

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**06 June 2024**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Thursday 6 June 2024 at 2.00 pm,  
for the transaction of the business listed below:**

|          |   |     |
|----------|---|-----|
| <b>1</b> | <b>Procedural Items</b>   |     |
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Donna Rygate  
**Chairperson**



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

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06 June 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

6 June 2024 Local Planning Panel Meeting

Reference: F2020/02502 - D16206394

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 16 May 2024***

### Recommendation

***That the minutes of the previous Local Planning Panel Meeting held on 16 May 2024, which was endorsed by the Chair of that meeting, are submitted for noting.***

### Attachments

1   MINUTES - Local Planning Panel - 16 May 2024 D16200690





















**Item No:** 3.1  
**Title:** DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal -  
Alterations and additions to Residential Flat  
Building  
**Department:** Environment and Planning

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**Central Coast**  
Local Planning Panel

6 June 2024 Local Planning Panel Meeting

Reference: DA/1968/2023 - D16178823  
Author: Amy Magurren, Senior Development Planner. Residential Assessments  
Section Manager: Ailsa Prendergast, Section Manager. Residential Assessments  
Executive: Andrew Roach, Unit Manager. Development Assessment

**Summary**

An application has been received for alterations and additions to an existing Residential Flat Building at 9/20 Terrigal Esplanade, Terrigal. 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 the report.

The development application is required to be reported to the Local Planning Panel due to the development exceeding the "*Height of Buildings*" development standard specified and calculated within Clause 4.3 of the *Central Coast Local Environmental Plan 2022 (CCLEP 2022)* by more than 10%. The current height standard for the site is 8.5m and the development proposes a maximum height of 13.65m for the rear extension (a variation of 5.15m or 61% variation). Note, however, that the existing approved development has a maximum height of 14.12m.

No submissions have been received.

The application is recommended for approval.

|                              |  |
|------------------------------|--|
| <b>Applicant</b>             | Klaus Carson Studio Pty Ltd                      |
| <b>Owner</b>                 | Mr C Logan and Mrs V Logan                       |
| <b>Application No</b>        | DA/1968/2023                                     |
| <b>Description of Land</b>   | 9/SP 65034                                       |
| <b>Proposed Development</b>  | Alterations and Additions                        |
| <b>Site Area</b>             | 195m <sup>2</sup> Plus 277m <sup>2</sup> balcony |
| <b>Zoning</b>                | R1 General Residential                           |
| <b>Existing Use</b>          | Residential Flat Building                        |
| <b>Employment Generation</b> | No   |
| <b>Estimated Value</b>       | \$1,224,400.00                                   |

**Recommendation**

- 1     *The Central Coast Local Planning Panel accept that the Applicants Clause 4.6 written request demonstrates that compliance with the Height of Buildings development standard is unreasonable in the circumstances of the case because of the minimal environmental impact that would arise 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 existing exceedance to the Height of Buildings standard already granted for the existing residential flat building is maintained and the proposed additions do not increase the overall height of the building, nor do they have an unreasonable impact to the surrounding development.***

***Further, the panel consider that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the R1 General Residential zone in which the development is proposed to be carried out.***

- 2     *That the Local Planning Panel grant consent to DA/1968/2023- 9/20 Terrigal Esplanade Terrigal for alterations and additions to an existing residential flat building 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     *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 2021.***

**Precis:**

|                                  |   |
|----------------------------------|---|
| <b>Proposed Development</b>      | Alterations and additions to an existing Residential Flat Building (primarily removal of an existing pool and extension of Unit 9 and internal changes).  |
| <b>Permissibility and Zoning</b> | <p>The subject site is zoned <i>R1 General Residential</i> under the provisions of the <i>Central Coast Local Environmental Plan 2022</i> (<i>Central Coast LEP 2022</i>).</p> <p>The existing development is defined as a "Residential Flat Building" which is defined under Central Coast LEP 2022 as;</p> <p><b>residential flat building</b> means –<br/>a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.</p> <p>The proposed development is best defined as alterations and addition to an existing residential flat building and is permissible with consent in the current zone.</p> |
| <b>Current Use</b>               | Residential Flat Building   |
| <b>Integrated Development</b>    | No  |
| <b>Submissions</b>               | <p>The development application was notified (in accordance with the provisions of CCLEP 2022 from the 3<sup>rd</sup> November 2023 to 24<sup>th</sup> November 2023</p> <p>No submissions were received.</p>  |

**Variations to Policies**

Proposed variations to Central Coast Local Environmental Plan 2022

|                 |  |
|-----------------|--|
| Clause          | 4.3 – Height of Buildings  |
| Standard        | Height limit of 8.5m   |
| Departure basis | <p>The proposal seeks variations to the development standard in accordance with the following;</p> <ul style="list-style-type: none"> <li>• 13.65m for the rear extension (5.15m or 61% variation)</li> <li>• 12.73m for the rear terrace (4.23m or 50% variation)</li> <li>• 12.39m for the lower front roof (3.89m or 46% variation)</li> <li>• 13.52m for the upper front roof (5.02m or 59% variation)</li> </ul> <p>It is noted that the existing residential flat building has an approved building height of 14.12m. The proposed development does not seek to increase the overall building height, rather add a new portion of the building that will be greater than the current building height control at the rear of the development.</p> |

|                 |   |
|-----------------|---|
| Clause          | 4.4 – Floor Space Ratio   |
| Standard        | Site is mapped at 0.5:1   |
| Departure basis | <p>The proposal seeks to add 149m<sup>2</sup> of floor space to the existing unit resulting in a floor space ratio of 0.697:1 for the existing residential flat building development. The variation to the 0.5:1 floor space ratio is 0.197 or 39.4%</p> <p>The existing residential flat building is currently 0.631:1 and is an increase to the existing variation of 0.131 or 26.2%</p> <p>The proposed development will increase the existing floor space ratio by 0.066 or 10.5%</p> |

### **The Site**

The site is legally described as lot 9 in SP 65034 and is commonly known as 9/20 Terrigal Esplanade, Terrigal. The overall site has a total site area of 2,244m<sup>2</sup>.

The proposed development is part of an existing residential flat building at 20 Terrigal Esplanade, Terrigal. The residential flat building is part 3 and part 4 storey, contains 9 units, and is located on a site with frontages of 25.605m to Terrigal Esplanade to the north and 12.75m to Maroomba Road to the south. Access and partial basement parking for the building is via Maroomba Road at the rear of the development.

Unit 9 occupies the topmost floor of the building, and has 3 bedrooms. The apartment has a large terrace at the front facing north, with a gable roof above, and has expansive beach and ocean views. At the rear of the unit, on the southern side, there is a covered terrace area, open to the sides, and beyond that is a swimming pool and pool deck, which are elevated above the terrace level and surrounded by raised masonry walls with opaque screening above, and with shade-cloth posts around the pool area.



**Figure 1: Site Locality Plan**



**Surrounding Development**

The site is bordered to the west by a three-storey residential flat building with basement and to the east by a two-storey residential flat building with basement and roof top terrace.

Surrounding properties largely contain residential flat buildings, and the site is located close to the Terrigal local commercial centre to the west. The "Crown Plaza" development is located in close proximity to the west of the development site.

The former Terrigal post office building now used as a restaurant, which is a heritage item is located to the immediate west of the development site, fronting Ash Street.



***Figure 2: The site as viewed from Terrigal Esplanade***



***Figure 3: The site and surrounding development***

### **The Proposed Development**

The application seeks development consent for alterations and additions to Unit 9 of 20 Terrigal Esplanade.

The alterations and additions include:

- removing the rear swimming pool, pool deck, existing masonry fencing and screening;
- carrying out modifications to the rear terrace, including reducing roof height;
- extending the unit to the south, in the location of the existing swimming pool and terrace, and including a new bedroom, gym, spa pool and court, and sculpture court;
- internal alterations within the footprint of the existing unit;
- increasing the width of the living/ kitchen areas at the front, over a small part of the existing terrace areas; and
- removing the front gable roof element, and replacement with a lower, extended roof over the front terrace areas.

The unit extension to the south is located within the footprint of the existing terrace and pool area, and the roof level will be 170mm lower than the top of the existing pool screening. The existing roof over the rear terrace will be removed, and will be replaced by a lower roof form, 1.3m below the existing roof height.

Part of the rear terrace will be retained as a sculpture court on the eastern side, and angled vertical privacy screening is proposed to the sides of the sculpture court, and to the gym on the western side, to replace the current palisade fencing and improve privacy. New openings are proposed to a spa court on the western side, which also has privacy screening, and there are narrow windows to a bedroom on the eastern side and a window to an ensuite on the southern side.

The proposal also includes a new skylight at the rear of the existing unit and skylights over the rear extension.

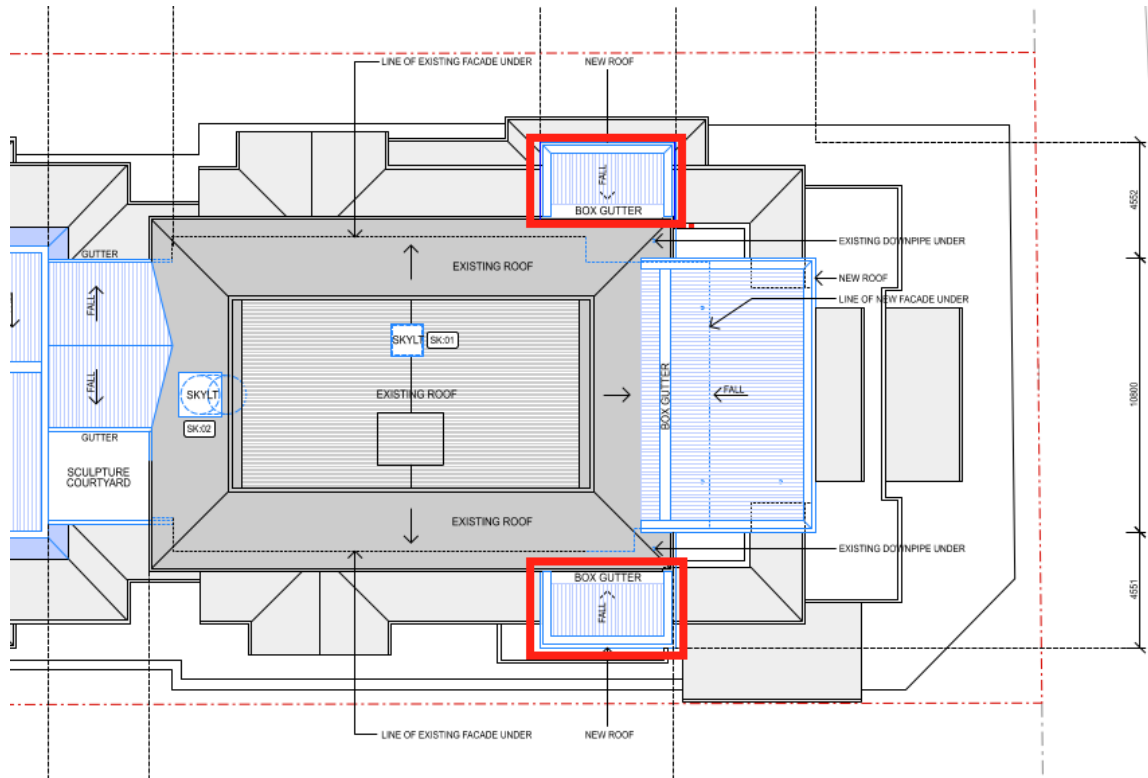
The extension at the rear will be aluminium clad with raised vertical elements, and will have recessive earthy/bronze tones, which will complement the existing roof and wall colours.

The alterations make a number of internal changes to the existing unit, including the conversion of a bedroom to a family room, and the proposal will remain a 3 bedroom unit overall. The proposal will increase the gross floor area of the existing unit by 149m<sup>2</sup>.

The front glazed façade facing Terrigal Esplanade will be widened from 9.7m to 12.5m, and increased in height, and will remain inside the alignment of the side walls of the unit. It is proposed to remove the gable roof element over the front terrace, and to replace it with a low profile horizontal roof form which will reduce bulk compared to the existing roof.

**Amendment to originally proposed development**

The original development submitted to Council included a new terrace roof over the existing side terraces for the front portion of the building as per below:



**Figure 4: Proposed side terrace roof additions**



**Figure 5: Existing location of side terrace roof additions**

### **3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)**

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The application was referred to an independent external Urban Design Planner engaged by Council to review the plans. The referral response recommended the proposal development could be supported, however the existing building line should be maintained for the side setbacks which were inline with the current building setbacks.

The applicant was requested to remove the side terrace roof additions and subsequently revised plans have been provided to support the application.

#### **History**

DA/20321/1995 for a Residential flat building containing four (4) tiers with 13 large dwellings and basement carparking was refused by Council on the 20 June 1996 for exceeding the maximum 7.0m height control of GSPO, bulk and scale, amenity impacts, overshadow, setbacks and driveway widths.

DA/22160/1997 for a Residential Flat Building containing nine (9) units was Approved by Council on the 3 June 1997. In granting consent, the council determined that the objectives of the height controls were considered to have been met under the building height in the Gosford Planning Scheme Ordinance (GSPO) in force at the time.

DA/23292/1998 for inclusion of a swimming pool on the terrace of the Residential Flat Building was originally refused by Council on the 16 December 1998 on grounds of loss of privacy, bulk and scale and impact to future amenity. An appeal to the Land and Environment Court was upheld in a judgment delivered on the 24 March 1999.

#### **ASSESSMENT:**

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

#### **State Environmental Planning Policy (Building Sustainability Index) BASIX 2004**

A compliant BASIX certificate achieving the NSW Government's Energy Efficiency targets has been provided in support of the application. The proposal is consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

The Panel can be satisfied that the proposed development satisfies the relevant provisions of SEPP (BASIX) 2004, subject to recommended conditions.

#### **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 areas defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within the 'Coastal Environment Area' and 'Coastal Use Area' identified on these maps.

In considering the impact of any development application, the consent authority must have regard to matters within clause 2.10 of the SEPP (for the coastal environment area) and clause 2.11 (for the coastal use area).

The relevant matters have been considered in the assessment of this application. The proposed development is not likely to cause undue impact on the biophysical, hydrological or ecological environment. The values of the natural coastal processes are not likely to be impacted, marine vegetation and fauna habitats will not be disturbed by the proposal and the proposal does not impact on known aboriginal cultural heritage, the surf zone, or existing public spaces. The proposed development will not result in adverse impact on rock shelves, overshadowing, loss of views from public places nor visual amenity.

The Panel can be satisfied that the relevant matters of clause 2.10 for development within the coastal environment and use area and clause 2.11 for development within the coastal use area have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

### **Chapter 4 Remediation of Land**

Clause 4.6 of Chapter 4 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The current use of the site is residential purposes, and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

The Panel can be satisfied that the proposed development is acceptable with regard to Chapter 4 of the SEPP.

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

The subject site is zoned R1 General Residential under the provisions of CCLEP 2022. The proposed development is best defined as alterations and additions to a 'dwelling house', which is defined under CCLEP 2022 as:

***residential flat building*** means –

a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

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

### 3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

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#### Central Coast Local Environmental Plan 2022 – Zone objectives

The land is zoned R1 General Residential under the provisions of CCLEP 2022.

The objectives for the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.

Following a detailed assessment of the proposed development and with the Applicant's 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 surrounding and emerging character of the area and does not have adverse impacts on the locality.

#### Central Coast Local Environment Plan 2022 – Principle 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 |
|-------------------------|----------|----------------|--------------------------|-------------|----------------------------|
| 4.3 Height of Buildings | 8.5      | 12.39 – 13.65m | No                       | 49 – 61%    | Yes                        |
| 4.4 Floor Space Ratio   | 0.5:1    | 0.697:1        | No                       | 39.4%       | Yes                        |

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

The proposed development seeks a variation to Clause 4.3 (2) of CCLEP 2022 in relation to the proposed maximum building height of the building. In this regard, the proposal seeks a maximum overall height of 12.39m to 13.65m in lieu of the 8.5m mapped maximum building height limit applicable to the allotment. The variation proposed ranges from 49-61%.

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 the Clause 4.6 are satisfied, being:



### 3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

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- (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.*

The existing residential flat building was approved as a variation to the building height controls under DA/22160/1997, in which the Council determined that the variation to the height of the building under the GSPO was acceptable owing to the negligible impacts to the adjoining properties.

The proposed development proposes a variation to the current 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 basis of the applicant's arguments, as set out in the Clause 4.6 request, are:

- The existing approved residential flat building already exceeds the current 8.5m building height and the proposal does not change the approved maximum building height, and will reduce height in some areas, including the heights of the southern extension, the rear terrace roof and the front roof over the terrace compared to the existing development;*
- The variations will be compatible with the existing unit and the balance of the residential flat building;*
- The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts; and*
- The proposal is consistent with the objectives of the R1 General Residential zone and the objectives of the development standard*

The applicant's request for a variation to the building height is considered acceptable for the following reasons:

- The proposed development is consistent with the objectives of Clause 4.3 as the proposal maintains the same or lower buildings heights compared to the existing unit, and will result in the same density of development that currently exists.
- The proposed development is consistent with existing development in the locality:
- The proposed development provides a varied building line which will not be visually dominant; and
- The proposed development is compatible with adjoining development.

#### Central Coast Local Environmental Plan 2022 -Clause 4.4 – Floor Space Ratio

The proposed development seeks a variation to Clause 4.4 of CCLEP 2022 in relation to the proposed maximum floor space ratio of the building. In this regard, the proposal seeks a maximum floor space ratio of 0.697:1 in lieu of the 0.5:1 mapped maximum floor space ratio

applicable to the allotment. The variation proposed is 39.2% from the current control, however is only an increase to the existing variation to the FSR of 10.5%.

It is noted, that the site is identified as being in "Area 1" under the LEP maps, where Clause 4.4A(4)(a) of the LEP allows higher floor space ratio to 0.7:1 where all carparking is provided in a basement level, and depending on site size, however although the bottom lever of the development is considered a basement it does not extend below ground sufficiently to be considered a basement in regards to this clause and the circumstances do not apply to the subject proposal which does not provide all parking in a basement level as defined in the CCLEP 2022.

The proposed development proposes a variation to the current maximum permitted height set out under clause 4.4 of CCLEP 2022 and is accompanied by a clause 4.6 written request to vary the development standard.

The basis of the applicant's arguments, as set out in the Clause 4.6 request, are:

- *The existing approved residential flat building already exceeds the current 0.5:1 floor space ratio, and the proposal is seeking alterations and additions to an existing unit, which is within the footprint of the unit, rear terrace and swimming pool;*
- *The additional gross floor area does not add bulk to the unit, being largely located within the existing fenced terrace and pool areas at the rear, and the proposal will retain a similar shape and bulk at the rear compared to the existing unit when viewed externally. Part of the proposal will also reduce building bulk in some areas, with the removal/ lowering of the existing rear terrace roof and the removal of the gable roof element above the front terrace;*
- *The additional floor space does not increase the intensity of the use or increase the number of units, and the unit will remain a 3 bedroom apartment, with improved spaces, amenity and functionality compared to the existing unit;*
- *The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts; and*
- *The proposal is consistent with the objectives of the R1 General Residential zone and the objectives of the development standard.*

The applicant's request for a variation to the floor space ratio is considered acceptable for the following reasons:

- The proposal does not change the density or intensity of the existing unit, which will remain a 3 bedroom unit, with improved spaces, amenity and functionality compared to the existing unit.
- The proposed development integrates with streetscape and is compatible with the character of the area.
- There is no adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.



### 3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

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- the proposal facilitates an improved design for the articulation and modulation of the design of the building

#### Central Coast Local Environmental Plan 2022 Clause 4.6 - Exceptions to development standards for Height and Floor Space Ratio

Clause 4.6 (4) of CCLEP 2022 establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions are:

1. Tests to be satisfied pursuant to clause 4.6(4)(a) – this includes matters under clause 4.6(3)(a) and (b) in relation to whether the proposal is unreasonable in the circumstances of the case and whether there are sufficient environmental planning grounds to justify contravening the development standard and whether the proposal is in the public interest (clause 4.6(a)(ii)); and
2. Tests to be satisfied pursuant to clause 4.6(4)(b) – concurrence of the Planning Secretary.

#### Clause 4.6(3)

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

*'Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating –*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.'*

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 and the maximum floor space ratio controls are relevant.

### Building Height - Objectives

CCLEP 2022 sets out two objectives pertaining to the building height development standard. The objectives are contained within clause 4.3 (1) (a) and (b). These objectives are replicated below and commentary in respect to compliance or otherwise with each of the objectives in relation to the proposed development:

*a) to establish a maximum height of buildings to enable appropriate development density.*

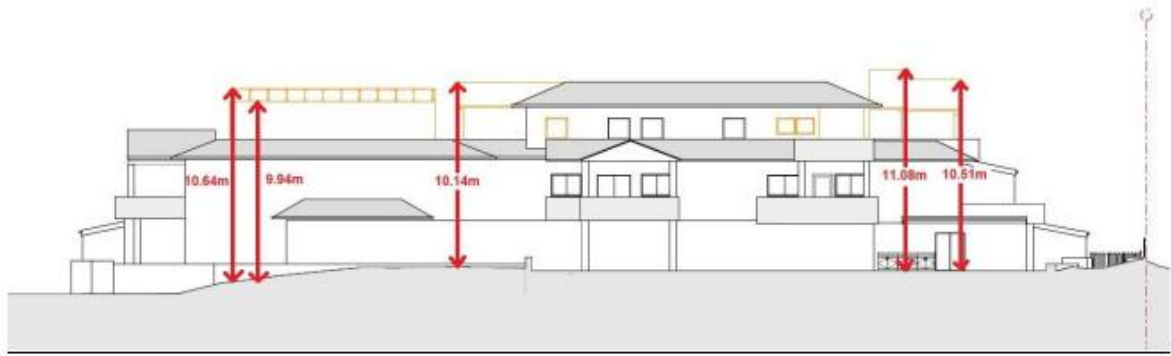
Comment: The proposed height of the buildings, whilst exceeding the numerical height limit, is consistent with the numerous other buildings within the vicinity on this sloping beachside locality. The proposed development design meets the relevant zone objectives and does not cause any unreasonably level of view loss impacts to the adjoining and surrounding properties. The proposed building design and height will not create any overshadowing to the public open spaces and not impact on viewing of the natural topographical features from surrounding open spaces.



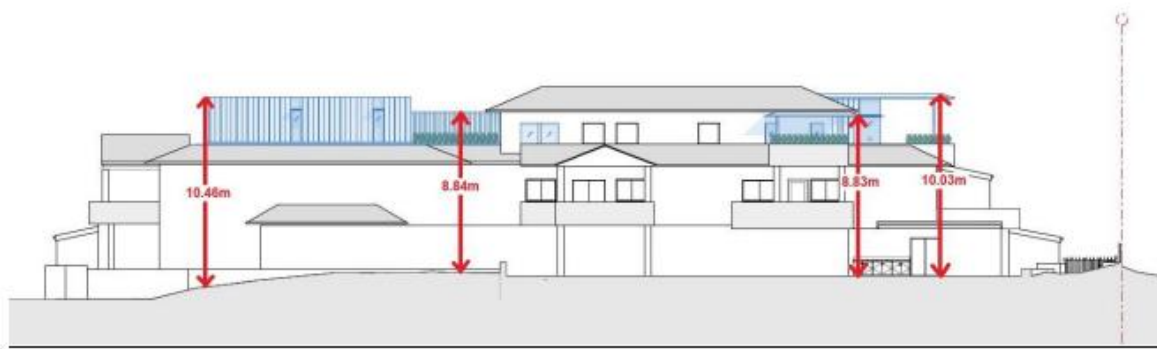
**Figure 6 - Existing West Elevation**



**Figure 7 – Proposed West Elevation**



**Figure 8 – Existing East Elevation**



**Figure 9 – Existing East Elevation**

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

Comment: The proposed building alterations will result in a contemporary design. The use of quality materials will encourage a desired urban form in the locality. The proposed alterations will not result in any appreciable additional overshadowing of the adjoining properties over the winter months. The extent of shadowing, considering the orientation of buildings with an east-west axis is reasonable as demonstrated on the shadow diagrams.

The height exceedance is not increased by the construction of a new roof over the rear of the building and the additional roof form will provide an appropriate transition from the existing to the new and does not in itself increase the land use intensity. It is consistent with the height of other buildings on the hillside locality and is imperceptible from the street.

### **Floor Space Ratio – Objectives**

CCLEP 2022 sets out four (4) objectives pertaining to the floor space ratio development standard. The objectives are contained within Clause 4.4 (1) (a-d). These objectives are replicated below and commentary in respect to compliance or otherwise with each of the objectives in relation to the proposed development:

*(a) to establish standards for the maximum development density and land use intensity.*

Comment: The proposed building alterations will not alter the density or intensity of development, which will remain a 3 bedroom unit. The overall development will remain a nine (9) unit residential flat development as originally approved.

*(b) to ensure the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located.*

Comment: The bulk of the additional floor space is located at the rear of the development and will be imperceivable from the Esplanade. The existing masonry walls will be demolished and replaced with external walls of a similar bulk and scale. The proposal will provide some improved articulation to the existing blank walls to the sides and rear and will lower the existing terrace roof height. The proposal is considered to be compatible with the character of the existing residential flat building and the character of the locality.

*(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Comment: The additional floor space has been added to the rear of the existing development and will not result in any additional overshadowing impacts to the surrounding properties and the public domain compared with the existing building. The proposed alterations to the existing building have considered impacts on privacy and included screening to the rear courtyards which will reduce the impacts on the existing rear terrace which is currently open to the sides.

*(d) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

Comment: The proposal will provide additional articulation and modulation to the rear of the existing unit, through the removal of blank walls and provision of additional screened openings and has a considered design approach to the updating of the unit to be a more functional and responsive design to facilitate design excellence. The proposed alterations and additions are commensurate with the existing shape and setbacks of the existing building and are designed to increase the articulation and modulation of design for the rear portion of the site consistent with the design of the building and surrounding developments.

Council has considered the applicants written request to vary the development standard and determined that in this case that compliance to the floor space ratio and height of building development standards would be unreasonable in the circumstances of the application and there are sufficient environmental planning grounds to justify contravening the development standard.

Concurrence of the Planning Secretary

Clause 4.6 (4) of CCLEP 2022 requires consideration of the following:

*'Development consent must not be granted for development that contravenes a development standard unless—*

*(a) the consent authority is satisfied that—*

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

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

***(b) the concurrence of the Planning Secretary has been obtained.'***

Planning Circular PS 20002 issued 5 May 2020 states that the consent authority may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. Council is therefore empowered to determine the application.

This assessment concludes that the request to vary the building height and floor space ratio written request under clause 4.6 variation of CCLEP 2022 provided having regard to clause 4.3 & 4.3 of CCLEP 2022 is well founded and worthy of support.

#### Consideration of Applicant's Submission

The Applicant's submission in accordance with clause 4.6 is attached, and adequately addresses the provisions of clause 4.6(3), as set out above.

#### Zone Objectives

In reviewing the proposed variation, consideration of the R1 General Residential Zone objectives is also considered necessary.

The R1 General Residential Zone objectives are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.

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

- Residential flat buildings are permissible within the zone and satisfies the zone objective in terms of provision of meeting the housing needs of the community and provides a variety of housing types.
- The proposed alterations and additions are designed in keeping with the existing and desired future character of the area.
- The design of the building incorporates suitable architectural design elements and incorporates sustainable design features.

The proposal meets the relevant zone objectives and does not cause view loss or overshadowing impacts 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 in the public interest.

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 and floor space ratio development standard is considered reasonable and therefore supported.

#### 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

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of CCLEP 2022 have been considered. The site contains Class 5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

#### Central Coast Local Environmental Plan 2022 - 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 application makes adequate arrangements for the essential services required for the development. Council is satisfied that all of the above services are available to the land to service the development.

### 3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

#### Central Coast Development Control Plan 2022

The relevant controls of CCDCP 2022 are considered below:

#### Chapter 2.3 Residential Flat Buildings and Shop Top Housing

| Development Control                 | Required   | Proposed  | Compliance with Control    | Compliance with Objective   |
|-------------------------------------|--|---|----------------------------|-----------------------------|
| 2.3.3.1 – Building Height           | 8.5m   | 12.39 – 13.65m  | No – See previous comments | Yes – See previous comments |
| 2.3.3.2 Density – Floor Space Ratio | 0.5:41   | 0.697:1   | No – See previous comments | Yes – See previous comments |
| 2.3.4.1 Setbacks                    | Front - 6m   | 9m – Existing setback remains unchanged.  | Yes                        | Yes                         |
|                                     | Side & Rear – 3 Storeys or more – 6m   | Remain unchanged for the building – The proposed alterations maintain the following setbacks:<br><br>East – 6m<br>West – 7.3m<br>Rear - >6m | Yes                        | Yes                         |
| 2.3.5.1 Facades & Articulation      | Facades are to be articulated, no unbroken lengths of more than 10m x 3m of wall                                   | Facades are suitably articulated and respond to the existing design of the building   | Yes                        | Yes                         |
| 2.3.5.2 Roof Elements               | Roof top structures and roof design is to not detract from the architectural merit of the development.             | Built form is suitably set back from the building edge to maintain the privacy of the adjoining development                                 | Yes                        | Yes                         |
| 2.3.6.1 Views                       | Facilitate view sharing while not restricting reasonable development of the site.                                  | Th proposed development will not unreasonably obstruct views from the neighboring properties  | Yes                        | Yes                         |
| 2.3.6.2 Visual Privacy              | Orientation of windows and terrace areas to not directly overlook private open space areas of adjoining allotments | No adverse amenity or privacy impacts. Overlooking is limited due to screening and elevated decks, windows or terraces.                     | Yes                        | Yes                         |
| 2.3.6.3 Acoustic Privacy            | Minimise impacts of noise on the amenity of the occupants and neighbours.  | The proposal will improve the acoustic privacy of the development with removal of pool pump   | Yes                        | Yes                         |

### 3.1

### DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

|  |  |  |     |     |
|--|--|--|-----|-----|
|  |  | equipment and the enclosing of the space.  |     |     |
| 2.3.6.4 Private Open Space and Balconies | Minimum of 12m <sup>2</sup> and a width of 2.4m  | The front terrace is capable of complying with this requirement. The POS of the proposed development is further improved by the inclusion of the POS at the rear as well.                  | Yes | Yes |
| 2.3.6.5 Sunlight Access                  | Ensure a minimum standard of solar access is available to private open spaces and living areas during winter solstice. | The proposal will maintain similar solar access to the unit as currently exists, and will provide additional natural light through the use of skylights.                                   | Yes | Yes |
| 2.3.6.6 Communal Open Spaces             | Provide passive and active recreational opportunities  | The proposed development does not alter the communal open spaces for the existing development  | Yes | Yes |
| 2.3.6.7 Storage                          | Provide adequate storage for each unit.  | Storage for the unit is increased by the additions.  | Yes | Yes |
| 2.3.6.9 Apartment Size and Layout        | Layout of rooms within an apartment is functional, well organised and provides high amenity.                           | The proposal will increase the unit size and layout.   | Yes | Yes |
| 2.3.6.10 Ceiling Heights                 | Habitable rooms 2.7m   | Proposed   | Yes | Yes |
| 2.3.6.11 Natural Ventilation             | Provide 60% apartments with cross ventilation  | The proposal provides for reasonable cross ventilation, with existing windows and new courtyard openings at the rear.  | Yes | Yes |
| 2.3.7 Parking and Access                 | Provide adequate on-site parking and access  | Complies   | Yes | Yes |
| 2.3.8 Earthworks                         | Cut/fill maximum 1m within 1m of boundaries, or 3m if more than 3m from boundary                                       | None proposed  | Yes | Yes |
| 2.3.9 Landscaping                        | Provide softening for the building and enhance the urban environment.  | The proposal maintains terrace planter beds in the front terrace areas, and planter boxes are also proposed to the rear spa and sculpture courtyards, as shown on the architectural plans. | Yes | Yes |



### 3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

|                            |   |          |     |     |
|----------------------------|---|----------|-----|-----|
| 2.3.10 Civil Works         | Provide adequate services to cater for future occupants | Complies | Yes | Yes |
| 2.3.11 Safety and Security | Provide good design that optimises safety and security  | Complies | Yes | Yes |

#### Chapter 2.13 Transport and Parking

Chapter 2.13 provides car parking requirements for residential flat developments in accordance with Clause 2.3.7 Parking and Access requirements as follows:

| Development Type           | Required                | Proposed          | Compliance with Controls | Compliance with Objectives |
|----------------------------|-------------------------|-------------------|--------------------------|----------------------------|
| Residential Flat Buildings | 1.5 spaces per dwelling | 2 spaces provided | Yes                      | Yes                        |

Unit 9 has allocated spaces in the basement of the development. There is no net change the number of bedrooms and there is no change to the parking arrangements already approved under the existing arrangements.

The proposal is consistent with the objectives of Chapter 2.13 of the CCDCP 2022.

#### Chapter 2.14 Site Waste Management

A Waste Management Plan has been submitted with the proposal.

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.

#### Chapter 2.17 Character and Scenic Quality

##### **Character**

The site is located within the character area: Terrigal 6: Medium Density Hillside of Central Coast Development Control Plan 2022.

The character statement provides for the desired character as follows:

*"These areas should remain medium-density residential hillside where improved standards of amenity and urban design quality are achieved by new multi-unit developments that are surrounded by leafy hillside gardens, providing distinctive backdrops to Gosford City's town centres, main roads or the railway.*

*Maintain the existing informal scenic qualities of hillside properties and road verges by site planning that conserves visually-prominent trees, particularly near hill crests, close to ridgelines*

*or along street frontages and verges. Surround new developments with leafy gardens that retain natural slopes along all boundaries, providing space for new shady trees and shrubs, and avoiding the appearance of long or continuous buildings. On the steeper properties, use low-impact construction such as framed structures with suspended floors and decks that are elevated above basement parking, rather than extensive cut-and-fill that requires tall retaining walls or steep driveways.*

*Plant a combination of trees and shrubs that are mostly-indigenous along all property boundaries and through courtyards, and use hedges or front fences that are low or see-through rather than tall and opaque. Minimise the scale of new buildings and retain a proportion of the panoramic views that are available from any neighbouring property by using strongly-articulated forms, including floor-levels that are stepped to follow natural slopes plus facades that vary in shape and height. For example, divide floorspace into individual dwelling pavilions with a varied form or orientation, separated by verandahs and landscaped courtyards.*

*Any facades that are taller or longer than buildings on neighbouring properties should be screened by a combination of extra setbacks and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in basements or open carports, rather than in wide garages that would accentuate building bulk, dominate visible facades or require steep driveways.*

*A "light-weight appearance" is preferable for all visible facades to minimise their scale and bulk, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, some painted finishes and sheet or board cladding rather than extensive plain masonry. Where dwellings face a street or common access-way, provide a traditional "street address" with visible verandahs, living rooms and front doors.*

*Screen any driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings."*

The proposed development maintains the existing bulk and scale of the building while providing greater internal amenity to the occupants. The proposal is compatible with the desired and likely future character of the of the area.

### **Scenic Quality**

The proposal is located within the North Coastal geographic unit and the Terrigal landscape unit, of Central Coast Development Control Plan 2022 which is of local significance and described as follows:

*"The Terrigal Landscape Unit is strongly enclosed as a result of landform characteristics and contains the most urban of the coastal settlements centred on the beach, Terrigal Haven and The Skillion and surrounding the lagoon. As a result of the landform and vegetation characteristics, the landscape and development is co-dominant. The Terrigal area comprises*

*significant coastal landscape features including the beach to Wamberal Lagoon and foreshore areas and The Skillion\_ The primary urban and commercial areas concentrate on the sea side of the lagoon while the area to the west is more suburban and surrounded by rural-residential hinterland. The rural-residential hinterland occupies higher ground in the unit and provides a natural backdrop to the unit and a contrast to highly urbanised sections of the unit."*

The principle aim of the scenic quality statement is to provide guidelines for the interpretation and management of the scenic quality of the area and provides for the following objectives:

1. Continue to attempt to secure lands identified for inclusion in the Coastal Open Space System as part of the visual landscape.
2. Opportunities for increases in densities and scale are available in areas not subject to visibility constraints or other physical constraints. Visually constrained areas include land along beach front, sand spit at Terrigal, headlands and lagoon frontages as well as along main roads within Environmental Conservation and Environmental Management/scenic protection and conservation zoned areas and within Environmental Conservation and Environmental Management/scenic protection zoned areas and conservation zoned areas.
3. Proposals for residential and retail/commercial rezonings be preferred where the result will be the consolidation of existing residential and retail/commercial zoned areas rather than the extension of these zones as either ribbon development or as incremental extensions into adjoining areas.
4. Retain current subdivision standards in Environmental/scenic protection zoned areas to ensure continuing dominance of landscape features over built environment.
5. Uses of a retail and commercial nature and associated signage permitted in Environmental Management/scenic protection zoned areas to be, where achievable, of a style and scale which reflects the rural nature of the area in which it is located.
6. Maintain broad patterns of land use within area to ensure protection of landscape diversity and in particular Environmental zoned areas.
7. Restrict zoning density of development to current levels on higher visible slopes in urban areas.
8. Any redevelopment of Central Park area within Forresters/Wamberal landscape unit be of a low scale and which is able to be screened by natural vegetation types evident in the area.
8. Recognise importance of privately owned Environmental Conservation zoned land in providing a complimentary land system to and a buffer area for COSS lands and National Parks.

The proposal does not unreasonably impact visibility or alter the pattern of the existing land use. The proposed development will maintain the character and scenic quality of the area while considering the desired and likely future character of the area.

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

##### Built Environment

Given the position of the proposed dwelling on the allotment and comparison of bulk and scale with surrounding residential flat building developments, the proposal is 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 does not involve any site excavation. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

#### Context and Setting

The proposed development is located within the R1 General Residential land under CCLEP 2022 and the North Coastal land unit under Chapter 2.17 of the CCDCP 2022. The proposal provides an updated housing option within a residential zone and is consistent with the objectives of the R1 zone land use and the North Coastal land area. In addition, the proposal is considered to be consistent with the desired future character for future development within the Terrigal Medium Density Hillsides of CCDCP 2022.

#### Economic and Social Impacts

The proposal will provide minor economic benefit through the provision of temporary employment during demolition and construction. The proposal has minor negative impacts through the removal of rear open space. However, the private open space remaining within the subject site will exceed the requirements for private open space required for residential flat buildings.

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

Section 4.15(c) of the Environmental Planning and Assessment Act 1979 requires the consent authority to consider the suitability of the development site, being the subject site, for the development as proposed. The proposal increases the built form to the rear of an existing dwelling, with minimal impacts to the surrounding built and natural environment able to be mitigated via project design and the application of appropriate conditions of consent. It is considered that the site, given its R1 land zoning under CCLEP 2022 is suitable for the proposal as currently submitted.

#### **Submissions**

The development application was notified (in accordance with the provisions of CCLEP 2022 from the 3<sup>rd</sup> November 2023 to 24<sup>th</sup> November 2023

**3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)**

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No submissions were received.

### **Contributions**

The Terrigal Section 7.11 Plan requires contributions based on size of dwellings, and a large dwelling is nominated as being over 110m<sup>2</sup> (refer extract below). As the existing unit is already over 110m<sup>2</sup>, additional contributions under the Section 7.11 Plan are not levied.

Instead, as the proposal includes an increase in the GFA, it will require a contribution under the Section 7.12 Plan, based on a % of the total development cost. A standard condition of consent has been included in relation to section 7.12 contributions.

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 and / or residents.

### **Internal Consultation**

|                 |                               |
|-----------------|-------------------------------|
| Urban Planner   | Supported, without conditions |
| Contributions   | Supported, without conditions |
| Water and Sewer | Supported, without conditions |

### **Urban Planner**

The application was refereed to an independent external urban design planner for review. The comments provided by the planner have been provided as attachment 5.

### **Ecologically Sustainable Principles:**

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

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

### **Climate Change**

The potential impacts of climate change on the proposal have been considered 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 in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, and all relevant instruments and policies. The proposed development is considered suitable for the site despite the listed variation for the following reasons;












1. Assessment of the application has concluded the proposed development is permitted with the current R1 General Residential zone under the provisions of the Central Coast Local Environmental Plan 2022 and meets the objectives for the zone.
2. Assessment of the application has concluded the proposed development meets the objectives related to the building height and floor space ratio development standard contained in Central Coast Local Environmental Plan 2022.
3. Assessment of the application has concluded the requirements of clause 4.6 (3) and (4) 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 acceptable.
4. With regard to the variation to development standards, the assessment of the application has concluded that:
  - a. The Applicant's written request for a variation to development standards (height and floor space ratio) adequately addresses the matters required to be addressed under clause 4.6(3) of the Central Coast Local Environmental Plan 2022; and
  - b. The development is in the public interest because it is consistent with the objectives for development in the zone: and
  - c. The concurrence of the Secretary can be assumed.

The proposal is therefore recommended for **Approval** pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

### 3.1 DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building (cont'd)

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#### Attachments

|  |   |           |
|--|---|-----------|
| <a href="#"> 1</a>  | PUBLIC - BASIX - DA/1968/2023 - 9/20 Terrigal Esplanade, TERRIGAL - PAN-376354                                      | D15891593 |
| <a href="#"> 2</a>  | PUBLIC - Clause 4.6 Variation Requests - DA/1968/2023 - 9/20 Terrigal Esplanade, TERRIGAL - PAN-376354              | D15891591 |
| <a href="#"> 3</a>  | PUBLIC - Design Verification Statement - DA/1968/2023 - 9/20 Terrigal Esplanade, TERRIGAL - PAN-376354              | D15891586 |
| <a href="#"> 4</a>  | Urban Design Review Comments V1 - 9/20 Terrigal Esplanade, Terrigal DA/1968/2023                                    | D15981992 |
| <a href="#"> 5</a>  | PUBLIC - Statement of Environmental Effects - DA/1968/2023 - 9/20 Terrigal Esplanade, TERRIGAL - PAN-376354         | D15891584 |
| <a href="#"> 6</a>  | PUBLIC - Stormwater & Erosion Sediment Control Plan - DA/1968/2023 - 9/20 Terrigal Esplanade, TERRIGAL - PAN-376354 | D15891589 |
| <a href="#"> 7</a>  | PUBLIC - Survey - DA/1968/2023 - 9/20 Terrigal Esplanade, TERRIGAL - PAN-376354                                     | D15891583 |
| <a href="#"> 8</a>  | Draft conditions/reasons - 9/20 Terrigal Esplanade, TERRIGAL NSW 2260 - DA/1968/2023 - Central Coast Council        | D16184677 |
| <a href="#"> 9</a>  | PUBLIC - Notification Plans - DA 1968 2023 - 9 20 Terrigal Esplanade, TERRIGAL - PAN-376354                         | D16224044 |
| <a href="#"> 10</a> | PUBLIC - Shadow Diagrams - DA/1968/2023 - 9/20 Terrigal Esplanade TERRIGAL - PAN-376354                             | D16227543 |
| <a href="#"> 11</a> | PUBLIC - 3D Images - DA/1968/2023 - 9/20 Terrigal Esplanade TERRIGAL - PAN-376354                                   | D16227511 |



# BASIX<sup>®</sup>Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Alterations and Additions

Certificate number: A501302

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary

Date of issue: Monday, 17, July 2023

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,  
Industry &  
Environment

### Description of project

| Project address                 |   |
|---------------------------------|---|
| Project name                    | 9/20 TERRIGAL ESP                                 |
| Street address                  | 20 TERRIGAL ESPLANADE TERRIGAL 2260               |
| Local Government Area           | Central Coast Council                             |
| Plan type and number            | Strata Plan SP65034                               |
| Lot number                      | 9   |
| Section number                  |   |
| Project type                    |   |
| Dwelling type                   | Unit  |
| Type of alteration and addition | My renovation work is valued at \$50,000 or more. |

### Certificate Prepared by (please complete before submitting to Council or PCA)

Name / Company Name: Klaus Carson Studio Pty Ltd

ABN (if applicable): 87614771596

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| Fixtures and systems   | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|--|---------------------|---------------------------------------|--------------------|
| <b>Lighting</b>  |                     |                                       |                    |
| The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps. |                     | ✓                                     | ✓                  |
| <b>Fixtures</b>  |                     |                                       |                    |
| The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.                                |                     | ✓                                     | ✓                  |
| The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.                     |                     | ✓                                     | ✓                  |
| The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.                                 |                     | ✓                                     |                    |

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| Construction   |  |                                   | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|--|--|-----------------------------------|---------------------|---------------------------------------|--------------------|
| <b>Insulation requirements</b>   |  |                                   |                     |                                       |                    |
| The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists. |  |                                   | ✓                   | ✓                                     | ✓                  |
| Construction   | Additional insulation required (R-value) | Other specifications              | ✓                   | ✓                                     | ✓                  |
| external wall: concrete block/plasterboard   | R1.18 (or R1.70 including construction)  |                                   |                     |                                       |                    |
| external wall: framed (weatherboard, fibro, metal clad)  | R1.30 (or R1.70 including construction)  |                                   |                     |                                       |                    |
| flat ceiling, pitched roof   | ceiling: R1.75 (up), roof: foil/sarking  | light (solar absorptance < 0.475) |                     |                                       |                    |

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| Glazing requirements  |             |  |               |                 |   | Show on<br>DA Plans   | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|---|-------------|--|---------------|-----------------|---|---|---------------------------------------|--------------------|
| <b>Windows and glazed doors</b>   |             |  |               |                 |   |   |                                       |                    |
| The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.   |             |  |               |                 |   | ✓   | ✓                                     | ✓                  |
| The following requirements must also be satisfied in relation to each window and glazed door:   |             |  |               |                 |   |   | ✓                                     | ✓                  |
| Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. |             |  |               |                 |   |   | ✓                                     | ✓                  |
| For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.  |             |  |               |                 |   | ✓   | ✓                                     | ✓                  |
| Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.   |             |  |               |                 |   |   | ✓                                     | ✓                  |
| External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.   |             |  |               |                 |   |   | ✓                                     | ✓                  |
| Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.  |             |  |               |                 |   |   | ✓                                     | ✓                  |
| <b>Windows and glazed doors glazing requirements</b>  |             |  |               |                 |   |   |                                       |                    |
| Window / door<br>no.  | Orientation | Area of<br>glass<br>inc.<br>frame<br>(m <sup>2</sup> ) | Overshadowing |                 | Shading device                            | Frame and glass type  |                                       |                    |
|   |             |  | Height<br>(m) | Distance<br>(m) |   |   |                                       |                    |
| WD:01   | N           | 1.9  | 0             | 0               | eave/verandah/pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:02   | W           | 3  | 0             | 0               | external louvre/blind (adjustable)        | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:03   | W           | 1  | 0             | 0               | external louvre/blind (adjustable)        | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:04A  | N           | 4.1  | 0             | 0               | eave/verandah/pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:04B  | N           | 8.2  | 0             | 0               | eave/verandah/pergola/balcony             | standard aluminium, single clear, (or                               |                                       |                    |

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| Glazing requirements |             |   |               |                 |  | Show on<br>DA Plans   | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|----------------------|-------------|---|---------------|-----------------|--|---|---------------------------------------|--------------------|
| Window / door<br>no. | Orientation | Area of<br>glass<br>inc.<br>frame<br>(m2) | Overshadowing |                 | Shading device                             | Frame and glass type  |                                       |                    |
|                      |             |   | Height<br>(m) | Distance<br>(m) |  |   |                                       |                    |
|                      |             |   |               |                 | >=900 mm                                   | U-value: 7.63, SHGC: 0.75)  |                                       |                    |
| WD:04C               | N           | 8.2                                       | 0             | 0               | eave/verandah/ pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:04D               | N           | 4.1                                       | 0             | 0               | eave/verandah/ pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:05A               | N           | 4.6                                       | 0             | 0               | eave/verandah/ pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:05B               | N           | 4.6                                       | 0             | 0               | eave/verandah/ pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:06                | E           | 3   | 0             | 0               | external louvre/blind (adjustable)         | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:07                | E           | 1   | 0             | 0               | external louvre/blind (adjustable)         | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:08                | E           | 0.7                                       | 0             | 0               | none                                       | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:12                | E           | 1.2                                       | 0             | 0               | external louvre/blind (adjustable)         | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:13                | E           | 1.2                                       | 0             | 0               | external louvre/blind (adjustable)         | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:14                | E           | 0.7                                       | 0             | 0               | external louvre/blind (adjustable)         | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:15                | E           | 8.6                                       | 0             | 0               | eave/verandah/ pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:16                | N           | 4.2                                       | 0             | 0               | eave/verandah/ pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                                       |                    |
| WD:17                | E           | 1.2                                       | 0             | 0               | external louvre/blind (adjustable)         | standard aluminium, single clear, (or                               |                                       |                    |

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| Glazing requirements  |                                    |   |               |                 |   |   | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|---|------------------------------------|---|---------------|-----------------|---|---|---------------------|---------------------------------------|--------------------|
| Window / door<br>no.  | Orientation                        | Area of<br>glass<br>inc.<br>frame<br>(m2) | Overshadowing |                 | Shading device  | Frame and glass type  |                     |                                       |                    |
|   |                                    |   | Height<br>(m) | Distance<br>(m) |   | U-value: 7.63, SHGC: 0.75)  |                     |                                       |                    |
| WD:18   | E                                  | 1.2                                       | 0             | 0               | external louvre/blind (adjustable)  | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |
| WD:19   | S                                  | 1.2                                       | 0             | 0               | none  | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |
| WD:20   | N                                  | 4.3                                       | 0             | 0               | external louvre/blind (adjustable)  | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |
| WD:21   | W                                  | 5.9                                       | 0             | 0               | external louvre/blind (adjustable)  | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |
| WD:22   | S                                  | 1.9                                       | 0             | 0               | none  | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |
| WD:23   | W                                  | 6.5                                       | 0             | 0               | external louvre/blind (adjustable)  | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |
| <b>Skylights</b>  |                                    |   |               |                 |   |   |                     |                                       |                    |
| The applicant must install the skylights in accordance with the specifications listed in the table below.   |                                    |   |               |                 |   |   | ✓                   | ✓                                     | ✓                  |
| The following requirements must also be satisfied in relation to each skylight:   |                                    |   |               |                 |   |   |                     | ✓                                     | ✓                  |
| Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. |                                    |   |               |                 |   |   |                     | ✓                                     | ✓                  |
| <b>Skylights glazing requirements</b>   |                                    |   |               |                 |   |   |                     |                                       |                    |
| Skylight number   | Area of glazing<br>inc. frame (m2) | Shading device                            |               |                 | Frame and glass type  |   |                     |                                       |                    |
| S1  | 1.4                                | no shading                                |               |                 | timber, low-E internal/argon fill/clear external, (or<br>U-value: 2.5, SHGC: 0.456) |   |                     |                                       |                    |

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| Glazing requirements |                                    |                |   | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|----------------------|------------------------------------|----------------|---|---------------------|---------------------------------------|--------------------|
| Skylight number      | Area of glazing<br>inc. frame (m2) | Shading device | Frame and glass type  |                     |                                       |                    |
| S2                   | 1.8                                | no shading     | timber, low-E internal/argon fill/clear external, (or<br>U-value: 2.5, SHGC: 0.456) |                     |                                       |                    |
| S3                   | 1.2                                | no shading     | timber, low-E internal/argon fill/clear external, (or<br>U-value: 2.5, SHGC: 0.456) |                     |                                       |                    |
| S4                   | 3                                  | no shading     | timber, low-E internal/argon fill/clear external, (or<br>U-value: 2.5, SHGC: 0.456) |                     |                                       |                    |

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| Legend   |
|--|
| In these commitments, "applicant" means the person carrying out the development.   |
| Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).           |
| Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development. |
| Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.   |



## Attachment A

**Variation to Building Height Development Standard  
under Clause 4.6 Central Coast LEP 2022**

The proposal has a variation to the mapped building height under Central Coast LEP 2022, and a variation is sought to the development standard, as allowed under Clause 4.6 of the LEP.

This request should be read in conjunction with the Statement of Environmental Effects submitted with the application, and which forms an annexure to the request.

The request for variation has been prepared with consideration of relevant principles set out in various judgements applying to variations to development standards, including *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Relevant Development Standard

Clause 4.3(2) of Central Coast LEP 2022 sets maximum building height through the Height of Buildings Map. The Map identifies the site as having an allowed building height of 8.5m.

Extent of Variation to Development Standard

The proposal is for alterations and additions to an existing approved residential unit, which itself exceeds the current 8.5m development standard. A comparison between the existing and proposed developments is provided in Figures 25 and 26 of the Statement of Environmental Effects, and the maximum building heights of the proposal are:

- 13.65m for the rear extension (5.15m or 61% variation)
- 12.73m for the rear terrace (4.23m or 50% variation)
- 12.39m for the lower front roof (3.89m or 46% variation)
- 13.52m for the upper front roof (5.02m or 59% variation)

Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 8.5m building height for the alterations and additions is unreasonable or unnecessary in the circumstances of the site and the proposal, for the following reasons:

1. The existing approved residential flat building already exceeds the current 8.5m building height and the proposal does not change the approved maximum building height, and will reduce height in some areas, including the heights of the southern extension, the rear terrace roof and the front roof over the terrace compared to the existing development;

2. The variations will be compatible with the existing unit and the balance of the residential flat building;
3. The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts; and
4. The proposal is consistent with the objectives of the R1 General Residential zone and the objectives of the development standard, as addressed below.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Chief Justice of the Land and Environment Court outlined a number of ways an objection can demonstrate that compliance with a development standard is unreasonable or unnecessary, including by establishing that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, which is relevant in this case and is addressed below.

Objectives of the development standard (cl. 4.3 Central Coast LEP 2022)

- (a) *to establish a maximum height of buildings to enable appropriate development density*  
Comment: the proposal maintains the same or lower building heights compared to the existing unit, and will result in the same density of development as currently exists i.e. a 3 bedroom residential unit.
- (b) *to ensure that the height of buildings is compatible with the character of the locality*  
Comment: the proposal will be compatible with the building heights of the existing unit, and will be compatible with the character of the existing residential flat building and the character of the locality as addressed in the assessment against Central Coast DCP 2022 in the Statement of Environmental Effects.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify a variation to building height as proposed, and with particular reference to the objectives of the *Environmental Planning and Assessment Act 1979* as detailed below.

The proposal will *promote the orderly and economic use and development of land* (Objective 1.3(c) of the Act) by applying appropriate flexibility to enable a development which is consistent with the approved building heights, and which will not adversely impact on the bulk and scale of the development, on the character of the surrounding area or on the amenity of surrounding properties. The variation will not have an adverse impact on the environment, nor on the social and economic welfare of the community, and is consistent with the objects of the Act, notwithstanding the variation.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:

- *To provide for the housing needs of the community.*  
Comment: The proposal is for alterations and additions to an existing unit, which meets the housing needs of the community.
- *To provide for a variety of housing types and densities.*  
Comment: The proposal will be consistent with the existing unit, and will remain a 3 bedroom unit and will not increase the intensity of the use.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*  
Comment: The proposal is for residential development and there are no other land uses proposed.
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*  
Comment: The proposal provides a considered design approach to the updating of the unit and resolving current issues, and will be compatible with the existing unit, other units on the site and development on surrounding properties.
- *To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.*  
Comment: The proposal does not include non-residential uses.

#### Conclusion

In conclusion, this written request demonstrates that the variations to the development standard will be consistent with, and will maintain or reduce the current building heights of the unit, and that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation. Further, the variation is in the public interest as it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. On this basis the request satisfies the requirements of clause 4.6 of the LEP and the principles developed through caselaw.

## Attachment B

**Variation to Floor Space Ratio Development Standard  
under Clause 4.6 Central Coast LEP 2022**

The proposal has a variation to the mapped floor space ratio under Central Coast LEP 2022, and a variation is sought to the development standard, as allowed under Clause 4.6 of the LEP.

This written request should be read in conjunction with the Statement of Environmental Effects submitted with the application, and which forms an annexure to this request.

The request for variation has been prepared with consideration of relevant principles set out in various judgements applying to variations to development standards, including *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Relevant Development Standard

Clause 4.4(2) of Central Coast LEP 2022 sets maximum floor space ratio with reference to the Floor Space Ratio Map. The Map identifies the site as having an allowed floor space ratio of 0.5:1.

The site is also identified as being in "Area 1" under the LEP maps, where Clause 4.4A(4)(a) of the LEP allows higher floor space ratio to 0.7:1 where all carparking is provided in a basement level, and depending on site size, however these circumstances do not apply to the subject proposal which does not provide all parking in a basement level as defined in the LEP.

Extent of Variation to Development Standard

As detailed in Part 4 of the Statement of Environmental Effects, the existing residential flat building has a gross floor area of 1,415.3m<sup>2</sup>, which is a floor space ratio of 0.631:1, and the proposal will have a gross floor area of 1,564.3m<sup>2</sup>, which is a floor space ratio of 0.697:1.

The existing gross floor area is a variation of 26.1% to the current development standard and the proposed gross floor area is a variation of 39.4%. The 149m<sup>2</sup> increase in gross floor area represents 10.5% increase to the approved gross floor area of the building, based on available information.

Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 0.5:1 floor space ratio requirement is unreasonable or unnecessary in the circumstances of the site and the proposal, for the following reasons:

1. The existing approved residential flat building already exceeds the current 0.5:1 floor space ratio, and the proposal is seeking alterations and additions to an existing unit, which is within the footprint of the unit, rear terrace and swimming pool;
2. The additional gross floor area does not add bulk to the unit, being largely located within the existing fenced terrace and pool areas at the rear, and the proposal will retain a similar shape and bulk at the rear compared to the existing unit when viewed externally. Part of the proposal will also reduce building bulk in some areas, with the removal/ lowering of the existing rear terrace roof and the removal of the gable roof element above the front terrace;
3. The additional floor space does not increase the intensity of the use or increase the number of units, and the unit will remain a 3 bedroom apartment, with improved spaces, amenity and functionality compared to the existing unit;
4. The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts; and
5. The proposal is consistent with the objectives of the R1 General Residential zone and the objectives of the development standard as addressed below.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Chief Justice outlined a number of ways an objection under SEPP 1 can demonstrate that compliance with a development standard is unreasonable or unnecessary, including by establishing that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, which is relevant in this case and is addressed below.

Objectives of the development standard (cl. 4.4 Central Coast LEP 2022)

- (a) *to establish standards for the maximum development density and land use intensity*

Comment: The proposal does not change the density or intensity of the existing unit, which will remain a 3 bedroom unit, with improved spaces, amenity and functionality compared to the existing unit.

b) *to ensure the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,*

Comment: the additional floor space at the rear is located within an area currently enclosed by masonry fencing and screening, and will retain a similar bulk and scale compared to the existing unit when viewed externally. Additionally, the proposal will provide some articulation of existing blank walls to the sides and rear, and will lower the existing rear terrace roof height.

The proposal will be compatible with the character of the existing residential flat building and the character of the locality as addressed in the assessment against Central Coast DCP 2022 in the Statement of Environmental Effects.

(c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Comment: the additional floor space at the rear will sit below the height of the existing screening around the swimming pool, and within the footprint of the existing pool and rear terrace enclosures, and will not result in additional view or overshadowing impacts compared to the existing unit. The proposal has considered impacts on privacy, as addressed in the Statement of Environmental Impacts, and privacy screening is proposed to the rear courtyards which will reduce impacts compared to the existing rear terrace, which is open to the sides with palisade fencing.

(d) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,*

Comment: the proposal will provide additional articulation and modulation to the rear of the existing unit, through the removal of blank walls and provision of additional screened openings, and has a considered design approach to the updating of the unit and resolving current issues.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify a variation to the floor space ratio in this case, for the reasons set out above, and having regard to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act*, 1979 as detailed below.

The proposal will *promote the orderly and economic use and development of land* (Objective 1.3(c) of the Act) by applying appropriate flexibility to enable a development which is consistent with the bulk, scale and appearance of the approved building, and which will not adversely impact on the character of the surrounding area or on the amenity of surrounding properties. The variation will not have an adverse impact on the environment, nor on the social and economic welfare of the community, and is consistent with the objects of the Act, notwithstanding the variation.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:

- *To provide for the housing needs of the community.*  
Comment: The proposal is for alterations and additions to an existing unit, which meets the housing needs of the community.
- *To provide for a variety of housing types and densities.*  
Comment: The proposal will be consistent with the existing unit, and will remain a 3 bedroom unit and will not increase the intensity of the use.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*  
Comment: The proposal is for residential development and there are no other land uses proposed.
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*  
Comment: The proposal provides a considered design approach to the updating of the unit and resolving current issues, and will be compatible with the existing unit, other units on the site and development on surrounding properties.
- *To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.*  
Comment: The proposal does not include any non-residential uses.

#### Conclusion

In conclusion, this written request demonstrates that the variation to the development standard will be compatible with the bulk, scale and appearance of the existing unit, and that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation. Further, the variation is in the public interest as it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. On this basis the request satisfies the requirements of clause 4.6 of the LEP and can be supported.

KLAUS CARSON STUDIO PTY LTD  
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Architect NSW ARB No. 10450

## DESIGN VERIFICATION STATEMENT

**PROJECT ADDRESS** 9/20 TERRIGAL ESPLANADE, TERRIGAL NSW 2260  
**DATE** 14<sup>th</sup> JULY 2023

This Design Verification Statement applies to the proposed alterations and additions to the existing unit at 9/20 Terrigal Esplanade, Terrigal. The existing unit occupies the whole top floor of the 4-storey complex with a large, raised pool deck at the rear and a generous balcony at the front. The proposal seeks to remove the pool and increase the internal area of the unit at the rear, modify the internal layout of the existing unit, and alter the glazed doors and pitched roof structure over the front balcony.

### Site Context

The south side of Terrigal Esplanade between Ash Street and the Scenic Highway consists of 3 and 4 storey unit blocks dating from the 1970s onward; they are rendered or face brick and generally setback from the front and side boundaries. The north side of Terrigal Esplanade hugs the cliff and is unbuilt, therefore units facing Terrigal Esplanade enjoy ocean views across the headland over Terrigal beach.

### Building Form & Scale

At the front the proposal seeks to replace the pitched roof over the balcony with a structurally engineered slim profile metal roof which integrates a new glazed façade providing improved connection between internal and external living spaces. Two new balcony roofs are proposed to cover the existing east and west balconies providing protection to windows and making them more usable spaces. The new balcony roof structures are subservient to the main roof of the unit block, the roof treatments are integrated into the building design and positively respond to the existing form of the building by reinforcing the horizontal expression of balcony and roof elements that make up front façade.

At the rear the proposal seeks increase the internal area of the unit by converting the existing raised pool area into a mix of internal spaces and private courtyards. The proposed form sits within the envelope and walls of the existing raised pool deck.

### Appearance, Materiality and Articulation

The existing building façade is part clay brick and part rendered walls painted a warm grey, with a charcoal-coloured roof tile. The proposed external materials have been selected to complement the textures and earthy tones of the existing building. The rear wing addition will be clad in aluminium Lysaght Dominion profile with a Colorbond Gully finish; flashing, gutters, and downpipes to match. Details such as screens, sunhoods and the slim profile balcony roofs will be bronzed anodised aluminium.

As well as complementing the existing building, the proposed materials are recessive with low glare, the materials are also highly durable in a coastal environment and require little maintenance.

### Internal Layout

The proposed layout provides a main bedroom suite in place of the current raised pool deck, making space within the existing unit for an additional bedroom and living spaces. Wet areas are positioned in locations to make use of existing plumbing and are generally in the location of existing wet areas. Ceiling heights are 2.7m in most rooms including all habitable rooms. The layout provides generous rooms, and all rooms including wet areas have access to natural light and ventilation.

### Services

The proposal seeks to rectify existing drainage issues with the planter boxes at the front and rear. The design of all new roofs has been considered with engineering advice and to connect into the existing plumbing. Space has been allowed to conceal all AC units so that they are not visible from the public domain or neighbouring properties.



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#### **Private Open Space**

The proposal provides appropriately sized private open space and balconies to enhance residential amenity. The large balcony at the front is retained and enhanced with privacy and wind screens as well as new roof canopies to provide shelter. Two new courtyards at the rear provide additional private open space away from the living areas of the unit.

#### **Visual & Acoustic Privacy**

New angled blades on the existing front balcony will provide privacy for the unit occupants and reduce overlooking of neighbouring properties. The proposed new courtyards at the rear will be enclosed on three sides and have fixed angled blades along the façade opening to provide privacy whilst allowing light and ventilation. The removal of the raised pool deck will greatly reduce overlooking of neighbouring properties.

Acoustic privacy to units below has been considered in the layout of rooms, with living areas not being positioned over bedrooms below, and the retention of wet areas and plumbing in their current locations. All new floor linings will be specified to the highest standard meeting BCA Part F7D5

#### **Sunlight & Natural Ventilation**

The existing unit occupies the entire top floor of the 4-storey complex and therefore benefits by having abundant sunlight and ventilation opportunities on all sides. The proposed plan provides access to natural light and operable windows for ventilation to all habitable rooms and wet areas including the laundry.

I trust that the proposed design will be to council's satisfaction, should you have any questions please reach out, I'm happy to provide any additional information required.

Kind regards



**Joseph Byrne**  
**Architect NSW 9408**  
0405 519 975

Klaus Carson Studio Pty Ltd  
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North Bondi NSW 2026



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Independent Design Review  
For Central Coast Council  
9/20 Terrigal Esp Terrigal  
DA/1968/2023

Report Title: Independent Design Review  
 Report No: DDC\_122 – 9/20 Terrigal Espl Terrigal  
 Issue No: v1.0  
 Date: 04.11.23  
 Prepared: Ken Dyer  
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## 1. General

### Purpose

The purpose of the Independent Design Review is to consider the proposal against the Nine Design Quality Principles contained in State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and the Apartment Design Guide.

When considering the Design Quality Principles, the review will also have regard to plans and policies, including Local Environmental Plans, Development Control Plans, urban design strategies and the like.

The report will identify any aspects of the design which do not achieve one or more of the Design Quality Principles.

### Details of Proposal

**Property Address:** 9/20 Terrigal ESP TERRIGAL.

**Application No** DA/1968/2023

**Applicant:** Klaus Carson Studio Pty Ltd

### Description of development

Alterations and additions to a residential unit at 9/ 20 Terrigal Esplanade, Terrigal.

The proposal makes internal and external alterations to the unit, including removal of an elevated swimming pool at the rear and replacement with a master bedroom and living spaces, and changes to the roof form facing Terrigal Esplanade. The changes are located within the existing footprint of the rear swimming pool and terrace and will improve the internal functionality and external appearance of the unit.

### Documents Reviewed (as provided via link)

- Architectural Plans
- Statement of Environmental Effects
- BASIX Certificate
- BCA Report
- Clause 4.6 Variation Requests
- Design Verification Statement
- Stormwater Erosion Sediment Control Plan

### Planning Controls

- Apartment Design Guide
- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Central Coast LEP 2022
- Central Coast Development Control Plan 2022.

Report Title: Independent Design Review  
 Report No: DDC\_122 – 9/20 Terrigal Espl Terrigal  
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 Prepared: Ken Dyer  
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## 2. Review

Apartment Design Guide review against development proposal (including other relevant Planning Documents).

| Clause         | Heading  | Comments   | Compliance Achieved |    |
|----------------|--|--|---------------------|----|
|                |  |  | Yes                 | No |
|                | <b>Apartment Design Guide</b>  |  | -                   | -  |
| <b>Part 1</b>  | <b>Identifying the context</b>   |  | -                   | -  |
| <b>Part 1A</b> | <b>Apartment building types</b>  | Narrow Infill Apartments   | -                   | -  |
| <b>Part 1B</b> | <b>Local Character and context</b>   | Objectives adequately addressed in documentation.  | ✓                   |    |
| <b>Part 1C</b> | <b>Precincts and individual sites</b>  | Objectives adequately addressed in documentation.  | ✓                   |    |
| <b>Part 2</b>  | <b>Developing the controls</b>   |  | -                   | -  |
| <b>Part 2A</b> | <b>Primary Controls</b>  | Refer the individual primary controls listed below   | -                   | -  |
| <b>Part 2B</b> | <b>Building Envelopes</b><br>Central Coast DCP 2022<br>Central Coast LEP 2022                | Objectives adequately addressed in documentation.<br>The proposal is for alterations and additions to the top-level unit and the building envelope is generally within the existing footprint/envelope with minor variations.<br>Refer to the individual sections regarding setbacks, heights and building form below. | ✓                   | ✓  |
| <b>Part 2C</b> | <b>Building Height -</b><br>Central Coast LEP 2022 – Clause 4.3 (2)<br>Maximum height – 8.5m | General objectives and design criteria adequately addressed in documentation.<br><br>A clause 4.6 variation has been submitted as part of the application.   | ✓                   | ✓  |

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|                |  | <p>The proposal is for alterations and additions to an existing approved residential unit, which itself exceeds the current 8.5m development standard.</p> <p>A comparison between the existing and proposed developments is provided in Figures 25 and 26 of the Statement of Environmental Effects, and the maximum building heights of the proposal are:</p> <ul style="list-style-type: none"> <li>• 13.65m for the rear extension (5.15m or 61% variation)</li> <li>• 12.73m for the rear terrace (4.23m or 50% variation)</li> <li>• 12.39m for the lower front roof (3.89m or 46% variation)</li> <li>• 13.52m for the upper front roof (5.02m or 59% variation)</li> </ul> <p>The existing approved residential flat building already exceeds the current 8.5m building height and the proposal does not change the approved maximum building height, and will reduce height in some areas, including the heights of the southern extension, the rear terrace roof and the front roof over the terrace compared to the existing development.</p> <p>The variations will be compatible with the existing unit and the balance of the residential flat buildings in the area.</p> <p>The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts.</p> <p>Given the supporting documentation, the variation could be supported.</p> |   |  |
| <b>Part 2D</b> | <b>Floor Space Ratio</b><br>Central Coast LEP 2022 – Clause 4.4<br>FSR 0.5:1 | General objectives and design criteria adequately addressed in documentation.  | ✓ |  |

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|  |  | <p>A clause 4.6 variation has been submitted as part of the application.</p> <p>As detailed in Part 4 of the Statement of Environmental Effects, the existing residential flat building has a gross floor area of 1,415.3m<sup>2</sup>, which is a floor space ratio of 0.631:1, and the proposal will have a gross floor area of 1,564.3m<sup>2</sup>, which is a floor space ratio of 0.697:1.</p> <p>The existing gross floor area is a variation of 26.1% to the current development standard and the proposed gross floor area is a variation of 39.4%. The 149m<sup>2</sup> increase in gross floor area represents 10.5% increase to the approved gross floor area of the building, based on available information.</p> <p>The existing approved residential flat building already exceeds the current 0.5:1 floor space ratio, and the proposal is seeking alterations and additions to an existing unit, which is within the footprint of the unit, rear terrace and swimming pool.</p> <p>The additional gross floor area does not add bulk to the unit, being largely located within the existing fenced terrace and pool areas at the rear, and the proposal will retain a similar shape and bulk at the rear compared to the existing unit when viewed externally. Part of the proposal will also reduce building bulk in some areas, with the removal/ lowering of the existing rear terrace roof and the removal of the gable roof element above the front terrace.</p> <p>The additional floor space does not increase the intensity of the use or increase the number of units, and the unit will remain a 3 bedroom apartment, with improved spaces, amenity and functionality compared to the existing unit.</p> |  | ✓ |
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|                |  | <p>The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts</p> <p>Given the supporting documentation, the variation could be supported.</p>  |   |  |
| <b>Part 2E</b> | <b>Building Depth</b>  | <p>General objectives adequately addressed in documentation.</p> <ul style="list-style-type: none"> <li>• 12-18m ADG required.</li> <li>• Approx. 5-8m provided.</li> </ul>  | ✓ |  |
| <b>Part 2F</b> | <p><b>Building Separation</b><br/>           ADG requirements:-<br/>           Minimum separation distances for buildings in ADG are:<br/>           Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul> <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms/balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> </ul> <p>Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary.</p> <p>This distributes the building separation equally between sites (consider relationship with section 3F Visual privacy).</p> | <p>General objectives and design criteria adequately addressed in documentation.</p> <p>The proposal is for alterations and additions to an existing top floor unit within an existing residential flat building together with existing neighbouring building.</p> <p>The changes are located within the existing footprint of the rear swimming pool and terrace.</p> <p>Therefore, the existing building separations are maintained with no significant impact on solar access or privacy.</p> | ✓ |  |

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|                | At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.  |  |     |   |
| <b>Part 2G</b> | <b>Street setbacks</b><br>Central Coast DCP 2022<br>Clause 2.3.4.1   | General objectives and design criteria adequately addressed in documentation by not exceeding existing setbacks.<br><br>Required = 6m<br>Provided = 9.5m existing maintained   | ✓   |   |
| <b>Part 2H</b> | <b>Side and rear setbacks</b><br>Clause 2.3.4.1  | General objectives and design criteria adequately addressed in documentation by not exceeding existing setbacks.<br><br>Required = 6m<br>Provided = 6.3 to 7.2m for the new portion of the extension<br><br><i>General issue of non-compliance with providing the new roof over the existing side boundary terraces. Would suggest that the new roof should be setback to maintain the existing stepped/raking profile of the existing building form. Refer sketch in Appendix A</i> | ✓   | ✓ |
| <b>Part 3</b>  | <b>Siting the development</b>  |  |     |   |
| <b>Part 3A</b> | <b>Site analysis</b><br>Objective 3A1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. | Existing approved residential flat building  | N/A |   |
| <b>Part 3B</b> | <b>Orientation</b><br>Objective 3B1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.   | Objectives adequately addressed in documentation. Although an existing unit, the renovations still optimize the solar access and the over shadowing is not significantly increased due to the existing building form.  | ✓   |   |



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|                | Objective 3B2 - Overshadowing of neighbouring properties is minimised during mid-winter.  |  |     |  |
| <b>Part 3C</b> | <b>Public domain interface</b><br>Objective 3C1 - Transition between private and public domain is achieved without compromising safety and security.<br>Objective 3C2 - Amenity of the public domain is retained and enhanced.  | Existing approved residential flat building, no change to public domain interface      | N/A |  |
| <b>Part 3D</b> | <b>Communal and open space</b><br>Objective 3D1 - An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.<br>Design Criteria <ul style="list-style-type: none"> <li>Communal open space has a minimum area equal to 25% of the site (excluding deep soil planting)</li> <li>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).</li> <li>Note communal open space should have a minimum dimension of 3m,</li> <li>Common open space should be collocated with deep soil planting,</li> <li>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies,</li> <li>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof,</li> <li>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:               <ul style="list-style-type: none"> <li>provide communal spaces elsewhere such as a landscaped roof top terrace or a common room</li> </ul> </li> </ul> | Existing approved residential flat building. No change to existing communal open space | N/A |  |

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|                | <ul style="list-style-type: none"> <li>- provide larger balconies or increased private open space for apartments,</li> <li>- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.</li> </ul> <p>Objective 3D2 - Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.<br/>         Objective 3D3 - Communal open space is designed to maximise safety.<br/>         Objective 3D4 - Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>  |   |     |  |
| <b>Part 3E</b> | <p><b>Deep soil zones</b><br/>         Objective 3E1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design Criteria<br/>         Deep soil zones are to meet the following minimum –<br/>         % of site area = 7% of the site. (excluding common area)</p> <p>Minimum dimension<br/>         less than 650m<sup>2</sup> = Nil<br/>         650m<sup>2</sup> – 1,500m<sup>2</sup> = 3m<br/>         Greater than 1,500m<sup>2</sup> = 6m</p> <p>Note - Deep soil zones are areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.</p> | Existing approved residential flat building. No change to existing communal open space/ deep soil planting. | N/A |  |

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| <b>Part 3F</b> | <p><b>Visual privacy</b><br/>         Objective 3F1 – Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.<br/>         Design Criteria –<br/>         1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> <li>• up to 12m (4 storeys) : Habitable room or balconies – 6m / Non Habitable rooms – 3m</li> <li>• up to 25m (5-8 storeys) : Habitable room or balconies – 9m / Non Habitable rooms – 4.5m</li> <li>• Over 25m (+9 storeys) : Habitable room or balconies – 12m / Non Habitable rooms – 6m</li> <li>•</li> </ul> <p>Objective 3F2 – Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p> | <p>General objectives and design criteria adequately addressed in documentation.</p> <p>The proposal is for alterations and additions to an existing top floor unit within an existing residential flat building together with existing neighbouring building.</p> <p>The changes are located within the existing footprint of the rear swimming pool and terrace.</p> <p>Therefore, the existing building separations are maintained with no significant impact on solar access or privacy.</p> <p>Windows to the master bedroom part of the extension are small with minimal impact. Larger openings to courtyards facing boundaries included planting and privacy screens to maintain visual privacy.</p> <p>Additional privacy screening has been incorporated to the existing front balcony and existing planters to the west and east balconies further enhance the visual privacy to and from the proposal.</p> | ✓   |  |
| <b>Part 3G</b> | <p><b>Pedestrian access and entries</b><br/>         Objective 3G1 - Building entries and pedestrian access connects to and addresses the public domain.<br/>         Objective 3G2 – Access, entries and pathways are accessible and easy to identify.<br/>         Objective 3G3 - Large sites provide pedestrian links for access to streets and connection to destinations</p>   | Existing approved residential flat building. No change to existing pedestrian access and entries.  | N/A |  |
| <b>Part 3H</b> | <p><b>Vehicle access</b></p>   | Existing approved residential flat building. No change to existing vehicle access.   | N/A |  |

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|                | Objective 3H1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.   |  |     |  |
| <b>Part 3J</b> | <p><b>Bicycle and carparking</b></p> <p>Objective 3J1 – Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Design Criteria<br/>           Car parking is to be provided in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. 1.5 spaces per dwelling</li> <li>ii. 1 space per dwelling if the site is located within 400m walking distance of a train station.</li> <li>iii. Visitor spaces, calculated on the basis of 0.2 spaces per dwelling, rounded up to the next whole number</li> </ul> <p>Properties within 400 metres of train stations at nominated Regional Centres (Metropolitan Sub-Regional Centres - Gosford, Tuggerah and Wyong) adopt the parking rates identified under the RMS Guide to Traffic Generating Development (in accordance with the SEPP 65 Apartment Design Guide).</p> <p>Objective 3J2 –<br/>           Parking and facilities are provided for other modes of transport.</p> <p>Objective 3J3 – Car park design and access is safe and secure.<br/>           Objective 3J4 – Visual and environmental impacts of underground car parking are minimised<br/>           Objective 3J5 – Visual and environmental impacts of on-grade car parking are minimised.<br/>           Objective 3J6 – Visual and environmental impacts of above ground enclosed car parking are minimised.</p> | Existing approved residential flat building. No change to carparking and/or increase in density of unit, remains 3 bedroom unit. | N/A |  |

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| <b>Part 4</b>  | <b>Designing the building</b>  |  |   |  |
|                | <b>Amenity</b>   |  |   |  |
| <b>Part 4A</b> | <p><b>Solar and daylight access</b><br/>           Objective 4A1 – To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> <li>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas <i>(not applicable to this site)</i></li> <li>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid winter</li> <li>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter</li> </ol> <p><i>Note that the requirement for solar access is for living rooms and private open space not either/or.</i></p> <p>Objective 4A2 – Daylight access is maximised where sunlight is limited.<br/>           Objective 4A3 – Design incorporates shading and glare control, particularly for warmer months.</p> | Objectives adequately addressed in documentation. Although an existing unit, the renovations still optimize the solar access and living spaces and main terrace would generally meet these criteria. | ✓ |  |
| <b>Part 4B</b> | <p><b>Natural ventilation</b><br/>           Objective 4B1 – All habitable rooms are naturally ventilated.<br/>           Objective 4B2 – The layout and design of single aspect apartments maximises natural ventilation.<br/>           Objective 4B3 – The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p>   | Objectives adequately addressed in documentation. Although an existing unit, the renovations still optimize appropriate natural ventilation.   | ✓ |  |

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|                | <p>Design Criteria</p> <ol style="list-style-type: none"> <li>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</li> <li>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</li> </ol>  |   |   |  |
| <b>Part 4C</b> | <p><b>Ceiling heights</b><br/>           Objective 4C1 – Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> <li>Habitable Rooms – 2.7m</li> <li>Non-Habitable – 2.4m</li> <li>For 2 storey apartments – 2.7 for Main Living Floor + 2.4m for second floor, where its area does not exceed 50% of apartment.</li> <li>Attic Space - 1.8m at edge of room with a 30 degree minimum ceiling slope</li> <li>If located in mixed use areas - 3.3m for ground and first floor to promote future flexibility of use.</li> </ol> <p>Objective 4C2 – Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.<br/>           Objective 4C3 – Ceiling heights contribute to the flexibility of building use over the life of the building.</p> | <p>Objectives and Design Criteria adequately addressed in documentation.</p> <p>2700 ceiling height nominated on the drawings and in the SEE.</p> | ✓ |  |
| <b>Part 4D</b> | <p><b>Apartment size and layout</b><br/>           Objective 4D1 – The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Design Criteria</p>   | <p>Objectives and Design Criteria adequately addressed in documentation.</p>  | ✓ |  |

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|                | <p>Minimum internal area –<br/>         Studio – 35m2<br/>         One Bed – 50m2<br/>         Two bed – 70m2<br/>         Three bed – 90m2<br/>         The minimum internal areas include only one bathroom.<br/>         Additional bathrooms increase the minimum internal area by 5m2 each<br/>         A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each</p> <p>Objective 4D2 – Environmental performance of the apartment is maximized.<br/>         Design Criteria<br/>         1. Habitable room depths are limited to a maximum of 2.5 x ceiling height.<br/>         2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Objective 4D3 – Apartment layouts are designed to accommodate a variety of household activities and needs.<br/>         Design Criteria<br/>         1. Master beds rooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space) –<br/>         2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) –<br/>         3. Living rooms or combined living and dining rooms have a minimum width of; 3.6m for studio/1 bed apartments or 4m for 2 &amp; 3 bed apartments.</p> | <p>Although an existing unit, with renovations it remains a 3 bedroom apartment and is greater than the minimum required size.</p> <p>Appears to comply, although no specific dimensions provided and scaled from drawings</p> |   |  |
| <b>Part 4E</b> | <p><b>Private open space and balconies</b><br/>         Objective 4E1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.<br/>         Design Criteria<br/>         Minimum area &amp; depth:-<br/>         Studio – 4m2</p>   | <p>The Objectives and Design Criteria adequately addressed in documentation.</p>   | ✓ |  |

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|                | <p>One Bed – 8m2 + 2m wide<br/>         Two Bed – 10m2 + 2m wide<br/>         Three Bed – 12m2 + 2.4m wide<br/>         For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m</p> <p>Objective 4E2 – Primary private open space and balconies are appropriately located to enhance liveability for residents.<br/>         Objective 4E3 – Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.<br/>         Objective 4E4 – Private open space and balcony design maximises safety.</p> | Appears to comply with areas provided on drawings                                       |     |  |
| <b>Part 4F</b> | <p><b>Common circulation and space</b><br/>         Objective 4F1 – Common circulation spaces achieve good amenity and properly service the number of apartments.<br/>         Design Criteria<br/>         1. The maximum number of apartments off a circulation core on a single level is eight.<br/>         2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p> <p>Objective 4F2 – Common circulation spaces promote safety and provide for social interaction between residents.</p>   | Existing approved residential flat building. No change to the common circulation space. | N/A |  |
| <b>Part 4G</b> | <p><b>Storage</b><br/>         Objective 4G1 – Adequate, well designed storage is provided in each apartment.<br/>         1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided; –</p> <ul style="list-style-type: none"> <li>• Studio Apartments – 4m3</li> <li>• 1 Bed Apartments – 6m3</li> </ul>  | Objectives and Design Criteria adequately addressed in documentation.                   | ✓   |  |



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|                | <ul style="list-style-type: none"> <li>2 Bed Apartments – 8m3</li> <li>3+ bed Apartments – 10m3</li> </ul> <p>At least 50% of required storage is to be located within the apartment.</p>  | Complying storage provided in unit.   |     |  |
| <b>Part 4H</b> | <b>Acoustic Privacy</b><br>Objective 4H1 – Noise transfer is minimised through the siting of buildings and building layout.<br>Objective 4H2 – Noise impacts are mitigated within apartments through layout and acoustic treatments.   | Objectives adequately addressed in documentation.   | ✓   |  |
| <b>Part 4J</b> | <b>Noise and pollution</b><br>Objective 4J1 – In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.<br>Objective 4J2 – Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission. | Objectives adequately addressed in documentation.   | ✓   |  |
|                | <b>Configuration</b>   |   |     |  |
| <b>Part 4K</b> | <b>Apartment mix</b><br>Objective 4K1 – A range of apartment types and sizes is provided to cater for different household types now and into the future.<br>Objective 4K2 – The apartment mix is distributed to suitable locations within the building.  | Existing approved residential flat building. No change to the existing unit, remains as 3-bedroom unit. | ✓   |  |
| <b>Part 4L</b> | <b>Ground floor apartments</b><br>Objective 4K1 – Street frontage activity is maximised where ground floor apartments are located.<br>Objective 4K2 – Design of ground floor apartments delivers amenity and safety for residents.   | The subject unit is on the top floor.   | N/A |  |

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| <b>Part 4M</b> | <b>Facades</b><br>Objective 4M1 – Building facades provide visual interest along the street while respecting the character of the local area.<br>Objective 4M2 – Building functions are expressed by the façade.  | Objectives adequately addressed in documentation.<br><br>The external appearance of the alterations are well considered and reasonably articulated. The composition has a variety of building elements defining both vertical and horizontal elements. The façade has recessing and protruding elements that varies the scale and creates interest in the building. | ✓   |  |
| <b>Part 4N</b> | <b>Roof Design</b><br>Objective 4N1 – Roof treatments are integrated into the building design and positively respond to the street.<br>Objective 4N2 – Opportunities to use roof space for residential accommodation and open space are maximized.<br>Objective 4N3 – Roof design incorporates sustainability features. | Objectives adequately addressed in documentation.<br><br>The new roof treatments to the existing balconies are contemporary in design and low profile to be relatively unobtrusive. This provides an update in style for an otherwise dated façade.   | ✓   |  |
| <b>Part 4O</b> | <b>Landscaping</b><br>Objective 4O1 – Landscape design is viable and sustainable.<br>Objective 4O2 – Landscape design contributes to the streetscape and amenity.   | Existing approved residential flat building. No change to the common landscaped areas.  | N/A |  |
| <b>Part 4P</b> | <b>Planting on structures</b><br>Objective 4P1 – Appropriate soil profiles are provided.<br>Objective 4P2 – Plant growth is optimised with appropriate selection and maintenance.<br>Objective 4P3 – Planting on structures contributes to the quality and amenity of communal and public open spaces.                  | Objectives adequately addressed in documentation.<br><br>Existing approved residential flat building. Minor change to the existing planters associated with the unit renovations.   | ✓   |  |
| <b>Part 4Q</b> | <b>Universal Design</b><br>Objective 4Q1 – Universal design features are included in apartment design to promote flexible housing for all community members.<br>Objective 4Q2 – A variety of apartments with adaptable designs are provided.  | Existing approved residential flat building. Application is for one unit only.  | N/A |  |

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|                |  |   |     |  |
|----------------|--|---|-----|--|
|                | Objective 4Q3 – Apartment layouts are flexible and accommodate a range of lifestyle needs.   |   |     |  |
| <b>Part 4R</b> | <b>Adaptive Reuse</b><br>Objective 4R1 – New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.<br>Objective 4R1 – Adapted buildings provide residential amenity while not precluding future adaptive reuse.  | Objectives adequately addressed in documentation.<br><br>The proposal is for the adaptive reuse of an underutilized existing pool/balcony area by replacement with a master bedroom and living spaces, and changes to the roof form facing Terrigal Esplanade. The changes will improve the internal functionality and external appearance of the unit. | ✓   |  |
| <b>Part 4S</b> | <b>Mixed Use</b><br>Objective 4S1 – Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.<br>Objective 4S2 – Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents. | Existing approved residential flat building.  | N/A |  |
| <b>Part 4T</b> | <b>Awnings and signage</b><br>Objective 4T1 – Awnings are well located and complement and integrate with the building design.<br>Objective 4T2 – Signage responds to the context and desired streetscape character.  | Existing approved residential flat building..   | N/A |  |
|                | <b>Performance</b>   |   |     |  |
| <b>Part 4U</b> | <b>Energy efficiency</b><br>Objective 4U1 – Development incorporates passive environmental design.   | Objectives adequately addressed in documentation.   | ✓   |  |

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|                |  |  |     |  |
|----------------|--|--|-----|--|
|                | Objective 4U2 – Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer.<br>Objective 4U3 – Adequate natural ventilation minimises the need for mechanical ventilation,  |  |     |  |
| <b>Part 4V</b> | <b>Water management and conservation</b><br>Objective 4V1 – Potable water use is minimised.<br>Objective 4V2 – Urban stormwater is treated on site before being discharged to receiving waters.<br>Objective 4V3 – Flood management systems are integrated into site design.       | Existing approved residential flat building. No Change | N/A |  |
| <b>Part 4W</b> | <b>Waste management</b><br>Objective 4W1 – Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.<br>Objective 4W2 – Domestic waste is minimised by providing safe and convenient source separation and recycling. | Existing approved residential flat building. No Change | N/A |  |
| <b>Part 4X</b> | <b>Building Maintenance</b><br>Objective 4X1 – Building design detail provides protection from weathering.<br>Objective 4X2 – Systems and access enable ease of maintenance.<br>Objective 4X3 – Material selection reduces ongoing maintenance costs.                              | Objectives adequately addressed in documentation.      | ✓   |  |

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State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.

| Clause             | Heading   | Comments  | Compliance Achieved |    |
|--------------------|---|---|---------------------|----|
|                    |   |   | Yes                 | No |
|                    | <b>SEPP 65 Schedule 1 – Design Quality Principles</b>   |   |                     |    |
| <b>Principle 1</b> | <b>Context and Neighbourhood Character</b><br>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship, and the character they create when combined. It also includes social, economic, health and environmental conditions.<br>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. | Objectives adequately addressed in documentation. Existing residential flat building with alterations having a contemporary aesthetic in keeping with the current redevelopment character of the area.                                      | ✓                   |    |
| <b>Principle 2</b> | <b>Built Form and Scale</b><br>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.<br>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.  | Generally, objectives adequately addressed in documentation<br><br>The proposal is for alterations and additions to the top-level unit and the building envelope is generally within the existing footprint/envelope with minor variations. | ✓                   |    |
| <b>Principle 3</b> | <b>Density</b>  | Generally, objectives adequately addressed in documentation.  | ✓                   |    |

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|                    |  |  |   |  |
|--------------------|--|--|---|--|
|                    | <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>   | The proposal is for alterations and additions to the top-level unit and the building envelope is generally within the existing footprint/envelope with minor variations. |   |  |
| <b>Principle 4</b> | <p><b>Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>  | Objectives adequately addressed in documentation.  | ✓ |  |
| <b>Principle 5</b> | <p><b>Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.</p> | Objectives adequately addressed in documentation.  | ✓ |  |

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|--------------------|--|--|---|--|
| <b>Principle 6</b> | <b>Amenity</b><br>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.<br>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.   | Generally, objectives adequately addressed in documentation. | ✓ |  |
| <b>Principle 7</b> | <b>Safety</b><br>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.   | Objectives adequately addressed in documentation.            | ✓ |  |
| <b>Principle 8</b> | <b>Housing Diversity and Social Interaction</b><br>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.<br>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents. | Objectives adequately addressed in documentation.            | ✓ |  |

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|                    |   |   |   |  |
|--------------------|---|---|---|--|
| <b>Principle 9</b> | <b>Aesthetics</b><br>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.<br>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape. | Objectives adequately addressed in documentation. | ✓ |  |
|--------------------|---|---|---|--|



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**Summary**

The proposal is for the adaptive reuse of an underutilized existing pool/balcony area by replacement with a master bedroom and living spaces, and changes to the roof form facing Terrigal Esplanade. The changes will improve the internal functionality and external appearance of the unit.

Although there are technical variations to height and FSR, mainly due to the fact it is an existing approved building with these pre-existing non-conformances. The alterations and additions do not significantly impact the visual privacy, overlooking, over shadowing and overall amenity of the neighbouring developments.

The external appearance of the building is well considered and reasonably articulated on the street and rear elevations. The composition has a variety of building elements defining both vertical and horizontal elements. The façade has recessing and protruding elements that varies the scale and creates interest in the extension.

We have made a minor suggestion to reduce the proposed roof to the east & west terrace in line with the raking/stepped profile of the existing building to reduce the impact of these structure.

Should you require any additional information, do not hesitate to contact the undersigned.

Sincerely,



Ken Dyer

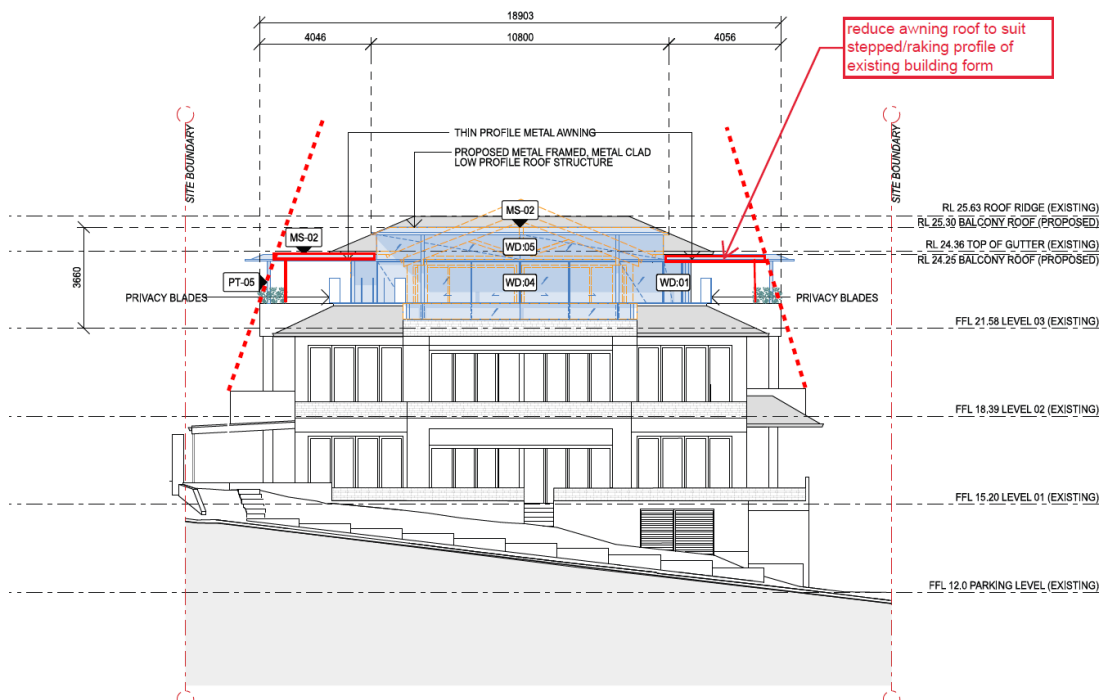
Architect (B.Arch)  
NSW Reg No. 5838

**DYER DESIGN COMPANY**

Trading for Dyer Family Trust  
ABN 67 787 548 438

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## Appendix A



**Coastal Planning and Consulting**

Planning and Development Services

ABN 39 655 402 547

## Statement of Environmental Effects

Alterations and Additions to Residential Flat Building

Unit 9/ 20 Terrigal Esplanade, Terrigal



Prepared for Victoria and Chris Logan

April 2023

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**Attachment A – Clause 4.6 Variation to Development Standard – Building Height**

**Attachment B – Clause 4.6 Variation to Development Standard – FSR**

**Attachment C – AHIMS search**

|  |
|--|
| Vers 1.2 Final for Submission 27.04.2023 |
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## 1. INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of Victoria and Chris Logan in support of a development application to Central Coast Council for alterations and additions to a residential unit at 9/ 20 Terrigal Esplanade, Terrigal.

The proposal makes internal and external alterations to the unit, including removal of an elevated swimming pool at the rear and replacement with a master bedroom and living spaces, and changes to the roof form facing Terrigal Esplanade. The changes are located within the existing footprint of the rear swimming pool and terrace, and will improve the internal functionality and external appearance of the unit.

The site is zoned R1 General Residential under Central Coast LEP 2022, and the proposal is permissible with the consent of Council.

This Statement considers the proposal against the provisions of relevant planning instruments, including Central Coast LEP 2022, Central Coast DCP 2022, and relevant state planning controls. The assessment also addresses the matters identified in Council's Development Application Guide and the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*.

The assessment of the proposal against Central Coast LEP 2022, Central Coast LEP 2022, other planning controls and the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act, 1979* concludes that the proposal is permissible, meets the intent and objectives of relevant planning controls and standards, is unlikely to adversely impact on surrounding properties or the environment and should be supported by Council.

This Statement should be read in conjunction with the supporting information submitted with the application, and in particular the architectural plans prepared by Klaus Carson Studio.

## 2. THE SITE

### 2.1 Site Location and Description

The subject site is Unit 9/ 20 Terrigal Esplanade, Terrigal, and the real property description is Lot 9 SP 65034. The unit forms part of a residential flat building on 20 Terrigal Esplanade, which is Lot 0 SP 65034.

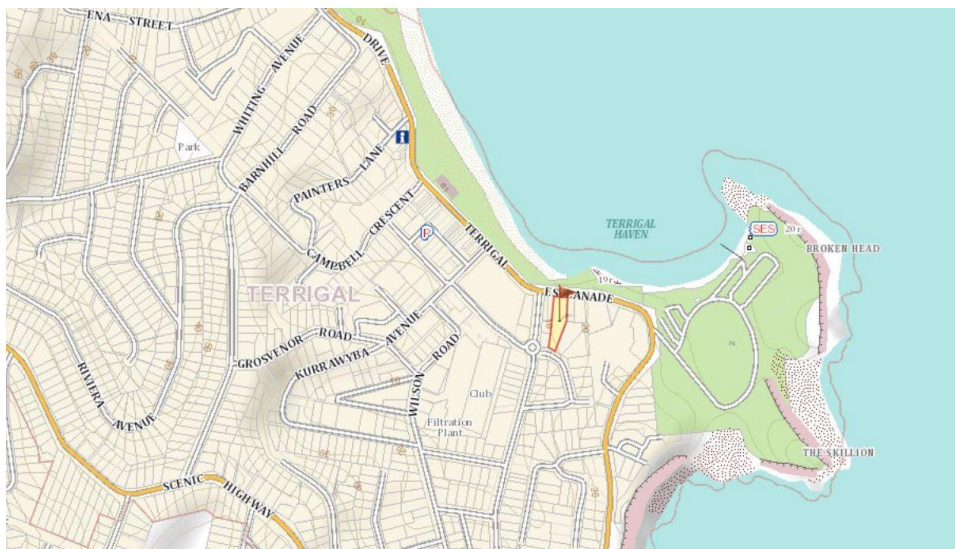


Figure 1 – Locality

Source: SIX Maps



Figure 2 – Site Aerial Photograph

Source: SIX Maps

Unit 9 occupies the entire top level of the building, and includes the elevated swimming pool at the rear of the unit.



## 2.2 Site Features and Existing Development

The site is part of an existing residential flat building at 20 Terrigal Esplanade, Terrigal. The residential flat building is part 3 and part 4 storey, contains 9 units, and is located on a site with an area of 2,244m<sup>2</sup> and frontages of 25.605m to Terrigal Esplanade to the north and 12.75m to Maroomba Road to the south.

Unit 9 occupies the topmost floor of the building, and has 3 bedrooms. The apartment has a large terrace at the front facing north, with a gable roof above, and has panoramic and expansive beach and ocean views. At the rear of the unit, on the southern side, there is a covered terrace area, open to the sides, and beyond that is a swimming pool and pool deck, which are elevated above the terrace level and surrounded by raised masonry walls with opaque screening above, and with shade-cloth posts around the pool area.

The existing unit has some inefficient internal design features and the owners report that the pool at the rear leaks and gives rise to pool filter noise for units below. The external masonry walls around the pool are also in a poor condition.

The site is shown in the following photographs:



Figure 3 – Site and existing residential flat building from Terrigal Esplanade to the north



**Figure 4 – Eastern side of Unit 9 and existing residential flat building**



**Figure 5 – Western side of Unit 9 and existing residential flat building**





Figure 6 – Rear of site from Maroomba Road to the south



Figure 7 –Detail of masonry pool fence from the west



Figure 8 – Rear terrace looking south towards the elevated swimming pool



Figure 9 – Rear terrace looking west

**Figure 10 – Rear terrace looking east****Figure 11 – Elevated swimming pool, pool deck and external screening**





Figure 12 – Front terrace and gable roof above



Figure 13 – Outlook from front terrace

### 2.3 Surrounding Land and Development

Surrounding properties largely contain residential flat buildings, and the site is located close to the Terrigal local commercial centre to the west.

The adjoining properties to the west contain a residential flat building, with a 3 storey presentation to the subject land, and also the former Terrigal post office building now used as a restaurant, which is a heritage item. The adjoining residential flat building has frontages to both Terrigal Esplanade and Ash Street and the former post office has frontage to Ash Street. There is also a detached dwelling house along the western boundary at the rear, which is removed from the location of the proposed works.

The adjoining properties to the east contain residential flat buildings, and the immediate adjoining building facing Terrigal Esplanade has a 3 storey presentation to the subject land, and a roof top communal open space area.

Surrounding land is shown in the following photographs.



Figure 14 – Adjoining residential flat building to the west



Figure 15 – Side elevation of adjoining residential flat building to the west



Figure 16 – Adjoining unit development and former post office facing Ash Street





**Figure 17 – Adjoining residential flat building to the east**



**Figure 18 – Side elevation of adjoining residential flat building to the east**

### 3. ZONING AND PLANNING CONTROLS

#### 3.1 Zoning

The land is zoned R1 General Residential under Central Coast LEP 2022, as is adjoining land, and Terrigal Beach foreshore to the north is zoned RE1 Public Recreation.

The zoning of the site and surrounding land is shown in the following figure:

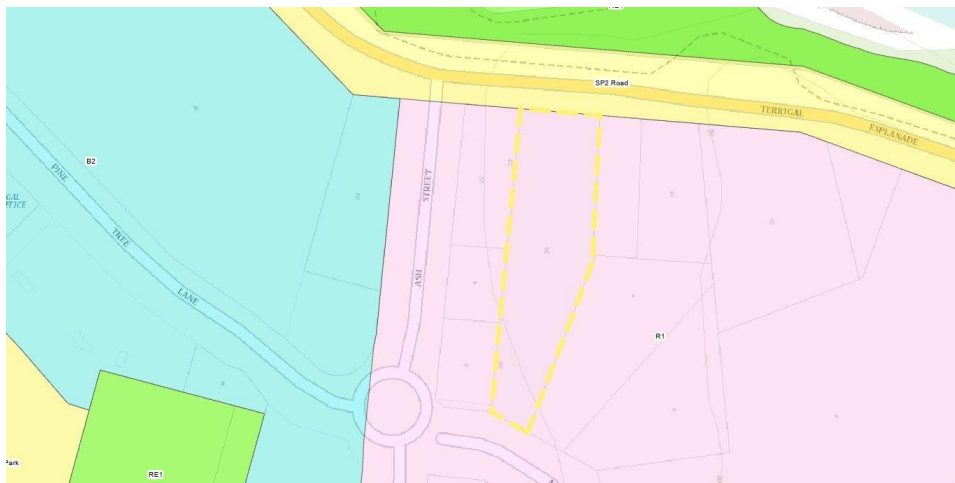


Figure 19 – Land Zoning

(NSW ePlanning Spatial Viewer)

#### 3.2 Height of Buildings

The allowed building height for the site is 8.5m.



Figure 20 – Building Height

(NSW ePlanning Spatial Viewer)



### 3.3 Floor Space Ratio

The allowed floor space ratio for the site is 0.5:1. The site is also identified as “Area 1” under the LEP maps, and subject to additional controls under clause 4.4A(4) of the LEP which permit a floor space ratio to 0.7:1 depending on the use, site size and the location of car parking.

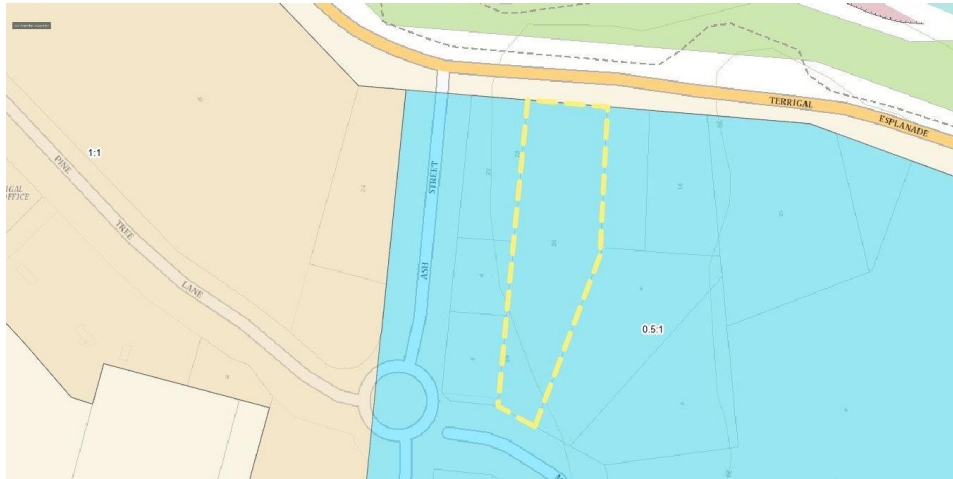


Figure 21 – Floor Space Ratio

(NSW Planning Portal)

### 3.4 Other

The site is not identified on the following Central Coast LEP 2022 maps:

- Heritage
- Land Reservation Acquisition
- Additional Permitted Uses
- Urban Release Area

The site adjoins a mapped heritage item (I277) to the west, the old Terrigal post office, which faces Ash Street.

The site is mapped as Class 5 for Acid Sulfate Soils.

The site is not mapped as being bushfire prone, flood prone or in a flood precinct.

The proposal relates to a residential flat building which requires consideration under State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (2002) and the Apartment Design Guide.

The land is subject to the Resilience and Hazards State Environmental Planning Policy, 2021, and is in mapped *Coastal Environment* and *Coastal Use* areas.

#### 4. THE PROPOSAL

The proposal is for alterations and additions to the residential unit at 9/ 20 Terrigal Esplanade, Terrigal, as shown on the architectural plans prepared by Klaus Carson Studio.

The alterations and additions include:

- removing the rear swimming pool, pool deck, existing masonry fencing and screening;
- carrying out modifications to the rear terrace, including reducing roof height;
- extending the unit to the south, in the location of the existing swimming pool and terrace, and including a new bedroom, gym, spa pool and court, and sculpture court;
- internal alterations within the footprint of the existing unit;
- increasing the width of the living/ kitchen areas at the front, over a small part of the existing terrace areas; and
- removing the front gable roof element, and replacement with a lower, extended roof over the front terrace areas.

The unit extension to the south is located within the footprint of the existing terrace and pool area, and the roof level will be 170mm lower than the top of the existing pool screening. The existing roof over the rear terrace will be removed, and will be replaced by a lower roof form, 1.3m below the existing roof height.

Part of the rear terrace will be retained as a sculpture court on the eastern side, and angled vertical privacy screening is proposed to the sides of the sculpture court, and to the gym on the western side, to replace the current palisade fencing and improve privacy. New openings are proposed to a spa court on the western side, which also has privacy screening, and there are narrow windows to a bedroom on the eastern side and a window to an ensuite on the southern side.

The proposal also includes a new skylight at the rear of the existing unit and skylights over the rear extension.

The extension at the rear will be aluminium clad with raised vertical elements, and will have recessive earthy/bronze tones, which will complement the existing roof and wall colours.

The alterations make a number of internal changes to the existing unit, including the conversion of a bedroom to a family room, and the proposal will remain a 3 bedroom unit overall. The proposal will increase the gross floor area of the existing unit by 149m<sup>2</sup>.

The front glazed façade facing Terrigal Esplanade will be widened from 9.7m to 12.5m, and increased in height, and will remain inside the alignment of the side walls of the unit. It is proposed to remove the gable roof element over the front terrace, and to replace it with a low profile horizontal roof form which will reduce bulk compared to the existing roof. Additional low profile roofing is also proposed over the side terrace areas at the front, which will be at a lower level and behind the new front roof element viewed from Terrigal Esplanade.

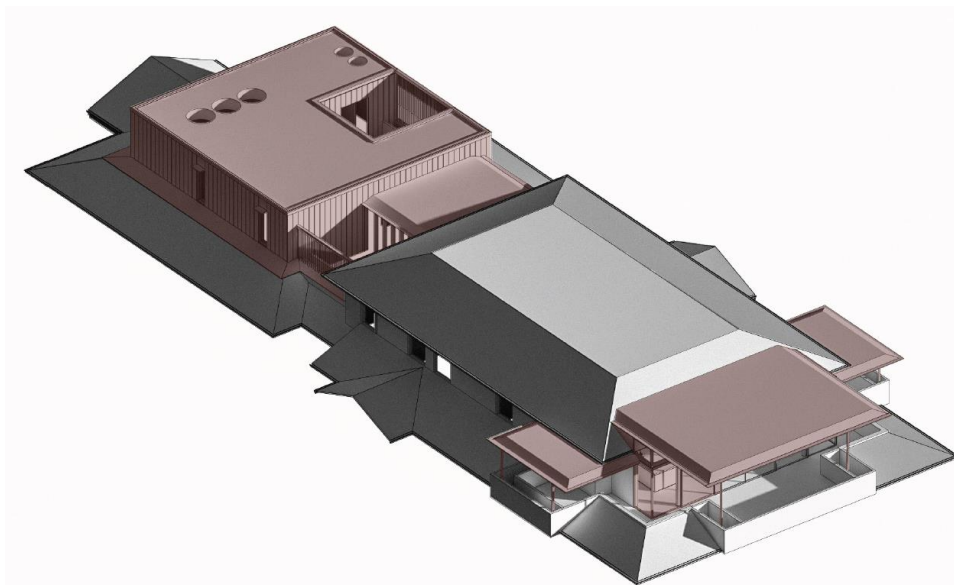


Figure 22 – Isometric view of proposed works from the front (Klaus Carson Studio)

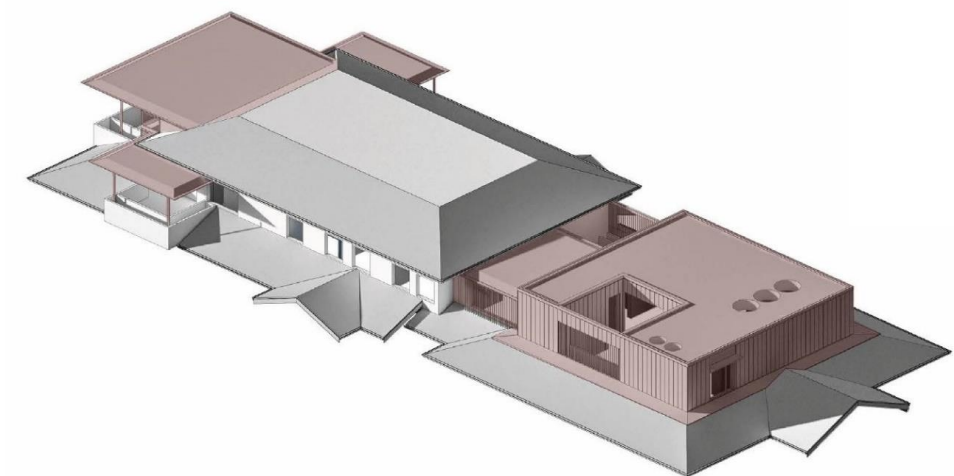


Figure 23 – Isometric view of proposed works from the rear (Klaus Carson Studio)

Comparisons between the existing and proposed elevations are provided in the architectural plans, with details below.

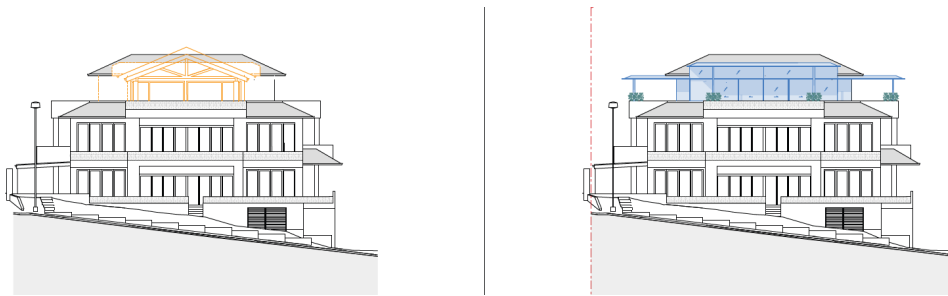


Figure 23 – Existing and proposed elevation to Terrigal Esplanade (Klaus Carson Studio)

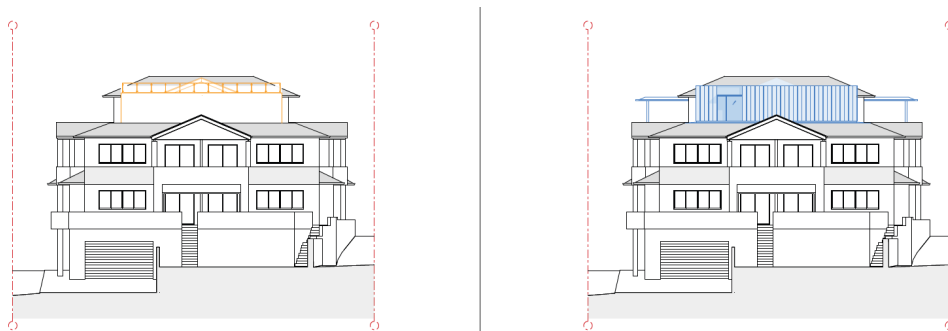


Figure 24 – Existing and proposed elevation to Maroomba Rd (Klaus Carson Studio)

Building Height

Details of existing and proposed building height are shown below, and due to the slope of the site, the highest building heights occur on the western elevation:



Figure 25 – Existing west elevation

(Klaus Carson Studio)

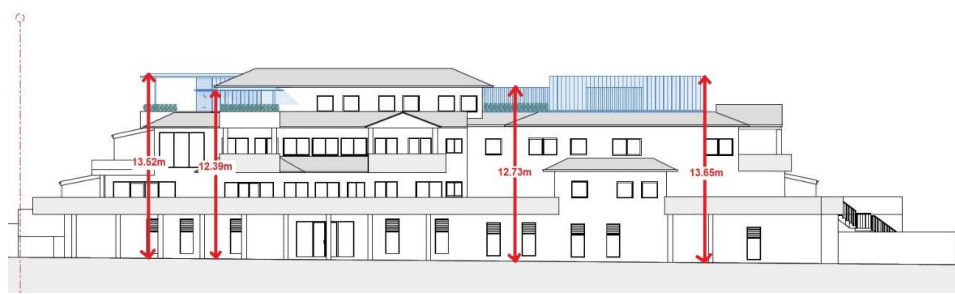


Figure 26 – Proposed west elevation

(Klaus Carson Studio)

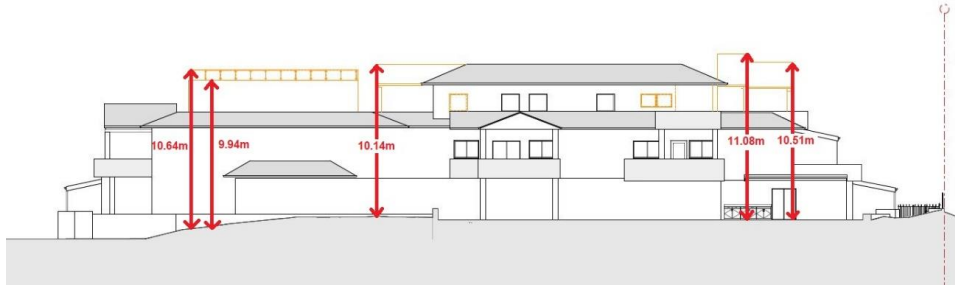


Figure 27 – Existing east elevation

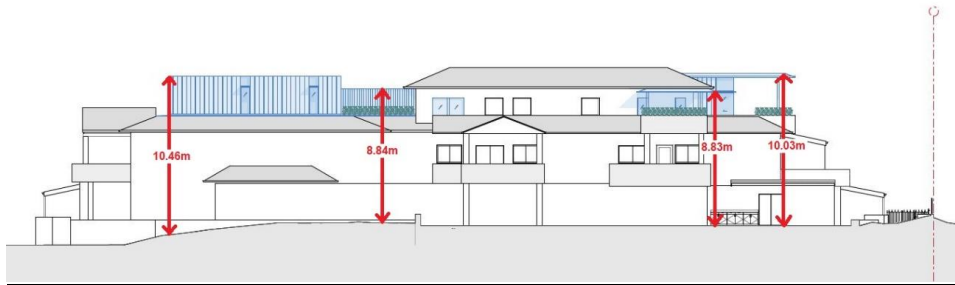


Figure 28 – Existing east elevation

The proposal will remain below the approved height levels of the existing unit and residential flat building, with reductions proposed in the height of the southern extension, the rear terrace roof and the front roof over the terrace compared to the existing development. Notwithstanding, the existing unit and building are already over the current 8.5m height limit and the maximum building height of the alterations and additions are:

- 13.65m for the rear extension,
- 12.73m for the rear terrace
- 12.39m for the lower front roof
- 13.52m for the upper front roof

Accordingly, the application is accompanied by a clause 4.6 variation request addressing the building height development standard under Central Coast LEP 2022.

#### Gross Floor Area/ Floor Space Ratio

Approved application details for the existing building on 20 Terrigal Esplanade are not publicly available on Council's website.

A GIPA application was submitted to Council in March 2023, seeking any information on the approved gross floor area or floor space ratio of the existing development. Council provided an

informal release of information on 27 April 2023, a copy of which is provided with the application, however the documents provided do not include any details on the approved gross floor area or floor space ratio of the existing development.

Council planning staff have separately advised that the only available information on Council files indicates the submitted gross floor area of the building was 1,538.7m<sup>2</sup>, however 1 unit was removed (123.4m<sup>2</sup>), which would give a gross floor area of 1,415.3m<sup>2</sup>, and this figure is used for the purposes of the current application. The application proposes an additional 149m<sup>2</sup> gross floor area, which would be a total gross floor area of 1,564.3m<sup>2</sup> on the site, based on available information.

The site has an area of 2,244m<sup>2</sup> and the floor space ratio of the approved development is 0.631:1 and the floor space ratio of the proposed development is 0.697:1, both of which exceed the current 0.5:1 development standard under Central Coast LEP 2022. Accordingly, the application is accompanied by a clause 4.6 variation request addressing the floor space ratio development standard under the LEP.

## 5. PLANNING CONSIDERATIONS

### 5.1 Central Coast LEP 2022

Compliance with relevant controls in Central Coast LEP 2022 is set out in the following table:

| LEP Control/ Standard  | Proposed  | Complies                 |
|--|---|--------------------------|
| <b>Permissibility</b>  | The proposal is for alterations and additions to a residential unit within a residential flat building, which is a permitted use in the R1 zone.  | <b>Yes</b>               |
| <b>R1 Zone Objectives</b> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To promote best practice in the design of multi dwelling housing and other similar types of development.</li> <li>To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.</li> </ul> | <p>The proposal will update existing housing, is in a location identified and developed for medium density housing and will be compatible with existing development on the site and on surrounding properties.</p> <p>The proposal provides a considered design approach to the updating of the unit, and resolving current issues, and will be compatible with the existing unit, other units on the site and development on surrounding properties.</p>   | <b>Yes</b>               |
| <b>Clause 4.3 Height of Buildings</b><br>Maximum height 8.5m   | <p>The existing building height of the unit and residential flat building exceed the current 8.5m height limit, and the proposal will remain below the approved height levels of both the existing unit and residential flat building, with reductions proposed in the height of the southern extension, and roof elements at the front and rear.</p> <p>The maximum building heights of the alterations and additions will be:</p> <ul style="list-style-type: none"> <li>13.65m for the rear extension,</li> <li>12.73m for the rear terrace</li> <li>12.39m for the lower front roof</li> <li>13.52m for the upper front roof</li> </ul> <p>A request to vary the development standard is provided under clause 4.6 of Central Coast LEP 2022, and is included as <b>Attachment A</b> to this Statement.</p> | <b>Cl. 4.6 Variation</b> |
| <b>Clause 4.4 Floor space ratio</b> – 0.5:1<br><br><u>Note:</u> not all car parking is provided in basement levels as defined under the LEP and the provisions of clause 4.4A(4) do not apply.   | <p>The existing floor space ratio on the site is 0.631:1, and the proposal has a floor space ratio of 0.697:1.</p> <p>A request to vary the development standard is provided under clause 4.6 of Central Coast LEP 2022, and is included as <b>Attachment B</b> to this Statement.</p>  | <b>Cl. 4.6 Variation</b> |



|  |  |                          |
|--|--|--------------------------|
| <b>Clause 5.10 Heritage conservation</b> | The site adjoins a mapped heritage item, the old Terrigal Post Office to the west, and heritage considerations are addressed below.                      | <b>Yes, detail below</b> |
| <b>Clause 7.1 Acid Sulfate Soils</b>     | The site is mapped as being Class 5 for Acid Sulfate Soils, and there is no excavation proposed in the application or impacts on any acid sulfate soils. | <b>Yes</b>               |
| <b>Clause 7.6 Essential Services</b>     | The proposal is for alterations and additions to an existing unit, and the site is provided with all required services.                                  | <b>Yes</b>               |

#### Heritage Considerations under Clause 5.10

Clause 5.10 sets out requirements and considerations for development involving heritage items, or on land in the vicinity of a heritage item.

The proposal is adjacent to the rear of the old Terrigal post office, which faces Ash Street and is identified as a heritage item under Central Coast LEP 2022.

The existing pool fence and units are generally not visible from Ash Street, apart from a narrow view between the post office building and the adjoining unit development, where the pool fence and units sit behind, and below the level of the post office building, as shown below.



**Figure 29 – View of the subject site from Ash Street**

The pool fence and units also sit above and behind the post office building when viewed from Pine Tree Lane and the Council carpark, as shown below.



**Figure 29 – View of the subject site from Pine Tree Lane and the Council car park**

The building form of the proposal at the rear will maintain a similar height, shape and appearance as the existing pool fence and units, when viewed from Ash Street, Pine Tree Lane, and the Council carpark, and will have a recessive colour which will maintain a similar visual relationship with the post office building as currently exists.

The proposal is unlikely to have an adverse impact on the heritage values or significance of the old post office, and will not impact on its fabric. The proposal will maintain a similar relationship with the heritage item, where visible, as currently exists, and will be consistent with the objectives of the clause to “*conserve the environmental heritage of the Central Coast*” and to “*conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*”

An AHIMS search has been undertaken (**Attachment C**), and the subject land has not been identified as containing, or being within 50m of any Aboriginal sites or places.

## 5.2 Central Coast Development Control Plan 2022

In assessing the proposal against Central Coast DCP 2022, Section 3.42 of the *Environmental Planning & Assessment Act 1979* provides that the purpose of a DCP is to provide guidance, and section 4.15(3A)(b) of the Act provides that DCP standards are to be flexibly applied and non-compliance can be addressed through alternative solutions or addressing how a proposal otherwise achieves the objectives of the standard.

The proposal's compliance with relevant provisions of Chapter 2.3 - Residential Flat Buildings and Shop Top Housing under Central Coast DCP 2022 is detailed below.

| DCP Requirement  | Proposed   | Complies   |
|--|--|--|
| <b>2.3.3.1 Building Height</b><br>8.5m (LEP 2022)  | This requirement re-states the LEP development standard, and is addressed in the cl.4.6 variation request at <b>Attachment A</b> .   | <b>Refer cl.4.6</b>  |
| <b>2.3.3.2 Floor space ratio</b><br>0.5:1 (LEP 2022)   | This requirement re-states the LEP development standard, and is addressed in the cl.4.6 variation request at <b>Attachment B</b> .   | <b>Refer cl.4.6</b>  |
| <b>2.3.3.3 Natural Landscape Area</b><br>25% at ground level soft landscaping  | The proposal does not impact on, or change existing ground level landscaped areas.   | <b>N/A</b>   |
| <b>2.3.4.1a Front Setback</b><br>6m  | 9.5m<br><br>The proposal maintains the same balcony and front façade setbacks as have already been approved, and the extended front roof form will be 170mm forward of the existing terrace setback, and will have a setback of greater than 6m from the front boundary.   | <b>Yes</b>   |
| <b>2.3.4.1b Side and Rear Setbacks</b><br>For other than single storey - 3m to a building height of 4.5m and 6m for parts above 4.5m | At the rear, the proposal maintains the same side and rear setbacks as the masonry fence around the pool and rear terrace, as has already been approved, and all setbacks are greater than 6m.<br><br>The additions to the living and kitchen areas at the front are minor, and will maintain the same, or greater side setbacks than the side elevations of the existing unit, and meet the 6m requirement.<br><br>The roof over the side terrace areas at the front will be extended slightly beyond the existing terrace setback, and will be closer than 6m to both side boundaries, as addressed below. | <b>Yes</b><br><br><b>Consistent with existing setbacks</b> |
| <b>2.3.4.1d Foreshore</b><br>20m   | The alterations and additions are setback 29m from land zoned RE1 Public Recreation on the other side of Terrigal Esplanade  | <b>Yes</b>   |
| <b>2.3.5.1 Facades &amp; Articulation</b>  | The proposal does not include monotonous or unbroken lengths of wall exceeding 10 metres in length and 3 metres in height, and will improve articulation for the front and rear elements of the existing unit. The proposal also maintains a mix of building materials, as encouraged by the DCP.  | <b>Yes</b>   |
| <b>2.3.5.2 Roof Elements</b>   | The proposal will reduce the bulk of the existing gable roof facing Terrigal Esplanade, and over the existing rear terrace, and will maintain a similar height and horizontal nature as the existing pool fence and screen at the rear.<br><br>The new roof elements facing Terrigal Esplanade will be low profile in appearance, and will have a horizontal rather than vertical emphasis which will be compatible with the appearance of the existing unit and the building below.   | <b>Yes</b>   |

|  |  |            |
|--|--|------------|
| <b>2.3.6.1 Views</b>   | Addressed in Part 6 of the Statement   | <b>Yes</b> |
| <b>2.3.6.2 Visual Privacy</b>  | Addressed in Part 6 of the Statement   | <b>Yes</b> |
| <b>2.3.6.3 Acoustic Privacy</b>  | The proposal will improve acoustic privacy compared to the existing unit, with removal of the existing pool pump, and will internalise existing terrace/ recreation areas at the rear, which will reduce capacity for acoustic impacts. The proposed spa at the rear will enclose pool pump equipment, and will have a lesser impact compared to the existing swimming pool. | <b>Yes</b> |
| <b>2.3.6.4 Private Open Space and Balconies</b><br>Min 12m <sup>2</sup> with width of 2.4m | The front terrace has an area of 35.3m <sup>2</sup> with minimum dimensions of 2.4m. There are also additional terrace and courtyard areas at the front and rear of the unit which provide additional opportunities for private open space.  | <b>Yes</b> |
| <b>2.3.6.5 Sunlight Access</b>   | The proposal will maintain similar solar access to the unit as currently exists, and will provide additional natural light through the use of skylights.   | <b>Yes</b> |
| <b>2.3.6.6 Communal (and public) Open Space</b>  | The proposal does not impact on any communal or public open space areas.   | <b>N/A</b> |
| <b>2.3.6.7 Storage</b>   | The proposal will increase storage compared to the existing unit.  | <b>Yes</b> |
| <b>2.3.6.8 Common Circulation and Spaces</b>   | The proposal does not impact on any common circulation or spaces.  | <b>N/A</b> |
| <b>2.3.6.9 Apartment Size and Layout</b>   | The proposal will increase and improve the unit size and layout.   | <b>Yes</b> |
| <b>2.3.6.10 Ceiling Heights</b>  | The proposal will maintain the ceiling heights of the existing unit, and ceiling heights of 2.7m are proposed for the rear additions.  | <b>Yes</b> |
| <b>2.3.6.11 Natural Ventilation</b>  | The proposal provides for reasonable cross ventilation, with existing windows and new courtyard openings at the rear.  | <b>Yes</b> |
| <b>2.3.7 Parking and Access</b>  | The proposal does not impact on car parking or access.   | <b>N/A</b> |
| <b>2.3.8 Earthworks</b>  | The proposal does not require any earthworks.  | <b>N/A</b> |
| <b>2.3.9 Landscaping</b>   | The proposal maintains terrace planter beds in the front terrace areas, and planter boxes are also proposed to the rear spa and sculpture courtyards, as shown on the architectural plans.   | <b>Yes</b> |
| <b>2.3.10 Civil Works and Services</b>   | The proposal will not impact on existing site services, and will use the existing stormwater system.   | <b>N/A</b> |
| <b>2.3.11. Safety and Security</b>   | The proposal will not impact on safety or security for the unit or the building.   | <b>Yes</b> |
| <b>2.3.12. Social Dimensions</b>   | The proposal will not change the number of bedrooms compared to the existing unit, or the mix of housing in the building.  |            |

#### Side Setbacks – Front Roof Elements

The proposed roof over the side terrace areas at the front will overhang the existing terrace wall alignment by 600mm, and will have setbacks of approximately 4.6m from the western side boundary and 3.4m from the eastern side boundary. While these setbacks are less than 6m, the setbacks will be greater than the existing side terraces and gable roof elements on the level

below, and will have a low profile which reduces visual impact. The side setbacks of the new roof elements will be compatible with the objectives of the control as addressed below.

| Objective   | Comment   |
|---|---|
| To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore | <p>The setbacks of the front roof elements to the sides will be compatible with the setbacks of the existing building, and in particular will be greater than the roof and terrace elements on the level below.</p> <p>The variations will be compatible with, and at a lower level than the existing roof height and the new roof form at the front, and will not adversely impact on character, streetscape, any public reserve, or coastal foreshore. While visible from public reserves and coastal areas, the proposal relates to an existing development and the new roof form will be compatible with the appearance of the existing building and adjoining development, and will reduce roof bulk facing Terrigal Esplanade compared to the existing unit</p> |
| To ensure the visual focus of a development is the dwelling, not the garage   | The variations will not result in the visual focus being the garage, and the additions have been designed to integrate with the existing unit.  |
| To protect the views, privacy and solar access of adjacent properties   | View, privacy and shadowing impacts of the proposal are separately addressed, and the variation is unlikely to impact on the amenity of adjoining developments.   |
| To maintain view corridors to coastal foreshores and other desirable outlooks   | The view impacts of the proposal are separately addressed, and the variations will not adversely impact on view corridors from adjoining properties and will not impact on view corridors from any public lands.  |
| To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography  | The proposal relates to an existing building, and the variations will not impact on the scenic and environmental qualities of natural waterbodies and their foreshores.   |
| To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping   | The side setback will not impact on the provision of deep soil areas on the site, noting that it relates to above ground levels.  |

#### Chapter 2.17 – Character and Scenic Quality

Chapter 2.17 of DCP 2022 contains Scenic Quality and Character Statements to be considered with development applications.

The site is located in the *Terrigal* land unit, within the *North Coastal* Scenic Quality geographical unit. The proposal is for alterations and additions to an existing unit and building, and the external changes will be compatible with existing development on the site and development on adjoining properties and will not adversely impact on the scenic qualities of the locality.



The site is in the Terrigal *Medium Density Hillsides* character area, and the changes at the rear of the unit, replacing the swimming pool and terrace with additional living areas, will maintain a similar bulk and scale, and general appearance as the existing development, and will not adversely impact on the character of existing development or the character of the surrounding area. The external materials of the additions will have a recessive colour and will also lower the roof height over the rear terrace, and will have a height similar to the existing pool wall and screening. The proposal will also add some articulation to the exterior of the unit, with the external treatment and screened openings, and will be compatible with the existing unit and the remainder of the building.

At the front, the roof changes will remove an existing gable roof element, and provide a more slender, and lightweight roof compared to the existing front elevation, and one which matches the flat top of the main roof over the unit. The new roof will sit at a lower level than the existing gable ridge and the main roof over the unit, and will provide a greater horizontal emphasis to the front roof form rather than the vertical emphasis of the existing gable roof, and will complement the horizontal lines of terraces, roofs and units on the levels below. The new roof will sit inside the side alignments of the main roof above the unit, and will provide an updated appearance to Terrigal Esplanade which will complement the building.

The new roof forms to the sides at the front will also have a slender and lightweight appearance, and will sit behind and below the main terrace roof and the main roof, and will generally correspond with the width of the existing terrace areas. The roof will not extend closer to the side boundaries compared to the terraces and gable roof elements on the level below, and will reinforce the horizontal elements on the front elevation.

The proposed changes will be in keeping with the character and external appearance of the existing building, and will be in keeping with the character of adjoining development and the desired future character of the area.

### 5.3 State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPPs) applying to the land are SEPP – Building Sustainability Index (BASIX), SEPP 65 - Design Quality of Residential Apartment Development (2002) and the Apartment Design Guide, and SEPP (Resilience and Hazards) 2021, relevant to coastal management and site contamination considerations.

#### SEPP BASIX

A BASIX Certificate is submitted with the application that demonstrates that with the commitments contained in the certificate, the proposal will meet or exceed BASIX requirements, and the proposal is BASIX compliant.

SEPP 65 - Design Quality of Residential Apartment Development

The proposal is for changes to an existing residential unit and flat building, and the requirements of the SEPP 65 Apartment Design Guide have therefore been considered for the application.

The proposal does not materially change the existing residential flat building, other than external changes to the top most unit, and impacts on the character and appearance of the development have been considered in the assessment against DCP character requirements above.

The changes to the unit will increase amenity for the residents, and the functionality of internal spaces, and will not have any impacts contrary to the Apartment Design Guide or beyond those of the existing unit. In particular, the proposal:

- will not impact on any communal open space areas;
- will not impact on any deep soil areas;
- has considered privacy impacts, and proposes privacy treatments, as addressed in Part 6 of the Statement;
- maintains solar access and natural ventilation consistent with that of the existing unit;
- has complying floor to ceiling heights;
- will increase the unit size and improve the internal layout; and
- will increase internal storage within the unit.

The proposed changes will be consistent with SEPP 65 and the design criteria of the Apartment Design Guide.

SEPP (Resilience and Hazards) 2021 – Chapter 2 - Coastal Management

The site is subject to this Chapter, and is located in the mapped *coastal use* and *coastal environment* areas under the SEPP. The site is not mapped as containing *coastal wetlands* or *littoral rainforests*, or as being within a mapped proximity area. A table outlining compliance with the SEPP is provided below:

| Consideration  | Compliance  |
|--|---|
| <b>Section 2.10(1) Development consent must not be granted to development on land that is within the <u>coastal environment area</u> unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</b> |   |
| (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,  | The proposal is for alterations and additions to an existing unit and the proposal will not result in adverse impacts on the biophysical, hydrological or ecological environment.       |
| (b) coastal environmental values and natural coastal processes   | The site is not subject to a <i>coastal building line</i> under Central Coast LEP or DCP and the proposal will not impact on coastal environmental values or natural coastal processes. |

|   |   |
|---|---|
| (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,                             | The proposal will be connected to reticulated sewer and stormwater will be managed in accordance with the existing arrangements for the unit, and the proposal will not impact on water quality or any sensitive coastal lakes. |
| (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,  | The proposal will not impact on these.  |
| (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  | The proposal will not impact on public access to the foreshore.   |
| (f) Aboriginal cultural heritage, practices and places,   | An AHIMS search has been undertaken ( <b>Attachment C</b> ), and the subject land has not been identified as containing or being within 50m of any Aboriginal sites or places   |
| (g) the use of the surf zone  | The proposal will not impact on the surf zone   |
| <b>Section 2.10(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</b>  |   |
| (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1)   | The proposal is appropriately designed and sited having regard to the existing unit and the site's location, and will not result in adverse impacts referred to in subsection (1).  |
| (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact  | N/A – no adverse impacts  |
| (c) if that impact cannot be minimised—the development will be managed to mitigate that impact  | N/A – no adverse impacts  |
| <b>Section 2.11(1)(a) Development consent must not be granted to development on land that is within the <u>coastal use area</u> unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</b> |   |
| (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability   | The proposal will not impact on public access to the foreshore.   |
| (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores  | The proposal will not result in overshadowing of foreshore, and will not impact views from public spaces to foreshores.   |
| (iii) the visual amenity and scenic qualities of the coast, including coastal headlands   | The proposal will be visible from coastal areas and will maintain a similar presentation to the existing building, and with improvements to the front elevation which reduce roof bulk.   |
| (iv) Aboriginal cultural heritage, practices and places   | An AHIMS search has been undertaken ( <b>Attachment C</b> ), and the subject land has not been identified as containing or being within 50m of any Aboriginal sites or places.  |



|   |   |
|---|---|
| (v) cultural and built environment heritage   | The subject land is not identified as containing any items of heritage, archaeological or historic significance, and heritage considerations are addressed in the assessment against Central Coast LEP 2022.  |
| <b>Section 2.11(1)(b) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority is satisfied that:</b>  |   |
| (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a)  | The proposal is appropriately designed and sited having regard to the existing unit and the setting of the site, and will not result in adverse impacts referred to in paragraph (a).   |
| (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact   | N/A – no adverse impacts  |
| (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact  | N/A – no adverse impacts  |
| <b>Section 2.11(1)(c)</b>   |   |
| Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development: | <p>The proposal will be compatible with the location and visual setting of the site and existing development, as well as the zoning of the land, the zone objectives, permitted uses in the zone and the desired future character of the area. The proposal addresses relevant DCP controls and building height is consistent with the already approved development.</p> <p>The proposal is appropriately designed and articulated and is of an appropriate bulk, scale and size having regard to the site and its location, and the existing unit.</p> |
| <b>Section 2.12 – Development within the coastal zone generally</b>   |   |
| Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.             | The site is not subject to a <i>coastal building line</i> under Central Coast LEP or DCP and the proposal will not cause increased risk of coastal hazards on the land or other land.   |

SEPP (Resilience and Hazards) 2021 – Chapter 4 - Remediation of Land

This Chapter applies to all development and requires consideration and management of site contamination issues as part of the development assessment process. The current use of the site is for a residential flat building, which will remain the same, and there are no works proposed, or known previous uses of the land which would be likely to lead to the site being contaminated or unsuitable for the proposed development.

## 6. OTHER IMPACTS

The proposal is for alterations and additions to an existing residential unit, and impacts have been considered in the assessment against planning controls in Part 5 above, and also as follows.

### 6.1 General Impacts

The proposal has considered a number of general impacts including:

- Noise. The proposal will generate noise normally associated with domestic living, consistent with the existing development on the site, and Council will impose conditions of consent relating to the hours of demolition and construction activities.
- Waste. The proposal will not result in waste generation beyond that of the existing unit, and waste collection arrangements will remain the same. A Waste Management Plan is also submitted with the application addressing demolition and construction waste.

### 6.2 Stormwater Management/ Water Quality

The proposal will utilise the existing stormwater arrangements for the unit and the site, and internal sediment and erosion controls will be put in place during construction, as can be implemented through conditions of consent.

### 6.3 Privacy

The proposal has considered privacy impacts on adjoining properties, and provides privacy treatments, and will have similar impact compared to the existing unit.

The additions at the rear will remove currently open areas to the sides of the rear terrace, including on the eastern side which look towards the windows of the adjoining development, as shown on Figure 10 of the Statement. New courtyard areas are proposed on both sides at the rear, which will include angled vertical privacy screens to prevent cross viewing and to maintain privacy for both the residents of the unit and adjoining residents. Privacy screening is also proposed to the new gym on the western elevation, which looks over the top of adjoining development.

New windows are proposed at the rear on the eastern and southern sides. On the eastern side there are 2 narrow bedroom windows, which are unlikely to give rise to adverse privacy impacts due to their narrow width and location, and the nature of use of the room. On the southern elevation there is a window to an ensuite, which is oriented away from adjoining development and unlikely to result in privacy impacts.

The changes at the front of the unit will not result in privacy impacts beyond those of the existing unit.

#### 6.4 View Impacts

Consideration has been given to the view impacts of the proposal, and the *Tenacity* view sharing planning principle established by the Land and Environment Court.

At the rear, the proposal will not result in any view impacts beyond those of the existing swimming pool and terrace area, including fencing and screening around those areas. The proposal will be built within the same footprint as the existing pool and terrace, and the roof height will be 170mm below that of the existing opaque screening around the pool, and the roof height at the rear over the existing terrace area will be lowered.

At the front, the new terrace roof will lower the height of the existing gable roof, which is likely to have a lesser impact on views compared to the existing roof, and the additional roof elements to the sides will be at a lower level than the existing and proposed front roof, and will be setback behind the front roof, and is unlikely to result in any view impacts compared to the existing development.

#### 6.5 Overshadowing

Shadow diagrams are submitted as part of the architectural plans, showing mid-winter shadowing from both the existing and proposed developments, which demonstrate the proposal will have shadow impacts consistent with those of the existing unit and development.

## 7. SECTION 4.15 CONSIDERATIONS

The following assessment addresses the matters required to be considered under Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

### (1) *Matters for consideration—general*

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

#### (a) *the provisions of:*

##### (i) *any environmental planning instrument*

Comment: the proposal has been considered against both Central Coast LEP 2022 and relevant State Environmental Planning Policies, and with variations to building height and floor space ratio addressed accordance with clause 4.6 of the LEP;

##### (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)*

Comment: There are no draft environmental planning instruments or planning proposals impacting on the land or the proposal.

##### (iii) *any development control plan*

Comment: the proposal has been assessed against Central Coast DCP 2022, and complies with relevant requirements with a substantiated variation for the setback of the side roof elements at the front, as addressed under the DCP assessment and against the objectives of the controls;

##### (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F*

Comment: There is no planning agreement relevant to the subject land or the proposal.

##### (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates*

Comment: There are no matters prescribed in the regulations that impact on the proposal.

#### (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Comment: The proposal is unlikely to result in any adverse environmental impacts and will maintain a positive social and economic impact through the updating of the unit and improvements to the front roof form.

(c) *the suitability of the site for the development*

Comment: The site is suitable for the proposed development and the proposal has been designed in response to the existing unit, the existing building, the site's setting and location and having regard to development in the surrounding area.

(d) *any submissions made in accordance with this Act or the regulations*

Comment: This is a matter for Council to consider once the application is notified.

(e) *the public interest*

Comment: the proposal will result in redevelopment and improvements to the unit which will be compatible with the existing building and development in the surrounding area. The proposal has architectural and design merit, will improve the functionality of the unit, and the privacy, view and shadow impacts of the development have been considered and addressed.

## 8. CONCLUSION

In conclusion, the proposal is for alterations and additions to an existing unit in an established residential flat building. The proposal will improve the internal functionality and external appearance of the unit, and is unlikely to have a greater impact compared to the existing unit. The proposal is consistent with the objectives of the R1 General Residential zone and is permitted under Central Coast LEP 2022, with clause 4.6 variation requests being provided as a result of the height and floor space ratio of the existing approved building. The proposal will be compatible with the character of the existing building and surrounding development, and addresses the relevant requirements of Central Coast DCP 2022.

An assessment of the proposal has been carried out pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which supports the proposal, and it is recommended that Council approve the application.

## Attachment A

**Variation to Building Height Development Standard  
under Clause 4.6 Central Coast LEP 2022**

The proposal has a variation to the mapped building height under Central Coast LEP 2022, and a variation is sought to the development standard, as allowed under Clause 4.6 of the LEP.

This request should be read in conjunction with the Statement of Environmental Effects submitted with the application, and which forms an annexure to the request.

The request for variation has been prepared with consideration of relevant principles set out in various judgements applying to variations to development standards, including *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Relevant Development Standard

Clause 4.3(2) of Central Coast LEP 2022 sets maximum building height through the Height of Buildings Map. The Map identifies the site as having an allowed building height of 8.5m.

Extent of Variation to Development Standard

The proposal is for alterations and additions to an existing approved residential unit, which itself exceeds the current 8.5m development standard. A comparison between the existing and proposed developments is provided in Figures 25 and 26 of the Statement of Environmental Effects, and the maximum building heights of the proposal are:

- 13.65m for the rear extension (5.15m or 61% variation)
- 12.73m for the rear terrace (4.23m or 50% variation)
- 12.39m for the lower front roof (3.89m or 46% variation)
- 13.52m for the upper front roof (5.02m or 59% variation)

Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 8.5m building height for the alterations and additions is unreasonable or unnecessary in the circumstances of the site and the proposal, for the following reasons:

1. The existing approved residential flat building already exceeds the current 8.5m building height and the proposal does not change the approved maximum building height, and will reduce height in some areas, including the heights of the southern extension, the rear terrace roof and the front roof over the terrace compared to the existing development;

2. The variations will be compatible with the existing unit and the balance of the residential flat building;
3. The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts; and
4. The proposal is consistent with the objectives of the R1 General Residential zone and the objectives of the development standard, as addressed below.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Chief Justice of the Land and Environment Court outlined a number of ways an objection can demonstrate that compliance with a development standard is unreasonable or unnecessary, including by establishing that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, which is relevant in this case and is addressed below.

Objectives of the development standard (cl. 4.3 Central Coast LEP 2022)

- (a) *to establish a maximum height of buildings to enable appropriate development density*  
Comment: the proposal maintains the same or lower building heights compared to the existing unit, and will result in the same density of development as currently exists i.e. a 3 bedroom residential unit.
- (b) *to ensure that the height of buildings is compatible with the character of the locality*  
Comment: the proposal will be compatible with the building heights of the existing unit, and will be compatible with the character of the existing residential flat building and the character of the locality as addressed in the assessment against Central Coast DCP 2022 in the Statement of Environmental Effects.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify a variation to building height as proposed, and with particular reference to the objectives of the *Environmental Planning and Assessment Act 1979* as detailed below.

The proposal will *promote the orderly and economic use and development of land* (Objective 1.3(c) of the Act) by applying appropriate flexibility to enable a development which is consistent with the approved building heights, and which will not adversely impact on the bulk and scale of the development, on the character of the surrounding area or on the amenity of surrounding properties. The variation will not have an adverse impact on the environment, nor on the social and economic welfare of the community, and is consistent with the objects of the Act, notwithstanding the variation.



Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:

- *To provide for the housing needs of the community.*  
Comment: The proposal is for alterations and additions to an existing unit, which meets the housing needs of the community.
- *To provide for a variety of housing types and densities.*  
Comment: The proposal will be consistent with the existing unit, and will remain a 3 bedroom unit and will not increase the intensity of the use.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*  
Comment: The proposal is for residential development and there are no other land uses proposed.
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*  
Comment: The proposal provides a considered design approach to the updating of the unit and resolving current issues, and will be compatible with the existing unit, other units on the site and development on surrounding properties.
- *To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.*  
Comment: The proposal does not include non-residential uses.

#### Conclusion

In conclusion, this written request demonstrates that the variations to the development standard will be consistent with, and will maintain or reduce the current building heights of the unit, and that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation. Further, the variation is in the public interest as it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. On this basis the request satisfies the requirements of clause 4.6 of the LEP and the principles developed through caselaw.

## Attachment B

**Variation to Floor Space Ratio Development Standard  
under Clause 4.6 Central Coast LEP 2022**

The proposal has a variation to the mapped floor space ratio under Central Coast LEP 2022, and a variation is sought to the development standard, as allowed under Clause 4.6 of the LEP.

This written request should be read in conjunction with the Statement of Environmental Effects submitted with the application, and which forms an annexure to this request.

The request for variation has been prepared with consideration of relevant principles set out in various judgements applying to variations to development standards, including *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Relevant Development Standard

Clause 4.4(2) of Central Coast LEP 2022 sets maximum floor space ratio with reference to the Floor Space Ratio Map. The Map identifies the site as having an allowed floor space ratio of 0.5:1.

The site is also identified as being in "Area 1" under the LEP maps, where Clause 4.4A(4)(a) of the LEP allows higher floor space ratio to 0.7:1 where all carparking is provided in a basement level, and depending on site size, however these circumstances do not apply to the subject proposal which does not provide all parking in a basement level as defined in the LEP.

Extent of Variation to Development Standard

As detailed in Part 4 of the Statement of Environmental Effects, the existing residential flat building has a gross floor area of 1,415.3m<sup>2</sup>, which is a floor space ratio of 0.631:1, and the proposal will have a gross floor area of 1,564.3m<sup>2</sup>, which is a floor space ratio of 0.697:1.

The existing gross floor area is a variation of 26.1% to the current development standard and the proposed gross floor area is a variation of 39.4%. The 149m<sup>2</sup> increase in gross floor area represents 10.5% increase to the approved gross floor area of the building, based on available information.

Why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

Compliance with the 0.5:1 floor space ratio requirement is unreasonable or unnecessary in the circumstances of the site and the proposal, for the following reasons:

1. The existing approved residential flat building already exceeds the current 0.5:1 floor space ratio, and the proposal is seeking alterations and additions to an existing unit, which is within the footprint of the unit, rear terrace and swimming pool;
2. The additional gross floor area does not add bulk to the unit, being largely located within the existing fenced terrace and pool areas at the rear, and the proposal will retain a similar shape and bulk at the rear compared to the existing unit when viewed externally. Part of the proposal will also reduce building bulk in some areas, with the removal/ lowering of the existing rear terrace roof and the removal of the gable roof element above the front terrace;
3. The additional floor space does not increase the intensity of the use or increase the number of units, and the unit will remain a 3 bedroom apartment, with improved spaces, amenity and functionality compared to the existing unit;
4. The variations will not give rise to impacts beyond that of the existing unit, including privacy, overshadowing or view impacts, as addressed in the Statement of Environmental Impacts; and
5. The proposal is consistent with the objectives of the R1 General Residential zone and the objectives of the development standard as addressed below.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 the Chief Justice outlined a number of ways an objection under SEPP 1 can demonstrate that compliance with a development standard is unreasonable or unnecessary, including by establishing that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard, which is relevant in this case and is addressed below.

Objectives of the development standard (cl. 4.4 Central Coast LEP 2022)

(a) *to establish standards for the maximum development density and land use intensity*

Comment: The proposal does not change the density or intensity of the existing unit, which will remain a 3 bedroom unit, with improved spaces, amenity and functionality compared to the existing unit.

b) to ensure the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,

Comment: the additional floor space at the rear is located within an area currently enclosed by masonry fencing and screening, and will retain a similar bulk and scale compared to the existing unit when viewed externally. Additionally, the proposal will provide some articulation of existing blank walls to the sides and rear, and will lower the existing rear terrace roof height.

The proposal will be compatible with the character of the existing residential flat building and the character of the locality as addressed in the assessment against Central Coast DCP 2022 in the Statement of Environmental Effects.

(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

Comment: the additional floor space at the rear will sit below the height of the existing screening around the swimming pool, and within the footprint of the existing pool and rear terrace enclosures, and will not result in additional view or overshadowing impacts compared to the existing unit. The proposal has considered impacts on privacy, as addressed in the Statement of Environmental Impacts, and privacy screening is proposed to the rear courtyards which will reduce impacts compared to the existing rear terrace, which is open to the sides with palisade fencing.

(d) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,

Comment: the proposal will provide additional articulation and modulation to the rear of the existing unit, through the removal of blank walls and provision of additional screened openings, and has a considered design approach to the updating of the unit and resolving current issues.

Are there sufficient environmental planning grounds to justify contravening the development standard?

There are sufficient environmental planning grounds to justify a variation to the floor space ratio in this case, for the reasons set out above, and having regard to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act*, 1979 as detailed below.

The proposal will *promote the orderly and economic use and development of land* (Objective 1.3(c) of the Act) by applying appropriate flexibility to enable a development which is consistent with the bulk, scale and appearance of the approved building, and which will not adversely impact on the character of the surrounding area or on the amenity of surrounding properties. The variation will not have an adverse impact on the environment, nor on the social and economic welfare of the community, and is consistent with the objects of the Act, notwithstanding the variation.

Is the proposal in the public interest, being consistent with the objectives of the development standard and the objectives of the R1 General Residential Zone?

Consistency of the proposal with the objectives of the standard are addressed above, and the proposal is consistent with the objectives of the R1 General Residential Zone as follows:

- *To provide for the housing needs of the community.*  
Comment: The proposal is for alterations and additions to an existing unit, which meets the housing needs of the community.
- *To provide for a variety of housing types and densities.*  
Comment: The proposal will be consistent with the existing unit, and will remain a 3 bedroom unit and will not increase the intensity of the use.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*  
Comment: The proposal is for residential development and there are no other land uses proposed.
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*  
Comment: The proposal provides a considered design approach to the updating of the unit and resolving current issues, and will be compatible with the existing unit, other units on the site and development on surrounding properties.
- *To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.*  
Comment: The proposal does not include any non-residential uses.

#### Conclusion

In conclusion, this written request demonstrates that the variation to the development standard will be compatible with the bulk, scale and appearance of the existing unit, and that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the variation. Further, the variation is in the public interest as it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. On this basis the request satisfies the requirements of clause 4.6 of the LEP and can be supported.

## Attachment C

## AHIMS Search Results

AHIMS Web Services (AWS)  
Search Result

Your Ref/PO Number : 20 Terrigal Esplanade

Client Service ID : 770404

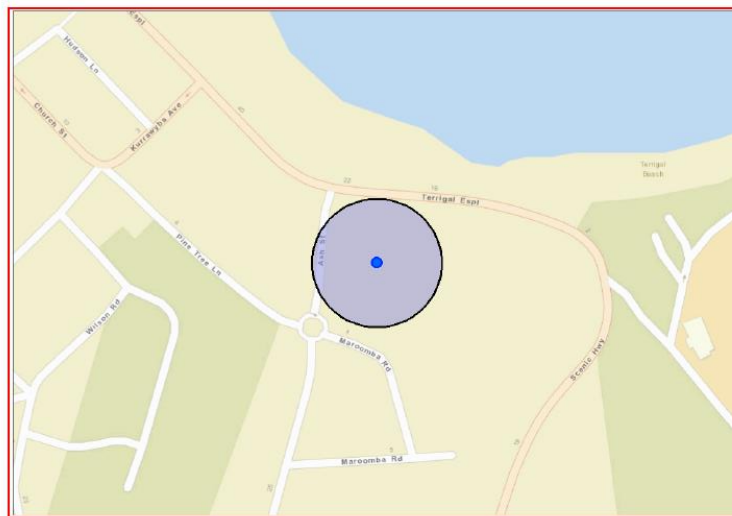
Coastal Planning and Consulting  
Suite 2.08 4 Ilya Ave  
Erina New South Wales 2260  
Attention: Michael Leavey  
Email: michael@coastalconsulting.com.au

Date: 05 April 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 20 TERRIGAL ESPLANADE TERRIGAL 2260 with a Buffer of 50 meters, conducted by Michael Leavey on 05 April 2023.

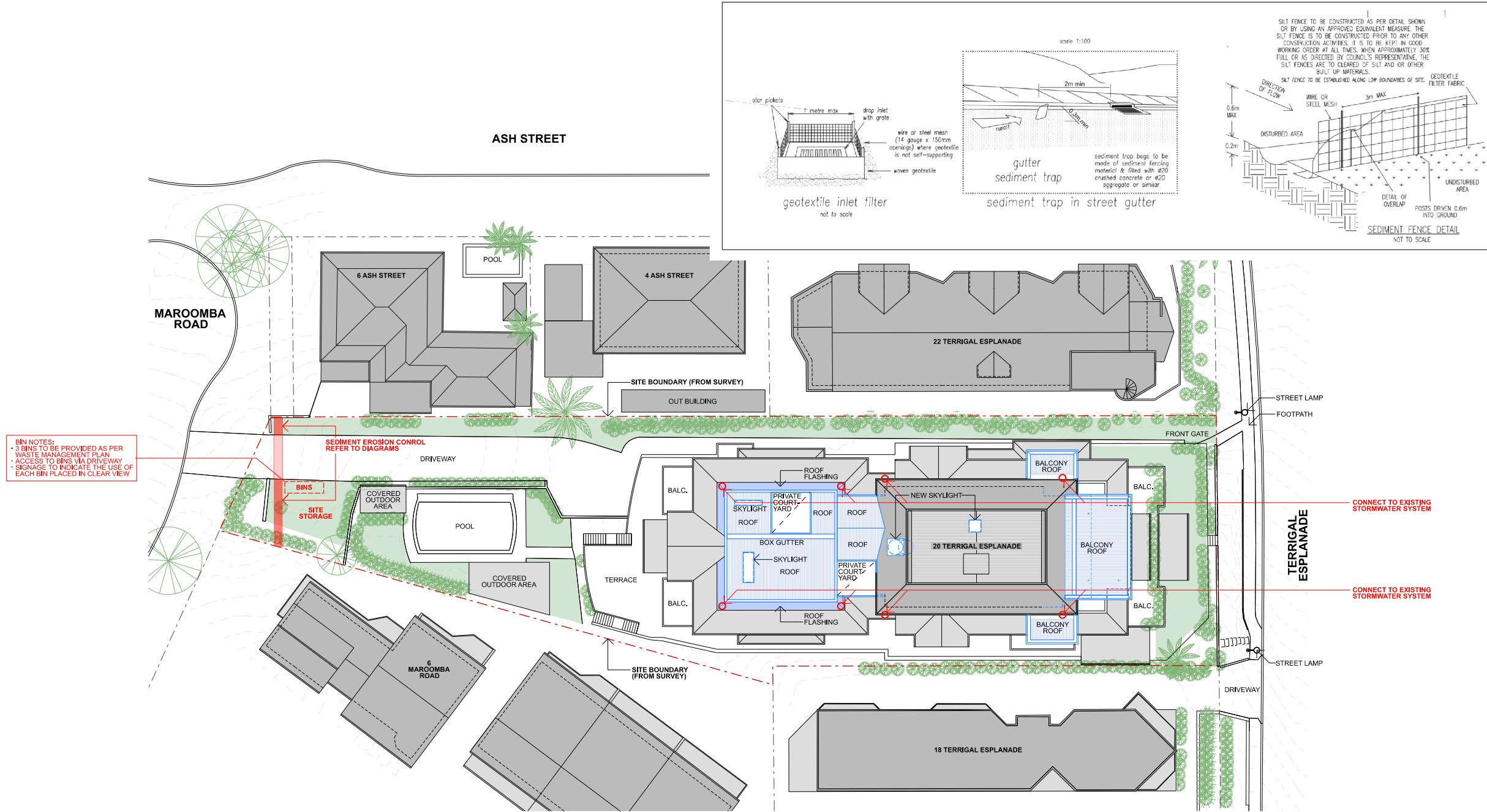
The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

|   |   |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location.          |
| 0 | Aboriginal places have been declared in or near the above location. * |





01 PLAN - STORMWATER & SEDIMENT EROSION CONTROL  
SCALE 1:400

General Notes

All documentation & design is the copy right of the Architect. / Documents for Planning Approval only, not for construction. / All proposed works to comply with the NCC (BCA) and relevant Australian Standards.

| Rev. | Drw. | Chk. | Date     | Status / Reason for Issue |
|------|------|------|----------|---------------------------|
| _00  | JB   | KC   | 14.07.23 | DEVELOPMENT APPLICATION   |

Scale / North Point  
1:400@A3



0 4 8M 12

Key / Legend

|               |
|---------------|
| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
VICTORIA & CHRIS LOGAN

Project No.  
2207A

Drawing Title  
PLAN, STORMWATER & EROSION  
CONTROL

Documentation Stage  
DEVELOPMENT APPLICATION

Date  
14.07.23

Revision  
00

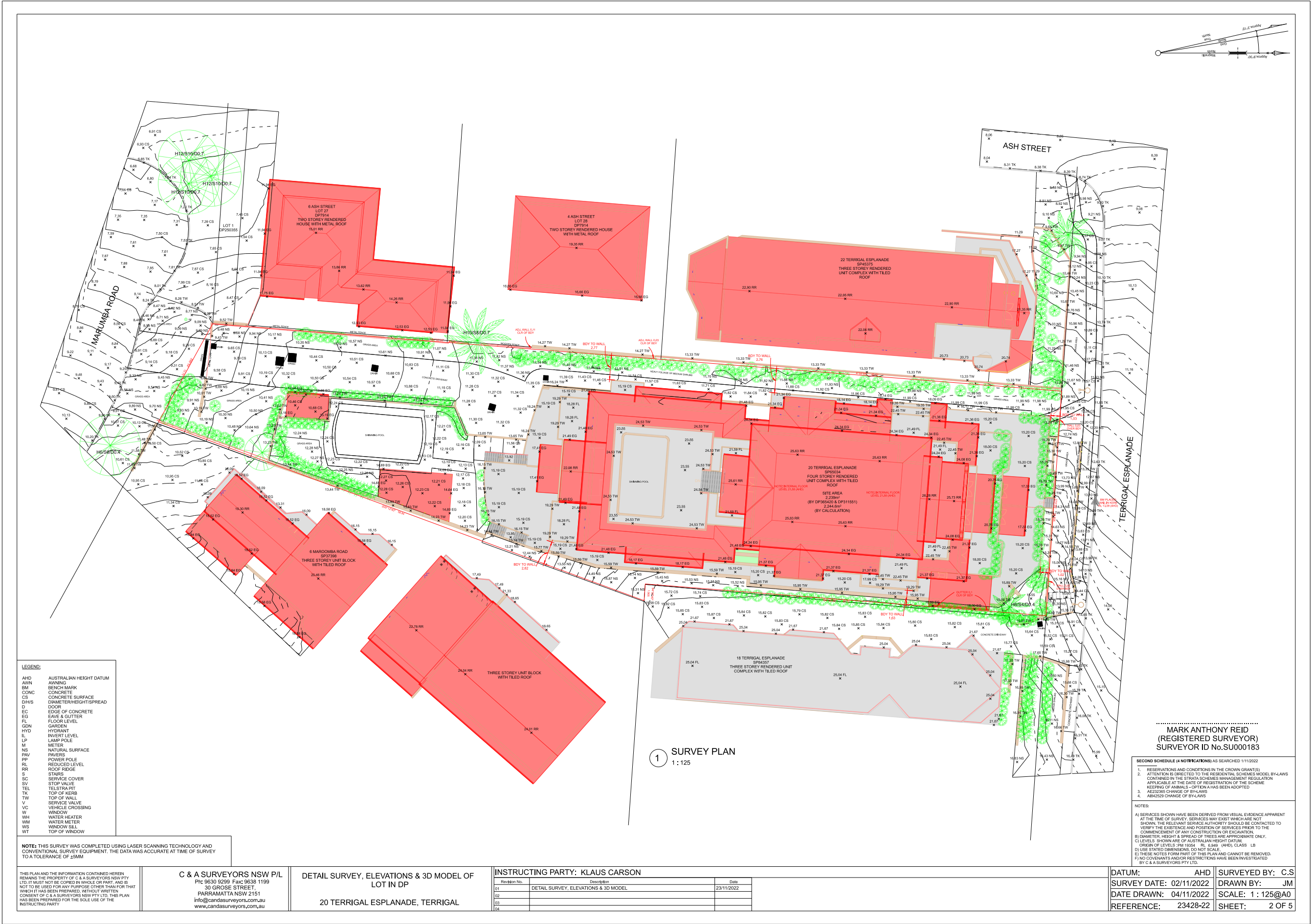
DWG#  
DA\_0.04

Architect

**KLAUS CARSON**  
Architecture & Interiors

/  
studio@klauscarson.com

/  
Klaus Carson Studio Pty Ltd © 2023  
Architect NSW ARB No. 10450  
RAIA No. 70298





**Date:** 7 May 2024  
**Responsible Officer:** Amy Magurren  
**Location:** 9/20 Terrigal Esplanade, TERRIGAL NSW 2260  
 Lot 9 SP 65034  
**Owner:** Mr C P Logan and Mrs V A Logan  
**Applicant:** Klaus Carson Studio Pty Ltd  
**Date of Application:** 29 September 2023  
**Application No:** DA/1968/2023  
**Proposed Development:** Alterations & Additions to Residential Flat Building  
**Land Area:** 565.00  
**Existing Use:** Residential Flat Building

### PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/1968/2023 except as modified by any conditions of this consent, and any amendments in red.

## 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.

#### Architectural Plans by Klaus Carson Architecture and Interiors

| Plan No. | Plan Title                                     | Revision | Dated |
|----------|--|----------|-------|
| DA_0.01  | Cover Sheet                                    |          |       |
| DA_0.02  | Image Site Aerial                              |          |       |
| DA_0.03  | Plan Site & Context                            |          |       |
| DA_0.04  | Plan Stormwater & Sediment Erosion Control     |          |       |
| DA_0.05  | Schedule External Materials and Finishes       |          |       |
| DA_1.01  | Plan Existing/Demolition                       |          |       |
| DA_1.02  | Plan Proposed                                  |          |       |
| DA_1.03  | Plan GFA Diagram                               |          |       |
| DA_1.04  | Plan Roof Existing/Demolition                  |          |       |
| DA_1.05  | Plan Roof Proposed                             |          |       |
| DA_2.01  | Elevation North Existing/Demolition & Proposed |          |       |
| DA_2.02  | Elevation East Existing/Demolition             |          |       |
| DA_2.03  | Elevation East Proposed                        |          |       |
| DA_2.04  | Elevation South Existing/Demolition & Proposed |          |       |
| DA_2.05  | Elevation West Existing/Demolition             |          |       |

|         |   |  |  |
|---------|---|--|--|
| DA_2.06 | Elevation West Proposed                         |  |  |
| DA_3.01 | Section SC AA Proposed                          |  |  |
| DA_3.02 | Section SC BB Proposed                          |  |  |
| DA_3.03 | Section SC CC Proposed                          |  |  |
| DA_3.04 | Section SC DD Proposed                          |  |  |
| DA_5.01 | 3D Isometric View 01                            |  |  |
| DA_5.02 | 3D Isometric View 02                            |  |  |
| DA_5.03 | 3D Street View 01                               |  |  |
| DA_5.04 | 3D Street View 02                               |  |  |
| DA_5.05 | 3D Street View 03                               |  |  |
| DA_5.06 | 3D Street View 04                               |  |  |
| DA_5.07 | 3D Detail View 01                               |  |  |
| DA_6.01 | Shadow Diagram 21 June 9am Existing & Proposed  |  |  |
| DA_6.02 | Shadow Diagram 21 June 10am Existing & Proposed |  |  |
| DA_6.03 | Shadow Diagram 21 June 11am Existing & Proposed |  |  |
| DA_6.04 | Shadow Diagram 21 June 12pm Existing & Proposed |  |  |
| DA_6.05 | Shadow Diagram 21 June 1pm Existing & Proposed  |  |  |
| DA_6.06 | Shadow Diagram 21 June 2pm Existing & Proposed  |  |  |
| DA_6.07 | Shadow Diagram 21 June 3pm Existing & Proposed  |  |  |

**Supporting documentation**

| Document Title                    | Prepared by         | Dated        |
|-----------------------------------|---------------------|--------------|
| Basix Certificate No A501302      | Klaus Carson Studio | 17 July 2023 |
| Design Verification Statement     | Klaus Carson Studio | 14 July 2023 |
| Building Compliance Report (BCA)  | Incode Solutions    | 13 July 2023 |
| Stormwater & Erosion Control Plan | Klaus Carson Studio | 14 July 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 and in accordance with the Building Code of Australian Capability Report prepared by Incode Solutions dated 13 July 2023 submitted with the application.
- 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*.

**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. 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.
- 2.3. Pay to Council a contribution amount of **\$12,243.90**, that may require adjustment at time of payment, in accordance with the Central Coast Regional Section 7.12 Development Contribution Plan 2019.

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

Contact Council's Contributions Planner on (02) 4306 7900 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies the contributions have been paid. A copy of this receipt must accompany the documents submitted by the Principal Certifier to Council under Clause 104/Clause 160(2) of the *Environmental Planning and Assessment Regulation 2021*.

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

[Development Contributions - former Gosford LGA](#)

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

- 3.1. All conditions under this section must be met prior to the 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. 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)
- 4.3. 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.
- 4.4. 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.

- 4.5. 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.
- 4.6. 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.

## **5.DURING WORKS**

- 5.1. All conditions under this section must be met during works.
- 5.2. 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.

- 5.3. 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.
- 5.4. 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).

- 5.5. 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 roof water run-off, in accordance with the Stormwater & Erosion Control Plan prepared by Klaus Carson Architecture and Interiors dated 14 July 2023 submitted with the application.
- 5.6. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan prepared by Maple Design and Construct Pty Ltd dated 7 July 2023 submitted with the subject application.
- 5.7. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- 5.8. While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

## 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. 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).

- 6.3. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 6.4. 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

- 7.1. All conditions under this section must be met prior to the issue of any Subdivision Certificate.

No Conditions

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

- 8.1. All conditions under this section must be met prior to Occupation of the Manufactured Home.

No Conditions

#### 9. ONGOING

No Conditions

#### 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.

#### 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)

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

Amy Magurren  
Reporting Officer

Ailsa Prendergast  
Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Recommended to the LPP for Approval

Meeting Date: 06/06/2024



UNIT 9 / 20 TERRIGAL ESPLANADE  
'ALTERATIONS & ADDITIONS'

ARCHITECTURAL DOCUMENTS

| Drawing No. | Drawing Title                                    | Scale | Revision | Date       |
|-------------|--|-------|----------|------------|
| DA_ 0.01    | COVER SHEET                                      | NTS   | 01       | 14.05.2024 |
| DA_ 0.02    | IMAGE_SITE AERIAL                                | NTS   | 01       | 14.05.2024 |
| DA_ 0.03    | PLAN_SITE & CONTEXT                              | 1:400 | 01       | 14.05.2024 |
| DA_ 0.04    | PLAN_STORMWATER & SEDIMENT EROSION CONTROL       | 1:400 | 01       | 14.05.2024 |
| DA_ 0.05    | SCHEDULE_EXTERNAL MATERIALS & FINISHES           | NTS   | 01       | 14.05.2024 |
| /           |  |       |          | /          |
| DA_ 1.01    | PLAN_EXISTING / DEMOLITION                       | 1:200 | 01       | 14.05.2024 |
| DA_ 1.02    | PLAN_PROPOSED                                    | 1:200 | 01       | 14.05.2024 |
| DA_ 1.03    | PLAN_GFA DIAGRAM                                 | 1:200 | 01       | 14.05.2024 |
| DA_ 1.04    | PLAN_ROOF_EXISTING / DEMOLITION                  | 1:200 | 01       | 14.05.2024 |
| DA_ 1.05    | PLAN_ROOF_PROPOSED                               | 1:200 | 01       | 14.05.2024 |
| /           |  |       |          | /          |
| DA_ 2.01    | ELEVATION_NORTH_EXISTING / DEMOLITION & PROPOSED | 1:200 | 01       | 14.05.2024 |
| DA_ 2.02    | ELEVATION_EAST_EXISTING / DEMOLITION             | 1:200 | 01       | 14.05.2024 |
| DA_ 2.03    | ELEVATION_EAST_PROPOSED                          | 1:200 | 01       | 14.05.2024 |
| DA_ 2.04    | ELEVATION_SOUTH_EXISTING / DEMOLITION & PROPOSED | 1:200 | 01       | 14.05.2024 |
| DA_ 2.05    | ELEVATION_WEST_EXISTING / DEMOLITION             | 1:200 | 01       | 14.05.2024 |
| DA_ 2.06    | ELEVATION_WEST_PROPOSED                          | 1:200 | 01       | 14.05.2024 |
| /           |  |       |          | /          |
| DA_ 3.01    | SECTION_AA_PROPOSED                              | 1:200 | 01       | 14.05.2024 |
| DA_ 3.02    | SECTION_BB_PROPOSED                              | 1:100 | 01       | 14.05.2024 |
| DA_ 3.03    | SECTION_CC_PROPOSED                              | 1:100 | 01       | 14.05.2024 |
| DA_ 3.04    | SECTION_DD_PROPOSED                              | 1:100 | 01       | 14.05.2024 |
| /           |  |       |          | /          |
| DA_ 5.01    | 3D_ISOMETRIC VIEW_01                             | NTS   | 01       | 14.05.2024 |
| DA_ 5.02    | 3D_ISOMETRIC VIEW_02                             | NTS   | 01       | 14.05.2024 |
| DA_ 5.03    | 3D_STREET VIEW_01                                | NTS   | 01       | 14.05.2024 |
| DA_ 5.04    | 3D_STREET VIEW_02                                | NTS   | 01       | 14.05.2024 |
| DA_ 5.05    | 3D_STREET VIEW_03                                | NTS   | 01       | 14.05.2024 |
| DA_ 5.06    | 3D_STREET VIEW_04                                | NTS   | 01       | 14.05.2024 |
| DA_ 5.07    | 3D_DETAIL VIEW_01                                | NTS   | 01       | 14.05.2024 |
| /           |  |       |          | /          |
| DA_ 6.01    | SHADOW DIAGRAM_21 JUNE_9 AM_EXISTING & PROPOSED  | 1:250 | 00       | 14.07.2023 |
| DA_ 6.02    | SHADOW DIAGRAM_21 JUNE_10 AM_EXISTING & PROPOSED | 1:250 | 00       | 14.07.2023 |
| DA_ 6.03    | SHADOW DIAGRAM_21 JUNE_11 AM_EXISTING & PROPOSED | 1:250 | 00       | 14.07.2023 |
| DA_ 6.04    | SHADOW DIAGRAM_21 JUNE_12 PM_EXISTING & PROPOSED | 1:250 | 00       | 14.07.2023 |
| DA_ 6.05    | SHADOW DIAGRAM_21 JUNE_1 PM_EXISTING & PROPOSED  | 1:250 | 00       | 14.07.2023 |
| DA_ 6.06    | SHADOW DIAGRAM_21 JUNE_2 PM_EXISTING & PROPOSED  | 1:250 | 00       | 14.07.2023 |
| DA_ 6.07    | SHADOW DIAGRAM_21 JUNE_3 PM_EXISTING & PROPOSED  | 1:250 | 00       | 14.07.2023 |

WINDOW / DOOR SCHEDULE (REFER TO BASIX CERTIFICATE: A501302)

|      |  |                  |   |
|------|--|------------------|---|
| WD01 | FRAME: 770W x 2440H<br>TYPE: FIXED<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES   | WD:18            | FRAME: 835 (W) X 1430, TYPE: CASEMENT<br>835 (W) X 845, TYPE: BLIND PANEL<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES                                 |
| WD02 | FRAME: 1250W x 2440H<br>TYPE: SLIDING DOOR<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES   | WD:19            | FRAME: 835 (W) X 1430, TYPE: CASEMENT<br>835 (W) X 845, TYPE: BLIND PANEL<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES                                 |
| WD03 | FRAME: 1250W x 910H<br>TYPE: 2 X 5100 FIXED HIGH LEVEL PANEL<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: N/A   | WD:20            | FRAME: OVERALL: 1800(W) X 2400 (H)<br>1230W x 2400H, TYPE: FRENCH DOOR<br>570W x 2400H, TYPE: FIXED WINDOW<br>MATERIAL: STEEL, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES    |
| WD04 | FRAME: OVERALL: 10,200 (W) X 2440 (H)<br>2X 1700W x 2400H, TYPE: FIXED<br>4X 1750W x 2400H, TYPE: SLIDING DOORS<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: NO | WD:21            | FRAME: OVERALL: 2460(W) X 2400 (H)<br>1230W x 2400H, TYPE: FRENCH DOOR<br>2X 615W x 2400H, TYPE: FIXED WINDOW<br>MATERIAL: STEEL, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES |
| WD05 | FRAME: 10,200W x 910H<br>TYPE: 2 X 5100 FIXED HIGH LEVEL PANELS<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: N/A  | WD:22            | FRAME: 790 (H) x 2400 (W)<br>TYPE: SWING DOOR<br>MATERIAL: TIMBER, GLASS: N/A<br>INSECT SCREEN: YES   |
| WD06 | FRAME: 1250W x 2440H<br>TYPE: SLIDING DOOR<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES   | WD:23            | FRAME: 3800W x 1700H<br>TYPE: FIXED WINDOW<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES  |
| WD07 | FRAME: 1250W x 910H<br>TYPE: 2 X 5100 FIXED HIGH LEVEL PANEL<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: N/A   |                  |   |
| WD08 | FRAME: 600W x 1180H<br>TYPE: AWNING WINDOW<br>MATERIAL: ALUMINIUM FRAME, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES   | <b>SKYLIGHTS</b> |   |
| WD12 | FRAME: 1000W x 1180H<br>TYPE: AWNING WINDOW<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES  | SK01             | FRAME: OVERALL: 1200 (W) X 1200(D)<br>FIXED SKYLIGHT  |
| WD13 | FRAME: 1000W x 1180H<br>TYPE: AWNING WINDOW<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES  | SK02             | FRAME: OVERALL: 1400(W) X 1400(D)<br>FIXED SKYLIGHT   |
| WD14 | FRAME: 835W x 800H<br>TYPE: AWNING WINDOW<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES  | SK03             | FRAME: OVERALL: 2800 (W) X 500(D)<br>FIXED SKYLIGHT   |
| WD15 | FRAME: OVERALL: 3800 (W) X 2400 (H)<br>3X 1230W x 2400H, TYPE: FRENCH DOORS<br>MATERIAL: STEEL, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES  | SK04             | FRAME: OVERALL: 3000 (W) X 1100(D)<br>FIXED SKYLIGHT  |
| WD16 | FRAME: OVERALL: 1735(W) X 2400 (H)<br>1230W x 2400H, TYPE: FRENCH DOOR<br>505W x 2400H, TYPE: FIXED WINDOW<br>MATERIAL: STEEL, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES         |                  |   |
| WD17 | FRAME: 835 (W) X 1430, TYPE: CASEMENT<br>835 (W) X 845, TYPE: BLIND PANEL<br>MATERIAL: ALUMINIUM, GLASS: COMFORT PLUS<br>INSECT SCREEN: YES                                      |                  |   |

CONSULTANT TEAM

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0415 508 019  
nehme@incode-solutions.com.au

**CERTIFIER (PCA) /**  
TO BE APPOINTED

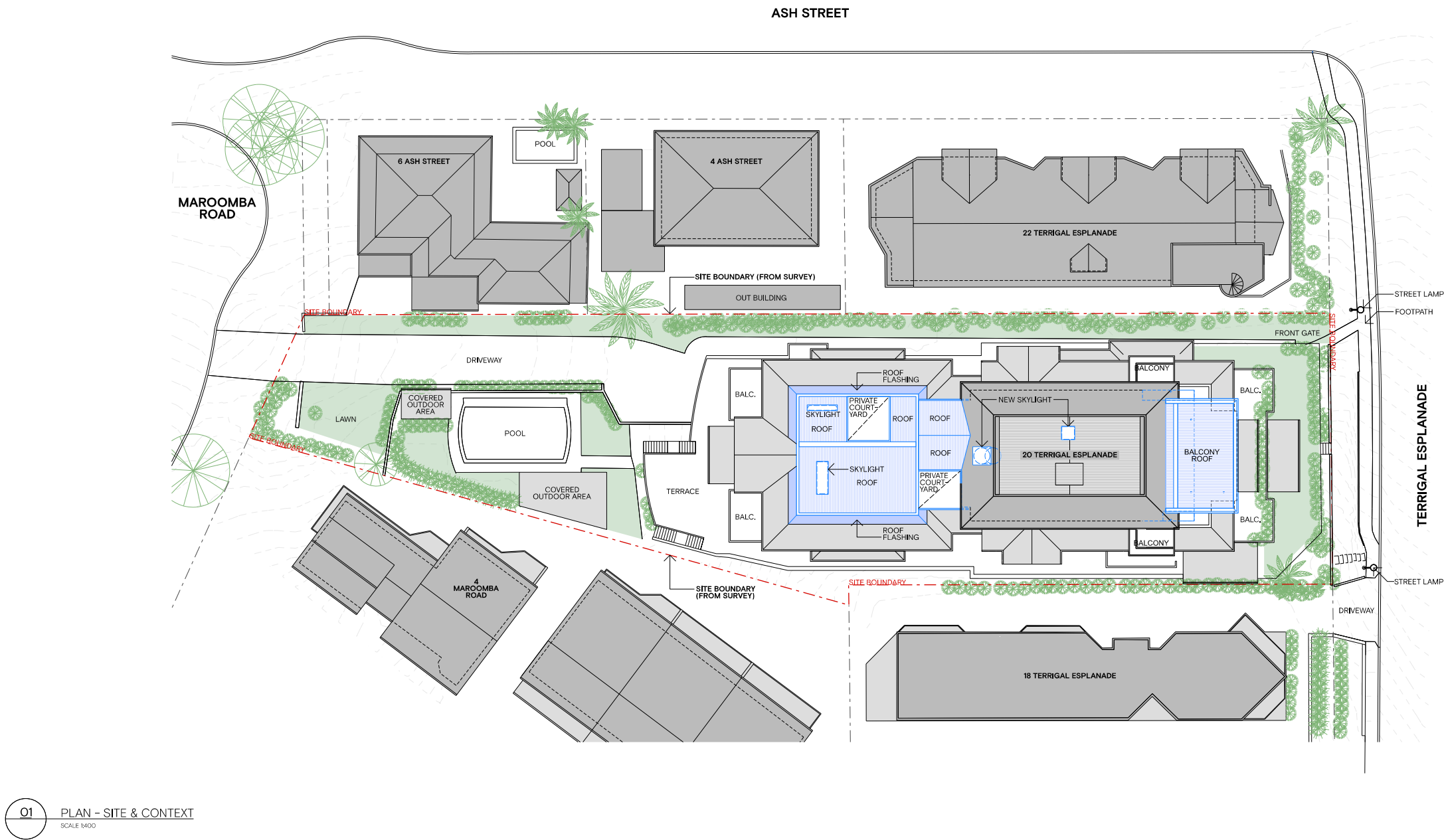
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|---|------|------|------|----------|---|---------------------|--|--|--|---|
| General Notes<br>/<br>All documentation & design is the copy right of the Architect. / Documents for Planning Approval only, not for construction. / All proposed works to comply with the NCC (BCA) and relevant Australian Standards. | Rev. | Drw. | Chk. | Date     | Status / Reason for Issue   | Scale / North Point | Key / Legend<br><div>Demo, Overlay</div> <div>Proposed</div> <div>Demolition</div> <div>Existing</div> | Project<br>LOGAN PENTHOUSE<br>'ALTERATIONS & ADDITIONS'<br>Address<br>9/20 TERRIGAL ESPLANADE<br>TERRIGAL NSW 2260<br>Client<br>DAVID GRANDE<br><br>Project No.<br>2207A | Drawing Title<br>COVER SHEET<br><br>Documentation Stage<br>DEVELOPMENT APPLICATION<br><br>Date<br>14.05.24<br><br>Revision<br>01 | Architect<br><b>KLAUS CARSON</b><br>Architecture & Interiors<br><br>/<br>studio@klauscarson.com<br>/<br>Klaus Carson Studio Pty Ltd © 2023<br>Architect NSW ARB No. 10450<br>RAIA No. 70298 |
|   | _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |                     |  |  |  |   |
|   | _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |                     |  |  | DWG#<br>DA_0.01  |   |



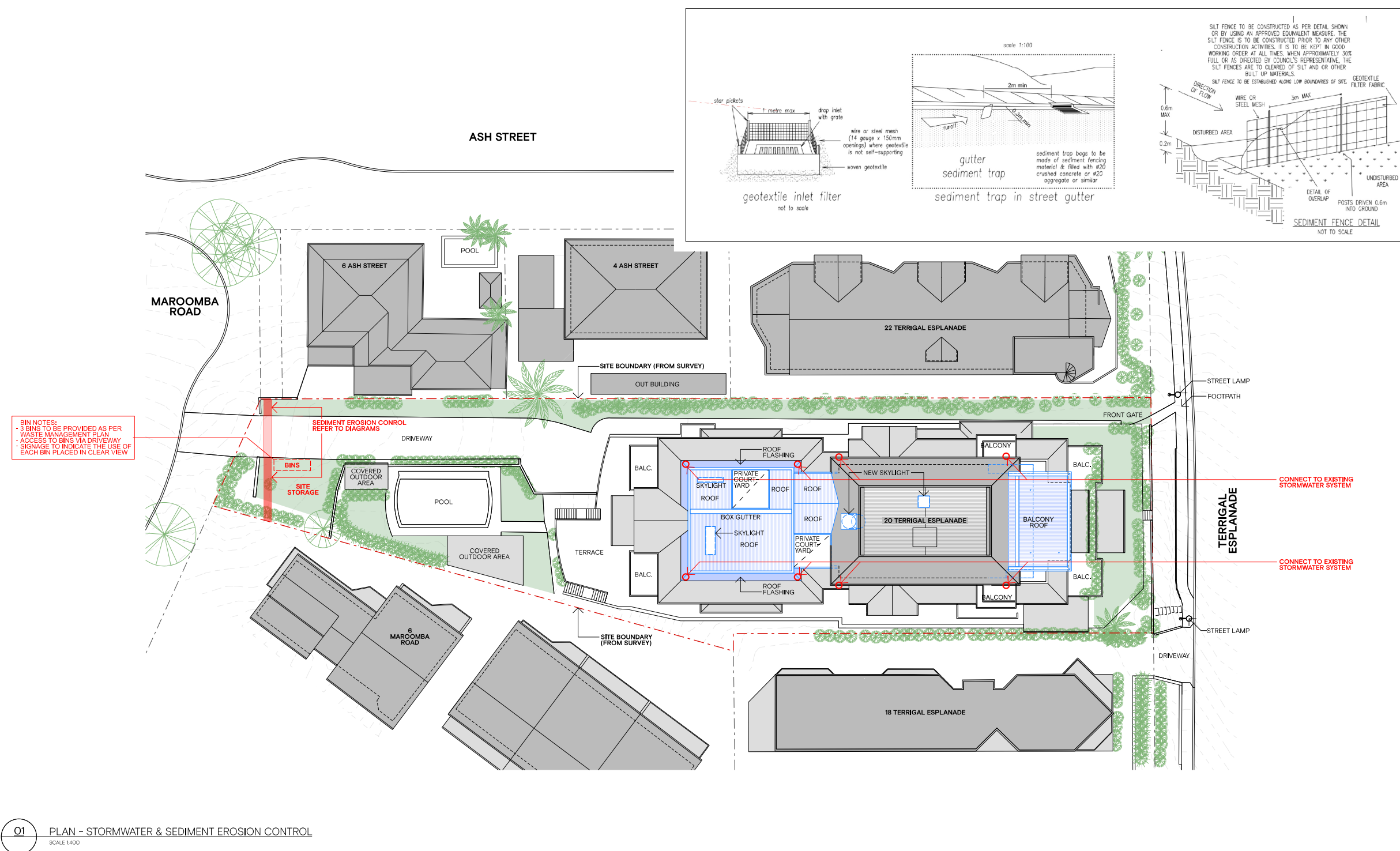


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| General Notes   |  | Rev. Drw. Chk. Date |  | Status / Reason for Issue   |  | Scale / North Point   |  | Key / Legend   |  | Project                  |  | Drawing Title           |  | Architect                          |  |
| / All documentation & design is the copy right of the Architect. / Documents for Planning Approval only, not for construction. / All proposed works to comply with the NCC (BCA) and relevant Australian Standards. |  | _00 JB KC 14.07.23  |  | APPROVAL / For Development Application                            |  | NTS   |  | <div>Demo, Overlay</div> <div>Proposed</div> <div>Demolition</div> <div>Existing</div> |  | LOGAN PENTHOUSE          |  | IMAGE_SITE AERIAL       |  | KLAUS CARSON                       |  |
|   |  | _01 JB KC 14.05.24  |  | APPROVAL / For Development Application, Council Amendment Request |  | 'ALTERATIONS & ADDITIONS'   |  |  |  | Architecture & Interiors |  |                         |  |                                    |  |
|   |  |                     |  |   |  |  |  |  |  | Address                  |  | Documentation Stage     |  | / studio@klauscarson.com           |  |
|   |  |                     |  |   |  |   |  | Client   |  | 9/20 TERRIGAL ESPLANADE  |  | DEVELOPMENT APPLICATION |  |                                    |  |
|   |  |                     |  |   |  |   |  |  |  | DAVID GRANDE             |  | Date                    |  | Klaus Carson Studio Pty Ltd © 2023 |  |
|   |  |                     |  |   |  |   |  |  |  | Project No.              |  | 14.05.24                |  |                                    |  |
|   |  |                     |  |   |  |   |  |  |  | 2207A                    |  | Revision                |  | Architect NSW ARB No. 10450        |  |
|   |  |                     |  |   |  |   |  |  |  |                          |  | 01                      |  | RAIA No. 70298                     |  |
|   |  |                     |  |   |  |   |  |  |  |                          |  | DA_0.02                 |  |                                    |  |

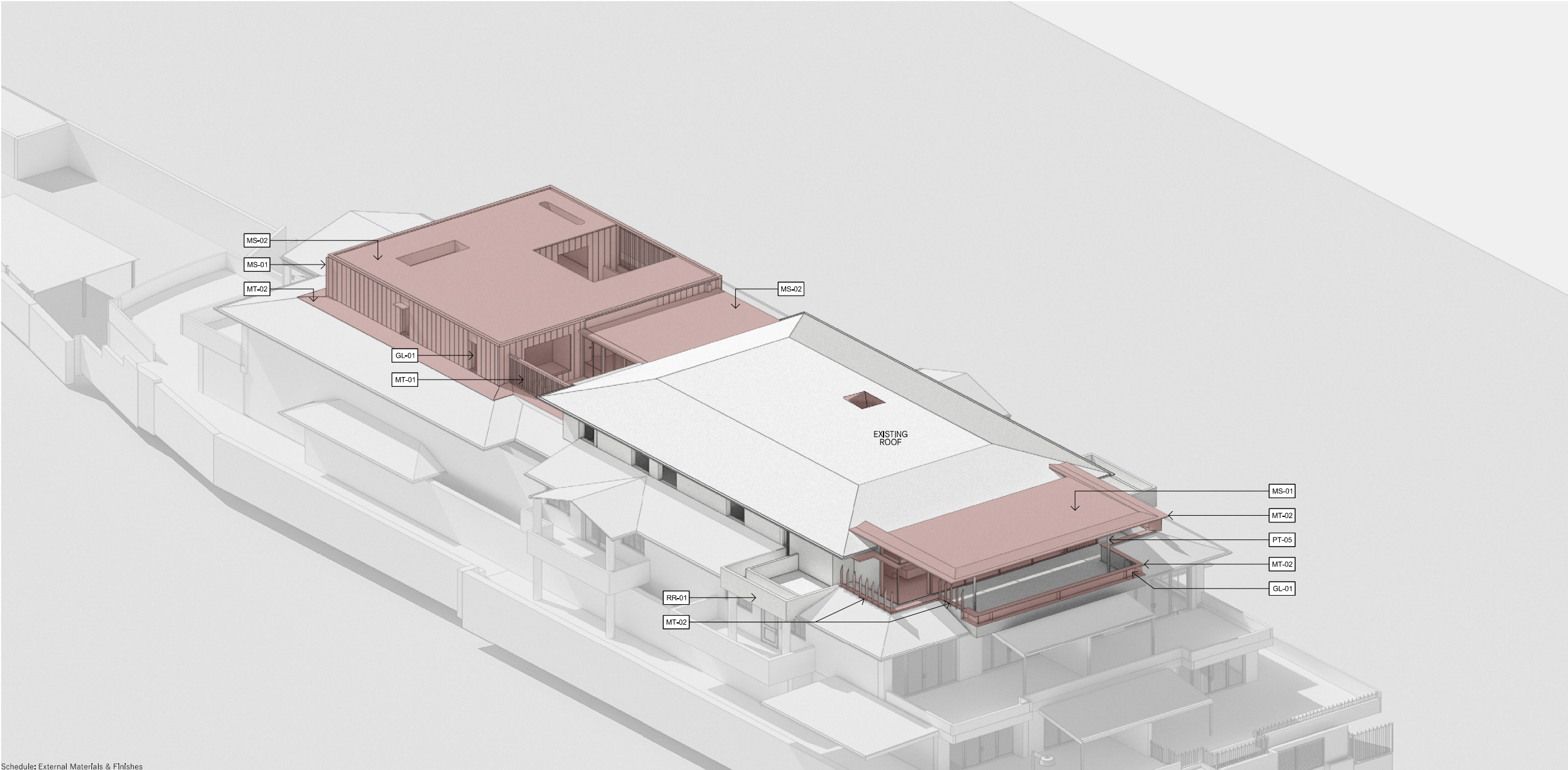




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|--|------|------|------|----------|---|---------------------------------|--|--|--|---|
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|  | _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |                                 |  |  |  |   |
|  | _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |                                 |  |  | DWG#<br>DA_0.03  |   |



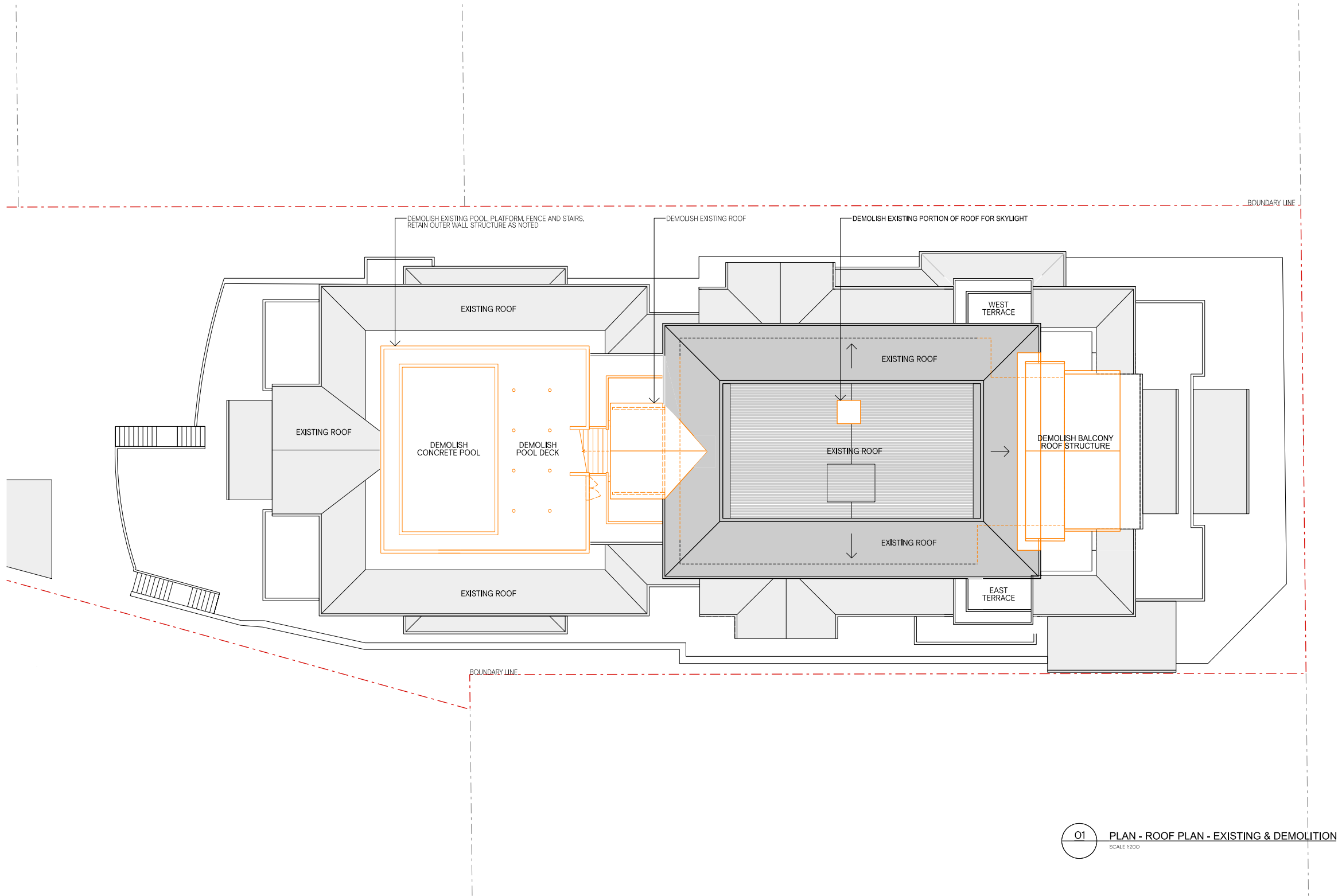




Schedule: External Materials & Finishes

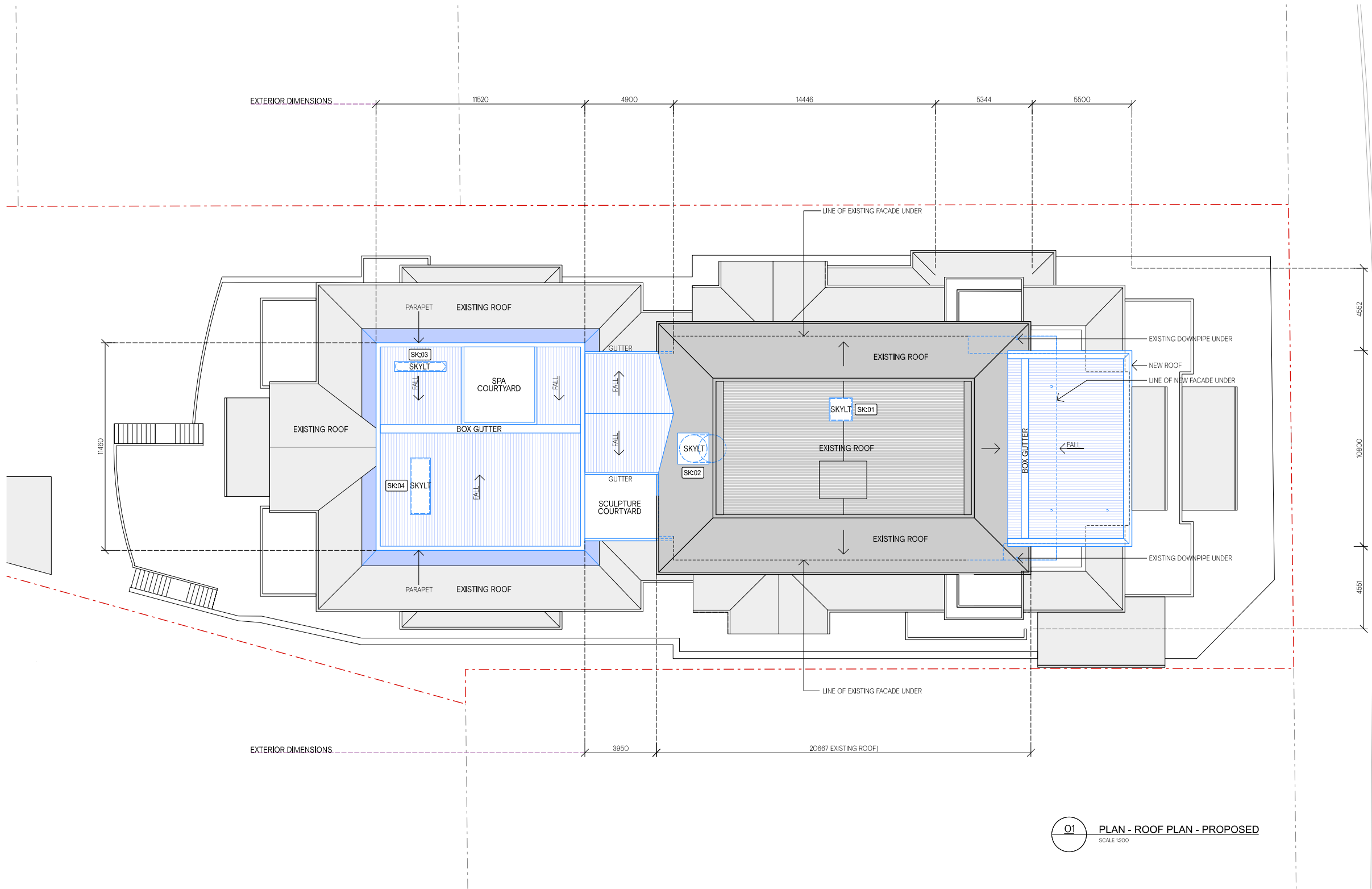
|   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| CLADDING: Material: FC Cladding<br>(FC)<br>Spec: James Hardie Stria Cladding<br>Paint to Match Existing Walls | CLADDING: Material: Aluminium & Steel<br>(METAL)<br>Paint to Match Existing Metalwork | WALL<br>RENDER:<br>Material: Render to Match Existing<br>Spec: Paint to Match Existing | PAVING:<br>(COURTYARD)<br>Material: Lime Stone Paver<br>Spec: Tumbled | WIN. & DOOR:<br>(METAL)<br>Material: Aluminium Framed<br>to Match Existing Window Finish | GLAZING:<br>(ALL)<br>Material: Comfort Plus<br>Spec: Clear | CLADDING: Material: Metal Sheet Cladding<br>(ROOF)<br>Spec: Match Existing (Kilo Lok) |
| CL-01   | CL-02   | WR-01  | PV-01   | MT-01  | GL-01  | MS-01   |
|   |   |  |   |  |  |   |

|  |                    |                  |                  |                              |  |                     |              |  |  |                 |   |
|--|--------------------|------------------|------------------|------------------------------|--|---------------------|--------------|--|--|-----------------|---|
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|--|--------------------|------------------|------------------|------------------------------|--|---------------------|--------------|--|--|-----------------|---|



01 PLAN - ROOF PLAN - EXISTING & DEMOLITION  
SCALE 1:200

|  |      |      |      |          |  |                                 |  |  |  |   |
|--|------|------|------|----------|--|---------------------------------|--|--|--|---|
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|  | _00  | JB   | KC   | 14.07.23 |  |                                 |  |  |  |   |
|  | _01  | JB   | KC   | 14.05.24 |  |                                 |  |  |  | DWG#<br>DA_1.04   |



General Notes

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| Rev. | Drw. | Chk. | Date     |
|------|------|------|----------|
| _00  | JB   | KC   | 14.07.23 |
| _01  | JB   | KC   | 14.05.24 |

Status / Reason for Issue  
APPROVAL / For Development Application  
APPROVAL / For Development Application, Council Amendment Request

Scale / North Point  
1:200@A3



0 2 4M 6

Key / Legend

|               |
|---------------|
| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
DAVID GRANDE

Project No.  
2207A

Drawing Title  
PLAN, ROOF PLAN\_  
PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION

Date  
14.05.24

Revision  
01

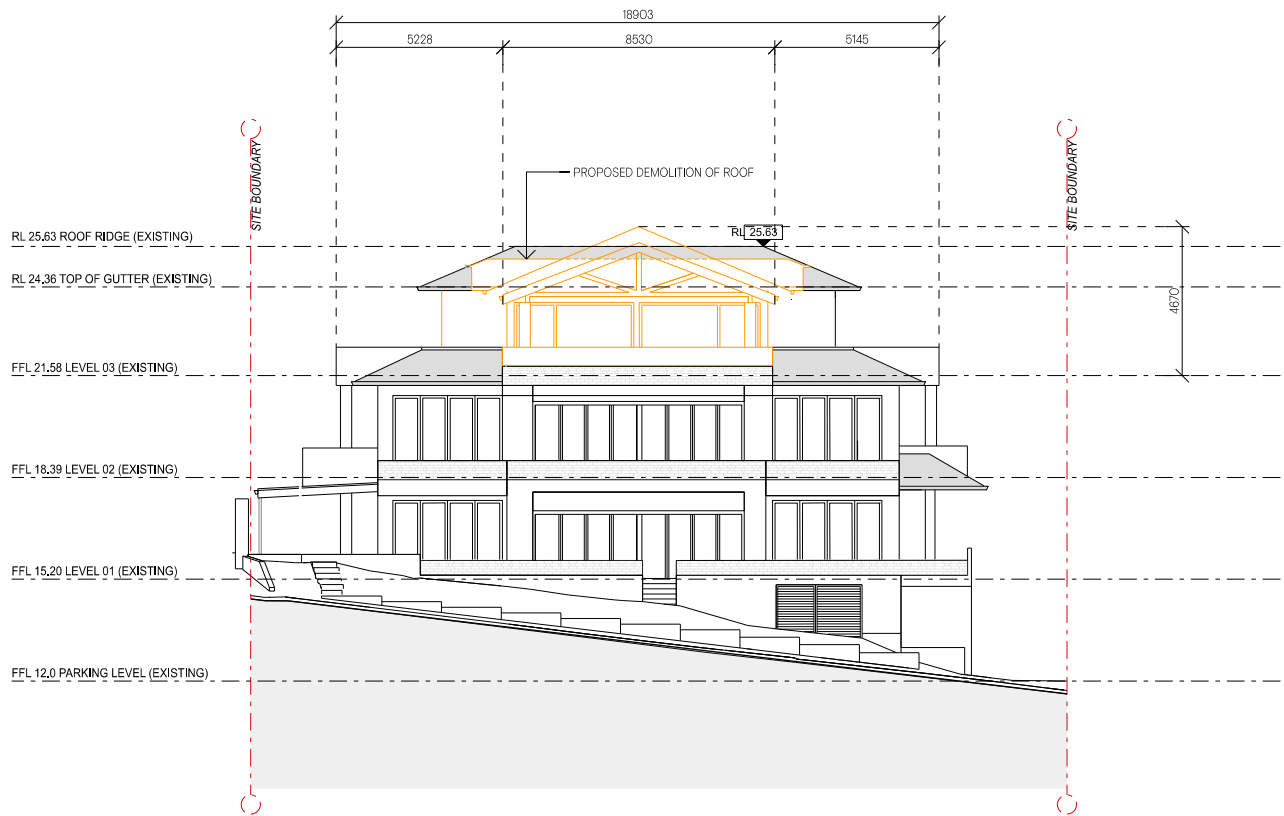
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Architect

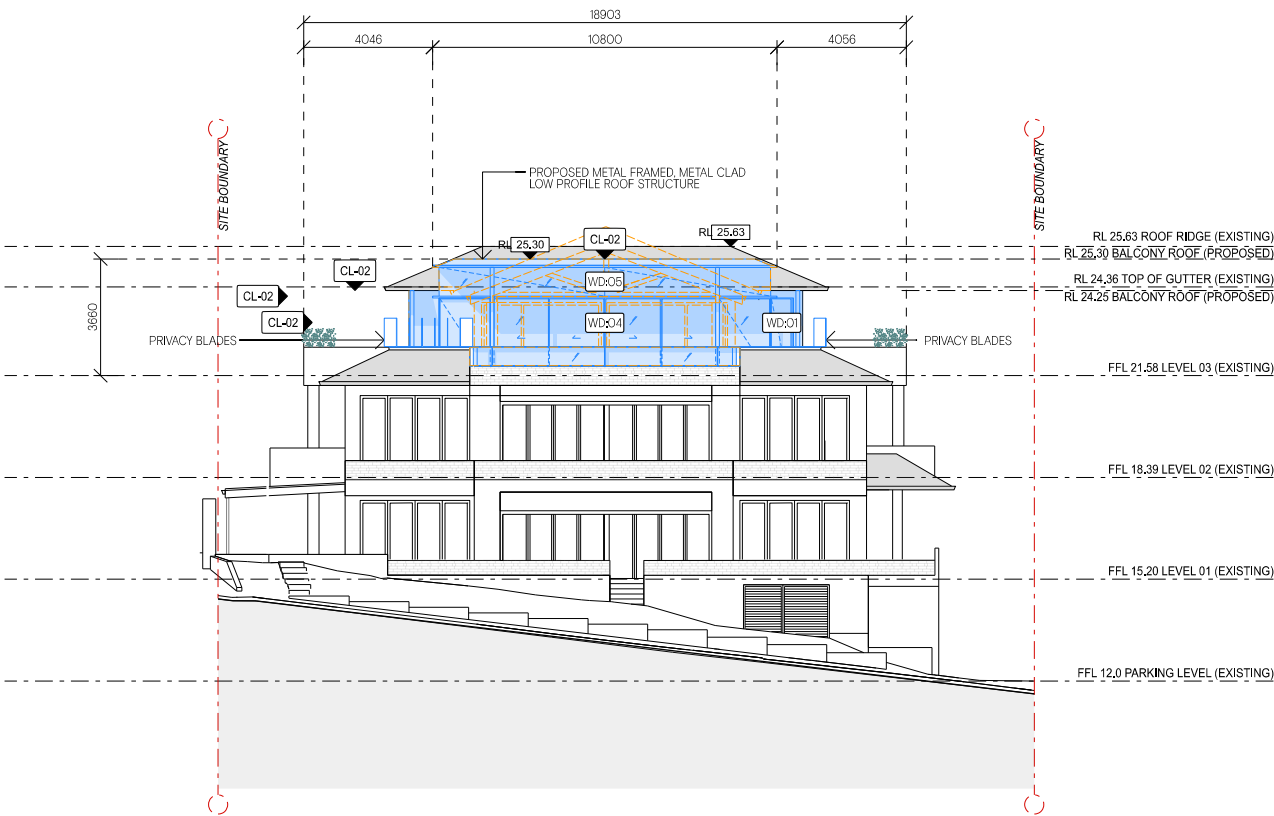
**KLAUS CARSON**  
Architecture & Interiors

/  
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Architect NSW ARB No. 10450  
RAIA No. 70298



01 ELEVATION - NORTH ELEVATION - EXISTING & DEMOLITION  
SCALE 1:200



02 ELEVATION - NORTH ELEVATION - PROPOSED  
SCALE 1:200

General Notes

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| Rev. | Drw. | Chk. | Date     | Status / Reason for Issue   |
|------|------|------|----------|---|
| _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |
| _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
1:200@A3

0 2 4 M 6

Key / Legend

|               |
|---------------|
| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
DAVID GRANDE

Project No.  
2207A

Drawing Title  
ELEVATION\_NORTH\_  
EXISTING & PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION

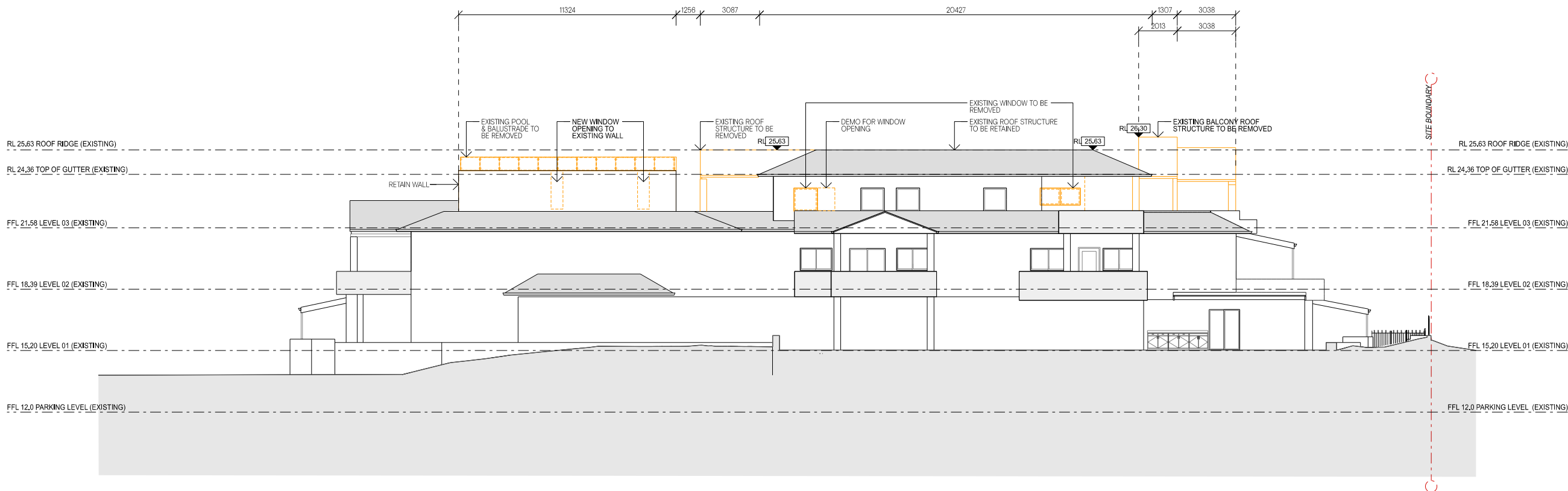
Date  
14.05.24

Revision  
01

DWG#  
DA\_2.01

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01 ELEVATION - EAST ELEVATION - EXISTING & DEMOLITION  
SCALE 1:200

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|------|------|------|----------|---|
| _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |
| _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
1:200@A3

0 2 4M 6

Key / Legend

|               |
|---------------|
| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'

Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260

Client  
DAVID GRANDE

Project No.  
2207A

Drawing Title  
ELEVATION\_EAST\_  
EXISTING & DEMOLITION  
Documentation Stage  
DEVELOPMENT APPLICATION

Date  
14.05.24

Revision  
01

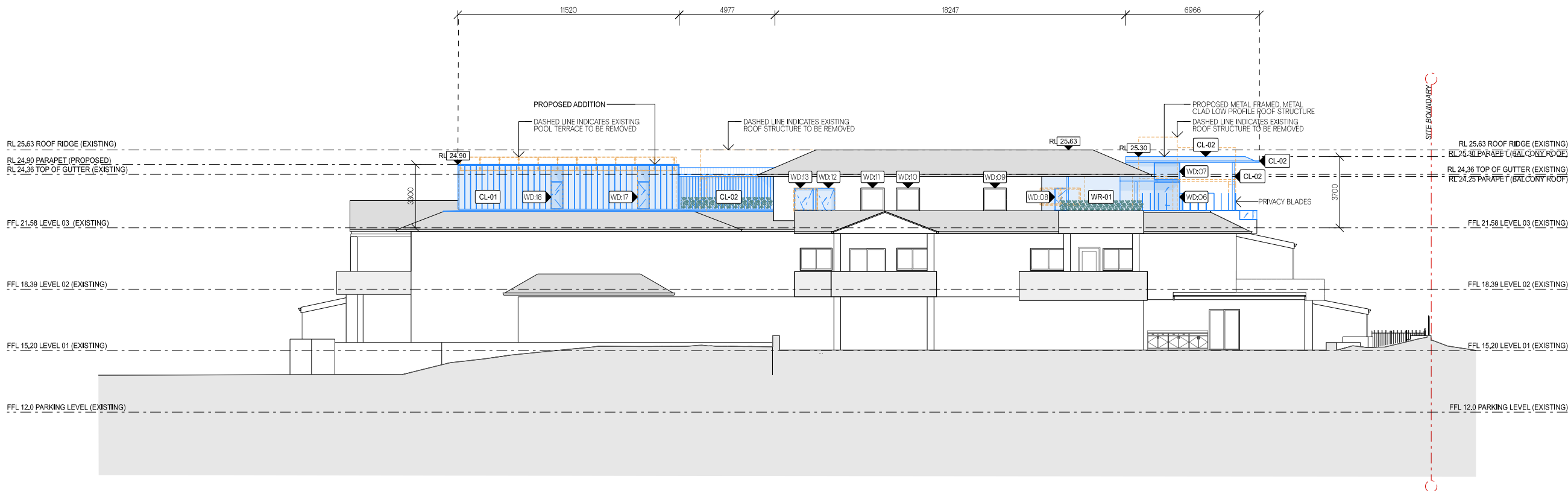
DWG#  
DA\_2.02

Architect

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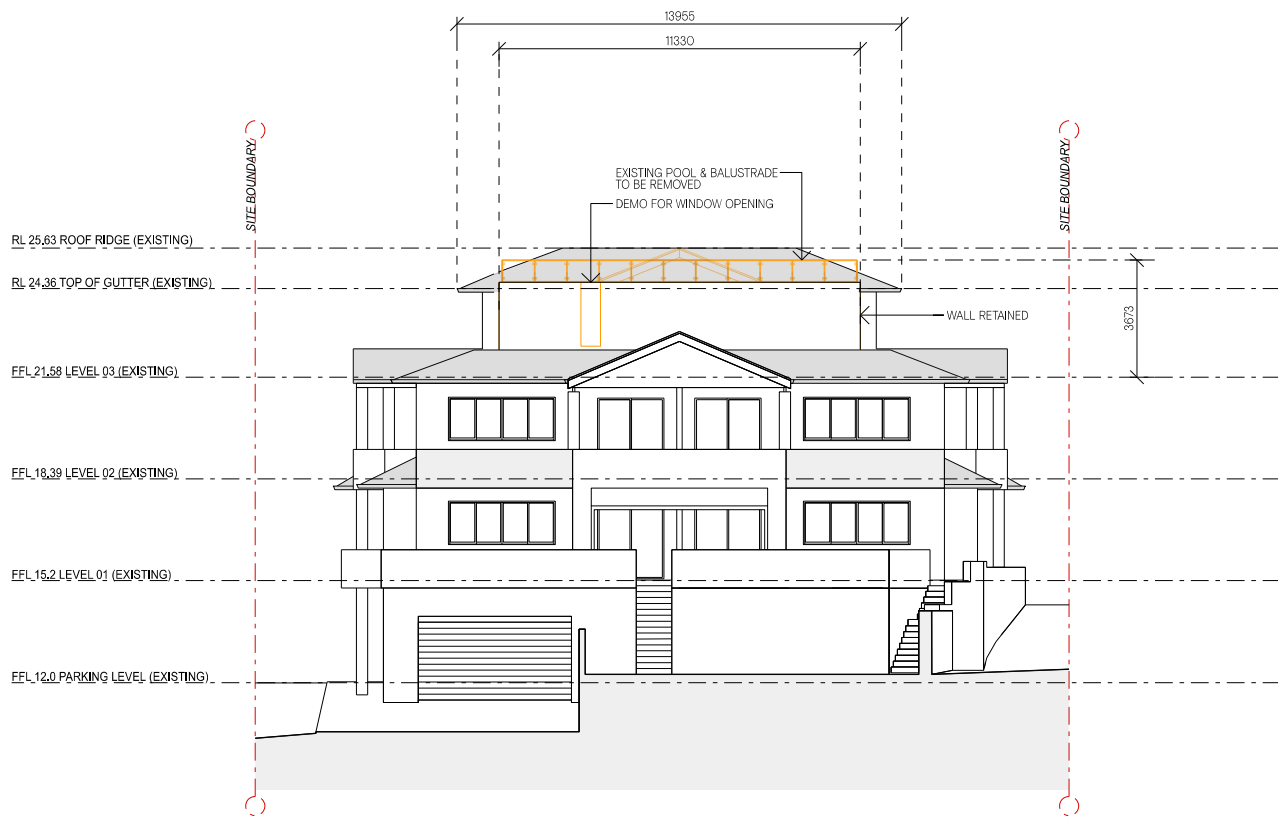
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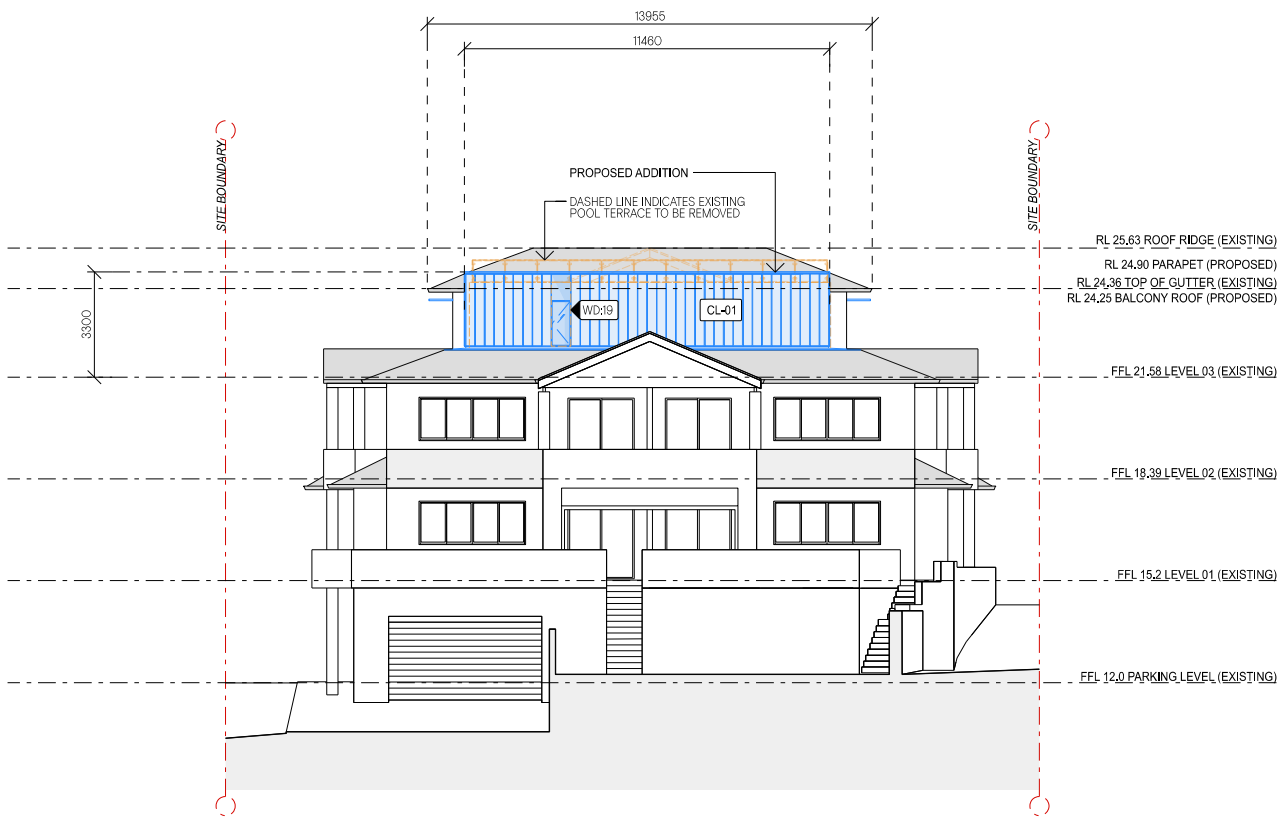


01 ELEVATION - EAST ELEVATION - PROPOSED  
SCALE 1:200

|  |      |      |      |          |   |                                   |   |  |  |   |
|--|------|------|------|----------|---|-----------------------------------|---|--|--|---|
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|  | _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |                                   |   |  |  |   |
|  | _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |                                   |   |  |  |   |



01 ELEVATION - SOUTH - EXISTING / DEMOLITION  
SCALE 1:200



02 ELEVATION - SOUTH - PROPOSED  
SCALE 1:200

General Notes

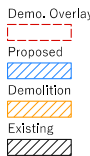
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| Rev. | Drw. | Chk. | Date     | Status / Reason for Issue   |
|------|------|------|----------|---|
| _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |
| _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
1:200@A3

0 2 4M 6

Key / Legend



Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
DAVID GRANDE

Project No.  
2207A

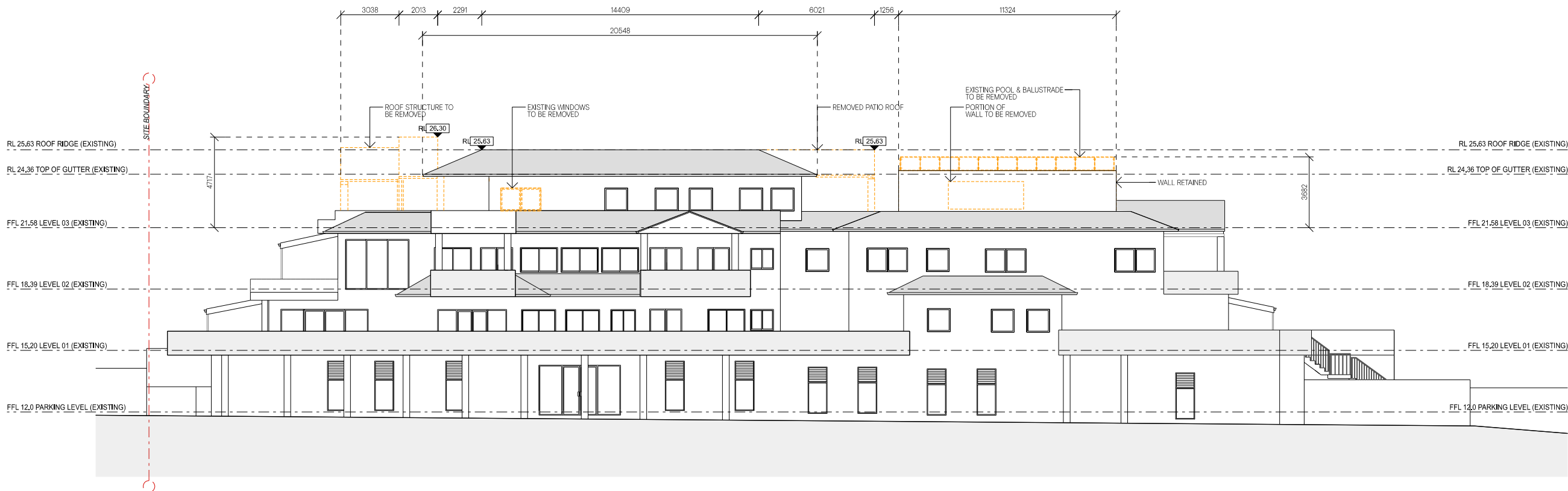
Drawing Title  
ELEVATION\_SOUTH\_  
EXISTING / DEMOLITION & PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION

Date  
14.05.24

Revision  
01

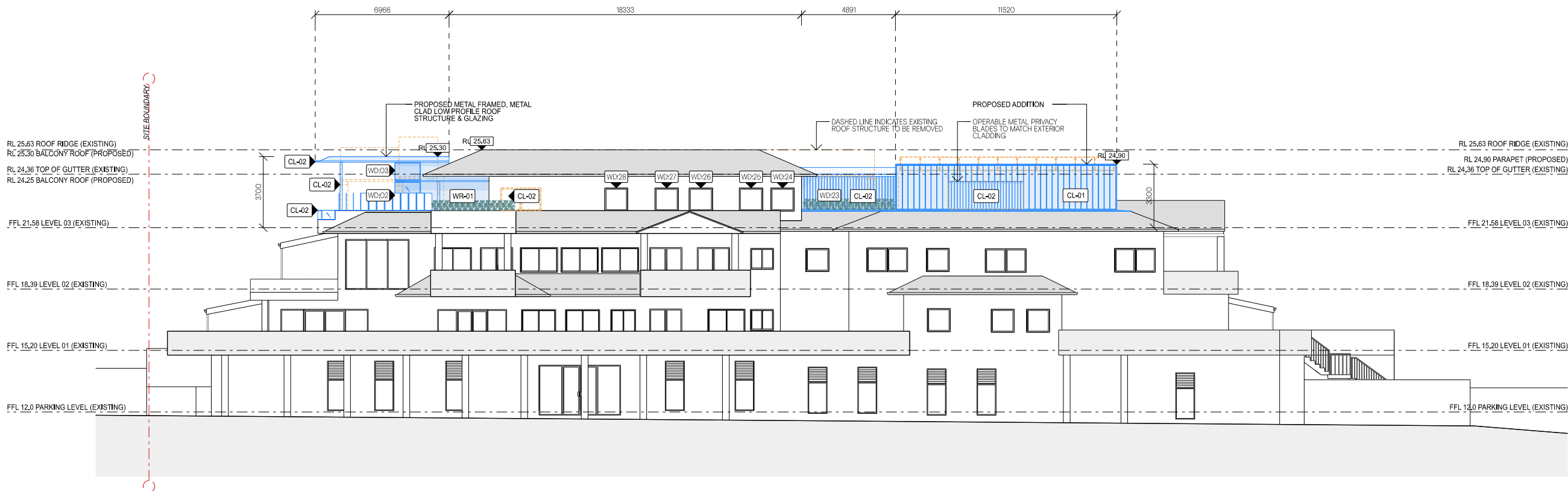
DWG#  
DA\_2.04

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RAIA No. 70298



01 ELEVATION - WEST ELEVATION - EXISTING & DEMOLITION  
SCALE 1:200

|  |      |      |      |          |   |                                 |  |  |   |   |
|--|------|------|------|----------|---|---------------------------------|--|--|---|---|
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|  | _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |                                 |  |  |   |   |
|  | _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |                                 |  |  |   |   |



01 ELEVATION - WEST - PROPOSED  
SCALE 1:200

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|------|------|------|----------|---|
| _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |
| _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
1:200 @ A3

0 2 4 M 6

Key / Legend

|               |
|---------------|
| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
DAVID GRANDE

Project No.  
2207A

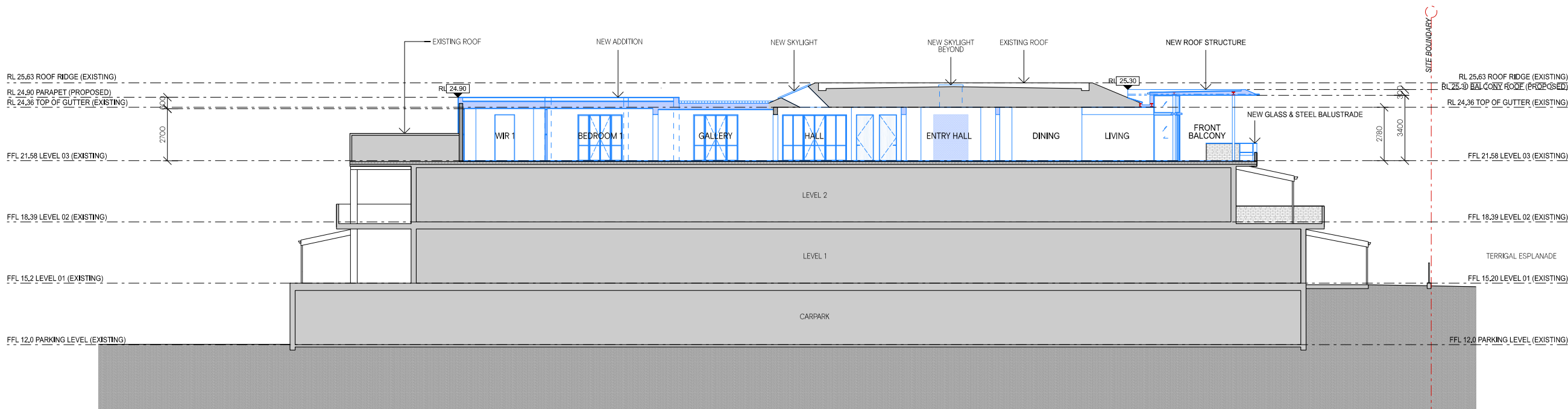
Drawing Title  
ELEVATION\_WEST\_  
PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION

Date  
14.05.24

Revision  
01

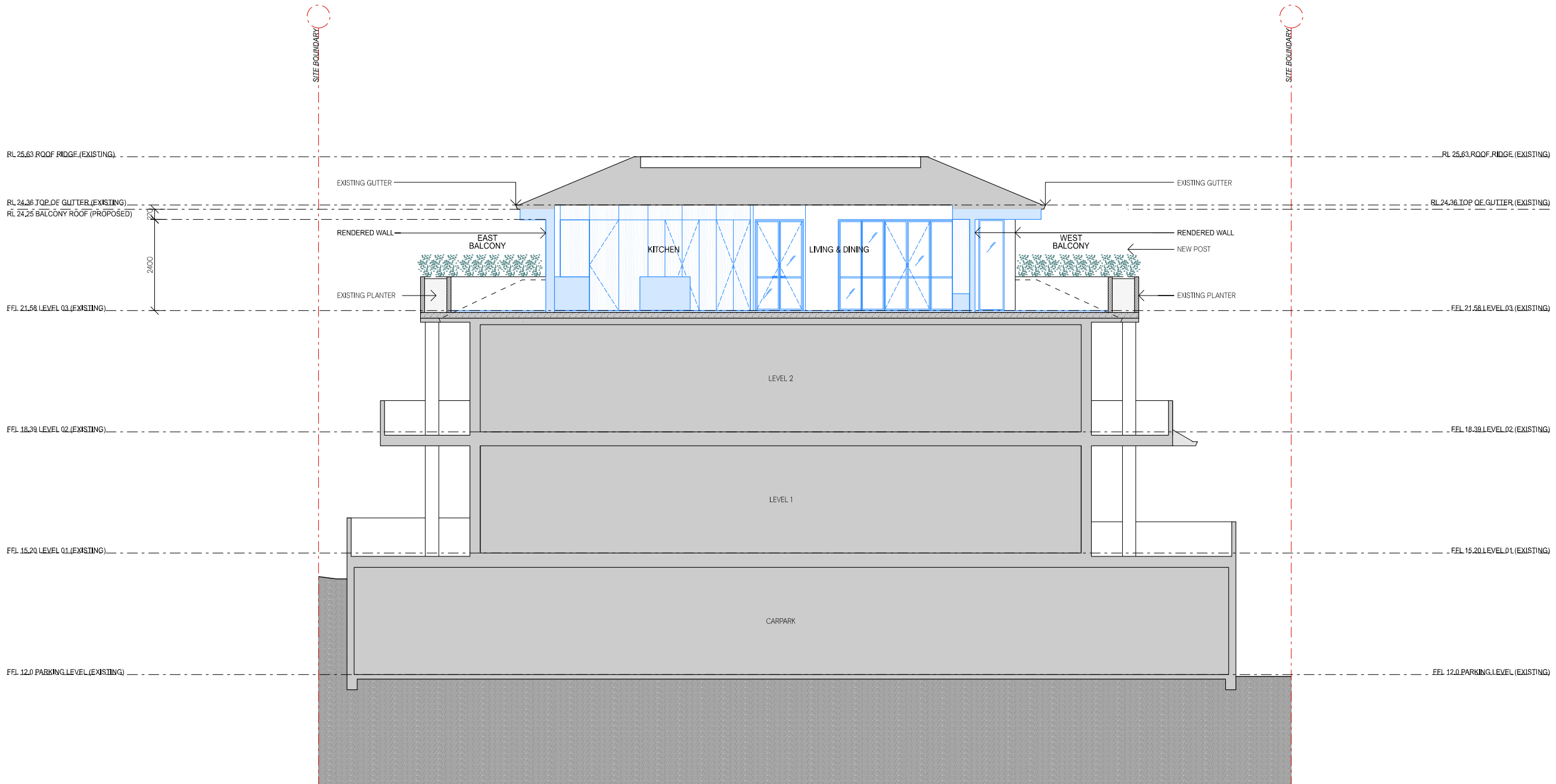
DWG#  
DA\_2.06

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RAIA No. 70298



01 SECTION - AA - PROPOSED  
SCALE 1:200

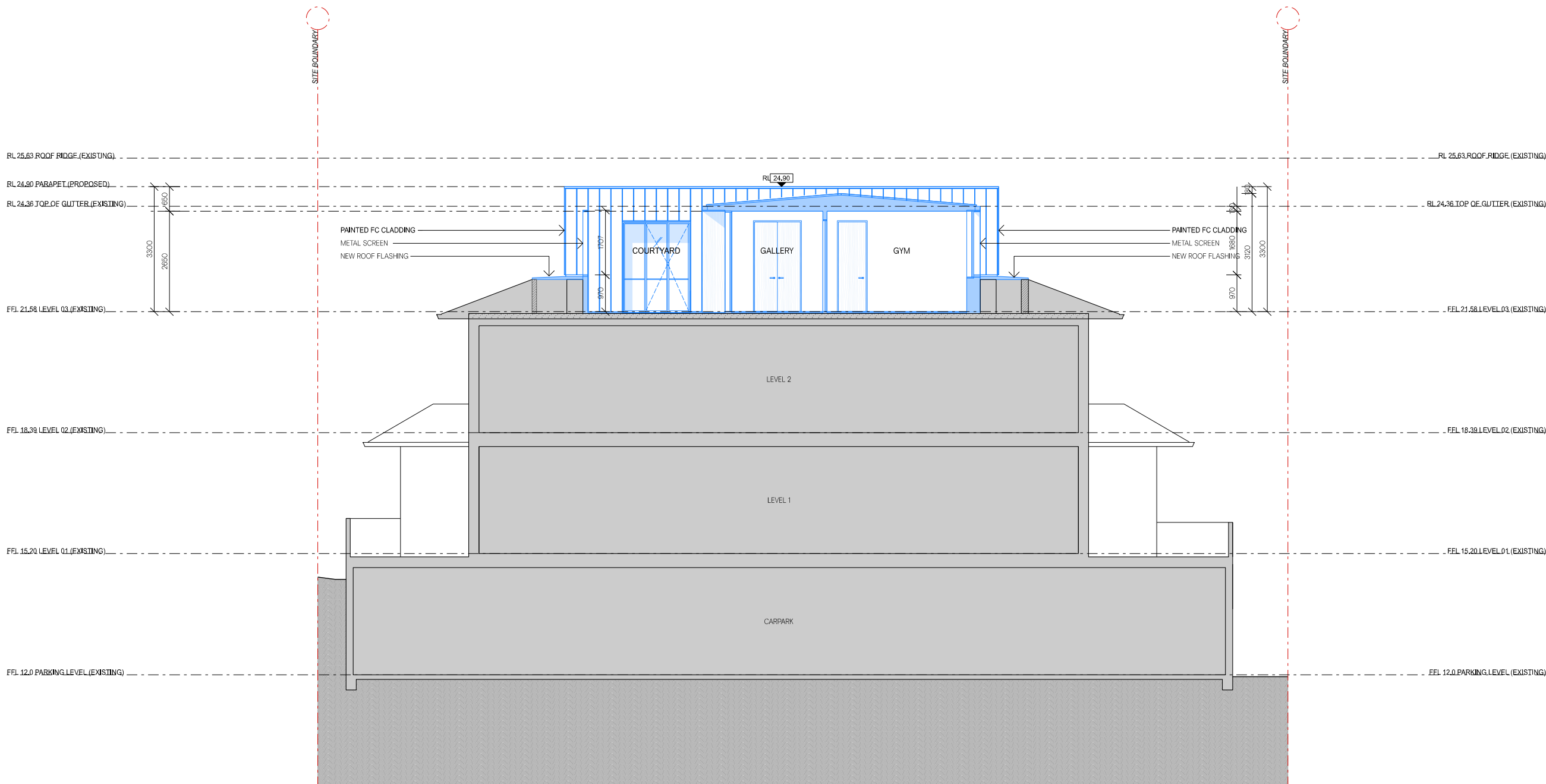
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|--|------|------|------|----------|---|---------------------------------|---|--|--|---|
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|  | _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |                                 |   |  |  |   |
|  | _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |                                 |   |  | DWG#<br>DA_3.01  |   |



01 SECTION - BB - PROPOSED  
SCALE 1:100

|  |            |          |          |                      |   |                                 |   |  |  |   |
|--|------------|----------|----------|----------------------|---|---------------------------------|---|--|--|---|
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|  | _00<br>_01 | JB<br>JB | KC<br>KC | 14.07.23<br>14.05.24 | APPROVAL / For Development Application<br>APPROVAL / For Development Application, Council Amendment Request |                                 |   |  |  |   |

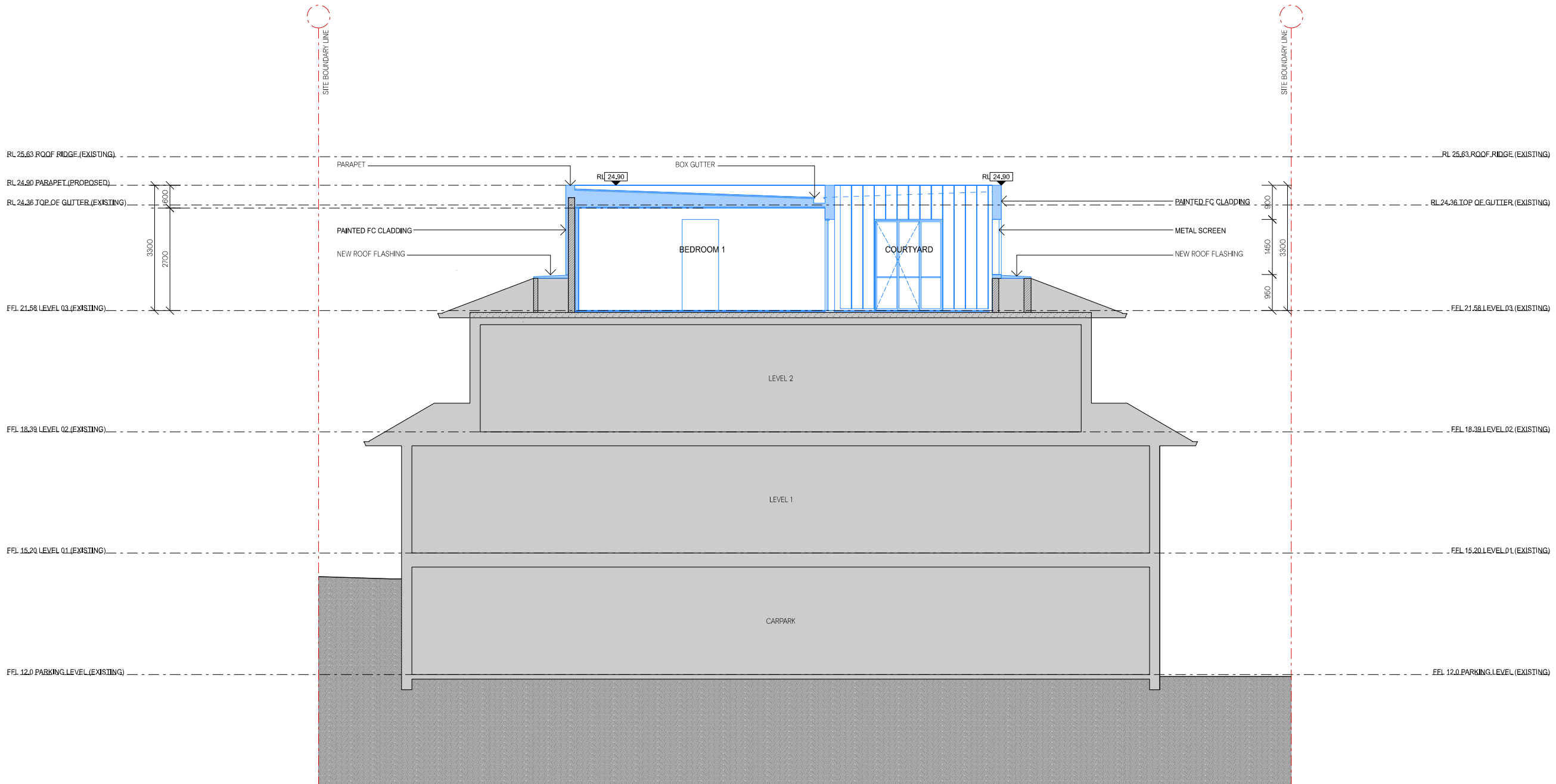




01 SECTION - CC - PROPOSED  
SCALE 1/50

|  |      |      |      |          |   |                                   |  |  |  |   |
|--|------|------|------|----------|---|-----------------------------------|--|--|--|---|
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|  | _00  | JB   | KC   | 14.07.23 | APPROVAL / For Development Application                            |                                   |  |  |  |   |
|  | _01  | JB   | KC   | 14.05.24 | APPROVAL / For Development Application, Council Amendment Request |                                   |  |  |  |   |





01 SECTION - DD - PROPOSED  
SCALE 1:100

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|------|------|------|----------|
| _00  | JB   | KC   | 14.07.23 |
| _01  | JB   | KC   | 14.05.24 |

Status / Reason for Issue  
APPROVAL / For Development Application  
APPROVAL / For Development Application, Council Amendment Request

Scale / North Point  
1:100@A3

0 1 2 3

Key / Legend



Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'

Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260

Client  
DAVID GRANDE

Project No.  
2207A

Drawing Title  
SECTION\_DD\_  
PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION

Date  
14.05.24

Revision  
01

DWG#  
DA\_3.04

Architect  
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Architecture & Interiors

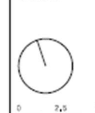
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|------|-------|------|----------|---------------------------|
| 01   | JH    | KC   | 14.07.23 | DEVELOPMENT APPLICATION   |

Scale / North Point  
N.T.S. @ A3



Key / Legend



Project  
LOGAN PENTHOUSE  
ALTERATIONS & ADDITIONS  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
VICTORIA & CHRIS LOGAN  
Project No.  
2207A

Drawing Title  
SHADOW DIAGRAM - 9AM 21 JUNE 2023 -  
EXISTING & PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION

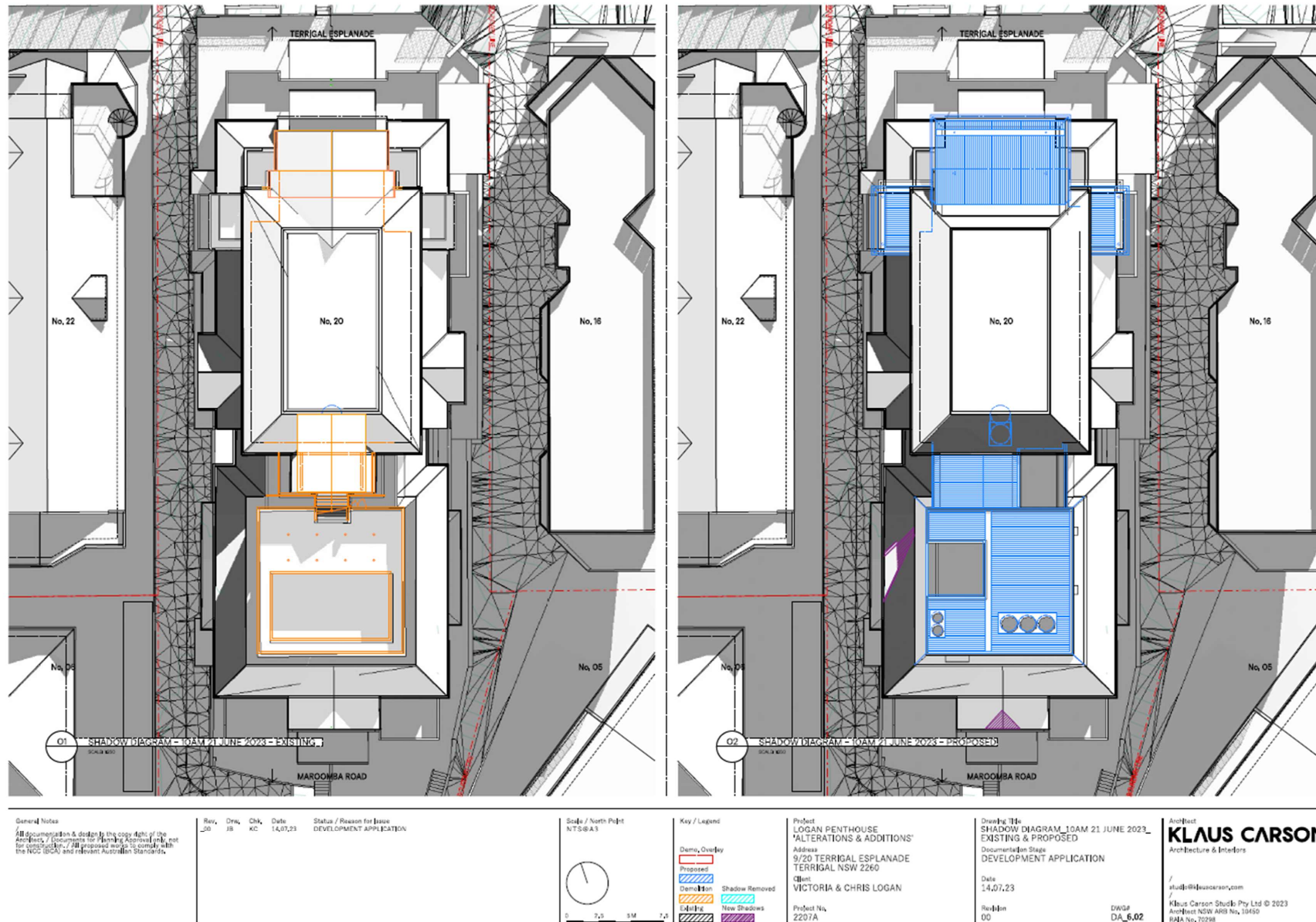
Date  
14.07.23

Revision  
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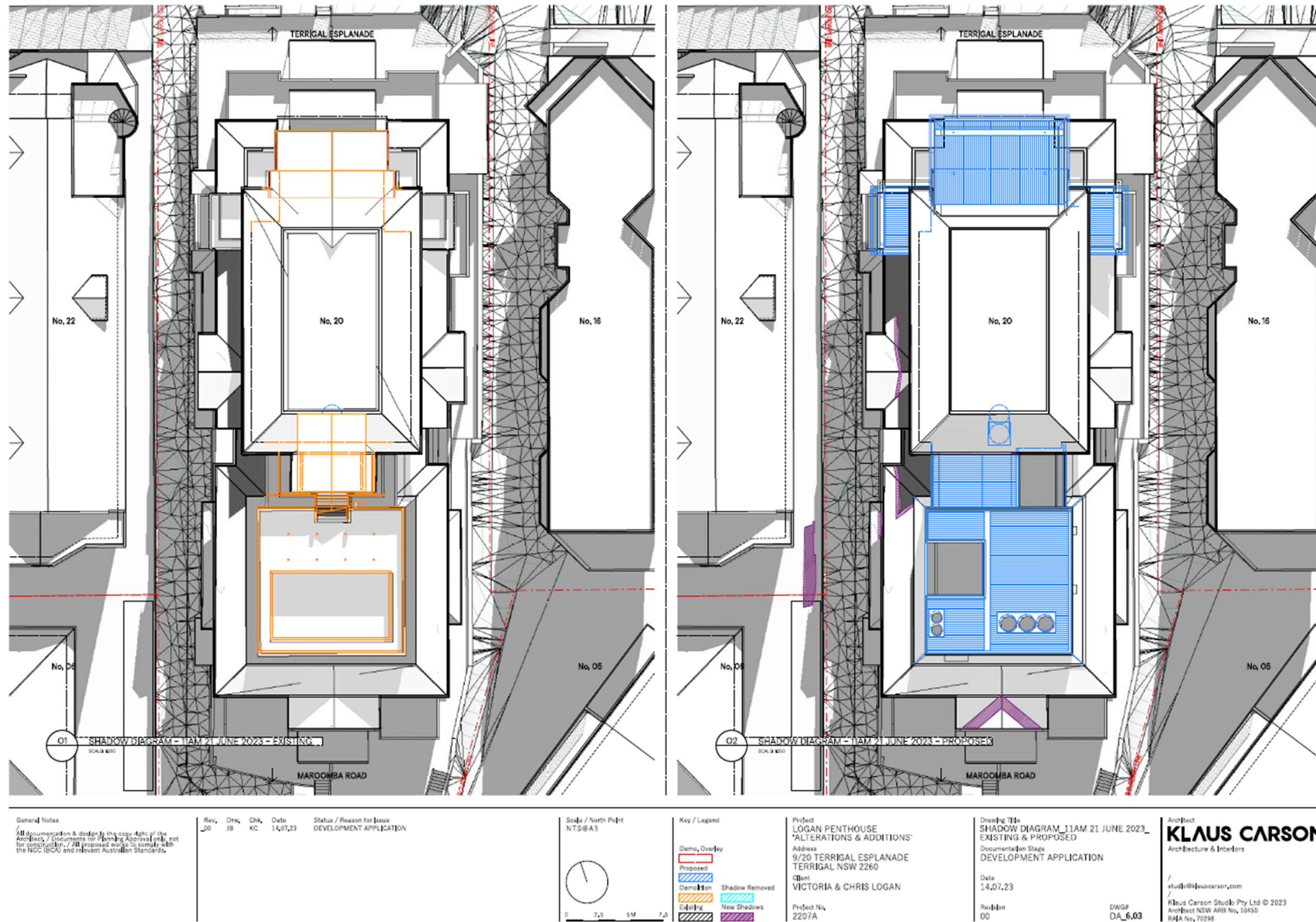
DWG#  
DA\_6.01

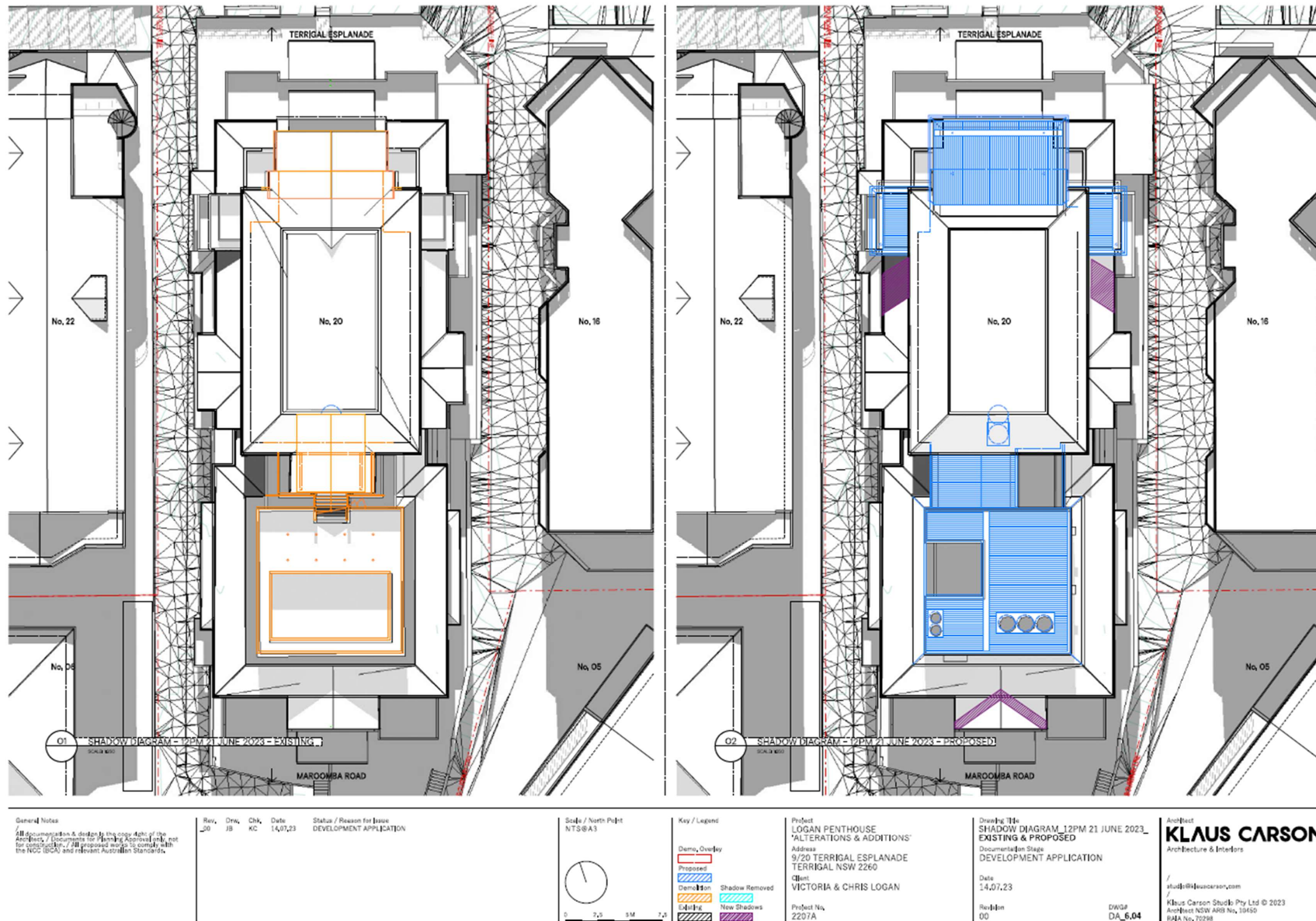
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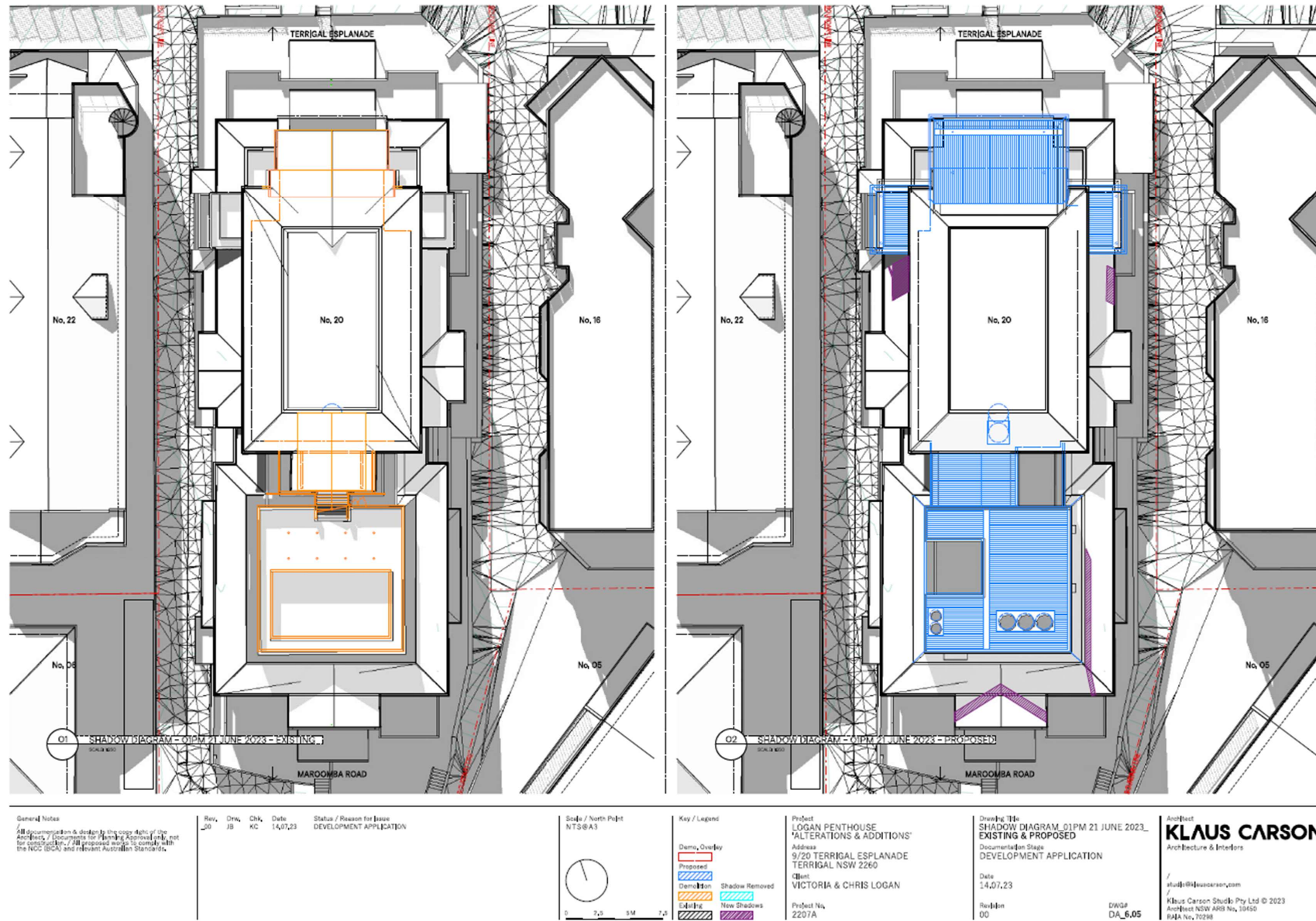


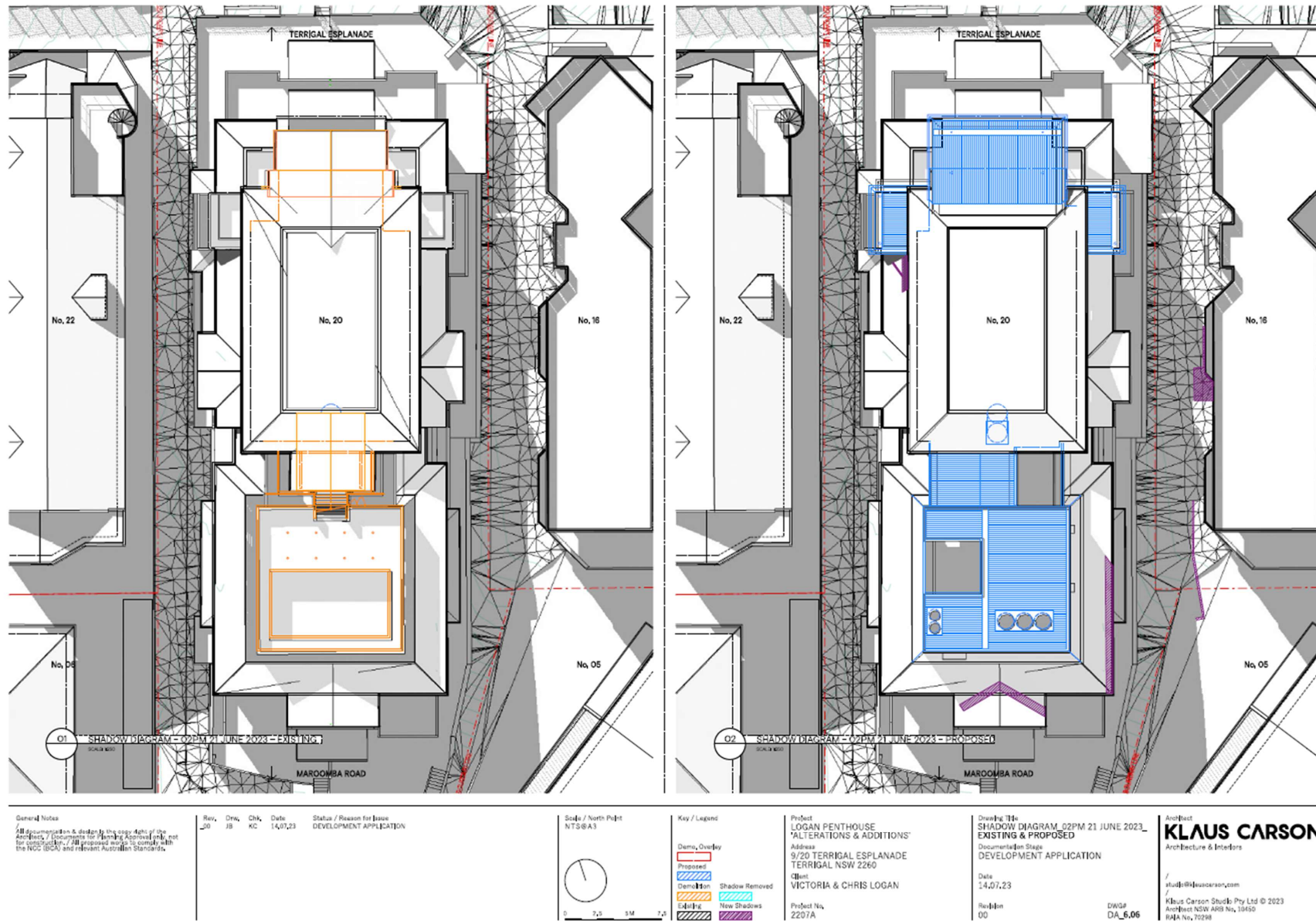




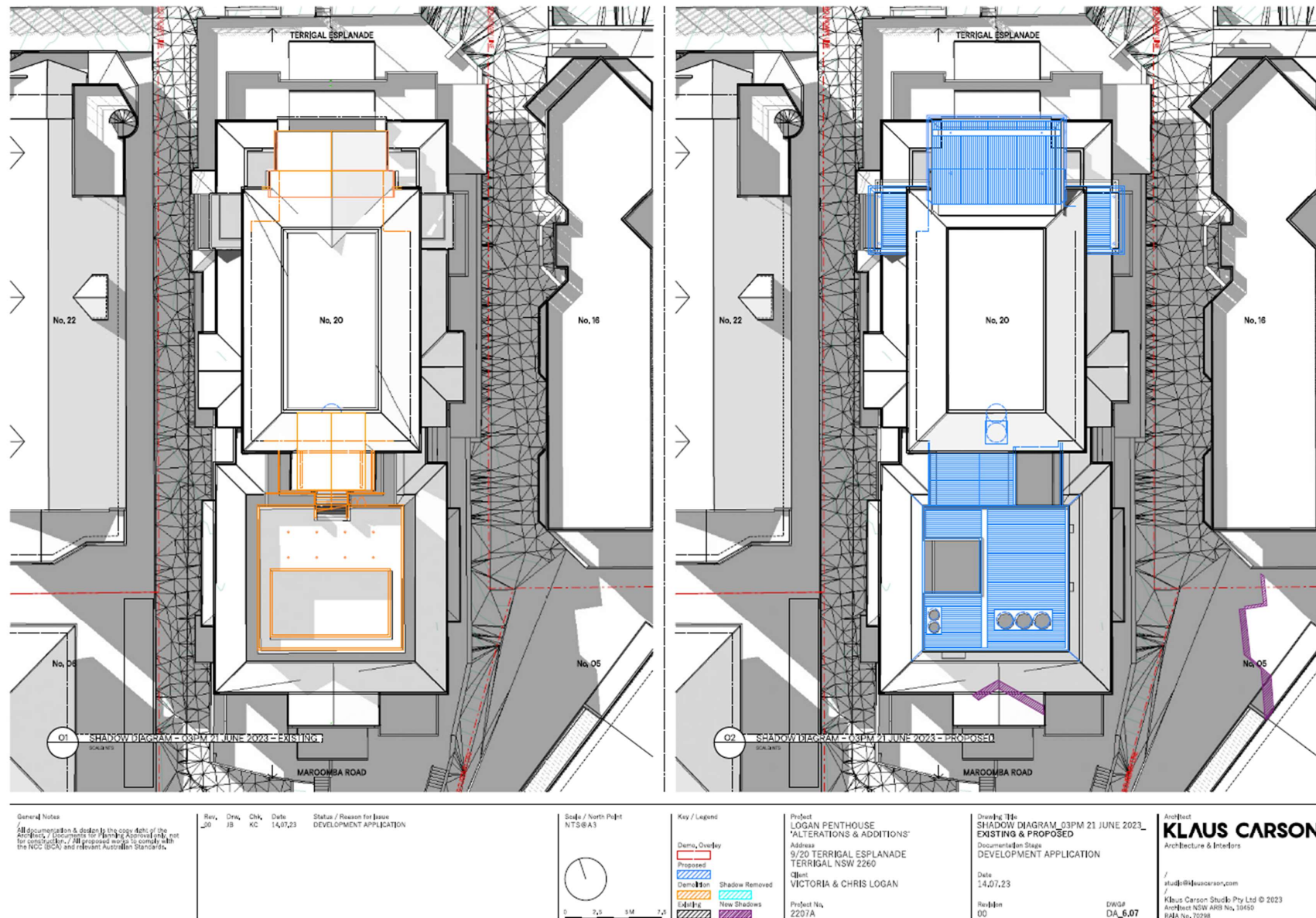




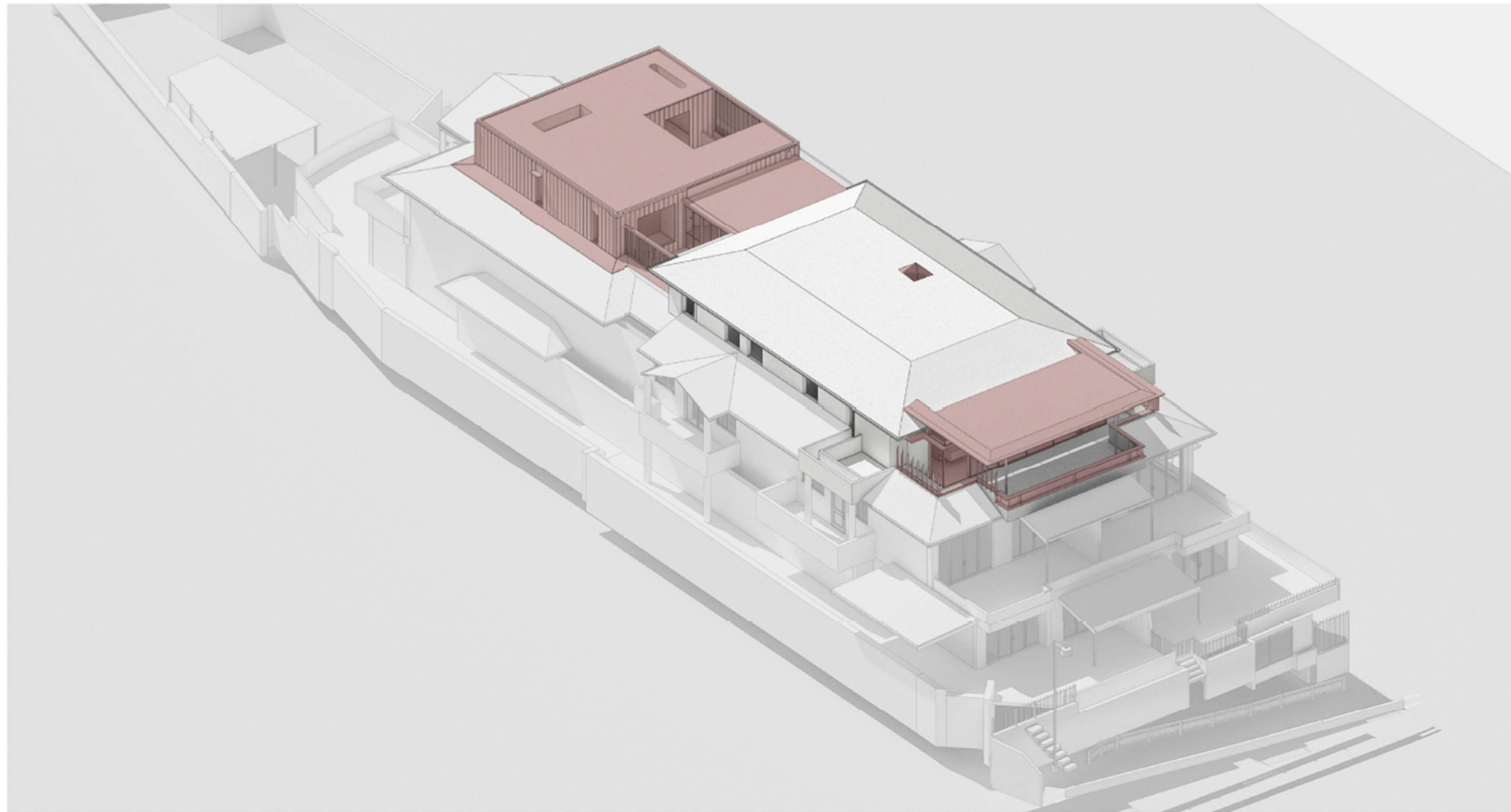












01 3D VISUALISATION - ISOMETRIC VIEW 01 - PROPOSED  
Scale: NTS

General Notes

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|------|-------|------|----------|---|
| 01   | 01    | 01   | 14/05/24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
NTS

Key / Legend

|               |
|---------------|
| Demo, Overlay |
| Proposed      |
| Condition     |
| Existing      |

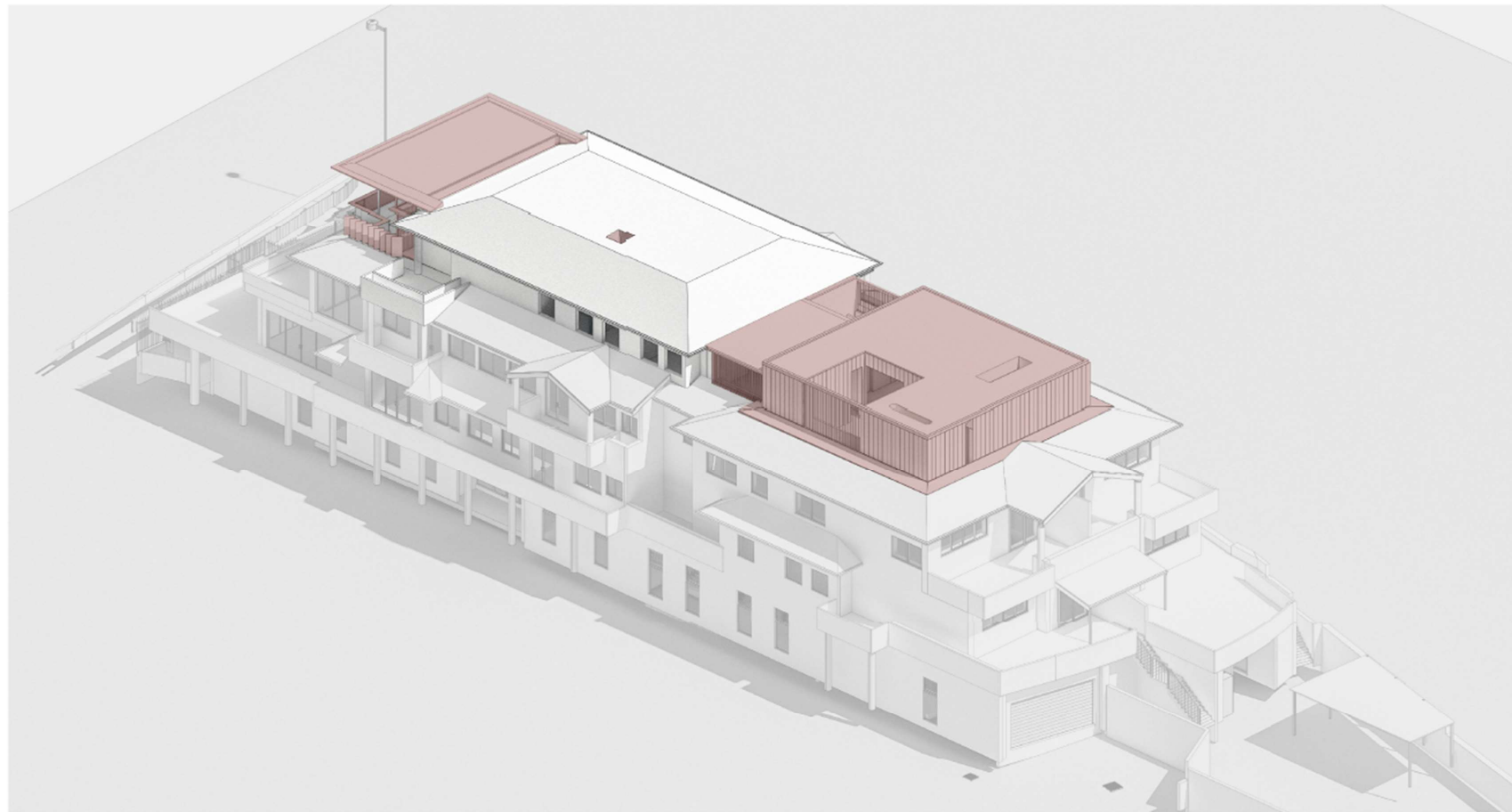
Project  
LOGAN PENTHOUSE  
ALTERATIONS & ADDITIONS  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
DAVID GRANDE  
Project No.  
2207A

Drawing Title  
3D VISUALISATION\_ISOMETRIC VIEW\_01  
PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION  
Date  
14/05/24  
Revision  
01  
DWG#  
DA\_5.01

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RAA No. 70298

3.1  
Attachment 11

DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building  
PUBLIC - 3D Images - DA/1968/2023 - 9/20 Terrigal Esplanade TERRIGAL - PAN-376354

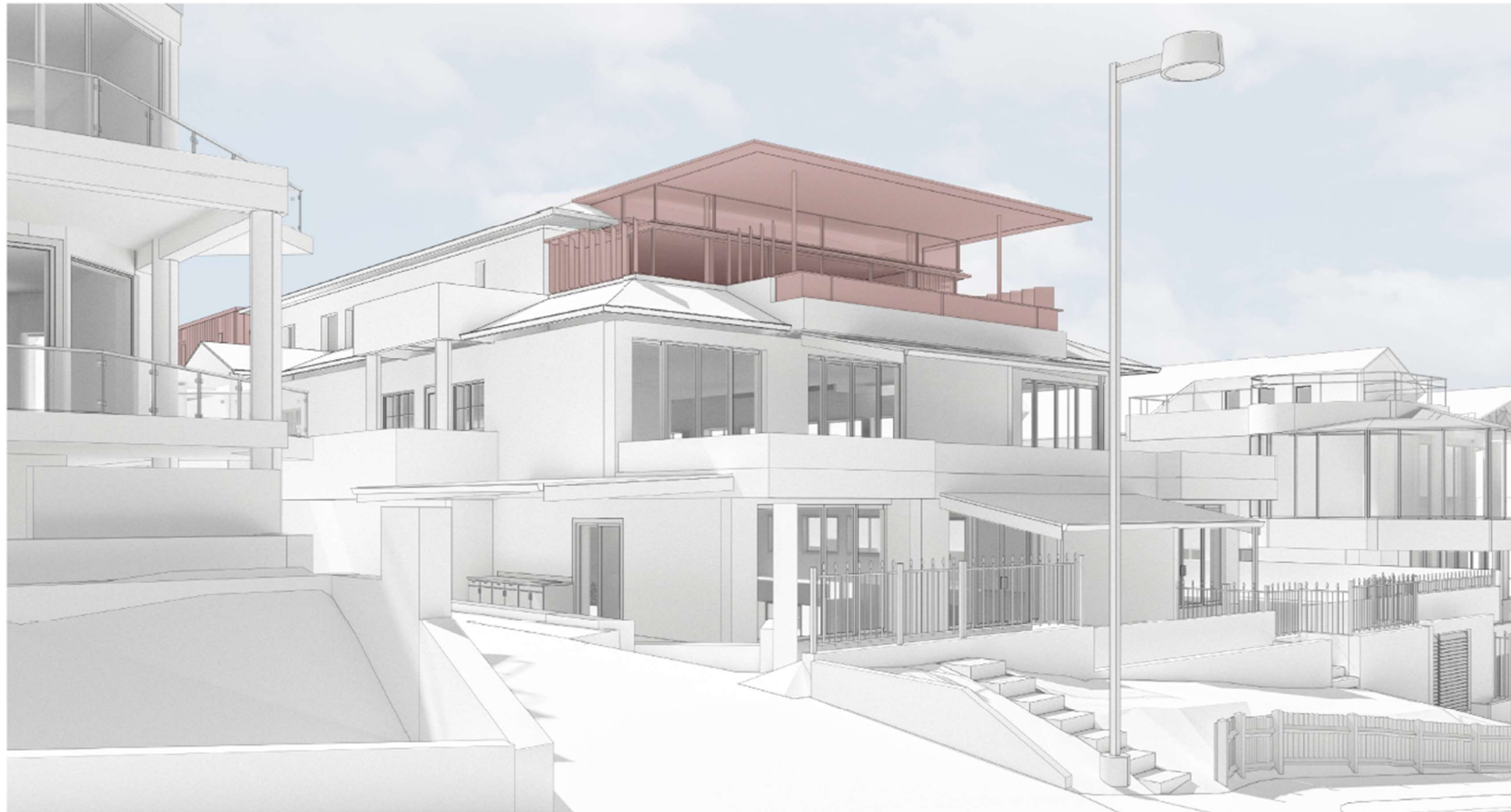


01 3D VISUALISATION - ISOMETRIC VIEW 02 - PROPOSED  
Scale 1:100

|  |                       |                        |                       |                             |   |                                       |  |   |  |   |
|--|-----------------------|------------------------|-----------------------|-----------------------------|---|---------------------------------------|--|---|--|---|
| <p>General Notes</p> <p>1. All documentation &amp; content is the property of the Architect. Documents for Planning Approval only, not for construction. All proposed works comply with the NCC (BCA) and relevant Australian Standards.</p> | <p>Rev.</p> <p>01</p> | <p>Drawn</p> <p>JB</p> | <p>Chk.</p> <p>KC</p> | <p>Date</p> <p>14/05/24</p> | <p>Status / Reason for Issue</p> <p>APPROVAL / For Development Application, Council Amendment Request</p> | <p>Scale / North Point</p> <p>NTS</p> | <p>Key / Legend</p> <p>Demo, Overlay</p> <p>Proposed</p> <p>Demolition</p> <p>Existing</p> | <p>Project</p> <p>LOGAN PENTHOUSE ALTERATIONS &amp; ADDITIONS</p> <p>Address</p> <p>9/20 TERRIGAL ESPLANADE TERRIGAL NSW 2260</p> <p>Client</p> <p>DAVID GRANDE</p> <p>Project No.</p> <p>2207A</p> | <p>Drawing Title</p> <p>3D VISUALISATION_ISOMETRIC VIEW 02 - PROPOSED</p> <p>Documentation Stage</p> <p>DEVELOPMENT APPLICATION</p> <p>Date</p> <p>14/05/24</p> <p>Revision</p> <p>01</p> <p>DWG#</p> <p>DA_5.02</p> | <p>Architect</p> <p><b>KLAUS CARSON</b></p> <p>Architecture &amp; Interiors</p> <p>/</p> <p>studio@klauscarson.com</p> <p>/</p> <p>Klaus Carson Studio Pty Ltd © 2023</p> <p>Architect NSW ARIA No. 10462</p> <p>RAIA No. 70298</p> |
|--|-----------------------|------------------------|-----------------------|-----------------------------|---|---------------------------------------|--|---|--|---|

3.1  
Attachment 11

DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building  
PUBLIC - 3D Images - DA/1968/2023 - 9/20 Terrigal Esplanade TERRIGAL - PAN-376354



01 3D VISUALISATION - STREET VIEW 01 - PROPOSED  
Scale 1:100

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| Rev. | Drawn | Chk. | Date     | Status / Reason for Issue   |
|------|-------|------|----------|---|
| 01   | JB    | RC   | 14/05/24 | APPROVAL / For Development Application                            |
| 02   | JB    | RC   | 14/05/24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
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Key / Legend

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| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

Project  
LOGAN PENTHOUSE  
'ALTERATIONS & ADDITIONS'  
Address  
9/20 TERRIGAL ESPLANADE  
TERRIGAL NSW 2260  
Client  
DAVID GRANDE  
Project No.  
2207A

Drawing Title  
STREET VIEW\_01  
PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION  
Date  
14/05/24  
Revision  
01

DWG#  
DA\_5.03

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01 3D VISUALISATION - STREET VIEW 02 - PROPOSED  
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| Key / Legend  |
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| Demo, Overlay |
| Proposed      |
| Demolition    |
| Existing      |

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Drawing Title  
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PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION  
Date  
14/05/24  
Revision  
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DWG#  
DA\_5.04

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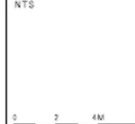
01 3D VISUALISATION - STREET VIEW 03 - PROPOSED  
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| 01   | JB    | KC      | 14/05/24 | APPROVAL / For Development Application                            |
| 02   | JB    | KC      | 14/05/24 | APPROVAL / For Development Application, Council Amendment Request |

Scale / North Point  
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Key / Legend



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Client  
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Project No.  
2207A

Drawing Title  
STREET VIEW\_03  
PROPOSED  
Documentation Stage  
DEVELOPMENT APPLICATION  
Date  
14/05/24  
Revision  
01

DWG#  
DA\_5.05

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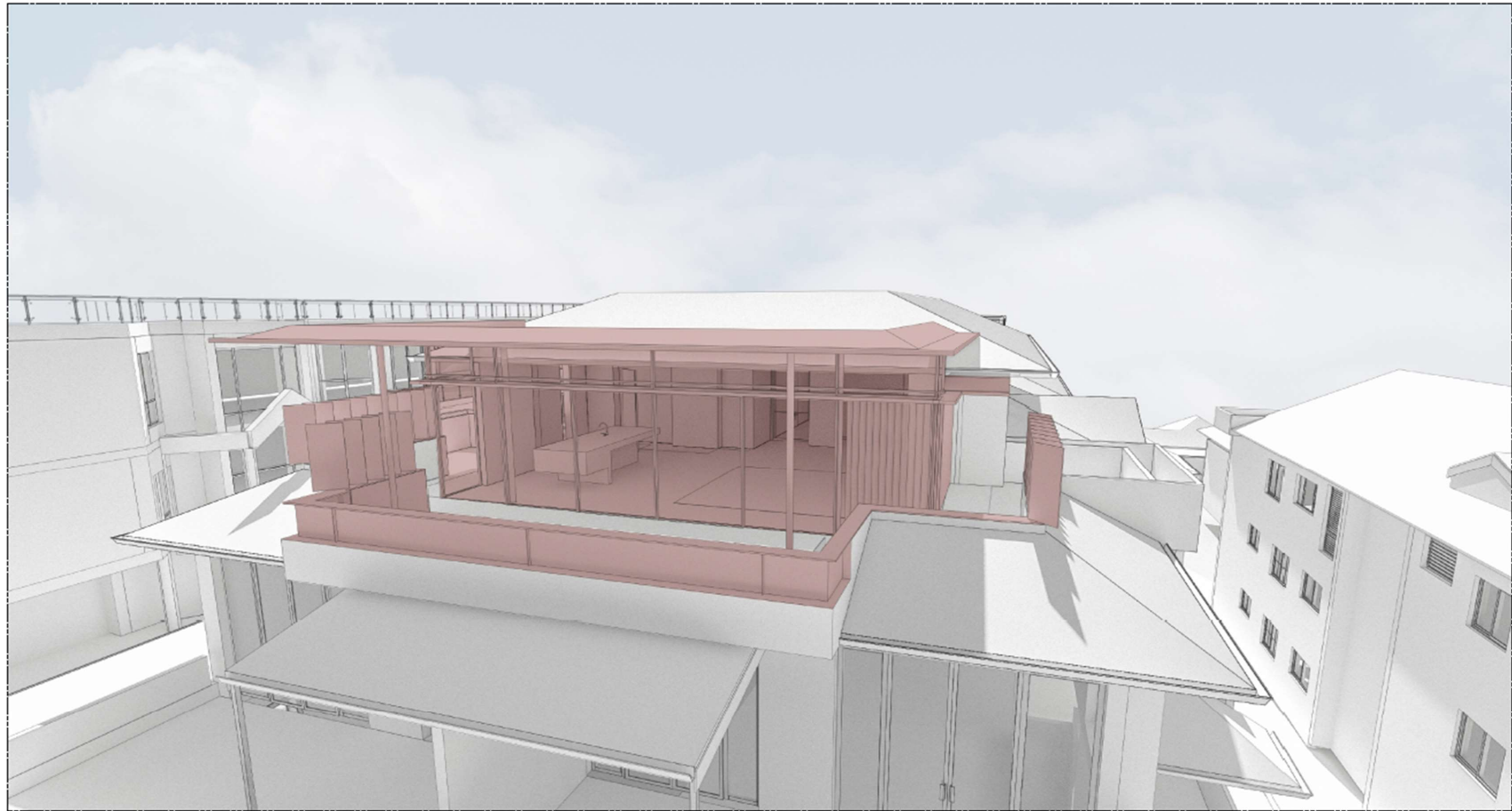


01 3D VISUALISATION - STREET VIEW 04 - PROPOSED  
RCA NYS

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| <div>General Notes</div> <div>All documentation &amp; designs to the copyright of the Architect. All drawings are for Planning Approval only, not for construction. All proposed works to comply with the NCC (BCA) and relevant Australian Standards.</div> | <div>Rev.</div> <div>01</div> <div>Drawn</div> <div>JB</div> <div>CHK</div> <div>KC</div> <div>Date</div> <div>14.07.23</div> <div>14.05.24</div> <div>Status / Reason for Issue</div> <div>APPROVAL / For Development Application</div> <div>APPROVAL / For Development Application, Council Amendment Request</div> | <div>Scale / North Point</div> <div>NTS</div> <div></div> | <div>Key / Legend</div> <div><div>Demo, Overlay</div><div>Proposed</div><div>Demolition</div><div>Existing</div></div> | <div>Project</div> <div>LOGAN PENTHOUSE 'ALTERATIONS &amp; ADDITIONS'</div> <div>Address</div> <div>9/20 TERRIGAL ESPLANADE</div> <div>TERRIGAL NSW 2260</div> <div>Client</div> <div>DAVID GRANDE</div> <div>Project No.</div> <div>2207A</div> | <div>Drawing Title</div> <div>STREET VIEW_04</div> <div>PROPOSED</div> <div>Documentation Stage</div> <div>DEVELOPMENT APPLICATION</div> <div>Date</div> <div>14.05.24</div> <div>Revision</div> <div>01</div> <div>Drawn</div> <div>DA_5.06</div> | <div>Architect</div> <div><b>KLAUS CARSON</b></div> <div>Architecture &amp; Interiors</div> <div>/</div> <div>studio@klauscarson.com</div> <div>/</div> <div>Klaus Carson Studio Pty Ltd © 2023</div> <div>Architect NSW ARB No. 10450</div> <div>RAB No. 70298</div> |
|--|---|---|--|--|--|---|

3.1  
Attachment 11

DA/1968/2023 - 9/20 Terrigal Esplanade Terrigal - Alterations and additions to Residential Flat Building  
PUBLIC - 3D Images - DA/1968/2023 - 9/20 Terrigal Esplanade TERRIGAL - PAN-376354



01 3D VISUALISATION - FRONT - NEW ADDITIONS - PROPOSED  
SCALE: 1:100

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|---|--|-----------|-------------|-------------|------------------|--|----------------------------|---|--|---|----------------|---|

**Item No:** 3.2  
**Title:** DA/59347/2020/B - New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) - 2C Amethyst Avenue, PEARL BEACH NSW 2256  
**Department:** Environment and Planning

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**Central Coast**  
Local Planning Panel

#### 6 June 2024 Local Planning Panel Meeting

Reference: DA/59347/2020/B - D16187918  
Author: Karen Hanratty, Senior Development Planner Residential Assessments  
Section Manager: Ailsa Prendergast, Section Manager. Residential Assessments  
Executive: Andrew Roach, Unit Manager. Development Assessment

### Summary

An application has been received for modification to the approved development of New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage. The application has been examined having regard to the matters for consideration detailed in section 4.55(2) and 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 the report.

The original application was granted approval on 13 May 2021 by the Local Planning Panel (the Panel). This initial application was referred to the Panel as 31 public submissions had been received. The Panel imposed Condition 2.6a which required '*the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed...*'. The approved development was amended accordingly and is under construction. The applicant has submitted revised plans proposing the reinstatement of a narrower eastern deck requesting Condition 2.6a to be deleted.

The development proposed to be modified is recommended for approval and referred to the Panel for determination in accordance with Ministerial Directions for Local Planning Panels dated 6 March 2024, Direction 2 for modification of development consents that propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the Panel.

One submission has been received.

The application is recommended for approval.



**3.2 DA/59347/2020/B - New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) - 2C Amethyst Avenue, PEARL BEACH NSW 2256 (contd)**

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|                              |  |
|------------------------------|--|
| <b>Applicant</b>             | M Obradovic  |
| <b>Owner</b>                 | P Elias  |
| <b>Application No</b>        | DA/59347/2020/B  |
| <b>Description of Land</b>   | Lot 2 DP 838892<br>2C Amethyst Avenue, PEARL BEACH NSW 2256  |
| <b>Proposed Development</b>  | New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) |
| <b>Site Area</b>             | 236.2 sqm  |
| <b>Zoning</b>                | R2 Low Density Residential<br>Central Coast Local Environmental Plan 2022  |
| <b>Existing Use</b>          | Dwelling House   |
| <b>Employment Generation</b> | No   |
| <b>Estimated Value</b>       | \$244,000  |

**Recommendation**

- 1 That the Local Planning Panel grant consent to DA/59347/2020/B – Lot 2 DP 838892, 2C Amethyst Avenue, PEARL BEACH NSW 2256 - New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) subject to the conditions detailed in the schedule attached to the report and having regard to the modification of development consent detailed in Section 4.55(2) and the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**

***The Development Consent DA/59347/2020/A be modified as follows:***

- i Amendment of Condition 1.1 to reflect the amended approved plans and supporting documentation.***
- ii Deletion of Condition 2.6a.***

**Key Issues**

- Modification to condition 2.6a imposed by the Central Coast Local Planning Panel.

**Precis:**

|                                  |  |
|----------------------------------|--|
| <b>Proposed Development</b>      | New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application)   |
| <b>Permissibility and Zoning</b> | The subject site is zoned R2 Low Density Residential under <i>Central Coast Local Environmental Plan 2022</i> (CCLEP 2022).<br>The proposed development is defined in the CCLEP 2022 as 'dwelling house' and is permissible in the zone with the consent.  |
| <b>Relevant Legislation</b>      | The following planning policies and control documents are relevant to the development and were considered as part of the assessment: <ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979 – Section 4.55(2) and Section 4.15 (EP&amp;A Act)</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i></li> <li>• <i>Central Coast Local Environmental Plan 2022 (CCLEP 2022)</i></li> <li>• <i>Central Coast Development Control Plan 2022 (CCDCP 2022)</i></li> </ul> |
| <b>Current Use</b>               | Dwelling House   |
| <b>Integrated Development</b>    | No   |
| <b>Submissions</b>               | One submission received.   |

There are no variations to policies relating to the proposed modifications.

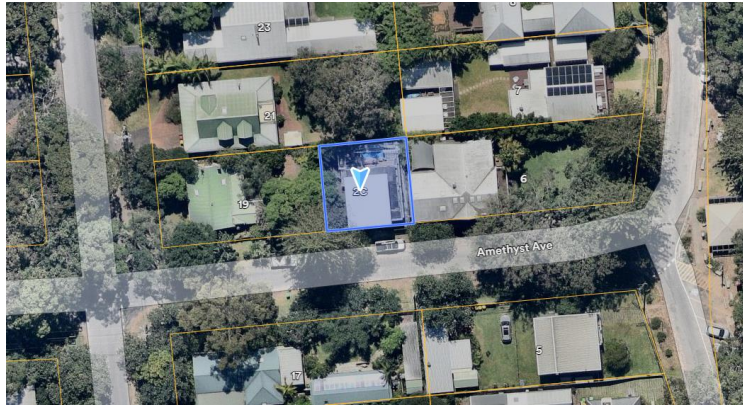
**The Site**

The subject site is described as Lot 2 DP 838892, No. 2C Amethyst Avenue, Pearl Beach situated on the northern side of the street and having an area of 236.2sqm, refer Figure 1.

The site is generally flat, with minimal slope and regular in shape with a frontage to Amethyst Avenue of 15.5m, a rear boundary of 15.5m and side boundaries of 15.24m. The lot contains an existing single storey dwelling house under construction for alterations and additions approved under DA/59347/2020/A, refer Figures 2 & 3.

The site is not identified as being "bushfire prone land" on Council's bushfire maps, or subject to flooding. A Norfolk Island Pine tree exists in the front southwest corner of the site close to the boundary with No. 19 Diamond Road.

Council's sewer main traverses the site in a north/south direction under the existing dwelling house and is concrete encased. In addition, an easement for sewerage purposes over existing line of pipes burdens the site as indicated on the architectural Site Plan for the benefit of No. 19 Diamond Road, Pearl Beach.



***Figure 1 – Site and Locality Plan (nearmap 14/03/2024)***



***Figure 2 – Dwelling house on subject site under construction (10/05/2024)***



**Figure 3 – Dwelling house on subject site under construction looking northeast (10/05/2024)**

### **Surrounding Development**

The site is located within a low-density residential area, characterised by a mixture of one and two storey dwelling houses. Adjoining development comprises a 2-storey dwelling house to the east, No. 6 Pearl Parade and north, No. 21 Diamond Road and a single storey dwelling house to the west, No. 19 Diamond Road.

Approximately 50m to the east is Pearl Beach Reserve and beach and the small commercial area of Pearl Beach.

### **History**

- DA/15146/1991 was granted approval on 25 November 1991 for a detached dual occupancy on 19 Diamond Road, Pearl Beach (formally Lot 314 DP 14592) under the provisions of Sydney Regional Environmental Plan No. 12 Dual Occupancy. The proposed dwelling located to the eastern boundary of the site with access to Amethyst Avenue. The site being located on the corner of Diamond Road and Amethyst Avenue and the existing residence located to the western boundary of the site. The development was amended on 7 September 1993 to include an extension to the kitchen of the existing residence.
- DA/16871/1993 was granted approval on 6 April 1993 for subdivision of a consented to dual occupancy development under State Environmental Planning Policy No. 25 Amendment 3 into two torrens title allotments; Lot 1 having a site area of 438.4sqm containing existing residence and Lot 2 having a site area of 236.2sqm containing the dual occupancy residence. The subdivision created an easement over existing sewer line of pipes including a restriction on the use of the land for no building or other structure to be erected, constructed or placed on the land shown as the easement. The subdivision was registered on 30 March 1994.

- DA/58347/2020 was lodged on 12 May 2020 for first floor addition and minor modification to existing dwelling. The application was notified for the period 20 May 2020 to 10 June 2020. The submission period was extended following request from neighbours to 1 July 2020. A total of 18 public submissions were received. The application was subsequently withdrawn by the applicant on 14 July 2020.
- DA/59437/2020 was granted approval on 13 May 2021 by the Central Coast Local Planning Panel (the Panel). for New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage subject to an additional condition to amend the design of the first floor of the development. A total of 31 public submissions were received.

The Panel imposed Condition 2.6a as follows:

- a) That the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed. All proposed doors are to be deleted and replaced with windows. At the juxtaposition of the eastern deck with the rear deck the length of the rear deck is to be reduced by the width of the proposed eastern deck at that point and appropriate balustrades provided.*

*Details of the amendments to be provided on plans and approved prior to the issue of a Construction Certificate.*

The applicant submitted amendments to the approved plans for Council's approval on 29 June 2021 in accordance with Condition 2.6a. Council advised on 15 July 2021 the plans submitted, Rev 120721 satisfied condition 2.6a and the amended plans were made public on Council's ePlanning Portal.

A Construction Certificate (CC/59347/2020) was issued on 18 September 2021.

- DA/59347/2020/A was granted approval by Council delegated authority on 19 May 2023 for modification of the approved development under s4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act):
  - Relocation of approved external staircase to the first floor, to be replace with internal staircase, requiring minor amendments to the ground floor approved plan, wholly within the approved building footprint.
  - Widened car space to use area available through the stair relocation, and to allow the slight addition to the ground floor to accommodate the proposed internal staircase.
  - Extend external first floor wall to the western edge where the approved stairs connected to the first floor, again wholly within the approved building footprint and approved external walls, with deletion of a section of privacy screening that is no

longer required (louvred privacy screen was required to ensure privacy to neighbours from the external staircase).

- Relocation of internal laundry on ground floor.
- Reconfiguration of first floor layout to create generous bedroom area with study seating.
- Reduction of height of western windows to the proposed first floor ensuite location to ensure privacy to occupants and adjoining dwellings.

Applicant's justification for proposed modifications (summarised):

The proposed modifications relate to the useability of the approved development, with detailed drawings and subsequent reviews of the design post approval (with the reduction in deck spaces required by Condition 2.6a) showing that a more suitable design was able to be achieved utilising the approved envelope.

A revised Construction Certificate (CC/1457/2023) was issued on 14 August 2023.

### **The Proposed Development**

The applicant is seeking to modify the development consent DA/59347/2020/A under section 4.55(2) of the EP&A Act as follows:

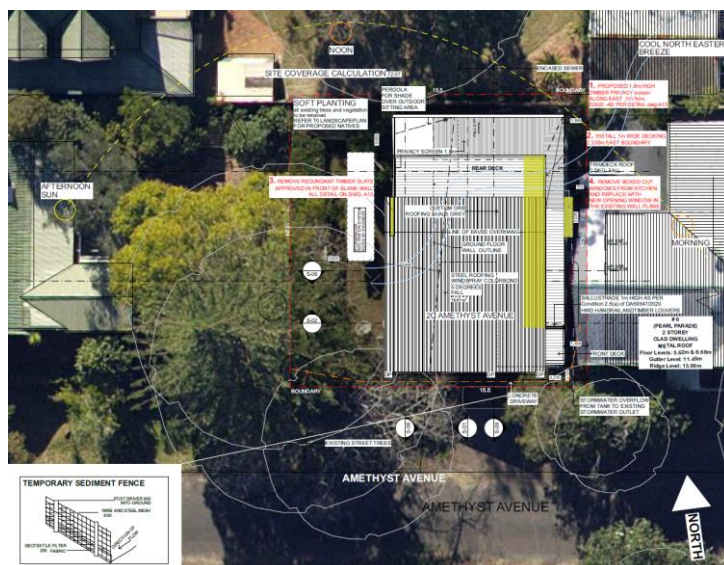
1. Raise the approved 1m high timber slatted privacy screen facing east from the approved rear deck to 1.8m high and extend the same along the full length of the reinstated eastern deck, with a setback of 2.235m from the eastern side boundary and 1.100m from the edge of the existing and approved building side alignment.
2. Reinstall a 1m wide section of decking along the eastern side to connect the approved rear northern deck with the smaller approved south facing covered deck.
3. Remove redundant timber slats in front of blank wall on the western side of the building, below approved ensuite highlight window.
4. Remove boxed out section of wall and side windows on the ground floor eastern wall adjacent to the kitchen on the ground floor.
5. Raise sill height of approved windows on the east facade of the first floor from 200mm to 800mm.

### **Comparison of approved development and proposed modifications**

A comparison of the approved development (after the amendments to the design of the development required by Condition 2.6a and modification approved under DA/59347/2020/A) and the proposed modification is provided below including discussion on planning merit of each modification as identified in the description of the proposal.

The location of the proposed modifications relative to adjoining development is shown in Figure 4.





**Figure 4 – Site Plan – location of proposed modifications (yellow highlight)**

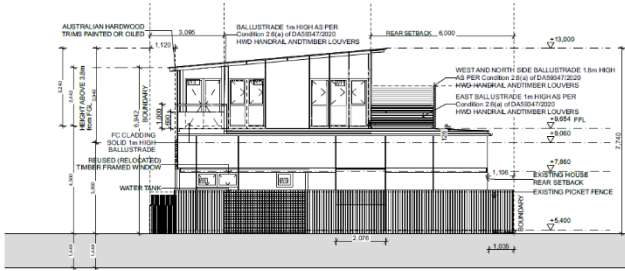
### **Modification 1 & 2- Eastern Elevation**

Figure 5 shows the approved modifications as a result of Condition 2.6a where access to the eastern side of the building is removed and all doors are replaced with windows. The eastern elevation of the first floor has a setback of 3.313m to the eastern side boundary of the subject site.

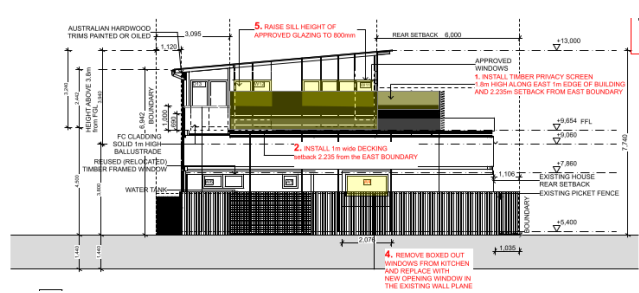
Figure 6 shows the proposed modifications with the reinstatement of the deck and inclusion of a 1.8m high privacy screen to match the screening of the deck on the north and west elevation comprising angled hardwood slats. The deck with privacy screen has a setback of 2.235m to the eastern side boundary and 1.1m from the edge of the existing and approved ground floor eastern elevation.

Applicant's justification for proposed modification (summarised):

- Reinstatement of a narrower decking to the eastern side of the first floor will improve living arrangements providing a renewed privacy solution to the original development application whereby an angled timber 1.8m privacy screen is erected 1.1m from the eastern edge of the building.
- Provides aesthetically consistent privacy and acoustic screening to the deck areas on the first floor and improved connection to the existing front and rear decks.
- Improved visual privacy and internal amenity can be achieved by replacing the poorer visual outlook of the blank timber wall at No. 6 Pearl Parade with an upward angled timber screen structure.
- The impact of this external walkway being removed from the original DA as a result of the Panel decision and subsequent Condition 2.6a, is such that all movement within the first floor of the dwelling is forced through a single doorway adjacent the stairwell doorway which results in an unnecessary pinch point within a modern, open and flowing floor plan.



**Figure 5 – Eastern Elevation approved**



**Figure 6 – Eastern Elevation proposed**

**Comment:**

In the determination of the original application at the Panel meeting on 13 May 2021, the Action Sheet indicates the following:

*....The Panel was concerned with the extent of the first floor decking off the proposed living area. Given the proximity of the decks to the boundaries and the adjoining residents it was considered undesirable due to amenity impacts to have a deck and its associated screening on the eastern boundary.*

*In relation to the access to the proposed upper level from an external stair, whilst this would allow both levels of the building to be occupied independently, this is not proposed and the position put by the applicant's architect in respect of the minimal space in the existing ground floor for a stair is reasonable in this case.*

*On balance, the proposal has merit subject to the deletion of the eastern side deck and the proposed conditions of consent would address any potential detrimental impact.*

Condition 2.6 states as follows:

*2.6. Submit to Council for approval amendments to the plans as follows:*

- a) That the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed. All proposed doors are to be deleted and replaced with windows. At the juxtaposition of the eastern deck with the rear deck the length of the rear deck is to be reduced by the width of the proposed eastern deck at that point and appropriate balustrades provided.*



*Details of the amendments to be provided on plans and approved prior to the issue of a Construction Certificate*

The modification approved by Part A altered the layout of the first floor to that presented to the Panel in May 2021. In addition, the modification removed the external stair access to the first floor, replace by internal stairs located adjacent the eastern façade and the bathroom relocated to the western/northern façade. Thus, reducing the perception that the dwelling may be occupied independently. As the external stairs are removed there is no longer potential privacy issues from this element of the development.

The applicant provides a photograph taken from the first floor during construction, refer Figure 7. The statements of the applicant regarding the outlook from the first floor is agreed with. Figure 8 demonstrates how overlooking is mitigated by the 1.8m high privacy screening.

The intent of the Panel's condition also pertains to acoustic privacy taking into consideration the potential use of the first floor and deck area and, the external separate access originally proposed to the first floor which was of particular concern to adjoining neighbours.

The internal layout of the ground and first floor of the dwelling house as shown by the Architectural Plans, Rev E, dated 26 February 2024 is an improved design outcome. The proposal will have a minor increase in the bulk and scale of the building by the proposed privacy screening. However, the proposal to be modified does not raise any further non-compliances to the location specific development controls for Pearl Beach in Chapter 5.10 of CCDCP 2022 or the relevant development standards in CCLEP 2022.

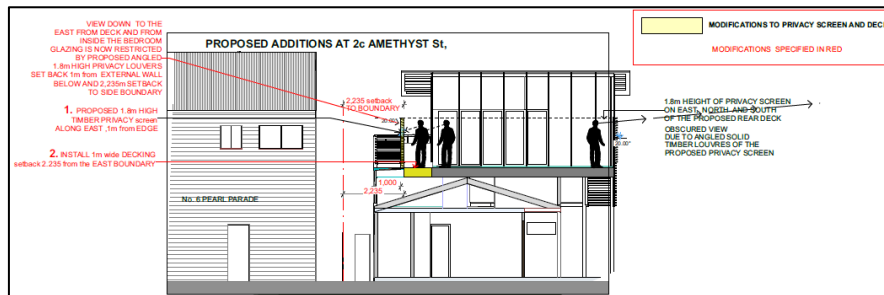
The proposal is considered to comply with the objectives of Chapter 5.10 as stated further in this report and specifically:

- Clause 5.10.12 Privacy – in the provision of sympathetic screening is proposed to mitigate overlooking.
- Clause 5.10.14 Solar Access – required solar access to neighbouring properties is maintained, particularly to No 6 Pearl Parade as shown in Figure 9.
- Clause 5.10.15 Noise – noise level, measured at any point of the boundary of a site, shall not exceed 5dBA above background noise level. It is considered the revised layout of the first floor together with the proposed timber screening will assist in noise control from the first floor despite the reinstatement of the narrower deck at the eastern elevation.

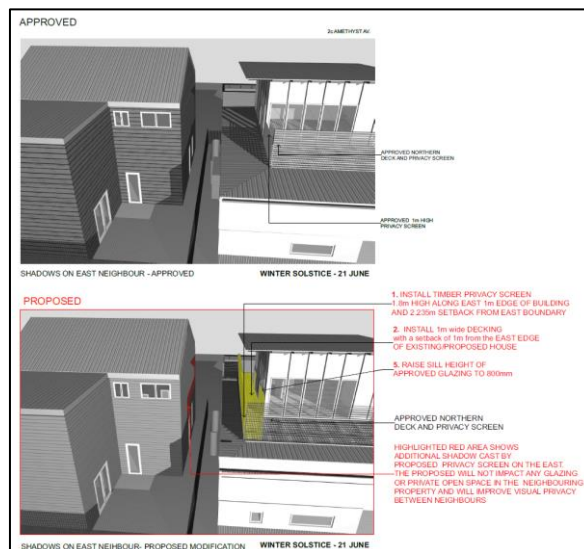
The proposal is considered a reasonable design solution to mitigate site constraints. Condition 2.6a is recommended to be deleted from the development consent.



**Figure 7 – Photo from subject site first floor to adjoining property No. 6 Pearl Parade (courtesy Applicant)**



**Figure 8 – Demonstrates overlooking is reduced to adjoining property, No. 6 Pearl Parade, by the proposed privacy screening on the reinstated narrower deck**



**Figure 9 – Demonstrates solar access is maintained by proposed modifications**

### **Modification 3 - Western Elevation**

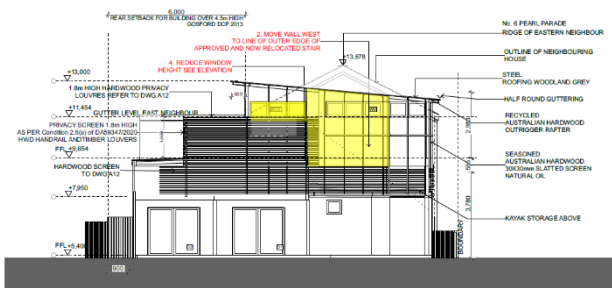
Modification to the development under Part A included internal layout changes and the removal of the external stairs and privacy screening to those stairs on the western elevation including the reconfiguration of the first floor to a combined study/bedroom and removal of the wet bar. The assessment of that modification considered the modification an improved design outcome for the first floor level.

The privacy screening on the western elevation was proposed to ensure privacy to neighbours from the use of the external staircase. The removal of the privacy screening allows for widening of the car space. No privacy impacts arise at ground level for this purpose and no screening is required to the car space. The building maintains the approved 5.5m setback to the western boundary, 13m separation distance to the nearest habitable façade of the dwelling to the west at 19 Diamond Road and retains the existing 2.2m high hedge at the western boundary. As the external stairs are removed there is no longer potential privacy issues from this element of the development.

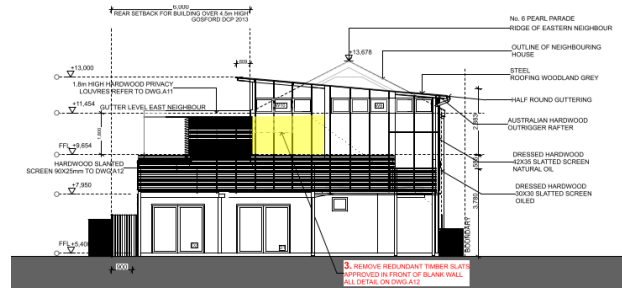
Comment:

The proposed modification seeks further design changes to the façade by the removal of the timber slats below part of the western wall as shown in Figure 10 to that proposed in Figure 11. The timber slats sit below highlight windows (sill height at 1.8m above finished first floor level) and will provide natural light and does not permit overlooking of adjoining properties.

No planning issues arise with the proposed changes to the western façade.



**Figure 10 - Western Elevation approved**



**Figure 11 - Western Elevation proposed**

### **Modification 4 – Eastern Elevation**

The proposed modification also includes design changes applicable to the eastern elevation as follows:

- Remove boxed out section of wall and side windows on the ground floor eastern wall adjacent to the kitchen on the ground floor.

Applicant's justification for proposed modification:

- The boxed-out wall was unnecessarily straddling the 900mm setback so had to be constructed in FRL 60/60/60. The previously approved narrow side windows would have brought in a small amount of light and could not be opened. The proposed window in the kitchen is proposed to be in line with the Eastern wall is now more than 900mm from the boundary and will be openable to improve airflow and cross ventilation on the ground floor and bring in more natural light. This window will not present any privacy issues as it is not opposite any glazing at the neighbouring house and will have a 1.6m high sill to prevent overlooking from the kitchen.

Comment:

The proposal is considered a reasonable design solution to improve internal amenity and mitigate additional construction costs for BCA compliance. No planning issues arise with the proposed changes to the ground floor eastern elevation.

#### ***Modification 5 – Eastern Elevation***

The proposed modification also includes design changes applicable to the eastern elevation as follows:

- Raise sill height of approved windows on the first floor of the eastern facade from 200mm to 800mm.

Applicant's justification for proposed modification:

- Improves privacy in both directions as well as improves thermal performance of the house.

Comment:

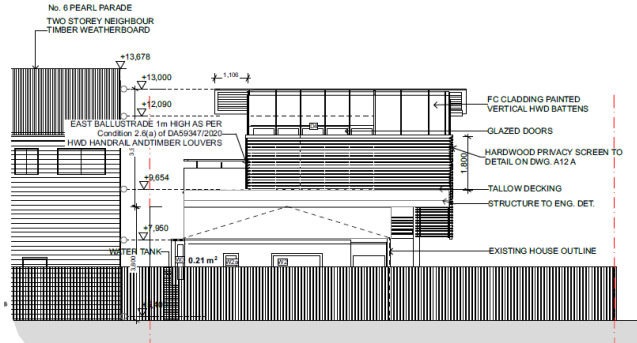
No planning issues arise with the proposed changes.

#### ***North Elevation***

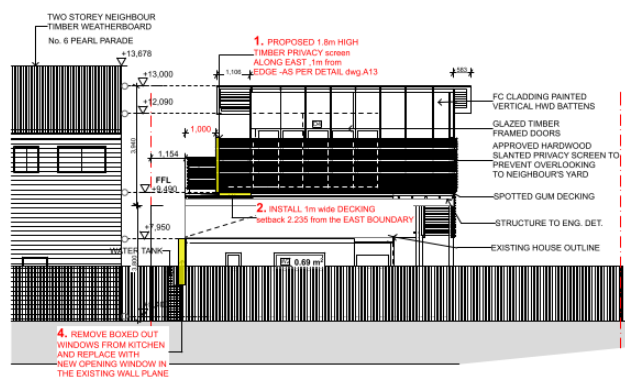
The proposed elevation of the northern elevation is shown in Figure 12 and when compared to the approved elevation in Figure 13 the design changes increase in the bulk and scale of the dwelling house.

Notwithstanding this, there is no change to the approved rear setback and the 1.8m high louvred privacy screening remains in place. The built form steps back on the east in alignment with the roof line and complies with the building envelope. As shown in Figure 8 the 1.8m high angled privacy screening directs any views over the top of neighbouring houses and gardens, does not block sun or rain to the building.

The development to be modified does not have adverse impact on views, privacy and solar access of any adjacent properties and reasonable amenity for both existing and proposed dwellings is achieved.



**Figure 12 – Northern Elevation approved**



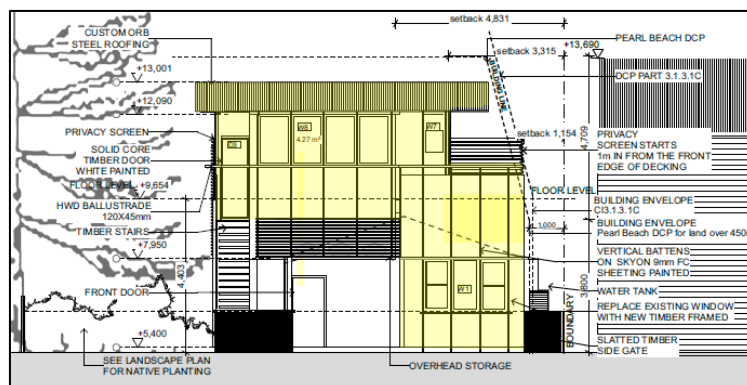
**Figure 13 – Northern Elevation proposed**

### **South Elevation**

Figures 14, 15 & 16 provide a comparison of the changes to the south elevation (street frontage).

Figure 14 shows the front façade of the original proposal referred to the Panel for determination. The approved façade because of Condition 2.6a imposed by the Panel and modification Part A is shown in Figure 15. The proposed modification (yellow highlight) is at Figure 16.

There is a minor change to the street presentation of the dwelling by reinstating the eastern deck and privacy screen (Figure 16). The built form steps back on the east and complies with the building envelope in Chapter 5.10 of CCDCP 2022. The proposed modification is consistent with the approved development and streetscape character of the area.



**Figure 14 - South Elevation (street frontage) original proposal referred to the Panel for determination (yellow highlight shows the additions to the existing dwelling)**



There is no change to the approved height of building, floor space ratio, front and rear setbacks of the dwelling house, although minor change to the eastern side setback with the reinstatement of the proposed narrower deck with 1.8m high privacy screen otherwise there is no significant change to the built form.

The proposed modification is substantially the same development as previously approved, will have minimal environmental impact and is not considered to have adverse impact on privacy and amenity of adjoining residential development.

***Amendments to conditions***

The proposed modification requires amendments to conditions of consent as follows:

- Amendment of Condition 1.1 to the approved plans and supporting documentation
- Deletion of Condition 2.6a.

**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.

**Provisions of Relevant Instruments/Plans/Policies**

***Section 4.55(2) of the Environmental Planning and Assessment Act 1979***

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables a consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

- Is satisfied that the proposed modification is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all);
- Has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent;
- Has notified the application in accordance with the regulations or a development control plan that requires notification or advertising of modifications to a development consent and has considered any submissions made concerning the proposed modification.

Accordingly, it is considered that the provisions of section 4.55(2) have been satisfied as follows:

- Taking into consideration case law, modification applications must be both quantitatively and qualitatively substantially the same development as that originally approved.
- A comparison of the approved and proposed development has been undertaken.
  - The proposal remains a 2-storey dwelling house. The changes will alter or modify the approved plans however will not represent a 'radical transformation' compared to the original approval. Reference is made to *Sydney City Council v Ilenace Pty Ltd [1984] 3 NSWLR 414*, the term 'modify' means 'to alter without radical transformation'.
  - The proposed modifications do not seek to change the nature or substance of the approved development. The development footprint and built form remains as

approved incorporating the same building setbacks, height, gross floor area, landscaping arrangement, other than new privacy screen and minor modification to the façade design.

- The modification did not require referral to the Minister, public authority, or approval body in respect of a condition imposed as a requirement of a concurrence to the consent.
- The modification was formally notified; no submissions were received. It is considered the proposed modification is unlikely to prejudice any person(s) previously notified of the development application.

***Section 4.55(3) of the Environmental Planning and Assessment Act 1979***

In accordance with Section 4.55(3) of the EP&A Act in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Accordingly, it is considered that the provisions of section 4.55(3) have been satisfied as follows:

- The relevant matters of this application to modify the consent referred to in section 4.15(1) have been considered as detailed in the report.
- The reasons for the granting of the consent that is sought to be modified have been considered.
- The proposal seeks design modifications that require modification of a condition of consent imposed by the Panel and therefore the modification is referred to the Panel for determination in accordance with the Local Planning Panels Direction dated 6 March 2024 – Development Applications and Applications to Modify Development Consents Direction 2 for modification of development consents that propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the Panel..
- The modified proposal is unlikely to have adverse impact on the amenity of neighbouring properties.
- The Panel can be satisfied that the development meets the objectives of the relevant zone and relevant planning provisions, subject to conditions and the modified proposal remains consistent with these provisions.

**Draft Environmental Planning Instruments**

No draft Environmental Planning Instruments apply to this application.

**State Environmental Planning Policies**

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



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

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

***State Environmental Planning Policy (Sustainable Buildings (2022)***

The *State Environmental Planning Policy (Sustainable Buildings (2022)* (Sustainable Buildings SEPP) commenced on 1 October 2023 and provides savings and transitional provisions in clause 4.2(1)(f) which states:

4.2.(1) (f) *an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal on or after 1 October 2023, if the development application for the development consent was submitted on the NSW planning portal before 1 October 2023.*

The applicant has submitted a valid BASIX Certificate.

***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 and Coastal Use area as identified on these maps and subject to the provisions of Section 2.10 and Section 2.11 of the SEPP.

The development is not likely to have an adverse impact on the matters referred to in clauses 2.10 and 2.11. The development is not considered likely to cause increased risk of coastal hazards on the site or other land (clause 2.12) and the site is not subject to the coastal management program for the purposes of Division 5 (clause 2.13). 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 on the following:

| <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).

#### Clause 2.11 - Development on land within the coastal use area

In accordance with clause 2.11(1) development consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

| <b>Matters for Consideration</b>   | <b>Compliance</b>   |
|--|---|
| <i>(a) whether the proposed development is likely to cause an adverse impact on the following:</i> | The site does not have frontage to any foreshore, beach, headland or waterways. |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>i. <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></li> <li>ii. <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i></li> <li>iii. <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i></li> <li>iv. <i>Aboriginal cultural heritage, practices and places,</i></li> <li>v. <i>cultural and built environment heritage.</i></li> </ul> | <p>The proposal will not cause an adverse impact on access, overshadowing, wind funneling or view loss from public places to any foreshore.</p> <p>The proposal will not have adverse impact on the scenic qualities of the coast.</p> <p>There are no known objects, areas, or items of heritage significance on the land, and no potentially adverse impacts on cultural or environmental heritage have been identified.</p> |
| <p>(b) <i>is satisfied that</i></p> <ul style="list-style-type: none"> <li>i. <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i></li> <li>ii. <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i></li> <li>iii. <i>if that impact cannot be minimised—the development will be managed to mitigate that impact,</i></li> </ul>  | <p>The proposal is appropriately designed and sited and will be management to avoid the adverse impacts referred to in clause 2.11(a) having regard to LEP and DCP requirements, the location and characteristics of the site and the approved development on the site and surrounding properties.</p>   |
| <p>(c) <i>has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development</i></p>  | <p>The bulk, scale and size of the proposed development is compatible with the scale and appearance of other development in the vicinity of the site and is considered satisfactory for the site and location.</p>   |

#### Clause 2.12 - Development in coastal zone generally - development not to increase risk of coastal hazards

In accordance with clause 2.12 development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The site does not have frontage to any foreshore, beach, headland or waterways and is not subject to provisions of Gosford Development Control Plan 2022, Chapter 3.2 Coastal Hazard Management. The proposal will not cause increased risk of coastal hazards on other land.

### **Chapter 4 Remediation of Land**

Clause 4.6 of Chapter 4 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered 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

### 3.2 DA/59347/2020/B - New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) - 2C Amethyst Avenue, PEARL BEACH NSW 2256 (contd)

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suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The application is for modification of an approved development. The current use of the site is for domestic residential purposes, and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

The development and the land are not otherwise mentioned in Section 4.6(4) and accordingly the provisions of Section 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 the proposed development complies with the provisions of Chapter 2 Coastal Management and Chapter 4 Remediation of Land of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

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

The original development was approved under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014) and Gosford Development Control Plan 2013 (GDGP 2013).

The previous modification DA/59437/2020/A was lodged on 22 December 2022 and approved on 19 May 2023 under the provisions of *Central Coast Local Environmental Plan 2022* (CCLEP 2022) and Central Coast Development Control Plan 2022 (CCDCP 2022)

#### ***Permissibility***

The subject site is zoned R2 Low Density Residential under CCLEP 2022. The proposed development is defined as ***dwelling house*** which is permissible in the zone with consent of Council.

#### ***Zone Objectives and Land Use Table***

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 provides 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 land uses do not adversely affect residential amenity or place demands on services.
- To maintain the enhance the residential amenity and character of the surrounding area.

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

***Central Coast Local Environmental Plan 2022 - 4.3 Height of Buildings***

Clause 4.3(2) of CCLEP 2022 provides that the height of a building on any land will not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 8.5m. The CCLEP 2022 defines this as the height above existing ground level.

There is no change to the approved building height of 7.74m and the proposal remains compliant with the development standard.

***Central Coast Local Environmental Plan 2022 – 4.4 Floor Space Ratio***

Clause 4.4(2) Floor Space Ratio (FSR) of CCLEP 2022 provides the maximum floor space ratio for a building on any land.

The mapped floor space ratio (FSR) development standard previously applying to the site under the former GLEP 2014 of 0.5:1 no longer applies to the site under CCLEP 2022.

The modification approved Part A resulting in a minor reduction in the FSR to that of the original approved development from 0.448:1 to 0.444:1. The proposed modification does not change the to the floor area of the development. However, recalculation of the floor area with the proposed modification indicates the FSR is 0.448:1.

The proposal modification is consistent with the relevant development standards of the CCLEP 2022.

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

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of CCLEP 2022 have been considered. The site contains Class 5 Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

The Panel can be satisfied that the proposed development complies with the provisions of clause 7.1 Acid Sulfate Soils.

***Central Coast Local Environmental Plan 2022 – 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 property is connected to electricity, reticulated water and sewer and currently serviced for waste collection.

Satisfactory details have been provided in the Waste Management Plan submitted with the original proposal for waste management procedures associated with the demolition, construction, and ongoing operation of the proposed development.

Satisfactory stormwater drainage can be obtained as considered in the original proposal. There is adequate vehicle access to the carport at the front of the site.

The Panel can be satisfied that the proposed development complies with the provisions of clause 7.6 and that adequate essential servicing is available to the development having regard for water, sewer, electricity, stormwater drainage, waste collection and vehicular access.

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

The relevant controls of Central Coast Development Control Plan (CCDCP 2022) are considered below:

#### ***Chapter 2.17 Character and Scenic Quality***

The site is located within the character area: Pearl Beach 7: Woodland Bungalows of CCDCP 2022 Chapter 2.1 Character.

The approved development is a second storey addition to an existing dwelling to create a new dwelling on a small site. Consideration has been given to the limitations and opportunities of developing the site in the design of the dwelling proposed to achieve the desired character.

The proposed modifications do not seek to change the nature or substance of the approved development. The overall building envelope, external design and materials remains substantially the same as approved, with a minor increase in the external scale and mass of the development with the inclusion of the 1.8m privacy screen to the first floor on the eastern elevation. The proposal will remain a 2-storey, 3-bedroom dwelling house with a floor space ratio of 0.448:1 and building height of 7.74m as approved.

The proposal is considered to have appropriate context and compatibility within the character and streetscape of the area and is considered to appropriately respond to characteristics, topography

and natural features of the site. The proposal will not impact on the scenic quality of the area, overpower the natural elements of the coastal lagoon, beach and surrounding natural backdrop.

The proposal is compatible with the desired and likely future character of the of the area.

### ***Chapter 5.10 - Pearl Beach Residential Development***

#### ***Summary of original application and previous modification (Part A)***

The original proposal was assessed in accordance with Chapter 5.10 Pearl Beach Residential Development under the former Gosford DCP 2013 (GDCP 2013). The provisions of Chapter 5.10 are incorporated into the CCDCP 2022.

A comparison of the approved and proposed modification is detailed previously in this report.

The original proposal was approved notwithstanding variations to the development controls. The variations being:

- Clause 5.10.7 Site Development subclause b) iii) - the development will have a floor space ratio (FSR) of 0.448:1 which is greater than the allowable FSR of 0.4:1.
- Clause 5.10.9 Building Setbacks and Building Lines
  - subclause a) – the building does not provide a minimum setback of 6m from the street and rear boundary:
    - front setback approved 1.116m
    - rear setback approved – ground level 1.106m, first floor deck 3.5m, first floor external wall 6m.
  - subclause d) - A dwelling house with a building height of more than 3.8m and any carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to the dwelling house must have a setback from a side boundary an amount that is equal to one-quarter of the additional building height above 3.8m. The proposal has a minor encroachment of east facing upper level external wall and deck.

The modifications under s4.55(1A) of the EP&A Act approved under DA/59437/2020/A did not require referral to the Panel and are summarised as follows:

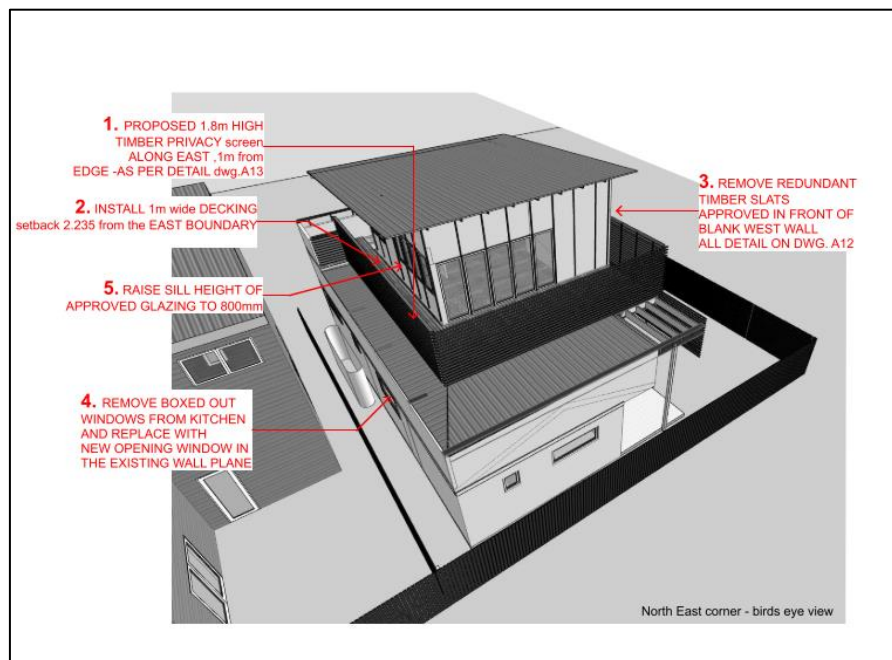
- There is a minor reduction in the floor space ratio to that approved from 0.448:1 to 0.444:1, however there is no change to the approved building height and private open space areas.
- The building setbacks from boundaries remain as approved with the exception of the first floor on the eastern elevation. The architectural plans now reflect the changes to the building design required by Condition 2.6a, imposed by the Panel.
- Clause 5.10.12 Privacy
  - Western Elevation
    - Removal of the external stairs and privacy screening to those stairs and internal reconfiguration of the first floor.
    - Highlight windows 700mm in height proposed on the western elevation will have a sill height of 1.8m from finished floor level and prevent overlooking.



- The car space has been widened to use the area available through the stair relocation, and to allow the slight addition to the ground floor to accommodate the proposed internal staircase.
    - No change to the approved setback of the building to the western site boundary.
  - Eastern Elevation
    - No change to the approved setback of the building to the eastern site boundary. However, in accordance with Condition 2.6a the deck and associated screening on the first floor of the eastern elevation is removed, replaced with timber roofing over the ground floor area and all proposed doors replaced with windows.
  - Northern Elevation
    - No change is proposed to the 1.8m high privacy screening on the northern elevation of the first-floor deck.
  - The modifications detailed above were considered reasonable:
    - No privacy impacts arise at ground level from the proposed modifications and no screening is required to the car space. The building maintains the approved 5.5m setback to the western boundary, 13m separation distance to the nearest habitable façade of the dwelling to the west at 19 Diamond Road and retains the existing 2.2m high hedge at the western boundary.
    - The modifications to the eastern elevation were made as required by Condition 2.6a. It was considered that some overlooking would occur despite the modifications however unlikely to have adverse impact on adjoining properties.
- Clause 5.10.15 Noise
  - Concern was raised by adjoining western neighbour that removal of the privacy screening on ground floor of the western boundary would result in additional acoustic impacts. However, the assessment considered the relocation of the external stairs to an internal staircase would reduce acoustic impacts on the adjoining neighbour.
  - The approved modification is not considered to have adverse impact on amenity of adjoining properties. The dwelling house is sited and designed to minimise the potential for noise impacts and overlooking neighbours' habitable rooms and recreational areas and provides a reasonable level of privacy.

### ***Assessment of proposed modifications***

The relevant provisions of Chapter 5.10 pertaining to the modifications are detailed in the perspective drawing in Figure 17 and Table 1 as follows:



**Figure 17 –Perspective of the development and proposed modifications**

**Table 1 – Chapter 5.10 Pearl Beach Residential Development**

| Development Control            | Required  | Proposed  | Compliance |
|--------------------------------|---|---|------------|
| <b>5.10.6 Tree Cover</b>       | Retain, or replace existing tree cover to ensure the predominant landscape quality of the locality is maintained.   | No tree removal proposed onsite.  | Yes        |
| <b>5.10.7 Site Development</b> | <ul style="list-style-type: none"> <li>Site coverage max 40% total site area</li> <li>Minimum open space 50% total site area</li> <li>Maximum FSR 0.4:1</li> <li>Maximum 10% site area to be hard surfaces</li> <li>Maximum site coverage 300sqm on any site</li> </ul> | No change to the approved building footprint. <ul style="list-style-type: none"> <li>Site coverage – 93.23sqm or 39.5%</li> <li>Open Space – ground level 116.66sqm plus upper deck 39.34sqm = 156sqm or 66%</li> <li>FSR - 0.448:1</li> <li>Provides balance between hard surfaces and soft landscaping to maintain bushland character.</li> <li>Not applicable – lot has a site area of 236.2sqm</li> </ul> | Yes        |
|                                | Minimise Site Disturbance   | <ul style="list-style-type: none"> <li>Retains existing building footprint</li> <li>Retains existing tree cover and does not impact on root zones of existing trees</li> </ul>  | Yes        |

| Development Control                                | Required  | Proposed   | Compliance         |
|--|---|--|--------------------|
|  |   | <ul style="list-style-type: none"> <li>No change to natural ground level – no cut and fill required</li> <li>Retains existing driveway access</li> <li>Proposes permeable paving to replace existing paving</li> </ul>   |                    |
| <b>5.10.8 Streetscape</b>                          | <p>The size and shape of development, the extent of cut and fill, the type and colour of building materials, the design of roofs (in terms of materials, colour, pitch, etc) and the amount and type of landscaping:</p> <ul style="list-style-type: none"> <li>are to be compatible with the character and scale of surrounding residential development.</li> <li>do not intrude or otherwise impact upon the natural landscape, particularly on the beachfront, hillsides, headlands and on ridgetop locations and adjoining public reserves.</li> </ul> <p>Textured face brick is to be avoided.</p> | <ul style="list-style-type: none"> <li>The proposal is consistent with the character and scenic quality of the area.</li> <li>No change to the approved building height.</li> <li>The built form steps back on the east in alignment with the roof line and complies with the building envelope.</li> <li>No change to the 5.5m landscaped setback on the west.</li> <li>Existing trees that are visually prominent features of the local streetscape will be conserved on the property.</li> <li>No change to the approved external materials.</li> </ul> | Yes                |
| <b>5.10.9 Building Setbacks and Building Lines</b> | Front setback 6m  | No change to the approved front setback of existing dwelling - 1.116m.   | Yes<br>As approved |
|  | Rear setback 6m   | No change to the approved rear setback of existing dwelling - 1.106m, first floor setback to deck - 3.5m, first floor setback to external wall – 6m  | Yes<br>As approved |
|  | Side setback for building height up to 3.8m – 1m, if the lot has an area of at least 450sqm – 900sqm.   | The architectural plans demonstrate the proposed modifications comply with the side setback controls / building envelope on eastern elevation refer drawings shown previously in this report.  | Yes<br>As approved |
|  | Side setback for building height over 3.8m – 1m plus ¼ of building height over 3.8m – 1.985m  |  |                    |
| <b>5.10.10 Building Styles</b>                     | <p>Building form should be compatible with the scale and character of development in Pearl Beach</p> <p>Buildings should be articulated by breaking up the building mass to reduce their apparent size.</p> <p>Sympathetic development</p>  | <ul style="list-style-type: none"> <li>The proposal is generally consistent with the scale and desired character of the area.</li> <li>Provides building articulation incorporating decks (screened) to enhance the articulation of the built form.</li> <li>Will enable passive surveillance of public spaces from upper floor deck at site frontage.</li> </ul>  | Yes                |

| <b>Development Control</b>                                | <b>Required</b>   | <b>Proposed</b>  | <b>Compliance</b> |
|---|---|--|-------------------|
|   |   | <ul style="list-style-type: none"> <li>• Development does not interrupt the streetscape of Amethyst Ave – provides consistency in setbacks to adjoining eastern property, No. 6 Pearl Parade.</li> <li>• Proposed modifications provide an improved level of privacy to adjoining development providing 1.8m high screening to all deck areas and highlight windows on western elevation.</li> <li>• Building mass is substantially the same as approved with minor increase in bulk and scale with the additional deck and privacy screen surrounding the first floor.</li> <li>• View corridors from West to East are maintained.</li> </ul>   |                   |
| <b>5.10.11 External Materials, Colours &amp; Finishes</b> | <ul style="list-style-type: none"> <li>• External materials and finishes complement the natural environment and streetscape character</li> <li>• Avoid undue glare</li> </ul> | Materials schedule provided and provides a unified concept, low reflectivity and designed to blend into locality.  | Yes               |
| <b>5.10.12 Privacy</b>                                    |   | <ul style="list-style-type: none"> <li>• Internal and external privacy has been considered in the approved development and previous approved modification which includes 1.8m high screening comprising solid timber louvres, fixed angled upwards which prevents overlooking and provides privacy from first floor deck to adjoining residences at the rear and to side boundaries, refer to the perspective drawing of the proposed modifications at Figure 17.</li> <li>• The reinstatement of a narrower deck on the eastern elevation is proposed to improve living arrangements providing a renewed privacy solution to the original development not envisioned previously.</li> <li>• The proposed modification with the continuation of an angled timber 1.8m privacy screen erected 1.1m from the eastern edge of the building provides aesthetically consistent privacy and acoustic screening to the deck areas on the first floor and improved connection to the existing front and rear decks.</li> </ul> | Yes               |

| <b>Development Control</b>  | <b>Required</b>   | <b>Proposed</b>  | <b>Compliance</b> |
|-----------------------------|---|--|-------------------|
|                             |   | <ul style="list-style-type: none"> <li>Improved visual privacy and internal amenity can be achieved by replacing the poorer visual outlook of the blank timber wall at No. 6 Pearl Parade with an upward angled timber screen structure.</li> <li>Where there is no privacy screening – highlight windows prevent overlooking from first floor level.</li> <li>Large setback to western boundary of 5.5m including existing and proposed landscaping provides privacy and remains unchanged as approved.</li> </ul>  |                   |
| <b>5.10.13 Views</b>        | Development to maintain, within reason, the views and outlook of existing buildings.  | No impact on views   | Yes               |
| <b>5.10.14 Solar Access</b> | <ul style="list-style-type: none"> <li>Development should not unreasonably reduce solar access to living and recreational areas on adjacent properties.</li> </ul>  | <ul style="list-style-type: none"> <li>Shadow diagrams have been submitted with the application which shows the development maintains a reasonable level of sunlight to neighbours living and recreational space between 9.00am and 3.00pm during the winter solstice, 22 June. The minor increase in shadowing to No. 6 Pearl Beach as a result of the proposed modifications is negligible.</li> <li>Site design and building orientation of living and recreational areas achieves the objectives of the controls.</li> <li>The proposed development will not have any adverse overshadowing effects on adjoining residential development.</li> </ul>   | Yes               |
| <b>5.10.15 Noise</b>        | <ul style="list-style-type: none"> <li>Noise level, measured at any point of the boundary of a site, shall not exceed 5dBA above background noise level.</li> <li>Use may be made of screen barriers or noise mitigation techniques, to Council's approval</li> </ul> | <ul style="list-style-type: none"> <li>The modification approved by Part A removed the external stair access to the first floor, replace by internal stairs located adjacent the eastern façade and altered the layout of the first floor to that presented to the Panel in May 2021. Thus, reducing the perception that the dwelling may be occupied independently.</li> <li>The reinstatement of the narrower deck and privacy screening is considered a reasonable solution to improve livability and internal privacy as stated by the applicant.</li> <li>On this basis the modifications are not considered to result in any additional acoustic impacts to the adjoining neighbours.</li> </ul> | Yes               |

| Development Control                         | Required  | Proposed   | Compliance |
|---|---|--|------------|
|   |   | <ul style="list-style-type: none"> <li>Condition 5.3 remains in place for the following: <i>Enclose any outdoor air conditioning systems within a soundproof acoustic enclosure.</i></li> </ul>  |            |
| <b>5.10.17 Landscaping &amp; Stormwater</b> | <ul style="list-style-type: none"> <li>Maintain and enhance landscape quality of the village</li> <li>Decrease stormwater run-off by the inclusion of soft landscaped areas.</li> <li>Ensure the natural environment is not threatened by development.</li> <li>Avoid curb and guttering</li> </ul> | <ul style="list-style-type: none"> <li>Landscape concept plan provided with native species to the original development is amended to identify the change to the kitchen window on ground level.</li> <li>The level of landscaping remains as approved. Existing trees onsite are retained, and no change is required to conditions previously imposed for tree protection measures.</li> <li>The inclusion of the deck on the first floor of the eastern elevation does not impact on the approved Stormwater Management Plan – absorption system proposed – designed by hydraulic engineer</li> </ul> | Yes        |
| <b>5.10.19 Car Parking</b>                  | Off street car parking shall not take priority over other provisions of this chapter  | No change to the approved setback of the carport which provides 1 off-street car space.  | Yes        |

In summary,

- There is no change to the approved height of building, floor space ratio, front and rear setbacks of the dwelling house, although minor change to the eastern side setback with the reinstatement of the proposed narrower deck with 1.8m high privacy screen otherwise there is no significant change to the built form.
- The approved internal layout of the ground and first floor of the dwelling house with the proposed modifications is an improved design outcome. All elements of the amendments are located within the approved building envelope.
- The proposed modifications do not raise any further non-compliances with the location specific development controls for Pearl Beach and the relevant development standards in CCLEP 2022.
- The proposed modification complies with the objectives of clause 5.10.3, is substantially the same development as previously approved, will have minimal environmental impact and is not considered to have adverse impact on privacy and amenity of adjoining residential development.

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

Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979* requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and summarised below:

***Built Environment, Context and Setting***

The subject site is zoned R2 Low Density Residential under CCLEP 2022 and adjoins residential developments comprising single and 2-storey dwellings.

The original development was approved notwithstanding non-compliant floor space ratio, building setbacks and building lines in Chapter 5.10 Pearl Beach Residential Development under the former Gosford DCP 2013. It was considered there will be minimal amenity impacts because of the non-compliances and the proposed built form considered acceptable in the context of the site. Despite this the Panel imposed Condition 2.6a to modify the development as discussed throughout this report.

The approved development is proposed to be modified to address internal amenity impacts which now arise during construction of the dwelling house. A thorough assessment of the impacts of the proposed modified development on the built environment has been undertaken in terms of CCLEP 2022 and CCDCP 2022 compliance. No further non-compliances result from the proposed modifications. The proposed built form is considered acceptable in the context of the site.

***Natural Environment***

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. There will be no significant impact upon the natural environment as a result of the proposed modifications.

***Economic and Social Impacts***

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

**Suitability of the Site for the Development**

Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979* requires consideration whether the site is suitable for the proposed development.

The site is zoned R2 Low Density Residential under CCLEP 2022. Dwelling houses are permissible in the zone.



**3.2 DA/59347/2020/B - New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) - 2C Amethyst Avenue, PEARL BEACH NSW 2256 (contd)**

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The approved development is proposed to be modified. The site is not subject to flooding or bushfire constraints. The proposed modifications are substantially the same development as approved, comply with the provisions of CCLEP 2022 and are generally in keeping with the provisions of Chapter 5.10 Pearl Beach Residential Development of CCDCP 2022.

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

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

Section 4.15 (1)(d) of the *Environmental Planning and Assessment Act 1979* requires consideration of any submissions received during notification of the proposal.

The proposed modification has been notified in accordance with the provisions of Central Coast Development Control Plan 2022.

The application was notified for the period 15 March 2024 to 24 March 2024 and renotified for the period 5 April 2024 to 19 April 2024 as a neighbour advised Council that they had not received the initial notification.

One submission was received dated 16 April 2024 from the neighbour of the site. The submission requests that the modification application be referred to the Panel for determination.

**Submissions from Public Authorities**

The application did not require referral to any public authority.

**Internal Consultation**

The application did not require referral to internal officers.

**Ecologically Sustainable Principles**

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

The development proposed to be modified 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 development proposed to be modified have been considered by Council as part of the assessment of the application.

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

### **The Public Interest**

Approval of the development proposed to be modified is in the public interest for the following reasons:

- The development proposed to be modified has been prepared having regard to the aims and objectives of relevant state and local environmental planning instruments and generally complies.
- The development proposed to be modified is deemed to have no negative environmental, social or economic impacts to surrounding residential dwellings or the public domain.
- The development proposed to be modified is designed and sighted to make a positive contribution to the streetscape and result in a quality residential development.
- The development proposed to be modified remains sympathetic to the existing character of the surrounding neighbourhood and respects and maintains privacy to and from neighbouring properties.

### **Political Donations**

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

### **Other Matters for Consideration**

#### ***Development Contributions Plan***

The land is subject to Central Coast Council Section 7.12 Local Infrastructure Plan 2023. Development that is not subject to a section 7.11 contribution under any other contributions plan adopted by the Council under the Environmental Planning & Assessment Act, may be subject to levy of section 7.12 contributions unless is development that is exempt under Clause 1.5 of this Plan.

The proposal is for modification to a dwelling house or alterations and additions to a dwelling house and is exempt under Clause 1.5 of the Plan. Therefore, no contributions are applicable.

### **Conclusion**

### 3.2 DA/59347/2020/B - New Dwelling House Additions & Alterations Keeping Current Form of Existing Ground Floor Cottage (Amended Application) - 2C Amethyst Avenue, PEARL BEACH NSW 2256 (contd)





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This application has been assessed under the heads of consideration of Sections 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. Following a thorough assessment of the relevant planning controls and the key issues identified in this report which have been resolved satisfactorily through amendments to the proposal, it is considered that the application can be supported, noting that:

- The Panel can be satisfied that the provisions of the following State Environmental Planning Policies have been considered and satisfied:
  - i) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
  - ii) Chapter 2 and Chapter 4, section 4.6(4) of the *State Environmental Planning Policy (Resilience and Hazards) 2021*
- 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.
- 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.
- The Panel can be satisfied that the proposed development is substantially the same development as previously approved and is consistent with the provisions of Section 4.55(2) having regard for the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The proposed development is not expected to have any adverse social or economic impact.

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


#### Attachments

|   |  |                               |           |
|---|--|-------------------------------|-----------|
| <a href="#"> 1</a> | Draft Conditions - 2C Amethyst Avenue Pearl Beach - DA/59347/2020/B                |                               | D16194043 |
| <a href="#"> 2</a> | Architectural Plans Rev E- 2c Amethyst Ave Pearl Beach - DA/59347/2020/B           | Provided Under Separate Cover | D16198671 |
| <a href="#"> 3</a> | BASIX Certificate - 2C Amethyst Ave Pearl Beach - DA/59347/2020/B                  |                               | D16198666 |
| <a href="#"> 4</a> | Statement of Environmental Effects - 2C Amethyst Ave Pearl Beach - DA/59347/2020/B |                               | D16198659 |

## 3.2

**DA/59347/2020/B - New Dwelling House Additions & Alterations Keeping  
Current Form of Existing Ground Floor Cottage (Amended Application) - 2C  
Amethyst Avenue, PEARL BEACH NSW 2256 (contd)**

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|  |  |  |           |
|--|--|--|-----------|
| <b>5</b><br>    | Approved Plans - PAN-287738 - DA/59347/2020/A - 2C<br>Amethyst Avenue, PEARL BEACH   | Provided<br>Under<br>Separate<br>Cover | D15683813 |
| <b>6</b><br>    | PUBLIC DA Assessment Section 4.55 Consent - 2C Amethyst<br>Avenue, PEARL BEACH NSW 2256 - DA 59347 2020 A -<br>Christopher Lloyd Pty Ltd   | Provided<br>Under<br>Separate<br>Cover | D15687213 |
| <b>7</b><br>    | PUBLIC Development Assessment Report - 2C Amethyst<br>Avenue, PEARL BEACH NSW 2256 - DA 59347 2020 A   | Provided<br>Under<br>Separate<br>Cover | D15687215 |
| <b>8</b><br>    | Approved Plans 2C Amethyst Avenue, PEARL BEACH<br>DA59347 Part 1   | Provided<br>Under<br>Separate<br>Cover | D14646333 |
| <b>9</b><br>    | PUBLIC Consent 2C Amethyst Avenue, PEARL BEACH<br>DA59347 Part 1   | Provided<br>Under<br>Separate<br>Cover | D14648431 |
| <b>10</b><br> | PUBLIC Assessment Report - DA59347 2020 - 2C Amethyst<br>Avenue Pearl Beach - New Dwelling House Alterations &<br>Additions Keeping Existing Ground Floor Cottage in its<br>Current Form | Provided<br>Under<br>Separate<br>Cover | D14648441 |
| <b>11</b><br> | Submission - Mary Kearney - DA 59347-2020-B - 2C<br>Amethyst Ave Pearl Beach   | Provided<br>Under<br>Separate<br>Cover | D16212277 |

**PROPOSED CONDITIONS**

**Application No:** DA/59347/2020/B  
**Proposed Development:** New Dwelling House Additions & Alterations Keeping Current  
 Form of Existing Ground Floor Cottage (Amended Application)  
**Location:** Lot 2 DP 838892  
 2C Amethyst Avenue, PEARL BEACH NSW 2256

**1. PARAMETERS OF THIS CONSENT****1.1. Approved Plans and Supporting Documents**

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

**Architectural Plans by: Site Studio**

| Drawing | Description  | Issue | Date       |
|---------|--|-------|------------|
| A-01    | Cover Page   | E     | 26/02/2024 |
| A-02    | Site Plan  | E     | 26/02/2024 |
| A-03    | Roof Plan/Site Analysis  | E     | 26/02/2024 |
| A-04    | Floor Plans  | E     | 26/02/2024 |
| A-05    | Elevations – East & West                                       | E     | 26/02/2024 |
| A-06    | Elevations – North & South                                     | E     | 26/02/2024 |
| A-07    | Section S-01 / Exterior Materials Schedule / BASIX Commitments | E     | 26/02/2024 |
| A-08    | Section S-02   | E     | 26/02/2024 |
| A-09    | Shadow Diagrams – 21 June                                      | E     | 26/02/2024 |
| A-10    | Shadow Diagrams – 21 Sep                                       | E     | 26/02/2024 |
| A-11    | Shadows East Neighbour – 21 June                               | E     | 26/02/2024 |
| A-12    | Privacy Louvre Screen Details                                  | E     | 26/02/2024 |
| A-13    | Stormwater Drainage Plan                                       | E     | 26/02/2024 |
| A-14    | Landscape Plan   | E     | 26/02/2024 |

**Supporting Documentation**

| Document   | Prepared by                   | Date       |
|--|-------------------------------|------------|
| BASIX Certificate No. 1747415S_02  | M Francis & M Obradovic       | 14/05/2024 |
| Structural Adequacy Certificate – First Floor Addition                           | MGroupe Designers & Engineers | 22/10/2020 |
| Hydraulic Services / Stormwater Infiltration Details, Ref 2020-22 H-01 Issue CC2 | James E Allen & Partners      | 26/10/2020 |
| Waste Management Plan  | Site Studio                   | 11/05/2020 |

**AMENDED (Part B Modification)**

- 1.2. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3. Comply with all commitments listed in BASIX Certificate as required under clause 97A of the *Environment Planning and Assessment Regulation 2000*.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. 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
- 2.3. Submit to the Registered Certifier structural plans prepared by a suitably qualified Registered Structural Engineer for following building elements:
  - a) Steel portal type frame independent of the existing ground floor structure that will not rely on the existing building support
  - b) Footings
- 2.4. Submit to the Registered Certifier a report prepared by a suitably qualified Registered Structural Engineer providing certification that the existing structure is capable of accepting all anticipated live and dead loads imposed by the proposed addition. The report is to include any recommendations on the structural upgrade of the existing structure if required.
- 2.5. Submit to Council as the Roads Authority an application for a vehicle access crossing including payment of the application fee.
- ~~2.6. Submit to Council for approval amendments to the plans as follows:~~
  - ~~a) That the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed. All proposed doors are to be deleted and replaced with windows. At the juxtaposition of the eastern deck with the rear deck the length of the rear deck is to be reduced by the width of the proposed eastern deck at that point and appropriate balustrades provided.~~

~~Details of the amendments to be provided on plans and approved prior to the issue of a Construction Certificate~~

**DELETED (Part B Modification)**

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than;
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
- 3.3. Appoint a Principal Certifying Authority for the building work:
  - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a) The name, address and telephone number of the principal certifying authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au).  
  
Contact Council prior to submitting these forms to confirm the relevant fees.
- 3.6. 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.
- 3.7. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
  - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and



- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.8. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

Note 2: The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 contain provisions relating to scaffolds, hoardings and other temporary structures.

3.9. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- c) be a temporary chemical closet approved under the Local Government Act 1993.

3.10. Undertake any demolition involving asbestos in accordance with the Work Health and Safety Act 2011.

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

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

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

3.11. Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.

- 3.12. Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites.

Erect a barrier fence between works and trees to be retained, no closer than 2 metres from tree trunks.

All required tree protection measures are to be maintained for the duration of construction works.

- 3.13. Protect street trees by installing protective fencing. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.

#### 4. DURING WORKS

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

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

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

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

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

- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out

within the road reserve unless the works are associated with a separate approval issued under the provisions of the Roads Act 1993

- 4.7. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.8. Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: The demolition of structures. Waste materials must be disposed of at a waste management facility.
- 4.9. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.10. Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*.
- 4.11. Manual (hand) excavation must occur when within 5 metres of trees to be retained.

All care is to be taken to avoid damage to tree roots.

Roots that cannot be avoided are to be cut (not ripped) with a sharp tool such as pruners or handsaw.

Seek Arboricultural advice before severing roots greater than 75mm diameter.

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

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

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 5.3. Enclose any outdoor air conditioning systems within a soundproof acoustic enclosure.
- 5.4. Construct the vehicle access crossing in accordance with the vehicle access crossing Notice of Determination issued by Council.
- 5.5. Complete the landscaping works in accordance with the Landscape Plan as amended with the Construction Certificate documentation.

- 5.6. 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*.
- 5.7. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.8. 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%. All overflow must be connected via piped drainage line to an infiltration trench.

Note: Infiltration trenches are to be designed by a practising engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year AEP storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

- 5.9. Drain all stormwater from impervious surface areas, including pathways and driveways, to an infiltration trench.

Note: Infiltration trench details are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year Annual Exceedance Probability (AEP) storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

## **6. ONGOING OPERATION**

- 6.1. Do not let, adapt or use the dwelling / building for separate occupation in two or more parts.
- 6.2. Do not provide cooking facilities to the first floor upper level of the dwelling house.
- 6.3. Operate and maintain all external lighting so as not to impact on any adjoining property.
- 6.4. Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.5. Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.6. Do not change the location of the Vehicle Access Crossing without prior written approval from Council.

- 6.7. Place the mobile garbage/recycling/green waste containers at the approved location at the kerbside no earlier than the evening prior to the collection day and return to a screened area as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Owners Corporation are responsible for the placement and return of the mobile garbage bins.

## 7. PENALTIES

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

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

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

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

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

## ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
  - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
  - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
  - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
  - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
  - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial

Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

# BASIX<sup>®</sup>Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Single Dwelling

Certificate number: 1747415S\_02





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

Secretary

Date of issue: Tuesday, 14 May 2024

To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.



| Project summary           |  |             |
|---------------------------|--|-------------|
| Project name              | Mod dwelling incorporating existing at 2c Amethyst_02                                    |             |
| Street address            | 2C AMETHYST Avenue PEARL BEACH 2256  |             |
| Local Government Area     | Central Coast Council  |             |
| Plan type and plan number | Deposited Plan DP838892  |             |
| Lot no.                   | 2  |             |
| Section no.               | -  |             |
| Project type              | dwelling house (detached)  |             |
| No. of bedrooms           | 3  |             |
| Project score             |  |             |
| Water                     |  44   | Target 40   |
| Thermal Performance       |  Pass | Target Pass |
| Energy                    |  76   | Target 67   |
| Materials                 |  4    | Target n/a  |

| Certificate Prepared by                      |
|--|
| Name / Company Name: M FRANCIS & M OBRADOVIC |
| ABN (if applicable): 63637062138             |



## Description of project

| Project address                                      |   |
|--|---|
| Project name   | Mod dwelling incorporating existing at 2c Amethyst_02 |
| Street address                                       | 2C AMETHYST Avenue PEARL BEACH 2256                   |
| Local Government Area                                | Central Coast Council                                 |
| Plan type and plan number                            | Deposited Plan DP838892                               |
| Lot no.  | 2   |
| Section no.  | -   |
| Project type   |   |
| Project type   | dwelling house (detached)                             |
| No. of bedrooms                                      | 3   |
| Site details   |   |
| Site area (m <sup>2</sup> )                          | 236   |
| Roof area (m <sup>2</sup> )                          | 76  |
| Conditioned floor area (m <sup>2</sup> )             | 106.0   |
| Unconditioned floor area (m <sup>2</sup> )           | 0.0   |
| Total area of garden and lawn (m <sup>2</sup> )      | 113   |
| Roof area of the existing dwelling (m <sup>2</sup> ) | 0   |

| Assessor details and thermal loads       |     |      |             |
|--|-----|------|-------------|
| Assessor number                          | n/a |      |             |
| Certificate number                       | n/a |      |             |
| Climate zone                             | n/a |      |             |
| Area adjusted cooling load (MJ/ m².year) | n/a |      |             |
| Area adjusted heating load (MJ/ m².year) | n/a |      |             |
| Project score                            |     |      |             |
| Water                                    | ✓   | 44   | Target 40   |
| Thermal Performance                      | ✓   | Pass | Target Pass |
| Energy                                   | ✓   | 76   | Target 67   |
| Materials                                | ✓   | 4    | Target n/a  |

### Schedule of BASIX commitments

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

| Water Commitments  | Show on DA plans | Show on CC/CDC plans & specs | Certifier check |
|--|------------------|------------------------------|-----------------|
| <b>Landscape</b>   |                  |                              |                 |
| The applicant must plant indigenous or low water use species of vegetation throughout 51.29 square metres of the site.   | ✓                | ✓                            |                 |
| <b>Fixtures</b>  |                  |                              |                 |
| The applicant must install showerheads with a minimum rating of 4 star (> 6 but <= 7.5 L/min plus spray force and/or coverage tests) in all showers in the development.  |                  | ✓                            | ✓               |
| The applicant must install a toilet flushing system with a minimum rating of 5 star in each toilet in the development.   |                  | ✓                            | ✓               |
| The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.   |                  | ✓                            |                 |
| The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.   |                  | ✓                            |                 |
| <b>Alternative water</b>   |                  |                              |                 |
| <b>Rainwater tank</b>  |                  |                              |                 |
| The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.  | ✓                | ✓                            | ✓               |
| The applicant must configure the rainwater tank to collect rain runoff from at least 72 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).   |                  | ✓                            | ✓               |
| The applicant must connect the rainwater tank to: <ul style="list-style-type: none"> <li>all toilets in the development</li> <li>at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)</li> </ul> |                  | ✓<br>✓                       | ✓<br>✓          |

| Thermal Performance and Materials commitments  | Show on<br>DA plans | Show on CC/CDC<br>plans & specs | Certifier<br>check |
|--|---------------------|---------------------------------|--------------------|
| <b>Do-it-yourself Method</b>   |                     |                                 |                    |
| General features   |                     |                                 |                    |
| The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.  | ✓                   | ✓                               | ✓                  |
| The conditioned floor area of the dwelling must not exceed 300 square metres.  | ✓                   | ✓                               | ✓                  |
| The dwelling must not contain open mezzanine area exceeding 25 square metres.  | ✓                   | ✓                               | ✓                  |
| The dwelling must not contain third level habitable attic room.  | ✓                   | ✓                               | ✓                  |
| Floor, walls and ceiling/roof  |                     |                                 |                    |
| The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.                  | ✓                   | ✓                               | ✓                  |
| The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling. | ✓                   | ✓                               | ✓                  |
| The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.            |                     |                                 | ✓                  |

| Construction   | Area - m <sup>2</sup> | Additional insulation required   | Options to address thermal bridging | Other specifications                             |
|--|-----------------------|--|-------------------------------------|--|
| floor - concrete slab on ground, conventional slab.  | 64                    | 1 (slab edge);not specified  | nil                                 | in-slab or in-screed heating system              |
| floor - above habitable rooms or mezzanine, hard wood; frame: laminated veneer lumber (LVL)..  | 42                    | nil;polyester  | nil                                 |  |
| external wall: framed (solid or reconstituted timber weatherboard); frame: timber - hardwood predominant incl. glue laminated beams. | all external walls    | 3.00 (or 3.50 including construction);fibreglass batts or roll + reflective foil in the cavity | nil                                 | wall colour: Medium (solar absorptance 0.48-0.7) |

| Construction   | Area - m <sup>2</sup> | Additional insulation required                                 | Options to address thermal bridging | Other specifications  |
|--|-----------------------|--|-------------------------------------|---|
| internal wall: plasterboard; frame: timber - untreated softwood.   | 58                    | none   | nil                                 |   |
| ceiling and roof - raked ceiling / pitched or skillion roof, structural insulated panel (SIP), no frame. | 76                    | ceiling: 5 (up) ;ceiling: polystyrene;<br>roof: not specified. | nil                                 | roof colour: medium (solar absorptance 0.48-0.59); ceiling area fully insulated |

|      |  |
|------|--|
| Note | • Insulation specified in this Certificate must be installed in accordance with the ABCB Housing Provisions (Part 13.2.2) of the National Construction Code.                     |
| Note | • If the additional ceiling insulation listed in the table above is greater than R3.0, refer to the ABCB Housing Provisions (Part 13.2.3 (6)) of the National Construction Code. |
| Note | • In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.                     |
| Note | • Thermal breaks must be installed in metal framed walls and applicable roofs in accordance with the ABCB Housing Provisions of the National Construction Code.                  |

| Thermal Performance and Materials commitments   | Show on<br>DA plans | Show on CC/CDC<br>plans & specs | Certifier<br>check |
|---|---------------------|---------------------------------|--------------------|
| Ceiling fans  |                     |                                 |                    |
| The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.   | ✓                   | ✓                               | ✓                  |
| <ul style="list-style-type: none"> <li>The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code .</li> </ul> | ✓                   | ✓                               | ✓                  |

| Thermal Performance and Materials commitments   | Show on DA plans | Show on CC/CDC plans & specs | Certifier check |
|---|------------------|------------------------------|-----------------|
| Glazed windows, doors and skylights   |                  |                              |                 |
| The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each glazed window and door.  | ✓                | ✓                            | ✓               |
| The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.   | ✓                | ✓                            | ✓               |
| The following requirements must also be satisfied in relation to each window and glazed door:   | ✓                | ✓                            | ✓               |
| • The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.   | ✓                | ✓                            | ✓               |
| • Each window and glazed door must have a U- value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.   |                  | ✓                            | ✓               |
| • Overshadowing buildings/vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column.   | ✓                | ✓                            | ✓               |
| The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table). | ✓                | ✓                            | ✓               |

| Glazed window/door no. | Orientation | Maximum height (mm) | Maximum width (mm) | Frame and glass specification                             | Shading device (Dimension within 10%) | Overshadowing    |
|------------------------|-------------|---------------------|--------------------|---|---------------------------------------|------------------|
| W2                     | N           | 600.00              | 1600.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | none                                  | not overshadowed |
| W3                     | N           | 500.00              | 600.00             | timber, single glazed (U-value: <=5.5, SHGC: Undecided)   | none                                  | not overshadowed |
| D4                     | N           | 2020.00             | 3600.00            | timber, double glazed (U-value: <=3, SHGC: 0.27 - 0.33)   | none                                  | not overshadowed |




| Glazed window/door no. | Orientation | Maximum height (mm) | Maximum width (mm) | Frame and glass specification                             | Shading device (Dimension within 10%)                               | Overshadowing           |
|------------------------|-------------|---------------------|--------------------|---|---|-------------------------|
| W5                     | E           | 560.00              | 600.00             | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 450 mm, 100 mm above head of window or glazed door             | >4 m high, <2 m away    |
| W12                    | E           | 1220.00             | 1400.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | none  | not overshadowed        |
| W11                    | E           | 1220.00             | 2800.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | none  | not overshadowed        |
| D13                    | E           | 2050.00             | 1400.00            | timber, (U-value: <=, SHGC: Undecided)                    | solid overhang 1100 mm, 600 mm above head of window or glazed door  | 1-2 m high, <1.5 m away |
| W6                     | E           | 550.00              | 1500.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 450 mm, 100 mm above head of window or glazed door             | >4 m high, <2 m away    |
| W4                     | E           | 650.00              | 1600.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | none  | 2-4 m high, 2 m away    |
| W1                     | S           | 1200.00             | 2000.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 440 mm, 100 mm above head of window or glazed door             | 2-4 m high, 2 m away    |
| W7                     | S           | 840.00              | 1100.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 1828 mm, 100 mm above head of window or glazed door            | 2-4 m high, 2 m away    |
| W8                     | S           | 1200.00             | 3050.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 450 mm, 100 mm above head of window or glazed door             | >4 m high, <2 m away    |
| W8a                    | S           | 1200.00             | 900.00             | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 1600 mm, 100 mm above head of window or glazed door            | 2-4 m high, 2-5 m away  |
| D2                     | W           | 2050.00             | 2060.00            | timber, (U-value: <=, SHGC: Undecided)                    | solid overhang 2152 mm, 1040 mm above head of window or glazed door | >4 m high, 2-5 m away   |

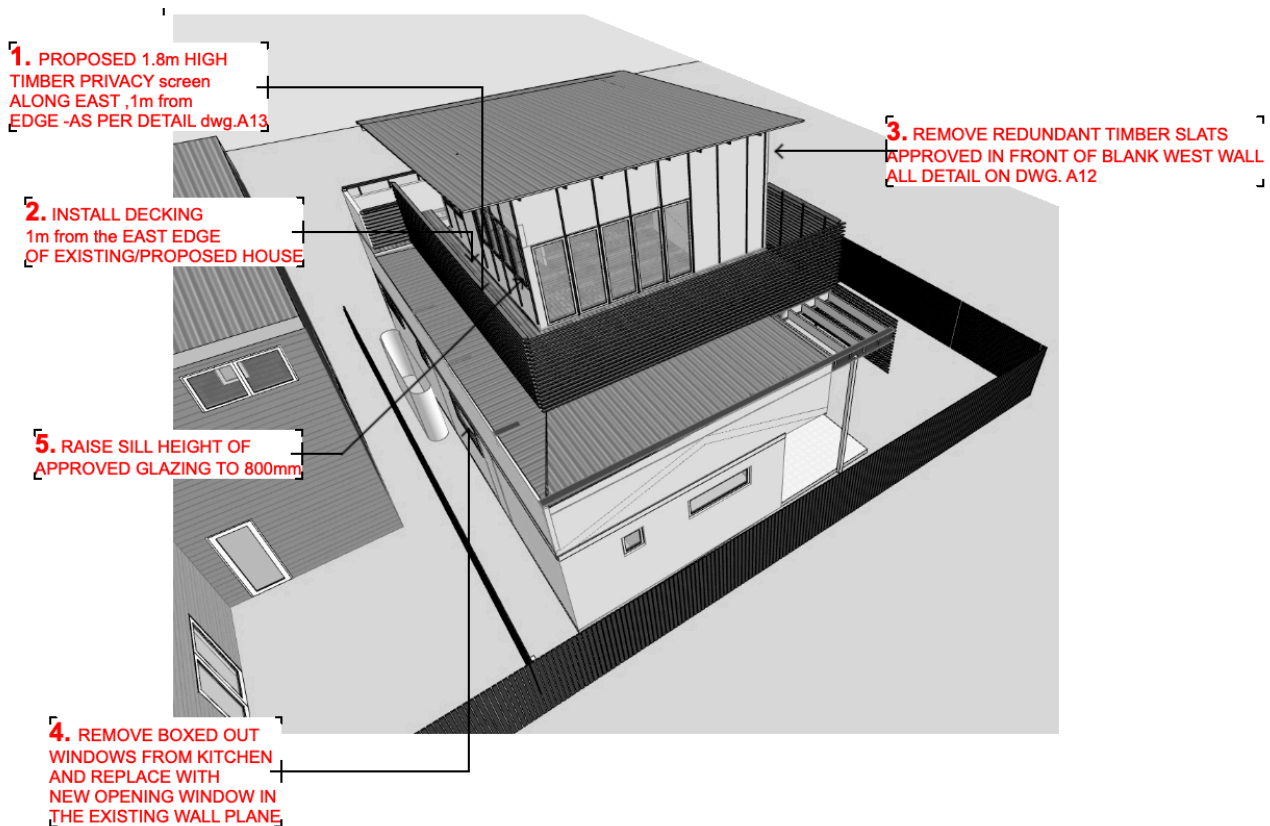


| Glazed window/door no. | Orientation | Maximum height (mm) | Maximum width (mm) | Frame and glass specification                             | Shading device (Dimension within 10%)                              | Overshadowing         |
|------------------------|-------------|---------------------|--------------------|---|--|-----------------------|
| W9                     | W           | 650.00              | 3600.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 580 mm, 200 mm above head of window or glazed door            | >4 m high, 2-5 m away |
| D1                     | W           | 2050.00             | 2060.00            | timber, (U-value: <=, SHGC: Undecided)                    | solid overhang 3351 mm, 620 mm above head of window or glazed door | >4 m high, 2-5 m away |
| W10                    | W           | 650.00              | 2260.00            | timber, double glazed (U-value: <=2.5, SHGC: 0.27 - 0.33) | eave 583 mm, 560 mm above head of window or glazed door            | >4 m high, 2-5 m away |

| Energy Commitments  | Show on<br>DA plans | Show on CC/CDC<br>plans & specs | Certifier<br>check |
|---|---------------------|---------------------------------|--------------------|
| <b>Hot water</b>  |                     |                                 |                    |
| The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump with a performance of 36 to 40 STCs or better.                | ✓                   | ✓                               | ✓                  |
| <b>Cooling system</b>   |                     |                                 |                    |
| The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 9 star (average zone)     |                     | ✓                               | ✓                  |
| The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 9 star (average zone)         |                     | ✓                               | ✓                  |
| <b>Heating system</b>   |                     |                                 |                    |
| The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - non ducted; Energy rating: 9 star (average zone) |                     | ✓                               | ✓                  |
| The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 9.5 star (average zone)       |                     | ✓                               | ✓                  |
| <b>Ventilation</b>  |                     |                                 |                    |
| The applicant must install the following exhaust systems in the development:<br>At least 1 Bathroom: no mechanical ventilation (ie. natural); Operation control: n/a                                    |                     | ✓                               | ✓                  |
| Kitchen: no mechanical ventilation (ie. natural); Operation control: n/a  |                     | ✓                               | ✓                  |
| Laundry: natural ventilation only, or no laundry; Operation control: n/a  |                     | ✓                               | ✓                  |
| <b>Artificial lighting</b>  |                     |                                 |                    |
| The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.  |                     | ✓                               | ✓                  |
| <b>Natural lighting</b>   |                     |                                 |                    |
| The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.  | ✓                   | ✓                               | ✓                  |

| Energy Commitments  | Show on<br>DA plans | Show on CC/CDC<br>plans & specs | Certifier<br>check |
|---|---------------------|---------------------------------|--------------------|
| The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting. | ✓                   | ✓                               | ✓                  |
| <b>Other</b>  |                     |                                 |                    |
| The applicant must install a fixed outdoor clothes drying line as part of the development.                              |                     | ✓                               |                    |
| The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.                  |                     | ✓                               |                    |

| Legend   |
|--|
| In these commitments, "applicant" means the person carrying out the development.   |
| Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).             |
| Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development. |
| Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.                   |



## S4.55 (2) MODIFICATION

DA59347/2020/A

# STATEMENT OF ENVIRONMENTAL EFFECTS

## Minor Design Amendments to the First Floor and Associated Updated Condition of Consent

2c Amethyst Avenue  
Pearl Beach

Lot 2 DP 838892

February 2024

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**Figure 3** - Approved Western Elevation

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**Figure 5** - Approved Northern (rear) Elevation

**Figure 6** - 6 Pearl Parade Street View

**Figure 7** - 7 Pearl Parade Street View

**Figure 8** - 21 Diamond Road Street View

**Figure 9** - 21 Diamond Road Street View

**Figure 10** - PROPOSED MODIFICATIONS East (side) Elevation

**Figure 11** PROPOSED Section through North East corner of the DECK AND SCREENING

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**Figure 17** – Photographs of constructed approved Eastern Wall and adjacent blank wall at no 6 Pearl Parade.

**Figure 18**– APPROVED \_ North East CAD Perspective / Deck and Screening - APPROVED SHADOWS CAST ON 6 PEARL PARADE

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**Figure 20** - Letter to Neighbours at no. 6 Pearl Parade



## 1. Introduction

Modifications remain of a minor nature with the design remaining substantially the same. Due to the modification of consent imposed by the Central Coast LPP panel which approved it, the application is considered as a 4.55(2).

Modifications requests the deletion of condition 2.6a imposed by the LPP panel, therefore the application is considered and lodged under section 4.55(2).

Modification has been prepared on behalf of the property owner of 2c Amethyst Avenue, Pearl Beach, in support of proposed minor design amendments to the first floor and associated updated conditions to the approved two-storey residential dwelling development at 2C Amethyst Avenue Pearl Beach NSW 2256

Relevant development consents relating to this site are as follows:

- DA59347/2020 - Alterations & Additions, Retaining Existing Ground Floor, approved by the Central Coast Local Planning Panel 13 May 2021.
- DA/59347/2020/A, sec.4.55 (A) modifications approval to relocate the stairs from the outside along the West side of the house to inside.

This modification application under section 4.55(2) is proposing to revise approved DA/59347/2020/A with the submitted revised plans Revision E dated 26/02/24, as below:

| DRAWING No. | DESCRIPTION                       |
|-------------|-----------------------------------|
| A01         | COVER                             |
| A02         | SITE SURVEY                       |
| A03         | ROOF PLAN/SITE ANALYSIS PLAN      |
| A04         | FLOOR PLANS 1:100                 |
| A05         | ELEVATIONS - West & East          |
| A06         | ELEVATIONS - South & North        |
| A07         | SECTIONS S1 MATERIALS & BASIX     |
| A08         | SECTION S-2 & BASIX               |
| A09         | SHADOWS JUNE                      |
| A10         | SHADOWS SEPTEMBER                 |
| A11         | SHADOWS CAST ON EASTERN NEIGHBOUR |
| A12         | PRIVACY SCREEN - SIGHT LINES      |
| A13         | LANDSCAPE PLAN                    |
| A14         | STORMWATER DRAINAGE PLAN          |

The following is a description of the proposal and approvals process to date, in more detail.

The original DA DA59347/2020 was approved with Condition 2.6a of the Notice of consent seeking to delete a narrow strip of decking and associated privacy screening along the Eastern Boundary. The screening on the East side of the Northern deck was required to be reduced to 1m high. The covered deck on the South East (front) was approved unchanged. Furthermore, the glazed access doors to the East side were required to be changed to windows, remaining as 2.1m high glazing. Below is the LPP imposed condition 2.6a:

***That the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed. All proposed***

***doors are to be deleted and replaced with windows. At the juxtaposition of the eastern deck with the rear deck the length of the rear deck is to be reduced by the width of the proposed eastern deck at that point and appropriate balustrades provided.  
Details of the amendments to be provided on plans and approved prior to the issue of a Construction Certificate***

The applicant submitted amendments to the approved plans for Council's approval on 29 June 2021 in accordance with Condition 2.6a. Council advised on 15 July 2021 the plans submitted, Rev 120721 satisfied condition 2.6a and the amended plans were made public on Council's planning portal.

The appropriate amendments were made to council satisfaction according to the above condition and a Construction Certificate (CC/59347/2020) was issued on 18 September 2021 to allow commencement of construction.

A section 4.55 (1A) minor modifications application was then submitted and approved, moving the external access stairs to the proposed first floor to inside the house. This presented a substantial improvement to acoustic and visual privacy towards the Western neighbour. An updated CC was issued and construction continued. Other minor amendments sought to make the proposed first floor more useable, adjusted it to receive the stairs in a new location and improved privacy towards the Western side. These approved modifications included the following items:

- Relocation of approved external staircase to the first floor, to be replace with internal staircase, requiring minor amendments to the ground floor approved plan, wholly within the approved building footprint.
- Widened car space to use area available through the stair relocation, and to allow the slight addition to the ground floor to accommodate the proposed internal staircase.
- Extend external first floor wall to the western edge where the approved stairs connected to the first floor, again wholly within the approved building footprint and approved external walls, with deletion of a section of privacy screening that is no longer required (louvred privacy screen was required to ensure privacy to neighbours from the external staircase).
- Relocation of internal laundry on ground floor.
- Reconfiguration of first floor layout to create generous bedroom area with study seating.
- Reduction of height of western windows to the proposed first floor ensuite location to ensure privacy to occupants and adjoining dwellings.

The effect of these changes validated the unification of the proposed living areas on the property. Some neighbour concerns with the original development application centred on a misconception that an external staircase signalled a dual occupancy or other sub-optimal arrangement. This was not the case, and the establishment of an internal staircase remedied these concerns and helps achieve a better outcome for one three-bedroom living arrangement across both floors. This modification to reinstate narrower decking to the first floor eastern side is submitted with the same intention of improved living arrangements, namely:

- improving the first floor amenity by replacing the poorer visual outlook of the blank timber wall at no.6 Pearl Parade with a plant enhanced angled timber screen structure, and
- establishing a renewed privacy solution to the original development application whereby a 1.8 metre privacy screen is erected 1.1 metre from the edge near-completed approved first floor building.

As the the framing and deck level of the first floor took shape it became apparent that privacy to the Eastern neighbour would need to be addressed via another sec 4.55 modifications submission, this time due to the subject of the modifications addressing an LPP imposed condition, this submission is required to be a section 4.55 (2) and will need to be approved via the LPP.

This Section 4.55(2) application seeks to amend development consent DA/59347/2020/A, AS follows:

- 1. Raise the approved 1m high timber slatted privacy screen facing East from the approved rear deck to 1.8m high and extend the same along the full length of the reinstated Eastern deck (1), with a setback of 2.235m from the Eastern side boundary and 1.100m from the edge of the existing and approved building side alignment.**
- 2. Reinstate a 1m wide section of decking along the Eastern side to connect the approved rear Northern deck with the smaller approved South facing covered deck.**
- 3. Remove redundant timber slats in front of blank wall on the Western side of the building, below approved en-suite high window clerestorey.**
- 4. Remove boxed our section of wall and side windows on the ground floor Eastern wall adjacent to the kitchen on the ground floor.**
- 5. Raise sill height of approved windows on the East facade from 60mm to 800mm high from Finished floor level.**

The justification and reasons for this proposal are discussed in detail further in this report.

## **2. Site Analysis**

### **2.1. Site Description**

The site is locally known as 2c Amethyst Avenue, Pearl Beach, and legally described as Lot 2 DP 838892, and sits on the Northern side of the Avenue. The site has a frontage of 15.5m to Amethyst Avenue, side boundaries of 15.24m, and a rear boundary of 15.5m, resulting in a total area of 236.2sqm.

There is no discernible fall over the site, and minimal vegetation aside from a single large tree on the front boundary. The lot contains an existing single storey dwelling house with carport under same roofline, and benefits from approved DA59347/2020 which allows for a first-floor addition consisting of a single bedroom, bathroom, and study, plus limited outdoor decking. A subsequent minor modification DA/59347/2020/A, was approved and is reflected in the figures 2-4 showing approved and commenced design elevations.

Refer to **Figure 1**, below for the site and its surrounds, and **Figures 2 – 5** for the approved plans.

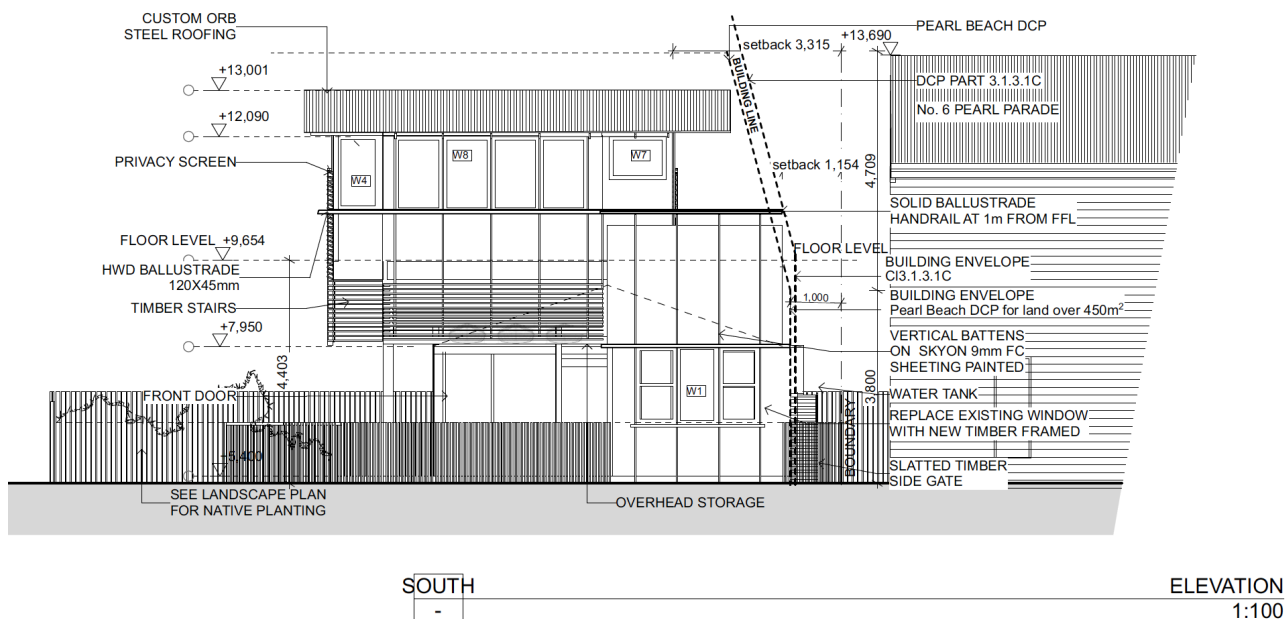
Statement of Environmental Effects for Minor modifications at 2c Amethyst Avenue, Pearl Beach  
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**Figure 1 - Site Aerial (Nearmap)**



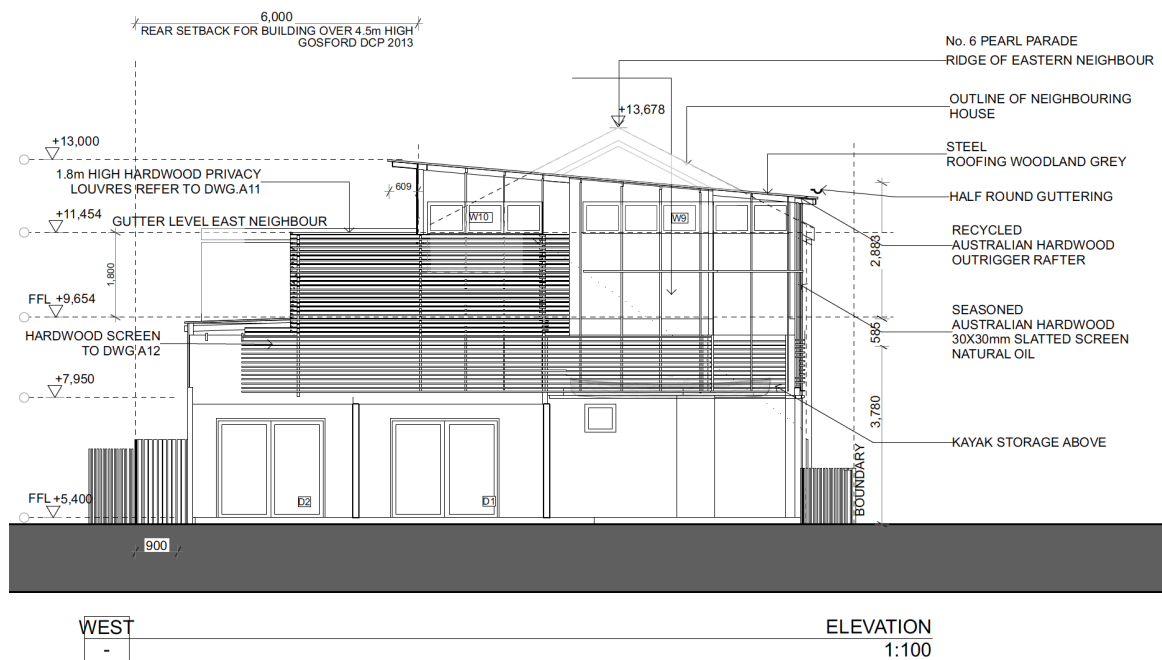
**Figure 2 - Approved Southern (front) Elevation**



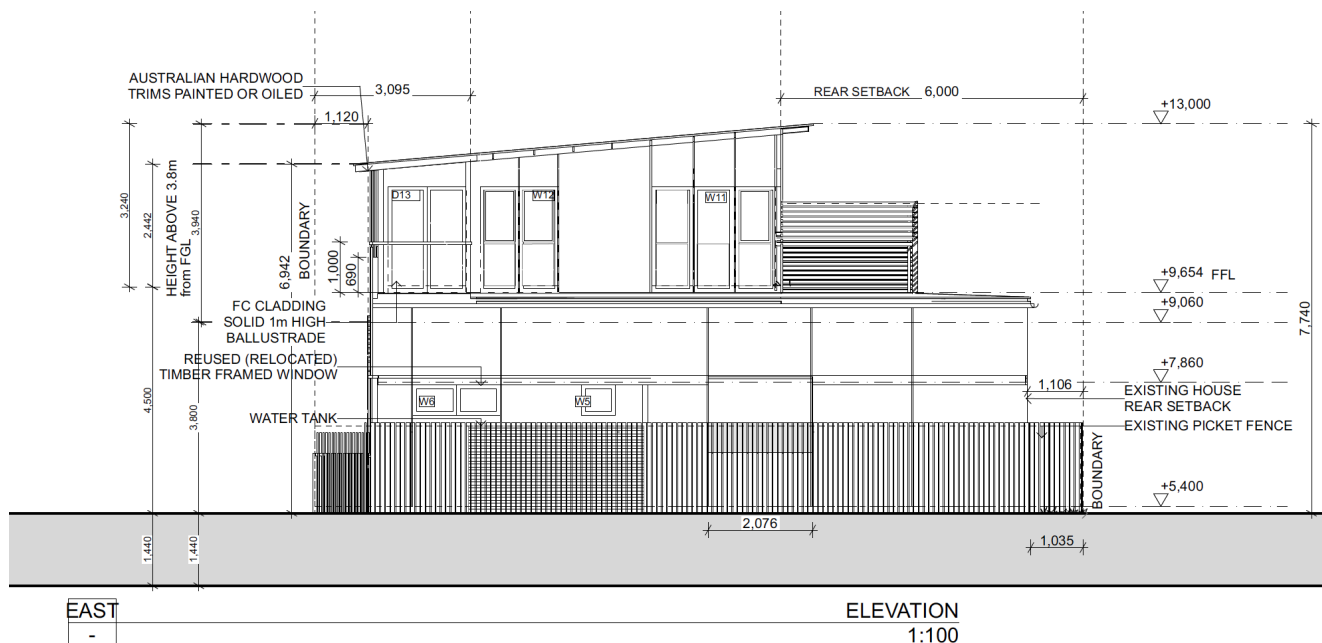
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**Figure 3 - Approved Western Elevation**



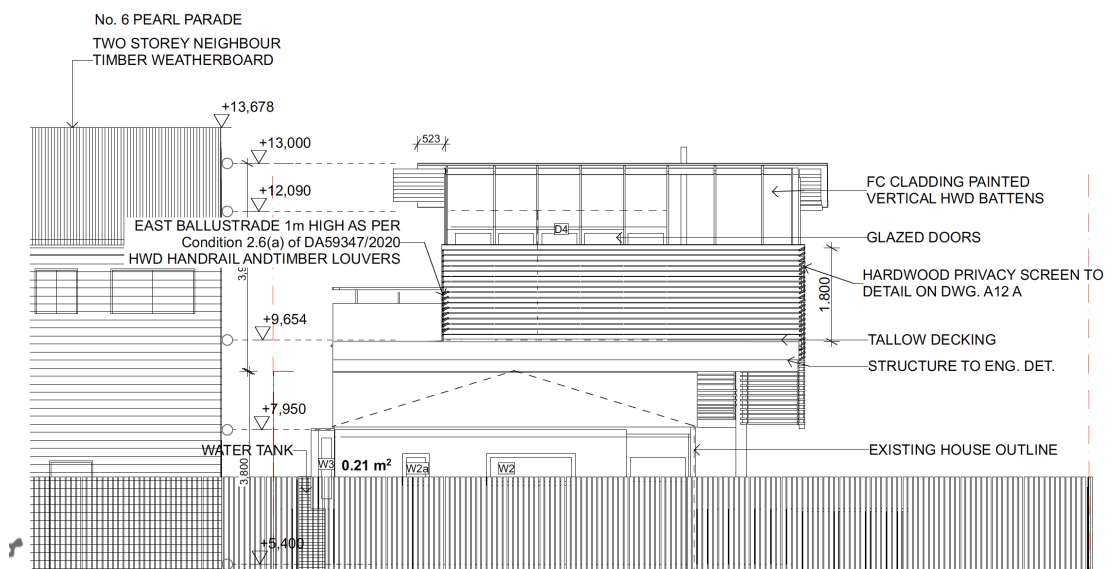
**Figure 4 - Approved Eastern Elevation**



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**Figure 5 - Approved Northern (rear) Elevation**



## 2.2. Surrounding Development

The surrounding and adjoining properties comprise of detached residential dwellings, with a two-storey dwelling located directly to the east at 6 Pearl Parade, a two-storey dwelling to the north east at 7 Pearl Parade, a two-storey dwelling to the north west at 21 Diamond Road, and a single storey dwelling directly to the west at 19 Diamond Road, as shown in **Figure 6 – 9**.

**Figure 6 - 6 Pearl Parade Street View**





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**Figure 7 - 7 Pearl Parade Street View**



**Figure 8 - 21 Diamond Road Street View**





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**Figure 9 - 19 Diamond Road Street View**

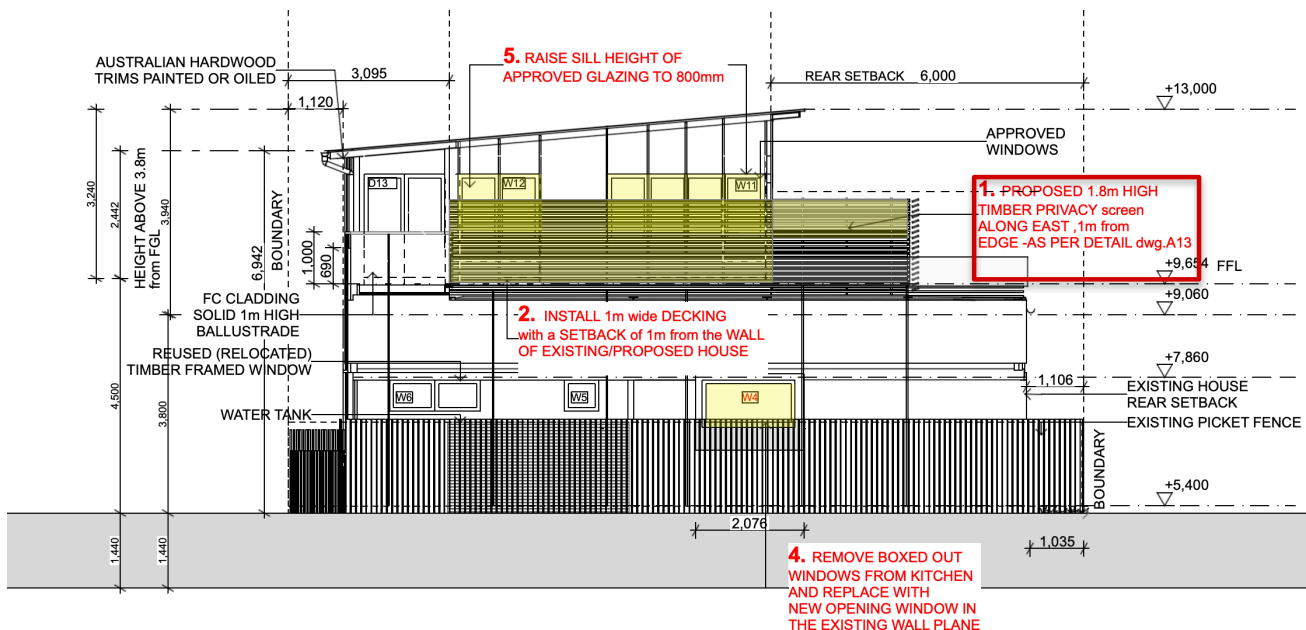


### 3. Description of the Proposed Modification

As listed in the introduction above the following are the proposed modifications with detailed rationale and justification for each. Red text on each elevation drawing highlights all the visible modifications in that view.

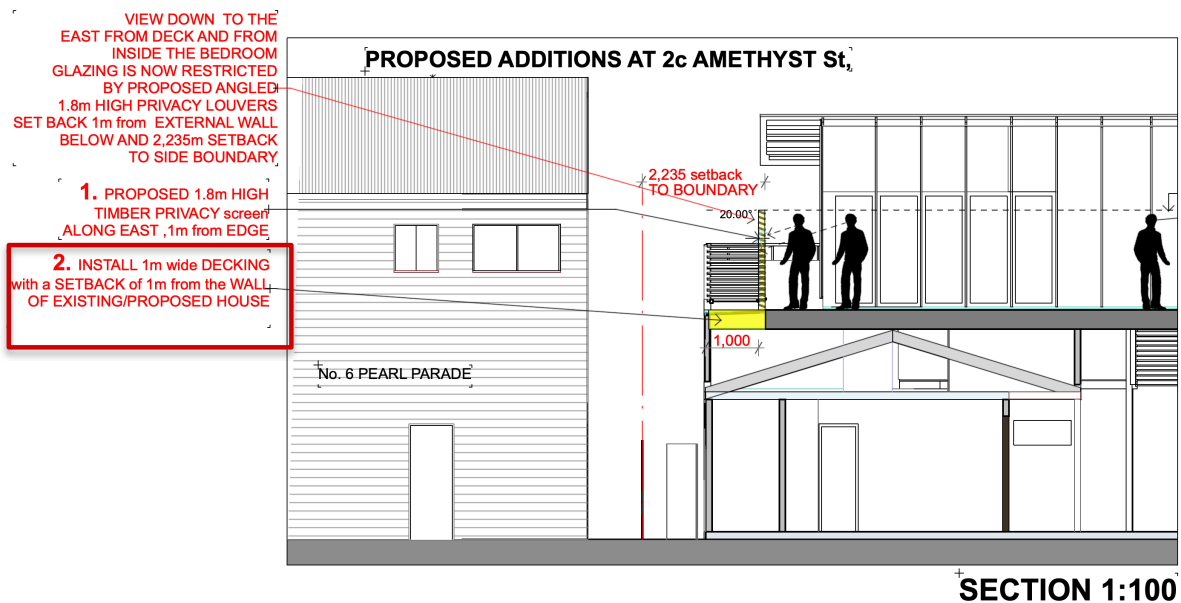
**Modification 1.** Raise the approved 1m high timber slatted privacy screen facing East from the approved rear deck to 1.8m high, move it 1m towards East boundary and extend the same along the full length of the reinstated Eastern deck (1), with a setback of 2.235m from the Eastern side boundary and 1.100m from the edge of the existing and approved building side alignment.

**Figure 10- PROPOSED East (side) Elevation**



**Justification:** This modification allows a narrow strip (1m wide) of decking to be reinstated along the East side, located 1.1m from the edge eastern edge of the building and 2.235m from the eastern boundary. The proposed 1.8m high privacy screen improves overall privacy to the Eastern neighbour as well as installing a privacy screen consistent with West and North screens to appear aesthetically consistent around the proposed deck, providing consistent acoustic and visual privacy in all directions from the first floor deck. Importantly, the proposed screen along the East will provide much improved visual privacy from the approved glazing along the East facade. The diagram below shows the privacy screen in action - the angled hardwood slats will not allow any visibility through the screen while still bringing solar access to the proposed deck.

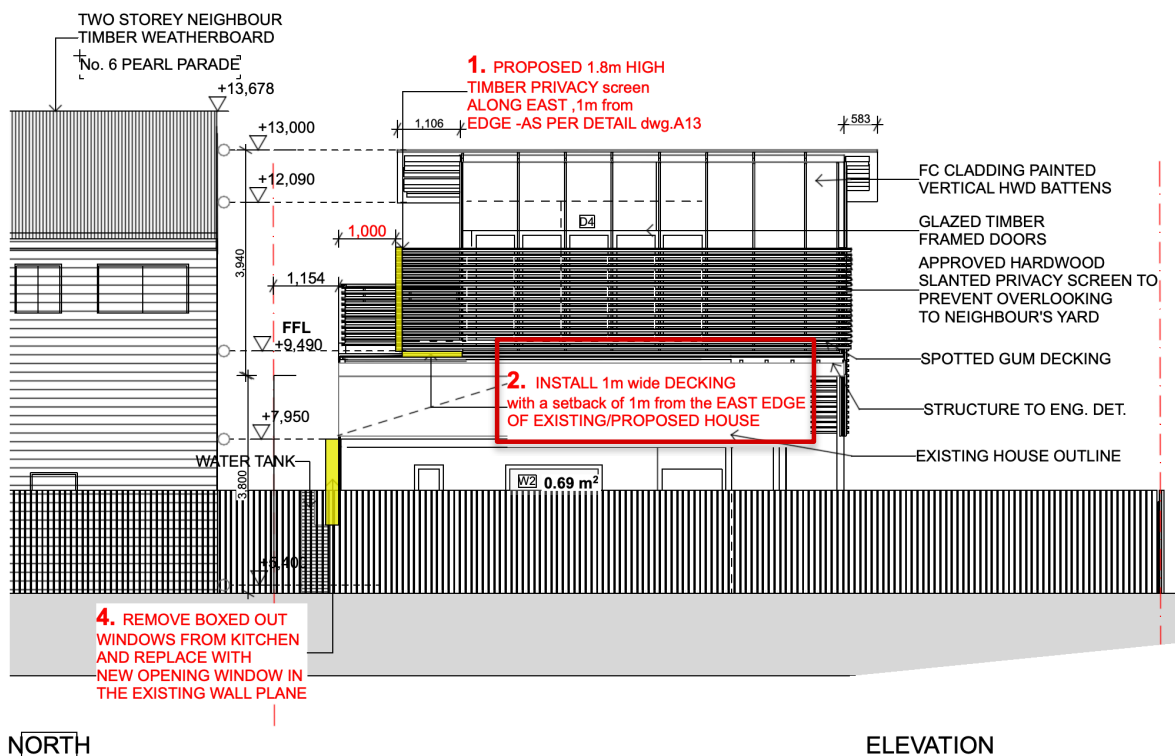
**Modification 2.** Reinstate a 1m wide section of decking along the Eastern side to connect the approved rear Northern deck with the smaller approved South facing covered deck.



**Figure 11** Section through proposed North East corner of the deck

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**Figure 12- PROPOSED MODIFICATIONS - North Elevation**

**Justification:** This modification will have no impact on the neighbour as their Western facade does not have any glazing, door or windows that could be impacted. The proposed 1m wide decking will connect the approved North (rear) deck and the South (front) deck. The impact of this external walkway being removed from the original DA as a result of the the Panel decision and subsequent cl 2.6a, is such that all movement within the first floor of the dwelling is forced through a single doorway adjacent the stairwell doorway, which results in an unnecessary pinch point within a modern, open and flowing floor plan.

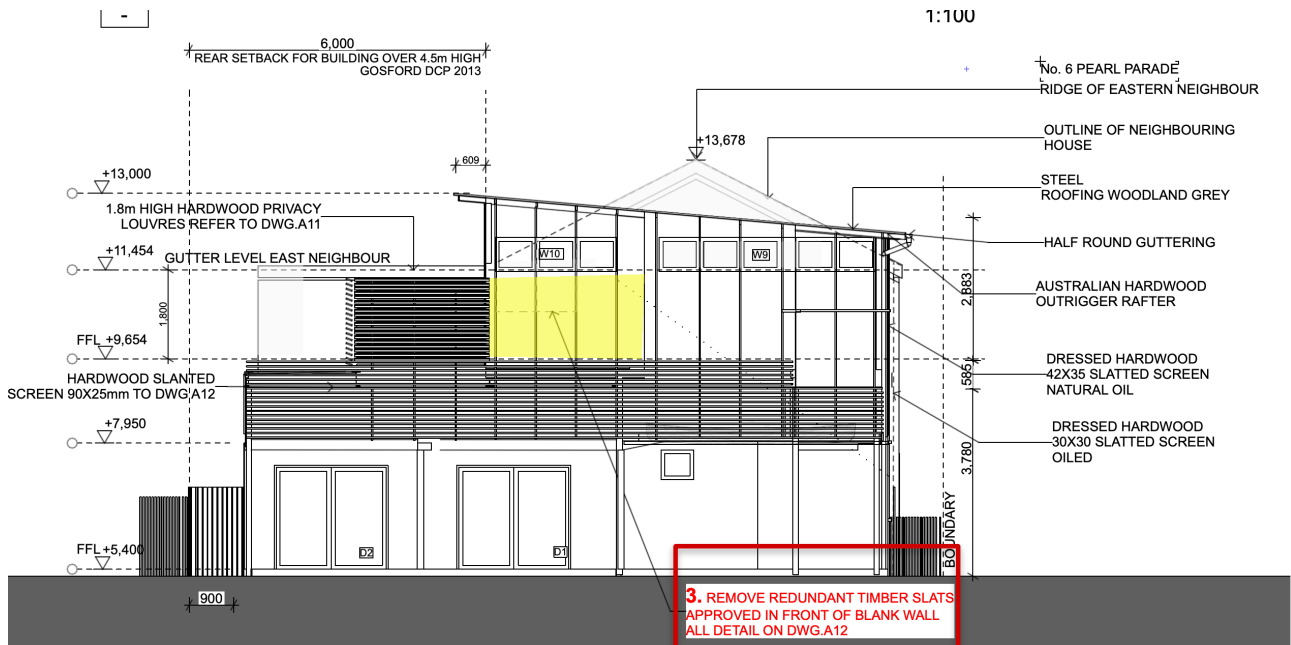
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**Modification 3.** Remove redundant timber slats in front of blank wall on the West side of the building, below approved en-suite high window clerestorey .

**Justification:** The timber slats were proposed previously as an extension of the privacy screen along the West side of the Northern deck as it was in front of bedroom windows with a sill height of 900mm. These windows are now high clerestory glazing, above eye height in the approved ensuite. As such it is not possible to look out of these windows which are intended only for natural light. The slats at this level are therefore redundant and are proposed to be removed.

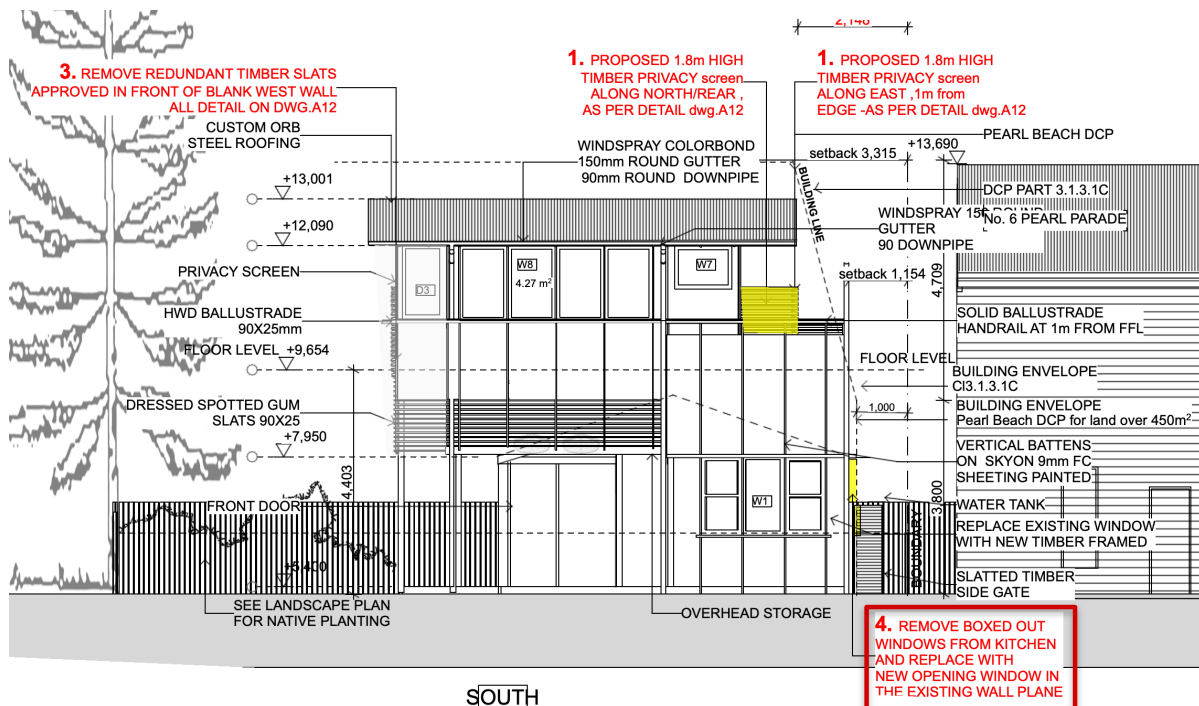
**Fig.13 - PROPOSED MODIFICATIONS West Elevation Showing modification 3**



**Modification 4.** Remove boxed-out section of wall and side windows on the approved plans, on the Eastern wall adjacent to the kitchen on the ground floor. This section of wall is now proposed to be brought into line, in the same plane as the rest of the existing Eastern wall, with the insertion of a new window facing East.

**Justification:** The boxed out wall was unnecessarily straddling the 900mm setback so had to be constructed in FRL 60/60/60. The previously approved narrow side windows would have brought in a small amount of light and could not be opened. The proposed window in the kitchen is proposed to be in line with the Eastern wall is now more than 900mm from the boundary and will be openable to improve airflow and cross ventilation on the ground floor, and bring in more natural light. This window will not present any privacy issues as it is not opposite any glazing at the neighbouring house and will have a 1.6m high sill to prevent overlooking from the kitchen. Please refer to fig 10 or drawing number A05 in the submitted section 4.55 Architectural plans.

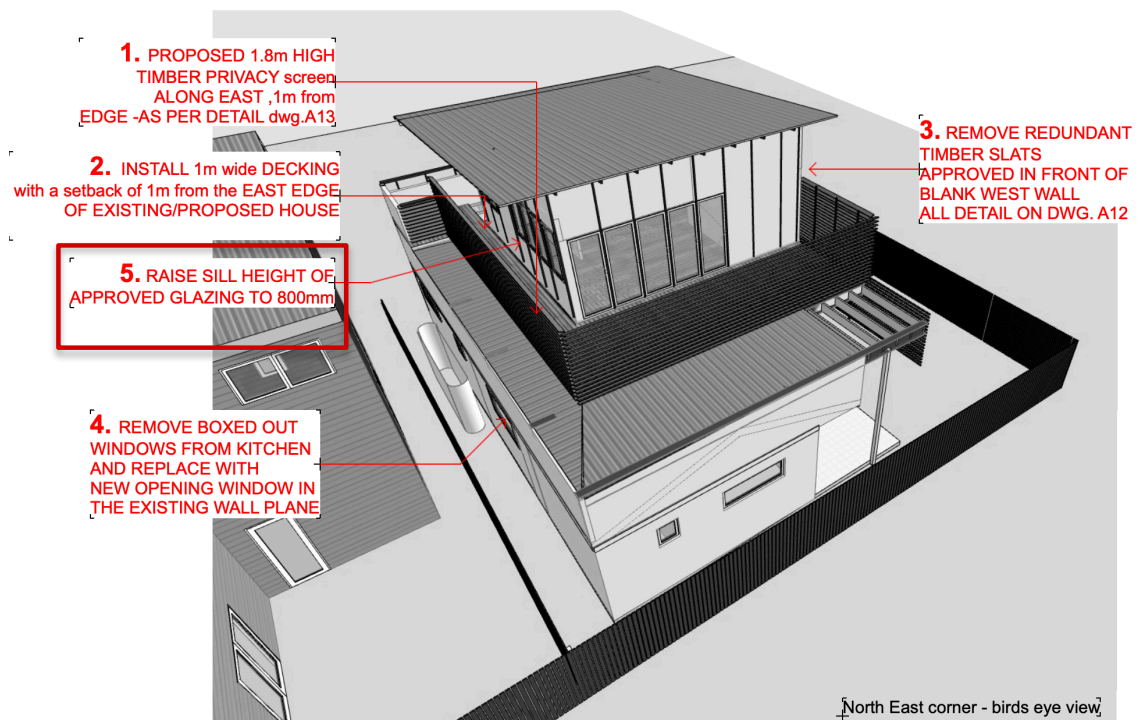
**Figure 14- PROPOSED MODIFICATIONS SOUTH (STREET) Elevation**



**Modification 5.** Raise sill heights of approved windows W11 AND W12 on the East facade to 800mm

**Justification.** Improves privacy in both directions as well as improves thermal performance of the house.

**Figure 15- PROPOSED MODIFICATIONS - North East perspective view**



No change to the approved height of building, floor space ratio, or internal dimensions of the dwelling will occur.

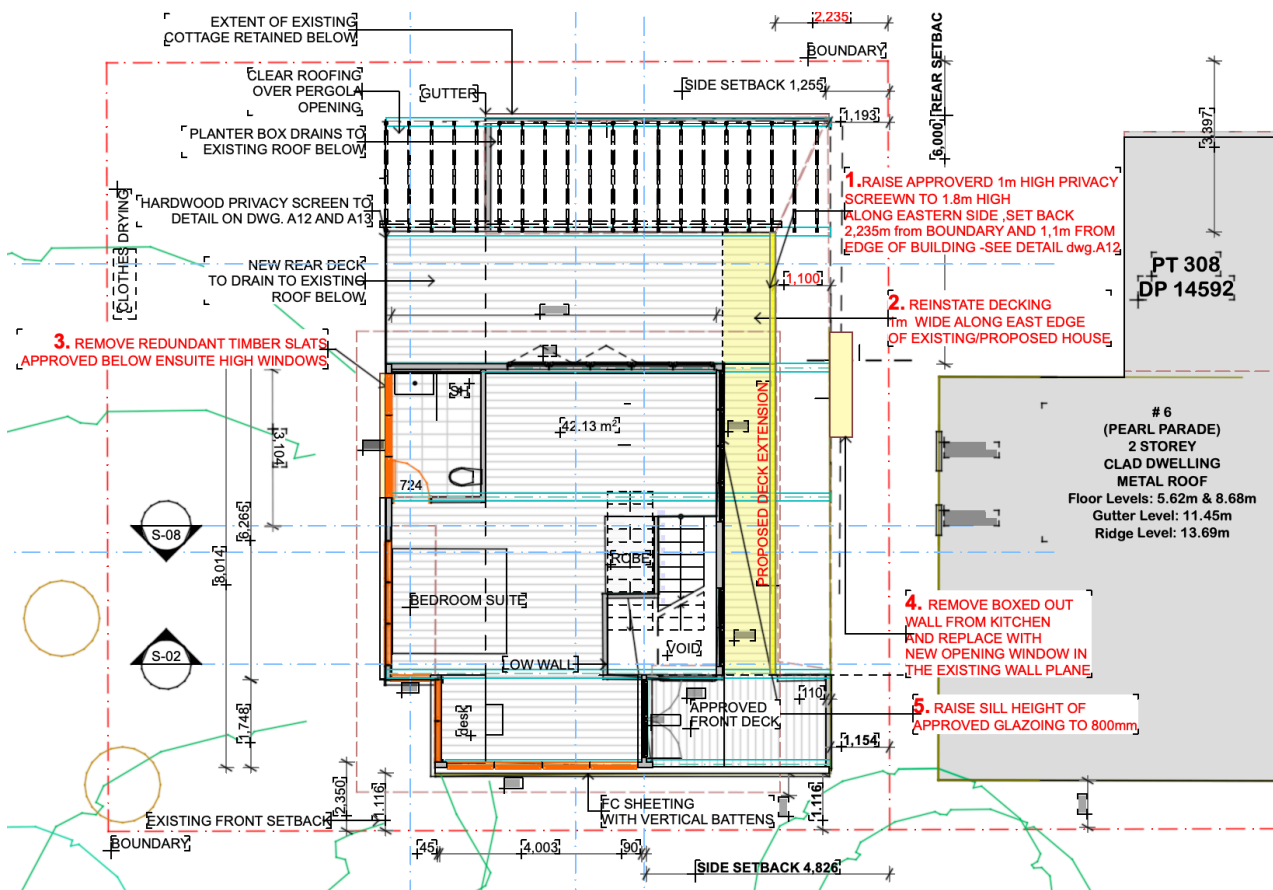


### Modification of Condition 1.1

This Section 4.55 (2) Modification seeks to gain consent for the works sought through modifying Condition 1.1 of DA59347/2020/A. We request that Condition 1.1 is amended to reflect the revised Architectural plans dated 26/02/2024, submitted with this application.

Please note that the figures 10-14 show the proposed modifications in elevations highlighted in yellow to compare with approved elevations in figures 2-5 above. The numbering shown in red annotation corresponds to the numbering of the 5 minor modifications listed in the introduction above. The diagrams demonstrate that the modifications are of a minor nature, keeping the additions substantially unchanged from those approved.

**Figure 16- PROPOSED MODIFICATIONS - First Floor Plan**





### Modification of Condition 2.6

Condition 2.6 of the Conditions of Consent DA59347/2020/A is requested to be deleted.

#### Overall justification for Proposed Modifications and history of imposed design variation:

The proposed modifications relate to sections of the approved dwelling that, through compliance with Condition 2.6(a) of the consent of the Local Planning Panel 13 May 2021 (reproduced below). Compliance with the C2.6 currently offers inadequate, sub-par amenity outcomes for both the occupants of the subject site and the occupants of those dwellings surrounding the site.

#### **C2.6 - Submit to Council for approval amendments to the plans as follows:**

***A) That the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed. All proposed doors are to be deleted and replaced with windows. At the juxtaposition of the eastern deck with the rear deck the length of the rear deck is to be reduced by the width of the proposed eastern deck at that point and appropriate balustrades provided. Details of the amendments to be provided on plans and approved prior to the issue of a Construction Certificate***

The original plans were amended to reflect the intent of C2.6(a), however in doing so the visual privacy to and from the rear setback of 6 Pearl Parade has been significantly impacted. Where screening was proposed along the eastern deck boundary under the original application, the approved plans as per C2.6(a) result in the screening being lowered along the Eastern side of the rear deck and removed altogether along the remaining length of Eastern side of the upper level. The doors that were proposed had to be replaced with full height glazing, which still impacted 6 Pearl Parade with the privacy screen having been removed by clause C2.6(a). In addition, the usability of the approved first floor area has been impacted greatly by the removal of an Eastern external connection which connected the rear to the front deck. Decking of 1m width is therefore proposed to be reinstated at 2.235m setback from the side boundary. It will be screened by the reinstated privacy screen, consistent with the West and North sides as approved.

As approved currently, the Planning Panel has seemingly removed the eastern deck for the perceived benefit of the adjacent dwelling at 6 Pearl Parade. In practical terms, the benefit is negligible, and the recommendation counterproductive, with the entire Eastern deck proposed being located adjacent a windowless, two-storey timber wall, free of any door or window openings. There is limited impact that would arise from the casual pedestrian movement alongside the house in terms of privacy or acoustics, and this would be negligible compared with the benefits of greatly improved visual privacy. The photos below show the facing blank wall of no6 Pearl Parade.

**Figure 17 – Photographs of constructed approved Eastern Wall and adjacent blank wall at no 6 Pearl Parade.**

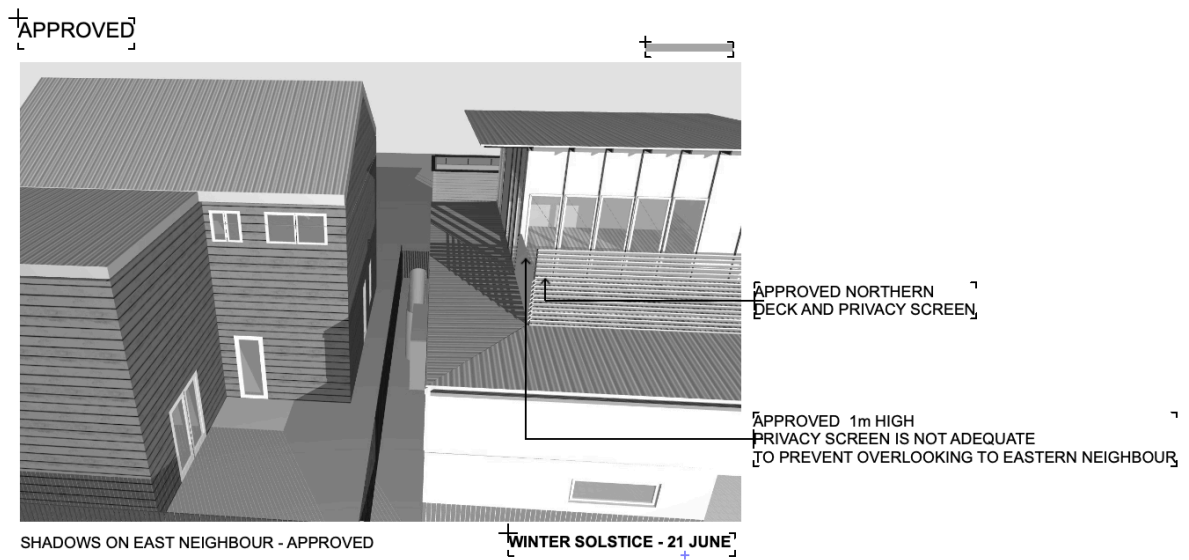


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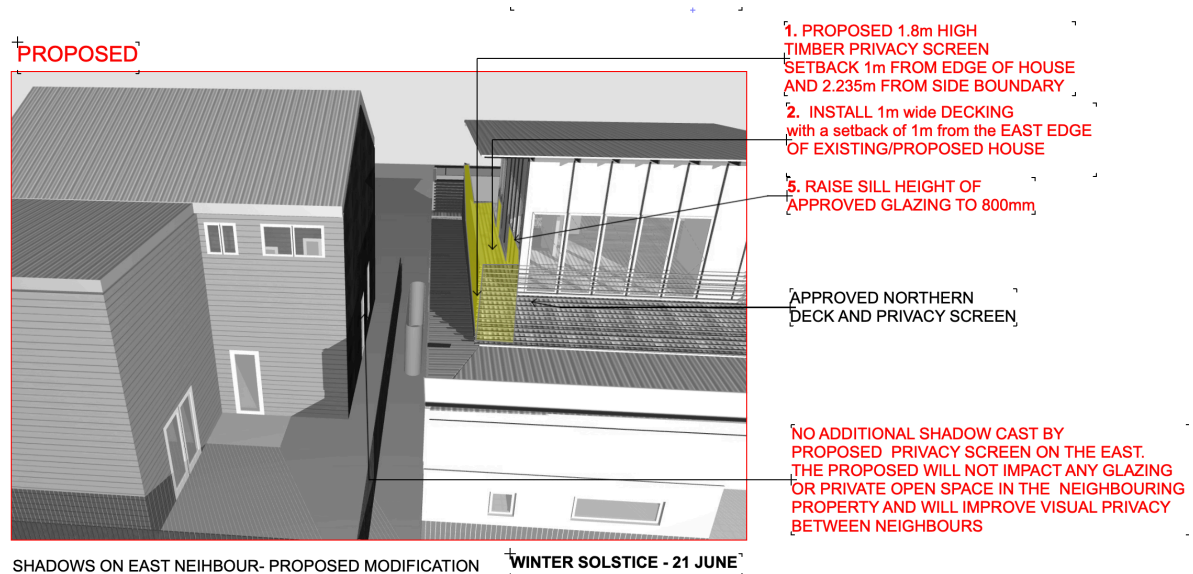
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**Figure 18– North East CAD Perspective Sketch of AS APPROVED Deck and Screening**



**Figure 19 – North East CAD Perspective of Proposed Modifications to Screening (1) Deck(2) and glazing (5)**



The potential amenity impacts upon the occupants of 6 Pearl Parade as a result of the proposed modification would be limited to an indirect view toward an upstairs northern window, which is not a bedroom, bathroom or living room, and would only be available through the slanted privacy screen proposed. The photographs above in figure 15 as well as the perspective computer renderings of the relationship between the proposed and the house at 6 Pearl Beach Parade in figure 16 demonstrate that the proposed modifications do not pose any adverse impacts on the neighbour, and are a well considered improvement to privacy for both neighbours, thereby contributing to better neighbourly relations.

As demonstrated in the above justification and diagrams, the proposed reinstatement of the 1m wide eastern deck area with 1.8m high privacy screen enclosing the full length of the Eastern deck. This narrow strip of decking proposed, has a setback of 1.1m from the edge of the building and 2.235m setback from the Eastern side boundary, would result in an improved privacy outcome to the rear of 6 Pearl Parade when compared with the approved design. Through careful, appropriate design, the proposed minor modifications have limited potential to impact adjoining dwellings through overshadowing or overlooking, and in practical terms, would give rise to no greater acoustic impact to any adjacent dwelling than that approved.

No change to the proposed built form when viewed from the public domain would be realised through approval of the minor modifications sought, and with the use of the site to remain as approved, all other conditions will remain unchanged.

Statement of Environmental Effects for Minor modifications at 2c Amethyst Avenue, Pearl Beach  
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January 2024

### Neighbour Consultation

It should be noted that the owner of 2c Amethyst Avenue sought to consult his immediate Eastern neighbour at 6 Pearl Parade, inviting them to give comments or feedback to this proposed modification which will have mutual benefits in terms of privacy. Unfortunately, no response was received by the owner. Please see letter below:

22 January 2024

Peter Elias  
2c Amethyst Avenue  
Pearl Beach 2256  
Mobile: 0400 20 20 90

Dear Neighbours,

In the process of constructing the first-floor addition next door, it has become clear that privacy will be compromised between our properties.

We had planned for greater privacy in our original DA and whilst supported by Council, this was removed by the approving Independent Planning Panel at the time.

However, a lack of privacy will persist. We plan to submit a modification to Council to add best possible privacy in a compliant way, after preliminary advice from Council.

We would like to discuss the privacy matter with you and get your input and support for the planned modification.

If you are happy to participate in a short discussion, please contact me on the above contact number (or pop in and see Hector our builder if that suits) within the week.

We will completely understand if you prefer not to discuss the matter, and should we not hear from you by Monday 29<sup>th</sup> January we will take it as such.

Kind regards,

*Peter Elias*

Peter

**Fig .20 Letter to Neighbours at no. 6 Pearl Parade**

## 4. Statutory Matters

### 4.1. Environmental Planning and Assessment Act NSW 1979

The proposal is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). Under the provisions of Section 4.55 (2) of the Act.

It is considered that the proposed modification of DA59347/2020 (A) falls within the scope of Section 4.55 (2) of the Act. The Eastern deck and screening, which is proposed to be reinstated via this submission, was removed from the original DA proposal by clause 2.6 included and discussed above. As this clause was imposed by the LPP, this application will need to be referred back to the LPP and as such the proposed modifications would be deemed to be Section 4.55 (2).

The proposed works are minor in nature and would have a negligible environmental impact. The development consent as modified remains substantially the same as the development for which consent was originally granted, and no built form changes as seen from the public domain would result from the minor modifications proposed.

Section 4.55 (2) modification has been prepared in accordance with Clause 115 of the *EP&A Regulation 2020*

### 4.2. GDCP

A review of Central Coast DCP 2022 has been undertaken in the context of the proposed modification. The proposed modification does not generate inconsistencies with the DCP controls outside of those previously considered and approved, and would result in a development entirely consistent with that previously assessed by, and granted consent from, Council.

No change to the built form would be seen from the public domain, and no change to the existing, approved front, side or rear setbacks would be realised.

The proposed modification, should approval be granted, would appear the same as that approved within the streetscape, and would be consistent with the character of the area.

## 5. Assessment of Planning Issues

The proposed modification has been evaluated with regard to the matters for consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) that have not been addressed elsewhere within this statement.

### 5.5.1. The Provisions of any Environmental Planning Instrument – 4.15 (1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not manifestly inconsistent with any EPI.

### 5.5.2. The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

The proposed modification is consistent with the Draft Central Coast Local Environmental Plan 2019, which relates to the land.

#### **5.5.3. The Provisions of any Development Control Plan – 4.15(1)(a)(iii)**

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is considered to be consistent with the objectives of GDCP 2013.

#### **5.5.4. The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)**

No Planning Agreement is applicable to this application.

#### **5.5.5. The Provisions of the Regulations – 4.15(1)(a)(iv)**

No regulations not previously discussed are applicable to this application.

#### **5.5.6. Likely Impacts of the Development– 4.15(1)(b)**

It is considered that the proposal, which seeks a minor modification to the first floor eastern and northern deck, with inclusion of privacy screening and rooftop gardens, is reasonable in the context of the site, and it is considered that the resultant development is compatible and consistent with the character of the area.

#### **5.5.7. Suitability of the Site for the Development– 4.15(1)(c)**

The subject site is considered suitable for the proposed development in this location, with no change to the approved use of the land proposed under this modification application.

#### **5.5.8. Any Submission Made in Accordance with this Act or the Regulations – 4.15(1)(d)**

Any submission received will be addressed appropriately should the consent authority request it.

#### **5.5.9. The Public Interest – 4.15(1)(e)**

It is considered that the proposed modifications would result in a development that is manifestly the same as that originally approved. It is unlikely that the proposed modification would result in any unreasonable adverse impacts on the natural environment, or the amenity of both the subject site or surrounding sites, nor would it generate any impact on the character of the surrounding area. Accordingly, the proposed amendment is considered to be in the public interest.

## **6. Conclusion**

The proposed minor modification improves the potential environmental effects as considered under Section 4.55 (2) and section 4.55 of the Act and proposes a development that is substantially the same as that approved by Council.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the development warrants support on its merits.



**Item No:** 4.1

**Title:** Planning Proposal 2 Woongarra Road  
Woongarra to rezone MU1 and E1 zoned land to  
R1 General Residential

**Central Coast**  
Local Planning Panel

**Department:** Environment and Planning

---

#### 6 June 2024 Local Planning Panel Meeting

Reference: RZ/1/2023 - D16102149  
Author: Sarah Hartley, Senior Strategic Planner Local Planning and Policy  
Manager: Scott Duncan, Section Manager. Local Planning and Policy  
Executive: Luke Sulkowski, Director Environment and Planning (Acting)

### Summary

This report relates to a request to prepare a Planning Proposal Lot 1 DP 1275060 known as 2 Woongarra Road, Woongarra which will be considered by Council on 27 June 2024. This request is referred to the Local Planning Panel (LPP) for advice prior to the reporting of the matter to Council.

The proposal seeks to rezone the E1 Local Centre and MU1 Mixed Use zones to R1 General Residential under the *Central Coast Local Environmental Plan 2022* (CCLEP). The Planning Proposal will prompt amendment to Chapter 4.1 of *Central Coast Development Control Plan 2022*. Please refer to the Planning Proposal (Attachment 1) and draft Council Report (Attachment 2) for a detailed explanation of the proposal.

The Local Planning Panel comments will be included as an attachment to the Council report on 27 June 2024. If the Council resolves to forward the Planning Proposal for a Gateway Determination, then the Panel's advice shall also be forwarded to the Minister.

---

### Recommendation



- 1 That the Panel consider the Planning Proposal in relation to Lot 1 DP 1275060, 2 Woongarra Road, Woongarra to amend the Central Coast Local Environmental Plan 2022 (see Attachment 1) and draft Council Report (attachment 2).**
- 2 That the Panel provide independent advice on the Planning Proposal for consideration by Council.**



**4.1 Planning Proposal 2 Woongarra Road Woongarra to rezone MU1 and E1 zoned land to R1 General Residential (cont'd)**

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**Attachments**

1  Planning Proposal 2 Woongarra Road, Woongarra - May 2024 D16195303  
 version



Central Coast Council

Planning Proposal

Lot 1 DP 1275060 – 2 Woongarra Road

Woongarra

File No: RZ/1/2023; PP-2023-581

May 24



Planning Proposal  
Lot 1 DP 1275060 – 2 Woongarra Road  
Woongarra

File No: RZ/1/2023; PP-2023-581

Date: May 24

Version 1

Central Coast Council

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**Gosford Office:** 49 Mann St / PO Box 21 Gosford NSW 2250 | **P** 1300 463 954

**E** ask@centralcoast.nsw.gov.au |

**W** www.centralcoast.nsw.gov.au |

ABN 73 149 644 003

Opening Hours 8.30am - 5.00pm

Lot 1 DP 1275060 – 2 Woongarra Road

File No: RZ/1/2023; PP-2023-581

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## Background & Locality Context

### Locality Context

The Planning Proposal (PP) nominates the northern portion of 2 Woongarra Road, Woongarra, (Figure 1) as the site that this the subject of the rezoning, and known as Stage 10 within the overall masterplan of the site (see Figure 2).

The real property description is:

- Lot 1 DP 1275060



Figure 1: Subject site, (Source: SIX Maps, 2023)

The irregular shaped allotment is consistent with the original staged masterplan (see Figure 2) and adjoins Hilltop Park. Hilltop Park will feature as the key public open space area for the centre and is under Council management. Earlier stages in the masterplan development are either in the approval pathway or under construction as seen in Figure 1 and will primarily support single lot low density development.

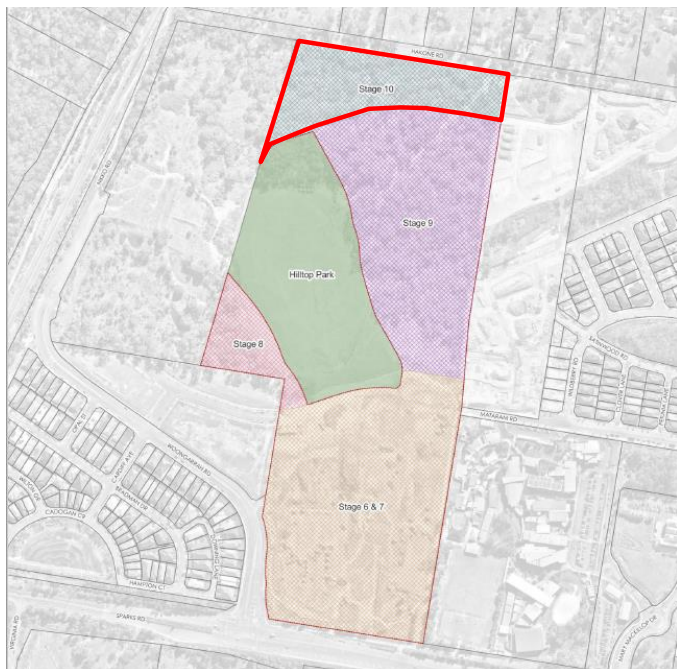


Figure 2: Site Aerial (Source: Beveridge Williams, 2023)

The subject land is located within the Warnervale Town Centre as identified by the Central Coast Regional Plan 2041 and the Draft Greater Warnervale Structure Plan (see Figure 3).

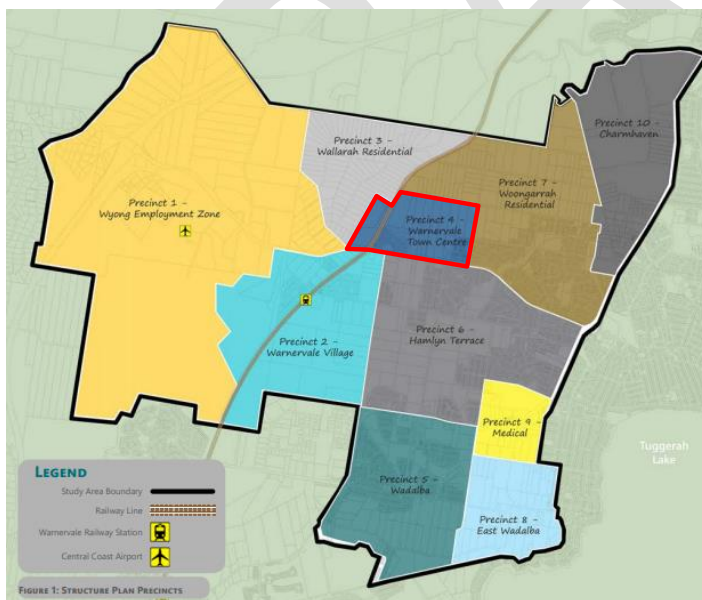


Figure 3: Extract of Precinct Mapping for draft Greater Warnervale Structure Plan (Source: CCC, 2022)

The subject land is vacant and heavily vegetated, however the site is Biodiversity Certified with the Minister for the Environment conferring Biodiversity Certification on the Warnervale Town Centre on 30 January 2014. The certification remains in force for a period of 25 years. The Hakone Road reserve

is not covered by the certification. The site is identified as being bushfire prone land but is not subject to flooding or located within a mine subsidence district.

Access to the site will occur from both Sparks Road from the south, via stages 6 – 7, and Hakone Road to the northern portion, when construction of this road takes place. Construction of Hakone Road will be required to facilitate access to lands fronting this road reserve, and as part of the development application pathway.

Surrounding land use includes:

- North: RU6 Transition zoned rural residential properties, with some C2 Environmental Conservation zoning interspersed and associated with vegetation corridors. This land falls outside the Warnervale Town Centre area identified in the CCRP 2041;
- East: R1 General residential land with some remnant MU1 Mixed Use zoned land. A part of this site has commenced construction for a residential subdivision comprising low density housing (see Figure 1);
- South: R1 General Residential zoned land included within the subject site and earlier stages of the redevelopment of the land. Hilltop Park located adjacent to the southern boundary of the subject site is a Council reserve to be constructed as a local park to support this precinct. There is also a vegetation corridor that dissects the subject land and is zoned C2 Environmental Conservation; and
- West: Zoned E1 Local Centre and currently vacant. The southern portion of this lot has been the subject of a recent SEARs request for commercial/retail development and Woolworths is the proponent. Further west is the Northern railway line and opposite this land is a site owned by the Department Planning & Environment that is also vacant land. This land forms the extremity of the Warnervale Town Centre.

### **Background**

The subject land is in a central position in the land identified as the Warnervale Town Centre. The southern extremities of the site have been the subject of development consents granted as follows;

- DA/919/2018 (Stages 6 & 7) – approval was issued on 20 December 2021 for '91 residential lots, one residential super lot and three residue lots which includes a lot be dedicated to Council for the purposes of a reserve (public open space).
- DA3910/2022 (Stage 9) - Development application is under assessment for a torrens title subdivision consisting of 86 residential lots, one lot for acquisition by Council for drainage and environmental purposes and one residue lot for the subject planning proposal and residential development under a separate development application. The application also seeks approval for associated land clearing, earthworks, construction of roads and augmentation of services.

The subject land is currently zoned MU1 Mixed Use, E1 Local Centre, R1 General residential and C2 Environmental Conservation as shown in Figure 4 below. Land that is the subject of this Planning Proposal is zoned MU1 Mixed Use and E1 Local Centre.



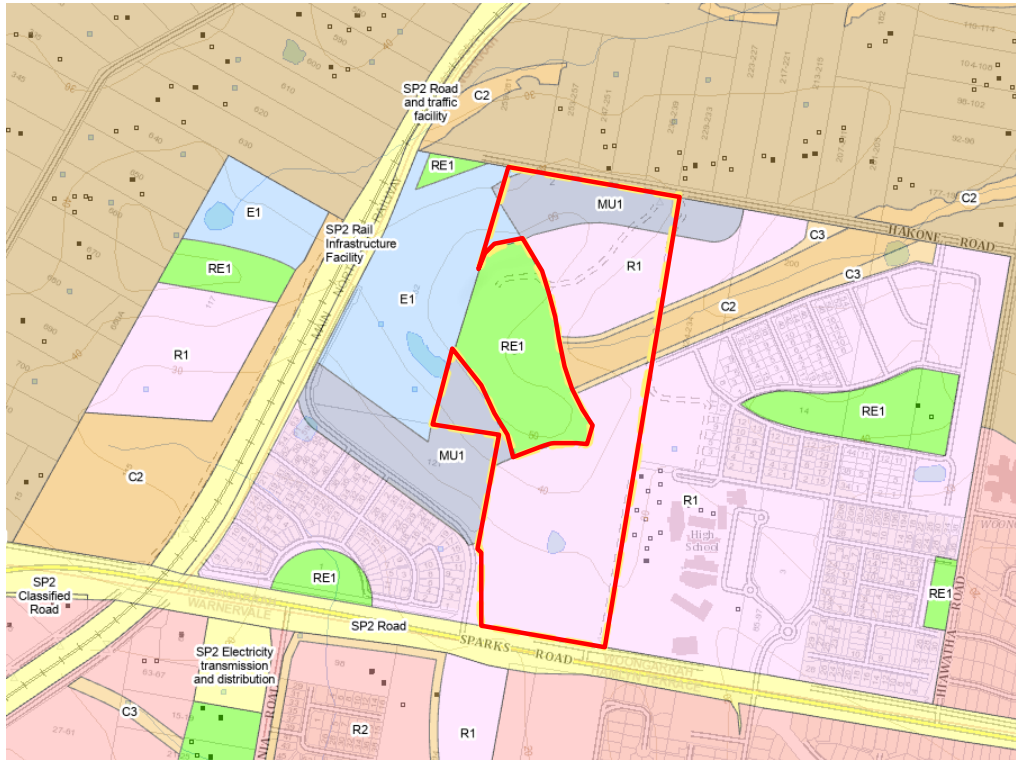


Figure 4: Subject site existing zoning under Central Coast Local Environmental Plan 2022 (CCLEP)  
(Source: NSW Planning ePortal)

## **Part 1 Objectives or Intended Outcomes**

The Planning Proposal seeks to rezone the E1 Local Centre and MU1 Mixed Use zones to R1 General Residential under the *Central Coast Local Environmental Plan 2022* (CCLEP).

The objective of this proposal is to:

- a) Provide additional diverse housing in an established residential area in support of the changed direction of the Warnervale Town Centre that promotes connectivity with the surrounding employment lands and public open space areas;
- b) Creating employment opportunities during construction and beyond with future residential development and mixed land uses.

The intended outcomes of the proposal are:



- (a) to enable development of 2 Woongarra Road, Woongarra for residential land uses with a particular focus on medium density residential purposes that supports a diverse housing mix and is consistent with the emerging residential development in the local centre; and
- (b) to enable development of land adjacent to the local park that facilitates active transport throughout the precinct and good connection to the public open spaces;
- (c) to facilitate residential development of land in an established growth area in an orderly manner, and
- (d) to permit non-residential uses consistent with the zone objectives, and in support of the local centre delivery of 'every day' services to the community.

## Part 2 Explanation of Provisions

The objectives/intended outcomes are to be achieved by rezoning lands identified as MU1 Mixed Use and E1 Local Centre under the CCLEP 2022 for R1 General Residential, to enable residential development. This will require amendments to the mapping associated with this land as explained in Table 1.

The following table identifies the proposed amendments to CCLEP mapping and clauses as required:

*Table 1: Explanation of Map and Instrument Amendments*

| Existing Provision  | Proposed Amendment  |
|---|---|
| <b>Zoning Map</b><br> | <ul style="list-style-type: none"> <li>Replace MU1 Mixed Use and E1 Local Centre zoned land with R1 General Residential land as shown.</li> </ul>  |

Additionally, the Proposal includes the amendment of Chapter 4.1 of Central Coast Development Control Plan 2022 to update the changed direction for the Warnervale Town Centre that no longer includes a new railway station. Additional changes are proposed to update mapping and associated strategic directions that have subsequently changed and in alignment with the objectives of the draft Greater Warnervale Structure Plan.

## **Part 3 Justification**

### **Section A – Need for the Planning Proposal**

#### **1. Is the Planning Proposal a result of any Strategic Study or report?**

The Planning Proposal is not the result of a strategic study or report but in response to changing direction in the Warnervale Town Centre (WTC). The WTC was previously designed with a focus on the location of the new North Warnervale train station and commercial/retail and residential densities surrounding this central location commensurate for a town centre. The NSW State Government has determined the North Warnervale train station is no longer required and therefore the WTC no longer requires the centre hierarchy as previously identified in the Masterplan.

The Central Coast Regional Plan 2041 identifies the need for an amended vision for this centre following the changed direction with the railway infrastructure. The subject proposal has been amended concurrently with the finalisation of the Greater Warnervale Structure Plan (GWSP) that is to be considered by Council in July 2024. The GWSP identifies a need for two local centres to replace the previous town centre envisaged for lands in proximity and including this site. The two local centres to support this regionally significant growth area will be located both in the land area adjacent to the existing Warnervale railway station and on the employment lands zoned to the north of Sparks Road, in the precinct formerly identified as the WTC.

With the amended vision for the WTC a reduced commercial land area has been proposed and replaced with greater housing diversity in the immediate catchment of these employment lands and surrounding the Hilltop Park open space precinct. This will enable direct connection to the local centre for the surrounding residential lands, good movement networks throughout the centre and activation of the public open space areas. Of importance to the success to the amended vision for the local centre is the integration of diverse housing opportunities to the lands with immediate interface to these non-residential lands, including the subject site.

The subject Planning Proposal does have strategic merit and is an appropriate strategic response to the changed vision for the WTC for the following reasons:

- The proposal aligns with the 15 minute neighbourhood objective defined in the CCRP 2041 to support mixed, multi modal inclusive and vibrant communities. The subject rezoning will promote this intention at the local, general suburban scale and is commensurate with the demand for services and infrastructure required at this scale.
- The proposal is supported by a retail centre analysis that confirms the amended local centre scale will meet the demand for this locality and will service the emerging residential developments in the centre. While the proposal does result in a reduced area of employment lands in this local centre precinct, the permissible land uses in this location as a result of the proposed R1 General Residential zone do not prohibit services reflecting the local/day to day scale of the centre (i.e. neighbourhood shops and the like).
- The Proposal seeks to rezone land within a portion of the WTC and aligns with the strategic objectives and actions outlined in the Central Coast Council Interim Local Strategic Planning Statement (LSPS). The LSPS provides overall goals for Central Coast's growth centres that aligns development with infrastructure capacity, encourages growth in existing centres; and renews centres as places for people. The proposal is consistent with these objectives and strengthens the WTC's function as an emerging Strategic Centre to service a growing population.

- *Central Coast Development Control Plan 2022* identifies the site as a local centre and the proposal is consistent with the objectives of this document. Noting that the CCDCP Chapter 4.1 still identifies the former proposal for the new North Warnervale train station. The DCP identifies the subject lands for higher density residential lands than those proposed, however these high densities are no longer appropriate where not supported by complementary infrastructure. The Planning Proposal will include an amendment to Chapter 4.1 Warnervale Town Centre CCDCP 2022 to reflect the changed direction of the WTC.
- The land is appropriate for this use and continues the release of land in this location for housing, particularly for those lands to the south of the proposal that form part of the subject land holding. The subject land area represents a small portion of land within the WTC and on the northern extremity of the WTC boundary, thus providing good transition to the rural lands opposite the site, or low density residential development in the longer term vision for these lands.

**2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

A Planning Proposal process is the only means of achieving the objectives/intended outcomes of changing the zone under the CCLEP 2022. The land cannot be developed for residential purposes without a change to the applicable zoning. The only means for achieving residential housing on these lands is through other mixed use developments comprising commercial tenancies and residential housing. This is inconsistent with the hierarchy of the local centre now that the railway station is not proceeding therefore it is necessary for the planning proposal to achieve these outcomes.

### **Section B – Relationship to strategic planning framework**

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

#### **Central Coast Regional Plan (2041)**

The Central Coast Regional Plan 2041 (CCRP) applies to the Central Coast local government area (LGA).

The CCRP is to provide the basis of planning by the local government and sets out a number of objectives. The table below demonstrates that the Planning Proposal is generally consistent with relevant objectives identified in the CCRP.

Table 2: Central Coast Regional Plan 2041

| Objective  | Applicable | Assessment/Comment  |
|--|------------|---|
| 1. A prosperous Central Coast with more jobs close to home.  | Yes        | The Proposal is located within a local centre, and proposes to remove commercial/retail mixed use zoned land are surplus to the needs of the local centre now that the strategic vision for the centre has changed. The realignment of the local centre promotes commercial/retail developments on the employment lands, centralised with the public open space areas, creating a local centre 'place' for this precinct. This is an appropriate local centre scale and the proposed R1 zone will enable a transition between these employment zones and the low density residential developments to the east of precinct. The proposal enables housing delivery in a well located position, in a regional growth precinct. The land use permissibility within the R1 General Residential zone does not prohibit further day to day commercial/retail entities from being established in this land, and likely given the nature of the land uses permitted, to be more in scale with the local centre, and combined with complementary housing (i.e. shop top housing). |
| 2. Support the right of Aboriginal residents to economic self-determination.                         | N/A        | The proposal will not impact on the economic self determination of Aboriginal residents.  |
| 3. Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities. | Yes        | <p>The rezoning facilitates an extension of an existing residential land release in the local centre and supports the performance outcomes of the 15min neighbourhood as demonstrated following;</p> <ul style="list-style-type: none"> <li><i>Urban settlement patterns maximise the use of existing infrastructure and reduce travel demand, especially by car.</i></li> </ul> <p>The proposal reinforces the identity of the local</p>   |

| Objective | Applicable | Assessment/Comment  |
|-----------|------------|---|
|           |            | <p>centre as the focal point for community connection and services and will operate as a transitional space between residential lands and the commercial/retail and public open space areas. The vision for the subject site is to act as the interfacing lots and provide a mixed land use with medium and high density residential development as its priority. These lands will rely on the movement to the local centre and Hilltop Park to provide essential facilities and day to day services and these will be accessible via non-car based transport.</p> <ul style="list-style-type: none"> <li><i>Neighbourhoods maximise mobility independence and active and public transport opportunities.</i></li> </ul> <p>The proposed residential lands have an immediate interface with Hilltop Park and the adjoining employment lands which fosters good connection to this local centre. Hilltop Park will act as a central movement network throughout the centre and provide pedestrian connection to the immediate services on the employment lands, and the corresponding public transport networks in this locality.</p> <p>Medium and higher density development is permitted in the R1 General Residential zoned land, and the proposal does not include restriction on height or FSR beyond those already in force for the site. The zoning categorisation will however promote greater density in this location, maximising the mobility and independence of future residents by enabling a diverse housing supply in a well located local centre.</p> <ul style="list-style-type: none"> <li><i>Neighbourhoods provide local access to education, jobs, services, open space and community activities</i></li> </ul> <p>The neighbourhoods created by this proposal will have local access to employment lands, community services, Hilltop Park for open space and social infrastructure in Warnervale including local schools. The GWSP indicates community facilities to be provided in these locations to support future communities as part of the regional growth precinct.</p> <ul style="list-style-type: none"> <li><i>Neighbourhoods encourage healthy lifestyles with opportunities to experience and engage in the cultural, entertainment, sport and</i></li> </ul> |



| Objective  | Applicable | Assessment/Comment  |
|--|------------|---|
|  |            | <p><i>recreation, and educational activities.</i></p> <p>The proposed residential lands will benefit from close proximity to the Hilltop Park open space area, and sporting facilities and cultural spaces within the Warnervale growth area. Schools are located in the local centre and more broadly across Greater Warnervale.</p> <ul style="list-style-type: none"> <li><i>Neighbourhoods establish or reinforce local identity.</i></li> </ul> <p>The identity of the subject site is established by its proximity to the local centre, and with an immediate interface with Hilltop Park. This portion of the subject site will act as a transition space between the local centre space, Hilltop Park and the remaining residential lands.</p> <ul style="list-style-type: none"> <li><i>Public spaces are designed to invite community interactions and economic, social and cultural activity. They enable a sense of social inclusion, wellbeing, comfort and belonging.</i></li> </ul> <p>The subject land is an irregular shaped parcel of land located with immediate interface with Hilltop Park. This location offers good connection to these public spaces and opportunities for the development of movement networks between the residential lands and public open space. The amended DCP will promote this connection and the further development of public domain areas fostering identity for community.</p> <ul style="list-style-type: none"> <li><i>Places are designed to be greener to support the regeneration of and connection to the natural environment</i></li> </ul> <p>The R1 General residential zone promotes a variety of land uses and will enable greening of sites to complement the land use and provide connection to the adjoining public open space areas, and further east to the conservation zoned lands. By promoting higher density in this location, this ensures that the feasibility of good private and communal open spaces can be developed as good design practices allow.</p> |
| 4. An interconnected Central Coast without car-dependent communities | Yes        | <p>The residential lands will benefit from convenient access to Sparks Road, Warnervale train station and local centre public services, including bus transit. The road hierarchy within the existing DCP is to be amended to foster a walkable local centre and movement networks through Hilltop Park for this</p>  |

| Objective  | Applicable | Assessment/Comment   |
|--|------------|--|
|  |            | community.   |
| 5. Plan for 'nimble neighbourhoods', diverse housing and sequenced development                             | Yes        | The proposal benefits from existing infrastructure supporting surrounding residential lands. The land is a greenfield development and is well suited for diverse housing in response to the circumstances of the topography, road layout, proximity to the commercial lands and open space areas. By adopting the R1 General Residential zone, and maintaining the height and FSR controls as established, this will foster greater densities in this well located centre. While the portion of the subject land can sustain greater densities, at 50 dwellings per Ha though the proposal is likely to result in a dwelling density less than this rate and adopt a transitional role between the employment lands and adjoining low density residential development. The R1 General Residential zone underpins objectives that meet the criteria for nimble neighbourhoods, and enable a diverse range of land uses. |
| 6. Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments | N/A        | The subject portion of the land doesn't support any environmentally sensitive areas. However, by promoting higher capacity outcomes for these lands, this assists with preserving adjoining sites that do support land with these environmental attributes.  |
| 7. Reach net zero and increase resilience and sustainable infrastructure                                   | Yes        | The planning proposal seeks an amendment to the zone to allow for further residential lands in the local centre. The future subdivision can achieve the 15-minute neighbourhood and will foster housing diversity, particularly with the inclusion of small lot housing. Further controls will be developed in the amendments to the CCDCP 2022 Chapter 4.1 to assist with housing mix.  |
| 8. Plan for businesses and services at the heart of healthy, prosperous and innovative communities         | Yes        | The Planning Proposal does not negatively impact the local centre despite removing commercial zoned lands as the permissible land uses will still allow for some local scale developments that complement these uses (i.s. shop top housing, neighbourhood shop). Given the scale of the proposed local centre, and changed priorities surrounding the Warnervale train station, the reduction of commercial lands by this proposal is appropriate.  |
| 9. Sustain and balance productive rural landscapes   | N/A        | The subject land is not zoned for rural purposes and the proposed residential use will not conflict with established rural production areas.   |
| Part 3 – District planning and growth areas  |            |  |
| Central Lakes District   | Yes        | The proposed is located within the Central Lakes   |

| Objective | Applicable | Assessment/Comment   |
|-----------|------------|--|
|           |            | <p>district (see Figure 5) and identified in the draft Greater Warnervale Structure Plan where a priority is identified for medium and high density dwellings and 'every day' non-residential land uses. Priority is identified for Planning Proposals in the Central Lakes district that satisfy the following;</p> <ul style="list-style-type: none"> <li>• not categorised as flood planning area</li> <li>• with a slope of less than 18 degrees</li> <li>• that does not exceed the clearing threshold for any area of native vegetation</li> <li>• greater than 500m from any known mineral resource</li> <li>• identified in future infrastructure delivery plans for the provision of water, sewer, transport and electricity.</li> </ul> <p>The subject planning proposal achieves these criteria.</p> <p>The subject site is located in the Warnervale 'regionally significant growth area' that identifies 9 Principles for urban design in the WTC. These principles are addressed hereunder, acknowledging the need for a "rethink" of the new town centre now that the new rail station is no longer proposed.</p> |

#### Warnervale regionally significant growth area

The site is located within the Warnervale regionally significant growth area, the Warnervale Town Centre precinct. The CCRP 2041 provides the following,

*The proposal for a new Warnervale town centre goes back to 1977. While residential development has occurred since then, the commercial development associated with a new rail station is no longer proposed. A rethink of a new town centre is needed so it can service the wider Warnervale area as it grows.*

The proposal doesn't align with the mapping of the town centre as previously proposed (as it includes the current zoned land use) but can achieve the urban design principles identified in the CCRP.

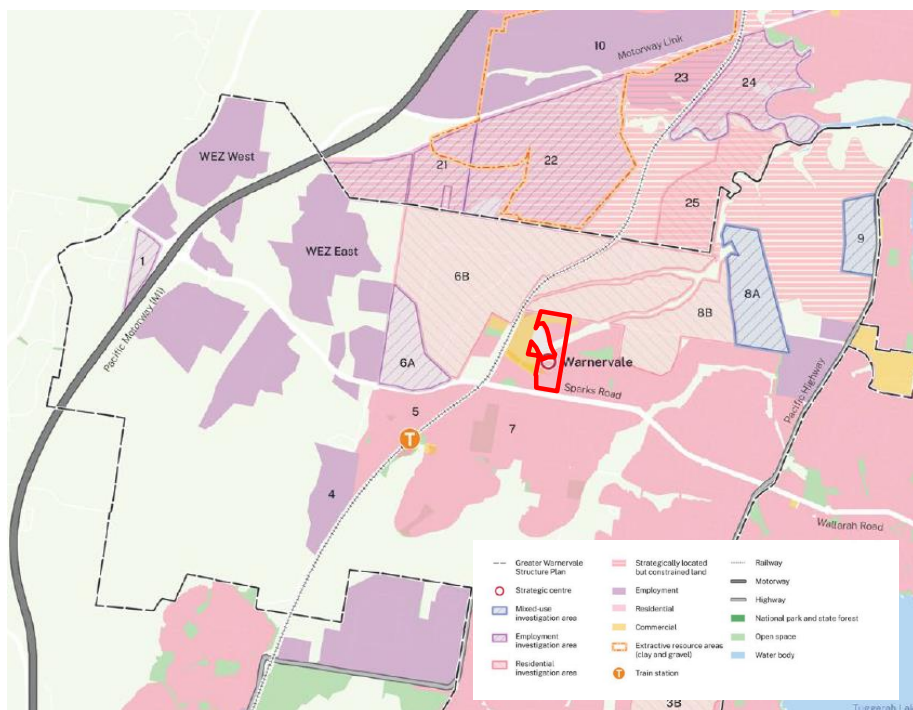


Figure 5 Extract from Central Lakes District Greater Warnervale precinct with location of site shown (Source CCRP 2041)

Table 3: Central Coast Regional Plan 2041 - Warnervale town centre urban design principles

| Principle   | Applicable | Assessment/Comment  |
|---|------------|---|
| Principle 1 - Embrace the natural features of the site and embellish the public domain and open space network with additional greenery.   | Yes        | The site has previously been identified as developable land and is bio certified land to be cleared for development purposes. Areas of higher environmental value in the southern precincts of the site have previously been retained. However, any future residential lands will be required to provide adequate public domain areas and connect to the identified network of open space via Hilltop Park. |
| Principle 2 - Prioritise walking and cycling by considering site grade, desire lines and through site links to create a connected community that exemplifies the 15-minute neighbourhood.           | Yes        | The proposed residential zoned land can be designed to complement the approved road hierarchy of the southern precincts and earlier stages of the development. This can include pedestrian and cycle networks giving connection and movement throughout the Warnervale centre.  |
| Principle 3 - Create an accessible, active and vibrant town centre that appeals to residents, visitors and investors by promoting fine grain built form and prioritising the pedestrian experience. | Yes        | As identified above, the future residential subdivision can be designed to promote active transport movements to connect with pedestrian networks through Hilltop Park and the street network through the local centre. The DCP Chapter for this locality will be amended to ensure these design principles are incorporated into future  |

| Principle  | Applicable | Assessment/Comment  |
|--|------------|---|
| Principle 4 - Promote active and public transport options to decrease the dependence on private vehicles within and around the community for a safer and more activated precinct.        | Yes        | subdivision design.<br>The change to the zoning will promote medium and higher density residential outcomes in the locality and reducing car dependency by reducing car accommodation supply. This will be supplemented by good connection through the local centre and integration into the existing road hierarchy and movement networks established as active transport pathways.  |
| Principle 5 - Orient activity towards the street to help create safe and vibrant public areas. Provide a visual exchange between commercial, social and residential uses and the street. | Yes        | The future residential subdivision can be designed to promote positive public domain areas, particularly those adjacent to the new Hilltop local park. The residential zoning will provide clear objectives for a diverse housing supply along with best practice in design of increased density housing and with clear interaction with the public domain and open space areas.  |
| Principle 6 - Provide more mid rise living adjacent the town centre and open spaces for vibrancy and convenience, while also focusing development along key pedestrian routes.           | Yes        | Housing diversity, including greater variety in medium density supply is promoted in the objectives of the zone. The changed direction of the local centre is mapped in the draft GWSP to identify a vision for greater densities surrounding the Hilltop Park and with interface with the adjoining employment lands. The DCP chapter will be updated to reflect this outcome and contains controls to reflect this principle.   |
| Principle 7 - Supply a mix of housing typologies including affordable housing for a diverse and well-rounded community.  | Yes        | Housing diversity, including greater variety in medium density supply is promoted in the objectives of the zone. The applicable development standards for this site are unchanged to ensure maximum yield from the land. All forms of affordable housing are permissible within the residential zone. With increased diversity and proximity to services this location is well suited to affordable housing development.  |
| Principle 8 - Establish a robust structure plan which can adapt to market demand and investor interest through typology mix or density.  | Yes        | The Proposal responds to the draft Greater Warnervale Structure Plan that has been amended to reflect the local centre status for this location. The local centre will still provide everyday services and the location of Hilltop Park will facilitate the 15 minute neighbourhood connections to this centre. While the subject site is a small portion of land within the centre, it does provide important interface with the adjoining employment lands and Hilltop Park and so affords the opportunity for higher density and diversity to maximise the connection to these facilities. |
| Principle 9 - Provide a staged approach to development that aims to reach the site's   | Yes        | The Proposal represents Stage 10 of the subject site land release and represents the final portion of the land to be utilised. While the majority of lands in   |

| Principle                | Applicable | Assessment/Comment  |
|--------------------------|------------|---|
| maximum yield potential. |            | the subject site have resulted in low density outcomes, with the modified zoning for this land with a clear direction for housing diversity and increased densities to interface with the employment lands and Hilltop Park, with changes to the GWSP and DCP to reflect these intentions clearly, it is anticipated that the resulting developments will more clearly align with this principle. |

**4. Is the planning proposal consistent with local Council's local strategy or other local strategic plan?**

**Community Strategic Plan**

The proposal is consistent with the five themes of the Community Strategic Plan 2018 - 2028. An assessment of the proposal against the Community Strategic Plan is located in Table 4 below.

Table 4: Community Strategic Plan assessment

| Objective/Requirement                         |   | Comment   |
|---|---|---|
| <b>SMART</b>                                  |   |   |
| <b>A GROWING AND COMPETITIVE REGION</b>       |   |   |
| C1  | Target economic development in growth areas and major centres and provide incentives to attract businesses to the Central Coast   | The residential zoning still allows for the supply of 'everyday' services and more readily aligns with the local centre scale of this precinct. |
| C2  | Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for businesses, local residents, visitors and tourists                       | N/A   |
| C3  | Facilitate economic development to increase local employment opportunities and provide a range of jobs for all residents  | Despite a reduction in commercial lands in this centre, the available lands are considered sufficient to service the local centre scale.        |
| C4  | Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly                             | N/A   |
| <b>CHERISHED AND PROTECTED NATURAL BEAUTY</b> |   |   |
| F1  | Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas and the diversity of local native species                   | All vegetation on site has been bio certified for removal to enable development.  |
| F2  | Promote greening and ensure the wellbeing of communities through the protection of local bushland, urban trees, tree canopies and expansion of the Coastal Open Space System (COSS) | N/A   |
| F3  | Improve enforcement for all types of environmental non-compliance including littering and illegal dumping and encourage excellence in industry practices to protect and             | N/A   |

| Objective/Requirement                       |   | Comment   |
|---|---|---|
|   | enhance environmental health  |   |
| F4  | Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions  | N/A   |
| <b>RESPONSIBLE</b>                          |   |   |
| <b>DELIVERING ESSENTIAL INFRASTRUCTURE</b>  |   |   |
| H1  | Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region  | N/A   |
| H2  | Improve pedestrian movement safety, speed and vehicle congestion around schools, town centres, neighbourhoods, and community facilities   | The local movement networks for the subject land are largely established by the existing development to the south of the Proposal lands. Notwithstanding, the future subdivision can be designed to accommodate active movement networks adjacent to Hilltop park and in connection to the commercial lands and road networks.  |
| H3  | Create parking options and solutions that address the needs of residents, visitors and businesses whilst keeping in mind near future technologies including fully autonomous vehicles         | With higher densities mapped for these lands, a reduced reliance on car movements and greater accessibility to everyday services, this location will promote more active transport movements and less car dependency.   |
| H4  | Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water  | N/A   |
| <b>BALANCED AND SUSTAINABLE DEVELOPMENT</b> |   |   |
| I1  | Preserve local character and protect our drinking water catchments, heritage and rural areas by concentrating development along transport corridors and town centres east of the M1           | N/A   |
| I2  | Ensure all new developments are well planned with good access to public transport, green space and community facilities and support active transport  | The subject land is adjacent to the Sparks Road major arterial road connecting these precincts to the M1. The site is located with close proximity to the Warnervale rail station and is located within an established residential area. The subject land benefits from immediate access to the proposed Hilltop park and connecting passive transport movement networks. |
| I3  | Ensure land use planning and development is sustainable and environmentally sound and considers the importance of local habitat, green corridors, energy efficiency and stormwater management | The Proposal benefits from proximity to established green corridors in the southern precincts of the subject lands.   |



| Objective/Requirement                 |  | Comment  |
|---------------------------------------|--|--|
| I4                                    | Provide a range of housing options to meet the diverse and changing needs of the community including adequate affordable housing   | Proposed rezoning of the land for residential purposes with clear objectives for diversity and increased densities along with mapping identified in the GWSP to indicate this outcome will see delivery of variety in the housing mix and foster affordable housing options. |
| <b>OUT AND ABOUT IN THE FRESH AIR</b> |  |  |
| K1                                    | Create a regional network of interconnected shared pathways and cycle ways to maximise access to key destinations and facilities   | This can be facilitated as per of the future residential development of the site as connection through Hilltop Park and adjoining employment lands are developed.  |
| K2                                    | Design and deliver pathways, walking trails and other pedestrian movement infrastructure to maximise access, inclusion and mobility to meet the needs of all community members | Proposed rezoning of land for residential purposes will enable the connection throughout the WTC for passive movement networks.  |
| K3                                    | Provide signage, public facilities, amenities and playgrounds to encourage usage and enjoyment of public areas   | N/A  |
| K4                                    | Repair and maintain wharves, jetties, boat ramps and ocean baths to increase ease of access to and enjoyment of natural waterways and foreshores                               | N/A  |

#### Local Strategic Planning Statement - Interim

The interim Central Coast Local Strategic Planning Statement (LSPS) sets a clear vision for the future and a proactive framework for delivering a growing and sustainable Region with a strong network of Centres and thriving and connected communities. The LSPS is Council's guide to how the Central Coast will respond to future population growth challenges in a manner that benefits our existing residents.

The following strategies and priorities outlined in the LSPS are applicable to this Planning Proposal and the proposal is consistent with these, or in the few cases where inconsistent, it is considered to be minor and justifiable.

Table 5: Local Strategic Planning Statement assessment

| Strategies               | Outcome  | Assessment/Comment  |
|--------------------------|--|---|
| 1 Revitalise our centres | Seeks to bring activity and life into our existing centres.                  | The subject land is located within the identified Warnervale local centre and will therefore support the identity of this centre.                         |
| 2 Renew urban form       | Will improve the living environment for new and existing communities.        | The subject land is located within a local centre and by rezoning this land, will allow for greater diversity in the residential supply in this location. |
| 3 Define the urban edge  | Will define where urban development should stop and environmental protection | The planning proposal seeks to provide residential zoned land within an   |

| Strategies                  | Outcome  | Assessment/Comment   |
|-----------------------------|--|--|
|                             | starts.  | established residential local centre and is therefore consistent with this strategy.   |
| 4 Create sustainable region | a A prepared and resilient region Council is actively adapting to climate change through infrastructure, construction, rehabilitation and land use planning. Council will provide a framework for an ongoing and holistic approach to emergency management across Council. Council will help to build the capacity of the community to prepare, respond and recover from the extreme weather events, and adapt to a changing climate.  | The planning proposal seeks to enable residential development in an established and serviced local centre.   |
| One Direction for Growth    | Emerging Strategic Centre - Warnervale   |  |
|                             | <p>An Emerging Strategic Centre is identified as a future growth centre serving a growing subregional residential population. It aims to provide for a shopping mall, a public transport interchange, central civic spaces, library and community facilities. Our potential Strategic Centres will need to offer high-amenity settings for residential development and maintain their distinctive characters.</p> <p><i>Warnervale</i></p> <p>To create a vibrant, pleasant safe town centre with housing, jobs, services, community facilities and entertainment for residents and visitors.</p> <ul style="list-style-type: none"> <li>o To achieve a high standard of public domain and architectural design quality.</li> <li>o Integrate community facilities with the town centre.</li> <li>o Encourage the use of walking, cycling and buses.</li> <li>o Provide comfortable access grades throughout the town centre to ensure equity in accessibility.</li> <li>o Provide a built form in a treed setting and reflect the topography and environmental and visual features.</li> <li>o To facilitate urban development that achieves highest environmental</li> </ul> | <p>The planning proposal seeks to enable residential development in an identified local centre that will provide for everyday/local services. The site represents a small but integral parcel of land that interfaces with both Hilltop Park and the employment lands. This land will form the transitional parcel of land between the employment lands and the public open space areas of the local centre and the adjoining residential land parcels.</p> <p>Though identified for greater density, the residential lands to the east of Hilltop Park have primarily been development for low density housing. With the amendments to the GWSP, and the rezoning of this land to facilitate a more transitional space for higher density outcomes than the single dwelling. This will be achieved through the zoning objectives, the development standards that retain height to enable mid rise outcomes, the changed direction of the local centre, the mapping within the GWSP, and updated DCP controls to reflect this outcome.</p> <p>The changes to the zoning reflect the changed scale of the local centre, while also facilitating transition to residential</p> |

| Strategies   | Outcome  | Assessment/Comment  |
|--|--|---|
|  | <p>sustainability objectives.</p> <ul style="list-style-type: none"> <li>o Protect and enhance riparian corridors, nature conservation areas, significant trees and local vegetation.</li> </ul>                               | <p>lands to the east that are currently under development, and future investigation areas to the north of the site.</p> <p>The residential rezoning of this land will embed the best practice objectives of the zone in the desired outcomes for this land, promote the urban design outcomes intended in the DCP for this location, and facilitate housing diversity that is needed for this location.</p> <p>The residential zoning doesn't not amend the existing riparian corridors or high value environmental attributes of the southern portions of the subject site that were established in earlier stages of the development of this precinct.</p>  |
| <b>Housing</b>   |  |   |
| Provide well designed housing with high standards of sustainability features | <ol style="list-style-type: none"> <li>1. Provide well designed housing within our strategic centres;</li> <li>2. Meet diverse housing needs of the community; and</li> <li>3. Plan for future urban release areas.</li> </ol> | <p>The planning proposal seeks to enable residential development in an established, serviced local centre that will enable housing diversity through varying lot arrangements, size and layout.</p> <p>The local centre scale of this precinct is reflected in the final Structure Plan for this precinct to be considered by Council. This Structure Plan amends the interim version of this local centre that was aligned with the future railway station vision for the centre and now focuses the local centre around the existing employment lands and Hilltop Park. The subject lands act as a transition place between these local centre functions and the surrounding residential lands.</p> |
| Meet diverse housing needs of the community                                  |  | <p>The R1 General Residential zone provides objectives and development standards that will direct diverse housing solutions.</p>  |
| Plan for future urban release areas  | Diversity and choice of housing types and sizes to accommodate the growing community. Housing areas that are well connected to local jobs and social   | <p>The R1 General Residential zone provides objectives and development standards that will direct diverse housing solutions.</p>  |

|   |   |  |
|---|---|--|
|   | <p>infrastructure will become desirable and competitive, pushing up housing densities to accommodate the market.</p> <p>Take up will be focused in the Centres with existing zoning capacity, helping them to become more vibrant and better serving to the surrounding communities. Our housing provision will have occurred in an equitable manner that ensures all communities remain connected to transport, services and employment.</p> |  |
| <b>Economy</b>  |   |  |
| Facilitate emerging Logistics, Warehousing, Manufacturing and Innovative Enterprises. |   | Not directly relevant to the proposed rezoning for residential development, however the removal of the mixed use zone will not detract from the establishment of the local centre.   |
| Build the Knowledge Economy and support the Health and Wellness Industries.           |   |  |
| Grow Regionally Competitive Tourism Destinations across the entire Central Coast.     |   |  |
| <b>Environment</b>  |   |  |
| 03 Define the urban edge  | Create Sustainable and Resilient communities  | Not directly relevant to the proposed rezoning for residential development as the land has previously been bio certified to enable clearing for development. The proposed supportive infrastructure (local roads) may generate further impacts, however these are on lands identified for road reserve and are discussed further by Council's Senior Ecologist in Section C. |
| <b>Agriculture &amp; Rural Lands</b>  |   |  |
| 01 Protect agricultural lands as an   |   | The subject lands are not rural or productive agricultural lands. However by maximising capacity in existing   |

|  |  |
|--|--|
| economic resource and for local sustainability<br>02 Minimise rural residential sprawl and support rural tourism | residential lands identified for growth, this reinforces the protection of productive lands in the future. |
|--|--|

#### **Draft Greater Warnervale Structure Plan**

The draft Greater Warnervale Structure Plan (GWSP) identifies the long-term vision and principles that will guide land use planning in the area. The draft GWSP will be considered by Council in July 2024 for final adoption. It is intended to enable Greater Warnervale to grow in a sustainable way, by allowing for future growth to occur in a manner that does not compromise the attributes that make the area a desirable place to live.

The draft GWSP establishes a framework to guide the future growth of the study area from approximately 20,162 people to approximately 57,000 people over a 20-year period.

The proposed Warnervale Town Centre was designed to provide key services to the local population including commercial, civic and community services. This was developed alongside plans by Transport for NSW (TfNSW) to include a Northern Warnervale railway station to support the town centre. TfNSW has withdrawn plans for the future railway station and it has been recognised that this will significantly shift the priorities for the centre. Council has modified the approach to commercial and civic services delivery for Warnervale to enable two local centres to provide these functions across Warnervale rather than in a single centre. A second local centre will be provided in the Warnervale Village precinct that includes the existing railway station.

The subject site falls with the now local centre of Warnervale and the final GWSP has been amended to reflect this changed role and hierarchy of centres. Figure 6 identifies that the subject site falls within Precinct 4 – Warnervale Centre of the Structure Plan and the portion of land applicable to this Planning Proposal is identified for residential development.

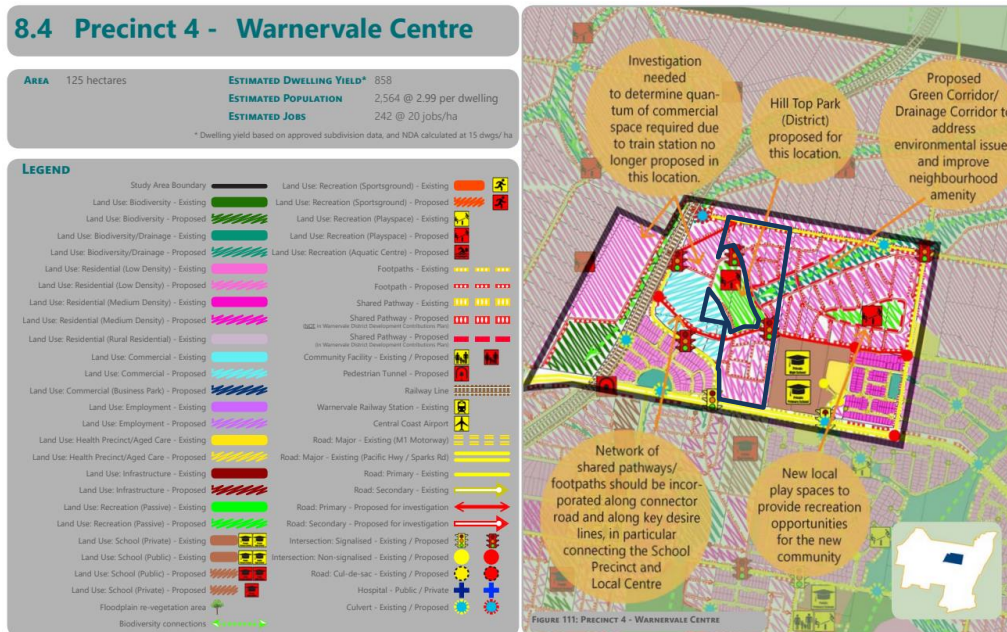


Figure 6 Extract from Draft Greater Warnervale Structure Plan (Source GWSP, 2022)

The Structure Plan recognises that the removal of the proposed railway station prompts a change to the high density residential and commercial development opportunities to the west of the subject land. Though as was originally intended by the draft GWSP, the final structure plan does identify a need for transitional residential and mixed uses for lands with a frontage to the park and immediate interface with the existing employment zoned lands. These can be achieved by the proposal under the R1 General Residential zone and offers a better opportunity to promote housing diversity and mix through the objectives of the zone. Similarly, heights have been retained as originally mapped in the LEP to ensure that those lands with an immediate interface with the employment lands and park will deliver high and medium density housing.

The draft GWSP recognises that future development of the local centre needs to be considered in response to the now local centre context and future proposals will fall outside of the masterplan included in Chapter 4.1 of the Central Coast Development Control Plan 2022 Chapter 4.1. The Planning Proposal does however require some modification to this Chapter and this will be undertaken in consultation with landowners in this precinct following the issue of the Gateway Determination.

The proposed rezoning is consistent with the draft Greater Warnervale Structure Plan, specifically with Precinct 4 Warnervale Centre.

#### Central Coast Development Control Plan Chapter 4.1 Warnervale Town Centre

At adoption, the DCP provided detailed provisions to expand upon the relevant provisions of the then in force *Wyong Local Environmental Plan 1991* for development of the Warnervale Town Centre (WTC) Site. The WTC is located 5 km north of Wyong in the Central Coast Local Government Area. It straddles the northern regional rail corridor and is approximately 1km east of the Wyong Employment Zone. It is bound by Hiawatha, Hakone and Sparks Roads and east of Bruce Crescent.

The subject land is located within the Residential Northern Precinct (see Figure 7).





Figure 7 Extract from Chapter 4.1 CCDCP 2022 (Source CCC, 2022)

The key objectives of this Chapter of the DCP are:

- To create a vibrant, pleasant safe town centre with housing, jobs, services, community facilities and entertainment for residents and visitors.
- To achieve a high standard public domain and architectural design quality.
- Integrate community facilities with the town centre.
- Encourage the use of walking, cycling and buses.
- Provide comfortable access grades throughout the town centre to ensure equity in accessibility.
- Provide a built form in a treed setting and reflect the topography and environmental and visual features.
- To facilitate urban development that achieves highest environmental sustainability objectives.
- To provide a variety of housing types to cater for different household types and demographics, and improve affordability.
- Provide housing with a high standard of residential amenity.
- Promote recreation opportunities.
- Protect and enhance riparian corridors, nature conservation areas, significant trees and local vegetation.

As part of the assessment of the subject Proposal, Council recommends amending Chapter 4.1 of CCDCP 2022 to include the following;

- The change in direction from the State government regarding the railway station means that the town centre as master planned in the DCP no longer reflects the future strategic vision for the centre.



- Road and movement networks have been established by the DCP and emerging approved residential development. While the DCP road hierarchy and layout can generally be upheld by this Proposal it is noted that amendments to the overall road layouts have been made throughout the development of the centre as land release occurs. These have been warranted due to the topography and engineering circumstances of the land.
- The density and land use for precincts 6A and 7A do not reflect the scale of the local centre. Indicative discussions with the landowner for the employment lands to the west of the subject land indicate a commercial focus for large retail and small speciality shops in precincts 6b and the southern portions of 6a.
- Insert provisions for high and medium density development surrounding the Hilltop Park site and those with an interface with the employment lands.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) as detailed below. The proposal is considered to be generally consistent/inconsistent with the applicable SEPPs.

Table 6: Assessment of Proposal against applicable SEPP's

| SEPP   | Applicable | Consistent  |
|--|------------|---|
| <b>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</b> |            |   |
| <b>Chapter 2 – Vegetation in Non-Rural Areas</b>                                 | Y          | <p>Consistent with the provisions of this SEPP.</p> <p>The land is the benefit of bio certified lands and therefore does not require further consideration against the provisions of this Chapter.</p> <p>Notwithstanding the above, works within the road reserve (particularly Hakone Road) will be required in order to enable development of the land and therefore consideration of these potential works has been included. See comments from Council's Ecologist in Section C.</p> |
| <b>Chapter 3 – Koala habitat protection 2020</b>                                 | N          |   |
| <b>Chapter 4 – Koala Habitat Protection 2021</b>                                 | Y          | <p>Consistent with the provisions of this SEPP.</p> <p>The site is located within a local government area listed in Schedule 2 of this SEPP.</p> <p>The supporting FFA provides an assessment of koala habitat in accordance with Chapter 4 of this SEPP, while the land area exceeds 1ha the land does not have an approved koala plan of management and is not considered</p>   |

| SEPP   | Applicable | Consistent   |
|--|------------|--|
|  |            | to support potential koala habitat, as defined.  |
| <b>Chapter 5 – River Murray lands</b>                                      | N          |  |
| <b>Chapter 6 – Bushland in Urban Areas</b>                                 | Y          | The subject land is located adjacent to RE1 zoned land known as Hilltop Park however this land is currently under construction and does not support any significant vegetation worthy of protection under the provisions of this Chapter (refer Figure 2). |
| <b>Chapter 7 – Canal Estate Development</b>                                | N          |  |
| <b>Chapter 8 – Sydney drinking water catchment</b>                         | N          |  |
| <b>Chapter 9 – Hawkesbury – Nepean River</b>                               | N          |  |
| <b>Chapter 10 – Sydney Harbour Catchment</b>                               | N          |  |
| <b>Chapter 11 – Georges Rivers Catchment</b>                               | N          |  |
| <b>Chapter 12 – Willandra Lakes Region World Heritage Property</b>         | N          |  |
| <b>State Environmental Planning Policy (Housing) 2021</b>                  |            |  |
| <b>Chapter 2 – Affordable Housing</b>                                      | N          | Not applicable to Planning Proposal however the future residential redevelopment of the land will enable development in accordance with the provisions of this Chapter.  |
| <b>Chapter 3 – Diverse Housing</b>   | N          | Not applicable to Planning Proposal however the future residential redevelopment of the land will enable development in accordance with the provisions of this Chapter.  |
| <b>State Environmental Planning Policy (Industry and Employment) 2021.</b> |            |  |
| <b>Chapter 3 – Advertising and Signage</b>                                 | N          |  |
| <b>State Environmental Planning Policy (Planning Systems) 2021</b>         |            |  |
| <b>Chapter 2 – State and Regional Development</b>                          | N          |  |
| <b>Chapter 3 – Aboriginal Land</b>   | N          |  |
| <b>State Environmental Planning Policy (Precincts—Regional) 2021</b>       |            |  |
| <b>Chapter 5 – Gosford City Centre</b>                                     | N          |  |
| <b>State Environmental Planning Policy (Primary Production) 2021.</b>      |            |  |
| <b>Chapter 2 – Primary Production and Rural Development</b>                | N          |  |

| SEPP  | Applicable | Consistent  |
|---|------------|---|
| <b>Chapter 3 - Central Coast Plateau Areas</b>                            | N          |   |
| <b>State Environmental Planning Policy (Resilience and Hazards) 2021.</b> |            |   |
| <b>Chapter 2 - Coastal Management</b>                                     | N          | Consistent with the provisions of this SEPP.  |
| <b>Chapter 3 - Hazardous and Offensive Development</b>                    | N          |   |
| <b>Chapter 4 - Remediation of Land</b>                                    | Y          | <p>Consistent with the provisions of this SEPP.</p> <p>The proposal is supported by a Site Audit undertaken by Ramboll on behalf of Council for the centre, along with additional audits conducted in 2024. This report concludes,</p> <p><i>Based on the information presented in the reviewed reports and observations made on site, and following the Decision-making process for assessing urban redevelopment sites in NSW EPA (2017) Guidelines for the NSW Site Auditor Scheme (3rd Edition), the Auditor concludes that the site is suitable for uses in accordance with the land zoning under Wyong Local Environment Plan 2013 including B2 Local Centre, B4 Mixed Use, E2 Environmental Conservation, E3 Environmental Management, R1 General Residential subject to compliance with the following EMP provided attached to the Site Audit Statement in Appendix B:</i></p> <ul style="list-style-type: none"> <li>• 'Environmental Management Plan, Warnervale Town Centre, Management of Potential Contamination During Development' dated 13 September 2021 by Ramboll Australia Pty Ltd.</li> </ul> <p>The EMP requires that the registered proprietor develop and implement a CEMP and UFP for future development works at the WTC that include bulk earthworks or major ground disturbance across the entire site and any future development works in the E2 Environmental Conservation and E3 Environmental Management zoned areas of the site. The EMP is enforceable via a public positive covenant on title under Section 88E of the Conveyancing Act 1919 and further by relevant future development consent conditions.</p> <p>Councils Environmental Health Officer has</p> |

| SEPP   | Applicable | Consistent  |
|--|------------|---|
|  |            | reviewed this report and provides additional comments in Section C.   |
| <b>State Environmental Planning Policy (Resources and Energy) 2021.</b>        |            |   |
| <b>Chapter 2 – Mining, Petroleum Production and Extractive Industries</b>      | N          | Consistent with the provisions of this SEPP.<br><br>The site is not located in close proximity to any Mining, Petroleum Production and Extractive Industries, and is not mapped as being mineral or resource land or biophysical strategic agricultural land, or within any mapped critical industry cluster. |
| <b>Chapter 3 – Extractive Industries in Sydney Area</b>                        | Y          | Consistent with the provisions of this SEPP.  |
| <b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b> |            |   |
| <b>Chapter 2 – Infrastructure</b>  | N          |   |
| <b>Chapter 3 – Educational Establishments and Childcare Facilities</b>         | N          |   |

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The proposal has been considered against the relevant Ministerial Section 9.1 Directions as summarised below. The proposal is considered to be consistent with all relevant Ministerial Section 9.1 Directions.

*Table 7: S9.1 Ministerial Direction Compliance*

| No.                     | Direction                                   | Applicable | Consistent   |
|-------------------------|---|------------|--|
| <b>Planning Systems</b> |   |            |  |
| 1.1                     | Implementation of Regional Plans            | Y          | <b>Consistent</b> - Consistency with the CCRP 2041 is outlined at the beginning of this document at Table 2.             |
| 1.2                     | Development of Aboriginal Land Council Land | N          | The subject land is not shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019. |
| 1.3                     | Approval and Referral Requirements          | Y          | <b>Consistent</b> - The proposal does not seek to include additional approval or referral requirements.                  |
| 1.4                     | Site Specific Provisions                    | Y          | <b>Consistent</b> - The proposal does not seek to apply specific site-specific provisions through the LEP.               |

| No.                                   | Direction   | Applicable | Consistent  |
|---------------------------------------|---|------------|---|
| <b>Planning Systems – Place based</b> |   |            |   |
| 1.5                                   | Parramatta Road Corridor Urban Transformation Strategy  | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.6                                   | Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                 | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.7                                   | Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.8                                   | Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan             | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.9                                   | Implementation of Glenfield to Macarthur Urban Renewal Corridor   | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.10                                  | Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan             | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.11                                  | Implementation of Bayside West Precincts 2036 Plan  | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.12                                  | Implementation of Planning Principles for the Cooks Cove Precinct   | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.13                                  | Implementation of St Leonards and Crows Nest 2036 Plan  | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.14                                  | Implementation of Greater Macarthur 2040  | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.15                                  | Implementation of the Pyrmont Peninsula Place Strategy  | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.16                                  | North West Rail Link Corridor Strategy  | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.17                                  | Implementation of Bayside West Place Strategy   | N          | This Direction does not apply to the Central Coast Local Government Area. |
| 1.18                                  | Implementation of the Macquarie Park Innovation Precinct  | N          | This Direction does not apply to the Central Coast Local Government Area. |

| No.                                    | Direction   | Applicable | Consistent  |
|--|---|------------|---|
| 1.19                                   | Implementation of the Westmead Place Strategy           | N          | This Direction does not apply to the Central Coast Local Government Area.   |
| 1.20                                   | Implementation of Camellia-Rosehill Place Strategy      | N          | This Direction does not apply to the Central Coast Local Government Area.   |
| 1.21                                   | Implementation of South West Growth Area Structure Plan | N          | This Direction does not apply to the Central Coast Local Government Area.   |
| 1.22                                   | Implementation of Cherrybrook Station Place Strategy    | N          | This Direction does not apply to the Central Coast Local Government Area.   |
| <b>Design and Place</b>                |   |            |   |
| <b>Biodiversity &amp; Conservation</b> |   |            |   |
| 3.1                                    | Conservation Zones                                      | Y          | <p><b>Consistent:</b> The subject site is bio certified and so doesn't require further consideration for lands within the site boundaries. The road reserve in Hakone Road is outside the area of land benefitting from biocertification and so will require further consideration at the development application assessment pathway. The planning proposal has demonstrated that access to the subject land will initially be provided from within the existing subdivision.</p> <p>Notwithstanding, Councils Strategic Environmental Planner has reviewed the Flora &amp; Fauna Assessment comments regarding this planning proposal, has conducted a site inspection, and supports the planning proposal in its current form.</p> <p>After review of the Flora and Fauna Assessment (FFA) by Evolve Ecology (19 May 2023) Councils Strategic Environmental Planner concludes the proposal does not trigger entry into the Biodiversity Offset Scheme. The FFA has identified that 588.97 m2 of native vegetation will require removal for the proposal. Likelihood of occurrence assessments identified potential foraging habitat may occur on the site for 19 threatened fauna species. Assessments of significance (5-part tests) were conducted for these species. The assessments concluded that the proposal was unlikely to have a significant impact on the majority of these species and the outcomes of the 5-part test are supported.</p> |
| 3.2                                    | Heritage Conservation                                   | Y          | <p><b>Consistent:</b> A Due Diligence Assessment was</p>  |

| No.                             | Direction   | Applicable | Consistent   |
|---------------------------------|---|------------|--|
|                                 |   |            | prepared by Ecological Australia and did not identify any Aboriginal sites within the subject site. Further Aboriginal Cultural Heritage Assessment may be required post Gateway Determination.  |
| 3.3                             | Sydney Drinking Water Catchments  | N          | This Direction does not apply to the Central Coast Local Government Area.  |
| 3.4                             | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | N          | This Direction does not apply to the Central Coast Local Government Area.  |
| 3.5                             | Recreational Vehicle Areas  | N          | This Direction does not apply to the Central Coast Local Government Area.  |
| 3.6                             | Strategic Conservation Planning   | Y          | <p><b>Consistent:</b> The subject site is bio certified and so doesn't require further consideration for lands within the site boundaries, however the road reserve requires assessment as it will support the future redevelopment of the land.</p> <p>Notwithstanding, Councils Strategic Environmental Planner has reviewed the Flora &amp; Fauna Assessment comments regarding this planning proposal, has conducted a site inspection and supports the planning proposal in its current form.</p> |
| 3.7                             | Public Bushland   | Y          | <p><b>Consistent:</b> The subject lands of the Proposal are not identified as public bushlands, however will adjoin Hilltop Park. Hilltop Park construction has commenced on the RE1 zoned land on the subject site and proposes clearing on the RE1 land. The proposed residential zoned land will rely on Hilltop Park as the public open space area for this residential area.</p>  |
| 3.8                             | Willandra Lakes Region  | N          | This Direction does not apply to the Central Coast Local Government Area.  |
| 3.9                             | Sydney Harbour Foreshores and Waterways   | N          | This Direction does not apply to the Central Coast Local Government Area.  |
| 3.10                            | Water Catchment Protection  | N          | This Direction does not apply to the subject land area.  |
| <b>Resilience &amp; Hazards</b> |   |            |  |
| 4.1                             | Flooding  | N          | The subject site is not located within flood prone land.   |
| 4.2                             | Coastal Management  | N          | The subject site is not located within a coastal   |



| No.                                   | Direction                         | Applicable | Consistent  |
|---------------------------------------|-----------------------------------|------------|---|
|                                       |                                   |            | environment area.   |
| 4.3                                   | Planning for Bushfire Protection  | Y          | <p><b>Consistent-</b> The site is identified as Category 1 bushfire prone land and is supported by a Bushfire Assessment Report (BAR) (2022) prepared by BEMC, addressing the requirements of Planning for Bushfire Protection (RFS 2019).</p> <p>The proposal has been assessed for its compliance with the accepted solutions for bushfire protection measures, including the strategic considerations under Section 4.2 of Planning for Bushfire Protection. With the implementation of the combination of measures recommended in the assessment, the overall aims and objectives of Planning for Bushfire Protection (RFS 2019) can be achieved for the proposed development at development application stage. While the BAR indicates that the proposal relies on an APZ offsite, where this is not supported by NSW RFS an alternative staged scenario is proposed.</p> <p>Consultation with the RFS is required should a Gateway Determination be issued.</p> |
| 4.4                                   | Remediation of Contaminated Lands | Y          | <p><b>Consistent-</b> As detailed in the assessment against SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land, the land has been the subject of an Audit Report, and further review undertaken of the Hilltop Park were undertaken in early 2024. Councils Environmental Health Officer has concluded the site can be suitable for the Proposal subject to the implementation of the recommendations. The recommendations are to be implemented at the DA stage.</p>   |
| 4.5                                   | Acid Sulfate Soils                | N          | The subject site is not within Class 5 acid sulfate soils as it is more than 500m from Classes 1-4.   |
| 4.6                                   | Mine Subsidence & Unstable Land   | N          | The Planning Proposal site is not located within a Mine Subsidence District.  |
| <b>Transport &amp; Infrastructure</b> |                                   |            |   |
| 5.1                                   | Integrating Land Use & Transport  | Y          | <p><b>Consistent-</b> The Proposal removes employment and mixed use zoned land and replaces it with residential land. This is in response to the changed direction with the WTC and TfNSW's decision not to provide a train station in this centre. The Proposal is supported by a Traffic Impact</p>   |

| No.                              | Direction   | Applicable | Consistent  |
|----------------------------------|---|------------|---|
|                                  |   |            | Assessment report addressing the land use and transport strategy for this remaining Stage 10 of the overall development of the site.  |
| 5.2                              | Reserving Land for Public Purposes                        | N          | The subject site is not identified for acquisition for public purposes.   |
| 5.3                              | Development Near Regulated Airports and Defence Airfields | N          | The site is not located in the vicinity of a licensed aerodrome.  |
| 5.4                              | Shooting Ranges   | N          | The proposal is not located in the vicinity of a shooting range.  |
| <b>Housing</b>                   |   |            |   |
| 6.1                              | Residential Zones   | Y          | <b>Consistent-</b> The Proposal is for conversion of employment and mixed use zones to residential zoned land. The subject land is benefitted by established local infrastructure as part of the development of the local centre and will integrate into the emerging development pattern. The change to a residential zone will allow a greater focus on housing delivery and recognises the reduced need for employment and retail based land uses within this local scale centre. Notwithstanding this, the land use table permits these non-residential land uses within the zone where they serve the everyday needs of the community. By modifying the zone, the objectives of the R1 General Residential zone are adopted and these give clear direction for housing diversity, clear intention for enhanced delivery of medium density developments, and best practice tests for housing. As these lands represent the fringe of the local centre, it of a greater strategic merit to drive residential outcomes in this location than employment based land use activities in a local centre. There are no provisions in the Proposal to reduce the permissible residential density of the land. |
| 6.2                              | Caravan Parks and Manufactured Home Estates               | N          | Not applicable to Planning Proposal.  |
| <b>Industry &amp; Employment</b> |   |            |   |
| 7.1                              | Business & Industrial Zones                               | Y          | <b>Inconsistent</b> – The Proposal intends the reduction of MU1 and E1 zoned land in this location and is therefore inconsistent with this direction. The R1 General Residential zone permits some employment based land uses, and these uses are more in line with   |

| No.                           | Direction  | Applicable | Consistent   |
|-------------------------------|--|------------|--|
|                               |  |            | <p>the scale of the centre than currently allowed, and will still enable some delivery of these services in this location (i.e. neighbourhood shop, shop top housing etc). Notwithstanding this, the inconsistency can be supported as the proposed residential zoning is consistent with both the CCRP 2041 following the changed direction for the local centre and the draft Greater Warnervale Structure Plan that indicates this land for residential development.</p> <p>The Proposal gives consideration to the objectives of this direction in that it responds to the reduced scale of the local centre and does not encourage employment lands in an inappropriate location. Without the service function of the railway station, and with the development of commercial lands to the south west of the site, locating E1 and MU1 lands in the current position would be inappropriate to the connectivity of the commercial lands, the hierarchy of the centre, and the viability of those commercial lands proposed.</p> <p>The subject proposal is supported with a Retail Assessment that demonstrates that the demand for retail land uses in this location is not supported at the scale previously adopted.</p> |
| 7.2                           | Reduction in non-hosted short-term rental accommodation period           | N          | <p>Not applicable to Planning Proposal.</p> <p>Applies to Byron Shire Council. This Direction does not apply to the Central Coast LGA.</p>   |
| 7.3                           | Commercial and Retail Development along the Pacific Highway, North Coast | N          | <p>This Direction does not apply to the Central Coast Local Government Area.</p>   |
| <b>Resources &amp; Energy</b> |  |            |  |
| 8.1                           | Mining, Petroleum Production and Extractive Industries                   | N          | <p><b>Consistent-</b> The Planning Proposal does not propose to rezone land impacted by extractive industries.</p>   |
| <b>Primary Production</b>     |  |            |  |
| 9.1                           | Rural Zones  | N          | <p><b>Consistent-</b> The Planning Proposal does not propose to rezone rural land.</p>   |
| 9.2                           | Rural Lands  | N          | <p><b>Consistent-</b> The Planning Proposal does not propose to rezone rural land.</p>   |
| 9.3                           | Oyster Aquaculture   | N          | <p>The proposal does not affect land within a Priority</p>   |

| No. | Direction  | Applicable | Consistent  |
|-----|--|------------|---|
|     |  |            | Oyster Aquaculture Area.  |
| 9.4 | Farmland of State and Regional Significance on the NSW Far North Coast | N          | This Direction does not apply to the Central Coast Local Government Area. |

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### Section C – Environmental, Social and Economic Impact

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Council's Environmental Strategies Section supports the planning proposal in its current form. While the subject lands are bio-certified, the full extent of the development footprint has been assessed and does not trigger entry into the Biodiversity Offset Scheme (BOS). The Proposal is supported by a Flora & Fauna Assessment that adequately addresses the potential impacts of the proposal.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

#### Bushfire

A Strategic Bushfire Assessment Report (BEMC 2022) has been submitted to support the proposal. The report shows that compliance with the provisions of Planning for Bushfire Protection (PBP) 2019 can be achieved when the land is developed for residential purposes. Consultation with NSW Rural Fire Service (RFS) will be required during or following a Gateway Determination.

#### Natural Resources

The site is not mapped as containing any significant resources.

#### Indigenous and Non-Indigenous Cultural Heritage Items

The site does not comprise heritage items and is not located near other heritage items or within an environmental heritage zone.

The AHIMS database did not identify any Aboriginal sites recorded near the subject site. A further Heritage Assessment can be required to be undertaken by the applicant post a Gateway Determination where required.

#### Contaminated Land

A Detailed Site Audit has been prepared to support this Proposal and includes subsequent reviews of the Audit conducted in 2024. Councils Environmental Health Officer reviewed these reports and concludes from a site contamination standpoint the site can be made suitable for the proposed residential use subject to further detailed assessment to be completed at the DA stage.

#### Acid Sulfate Soils

Under the CCLEP 2022 mapping the Proposal site is not mapped within an area subject to Acid Sulfate Soils.

#### Flooding and Drainage

The proposal is located outside of flood prone area and flood free access is provided to the site.

A Stormwater Management Plan would be prepared at the development application stage to address stormwater management and disposal from the site, in accordance with the requirements of Central Coast DCP 2022.

#### *Social Issues*

The proposal provides residential zoned land in combination with an established residential land release site. The land is a remnant stage in the land release and will be of a size and arrangement that can support housing in this local centre.

#### *Economic Impacts*

The local economy will not be negatively impacted by the loss of the E1 and MU1 Zoned land and the replacement of this land with residential zoned land is a more appropriate outcome for this land given the changes in direction for the WTC.

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## Section D – State and Commonwealth Interests

### 9. Is there adequate public infrastructure for the planning proposal?

#### Traffic

A Traffic Assessment has been prepared to support the proposal which has been reviewed by Councils Traffic Engineering Team, who have no objection to the planning proposal. A referral to Transport for NSW for any development requesting access from the Sparks Road would be required, however this is not the circumstances of this Proposal.

#### Services (Water, Sewer, Gas and Electricity)

Local services are available to the site and comments from Council's Water and Sewer team are provided hereunder,

*The proposed rezoning will rely on the water main extension from previous stage (Stage 9) development.*

*For sewer servicing, Council adopted a sewer servicing strategy and will require the lead developer to design and construct a Council sewer pump station and associated sewer rising main located at the north-west corner of property 262 Hakone Rd Woongarra. It will be the applicant/proponent's responsibility to obtain property owner's consent to access and carry out relevant works at private property.*

*Alternatively, Council can consider the required proposed Council pump station to be located at the north-west corner of the subject property site. A statement government funding is currently available for the design and construction of this particular pump station. Subject to landowner's consent, W&S Asset Delivery team can commence the project. Please note that the project will need to be completed within a certain timeframe in order to satisfy the funding requirement. Otherwise, the proponent/applicant will be responsible of the design and construct of a Council sewer pump station.*

### 10. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the following agencies is proposed, based on the identified triggers and site constraints:

Table 8: Agency Consultation

| Agency  |
|---|
| Department of Planning and Environment – Biodiversity and Conservation Division |
| NSW Rural Fire Service  |

Pre Gateway consultation has occurred with the following agencies. Their comments are summarised below:-



### Department of Planning & Environment (DPE)

A Pre-gateway Determination review was provided in August 2023 by the then Department of Planning & Environment in response to the lodged proposal. These comments are addressed in Table 4.

Table 9: Response to DPE Pre-Gateway Feedback

| Comment  | Assessment/Comment   |
|--|--|
| <ul style="list-style-type: none"> <li>The planning proposal will need to be amended and assess against the Central Coast Regional Plan 2041, please remove references to the repealed 2036 version.</li> <li>The planning proposal will need to be an assessment against relevant strategies of the Central Coast Regional Plan 2041. Please see 'how to use Part 2 Objectives' on page 21 of the plan.</li> <li>The Department is prepared to assist Council and undertake consultation with Greater Cities Commission to help inform Councils Warnervale structure plan (which the Department is yet to endorse to allow this planning proposal to proceed).</li> <li>The Commission will ultimately determine the centres hierarchy in the Central Coast City Plan, including confirming whether Warnervale will remain as an emerging strategic centre. This will effect it's role/function and the types of uses/facilities envisioned for the centre (i.e. how much commercial land there is and what it permits).</li> <li>Furthermore, the Commission is preparing job targets for the Central Coast. Understanding what the target is for Warnervale and whether this relies on existing zoned land will be important to understand as it may provide further justification for retaining existing commercial zoned land in Warnervale.</li> </ul> | <p>The Planning Proposal has been updated to reflect the CCRP 2041 principles and priorities.</p> <p>Refer to Tables 2 and 3 for assessment of the applicable strategies.</p> <p>The GWSP is tabled to be finalised at the July 2024 Council Meeting. This follows liaison with the then DPE team to finalise the strategies for the Warnervale local centres.</p> |
| <p><b>Central Coast Regional Plan 2041</b></p> <p><u>Strategy 3.2</u></p> <p>Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> <li>b) business premises</li> <li>c) restaurants or cafes</li> <li>d) take-away food and drink premises</li> <li>e) neighbourhood shops and supermarkets</li> </ul>  | <p>To ensure consistency across the CCLEP standard instrument the land uses in the R1 General Residential zone prohibit <i>business premises, restaurants or cafes, take-away food and drink premises, supermarkets, health services facilities, markets, and recreation areas</i>. Though it is worth noting that some of these uses</p>                          |

| Comment  | Assessment/Comment   |
|--|--|
| <p>f) educational establishments</p> <p>g) early education and care facilities</p> <p>h) health services facilities</p> <p>i) markets</p> <p>j) community facilities</p> <p>k) recreation areas</p>  | <p>are permitted by other SEPPs and temporary use arrangements. The R1 zone in this location will permit shop top housing to enable non-residential land uses to be ancillary to the local centre, however Council has intentionally pushed all supermarkets and food and drink premises into the employment zones. This has been historically consistent across the LGA to protect the integrity of the centre hierarchy established across the LGA, to preserve market activity in established centres, and to minimise the impact of large scale developments like a supermarket on residential lands. Similarly, this protects viable residential lands for development for housing and residential purposes.</p> <p>The list of land uses identified in the R1 General Residential zone allows for smaller non-residential uses that might assist with the demand for 'every day' services that the 15min local centre cannot provide in the immediate centre, without compromising the integrity of the employment lands.</p> <p>The proposal relies on the established local centre and the services and facilities to be provided in this location. The proposed residential lands will benefit from convenient location to the centre and in time, with the development of the local road and pedestrian movement network, provide a walkable catchment and pedestrian friendly environment. This is further enhanced by the location adjacent to Hilltop Park.</p> |
| <p><u>Strategy 3.3</u></p> <p>Planning proposals will incorporate:</p> <ul style="list-style-type: none"> <li>• a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or</li> <li>• a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings.</li> </ul> <p>The neighbourhood centre will:</p> <ul style="list-style-type: none"> <li>• support a floor area informed by a local retail demand analysis have enough developable area to accommodate the uses over one level with at grade parking to reduce costs</li> <li>• be located to maximise its convenience for the vast majority of residents of which it serves</li> <li>• be located in a high profile location (i.e. main arterial road or precinct with strong pedestrian traffic)</li> <li>• be supported by a walkable catchment and pedestrian friendly environment.</li> </ul> |  |
| <p><u>Strategy 5.3</u></p> <p>Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban</p>   | <p>These land uses are not prohibited in the R1 General Residential zone in the CCLEP.</p>   |

| Comment  | Assessment/Comment   |
|--|--|
| <p>core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> <li>a) attached dwellings</li> <li>b) boarding houses</li> <li>c) dual occupancies</li> <li>d) group homes</li> <li>e) multi dwelling housing</li> <li>f) secondary dwellings</li> <li>g) semi-detached dwellings.</li> </ul> <p><u>Strategy 6.4</u><br/>Planning proposals must ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</p> <p><u>Strategy 6.5</u><br/>Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.</p> <p><b><u>District Planning Priorities</u></b><br/>The planning proposal will also need to reflect the Central Lakes District Priorities Planning Priority 1 (Accelerate housing and employment growth in identified precincts) and Priority 3 (Retrofit suburban areas to enhance quality of life).</p> <p>The site is identified as a 'Residential Investigation Area' in this district and is located on the Warnervale Significant Growth Area Map.</p> <p><b><u>Warnervale Regionally Significant Growth Area</u></b><br/>The planning proposal will need to demonstrate consistency with the Place strategy outcome '3. Town Centre Precinct' as the subject site is identified in the Town Centre Precinct of Warnervale.</p> <p>The planning proposal is also missing a detailed assessment against urban design principles listed in the 'Warnervale regionally significant growth area'.</p> | <p>Lands have been set aside under the previous masterplan that contained biodiversity values. Biodiversity attributes contained within the road reserve have been assessed as part of this application and will be further addressed through the DA approval pathway.</p> <p>The subject proposal for R1 General Residential zoned land promotes housing diversity in this location.</p> <p>The subject site represents unconstrained land suitable for residential land uses with immediate proximity to public open space areas and the proposed local centre.</p> <p>Table 3 provides this assessment.</p> |

| Comment  | Assessment/Comment  |
|--|---|
| <p><b><u>Other strategies and policies</u></b></p> <p><i>The planning proposal should also:</i></p> <ul style="list-style-type: none"> <li>- The subject site is also identified in Greenfield Housing Code Area and will need to demonstrate consistency with SEPP Exempt and Complying Development Codes.</li> <li>- Demonstrate consistency with local strategic documents: <ol style="list-style-type: none"> <li>1. Central Coast LSPS</li> <li>2. Draft Greater Warrnervale Structure Plan</li> </ol> </li> </ul> <p>The Departments comments reflect a conflicting assessment of the vision for the future centre in Warrnervale.</p> | <p>The subject site falls outside the Greenfield Housing Code Area (see figure 8). Council does not intend to amend this mapping. However, where the development of the land is not permitted under the SEPP (E&amp;CDC) until the subdivision is completed and essential infrastructure is provided. This ensures the protection of the land for high density development.</p> <p>The Draft LSPS and GWSP have been addressed in earlier discussion.</p> |

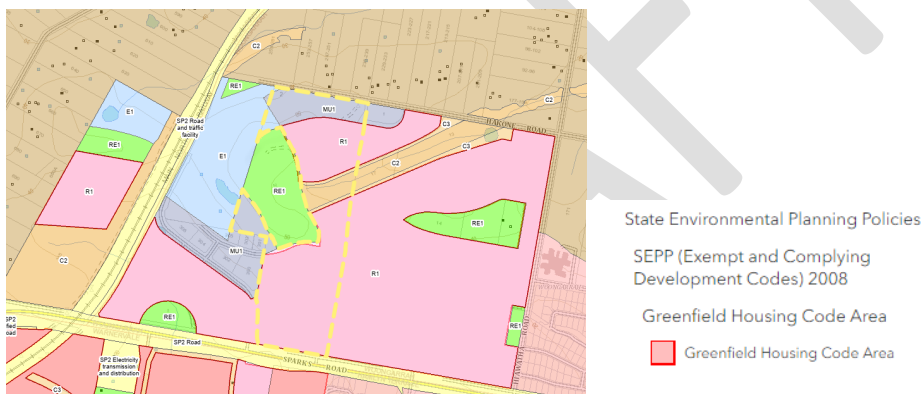


Figure 8 Extract from SEPP Exempt & Complying Development Code Mapping (Source Planning Portal, 2024)

Council undertook further discussions with the Department for the subject Proposal and in combination with the finalisation of the draft Greater Warrnervale Structure Plan. The amended Proposal as lodged in April 2024 reflects the updated vision for the Greater Warrnervale Structure Plan including the following priorities for the Warrnervale Local Centre,

Further consultation will be required to determine whether the proposal demonstrates site-specific merit.

- Department of Planning and Environment – Biodiversity Conservation and Science Group regarding:
  - Ministerial Direction 3.1 Conservation Zones
  - Ministerial Direction 4.1 Flooding
  - Chapter 4 – Koala Habitat Protection 2021 of the SEPP (Biodiversity and Conservation) 2021
- NSW Rural Fire Service regarding Ministerial Direction 4.3 Planning for Bushfire Protection

The Planning Proposal has been written in accordance with the advice provided by DPHI, including the specific updates discussed in the advice above. Refer to Table 8 above regarding the agencies proposed for consultation, based off the DPHI review.

#### **Local Planning Panel**

The Local Planning Panel (LPP) considered the matter on 6 June 2024. The LPP comments were:

*In performing its role in relation to this matter, limited to the provision of advice only, the Panel notes and has no objection to the Planning Proposal proceeding subject to the following:*

*These comments have been addressed within this Planning Proposal.*

Council's Strategic Assessment was updated prior to the Council Meeting to reflect the advice provided by the LPP.

## Part 4 Mapping

Table 10: Existing and Proposed Provisions

| Map                        | Map Title         |
|----------------------------|-------------------|
| A.                         | Locality Plan     |
| B.                         | Aerial Photograph |
| <b>Proposed Provisions</b> |                   |
| A.                         | Zoning Map        |

## **Part 5 Community Consultation**

The Planning Proposal will be made available for community/agency consultation as specified in the Gateway Determination and will be undertaken in accordance with any determinations made by the Gateway.

The planning Proposal will be required to be publicly exhibited for 28 days.

It is anticipated that the proposal will be made available on Council's website [www.yourvoiceourcoast.com](http://www.yourvoiceourcoast.com)

Additionally, notification of the exhibition of the proposal will be provided to adjoining landholders prior to commencement of the exhibition period.

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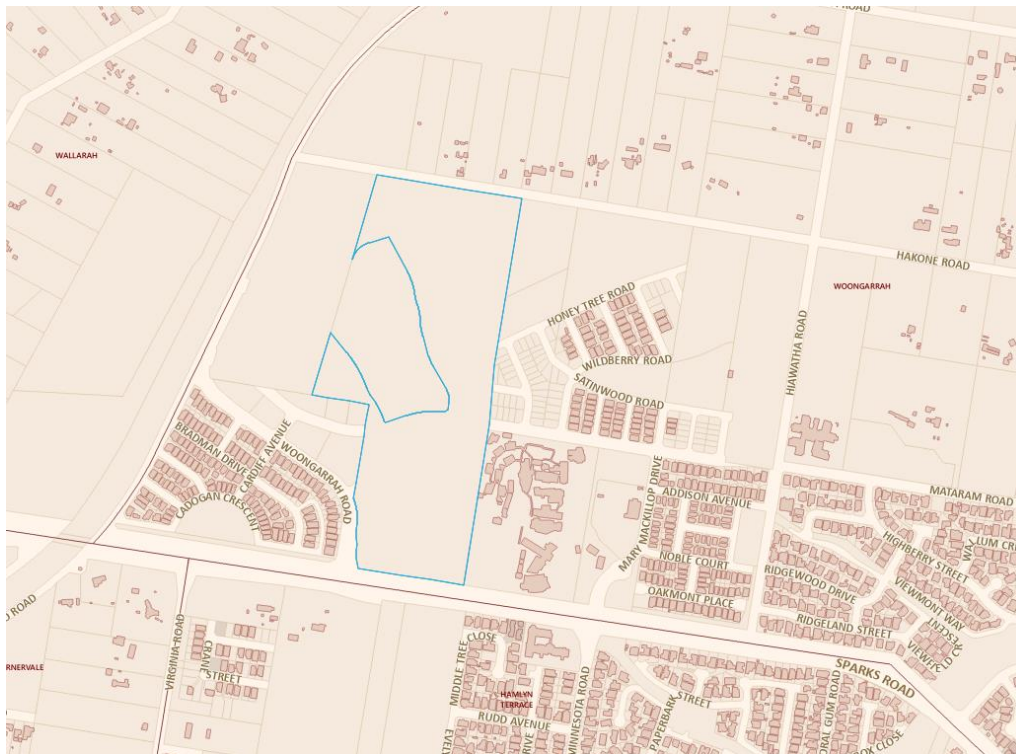
## Part 6 Project Timeline

Table 11: Key Project Timeframes

| Action  | Period   | Start Date    | End Date       |
|---|----------|---------------|----------------|
| Anticipated commencement date (date of Gateway Determination)   | 1 month  | July 2024     | October 2024   |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | 2 months | October 2024  | December 2024  |
| Commencement and completion dates for public exhibition   | 28 days  | February 2025 | March 2025     |
| Timeframe for consideration of submissions  | 1 month  | March 2025    | April 2025     |
| Timeframe for consideration of a proposal (by Council)  | 2 months | May 2025      | July 2025      |
| Date of submission to the Department to finalise LEP  | 1 month  | July 2025     | August 2025    |
| Anticipated date RPA will make the plan (if delegated)  | 14 days  | August 2025   | September 2025 |
| Anticipated date RPA will forward to the Department for notification  | 7 days   | October 2025  | October 2025   |

## Appendix 1 - Mapping

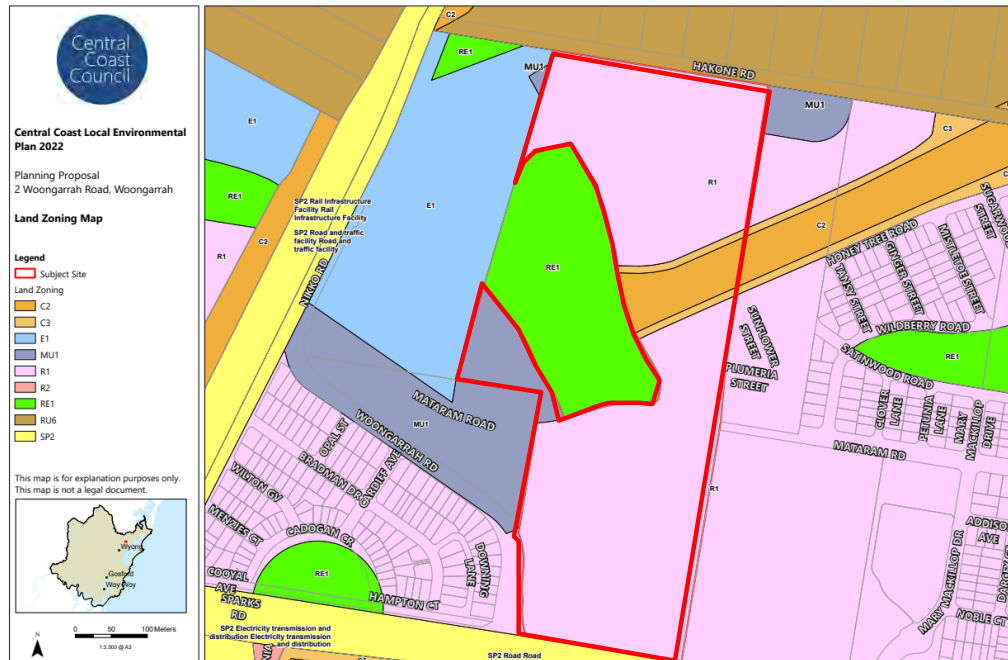
Map A - Locality Plan



**Map B - Aerial Photograph**

Draft LEP Mapping

### Proposed Land Zoning Map



## **Appendix 2 – Council Report**

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## Appendix 3 – Supporting Documentation

Table 12: Supporting Documentation to the Planning Proposal

| Attachment | Document   |
|------------|--|
| A.         | Flora and Fauna Report (Evolve Ecology 2023)   |
| B.         | Traffic Impact Assessment (Aus Wide Consulting 2022)   |
| C.         | Geotechnical Investigation Report (Douglas Partners 2022)  |
| D.         | Bushfire Assessment Report (Bushfire Environmental Management Consultancy 2022)  |
| E.         | Retail Need Assessment (IQ 2022)   |
| F.         | Aboriginal Heritage Due Diligence Report (Ecological Australia 2023)   |
| G.         | Site Audit Report (Ramboll 2021), Site Audit Statement NSW EPA (2021), Subsurface Landfill Gas Summary Report (Coffey, 2024) |
| H.         | Crime Prevention Through Environmental Design Report (Beveridge Williams 2022)   |
| I.         | Planning Proposal (Beveridge Williams 2023)  |

