

Central Coast

Local Planning Panel

Central Coast
Supplementary Local Planning Panel
Business Paper
21 July 2022



Meeting Notice

The Supplementary Local Planning Panel of Central Coast

will be held remotely - online,
Thursday 21 July 2022

for the transaction of the business listed below:

1 Planning Reports - Outside of Public Meeting

- 1.1 LPP Supplementary Report DA/60725/2021 - 8 Gheri Avenue Wamberal - 1
into 2 Lot Subdivision - Agenda Item 4.1 Local Planning Meeting 25 November
20212

Kara Krason
Chairperson

Item No: 1.1
Title: LPP Supplementary Report DA/60725/2021 - 8
 Ghersi Avenue Wamberal - 1 into 2 Lot Subdivision
 - Agenda Item 4.1 Local Planning Meeting 25
 November 2021
Department: Environment and Planning

21 July 2022 Supplementary Local Planning Panel

Reference: DA/60725/2021 - D15201047
 Author: Susana Machuca, Senior Development Planner
 Manager: Ailsa Prendergast, Section Manager Development Assessment South
 Andrew Roach, Unit Manager Development Assessment
 Executive: Alice Howe, Director Environment and Planning

Summary

An application has been received for a two-lot subdivision, at 8 Ghersi Avenue, Wamberal. The Local Planning Panel previously considered the matter at its meeting of 25 November 2021 and 22 March 2022. The application was deferred at that time pending submission of additional information.

The application is referred to the Local Planning Panel with additional information as requested. The application is required to be reported to the Local Planning Panel for determination due to the proposed variation to the minimum lot size development standard of *Gosford Local Environmental Plan 2014*. The variation is greater than 10% (14%, or 77.5m² variation proposed). During the notification period, two submissions were received. The application is recommended for approval

Applicant	Tim Shelly Planning
Owner	B F Lawrence
Application No	DA/60725/2021
Description of Land	Lot 33 DP 20817 - 8 Ghersi Avenue, Wamberal and Associated Drainage Works on Part Lot 47 DP 25382, No. 38 Lucinda Avenue Wamberal
Proposed Development	2 Lot Subdivision and Associated Drainage Works involving adjoining Lot 47 DP25382, No. 38 Lucinda Avenue, Wamberal
Site Area	1081m ²
Zoning	R2 Low-density Residential
Existing Use	Single storey Dwelling House
Estimated Value	Nil
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 – Section 4.15</i> • <i>Local Government Act 1993 – Section 89</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Gosford Development Control Plan 2013</i>
Current Use	Single storey Dwelling House
Integrated Development	No – not integrated development in accordance with Clause 4.46 of the <i>Environmental Planning & Assessment Act 1979</i>
Submissions	Two (2) submissions received
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Transfer Granting Easement Document & Schedule Details – D15064054 2. Owners Consent Lot 47 No. 38 Lucinda Avenue Wamberal – D15064056 3. LPP Report and Attachments (25 November 2021) 4. LPP Minutes (25 November 2021) 5. Draft Conditions of Consent

Recommendation

- 1 ***That the additional information be considered in the Panel's determination of the application.***
- 2 ***That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.***
- 3 ***That the Local Planning Panel grant consent to DA/60725/2021 – 8 Gheri Avenue Wamberal for two lot subdivision, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.***
- 4 ***That Council advise those who made written submissions of the Panel's decision.***

Precis:

An application was received for a two-lot subdivision, at 8 Gheri Avenue, Wamberal (Lot 33 DP 20817).

The Local Planning Panel considered the matter at its meeting of 25 November 2021. The matter was deferred at the meeting pending the submission of supplementary information regarding:

- Details of the terms of the drainage easement through Lot 47
- The extent of works proposed to and within that easement
- Assessment of the environmental impact of those proposed works through Lot 47
- Owners consent from Lot 47, or alternatively legal advice to indicate owners' consent is not required for the development application on this land
- Consideration of whether the address of the application needs to change and whether re-notification is required, in accordance with Council's notification policy

The applicant submitted the relevant additional documentation including the *Transfer Granting Easement Document & Schedule Details* and *Owners Consent* of Lot 47 (38

**1.1 LPP Supplementary Report DA/60725/2021 - 8 Gheri Avenue
Wamberal - 1 into 2 Lot Subdivision - Agenda Item 4.1 Local Planning
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Lucinda) (both attached) that verifies and assists to clarify the matters raised and as requested by the Panel.

On 22 March 2022, the Local Planning Panel considered the matter and was deferred once again pending the submission of supplementary information. The resolution of the meeting of 22 March 2022, is as follows:

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

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.*

2. *The above details, including a supplementary memo, are to be provided to the Panel for determination via electronic means as soon as practicable.'*

The application is now presented to the Panel with the additional information for determination.

Additional Information as Requested by Panel

Inclusion of additional lot in development description

Although the proposed development proposes a 2 lot subdivision of land identified as Lot 33 DP 20817 (8 Gheri Avenue, Wamberal). The proposal relies in an easement for drainage within the adjoining Lot 47 DP25382 (38 Lucinda Avenue, Wamberal).

In response to the outcome of the Panel meeting of 22 March 2022, the proposal has now been amended to include the description of works proposed across both sites, including the site addresses in the description (Precis) of Application.

Re-Notification

The application, as submitted, was notified in accordance with *Gosford Development Control Plan 2013* between 5 February 2021 and 26 February 2021. At that time, 2 submissions were received. The matters raised by those submissions were dealt with in the assessment report presented to the Local Planning Panel meeting of 25 November 2021.

**1.1 LPP Supplementary Report DA/60725/2021 - 8 Gheri Avenue
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Given that the application description has been amended to include works within another lot (ie the drainage easement within Lot 47 DP25382 (38 Lucinda Avenue) the application was re-notified between 6 April 2022 and 22 April 2022.

For clarity, the application was notified with the following description:

'Property: 8 Gheri Avenue and Associated Drainage Works on Part Lot 47 DP25382, No. 38 Lucinda Avenue WAMBERAL WAMBERAL NSW 2260

'Proposal: 1 into 2 Lot Subdivision and Associated Drainage Works involving adjoining Lot 47 DP25382, No. 38 Lucinda Avenue Wamberal'

The renotification also included the following text:

'The Local Planning Panel considered the matter at its meeting of 25 November 2021 and 22 March 2022. On 22 March 2022 the matter was deferred pending the submission of supplementary information regarding the requirement for the application description (Precis) to include and reflect the associated drainage works required within the Inter-allotment Drainage (IAD) easement already created for this purpose on adjoining Lot 47 DP25382, No 38 Lucinda Avenue Wamberal. As such, the application has not changed however, it will now describe two (2) distinct components:

1. The original Proposed 1 into 2 Lot Subdivision on LOT:33 DP:20817 (Beneficiary Lot of IAD easement), 8 Gheri Avenue WAMBERAL; and

2. The original Associated works of Disposal of stormwater via an existing 1.0m Interallotment Drainage easement on LOT:47 DP25382 (Burdened Lot of IAD Easement), No. 38 Lucinda Avenue WAMBERAL.'

Nil submissions were received during the renotification period.

Any Other Matters

It is noted that no amendment to the development design and/or plans have been carried out. The assessment of the application included within the Local Planning Panel agendas of 25 November 2021 and 22 March 2022 and the conclusion contained therein remains unchanged.

These previous reports are included as Attachments 3 and 4 for the information of the Panel.

**1.1 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 (contd)**

Conclusion

The applicant has made the amendments requested by the Panel and the application re-notified in accordance with the provisions of *Gosford Development Control Plan 2013*.

This application has been assessed against the matters for consideration of Section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments, plans and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is considered reasonable and therefore it is recommended that the Local Planning Panel grant consent to DA/60725/2021 for a 1 into 2 Lot Subdivision and Associated Drainage Works involving adjoining Lot 47 DP 25382, 38 Lucinda Avenue, Wamberal.

Attachments

- | | | |
|---|---|-----------|
| 1  | Dealing 385422 - Creation of Drainage Easement | D15064054 |
|  | | |
| 2  | D15064056 REDACTED Owners Consent Lot 47 No 38 Lucinda Avenue
Wamberal | D15099258 |
|  | | |
| 3  | 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 | D15082151 |
|  | | |
| 4  | DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision | D14936218 |
|  | | |

Office of the Registrar-General / SEC:GLOBAL / KRI:ADVICS

STAMP DUTY

REGISTRAR GENERAL
NEW SOUTH WALES

310

385422 T

TRANSFER GRANTING EASEMENT TG 31 2021 \$ 47 R³/₂

REAL PROPERTY ACT, 1900
(See Instructions for Completion on back of form)

Servient Tenement (Land burdened)	Dominant Tenement (Land benefited)
Torrens Title Reference	Torrens Title Reference
Folio Identifier 47/25382 Certificate of Title Volume 5843 Folio 172 ϕ ϕ NOW BEING <u>whole</u> OF LAND COMPRISED IN FOLIO <u>93/20817</u>	Volume 9514 Folio 209 NOW BEING <u>whole</u> OF LAND COMPRISED IN FOLIO <u>21/504642</u>

DESCRIPTION OF LAND Note (a)

TRANSFEROR (registered proprietor of servient tenement) Note (b)

As to Folio Identifier 47/25382, ERIC JAMES WEST and AILEEN MADGE WEST
As to Certificate of Title Volume 5843 Folio 172, ELISE SAVILLE and JAN LOUISE JAMES

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 1.00 and TRANSFERS and GRANTS an easement to drain water one wide within the meaning of Part III of Schedule 8 of the Conveyancing Act 1919 and as shown on Plan annexed to transfer Z 385421

OFFICE USE ONLY
OVER

ϕ PLAN REFILED
AS D.P. 123654

TRANSFEREE (registered proprietor of dominant tenement) Note (b)

JAN LOUISE JAMES and RONALD ALAN JAMES

PRIOR ENCUMBRANCES Note (d)

subject to the following PRIOR ENCUMBRANCES: 1. nil
2. _____ 3. _____

DATE 31-10-20

EXECUTION Note (e)

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900. Signed in my presence by the transferor who is personally known to me.

Signature of Witness
Name of Witness (BLOCK LETTERS)
Address and occupation of Witness

Signature of Transferor

Note (e)

Signed in my presence by the transferee who is personally known to me

Signature of Witness
Name of Witness (BLOCK LETTERS)
Address and occupation of Witness

Signature of Transferee

TO BE COMPLETED BY LODGING PARTY

Notes (f) and (g)

LODGED BY
RAVE'S MARSH MURRAY & BACKHOUSE
SOLICITORS
219 227 ELIZABETH STREET
SYDNEY
DX 255

Ref: Delivery Box Number 717A

CT	OTHER	LOCATION OF DOCUMENTS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Herewith
<input type="checkbox"/>	<input type="checkbox"/>	In L.T.O. with
<input type="checkbox"/>	<input type="checkbox"/>	Produced by

OFFICE USE ONLY

Checked ERIS	Passed	REGISTERED -19	Secondary Directions
Signed	Extra Fee	18 JAN 1901	Delivery Directions

Office of the Registrar-General / SRC:GLOBAL / REF:ADV1005
1987

INSTRUCTIONS FOR COMPLETION

This dealing should be marked by the Commissioner of Stamp Duties before lodgment of at Land Titles Office.
Typewriting and handwriting should be clear, legible and in permanent dense black, or dark blue non-copying ink.
Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the parties to the dealing in the left hand margin.
If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.
Registered mortgagees, chargees and lessees of the servient tenement should consent to the grant of easement; otherwise, the mortgage, charge or lease should be noted in the memorandum of prior encumbrances.
Rule up all blanks.

The following instructions relate to the side notes on the form.

- (a) Description of land. TORRENS TITLE REFERENCE -- Insert the current Reference to the Folio of the Register for both the dominant and servient tenements, e.g., Vol. 135/SP12345 or Vol. 12634 Fol. 126.
- (b) Show the full name, address and occupation or description.
- (c) State the nature of the easement (see e.g., section 181 A of the Conveyancing Act, 1919), and accurately describe the site of the easement. The transfer and grant must comply with section 88 of the Conveyancing Act, 1919.
- (d) In the memorandum of prior encumbrances state only the registered number of any mortgage, lease or charge (except where the consent of the mortgagee, lessee or chargee is furnished), and of any writ recorded in the Register.
- (e) Execution.
 - GENERALLY (i) Should there be insufficient space for execution of this dealing, use an annexure sheet.
 - (ii) The certificate of correctness under the Real Property Act, 1900, must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he/she is personally known.
 - (iii) The solicitor for the transferee may sign the certificate on behalf of the transferee, the solicitor's name (not that of his/her firm) to be typewritten or printed adjacent to the signature. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.
 - ATTORNEY (iv) If the transfer is executed by an attorney for the transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his/her authority, e.g., "AB by his/her attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No."
 - AUTHORITY (v) If the transfer is executed pursuant to an authority (other than specified in (iv)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.
 - CORPORATION (vi) If the application is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state their position (e.g., director, secretary) in the corporation.
- (f) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
- (g) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. doc. for statutory declaration, p/bt for probate, L/A for letters of administration.

OFFICE USE ONLY

FIRST SCHEDULE DIRECTIONS				
(a) FOLIO IDENTIFIER	(b) DIRECTION	(c)	NAME	
SECOND SCHEDULE & OTHER DIRECTIONS				
(a) FOLIO IDENTIFIER (OR REGO DEALING & FOLIO IDENTIFIER)	(b) DIRECTION	(c) NOTFN TYPE	(d) DEALING NUMBER	(e) DETAILS
47/25382	ON	EA		Easement to drain water 1 wide reflecting the part of the land above described shown so burdened in DP 123654
33/20817	ON	EA		Easement to drain water 1 wide reflecting the part of the land above described shown so burdened in DP 123654
31/504642	ON	EA		Easement to drain water 1 wide appurtenant to the land above described.
	CT		717A	

ATTENTION: Common Int & Law Statutory Form 1-1 1009

OFFICE OF THE REGISTRAR-GENERAL / SEC:GLOBAL / REF:AGVICCS

THIS IS THE ANNEXURE TO TRANSFER GRANTING EASEMENT BETWEEN E J
& A M WEST and E SAVILLE and J L JAMES as Transferors and J L &
R A JAMES as Transferees

SIGNED in my presence by the
Transferor E SAVILLE and J L
JAMES who is personally known
to me:

E Saville
.....
J L James
.....

.....
Signature of Witness

.....
Name of Witness (BLOCK LETTERS)

.....
Address & Occupation of Witness

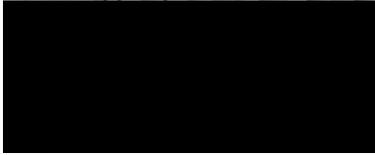
.....
1/106 Mossman St. Armidale

17/1/2022
Gosford City Council
Re : DA No. 60725/2021

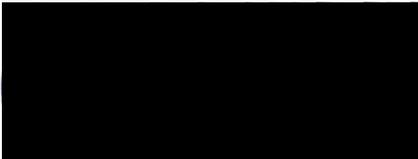
To: Whom it may Concern

As Owners of Lot 47 DP 25382 -No. 38 Lucinda Avenue, Wamberal I herby give consent to Brad Lawrence of 8 Gheri Ave Wamberal to provide necessary pipework to drain stormwater through the easement in accordance with the terms of the easement .
Pipework will be installed via underground boring so there will no disturbance to the easements property.

Name : Anthony Wales

Signature : 

Name : Janie Wales

Signature : 

Item No: 2.1
Title: 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

Central Coast
Local Planning Panel

Department: Environment and Planning

22 March 2022 Supplementary Local Planning Panel

Reference: DA/60725/2021 - D15082151
Author: Susana Machuca, Senior Development Planner
Manager: Ailsa Prendergast, Section Manager, Development Assessment South
Approver: Andrew Roach, Unit Manager, Development Assessment

Recommendation

- 1 That the additional information be considered in the Panel's determination of the application.**
- 2 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 3 That the Local Planning Panel grant consent to DA60725/2021 – 8 Gheri Avenue Wamberal for two lot subdivision, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.**
- 4 That Council advise those who made written submissions of the Panel's decision.**

Summary

An application was received for a two-lot subdivision, at 8 Gheri Avenue WAMBERAL.

The application is required to be reported to the Local Planning Panel for determination due to the proposed variation to the minimum lot size development standard of Gosford Local Environmental Plan 2014. The variation is greater than 10% (14%, or 77.5 sq metre variation proposed). Two submissions have been received.

The Local Planning Panel considered the matter at its meeting of 25 November 2021. The matter was deferred at the meeting pending the submission of supplementary information regarding:

- a. Item 4.1(1) – Details of the terms of the drainage easement through Lot 47;

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 (contd)

- b. Item 4.1(2) – The extent of works proposed to and within that easement;
- c. Item 4.1(3) – Assessment of the environmental impact of those proposed works through Lot 47;
- d. Item 4.1(4) – Owners consent from Lot 47, or alternatively legal advice to indicate owners’ consent is not required for the development application on this land; and
- e. Item 4.1(5) – Consideration of whether the address of the application needs to change, and whether re-notification is required, in accordance with Council’s notification policy.

It is noted that no amendment to the development design and/or plans have been carried out.

Applicant	Tim Shelly Planning
Owner	B F Lawrence
Application No	DA/60725/2021
Description of Land	LOT:33 DP:20817, 8 Gheri Avenue WAMBERAL
Proposed Development	1 into 2 Lot Subdivision
Site Area	1081sqm
Zoning	R2 Low-density Residential
Existing Use	Single-storey Dwelling House
Estimated Value	Nil
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 – Section 4.15</i> • <i>Local Government Act 1993 – Section 89</i> • <i>State Environmental Planning Policy (Coastal Management) 2018</i> • <i>Gosford Local Environmental Plan 2014</i> • <i>Gosford Development Control Plan 2013</i>
Current Use	Single-storey Dwelling House
Integrated Development	No – not integrated development in accordance with Clause 4.46 of the <i>Environmental Planning & Assessment Act 1979</i>
Submissions	Two (2)
List all documents submitted with this report for the Panel’s consideration	<ol style="list-style-type: none"> 1. Transfer Granting Easement Document & Schedule Details – D15064054 2. Owners Consent Lot 47 No. 38 Lucinda Avenue Wamberal – D15064056 3. LPP Report and Attachments (25 November 2021) 4. LPP Minutes (25 November 2021) 5. Draft Conditions of Consent
Report prepared by	Susana Machuca – Senior Development Planner
Report date	14 March 2022

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 (contd)**

Background

The Panel considered a Planning Report on the matter at its meeting on 25 November 2022 and resolved as follows:

Panel Decision **That the Local Planning Panel defer determination of the application DA/60725/2021 – 8 Gheri Avenue Wamberal – 1 into 2 Lot Subdivision**

1 Requests the applicant to submit a supplementary assessment report addressing the above-mentioned matters within two months of the panel meeting date:

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

Reasons There is insufficient information for the Panel to make a decision.

Additional Information

In response to the outcome of the Panel meeting of 25 November 2021, the following additional information has been submitted:

27 January 2022:

- Received Applicant's response to the LPP additional supplementary information request, no amendment to the development design and/or plans were received.

RESPONSE TO PANEL DECISION

The applicant has addressed the decision of the Panel as follows:

1. Details of the terms of the drainage easement through Lot 47;

On the 27 January the applicant provided a response via email correspondence updated legal advice from Tony Pickup of Pickup Legal Specialised Consultancy in regard to the terms of drainage easement through No. 38 Lucinda Avenue Wamberal. In summary the works required to be undertaken in the easement were permitted under the terms of the easement, however owners' consent was still required for the said works. As such, Owner's consent of the adjoining property on Lot: 47 DP: 25382 No 38 Lucinda Avenue Wamberal has been obtained for the undertaking of the proposed works in the easement. Copy of the Owners is consent attached - D15064056.

2.1 **LPP Supplementary Report DA/60725/2021 - 8 Gheri Avenue
Wamberal - 1 into 2 Lot Subdivision - Agenda Item 4.1 Local Planning
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Additional Applicant response: *The dealing that created the easement (copy attached - D15064054) doesn't have an 88B instrument that provides the specific terms of the easement. Rather, it cross references on page 1 an easement to drain water within the meaning of Part III of Schedule 8 of the Conveyancing Act, which is as follows:*

Part 3 Easement to drain water

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person, from time to time and at all times to drain water (whether rain, storm, spring, soakage, or seepage water) in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purposes of the easement, any line of pipes already laid within the servient tenement for the purpose of draining water or any pipe or pipes in replacement or in substitution therefore and where no such line of pipes exists, to lay, place and maintain a line of pipes of sufficient internal diameter beneath or upon the surface of the servient tenement, and together with the right for the grantee and every person authorised by the grantee, with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipe line or any part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the grantee and the persons authorised by the grantee will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

Clarification from Pickup Legal Consultancy indicates that it is apparent that the easement allows the owner of the lot benefitted by the easement or do any of the following:

- 1. use existing pipes already in the easement (as highlighted in blue); or*
- 2. replace the existing pipes already in the easement (as highlighted in green); or*
- 3. if there are no pipes at all, laying new pipes of sufficient diameter to drain the water from the site (as highlighted in purple).*

Furthermore, it is noted that from discussions with Civil Engineering Consultants Mr Stuart Blyton of SRB Consulting Civil Engineers that it is confirmed that there are currently no pipes in the easement. This was carried out via a CCTV investigation of the easement during the course of the original DA assessment following a request from Council's engineer for more information in relation to stormwater disposal and the easement. As such, compliance of item 3 above is being met and thereby clearly acting in accordance with the terms of the easement.

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 (contd)

2. The extent of works proposed to and within that easement

Overall, the proposed subdivision is to provide onsite stormwater detention and nutrient control measures. The stormwater from the site will be conveyed via an inter-allotment drainage system constructed within an easement to drain water 1m wide located within Lot 47 DP25382 No 38 Lucinda Avenue Wamberal and connecting to the existing piped system within Lucinda Avenue as indicated on the concept Engineering Plans (D14656777) and Storm Water Cycle Management Report and Plans (D14656776). The interallotment drainage will be constructed underground via a 150mm diameter pipe from the rear of the site through to Lucinda Avenue using horizontal directional boring method. Refer to figures 1 and 2.

It is noted that for clarity of the abovementioned matter and as part of the assessment process, a review of the Draft Conditions of Consent (Attachment 1 – D14922160) indicates that Condition 2.3 (d) pertaining to internal site works is to reflect the specific type of bore drilling methodology and be amended as follows:

“Construction of interallotment stormwater drainage where stormwater from individual allotments cannot be discharged directly into the proposed street drainage system or existing street drainage system. The interallotment drainage shall be constructed using horizontal directional drilling methodology. The final engineering plans shall be endorsed by the owner of Lot 47 DP25382 No. 38 Lucinda Avenue prior to the commencement of any works within the easement to drain water 1m wide created over Lot 47 DP25382”.

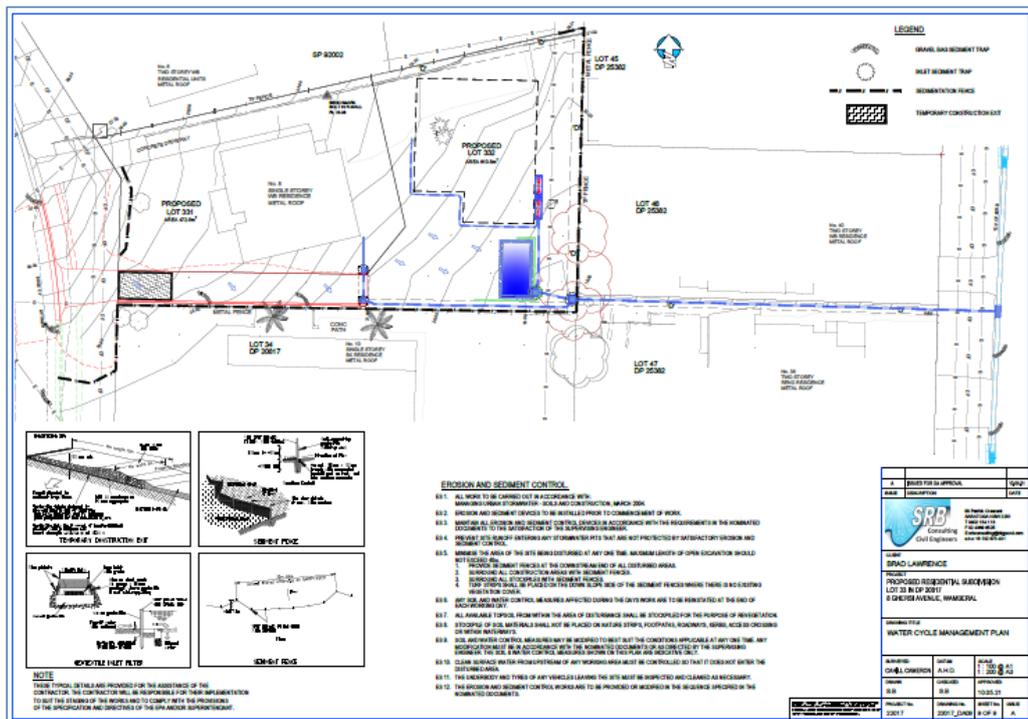


Figure 1: Concept Engineering Water Cycle Management Plan

2.1 **LPP Supplementary Report DA/60725/2021 - 8 Gheri Avenue
Wamberal - 1 into 2 Lot Subdivision - Agenda Item 4.1 Local Planning
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3. Assessment of the environmental impact of those proposed works through Lot 47

As previously outlined and as indicated on the concept Engineering Plans (D14656777), the Storm Water Cycle Management Report (D14656776) and Schedule1 Draft Conditions of consent, the interallotment drainage shall be constructed using horizontal directional drilling methodology. It is noted that Horizontal Directional Drilling method is a guided trenchless method of installing underground pipelines along a predetermined path, thereby avoiding surface excavation. Refer figure 2.

It is noted that some of the main applications used for this methodology of installing underground pipes include crossing waterways, shore approaches, roadways, environmentally sensitive areas, congested areas etc.

Overall, some of the related benefits and suitability for the use of this construction methodology in the proposed interallotment drainage works include but are not limited to:

- Minimal impact and/or disturbance to existing land surface and existing vegetation, on Lot 47 DP25382 No 38 Lucinda Avenue Wamberal that is, no need for and trench excavation;
- Provides maximum directional capabilities, drills exactly through width and length of required pipeline specification within the dedicated easement area;
- Suitable for diverse soil type conditions and surfaces (e.g. river crossings, roads, landscapes etc.);
- Enables deeper pipe location installations if so required;
- Quicker to implement than traditional drilling techniques, less disturbance time for affected properties whilst works are carried out;
- Labour force and machinery equipment used are significantly reduced in timelines and sources; and
- Causes minimal hazardous impact on the environment.

As such, on this occasion the proposed Horizontal Directional Drilling methodology is considered appropriate and is not expected to result in adverse and /or have unreasonable impacts on the adjoining property.

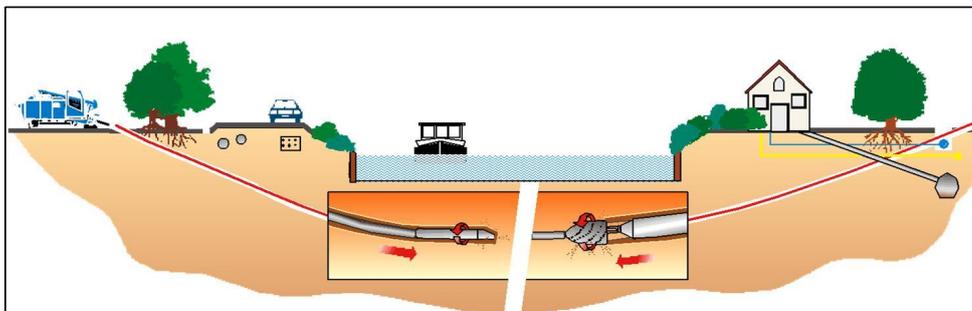


Figure 2: Concept image of Horizontal Directional Drilling (HDD) methodology

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 (contd)**

4. Owners consent from Lot 47, or alternatively legal advice to indicate owners' consent is not required for the development application on this land.

As previously mentioned, a copy of owner's consent from Lot:47 DP:25382 No. 38 Lucinda Avenue has been obtained and attached as part of the documentation.

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

Upon review of the original application documentation and information lodged including the obtained by the applicant as part of this LPP additional supplementary information request in relation to the possible need to change the address and/or precis of the application, the following items (summarised) have been considered:

- The application on LOT:33 DP:20817 No. 8 Gheri Avenue WAMBERAL (benefited land) was lodged with a stormwater design from the site that is to be via an interallotment drainage system constructed within an easement already created to drain water and within Lot 47 DP25382 No. 38 Lucinda Avenue WAMBERAL (burdened land) and connecting to the existing piped system within Lucinda Avenue.
- Although the dealing that created the easement doesn't have an 88B instrument that provides the specific terms of the easement, it cross references on page 1 an easement to drain water within the meaning of Part III of Schedule 8 of the Conveyancing Act and is apparent that the easement allows the owner of the lot benefitted by the easement or do any of the following:
 1. use existing pipes already in the easement; or
 2. replace the existing pipes already in the easement; or
 3. if there are no pipes at all, laying new pipes of sufficient diameter to drain the water from the site.
- From discussions with the civil engineers and CCTV Investigation carried out on the proposals site during the assessment of the DA, the applicant has confirmed that there are currently no pipes within the easement.
- Notwithstanding the above, legal advice obtained by the applicant indicated that although it is apparent that the works required to be undertaken in the easement are permitted under the terms of the easement, owner's consent of the burdened land was still nonetheless required for the said works.
- As such, the applicant obtained owner's consent from the burdened land to provide necessary pipework to drain stormwater through the easement in accordance with the terms of the easement.

1.1 *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*

Attachment 3 *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*

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 (contd)**

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 (contd)**

Given the abovementioned, Council is of the opinion that the application:

- has not changed and/or amended the description of the land and address to which the application (benefited land) and neighbouring property (burdened land) relates to respectively including street address and any known commonly used property name;
- has not changed in terms of description of the proposal, terms of the easement and continues to be the benefited land in respects to the easement;
- has not changed in terms of the engineering concept design nor have any plans been amended;
- that owner's consent from the burdened land to complete all the necessary works in accordance with the terms of the easement was obtained;
- that the environmental impacts identified will have little or no environmental impacts as compared to the original application; and
- the proposal was originally notified and was not subject to capturing significant public interest, community groups, organisations or agencies impacts and/or areas of concern. Two (2) submissions were received.

As such, Council considers that the address nor description of the proposal has not changed and the requirement of re-notification under Part 7.3 Notification of Development Proposals of the Gosford DCP 2013 is not warranted and/or required on this occasion.

Conclusion

The applicant has submitted the relevant additional documentation including the Transfer Granting Easement Document & Schedule Details and Owners Consent of Lot 47 No. 38 Lucinda (both attached) that verifies and assists to clarify the matters raised and as requested by the Panel.

This application has been assessed against the matters for consideration of Section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments, plans and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is considered reasonable and therefore it is recommended that the Local Planning Panel grant consent to DA/60725/2021 for a 1 into 2 Lot Subdivision on Lot:33 DP:20817, 8 Gheri Avenue Wamberal.

Attachments

- | | | |
|---|--|-----------|
| 1 | Dealing 385422 - Creation of Drainage Easement | D15064054 |
| 2 | D15064056 REDACTED Owners Consent Lot 47 No 38 Lucinda Avenue Wamberal | D15099258 |

1.1 *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*
Attachment 3 *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*

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 (contd)**

Item No: 4.1
Title: DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1
 into 2 Lot Subdivision
Department: Environment and Planning

Central Coast
 Local Planning Panel

25 November 2021 Local Planning Panel Meeting

Reference: 011.2021.00060725.001 - D14936218
 Author: Susana Machuca, Senior Development Planner
 Manager: Ailsa Prendergast, Section Manager, Development Assessment South
 Approver: Andrew Roach, Unit Manager, Development Assessment

Summary

An application has been received for 1 into 2 Lot Subdivision for Lot 33 DP20817, 8 Gheri Avenue, Wamberal.

The development application has been referred to the Local Planning Panel as there is proposed variation to the minimum lot size development standard of *Gosford Local Environmental Plan 2014*. The variation is greater than 10% (14%, or 77.5 sq metre variation proposed). Two submissions have been received.

The application is recommended for approval, subject to conditions.

Applicant	Tim Shelley
Owner	B Lawrence
Application No	DA60725/2021
Description of Land	LOT:33 DP:20817, 8 Gheri Avenue WAMBERAL
Proposed Development	1 into 2 Lot Subdivision
Site Area	1081sqm
Zoning	R2 Low-density Residential
Existing Use	Single-storey Dwelling House
Employment Generation	No
Estimated Value	Nil

Recommendation

- 1 That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 2 That the Local Planning Panel grant consent to DA60725/2021 – 8 Gheri Avenue Wamberal for two lot subdivision subject to the conditions detailed in the schedule attached to the report and having regard to the matters for**

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

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

- Variation to minimum subdivision lot size development standard in *Gosford Local Environmental Plan 2014* and Chapter 3.5 of Gosford Development Control Plan for subdivision of residential land.

Precis:

Proposed Development	Two Lot Subdivision
Permissibility and Zoning	The subject site is zoned R2 Low-density Residential under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014). The proposed development is for subdivision of land permissible 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>Environmental Planning & Assessment Act 1979 – Section 4.15 (EP&A Act)</i> • <i>Local Government Act 1993 – Section 89</i> • <i>State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • Gosford Development Control Plan 2013 (GLEP 2013) •
Current Use	Single storey Dwelling House
Integrated Development	No
Submissions	Two (2)

Variations to Policies

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

Clause	Clause 4.1(3) Minimum Subdivision Lot Size
Standard	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
LEP/DCP	Gosford Local Environmental Plan 2014
Departure basis	Proposed Lot 331 – 14.0% (77.50sqm)

Clause	Clause 3.5.3.2a Allotment Size
Standard	The minimum allotment area (specified in Gosford LEP 2014) and width at the building lines are: Zone R1 – Low-density Residential <ul style="list-style-type: none"> • 550sqm minimum area • 15m minimum width at building line
LEP/DCP	Gosford Development Control Plan 2013
Departure basis	Proposed Lot 331 – 0.56% (0.85m), Proposed Minimum lot width is 15.00m a maximum variation of 0.56%

The Site

The site is legally identified as Lot:33 DP:20817 No 8 Gheri Avenue, Wamberal, has a site area of 1081sqm and is located on the eastern side of Gheri Avenue, between The Entrance Road and Old Gosford Road, refer Figure 1.

The site is irregular in shape, has a total frontage of 17.65m to Gheri Avenue and presently contains an existing single-storey residential dwelling with a concrete driveway access to a backyard basement garage. The subject site runs on an east to west axis, has overall contours of the land distributed from the north-western corner of the site (RL26.00) to the south-eastern corner (RL19.00) resulting in an approximately 7.0m rise over a longitudinal section of 49.54m equating to a 14.13% slope.

The site is not identified as being flood affected. The site is not identified as being "bushfire prone land" on Council's bushfire maps.

Surrounding Development

Surrounding development to the east, south and west is predominantly original older detached single dwellings to the east, south and west characterized by a mixture of material combinations of timber and brick, brick and tile, timber and metal roof one and two-storey dwellings. Many of these have been renovated. To the north there is a range and newer modern multi-dwelling town houses and mixed-use flat residential units, one storey shops and commercial premises, one and two-storey shop top housing developments and Wamberal Shopping Centre on the opposite side of Gheri Avenue. Land zoned B1 Neighbourhood Centre is immediately to the north.

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

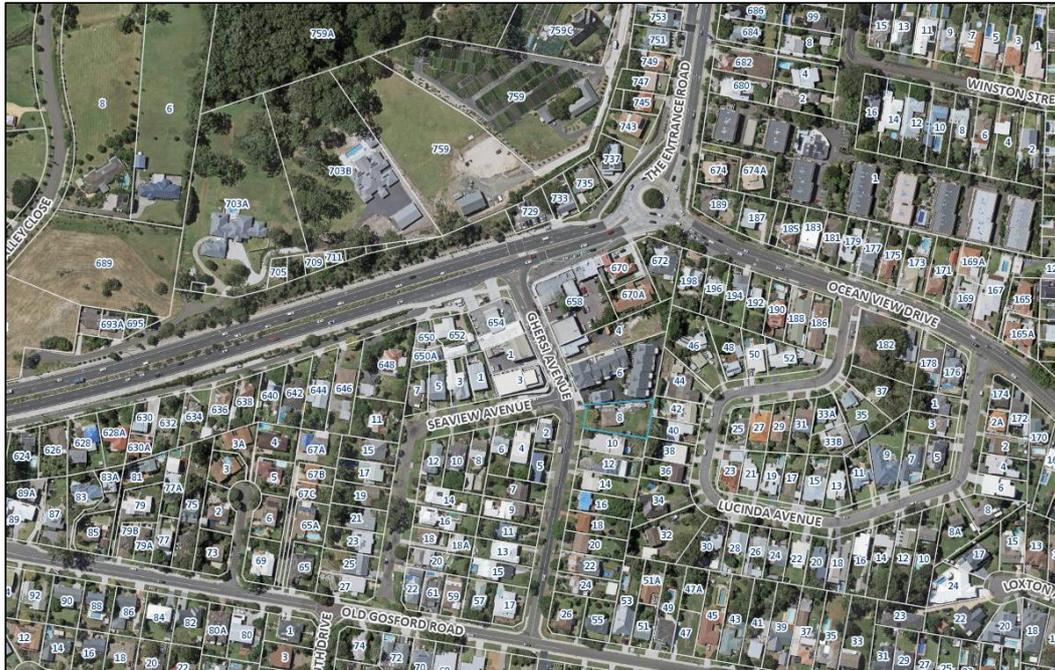


Figure 1 – Aerial Image of Locality and subject site (outlined in blue).



Figure 2 – Aerial Image of Site (outlined in yellow) and immediate vicinity.

The Proposed Development

4.1 DA/60725/2021 - 8 Ghersti Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

An application has been received for the proposed subdivision of LOT:33 DP:20817, 8 Ghersti Avenue, Wamberal into 2 allotments pursuant to the statutory provisions of Clause 4.1 (3) of Gosford Local Environmental Plan 2014 (GLEP). Proposed allotments being lots 331 and 332, with areas of 472.5m² and 610.5m² respectively. As part of the proposed subdivision, the existing dwelling-house on the site will be retained on proposed lot 331.

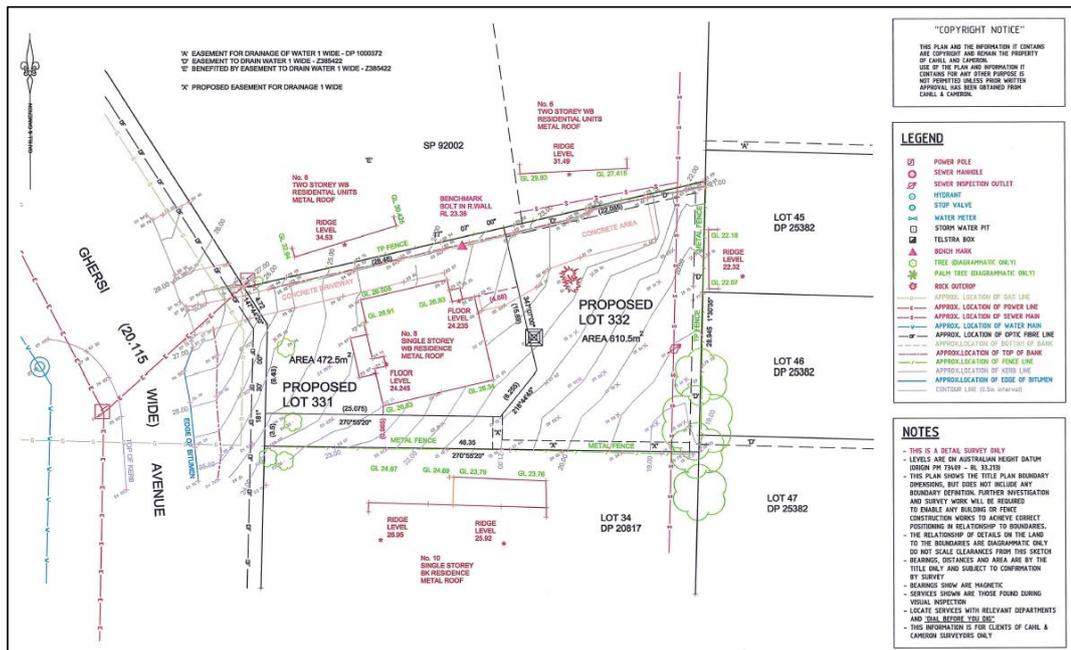


Figure 3 – Plan of Proposed Subdivision

The summary Table 1 below, provides an overview of the proposed lot/site areas as shown in Figure 3.

Lot	Lot size	Access Provisions	Variation to Policies	Improvements	Zone
Lot 331	472.5sqm	Ghersti Avenue	14% to lot size	Existing dwelling house	R2 Low-density Residential
Lot 332	610.5sqm	Ghersti Avenue	N/A	Existing driveway	R2 Low-density Residential

Table 1: Proposed Lot / Size areas

Proposed Lot 331 is irregular in shape and proposes a site area of 472.5sqm. This allotment proposes a frontage of approximately 14.15m to Ghersti Avenue and is presently occupied by an existing dwelling. Vehicular access provisions to this allotment to and from Ghersti Avenue is proposed via a new concrete driveway approximately 3.5m wide.

**4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision
(contd)**

Proposed Lot 332 is battle axe in shape and proposes a site area of 610.5sqm. This allotment proposes a splay frontage of approximately 3.5m to Gheri Avenue and is presently vacant, other than the existing concrete vehicular driveway and pad. Vehicular access provisions to this allotment to and from Gheri Avenue is proposed via an existing concrete driveway approximately 3.5m wide.

The proposal will necessitate the removal of approximately three (3) existing trees. Council's Tree Preservation Officer has advised that two of the trees in question are located in the vicinity of proposed stormwater pipes and pits which in the past have had encroachments on existing sewer installations. The third rear neighbouring tree (not shown on plan) is in a deteriorating condition and is currently being applied for removal due to its poor condition. Due to the proposed easements for drain water easements and limited available area for replacement tree planting a tree replacement condition is not recommended on this occasion.

The proposal provides for allotments of suitable size, shape and configuration, as well as providing for allotments of suitable utility and amenity. The proposal will have a satisfactory relationship to the adjoining developments, given the allotment sizes that are proposed and the degree of spatial separation between the proposed allotments and adjoining developments.

The general scope of civil construction works that are proposed in conjunction with the subdivision, are summarised as follows:

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 a minimum 2m wide new road pavement with end transitions across the full frontage of the site in Gheri Avenue.
- b. Construction of concrete footpath 1.5m wide for the full street frontage of the development in Gheri Avenue.
- c. Construction of the road verge/footway formation with a minimum width of 2m graded at +2% from the top of existing kerb to the property boundary, across the full frontage of the site in Gheri Avenue. Construction to include transitions to existing formation either side of the site.
- d. Construction of a residential vehicle access crossing that has a width of 4m at the road gutter crossing and 3m at the property boundary including construction of a gutter crossing and road pavement adjacent to the gutter crossing.
- e. Construction of street storm water drainage including tail out drainage. This drainage is to consist of a pavement widening and bitumen berm from the end of the proposed kerb and gutter to direct stormwater into the table drain.
- f. Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.

**4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision
(contd)**

- g. Construction of retaining walls, including details of surface and subsurface drainage required for the retaining wall. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- h. Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve, including the construction of a new 1.8m extended kerb inlet pit in Lucinda Avenue
- 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)
Gheri Avenue	2 x 10 ⁶

- j. 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.

Works within the Private Property

- a. Construction of retaining walls, including details of surface and subsurface drainage required for the retaining wall where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining wall designs must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.
- b. Construction of a concrete accessway comprising a minimum 3m wide reinforced concrete pavement with integral kerb on the low side, 3% reverse cross fall and drainage within the proposed right of access or access handle for proposed lots 332.
- c. Installation of services conduits (including draw wire) for all available services which may include electricity, telecommunications, gas and water within the right of access or access handle in accordance with the relevant authority's specifications and requirements.
- d. Construction of inter-allotment stormwater drainage where stormwater from individual allotments cannot be discharged directly into the proposed street drainage system or existing street drainage system.
- e. Construction of on-site stormwater detention system/s. Designed to be in accordance with Council's Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. The system(s) must be designed to limit post development peak flows from the development site to less than or equal to predevelopment peak flows for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing method must be used. An on-site stormwater detention design report including an operation

**4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision
(contd)**

- and maintenance plan must accompany the design. The on-site stormwater detention facility is not permitted within drainage easements, and / or secondary flow paths. A safety fence may be required around the facility.
- f. Construction of nutrient and pollution control measures/facilities. Design to be in accordance with Council's Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. A nutrient and pollution control design report including an operation and maintenance plan must accompany the design.
 - g. Construction of storm water drainage connection all existing buildings, structures and impervious areas to the proposed stormwater systems.

The application was amended once during the assessment process (amended Subdivision Plan, WCMP and Clause 4.6 Submission on 27 May and 2 June 2021 respectively) in response to issues raised through initial assessment by Council Officers including but not limited to engineering requirements. Final amended site plan, WCMP and concept engineering design were submitted 27 May 2021 and updated Clause 4.6 written submission on 2 June 2021.

ASSESSMENT:

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

Draft Central Coast Local Environmental Plan

The *Draft Central Coast Local Environment Plan* (CCLEP) 2018 applies to this application:

Under the draft CCLEP 2018 the subject site is proposed to be under R2 Low-density Residential zoning whereby subdivisions remain as a permitted use within the land zoning.

Given the site characteristics and existing dwelling and surrounding residential homes in the immediate locality, existing planning controls, and conditions contained in the recommendation, it is considered that the granting of consent to the proposal will not be detrimental to the Draft CCLEP.

The assessment concluded the proposal is consistent with the draft CCLEP 2018.

State Environmental Planning Policy (Coastal Management) 2018

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

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

The subject property is within the Coastal Environment area.

The proposal is for subdivision of an approved development. No works are proposed. The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.



Figure 4 – Coastal Management Mapping of subject site.

Gosford Local Environmental Plan 2014 - Permissibility

The subject site is zoned R2 Low-density Residential under *Gosford Local Environmental Plan 2014* (GLEP 2014). The proposed development is defined as subdivision and is permissible in the zone with consent of Council and relates to an approved use of the land.

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

Subclause 2.3(2) of the GLEP 2014 requires the consent authority to have regard to the objectives for development in a zone when determining a development application. The objectives of the R2 Low-density Residential zone are:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To encourage best practice in the design of low-density residential development*

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.



Figure 5 – Zoning Map, subject site outlined in blue.

The proposal will not impact on the consistency of the approved development with the objectives of the R2 Low-density Residential zone. The proposal will continue to provide for a low-density residential environment whilst providing for the housing needs of the community and additional housing on the site consistent with the zone objectives. The proposal will not impact on the character of the area or the character of the approved development.

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

Gosford Local Environmental Plan 2014 - 2.6 Subdivision – consent requirements

Subdivision of land is permitted with development consent. The proposed subdivision does not contain a secondary dwelling and will ensure that future residential uses are clear and independent of each other. The subdivision is not likely to interfere with the future character and amenity of the neighbourhood.

Adequate attention has been given to access to services. Separate occupation of the proposed lots will not conflict with the provisions of the *Environmental Planning and*

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

Assessment Act, 1979 (EP&A Act), or any Environmental Planning Instrument within the meaning of that act.

Development Standards

The proposed development is permissible with Council's consent and permits a minimum allotment size of 550sqm and is subject to compliance with a number of specific statutory provisions, including satisfactory assessment of the application against the relevant "Heads of Consideration" specified under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and Section 89 of the Local government Act 1993.

Gosford Local Environmental Plan 2014 - 4.1 Minimum Subdivision Lot Size

Clause 4.1(3) of GLEP 2014 provides the size of any lot resulting from subdivision of land is not to be less than the minimum size shown on the Lot Size Map. The minimum lot size for subdivision on the relevant map is 550sqm.

An assessment of the proposed development against the relevant development standards is detailed in summary Table below as follows:

Proposed Lot	Area Proposed	Area Required	Compliance	% Variation
Lot 331	472.50sqm	550sqm	No	14 %
Lot 332	610.50sqm	550sqm	Yes	Nil

Table 2: Compliance Summary Lot / Size areas

The summary table indicates that the proposal complies with the 550sqm minimum site area prescribed by the statutory requirements of Clause 4.1(3) of GLEP 2014, with the exception of proposed Lot 331. Notwithstanding this, it is noted that proposal will not result in any additional impacts on the character of the area, ecological, social or economic sustainability impacts, and will be consistent with the approved use and development of the land.

The Applicant submitted a request to vary the minimum subdivision lot size for the proposal.

Gosford Local Environmental Plan 2014 - 4.6 Exceptions to Development Standards

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the minimum subdivision lot size development standard in clause 4.1(3) of GLEP 2014 prepared by Tim Shelly Planning, dated May 2021. A copy of the clause 4.6 variation is included as **Attachment 6**.

Clause 4.1(3) of GLEP 2014 provides the size of any lot resulting from subdivision of land is not to be less than the minimum size shown on the Lot Size Map. The minimum lot size for subdivision on the relevant map is 550sqm.

The proposed development seeks to vary the minimum subdivision lot size development standard resulting in proposed Lot 331 containing the existing dwelling house an area of 472.50sqm, which results in a variation of 14% (-77.50sqm).

The applicant's written request refers to the first of the five tests established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard.

The Applicant's written request (summarised) to vary the minimum subdivision lot size development standard demonstrates the following:

- *Granting approval to the undersized allotment facilitates the creation of a new allotment within an established residential area and the existing urban footprint, consistent with Goal 4 of the Central Coast Regional Strategy (CCRS), which aims to provide "a variety of housing choice to suit needs and lifestyles".*
- *Underlying this goal, infill development is to be targeted and encouraged in and around local centres and other areas with sufficient infrastructure to support growth, such as the Wamberal local centre immediately to the north of the site which contains shops, restaurants and other retail and commercial services and which is located on a major bus route along the Central Coast Highway.*
- *All necessary utility services are already provided and able to be readily connected.*
- *The proposed subdivision will create two residential allotments of a size and shape consistent with the character and subdivision pattern of the surrounding area. In this regard, both lots are low-density in nature, with the new vacant allotment able to accommodate a variety of low-density housing types with appropriate side and rear setbacks, surrounded by extensive areas of open space, which will minimise impact on surrounding residences.*
- *The subdivision can be undertaken with minimal physical impact on the land given the steeper part of the site is to be contained within the allotment that contains the existing dwelling house, with the vacant allotment being of a compliant size and of a lesser slope that is conducive to the construction of a dwelling house with limited earthworks, cut and fill or retaining required.*
- *The subdivision can be undertaken with no ecological impact on given the site is located within a highly modified and disturbed urbanised environment.*

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

- *The site is not subject to bushfire nor flooding nor any landslip or stability issues such that subdivision of the land as proposed does not pose a risk to any adjoining allotments or exacerbate any existing constraints.*
- *Proposed lot 331 contains the existing dwelling-house, meaning the built-form of this allotment is already known. As such, the area of this lot is of no consequence as no allowance has to be made for a future dwelling on this property as would be the case with a vacant allotment. As such, there are no implications or adverse impacts resulting from the minor shortfall in area as this non-compliance.*
- *The area of proposed lot 331 is sufficient to accommodate the existing single-storey cottage, inclusive of suitable areas of private open space and provision for car parking. This is demonstrated by the photographs provided in the SoEE submitted with the application.*
- *The size and shape of proposed lot 331 is consistent with surrounding allotments and facilitates the construction of a dwelling house on proposed lot 332 consistent with the existing and desired future character of the locality.*

Council's Assessment of the Applicant Clause 4.6

The cl.4.6 (Exceptions to Development Standards) of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard, zone objectives and commentary on public interest. Overall, the proposal provides for the creation of x2 lots, each of which contain urban disturbed and cleared areas with existing services, adequate curtilage for future improvements, access, services infrastructure and landscaping. The subject site is not located in flood affected nor bushfire prone mapped areas respectively, which renders it more suitable for in-fill development.

It is also noted that R2 Low-density Residential under the draft Central Coast Local Environmental Plan which is currently due to come into effect, provides for the size of any lot resulting from subdivision of land is not to be less than the minimum size shown on the Lot Size Map. The minimum lot size for subdivision on the relevant map is 450sqm.

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

- 1 The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).

Comment: The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary having regard to various relevant decisions in the NSW Land and Environment Court and New South Wales Court of Appeal and how there are sufficient environmental planning grounds to justify the contravention. Council is satisfied that the matters required to be demonstrated in subclause 4.6(3)(a) have been adequately addressed for the variation to minimum subdivision lot size development standard.

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

- 2 The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment: In order to demonstrate if the proposal has merit, consideration of the proposed minimum subdivision lot size non-compliance regarding the objectives of the control contained within Clause 4.1 of GLEP 2014 is as follows:

- a) *to reflect State, regional and local planning strategies relating to the provision of various sizes of land,*
- b) *to ensure that the subdivision of land is compatible with the desired future character of the area,*
- c) *to promote the ecologically, socially and economically sustainable subdivision of land,*
- d) *to ensure that the creation of parcels of land for development occurs in a manner that protects the physical characteristics of the land, does not create potential physical hazard or amenity issues for neighbours, can be satisfactorily serviced and will, through its potential cumulative effects, not create capacity problems for existing infrastructure.*

The proposal is consistent with objectives in GLEP 2014 as follows:

- Subdivision of the land in the manner proposed will produce 2 urban residential housing sites that can be adequately accessed and serviced.
- The proposed vacant lot 332 contains adequate cleared curtilage to accommodate future dwelling, services infrastructure, and landscaping.
- The proposed undersized lot 331 with the existing dwelling house has sufficient land area to provide direct private access off Gheri Avenue, car parking and private open space.
- Subdivision of land in the manner proposed will conserve the existing dwelling house which in turn will contribute to maintaining the existing streetscape and neighbourhood character untouched. And any future dwelling on proposed lot 332 given the natural land contours (depressed by approximately 4m), the departure from development standards in respect of site area does not cause impacts off-site in terms of streetscape, nor diminution of residential character or landscape values.

As such,

- Variation in minimum site area in relation to Lot 331 does not give rise to any negative aspects in terms of the existing or likely/desired character of the locality or precedent.
- The proposal will not result in any additional ecological, social or economic sustainability impacts beyond the existing approval, and will be consistent with the approved use and development of the land.

4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision (contd)

- The proposed lots will reflect an already existing development, which will not change in appearance at the streetscape level and will not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.

The proposed development is consistent with the objectives for the R2 Low-density Residential zone as follows:

- i. The proposed subdivision will provide for in-fill development that will contribute to the housing needs of the Wamberal community within a low-density residential environmental setting.
- ii. The proposal will facilitate on-going low-density residential land use that provides housing opportunity that can be readily accessed and serviced to meet the day to day needs of residents.
- iii. The proposed subdivision will provide no design change or appearance of the streetscape and unlikely to affect the immediate neighbourhood character as such, is found to be retaining the aesthetic values and compatible with the future desired character of the area.
- iv. The proposal has the curtilage to accommodate best practice design without impacting on the amenity of adjoining residences nor create additional demands for services.

The assessment of the proposal against the objectives of the development standard and the R2 Low-density Residential zone confirms that the proposal complies with these objectives despite the variation.

- 3 The concurrence of the Secretary has been obtained.

Comment: Planning Circular PS 18-003 issued 21 February 2018 states that the consent authority may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The Central Coast Local Planning Panel is therefore empowered to determine the application.

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the development standard and the zone objectives such that the proposal is in the public interest. The contravention of the minimum subdivision lot size control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal. Strict compliance with the prescriptive measures of the control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

This assessment concludes that the clause 4.6 variation of GLEP 2014 provided having regard

**4.1 DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision
(contd)**

to clause 4.1(3) of GLEP 2014 is well founded and worthy of support.

Gosford Local Environmental Plan 2014 - 7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 5 Acid Sulfate Soils. The proposal will not impact on Acid Sulphate Soils.

Gosford Development Control Plan 2013

The *Gosford Development Control Plan 2013* (GDGP 2013) was considered during assessment of this application.

Chapter 2 Scenic Quality and Character

The proposal is subject to the provisions of *Gosford Development Control Plan (GDGP) 2013 Chapter 2.1 – Character* and clause 2.1.3 provides for the following objectives:

- 1 *Protect and enhance environmental character that distinguishes Gosford City's identity, and*
- 2 *Enhance the City's identity by development that displays improved standards of scenic, urban and civic design quality.*

The subject site is located within the Wamberal Character Precinct 6 – Open Woodland Hillsides –. The desired character statement for this locality (summarize) recommends that:

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 (contd)



Figure 6 – Gosford DCP 2013 Wamberal Character Zones

- These should remain low-density residential areas where the existing scenic quality and amenity of prominent hillsides are enhanced substantially by further “greening” of gardens and street verges in order to screen new development and to complement the open bushland canopy that surrounds most dwellings.
- Avoid disturbing natural slopes and trees by appropriate siting of structures plus low-impact construction such as suspended floors and decks, rather than extensive cut-and-fill. On the steeper sites, locate parking next to the street in structures that are designed to blend with their desired bushy setting. Avoid the appearance of a continuous wall of development along any street or hillside by locating buildings behind front and rear setbacks similar to their surrounding properties and providing at least one wide side setback or stepping the shape of front and rear facades.

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- *Minimise the scale and bulk of buildings by stepping floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms. For example, divide floorspace into linked pavilions that are separated by courtyards and capped by individual roofs. Front or rear facades that are taller than neighbouring dwellings should be screened by balconies, verandahs, stepped forms or extra setbacks. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves to disguise the scale of exterior walls.*
- *Minimise the scale of prominent facades by using extensive windows and verandahs plus a variety of materials and finishes rather than expanses of plain masonry. All dwellings should display a traditional "street address" with verandahs or decks and living rooms or front doors that are visible from the roadway. Avoid wide garages that would visually-dominate any front façade or block views from a dwelling to the street. Locate and screen all balconies or decks to maintain the existing levels of privacy and amenity that are enjoyed by neighbouring dwellings.*

The proposal does not change the use, layout or external appearance of the existing development and maintains the same approved building height bulk and scale. Subdivision of the land will remain low-density residential development on the site and will not impact on the character of the approved development or the character of the surrounding area.

Chapter 3.5 Residential Subdivision

Chapter 3.5 of GDCP 2013 provides guidelines for residential subdivision. In this instance the proposal is for subdivision to establish in-fill development for residential use land in the manner proposed will produce 2 urban residential housing sites that can be adequately accessed and serviced.

The proposed subdivision lot arrangement/orientation reflects it is consistent with the provisions and objectives of the controls notwithstanding variation to the minimum subdivision lot size of 550sqm (refer Table 2 for the extent of the variations) and minimum lot width of 14.15m (minimum lot width is 15.00m a maximum variation of 0.56% - merit based assessment) on land zoned R2 Low-density Residential required by Clause 3.5.3.2 Allotment Size.

The proposal seeks variation to the minimum 550sqm lot size development control which largely restates to clause 4.1 of GLEP 2014 minimum lot size requirement for the reasons outlined under clause 4.6 of GLEP 2014. The submitted clause 4.6 is considered well founded and is supported as stated within this report.

The assessment considers the proposal is consistent with the objectives of the controls and the variation is supported for the following reasons:

- An acceptable level of amenity for the existing and future residents is provided.
- The subdivision layout is done in an efficient and orderly manner, consistent with existing development.

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- All lots are satisfactorily serviced by infrastructure:
 - The proposal is consistent with the existing development within the site.
 - The proposed subdivision would not be generating a significant amount of traffic nor changing traffic movements.
 - Both resulting allotments contain vehicular access arrangements for the development to/from Gheri Avenue so as to not congest the existing the access provisions proposed with the subdivision.
 - However, a right of access is to be created with the proposed subdivision.
 - The proposed subdivision will require half road construction, a 1.5m wide kerb-side footpath and a minimum 2m wide footway formation across the frontage of the site. Proposed Lot 332 will require the construction of a vehicle crossing. Proposed Lot 331 has an existing vehicle crossing.
 - Stormwater from the site will be conveyed via an inter-allotment drainage system constructed within an inter-allotment drainage easement located within Lot 47 DP25382 and connecting to the existing piped system within Lucinda Avenue.
 - Appropriate easements are created on the proposed plan of subdivision.

6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned. **Refer Conditions 1.1, 3.5,4.4 & 4.8.**

6.7 Water Cycle Management

The provisions of *Gosford Development Control Plan (DCP) 2013 Chapter 6.7 Water Cycle Management* has been assessed by Council's Development Engineer and found to be satisfactory, subject to the imposition of suitable conditions of consent as contained in the recommendation. **Refer Conditions 1.1, 2.2 & 2.4.**

Other Matters for Consideration

Development Contribution Plan

The proposed development is subject to the provisions of the Central Coast Regional Section 7.12 Development Contributions Plan 2019. It is noted that development contributions are only levied where the proposed works exceeds \$100,000. In this instance, the proposed development is under \$100,000 therefore, no contribution levies are applicable.

Water and Sewer Requirements / Contributions

The proposal is supported by the Water Authority (Council). The development site is within the water and sewer service area.

The proposal will require:

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- Separate water meter and sewer connection point is required under the stratum Torrens subdivision for each lot.
- Separate water services and sewer junctions will be required for Torrens Title Subdivision. Easement to drain sewer benefiting proposed lot 331 will be required to ensure future structure will not impact the sewer service for proposed lot 331.

Water and sewer contribution, assessment and inspection fees shall apply to the proposal to obtain a 307 Certificate of Compliance under the Water Management Act 2000. **Refer Condition 2.5 & 5.7.**

Planning Agreements

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

Referrals

Internal Referral Body	Comments
Engineering	Supported, subject to conditions, refer Conditions 1.1, 2.2 – 2.4, 3.6, 3.7, 5.2 -5.11.
Tree Preservation Officer	Supported, without conditions
Water and Sewer	Supported, subject to conditions, refer Condition 1.1, 2.2 & 2.4.

Public Submissions

The development application was notified between 5 February and 26 February 2021 in accordance with the provisions of *Gosford Development Control Plan (GDGP) 2013*. A total of two (2) submissions were received by Council – both Objections.

Those matters associated with key issues have been addressed in the report here within.

The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979*.

A summary of the issues in the submissions in relation to the proposal are detailed below.

- *...I have concerns to my privacy as if a 2-storey dwelling was to go up it would be looking straight on to the back of my home and entertaining area. if they were told to put up a privacy screen then I fear I would lose my winter sun which would be devastating...*

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Comment: Noted. Given that the proposed lot 332 allotment size (610sqm) complies with the minimum subdivision lot size control of the GLEP 2014, the orientation of the site, the natural contours and existing vegetation, the proposed subdivision and likely future construction of a dwelling is not expected to result in inappropriate overlooking and overshadowing. Notwithstanding this, any future dwelling proposal has the spatial area and ability to achieve good site planning practice in order to not impact the adjoining properties to the east.

- *...Drainage - neighbours on the lower side of this have had ongoing drainage issues because of the Seabreeze development. Whilst reports might show otherwise, we have live with it...*

Comment: Noted. The proposal has been assessed by Councils Development Engineer and requires as conditions of consent civil works including but not limited to road and drainage works, storm water detention systems, pathway and kerb upgrades etc, to ensure an integrated water cycle management and water sensitive urban design in accordance with Council's Chapter 6.7 - Water Cycle Management of the Gosford Development Control Plan 2013. The proposal is supported subject to conditions.

- *... Noise - neighbours have had to endure an excess of noise due to the Seabreeze apartments and multiple families moving into a small area which was once very quiet, do we really need to cram any more buildings into this already congested part of Wamberal?...*

Comment: Noted. The proposal is not for high density in-fill development and as previously mentioned, it is considered that any future dwelling proposal has the spatial area and ability to achieve good site planning practice to not impact the adjoining properties in particular neighbouring properties to the east and south boundaries. As such, the resulting increase of one (1) additional allotment of land is considered to be a minor increase in density in planning terms. The proposal will be maintaining the low-density residential character of the prescribed R2 land zoning.

It is noted that amended plans were submitted responding to issues raised during Council Officers initial assessment. These amended plans (received by Council on 27 May and 2 June 2021 respectively) included amendments (engineering stormwater and covenants technical information) which did not alter the shape and size of the survey plan. Given the minor nature of alterations and/or technical information inclusion, the amended plans were not re-notified. In accordance with Section 7.3.3.10(c) of the *Gosford Development Plan (GDGP) 2013*, applications which have been amended do not require re-notification where '...the amendments will result in no additional impacts...'

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.

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The proposed subdivision will reflect and maintain an existing residential development and create additional residential in-fill development capacity which has been assessed and considered to not impact on the physical characteristics of the land, create any physical hazards or amenity issues for neighbours and will not create additional demand for services, nor capacity problems for existing infrastructure.

The proposed development will contribute to the supply of housing needs in the locality and is satisfactory from an economic perspective. No social impacts will arise from the approval of the proposed subdivision.

Suitability of the Site for the Development

The site is zoned R2 Low-density Residential under GLEP 2014. The proposal is generally in keeping with the provisions of GLEP 2014 and GDCP 2013. The proposal is for the subdivision into 2 allotments with an existing residential dwelling which will be retained and will create one additional residential in-fill development capacity beyond that already approved for the site consistent with other residential lots that are typical of the area.

The newly created vacant allotment 332 complies with the minimum subdivision lot size and has the spatial area and capacity to ascertain direct access off Gheri Avenue and for required services infrastructure. The newly created allotment 331 which contains the existing dwelling and undersized minimum subdivision lot size will continue to be consistent with the existing and desired future character of the area by maintaining its residential streetscape character in size, bulk and scale whilst also having the spatial capacity to ascertain direct access off Gheri Avenue, on-grade carparking, private open spaces and additional landscaping.

As such the site is considered suitable for this type of development subject to conditions of consent.

The Public Interest

The approval of the application is considered to be in the public interest. The proposal will not have any adverse impact on the natural or built environment and will not unreasonably impact the amenity of neighbouring properties and provide for the orderly and economic development of the land.

It is considered that the site is suitable for the proposed development, subject to the imposition of appropriate conditions of consent, as contained in the Recommendation. It is considered that the proposal is generally consistent with the existing pattern of subdivision in the immediate locality and will be consistent with the existing and desired future character of the area.

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The site area of the existing allotment in its present form is considered to be an under-utilised resource. The proposed in-fill development will provide for the housing needs of the community and additional housing on the site consistent with the zone objectives.

Political Donations

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

Conclusion

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

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

Reasons for the Decision

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

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

Attachments

1	Draft Conditions of Consent 8 Gheri Ave WAMBERAL DA60725 Part 1	D14922160
2	Updated Subdivision Plan 8 Gheri Avenue, WAMBERAL DA60725 Part 1	D14656775
3	Concept Engineering Design 8 Gheri Ave WAMBERAL DA60725 Part 1	D14656777
4	WCMP Report 8 Gheri Avenue, WAMBERAL DA60725 Part 1	Provided Under Separate Cover D14656776
5	PUBLIC Statement of Environmental Effects 8 Gheri Avenue, WAMBERAL DA60725 Part 1	Provided Under Separate Cover D14444243
6	Updated Clause 4.6 Submission to Minimum Allotment Size 8 Gheri Ave WAMBERAL Part 1	D14667387

1.1

*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*

Attachment 4

DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision

4.1

DA/60725/2021 - 8 Gheri Avenue, Wamberal - 1 into 2 Lot Subdivision
(contd)
