

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**11 April 2024**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Thursday 11 April 2024 at 2.00 pm,  
for the transaction of the business listed below:**

## **1 Procedural Items**

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## **3 Planning Reports**

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3.2 315 Greta Road KULNURA 2250 - Construction of a Machinery Shed & Ancillary  
Rural Supplies (Concrete Pipes & Structures) Operation .....69

3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground  
Swimming Pool Inclusive of Demolition of Site Structures ..... 116

Donna Rygate  
**Chairperson**

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

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**Central Coast**  
Local Planning Panel

11 April 2024 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 Services

**Central Coast**  
Local Planning Panel

11 April 2024 Local Planning Panel Meeting

Reference: F2020/02502 - D16133966

Author: Lisa Martin, Civic Support Officer Civic Support

### Summary



*The Minutes of the following Meeting 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 14 March 2024***

### Recommendation

***That the minutes of the previous Local Planning Panel Meeting held on 14 March 2024, which was endorsed by the Chair of that meeting, are submitted for noting.***

### Attachments

1   MINUTES - Local Planning Panel - 14 March 2024 D16108611





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**Local Planning Panel**

**Minutes of the**  
**Local Planning Panel Meeting**  
**Held Remotely - Online**  
**on 14 March 2024**

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**Panel Members**

Chairperson	Jason Perica
Panel Experts	Stephen Leathley Louise Menda
Community Representative/s	Geoffrey Mitchell

**Central Coast Council Staff Attendance**

Emily Goodworth	Section Manager, Employment and Urban Release
Ailsa Prendergast	Section Manager, Residential Assessments
K. Singh	Senior Development Planner, Residential Assessments
Mark Dowdell	Principal Development Assessment Engineer
Ryan Lennox	Senior Development Planner, Employment and Urban Release
Lisa Martin	Civic Support Officer
Briony Stiles	Civic Support Officer

The Chairperson, Jason Perica declared the meeting open at 4.05pm. The meeting was held by electronic means and concluded at 4.50pm.

**Apologies**

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

Minutes of the Local Planning Panel Meeting 14 March 2024 contd

PROCEDURAL ITEMS

1.1 Disclosures of Interest

*The Panel Members confirmed that they had signed a declaration of interest form in relation to each matter on the agenda. No conflicts of interest were identified.*

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

*The Panel noted the minutes of the previous Local Planning Panel Meeting held on 15 February 2024 were endorsed by the Chair of that meeting.*

PLANNING REPORTS AND DECISIONS

3.1 DA/1446/2021 - 77 Lake Road, Tuggerah - Earthworks and Associated Retaining Walls and Drainage Works

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Supplementary Memorandum dated 14 March 2024

Council Recommendation Approval

Panel Decision

1. *That the Local Planning Panel grant consent to DA/1446/2021 at Lot 345 DP 616389, 77 Lake Road, Tuggerah for Earthworks and Associated Retaining Walls and Drainage Works, subject to the conditions detailed in the schedule attached to the Council staff assessment report to the Panel, and with amendment to condition 4.6(a), deletion of Condition 3.14 and movement of condition 5.3 to another schedule, all as recommended in a subsequent memorandum from Council dated 14 March 2024, and having regard to the matters for consideration*

Minutes of the Local Planning Panel Meeting 14 March 2024 contd

*detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*

2. *That the Local Planning Panel support a variation to the drainage scheme identified in the Wyong District 7.11 Contributions Plan having regard to the matters for consideration detailed in the report (and subsequent memorandum dated 14 March 2024).*

**Reasons**

The Panel agreed with the reasons for approval as outlined in the assessment report and the subsequent memorandum dated 14 March 2024. The Panel noted the variation to the Contributions Plan (by not including an on-site wetland) would have no adverse financial impact upon the Council and noted advice it would not lead to adverse down-stream flooding outcomes.

The Panel noted there were no written submissions received by Council regarding the proposal.

**Votes**

The decision was unanimous

4.1 DA/668/2022 - 55 Mullbong Road, Blackwall - Subdivision into 2 Residential allotments

**Site Orientation**

Yes

**Relevant Considerations**

As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Supplementary Memorandum dated 14 March 2024

**Council Recommendation**

Approval

**Panel Decision**

1. *The Panel is satisfied that the applicant's clause 4.6 written request demonstrates that compliance with the Principal Development Standard associated with the subdivision of land, as prescribed by clause 4.1(3) of Gosford Local Environmental Plan 2014, would be unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify contravening that development*

Minutes of the Local Planning Panel Meeting 14 March 2024 contd

*standard.*

*Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives of the zone in which the development is proposed.*

2. *That the Local Planning Panel grant consent to DA/668/2022 for the proposed subdivision of Lot A DP 378115 No 55 Mullbong Road, Blackwall into Two (2) Residential Allotments, 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 relevant external authorities of the Panel's decision.*

**Reasons**

The Panel agreed with the reasons for approval as outlined in the assessment report, and noting additional information provided by Council staff.

The Panel noted there were no written submissions received by Council regarding the proposal.

**Votes**

The decision was unanimous

4.2 DA/1809/2022 - 15-17 Coral Street, The Entrance - Construction of a 6 Storey Shop Top Housing development with Basement Level carparking

**Site Orientation**

Yes

**Relevant Considerations**

As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Supplementary Memorandum dated 14 March 2024

**Council Recommendation**

Approval

**Panel Decision**

1. *The Local Planning Panel defer determination of*

Minutes of the Local Planning Panel Meeting 14 March 2024 contd

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***DA/1809/2022 – 15-17 Coral Street, The Entrance, for construction of a six (6) storey shop top housing development and basement level car parking, for subsequent determination of a Panel at a future meeting, comprising the same Panel members, as far as is practicable and as soon as practicable. This future meeting may be by electronic means. A further report is to be provided to that Panel that addresses the following matters:***

- (a) Confirmation the written consent of all owners of land to which the development application relates has been provided with the DA;***
- (b) The opportunity for the Applicant to dedicate the existing rear Right of Way to Council as a public road, like other sites to the east;***
- (c) Confirmation whether de-watering of the site is needed, and whether this would trigger the need for approval by WaterNSW;***
- (d) Removal of the ground level corner plater retaining wall and planting, with paving to match the footpath treatment, to improve sightlines for pedestrian and motorists;***
- (e) The willingness of the applicant to include EV charging points or stations in the basement parking spaces for units, to allow future charging of EV vehicles.***

**Reasons**

While the Panel was conceptually supportive of granting approval, there was a key uncertainty regarding whether the written consent of all owners of land “to which the development application relates” has been provided, particularly related to the vehicular access to and from the site potentially over adjoining land. The Panel also noted that a number of developments to the east have or will dedicate a rear Right of Way (“RoW”) as a public road, to allow public access and future extension of Farrell Lane, which seems an appropriate outcome for this site.

In terms of the ground level corner treatment, the intersection is a busy one and this has resulted in appropriate setbacks and corner treatment to the north. The Panel therefore supports the removal of Palms closest to the intersection and new street planting. For the same reasons, the proposed ground level planter box and retaining wall should be removed, with matching paving, which may also allow use as seating or dining, as long as it does not interfere with the intention of this condition

**Minutes of the Local Planning Panel Meeting 14 March 2024 contd**

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Other more minor matters warranted consideration and clarification, as outlined in the terms of the decision above.

The Panel noted there were no written submissions received by Council regarding the proposal.

**Votes**

The decision was unanimous

**Item No:** 3.1  
**Title:** DA/1974/2023 1 Yumbool Close Forresters Beach  
**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

11 April 2024 Local Planning Panel Meeting

Reference: DA/1974/2023 - D16102647  
Author: Gary Evans, Principal Health and Building Surveyor  
Section Manager: Wayne Herd, Section Manager Building Assessment and Certification  
Unit Manager: Andrew Roach, Unit Manager. Development Assessment

## Summary

An application has been received for a new dwelling, inground swimming pool and retaining walls, including the demolition of the existing dwelling (with the exception of the existing northern retaining wall and terrace) and swimming pool at 1 Yumbool Close Forresters Beach. The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* with the issues requiring attention and consideration being addressed in this report.

This development application is required to be reported to Local Planning Panel due to the development proposal attracting more than 10 unique submissions. The application was notified on two occasions with a total of 23 submissions received (with 5 of these being after the closing of the respective notification periods).

The application is recommended for approval, subject to conditions.

<b>Applicant</b>	Mr Michael Saiz
<b>Owner</b>	Mr Christopher Hajje
<b>Application No</b>	1974/2023
<b>Description of Land</b>	Lot 109 DP 16577 – 1 Yumbool Close Forresters Beach
<b>Proposed Development</b>	Demolition of Existing Dwelling Retaining Existing Northern Retaining Wall and Terrace Slab, Demolition of Existing Swimming Pool, New Dwelling, Inground Swimming Pool and Retaining Walls
<b>Site Area</b>	916.8m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Residential Dwelling
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$1,601,381

**Recommendation**

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

***Compliance with the Height of Buildings development standard would be unreasonable in the circumstances of this application because of the sloping nature of the block, and that there are sufficient environmental planning grounds to justify contravening the development standard.***

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

- 2     *That the Local Planning Panel grant development consent to DA/1974/2023 – 1 Yumbool Close Forresters Beach to construct the proposed dwelling and inground swimming pool inclusive of the demolition of existing dwelling and swimming pool retaining the existing northern retaining wall and terrace, subject to appropriate conditions as detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act and other relevant issues.***
- 3.    *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 Central Coast Local Environmental Plan 2022 in accordance with the provisions of clause 55 of the Environmental Planning and Assessment Regulation 2001.***
- 4.    *That Council advise those who made written submissions of the Panel's decision.***



### Precis

<b>Proposed Development</b>	Dwelling and Inground Swimming Pool (Inclusive of the Demolition of Existing Dwelling and Swimming Pool Retaining the Existing Northern Retaining Wall and Terrace).
<b>Permissibility and Zoning</b>	<p>The subject site is zoned <i>R2 - Low Density Residential</i> under the provisions of <i>Central Coast Local Environmental Plan 2022 (CCLEP 2022)</i>.</p> <p>The land contains an existing 'dwelling house' and an ancillary swimming pool which is defined under the Central Coast <i>LEP 2022</i> as;</p> <p><i>'dwelling house'</i> means – a building containing only one dwelling.</p> <p>The proposed development is best defined as a new dwelling and inground swimming pool inclusive of the demolition of existing site structures (retaining the existing northern retaining wall and terrace) and is permissible with consent in the current zone.</p>
<b>Current Use</b>	Dwelling House
<b>Integrated</b>	No
<b>Submissions</b>	<p>The development application was notified (in accordance with the provisions of the <i>Central Coast Development Control Plan 2022 (CCDCP 2022)</i>) on two separate occasions as follows: -</p> <p>First Notification period - from 27 October 2023 until 10 November 2023.</p> <p>During this period, a total of eleven (11) submissions were received, noting that two (2) submissions were received after the expiration of the notification period.</p> <p>Second notification period – from 16 February 2024 until 1 March 2024</p> <p>During this period, a total of twenty three (23) submissions were received, noting that five (5) submissions were received after the expiration of the notification period.</p>

### Key Issues

- The Local Planning Panel at its meeting of 9 June 2022, refused a prior development application for the subject site.
- The subject application displays a significant reduction in bulk and scale and building height to the prior refused application.
- The current application has attracted in excess of ten (10) submissions and accordingly, is required to be reported to the Local Planning Panel for determination.
- The current application seeks a variation to the permitted mapped 8.5 metre building height limit however, is consistent with all other development controls as required by Chapter 2.1 "*Dwellings, Secondary Dwellings and Ancillary Development*".
- The current development application is the subject of a Class 1 deemed refusal appeal, lodged with the Land and Environment Court.

## Proposed Variations to Plans and Policies

### Proposed Variations to Central Coast Local Environmental Plan 2022

<b>Clause</b>	4.3 (2)
<b>Standard</b>	Height limit of 8.5m.
<b>Departure basis</b>	The proposal seeks a maximum height of 9.089m. This represents a variation of 0.589m or 6.9% at the highest point.

### Proposed Variations to Central Coast Development Control Plan 2022 (Chapter 2.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures)

<b>Clause</b>	2.1.2.1(a)
<b>Planning Control</b>	Height limit of 8.5m (mapped)
<b>Departure basis</b>	The proposal seeks a maximum height of 9.089m. This represents a variation of 0.589m or 6.9% at the highest point.

## The Site

The site (Figure 1) is a single lot identified as Lot 109 DP 16577 - 1 Yumbool Close Forresters Beach. The site is located on the western side of Yumbool Close, falling moderately from the roadway to the rear of the allotment, having a total area of 916.8m<sup>2</sup>. The site contains an existing residential dwelling and an ancillary inground swimming pool which are to be largely demolished with the exception of the existing northern retaining wall and terrace, to make way for the new dwelling and inground swimming pool.

The subject site is zoned R2 - Low Density Residential under the provisions of CCLEP 2022 (Figure 4).

The site is mapped as bushfire prone land and the application is supported by a Bushfire Assessment Report.

## Surrounding Development

The subject site is surrounded by residential lots also zoned R2 – Low Density Residential. Surrounding allotments generally contain a mixture of older style multi storey dwellings interspersed with newer (and renovated) dwellings of predominantly two and three-storey design. On the opposite side of the roadway, is C1 National Parks and Nature Reserve zoned land. Surrounding residential lands are similarly sloping sites and this is reflected in the design and siting of the residential development contained upon those allotments.

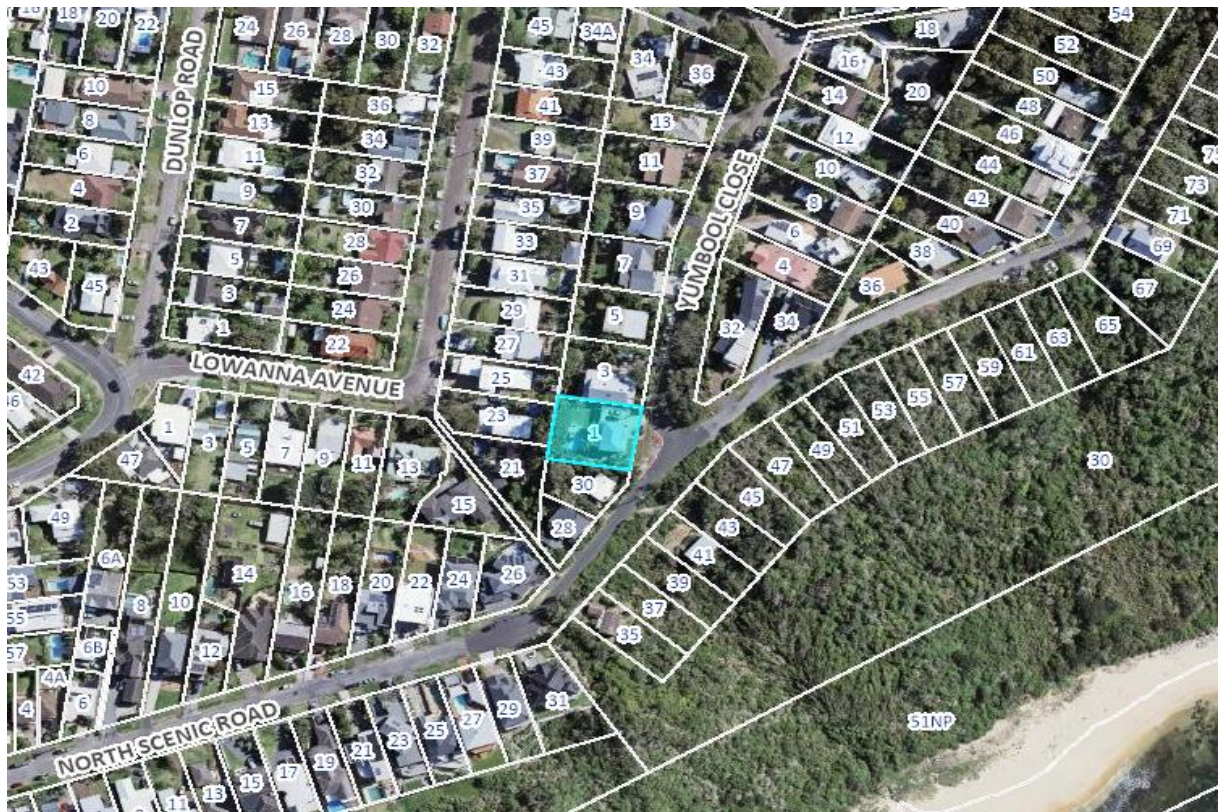


Figure 1: Aerial photograph of subject site with the site etched in blue.

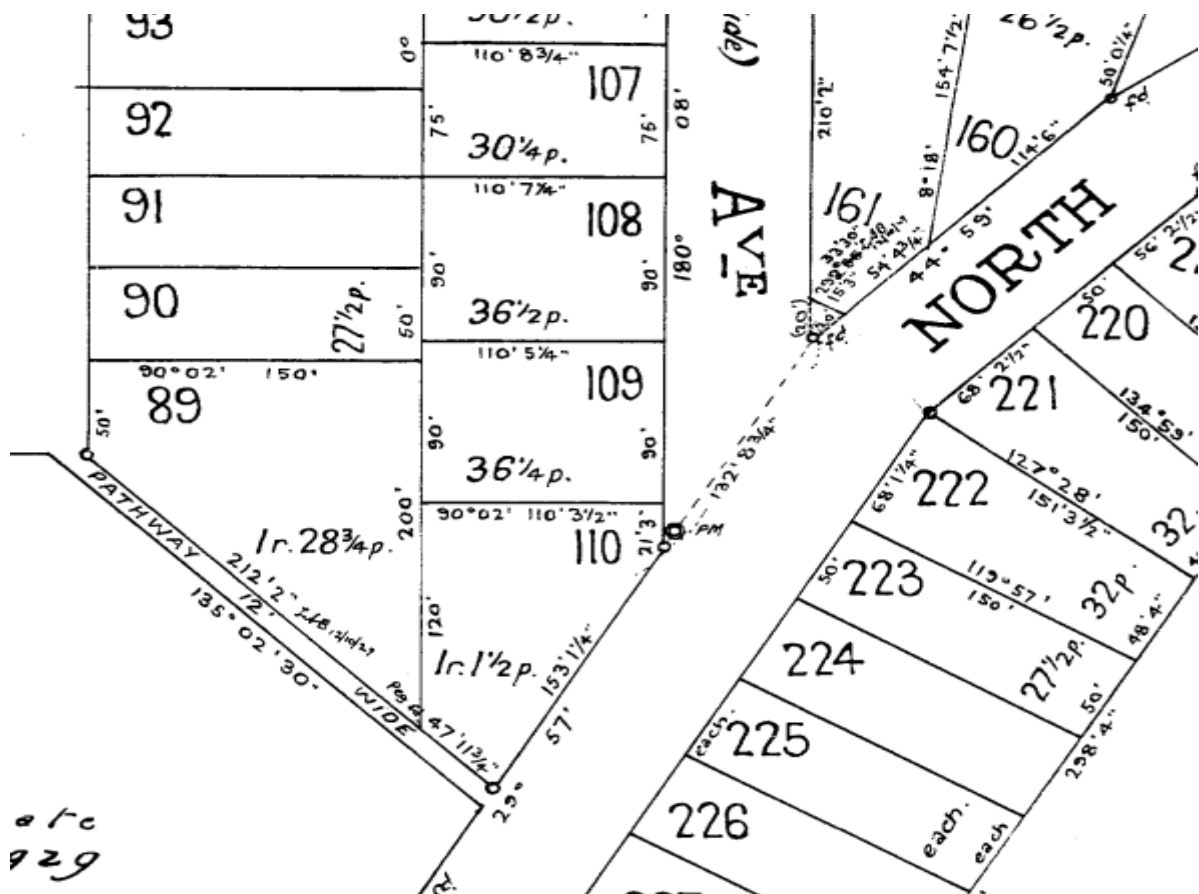


Figure 2: Deposited Plan extract showing Lot 109.





***Figure 3: The existing site condition as viewed from Yumbool Close***

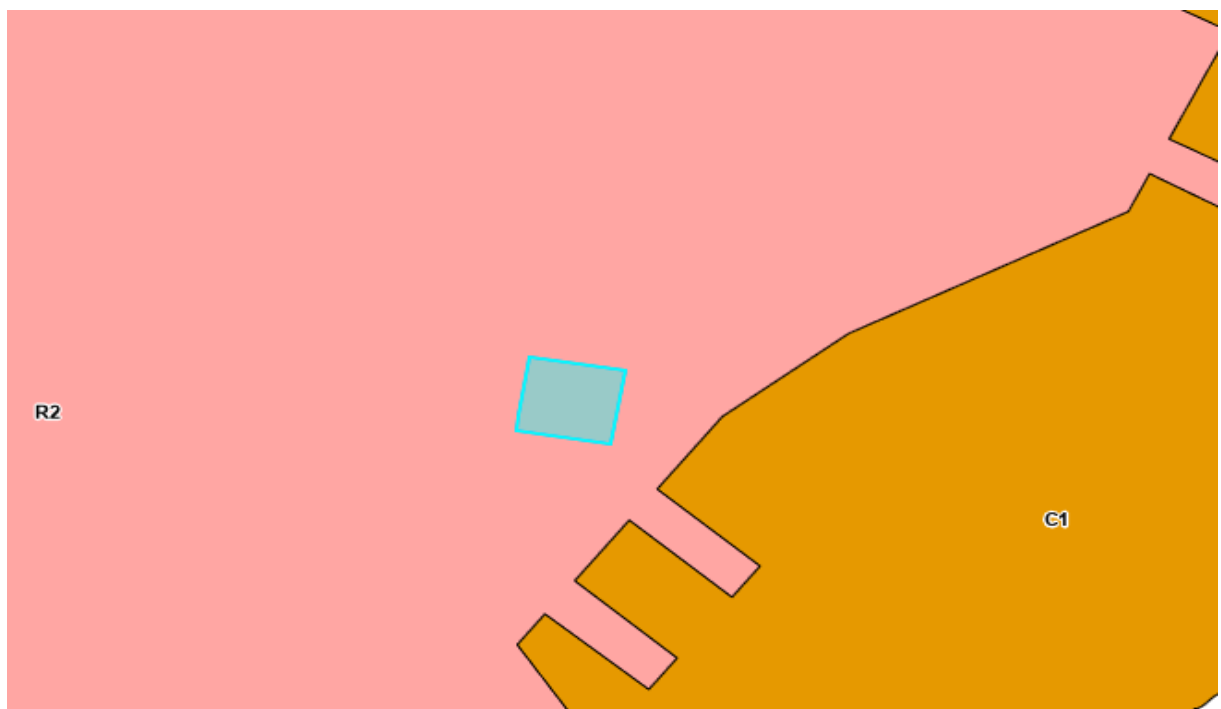


***Figure 4: The existing rear yard area, swimming pool to be demolished and three trees proposed for removal.***





**Figure 5: The existing dwelling rear elevation.**

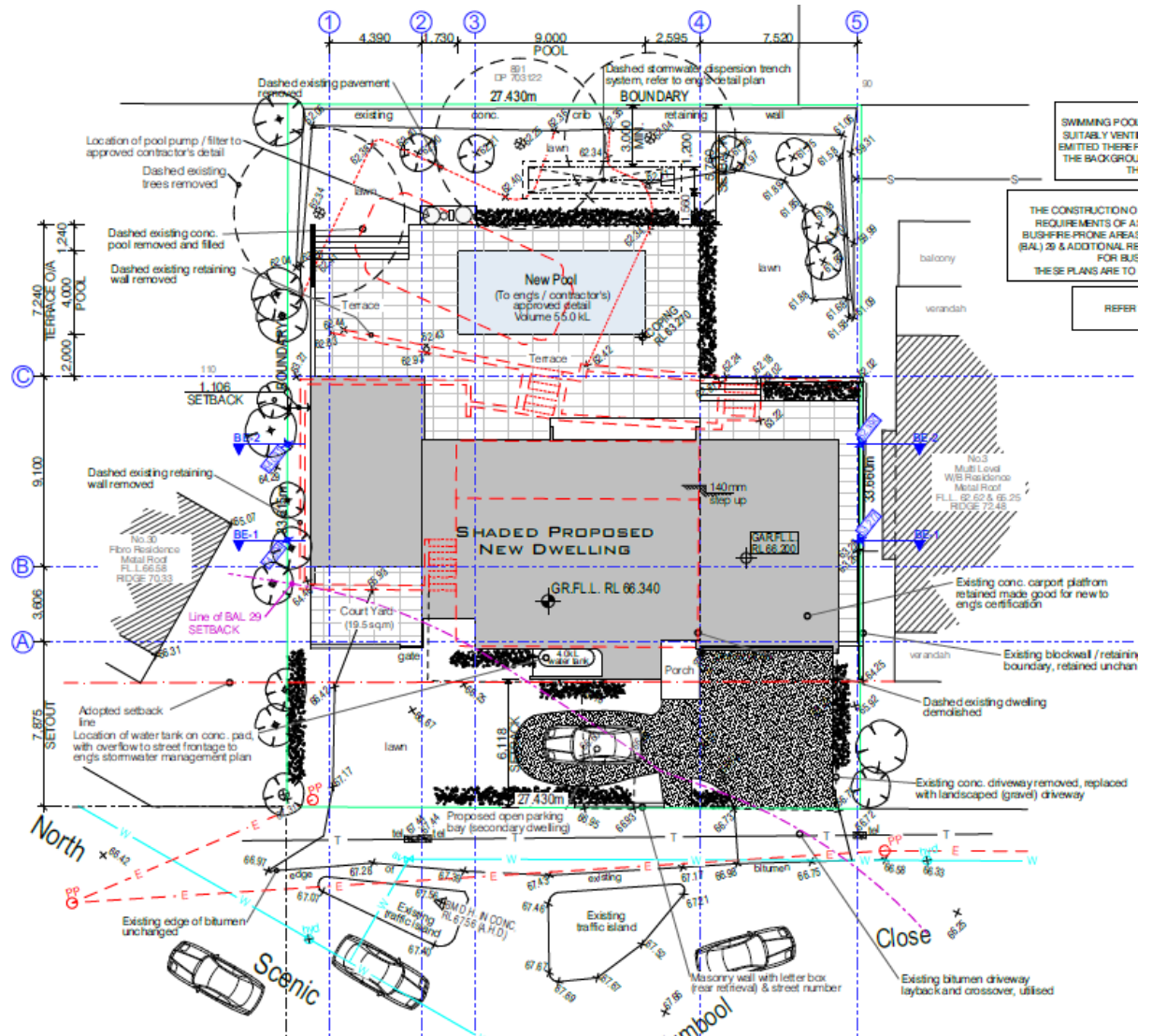


**Figure 6: Aerial photograph of subject site with zoning overlay**

### Site History

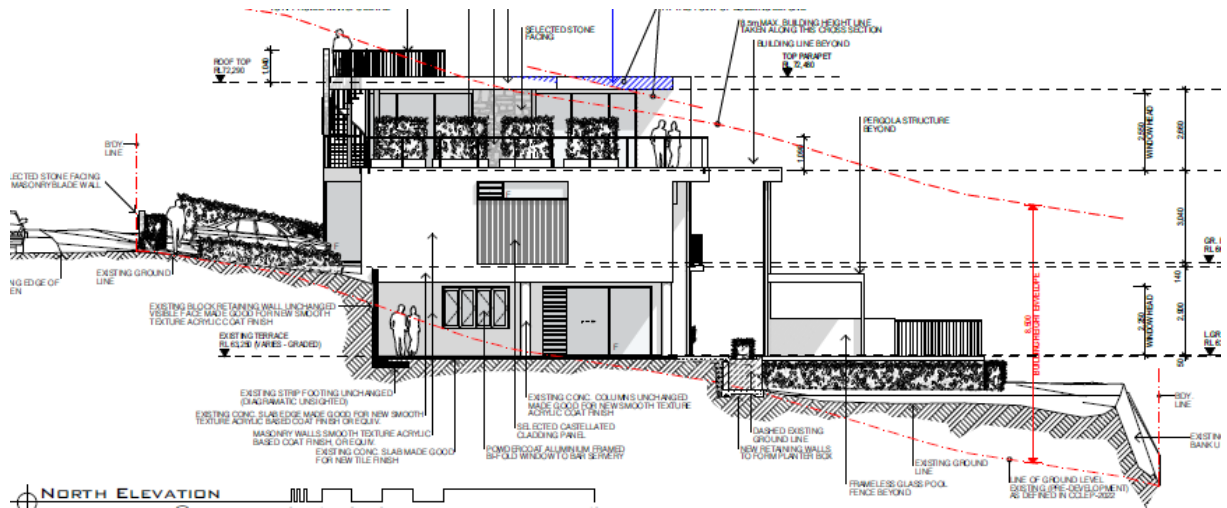
As indicated, the site has been the subject of a prior development application for a new dwelling and inground swimming pool. This application was considered by the Local Planning Panel at its meeting of 9 June 2022, with the application determined by refusal. A comparison of the prior development in relation to the current proposal is provided within the body of the report below.

The application seeks development consent for a new dwelling and inground swimming pool, inclusive of demolition of existing site structures, with the existing northern retaining wall and terrace to be retained. Site and elevation plans for the proposed development are detailed within Figures 7-11 below.

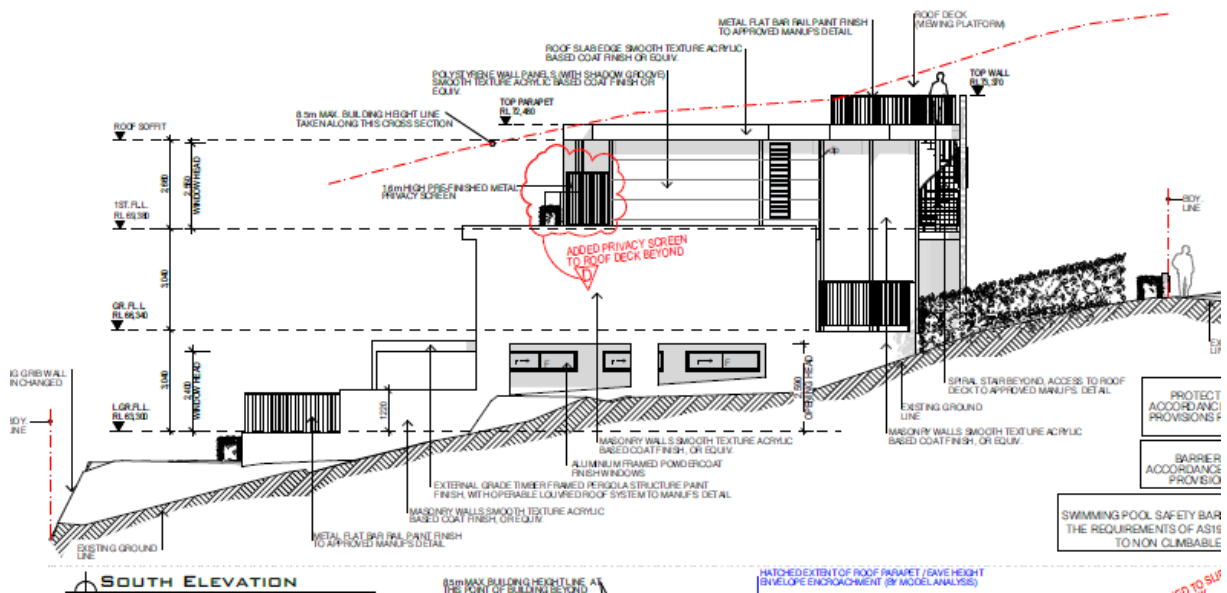


**Figure 7: Detailing the proposed site plan.**





**Figure 10: Detailing the proposed northern elevation.**



**Figure 11: Detailing the proposed southern elevation.**

## ASSESSMENT

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



**Environmental Planning and Assessment Regulation 2021 (Demolition)**

With regard to demolition work as part of a Development Application, clause 61 of the *Environmental Planning and Assessment Regulation 2021* provides additional matters that the consent authority must consider:

- (1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*

Comment: The works will be covered by the Australian Standard As 2601-2001 and is conditioned for compliance as per draft conditions (proposed condition 5.5).

A waste management plan has been submitted and accepted. Council is satisfied the necessary demolition works required to facilitate demolition and new dwelling and inground swimming pool construction, will occur in accordance with AS2601-2001.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

The relevant provisions of the SEPP are addressed as follows:

*Chapter 2 Coastal Management*

The aims of Chapter 2 are to be considered when determining an application within the Coastal Management Areas. The Coastal Management Areas are defined on maps issued by the NSW Department of Planning and Environment.

The site is located within the Coastal Environment Area as identified on these maps and subject to the provisions of Section 2.10 of the SEPP.

The development is not likely to have an adverse impact on the matters referred to in clause 2.10. The development is not considered likely to cause increased risk of coastal hazards on the site or other land and the site is not subject to the coastal management program for the purposes of Division.5. A summary of considerations is included below.

*Section 2.10 - Development on land within the coastal environment area*

In accordance with clause 2.10(1) development consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact (see table on following page for considerations).

<b>Matters for Consideration</b>	<b>Compliance</b>
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	The proposal is not likely to cause adverse impacts on the biophysical, hydrological, or ecological environment.
<i>(b) coastal environmental values and natural coastal processes</i>	The proposal will not impact on the geological and geomorphological coastal processes.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1</i>	The proposal will not result in an adverse impact on the water quality of the marine estate and does not drain to a sensitive lake contained in Schedule 1.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</i>	The proposal will not result in an adverse impact on native vegetation or fauna, undeveloped headlands, and rock platforms.
<i>(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,</i>	The site does not have frontage to any foreshore, beach, headland or waterways.
<i>(f) Aboriginal cultural heritage, practices and places</i>	There are no identified aboriginal cultural heritage items on the site.
<i>(g) the use of the surf zone.</i>	Not applicable. No frontage to any beach/surf zone.

There have been no adverse impacts identified in the consideration of Section 2.10(1) that would engage the further considerations under Section 2.10(2).

#### Chapter 4 – Remediation of Land

The provisions of SEPP (Resilience & Hazards), Chapter 4 (Remediation of Land) have been considered in the assessment of the development application.

Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A review of the land use history, aerial photographs and an inspection of the site has not revealed any evidence of potentially contaminating land uses being carried out on the site.

The development and the land is not otherwise mentioned in Subsection 4.6(4) and accordingly the provisions of Subsection 4.6(2) are not engaged by the proposal and consent may be granted.

The proposal is considered consistent with the provisions of Chapter 4 of the SEPP.

The Panel can be satisfied that proposed development under DA/1974/2023 complies with the provisions of Chapter 2 Coastal Management and Chapter 4 Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

### Central Coast Local Environmental Plan 2022 (CCLEP 2022) - Permissibility

The subject site is zoned *R2 - Low Density Residential* under the provisions of CCLEP 2022.

The proposed development is best defined as a 'dwelling house' which is defined under CCLEP 2022 as:

*'dwelling house' means – a building containing only one dwelling.*

The development, inclusive of the ancillary inground swimming pool, is permissible in the zone, with development consent.

### Central Coast Local Environmental Plan 2022 (CCLEP 2022) - Objectives of Zone

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 encourage best practice in the design of low-density residential development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
- To maintain and enhance the residential amenity and character of the surrounding area.

Following a detailed assessment of the proposed development and with the applicants written request to vary a development standard within CCLEP 2022, it is considered that the proposal is consistent with the stated objectives of the zone, providing housing consistent with the emerging character of the area and does not have adverse impacts on the locality.

### Central Coast Local Environmental Plan 2022 (CCLEP 2022) - Principal Development Standards

The proposal has been assessed in accordance with the relevant development standards of CCLEP 2022.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
Clause 4.3 Height of Buildings	8.5m	The proposal seeks a maximum height of 9.089m.	No	6.9%	Yes
Clause 4.4 Floor Space Ratio	Not mapped		N/A	-	-

**Central Coast Local Environmental Plan 2022 Clause 4.3 - Height of buildings**

The development proposes a variation to the maximum permitted height set out under clause 4.3 of CCLEP 2022 and is accompanied by a clause 4.6 written request to vary the development standard.

The proposed development seeks a variation to the height of the building of 0.589m or 6.9%. The proposed area of non-compliance is minor, located centrally within the rear portion of the dwelling. The non-compliance does not result in any adverse amenity impacts to surrounding development. Given the context and characteristics of the subject site, and the nature of the existing development, strict compliance with the maximum building height control is considered unreasonable and unnecessary in this instance. See comments below in relation to the applicant's clause 4.6 submission.



***Figure 12: Detailing the extent of parapet roof exceeding the 8.5 metre height limit.***



***Figure 13: Detailing the extent of parapet roof exceeding the 8.5 metre height limit.***



**Figure 14: Detailing the extent of parapet roof exceeding the 8.5 metre height limit.**

### **Central Coast Local Environmental Plan 2022 Clause 4.6 - Exceptions to Development Standards for Height**

The applicant seeks a variation to Clause 4.3(2) of Central Coast Local Environmental Plan 2022 in relation to the proposed maximum height of the dwelling (Figures 12, 13 & 14 above).

Clause 4.6 of CCLEP 2022 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.*

Clause 4.6(2) provides permissive power to grant development consent for a development that contravenes the development standard.

Clause 4.6 (3) of CCLEP 2022 requires consideration of the following:

*Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

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

In reviewing whether the proposed variation is unreasonable or unnecessary, and whether there are sufficient environmental planning grounds to justify contravening the variation, consideration of the objectives for maximum building height controls are relevant.

Clause 4.3(1) of CCLEP 2022 sets out two objectives pertaining to the building height development standard. The objectives and commentary in respect to compliance in relation to the proposed development:

- a) *to establish maximum height limits for buildings to enable appropriate development density*

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

- b) *to ensure that the height of buildings is compatible with the character of the locality*

Comment: The height exceedance relates to a minor rear roof projection located centrally within the dwelling. The building height is consistent with the existing dwelling ridge height and additionally numerous other dwellings within the Forresters Beach suburb within areas of the locality that display steeply sloping site topography.

#### Applicant's Written Clause 4.6 Request

Clause 4.6 (3) of CCLEP 2022 also notes that *"The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b)"*

The applicant has provided a detailed request to vary the mapped height development standard by the proposed 6.9%. In requesting the variation, the applicant has provided the following matters in support of the proposal.

- The design carefully considered the relevant impacts and objectives of the building height control, and that the contravention was purposely restricted centrally within the property to negate any significant environmental impact to the surrounding area.
- The proposed flat roof lines provide essential roof articulation and enhanced built form, creating architectural interest and merit, with a coastal contemporary style.
- The proposed parapet/eave overhang provides additional solar shade protection to living areas from the hot summer sun. Creating symmetry to the building form and providing adequate cover from inclement weather to terrace areas and associated glazing components.
- The portion of the roof parapet/eave that contravenes the building height standard, is considered minor and reasonable, as it diminishes within permissible heights with the bulk of the roof substantially founded within the 8.5m building height.
- Existing site topography rises quickly to reduce/ nullify the impact of the proposed minor building height contravention.
- The contravention substantially constitutes a minor portion of roof forming a parapet/eave overhang founded centrally within the property, with generous side

setbacks, with no direct known significant impact with regard to over shadowing to neighbouring residential properties.

- The property to the south (No.30 North Scenic Road) continues to receive 3 hours of sunlight between the hours of 9:00am and 3:00pm, with shadow analysis illustrating that the contravention has no bearing on shadow casting.
- Neighbouring properties on the south and north sides of the subject site, still retain uninterrupted panoramic distant hillside / coastal views, with no known significant impact created by the proposed contravention with regard to vista or privacy.
- The proposal comprises multiple flat roofs that respond to the height restrictions, with the building structure substantially founded within the building height restriction. The design with its reasonable contravention, provides a better outcome in respect to the built environment, introducing a quality architecturally designed dwelling, with a coastal contemporary style influence to the area.
- It is considered that the objectives of CCLEP-2022 clause 4.3 Height of Buildings and clause 4.3A Exceptions to height of buildings - general (1)(a), (b) and (c) have been satisfied by the proposed design, that achieves appropriate development density and a building height that is compatible with the character of the locality.

The applicant's submission is in accordance with the regulations and assessment considers it to have adequately addressed the provisions of clause 4.6(3)(a) and (b), as set out above.

The applicant's full clause 4.6 document request is included in Attachment 3.

#### Zone Objectives

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

The R2 Low Density Residential Zone objectives are as follows:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage best practice in the design of low-density residential development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
- To maintain and enhance the residential amenity and character of the surrounding area.

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

- Dwelling houses are permissible within the zone and satisfies the zone objective in terms of the provision of low-density residential development.
- The proposed dwelling design is considered in keeping with the existing

and desired future character of the area.

- The design of the dwelling incorporates suitable architectural design elements and incorporates sustainable design features.

The proposal meets the relevant zone objectives and does not cause view loss or significant additional overshadowing impact to the adjoining properties. The proposal is consistent with the objectives of the development standard, as noted above and approval of the development is therefore considered in the public interest.

In accordance with clause 4.6 (3), The consent authority can be satisfied the applicant has demonstrated that,

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

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

#### **Central Coast Local Environmental Plan 2022 – Clause 5.21 Flood Planning**

The site is not subject to flood planning controls.

#### **Central Coast Local Environmental Plan 2022 – Clause 7.1 Acid Sulfate Soils**

The site is mapped as not mapped as containing acid sulfate soils.

#### **Central Coast Local Environmental Plan 2022 – Clause 7.6 Essential Services**

Development consent must not be granted to development unless the consent authority is satisfied that all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- a) the supply of water
- b) the supply of electricity
- c) the disposal and management of sewage
- d) stormwater drainage or on-site conservation
- e) suitable vehicular access
- f) the collection and management of waste

The Panel can be satisfied that the proposed development complies with the provisions of clause 7.6 and adequate servicing arrangements have been made for the proposed development.



## Central Coast Development Control Plan 2022

### Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

An assessment against the provisions of Chapter 2.1 of CCDCP 2022 is included in the table below:

<b>Chapter 2.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 2.1.2.1(a) Building Height	8.5m building height by virtue of LEP mapping	9.089m	<b>No</b> – see comments elsewhere in this report
Clause 2.1.2.1(c) Building Height	2 Storeys / 3 Storeys Steeply Sloping	3 Storeys	<b>Yes</b> – due to slope of land
Clause 2.1.2.2 Site Coverage	Maximum 50% site coverage	27.5%	Yes
Clause 2.1.2.3 Floor Space Ratio	0.5:1 - where mapped (site is not mapped)	N/A	N/A
Clause 2.1.3.1a – Front Setback	Average of the adjoining dwellings located within 40.0 metres of the allotment	6.118m	Yes
Clause 2.1.3.1b – Rear Setback	For any part of a building located above 4.5 metres in height – 6.0m	13.0m	Yes
Clause 2.1.3.1c – Side Setback	0.9m plus one quarter of the building height located above 4.5m	1.8m (maximum southern elevation) 1.65m (maximum northern elevation)	Yes
Clause 2.1.3.3.1 Articulation Zones	Elevations within 7.5m of and facing a primary road shall have no unbroken lengths of walls exceeding 10.0m	Less than 10.0m	Yes
Clause 2.1.3.3.2 Garage Door Articulation	Width of garage doors is not to exceed 60% of the width of the building	20%	Yes
Clause 2.1.4.1	To encourage view sharing between properties	No impact on views	Yes
Clause 2.1.4.2 Visual Privacy	To minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Given site topography and distances to side and rear boundaries, the proposal is considered to meet the requirements of this clause.	Yes
Clause 2.1.4.3 Private Open Space Areas	Minimum 24.0m <sup>2</sup> Minimum dimension 3.0m	In excess of 24.0m <sup>2</sup> In excess of 3.0m	Yes Yes

### 3.1

### DA/1974/2023 1 Yumbool Close Forresters Beach (contd)

<b>Chapter 2.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 2.1.4.4 Sunlight Access	On 21 June 50% of required principal open space for all dwellings should receive 3 hours unobstructed sunlight access between 9am and 3pm.	In excess of 3.0 hours	Yes
	On 21 June 50% of required principal open space on adjoining land should receive 3 hours unobstructed sunlight access between 9am and 3pm.	In excess of 3.0 hours	Yes
Clause 2.1.5 – Car Parking and Access	2 car spaces	2+ car spaces	Yes
Clause 2.1.6.1 Earthworks	Maximum cut 1.0 metre if within 1.0m of side or rear boundary	Less than 1.0m	Yes
	Maximum 3.0m cut if in excess of 1.0m from side or rear boundary	Less than 3.0m	Yes
	Fill must not exceed 1.0m above existing ground surface level	Less than 1.0m and contained within the building envelope	Yes
Clause 2.1.6.2 Retaining Walls and Structural Support	Retaining walls in excess of 600mm height to be the subject of structural engineer's design	Reinforced blockwork proposed subject to structural engineers design	Yes – subject to condition of consent
Clause 2.1.6.3 Drainage	To street/on-site disposal system	Stormwater to be drained in accordance with hydraulic engineer's design	Yes – subject to condition requiring compliance with design plan.
Clause 2.1.7.3 Swimming Pools	To be located behind required primary road setback	Positioned in rear yard	Yes
	Comply with side and rear setbacks for ancillary development	Side and rear boundary setbacks exceed 900mm	Yes
	Filter equipment to be adequately positioned/sound insulated	Filter equipment to be sound insulated	Yes

#### DCP Chapter 2.1.2.1(a) Building Height

The applicant seeks a variation to the proposed maximum height of the dwelling. In this regard, the proposal seeks a maximum overall height of 9.089m. The variation proposed is 6.9%.

An assessment of the building height has been carried out under CCLEP 2022 and CCDCP 2022. The proposed building height variation is required for functionality, will be consistent with the height of the existing building (existing ridge height RL 72.63 metres, 72.48 metres proposed) and with heights of other buildings in proximity to the allotment and throughout the Forresters Beach suburb. The proposal meets the relevant zone objectives and does not cause view loss impact or contribute to significant overshadowing to the adjoining properties.

It is considered the applicant's request to vary the development standard would be consistent with the height and scale of other dwellings within the immediate area. In addition, the development would not impose any unreasonable level of detrimental impact on the amenity of residents in nearby dwellings.

#### DCP Chapter 2.14 Waste Management

A Waste Management Plan has been submitted in support of the proposed development.

The proposal has demonstrated compliance with this chapter of the CCDCP 2022 and associated Waste Control Guidelines. Appropriate conditions are included in the development consent.

#### DCP Chapter 2.17 – Character and Scenic Quality

The site is located within the *Forresters Beach 3: Prominent Open Hillside* Character precinct.

The new development does not dominate the landscape setting and it is considered that improved standards of scenic-and-urban design quality are achieved by the dwelling. The swimming pool and retaining walls are below street level to the side and rear of the dwelling footprint would otherwise visibly compromise the desired leafy hillside character.

The design avoids disturbing natural slopes by use of low-impact construction such as suspended floors and retaining the existing northern retaining wall and terrace slab, with cut and fill being compliant with the relevant development controls. Avoidance of the appearance of a continuous wall of development along any street or hillside is controlled by locating the dwelling at a consistent setback to the adjoining dwellings and providing stepping of the shape of the front and rear facades.

Minimisation of the scale and bulk of the building is achieved by stepping floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms. The front and rear facades that are taller than neighbouring dwellings are screened by balconies, veranda's, stepped forms and additional setbacks. The roof design is a parapet/flat design to minimise the height of ridges and flanked by eaves to disguise the design.

Minimisation of the scale of prominent facades has been achieved via the use of extensive windows and veranda's plus a variety of materials and finishes rather than expanses of plain masonry. The dwelling displays a traditional "street address" of a two-storey design with veranda's or decks and living rooms or front doors that are visible from the roadway. There are no wide garages that would visually-dominate any front façade or block views from dwellings to the street. The location and screening of balconies or decks maintains the existing levels of privacy and amenity that are enjoyed by neighbouring dwellings. The suburb has many examples of similar scale and style buildings on steep sites.

DCP Chapter 3.5 Tree and Vegetation Management

The proposal includes the removal of three (3) planted trees within the rear portion of the site, consisting of two Brush Box and one Lilly Pilly all being approximately 6.0 metres in height. The two Brush Box have been planted against the existing rear “crib” retaining wall structure and have no available root zone to the west given their proximity to this wall.

This is considered undesirable by Council’s Tree Management Officer, noting that the proposed works will impact upon the Brush Box remaining supporting root structure. Additionally, it has been noted that the Lilly Pilly has been severely pruned.

In the circumstance therefore, tree removal is supported by staff subject to the provision of a condition requiring the provision of replacement tree’s within an appropriate location of the allotment, as indicated within condition 6.2 of the draft consent.

DCP Chapter 3.7 Geotechnical Requirements for Development

A small portion of the site adjoining the southern allotment boundary is mapped as being subject to medium hazard landslip. The development proposal, despite the minor portion of the site being mapped for landslip and this area not displaying any evidence of landslip, has been supported by a geotechnical report addressing the sites ongoing stability. The provision of this report is considered to address the potential landslip site constraint.



**Figure 15: Detailing the portion of the site subject to medium hazard landslip.**

### DCP Chapter 6.3 Erosion Sedimentation Control

Appropriate siltation control to proposed to be conditioned within the issued development consent.

## **The Likely Impacts of the Development**

### Built Environment

Given the position of the proposed dwelling and garage on the allotment and comparison of bulk and scale with other dwellings, the proposal is considered suitable with regard to the context and setting of the subject site and is considered to be in keeping with the character of the area.

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of the CCLEP 2022 and CCDCP 2022 compliance. It is considered on balance that the potential impacts are considered reasonable.

### Natural Environment

The proposal involves some minor site excavation given the site's sloping topography, noting that the site has been the subject of prior excavation and retaining wall construction. Additionally, some tree removal is required, however this has been assessed as being reasonable given the existing site conditions. Whilst there is some impact upon the natural environment, this is considered reasonable.

### Context and Setting

The proposal is located within the R2 Low Density Residential land under CCLEP 2022 and the Forresters Beach character area under Chapter 2.17 of the CCDCP 2022. The proposal provides a new dwelling and ancillary swimming pool in a residential zone and is consistent with the objectives of the R2 land use. In addition, the proposal is considered consistent with the desired character for future development within the *Forresters Beach 3: Prominent Open Hillsides* Character precinct of CCDCP 2022.

### Economic and Social Impacts

The proposal will provide minor economic benefit through the provision of temporary employment during the demolition and construction period. Socially, the proposal does not give rise to any adverse environmental impacts in respect to overshadowing or view impacts within either the public or private domain. There is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the maximum height of building development standard.

## The Suitability of the Site for the Development

### Bushfire Considerations

Section 4.14 of the *Environmental Planning and Assessment Act 1979* requires consultation with NSW Rural Fire Service and/or compliance with bushfire requirements from *NSW Planning for Bushfire Protection 2019* in relation to some types of development of residential land, as follows:

*(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*

*(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements)*

Comment: The site is mapped as bushfire prone land. The application is supported by a Bushfire Assessment Report, reference 211493B revision 2, prepared by Building Code and Bushfire Hazard Solutions, dated 29 May 2023.

The report concludes the bushfire attack level (BAL) design specification for the development to be BAL 29.0, as outlined in AS3959 – 2018 Construction in Bushfire-prone Areas and the NSW RFS's *Planning for Bushfire Protection 2019*. The recommendations of this report are supported and are included in the draft conditions of development consent.

In accordance with Section 4.14 (1)(a), the Panel can be satisfied the development is compliant with *Planning for Bushfire Protection 2019*.

### **Submissions**

As indicated, the development application was notified in accordance with the provisions of Chapter 1.2 "Notification of Development Proposals" of *Central Coast Development Control Plan 2022* on two separate occasions as follows: -

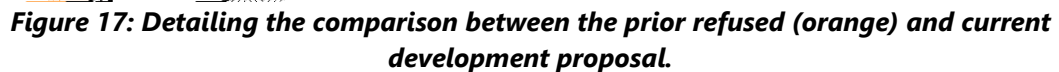
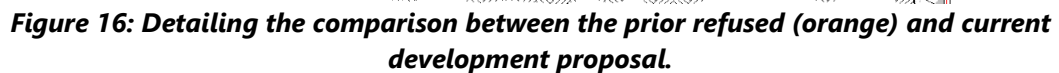
- First round of notification - from 27 October 2023 until 10 November 2023.

During this period, a total of nine (9) submissions were received. An additional two (2) submissions were received after the notification closing date.

- Second round of notification – from 16 February 2024 until 1 March 2024.  
Renotification of the development application occurred as a result of the applicant

## Submission Concerns

- Figures 16 and 17 below provide a comparison between the current development proposal and the prior development refused by the Panel at its meeting of 9 June 2022.





- Concerns – Inconsistency with Desired Future Character Statement

Comment: The site is located within the *Forresters Beach 3: Prominent Open Hillside* character precinct. As has been indicated within this report, the development proposal is considered in keeping with the areas desired future character and is therefore considered acceptable.

- Concerns – Building Height Variation

Comment: The proposal includes a minor variation to the mapped 8.5 metre building height limit. This variation occurs to a minor roof projection atop the upper-level rear deck area. The required area of variation is located centrally within the building and located significantly distant to both the rear and side allotment boundaries. As such and in accordance with prior discussion within the report, the proposed building height is considered acceptable in the location.

- Concerns – Excessive Site Coverage

Comment: The proposed development seeks a site coverage of 27.5%, being far less than the 50% permitted by Chapter 2.1, noting the specific areas of the dwelling excluded from site coverage calculations. This includes external deck areas, unenclosed terrace areas, the swimming pool and driveway access.

Additionally, the site under the provisions of Central Coast Local Environmental Plan 2022, is no longer mapped for Floor Space Ratio.

- Concerns – Overshadowing Impact

Comment: The proposal complies with all required setback criteria as set by Council's Chapter 2.1. Shadow diagrams submitted in support of the development proposal, indicate that a minimum of 3.0 hours of sunlight is capable of being provided to the adjoining dwelling's (30 North Scenic Road) principal open space areas on 21 June. The proposal is therefore considered acceptable in terms of overshadowing impact.

- Concerns – The proposed Dwelling is a Dual Occupancy

Comment: Within the amended development plan set, the secondary dwelling component has been deleted from the development proposal. The proposed development is for a single dwelling only.

- Concerns – Lack of Carparking

Comment: The proposal provides a minimum of two required carparking spaces behind the building line and is therefore compliant with carparking provisions of Chapter 2.1, for a dwelling containing four or more bedrooms. Further, an additional two vehicles can be

accommodated upon the hardstand driveway access between the garage structure and primary road boundary. The proposal therefore exceeds the requirements for off street carparking.

It is to be further noted that the proposed garage has an internal dimension of 9.65 metres lengthwise providing significant additional space for storage.

- Concerns – Privacy Impacts

Comment: The proposed roof top terrace is minor in nature being some 20.0 square metres in area and located centrally within the front portion of the dwelling. Additionally, other external deck and terrace areas are considered sufficiently located to minimise privacy impacts to the adjoining dwellings. In this regard, the areas sloping topography and positioning of adjoining dwellings principal open space and living areas, is considered to render the proposal compliant with the objectives and specific requirements of Council's Chapter 2.1.

Further, the existing dwelling contains significant elevated external deck and terrace areas that are to be largely replicated in terms of the current development proposal.

- Concerns – Tree Removal

Comment: Tree removal has been reviewed internally by Council's Tree Assessment Officer and found to be acceptable in the location, primarily as a result of stability concerns stemming from the trees proximity to the existing rear "crib" wall retaining structure.

Additionally, at the request of the assessing officer, an arborists assessment has also been carried out in terms of the impact of site excavation adjoining the southern allotment boundary on vegetation located within the adjoining property being 30 North Scenic Road. This assessment has concluded that site excavation will minimally impact this existing vegetation.

- Concerns – Drainage

Comment: The proposed development is supported by a concept stormwater management plan prepared by a hydraulic engineer. This plan indicates that stormwater from some portions of the roof of the dwelling will be directed to the street, whilst other run-off from hard surface areas, will be directed to an appropriately designed and located rear on-site absorption system. Upon review, this plan is considered acceptable with the issue of stormwater disposal to be adequately managed.

Compliance with the submitted stormwater management concept plan forms a condition of the draft consent (condition 6.6).

- Concerns: Geotechnical Matters

Comment: The development proposal has been supported by a geotechnical assessment report providing an assessment of the sites ongoing stability. This report also provides recommendation on foundation design and other matters. Upon review this report is considered to address any concerns regarding ongoing site stability.

Compliance with the submitted geotechnical report forms a condition of the draft consent (condition 5.6).

- Concerns: Structural Adequacy of Existing Retaining Walls

Comment: At the request of the assessing officer, a structural assessment of the existing northern and rear "crib" retaining walls has been undertaken. This assessment has determined that the existing retaining walls are structurally adequate. Additionally, the impact of the proposed rear stormwater absorption trench has also been reviewed, with the trench location considered to not undermine the integrity of the existing retaining wall.

- Concerns: Impact upon Pedestrian Safety

Comment: The proposal is not considered to impact upon pedestrian safety. In this regard, no works other than the provision of an upgraded vehicular access crossing are proposed within the road reserve to the property frontage.

A number of other submission concerns were received however, the matters raised related primarily to off site matters inclusive of road width, parking in the locality and other matters that are not specifically considered relevant to the site and its redevelopment.

### **Contributions**

The proposed development is not a development type that is subject to Section 7.11 or Section 7.12 development contributions. Therefore, no contributions are applicable.

The proposed development is not subject to water and sewer contributions.

### **Planning Agreements**

The proposal is not subject to a Planning Agreement or draft Planning Agreement.

### **Political Donations**

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

**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered 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 proposal have been considered by Council as part of the assessment of the application.

The 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 and withstand any resultant impacts. The proposed development is considered satisfactory in relation to climate change.

**The Public Interest**

The proposed development is seen to be in the public interest by providing assurance that the subject land can be developed in proportion to its site characteristics.

**Conclusion**







The development application has been assessed having regard for the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Following a thorough assessment of the relevant planning controls and the key issues identified in this report it is considered that the application can be supported because:

1. The Panel can be satisfied the application has been assessed against the requirements of Section 4.14 of the *Environmental Planning and Assessment Act 1979* in relation to bushfire prone land.
2. The Panel can be satisfied that the proposed development is considered satisfactory having regard to the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The application has been assessed against the requirements of clause 61 of the *Environmental Planning and Assessment Regulation 2021* in respect of demolition.

4. The Panel can be satisfied that the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2 Coastal Management, sections 2.10, 2.11 and 2.15 have been considered and satisfied.
5. The Panel can be satisfied that the proposed development is consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.
6. The Panel can be satisfied the proposed development meets the objectives related to the building height development standard contained in *Central Coast Local Environmental Plan 2022*.
7. The Panel can be satisfied the requirements of clause 4.6 (3) of *Central Coast Local Environmental Plan 2022* have been satisfied and that variation to the maximum building height provisions of the *Central Coast Local Environmental Plan 2022* is warranted.
8. The Panel can be satisfied the applicant has demonstrated that,
  - *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - *there are sufficient environmental planning grounds to justify the contravention of the development standard.*
9. The Panel can be satisfied that the provisions of clause 7.6 Essential Services of *Central Coast Local Environmental Plan 2022* have been considered and satisfied.
10. The Panel can be satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.
11. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse environmental, social or economic impact.

As such, the application is recommended for approval in accordance with Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, subject to recommended conditions detailed in the Attachment 1.

**Attachments**

- |  |   |           |
|--|---|-----------|
| <b>1</b>  | Draft - Development Application Consent - 1 Yumbool Close,<br> FORRESTERS BEACH NSW 2260 - DA/1974/2023 - Central Coast<br>Council | D16104621 |
| <b>2</b>  | Architectural Plan Set - D - 1 Yumbool Close Forresters Beach<br> DA/1974/2023   | D16050691 |
| <b>3</b>  | PUBLIC - Updated Clause 4.6 Variation Request - Building Height - 1<br> Yumbool Close FORRESTERS BEACH - PAN-376702 - DA/1974/2023 | D16065135 |

## DRAFT - Notice of Determination of a Development Application

issued under the *Environmental Planning and Assessment Act 1979*  
Sections 4.16, 4.17 and 4.18(1)(a)

**Development Application No:** DA/1974/2023  
**Applicant:** Mr M Saiz  
**Property Address:** Lot 109 DP 16577  
1 Yumbool Close, FORRESTERS BEACH NSW 2260  
**Proposal:** Dwelling, Inground Swimming Pool and Retaining Walls Including  
Demolition of Existing Dwelling and Swimming Pool with  
Retention of Northern Retaining Wall and Terrace

### 1. PARAMETERS OF THIS CONSENT

#### Approved Plans and Supporting Documentation

- 1.1 Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
A-00	D	Cover Sheet	Zias Building Design	29/1/24
A-01	D	Site Plan	Zias Building Design	29/1/24
A-01.2	C	Shadow Diagram	Zias Building Design	29/1/24
A-01.3	C	Shadow Diagram	Zias Building Design	29/1/24
A-02	C	Lower Ground Floor Plan	Zias Building Design	26/9/23
A-03	D	Ground Floor Plan	Zias Building Design	29/1/24
A-04	D	First Floor Plan	Zias Building Design	29/1/24
A-05	D	Roof Plan	Zias Building Design	29/1/24
A-06	C	Elevation Plan	Zias Building Design	26/9/23
A-07	D	Elevation Plan	Zias Building Design	29/1/24
A-08	C	Window Schedule	Zias Building Design	29/1/24

A-09	B	Section Plan	Zias Building Design	26/9/23
A-10	C	Building Envelope Plan	Zias Building Design	26/9/23
A-10.2	A	Height Envelope Perspective	Zias Building Design	26/9/23

Document Title	Version No.	Prepared by	Dated
BASIX Certificate	1404343S_04	Energi Thermal Assessors Pty Ltd	26/9/23
Bushfire Assessment Report	211493B	Building Code and Bushfire Hazard Solutions Pty Ltd	29/5/23
Geotechnical Stability Assessment Report	16282 Revision 0	Positive Fix Pty Ltd	May 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 1.1. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.2. Comply with all commitments listed in the BASIX Certificate for the development as required under Clause 97A of the *Environmental Planning and Assessment Regulation 2000* **OR** Section 75 *Environmental Planning and Assessment Regulation 2021*.

## 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. Assessment of the development against the provisions of Planning for Bush Fire Protection (2019) (NSW) has determined a Bush Fire Attack level (BAL) of 29.0.

Submit to the Registered Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2018: *Construction of buildings in bush fire prone areas and (where applicable) the additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of Planning for Bush Fire Protection (2019) (NSW).*

- 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. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

### 3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

No Conditions

### 4. PRIOR TO COMMENCEMENT OF ANY WORKS

- 4.1. All conditions under this section must be met prior to the commencement of any works.
- 4.2. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
- 4.3. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 4.4. 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.
- 4.5. 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.

- 4.6. 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.
- 4.7. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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

- a) more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*. 4.8. Appoint a Principal Certifier for the building work:

- a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 4.9. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a) The name, address and telephone number of the Principal Certifier for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 4.10. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

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

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

## 5. DURING WORKS

- 5.1. All conditions under this section must be met during works.
- 5.2. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 5.3. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
  - "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
  - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES"
  - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 5.4. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifier.
- 5.5. 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.
- 5.6. Implement all recommendations of the geotechnical report listed as supporting documentation in this development consent. Furthermore, the geotechnical engineer must provide written certification to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report.
- 5.7. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 5.8. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

"relic" means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance

- 5.9. 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.
- 5.10. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 5.11. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). 5.12. 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*.

## **6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

- 6.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 6.2. Plant a minimum two (2) replacement tree (advanced specimen min 25lt pot size) within the property. Replacement trees must be native species capable of achieving a minimum height of 6m. New trees are not to be located within an authority's service easement, or within 3m of an approved building. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.

- 6.3. Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2019 (NSW)* and the requirements of Australian Standard AS 3959-2018 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of *Planning for Bush Fire Protection (2019) (NSW)* for a Bush Fire Attack Level of BAL 29.0.
- 6.4. Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 6.5. Install a material or device to prevent the build-up of flammable material (such as leaf matter) within the roof gutters. The material or device must have a flammability index of not greater than 5 when tested in accordance with Australian Standard AS 1530.2-1993: *Methods for fire tests on building materials, components and structures - Test for flammability of materials*.
- 6.6. Drain all roof water by a piped drainage line generally in accordance with the concept stormwater management plans reference 211359 sheets C01 – C04 Revision A Prepared by Intrax Consulting Group dated 18 August 2023.
- 6.7. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.  
  
This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).
- 6.8. Obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*.  
  
This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

## 7. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

No Conditions

## 8.. PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

No Conditions

## 9. ONGOING

- 9.1. Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive

noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.

9.2. Do not let, adapt or use the dwelling for separate occupation in two or more parts.

## 10. 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.

## 11. ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry
- Dial Before You Dig  
 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant

or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website:  
[www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage)



Proposed New Dwelling with Swimming Pool

Lot 109 DP 16577,  
No.1 Yumbool Close,

Forresters Beach

Design Notes

1. ALL WORKS ASSOCIATED WITH THE PROPOSED DEVELOPMENT IS TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING CODE BOARD OF AUSTRALIA NATIONAL CONSTRUCTION CODE VOLUME 2 - 2022 (N.C.C.-2022) & ALL RELEVANT AUSTRALIAN STANDARDS AS AMENDED

2. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING

3. THESE PLANS ARE TO BE READ IN CONJUNCTION WITH THE BASIX CERTIFICATE, REPORT AND ITS REQUIREMENTS

4. TIMBER FRAMED CONSTRUCTION IS TO COMPLY WITH THE PROVISIONS OF AS 1684 - RESIDENTIAL TIMBER FRAMED CONSTRUCTION

5. ALL STRUCTURAL STEEL SHALL BE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DETAIL

6. ALL REINFORCED CONCRETE SHALL BE IN ACCORDANCE WITH STRUCTURAL ENGINEER'S DETAIL & AS2870-2011 RESIDENTIAL SLABS AND FOOTINGS

7. ALL DIMENSIONS SHALL BE CHECKED AND VERIFIED BY THE BUILDER PRIOR TO COMMENCEMENT OF ANY WORKS

8. ROOF BRACING AND WALL FRAMING TO SATISFY WIND SPEED DESIGN CATEGORY IN ACCORDANCE WITH B.C.A. AND AS 4055 TO ENGINEERS CERTIFICATION

9. GLASS INSTALLATIONS TO COMPLY WITH THE REQUIREMENTS OF AS 1288 & 2047 AND TO BE ADEQUATE THICKNESS FOR THE TERRAIN CATEGORY AND WIND LOADING

10. EXPOSED SOIL SURFACES TO BE SUITABLY LANDSCAPED OR PAVED TO PREVENT WIND BLOWN SOIL EROSION

11. EXACT LOCATION OF ALL SERVICES & EXISTING VEGETATION TO BE VERIFIED BY THE BUILDER PRIOR TO COMMENCEMENT OF ANY WORKS

12. THE DEVELOPMENT IS TO MAINTAIN EROSION/ SEDIMENTATION CONTROL IN ACCORDANCE WITH THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997 AND LOCAL AUTHORITY CODES OF PRACTISE

13. NOMINATED VEGETATION TO BE REMOVED DUE TO THE DEVELOPMENT, INDICATED ON SITE PLAN

14. SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH N.C.C.-2022, ABCB HOUSING PROVISIONS PART 9.5.4 INSTALLATION OF SMOKE ALARMS & AS 3786:2014

15. BARRIERS & HANDRAIL INSTALLATION TO BE IN ACCORDANCE WITH N.C.C. VOL.2 - 2022, ABCB HOUSING PROVISIONS PART 11.3

16. ALL CONTOUR LEVELS AND RISE IN LEVELS (R.L.'S) SHOWN ARE TO AUSTRALIAN HEIGHT DATUM (A.H.D.)
17. EXTENT OF CUT AND FILL AS INDICATED ON PLANS

18. WATERPROOFING OF WET AREAS TO COMPLY WITH AS3740 OR IN ACCORDANCE WITH NCC-2022, ABCB HOUSING PROVISIONS, PART 10.2 WET AREA WATERPROOFING

19. NOMINATED PHYSICAL AND OR CHEMICAL TERMITE TREATMENT TO BE IN ACCORDANCE WITH AS 3660 AND 3660 PART 1

20. ALL KNOWN EASEMENTS OR RIGHT OF WAYS IF ENCROACHING THE SUBJECT SITE NOTED ON SITE PLAN

21. WATERWAYS OR WATERCOARSES IF ENCROACHING THE SUBJECT SITE NOTED ON SITE PLAN

22. PLUMBING & DRAINAGE WORKS TO BE CARRIED OUT IN ACCORDANCE WITH AS/NZS 3500 AND ITS RELEVANT PARTS AS AMENDED

23. SEWER TO BE CONNECTED TO EXISTING COUNCIL MAIN, TO LICENSED PLUMBING CONTRACTOR'S DETAIL

24. PARTIAL STORMWATER TO BE COLLECTED VIA SEALED PIPE TO ON SITE STORAGE WATER TANK (MIN. 4000L CAPACITY, OVER FLOW TO DRAIN VIA GRAVITY FEED CHARGED SYSTEM TO STREET FRONTAGE, OTHER TO BE DRAINED TO DISPERSION TRENCH SYSTEM TO ENGINEER'S DETAIL STORMWATER MANAGEMENT PLAN AND SPECIFICATIONS, WITH ALL NEW WORKS TO BE IN ACCORDANCE WITH THE LOCAL AUTHORITIES WATER CYCLE MANAGEMENT CONTROLS AND BASIX CERTIFICATE REQUIREMENTS

25. FLOOR TRANSITIONS FROM HOUSE INTERNAL TO EXTERNAL LEVELS TO SATISFY COMPLIANCE WITH THE N.C.C. AND AS 2654 PART 1-2012 WATERPROOFING MEMBRANES FOR EXTERNAL ABOVE GROUND USE - MATERIALS & PART 2 - 2012 WATERPROOFING MEMBRANES FOR EXTERNAL ABOVE GROUND USE - DESIGN & INSTALLATION

26. ALL DEMOLITION WORKS OF THE EXISTING DWELLING AND ASSOCIATED STRUCTURES, ARE TO BE CARRIED OUT IN ACCORDANCE WITH AS2601-2001: THE DEMOLITION OF STRUCTURES & WORK HEALTH AND SAFETY REGULATIONS

27. SWIMMING POOL DESIGN, FENCING AND CONSTRUCTION TO BE IN ACCORDANCE WITH THE SWIMMING POOLS ACT 1992, REGULATIONS 1998 AND AS 1926.1-2012

28. THE CONSTRUCTION OF THE DEVELOPMENT IS TO COMPLY WITH THE REQUIREMENTS OF AS3959:2018 CONSTRUCTION OF BUILDINGS IN BUSHFIRE-PRONE AREAS SECTION 3 & 7 FOR A BUSHFIRE ATTACK LEVEL (BAL) 29. THESE PLANS ARE TO BE READ IN CONJUNCTION WITH AS3959:2018 IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING FOR BUSHFIRE PROTECTION - 2019

29. THESE PLANS ARE TO BE READ IN CONJUNCTION WITH THE BUSHFIRE ASSESSMENT REPORT PREPARED BY BUILDING CODE & BUSHFIRE HAZARD SOLUTIONS PTY LTD



Basix

THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE BASIX CERTIFICATE AND ITS SCHEDULE OF COMMITMENTS, WHICH ARE TO BE COMPLIED WITH IN FULL

A-00	Cover Sheet	1:1
A-01	Site Plan	1:150
A-01.2	Shadow Diagram June 21st - 9:00am	1:200
A-01.3	Shadow Diagram June 21st - 12pm & 3pm	1:200
A-02	Lower Ground Floor Plan	1:100
A-03	Ground Floor Plan	1:100
A-04	First Floor Plan	1:100
A-05	Roof Plan	1:100
A-06	East & North Elevations	1:100
A-07	South & West Elevations	1:100
A-08	Window Schedule	
A-09	Cross Section A-A & B-B	1:100
A-10	Building Envelopes BE-1 & BE-2 Sections	1:100
A-10.2	Height Envelope Model Analysis Views 1-6	



Aerial View Subject Site

Basix Certificate Requirements

- WATER COMMITMENTS:
- FIXTURES - SHOWER HEAD - MINIMUM 3 STAR RATING
- TOILET SUITE - MINIMUM 3 STAR RATING
- KITCHEN TAPS - MINIMUM 3 STAR RATING
- BATHROOM TAPS - MINIMUM 3 STAR
- ALTERNATIVE WATER:
- MINIMUM RAIN WATER TANK SIZE 4,000 LITRES - CONNECTED TO ALL TOILETS / WASHING MACHINES AND ONE NOMINATED EXTERNAL TAP
- SWIMMING POOL : MAXIMUM VOLUME OF 55kL WITH A POOL PUMP TIMER REQUIRED TO BE INSTALLED - NO HEATING SYSTEM FOR THE POOL
- ENERGY COMMITMENTS:
- THE APPLICANT MUST INSTALL THE FOLLOWING HOT WATER SYSTEM IN THE DEVELOPMENT:
- ELECTRIC HEAT PUMP (AIR SOURCED) SYSTEM WITH A RATING OF 26 TO 30 STCs OR BETTER
- THE APPLICANT MUST INSTALL THE FOLLOWING COOLING SYSTEM IN THE DEVELOPMENT:
- IN AT LEAST 1 LIVING SPACE AREA: 3-PHASE AIRCONDITIONING - ENERGY RATING EER 3.0 - 3.5 STAR
- THE APPLICANT MUST INSTALL THE FOLLOWING COOLING SYSTEM IN THE DEVELOPMENT:
- IN AT LEAST 1 BEDROOM: 3-PHASE AIRCONDITIONING - ENERGY RATING EER 3.0 - 3.5 STAR
- THE COOLING SYSTEM MUST PROVIDE FOR DAYLIGHT ZONING BETWEEN LIVING AREAS AND BEDROOMS
- THE APPLICANT MUST INSTALL THE FOLLOWING HEATING SYSTEM IN THE DEVELOPMENT:
- IN AT LEAST 1 LIVING AREA: 3-PHASE AIRCONDITIONING - ENERGY RATING EER 3.0 - 3.5 STAR
- THE APPLICANT MUST INSTALL THE FOLLOWING HEATING SYSTEM IN THE DEVELOPMENT:
- IN AT LEAST 1 BEDROOM: 3-PHASE AIRCONDITIONING - ENERGY RATING EER 3.0 - 3.5 STAR
- THE HEATING SYSTEM MUST PROVIDE FOR DAYLIGHT ZONING BETWEEN LIVING AREAS AND BEDROOMS
- LIGHTING TYPE (ARTIFICIAL LIGHTING):
- NEW LIGHT FIXTURES MUST BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT, OR LIGHT-EMITTING DIODE (LED) LAMPS, REFER TO CERTIFICATE FOR MINIMUM REQUIREMENTS
- GENERAL COMMENTS:
- WINDOWS, GLAZED DOORS, SKYLIGHTS AND SHADING DEVICES ARE TO BE MANUFACTURED AND INSTALLED AS SCHEDULED WITHIN THE NATIONAL HOUSE ENERGY RATING SCHEME (NatHERs) CERTIFICATE REQUIREMENTS FOR WINDOWS AND GLAZED DOORS GLAZING REQUIREMENTS
- THE DEVELOPMENT IS TO COMPLY WITH ALL OTHER ENERGY COMMITMENT REQUIREMENTS REPORTED IN THE BASIX CERTIFICATE.

CLIENT:	C. & B. HAJJE
PROJECT:	PROPOSED NEW DWELLING WITH SWIMMING POOL
PROPERTY:	LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH

D	SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS	29.01.24
C	POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS	26.09.23
B	SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS	4.09.23
A	ISSUED FOR DA & CC APPLICATIONS	12.07.23
1	ISSUED FOR CLIENT INFORMATION & APPROVAL	20.06.23
REV.	AMENDMENTS	DATE

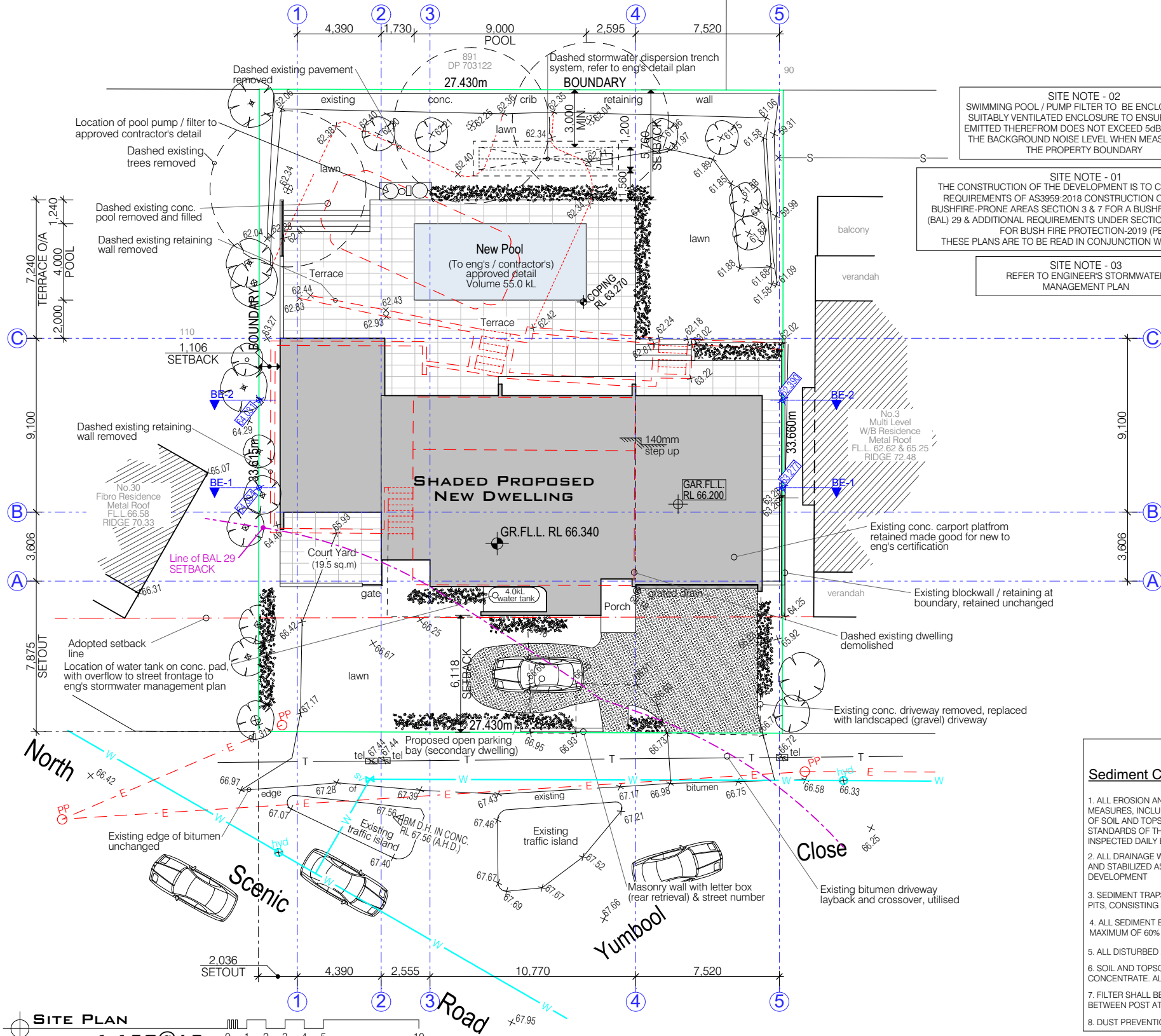


DRAWING:	COVER SHEET
DATE:	JUNE 2023
DRAWN:	MS
DESIGN:	MS
SCALE:	1:1 @ A2
PROJECT NO:	003.07.22
SHEET NO:	A-00

zias
building design & documentation
P.O. Box 3155 Erina NSW 2250
ph: 0449 831 384
e: mail@zias.com.au
w: www.zias.com.au

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**Basix**  
THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE BASIX CERTIFICATE AND ITS SCHEDULE OF COMMITMENTS, WHICH ARE TO BE COMPLIED WITH IN FULL

**SITE NOTE - 02**  
SWIMMING POOL / PUMP FILTER TO BE ENCLOSED IN A SUITABLY VENTILATED ENCLOSURE TO ENSURE NOISE EMITTED THEREFROM DOES NOT EXCEED 5dB(A) ABOVE THE BACKGROUND NOISE LEVEL WHEN MEASURED AT THE PROPERTY BOUNDARY

**SITE NOTE - 01**  
THE CONSTRUCTION OF THE DEVELOPMENT IS TO COMPLY WITH THE REQUIREMENTS OF AS3959:2018 CONSTRUCTION OF BUILDINGS IN BUSHFIRE-PRONE AREAS SECTION 3 & 7 FOR A BUSHFIRE ATTACK LEVEL (BAL) 29 & ADDITIONAL REQUIREMENTS UNDER SECTION 7.5 OF PLANNING FOR BUSH FIRE PROTECTION-2019 (BFP). THESE PLANS ARE TO BE READ IN CONJUNCTION WITH AS3959:2018

**SITE NOTE - 03**  
REFER TO ENGINEER'S STORMWATER MANAGEMENT PLAN

**Site Calculations**  
Site Area - Approx. 916.8 sq. m (by survey.)  
Site Gradient - 16.5%

Site Coverage (max. 0.4:1) = 0.275:1 - Complies  
(total gross building footprint area calc. = 252.4 sq. m)  
(includes elevated garage)

Floor Space Ratio (FSR) - Not stipulated in the CCLEP-2022 map for FSR  
Floor Space Ratio (not stipulated) - N/A

Private Open Space  
(24m<sup>2</sup> - min. dimension 4m) - Complies  
(refer to plans for detail)

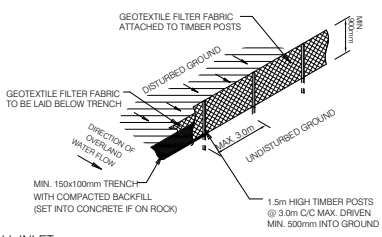
**Gross Building Areas:**  
(taken from external face of external walls)

Lower Ground Floor Living Area	- 170.20 sq.m
Ground Floor Living Area	- 180.10 sq.m
First Floor Living Area	- 147.10 sq.m
Garage Floor Area	- 65.40 sq.m
(includes storage utilising existing conc. platform)	
<b>Total Building Living Area</b>	<b>- 562.80 sq.m</b>
Lower Ground Terrace Floor Area	- 145.60 sq. m
(excludes pool)	
First Floor Terrace Floor Area	- 105.20 sq. m
Courtyard Floor Area	- 19.50 sq. m

**BE-1** - BUILDING ENVELOPE IDENTIFIER  
(refer to building envelope cross sections)  
Denotes ground level at point of building envelope at side boundary

**Sediment Control Notes**

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW AND INSPECTED DAILY BY THE SITE MANGER
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 60% FULL OF SOIL MATERIALS INCLUDING THE MAINTENANCE PERIOD
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE. ALL ROADS AND FOOTPATHS TO BE SWEEPED DAILY
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT) BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE
8. DUST PREVENTION MEASURES TO BE MAINTAINED AT ALL TIMES.



**SITE PLAN**  
**SCALE 1:150@A2**

CLIENT:	C. & B. HAJJE	D	SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS	29.01.24
PROJECT:	PROPOSED NEW DWELLING WITH SWIMMING POOL	C	POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS	26.09.23
PROPERTY:	LOT 109 DP 16577, NO.1 YUMBOL CLOSE, FORRESTERS BEACH	B	SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS	4.09.23
		A	ISSUED FOR DA & CC APPLICATIONS	12.07.23
		1	ISSUED FOR CLIENT INFORMATION & APPROVAL	20.06.23
		REV.	AMENDMENTS	DATE

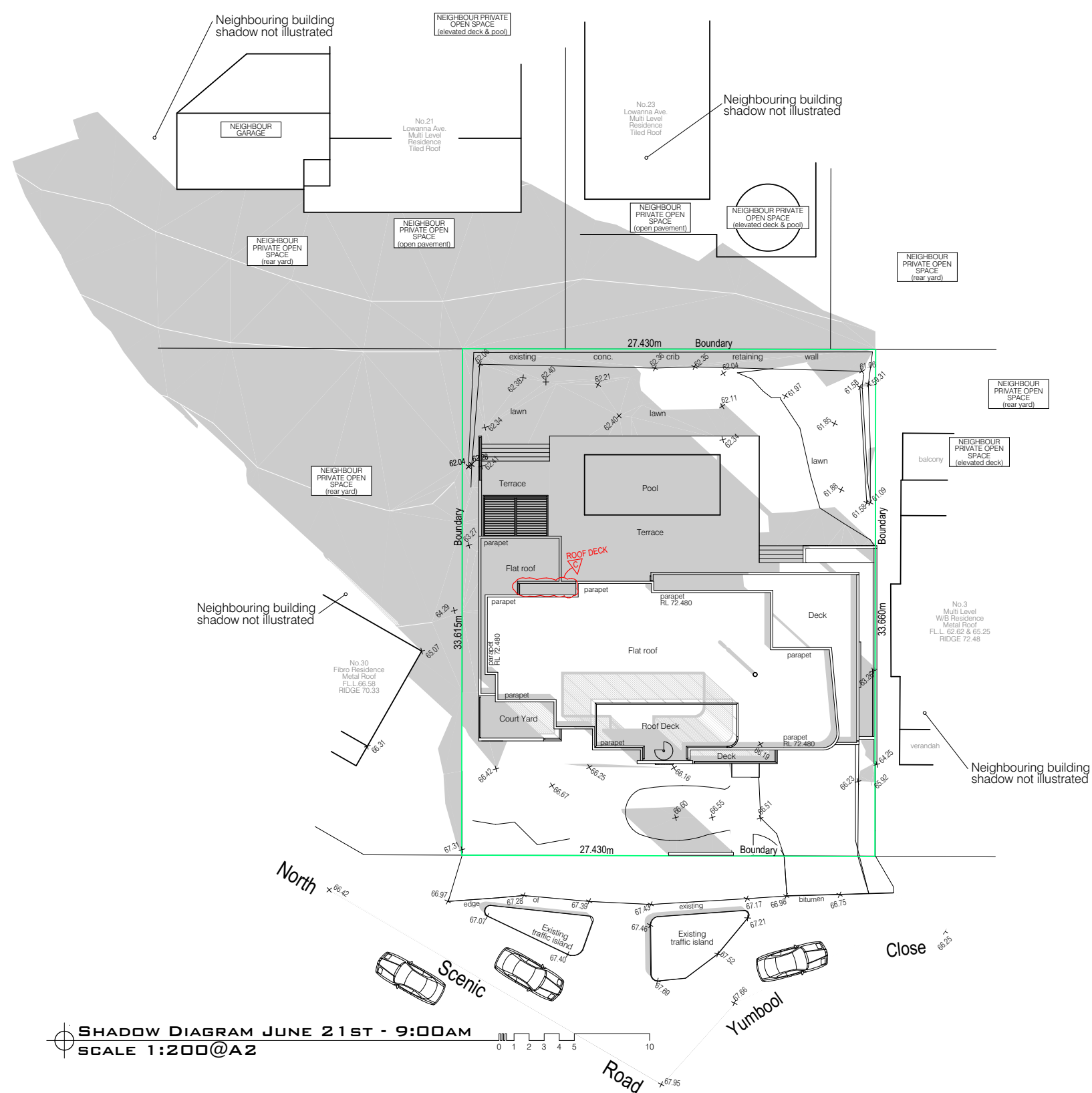
**DRAWING:**  
**SITE PLAN**

DATE: JUNE 2023  
DRAWN: MS  
DESIGN: MS  
SCALE: 1:150@A2



PROJECT NO: 003.07.22  
SHEET NO: A-01  
REV: D

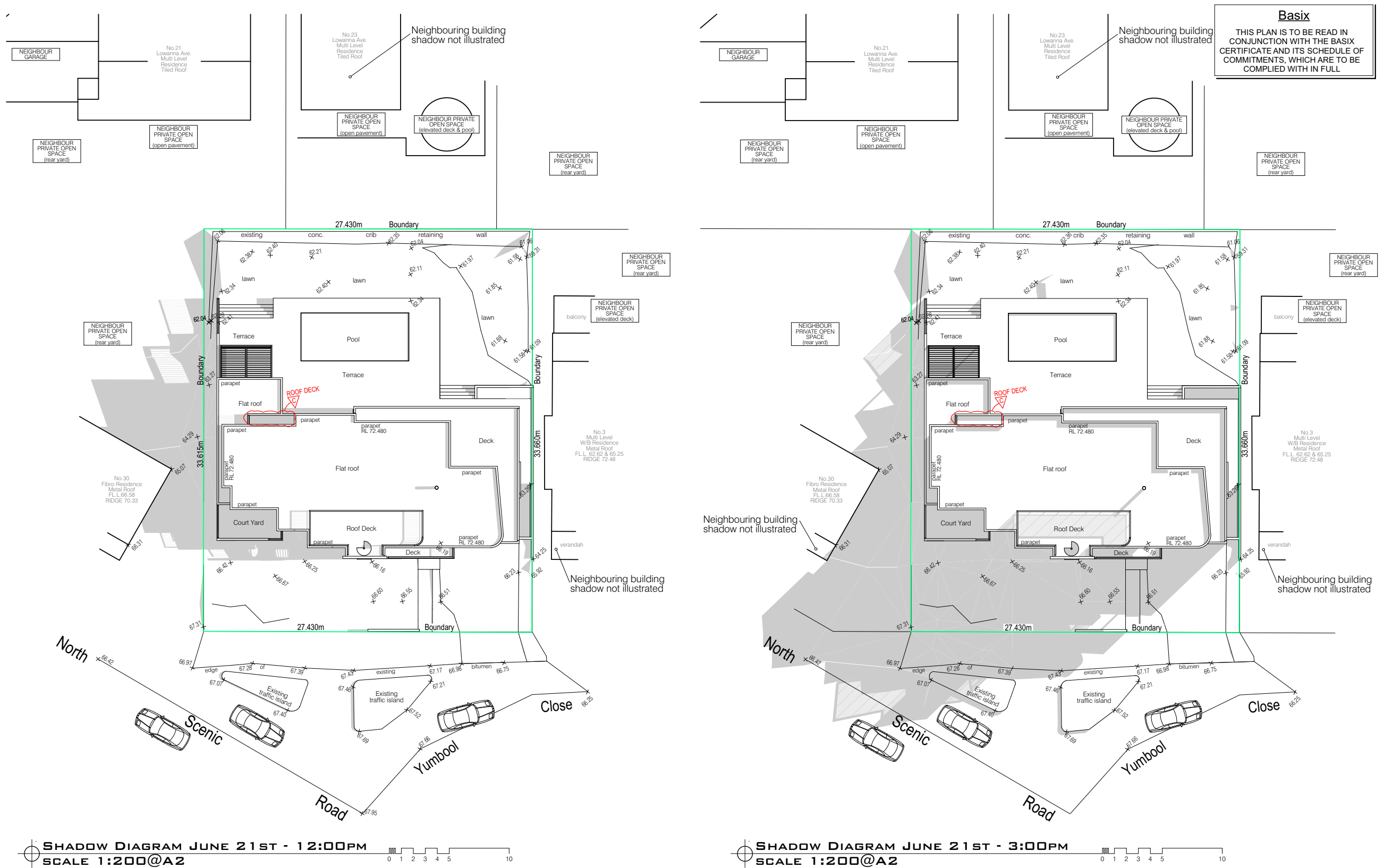
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building design & documentation  
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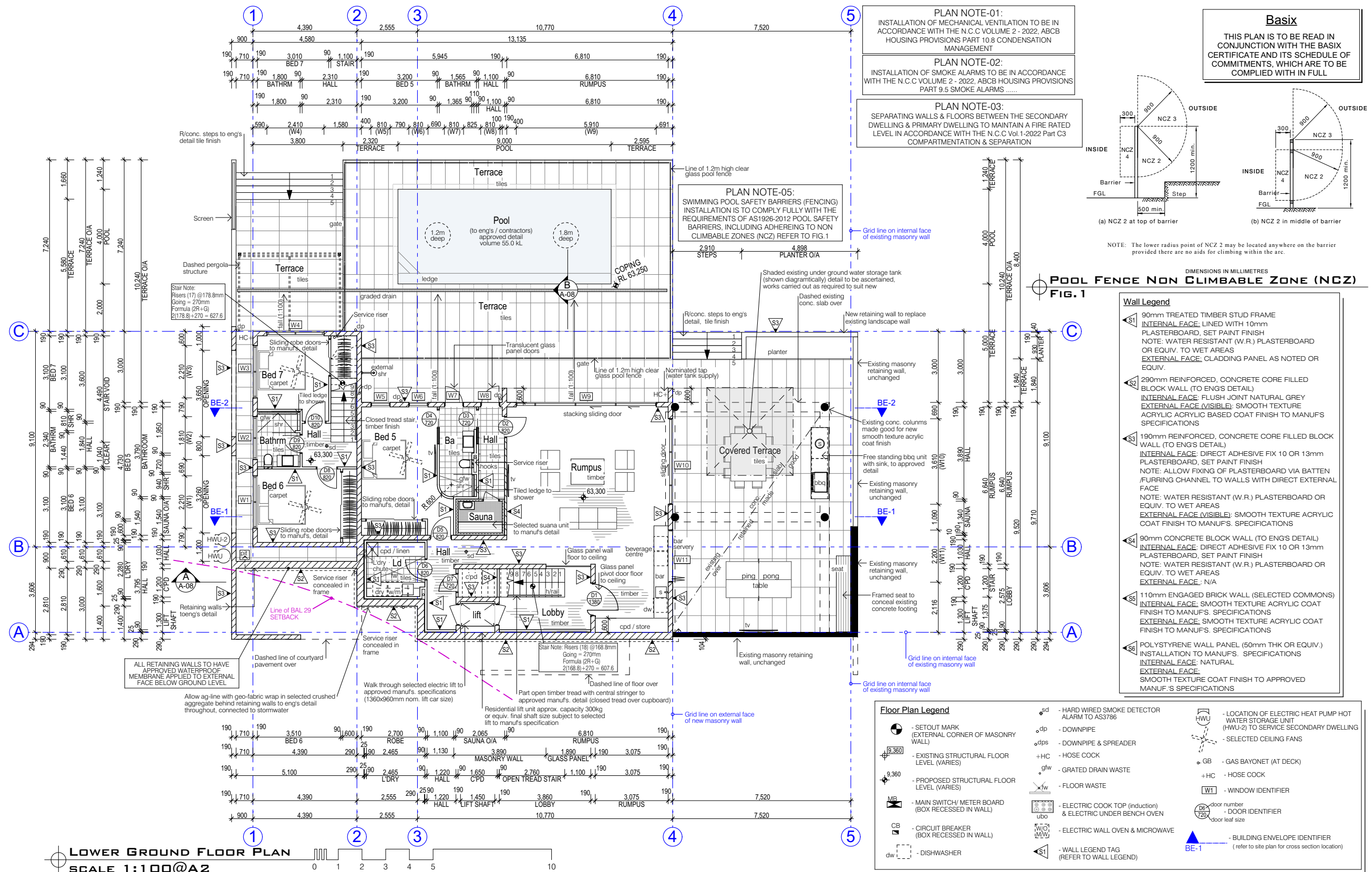
CLIENT: C. & B. HAJJE						DRAWING: SHADOW DIAGRAM JUNE 21ST - 9:00AM			
PROJECT: PROPOSED NEW DWELLING WITH SWIMMING POOL		C B A		SUNDAY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS		29.01.24			
				POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS		26.09.23		DATE: JUNE 2023    DRAWN: MS    DESIGN: MS    SCALE: 1:200@A2	
PROPERTY: LOT 109 DP 16577, No.1 YUMBOOL CLOSE, FORRESTERS BEACH				ISSUED FOR DA APPLICATION		12.07.23		PROJECT NO: 003.07.22    SHEET NO: A-01.2    REV: C	
		REV.		AMENDMENTS		DATE		building design & documentation P.O. Box 3155 Erina NSW 2250 ph: 0449 831 384 e: mail@zias.com.au    w: www.zias.com.au	
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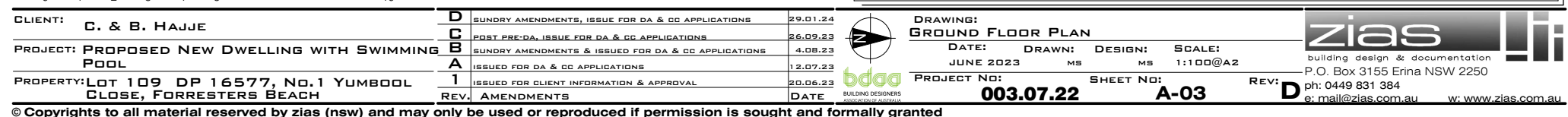


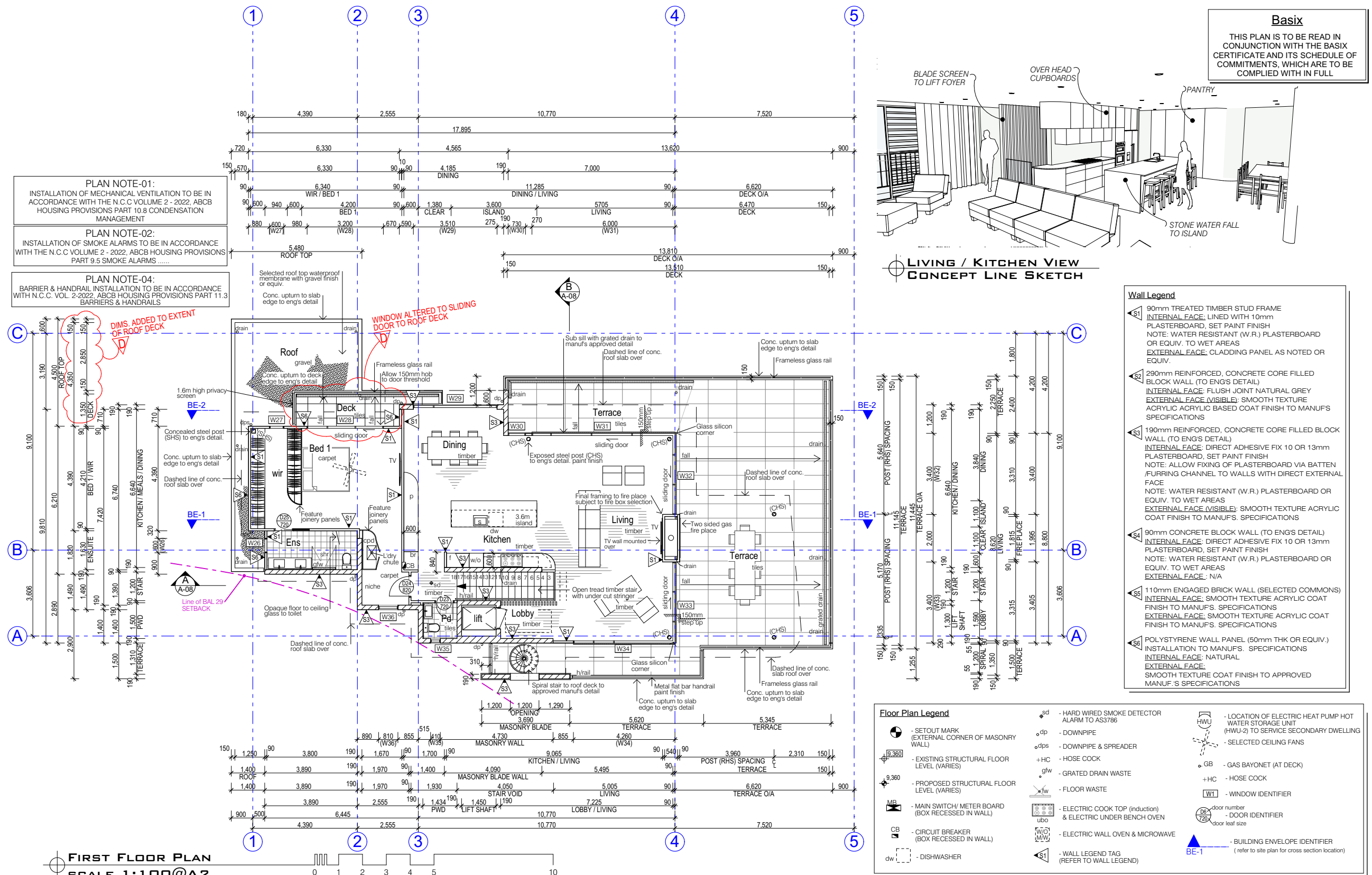
CLIENT: C. & B. HAJJE								DRAWING: SHADOW DIAGRAM JUNE 21ST - 12PM & 3PM			
PROJECT: PROPOSED NEW DWELLING WITH SWIMMING POOL		C B A		SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS		29.01.24		DATE: JUNE 2023		DRAWN: MS	
PROPERTY: LOT 109 DP 16577, No.1 YUMBOOL CLOSE, FORRESTERS BEACH		REV.		A B C		12.07.23		DESIGN: MS		SCALE: 1:200@A2	
				AMENDMENTS		DATE		PROJECT NO: 003.07.22		SHEET NO: A-01.3	
								REV: C		building design & documentation P.O. Box 3155 Erina NSW 2250 ph: 0449 831 384 e: mail@zias.com.au w: www.zias.com.au	

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CLIENT:	C. & B. HAJJE	D	SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS	29.01.24
PROJECT:	PROPOSED NEW DWELLING WITH SWIMMING POOL	C	POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS	26.09.23
PROPERTY:	LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH	B	SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS	4.09.23
		A	ISSUED FOR DA & CC APPLICATIONS	12.07.23
		1	ISSUED FOR CLIENT INFORMATION & APPROVAL	20.06.23
		REV.	AMENDMENTS	DATE

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DRAWING:	FIRST FLOOR PLAN	DATE:	JUNE 2023	DRAWN:	MS	DESIGN:	MS	SCALE:	1:100@A2
PROJECT NO:	003.07.22	SHEET NO:	A-04	REV:	D	ph:	0449 831 384	e:	mail@zias.com.au
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ROOF PLAN NOTE-01:  
APPROVED WATERPROOF MEMBRANE TO CONC. ROOF WITH SELECTED AGGREGATE FINISH OR EQUIVALENT

ROOF PLAN NOTE-02:  
R/CONC. ROOF PLATFORM TO ENG'S DETAIL GRADED TO DRAIN POINTS TO HYDRAULIC ENG'S DETAIL

ROOF PLAN NOTE-03:  
FINAL ROOF DRAINAGE DESIGN TO HYDRAULIC ENGINEER & OR ROOFING CONTRACTOR SUBJECT TO ROOF CATCHMENT AREA CALCULATIONS, TO BE CARRIED OUT PRIOR TO CONSTRUCTION

ROOF PLAN  
SCALE 1:100@A2

CLIENT: C. & B. HAJJE

PROJECT: PROPOSED NEW DWELLING WITH SWIMMING POOL

PROPERTY: LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH

D	SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS	29.01.24
C	POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS	26.09.23
B	SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS	4.08.23
A	ISSUED FOR DA & CC APPLICATIONS	12.07.23
1	ISSUED FOR CLIENT INFORMATION & APPROVAL	20.06.23
REV.	AMENDMENTS	DATE

DRAWING: ROOF PLAN

DATE: JUNE 2023 DRAWN: MS DESIGN: MS SCALE: 1:100@A2

PROJECT NO: 003.07.22 SHEET NO: A-05

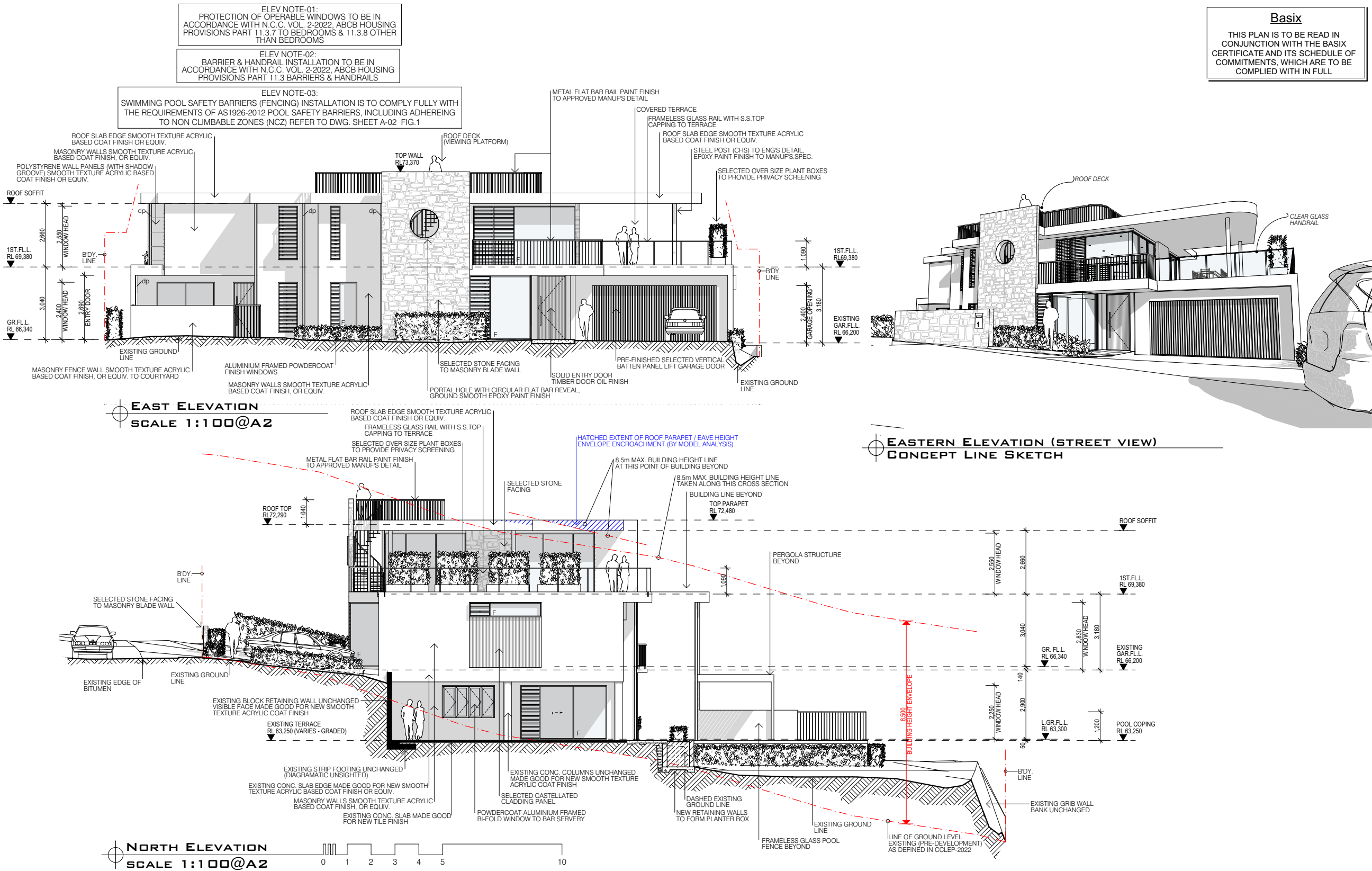
REV: D  
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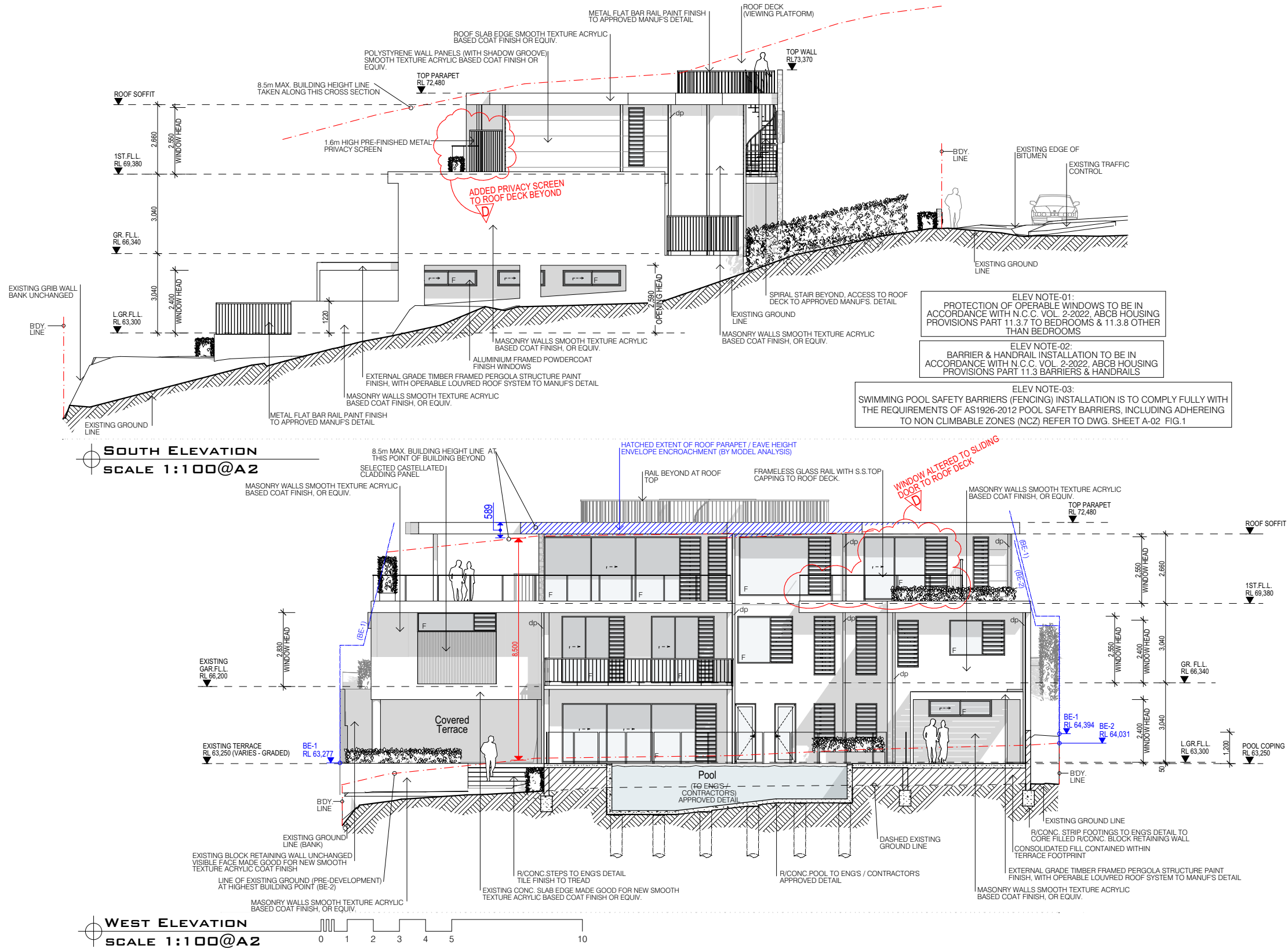
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CLIENT:	C. & B. HAJJE	C	POST PRE-DA ISSUE FOR DA & CC APPLICATIONS	26.09.23	DRAWING:	EAST & NORTH ELEVATIONS	zias
PROJECT:	PROPOSED NEW DWELLING WITH SWIMMING POOL (& ATTACHED SECONDARY DWELLING)	B	SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS	4.09.23	DATE:	JUNE 2023	building design & documentation
PROPERTY:	LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH	A	ISSUED FOR DA & CC APPLICATIONS	12.07.23	DRAWN:	MS	P.O. Box 3155 Erina NSW 2250
			ISSUED FOR CLIENT INFORMATION & APPROVAL	20.06.23	DESIGN:	MS	ph: 0449 831 384
			REV. AMENDMENTS	DATE	PROJECT NO:	003.07.22	e: mail@zias.com.au w: www.zias.com.au
					SHEET NO:	A-06	
					REV:	C	

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CLIENT:	C. & B. HAJJE	D	SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS	29.01.24
PROJECT:	PROPOSED NEW DWELLING WITH SWIMMING POOL	C	POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS	26.09.23
PROPERTY:	LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH	B	SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS	4.09.23
		A	ISSUED FOR DA & CC APPLICATIONS	12.07.23
		1	ISSUED FOR CLIENT INFORMATION & APPROVAL	20.06.23
		REV.	AMENDMENTS	DATE

DRAWING:	SOUTH & WEST ELEVATIONS
DATE:	JUNE 2023
DRAWN:	MS
DESIGN:	MS
SCALE:	1:100@A2
PROJECT NO:	003.07.22
SHEET NO:	A-07

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WINDOW SCHEDULE (windows depicted viewed from outside)											
WINDOW No.	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11
LOCATION	BED 6	BATHROOM	BED 7	BED 7	BED 5	BED 5	BATHROOM	HALL	RUMPUS	RUMPUS	RUMPUS
WIDTH x HEIGHT	2,210x600	1,810x600	2,210x600	2,410x650	810x1,350	810x1,350	810x2,250	810x2,250	5,910x2,250	3,610x2,250	2,200x1,350
TYPE	SLIDING	SLIDING	SLIDING	SLIDING	OPERABLE LOUVRES	OPERABLE LOUVRES	GLASS PANEL HINGED DOOR	GLASS PANEL HINGED DOOR	STACKING SLIDING DOOR / OPERABLE LOUVRES	SLIDING DOOR / OPERABLE LOURES	BI-FOLD WINDOW
SURFACE AREA (m2)	1.33	1.09	1.33	1.57	1.09	1.09	1.82	1.82	13.30	8.12	2.97
VIEW FROM OUTSIDE											

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WINDOW SCHEDULE (windows depicted viewed from outside)											
WINDOW No.	W12	W13	W14	W15	W16	W17	W18	W19	W20	W21	W22
LOCATION	KITCHEN	STAIRWELL	BED 4	BED 4	BATHROOM	BED 3	BED 2	GARAGE	GARAGE	ENTRY	ENTRY
WIDTH x HEIGHT	2,110x1,350	800x1,800	810x2,250	810x2,250	2,110x1,800	2,410x2,550	2,410x2,550	3,010x730	3,010x600	1,370x2,690	2,465x2,690
TYPE	OPERABLE LOUVRED / FIXED	OPERABLE LOUVRED	OPERABLE LOUVRED	OPERABLE LOUVRED	OPERABLE LOUVRED / FIXED	SLIDING DOOR / OPERABLE LOUVRED	SLIDING DOOR / OPERABLE LOUVRED	OPERABLE LOUVRED / FIXED	OPERABLE LOUVRED / FIXED	FIXED	OPERABLE LOUVRED / FIXED
SURFACE AREA (m2)	2.85	1.44	1.82	1.82	3.80	6.15	6.15	2.20	1.81	3.69	6.63
VIEW FROM OUTSIDE											

WINDOW SCHEDULE (windows depicted viewed from outside)											
WINDOW No.	W24	W25	W26	W27	W28	W29	W30	W31	W32	W33	W34
LOCATION	WC	SITTING	ENSUITE	WIR (BED 1)	BED 1	DINING	LIVING	LIVING	LIVING	LIVING	LIVING
WIDTH x HEIGHT	810x2,100	2,410x2,400	600x2,250	600x2,250	3,200x2,400	3,510x2,250	730x2,550	5,910x2,550	3,310x2,550	3,310x2,550	3,310x2,550
TYPE	OPERABLE LOUVRED	SLIDING DOOR	OPERABLE LOUVRED	OPERABLE LOUVRED	SLIDING DOOR / OPERABLE LOUVRED	FIXED FIXED / OPERABLE LOUVRED	OPERABLE LOUVRED	FIXED / SLIDING DOOR / OPERABLE LOUVRED	SLIDING DOOR / FIXED	SLIDING DOOR / FIXED	SLIDING DOOR / FIXED
SURFACE AREA (m2)	1.70	5.78	1.35	1.35	7.68	7.90	1.86	15.07	8.44	8.44	8.44
VIEW FROM OUTSIDE											

WINDOW SCHEDULE (windows depicted viewed from outside)			
WINDOW No.	W35	W36	W37
LOCATION	LIVING	POWDER	BED 1
WIDTH x HEIGHT	3,310x2,550	4,170x2,550	810x2,250
TYPE	SLIDING DOOR / FIXED	OPERABLE LOUVRED / FIXED	OPERABLE LOUVRED
SURFACE AREA (m2)	8.44	10.63	0.92
VIEW FROM OUTSIDE			

**Window Schedule Notes**

- ALL WINDOWS / DOOR UNITS ARE TO BE POWDERCOATED ALUMINIUM FRAME (TYPE OF FRAME TO BE SELECTED) UNLESS NOTED OTHERWISE (U.N.O.)
- WINDOW HEADS AS NOTED ON PLANS
- ALL WINDOW / DOOR HARDWARE TO SELECTED WINDOW MANUFACTURER'S APPROVED SCHEDULES
- WINDOW / DOOR SIZES MAY VARY BETWEEN MANUFACTURERS. BUILDER TO CONFIRM FINAL OPENING SIZES TO APPROVED WINDOW MANUFACTURERS WINDOW SCHEDULE (WINDOW OPENINGS TO BE CONFIRMED ON SITE)
- REFER TO FLOOR PLANS FOR WINDOW LOCATIONS AND ELEVATIONS FOR WINDOW VIEWS
- GLASS INSTALLATION TO COMPLY WITH REQUIREMENTS OF AS 1288 & 2047 & TO BE ADEQUATE THICKNESS FOR THE TERRAIN CATEGORY & WIND LOADING
- PROTECTION OF OPENABLE WINDOWS TO COMPLY WITH REQUIREMENTS OF THE NCC VOLUME 2 - 2022, PART 11.3.7 TO BEDROOMS & 11.3.8 OTHER THAN BEDROOMS
- REFER TO THE BASIX CERTIFICATE REPORTING FOR WINDOW TYPE COMPLIANCE PRIOR TO MANUFACTURE

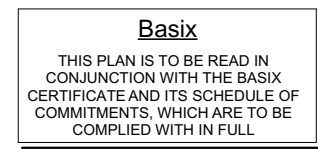
W1 - WINDOW IDENTIFIER (REFER TO FLOOR PLANS)


CLIENT:	C. & B. HAJJE
PROJECT:	PROPOSED NEW DWELLING WITH SWIMMING POOL
PROPERTY:	LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH
REV.	AMENDMENTS
C	SUNDRY AMENDMENTS, ISSUE FOR DA & CC APPLICATIONS
B	POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS
A	ISSUED FOR DA & CC APPLICATIONS
1	ISSUED FOR CLIENT INFORMATION & APPROVAL
DATE	20.06.23

DRAWING:	WINDOW SCHEDULE
DATE:	JUNE 2023
DRAWN:	MS
DESIGN:	MS
SCALE:	@A2
PROJECT NO:	003.07.22
SHEET NO:	A-08

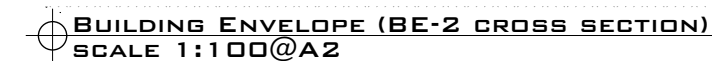
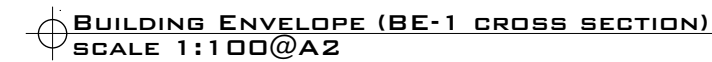
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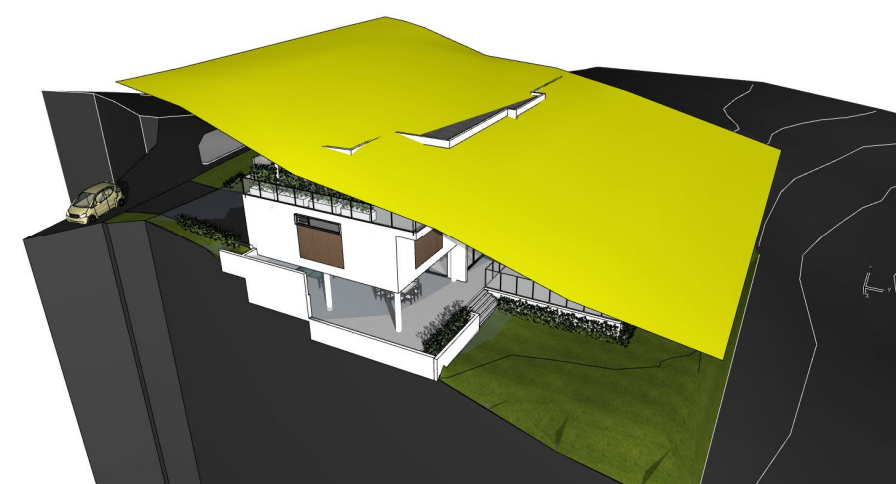
CLIENT: C. & B. HAJJE						DRAWING: CROSS SECTION A-A & B-B			
PROJECT: PROPOSED NEW DWELLING WITH SWIMMING POOL & ATTACHED SECONDARY DWELLING		POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS		26.09.23		DATE: JUNE 2023		building design & documentation P.O. Box 3155 Erina NSW 2250 ph: 0449 831 384 e: mail@zias.com.au    w: www.zias.com.au	
PROPERTY: LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH		ISSUED FOR DA & CC APPLICATIONS		12.07.23		DRAWN: MS		SCALE: 1:100@A2	
REV. 1 AMENDMENTS		ISSUED FOR CLIENT INFORMATION & APPROVAL		20.06.23		PROJECT NO: 003.07.22		SHEET NO: A-09	
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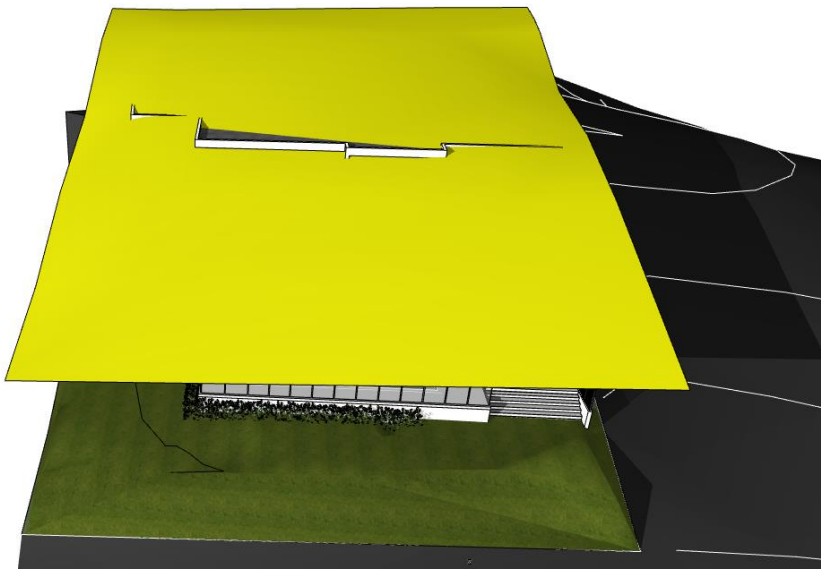


CLIENT: C. & B. HAJJE						DRAWING: BUILDING ENVELOPES BE-1 & BE-2 SECTIONS			
PROJECT: PROPOSED NEW DWELLING WITH SWIMMING POOL (& ATTACHED SECONDARY DWELLING)		POST PRE-DA, ISSUE FOR DA & CC APPLICATIONS		26.09.23		DATE: JUNE 2023		DRAWN: MS DESIGN: MS SCALE: 1:100@A2	
PROPERTY: LOT 109 DP 16577, NO.1 YUMBOOL CLOSE, FORRESTERS BEACH		SUNDRY AMENDMENTS & ISSUED FOR DA & CC APPLICATIONS		4.08.23		PROJECT NO: 003.07.22		SHEET NO: A-10 REV: C	
REV. AMENDMENTS		ISSUED FOR DA & CC APPLICATIONS		12.07.23				building design & documentation P.O. Box 3155 Erina NSW 2250 ph: 0449 831 384 e: mail@zias.com.au w: www.zias.com.au	
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Model View-1 Extent of Envelope Contravene (Constituting eave overhang & parapet)  
Contravene contained within the center of the site, diminishing impact to neighbouring properties



Model View-3 Extent of Envelope Contravene (Constituting eave overhang & parapet)  
Contravene contained within the center of the site, diminishing impact to neighbouring southern side



Model View-2 Extent of Envelope Contravene (Constituting eave overhang & parapet)



Model View-4 Extent of Envelope Contravene (Constituting eave overhang & parapet)



Model View-5 Extent of Envelope Contravene (Constituting eave overhang & parapet)  
Southern side with in building height envelope



Model View-6 Southern and eastern end of building within building height envelope

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- DENOTES 8.5M BUILDING HEIGHT ENVELOPE  
DERIVED FROM SURVEY STUDY ILLUSTRATING ENVELOPE HEIGHT PRE-DEVELOPMENT  
GROUND LEVEL (EXISTING) AS DEFINED IN CCLEP-2022 - BEFORE ANY EARTH WORKS  
(EXCAVATION & FILL) HAS TAKEN PLACE

CLIENT:	C. & B. HAJJE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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### **Formal Written Request Pursuant to Clause 4.6 - Exception to development Standards - Building Height Control**

The environmental planning instrument which specifies the relevant development standard, is the Central Coast Local Environmental Plan 2022 (CCLEP-2022) Part 4 Principal Development Standards.

The specific development standard which relates to the request for variation is building height as specified in the CCLEP-2022, clause 4.3 Height of buildings, with reference to the 'Height of Buildings Map.

The land is mapped by the colour green and labelled 'I', indicating a maximum building height of 8.5m.

The total maximum contravene, taken from the top of parapet is 589mm. This equates to a variation of 6.9%, noting that this height contravene constitutes a minor portion of roof parapet / eave that does diminish to within permissible heights

A formal written request to apply a degree of flexibility to the building height restriction on this occasion is submitted, stating reasons why compliance is unnecessary in this case, for council consideration in accordance with the provisions of CCLEP-2022, clause 4.6 Exceptions to Development Standards, and its objectives 4.6 1 (a) and (b) which states:

- (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.*

Seeking a degree of flexibility, with a reasonable variation of 6.9% to the allowable building height to a minor portion of roof parapet / eave at its worst case, to achieve a better outcome, by providing quality amenity based on the following reasons:

- The design carefully considered the relevant impacts and objectives of building height control, and that the contravene was purposely restricted



centrally within the property to negate any significant environmental impact to the surrounding area.

- The proposed flat roof lines provide essential roof articulation and enhanced built form, creating architectural interest and merit, with a coastal contemporary style.
- The proposed parapet/eave overhang provides additional solar shade protection to living areas from the hot summer sun.
- Creating symmetry to the building form, and providing adequate cover from inclement weather to terrace areas and associated glazing components.
- The portion of the roof parapet/eave that contravenes, is considered minor and reasonable, as it diminishes within permissible heights with the bulk of the roof substantially founded within the 8.5m building height
- Existing site topography rises quickly to reduce/ nullify the impact of the proposed minor building height contravene
- The contravene substantially constitutes a minor portion of roof forming a parapet/eave overhang founded centrally within the property, with generous side setbacks, with no direct known significant impact in regards to over shadowing to neighbouring residential properties.
- The property to the south (No.30 North Scenic Road) continues to receive 3 hours of sunlight between the hours of 9:00am and 3:00pm, with shadow analysis illustrating that the contravene has no bearing on shadow casting.
- Neighbouring properties on the south and north sides of the subject site, still retain uninterrupted panoramic distant hillside / coastal views, with no known significant impact created by the proposed contravene in regards to vista or privacy.
- The proposal comprises multiple flat roofs that response to the height restrictions, with building structure substantially founded within the building height restriction. The design with its reasonable contravene, provides a better outcome in respect to the built environment, introducing a quality architecturally designed dwelling, with a coastal contemporary style influence to the area.
- It is considered that the objectives of CCLEP-2022 clause 4.3 Height of Buildings and clause 4.3A Exceptions to height of buildings - general (1)(a), (b) and (c) have been satisfied by the proposed design, that achieves appropriate development density and building height that is compatible with the character of the locality.

Under the provisions of CCLEP-2022, clause 4.6: Exceptions to development standards, clause 4.6(3) which states that: *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that*



*4.6 (3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances*

Given the formulated calculations provided equates to a variation of just 6.9% to a minor portion of a roof parapet/eave overhang, at its worst case, it is considered that the beforementioned points provide an enhanced amenity and architectural built form, creating a better outcome in the provision of quality residential accommodation.

Further to this, the contravene has no known direct bearing on the elevated neighbouring properties located to the south and north, that still retain panoramic view corridors and solar access currently available.

For these reasons, it is considered that the proposed contravene is reasonable and that the removal or reduction of the building height is unnecessary, as there would not be any achieved betterment to the development and its surrounding area in doing so.

The proposed built form has no known significant impact on its environment, due to the contravene to the development standard related to building height in this instance.

*4.6 (3)(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

As demonstrated in the aforementioned reasons, the proposed built form is typical for a two-storey residence on a sloping block (refer to plans), that has no known direct significant detrimental impact on its environment in regards to bulk and scale, solar access, over shadowing, privacy, visual building impact and impediment on view corridors, despite the contravene to the development standard related to building height.

It is considered as required by the Environmental Planning and Assessment Regulations 2021 that the planning grounds provided, adequately justify the contravene and that full compliance with the building height restriction is unnecessary in this instance.



**Item No:** 3.2  
**Title:**  
**Department:** Environment and Planning

**Central Coast**  
Local Planning Panel

Reference: D16086762 - DA/1060/2023

Author: Nicola Gibson (external consultant, MG Planning)  
Ryan White, Development Planner Consultant  
Section Manager: Emily Goodworth, Section Manager Employment and Urban Release  
Unit Manager: Andrew Roach, Unit Manager. Development Assessment

### Summary

An application has been received for construction of a rural supplies operation (concrete pipes and structures) and machinery shed. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in this report.

The application is required to be referred to the Local Planning Panel due to the number of submissions received. In response to public notification, 32 written objections to the proposed development were received, with a number of people submitting multiple objections. 93 pro forma letters objecting to the proposal were also received. Representations were also made through the local Federal Member, Dr Gordon Reid MP, and the local State Member, Liesl Tesch MP.

The application is recommended for refusal.

(Note: The assessment has been undertaken by an independent planning consultant on behalf of Council).

<b>Applicant</b>	Tattersall Lander Pty Ltd
<b>Owner</b>	John and Josette Camilleri
<b>Application No</b>	DA/1060/2023
<b>Description of Land</b>	Lot 631 DP 599979 - 315 Greta Road, Kulnurra, 2250
<b>Proposed Development</b>	Rural supplies operation (concrete pipes and concrete structures) and machinery shed
<b>Site Area</b>	22.03 hectares
<b>Zoning</b>	RU1 Primary Production
<b>Existing Use</b>	Five (5) sheds for poultry meat production, two (2) dwellings, ancillary sheds, and unauthorised depot for storage of concrete pipes
<b>Employment Generation</b>	Nil
<b>Estimated Value</b>	\$85,000

### Recommendation

1. ***That the Local Planning Panel refuse the application DA/1060/2023 – 315 Greta Road, Kulnura (Lot 631 DP 599979) Rural Supplies and Machinery Shed subject to the draft reasons for refusal detailed in this report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***
2. ***That Council's Environmental Compliance Services Unit be notified of the outcome of the application determination and determine whether to pursue enforcement action to seek compliance with the order issued to the landowners on 14 March 2023 (Notice/34/2023).***
3. ***That Council advise those who made written submissions of the Panel's decision.***

### Key Issues

- Proposed use is not considered to fall under the definition of 'rural supplies' in accordance with the *Central Coast Local Environmental Plan 2022* and as such is prohibited in RU1 zone
- Non-compliance with RU1 zone objectives
- Potential land use conflicts with adjoining land uses
- Traffic impacts (particularly on Greta Road)
- Internal traffic management
- Potential impacts on drinking water catchment
- Impacts on ecology
- Impacts on amenity (including by way of noise, air pollution, and visual impacts)
- Inadequate and insufficient documentation
- Potential contamination from concrete storage and existing fill
- Cumulative impacts on adjoining poultry farm (which has approval for expansion).

### Precis:

<b>Proposed Development</b>	Rural supplies (concrete pipes and concrete structures) Machinery Shed
<b>Permissibility and Zoning</b>	<p><i>RU1 Primary Production</i> under the <i>Central Coast Local Environmental Plan 2022</i>.</p> <p>The proposed storage and sale of concrete pipes and concrete structures is considered to fall outside the definition of 'rural supplies'. Rather, it is considered that the proposed use is more appropriately characterised as 'warehouse or distribution centre' and 'specialised retail premises' which is prohibited in the RU1 zone. Further discussion on permissibility is provided in the report.</p> <p>The machinery shed falls under the definition of 'farm buildings' and is permissible with consent in the RU1 zone.</p>

<b>Relevant Legislation</b>	<p>The following environmental planning instructions and control documents are relevant to the development and were considered as part of the assessment:</p> <ul style="list-style-type: none"> <li>• <i>Environment Planning and Assessment Act 1979</i></li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> <li>• <i>Biodiversity Conservation Act 2016</i></li> <li>• <i>State Environmental Planning Policy (Primary Production) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• Central Coast Local Environmental Plan 2022 (CCLEP 2022)</li> <li>• Central Coast Development Control Plan 2022 (CCDCP 2022)</li> </ul>
<b>Current Use</b>	Five sheds for poultry meat production, two dwellings, ancillary sheds, and unauthorised depot for storage of concrete pipes
<b>Submissions</b>	<p>The application was publicly exhibited twice for comment.</p> <p>32 submitters objected to the proposed development, with a number of people submitting multiple objections. Some submitters also made representations through the local Federal Member, Dr Gordon Reid MP and the local State Member, Liesl Tesch MP. 93 pro forma letters objecting to the proposal were also received.</p> <p>Key issues raised in submissions included:</p> <ul style="list-style-type: none"> <li>• Truck movements and impacts on road environment and traffic safety</li> <li>• Lack of detail regarding proposed development and inadequate supporting documentation</li> <li>• Environmental impact on water quality and ecology</li> <li>• History of unauthorised use and poor site management</li> <li>• Proposed industrial use not appropriate in rural area</li> <li>• Conflicts with poultry use and biosecurity requirements</li> <li>• Impact on residential/rural amenity</li> <li>• Adverse impacts on visual landscape and tourism</li> </ul>

## Variations to Policies

Clause	2.3 Zone objectives
<b>Standard</b>	<p>Objectives of the zone:</p> <ul style="list-style-type: none"> <li>• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></li> <li>• <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></li> <li>• <i>To minimise the fragmentation and alienation of resource lands.</i></li> <li>• <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> <li>• <i>To protect high quality and productive agricultural land, water catchment areas and land comprising high ecological or biodiversity value from inappropriate development and land management practices.</i></li> <li>• <i>To provide for non-agricultural land uses that support the primary production purposes of the zone.</i></li> </ul>
<b>LEP/DCP</b>	Central Coast LEP 2022
<b>Departure basis</b>	<p>Non-numerical</p> <p>The proposal is not consistent with the zone objectives as:</p> <ul style="list-style-type: none"> <li>• It proposes a retail use that is incompatible with sustainable primary industry production and the natural resource base of the area.</li> <li>• It has the potential to increase conflict between land uses, particularly with the existing poultry production activity on the site.</li> <li>• The storage of concrete pipes and structures is likely to result in adverse water quality impacts in a designated drinking water catchment area.</li> <li>• The proposal is being undertaken on unsealed and sloping land with no appropriate drainage structures and therefore may lead to land degradation and adverse stormwater impacts.</li> </ul>

Clause	5.10 Heritage conservation
<b>Standard</b>	Under this clause, the consent authority must, before granting consent, consider the effect of the proposed development on the heritage significance of the item or area concerned.
<b>LEP/DCP</b>	Central Coast LEP 2022
<b>Departure basis</b>	<p>Non numerical</p> <p>No heritage assessment has been submitted that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item, the Great North Walk, which is located on the subject site.</p>

<b>Clause</b>	7.2 Drinking water catchments
<b>Standard</b>	Under this clause, the consent authority is required to consider whether the development is likely to have an adverse impact on the quality and quantity of water entering the drinking water storage. In addition, development consent must not be granted unless the consent authority is satisfied that the development is designed, sited and will be managed or appropriate mitigation measures put in place to avoid significant adverse impacts on water quality and flows.
<b>LEP/DCP</b>	Central Coast LEP 2022
<b>Departure basis</b>	<p>Non numerical</p> <p>The following risks from the development have been identified:</p> <ul style="list-style-type: none"> <li>increased sedimentation and runoff as well as erosion as a result of unspecified earthworks which will be required to accommodate the development,</li> <li>potential contamination from weathering concrete which may leach into waterways,</li> <li>cumulative impacts as a result of the expansion of the poultry production, notably additional runoff from increased hardstand and roof area.</li> </ul> <p>No assessment of the impact of the proposed development on water quality and quantity has been provided with the application.</p> <p>On the basis of the information provided, the consent authority cannot be satisfied that the proposed development meets the requirements of clause 7.2.</p>

<b>Clause</b>	Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development - 2.1.2 Building Scale
<b>Standard</b>	The maximum building height for outbuildings and detached ancillary development on RU1 zoned land is 7m.
<b>LEP/DCP</b>	Central Coast DCP 2022
<b>Departure basis</b>	<p>The proposed shed is 9.23m high which is a 30% variation.</p> <p>No justification has been provided for the non-compliance. While the shed is more than 600m from Greta Road and downslope, the bulk and scale of the proposed machinery shed is significant and may be visible from other properties and other vantage points. No visual impact assessment has been provided.</p> <p>In addition, the size and scale of the shed would seem disproportionate to its use for storing farm machinery.</p>

<b>Clause</b>	Chapter 2.13 Transport and Parking - 2.13.3.5 Delivery / Service Vehicles and Emergency Vehicle
<b>Standard</b>	Manoeuvring and reversing areas for delivery/service vehicles are not to conflict with general parking and pedestrian requirements.
<b>LEP/DCP</b>	Central Coast DCP 2022
<b>Departure basis</b>	<p>Non numerical</p> <p>Inadequate and insufficient information has been provided to determine whether the proposed development provides for the safe and efficient operation of delivery/service vehicles. A traffic impact assessment has not been undertaken and a site plan showing where vehicles will load and unload materials and how they will manoeuvre around the site has not been provided.</p> <p>The SEE does not provide clear information on the type of trucks accessing the site. The SEE does not address cumulative truck movements and access requirements should the poultry production expansion occur as approved.</p>

<b>Clause</b>	Chapter 2.13 Transport and Parking - 2.13.4.5 Delivery and service vehicle requirements
<b>Standard</b>	The type, size and frequency of delivery and service vehicles for a development are to be identified. Service areas are to be designed to suit the particular vehicles and operations in the service areas.
<b>LEP/DCP</b>	Central Coast DCP 2022
<b>Departure basis</b>	<p>Non numerical</p> <p>The proposed development does not comply with this provision as it has not demonstrated that:</p> <ul style="list-style-type: none"> <li>• there is adequate and safe provision for the manoeuvring, loading and unloading of vehicles</li> <li>• the development provides satisfactory on-site areas for delivery and service operations and whether the service area will be used for any other purpose.</li> <li>• how delivery/service vehicles will be separated from other uses (eg related to poultry production)</li> <li>• internal accesses will be sized to cater for manoeuvrability of the largest vehicle likely to utilise the area or the vehicle likely to require the largest manoeuvring area.</li> </ul>

<b>Clause</b>	Chapter 2.14 Site Waste Management - 2.14.2.1 When is a Resource and Waste Management Plan Required
<b>Standard</b>	A Resource and Waste Management Plan (RWMP) is required to be submitted and approved as part of the development application
<b>LEP/DCP</b>	Central Coast DCP 2022
<b>Departure basis</b>	Non numerical  A RWMP has not been provided.

<b>Clause</b>	Chapter 2.17 Character and Scenic Quality - 2.17.1b Matters for consideration
<b>Standard</b>	Relevant matters for consideration: <ul style="list-style-type: none"> <li>• Scenic prominence, distinctiveness, protection and enhancement</li> <li>• Existing natural features, conservation and enhancement</li> <li>• Siting of buildings and surrounding gardens: consistency with predominant patterns across the surrounding neighbourhood</li> <li>• Height, size and scale of buildings: compatibility with predominant patterns across the surrounding neighbourhood</li> <li>• Architectural form, construction and detail: appropriateness to existing scenic quality and streetscape character</li> </ul> <p>Note: The site is not located within the Kulnura – Somersby Plateau Landscape Unit</p>
<b>LEP/DCP</b>	Central Coast DCP 2022
<b>Departure basis</b>	Non numerical  The visual impact of the proposed development has not been adequately detailed or assessed. The storage of concrete pipes and other structures at a scale similar to that occurring at present is not compatible with the scenic character of this rural area. Similarly, the bulk and scale of the proposed shed is significant. The development is potentially visible from the Simpsons Track which is a major recreation and tourist walk which runs along the frontage of the site.  No visual impact assessment or details of screening have been provided.

<b>Clause</b>	Chapter 3.4 Water Catchment Areas - 3.4.2.1 Development within Mooney Dam, Ourimbah Creek, Mardi Dam and Wyong Creek Catchments
<b>Standard</b>	Any application for development within the Ourimbah Creek is to be supported by a Water Quality Management Plan which demonstrates that the proposed development will have a neutral or beneficial effect on water quality and quantity.
<b>LEP/DCP</b>	Central Coast DCP 2022
<b>Departure basis</b>	Non numerical A Water Quality Management Plan has not been provided.

### The Site

The site is legally described as Lot 631 in DP 599979 and is located at 315 Greta Road, Kulnura (Figure 1). The site has an area of 22.03 hectares and contains two existing dwellings, multiple detached sheds, carports, five (5) production poultry sheds and is being utilised as unauthorised depot for storage of concrete pipes.

Fronting the site is sealed carriageway, with double-centreline pavement marking, a grassed table drain, naturally formed verge, guideposts, and overhead utilities and services. It is currently serviced via 2 x vehicle access crossings (VACs) fronting Greta Rd. Greta Road is a Crown Road in this location.



Figure 1: Site location (Source: Nearmap, Image 14 October 2023)

There are two vegetation communities present onsite (refer to Figure 2), being Exposed Hawkesbury Woodland (PCT1642), characterised by key species *Eucalyptus haemastoma* (Scribbly Gum), *Eucalyptus racemosa* (Narrow-leaved Scribbly Gum), *Corymbia gummifera* (Red Bloodwood) and *Angophora costata* (Sydney Red Gum). Fragmented pockets of disturbed and under scrubbed vegetation are located onsite, which contain various native and introduced vegetation species.





*Figure 2: Vegetation community at the rear of the site in close proximity to siting of proposed development (Source: Council, August 2023)*

The site is zoned RU1 Primary Production under Central Coast Local Environmental Plan 2022 (CCLEP 2022). It is identified as 'bushfire prone land' on Council's bushfire maps. It is also located within the Ourimbah drinking water catchment.

A large number of concrete pipes are currently stored on the site, as shown in Figures 3-6. The storage of the pipes is unauthorised (refer discussion under History below).

The surrounding area is characterised by a mix of rural and rural residential properties. The site backs onto the Jilliby State Conservation Area which is located immediately to the south. The Great North Walk is also located adjacent to the southern boundary of the property.





Figure 3: Concrete pipes stored on site (Source: Nearmap, Image 14 October 2023)



Figure 4: Photo of stored concrete pipes on subject site (Source: Council, August 2023)





Figure 5: Photo of stored concrete pipes on subject site (Source: Council, August 2023)



Figure 6: Location of proposed development. (Source: Council, August 2023)

### History

- DA/534/1993 & BA/2756/93 – Poultry farming comprising four naturally ventilated chicken sheds approved 17 September 1993.
- DA/1364/2015 – Extension to four existing poultry sheds, construction of six new poultry sheds and two machinery sheds with associated earthworks approved 22 June 2017.
- Notice of proposed order issued on 14 March 2023 (**Attachment 2**). Pursuant to Division 9.34 Development control orders of the *Environmental Planning and Assessment Act 1979*, Council orders the owners to:
  - Stop using the property as a Storage Premises, as defined by the *Central Coast Local Environment Plan 2022*, specifically for the purpose of storing cement pipes.
  - Remove all cement pipes located at 315 Greta Road, Kulnura

Note: as the subject DA seeks to regularise the storage of the cement pipes, enforcement action has been paused to provide procedural fairness and enable the application to be assessed/determined.

### The Proposed Development

The proposal comprises:

- Rural supplies operation involving the storage and sale to the public of concrete pipes and concrete structures; and
- Machinery shed (farm building).

A plan and elevations showing the general location and design of the proposed development is provided in Figures 7-8. A detailed site layout plan has not been provided.

The rural supplies operation is intended to operate from 7am – 6pm Monday to Friday and 8am to 2pm on Saturday; no works are to occur on Sundays or public holidays. The machinery shed is proposed to service the farming operation but it will be located within the rural supplies area of the farm.

The proposed machinery shed has a height of 9.23 metres and floor area of 432 square metres (18m x 24m) and is to be constructed in Colorbond steel in 'earth tones'. The shed is to be located approximately 700 metres from the property's front boundary and 25 metres from the nearest side (eastern) boundary.



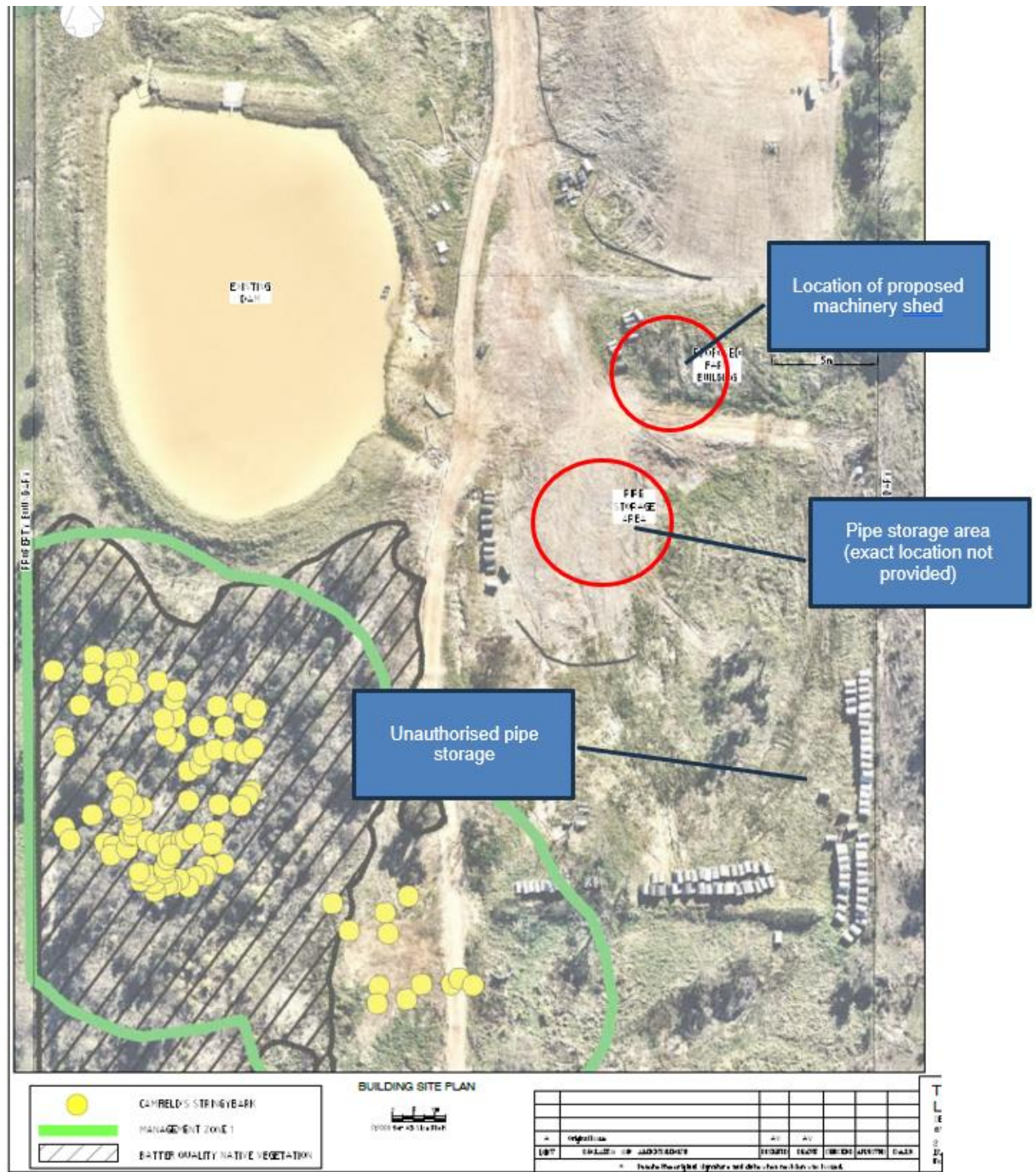
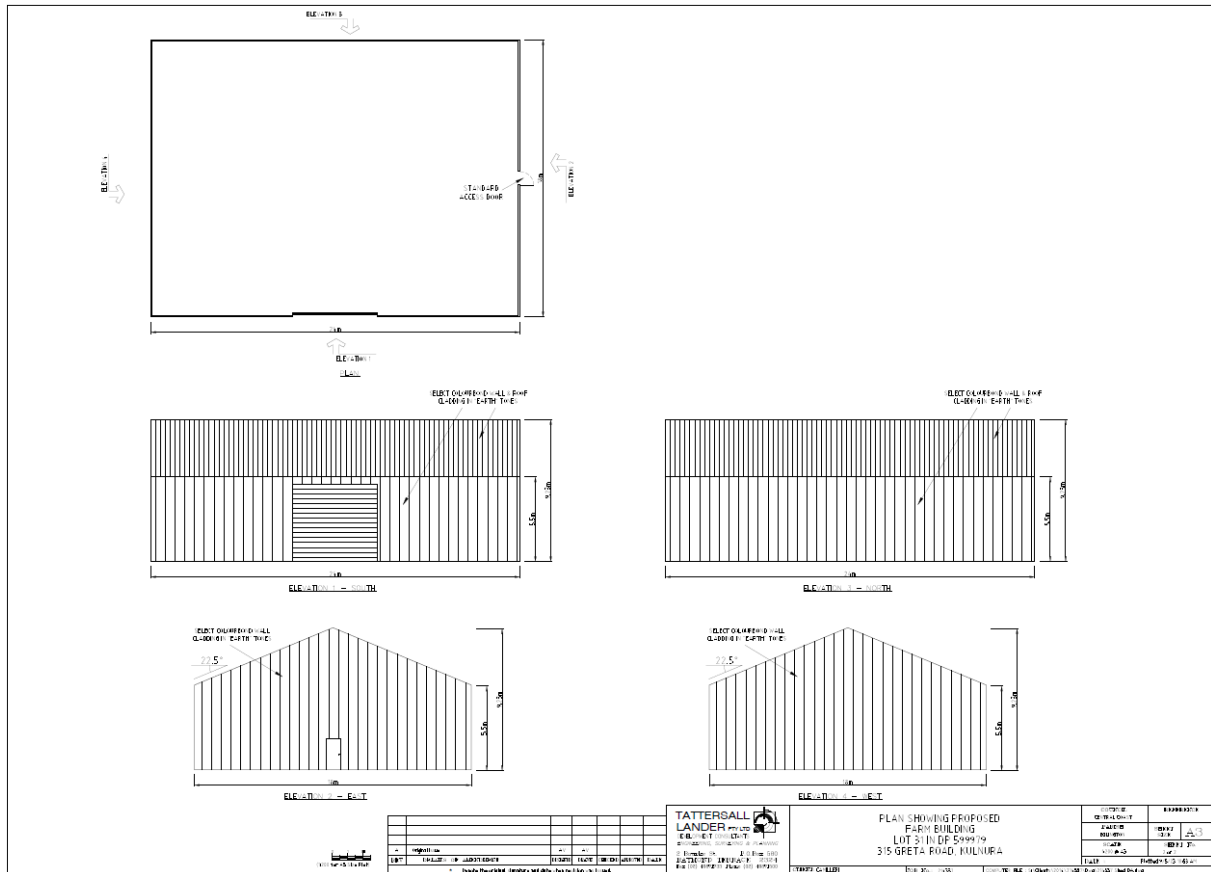


Figure 7: DA site plan showing general location of 'rural supplies operation' and machinery shed (annotations added)



### 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.

### ***Environmental Planning & Assessment Act 1979 Section 4.14 - certain bushfire prone land***

The site is identified as bushfire prone land containing Vegetation Category 1, Vegetation Category 3, and vegetation buffer land. A Bush Fire Threat Assessment Report has been prepared by Tattersall Lander Pty Ltd and included with the DA. The report indicates that the proposed development does not include any habitable structures, Special Fire Protection Purpose (SFPP) development, or subdivision.



Figure 9: Subject site outlined in blue. Site is bushfire prone land (red =Category 1 Vegetation, Orange =Category 3 Vegetation and Yellow =Vegetation Buffer)

In accordance with the provisions of Section 4.14 of the *Environmental Planning and Assessment Act 1979*, consent cannot be granted unless the consent authority is satisfied the development conforms to the relevant specification and requirements of Planning for Bushfire Protection 2019 (PBP) (s.4.14(1)(a) or alternatively, that certification stating the development conforms to the relevant specifications and requirements from an appropriately qualified person is provided to the consent authority (s.4.14(1)(b)). Concern is raised with the information contained in the bushfire assessment regarding access, specifically the length of the internal access.

The report notes as follows:

*Access within the site is via an existing route; this route, although gravel, is all-weather trafficable. The existing route is able to be made sufficiently wide simply with minimal works to existing grassed areas (ie no vegetation of significance will require removal) and there is adequate existing vertical clearance. The grades and crossfalls are all within the required parameters.*

*The access length within the site does significantly exceed the minimum requirements of 200 metres at almost 800 metres and as such, this results in a technical non-compliance. It is noted that in reality, there is no opportunity for a secondary access.*

The report notes that discussions have been held with the Rural Fire Service (RFS) and that an alternate solution may be acceptable subject to RFS concurrence. No correspondence from RFS has been provided.

It is considered that the acceptability of the access length would need to be confirmed with RFS. However, as the DA is recommended for refusal, there is no utility in undertaking consultation with RFS in this regard.

At this stage the consent authority cannot be satisfied the proposed development conforms with the relevant sections of PBP 2019.

### **State Environmental Planning Policy (Primary Production) 2021**

Chapter 3 of the *State Environmental Planning Policy (Primary Production) 2021* (Primary Production SEPP) contains provisions relating to the Central Coast Plateau Area. It applies to all RU1 zoned land within the plateau areas, including the subject site.

The relevant objectives of Chapter 3 are as follows:

*(a) to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses*

*(b) to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability*

*(e) to protect the natural ecosystems of the region.*

It is considered that the proposed development is not consistent with the relevant objectives, particularly with regard to potential land use conflicts and impacts on natural ecosystems. This is detailed below.



**State Environmental Planning Policy (Resilience and Hazards) 2021***Chapter 4: Remediation of land*

Section 4.6 requires that consent not be granted until the consent authority has considered whether the land is contaminated. If the land is contaminated, the consent authority needs to be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes for which the development is proposed to be carried out.

Section 4.6(2) states that before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. Land specified in subsection (4) includes land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out. Table 1 lists agricultural activities as being an activity that has the potential to cause contamination.

In addition to potential contamination impacts associated with poultry production, it would appear that the land where the proposed machinery shed and the proposed storage/sales area are to be located has been filled. This is evidenced by Figure 10 and Figure 11, which show the property in 2012 and 2023. Figure 10 shows that this area was covered in native vegetation in 2012 and Figure 11 shows that the land has clearly been altered.



Figure 10: Proposed development area as at May 2012 (Google Earth Pro)



Figure 11: Proposed development area as at October 2023 ([www.nearmap.com](http://www.nearmap.com))

No preliminary site investigation has been undertaken for the proposed development and the Statement of Environmental Effects (SEE) accompanying the DA has not addressed the requirements of Chapter 4.

In the absence of a preliminary site investigation, it is considered that it is not possible to determine whether the site is contaminated and if this is the case, whether it is suitable or can be made suitable, for the purpose for which the development is proposed to be carried out. The proposal is therefore contrary to the requirements of the SEPP and cannot be supported on this basis.

### **Central Coast Local Environmental Plan 2022**

#### **Permissibility**

The site is zoned RU1 Primary Production under CCLEP 2022. 'Rural supplies' and 'farm buildings' are permissible with consent in this zone.

A 'farm building' is defined as:

*a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.*

The SEE states that the farm building is to be used as an additional machinery shed for the farming operation, but it is to be located within the rural supplies area of the farm.

'Rural supplies' are defined as:

*a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.*

Rural supplies are a type of retail premises. Retail premises are defined as:

*a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—*

- (a), (b) (Repealed)*
- (c) food and drink premises,*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*
- (h) markets,*
- (i) plant nurseries,*
- (j) roadside stalls,*
- (k) rural supplies,*
- (l) shops,*
- (la) specialised retail premises,*
- (m) timber yards,*
- (n) vehicle sales or hire premises,*

*but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.*

The SEE contends that the proposed rural supplies operation is for the purpose of storing and supplying concrete pipes, culverts and concrete structures to the agricultural sector. No further detail is provided.

It is considered that the proposed storage and sale of concrete pipes, culverts and concrete structures is not properly characterised as 'rural supplies'. To fall under the definition of 'rural

supplies' the proposed development must provide clear and unequivocal evidence that the goods and materials for sale are directly for the purpose of farming and primary industry production. No evidence to this effect has been provided.

Concrete pipes, culverts, and structures, particularly of the size and nature currently being stored on site, can be used for a wide array of uses beyond farming and primary industry production, such as urban roads and other infrastructure. It would not be possible to restrict their sale for agricultural purposes only.

It is considered that the proposed use is more appropriately characterised as both a 'warehouse or distribution centre' and 'specialised retail premises'. A 'warehouse or distribution centre' is defined as:

*a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.*

'Specialised retail premises' are defined as:

*a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—*

*(a) a large area for handling, display or storage, or*

*(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,*

*but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.*

The application should be refused because the real use of the site to which consent is being sought is a warehouse or distribution centre and specialised retail premises, both of which are prohibited in the RU1 zone.

Notwithstanding, a merit assessment has been undertaken of the proposed development, resulting in the identification of a number of deficiencies which demonstrate the proposed development is considered to be inappropriate on the site.

### **Zone objectives**

Subclause 2.3(2) of the CCLEP 2022 requires the consent authority to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect high quality and productive agricultural land, water catchment areas and land comprising high ecological or biodiversity value from inappropriate development and land management practices.*
- *To provide for non-agricultural land uses that support the primary production purposes of the zone.*

It is considered that the proposed development is inconsistent with the zone objectives for the following reasons:

- It has the potential to increase conflict between land uses, particularly with the existing poultry production activity on the site which is subject to biosecurity restrictions. Locating the activity to the rear of the poultry sheds is also likely to lead to logistical conflicts, particularly as the access off Greta Road is to be shared.
- Increased truck movements along Greta Road may also increase conflict with other rural uses in the area.
- The storage of concrete pipes and structures is likely to result in adverse water quality impacts in a designated drinking water catchment area.
- The proposal is being undertaken on unsealed and sloping land with no appropriate drainage structures or other associated works and therefore is likely to lead to land degradation and adverse stormwater impacts.

It is therefore considered that the proposal is not consistent with the zone objectives.

### **Clause 5.10 Heritage Conservation**

Simpsons Track is a local heritage item listed under CCLEP 2012 (Item I123). Council's Heritage Map details shows Simpsons Track as crossing the subject land, as shown in Figures 12 and 13.

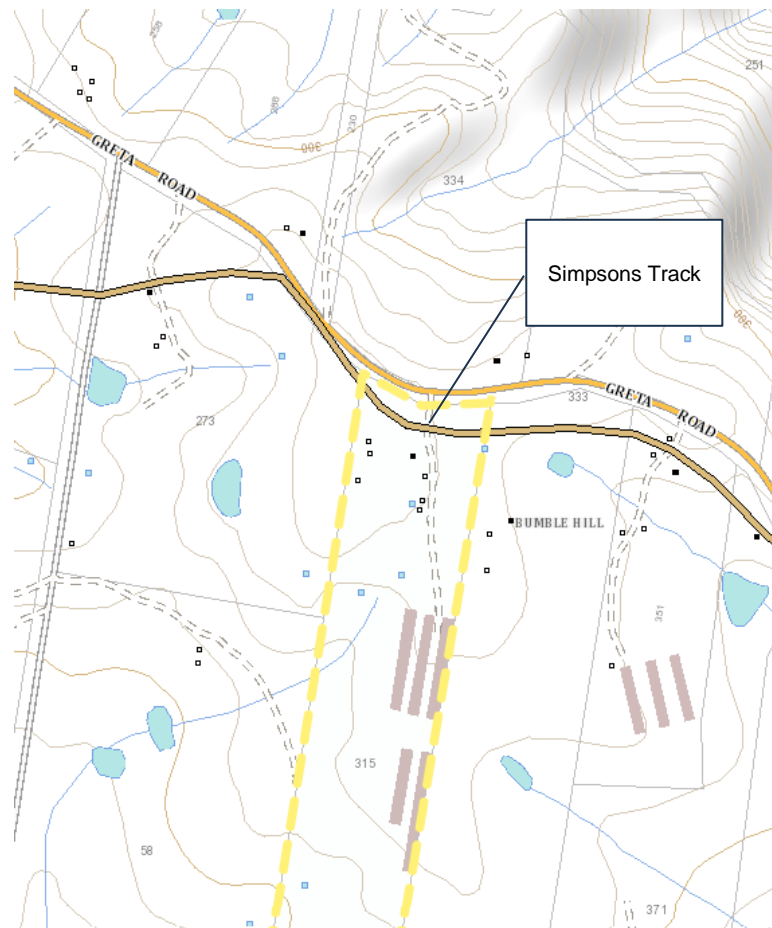


Figure 12: Excerpt from NSW Planning Portal Spatial View CCLEP 2022 Heritage Map





Figure 13: Excerpt from Council's GeoView CCLEP 2022 Heritage Map Simpson's Track shown in brown

The SEE states that the location of Simpson's Track is incorrectly identified on the Planning Portal and that there is no evidence of the heritage item being located within the site. Further, the SEE argues that given the location of the proposed development there would be no impact on the heritage item assuming that it has been identified in the correct location.

One submission from the public has stated that evidence of the track has been reduced by the actions of the landholders by the removal of trees, relandscaping of the road area and other activities.

As a heritage impact assessment has not been provided with the DA, it is considered that there is inadequate and insufficient information to demonstrate compliance with this clause. It is also not possible to confirm the veracity of the SEE's contention that the item has been incorrectly identified.

### **Clause 7.2 Drinking Water Catchments**

The site is located within the Drinking Water Catchment, as shown on the Central Coast LEP 2012 Drinking Water Catchment Map.

The objective of Clause 7.2 is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

Under sub-clause (3) the consent authority must consider the following:

- (a) whether or not the development is likely to have an adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following—*
  - (i) the distance between the development and any waterway that feeds into the drinking water storage,*
  - (ii) the on-site use, storage and disposal of chemicals on the land,*
  - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,*
- (b) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, if any.*

Under sub-clause (4) development consent must not be granted unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid significant adverse impacts on water quality and flows, or*
- (b) if an impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise the impact.*

The SEE provides the following assessment with respect to the impact of the development on the drinking water catchment:

*The proposed concrete pipe storage area is approximately 550m from a Level 1 intermittent stream and this stream feeds into Ourimbah Creek. Given that the proposed storage site will not be sealed, infiltration would be considered as being natural, no chemicals are to be used and there will be no expected significant adverse impacts on water quality or quantity, the proposed development is acceptably within the constraints of the clause. With respect to sediment control, the area between the storage area and the level 1 stream is fully vegetated with (kikuyu dominated) grasses and this will act as a permanent and effective sediment control area.*



It is noted that across the footprint of the proposed new machinery shed, the site falls approx. 4.1m to the south. To provide for an area suitable for the shed as well as storage and movement of concrete pipes, the proposed development is likely to require cut and fill as well as drainage structures, retaining walls or batters for fill. However, no details of such have been provided with the application. Further, Council's Ecologist has advised that grass will not be a sufficient erosion and sediment control. The reasons for this are discussed later in this report.

Having regard to the above, risks to the drinking water catchment as a result of the proposed development include increased sedimentation and runoff as well as erosion. There is also some evidence that concrete has a significant impact on the chemistry of urban water runoff (see for example, Davies, P., Wright, I., Jonasson, J., & Findlay, S. (2010). Impact on runoff quality by the concrete drainage system in *Proceedings of Stormwater 2010, 1st National Conference of the Stormwater Industry Association of Australia, 8-12 November 2010, Sydney, Australia* (pp. 1-12). Stormwater Industry Association of Australia).

In addition, it is likely that there would be cumulative impacts on the drinking water catchment as a result of the expansion of the poultry production, notably additional runoff from increased hardstand and roof area.

On the basis of the information provided, the consent authority cannot be satisfied that:

- the development will not result in adverse impacts on the quality and quantity of water entering nearby waterways,
- the proposed development has been appropriately designed or sited to minimise impacts, and
- the proposed development will be managed to minimise impacts, particularly having regard to advice received from Council's Ecologist regarding past management practices.

It is therefore considered that the proposed development does not comply with this clause.

### **Central Coast Development Control Plan 2022**

An assessment has been undertaken in relation to the provisions of the following chapters in the CCDCP 2022:

- Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development
- Chapter 2.13 Transport and Parking
- Chapter 2.14 Site Waste Management
- Chapter 2.17 Character and Scenic Quality
- Chapter 3.4 Water Catchment Areas

A number of non-compliances have been identified, as detailed on the following pages.

## **Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development**

### **2.1.2 Building Scale**

#### 2.1.2.1 Building Height

The maximum building height for outbuildings and detached ancillary development on RU1 zoned land is 7m. The proposed farm building/machinery shed is 9.23m high which is 30% variation to the control.

No justification has been provided for the non-compliance. The bulk and scale of the proposed machinery shed is significant and it may be visible from other properties and vantage points, including the Great North Walk located immediately south of the subject site. The size and scale of the shed is also considered disproportionate to its use for storing farm machinery.

#### 2.1.3.2 Setbacks - Large Lots

A minimum side setback of 10m is required for outbuildings on RU1 zoned land. Although an appropriately scaled site plan showing the exact location of the proposed machinery shed has not been provided, there is sufficient area for the shed to be appropriately setback from the side boundary.

## **Chapter 2.13 Transport and Parking**

#### 2.13.3.5 Delivery / Service Vehicles and Emergency Vehicle

The objective of this provision is to provide for the safe and efficient operation of delivery/service vehicles and emergency vehicles. It requires that manoeuvring and reversing areas for delivery/service vehicles not conflict with general parking and pedestrian requirements.

The SEE states that traffic movements are expected to be very low (less than 1-2 per week) and parking requirements minimal. The type of vehicles accessing the site are described as being trucks of various sizes and utility vehicles and only one delivery truck and one supply truck would be on site at any one time. On this basis, the SEE argues that the potential for traffic conflicts is minimal.

It is considered that inadequate and insufficient information has been provided to determine whether the proposed development provides for the safe and efficient operation of delivery/service vehicles. A traffic impact assessment has not been undertaken and a site plan showing where vehicles will load and unload materials and how they will manoeuvre around the site has not been provided. No information has been provided on how truck movements would be managed to ensure only one delivery truck and one supply truck would be on site at any one time.

The SEE does not provide clear information on the type of trucks accessing the site which, given the size of the concrete pipes, is likely to include semi-trailers. The SEE does not address cumulative truck movements and access requirements should the poultry production expansion occur as approved.

Having regard to the above, it is considered that the proposed development does not comply with the requirements of clause 2.13.3.5.

#### 2.13.4.5 Delivery and service vehicle requirements

This clause aims to provide for the safe and efficient operation of delivery and service vehicles through the appropriate location and design of loading bays, service areas and access ways in a development.

In relation to the requirements set out under this clause, the application has not demonstrated that:

- there is adequate provision for the manoeuvring, loading and unloading of vehicles on the site in a manner that ensures the safety of the public and employees is maintained, and conflicts are avoided
- the development provides satisfactory on-site areas for delivery and service operations and whether the service area will be used for any other purpose.
- how delivery/service vehicles will be separated from other uses (e.g. related to poultry production)
- that internal accesses will be sized to cater for manoeuvrability of the largest vehicle likely to utilise the area or the vehicle likely to require the largest manoeuvring area.

It is therefore considered that the proposed development does not comply with the requirements of clause 2.13.4.5.

### **Chapter 2.14 Site Waste Management**

#### 2.14.2.1 When is a Resource and Waste Management Plan Required

Under clause 2.14.2.1 a Resource and Waste Management Plan (RWMP) is required to be submitted and approved as part of the development application and approval process for each new development on the Central Coast.

The application does not include a RWMP and therefore does not comply with this provision.

**Chapter 2.17 Character and Scenic Quality**2.17.1 Matters for consideration

Clause 2.17.1a is not relevant due to the subject site not being located in an area affected by Council's Character and Scenic Quality Statements (in particular the nearby Kulnura – Somersby Plateau Landscape Unit) and the other considerations in this clause are not applicable. Therefore, Clause 2.17.1b applies to the proposed development.

Clause 2.17.1b requires that development consider a number of character issues, including the following relevant matters:

- Scenic prominence, distinctiveness, protection and enhancement
- Existing natural features, conservation and enhancement
- Siting of buildings and surrounding gardens: consistency with predominant patterns across the surrounding neighbourhood
- Height, size and scale of buildings: compatibility with predominant patterns across the surrounding neighbourhood
- Architectural form, construction and detail: appropriateness to existing scenic quality and streetscape character

The SEE states that the proposed site for the storage of the pipes and drainage structures is to be screened by existing farming operations or perimeter planting so that it is not visible from public areas, and it shall also be sufficiently distant from any adjoining residential dwelling. The storage location has been selected to be located so that any local amenity will not be impacted.

It is considered that the visual impact of the proposed development has not been adequately detailed or assessed. The storage of concrete pipes and other structures at a scale like that occurring at present is not compatible with the scenic character of this rural area. No visual impact assessment or details of landscape screening have been provided. While the proposed development is unlikely to be visible from Greta Road given the slope of the land, no details have been provided of the development layout or how it is to be appropriately screened. It is also noted that the development is likely to be visible from the Great North Walk, a major recreation and tourist walk which runs along the southern boundary of the site.

**Chapter 3.4 Water Catchment Areas**3.4.2.1 Development within Mooney Dam, Ourimbah Creek, Mardi Dam and Wyong Creek Catchments

The site is located within the Ourimbah Creek catchment. Any application for development within the Ourimbah Creek is to be supported by a Water Quality Management Plan which

demonstrates that the proposed development will have a neutral or beneficial effect on water quality and quantity. A Water Quality Management Plan is to include:

- Conceptual details of the proposed building and site drainage
- Details of how liquid wastes (Process wastewater, excluding domestic wastewater) will be handled, including drainage plans, treatment requirements including Biological Oxygen Demand (BOD), Suspended Solids (SS), salts and nutrients in the waste and disposal details
- Surface Water Protection Assessment, this is needed to ensure that any surface runoff, including polluted storm water runoff from the proposed development is contained, before treatment and disposal on the property, to ensure that no pollutant is allowed to discharge from the property
- Demonstrated consideration of Clause 7.2(3) of Central Coast LEP 2022.

The SEE states that a Water Quality Management Plan is considered totally unnecessary. It notes that the issue of the impact of the development on the Water Catchment Area has been adequately addressed as part of its consideration of Clause 7.2 of CCLEP 2022 and that the nature of the proposal means that there can be no impact upon receiving waters. This view is not supported for the reasons set out above under CCLEP 2022 – Clause 7.2 Drinking Water Catchments. As such, it is considered that a Water Quality Management Plan is required.

#### **Relevant Regulations:**

##### *Environmental Planning and Assessment Regulation 2021*

The Regulation applies to all development applications in relation to such items as application type, compulsory contributions, notification of development applications and a range of many other details regarding development application requirements. There is no specific clause that warrants further discussion in relation to this application.

#### **Likely Impacts of the Development:**

##### **Context and Setting**

The proposed use of the site for the storage and sale of concrete pipes, culverts and other concrete structures is not considered to be a rural use. Rather, it is more appropriately characterised as a 'warehouse or distribution centre' and 'specialised retail premises'. Both land uses are not compatible with the rural context and setting and are not consistent with the RU1 zone objectives.

## Natural Environment

### Ecology

There are pockets of remnant vegetation in the north-east section of the site, while in the south there is a disturbed woodland with a known presence of threatened floral species *Eucalyptus camfieldii* (Camfield's Stringybark) and *Hibbertia procumbens* (Spreading Guinea Flower).

There are two vegetation communities present onsite, characterised by key species *Eucalyptus haemastoma* (Scribbly Gum), *Eucalyptus racemosa* (Narrow-leaved Scribbly Gum), *Corymbia gummifera* (Red Bloodwood) and *Angophora costata* (Sydney Red Gum). Fragmented pockets of disturbed and under scrubbed vegetation are also located onsite, which contain various native and introduced vegetation species.

Central Coast Council's vegetation mapping software indicates that the majority of the site's condition is very low and low condition, though the southern, protected woodland forest has been rated as "good" condition. This fragmented and impacted woodland has been observed to support threatened species with recorded observations of *Callocephalon fimbriatum* (Gang-gang Cockatoo), *Calyptorhynchus lathami* (Glossy Black Cockatoo), *Miniopterus schreibersii oceanensis* (Common Bentwing-bat) and *Scoteanax rueppellii* (Greater Broad-nosed Bat) documented under an Ecological Assessment completed by *Wildthing Environmental Consultants* (2016).

Condition 12 of the development consent for the poultry production expansion (DA/1364/2015) required the applicant to prepare and implement Vegetation Management Plan (VMP). The southern woodland was required to be managed in accordance with the VMP.

With respect to the VMP, Council's Ecologist has advised as follows:

*It appears that though the Vegetation Management Plan condition was initially adhered to, as the primary document was submitted, the regular monitoring reporting which was required as part of the condition of consent was not followed and reports were not submitted to Council.*

Council's Ecologist further notes that:

*It is evident from historical satellite imaging that there has been considerable encroachment into the southwestern portion of the site, with clearing and machinery use prevalent throughout. Imaging indicates that there have been machinery tracks and unauthorised works, resulting in impacts to Vegetation Zone 1 with weed incursion and fragmentation of this protection area observed.*

It appears that the proponent has not followed the directions and protections or complied with the VMP and this, along with further clearing, unauthorised works and encroachment, has resulted in further fragmentation and loss of biodiversity.

There is a risk that the storage of pipes will impact on the sensitive southern woodland area. As discussed above, it is anticipated that earthworks would be required to level the site suitable for the proposed development. Such works may require encroachment into Vegetation Zone 1 and existing trees may be impacted.



Figure 14: Aerial image highlighting the known areas containing the threatened *Eucalyptus camfieldii* (Camfield's Stringybark) in 2016.





Figure 15: Aerial image highlighting the known areas containing the threatened *Eucalyptus camfieldii* (Camfield's Stringybark) in May 2023. There is obvious encroachment into the southern wooded area, as well as into the Vegetation Management Zone 1, directly impacting on threatened species.



The application is not supported on ecological grounds for the following reasons:

- There is a history of poor management of vegetation and evidence that sensitive vegetation communities have been partially cleared, contrary to the requirements of Condition 12 of development consent DA/1364/2015. Having regard to past practices, there are valid concerns that future vegetation protection and management may not be adequate, particularly given the proximity of the development site to the existing Vegetation Management Zone 1 which contains threatened species.
- The SEE gives minimal consideration to ecological impacts in relation to the subject proposal and no ecological impact assessment has been provided.
- There is inadequate and insufficient information to demonstrate compliance with the *Biodiversity Conservation Act 2016*.

### **Access and Transport**

Greta Road along the front of the site is a sealed carriageway, with double-centreline pavement marking, a grassed table drain, naturally formed verge, guideposts, and overhead utilities and services. The existing gravel VAC servicing the site was widened under SCC/2/2018 (in association with the Poultry Farm Expansion covered under DA/1364/2015), and the verge reshaped on the southern side of the VAC to increase sight distance south along Greta Rd and improve safety for site egress. Council's Engineer has advised that the proposed development will not necessitate the completion of any road infrastructure works.

As discussed above, the applicant has advised that it is expected that <1-2 trucks per week will access the site, parking requirements will be minimal and that only one delivery truck and one supply truck would be on site at any one time. However, it is considered that the information provided by the applicant is inadequate and insufficient to assess potential traffic impacts associated with the development, in particular:

- **Traffic impact**
  - The information provided on traffic generation is unclear and contradictory. While the applicant states that <1-2 trucks per week will access the site, the hours of operation being sought of 7am – 6pm Monday to Friday and 8am to 2pm on Saturday would suggest much higher truck activity.
  - A number of submissions have indicated that the number of trucks currently accessing the site for the purpose of loading and unloading pipes is much higher than indicated by the applicant.
  - The large number of pipes currently being unlawfully stored on the site would suggest a much greater level of traffic activity than the one or two trucks per week referred to in the application.

- **Internal access arrangements**

- There is no site layout plan showing where vehicles will load and unload materials and how they will manoeuvre around the site.
- While an adequate all-weather gravel area is available immediately to the south of the proposed machinery shed for visitors, employees, trucks, etc., Council's Engineer has advised that the suitability of this area for this purpose is currently unknown, due to the required earthworks being unknown (and consequently the resulting shed level and entry point (i.e., where the shed FFL meets the natural ground level / existing road access level).
- No information has been provided on how truck movements would be managed to ensure no additional trucks would be on site at any one time.

- **Vehicle types**

- The type of trucks accessing the site is not detailed. Given the size of the concrete pipes, it is expected that semi-trailers may access the site.

- **Cumulative impact**

- The SEE does not address cumulative truck movements and access requirements should the poultry production expansion occur as approved.

It is considered that the traffic impact of the proposed development has not been adequately detailed or assessed.

## **Noise**

The proposal will intensify the use of the land with vehicle movements and earth moving machinery and therefore has the potential to result in adverse noise impacts. No noise impact assessment has been prepared and no consideration of noise impacts is provided in the SEE.

An assessment of noise impact is required having regard to:

- Noise Policy for Industry (2017)
- Noise Guide for Local Government

It is considered that the noise impact of the proposed development has not been adequately detailed or assessed.

**Bushfire**

As discussed previously in the report, a Bush Fire Threat Assessment Report has been prepared by Tattersall Lander Pty Ltd and included with the DA. The report indicates that the proposed development does not include any habitable structures, Special Fire Protection Purpose (SFPP) development, or subdivision. However, the report identifies there is a technical non-compliance with the length of the internal access and no correspondence has been provided by the applicant regarding RFS being satisfied with this non-compliance.

It is considered that the acceptability of the access length would need to be confirmed with RFS. However, as the DA is recommended for refusal, there is no utility in undertaking consultation with RFS in this regard.

**Water quality**

The SEE notes that the proposed concrete pipe storage area is approximately 550m from a Level 1 intermittent stream and this stream feeds into Ourimbah Creek. The SEE states that there will be no impact on the water catchment as:

- the proposed storage site will not be sealed and infiltration would be considered as being natural
- no chemicals are to be used.

With respect to sediment control, the SEE notes that the area between the storage area and the level 1 stream is fully vegetated with (kikuyu dominated) grasses and this will act as a permanent and effective sediment control area. As a result, the SEE concludes that there will be no expected significant adverse impacts on water quality or quantity.

This conclusion is not supported. The submitted documentation fails to provide any detail on potential contamination, earthworks required to support the proposal or measures to manage stormwater disposal. All these matters pose risks to water quality and quantity in this sensitive catchment area. Further, Council's Ecologist has advised that the grass will not be a sufficient erosion and sediment control due to the proximity to the vegetation management zone containing *Eucalyptus camfieldii* (Camfield's Stringybark). The proximity of the proposed development downstream of the poultry farm also requires consideration of cumulative impacts on the water catchment which has not been undertaken.

Having regard to the above, it is considered that the proposed development has the potential to adversely impact on drainage and water quality.

**Suitability of the Site for the Development:**

For the reasons identified in the above assessment and contained within the reasons for refusal, it is considered that the site is not suitable for the proposed development.

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

The application was initially publicly exhibited from 27 June to 11 July 2023. As a result of technical issues with Council's website and community interest in the application, the application was re-exhibited from 28 July to 11 August 2023 under the provisions in Part 1.2.2 of the CCDCP 2022.

32 submitters objected to the proposed development, with a number of people submitting multiple objections. Some submitters also made representations through the local Federal Member, Dr Gordon Reid MP and the local State Member, Liesl Tesch MP.

93 pro forma letters objecting to the proposal were also received.

Key issues raised in the submissions are detailed below.

Issue	Response
Traffic impacts, including impacts of trucks on road safety, road condition, and amenity impacts	It is considered that the traffic impact of the proposed development has not been adequately detailed or assessed. No assessment of the cumulative impact of the proposed development together with the expanded poultry farm has been undertaken.
Use is not appropriate in rural zone. The proposed development is an industrial use	The proposed use cannot be characterised as 'rural supplies' and is more appropriately characterised as 'warehouse or distribution centre' and 'specialised retail premises'. Both land uses are prohibited in the RU1 zone.
Unauthorised use	<p>Council has issued an order to the landowners stating that they are to stop using the property for storing cement pipes and that all cement pipes are to be removed. However, enforcement action has been paused to provide procedural fairness and enable this DA to be assessed/determined.</p> <p>As the application is recommended for refusal, Council's Environmental Reporting and Emergency Management team will be requested to pursue enforcement action to seek compliance with the order.</p>
No contamination assessment has been undertaken. Studies indicate concrete can leach into waterways.	<p>The proposed development poses several contamination risks associated with the proposed development, namely:</p> <ul style="list-style-type: none"> <li>• Contamination from concrete</li> <li>• Contamination from unknown fill on site</li> <li>• Cumulative contamination associated with poultry production.</li> </ul> <p>No preliminary site investigation has been undertaken as required under the Resilience and Hazards SEPP 2021. The proposed development is therefore considered to be inappropriate and inadequate in this regard.</p>

Proposed development will adversely impact water quality and pose risk to drinking water catchment.	It is considered that the proposed development has the potential to adversely impact on drainage and water quality for the reasons set out above.
Inadequate documentation	The documentation submitted with the DA is considered to be insufficient and inadequate, as detailed above.
History of poor site management/unsafe stacking of pipes	<p>There is a history of unauthorised use and poor site management, evidenced by the current storage of the concrete pipes which is subject to a Council order as well as non-compliance with the Vegetation Management Plan (DA/1364/2015 Condition 12) and clearing activities.</p> <p>While not a reason for refusal, past practices do raise valid concerns about the future management of the site and protection of sensitive vegetation and water quality.</p>
Adverse visual/scenic impact & adverse impacts on tourism	<p>The region is a popular tourist destination, particularly known for its attractive rural landscape.</p> <p>The proposed development is considered to be incompatible with the scenic quality of this rural area. No visual impact assessment has been undertaken and no details of landscaping screening have been provided. It is also noted that the bulk and scale of the proposed machinery shed is significant (9.23m high and 432m<sup>2</sup> in area) and it may be visible from other properties and vantage points.</p> <p>Further, the development is likely to be visible from the Great North Walk which is a major tourist recreation trail and no heritage impact assessment has been undertaken to consider the effect of the proposed development on the heritage significance of the Walk.</p>
Adverse ecological impact	The proposed development has the potential to adversely impact on ecology due to earthworks, water quality impacts and proximity to sensitive habitats.
Biosecurity and conflict with poultry farm	<p>No consideration has been given to the cumulative impacts of the development combined with the existing/expanded poultry operation and no consideration of potential land use conflicts. Cumulative impacts and land use conflicts have been discussed above.</p> <p>Biosecurity quarantine protocols are in place for the existing poultry farm. There is no discussion in the SEE or other information provided on how quarantine protocols are to be managed with the movement of vehicles and customers in and around the poultry farm.</p>
Noise impacts	<p>There is potential for adverse noise impacts arising from traffic to and from the site and machinery use on site. No noise impact assessment has been provided and there is no discussion of potential noise impacts in the SEE.</p> <p>However, as the DA is recommended for refusal, there is no utility in requesting the applicant to provide a noise impact assessment.</p>

Heritage impact	As the proposed development is located approximately 600m from the Simpsons Track heritage item and there are no changes proposed to access arrangements, there may be minimal impact on its heritage significance, however, no heritage assessment has been undertaken to verify this as per clause 5.10 of CCLEP.
Amenity impacts and non-compliance associated with approved poultry farm	The proposed development does not include any changes to the approved poultry farm, and as such, this matter is outside of the scope of this assessment.

### The Public Interest: (s4.15(1)(e)):

For the reasons identified in the assessment and contained within Council's reasons for refusal, the proposal is not considered to be in the public interest.

### Submissions from Public Authorities

No submissions have been received from Public Authorities.

### Internal Consultation

Development Engineer	<p>Insufficient information with respect to:</p> <ul style="list-style-type: none"> <li>• Earthworks</li> <li>• Internal traffic movements</li> <li>• RFS advice on non-compliant internal access</li> <li>• Stormwater drainage</li> </ul> <p>Based on traffic generation rates provided in the SEE, the proposed development may not necessitate the completion of any road infrastructure works.</p>
Ecologist	<ul style="list-style-type: none"> <li>• Insufficient ecological impact assessment</li> <li>• Non-compliance with Vegetation Management Plan</li> <li>• Evidence of clearing, unauthorised works and encroachment which has resulted in further fragmentation and loss of biodiversity.</li> </ul>
Environmental Health	<p>Insufficient information with respect to:</p> <ul style="list-style-type: none"> <li>• Air quality impacts from traffic movements</li> <li>• Contamination</li> <li>• Noise impacts</li> <li>• Management of poultry quarantine protocols</li> </ul>
Waste Services	The SEE notes the only waste to be generated by the ongoing Rural Supplies operation will be the disposal of damaged concrete products, to a suitable concrete crushing and recycling facility. It is assumed this will be undertaken via the site's delivery truck and will be infrequent.
Water and Sewer	Due to the site being located within the Ourimbah Creek Water Catchment area, the development will require a Section 305 application to be submitted to Council under the <i>Water Management Act 2000</i> for a Section 307 Certificate to be issued upon completion of works.



**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is inconsistent with these principles.

The proposed development does not incorporate satisfactory stormwater and drainage control and also has the potential to impact on threatened flora and fauna habitats and affect fluvial environments. It is likely to have a significant adverse impact on the environment. As such, it does not fully satisfy environmentally sustainable principles for reasons contained within this Report and is not supported in this regard.

**Climate Change**

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

**Other Matters for Consideration:**Compliance:

As discussed, Council has issued an order to the landowners stating that they are to stop using the property for storing cement pipes and that all cement pipes are to be removed. Enforcement action has been paused to provide procedural fairness and enable this DA to be assessed/determined.

As the application is recommended for refusal, Council's Environmental Reporting and Emergency Management team should now be requested to pursue enforcement action to seek compliance with the order.

Contributions:

If there was sufficient information provided in relation to the application a more detailed assessment could be undertaken as to whether contributions were applicable to the proposed development, this would involve a more detailed analysis of the use of the machinery shed and revised cost estimate of works. Given the application is recommended for refusal, no further assessment is required.

**Conclusion:**



The proposal has been assessed having regard to the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development cannot be characterised as 'rural supplies' as defined under Central Coast LEP 2022 and as such is prohibited in the RU1 Primary Production zone. Furthermore, the proposed development does not satisfactorily meet other relevant requirements of Central Coast LEP 2022 and Central Coast DCP 2022, has unsatisfactory and unreasonable adverse impacts, is deemed unsuitable for the site, and not in the public interest.

On this basis the application is not supported and is recommended for **refusal** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the following reasons:

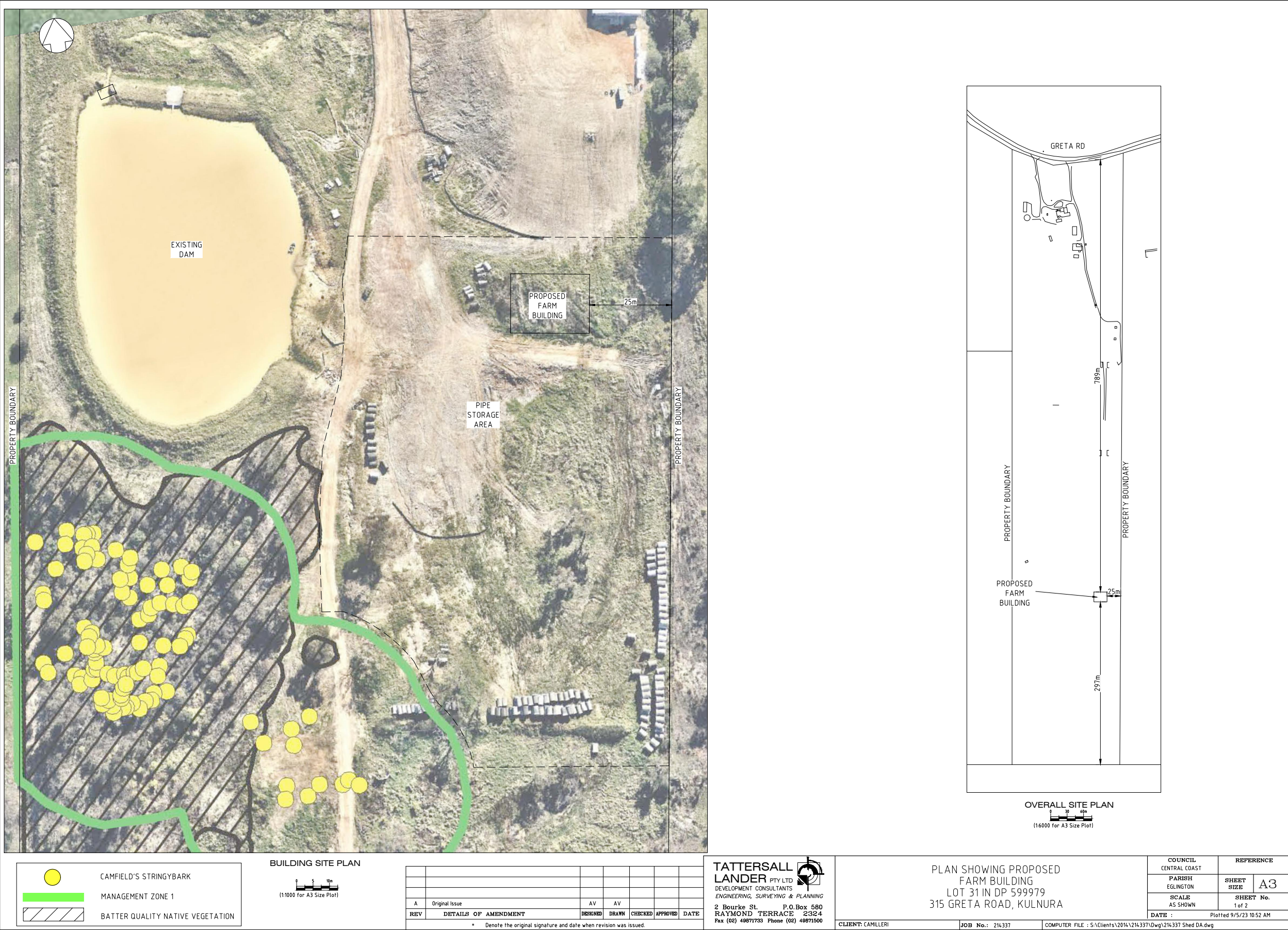
1. The proposed development is best characterised as a *warehouse or distribution centre* and a *specialised retail premises* which are prohibited in the RU1 Primary Production zone under Central Coast Local Environmental Plan 2022.
2. The proposal does not protect water catchment areas or areas comprising high ecological value and will result in land use conflicts and therefore fails to satisfy the objectives of the RU1 Primary Production Zone as set out in Central Coast Local Environmental Plan 2022.
3. The proposal has not demonstrated that it meets the requirements of clause 7.2 of Central Coast Local Environmental Plan 2022 with respect to impacts on the drinking water catchment.
4. The proposal does not comply with the maximum height requirement for outbuildings in the RU1 zone in accordance with Chapter 2.1, Clause 2.1.2 Building Scale.
5. The proposal fails to provide the necessary information required under s.4.14 of the *Environmental Planning and Assessment Act 1979* to satisfy the consent authority the proposed development conforms to the specifications and requirements of Planning for Bushfire Protection.
6. The proposal fails to provide for the safe and efficient operation of delivery/service vehicles within the site as required under Chapter 2.13, Clauses 2.13.3.5 and 2.13.4.5.
7. The proposal fails to provide a Resource and Waste Management Plan in accordance with Chapter 2.14, Clause 2.14.2.1.
8. The proposal fails to consider the visual impact on the scenic quality of the local rural environment in accordance with Chapter 2.17, Clause 2.17.1b
9. The proposal does not provide a Water Quality Management Plan in accordance with Chapter 3.4, Clause 3.4.2.1.

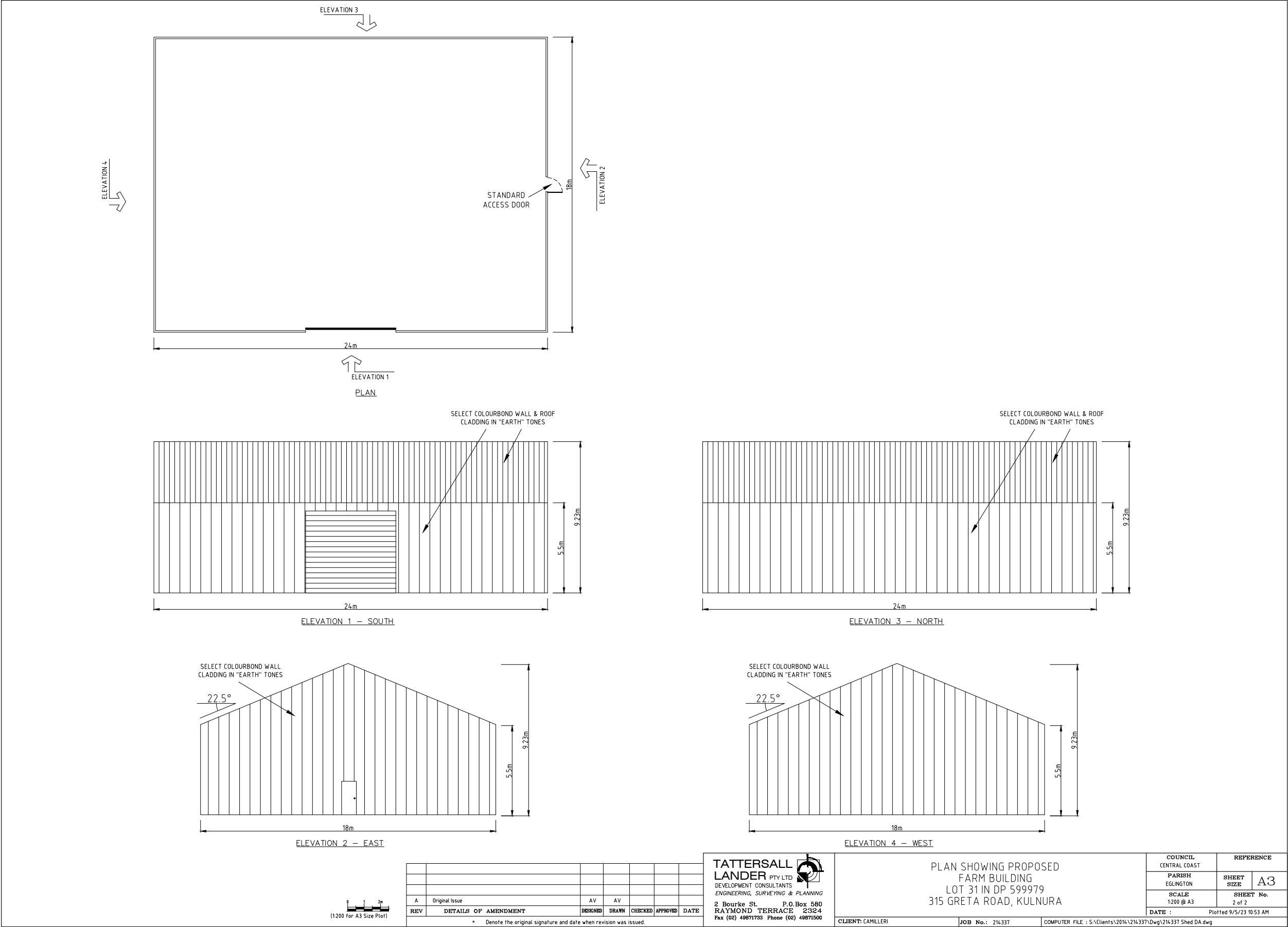
10. The proposed development has not considered whether the land is contaminated and whether it is suitable for the proposed change of use in accordance with Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021*
11. Pursuant to Section 4.15(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered unsatisfactory with regard to:
  - a. Amenity impacts, including noise and air pollution
  - b. Impacts on ecology, including threatened species
  - c. Traffic impacts
  - d. Bushfire access
  - e. Heritage
  - f. Impacts on water quality
  - g. Cumulative impacts having regard to the existing poultry production operation and its approved expansion.
12. The adverse impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
13. Having regard to submissions received, the non-compliances with the planning controls and amenity impacts, the proposal is not in the public interest, pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.

## Attachments

 1	Architectural Plans	D15674763
 2	Development Control Order - Notice/34/2023 - Cease using premises-use prohibited	D15586355











Josette Maria Camilleri and John Camilleri  
PO Box 134  
AUSTRAL NSW 2179

Stephen Ryan  
NOTICE/34/2023  
CX 220830-000492

14 March 2023

Dear Mrs Camilleri and Mr Camilleri

**PROPOSED ORDER NO.1 and NO.3**  
**LAND: LOT 631 DP 599979**  
**ADDRESS: 315 Greta Road, KULNURA NSW 2250**

Central Coast Council (Council) gives notice to **Josette Maria Camilleri and John Camilleri**, pursuant to Division 9.3 Development control orders of the *Environmental Planning and Assessment Act 1979* (the Act) the attached proposed orders to **Josette Maria Camilleri and John Camilleri**. For the purpose of Division 9.3 Development control orders of the Act, the periods within which the proposed orders are to be complied with (if those orders are given) are set out in the attached proposed orders.

As required by Division 9.3 Development control orders of the Act, I advise that Josette Maria Camilleri and John Camilleri may make representations to Council as to why the proposed orders should not be given, the terms of the proposed orders, and/or periods for compliance with the proposed orders. For the purpose of Division 9.3 Development control orders of the Act, I advise that any such representations are to be made to me on or before **close of business on 28 March 2023**.

***Please do not disregard this letter.***

Yours faithfully

A handwritten signature in black ink, appearing to be "SR", written over a light blue circular stamp.

Stephen Ryan  
**Senior Development Control Officer**  
**DEVELOPMENT CONTROL**



**Wyang Administration Building:** 2 Hely St / PO Box 20 Wyong NSW 2259  
P (02) 4306 7900 | W [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au) | ABN 73 149 644 003





Josette Maria Camilleri and John Camilleri  
PO Box 134  
AUSTRAL NSW 2179

Stephen Ryan  
NOTICE/34/2023  
CX 220830-000492

14 March 2023

Dear Mrs Camilleri and Mr Camilleri

**PROPOSED ORDER NO.1 and NO.3**  
**LAND: LOT 631 DP 599979**  
**ADDRESS: 315 Greta Road, KULNURA NSW 2250**

#### **Orders**

Pursuant to Division 9.34 Development control orders of the *Environmental Planning and Assessment Act 1979* (the Act) Central Coast Council (Council) **ORDERS Josette Maria Camilleri and John Camilleri** to do each of the following:

##### Order 1

1. Stop using the property located at 315 Greta Road, Kulnura as a Storage Premises, as defined by the *Central Coast Local Environment Plan 2022*, specifically for the purpose of storing cement pipes.

##### Order 3

2. Remove all cement pipes located at 315 Greta Road, Kulnura

#### **Time for compliance with the orders**

Compliance with the orders above must be completed as indicated below:

1. Order 1 and 3 must be completed no later than **28 May 2023**.

#### **Reasons**

For the purposes of Division 9.3 Development control orders of the Act, the above orders are given for reasons set out below:

1. The property at 315 Greta Road, Kulnura is zoned RU1 - Primary Production under the *Central Coast Council Local Environmental Plan (LEP) 2022*.
2. Council has received concerns from the public regarding the use of the property as a storage premises, specifically for the storage of large cement pipes and looking unsightly in the environment.



**Wyong Administration Building:** 2 Hely St / PO Box 20 Wyong NSW 2259  
P (02) 4306 7900 | W [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au) | ABN 73 149 644 003

3. A site inspection was conducted of the property at 315 Greta Road, Kulnura on the 2 March 2023, the following was noted:
  - a. Hundreds of large cement pipes are stored within the north-eastern, central, and southern portions of the property.
  - b. The pipes are stacked in some instances more than 3m in height.
4. A Storage Premises as defined by the *Central Coast Council Local Environmental Plan (LEP) 2022*, is defined as follows:

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

5. A review of the Land Use Table for Zone RU 1 - Primary Production classifies a Storage Premises as a prohibited use.
6. Upon review of Council's records, it is noted that DA/1364/2015 has been approved for the "extension to 4 existing poultry shed, construction of 6 new poultry sheds and 2 machinery shed with associated earthworks". It is noted that there is no proposed use of the stored cement pipes at the property within these approved works.
7. Council records indicate there is no approval for the use of the property located at 315 Greta Road, Kulnura as a Storage Premises, which is considered a breach of the *Environmental Planning and Assessment Act 1979*.
8. The cement pipes located within the southern portion of the property are located within an environmentally sensitive area.

Please be advised that under section 9.37 of the Act, failure to comply with an order is an offence under the Act and Penalty Infringement Notice/s can be issued.

### Definitions

The following terms have the following meanings for the purposes of the orders and reasons above:

- **Subject Land** means the part of the land known as LOT 631 DP 599979, being land having a street address of 315 Greta Road, KULNURA NSW 2250, that is occupied by Josette Maria Camilleri and John Camilleri and used for the purposes of **residential**.

### Appeal

Part 4 (4) of Schedule 5 of the Act provides that the person to whom the Order is addressed may appeal to the Land and Environment Court of NSW against the above Order, provided any such appeal is made within 28 days of service of the Order.



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Yours faithfully



Stephen Ryan  
**Senior Development Control Officer**  
**DEVELOPMENT CONTROL**



**Item No:** 3.3  
**Title:** DA/1964/2023 - 46 Noamunga Crescent  
Gwandalan - Dwelling and Inground Swimming  
Pool Inclusive of Demolition of Site Structures  
**Department:** Environment and Planning

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**Central Coast**  
Local Planning Panel

11 April 2024 Local Planning Panel Meeting

Reference: DA/1964/2023 - D16088449  
Author: Gary Evans, Principal Health and Building Surveyor  
Section Manager: Wayne Herd, Section Manager Building Assessment and Certification  
Unit Manager: Andrew Roach, Unit Manager. Development Assessment

### Summary

An application has been received for a new dwelling and inground swimming pool, including demolition of existing site structures at 46 Noamunga Crescent, Gwandalan. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

This development application is required to be reported to the Local Planning Panel due to the number of submissions received with respect to the originally and re-notified development proposal exceeding ten (10) submissions.

The application is recommended for approval, subject to conditions.

<b>Applicant</b>	Mr Ted Roleski
<b>Owner</b>	Mr John Elomar
<b>Application No</b>	1964/2023
<b>Description of Land</b>	Lot 24 Section 1 DP26783 – 46 Noamunga Crescent Gwandalan
<b>Proposed Development</b>	New Dwelling and Inground Swimming Pool Inclusive of Demolition of Existing Site Structures
<b>Site Area</b>	505.8m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Residential
<b>Employment Generation</b>	N/A
<b>Estimated Value</b>	\$886,000

**3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)**

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**Recommendation**

- 1 That the Local Planning Panel grant consent to DA/1964/2023 – 46 Noamunga Crescent, Gwandalan – new dwelling and inground swimming pool inclusive of existing site structures, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**

**Key Issues**

- The application is required to be reported to the Local Planning Panel for determination as in excess of ten (10) submissions have been received in relation to the development proposal.
- The development proposes variations to the primary road, rear and side boundary setback provisions as contained within *Central Coast Development Control Plan 2022* (Chapter 2.1 "Dwelling Houses, Secondary Dwellings and Ancillary Structures), to permit the development.

**Precis:**

<b>Proposed Development</b>	New Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures
<b>Permissibility and Zoning</b>	<p>The subject site is zoned <i>R2 - Low Density Residential</i> under the provisions of <i>Central Coast Local Environmental Plan 2022</i> (CCLEP 2022).</p> <p>The land contains an existing 'dwelling house' which is defined under the Central Coast <i>LEP 2022</i> as;</p> <p><i>'dwelling house'</i> means – a building containing only one dwelling.</p> <p>The proposed development is best defined as a dwelling and inground swimming pool and is permissible with consent in the current zone.</p>
<b>Current Use</b>	Dwelling House
<b>Integrated Development</b>	No

<b>Submissions</b>	<p>The development application was notified (in accordance with the provisions of the <i>Central Coast Development Control Plan 2022</i> (CCDCP 2022)) on two separate occasions as follows:</p> <ul style="list-style-type: none"> <li>Originally proposed development - from 3 November 2023 until 17 November 2023.</li> </ul> <p>During the first notification period, a total of seventeen (17) submissions were received in relation to the development proposal.</p> <ul style="list-style-type: none"> <li>Amended development proposal – from 24 January 2024 until 8 February 2024.</li> </ul> <p>During the second notification period, a total of five (5) submissions were received in relation to the amended development proposal.</p> <ul style="list-style-type: none"> <li>Amended development proposal further notified to prior objectors – 4 March 2024 until 18 March 2024.</li> </ul> <p>During the third period of notification, a total of one (1) further submission was received.</p>
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### **Proposed Variations to Plans and Policies**

Proposed Variations to Central Coast Development Control Plan 2022 (Chapter 2.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures)

#### Variation 1

Clause	2.1.3.1(a)(i)
Planning Control	The required primary road setback for primary and secondary dwellings and ancillary development is to be the average setback of the nearest 2 dwelling houses having the same primary road boundary and located within 40.0 metres of the lot on which the dwelling house is to be erected.
Departure basis	The proposal seeks a reduced setback of 4.5 metres to the proposed dwelling in lieu of the required average setback of the adjoining dwellings of 15.2 metres. This represents a variation of 10.7 metres or 70%.



### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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#### Variation 2

Clause	2.1.3.1(e)
Standard	<p>The required rear boundary setback for dwellings, secondary dwellings and ancillary development to land zoned public recreation which adjoins a waterway is to be:</p> <ul style="list-style-type: none"> <li>• 6.0 metres for the ground storey; and</li> <li>• 10.0 metres for any storey above the ground storey.</li> </ul>
Departure basis	<p>The proposal reduced setbacks to the rear land zoned public recreation which adjoins a waterway as follows:</p> <ul style="list-style-type: none"> <li>• 1.895 metres to the swimming pool edge; and</li> <li>• 3.0 metres to the lower and upper levels of the proposed dwelling.</li> </ul>

#### Variation 3

Clause	2.1.3.1(c)(i)
Standard	The required side boundary setback for any part of a building exceeding 4.5 metres in height is 0.9 metres plus one quarter of the height of the building located above 4.5 metres.
Planning Control	DCP 2022 Chapter 2.1 "Dwelling Houses Secondary Dwellings and Ancillary Structures"
Departure Basis	The development seeks reduced southern side boundary setback of a minimum 1.5 metres in lieu of the required 1.87 metres given the buildings height. This represents a variation of 0.370 metres or 20%.

#### **The Site**

The site (Figures 1-5) is a single lot identified as Lot 24 Section 1 DP 26783 (46 Noamunga Crescent, Gwandalan). The site is located on the eastern side of Noamunga Crescent and is bounded to the rear by a foreshore reserve area, having frontage to Lake Macquarie. The site has minimal slope from the road boundary to the rear of the allotment and has a total area of 505.8m<sup>2</sup>. The site contains an existing dilapidated 'fisherman's cottage' constructed circa 1960's, located in close proximity to the Noamunga Crescent road boundary.

### **Surrounding Development**

The subject site is surrounded by residential lots also retaining an R2 – Low Density Residential zoning, containing a mixture of older style single storey cottages interspersed with newer dwellings of predominantly two storey construction. Surrounding allotments, as with the subject site, are generally level and display minimal slope.



***Figure 1: Aerial view of the locality with the site etched in blue.***





**Figure 2: Deposited Plan Extract Detailing Section 1 Lot 24.**



**Figure 3: Detailing the existing site condition as viewed from Noamunga Crescent.**





***Figure 4: Detailing the existing site condition as viewed from the rear foreshore reserve.***

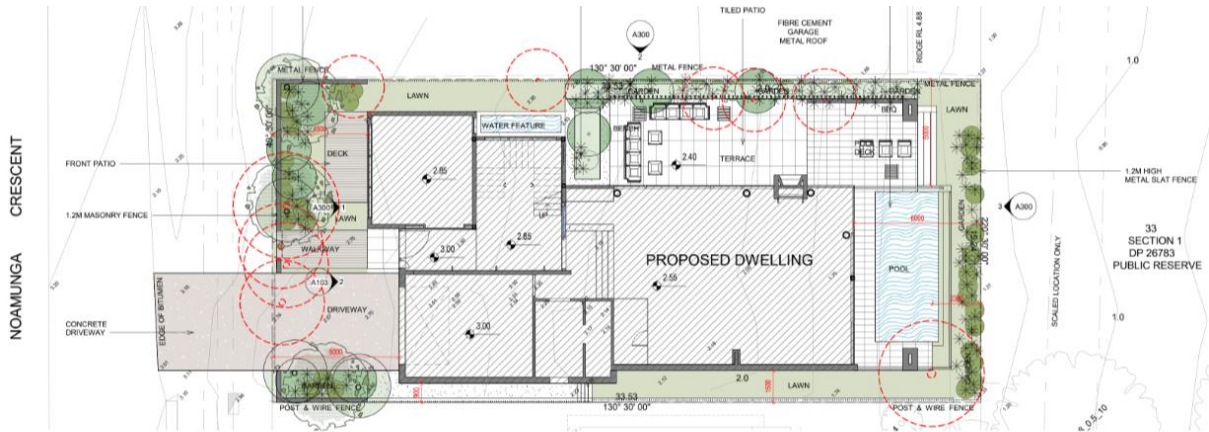


***Figure 5: Detailing the original "fisherman's cottage" to be demolished.***

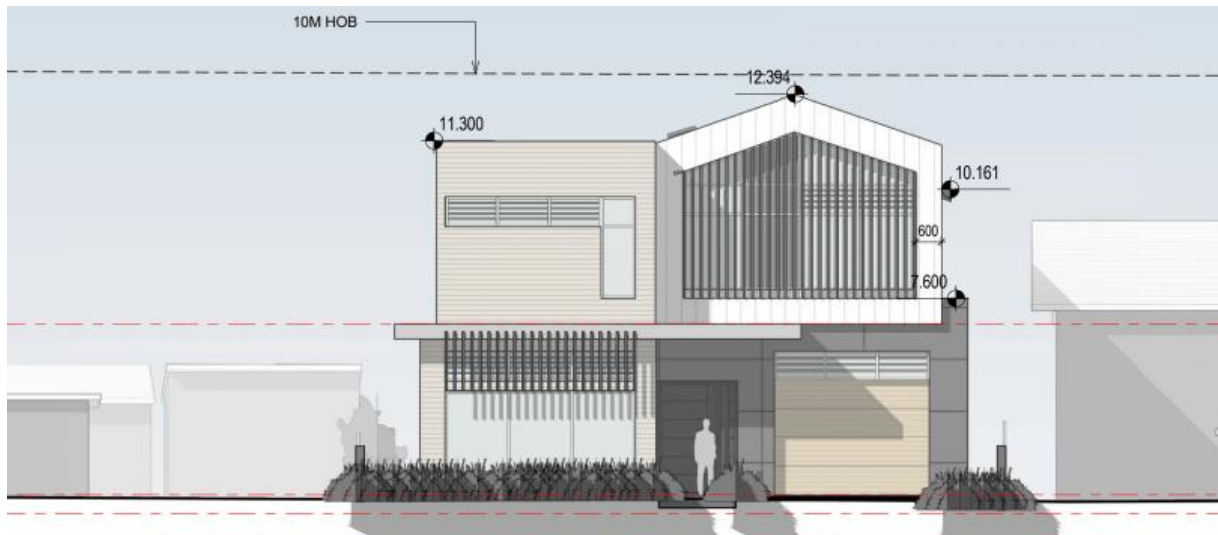
### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

#### The Proposed Development

The development application seeks consent for the erection of a new two storey dwelling and ancillary inground swimming pool, inclusive of the demolition of site structures as depicted within Figures 6-10 below. The proposal will include the removal of a number of exotic cocos palms to facilitate the development, with the removal of this vegetation meeting the exempt provisions of Council's Chapter 3.5 "Tree and Vegetation Management".

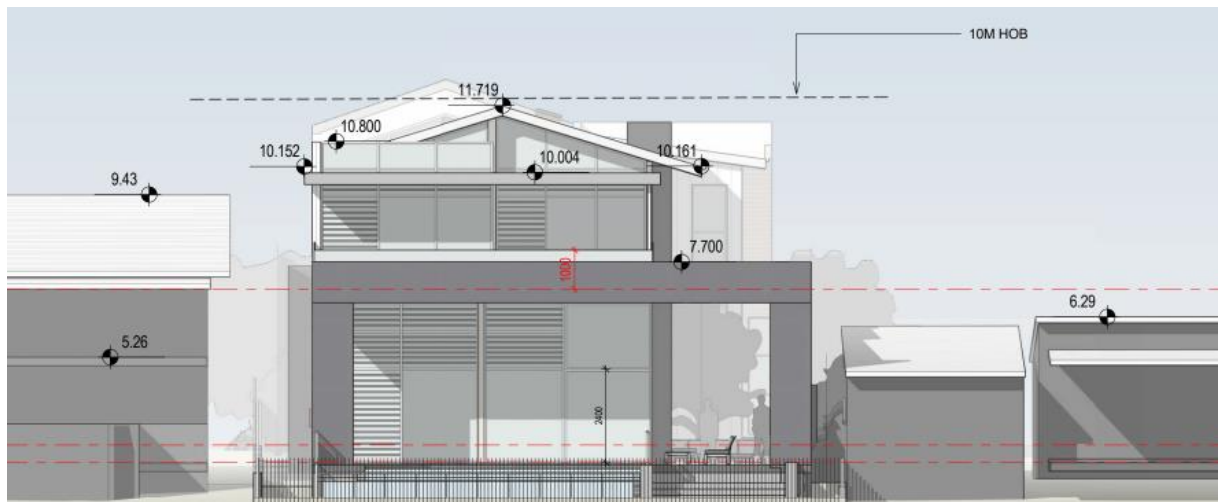


**Figure 6: Detailing the proposed site plan.**

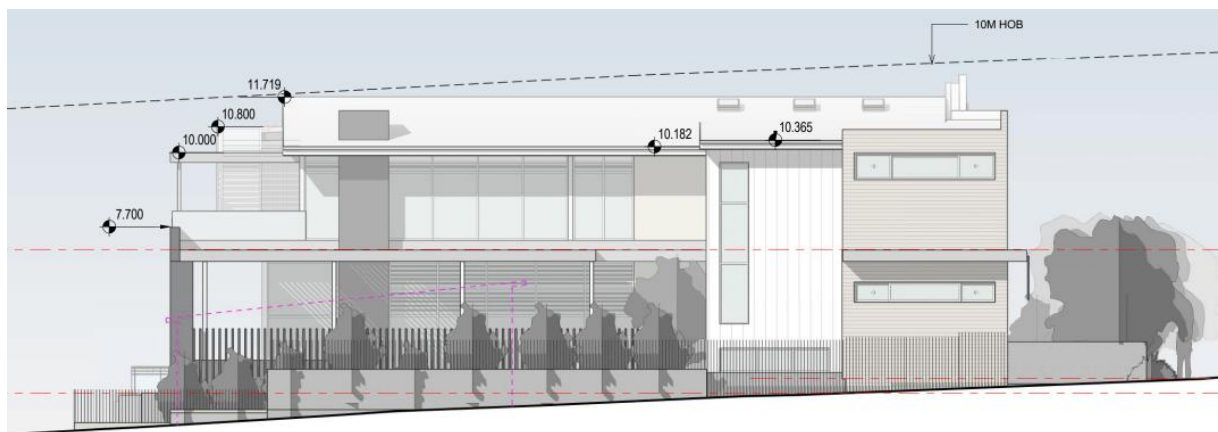


**Figure 7: Detailing the proposed primary road (street) elevation.**

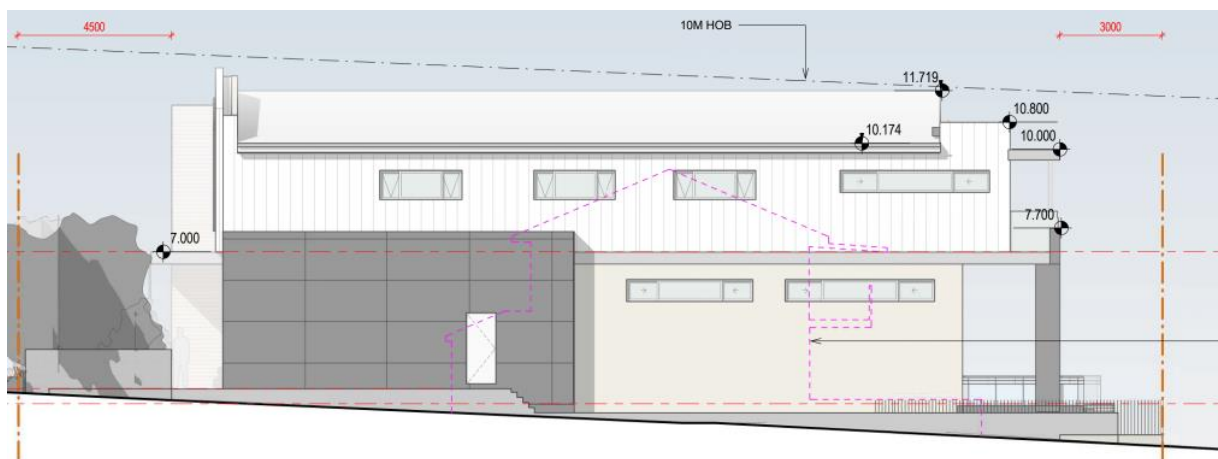




**Figure 8: Detailing the proposed rear (foreshore reserve) elevation.**



**Figure 9: Detailing the proposed northern elevation.**



**Figure 10: Detailing the proposed southern elevation.**



## **History**

There is considered no relevant approval history for the site relevant to the current development proposal.

## **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.

### **Environmental Planning and Assessment Regulation 2021 (Demolition)**

With regard to demolition of works as part of a Development Application, clause 61 of the *Environmental Planning and Assessment Regulation 2021* provides additional matters that the consent authority must consider:

- (1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*

Comment: The works will be covered by the Australian Standard As 2601-2001 and is conditioned for compliance as per draft condition 5.5.

A waste management plan has been submitted and accepted. Council is satisfied the necessary demolition works required to facilitate new dwelling and inground swimming pool construction will occur in accordance with AS2601-2001.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The relevant provisions of the SEPP are addressed as follows:

#### Chapter 2 Coastal Management

The aims of Chapter 2 are to be considered when determining an application within the Coastal Management Areas. The Coastal Management Areas are defined on maps issued by the NSW Department of Planning and Environment.

The site is located within the Coastal Environment Area as identified on these maps and subject to the provisions of Section 2.10 of the SEPP.

### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

The development is not likely to have an adverse impact on the matters referred to in clause 2.10. The development is not considered likely to cause increased risk of coastal hazards on the site or other land and the site is not subject to the coastal management program for the purposes of Division.5. A summary of considerations is included below.

#### *Section 2.10 - Development on land within the coastal environment area*

In accordance with clause 2.10(1) development consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact (see table on following page for considerations).

<b>Matters for Consideration</b>	<b>Compliance</b>
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	The proposal is not likely to cause adverse impacts on the biophysical, hydrological, or ecological environment.
<i>(b) coastal environmental values and natural coastal processes</i>	The proposal will not impact on the geological and geomorphological coastal processes.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1</i>	The proposal will not result in an adverse impact on the water quality of the marine estate and does not drain to a sensitive lake contained in Schedule 1.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</i>	The proposal will not result in an adverse impact on native vegetation or fauna, undeveloped headlands, and rock platforms.
<i>(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,</i>	The proposal has frontage to a foreshore. The development will not impede safe access to the foreshore area for members of the public including persons with a disability.
<i>(f) Aboriginal cultural heritage, practices and places</i>	There are no identified aboriginal cultural heritage items on the site.
<i>(g) the use of the surf zone.</i>	Not applicable. No frontage to any beach/surf zone.

There have been no adverse impacts identified in the consideration of Section 2.10(1) that would engage the further considerations under Section 2.10(2).

#### Chapter 4 – Remediation of Land

The provisions of SEPP (Resilience & Hazards), Chapter 4 (Remediation of Land) have been considered in the assessment of the development application.

Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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A review of the land use history, aerial photographs and an inspection of the site has not revealed any evidence of potentially contaminating land uses being carried out on the site.

The development and the land is not otherwise mentioned in Subsection 4.6(4) and accordingly the provisions of Subsection 4.6(2) are not engaged by the proposal and consent may be granted.

The proposal is considered consistent with the provisions of Chapter 4 of the SEPP.

The Panel can be satisfied that proposed development under DA/1964/2023 complies with the provisions of Chapter 2 Coastal Management and Chapter 4 Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

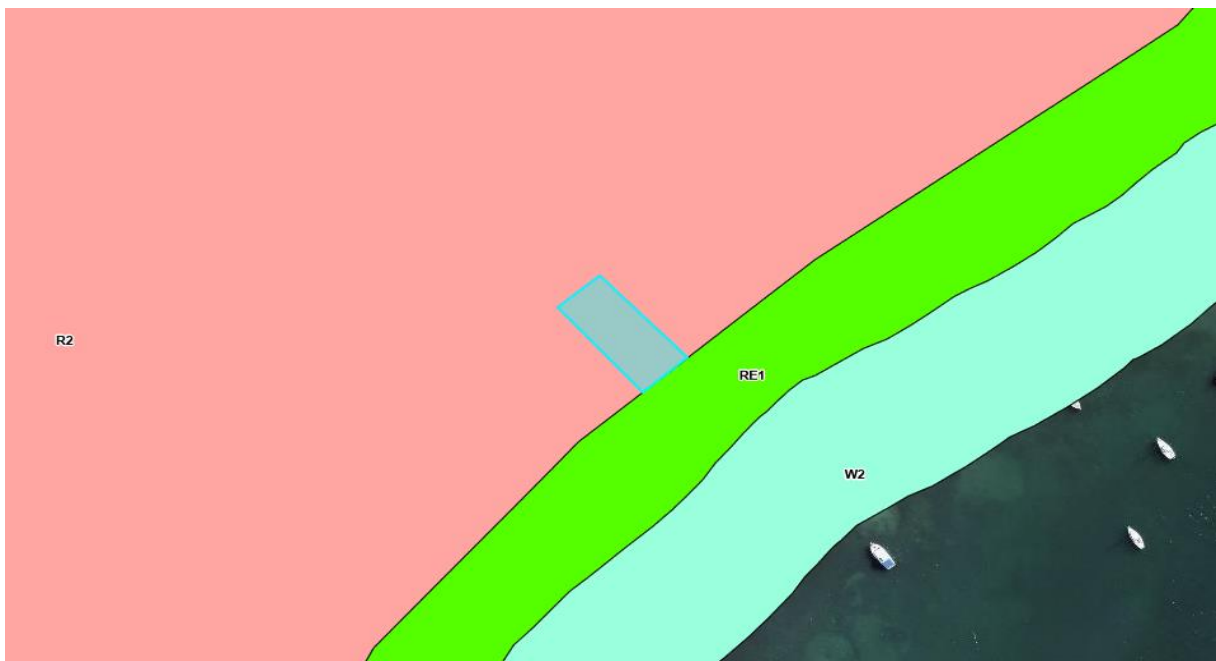
#### **Central Coast Local Environmental Plan 2022 (CCLEP 2022) - Permissibility**

The subject site is zoned *R2 - Low Density Residential* under the provisions of CCLEP 2022.

The proposed development is best defined as a 'dwelling house' which is defined under CCLEP 2022 as:

*'dwelling house' means – a building containing only one dwelling.*

The proposed development, inclusive of the proposed ancillary swimming pool, is permissible in the zone, with development consent.



**Figure 11: Detailing the area zone map with the site etched in blue.**

The development is permissible in the zone, with development consent.

**Central Coast Local Environmental Plan 2022 (CCLEP 2022) - Objectives of Zone**

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 encourage best practice in the design of low-density residential development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
- To maintain and enhance the residential amenity and character of the surrounding area.

Following a detailed assessment of the development proposal it is considered that the proposal is consistent with the stated objectives of the zone, providing housing consistent with the emerging character of the area, with the proposal not having adverse impacts on the locality.

**Central Coast Local Environmental Plan 2022 (CCLEP 2022) - Principal Development Standards**

It is to be noted that the site is not mapped for either building height or Floor Space Ratio under the provisions of Central Coast Local Environmental Plan 2022.

**Central Coast Local Environmental Plan 2022 – Clause 5.21 Flood Planning**

The site is subject to flood planning controls, with a minor portion of the rear of the allotment, subject to flooding. In this regard, the proposed dwelling is located significantly above the required Flood Planning Level of 2.0 metres Australia Height Datum, with the development proposal supported by development engineering staff without need for the imposition of conditions of consent in relation to the sites flooding constraint.



**Figure 12: Detailing the sites affliction in the 1% AEP Flood Event.**

### **Central Coast Local Environmental Plan 2022 – Clause 7.1 Acid Sulfate Soils**

The site is mapped as containing potential Class 5 acid sulfate soils.

In accordance with clause 7.1 (3), an Acid Sulfate Soils Management Plan is required for works on land containing Class 5 acid sulfate soils where there are:

- Works within 500m of land in classes 1, 2, 3 or 4 that is less than 5m above the Australian Height Datum (m AHD) and by which the watertable is likely to be lowered below 1m AHD on adjacent class 1, 2, 3 or 4 land.

In accordance with clause 7.1 (6) the development will result in site excavation for swimming pool construction and footing and service installation. These works are not considered to impact on the water table. An Acid Sulfate Soils Management Plan is therefore not required, with the provisions of clause 7.1 satisfied.

### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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#### Central Coast Local Environmental Plan 2022 – Clause 7.6 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that all of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required:

- a) the supply of water
- b) the supply of electricity
- c) the disposal and management of sewage
- d) stormwater drainage or on-site conservation
- e) suitable vehicular access
- f) the collection and management of waste

The Panel can be satisfied that the proposed development complies with the provisions of clause 7.6 and adequate servicing arrangements have been made for the proposed development.

#### Central Coast Development Control Plan 2022

##### Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

An assessment against the provisions of Chapter 2.1 of CCDCP 2022 is included in the table below:

<b>Chapter 2.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 2.1.2.1(a) Building Height	10.0m building height	10.0m maximum at rear roof section	Yes
Clause 2.1.2.1(c) Building Height	2 Storeys / 3 Storeys Steeply Sloping	2 Storeys	Yes
Clause 2.1.2.2 Site Coverage	Maximum 50% site coverage	45%	Yes – refer to submission discussion
Clause 2.1.2.3 Floor Space Ratio	N/A – Not Mapped	N/A	N/A
Clause 2.1.3.1a – Front Setback	The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40.0m of the lot on which the dwelling house is erected – 15.2 metres	4.5 metres	<b>No</b> – see comments elsewhere in this report.



### 3.3

### DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

<b>Chapter 2.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 2.1.3.1e – Rear Setback	<p>The required rear boundary setback for dwellings, secondary dwellings and ancillary development to land zoned public recreation which adjoins a waterway is to be:</p> <ul style="list-style-type: none"> <li>• 6.0 metres for the ground storey; and</li> <li>• 10.0 metres for any storey above the ground storey</li> </ul>	<p>1.895 metres to swimming pool edge</p> <p>3.0 metres to proposed lower and upper levels of dwelling</p>	<b>No</b> - see comments elsewhere in this report.
Clause 2.1.3.1c – Side Setback	<p>0.9m where up to 4.5 metres.</p> <p>0.9 metres plus one quarter of the building where it exceeds 4.5m – 1.87 metres maximum</p>	<p>0.9m (where less than 4.5 metres).</p> <p>1.5m</p>	<p>Yes</p> <p><b>No</b> – see comments elsewhere in this report.</p>
Clause 2.1.3.3.1 Primary Road Articulation for Dwelling Houses	<p>Maximum 1.5 metres</p> <p>Maximum 25%</p>	<p>1.5 metres</p> <p>Less than 25%</p>	<p>Yes</p> <p>Yes</p>
Clause 2.1.3.3.2 Garage Door Articulation	Total width of garage doors must not exceed 60% of the width of the building where the lot has a width exceeding 12.0 or more at the building line – Maximum 9.15 metres	3.645 metres	Yes
Clause 2.1.4.1 Views	To encourage view sharing between properties	Objectives complied with	Yes – refer to view loss commentary in report below.
Clause 2.1.4.2 Visual Privacy	Minimise direct overlooking between main living areas and areas of principle private open space within the site and adjoining sites	Objectives complied with	Yes
Clause 2.1.4.3 Private Open Space Areas	<p>Minimum 24.0 square metres.</p> <p>Minimum dimension 3.0 metres.</p>	<p>Well in excess of 24.0 square metres</p> <p>In excess of 3.0 metres</p>	<p>Yes</p> <p>Yes</p>

### 3.3

### DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

<b>Chapter 2.1</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Clause 2.1.5 – Car Parking and Access	2 car spaces for a dwelling containing four or more bedrooms, with at least one space located behind the building alignment.	2 car spaces provided in a stacked arrangement via the garage and upon the hardstand driveway access between the garage and street boundary.	Yes
2.1.6.3 Drainage	All stormwater to be directed to street/inter-allotment easement/on-site disposal system	To street system via an acceptable charged line arrangement.	Yes
2.1.7.3 Swimming Pools	Located in rear yard  Complies with side and rear boundary setbacks  Have filter equipment sound insulated	In rear yard  Rear boundary setback variation required as previously indicated  Filter equipment located appropriately	Yes  <b>No</b> – see comments elsewhere in this report.  Yes
2.1.7.4 Fencing	Maximum height to primary road boundary of 1.2 metres	1.2 metres	Yes

#### **Variation**

DCP Chapter 2.1 Clause 2.1.3.1(a) – Primary Road Setback

DCP Chapter 2.1 Clause 2.1.3.1(e) - Rear Boundary Setback

DCP Chapter 2.1 Clause 2.1.3.1(c)(i) – Side Boundary Setback

In reviewing the development proposal in its entirety, it is considered necessary to consider the required boundary setbacks in unison, as each variation has impact on the available building envelope for the site.

In assessing these variations therefore, consideration of the objectives of Chapter 2.1 is required. Relevant objectives of Chapter 2.1 relating to setbacks are as follows:

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore;
- To ensure the visual focus of a development is the dwelling, not the garage;
- To protect the views, privacy and solar access of adjacent properties;
- To maintain view corridors to coastal foreshores and other desirable outlooks;

### **3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)**

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- To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography;
- To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping;
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.

In reviewing the proposal against these objectives, the following commentary is provided in support of the development proposal;

- The primary road setback pattern displayed by development in proximity to the site, varies significantly. The proposal is therefore considered not inconsistent with this varied setback pattern;
- The required average primary road setback for the subject site is exacerbated by the positioning on the allotment of the cottage to the north of the site. In this regard, the adjoining cottage is located in close proximity to the allotments rear (foreshore reserve) boundary to maximise view corridors and scenic outlooks to Lake Macquarie. It is not unreasonable therefore to permit a dwelling to be erected on the allotment displaying a variation to the required primary road average setback development control;
- If the required primary road average setback (15.2 metres) and additionally, the required rear foreshore reserve setback (minimum 6.0 metres) were applied to the development, an available building envelope depth of only 12.33 metres would apply to the site. This is considered unreasonably restrictive on an allotment retaining an R2 low density residential zoning. Additionally, the restrictive building envelope depth would not allow the orderly development of the site in line with its economic value;
- As indicated, the adjoining dwellings to the immediate north of the site, are aligned in proximity to the rear foreshore reserve boundary. The proposed development effectively replicates this setback pattern, noting that the proposal in terms of the dwelling portion, would have complied with the prior 3.0 metre reserve setback applicable under the provisions of the former Wyong DCP 2019;
- Whilst some impact in terms of view loss occurs to the adjoining dwelling to the immediate south of the allotment, this view loss is not considered unreasonable and in line with established view loss principles as noted within the view loss analysis within the body of the report below;

- Whilst the reduced boundary reduced setbacks will cause overshadowing impact to the dwelling to the south of the site, these impacts are considered commensurate with solar access controls, noting the adjoining allotment contains numerous available open space areas: and
- The dwelling is considered reasonably designed and articulated to provide for visual interest when viewed from the street and rear foreshore reserve areas.

Accordingly, in the circumstance, the required primary road average, rear foreshore reserve and side boundary setbacks are considered acceptable in the location and therefore supported in this instance.



***Figure 13: Detailing the inconsistent primary road and rear foreshore reserve setback pattern in proximity to the allotment.***

DCP Chapter 2.1 Clause 2.1.4.1 – Views

Clause 2.1.4.1 of requires the design of new buildings to have regard to existing views enjoyed by surrounding properties. Existing views should not be substantially affected where it is possible to design for the sharing of views. The primary view lines of adjacent properties should be maintained where possible. Notwithstanding this, view sharing should be encouraged whilst not restricting the reasonable development of the site.

The neighbour at 48 Noamunga Crescent has lodged an objection relating to potential view loss. The submission received however, does not specify the areas of the dwelling to which view impacts will occur. Further, the assessing officer has attempted to contact the owner of the property on a number of occasions, with no response received. Additionally, the property, at the time of preparation of this report, is listed for sale with the property appearing to have been sold and in the settlement period.

In the circumstance therefore, an assessment of view loss could only be undertaken from the lower-level rear deck area to which access was available.

For the purpose of this assessment, the planning principles established by the Land and Environment Court have been utilised. In *Tenacity Consulting v Warringah* [2004] NSWLEC 140, the Court adopted a four-step assessment process for determining potential impacts on existing views and is detailed as follows:

Step 1: Determining the type of view to be affected.

The first step is to consider the type of view to be affected. Water views are valued more highly than land views. Whole views are valued more highly than partial views, eg. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The proposal will result in the partial loss of views of the foreshore reserve and water interface in a northerly aspect. The view is described as scenic (no iconic views available).

Step 2: Determining the position of where views are obtained.

The second step is to consider from what part of the property the views are obtained. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. The views in a northward direction are currently obtained from sitting and standing positions from the rear lower and upper-level deck areas. Additionally, view loss will occur from north facing upper-level bedroom windows. The views are obtained across the common side boundary, over the subject site.

**3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and  
Inground Swimming Pool Inclusive of Demolition of Site Structures  
(contd)**

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Step 3: Assessing the extent of impact

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The proposed development has been designed with a 3.0 metre rear foreshore reserve setback (to rear columns) and a 6.0 metre setback (to the main lower-level rear wall, with elevated open rear deck areas within both levels. Further, fencing to the proposed swimming pool and rear foreshore reserve boundary is translucent glass and open style to maintain this view corridor. Upon assessment, the view loss is considered therefore to be minor.

Step 4: Assessing whether the extent of impact is reasonable

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable.

With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

While most of the view loss can be categorised as minor, Roseth S.C. argues that where an impact on views arises as a result of noncompliance with one or more planning controls, even a moderate impact may be considered unreasonable.

Views across side boundaries are more difficult to protect than views from front and rear boundaries, and the expectation to retain side views is often unrealistic. As shown below (Figure 14), the objector's property is located south of the subject allotment and they are concerned about their view loss to the north (across a side boundary).

The proposal is non-compliant with the required rear (foreshore) reserve setback development control, with this issue having been discussed within the body of the report above. The dwelling design includes open rear deck areas to the rear of the dwelling and open fencing to the rear of the allotment and glass fencing to the swimming pool surround. Further, the rear boundary setback is commensurate with the setback of other adjoining dwellings to the north of the site. Given this, the building design is considered to have addressed the principals of view sharing.

### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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Assessment of the view loss caused by the development on 48 Noamunga Crescent is considered minor given that the views are attained across a side boundary and the proposal has been designed to provide for view sharing. As such, the proposal is considered consistent with established view loss principles and is therefore supported.



***Figure 14: Detailing the exiting view corridor in a northward direction from the adjoining dwelling lower-level rear deck area (standing).***

#### DCP Chapter 2.14 Waste Management

A Waste Management Plan has been submitted in support of the proposed development.

The proposal has demonstrated compliance with this chapter of the CCDCP 2022 and associated Waste Control Guidelines. Appropriate conditions are included in the development consent (condition 5.13).

#### DCP Chapter 2.17 – Character and Scenic Quality

The site is subject to character provisions of Chapter 2.17. In this regard, the development proposal is considered consistent with the emerging development pattern evident within the Gwandalan suburb. In this regard, there are numerous examples of similarly designed

### **3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)**

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dwelling of a two-storey appearance located upon allotments having foreshore and direct waterfront access, in proximity to the allotment.

Whilst adjoining sites to the north of the allotment predominantly contain single storey "holiday cottages", with some having been renovated and enlarged, these sites are likely to be further redeveloped in the short term given the age of the existing dwellings and economic value of these allotments.

The development proposal is therefore considered consistent with character provisions of Chapter 2.17 and is therefore considered appropriate in the location.

#### DCP Chapter 6.3 Erosion Sedimentation Control

Appropriate siltation control to proposed to be conditioned within the issued development consent.

#### **Likely Impacts of the Development:**

##### Built Environment

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of the CCLEP 2022 and CCDCP 2022 compliance. It is considered on balance that the potential impacts are considered reasonable.

##### Natural Environment

The proposal involves some minor site excavation for dwelling and swimming pool construction. Whilst there is some impact upon the natural environment, this is considered reasonable given the sites Low Density Residential zoning. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

##### Context and Setting

The proposal is located within the R2 Low Density Residential land under CCLEP 2022 and character provisions of Chapter 2.17 of the CCDCP 2022. The proposal provides a new dwelling within the residential zone and is considered consistent with the objectives of the R2 land use. In addition, the proposal is considered consistent with the emerging character of the area.

##### Economic and Social Impacts

The proposal will provide minor economic benefit through the provision of temporary employment during demolition and construction works. Socially, the proposal does not give

### **3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)**

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rise to any adverse environmental impacts in respect to overshadowing or view impacts within either the public or private domain.

#### **Suitability of the Site for the Development:**

##### Flooding Considerations

As indicated, a small area of the site at the rear of the allotment, is impacted by the 1% AEP flood event. The proposed dwelling however, is located adequately above the required Flood Planning Level of Reduced Level 2.0 metres Australian Height Datum.

The Panel can therefore be satisfied that the development proposal is satisfactory in terms of the sites flooding constraint.

#### **Submissions**

As indicated, the development application was notified in accordance with the provisions of Chapter 1.2 *"Notification of Development Proposals"* of *Central Coast Development Control Plan 2022* on two separate occasions as follows: -

- First round of notification - from 3 November 2023 until 17 November 2023.

During this period, a total of seventeen (17) submissions were received.

As a result of concerns with the proposed development raised by the assessing officer, the applicant in response provided amended development plans. These amended development plans significantly altered the proposed development and included the following amendments:

- Deletion of a proposed roof top terrace structure and alteration to the roofline of the dwelling to comply with the numerical building height development control of 10.0 metres, as set by DCP 2022 Chapter 2.1;
- Reduction in height of proposed 1.8 metre high primary road boundary fencing to 1.2 metres, thereby displaying compliance with both DCP 2022 Chapter 2.1 and exempt development provisions; and
- Removal of proposed rear (foreshore) boundary planter boxes and landscaping and replacement with open style pool fencing having a maximum height of 1.2 metres.

Additionally, further development plans have been supplied by the applicant addressing the following matters:

- Provision of eave and ridge height Reduced Levels demonstrating compliance with the 10.0 metre building height limit: and

### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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- Provision of an updated detail plan in terms of required swimming pool barrier fencing.

Upon receipt of the amended development plans, re-notification of the development was undertaken during the following period:

- Second round of notification - 24 January 2024 until 8 February 2024.

Upon completion of this re-notification, a total of five (5) submissions were received.

Additionally, upon completion of the second round of notification, it was noted that not all original objectors had been re-notified of the amended development proposal. Accordingly, a third round of notification to those objectors not provided with re-notification of the development occurred during the following period:

- Third round of notification – 4 March 2024 – 18 March 2024.

Upon completion of this re-notification, a further one (1) submission was received.

A summary of submission items with respect to the amended development proposal is as follows:

- Concerns the proposal does not comply with required site coverage of 50%.

Comment: The proposal has been assessed as being compliant with Clause 2.1.2.2 of Chapter 2.1 *"Dwelling Houses, Secondary Dwellings and Ancillary Structures"*. Under the provisions of this clause, a number of areas of the development proposal are specifically excluded from site coverage calculations. These include:

- (b) *any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,*
- (c) *any eaves,*
- (d) *unenclosed balconies, decks, pergolas and the like.*

*Additionally, for the purpose of this Chapter, swimming pools are excluded from any site coverage calculation.*

Accordingly, in applying these exclusions to the proposed development, it is to be noted that the lower-level external terrace, upper-level rear deck and swimming pool are not included in site coverage calculations. Additionally, the proposed driveway access is also excluded.

As a result, a site coverage figure of 45% applies to the development rendering it compliant with the site coverage development control.

- Concerns with the proposed building height.

### **3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)**

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Comment: As the site is not mapped by CCLEP 2022 for building height, a numerical building height limit of 10.0 metres applies to the development by virtue of Clause 2.1.2.1 of DCP 2022 Chapter 2.1. The building complies with this building height limit.

- Concerns with reduced primary road setback.

Comment: The required average primary road setback applicable to the allotment is significant given the siting of the dwellings on each adjoining allotment, towards the rear foreshore allotment boundary. In the circumstance, as indicated within the body of this report, it is considered that variation to this development control is acceptable in the location and is therefore supported.

- Concerns with bulk and scale of development.

Comment: The dwelling complies with required building height, as contained within DCP 2022 Chapter 2.1. The proposed dwelling is considered well articulated and designed to provide for the provision of existing view corridors to the foreshore to the sides of the dwelling to be maintained, via the stepping inwards of the lower and upper levels. Further, the proposed dwelling is in keeping with the bulk and scale of newly developed dwellings within the Gwandalan suburb and its significant foreshore areas.

- Concerns regarding reduced rear boundary setback to proposed swimming pool

Comment: As indicated, the proposed swimming pool includes a rear (foreshore) reserve setback of 1.895 metres. The swimming pool includes an infinity edge located at 1.0 metre above ground surface levels. This reduced setback is considered acceptable noting the comments provided within the view loss assessment within the body of the report above.

- Concerns relating to overshadowing and solar access.

Comment: The dwelling is stepped inwards from the side allotment boundaries to largely provide compliance with side boundary setback provisions. The proposal does require variation to the southern allotment boundary setback control however, this variation is considered to not cause additional overshadowing impact to the adjoining dwelling, noting the setback variation decreases as the building height lessens. Accordingly, the proposal is considered satisfactory with respect to overshadowing impact.

- Concerns regarding lack of on-site carparking.

Comment: Clause 2.1.5 of DCP 2022 Chapter 2.1 requires that a minimum two off street carparking spaces be provided for a dwelling containing four or more bedrooms. Further, the clause permits that parking within a street setback may be used to satisfy the second (not primary) carparking provision.



### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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The proposed dwelling is provided with a single garage, with the ability to park an additional vehicle off street upon the proposed driveway access, between the garage and primary road boundary. Accordingly, the proposal complies with the requirements for on-site carparking provision.

- Concerns regarding ridge levels not being indicated within plans and subsequent concerns that the dwelling exceeds 10.0 metre height limit

Comment: The applicant has provided further amended development plans giving indication of both eave and ridge Reduced Levels. The provision of this additional level information indicates that the building complies with the maximum 10.0 metre building height control.

- Concerns with proposed cut levels

Comment: - The proposal does not include any cut with the front portion of the dwelling at or near existing ground surface levels. Further, all fill to the rear of the dwelling is contained wholly within the dwelling footprint via deepened edge beams.

- Concerns – Reduced principal open space

Comment: Significant areas of principal open space are provided to the side and rear terrace areas. These areas comply with open space provisions of Chapter 2.1.

#### Internal Consultation

The development proposal was referred internally as follows.

Development Engineer	Supported without conditions.
Water and Sewer	Supported subject to conditions <b>2.3</b> and <b>6.3</b> .

#### Ecologically Sustainable Principles:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered 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

### **3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)**

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

The 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 and withstand any resultant impacts. The proposed development is considered satisfactory in relation to climate change.

#### **The Public Interest**

The proposed development is seen to be in the public interest by providing assurance that the subject land can be developed in proportion to its site characteristics.

#### **Conclusion:**

The development application has been assessed having regard for the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Following a thorough assessment of the relevant planning controls and the key issues identified in this report it is considered that the application can be supported because:

1. The Panel can be satisfied that the proposed development is considered satisfactory having regard to the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. The application has been assessed against the requirements of clause 61 of the *Environmental Planning and Assessment Regulation 2021* in respect of demolition.
3. The Panel can be satisfied that the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2 Coastal Management, sections 2.10, 2.11 and 2.15 have been considered and satisfied.
4. The Panel can be satisfied that the proposed development is consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.
5. The Panel can be satisfied that the provisions of clause 7.1 Acid Sulfate Soils and 7.6 Essential Services of *Central Coast Local Environmental Plan 2022* have been considered and satisfied.
6. The Panel can be satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.



### 3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures (contd)

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

As such, the application is recommended for approval in accordance with Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, subject to recommended conditions detailed in the Attachment 1.

#### Attachments

- |   |   |           |
|---|---|-----------|
| 1  | Draft - Development Application Consent - 46 Noamunga Crescent, GWANDALAN NSW 2259 - DA/1964/2023 - Central Coast Council | D16116958 |
| 2  | Updated - Architectural Plans - Issue 9 - FULL SET - 46 Noamunga Crescent GWANDALAN - PAN-367082 - DA/1964/2023           | D16114233 |

Mr T Roleski  
14 Corriedale St  
WAKELEY NSW 2176

## DRAFT - Notice of Determination of a Development Application

issued under the *Environmental Planning and Assessment Act 1979*  
Sections 4.16, 4.17 and 4.18(1)(a)

**Development Application No:** DA/1964/2023  
**Applicant:** Mr T Roleski  
**Property Address:** Lot 24 Sec 1 DP 26783  
46 Noamunga Crescent, GWANDALAN NSW 2259  
**Proposal:** New Dwelling, Inground Swimming Pool & Demolition of Existing Structures

### 1. PARAMETERS OF THIS CONSENT

#### Approved Plans and Supporting Documentation

- 1.1 Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
A001	9	Cover Sheet	Form Design Studio	14/3/24
A002	9	DCP Numericals	Form Design Studio	14/3/24
A003	9	View Analysis	Form Design Studio	14/3/24
A100	9	Site Plan	Form Design Studio	14/3/24
A101	9	Roof Plan	Form Design Studio	14/3/24
A102	9	Landscape Plan	Form Design Studio	14/3/24
A103	9	Pool and Fence Plan	Form Design Studio	14/3/24
A200	9	Ground Floor Plan	Form Design Studio	14/3/24
A201	9	First Floor Plan	Form Design Studio	14/3/24
A300	9	Elevation Plan	Form Design Studio	14/3/24
A400	9	Section Plan	Form Design Studio	14/3/24
A401	9	Section Plan	Form Design Studio	14/3/24
A500	9	Shadow Diagrams	Form Design Studio	14/3/24
A501	9	Construction Management Plan	Form Design Studio	14/3/24

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 1.1. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.2. Comply with all commitments listed in the BASIX Certificate for the development as required under Clause 97A of the *Environmental Planning and Assessment Regulation 2000* OR Section 75 *Environmental Planning and Assessment Regulation 2021*.

## 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. Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- 2.3. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 306 Requirements Letter. The Application form can be found on Council's website [centralcoast.nsw.gov.au](http://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 e.g. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.4. 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.
- 2.5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

## 3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

No Conditions

## 4. PRIOR TO COMMENCEMENT OF ANY WORKS

- 4.1. All conditions under this section must be met prior to the commencement of any works.
- 4.2. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
- 4.3. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
  - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 4.4. 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.
- 4.5. 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.

- 4.6. 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*.
- 4.7. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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



- a) more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b) friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

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

4.8. Appoint a Principal Certifier for the building work:

- a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
- b) Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

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

- a) The name, address and telephone number of the Principal Certifier for the work; and
- b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.
- d) Remove the sign when the work has been completed.

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

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

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

## **5. DURING WORKS**

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

5.2. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

- 5.3. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:

- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
- "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
- "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES"
- A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

- 5.4. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifier.
- 5.5. 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.
- 5.6. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 5.7. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 5.8. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

"relic" means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance

- 5.9. 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.
- 5.10. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 5.11. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).

- 5.12. 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*.
- 5.13. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.

## 6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 6.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 6.2. Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 6.3. 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 Occupation Certificate.
- 6.4. Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as

detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

- 6.5. Drain all roof water by a minor charged piped drainage line to a street kerb outlet in Noamunga Crescent. Discharge of stormwater the foreshore reserve and Lake is not permitted.
- 6.6. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).

- 6.7. Obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

## 7. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

No Conditions

## 8.. PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

No Conditions

## 9. ONGOING

- 9.1. Do not change the location of the Vehicle Access Crossing without prior written approval from Council.
- 9.2. Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.

## 10. 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.

### 11. ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the

provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage)

DRAFT



DEVELOPMENT APPLICATION

PROJECT: PROPOSED TWO STOREY DWELLING + IN-GROUND POOL

AT: 46 NOAMUNGA CRESCENT, GWANDALAN NSW 2259  
LOT 24 IN DP 26783

ISSUE: 9                      JANUARY 2023

Sheet List			
Sheet Number	Sheet Name	Current Revision	Current Revision Date
A001	Cover Sheet	9	14.03.2024
A002	DCP Numericals	9	14.03.2024
A003	View Analysis	9	14.03.2024
A100	Site Plan	9	14.03.2024
A101	Roof Plan	9	14.03.2024
A102	Landscape Plan	9	14.03.2024
A103	Pool and Fence Plan	9	14.03.2024
A200	Ground Floor Plan	9	14.03.2024
A201	First Floor Plan	9	14.03.2024
A300	Elevations	9	14.03.2024
A400	Sections	9	14.03.2024
A401	Sections	9	14.03.2024
A500	Shadow Diagrams	9	14.03.2024
A501	Construction Management Plan	9	14.03.2024

1. Do Not Scale. All Dimensions are in millimeters.

2. Contractor/BUILDER to check and verify all levels and dimensions on site and shall report any discrepancies or omissions to this office prior to start of construction works & during the construction phase.

3. Drawing is to be read and understood in conjunction with structural, mechanical, electrical and/or any other consultants' documentation as may be applicable to the project prior to start or work & its duration.

4. Any additional request for information is to be referred to the architect or engineer in writing.

5. All Construction Practices shall be in accordance with the general requirements of the Building Code of Australia (BCA), Australian Standards and local government regulations & The Principal Certifying Authority.

6. Erosion & sediment control measures to be in place prior to excavation or construction work.

7. Where applicable, all sediment basins are traps shall be cleaned when structures are a maximum of 60% full of soil materials, including the maintenance period.

8. Filter shall be constructed by stretching filter fabric (nylon or approved equivalent) between post at 2.0m centres. Fabric shall be buried 150mm along its lower edge.

9. Revegetation and storage of soil and topsoil, shall be implemented to the standards of the soil conservation of NSW.

10. All siteworks indicated are illustrative only.

11. Final levels may be subject to adjustment, such adjustments, while complying with council requirements remain at the discretion of the Builder and must obtain such variations of final levels from council or PCA in writing.

12. This plan has been prepared from a combination of field survey and existing records for the purpose of construction on the land and should not be used for any other purpose.
13. The builder shall engage a Registered Surveyor to peg-out all structures shown on plans.

14. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location or further underground services and detailed location of all services.

15. Obstructions have been interpreted from the spot heights taken.

16. All demolition work to be carried out in accordance with AS 2601-2001, refer to NSW Occupational Health and Safety Act & regulations and NCHSC guide to control of Asbestos Hazards in building and structures during demolition. Removal of all asbestos must be carried out by licensed contractors.

17. Protection measures are required for each tree being retained on site and shall be established before operations begin and construction in accordance with Council's requirements (also refer to Arborist report for details).

18. During construction the stability of the structure shall be the builder's responsibility.

19. Builder shall make good all disturbed areas adjacent to the works on Council's road. Footpaths are to be restored to the satisfaction of the principal certifying authority & local authority (also refer to DA conditions).

20. Terminate protection for all postmen slums, underside of slabs & edges to be chipmunk pose (part a & b) in accordance with AS 3660 1/2000. Also refer to BCA.

21. Provide under all slabs on-ground 50mm sand bed topped with minimum 20 micron thick polythene, waterproof membrane with all edges having minimum laps of 200mm sealed with approved tapes.

22. Ground floor slabs shall be a minimum of 225mm above finished ground level, U.N.O.

23. All concrete footings, floor slabs, columns & timber roof framing to structural engineer's details and specifications.

24. All stormwater requirements, external RL and driveway levels to hydraulic engineer's details and specifications.

25. All landscape assets, existing trees, driveway, drying yard and fencing to landscaped (drawing) details and specifications.
26. All balustrades to terraces, balconies and stairs to comply with BCA.

27. All wet areas to have floors which fall to floor wastes.

28. Unless the door in a sanitary room swings out or side, where distance between the path of door swing and toilet suite is less than 1.2m, the door must be installed with removable (Lift-Off) hinges.

29. All materials and form of construction to comply with BCA requirements.

30. All materials & assemblies to have fire hazard properties to comply with BCA.

31. Refer to BASIX certificate for Water, Thermal Comfort & Energy performance requirements.

32. All wet areas to comply with AS 3740. Wall finished shall be impervious to a height of 1800mm above floor level to shower enclosures and 300mm above baths, basins, sinks and troughs & within 75mm of the wall. Refer to code for all requirements.

33. Shower screens shall be Grade A safety glass.

34. Window eaves are normally only, actual size will vary according to manufacturer. Windows to be flashed all round.

35. Stormwater shall be taken to legal point of discharge as advised by municipal drainage engineer. Contact the Council if unsure of point of discharge.

36. Sewer or septic system shall be in accordance with the relevant authorities requirements.

37. Footings not to encroach site boundaries and easement lines. Builder to ensure this does not occur.

38. Provide wall tie to brickwork at a maximum of 600mm centres in each direction and within 300mm of articulated joints.

39. Sub floor vents & clearances to BCA.

40. Star & Handrail requirements to BCA (domestic only).

41. Risers - 100mm maximum - 150mm minimum. Going 350 maximum - 200mm minimum.

42. Handrail 1000mm minimum height to balconies and decks which are 1000mm or more above ground level.

43. The builder shall take all steps necessary to ensure the stability of new and existing structures during all works.
42. The builder shall ensure for the general watertightness of all new and existing works.

43. Smoke alarms to be provided and installed in accordance with AS 3786. New dwellings and additions with sleeping accommodation to be hard wired with back up battery.

44. All work shall comply with, but not limited to the following Australian Standards:

AS 1298: Glass in Buildings - Selection and Installation

AS 1592: Design and Installation of Sheet Roof and Wall Cladding

AS 1684: Residential Timber Framed Construction

AS 1880: Installation of Particle Board Flooring

AS 2047: Installation and Selection of Windows

AS 2049: Roof Tiles

AS 2050: Fixing of Roof Tiles

AS 2070: Residential Slabs and Footings

AS 2904: Damp Proof Courses and Flashings

AS 3000: Plumbing & Drainage

AS 3600: Concrete Structures

AS 3660: Protection of Buildings from Subterranean Termites

AS 3700: Masonry in Buildings

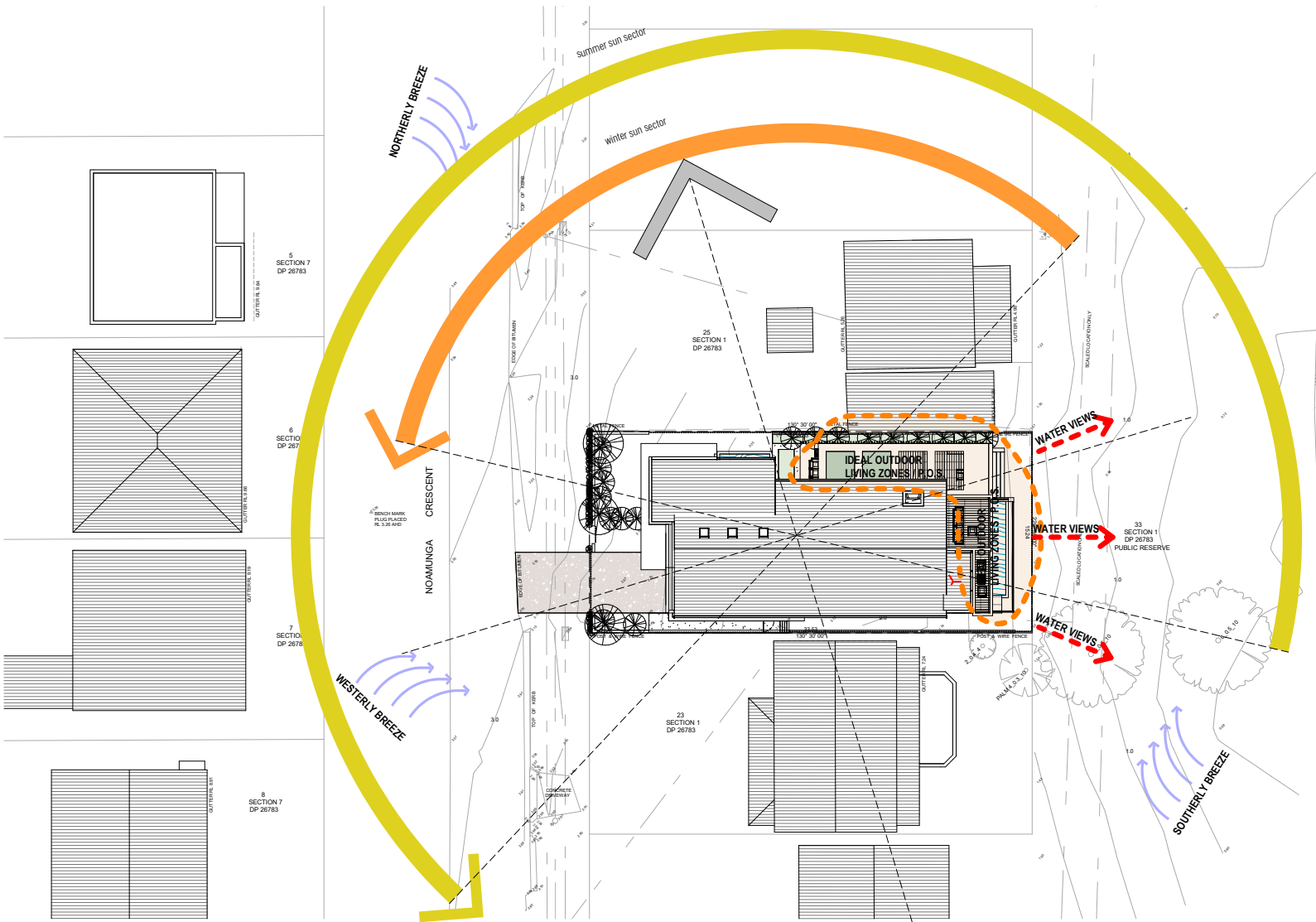
AS 3740: Waterproof of Wet Areas in Residential Construction

AS 3959: Construction in a Bushfire Prone Area

AS 3786: Smoke Alarms

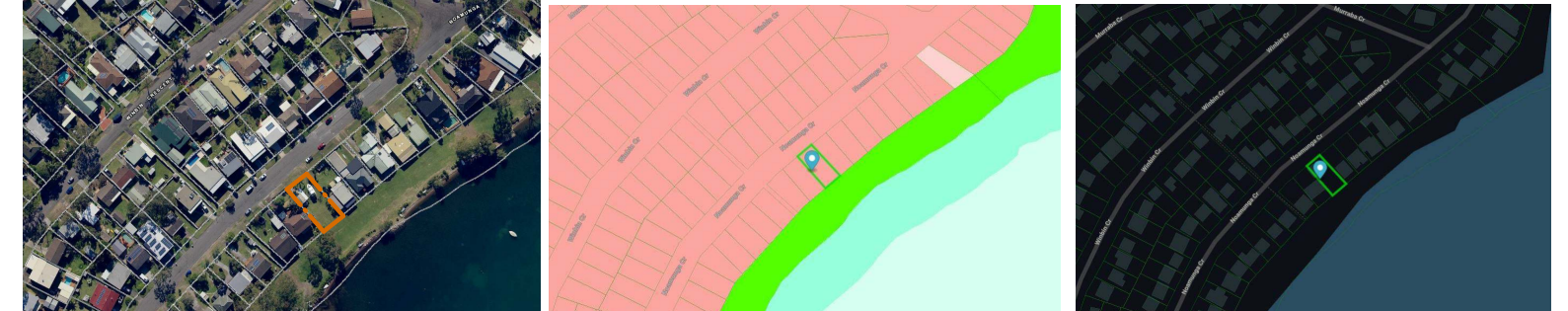
AS 4055: Wind Loadings for Housing

AS 4100: Steel Structures
- Note: All proprietary items, products & systems shall be installed in accordance to the manufacturer's specifications



Zone R2 Low Density Residential

- 1 Objectives of zone**
- To provide for the housing needs of the community within a low density residential environment.
  - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
  - To encourage best practice in the design of low density residential development.
  - To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
  - To maintain and enhance the residential amenity and character of the surrounding area.
- 2 Permitted without consent**
- Home occupations; Recreation areas
- 3 Permitted with consent**
- Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewerage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Water reticulation systems; Water storage facilities
- 4 Prohibited**
- Any development not specified in item 2 or 3



Form Design Studio

Architecture  
Urban Design  
Project Management

ABN 63 624 200 285  
10 Concorde Drive  
Waverley NSW 2170  
Level 2/202  
studio@formdesignstudio.com.au

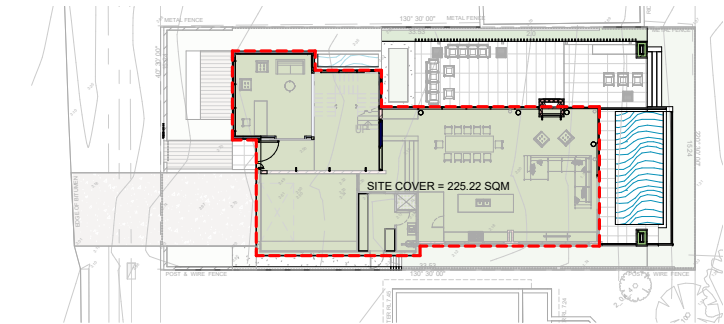
Issue	Date	Description
1	13.01.2023	Initial Sketch Review
2	05.01.2023	Cross Sections Review
3	05.04.2023	Roof Terrace Added
4	09.05.2023	Preliminary D.A. Issued To Client + Consultant
5	12.07.2023	Submission to Subdivision Authority NSW
6	01.08.2023	Issue for D.A. Submission
7	08.12.2023	Revisions from Council RPTs
8	06.01.2024	Amendments to design
9	14.03.2024	Additional information

DCP NUMERICAL TABLE

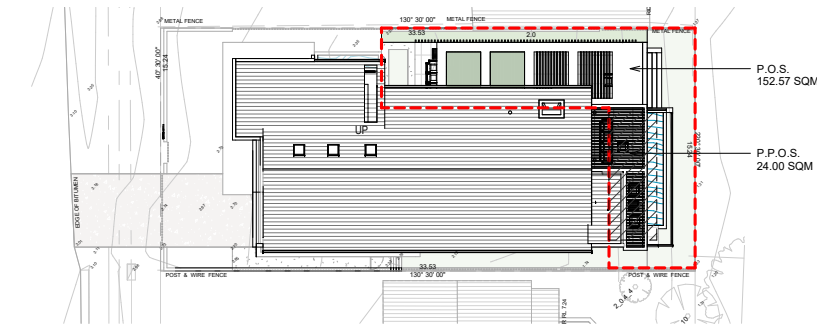
Subject Site Details:

Lot Area	505.8 m <sup>2</sup>
Lot Width	15.24 m
Zone	R2 - Low Density Residential
Local Government Authority:	CENTRAL COAST COUNCIL
Development Control Plan:	Central Coast Development Control Plan 2022
Part 2	Development Provisions
Chapter 2.1	Dwelling Houses, Secondary Dwellings and Ancillary Development

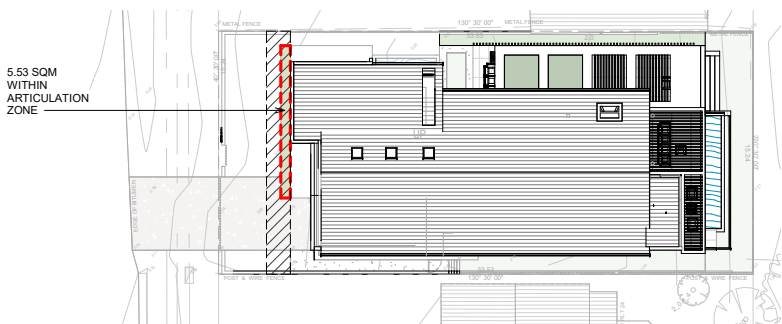
Clause	Controls	Comment	Compliance
<b>2.1.2 BUILDING SCALE</b>			
2.1.2.1 Building Height	Two Storeys in height with a maximum of 10m	100% of the proposed building is compliant.	YES.
2.1.2.2 Site Coverage	If the lot has an area of at least 450m <sup>2</sup> but less than 900m <sup>2</sup> —50% of the site area	50% x 505.8m <sup>2</sup> = 252.9m <sup>2</sup> I.E. 252.9m <sup>2</sup> required. Proposed Site Cover = 225.22m <sup>2</sup> , which equals 45%	YES.
2.1.2.3 Floor Space Ratio	N/A.	N/A.	N/A.
<b>2.1.3. SETBACKS</b>			
2.1.3.1 Setbacks – Residential Lots	The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or if 2 dwelling houses are not located within 40m of the lot - 4.5m	Refer to local character assessment.	Refer to local character assessment.
Garage	A minimum of 1m behind the front boundary setback	1.5m	YES.
Rear Boundary	To a parallel road or public reserve	3m	YES.
Side Boundary - all lots greater than 12.5m wide at the building line	for any part of the building with a height of up to 4.5m—0.9m, and for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m	All building elements under 4.5m have a minimum 900mm side setback. All element ober 4.5m have a minimum 1.5m setback to compli with figure 4 of the DCP.	YES.
<b>2.1.3.3 ARTICULATION ZONES</b>			
2.1.3.3.1 Primary Road Articulation for Dwelling Houses	Measured 1.5m from the building to the minimum required setback from the subject road. The maximum total area of all building elements within the articulation zone must not be more than 25% of the area of the articulation zone	1.5m Articulation Zone = 22.86m <sup>2</sup> . 25% = 5.72m <sup>2</sup> . Proposed Articulation = 5.53m <sup>2</sup>	YES.
2.1.3.3.2 Garage Door Articulation	6m, or 60% of the width of the building (whichever is the greater).	3.5m	YES.
<b>2.1.4. RESIDENTIAL AMENITY</b>			
2.1.4.3 Private Open Space Areas	lots with a width greater than 10m wide at the building line 24m <sup>2</sup> . Minimum dimension of 3m.	152.57m <sup>2</sup> and minimum 3m wide	YES.
2.1.4.4 Sunlight Access	On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.	Refer to submitted Shadow Diagram Analysis	YES.
	On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm.	Refer to submitted Shadow Diagram Analysis	YES.
<b>2.1.5 CAR PARKING AND ACCESS</b>			
	2 spaces if dwelling has 4 or more bedroom.	2 spaces	YES.



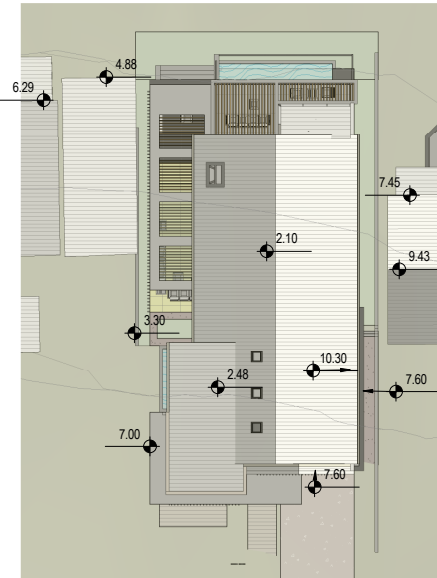
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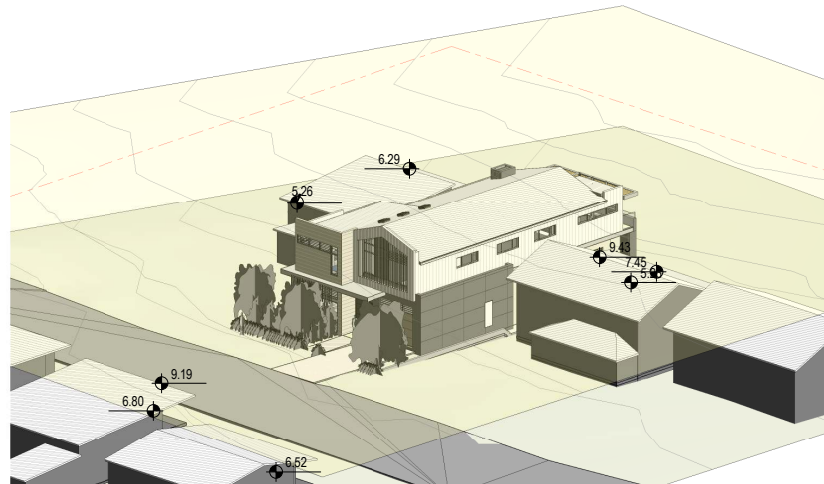
2 Private Open Space  
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3 Articulation Zone  
1 : 200



4 HOB Analysis Plan View



5 HOB Analysis 3D View



Rev	Date	Description
1	05.04.2023	Revised Form Added
2	09.09.2023	Preliminary D.A. Issued To Client + Consultant
3	12.07.2023	Submission To Subordinate Authority NSW
4	01.09.2023	Issue For D.A. Submission
5	08.12.2023	Revisions From Council MP's
6	06.01.2024	Amendments to design
7	14.03.2024	Additional Information

Consultants

Client

John Elomar

Project

Proposed Two-Storey Dwelling with Concrete In-Ground Pool and Associated Siteworks  
46 NOAMUNGA CRESCENT, GWANDALAN NSW 2259

Drawing

DCP Numericals

North



Scale

1 : 200 @ A1

Date

14.03.2024

Project No.

2022.11.03

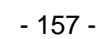
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A002 / 9

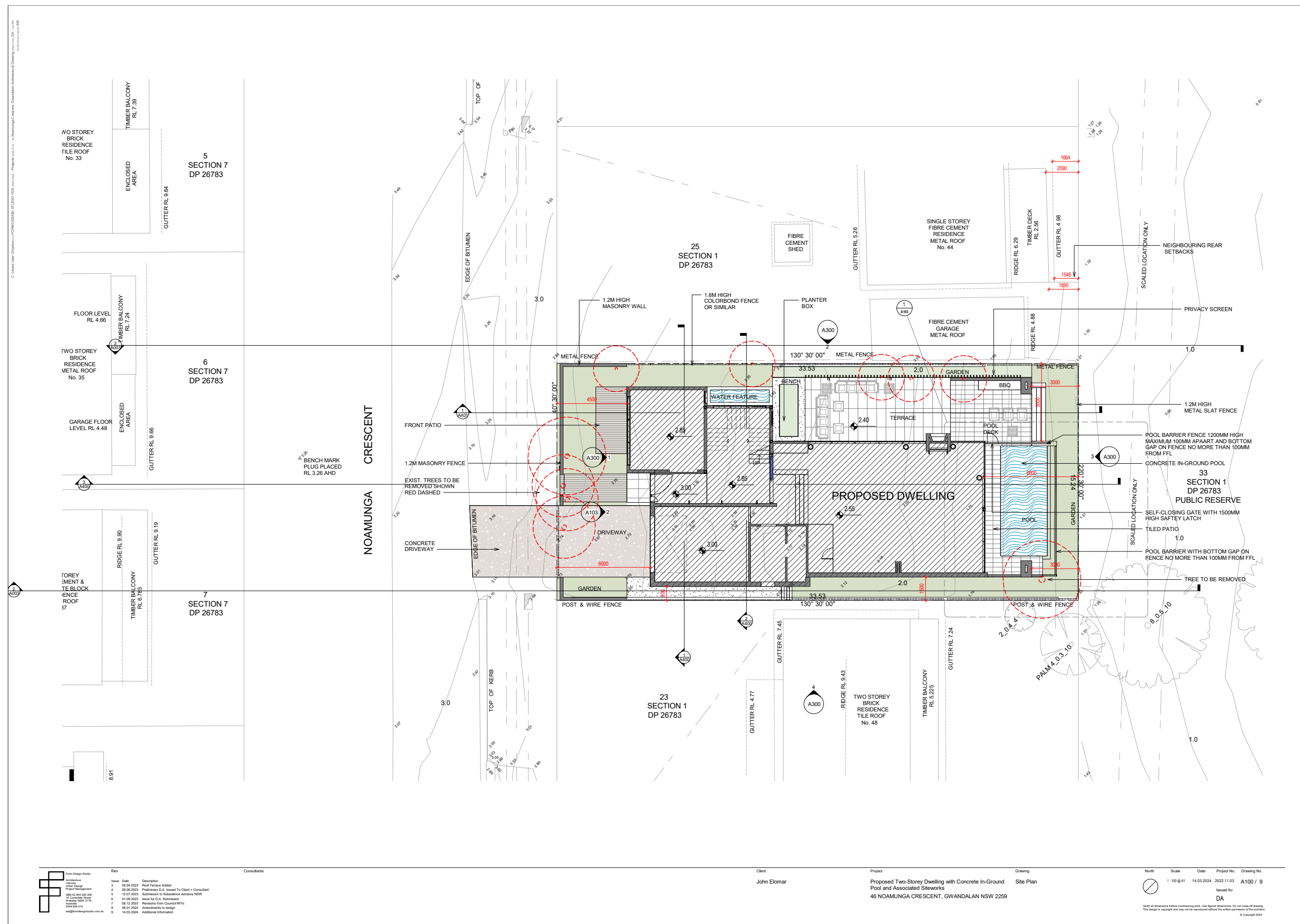
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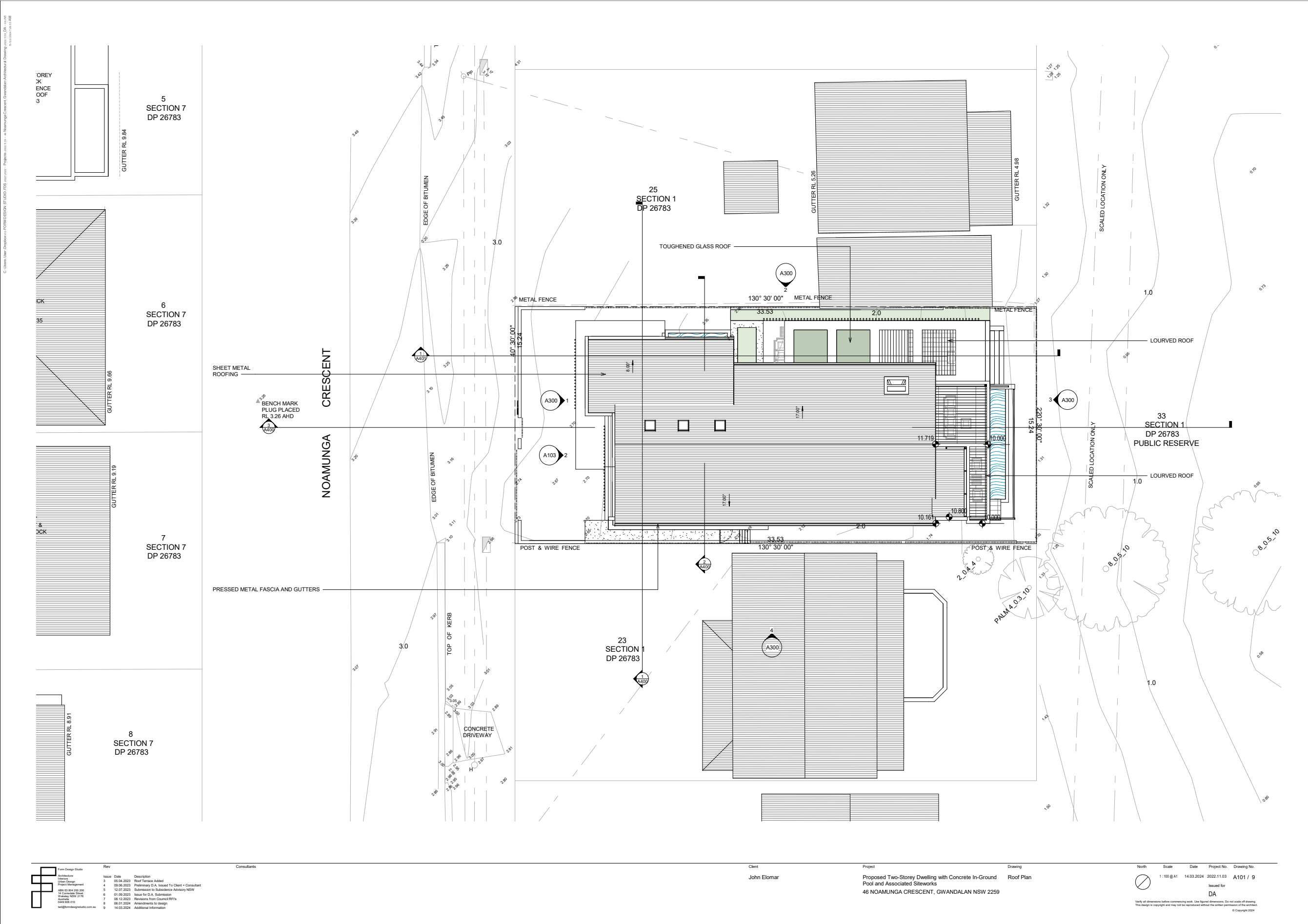
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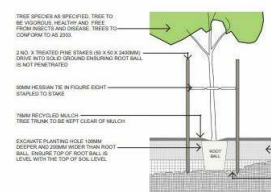
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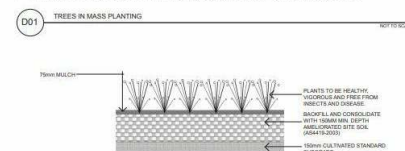






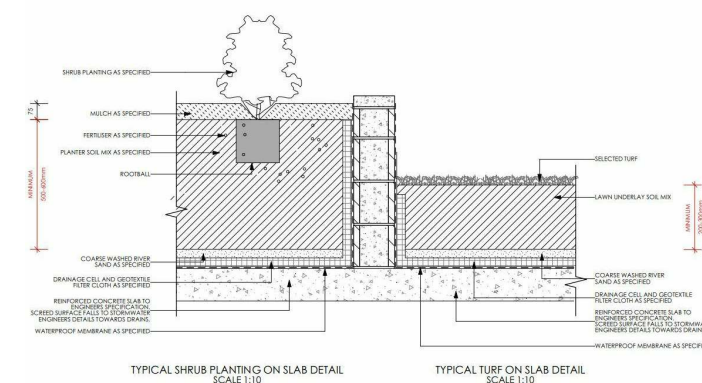
**PLANTING NOTES:**

- 1. PLANTS TO BE HEALTHY, VIGOROUS AND FREE FROM INSECTS AND DISEASE. TREES MUST HAVE A SINGLE TERMINAL SHOOT AND ENOUGH LEAF AREA TO SHADE THE BASE OF EACH PLANT.
- 2. ENLARGE THE TOP OF EACH ROOT BALL IS LEVEL WITH THE FINISHED TOP OF SOIL LEVELS.
- 3. INCORPORATE SOIL CONDITIONER AND FERTILISER WHEN PLANTING FORESTRY TUBE AND 200MM POT SIZE TO RATES AS SPECIFIED.



**PLANTING NOTES:**

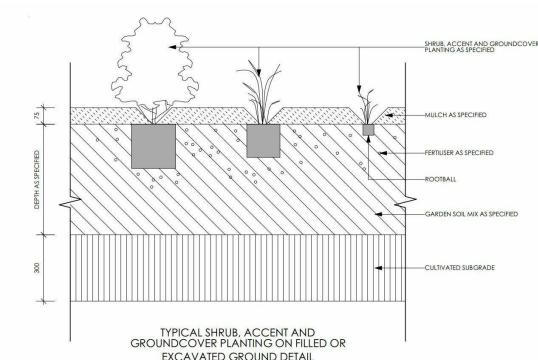
- DISH MULCH TO BASE OF EACH PLANT
- ENSURE THE TOP OF EACH ROOT BALL IS LEVEL WITH THE FINISHED TOP OF SOIL LEVELS.
- IN CORPORATE SOIL CONDITIONER AND FERTILISER WHEN PLANTING FORESTRY TUBE AND 200MM POT SIZE TO RATES AND



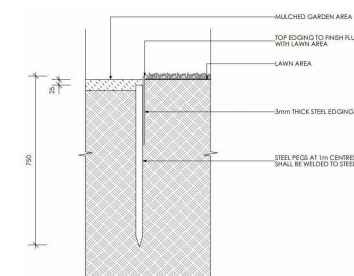
TYPICAL SHRUB PLANTING ON SLAB DETAIL



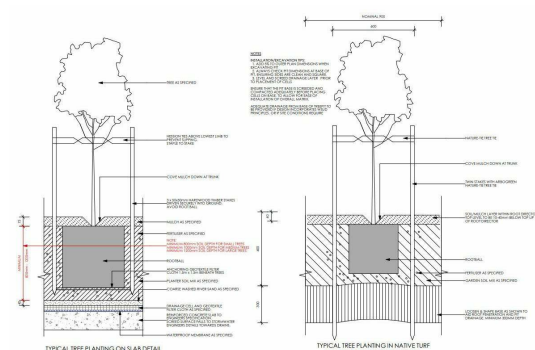
TYPICAL TURF ON SLAB DETAIL



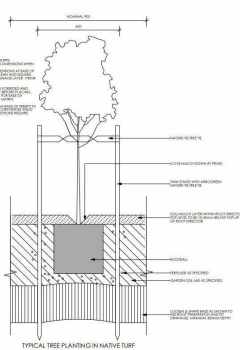
TYPICAL SHRUB, ACCENT AND  
GROUND COVER PLANTING ON FILLED OR  
FILL



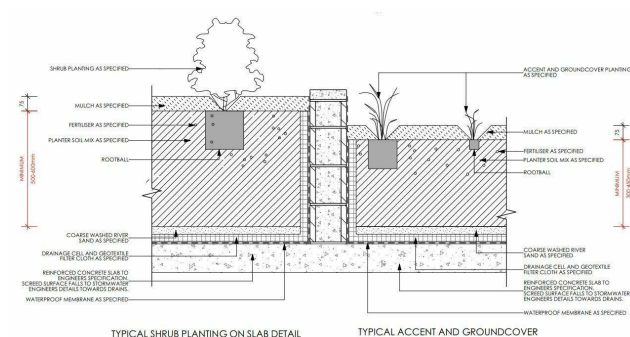
STEEL LAWN EDGE DETAIL



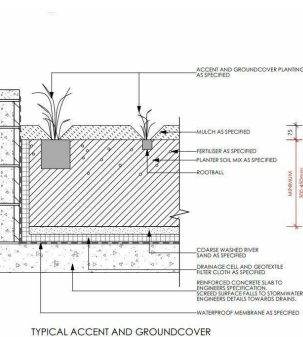
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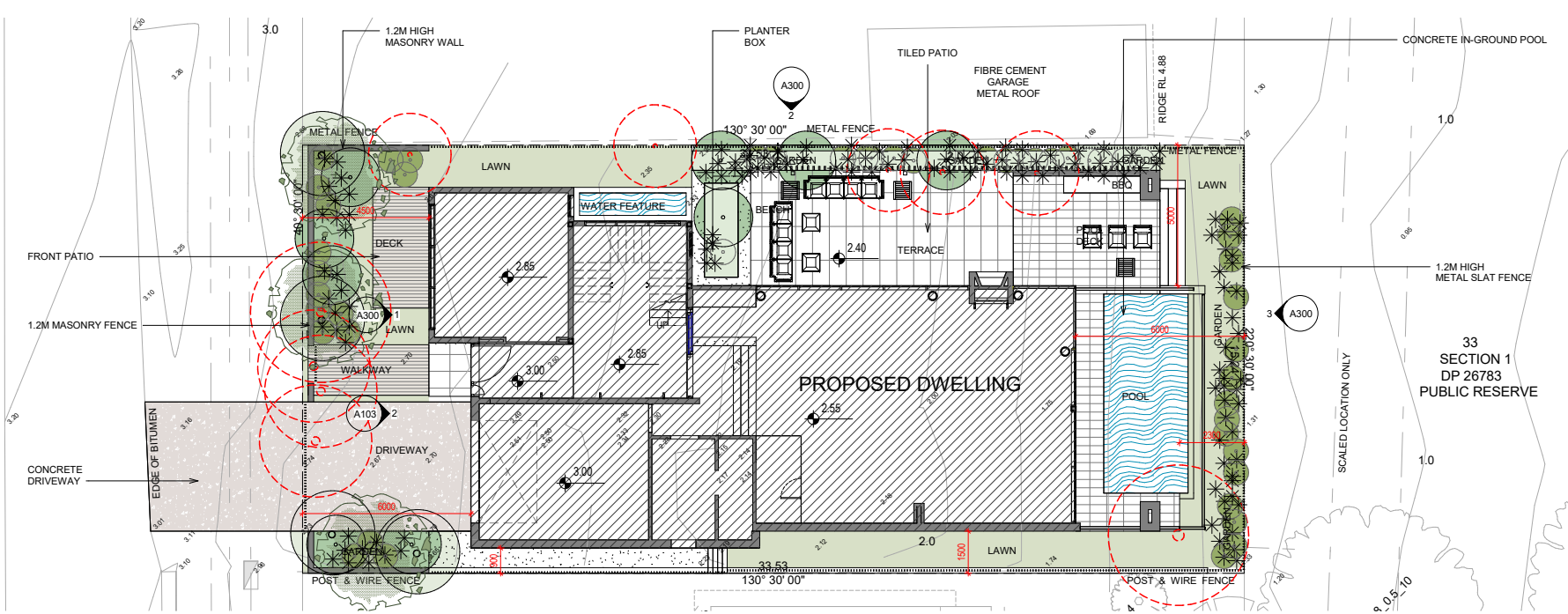
#### PLANTING IN NATIVE TURF



TYPICAL SHRUB PLANTING ON SLAB DETAIL



TYPICAL ACCENT AND GROUND COVER



Form Design Studio		Rev	
Architecture	Issue	Date	Description
Interior	3	05.04.2023	Road Terrace Added
Urban Design	4	09.05.2023	Preliminary D.A. Issue to Client + Consultant
Project Management	5	12.07.2023	Submission to Subsidise Advisory NSW
ABN 63 804 200 266	6	01.09.2023	Issue for D.A. Submission
14 Conislaide Street	7	08.12.2023	Revisions from Council RFI's
Waverley NSW 2176	8	06.01.2024	Amendments to design
Australia	9	14.03.2024	Additional Information
0408 806 010			
tsa@formdesignstudio.com.au			

### Consultants


Client  
John Elomari

Project

Proposed Two-Storey Dwelling with Concrete In-Ground Pool and Associated Siteworks

46 NOAMUNGA CRESCENT, GWANDALAN NSW 2259

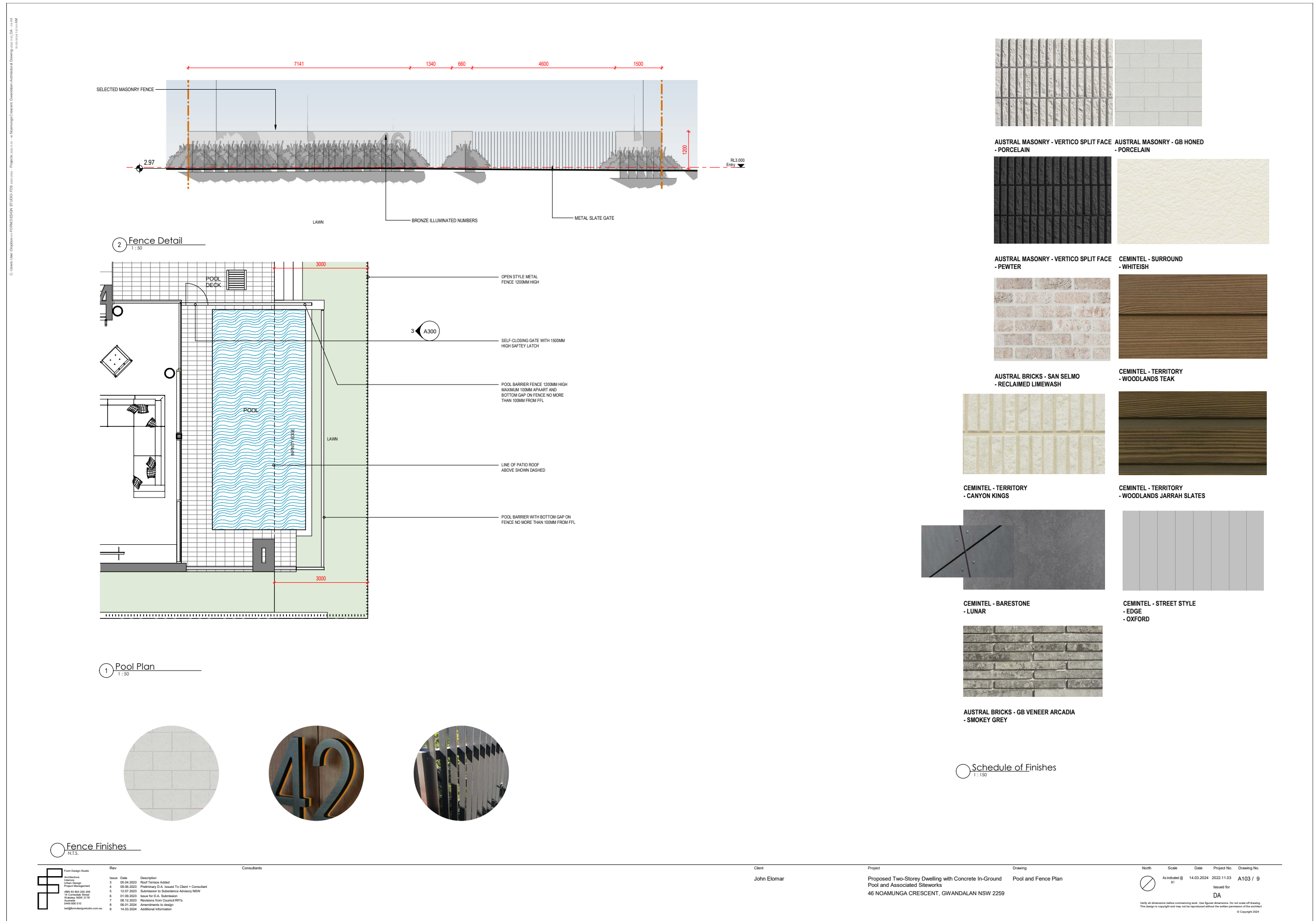
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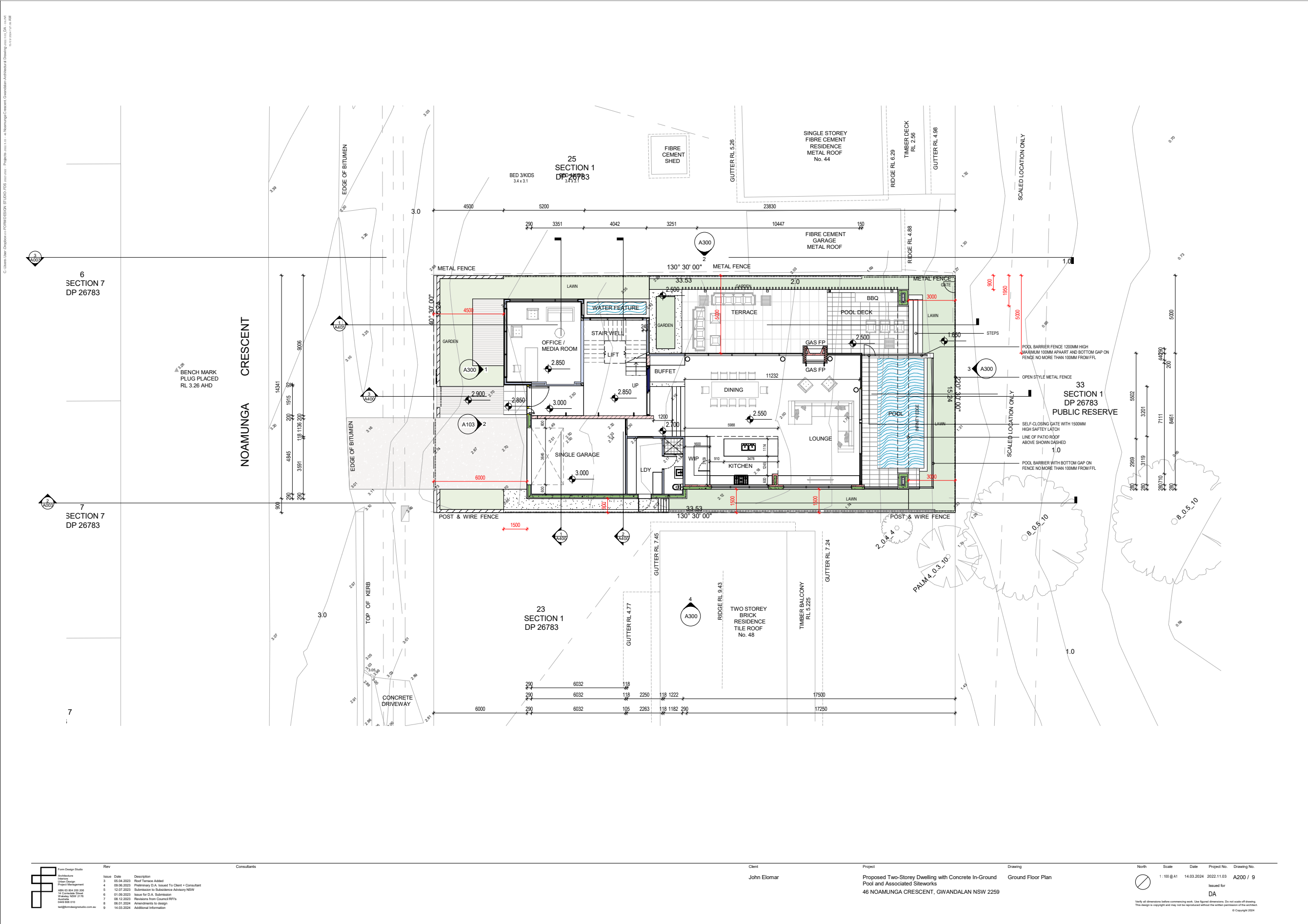
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			Issued for	
			DA	

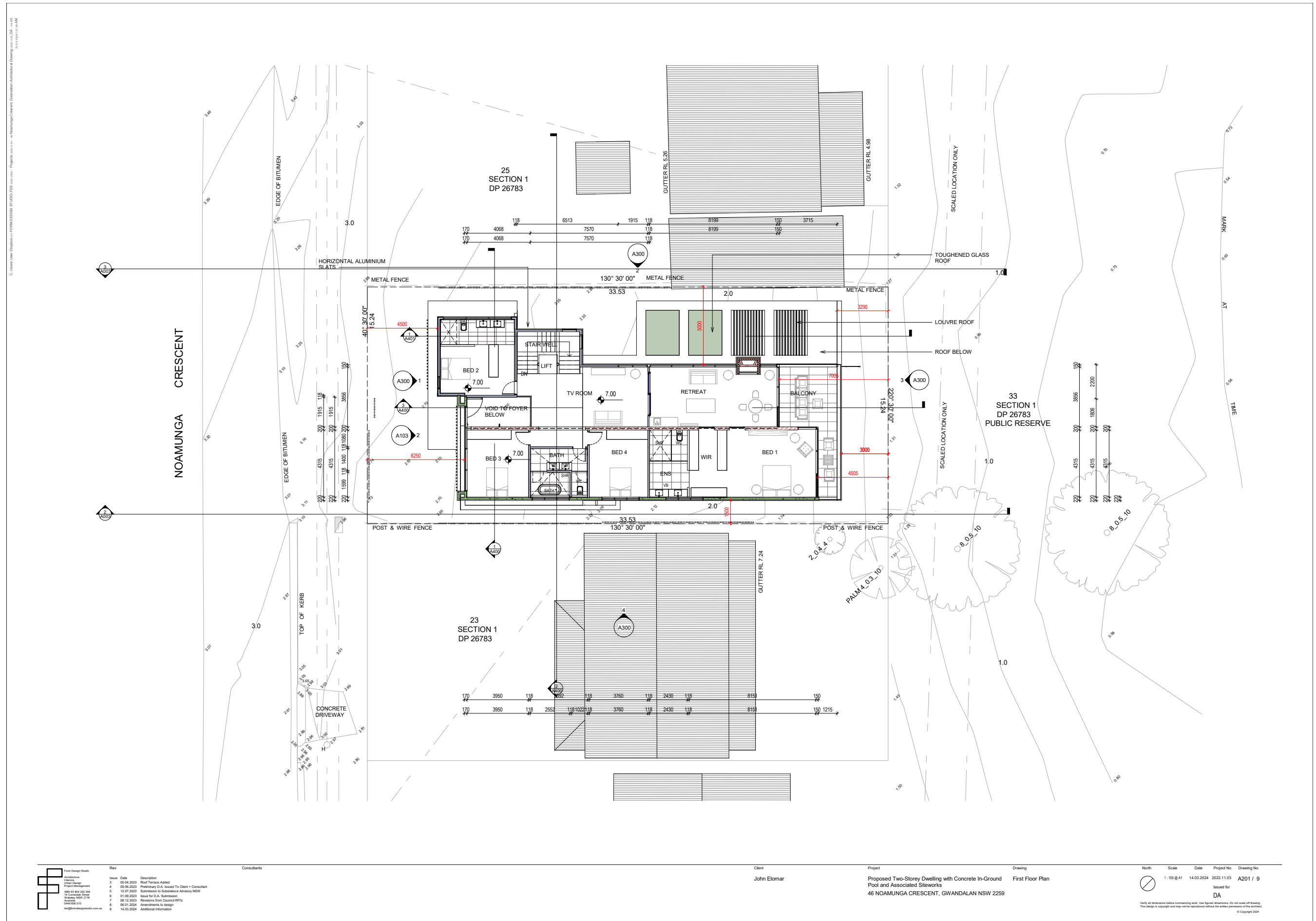
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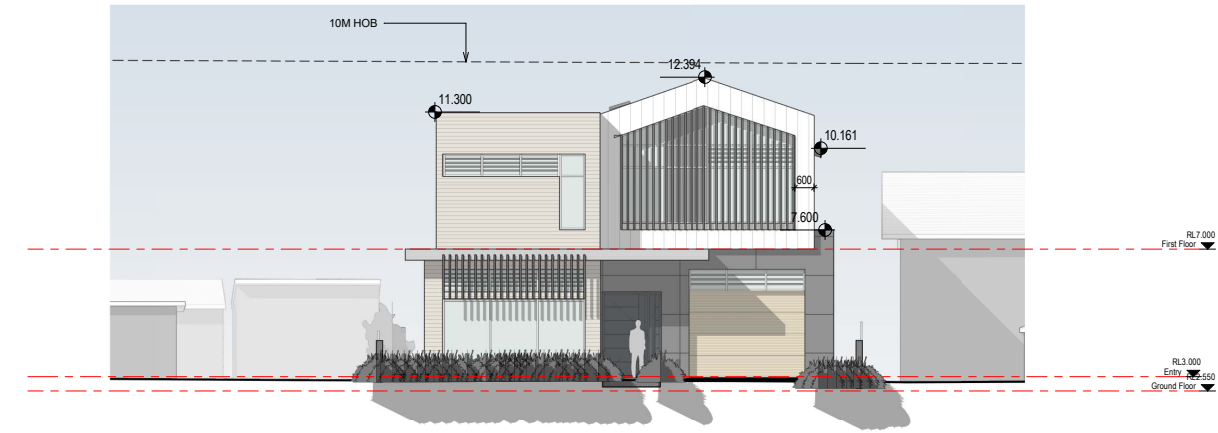
J.C. Coombes, MPhil.



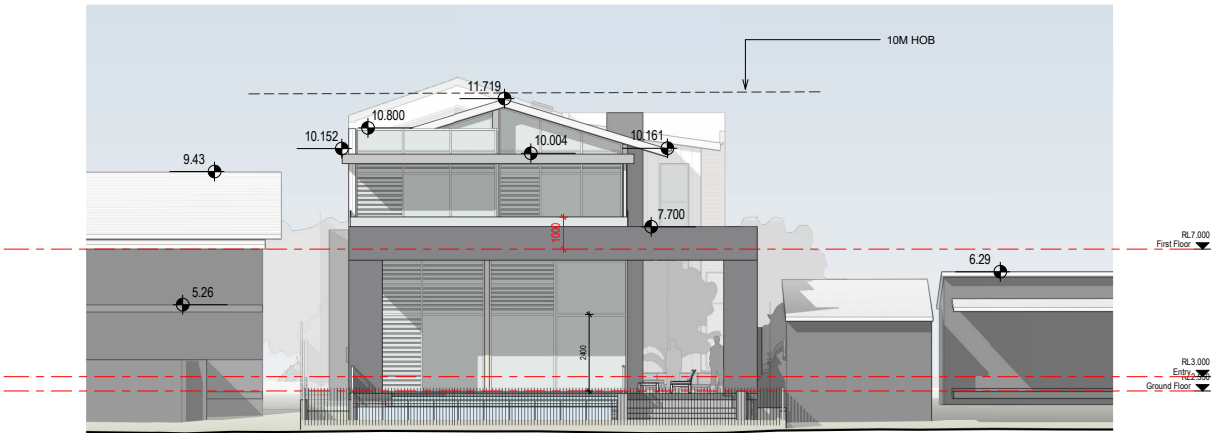




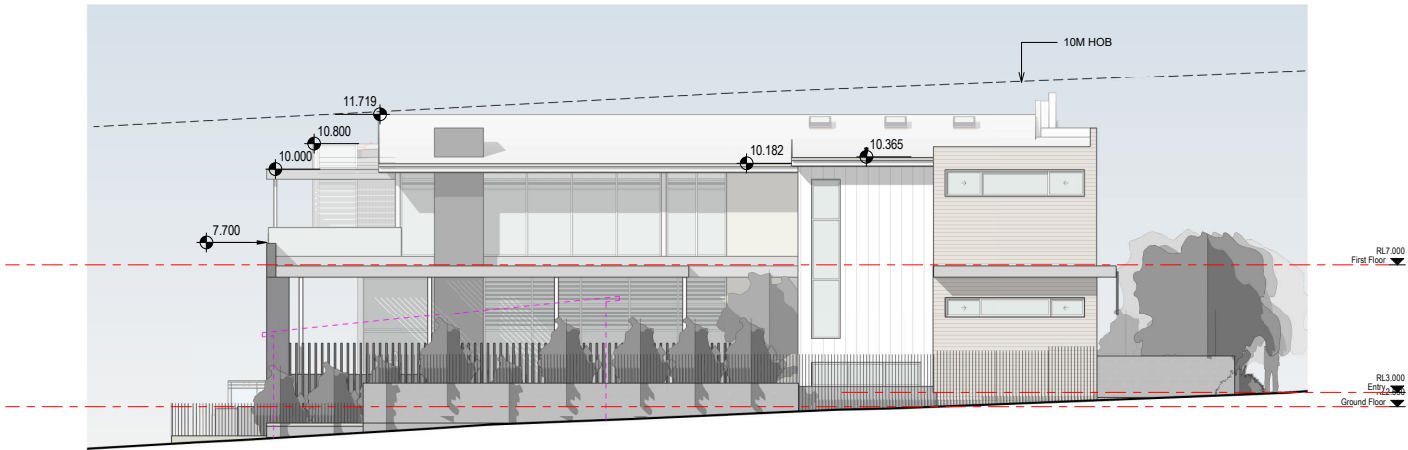




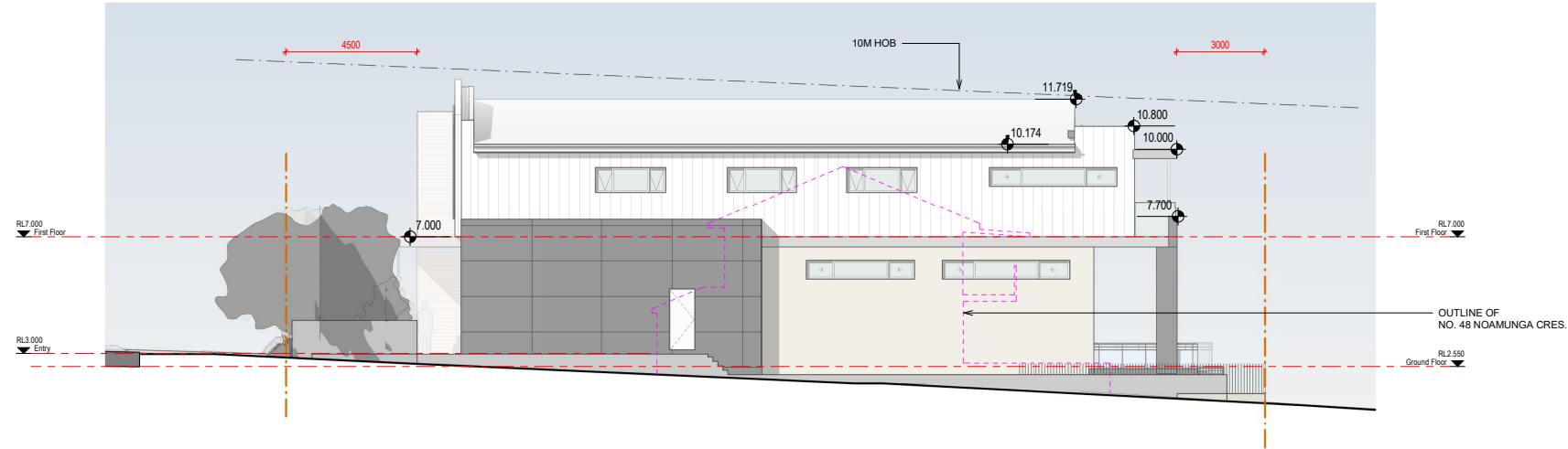
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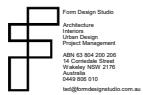
3 Rear (East) Elevation  
1:100



2 Side (North) Elevation  
1:100



4 Side (South) Elevation  
1:100



Rev	Date	Description
1	05.04.2023	Initial Design
2	09.05.2023	Revised Design
3	12.07.2023	Submission to Subdivision Advisory NSW
4	01.08.2023	Issue for D.A. Submission
5	08.12.2023	Revisions from Council Refs
6	08.01.2024	Amendments to design
7	14.03.2024	Additional Information

Consultants

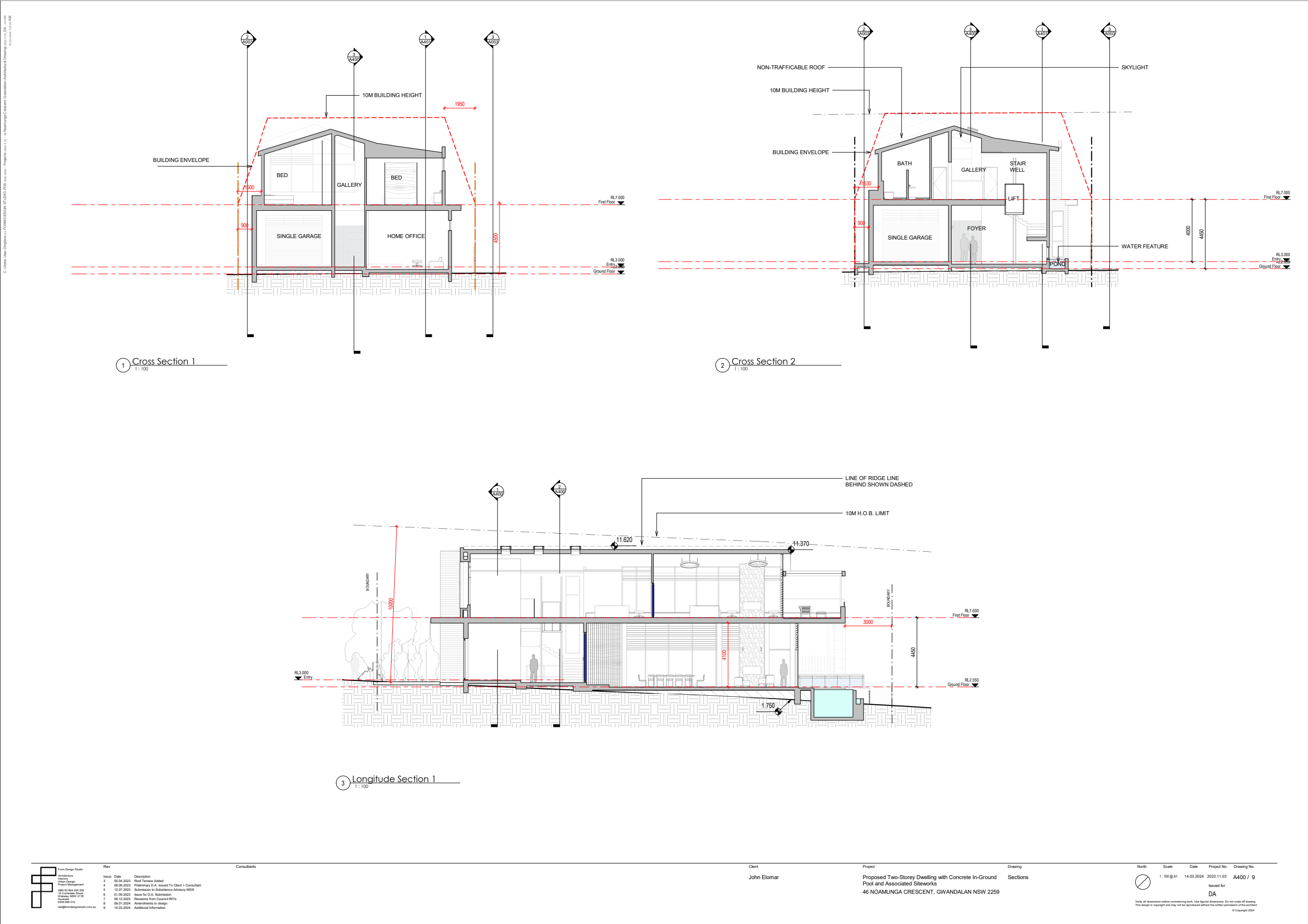
Client  
John Elomar

Project  
Proposed Two-Storey Dwelling with Concrete In-Ground  
Pool and Associated Siteworks  
46 NOAMUNGA CRESCENT, GWANDALAN NSW 2259

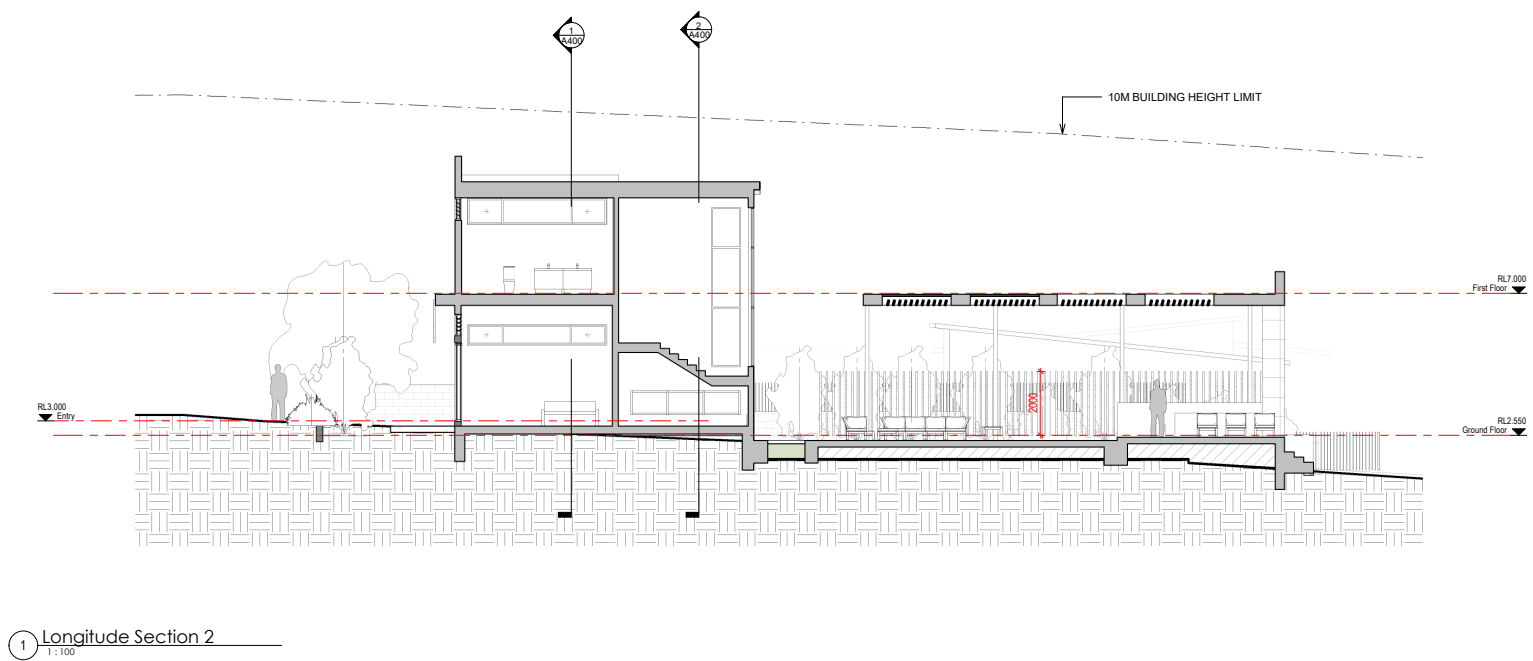
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North  
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1:100 @ A1  
Date  
14.03.2024  
Project No.  
2022.11.03  
Drawing No.  
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Rev	Date	Description
1	05.04.2023	Initial Design
2	05.04.2023	Revised Design
3	05.04.2023	Revised Design
4	09.05.2023	Revised Design
5	12.07.2023	Revised Design
6	01.08.2023	Revised Design
7	08.12.2023	Revised Design
8	08.01.2024	Revised Design
9	14.03.2024	Revised Design

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Proposed Two-Storey Dwelling with Concrete In-Ground  
Pool and Associated Siteworks  
46 NOAMUNGA CRESCENT, GWANDALAN NSW 2259

Drawing  
Sections

North  
Scale  
Date  
Project No.  
Drawing No.

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