Court Watanobbi NSW – Dwelling and tree removal subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*
 - 2** *The Panel notes that the site is bush fire prone land and notes the conditions of consent in this regard (2.3, 6.3 and 6.4).*

- Reasons**
- 1** The development application has been assessed in accordance with Section 4.15 of the EP&A Act and all relevant instruments and policies. The proposed development is considered suitable for the site.

Votes The decision was unanimous.



Local Planning Panel
Minutes of the
Supplementary Local Planning Panel
Held Remotely - Online
on 22 March 2022

Panel Members

Chairperson	Kara Krason
Panel Experts	Sue Francis Stephen Leathley
Community Representative/s	Paul Dignam

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Development Assessment South
Susana Machuca	Senior Development Planner (South)
John Noakes	Section Manager, Development Engineering
Rachel Callachor	Meeting Support Officer

The Chairperson, Kara Krason, declared the meeting open at 2:32pm.
The Panel moved into deliberation at 3:13pm which concluded at 3:28pm

Apologies

The Panel noted that no apologies have been received.

1.1 Disclosures of Interest

The Panel Members confirmed that declaration forms lodged for the 25 November 2021 meeting were still current and no conflicts had been identified.

2.1 LPP Supplementary Report DA/60725/2021 - 8 Gheri Avenue Wamberal - 1 into 2 Lot Subdivision - Agenda Item 4.1 Local Planning Meeting 25 November 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 and Supplementary assessment

Minutes of the Supplementary Local Planning Panel 22 March 2022 contd

	<ul style="list-style-type: none"> report • 2 Submissions
Council Recommendation	Approval
Panel Decision	<p><i>That the Local Planning Panel defer consideration of this matter for electronic determination, to seek the following:</i></p> <ol style="list-style-type: none"> <i>1 The application needs to include 38 Lucinda Avenue Wamberal where works are occurring. The application form is to be updated to reflect the description of works proposed across both sites, including the site addresses. Council to determine and provide reasons as to whether the matter needs to be re-notified in accordance with Council's notification policy. The Panel suggests that the Council err of the side of caution and notify the whole application with the new description and address. In so doing the notification letter should explain why the application is being notified.</i> <i>2 The above details, including a supplementary memo, are to be provided to the Panel for determination via electronic means as soon as practicable.</i>
Reasons	As per above decision.
Votes	The decision was unanimous

Item No: 3.1

Title: DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room
Boarding House including Manager's room

Central Coast
Local Planning Panel

Department: Environment and Planning

21 April 2022 Local Planning Panel Meeting

Reference: DA/60833/2021 - D14971864

Author: Erin Murphy, Senior Development Planner, Development Assessment South

Manager: Ailsa Prendergast, Section Manager, Development Assessment South

Approver: Antonia Stuart, Unit Manager, Development Assessment (Acting)

Summary

An application has been received for demolition of existing structures and construction of a four storey, 23 room Boarding House including manager's room. The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is required to be reported to the Local Planning Panel for determination due to the number of public submissions received – 22 submissions were received.

The application is recommended for approval subject to conditions.

Applicant	Mr Anthony Kelly – ADG Architects
Owner	Mrs Katherine Pawlak
Application No	DA/60833/2021
Description of Land	Lot 1 DP 618378 No. 14 York Street, Point Frederick
Proposed Development	Demolition and construction of a four storey, 23 room Boarding House including manager's room
Site Area	701.4sqm
Zoning	R1 General Residential
Existing Use	Multi dwelling housing (4 townhouses)
Employment Generation	No
Estimated Value	\$4,577,553

Recommendation

- That the Local Planning Panel grant consent to DA60833/2021 at Lot 1 DP 618378 No. 14 York Street, Point Frederick for demolition and construction of a 23 room Boarding House including manager's room subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

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

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

Key Issues

- Matters raised in Public Submissions
- Impact on amenity of adjoining sites.
- Impact on trees.
- Character of the area.

Precis:

Proposed Development	Demolition of existing building and construction of a four storey, 23 room Boarding House including a manager's room.
Permissibility and Zoning	R1 General Residential under <i>State Environmental Planning Policy (Gosford City Centre) 2018</i> (SEPP (GCC)) A boarding house is permissible with consent.
Relevant Legislation	<ul style="list-style-type: none">• <i>Environmental Planning & Assessment Act 1979</i>• <i>Environmental Planning & Assessment Regulation 2000</i>• <i>State Environmental Planning Policy (Coastal Management) 2018</i>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>• <i>State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</i>• <i>State Environmental Planning Policy (Infrastructure) 2007</i>• <i>State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)</i>• <i>State Environmental Planning Policy (Gosford City Centre (2018)</i>• <i>State Environmental Planning Policy (Precincts—Regional) 2021</i>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>• <i>State Environmental Planning Policy (Housing) 2021</i>• <i>Development Control Plan (Gosford City Centre)</i>

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Current Use	Residential - Multi dwelling housing (4 townhouses)
Integrated Development	No
Submissions	22

Variations to Policies

There are no variations to policies proposed.

The Site

The site is legally known as Lot 1 DP 618378 and is located at No. 14 York Street, Point Frederick. The site is located on the northern side of York Street to the west of Masons Parade and has a secondary laneway frontage of Creighton Lane to the north.

The property is rectangular in shape, with a width of 15.24m to both the York Street and Creighton Lane frontages, a length of 48m along both side boundaries and a total area of 701.4sqm. The site contains a two-storey brick multi dwelling housing townhouse development of 4 units.

The land slopes from the south-eastern corner at York Street down to the north-western corner at Creighton Lane by approximately 4m.

The site is located within the Gosford City Centre and its subject to the provisions of *State Environmental Planning Policy (Gosford City Centre) 2018*. The site is located approximately 200m west of the Gosford Olympic Pool and foreshore.

3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)



Figure 1 - Locality Plan

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**



Figure 2 – Site as viewed from York Street



Figure 3 – Site as viewed from Creighton Lane

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Surrounding Development

The land to the immediate east, north and west is also zoned R1 General Residential and contains a range of single and two storey dwellings and multi-unit developments.

Land to the south east, on the opposite side of York Street is also zoned R1 General Residential and consists of single and two storey dwellings and multi dwelling housing as well as a 6-storey residential flat building.

Land to the south west, on the opposite side of York Street is zoned B4 Mixed Use and consists of 2-3 storey multi dwelling housing and residential flat buildings.

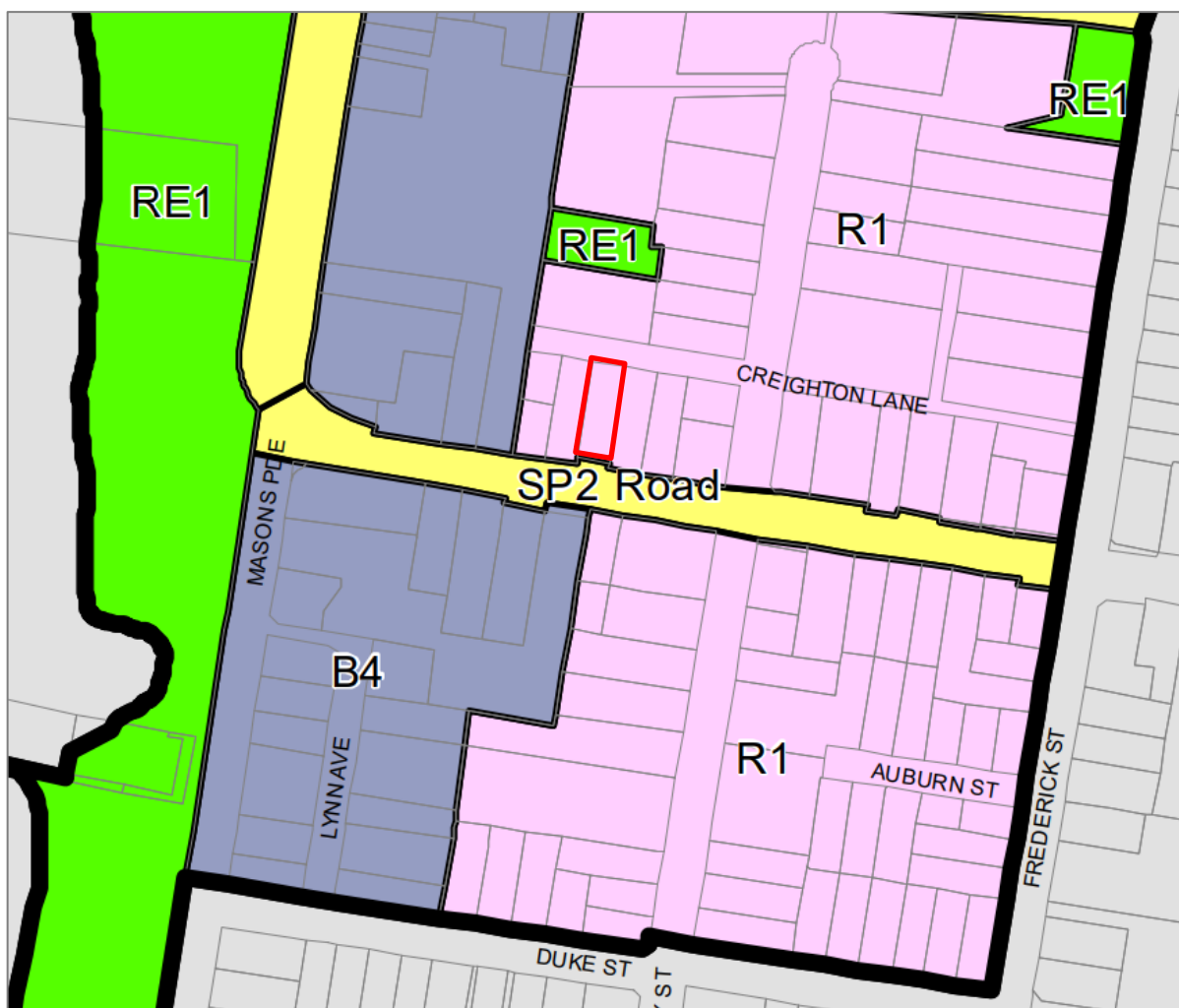


Figure 4 – SEPP GCC Zoning Map



Figure 5 – Wider context of area - facing south (source: Nearmap)



Figure 6 – Southern side of Creighton Lane, facing south west

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**



Figure 7 – Southern side of Creighton Lane, facing south east



Figure 8 – 6 storey RFB opposite the site on York Street (148A Albany St)

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**



Figure 9 – Current interface between subject site (left) and 16 York Street (right)



Figure 10 – Current footpath and vegetated setback on York Street, facing east

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

The Proposed Development

The Development Application seeks consent for the demolition of the existing two storey multi dwelling housing and the construction of a four storey, 23 room Boarding House including manager's room, over basement/undercroft parking area.

Basement / Undercroft level

- 12 car parking spaces – 10 within the covered basement/undercroft area (including 1 accessible space) and 2 in the hardstand area between the building and Creighton Lane
- 5 x motorbikes parking spaces
- Secure bicycle storage area and racks
- lobby, services room and storage
- lifts and stairwell
- waste storage area

Ground Floor

- 1 x 1 bedroom manager's residence (room 1)
- 4 x boarding rooms (rooms 2 – 5)
- communal room and communal private open space area
- lift, lobby area, stairwell and covered breezeway

Level 1

- 6 x boarding rooms (rooms 6 – 11) including accessible room (room 9)
- lift, lobby area, stairwell and covered breezeway

Level 2

- 6 x boarding rooms (rooms 12 – 17) including accessible room (room 15)
- lift, lobby area, stairwell and covered breezeway

Level 3

- 6 x boarding rooms (rooms 18 – 23) and
- lift, lobby area, stairwell and covered breezeway.

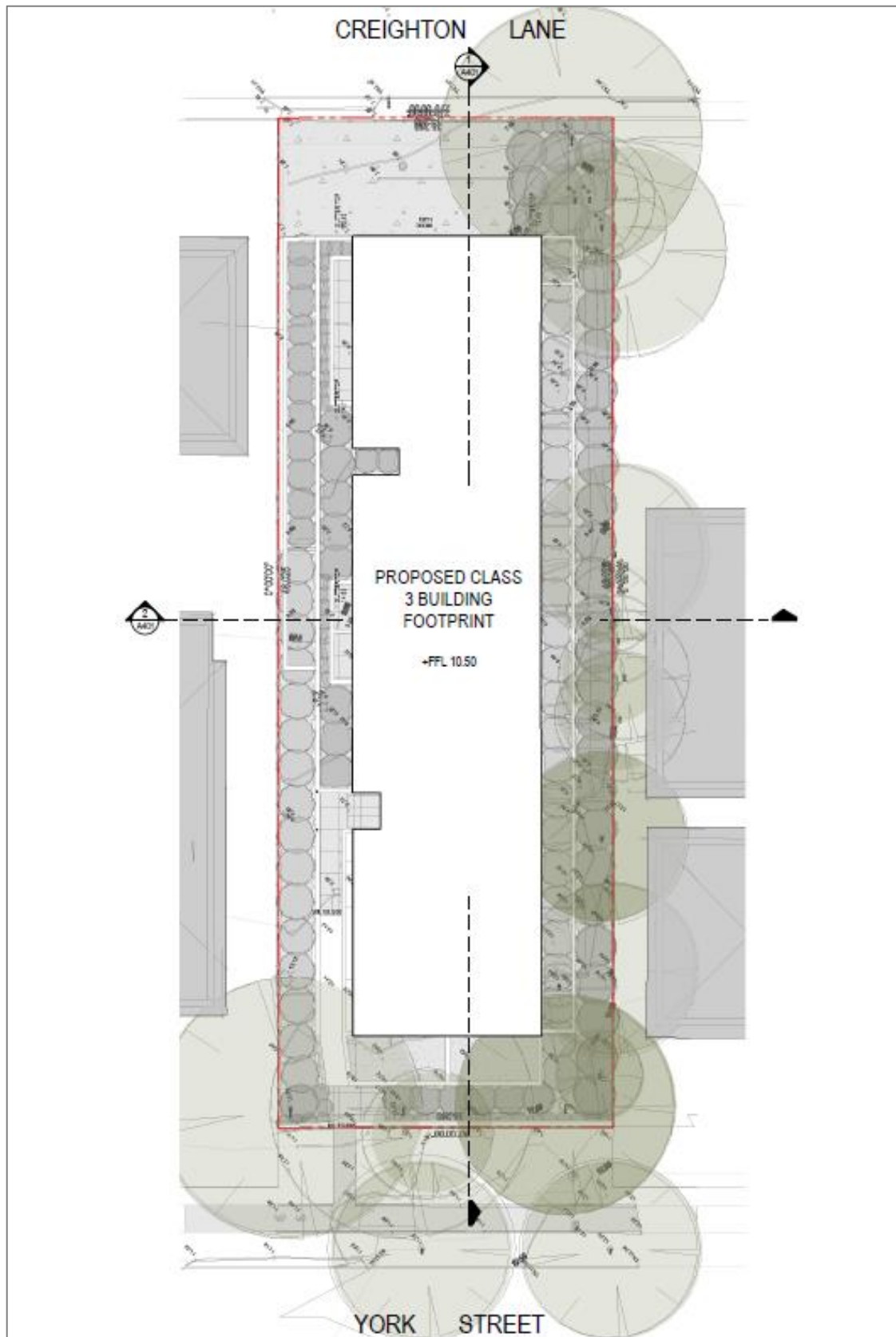


Figure 11 – Site Plan

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**



Figure 12 – Rendered Perspective York Street Elevation

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

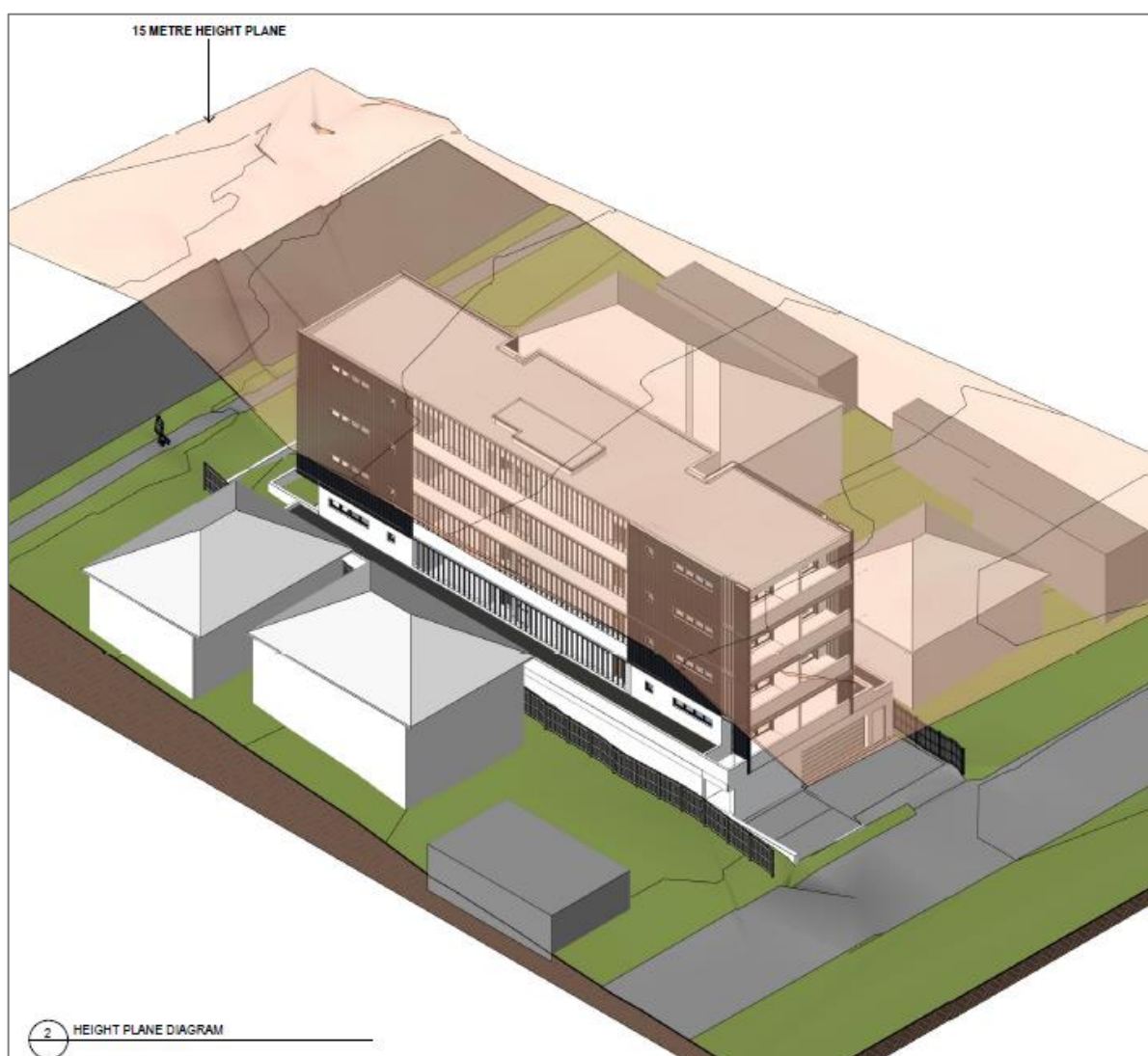


Figure 13 – Model showing northern (rear) and eastern side elevation and 15m height plane

History

The site has a history of residential use, with the townhouses on the site approved in 1981. There is no other relevant planning history.

Assessment:

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

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Provisions of Relevant Instruments/Plans/Policies:

State Environmental Planning Policy (Gosford City Centre) 2018 (SEPP GCC)

SEPP GCC – Zoning and Permissibility

The subject site is zoned R1 General Residential under *State Environmental Planning Policy (Gosford City Centre) 2018* (SEPP GCC).

The proposed development is defined as Boarding House which is permissible in the zone with consent of Council.

Boarding house means a building that—

- (a) *is wholly or partly let in lodgings, and*
- (b) *provides lodgers with a principal place of residence for 3 months or more, and*
- (c) *may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) *has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

SEPP GCC – Zone objectives

Having regard for Clause 2.3 of SEPP GCC, the *R1 – General Residential* zone objectives read as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *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.*

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

The proposal will assist in providing for the housing needs of the community by providing a form of affordable housing. The Social Impact Assessment (K & L Pawlak, Aigis Group, January 2021) notes that the data shows very low number of 'bedsit' / studio type apartments within the area, and therefore contributes to the variety of housing types.

The proposal provides for a floor space ratio of 0.97:1 and a maximum building height of 15m which is consistent with the controls. The proposal is consistent with the desired and emerging future character of the surrounding locality and provided good amenity outcomes for future residents in terms of design.

SEPP GCC - Clause 4.3 Height of Buildings

The provisions of clause 4.3 refer to the mapped building height applying to the land. The applicable height control indicated on the SEPP GCC Height of Buildings map is 15m.

The maximum height of the proposal building does not exceed 15m.

SEPP GCC - Clause 4.4 Floor Space Ratio

The provisions of Clause 4.4 establish the Floor Space Ratio for the land. The site is identified on the SEPP GCC FSR map as being 2:1.

However, as per clause 8.13 of the SEPP GCC, additional FSR provisions relate to land zoned R1, including this site. In this regard, clause 8.13(3) indicates that:

"If a building for which the maximum floor space ratio on the Floor Space Ratio Map as specified in Column 1 of the Table to this subclause:

- (a) is on a site area of less than 1,000 square metres, or*
- (b) has no street frontage greater than 24 metres,*

the maximum floor space ratio for the building is the ratio specified opposite that ratio in Column 2 of that Table."

As the subject site is less than 1,000sqm and also has a frontage of less than 24m, the additional provision is relevant and a reduced FSR applies of 0.75:1.

However, as the application is made under *State Environmental Planning Policy (Affordable Rental Housing) 2009* a 0.5:1 bonus is offered to the development as residential flat buildings are permitted in the R1 zone. Therefore, the maximum FSR is 1.25:1.

An FSR of 0.97:1 is proposed.

SEPP GCC - Clause 5.10 – Heritage Conservation

The subject site is located in the vicinity, though not directly adjacent to, heritage items as shown on the heritage mapping layer of the GCC SEPP. The provisions of Clause 5.10 require the conservation of the heritage significance of heritage items. Given the street setbacks, complaint height and existing trees and vegetation in the area, there would be limited visual relationship between the proposed building and the nearby heritage items. The proposed development minimal impact on the heritage significance of the nearby heritage items.

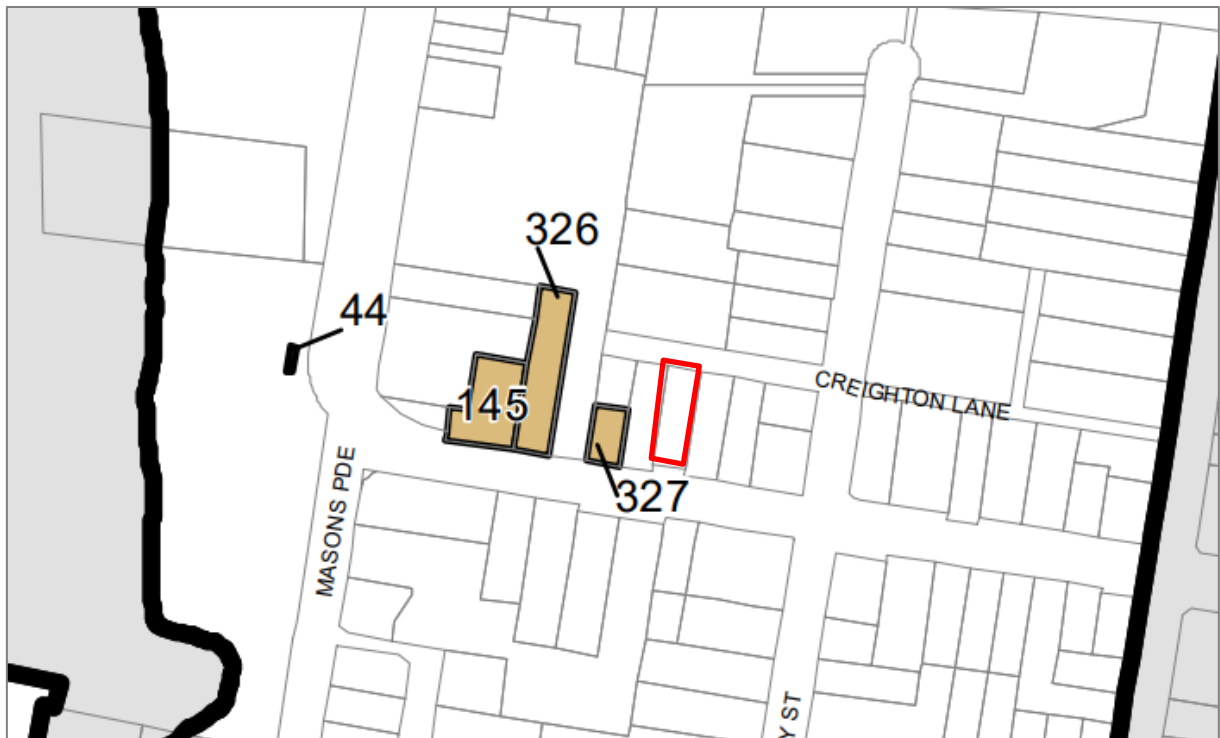


Figure 14 – GCC SEPP Heritage Map – subject site outlined in red

SEPP GCC - Clause 7.1 Acid Sulphate Soils

The site is mapped as containing Class 5 acid sulfate soils (ASS) and is located approximately 200m from Class 2 acid sulfate soils. The development is unlikely to lower the water table below 1m AHD with no works being undertaken below 5m AHD, therefore an acid sulfate soil management plan is not required.

SEPP GCC - Clause 8.3 Design Excellence

The provisions of Clause 8.3 require Council to consider that the development exhibits design excellence. Consideration of the proposal against the matters attributed to design excellence, having regard to Clause 8.5(3) of the GCC SEPP is provided below:

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

- a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved*

It is considered the proposed design achieves a built form and scale appropriate to the R1 General Residential zone. The design incorporates a simple modern design with simple material palette of rendered brickwork, metal stand seam colorbond cladding, exposed metal beam features and powder coated aluminum vertical screens.

- b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain*

The appearance of the building is considered to define and positively contribute to the public domain and streetscape, which is undergoing renewal. The building integrates with its context and the public domain by incorporating appropriate street setbacks and retains significant trees which contribute to the streetscape.

- c) *whether the development is consistent with the objectives of clauses 8.10 and 8.11,*

Clause 8.10 and 8.11 refer to and require consideration of solar access to key public open spaces and key vistas and view corridors.

The proposed development will not impact on solar access to any public spaces. The proposed site it is not located in any identified view corridor and is not considered likely to unreasonably impact on views.

- d) *Any relevant requirements of applicable development control plans*

The Development Control Plan (Gosford City Centre) has been considered within this Assessment Report and the proposal is considered worthy of support.

- e) *how the proposed development addresses the following matters:*

- i. *the suitability of the land for development,*
- ii. *existing and proposed uses and use mix,*
- iii. *heritage issues and streetscape constraints,*
- iv. *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
- v. *bulk, massing and modulation of buildings,*
- vi. *street frontage heights,*
- vii. *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- viii. *the achievement of the principles of ecologically sustainable development,*
- ix. *pedestrian, cycle, vehicular and service access, circulation and requirements,*

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

- x. *the impact on, and any proposed improvements to, the public domain.*

The development is consistent with the zoning and the Gosford City Centre locality and is considered suitable for the site which is well located and serviced for a boarding house development. The proposed boarding house will contribute to affordable housing choice for the locality.

The setbacks and massing of the development are appropriate having regard to the desired character of the Gosford City Centre. The development is considered to contribute positively to the streetscape, with appropriate street setbacks and retained trees and vegetation. The modern built form and materials and will not have any unreasonable impact on the neighbouring properties or on the heritage item to the west.

The design incorporates elements in response to environmental matters, such as solar access, stormwater management and overshadowing. The development allows for water reuse in landscaped areas and provides adequate deep soil zones.

The proposal improves the public domain and pedestrian experience along York Street and provides appropriate vehicle access and servicing within the site from Creighton Lane.

SEPP GCC – Clause 8.13 Floor space ratio in Zone R1

As discussed under the Clause 4.4 Floor Space Ratio heading above, Clause 8.13 provides that if a site has a street frontage of less than 24m and a site area less than 1000sqm then a reduced FSR applies of 0.75:1.

As the application is made under SEPP ARH 2009 a 0.5:1 bonus is offered to the development as residential flat buildings are permitted in the R1 zone. Therefore, the maximum FSR is 1.25:1. An FSR of 0.97:1 is proposed.

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

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

The Department has developed an alternative process for the BASIX assessment of large boarding house developments (i.e. those designed to accommodate more than 12 people or with a gross floor area of more than 300m²). The alternative assessment process allows the thermal comfort of a large boarding house development to be assessed at a later stage (i.e. the Construction Certificate stage) against the Section J requirements of the *Building Code of Australia* (BCA) (**Condition 2.12**).

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

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

State Environmental Planning Policy No. 55 – Remediation of Land

In accordance with the provisions of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* the consent authority must not consent to the carrying out of any development on land unless it has considered if the land is contaminated and if so, after remediation, if it will be suitable for the intended purpose. The subject site has a history of residential use and is unlikely to be contaminated.

Conditions of consent are recommended in relation to the removal and disposal of asbestos encountered during the demolition phase. The proposal is considered satisfactory with regard to SEPP No. 55 – Remediation of Land.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 3 of the SEPP relates to Boarding houses and Clause 26 stipulates that the provisions of the SEPP apply to land within an R1 zone.

The following table illustrates compliance with Division 3 of the SEPP.

Clause	Comment
Clause 26 -Land to which division applies	Applies to R1 zoned land.
Clauses 27, 30 and 30A -Does not apply to R2 zoned land unless within an accessible area.	N/A - Site is within R1 zone land
Clause 29-Standards which cannot be used to refuse consent	
(1)(c) Maximum residential FSR is the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus— (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or	The permitted FSR is 0.75:1 + 0.5:1 = 1.25:1 Proposed FSR 0.97:1- Complies
(2)(a) Maximum building height 15m	Height 15m- Complies
(2)(b) Landscape treatment of front setback compatible with streetscape.	The 5m landscape setback is compatible with streetscape along York Street - Complies
(2)(c) Communal living area to receive 3 hours sunlight between 9am and 3pm in mid-winter.	Communal room and outdoor area are located on northern side of building- Complies
(2)(d) Private open space minimum 3m width and 20m ²	Private open space provided on northern side and 3.8m width and 21m ² - Complies

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Boarding house manager private open space minimum width of 2.5m and 8m ²	Manager private open space also on northern side and is 2.1 x 3.8m, while under the 2.5m dimension minimum, is a usable space and is acceptable.
(2) e Parking-0.5 spaces per room 1 space required for on site manager	11 spaces required for boarding room – 11 1 space provided for managers room
(3) Each room may have private kitchen or bathroom.	Complies
Clause 30	
(a) If more than 5 rooms, communal area required.	Communal area provided
(b) Excluding kitchen and bathroom facilities, maximum floor area 25m ²	Excluding kitchen and bathroom, floor areas range from 18m ² to 20m ² . Complies.
(c) Maximum 2 adults per room	Complies. Refer Condition 6.16
(d) Adequate kitchen and bathroom facilities	Provided in each room-Complies
(e) If greater than 20 lodgers, a site manager is required.	On site manager proposed.
(f) Minimum room size 2 lodgers 16m ²	> 16m ² - Complies
(h) At least one parking space for bicycle and motorcycles per 5 rooms.	5 spaces required for each, 5 motorcycle spaces proposed and secure area and stands capable of accommodate 5 bicycles provided.
Clause 30AA Maximum size on R2 zoned land -12 rooms	N/A – R1 zone
Clause 30A Consent authority to take into consideration the design is compatible with the character of the local area.	The proposed development is compatible with the character of the local area. See comments below.

Clause 30A-Character of Local Area.

Clause 30A states;

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

In determining whether the design of the development is compatible with the character of the local area, consideration was given to the planning principle in *Project Venture Development Pty Ltd v Pittwater Council [2005] NSWLEC 191*. Compatibility is seen to be a measure of the ability to exist together in harmony. It is not a test of sameness. To establish compatibility with the character of the local area, the following questions should be asked.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

1. Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

For a development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contribution to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.

The proposed development has a building height and appearance of a four-storey residential flat building development. The proposal complies with the height control as well as the front, side and rear setback controls specified for residential development in the area. The proposal has a generous front setback that allows for the retention of existing trees and appropriate landscaping and is generally consistent with the streetscape and future character of the area and the emerging redevelopment in the wider area.

State Environmental Planning Policy (Coastal Management) 2018

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas including the coastal environment area and the coastal use area.

Division 3 'Coastal Environment Area' of State Environmental Planning Policy (Coastal Management) 2018 states:

'13 Development on land within the coastal environment area

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

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

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

proposed development on any of the sensitive coastal lakes identified in Schedule 1,

- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

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

Assessment: The proposed development does not cause an adverse impact on the matters required to be considered under Clause 13 (1) (a) – (g) or Clause 13 (2) (a) – (c) of *SEPP (Coastal Management) 2018*, as follows:

- The proposed development has no adverse impact on the integrity or resilience of the biophysical, hydrological or ecological environment
- The proposed development has no adverse impact upon coastal environmental values or natural coastal processes
- The proposed development has no adverse impact on the water quality of the marine estate
- The proposed development has no adverse impact on marine vegetation; native vegetation/fauna and their habitats; undeveloped headlands; or rock platforms
- The proposed development has no adverse impact on the public amenity of any existing public open space or public access to the coastal foreshore

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

- The proposed development has no adverse impact on any known Aboriginal cultural heritage, practices or places
- The proposed development is far removed from the "surf zone" and does not adversely impact its use by the public
- Drainage, nutrient and erosion control measures will be installed to protect the any reserve and water way

Division 4 'Coastal use area' of State Environmental Planning Policy (Coastal Management) 2018 states:

'14 Development on land within the coastal use area

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

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

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

(b) is satisfied that—

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

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

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

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Assessment: The proposed development does not cause adverse impact on the matters required to be considered under Clause 14 (1) (a) – (b) or clause 2 of *SEPP (Coastal Management) 2018*, as follows:

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

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

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

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

And:

'16 Development in coastal zone generally—coastal management programs to be considered

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

Assessment: Due to its location which is not in close proximity to the coastal foreshore, the subject land is not subject to increased risk of coastal hazards and is not subject to any certified coastal management program. The proposed development will not therefore cause increased risk of coastal erosion.

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 (Infrastructure) 2007

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

SEPP Infrastructure - Clause 101 - Development with frontage to classified road

The application was referred to TfNSW under Clause 101 as the site fronts a classified road, being York Street.

TfNSW has reviewed the revised architectural plans and provides the following comments:

TfNSW Response & Requirements

TfNSW's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

York Street (HW30) is a classified (State) highway and Creighton Lane is a local road. While TfNSW is the Roads Authority for the highway, Council is the roads authority for Creighton Lane and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

Advice to Council

TfNSW recommends that the following matters should be considered by Council in determining this development:

- TfNSW has no proposal that requires any part of the property.
- TfNSW has no objection to the access to the proposed development from Creighton Lane. TfNSW will not support any proposal for direct access to York Street.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the York Street stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by York Street a classified State road (HW30). In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, TfNSW recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

- TfNSW recommends that Council or the developer undertake consultation in accordance with the Roads Act Part 8 for the requested amendments to the intersections and ensure relevant environmental assessment undertaken as part of Council's assessment.
- Council should ensure that engineered measures are to be put in place to eliminate the risk of road collapse during excavation work.

The issues raised by TfNSW have been addressed in the traffic and engineering assessment and draft conditions of consent. In addition:

- Appropriate traffic measure will be required during construction
- Sight lines have been assessed by Councils Traffic and Transport Engineer and found to be acceptable
- The site does not grade to York Street, stormwater from the development is proposed to connect to the drainage system in Creighton Lane via on-site detention.
- No amendments to intersections are proposed or required with this development.
- Road traffic noise impacts are discussed further below.
- No excavations are proposed near the State road (York Street).

SEPP Infrastructure - Clause 102 - Impact of road noise or vibration on non-road development

This clause applies to residential development that is on land adjacent to the road corridor with an annual average daily traffic volume of more than 20,000 vehicles. York Street is mapped as a busy road corridor by NSW RMS carrying between 20,000 and 40,000 annual average daily traffic.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The Office of Environment and Heritage NSW Road Noise Policy, as adopted by the Roads and Maritime Services (RMS) of NSW, recommends various criteria for different road developments and uses. For new residential developments near roads, the RNP advises that land use developers must meet internal noise goals in SEPP Infrastructure. SEPP Infrastructure is supported by the Department of Planning guideline "Development near Rail Corridors and Busy Roads – Interim Guideline" (2008) (Guideline).

The development designed to minimise intrusion from traffic on York Street via concrete walls, thickened/glazed glass on windows facing York street as well as retained trees and landscaping. The acoustic assessment provided has been reviewed and it meets the minimum requirements of the NSW Department of Planning Development near Rail Corridors and Busy Roads- Interim Guidance 2008. Recommended noise mitigation measures for the building glazing have been listed to ensure the development meets the internal noise levels required by Clause 102 of SEPP Infrastructure.

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (SEPP Housing) commenced on 26 November 2021.

Schedule 7 'Savings and transitional provisions' of SEPP Housing states that the former provisions of the repealed instrument, being *State Environmental Planning Policy (Affordable Rental Housing) 2009*, continue to apply to a development application made, but not yet determined, on or before the commencement date. Given the application was lodged on 1 March 2021, the savings provisions apply.

SEPP Housing consolidates and updates the following housing related policies:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)*

3.1 **DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)**

- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP)*
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)*

Clauses 23-27 of the SEPP Housing relate to Boarding Houses.

A key change of SEPP Housing is that Boarding Houses must now be used for affordable housing in perpetuity and delivered by Community Housing Providers.

Changes are also made to the standards which cannot be used to refuse consent, the following are relevant:

- A 25% GFA bonus is applicable (previously 0.5:1). On this site this equates to a bonus of 0.1875:1 and a total allowed FSR of 0.9375:1 instead of 1.25:1. The proposed FSR 0.97:1.
- A Minimum 30sqm of communal living space is required for boarding houses with six rooms or more with an additional 2sqm is required for each additional room. There is currently no size requirement for communal living rooms. This proposal would require a 62sqm communal living room under the new Housing SEPP. The proposed communal living room is 21sqm.
- Communal open space equivalent to 20% of the site area is required, which would equate to 140sqm. The current requirement is 20sqm. A 21sqm open space area is proposed.

The consent authority also must consider whether, where a boarding house is three or more storeys, it will comply with the separation distances of the Apartment Design Guide. This would require 6m side setback, where 3-4m are proposed. However, given the narrow nature of the site (15.24m), a 6m setback would not be achievable for any residential development. The retained trees and vegetation plus screening devices appropriately address privacy.

The changes under the new SEPP Housing are significant and would not be able to be achieved with the current design approach. Given the savings provisions applicable the proposal has been assessed against the provisions of the SEPP ARH and is found to be acceptable.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 came into force on 1 March 2022 and replaces / consolidates *State Environmental Planning Policy No. 55 – Remediation of Land* and *State Environmental Planning Policy (Coastal Management) 2018*. However, it is noted that no policy changes have been made. All savings and transitional

3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)

provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

State Environmental Planning Policy (Precincts—Regional) 2021

State Environmental Planning Policy (Precincts—Regional) 2021 came into force on 1 March 2022 and replaces / consolidates *State Environmental Planning Policy (Gosford City Centre) 2018 (SEPP GCC)* along with other SEPP's. However, it is noted that no policy changes have been made. All savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

Draft EPIs

Draft Central Coast Local Environmental Plan 2018

Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP) was adopted on 14 December 2020 but has not yet been gazetted. The Draft CCLEP will replace the planning instruments relating to the former Gosford and Wyong Local Government Areas, however, does not apply to the Gosford City Centre and as such is not applicable to this site and application.

Gosford City Centre Development Control Plan 2018

Gosford City Centre Development Control Plan 2018 (GCC DCP 2018) provides development controls for quality development and sound environmental outcomes within the Gosford City Centre.

GCC DCP 2018 - Chapter 3.1 Character areas

The site is located in the residential area:

The residential areas within the city fringe will provide for a diverse range of housing to accommodate an additional 10,000 residents over the next 25 years. New development will consist of medium to high density residential apartments to encourage increased housing within walking distance of the city centre.

The proposal for a boarding house aligns with this area future desired character of providing medium to high density residential accommodation within walking distance to the city centre.

GCC DCP 2018 - Chapter 5.2.1 Street setbacks and rear setbacks

This section of the GCC DCP 2018 requires:

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

- 3-4m front street setbacks
- 3m side setbacks
- 6m rear setbacks
- Balconies may project up to 600mm into building setbacks,

The existing building on the subject site has a front setback of 6m to York Street. This aligns to the other residential development along York Street. A 6m front setback to the building line, 4m setback to the balconies is proposed. This exceeds the 3-4m requirement and is appropriate given the streetscape context.

Side setbacks of 3.3m is provided to both east and west, which is in excess of 3m requirement, and do not include any balcony projections.

A 6m rear setback is proposed, with the allowed exception of balcony projections of 600mm.

GCC DCP 2018 - Chapter 5.2.13 Landscape design

This section of the GCC DCP 2018 requires the submission of landscape plan and requires development to minimise the impact on significant trees on site, street trees and trees on adjoining land.

An appropriate landscape plan has been provided. It is noted that the landscaping and ground floor plan is incorrect in that the plans indicate a small area of landscaping proposed within the Creighton Lane setback, where the 2 car parking spaces proposed, and shown on the undercroft floor plan. This is a minor error, and the landscaping remains acceptable. A condition is recommended to rectify this prior to the issue of a construction certificate – see **Condition 2.2.**

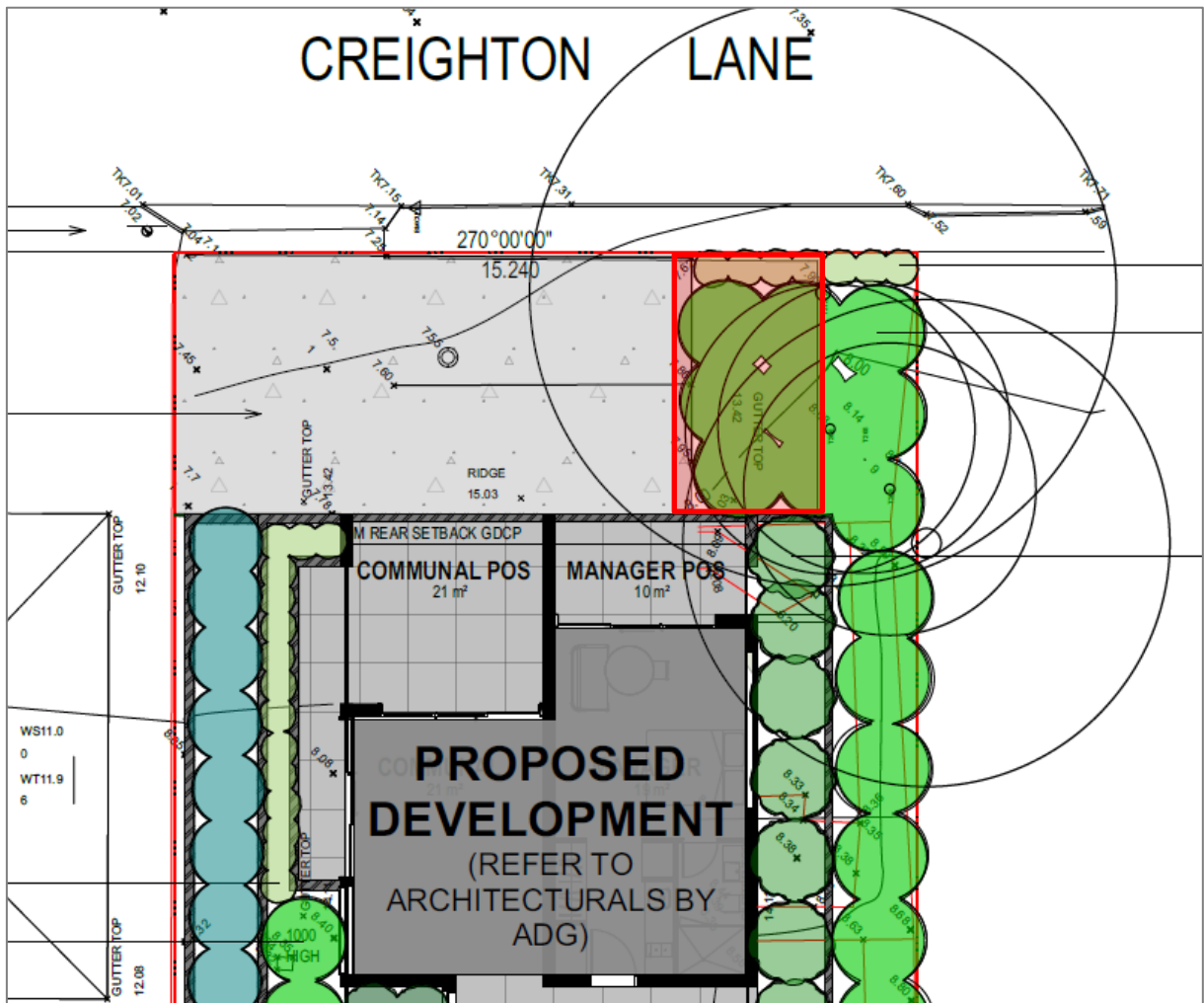


Figure 14 – Landscape plan extract – car parking areas shaded red

It is noted that the Arborist report and tree removal and protection plans accurately identify the proposed development and car parking spaces in the rear setback.

Seven trees are proposed to be removed consisting of Jacaranda and small ornamentals near the rear boundary, a 10m high Cheese tree along the eastern side boundary and Privet within the building footprint.

Five trees on and close to the eastern boundary area proposed to be retained including the large 20m Norfolk Island Pine on the neighbouring property. Four trees within the front setback area to be retained plus a further three within the front road reserve. The retained trees will provide good levels of tree canopy and existing privacy, screening and amenity.

Landscape maintenance is included as part of the plan of management which will ensure the ongoing viability of the proposed landscaping.



Figure 15 – Tree location plan (trees 1, 2, 3, 4, 10, 11 and 17, to be removed)

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

The Arboricultural Impact Assessment discusses that the tree 5 (large 20m Norfolk Island Pine on the neighbouring property) could be successfully retained using tree sensitive design and construction techniques. Councils Tree Assessment Officer questioned the practicality of this approach. The applicant provided an Engineering Report proposing Footings over Structural Root Zone, concluding that it has a structural engineering solution that will satisfy the Arboricultural Impact Assessment. The Projects Arborist provide a statement (19/10/21) that concurs with and supports the Engineering Report solution.

GCC DCP 2018 - Chapter 5.2.14 Site cover and deep soil zones

This section of the GCC DCP 2018 requires a maximum site coverage of 50% and a deep soil zone of 15% of the site area. The deep soil zones must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants

The proposed site coverage is 308sqm or 43% of the site area. A deep soil zone along the full eastern and front boundary and part of the western boundary totals 168sqm or 23% of the site area and allows for the retention of existing trees plus new plantings.

GCC DCP 2018 - Chapter 5.2.15 Front Fences

This section of the GCC DCP 2018 requires front fences to allow for passive surveillance of the street, to clearly define the interface between the public and private domain and to contribute to the character. The maximum height of front fences must not exceed 1.4m and must be at least 50% visually permeable over 1m.

A 1m rendered brickwork wall to the front units open space is proposed, plus the existing 1m high retaining wall is to be retained and refinished with matching render. Additional landscaping is proposed to the front boundary, but the significant setback with retained site and street trees will largely retain the existing streetscape character at this level. The proposed development with front balconies will significantly improve the passive surveillance of the street.

GCC DCP 2018 - Chapter 5.2.16 Safety and Security

The objectives of this section of the GCC DCP 2018 are to ensure developments are safe and secure for pedestrians, reduce opportunities for crime through environmental design, contribute to the safety of the public domain and encourage a sense of ownership over public and communal open spaces.

For large scale retail and commercial development with a construction value of \$7 million or over, a 'safety by design' assessment in accordance with the CPTED principles from a qualified consultant is required.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

While the proposed development is not considered major, with a construction value of approximately 4.6 million, a CPTED report was submitted with DA indicating how Safer by Design principles have been incorporated into design of building and site:

- Natural surveillance is provided around the building by residents coming and going throughout the day.
- Locating the elevator and stairs in the centre of the car park ensures all areas of the car park benefit from natural surveillance.
- Locating the common area along the back of the site allows for the rear of the building to be attended and therefore provides surveillance. It also encourages active community and individual activities and movement between floors.
- The front of the building has 8 rooms with clear sight overlooking York Street. The rear of the building has 7 balconies with clear sight lines overlooking Creighton Lane.
- Landscaping has been designed and will be maintained to avoid blind spots and provide view corridors over low bushes and under canopies of trees.
- Motion sensors will be installed around the perimeter of the building and in the car park.
- Cameras on each floor will record continuously to monitor activity in the hall and common areas.
- The manager's residence is in a location to best monitor suspicious movement on and off the site as well as any anti-social activity in the communal room.
- The halls have been designed relatively straight so occupants can maintain sight lines and avoid alcoves and blind spots therefore avoiding vulnerability of tenants.
- The dwarf fence, retaining wall and landscaping at the front of property along York Street will denote the boundary whilst minimally interfering with the surveillance aspects of the site.
- Access for residents onto the site will be through one of two pedestrian entries or a roller door at the driveway by way of a proximity card.
- Residents will be provided with a welcome pack (information pack) about the building. Within the pack will be general precautions and in particular procedures for:

3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)

- Onsite security
 - Reporting suspicious behaviour
 - Protecting personal property
 - Information about the local area.
- Regular maintenance will be scheduled for the garden and any lawns and cleaning of common areas within the building and rooms. Maintenance of lighting, signage and any equipment will be on demand.
- A complaints procedure, especially focusing on discrimination of individuals or groups of people, will be developed. The complaints register will extend to the wider community including local residents. Each incident will be recorded in detail and investigated to create statistics of crimes.

GCC DCP 2018 - Chapter 5.2.17 Building Exteriors

The objectives of this section of the GCC DCP 2018 are to ensure developments contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes and present appropriate design responses to nearby development that complement the streetscape.

Adjoining buildings are to be considered in the design of new buildings in terms of:

- appropriate alignment and street frontage heights
- setbacks above street frontage heights
- appropriate materials and finishes selection
- facade proportions including horizontal or vertical emphasis

External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass

The proposed building includes appropriate street setbacks and built form. The external finishes are simple, with rendered brickwork, vertical metal cladding and exposed beam finishes for subtle articulation. The balconies on both front and rear allow for depth and shadow within the simple façade.

Likely Impacts of the Development:

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

Built Environment

The subject site is zoned R1 General Residential under GCC SEPP and is surrounded by residential developments. The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the SEPP GCC, GCC DCP 2018 and SEPP (ARH) compliance. The potential impacts are considered reasonable.

Accessibility

An Access Report prepared by Lindsay Perry Access has been provided with the application which confirms compliance with the statutory regulations. The proposal provides an accessible residential parking space that is in accordance with AS/NZS 2890.6 (2009) – “Off-street parking for people with disabilities”. The proposal provides accessible pathways from the street to the building entry, two accessible apartments and communal open space areas.

Access, Traffic and Transport

The development proposes to remove the existing vehicle access crossing in Creighton Lane and reconstruct a new vehicular access crossing to provide access to a basement car park under the footprint of the building and 2 car spaces between the building and the Creighton Lane boundary. The car park and access arrangements have been reviewed by Council’s Senior Development Engineer and generally comply with the relevant Australian Standards (AS2890.1:2004 and AS2890.6:2009).

The application indicates that the proposed development would result in an increase in 26 traffic movements per day when compared to the existing development on the site. Council’s Traffic and Transport Engineer considers the surrounding road network would have the capacity to accommodate the additional traffic generated by the proposed development. Council’s Traffic and Transport Engineer considers has assessed available sight lines and determined them to be acceptable and raises no objection in terms of traffic and transport.

Both York Street and Creighton Lane have full kerb and gutter and York Street has a concrete footpath. Road works outside of the site are not required for this development.

Stormwater and Drainage

The site grades from the York Street frontage to the Creighton Lane frontage of the site.

A Water Cycle Management Report prepared by SRB Consulting Civil Engineers (Project No 22020 Issue No 1 dated 20/01/21) was submitted with the application and has been reviewed

3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)

by Council's Senior Development Engineer. On site detention, longitudinal street drainage and maintenance are proposed which will ensure post-development flows are no more than pre-development flows for all storms with recurrence intervals up to the 1% Annual Exceedance Probability events (one-in-100-year flood).

A treatment train approach is proposed to address water quality and to screen pollutants prior to discharge to the street drainage system

Water and Sewer

Water and Sewer are available to the land. Subject to the depth of the existing sewer main along Creighton Lane, the proposed development will be within the Zone of Influence of the sewer main. Therefore, the proposed development will need to comply with the Council Building in Proximity to Sewer pipeline policy.

Waste Disposal

A waste storage area is provided within the basement parking area and is screened by sliding mesh door. The bin enclosure accommodates the following required number of bins:

- 4 x 360 litre shared mixed waste MGB's (for weekly servicing)
- 3 x 360 litre recyclables MGB's (for fortnightly servicing)
- 1 x 240 litre green waste MGB (for alternate fortnightly servicing)

Collection will be via the rear on Creighton Lane. A kerbside waste bin presentation location measuring 7m long x 1m wide is indicated on the plans. The travel path for wheel out of MGB's is relatively flat and free of steps and obstructions

This arrangement has been reviewed by Council's waste officer and is acceptable.

Waste estimations within the waste management plan for construction waste are adequate for development of the type and scale proposed.

Privacy, overlooking and boundary treatments

The proposed development has generally maintained the same setbacks as the existing building, with 3.3m side setbacks to both the east and west. Overlooking potential has been minimised in the design through the orientation of dwellings, with the majority of the rooms and the communal open space being oriented the front and rear, overlooking York Street and Creighton Lane.

All side boundary facing balconies to the west limit overlooking as they are flanked by boarding rooms and are recessed within the façade. As they are grouped together centrally

3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)

within the faced, rather than being spread out, any redevelopment of the site to the west can respond to their placement to avoid future direct overlooking.

The elevated breezeways to the east are appropriately screened to achieve privacy to neighbouring properties.

In addition, the development incorporates deep soil planting around the perimeter of the site that allows for landscaping that incorporates retained trees, particularly to the east, as well as new landscaping appropriate scale for the development that assist in breaking view lines.

Overshadowing

Shadow diagrams have been prepared for the development between 9:00am and 3:00pm, for 21 June (midwinter) in order to demonstrate a worst-case scenario for solar access and shadow impact on the shortest day of the year. The proposed development maintains a reasonable level of solar access for the properties to the immediate east and west.

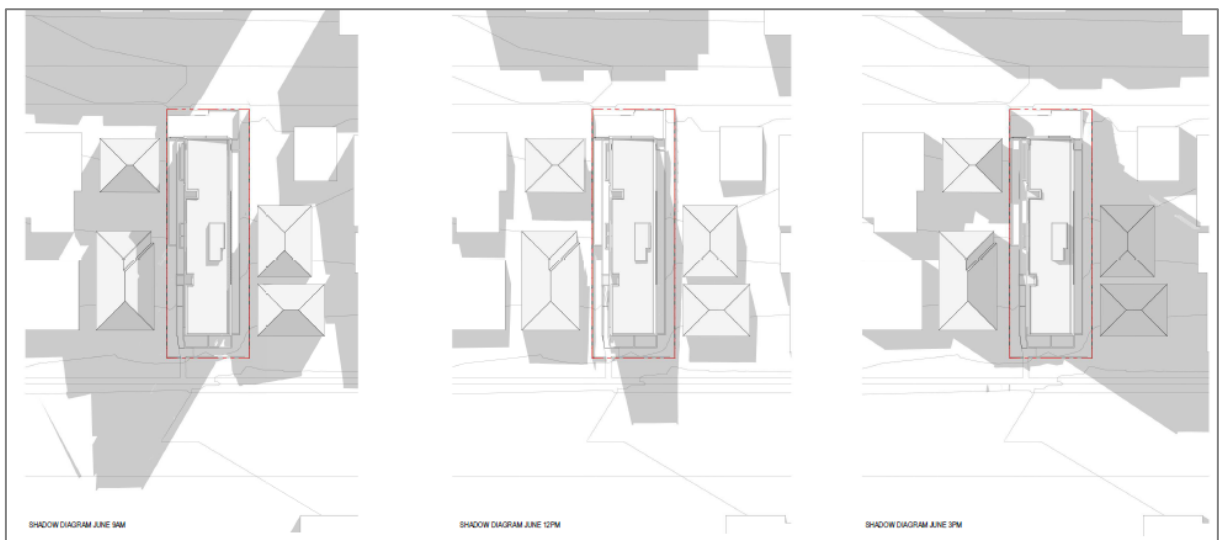


Figure 16 –Shadow diagrams - midwinter at intervals of 9am, midday and 3pm

Noise and Vibration

A Plan of Management ('POM') has been provided which includes a copy of the tenancy agreement and the house rules. The POM provides adequate noise mitigation measures to reduce the risk of noise impacts to adjoining properties.

York Street is mapped as a busy road corridor by NSW RMS carrying between 20,000 and 40,000 annual average daily traffic. The acoustic assessment has been reviewed and it generally meets the minimum requirements of the NSW Department of Planning Development near Rail Corridors and Busy Roads- Interim Guidance 2008.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Standard conditions in relation to construction noise and vibration.

Air quality

Dust suppression and control during demolition, earthworks and construction can be achieved by requiring the adoption of appropriate measures to minimise emissions into the surrounding environment. There is minimal potential for any uncontrolled or unmanaged air pollution, odour, fumes or other air quality impacts associated with the development on the site.

The car park is naturally ventilated, and all boarding rooms have openable windows that provide access to natural ventilation. All accessways and corridors are open to the air.

Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of York Street or Creighton Lane. The redevelopment of the site will result in a development consistent with that for a residential development in this location.

The submitted Erosion and Sediment Control Plan, Stormwater Plans, Water Cycle Management Plan and Report, Waste Management Plan, Arborist Report and Landscape Plan and Report ensure that potential environmental impacts are managed and mitigated throughout construction and operation.

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

Economic Impacts

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

Social Impacts

The application has been reviewed by Council's Social Planner in consideration of the submitted Social Impact Assessment and Plan of Management and the proposal is supported.

It is acknowledged that boarding houses are an important source of accommodation and the need for affordable and low-cost housing on the Central Coast is high. The provision of a mix of affordable housing will have beneficial social impacts as it will provide additional affordable housing in Gosford.

Suitability of the Site for the Development:

The site is accessible to public transport and facilities and the proposed development provides important social benefits in the provision of purpose-built affordable housing.

Although the development is four storeys in height and is higher than existing lower scale directly adjoining structures within the site context, the building form is considered compatible with the accepted future character of R1 zoned land, particularly in the context of being within the Gosford City Centre. The architectural design and treatment of the building will present well on all facades.

The design of the proposed development is in an appropriate form and layout that suitably balance the opportunities and constraints of the site. There are no significant site constraints or hazards that would render the location of the development as unsuitable.

**Any Submission made in Accordance with this Act or Regulations
Public Submissions**

The application was notified between 12 March 2021 and 12 April 2021. 22 Submissions were received, 21 objections and one letter of support. The issues raised in public submissions are detailed below:

Submission	Response
Too tall, bulky, out of character with the area Does not achieve design excellence	A Boarding house is a permissible use within the R1 General Residential zone. The built form complies with both the height, setback, and FSR controls and is consistent with the future character of the area and the wider Gosford City Centre. The design is of a simple and modern nature and adequately addresses the design excellence requirements.
Lack of car parking, pressure on street parking, bins impact on parking	The proposal meets the required number of parking spaces for a boarding house use. Creighton Lane is mostly marked as "no parking" for the majority of the lane thereby preventing the lane from becoming congested. The bin location doesn't not interfere with on street parking. The site is highly accessible to a range of public transport services and an extensive footpath and cycleway network to reduce dependency on motor vehicles for future residents.
Incorrect traffic generation rates, and	There is no rate specified for boarding houses under the RMS guidelines. It is considered that the additional traffic generated by the development can be catered for in the existing road network. The

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Submission	Response
traffic impacts on Creighton Lane	application was referred to TfNSW, and reviewed by Councils Traffic and Transport Engineer, who have raised no objection to the proposal. The proposed development is likely to result in only a minor increase in traffic (2-3 movements per hour).
Ambulance access to Legacy House during construction	It is noted that the main entrance to Legacy House is from Masons Parade however there is a rear entry from Creighton Lane. A Construction Traffic and Pedestrian Management Plan (CTPMP) is required by Condition 3.6 , and it must ensure that access to Legacy House via Creighton Lane will be maintained at all times during construction. It is noted that the Social Impact Assessment (SIA) has recommended that the construction/traffic management specifically addresses the preservation of vehicle access in the lane during construction activities
Increase in crime and antisocial behaviour, security concerns	A safer by design assessment has been undertaken and the application. The purpose-built design has been designed to minimise opportunities for crime and the plan of management includes measures for screening and managing intended residents.
Not a suitable area for a boarding house, should not be in residential areas, but in commercial areas with better services.	Boarding houses provide residential accommodation and are permitted in the residential zone, the site is located in a highly suitable residential area within the Gosford City Centre, that is very well serviced.
Concern over 'social' or 'government housing' disrupting the progress of Gosford's revitalisation	The proposed boarding house is neither government nor social housing. Providing affordable housing for key workers and students is an important part of a revitalised city centre.
Overshadowing	The impact of the proposal on solar access for the adjoining properties has been considered The applicant has undertaken a solar access analysis that indicates some impact on the adjoining properties to the east and west of the site however, given the north south alignment, the extent of impact is reasonable.
Noise impacts from the development to	The Plan of Management (PoM) contains reasonable hours of use of recreational areas - indoor communal area is not to be used after

Submission	Response
neighbouring properties	<p>midnight Friday and Saturday and not after 10pm on weekdays, the external open space area restricted to use between 9am and 9pm.</p> <p>These hours are as per the NSW EPA Neighbourhood Noise guidelines and are considered reasonable in terms of mitigating any impacts on the amenity of the surrounding neighbourhood.</p> <p>Conditions of consent are recommended requiring compliance with the PoM and <i>Boarding Houses Act 2012</i> which will result in the boarding house being required to operate in a manner that does not significantly impact upon residential amenity.</p>
Privacy impacts from the development to neighbouring properties	<p>Privacy impacts of the development have been considered in detail above. The design incorporates measures to reduce privacy impacts including screening and orientation of boarding rooms, along with maintaining the established development pattern set by the existing development.</p>
The rental costs does not represent affordable accommodation - \$250/wk (\$14/SMQ) as opposed to \$430/wk (\$6/SQM) for a 2-bedroom apartment.	<p>The ABS 2016 Census reported median personal income as \$709 per week. Adjusted by the Wage Price Index for succeeding years, this is presently assessed as approximately \$780 per week.</p> <p>Benchmarking this against Central Coast Council's standards, the proposed dwellings would be accessible/affordable to all low-income earners and some very low income earners.</p>
Stormwater / drainage issues	<p>Appropriate water cycle and stormwater management is proposed. The development includes on-site detention that will limit post-development flows to pre-development flows.</p>
Negative Impact on surrounding property value / prices	<p>There is no evidence to support this claim, and this is not a planning consideration.</p>
Building works have potential damage properties	<p>While the works are not considered likely to cause any damage, and will be managed through standard construction requirements, a condition is recommended to require dilapidation reports to ensure any damage is recorded and can be rectified (see Condition 3.12)</p>
Single occupancies are not good for the health and well being of residents	<p>The rooms may be single or double occupancy. A variety of housing choice are needed in any area, including single person households. The boarding house provides an affordable housing options, in a well serviced location and achieves an acceptable level of amenity for occupants.</p>

Submissions from Public Authorities

Transport for NSW

The development has frontage to the York Street and was referred to Transport for NSW for comment. They have provided comments in support of the proposal, subject to matters for Council's consideration, discussed above under the *State Environmental Planning Policy (Infrastructure) 2007* heading.

NSW Police

The application was referred to NSW Police for comment on 12 March 2021. NSW Police did not object to the proposal, but did make the following comments:

- CPTED principles have only briefly been covered within the Social Impact Statement
- A manager should be available onsite 24/7 to negate any social problems with may occur.
- Lack of parking can result in neighbours' disputes
- Lighting in the carpark should be a primary consideration and follow all minimum standards and guidelines.
- CCTV is recommended throughout the complex at all entry and exit points.

An onsite manager is proposed. The proposal meets the required number of parking spaces for a boarding house use under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The number of car parking spaces is a standard that cannot be used to refuse a consent if met. CCTV is proposed and will be required via condition, as will CPTED principles/strategies, management, and car parking lighting (see **Conditions 5.12, 5.18, 6.18, 6.19, 6.20, 6.21 and 6.25**)

Internal Consultation

The application has been referred to and reviewed by the following experts in council and is generally supported subject to conditions of consent. Comments from the experts are included below.

Development Engineer	Supported subject to conditions 2.4, 2.5, 2.6, 3.6, 3.7, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10
Traffic Engineer	Supported.
Environmental Health	Supported subject to conditions 2.9, 4.10, 4.11, 4.12, 4.13, 5.14, 6.14, 6.23, 6.24
Tree Assessment Officer	Supported subject to conditions 3.13, 4.13, 4.14

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Waste Services	Supported subject to conditions 4.7, 6.2, 6.23, 6.3, 6.4, 6.5, 6.6, 6.7
Water and Sewer	Supported subject to conditions 2.10, 2.11, 5.15
Social Planner	Supported subject to conditions 5.11, 6.8, 6.16

Engineering Comments

Road works

The site has two public road frontages, these being York Street on the southern frontage of the site, and Creighton Lane on the northern frontage of the site.

In York Street there is:

- Kerb and gutter across the full frontage of the site.
- Full road width pavement comprising dual lanes in both directions.
- Concrete footpath across the frontage of the site.
- Regulatory "No Stopping" restrictions across the frontage of the site.
- No vehicular access crossings within the site frontage.
- There is a historical vehicle crossing was made redundant when the existing unit development was constructed.
- The footway behind the footpath grades towards the site.

In Creighton Lane there is:

- Kerb and gutter across the site frontage.
- An existing vehicular access crossing.
- Regulatory "No Parking" restrictions across the site frontage.

Road works are not required for this development.

Access and parking

The development proposes to remove the existing vehicle access crossing in Creighton Lane and reconstruct a new vehicular access crossing to provide access to a basement bar park under the footprint of the building and 2 car spaces between the building and the Creighton Lane boundary. There are already two car spaces within this Creighton Lane setback area. The car park and access arrangements appear to generally comply with AS2890.1:2004 and AS28590.6:2009.

On-street parking is not available in the vicinity of the site in York Street and Creighton Lane due regard to the regulatory "No Stopping" restrictions in York Street and "No Parking" restrictions in Creighton Lane, and as such all parking needs to be provided on site.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

The application proposes 12 car parking spaces of which 10 spaces are proposed in the basement, and 2 spaces between building and Creighton Lane.

Flooding and drainage

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

The site grades from the York Street frontage to the Creighton Lane frontage of the site.

A Water Cycle Management Report prepared by SRB Consulting Civil Engineers (Project No 22020 Issue No 1 dated 20/01/21) was submitted with the application. This report addresses the requirements of Chapter 6.7 of Council's DCP2013 as follows:

- Water Conservation. To be addressed through the BASIX certificate.
- Retention Target. A 20,000 litre retention tank is proposed. This volume is above the minimum volume required, and twice the estimated weekly demand due to higher number than residents for the proposed development.
- Stormwater Quality. A treatment train approach is proposed to meet the required reduction targets specified in the DCP. This treatment train includes: Leaf guards on gutters; a first flush device on the water retention tank; a sediment trap within the on-site detention facility; pit insert on the boundary pit (e.g. 'Enviropod 200' or equivalent) to screen pollutants prior to discharge to the street drainage system.
- On-Site Detention (OSD). A runoff routing method ('Drains') was utilised in the design of the on-site detention system. A pre-developed impervious area of 0% was adopted as per the DCP requirements. An underground tank is proposed under the basement car park that has a volume of approximately 13m³. The allowable 50% volume of retention volume as OSD volume has not been claimed in this instance. The results indicate that the proposed on-site detention will limit post-development flows back to pre-development flows for all storms with recurrence intervals from the 20%AEP to the 1%AEP events.
- Local Overland Drainage. It is proposed that all habitable floor levels will be constructed above the surrounding ground level and overland flow paths will be provided through the development site to direct flows through the site towards the street.
- Flooding. The site is not affected by flooding or flood planning controls.
- Stormwater plan. A stormwater plan is included in the report (Project No 22020, Sheets 1-3, Issue A dated 20/01/21) to detail the stormwater management proposed in the WCMR.
- Operation & Maintenance. A maintenance and monitoring schedule has been included in the WCMR.

3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)

The proposed stormwater outflows from the site are greater than the maximum permitted for a direct kerb connection (25l/s). The stormwater management therefore also includes the provision of longitudinal street drainage (approx. 31m) within Creighton Lane from the site to Council's existing pit and pipe system at the lower end of Creighton Lane. This will facilitate connection of stormwater from the site to Council's piped stormwater system.

Traffic Comments

Due to the nature of the accommodation and location of the site, the proposed development is likely to result in only a minor increase in traffic which can be catered for by the existing road network, whilst parking in accordance with the requirements of ARH SEPP.

The application indicates that the proposed development would result in an increase in 26 traffic movements per day when compared to the existing development on the site. The surrounding road network would have the capacity to accommodate the additional traffic generated by the proposed development.

Based on RMS Traffic Generation Guidelines, each two-bedroom townhouse would generate approximately 5 trips per day, totaling 20 per day.

There is no rate specified for boarding houses under the RMS guidelines and the given the different nature of the development, the generally-less vehicle ownership of residents of boarding houses and the proximity to public transport of the subject site, it is not appropriate to apply the same (i.e. higher) daily trip rates of a medium density unit such as townhouse villa or apartment. Rather, boarding houses are more similar in terms of bedrooms and usage patterns to a seniors housing development, which generate traffic on the basis of 1-2 vehicle trips per day.

For the purposes of comparison and to take a conservative approach, the higher rate of 2 trips per day was used. When applied to 23 boarding rooms (including the manager's residence), this results in a total of 46 vehicle trips generated by the proposed development per day, which equates to an increase of approximately 26 trips per day.

For all trips to and from work, shops and school, assuming both morning and afternoon peaks 80% of development traffic will access the development via the Albany Street / York Street intersection. There are no right turns allowed to York Street at this intersection. Creighton Lane west of Albany Street has a wider road lane of approximately 6.5m. The local road network has limited capacity along Creighton Lane between Frederick Street and Albany Street where the lane is approximately 4.5m wide for two way traffic.

On-street parking is not available in the vicinity of the site in York Street and Creighton Lane due regard to the regulatory "No Stopping" restrictions in York Street and "No Parking" restrictions in Creighton Lane, and as such all parking needs to be provided on site.

3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room (contd)

The car park and access arrangements appear to generally comply with AS2890.1:2004 and AS28590.6:2009.

There is satisfactory pedestrian access from Creighton lane and Albany Street to York Street. There are regular nearby bus services on York Street for both directions both eastbound (to Erina and Terrigal) and westbound (to Gosford offices, shops and Railway station) directions.

For residents to use the west bound bus stop will create a demand for pedestrians to cross York Street where there are no direct current pedestrian crossing facilities such as pedestrian refuge available. However, there is a pedestrian crossing facility at the nearby Frederick Street / York Street signals, approximately 150m along York Street from Albany Street.

TfNSW letter cites Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway in Creighton Lane promotes safe vehicle movements. The available sight lines have been assessed and are acceptable.

Environmental Health Comments

Asbestos

Given the age of the existing buildings, Asbestos Containing Material is expected to be disturbed during demolition works, this is addressed by **Conditions 3.11 and 4.12.**

Contamination

Current and historic land uses include residential; therefore, the proposed development is considered suitable from a contamination perspective.

Noise

The site is located adjacent to a 'busy road', therefore demonstrated compliance with Clause 102 of the Infrastructure SEPP is required. The Acoustic Assessment has been reviewed. Unattended noise monitoring was completed over a 7-day period, at approximately the same distance from the road as the nearest façade of the boarding house building. To achieve compliance with the prescribed internal noise levels minimum glazing requirements are required for most external windows and doors. See **Conditions 2.9, 5.14 and 6.32**

The Plan of Management has been reviewed and is satisfactory. It provides adequate details on the relevant legislative requirements, manager arrangements, resident requirements, occupancies agreements, house rules, maintenance, dispute handling and complaints register, compliance inspections and emergency management.

Soils and Construction/ Water

The Erosion and Sediment Control Plans are satisfactory to meet the requirements of Clause 6.3 of the Gosford DCP.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Tree Comments

The subject application has been considered with its accompanying Arboricultural Impact Assessment by Treereport date Feb 2021 and noted that the proposal intends to retain existing trees at the front of the site, on road reserve and adjoining property.

Seven trees are proposed to be removed consisting of Jacaranda and small ornamentals near the rear boundary, a Cheese tree (10m high) along the side boundary and Privet within the building footprint.

The Landscape Plan nominates the use of mostly small and large shrubs, which is acceptable on this occasion due to the retention of most trees at the front of the site.

Concern was raised with the Project Arborists intention to retain Tree 5, a large Norfolk Island Pine, located on the adjoining property/boundary that will have further major encroachment into its root zone by the works and the likelihood of the arborists recommended tree sensitive design and construction techniques.

It was acknowledged that the Arboricultural Impact Assessment, discusses that the Tree 5 could be successfully retained using tree sensitive design and construction techniques.

An Engineering Report *Proposed Footings over Structural Root Zone*, dated 21/9/21, was provided concluding that it has a structural engineering solution that will satisfy the Arboricultural Impact Assessment. Of particular note, was the statement "results in no excavation in the SRZ".

To verify that the engineering solution satisfies the Project Arborists approach to tree sensitive design and construction techniques, it was recommended that the Projects Arborist provide a statement that concurs with and supports the Engineering Report *Proposed Footings over Structural Root Zone 21/9/21*. That statement was provided by the Arborist 19/10/21.

Waste Comments

The revised WMP is considered satisfactory.

Water and Sewer Comments

Water and Sewer are available to the land. The developer shall be required to submit an application to Council under Section 305 of the *Water Management Act 2000*, to obtain a Section 307 Certificate of Compliance.

Subject to the depth of the existing sewer main along Creighton Lane, the proposed development will be within the Zone of Influence of the sewer main. Therefore, the proposed

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

development will need to comply with the Council Building in Proximity to Sewer pipeline policy.

Social Planner Comments

A Social Impact Assessment and Plan of Management have been provided.

There is a need for more affordable housing on the Central Coast. Although housing is generally more affordable than in Sydney, average incomes are lower on the Central Coast. The 2016 Census showed that 35.7% of renters on the Central Coast were in housing stress, paying more than 30% of income on housing costs (33.5% in Point Frederick). Rental affordability on the Central Coast has decreased further recently with an influx of people from Sydney following COVID-19 restrictions. Rental and purchase prices have been rising and vacancy rates are at a low of only 0.4%.

The SIA states that the rooms will be let for around \$250/week which would make them affordable all low-income earners and some very low income earners.

The area has more flats/apartments than other parts of the Central Coast but still has limited studio apartments. This development will increase housing diversity by adding studio accommodation in Point Frederick.

Affordable housing must be well located, well designed and well managed. The location is appropriate for affordable housing, being close to Gosford CBD (offering retail, jobs, medical and other services) and with good access to public transport (trains, bus, freeway). There are adequate footpaths and cycleways surrounding the development.

The boarding house is purpose-built and appears to provide reasonable amenity to residents. There is limited outside private space but each studio has a private balcony, kitchenette, bathroom and laundry facilities.

The Plan of Management is comprehensive. There is an onsite Manager supported by an external Managing Agent. There appear to be appropriate house rules, complaints mechanisms, support for tenants, emergency arrangements, maintenance and cleaning arrangements etc.

The Public Interest

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

- The proposal will generate social and economic benefits for the community by providing additional affordable housing near public transport and services

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including *State Environmental Planning Policy (Gosford City Centre (2018))*, *State Environmental Planning Policy (Affordable Rental Housing) 2009* and Development Control Plan (Gosford City Centre)
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Ecologically Sustainable Principles:

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

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

Climate Change

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

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

Other Matters for Consideration:

Development Contribution Plan

The Gosford City Centre Special Infrastructure Contribution (SIC) determination came into effect on Friday 12 October 2018. A SIC levy of two per cent of the cost of development is required for new development within the Gosford City Centre. This applies to development located on residential and business zoned land that has a cost of development of \$1 million and over. See **Condition 2.8**

Section 7.12 contributions for the Gosford City Centre also applies; the contribution levy has been reduced from 4% to 1%. **Condition 2.17** is recommended requiring the development contribution to be paid prior to the issue of any Construction Certificate.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

Planning Agreements

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

Conclusion:

This application has been assessed under the heads of consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.













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

Reasons for the Decision

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

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Attachments

 1	Conditions of Consent		D15100060
 2	Architectural Plans	Provided Under	D14997909
 3	Landscape Plans	Separate Cover	
 4		Provided Under	D14466394
 5		Separate Cover	
 6	Plan of Management		D14466398
 7	Social Impact Assessment		D14467851
 8	Arboricultural Impact Assessment		D14499861
 9	Structural Report - Proposed Footings over		D14855200
 10	Structural Root Zone		
 11	Arboricultural Comment Letter		D14898718
 12			

**3.1 DA/60833/2021 - 14 York Street, Point Frederick -
Demolition and construction of a 23 room Boarding House including
Manager's room (contd)**

1. PARAMETERS OF THIS CONSENT

- 1.1. Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

Architectural Plans by: ADG Architects

Drawing	Description	Issue	Date
A000	Cover	B	16/08/2021
A100	Concept DA	B	16/08/2021
A101	GFA Calculations	B	16/08/2021
A200	Site Analysis / Demolition	B	16/08/2021
A201	Site Plan and Roof Plan	B	16/08/2021
A300	Floor Plans	B	16/08/2021
A301	Bin Diagram Plan	B	16/08/2021
A400	Elevations and external Finishes Schedule	B	16/08/2021
A401	Sections	B	16/08/2021
A500	Shadow Diagrams	B	16/08/2021
A501	Communal Solar Access Diagrams	B	16/08/2021
A600	Context Perspective	B	16/08/2021
A601	Height Plan Diagram	B	16/08/2021

Supporting Documentation

Document	Prepared by	Date
Landscape Plans, C1, C2 and C3 Rev B (D14466394)	Contour Landscape Architecture	18/01/2021
Acoustic Report (D15031991)	Spectrum Acoustics	04/02/2022
Arboricultural Comment Letter (D14898718)	treeREPORT Arboricultural Consulting	19/10/2021
Structural Report - Proposed Footings over Structural Root Zone (D14855200)	Geotron Engineering Consultants	21/09/2021
Waste Management Plan (D15095022)	ADG Architects	04/08/2021 Revision B
Plan of Management (D14466398)	Dr Katy Gregory - LANDIN Realty Pty Ltd	January 2021
Arboricultural Impact Assessment (D14499861)	treeREPORT Arboricultural Consulting	February 2021
Crime Prevention through Environmental Design Principles (D14855199)	Dr Katy Gregory - LANDIN Realty Pty Ltd	January 2021
Social Impact Assessment (D14467851)	K & L Pawlak – Aigis Group	January 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 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. The Landscape Plan (drawing C1 Rev B) and Ground Floor Plan (drawing A300 Rev B) are incorrect in that the plans indicate a small area of landscaping proposed within the Creighton Lane setback, where the 2 car parking spaces proposed, and shown on the Undercroft Floor Plan (drawing A300 Rev B).

Submit amendments to the approved plans to the Registered Certifier pursuant to the *Environmental Planning and Assessment Regulation 2000* that must detail:

- a) Updated Landscape Plan (drawing C1 Rev B) to allow for the approved car parking spaces within the Creighton Lane Setback, as per the Undercroft Floor Plan (drawing A300 Rev B).
 - b) Updated Ground Floor Plan (drawing A300 Rev B) to allow for car parking spaces within the Creighton Lane Setback, as per the Undercroft Floor Plan (drawing A300 Rev B).
- 2.3. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition
- 2.4. Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve. The application is to be lodged using an *Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works* form.

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

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

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

- a) Construction of an industrial/commercial vehicle type access crossing for the development including construction of a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing.
- b) Removal of all redundant vehicle gutter crossings / laybacks in Creighton Lane and replacement with kerb.
- c) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated.
- d) Construction of street storm water drainage in Creighton Lane to connect stormwater from the site to Council's existing stormwater system located in the north-western corner of Creighton Lane. The design shall be generally in accordance with the plan prepared by SRB Consulting Civil Engineers (Project No 22022, Drawing No 22022_01, Sheet 1 of 3 Issue A dated 20.01.21.)
- e) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.
- f) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

- 2.5. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.6. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
 - a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be

used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths. The design of the on-site detention system shall be generally in accordance with the Water Cycle Management Report prepared by SRB Consulting Civil Engineers, Ref: Project No 22022 Issue 1 dated 20/01/21.

- c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A nutrient and pollution control report including an operation and maintenance plan must accompany the design. The nutrient and pollution measures shall be generally in accordance with the Water Cycle Management Report prepared by SRB Consulting Civil Engineers, Ref: Project No 22022 Issue 1 dated 20/01/21.
- d) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design. The on-site stormwater retention measures shall be generally in accordance with the Water Cycle Management Report prepared by SRB Consulting Civil Engineers, Ref: Project No 22022 Issue 1 dated 20/01/21.
- e) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility and nutrient/pollution control measures to the approved connection with Council's drainage system located in Creighton Lane.
- f) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

- 2.7. Pay to Council a contribution amount of **\$45,775.55**, that may require adjustment at time of payment, in accordance with the Gosford City Centre (Civic Improvement Plan) Section 7.12 Development Contribution Plan.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies the contributions have been paid. A copy of this receipt must accompany the documents submitted by the principal certifier to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the offices of Central Coast Council, 49 Mann Street Gosford, or 2 Hely Street Wyong or on Council's website:

Development Contributions - former Gosford LGA

- 2.8. Obtain a determination by the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution - Gosford City Centre) Determination 2018 (2018 Determination). The developer must do so before the time by which a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making that determination, the developer is to provide the Planning Secretary with an up-to-date estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person may not apply for a construction certificate in relation to development the subject of this development consent unless the person provides, in connection with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and

Planning Secretary means the Secretary of the Department of Planning, Industry and Environment.

More information

Please contact the Department of Planning, Industry and Environment by email to:

SIContributions@planning.nsw.gov.au

- 2.9. Submit to the Registered Certifier evidence from a suitably qualified and experienced acoustic consultant that the detailed design is in accordance with the acoustic treatments recommended in the Acoustic Report RE Boarding House, 14 York Street, Point Frederick dated 4 February 2022 prepared by Spectrum Acoustics, and that appropriate mechanical ventilation has been provided to the building.
- 2.10. The developer shall be required to submit an application to Council under Section 305 of the Water Management Act 2000, to obtain a Section 307 Certificate of Compliance. The Application for a Section 307 Certificate under Section 305 Water Management Act 2000 form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.

- 2.11. Subject to the depth of the existing sewer main along Creighton Lane, the proposed development will be within the Zone of Influence of the sewer main. Therefore, the proposed development will need demonstrate that it complies with Council *Building In Proximity To Sewer Pipeline Policy and Procedure*, which can be found on Council's website: [Council/forms-and-publications/policies](#)
- 2.12. The thermal comfort the boarding house is to be demonstrated and provided to the Certifying Authority prior to the release of Construction Certificate in accordance with the requirements of Section J of the Building Code of Australia (BCA).

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

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

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

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

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

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

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

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

- 3.7. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Roads Act Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 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. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.11. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a) more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and

- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

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

- 3.12. Submit a dilapidation report to Council, the Registered Certifier and relevant adjoining property owners. The report is to be prepared by a suitably qualified person detailing the structural characteristics of all buildings located on properties immediately adjoining the site boundaries and any Council asset in the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

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

- 3.13. Tree protection is to be as per the recommendations of the Arboricultural Impact Assessment, prepared by Tree Report 16/2/21 ver 2, and Proposed footing over structural root zone by Geotron Pty Ltd 21/9/21.

A suitably qualified project arborist shall be engaged to establish the location of tree protection fencing required for trees on public and private land in the vicinity of works that are identified for retention and not subject to tree removal under conditions of consent.

- Tree protection fencing shall be erected to establish the tree protection zone and should be secured to restrict access. The tree protection fencing shall be installed before any machinery or materials are brought onto the site and before the commencement of works including demolition. Once erected, protective fencing must not be removed or altered without approval by the project arborist.
- Fencing shall be in accordance with AS 4687. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area.
- Fence posts and supports should have a diameter greater than 20 mm and be located clear of roots.
- Existing perimeter fencing and other structures may be suitable as part of the protective fencing.
- The tree protection fencing shall remain until the completion of the development and the issue of an occupation certificate.

4. DURING WORKS

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

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

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

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

- 4.4. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.5. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.6. Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, NBN or other communications provider) for the supply of services concurrently with the engineering works required by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.7. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan prepared by ADG Architects, Revision B dated 04/08/202.
- 4.8. 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.
- 4.9. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

- 4.10. Classify all excavated material removed from the site in accordance with NSW EPA (November 2014) *Waste Classification Guidelines* and/or the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.11. No soils to be imported to the subject site except for Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and/ or *Excavated Natural Material (ENM)* that meets the Resource Recovery Orders under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
- 4.12. Removal of greater than 10m² of non-friable asbestos and the removal of all friable asbestos must be undertaken by a licensed asbestos removal and in compliance with the *NSW Government Workcover How to Safely Remove Asbestos Code of Practice 2019*.
- 4.13. Implement all erosion and sediment control measures and undertake works in accordance with the approved Erosion and Sediment Control Plan. Update the plan as required during all stages of the construction or in accordance with the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction, Landcom, 2004*).
- 4.14. Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*.
- 4.15. Tree protection is to be undertaken as per the recommendations of the Arboricultural Impact Assessment, prepared by Tree Report 16/2/21 ver 2, and Proposed footing over structural root zone by Geotron Pty Ltd 21/9/21. Trees 5, 6, 7, 8, 9, 12, 13 14, 15, 16 18 and 19 are to be retained. A qualified arborist (AQF 5) must be on-site to oversee the works in relation to tree protection measures during critical stages of construction.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3. 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*.
- 5.4. Construct any additional civil works, where required by Council, to ensure satisfactory transitions to existing site formations and pavements where designs contained in the Roads Act Works Approval do not adequately address transition works.

- 5.5. Complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.
- 5.6. Complete construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.7. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.8. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.9. Amend the Deposited Plan (DP) for lot 1 DP 618378 to:
 - 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:
 - Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - 2) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Covenant(s) required:
 - a) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - i. the facility will remain in place and fully operational.
 - ii. the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - iii. Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - iv. Council is indemnified against all claims of compensation caused by the facility.

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

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

- 5.10. Complete Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: *Parking Facilities*, other applicable Australian Standards and the detailed designs and design reports within the construction certificate. Certification by a suitably qualified person that construction is complete is to be provided to the Principal Certifier.
- 5.11. Prior to the issue of an Occupation Certificate, the boarding house shall be registered in accordance with the Boarding Houses Act 2012.
- 5.12. Implement the Crime Prevention through Environmental Design (CPTED) principles and strategies detailed in the Crime Prevention through Environmental Design Principles Report dated January 2021 to minimise the opportunity for crime and also implement the following:
 - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
 - b) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
 - d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
 - e) install a system of Closed -Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.
- 5.13. Erect a 1.8 metre high fence along the length of the side and rear boundaries behind the building line.
- 5.14. Provide confirmation from an experienced and currently practicing acoustic consultant that all acoustic treatments recommended in the Acoustic Report RE Boarding House, 14 York Street, Point Frederick dated 4 February 2022 prepared by Spectrum Acoustics have been implemented and that the mechanical ventilation plant and equipment will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the nearest affected residence and property boundary.
- 5.15. Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate. Section 307 developer contributions shall apply.
- 5.16. Complete the landscaping works.
- 5.17. Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

- 5.18. Install a system of Closed Circuit Television (CCTV) of a type and in locations on the site that will provide high-quality images of all public areas within the site.

6. ONGOING OPERATION

- 6.1. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 6.2. Transport all waste generated on the premises to a facility which is licensed to receive that material.
- 6.3. No obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs, etc.
- 6.4. Comply with all commitments as detailed in the Waste Management Plan prepared by ADG Architects, Revision B dated 04/08/202.
- 6.5. Locate the approved waste storage enclosure / area as indicated on Drawing No. A301, Bin Diagram Plan, Rev B, dated 16/08/2021, prepared by ADG Architects.
- 6.6. Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
- 6.7. Place the mobile garbage/ recycling/green waste containers at the location as indicated on Drawing No. A301, Bin Diagram Plan, Rev B, dated 16/08/2021, prepared by ADG Architects at the kerbside no earlier than the evening prior to the collection day and return to the approved, screened waste bin storage location as soon as possible after service on the service day. The on-site manager / caretaker / owner are responsible for the placement and return of the mobile waste containers.
- 6.8. The use and operation as a boarding house shall be carried out in compliance with the approved Plan of Management, 14 York Street, Point Frederick, Revision 00, dated January 2021, prepared by Landin Realty Pty Ltd, except whereby modified by conditions of this consent.
- 6.9. Operate and maintain all external lighting so as not to impact on any adjoining property or roads.
- 6.10. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.11. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.

- 6.12. The managing agency shall regularly inspect the premises and consult with owners of adjoining properties on a regular basis and establish a complaint register to address any issues that arise such as noise, parking or amenity impacts.
- 6.13. The use of the internal communal area is restricted to 7am to Midnight Friday and Saturday and 7am to 10pm Sunday to Thursday
- 6.14. The use of the external communal area shall be restricted to between 9am and 9pm daily.
- 6.15. House rules and the Plan of Management shall be displayed in the common living area and each room.
- 6.16. The maximum number of lodgers is two adults per room.
- 6.17. The boarding house shall be operated in accordance with the Boarding Houses Act 2012.
- 6.18. The boarding house shall be managed by the on-site manager, as outlined within the Plan of Management submitted with the application. The boarding house manager shall be available at all times to ensure that the boarding house does not operate in a manner that disturbs residential amenity.
- Where the on-site manager is not on -site or available, an alternate 24 hours contact must be made available, which must be an appropriately qualified boarding house manager, to ensure safety for residents and amenity for neighbours.
- 6.19. The boarding house manager or management agency shall undertake regular assessments of the rental levels for the local area to ensure that the boarding house is affordable for intended residents.
- 6.20. Residents are to be appointed through a vigorous screening process and interviews by the boarding house manager or managing agency.
- 6.21. The boarding house manager or managing agency shall consult with owners of adjoining properties on a regular basis and establish a complaints register to address any issues that arise such as noise, parking and other amenity impacts, to ensure the safety and security for both residents of the proposed development and local residents. Any breach would result in a breach of the tenancy agreement and may result in a termination of the contract.
- 6.22. The Plan of Management submitted with the application shall be implemented and tenancy agreements shall be utilised. These mechanisms clearly identify to residents that anti-social behaviour will not be tolerated and may result in eviction from the boarding house.
- 6.23. The recommended actions specified in the Acoustic Report RE Boarding House, 14 York Street, Point Frederick dated 4 February 2022 prepared by Spectrum Acoustics must be complied with at all times.
- 6.24. The operation of all mechanical plant in combination is required to not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries

and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the nearest affected residence and property boundary.

- 6.25. Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas within the site.
- 6.26. Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.

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



14 York Street Point Frederick Plan of Management

January 2021
Revision 00

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Introduction

This plan of management addresses the operational issues relating to the proposed affordable housing project at 14 York Street Point Frederick.

The proposed development comprises of self-contained studios with on-site car parking and manager's residence. There is good access to public transport (bus and train) and the Gosford City Centre.

It is envisaged that the development will appeal to and accommodate trainee doctors at the new Doctors Training Facility at Gosford Hospital, University and TAFE students, health-professionals, educators, executives, and retirees who seek affordable, by way of nature, and conveniently situated housing.

Mission Statement

"To provide a safe and secure environment where residents are able to study/work and contribute towards the local community and in-turn foster and support economic growth on the Central Coast."

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Managing Agent Contact Details

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Contents

Table of Contents

Introduction	2
Mission Statement	2
On-Site Manager Contact Details	2
Managing Agent Contact Details	2
1. Plan of Management Overview	5
Building and Location Overview	5
NSW Boarding House Act 2012	6
Registration of Boarding House	6
References	6
2. Management arrangements	6
Onsite Manager Role	7
Managing Agent Role	7
3. Becoming a Resident	8
Application Form	8
Selecting residents	8
Identification	8
Rental History	8
Reference Check	8
Occupancy Agreements	8
Ending agreements	9
4. Resident Information Pack (Welcome Pack)	10
House Rules	10
Residents Legal Rights and Duties	10
General Rules	11
Noise Rule	11
Rules for Rooms	11
Access to Rooms	12
Common Area Rules	12
Rules for Visitors	12
Car Parking and Bike Storage Rules	13
5. Emergency Management	13
Evacuation Plan	13
Fire Safety	13

Important Phone Numbers.....	14
Safety on Site	14
Access.....	14
Signage	15
Security Camera	15
Suspicious Behaviour	15
Personal Property	16
First Aid	16
Motion Sensor Lighting	16
6. Maintenance	16
Room Maintenance and Inspections	16
Cleaning.....	16
Lawn and Garden Maintenance.....	16
Incidents Register.....	17
Waste Management and Recycling	17
7. Dispute Handling and Complaints Register.....	17
Handling a Dispute with a Resident	17
Handling a Dispute between Residents	18
Dealing with Aggression.....	18
Relationship with Neighbours and the Local Community	18
Crime.....	18
8. Local Council Compliance and Inspections	18
Council Consent Compliance Details	19
Council Inspections	19
Keeping Council Informed.....	19
9. Forms	19
Draft Resident Application Form	20
Draft Occupancy Agreement	26
Occupancy principles	29
Condition Report.....	30
Draft Incident Report	33

1. Plan of Management Overview

This Plan of Management (PoM) addresses the day-to-day operational matters of the proposed affordable housing project at 14 York Street Point Frederick. The proposal is for a new-generation boarding house consisting of 22 self-contained studio rooms and one manager's residence.

This document will be a reference guide for the management of the housing project to ensure effective administration. It will detail the operational procedures for screening and managing of occupants, site maintenance and compliance aspects for the entire site.

Effective management is key to ensuring all occupants are always safe and feel comfortable.

This PoM will be a living document and updated from time to time, both prior to and after development approval as required.

Building and Location Overview

The new generation boarding house is affordable due to its size. Rooms will appeal to and accommodate:

- trainee doctors and students attending the new Central Coast Clinical School at the Gosford Hospital,
- University and TAFE students,
- health-professionals,
- educators,
- executives
- retirees



and, others who seek affordable, by way of nature, and conveniently situated housing.

The rooms are similar to large hotel rooms, each being self-contained providing a kitchenette, bathroom, washing machine facilities and space for a bed and lounge/dining area. Balconies have been provided to all rooms to increase the amenity for occupants.

Located along the Central Coast Highway, occupants can take advantage of local conveniences such as restaurants, chemist, supermarkets and cafes. The housing project is only a short distance away from other local services, such as:

- Bus Stop
- Gosford Train Station
- Gosford City Centre
- University of Newcastle Medical Campus
- Gosford TAFE
- Imperial Shopping Centre



There is a bus stop 38 meters from the front of the building and Gosford Train Station is only a 20-minute walk which provides occupants easy access to public transport.

NSW Boarding House Act 2012

In May 2012, the NSW State Government announced significant reform to the boarding house sector.

The Boarding Houses Act 2012 aims to improve the standards of registered boarding houses by:

- establishing a publicly available register of registrable boarding houses in NSW,
- introducing occupancy rights for people living in boarding houses, and
- modernising the laws that apply to boarding houses accommodating people with additional needs.

The full text of the Boarding Houses Act 2012 and the Boarding House Regulations 2013 can be viewed or downloaded from the NSW Legislation website: www.legislation.nsw.gov.au.

Registration of Boarding House

As per the Act, the boarding house will be registered with NSW Fair Trading within 28 days of commencing operations.

The manager will also lodge an Annual Return (which sets out any changes to the registration details) within 28 days of the 12 month anniversary of the date of their initial registration, and notify Fair Trading NSW within 28 days of the cessation of the premises being used as a boarding house.

References

- The Boarding House Act 2012
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- NSW Fair trading – Boarding Houses, April 2014
- NSW Civil and Administrative Tribunal (NCAT), January 2014
- Basics for Operation of Boarding Houses, The Property Owners' Association of New South Wales, www.poansw.com.au, 2003-2014.
- Registered accommodation association of Victoria's 2013 publication "Running a Better Rooming House"
- Running a better rooming house, A best practice handbook for operators, 3rd Edition (2014) - Registered Accommodation Association of Victoria.
- NSW Government's circular 'Boarding Houses Act 2012 -Guide for Councils June 2013',
- Housing NSW website
- NSW Government website
- NSW Fire & Rescue website
- Office of State Revenue website
- NSW EPA Neighbourhood Noise
- CPTED (Crime Prevention Through Environmental Design) Principles Report, Landin, January 2021

2. Management arrangements

The onsite manager will reside on the premises and will oversee the day-to-day operation of the accommodation including matters such as general maintenance, cleanliness of common areas, moving the bins to and from the curb and observance by lodgers of house rules. The onsite manager will be assisted by non-resident contractors who may work casually on site to cover such duties as the up-keep of gardens/lawns and building maintenance.

Operations will be overseen by an off-site managing agent experienced in the administration of large scale commercial infrastructure.

Onsite Manager Role

The onsite manager will provide a point of contact for occupants, neighbours, and emergency services in respect to the operation of the boarding house.

The onsite manager will:

- Keep a register of maintenance requirements identified by residents and either remedy or pass requirements to the Managing Agent promptly for engagement of relevant tradespersons.
- Maintain a register of occupant complaints and incidents (noise etc.) and notify the Managing Agent of such complaints.
- Oversee the maintenance of grounds, common areas and facilities to ensure they are always kept in a clean and tidy manner. The onsite manager will also undertake periodic inspections of the rooms to ensure that they are being maintained in a clean and tidy fashion.

The onsite manager will be selected preferably with the following experience and checks:

- Must be over 18 years of age,
- Appropriately skilled and experienced in communicating successfully with a variety of personalities, have problem solving skills, and general property maintenance abilities;
- A current first aid certificate; and
- A Criminal Records Check.

Immediate neighbours of the boarding house will be provided with contact details (in writing) of the onsite manager, including a mobile telephone number. If the contact details of the onsite manager change then arrangements shall be made to re-notify those residents within 14 days.

Managing Agent Role

The Managing Agent will be responsible for the efficient operation, administration, cleanliness and fire safety of the premises including compliance with all aspects of the PoM, annual registration, annual Fire Safety Certification as well as emergency management.

The Managing Agent will visit the boarding house regularly to remain familiar with the site. They will oversee the maintenance of the grounds, common areas and facilities to ensure they are always kept in a clean and tidy manner. The Managing Agent will also undertake periodic inspections of the rooms to ensure that they are being maintained to a suitable standard. It will also be important for the Managing Agent to build and maintain good relationships with neighbours and the local community.

The Managing Agent will oversee all residential occupancy agreements and management of residents. They will enforce house rules in a written and formal nature and if necessary, will attend NSW Civil and Administrative Tribunal (NCAT).

The Managing Agent will have access to security camera footage of common areas and grounds to ensure house rules are abided by and notify the Onsite Manager if required.

The Managing Agent will:

- Be over 18 years of age,
- Hold the relevant certificates,
- Be experienced in property management and have excellent written and oral skills,
- Be personable and a problem solver, and
- Have a Criminal Records Check.

3. Becoming a Resident

Application Form

Every applicant is required to complete a Resident Application Form in full. The form will be available from the Onsite Manager and Managing Agent. Along with the completed form, prospective residents will need to submit copies (front and back) of relevant identification documents to satisfy the required 100-point identification check.

Copies of additional documents to support their application will include:

- Proof of previous rental history (rental receipts or tenancy history)
- Proof of current address (utility bills or council rates notice)
- Proof of employment and income (payslips, bank statements etc., or tax returns and business registration if self-employed)

Written references from a previous managing agent or landlord, and/or employer will also be required.

Selecting residents

Residents will be selected on the following criteria:

Identification

- All applicants must provide suitable identification in line with the 100-point identification check.
- All occupants must be 18 years or older.
- Must be a student, employee or have a source of income.
- Non-Australia residents must hold a work/student VISA, a Student ID, provide a bank statements and/or show proof of financial resources.

A head shot photo will be taken of each resident and kept on file.

Rental History

It is preferred that rental history be verified from an unbiased source.

Reference Check

Personal and previous landlords/agents opinion of the applicant will be checked with regards to the following questions:

Personal References:

- How long each person has been or was affiliated with the prospective resident?
- Person's opinion of the reliability of the prospective resident with regards to payment of rent and upkeep/cleanliness of residence.

Previous Rental References:

- Any complaints filed against the prospective resident?
- What condition was the rental premises left in?
- Were required payments attended to on time?

Occupancy Agreements

When a resident agrees to take accommodation within the boarding house, it will be strict practice that the following documents are agreed to and signed by a manager and resident prior to entry:

- Occupancy agreement, which is a contract between the operator and the resident that outlines the terms and conditions of the occupancy. Each agreement will be for one room and be for a term of at least a three-month period.
- Condition Report, contained in the Forms section of this document, will be signed and returned within one day of taking up occupancy.
- House Rules

The Occupancy Agreement will ensure that all parties know they are residing in a boarding house and that the agreement is not a residential tenancy and does not fall under that legislation. It is essential that the resident is aware that breach of the agreement and house rules are conditions that may terminate the occupancy.

The standard occupancy agreement developed for boarding house operators and residents as well as the Occupancy Principles can be found as an attachment to this document.

In the case of a breach of the agreement the Occupancy Principles can be enforced through the NSW Civil & Administrative Tribunal (NCAT).

Along with the above documents, general information regarding the boarding house operation and local area will be provided in the Residents Information Pack.

Ending agreements

The Occupancy Agreement sets out the amount of notice residents are required to give before the proprietor or resident can end an Occupancy Agreement.

Notification of ending an agreement from either the resident or proprietor shall be in writing.

Reasons for terminating an agreement are listed in the tables below.

Reason for Termination by Proprietor	Minimum Notice Period
Violence or threats of violence towards anyone living, working or visiting the premises	<i>Immediate*</i>
Willfully causing damage to the premises, or using the premises for an illegal purpose	<i>1 day</i>
Continued and serious breach of the house rules following a written warning	<i>1 week</i>
Negligently causing damage to the premises	<i>1 week</i>
Minor breach of the house rules, following a written warning	<i>2 weeks</i>
Non-payment of the occupation fee	<i>2 weeks</i>
Any other breach of the agreement	<i>2 weeks</i>
Vacant possession is required, for example because the premises have been sold or require renovation or demolition or there is to be a change in the use of the premises.	<i>4 weeks</i>
No grounds/any other reason (as stated in the termination notice)	<i>4 weeks</i>

* Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	Minimum Notice Period
---	------------------------------

Breach of Agreement by proprietor	<i>1 day</i>
No grounds/Any other reason	<i>1 week</i>

The agreement terminates when either of the following occurs first; when the notice period expires or when the resident vacates.

On the day of departure, if no damage has been sustained and the resident has fulfilled their obligations as per their signed Occupancy Agreement, then the Managing Agent will arrange for the full amount of the resident's deposit to be returned within 14 days.

4. Resident Information Pack (Welcome Pack)

Creating a caring attitude with a new resident helps create a welcoming, friendly environment, so it is important that each resident feels comfortable and understands the procedures of the boarding house.

Upon taking up residency within the boarding house each new occupant will receive a Resident Information Pack (Welcome Pack) which contains the house rules, their rights and obligations, and information about the local area.

The Residents Information Pack will contain:

- The Occupancy Agreement
- House Rules including use of common areas, visitors etc.
- Document covering resident's legal rights and duties
- Condition Report
- Safety onsite and emergency phone numbers
- Locality map
- Local information, e.g., community groups and sporting groups, etc.
- Transport information
- Information on local community services (Doctors, Pharmacies, Council services etc.)
- A list of places for meals, affordable food shops, etc.
- Mail collection

The Onsite Manager will provide a tour of the site and explanation of facilities.

House Rules

Residents are obliged to observe the provisions of these House Rules and will be asked to read and sign their acceptance.

Changes to the House Rules must be in writing and residents given seven days' notice before they are enforced.

Residents Legal Rights and Duties

As a resident of a boarding house the occupant is entitled to:

- be given a copy of the Occupancy Agreement
- know the House Rules of the boarding house before moving in
- not be required to pay a penalty for breaking either the House Rules or the Agreement
- live in premises that are reasonably clean, in a reasonable state of repair and reasonably secure
- know why and how the agreement may be ended

- know how much notice will be given if agreement is ended
- be given reasonable written notice of eviction
- not be evicted without reasonable written notice
- have quiet enjoyment of the premises
- be given the opportunity to resolve disputes using reasonable dispute resolution processes
- not be charged more than 2 weeks occupancy fee as a security deposit
- receive the security deposit back within 14 days of the end of the agreement less certain allowable deductions
- be given 4 weeks notice of an increase to the occupancy fee
- be given receipts for any money paid to the proprietor
- be notified before signing an agreement if there will be a charge for utilities

General Rules

- Abusive language, bullying, anti-social behaviour will not be tolerated and will result in a written warning
- Alcohol may be consumed in a responsible manner
- Intoxicated persons will not be tolerated and will be given a written warning
- Smoking is not allowed anywhere within the boarding house or anywhere on the grounds
- Illegal drugs and illegal activities will be reported to police immediately
- No animals allowed on site
- All rubbish must be disposed of hygienically and bins in rooms are to be emptied into the communal waste bins daily
- Respect others property and privacy
- Ensure cleanliness of shared facilities, e.g., common areas, car park etc.
- Never leave a door propped open, this includes doors to rooms, fire escapes and access doors
- Residents are required to pay for any loss or damage of the property caused by themselves or their visitor

Noise Rule

The quiet enjoyment of occupants and its neighbours is very important and therefore noise should be kept to a minimum. To facilitate this no resident should make any noise that can be heard from another room or resident of a nearby property.

Quiet hours, meaning no disruptive music, large groups in common areas, loud voices, etc. before 8am or after 10:00 pm weekdays or after midnight on any Friday, Saturday or the day immediately before a public holiday. These hours are in line with noise restrictions as per the NSW EPA Neighbourhood Noise: <http://www.epa.nsw.gov.au/noise/neighbourhoodnoise.htm>

Rules for Rooms

- Maintain room in a clean and tidy manner
- Never leave cooking unattended
- Keep cooking areas free from grease and dust
- Turn off all taps, shower, lights, air-conditioners and other electronic devices/appliances upon leaving the room
- Electrical items are not permitted in the room without prior consent of the onsite manager: e.g. hotplates, fry pans, heaters etc.
- Do not leave electrical appliances like hairdryers and laptops on bedding
- Ensure monitors, laptops, televisions etc. have good air flow around them

- Never misuse electrical equipment
- Do not leave candles, incense, or oil burners unattended or burning while asleep. Keep them away from curtains and other flammable items.
- Doors and windows must be closed when using the air-conditioner
- No smoking in the rooms or anywhere on the site
- Report maintenance problems to the onsite manager
- Any damage caused by the resident or their guest is to be paid for by the resident. This includes damage to the furniture, linen, lamps, or anything else provided in the room that is not the resident's property, as well as to items in the common areas.

Access to Rooms

Periodic access will be required to ensure residents maintain their room in a clean and tidy manner. Notification of access will be given in line with the following table and notification periods.

Reason for Access	Notice Period
In the case of an emergency, including emergency repairs.	<i>Immediate access</i>
To clean the premises	<i>24 hours</i>
To carry out repairs	<i>24 hours</i>
To show the room to a prospective resident	<i>24 hours</i>
To carry out routine inspections	<i>48 hours</i>

Occupants found to be in breach of their Occupancy Agreement and/or House Rules will be given a written warning.

Common Area Rules

- The external open space areas shall not be used outside the hours of 9am to 9pm
- The communal room is not to be used after midnight on a Friday and Saturday night and 10pm on any other night except with prior permission of the Onsite Manager. These time restrictions are as per the guidelines of the NSW EPA Neighbourhood Noise: <http://www.epa.nsw.gov.au/noise/neighbourhoodnoise.htm>
- Dress in a respectable manner in all common areas
- Remove all personal items when leaving the common areas
- Place all rubbish in the waste bins provided
- Keep noise to a minimum
- Clean up after use

The Onsite Manager is authorised to ask residents and visitors to vacate any common areas at any time if the level of noise or behaviour is deemed unacceptable or the House Rules are breached.

Rules for Visitors

- Visitors cannot enter the building without a resident
- Any non-resident found to be in the building unaccompanied will be asked to leave immediately
- Residents are requested to pay for any loss or damage of the property caused by their visitor
- All visitors must abide by the House Rules

The above rules must be followed for proper management of visitors. This will ensure residents will feel secure that no unauthorised people are coming into the building.

Car Parking and Bike Storage Rules

- Onsite car parking is only available if specified in the Occupancy Agreement
- Bicycle and motorcycle parking facilities are provided and only available if specified in the Occupancy Agreement
- Cars and motorbikes which are excessively noisy will not be allowed onsite
- Residents whose cars are rarely used will not be permitted to remain within the car park
- Residents who drive dangerously or irresponsibly onsite will lose their parking privileges

Preference will be given to applicants for accommodation who do not own a car.

5. Emergency Management

In the case of an emergency call 000.

The phone numbers of appropriate contacts (Onsite Manager and Managing Agent) will be displayed in common areas and individual rooms.

An emergency management plan will be developed detailing:

- evacuation procedures in the event of an emergency,
- identifying assembly point and
- detailing how residents are to be made aware of the procedures in the plan.

Copy be given to managers and all residents and available for viewing.

Evacuation Plan

A plan showing the fire exits and fire assembly points will be prepared in accordance with the National Construction Code (previously known as the Building Codes of Australia) requirements. Copies of this plan shall be attached to the inside of all room entry doors.

Fire Safety

Fire safety is paramount for residents of the boarding house. The building design has complied with relevant provisions of the National Construction Code and the Environmental Planning and Assessment Regulation 2000 relating to fire safety.

To ensure the safety of occupants in the event of fire:

- A copy of the annual fire safety statement and the current fire safety schedule for the premises must be prominently displayed in the foyer.
- A floor plan must be permanently fixed to the inside of the door of each room to indicate the available emergency egress routes from the respective room.
- Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority.
- The premises will provide annual certification for the following:
 - Essential fire safety measures to comply with the Environmental Planning and Assessment Regulation 2000
 - Compliance with the Operational Plan of Management approved for the premises
 - Maintenance registers required by the plan

- Compliance with Emergency Management and Evacuation Plans required by the National Construction Code.
- A floor plan must be permanently fixed to the inside of the door of each room indicating the available emergency egress routes.

Additional to the annual inspections the following will take place when necessary and in-between occupants:

- Smoke alarms will be checked regularly and between occupants. Periodic checks will include decibel, button, sensitivity tests, and scheduled battery replacement
- Maintenance of cooking appliances
- Cooking areas free from grease and dust
- Fire extinguishers and fire blankets
- Entrances and exits to the building are always kept clear
- Emergency lighting and exit signs
- Ensure evacuation plans are prominently displayed

Important Phone Numbers

● Police/Fire/Ambulance:	000
● SES assistance in floods and storms:	132 500
● Police attendance:	131 444
● NSW Poisons Information Centre	13 11 26
● Crime stoppers	1800 333 000
● Mental Health Line	1800 011 511
● Lifeline	13 11 14
● Domestic Violence and Sexual Assault Helpline	1800 200 526
● NSW Rape Crisis Centre - Counselling	1800 424 017
● Victims Support Line	1800 633 063

Emergency contact numbers for utilities such as gas, electricity, plumbing etc. will be short listed for the Onsite Manager and Managing Agent.

Safety on Site

Access

Access to the boarding house has been treated as a prime factor to prevent non-residents entering the building without authorisation and in some cases without invitation from residents. Access will be via a proximity card, which will be unique to each person and have an associated head shot (photo) kept on file.

Common entrances will always remain locked and are only accessible via proximity card. All entry and exit doors will be alarmed if propped open.

The following table from the CPTED (Crime Prevention Through Environmental Design) Principles report by Landin January 2021 describes each access point and the associated safety benefit.

Design Attribute	Description	Outcome
Accessing site	Access for residents onto the site will be through one of two pedestrian entries or a roller door at the driveway by way of a proximity card.	The public will not be able to wander freely across the site making it easier for residents to identify an intruder.
Resident entry	Residents can use the pedestrian entry from York Street or enter through the car park using their proximity card, which is unique to each person. Once inside the car park entry into the building will be via the fire stairs or elevator. This will be clearly identified through signage. All doors will sound an alarm if propped open for more than a certain period e.g. 30 seconds.	The mechanical access points will stop non-residents from entering the building without invitation or authority. Pedestrian entry points to the site have been limited to two (front and rear) and one vehicular access which reduces the number of points requiring surveillance.
Exit Doors	The building has one set of fire stairs located in the centre of the building as well as front and rear pedestrian exits.	Occupants will not feel trapped and can use either the elevator or stairs to access the car park, then either of the pedestrian exits.
Boundary fence and landscaping	The dwarf fence, retaining wall and landscaping at the front of the site will extend the width of the block. There is also a fence to both the East and West of the building to segregate the site from the public.	Rooms with North and South facing balconies/windows will maintain site lines to the street to encourage surveillance. The location of the manager's residence will also help control and deter access from intruders.

Signage

To ensure residents always know their exact location within the building and avoid disorientation. Rooms are numbered by floor i.e. A room on Level 2 is named 2.01. Suitable signage is on display throughout the building, specifically around the elevator/stairs to direct residents to their room, car park, common areas and manager's office.

Security Camera

Security camera will be installed within indoor and outdoor common areas, car park and around the perimeter of the building.

Cameras will record continuously to monitor activity for surveillance purposes.

Suspicious Behaviour

Residents are encouraged to report suspicious behaviour to the Onsite Manager. Especially those residents overlooking the car park and landscaped areas.

Personal Property

It is important to protect personal property, by ensuring doors to each room are never left open and not leaving items unattended in the common areas.

First Aid

First Aid facilities are located at the Onsite Manager's office. The Onsite Manager is also trained in first aid.

Motion Sensor Lighting

Motion sensor lighting will be installed around the perimeter of the building, in the car park and waste facility area. The rear of the building, pathways, stairs, and entrances/exits will be well lit. It will be designed to avoid shadows and glare that can occur from too-bright security lighting. Lighting will be placed at a proper height for illuminating the faces of people in the area for identification.

Internally, the common areas, laundry, halls, stairs and storage areas will have motion sensor lighting.

6. Maintenance

Room Maintenance and Inspections

Regular inspections to ensure the rooms are kept in a clean and damage free condition will be performed by the Onsite Manager or Managing Agent.

Should maintenance problems arise within the room (e.g. light bulbs, toilets blockages, etc.), residents will be advised to contact the Onsite Manager to resolve the issue as quickly as possible.

Each room may contain the following items and will be checked at each inspection:

- Double bed
- Lounge, Table and Chairs
- Waste container and recycling container
- Curtain/Blinds
- Bathroom and any laundry equipment
- Kitchenette:
 - o Basic kitchen utensils, knives, forks, plates, cups etc.
 - o Fridge/freezer
 - o Toaster
 - o Microwave
 - o Hot plate

Cleaning

Common areas will be checked morning and afternoon and cleaned weekly or as needed.

The common areas will be treated with vermin control annually, or more often if required.

Lawn and Garden Maintenance

Lawns and garden will be kept tidy and trimmed.

Lawns will be mowed as needed.

Incidents Register

An incident register will record a summary of all accidents and incidents that have occurred within the grounds of the boarding house. This information will be reviewed regularly to manage and prevent further risk or injuries.

An incident report form is included in the Forms section of this document.

Waste Management and Recycling

Waste management is to be undertaken in the following manner:

- Waste will be disposed into separate bins for recycling (plastics, metal, glass, paper) and general waste.
- Waste will be collected on a weekly basis.
- Residents will be required to take rubbish to the common waste facility regularly.
- Empty bins will be washed to maintain appropriate levels of hygiene.
- The Onsite Manager will remove rubbish in common areas.

7. Dispute Handling and Complaints Register

Regular communication with residents and neighbours is important to maintain good relationships within the boarding house and with the local community.

Disputes will be addressed promptly to avoid any issues escalating.

Complaints and any possible suggestions by residents and the community are welcomed for the continual improvement of the boarding house operations.

All complaints will be entered into a register to monitor repeat offences or reoccurring issues.

An example of the register is below:

Date	Time	Mode of Complaint	Complaint made by	Room or Address	Complaint	Action taken to Remedy	Report on Resolution
dd/mm/yyyy	11:15	Phone	John Smith	2.1	Noise from communal room	Attend communal room to request residents leave the area.	Written warning given to Mary Lamb (Room 3.1)

Handling a Dispute with a Resident

If there is an issue with a resident, the Onsite Manager will try to resolve it quickly by carefully listening to the resident's complaint. It is important that the Onsite Manager does not become personally involved. Depending upon the nature of the dispute the Managing Agent will also oversee the correspondence. In general, the following actions will be taken:

- Identifying and calling upon any independent witnesses to a dispute
- Taking action in accordance with the House Rules and relevant legislation
- Rescheduling the meeting to the next day if the resident is affected by drugs or alcohol
- Attempting mediation through NCAT only if other resolution strategies are not successful

Handling a Dispute between Residents

Disputes that occur between residents need to be resolved quickly and peacefully for the benefit of the people involved in the dispute and other residents.

It is important for the Onsite Manager and Managing Agent to be fair to both parties and not to take sides. Several options will be suggested to remedy the issue and the parties will be invited to decide on a suitable solution.

Residents who behave in a threatening manner or use foul language will not be tolerated and given a written warning. If the dispute escalates police will be contacted.

Dealing with Aggression

If a person onsite becomes aggressive, techniques to calm the person by listening and diffusing the situations will be utilised by the Onsite Manager. If the manager or any resident believes the aggressive behaviour is too difficult to manage Police will be contacted immediately.

Advice for handling aggressive behaviour include:

- Using self-control not to become personally involved with the aggressor
- Focus on the problem not on the aggressive behaviour
- Speak clearly and be assertive
- Use non-aggressive body language
- Maintain eye contact
- Continually assess the situation and if it is escalating leave the situation and call Police
- Recognise the potential for danger early

Relationship with Neighbours and the Local Community

To ensure the neighbours and immediate community of the boarding house develop a good relationship with the management, the following will be of utmost importance:

- The exterior appearance of the building will be maintained in an excellent condition
- Neighbours will be invited to view House Rules
- Neighbours will be issued with the mobile phone number of the managers to contact for urgent issues
- Regular checks for littering or loitering of residents by the Onsite Manager
- Excessive noise is banned and monitored by the Onsite Manager
- A new resident will be explicitly told why it is important to respect neighbour's privacy and their rights to peace, quiet and safety as per their Occupancy Agreements

Crime

Residents should immediately report to the Onsite Manager if they witness a criminal offence or potential for an offence to occur. The Onsite Manager will take the necessary steps to ensure the safety of all residents and contact Police immediately.

Any criminal activity will not be tolerated and the resident will be asked to vacate immediately. The offence will be reported to Police.

Residents will be screened, references checked and emergency contacts kept up to date to prevent crime.

8. Local Council Compliance and Inspections

Council Consent Compliance Details

****Insert Council consent compliance detail here once final development approval has been issued.*

Council Inspections

The Boarding House Act provides councils with new powers to gain access to boarding houses in order to conduct inspections and to ensure the premises comply with the council's own policies and relevant laws such as the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Proof of compliance with the accommodation standards including the occupancy rates for each of the rooms, room furnishings, communal areas, facilities and access may be requested by Council.

The complaints register will be made available to Council for inspection.

Keeping Council Informed

The Onsite Manager's contact details will be provided to Council and the nominated person is contactable 24 hours per day, 7 days a week. Any changes are to be notified to the Council immediately.

9. Forms

Forms relevant to the boarding house are annexed here.

14 YORK STREET AFFORDABLE HOUSING

Draft Resident Application Form

Applicants Details

Given Name/s			
Surname			
Postal Address			
Mobile Number			
Email Address			
Date of Birth			
Driver's License Number		State	
Passport Number		Country	
Car Registration		Year/Model	
Car Registration			

Rental Details

Commencement Date	
Desired Term (Minimum Term 3 months)	
Weekly Occupancy Fee	
Special Requests (level, view etc)	

Applicant History

Current Address	
How long have you lived at your current address?	
Why are you leaving this address?	

Agent/landlord Name	
Agent/landlord Phone Number	
Weekly Rent Paid	
Previous Address	
How long did you live at this address?	
Agent/landlord Name	
Agent/landlord Phone Number	
Weekly Rent Paid	
Was the security deposit (Bond) refunded in full?	
If no, why?	

Employment History

Occupation						
Type	Full Time		Part Time		Casual	
Employer's Name						
Employer's Address						
Contact Name						
Phone Number						
Length of Employment						
Net Weekly Income	\$					
Previous Occupation						
Type	Full Time		Part Time		Casual	
Employer's Name						

Employer's Address	
Length of Employment	
Net Weekly Income	\$

Emergency Contact Details

Given Name/s	
Surname	
Relationship to you	
Home Phone Number	
Work Phone Number	
Mobile Number	
Please note: We may contact this person to assist you, should your rent fall into arrears.	

Reference 1

Given Name/s	
Surname	
Relationship to you	
Phone Number	

Reference 2

Given Name/s	
Surname	
Relationship to you	
Phone Number	

Payment Details

Weekly Rate	\$
First Payment of rent in advance of 2 weeks occupancy fee	\$
Rental Security Deposit equivalent to 2 weeks occupancy fee	\$
Sub Total	\$
Less: Optional Holding Deposit (<i>See Holding deposit section below</i>)	-\$
Amount Payable on signing Agreement	

100 Point Check

Please provide non-returnable copies of the following documentation with your application.	
<ul style="list-style-type: none"> - A minimum of 100 Check Points is required for each applicant. - Points must be made up from each of Sections A, B and C as shown. 	
Section A: Proof of Identify(30 Points) <i>You must provide one of the following</i>	Number of Points
Divers License	
Passport	
Birth Certificate + Photo ID	
Section B: Proof of Income (30 Points) <i>You must provide at least one of the following</i>	Number of Points
Last Pay Advice	
Current Bank Statement <i>(must show sufficient funds to meet rental payments)</i>	
Section C: Supporting Documentation (40 Points) <i>You must provide at least 40 Points of the following documentation</i>	Number of Points
Current Rental Ledger (from Agent) 40 Points	
Last 2 Rent Receipts 20 Points	
Two written References 20 Points	
Recent Rates Notice 30 Points	
Vehicle Registration Papers 10 Points	
Current Electricity/Phone Account 10 Points	

Total Points (A + B + C) <i>Minimum 100 points required</i>	
Please note: The points system has been designed to suit the majority of our applicants. If you are renting for the first time or have difficulty achieving 100 check points, please call to discuss alternative checks that may be conducted.	

Declaration

I confirm the following:

I have inspected the room that I am applying for:	Yes		No	
During my inspection of this room I found it to be in a reasonably clean condition	Yes		No	
If no, I believe the following items should be attended to prior to the commencement of my agreement. I acknowledge that these items are subject to the proprietor approval.				

TERMS & CONDITIONS

I hereby offer to rent the room from the proprietor under an agreement to be prepared by the Agent. I acknowledge that I will be required to pay the amounts as specified in Payment Details Section.

I acknowledge that this application is subject to the approval of the proprietor. I declare that all information contained in this application is true and correct and given of my own free will.

I declare that I have inspected the premises and am not bankrupt.

I authorise the Agent to obtain personal information from:

- (a) The proprietor or the Agent of my current or previous residence;
- (b) My personal referees and employer/s;
- (c) Any record, listing or database of defaults by resident;

If I default under an occupancy agreement, the Agent may disclose details of any such default to tenancy default databases, and to agents/landlords of properties I may apply for in the future.

I understand that this agent is a member of TICA and NTD tenancy default databases and that the Agent may conduct a reference check with these organisations. I authorise this agent to provide any information about me to these databases for the purpose of conducting the checks and acknowledge that such information may be kept and recorded by these organizations.

I will not hold any of the Tenancy Default Database providers or the Agent accountable for the inaccurate keying in of information and therefore delivering an incorrect search as I understand faults can be made within this process due to human error. I understand that technical failure can cause errors and I do not hold the Agent or Tenancy Default Database providers responsible for same.

I acknowledge that if I default on my tenancy or rental obligations I may be listed with the above tenancy default databases until such time as the problem giving rise to the listing is resolved to the satisfaction of the Agent. I also understand that the Agent may list me as an excellent resident if my obligations during my tenure are fully compliant and are of a high standard.

<p>I am aware that the Agent will use and disclose my personal information in order to</p> <p>(a) communicate with the proprietor and select a resident</p> <p>(b) prepare occupancy documents</p> <p>(c) allow organisations/tradespeople to contact me</p> <p>(d) refer to Tribunals/Courts & Statutory Authorities (where applicable)</p> <p>(e) refer to collection agents/lawyers (where applicable)</p> <p>I understand that I am under no obligation to sign this consent form, but that failure to do so may result in my application being refused.</p> <p>I am aware that if information is not provided or I do not consent to the uses to which personal information is put, the Agent may not provide me with the occupancy of the premises. I am aware that I may access my personal information on the contact details above.</p>	
<p>PRIVACY STATEMENT</p> <p>The personal information you provide in this application or collected by us from other sources is necessary for us to verify your identity, to process and evaluate your application and to manage the tenancy. Personal information collected about you in this application and during the course of your tenancy, if your application is successful, may be disclosed for the purpose for which it was collected to other parties including the Landlord, referees, other agents and third party operators of tenancy reference databases. Information already held on these databases may also be disclosed to us and the proprietor. If you enter into an Occupancy Agreement, and you fail to comply with your obligations under that Agreement, that fact and other relevant personal information collected during the course of your tenancy may also be disclosed to the proprietor, third party operators of tenancy reference databases and other agents. If you would like to access the personal information we hold about you, you may contact the property manager. You can also correct this information if it is inaccurate, incomplete or out of date. If the information required from you is not provided by you, we may not be able to process your application and manage your tenancy.</p>	
Applicant's Signature:	Date:
Print Name:	
Agents Signature:	Date:

Holding Deposit

<p>I understand that should my application be successful, I am required to pay a Holding Deposit equivalent to 2 week's occupancy fee within 24 hours of my application being approved. Should I elect not to pay a Holding Deposit, I understand that the proprietor will withdraw the offer to occupy the room, and that it will continue to be marketed and offered to other prospective residents.</p>	
Holding Deposit:	\$ Two weeks occupancy fee
<p>(a) Once the Holding Deposit has been paid, the proprietor agrees not enter into an occupancy agreement for the premises with any other person within 7 days of payment of the fee, unless the resident notifies the proprietor that the resident no longer wishes to enter into the occupancy agreement.</p> <p>(b) The holding fee will be retained by the proprietor if the resident enters into the occupancy agreement, in which case it will be paid towards the first week's occupancy fee.</p> <p>(c) The holding fee will also be retained by the proprietor if the resident refuses to enter into the occupancy agreement. In this instance the entire holding fee will be retained by the proprietor irrespective of when the resident provides notice that they will not be entering the agreement.</p> <p>(d) Despite sections (b) and (c) the holding must not be retained by the proprietor if the resident refuses to enter into the occupancy agreement because of a misrepresentation or failure to disclose a material fact by the proprietor or proprietor's agent.</p> <p>(e) The Holding Deposit will be banked into a Trust Account and any refund given will be by way of a Trust Account cheque.</p>	

14 YORK STREET AFFORDABLE HOUSING**Draft Occupancy Agreement**

For general boarding houses under the Boarding Houses Act 2012

Date:/...../ 20.....
Managing Agent:	
Proprietor:	
ABN	
Resident	
Emergency contact	
Room	<p>..... Being a furnished/unfurnished room.</p> <p>An inventory for the room will be attached.</p> <p>Within 14 York Street Point Frederick NSW 2250</p>
Car Park	
Term of Agreement	
Commencement Date	
Occupancy Fee	\$ To be paid weekly
To be paid to account	
Security Deposit	2 weeks occupancy fee
AGREEMENT TERMS	
1. Condition of the Premises (refer to occupancy principle 1)	The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.
2. House Rules (refer to occupancy principle 2)	The resident agrees to comply with all of the House Rules ("the rules"), which are listed on the attached "Statement of House Rules." If the resident does not comply with any or all of the rules the proprietor agrees, in the first instance, to give a written warning to the resident.

	However, if the breach of any or all of the rules continues or, if a breach of any or all of the rules is serious, in that it puts the safety of other people in the premises or the actual premises at risk, then the proprietor may issue a notice to terminate this agreement.												
3. No Penalties (refer to occupancy principle 3)	The resident is not required to pay a penalty for a breach of the Occupation Agreement or a breach of the rules.												
4. Quiet Enjoyment (refer to occupancy principle 4)	The proprietor agrees not to cause or permit any interference with the resident's quiet enjoyment of the premises.												
5. Inspections and Access (refer to occupancy principle 5)	<p>The proprietor may enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the example notice periods set out in the second column will apply.</p> <table border="1"> <thead> <tr> <th>Reason for Access</th><th>Notice Period</th></tr> </thead> <tbody> <tr> <td>In the case of an emergency, including emergency repairs.</td><td><i>Immediate access*</i></td></tr> <tr> <td>To clean the premises</td><td><i>24 hours</i></td></tr> <tr> <td>To carry out repairs</td><td><i>24 hours</i></td></tr> <tr> <td>To show the room to a prospective resident</td><td><i>24 hours</i></td></tr> <tr> <td>To carry out inspections</td><td><i>48 hours</i></td></tr> </tbody> </table> <p>* Immediate access is likely to be necessary in this situation for safety reasons.</p>	Reason for Access	Notice Period	In the case of an emergency, including emergency repairs.	<i>Immediate access*</i>	To clean the premises	<i>24 hours</i>	To carry out repairs	<i>24 hours</i>	To show the room to a prospective resident	<i>24 hours</i>	To carry out inspections	<i>48 hours</i>
Reason for Access	Notice Period												
In the case of an emergency, including emergency repairs.	<i>Immediate access*</i>												
To clean the premises	<i>24 hours</i>												
To carry out repairs	<i>24 hours</i>												
To show the room to a prospective resident	<i>24 hours</i>												
To carry out inspections	<i>48 hours</i>												
6. Notice of Fee Increase (refer to occupancy principle 6)	The resident is entitled to 4 weeks written notice of any proposed increase to the occupancy fee.												
7. Utility Charges (refer to occupancy principle 7)	The proprietor may charge an additional amount for utilities if the resident is made aware of the charge on signing this agreement AND the resident has been informed as to how the charge will be calculated. Charges must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.												
8. Security Deposit (refer to occupancy principle 8)	The proprietor is entitled to receive a security deposit of \$_____ this amount being no more than the sum of two (2) weeks occupation fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be returned to the resident after s/he vacates the room within 14 days of the agreement ending unless it is claimed by the proprietor for a particular reason allowed for in the <i>Boarding Houses Act 2012(NSW)</i> (for example for damage caused to the premises by the resident.)												
9. Termination (refer to occupancy principles 9 and 10)	The proprietor or resident may terminate the agreement by giving written notice to the other. The notice will include the reason for the termination and, where the proprietor is evicting a resident, a reasonable notice period. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the example notice periods set out in the second column will apply.												

Reason for Termination by Proprietor	Notice Period
Violence or threats of violence towards anyone living, working or visiting the premises	<i>Immediate*</i>
Willfully causing damage to the	<i>1 day</i>

* Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

The agreement terminates when either of the following occurs first: when the notice period expires or when the resident moves out.

NOTE: No agreement term is enforceable which is not consistent with the occupancy principles in the *Boarding Houses Act 2012*. The occupancy principles are attached.

Date: _____ Date: _____

Annexure 1

Occupancy principles

NB: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2. Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3. Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4. Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's

authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

Plan of Management

14 York Street Point Frederick - Affordable Housing Project

14 YORK STREET AFFORDABLE HOUSING

Condition Report

Room Number:

Residents Name:

Inspection date:

Last inspection date:

Purpose of Inspection:

Incoming resident [] outgoing resident [] other []

Commencement date:

Inspected by:

Condition Report and Inventory _

Condition of room

Walls/ceiling

Doors/windows

Lights/power points

Floor coverings

Blinds/curtains

Other

Condition of Bathroom

Walls/ceiling

Doors/windows

Light/power points

Tiling

Mirror/cabinet/basin

Toilet

Other

Condition of Cooking

Area

Walls/ceilings

Doors/windows

Lights/power points

Floor covering

Cupboards/drawers

Benchtop

Sink/taps

Other

Signed & dated by resident _____ Witness _____

INVENTORY OF FURNISHING & FURNITURE
Furnishing Details of furnishing Condition

Bed Double/Queen/King

Bed spread/Bed linen and other

Side light

Bedside table/drawers

Chest of drawers

Cupboard(s)

Bookshelf

Kitchen Table

Kitchen chairs

Coffee table

Lounge

Fridge

Microwave

Hot plate

Plan of Management
14 York Street Point Frederick - Affordable Housing Project

Draft Incident Report

14 York Street Affordable Housing

Date of Incident:			
Name of Injured:			
Address:			
Phone No:			
If not a resident, name of resident being visited:			
Where Incident occurred:			
Details of Injury:			
Witnesses to Incident:	Name:		
	Contact Details:		
	Name:		
	Contact Details:		
Immediate action taken:			
Further Action required:			
Signed:		Date:	
Print Name:			




**Social Impact Assessment
Affordable Housing Development
York Street, Point Frederick, NSW**

K & L Pawlak

January 2021

AIGISGROUP

Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

This report was prepared by Dr Mark Sargent, Principal Consultant, Aigis Group.



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Aigis Group – Mark Sargent Enterprises
January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

Contents

Abbreviations	4
1 Introduction and project outline	5
1.1 Purpose of Social Impact Assessment	5
1.2 Scope of SIA	5
1.3 Description of the proposed development	5
2 Regional planning context	6
2.1 Relevant planning provisions - legislative and regulatory instruments	6
2.2 Central Coast Regional Plan 2036.....	6
2.3 Central Coast Community Strategic Plan 2018-2028	7
2.4 Affordable and Alternative Housing Strategy 2020 (AAHS)	7
3 Demographic profile	9
3.1 Population demographics.....	10
3.1.1 Key observations – population characteristics.....	11
3.2 Population growth projections 2016-2041	12
3.3 Assessment of potential additional population	16
3.4 Income and housing data	17
3.4.1 Observations on income and housing data.....	17
3.5 Summary of demographic profile data	18
4 Urban context	19
4.1 Structure of regional rental markets.....	19
4.2 Physical characteristics of the site.....	22
4.3 Access to infrastructure and services.....	22
5 Stakeholder consultation.....	24
5.1 Approach to direct consultation.....	24
5.2 Other stakeholders	25
5.3 Material changes to project plans subsequent to consultation.....	25
5.4 Summary of responses	25
5.5 Discussion of matters raised	27
5.5.1 Objections.....	27
5.5.2 Traffic and parking.....	27
5.5.3 Building height and scale.....	27
5.5.4 Noise.....	28
5.5.5 Density and apartment configuration	28


Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

5.5.6	General amenity effects	29
5.5.7	Wellbeing and lifestyle effects	29
5.6	Potential response to post-consultation planning changes	30
5.7	Summary of matters raised in consultation with residents	31
5.8	Management and mitigation of potential neighbourhood issues	31
6	Assessment of social impacts	31
6.1	Project scale and potential for impacts	31
6.2	Amenity and lifestyle matters	32
6.3	Public/social infrastructure and services	32
6.4	Social cohesion, community wellbeing and social equity	33
6.5	Social impact aspects of other project effects	33
6.5.1	Social need for alternative and affordable housing options	34
6.6	Impacts on prospective residents	35
6.7	Summary of potential social impacts	35
7	Economic impacts	36
7.1	Pre-development and construction stage economic effects	36
7.2	Operations stage employment effects	38
8	Conclusions and recommendations	38
8.1	Conclusions	38
8.2	Recommendations	39
	References	40
	Annexure 1: Site concept and context	42
	Annexure 2: Stakeholder consultation letter	44
	Annexure 3: BOCSAR Crime incidence and 'hotspot' mapping – Point Frederick	47

Aigis Group – Mark Sargent Enterprises
January 2021



 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

Abbreviations

AAHS:	Alternative and Affordable Housing Strategy
ABS:	Australian Bureau of Statistics
BOCSAR:	Bureau of Crime Statistics and Research (NSW)
CCC:	Central Coast Council
CCRP:	Central Coast Regional Plan
CCTV:	Closed Circuit Television
CMP:	Construction Management Plan
CPTED:	Crime Prevention Through Environmental Design
CSP:	Community Strategic Plan
DA:	Development Application
DP:	Deposited Plan
DPIE:	Department of Planning & Environment (NSW Government)
ERP:	Estimated Resident Population (ABS)
FACS:	Family & Community Services (NSW Government department)
FTE:	Full Time Equivalent
FTTN:	Fibre to the node (broadband)
GVA:	Gross Value Added
HIA:	Housing Industry Association
LEP:	Local Environmental Plan
LGA:	Local Government Area
POA:	Postal Area
PoM:	Plan of Management
PPH:	People per household
SA1:	Statistical Area Level 1
SA2:	Statistical Area Level 2
SA3:	Statistical Area Level 3
SEIFA:	Socioeconomic Indexes for Areas (ABS) ¹
SEPP:	State Environmental Planning Policy
SIA:	Social Impact Assessment
TAFE:	Technical and Further Education (NSW)
TfNSW:	Transport for NSW (NSW Government department)

¹ Comprising: Index of Relative Social Disadvantage (IRSD); Index of Relative Social Advantage and Disadvantage (IRSAD); Index of Economic Resources (IER); and Index of Education and Occupation (IEO).

Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

1 Introduction and project outline

1.1 Purpose of Social Impact Assessment

This report presents a Social Impact Assessment (SIA), forming part of the Development Application (DA) for the proposed construction and operation of a multi-level affordable housing development at 14 York Street, Point Frederick, NSW. The Applicant is ADG Architects on behalf of K & L Pawlak. The location of the site and the proposed concept plan for the development are included in the diagram presented in Annexure 1 to this SIA.

1.2 Scope of SIA

This SIA has been prepared to comply with the requirements of the Central Coast Council (CCC) guidelines, and other relevant CCC policies, to the greatest practical extent. The SIA considers the potential for, and nature of, effects relating to the residential use of the site, and also those relating to the nearer-term development and construction stages.

The SIA draws on a variety of publicly available, secondary source material. Where it has been possible, these data are drawn from government or other public agency sources, in the interests of validating the material. In addition to these secondary materials, a summary of primary information based on initial engagement with, and responses by, neighbouring residents, as key stakeholders, is also analysed and discussed.

1.3 Description of the proposed development


The Applicant proposes development within the current zoning (R1 General Residential) under the Gosford Local Environmental Plan [LEP] 2014, which nominally encompasses the proposed development. The development proposal comprises:

- Demolition of the existing two-storey apartment building on the site;
- Construction of a building of four storeys, comprising 22 studio-style apartments and accommodation for an onsite building manager, undercroft parking for 12 cars² and five (5) motorcycles, and separate bicycle storage area;
- Associated site works, landscaping etc.

The intention of the development is to provide affordable, small dwellings, which are well located in terms of transport and services. The Plan of Management (PoM) for the proposed development (Landin, January 2021) states that the units will appeal to and accommodate trainee doctors and students attending the new Central Coast Clinical School at Gosford Hospital, University and TAFE students, health professionals, educators and other executive residents who seek affordable . . . and conveniently situated housing' (2021:5). Consequently, the SIA addresses the potential for contribution to affordable and/or alternative housing in the context of relevant CCC strategic objectives.

² Includes one space for the manager in residence.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

The nominal site (14 York Street, Point Frederick) is legally titled as Lot 1, DP 618378. The total site area is 701.4m². The gross floor area for the proposed buildings is 680m².

The development requires demolition works, and construction of the building as described previously. It is anticipated that these works will permit engagement of local firms, providing direct economic benefit in the LGA, along with the derived supply chain effects generally associated with the construction sector.

2 Regional planning context

2.1 Relevant planning provisions - legislative and regulatory instruments

The development is consistent with Gosford LEP 2014, as noted in Section 1.3. Section 4 outlines compliance with State Environmental Planning Policy [SEPP] (Affordable Rental Housing) 2009.

The development site is also subject to the Gosford City Centre SEPP (2018). The proposed use is consistent with the overall aims of the SEPP, in respect of promoting residential opportunities³. The development is also planned and designed in recognition of the SEPP provisions relating to multi dwelling housing⁴.

The PoM for the operation of the proposed development details compliance with the provisions of the *Boarding Houses Act 2012, No. 74*, and *Boarding Houses Regulation 2013*.

2.2 Central Coast Regional Plan 2036

The NSW Government Department of Planning Infrastructure and Environment (DPIE) Central Coast Regional Plan 2036 (CCRP) is the overarching strategic planning framework for the region. The Plan features four broad goals, one of which is to provide '*a variety of housing choice to suit needs and lifestyles*' (p.45). The elements of the Plan and of Goal 4 that are addressed by the proposed development are summarised in Table 1.

³ S 1.2(d).

⁴ Land Use Table, Zone R1, General Residential.

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January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

Table 1: Relationship of proposed project to CCRP 2036

Plan Ref.	CCRP element	Relevance of proposal to element
P.45	Demographic trends towards smaller households and an ageing population will fuel the need for greater housing diversity in locations with good access to transport, health and community services, and more affordable housing.	The proposed development will provide well-located, affordable housing, suitable for smaller households, particularly single person households.
P.47	Social and affordable housing will be needed for people on low incomes and a variety of housing solutions will be developed for different parts of the region. Increasing the overall supply of housing will help to reduce upward pressure on the cost of housing.	The proposed development will contribute to additional affordable housing stock in the LGA.

2.3 Central Coast Community Strategic Plan 2018-2028

The CCC 'One Central Coast' Community Strategic Plan 2018-2028 (CSP) is based on broad community consultation conducted across the LGA. Relevant elements of the CSP are reported in Table 2.

Table 2: Relationship of proposed project to CSP 2018-2028

Plan ref	CSP element	Relevance of proposal to element
P.28	Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing.	The proposed development directly addresses this objective.

2.4 Affordable and Alternative Housing Strategy 2020 (AAHS)

The strategy was released in January 2020. The PoM (Landin 2021) states that operation of the proposed development will be as a New Generation Boarding House. This form of affordable accommodation is supported by the AAHS (e.g. 2020:11). One of the overarching aims of the strategy is to; *provide effective policy solutions to address the growing need for affordable and alternative housing within the Central Coast LGA* (2020:4). The proposed development is consistent with several objectives of the Strategy.

Table 3: Relationship of proposed project to AAHS 2020

Plan ref	AAHS element	Relevance of proposal to element
P.8	Only 2% of available rental stock in the Central Coast was affordable to very low income renters, noting that this group makes up more than 40% of all renters.	The proposed development will provide alternative, affordable accommodation which is well located in relation to transport and other infrastructure and services. The Applicant envisages that some proportion of the occupants will be students in training for professions including medical, who may be on relatively low incomes during their studies.


Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

Plan ref	AAHS element	Relevance of proposal to element
P.8	The rate of medium and higher density development in the LGA is much lower than the Greater Sydney average, and has experienced little or no proportional growth over the past decade. There has been no proportional growth in private rental stock in the LGA since 2006, and an actual decline in the amount of social housing since 2011. This is directly related to the lack of growth in medium and higher density housing.	The proposed development will contribute to redressing each of these identified market issues by; increasing higher density residential development and increasing private rental stock.
P.8	The relative scarcity of rental accommodation at the more affordable end of the market, and the extreme pressure on existing supply, is contributing to the increasing numbers in housing stress, homelessness and marginal housing, even among groups who would once have been in more secure accommodation.	The proposed development will contribute to reducing the observed scarcity of rental accommodation. It will also contribute to addressing existing supply constraints.
P.9	The loss of more affordable caravan parks and Manufactured Housing Estates, and relative undersupply of more affordable housing types like New Generation Boarding Houses, is also having a serious impact on very low income renters and those more vulnerable in the local housing market.	The proposed development will contribute to addressing the loss of other affordable accommodation in the LGA.
P.11	An important way of improving affordability for <i>some</i> groups is by ensuring that there is an adequate supply of well-located smaller strata dwellings in Residential Flat Buildings and multi-dwelling housing . . .	The proposed development directly addresses this objective.
P.25	STRATEGY 17: Council will consider as part of the broader Central Coast Housing Strategy: Ensuring that the impacts of the loss of low-cost housing continue to be considered in accordance with SEPP Affordable Rental Housing 2009 in relation to all relevant developments including caravan parks, boarding houses and lower cost flat buildings through redevelopment, conversion or demolition.	As the proposed development is equivalent to a lower cost flat building/ new generation boarding house, it is likely to be appropriate for consideration under the SEPP, as suggested in this strategic objective.

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January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

3 Demographic profile

The demographic data presented in this section are derived from Australian Bureau of Statistics (ABS) 2016 Census data, except where otherwise identified. The information is generally presented for five comparative areas under the ABS statistical geographical structure, which are Point Frederick (State Suburb); Gosford - Springfield Statistical Area Level 2 (SA2); Gosford Statistical Area Level 3 (SA3); Central Coast Local Government Area (LGA); and NSW. The geographic extents of Point Frederick, the SA2 and the SA3⁵ are presented in Figures 1 to 3. Other geographic areas referred to in the report are identified as appropriate.

Comparison of figures 1 and 2 indicates that Point Frederick is a relatively small part of the SA2 in terms of area. This is further substantiated in the demographic data (10.2% of total SA2 population).

Figure 1⁶: Point Frederick State Suburb



Figure 2: Gosford - Springfield SA2



⁵ The SA3 equates to the former Gosford LGA

⁶ Images: ABS 2021

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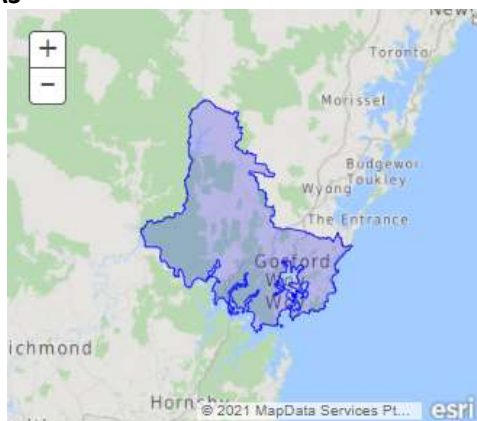

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Point Frederick NSW
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Figure 3: Gosford SA3



3.1 Population demographics

Table 4: Demographic profile; population characteristics

	Pt. Frederick (% ⁷)	GSSA2 ⁸ (%)	GosfordSA3 (%)	CCCLGA (%)	NSW (%)
Population	1,927	18,803⁹	169,053	327,736	7,480,228
Male	46.9	48.5	48.4	48.4	49.3
Female	53.1	51.5	51.6	51.6	50.7
Population ERP¹⁰ 2019	-	19,889	176,179	342,047	7,988,241
Median Age	46 years	40 years	43 years	42 years	38 years
0-14 years	13.2	16.5	17.9	18.5	18.5
15-29 years	17.2	19.1	16.4	16.8	19.5
30- 44 years	17.7	20.4	17.6	17.5	20.6
45-64 years	28.0	25.8	26.9	26.2	25.0
≥ 65 years	23.9	18.1	21.3	20.9	15.9
Country of Birth/Aboriginal & Torres Strait Islander descent					
Aboriginal/Torres Strait Islander	1.4	2.8	2.8	3.8	2.9
Born in Australia	70.0	71.5	76.8	78.8	65.5
Parents' country of birth					
Both parents born overseas	26.1	26.2	21.1	18.5	37.0
Father only born overseas	8.3	7.6	7.8	7.5	6.1
Mother only born overseas	4.7	5.3	5.5	5.2	4.3
Both parents born in Australia	51.7	53.5	59.1	62.2	45.5


⁷ Highlighted data excepted.

⁸ Gosford-Springfield SA2

⁹ ABS Estimated Resident Population.

¹⁰ 2016 Census data are retained for valid comparison data for Kincumber, and other population measures.

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January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

	Pt. Frederick (%)	GSSA2 (%)	GosfordSA3 (%)	CCCLGA (%)	NSW (%)
Language					
English (only spoken at home)	80.3	80.2	87.6	88.4	68.5
Households where non-English language spoken	13.0	14.5	9.3	8.3	26.5
Registered marital status					
Married	43.9	40.0	47.8	46.3	48.7
Separated	4.3	4.3	3.6	4.0	3.1
Divorced	11.4	12.9	10.7	10.9	8.4
Widowed	8.8	6.8	7.0	7.1	5.4
Never married	31.6	36.0	30.8	31.7	34.4

3.1.1 Key observations – population characteristics

Point Frederick and the SA2 appear to be more ethnically and linguistically diverse than the broader SA3 and LGA areas, however the level of such diversity remains well below that of NSW as a whole. Generally, the broad population characteristics do not suggest the presence of any specific population subgroups in the areas observed whose interests may be particularly affected by the proposed development on a broad scale, based on identifiable demographic divergences. Specific groups who may be affected, such as occupants of the proposed dwellings, and local residents, are addressed in subsequent sections of the SIA. Other observations are:

- The population of Point Frederick is distinguished by its older population, including in comparison to the SA2. This is exemplified by the older median age (46 years) and the higher concentrations of people in the 45 years and older age groups. The 65+ years group is particularly large in proportional terms. This is likely to be influenced by the presence of the Legacy Brisbane Water aged care village in the immediate vicinity. This is demonstrated by a comparison of the SA2 with the relevant Statistical Area Level 1 [SA1] (Figure 4). 15.9% of the SA1 population is aged 75 years or older, compared with 10.2% for the SA2. The higher proportion of widowed people in the SA2 (8.8%) is also indicative of an older population, noting that in the SA1, this proportion is 14.6%.

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January 2021

SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak



Figure 4: SA1 1103242 (Immediate area)



Source: ABS 2021

As a feature of the local populations, it is unlikely that the proposed development will affect existing residents in this older demographic group, or be affected by them. However, some older residents may occupy some of the proposed dwellings over time. Should this be the case, it is apparent that the presence of an existing older community indicates that the area is amenable to such individuals and/or households.

3.2 Population growth projections 2016-2041

Published DPIE population projections for the LGA are presented in Figure 8. It is noted that the LGA also coincides with the DPIE Central Coast Planning Region. Cumulative population growth over the period 2016 to 2041 is assessed at 28.3%. It is noted that the preceding population projections identified cumulative change between 2016 and 2036 as 22.2%, whereas the updated increase in total population for the same period is 24%. This appears to suggest that population growth has occurred more rapidly than had been previously assessed. Transport for NSW (TfNSW) produces population data at SA2 and SA3 levels, by age group. These are represented in Figures 5 and 6. Corresponding DPIE data is presented in Figure 7. Cumulative change for each age group is reported in Table 5.

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January 2021


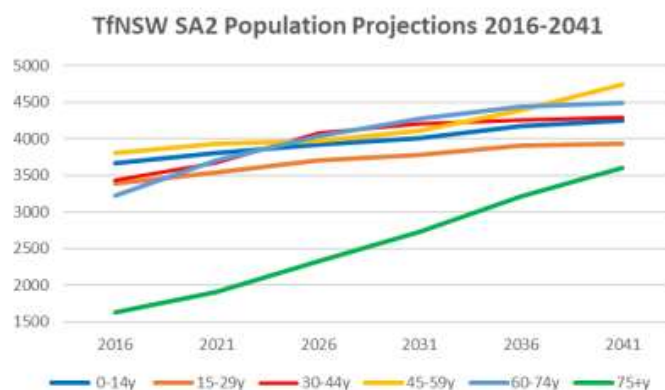
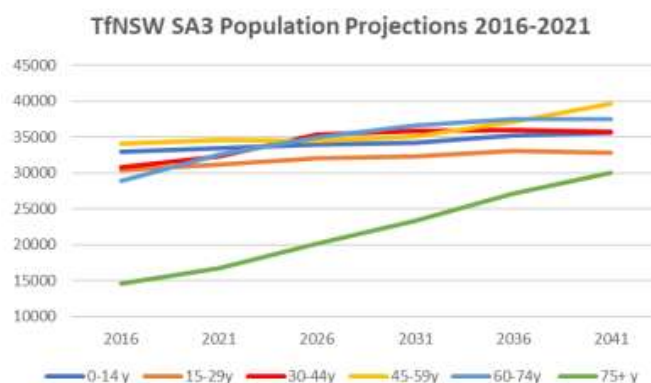
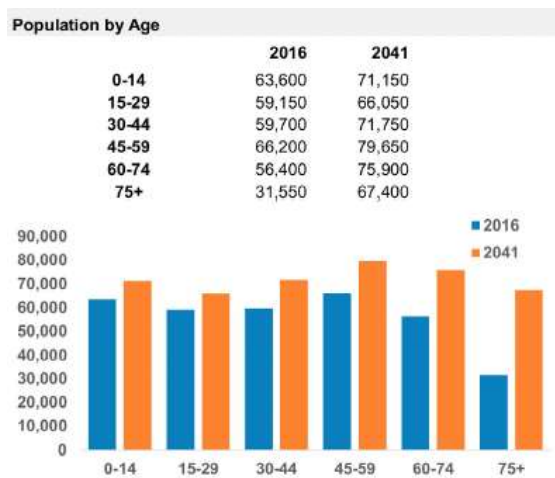

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Point Frederick NSW
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Figure 5**Figure 6****Figure 7**

Source: DPIE 2019

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K & L Pawlak

Table 5: Population projections 2016 - 2041 (cumulative)

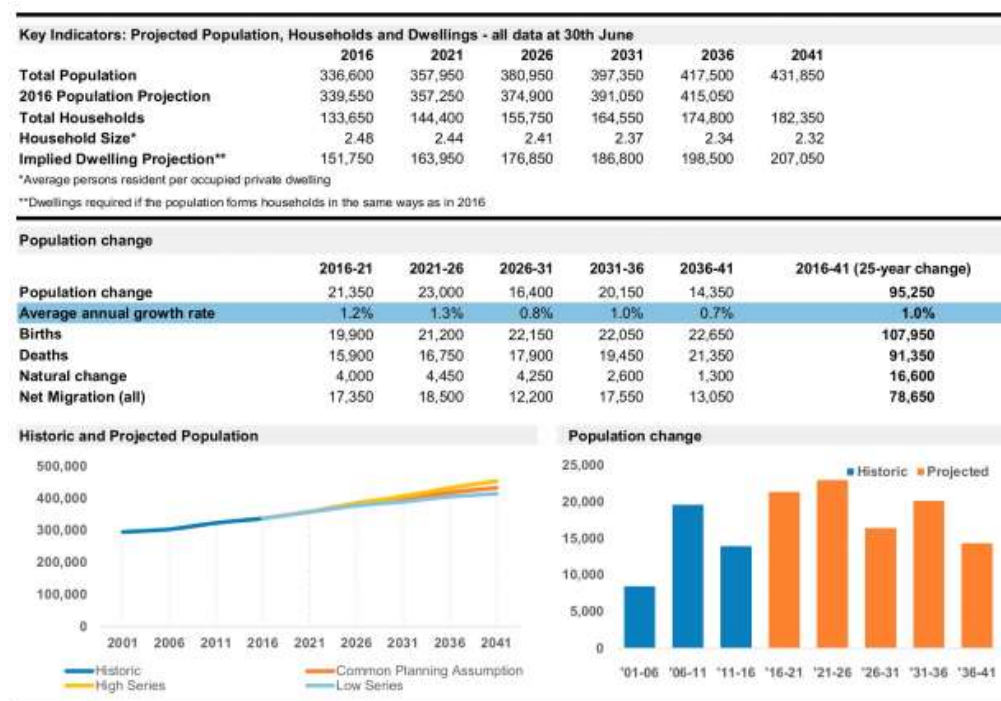
	Cumulative Δ %		
	SA2	SA3	LGA
0-14y	15.9	8.1	11.9
15-29y	15.7	7.9	11.7
30-44y	25.2	16.2	20.2
45-59y	24.7	16.2	20.3
60-74y	39.3	29.9	34.6
75+y	120.8	105.9	113.6

The SA2 is projected to experience comparatively high population growth across all age groups, bearing in mind its comparatively small base population. Given the Applicant's stated focus on tertiary and vocational students, the forecast increases in the 15 to 29 years and 30 to 44 years age groups may be particularly relevant to the proposed development.

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January 2021



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Point Frederick NSW
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Figure 8



Source: DPIE 2019

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3.3 Assessment of potential additional population

As the studio apartments will be equivalent to one-bedroom or bedsitter scale dwellings, it is assumed that the maximum number of residents in each dwelling is two, but that most would be occupied by single persons, the latter of which is the Applicant's preferred outcome. Therefore the total maximum number of residents in the 22 dwellings is 44, plus the resident manager, therefore a total of 45 people. As there are four (4) existing units on the site, applying two residents per dwelling results in eight (8) people. Consequently, the potential net increase in the highest number of residents is 37. This can be considered as an upper bound assessment.


In addition to taking into account residents of the existing dwellings, there is also some likelihood that the number of residents may be smaller, given the size of the proposed studio apartments and the expectation that a reasonable proportion of these will be occupied by lone person households. If the proposed and existing dwellings are assumed as all accommodating one person, the net increase is 19 people, including the resident manager, which is the more likely outcome in terms of actual occupants.

Table 6 displays the proportional population increase that the additional 19 to 37 residents would generate in the various geographic areas identified in Table 5. It should be noted that the estimates can be considered as conservative (i.e. high), as there is some prospect that potential residents may internally migrate from within the LGA, thus further reducing net population increase. The data in Table 6 also demonstrate that over time, the proportion of the population represented by residents will diminish. This is due to the essentially fixed population of the dwellings, in the context of growing regional populations, which is apparent in the estimates calculated.

Table 6: Projected population change resulting from proposed development, 19 dwellings (% Δ)

	SA2		SA3		LGA	
	2021	2041	2021	2041	2021	2041
Projected population	20,553	25,305	180,831	208,767	357,950	431,850
+ 19 residents (lower)	≈ 0.09	≈ 0.08	≈ 0.01	<0.01	<0.01	<0.01
+ 37 residents (upper)	≈ 0.18	≈ 0.15	≈ 0.02	<0.02	≈ 0.01	<0.01

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January 2021


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Point Frederick NSW
K & L Pawlak

3.4 Income and housing data


Table 7: Demographic profile: income data & housing-related data (ABS)

	Pt. Frederick	GSSA2	GosfordSA3	CCCLGA	NSW
	%	%	%	%	%
Household composition					
Family households	59.5	60.2	74.7	70.5	72.0
Single or lone person households	36.5	35.3	22.9	26.4	23.8
Group households	4.0	4.5	2.4	3.1	4.2
Income	\$	\$	\$	\$	\$
Median weekly personal income	709	653	632	600	664
Median weekly household income	1,193	1,197	1,330	1,258	1,780
	%	%	%	%	%
% households < \$650 gross p.w.	26.6	25.9	22.2	23.0	19.7
% households > \$3000 gross p.w.	16.2	10.1	14.2	11.9	18.7
Dwelling structure	%	%	%	%	%
Flat or apartment	48.5	37.3	9.2	7.6	19.9
Tenure type	%	%	%	%	%
Rented	44.8	45.7	25.7	26.8	31.8
Average people/household	2.2	2.2	2.5	2.5	2.6
Housing costs (rental)	\$	\$	\$	\$	\$
Median weekly rent	320	331	360	350	380
Median monthly mortgage repayment	1,907	1,733	1,900	1,750	1,986

3.4.1 Observations on income and housing data

- Point Frederick has markedly higher median weekly personal income levels as against all other comparators. Conversely, the suburb has lower household income levels than all other areas. These two figures should be interpreted in the context of the substantially higher proportion of single or lone person households in the suburb. Clearly, for these households, personal income equates with household income, thus reducing the median value for the suburb.
- The lower median household income is emphasised by the larger proportion of households with incomes less than \$650 per week, with all other areas having lower proportions. The presence of single person households and dedicated seniors accommodation in the area (as noted in Section 3.1.1) is likely to have exerted some influence on this outcome.
- Coinciding with the larger proportion of single person households is a large concentration of flats or apartments in Point Frederick, and also in the SA2, although to a lesser degree, when compared with the larger areas. Clearly this is the predominant form of housing in the area. To this extent, the proposed development is consistent with other housing stock in the immediately surrounding areas.
- There is also a notably larger proportion of rented dwellings in Point Frederick and the SA2.
- The large proportion of single/lone person households is also presumed to influence the smaller average household size for Point Frederick and the SA2.
- ABS Socioeconomic Indexes for Areas (SEIFA) data, which provide a broader perspective on socioeconomic indicators for each area, including income, wealth,

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January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

education, occupation and economic resources are presented in Table 8. There is considerable variance across the indexes within and between areas. The LGA is evidently ranked in the upper half of all LGAs for each index. Bearing in mind the greater number of comparator areas as the area under consideration becomes smaller¹¹, Point Frederick is relatively well positioned on all measures, particularly relative advantage and disadvantage and education and occupation. The SA1 (refer to Figure 4), scores and ranks relatively lowly on all indexes. As has been noted, there is a relatively large presence of dedicated seniors accommodation in the SA1, which it is likely to have contributed to these outcomes.

Table 8: ABS SEIFA 2016

	SA1		Pt. Frederick		SA2		LGA	
	Score	Decile	Score	Decile	Score	Decile	Score	Decile
IRSD ¹²	894	2	1002	5	977	4	989	6
IRSAD	902	2	1013	7	976	5	975	7
IER	809	1	958	2	938	2	1001	7
IEO	980	5	1056	9	1015	7	970	6

3.5 Summary of demographic profile data

The key demographic variables in respect of the proposed development relate to the compatibility of the development with the existing urban environment. The proposed development essentially represents the redevelopment of an existing multiple tenancy flat/apartment building for a similar, although more concentrated, purpose. This is discussed in greater detail in Section 6. In this respect, the proposal is consistent with the predominance of flat and apartment dwellings in Point Frederick and the SA2. The dwellings within the proposed development are designed for smaller households and particularly single person households. This is also consistent with the comparatively large representation of such households in the immediate surrounds. Population projections, particularly interpreted in the context of CCC planning strategies, suggest that demand for diversified housing stock, and in particular smaller dwellings, is likely to increase over the next two decades. The proposed development may contribute to the efficient use of dwelling stock, in circumstances where lone person households may have the opportunity to relocate to the proposed smaller studio apartments from larger units. These larger units may then become available to larger households.

As was identified in Section 3.1.1, the population and other demographic indicators do not suggest the presence of any group within the local or regional communities that may be particularly advantaged or disadvantaged by the development. The interests of stakeholders

¹¹ i.e. there are more suburbs than SA2s.

¹² The four indexes are: Index of Relative Social Disadvantage (IRSD); Index of Relative Social Advantage and Disadvantage (IRSAD); Index of Economic Resources (IER); and Index of Education and Occupation (IEO).

Aigis Group – Mark Sargent Enterprises
January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

such as potential residents, and neighbouring property occupants are discussed specifically in Sections 5 and 6.

4 Urban context

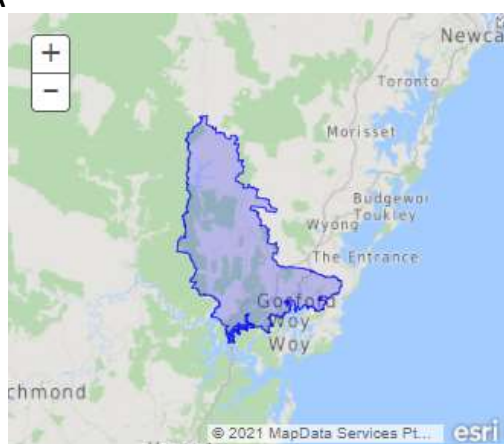
State Environmental Planning Policy (Affordable Rental Housing) 2009, stipulates that; ‘A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area’¹³.

Material presented in Section 3.4 indicates that the development is consistent in terms of the concentration of multiple tenancy properties in the immediate area. The data also demonstrate the relatively large proportion of rental tenancies in the area, which also substantiates a level of consistency with the character of the local area. Additional supporting material is presented in the following sections.

4.1 Structure of regional rental markets

Council’s AAHS discusses constraints in rental markets across the LGA. In order to assess the state of the rental market, NSW Government Department of Family and Community Services (FACS) rental data were analysed. Data for the LGA and the 2250 postal area (POA), in which Point Frederick is located, are presented in the following tables. For reference, the extent of the POA is presented in Figure 9.

Figure 9: 2250 POA



Source: ABS 2021.

¹³ Division 3, Boarding Houses, section 30A, ‘Character of local area’.

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January 2021


SIA - Affordable Housing Development
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Table 9: FACS total rental bonds held LGA & 2250 POA¹⁴

Dwelling type	LGA		POA	
	Count	%	Count	%
All dwellings	31,990	100	6,834	100
House	18,913	59.1	3,051	44.6
Other	2,648	8.3	568	8.3
Townhouse	3,029	9.5	836	12.2
Flat/unit	7,400	23.1	2,379	34.8
Total non-house	13,077	40.9	3,783	55.4

The data in Table 9 indicate markedly different structures in terms of rental properties in the two geographic areas. The majority of rental properties in the LGA are houses (59.1%) whereas the majority of rentals in the POA are dwellings other than houses (55.4%). Flats/units comprised 34.8% of rental stock in the POA (23.1% for the LGA), emphasising the importance of this form of smaller housing.

It is also noted that the 2016 Census data for the POA, corresponding with the housing data in Table 7 (% of flats/apartments) reported these at 13.5%. Thus it can be concluded that flats/units/apartments form a significant part of the rental market in the more localised (POA) area than is the case for the SA3 (9.2%) and LGA (7.6%).

FACS data on the number of flats or units by number of bedrooms are presented in Table 10. As is the case with Table 9, the data are presented for the LGA and the POA.

Table 10: FACS total rental bonds held x size – flats/units

Dwelling type	LGA		POA	
	Count	%	Count	%
All flats/units	7,400	100	2,379	100
Bedsitter	60	0.8	s ¹⁵	-
1 bedroom	1,476	19.9	400	16.8
Not specified	315	4.3	88	3.7
2 bedroom	4,351	58.8	1,489	62.6
3 bedroom	1,139	15.4	366	15.4
4 or more bedrooms	59	0.8	-	-

In both areas, two-bedroom flats/units are the predominant configuration for these dwellings. There are proportionally fewer one-bedroom dwellings in the POA (16.8%) than the LGA (19.9%). It is noted that the '4 or more bedroom' category is reported as zero values. It may be inferred that bedsitters in the POA total 36, or 1.5% of dwelling stock. This would suggest a (nominally) larger proportion of bedsitter dwellings in the POA than in the LGA, although, given its more compact urban form, this may be expected to some extent.

¹⁴ Reported data are for the September 2020 quarter.

¹⁵ FACS does not report this count as it is considered as too small.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

Nevertheless, the data indicate very low numbers of this configuration of apartments among current rental stocks. The proposed studio-style apartments would make a proportionally substantial addition to the existing stock of rental accommodation of this size, particularly in the context of the POA.

Tables 11 and 12 present median weekly rents for new bonds lodged in the September 2020 quarter.

Table 11: FACS median rent (\$) LGA & 2250 POA¹⁶

Dwelling type	LGA	POA
	Median rent (\$)	Median rent (\$)
All dwellings	415	420
House	440	450
Other	320	300
Townhouse	450	440
Flat/unit	375	400

There is some variance in rental costs between housing types in comparing the two areas, although the differences are generally modest. The most apparent differences are for 'other' forms of dwellings, which are relatively more expensive across the LGA, and flats/units which are relatively more costly in the POA. With respect to the former, although FACS does not elaborate on 'other' dwellings in its guidance notes, it is assessed that a substantial contributing factor is likely to be the comparatively large number of manufactured home estates, ordinarily based on land lease or life tenure models¹⁷, in the northern half of the LGA. The predominance of units in the POA is considered as being consistent with the more compact urban structure, with more multiple dwelling properties, and evidently residents prepared to pay a premium to reside in close proximity to the regional city centre.

Data for flats and units with size indicated by the number of bedrooms is consistent with the comparison of all forms of rental housing in Table 11, which established that at aggregate level, flats or units are comparatively more costly to rent in the POA than the broader LGA. This is the case for all sized flats/units for which data were reported. Rent prices in the POA are generally around 7% higher than for the LGA more broadly, the exception being rents for 3 bedroom units (approximately 1% higher in the POA).

¹⁶ Reported data are for the September 2020 quarter.

¹⁷ Summarily, the purchaser buys and owns the home, but not the land on which it is situated.

Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

Table 12: FACS median rent (\$) – flats/units

Dwelling type	LGA	POA
	Median rent (\$)	Median rent (\$)
All flats/units	375	400
Bedsitter	-	-
1 bedroom	300	320
Not specified	-	-
2 bedroom	380	408
3 bedroom	440	448
4 or more bedrooms	-	-

4.2 Physical characteristics of the site

York Street forms part of the Central Coast Highway (A49), which carries comparatively large traffic volumes in the regional context. As a consequence, vehicular access from the site onto York Street is not currently provided for, and will not be provided as part of the proposed development. Existing and proposed vehicular access to the site is via Creighton Lane, effectively at the 'rear' of the site. The nearest traffic control signals with controlled pedestrian crossings are located at the intersection of York Street and Frederick Street (approximately 240 metres east of the site) and at Dane Drive (approximately 300 metres north-west of the site).

All immediately contiguous and surrounding dwellings are multiple dwelling properties. The number of individual dwellings on each site is identified in Annexure 1, Figure A1.2 and Table A1.1. As is discussed in Section 5, these properties and each of the dwellings on them were determined as being within the notification area for engagement with neighbouring stakeholders.

4.3 Access to infrastructure and services

The proposed development is located near to the geographic centre of the city of Gosford. As such, it is in close proximity to the wide range of infrastructure and services that are typical of such a location. A non-exhaustive list of key infrastructure and services and their proximity to the site is presented in Table 13. The information in the table focuses on what are considered as the most important services for ensuring the amenity, wellbeing, and lifestyles of potential residents in the studio apartments planned for the development. Evidently, access to these and a range of other infrastructure and services, including recreational and leisure opportunities, will be relatively conveniently accessible to residents.

Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

Table 13: Summary example of services and public infrastructure access		
Description	Available services	Details¹⁸
Transport		
Bus	Routes 17,18,19, 20, 21, 22, 23, 28, 43, 44, 63, 64, 66A, 66C, 67, 68.	All routes pass via York Street. Stops: North/west ID 225019 (approx. 40m from site); South/east ID 225013 (approx. 100m from site).
Rail	Gosford Railway Station	≈ 1.5km from site (accessible by bus).
Airport	Sydney International/Domestic Airport, Mascot	≈100km. Airport train service via Central Station is approximately 2 hours travel time, depending on timetable (number of stations). Bus routes above all include Gosford Station.
Taxi/Ridesharing services		On demand
Public Health		
Public hospital	Gosford Hospital	≈2.5km (Holden Street, Gosford)
Emergency services		
NSW Ambulance	Point Clare Ambulance Station	≈4km (Brisbane Water Drive, Point Clare)
NSW Fire & Rescue	Gosford Fire Station	≈1.5km (Brougham Street, East Gosford)
NSW Police	Gosford Police Station	<1km (Mann Street, Gosford)
Government services		
Federal government	Centrelink/Medicare	≈2km (Watt Street, Gosford)
NSW government	Service NSW	≈1.5km (Henry Parry Drive, Gosford)
Retail		
Shopping Centre	Imperial Centre (nearest major centre)	Includes Woolworths supermarket ≈1.5km (Henry Parry Drive, Gosford)
Telecommunications		
Broadband access	National Broadband Network (NBN)	FTTN ¹⁹ access available at site.

¹⁸ Travel distances are by road. Source: Google Maps 2021.

¹⁹ Fibre to the node.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

5 Stakeholder consultation

5.1 Approach to direct consultation

Section 4.2 presented an assessment of the urban environment in the immediate surrounds of the proposed development. Functionally, the immediate area effectively comprises the street block bounded by York Street, Albany Street, Creighton Lane and the Legacy Village (nominally Masons Parade). Data in Table 7 (Section 3.4) identified a relatively large concentration of flat or apartment dwellings in Point Frederick in particular (48.5% of all dwellings). The properties in the area described above also largely consist of multiple tenancy properties and in this respect, the immediate area is consistent with the surrounding urban structure. Taking this and other features of the neighbouring environment into account, a consultation area corresponding to that described above, was determined.

Determination of the appropriate area in which residents were to be approached also took into account the likelihood of other nearby residents experiencing practical or actual effects as a consequence of the proposed development. Based on this process, the properties identified in Figure A1.2 and Table A1.1 in Annexure 1 were determined as those to be approached.


An outline of the proposed development and invitation to provide comment was delivered to the occupants of the residences identified in Table A1.1. This was conducted via direct mail (letterbox drop), on Saturday 5 December 2020. A copy of the letter provided to these occupants is included in the SIA at Annexure 2. The site concept image presented in Figure A1.1 was included with the letter. These stakeholders were invited to respond by Monday 21 December 2020. The notification provided to Legacy Brisbane Water Village was a single notification, directed towards village management.

Two points made in the stakeholder invitation are reiterated. Stakeholders were advised that there would be further opportunity to comment on the proposal, in the context of all project information, during Council's exhibition of the DA. Stakeholders were also advised that they would not be identified personally in reporting of their views in the SIA, in the interests of preserving respondents' privacy.

It is also noted that at some point between 5 December and 21 December, a presumably notified party redistributed material in relation to the proposed development, to a wider area in the vicinity of the site. This apparently included a copy of a response previously submitted by a notified resident. Consequently, a number of responses replicating this material were received²⁰. Some of these were forwarded by a number of parties who did not identify their addresses. As such, the proximity of these parties to the proposed development site could not be established. Nevertheless, it is assumed that these parties

²⁰ These are subsequently referred to as replicated responses.

Aigis Group – Mark Sargent Enterprises
January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

live in an extended local area. Accordingly, their responses are reported in this account of the consultation outcomes.

5.2 Other stakeholders

No other stakeholders were directly approached at this stage of the application process. It is assumed that Council will refer the DA to statutory bodies for comment, as required. The highly urbanised local and surrounding environment was considered as being such that the proposed development would be unlikely to affect the activities of other third parties. Specific aspects of the area that were taken into consideration were proximity to the city centre, the location of the site on a main road, and the predominance of multiple tenancy residential properties in the immediate vicinity. Consequently, the consultation was limited as described in Section 5.1.

5.3 Material changes to project plans subsequent to consultation

Subsequent to completion of the consultation process several material changes were made to the building plans, as a result of continuing design work. The most salient of these changes are:

- An increase in resident rooms from 20 to 22.
- The addition of accommodation for an onsite manager.
- An increase in the number of car parking spaces from 10 to 12, being one additional resident and one resident manager's parking space.
- The addition of five (5) motorcycle parking spaces.

The potential effects of these changes on resident perceptions are discussed briefly in Section 5.6.

5.4 Summary of responses

Table 14 provides a brief statistical summary of responses received. A valid response rate for the engagement process as executed cannot be determined due the further distribution of the original consultation material (refer to Section 5.1), and the absence of valid addresses from a number of responses²¹. It is also noted that a response was received from the strata manager for one existing multiple dwelling site, nominally on behalf of the occupants of those dwellings. A number of responses from individual residents of this property were also received.

Table 14: Statistical summary of consultation process

Description	Measure
Number of dwellings canvassed	31
Number of responses ²²	18
Number of notified respondents	11
Number of other responses ²³	7

²¹ Noting that Legacy Brisbane Water was a single notification (Section 5.1)

²² Includes the identified submission received from a strata manager on behalf of tenants.

²³ Includes responses that did not include a nominated address.

Aigis Group – Mark Sargent Enterprises
January 2021



SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

Table 15 reports a categorised summary of the responses received, including the proportion of responses in which matters in each category were raised and the number of responses for each category as a proportion of the total matters raised. The categories shaded gold returned two (2) responses. Those shaded blue returned one response. Based on these low frequencies, the matters are noted but not further discussed in detail. Similarly, process issues related to questions on the material provided, or statements that insufficient material had been provided to allow informed comment on the proposal. It is noted that this did not prevent relatively detailed responses being returned, which is consistent with the approach of identifying broad matters of interest or concern, that could then be addressed in the SIA and other elements of the DA. Furthermore, as is evidenced in the letter to residents (Annexure 2), all recipients were advised of the process and the subsequent opportunity for assessing the full DA during exhibition. This was reiterated in correspondence with respondents who raised issues with the engagement process.

Table 15: Summary of consultation responses

Description	Mentioned in % of responses	% of total issues raised
Object	77.8	17.6
Traffic (Creighton Lane)	50.0	11.3
Parking	50.0	11.3
Building height	44.4	10.1
Noise	44.4	10.1
Process issue/query	38.9	8.8
Shadowing	38.9	8.8
Density	38.9	8.8
Security/ fear of crime/social issues etc.	38.9	8.8
Privacy	38.9	8.8
Oversight of existing properties	33.3	7.6
Mix of apartments in building	33.3	7.6
Property values	33.3	7.6
Construction impacts dust, noise, traffic etc.	33.3	7.6
Health impacts	27.8	6.3
Supports concept	11.1	2.5
Visual amenity/ design, appearance etc	11.1	2.5
Additional traffic, road safety etc.	5.6	1.3
Tree removal, landscaping etc	5.6	1.3
Hazardous materials	5.6	1.3
Regulatory compliance issues (various)	5.6	1.3
Disability access	5.6	1.3
Conservation - listed buildings, nature areas etc.	5.6	1.3
Odour	5.6	1.3
Solar panels (issue not clarified)	5.6	1.3

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

5.5 Discussion of matters raised

5.5.1 Objections

A substantial proportion of the responses were non-specific objections to the proposed development. Matters raised in particularised objections are discussed in the subsequent sections.

5.5.2 Traffic and parking

Based on the frequency of responses, the related issues of traffic and parking are the most apparent specific concerns to neighbouring residents. With respect to traffic issues, the increase in vehicle movements in Creighton Lane is the effect of greatest concern. At present, the site has capacity for parking for seven (7) resident vehicles, which is presumed to generate a commensurate number of vehicle movements. Based on the proposed 12 onsite car parking spaces, the net number of additional cars likely to be engaged in regular movements in the lane is five (5)²⁴. There may also be up to five (5) motorcycles parked on the site, although this is not assessed in this section, given the relatively lower frequency of licensed motorcyclists and/or registered motorcycles as compared to cars²⁵.

The potential for traffic impacts during the construction stage of the project was also raised and warrants consideration. In particular, the issue of ingress and egress in Creighton Lane for, for example, ambulance movements relating to the Legacy village while construction-related vehicles may be in the lane is a legitimate issue. A Construction Management Plan (CMP) will be developed and implemented during this stage of the project. It is recommended that the CMP specifically addresses the preservation of vehicle access in the lane during construction activities.

The PoM (Landin 2021:13) includes a number of provisions aimed at controlling parking in the available spaces on the site. The PoM states that ‘preference will be given to applicants for accommodation who do not own a car’. This is feasible, given the proximity of the site to public transport services, and would potentially have the associated effect of reducing the need for additional offsite parking. The PoM also includes regulation of excessively noisy vehicles and dangerous or irresponsible driving on the site, which will also contribute to management of effects on neighbouring residents.


5.5.3 Building height and scale

The proposed building height (four storeys plus undercroft parking) was raised in approximately 45% of submissions. There were also several related matters that are reported separately in Table 15. These include shadowing, privacy, oversight of neighbouring properties and visual amenity effects.

²⁴ Noting that this includes provision for the onsite manager’s vehicle.

²⁵ ABS 2020 vehicle census data for NSW were 4,348,429 passenger vehicles and 254,722 motorcycles registered.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

It is likely that matters relating to visual amenity and related effects will continue to be a focus of stakeholders during the determination process for the DA. Elevations, shadow diagrams and photo montages will be provided as part of the set of notification plans, which will provide the neighbours an opportunity to gain an understanding of, and fully appraise, the overall scale of the development.

5.5.4 Noise

The potential for noise was identified in the context of the number of additional dwellings proposed for the site. With respect to noise from within the proposed dwellings, there is some potential for increased noise associated with the increase in the number of apartments, compared with the existing dwellings on the site and in its immediate surrounds. However, this is considered as likely to be consistent with noise generated by occupants of other multiple tenancy properties in the immediate vicinity.

The replicated response (the original and those directly replicated or derived from it) produced 75% of the responses in relation to noise. This characterised the noise as 'psychosocial' noise, which is interpreted as noise that may be perceived as excessive or disruptive. There is an implied presumption that potential residents of the proposed building will behave in a different manner to existing residents. Clearly, the probability of such an outcome cannot be determined with certainty. However, the Applicant has experience in property management, including assessment of the suitability of applicants for tenancy, which is axiomatically in the interests of the Applicant. This being the case, the prospects of effects at the level apprehended in these responses is likely to be effectively mitigated by the application of the due diligence practices regarding acceptance of tenants, which are and will be employed by the Applicant. A resident manager will also be present to respond to excessive noise as well as noise complaints from neighbours.


The PoM (Landin, 2021:11) includes provisions to contribute to management of noise at appropriate times, such as during evening and night-time periods. The management approach is based on the adoption of time-based noise restrictions, which are consistent with regulatory standards²⁶.

5.5.5 Density and apartment configuration

Matters raised in relation to density tended to address two separate aspects. The first of these can be related to the height and scale of the proposed building. These concerns are discussed in Section 5.5.3. The second aspect relates to the number of apartments, their identical size (studio) and the consequent increase in the number of people residing in the area. Some responses suggested that a mix of apartment sizes may be more amenable for potential residents. Notwithstanding the general constraints in the local and regional rental markets, a decision to rent a studio in the proposed building is the prerogative of the potential tenant, subject to meeting tenancy criteria. As such, it can be assumed that such a

²⁶ NSW Environment Protection Authority 2021: <https://www.epa.nsw.gov.au/your-environment/noise/neighbourhood-noise>

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

decision would be based on individual judgements that this form of accommodation is personally suitable.

Concerns over the additional number of residents in the area focused on the potential for this to result in negative effects relating to the number of apartments, such as noise. It must be recognised, however, that this may also result in positive outcomes. For example, the additional residents may contribute to greater natural surveillance. It is noted that the PoM (Landin, 2021:15) encourages residents to report suspicious behaviour on the site and its surrounds.

It is also noted that the proposed floor space of the development is significantly less than that allowed for under the LEP, whilst the overall density is consistent with the R1 zoning of the land, and the medium and high density nature of surrounding development and the wider residential precinct in which the site is located.

5.5.6 General amenity effects

In addition to visual amenity, which is discussed as part of Section 5.5.3, several of the other matters raised may be broadly grouped as general amenity effects, which are apparently perceived by some residents as potentially impinging on their lifestyles. These include fear of crime, and effects on security and privacy. As is the case with other apprehended effects, there is some level of subjectivity in individual perceptions of these potential outcomes.


With respect to security, the building will be designed in compliance with Crime Prevention Through Environmental Design (CPTED) principles. This will ensure that design-related opportunities for the commission of offences are minimised. A potential positive outcome of the development is an increase in opportunities for natural surveillance associated with having more residents capable of observing the immediate surrounds. In relation to the building itself, the presence of the resident manager will provide a level of formal observation of the building and its curtilage, increasing territorial reinforcement. Similar outcomes may occur in respect to privacy, although design of the building must also seek to avoid intrusive oversight of neighbouring properties. The potential for increase in criminal offences is discussed in Section 6.2, in the broad discussion of social impacts. However, as is the case with apprehensions regarding noise, it is in the Applicant's interest to appropriately vet prospective tenants, as is accepted industry practice. This is likely to be an effective form of mitigation.

It is noted that two (2) respondents stated that they were supportive of efforts to provide affordable housing, conditional on managing effects such as traffic and parking in one instance, and on development of lower density affordable housing in the other instance. This indicates some level of acceptance of the positive amenity effects for potential residents.

5.5.7 Wellbeing and lifestyle effects

The potential for the development to affect the health, wellbeing and lifestyles of neighbouring residents is unlikely to be significant. There may be some effects on directly

Aigis Group – Mark Sargent Enterprises
January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

neighbouring properties. However, the potential for effects is likely to be mitigated to an extent by the setbacks and/or siting of buildings on their respective blocks of land.

Several responses, including those referred to previously as the replicated responses and their source, specifically identified potential overshadowing as a consequence of the height of the proposed building, as having the potential to cause negative outcomes in the internal environments of nearby dwellings. In relation to this matter, the potential for health impacts on surrounding residents was identified. However, there is evidence that the association between these two factors is not well established²⁷.

5.6 Potential response to post-consultation planning changes

It is apparent from the nature of responses received in the consultation process, that the addition of two (2) dwellings in the development, which were proposed subsequent to consultation, would be likely to increase the concerns of some respondents. Although residents' perceptions of all of the changes are naturally subjective, there may be mitigatory outcomes associated with some of the changes.


There is an effective increase in the availability of car parking spaces since consultation, however this is proportional to the increase in dwellings, and is likely to result in a commensurate net increase in vehicle movements. Provision for preference to be given to potential residents who do not own vehicles, and the addition of motorcycle parking may marginally reduce the demand on residents requiring parking.

Provision for an onsite manager should result in positive outcomes with regard to management of amenity effects, such as noise. It is noted that the revised plans include the location of the manager's accommodation near to internal common areas, on the ground floor. The location of these areas at this level and in close proximity to the manager's quarters may provide some level of effective mitigation of such effects.

During consultation, a query was raised as to whether the proposed development was a boarding house. At that point, the interested party was advised that *'the application to Council will be lodged under the Affordable Rental Housing SEPP 2009, which encompasses boarding houses. However, the intention is for the building to comprise studio-style apartments, suitable for working professionals requiring smaller, individual residential accommodation'*. It is noted that the PoM for the proposed development identifies the development as being consistent with the new generation boarding houses, as supported in Council's AAHS. The PoM adopts management principles relevant to operation of a new generation boarding house.

²⁷ Aries, Aarts and van Hoof (2015), based on a review of 47 studies, concluded that; 'There is only limited statistically significant and well-documented scientific proof for the link between daylight and its potential health consequences ...'.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

5.7 Summary of matters raised in consultation with residents

The matters raised by current residents are genuinely held, and are addressed as such in the preceding discussion. Some of the apprehended effects will eventuate should the development be approved, and in some instances, such as increased traffic in Creighton Lane, this may be at or about the levels anticipated by these stakeholders. The possibility of some other effects occurring, or the extent to which any effect might be objectively considered as material, is difficult to establish on the available evidence and in the context of individual perceptions of such effects. The Applicant and its specialist advisers should make all reasonable endeavours to avoid, manage or mitigate potential impacts, to the greatest practical extent. Design and planning features, and the proposed PoM are examples of mechanisms by which such outcomes can be achieved.

5.8 Management and mitigation of potential neighbourhood issues

The PoM (Landin, 2021) details a structured approach to continuing engagement with neighbouring property occupants. In particular, the following provisions included in the summary section *Relationship with Neighbours and the Local Community* (2021:18), demonstrate proactive initiatives to support engagement with neighbours. These are:

- Neighbours will be invited to view House Rules.
- Neighbours will be issued with the mobile phone numbers of the managers²⁸ to contact for urgent issues. It is noted that the PoM proposes distribution of these details to residents within 100 metres of the site.

In respect of the second of these provisions, it is noted that a two-tiered management structure is planned. This will ensure that matters will be addressed at an appropriate level, depending on the nature of the issue. The division of managerial responsibilities is explained in Section 2 of the PoM.

6 Assessment of social impacts


There are several aspects of potential social impact or effect in relation to the proposed development that warrant consideration. Based on the evidence presented in preceding sections of this report, assessments in respect of these are presented in the following subsections.

6.1 Project scale and potential for impacts

The increase in the scale of the proposed building, relative to the existing building on the site, has been identified by neighbouring residents as a potential source of a range of impacts. As described in various parts of Section 5, these can be summarised as relating to the physical elements of the building itself, and the increased number of residents it will accommodate.

²⁸ Resident manager and managing agent.

Aigis Group – Mark Sargent Enterprises
January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

An objective assessment of the immediate area, in terms of the predominance of multiple tenancy residential developments, and their physical scales, indicates that the proposed development is consistent with the current urban setting. On this basis, from the perspective of the immediate area, it is likely that even taking into account the increased intensity of use of the subject site, the effects will prospectively be similar to those associated with existing residential uses in the vicinity.

6.2 Amenities and lifestyle matters

NSW Bureau of Crime Statistics and Research (BOCSAR)²⁹ crime mapping data for offences that are considered as potentially of concern to residents in respect of their personal safety and security are presented in Annexure 3. There are comparatively high incidence rates for break, enter and steal (from dwelling) and malicious damage (to property) offences in the immediate area. This is particularly apparent in the 'hotspot' mapping imagery. There may also be some association with the relatively large number of individual dwellings that are concentrated in this area, which may notionally present more opportunities for offences.³⁰ There have also been sufficient incidents in the area during the period observed to identify a low rate for non-domestic assaults in the immediate area. Rates for each of these offences are relatively high in the nearby city centre area, therefore proximity to this area may be a contributing factor to the local incidence rates.

The adoption of Crime Prevention Through Environmental Design (CPTED) design, and site management approaches and other security measures are recommended to ensure that the risk of impacts remains no greater than is presently the case. The PoM identifies that in addition to the presence of a resident manager, the site will have CCTV security infrastructure and motion sensor lighting installed, which will facilitate surveillance of common areas of the accommodation building, and the grounds of the site. The PoM stipulates that electronic (e.g. card-based) access control will apply to the site. The PoM also details the conditions of entry for visitors to the site, including that unaccompanied visitors will not be permitted on site. The plan also states that residents will be encouraged to report suspicious activity. These project features will promote both formal and informal surveillance of the building and its grounds and by association may also improve security in the immediate area.


6.3 Public/social infrastructure and services

As was particularly noted in Section 4, the existing urban context of the development site is an area of relatively high residential density, in close proximity to the centre of the major regional city within the LGA. This indicates that the residents of the proposed dwellings are likely to have the levels of access to infrastructure and services that would be typical of

²⁹ BOCSAR 2021: <http://crimetool.bocsar.nsw.gov.au/bocsar/> As noted in the figures, the data are for the year commencing October 2019 and ending September 2020.

³⁰ A search of available BOCSAR research reports was conducted. No research directly addressing the relationship between residential density and crime was identified, with the exception of one study relating to public housing. This was considered as being not sufficiently relevant to the present proposal.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
 K & L Pawlak

other residents of such a large conurbation. The existing urban context also suggests that the relatively small increase in total population attributable to the proposed dwellings is unlikely to impinge on the ability of other citizens to access such infrastructure and services.

6.4 Social cohesion, community wellbeing and social equity

The number of responses received from neighbouring stakeholders indicates that some residents in the immediate area perceive that the development will have various effects on them. The fact of these objections being raised indicates that there may potentially be negative effects on a small number of residents, in terms of social cohesion (i.e. certain residents do not want the development to proceed). However, placed in the context of the entire suburb and larger areas such as the SA2, SA3 and LGA, there will be no material effects, as the increase in population will be proportionally very small.

Clearly, it is not possible to identify who individual tenants of the proposed dwellings may be. However, in addition to the interests of current residents, the potential effects on these individuals and/or small households also bear on these outcomes. It is highly likely that this stakeholder group will benefit from access to affordable, well-located accommodation. Given that the area is characterised by rented flats and apartments, there is likely to be some fundamental commonality between potential building residents, and other current or future residents in the area. It is also likely to be in the interests of potential residents to occupy their dwellings in a manner that supports their ongoing tenancy. In these respects, potential residents may be expected to integrate into the neighbourhood and the community successfully, without imposing material negative impacts on others in terms of their wellbeing, or capacity to maintain their lifestyles.


Social equity is likely to be improved by the proposed development, when considered in the context of the interests of the broader LGA community. As is substantiated by the AAHS, there is an established need for additional affordable accommodation. Access to this would support a range of other positive outcomes for potential residents, as secure accommodation is a fundamental element of positive lifestyle outcomes, which the AAHS broadly characterises as fairness and inclusivity.

6.5 Social impact aspects of other project effects

The relative scale of the additional dwellings in the context of the immediate surrounds, and its potential effects on neighbouring residents in particular, is discussed in the review of responses from the initial consultation process. In some respects, such as those relating to traffic and parking, there will be apparent changes, which may affect other residents.

From the perspective of the broader communities, including residents in other parts of Point Frederick and the remainder of the LGA beyond, as was established in Table 6, the potential increase in population, even at an upper bound assumption, is marginal. In the broader context it is likely to be imperceptible. Consequently, the potential for material effects, is generally likely to be similarly marginal.

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January 2021


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Point Frederick NSW
K & L Pawlak

6.5.1 Social need for alternative and affordable housing options

As was discussed in Section 2.4 and throughout Section 3, there is a well-recognised deficit in the availability of alternative and affordable housing in the LGA. This is by definition a social need, the effects of which are distributed across the region. The proposed development aims to provide comparatively affordable residential accommodation for small households, such as young professionals wishing to reside near to the city centre of Gosford, with relatively convenient access to transport, such as rail services to other areas of the LGA and to metropolitan Sydney. The element of affordability is addressed in Figure 10, which is an abridged version of Table 3.1 from Council's AAHS³¹. Advice received from the Applicant is that an indicative rental cost for the studio apartments is approximately \$250 per week.

Figure 10

Table 3.1: Relevant Affordable Housing Income and Cost Benchmarks

	Very low-income household	Low-income household	Moderate-income household
Income Benchmark	<50% of Gross Median H/H Income for Greater Sydney	50-80% of Gross Median H/H Income for Greater Sydney	80%-120% of Gross Median H/H Income for Greater Sydney
Income Range (2)	<\$913 per week	\$914-\$1,460 per week	\$1,461-\$2,190 per week
Affordable Rental Benchmarks (3)	<\$274 per week	\$275-\$438 per week	\$439-\$657 per week


Source: CCC AAHS 2020.

The presently proposed rent for the studio apartments is defined as affordable to all households, from those with very low income, to those with moderate income. However, this must be placed in the context that the proposed dwellings are most suitable to single person households, which may alter the interpretation of relative affordability. As was noted in Section 3.4.1, there is a relatively high proportion of single person households in Point Frederick. In these cases, it is assumed that personal income equates with household income. The ABS 2016 Census reported *median* personal income as \$709 per week. Adjusted by the Wage Price Index for succeeding years³², this is presently assessed as approximately \$780 per week. Benchmarking this against CCC's standards, the dwellings would be accessible to very low income households, once again bearing in mind that these are likely to be lone person households. It should also be noted that the weekly personal income reported by ABS and as determined by adjustment, is the median (as emphasised above), therefore there is potential variance in the circumstances of lone person households that may occupy the dwellings. Considering the available evidence, it is evident that the proposed development will contribute to the stock of alternative, affordable housing in the LGA.

³¹ The affordable purchase benchmarks have been excluded, as they are not relevant in this instance.

³² ABS 2021 < <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/wage-price-index-australia/latest-release> >

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January 2021


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Point Frederick NSW
K & L Pawlak

6.6 Impacts on prospective residents

The potential impacts on prospective residents over time are likely to be positive. As noted in Section 6.5, the relative affordability of the proposed dwellings will support occupants who may have relatively low incomes. In addition to such financial considerations, access to secure and potentially stable accommodation is also likely to support a range of less tangible benefits, which may be broadly described as positive in respect of quality of life, as noted in Section 6.4.

Section 1.3 identified that the proposed studio dwellings may be particularly appropriate for students of nearby tertiary and vocational education institutions. Access to conveniently located accommodation is likely to positively contribute to such residents' pursuit of their studies and, by association, their subsequent careers and resulting social and economic contributions.


6.7 Summary of potential social impacts

On the basis of responses received from neighbouring residents, it is likely that some perceived effects may be experienced by some residents. As perceptions of such effects are subjective, the actual extent of these cannot be validly established. Perceived and experienced effects may differ, particularly over time, as residents become accustomed to what is essentially similar use of the site to its current use, however at an increased concentration of residents. A further consideration in this respect is the predominance of rental properties in the immediate surrounds, and the associated prospect of turnover of residents in relation to such properties. It is assumed as likely that the respondents to the invitation to comment on the proposal are long term residents. It is noted that some respondents identified themselves as owner-occupiers of nearby dwellings. However, the potentially more limited effects on residents who may move in and out of neighbouring properties over time is also likely to be a mitigating factor.

Some impacts, such as those on visual amenity or shadowing effects for residents of specific properties, and increased traffic in the immediate area and Creighton Lane in particular, are likely to be objectively apparent. It is anticipated that such matters will be considered during the assessment of the project DA.

The PoM developed for the project by the Applicant acknowledges the need for ongoing engagement with neighbouring residents and other local stakeholders as required (refer to Section 5.8). The PoM is viewed as applicable in both principle and practice. It establishes the terms and methods for effectively communicating with stakeholders and addressing those issues which can be practically resolved.

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7 Economic impacts

The proposed development will create economic and employment opportunity during the pre-development and construction stages, and during the subsequent, longer-term operation of the affordable housing development. The two stages are discussed in Sections 7.1 and 7.2.

7.1 Pre-development and construction stage economic effects

As was identified in Section 1.3, the project requires;

- Demolition of the existing two-storey apartment building on the site;
- Construction of a building of four storeys, comprising 22 studio-style apartments, and accommodation for an onsite building manager, and undercroft parking for 12 cars and five (5) motorcycles, and separate bicycle storage area;
- Associated site works, landscaping etc.

Further economic activity is supported in the pre-development stage of the project, including planning and preparation, and assessment of the DA.


Construction activity in particular involves several 'rounds' of direct and derived economic activity. The initial round involves firms directly engaged on project works. Such works require procurement of goods and services, which stimulates further activity in the production of these inputs, and which comprises subsequent first and 'industrial support' rounds. Ultimately, the employment supported by these rounds of activity supports the consumption activity of employees and business proprietors in some instances³³, and their households (the consumption round). Some reasonable proportion of the required works may also be performed by locally based small to medium enterprises (SMEs). SME business are characteristic of the construction industry. These businesses also tend to operate within the regions in which they are based³⁴

A means of permitting an indicative assessment of these economic stimuli is the application of multipliers that capture the cumulative effect of these successive rounds of activity. It is necessary to observe that the ABS (2002), in describing the construction industry broadly, acknowledged certain limitations on reliance on multipliers, as follows: *'Care is needed in interpreting multiplier effects; their theoretical basis produces estimates which somewhat overstate the actual outputs in terms of output and employment. Nevertheless, the estimates illustrate the high flow-on effects of construction activity to the rest of the economy. Clearly, through its multipliers, construction activity has a high impact on the economy'*.

³³ Such activity is typical of the construction industry, in which 99% of residential construction businesses in NSW are either non-employing, or have less than 20 employees (ABS 2020).

³⁴ E.g. Mills, Smith and Love (2002) discussed the geographic aspect of construction firms' contracting activity.

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January 2021


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 Point Frederick NSW
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It is noted that many local government authorities in particular, assess the economic effects of projects using proprietary programs that produce multiplier-based assessments³⁵. In accordance with ABS's guidance, the application of multipliers must be considered as providing an indicative and potentially 'somewhat overstated' assessment of the effects of the proposed development.

The Housing Industry Association (HIA, 2010) provided an indicative estimate of these effects, finding that *'for every \$1 million increase in construction output, there is an increase in output elsewhere in the economy of \$2.9 million. In output terms, an extra \$1 million of construction expenditure also involves \$217,000 of employee earnings and \$241,000 of corporate and small business profits.'* In terms of effects on employment, HIA further estimated that *'an extra \$1 million of construction expenditure generates 9 construction jobs' and that in addition 'to this initial effect there are also are production induced effects generating 7 jobs across those businesses manufacturing the materials needed for the additional construction'.*

The nominal direct, supply chain and consumption effects based on multiplier analysis reported by HIA approximate those developed by the ABS (2001)³⁶, which reported total residential construction multipliers based on 1996/1997 input-output (I/O) tables from the National Accounts as:

Output:	2.82
Gross Value Added (GVA):	1.31
Employment:	17

Multipliers generated by Aigis Group (2016) using the ABS methodology and based on 2012/2013 IO tables were:


Output:	3.43
GVA:	1.31
Employment:	16.7

The multipliers have remained generally stable over time, which is indicative of the relatively stable structure of industry supply chains (i.e. many similar inputs are required for many projects over time). As noted above, application of the multipliers is based on the effects of each \$1 million of output (i.e. additional activity), such as in relation to a specific project. Estimates based on these multipliers and the nominal capital investment for works under this DA are presented in Table 16. Given the assumed propensity for such analysis to result in overestimation, the lower of the two sets of multipliers is adopted for each measure, where applicable, but remains likely to represent an overestimate. Consistent with the

³⁵ It is noted that CCC uses resources/modelling tools sourced from .id consulting pty ltd.

³⁶ Cultural Ministers Council: Multipliers for Culture-Related Industries. National Centre for Culture and Recreation Statistics, Australian Bureau of Statistics. November 2001

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January 2021


SIA - Affordable Housing Development
Point Frederick NSW
K & L Pawlak

advice of ABS in respect of the theoretical limitations of such assessments, the proposed development will result in positive economic effects during the construction period. It is also noted that the economic activity and employment supported is generally likely to be in the form of providing work to currently operating businesses and employed persons, rather than the creation of new businesses or employment positions.

Table 16: Indicative economic effects of proposed development

	Total development (≈ \$4.2 million)
Output (2.82)	\$11.8 million
GVA (1.31)	\$5.5 million
Employment (16.7)	71 positions

7.2 Operations stage employment effects

In the operating stage of the development, it will create one FTE position for the resident manager. Additional employment will result for the managing agent, however this will be fractional in terms of FTE effects. The project will also create recurrent and occasional fractional FTE employment for a range of functions, including building maintenance, repairs and upkeep, and upkeep of the property's grounds. In each of these instances, the employment effects will endure over the operational life of the proposed development.

A qualitative summary only of operations stage employment is presented in this section, as quantitative assessment is constrained by the potential variances in assumptions. For example, the salary and resulting economic effects for the resident manager may vary based on the level of experience of a particular manager appointed to the position. This again may vary for successive managers over time, should this be the case.

8 Conclusions and recommendations


8.1 Conclusions

The proposed development is consistent with Council strategy in respect of increasing the availability of, and access to, affordable housing, in a suitable location. Future residents are expected to benefit from their tenancies, given the location of the site near to public transport and a range of other infrastructure and services.

The proposed development will also provide short term employment during its construction stage. A limited number of full and part-time or casual employment opportunities will also be created over the longer term, during operation of the development.

Consultation with current neighbouring residents identified a range of concerns that are perceived as potentially eventuating in association with the development. As has been noted, some of the apprehended effects may or may not occur, and their perceived extent or intensity may differ over time. Other effects, such as traffic movements and those relating

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January 2021


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to building scale will be objectively apparent. The latter are addressed in other relevant elements of the DA, and it is anticipated will in part inform determination of the application. The PoM for the development includes detailed provisions for the identification and management of effects, as between management and third parties, for the range of potential effects discussed in this SIA.

A key consideration in assessing the potential for localised effects is the urban context of the immediate area. The proposed development is largely consistent with the predominant land uses of multiple tenancy and to a substantial degree, rental properties, in the near vicinity. It is assessed that, given adoption of appropriate management actions such as those proposed in the PoM, potential effects are likely to be consistent with those generated by other multiple tenancy developments in Point Frederick.


The SIA has presented a range of secondary and primary source evidence in relation to the proposed development at 14 York Street, Point Frederick. It is submitted that when considered in the regional context, on balance, the project is likely to result in beneficial outcomes for the Central Coast LGA.

8.2 Recommendations

Key recommendations in respect of the management of social impacts of the proposed development are:

- The Applicant has developed a comprehensive Plan of Management (PoM) for operation of the affordable housing development, consistent with relevant regulatory requirements. It is noted that consequent to Council assessment, amendments to the PoM may be required. It is recommended that the final version of the PoM be applied in full, to operation of the site. Furthermore, it is recommended that the PoM is regularly reviewed to allow for any change in regulatory obligations, and other appropriate changes to management principles.
- The PoM includes provision for consultation mechanisms to be available to nearby residents. This provision is specifically recommended, as it is critical to ensuring that the site operates in a manner that does not unduly affect nearby residents.
- CPTED principles should be adopted in design and development of the building and its grounds. These features may be identified to neighbouring property occupants, with a view to establishing the Applicant's intention to manage the potential for negative outcomes.

Aigis Group – Mark Sargent Enterprises
January 2021


 SIA - Affordable Housing Development
 Point Frederick NSW
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Aigis Group – Mark Sargent Enterprises
January 2021


SIA - Affordable Housing Development
Point Frederick NSW
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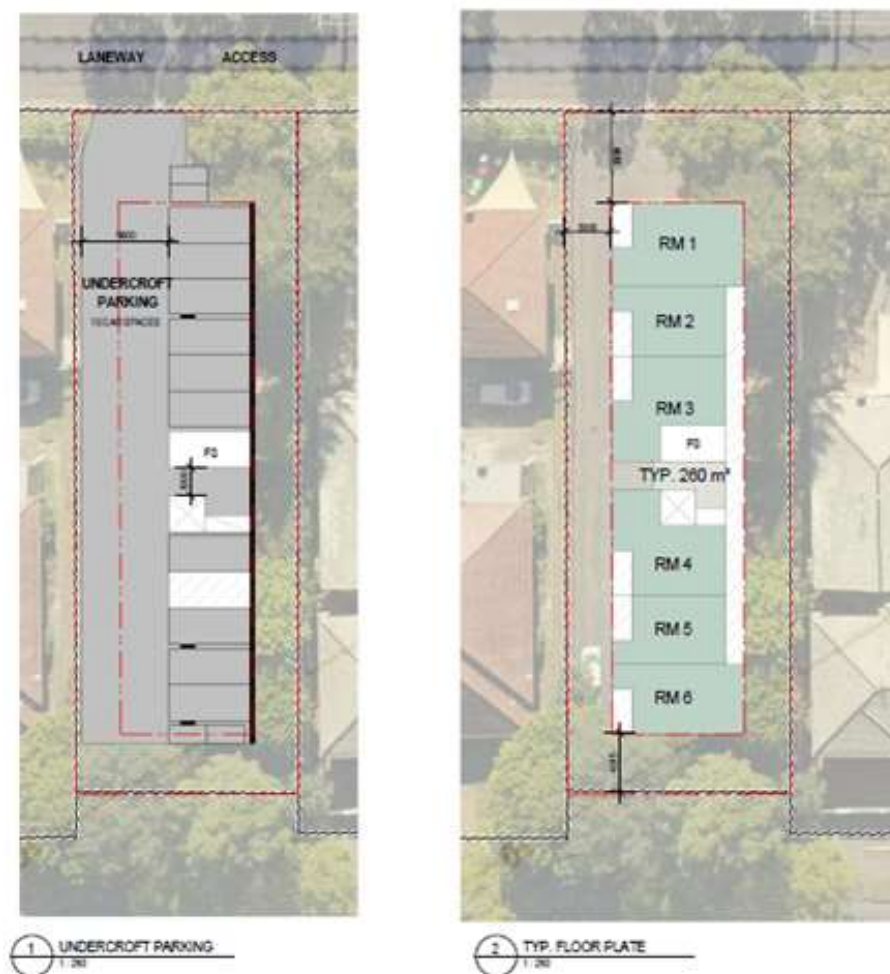
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January 2021


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Annexure 1: Site concept and context

Figure A1.1: Site concept diagrams



Street address	Description	Count of tenancies/dwellings
8 York Street	8 & 8A	2
10 York Street	10 & 10A	2
14 York Street	Flats/apartments	4
16 York Street	Flats/apartments	4
18 York Street	Flats/apartments	5
20 York Street	Single dwelling/business	1
1 Creighton Lane	Flats/apartments	8
150 Albany Street	Flats/apartments	4
150A Albany Street	Single dwelling	1
51-57 Masons Parade	Legacy House Seniors Village	Not ascertained

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January 2021


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Annexure 2: Stakeholder consultation letter



5 December 2020

The Resident/Occupant

Dear Sir/Madam,

Re: Invitation to Comment on Development Application
Mixed Use Affordable Housing Development
14 York Street, Point Frederick, NSW

Background

A Development Application (DA) is being prepared for lodgement with Central Coast Council (Council) by the Applicant, Landin Realty, in respect of the proposed project, as identified above. As part of the assessment process for this DA, Council requires inclusion of a Social Impact Assessment (SIA) in respect of potential effects of the development. This firm has been engaged to prepare the SIA, and conduct associated stakeholder consultation/engagement to inform the report.

Description of proposed development

The proposed development is the construction of a residential building comprising four storeys and 20 studio-style rooms. The building will also include undercroft parking (i.e. an unenclosed parking area below the building) for 10 cars. Vehicle access for the site will be via Creighton Lane. An indicative concept diagram of the proposed development is attached to this letter.


Consultation process

In accordance with Council requirements, this letter provides notification of the DA process and an invitation for you to initially address the application and identify matters relating to it, which you believe require consideration in the assessment process as it progresses. Should you wish to provide comment on the application, you are invited to do so via either of the following means:

By email:

Email address: mark@mseag.com.au

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January 2021


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Point Frederick NSW
K & L Pawlak

Please note that this is our preferred means of contact, as it provides an accurate record of engagement and will permit prompt response to any email received, as may be required.

By mail:

C/O Mark Sargent
Aigis Group
13 Debs Parade
Dudley NSW 2290

You are requested to respond to this invitation by **5.00pm, Monday 21 December 2020**, should you wish to do so. As previously noted, this is an initial step in the engagement process. Importantly, there will be subsequent opportunity to comment on the proposal in the context of the entire DA documentation, once it is lodged with Council and placed on public exhibition, should you wish to do so at that stage. At that stage all final diagrams and site plans will be available for your perusal.

Please note that material from any response you provide will be reported anonymously throughout the DA process, to protect your privacy.

Yours sincerely

Aigis Group



Dr Mark Sargent

Principal

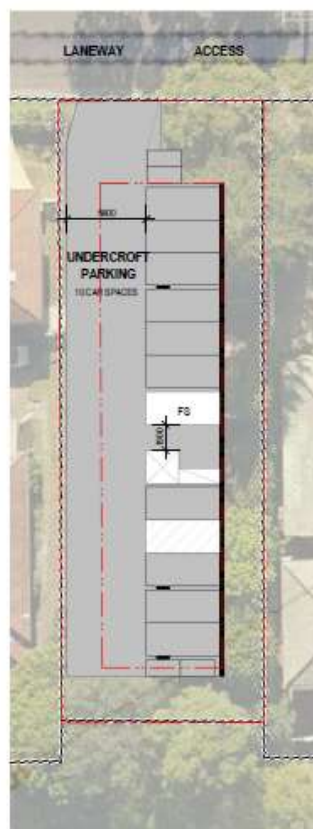
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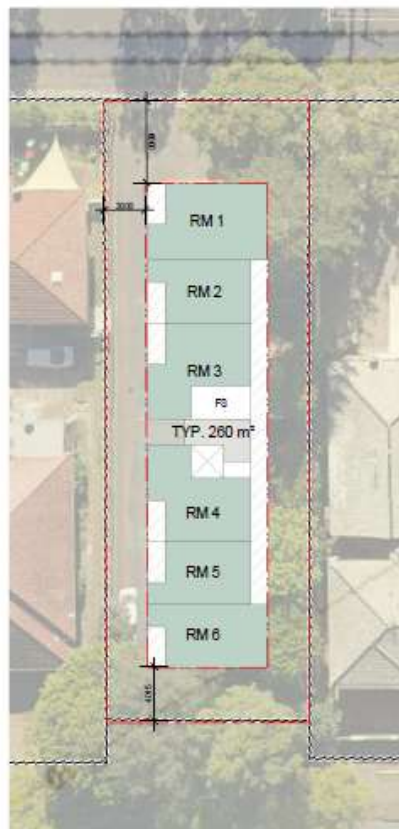
(E): mark@mseag.com.au

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January 2021

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1 UNDERCROFT PARKING
1:250



2 TYP. FLOOR PLATE
1:250

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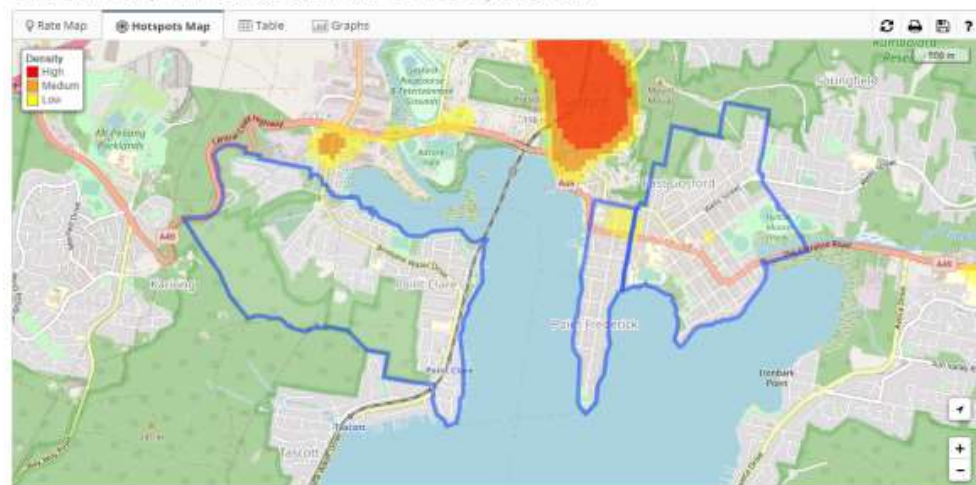

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Annexure 3: BOCSAR Crime incidence and 'hotspot' mapping – Point Frederick


Incidents of Assault (Non-domestic assault) from October 2019 to September 2020



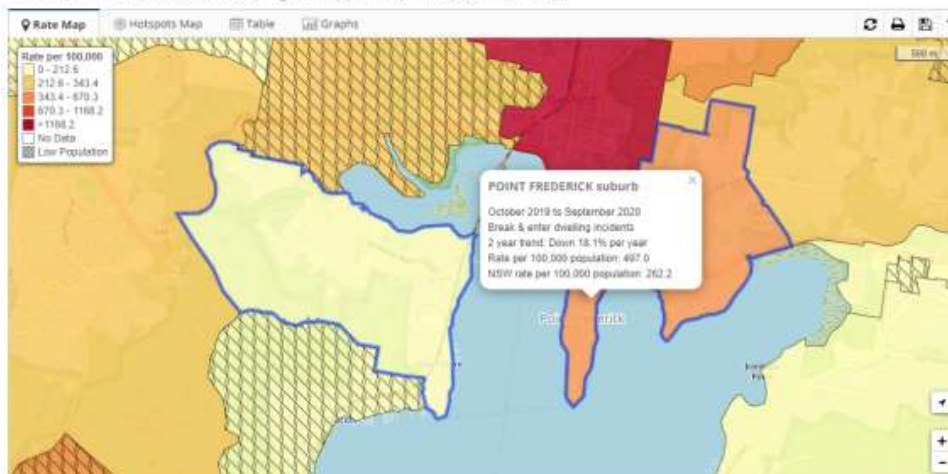
Incidents of Assault (Non-domestic assault) from October 2019 to September 2020



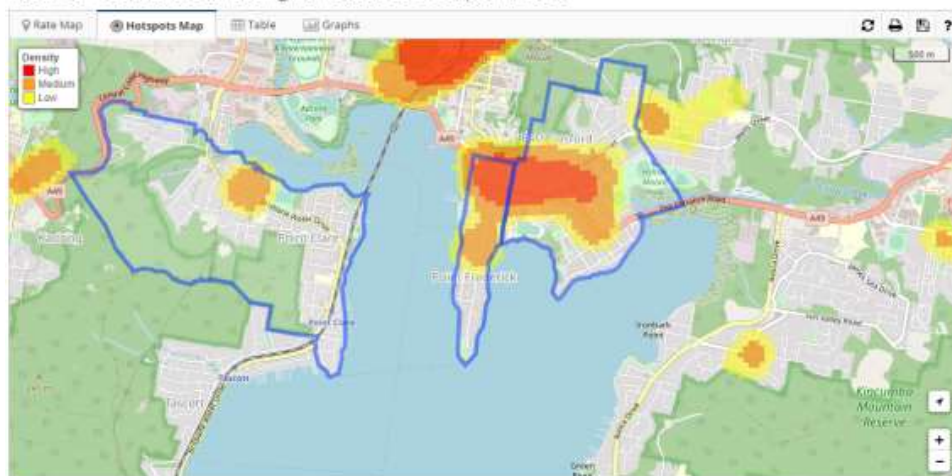
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Incidents of Theft (Break & enter dwelling) from October 2019 to September 2020



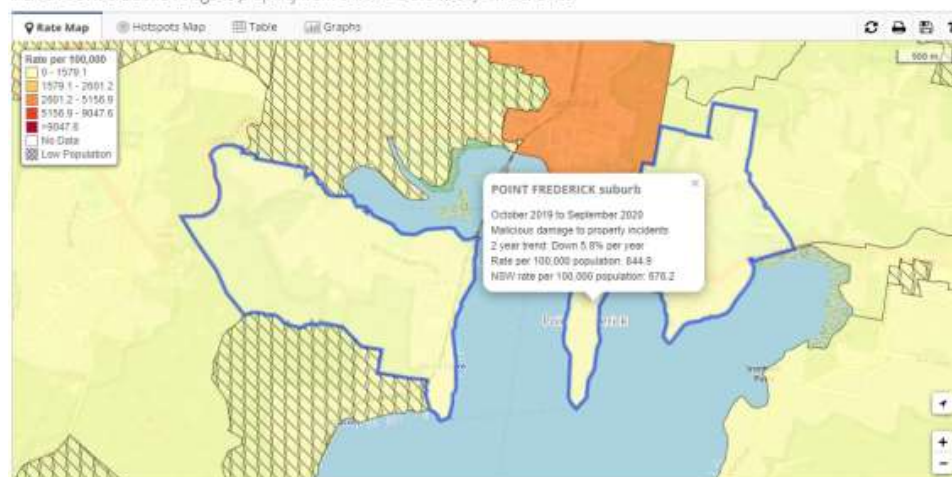
Incidents of Theft (Break & enter dwelling) from October 2019 to September 2020



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January 2021


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Incidents of Malicious damage to property from October 2019 to September 2020



Incidents of Malicious damage to property from October 2019 to September 2020

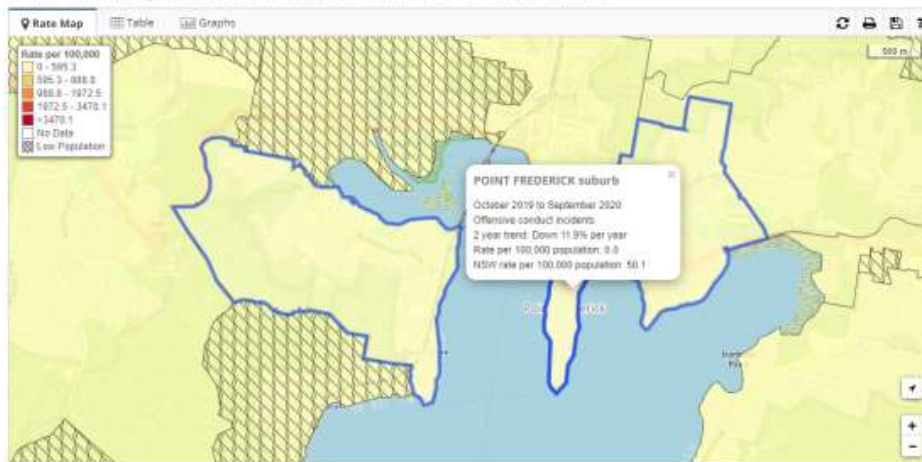


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Point Frederick NSW
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Incidents of Disorderly conduct (Offensive conduct) from October 2019 to September 2020





treeREPORT.

ARBORICULTURAL CONSULTING

Arboricultural Impact Assessment

14 York Street,
Point Frederick NSW 2250

Version 2

Prepared for:

Landin Reality

February 2021

Document information

Project name: 14 York Street, POINT FREDERICK

Project number: CEN21.0326

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Report type: Arboricultural Impact Assessment

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AA / ISA / QTRA-Adv. / SRA-ANZ

Document status

Document version	Date	Revision description
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Abbreviations

Ø	Diameter
R	Radius
AQF	Australian Qualifications Framework
AS	Australian Standards
DBH	Diameter at Breast Height
DBR	Diameter at Root Flare
Id	Identification
m	Metre
mm	Millimetre
NDE	Non-Destructive Excavation
NO	Number
NSW	New South Wales
SP	Species
SRZ	Structural Root Zone
TPZ	Tree Protection Zone
VTA	Visual Tree Assessment

Contents

1 Background

Introduction

The Proposal

The Subject Trees

Documents and Plans Referenced

2 Method

Visual tree assessment

Retention value

Encroachment assessment

Encroachments within the TPZ

Mitigation measures

3 Discussion

General

Total Encroachment

Major Encroachment (>10%)

Minor encroachment (<10%)

No encroachment

4 Conclusion

Trees proposed for removal

Trees proposed for retention

5 Recommendations

Trees proposed for removal

Trees proposed for retention

Vegetation offset

Tree work

Hold points, inspections and certification

6 References

Appendix I Impact Assessment

Appendix II Results of Arboricultural Assessment

Appendix III Tree Protection Plan

Appendix IV Tree Protection Specifications

Appendix V Encroachment within the TPZ

Appendix VI STARS© assessment matrix

1 Background

Introduction

Tree Report was commissioned by Landin Reality to prepare an Arboricultural Impact Assessment (AIA) for a proposed development located at 14 York Street, Point Frederick NSW 2250 (the Site). The Site falls within the Central Coast Council Local Government Area (LGA).

The purpose of this report is to:

- Identify trees shown within plan(s) provided which are likely to be affected by the proposed works.
- Assess the current overall health and condition of the subject trees.
- Assess and discuss likely impacts to the subject trees as a result of the proposed development.
- Evaluate the significance of the subject trees and assess their suitability for retention.

The Proposal

Key features of the proposal likely to affect the subject trees are summarised as follows:

- Demolition of existing multi-dwelling structure, including concrete driveway.
- Site preparation activities.
- Construction of boarding house (23 rooms including managers residence) structure.
- Installation of above and below services.
- Associated landscaping works.

The Subject Trees

Inspection of the site was undertaken on the 12th February 2021. A total of **19** individual trees were identified and documented for assessment within this report. Further information, observations and measurements specific to the subject tree can be found in **Chapter 3** and **Appendix II**.

Documents and Plans Referenced

The conclusions and recommendations of this report are based on the *Australian Standard, AS 4970-2009, Protection of Trees on Development Sites*, the findings from the site inspections and analysis of the following documents/plans:

- *ADG Architects: Affordable Housing – 14 York Street, Point Frederick NSW 2250 Drawings; Project Number: 20_027; Drawing Number. A000; Rev. A, dated 022.01.2021*
- *Gosford Council: Development Control Plan (DCP) 2013.*
- *Gosford Council: Local Environmental Plan (LEP) 2014.*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

ADJ Architects: Affordable Housing – 14 York Street, Point Frederick NSW 2250 Drawings; Site Plan has been used as a base map for **Appendix I & III**.

2 Method

Visual tree assessment

The subject trees were assessed in accordance with a stage one visual tree assessment (VTA) as formulated by Mattheck & Breloer (1994)¹, and practices consistent with modern arboriculture.

The following limitations apply to this methodology:

- Trees were inspected from ground level, without the use of any invasive or diagnostic tools and testing.
- Trees within adjacent properties or restricted areas were not subject to a complete visual inspection (i.e. defects and abnormalities may be present but not recorded).
- Tree heights, canopy spread and diameter at breast height (DBH) was estimated, unless otherwise stated.
- Tree identification was based on broad taxonomical features present and visible from ground level at the time of inspection.

Retention value

The retention value of a tree or group of trees is determined using a combination of environmental, cultural, physical and social values.

- **Low:** These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.
- **Medium:** These trees are moderately important for retention. Their removal should only be considered if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.
- **High:** These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by *Australian Standard AS4970 Protection of trees on development sites*.

This tree retention assessment has been undertaken in accordance with the Institute of Australian Consulting Arboriculturalists (IACA) Significance of a Tree, Assessment Rating System (STARS). The system uses a scale of High, Medium and Low significance in the landscape. Once the landscape significance of a tree has been defined, the retention value can be determined. Each tree must meet a minimum of three (3) assessment criteria to be classified within a category. Further details and the assessment criteria are in **Appendix VI**.

¹ VTA is an internationally recognised practice in the visual assessment of trees as formulated by Mattheck & Breloer (1994). Principle explanations and illustrations are contained within the publication, Field Guide for Visual Tree Assessment by Mattheck, C., and Breloer, H. *Arboricultural Journal* 1, Vol 18 pp 1-23 (1994).

Encroachment assessment

- **Tree protection zone (TPZ):** The TPZ is the optimal combination of crown and root area (as defined by AS 4970-2009) that requires protection during the construction process so that the tree can remain viable. The TPZ is an area that is isolated from the work zone to ensure no disturbance or encroachment occurs into this zone. Tree sensitive construction measures must be implemented if work is to proceed within the Tree Protection Zone.
- **Structural root zone (SRZ):** The SRZ is the area of the root system (as defined by AS 4970-2009) used for stability, mechanical support and anchorage of the tree. Severance of structural roots (>50 mm in diameter) within the SRZ is not recommended as it may lead to the destabilisation and/or decline of the tree.
- **Root investigation:** When assessing the potential impacts of encroachment within the TPZ, consideration will need to be given to the location and distribution of the roots, including above or below ground restrictions affecting root growth. Location and distribution of roots may be determined through non-destructive excavation (NDE) methods such as hydro-vacuum excavation (sucker truck), air spade and manual excavation. Root investigation is used to determine the extent and location of roots within the zone of conflict. Root investigation does not guarantee the retention of the tree.

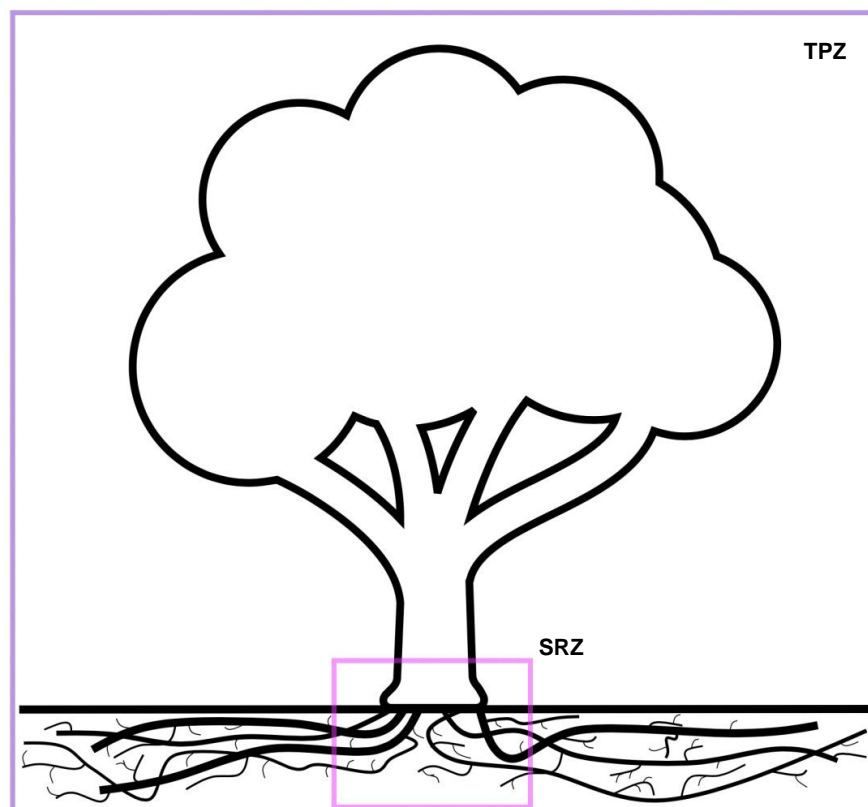


Figure 1: Indicative TPZ and SRZ

Encroachments within the TPZ

- **No encroachment (0%):** No likely or foreseeable encroachment within the TPZ.
- **Minor encroachment (<10%):** If the proposed encroachment is less than 10% (total area) of the TPZ, and outside of the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and be contiguous with the TPZ.
- **Major encroachment (>10%):** If the proposed encroachment is greater than 10% (total area) of the TPZ, the project arborist must demonstrate that the tree(s) remain viable. The area lost to this encroachment should be compensated for elsewhere and be contiguous with the TPZ. Tree sensitive construction techniques may be used for minor works within this area providing no structural roots are likely to be impacted, and the project arborist can demonstrate that the tree(s) remain viable. Root investigation by non-destructive methods may be required for proposed works within this area. All work within the TPZ must be carried out under the supervision of the project arborist.
- **Total encroachment:** Subject trees located wholly within the construction footprint cannot be successfully retained.

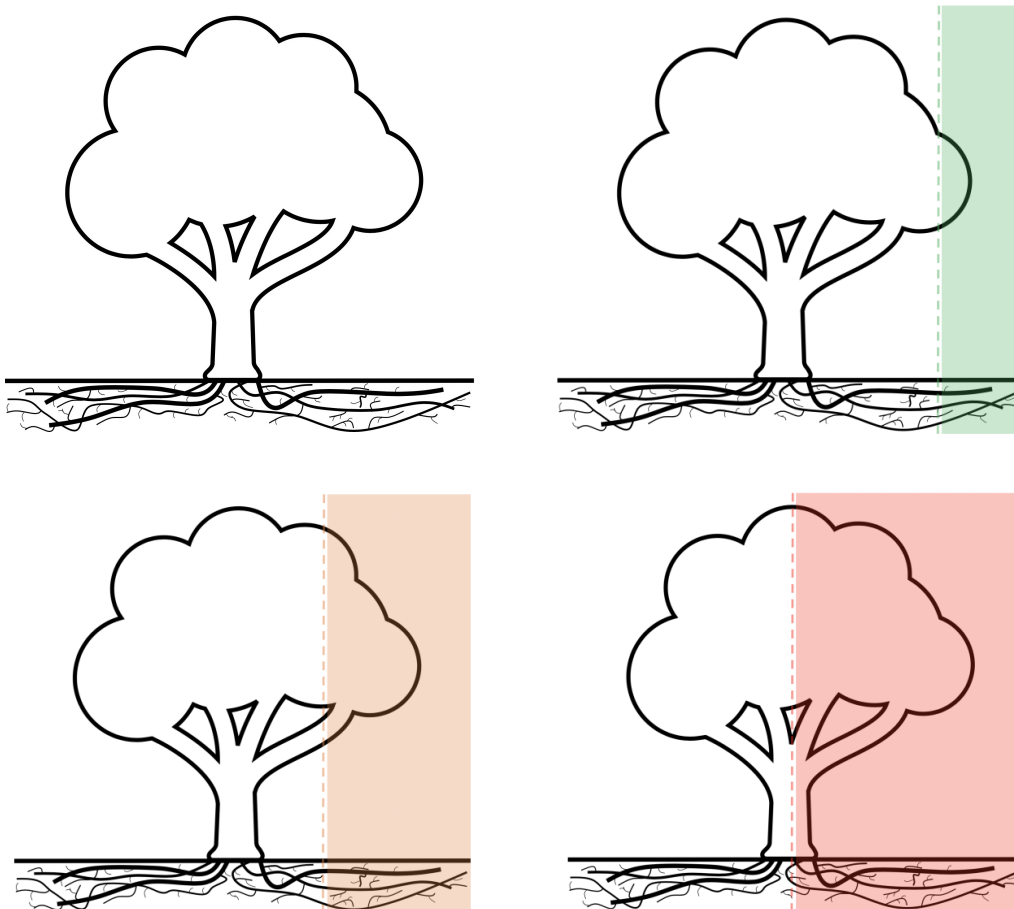


Figure 2: Indicative levels of encroachment

Mitigation measures

Encroachment within the TPZ must be compensated with a range of mitigation measures to ensure that impacts to the subject tree(s) are reduced or restricted wherever possible. Mitigation must be increased relative to the level of encroachment within the TPZ to ensure the subject tree remain viable. The table below outlines requirements under AS 4970-2009, and mitigation measures required within each category of encroachment. These mitigation measures will only apply if trees are proposed to be retained.

Level of Encroachment Requirements Under AS 4970-2009

No encroachment (0%)	<ul style="list-style-type: none"> N/A
Minor encroachment (<10%)	<ul style="list-style-type: none"> The area lost to this encroachment should be compensated for elsewhere, contiguous with the TPZ. Detailed root investigations should not be required. Tree protection must be installed.
Major encroachment (>10%)	<ul style="list-style-type: none"> The project arborist must demonstrate the tree(s) would remain viable. Root investigation by non-destructive methods may be required. Consideration of relevant factors including: Root location and distribution, tree species, condition, site constraints and design factors. The area lost to this encroachment should be compensated for elsewhere, contiguous with the TPZ. Non-destructive root investigation may be required for any trees proposed for retention.
Total encroachment	<ul style="list-style-type: none"> Subject tree(s) cannot be successfully retained.

Table 1: Mitigation measures

3 Discussion

General

Construction and development can change the way an area is utilised by adding buildings, infrastructure and pedestrians to the location. This can result in an increased potential of damage and harm to property and people. Therefore, trees that contain significant defects, are structurally poor or have a short useful life expectancy should be considered for removal.

Furthermore, it is not always possible or reasonably practicable to retain all trees within a proposed development. It can be better to select the higher retention value trees and protect these well, rather than trying to retain all trees and decreasing the quality of tree protection (Matheny & Clark, 1998). Trees can be negatively affected in a number of ways during construction. These include root loss, lack of water and oxygen to the root zone, damage to the trunk or canopy and/or poisoning. Failure to protect trees, particularly root zones, during development can lead to an increased risk of tree death and/or failure post construction.

Most tree roots will usually be found in the top 600mm of soil (Harris, Clark & Matheny, 1999). Radiating outwards from the base of the trunk are several large woody roots. These structural roots anchor the tree in the ground. Cutting or affecting those roots is likely to undermine the stability of the tree. The spread of a tree's structural roots, herein termed its Structural Root Zone (SRZ), is generally proportioned to the diameter of its trunk (Matthek & Breloer, 1994).

Beyond this zone extends the network of woody transport roots and fine absorbing roots, which absorb and transport water and nutrients. Most of these roots are found in the top 150mm of soil (Harris, Clark & Matheny, 1999). Trees can lose a portion of their absorbing roots without being significantly affected in the long term. Different species tolerate different amounts of root loss, with most healthy trees able to tolerate losing up to a third of their absorbing roots (Matheny & Clark, 1998).

Total Encroachment

Subject Trees **id. 1 & 7** are located wholly within the construction footprint of the proposed development. Of these:

- One tree (**id. 1**) is of medium retention value
- One tree (**id.17**) is of low retention value

Major Encroachment (>10%)

Subject Trees **id. 2-5, 10 & 11** are located adjacent to the construction footprint of the proposed development and will be subject to a major encroachment of the TPZ. Excavation activities will result in the loss of >30% of the TPZ as well as SRZ and are therefore likely to have a significant impact on the subject tree's ability to store carbohydrates, use stored carbohydrates in times of stress and in turn have a significant impact on the health, condition and stability of the tree long term. Of these:

- One tree (**id. 5**) is of high retention value
- Three trees (**id. 2, 10 & 11**) are of medium retention value
- Two trees (**id.3 & 4**) are of low retention value

Tree 5, of high retention value, is located within the adjoining property and adjacent to the construction footprint of the proposed development and will be subject to a major (>10%) encroachment of the TPZ. These activities are likely to have a significant impact on the subject tree's ability to store carbohydrates, use stored carbohydrates in times of stress and are likely to have a significant impact on the health, condition and/or stability of the tree long term, **however**, this impact can be mitigated through the use of tree sensitive design and construction techniques in the form of localised pier footings in order to successfully retain the Subject Tree.

Localised pier footings (herein referred to as footings) will be used as a tree sensitive construction technique. Footings are to be designed so as to be spaced as far apart from one another as possible, in order to minimise the amount of excavations within a TPZ and will not be located within the SRZ.

All approved excavations (including root investigations) within the TPZ should be carried out using tree sensitive methods under supervision of the project arborist. These methods may include:

- Manual excavation (hand tools).
- Air spade.
- Hydro-vacuum excavations (sucker-truck).

Minor encroachment (<10%)

Four trees (**id. 6, 12, 13 & 15**), are located adjacent to the proposed development. Excavation activities are required of less than 10% of total TPZ. Minor encroachments are considered acceptable under the *Australian Standard, AS 4970-2009, Protection of Trees on Development Sites* and are unlikely to have a significant impact on the subject tree's ability to store carbohydrates, use stored carbohydrates in times of stress and are unlikely to have a significant impact on the health, condition and/or stability of the tree long term.

No encroachment

Seven trees (**id. 7-9, 14, 16, 18 & 19**) are located outside of the proposed area of disturbance and there are no foreseeable impacts to these trees as a result of the proposed development.

4 Conclusion

Trees proposed for removal

- **Total encroachment (100%):** Two Subject Trees (id. 1 & 7) are located wholly within the construction footprint of the proposed development.

Under the current proposal, these trees cannot be successfully retained

- **Major encroachment (>10%):** Five Subject Trees (id. 2-4, 10 & 11) will be subject to major encroachment of the TPZ. This major encroachment is likely to have a significant impact on the subject tree's ability to store carbohydrates, use stored carbohydrates in times of stress and are likely to have a significant impact on the health, condition and/or stability of the tree long term.

Under the current proposal, these trees cannot be successfully retained

Trees proposed for retention

- **Major encroachment (>10%):** Subject Tree id. 5 will be subject to a major encroachment of more than 10% of the TPZ. However, this tree is proposed for retention via the use of tree sensitive design and construction techniques as discussed in the previous section.

Under the current proposal, these trees can be successfully retained

- **Minor encroachment (<10%):** Four Subject Trees (id. 6, 12, 13 & 15) will be subject to a minor encroachment of the TPZ.

Under the current proposal, these trees can be successfully retained

- **No encroachment:** Seven Subject Trees (id. 7-9, 14, 16, 18 & 19) are located outside of the area of disturbance and there are no foreseeable impacts to these trees as a result of the proposed development.

Under the current proposal, these trees can be successfully retained

5 Recommendations

Trees proposed for removal

Total encroachment (100%): Subject Trees **1 & 7** will be subject to a total encroachment of the TPZ. Under the current proposal, these trees cannot be successfully retained and are recommended for removal as part of this development.

Major Encroachment (>10%): Subject Trees **id. 2-4, 10 & 11** will be subject to a major encroachment of the TPZ. Under the current proposal, this tree cannot be successfully retained and are recommended for removal as part of this development.

Trees proposed for retention

Major encroachment (>10%): Subject tree **id. 5** will be subject to a major (>10%) of the TPZ. Under the current proposal, this tree can be successfully retained via the use of tree sensitive design and construction techniques.

The following mitigation measures will be required:

- The tree protection plan (**Appendix III**) and tree protection specifications (**Appendix IV**) must be implemented.
- The area lost to encroachment should be compensated for elsewhere, contiguous with the TPZ (see **Appendix V**)
- All approved works within the TPZ must be carried out using tree sensitive methods under supervision of the project arborist.
- No excavations works are to be undertaken within the SRZ of any subject tree.

Minor encroachment (<10%): Subject Trees **id. 6, 12, 13 & 15** will be subject to a minor (<10%) of the TPZ. Under the current proposal, these trees can be successfully retained.

The following mitigation measures will be required:

- The tree protection plan (**Appendix III**) and tree protection specifications (**Appendix IV**) must be implemented.
- The area lost to encroachment should be compensated for elsewhere, contiguous with the TPZ (see **Appendix V**)
- All approved works within the TPZ must be carried out under supervision of the project arborist.

No encroachment (0%): Subject trees **id. 7-9, 14, 16, 18 & 19** will not be subject to an encroachment of the TPZ. Under the current proposal, these trees can be successfully retained. The following mitigation measure will be required:

- The tree protection plan (**Appendix III**) and tree protection specifications (**Appendix IV**) must be implemented.

Vegetation offset

Offset replacement planting to compensate for the loss of the tree as part of this development should be such, that a net increase of canopy cover is ascertained within a 10-year time period. Species selection should be in co-ordination with Central Coast Council and consist of tree species which are endemic to the local area and suited to the size of the area of which they are planted.

Tree work

Should the need for additional tree pruning and/or removal works arise, the following is recommended:

- All pruning and/or tree removal work is to be carried out by an arborist with a minimum AQF Level 3 qualification in Arboriculture.
- All pruning must be in accordance with AS 4373-2007, Pruning of Amenity Trees.
- All pruning and/or tree removal work is to be carried out in accordance with the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998).
- Permission must be granted from the relevant consent authority, prior to removing or pruning of any of the subject trees.

Hold points, inspections and certification

The approved tree protection plan must be available onsite prior to the commencement of works, and throughout the entirety of the project. To ensure the tree protection plan is implemented, hold points have been specified in the schedule of works (**Table 2**). It is the responsibility of the principle contractor to complete each of the tasks.

Once each stage is reached, the work will be inspected and certified by the project arborist and the next stage may commence. Alterations to this schedule may be required due to necessity, however, this shall be through consultation with the project arborist only.

Pre-construction	<ul style="list-style-type: none"> • Prior to demolition and site establishment indicate clearly (with spray paint on trunks trees marked for removal only (if applicable)). • Tree protection (for trees that will be retained) shall be installed prior to demolition and site establishment, this will include mulching of areas within the TPZ.
During Construction	<ul style="list-style-type: none"> • Inspection of trees by the project arborist should be undertaken monthly during the construction period. • Inspection of trees by project arborist after all major external construction has ceased, following the removal of tree protection measures.
Post Construction	<ul style="list-style-type: none"> • Final inspection of trees by project arborist.

Table 2

6 References

Australian Standard, AS 4373-2007, Pruning of Amenity Trees.

Australian Standard, AS 4970-2009, Protection of Trees on Development Sites.

Harris, R., Clark, J., Matheny, N. and Harris, V. 2004. Arboriculture. Upper Saddle River, N.J.: Prentice Hall.

Lonsdale, D. 1999. Principles of tree hazard assessment and management. London: Stationery Office.

Loughran, A. 2007. Native plant or weed. Paterson, N.S.W.: Tocal College, NSW Dept. of Primary Industries.

Mattheck, C. 2007. Updated field guide for visual tree assessment. Karlsruhe: Forschungszentrum Karlsruhe.

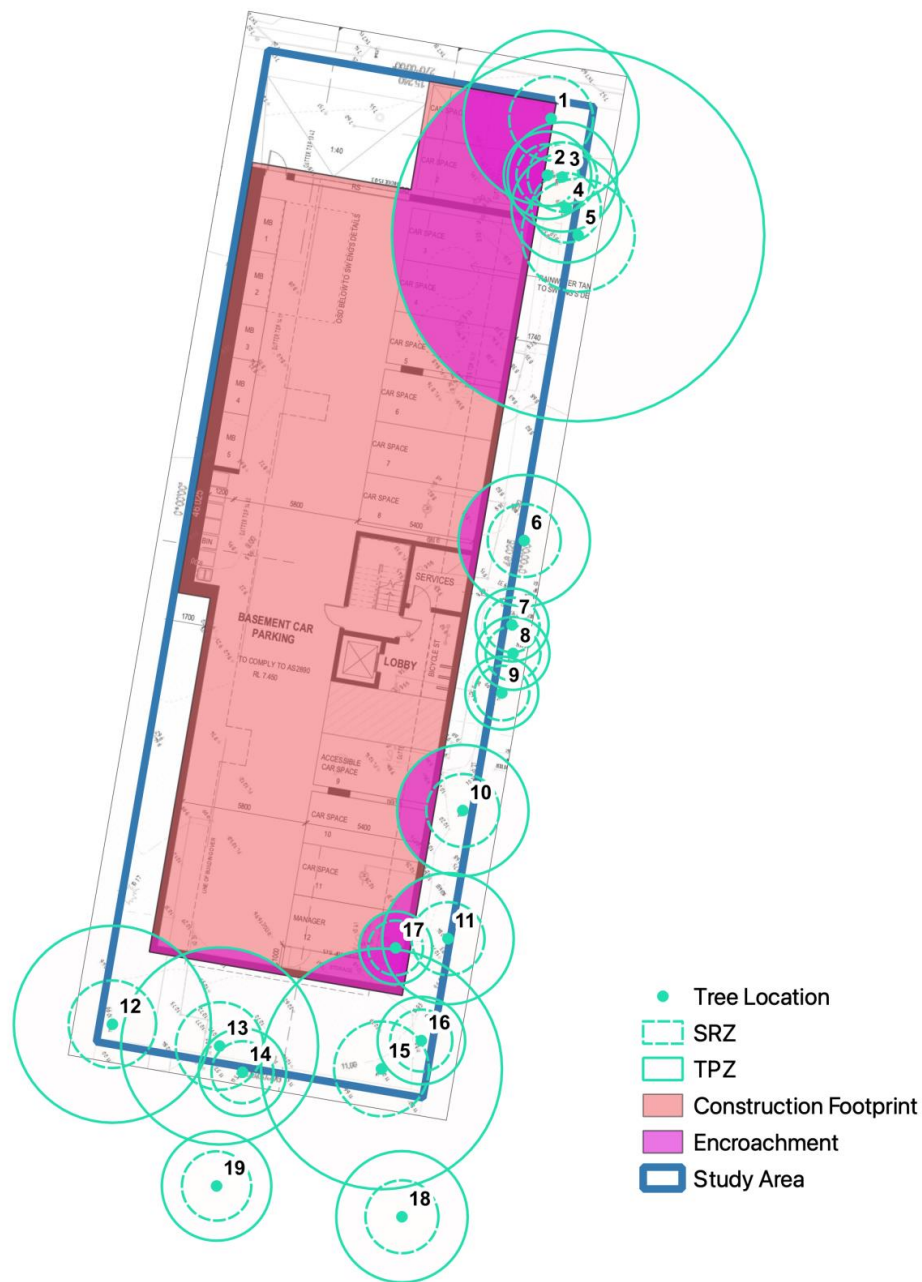
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Mattheck, C., Lonsdale, D. and Breloer, H. 1994. The body language of trees. London: H.M.S.O.

MacLeod, R D. and Cram, W J. 1996. Forces Exerted by Tree Roots, Arboriculture Research Information Note, 134/96/EXT.

Smiley, T. and Fite, K. 2008. Managing Trees During Construction. Arborist News. WorkCover NSW. 1998. Code of Practice: Amenity Tree Industry.

Appendix I Impact Assessment



Arboricultural Impact Assessment

14 York Street, Point Frederick NSW 2250

Prepared by: Lex Atkins
 Project manager: Lex Atkins
 Date: 15.02.2021



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Arboricultural Impact Assessment

14 York Street, Point Frederick NSW 2250

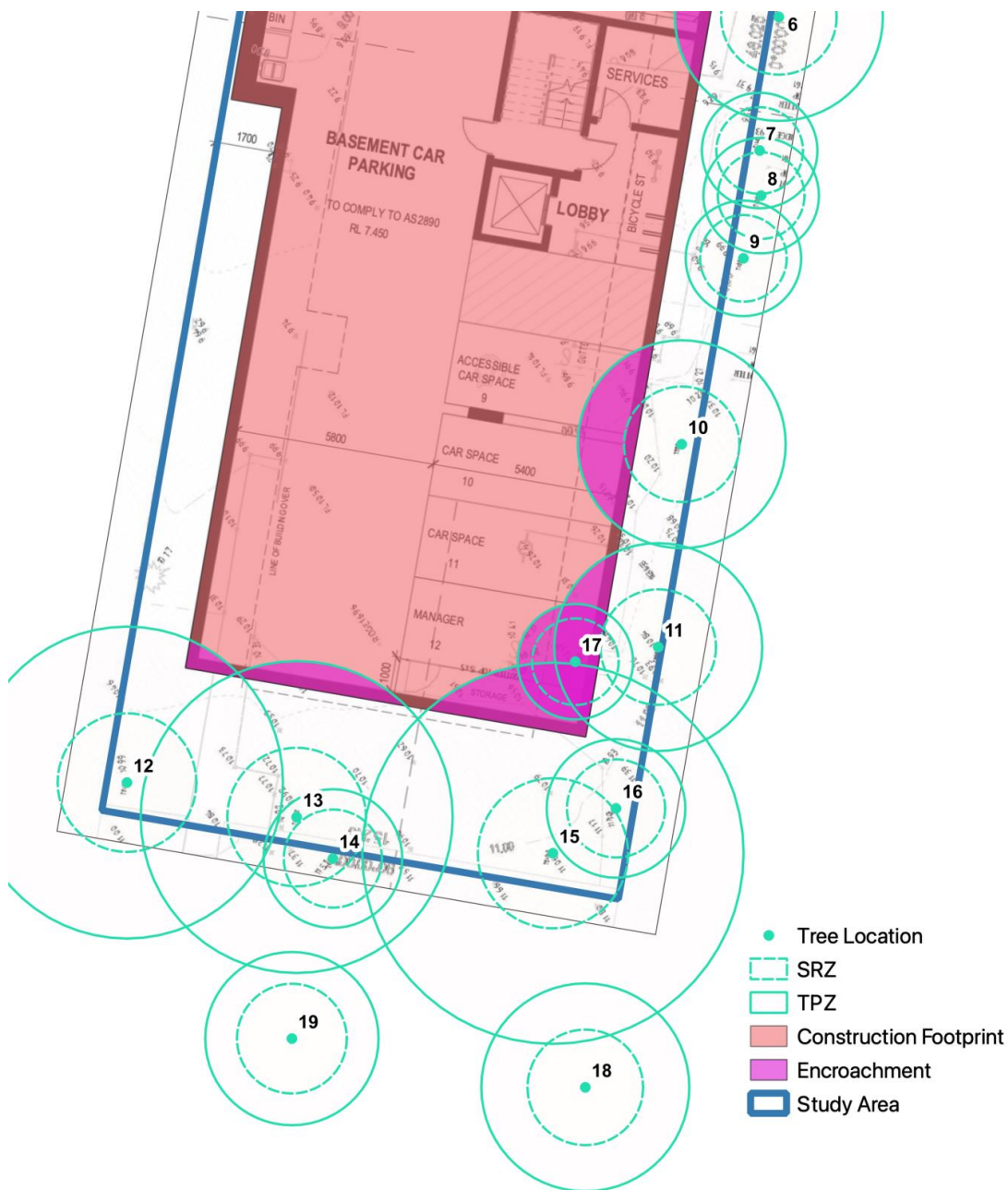
Prepared by: Lex Atkins
Project manager: Lex Atkins
Date: 15.02.2021



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Arboricultural Impact Assessment

14 York Street, Point Frederick NSW 2250

Prepared by: Lex Atkins
Project manager: Lex Atkins
Date: 15.02.2021



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Appendix II Results of Arboricultural Assessment

Attachment 6

Id.	Botanical name	Height (m)	Spread (m)	Health	Structure	Age class	Tree significance	Useful life expectancy	Priority for retention	DBH (Ømm)	SRZ (Rm)	TPZ (Rm)	Encroachment	Other notes	Proposal
1	<i>Jacaranda mimosifolia</i>	12	6	Good	Fair	Mature	Medium	Medium (15-40yrs)	Medium	400	2.3	4.8	Total	<ul style="list-style-type: none">Subject Tree located wholly within development footprint.	REMOVE
2	<i>Leptospermum petersonii</i>	6	3	Fair	Fair	Mature	Low i	Medium (15-40yrs)	Low	200	1.7	2.4	Major (>10%)	<ul style="list-style-type: none">Major encroachment from proposed building structure.Suppressed canopy.	REMOVE
3	<i>Ligustrum lucidum</i>	10	4	Good	Fair	Mature	Low ii (Pest)	Short (5-15yrs)	Low	250	1.9	3	Major (>10%)	<ul style="list-style-type: none">Major encroachment from proposed building structure.	REMOVE
4	<i>Glochidion ferdinandi</i>	7	4	Fair	Poor	Mature	Low i	Short (5-15yrs)	Low	250	1.9	3	Major (>10%)	<ul style="list-style-type: none">Major encroachment from proposed building structure.Internodal pruning.Epicormic regrowth.	REMOVE
5	<i>Araucaria heterophylla</i>	20	5	Good	Good	Mature	Medium	Long (>40yrs)	High	850	3.1	10.2	Major (>10%)	<ul style="list-style-type: none">Major encroachment from proposed building structure.Located within adjacent property.Retained through tree sensitive design and construction techniques.	RETAIN
6	<i>Glochidion ferdinandi</i>	9	4	Fair	Fair	Mature	Low i	Medium (15-40yrs)	Medium	300	2	3.6	Minor (<10%)	<ul style="list-style-type: none">Located within adjacent property.	RETAIN
7	<i>Unknown species</i>	6	2	Fair	Fair	Mature	Low i	Medium (15-40yrs)	Low	<150	1.5	2	None	<ul style="list-style-type: none">Located within adjacent property.	RETAIN

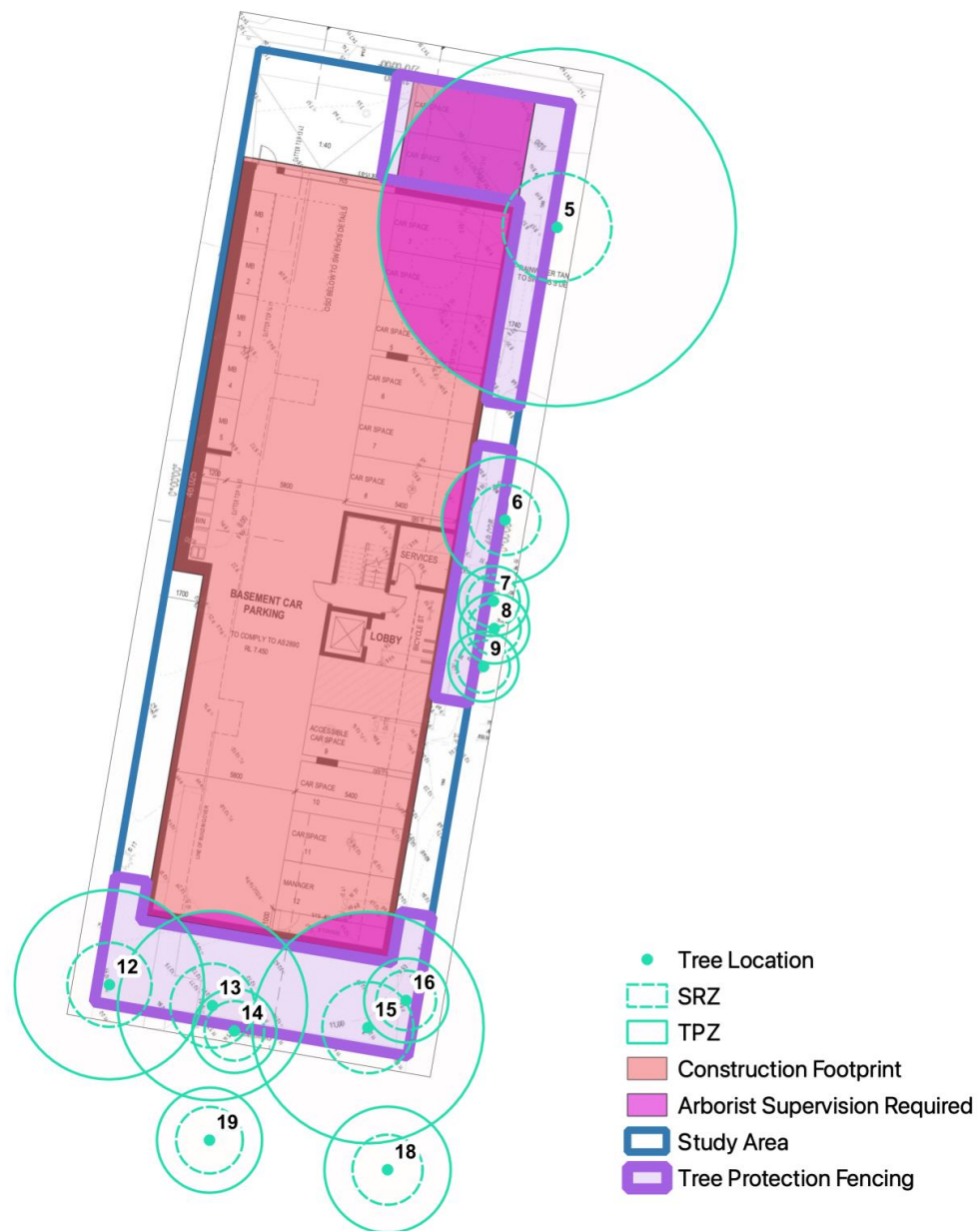
Attachment 6

Id.	Botanical name	Height (m)	Spread (m)	Health	Structure	Age class	Tree significance	Useful life expectancy	Priority for retention	DBH (Ømm)	SRZ (Rm)	TPZ (Rm)	Encroachment	Other notes	Proposal
8	<i>Ligustrum lucidum</i>	7	4	Fair	Fair	Mature	Low ii (Pest)	Short (5-15yrs)	Low	<150	1.5	2	None	• Located within adjacent property.	RETAIN
9	<i>Ligustrum lucidum</i>	7	4	Fair	Fair	Mature	Low ii (Pest)	Short (5-15yrs)	Low	<150	1.5	2	None	• Located within adjacent property.	RETAIN
10	<i>Glochidion ferdinandi</i>	10	4	Fair	Fair	Mature	Medium	Medium (15-40yrs)	Medium	300	2	3.6	Major (>10%)	• Major encroachment from proposed building structure.	REMOVE
11	<i>Glochidion ferdinandi</i>	10	4	Fair	Fair	Mature	Medium	Medium (15-40yrs)	Medium	300	2	3.6	Major (>10%)	• Major encroachment from proposed building structure.	REMOVE
12	<i>Glochidion ferdinandi</i>	12	8	Good	Fair	Mature	Medium	Medium (15-40yrs)	Medium	450	2.4	5.4	Minor (<10%)	• Minor encroachment from proposed building structure.	RETAIN
13	<i>Angophora floribunda</i>	14	8	Poor	Fair	Mature	Medium	Short (5-15yrs)	Medium	450	2.4	5.4	Minor (<10%)	• Minor encroachment from proposed building structure. • Canopy die back.	RETAIN
14	<i>Leptospermum petersonii</i>	6	6	Fair	Fair	Mature	Low i	Medium (15-40yrs)	Low	200	1.7	2.4	None	• -	RETAIN

Attachment 6

Id.	Botanical name	Height (m)	Spread (m)	Health	Structure	Age class	Tree significance	Useful life expectancy	Priority for retention	DBH (Ømm)	SRZ (Rm)	TPZ (Rm)	Encroachment	Other notes	Proposal
15	<i>Lophostemon confertus</i>	15	7	Good	Good	Mature	High	Long (>40yrs)	High	550	2.6	6.6	Minor (<10%)	• Minor encroachment from proposed building structure.	RETAIN
16	<i>Unknown species</i>	6	4	Fair	Poor	Mature	Low i	Short (5-15yrs)	Low	200	1.7	2.4	None	• -	RETAIN
17	<i>Ligustrum lucidum</i>	4	3	Fair	Poor	Mature	Low ii (Pest)	Short (5-15yrs)	Low	<150	1.5	2	Total	• Subject Tree located wholly within development footprint.	REMOVE
18	<i>Jacaranda mimosifolia</i>	7	5	Fair	Fair	Mature	Medium	Medium (15-40yrs)	Medium	300	2	3.6	None	• Located within adjacent council verge.	RETAIN
19	<i>Jacaranda mimosifolia</i>	5	5	Fair	Fair	Mature	Medium	Medium (15-40yrs)	Medium	250	1.9	3	None	• Located within adjacent council verge.	RETAIN

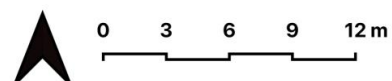
Appendix III **Tree Protection Plan**



Tree Protection Plan

14 York Street, Point Frederick NSW 2250

Prepared by: Lex Atkins
 Project manager: Lex Atkins
 Date: 16.02.2021

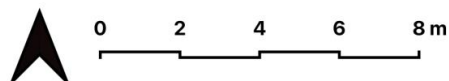


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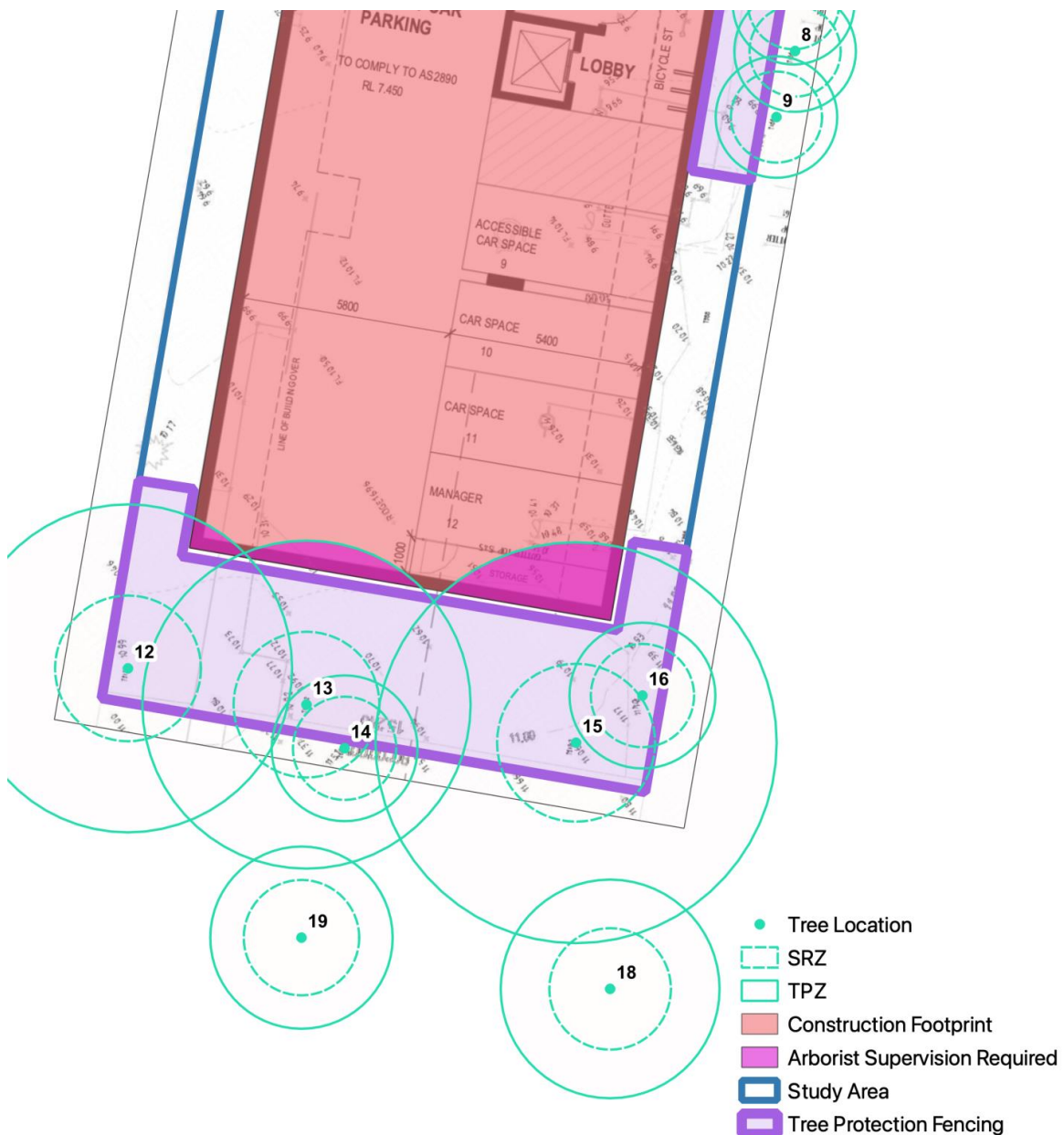
**Tree Protection Plan**

14 York Street, Point Frederick NSW 2250

Prepared by: Lex Atkins
 Project manager: Lex Atkins
 Date: 16.02.2021



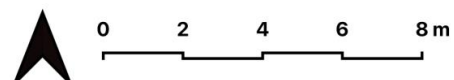
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Tree Protection Plan

14 York Street, Point Frederick NSW 2250

Prepared by: Lex Atkins
Project manager: Lex Atkins
Date: 16.02.2021



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Appendix IV Tree Protection Specifications

Tree protection fencing

Tree protection fencing must be established in the locations shown in **Appendix III**. Existing fencing, site hoarding or structures (such as a wall or building) may be used as tree protection fencing, providing the TPZ remains isolated from construction footprint.

Tree protection fencing must be installed prior to site establishment and remain intact until completion of works. Once erected, protective fencing must not be removed or altered without the approval of the project arborist.

Tree protection fencing shall be:

- Enclosed to the full extent of the TPZ (or as specified in the Recommendations and Tree Protection Plan).
- Temporary mesh panel fencing (minimum height 1.8m).
- Certified and inspected by the project arborist.
- Installed prior to the commencement of works.
- Prominently signposted with 300mm x 450mm boards stating, "NO ACCESS - TREE PROTECTION ZONE".



If tree protection fencing cannot be installed due to sloping or uneven ground, tree protection barriers must be installed as an alternative.

Specifications for tree protection barriers are as follows:

- Star pickets spaced at 2m intervals,
- Connected by a continuous high-visibility barrier/hazard mesh.
- Maintained at a minimum height of 1m.

Where approved works are required within the TPZ, fencing may be setback to provide construction access. Trunk, branch and ground protection shall be installed and must comply with AS 4970-2009, *Protection of Trees on Development Sites*. Any additional construction activities within the TPZ of the subject trees must be assessed and approved by the project arborist.

Trunk protection

Where provision of tree protection fencing is impractical or must be temporarily removed, trunk protection shall be installed to avoid accidental mechanical damage.

Specifications for trunk protection are as follows:

- A thick layer of carpet underfelt, geotextile fabric or similar wrapped around the trunk to a minimum height of 2m.
- 1.8m lengths of softwood timbers aligned vertically and spaced evenly around the trunk (with a small gap of approximately 50mm between the timbers).
- The timbers must be secured using galvanised hoop strap (aluminium strapping).

The timbers shall be wrapped around the trunk but not fixed to the tree, as this will cause injury/damage to the tree.

Ground protection

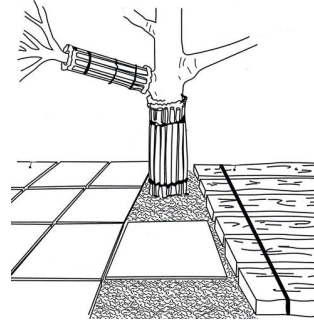
If temporary access for vehicle, plant or machinery is required within the TPZ ground protection shall be installed. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Where possible, areas of existing pavement shall be used as ground protection.

Specifications for light traffic access (<3.5 tonne) are as follows:

- Permeable membrane such as geotextile fabric.
- Layer of mulch or crushed rock (at minimum depth of 100mm)

Specifications for heavy traffic access (>3.5 tonne) are as follows:

- Permeable membrane such as geotextile fabric.
- Layer of lightly compacted road base (at minimum depth of 200mm)
- Geotextile fabric shall extend a minimum 300mm beyond the edge of the road base.



Pedestrian, vehicular and machinery access within the TPZ shall be restricted solely to areas where ground protection has been installed.

Excavations

All approved excavations (including root investigations) within the TPZ must be carried out using tree sensitive methods under supervision of the project arborist. These methods may include:

- Manual excavation (hand tools).
- Air spade.
- Hydro-vacuum excavations (sucker-truck).

Where approved by the project arborist, excavations using compact machinery fitted with a flat bladed bucket is permissible. Excavations using compact machinery shall be undertaken in small increments and guided by the Project Arborist who is to look for and prevent root damage to roots (>50mm in diameter).

Exposed roots shall be protected from direct sunlight, drying out and extremes of temperature by covering with geotextile fabric, and plastic membrane or glad wrap (where practical). Coverings shall be weighted to secure them in place. The geotextile fabric shall be kept damp at all times.

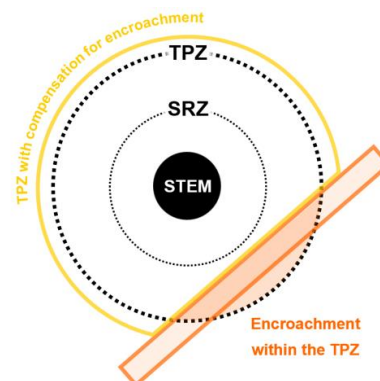
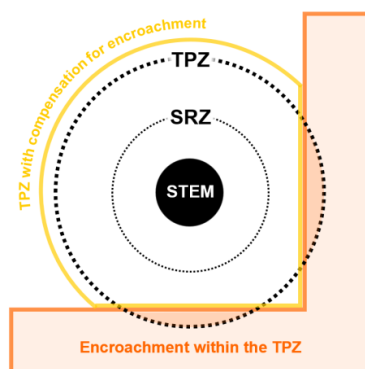
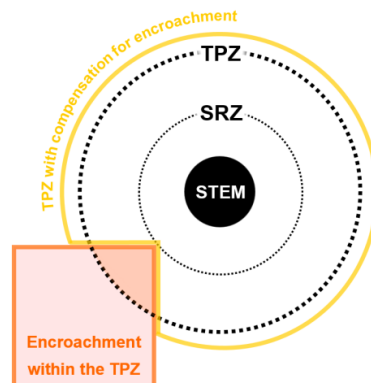
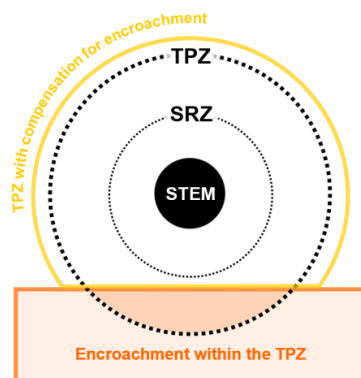
No over-excavation, battering or benching shall be undertaken beyond the footprint of any structure unless approved by the project arborist. Hand excavation and root mapping shall be undertaken along excavation lines within the TPZ prior to the commencement of mechanical excavation (to prevent tearing and shattering of roots from excavation equipment). Any conflicting roots (>50mm in diameter) shall be pruned using clean, sharp secateurs or a pruning saw to ensure a clean cut, free from tears. All root pruning must be documented and carried out by the project arborist.

Underground services

All underground services should be routed outside of the TPZ. If underground services need to be installed within the TPZ, they must be installed using tree sensitive excavation methods under supervision of the project arborist. Alternatively, boring methods such as horizontal directional drilling (HDD) may be used for underground service installation, providing the installation is at minimum depth of 800mm below grade. Excavations for entry/exit pits must be located outside the TPZ

Appendix V Encroachment within the TPZ

The images below show how encroachment within the tree protection zone can be compensated for elsewhere.



Reference

Council of Standards Australia (August 2009)
AS 4970-2009 Protection of Trees on Development Sites
Standards Australia, Sydney.

Appendix VI **STARS© assessment matrix**

Tree Significance - Assessment Criteria - STARS®

Low	Medium	High
i) Significance in landscape		
The tree is in fair-poor condition and good or low vigour.	The tree is in fair to good condition	The tree is in good condition and good vigour
The tree has form atypical of the species	The tree has form typical or atypical of the species	The tree has a form typical for the species
The tree is not visible or is partly visible from the surrounding properties or obstructed by other vegetation or buildings	The tree is a planted locally indigenous or a common species with its taxa commonly planted in the local area	The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age.
The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area	The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from the street	The tree is listed as a heritage item, threatened species or part of an endangered ecological community or listed on councils' significant tree register
The tree is a young specimen which may or may not have reached dimensions to be protected by local Tree Preservation Orders or similar protection mechanisms and can easily be replaced with a suitable specimen	The tree provides a fair contribution to the visual character and amenity of the local area	The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity.
The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa in situ – tree is inappropriate to the site conditions	The tree's growth is moderately restricted by above or below ground influences, reducing its ability to reach dimensions typical for the taxa in situ	The tree supports social and cultural sentiments or spiritual associations, reflected by the broader population or community group or has commemorative values.
The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms		The tree's growth is unrestricted by above and below ground influences, supporting its ability to reach dimensions typical for the taxa in situ – tree is appropriate to the site conditions.
The tree has a wound or defect that has the potential to become structurally unsound.		
ii) Environmental Pest/Noxious Weed Species		
The tree is an environmental pest species due to its invasiveness or poisonous/allergenic properties.		
The tree is a declared noxious weed by legislation		
iii) Hazardous/Irreversible Decline		
The tree is structurally unsound and/or unstable and is considered potentially dangerous		
The tree is dead, or is in irreversible decline		

Useful Life Expectancy - Assessment Criteria

Dead / Dying	Short	Medium	Long
Trees with a high level of risk that would need removing within the next 5 years.	Trees that appear to be retainable with an acceptable level of risk for 5-15 years.	Trees that appear to be retainable with an acceptable level of risk for 15-40 years.	Trees that appear to be retainable with an acceptable level of risk for more than 40 years.
Dead trees.			
Trees that should be removed within the next 5 years.	Trees that may only live between 5 and 15 more years.	Trees that may only live between 15 and 40 more years.	Structurally sound trees located in positions that can accommodate future growth.
Dying or suppressed or declining trees through disease or inhospitable conditions.	Trees that may live for more than 15 years but would be removed to allow the safe development of more suitable individuals.	Trees that may live for more than 40 years but would be removed to allow the safe development of more suitable individuals.	Storm damaged or defective trees that could be made suitable for retention in the long term by remedial tree surgery.
Dangerous trees through instability or recent loss of adjacent trees.			
Dangerous trees through structural defects including cavities, decay, included bark, wounds or poor form.	Trees that may live for more than 15 years but would be removed during the course of normal management for safety or nuisance reasons.	Trees that may live for more than 40 years but would be removed during the course of normal management for safety or nuisance reasons.	Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.
Damaged trees that considered unsafe to retain.	Storm damaged or defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.	Storm damaged or defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.	
Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.			
Trees that will become dangerous after removal of other trees for the reasons.			

		Tree Significance				
		High	Medium	Low		
				i	ii	iii
Useful Life Expectancy	Long >40 years					
	Medium 15-40 years					
	Short 5-15 years					
	Dead/Dying <5 years					

Legend for Matrix Assessment

	Priority for retention (High): These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 Protection of trees on development sites. Tree sensitive construction measures must be implemented if works are to proceed within the Tree Protection Zone.
	Consider for retention (Medium): These trees may be retained and protected. These are considered less critical; however, their retention should remain priority with the removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.
	Consider for removal (Low): These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.
	Priority for removal (Low): These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of the proposed development.



Contact Us

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NSW Head Office – Central Coast
PO Box 325 Umina
NSW 2257 Australia

Services

Arboricultural Impact Assessments
Preliminary Tree Assessments
Tree Risk Assessments

Root Mapping
Tree Management Systems
Pest & Disease Advice



Structural Report

Prepared by Geotron Pty Ltd
for
Landin Realty

Proposed Footings over Structural Root Zone

Property -

14 York Street, Point Frederick

21 September 2021

Ref: AUS02-22020 v1 Report 210921



Ref: AUS02-22020 v1Report 210921

21 September 2021

Katy Pawlak
Landin Reality
10 Lorikeet Street
TERRIGAL NSW 2260

Dear Katy,

Structural Engineering Report: Proposed footing system over the Structural Root Zone for tree identification T5 at 14 York Street, Point Frederick.

As per your instructions, Geotron Pty Ltd have been engaged to prepare a specific structural engineering report on how the proposed building development can be supported at the foundation level without compromising the Structural Root Zone (SRZ) of a specific tree designated as T5 which is to be retained as recommended in the Arborist report.

We refer to the following documentation received via email on 10 August 2021 from ADG Architects.

- Architectural Development Application Drawings: Prepared by ADG Architects. Ref:
 - A000 COVER
 - A100 CONCEPT DATA
 - A101 GFA CALCULATIONS
 - A200 SITE ANALYSIS / DEMOLITION PLAN
 - A201 SITE PLAN AND ROOF PLAN
 - A300 FLOOR PLANS
 - A400 ELEVATIONS AND EXTERNAL FINISHES SCHEDULE
 - A401 SECTIONS
 - A500 SHADOW DIAGRAMS
 - A501 COMMUNAL SOLAR ACCESS DIAGRAMS
 - A600 CONTEXT PERSPECTIVE
 - A601 HEIGHT PLANE DIAGRAM,
- Survey Drawing: Prepared by Anthony & Associates Surveying, Ref: 2528
- Arboricultural Impact Assessment Report: Prepared by Tree Report Ref: CEN21.0326 dated 16.02.21 Version 2.
- Central Coast Council - NSW Planning Portal Application – Request for Additional Information Council Application No: DA60833/2021 Part 1 Dated 28 July 2021

Background -

We note that this report is based on the Development Application (DA) drawings referenced above, the Arborist report and the Survey drawing.

The DA consists of a proposed five (5) storey residential building including one (1) level of carpark for a Affordable Housing development.

Given the preliminary stage of design, we have assumed a standard load regime applicable for a residential building for the purposes of preparing a structural concept. The design concept that shall be adequate to support the proposed building over the Structural Root Zone (SRZ) where the designated tree shall be retained.

The load regime assumed consists of typical reinforced (or prestressed) concrete suspended floor slabs, masonry veneer wall construction with load bearing columns, a transfer beam level at the Ground Floor to distribute the loads for the carpark level.

The Arboricultural Impact Assessment report specifies the outcomes of each existing tree. This is summarized within Appendix II of their report.

It is identified that Tree T5, which is located on the adjoining property on the Eastern side, shall be retained (Refer Appendix A of our report for T5 location).

The specifics of the tree are summarized as follows:

Tree T5:

Height: 20m

Tree Protection Zone (TPZ): 10.2m

Structural Root Zone (SRZ): 3.1m

Diameter at Breast Height (DBH): 850mm

The Arborist assessment states that this tree with high retention value is located within the construction footprint but while it is within the TPZ, the use of tree sensitive design and construction techniques such as piles or bored piers will be adequate.

However, these localised piered footings shall not be able to be located within the SRZ.

Hence, a sound structural solution is required so that footings are not excavated in this zone. The SRZ for this tree T5 only encroaches approximately 2.5metres along the Eastern wall of the carpark and approximately 1.0metre along the Northern carpark wall.

Structural Solution -

- Based on the above information and our preliminary structural calculations, we propose that a reinforced concrete upstand transfer wall be constructed along the Northern and Eastern walls of the carpark in the vicinity of the TPZ. We refer to our Engineering sketches SK1-3 In Appendix B which outlines the proposed structural design concept.
- Based on the survey information, it appears that the tree T5 is at a similar level to the proposed carpark level and that where the Structural Root Zone (SRZ) intersects the building envelope the ground levels fall closer to the carpark level which results in no excavation in the SRZ.

- The proposed reinforced concrete transfer wall shall span over the SRZ for T5 which equates to approximately 3metres and 1.5metres along the East and North walls respectively. This wall shall be designed as an 'upturn beam' or wall so that deep footings in this zone are not required. The walls shall extend beyond this SRZ so that it is supported by a piled footing system which will occur in the TPZ and is recommended by Arborist report.
- We envisage that these walls shall be conservatively 300mm thick and constructed of reinforced concrete. These walls will be supported by either bored piers or screw piles in the TPZ only. The size and depth of these piers shall be subject to further geotechnical investigation as required when construction documentation commences.

Conclusion -

This report outlines that a simple structural engineering solution can be applied to satisfy the Arboricultural Impact Assessment such that no footing encroachment shall occur within the Structural Root Zone of the Tree identified as T5.

If you have any queries, please do not hesitate to contact the undersigned.

ENCL.

Appendix A – Part Architectural Plan of Carpark with marked up T5
Appendix B – Sketches SK1-3 prepared by Geotron

Kind regards

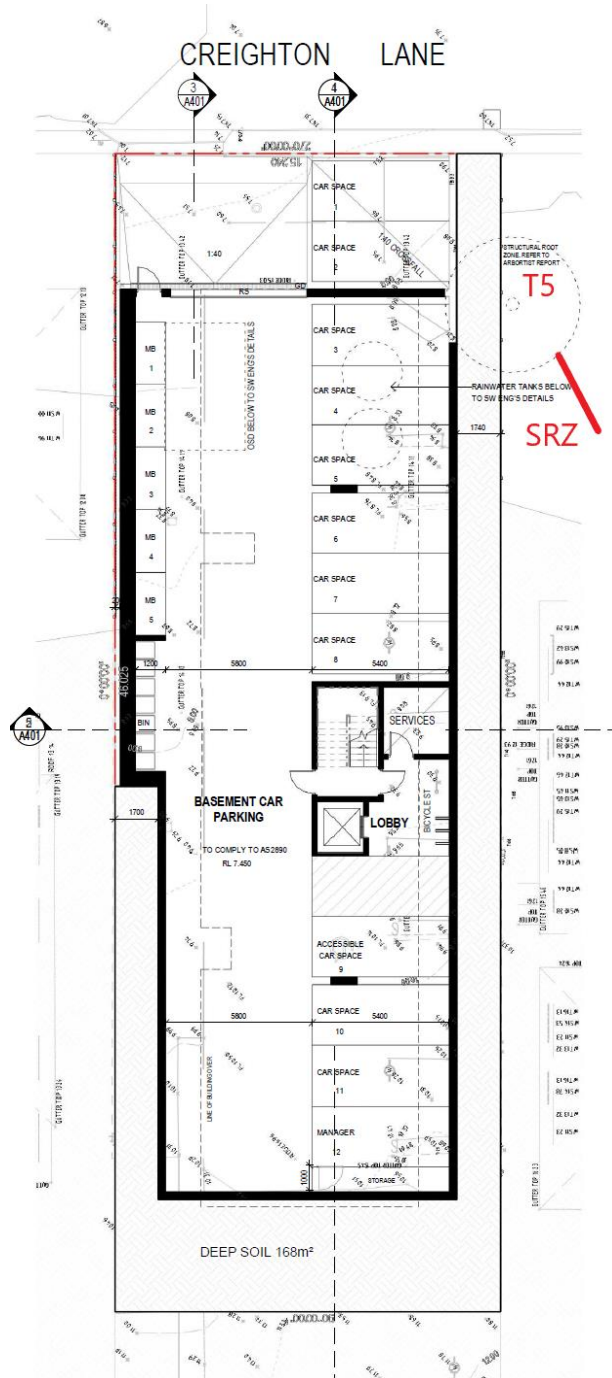


Peter Geoghegan BE (Hons) MIEAust CPEng NER RPEQ
Managing Director
GEOTRON Pty Ltd

Appendix A

Part Carpark Plan – mark-up of T5 and SRZ

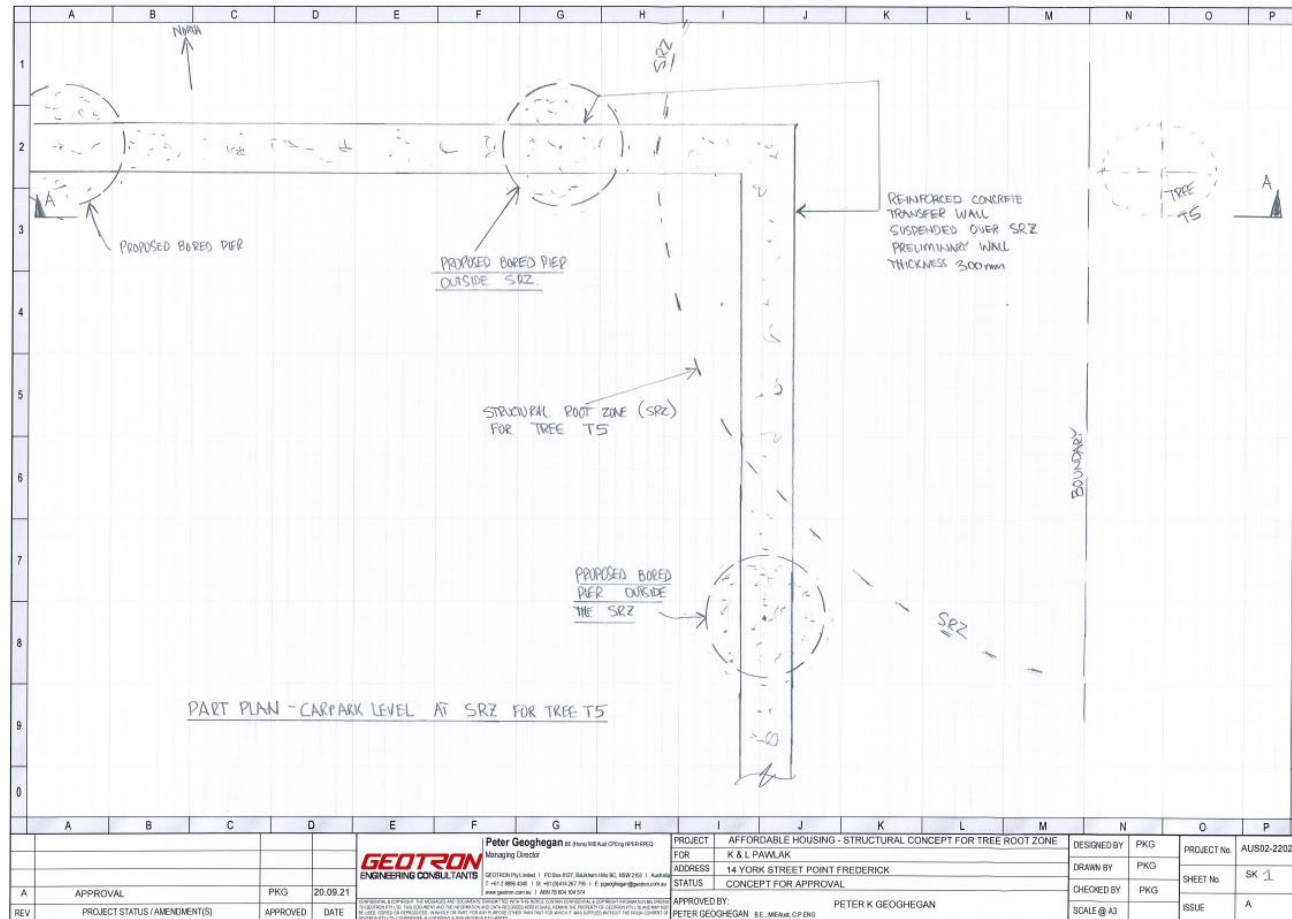
GEOTRON
ENGINEERING CONSULTANTS



Appendix B

Sketches prepared by Geotron

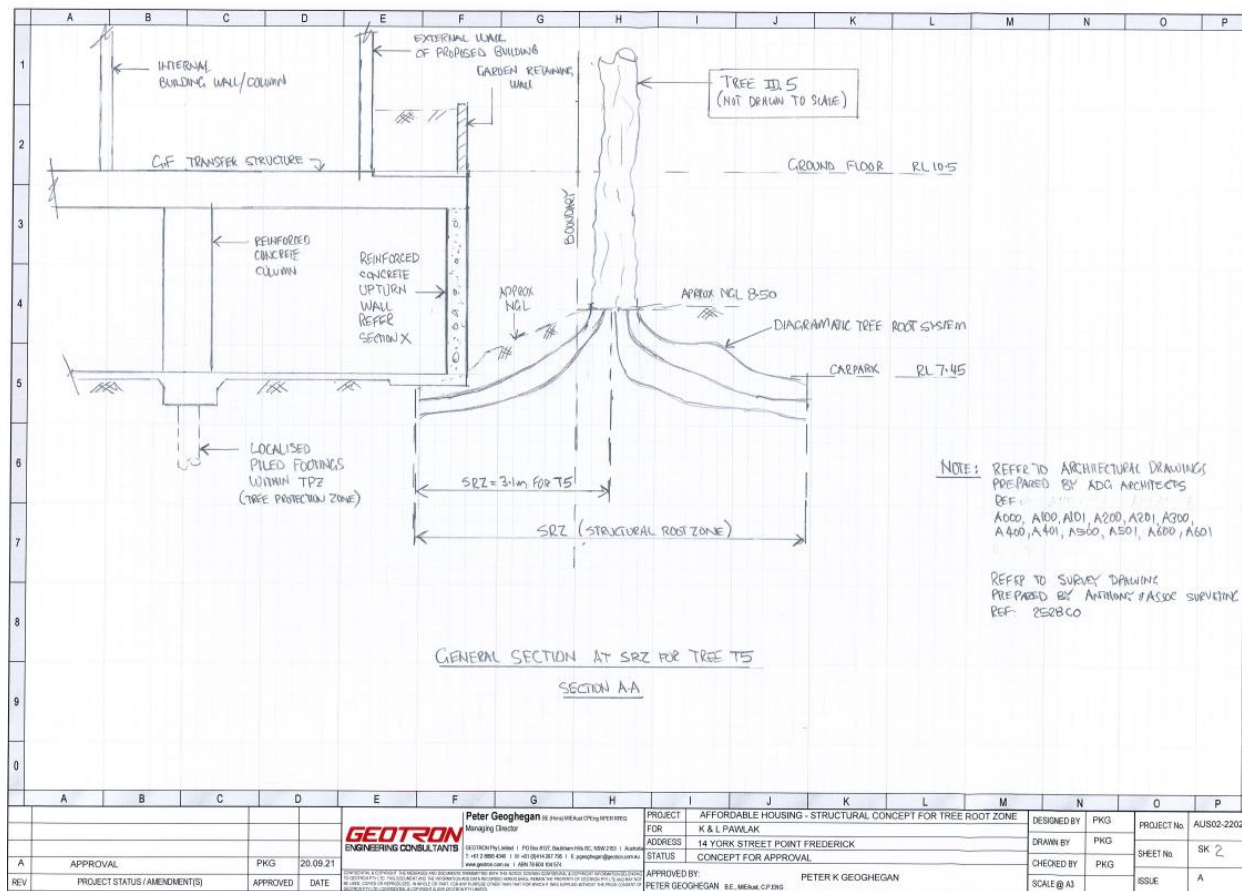
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Appendix B

Sketches prepared by Geotron

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treeREPORT.

ARBORICULTURAL CONSULTING

ABN: 30 934 877 525

www.treeREPORT.com.au

Arboricultural Comment

14 York Street,
Point Frederick NSW 2250
Version 1Prepared for:
LANDIN Reality

Delivered via email: Katy@Landin.com.au

19th of October 2021

Dear Katy,

Re: Arboricultural Comment – 14 York Street, Point Frederick NSW 2250

I refer to our email correspondence regarding proposed whether Tree Report concurs with and supports the engineering report *Geotron Pty Ltd: Structural Report; Proposed Footings over Structural Root Zone – 14 York Street, Point Frederick, dated 21.09.2021* (herein referred to as the 'Structural Engineering Report').

Following document review of the Structural Engineering Report, I can confirm that Tree Report concurs with and supports the structural engineering solution outlined in the above-mentioned report.

I trust this answers your query.

Yours sincerely,



Lex Atkins

Principal Arboricultural Consultant
Diploma of Arboriculture (AQF 5)
AA / ISA / QTRA-Adv. / SRA-ANZt/ +61 422 205 726
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OUR MISSION

At treeREPORT, our mission is simple.

We aim to be the most sought after arboricultural consultancy firm by exceeding our clients expectations and delivering high quality, cost effective solutions within the specified time frames without compromise.

Item No: 3.2

Title: DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings

Central Coast
Local Planning Panel

Department: Environment and Planning

21 April 2022 Local Planning Panel Meeting

Reference: DA/61493/2021 - D15055331
Author: Erin Murphy, Senior Development Planner, Development Assessment South
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Antonia Stuart, Unit Manager, Development Assessment (Acting)

Summary

An application has been received for a multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act* and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The application is referred to the Local Planning Panel due to 64 public submissions (from 30 individuals) objecting to the proposal being received.

The application is recommended for approval.

Applicant	Thomas Bowyer
Owner	Thomas Bowyer
Application No	DA/61493/2021
Description of Land	95 Paton Street, Woy Woy, Lot 47 of Sec 5 in DP 5099
Proposed Development	Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings
Site Area	697sqm
Zoning	R1 General Residential Zone
Existing Use	Residential
Employment Generation	No
Estimated Value	\$650,000

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

Recommendation

- 1 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the Cl 4.1B Minimum lot sizes for multi dwelling housing development standard under Clause 4.6 of the Gosford Local Environmental Plan 2012 in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 2 That the Local Planning Panel grant consent to DA/61493/2021 at 95 Paton Street, Woy Woy, Lot 47 of Sec 5 in DP 5099 for the multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 3 That Council advise those who made written submissions of the Panel's decision.**

Key Issues

- Non-compliance with Clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings of the *Gosford Local Environmental Plan 2014*.
- Non-compliance with *Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings of Gosford Development Control Plan 2013* in regard to ceiling heights, setbacks, separation and private open space.
- Matters Raised in public submissions, including car parking character and amenity impacts.

Precis:

Proposed Development	Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings.
Permissibility and Zoning	The subject site is zoned R1 General Residential under the provisions of <i>Gosford Local Environmental Plan 2014</i> . The proposed development is defined as multi dwelling housing which is permissible in the zone with consent of Council.
Relevant Legislation	The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

	<ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 - section 4.15 (EP&A Act)</i> • <i>State Environmental Planning Policy No 55 Remediation of Land</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</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 (GDCP 2013)</i>
Current Use	Residential dwelling house
Integrated Development	No
Submissions	64 submissions received from 30 individuals

Variations to Policies - Gosford Local Environmental Plan 2014

Clause	CI 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings
Standard	750sqm
Departure basis	Site area is 679sqm – 53sqm or 7% variation

Variations to Policies - Gosford Development Control Plan 2013

Clause	3.3.3.1 – Height
Standard	Min 2.7m ceiling heights for 2 storey buildings
Departure basis	2.4m ceiling height at first floor only - 0.3m or 11% variation

Clause	3.3.3.2 Setbacks
Standard	Deep soil side setbacks 2m – reduced to 1m for driveway
Departure basis	0.3m verge to driveway - 0.7m or 70% variation to driveway setback

Clause	3.3.3.2 Setbacks
Standard	Rear setback – 6m
Departure basis	Rear setback 3.1-3.9m - 2.9m or 48% variation

Clause	3.3.3.2 Setbacks
Standard	Front setback – 6m
Departure basis	Front setback (as existing) 4.8m - 1.2m or 20% variation

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

Clause	3.3.3.2 Setbacks
Standard	Setbacks to Exterior Walls - Side boundaries average 4m, min 3.5m
Departure basis	North eastern side boundary 2m - 1.5m -2m or 43-50% variation

Clause	3.3.3.5 Residential Amenity – Site Planning
Standard	For two storey buildings: provide at least 9m between adjacent dwellings (If screening is provided these distances can be lessened)
Departure basis	A 2m separation is proposed to the north east, not achieving a 9m separation

Clause	3.3.3.5 Residential Amenity – Private open space
Standard	Minimum dimension is 3.5m
Departure basis	Not all areas meet the 3.5m dimensions, minimum dimension of 2m – 1.5 or 43% variation

The Site and Surrounding Development

The site is made up of one lot commonly known as No. 95 Paton Street Woy Woy NSW 2256, and legally known as Lot 47 of sec 5 within DP 5099. The site is generally level and is currently occupied by on dwelling house and ancillary structures, as shown in Figure 1.

The site is zoned R1 General Residential under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014).

The site is immediately surrounding by single storey detached dwellings. The wider area is a mix of one and two storey single dwelling and multi dwelling housing developments.



Figure 1 - Locality Plan



Figure 2 – Site as viewed from Paton Street – red brick dwelling to be retained



Figure 3 – Multi unit, two storey development at the corner of Paton Street ad Rawson Road

The Proposed Development

The application seeks development consent for the redevelopment of the subject site including:

- The retention of and alterations and additions to the existing dwelling on the site
- The erection of 2 x 3 bedroom townhouses
- 5 x car parking spaces comprising 3 x enclosed garages and 2 x open car parking spaces
- Vehicular access is proposed via a driveway that would run along the southwest
- Front courtyard fencing and landscaping

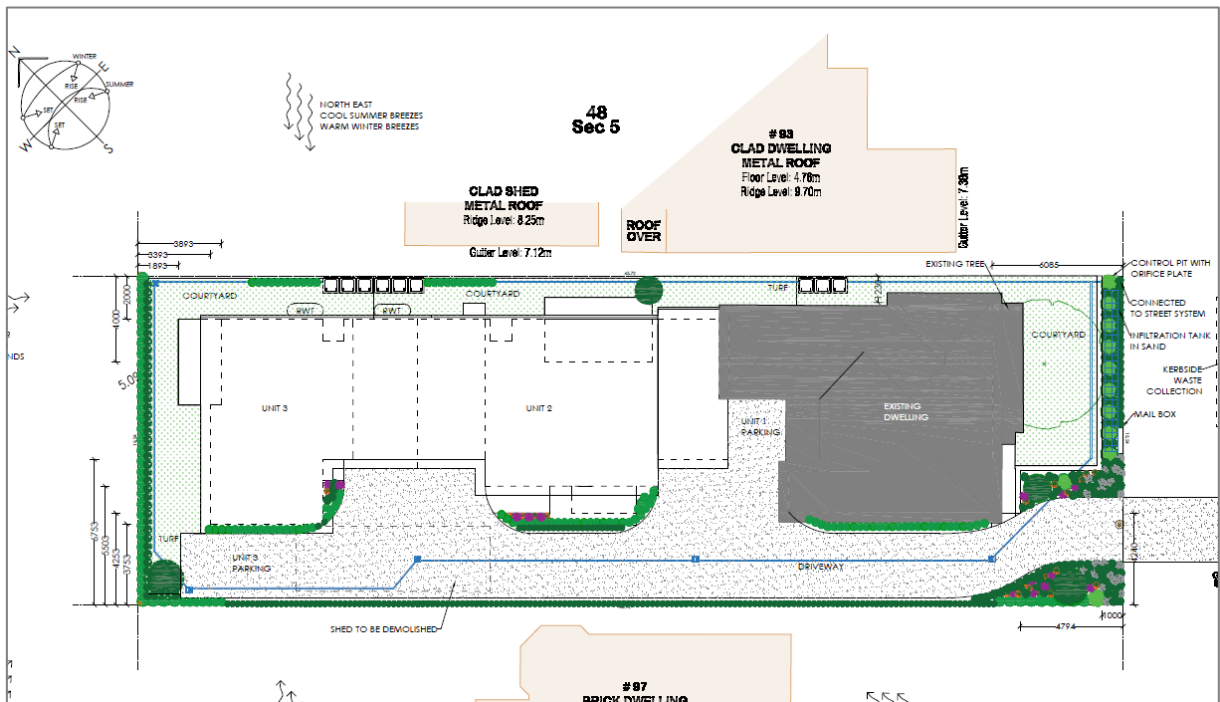


Figure 4 – Proposed site plan

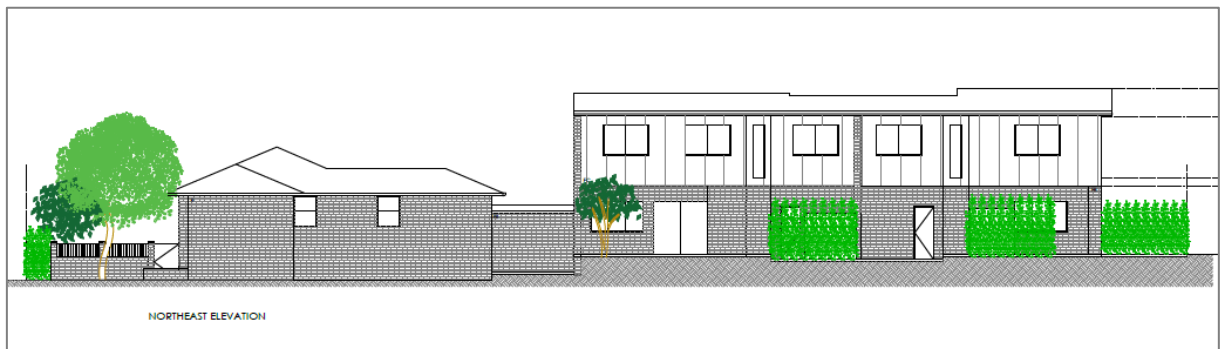


Figure 5 – Northeast side elevation

Application background

The application was lodged on 8 April 2022. On 25 May 2021 the applicant was asked to address issue in relation to parking, setbacks, private open space, vehicle sight lines and access and waste management.

Following further discussions with the applicant, a final set of amended plans were received on 2 December 2021. The amended plans and information included the following:

- One additional carparking space located at the rear of Unit 1 (retained dwelling), increasing car parking from 4 to 5 spaces
- Increased rear setback

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

- Reconfiguration of private open space areas to allow for unit 2 to achieved 50sqm
- Reduction of GFA from 309sqm to 294smq (0.44:1 to 0.42:1 FSR)
- Updated Waste Management Plan
- Swept paths and details to demonstrate appropriate vehicle sight lines and paths of travel

Given the change to the plans were minor and resulted in a marginally reduced scheme with no greater or additional impacts the plans were not re-notified in accordance with the Gosford Development Control Plan 2013.

History

There is no relevant planning history applicable to the site.

Assessment:

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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

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

State Environmental Planning Policy (Coastal Management) 2018

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

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

Area is an area defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within the mapped coastal management areas. 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 (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 came into force on 1 March 2022 and replaces / consolidates *State Environmental Planning Policy No. 55 – Remediation of Land* and *State Environmental Planning Policy (Coastal Management) 2018*. However, it is noted that no policy changes have been made. All savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

Gosford Local Environmental Plan 2014 (GLEP 2014) - Zoning and Permissibility

The subject site is zoned R1 General Residential under the provisions of GLEP 2014.

Development for the purposes of multi-dwelling housing is permissible within the R1 General Residential.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The R1 General Residential zone is based on the following objectives:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *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.*

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

The proposal would assist in meeting the housing needs of the community within a medium density residential environment. The proposed development retains a single storey form towards the Paton Street frontage and is two storeys in height to the rear, which generally maintains the residential character and amenity of the surrounding area.

The proposal appropriately addresses its impacts and represents an acceptable design and is therefore consistent with the R1 General Residential zone objectives.

Gosford Local Environmental Plan 2014 – 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings

Clause 4.1(B) of GLEP 2014 provides that the minimum lot size for multi dwelling housing is 750sqm.

The site area is 697sqm, resulting in a 53sqm or 7% variation.

In accordance with clause 4.6 (Exceptions to Development Standards) of GLEP 2014, the applicant has submitted a written request seeking to justify the contravention to the development standard for the lot size required for multi dwelling housing. This has been provided in **Attachment 3** and is discussed further below.

Gosford Local Environmental Plan 2014 – 4.6 Exceptions to Development Standards - 4.1B Minimum lot sizes for multi dwelling housing

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with Clause 4.6(4)(a)(i), development consent must not be granted for a development that contravenes a development standard unless:

- The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3).

Subclause 4.6(3) provides:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

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.*

Clause 4.1(B) of GLEP 2014 provides that the minimum lot size for multi dwelling housing is 750sqm. The objective of this clause is to achieve planned residential density in certain zones. The site area is 679sqm, resulting in a **53sqm or 7% variation**.

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking a variation to the minimum lot sizes for multi dwelling housing development standards of 750sqm in clause 4.1B of GLEP 2014 (**Attachment 3**).

The applicant written request states that:

- The site has sufficient area and dimensions to cater for the erection of multi dwelling development.*
- The proposed townhouses would be consistent with the development density, scale and style of residential development within the medium density zone, surrounding streets and within the street as discussed within the SEE.*
- The proposed medium density residential development would be consistent with the existing and desired character for the Woy Woy / Umina Peninsula locale as discussed within the SEE.*
- The proposal is well within the allowed FSR and height limits under Gosford LEP 2014 and generally compliant with the relevant Gosford LEP and DCP controls as outlined within the SEE.*
- The proposal is consistent with the evolving character of the medium density area as discussed within section 5.5.1 within the SEE.*
- The proposed development has been designed to be mostly concealed by existing dwelling being retained.*
- Notwithstanding the noncompliance with the prescriptive measure the proposal would meet the majority of the prescribed LEP and DCP controls and would not be detrimental to the amenity of the neighbouring properties and the public domain. The development meets the desired character elements for the medium density*

area and caters for the density and design requirements as outlined within the GDCP 2014.

- *Essentially in light of the recent judgments in the including the matter of Micaul Holdings Pty Limited v Randwick City Council (2015) and Moskovich v Waverley Council (2016 large variations (55% and 65% respectively) to a development standards were allowed due to the uniqueness of the site and ability to argue that the proposal demonstrates how the proposal achieves a better environmental planning outcome than a complying scheme. In this case an indicative complying lot area is provided as part of the DA to demonstrate that it results in an inferior outcome for the site.*
- *When comparing the alternative development that would be permissible, in this case an attached dual occupancy development, the proposed multi-unit development would provide an additional dwelling whist entailing no greater environmental and amenity impact than a dual occupancy development... The proposal provides for more affordable households which are in high demand within the medium density area. Such smaller scaled dwellings that are located within close proximity of services cater for the local demographic and subsequent housing market demands which in turn is consistent with the Central Coast Regional Plan 2036.*
- *In this instance strict enforcement of the minimum lot size for medium density residential development standard in this instance would hinder the desired development outcome for the site and the orderly and economic use of the land. The proposal meets the objectives of the applicable development standard and the overarching objectives for the R1 Residential Zone. Subsequently notwithstanding the numerical non-compliance, it is considered that strict compliance with the standard is unnecessary in this instance as it would not result in a superior planning outcome.*

Comment - The applicant's written request has adequately justified that compliance that strict compliance with the development standard is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard.

The variation at 53sqm or 7% is for all intents and purposes imperceptible from the street, particularly as the existing front dwelling is to be retained. Compliance, with a dual occupancy development, could result in the same or greater height, FSR and overall general impacts.

In accordance with Clause 4.6(4)(a)(ii), development consent must not be granted for a development that contravenes a development standard unless:

- the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Comment - The proposed development is considered to be in the public interest. It is considered to comply with the objectives of the R1 zone as discussed above, as it provides for a reasonable residential outcome that is consistent with the character of the area.

The objective of this lot size development standard is to *achieve planned residential density in certain zones*. The development is consistent with the planned density of the area, given the minor nature of the lot size variation and the fact that the proposal is significantly under the FSR control for the site - the FSR applicable is 0.6:1 and the proposed FSR is 0.42:1.

This development control effectively restricts a site under 750sqm to only 2 dwellings, allowing for a dual occupancy (attached), rather than 3 dwellings as proposed under this proposal. However, if there were a site amalgamation, a much denser development may be achieved, such as a residential flat building with and FSR of 0.7:1. A such a slight variation to the minimum lots size will not result in a density above what was envisaged or planned for in the controls but is restricted by limited opportunities for site amalgamation.

The development will not have unreasonable impacts on the neighbouring residents or character of the area and remains consistent with the objectives of the development standards and objectives of the R1 Zone.

In accordance with Clause 4.6(4)(b), development consent must not be granted for a development that contravenes a development standard unless the concurrence of the Planning Secretary has been obtained.

Comment - Planning Circular PS 18-003 issued 21 February 2018 states that Council may assume the concurrence of the Secretary when considering exceptions to development standards under clause 4.6. The Council is therefore empowered to approve the application.

The requests for variation have been assessed with consideration of relevant principles set out in various judgements applying to variations to development standards, including:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7*

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

- *-Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*

Compliance with the development standard is considered unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard.

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the development standard and the zone objectives such that the proposal is in the public interest. The contravention of the minimum lot size control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal. Strict compliance with the prescriptive lot size control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental or amenity impacts.

This assessment concludes that the clause 4.6 variation of GLEP 2014 provided having regard to clause 4.3(2) of GLEP 2014 is well founded and worthy of support.

Gosford Local Environmental Plan 2014 – 4.3 Height of Buildings

Clause 4.3(2) of GLEP 2014 provides that the height of a building on any land will not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 11m.

The proposed development has a maximum building height of 6.5m and complies with this development standard.

Gosford Local Environmental Plan 2014 – 4.4 Floor Space Ratio

The provisions of Clause 4.4 establish the Floor Space Ratio for the land. The site is identified on the GLEP 2014 FSR map as being 0.85:1.

Clause 4.4(2A)(c) includes exceptions to the mapped FSR for multi dwelling housing that have on-site car parking that is not located in the basement:

(2A) Despite subclause (2), the maximum floor space ratio for a building on land in Zone R1 General Residential for which the maximum floor space ratio on the Floor Space Ratio Map is 0.7:1 or 0.85:1 is to be—

- (a) if the building is used for the purpose of an attached dwelling, semi-detached dwelling or dual occupancy—0.5:1 or 0.6:1, respectively, or*

- (b) *if the building is on a site area of less than 1,000 square metres and is used for the purpose of a residential flat building or multi dwelling housing with all on-site car parking located in the basement—0.6:1 or 0.7:1, respectively, or*
- (c) *if the building is used for the purpose of a residential flat building or **multi dwelling housing and includes on-site car parking that is not located in the basement**—0.5:1 or **0.6:1**, respectively, or*
- (d) *if the building is used for any other purpose (excluding a dwelling house)—0.6:1 or 0.75:1, respectively.*

In this regard, the FSR applicable is 0.6:1. The proposed FSR of 0.42:1 and complies with this development standard.

Gosford Local Environmental Plan 2014 – 7.1 Acid sulfate soils

The site is mapped as containing Class 3 acid sulfate soils (ASS). The site is approximately 4.20m AHD with minimal excavation required for the establishment of footings, with no works more than 1m below natural ground surface. In this instance, the proposal works are not considered likely to impact on Acid Sulfate Soils.

Conditions are recommended that ensure any unexpected finds of acid sulfate soils will be appropriately managed (**Condition 4.12**).

Gosford Local Environmental Plan 2014 – 7.2 Flood Planning

The site is identified as being affected by Woy Woy Peninsula Flood Study and subject to the imposition of a minimum floor level.

Clause 7.2 was repealed by the *Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021* and replaced with new clauses 5.21 and 5.22.

The *Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021* does not include specific savings and transitional provisions to exempt development applications currently under assessment, but not yet determined, from the application of the new flood planning amendments.

However, clause 8 of the *Standard Instrument (Local Environmental Plans) Order 2006* provides that changes made by an amending order do not apply to or in respect of any development application that was made, but not determined, before the start of the amending order.

As such, the new flood planning amendments introduced by the Flood Planning Standard Instrument Order do not apply to any development application that has been made, but not

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

finally determined, before the commencement of the Flood Planning Standard Instrument Order (that is, 14 July 2021).

Noting the above, Clause 7.2 no longer applies, and neither do Clauses 5.21 and 5.22. However, it is noted that the development, prior to the repeal of Clause 7.2, was considered satisfactory.

Councils' Senior development engineer has reviewed the plans and noted that the 1% Annual Exceedance Probability (AEP) flood level is RL 4.5m and Probable Maximum Flood (PMF) is RL 4.7m. The proposed units have a finished floor level (FFL) of 5.2m, and the garages are 5m and 4.5m, which comply with these requirements.

Councils Planning Engineer Hydrology noted that potential flood waters in this location are not fast moving or particularly hazardous. In a flooding event the development would allow for safe evacuation of the occupants.

The development provides on-site detention of stormwater, via rainwater tanks and infiltration trench in the front landscaping, to limit post development peak flows from the site to the predevelopment peak flows for storm events up to and including the 1% AEP storm event. Stormwater will be directed to on site systems with overflow to the street.

The site is not in a designated flow path, the proposal will not affect the safe occupation of the land, will not increase the risk of flood and will not increase in the potential of flooding detrimentally affecting other development of properties. It is considered that the development is compatible with the flood hazard on the site.

Draft Central Coast Local Environmental Plan 2018

The *Draft Central Coast Local Environmental Plan* (Draft CCLEP) is a matter for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*. The Draft CCLEP was adopted by Council on 14 December 2020 and will replace the planning instruments relating to the former Local Government Areas.

Under the provisions of Draft CCLEP, the site retains its R1 zoning and building height and FSR controls.

Under the Draft CCLEP, Clause 4.1B Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings of the current GLEP 2012, does not apply. The Planning Proposal exhibited in support of the draft LEP included the following comments:

This issue relates to GLEP 2014 Clause 4.1B. This clause applies to land zoned R1 General Residential.

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

The clause specifies the minimum lot sizes for Attached dwellings, Dual occupancies, Multi dwelling housing and Residential flat buildings. The objective of the clause is to achieve planned residential density in the R1 zone.

This clause is to be amended and retained for dual occupancy. All other land uses will be removed from this clause

Specific minimum lot sizes for multi-dwelling housing, residential flat buildings and attached dwellings are not set under the Central Coast Development Control Plan (CCDCP); however, this form of housing can be managed through other provisions of the DCP chapter applying to these forms of development e.g. building setback, floor space ratio, open space requirements etc.

*The removal of this clause, for these land-uses, **will allow greater flexibility to encourage higher density development within the R1 zone.** It will also reduce expectations of unfeasible development where greater lot sizes would be required. **{emphasis added}***

The Draft CCLEP includes a savings provisions that provide for an application lodged before the making of the draft Plan, that the application must be determined as if the draft Plan had not been made. How much weight should be given to a draft LEP depends on whether the draft Plan is imminent, and the public interest in approving a development which is proposed to be prohibited. In this regard the following points should be considered:

- The weight to be given to each head of consideration in s4.15(1) of the EPA Act is a matter for the consent authority.
- The case law is to the effect that the weight to be given to a draft instrument will be greater, the more 'certain and imminent' it's making (*Terrace Tower Holdings v Sutherland Shire Council* [2003] NSWCA 289 (Terrace Towers)).
- A draft instrument is generally considered to be 'imminent and certain' where it has been approved by the planning authority and sent to the Minister to be made.
- By contrast, a draft instrument which has not been the subject of public consultation will generally be given less weight than one that has been the subject of public consultation.

The Draft CCLEP has been publicly exhibited and adopted by Council on 14 December 2020, and has been sent Minister to be made. The Draft CCLEP is considered both reasonably imminent and certain and can be afforded significant weight.

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

While the draft Central Coast Development Control Plan (CCDCP) is not a statutory matter for consideration, its key controls, as relevant to this site and development are summarised below, with comment on how the current proposal measures up to these controls:

- Maximum FSR of 0.6:1 (CCLEP) - FSR of 0.42:1 proposed
- Maximum height of 11m / 3 storeys (CCLEP and CCDCP) - 6.5m / 2 storeys proposed
- Private open space minimum area of 45sqm and a minimum dimension of 4.5m is required - all 3 dwellings have an area over 50sqm proposed, however not all areas have a dimension of 4.5m, however well sized practical areas are achieved with the smallest consolidated area being 4mx5m
- Front setback, average of neighbours or 4.5m is required – existing setback retained - 4.8m
- Side setbacks of 1.5m is required - 2m setback is proposed to the north east and 3.7-6.7m setback is proposed to the south west
- Rear setback of 4.5m required – rear setback of 3.1-3.9m proposed – while some variation is proposed, this is in the context of greater side setbacks
- Minimum 25% of site area at ground level shall be 'soft' landscaping, excluding all hardstand areas, 50% of this (so 12.5% of the site area) is to be deep soil – this would require 174sqm of soft landscaping and 87sqm of deep soil – approximately 160sqm (23% of site area) of soft landscaping is provided and this is all deep soil as no basements are proposed.

A minimum lot size for multi dwelling units does not apply and no Clause 4.6 request would be required under the Draft CCLEP. While there are some variations to the private open space and rear setback controls, given the density and height are well below their maximum, and side setbacks are greater than the minimum requirements, on balance the development is consistent with both the Draft CCLEP and Draft CCDCP.

Review of Clause 4.6 of the Standard Instrument LEP

A review of Clause 4.6 of the Standard Instrument LEP is currently being undertaken by the NSW Department of Planning, Industry and Environment:

The department has received feedback from council and industry stakeholders that there are several issues with how clause 4.6 has been interpreted over time. This has resulted in a convoluted and unclear application of clause 4.6, contributing to delays and cost burdens for applicants and councils in the development application process and

resourcing implications for local councils and the courts. As indicated in the recent NSW Independent Commission Against Corruption (ICAC)'s Inquiry into allegations of impropriety at Canterbury Council (Operation Dasha), there are also concerns that varying development standards can dilute transparency in the planning system and subsequently open up opportunities for corruption.

In response to the issues above, the proposed changes to clause 4.6 of the Standard Instrument LEP aims to clarify the requirements for varying development standards and improve transparency and accountability in the planning system.

The department is exhibiting an Explanation of Intended Effect (EIE) that seeks feedback on proposed amendments to clause 4.6 of the Standard Instrument LEP. The EIE also seeks feedback on proposed measures to increase transparency, accountability and probity by strengthening council reporting requirements on variation decisions, in line with ICAC recommendations.

Under the proposed revised clause 4.6, the consent authority would need to be satisfied that the applicant's written request demonstrates consistency with the objectives of the relevant development standard and land use zone.

Applicants would also have to demonstrate that the contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened. In deciding whether a contravention of a development standard will result in an improved planning outcome, the consent authority is to consider the public interest, environmental outcomes, social outcomes or economic outcomes. The criterion also requires applicants to provide sufficient information so that assessments can be undertaken in a transparent and timely manner.

Demonstrating that a proposed development will achieve improved planning outcomes will require applicants to demonstrate such factors as:

- whether the proposal is of a size, scale and design that reflects the context of the site and strategic vision of the area; or*
- how the proposal responds to the unique opportunities and constraints of the site.*

If appropriate, an alternative test may be developed to enable flexibility to be applied in situations where the variation is so minor that it is difficult to demonstrate an improved planning outcome, but the proposed variation is appropriate due to the particular circumstances of the site and the proposal. Feedback is being sought to inform the development of this alternative test.

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

The proposed changes aim to clarify that a clause 4.6 application should only be granted in exceptional circumstances when an improved planning outcome can be demonstrated with evidence.

The Explanation of Intended Effect was placed on public exhibition from 31 March until 12 May 2021.

As demonstrated in the Clause 4.6 discussions above, the applicant has demonstrated compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development is consistent with the objectives of the relevant development standard and land use zone.

Gosford Development Control Plan 2013

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

GDCP 2013 - Chapter 2.1 Character

The site is located within the character area: Woy Woy 8: Sandplain Medium Density of Gosford Development Control Plan 2013 (GDCP 2013) Chapter 2.1 Character. The desired character of this area is set out below:

- *These areas should remain medium-density residential neighbourhoods where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit developments.*
- *Surround each multi-unit development with leafy gardens that conserve existing visually-prominent trees, particularly along back fences and street frontages or verges.*
- *Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls.*
- *A "light-weight appearance" is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, painted finishes and some sheet or board cladding.*
- *Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings.*

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

The proposal seeks to retain the original, single storey, red brick, mid-Twentieth Century bungalow and front courtyard which will largely retain the streetscape character and presentation. The two-storey built form to the rear is a simple modern design with appropriate materials and articulation. Courtyards are located to the north western side and rear boundaries that provide sufficient deep soil planting to incorporate small to medium street trees, allowing the appropriate landscaping transition from the built form when viewed from the street and neighbouring lots. The proposal is consistent with the existing and emerging residential character and amenity of the surrounding area.

GDCP 2013 - Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings

The relevant provisions of Chapter 3.3 have been considered in the assessment of application as summarised in the table below.

Clause	Required	Proposed	Complies	Compliance With Objectives
3.3.3.1 Height	<ul style="list-style-type: none"> Max height LEP = 11m Max 3 storeys Max height exterior wall 10m Min 2.7m ceiling heights for 2 storey buildings 	<ul style="list-style-type: none"> Max height = 6.5m Max 2 storeys 7.2m maximum exterior wall height 2.7m ceiling heights at ground floor, 2.4m first floor <p>0.3m or 11% variation</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	Yes – see comments below
3.3.3.2a Setbacks	<p>Deep soil along boundaries</p> <ul style="list-style-type: none"> Side boundary min width 2m <p>Allowable encroachments include driveways - provided that they are flanked by a deep soil verge at least 1m</p> <ul style="list-style-type: none"> Rear boundary min width 6m Front boundary min width 6m 	<ul style="list-style-type: none"> North eastern side boundary 2m South western side boundary 0.3m verge to driveway (plus 2m x 4.9m deep soil garden bed to Paton Street) <p>0.7m or 70% variation</p> <ul style="list-style-type: none"> Rear setback 3.1-3.9m <p>2.9m or 48% variation</p> <ul style="list-style-type: none"> Front setback to Paton Street as existing = 4.8m <p>1.2m or 20% variation</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p>	Yes – see comments below
3.3.3.2 Setbacks	<p>Setbacks to Exterior Walls</p> <ul style="list-style-type: none"> Side boundaries average 4m, min 3.5m 	<ul style="list-style-type: none"> North eastern side boundary 2m <p>1.5m -2m or 43-50% variation</p> <ul style="list-style-type: none"> South western side boundary 3.7-6.7m 	<p>No</p> <p>Yes</p>	Yes – see comments below
	<p>Setbacks to Exterior Walls</p> <ul style="list-style-type: none"> Front Setback 6m 	<ul style="list-style-type: none"> Front setback to Paton Street as existing = 4.8m <p>1.2m or 20% variation</p>	No	Yes

	Setbacks to Exterior Walls Rear Setback 6m	<ul style="list-style-type: none"> Rear setback 3.1-3.9m 2.9m or 48% variation 	No	Yes – see comments below
3.3.3.3.2 Car Parking	Resident 1.5 spaces/unit = 1.5 x 3 = 5 spaces Visitor 0.2 spaces/unit = 0.2 x 3 = 1 space – however can be provided on street in Woy Woy for developments under 4 units.	5 resident spaces provided Visitor space allowable to be provided on street	Yes	Yes
3.3.3.3.4 Car Parking	<ul style="list-style-type: none"> Not located facing street/lane. Not located in front setback Not create continuous row of enclosed garages 	Complies	Yes	Yes
3.3.3.4.2 Articulation	<ul style="list-style-type: none"> Max width and depth of building - 25m 	The new 2 storey building is 20m	Yes	Yes
3.3.3.4.4 Articulation	The unarticulated length of any wall should not exceed 8m	There are no blank walls longer than 8m proposed	Yes	Yes

3.3.3.5.2 Solar Access	<ul style="list-style-type: none"> • Sunlight min 3 hrs/day in living, dining, family rooms and 50% of principle Open Space areas. Received by 70% of dwellings. • Sunlight retained to existing neighbours. 	<p>Solar access diagrams have not been provided. The retained dwelling will continue to receive the same level of solar access, the two new dwellings both have north and north east facing living and open spaces and achieve a good level of solar access.</p> <p>Some overshadowing of the property to the south west (No. 97) will occur in the morning hours, however there are no living room windows on the north eastern elevation and a minimum of 3 hours solar access will be retained to both the dwelling and open space.</p>	Yes	Yes
3.3.3.5.3 Site Planning	<ul style="list-style-type: none"> • Site planning to provide for reasonable privacy for existing & proposed dwellings. • For two storey buildings: provide 9m between adjacent dwellings, • If screening is provided these distances can be lessened. 	<p>Reasonable privacy is achieved. +9m separation distance to the existing residential development to the south west is provided.</p> <p>A 2m separation is proposed to the north east, not achieving a 9m separation</p>	<p>Yes</p> <p>No</p>	<p>Yes</p> <p>Yes – see comments below</p>
3.3.3.5.4 Natural cross ventilation	<ul style="list-style-type: none"> • Min 60% of dwellings must have suitable floor plans for cross ventilation. 	100% of dwellings achieve natural cross ventilation.	Yes	Yes
3.3.3.5.5 Open Space	<ul style="list-style-type: none"> • Private open space all dwellings - min area 50m² • Min width 5m x 5m (diagonally) • Min dimension is 3.5m 	<p>50-64sqm.</p> <p>Over 5x5m dimensions achieved</p> <p>Not all areas meet the 3.5m dimensions, minimum dimension of 2m – 1.5m or 43% variation</p>	<p>Yes</p> <p>Yes</p> <p>No</p>	Yes

3.3.4.1 Housing Choice	Provide a variety of dwelling types	An appropriate mix of dwellings are provided given the small scale	Yes	Yes
3.3.4.2 Residential Address	<p>Provide a traditional street address - Front doors, windows, patios etc facing street</p> <p>No garages on street frontage</p> <p>Solid fences to a height of 1.2m, and partially transparent screening above that for fences that face public/communal areas.</p>	<p>The existing dwelling is proposed to be retained and will retain the traditional street address</p> <p>No garages are provided on the street frontages.</p> <p>1.5m high brick fencing is proposed, with 40% open decorative slat infills proposed above 0.9m</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>
3.3.4.3 Facades	<ul style="list-style-type: none"> • Articulate all façade • Use gently-pitched roof elements with eaves • Light weight finishes incorporated 	<p>The facades sufficiently articulated, roofs are gently pitched with eaves.</p> <p>Facades have a generally lightweight appearance</p>	Yes	Yes
3.3.4.4 Landscaped Areas	Provide a landscape plan	Landscaping plan provided Courtyard trees provided are 2-4m mature height. This is appropriate given the smaller scale the site and development	Yes	Yes
3.3.4.5.2 Stormwater	25% (174m ²) of the development site shall be deep soil	Approximately 175sqm of the site is deep soil.	Yes	Yes
3.3.4.5.3 Garbage bin enclosures	<p>Not compromise urban design quality</p> <p>Mobile bins are acceptable for smaller developments (18 dwelling or less) and single buildings</p>	3 x mobile bins are proposed per dwelling; plans indicate the location of the bins within the courtyards and show appropriate travel paths.	Yes	Yes

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

3.3.4.5.5 Storage	Three bedrooms or more: 10m ³ ,	Given the size of the dwellings it is considered they would be capable of compliance.	Yes	Yes
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The non-compliances with Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings of the GDCP 2013 are discussed below.

3.3.3.1 Height

The purposes of building height controls are:

- a. *To complement development standards in the Gosford LEP 2014,*
- b. *To ensure that the scale of new buildings would be compatible with scenic qualities of hillside or ridgetop locations, and / or with existing and desired streetscape characters,*
- c. *To limit the scale and intensity of redevelopment in established neighbourhoods.*

The maximum building height applicable to this site and area is 11m. The proposed development has a maximum building height of 6.5m and complies with this development standard. It is noted that the GDCP 2013 states that where the maximum building height is 11m a 3 storey building is permitted. The retained dwelling at the front of the site is single storey and only 2 storeys is proposed for the dwellings at the rear of the site.

Clause 3.3.3.1 requires a 2.7m ceiling height for 2 storey buildings. This is achieved at ground floor but 2.4m is proposed at first floor. This is a 0.3m or 11% variation. 2.4m is a standard ceiling height for dwellings and the reduced height applies to bedrooms (and rumpus room) only. As the rooms benefit from first floor outlook and light an acceptable level of amenity is achieved with the benefit of an overall reduced height of the proposed building. As such the variation the ceiling height is acceptable.

3.3.3.2 Setbacks

The variation to the setbacks and deep soil planting requirements are to be assessed against the stated purposes of the setbacks and deep soil planting of the GDCP 2013. The purposes of setbacks are:

- a. *In conjunction with other numeric controls, to limit the intensity of new developments, and provide controls which complement the FSR controls in the Gosford LEP 2014*

- b. To ensure that new developments are compatible with predominant patterns of buildings and gardens that define the existing and desired characters of each neighbourhood,*
- c. To conserve important elements of existing scenic quality, in particular any prominent trees that might be located near a site's boundaries,*
- d. To surround new buildings with deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping,*
- e. To provide reasonable amenity for both existing and proposed dwellings,*
- f. To encourage amalgamation of narrow sites in order to achieve the most efficient use of lands that permit multi-unit residential developments.*

Clause 3.3.3.2.2a requires a 2m deep soil setbacks to side boundaries side, however, does allow for a driveway to encroach, provided that they are flanked by a deep soil verge of at least 1m. The south western side boundary has a 0.3m verge to driveway (plus 2m x 4.9m deep soil garden bed to Paton Street). This is a 0.7m or 70% variation for part of this side boundary.

Clause 3.3.3.2.2a and 3.3.3.2 require 6m front and rear setbacks, with deep soil. A rear setback of 3.1-3.9m is proposed, which is a maximum 2.9m or 48% variation. The front setback to Paton Street is retained, as existing at 4.8m, which is a 1.2m or 20% variation.

The proposed development is significantly under the maximum building height control of 11m, with a height of 6.5m and significantly under the FRS control of 0.6:1 with and FSR of 0.42:1. The variations to setbacks do not result in an unreasonable density or intensity of development.

The variations to setbacks are, in fact, partly due to the retention of the existing single storey dwelling at the front of the site and the new dwellings to the rear being two storey, rather than three. The scale of the development is significantly less than the maximum envisioned / potential for the site.

Approximately 160sqm (23% of site area) of soft landscaping is provided and this is all deep soil as no basements are proposed. The courtyards located around the perimeter of the site provide sufficient deep soil planting to incorporate small to medium street trees, allowing the appropriate landscaping transition from the built form when viewed from the street and neighbouring lots. The proposal is consistent with the existing and emerging residential character and amenity of the surrounding area.

No tree removal is proposed. The tree in the front yard (pink glory bush approx. 5m high) is to be retained.

A reasonable level of amenity is achieved for both existing and proposed dwellings. The limited height of the building and setbacks will limit overshadowing. The proposed first floor contains primarily bedrooms which overall will result in a reasonable privacy amenity and for adjoining neighbours subject to opaque glazing as discussed further below. The development provides usable open space and is consistent with the existing development pattern in the area.

The lot has a width of 15m, which is considered reasonable to meet most of the primary objectives for a good multi dwelling housing design in the context of the area. A requirement to amalgamate with an adjoining lot is considered to be unreasonable given that a development of a satisfactory quality can be constructed on the site without impacting on the amenity of existing or future adjoining property owners.

The variations to the numerical setback standards are supported in this instance.

3.3.3.5.3 Site Planning

The purposes of controls for site planning are to ensure that *"Site planning and design shall provide reasonable privacy for both existing and proposed dwellings"*.

This section of the GDCP 2013 states that *"For two storey buildings: provide 9m between adjacent dwellings"*. It also states that *"If screening is provided these distances can be lessened"*

A 9+m separation distance to the existing residential development to the south west is provided.

A 2m separation is proposed to the north east, not achieving a 9m separation. This is generally consistent with the surrounding development and this elevation has bedroom windows only, limiting overlooking as compared to living rooms or balconies. Given a two-storey dual occupancy would only require a 1m separation, further separation is not considered required in this instance. However, to improve the levels of privacy an opaque finish to the window glazing to a height of 1.6m for all windows at first floor level on the north eastern elevation is recommended and required via a condition of consent (**Condition 2.8**) to ensure all views are directed up and out, rather than down into the adjoining properties open space.

3.3.3.5.5 Private Open Space

The purpose of this section of the GDCP 2013 is to provide well-designed private open spaces for every new dwelling and require:

- Private open space all dwellings - min area 50sqm

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

- Min width 5m x 5m (measured diagonally)
- Min dimension is 3.5m

Unit 1 (the existing dwelling) is provided with 50+sqm of open space, one area measuring 9m x 9m (diagonally as per Figure 15 of the GDCP 2013).

Unit 2 is provided with 50sqm of open space and one area measuring 6.4m x 6.4m.

Unit 3 is provided with 60sqm of open space which includes one area measured 6.8m x 6.8m

While not all areas of the open space meet the minimum 3.5m, with some areas with a dimension of 2m (a 1.5 or 43% variation) each unit is provided with acceptable and usable open space. The variations to the numerical dimension standard are supported in this instance.

GDCP 2013 - Chapter 6.3 Erosion and Sediment Control

An Erosion and Sediment Control Plan or Soil plan has been provided and appropriate conditions would be applied should consent be granted.

GDCP 2013 - Chapter 6.6 Preservation of Trees or Vegetation

No tree removal is proposed. The tree in the front yard (pink glory bush approx. 5m high) is to be retained. It is noted that a large tree in the rear yards was removed sometime in 2019, this is outside of the scope of this assessment. The proposal includes five new trees and landscaping and is acceptable. The proposal has adequately addressed this chapter of the GDCP 2013.

A condition is recommended requiring the planting one (1) street tree within the road reserve to follow the existing pattern of street trees in the area (see **Condition 5.9**).

GDCP 2013 - Chapter 6.7 Water Cycle Management

The Water Cycle Management Plan submitted has been reviewed by Council's Development Engineer and addresses the requirements of the Chapter 6.7 of Council's GDCP 2013.

GDCP 2013 - Chapter 7.1 Car Parking

This section of the GDCP 2013 requires 1.5 resident car parking spaces per dwelling, and 0.2 visitor spaces per dwelling, (rounded up to the next whole number). This results in a minimum requirement of 5 resident spaces and 1 visitor space. This section of the GDCP 2013 notes that in the area defined as the Peninsula (including Woy Woy) visitor parking and service vehicle access may be provided on the existing street where:

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

- development contains less than 4 units, or
- unrestricted on-street parking is safely available within 60m of the development.

A total of 5 resident spaces have been provided. As the development is for 3 dwellings only (and 1 is existing) and there is unrestricted on-street parking directly around the site, the required 1 visitor is allowed to be provided on street in this location.

GDCP 2013 - Chapter 7.2 Waste Management

An appropriate Waste Management Plan has been provided. 3 x mobile bins are proposed per dwelling; plans indicate the location of the bins within the courtyards and show appropriate travel paths. The proposal has demonstrated compliance with this chapter of the GDCP 2013.

Likely Impacts of the Development:

Built Environment, Context and Setting

The subject site is zoned R1 General Residential and is surrounded by a mix of one and two storey single dwelling and multi dwelling housing developments.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of GLEP 2012 and GDCP 2013 compliance. Despite the non-compliances discussed throughout this report the proposal will not have any unreasonable impacts on the character or amenity of the area. The proposed built form is considered acceptable in the context of the site.

The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views subject to the recommended conditions of consent.

Natural Environment

The subject site does not contain any threatened species or habitat. The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. There will be no significant impact upon the natural environment as a result of the proposal.

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

Economic and Social Impacts

The proposed development will contribute to the supply of housing needs in the locality and is considered to be satisfactory from an economic perspective. No unreasonable social impacts will arise from the approval of this residential development.

Suitability of the Site for the Development:

The site is zoned R1 General Residential which permits multi dwelling housing.

There are no environmental hazards which would prevent development of the site, existing utilities are available to the site and is located near public transport facilities as well as public recreation / community facilities.

The site is suitable for the proposal in principle and adequately addresses the site constraints and impacts.

Any Submission made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

The proposal was formally advertised and notified, in accordance with GDCP 2013 Chapter 7.3.2 Notification of Development Proposals, between 30 April 2021 and 28 May 2021. Council staff were advised that some letters had not been received by the neighbouring properties. A further round of letters was sent out with a further notification period of 4 June 2021 to Monday 5 July 2021.

A total of 64 submissions were received, from 30 individuals. It is noted that a large number of the submission are not unique, but one of 2 letters that have been signed by individuals, with some submitted multiple times. It appears that there are approximately 10 unique submissions. A number of the submissions requested that the application is considered by the Local Planning Panel.

The issues raised are summarised as follows:

Summary of Submissions	Response
Non-compliance with minimum Lot size for multi unit dwellings	This is noted and discussed under the <i>Gosford Local Environmental Plan 2014 – 4.6 Exceptions to Development Standards - 4.1B Minimum lot sizes for multi dwelling housing</i> heading of this report.

Summary of Submissions	Response
Height and scale too large for the site, not consistent with neighbourhood character	<p>The maximum building height applicable to this site and area is 11m. The proposed development has a maximum building height of 6.5m. The FSR applicable is 0.6:1. The proposed FSR of 0.42:1</p> <p>The developments scale is significantly under the maximum potential for the site and is consistent with the existing, emerging and desired future character of the area.</p> <p>The desired future character for this area requires “<i>providing a variety of low-rise dwellings that include apartments, town houses and villas</i>”. The proposal comprises two ‘townhouses’ and a ‘villa’ (the retained single dwelling) and is consistent with desired character.</p>
Non-compliance with floor to ceiling heights	This is discussed above under the headings 3.3.3.1 <i>Height</i> and 3.3.3.2 <i>Setbacks</i> .
Non-compliance with setbacks	
Insufficient / non-complaint private open space areas	This is discussed above under the heading 3.3.3.5.5 <i>Private Open Space</i> . The open space does not include car parking spaces. Bins are not excluded from open space areas calculations.
Outdoor space is assumed to include car parking spaces. Bins take up space.	
Loss of Privacy, and increased noise	<p>Privacy is discussed under the heading 3.3.3.5.3 <i>Site Planning</i>.</p> <p>To improve the levels of privacy an opaque finish to the window glazing to a height of 1.6m is recommended and required via a condition of consent to ensure all views are directed up and out, rather than down into the adjoining properties open space.</p> <p>There are no unreasonable noise impacts expected from a typical residential development. Standard conditions in relation to construction noise and vibration are recommended.</p>
Traffic and unsafe driving on Paton Street and Rawon Rd /Paton intersection	The small scale of the development is significantly under the potential density for the site and area. The additional vehicle movements are minimal and considered capable of being accommodated within the road network. Unsafe driving is a matter for the police.
Illegal removal of tree in rear yard	The removal of this tree occurred sometime in 2019 and it outside the scope of the assessment of this Development Application. There does

Summary of Submissions	Response
	not appear to be a compliance/ unauthorised works complaint or investigation of this matter.
Drainage and flooding issues, particularly to the street frontage	<p>The development provides on-site detention of stormwater, via rainwater tanks and infiltration trench in the front landscaping, to limit post development peak flows from the site to the predevelopment peak flows for storm events up to and including the 1% AEP storm event. Stormwater will be directed to on site systems with overflow to the street.</p> <p>The site is not in a designated flow path, the proposal will not affect the safe occupation of the land, will not increase the risk of flood and will not increase in the potential of flooding detrimentally affecting other development of properties.</p>
Insufficient parking	The number of car parking spaces complies with the car numerical parking requirement of the GDCP 2013.
Loss of views "obscures the views of Wot Woy Bay Tree Line / Brisbane Water escarpment from the front boundary of the houses opposite and for residents walking in the street"	<p>In order to determine whether the impact on view is reasonable, the general planning principles of <i>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</i> can be used and requires an assessment of the value, extent and nature of the view, how views are obtained/from what part of the property, the severity of the view loss and specifically, <i>"to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them"</i>.</p> <p>The views are considered more to be akin to a general outlook of trees and the landscape in the far distance / horizon. The views are from and across Paton Street, not typically from main living areas, which are generally to the rear of properties. The view loss will be minimal given it is a view/outlook to the horizon, which is available along the length of the street in either direction. Lastly, the height of the proposal is well below the permitted 11m height control at 6.5m.</p> <p>It is considered the impact on views is negligible and reasonable when assessed against the appropriate planning principles.</p>
Concern about due process and notification	The proposal was advertised and notified between 30 April 2021 and 28 May 2021. Council staff were advised that some letters had not been received by the neighbouring properties. A further round of letters was sent out with a further notification period of 4 June 2021 to Monday 5 July 2021.
Loss of sunlight/ overshadowing	Some overshadowing of the property to the south west (No. 97) will occur in the morning hours, however there are no living room windows

Summary of Submissions	Response
	on the north eastern elevation and a minimum of 3 hours solar access will be retained to both the dwelling and open space.
No allocated area for storing garbage bins	An appropriate Waste Management Plan has been provided. 3 x mobile bins are proposed per dwelling; plans indicate the location of the bins within the courtyards and show appropriate travel paths.
Concern with Sewer and Water supply / capacity	Water and Sewer is available to the land with adequate capacity.
Assumption that <i>"at the pre-DA meeting the council staff must not have discouraged him from having strong expectations of approval."</i>	No Pre-DA meeting was held.
SEE says "Council in its planning assessment have conceded that the prescriptive requirements outlined within the Multi-Unit Housing and Residential Flat Buildings chapter are unrealistic for medium density development to occur within the Peninsula area." If this is the case, when can we expect a media statement to this effect?	<p>This is not a Council policy or position. Each case is considered on its merit.</p> <p>However, it is noted that the Draft Central Coast DCP allows for reduced side and rear setbacks for multi dwelling housing, including a 0.9m setback for any part of the building with a height of up to 4.5m plus one-quarter of the height of the building above 4.5m.</p> <p>For this development, with a height of 6.5m high building, a 1.5m side setback would be required. A 2m setback is proposed to the north east and 3.7-6.7m setback is proposed to the south west.</p> <p>This Draft DCP has been through significant public consultation, and may be what the SEE is referring to.</p>

Internal Consultation

Internal Referral Body	Comments
Development Engineer	Supported subject to Conditions 2.3 -2.7, 3.6, 3.7, 5.3-5.6 See comments below.
Waste Services	Supported subject to standard Conditions 4.7, 4.8, 6.1, 6.2, 6.3

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

Water and Sewer	Water and Sewer is available to the land. A section 307 certificate of compliance under the Water Management Act is required Supported subject to standard Conditions 2.7, 5.2
Planning Engineer Hydrology (Flooding)	No objection - the flooding in that area is not severe. The water is not fast moving or particularly hazardous, more nuisance.

Development Engineer Comments

Traffic, Roadwork and Access

Paton Street is 7m central bitumen sealed road with no gutter and grass footway falling very gently to front boundary. An existing 3m gravel access cross over will need to be replaced with concrete to new kerb and gutter.

The updated driveway details, vehicle turn paths and sight lines and distances for vehicle access and pedestrians prepared by Halcrow Engineers comply with AS 2890. Construction of the following works in accordance with Council's standards and AS 2890 will be required;

- Kerb and guttering, subsoil drainage, footpath formation, drainage and road pavement across the full frontage of the site in Paton St. Kerb Inlet Pit and Absorption trench.
- 1.5m wide reinforced concrete footpath in an approved location across the full frontage of the site in Paton St.
- Construction of a residential vehicle access crossing that has a width of 4m to 5m at the road gutter crossing and 3m to 5m at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- Footway formation graded at +2% from the top of the kerb to the property boundary across the full frontage of the site in Paton St.
- Concrete access and turning areas within the site.

Water Cycle Management

A Water Cycle Management Plan dated 2/1/21 consisting of a written report proposes 6 cubic metre rainwater tank, 8 cubic metre infiltration trench in front yard and OSD tank with discharge to street. Tank and trench volumes are sufficient, and details will be required via conditions of consent.

Flooding

The site is identified as being affected by Woy Woy Peninsula Flood Study. House No 99 Paton Street and houses further south west are in a 'Downstream Drainage' Black Spot. House No 93, 95 and 97 Paton Street are not in a Black Spot area.

The 1% Annual Exceedance Probability (AEP) flood level is RL 4.5m and Probable Maximum Flood (PMF) is RL 4.7m. The proposed units have a finished floor level (FFL) of 5.2m, and the garages are 5m & 4.5m, which comply with these requirements.

Ecologically Sustainable Principles:

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

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

Climate Change

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

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

The Public Interest

The approval of the application is considered to be in the public interest. The proposal will not have any adverse impact on the natural environment and will not unreasonably impact the amenity of neighbouring properties.

Political Donations

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

Other Matters for Consideration:

3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings (contd)

Development Contribution Plan

The subject site is located within Contribution Plan No. 31 Peninsula, where multi-dwelling housing developments are subject to s7.11 *Contribution towards provision or improvement of amenities or services* of the EP&A Act. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate. Refer to **Condition 2.2**.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.






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

Reasons for the Decision

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

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Attachments

1 	Draft Conditions of Consent DA/61493/2021 - 95		D15076285
2 	Paton Street Woy Woy		
2 	Amended Architectural Plans	Provided Under Separate Cover	D14967373
3 	Statement of Environmental Effects and Clause		D14797444
4.6 	Request		

Draft Conditions of Consent:**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: TB

Drawing	Description	Revision	Date
A0001	Location Plan	D	11/11/2021
A0002	Site Plan / Site Analysis	D	11/11/2021
A10003	Ground Floor Plan	D	11/11/2021
A0004	First Floor Plan	D	11/11/2021
A0005	Elevations	D	11/11/2021
A0006	Sections and Schedule of Finsies	D	11/11/2021
A0007	Shadow Diagrams	D	11/11/2021
A0008	Shadow Diagrams	D	11/11/2021
A0009	Landscape Plan	D	11/11/2021

Supporting Documentation

Author	Document Title	Date	Council Ref
Building Sustainability Assessments	Assessor Certificate BSA File ref: 16889	02/12/2021	D14967380
Building Sustainability Assessments	BASIX Certificate: 1187065M_02	02/12/2021	D14967379
Halcrow & Associates	Swept Paths 21.10.024	02/11/2021	D14967375
Thomas Bowyer	Waste Management Plan	03/03/2021	D14797446
-	Water Cycle Management Plan	02/01/2021	D14572651

- 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. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, pay to Council a total contribution amount of **\$28,721.00** that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadwork - Capital	B	(Key No 789)	\$1,540.80
Open Space - Land	C	(Key No 791)	\$4,410.00
Open Space - Embellishment	C	(Key No 790)	\$12,656.00
Community Facilities - Land	D	(Key No 793)	\$240.60
Community Facilities - Capital	D	(Key No 792)	\$3,943.55
Drainage - Land	A	(Key No 787)	\$1,220.00
Drainage - Capital	A	(Key No 788)	\$4,978.30
TOTAL AMOUNT			\$28,989.25

The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council's Contributions Planner on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website: Development Contributions - former Gosford LGA

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

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

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

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

- a) Up to half width road construction including kerb and guttering, subsurface pavement drainage, concrete footpath, verge formation, street stormwater drainage and new road pavement with end transitions across the full frontage of the site in Paton St.
- b) Construction of concrete footpath 1.5 metres wide for the full street frontage of the development in Paton St.
- c) Construction of the road verge/footway formation graded at +2% from the top of existing kerb to the property boundary, across the full frontage of the site in Paton St. Construction to include transitions to existing formation either side of the site
- d) Construction of a residential vehicle access crossing including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- e) Removal of all redundant vehicular access crossings. The road verge/footway formation is to be reinstated and stabilised with topsoil and turf from top of kerb to property boundary. Concrete path to be constructed if required.
- f) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- g) Construction of a kerb inlet pit at the low point of the required kerb and channel and the provisions of an infiltration trench in the road verge/footpath area.
- h) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve.
- i) Road pavement designs. An Investigation and Design report prepared by a practising Geotechnical Engineer must be provided. The pavement design thickness must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Paton St.	2,000,000

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

- 2.4. Submit to Council a dilapidation report detailing the condition of all Council assets within the vicinity of the development. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs, street lights or any other Council assets in the vicinity of the development. The dilapidation report will be required to be submitted to Council prior to the issue of the Section 138 Roads Act Works approval or the issue of any construction certificate for works on the site. The dilapidation report may be updated with the approval of Council prior to the commencement of works. The report will be used by Council to establish damage to Council's assets resulting from the development works.
- 2.5. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
 - a) Construction of driveways, ramps and car parking areas in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - b) Construction of a stormwater detention system. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013 and Council's *Civil Works Specifications*. The stormwater detention system must limit post

development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.

- c) Construction of nutrient and pollution control measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan. A nutrient and pollution control report including an operation and maintenance plan must accompany the design
- d) Construction of on-site stormwater retention measures. Design in accordance with Chapter 6.7 - *Water Cycle Management* of the Gosford Development Control Plan 2013. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design
- e) Construction stormwater drainage collection and piping of all stormwater runoff from areas within the site via an on-site stormwater detention facility to the approved connection with Council's drainage system located in Paton St.
- f) Construction of buildings with the minimum floor level of all habitable rooms in the development being Reduced Level (RL) 5.0m Australian Height Datum (AHD).
- g) Construction of buildings from materials that are used or located below Reduced Level (RL) 5.0m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
- h) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

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

- 2.7. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance. The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone eg. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.8. Submit amendments to the approved plans to the Registered Certifier pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* that must detail:
 - a) An opaque finish to the window glazing to a height of 1.6m above finished floor level for all windows at first floor level on the north eastern elevation.

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

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

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

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

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

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

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

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

- 3.7. Submit to Council a completed *Notice of Intention to Commence Subdivision, Roads and Stormwater Drainage Works* form with supporting documentation prior to the commencement of any Subdivision Works Certificate works, Roads Act Works Approval works, or Section 68 Local Government Act Stormwater Drainage Works Approval works. These works are not to commence until a pre-commencement site meeting has been held with Council.
- 3.8. Submit a Hoarding Application to Council for approval under the Roads Act where it is proposed to erect construction fencing, a hoarding, site sheds or utilise the road reserve for any construction activity related to the development works within the site.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application and will be required to be paid prior to Council releasing any approval.

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. Re-use, recycle or dispose of all building materials during the demolition and construction phase of the development in accordance with the Waste Management Plan signed by Thomas Bowyer dated 03/03/2021.
- 4.8. Store all waste generated on the premises in a manner so that it does not pollute the environment.
- 4.9. 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*.

- 4.10. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.
- 4.11. Submit a report prepared by a registered Surveyor to the Principal Certifier at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans. A compilation of these reports is to be provided to Council at completion of the Occupation Certificate.
- 4.12. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.

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 construction of all works within the road reserve in accordance with the Roads Act Works Approval. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's Fees and Charges.
- 5.4. Repair any damage to Council's infrastructure and road reserve as agreed with Council. Damage not shown in the dilapidation report submitted to Council before the development works had commenced will be assumed to have been caused by the development works unless the Developer can prove otherwise.
- 5.5. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the construction certificate.
- 5.6. Amend the Deposited Plan (DP) for lot 47/5 DP 5099 to:
- 1) Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by

these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:

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

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

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

- 5.7. Completion of landscaping works.
- 5.8. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.9. Plant street tree on the road reserve - provide one (1) advanced specimen (minimum 25 litre pot size) that is to be evenly located in relation to existing street trees along the street and adequately staked / protected to prevent vandalism. The street trees must be native tree species such as Water Gum capable of achieving a minimum height of 10m.

Do not locate trees within an authority's underground service easement nor be closer than:

- a) 12m from an intersection, or
 - b) 3m from a driveway or access way, or
 - c) 3m from a power pole.
- 5.10. Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first

flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

6.ONGOING OPERATION

- 6.1. Comply with all commitments as detailed in the Waste Management Plan signed by Thomas Bowyer dated 03/03/2021.
- 6.2. Place the residential mobile garbage/recycling/green waste containers at the approved location at the kerbside no earlier than the evening prior to the collection day and return to the approved residential waste storage room as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile waste containers.
- 6.3. Service Waste Management in accordance with Gosford Development Control Plan 2013, Part 7: Chapter 7.2 Waste Management, Appendix H.
- 6.4. Maintain landscaping on the site.

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



STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and additions to existing dwelling
creating Multi Dwelling Housing

95 Paton Street, Woy Woy Lot 47 of Sec 5 in DP 5509

23 July 2021 – Revision 2

Contents

1.	Introduction.....	3
2.	Site Location and Description.....	3
2.1.	Metropolitan Context.....	4
2.2.	Infrastructure	4
3.	Description of Proposal	4
4.	Statutory and Policy Compliance	5
5.	Objectives of the Environmental Planning and Assessment Act 1979	6
5.1.	Statutory and Policy Compliance	8
5.2.	State Environmental Planning Policy (SEPP) – Coastal Management	9
5.3.	State Environmental Planning Policy (Building Sustainability Index: BASIX)	9
5.4.	Gosford Local Environmental Plan 2014	9
5.4.1.	GLEP2014 – Clause 7.1 Acid Sulfate Soils.....	11
5.5.	Gosford Development Control Plan 2013	11
5.5.1.	GDCP 2013 – Chapter 2 – Scenic Quality & Character Statement	11
5.5.2.	GDCP 2013 – Chapter 3.3 – Multi Dwelling Housing & Residential Flat Buildings.....	17
5.5.3.	GDCP 2013 – Chapter 6.3 – Erosion Sedimentation Control	37
5.5.4.	GDCP 2013 – Chapter 6.7 – Water Cycle Management.....	37
5.5.5.	GDCP 2013 – Chapter 7.2 – Waste Management.....	37
6.	The Likely Impact of Development.....	38
7.	Suitability of the Site for the Development.....	38
8.	The Public Interest.....	38
9.	Conclusion	39
	Appendix A – Clause 4.6 Exception to a Development Standard	40

1. Introduction

This Statement of Environmental Effects is part of a development application submitted to Central Coast Council.

This application proposes alterations and additions to an existing dwelling creating multi dwelling housing on Lot 47 of sec 5 within DP 5099, known as 95 Paton St, Woy Woy.

This application has been prepared on behalf of the owners of the land and has been based on the plans and information provided. An on-site inspection has been undertaken and a photographic record of the inspection is provided in this document.

2. Site Location and Description

The regular shaped allotment is legally described as Lot 47 of Sec 5 in DP 5099 and known as No.95 Paton Street, Woy Woy. The predominately flat 696.8m² site is 15.24metres in width, 45.72 metres in length and obtains direct vehicular access to the public road reserve. The site contains a single dwelling-house and ancillary structures with the surrounding residential development being characterised by medium density housing, such as villas that have been strata subdivided, multi dwelling housing and single dwellings.



Figure 1 – Aerial photograph of the site and surrounds (NSW Government, 2021)



Figure 2 – Photograph of the site from the street (Google, 2021)

2.1. Metropolitan Context

The site is located within the Local Government Area of Central Coast and is within the immediate proximity of the Woy Woy Town Centre and Woy Woy Railway Station. The area is characterised by a mixture of post-world war single dwelling houses and medium density residential of development. It is considered that the proposal is in keeping with the existing and likely future development of the surrounding area.

2.2. Infrastructure

The site is serviced by water, sewer, telecommunications, NBN and power services. Nearby public transport includes the main bus route through Woy Woy located approximately 80 metres with Woy Woy Railway Station located approximately 1 km from the site. Woy Woy Station is a major stop for the main Sydney to Newcastle train line. The M1 Pacific Motorway is also only 15 km from the site as the M1 is the main motor vehicle connection to Newcastle and Sydney.

3. Description of Proposal

This application seeks consent for alterations and addition to an existing dwelling, the erection of 2 x 3-bedroom townhouses with garages, driveway, stormwater and front courtyard fencing.

Vehicular access is proposed via a driveway that would run along the southwest side of the site incorporating adequate manoeuvring space to satisfy Council's requirements.

Appropriate areas are proposed to store mobile waste collection bins in courtyards away from the street and clothes drying areas that would be screened from other dwellings and the public domain.

The new dwellings are proposed to be founded on concrete slab foundations, utilising timber framing with a mixture of masonry and fibre cement cladding construction with a combination of external finishes and powder coated aluminium windows. To connect 'tie into' the existing with the proposed, the existing dwelling is to be rendered and painted, with roof cladding replaced to match the new townhouses.

Further specification of the external finishes is provided in the plans presented on sheet A0005.

4. Statutory and Policy Compliance

The provision of:

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

(a) the provisions of:

(i) any environmental planning instrument, 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 subject 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*

5. Objectives of the Environmental Planning and Assessment Act 1979

The objects of the act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

(iii) the protection, provision and co-ordination of communication and utility services,

- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and
conservation of native animals and plants, including threatened species,
populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between
the different levels of government in the State, and*
- (c) to provide increased opportunity for public involvement and participation in
environmental planning and assessment.*

Comment:

The proposed design of the multi dwelling housing would not result in any adverse environmental, amenity, social or economic impacts to the site and surrounding area. The proposal entails increase in development density that is commensurate with the locality and the land use zoning.

The application is well aligned with the NSW Government's 'Central Coast Regional Plan 2036'. In particular, Goal 4 – to provide 'a variety of housing choice to suit the regions needs and lifestyles', and associated directions/actions of accelerating housing supply and improving housing choice around local centres (Woy Woy).

The use of the land would not adversely impact on the surrounding properties and would allow the existing environment to be adequately protected whilst allowing suitable and appropriate creation of new dwellings to proceed. The use of the land for the erection of a multi dwelling housing is considered to be an orderly and economic use of the subject land, whilst reflecting the character of the locality and the environment.

The proposal would be consistent with the established medium density residential development pattern in the locality and meets the objectives outlined of the act and would

be in the public interest. It is considered that the development satisfies the objectives of *The Environmental Planning and Assessment Act 1979*.

5.1. Statutory and Policy Compliance

The provision of:

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

(a) the provisions of:

(i) any environmental planning instrument, 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 subject to the subject land and have been duly considered in the preparation of this development proposal and application.

5.2. State Environmental Planning Policy (SEPP) – Coastal Management

The Coastal Management SEPP consolidates and improves current coastal-related SEPPs. It replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and ensures that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

This proposal has been considered in terms of the objects of the Coastal Management Act (which are found at Part 1). Nothing in the proposal compromises those objects.

5.3. State Environmental Planning Policy (Building Sustainability Index: 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.

5.4. Gosford Local Environmental Plan 2014

The Gosford Local Environmental Plan (GLEP) is Council's primary planning control for development in the Gosford Municipality and establishes the requirements for the use and development of within the Gosford City Local Government Area. The GLEP provides objectives, zones and principal development standards including minimum lot sizes, floor space ratios and height of buildings.

The zoning maps provided by Gosford City Council's website indicate the subject site is currently zoned Residential R1 – General Residential. The proposed development is defined as 'multi-dwelling housing' under GLEP 2014 and is permissible in the zone with Council's consent.

The proposed multi dwelling housing design is consistent with the zone objectives and is permissible subject to Council consent.

The objectives of the R1 – General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is compatible with the desired future character of the areas covered by this zone.*
- *To promote best practice in the design of multi-unit housing or similar development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi-unit housing or similar development.*

Comment:

- The proposal would cater for the housing needs for the local population within the Gosford LGA.
- The proposal provides for a variety of housing types.
- The proposal is compatible with the surrounding land uses and allows the construction of additional dwellings in line with the needs of the community.
- The proposal exemplifies best practice in design through quality architectural form and garden design in keeping with the existing scenic quality and streetscape character.
- The proposal allows the continuation of residential development that would facilitate the incorporation of landscaping that is compatible with the medium density residential zone.
- The proposal is consistent with the objectives of the LEP and the objectives of the zone.

Below is a compliance table outlining a summary of the relevant development standards within the GLEP 2014. The proposal complies with the relevant development standards of GLEP.

Gosford LEP 2014

Development Standard	Requirement	Proposal	Compliance
CI 4.1B Minimum Lot Size	750m ²	696.8m ²	No – refer to clause 4.6 variation
CI 4.3 Height	8.5m	6.5m	Yes
CI 4.4 FSR	0.5:1	0.42:1	Yes

Note: The site is mapped as 0.7:1, however reduces to 0.5:1 under Cl. 4.4(2A)(c) of GLEP 2014 as the development is for the purpose of multi dwelling housing and includes on-site parking which is not provided in a basement.

5.4.1. GLEP2014 – Clause 7.1 Acid Sulfate Soils

The site is within the class 3 acid sulphate zone in accordance with Council's Acid Sulphate Soils Map. Generally Acid Sulphate Soils are found lower than 1 metre Australian Height Datum (AHD) and often 0-0.3 metre AHD. The site is approximately 4.20 metres AHD with minimal excavation required for the establishment of footings and therefore significant acid sulphate soils would be not likely to be encountered.

5.5 Gosford Development Control Plan 2013

5.5.1. GDCP 2013 – Chapter 2 – Scenic Quality & Character

Statement

Character

The subject allotment is located in the suburb of Woy Woy and is classified as being located within Woy Woy 9: Sandplain Mixed Density precinct as identified on the Gosford Character map.

Woy Woy

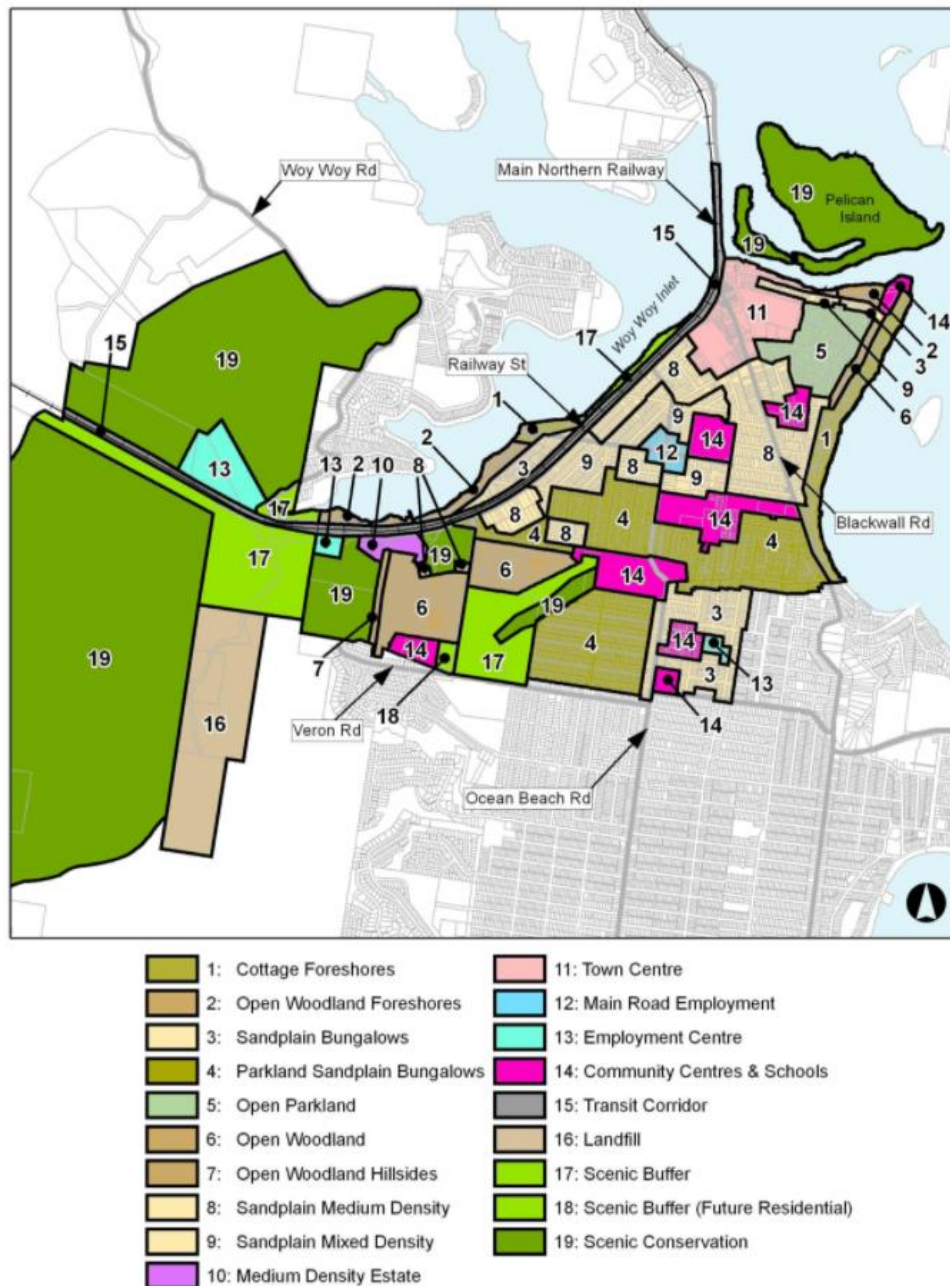


Figure 3 – Woy Woy Character Map (Central Coast Council, 2021)

The desired character for development within this precinct is as follows:

These areas should remain leafy mixed-density residential neighbourhoods that retain some of the original mid-Twentieth Century bungalows which remain distinctive elements of the Woy Woy Peninsula's identity, and future developments

achieve significantly improved standards of amenity and urban design quality by reflecting features of those traditional bungalows, as well as providing a variety of low-rise dwellings that include apartments, town houses and villas.

Surround each development with leafy gardens to conserve existing visually-prominent trees, particularly along back fences and street frontages or verges, as well as to provide space for shady trees and shrubs planted as backdrops to new buildings. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees. Complement the surviving canopy by planting a combination of trees and shrubs that are mostly-indigenous along all property boundaries, and use hedges or fences that are low or see-through rather than tall and opaque in order to maintain the informal character of existing street frontages.

Ensure that new developments complement the siting, form and scale of surviving traditional bungalows upon nearby properties, as well as maintaining reasonable levels of sunlight, privacy and amenity for neighbouring dwellings plus their private open spaces. Maintain street setbacks that are similar to surrounding properties, and minimise the extent of hard-paved surfaces. Avoid the appearance of long or continuous buildings facing any front or side boundary by stepping the shape of visible facades, by providing at least one wide landscaped setback that varies in width, and lining driveways with avenues of trees and shrubs.

Reflect the modest scale of traditional mid-Twentieth Century bungalows, for example by dividing new developments into individual dwelling pavilions with a varied form or orientation, separated by landscaped courtyards and verandahs or parking structures. Any facades that are taller or longer than neighbouring buildings should be disguised by a combination of extra setbacks, stepped forms, and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in open carports or part-basements, rather than in wide garages that would accentuate building bulk or dominate visible facades.

In order to complement the scale and design character of traditional bungalows, a “light-weight appearance” is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens,

painted finishes and some sheet or board cladding rather than extensive plain masonry. Where facades face a street, a laneway or a driveway, provide a traditional "street address" with visible verandahs, living rooms and front doors.

Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings.

Comment:

The proposal seeks to retain the original mid-Twentieth Century bungalow, a distinctive element of the Woy Woy Peninsula identity and retains the existing courtyards to the front and rear of the site.

The proposed rear additions provide a moderate degree of articulation in both the horizontal and vertical planes together with low-pitched roofing having a variety of forms and a mix of external materials and finishes achieves the desired lightweight appearance.

The proposal will complement the existing mix of existing single and two-storey dwellings and multi-residential development in the immediate locality.

The existing and proposed living room space faces the street, in keeping with the traditional dwelling style.

Careful design and material choice provides sufficient boundary setbacks to provide building separation and landscaping opportunities to alleviate the bulk and scale of the built form from the neighbouring properties and public domain. Courtyards are located around the perimeter of the proposed town houses that would provide sufficient deep soil planting to incorporate small to medium street trees, allowing the appropriate landscaping transition from the built form when viewed from the street and neighbouring lots.

Scenic Quality

The subject land is identified as being within the Peninsula Geographical Unit Woy Woy Umina Land Unit.

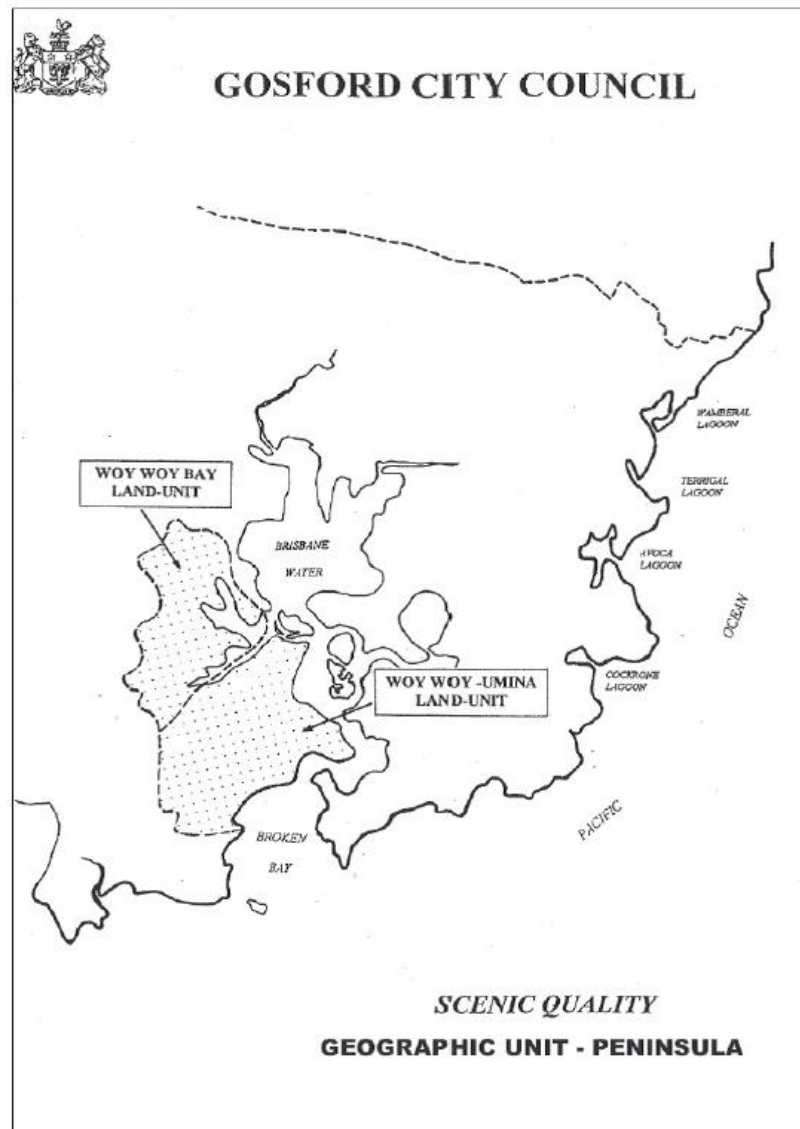


Figure 5 – Geographic Unit – Peninsula (Central Coast Council, 2021)

The Development Objectives of this land unit are recited below:

1. *Recognise importance of Brisbane Water Escarpment with its visual integrity and naturalness being valuable assets which need to be protected from development involving rezonings which increase densities and/or increase the range of uses permissible.*

2. *Retain and enforce existing provisions contained within instruments and policies relating to the low density nature of development in Woy Woy Bays and the parts of the Woy Woy/Umina waterfront areas which are not already zoned for medium density development.*
3. *On a visual quality basis, higher density development can be supported in more central areas of the Woy Woy/Umina landscape unit subject to other physical constraints being adequately addressed.*
4. *Prevent extension of residential areas by way of rezoning within Woy Woy Bays landscape unit that are viewed from waterways, railway line and main roads.*
5. *Retain in Woy Woy Bays landscape unit informal street alignment and paths plus vegetated nature reserves which help to create the scenic character of the area.*
6. *Encourage new buildings in Woy Woy Bays landscape unit to blend into existing fabric and environment.*
7. *Restrict zoning density of development to current levels on higher visible slopes in all landscape units, particularly on steep land.*
8. *Recognise importance of privately owned Environmental/Conservation zoned land in providing a complimentary land system to and a buffer area for National Parks.*

Comment:

The proposed development is consistent with the above objectives.

5.5.2. GDCP 2013 – Chapter 3.3 – Multi Dwelling Housing & Residential Flat Buildings

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 multiunit development is assessed as having regard to the relevant performance and prescriptive design standards within relevant chapters within the GDCP 2013.

The proposal is assessed against the major provisions of GDCP Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings as follows:

Development Standard	Required	Proposed	Compliance
3.3.2.1- Character	Consistent with existing development pattern Height & scale consistent with neighbourhood. Appropriate form & Design Garden design compatible with streetscape Street verges conserve prominent landscape features	Compliance with desired character	Yes
3.3.3.1- Height	Max height - GLEP – 8.5m Max 2 storeys Max height exterior wall 7.5m Ceiling height of habitable room minimum – 2.7m	6.5m 2 storeys 6.2m 2.7m ground floor and 2.4 upper floor	Yes Yes Yes No*(11.1%)
3.3.3.2- Setbacks	Deep soil 6m front/rear, 2m side Front Setback 6m Side boundaries min 3.5m Rear Setback 6m	6m 6m 2 – 3.75m (avg. 2.4m) 3.39 – 3.89m (avg. 3.6m)	Yes Yes No*(36.7%) No*(40%)
3.3.3.3-Car Parking	Not located facing street/lane. Not located in front setback 1.5 sp/unit = 5 (rounded up)	Not located facing street/lane. Not located in front setback 5 assigned spaces proposed	Yes Yes Yes

	Visitor parking 0.2 sp/unit or not required in Woy Woy where development contains less than 4 units.	No visitor space provided as development is less than 4 units.	Yes
3.3.3.3.5- Driveway Design	3m width/passing bays each 30m	Min 3m width	Yes
3.3.3.4.2- Articulation	Max width and depth of building 25m Unarticulated length of external wall max 8m	36.6m 6.7m in length (max)	No* (46.4%) Yes
3.3.3.5-Solar Access	Sunlight min 3 hrs/day in living, dining, family rooms and 50% of principle Open Space areas Received by 70% of dwellings. Min sunlight retained to existing neighbours.	Sunlight min 3 hrs/day in living, dining and open space areas Received by 70% of dwellings. Min sunlight retained to existing neighbours	Yes
3.3.3.5.3- Privacy	Site Planning to provide for reasonable privacy for existing & proposed dwellings.	Privacy is acceptable and no impacts on adjoining properties.	Yes
3.3.3.5.4- Natural cross ventilation	Min 60% of dwellings must have suitable floor plans	Adequate cross ventilation provided	Yes
3.3.3.5.5- Open Space	Min area 50m ² Min width 3.5m	50.80m ² – 64.22m ² 3.5m	Yes Yes
3.3.4.1- Housing Choice	Provide variety of dwelling types	Proposed provides a mix of single and two storey dwellings with varying private open space.	Yes
3.3.4.2- Residential Address	Front doors, windows, patios etc facing street	Existing dwelling faces street	Yes

3.3.4.2.6- Front Fencing	Solid fencing taller than 1.2m should have 1/3 open materials such as pickets, palings, battens, lattice	1.5m brick fencing with 40% decorative slat infills proposed	Yes
3.3.4.4- Landscaped Areas	Provide landscaping plan	Landscaping plan provided	Yes
3.3.4.5 - Design & Location of garbage bin enclosures	Not compromise urban design quality	Bins able to be stored in screened area within courtyards or garages	Yes
3.3.4.5 - Building Services	Storage provided minimum 10m ² / dwelling	Storage provided within garage roof	Yes

The application has been assessed against the prescriptive measures outlined in GDCP 2013 – Chapter 3.3 Multi-Unit Housing and Residential Flat Buildings and Chapter 7.1 Car parking.

As detailed in the above table, the proposed development does not comply with some of the prescriptive measures within the DCP. The matters of numerical non-compliance indicated by an asterisk achievement the applicable objectives discussed below:

3.3.3.1-Height

3.3.3.1.1 Purpose of Height Controls

The purposes of building height controls are:

To complement development standards in the Gosford LEP 2014,

- 1. To ensure that the scale of new buildings would be compatible with scenic qualities of hillside or ridgetop locations, and / or with existing and desired streetscape characters,*
- 2. To limit the scale and intensity of redevelopment in established neighbourhoods.*

3.3.3.1.3 Development Controls

In addition to the maximum height requirements under 3.3.3.1, new developments shall comply with the following:

- a. The minimum ceiling height for all habitable rooms:
 - i. For buildings with two, three or four storeys: 2.7m; For single storey buildings: 2.4m;
 - ii. For attics and mezzanines: an average of 2.4m, but not less than 1.5m.

Comment:

The proposed development has a ceiling height of 2.7m at ground level and 2.4m on the upper floor. While the upper is 0.3m less than the preferred minimum, the level is primarily devoted to bedrooms and bathrooms (non-habitable). This use, together with careful attention to floor planning such as; window position and open stairwell, which enhances the internal amenity of the upper floor, fulfills the objective of the higher (2.7 floor to ceiling) height requirement.

Request for Variation:

The upper level ceiling height of 2.4m represents a variation of 0.3m (11.1%) to the preferred requirement.

Strict compliance would not result in any appreciable increase in living amenity given the upper floor is used primary as bedrooms and bathrooms, either non habitable or where occupants are mostly asleep. Further, the inclusion of generous void space above stairs visually connecting ground and first floor sufficiently enhances the generally living amenity of the upper rumpus areas.

Council is requested to accept BCA standards in terms of the upper floor inclusions being of sufficient area and dimension and of sufficient cross-ventilation justifying variation to the minimum preferred ceiling height for the upper level of the proposed development for the following reasons:-

- The departures from the preferred standard is minor;

- The proposed ceiling heights will not result in any appreciable loss of amenity to the residents;
- No particular benefit is achieved by strict compliance with the minimum preferred ceiling height; and
- The ground floor living areas are provided with 2.7m ceiling height.

3.3.3.2 Setbacks

3.3.3.2.1 Purpose of Setbacks

The purposes of setbacks are:

- a) In conjunction with other numeric controls, to limit the intensity of new developments, and provide controls which complement the FSR controls in the Gosford LEP 2014*
- b) To ensure that new developments are compatible with predominant patterns of buildings and gardens that define the existing and desired characters of each neighbourhood,*
- c) To conserve important elements of existing scenic quality, in particular any prominent trees that might be located near a site's boundaries,*
- d) To surround new buildings with deep soil areas that are sufficient to conserve existing trees or to accommodate intensive new landscaping,*
- e) To provide reasonable amenity for both existing and proposed dwellings,*
- f) To encourage amalgamation of narrow sites in order to achieve the most efficient use of lands that permit multiunit residential developments.*

Comment

The proposed development is consistent with the above purposes.

3.3.3.2.2 All Buildings Shall Provide:

All buildings shall provide:

- a. Deep soil along all boundaries:**
 - i. Next to side boundaries: a minimum width of 2m;*
 - ii. Next to front and rear boundaries: a minimum width of 6m.*
- b. Setbacks to exterior walls that are up to two storeys high:**
 - i. From side boundaries: an average of 4m with a minimum of 3.5m;*

- ii. *From the front boundary: a minimum of 6m;*
- iii. *From the rear boundary: a minimum of 6m.*
- c. *For the **exterior walls** of any third storey (including a mezzanine):*
 - i. *An additional setback of at least 2.5m measured from the face of the lower storey walls immediately below.*
- d. *Encroachments that are specified are permitted and encouraged.*

Comment

The proposed development has setbacks to front, side and rear boundaries as follows:-

- Southeast (front boundary) 6.09m
- Northeast (side boundary) between 2m (min) and 4m (max)
- Southwest (side boundary) between 3.75m (min) and 6.75m (max)
- Northwest (rear boundary) between 3.39m (min) and 3.89m (max)

Although the proposed development does not achieve strict compliance with the preferred numerical setbacks advocated by the DCP, the proposed setbacks do not compromise outdoor recreation space, privacy or amenity either for the residents or neighbours.

In this instance the allotment is relatively narrow at 15.24 metres which creates a constraint to designing multi-unit design and provide appropriate floor area and vehicular access. The proposed setbacks would allow the incorporation of appropriate private open space areas behind front courtyard fencing that would have direct access to the living areas with appropriate solar access.

The site planning and integrating with floor plan provides functional outdoor space for each of the units integrating with living space.

Unit No. 2 has been specifically designed with the “lock it and leave” segment of the residential market in mind i.e. that portion of the medium density residential market that might prefer low maintenance living arrangements to regular and extensive absences yet prefers townhouse or villa style accommodation as opposed to multi-storey residential alternatives.

The outdoor space of Unit No. 2 being primarily integrated alfresco space, satisfies that identifiable marketplace requirement in a manner which is consistent with courtyard space

provided with other medium density development that appears extensively locally.

Theoretical departure from numerical requirements is further addressed in the request for variation which appears at the end of this section.

Request for Variation:

The proposed Northwest side boundary and the rear boundary entail variations to the numerical measures outlined within the setback clauses within the DCP. The side boundary proposes an average setback of 2.4m with minimum of 2m. This represents a 1.6m average setback variation and a 1.1m variation to the minimum required side boundary setback.

The proposed rear setback represents a variation of 2.11m and 2.61m. The variation to the rear boundary is variable and affords generous courtyard space to each of the rear corners of the development with benefits both on and off-site particularly with longer term deep soil planting opportunities.

The subject allotment is relatively narrow at 15.24 metres that creates a constraint to designing multi-unit design and provide appropriate floor area and vehicular access. The proposed setbacks would allow the incorporation of appropriate private open space areas behind front courtyard fencing that would have direct access to the living areas with appropriate solar access.

The proposal would be commensurate the scale and design of multi-unit development within the medium density zone and would allow an appropriate area for the front and rear perimeter landscaping treatment as outlined within the objectives of the setbacks clause. Subsequently the design and siting of the villas meet the overarching objectives of the setbacks clause and is considered acceptable for the medium density residential zone.

Site planning arrangements adopt similar and generally acceptable building setbacks that have been recently approved, established and permitted in the Woy Woy Peninsula area.

In relation to recent multi-dwelling developments that have occurred on single suburban sized lots in the Woy Woy / Peninsula area; the proposal is essentially the same as what has been established historically and more recently under the current GDCP 2013.

Recent approvals of multi-unit development with the same design scale, height, setbacks, site cover and parking include:

- DA52934/2017 – 7 Gallipoli Avenue, Blackwall
- DA53215/2017 – 11 & 13 Victoria Rd, Woy
- DA53647/2018 – 37 Edward Street, Woy Woy
- DA54018/2018 – 72 & 74 Railway Street, Woy Woy
- DA54017/2018 - 13 B Farnell Road, Woy Woy
- DA54524/2018 – 24 Edward Street, Woy Woy
- DA54685/2018 – 80 Victoria Road, Woy
- **DA55239/2018 – 4 Piper Street, Woy Woy**
- DA58697/2020 – 14 Springwood Street, Blackwall

The design of the development would allow sufficient boundary setbacks to alleviate visual amenity, privacy and overshadowing impacts to the adjoining properties within the medium density residential zone. The proposed setbacks would allow the incorporation of appropriate private open space areas behind courtyard fencing that would have direct access to the living areas of each dwelling with appropriate solar access.

Unlike single dwelling-houses that are erected upon residential sized allotments, that typically have their principal private open space positioned to the rear of the dwelling-house; multi-unit dwelling and residential flat buildings have court yards positioned to the front of the front dwelling with courtyard fencing to allow an appropriate level of screening to the principal private open space. With the incorporation of a roadside planting and timber panelling, the structure avoids a monotonous form with the bulk and scale broken by the incorporation of timber panelling. The scenic quality of the area would not be compromised with the erection of front fencing to the residential complex. The implementation of the front courtyard fencing will allow appropriate delineation of the private open space to be utilised by the front unit within the development and the adjoining streetscape.

The numerical requirements of the DCP evidently relate to and might be more applicable where consolidated sites with basement carparking, higher density and higher buildings would mandate and justify the increased setbacks i.e. in circumstances where increased setbacks are required to complement the greater scale of the development and preserve the privacy and amenity of neighbouring properties which are adequately and appropriately protected in this instance.

There is no immediate prospect of consolidation of the subject site with those adjoining and strict compliance with the more stringent setbacks promoted by the DCP are not feasible. Strict compliance with the preferred setback requirements is unnecessary.

Residential accommodation of the nature advanced in this application is in demand for an emerging and identifiable group of “empty nesters”, early retirees and those with a preference for “lock it and leave” accommodation with small maintenance obligations.

For the reasons outlined above Council is requested to accept variation to numerical DCP requirements, as required.

3.3.3.2.3 Development Controls

In addition, setbacks for new developments shall comply with the following:

a. There should be minimal change to existing ground levels within the required deep soil areas and along all boundaries:

i. On flood-prone sites, substantial filling to create flood-free floor levels is not an acceptable urban design practice;

ii. Filling of sites to allow gravity drainage of roof stormwater to street drains is not an acceptable urban design practice.

b. Amenity requirements in Clause 3.3.3.5 of this chapter:

i. Circumstances of some sites might require setbacks that are greater than the minima provided by this section.

c. Existing trees that are visually-prominent should be conserved:

*i. Where they are clearly-visible from a public place such as a road or reserve;
and*

ii. Where they make a positive contribution to existing scenic quality of a locality, or to desired streetscape character and identity of the surrounding neighbourhood;

iii. Unless a report by a qualified arborist demonstrates structural defects that would compromise “safe useful life expectancy”.

d. In order to conserve existing trees:

- i. Maintain existing ground levels across the “critical root zone” (CRZ as defined in a report by a qualified arborist); and*
- ii. Increase required setbacks so that buildings and excavations avoid CRZs and any portions of canopy that are essential to long-term survival or stability (according to a report by a qualified arborist); or*
- iii. Across a CRZ, use low-impact construction techniques that avoid extensive excavation and strip footings or slabs-on-ground which would compromise long-term survival or stability the tree (according to a report by a qualified arborist);*
- iv. Where minimum setbacks are increased to preserve existing trees, other setbacks may be reduced to compensate for the floor-area foregone provided that existing amenity of neighbouring properties and desired neighbourhood character would not be compromised.*

Comment

In Clause a. i. there is a reference to flood prone sites and the suggestion that “substantial filling to create flood free floor levels is not an acceptable urban design practice”. Perhaps unsurprisingly to long term practitioners, extensive “flood” mapping conducted by the Council in recent times has produced a set of drawings which (uncoincidentally) reflect the ancient sand dune structure and formation of the Woy Woy Peninsula. This sand dune structure is the identical to the radial pattern of identified “low points” which Council’s flooding and drainage experts now identify as 1% AEP affected land.

It should be noted that such lands are not “flood prone” but do require practical modification to existing ground levels where appropriate and as is proposed in this instance.

Local knowledge leads us to adopt a higher finished floor level of RL 5.00 to the habitable ground floor levels in order to ensure practical management of stormwater generated from within the development. Further, the development would include rainwater tanks to assist in reducing the hydraulic rate of stormwater captured by the dwelling roofs and across impermeable surfaces across the site.

The site cover is consistent with neighbouring and surrounding multi-unit development and it is widely acknowledged the Peninsula soil provide is highly permeable allowing excellent infiltration of stormwater back into the water table.

In this particular case, the adjustment to existing ground levels is modest and can be accommodated with drop edge beams to the building; the driveway and/or with low level retaining to the perimeter. It does not require nor warrant the alternate method of construction that might have involved bearer and joist construction as is implied in Clause a. i. of 3.3.3.2.3 above.

3.3.3.3 Car Parking

3.3.3.3.1 Purpose of Car Parking

Purposes of guidelines for car parking are:

- 1. To encourage basement parking that promotes the most-efficient use of land,*
- 2. To minimise visual impacts in relation to existing scenic quality or desired streetscape character,*
- 3. To recommend urban design solutions that ensure effective integration of the on-site parking required by the Car Parking chapter of this development control plan.*

3.3.3.3.2 Technical Requirements

Technical requirements for parking are provided by the Car Parking chapter of the DCP and are included in this part of the statement.

7.1.3 Car Parking Requirement for Specific Land Uses

7.1.3.2 Schedule of Requirements

Land-Use	Parking Requirement
Multi Dwelling Housing	1. Assigned Parking Numbers Medium density residential development is to provide the following minimum numbers of onsite assigned parking: * 1.5 car spaces per dwelling, rounded up to the next whole number; or * 1 car space per dwelling within 400m of a train station;

	<p>2. Assigned Visitor Parking Visitor spaces, calculated on the basis of 0.2 spaces per dwelling, rounded up to the next whole number, must be provided on site and clearly marked for use by visitors only.</p> <p>In the area defined as the Peninsula (ie Booker Bay, Blackwall, Ettalong, Umina, Woy Woy) visitor parking and service vehicle access may be provided on the existing street where:</p> <ul style="list-style-type: none"> * development contains less than 4 units, or * unrestricted on street parking is safely available within 60m of the development; <p>Visitor Parking spaces are not to be located between the front building line and the front boundary to a street.</p>
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Comment

The proposed development complies with the inclusion of 5 car spaces comprising 3 lock-up garages and 2 assigned spaces.

The lock-up garages as proposed are an integral part of the building and reference to the floor plans accompanying the application will confirm that the garages provide access to courtyards for utility and maintenance purposes and have been so designed to facilitate forward entry and exit from the site.

In accordance with the above schedule of requirements, the proposed two new dwellings and existing dwelling require 1.5 car spaces per dwelling – a total of 4.5.

As the proposed development falls within the Woy Woy area and the development contains less than 4 units, no visitor parking is required.

3.3.3.3 Preferred Location of Off-Street Parking

In terms of scenic quality and desired neighbourhood character, basements are the preferred location for off-street parking.

Comment

Basement parking is not provided with this development due to its prohibitive cost compared to the scale of the proposal. The car parking provided with this development does not detract from the scenic quality or desired neighbourhood character.

3.3.3.4 Articulation

3.3.3.4.1 Purpose of Articulation

The purposes of controls for articulation are:

- 1. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,*
- 2. To limit the apparent height and length of new facades,*
- 3. To ensure that the size and bulk of new developments would not compromise existing scenic qualities that might be displayed by the surrounding locality,*
- 4. To achieve compatibility with the predominant patterns of buildings and gardens that define the existing and desired characters of each neighbourhood.*

Comment

The proposed multi-housing development would have an overall length of 36.61m metres which does not comply with the prescriptive 25 metre requirement outlined in Clause 3.3.3.4.2 of the DCP. Notwithstanding the non-compliance with the numerical measure, the proposed multi-unit development would incorporate sufficient setbacks and breaks that would negate monotonous or symmetrical appearance when viewed from the adjacent premises that will be effectively addressed, given the irregular disposition of the windows, the varying roof forms.

With these 'breaks' in materials and form, the development meets the objectives of the Clause 3.3.3.4 Articulation and is considered acceptable

Request for Variation:

The building has a length of 36.6m represents a 11.6m variation (46.4%). Although exceeding 25m, the proposed development incorporates a good degree of articulation in both its horizontal and vertical planes.

This articulation is further enhanced by the use of a variety of finishes and materials together with gently pitched roofing with varied forms that provide a pleasing design having a lightweight appearance.

In addition to the proposed lightweight appearance, the development would allow sufficient boundary setbacks to incorporate deep soil landscaping that would further enhance the

transition and separation of the built form in relation to the adjoining premises and to the street.

Council is requested to allow a relaxation of maximum building depth requirement in this instance.

3.3.3.5 Residential Amenity

3.3.3.5.1 Purpose of Controls

The purposes of controls for residential amenity are:

- 1. To maintain a reasonable “quality of life” for existing residential neighbours,*
- 2. To ensure that new developments provide high quality living environments.*

3.3.3.5.2 Sunlight and Overshadowing

Building forms and the design of new dwellings shall provide a minimum amount of sunlight for both new and existing dwellings.

Comment

The northwest-southeast orientation of the subject site enables adequate solar access to both indoor and outdoor living areas. Potential overshadowing of neighbouring development is within acceptable limits.

The development would allow greater than three hours solar access to the living areas and private open space areas of the dwellings. Given the town houses would be two storeys in height and sited upon a southeast-northwest oriented allotment, the neighbouring properties would be partially overshadowed during the winter months however would obtain solar access again when the season moves towards the equinox. The proposed height of the development of 6.5 meters satisfies the building height limit. Secondly, a single dwelling-house could hypothetically be situated anywhere on the site (subject to setbacks) potentially in the same location to the proposed townhouses. Thirdly the development satisfies the vertical and setback limits imposed by the controls for ‘multi-dwelling housing’ in regards to the ridge and ceiling height and is consistent with the two storey multi-housing that has been established within the medium density area.

3.3.3.5.3 Site Planning

Site planning and design shall provide reasonable privacy for both existing and proposed dwellings.

- 1. The primary orientation for new dwellings should be towards front or rear setbacks, or major open spaces upon the development site.*
- 2. Provide reasonable privacy separation between adjacent dwellings.*
- 3. Reduced separation is acceptable where screening would block lines of sight between adjacent dwellings.*
- 4. Also ensure that dwellings are protected from intrusive of noise and overlooking.*

Comment

The proposed townhouses have 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 townhouses are located on the ground floor and oriented to their private courtyards and with the incorporation of landscaping around the premises, privacy to the units and conversely the adjoining residences would be provided appropriate visual separation. The upper floors contain bedrooms and a rumpus areas with higher sill heights that would mitigate privacy impacts to the neighbouring properties.

In respect to noise, the dwellings would be separated by garages and therefore it is considered that the masonry structure will adequately suppress noise generated by the occupants of each dwelling. The proposed dwelling is unlikely to generate offensive noise pollution that would require mitigation measures or other management procedures.

3.3.3.5.5 Private Open Space

Provide well-designed private open spaces for every new dwelling:

- a. For each above-ground dwelling, provide open space as terraces or balconies:*
 - i. For one bedroom dwellings: at least 8m² for a single space;*
 - ii. For two bedroom dwellings: at least 12m² in total for one or more spaces;*
 - iii. For three or more bedrooms: at least 16m² in total for one or more spaces;*

iv. Including one area measuring at least 2.5m by 2.5m which can comfortably-accommodate an outdoor table-setting or seating.

b. For each dwelling with a private entrance at ground level, provide open space as landscaped garden courtyards or terraces:

i. For all dwellings: at least 50m² which may include a verandah or terrace that sits above a basement carpark;

ii. Including one area measuring at least 5m by 5m to accommodate a variety of activities as well as landscaping that includes shrubs and at least one tree;

iii. The absolute minimum dimension for any private courtyard is 3.5m. c.

Private open spaces should have the following features:

i. Courtyards may extend across a proportion of the deep soil setbacks within each development, including the front setback;

ii. The principal areas of private open space should have a sunny location immediately next to their dwelling's major indoor living areas; iii. Balconies and courtyards should be designed as "outdoor rooms", incorporating effective screening for privacy and protection from summer sun, together with a semi-regular shape which can accommodate a variety of outdoor activities (note that "L-shaped" areas are particularly effective);

iv. All open spaces should include service areas that are fully-screened to allow outdoor clothes-drying and storage.

Comment

Unit 1 (the existing dwelling) is provided with 60.4m² of open space, one area measuring 10.05m x 10.05m (measured corner to corner in accordance with figure 15 of the DCP) and which exceeds the minimum 3.5m courtyard width.

Unit 2 is provided with 50.8m² of open space, one area measuring 6.40m x 6.40m (measured corner to corner in accordance with figure 15) and which exceeds the minimum 3.5m courtyard width.

Unit 3 is provided with 64.22m² of open space which includes one area measured 7.15m x 7.15m (measured corner to corner) and which exceeds the minimum 3.5m courtyard width.

3.3.4.2 Residential Address

3.3.4.2.1 Purpose of Residential Address

The purposes of guidelines for residential address are:

- 1. To encourage positive social interaction between new residents and Gosford City's established communities,*
- 2. To promote a safe residential environment by providing for surveillance and by distinguishing private, semi-private and semi-public areas within new developments.*

3.3.4.2.2 Requirements for a Traditional Address

A "traditional address" is required for all new dwellings that face any street or public place, or communal areas within a development.

Comment

The proposed development has an existing street address typical of many traditional dwellings with living areas facing the street and front entry located to the side of the front living areas. Permeable fencing is proposed to the front of the development providing social interaction and casual observation of the street.

3.3.4.2.6 Desired Sight-Lines

Fences next to any street, driveway to above-ground parking or communal recreation areas must not restrict the desired sight-lines:

- 1. Fences should have a semi-transparent design that allows "filtered" views: i. Solid fences may be up to 1.2m high, ii. For fences that are taller than 1.2m: at least one third of the surface area should be "open" materials such as spaced pickets or palings or battens, or lattice.*
- 2. Visually-opaque fences that are taller than 1.2m are only acceptable as noise barriers for properties facing major roads provided that they are screened by shrubs.*

Comment

Unlike single dwelling-houses that are erected upon residential sized allotments, that typically have their principal private open space positioned to the rear of the dwelling-house; multi-unit dwelling and residential flat buildings have court yards positioned to the

front of the front dwelling with courtyard fencing to allow an appropriate level of screening to the principal private open space. The implementation of 1.5 metre front fencing allows the incorporation of a front private courtyard which meets the objective and performance criteria stipulated in of the Fencing clause in regards to the provision of privacy.

With the incorporation of a roadside planting and timber paneling, the structure avoids a monotonous form with the bulk and scale broken by the incorporation of timber paneling. The scenic quality of the area would not be compromised with the erection of front fencing to the residential complex. The implementation of the front courtyard fencing will allow appropriate delineation of the private open space to be utilised by the front unit within the development and the adjoining streetscape.

3.3.4.3 Facades

3.3.4.3.1 Purpose of Facade Design

The purposes of guidelines for facade design are:

- 1. To prevent monotonous exterior walls that accentuate the scale and bulk of buildings,*
- 2. To achieve reasonable compatibility between new developments and traditional bungalow neighbourhoods that are elements of Gosford City's architectural identity,*
- 3. To capitalise upon the City's distinctive coastal settings and outdoor lifestyle,*
- 4. To promote satisfactory indoor climates and energy-efficiency for all dwellings, 5.*
To achieve high standards of urban design quality.

Comment

The façade treatments of the proposed development achieve satisfactory articulation via the employment of a selected palette of materials and design inclusions which together provide a lightweight appearance.

This lightweight appearance, using a mixture of external cladding with colorbond® roofing utilising an appropriate schedule of finishes, is compatible with the contemporary dwellings that have been erected in the locality. The building would be modulated in a manner to alleviate monotonous design. The design incorporates a balance of horizontal and vertical

elements to incorporated breaks in form that is encouraged by the design criteria of the DCP. Careful design and material choice has been undertaken in the architectural treatment of the façades. The colouring of the solid walls would constitute a light tone and incorporate a break in form with the implementation of smoother elements.

3.3.4.4 Landscaped Areas

3.3.4.4.1 Purpose of Landscaped Areas

The purposes of guidelines for landscaped areas are:

- 1. To protect the quality of scenically-prominent areas, as well as enhancing the existing landscape character of all neighbourhoods,*
- 2. To disguise visual impacts of new buildings and site infrastructure,*
- 3. To promote satisfactory levels of amenity and safety for new dwellings, as well as encouraging positive social interaction between residents,*
- 4. To provide attractive backdrops to streets as well as to new dwellings*

Comment:

The proposed development includes landscape elements that together with complementary structures achieve a level of landscaping consistent with the landscape guidelines.

3.3.4.5 Building Services

3.3.4.5.1 Purpose of Building Services

Purposes of guidelines for building services are:

- 1. To ensure that required services do not detract from the desired streetscape character of garden areas and street facades,*
- 2. To recommend design solutions that provide for effective integration of site services that are required by this development control plan.*

3.3.4.5.2 Design and Location of Stormwater Systems

Design and location of stormwater systems must promote the desired standard of urban design quality, as well as considering technical requirements.

Comment

Site planning arrangements and adopted finished floor levels of buildings are all reflected in the Stormwater details listed on the architectural plans.

3.3.4.5.3 Design and Location of Garbage Bin Enclosures

Design and location of garbage bin enclosures must promote the desired standard of urban design quality, as well as considering technical requirements.

Comment

Garbage bins will be stored in the respective courtyards and conveyed to the kerbside for collection. Location of garbage bin enclosures and travel paths are shown on the architectural plans.

3.3.4.5.4 Design and Location of Service Meters

Location and design of service meters plus related enclosures or appliances must promote the desired standard of urban design quality, as well as considering the requirements of service authorities.

Comment

Any new service meters will be so positioned or otherwise concealed to mitigate or eliminate visual intrusion to be resolved with electrical contractors prior to commencement of construction works and likely to be placed within garden walls facing the common property forward of Unit No. 1.

3.3.4.5.5 Secure Private Storage Requirements

All new dwellings must provide secure private storage.

Comment

Each of the units has secure storage space within the respective garages.

5.5.3. GDCP 2013 – Chapter 6.3 – Erosion Sedimentation Control

A detailed erosion/sedimentation control plan accompanies the application. Appropriate controls will be employed during demolition/site works and construction, materials and spoil/materials stockpiles will be contained and disturbed surfaces stabilised on completion of construction works.

5.5.4. GDCP 2013 – Chapter 6.7 – Water Cycle Management

The intent of Water Cycle Management is to minimize the impact of development on the natural water cycle. In this instance the development would relate this plan in relation to stormwater discharge from the development.

The proposal would incorporate rainwater tanks to capture stormwater discharge from the development in accordance with the Water Cycle Chapter within Councils DCP 2013. The application is accompanied with a Water Cycle Management Plan which outlines the water management retention and conservation requirements in accordance with DCP Chapter 6.7. The development would not be detrimental to the functioning of the water cycle on the site and incorporate water recycling measures in accordance of the Council's Water Cycle Management requirements.

5.5.5. GDCP 2013 – Chapter 7.2 – Waste Management

The proposed future dwellings 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 frontage.

Moveable garbage bins would be located within a screened location to minimise visual impacts to the streetscape and the private opens spaces within the site. A waste management plan in relation to the recycling of materials and the disposal of waste during construction has been prepared and is provided with this application.

6. The Likely Impact of Development

Context and setting – The proposal is considered generally to be consistent with the development pattern in the zone and will not compromise the context and the setting of the surrounding area.

Utilities – reticulated water and sewerage system electricity, telephone / internet are available

Waste – All household waste will continue to be collected by the existing waste services

Natural Environment - The site is not located within a flood prone or bushfire prone area and is not constrained by threatened species.

Social and Economic Impacts - No adverse social or economic impacts are anticipated as a result of the proposed development. The development provides a positive effect as it will provide the opportunity to provide the Central Coast LGA with additional dwellings to cater for the dwelling demand in the area.

7. Suitability of the Site for the Development

The site is well served by public transport and is located within close proximity of various services such as shops, schools, recreational parks and medical facilities. In view of the fact that the site is located within an established residential area and that all utility services would be available for the site, the proposed development would not infringe on these established services.

8. The Public Interest

The public interest is well served by the proposed development. In view of the careful nature of the design it is considered that the health and safety of the public will not be affected. The proposal provides the local area with new dwellings on a site that is inherently suitable for such development. The proposal would not increase the intensity of development on the land which reinforces and supports the planning objectives of the zone.

9. Conclusion

Designed to facilitate economic development of the land and to optimise its potential, this application has produced an architectural solution that reflects up to date and current marketplace expectations.

The residential marketplace and in particular, that on the Woy Woy Peninsula, is becoming increasingly more sophisticated and demanding in response to the improved accessibility and affordability of new contemporary housing in an area well serviced with local facilities and accessible to and from the Sydney metropolitan area.

A consequence of that sophistication is the now more broadly accepted provision of medium density housing and in particular townhouse style accommodation. Townhouse accommodation is preferable to many than that alternative that might be available in medium density (residential flat/multi-storey) development.

The proponents, with some marketplace expertise, have identified the locational attributes of this site within walking distance of the Woy Woy CBD/Bus/Rail and Ferry services, as one with high appeal to the identified marketplace.

The proposed development is generally consistent with the requirements of the Gosford LEP 2014 and Gosford DCP 2013. Where variation is sought justification is provided and demonstrates the variations to be based on sound planning principles and of no particular significance.

The proposed development is compatible with the site and locality and will provide a quality addition to the housing stock in the area and we look forward to Council's favourable consideration and approval of the application.

Appendix A – Clause 4.6 Exception to a Development Standard

1. Introduction

This application proposes the alterations and additions to an existing dwelling creating multi dwelling housing on Lot 47 of sec 5 within DP 5099, known as 95 Paton St, Woy Woy.

The 696.8m² allotment does not comply with the 750m² minimum lot size for Multi Dwelling Housing within the Gosford LEP 2014. As such the application includes a Clause 4.6 Exception to a Development Standard for the 7.1% numerical departure from the development standard.

2. Gosford LEP 2014 - Clause 4.6 Exceptions to Development Standards

The Gosford LEP 2014 includes clause 4.6 Exceptions to Development Standards clause 4.6 of the Standard Instrument LEP is effectively the successor to SEPP 1, as it aims to enable development standards (such as height and FSR) in the relevant LEP to be varied where appropriate. It encourages flexibility in the application of development standards, in order to achieve overall better planning outcomes. Similar to SEPP 1, it is subject to a series of stringent prerequisites to ensure that variations to development standards are only permitted in appropriate circumstances. The recent series of judgments in the matter of Micaul Holdings Pty Limited v Randwick City Council (2015) and Moskovich v Waverley Council [2016] certainly shed some further light on how those prerequisites can or should be applied primary in relation to assessing the development in regards to environmental planning grounds and the applicable objectives outlines in the applicable environmental planning instruments. The discussion below utilises the parameters outlined in the court judgement to provide the appropriate planning justification in regards to the submission of a Clause 4.6 Exceptions to Development Standards, in this case Clause 4.1B minimum lot size for multi dwelling housing.

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.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building

*Sustainability Index: BASIX) 2004 applies or for the land on which such
a building is situated...*

3. The relevant clause therein the GLEP sought to be varied:

4.1B(2) Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings. The relevant clause states:

(2) Development consent may be granted to development on a lot in Zone R1 General Residential for a purpose shown in Column 1 of the Table to this clause if the area of the lot is equal to or greater than the area shown opposite that purpose in Column 2 of the Table.

Column 1	Column 2
<i>Dual occupancy (attached)</i>	<i>550 square metres</i>
<i>Dual occupancy (detached)</i>	<i>800 square metres</i>
Multi dwelling housing	750 square metres
<i>Residential flat building</i>	<i>750 square metres</i>
<i>Attached dwelling</i>	<i>750 square metres</i>

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

The lot size of 696.8m² does not meet the LEP minimum lot size of 750m² under Clause 4.1B(2), which entails a variation of 7.1%. Notwithstanding the numerical noncompliance with the development standard, the variation is justified on planning grounds and is discussed below.

5. Statement on the objective of the standard to be varied as it relates to the subject site and proposal:

The objective of the development standard is to “achieve planned residential density in certain zones.”

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

- The site has sufficient area and dimensions to cater for the erection of multi dwelling development.

- The proposed townhouses would be consistent with the development density, scale and style of residential development within the medium density zone, surrounding streets and within the street as discussed within the SEE.
- The proposed medium density residential development would be consistent with the existing and desired character for the Woy Woy / Umina Peninsula locale as discussed within the SEE.
- The proposal is generally compliant with the relevant Gosford LEP and DCP controls as outlined within the SEE.
- The proposal is well within the allowed FSR and height limits under Gosford LEP 2014. Specifically, the proposal is 16% below the permissible 0.5:1 FSR and 2m (23%) lower than the allowed building height.
- The proposal is consistent with the evolving character of the medium density area as discussed within section 5.5.1 within the SEE.
- The proposed development has been designed to be mostly concealed by existing dwelling being retained.
- The proposed development achieves the goals set in the Central Coast Regional Plan 2036 including Goal 4 – A variety of housing choice to suit needs and lifestyles. Specifically, the development complies with Direction 19: Accelerate housing supply and improve housing choice, Direction 20: Grow housing choice in and around local centres, and Direction 21: Provide housing choice to meet community needs.

When taking into the site context – Woy Woy / Umina Beach / Ettalong Beach Peninsula locale the proposal is essentially the same as what has been established historically and more recently under the current GDCP 2013. Recent approvals of multi-unit development with the same design scale, height, setbacks, site cover and parking include:

- DA 47716/2015 - 117 Booker Bay Road, Booker Bay
- DA48127/2015 - 174 The Esplanade, Umina Beach
- DA49404/2015 – 127 The Esplanade, Umina Beach
- DA48944/2015 – 8 Osborne Avenue, Umina Beach
- DA48245/2015 – 102-104 Broken Bay Road, Ettalong Beach
- DA50019/2016 - 16 Berith Street, Umina Beach
- DA49124/2016 – 46 Berith Street, Umina Beach
- DA50316/2016 - 5 Bogan Rd & 1 Telopea St, Booker Bay
- DA48659/2016 - 28 Bream Rd, Ettalong Beach
- DA51134/2016 – 50 Berith Street, Umina Beach
- DA51355/2017 - 26 Bogan Rd, Booker Bay
- DA53215/2017 – 11 & 13 Victoria Rd, Woy Woy
- DA53347/2017 – 117 Rawson Road Woy Woy
- DA53456/2017 – 6 Augusta Street, Umina Beach
- DA52346/2017 – 401 Ocean Beach Road, Umina Beach
- DA52748/2017 – 7 Hillview Street, Woy Woy
- DA53347/2017 - 117 Rawson Road, Umina Beach
- DA52934/2017 – 7 Gallipoli Avenue, Blackwall
- DA53647/2018 – 37 Edward Street, Woy Woy
- DA54018/2018 – 72 & 74 Railway St, Woy Woy
- DA54017/2018 - 13 B Farnell Rd, Woy Woy
- DA53628/2018 – 9 Priestman Avenue, Umina Beach
- DA53902/2018 – 332A Ocean Beach Road, Ettalong Beach
- DA54685/2018 – 80 Victoria Rd, Woy Woy
- DA55184/2018 – 2 Warrah Street, Ettalong Beach
- DA55443/2018 – 32 Warrah Street, Ettalong Beach
- DA54622/2018 – 4 Clifford Street, Umina Beach
- **DA55239/2018 – 4 Piper Street, Woy Woy**
- DA55951/2019 – 42 King Street, Umina
- DA56368/2019 – 19 Warrah Street, Ettalong Beach
- DA57079/2019 – 20 Warrah Street, Ettalong Beach
- DA58697/2020 – 14 Springwood Street, Blackwall

Council in its planning assessment have conceded that the prescriptive requirements outlined within the Multi-Unit Housing and Residential Flat Buildings chapter are unrealistic for medium density development to occur within the Peninsula area.

The economic feasibility to consolidate allotments and provide such little yield due to the loss of land available in regards to the required setbacks is onerous and rather the assessment of villa style development has been taken into account the context of what is been established and recently been approved by Council.

The below images indicate the portion of multi-dwelling housing located within close proximity to the subject site.

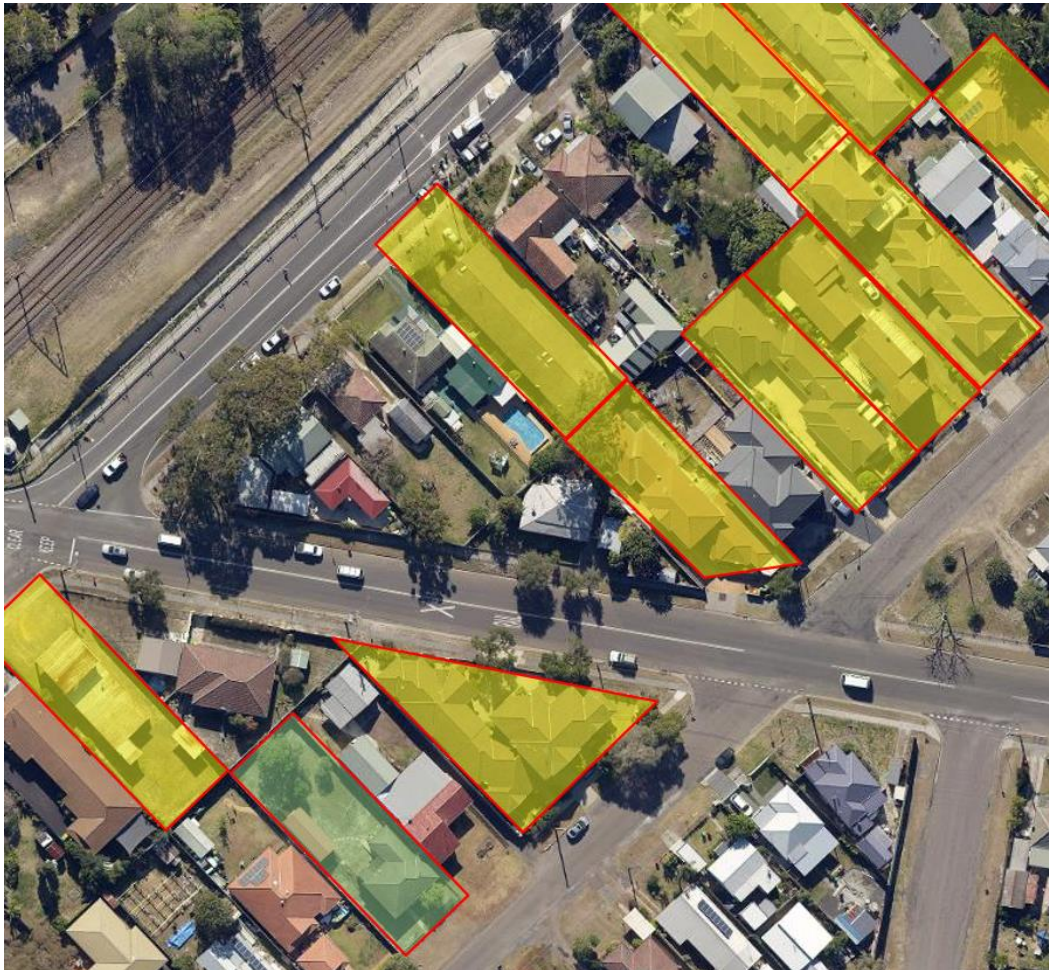


Figure 1: Existing Multi Dwelling housing highlighted yellow and the subject site highlighted green clearly showing the subject site surrounded by multi-dwelling housing.



Figure 2: Photograph of Multi Dwelling Housing located 15m northeast on Paton Street, Woy Woy.



Figure 3: 89 Paton Street, Woy Woy, Multi dwelling housing less than 50m from subject site.



Figure 4: 83 Paton Street, Woy Woy – Multi Dwelling Housing

As outlined within the assessment against Councils DCP measures, the proposal would be within the environmental capacity of the land and not be detrimental to the surrounding properties or the public domain.

The proposed development would be in line with the Central Coast Regional Plan 2036 (the Plan) that is the governments long term land use plan for the region covering the Gosford City and Wyong Shire Local Government Areas. The Plan 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.

The goal and directions relevant to the proposal are examined below:

Goal 4 – A variety of housing choice to suit needs and lifestyles

Goal 4 states that *“To accommodate the projected housing growth over the next 20 years, 2,075 new homes will be needed each year, on average. This is 685 more homes each year than the average annual housing production of 1,390 dwellings over the 19 years to 2014-15”*. Further, the strategy states that *“Targeted infill development will be encouraged in and around local centres and other areas with sufficient infrastructure to support growth”*.

The proposed development is considered perfectly aligned with Goal 4 of the Plan in that the development proposes additional new homes needed for the increasing Central Coast population. Further, the location of the proposed development, within close proximity to the Woy Woy Local Centre (as identified in the plan) means the subject site is the exactly the target of The Plan.

Direction 19: Accelerate housing supply and improve housing choice

Direction 19 of the plan states that *“There will be a greater diversity of housing in and around local centres across the region. Local centres already identified with potential for additional infill housing include... Woy Woy”*.

Action 19.3 of the plans states that actions to be undertaken include *“accelerate housing supply to meet projected housing demand of 41,500 additional dwellings by 2036.”*

The proposal aligns with this action as it provides housing supply around an already identified local centre – Woy Woy.

Direction 20: Grow housing choice in and around local centres

Direction 20 of the plan states that housing choice around local centres can create a sense of place and belonging.

Action 20.1 requires improving housing choice by supporting housing near local centres.

The proposal aligns with this action as it provides housing choice around the Woy Woy Local Centre.

Direction 21: Provide housing choice to meet community needs

Direction 21 of the plans states that *“Increasing the overall supply of housing will help to reduce upward pressure on the cost of housing”*.

Action 21.1 requires providing *“greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield housing locations”*.

The proposal aligns with this action as it proposes to provide diverse housing including small-lot housing in infill housing locations.

6. Objectives of the Zone

The NSW legislation website indicates the subject site is currently zoned R1 – Residential

The proposed use falls under the definitions of a multi dwelling housing under the LEP and is permissible subject Council consent.

Under the LEP the objectives of the R1 Residential zone are:

The objectives of the R1 – General Residential zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is compatible with the desired future character of the areas covered by this zone.*
- *To promote best practice in the design of multi-unit housing or similar development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi-unit housing or similar development.*

Comment:

- The proposal would cater for the housing needs for the local population within the Central Coast LGA.
- The proposal would be compatible with the surrounding intensity of medium density residential development within the immediate area as depicted in figures 1-4.
- The proposal would allow the continuation of residential development that would facilitate the incorporation of landscaping that is compatible with the residential zone.

- The retention of the existing single storey dwelling at the front of the site is in keeping with the original Woy Woy Peninsula's identity/character.
- As addressed within the SEE, the proposed townhouses would comply with the DCP objectives and is compatible with the desired future character of the zone.
- The proposal would not be detrimental to the residential amenity and place overbearing demands on services that would be commensurate for low density housing.
- The subject site is located within walking distance of public transport and public recreational facilities.
- The proposal is consistent with the evolving character of the area as discussed within the SEE.
- The subject site includes the essential utilities, including reticulated water, sewer, power and telecommunications.
- The development caters for additional dwellings near Woy Woy Local Centre in accordance with the Central Coast Regional Plan released in November 2015.

7. Assessment - Environmental Planning Grounds to justify contravening the Development Standard

Clause 4.6(3)(a) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

As outlined within the Statement of Environmental Effects (SEE), notwithstanding the noncompliance with the prescriptive measure the proposal would meet the majority of the prescribed LEP and DCP controls and would not be detrimental to the amenity of the neighbouring properties and the public domain. The development meets the desired character elements for the medium density area and caters for the density and design requirements as outlined within the GDCP 2014.

7.1 Explanation as to how the proposal, notwithstanding the non-compliance with the development standard, will achieve the objective of the development standard.

The objective

The objective of the development standard is to “achieve planned residential density in certain zones.” The objective is achieved due to the following reasons:

- The scale and intensity of the development would not result in a development outcome that is inappropriate for the established evolving character of the medium density area and constraints inherent to the subject site. It has been noted that the development would be commensurate with the height, scale, site cover and floor area with multi-dwelling development that has occurred throughout Woy Woy, in particular 4 Piper Street, Woy Woy and 7 Hillview Street, Woy Woy.

What is the underlying purpose of the standard?

Clause 4.1B(2) contains a specific objective for medium density residential development that has been addressed above.

The relevant parts of Section 5(a) of the EP&A Act are stated inter alia:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*

Accordingly, strict enforcement of the minimum lot size for medium density residential development standard in this instance would hinder the desired development outcome for the site, the orderly and economic use as well as the development of the land and would be commensurate with the scale and site coverage of surrounding development.

Is the compliance with the development standard unreasonable or unnecessary in the circumstance of the case?

Having regard to the specific objective for the lots sizes for residential flat building and multi-dwelling-housing development standard provided within Clause 4.1B(2) of

the Gosford Local Environmental Plan 2014, it is considered that strict compliance with this standard is unreasonable and unnecessary in this case.

Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

Comment:

The development will not give rise to character or amenity impacts and is consistent with the objectives of the R1 General Residential Zone. Consequently variation to the development standard is in the public interest.

THE VARIATION ALLOWS FOR A BETTER PLANNING OUTCOME THAN numerical COMPLIANCE

Essentially in light of the recent judgments in the including the matter of Micaul Holdings Pty Limited v Randwick City Council (2015) and Moskovich v Waverley Council (2016 large variations (55% and 65% respectively) to a development standards were allowed due to the uniqueness of the site and ability to argue that the proposal demonstrates how the proposal achieves a better environmental planning outcome than a complying scheme. In this case an indicative complying lot area is provided as part of the DA to demonstrate that it results in an inferior outcome for the site.

In these matters, some other important principles that arise from the decision are:

- The requirement that the consent authority be personally satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be ‘compatible’ with them or ‘capable of existing together in harmony’. It means “something less onerous than ‘achievement’”.

- 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, for example that the relevant objectives of the standard would not be achieved or would be thwarted by a complying development (Wehbe “test” 3).

As such in light of the LEC parameters and essentially in relation to environmental planning grounds relied upon to justify the variation of the standard, the following statement justifies the numerical departure and demonstrates how the proposal achieves a better outcome than a complying scheme.

When comparing the alternative development that would be permissible, in this case an attached dual occupancy development, the proposed multi-unit development would provide an additional dwelling whilst entailing no greater environmental and amenity impact than a dual occupancy development.

Consequently the proposal provides for more affordable households which are in high demand within the medium density area. Such smaller scaled dwellings that are located within close proximity of services cater for the local demographic and subsequent housing market demands which in turn is consistent with the Central Coast Regional Plan 2036.

Conclusion

For the reasons outlined above the clause 4.6 variation is provided in support of the development proposal at 95 Paton Street, Woy Woy.

As outlined above, in this instance strict enforcement of the minimum lot size for medium density residential development standard in this instance would hinder the desired development outcome for the site and the orderly and economic use of the land. The proposal meets the objectives of the applicable development standard and the overarching objectives for the R1 Residential Zone. Subsequently notwithstanding the numerical non-compliance, it is considered that strict compliance with the standard is unnecessary in this instance as it would not result in a superior planning outcome.