

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**19 September 2024**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Thursday 19 September 2024 at 2.00 pm,  
for the transaction of the business listed below:**

## **1 Procedural Items**

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## **2 Confirmation of Minutes of Previous Meetings**

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## **3 Planning Reports- Outside of Public Meeting**

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Additions to Residential Development.....9

3.2 DA/1552/2023 - 7 Sun Valley Road Green Point - Proposed  
Telecommunications and Communication Facilities..... 148

The Hon Terry Sheahan AO  
**Chairperson**



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

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**Central Coast**  
Local Planning Panel

19 September 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

19 September 2024 Local Planning Panel Meeting

Reference: F2020/02502 - D16397114

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 5 September 2024***

### Recommendation

***That the minutes of the previous Local Planning Panel Meeting held on 5 September 2024, which were endorsed by the Chair of that meeting, are submitted for noting.***

### Attachments

1   MINUTES - Local Planning Panel - 5 September 2024 D16387570



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**Local Planning Panel**

**Minutes of the**  
**Local Planning Panel Meeting**  
**Held Remotely - Online**  
**on 05 September 2024**

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**Panel Members**

Chairperson	The Hon Terry Sheahan AO
Panel Experts	Greg Woodhams David Furlong
Community Representative	Jerome Favand

**Central Coast Council Staff Attendance**

Emily Goodworth	Section Manager, Employment and Urban Release
Alexandra Allouche	Senior Development Planner, Employment and Urban Release
Danielle Allen	Senior Ecologist, Development Advisory Services
Lisa Martin	Civic Support Officer
Karen Unsted	Civic Support Officer
Tess McGown	Civic Support Officer

The Chairperson, The Hon Terry Sheahan AO declared the meeting open at 2:02pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement.

**Apologies**

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

**Minutes of the Local Planning Panel Meeting 05 September 2024 cont'd**

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**Public Forum**

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The following people addressed the Panel:

**Item 3.1 DA3623/2022 - 37 Wards Hill Rd Killcare Heights  
- Telecommunications Facility**

- 1 **Bruce Gregory – AGAINST**
- 2 **Howard Game - AGAINST**
- 3 **Gaye Follington – AGAINST**
- 4 **Michael Corbett – AGAINST**
- 5 **Michael Allsop – AGAINST**
- 6 **Ross Styles – AGAINST**
- 7 **Jody Deamer – AGAINST**
- 8 **Rodney Dawson – FOR**
- 9 **Alan Blackman – FOR**
- 10 **Jordan Leverington - AGAINST**

The Local Planning Panel public meeting closed at 3:06pm.

The Panel moved into deliberation from 3:15pm.

Minutes of the Local Planning Panel Meeting 05 September 2024 cont'd

PROCEDURAL ITEMS

1.1 Disclosures of Interest

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

*The Chair Declared that he knows Speaker Rodney Dawson.*

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

*That the minutes of the previous Local Planning Panel Meeting held on 22 August 2024, which were endorsed by the Chair of that meeting, were submitted for noting.*

PLANNING REPORTS

3.1 DA3623/2022 - 37 Wards Hill Rd Killcare Heights - Telecommunications Facility

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refuse

Panel Decision 1 *While the Local Planning Panel acknowledges the importance of providing reliable mobile service to the local area at the earliest opportunity, it resolves to **REFUSE** DA/3623/2022 at 37 Wards Hill Road, Killcare Heights (Lot 1 DP 616676) for telecommunications facilities subject to the*

Minutes of the Local Planning Panel Meeting 05 September 2024 cont'd

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*recommended reasons for refusal detailed in the attachment to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant legislation.*

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

**Reasons**

- 1 Despite several requests for additional information the panel considers that the application does not contain adequate information to justify approval.
- 2 The panel has considered all the detail in the officers report and the submissions received through the public exhibition of the application.
- 3 There are opportunities for further consideration of this proposal in conjunction with council to resolve outstanding issues.

**Votes**

The decision was unanimous

**Item No:** 3.1  
**Title:** DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development  
**Department:** Environment and Planning

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**Central Coast**  
Local Planning Panel

19 September 2024 Local Planning Panel Meeting

Reference: DA/1391/2023 - D16162000  
Author: Robert Eyre, Principal Development Planner. Residential Assessments  
Manager: Ailsa Prendergast, Unit Manager. Development Assessments  
Executive: Andrew Roach, Unit Manager. Development Assessment

## Summary

An application has been received for Alterations and Additions to an existing Dwelling House. 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 application is required to be determined by the Local Planning Panel due to the variation to height under the Central Coast Local Environmental Plan 2022. The maximum permitted building height for the locality is 8.5metres. The proposed development proposes a 1.76m (or 20.7%) variation to that standard.

<b>Applicant</b>	Damien Furey
<b>Owner</b>	M Kerbage
<b>Application No</b>	DA/1391/2023
<b>Description of Land</b>	2 South Scenic Road, Forresters Beach - Lot 257 DP 16577
<b>Proposed Development</b>	Alterations and additions to an existing dwelling house
<b>Site Area</b>	803m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential
<b>Existing Use</b>	Dwelling House
<b>Employment Generation</b>	No
<b>Estimated Value</b>	\$2,168,789.00

## Recommendation

- The Panel grant consent to DA/1391/2023, 2 South Scenic Road, Forresters Beach, proposed additions and alterations to existing dwelling house, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

- 2 ***The Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with the height development standard is unnecessary in the circumstances of the case because of the proposed height that would result from the noncompliance with the height development standard, that compliance with the height standard would be unreasonable in the circumstances of the case because of existing surface levels and slope and that there are sufficient environmental planning grounds to justify contravening that development standard.***

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

#### Key Issues

- Height non-compliance with provisions of *Central Coast Local Environmental Plan 2022* (and accompanying Clause 4.6 Submission).
- Geotechnical/Coastal Risk issues (noting that there is no coastal building line applicable to this property under the *Central Coast Development Control Plan 2022*).
- Building Line

#### Precis:

<b>Proposed Development</b>	Alterations and additions to existing dwelling house
<b>Permissibility and Zoning</b>	Permissible with consent under R2 Low Density Residential Zone.
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979 – Section 4.15</li> <li>• Local Government Act 1993 – Section 89</li> <li>• Roads Act 1993</li> <li>• Water Management Act 2000</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• Central Coast Local Environmental Plan 2022</li> <li>• Central Coast Development Control Plan 2022</li> </ul>
<b>Current Use</b>	Dwelling house
<b>Integrated Development</b>	No
<b>Submissions</b>	Nil



### **Variations to Policies**

Clause	Clause 4.3 Maximum Building Height
Standard	8.5m
LEP/DCP	CCLEP 2022
Departure basis	1.76m or 20.7%.

### **The Site**

The site is located on the north-eastern side of South Scenic Road and Henrys Road, Forresters Beach. **(Refer figure 1).**

The rear boundary adjoins Forresters Beach.

The site has a 12m frontage to South Scenic Road and a 22m frontage to Forresters Beach.

The site slopes away from South Scenic Road and towards Forresters Beach with the whole site currently landscaped.

The southern side adjoins an unconstructed public road (Henrys Road) which provides pedestrian access to Forresters Beach via stairs and a maintenance track for access by Council to the beach.

The site contains an existing 3 storey, rendered brick veneer dwelling house with established associated improvements (lawns, landscaping, fencing etc.) The existing dwelling has a gable and hipped, tile roof. A two-car garage is located at the front of the site.

### **Surrounding Development**

Surrounding development is residential in nature, consisting mainly of single and two-storey dwelling houses.



**Figure 1 - Locality Plan**



**Figure 2 - Existing Street View**





*Figure 3 - Rear view of existing dwelling house*



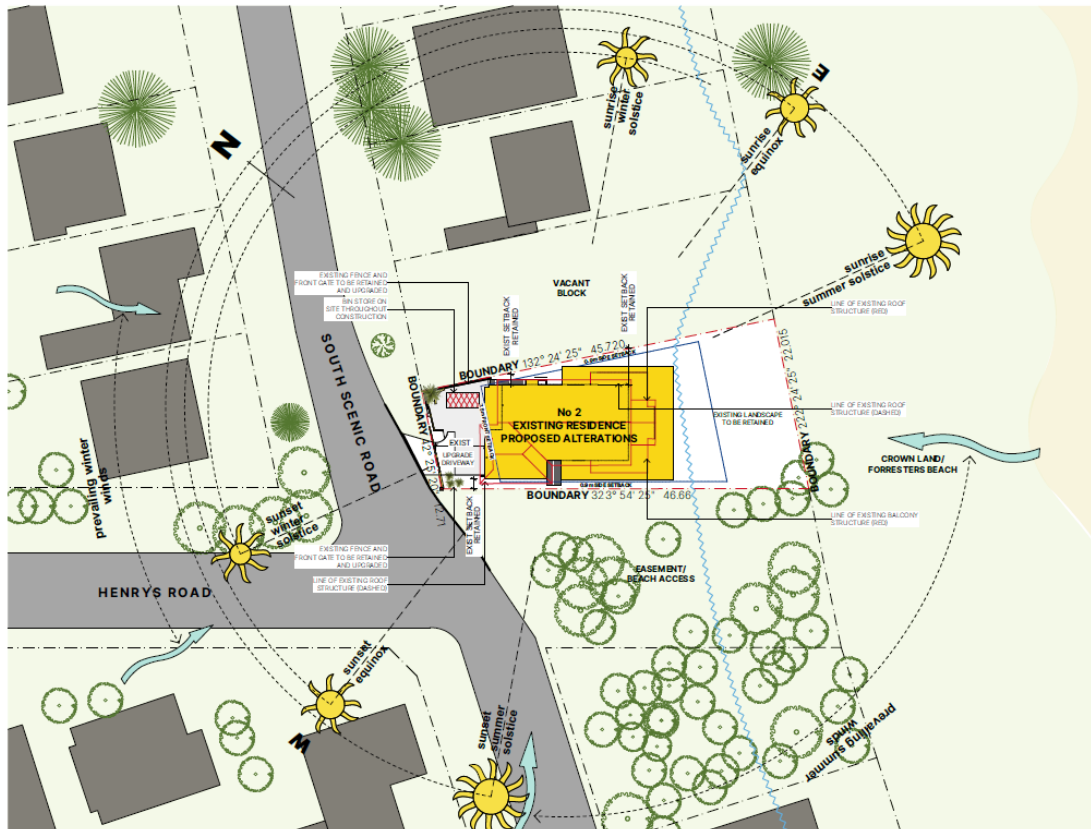
*Figure 4 - Existing Rear of Site*

## The Proposed Development

The proposal includes:

- Replace the rear balconies including a new floor structure tied into the existing dwelling.
- New privacy and sun screening to all facades.
- A new roof with increased ceiling heights.
- Internal alterations with middle floor to be altered from 4 to 5 bedrooms.
- Internal alterations to top floor including a new kitchen.
- A lift to all floors.
- New South Scenic Road façade and fencing.
- A reduction in roof level.

The proposed alterations and additions will increase the GFA from 320.6m<sup>2</sup> to 401.08m<sup>2</sup> and FSR from 0.39:1 to 0.49:1.



**Figure 5 - Site Plan**





*Figure 6 – Architects render showing proposed street elevation*



*Figure 7 – Architects render of proposed rear elevation*

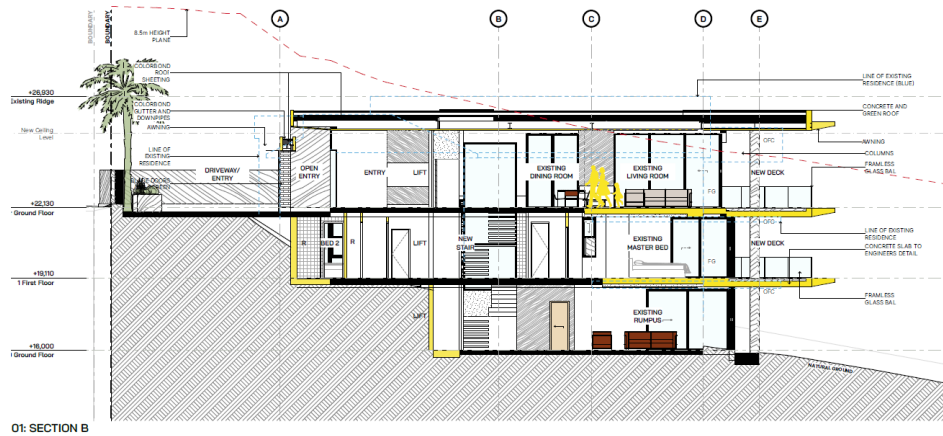


Figure 8 - Section B

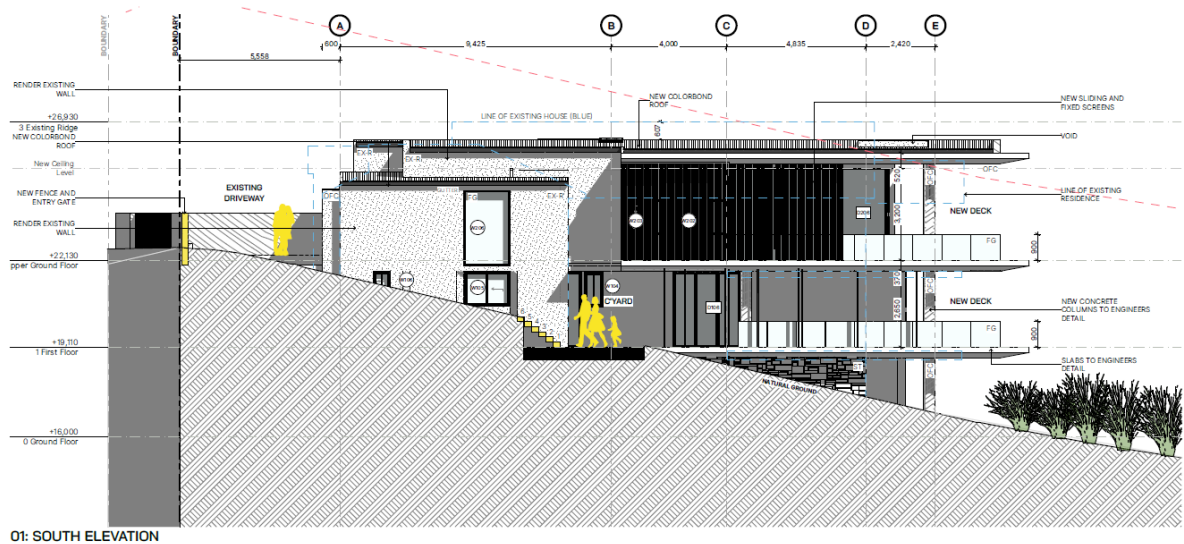


Figure 9 - South Elevation

## **ASSESSMENT**

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

### **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***

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 consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

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

State Environmental Planning Policy (Resilience and Hazards) 2021 commenced on 1 March 2022 incorporates and repeals the provisions of 3 SEPPs including *State Environmental Planning Policy (Coastal Management) 2018* and *State Environmental Planning Policy 55 – Remediation of Land*.

It is noted no policy changes have been made and the SEPP consolidation does not change the legal effect of the existing SEPPs, with Section 30A of the *Interpretation Act 1987* applying to the transferred provisions.

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 clause 2.10 and clause 2.11 of the SEPP.

### 3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

The development is not likely to have an adverse impact on the matters referred to in clause 2.10 and clause 2.11. The development is not considered likely to cause increased risk of coastal hazards on the site or other land. A summary of considerations is included below.

#### Clause 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>
(a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.</i>	<p>The proposal is not likely to cause adverse impacts on the biophysical, hydrological, or ecological environment.</p> <p>The proposal will be connected to reticulated sewer and stormwater will be managed on-site in accordance with the submitted stormwater plans. Erosion and sediment controls will be in place during demolition and construction, and the proposal will not impact on the environment.</p>
(b) <i>coastal environmental values and natural coastal processes.</i>	<p>The proposal is subject to a coastal building line under CCDCP 2022. The Coastal Engineering Report prepared by Horton Coastal Engineering dated 5 January 2023 addresses the impacts of the proposal on coastal processes as follows:</p> <ul style="list-style-type: none"> <li>• There is rock above -1m AHD that can be resilient against erosion/scour during a storm event.</li> <li>• All foundations will be founded on bedrock.</li> <li>• The minimum ground level of 16m AHD is well above the wave runup levels such that there is a low risk of damage from inundation and wave runup.</li> <li>• Footings will be piled into bedrock.</li> </ul> <p>The proposal will not impact on the geological and geomorphological coastal processes.</p>
(c) <i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014 the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1.</i>	<p>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.</p> <p>The proposal will be connected to reticulated sewer and stormwater will be managed on-site in accordance with the submitted stormwater plans. Erosion and sediment controls will be in place during demolition and construction, to minimise impacts on water quality,</p>



<b>Matters for Consideration</b>	<b>Compliance</b>
	and the proposal will not impact on any sensitive coastal lakes.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock platforms.</i>	<p>The proposal will not result in an adverse impact on native vegetation or fauna, undeveloped headlands, and rock platforms.</p> <p>The proposal will not have significant impacts on marine fauna and flora as the development would not interact with subaqueous areas for an acceptably rare storm and acceptably long life.</p>
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland, or rock platform for members of the public, including persons with a disability.</i>	The proposal will not impact on public access to the foreshore being entirely within the subject site.
<i>(f) Aboriginal cultural heritage, practices, and places.</i>	The subject land has not been identified as containing or being within 200m of any Aboriginal sites or places.
<i>(g) the use of the surf zone.</i>	The proposal is located entirely on the subject site and will not impact on use of the surf zone.

In accordance with clause 2.10(2) development consent must not be granted unless the consent authority is satisfied that:

<b>Matters for Consideration</b>	<b>Compliance</b>
<i>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</i>	<p>The subject application is for alterations and additions to an existing dwelling house.</p> <p>The proposed location of the dwelling house is not likely to impact on any future coastal protection works. Beach access from the property is not proposed with the application.</p> <p>The proposed dwelling house is appropriately designed and sited and will be managed to avoid any adverse impacts referred to in clause 2.10(1) having regard to LEP and DCP requirements, the location and characteristics of the site and existing development on the site and surrounding properties. The proposal will maintain a similar presentation to Forresters Beach consistent with adjoining dwelling houses.</p> <p>The proposal does not involve the removal of any significant vegetation.</p>
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that impact, or</i>	N/A – no adverse impacts
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact,</i>	N/A – no adverse impacts

### 3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

Matters for Consideration	Compliance

#### 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:

Matters for Consideration	Compliance
<p>(a) <i>whether the proposed development is likely to cause an adverse impact on the following:</i></p> <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 site has a direct frontage to the foreshore of Forresters Beach.</p> <p>The proposal will not cause an adverse impact on access, overshadowing, wind funneling or view loss from public places to any foreshore. There will be some impact from overshadowing of the southern adjoining public beach access in the middle of the day in wintertime which is similar to the shadows cast by the existing development.</p> <p>The dwelling house will be visible from the beach and coastal areas and will maintain an appropriate presentation that is consistent with other more recent development along the beachfront and is located as far landward as possible as is not likely to have any adverse visual amenity from coastal erosion in a significant storm event.</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 existing development on the site and surrounding properties.</p> <p>The proposal will maintain a similar presentation to Forresters Beach consistent with adjoining development along the beach frontage. The</p>

### 3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

Matters for Consideration	Compliance
	proposal does not involve the removal of any significant vegetation.
<i>(c) has considered the surrounding coastal and built environment, and the bulk, scale and size of the proposed development</i>	The bulk and scale of the proposed development is compatible with the scale and appearance of other development along the Forresters beachfront and is considered satisfactory for the site and location.

#### 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.

#### *Comment:*

The proposal is not subject to a Coastal Building Line under CCDCP 2022. Section 8 of the Coastal Engineering Report prepared by Horton Coastal Engineering dated 5 January 2023 (Horton 2023) addresses the impacts of the proposal on coastal processes and risks of coastal hazards on the land and adjoining land in relation to the requirements of Chapter 3.2 Coastal Frontage of CCDCP 2022.

The Coastal Engineer (Horton 2023) concludes the following:

- The proposed development has been designed to avoid any potential adverse impacts on adjoining land or the coastal area.
- The proposed development does not give rise to increased coastal hazard.
- The proposal satisfies the requirements of CCDCP 2022 and SEPP (Resilience and Hazards) 2021.

Given the recommendations of the Coastal Engineering report accompanying the application, and that the land is not subject to a defined Coastal Building Line under Central Coast DCP 2022, the consent authority can be satisfied that this matter has been appropriately addressed.

#### Clause 2.13 - Development in coastal zone generally - coastal management programs to be considered.

In accordance with clause 2.13 development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

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

The site has been used for residential purposes and is considered suitable 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.

Council 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**

#### ***Zoning and Permissibility***

The subject site is zoned R2 Low Density Residential under the provisions of Central Coast *Local Environmental Plan 2022* (CCLEP 2022) as shown in the zoning map.

The proposed development is defined as ***dwelling house*** which is permissible in the zone with consent of Council.

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

The R2 Low Density Residential zone is based on the following objectives:

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

Properties along Forresters Beach to the north, south and west are zoned R2 Low Density Residential. East of the site, known as Forresters Beach is zoned RE1 Public Recreation.

The proposal will provide a renewal of housing on the site, and the nature of the use is consistent with development in the surrounding area and considered compatible with the desired future character of the area.

The design of the proposal responds to the beachfront location of the site and is compatible with the scale and nature of more recent development on Forresters beachfront. The proposal demonstrates architectural quality and uses different setbacks and design features to break up the massing of the dwelling house.

The proposed development is ecologically, socially, and economically sustainable in the sensitive coastal location.

#### **4.3 Height of Buildings**

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

The proposed development predominantly complies with the maximum building height except at the western edge of the roof elevation where the dwelling has a maximum height of 10.26 m from existing ground level as shown in elevations of Figures 8 and 9. This is a variation of 1.76m or 20.7% to the development standard.

A request to vary the development standard under clause 4.6 of GLEP 2014 has been provided (See further details and discussion below).

#### **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 site is identified on the CCLEP 2022 FSR map as being 0.5:1. The proposal was lodged with an FSR of 0.49:1 which complies with the standard.

#### **4.6 Exceptions to Development Standards**

Clause 4.6 of CCLEP 2022 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to development,*

### 3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

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- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the Height of Building development standard of 8.5m in clause 4.3 of GLEP 2014.

A copy of the Clause 4.6 Variation Request is included in the Statement of Environmental Effects and referenced as Appendix H.

The proposed development has a maximum height of 10.26m from existing ground level and results in a variation of 20.7% to the development standard.

The Applicant's written request submitted states how strict compliance with the development standard is unreasonable or unnecessary having regard to the considerations set out in *Wehbe v Pittwater Council [2007] NSWLEC 827* and *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*. **(Refer attachment 3)**

The Applicant's written request to vary the height of building development standard demonstrates the following (summarised):

- The height exceedance is for a flat roof structure which is 670mm lower than the existing roof.
- The proposal results in a better design outcome and the variation is due to the slope of the land.
- The design responds to the existing site constraints and steepness towards the beach.
- The proposal has no shadow impacts on adjoining residential sites.
- The proposal complies with the objectives of the zone and the objectives of the height development standard.

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

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

Comment:

The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary having regard to various relevant decisions in the NSW Land and Environment Court and New South Wales Court of Appeal and how there are sufficient environmental planning grounds to justify the contravention.

Council is satisfied that the matters required to be demonstrated in subclause 4.6(3)(a) have been adequately addressed for the variation to the maximum height of building development standard.

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

Comment:

To demonstrate if the proposal has merit, consideration of the proposed building height non-compliance regarding the objectives of the control contained within Clause 4.3(1) of CCLEP 2022 is as follows:

The objectives of clause 4.3 Height of Buildings:

- (a) *to establish maximum height limits for buildings,*
- (b) *to permit building heights that encourage high quality urban form,*
- (c) *to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,*
- (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity,*
- (e) *to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,*
- (f) *to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.*

The proposal is consistent with objectives in CCLEP 2022 as follows:

- The proposal generally complies with the 8.5m building height development standard. The elements exceeding the height level are generally located at the eastern side and are well setback from the eastern boundary with Forresters Beach.
- The site has a sloping topography, with greater slope on the eastern side in the vicinity of the proposed variation. The variation is considered well designed to minimise any impact. The roof level overall is being reduced albeit still above the 8.5m height limit. There is no apparent impact from street level and surrounding properties given the inherent design quality of the development.
- The design appears as a 3-storey building from the public domain and side boundaries towards the beach however has a single presentation to the street and is consistent with other development along the beachfront area.
- The extent of the non-compliance does not contribute to the bulk and scale of the building and is not considered to have unreasonable impacts on the amenity of the adjoining residents by overshadowing or overlooking. The design of the development

### **3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)**

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provides for articulation, different materials selection, natural ventilation, acoustic and visual privacy from the neighbours.

- The proposal provides appropriate transition in built form and land use intensity being located adjacent new and existing single dwelling houses and is generally consistent with the underlying zoning and development standards available to the site.
- The proposal does not result in unreasonable overshadowing of public open space areas nor impact on views that identify natural topographical features.

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

- The proposal does not have a detrimental impact on the amenity of adjoining residences in terms of overshadowing and proposes privacy screening to minimise overlooking of side boundaries.
- The design of the proposal responds to the beachfront location of the site and is compatible with the scale and nature of more recent development on Forresters beachfront. The proposal demonstrates architectural quality and uses different setbacks and design features to break up the massing of the dwelling house.

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

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

This assessment concludes that the clause 4.6 variation of CCLEP 2022 having regard to clause 4.3(2) of CCLEP 2022 is well founded and worthy of support.

#### **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 CCEP 2022 have been considered.

The land is mapped as Class 5, no known occurrence ASS and is within 500m. Therefore, an ASS Management Plan is not required.

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



### **7.3 Limited Development in Foreshore Area Building Line Map**

The site is not identified as subject to a coastal building line.

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

The relevant chapters in Central Coast Development Control Plan (CCDCP 2022) pertaining to the proposed development are as follows:

- Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development
- Chapter 3.2 Coastal Hazard Management – Part C Southern Area (former Gosford LGA)

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

The proposal has been assessed in accordance with the relevant provisions of CCDCP 2022 Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development.

<b>Development Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Control</b>	<b>Compliance with Objective</b>
2.1.2.1 Building Height	Max height – 8.5m	10.26m	No	Yes – refer Clause 4.6 assessment
2.1.2.2 a (iii) Site Coverage	Max 50% for allotment that has an area of 450sqm to 900sqm	<50%	Yes	Yes
2.1.2.3 Floor Space Ratio	CCLEP 2022 - 0.5:1	0.49:1	Yes	Yes
2.1.3.1a Front Setbacks	Average distance of the front setbacks to the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or if 2 dwelling houses are not located within 40m of the lot – 4.5m.	Existing setbacks retained 5.5m-7.5m	Yes	Yes
2.1.3.1b Rear Setbacks	Where a property is within the Coastal Hazard Area in CCDCP 2022 or any other relevant study- Chapter 3.2 Coastal Hazard Management applies.	Landward of the Coastal Building Line	Yes	Yes

<b>Development Control</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Control</b>	<b>Compliance with Objective</b>
3.1.3.2 c Side Setbacks	Any part of a dwelling with a height of up to 4.5m – 0.9m; and - for any part of the dwelling with a height of more than 4.5m – 0.9m + one quarter of the height of the building above 4.5m.	Existing setbacks retained 0.9m – 4.3m	Yes	Yes
2.1.3.3.2 Garage Door Articulation	The total width of all garage door openings when within 7.5m and facing a primary road or parallel road on lot zoned R1, R2, or RU5 must not exceed: ii. 6m, or 60% of the width of the building (whichever is the greater) if the lot width has a width measured at the building line of more than 12m.	Existing garage 6m	Yes	Yes
2.1.4.1 Views	Facilitate reasonable view sharing whilst not restricting reasonable development of the site	Maintains the established foreshore building line and does not adversely impact existing views. The lowering of the ridge height should improve views from adjoining sites. No submissions were received from surrounding sites.	Yes	Yes
2.1.4.2 Visual Privacy	Orientation of windows and terrace areas to not directly overlook private open space areas of adjoining allotments	The extension is mainly the addition of decks on the eastern side with ocean views similar to adjoining developments.	Yes	Yes
2.1.4.3 Private Open Space	24sqm for allotments with a width greater than 10m wide at the building line Min dimension 3m Not steeper than a 1:50 gradient	>24 sqm	Yes	Yes
2.1.4.4 Sunlight Access	Min 3 hrs/day sunlight mid-winter to 50% of principal private open space POS for new dwellings.	Shadow diagrams indicate compliance is achieved. The rear of the site achieves sunlight in the morning period with	Yes	Yes

### 3.1

### DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

Development Control	Required	Proposed	Compliance with Control	Compliance with Objective
	Minimum 3 hours/day sunlight mid-winter to 50% of principal POS on adjoining land	shadow impact in the PM period. The additional shadow casted by the extension is minor and not significant and does not impact adjoining residential properties. There is additional shadow cast on the southern and eastern side of the public walkway and beach area in the late afternoon. This is considered to be reasonable.		
2.1.5 Car Parking and Access	Provide minimum off street parking facilities – 2 spaces for dwelling with 4 or more bedrooms Ensure safe vehicular access to public road Max driveway width 4m at street crossover	2 spaces provided within garage parking facilities behind the primary road setback.	Yes	Yes
2.1.6.1 Earthworks	Cut/fill maximum 1m within 1m of boundaries, or 3m if more than 3m from boundary	<1m	Yes	Yes
2.1.6.2 Retaining Wall and Structural Support	More than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, to be designed by a professional engineer.	Setbacks to existing dwelling maintained. Geotechnical report submitted for piling/foundations.	Yes - compliance with the Coastal Engineering reports and plans	Yes
2.1.6.3 Drainage	All stormwater drainage collecting must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system	A roof/stormwater plan has been submitted. To be conditioned to dispose of into on site system with water tanks for retention/detention.	Yes	Yes

### Chapter 3.2 Coastal Hazard Management

The proposal has been assessed in accordance with the relevant provisions of CCDCP 2022 Chapter 3.2 Coastal Hazard Management.

In accordance with Chapter 3.2 the following documentation has been provided with the development application:

- Coastal Engineering Advice prepared by Horton Coastal Engineering dated 5 January 2023. (Horton 2023) **(Attachment 5)**.
- Geotechnical Assessment prepared by Douglas Partners Project 227073.00 dated 16 January 2024. **(Attachment 7)**



*Figure 10 - View of site (at arrow) from Forresters Beach 17/07/2022 (Horton 2024).*



*Figure 11 - Aerial view of site (at arrow) 5/10/2021 (Horton 2024)*

Clause 3.2.3.3.2(a)

A Coastal Building Line does not apply to Forresters Beach.

Clause 3.2.3.3.2(b)

Based on clause 3.2.3.3.2(b) of DCP 2022, "all structures constructed within a designated Coastal Hazard Area shall:

- i) be compatible with the coastal hazards identified;
- ii) be founded landward of the coastal building line;
- iii) not give rise to any increased coastal hazard;
- iv) be designed to not be damaged by the designated hazard;
- v) give consideration to the effects of larger events than the designated hazard;
- vi) be constructed in a manner which overcomes any problem from the coastal hazards of run-up and inundation; and
- vii) be set back as far landward as practicable".

As outlined in Section 6.3 (Horton 2023), the proposed development is at an acceptably low risk of damage as it is to be founded on bedrock, as long as it is assessed as part of detailed design that there is elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion. Is this is undertaken, the proposed development would be compatible with the coastal hazards identified, as per (i) and (iv).

Larger events than the design event could occur, as could tsunamis. However, the probabilities of these events are so low that the development remains at an acceptably low risk of damage, which is the desired outcome (zero risk is not possible), and these addresses (v). Factors of safety in design also mean that foundations can be expected to withstand larger storm events than the design storm event. However, it is reiterated though that it is acceptable to design for the design event, by definition.

With regard to (ii), the Coastal Building Line is not applicable at this location.

With regard to (iii), the proposed development will not give rise to any increased coastal hazard on adjacent land, if founded as outlined in Section 6.3, as it would be supported on piles well above wave action in the design erosion event. That stated, it is the expectation that the proposed development would not be undermined in the design event, to be confirmed as part of detailed design.

With regard to (vi), it was noted in Section 7 (Horton 2023) that the proposed development is at an acceptably low risk of damage from runoff and inundation.

Item (vii) is not a coastal engineering matter. That stated, it is reiterated that the proposed development is at an acceptably low risk of damage from coastal erosion/recession (if founded as outlined in Section 6.3 (Horton 2023) and bedrock depth is confirmed as part of detailed design) and inundation. It is also noted that the proposed development does not significantly alter the ground floor footprint of the existing dwelling.

Clause 3.2.3.3.2(c)

Based on Chapter 3.2.3.3.2(c) of DCP 2022, "Council will not permit the redevelopment of existing buildings within the Coastal Hazard Area unless the foundation design is demonstrated to have been constructed to withstand designated coastal processes and is certified by a coastal and structural engineer".

The proposed development is at an acceptably low risk of damage as it is to be founded on bedrock, as long as it is assessed as part of detailed design that there is elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.

Clause 3.2.3.3.2(d) and (e)

Chapter 3.2.3.3.2(d) and (e) of DCP 2022 are not applicable to the proposed development, as there is no Coastal Building Line at the site.

Clause 3.2.3.3.2 (h) to (l)

Based on Chapter 3.2.3.3.2 (h) to (l) of DCP 2022:

- "(h): Structural design of buildings and foundations shall take into account storms greater than the design storm event, and that erosion/run-up/inundation may exceed the design storm event.
- (i): Building footings including strip-footings and/or isolated pier construction are to be designed to ensure safe bearing below or beyond the calculated zone of reduced foundation capacity.
- (j): Where structural consideration of coastal forces is required the engineer shall take into account the forces generated by coastal processes, possible dune slumping, loss of support, slope readjustment, changing water table as well as the normal structural and foundation considerations. Foundation design shall extend beyond the reduced foundation capacity zone of influence.
- (k): In areas of high or moderate cliff instability risk within a Coastal Hazard Area, a geotechnical engineer site assessment will need to demonstrate that the position of the building on the site and its design has considered any expected foundation impediments (Refer Cliffline Hazard Definition Study for Tudibaring Headland).
- (l): Any sand excavated during building works should, where possible, remain within the same embayment, and requires approval by Council to be reused in other beach locations. It should be demonstrated to Council that the sand is clean and free of deleterious matter".

With regard to (h), storms greater than the design storm event were discussed in Section 8.2 (Horton 2023). With regard to (i), the footings are to extend down to bedrock. CCDCP 2022 identifies that piling is required in this location as well as adjoining residential sites which is supported by the geotechnical report.

### 3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

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With regard to (j), it is unlikely these coastal forces would need to be considered (due to elevated bedrock seaward of the dwelling), and this will be assessed as part of detailed design.

Item (k) is not applicable. The subject property is not in a designated (rocky) cliff area. The "Cliff Line Hazard Definition Study at Tudibaring Headland, Copacabana NSW" prepared in 1996 relates to Tudibaring Headland at the northern end of MacMasters Beach, and has no relevance to the subject DA.

With regard to (l), if the owner proposes to place excavated sand on the beach (and this is not currently proposed), and Council was willing to accept it, then testing would be undertaken to assess its suitability (ie, that it is not contaminated). This could be enforced through a consent condition.

#### Conclusion

It is concluded that the proposed development satisfies the CCDCP 2022 coastal engineering requirements, as long as it is assessed as part of detailed design that there is elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion. **(Refer Condition 2.5-2.7, 5.8, 5.9 and 6.4)**

#### **Scenic Quality.**

The site is located within Forresters Beach 1: Ocean Beachfront. The desired character for this area is;

**Desired Character**

These should remain low-density residential foreshores where future development does not dominate the informal scenic quality of prominent backdrops to Gosford City's ocean beaches, and new dwellings are surrounded by leafy gardens that provide protection from storm surges and shoreline erosion.

Ensure that new structures do not disrupt development patterns that are evident upon surrounding properties. Avoid disturbing natural slopes plus any existing trees that are visually-prominent foreshore features, and ensure a leafy character for these prominent backdrops to ocean beaches. Plant gardens and street verges with low hedges and salt-tolerant trees that are predominantly indigenous, clustered to maintain existing panoramic views. Facing beachfronts in particular, avoid tall retaining walls or fences, extensive terraces or driveways that would visibly compromise the desired leafy character. Plant low-growing "hedges" of indigenous shrubs and ground covers along boundaries and to stabilise dunes. Also, maintain the informal character of any existing wide street verges that are dotted with shady street trees.

Avoid the appearance of a continuous wall of foreshore development by setting all building works back from exposed fore-dunes, and by surrounding buildings with leafy gardens. Incorporate waterfront and street setbacks that are similar to the surrounding properties, and provide at least one wide side setback or step the shape of front and rear facades.

Minimise the scale and bulk of new buildings or additions to existing dwellings. Use irregular floorplans to create well-articulated forms, such as linked pavilions that are separated by courtyards and capped by individual roofs. All roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves and verandahs to disguise the scale of exterior walls. Facing the beach, disguise the impact of upper storeys by a combination of extra setbacks from the ground floor plus shady balconies and verandahs.

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

The proposal is considered to comply with the desired character as it:

- Does not dominate the scenic backdrop to the beach.
- Maintains a large open landscape area at the rear.
- Minimises the bulk and scale by reducing ridge height.
- Has extensive balconies on the beach side.
- Has a variety of external finishes and materials and extensive windows.

**Likely Impacts of the Development:****Bushfire Risk**

The site is identified as bush fire prone land.

The applicant has submitted a bushfire assessment report which identifies that the proposal construction is required to comply with Bal-19. **(Refer condition 2.4)**



**The Public Interest:**

**Submissions**

None received.

**Submissions from Public Authorities**

Not required.

**Internal Consultation**

Water and Sewer	Supported subject to conditions. Refer conditions 2.2 and 6.2.
Coastal Engineer	Supported subject to conditions. See comments below.
Environmental Health	Supported without conditions. See comments below. Refer conditions 5.11-5.14.

**Coastal Engineer**



There is some discrepancy between the alignment of the aerial photography and the plan in relation to the property boundary (cadastre). The coastal hazard maps are rectified against the aerial photography.

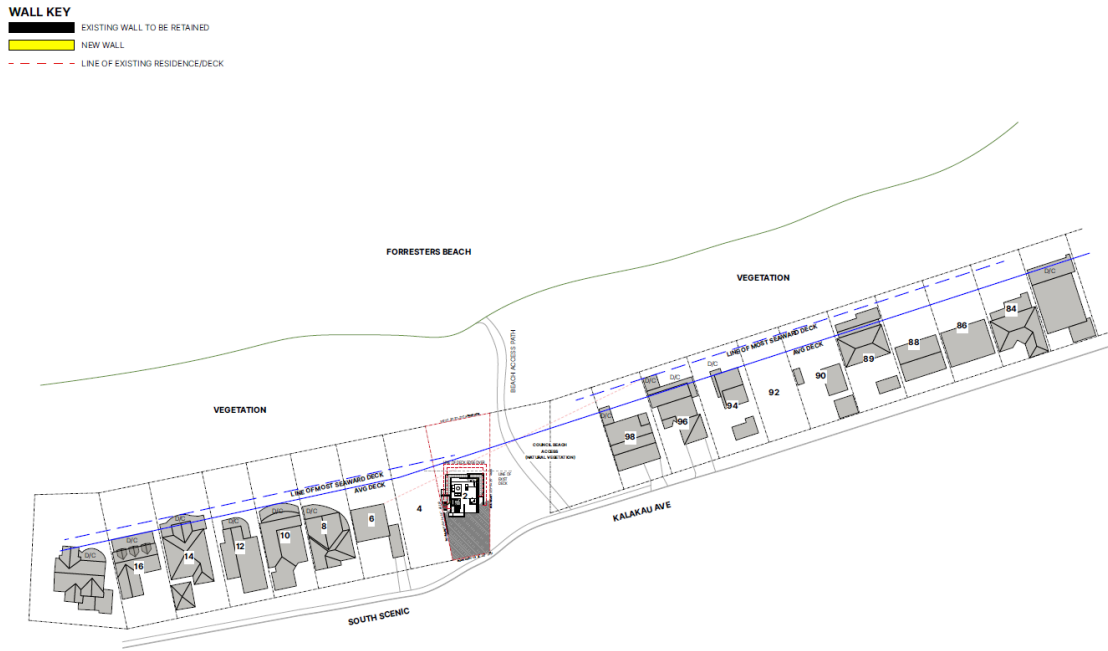
DA application documents including Architectural Plans, Statement of Environmental Effect, Geotechnical Report, and Coastal Engineering Report have been reviewed and considered.

### **Coastal Hazard Recommendations**

1. It is assessed that the proposal would not increase the level of coastal hazard at the site and that the proposal is at an acceptable risk, provided that recommendations in the Coastal Report (prepared by Horton Coastal Engineering dated 5 January 2023) to be implemented.
2. A detailed geotechnical report will be required for the detailed design of structure. Requirements for geotechnical report are provided in Chapter 3.7 of the DCP 2022, and in Cl. 3.2.3.5.a.(ii): *a geotechnical report indicating the sub-strata at the coastal building line alignment, landward extent of footings and the type of foundations required. If geotechnical engineering advice is being used to demonstrate reduced recession/future erosion potential on the subject site then substrata must also be described at the seaward portion of the subject land parcel. In areas of moderate or high-risk cliff instability the geotechnical report must detail the nature of the risks and how they can be mitigated;*
3. The DA must be complied with DCP 2022 Cl. 3.2.3.3.2.e.(ii): *The structure must not project seaward of a line drawn from the closest corner of the closest neighbouring dwellings either side of the subject lot; the aim being to align with existing buildings' setbacks to provide equity and consistency.*

With regard to the above, a geotechnical report has been submitted which stipulates piling to bedrock. **(Refer attachment 7 and Conditions 2.5-2.7, 5.8, 5.9 and 6.4).**

The proposed building line/setback on the eastern side with the beach frontage is consistent with and aligns with dwelling setbacks on either side of the site. **(Refer Figure 10)**



**Figure 10 – Building Line**

## Environmental Health

### Noise

#### Acoustic References:

- Noise Policy for Industry
- Noise Guide for Local Government

As this proposal is consistent with the surrounding residential land uses, a desktop review has determined that an acoustic impact assessment is not required.

During the construction phase for this proposal, it is anticipated that there may be minor short-term impacts, but these can be controlled with a conditional requirement for any development consent issued. Although not restrictive to the progression of this application, it is recommended that the following conditions be applied to any development consent issued.

*Do not give to offensive noise as defined in the Protection of the Environment Operations Act 1997*

### Air Quality

During the construction phase for this proposal, it is anticipated that there may be minor short-term impacts, but these can be controlled with a conditional requirement for any development consent issued.

It is anticipated that the ongoing use of this proposal will not significantly impact the surrounding environment.

#### Contamination

Contamination References:

- Managing Land Contamination: Planning Guidelines SEPP55 – Remediation of Land.
- State Environmental Planning Policy (Resilience and Hazards) 2021.

As the proposal does not require major earthworks, the proponent is not required to address State Environmental Planning Policy (Resilience and Hazards) 2021.

#### Acid Sulfate Soils

Acid Sulfate Soils References:

- Acid Sulfate Soils Assessment Guidelines – Acid Sulfate Soils Management Advisory Committee August 1998

Based on Council's Acid Sulfate Soil Risk mapping this property has been categorized as not containing any acid sulfate soils. The proponent will not need to provide an Acid Sulfate Soil Assessment and or Management Plan.

#### Waste

The generation of waste by this proposal is anticipated to be acceptable provided that the appropriate services are arranged to collect, handle and transport to a facility which is licensed to receive that material. The way the waste is to be stored prior to collection must be managed so that it does not pollute the environment.

There is no objection to the proposed "**Alterations & Additions to Existing Dwelling**" subject to the conditions being included within any consent granted. **(Refer conditions 5.11-5.14)**

#### **Ecologically Sustainable Principles:**

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

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

## **Climate Change**

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

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

## **Other Matters for Consideration**

### **Contributions**

Section 7.11 and 7.12 Contributions (formerly Sections 94 and 94A Contributions) do not apply to the proposal.

### **Conclusion**

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that:

- the site is suitable for the proposed development; and
- The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies; and
- The proposal has been considered against the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, Central Coast *Local Environmental Plan 2022* and Central Coast DCP 2022 and has been found to be satisfactory; and
- There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

As such, the application is recommended for **approval** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, subject to the Conditions set out in *Attachment 10*.

### 3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development (cont'd)

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#### Attachments

<b>1</b>	Revised Plans (Issue F) - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH	Provided Under Separate Cover	D16269315
<b>2</b> 	PUBLIC Revised Notification Plans (Issue F) - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D16269389
<b>3</b> 	PUBLIC - Statement of Environmental Effects - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D15758239
<b>4</b> 	PUBLIC - Clause 4.6 Variation - Redacted PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D15758235
<b>5</b> 	PUBLIC - Bushfire Report - Redacted PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D15758234
<b>6</b> 	Engineers Coastal Report - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D15758224
<b>7</b> 	PUBLIC - Waste Management Plan - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D15758245
<b>8</b> 	PUBLIC Revised Geotechnical Report - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D16031458
<b>9</b> 	PUBLIC BASIX Certificate - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH		D15758300
<b>10</b> 	Survey Plans - PAN-347968 - DA/1391/2023 - 2 South Scenic Road, FORRESTERS BEACH	Provided Under Separate Cover	D15758246
<b>11</b> 	Survey Plans - PAN-347968 - DA 1391 2023 - 2 South Scenic Road FORRESTERS BEACH - redacted		D16401881
<b>12</b> 	Draft conditions/reasons - 2 South Scenic Road, FORRESTERS BEACH NSW 2260 - DA/1391/2023 - Central Coast Council		D16273814

# Fabric.





SURROUNDING AREA



EXISTING RESIDENCE - Ocean side



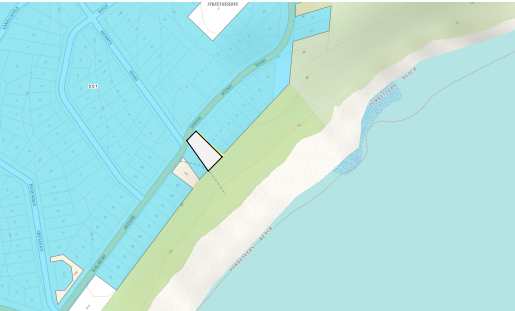
EXISTING RESIDENCE - Street

NUMERICAL OVERVIEW

Site Area	- 803m²
<b>GFA</b>	
Allowable	- 401.5m²
Lower G	- 67.48m²
First F	- 133.29m²
Upper G	- 119.83m²
<b>Existing</b>	<b>- 320.6m²</b>
Lower G	- 89.74m²
First F	- 178.38m²
Upper G	- 132.96m²
<b>Proposed</b>	<b>- 401.08m²</b>
<b>FSR</b>	
Allowable	- 0.50:1
Existing	- 0.39:1
<b>Proposed</b>	<b>- 0.49:1</b>
<b>Height</b>	
Existing	- RL 26.930 (Ridge Height)
<b>Proposed</b>	<b>- RL 26.325 (Ridge Height)</b>

APPROX 605mm REDUCTION FROM EXISTING RIDGE HEIGHT

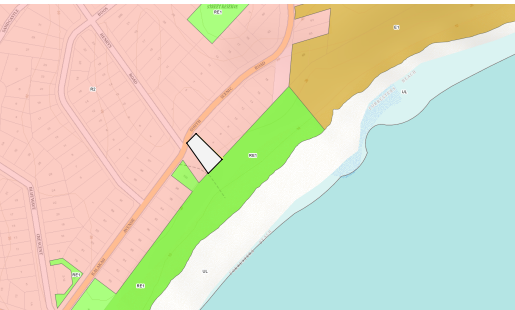
Storeys exist	- 3
Storeys prop	- 3
<b>Parking</b>	
Car Spaces	- 2 via exist garage
Visitor	- Yes via street parking and driveway space



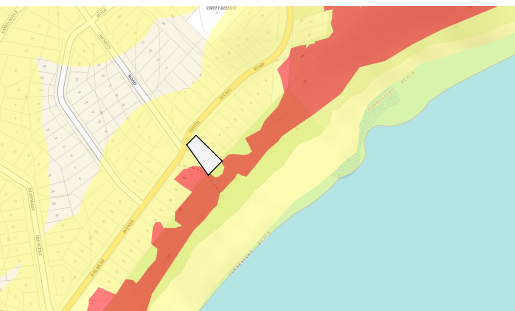
FLOOR SPACE RATIO  
- 0.5:1



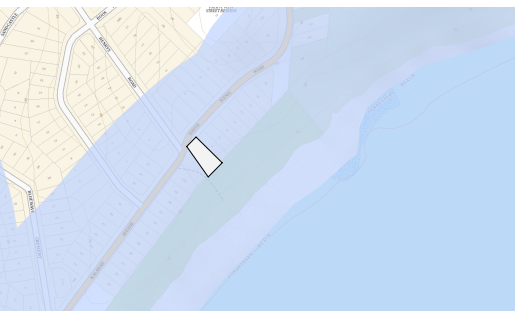
MAX BUILDING HEIGHT  
- 8.5m



LAND ZONING  
-R2, GENERAL RESIDENTIAL



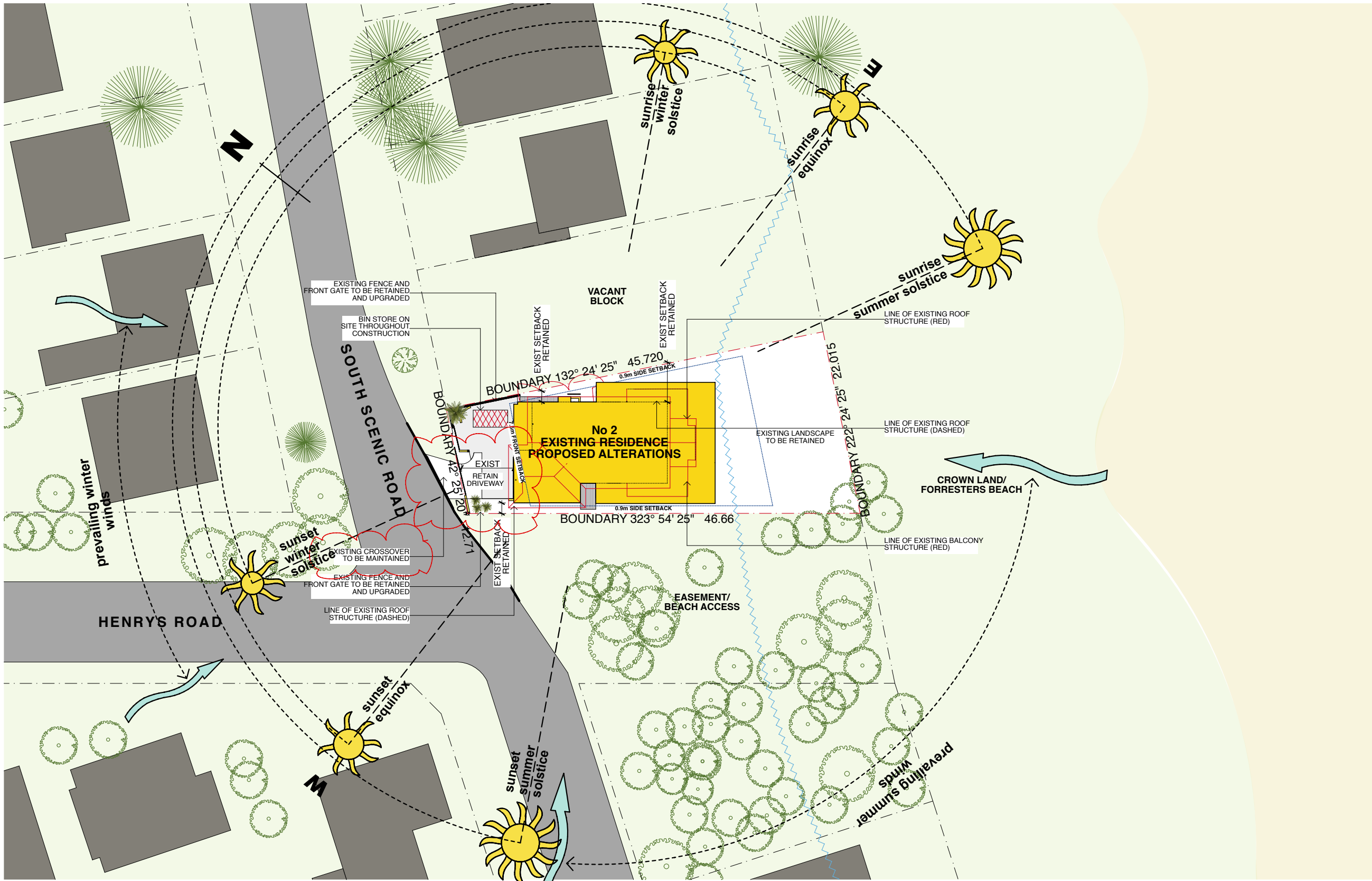
BUSHFIRE PRONE LAND  
- Buffer Zone

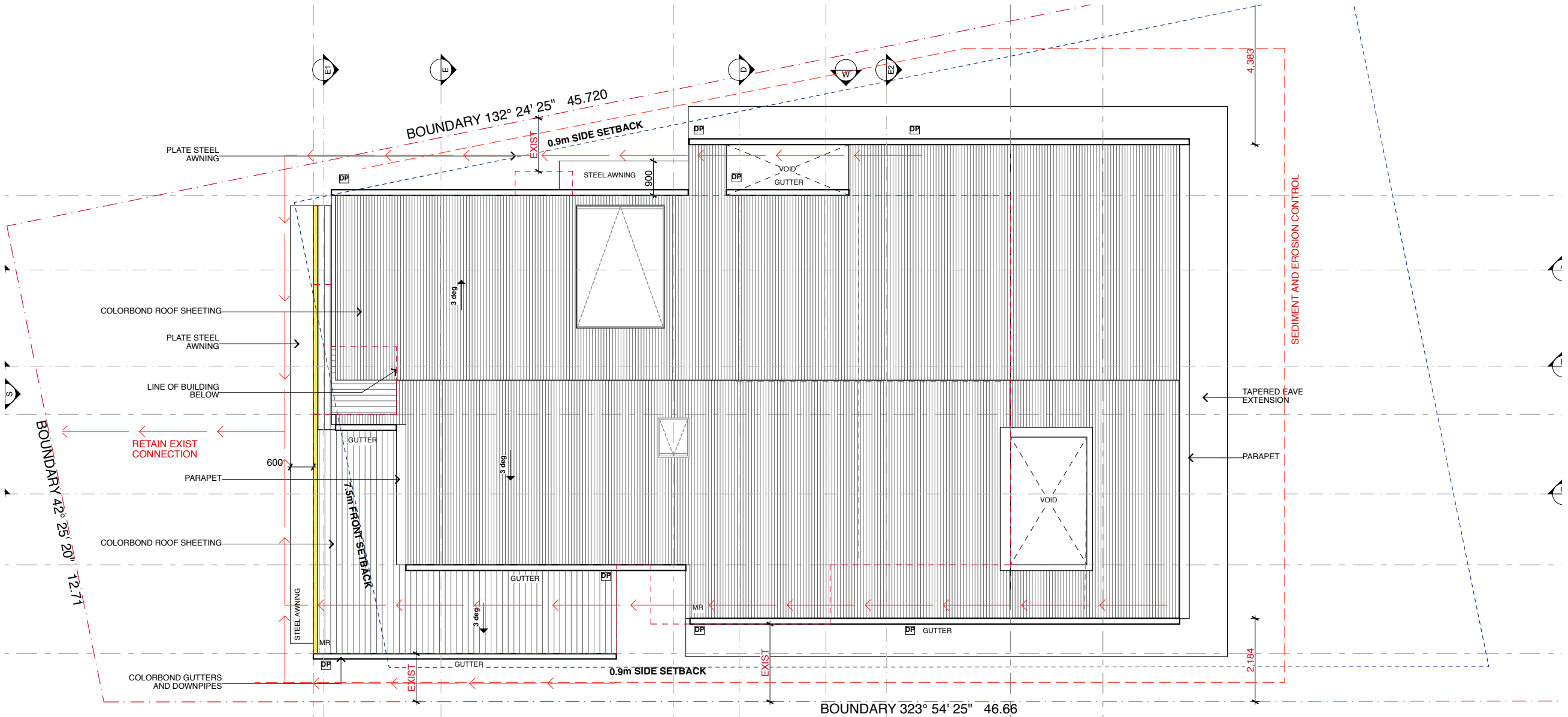


SENSITIVE COASTAL  
- Refer attached documentation as geotech and piling may be required





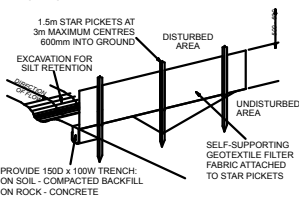




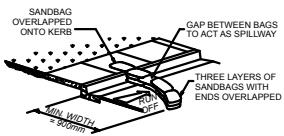
KEY

- DIRECTION OF OVERLAND FLOW PATH & SURFACE RUN-OFF
- 100 dia PVC PIPE & DIRECTION OF FLOW
- RAIN WATER TANKS SIZE AND TYPE AS NOMINATED BY BASIX

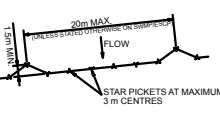
TYPICAL SILT FENCE DETAILS  
DENOTED ON PLAN



SEDIMENT CONTROL  
DIAGRAMS



SAND BAG SEDIMENT TRAP  
(NOT TO SCALE)



PLAN  
(NOT TO SCALE)

DRAINAGE NOTES

1. + DENOTES EXISTING GROUND LEVEL
2. FALL STORMWATER PIPES AT 1% MIN. UNLESS OTHERWISE NOTED.
3. SUB-SOIL DRAINAGE TO BE CONNECTED TO THE SITE DRAINAGE SYSTEM AS NECESSARY.
4. SURFACE GRATES 300 SQ. UNLESS OTHERWISE NOTED.
5. ALL STORMWATER PIPES TO HAVE SOLVENT CEMENT WATERTIGHT JOINTS.
6. CHECK & LOCATE DEPTH OF EXISTING MAINS & SERVICES PRIOR TO CONSTRUCTION OF STORMWATER SYSTEM.
7. ALL CONSTRUCTION OF COUNCIL DRAINAGE WORKS TO COMPLY WITH COUNCIL STANDARD.
8. REMOVE REDUNDANT DRAINAGE PITS AND SEAL PIPES.
9. PIT BENCHING TO BE HALF THE OUTGOING PIPE DIAMETER. CONCRETE FOR BENCHING TO BE 20 MPa MASS CONCRETE.
10. APPROVED PRE-CAST PITS MAY BE USED.
11. ALL PIPES TO BE LAID ON COMPACTED FINE (RUSHED ROCK OR SAND BEDDING 75mm THICK & PIPES BACK FILLED WITH COMPACTED SAND TO 300mm ABOVE TOP OF PIPE, ELSE ATTACHED TO UNDERSIDE OF STRUCTURE AT 600mm c/c AS NECESSARY.
12. PIPE ROUTES SHOWN ARE INDICATIVE ONLY AND SHOULD BE AS NECESSARY ACCORDING TO SITE CONDITIONS, TREE POSITIONS ETC. CONFIRM SIGNIFICANT CHANGES IN PIPES SYSTEM DETAILS WITH SUPERVISING ENGINEER PRIOR TO COMMENCEMENT OF DRAINAGE CONSTRUCTION WORKS.
13. CONTRACTOR SHALL ENSURE THAT SERVICES TO BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED. CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN EXISTING SUPPLY TO BUILDINGS WHERE REQUIRED. ONCE WORKS ARE COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL TEMPORARY SERVICES AND MAKE GOOD ALL DISTURBED AREAS.
14. PLUMBING AND DRAINAGE WORKS TO COMPLY WITH AS-3500, THE NATIONAL DRAINAGE & PLUMBING CODE.
15. WHERE POSSIBLE DRAINAGE LINES SHALL BE LAID IN AREAS PREVIOUSLY DISTURBED BY OTHER SITE WORKS AND FOLLOW TOPOGRAPHICAL FEATURES TO REDUCE IMPACT AND AVOID TREE ROOTS

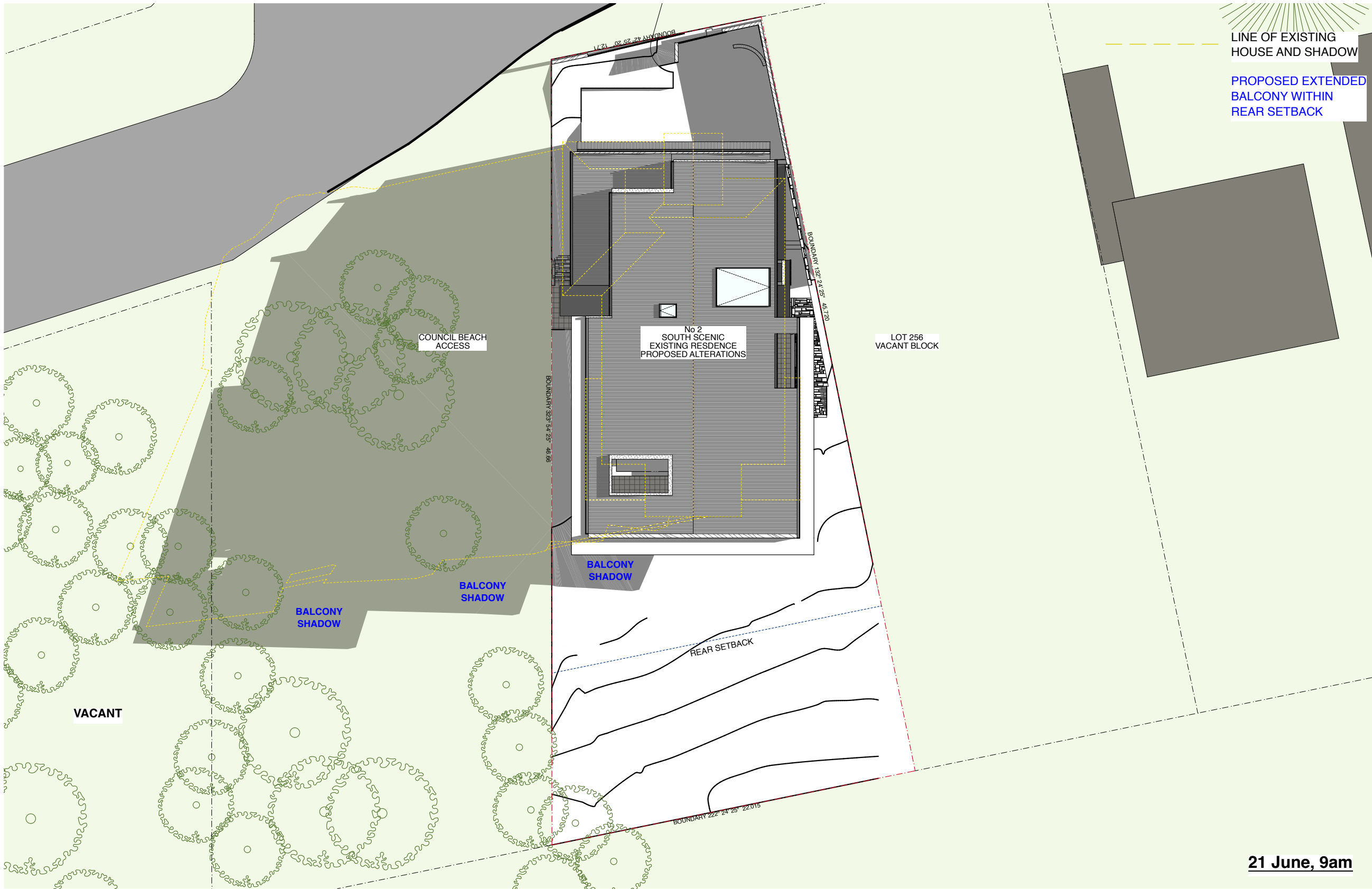
RAINWATER RE-USE NOTES AND SPECIFICATIONS

1. ROOF WATER ONLY TO BE DRAINED TO THE RAINWATER STORAGE TANKS.
2. THE RAINWATER STORAGE TANKS NEEDS TO BE CONNECTED FOR RE-USE AS REQUIRED BY THE OWNER.
3. RAINWATER STORAGE TANKS TO BE CONFIGURED IN ACCORDANCE WITH SYDNEY WATER SPECIFICATIONS RAINWATER TANK ON RESIDENTIAL PROPERTIES
4. PROVIDE MAINS TOP-UP SUPPLY TO RAINWATER TANK. MAINS TOP-UP ZONE TO BE BASED ON THE DAILY NON-POTABLE USAGE THAT MAY BE EXPECTED FROM THE TANK.
5. PROVIDE A MECHANICAL PUMPING ARRANGEMENT (IN SOUND-PROOF HOUSING) TO PUMP SUPPLIERS SPECIFICATION TO SUIT INTENDED USAGE OF RAINWATER STORAGE. PUMPING ARRANGEMENTS MUST COMPLY WITH EPA GUIDELINES.
6. INLETS TO RAINWATER TANK MUST BE SCREENED TO PREVENT THE ENTRY OF FOREIGN MATTER, ANIMALS OR INSECTS.
7. A SIGN MUST BE AFFIXED TO THE RAINWATER TANK CL EARLY STATING THAT THE WATER IN THE TANK IS RAINWATER AND IS NOT BE USED FOR HUMAN CONSUMPTION.
8. RAINWATER TANK TO BE PLACED ON A STRUCTURALLY ADEQUATE BASE IN ACCORDANCE WITH THE MANUFACTURERS OR STRUCTURAL ENGINEERS DETAILS.
9. THE TANK MUST NOT BE INSTALLED OVER ANY MAINTENANCE STRUCTURE OR FITTINGS USED BY A PUBLIC AUTHORITY.
10. RAINWATER TANK AND ASSOCIATED PLUMBING WORKS TO BE INSTALLED AND CONFIGURED BY A LICENSED PLUMBER. PUMP TO BE INSTALLED BY A LICENSED ELECTRICIAN.

Development Application

this document is the copyright of Fabric Architecture and verify all dimensions on site. refer any discrepancies to the designer before proceeding with the work. do not scale drawings manually or electronically. drawing shall not be used for construction until issued for construction by designer.

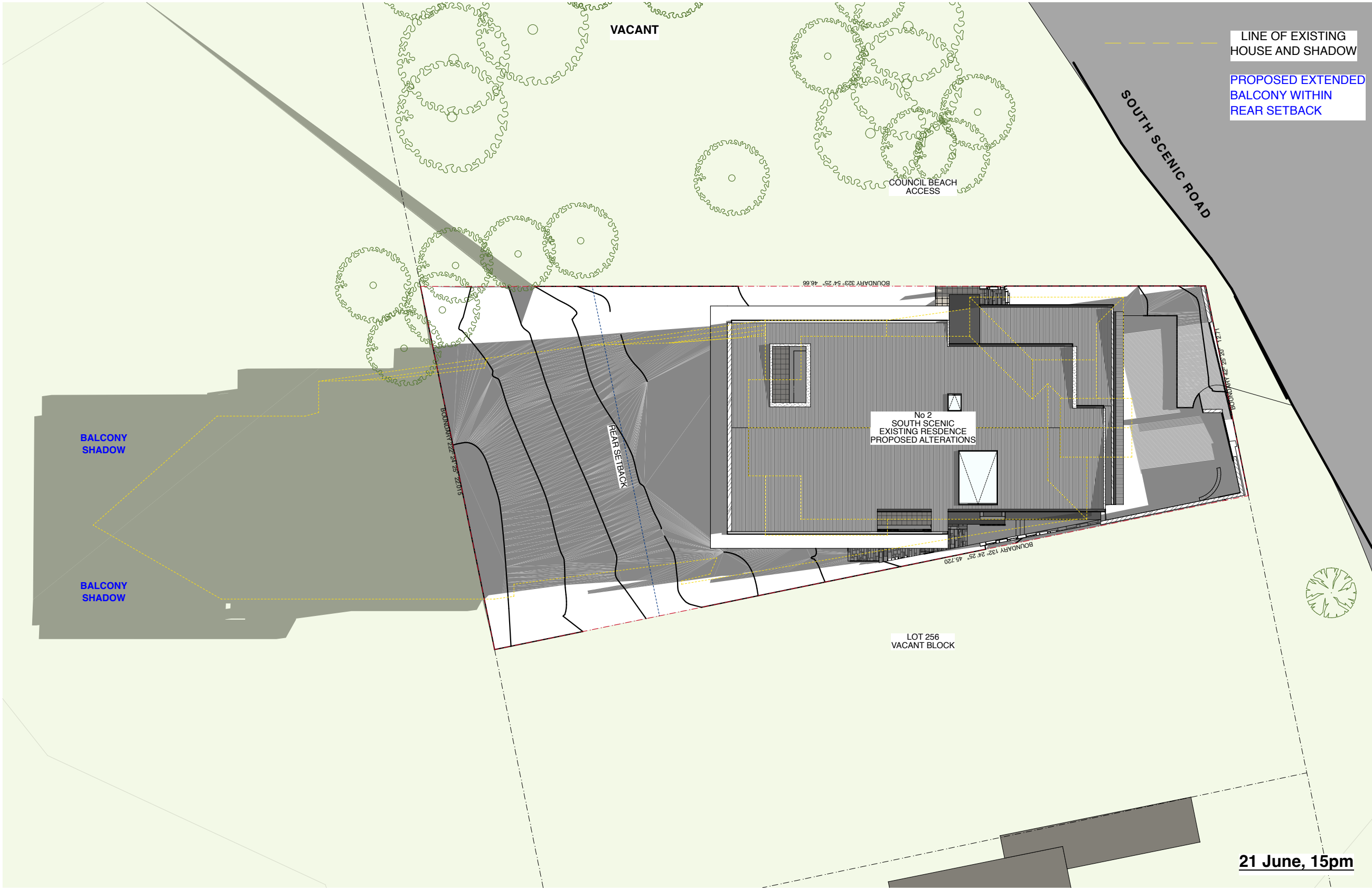


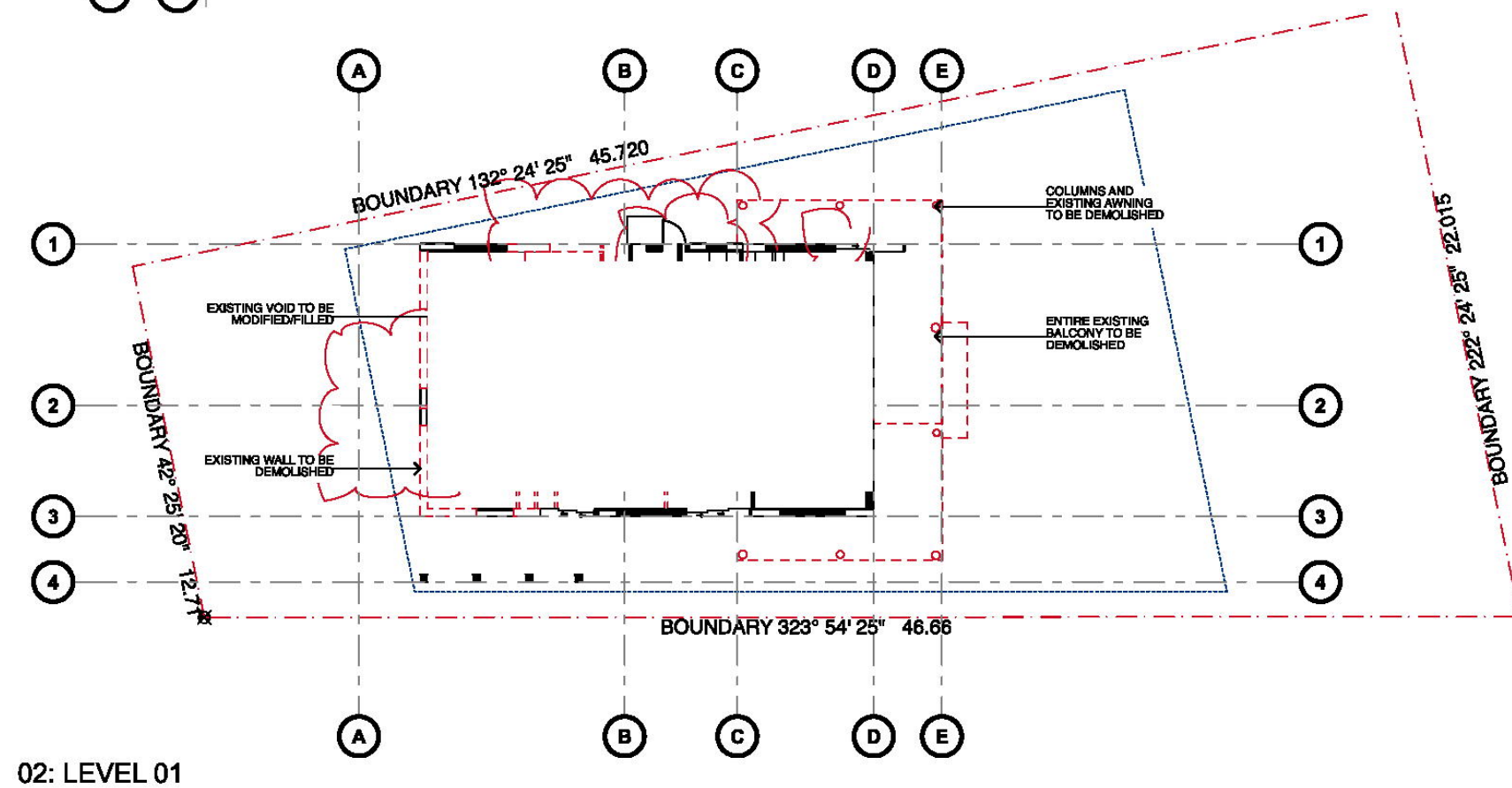
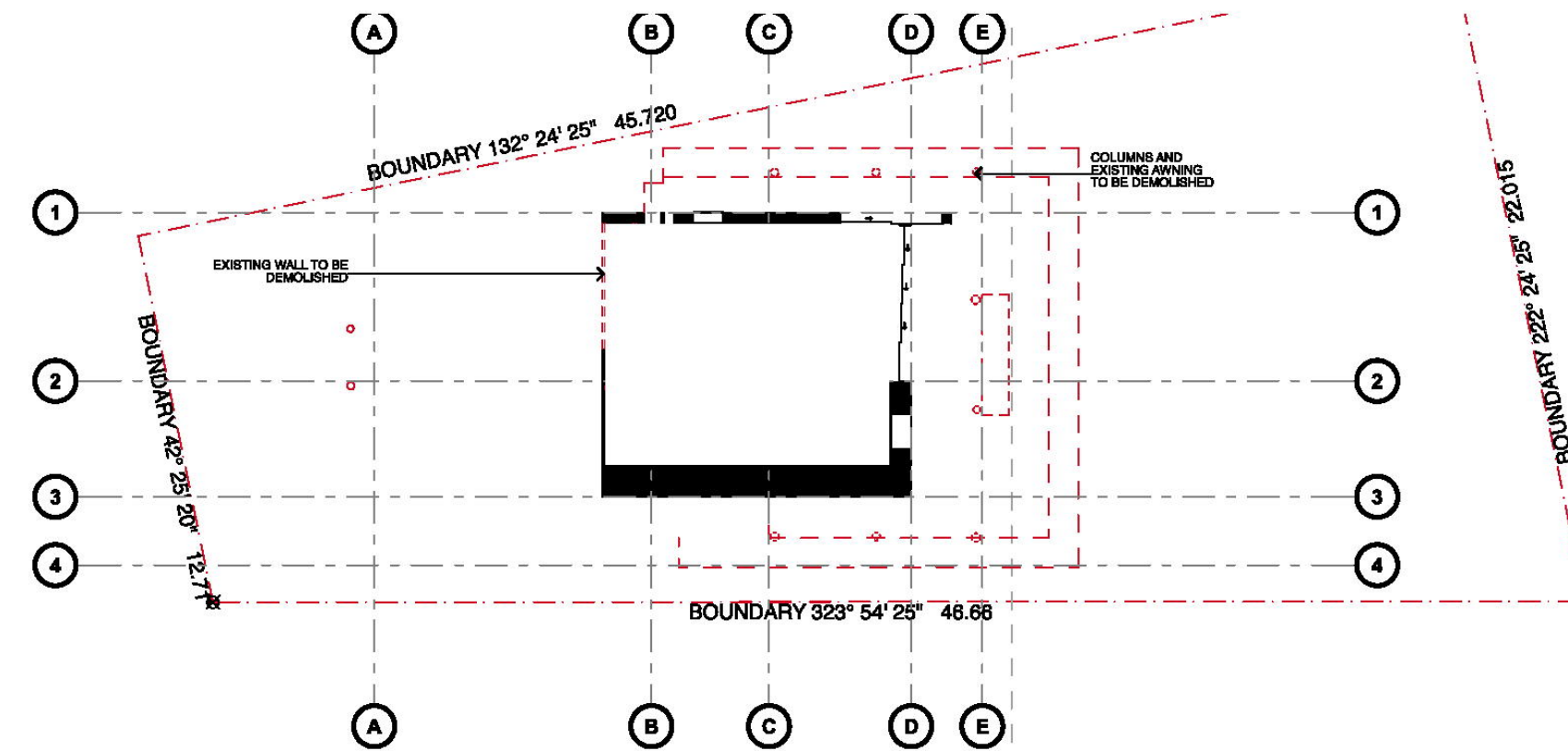




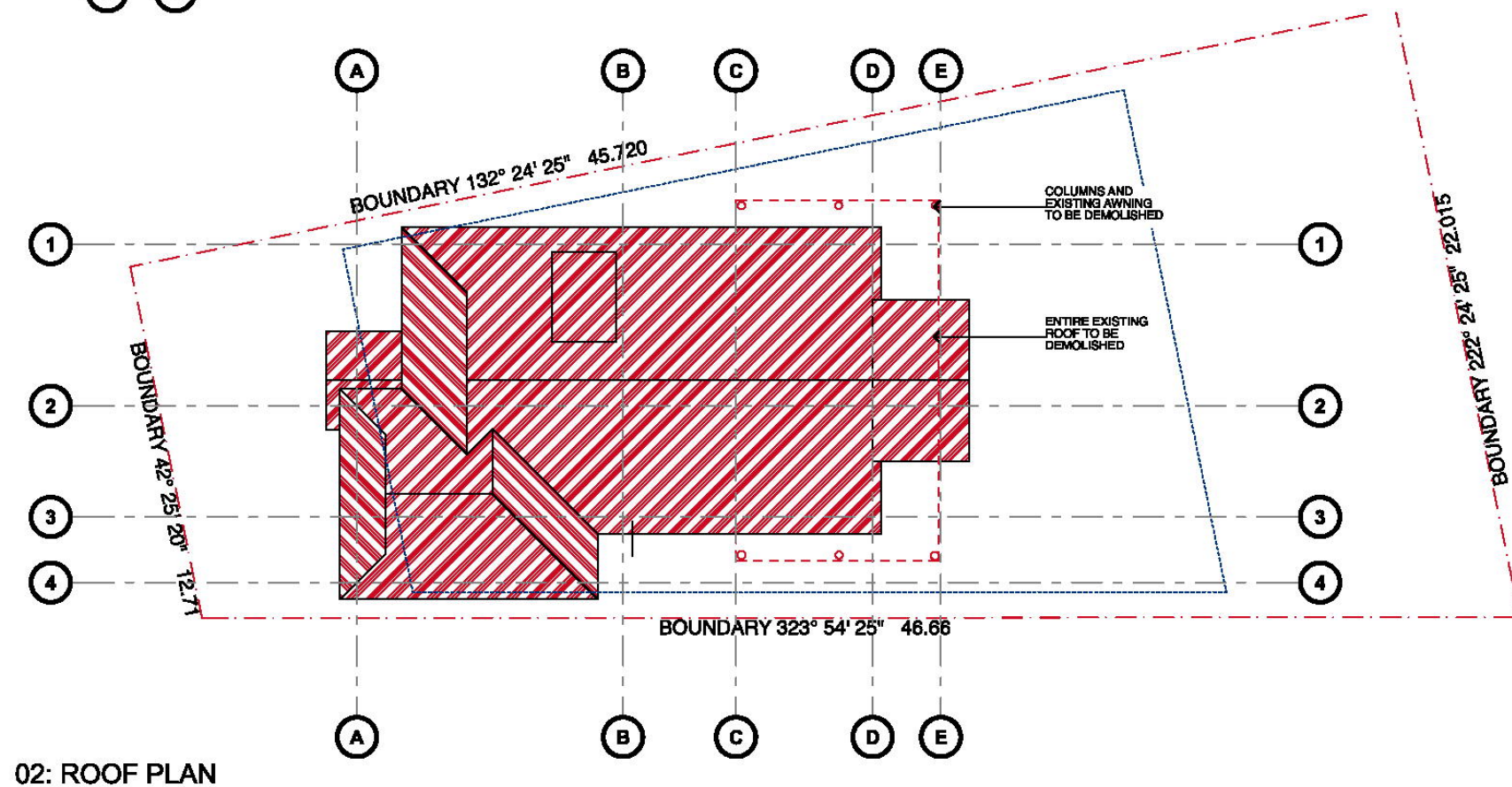
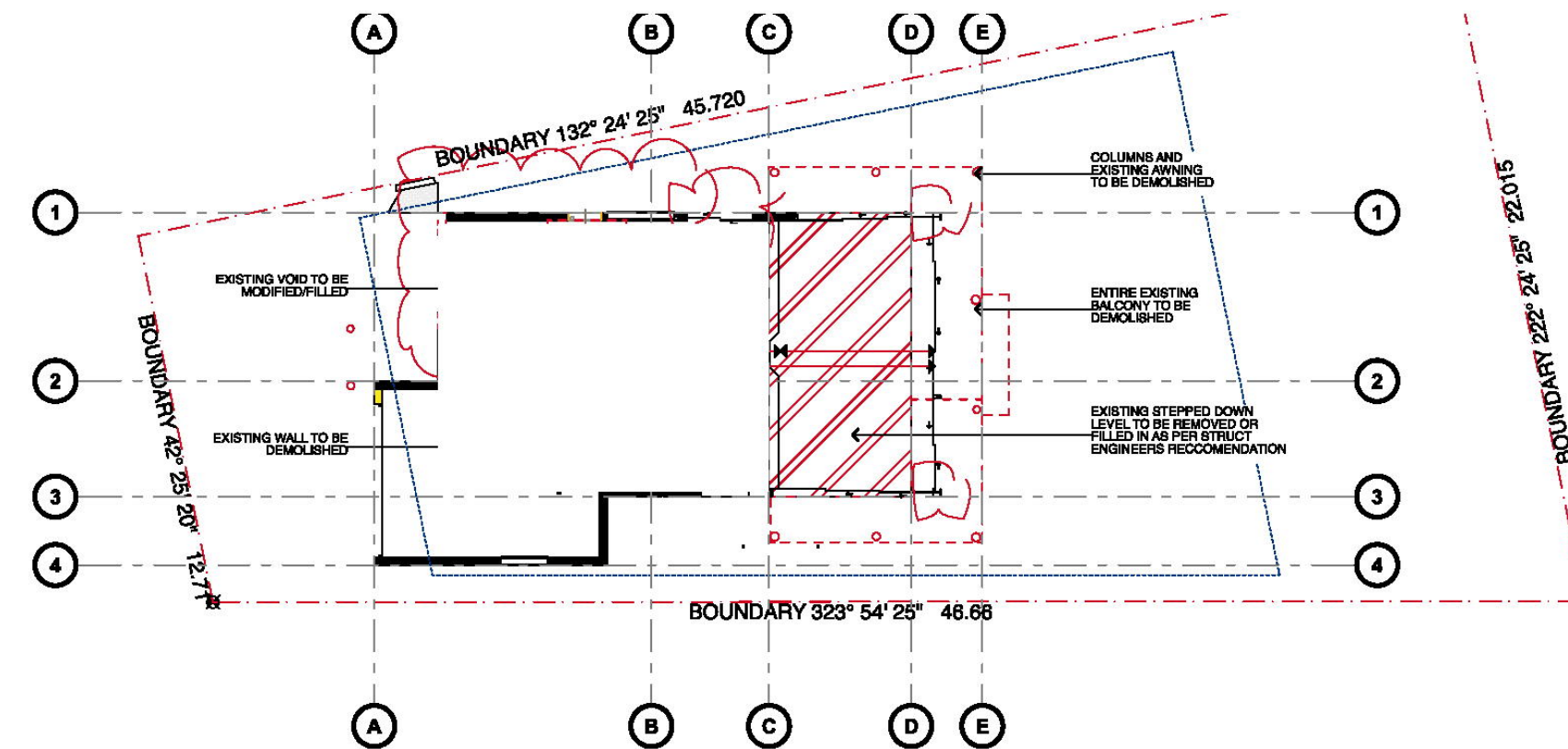


21 June, 12pm









REFER ATTACHED CERTIFICATE  
NOT REQUIRED ON PLANS FOR  
ALTERATIONS AND ADDITIONS





01: OCEAN VIEW

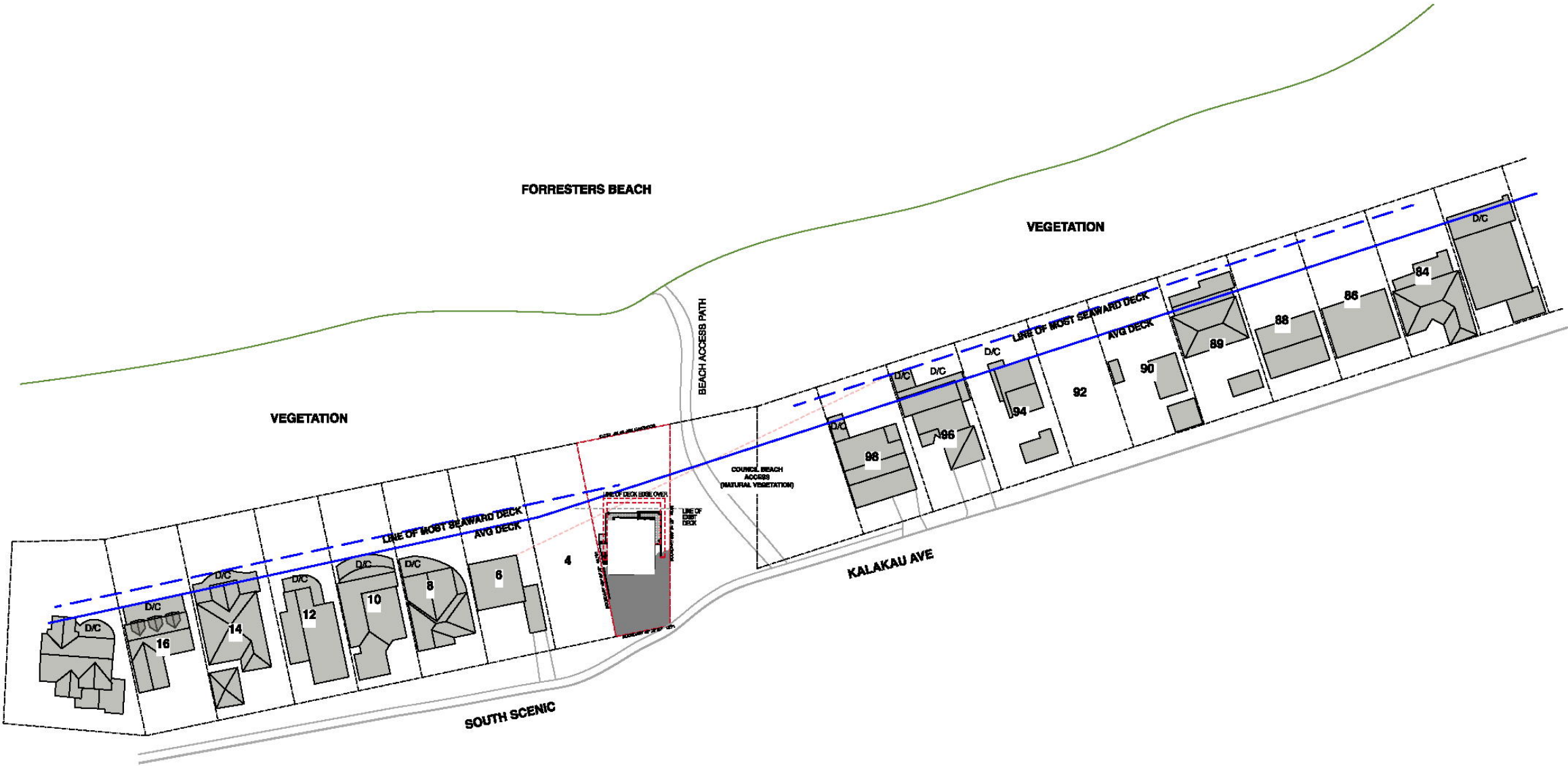


02: STREET VIEW

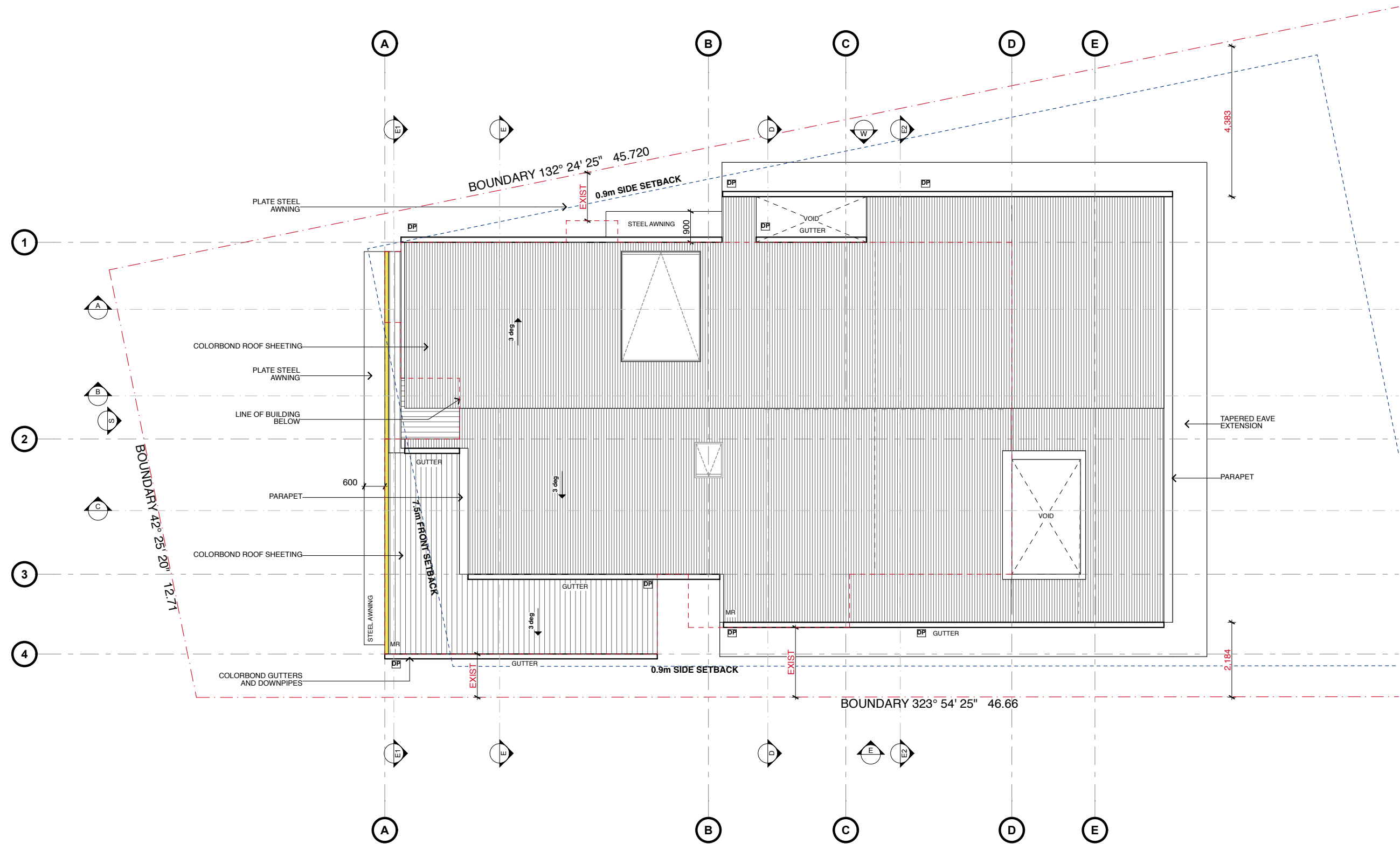


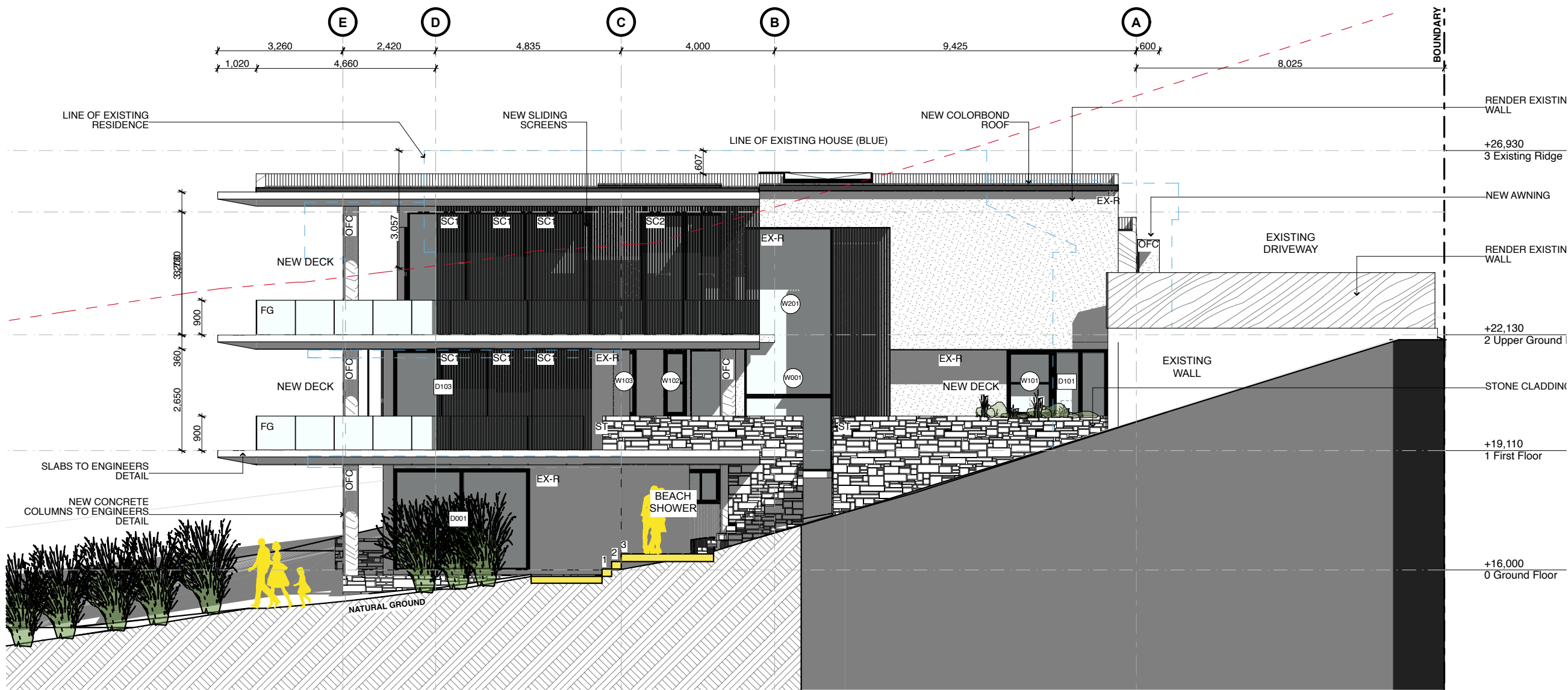
WALL KEY

- EXISTING WALL TO BE RETAINED
- NEW WALL
- LINE OF EXISTING RESIDENCE/DECK



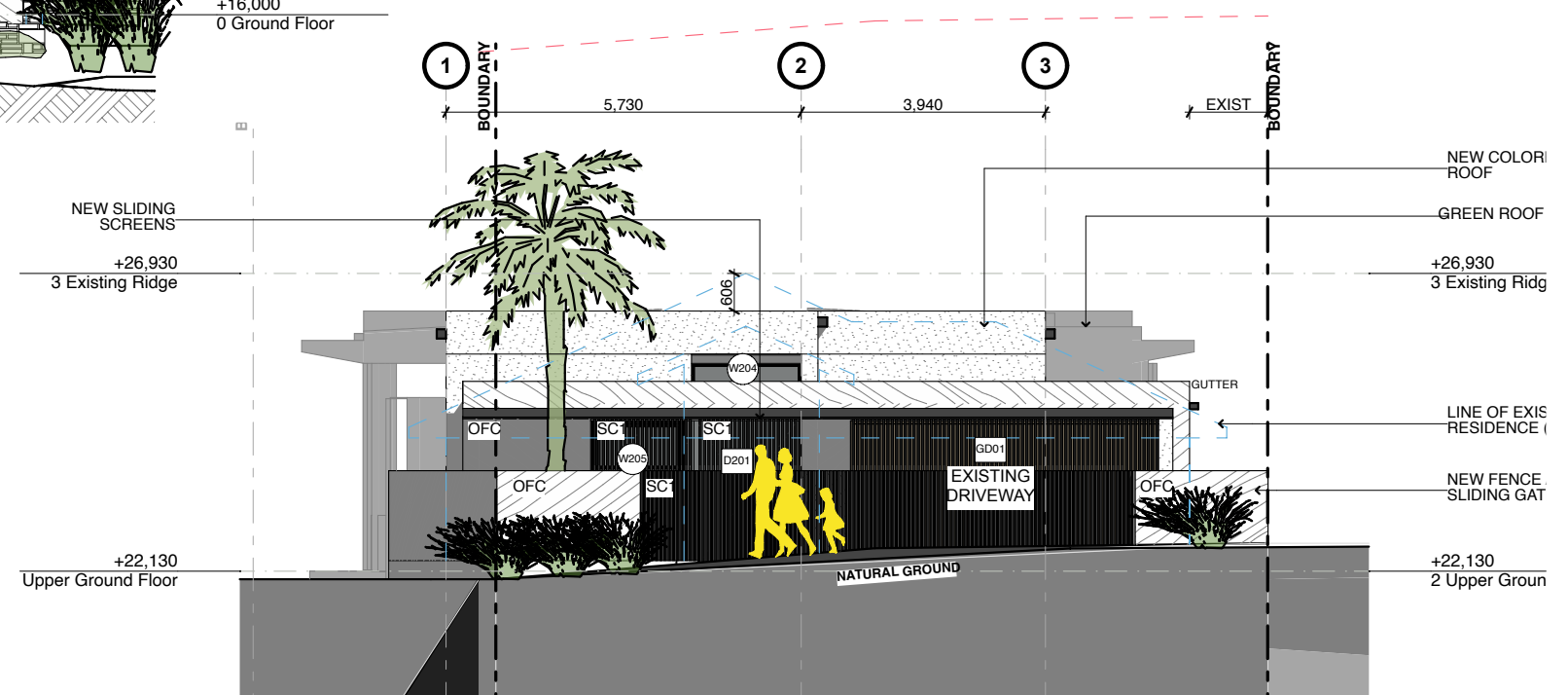
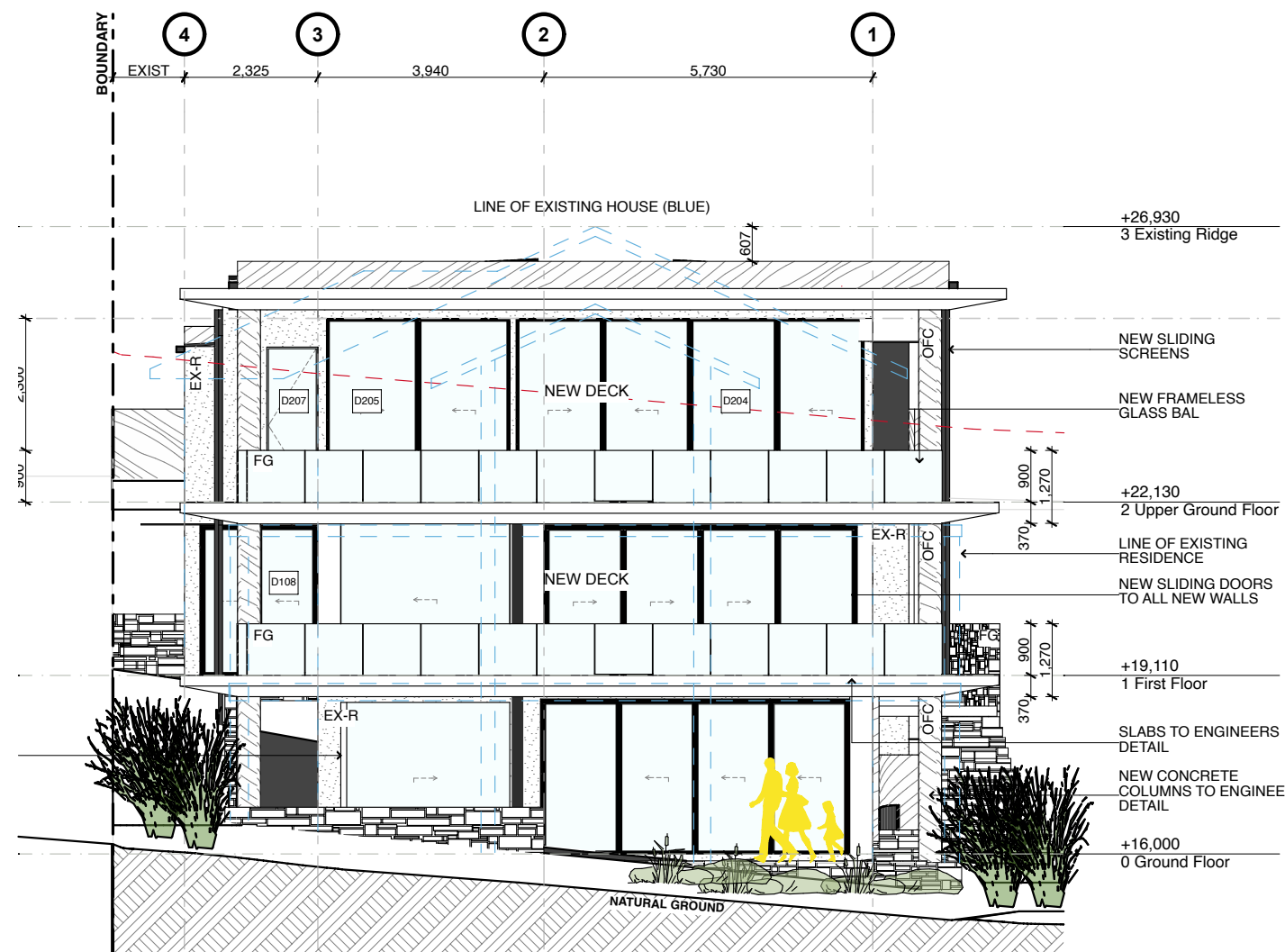
GROUND LEVEL BUILDING LINE 1:100





01: NORTH ELEVATION

- EXISTING WALL / SLAB TO BE RETAINED
- NEW WALL/SLAB WALL TO BE CONSTRUCTED
- BUILDING ENVELOPE
- LINE OF EXISTING RESIDENCE







- EXISTING WALL / SLAB TO BE RETAINED
- NEW WALL/SLAB WALL TO BE CONSTRUCTED
- BUILDING ENVELOPE
- LINE OF EXISTING RESIDENCE





MATERIAL PALETTE

- 1 - Stone to pick up on the blacks/greys
- 2 - Off form concrete, hard wearing
- 3 - Natural, neutral stone to exterior
- 4 - Polished concrete or dark natural internal tiling
- 5 - Aluminium or timber, black tones
- 6 - Dark grey render for heat absorbtion
- 7 - Colorbond capping, flashing and highlights





Architecture Studio

## Statement of Environmental Effects

Kerbage Residence | 2 South Scenic Road | Forresters Beach

**Date:**

26<sup>th</sup> April 2023 - Rev-B

**For:**

Alterations and Additions  
2 South Scenic Road,  
Forresters Beach, NSW, 2261

**Prepared For:**

Peter Kemsley&Mona Kerbage  
2 South Scenic Road,  
Forresters Beach, NSW, 2261

**Prepared By:**

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PH: 4332 13 77



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## 1.0 SITE & CONTEXT SUITABILITY

The subject site is comprised of Lot 257/-/DP16577 (No. 2) South Scenic Road, Forresters Beach.

The site is zoned R2 – Low Density (General) Residential, see appendix A, having an area of 803m<sup>2</sup> as per the attached survey plan prepared by AAA Surveying. The site's location and context is shown in Figure 1 - its primary frontage to South Scenic Road with a 12m frontage and a 22m frontage is located



to Forresters Beach.

**Figure 1: Subject Site – 2 South Scenic Road.**

(Image Source: NSW Planning)

The property is not identified as an item of local heritage significance within the Central Coast Council local government area, nor does the property lie within a conservation area.

The site currently contains one (1) triple storey, rendered & brick veneer cottage with a gable and hipped tiled roof with the bulk of the dwelling located on the East of the site as the topography drop away toward Forresters Beach. There is also a two car garage on site and entirety of the site is well landscaped.

The site directly to the North/East is a vacant block and the site to the South/West the council owned land that provides the beach access to the public. Refer to site photographs below. Surrounding properties consist of a number of large double to triple storey, brick, weatherboard and fibre cement dwellings of differing styles and time periods displaying a variety of hip and gable tiled and metal roofs. Landscape qualities include varying levels of vegetation, grassed areas and low or no fences to front boundaries.

The site is situated within the current 2097 coastal hazard line which is the standard along 50% of South Scenic properties. Refer attached Central Coast Mapping for further information. A geotechnical engineer and coastal engineer have been engaged to provide further advice regarding and new structure to the residence in the coastal location.

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## 2.0 SITE PHOTOGRAPHS



Figure 2: Subject Site – 2 South Scenic Road. Viewed from Street. (Image Source: Fabric Architecture)



Figure 3: Subject Site – 2 South Scenic Road. (Image Source: Fabric Architecture)



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Figure 4/5: Subject Site – Rear of house. (Image Source: Fabric Architecture)

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### 3.0 PRESENT & PREVIOUS USES

Records show the land has always been zoned residential, therefore, no change in use is proposed, especially with the project being an alterations and additions.

### 4.0 DESIGN PROPOSAL

This application seeks approval to undertake alterations and additions to the existing residence and the construction of a new front fence situated at number 2 South Scenic Road, Forrester's Beach.

This proposal includes (but is not limited to):

- Replace the rear balconies (incorporation a new floor structure to be tied into the existing residence) with new glazing and doors to the beach facing walls,
- New privacy and sun screening to all facades,
- A new roof with increased ceiling height is proposed. The existing roof is to be removed,
- Existing walls to be rendered and re clad where noted on elevations,
- Middle floor comprised of 4 bedrooms to be upgraded to 5 with new wet areas,
- General upgrades to the top floor including a new kitchen,
- A lift covering all floors,
- New South scenic facade and fence.



Figure 6: Proposed Dwelling – Northern Elevation (Image Source: Fabric Architecture Studio)



Figure 7: Proposed Dwelling – Eastern Elevation (Image Source: Fabric Architecture Studio)

SOEE

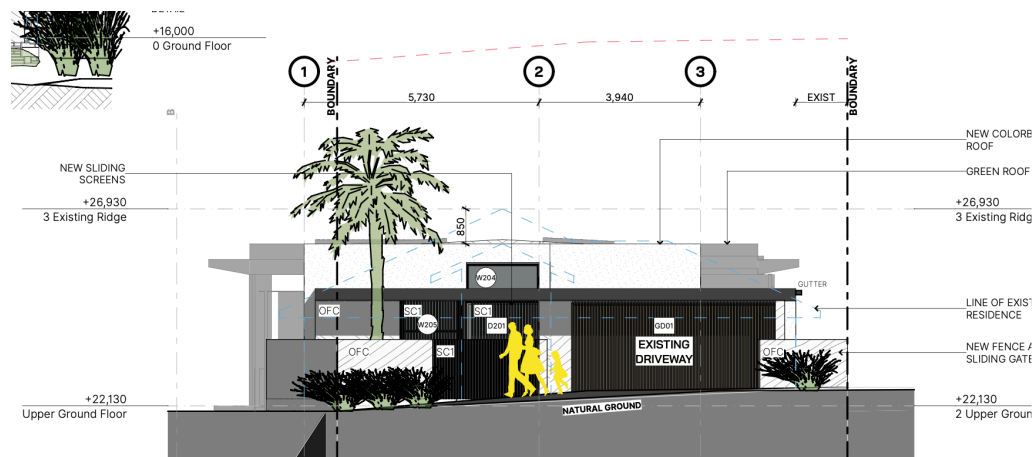


Figure 8: Proposed Dwelling – Southern Elevations (Image Source: Fabric Architecture Studio)



Figure 9: Proposed Dwelling – Western Elevations (Image Source: Fabric Architecture Studio)

For all floor plans, site plans and sections please refer the set of Architectural plans prepared by Fabric Architecture (Issue D) that are attached to the submission.

All elevations above are not to scale and for illustration purposes only.

SOEE



## 6.0 DEVELOPMENT STANDARDS

All controls by Council affecting the site and its immediate vicinity have been carefully considered and incorporated where practical into the design proposal.

LEP	Clause No.	Compliance	Comment
Central Coast Council Local Environmental Plan	Part 2 Land Use Table	Yes	Proposed development is a residential dwelling in R2 Low Density Residential zone, permitted by Central Coast Council LEP.
	Part 4.3 Building Height	No	The majority of building form lies below the 8.5m building height limit, however the existing residence has the eastern roof structure above the 8.5m. Refer to Architecturals to confirm compliance.
	Part 4.4 Floor Space Ratio	Yes	The proposal does achieve the LEP objective of 0.5:1 FSR (Proposed 0.49:1). See A008 for FSR Plans in Architectural's.

DCP	Clause No.	Compliance	Comment
Central Coast Council Development Control Plan 2021	Part 4A.2 Building Setbacks	No	Refer to section '9.0' of this S.E.E
	Part 4A.1 Local Character and Streetscape	Yes	Refer to Section '8.0' of this S.E.E
	Part 4C.5 Solar Access	Yes	Refer to section '9.0' and '12.0' of this S.E.E
	Part 4B.2 Car Parking Provision	Yes	Refer to section '11.0' of this S.E.E

## 7.0 NUMERICAL OVERVIEW

Site Area	- 803m <sup>2</sup>
Site Coverage	
Existing Footprint	- No change
Proposed Footprint	- No change
GFA	
Proposed	- 401.08m <sup>2</sup>
FSR	
Allowable	- 0.5:1 (401.5m <sup>2</sup> )

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Proposed	- 0.49:1 (401.8m <sup>2</sup> )
Height (Existing)	
Meters	- RL 26.930
Storeys	- 3
Height (Proposed)	
Meters	- RL 26.325 (605mm below ridge height of existing house)
Storeys	- 3
Parking	
Car Spaces	- 2 in the garage plus visitor and street parking.
Visitors	- Yes.

## 8.0 CHARACTER STATEMENT

The subject site is situated in an R2 zone within Forresters Beach. R2 is classified as 'Low Density Residential' by Central Coast Council. Desired objectives for dwellings in this zone are;

- To ensure the development is sensitive to the landscape setting, environmental conditions and established character of the street and locality.
- To ensure the development conserves and enhances the visual character of the street with particular reference to integration of:
  - architectural themes;
  - building scale and setbacks;
  - landscape themes; and
  - fencing styles.
- To ensure development provides a positive contribution to the public domain and all areas shared by the community.
- To ensure that the visual, scenic and environmental qualities on visually prominent sites are maintained.

This proposal maintains the character of the zone and surrounding general neighbourhood by aesthetically maintaining and modernising the character of the existing dwelling, which is a tired project home, while also providing further implementation of contemporary architectural design and sustainability in Forresters Beach without further impact to any neighbouring residence, development or the public.

Further to the above, the development of the dwelling at number 2 South Scenic Road will better cater for the needs of a large family entrenched in the community, and will further enhance the existing qualities of the dwelling for prolonged future use and enjoyment.

## 9.0 HEIGHTS & SETBACKS

The proposal has been designed with consideration of these controls however due to the majority of the building footprint remaining, the side and front setbacks are as existing.



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**Heights:**

Due to the extreme slope of the existing site, the existing residence currently has over 50% of the roof structure over the 8.5m height limit. Again, due to the slope of the land and the residence being seemingly single story from South Scenic Road there has been no view loss or loss of amenity for surrounding residences up the hill on the adjacent side of South Scenic as the bulk and scale is hidden.

The proposed alteration includes a new, flatter roof and roof structure which is situated 605mm below the existing ridge height which attempts to further reduce the scale of the home and further increase view lines of the area. Currently it is not feasible to reduce the whole home as the existing levels are to be worked with.

**Setbacks:**

The existing residence sits within the setbacks however the existing garage is over the front 7.5m setback by 1.9m and 0.6m. The existing garage is to be retained and upgraded. As the garage driveway is a suspended slab with below street level structure, we are requesting to match the encroachment on the middle level which is below the garage and not visible from the street.

**10.0 EXCAVATION**

This proposal intends to implement a small amount of cut excavation on site with the majority of the existing residence to be retained.

The portion of the site to be excavated is to the front of the site and is focused around the extended bedrooms. The proposed bedroom extensions extend into the current undercroft area which is mostly open due to a previous extension a number of years ago. This will enable the work to be done by smaller machines with minimal interference. The remaining excavation will be standard building practice and revolve around structural elements such as footings and piers for the new balconies (to be confirmed by structural engineering).

Please refer the Architectural plans and sections to review the Cut/Fill plan A009.

**11.0 PARKING, DRIVEWAYS & TRAFFIC**

Car parking amenities will be as in the current arrangement which is in the street level garage (x 2) that is to be minimally upgraded. In the driveway there is space for 3 visitor cars and on the street there is ample kerbside parking along South Scenic Road and the adjacent Henry's Road.

**12.0 PRIVACY, VIEWS & SUNLIGHT**

The proposed design has been developed with awareness of the overall size and position and it's surrounding environment.

Though there is no direct neighbour to number 2 South Scenic Road due to the beach access and vacant block on both sides of the site, careful consideration has been given throughout the design process to the impacts this development may have on adjacent properties due to the slope of the land if there was a dwelling present. In our opinion the showed impact is minimal due to the nature of the existing residence being altered but the top of ridge height is less than what is present now which indicates less bulk to the neighbouring sites. The bulk of the extension is revolving around the balconies which provide more transparency to the surrounding environment.

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Windows have been positioned throughout the development to maximise light access to all habitable rooms whilst providing privacy between future buildings via placement and screening operability. Passive solar design principles have been utilised to inform placement, style and orientation of these windows.

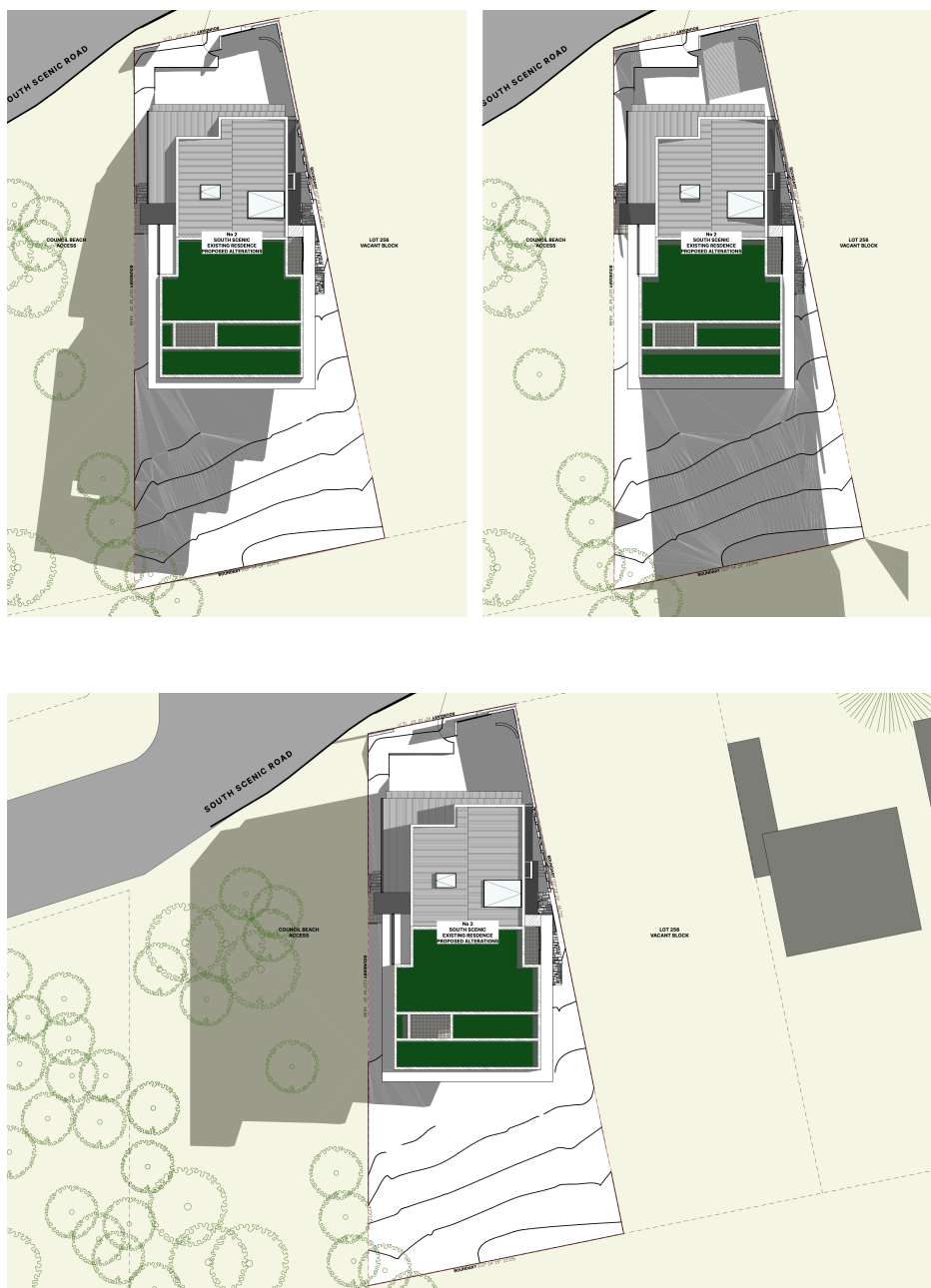


Figure 10: Shadow Diagrams: 9, 12 and 3pm in Winter (Image Source: Fabric Architecture Studio)

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### 13.0 BUSHFIRE & FLOOD

The house does not currently sit within a bushfire zone or flood zone.

The existing home is close to the coastal erosion zone but not adversely affected. There will be a requirement to engage a geotechnical engineer to assist the structural engineering and if required can be engaged throughout the development application process.

### 14.0 LANDSCAPING & STORMWATER

The proposal will incorporate a mix of the existing water measures and the Water Management Measures as laid out in the Stormwater management plans, sheet A005.

Water landing on areas other than the roof catchment area mentioned will be absorbed into the current landscaping which is suited to capture the proposed runoff which in our opinion will not place and additional strain on the system with the proposed design.

The existing residence has developed landscaping which is not part of the proposal and will continue to be utilised.

### 15.0 EXTERNAL FINISHES

External materials and finishes will predominantly feature re coloured render to the existing masonry brickwork and an FC cladding which is a grey, concrete look. The new balconies will be off form concrete and there will be highlights of natural stone on both walls and landscaped areas.

There will be colorbond Kliplock or custom orb metal roofing and a combination of operable and fixed aluminium batten screens will be found on 3 facades.

These materials are proposed as a modern addition to the area adding to the sophisticated local character.

Please refer the attached architecturals sheet A401 for further details.

### 16.0 HERITAGE

The site or existing residence is not heritage listed.

### 17.0 WASTE MANAGEMENT

Details of the management of waste expected to be generated during the each phase of the project is as follows and all waste management on site will be carried out in accordance with the details contained within the waste management plan submitted as part of the Development Application.

SOEE

*Demolition and Construction Phase:*

ELEMENT	MANAGEMENT RESPONSE
Type of Waste	Waste during construction would include: General builder's waste – rubble, non-recyclable off cuts and waste materials. Recyclable waste – Cardboard Packaging, steel, glass and aluminium waste.
Volume of Waste	Maximum of one 5m <sup>3</sup> skip per week during construction of general builder's waste. Maximum 0.5m <sup>3</sup> per week of recyclable material.
Storage	All non-recyclable waste materials would be stored within skips located wholly within the site. Recyclable materials would be separated and placed in a separate bin to general waste.
Frequency of Collection	Collection is readily available and will be on an 'as required basis'.
Recycling	Recycling of suitable material is to be provided for on site.
Location and Method of Disposal	All non-recyclable materials would be covered and transported to landfill in a skip bin. All recyclable materials will be collected by a licensed contractor and transported to a recycling facility. All loading would occur on site to minimise interference to traffic. Waste facilities and management to be inspected by the Site

*Operational Phase:*

Due to the minor increase in floor area, no additional operational waste will be generated as a result of the proposed development. The sites existing on-going waste management system will remain in place and will be unaffected by the proposal.

*Summary:*

The waste type, storage and collection generated during the construction and operational phases of the development are able to be satisfactorily managed using existing on site storage and collection arrangements.

**18.0 SITE MANAGEMENT**

Refer to drawing A004 for detail. Additional information & objectives are noted below:

- Minimise waste and reuse where possible,
- Recycle material where appropriate,
- Dispose of waste at local authority tip on a weekly basis and in accordance to health and safety regulations,
- Ongoing management during construction to be carried out in accordance with regulations set out by Council,
- Material to be stored in a secured fenced area off the driveway. Hoarding to comply with council's regulations and guidelines,
- Period of construction will be advised by Builder.

SOEE



## 19.0 CONCLUSION

The proposal seeks approval for a new residence on land zoned for that purpose and on a site that has been used as a residential dwelling. The proposal is considered to be well justified and complies with the objectives of the Central Coast Council Local Environmental Plan and is considered to be consistent with the Council's applying Development Control Plans.

Further, it implements a design scheme sensitive to the environmental and contextual constraints of the site and seeks to conserve, protect and enhance the qualities of the existing dwelling in order to extend functionality and relevance in a contemporary context.

We recommend that Council give consent to this development subject to appropriate conditions of development consent, as:

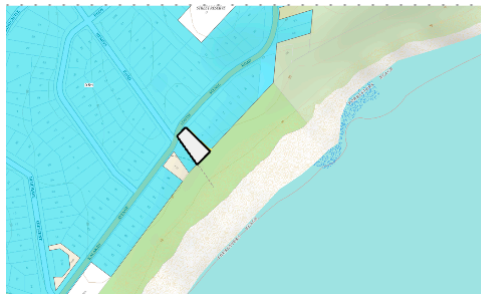
- it will improve the amenity of the site and therefore its effect on the surrounding area;
- it will create the opportunity for employment during both construction and operation;
- it will improve the streetscape appearance of the site from the existing development;
- it has utility services available to support the development;
- the site can be adequately drained to service the proposed development;
- the proposed dwelling will have minimal impacts on adjoining properties;
- the expected traffic impacts are minimal and adequate access to the road network exists.
- the existing parking and manoeuvring arrangements are considered adequate for the proposed use.

We trust that the information provided in this report is sufficient for the department to establish the scope of environmental assessment required for the development application.

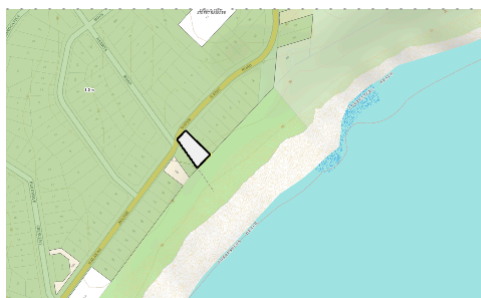
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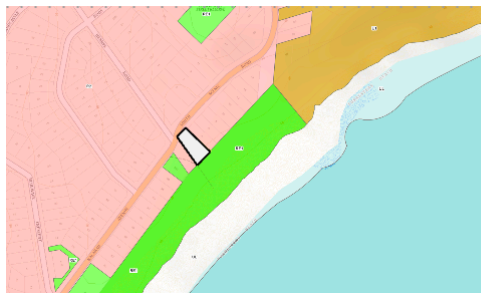
## 20.0 APPENDIX



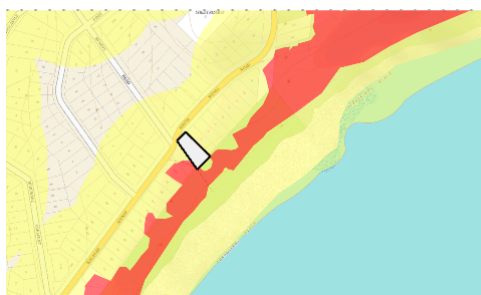
FLOOR SPACE RATIO  
- 0.5:1



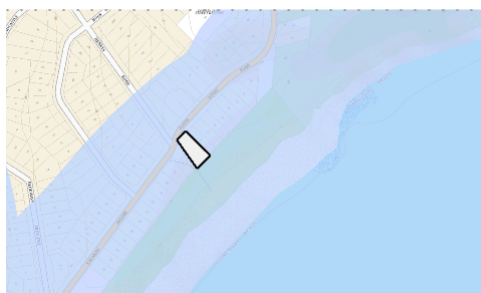
MAX BUILDING HEIGHT  
- 8.5m



LAND ZONING  
- R2, GENERAL RESIDENTIAL



BUSHFIRE PRONE LAND  
- Buffer Zone



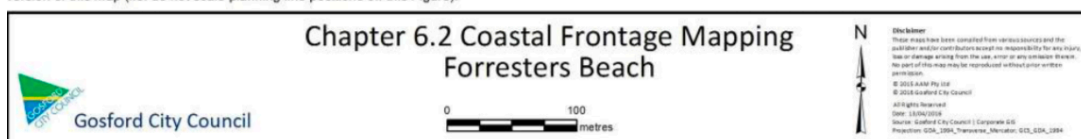
SENSITIVE COASTAL  
- Refer attached documentation as geotech and piling may be required



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Note: It is recommended that planning line positions be specified from the GIS version of this map (i.e. do not scale planning line positions off this Figure).





The CEO  
Central Coast Council  
2 Hely Street  
Wyong 2599

**Attn: Development Assessment Review Team**

**CI 4.6 Exception to the development Standards – alterations and Additions to an existing dwelling**

Clause 4.6 of the Central Coast Local Environmental Plan 2022 (**CCLEP 2022**) is to allow flexibility into the planning assessment process and to allow the Council to consider merit-based objections to development standards that would mean a development was not permitted except for the standard.

The proposed development Application seeks development consent for demolition of some of the existing structure and construction of alterations and additions to an existing dwelling ('the Proposal') on land known as 2 South Scenic Road Forresters Beach being lot 257 DP 16577 ('the Land').

The Land is zoned R2 Low Density Residential under CCLEP 2022. The objectives of the R2 Low Density Residential zone in CCLEP 2022 are:

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

Clause 4.3(2) of the CCLEP 2022 sets a development standard that requires that 'The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map'.

**PM ANDERSON CONSULTING**

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ABN 30 617 667 053





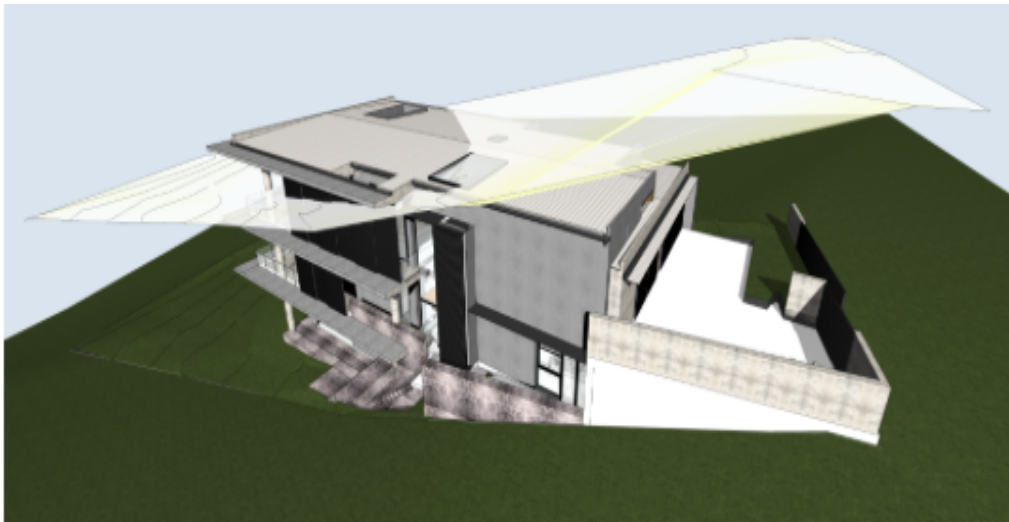
The objectives of clause 4.3 are:

- (a) to establish a maximum height of buildings to enable appropriate development density,
- (b) to ensure that the height of buildings is compatible with the character of the locality.

The Height of Buildings Map in the CCLEP 2022 identifies that the Land is subject to a maximum height standard of 8.5m. The maximum height of the Proposal is 10.260m from existing ground level to the top of the parapet around the edge of the uppermost floor level roof, a maximum exceedance of 1.76m from the development standard. The extent of the height exceedance is shown on drawing, A202 and A203 'elevations' prepared by Fabric Architecture Studio. These drawings are attached to this request for ease of reference.

The height exceedance is for a flat roof structure and is a 670mm reduction to the roof of the existing approved dwelling on site.

The objectives of clause 4.6 of the CCLEP 2022 are to provide an appropriate degree of flexibility in applying development standards for particular developments and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. The development standard contained in Cl4.3 is not expressly excluded from the operation of Cl 4.6(8).





This written request is submitted on behalf of the applicant to seek to justify the contravention of the height development standard in clause 4.3(2) of CCLEP 2022 by demonstrating:

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

Historically, the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard. The applicant relies upon this 'way' in this written request.

This was re-affirmed in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

The objectives of the standard are addressed as follows.

**(a) to establish maximum height limits for buildings.**

The first objective of the standard is declaratory in nature, consistent with the reasoning of Preston CJ in *Nessdee Pty Ltd v Orange City Council* [2017] NSWLEC 158 at [18] and in *Wehbe* at [63]. In this case, the objective merely sets out the intention to set a height limit and does not restrict the application of clause 4.6.

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

The building height of the proposal responds to the existing developments on South Scenic Road given the steep fall of the properties towards the beach front at the rear, all the existing developments have a large rear portion of the dwellings that is a minimum of 2-3 storeys when viewed from the public domain. The proposed alterations and additions maintain the single storey appearance of the dwelling when viewed from the street front of South Scenic Road. The land immediately adjoining the subject site are vacant lands as either an access way to the beach (Southwestern side) or a vacant residential lot (Northeastern side). The Proposal seeks to maintain the character and appearance from South Scenic Road, and by doing so, there is a breach of the height limit. The existing driveway gradients are to be maintained which also means the height plane is breached. The exceedance of the height limit has been designed so that it will not be apparent from South Scenic Road. The proposed dwelling height provides a high-quality urban form through its thoughtful massing on the Land and in addressing the fall of the site towards the beach front.

The shadow diagrams prepared by Fabric Architecture Studio on drawing AA005 and A006 demonstrate that the proposal does not have solar impacts on the neighbouring residential properties. The adjacent residential buildings will have satisfactory access to sky and sunlight. The development pattern of the area is that dwellings typically address the beach and ocean views. There is some overshadowing that occurs to the Council access way to the beach as a result of the orientation of the property to South Scenic Road. The shadow diagrams demonstrate that there will not be excessive overshadowing to public open space.

The taller element of the building takes advantage of the view corridor to the ocean and the topography of the site. There is no view impact as a result of the development. The natural topography of South Scenic Road is a fall towards the beach.

Strict compliance with the height development standard would be unreasonably or unnecessary in circumstances where the proposal achieves the objectives of the control.

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

The Land & Environment Court matter of *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.

The Proposal provides a height to the South Scenic Road frontage less than the height that would otherwise be permitted by the development standard to achieve a better urban design outcome and to maintain the view sharing opportunities from the properties located on the North and Northwestern side of South Scenic Road. The proposed development concentrates the bulk to the rear portion of the site where the fall is greater and as a result there is little or no impact to the streetscape.

Windows on the Northeastern and Southwestern elevations of the proposed building have been afforded with operable screens to ensure that the privacy of any future dwelling and from the public domain can be maintained with the variation to the standards as sought.

#### **Clause 4.6(4)(a)(ii)**

It is acknowledged that the consent authority must be satisfied that the written request has adequately demonstrated the matters required to be demonstrated by clause 4.6(3) and must also be satisfied that the proposed development is 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. Whilst that matter does not need to be included in the written request, it is included to assist.

#### **The Proposal is consistent with the objectives of the height standard and the objectives for development within the R2 Low Density Residential zone.**

The Proposal is consistent with the objectives of the height standard. The written request demonstrates why the Proposal **achieves** the objectives of the height standard, notwithstanding non compliance with the standard. The test required by clause 4.6(4)(a)(ii) is slightly lower as it calls for 'consistency' instead of achievement. When considering the term consistency it is relevant to note the meaning applied to the term by Pearlman CJ in *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21 at [27]:

*The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.*

For the reasons set out in the written request, the Proposal achieves and is consistent with the objectives of the development standard.

The proposal is consistent with the objectives of the R2 zone. Those objectives are addressed as follows.

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



These first 4 objectives are dealt with together, as they are declaratory in nature and identify (read with the permissible uses in the zone) the uses and location of the zone which are set by the zone boundaries. The proposed alterations and additions to the existing dwelling is located within a residential area of Forresters Beach and provides for a single dwelling house on the subject lands as a residential dwelling for the use by the occupants of the property.

Desired objectives for dwellings in this zone are provided by the provisions of the Central Coast DCP 2022 related documents. In this case the objectives are;

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.

This proposal maintains the character of the zone and surrounding general neighbourhood by aesthetically maintaining and modernising the character of the existing dwelling while providing further implementation of contemporary architectural design and sustainability in Forresters Beach without further impact to any neighbouring residence, development or the public. The development of the dwelling at number 2 South Scenic Road will better cater for the needs of a large family entrenched in the community, and will further enhance the existing qualities of the dwelling for prolonged future use and enjoyment.

**Clause 4.6(4) Planning Secretary Concurrence**

The contravention of the standard does not raise any matters of significance for state or regional environmental planning. The development does not impact upon

or have any implications for any state policies in the locality or impacts which would be considered to be of state or regional significance.

The clause 4.6 request has demonstrated that there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard in the particular circumstances of the case.

#### **Conclusion**

Strict compliance with the maximum height of buildings development standard contained within clause 4.3 of the CCLEP 2022 is unreasonable and unnecessary in the particular circumstances of the case. In addition, there are sufficient environmental planning grounds to justify the variation. Finally, the proposed development and height variation are in the public interest because it facilitates a development which is consistent with the objectives of the standard and the zone which will deliver the public benefit of contributing to the vitality of the Forresters Beach low density residential zone which encourages mixture of dwelling types and designs such as the type proposed.

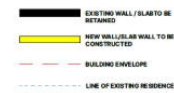
Yours faithfully



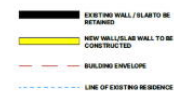
26<sup>th</sup> June 2023.



01: SECTION B



01: SOUTH ELEVATION













TEAR OUT AND ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

## SECTION TWO

### BUSH FIRE ASSESSMENT REPORT

#### PART A: Property details

Applicant name: Mona Kerbage & Pete Kemsley

Contact phone numbers Home: N/A Mobile: [REDACTED]

Council: Central Coast Council - Gosford

Council reference (if known): .....

Lot: 257

DP: 16577

Address to be developed: 2 South Scenic Road, Forresters Beach

My property is on Bush Fire Prone Land: Yes ☒ No ☐

#### PART B: Type of proposal

Type of Proposal: Extension of existing building.

New Building ☐ Urban ☒ Isolated Rural ☐ Rural Residential ☐

Alteration/Additions to an existing building ☒

Proposal Description: e.g. two storey house with attached

Extension of existing three storey building out of concrete and glass and steel.

Copy of plans attached: Yes ☒ No ☐

**PART C: Bush fire attack and level of construction****Step 1**

Assess the vegetation hazard in all directions

Category	North	East	South	West
Keith vegetation group	Rainforest	Rainforest	Rainforest	Rainforest
	Forest	Forest	Forest	Forest
	Grassy and Semi-Arid Woodland	Woodland	Woodland	Woodland
	Forested Wetland	Forested Wetland	Forested Wetland	Forested Wetland
	Tall Heath	Tall Heath	Tall Heath	Tall Heath
	Short Heath	Short Heath	Short Heath	Short Heath
	Arid-Shrubland	Arid-Shrubland	Arid-Shrubland	Arid-Shrubland
	Freshwater Wetlands	Freshwater Wetlands	Freshwater Wetlands	Freshwater Wetlands
	Grasslands	Grasslands	Grasslands	Grasslands
	Managed Land	Managed Land	Managed Land	Managed Land

Copy of any relevant photos attached: Yes ☐ No ☐**Step 2**

Determine the distance from the building to the bush fire vegetation hazard

Aspect	North	East	South	West
Distance	8..... m	20+..... m	8..... m	20+..... m

**Step 3**

Determine the effective slope that will influence bush fire behaviour in each direction

Category	North	East	South	West
Slope under the hazard (over 100m) [in degrees]	upslope/flat	upslope/flat	upslope/flat	upslope/flat
	>0 to 5	>0 to 5	>0 to 5	>0 to 5
	>5 to 10	>5 to 10	>5 to 10	>5 to 10
	>10 to 15	>10 to 15	>10 to 15	>10 to 15
	>15 to 20	>15 to 20	>15 to 20	>15 to 20

**Step 4**

Determine the FFDI that applies to your local government area. Circle the relevant FFDI below

FFDI: 100 ☒ 80 ☐

**Step 5**

Match the relevant FFDI, vegetation, distance and slope to determine the required BAL.

Identify the BAL for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959-2018.

Bush Fire Attack Level: BAL- FZ ☐ BAL- 29 ☐ BAL-12.5 ☐  
BAL- 40 ☐ BAL-19 ☒ No requirement ☐

**Step 6**

Determining BAL construction requirements

Once the appropriate BAL has been determined in Step 5, AS3959-2018 and or/ the NASH Standard 2014 will be used to determine the construction requirements for the proposed design.

Does your proposal meet the construction requirements for the BALs required as per AS3959-2018 and the NASH Standard (2014):

Yes ☒ No ☐

**PART D: Flame zone**

Provide details and justification for any additional bush fire protection measures required for a performance based solution.

Proposal not in flame zone.

**PART E: Water supplies**

Does your property have a reticulated water supply?; If so, please provide details on the distance to the nearest fire hydrant on your site plan.

Reticulated water supply is available:

Yes ☐

No ☒

Distance ..... (m) to hydrant from house.

Do you have or do you plan to have a dedicated water supply for firefighting purposes?

Yes ☒

No ☐

Development Type	Water Requirement	Planned	Existing
Residential Lots (<1,000m <sup>2</sup> )	5,000 l/lot		<input checked="" type="checkbox"/>
Rural-residential Lots (1,000 - 10,000m <sup>2</sup> ) <1 ha	10,000 l/lot		
Large Rural/Lifestyle Lots (>10,000m <sup>2</sup> ) >1 ha	20,000 l/lot		
Townhouse/Unit Style (e.g. Flats including Dual Occupancy)	5,000 l/unit up to 20,000l maximum.		

Do you have or do you plan to have a static water supply (e.g. pool, tank or dam)?

Include approximate size in litres and also include tank material if using a tank:

Water supply type	Capacity	Construction material	Planned	Existing
e.g. pool	50,000l	Above ground rolled steel with plastic liner		
Forresters Beach				
Water tank over 10,000 L				

**NOTE:** Check with your local council concerning their Local Environmental Plan (LEP) or their Development Control Plan (DCP) as this may dictate the type and size of tank.

**PART F: Gas supplies**

Do you have reticulated or bottled gas?

Yes ☒ No ☐

Type of gas:

Reticulated gas:

Yes ☐ No ☐

Bottled gas:

Yes ☒ No ☐

**NOTE:** When attaching development plans please ensure they clearly show location and details of electricity and gas (where relevant) on your property.

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**Part G: Access**

Does the development proposal meet the requirements as defined in this document?

Yes ☒ No ☐

## Horton Coastal Engineering

Coastal & Water Consulting

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Peter Kemsley  
 C/- Fabric Architecture Studio  
 Attention: Damien Furey  
 87 Toowoona Bay Road  
 Toowoona Bay NSW 2261  
 (sent by email only to damien@fabricarch.com.au)

5 January 2023

### Coastal Engineering Advice on 2 South Scenic Road Forresters Beach

#### 1. INTRODUCTION AND BACKGROUND

It is proposed to undertake alterations and additions to a dwelling at 2 South Scenic Road Forresters Beach. Central Coast Council requires that a coastal engineering assessment is prepared as part of a Development Application (DA) for the works, as set out herein.

The report author, Peter Horton [BE (Hons 1) MEngSc MIEAust CPEng NER], is a professional Coastal Engineer with 30 years of coastal engineering experience. He has postgraduate qualifications in coastal engineering, and is a Member of Engineers Australia (MIEAust) and Chartered Professional Engineer (CPEng) registered on the National Engineering Register (NER). He is also a member of the National Committee on Coastal and Ocean Engineering (NCCOE) and NSW Coastal, Ocean and Port Engineering Panel (COPEP) of Engineers Australia.

Peter has completed numerous coastal engineering studies in the Forresters Beach area, and has inspected the area in the vicinity of the subject property on several occasions since at least 2005, including a specific recent inspection on 17 July 2022.

Note that all levels given herein are to Australian Height Datum (AHD). Zero metres AHD is approximately equal to mean sea level at present.

#### 2. INFORMATION PROVIDED

Horton Coastal Engineering was provided with 26 Drawings of the proposed development prepared by Fabric Architecture (namely Drawing # A001-010, 101-103, a repeated 101, 201-203, 301-305, and 401-404), all dated 23 February 2022 and Issue A (except A101 and A102 were Issue C, A103 was Issue D, and the repeated A101 was Issue C).

A site survey completed by Anthony & Associates was also provided, Job No. 2729 and dated 26 July 2021.

#### 3. EXISTING SITE DESCRIPTION

The sandy Forresters Beach is 1.5km long and faces south-east, located seaward of a vegetated bluff that extends up to around 66m AHD (north), 16m AHD (centre) and 61m AHD (south) at



the roads landward of the bluff (over the area with residential development). An offshore rock reef lies against the shore towards the northern end of the beach, moving 250m offshore to the south, and waves breaking on the reefs reduce waves at the shoreline (Short, 2007).

At the subject property, ground elevations vary from about 22m to 23m AHD at the landward property boundary, 16m AHD on the seaward side of the dwelling, and 13m AHD at the seaward property boundary. Ground elevations then reduce over a vegetated dune down to the sandy beach. Based on review of the NSW Beach Profile Database, sand elevations at the current sand/vegetation interface position are around 5m AHD.

The existing three storey dwelling has a finished ground floor level of 16m AHD. Views of the property from Forresters Beach and from the top of the vegetated dune are provided in Figure 1 and Figure 2 respectively, with an oblique aerial view in Figure 3.

Coastal & Marine Geosciences (1997) completed an investigation in which bedrock levels at various locations along the dune at Forresters Beach were determined. Boreholes F6 and F11 were located near the subject property, as depicted in Figure 4. At F6, the ground level was 22.0m AHD, with bedrock at about 11m depth (11.0m AHD). At F11, the ground level was 13.8m AHD, with bedrock at about 1.5m depth (12.3m AHD).

A cross section location from the NSW Beach Profile Database is also depicted in Figure 4. A total of 18 historical beach profiles at this location from 1941 to 2022 are depicted in Figure 5. From Figure 5, it appears that the land in the vicinity of the dwelling and landward of the landward edge of dune vegetation in Figure 4 was filled progressively from 1941, 1957 and 1961, to reach its current level by 1969. The landward edge of dune vegetation also appears to be the approximate landward limit of dune fluctuations due to coastal processes in the historical NSW Beach Profile Database record.



**Figure 1: View of subject property (at arrow) from Forresters Beach on 17 July 2022, facing NW**



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**Figure 2: View of subject property on 17 July 2022, facing WNW**



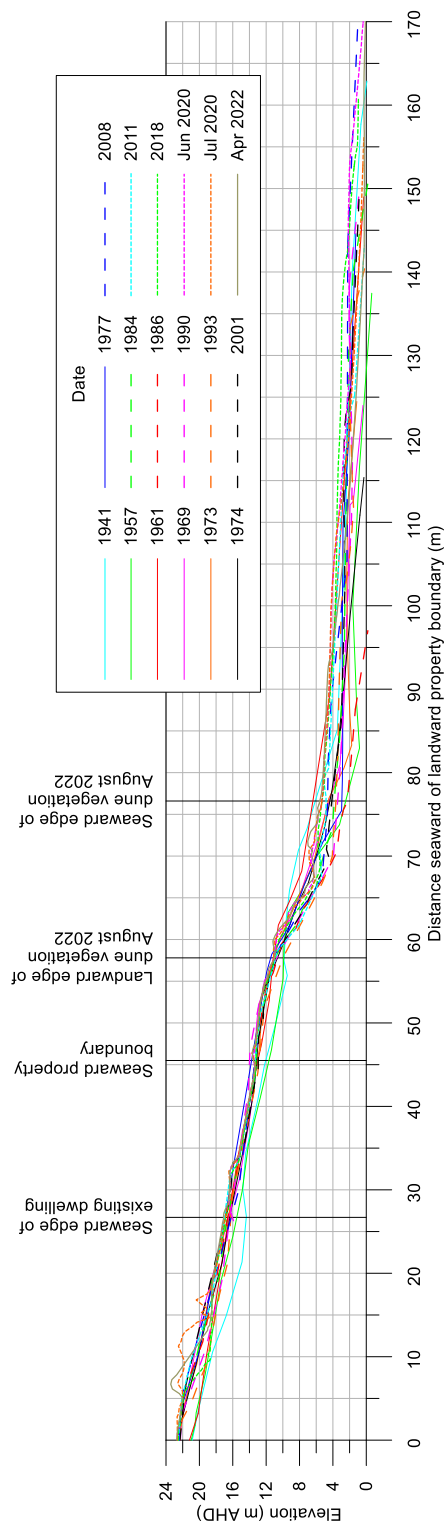
**Figure 3: Oblique aerial view of subject property (at arrow) on 5 October 2021, facing NW**





Figure 4: Aerial view of subject property on 18 August 2022, with approximate boundary in red, Coastal & Marine Geosciences (1997) borehole locations and bedrock AHD levels in yellow, and cross section location in blue

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**Figure 5: Historical beach profiles (at section location shown in Figure 4) at and seaward of subject property from NSW Beach Profile Database**

Note that some of the variation around chainage 5m to 20m in Figure 5 is from the more recent profiles picking up structures rather than natural ground at that location.

#### **4. PROPOSED DEVELOPMENT**

It is proposed to demolish the existing balconies (that currently extend 2m from the dwelling), 8 balcony columns and the dwelling roof, and to construct new balconies extending 3.5m from the dwelling (with 5 columns) and a new concrete and green roof. Various internal alterations and additions are also proposed. The finished floor levels of the dwelling are not to be altered.

#### **5. SUBSURFACE CONDITIONS**

As noted in Section 3, based on Coastal & Marine Geosciences (1997), bedrock is likely to be near the ground surface towards the seaward property boundary. Additional investigations would be required to determine the bedrock level nearer to the dwelling (where the balcony works are proposed), but it is expected that bedrock would be around the 11m AHD level, that is, about 5m below the ground surface.

The subject property would thus not be expected to erode like a typical sandy dune, with underlying rock both reducing the landward extent of erosion/recession and depth of scour.

Foundation Earth Sciences (2022) has completed a specific geotechnical investigation at the subject property, that has been submitted as part of the subject DA documentation. This was limited in scope, with 2 hand-auger boreholes and 6 Dynamic Cone Penetrometer (DCP) tests all only extending to a depth of 3m (with 6 locations tested, given that two DCP test locations coincided with the two boreholes). The upper 3m of subsurface was inferred to comprise fill and marine sand at these 6 locations.

#### **6. EROSION/RECESSION COASTLINE HAZARDS**

##### **6.1 Generic Explanation of Hazard Zones**

Based on Nielsen et al (1992), a number of coastline hazard zones can be delineated, as schematically shown in Figure 6.

In this methodology, it is assumed that the subsurface in the area of active coastal erosion/recession (above about -1m AHD) is composed entirely of (erodible) sand, which thus ignores the potential for very stiff and hard clays, and rock, to limit coastal erosion. As discussed in Section 3 and Section 5, there is rock at the subject property (above -1m AHD) that can be considered to be resilient against erosion/scour during a storm event, and thus the Nielsen et al (1992) methodology is not applicable at this site.



## Horton Coastal Engineering

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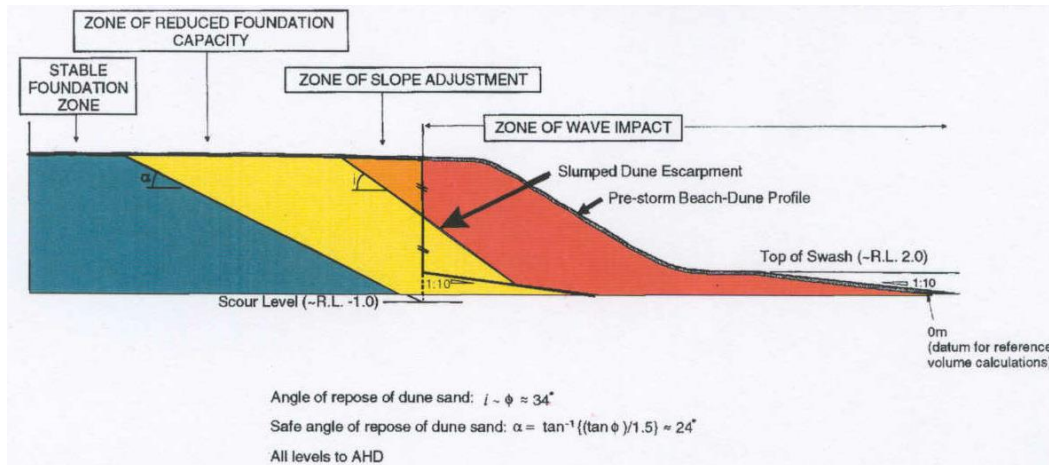


Figure 6: Schematic representation of coastline hazard zones (after Nielsen et al, 1992)

### 6.2 Existing Council Hazard Lines

In WorleyParsons (2014), the immediate Zone of Slope Adjustment was determined to be around the location of the sand/vegetation interface. It was assumed that long term recession due net sediment loss and long term recession due to sea level rise would not apply at Forresters Beach, so long term hazard lines were coincident with the immediate hazard line. Zone of Reduced Foundation coastline hazard lines were not defined at Forresters Beach, due to the non-sandy subsurface and the requirement for site specific investigations to determine subsurface conditions.

It is considered that the WorleyParsons (2014) hazard lines are misleading, as:

- erosion has most certainly extended well (in the order of 20m) landward of the sand/vegetation interface over the historical record, that is, landward of their immediate hazard line; and
- to assume zero long term recession due to sea level rise may be unrealistic given that at least the beach face itself would be expected to move upward and landward as a result of sea level rise.

A Coastal Building Line as per Chapter 3.2 of *Central Coast Development Control Plan 2022* (DCP 2022)<sup>1</sup> does not apply at Forresters Beach.

### 6.3 Foundation Requirements

Foundation Earth Sciences (2022) did not provide an unequivocal recommendation on the depth of the proposed foundations. Based on discussions with Northrop, structural engineers for the proposed development, it is unequivocally stated that all foundations for the proposed development shall be founded on bedrock, superseding the recommendations of Foundation Earth Sciences (2022).

The geotechnical investigation of Foundation Earth Sciences (2022) was limited in depth, and found only sand in the upper 3m of the subsurface to the limit of investigation. Based on experience at nearby sites and based on the bedrock levels determined by Coastal & Marine

<sup>1</sup> The DCP 2022 version effective 9 December 2022 was reviewed for the report herein.

Geosciences (1997) as discussed in Section 3, it is considered likely that there is bedrock below this depth and seaward of the proposed development in the active coastal zone above -1m AHD, that would limit the extent of coastal erosion into the subject property. This assumption must be confirmed as part of detailed design, and it is recommended that Council applies a consent condition that prior to the issue of the construction certificate an additional geotechnical investigation shall be carried out to determine the depth to bedrock on the seaward side of the development, that shall be reviewed by a coastal engineer to confirm that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.

## **7. COASTAL INUNDATION AND WAVE RUNUP**

In WorleyParsons (2014), a present-day design wave runup level of 8m AHD was adopted at Forresters Beach. Taking projected sea level rise into account (using Council's adopted sea level rise values of 0.2m at 2050 and 0.74m at 2100), this would simplistically give approximate design wave runup levels of about 8.2m AHD at 2050 and 8.7m AHD at 2100.

The minimum ground floor level of 16m AHD is well above these wave runup levels, such that coastal inundation is not a significant issue for the proposed development. That is, the proposed development is at an acceptably low risk of damage from wave runup and inundation.

Based on Chapter 3.2.3.3.2(f) of DCP 2022, minimum building floor levels shall be 0.5m above the 1% AEP maximum wave inundation level, with no planning period stated and "maximum" assumed to mean "2% exceedance". This has regularly been noted by Horton Coastal Engineering as a technically flawed requirement, given that it does not consider the likely depth of wave overtopping and given that wave runup calculations assume an infinite height foreshore, but it can be noted that the ground floor of the proposed development meets this requirement.

## **8. MERIT ASSESSMENT IN RELATION TO DCP 2022**

### **8.1 Chapter 3.2.3.3.2(a)**

As discussed in Section 6.2, a Coastal Building Line does not apply at Forresters Beach.

### **8.2 Chapter 3.2.3.3.2(b)**

Based on Chapter 3.2.3.3.2(b) of DCP 2022, "all structures constructed within a designated Coastal Hazard Area shall:

- i) be compatible with the coastal hazards identified;
- ii) be founded landward of the coastal building line;
- iii) not give rise to any increased coastal hazard;
- iv) be designed to not be damaged by the designated hazard;
- v) give consideration to the effects of larger events than the designated hazard;
- vi) be constructed in a manner which overcomes any problem from the coastal hazards of run-up and inundation; and
- vii) be set back as far landward as practicable".

As outlined in Section 6.3, the proposed development is at an acceptably low risk of damage as it is to be founded on bedrock, as long as it is assessed as part of detailed design that there is

elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion. If this is undertaken, the proposed development would be compatible with the coastal hazards identified, as per (i) and (iv).

Larger events than the design event could occur, as could tsunamis. However, the probabilities of these events are so low that the development remains at an acceptably low risk of damage, which is the desired outcome (zero risk is not possible), and this addresses (v). Factors of safety in design also mean that foundations can be expected to withstand larger storm events than the design storm event. However, it is reiterated though that it is acceptable to design for the design event, by definition.

With regard to (ii), the Coastal Building Line is not applicable at this location.

With regard to (iii), the proposed development will not give rise to any increased coastal hazard on adjacent land, if founded as outlined in Section 6.3, as it would be supported on piles well above wave action in the design erosion event. That stated, it is the expectation that the proposed development would not be undermined in the design event, to be confirmed as part of detailed design.

With regard to (vi), it was noted in Section 7 that the proposed development is at an acceptably low risk of damage from runoff and inundation.

Item (vii) is not a coastal engineering matter and hence is not addressed herein. That stated, it is reiterated that the proposed development is at an acceptably low risk of damage from coastal erosion/recession (if founded as outlined in Section 6.3 and bedrock depth is confirmed as part of detailed design) and inundation. It is also noted that the proposed development does not significantly alter the ground floor footprint of the existing dwelling.

### **8.3 Chapter 3.2.3.3.2(c)**

Based on Chapter 3.2.3.3.2(c) of DCP 2022, "Council will not permit the redevelopment of existing buildings within the Coastal Hazard Area unless the foundation design is demonstrated to have been constructed to withstand designated coastal processes and is certified by a coastal and structural engineer".

The proposed development is at an acceptably low risk of damage as it is to be founded on bedrock, as long as it is assessed as part of detailed design that there is elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.

### **8.4 Chapter 3.2.3.3.2(d) and (e)**

Chapter 3.2.3.3.2(d) and (e) of DCP 2022 are not applicable to the proposed development, as there is no Coastal Building Line at the site.

### **8.5 Chapter 3.2.3.3.2(f)**

Chapter 3.2.3.3.2(f) of DCP 2022 was discussed in Section 7.

**8.6 Chapter 3.2.3.3.2(g)**

Chapter 3.2.3.3.2(g) of DCP 2022 is not applicable to the proposed development.

**8.7 Chapter 3.2.3.3.2 (h) to (l)**

Based on Chapter 3.2.3.3.2 (h) to (l) of DCP 2022:

- “(h): Structural design of buildings and foundations shall take into account storms greater than the design storm event, and that erosion/run-up/inundation may exceed the design storm event.
- (i): Building footings including strip-footings and/or isolated pier construction are to be designed to ensure safe bearing below or beyond the calculated zone of reduced foundation capacity.
- (j): Where structural consideration of coastal forces is required the engineer shall take into account the forces generated by coastal processes, possible dune slumping, loss of support, slope readjustment, changing water table as well as the normal structural and foundation considerations. Foundation design shall extend beyond the reduced foundation capacity zone of influence.
- (k): In areas of high or moderate cliff instability risk within a Coastal Hazard Area, a geotechnical engineer site assessment will need to demonstrate that the position of the building on the site and its design has taken into account any expected foundation impediments (Refer Cliffline Hazard Definition Study for Tudibaring Headland).
- (l): Any sand excavated during building works should, where possible, remain within the same embayment, and requires approval by Council to be reused in other beach locations. It should be demonstrated to Council that the sand is clean and free of deleterious matter”.

With regard to (h), storms greater than the design storm event were discussed in Section 8.2.

With regard to (i), the footings are to extend down to bedrock.

With regard to (j), it is unlikely these coastal forces would need to be considered (due to elevated bedrock seaward of the dwelling), and this will be assessed as part of detailed design.

Item (k) is not applicable. The subject property is not in a designated (rocky) cliff area. The “Cliff Line Hazard Definition Study at Tudibaring Headland, Copacabana NSW” prepared in 1996 relates to Tudibaring Headland at the northern end of MacMasters Beach, and has no relevance to the subject DA.

With regard to (l), if the owner proposes to place excavated sand on the beach (and this is not currently proposed), and Council was willing to accept it, then testing would be undertaken to assess its suitability (ie, that it is not contaminated). This could be enforced through a consent condition.

**8.8 Synthesis**

It can be concluded that the proposed development satisfies the DCP 2022 coastal engineering requirements, as long as it is assessed as part of detailed design that there is elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.



## 9. MERIT ASSESSMENT IN RELATION TO STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

### 9.1 Preamble

Based on *State Environmental Planning Policy (Resilience and Hazards) 2021*<sup>2</sup> (SEPP Resilience) and its associated mapping, the subject property is within a “coastal environment area” (see Section 9.2) and “coastal use area” (see Section 9.3).

### 9.2 Clause 2.10

Based on Clause 2.10(1) of SEPP Coastal, “development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone”.

With regard to (a), the proposed works are in a developed residential area, and would not be expected to adversely affect the biophysical, hydrological (surface and groundwater) and ecological environments. It is understood that existing stormwater drainage arrangements are not to be significantly altered. The proposed development would not be a source of pollution as long as appropriate construction environmental controls are applied.

With regard to (b), the proposed development would not be expected to adversely affect coastal environmental values or natural coastal processes over its design life, as it is at an acceptably low risk of damage from erosion/recession and inundation for an acceptably rare storm and over an acceptably long design life, and would be well landward and above typical coastal processes<sup>3</sup>.

With regard to (c), the proposed development would not adversely impact on water quality as long as appropriate construction environmental controls are applied.

With regard to (d), this is not a coastal engineering matter so is not necessarily definitively considered herein. That stated, there are no undeveloped headlands nor rock platforms in proximity to the proposed development, no marine vegetation in the area to be developed, and no known native vegetation of significance that would be affected at the property. No

<sup>2</sup> Encompassing the former *State Environmental Planning Policy (Coastal Management) 2018*.

<sup>3</sup> As long as it is assessed as part of detailed design that there is elevated bedrock seaward of the dwelling and a coastal engineer confirms that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.

significant impacts on marine fauna and flora would be expected as a result of the proposed development, as the development would not be expected to interact with subaqueous areas<sup>3</sup>.

With regard to (e), the proposed development would not impact on public open space and access to and along the foreshore, being entirely within private property.

With regard to (f), a search of the Heritage NSW "Aboriginal Heritage Information Management System" (AHIMS) was undertaken on 5 January 2023. This resulted in no Aboriginal sites nor Aboriginal places being recorded or declared within at least 200m of the subject property.

With regard to (g), the proposed development is entirely on private property and would not be expected to interact with the surf zone, so would not impact on use of the surf zone.

Based on Clause 2.10(2) of SEPP Resilience, "development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

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

The proposed development has been designed and sited to avoid the adverse impacts referred to in Clause 2.10(1).

### 9.3 Clause 2.11

Based on Clause 2.11(1) of SEPP Resilience, "development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
  - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
  - (iv) Aboriginal cultural heritage, practices and places,
  - (v) cultural and built environment heritage, and
- (b) is satisfied that:
  - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development".

With regard to (a)(i), the proposed development would not impact on foreshore or beach access, as discussed previously.

With regard to (a)(ii), (a)(iii), (a)(v) and (c), these are not coastal engineering matters so are not considered herein.

With regard to (a)(iv), no Aboriginal sites nor Aboriginal places have been recorded or declared within at least 200m of the subject property, as noted in Section 9.2.

With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Clause 2.11(1).

#### **9.4 Clause 2.12**

Based on Clause 2.12 of SEPP Resilience, “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”.

As noted in Section 8.2, the proposed development will not give rise to any increased coastal hazard on adjacent land.

#### **9.5 Clause 2.13**

Based on Clause 2.13 of SEPP Resilience, “development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land”.

The *Gosford Beaches Coastal Zone Management Plan (CZMP)*, which applies as a certified coastal management program at the subject property, essentially allows for beachfront development to be constructed at Forresters Beach consistent with DCP 2022, as has been proposed.

#### **9.6 Synthesis**

The proposed development satisfies the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* for the matters considered herein.

### **10. CONCLUSIONS**

The proposed development at 2 South Scenic Road Forresters Beach shall be founded on bedrock. It is considered likely that elevated bedrock would limit the extent of coastal erosion into the subject property. This assumption must be confirmed as part of detailed design, and it is recommended that Council applies a consent condition that prior to the issue of the construction certificate an additional geotechnical investigation shall be carried out to determine the depth to bedrock on the seaward side of the development, that shall be reviewed by a coastal engineer to confirm that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.

The proposed development satisfies the requirements of *Central Coast Development Control Plan 2022* and *State Environmental Planning Policy (Resilience and Hazards) 2021* (Clauses 2.10 to 2.13) for the matters considered herein.

**11. REFERENCES**

Coastal & Marine Geosciences (1997), *Gosford City Council Open Ocean Beaches Geotechnical Investigations (Avoca Beach, Wamberal Beach, Forresters Beach), Results of Conductivity and Drilling Investigations*, prepared by John P Hudson, for Gosford City Council, 15 January

Foundation Earth Sciences (2022), *Geotechnical Investigation Report, 2 South Scenic Road, Forresters Beach NSW 2260*, prepared for UCC Nominees Pty Ltd, Reference No. G581-1, Revision 0, 27 June

Nielsen, AF; Lord, DB and HG Poulos (1992), "Dune Stability Considerations for Building Foundations", *Australian Civil Engineering Transactions*, Institution of Engineers Australia, Volume CE34, No. 2, June, pp. 167-173

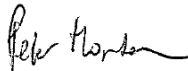
Short, Andrew D (2007), *Beaches of the New South Wales Coast*, Second Edition, University of Sydney Press

WorleyParsons (2014), *Open Coast and Broken Bay Beaches Coastal Processes and Hazard Definition Study*, Revision E, 24 February

**12. SALUTATION**

If you have any further queries, please do not hesitate to contact Peter Horton via email at [peter@hortoncoastal.com.au](mailto:peter@hortoncoastal.com.au) or via mobile on +61 407 012 538.

Yours faithfully  
HORTON COASTAL ENGINEERING PTY LTD



Peter Horton  
Director and Principal Coastal Engineer

This report has been prepared by Horton Coastal Engineering Pty Ltd on behalf of and for the exclusive use of Peter Kemsley (the client), and is subject to and issued in accordance with an agreement between the client and Horton Coastal Engineering Pty Ltd. Horton Coastal Engineering Pty Ltd accepts no liability or responsibility whatsoever for the report in respect of any use of or reliance upon it by any third party. Copying this report without the permission of the client or Horton Coastal Engineering Pty Ltd is not permitted.



## Appendix A: Waste Management Plan Template

Information on this form is collected by council for administrative and assessment purposes. It will be used by council staff and other government agencies for the purpose of assessing the application and will be made available for public access. To protect the applicant and the owner(s) privacy, personal details are recorded only on the Part B - Application Detail and Owner(s) Consent form which is not published. It is the applicant's responsibility to ensure other documents do not contain any personal or financial information.

1. PROJECT DETAILS (All Developments)	
Address of development	2 South Scenic Road
	Forresters Beach, NSW, 2260
Existing buildings and other structures currently on the site	1 x 3 Storey home with garage Landscaping
Description of proposed development	Alterations and Additions to the existing Residence.
<p><i>This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, OEH or WorkCover NSW.</i></p>	
Prepared By (in Block Letters)	DAMIEN FUREY
Date	25/02/2022



## Part 7: General Controls - Chapter 7.2 - Waste Management

## 2. DEMOLITION (All Types of Developments)

Address of development: 2 South Scenic Road, Forresters Beach

Refer to Section 7.2.13 of the DCP for objectives regarding demolition waste.

most favourable



least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m3) or Weight (t)	Estimate Volume (m3) or Weight (t)	Estimate Volume (m3) or Weight (t)	Specify method of on-site reuse, contractor and recycling outlet and /or waste depot to be used
Excavation material				
Timber (specify)		15-20m <sup>3</sup>	<del>15-20m<sup>3</sup></del>	Contractor to Recycle at Butlanderry
Concrete			6m <sup>3</sup>	Contractor to dispose at nearest Council tip
Bricks/pavers		3m <sup>3</sup>	<del>3m<sup>3</sup></del>	
Tiles			3m <sup>3</sup>	contractor to dispose at nearest Council tip
Metal (specify)		5m <sup>3</sup>		Contractor to Recycle at Butlanderry
Glass		3m <sup>3</sup>		Contractor to Recycle at Butlanderry
Furniture				
Fixtures and fittings				
Floor coverings			1m <sup>3</sup>	contractor to dispose at nearest Council tip
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				
Other (specify)				

## Part 7: General Controls - Chapter 7.2 - Waste Management

## 3. CONSTRUCTION (All Types of Developments)

Address of development: 2 South Scenic Road, Forresters Beach.

Refer to Section 7.2.14 of the DCP for objectives regarding construction

most favourable



least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m3) or Weight (t)	Estimate Volume (m3) or Weight (t)	Estimate Volume (m3) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material	3-5m <sup>3</sup>			Re-landscape on site with fill.
Timber (specify)	1m <sup>3</sup>	Less than 3m <sup>3</sup>		Recycle and Reuse off cuts on site.
Concrete			Less than 3m <sup>3</sup>	Contractor to dispose at nearest Council tip.
Bricks				
Tiles			Less than 1m <sup>3</sup>	Contractor to dispose at nearest Council tip
Metal (specify)			Less than 1m <sup>3</sup>	Contractor to dispose at nearest Council tip.
Glass				
Plasterboard (offcuts)			Less than 3m <sup>3</sup>	Contractor to dispose at nearest tip.
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				

## Part 7: General Controls - Chapter 7.2 - Waste Management

## 4. ONGOING OPERATION (Residential, Multi Unit, Commercial, Mixed Use and Industrial)

Address of development: 2 South Scenic Road, Forresters Beach

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostables	Residual waste*	Other
	Paper/ cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)	Existing standard Council waste retained.				
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)	0.5		0.5	1	
Number and size of storage bins required	1	NO	1	1	
Floor area required for storage bins (m2)					
Floor area required for manoeuvrability (m2)					
Height required for manoeuvrability (m)					

\* Current "non-recyclables" waste generation rates typically include food waste that might be further separated for composting.

## Part 7: General Controls - Chapter 7.2 - Waste Management

**5. CONSTRUCTION DESIGN** (All Types of Developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section 7.2.14 of the DCP):

**Materials**

- The design is using materials that will withstand the harsh coastal environment and promote longevity.
- All natural materials are to be sustainably sourced.
- Waste Reduced by Keeping Most of the Existing residence.

**Lifecycle**

As above. point 1.

Detail the appropriate needs for the ongoing use of waste facilities including the transfer of waste between the residents or tenancy units, the servicing of waste location and frequency of waste transfer and collection. If truck access is required then engineering details are required.

N/A.

## Part 7: General Controls - Chapter 7.2 - Waste Management

**6. PLANS AND DRAWINGS** (All Developments)

The following checklists are designed to help ensure WMP are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation.

**Demolition**

Refer to Section 7.2.13 of the chapter for specific objectives and measures.  
Do the site plans detail/indicate?:

	Tick Yes
Size and location(s) of waste storage area(s)	✓
Access for waste collection vehicles	✓
Areas to be excavated	✓
Types and numbers of storage bins likely to be required	EXIST
Signage required to facilitate correct use of storage facilities	N/A

**Construction**

Refer to Section 7.2.15 – 7.2.19 of the chapter for specific objectives and measures.  
Do the site plans detail indicate?:

	Tick Yes
Size and location(s) of waste storage area(s)	✓
Access for waste collection vehicles	✓
Areas to be excavated	✓
Types and numbers of storage bins likely to be required	EXIST
Signage required to facilitate correct use of storage facilities	N/A



## Part 7: General Controls - Chapter 7.2 - Waste Management

**Ongoing Operation**

Refer to Section 7.2.15 – 7.2.19 of the chapter for specific objectives and measures.

Do the site plans detail indicate?:

	Tick Yes
<b>Space</b>	
Size and location(s) of waste storage areas	✓
Recycling bins placed next to residual waste bins	✓
Space provided for access to and the manoeuvring of bins/equipment	✓
Any additional facilities	N/A
<b>Access</b>	
Access route(s) to deposit waste in storage room/area	/
Access route(s) to collect waste from storage room/area	
Bin carting grade not to exceed 10% and travel distance not greater than 100m in length	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
<b>Amenity</b>	
Aesthetic design of waste storage areas, including being compatible with the main building/s and adequately screened and visually unobtrusive from the street	/
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions, cross & longitudinal section showing clear internal dimensions between engaged piers and other obstructions, etc)	



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## **Report on Geotechnical Assessment**

### **Proposed Alterations and Additions**

**2 South Scenic Road, Forresters Beach  
NSW**

**Prepared for Mona Kerbage**

**Project 227073.00**

**16 January 2024**

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## Document History Details

Project No.	227073.00
Document Title	Report on Geotechnical Assessment
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## Status and Review

Status	Prepared by	Reviewed by	Date issued
Revision 0	James Rayner	Darryl Carson	16 January 2024

## Distribution of Copies

Status	Issued to
Revision 0	Mona Kerbage
Revision 0	Damien Furey, Fabric Architecture

The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

## Signature

## Date

Author		16 January 2024
Reviewer		16 January 2024



Douglas Partners acknowledges Australia's First Peoples as the Traditional Owners of the Land and Sea on which we operate. We pay our respects to Elders past and present and to all Aboriginal and Torres Strait Islander peoples across the many communities in which we live, visit and work. We recognise and respect their ongoing cultural and spiritual connection to Country.



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**Appendix A:** About This Report

**Appendix B:** Drawing 1 - Test Location Plan

**Appendix C:** Previous Borehole Logs



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## Report on Geotechnical Assessment Proposed Alterations and Additions 2 South Scenic Road, Forresters Beach NSW

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### 1. Introduction

This report presents the results of a geotechnical assessment undertaken by Douglas Partners Pty Ltd (Douglas) for proposed alterations and additions to an existing residence at 2 South Scenic Road, Forresters Beach NSW. The investigation was commissioned by Mona Kerbage and was undertaken in accordance with Douglas' email proposal dated 17 November 2023. The work was also carried out in consultation with Fabric Architecture.

For the purpose of this assessment, Douglas was provided with the following:

- Notification Plan prepared by Fabric Architecture, ref. NA, dwg. A000, rev. E, dated 26 April 2023;
- Detailed Survey prepared by Anthony & Associates Surveying, ref. 2729, dated 26 July 2021;
- Coastal Engineering Assessment prepared by Horton Coastal Engineering, dated 5 January 2023; and
- Concept Structural Sketches prepared by Northrop Consulting Engineers Pty Ltd, ref. NL213107, dated 11 December 2021; and
- Geotechnical Report prepared by Foundation Earth Sciences, ref. G581-1, dated June 2022.

Douglas has also previously undertaken an investigation at the site (Douglas, 1998) and the results of the previous investigation were used to inform the current assessment.

It is understood that the proposed alterations and additions to the residence mainly includes the addition of new decks and support columns/footings, as well as other alterations such as replacement of the roof, new screens, beach shower and courtyard.

The aim of the geotechnical investigation was to undertake a desktop review of existing information and provide comment on the following:

- Subsurface conditions at the site, including depth to rock;
- Geotechnical comments for assessment in accordance with Central Coast Council's Development Control Plan 2022 (Chapter 3.7); and
- Geotechnical parameters for the design of piled footings.



## 2. Previous Investigations

Douglas has previously carried out a geotechnical investigation at the site (Douglas, 1998). The investigation included the drilling of two boreholes (TB1 and TB2) to refusal on rock at depths of 7.4 m in TB1 and 8 m in TB2 using a drilling rig fitted with 150 mm diameter hollow flight augers.

The geotechnical investigation undertaken by Foundation Earth Sciences (FES, 2022) comprised the drilling of two boreholes (BH1 and BH2) to depths of 1.1 m and 1.2 m, respectively.

The results of the previous investigations were used to inform this assessment.

## 3. Site Description

The site is located at 2 South Scenic Road, Forresters Beach and is formally identified as Lot 257 in DP 16577. The lot is trapezoidal with an area of approximately 803 m<sup>2</sup>. The site is bounded by South Scenic Road to the north-west, a vacant lot to the north-east, Forresters Beach to the south-east and a public reserve (beach access) to the south-west.



Figure 1: Aerial image of the site (Image sourced from MetroMap, dated 25 June 2022)

Based on a review of aerial imagery, the site comprises an existing split-level three-storey residence, surrounded by grassed lawns and garden beds.

A review of survey information provided indicates that surface levels at the site fall from approximately RL 22.5 (measured relative to metres above Australian Height Datum) along the north-western boundary to RL 13 along the south-eastern boundary. Surface slopes fall at approximately 10-12° from the north-west to the south-east (i.e. falling towards the beach).



#### 4. Regional Geology

Reference to regional geological mapping (GSNSW, 2019) indicates that the site is underlain by Quaternary coastal deposits comprising marine deposited sand and aeolian-reworked coastal sand dunes.

#### 5. Subsurface Conditions

Based on the results of Douglas (1998), subsurface conditions at the site are summarised as very loose to loose aeolian sand to depths of between 4.6 m (TB1) and 5.5 m (TB2), overlying stiff to hard residual sandy clay to refusal on inferred claystone at depths of 7.4 m in TB1 and 8 m in TB2.

The borehole logs from Douglas (1998) are included in Appendix C.

Groundwater was observed at depths of 2.7 m in TB1 and 5 m in TB2 at the time of the investigation. It is noted that the groundwater observed was likely associated with surface seepage over the sand/clay interface rather than regional groundwater levels. It should be noted that groundwater levels are variable and can be affected by factors such as soil permeability and recent climatic conditions.

#### 6. Comments

##### 6.1 Coastal Erosion Model

Coastal erosion lines have previously been determined through analysis and extrapolation of beach erosion data. They assume that the subsurface profile above RL -1 is composed entirely of sand and that there are no protective structures such as revetments. Given that clay and rock is present well above RL -1 at this site, the erosion lines are not strictly applicable to this site.

##### 6.2 Coastal Engineering Assessment

A coastal engineering report prepared by Horton Coastal Engineering (Horton, 2023) has been undertaken for the proposed development. Coastal engineering reports generally include a review of the erosion lines, prediction of the design storm wave run-up heights, and comment on whether or not the proposed development would lead to an increase in risk of erosion or damage to adjacent properties.

Based on Horton (2023), the following comments were made in relation to the coastal engineering assessment:

- ".....there is rock at the subject property (above -1m AHD) that can be considered to be resilient against erosion/scour during a storm event, and thus the Nielsen et al (1992) methodology is not applicable at this site.";
- "A Coastal Building Line as per Chapter 3.2 of Central Coast Development Control Plan 2022 (DCP 2022) does not apply at Forresters Beach.";



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- *"Foundation Earth Sciences (2022) did not provide an unequivocal recommendation on the depth of the proposed foundations. Based on discussions with Northrop, structural engineers for the proposed development, it is unequivocally stated that all foundations for the proposed development shall be founded on bedrock, superseding the recommendations of Foundation Earth Sciences (2022).";*
- *"The minimum ground floor level of 16m AHD is well above these wave runup levels, such that coastal inundation is not a significant issue for the proposed development. That is, the proposed development is at an acceptably low risk of damage from wave runup and inundation."; and*
- *"The proposed development at 2 South Scenic Road Forresters Beach shall be founded on bedrock. It is considered likely that elevated bedrock would limit the extent of coastal erosion into the subject property. This assumption must be confirmed as part of detailed design, and it is recommended that Council applies a consent condition that prior to the issue of the construction certificate an additional geotechnical investigation shall be carried out to determine the depth to bedrock on the seaward side of the development, that shall be reviewed by a coastal engineer to confirm that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion."*

### 6.3 Footings

As indicated above, footings for the proposed development shall be taken to rock. Therefore, due to rock being founded at a depth of approximately 7.4 m to 8 m (i.e. RL 10.8 to RL 11.6), piled footings would be required.

#### 6.3.1 Pile Selection

Given that loose sands are present at the site, piles to be installed for this project would need to be constructed without being affected by possible collapsing soils. The possible options and limitations for different pile types are discussed briefly below:

- **Continuous Flight Auger (CFA) Piles:** Piles are formed by drilling a continuous flight auger into the ground. Upon reaching the desired depth of penetration, the auger is withdrawn and bored spoil is transported to the surface whilst still providing support to the excavation. Concrete is pumped through the hollow auger stem at the same rate to match the withdrawal of the auger. When this operation is complete a reinforcing cage is placed in the concrete column using a vibrating unit. This piling method could also be used for the construction of a contiguous pile retaining wall, if required.
- **Steel Screw Piles:** Steel screw piles are also considered suitable for the site. Steel screw piles are a proprietary pile type and are relatively quick to install. They rely on the soil/rock underlying the helix to resist vertical loads without undergoing excessive settlement. Due to disturbance of the column of soil as the helix penetrates into the ground, it is usual practice to ignore skin friction in the design of screw piles.

The settlement performance of heavily loaded steel screw piles can be difficult to predict. It is suggested that the ratio of the pile helix outstand to the helix plate thickness be less than 10, otherwise considerable elastic flexing or plastic deformation of the helix plate can occur and conventional pile settlement predictions could be exceeded. For example, for a 16 mm thick helix plate, the outstand width should be less than or equal to 160 mm. Where a 160 mm diameter pile shaft and 16 mm thick helix plate is used, the total helix diameter should be less than or equal to 480 mm.



GROUND  
EXPERTISE

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- **Driven Timber or Precast Concrete Piles:** Driven timber or precast concrete piles would be geotechnically feasible at the site. Piles are generally driven using hydraulic hammers, however, the noise and vibration associated with their installation and presence of loose sands would probably render them unsuitable for the site.
- **Bored Piles:** The use of uncased bored piles would be problematic due to the sandy subsurface profile which would require casing of the sands to allow penetration to a suitable depth. As such, bored piles are not considered suitable for the site.

### 6.3.2 Pile Design

Piles should be founded within inferred very low strength rock at a depth of between approximately 7.4 m to 8 m (i.e. RL 10.8 to RL 11.6 ).

Where piles are taken to found in at least very low strength rock, it is recommended that they be designed based on a maximum allowable end bearing pressure of 1,000 kPa and maximum allowable socket adhesion of 100 kPa.

It should be recognised that whilst design is based on the presence of very low strength rock, it is possible that low or medium strength rock could be present near the surface of the rock profile. Accordingly, it is recommended that prospective piling contractors be advised of the potential to drill into the stronger rock.

Additionally, it should be recognised that the previous bores terminated due to auger refusal and there is a risk that the upper sequences of the rock may include extremely weathered bands with soil properties rather than rock strengths. Such layers would mean that piles should be taken deeper than had been otherwise anticipated.

Risks of pile penetration problems or the presence of extremely weathered material could be reduced by core drilling and testing of the rock to provide rock strength parameters.

Notwithstanding the above, the piling contractor should confirm the pile capacities achieved taking into account the equipment used, installation monitoring (such as torque measurements), site conditions and experience.

Pile installation should be carried out together with at least periodic inspections by a geotechnical engineer to verify that the design assumptions given in this report are appropriate.

## 7. References

Douglas. (1998). *Report on Geotechnical Investigation, Proposed Residential Dwelling, Lot 257, No.2 South Scenic Road, Forresters Beach*. ref. 26203, dated 9 November 1998: Douglas Partners Pty Ltd.

FES. (2022). *Geotechnical Investigation Report, 2 South Scenic Road, Forresters Beach*. ref. G581-1, dated June 2022: Foundation Earth Sciences Pty Ltd.

GSNSW. (2019). *NSW Seamless Geology*. Geological Survey NSW Web Map Service.

Horton. (2023). *Coastal Engineering Advice on 2 South Scenic Road, Forresters Beach*. dated 5 January 2023: Horton Coastal Engineering.



## 8. Limitations

Douglas Partners Pty Ltd (Douglas) has prepared this report for this project at 2 South Scenic Road, Forresters Beach NSW in accordance with Douglas' email proposal dated 17 November 2023 and acceptance received from Mona Kerbage dated 29 November 2023. The work was carried out under Douglas' Engagement Terms. This report is provided for the exclusive use of Mona Kerbage for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of Douglas, does so entirely at its own risk and without recourse to Douglas for any loss or damage. In preparing this report Douglas has necessarily relied upon information provided by the client and/or their agents.

The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after Douglas' field testing has been completed.

Douglas' advice is based upon the conditions encountered during a previous investigation. The accuracy of the advice provided by Douglas in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

The assessment of atypical safety hazards arising from this advice is restricted to the geotechnical components set out in this report and based on known project conditions and stated design advice and assumptions. While some recommendations for safe controls may be provided, detailed 'safety in design' assessment is outside the current scope of this report and requires additional project data and assessment.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. Douglas cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by Douglas. This is because this report has been written as advice and opinion rather than instructions for construction.



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## **Appendix A**

About this Report

## About this Report



November 2023

### Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

### Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

### Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

### Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;
- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at

the time of construction as are indicated in the report; and

- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

### Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

continued next page

## About this Report

### Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

### Information for Contractual Purposes

Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

### Site Inspection

The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

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## **Appendix B**

### Drawing 1 – Test Location Plan







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## **Appendix C**

### Previous Borehole Logs

## TEST BORE REPORT

CLIENT: Hammerbuilt Constructions Pty Ltd  
 PROJECT: Proposed Residence  
 LOCATION: No.2 South Scenic Rd, Forresters Bch

DATE: 20 October 1998 BORE No. 1  
 PROJECT No.: 26203 SHEET 1 OF 1  
 SURFACE LEVEL: 19.0 m (AHD)

Depth m	Description of Strata	Sampling & In Situ Testing			
		Type	Depth (m)	Test Results	Core Recovery %
0	SAND: Light brown very loose sand, fine to medium grained, moist, grass cover and fine roots to 0.3m, becoming dark brown with trace fine gravel from 1.0m Light brown with less gravel from 1.3m, saturated from 2.7m, becoming light brown from 2.8m				
		SPT	0.5		
			0.95	1,2,1 N=3	
		SPT	1.3		
			1.75	1,2,1 N=3	
			2.5		
		SPT	2.95	1,1,2 N=3	
		SPT	3.25	1,0,1 N=1	
4	SANDY CLAY: Grey, red and brown mottled firm sandy clay M>>Wp. (pp 140 kPa at 5.7m), becoming hard, less sandy and more silty from 6.3m, grading to claystone from 7.2m.	SPT	4.0		
4.6			4.45	1,0,1 N=1	
5			5.5		
		SPT	5.95	2,3,2 N=5	
7	Bore hole terminated at 7.4m, auger refusal on claystone		7.2		
7.4		SPT	7.4	21,5/50R N=>30	

RIG: Bobcat 743

DRILLER: BA

LOGGED: PFH

CASING: 100

TYPE OF BORING: 150mm dia. hollow flight auger

GROUND WATER OBSERVATIONS: Free Groundwater Observed at 2.7m

REMARKS:

## SAMPLING &amp; IN SITU TESTING LEGEND

A Auger sample	M Moisture content (%)
B Bulk sample	pp Pocket Penetration (kPa)
D Disturbed sample	Ø x mm dia. tube
HV Hand Vane	Wp Plastic limit (%)

CHECKED:

Initials: *PD*

Date: 11/11/98



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## TEST BORE REPORT

CLIENT: Hammerbuilt Constructions Pty Ltd  
 PROJECT: Proposed Residence  
 LOCATION: No.2 South Scenic Rd. Forresters Bch

DATE: 20 October 1998 BORE No. 2  
 PROJECT No.: 26203 SHEET 1 OF 1  
 SURFACE LEVEL: 18.8m AHD

Depth m	Description of Strata	Sampling & In Situ Testing			
		Type	Depth (m)	Test Results	Core Recovery %
0	SAND: Light brown very loose sand, fine to medium grained, moist, fine roots to 0.3m, becoming grey brown from 3.0m, becoming light yellow/brown and saturated from 5.0m				
1		SPT	1.0		
		SPT	1.45	1,1,1, N=2	
2			1.3	1,0,1, N=1	
			1.75		
3	SANDY CLAY: Grey, red/brown mottled firm sandy clay trace sandstone gravel to 20mm diameter M>>Wp. becoming stiff and red brown with some grey mottling, less sandy and M=Wp from 7.3m (claystone)	SPT	2.8		
4			3.25	2,2,2, N=4	
5		SPT	4.3		
5.5			4.75	1,1,3, N=4	
6		SPT	5.8		
7	Test bore terminated at 8.0m, auger refusal on claystone		6.25	2,2,3, N=5	
8		SPT	7.3		
8.0			7.75	3,4,9, N=13	

RIG: Bobcat 743

DRILLER: BA

LOGGED: PFH

CASING: 100

TYPE OF BORING: 150mm dia. hollow flight auger

GROUND WATER OBSERVATIONS: Free Groundwater Observed at 5.0m

REMARKS:

SAMPLING & IN SITU TESTING LEGEND	
A Auger sample	M Moisture content (%)
B Bulk sample	pp Pocket Penetration (kPa)
D Disturbed sample	Ø x mm dia. tube
HV Hand Vane	Wp Plastic limit (%)

CHECKED:
Initials: <i>[Signature]</i>
Date: 11/11/98



**Douglas Partners**  
 Geotechnics • Environment • Groundwater

# BASIX<sup>®</sup>Certificate

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

## Alterations and Additions

Certificate number: A443993\_04

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: Friday, 07, 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	2 South Scenic Road_04
Street address	2 South Scenic Road Forresters Beach 2260
Local Government Area	Central Coast Council
Plan type and number	Deposited Plan 16577
Lot number	257
Section number	n/a
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

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

Name / Company Name: CHAPMAN ENVIRONMENTAL SERVICES PTY LTD

ABN (if applicable): 58601921108

BASIX Certificate number: A443993\_04

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Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier 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 DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements					
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	✓	✓	✓
concrete slab on ground floor.	nil				
external wall: concrete panel/plasterboard (concrete: 150 mm)	R1.39 (or R1.70 including construction)				
flat ceiling, flat roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			

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Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier 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 improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must 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. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.							✓	✓
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.							✓	✓
Overshadowing buildings or 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 in the table below.						✓	✓	✓
<b>Windows and glazed doors glazing requirements</b>								
Window / door no.	Orientation	Area of glass inc. frame (m <sup>2</sup> )	Overshadowing		Shading device	Frame and glass type		
			Height (m)	Distance (m)				
W001	NE	6.01	2.7	1.4	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
W101	NE	3.13	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
W102	NE	1.03	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type			
			Height (m)	Distance (m)					
W103	NE	1.03	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W104	SW	0.79	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W105	SW	1.92	0	0	none	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W106	SW	0.4	0	0	none	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W107	NW	0.44	3	2	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W201	NE	10.07	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W202	SW	3.31	0	0	external louvre/blind (fixed)	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W203	SW	0.96	0	0	external louvre/blind (fixed)	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W204	NW	1.48	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
W205	NW	3.65	0	0	external louvre/blind (fixed)	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D001	NE	9.37	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D002	SE	14.55	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D101	NE	3.78	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			

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Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type			
			Height (m)	Distance (m)					
D103	NE	9.37	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D104	SE	14.44	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D105	SE	7.77	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D106	SW	6.1	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D107	SW	5.23	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D108	SE	5.4	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D201	NW	4.44	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D202	NE	7.9	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D203	NE	11.92	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D204	SE	19.88	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D205	SE	10.22	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D206	SW	14.68	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			
D207	SE	2.22	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)			

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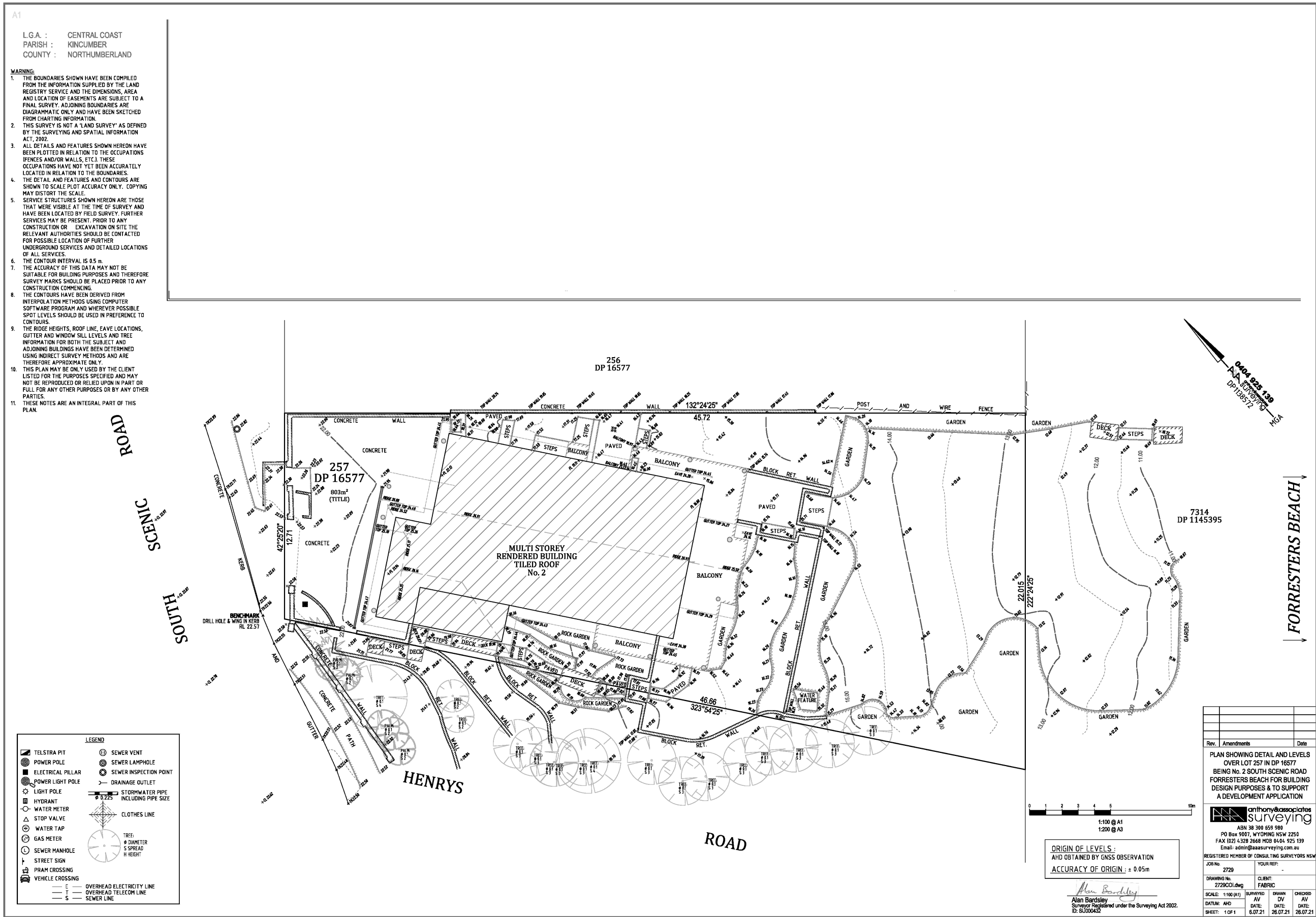
Glazing requirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type		
D102	NE	2.35	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
W002	NE	0.9	0	0	eave/verandah/ pergola/balcony >=900 mm	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)		
<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 inc. frame (m2)	Shading device		Frame and glass type				
S1	7.3	no shading		timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				
S2	2.1	no shading		timber, low-E internal/argon fill/clear external, (or 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.



**Date:** 26 June 2024  
**Responsible Officer:** Robert Eyre  
**Location:** 2 South Scenic Road, FORRESTERS BEACH NSW 2260  
 Lot 257 DP 16577  
**Owner:** Ucc Nominees Pty Ltd  
**Applicant:** Fabric Architecture Studio Pty Ltd  
**Date of Application:** 4 July 2023  
**Application No:** DA/1391/2023  
**Proposed Development:** Alterations & Additions  
**Land Area:** 790.00  
**Existing Use:** Dwelling house

### PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/1391/2023 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.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
A000	A	Cover Sheet	Fabric Architecture Studio	Aug. 2023
A001	A	Notes	Fabric Architecture Studio	16/06/2024
A002	A	Site Analysis	Fabric Architecture Studio	16/06/2024
A003	B	Site Plan	Fabric Architecture Studio	16/06/2024
A004	A	Roof/Stormwater Plan	Fabric Architecture Studio	16/06/2024
A005	B	Shadow Diagram	Fabric Architecture	16/06/2024

			Studio	
A006	B	Shadow Diagram	Fabric Architecture Studio	16/06/2024
A006a	B	Shadow Diagram	Fabric Architecture Studio	16/06/2024
A007	A	Demolition Plans	Fabric Architecture Studio	16/06/2024
A008	A	Demolition Plan	Fabric Architecture Studio	16/06/2024
A009	A	Basix	Fabric Architecture Studio	16/06/2024
A010	A	Perspectives	Fabric Architecture Studio	16/06/2024
A011	B	Plan-Ground Floor	Fabric Architecture Studio	16/06/2024
A012	B	Ground Level Building Line	Fabric Architecture Studio	16/06/2024
A101	E	Plan-Ground Floor	Fabric Architecture Studio	16/06/2024
A102	E	Plan-Level 01	Fabric Architecture Studio	16/06/2024
A103	E	Plan-Upper Ground	Fabric Architecture Studio	16/06/2024
A101	E	Plan-Roof	Fabric Architecture Studio	16/06/2024
A201	A	Elevations N	Fabric Architecture Studio	16/06/2024
A202	A	Elevations E+W	Fabric Architecture Studio	16/06/2024
A203	A	Elevations S	Fabric Architecture Studio	16/06/2024
A301	A	Sections	Fabric	16/06/2024

			Architecture Studio	
A302	A	Sections	Fabric Architecture Studio	16/06/2024
A303	A	Sections	Fabric Architecture Studio	16/06/2024
A304	A	Sections	Fabric Architecture Studio	16/06/2024
A305	A	Sections	Fabric Architecture Studio	16/06/2024
A401	A	Materials	Fabric Architecture Studio	16/06/2024
A402	A	Window Schedule	Fabric Architecture Studio	16/06/2024
A403	A	Door Schedule	Fabric Architecture Studio	16/06/2024
A404	A	Construction Process	Fabric Architecture Studio	16/06/2024

<b>Document Title</b>	<b>Version No.</b>	<b>Prepared by</b>	<b>Dated</b>
Statement of Environmental Effects	B	Fabric Architecture Studio	26/04/2023
Coastal Engineering Report	-	Horton Coastal Engineering	05/01/2023
Clause 4.6 Report		PM Anderson Consulting	26/06/2023
Bushfire Assessment	-	M Kerbage & P Kemsley	-
Basix Certificate	A443993_04	Chapman Environmental Services P/L	07/07/2023
Waste Management Plan	-	D Furey	25/02/2022
Geotechnical Assessment	Pro: 227073.00	Douglas Partners	16/01/2024

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.

- 1.2. 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 the BASIX Certificate for the development.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 306 Requirements Letter. The Application form can be found on Council's website [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au). Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone e.g. prior to construction certificate, subdivision works certificate, occupation certificate and/or subdivision certificate.

- 2.3. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition.

- 2.4. Assessment of the development against the provisions of Planning for Bush Fire Protection (2019) (NSW) has determined a Bush Fire Attack level (BAL) of 19.

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

- 2.5. Prior to the issue of a Construction Certificate an additional geotechnical investigation shall be carried out to determine the depth to bedrock on the seaward side of the development. The additional geotechnical investigation shall be reviewed by a coastal engineer to confirm that the foundations of the proposed development do not need to be designed to resist being undermined by coastal erosion.

- 2.6. Piled footings shall be provided in accordance with the Geotechnical Assessment prepared by Douglas Partners dated 16 January 2024 Project 227073.00.

2.7. Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following works:

- a) Construction of water cycle management measures in accordance with Central Coast DCP 2022 Chapter 3.1 Water Cycle Management. Stormwater runoff from the development shall be connected into an on site system.

### **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. Notify the intention to commence works by giving written notice to the owner of the adjoining property affected by the proposed excavation and/or structural protective works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protection works.

4.6. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

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

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

In this condition:

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

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

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

- 5.4. 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.
- 5.5. 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 Certifier or an officer of Council.
- 5.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

- 5.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 5.8. Any excavated material shall not be placed on the beach or adjoining land unless approved by Council.

- 5.9. Implement all recommendations outlined in the following reports and plans:

- Coastal Engineering Report prepared by Horton Coastal Engineering dated 5 January 2024.
- Geotechnical Investigation prepared by Douglas Partners dated 16 January 2024.

This includes, but is not limited to, the carrying out of all inspections required by the Structural and Geotechnical Engineer with written certification provided to the Principal Certifier.

- 5.10. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 5.11. Do not give to offensive noise as defined in the Protection of the Environment Operations Act 1997.
- 5.12. Implement dust suppression measures on-site during bulk earthworks to suppress dust generated by vehicles and equipment. Dust must also be suppressed at all other stages of construction in order to comply with the Protection of the Environment Operations Act 1997.
- 5.13. All waste generated on the premise shall be stored in a manner so that it does not pollute the environment.
- 5.14. All waste generated on the premise shall be transported to a facility which is licensed to receive that material.

#### **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. Obtain the Section 307 Certificate of Compliance under the *Water Management Act 2000* for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate.  
Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 6.4. Provide written certification from a suitable qualified geotechnical engineer to the Principal Certifier stating that all works have been carried out in accordance with the following reports, plans and recommendations.
  - Coastal Engineering Report prepared by Horton Coastal Engineering dated 5 January 2024.
  - Geotechnical Investigation prepared by Douglas Partners dated 16 January 2024.

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

- e) Jemena Asset Management for any change or alteration to the gas line infrastructure
- f) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
- g) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
- h) 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.

Robert Eyre  
Reporting Officer

XXXXX  
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.

Approved/Refused:

Date:

**Item No:** 3.2  
**Title:** DA/1552/2023 - 7 Sun Valley Road Green Point -  
Proposed Telecommunications and  
Communication Facilities  
**Department:** Environment and Planning

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**Central Coast**  
Local Planning Panel

19 September 2024 Local Planning Panel Meeting

Reference: DA/1552/2023 - D16153764  
Author: Amy Magurren, Senior Development Planner. Residential Assessments  
Manager: Ailsa Prendergast, Unit Manager. Development Assessments

### Summary

An application has been received for *Telecommunications and communication facility* at 7 Sun Valley Road, Green Point. 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 application has been referred to the Local Planning Panel because of the variation to Clause 4.3 Height of Buildings development standard with the *Central Coast Local Environmental Plan 2022*.

In accordance with the *Central Coast Development Control Plan 2022* the application was initially notified to adjoining owners from 10<sup>th</sup> November 2023 to 24<sup>th</sup> November 2023 and no responses were received. To maintain consistency with recent applications, renotification was undertaken to the radius area identified in the EME Report being 500m from the proposed location. Renotification was undertaken from 26<sup>th</sup> April 2024. to 10 May 2024 with nine (9) submissions being received during this period.

The application is recommended for approval, subject to conditions.

<b>Applicant</b>	Downer Group - Melbourne
<b>Owner</b>	Diamond Edge Properties Pty Ltd
<b>Application No</b>	DA/1552/2023
<b>Description of Land</b>	Lot 72 in DP 1040759 – 7 Sun Valley Road, Green Point
<b>Proposed Development</b>	Telecommunications and communication facility
<b>Site Area</b>	1.306ha
<b>Zoning</b>	E1 – Local Centre
<b>Existing Use</b>	Retail – Shopping Centre
<b>Employment Generation</b>	Approximately 10 Jobs in construction
<b>Estimated Value</b>	\$350,000

### Recommendation

- 1    *That the Local Planning Panel grant consent to DA/1552/2023 at 7 Sun Valley Road Green Point for a Telecommunications and communication facility subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***
- 2    *The Panel agrees that the applicant's 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 nature of the proposed telecommunications infrastructure tower which is constructed to the height required to provide essential mobile telecommunications services. Construction of a telecommunications tower has an unavoidable noncompliance with the height of buildings standard, as such are sufficient environmental planning grounds to justify contravening the development standard.***

***Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the E1 Local Centre zone in which the development is proposed to be carried out.***

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



### Key Issues

- Non-compliance with height of buildings standard from the *Central Coast Local Environmental Plan 2022*.
- Submissions and matters raise therein.

### Precis:

<b>Proposed Development</b>	Telecommunications & Communication Facilities
<b>Permissibility and Zoning</b>	<p>The subject site is zoned <i>E1 – Local Centre</i> under the provisions of the Central Coast Local Environmental Plan 2022 (Central Coast LEP 2022).</p> <p>The development is defined as a ‘<i>Telecommunications Facility</i>’ which is defined under the <i>Central Coast LEP 2022</i> as;</p> <p><b><i>telecommunications facility means—</i></b>  <i>(a) any part of the infrastructure of a telecommunications network, or</i>  <i>(b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or</i>  <i>(c) any other thing used in or in connection with a telecommunications network.</i></p> <p>The proposed development is permissible with consent in the zone.</p>
<b>Current Use</b>	Retail – Shopping Centre
<b>Integrated Development</b>	No
<b>Submissions</b>	<p>Notification was undertaken from 10<sup>th</sup> November 2023 to 24<sup>th</sup> November 2023 with no responses were received.</p> <p>Renotification was undertaken from 26<sup>th</sup> April 2024. to 10 May 2024 with nine (9) submissions being received during this period.</p>

### Variations to Policies

The following variations are proposed to development standards within CCLEP 2022:

<b>Clause</b>	4.3 – Height of Buildings
<b>Standard</b>	Maximum height limit of 8.5m.
<b>Departure basis</b>	The proposal seeks a maximum height of the telecommunications tower at 30m. This represents a variation of 21.5m or 252.3% at the highest point.

### The Site

The site is legally identified as Lot 72 in DP 1040759 and is commonly known as 7 Sun Valley Road, Green Point.

The site contains the Green Point Shopping Village and is located on the intersection of Sun Valley Road and Avoca Drive. Access to the shopping centre is via Link Road at the rear of the site. It has an irregular shape and an area of 1.306ha. The proposed site of the telecommunications tower is located on the loading dock area of the on the north western corner of the site at the intersection of Sun Valley Road and Link Road.

The site is bordered by low density residential dwellings to the north-east, south-east and south-west. A large lot residential property and bushland boarder the site to the west.



**Figure 1: Site Locality Plan**

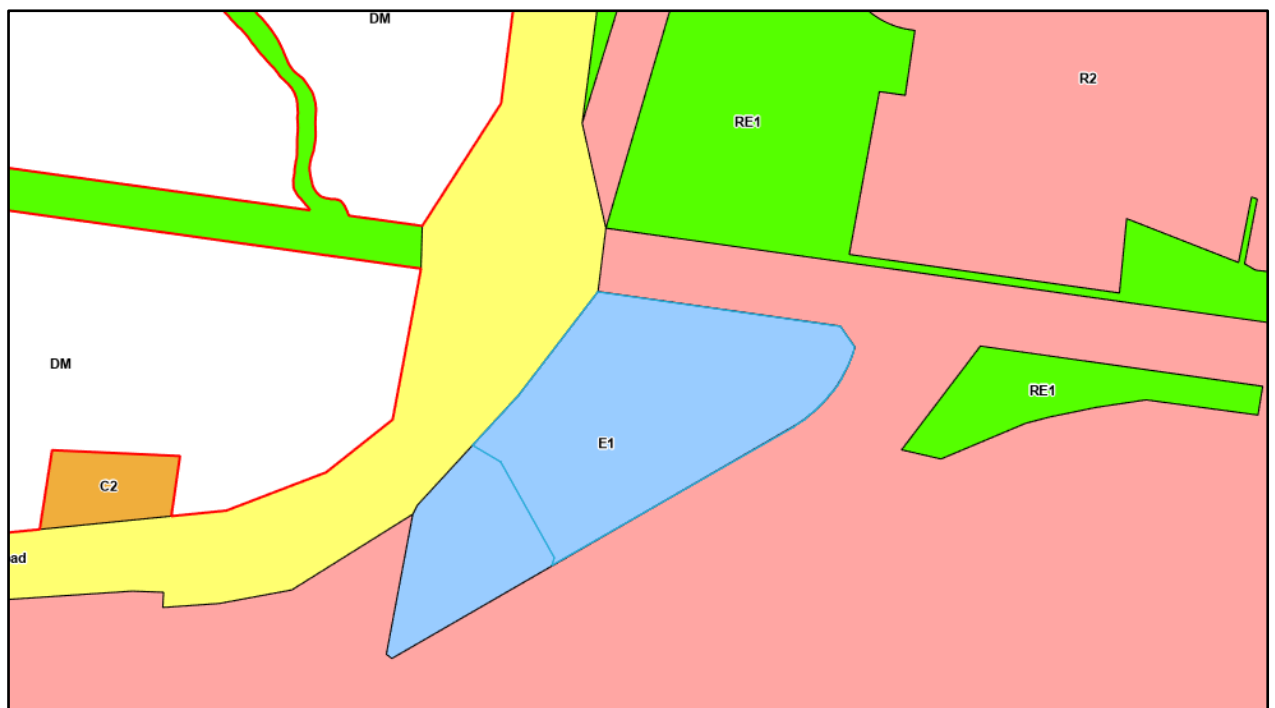
The subject site is identified as being "bushfire prone land" on Council's bushfire maps (refer to figure 2). A bushfire assessment report was submitted with the application recommending the proposed tower and building shelters be maintained in perpetuity within a 10m APZ and the construction of the equipment shelters shall comply with Sections 3 and 9 (BAL FZ) of Australian Standard AS3959-2009.





**Figure 2: Bushfire Prone Land Mapping**

The subject site is located within an E1 Local Centre under the provisions of *Central Coast Local Environmental Plan 2022 (Central Coast LEP 2022)* (refer to figure 3).



**Figure 3: Land Zoning Mapping**

### **The Proposed Development**

The application seeks development consent for the installation of a new telecommunications facility:

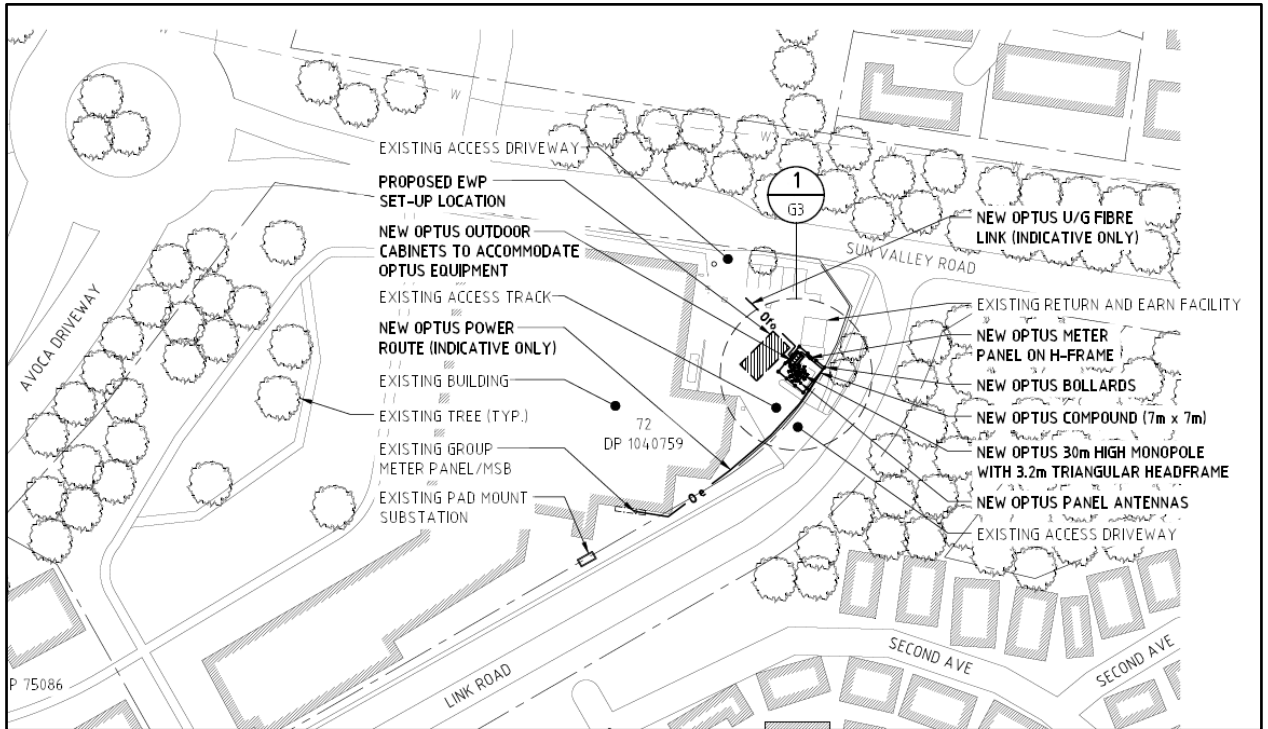
The proposal involves:

- One (1) 30m Indara monopole
- One (1) new antenna triangular headframe supporting the following equipment:
  - Four (4) compact antennas, each 810mm in length, at a height of 30m, and
  - Four (4) panel antennas, each 2.688m in length, at a height of 30m.
- One (1) outdoor equipment cabinet, 3.2m x 1.5m floor area, at ground level and contained within the proposed 7m (w) x 7m (l) compound fenced area.
- Ancillary equipment associated with the operation and safety of the facility, including nine (9) remote radio units, six (6) dual filters, cabling (internal), and antenna support mounts.

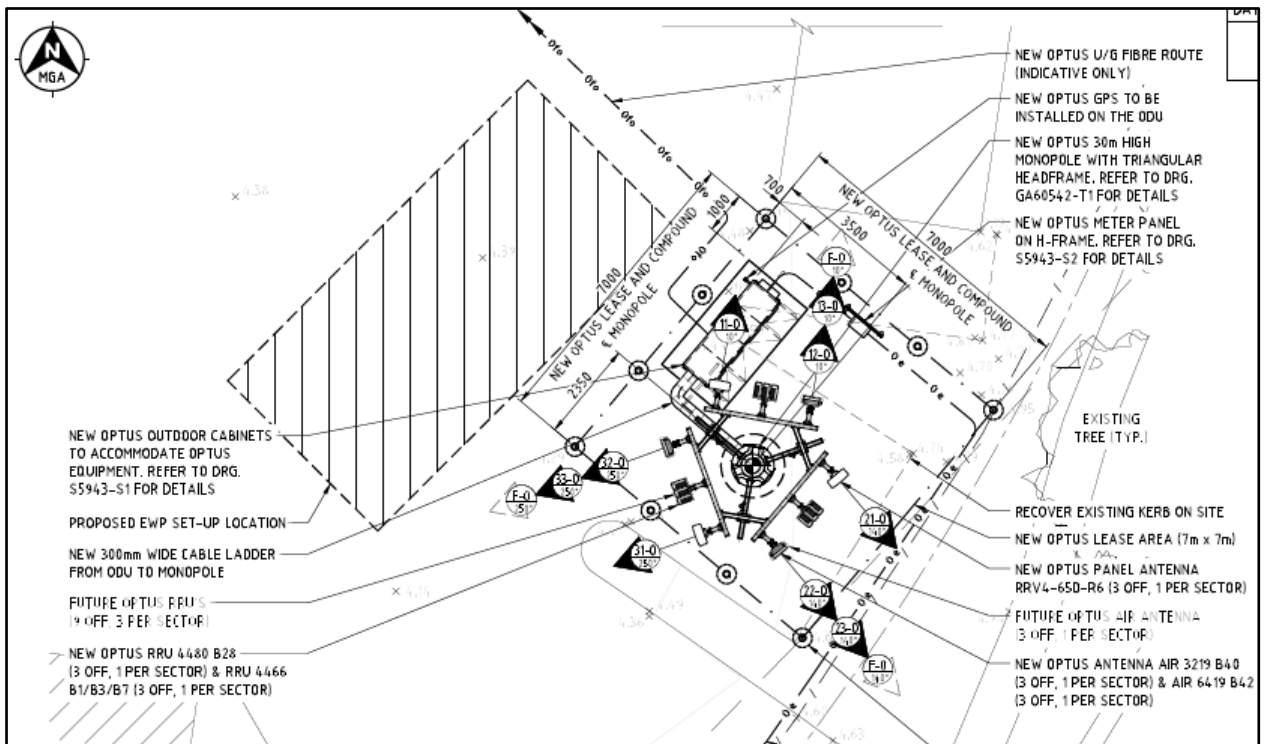
The purpose of the project is to significantly improve Optus mobile telecommunications services, including coverage and network capacity, in the Green Point area.



**Figure 4: Proposed site location**



**Figure 5: Proposed site plan**



**Figure 6: Detailed tower design**



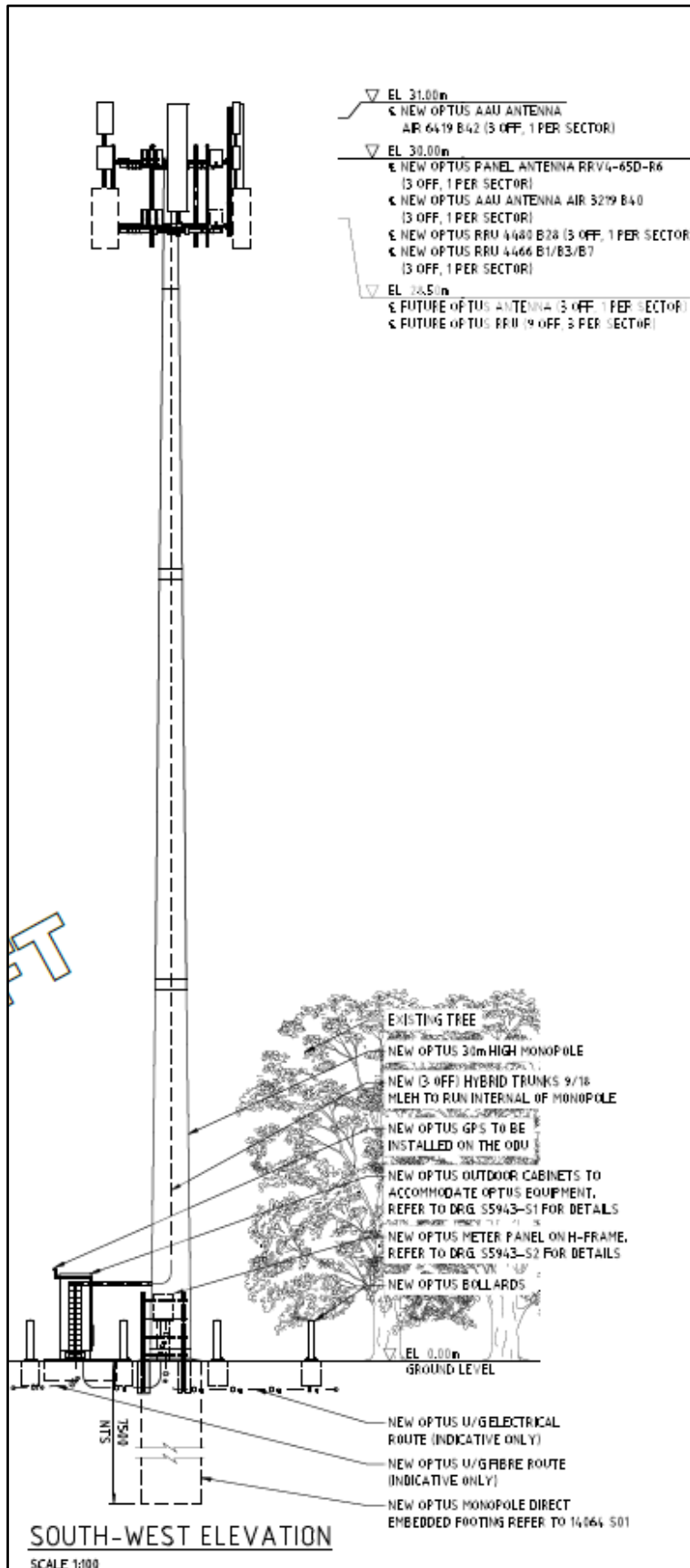


Figure 5: South West Elevation

**ASSESSMENT:**

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

**Environmental Planning and Assessment Act 1979****Section 4.14 - Consultation and development consent—certain bush fire prone land**

The site is identified as bushfire prone land on Council's maps. In accordance with the provisions of Section 4.14 of the *Environmental Planning and Assessment Act 1979*, the consent authority is required to be satisfied that the proposal complies with the relevant requirements of Planning for Bushfire Protection 2019 (PBP).

A Bush Fire Threat Assessment Report was submitted with the application and referred to the NSW RFS for review and comment.

The proposal is for infrastructure (telecommunications tower), no buildings and no habitation. As such, the requirements are that the aim and objectives of PBP are able to be met. The bushfire assessment report has satisfactorily addressed the aims and objectives. It further provides recommendations for the ongoing management of the site against bushfire threat. The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides recommended conditions in relation to Asset Protection zones, Construction Standards, Landscaping Assessment.

The Panel can be satisfied that Section 4.14 of the *Environmental Planning & Assessment Act 1979* have been considered and that the proposal complies with the provisions of NSW *Planning for Bushfire Protection 2019*.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

The SEPP (Transport and Infrastructure) 2021 commenced on the 1<sup>st</sup> March 2022 and provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. Division 21 of the TISEPP applies to telecommunications and other communication facilities, establishing the approval regimes for telecommunications in NSW.

Clause 2.140 of the TISEPP defined a 'Telecommunications Facility' as:

***telecommunications facility*** means—

(a) *any part of the infrastructure of a telecommunications network, or*

- (b) any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

Clause 2.143 provides that:

- (1) Development for the purposes of telecommunications facilities, other than development in section 2.141 or development that is exempt development under section 2.20 or 2.144, may be carried out by any person with consent on any land.

Telecommunications facilities are therefore permissible in all zones within the Central Coast LGA with development consent.

Clause 2.143(2) requires that the consent authority take into consideration any guidelines concerning site selection, design, construction, and operation of telecommunications facilities issued by the Planning Secretary. In this instance the *NSW Telecommunications Facilities Guideline Including Broadband 2010* is one such guideline that applies to the proposal and must be considered. The application has been examined against the provisions of this Guideline in the following section of this report.

### ***Telecommunications Facilities Guideline including Broadband (2010) Principles***

The following table represents a consideration of the application against the Principles contained within the *'Telecommunications Facilities Guideline including Broadband (2010)'*, as required by Clause 2.143(2) of SEPP (Transport and Infrastructure) 2021. Council consideration has been also provided under the consistent heading.

Principle	Response	Consistent?
<b>NSW Telecommunications Facilities Guideline, Including Broadband</b>		
<b>Principle 1: Design and site telecommunications facilities to minimise visual impact.</b>		
a. As far as practical, integrate a telecommunications facility that is mounted on an existing building or structure with the design and appearance of the building or structure.	The proposal will comprise of a new monopole tower that is consistent with the appearance of the already existing structures within the general vicinity, in line with council guidelines.	Yes
b. Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly on tops of buildings) and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.	The proposal aims to minimise visual impact, being situated at top right of the land parcel, behind the shopping centre, amongst established, tall vegetation to reduce visual impact on surrounding residents and users of the general area. The proposal will be built to appropriate scale and fitting to the nature of infrastructure within the area.	Yes
c. If a telecommunications facility protrudes from a building or structure and is	The proposal is coloured a factory grey, as to blend with the sky, which is more often	Yes

Principle	Response	Consistent?
predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.	cloudier than not. The design of the proposal aims to minimise visual features and to also match colours of structures within the immediate area.	
d. Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using the existing vegetation or new landscaping.	The proposal will house ancillary facilities including an equipment cabinet at ground level consistent to the design and colour of surrounding infrastructure. The location of the site is not for public access and the existing vegetation aids in providing a context of screening for the proposed facility.	Yes
e. Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial).	The proposal is located within an E1 – Local Centre zone, situated at the top right of the land parcel behind the shopping centre, fitting well within the infrastructure setting.	Yes
f. Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.	The proposal is not located on or in the vicinity of a heritage place or items.	Yes
g. Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	The proposal is expected to be visual in the surrounding area by virtue of its height, however, blends well into the surrounding context of infrastructure buildings and amongst established tall vegetation. The proposal does not obstruct significant views of a heritage item or place, a landmark, a streetscape, vista, or a panorama	Yes
h. Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.	No clearing of vegetation is proposed in order for the proposed facility to be installed.	N/A
i. Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction.	Not applicable. The proposal is a new facility with no prior existing telecommunication facilities present.	N/A
j. Remove redundant components of existing facilities after upgrades.	Not applicable. The proposal is a new site with no prior existing telecommunication facilities present.	N/A
k. Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other users on co-location sites to minimise cumulative visual impact.	No locations were applicable and within RF objective range, thus no other locations were considered for co-location.	Yes
l. Accord with all relevant industry design guides when siting and designing telecommunications facilities.	Compliance with the NSW Telecommunications Code of Practice 2018 has been addressed.	Yes

Principle	Response	Consistent?
m. Assess potential visual impact in alternative site assessments.	Not applicable. No alternative site was considered due to no suitable location within RF objective.	N/A
<b>Principle 2: Co-locate telecommunications facilities wherever practical</b>		
a. As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.	The proposal will include installation of underground power and fibre infrastructure.	Yes
b. Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise clutter.	No overhead lines are proposed as a part of this development. The proposed antennas are to be installed on a new monopole, capable of collocating multiple mobile carriers, reducing the likelihood that an additional tower will be needed in the area.	Yes
c. Consider extending an existing tower as a practical co-location solution to new towers.	Consideration for co-location was assessed.	Yes
d. Demonstrate that co-location is not practicable if choosing not to co-locate a facility.	During our assessment co-location was impractical.	Yes
e. If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1.	Not applicable. Co-location could not be achieved for this proposal.	Yes
<b>Principle 3: Meet health standards for exposure to radio emissions</b>		
a. Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emission comply with RPS S-1 (see Appendix3).	The proposal is compliant with the maximum human exposure levels to radiofrequency emissions.	Yes
b. Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station Deployment, and how the development will comply with ACMA safety limits and RPS S-1.	An EME report has been produced and is attached.	Yes
<b>Principle 4: Minimise disturbance and risk, and maximise compliance</b>		
a. Ensure the siting and height of a telecommunications facility complies with the of the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30 km of the proposed development.	A thorough assessment of the height restrictions as per the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996 was completed to ensure a safe distance between airspace and the proposed facility. The proposal is not within an OLS boundary.	Yes
b. Ensure no adverse radio frequency interference with any airport, port or	The mobile carrier equipment on the proposed tower is designed and will be	Yes



Principle	Response	Consistent?
Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina	installed as to not interfere with other radio frequency services within the vicinity. Radio propagation analysis has been used to select the appropriate antennas to meet the requirements for coverage from the facility, while minimising interference to the existing network.	
c. Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.	The proposal will be constructed in accordance with relevant manufacturing specifications to optimise safety, during installation and once erected.	Yes
d. Protect the structural integrity of any building or structure on which a telecommunications facility is erected.	The proposal does not impede on any already existing structures within the land parcel, nor will it impact the integrity of said structures once erected.	Yes
e. Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.	The proposal is located wholly within the boundaries of the approved land parcel and does not protrude on to adjacent land.	Yes
f. Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004), or its replacement.	All construction of the proposed telecommunications facility, including maintenance and future upgrades, adheres by the Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004) and will abide by any future changes within the construction legislation.	Yes
g. Mitigate obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction	The proposal will be housed by a compound security fence, inaccessible to the general public, away from pedestrian walkways and traffic.	Yes
h. Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	The proposal will abide by government and council guidelines to minimise impact on the immediate community during the construction phase and once erect.	Yes
i. Employ traffic control measures during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.	As a part of the construction phase, appropriate measures to ensure the safety of workers constructing the proposed facility and the general public will adhere by the Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.	Yes
j. Guard open trenching in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.	As a part of the construction phase, open trenching will be conducted and managed appropriately in accordance with the Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps, to ensure works will be carried out safely and does not endanger workers constructing the proposed facility or the general public.	Yes

Principle	Response	Consistent?
k. Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out	The location of the proposal was selected in an effort to minimise disturbance to the local flora and fauna, reducing negative impact on the surrounding environment. The land will be restored to a condition similar to how it was before the work was undertaken.	Yes
l. Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.	Comprehensive preliminary assessment of the proposal's location was undertaken in an attempt to identify and minimise impact on threatened species that inhabit the general area. A thorough assessment through the Environment Protection and Biodiversity Conservation Act 1999 was conducted and indicates no disturbance to threatened species.	Yes
m. Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.	A search on the Aboriginal Heritage Information Management Systems (AHIMS) has been conducted and no Aboriginal sites or places have been declared on or within the vicinity of the proposal. Should any Aboriginal objects be found, work will cease, and the appropriate authorities will be contacted to complete a thorough investigation on site.	Yes
n. Reinstate, at your expense, street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.	Not applicable. The proposal will not remove any existing street furniture, paving or other facilities within the area.	N/A
<b>Principle 5: Undertake an alternative site assessment for new mobile phone base stations</b>		
a. Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.	Alternative sites were scoped; however, RF objective could not be met, thus no alternative site was considered.	Yes
b. In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment: <ul style="list-style-type: none"> <li>only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land</li> <li>if the preferred site is a site owned by the Carrier, undertake a full assessment of the site</li> <li>indicate the weight placed on selection criteria</li> <li>undertake an assessment of each site before any site is dismissed.</li> </ul>	A thorough assessment of all candidates was completed prior to selection of the proposed location. The selection criteria are designed to gain maximum potential out of the site and provide in depth knowledge to select the most appropriate candidate. Other candidates rejected during assessment as they did not meet RF objective.	Yes

Noting comments above, the development application is considered compatible with the principles outlined in the guideline and therefore deemed acceptable in this instance.

***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 being utilised for a commercial retail 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**

The subject site is zoned E1 Local Centre under the provisions of *Central Coast LEP 2022*. The proposed development is best defined as a 'Telecommunications Facility' which is defined under *Central Coast LEP 2022* as:

**telecommunications facility** means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

The E1 zone is an open zone and telecommunications towers are permissible in the zone with development consent.

### **Central Coast LEP 2022 – Zoning**

The land is zoned E1 Local Centre under the provisions of Central Coast LEP 2022.

The objectives for the E1 zone are:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To encourage an increased residential population through stand alone development or as part of mixed use development in centres and other local areas where land is not otherwise required to serve local needs.
- To permit residential uses while maintaining active retail, business and other non-residential uses at street level to contribute to the vitality of the area.

The proposal comprises an essential element of infrastructure that will not only provide efficient and equitable provision of public services and amenities to the immediate local and surrounding areas but increase network capacity and high-quality telecommunication delivery and coverage services. Resulting in increased reliability of the emergency services app connectivity, a range of housing, employment and recreational areas that will promote a variety of lifestyle opportunities in a sustainable and safe place to live, work and visit.

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.

**Central Coast LEP 2022 – Clause 4.3 Height of Buildings**

Clause 4.3 of the Central Coast LEP 2022 establishes the height of buildings on any land is not to exceed the maximum height shown for the land on the height of buildings map and provides the following objectives:

- (a) to establish a maximum height of buildings to enable appropriate development density,*
- (b) to ensure that the height of buildings is compatible with the character of the locality.*

Council's LEP as per the Height of Buildings Map prescribes a maximum height of 8.5m for the subject land. The proposed telecommunications facility exceeds this height as the proposal amounts to a total height of 31.4m, this results in a total height variation of 269.41%.

Clause 4.6 provides for development that contravenes a development standard to be considered by the Consent Authority. A written request to vary a development standard is to accompany the development application. The applicant has provided a written Clause 4.6 request to vary the development standard to support the application.

**Central Coast LEP 2022 – Clause 4.6 Exceptions to Development Standards**

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

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

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation the maximum height of building development standards of 31.4m in clause 4.3 of Central Coast LEP 2022. A copy of the clause 4.6 variation is included in **Attachment 3**.

Together with the applicant's written request, Council refers to the first of the five tests established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard, Clause 4.3 Height of Buildings of the Central Coast LEP 2022.

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



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

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

As a result of the above, Council must consider that the application sufficiently demonstrates that compliance with the development standard for height is unreasonable and that the application to the best of its ability, provides the most reasonable outcome with regards to height limits and other relevant development standards.

The Applicant's written request to vary the height of building development standard demonstrates the following:

- *The facility cannot function at a lower height and strict compliance with the standard would render the project unfeasible. There is a precedent for telecommunications facilities around Green Point to exceed the height limit.*
- *The site is well separated from visually sensitive development, and is located where scenic amenity is not a predominant planning consideration. It is in a location where there are already a large number of established industrial style infrastructure, which present a comparable appearance to the telecommunications facility.*
- *The proposal will have minimal environmental impact and it will not require significant ground works.*
- *The proposal retains significant merit from a public benefit perspective and warrants approval.*
- *The height limit does not account for the technical requirements of mobile base stations, which need to be taller than their environment to function.*
- *Strict compliance with Council's height limits would prevent new telecommunications facilities from being deployed in much of Green Point. Optus and other mobile carriers would be unable to deliver an effective service to the community, with significant social, economic, and public safety implications.*
- *Compliance with the standard is considered unreasonable, as it is a technical requirement that the facility be taller than 8.5m.*
- *The proposal does, however, have sufficient merit on environmental planning grounds. The proposal will have minimal impact on local amenity, generally complies with the LEP, and will have significant public benefit. The public benefit of approving the facility, in terms of improved communications, outweighs the public benefit of maintaining the standard.*
- *Contravening the development standard will not raise any matter of significance for state or regional environmental planning.*

An assessment of the application against the five part planning principals established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary is required.

<b>Five Part Test</b>		
<b>Objectives</b>	<b>Applicants Response</b>	<b>Council Response</b>
(1) The objectives of the standard are achieved notwithstanding noncompliance with the standard	<p>The objects are generally achieved. The height objectives in the standard are not strictly relevant to telecommunications proposals. The specific provisions generally consider appropriateness of building heights in urban areas. The subject site is not a building, and there are no surrounding buildings it can be compared to – though it will have a comparable appearance to established floodlight poles on the same premises.</p> <p>However, the overarching principle of the standard is to protect amenity by preventing inappropriate development. The proposal has sufficiently low amenity impact, and sufficient planning merit, to warrant its proceeding. Strict compliance is unnecessary.</p>	<p>The variation to the building height does not result in an increase in the density of the area. The proposed telecommunications tower is located in an appropriate location within an existing retail precinct and is compatible with the character of the locality.</p>
(2) <i>The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary</i>	<p>The purpose of the standard is to prevent inappropriately tall development. The standard is worded to prevent construction of large buildings, with no allowance for utility structures that require height to function. The standard is not strictly relevant to the proposal on this basis.</p>	<p>The underlying objective of the standard aims at keeping the scale of buildings under 8.5m and does not consider telecommunications infrastructure. The tower does not impact visual bulk, access to sunlight or privacy of the surrounding properties and therefore strict compliance is unnecessary.</p>
(3) <i>The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.</i>	<p>The purpose of the standard would not be defeated if compliance was required. However, the proposal has sufficient merit that strict compliance is unnecessary. Further, the purpose of the project – to improve mobile coverage to Green Point – would be defeated if strict compliance was necessary.</p>	<p>The proposed telecommunications tower requires height to be able to function efficiently and the underlying objective is focussed on the height of buildings not taking into account infrastructure. The tower does not have any unreasonable impacts to overshadow, privacy and amenity of surrounding properties and therefore strict compliance would be unreasonable.</p>

<b>Five Part Test</b>		
<b>Objectives</b>	<b>Applicants Response</b>	<b>Council Response</b>
<i>(4) The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable</i>	Telecommunications facilities, for technical reasons, must protrude above the surrounding environment. There are numerous established telecommunications facilities in Green Point that are taller than the height limit because of technical need. Council appear to have taken a pragmatic approach to the standard; whereby strict compliance is not necessary providing the use is otherwise appropriate.	Council has abandoned the development standard for the construction of essential telecommunications infrastructure.
<i>(5) The compliance with the development standard is unreasonable or inappropriate due to existing use of the land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.</i>	The site is located in the E1 – Local Centre zone and displays characteristics similar to the already existing structures within the general vicinity. Note telecommunications uses are required in all zones.	The proposed development is appropriate for the existing use of the land and compliance with the development standard would be unreasonable in the circumstances of the case.

Council is satisfied that the Applicant has demonstrated compliance with the objectives of the development standard and the zone objectives such that the proposal is in the public interest. The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal. Strict compliance with the prescriptive building height control is unreasonable and unnecessary in the context of the proposal in the circumstances of this case. The proposed development meets the underlying intent of the control and is identified as the development option that best avoids unreasonable environmental amenity impacts that would otherwise be associated with a standard telecommunications facility.

This assessment concludes that the clause 4.6 variation of GLEP 2014 provided having regard to clause 4.3(2) of GLEP 2014 is well founded and worthy of support.

The request for a variation under Clause 4.6 is considered to be well founded and is recommended for approval.

### **Central Coast LEP 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 Gosford Local Environmental Plan 2014 have been considered. The site contains Class 3 Acid Sulfate Soils. The proposed development does not propose works greater than 1m below the natural ground surface and is unlikely to lower the water table more than 1m below the natural ground surface. In this instance, the proposed works are not considered to impact on Acid Sulfate Soils.

**Central Coast LEP 2022 – Clause 7.6 Essential Services**

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

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

Council is satisfied that all required essential services are available to the land and that adequate arrangements have been made.

**PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN:****Central Coast Development Control Plan 2022**

An assessment of the proposed development against the relevant chapters of the Central Coast DCP 2022 is provided below:

**CCDCP – Chapter 2.17 - Character and Scenic Quality**Character

Chapter 2.17 - Character and Scenic Quality applies to the development application. The chapter sets out the 'existing' and 'desired' character for each precinct and requires that character be considered in the assessment of any development application.

Whilst many of the matters pertaining to character relate to architectural design, scale and appearance of new buildings, streetscapes and the like, which are difficult to apply to infrastructure. However, there are a number of considerations within the '*existing*' and '*desired future character*' statement which are relevant to the subject application.

The subject site is located within the Green Point 10: Main Road Centre character area. The desired character statement for this locality (summarized) recommends that:

The existing character statement includes:

*"Facing a major coastal thoroughfare, two retail centres provide community gathering places, as well as household goods and a variety of services for the surrounding residential area."*

*To the south, an established drive-in shopping centre faces two access streets, with two properties accommodating two storey buildings that include a small neighbourhood retail centre and a smaller residential-style building that houses estate agencies and other tenants.*

*Surrounded by an open carpark with an open canopy of planted eucalypts, the retail centre is a simple building over two levels, accommodating a small supermarket and several shops facing an internal arcade in an upper level that has no windows, plus a colonnaded lower level where a number of shops face the carpark but are concealed from the main road. Tenants in this older-style centre rely upon road-front pylon signs to attract customers.*

*To the north, facing a major intersection and roundabout, a medium-scale supermarket development has been completed recently, with a number of pavilion-style buildings set behind an open carpark and surrounded by a landscaped perimeter."*

The desired character statements includes:

*"This should remain a mixed-use centre that provides a range of services to the surrounding district and also incorporates some accommodation, where the civic quality of prominent backdrops to Gosford City's major arterial thoroughfares are enhanced by "greening" of the road frontages, and where new developments in leafy landscaped settings achieve a coordinated standard of presentation and also display high levels of indoor activity.*

*Enhance the civic presentation Of main road backdrops and achieve an improved setting for retail and business activities by siting buildings behind leafy front gardens and parking courtyards that provide a buffer to traffic and noise. Ensure that neighbouring developments promote a co—ordinated network Of landscaped setbacks, retail frontages plus pedestrian and vehicle access. Landscape all setbacks and parking courtyards using hedges and rows of tall trees that are predominantly indigenous, With elevated canopies that maintain the visibility of shopfronts and commercial signs.*

*Promote high levels Of Visible retail-type activities along the main roads. Adopt a traditional "main street" configuration for new developments, maximising the number of retailers or businesses plus the continuity Of shop-windows that face the road and surround each parking courtyard. Incorporate footpaths With verandahs, colonnades or balconies that emphasise retail activity and provide sheltered pedestrian access from carparks to clearly-identified building entrances. Avoid delivery entrances that would disrupt the continuity of shopfronts. provide sheltered footpaths between neighbouring buildings, and link the driveways and parking upon neighbouring properties to allow convenient access for customers and deliveries.*



*Facing the major roads, promote improved standards of urban design for all new buildings. Avoid the appearance of uniform building heights facing any street or driveway frontage, and vary the shape of all visible facades by terraces or balconies, as well as by stepping the line of roofs or parapets, and by emphasising prominent building corners or road intersections by taller forms.*

*Disguise the scale and bulk of new buildings by applying a variety of finishes to all front and side facades, including extensive windows that are shaded by balconies, verandahs or exterior sunshades, plus painted finishes over a mixture of masonry and sheet cladding, rather than expanses of plain masonry or metal cladding. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that disguise the scale of exterior walls.*

*Civic presentation of road frontages should be supported by the co-ordination of building colour schemes and commercial signs. Signs should be limited in both size and number, attached to buildings in consistent locations but limited in height to create continuous horizontal bands along awnings or parapets, rather than covering an entire facade. Pylon signs at the street frontage should complement the design of landscaped areas, and should be limited to one per property."*

The visual impact assessment information provided by the applicant appears to represent a fair depiction of the visual impact associated with the proposal. The visual impacts of such towers are generally less in urban settings (than vegetated hillsides or ridgelines, for example) and the development proposes a tower that is situated and designed such that it is suitably located on the lot, behind the existing commercial premises and presented to have as little impact on the character of the area as possible. The proposed development does not dominate the streetscape and would not preclude the ongoing operation of the centre. The proposed development is not inconsistent with the desired character statement for the retail centre of Green Point.

#### Scenic Quality

The subject site is located within the East Brisbane Water land unit. The proposed development will be contained within an existing commercial area and not located in visually sensitive locations within the precinct such as a waterfront or on visually sensitive slopes or ridgelines. In this instance the proposal is considered acceptable in regard to the stated objectives of the CCDCP 2013 Chapter 2.2 Scenic Quality.

#### **CCDCP – Chapter 3.5 - Tree and Vegetation Management**

The proposal does not require the removal of any native vegetation.

**Likely Impacts of the Development:*****Built Environment***

The proposed built form is considered acceptable in the context of the site and the local centre. The visual impacts of such towers as seen in many other areas is often initially seen as intrusive. In urban settings such as that in which the tower is to be located in Green Point the tower over time will 'blend' with its local environment and largely become 'unnoticed' like many of the other towers in similar urban environments.

The proposed telecommunications facility is situated to the rear of a lot within the retail core of Green Point, behind existing commercial premises. The location of the development will essentially preclude the viewing of the lower components of the tower and supporting infrastructure from most public places – only the upper areas of the tower will be visible.

Although it is difficult to design and locate telecommunications towers in order to completely remove any impact on the built environment, the proposed development is acceptable in terms of its location and design.

***Access and Transport***

The site is well served by existing roadways having frontage to the main access road to Erina, Gosford, Terrigal, Kincumber, Empire Bay and Woy Woy. Avoca Drive is also well served by public transport.

***Context and Setting***

The site and proposed development sits within a retail centre surrounded by a mix of residential and retail uses. See previous comments on character.

***Natural Environment***

The subject site does not contain any threatened species or habitat and will have no impact on the conservation of fish and marine vegetation. The site is completely void of any significant vegetation.

The proposal will not affect any identified wildlife corridor. The proposal is considered satisfactory in relation to impacts on the natural environment as identified throughout this report.

***Economic Impacts***

The proposed development is considered to be satisfactory from an economic perspective. It forms part of wider telecommunications infrastructure, the cumulative impact of which is

likely to have a positive economic benefit through improved services to residents and businesses. There will be minor short term economic benefits during construction.

***Social Impacts***

No adverse social impacts will arise from the approval of this infrastructure development.

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

A review of Council's records has identified that the site is not impacted by constraints such as flooding, risk of landslip or acid sulphate soils.

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

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

The development application was notified to adjoining owners from the 10<sup>th</sup> November 2023 to 24<sup>th</sup> November 2023 in accordance with Chapter 1.2 of the Central Coast Development Control Plan 2022. There were no submissions received during this time.

The development application was renotified to residents within 500m of the proposed development to include a broader area of impact as indicated on the EME report. The application was renotified from the 26<sup>th</sup> April 2024 to 10 May 2024. There were nine (9) submissions received from eight (8) individual residents during this time.

The issues raised in the public submissions are detailed below:

***Submission: EME from the 5G components of the telecommunications facility will adversely affect the health of workers and residents who are located within the vicinity.***

**Comment:** The EME emissions from mobile phone base stations and other communications installations are regulated by the Australian Communications and Media Authority (ACMA). The ACMA's regulatory arrangements require base stations to comply with the exposure limits in the ARPANSA RF Standard. The ARPANSA Standard is designed to protect people of all ages and health status against all known adverse health effects from exposure to RF EME. The ARPANSA Standard is based on scientific research that shows the levels at which harmful effects occur and it sets limits, based on international guidelines, well below these harmful levels.

It is acknowledged that there is some community fear and perceptions surrounding health associated with EME as well as community questioning of the standards in place. It is not appropriate however for Council or for a court to question, aside or disregard the authoritative or credible standard set out by the ARPANSA, this is stated in the Land and Environment Court in the case of *Telstra Corporation Limited v Hornsby Shire Council [2006] NSWLEC 133*. It is neither appropriate for new standards be set up by Council as the creation

of new standards is the responsibility of other federal authorities that have the expertise such as the ARPANSA. In this instance, the proposal meets the standards set by the ARPANSA.

***Submission: The telecommunications facility should be located at another location.***

**Comment:** The applicant has indicated that as part of the requirements under Federal Government legislation and guidelines they must consider possible alternate locations for the installation of the facility. The subject site for telecommunication performance reasons has been considered as the preferred location after the consideration of alternate sites as indicated in the Statement of Environmental Effects.

#### **The Public Interest:**

The approval of the application is considered to be in the public interest as it will provide for the future telecommunications needs of the community through provision of this facility. The cumulative impact of improved communications infrastructure is seen to be of a benefit to the community as a whole.

The public interest is best served by approval of the application.

#### **Submissions from Public Authorities**

The proposal is identified as 'bushfire prone land' on Council's bushfire mapping system and accordingly was referred to NSW RFS for assessment.

The NSW RFS has by correspondence dated 3<sup>rd</sup> July 2024, advised that the service has considered the information submitted and is supportive of the application, subject to conditions of consent, which are provided below:

#### ***"Asset Protection Zones***

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:***

*1. From the commencement of building works, and in perpetuity, the property around the proposed telecommunications tower must be managed as an inner protection area for a distance of 10 metres in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:*

- tree canopy cover should be less than 15% at maturity;*
- trees at maturity should not touch or overhang the building;*
- lower limbs should be removed up to a height of 2 m above the ground;*
- tree canopies should be separated by 2 to 5 m;*
- preference should be given to smooth-barked and evergreen trees;*

- *large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;*
- *shrubs should not be located under trees;*
- *shrubs should not form more than 10% ground cover;*
- *clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;*
- *grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and*
- *leaves and vegetation debris should be removed regularly.*

#### **Construction Standards**

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:***

***2. New construction of the telecommunications tower must be undertaken using non-combustible materials.***

#### **Landscaping Assessment**

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:***

***3. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:***

- *A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;*
- *Planting is limited in the immediate vicinity of the building;*
- *Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);*
- *Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;*
- *Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;*
- *Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;*
- *Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);*
- *Avoid climbing species to walls and pergolas;*
- *Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;*

- *Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and*
- *Low flammability vegetation species are used."*

The comments of the NSW Rural Fire Service are noted and where applicable, have been included as suitable conditions of consent.

#### **Internal Consultation**

Environmental Health	Supported, subject to conditions.
Tree Assessment Officer	Supported, subject to conditions.

#### **External Consultation**

NSW Rural Fire Service	Supported, subject to conditions.
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#### **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 native vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

#### **Climate Change**

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

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



**Other Matters for Consideration:*****Telecommunications Act 1997; and  
Telecommunications Code of Practice 1997; and  
Industry Code – Mobile Phone Base Station Deployment 2018***

The *Telecommunications Act 1997* sets up the framework for regulating the actions of telecommunications carriers which includes the installation of any telecommunications facilities. This is achieved through subclause 6(3) of schedule 3 of the act which gives authority to the Telecommunications (Low-impact Facilities) Determination 2018 (TD 2018). The TD 2018 is the instrument containing criteria which specifies when a telecommunications carrier is empowered to undertake any proposed works without approval. In this instance, the proposal is concerned with the installation of a monopole and does not satisfy the criteria specified in the TD 2018, therefore approval is required from the consent authority which in this case is the Local Planning Panel.

Under the *Telecommunications Act 1997* the Federal Government established the Telecommunications Code of Practice 1997, which sets out the conditions under which a carrier must operate. Section 2.11 of the Telecommunications Code of Practice 1997 sets out the design, planning and installation requirements for the carriers to ensure the installation of the facilities is in accordance with 'industry best practice'. This is required to:

*"...minimise the potential degradation of the environment and the visual amenity associated with the facilities."* [Section 2.11(3)]

Best practice also involves the carrier complying with any relevant industry code or standard that is registered by the Australian Communications Authority (ACA) under Part 6 of the Act and includes the *Mobile Phone Base Station Deployment Industry Code (C564:2018) (The Deployment Code)*.

The *Deployment Code* came into effect 17 December 2018, development of the code has been facilitated by the Communications Alliance through a working committee comprised of representatives from the telecommunications industry and government regulatory agencies and is an ultimate result of intentions of the Commonwealth Parliament as set out under Section 112 of the *Telecommunications Act 1997*. The *Deployment Code* is designed to:

- Allow the community and councils to have greater participation in decisions made by carriers when deploying mobile phone base stations; and
- Provide greater transparency to local community and councils when a carrier is planning, selecting site for, installing and operating mobile phone radio communications infrastructure.

The proposal has been considered for consistency with the relevant clauses of *The Deployment Code* as follows:

<b>Assessment of the Mobile Phone Base Station Deployment Industry Code (C564:2018)</b>		
<b>Clause 4.1 Site Selection</b>		
<b>Subclause</b>	<b>Comment</b>	<b>Consistent</b>
4.1.1 The Carrier must have written procedures for site selection for Mobile Phone Radiocommunications Infrastructure in relation to factors contained in clause 4.1.4 and make them available to the public on request.	Written procedures have been developed and will be made available to members of the public on request.	Yes
4.1.2 Once the preferred option has been selected, the Carrier must make available to the public on request, the summary of the sites considered and the reasons for the selection of the preferred option.	The site selection summary will be made available to members of the public on request.	Yes
4.1.3 The Carrier must comply with its procedures as per clause 4.1.1 above.	All procedures have been complied with.	Yes
<p>4.1.4 The Carrier must ensure that its written procedures for new site selection require it to have regard to:</p> <ul style="list-style-type: none"> <li>a. the reasonable service objectives of the Carrier including: <ul style="list-style-type: none"> <li>i. the area the planned service must cover;</li> <li>ii. power levels needed to provide quality of service;</li> <li>iii. the amount of usage the planned service must handle;</li> </ul> </li> <li>b. minimisation of EME exposure to the public;</li> <li>c. the likelihood of an area being a community sensitive location;</li> <li>d. the objective of avoiding community sensitive locations;</li> <li>e. relevant state and local government telecommunications planning policies;</li> <li>f. the outcomes of consultation processes with Councils and</li> </ul>	<p>a) The objective is for increased mobile coverage of the road corridor through Green Point and the commercial centre.</p> <p>The power levels of the facilities will be set as low as possible to meet the required service objective. The facilities will also automate their power requirements in response to the demand and number of connections at any one time therefore maximising power efficiency.</p> <p>The proposed base station needs to ensure that long-term, consistent, high quality voice and mobile data services are provided to businesses in Green Point, commuters and the surrounding area.</p> <p>b) Antennas will face away from residential areas. The public exposure will be range from 0.52% to 1.58%.</p> <p>c) Where existing restrictions allow, the proposal has been designed to respond to any community sensitive locations in terms of EME levels and Visual impact.</p>	Yes

<p>Interested and Affected Parties as set out in clause 6.4;</p> <p>g. the heritage significance (built, cultural and natural);</p> <p>h. the physical characteristics of the locality including elevation and terrain;</p> <p>i. the availability of land and public utilities;</p> <p>j. the availability of transmission to connect the Mobile Phone Radiocommunications Infrastructure with the rest of the network;</p> <p>k. the radiofrequency interference the planned service may cause to other services;</p> <p>l. the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;</p> <p>m. any obligation and opportunities to co-locate facilities; and</p> <p>n. cost factors.</p>	<p>d) Community sensitive locations have been avoided, where existing restrictions allow.</p> <p>e) The relevant State and Local government planning instruments have been considered in regards to the proposal.</p> <p>f) All community consultation has been associated with Council's notification procedure as per the code.</p> <p>g) There is no heritage items nearby.</p> <p>h) Green Point commercial centre is the dominant character of the immediate surrounds with some residential and schools areas nearby which have been considered.</p> <p>i) The proposal is located in an area with access to adequate land and utilities.</p> <p>j) The facility will utilize fibre transmission to obtain connectivity to the surrounding network.</p> <p>k) The proposal is not expected to interfere with any existing services.</p> <p>l) The proposal is not expected to interfere with any existing services.</p> <p>m) there were no possible co-location opportunities found.</p> <p>n) Cost factors are within the normal scope of the proposed facility</p>	
<p><b>Clause 4.2 Mobile Phone Radiocommunications Infrastructure Design</b></p>		
<p>4.2.1 The Carrier must have written procedures for designing Mobile Phone Radiocommunications Infrastructure.</p>	<p>Written procedures have been developed by Indara.</p>	<p>Yes</p>
<p>4.2.2 The Carrier must comply with its procedures as per clause 4.2.1 above.</p>	<p>Carrier will comply.</p>	<p>Yes</p>
<p>4.2.3 With the objective of minimising unnecessary or incidental RF emissions and exposure, the Carrier must ensure that its</p>	<p>a) The primary requirement for the proposal is to deliver 5G services to the Green Point commercial area .and</p>	<p>Yes</p>

<p>written procedures for designing Mobile Phone Radiocommunications Infrastructure, require it to have regard to:</p> <ul style="list-style-type: none"> <li>a. the reason for the installation of the infrastructure, considering coverage, capacity and quality;</li> <li>b. the positioning of antennas to minimise obstruction of radio signals;</li> <li>c. the objective of restricting access to areas where RF exposure may exceed limits of the EME standard;</li> <li>d. the type and features of the infrastructure that are required to meet service needs including: <ul style="list-style-type: none"> <li>i. the need for macro, or small scale infrastructure</li> <li>ii. the need for directional or non-directional antennas;</li> </ul> </li> <li>e. the objective of minimising power whilst meeting service objectives; and</li> <li>f. whether the costs of achieving this objective are reasonable.</li> </ul>	<p>commuters on Avoca Drive and surrounding residential areas The proposal will ensure that Indara is able to meets its customers' current and growing demand for mobile data devices.</p> <p>b) The antennas have been positioned to minimise the obstruction of radio signals as required.</p> <p>c) The proposed monopole includes anti-climbing measures, preventing public access to this area. The equipment cabinet will be securely locked and appropriate EME signage will be placed on the site.</p> <p>d) (i)-(ii) The site requires 2 panel antennas to meet its coverage objectives.</p> <p>e) Indara facilities automate power in response to the demand and number of connections.</p> <p>f) The cost of achieving the objectives are reasonable.</p>	
4.2.4 The Carrier must make site EME assessments for Mobile Phone Radiocommunication Infrastructure in accordance with the ARPANSA prediction methodology and report format	Procedures to be complied with.	Yes
4.2.5 The ACMA may request a copy of the site EME estimate, and the Carrier must provide the estimate to the ACMA within two weeks of the request being made.	Carrier to comply - Any requests will be complied with within two weeks of the request being made.	Yes
<b>Clause 4.3 Site Operation</b>		
4.3.1 The Carrier must operate their Mobile Phone Radiocommunications Infrastructure in a manner consistent with the objectives in clause 4.2.3.	Carrier is to comply.	Yes
4.3.2 The Carrier must be able to demonstrate compliance with the ACMA regulations regarding maximum human exposure limits for radiofrequency fields.	Carrier is to comply.	Yes
4.3.3 The Carrier must take appropriate measures to restrict general public access to RF hazard areas.	Carrier is to comply.	Yes

4.3.4 For each RF hazard area, the Carrier must ensure warning signs are in place in an appropriate location and manner so that they are clearly visible.	Carrier is to comply.	Yes
4.3.5 In assessing whether measures are appropriate, the Carrier must have regard to: <ul style="list-style-type: none"> <li>a. the kinds of people who may have access to the area;</li> <li>b. the need for physical barriers;</li> <li>c. relevant occupational health and safety requirements;</li> <li>d. the views of the property owner;</li> <li>e. any site changes that have been made; and</li> <li>f. any other matter which may be relevant to ensure site safety with regards to EME.</li> </ul>	Dealt with previously in this report.	Yes
4.3.6 The Carrier must ensure that technical staff of the Carrier who may be involved in activities on or adjacent to Mobile Phone Radiocommunications Infrastructure are trained in radio frequency exposure safety.	Carrier is to comply.	Yes
4.3.7 The Carrier must ensure that RF transmission equipment no longer in service does not transmit, or is removed.	Carrier is to comply.	Yes

### **Development Contributions**

The proposed development is a development type that is not subject to section 7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

### **Water and Sewer Contributions**

There are no water and sewer contributions applicable to the proposed development

### **Ecologically Sustainable Principles**

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

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

### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application having regard to Council's Climate Change Policy and the following policy commitment statement:

- a) *'Prepare, implement and review plans and strategies inclusive of consideration of risk from future sea level rise, and address the issue of, how to beneficially use coastal areas while recognising the long term need to protect, redesign, rebuild, elevate, relocate or retreat as sea levels rise.'*

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

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

### **Conclusion**

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning & Assessment Act 1979* and all relevant instruments and policies.

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.

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 R2 – *Low Density 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 development standard contained in *Central Coast Local Environmental Plan 2022*.



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

**Submissions**

The development application was notified in accordance with CCDCP 2022 from 28 April 2023 till 17 May 2023.

No submissions were received.

**Contributions**

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

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

**Planning Agreements**

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

**Political Donations**

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

**Ecologically Sustainable Principles:**

The proposal has been assessed having regard to ecologically sustainable development principles and is 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 *E1 – Local Centre* 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 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 warranted.
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) 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*, subject to conditions as set out in **Attachment 9**.

## Attachments

<a href="#"></a> <a href="#"></a> 1 PUBLIC - Statement of Environmental Effects 7 Sun Valley, Green Point PAN-354156 - DA/1552/2023	D15788671
<a href="#"></a> <a href="#"></a> 2 Architectural Plans - 18/06 2024 - FULL SET - 7 Sun Valley Rd, GREEN POINT - PAN-354156 - DA/1552/2023	D16311028
<a href="#"></a> <a href="#"></a> 3 Vary Development Standard NSW Green Point_7 Sun Valley, Green Point PAN-354156 - DA/1552/2023	D15788647
<a href="#"></a> <a href="#"></a> 4 PUBLIC - Bush fire Assessment Report - 7 Sun Valley Rd, GREEN POINT - PAN-354156 - DA/1552/2023	D16268023
<a href="#"></a> <a href="#"></a> 5 PUBLIC - Amended EME Report- 7 Sun Valley Road Green Point - DA/1552/2023	D16197552
<a href="#"></a> <a href="#"></a> 6 AHIMS - 7 Sun Valley Road, Green Point DA/1552/2023	D15788616
<a href="#"></a> <a href="#"></a> 7 Protected Matters - MNES layers - 7 Sun Valley, Green Point PAN-354156 - DA/1552/2023	D15788659
<a href="#"></a> <a href="#"></a> 8 RFS Determination - DA/1552/2023 - 7 Sun Valley Road, GREEN POINT	D16315352
<a href="#"></a> <a href="#"></a> 9 Draft conditions/reasons - 7 Sun Valley Road, GREEN POINT NSW 2251 - DA/1552/2023 - Central Coast Council	D16315362



From:

# Development Application for Planning Consent.

*Proposed New Telecommunications Facility  
7 Sun Valley Road,  
Green Point NSW 2251  
72/-/DP1040759*

## Statement of Environmental Effects

**Project Reference: S5943 Green Point**  
**RFNSA Reference: 2251009**

**July 2023**

## Document Control

Site Reference: S5943 Green Point				
Document Revision	Date	Revision Details	Document Author	Document Reviewer
1.0	24/07/2023	S5943 Green Point	Kaitlen Perkins	Redentor Tandog

Document Prepared by
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## Executive Summary

<b>Site Information</b>	<b>Lot description:</b> 72/-/DP1040759 <b>Physical address:</b> 7 Sun Valley Road, Green Point NSW 2251 <b>Coordinates:</b> -33.446467, 151.373843
<b>Proposal</b>	<p>Indara are seeking development consent for a new Telecommunications Facility at 7 Sun Valley Road, Green Point NSW 2251.</p> <p>The proposed facility will be owned by the Indara Group and will host Optus telecommunications equipment. The purpose of the proposal is to provide Optus 4G and 5G services to the Green Point area.</p> <p>The proposal involves:</p> <ul style="list-style-type: none"> <li>• One (1) 30m Indara monopole</li> <li>• One (1) new antenna triangular headframe supporting the following equipment:</li> <li>• Four (4) compact antennas, each 810mm in length, at a height of 30m, and</li> <li>• Four (4) panel antennas, each 2.688m in length, at a height of 30m.</li> <li>• One (1) outdoor equipment cabinet, 3.2m x 1.5m floor area, at ground level and contained within the proposed 7m (w) x 7m (l) compound fenced area.</li> <li>• Ancillary equipment associated with the operation and safety of the facility, including nine (9) remote radio units, six (6) dual filters, cabling (internal), and antenna support mounts.</li> </ul> <p>The facility will be located within a fenced compound. The monopole and associated equipment will be finished in non-reflective pale grey.</p>
<b>Purpose</b>	<p>Indara Corporation Pty Ltd (part of the Indara group), with Optus, are proposing a new telecommunications facility at Green Point. The facility will also provide new and improved coverage and connectivity to the Green Point area providing much needed voice and data services for the area. This proposal will form a vital component for the Central Coast Council's infrastructure.</p> <p>The facility has been designed as a neutral host facility, capable of supporting co-location by other carriers, government entities and wireless service providers.</p>
<b>Planning Considerations</b>	<b>LGA:</b> Central Coast Council <b>Local Planning Scheme:</b> Central Coast Local Environmental Plan 2022 <b>Zoning:</b> E1 – Local Centre
<b>Applicant</b>	<p>Downer Group EDI for and on behalf of Indara Corporation Pty Ltd.  Level 10  567 Collins Street  Melbourne VIC 3000</p> <p>Contact Person: Kaitlen Perkins  Email: Kaitlen.perkins@downergroup.com  Our Reference: S5943 / Green Point</p>

## 1. Introduction

Downer Group EDI, on behalf of Indara Corporation Pty Ltd (Part of the Optus Group), are seeking development consent for a new telecommunications facility at 7 Sun Valley Road, Green Point NSW 2251.

The new facility will be comprised of a new 30m monopole with an overall height of 31.4m with antenna protrusions supporting Optus' telecommunications antennas and equipment. The purpose of the project is to significantly improve Optus mobile telecommunications services, including coverage and network capacity, in the Green Point area.

The new facility will also provide new and improved coverage, and connectivity, to the Green Point area providing much needed voice and data services to the area and will form a vital component of Central Coast Council's essential infrastructure.

Indara are seeking approval to install a new telecommunications facility at the above premises. The proposal involves:

- One (1) 30m Indara monopole
- One (1) new antenna triangular headframe supporting the following equipment:
- Four (4) compact antennas, each 810mm in length, at a height of 30m, and
- Four (4) panel antennas, each 2.688m in length, at a height of 30m.
- One (1) outdoor equipment cabinet, 3.2m x 1.5m floor area, at ground level and contained within the proposed 7m (w) x 7m (l) compound fenced area.
- Ancillary equipment associated with the operation and safety of the facility, including nine (9) remote radio units, six (6) dual filters, cabling (internal), and antenna support mounts.

This Statement of Environmental Effects has been prepared for council's assessment under Part 4.15 of the Environmental Planning and Assessment Act 1979 (As amended) and has been tested against the relevant planning controls.

## 2. Background

### 2.1 Indara and Optus

This development application has been prepared and submitted by Downer Group EDI for an on behalf of the Indara Group. Indara are Australia's leading independent owner and provider of shared wireless telecommunications infrastructure, with a portfolio of over 4300 telecommunications sites across Australia.

Indara are Australia's leading independent owner and operator of digital infrastructure. We provide critical communications and data solutions that help support the digital transformation of our society. We are passionate about investing long term in our nation, building, and designing digital infrastructure that creates long term value for our customers and for the broader Australian community.

Indara owns and manages over 4300 mobile telecommunications facilities across Australia. Indara operate as a neutral host – our facilities are specifically designed to accommodate co-location by Australia's mobile carriers, government agencies and other wireless services providers.

Indara has partnered with Optus Mobile Pty Ltd (Optus) to expand the Optus mobile network across Australia. This facility is being proposed to improve Optus mobile services in the Green Point area.

The proposed facility is comprised of a new monopole and associated passive infrastructure, which will be owned and managed by Indara, and active infrastructure (antennas and telecommunications equipment) which will be owned and managed by Optus.

Note for legal purposes, the applicant for this development application is Indara Corporation Pty Ltd.

## 2.2 Demand for Network Services

Access to high quality telecommunications services is vitally important to the community. Mobile usage continues to trend upward. We have also provided other important information and is listed below:

- 99% of Australians use a mobile phone; 76% of Australians do not have a landline and rely exclusively on a mobile phone<sup>1</sup>.
- Mobile data usage continues to significantly increase as the network is used in different ways. Between 2021 and 2022, the amount of data downloaded by phone increased by over 29%<sup>2</sup>. In the first quarter of 2022, global mobile data usage grew by 40%<sup>3</sup>. Streaming and video calling are major drivers of this increased demand.
- Covid-19 significantly changed the way that Australians live and work – 61% of employed Australians worked online from home in 2021<sup>4</sup>. With many Australians continuing to adopt flexible or hybrid work arrangements, additional demand has been placed on the mobile network.
- Public safety is a significant driver behind improvements to mobile coverage. In 2021, around 78% of emergency calls were made from a mobile handset<sup>5</sup>.

More than ever, mobile telecommunications services is an essential service. By extension, mobile phone base stations are essential infrastructure – it is important that mobile infrastructure keeps pace with this increasing demand.

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<sup>1</sup> <https://www.acma.gov.au/publications/2021-12/report/communications-and-media-australia-how-we-communicate>

<sup>2</sup> <https://www.acma.gov.au/publications/2021-12/report/communications-and-media-australia-how-we-use-internet>

<sup>3</sup> <https://www.ericsson.com/en/reports-and-papers/mobility-report/dataforecasts/mobile-traffic-update>

<sup>4</sup> <https://www.acma.gov.au/publications/2021-12/report/communications-and-media-australia-trends-and-developments-telecommunications-2020-21>

<sup>5</sup> <https://www.triplezero.gov.au/triple-zero/How-to-Call-000/advanced-mobile-location>

## 2.3 Coverage Objectives

The facility will provide new improved coverage and connectivity to the Green Point area providing much needed voice and data services to the area and will form a vital component of the Central Coast Council's infrastructure.

Optus regularly undertakes detailed assessments of the performance and coverage of its digital mobile telephone and broadband internet networks to ensure its systems are reliable and achieving the required objectives. Reference to customer demand also provides an indication of areas where coverage and capacity constraints exist. Investigations have found that mobile traffic in Green Point is greater than the service capacity; as a consequence, the existing base stations in the surrounding area are not able to meet the customer demand.

Green Point is a vibrant community and as with many towns and cities along the East coast of New South Wales, is experiencing significant residential growth and development. The proximity to community amenities, Kincumba Mountain Reserve and beaches makes for a popular holiday destination bringing in a high demand for mobile service coverage throughout the seasons. Optus are attempting to resolve a coverage gap in central Green Point. The proposal is specifically intended to improve network capacity and broaden the range for mobile service coverage within this area.

Operators of telecommunications networks must constantly respond to changes in technology or increased demand on their existing infrastructure assets due to urban growth. Recently, 5G has become the latest industry standard for mobile phone network operators within the Australian marketplace. With consumer demands reflecting an increase in demand for speed and data bandwidth, Optus are attempting to improve coverage in the wider Green Point area.



### 3. Candidate Selection

#### 3.1 Site Selection

Before proposing a new base station, mobile carriers will attempt to resolve service issues by reconfiguring or upgrading existing base stations. If upgrades do not resolve service issues, the carrier will consider any opportunities to co-locate on an existing mobile facility, building or other structure.

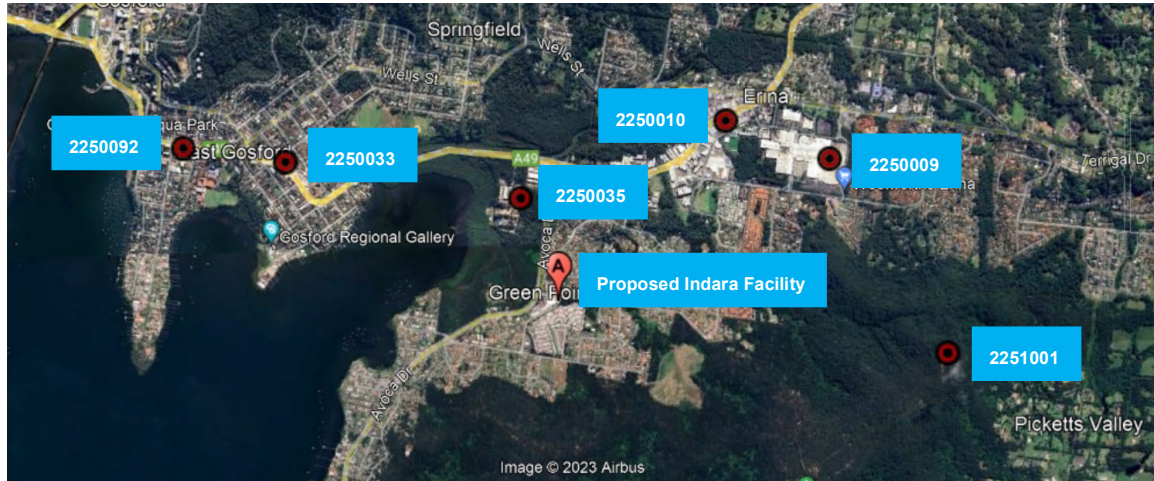
If there are no feasible co-location opportunities, the carrier will proceed to deploy a new 'greenfield' base station.

This facility is proposed in partnership with Optus, who have confirmed a new telecommunications facility is needed in the Green Point area and we are working with Indara to deploy the new facility.

#### 3.2 Upgrade and Co-Location Opportunities

Existing telecommunications facilities in the area have been assessed to confirm if they are feasible for co-location.

**Figure 1** shows the location of existing facilities in the area around this proposed site, based on information from the Radio Frequency National Site Archive database ([www.rfnsa.com.au](http://www.rfnsa.com.au)). Unfortunately, none of the existing sites in the area are suitable for co-location and is detailed in the following table.



**Figure 1: Radio Frequency National Site Archive (RFNSA) search of the existing facilities in the immediate area of Green Point. (Source: Google Earth, 2023)**

Existing and Proposed Communications Facilities		
RFNSA Details	Site Address	Comments
<b><u>2250035</u></b> Telstra	80 The Entrance Rd ERINA NSW 2250	The existing facility at this location provides Telstra coverage to the south-west area of Erina. Adding additional equipment at this site is not an option as it will not provide the desired coverage to the central area of Green Point.
<b><u>2250010</u></b> Optus Optus Vodafone Joint Venture Vodafone	208-212 The Entrance Road ERINA NSW 2250	The existing facility at this location is a rooftop site and provides a wide range of coverage to central Erina. Adding additional equipment at this site is not an option as it is already an Optus site and will not provide the desired coverage to the central area of Green Point.
<b><u>2250009</u></b> Telstra Optus Optus Vodafone Joint Venture Vodafone	Erina Fair Shopping Complex Terrigal Drive ERINA NSW 2250	The existing facility at this location provides a wide range of coverage to eastern Erina. Adding additional equipment at this site is not an option as it is already an Optus site and will not provide the desired coverage to the central area of Green Point.
<b><u>2250033</u></b> Optus Optus Vodafone Joint Venture Vodafone	101 Victoria St East Gosford NSW 2250	The existing facility at this location is a rooftop site and provides a wide range of coverage to East Gosford. Adding additional equipment at this site is not an option as it is already an Optus site and will not provide the desired coverage to the central area of Green Point.
<b><u>2250092</u></b> Optus	23 York Street POINT FREDERICK NSW 2250	The existing facility at this location provides a wide range of coverage to north Point Frederick. Adding additional equipment at this site is not an option as it is already an Optus site and will not provide the desired coverage to the central area of Green Point.

<b>2251001</b> Hutchison NSW Government - Telco Authority Optus Optus Vodafone Joint Venture Telstra Vodafone	Kincumba Mountain Reserve 345 Island View Drive PICKETTS VALLEY NSW 2251	The existing facility at this location provides a wide range of coverage to north-west Picketts Valley. Adding additional equipment at this site is not an option as it is already an Optus site and will not provide the desired coverage to the central area of Green Point.
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### 3.3 Alternate Candidates

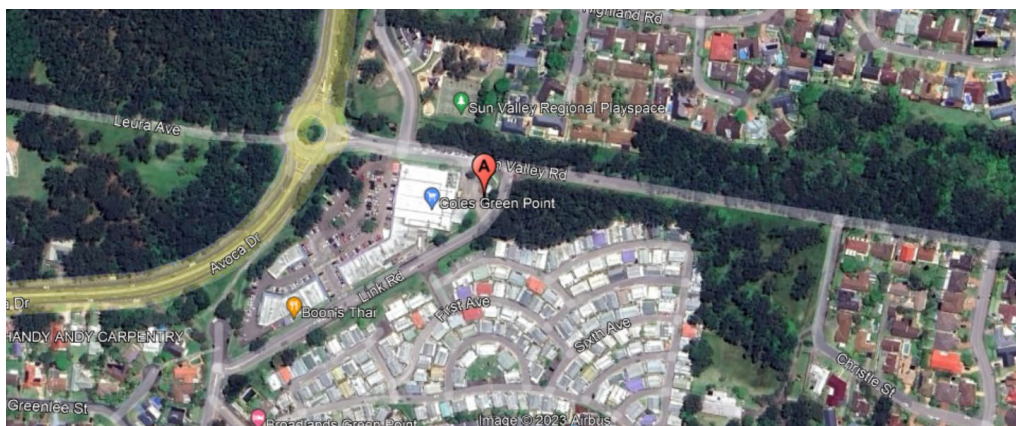
A robust investigation of potential candidates has been undertaken.

The preferred site candidate at 7 Sun Valley Road, Green Point NSW 2251 (the subject site), is selected for the following reasons:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance, compliance with the planning scheme and visual impact);
- The location will offer a cost-effective site solution whilst maximising coverage and mobile phone service provisions within the identified locality;
- The proposed monopole will result in minimal adverse impacts as a result of construction. Construction will be undertaken during low traffic periods and be coordinated appropriately with road authorities, and council;
- The availability of viable connections to the power and transmission networks in the area;
- Visual impact – it is believed that the proposed site location will not significantly result in the loss of amenity or the obstruction of viewing corridors to and from the proposed site; and
- Tenure – obtaining an agreement with the landowner of the subject site provides surety in determining the location of a mobile phone base station.

In identifying a candidate, we have sought to maximise separation from residences and sensitive uses where possible. Whilst endeavouring to minimise visual impacts on the environment and scenic amenity as far as practicable.

A precautionary approach has been undertaken with site selection in accordance with sections 4.1 and 4.2 of the “C564:2020 Mobile Base Station Deployment Code”.



**Figure 2: Preferred candidate location “A” at 7 Sun Valley Road, Green Point NSW 2251.**  
(Source: Google Earth)

Prospective Candidates		
Candidate	Site Address	Comments
<b>A</b>	7 Sun Valley Road, Green Point NSW 2251.	This site has been determined as the ‘preferred’ as the best option for progressing with a development application and is discussed throughout this Statement.
<b>B</b>	N/A	Other potential sites within the area were rejected as a candidate due to lacking coverage potential at an equivalent height of the other candidate.

## 4. Site Context

The proposal involves establishment of a new telecommunications facility at 7 Sun Valley Road, Green Point NSW 2251.

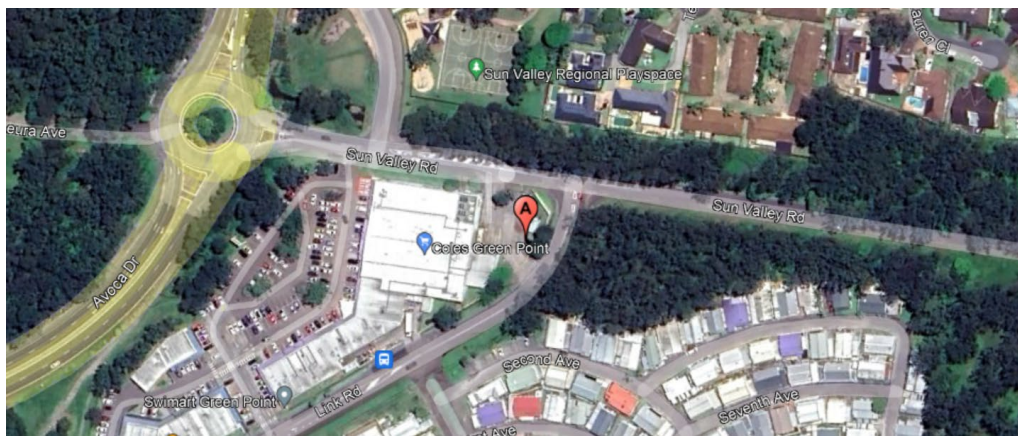
Overall, the Green Point region is recognised as an attractive place to live, work and visit, having experienced population growth and increased traffic movement in the area over recent decades. An increase in subdivision of properties and the introduction of more housing has increased the density of Green Point in the past few years. Such growth requires increased infrastructure capacity, especially so for telecommunications, as there is an exponential growth in the mobile data use on smartphones, requiring additional infrastructure to provide adequate service provision to the expanding area.

The immediate surrounding landscape comprises of a commercial building, with dense vegetative bushland from all angles. The site is set on relatively flat land. To the east and south

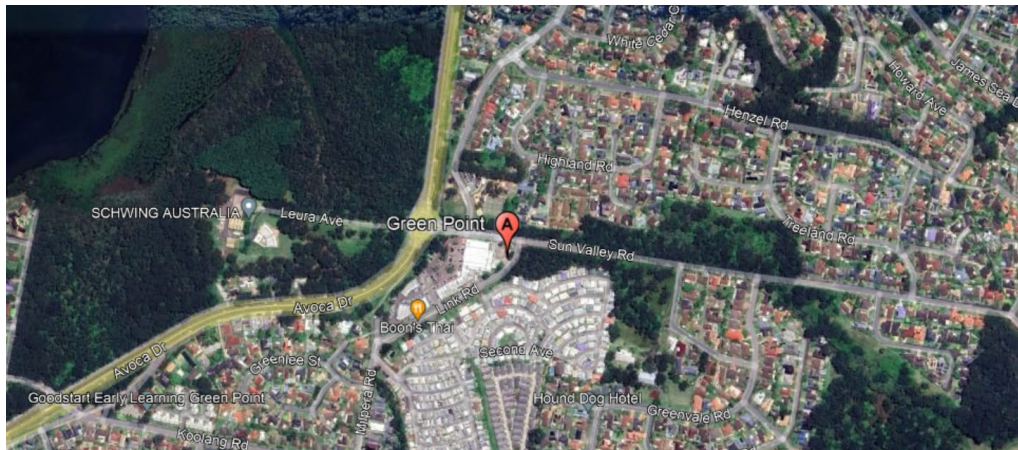


of the proposed facility is residential zoning, with dense forest stretching further east. Immediately abutting the northern boundary is more dense vegetation, that provides great visual coverage from the Sun Valley Regional Playspace. Further to the west is more dense forest, leading onto the Brisbane Water bay. The subject site is set back to the top right of the property, adjacent to the shopping centre.

**Figures 3 - 5** show the proposed site and the surrounding area.



**Figure 3: The subject site and the surrounding area site context. (Source: Google Earth)**



**Figure 4: Aerial map of the subject site and the wider site context of Green Point NSW. (Source: Google Earth)**



**Figure 5: View facing north towards the proposed facility location and is located at the top east of the Deposited Plan. (Source: Downer)**

## 5. Proposed Works

### 5.1 Equipment to be Installed

The proposed works involve installation of:

- One (1) 30m Indara monopole
- One (1) new antenna triangular headframe supporting the following equipment:
- Four (4) compact antennas, each 810mm in length, at a height of 30m, and
- Four (4) panel antennas, each 2.688m in length, at a height of 30m.
- One (1) outdoor equipment cabinet, 3.2m x 1.5m floor area, at ground level and contained within the proposed 7m (w) x 7m (l) compound fenced area.
- Ancillary equipment associated with the operation and safety of the facility, including nine (9) remote radio units, six (6) dual filters, cabling (internal), and antenna support mounts.

The facility will be located within a fenced compound. The monopole and associated equipment will be finished in non-reflective pale grey.

The overall height of the facility, including antennas and equipment, will not exceed 31.4m above ground level.

Refer to **Appendix 2** for proposal plans.



## 5.2 Site Access and Parking

The land parcel consists of a commercial shopping centre, surrounded by established vegetation in a E1 – Local Centre zone. There is existing vehicular access located east off Link Road, which leads directly parallel to the subject sites proposed location.

Once constructed, the facility will operate on an unmanned basis aside from periodic routine maintenance visits (generally 2-4 times a year).



**Figure 6: View facing east towards the existing vehicular driveway access off Link Road, Green Point NSW. (Source: Google Maps)**

## 5.3 Noise

The facility will not be a significant generator of noise. The only part of the facility that generates noise is the cooling fans in the equipment cabinet.

Cooling equipment will only operate when required and will not operate continuously. Cooling equipment will operate at levels generally comparable to those of a domestic air conditioner. The project is not expected to represent a noise nuisance. We note that the facility is in close proximity to residential dwellings.

## 5.4 Power and Utilities

The final power design including the capacity of the supply will be confirmed in the detailed design phase, however, a major upgrade is not anticipated. A standard power application will be submitted for approval and all new low voltage cable on the site will be installed underground. An application for power services will be applied at post issuance of the Determination of this development application.

No works associated with stormwater drainage, or connections to reticulated water and sewerage, are proposed, nor required.

## 5.5 Emissions

Operation of the facility will not result in emission of dust, heat, smoke, gaseous plumes, or particulates.

To provide mobile coverage, the facility will produce electromagnetic EME emissions. These will be within the levels prescribed by ARPANSA and regulated by ACMA. An ARPANSA EME Report, demonstrating compliance with Australian safety standards, is attached. Refer section 8 of this Statement for details.

## 5.6 Environmental Considerations

Comprehensive preliminary assessment of the nearby natural environment was undertaken within the planning, design, and procurement stages of the telecommunications proposal to ensure that there are no disturbances to the natural surrounds given that no ground clearance would be required.

Vegetation disturbance will be minimal, given existing vegetation onsite is limited to grass land, with an appropriate setback from the already existing trees onsite.

During the construction phase, the subject site area will be rigorously concealed by imposing barriers and fencing to repeal any impacts to the surrounding environment. This proposal will employ effective measures to mitigate any impacts to surrounding flora, fauna, and natural environment inhabitants. Additionally, once constructed the operation of the telecommunications facility will not result in any negative impacts on the natural environment or the ecology of the locality.

With reference to the above, it is not anticipated nor planned that any trees will be removed as part of this application.

### 5.6.1 Environment Protection & Biodiversity Conservation Act 1999.

The Environment Protection and Biodiversity Conservation Act commenced on 16th July 2000. It introduces a new role for the Commonwealth Government in the assessment and approval of development proposals where those proposals involve actions that have a significant impact on matters of National Environmental Significance, the environment of Commonwealth owned land and actions carried out by the Commonwealth Government.

A search of the EPBC protected Matters Report (conducted on 17/7/2023) indicated that the following may be present within a 1km radius of the proposed site;

- 80 x Listed Threatened Species
- 47 x Listed Migratory Species

Given the proposed site is located in an open grass area, there is minimal risk of impacting on potential threatened species or ecological communities that may occur within the broader area. It is expected that any future upgrades or maintenance will not impact endangered wildlife within the vicinity.

Therefore, the proposal is not of National Environmental Significance, as it will not impact on:

- World Heritage Areas;
- Wetlands protected by International Treaty (The RAMSAR Convention);
- Nationally listed threatened species and communities;
- Nationally listed migratory species;
- All nuclear actions: or
- The environment of Commonwealth Marine area.

Refer to EPBC Act Protected Matters Report at **Appendix 5**.

## 5.7 Heritage

Indara takes its obligations under the New South Wales National Park and Wildlife Act 1974 seriously and assesses each site against the relevant heritage registers and database including the NSW State Heritage Databases and local heritage schedules.

Cultural and Built Heritage searches were undertaken per the relevant heritage registers and database including the State Heritage Databases and local heritage schedules as per the Central Coast Local Environmental Plan 2022. A search on the Aboriginal Heritage Information Management System (AHIMS) concluded there are no items of heritage significance on the subject site or within close proximity of the site.

Refer to AHIMS Web Services report at **Appendix 6**.

## 5.8 Aviation

Indara is aware that structures over 30m in height are required to be reported in accordance with the CASA publication AC139.08 "Reporting Tall Structures", and accordingly will report on the proposed site in accordance with this policy.

In the case of the new telecommunications facility at Green Point, Indara have reviewed the CASA standards and also the particular characteristics of the site, and have assessed that no further measures, including aircraft warning lighting is warranted due to the following:

- The proposed site at Green Point is located approximately 10kms from the nearest airport, Somersby Airport.
- The Obstacle limitation surface (OLS) protects the air space around airports from the intrusion of built structures that would adversely affect aircraft operation or safety. The site is not within an OLS boundary, and therefore not subject to the conditions of CASA standards; Manual of Standards (MOS) part 139 - Aerodromes.

Indara has also considered other possibly relevant factors such as height and geographic features. The structure is a moderate height of 31.4m on mostly flat land.

Indara's assessment is that the proposed facility is not affected by the CASA standard MOS Part 139 - Aerodromes. Indara also concludes that aircraft warning lights are not warranted in this location.

## 6. Legislative Context

### 6.1 Commonwealth Legislation

### 6.1.1 Telecommunications Act 1997 and Telecommunications (Low-Impact Facilities) Determination 2018

The *Telecommunications Act 1997* allows mobile carriers to perform certain maintenance and installation works without needing development consent. The *Telecommunications (Low-Impact Facilities) Determination 2018* also allows for certain kinds of 'Low Impact' equipment to be installed without development consent.

New towers do not fall within these federal planning exemptions. Accordingly, this proposal will require Council approval.

### 6.1.2 Telecommunications Code of Practice 2018

The *Telecommunications Code of Practice 2018* emphasizes "best practice" for the installation of facilities, compliance with industry standards and minimisation of adverse impacts on the environment.

This proposal has been designed with consideration for the Code of Practice. All steps will be taken to do as little damage as practicable; the facility will be constructed and operated in accordance with industry standards and good engineering practice; and the design of the facility will be in accordance with industry best practice.

### 6.1.3 C564:2020 Mobile Phone Base Station Deployment Code

The Communications Alliance Limited *C564:2020 Mobile Phone Base Station Deployment Code* (the Deployment Code) is an industry code of practice registered by the Australian Communications and Media Authority.

The Code applies to all licenced telecommunications carriers, and sets guidelines for site selection, community consultation, design, installation, and operation of telecommunications facilities.

Sections 4.1 and 4.2 of the Code are relevant to this proposal, and require a precautionary approach to site selection, infrastructure design and site operation. The proposed facility has been sited and designed in accordance with Sections 4.1 and 4.2. Checklists demonstrating compliance can be provided on request.

The Code also requires an ARPANSA EME report be prepared for all new mobile base stations, to demonstrate compliance with relevant safety standards. The report is enclosed in **Appendix 2**.

## 6.2 State Legislation

### 6.2.1 NSW Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* controls development across New South Wales. This application has been prepared with consideration made under section 4.15 of the *EP&A Act*.

### 6.2.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *SEPP (Transport and Infrastructure) 2021* governs telecommunications deployment in New South Wales. This development is defined as a 'Telecommunications Facility' under Clause 2.140 of the SEPP.

The proposed development does not fall within the parameters to be considered Exempt nor Complying Development under the SEPP based on its land use zone to erect a new tower. As such, the proposed works will require development consent.

The permissibility of the development is established under Clause 2.143(1) of the SEPP, which provides that telecommunications facilities can be deployed on any land. But is subject to development consent. As the works are not being done for and on behalf of a Public Authority (per Clause 2.141) and are not considered Exempt Development nor Complying Development, the proposed works will require this development application and is subject to council's consent.

Clause 2.143(2) requires that the consent authority must take into consideration any guidelines concerning site selection, design, construction, and operation of telecommunications facilities issued by the Planning Secretary. The current guidelines are the *NSW Telecommunications Facilities Guideline, Including Broadband* (October 2022). Compliance with the principles is outlined in section 6.2.3 of this document.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 1: Design and site telecommunications facilities to minimise visual impact.	
Principle	Response
a. As far as practical, integrate a telecommunications facility that is mounted on	The proposal will comprise of a new monopole tower that is consistent with the appearance of the



an existing building or structure with the design and appearance of the building or structure.	already existing structures within the general vicinity, in line with council guidelines.
b. Minimise the visual impact of telecommunications facilities, reduce visual clutter (particularly on tops of buildings) and ensure physical dimensions (including support mounts) are sympathetic to the scale and height of the building to which it is to be attached and to adjacent buildings.	The proposal aims to minimise visual impact, being situated at top right of the land parcel, behind the shopping centre, amongst established, tall vegetation to reduce visual impact on surrounding residents and users of the general area. The proposal will be built to appropriate scale and fitting to the nature of infrastructure within the area.
c. If a telecommunications facility protrudes from a building or structure and is predominantly seen against the sky, either match the prevailing colour of the host building or structure or use a neutral colour such as pale grey.	The proposal is coloured a factory grey, as to blend with the sky, which is more often cloudier than not. The design of the proposal aims to minimise visual features and to also match colours of structures within the immediate area.
d. Where possible and practical, screen or house ancillary facilities using the same colour as the prevailing background and consider using the existing vegetation or new landscaping.	The proposal will house ancillary facilities including an equipment cabinet at ground level consistent to the design and colour of surrounding infrastructure. The location of the site is not for public access and the existing vegetation aids in providing a context of screening for the proposed facility.
e. Locate and design a telecommunications facility in a way that responds to its setting (rural, residential, industrial or commercial).	The proposal is located within an E1 – Local Centre zone, situated at the top right of the land parcel behind the shopping centre, fitting well within the infrastructure setting.
f. Site and design a telecommunications facility located on or adjacent to a listed heritage item or within a heritage conservation area with external colours, finishes and scale sympathetic to the heritage item or conservation area.	The proposal is not located on or in the vicinity of a heritage place or items.
g. Locate telecommunications facilities to minimise or avoid obstructing significant views of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	The proposal is expected to be visual in the surrounding area by virtue of its height, however, blends well into the surrounding context of infrastructure buildings and amongst established tall vegetation. The proposal does not obstruct significant views of a heritage item or place, a landmark, a streetscape, vista, or a panorama
h. Consult with relevant council when proposing pruning, lopping or removing any tree or vegetation. Obtain a tree preservation order, permit or development consent if required.	No clearing of vegetation is proposed in order for the proposed facility to be installed.
i. Remove redundant telecommunications facilities and restore the site to the condition it was in prior to the facility's construction.	Not applicable. The proposal is a new facility with no prior existing telecommunication facilities present.
j. Remove redundant components of existing facilities after upgrades.	Not applicable. The proposal is a new site with no prior existing telecommunication facilities present.

k. Where possible, consolidate telecommunications facilities to reduce visual clutter and work with other users on co-location sites to minimise cumulative visual impact.	No locations were applicable and within RF objective range, thus no other locations were considered for co-location.
l. Accord with all relevant industry design guides when siting and designing telecommunications facilities.	Compliance with the NSW Telecommunications Code of Practice 2018 has been addressed, refer to section 6.1.2 of this report.
m. Assess potential visual impact in alternative site assessments.	Not applicable. No alternative site was considered due to no suitable location within RF objective.
<b>Principle 2: Co-locate telecommunications facilities wherever practical</b>	
a. As far as practical, locate telecommunications lines underground or within an existing underground conduit or duct.	The proposal will include installation of underground power and fibre infrastructure.
b. Where practical, co-locate or attach overhead lines, antennas and ancillary telecommunications facilities to existing buildings, public utility structures, poles, towers or other radiocommunications equipment to minimise clutter.	No overhead lines are proposed as a part of this development. The proposed antennas are to be installed on a new monopole, capable of co-locating multiple mobile carriers, reducing the likelihood that an additional tower will be needed in the area.
c. Consider extending an existing tower as a practical co-location solution to new towers.	Consideration for co-location was assessed, refer to section 3.2 of this report.
d. Demonstrate that co-location is not practicable if choosing not to co-locate a facility.	During our assessment co-location was impractical, refer to section 3.2 of this report.
e. If choosing to co-locate, design, install and operate a telecommunications facility so that resultant cumulative levels of radio frequency emissions are within the maximum human exposure levels set out in RPS S-1.	Not applicable. Co-location could not be achieved for this proposal.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 3: Meet health standards for exposure to radio emissions	
Principle	Response
a. Design, install and operate a telecommunications facility so that maximum human exposure levels to radiofrequency emission comply with RPS S-1 (see Appendix 3).	The proposal is compliant with the maximum human exposure levels to radiofrequency emissions. Refer to section 8 of this report.
b. Using the format required by ARPANSA, report on predicted levels of EME surrounding any development covered by the Industry Code C564:2020 Mobile Phone Base Station	An EME report has been produced and is attached as appendix 3 to this report.

Deployment, and how the development will comply with ACMA safety limits and RPS S-1.	
<b>Principle 4: Minimise disturbance and risk, and maximise compliance</b>	
a. Ensure the siting and height of a telecommunications facility complies with the of the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996. Avoid penetrating any obstacle limitation surface (OLS) shown on a relevant OLS plan for an aerodrome or airport (as reported to the Civil Aviation Safety Authority) within 30 km of the proposed development.	A thorough assessment of the height restrictions as per the Commonwealth Civil Aviation Regulations 1998 and Airports (Protection of Airspace) Regulations 1996 was completed to ensure a safe distance between airspace and the proposed facility. The proposal is not within an OLS boundary. Refer to section 5.8 of this report.
b. Ensure no adverse radio frequency interference with any airport, port or Commonwealth defence navigational or communications equipment, including the Morundah Communication Facility, Riverina	The mobile carrier equipment on the proposed tower is designed and will be installed as to not interfere with other radio frequency services within the vicinity. Radio propagation analysis has been used to select the appropriate antennas to meet the requirements for coverage from the facility, while minimising interference to the existing network.
c. Carry out the telecommunications facility and ancillary facilities in accordance with any manufacturer's installation specifications.	The proposal will be constructed in accordance with relevant manufacturing specifications to optimise safety, during installation and once erected.
d. Protect the structural integrity of any building or structure on which a telecommunications facility is erected.	The proposal does not impede on any already existing structures within the land parcel, nor will it impact the integrity of said structures once erected.
e. Erect the telecommunications facility wholly within the boundaries of a property as approved by the relevant landowner.	The proposal is located wholly within the boundaries of the approved land parcel and does not protrude on to adjacent land.
f. Ensure all construction of a telecommunications facility accords with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004), or its replacement.	All construction of the proposed telecommunications facility, including maintenance and future upgrades, adheres by the Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom 2004) and will abide by any future changes within the construction legislation.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 4: Minimise disturbance and risk, and maximise compliance	
Principle	Response

g. Mitigate obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction	The proposal will be housed by a compound security fence, inaccessible to the general public, away from pedestrian walkways and traffic.
h. Where practical, carry out work at times that minimise disruption to adjoining properties and public access and restrict hours of work to 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	The proposal will abide by government and council guidelines to minimise impact on the immediate community during the construction phase and once erect.
i. Employ traffic control measures during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.	As a part of the construction phase, appropriate measures to ensure the safety of workers constructing the proposed facility and the general public will adhere by the Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
j. Guard open trenching in accordance with Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.	As a part of the construction phase, open trenching will be conducted and managed appropriately in accordance with the Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps, to ensure works will be carried out safely and does not endanger workers constructing the proposed facility or the general public.
k. Minimise disturbance to flora and fauna and restore land to a condition similar to its condition before the work was carried out	The location of the proposal was selected in an effort to minimise disturbance to the local flora and fauna, reducing negative impact on the surrounding environment. The land will be restored to a condition similar to how it was before the work was undertaken.
l. Identify any potential impacts on threatened species and communities in consultation with relevant authorities and avoid disturbance to identified species and communities where possible.	Comprehensive preliminary assessment of the proposal's location was undertaken in an attempt to identify and minimise impact on threatened species that inhabit the general area. A thorough assessment through the Environment Protection and Biodiversity Conservation Act 1999 was conducted and indicates no disturbance to threatened species. Refer to section 5.6.1 of this report and Appendix 5 for a detailed report.
m. Identify the likelihood of harming an Aboriginal place and/or Aboriginal object and obtain approval from the Department of Premier and Cabinet if the impact is likely, or Aboriginal objects are found.	A search on the Aboriginal Heritage Information Management Systems (AHIMS) has been conducted and no Aboriginal sites or places have been declared on or within the vicinity of the proposal. Should any Aboriginal objects be found, work will cease, and the appropriate authorities will be contacted to complete a thorough investigation on site.
n. Reinstate, at your expense, street furniture, paving or other facilities removed or damaged during construction to at least the same condition as that prior to installation.	Not applicable. The proposal will not remove any existing street furniture, paving or other facilities within the area.

NSW Telecommunications Facilities Guideline, Including Broadband	
Principle 5: Undertake an alternative site assessment for new mobile phone base stations	
Principle	Response
a. Include adequate numbers of alternative sites in the alternative site assessment as a demonstration of good faith.	Alternative sites were scoped; however, RF objective could not be met, thus no alternative site was considered. Refer to section 3.3 of this report.
b. In addition to the new site selection matters in Section 4 of the Industry Code C564:2020 Mobile Phone Base Station Deployment: <ul style="list-style-type: none"> <li>only include sites that meet coverage objectives, and that have been confirmed as available, with an owner agreeable to having the facility on their land</li> <li>if the preferred site is a site owned by the Carrier, undertake a full assessment of the site</li> <li>indicate the weight placed on selection criteria</li> <li>undertake an assessment of each site before any site is dismissed.</li> </ul>	A thorough assessment of all candidates was completed prior to selection of the proposed location. The selection criteria are designed to gain maximum potential out of the site and provide in depth knowledge to select the most appropriate candidate. Other candidates rejected during assessment as they did not meet RF objective. Refer to section 3 and 4 of this report.

## 6.3 Central Coast Local Environmental Plan 2022

### 6.3.1 Land Use Definition

In respect to the *Central Coast LEP 2022* the proposed use of the site is as follows:

- A telecommunications facility.

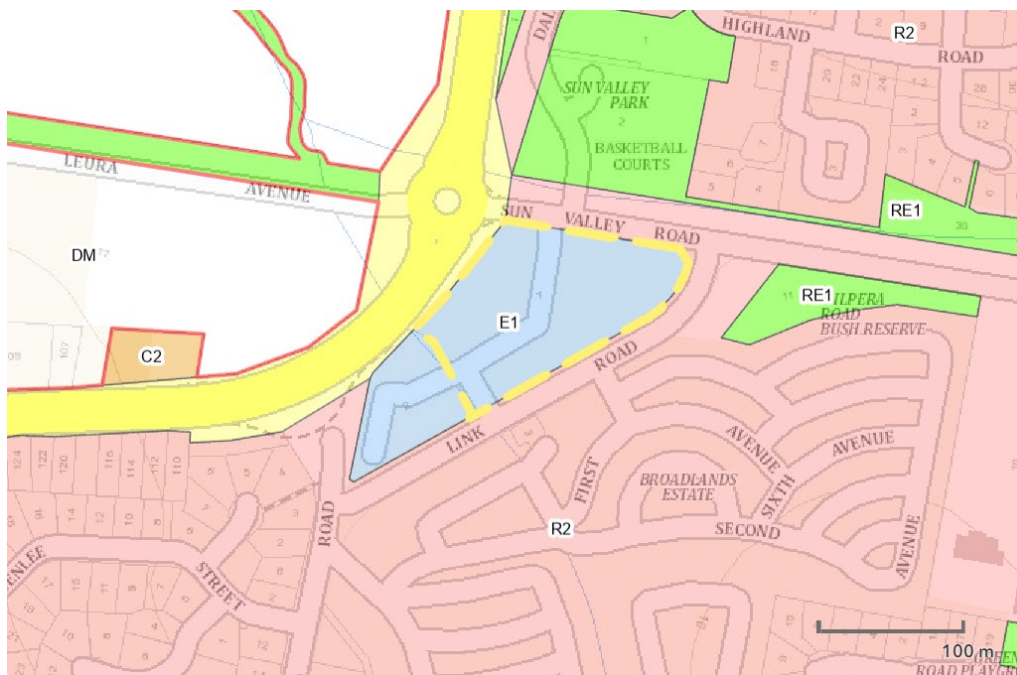
Under the *Central Coast LEP 2022* the proposed development is defined below:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To provide a buffer to land of high ecological value or land that has environmental constraints or hazards.

A telecommunications facility is a defined use under the *Central Coast Local Environmental Plan 2022*. As stated in Section 2.143, a telecommunications facility can be constructed on any land. Consequently, a telecommunications facility can be assessed subject to the consent of Council.

### 6.3.2 Zone Provisions

The proposed site retains an E1 – Local Centre zoning under the Central Coast Planning Scheme.



**Figure 7: The proposed Indara Telecommunication Facility at 7 Sun Valley Road, Green Point NSW 2251 is located in E1 – Local Centre Zoned Land under Councils Planning Scheme. (Source: NSW Planning Portal)**

Telecommunications facilities is technically a prohibited use under the E1 – Local Centre zone under Council's Planning Scheme. However, a telecommunications facility may be carried out by any person with consent on any land under clause 2.143(1) of the *SEPP (Transport and Infrastructure) 2021*.

The zone objectives are below. The project is consistent with these objectives.

Central Coast LEP 2022 Zone Objectives – E1 – Local Centre	
Objective	Response
To encourage investment in local commercial development that generates employment opportunities and economic growth.	The erection of a new mobile phone telecommunications facility will aid the support services needed for local business and the tourism sectors that rely on these services.



To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.	Not applicable. The proposal is not a residential dwelling.
To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	The area of Green Point is made up of diverse land uses between commercial, retail and residential. Approval of the new development will translate to stronger mobile coverage services without the worry for call and or internet dropouts. The new mobile phone tower will facilitate enough capacity that will cater for those mobile phone users who are visiting and or passing by the area as well.
To encourage employment opportunities in accessible locations.	The construction of the tower will offer local economic benefits to the area. In which will require a team of ten construction workers during the course of build and construction. Plus, utilising local talent to maintain the facility up to four times a year.
To maximise public transport patronage and encourage walking and cycling.	Not applicable.
To minimise conflict between land uses within the zone and land uses within adjoining zones.	The proposed works is considered essentially infrastructure under the TISEPP and the Telecommunication Act. In which will facilitate an essential service for varied land uses within the area for both commercial, industrial, and commercial. In addition to these areas the area will also facilitate much needed services for the tourism sector. Notice there is a caravan park south east to the site.
To encourage an increased residential population through stand-alone development or as part of mixed use development in centres and other local areas where land is not otherwise required to serve local needs.	The installation of such services will make in-building coverage services for the local shops on the premises easier to install with the erection of a new mobile phone tower on the allotment.
To permit residential uses while maintaining active retail, business and other non-residential uses at street level to contribute to the vitality of the area.	Not applicable.

## 6.4 Overlay Provisions

The overlay objectives are below. Indara acknowledges that the proposal is within bushfire prone land. Although the proposal is not a habitable structure, the overlays are considered. The project is consistent with these objectives.

Bush Fire Considerations	
Objective	Response
A person must not carry out bush fire hazard reduction work without development consent unless the person is authorised to carry out the work without consent by or under the Rural Fires Act 1997 or another Act.	The proposal complies with the Bush fire consideration objectives. The proposal will not result in any changes to the land in which the facility is proposed, that would increase bush fire risk or intensity.
Have regard to the relevant provisions of <i>Planning for Bush Fire Protection</i> , available at the office of the Council, and be satisfied that—  the measures proposed to avoid or mitigate the threat from bush fire, including the siting of the proposed development, the design of, and materials used in, any structures involved, the clearing of vegetation, and the provision of asset protection zones, landscaping, and fire control aids (such as roads and water supplies), are adequate for the locality, and  as far as possible, the potential impact on the environment of mitigation measures proposed is minimised.	The proposal is not a habitable building and will not pose a bush fire risk, nor impact essential services during a bushfire event.  Materials used for the facility will not emit excessive heat, sparks, or open flames.

Height of Buildings	
Objective	Response
To ensure the height of buildings are appropriate for their location	The proposal is 31.4m in height, similar to other structures within the general vicinity.
To permit building heights that encourage high quality urban form	The proposal not a habitable dwelling and therefore does not take away from the urban form of the surrounding area.
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The proposal exceeds 8.5m in height, however, is not a habitable dwelling.

#### Acid Sulfate Soils

Objective	Response
To ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage.	The proposal is not expected to disturb, expose, or drain acid sulfate soils and cause damage to the environment within the vicinity.
Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The proposal is within a class 5, indicating Acid Sulfate soils are not typically found within this area per the Acid Sulfate Soils Map.

Mine Subsidence Districts	
Objective	Response
To provide for a fair, efficient, and sustainable compensation framework for dealing with the impacts of coal mine subsidence	The proposal is expected to provide for a fair, efficient, and sustainable compensation framework for dealing with the impacts of coal mine subsidence.
A scheme for the provision of compensation for damage caused by subsidence resulting from coal mine operations.	The proposal is not expected to cause damage to the land in which the facility will be located.
The assessment and management of risks associated with subsidence resulting from coal mine operations.	The proposal is not expected to pose any risk associated with subsidence resulting from coal mine operations as there are no residential dwellings proposed.

## 7. Visual Impact

Freestanding mobile phone base stations are a common feature within urban and rural landscapes. The justification behind the use of a freestanding structure is to provide unrivalled coverage within flat and undulating topography. Specific design elements have been included within the planning of the proposed facility, inclusive of:

- Limiting the height of the proposal to 31.4m (with antenna protrusion). This will ensure that the best level of coverage can be provided to the locality, without constructing to a height which would offer no additional benefit to the service area.

- Ground based equipment is to be contained to the equipment cabinets adjacent to the tower. This is to minimise the visual impact of the proposal in context to the surrounding environment.
- Existing established infrastructure buildings are present within the subject site and will aid in screening the facility from surrounding viewpoints and reducing its overall visual impact within the local context.
- The design, and location of the proposal has been taken into consideration during the site selection process in order to ensure that the site does not result in any undue visual intrusion towards surrounding viewing corridors. The use of a slimline monopole is the best solution for a new structure on the landscape.

Visual impact has been considered from all perspectives of the area, as follows.



**Figure 8: Aerial view of proposed Indara facility. Proposed Facility residential properties and dense vegetative bushland. (Source: Google Earth)**





**Figure 9: View from the east looking towards the proposed site location, situated inside the land parcel to the right of the access point. (Source: Google Earth)**



**Figure 10: View from the north is looking south, showing proximity of residential dwellings from 40m of the proposed facility. (Source: Downer)**



**11: View from the south looking north toward the proposed site. Area is dense in vegetation and the existing fence provides adequate screening of ancillary facilities at the base of the proposal. (Source: Downer)**



**Figure 12: View from proposed facility location looking north-west. The proposed facility is situated at the rear of the shopping centre, will boarder dense vegetation area and is expected to blend well into the surrounding environment. (Source: Downer)**

## 7.1 Visual Impact Assessment

Indara considers the significant views to a proposed site as part of the site selection process. Indara acknowledge that the site cannot be totally hidden and will have a visual presence in the environment from some perspectives close by.

The subject site location was selected due its set back within the property. Due to the proposed facility's height, it will be visible in the broader surrounding areas, however ancillary equipment at the base of the proposal is well screen by dense vegetation surrounding the facility. The established existing tall vegetation, provide a context of screening and match the height of the proposal, when viewed from any road. The proposal is expected to blend well into the existing environment and is expected to not have any adverse effects on surrounding nature.

The proposal will consist of a slim monopole and antennas, finished in grey or as desired by council, in an effort to neutralise the facility and dissolve within the surrounding setting. Grey facilities tend to blend well into the surrounding environment in all weathers.

Overall, the proposed facility is situated in an appropriate location, reducing visual impact from sensitive users or local landmarks.



## 8. Radiofrequency Emissions and Safety

It is the position of the Australian government, and peak health bodies like the World Health Organization (WHO), that mobile base stations are safe.

### **Statement from Australia's Chief Medical Officer**

*I'd like to reassure the community that 5G technology is safe. There is no evidence that telecommunication technologies, such as 5G, cause adverse health impacts. This position is supported by health authorities in Australia – such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) – and around the world, such as the World Health Organization.*

*Mobile phone networks and other wireless telecommunications emit low-powered radio waves also known as radiofrequency (RF) electromagnetic energy (EME). This is different to ionising radiation associated with nuclear energy or use in medicine. The radio waves to which the general public is exposed from telecommunications are not hazardous to human health.*

**<https://www.health.gov.au/news/safety-of-5g-technology>**

### **Australian Government Advice**

*What do we know about EME? Answer: extensive scientific research confirms that mobile technology has no long or short term health effects; and the Australian Government is focused on capturing the benefits of advanced telecommunications while ensuring strict protections and safety standards are met.*

*The EME standard set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) defines the maximum exposure limit for all wireless equipment and is strictly enforced by the Australian Communications and Media Authority (ACMA). Measurements undertaken by carriers and ACMA show that mobile telecommunication sites emit a tiny fraction of maximum EME exposure limits. The exposure limits are themselves very conservative. As such, sites which operate at 100% of the limit are still considered safe.*

*This standard is informed by decades of quality studies undertaken by expert Australian and international scientists which show the low levels of EME produced by telecommunications equipment have no adverse effects. This includes previous generations of mobile technology, like 3G and 4G, and the higher, more efficient, radio waves used for 5G.*

**<https://www.infrastructure.gov.au/media-centre/5g-and-electromagnetic-energy>**

*EME is one of the most heavily studied types of energy in the world. Decades of research shows there is no verifiable evidence that EME from telecommunications facilities pose a negative health risk, especially when emission levels are below the maximum exposure limits*

set out in the Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (the Standard).

<https://www.infrastructure.gov.au/media-technology-communications/spectrum/5g-eme>

All mobile base stations in Australia must comply with a strict safety standard called the *Standard for Limiting Exposure to Radiofrequency Fields – 100 KHz to 300 GHz (RPS S-1)*. The standard has been prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), based on the recommendations of ICNIRP (International Commission for Non-Ionising Radiation Protection).

The Australian Communications and Media Authority (ACMA) regulates compliance with the standard. The safety standard applies to all mobile frequencies currently used in Australia, including 3G, 4G and 5G.

The Standard operates by placing a limit on the strength of the signal (or RF EME) that mobile carriers can transmit to and from any network base station. The environmental standard restricts the signal strength to a level low enough to protect all people at all times. It has a significant safety margin, or precautionary approach, built into it.

An ARPANSA EME report has been prepared to demonstrate compliance with the Australian standard. This report demonstrates the maximum signal strength that a proposed telecommunications facility is capable of producing, assuming it is operating at maximum capacity.

This facility will operate at maximum EME levels representing **1.70%** of the Australian standard. Refer Appendix 3.

Note that mobile base stations are designed to operate at minimum, not maximum, power levels at all times. The facility will only operate at a level necessary to accommodate the number of customers using the facility at any one time. Actual EME levels emitted by the facility will generally be much lower than those shown in the ARPANSA EME Report.

## 9. Conclusion

Downer Group EDI, for and on behalf of the Indara Group, is seeking development consent to install a new telecommunications facility at 7 Sun Valley Road, Green Point NSW 2251. The new facility is proposed to improve mobile services in the Green Point area.

The facility will provide new improved coverage and connectivity to the Green Point area providing much needed voice and data services to the area and will form a vital component of the Central Coast infrastructure.

There is strong State policy support for telecommunications facilities if, when balancing improved telecommunications services with environmental impacts; including for example, visual impact and flood or fire hazard, a particular proposal provides a net community benefit. The site has a number of characteristics that make it suitable for the construction of a new telecommunications facility in the manner proposed. The drawings respond to the principles of design, siting, construction, and operation of telecommunications facilities as specified in the Code of Practice whilst meeting state and local planning policy objectives.

The proposed works provide the community with reliable 4G and future 5G access which in turn supports the various commercial industries in the region and forms part of a wider plan to ensure reliable and accessible coverage during emergency situations.

Indara, together with Downer have undertaken an assessment of the relevant matters as required by the Telecommunications Act 1997 and the Central Coast Local Environmental Plan. The proposal is considered appropriate considering the relevant legislative, environmental, technical, radio coverage and public safety requirements.

The proposed facility is considered appropriate for the subject site for the following reasons:

- The facility is located specifically to provide reliable mobile phone service to Green Point and surroundings.
- Public views to the facility are adequately contained due to the siting of the new monopole structure and facility amongst established vegetation, and within a context of existing infrastructure.
- The implementation of a monopole at medium scale height ensures that the facility will not impact on the vistas from these public viewpoints or the valued landscape qualities in the area.
- The facility will operate within the regulatory framework of Commonwealth, State and Local Governments.
- The proposal is consistent with the relevant provisions of the Central Coast Local Environmental Plan 2022.
- The facility will ensure the provision of significantly improved mobile phone coverage and competition in the Green Point area, including businesses and residents and along major transport routes.
- The proposal will maintain and improve Optus communications services to the area, including voice calls, video calling and Wireless Broadband - a high speed wireless internet service via the 4G and 5G phone network.
- The proposed facility is part of Optus' strategic plan to improve its mobile service in the Green Point area, thereby ensuring residents, businesses and visitors have access to

the best quality telecommunications service possible which will assist in the delivery of the Council's corporate vision.

- The site has been assessed as a viable option for the effective delivery of Optus coverage and radiofrequency objectives for the search area, in accordance with the 'Precautionary Principle', and will greatly improve access to mobile telecommunications for residents and businesses in the local area.
- The facility will operate within all current and relevant Australian Standards.
- The proposal will not prejudice the existing and future uses of the site; and
- The proposal will have a number of significant economic and social benefits to the area.

Based upon the above, we respectfully request that Central Coast Council approve the application and issue a development permit for a telecommunications facility at the site, subject to reasonable and relevant conditions, and in accordance with the plans attached in **Appendix 2**.

Should Council have any further queries regarding the submitted application, please do not hesitate to contact Kaitlen Perkins at [kaitlen.perkins@downergroup.com](mailto:kaitlen.perkins@downergroup.com)

## Appendix 1: Certificate of Title



LAND  
REGISTRY  
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 72/1040759

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SEARCH DATE	TIME	EDITION NO	DATE
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20/7/2023	10:23 AM	29	17/6/2023

LAND

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LOT 72 IN DEPOSITED PLAN 1040759  
AT GREEN POINT  
LOCAL GOVERNMENT AREA CENTRAL COAST  
PARISH OF KINCUMBER COUNTY OF NORTHUMBERLAND  
TITLE DIAGRAM DP1040759

FIRST SCHEDULE

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DIAMOND EDGE PROPERTIES PTY LIMITED (T AE824673)

SECOND SCHEDULE (23 NOTIFICATIONS)

-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND  
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 6413969 EASEMENT TO DRAIN SEWAGE 4 METRE(S) WIDE (LIMITED  
IN STRATUM) AFFECTING THE PART(S) SHOWN SO BURDENED IN  
THE TITLE DIAGRAM  
7157569 EASEMENT NOW VESTED IN GOSFORD CITY COUNCIL.  
SEE GOV. GAZ. 01/09/2000, FOL.9785.
- 3 DP1040759 EASEMENT TO DRAIN WATER VARIABLE WIDTH AFFECTING THE  
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1040759 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND  
NUMBERED (2) IN THE S.88B INSTRUMENT
- 5 DP1040759 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND  
NUMBERED (3) IN THE S.88B INSTRUMENT
- 6 DP1040759 RESTRICTION(S) ON THE USE OF LAND REFERRED TO AND  
NUMBERED (4) IN THE S.88B INSTRUMENT
- 7 DP1058502 RIGHT OF CARRIAGEWAY 6.1& 9 METRE(S) WIDE AFFECTING  
THE PART(S) SHOWN SO BURDENED IN DP1058502
- 8 DP1058502 EASEMENT FOR CAR PARKING 5.5 WIDE AFFECTING THE  
PART(S) SHOWN SO BURDENED IN DP1058502
- 9 AA506873 LEASE TO COLES SUPERMARKETS AUSTRALIA PTY LTD (SEE  
AT135062) BEING BI-LO SUPERMARKET & SHOP 5, CNR AVOCA  
DRIVE & SUN VALLEY RD, GOSFORD.. EXPIRES: 8/12/2017.  
OPTION OF RENEWAL: 5+5+5 YEARS.  
AD968716 SURRENDERED AS REGARDS SHOP 5  
AD968715 VARIATION OF LEASE AA506873  
AN146327 VARIATION OF LEASE AA506873 EXPIRY DATE NOW  
8/12/2022. OPTION OF RENEWAL: 2 OPTIONS OF 5 YEARS  
EACH.  
AS863305 VARIATION OF LEASE AA506873 EXPIRY DATE NOW

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PRINTED ON 20/7/2023



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH  
-----FOLIO: 72/1040759  
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PAGE 2

SECOND SCHEDULE (23 NOTIFICATIONS) (CONTINUED)  
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- 8/12/2032. OPTION OF RENEWAL: 7 YEARS WITH A  
FURTHER OPTION OF 7 YEARS.
- 10 DP1083547 EASEMENT FOR OVERHANG 0.3 METRE(S) WIDE AFFECTING THE  
PART(S) SHOWN SO BURDENED IN DP1083547
- 11 DP1083547 EASEMENT FOR OVERHANG 0.6 METRE(S) WIDE AFFECTING THE  
PART(S) SHOWN SO BURDENED IN DP1083547
- 12 AN357165 LEASE TO GHAREBO PTY LTD BEING SHOPS 1 & 2. EXPIRES:  
14/1/2027.
- 13 AN425256 LEASE TO WYNN CUISINE PTY LTD BEING SHOP 6. EXPIRES:  
31/7/2022.
- 14 AN515627 LEASE TO LIQUORLAND (AUSTRALIA) PTY LIMITED BEING  
SHOP 5. EXPIRES: 8/12/2022. OPTION OF RENEWAL: 5 YEARS  
AND A FURTHER OPTION OF 5 YEARS.
- 15 AP95638 LEASE TO WATERCO LIMITED OF SHOP 10. EXPIRES:  
17/4/2023. OPTION OF RENEWAL: 5 YEARS AND ONE FURTHER  
OPTION OF 5 YEARS.
- 16 AP315159 LEASE TO THE BAKEHOUSE CAFE (NSW) PTY LIMITED OF  
SHOP 3, GREENPOINT SHOPPING VILLAGE. EXPIRES:  
20/12/2022.
- 17 AP456546 LEASE TO THE Wafa Collective Pty Ltd (see AP957847)  
OF SHOP 7, GREEN POINT SHOPPING VILLAGE. EXPIRES:  
17/12/2022.
- AP957848 VARIATION OF LEASE AP456546 EXPIRY DATE NOW  
17/12/2027.
- 18 AP933832 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP  
LIMITED
- 19 AQ710589 LEASE TO KATRINA BANVILLE OF SHOP 8, GREENPOINT  
SHOPPING VILLAGE, CORNER AVOCA DRIVE & SUNVALLEY ROAD,  
GREEN POINT. EXPIRES: 31/7/2025.
- 20 AR160897 LEASE TO PERFECT IT SOLUTIONS PTY LTD OF SHOP 9B  
GREEN POINT SHOPPING VILLAGE, CORNER AVOCA DRIVE AND  
SUNVALLEY ROAD, GREEN POINT. EXPIRES: 11/4/2024.  
OPTION OF RENEWAL: 3 YEARS.
- 21 AR840598 LEASE TO OMK MANUFACTURING PTY LTD OF SHOP 4,  
GREENPOINT SHOPPING VILLAGE, CORNER AVOCA DRIVE AND  
SUNVALLEY ROAD, GREEN POINT. EXPIRES: 11/11/2026.  
OPTION OF RENEWAL: 5 YEARS.
- 22 AS162070 LEASE TO EM-BELLISHED COSMETICS BY EMILY BISHOP PTY  
LTD OF SHOP 9A GREEN POINT SHOPPING VILLAGE, CORNER  
AVOCA DRIVE AND SUNVALLEY ROAD, GREEN POINT. EXPIRES:  
10/3/2025. OPTION OF RENEWAL: 3 YEARS.
- 23 AS694116 LEASE TO WYNN CUISINE PTY LTD SHOP 6, GREENPOINT  
SHOPPING VILLAGE, & SUN VALLEY ROAD, GREEN POINT NSW  
2251. EXPIRES: 31/7/2032.

END OF PAGE 2 - CONTINUED OVER

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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH  
-----FOLIO: 72/1040759  
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PAGE 3

NOTATIONS  
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REFER ALL DEALINGS TO SD2

UNREGISTERED DEALINGS: VL AS863335.

\*\*\* END OF SEARCH \*\*\*

S5943 Green Point

PRINTED ON 20/7/2023

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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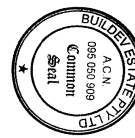
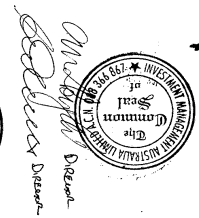
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Req: R911330 /Doc: DP 1040759 P /Rev: 04-Dec-2002 /NSW LRS /Pgs: ALL /Prt: 20-Jul-2023 10:25 /Seq: 1 of 1  
 © Office of the Registrar-General /Src: InfoTrack /Ref: S5943 Green Point



## PLAN FORM 2

SIGNATURE AND SEALS ONLY



IN THE PRESENCE OF  
 E. COLLECCI  
 BANK OFFICE  
 (200)

Crown Lands Office Approval

Lead Officer

Paper No.

Field Book

Subdivision Certificate

Landed

General Authority

Date of endorsement

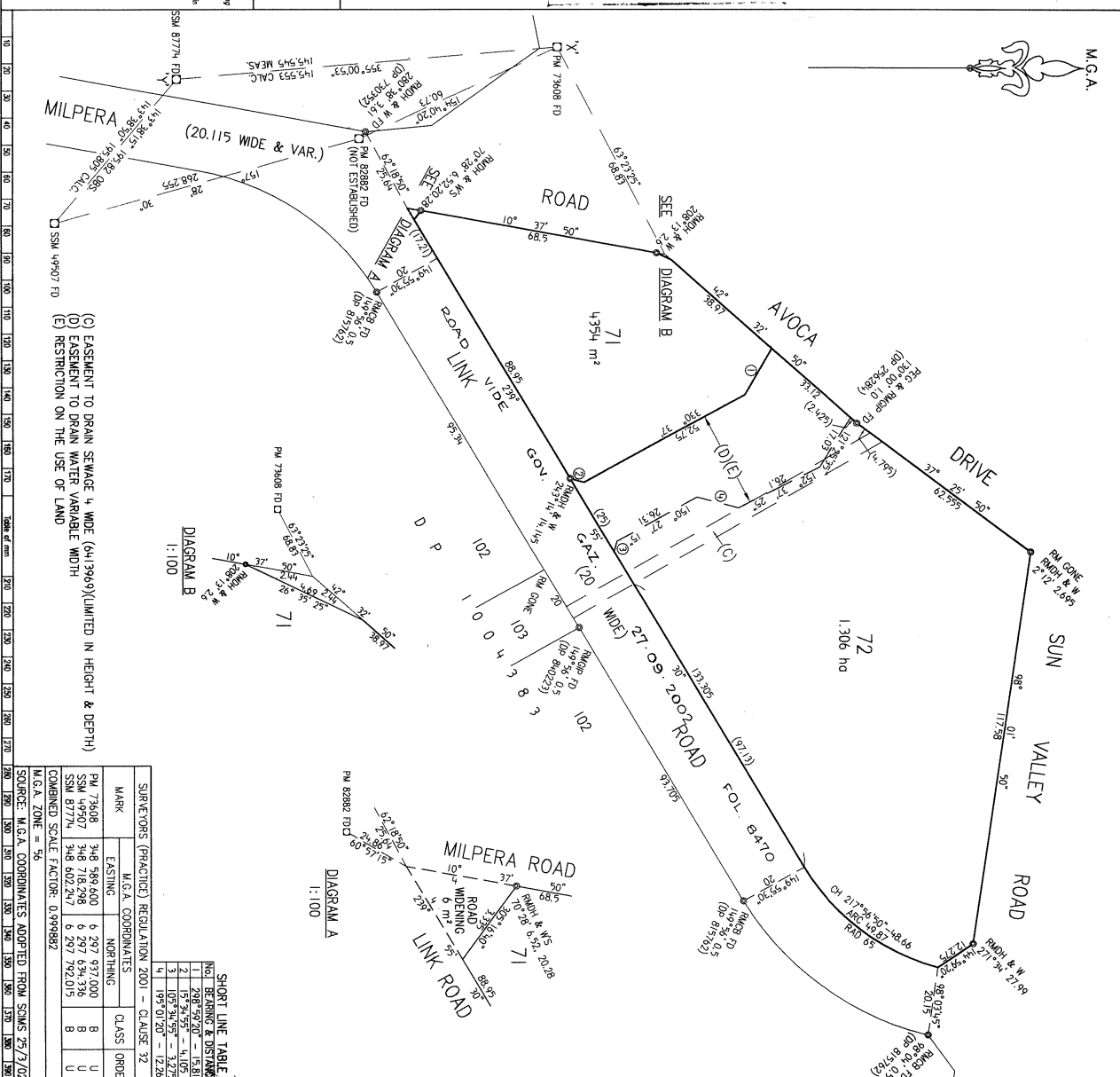
Subdivision Certificate no.

File no.

NOTE: The plan is to be lodged electronically in the Land Titles Office.

SURVEYOR'S REFERENCE: 13785/3

Plan Drawing only to appear in this space



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

DP1040759

Registered 03-12-2002

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: U2780-31

Ref. Map: U2780-32

Ref. Map: U2780-33

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Ref. Map: U2780-66

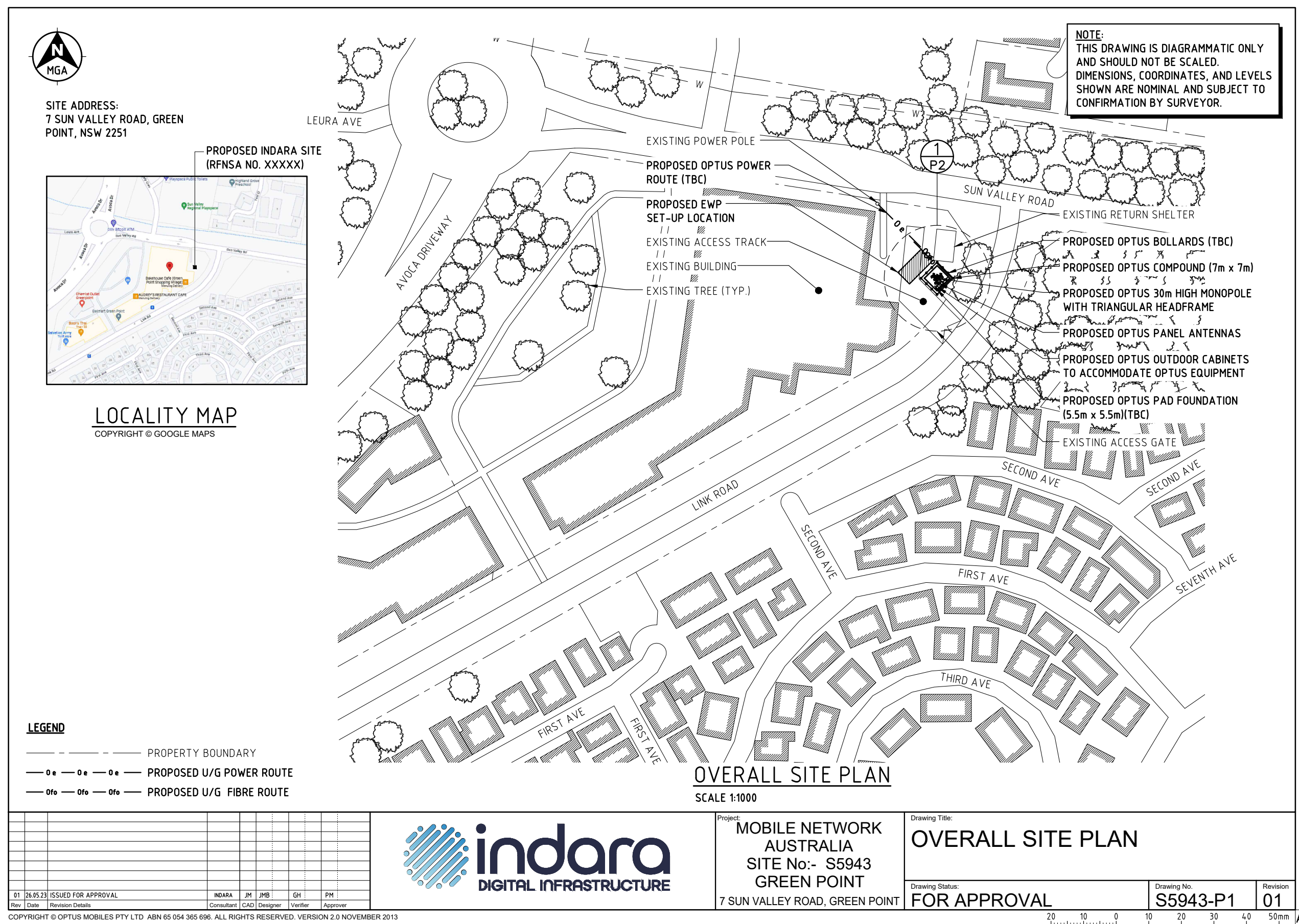
Ref. Map: U2780-67

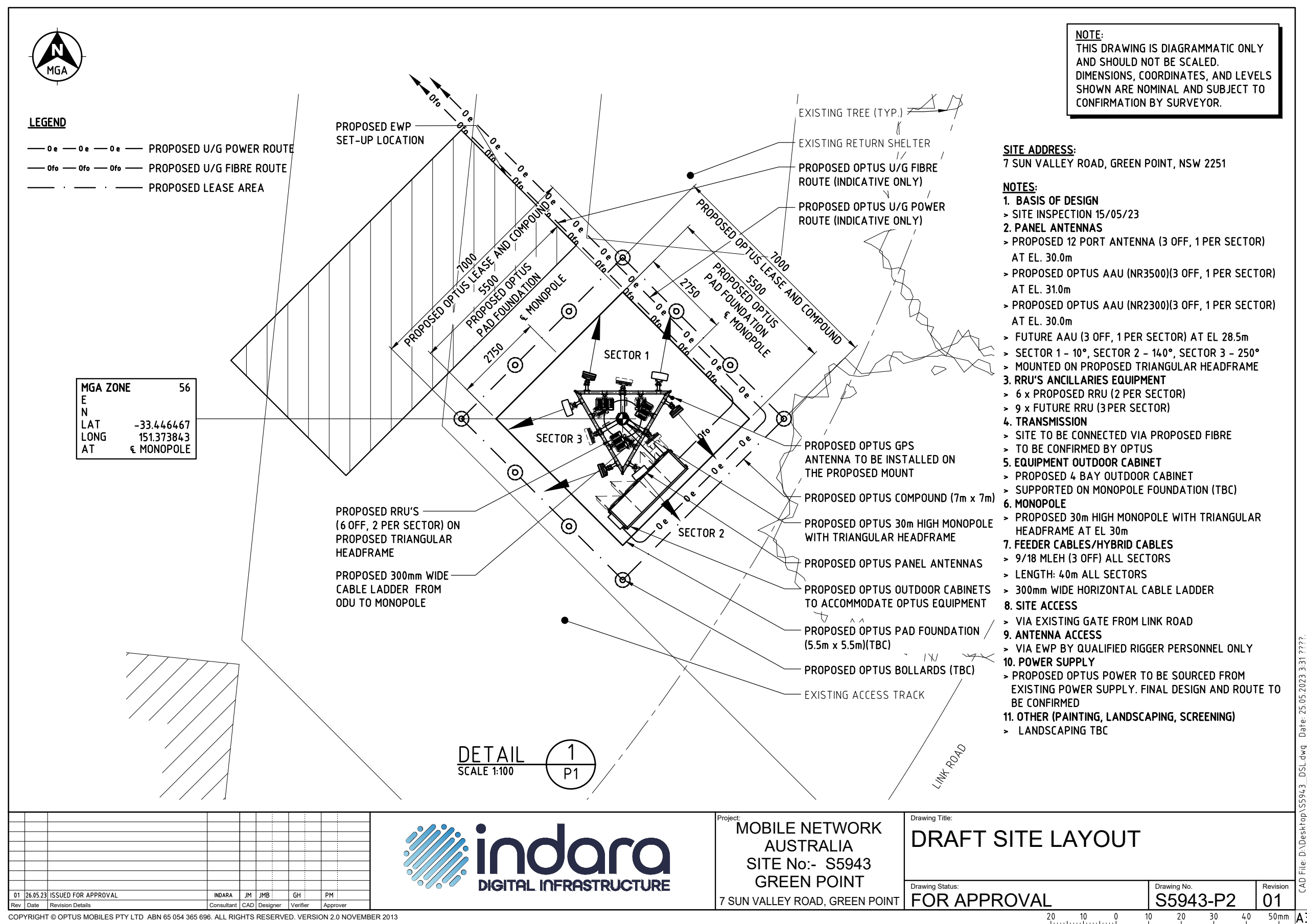
Ref. Map: U2780-68

Ref. Map: U2780-69

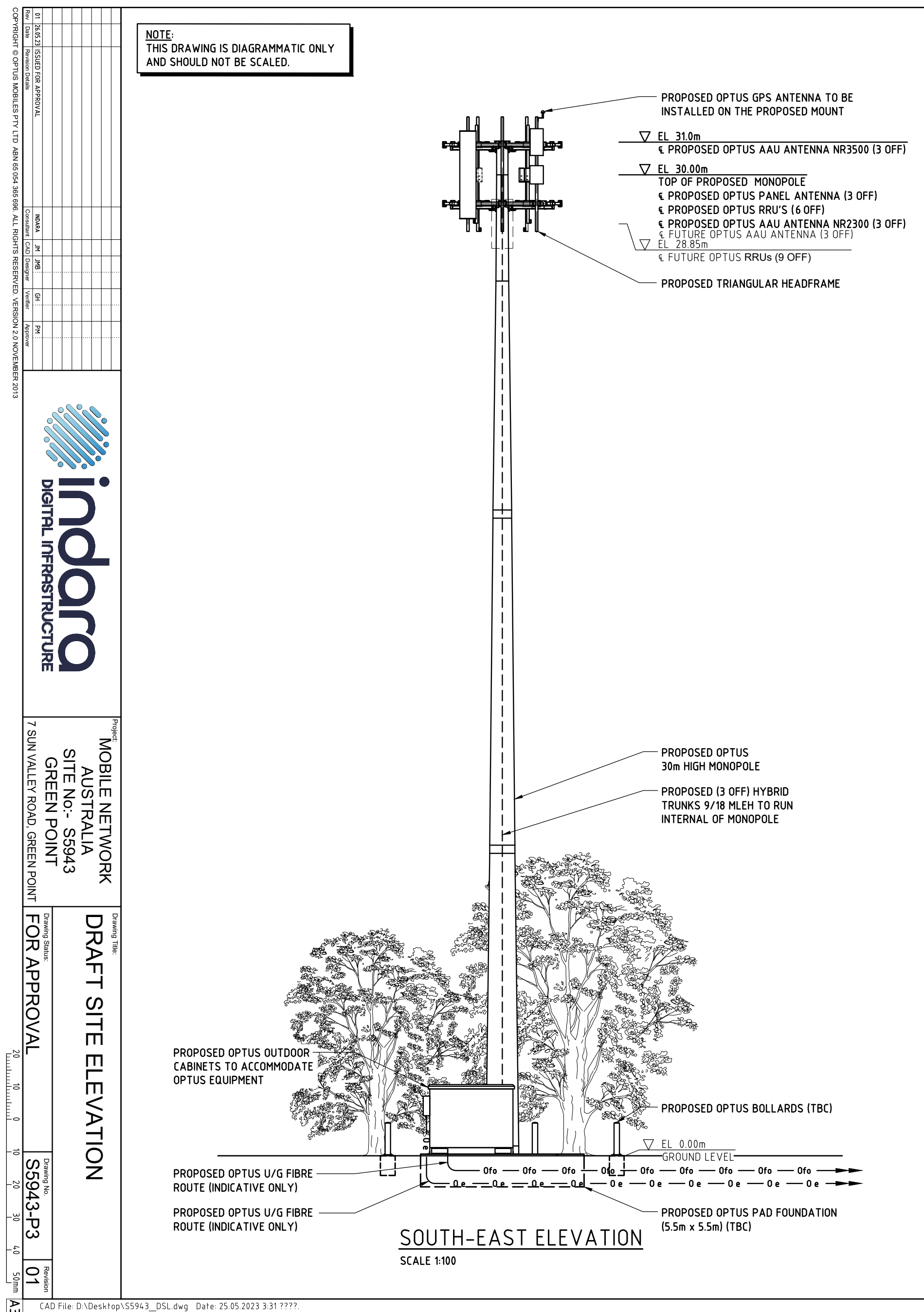
OFFICE USE ONLY

## Appendix 2: Proposal Plans









## Appendix 3: ARPANSA EME Report

## Environmental EME Report

Location	7 Sun Valley Road, GREEN POINT NSW 2251		
Date	30/05/2023	RFNSA No.	2251009

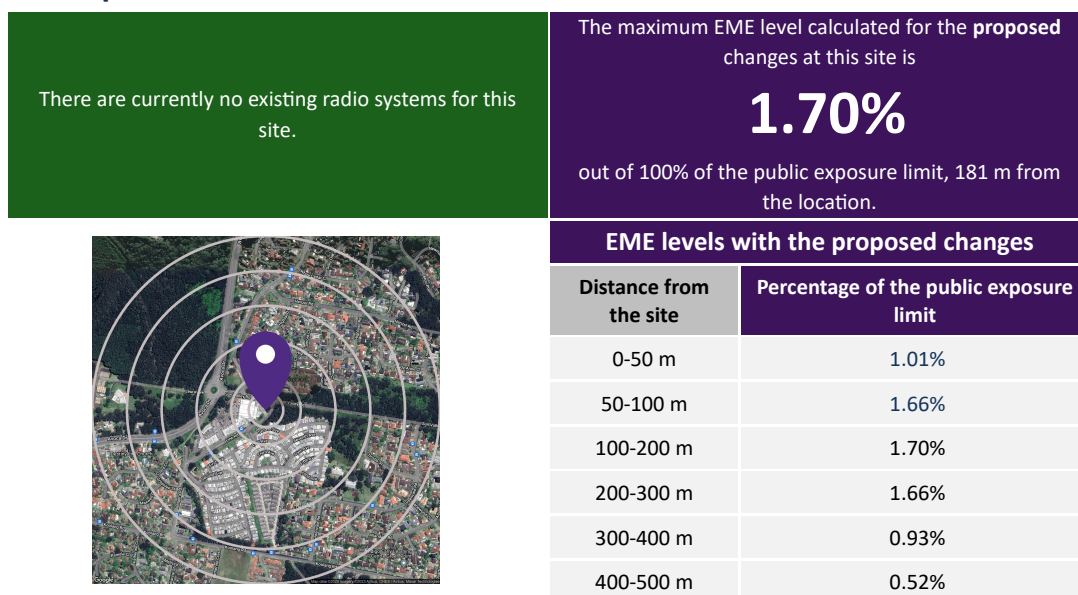
### How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 7 Sun Valley Road, GREEN POINT NSW 2251. These levels have been calculated by Downer Group using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

A document describing how to interpret this report is available at ARPANSA's website:

[A Guide to the Environmental Report.](#)

### A snapshot of calculated EME levels at this site



For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/2251009>.

### Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration.

The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Optus			4G, 5G	LTE1800 (proposed), LTE2600 (proposed), LTE700 (proposed), NR/LTE2100 (proposed), NR/LTE900 (proposed), NR2300 (proposed), NR3500 (proposed)

### An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m				5.38	76.90	1.01%
50-100m				7.70	157.11	1.66%
100-200m				7.50	149.04	1.70%
200-300m				6.65	117.15	1.66%
300-400m				5.02	66.91	0.93%
400-500m				3.75	37.31	0.52%

### Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2020](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

#### Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
No locations identified				

## Appendix 4: Owners Consent



S5943 Green Point

## Owners Consent to Lodge Planning Applications

ERROL DIAMOND  
I, \_\_\_\_\_ being the registered property owner, or their legal representative, for **7 Sun Valley Rd, Green Point NSW 2251** hereby provide Indara Corporation Pty Ltd (ABN 59 643 875 165) part of the Indara Group, and their authorised representatives, consent to lodge any applications required for town planning, environmental and/or building approval, for the purpose of establishing new communications infrastructure at the above-mentioned property.

Dated this 15 day of MAY 2023

A handwritten signature in black ink, appearing to read "ERROL DIAMOND", written over a horizontal line.

Authorised Signatory

ERROL DIAMOND

Full Name

\_\_\_\_\_  
Authorised Signatory\_\_\_\_\_  
Full Name\_\_\_\_\_  
Postal Address\_\_\_\_\_  
Email Address\_\_\_\_\_  
Phone Number



## Appendix 5: EPBC Protected Matters Report



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

# EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 17-Jul-2023

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

## Summary

### Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Importance (Ramsar)</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Listed Threatened Ecological Communities:</a>	5
<a href="#">Listed Threatened Species:</a>	80
<a href="#">Listed Migratory Species:</a>	47

### Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

<a href="#">Commonwealth Lands:</a>	3
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	54
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Australian Marine Parks:</a>	None
<a href="#">Habitat Critical to the Survival of Marine Turtles:</a>	None

### Extra Information

This part of the report provides information that may also be relevant to the area you have

<a href="#">State and Territory Reserves:</a>	None
<a href="#">Regional Forest Agreements:</a>	1
<a href="#">Nationally Important Wetlands:</a>	1
<a href="#">EPBC Act Referrals:</a>	1
<a href="#">Key Ecological Features (Marine):</a>	None
<a href="#">Biologically Important Areas:</a>	1
<a href="#">Bioregional Assessments:</a>	1
<a href="#">Geological and Bioregional Assessments:</a>	None

## Details

### Matters of National Environmental Significance

#### Listed Threatened Ecological Communities

[\[ Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community</a>	Endangered	Community may occur within area	In feature area
<a href="#">Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland</a>	Endangered	Community likely to occur within area	In feature area
<a href="#">Coastal Upland Swamps in the Sydney Basin Bioregion</a>	Endangered	Community likely to occur within area	In feature area
<a href="#">Posidonia australis seagrass meadows of the Manning-Hawkesbury ecoregion</a>	Endangered	Community likely to occur within area	In buffer area only
<a href="#">River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria</a>	Critically Endangered	Community likely to occur within area	In feature area

#### Listed Threatened Species

[\[ Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Scientific Name	Threatened Category	Presence Text	Buffer Status
<b>BIRD</b>			
<a href="#">Anthochaera phrygia</a> Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Botaurus poiciloptilus</a> Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Callocephalon fimbriatum</a> Gang-gang Cockatoo [768]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Calyptorhynchus lathami lathami</a> South-eastern Glossy Black-Cockatoo [67036]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Climacteris picumnus victoriae</a> Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Diomedea antipodensis</a> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea antipodensis gibsoni</a> Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea epomophora</a> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Diomedea exulans</a> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Diomedea sanfordi</a> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Erythrotriorchis radiatus</a> Red Goshawk [942]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Falco hypoleucos</a> Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area	In buffer area only
<a href="#">Limosa lapponica baueri</a> Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit [86380]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Macronectes giganteus</a> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#">Macronectes halli</a> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Melanodryas cucullata cucullata</a> South-eastern Hooded Robin, Hooded Robin (south-eastern) [67093]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Neophema chrysostoma</a> Blue-winged Parrot [726]	Vulnerable	Species or species habitat may occur within area	In feature area



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Pachyptila turtur subantarctica</a> Fairy Prion (southern) [64445]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Pycnoptilus floccosus</a> Pilotbird [525]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Rostratula australis</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Stagonopleura guttata</a> Diamond Firetail [59398]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Sternula nereis nereis</a> Australian Fairy Tern [82950]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Thalassarche bulleri</a> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche bulleri platei</a> Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche cauta</a> Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche eremita</a> Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In feature area
<a href="#">Thalassarche impavida</a> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Thalassarche melanophris</a> Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Thalassarche salvini</a> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche steadi</a> White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
<b>FISH</b>			
<a href="#">Epinephelus daemeli</a> Black Rockcod, Black Cod, Saddled Rockcod [68449]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
<a href="#">Macquaria australasica</a> Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Prototroctes maraena</a> Australian Grayling [26179]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Thunnus maccoyii</a> Southern Bluefin Tuna [69402]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only
<b>FROG</b>			
<a href="#">Heleioporus australiacus</a> Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Litoria aurea</a> Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Mixophyes balbus</a> Stuttering Frog, Southern Barred Frog (in Victoria) [1942]	Vulnerable	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#"><u>Mixophyes iteratus</u></a>			
Giant Barred Frog, Southern Barred Frog [1944]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<b>MAMMAL</b>			
<a href="#"><u>Chalinolobus dwyeri</u></a>			
Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#"><u>Dasyurus maculatus maculatus (SE mainland population)</u></a>			
Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Notamacropus parma</u></a>			
Parma Wallaby [89289]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#"><u>Petauroides volans</u></a>			
Greater Glider (southern and central) [254]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Petaurus australis australis</u></a>			
Yellow-bellied Glider (south-eastern) [87600]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Petrogale penicillata</u></a>			
Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#"><u>Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</u></a>			
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Potorous tridactylus tridactylus</u></a>			
Long-nosed Potoroo (northern) [66645]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#"><u>Pseudomys novaehollandiae</u></a>			
New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#"><u>Pteropus poliocephalus</u></a>			
Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<b>PLANT</b>			
<a href="#">Acacia bynoeana</a> Bynoe's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Acacia pubescens</a> Downy Wattle, Hairy Stemmed Wattle [18800]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Caladenia tessellata</a> Thick-lipped Spider-orchid, Daddy Long-legs [2119]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Cryptostylis hunteriana</a> Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Diuris praecox</a> Newcastle Doubletail [55086]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Eucalyptus camfieldii</a> Camfield's Stringybark [15460]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Genoplesium baueri</a> Yellow Gnat-orchid, Bauer's Midge Orchid, Brittle Midge Orchid [7528]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Melaleuca biconvexa</a> Biconvex Paperbark [5583]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Melaleuca deanei</a> Deane's Melaleuca [5818]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Micromyrtus blakelyi</a> [6870]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Persicaria elatior</a> Knotweed, Tall Knotweed [5831]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Prostanthera askania</a> Tranquillity Mintbush, Tranquillity Mintbush [64958]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Rhizanthella slateri</a> Eastern Underground Orchid [11768]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Rhodamnia rubescens</a> Scrub Turpentine, Brown Malletwood [15763]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Rhodomyrtus psidioides</a> Native Guava [19162]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Rutidosis heterogama</a> Heath Wrinklewort [13132]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Syzygium paniculatum</a> Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry [20307]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Thesium australe</a> Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<b>REPTILE</b>			
<a href="#">Caretta caretta</a> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Chelonia mydas</a> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dermochelys coriacea</a> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Eretmochelys imbricata</a> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Hoplocephalus bungaroides</a> Broad-headed Snake [1182]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Natator depressus</a> Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<b>SHARK</b>			
<a href="#">Sphyrna lewini</a> Scalloped Hammerhead [85267]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only
<b>Listed Migratory Species</b>		<b>[ Resource Information ]</b>	
Scientific Name	Threatened Category	Presence Text	Buffer Status
<b>Migratory Marine Birds</b>			
<a href="#">Anous stolidus</a> Common Noddy [825]		Species or species habitat may occur within area	In buffer area only
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
<a href="#">Ardeanna grisea</a> Sooty Shearwater [82651]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Calonectris leucomelas</a> Streaked Shearwater [1077]		Species or species habitat known to occur within area	In buffer area only
<a href="#">Diomedea antipodensis</a> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea epomophora</a> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Diomedea exulans</a> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#"><u>Diomedea sanfordi</u></a> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#"><u>Fregata ariel</u></a> Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area	In buffer area only
<a href="#"><u>Fregata minor</u></a> Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Macronectes giganteus</u></a> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Macronectes halli</u></a> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#"><u>Phaethon lepturus</u></a> White-tailed Tropicbird [1014]		Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Thalassarche bulleri</u></a> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Thalassarche cauta</u></a> Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#"><u>Thalassarche eremita</u></a> Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In feature area
<a href="#"><u>Thalassarche impavida</u></a> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Thalassarche melanophris</a> Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Thalassarche salvini</a> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche steadi</a> White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
<b>Migratory Marine Species</b>			
<a href="#">Caretta caretta</a> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Chelonia mydas</a> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dermochelys coriacea</a> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dugong dugon</a> Dugong [28]		Species or species habitat may occur within area	In buffer area only
<a href="#">Eretmochelys imbricata</a> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Lamna nasus</a> Porbeagle, Mackerel Shark [83288]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Mobula alfredi as Manta alfredi</a> Reef Manta Ray, Coastal Manta Ray [90033]		Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Mobula birostris as Manta birostris</a> Giant Manta Ray [90034]		Species or species habitat may occur within area	In buffer area only
<a href="#">Natator depressus</a> Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<b>Migratory Terrestrial Species</b>			
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area	In feature area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat likely to occur within area	In feature area
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area	In feature area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area	In feature area
<a href="#">Symposiachrus trivirgatus as Monarcha trivirgatus</a> Spectacled Monarch [83946]		Species or species habitat known to occur within area	In feature area
<b>Migratory Wetlands Species</b>			
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat known to occur within area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area	In feature area
<a href="#">Limosa lapponica</a> Bar-tailed Godwit [844]		Species or species habitat known to occur within area	In feature area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat known to occur within area	In feature area
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area	In feature area

## Other Matters Protected by the EPBC Act

### Commonwealth Lands

### [ Resource Information ]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Commonwealth Land Name	State	Buffer Status
Communications, Information Technology and the Arts - Telstra Corporation Limited		

Commonwealth Land Name	State	Buffer Status
Commonwealth Land - Telstra Corporation Limited [11766]	NSW	In buffer area only

#### Defence

Commonwealth Land - Defence Service Homes Corporation [15946]	NSW	In buffer area only
Defence - ERINA GRES DEPOT [10070]	NSW	In buffer area only

#### Listed Marine Species [ Resource Information ]

Scientific Name	Threatened Category	Presence Text	Buffer Status
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#### Bird

##### [Actitis hypoleucos](#)

Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
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##### [Anous stolidus](#)

Common Noddy [825]		Species or species habitat may occur within area	In buffer area only
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##### [Apus pacificus](#)

Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
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##### [Ardenna grisea as Puffinus griseus](#)

Sooty Shearwater [82651]		Species or species habitat likely to occur within area	In buffer area only
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##### [Bubulcus ibis as Ardea ibis](#)

Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area	In feature area
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##### [Calidris acuminata](#)

Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area	In feature area
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##### [Calidris canutus](#)

Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area overfly marine area	In feature area
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##### [Calidris ferruginea](#)

Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area overfly marine area	In feature area
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Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Calonectris leucomelas</a> Streaked Shearwater [1077]		Species or species habitat known to occur within area	In buffer area only
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Diomedea antipodensis</a> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea antipodensis gibsoni</a> as <a href="#">Diomedea gibsoni</a> Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea epomophora</a> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Diomedea exulans</a> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea sanfordi</a> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Fregata ariel</a> Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Fregata minor</a> Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat may occur within area	In buffer area only



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Haliaeetus leucogaster</a> White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area overfly marine area	In buffer area only
<a href="#">Limosa lapponica</a> Bar-tailed Godwit [844]		Species or species habitat known to occur within area	In feature area
<a href="#">Macronectes giganteus</a> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#">Macronectes halli</a> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Merops ornatus</a> Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat likely to occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Neophema chrysostoma</a> Blue-winged Parrot [726]	Vulnerable	Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Pachyptila turtur</a> Fairy Prion [1066]		Species or species habitat known to occur within area	In feature area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat known to occur within area	In feature area
<a href="#">Phaethon lepturus</a> White-tailed Tropicbird [1014]		Species or species habitat may occur within area	In buffer area only
<a href="#">Pterodroma cervicalis</a> White-necked Petrel [59642]		Species or species habitat may occur within area	In feature area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Rostratula australis as Rostratula benghalensis (sensu lato)</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Sterna striata</a> White-fronted Tern [799]		Migration route may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#"><u>Symposiachrus trivirgatus as Monarcha trivirgatus</u></a> Spectacled Monarch [83946]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#"><u>Thalassarche bulleri</u></a> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Thalassarche bulleri platei as Thalassarche sp. nov.</u></a> Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Thalassarche cauta</u></a> Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#"><u>Thalassarche eremita</u></a> Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In feature area
<a href="#"><u>Thalassarche impavida</u></a> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#"><u>Thalassarche melanophris</u></a> Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#"><u>Thalassarche salvini</u></a> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#"><u>Thalassarche steadi</u></a> White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
<a href="#"><u>Tringa nebularia</u></a> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area overfly marine area	In feature area

## Mammal

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Dugong dugon</a> Dugong [28]		Species or species habitat may occur within area	In buffer area only
<b>Reptile</b>			
<a href="#">Caretta caretta</a> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Chelonia mydas</a> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dermochelys coriacea</a> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Eretmochelys imbricata</a> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Natator depressus</a> Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only

## Extra Information

### Regional Forest Agreements [\[ Resource Information \]](#)

Note that all areas with completed RFAs have been included. Please see the associated resource information for specific caveats and use limitations associated with RFA boundary information.

RFA Name	State	Buffer Status
<a href="#">North East NSW RFA</a>	New South Wales	In feature area

### Nationally Important Wetlands [\[ Resource Information \]](#)

Wetland Name	State	Buffer Status
<a href="#">Brisbane Water Estuary</a>	NSW	In buffer area only

### EPBC Act Referrals [\[ Resource Information \]](#)

Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
Not controlled action				
<a href="#">Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia</a>	2015/7522	Not Controlled Action	Completed	In feature area

Biologically Important Areas			
Scientific Name	Behaviour	Presence	Buffer Status
Seabirds			
<a href="#">Ardenna pacifica</a>			
Wedge-tailed Shearwater [84292]	Foraging	Likely to occur	In buffer area only

Bioregional Assessments			
SubRegion	BioRegion	Website	Buffer Status
Hunter	Northern Sydney Basin	<a href="#">BA website</a>	In feature area

# Caveat

## 1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

## 2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data are available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance

## 3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions

## 4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.



## Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact us](#) page.

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Department of Climate Change, Energy, the Environment and Water

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## Appendix 6: AHIMS (AWS) Report



## AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Green Point

Client Service ID : 802829

Kaitlen Perkins

Date: 24 July 2023

Level 10 567 Collins Street  
Melbourne Victoria 3000

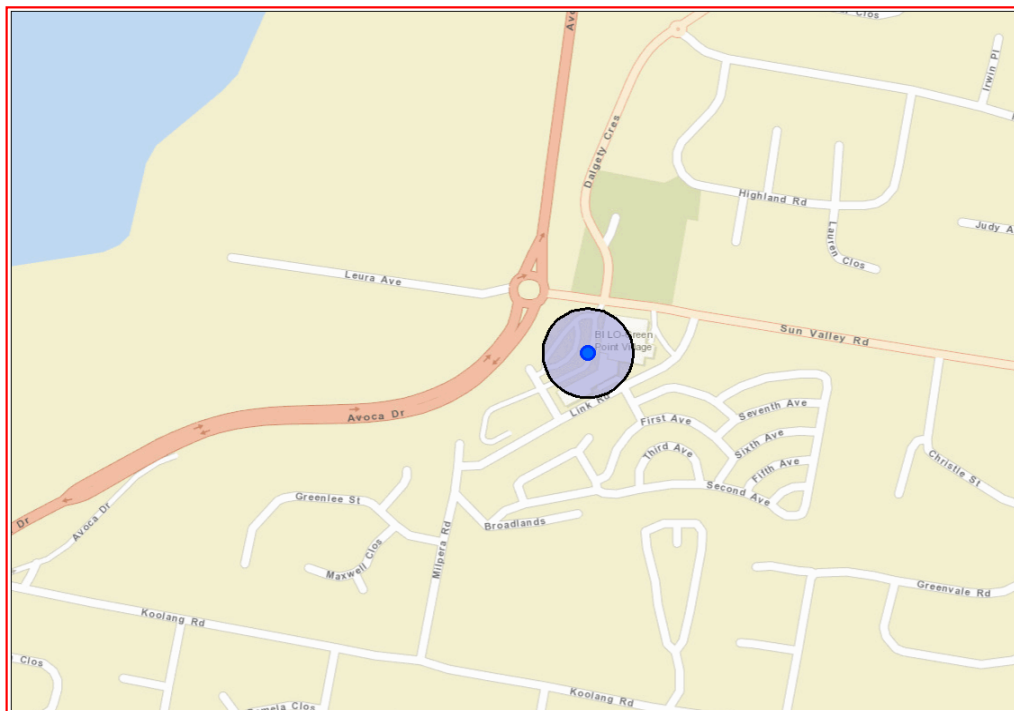
Attention: Kaitlen Perkins

Email: kaitlen.perkins@downergroup.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 7 SUN VALLEY ROAD GREEN POINT 2251 with a Buffer of 50 meters, conducted by Kaitlen Perkins on 24 July 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. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

DATE OF ISSUE		18.06.24																	
DRAWING PACKAGE VERSION		1																	
GENERAL																			
S5943-G1	SITE SPECIFICATIONS - SHEET 1 OF 2	A																	
S5943-G1-1	SITE SPECIFICATIONS - SHEET 2 OF 2	A																	
S5943-G2	OVERALL SITE PLAN	A																	
S5943-G3	SITE LAYOUT AND SETOUT PLAN	A																	
S5943-G4	SITE ELEVATION	A																	
ANTENNAS & TRANSMISSION																			
S5943-A1	PANEL ANTENNA SYSTEM CONFIGURATION	A																	
S5943-A2	RF PLUMBING DIAGRAM	A																	
STRUCTURAL																			
S5943-S1	OPTUS ODU FOOTING DETAILS	A																	
S5943-S2	GROUP METER H-FRAME AND FOOTING DETAILS	A																	
ELECTRICAL																			
S5943-E1	SITE POWER DETAILS	A																	
S5943-E2	SINGLE LINE DIAGRAM	A																	
S5943-E3	SITE EARTHING PLAN	A																	
OUTDOOR UNITS																			
S5943-F1	EQUIPMENT OTC LAYOUT PLAN	A																	
EME EXCLUSION ZONES																			
LEASE / LICENCE																			
DISTRIBUTION																			
INDARA		1																	
OPTUS		1																	
DOWNER		1																	



INDARA BUN NO. -3503060

GREEN POINT

OPTUS SITE ID: S5943

7 SUN VALLEY ROAD

GREEN POINT

NSW 2251

OPTUS PROJECT

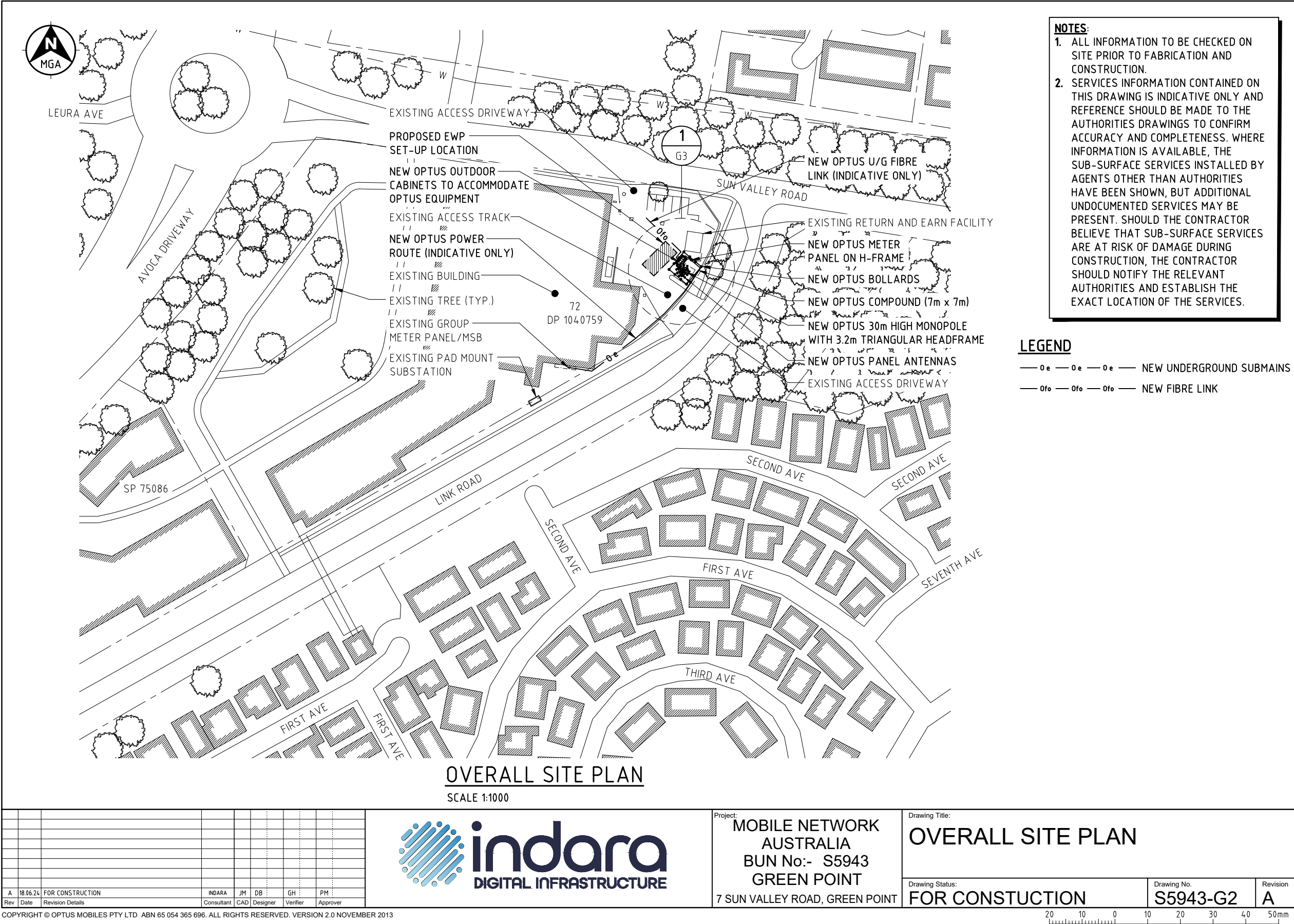
OPTUS WORK AUTHORITY N° 580042

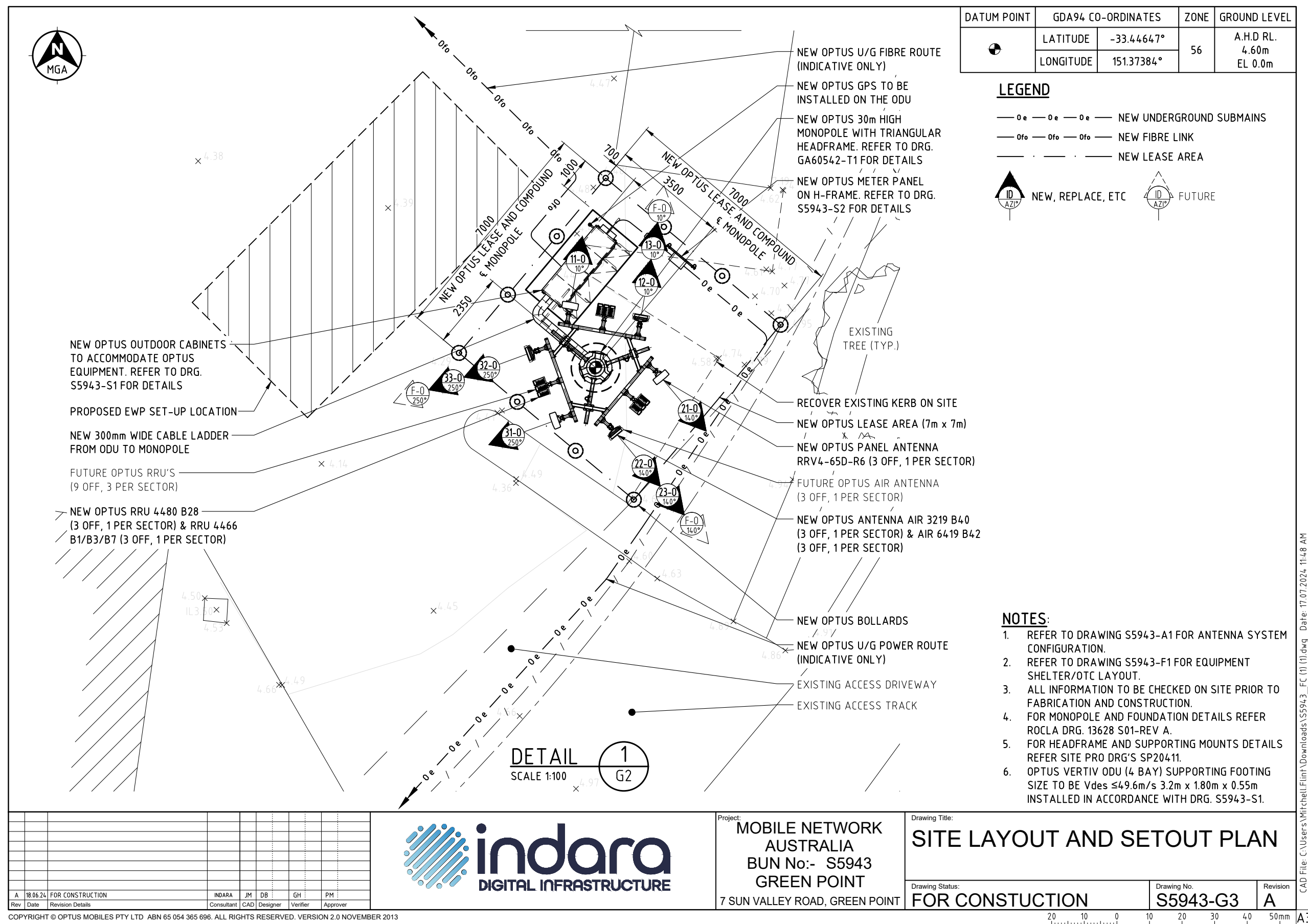


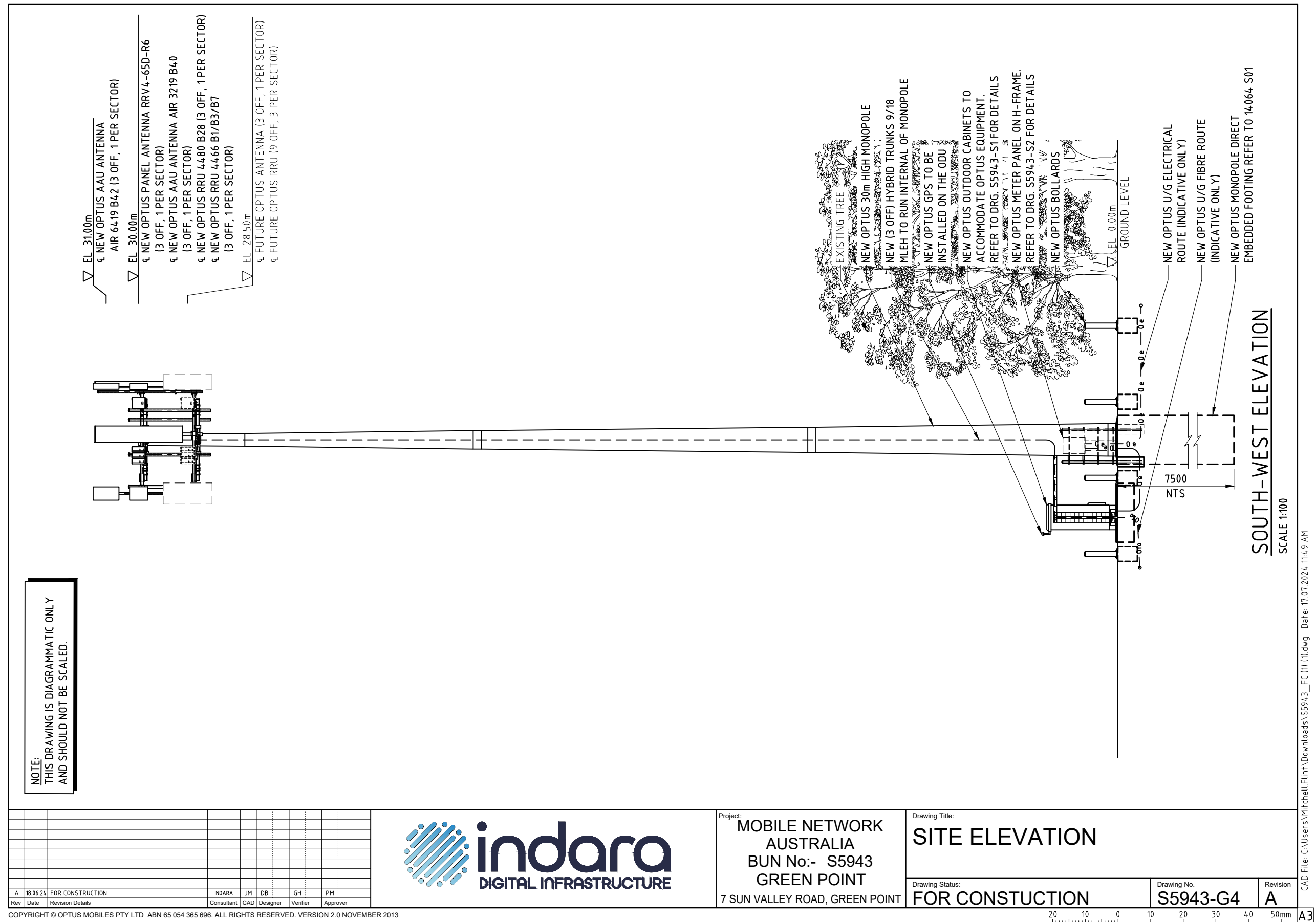
FOR CONSTUCTION

Drawing No.  
S5943 - 00











**Proposed Telecommunications Facility  
7 Sun Valley Road, Green Point NSW 2251  
Request to Vary Development Standard**

Downer, on behalf of Indara (Optus) are proposing to install a new telecommunications facility at 7 Sun Valley Road, Green Point NSW 2251. The proposal is to provide wider service coverage to the residents of Green Point and meet increased demand.

The proposal exceeds the height allowable under the Central Coast Local Environmental Plan 2022.

This application seeks a variation of the Development Standard pursuant to Clause 4.6 of the LEP. The following provides justification for the variation, in accordance with the format provided by the NSW Department of Planning.

**1. What is the name of the environmental planning instrument that applies to the land?**

Central Coast Local Environmental Plan 2022

**2. What is the zoning of the land?**

E1 – Local Centre

**3. What are the objectives of the zone?**

The objectives are shown below. The proposal is consistent with the zone objectives. Refer to section 6.3.2 of the Statement of Environmental Effects.

E1 – Local Centre Objectives	
Objectives	Response
To encourage investment in local commercial development that generates employment opportunities and economic growth.	The erection of a new mobile phone telecommunications facility will aid the support services needed for local business and the tourism sectors that rely on these services.
To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.	Not applicable. The proposal is not a residential dwelling.
To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	The area of Green Point is made up of diverse land uses between commercial, retail and residential. Approval of the new development will translate to stronger mobile coverage services without the worry for call and or internet dropouts. The new mobile phone tower will facilitate enough capacity that will cater for those mobile





	phone users who are visiting and or passing by the area as well.
To encourage employment opportunities in accessible locations.	The construction of the tower will offer local economic benefits to the area. In which will require a team of ten construction workers during the course of build and construction. Plus, utilising local talent to maintenance the facility up to four times a year.
To maximise public transport patronage and encourage walking and cycling.	Not applicable.
To minimise conflict between land uses within the zone and land uses within adjoining zones.	The proposed works is considered essentially infrastructure under the TISEPP and the Telecommunication Act. In which will facilitate an essential service for varied land uses within the area for both commercial, industrial, and commercial. In addition to these areas the area will also facilitate much needed services for the tourism sector. Notice there is a caravan park south east to the site.
To encourage an increased residential population through stand-alone development or as part of mixed use development in centres and other local areas where land is not otherwise required to serve local needs.	The installation of such services will make in-building coverage services for the local shops on the premises easier to install with the erection of a new mobile phone tower on the allotment.
To permit residential uses while maintaining active retail, business and other non-residential uses at street level to contribute to the vitality of the area.	Not applicable.

#### 4. What is the development standard being varied?

Height

#### 5. Under what clause is the development standard listed in the environmental planning instrument?

Central Coast Local Environmental Plan 2022, Part 4 Principal Development Standards, Clause 4.3 Height of Buildings.

#### 6. What are the objectives for the development standard?

The height requirements in the standard are based on urban development, rather than utility infrastructure. The proposal exceeds these requirements in order to function to maximum potential. The proposal is thus, consistent with the objectives. It should be noted that the proposal is not a habitable building.

LEP 4.3 Height of Buildings	
Objectives	Response
(a) to ensure the height of buildings are appropriate for their location,	Not applicable. The proposal is a utility structure where height is required to achieve maximum potential.
(b) to permit building heights that encourage high quality urban form.	Not applicable. The proposal is for utility infrastructure, not for residential/commercial development.



**7. What is the numeric value of the development standard in the environmental planning instrument?**

8.5m

**8. What is the proposed numeric value of the development standard in your development application?**

30m from ground level to highest point of facility.

**9. What is the percentage variation between your proposal and the environmental planning instrument?**

Works represent approximately 330% of the 8.5m height restriction.

**10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

There is an established community need for improved mobile coverage in the Green Point area. The proposal, on behalf of Indara, is to facilitate improved mobile coverage in the wider region.

The facility will also improve the capacity of Optus' network in the area, relieving congestion on existing base stations in the district. This will result in more reliable network coverage for local residents and businesses, and for major community uses.

There is a technical requirement for telecommunications facilities to protrude above the surrounding environment to function correctly. A 30m Pole is required at this location, based on the area the site must cover.

Protrusion above the height limit is unavoidable in this location. However, protrusion above the height limit will not have an adverse amenity impact on this area – the site is located at the rear of the property in a carpark, surrounded by tall vegetation and infrastructure, offsetting the facility's visual impact, and it is well separated from significant vistas or visually sensitive development.

**11. How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act?**

Strict compliance would hinder attainment of the objects noted in the EP&A Act, as follows.

EP&A Act 1.3 Objectives	
Objectives	Response
a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,</i>	The proposal will improve mobile services within Green Point and the surrounding areas. The facility will also improve the capacity of the mobile network for existing and new residents, and for local businesses.





	<p>Strong mobile coverage has significant benefits for social welfare. It enables the community to communicate effectively, undertake everyday tasks like banking more easily, be entertained, and access educational and economic opportunities they may not otherwise have access to. Public safety – including the ability to reliably contact emergency services – is a notable benefit.</p> <p>Strict compliance with the standard would place the antennas at less than 8.5m in height. The antennas would not be capable of servicing the area effectively and the facility would not work.</p> <p>This facility will also reduce network congestion on surrounding, existing base stations. Without it, network congestion issues in the area will continue and worsen.</p> <p>The proposal has been sited to avoid adverse impacts on the environment, being in an area that has been previously disturbed, and in a location where there are already a large number of floodlight poles present. The facility will have significant benefit for the local area, without undue visual or environmental impact.</p>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal is appropriate given its minimal environmental impacts, and its expected contribution to social and economic well-being in the area. Strict compliance with the standard would prevent the facility from being deployed, because it would not work.
c) to promote the orderly and economic use and development of land,	This facility is proposed in response to a genuine need for improved mobile services in the surrounding area, as a result of increasing network demand and an inability of existing base stations to meet that demand. Strict compliance with the standard would prevent Optus from servicing Green Point, especially its major educational precinct, effectively. The proposal is considered orderly and economically appropriate.
d) to promote the delivery and maintenance of affordable housing,	Not applicable.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal will not specifically protect the environment; however, it can be deployed without adverse environmental impact.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Not applicable as the site is not heritage listed and searches indicate no record of indigenous sensitivity.
g) to promote good design and amenity of the built environment,	The proposal is for utility infrastructure. This objective has been met through appropriate siting of the facility, away from sensitive land uses, in a location where there are already established industrial style infrastructure with a similar appearance. A slim monopole is being used, at the lowest height practicable to achieve service.



h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal is for a utility structure that will operate on an unmanned basis. Nevertheless, the facility will be constructed in accordance with relevant standards and best practice. The facility will operate, at all times, within the ARPANSA safety standard once operational.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Not applicable.
j) to provide increased opportunity for community participation in environmental planning and assessment.	Downer on behalf of Indara have undertaken considerable voluntary community consultation as a part of the planning process. During the application stage, contact details are provided and community members are encouraged to contact Downer with their concerns. This project has provided a significant increased opportunity for community participation in this project. Additional consultation will be undertaken with the community as part of the development application process. This project has provided a significant increased opportunity for community participation in this project. Additional consultation will be undertaken with the community as part of the development application process.

#### 12. Is the development standard a performance based control?

No – standard is numerical.

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

Yes. A taller structure will not result in an adverse planning outcome.

Firstly, the facility cannot function at a lower height and strict compliance with the standard would render the project unfeasible. There is a precedent for telecommunications facilities around Green Point to exceed the height limit.

Secondly, the site is well separated from visually sensitive development, and is located where scenic amenity is not a predominant planning consideration. It is in a location where there are already a large number of established industrial style infrastructure, which present a comparable appearance to the telecommunications facility.

Thirdly, the proposal will have minimal environmental impact and it will not require significant ground works.

Finally, the proposal retains significant merit from a public benefit perspective and warrants approval.

#### 14. Further Matters

- The height limit does not account for the technical requirements of mobile base stations, which need to be taller than their environment to function.
- Strict compliance with Council's height limits would prevent new telecommunications facilities from being deployed in much of Green Point. Optus and other mobile carriers would be unable to deliver an effective service to the community, with significant social, economic, and public safety implications.



- Part 4.6 of the LEP provides that development standards can be varied with consent of Council, where compliance is “unreasonable or unnecessary” and where there are sufficient grounds to justify contravention of the standard.

Compliance with the standard is considered unreasonable, as it is a technical requirement that the facility be taller than 8.5m.

The proposal does, however, have sufficient merit on environmental planning grounds. The proposal will have minimal impact on local amenity, generally complies with the LEP, and will have significant public benefit. The public benefit of approving the facility, in terms of improved communications, outweighs the public benefit of maintaining the standard.

Contravening the development standard will not raise any matter of significance for state or regional environmental planning.

The proposal passes the New South Wales government’s five part test for variation applications.

Five Part Test	
Objectives	Response
(1) <i>The objectives of the standard are achieved notwithstanding noncompliance with the standard</i>	<p>The objects are generally achieved.</p> <p>The height objectives in the standard are not strictly relevant to telecommunications proposals. The specific provisions generally consider appropriateness of building heights in urban areas. The subject site is not a building, and there are no surrounding buildings it can be compared to – though it will have a comparable appearance to established floodlight poles on the same premises.</p> <p>However, the overarching principle of the standard is to protect amenity by preventing inappropriate development. The proposal has sufficiently low amenity impact, and sufficient planning merit, to warrant its proceeding. Strict compliance is unnecessary.</p>
(2) <i>The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary</i>	<p>The purpose of the standard is to prevent inappropriately tall development. The standard is worded to prevent construction of large buildings, with no allowance for utility structures that require height to function. The standard is not strictly relevant to the proposal on this basis.</p>
(3) <i>The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.</i>	<p>The purpose of the standard would not be defeated if compliance was required. However, the proposal has sufficient merit that strict compliance is unnecessary. Further, the purpose of the project – to improve mobile coverage to Green Point – would be defeated if strict compliance was necessary.</p>
(4) <i>The development standard has been virtually abandoned or destroyed by the council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable</i>	<p>Telecommunications facilities, for technical reasons, must protrude above the surrounding environment. There are numerous established telecommunications facilities in Green Point that are taller than the height limit because of technical need. Council appear to have taken a pragmatic approach to the standard; whereby</p>



	strict compliance is not necessary providing the use is otherwise appropriate.
(5) <i>The compliance with the development standard is unreasonable or inappropriate due to existing use of the land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.</i>	The site is located in the E1 – Local Centre zone and displays characteristics similar to the already existing structures within the general vicinity. Note telecommunications uses are required in all zones.

Though the proposal exceeds the height limit specified by the LEP, the project is considered to have sufficient planning merit to proceed.

We therefore request that Council grant a variation to the development standard for this project.



# BUSHFIRE ASSESSMENT REPORT

Development of Class 5-8 Buildings  
Telecommunications & Communication Facilities  
7 Sun Valley Road, Green Point, NSW, 2251  
Lot 72 / DP 1040759

Reference No# : 241799





## Bush Fire Certificate

Certificate issued under s4.14(1)(b) of the *Environmental Planning & Assessment Act, 1979*

This Certificate has been issued by a person accredited by Fire Protection Association Australia (FPA Australia) under the Bush Fire Planning and Design (BPAD) Accreditation Scheme and who is recognised by the NSW Rural Fire Service as a qualified consultant in bushfire risk assessment within the meaning of section 4.14(1)(b) of the *Environmental Planning and Assessment Act 1979* (NSW).

Property Details and Description of Works					
Address Details	Unit no	Street no	Street name	Lot/Sec/DP	
	Suburb			State	Postcode
	Green Point	7	Sun Valley Road	NSW	2251
Local Government Area	Central Coast				
BCA class of the building	Class 10b				
Description of the proposal	Telecommunications & Communication Facilities				
Development Application Reference	N/A				

### Bush Fire Assessment Report

A detailed Bush Fire Assessment Report is attached, which includes the relevant submission requirements set out in <i>Appendix 2 of Planning for Bush Fire Protection 2019</i> together with recommendations as to how the relevant specifications and requirements are to be achieved.	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Report Reference No#	241799	
Report Date	12/06/2024	

### BPAD Certification

Duncan Scott-Lawson	I hereby certify, in accordance with Section 4.14(1)(b) of the <i>Environmental Planning and Assessment Act 1979</i> that:	
Bushfire and Environmental Management Consultancy Pty Ltd ABN: 606 409 656 44		
BPAD Accreditation Number # 47789	Signature	Date
		12/06/2024



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Please note that every effort has been made to ensure that information provided in this report is accurate. It should be noted that the information is for the client for the specific purpose for which it is supplied, that is to support a DA application. This report is strictly limited to the purpose including the facts and matters stated within it and is not to be used, directly or indirectly, for any other application, purpose, use or matter.

Due consideration has been given to site conditions and to appropriate legislation and documentation available at the time of preparation of the report. As these elements are liable to change over time, the report should be considered current at the time of preparation only. Should further information become available regarding the conditions at the site, BEMC reserves the right to review the report in the context of the additional information. BEMC has made no allowance to update this report and has not considered events occurring after the time its assessment was conducted.

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<b>Title</b>	Bush Fire Assessment Report			
<b>Description</b>	Telecommunications & Communication Facilities 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759			
<b>Created By</b>	Duncan Scott-Lawson 0408 667 137 <a href="mailto:duncan@emconsultancy.com.au">duncan@emconsultancy.com.au</a>			
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<b>Version Number</b>	<b>Modified By</b>	<b>Modifications Made</b>	<b>Date Modified</b>	<b>Status</b>
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## Abbreviations and Acronyms

<b>APZ</b>	Asset Protection Zone
<b>AS/NZS 1221:1997</b>	Australian Standard – Fire hose reels
<b>AS1596-2014</b>	Australian Standard – The storage and handling of LP Gas
<b>AS2419-2021</b>	Australian Standard – Fire hydrant installations
<b>AS2441:2005</b>	Australian Standard – Fire hose reels installation
<b>AS3745:2010</b>	Australian Standard – Planning for emergencies in facilities
<b>BAL</b>	Bush fire Attack Level
<b>BCA</b>	Building Code of Australia
<b>BFAR</b>	Bush Fire Assessment Report
<b>BFSS</b>	Bush Fire Strategic Study
<b>BPA</b>	Bush fire Prone Area (Also Bush fire Prone Land)
<b>BPL Map</b>	Bush fire Prone Land Map
<b>BPMs</b>	Bush fire Protection Measures
<b>BV</b>	Biodiversity Values
<b>EP&amp;A Act</b>	<i>NSW Environmental Planning and Assessment Act 1979</i>
<b>FFDI</b>	Forest Fire Danger Index
<b>GFDI</b>	Grass Fire Danger Index
<b>ha</b>	Hectare
<b>HOC</b>	Heat Of Combustion
<b>IPA</b>	Inner Protection Area
<b>kJ/kg</b>	Kilo Joules per Kilo gram
<b>LGA</b>	Local Government Area
<b>LAT</b>	Large Air Tanker
<b>OPA</b>	Outer Protection Area
<b>PBP</b>	Planning for Bush fire Protection
<b>RF Act</b>	<i>Rural Fires Act 1997</i>
<b>RF Regs</b>	<i>Rural Fires Regulations 2013</i>
<b>RHG</b>	Restricted Head Growth
<b>SEED</b>	Sharing and Enabling Environmental Data in NSW
<b>SFR</b>	Short Fire Run

## 1 EXECUTIVE SUMMARY AND RECOMMENDATIONS

BEMC Pty Ltd was engaged by Downer Group to complete a Bush Fire Assessment on the proposed Class 10b development at 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759 (**Figure 1, page 5**). The proposed development includes 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759.

BEMC has used Method 1 assessment pathway from PBP 2019 to undertake this assessment and to prepare the Bush Fire Assessment Report (BFAR).

Based upon the assessment, perusal of the site plan prepared by Indara Digital Infrastructure (**Appendix 1, page 21**), and a site visit, it is recommended that development consent be granted subject to the following conditions to comply with PBP 2019:

### **Recommendation 1 - Recommendation 1 - Asset Protection Zones**

A 10m APZ from the tower must be managed to the standard of an IPA. The IPA must be free from surface fuel and elevated fuel with minimum canopy cover.

### **Recommendation 2 - Landscaping**

Landscaping requirement shall be met within the 10m APZ:

- Landscape shall illustrate compliance with IPA standards for the 10m APZ.
- Fencing and gates shall be non-combustible.
- A minimum 1-metre-wide area suitable for pedestrian traffic, must be provided around the immediate curtilage of the compound fence.
- No planting within 6m of the tower.
- If vegetation is proposed, Low flammability vegetation species are used.
- The compound is maintained clear of non-combustible materials.

### **Recommendation 3 - Electricity services**

Where possible electricity should be placed underground.

*Finally, the implementation of the adopted measures and recommendations forwarded within this report comply with Planning for Bush fire Protection (2019) and will contribute to the amelioration of the potential impact of any bush fire upon the development, but they do not and cannot guarantee that the area will not be affected by bush fire at some time.*



5

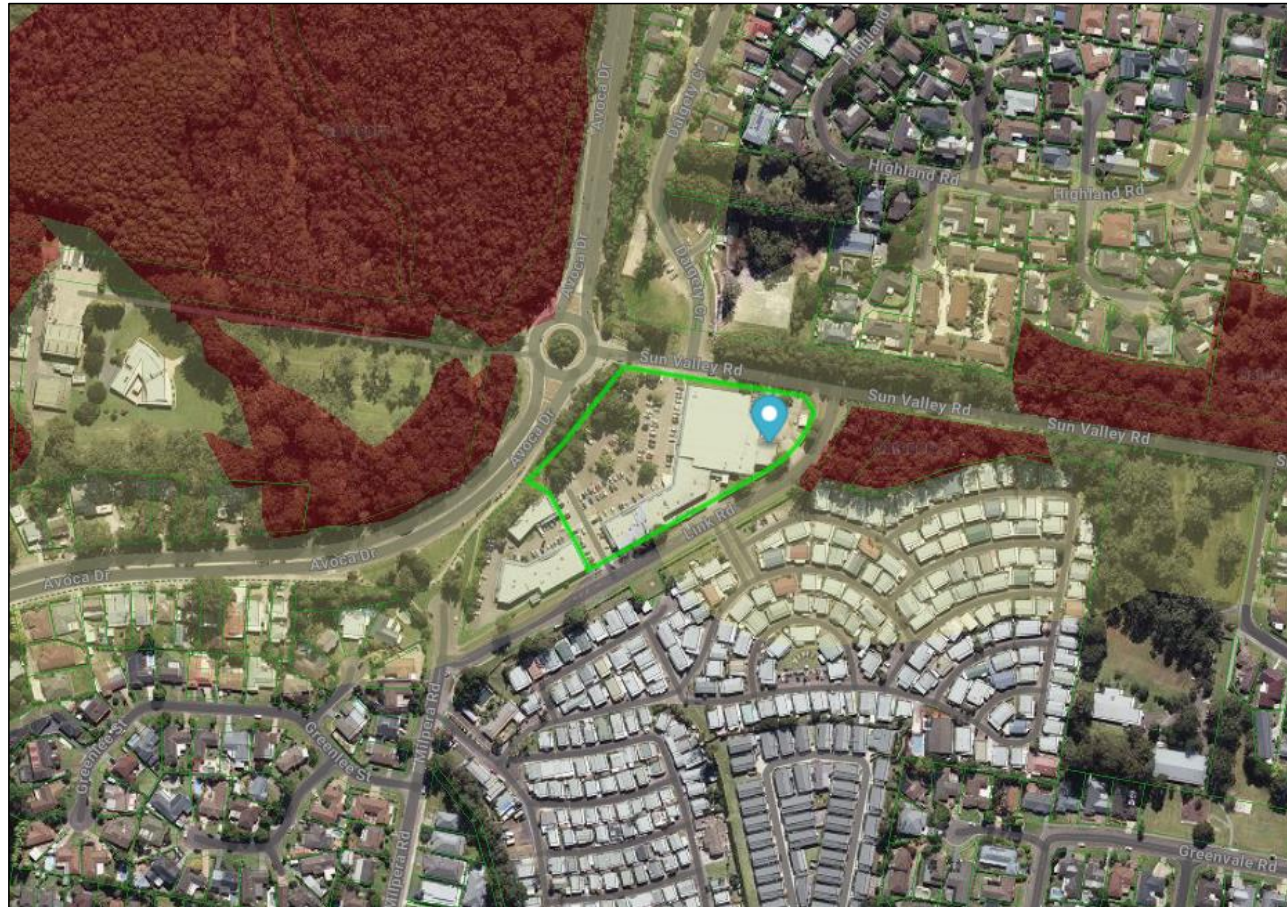


Figure 1 Property location of 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759 (Mecone Mosaic, 2024)

241799\_7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759





## 2 INTRODUCTION

---

BEMC Pty Ltd was engaged by Downer Group to complete a bush fire assessment to accompany a Development Application for the Class 10b development at 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759, hereafter referred to as the 'site' (**Figure 1, page 5**).

The identification of bush fire prone lands (BPL Map) in NSW is required under section 10.3 of the Environment Planning and Assessment Act 1979 (EP&A Act). Section 4.14 of the EP&A Act requires developments to comply with NSW Rural Fire Service, Planning for Bush fire Protection (PBP 2019) if any part of a development site is affected by a bush fire hazard as indicated within the BPL Map.

This development falls within the Bush Fire Vegetation Buffer zone on the Mid Coast Council bush fire prone land map which triggers development assessment provisions under 4.14 of the EP&A Act and compliance with PBP 2019. The consent authority may consult with the RFS under section 4.15 of the EP&A Act for development in bush fire prone lands.

The bush fire requirements of non-occupied developments need to align with the unique features of the development type. The general fire safety construction provisions of the NCC are taken as acceptable solutions however construction requirements for bush fire protection will need to be considered on a case-by-case basis.

It is important to ensure that a defensible space is provided for the size and scale of the development. Proposed measures must operate in combination to minimise the impact of bush fire and ensure that access and services are adequate.

The proposal is not considered hazardous industry.

It is clear from the investigation and assessment of the property that the site is located within Bush fire Prone Land.

To determine the planning and construction requirements a site assessment has been performed in June 2024 to determine the appropriate bush fire threat level, design, planning and construction standards required to comply with PBP 2019.

The Site Plan for the property prepared by Indara Digital Infrastructure is provided in **Appendix 1, page 21**.



## 2.1 DESCRIPTION OF PROPOSED DEVELOPMENT

Table 1 Description of Proposed development

Boundaries	Existing buildings south and north. Link road east, Sun Valley Road north. Forested vegetation west, north and east.
Topography	Slight downslope west and north, level east.
Type of development	Class 10b - Telecommunications & Communication Facilities
Roof construction	N/A
External wall construction	N/A
Landscaping plan provided	No
Bush fire Prone Land	Yes – Central Coast Council – FFDI – 100

The proposed development comprises of a new Telecommunications & Communication Facilities.

The proposed location of the development is provided in **Figure 1, page 5** with further development details provided in **Appendix 1, page 21**.

## 2.2 OBJECTIVES OF ASSESSMENT

This assessment has been undertaken to enable council to make determination of the proposed development in consideration of the requirements of s4.14 of the Environmental Planning and Assessment Act 1979, PBP 2019 and AS 3959-2018.

In order to comply the following conditions must be met:

- satisfy the aim and objectives of PBP outlined in Chapter 1 of PBP;
- Consider any issues listed for the specific purpose for the development set out in this chapter; and
- Propose an appropriate combination of BPMs.

This report assesses to requirements of the development to meet the six objectives listed in section 1.1 of PBP 2019, which provide for the protection of human life and minimize impacts on property.

- Afford buildings and their occupants protection from exposure to a bushfire.
- Provide for a defendable space to be located around buildings.
- Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings.
- Ensure appropriate operation access and egress for emergency services personnel and residents is available.
- Provide for ongoing management and maintenance of Bush fire Protection Measures (BPMs); and
- Ensure the utility services are adequate to meet the needs of firefighters.

### 2.3 NATIONAL CONSTRUCTION CODE

The National Construction Code (NCC) is the updated version of the Building Code of Australia (BCA). The telecommunications tower KNSS Control building is a building Class 8 in accordance with the NCC.

NSW G5P1 Bushfire resistance of the NCC outlines the requirements for buildings in designated bushfire prone areas. Part G5 states that a building must be designed and constructed to:

- Take account of the assessed duration and intensity of the fire actions of the design bushfire: and
- Prevent internal ignition of the building and its contents; and
- Maintain the structural integrity of the building for the duration of the design bushfire.

### 2.4 SPECIFIC OBJECTIVES OF OTHER DEVELOPMENTS

Whilst bush fire is not captured in the NCC for Class 5-8 buildings, the following objectives will be applied in relation to access, water supply and services, and emergency and evacuation planning:

- To provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation.
- To provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development.
- To provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and
- Provide for the storage of hazardous materials away from the hazard wherever possible.

### 3 BUSH FIRE RISK STRATEGIC STUDY

Planning for Bushfire Protection (2019) is based on the worst-case scenarios for each of the bush fire behaviour elements of fire weather, vegetation, slope and assumes not human intervention. All development shall be assessed on an individual basis as broad-brush approaches of documents such as PBP 2019 may not be applicable in every instance.

A Bush Fire Risk Strategic Study (BFRSS) was prepared to inform the context of the Bush Fire Assessment Report (BFAR). The level of information gathered and analysis within the BFRSS depends upon the nature and scale of the development. The BFRSS provides a broad-brush approach to determine landscape wildfire risk in considerations of vegetation continuity, distribution, and proximity to development; human intervention; access and evacuation. This enables an assessment the *actual* bushfire risk, determine if strict adherence to PBP 2019 is warranted, and if a proposed development is appropriate in the bush fire hazard context.

**Table 2** Bush fire risk strategic study

ELEMENT	Low Threat	Moderate Threat	High Threat	Extreme Threat
Adjoining Lands	The proposed development and changing land use will have positive impacts on the ability of adjoining landowners to implement Bush fire Protection Measures	The proposed development and changing land use do not impact on the ability of adjoining landowners to implement Bush fire Protection Measures	✓ The proposed development and changing land use will impact on the ability of adjoining landowners to implement Bush fire Protection Measures	The proposed development will significantly impact on the wildfire risk profile of adjoining lands.
Surrounding infrastructure	The proposed development does not significantly impact on community water, electricity, or gas services.	The proposed development is associated with community water, electricity, or gas services but will not have significant impact.	✓ The proposed development impact on community water, electricity, or gas services.	The wildfire risk profile of significant infrastructure will increase due to this development.
Emergency services	The proposed development does not significantly impact on the ability of emergency services to plan, prepare, respond, or recover prior, during or after a bush fire event.	The proposed development is located within 30-minute flight from a Large Air Tanker (LAT) airbase and within 30-minutes of multiple fire response units.	✓ The proposed development is located more than 30-minute flight from a Large Air Tanker (LAT) airbase and only 1 or 2 fire response units within 30-minutes.	It is unlikely emergency services will respond to wildfire in this location during extreme and catastrophic events.

ELEMENT	Low Threat	Moderate Threat	High Threat	Extreme Threat
Access	Good, multiple route evacuation is possible and connects with the public road network in a direction away from the wildfire threat to shelter location. ✓	More than one access or egress routes is provided from the property to a safer location which then can access the public road network with multiple access/egress routes to shelter location.	One access or egress routes is provided, which is <200m from the property to a safer location.	Only one access or egress route with no nearby safe location.
Emergency egress	Seamless integration with existing settlement - no effect on evacuation.	Short bushland pinch points that may restrict access temporarily or carry fire across roads. Unlikely impact on evacuation.	✓ Pinch points that are likely to restrict access along evacuation routes for short periods (15-30mins) and carry fire across roads.	Large areas of bushland or multiple pinch points along evacuation routes that could block evacuation routes for an extended time.
Vegetation continuity	Forested vegetation beyond 140m from the site is scattered with low continuity due to built development.	Forested vegetation beyond 140m from the site is scattered and isolated, forming a dominate fast moving grassland or open woodland fire event.	Patches of forested vegetation associated riparian and isolated ridgelines beyond 140m from the site may result in localised forest fire event.	✓ Continuous forested areas within mountainous terrain beyond 140m from the site will result in broadscale landscape emergency management operations.
Vegetation connectiveness	Forested vegetation corridors beyond 140m are restricted and do not enable landscape fire to enter and move through the site by a continuous fire path.	Forested vegetation corridors beyond 140m from the site exist, although grasslands >100m provide separations between forested vegetation restricting the fire head progression of landscape fire.	Forested vegetation corridors beyond 140m from the site exist, although grasslands <100m provide separations between forested vegetation restricting the fire head progression of landscape fire.	✓ Forested vegetation corridors beyond 140m from the site provide for passage of landscape fire to enter and move through the site.
Vegetation Location	Wildfire within forests can only approach from one direction surrounded by a suburban, township or urban area managed in a minimum fuel condition.	Wildfire within forests can only approach from two directions and the site is within a suburban, township or urban area managed in a minimum fuel condition.	✓ Wildfire within forests can approach from several directions although gaps within forested vegetation or are present.	Wildfire within forests can approach from several directions and have hours or days to grow and develop before impacting and/or site is surrounded by unmanaged vegetation.
Separation	Hazard separation between forested hazard and buildings of greater than 100m.	Hazard separation between forested hazard and buildings of 50-100m	Hazard separation between forested hazard and buildings of 30-50m	Hazard separation between forested hazard and buildings of <30m ✓



ELEMENT	Low Threat	Moderate Threat	High Threat	Extreme Threat
<b>Vegetation flammability</b>	Within the dominated fire direction, the fire fuel is restricted to surface, partially managed and separated through land use practises.	Within the dominated fire direction, the fire fuel is highly aerated, with significant separations (>50m) between these patches with partially managed vegetation between.	Within the dominated fire direction, the fire fuel is highly aerated, with <50m between these patches with partially managed vegetation between	Within the dominated fire direction, the fire fuel is highly aerated, continuous continuity vertically and horizontally with flammable species.
<b>Wildfire Behaviour</b>	Extreme Wildfire behaviour at the site is not possible given the broader landscape.	Extreme Wildfire behaviour at the site is unlikely given the broader landscape.	Extreme Wildfire behaviour at the site is likely given the broader landscape.	Extreme Wildfire behaviour at the site is very likely given the broader landscape.
<b>Overall Threat Rating:</b>		Wildfire provides <b>MODERATE</b> threat to this proposal		

In this case, a **moderate** threat has been determined and strict compliance with PBP is not warranted due to:

- Good, multiple route evacuation is possible and connects with the public road network in a direction away from the wildfire threat to shelter location.
- Short bushland pinch points that may restrict access temporarily or carry fire across roads. Unlikely impact on evacuation.
- Wildfire within forests can only approach from two directions and the site is within a suburban, township or urban area managed in a minimum fuel condition.

## 4 BUSHFIRE HAZARD ASSESSMENT

This section details the site assessment methodology. It provides detailed analysis of the bushfire threat and bushfire planning requirements in and around the proposed site.

### 4.1 ASSESSMENT METHODOLOGY

The assessment of the vegetation, slope and other bushfire characteristics within and surrounding the site has been carried out with the aid of the follows:

- Nearmap and sixmap aerial photograph Interpretation.
- Kogan 6\*25 Laser distance finder.
- Photo Theodolite application supported by contour and terrain profiles.
- Sharing and Enabling NSW Environmental Data portal.
- Reference to regional vegetation community mapping, and
- Site assessment in June 2024.

### 4.2 FIRE DANGER INDEX

This assessment utilises Central Coast Council area with a FFDI 100.

### 4.3 BAL ASSESSMENT

A simplified Method 1 assessment in accordance with Appendix 1 of PBP 2019 has been completed. The output of this assessment is provided in **Table 3** and illustrated in **Figure 2, page 6**.

**Table 3** BAL Assessment (Method 1 PBP 2019)

Elements	Method (unit)	Fire Run 1
<b>Vegetation</b>	PBP 2019	Forest
<b>Provided separation</b>	Site -Laser finder (m)	23m
<b>Effective slope</b>	Site visit – Theodolite (°)	Level
<b>Fire Danger Index (FFDI)</b>	Council Area	100
<b>OUTPUTS (Table A1.12.5)</b>		
	<b>BAL FZ</b>	18m
	<b>Separation to Achieve BAL40</b>	18 - < 24m
	<b>Separation to Achieve BAL29</b>	24 - < 33m
	<b>Separation to Achieve BAL19</b>	33 - < 45m
	<b>Separation to Achieve BAL12.5</b>	45 - < 100m
	<b>Bush fire Attack Level (BAL)</b>	<b>BAL 40</b>

#### 4.4 ASSET PROTECTION ZONE

An APZ is a buffer zone between a bush fire hazard and buildings. The APZ is managed to minimise fuel loads and reduce potential radiant heat levels, flame, localised smoke and ember attack. The appropriate APZ distance is based on vegetation type, slope and the nature of the development.

For this proposed development a 10m APZ from the tower must be managed to the standard of an IPA. The IPA must be free from surface fuel and elevated fuel with minimum canopy cover.

#### 4.5 LANDSCAPING

A combination of hard (materials) and soft (design) landscaping will benefit the survivability of a building during a bushfire event. The type, quantity and condition of fuel has a very important effect on bushfire behaviour in proximity to a building.

For this proposed development the following landscaping requirement shall be met within the 10m APZ:

- Landscape shall illustrate compliance with IPA standards for the 10m APZ.
- Fencing and gates shall be non-combustible.
- A minimum 1-metre-wide area suitable for pedestrian traffic, must be provided around the immediate curtilage of the compound fence.
- No planting within 6m of the tower.
- If vegetation is proposed, Low flammability vegetation species.

The compound is maintained clear of non-combustible materials.

#### 4.6 ACCESS

Design of access roads shall enable safe access and egress for residents attempting to leave the area while emergency service personnel are arriving to undertake firefighting operations.

For this proposed development access to Hillview Street is provided that provides alternative access and egress routes.

#### 4.7 ELECTRICITY

Electricity should be located so as not to contribute to the risk of fire or impede the firefighting effort.

For this proposed development providing underground power supply throughout the lot will support meeting the aims and objectives of PBP and mitigating bush fire risk.

#### 4.8 GAS

Gas should be located so as not to contribute to the risk of fire or impede the firefighting effort.

For this proposed development gas bottles are not proposed.

#### 4.9 WATER

An adequate supply of water is essential for firefighting purposes.

For this proposed development an external attack hydrant is provided within 70m on Sun Valley Road meeting the aims and objectives of PBP and mitigating bush fire risk.

#### 4.10 CONSTRUCTION STANDARDS

The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions, however compliance with AS 3959 and the NASH Standard must be considered when meeting the aims and objectives of PBP.

Due to the separations to vegetation, ample access, water provisions, placement, or absence of hazardous materials (gas and electricity), no near-by structures the proposal mitigates fire risk and no specific construction standards are imposed.

#### 4.11 HAZARDOUS INDUSTRY

Some developments are considered by their very nature to be hazardous, as much for their ability to start bush fires as their susceptibility to bush fire impacts.

The proposed development is not considered hazardous industry.

#### 4.12 FM GLOBAL PROPERTY LOSS PREVENTION DATA SHEETS

FM Global Property Loss Prevention Data Sheets provide standards help you reduce the chance of property loss due to fire, weather conditions, and failure of electrical or mechanical equipment, which can be applied to bush fire risk mitigation.

Data Sheet 9-19, *Wildland Fire* has been reviewed with the following recommendations incorporated into this risk analysis:

- Strips of vegetation less than 20 m wide perpendicular to the exposed building wall and not within 20 m of the building or other vegetation is not considered a bushfire threat (such as perimeter screening vegetation).
- Apply construction schedules to protect built assets from direct flame, radiant heat and embers.
- Remove all combustible elements (vegetation, wooden fencing and landscaping) within 1.5m of the built asset.
- If the level of radiant heat is higher than 12.5 kW/m<sup>2</sup> for combustible wall construction (timber), or higher than 30 kW/m<sup>2</sup> (rounded up from 27 kW/m<sup>2</sup> in FM Global Property Loss Prevention Data Sheet 1-20 for this application only) for non-combustible exposed wall construction, then the wildland fire exposure exceeds the passive protection of the exposed building. If the wildland fire exposure exceeds the passive protection further works are required, such as increasing the reduced-fuel zone (APZ); upgrading the construction materials or providing and adequately designed exterior sprinkler systems.
- Avoid combustible yard storage.

Data Sheet 1-20, *Protection Against Exterior Fire Exposure* has been reviewed with the following recommendations incorporated into this risk analysis:

- The type, height and bulk of yard storage needs to be considered for the separations to buildings.
- Loaded trailers are considered yard storage.
- Provide > 10 m horizontally between combustible yard storage and building air intakes or exhaust vents.
- The location of hydrants needs to be considered in consecutively with yard storage plans.
- Locate dumpsters > 9m from building if opening (windows and doors) in exposed wall and wall has a < 1-hr fire rated.

- Provide a water supply capable of providing a minimum duration of 60 minutes to a specific application design within automatic-type sprinklers, water-spray nozzles, corrosion-resistant pipe and fittings and various other requirements.

Data Sheet *Understanding the Hazard: Wildland Fire Exposure (P0414)* has been reviewed with the following recommendations incorporated into this risk analysis:

- Keep gutter free of debris.
- Cover vents with wire mesh to keep burning embers out.
- Treat wooden exterior walls with fire retardant paint.
- Remove all combustible yard storage.
- Develop written contingency plans.
- Fully trained and equip emergency response team where required.
- Create clearance zones around buildings and structures.
- Protect windows and frames with shutters.
- Consider protecting any combustible exterior walls with sprinklers.
- Provide adequate and reliable water supply.

Data Sheet *1-8 Antenna Towers and Signs* has been reviewed with the following recommendations incorporated into this risk analysis:

- This data sheet provides recommendations and guidelines for design loads, inspection, and maintenance for large advertising signs; and for antenna towers used for radio, television, and cellular telephony and microwave transmissions.
- For locations susceptible to wildfire or bushfire, ensure that combustible materials on, or attached to, the tower are adequately protected by following the setback/clearance recommendations in Data Sheet 9-19 Wildland Fire.
- Combustible materials on a tower can include plastic or rubber cable (feed line) sheathing, or fabric/membrane antenna covers, and these materials could be ignited or damaged by a bushfire.



## 5 BUSHFIRE ASSESSMENT AND PERFORMANCE MEASURES

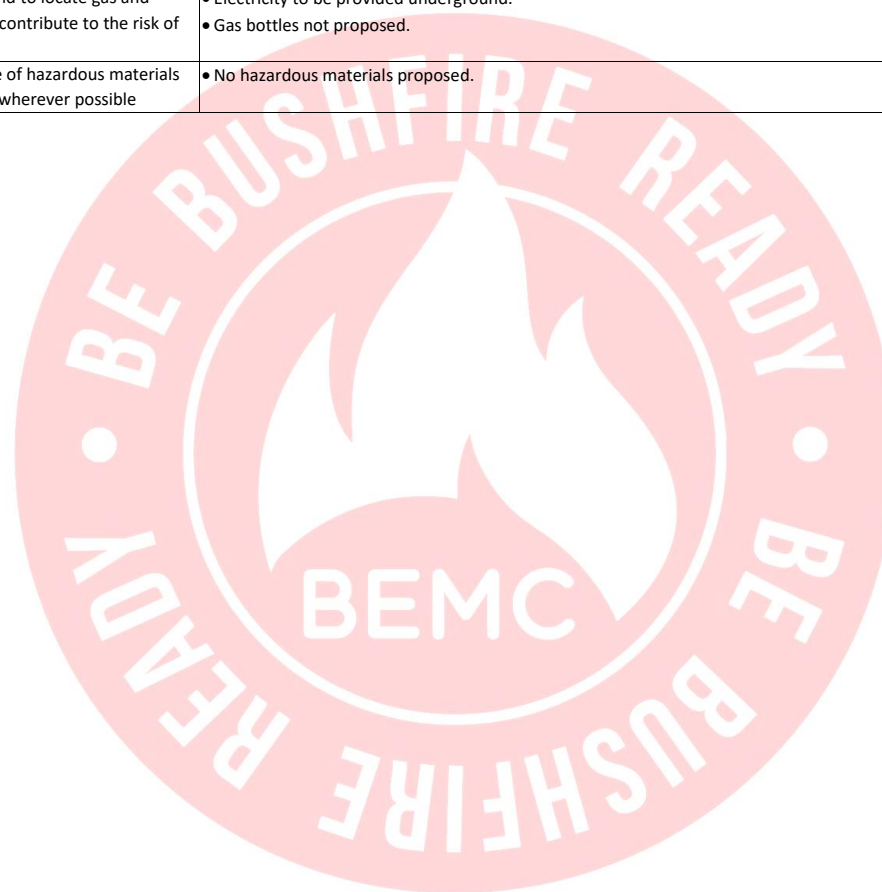
This section assesses Bushfire Performance Measures (BPMs) for the proposed development at 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759 in consideration of the aims and objectives and Chapter 8 of Planning for Bushfire protection 2019

**Table 4** Planning for bushfire protection compliance (PBP 2019)  
Section 8.3.1 – Buildings of Class 5 to 8 under NCC on bushfire prone lands

PERFORMANCE CRITERIA		COMPLIANCE for 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759
Aims and Objectives of PBP	Afford buildings and their occupants protection from exposure to a bush fire	<ul style="list-style-type: none"> <li>There are no occupants to this proposal.</li> <li>APZ and landscaping requirements imposed on the development to mitigate risk.</li> </ul>
	Provide for a defendable space to be located around buildings	<ul style="list-style-type: none"> <li>10m APZ and landscaping requirements imposed on the development to mitigate risk.</li> </ul>
	Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings	<ul style="list-style-type: none"> <li>10m APZ and landscaping requirements imposed on the development to mitigate risk.</li> </ul>
	Ensure that appropriate operational access and egress for emergency service personnel and occupants is available	<ul style="list-style-type: none"> <li>Access directly to Link Road and Sun Valley Road is provided that provides alternative access and egress routes.</li> </ul>
	Provide for ongoing management and maintenance of BPMs	<ul style="list-style-type: none"> <li>10m APZ and landscaping requirements imposed on the development to mitigate risk.</li> </ul>
	Ensure that utility services are adequate to meet the needs of firefighters	<ul style="list-style-type: none"> <li>10m APZ and landscaping requirements imposed on the development to mitigate risk.</li> <li>Vehicle access is provided to the structure.</li> <li>Reticulated water supply within 70m of the structure.</li> </ul>
	To provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation	<ul style="list-style-type: none"> <li>Access directly to Link Road and Sun Valley Road is provided that provides alternative access and egress routes.</li> </ul>
Specific Objective of Class 5-8 Buildings	To provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development	<ul style="list-style-type: none"> <li>Access directly to Link Road and Sun Valley Road is provided that provides alternative access and egress routes.</li> </ul>
	To provide adequate services of water for the protection of buildings during and after the	<ul style="list-style-type: none"> <li>Reticulated water supply within 70m of the structure.</li> <li>No near-by structures.</li> </ul>



	passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building	<ul style="list-style-type: none"><li>• Electricity to be provided underground.</li><li>• Gas bottles not proposed.</li></ul>
	Provide for the storage of hazardous materials away from the hazard wherever possible	<ul style="list-style-type: none"><li>• No hazardous materials proposed.</li></ul>



## 6 CONCLUSION AND RECOMMENDATIONS

In accordance with the provisions of PBP 2019, the recommendations outlined within this assessment will reduce the risk of damage and/or harm in the event of a bushfire event to acceptable levels. Compliance with the below recommendations can be achieved or practically implemented without substantial change to the proposed layout or construction methodology. It is recommended that development consent be granted subject to the following conditions:

### Asset Protection Zones

A 10m APZ from the tower must be managed to the standard of an IPA. The IPA must be free from surface fuel and elevated fuel with minimum canopy cover.

### Landscaping

Landscaping requirement shall be met within the 10m APZ:

- Landscape shall illustrate compliance with IPA standards for the 10m APZ.
- Fencing and gates shall be non-combustible.
- A minimum 1-metre-wide area suitable for pedestrian traffic, must be provided around the immediate curtilage of the compound fence.
- No planting within 6m of the tower.
- If vegetation is proposed, Low flammability vegetation species are used.
- The compound is maintained clear of non-combustible materials.

### Construction Standards

No specific bushfire construction standards are imposed.

### Construction and site layout plans

It is recommended that a page within the construction and site layout plans is dedicated to Bushfire Construction standards together with the landscaping plan to ensure bushfire requirements are clearly understood and applied throughout the project and beyond.

### Access

The proposed development meets these performance criteria through the acceptable solutions

### Water Supply

Reticulated water is provided within 70m of the furthest elevation of the proposed structure and no water provisions are required.

### Electricity services

Where possible electricity should be placed underground.

If overhead power supply is provided, the const authority shall determine vegetation management is in accordance with Energy Australia 'Vegetation Safety Clearances' (NS179, April 2002).

### Gas services

No gas services are proposed.

### Emergency Management

There are no performance criteria requirements for this type of development within PBP 2019.

## 7 REFERENCES

Australian Building Codes Board (2010), *Building Code of Australia, Class 1 and Class 10 Buildings*, Housing Provisions Volume 2.

Clarke, H., Lucas, C., Smith, P., 2012. *Changes in Australian fire weather between 1973 and 2010*, International Journal of Climatology. DOI: 10.1002/joc.3480

Councils of Standards Australia (2018), *AS 3959:2018: Construction of Buildings in Bushfire-prone Areas*. SAI Global

Councils of Standards Australia (2002), *AS 1596:2002: Storage and handling of LPG Gas*. SAI Global

Councils of Standards Australia (2017), *AS 2419:2017: Fire hydrant installations System design, installation and commissioning*. SAI Global

Environmental Assessment Legislation Amendment Act (2002). Accessed online:

<https://www.legislation.nsw.gov.au/#/view/act/1979/203>

Environmental Planning & Assessment Amendment (Planning for Bush Fire Protection) Regulation 2007, accessed online: <https://www.legislation.nsw.gov.au/regulations/2014-285.pdf>

Grumstrup, T.P., McAllister, S.S., Finney, M.A. 2017. Qualitative Flow Visualization of Flame Attachment on Slopes. 10th U. S. National Combustion Meeting Organized by the Eastern States Section of the Combustion Institute April 23-26, College Park, Maryland

Lucas, C. 2010. *On developing a historical fire weather data-set for Australia*. Australian Meteorological and Oceanographic Journal. 60.1-14

Minimum Vegetation Clearances for Power Lines, ISSC3 - NSW Resources and Energy - NSW Government Accessed online: <https://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/electricity-networks/safety/ISSC3-guideline-for-managing-vegetation-near-power-lines.pdf>

NSW Planning (2020). A number of Hazardous Industry Planning Advisory Papers (HIPAPs) – NSW Government. Accessed online: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Hazards>

NSW Rural Fire Service (2018). *Planning for Bushfire Protection – A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners*, NSW Rural Fire Service.

NSW Rural Fire Service (2005). *Standards for Asset Protection Zones*. NSW Rural Fire Service, Sydney.

NSW Rural Fire Service (2019). *Comprehensive vegetation Fuel Loads, Fact sheet V8*, NSW Rural Fire Service. Sydney

NSW Rural Fire Service (2019). *NSW RFS Fire Trail Standards*. NSW Rural Fire Service, Sydney

NSW Rural Fire Service, *Best Practise Guidelines – Dwelling upgrades*, Accessed online:

[https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0018/4365/Building-Best-Practice-Guide.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0018/4365/Building-Best-Practice-Guide.pdf)

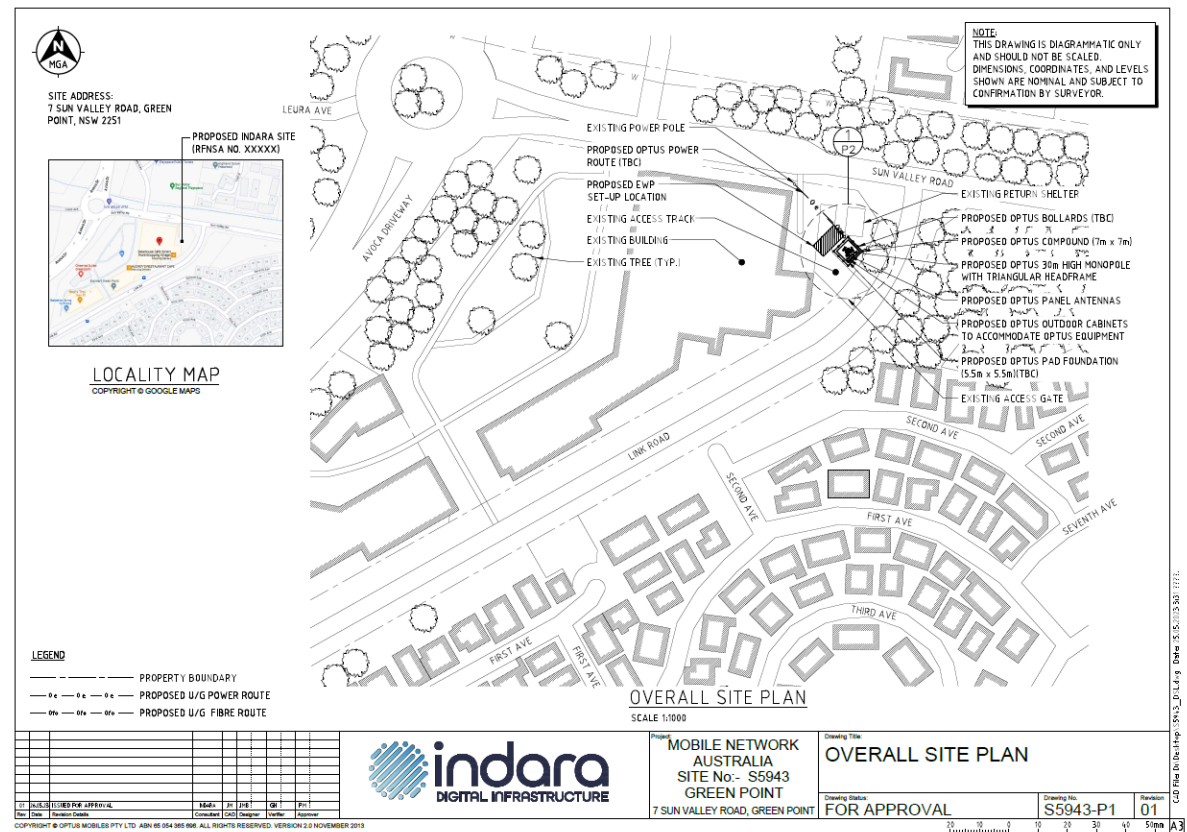
Rural Fires Act (1997), Accessed online: <https://www.legislation.nsw.gov.au/#/view/act/1997/65>

Rural Fires Amendment Regulation (2007), accessed online:

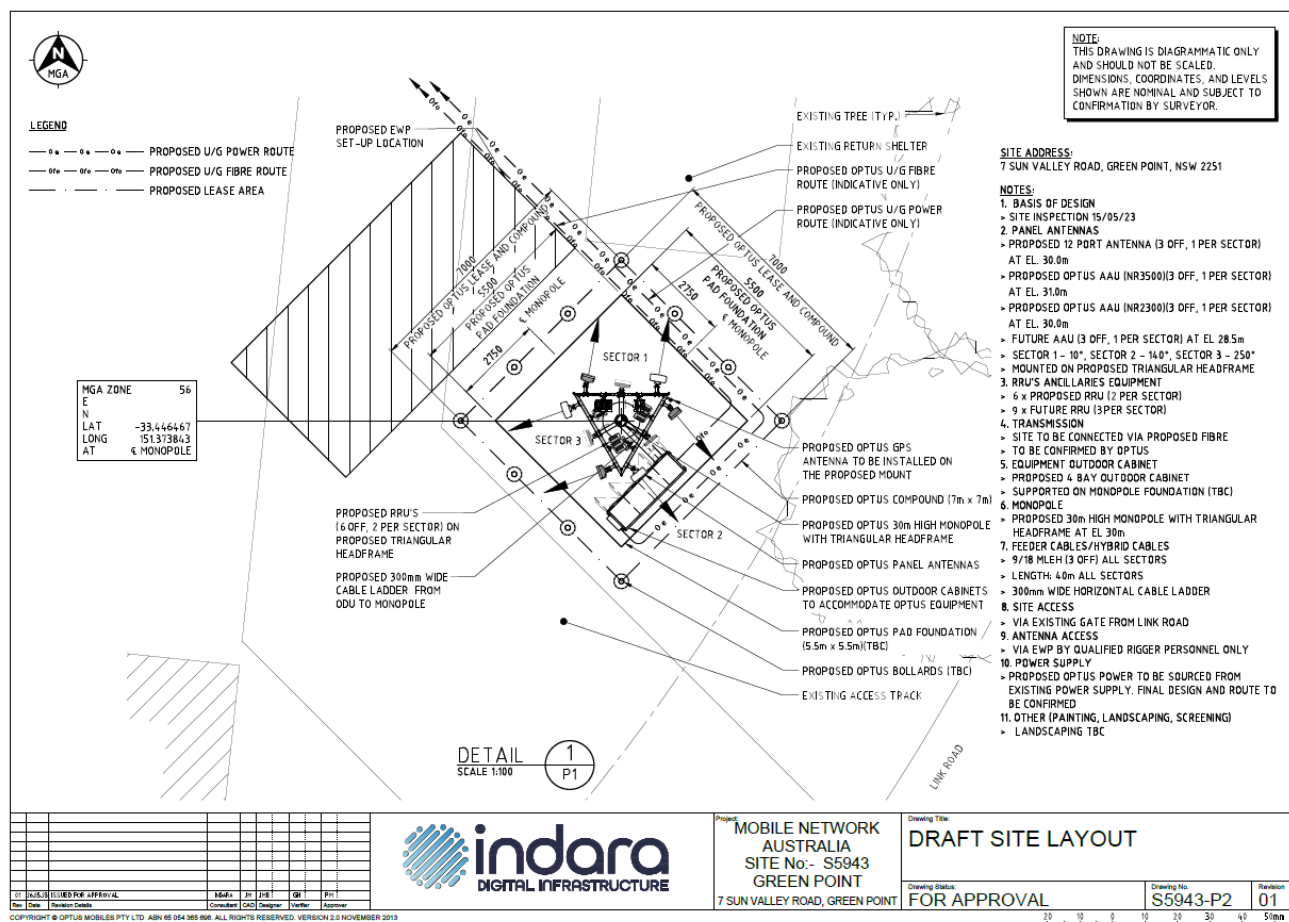
[http://www.austlii.edu.au/au/legis/nsw/num\\_reg/rfafsar20072007109593.pdf](http://www.austlii.edu.au/au/legis/nsw/num_reg/rfafsar20072007109593.pdf)

Rural Fires Regulation (2013), accessed online: <https://www.legislation.nsw.gov.au/#/view/regulation/2013/488>

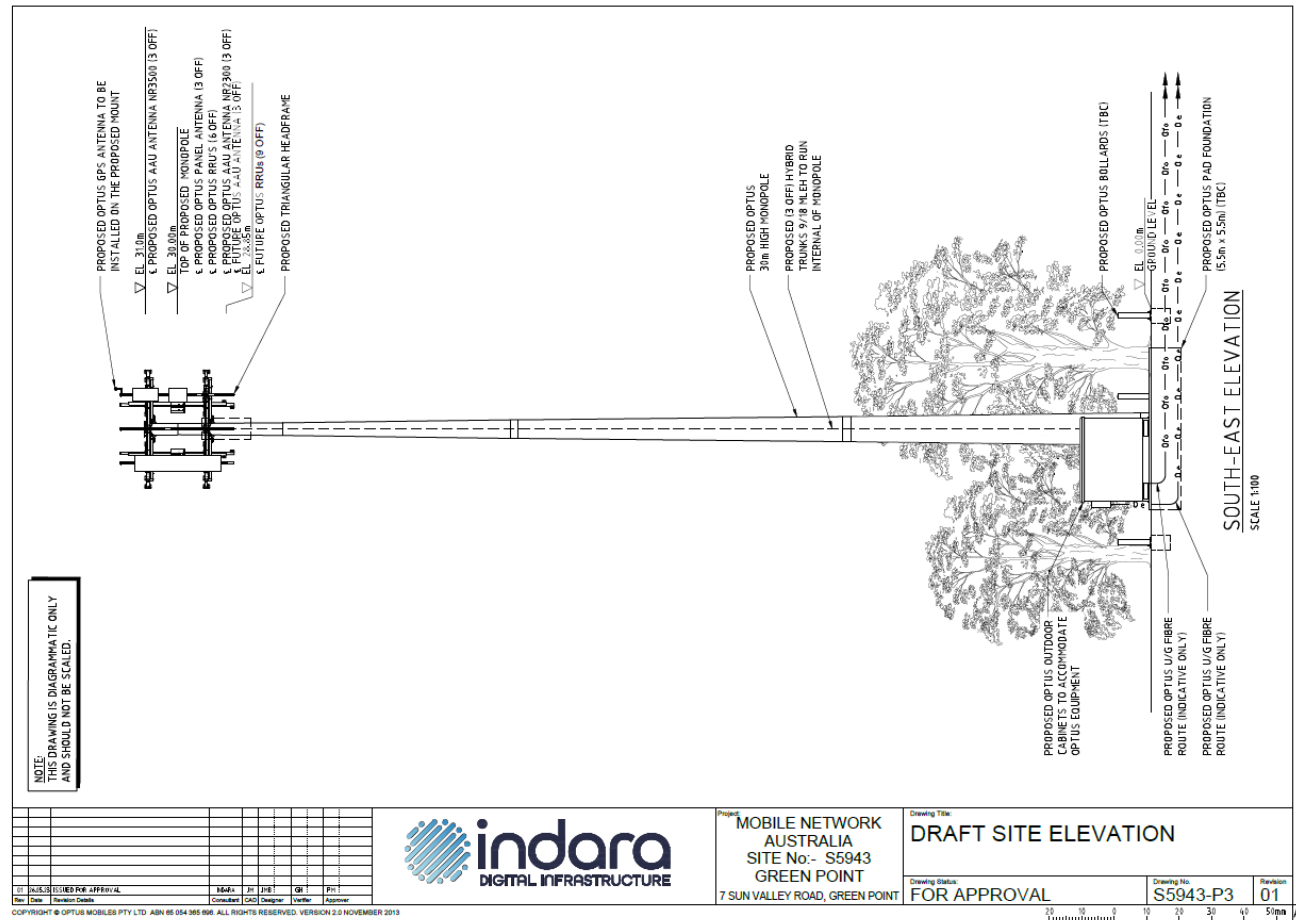
## 8 APPENDIX 1 SITE LAYOUT PLANS



241799\_7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759



241799 7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759



241799\_7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759



## 9 APPENDIX 2 PLATES (PHOTOGRAPHS)

**Plates 1 –5** depict the elements in and around the site that are considered within the bush fire hazard assessment. The classified vegetation, separations, effective and site slope are identified in **Table 3, page 14** and displayed in **Figure 2, page 6**.

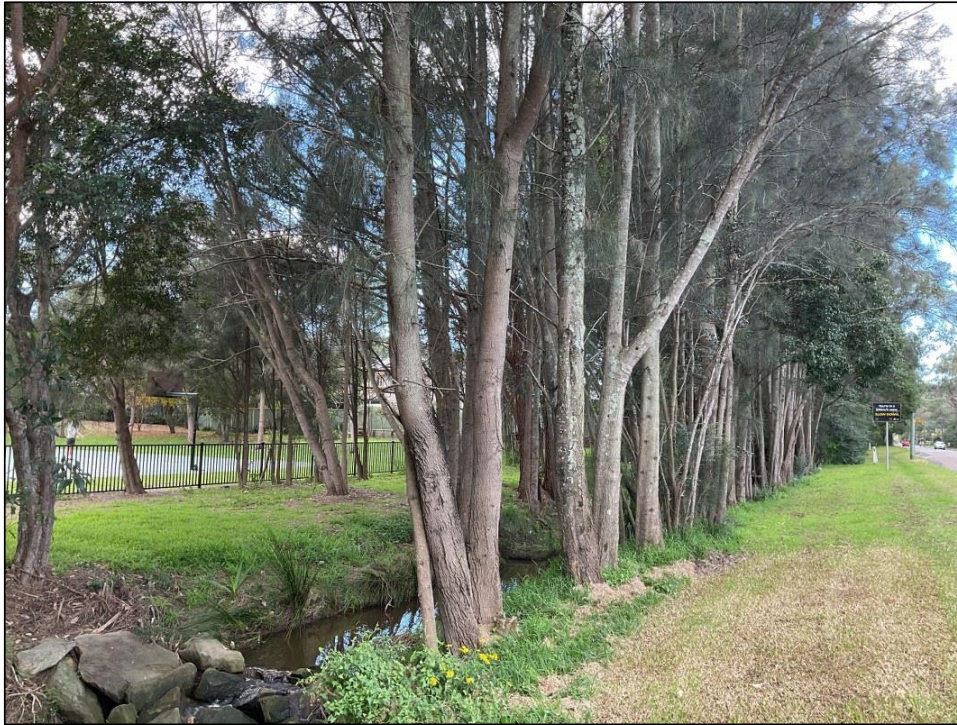


**Plate 1 (P1)** Access along Link Road



**Plate 2 (P2)** External attach hydrant water supply to development on Sun Valley Road





**Plate 3 (P3)** Excluded vegetation to the north along Sun Valley Road



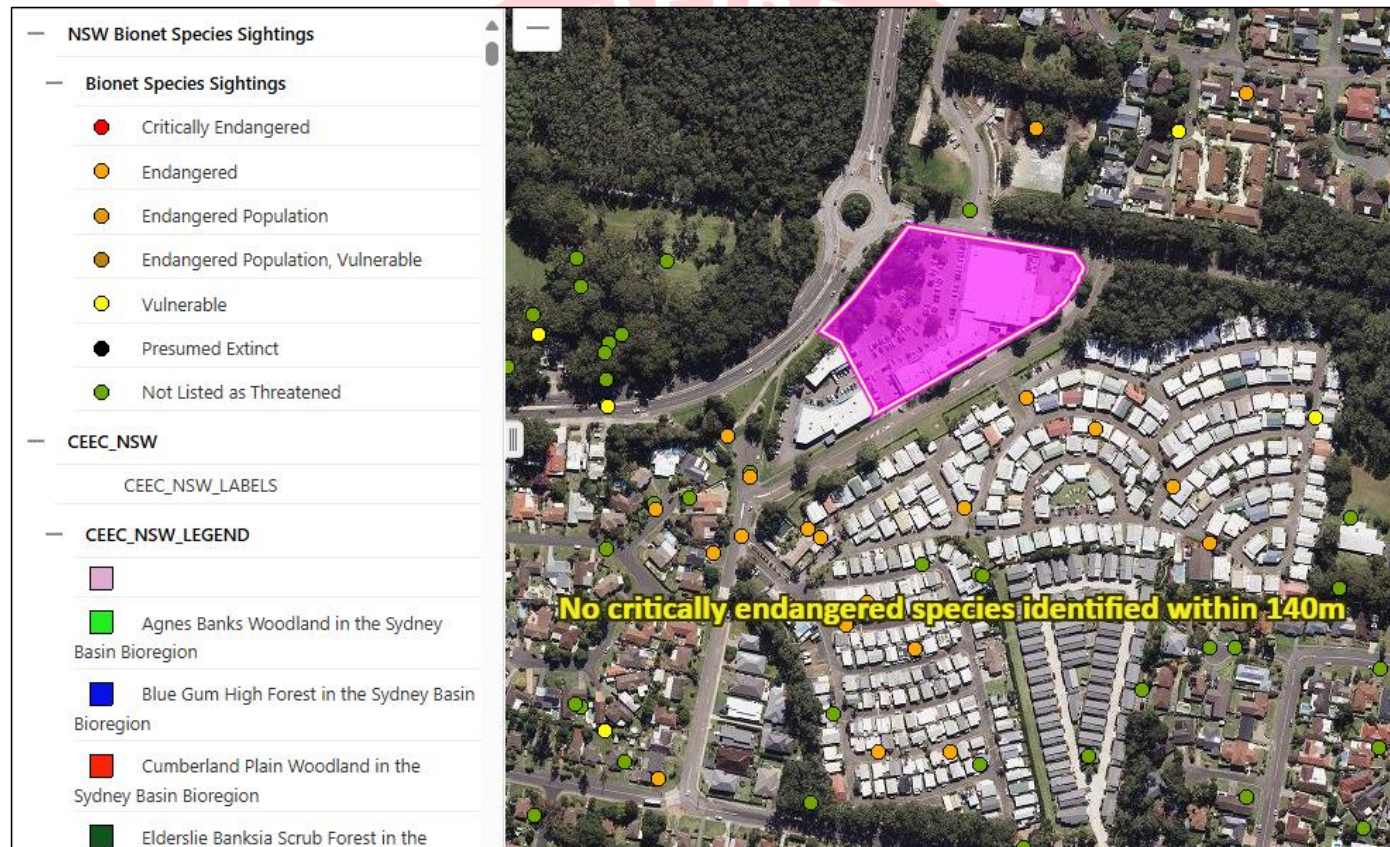
**Plate 4 (P4)** Slope of vegetation that creates a bushfire threat





Plate 5 (P5) Propose development site

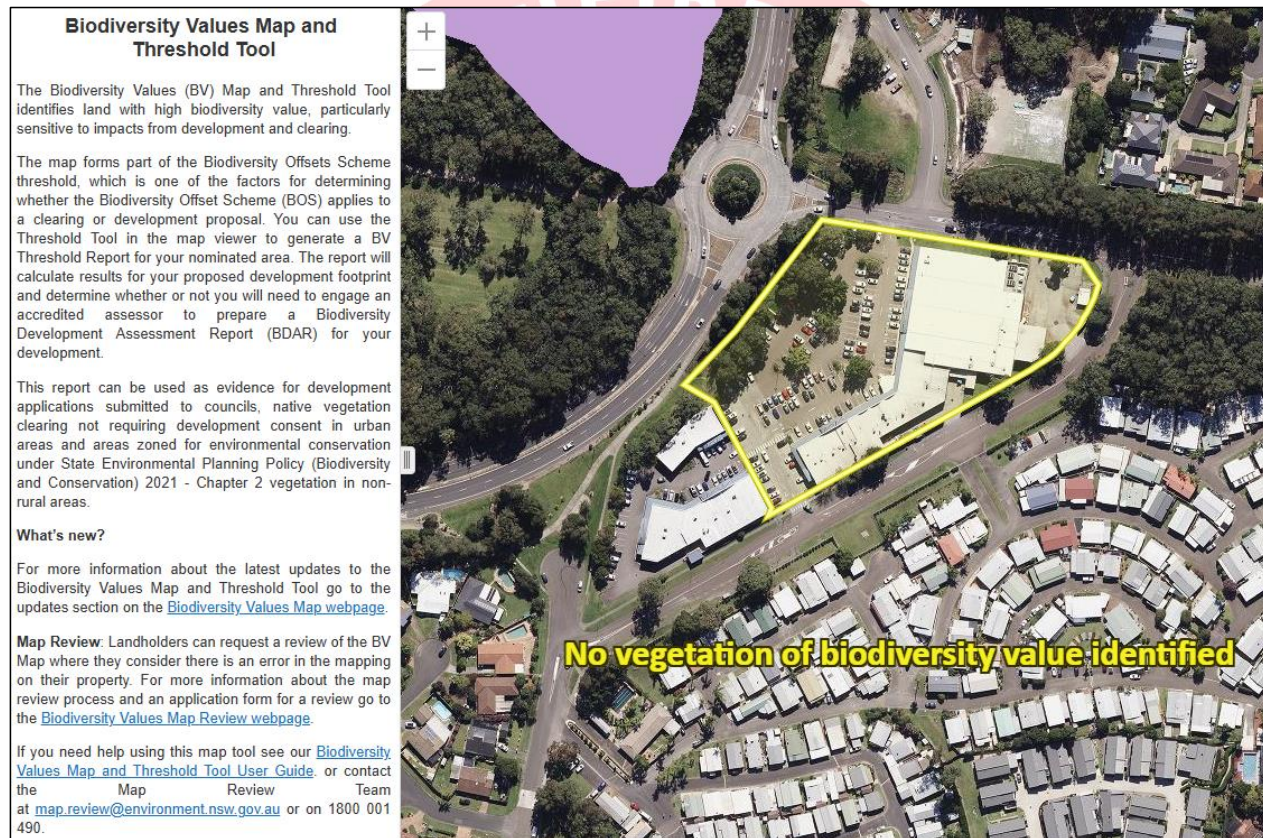
## 10 APPENDIX 3 NSW SHARING AND ENABLING ENVIRONMENTAL DATA



241799\_7 Sun Valley Road, Green Point, NSW, 2251 - Lot 72 / DP 1040759



## 11 APPENDIX 4 BIODIVERSITY MAP



## 12 APPENDIX 5 BUSH FIRE PROTECTION MEASURES

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The following information on building survivability and the application of Bushfire Protection Measures should be considered continually for the life of the development. These measures facilitate meeting the aims and objectives of PBP 2019 and mitigating bushfire risk and are provided to inform the client.

### **Why do buildings burn during bush fires?**

Research has been undertaken to over the last decades to analysis and determine the elements that determine the survivability of a building during a bush fire event. As the research is validated, these elements are incorporated into planning documentation that guides construction in bush fire prone areas, such as Australian Standard 3959 and NSW RFS Planning for Bushfire Protection.

Research has illustrated that there are three ways a bush fire impacts a building:

1. Direct flame contact,
2. Radiant heat from the bush fire, and
3. Embers generated by the bush fire.

Most people expect direct flame contact to be the biggest risk to homes in a bush fire, but this is not the case. Over 80% of house loss during bush fires occurs because of ember attack; the burning firebrands of bark, leaves and twigs with winds drive away from the main fire front. They find weaknesses in houses such as gaps, cracks to combustible construction materials and can quickly lead to ignition of the building.

**Significantly, vegetation that is established adjacent to the building and within the Asset Protection Zone following the construction of the building, which provides fuel for burning embers to ignite** and increase the ignitability of the building. It is critical that the Asset Protection Zone are maintained throughout the life of the property, so that wildfire is not encouraged closer to the building.

**The research has illustrated the separation between the bushfire threat and building; and the construction standards of the building are the principal elements to building survivability. It is critical that:**

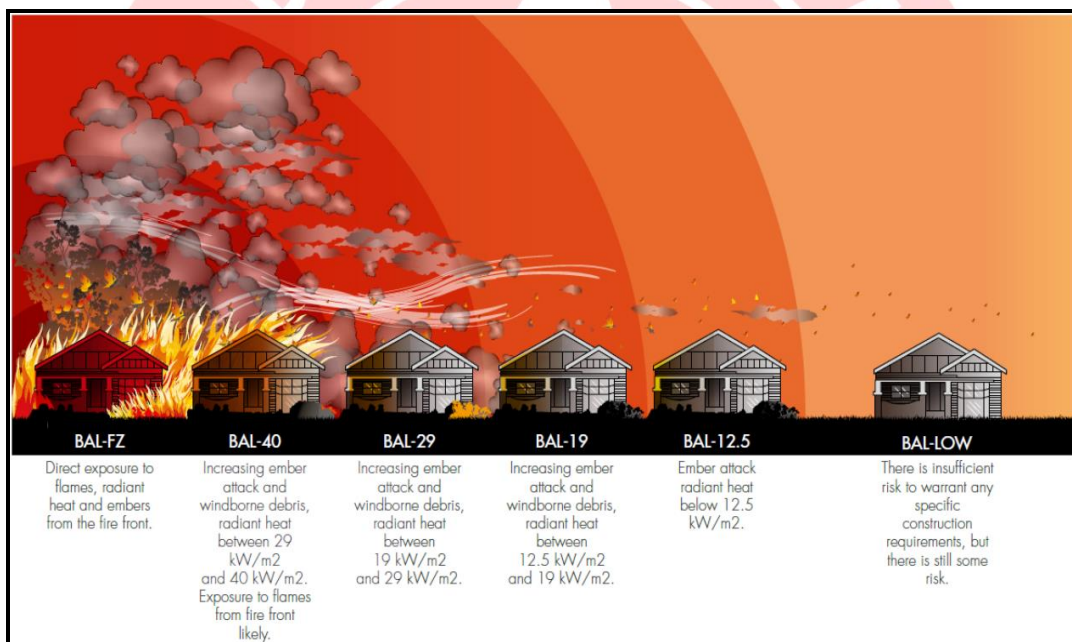
1. Any future alterations and additions to the building are undertaken with materials that comply with the relevant BAL of the building.
2. The separations between the building and bush fire threat (known as the Asset Protection Zones (APZ)) are maintained to low flammability. This means restricted gardens and combustible elements, such as timber landscaping and furnishings. It is critical to maintain 'fire hygiene' around the building.



### **Australia Standard 3959 Construction of buildings in Bush fire prone areas and Bush fire Attack Level (BAL)**

Bush fire Attack Level (BAL) ratings refer to the fire intensity your house is likely to be subjected to in a bush fire, expressed in terms of radiant heat. The BAL assessment forms the construction component of the bush fire assessment process. The other component is the Bush fire planning, which includes Asset Protection Zones (APZ), separation to provide defensible spaces, access, water, electricity, gas, landscaping and emergency management.

Furthermore, the measures contained in the *Australian Standard 3959 Construction of buildings in Bushfire Prone Areas* for each BAL construction level are not for fire resistance. The building will burn. The construction standards are aimed at slowing the ignition and fire spread of the building to provide adequate time to enable occupants to shelter within the building as the bushfire front passes. The degree of vegetation management within the APZ, the unpredictable nature of behaviour of fire, and extreme weather conditions make building adjacent to vegetation very dangerous.



*Relationship between fire behaviour and BAL (WA Guidelines for Planning in Bush fire Prone Areas, 2017)*

**Design and Siting**

The design and siting of a building can be of critical importance during bush fire attack event. The appropriate design and siting can reduce the impact of bush fire attack mechanisms of direct flame, radiant heat, ember attack, smoke, and wind. Key principles to consider when designing and siting a new development include the following:

- Avoid building on ridges, saddles and build on level ground wherever possible.
- Utilise cut-in benches, rather than elevating the building when building on sloping land.
- Avoid raised floors and protect the sub-floor areas by enclosing or screening.
- Provide an appropriate shelter room that is located on the lowest or non-bush fire hazard side of the building, near building exits and provides the occupant views of the outside environment.
- Reduce bulk of building, limit re-entrant corners, and incorporate simplified roof that are able to self-clean of debris.
- No gutters on second or consecutive storeys of building and avoid box gutters.
- If gutters are installed, incorporate gutter guards with a flammability index more than 5 when tested to AS1530.2, or aluminium, bronze, or stainless steel with maximum aperture of 5mm.
- Limit glazing elements on the sides of the building exposed to the bush fire threat and use shutters to protect glazing elements.
- Carparking provided in a location that does not interfere with escape routes.
- Position development so any gas supplies and overhead electricity are positioned not to impede egress to and from the site.
- Class 10a buildings (such as shed, carport, and garages) should be a minimum of 6m away from any other building. Consider the storage of hazardous materials (petrol, kerosene, alcohol, LPG, natural gas, acetylene, vehicle, machinery etc.) within Class 10a buildings when siting in proximity to Class 1a occupied building and escape routes.
- Provide unobstructed access around the entire building supported by a minimum 1m wide concreted path to the external wall.

**Asset Protection Zones**

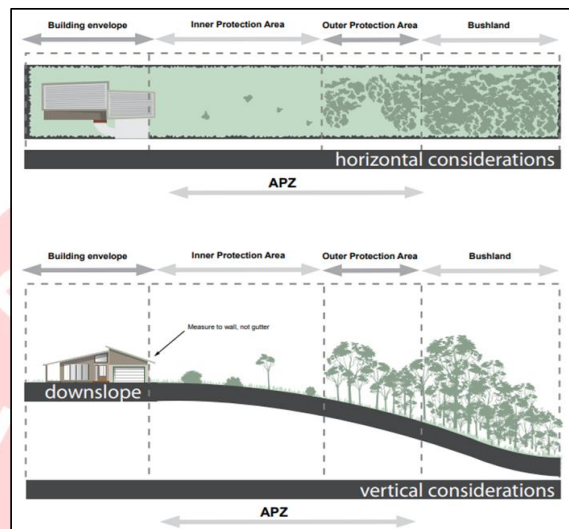
An APZ is an area surrounding a development that is managed to reduce the bushfire hazard to an acceptable level to mitigate the risk to life and property. The required width of the APZ varies with slope and the type of hazard. An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bush fires. Maintenance to the below standards should be undertaken on an annual basis, in advance of the fire season, as a minimum.

For a complete guide to APZs and landscaping, download the NSW RFS document Standards for Asset Protection Zones at [www.rfs.nsw.gov.au/resources/publications](http://www.rfs.nsw.gov.au/resources/publications).

An APZ can consist of both an Inner Protection Area (IPA) and an Outer Protection Area (OPA) as indicated below. An APZ can include the following:

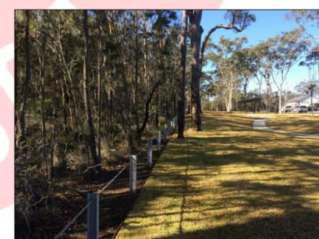
Footpaths	Driveways
Lawns	Unattached non-combustible garages as long as suitably separated
Discontinuous gardens	Open space / parkland
Swimming pools	Car parking

Isolated areas of shrub and timbered vegetation are generally not a bush fire hazard as they are not large enough to produce fire of an intensity that will threaten dwellings. These areas include narrow strips of vegetation along road corridors.



Components of an APZ (Figure A4.1 - PBP 2019)

Any areas that are designated Asset Protection Zones, should be delineated by rural fencing, signposted or bollards (whatever is practical in the circumstances) to ensure vegetation creep does not occur and further landowners and ground management are aware that the area is to be maintained for Bush fire protection purposes. Examples are provided below:



### Inner Protection Area (IPA)

The IPA extends from the edge of the OPA to the development. The IPA is the area closest to the asset and creates a fuel-managed area which can minimise the impact of direct flame contact and radiant heat on the development and be a defensible space. The intent of an IPA is to stop the transmission of flame and reduce the transmission of radiant heat by the elimination of available fire fuel. This area also allows

airborne embers to fall safely without igniting further outbreaks and provides a safer firefighting position and is operationally important for implementation of clear fire control lines.

In practical terms the IPA is typically the curtilage around the dwelling, consisting of a mown lawn and well-maintained gardens. When establishing and maintaining an IPA the following requirements apply:

- Vegetation within the IPA should be kept to a minimum level. Litter fuels (leaves and vegetation debris) within the IPA should be continually removed and kept below 1cm in height and be discontinuous. There is minimal fine fuel at ground level which could be set alight by a bushfire.
- Canopy cover should be less than 15% (at maturity). Trees (at maturity) should not touch or overhang the building and should be separated by 2 to 5m.
- Lower limbs of canopy trees should be removed up to a height of 2m above ground.
- Preference should be given to smooth barked and evergreen trees.
- Large discontinuities or gaps in the shrub vegetation shall be established to slow down or break the progress of fire towards buildings.
- Shrubs should not be located under trees and not form more than 10% ground cover
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grasses should be kept mown (as a guide grass should be kept to no more than 100mm in height), and
- Woodpiles, wooden sheds, combustible material storage areas, large areas / quantities of garden mulch, stacked flammable building materials etc. are not permitted in the IPA.

#### **Outer Protection Area (OPA)**

An OPA is located between the IPA and the unmanaged vegetation. Vegetation within the OPA can be managed to a more moderate level. The reduction of fuel in this area substantially decreases the intensity of an approaching fire and restricts the pathways to crown fuels, reducing the level of direct flame, radiant heat and ember attack on the IPA.

Because of the nature of an OPA, they are only applicable in forest vegetation.

In practical terms the OPA is an area where there is maintenance of the understorey and some separation in the canopy. When establishing and maintaining an OPA the following requirements apply:

- Tree canopy cover should be less than 30%, canopies should be separated by 2 to 5m
- Shrubs should not form a continuous canopy and form no more than 20% of ground cover
- Grasses should be kept to no more than 100mm in height with leaf and other debris should be mown, slashed or mulched.

Furthermore, the edge of the APZ should be clearly delineated to ensure vegetation creep does not occur over time, reducing the separation between the bushfire hazard and building.



**Gardens and vegetation within the APZ**

All vegetation will burn under the right conditions.

In choosing plants for landscaping consideration should be given to plants that possess properties, which help to protect buildings. If the plants themselves can be prevented from ignition, they can improve the defence of buildings by:

- Filtering out wind-driven burning debris and embers.
- Acting as a barrier against radiation and flame, and
- Reducing wind forces.

Consequently, landscaping with vegetation of the site should consider the following:

- Meet the specifications of an Inner Protection Area (IPA) detailed in PBP 2019.
- Priority given to retaining or planting species which have a low flammability and high moisture content.
- Priority given to retaining or planting species which do not drop much litter in the bushfire season, and which do not drop litter that persists as ground fuel in the bush fire season, and
- Create discontinuous or gaps in the vegetation to slow down or break the progress of fire towards the dwellings.
- Avoid gardens within 10m of the exterior building envelop.
- Trees and shrubs within 40m are not continuous, but instead arranged as discrete patches separated by a ground layer with low fuel hazard, such as mown grass.
- Position courtyards, gardens, and grassed areas in locations that facilitate the protection of the building.
- Install pebble/rock garden beds avoiding the use of mulch and wood chip.

Consideration should be given to vegetation fuel loads present on site. Careful thought must be given to the type and physical location of any proposed site landscaping.

**Inappropriately selected and positioned vegetation has the potential to 'replace' any previously removed fuel load.**

Whilst it is recognised that fire-retardant plant species are not always the most aesthetically pleasing choice for site landscaping, the need for adequate protection of life and property requires that a suitable balance between visual and safety concerns be considered. The below list of well know ground fire-retardant plants is intended as a guide only, check with your local council for information more specific to your area.

<i>Lomandra longifolia</i>	<i>Dampiera</i>
<i>Lomandra hystrix</i>	<i>Scaevola aemula</i>
<i>Anigozanthos hybrids</i>	<i>Succulents (most)</i>
<i>Agapanthus orientalis</i>	<i>Carpobrotus (Pigface)</i>
<i>Liriope muscari</i>	<i>Cotyledon</i>
<i>Carpobrotus glaucescens</i>	<i>Ajuga australis</i>
<i>Casuarina glauca</i>	<i>Myoporum</i>
<i>Ajuga</i>	<i>Nepeta (catmint)</i>
<i>Brachyscome</i>	<i>Mesembryanthemum</i>

Strategically positioned elevated vegetation (fire-retardant tree and shrub species) can act as 'windbreaks' and 'ember filter', reducing wind velocities and suppressing the density of embers attacking a building. It is critical that this vegetation is:

- On flat ground place >30m from the building (ideally 40m forming the outer perimeter of the IPA).
- >20m separation from the hazardous vegetation.
- Located on the side of the bush fire hazard.
- No gardens of shrubs under the trees.
- Shrub patches no greater than 10m<sup>2</sup>.

The below list of well know fire-retardant trees and shrubs is intended as a guide only, check with your local council for information more specific to your area:

<i>Melia azederach (Cape Lilac)</i>	<i>Citrus trees</i>
<i>Brachychiton aacerifolius (Flame tree)</i>	<i>Loquat</i>
<i>Magnolia grandiflora</i>	<i>Arbutus Quercus (only the deciduous oak)</i>
<i>Pyrus (most ornamental pears)</i>	<i>Feijoa</i>
<i>Magnolia Little Gem</i>	<i>Gleditzia</i>
<i>Ulmus chinensis (Chinese Elm)</i>	<i>Ficus (all including edible)</i>
<i>Acacia howitii</i>	<i>Aloe (all)</i>
<i>Cercis (Judus Tree)</i>	<i>Correa</i>
<i>Acmena smithii (Lilypilly)</i>	<i>Acacia iteaphyla</i>
<i>Prunus (all including ornamental)</i>	<i>Scaevola crassifolia</i>
<i>Cupaniopsis anacardiopsis (Tuckeroo)</i>	<i>Viburnum tinus</i>
<i>Malus (apple trees)</i>	<i>Atriplex (saltbush)</i>
<i>Eleocarpus</i>	<i>Escallonia</i>
<i>Mullberry</i>	<i>Maireana (Cottonbush)</i>
<i>Eremophila (Emu bush)</i>	<i>Leucophyta brownii</i>
<i>Melaleuca nodosa</i>	<i>Plectranthus</i>
<i>Syzygium (Lilypilly)</i>	<i>Santolina</i>
<i>Photinia</i>	<i>Coprosma</i>
<i>Rhagodia (saltbush)</i>	<i>Strelitzia</i>
<i>Acacia Cyclops</i>	<i>Senna (Silver Cassia)</i>

Recent post-fire research from the 2019/20 bushfire season suggests greenness factor (the extent to which plants are actively growing) had an impact on building survivability to a bushfire, indicating that maintained green grasses and landscape watering features are beneficial during a bushfire.

**It is essential that any vegetation and landscaped areas and surrounds are subject to ongoing fuel management and reduction to ensure that fine fuels do not build up.**



**Landscaping features within the APZ**

A combination of hard (materials) and soft (design) landscaping will benefit the survivability of a building during a bushfire event. The type, quantity and condition of fuel has a very important effect on bushfire behaviour in proximity to a building. Poorly located vegetation that burns readily may expose a house to increased levels of radiant heat and flame contact.

- Non-flammable features such as tennis courts, swimming pools, dams, patios, driveways or paths should be incorporated into the proposal, especially on the northern and western sides of the proposed building.
- Remove other flammable objects from around the house. These include sheds, caravans, outdoor furniture, barbeques, gas bottles, wood piles and organic mulch.
- Avoid flammable mulches within the APZ. Alternatives include gravel, scoria, pebbles, shells or recycled crushed bricks.
- Use non-combustible, moveable containers and pots that can be relocated in the summer.
- Restrict the use of door mats and place firewood stacks >10m from building.
- Restrict the use of timber and use materials such as brick, earth, stone, concrete and galvanised iron
- Metal screens can help to shield your house from radiant heat, direct flame contact and ember attack.
- An intensive area of planting centred on a contoured garden mound provide an effective screening.
- Fencing in BAL 29 or within 6m of a building should be of non-combustible materials.
- Establish a path immediately around the external wall of the building. Do not place garden beds adjacent to the external fabric of the building and under windows.
- Clumping shrubs and trees so they do not form a continuous canopy and are separated by areas of low fuel (maintained green grass lawn).

Further information can be found here - [Landscaping for bushfires](#)

**Water Supply**

The intent of water measures is to provide adequate services of water for the protection of dwellings during and after the passage of a bush fire.

Where reticulated water supply is not provided, a static water supply for fire-fighting purposes should be above-ground, accessible, clearly marked and manufactured from concrete or metal. If raised, the tank stand should be made from non-combustible material. These static water supplies (tanks) should be positioned on the non-hazard side of the building and have 65mm Storz outlet with a ball valve fitted to the outlet within the IPA. If not appropriate, they should be appropriately shielded to protect the tank and fire fighters accessing the water. Category 1 fire appliances should be able to access within 4 m of static water supply with a hardened ground surface to support this access.

**Electricity, Gas supplies and Hazardous materials**

The intent of electricity, gas and hazardous material measures is to locate these utilities and materials so as not to contribute to the risk of fire to a building.

**Electricity**

Location of electricity services should limit the possibility of igniting the surrounding bush land or the fabric of buildings. Where practicable, electrical transmission lines are underground. If overhead, electrical transmission lines are installed with short pole spacing (30m), unless crossing gullies, gorges, or riparian areas, then no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

For further information visit <https://www.electricitysafety.com.au/>

**Gas**

Any reticulated or bottled gas should be installed and maintained according to the requirements of the relevant authorities and AS/NZS 1596:2014. All fixed gas cylinders are kept clear of all flammable materials to 10m and shielded on the hazard side. All above-ground pipes and connections to and from gas cylinders are metal, and polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not permitted. Furthermore, if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion. Gas utilities should be positioned to not impede fire fighters accessing water supplies while undertaking suppression operations.

**Hazardous Materials**

Hazardous materials are any materials that can fuel the fire, such as leaf litter, grass, garden mulch and woodpiles. They can also be made up of solid combustibles or flammable liquids and gases such as petrol, kerosene, alcohol, LPG, natural gas, and acetylene. Vehicle, machinery, and other mechanical equipment that utilise fuels for operations can also be considered hazardous. The incorrect design and placement of carport and garages in residential developments could propagate fire towards the residential dwelling. Any liquids or fuels that are considered hazardous should be positioned away from the dominant bush fire threat. If located in a building/structure, it should be a minimum of 6m away from any other building. Vegetation surrounding these locations shall be maintained to IPA standards and the construction standards shall minimise the impact of ember attack to ignite the structure.

**Construction Requirements****Groundwork and Sub-structure construction phase**

During the ground phase potential ignition sources of the subject development may include hot works, incorrect disposal of cigarette butts and hot exhausts from vehicles, electrical failures, and sparks from metal contact.

Groundwork and Sub-structure construction phase fire management plan should be developed. Preparation of the site should include mitigating fire ignition sources. This should include vegetation management such as slashing and mowing long grasses in and around the development site, car parking and access tracks. This is especially important during summer months where Rates of Spread of fire can significantly increase due to the prevailing weather condition.

Handheld fire extinguishers should be carried on each vehicle and on site for quick access and suppression of fires.

Where neither reticulated water nor an existing static water supply is available during the construction phase, a temporary 10,000 litre Static Water Supply within proximity of the development site shall be provided before the commencement of any construction works. This temporary supply will allow for the replenishment of attending fire services which will facilitate the rapid suppression of any potential ignitions. The temporary supply may be removed when the prescribed fire-fighting water supply is installed.

### ***Ongoing Operations***

Routine inspections of bush fire safety systems and equipment generally occur annually and are supported by a Bushfire Plan. Ideally these inspections should occur moving out of the colder months in preparation for the bushfire season. The most common types of inspections that are required are surface, near surface (grasses and debris) and elevated (shrub) fire fuel level accumulation in APZs, canopy separation reequipments in APZs, and maintaining building fire hygiene such as cleaning gutters and down pipes.

Developing and annually reviewing a bushfire plan, no matter how big or small the development, is critical to the ongoing maintenance of the Bushfire Protection Measures identified within this report.

### ***Bushfire Emergency / Survival Plan***

No matter how big or small the development is within a bush fire prone area, a bush fire plan is critical to preparing the property in the event of a bush fire. To ensure appropriate measures are taken, the worst-case scenario bush fire behaviour should be used to determine the course of action.

There is extreme noise, smoke, heat, and wind during the passing of a bush fire front under worst-case conditions. Vision, hearing, breathing, and communication are significantly affected during this period.

State bush fire authorities have established kits to help residential and small property owners to develop appropriate plans to plan and prepare for bush fire events. In NSW Bush fire survival Plans can be accessed from <https://www.rfs.nsw.gov.au/plan-and-prepare/bush-fire-survival-plan>.

The principal elements of the Bush fire survival Plans are:

- Know your risk.
- Know and understand the bush fire alert levels.
- Access to 'Fires Near Me' app.
- Knowledge of Local radio, local ABC/emergency broadcaster frequency, and TV.
- Prepare yourself, your home and your family.
- Leave early or prepare to stay.
  - If leaving, when to leave, where will you go, how will I get there, what will I take, who will you call, what is your back-up plan.
  - If you stay, do you have all the equipment you need, what are the signal to start defending the dwelling, what to do before, during and after the passing of the fire front, do all members of the household know what to do, check your equipment, develop action checklist, what is your back-up plan.
- Discuss all elements with your family and neighbours.

Furthermore, knowledge of escape routes (generally the public road system around your dwelling), refuges and location of any nearby Neighborhood Safer Places is critical knowledge prior to a bush fire event.

A bushfire emergency management and evacuation plans are prepared consistent with Australian Standard AS 3745:2010 Planning for emergencies in facilities. State agencies also have developed guidelines to facilitate the development of the documents and other Australian Standards are relevant for different development type. Bushfire emergency management and evacuation plans should be complemented with a Bushfire Management Plan (BMP).

### **A simple 4 step process can be undertaken to develop a basic bushfire emergency survival plan:**

#### **DISCUSS**

##### **STEP 1**

##### **DISCUSS WHAT TO DO IF A BUSH FIRE THREATENS YOUR HOME**

Many households find that having a discussion over dinner works best as everybody is together and focussed.

[Download the Step 1 discussion guide \(PDF, 985.3 KB\).](#)

#### **PREPARE**

##### **STEP 2**

##### **PREPARE YOUR HOME AND GET IT READY FOR BUSH FIRE SEASON**

There are simple things you can do around your home to prepare it for a bush fire, like keeping the grass low and having a cleared area around your home.

[Download the Step 2 checklist \(PDF, 595.5 KB\).](#)

#### **KNOW**

##### **STEP 3**

##### **KNOW THE BUSH FIRE ALERT LEVELS**

If there is a fire in your area you will find its alert level on the NSW RFS website and in the 'Fires Near Me' app. You need to keep track of the alert level so you know what you should do.

[Download Step 3 \(PDF, 166.1 KB\).](#)

#### **KEEP**

##### **STEP 4**

##### **KEEP ALL THE BUSH FIRE INFORMATION NUMBERS, WEBSITES AND THE SMARTPHONE APP**

In a bush fire, it's important that you stay up to date on conditions in your area.

[Download Step 4 \(PDF, 219.1 KB\).](#)



**Bushfire Management Plan**

No matter how big or small the development is within a bushfire prone area, a bushfire plan is critical to preparing the property in the event of a bushfire. To ensure appropriate measures are taken, the worst-case scenario bushfire behaviour should be used to determine the course of action.

State bushfire authorities have established kits to help residential and small property owners to develop appropriate plans to plan and prepare for bushfire events. These can be accessed by contacting your local fire authority.

For larger development such as industrial, commercial and developments that accommodate vulnerable people, more comprehensive emergency management requirements and procedures should be developed.

At a minimum, the Bushfire Management Plan should illustrate the Bushfire Protection Measures (location and type of hazard (vegetation), defensible space, access, water, and construction standards) that will be implemented as part of the development to reduce the risk from bushfire to an acceptable level and should be clearly displayed within the property to ensure current occupants are aware of the bush fire risk.

Furthermore, the BMP can provide information that assists in wildfire suppression operations, such as:

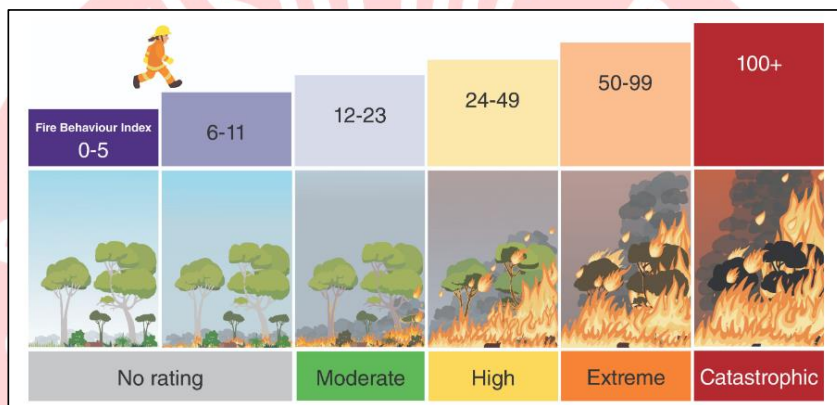
- 24/7 emergency contact details including alternative telephone contact.
- Location of site infrastructure and assets.
- Fire-fighting water supply plan.
- Site access and neighbour/ internal road plan.
- Identification of built, natural and cultural assets in and around the site.
- Emergency escape routes, refuges, and location of any nearby Neighbourhood Safer Places.
- Location of Fire Management Zone, specifically Asset Protection Zones.
- Location of hazards (Physical, Chemical and Electrical) that will impact on fire-fighting operations and procedures to manage identified hazards during fire-fighting operations.
- Aviation assets (helipads and aviation water supplies) and risks (powerlines).
- Fire history in and around the site, and
- Schedule of on-ground works and review and updating schedule.

**Updated Australian Fire Danger Rating System**

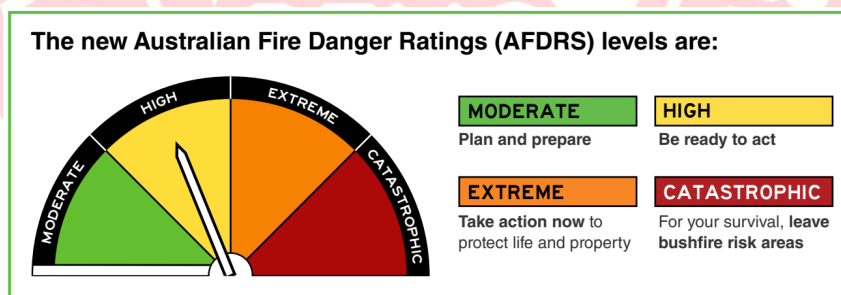
The principal objective of the new Australian Fire Danger Rating System (AFDRS) is to implement a more accurate and nationally consistent system that will enable improved decision-making by response agencies and industry and provoke the desired community response to messaging in order to improve public safety. More information at <https://www.rfs.nsw.gov.au/news-and-media/newfdr> and eLearning at <https://www.afac.com.au/initiative/afdrs/afdrs-training>.

The AFDRS uses the latest scientific understanding about weather, fuel and how fire behaves in different types of vegetation to improve the reliability of fire danger forecasts. This strengthens the ability of those working in emergency services to be better prepared, make improved decisions, and provide better advice to the community.

It is aimed at a simplified, action-oriented Fire Danger Rating System.



Accessed from AFAC: <https://www.afac.com.au/initiative/afdrs/afdrs-faqs>



Accessed from AFAC: <https://www.afac.com.au/initiative/afdrs/afdrs-faqs>

**MODERATE:** *Plan and Prepare* - Have a plan and be ready to act if a fire starts.

**HIGH:** *Be ready to act* - Be alert for fires in your area and be ready to leave or be ready to defend.

**EXTREME:** *Take action* - Act before a fire starts.

**CATASTROPHIC:** *Leave high risk areas* - Protect your life, leave early.



## Environmental EME Report

Location	7 Sun Valley Road, GREEN POINT NSW 2251		
Date	14/05/2024	RFNSA No.	2251009

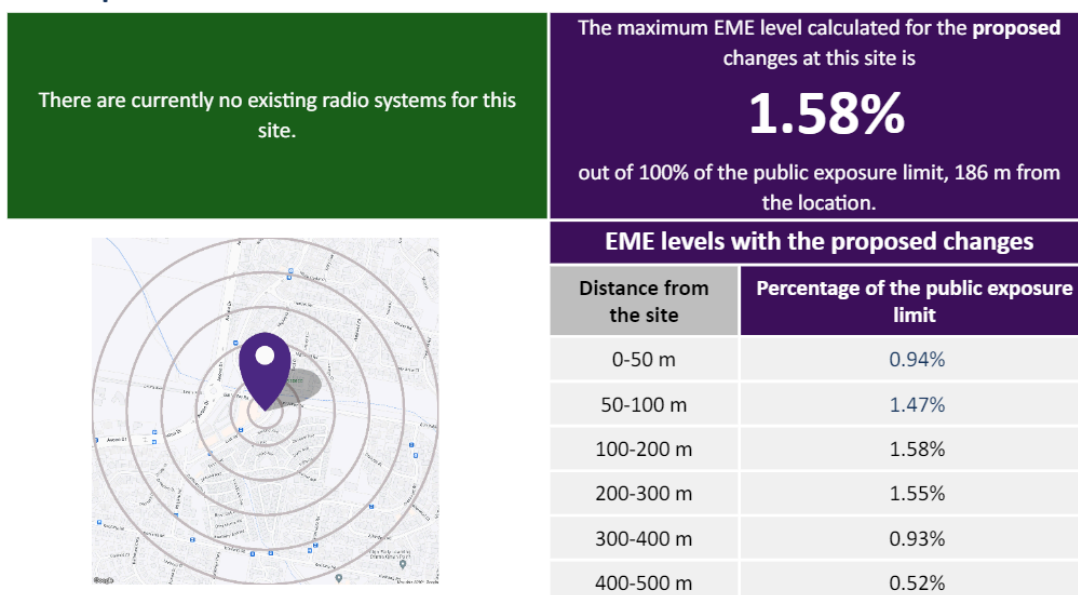
### How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 7 Sun Valley Road, GREEN POINT NSW 2251. These levels have been calculated by Downer Group using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

A document describing how to interpret this report is available at ARPANSA's website:

[A Guide to the Environmental Report.](#)

### A snapshot of calculated EME levels at this site



For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/2251009>.

### Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Optus			4G, 5G	LTE1800 (proposed), LTE2600 (proposed), NR/LTE700 (proposed), NR/LTE2100 (proposed), NR/LTE900 (proposed), NR2300 (proposed), NR3500 (proposed)

### An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m				5.18	71.07	0.94%
50-100m				7.24	139.04	1.47%
100-200m				7.19	136.99	1.58%
200-300m				6.44	109.87	1.55%
300-400m				5.02	66.82	0.93%
400-500m				3.75	37.37	0.52%

### Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2020](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

#### Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
Residencial 6	0-3 m	7.03	131.00	1.36%
Residencial 10	0-3 m	7.45	147.26	1.55%
Residencial 8	0-3 m	7.12	134.45	1.39%
Residencial 9	0-3 m	7.10	133.60	1.39%
Highland Grove Preschool	0-5 m	7.53	150.48	1.88%
Residencial 11	0-3 m	6.65	117.30	1.56%
Residencial 5	0-3 m	5.59	83.01	1.04%
Residencial 12	0-3 m	6.85	124.35	1.68%
Residencial 2	0-6 m	6.83	123.79	1.70%
Residencial 13	0-3 m	5.27	73.57	0.95%
Residencial 14	0-3 m	6.14	100.04	1.36%
Residencial 1	0-6 m	6.39	108.43	1.50%
Residencial 3	0-6 m	4.96	65.24	0.87%
Residencial 4	0-3 m	4.05	43.42	0.57%

Residencial 7	0-3 m	3.36	29.98	0.39%
Residencial 15	0-3 m	5.07	68.05	0.95%



## AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Green Point

Client Service ID : 802829

Kaitlen Perkins

Date: 24 July 2023

Level 10 567 Collins Street  
Melbourne Victoria 3000

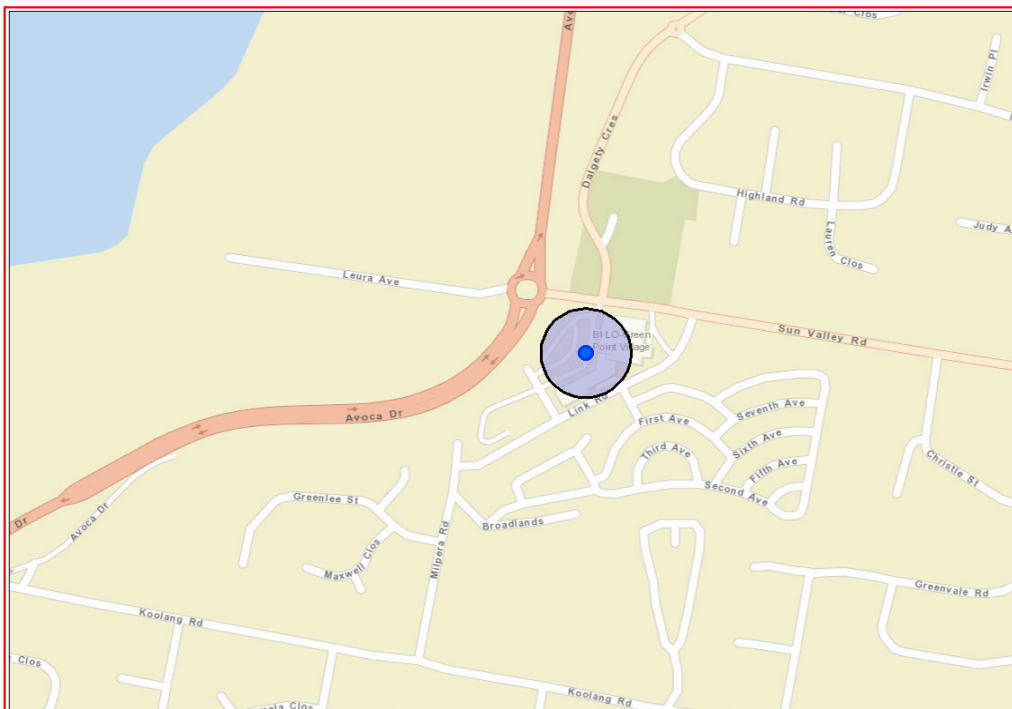
Attention: Kaitlen Perkins

Email: kaitlen.perkins@downergroup.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Address : 7 SUN VALLEY ROAD GREEN POINT 2251 with a Buffer of 50 meters, conducted by Kaitlen Perkins on 24 July 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. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

# EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 17-Jul-2023

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



## Summary

### Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Importance (Ramsar)</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Listed Threatened Ecological Communities:</a>	5
<a href="#">Listed Threatened Species:</a>	80
<a href="#">Listed Migratory Species:</a>	47

### Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

<a href="#">Commonwealth Lands:</a>	3
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	54
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Australian Marine Parks:</a>	None
<a href="#">Habitat Critical to the Survival of Marine Turtles:</a>	None

### Extra Information

This part of the report provides information that may also be relevant to the area you have

<a href="#">State and Territory Reserves:</a>	None
<a href="#">Regional Forest Agreements:</a>	1
<a href="#">Nationally Important Wetlands:</a>	1
<a href="#">EPBC Act Referrals:</a>	1
<a href="#">Key Ecological Features (Marine):</a>	None
<a href="#">Biologically Important Areas:</a>	1
<a href="#">Bioregional Assessments:</a>	1
<a href="#">Geological and Bioregional Assessments:</a>	None

## Details

### Matters of National Environmental Significance

#### Listed Threatened Ecological Communities [ Resource Information ]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community</a>	Endangered	Community may occur within area	In feature area
<a href="#">Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland</a>	Endangered	Community likely to occur within area	In feature area
<a href="#">Coastal Upland Swamps in the Sydney Basin Bioregion</a>	Endangered	Community likely to occur within area	In feature area
<a href="#">Posidonia australis seagrass meadows of the Manning-Hawkesbury ecoregion</a>	Endangered	Community likely to occur within area	In buffer area only
<a href="#">River-flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria</a>	Critically Endangered	Community likely to occur within area	In feature area

#### Listed Threatened Species [ Resource Information ]

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Scientific Name	Threatened Category	Presence Text	Buffer Status
<b>BIRD</b>			
<a href="#">Anthochaera phrygia</a> Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Botaurus poiciloptilus</a> Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Callocephalon fimbriatum</a> Gang-gang Cockatoo [768]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Calyptorhynchus lathami lathami</a> South-eastern Glossy Black-Cockatoo [67036]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Climacteris picumnus victoriae</a> Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Diomedea antipodensis</a> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea antipodensis gibsoni</a> Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea epomophora</a> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Diomedea exulans</a> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Diomedea sanfordi</a> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Erythrotriorchis radiatus</a> Red Goshawk [942]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Falco hypoleucos</a> Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area	In buffer area only
<a href="#">Limosa lapponica baueri</a> Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit [86380]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Macronectes giganteus</a> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#">Macronectes halli</a> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Melanodryas cucullata cucullata</a> South-eastern Hooded Robin, Hooded Robin (south-eastern) [67093]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Neophema chrysostoma</a> Blue-winged Parrot [726]	Vulnerable	Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Pachyptila turtur subantarctica</a> Fairy Prion (southern) [64445]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Pycnoptilus floccosus</a> Pilotbird [525]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Rostratula australis</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Stagonopleura guttata</a> Diamond Firetail [59398]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Sternula nereis nereis</a> Australian Fairy Tern [82950]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Thalassarche bulleri</a> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche bulleri platei</a> Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche cauta</a> Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche eremita</a> Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In feature area
<a href="#">Thalassarche impavida</a> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Thalassarche melanophris</a> Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Thalassarche salvini</a> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche steadi</a> White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
<b>FISH</b>			
<a href="#">Epinephelus daemeli</a> Black Rockcod, Black Cod, Saddled Rockcod [68449]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
<a href="#">Macquaria australasica</a> Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Prototroctes maraena</a> Australian Grayling [26179]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Thunnus maccoyii</a> Southern Bluefin Tuna [69402]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only
<b>FROG</b>			
<a href="#">Heleioporus australiacus</a> Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Litoria aurea</a> Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Mixophyes balbus</a> Stuttering Frog, Southern Barred Frog (in Victoria) [1942]	Vulnerable	Species or species habitat likely to occur within area	In feature area



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#"><u>Mixophyes iteratus</u></a>			
Giant Barred Frog, Southern Barred Frog [1944]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<b>MAMMAL</b>			
<a href="#"><u>Chalinolobus dwyeri</u></a>			
Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#"><u>Dasyurus maculatus maculatus (SE mainland population)</u></a>			
Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Notamacropus parma</u></a>			
Parma Wallaby [89289]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#"><u>Petauroides volans</u></a>			
Greater Glider (southern and central) [254]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Petaurus australis australis</u></a>			
Yellow-bellied Glider (south-eastern) [87600]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Petrogale penicillata</u></a>			
Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#"><u>Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</u></a>			
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#"><u>Potorous tridactylus tridactylus</u></a>			
Long-nosed Potoroo (northern) [66645]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#"><u>Pseudomys novaehollandiae</u></a>			
New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#"><u>Pteropus poliocephalus</u></a>			
Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<b>PLANT</b>			
<a href="#">Acacia bynoeana</a> Bynoe's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Acacia pubescens</a> Downy Wattle, Hairy Stemmed Wattle [18800]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Caladenia tessellata</a> Thick-lipped Spider-orchid, Daddy Long-legs [2119]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Cryptostylis hunteriana</a> Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Diuris praecox</a> Newcastle Doubletail [55086]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Eucalyptus camfieldii</a> Camfield's Stringybark [15460]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Genoplesium baueri</a> Yellow Gnat-orchid, Bauer's Midge Orchid, Brittle Midge Orchid [7528]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Melaleuca biconvexa</a> Biconvex Paperbark [5583]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Melaleuca deanei</a> Deane's Melaleuca [5818]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Micromyrtus blakelyi</a> [6870]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Persicaria elatior</a> Knotweed, Tall Knotweed [5831]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Prostanthera askania</a> Tranquillity Mintbush, Tranquillity Mintbush [64958]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Rhizanthella slateri</a> Eastern Underground Orchid [11768]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Rhodamnia rubescens</a> Scrub Turpentine, Brown Malletwood [15763]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Rhodomyrtus psidioides</a> Native Guava [19162]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
<a href="#">Rutidosis heterogama</a> Heath Wrinklewort [13132]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Syzygium paniculatum</a> Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry [20307]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Thesium australe</a> Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<b>REPTILE</b>			
<a href="#">Caretta caretta</a> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Chelonia mydas</a> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dermochelys coriacea</a> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Eretmochelys imbricata</a> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Hoplocephalus bungaroides</a> Broad-headed Snake [1182]	Vulnerable	Species or species habitat may occur within area	In feature area
<a href="#">Natator depressus</a> Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<b>SHARK</b>			
<a href="#">Sphyrna lewini</a> Scalloped Hammerhead [85267]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only
<b>Listed Migratory Species</b>		<b>[ Resource Information ]</b>	
Scientific Name	Threatened Category	Presence Text	Buffer Status
<b>Migratory Marine Birds</b>			
<a href="#">Anous stolidus</a> Common Noddy [825]		Species or species habitat may occur within area	In buffer area only
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
<a href="#">Ardenna grisea</a> Sooty Shearwater [82651]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Calonectris leucomelas</a> Streaked Shearwater [1077]		Species or species habitat known to occur within area	In buffer area only
<a href="#">Diomedea antipodensis</a> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea epomophora</a> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Diomedea exulans</a> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Diomedea sanfordi</a> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Fregata ariel</a> Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Fregata minor</a> Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat may occur within area	In buffer area only
<a href="#">Macronectes giganteus</a> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#">Macronectes halli</a> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Phaethon lepturus</a> White-tailed Tropicbird [1014]		Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche bulleri</a> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche cauta</a> Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche eremita</a> Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In feature area
<a href="#">Thalassarche impavida</a> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Thalassarche melanophris</a> Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Thalassarche salvini</a> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche steadi</a> White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
<b>Migratory Marine Species</b>			
<a href="#">Caretta caretta</a> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Chelonia mydas</a> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dermochelys coriacea</a> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dugong dugon</a> Dugong [28]		Species or species habitat may occur within area	In buffer area only
<a href="#">Eretmochelys imbricata</a> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Lamna nasus</a> Porbeagle, Mackerel Shark [83288]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Mobula alfredi as Manta alfredi</a> Reef Manta Ray, Coastal Manta Ray [90033]		Species or species habitat may occur within area	In buffer area only



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Mobula birostris as Manta birostris</a> Giant Manta Ray [90034]		Species or species habitat may occur within area	In buffer area only
<a href="#">Natator depressus</a> Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<b>Migratory Terrestrial Species</b>			
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area	In feature area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area	In feature area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat likely to occur within area	In feature area
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area	In feature area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area	In feature area
<a href="#">Symposiachrus trivirgatus as Monarcha trivirgatus</a> Spectacled Monarch [83946]		Species or species habitat known to occur within area	In feature area
<b>Migratory Wetlands Species</b>			
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris canutus</a> Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat known to occur within area	In feature area
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area	In feature area
<a href="#">Limosa lapponica</a> Bar-tailed Godwit [844]		Species or species habitat known to occur within area	In feature area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat known to occur within area	In feature area
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area	In feature area

## Other Matters Protected by the EPBC Act

### Commonwealth Lands

### [ Resource Information ]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Commonwealth Land Name	State	Buffer Status
Communications, Information Technology and the Arts - Telstra Corporation Limited		

Commonwealth Land Name	State	Buffer Status
Commonwealth Land - Telstra Corporation Limited [11766]	NSW	In buffer area only

#### Defence

Commonwealth Land - Defence Service Homes Corporation [15946]	NSW	In buffer area only
Defence - ERINA GRES DEPOT [10070]	NSW	In buffer area only

#### Listed Marine Species [ Resource Information ]

Scientific Name	Threatened Category	Presence Text	Buffer Status
Bird			

##### [Actitis hypoleucos](#)

Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
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##### [Anous stolidus](#)

Common Noddy [825]		Species or species habitat may occur within area	In buffer area only
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##### [Apus pacificus](#)

Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
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##### [Ardenna grisea as Puffinus griseus](#)

Sooty Shearwater [82651]		Species or species habitat likely to occur within area	In buffer area only
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##### [Bubulcus ibis as Ardea ibis](#)

Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area	In feature area
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##### [Calidris acuminata](#)

Sharp-tailed Sandpiper [874]		Species or species habitat known to occur within area	In feature area
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##### [Calidris canutus](#)

Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area overfly marine area	In feature area
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##### [Calidris ferruginea](#)

Curlew Sandpiper [856]	Critically Endangered	Species or species habitat known to occur within area overfly marine area	In feature area
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Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Calonectris leucomelas</a> Streaked Shearwater [1077]		Species or species habitat known to occur within area	In buffer area only
<a href="#">Charadrius leschenaultii</a> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<a href="#">Diomedea antipodensis</a> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea antipodensis gibsoni</a> as <a href="#">Diomedea gibsoni</a> Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea epomophora</a> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Diomedea exulans</a> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Diomedea sanfordi</a> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In feature area
<a href="#">Fregata ariel</a> Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area	In buffer area only
<a href="#">Fregata minor</a> Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Haliaeetus leucogaster</a> White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area	In feature area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]	Vulnerable	Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area overfly marine area	In buffer area only
<a href="#">Limosa lapponica</a> Bar-tailed Godwit [844]		Species or species habitat known to occur within area	In feature area
<a href="#">Macronectes giganteus</a> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<a href="#">Macronectes halli</a> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Merops ornatus</a> Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat likely to occur within area overfly marine area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Neophema chrysostoma</a> Blue-winged Parrot [726]	Vulnerable	Species or species habitat may occur within area overfly marine area	In feature area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<a href="#">Pachyptila turtur</a> Fairy Prion [1066]		Species or species habitat known to occur within area	In feature area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat known to occur within area	In feature area
<a href="#">Phaethon lepturus</a> White-tailed Tropicbird [1014]		Species or species habitat may occur within area	In buffer area only
<a href="#">Pterodroma cervicalis</a> White-necked Petrel [59642]		Species or species habitat may occur within area	In feature area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Rostratula australis as Rostratula benghalensis (sensu lato)</a> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area overfly marine area	In feature area
<a href="#">Sterna striata</a> White-fronted Tern [799]		Migration route may occur within area	In feature area



Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Symposiachrus trivirgatus as Monarcha trivirgatus</a> Spectacled Monarch [83946]		Species or species habitat known to occur within area overfly marine area	In feature area
<a href="#">Thalassarche bulleri</a> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche bulleri platei as Thalassarche sp. nov.</a> Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche cauta</a> Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche eremita</a> Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In feature area
<a href="#">Thalassarche impavida</a> Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<a href="#">Thalassarche melanophris</a> Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<a href="#">Thalassarche salvini</a> Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
<a href="#">Thalassarche steadi</a> White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area overfly marine area	In feature area

## Mammal

Scientific Name	Threatened Category	Presence Text	Buffer Status
<a href="#">Dugong dugon</a> Dugong [28]		Species or species habitat may occur within area	In buffer area only
<b>Reptile</b>			
<a href="#">Caretta caretta</a> Loggerhead Turtle [1763]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Chelonia mydas</a> Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Dermochelys coriacea</a> Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
<a href="#">Eretmochelys imbricata</a> Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<a href="#">Natator depressus</a> Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only

## Extra Information

### Regional Forest Agreements [\[ Resource Information \]](#)

Note that all areas with completed RFAs have been included. Please see the associated resource information for specific caveats and use limitations associated with RFA boundary information.

RFA Name	State	Buffer Status
<a href="#">North East NSW RFA</a>	New South Wales	In feature area

### Nationally Important Wetlands [\[ Resource Information \]](#)

Wetland Name	State	Buffer Status
<a href="#">Brisbane Water Estuary</a>	NSW	In buffer area only

### EPBC Act Referrals [\[ Resource Information \]](#)

Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
Not controlled action				
<a href="#">Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia</a>	2015/7522	Not Controlled Action	Completed	In feature area

Biologically Important Areas			
Scientific Name	Behaviour	Presence	Buffer Status
Seabirds			
<a href="#">Ardenna pacifica</a>			
Wedge-tailed Shearwater [84292]	Foraging	Likely to occur	In buffer area only

Bioregional Assessments			
SubRegion	BioRegion	Website	Buffer Status
Hunter	Northern Sydney Basin	<a href="#">BA website</a>	In feature area

# Caveat

## 1 PURPOSE

This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

The report contains the mapped locations of:

- World and National Heritage properties;
- Wetlands of International and National Importance;
- Commonwealth and State/Territory reserves;
- distribution of listed threatened, migratory and marine species;
- listed threatened ecological communities; and
- other information that may be useful as an indicator of potential habitat value.

## 2 DISCLAIMER

This report is not intended to be exhaustive and should only be relied upon as a general guide as mapped data is not available for all species or ecological communities listed under the EPBC Act (see below). Persons seeking to use the information contained in this report to inform the referral of a proposed action under the EPBC Act should consider the limitations noted below and whether additional information is required to determine the existence and location of MNES and other protected matters.

Where data are available to inform the mapping of protected species, the presence type (e.g. known, likely or may occur) that can be determined from the data is indicated in general terms. It is the responsibility of any person using or relying on the information in this report to ensure that it is suitable for the circumstances of any proposed use. The Commonwealth cannot accept responsibility for the consequences of any use of the report or any part thereof. To the maximum extent allowed under governing law, the Commonwealth will not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance

## 3 DATA SOURCES

Threatened ecological communities

For threatened ecological communities where the distribution is well known, maps are generated based on information contained in recovery plans, State vegetation maps and remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species

Threatened, migratory and marine species distributions have been discerned through a variety of methods. Where distributions are well known and if time permits, distributions are inferred from either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc.) together with point locations and described habitat; or modelled (MAXENT or BIOCLIM habitat modelling) using

Where little information is available for a species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc.).

In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More detailed distribution mapping methods are used to update these distributions

## 4 LIMITATIONS

The following species and ecological communities have not been mapped and do not appear in this report:

- threatened species listed as extinct or considered vagrants;
- some recently listed species and ecological communities;
- some listed migratory and listed marine species, which are not listed as threatened species; and
- migratory species that are very widespread, vagrant, or only occur in Australia in small numbers.

The following groups have been mapped, but may not cover the complete distribution of the species:

- listed migratory and/or listed marine seabirds, which are not listed as threatened, have only been mapped for recorded
- seals which have only been mapped for breeding sites near the Australian continent

The breeding sites may be important for the protection of the Commonwealth Marine environment.

Refer to the metadata for the feature group (using the Resource Information link) for the currency of the information.

## Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact us](#) page.

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Department of Climate Change, Energy, the Environment and Water

GPO Box 3090

Canberra ACT 2601 Australia

+61 2 6274 1111





# RFS



Central Coast Council  
PO Box 20  
WYONG NSW 2259

Your reference: (CNR-67960) DA/1552/2023  
Our reference: DA20240418001534-Original-1

**ATTENTION:** Dev Assess Admin

Date: Wednesday 3 July 2024

Dear Sir/Madam,

## Development Application

s4.14 – Other – Other

7 Sun Valley Road Green Point NSW 2251, 72//DP1040759

I refer to your correspondence dated 26/06/2024 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

### Asset Protection Zones

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:***

1. From the commencement of building works, and in perpetuity, the property around the proposed telecommunications tower must be managed as an inner protection area for a distance of 10 metres in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and

1

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)





# RFS



- leaves and vegetation debris should be removed regularly.

## Construction Standards

*The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:*

2. New construction of the telecommunications tower must be undertaken using non-combustible materials.

## Landscaping Assessment

*The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:*

3. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Kathryn Murphy on 1300 NSW RFS.

Yours sincerely,

Adam Small  
Supervisor Development Assessment & Plan  
Built & Natural Environment



**Date:** 23 July 2024  
**Responsible Officer:** Amy Magurren  
**Location:** 7 Sun Valley Road, GREEN POINT NSW 2251  
 Lot 72 DP 1040759  
**Owner:** Diamond Edge Properties Pty Ltd  
**Applicant:** Downer Group - Melbourne  
**Date of Application:** 28 July 2023  
**Application No:** DA/1552/2023  
**Proposed Development:** Telecommunications & Communication Facilities (LPP)  
**Land Area:** 13060.00  
**Existing Use:** Retail Shopping Centre

### PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/1552/2023 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 Indara Digital Infrastructure

Plan No.	Plan Title	Revision	Dated
S5943-00	Cover Page		
S5943-G2	Overall Site Plan	A	18/06/2024
S5943-G3	Site Layout and Setout Plan	A	18/06/2024
S5943-G4	Site Elevation	A	18/06/2024

Document Title	Prepared by	Dated
Bushfire Assessment Report	Bushfire Environmental Management Consultancy	12/06/2024
EME Report	Downer Group	14/05/2024

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.

- 1.2. 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 the General Terms of Approval issued by the NSW Rural Fire Service as listed below:

#### **Asset Protection Zones**

**The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:**

1. From the commencement of building works, and in perpetuity, the property around the proposed telecommunications tower must be managed as an inner protection area for a distance of 10 metres in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
  - tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2 m above the ground;
  - tree canopies should be separated by 2 to 5 m;
  - preference should be given to smooth-barked and evergreen trees;
  - large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
  - shrubs should not be located under trees;
  - shrubs should not form more than 10% ground cover;
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
  - grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
  - leaves and vegetation debris should be removed regularly.

#### **Construction Standards**

**The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:**

2. New construction of the telecommunications tower must be undertaken using non-combustible materials.

#### **Landscaping Assessment**

**The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions apply:**

3. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
  - A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - Low flammability vegetation species are used."

## 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 **\$3,500.00**, 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.

#### 5.DURING WORKS

- 5.1. All conditions under this section must be met during works.
- 5.2. Pruning of trees to accommodate the works must be undertaken in accordance with Australian Standard AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.
- 5.3. 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.

- 5.4. 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.

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

confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

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

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

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

- 5.6. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 5.7. 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.

#### **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.

No Conditions

#### **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.

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 for approved to LPP  
Date: 19/09/2024