

Central Coast

Local Planning Panel

Central Coast
Local Planning Panel Meeting
Business Paper
03 October 2024



Meeting Notice

**The Local Planning Panel Meeting
of Central Coast
will be held remotely - online,
Thursday 3 October 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

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3.2 DA/2267/2023 - 262 Manns Road, West Gosford - Change of Use to Restricted
Premises (Sex Shop) - internal alterations & signage312

Jason Perica
Chairperson

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

Central Coast
Local Planning Panel

3 October 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

3 October 2024 Local Planning Panel Meeting

Reference: F2020/02502 - D16425158

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 19 September 2024***

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 19 September 2024, which were endorsed by the Chair of that meeting, are submitted for noting.

Attachments

1   MINUTES - Local Planning Panel - 19 September 2024 D16414522



Local Planning Panel

Minutes of the
Local Planning Panel Meeting
Held Remotely - Online
on 19 September 2024

Panel Members

Chairperson	The Hon Terry Sheahan AO
Panel Experts	Lindsey Dey Michael Ryan
Community Representative	Robert Carter

Central Coast Council Staff Attendance

Robert Eyre	Principal Development Planner, Residential Assessments
Amy Magurren	Senior Development Planner, Residential Assessments
Briony Stiles	Team Leader, Civic Support
Lisa Martin	Civic Support Officer
Tess McGown	Civic Support Officer

The Chairperson, The Hon Terry Sheahan AO declared the meeting open at 12:11pm.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies have been received.

Minutes of the Local Planning Panel Meeting 19 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.

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 5 September 2024, which were endorsed by the Chair of that meeting, were submitted for noting.

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report
Council Recommendation	Approve
Panel Decision	<ol style="list-style-type: none">1 <i>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.</i>2 <i>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</i>

Minutes of the Local Planning Panel Meeting 19 September 2024 cont'd

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.

Reasons	1 The Panel believes this offers a significant improvement in urban design. It will have positive streetscape impacts on the neighbourhood, including the public domain.
Votes	The decision was unanimous

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

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Supplementary Memo
Council Recommendation	Approve
Panel Decision	<p>1 <i>That the Local Planning Panel considers that the public interest requires improvement in telecommunications services in the Council area and grants 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.</i></p> <p>2 <i>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</i></p>

Minutes of the Local Planning Panel Meeting 19 September 2024 cont'd

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.*

Reasons

The Panel concurs with the officers report that:

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

Minutes of the Local Planning Panel Meeting 19 September 2024 cont'd

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.
 - d. The height of the permanent structure of the monopole is to be 30m, the attached antenna exceeding 30m is considered to be excluded from the overall height of the telecommunications tower in accordance the Central Coast Local Environmental Plan 2022 definition of building height.

In addition, the Panel has added further conditions concerning the security fencing to protect the facility and bollards for traffic management of the area.

The decision was unanimous

The meeting closed at 12:26pm.

Item No: 3.1
Title: DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development
Department: Environment and Planning

Central Coast
Local Planning Panel

3 October 2024 Local Planning Panel Meeting

Reference: DA/4077/2022 - D16238596
Author: Alexandra Allouche, Senior Development Planner, Employment and Urban Release
Section Manager: Emily Goodworth, Section Manager Employment and Urban Release
Unit Manager: Andrew Roach, Unit Manager. Development Assessment

Summary

The subject development application seeks consent for the construction of a five storey shop top housing development comprising four residential units with ground floor food and drink premises and basement parking at No. 12 Beach Parade, Canton Beach. The application has been examined having regard to the matters for consideration detailed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, with issues requiring attention and further consideration addressed in this report.

The application is referred to the Central Coast Local Planning Panel in accordance with the *Local Planning Panels Ministerial Directions* as the proposal is considered sensitive development under the remit of the former *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and is four or more storeys in height.

No submissions have been received.

The application is recommended for refusal as the application is non-compliant with relevant SEPPs, provisions of the *Central Coast Local Environmental Plan 2022*, the *Central Coast Development Control Plan 2022* and deemed an overdevelopment of the site.

Application No	DA/4077/2022
Applicant	X. Pace Design Group Pty Ltd
Owner	Huang Property Investment Pty Ltd
Property Lot and DP	Lot 1, DP 18790
Property Address	12 Beach Parade, Canton Beach, NSW 2263
Proposal	Construction of a five storey shop top housing development
Application Type	Development Application – Local
Site Area	725.4m ²
Zoning	SP3 – Tourist
Existing Use	Vacant
Employment Generating	No

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

Application Lodged	10 February 2023
Estimated Value	\$3,124,778.98
Exhibition	3 March to 24 March 2023
Submissions	Nil
Disclosure of Political Donations & Gifts	No
Site Inspection	30 April 2024

Recommendation

- 1 That the Local Planning Panel refuse development application DA/4077/2022, for construction of a 5-storey mixed use development comprising of shop top housing (4 dwellings), food and drink premises and basement level car parking to 12 Beach Parade, Canton Beach for the reasons detailed in Attachment 1 to this report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise relevant external authorities of the Panel's decision.**
- 3 That Council advise Ausgrid of the Panel's decision.**

Key Issues

- Variation to the performance requirements of clause 4.3 – Height of Buildings under the *Central Coast Local Environmental Plan 2022* (CCLEP 2022).
- Technical non-compliances as required under the Apartment Design Guide (ADG) including communal open space, deep soil planting and visual privacy requirements, parking, and accessibility.
- Minimal on-site car parking in accordance with Central Coast Development Control Plan 2022 (CCDCP 2022) seeking an overall variation to Council's DCP of 88%.

Precis:

Proposed Development	Construction of a five-storey mixed use building (shop top housing) comprising four residential dwellings, ground floor food and drink premises and basement parking.
Permissibility and Zoning	The subject site is zoned SP3 Tourist under the provisions of the CCLEP 2022. The proposed development is defined as <i>shop top housing</i> and <i>food and drink premises</i> , which are both permissible with consent in the zone.
Current Use	Vacant
Submissions	Nil

Variations to Policies

Clause	Part 3D-1 Communal and public open space
Standard	Communal open space to be provided equivalent to 25% of site area
SEPP/LEP/DCP	SEPP Housing and ADG
Departure basis	Numerical. 100% variation sought. Nil communal open space provided

Clause	Part 3E-1 Deep soil zones
Standard	7% of site area with minimum dimension of 3m to be provided as deep soil
SEPP/LEP/DCP	SEPP Housing and ADG
Departure basis	Numerical. 70% variation sought. 2% deep soil provided.

Clause	Part 3F-1 Visual privacy
Standard	Separation from boundaries and buildings: <ul style="list-style-type: none"> up to 12m / 4 storeys – 6m to habitable, 3m to non-habitable up to 25m / 5-8 storeys – 9m to habitable, 4.5m to non-habitable
SEPP/LEP/DCP	SEPP Housing and ADG
Departure basis	Numerical and non-numerical. <ul style="list-style-type: none"> Minimum 2m setback to boundary and (5-6m setback if easement included). Proposed setbacks are varied. Generally minor windows of habitable rooms, non-habitable rooms, or blank wall. Level 5 Min 3m setback to boundary (6.5m including easement). Generally minor windows of habitable rooms, non-habitable rooms, or blank wall.

Clause	4.3 Height of buildings
Standard	Maximum building height = 16m
SEPP/LEP/DCP	CCLEP 2022
Departure basis	Numerical. 10% variation sought, equating to 1.6m.

Clause	2.3.3.3 Natural landscape area
Standard	25% of site to be soft landscaping
SEPP/LEP/DCP	CCDCP 2022
Departure basis	Numerical. 34% variation sought.

Clause	2.13.3.2 Car parking requirements
Standard	Residential flat buildings <ul style="list-style-type: none"> • 1.5 spaces per dwelling for residents • 0.2 spaces per dwelling for visitors Restaurants <p>Whichever is the greater of:</p> <ul style="list-style-type: none"> • 15 spaces per 100m² GFA • 1 space per 3 seats
SEPP/LEP/DCP	CCDCP 2022
Departure basis	Numerical. The proposal has a shortfall of 1 resident visitor space and 22 café spaces, deficient by 88% for the commercial component.

The Site

The site is located on the eastern side of Beach Parade and comprises one lot with a total site area of 725.4m². The site has a secondary frontage to Kantara Road and is generally rectangular in shape with a gentle slope from east to west from Kantara Road to Beach Parade (RL 4.94 to RL 3.00).

The site is currently vacant with a large tree towards the Kantara Road reserve. There is a 3.5m-wide easement between the subject site and the northern neighbouring sites (No. 11 Beach Parade and No. 9 Kantara Road).

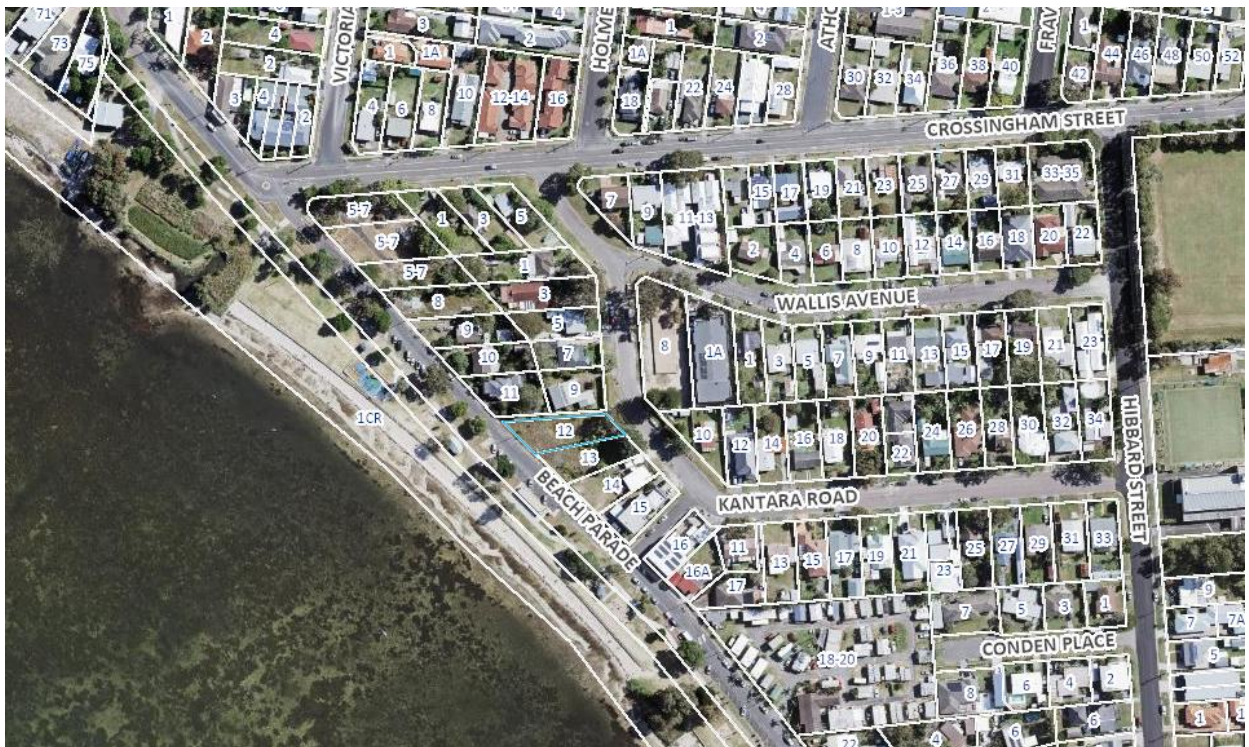


Figure 1. Aerial of subject site.

The site is identified as a Flood Planning Area under Council's Online Mapping Tool. The land is not 'bushfire prone land'.

The site is located directly opposite Canton Beach foreshore area which includes a shared pathway and play equipment, adjoining Tuggerah Lake. The western side of Beach Parade has a series of parallel and angled parking spaces which service the beach and playground area.

Surrounding Development

Canton Beach is under transition, subject to several approvals and recently lodged development and modification applications which remain under assessment.

No 6-8 Beach Parade: Development Application No. DA/7/2017

No 6-8 Beach Parade is currently vacant and previously subject to DA/7/2017 approved by the former Joint Regional Planning Panel on 14 December 2017 for the construction of a shop top housing development comprising four commercial ground floor tenancies with 36 units above, parking, and ancillary works.

The Panel approved a Clause 4.6 variation to the maximum permitted 16m building height by 2.41m in accordance with Clause 4.3 of the Wyong Local Environmental Plan 2013 (WLEP 2013). The Panel also considered a 22% parking variation appropriate in this instance with a total of 83 parking spaces required and 68 spaces provided in the approved basement level with five at-grade parking spaces.

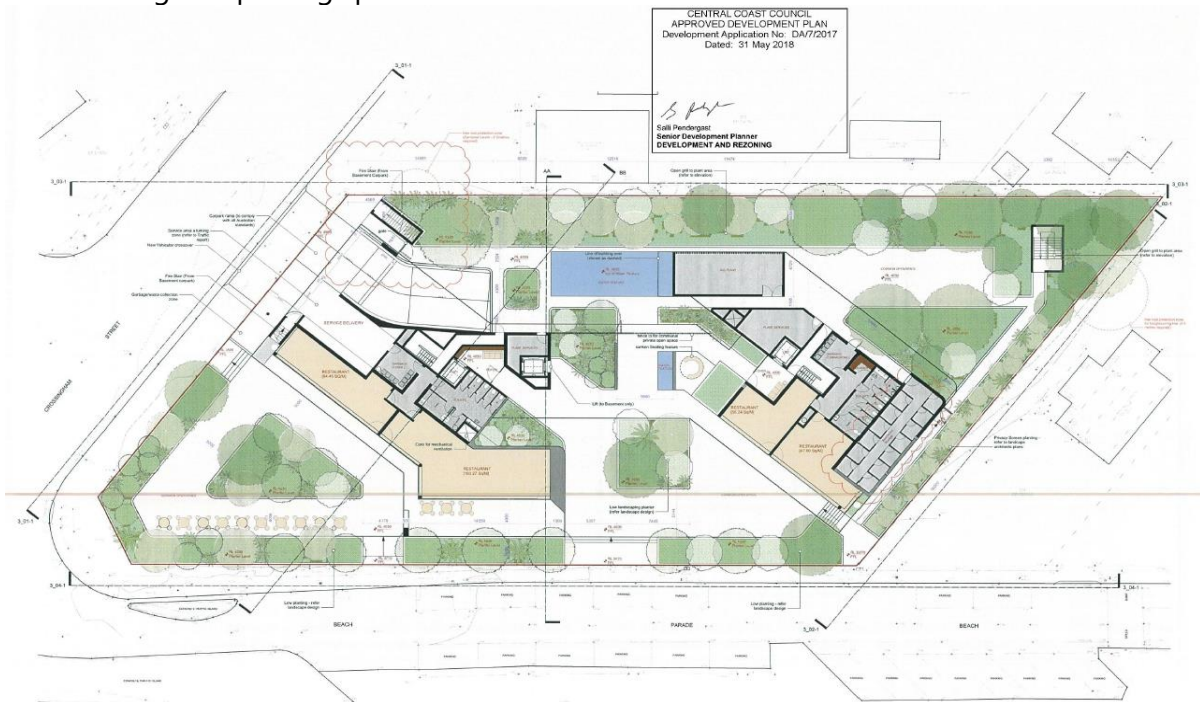
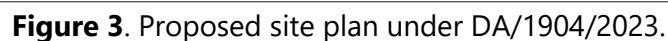


Figure 2. Approved ground floor plan under DA/7/2017.

3.1

Council is in receipt of the abovementioned modification application currently under assessment, which seeks amendments to the approved basement level design, ground floor and upper-level floor layouts including the addition of four units, unit mix and associated changes. Changes also include five additional parking spaces in the approved basement level in lieu of residential storage areas.

DA/1904/2023 is under assessment for No. 9-10 Beach Parade, 1-5 Crossingham Street and No. 1-7 Kantara Road at Canton Beach for a five-storey mixed use development comprising 91 units, six serviced apartments, a gymnasium and nine retail tenancies. The subject sites are currently occupied by single storey residential dwellings with detached ancillary development.



DA/243/2015 was approved on 3 March 2017 for a shop top housing development comprising basement car parking, two commercial tenancies and seven residential units including demolition of existing structures.

The development complied with the height provisions as required by the WLEP 2013 however sought a 27% variation to the minimum number of parking spaces required, providing 11 out of the 15 total residential parking spaces wholly contained within the basement level.

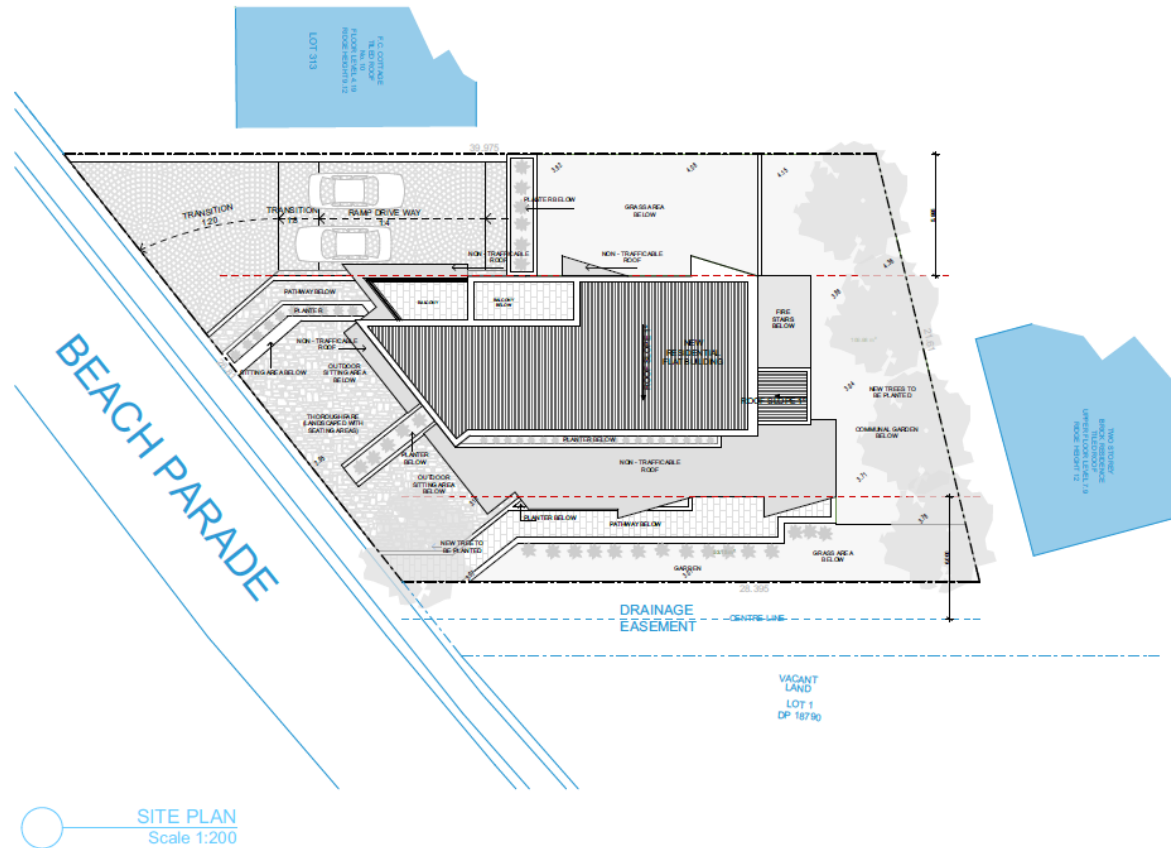


Figure 4. Approved site plan under DA/243/2015

Construction Certificate No. CC/242/2024 was approved on 29 February 2024.

Otherwise, the surrounding area is generally characterised by a mix of single and two storey dwellings.



Figure 5: View of site from Beach Parade (Source: GSA Planning)



Figure 6: View of site from Kantara Rd (Source: GSA Planning)



Figure 7: Canton Beach foreshore open space across from subject site.

The Proposed Development

The subject development application seeks approval for removal of one tree and construction of a five storey, mixed use shop top housing development including a basement car park, one ground level retail tenancy (food and drink premises), at grade parking comprising one disabled parking space and one café loading/parking space, and four dwellings on the four levels above the ground floor.

The proposed gross floor area of the development is 906.2m² and the respective areas are as follows:

- Basement – 14.8m²
- Ground floor retail tenancy (food and drink premises) and amenities – 167.2m²
- First floor (residential) – 188.6m²
- Second floor (residential) – 188.6m²
- Third floor (residential) – 188.6m²
- Fourth floor (residential) – 158.4m²

The proposal has a floor space ratio of 1.249:1.

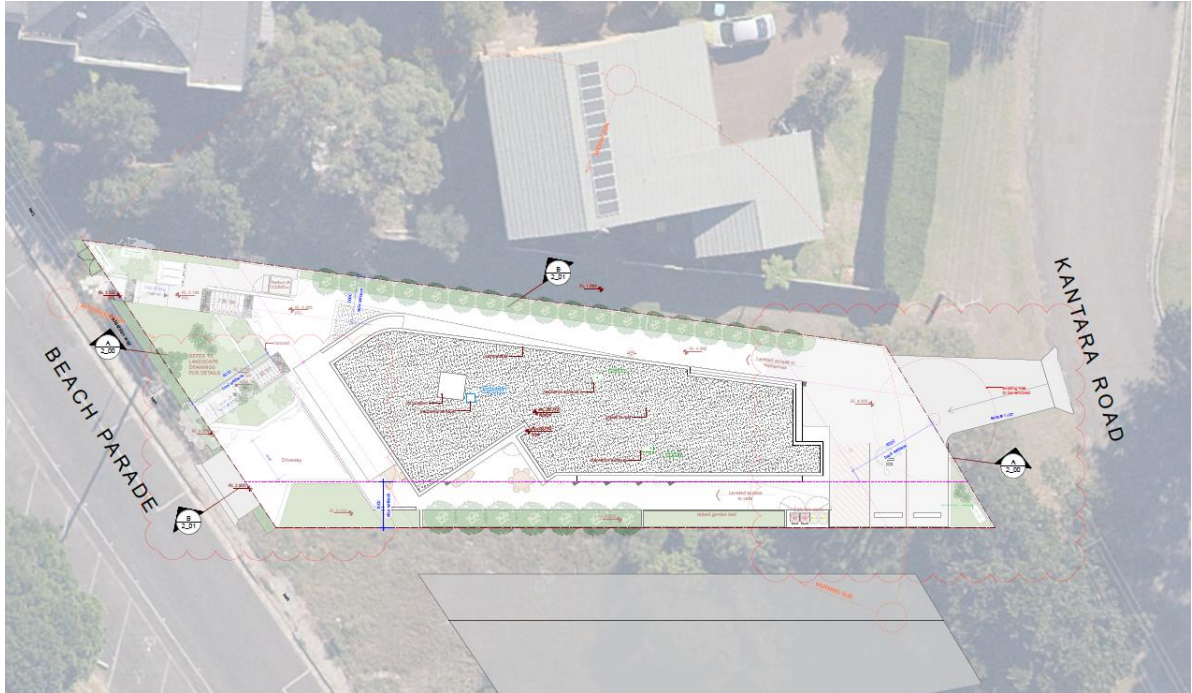


Figure 8. Proposed Site Plan.

The development shall be accessed by a proposed combined entry and exit vehicle access driveway 3.0m in width off Beach Parade to an off-street basement parking area as shown in Figure 9 below. The basement parking level includes a total of six spaces comprising four spaces for residential uses and two spaces for the ground floor tenancy. A turntable will facilitate vehicles to exit in a forward direction. A car wash bay is also provided.

Rear access is proposed from Kantara Road to service one at-grade disabled parking and one space for loading/unloading for the ground floor retail tenancy (food and drink premises).

The development includes landscaping along the frontage and both side boundaries. No communal open space is provided.

It should be noted that the Landscape Plan submitted with the application has not been updated to reflect the amended architectural plans. The implications of the amended architectural plans for the landscaping scheme are discussed later in this report and form a reason for refusal in this instance **(Reason for Refusal 1d)**.

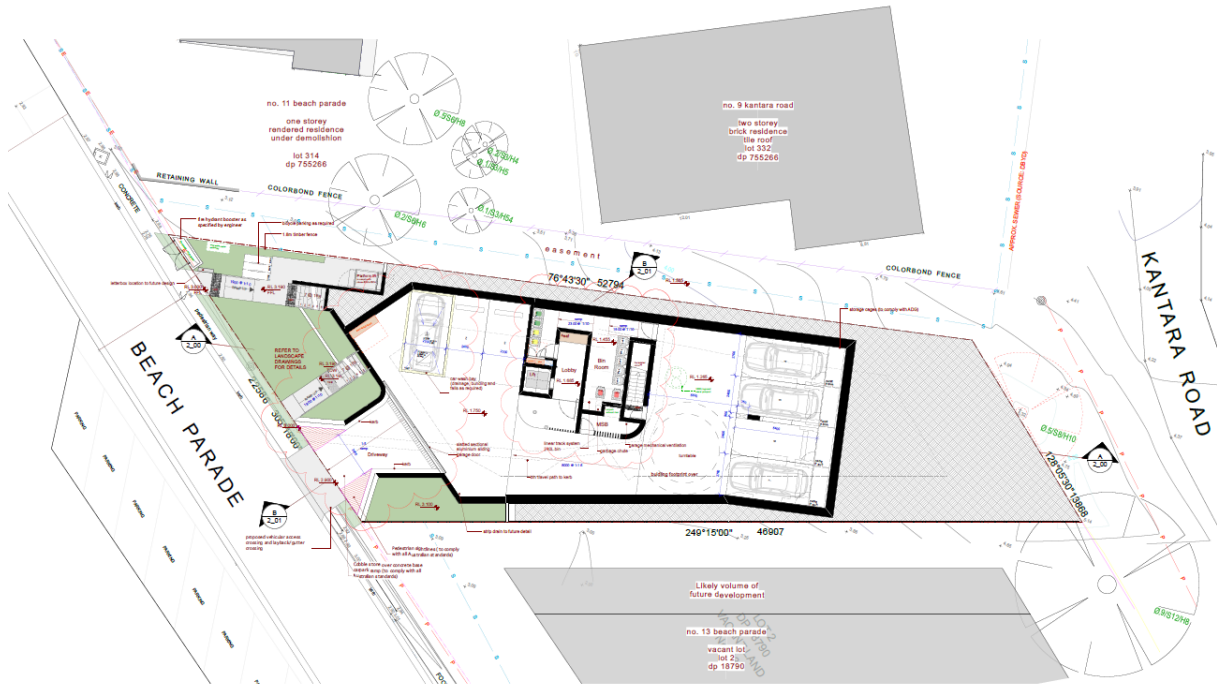


Figure 9. Proposed Basement Plan.

The ground level retail tenancy is shown as a 60-seat café with adjoining forecourt area for outdoor dining fronting Beach Parade as shown in Figure 10 below. The applicant has advised that future fit-out and operational details shall be subject to a separate development application.

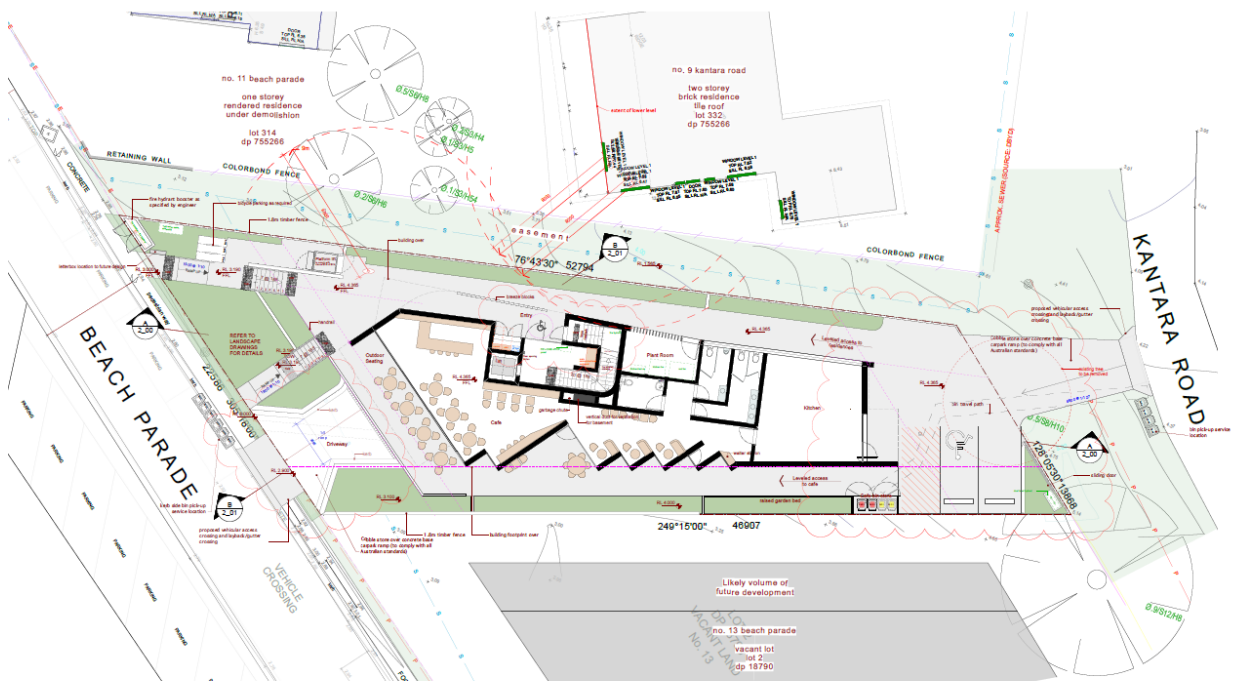


Figure 10. Proposed Ground Floor Plan.

The residential component of the development comprises four whole-floor dwellings of three bedrooms each, including one adaptable dwelling as shown in Figure 11 below. A single lift provides access from the basement to the ground floor retail tenancy (food and drink premises) and dwellings above.

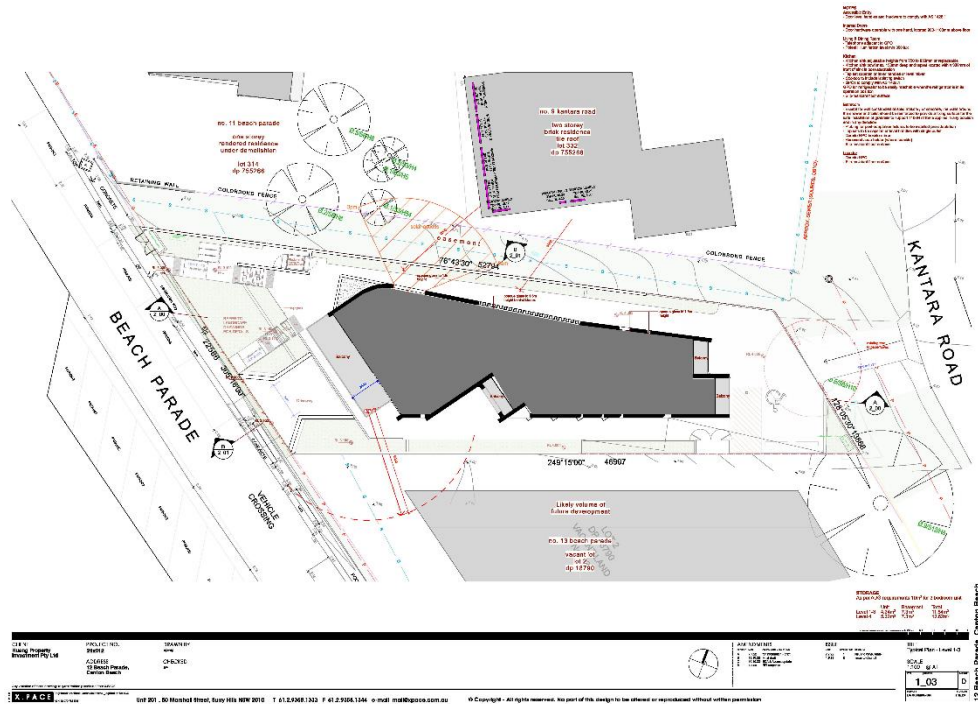


Figure 11. Proposed Levels 1-3 Plan.

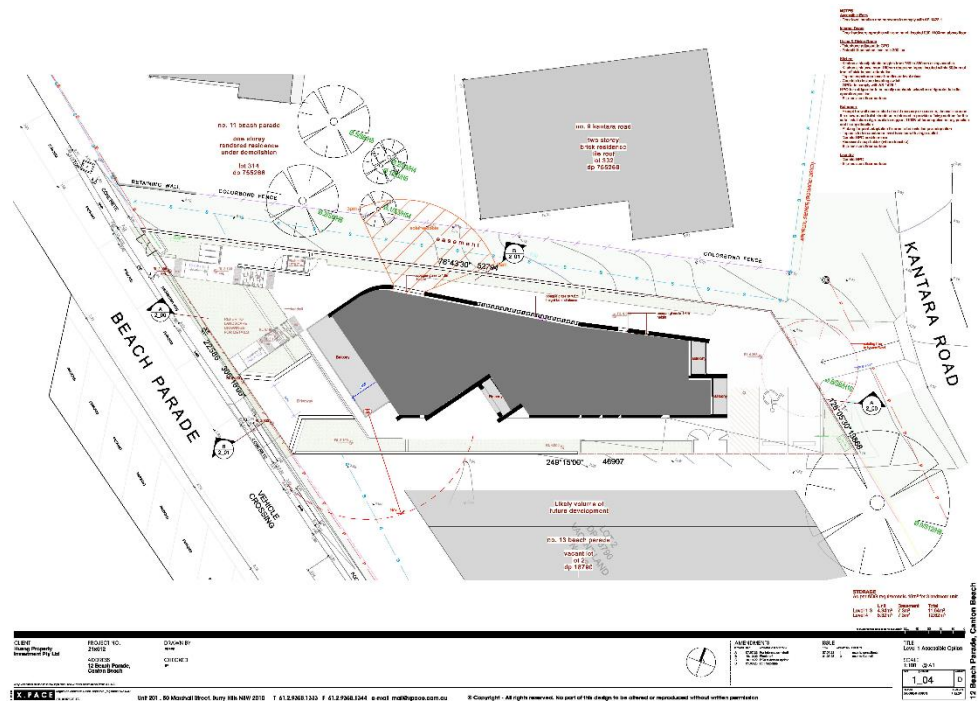


Figure 12. Proposed Level 4 Plan (Penthouse).

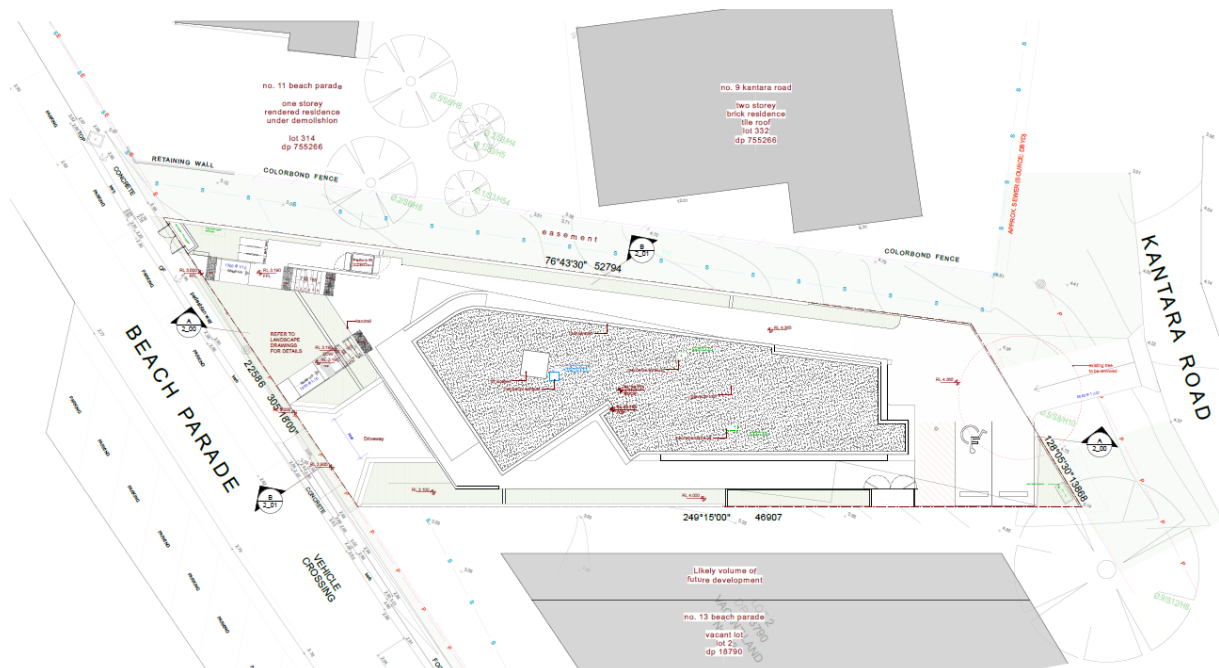


Figure 13. Proposed Roof Plan.

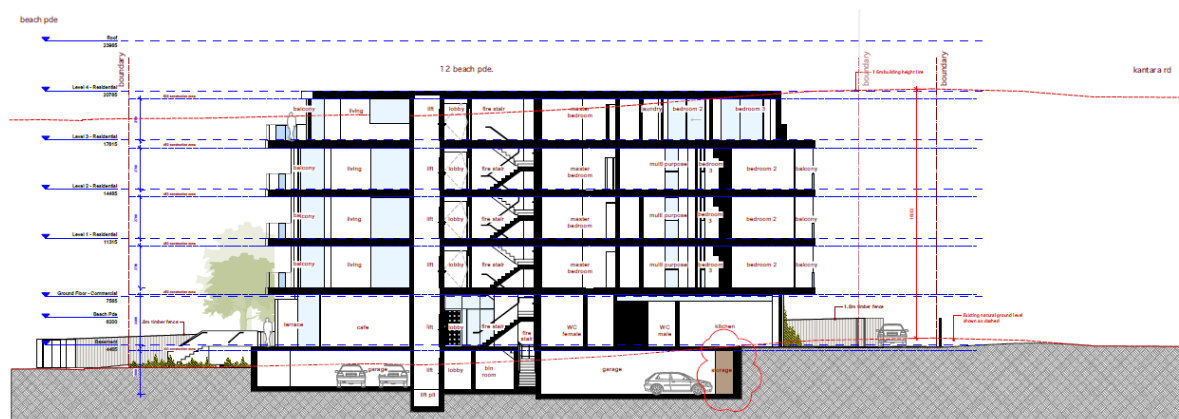


Figure 14. Proposed Section A-A.

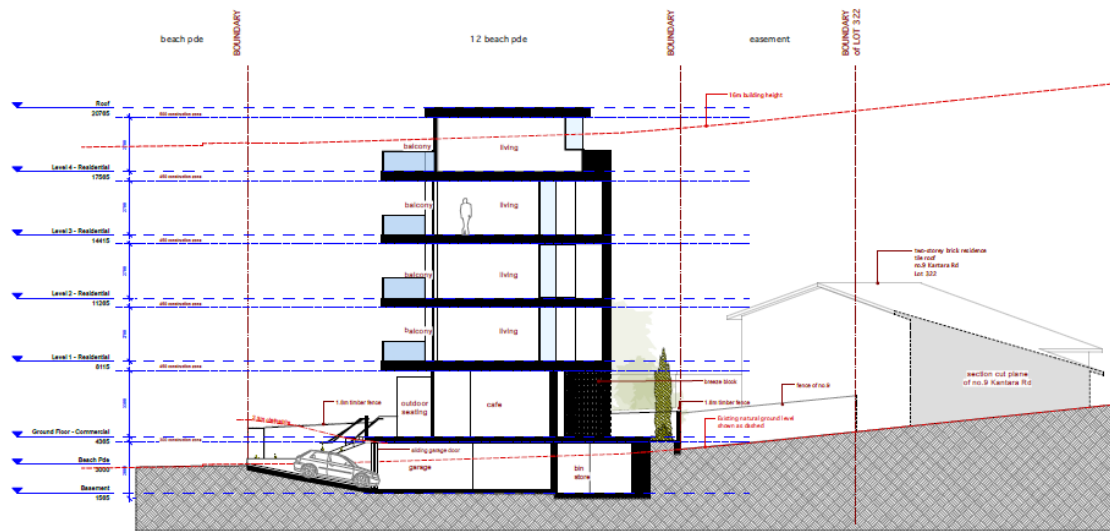


Figure 15. Proposed Section B-B.

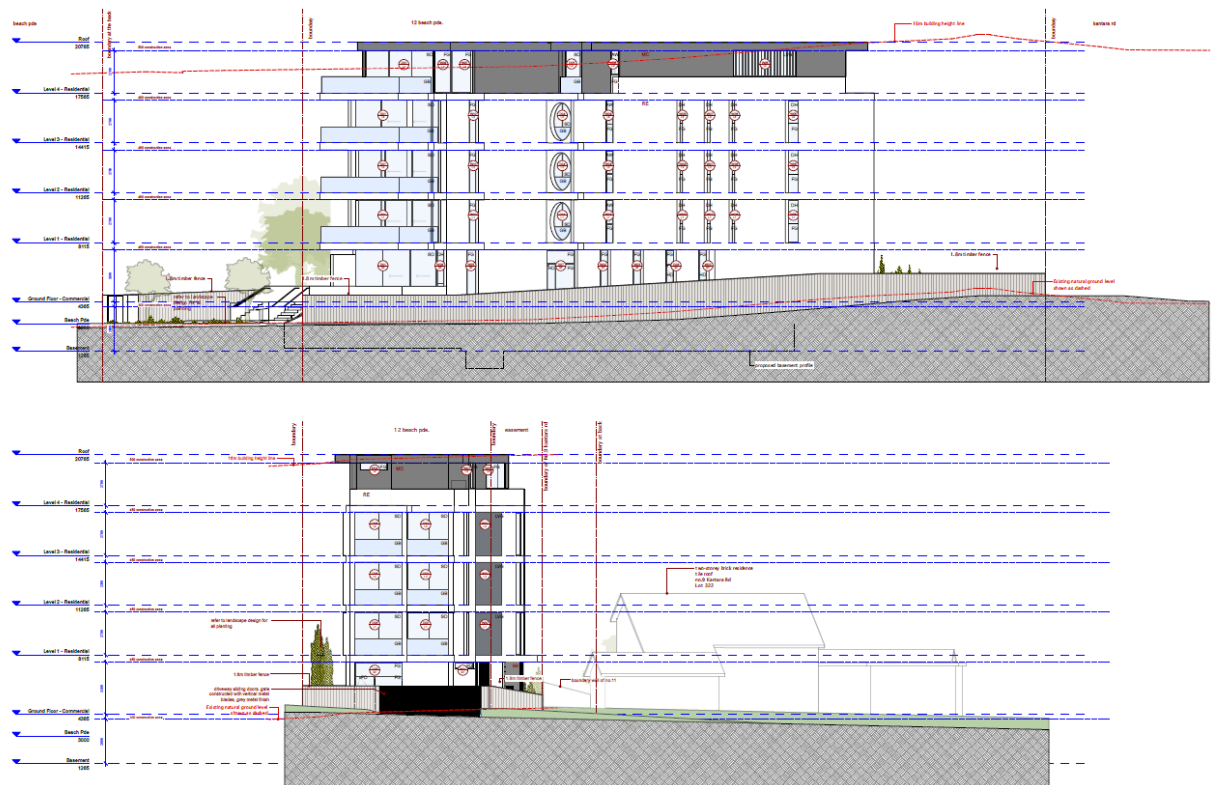


Figure 16. Proposed Elevations.

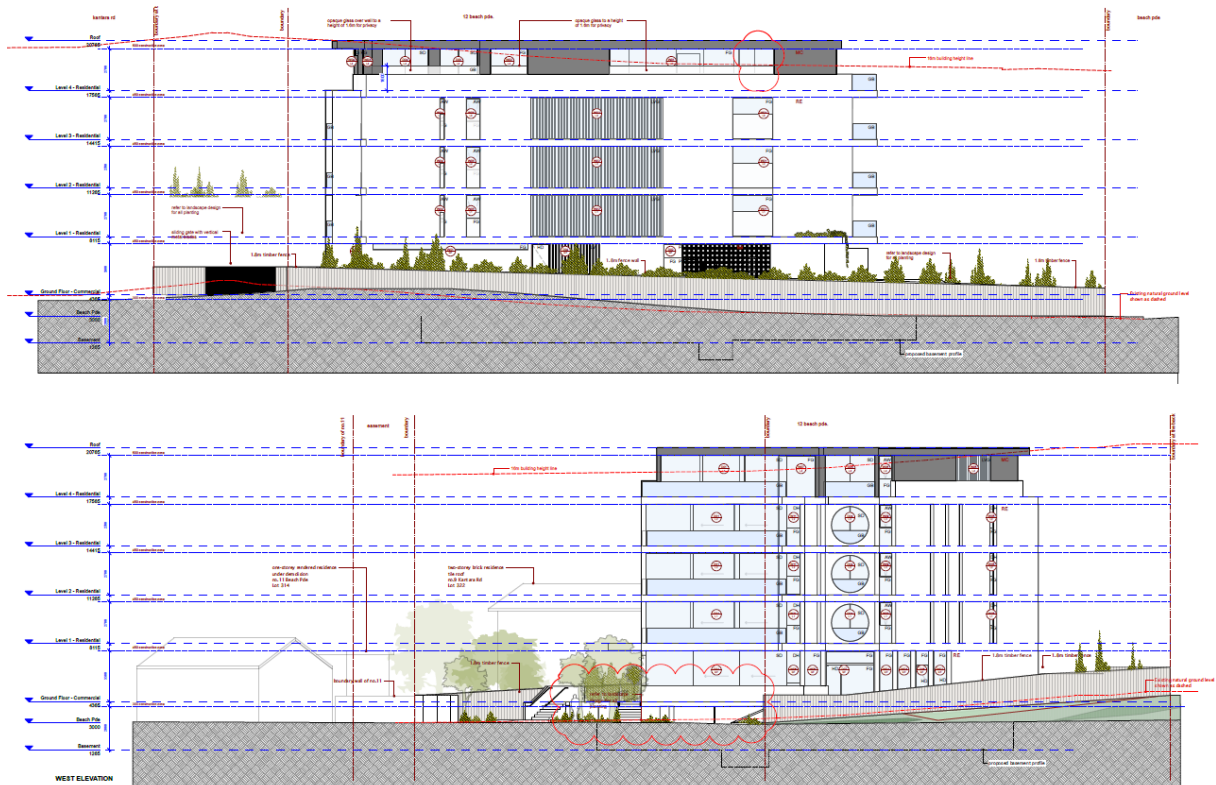


Figure 17. Proposed Elevations.

Proposed materials and finishes generally comprise painted render, metal cladding, fixed aluminium blades over fixed glass, aluminium windows and doors and clear glass as shown in Figure 18 below.

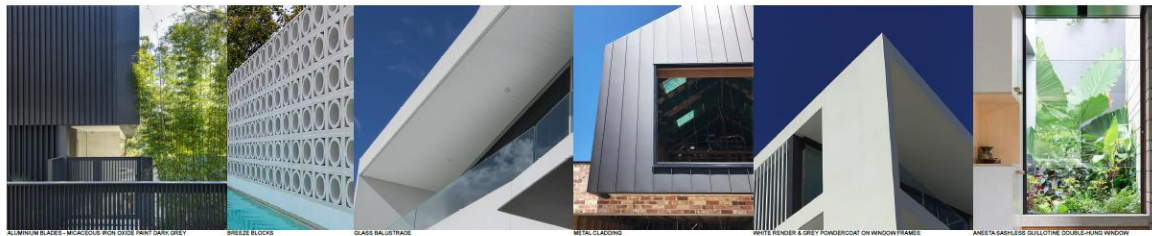


Figure 18. Proposed Materials and Finishes.



Figure 19: Photomontage

Site History

The following applications have been considered in relation to the subject site:

- Development Application No. DA/1469/2020 for the demolition of existing structures, erection of a residential flat building and Strata Subdivision refused on 15 April 2011.
- Development Application No. DA/1061/2020 for the construction of motel accommodation (4 units) withdrawn on 31 August 2022.

Application History

A Request for Information (RFI) was issued by Council on 19 January 2023 requesting that the Applicant provide an updated Design Verification Statement in accordance with Section 29 of

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

the *Environmental Planning and Assessment Regulation 2021* (**Attachment 2**). A revised Design Verification Statement was subsequently submitted by the Applicant (**Attachment 3**).

A further RFI was issued on 11 May 2023 requesting that the Applicant provide a noise impact assessment and Stage 1 (Preliminary Site Investigation) Environmental Site Assessment (**Attachment 4**). Both reports were provided by the Applicant (**Attachment 5 and 6 respectively**).

Following an urban design and planning review of the application (including an Independent Design Review by Ken Dyer, Dyer Design Company), a third RFI was issued on 5 July 2023 (**Attachment 7**) identifying the following issues:

- General objectives and design criteria of Chapter 2.3 of the CCDCP 2022 and Part 3F Visual Privacy of the Apartment Design Guide (ADG) not adequately addressed. The northern and southern boundaries do not comply with separation distances and setback requirements, particularly with respect to the Level 4 (Penthouse).
- No communal open space provided, contrary to Part 3D Communal and open space of the ADG and clause 2.3.3.6 – Common (and Public) Open Space of the CCDCP.
- Miscalculation of deep soil and landscape areas.
- Part 3H Vehicle access of the ADG not adequately addressed. Disabled car park does not exit the site in a forward direction and there is a conflict between the disabled space and service vehicles.
- Proposed use of concrete for driveway not supported.
- A car wash is to be provided in accordance with Clause 2.3.12.2 of the DCP.
- Part 4A Solar and daylight access of the ADG not adequately addressed. Solar access diagrams not provided and the requirement for 3 hours of direct sunlight to living rooms and private open spaces does not appear to be achieved.
- Proposed 2m width of balconies does not comply with Part 4E Private open space and balconies of ADG.
- 10m³ storage requirement under Part 4G of ADG not met.
- Details of street tree planting, letterboxes, and bicycle parking to be provided.

Revised architectural plans and landscape plans (dated 1.8.23) (**Attachment 8 and 9 respectively**) were submitted to respond to the matters raised in Council's RFI letter.

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

On 13 October 2023, a further letter was sent to the Applicant advising that Council could not support the application on the following grounds (**Attachment 10**):

- Insufficient information provided on the architectural plans and shadow diagrams to determine if all dwellings receive adequate sunlight (CCDCP Clause 2.3.6.5 Sunlight Access).
- No communal open space proposed, contrary to the ADG which requires that a minimum 25% of the site area be provided as communal open space.
- The proposed storage of 4.2m³ per dwelling not compliant with the ADG minimum requirement of 10m³.
- The proposed car parking does not meet the required number of car parking spaces (CCDCP Ch.2.13).
- The proposed vehicle turntable to facilitate access to two basement spaces for use by customers of the café is not supported as a level of training is required to use a vehicle turntable.
- The accessible car park at the rear of the development is not undercover and does not have direct undercover access to the residential entry. Therefore, the accessible space is not compliant with the provisions of AS/NZS 2890.6 (CCDCP CI 2.13.3.7).
- A turning area for delivery vehicles is proposed in the vicinity of the accessible car parking space. Swept paths for the accessible space extend outside of the driveway and no swept path for the delivery vehicle space is provided therefore it cannot be determined if compliance is achieved (CCDCP CI 2.13.3.5).
- Swept paths indicate that cars using car parking spaces 1, 2 and 3 in the basement cannot enter and exit the carpark using a single 3-point turn, which is non-compliant with the requirements of CI 2.13.4.4 of the CCDCP.
- While Level 1 unit is an accessible option no accessible car parking space is proposed in the basement carpark as part of the residential component (CCDCP CI 2.13.3.7).

Council concluded in the letter that:

The proposal's non-compliances with the CCDCP represent an unsuitability of the proposed development to the site. Accordingly, the application is not supported. No amended plans will be accepted for this application given the significance of the variations.

Notwithstanding Council's advice above, on 30 October 2023 the Applicant responded to the issues raised in Council's letter (**Attachment 11**) and amended plans (**Attachment 12**) were provided (Issue 4 dated 1.12.23). The following amendments to the plans were made:

- Additional diagrams to demonstrate all proposed dwellings receive adequate sunlight as per the DCP.
- Additional information to demonstrate all proposed dwellings have compliant storage as per the ADG.
- Parking and turning area amended, both in the basement and at the rear.
- Parking survey and traffic report provided to demonstrate sufficient parking in the area and appropriate parking arrangement on site (**Attachment 13**).

A final review was undertaken from the Consultant Urban Designer, which confirmed unresolved design non-compliances with SEPP (Housing) 2021 and ADG (**Attachment 14**).

A final telephone conversation was had with the Applicant on Wednesday 21 August 2024 confirming that Council could not support the proposed development based on the information before them, noting technical and performance non-compliances with above referenced legislation which remain unresolved post receipt of the final amended information. The Applicant was provided with an opportunity to withdraw the application prior to proceeding to reporting it to the Central Coast Local Planning Panel.

Council did not receive a formal response and the application is progressed to determination.

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 several key planning matters which are discussed in detail below.

SECTION 4.15(1)(a)(i) – THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The relevant applicable planning controls for the purposes of this application are:

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *(Former) State Environmental Planning Policy (SEPP) No 65 - Design Quality of Residential Apartment Development*
- *Central Coast Local Environmental Plan 2022*

An assessment against relevant provisions of the above is provided below.

State Environmental Planning Policy (Sustainable Buildings) 2022

The original application was accompanied by Multi Dwelling BASIX Certificate No. 1343926M and dated Wednesday 19 October 2022. The Certificate demonstrated the proposed development to satisfy the required water, thermal comfort and energy commitments as required by the SEPP.

The Applicant has failed to submit a revised BASIX Certificate to reflect the revised architectural plans. Under Section 2.1(5) of SEPP (Sustainable Buildings) 2022, development consent must not be granted to development to which Schedules 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. Schedule 1 applies to the proposed development. Without a revised BASIX certificate, the Panel cannot be satisfied the proposed development meets the standards set out in Schedule 1 **(Refusal Reason 3)**.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The subject site is located within the coastal environment area and coastal use area. Sections 2.10 and 2.11 are to be taken into consideration by the consent authority when it considers and determines an application to carry out development on land to which this SEPP applies.



Figure 20. Coastal Environment Area Map.

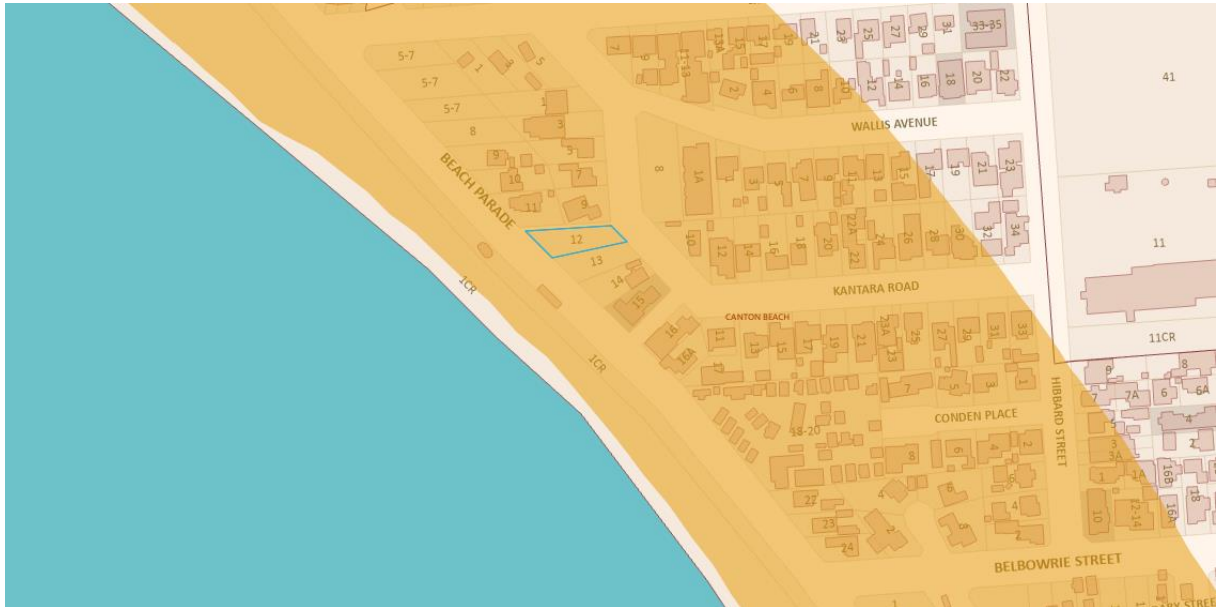


Figure 21. Coastal Use Area Map.

The following table provides an assessment against Clauses 2.10 and 2.11 of the SEPP respectively.

Matters for Consideration	Compliance
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	Stormwater will be captured on the roof and directed to a rainwater tank and OSD, meaning the development is unlikely to have adverse impacts on the biophysical, hydrological, and ecological environment.
<i>b) coastal environmental values and natural coastal processes</i>	While the site is located close to the beach (approximately 35m), it is part of the existing built-up area. The proposed development will not impact on coastal environmental values or natural coastal processes.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1</i>	Subject to appropriate stormwater management and the implementation of erosion and sediment control measures during construction, water quality of Tuggerah Lakes will not be impacted by the proposed development.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock platforms</i>	The proposal is unlikely to adversely impact marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock

	platforms subject to implementation of appropriate water quality protection as discussed above.
<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 adversely impact on existing public open space and safe access to and along the foreshore.
<i>(f) Aboriginal cultural heritage, practices, and places</i>	The proposal will not impact on Aboriginal cultural heritage, practices, or places.
<i>(g) use of the surf zone.</i>	The proposal will not affect use of the surf zone.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
<i>(a) the development is designed, sited, and will be managed to avoid an adverse impact referred to in subclause (1)</i>	The proposed development has been designed, sited to avoid any adverse impact referred to in subclause (1).
<i>(b) if that impact cannot be reasonably avoided - the development is designed, sited, and will be managed to minimise that impact</i>	N/A
<i>(c) if that impact cannot be minimised - the development will be managed to mitigate that impact</i>	N/A

Matters for Consideration	Compliance
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:	
(a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
<i>(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>	The proposal will not impact existing safe access to and along the foreshore for members of the public.
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	The proposal will not result in overshadowing, wind funnelling or the loss of views from public places to foreshores.
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	The proposal will improve the quality and visual amenity of development in the area. It will not impact on the scenic qualities of the foreshore.

<i>(iv) Aboriginal cultural heritage, practices, and places,</i>	The proposal is not likely to cause an adverse impact on Aboriginal cultural heritage, practices, and places. Standard conditions are imposed to stop works and report the findings to the AHO if any Aboriginal Engravings or Relics are unearthed.
<i>(v) cultural and built environment heritage, and</i>	The site is within a developed urban area and the proposed development is unlikely to adversely impact the cultural and built environment heritage
(b) is satisfied that—	
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	The proposed development has been designed and sited to avoid any adverse impact referred to in paragraph (a).
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that impact, or</i>	N/A
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	N/A
(c) has considered the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposed development has considered surrounding coastal and built environment, having regard to Council's objectives for the area as well as development approved but not yet built. The proposed bulk, scale and size of the development requires greater design resolution having regard for the provision of communal open space, waste servicing, landscaping, deep soil planting, parking, and equitable accessibility arrangements.

Having regard to the above, the Panel can be satisfied that the proposed development is designed, sited, and will be managed to avoid an adverse impact and is unlikely to cause increased risk of hazards on the subject site or other land. However, the Panel cannot be satisfied the bulk, scale and size of the development is satisfactory as the development requires greater design resolution having regard for parking, landscaping, communal open space, deep soil planting and landscaping, and equitable accessibility arrangements **(Refusal Reason 4)**.

Chapter 4 Remediation of Land

Section 4.6 requires the approval authority to consider whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or

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

Further under Section 4.6(2) before determining an application for consent to carry out development that would involve a change of use of land, the approval authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. A Preliminary Site Investigation Report has been prepared by Stantec on behalf of the Applicant. It concludes the following:

Based on the information reviewed relating to the site history and the site inspection, potential sources of contamination or potential areas of environmental concern identified included:

- Soil on the Site potentially impacted due to the possibility for uncontrolled fill to have been historically placed at the Site;
- Given the age of the residential dwellings and structures onsite, there may have been potential degradation of ACM or hazardous building materials used in dwellings;

Stantec considers it unlikely that contaminants of potential concern are present in site soils or groundwater, at concentrations that represent a potential risk to users of the site nor constrain the intended redevelopment.

The report does not refer to the provisions of Section 4.6 SEPP Resilience and Hazards and it is unclear whether an assessment has been carried out in accordance with the contaminated land planning guidelines as per the provisions of s.4.6(2).

Section 3.2 of the report states that whilst "a review of historical aerial imagery did not indicate a significant potential for land contaminating activities to have occurred on site...land contaminating activities associated with uncontrolled filling or construction with hazardous materials may have occurred". No further sampling and analysis appears to have been undertaken to confirm and support any conclusion reached from the site history appraisal as per the requirements of the contaminated land planning guidelines.

It is considered the Panel cannot be satisfied the relevant provisions of Section 4.6 of the SEPP have been met **(Refusal Reason 4)**.

State Environmental Planning Policy (SEPP) (Housing) 2021

The former SEPP 65 was repealed by the Housing SEPP on 14 December 2023. An amendment to the Housing SEPP notified on 15 March 2024, retrospectively amended the Housing SEPP, with subsection 2A of Schedule 8 being introduced which clarifies the new Chapter 4 applies to applications that were made, but not finally determined, before 14 December 2023, when SEPP 65 was repealed.

Accordingly, the provisions of Chapter 4 *Design of residential apartment development* apply to the proposed development.

Under s.145(2), a consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice, prior to the determination of the application. However, a design review panel has not been constituted for the Central Coast local government area therefore this section does not apply (s.145(3)).

Under s.147(1), development consent must not be granted to residential apartment development unless consideration has been given to the design principles set out in Schedule 9 (s.147(1)(a)) and the Apartment Design Guide (s.147(1)(b)). An assessment in relation to the design principles and the ADG is provided below.

The provisions of s.148 (2) identify non-discretionary standards for residential apartment development as follows:

- a) *car parking must be equal to, or greater than the minimum amount of car parking specified in Part 3J of the ADG,*

Part 3J does not apply to the subject site as the site is not within 800m of a railway station nor is it within 400m of land zoned B3 (now E2) and B4 (now MU1 Mixed Use).

- (b) *the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the ADG,*

The proposed apartments comply with the minimum internal area required of 90m².

- (c) *the ceiling heights for the building must be equal to, or greater than, the recommended ceiling heights specified in Part 4C of the ADG,*

The ceiling heights comply with the minimum 2.7m for habitable rooms and 2.4m for non-habitable rooms. A ceiling height of 3.1m is provided for the ground floor tenancy.

Design Quality Principles

The application is accompanied by a *Design Verification Statement* prepared by Goran Stojanovic of X.Pace Design Group as required by Section 29 of the EP&A Regulation 2021.

Section 29 requires that the Design Verification Statement explain how the development addresses:

- the design principles for residential apartment development, and
- the objectives in Parts 3 and 4 of the Apartment Design Guide.

The statement provided by the architect only addresses the design principles but does not address Parts 3 and 4 of the ADG. The submitted statement fails to comply with the provisions of s.29 of the EP&A Regulation 2021 **(Refusal Reason 2)**.

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

A copy of the *Design Verification Statement* is provided at **Attachment 3**.

Independent Design Review

Dyer Design Company (DDC) was engaged by Council to undertake an independent design review to consider the proposal against the SEPP 65 Design Quality Principles and the associated ADG. DDC also considered relevant provisions in the CCDCP 2022. This assessment was undertaken before SEPP 65 was repealed, however, the design principles under Schedule 9 remain the same, as does the ADG.

DDC reviewed the original architectural plans submitted with the application as well as subsequent amendments with Reports submitted back to Council on 16 March 2023, 29 September 2023 and a review letter received on 29 January 2024. The review letter supplements the other assessments undertaken previously and was limited to the assessment of items nominated in the letter of response from GSA planning dated 30 November 2023.

The final review comments provided at **Attachment 14**.

The following table provides an assessment of the proposal against those principles having regard to the comments from DDC.

SEPP 65 Principles – DDC assessment and response

Principle	DDC Response
<i>Principle 1: Context and neighbourhood character</i>	Compliance is achieved and objectives are adequately addressed in the documentation.
<i>Principle 2: Built form and scale</i>	Some non-compliance issues are not adequately addressed in the documentation, including technical non-compliances with the overall building height, building separation and privacy to Kantara Road and the southern lot boundary and side and rear setbacks.
<i>Principle 3: Density</i>	Some non-compliance issues are not adequately addressed in the documentation.
<i>Principle 4: Sustainability</i>	Compliance is achieved and objectives are adequately addressed in the documentation.
<i>Principle 5: Landscape</i>	Generally, the quality of design of the landscaping meets the objectives of this principle.
<i>Principle 6: Amenity</i>	Technical non-compliance with common area requirements under Part 3D of the SEPP.
<i>Principle 7: Safety and Security</i>	Objectives are adequately addressed in the documentation.
<i>Principle 8: Housing and diversity and social interaction</i>	Objectives are adequately addressed in the documentation.
<i>Principle 9: Aesthetics</i>	Objectives are adequately addressed in the documentation.

In the absence of an assessment of Part 3 and 4 of the ADG prepared by the relevant designer, an assessment of the development against the ADG design criteria is provided below by DDC and council.

Assessment against Parts 3 and 4 of ADG

Design Criteria	Required	Proposed	Compliance
3D-1 Communal Open Space	<ul style="list-style-type: none"> Minimum communal open space area 25% of the site Minimum dimension of 3m 50% direct sunlight to principal usable part for min 2 hrs between 9am and 3pm mid-winter 	Nil	No – Refusal Reason 1a and 1b (discussed further below)
3E-1 Deep Soil Zone	<ul style="list-style-type: none"> Deep soil zones are to meet the following minimum requirements. Minimum dimension of 3m for site area of 650m² – 1,500m² 7% of site area (50.8m²) 	Deep soil is calculated at 15.2m ² or 2%.	No – Refusal Reasons 1c and 1d (discussed further below)
3F-1 Visual Privacy	Separation from boundaries and buildings: <ul style="list-style-type: none"> up to 12m / 4 storeys – 6m to habitable, 3m to non-habitable up to 25m / 5-8 storeys – 9m to habitable, 4.5m to non-habitable 	<u>Northern boundary</u> 11 Beach Parade/9 Kantara Rd: <ul style="list-style-type: none"> Levels 1-4 Min 2m setback to boundary and (5-6m setback if easement included). Proposed setbacks are varied. Generally minor windows of habitable rooms, non-habitable rooms, or blank wall. Level 5 Min 3m setback to boundary (6.5m including easement). Generally minor windows of habitable rooms, non-habitable rooms, or blank wall. <u>Southern boundary</u> <ul style="list-style-type: none"> Levels 1-4 Min 3m setback to boundary. Proposed Setback is varied and generally minor windows of habitable rooms, non-habitable rooms, or blank wall. 	No.

Design Criteria	Required	Proposed	Compliance
		<ul style="list-style-type: none"> Level 5 Min 3m setback to boundary. Generally minor windows of habitable rooms, non-habitable rooms, or blank wall. <p>NB: Setbacks have been reviewed by Independent Urban Designer and confirmed as acceptable – refer discussion below.</p>	
4A-1 Solar and Daylight Access	<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter 	<p>Initial assessment of the original architectural plans demonstrated that the objectives and design criteria was not adequately addressed in the documentation. There were no specific graphic solar access diagrams to provide the statements contained within the SEE, the main living spaces and balconies were orientated towards the southeast and from the review of the Shadow Diagrams, the living spaces and balconies are in complete shade at 9am and 12midday with only some possibility of sunlight at 3pm.</p> <p>Revised architectural plans were received on 5 December 2023, with commentary from the Applicant stating that <i>as part of the amendments, north facing glazing has been provided for the main living space of all units, and the window size has been increased to allow for additional solar access on Levels 1-3. Furthermore, the window size on level 4 has also been increased to allow for additional solar access. Additional diagrams are provided which demonstrate all proposed dwellings receive direct sunlight to living rooms and principal private open spaces from 9am to 3pm with all dwellings receiving sunlight for at least 3 hours.</i></p> <p>The consulting Urban Designer was satisfied that the additional information illustrates the objectives and design criteria relating to solar and daylight access is adequately addressed in the documentation.</p>	Yes

Design Criteria	Required	Proposed	Compliance
4B-3 Natural Ventilation	<ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line 	As there is one dwelling per level, multiple options for cross ventilation are provided.	Yes
4C-1 Ceiling Heights	Minimum finished floor level to finished ceiling level heights are: <ul style="list-style-type: none"> 2.7m – habitable rooms 2.4m – non-habitable 	Minimum floor to ceiling heights is: <ul style="list-style-type: none"> 2.7m for habitable and non-habitable rooms: 3.1m for ground floor 	Yes
4D-1 Apartment Size	Minimum dwelling sizes are: <ul style="list-style-type: none"> Studio: 35sqm 1 bedroom: 50sqm 2 bedrooms: 70sqm 3 bedrooms: 90sqm Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms 	>90m ² All habitable rooms have windows as required.	Yes
4D-2 Room depths	<ul style="list-style-type: none"> Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable 	No habitable room depth is greater than 6.75m.	Yes

Design Criteria	Required	Proposed	Compliance
	room depth is 8m from a window		
4D – 3 Apartment Layouts	<ul style="list-style-type: none"> Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1-bedroom apartments 4m for 2- and 3-bedroom apartments The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts 	<p>Minimum bedroom areas meet these requirements.</p> <p>All bedrooms meet the minimum wardrobe space.</p>	Yes
4E-1 Private open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> 1 bedroom: 8sqm, min 2m depth 2 bedrooms: 10sqm, min 2m depth 3 bedrooms: 12sqm, min 2.4m depth 	<p>Primary balconies:</p> <p>Levels 1-3: 21.5m², min depth 2.4m</p> <p>Level 5: 28m², min depth 2.4m</p>	Yes
4F-1 Common Circulation	<ul style="list-style-type: none"> The maximum number of apartments off a circulation core on a single level is eight 	1 dwelling per level.	Yes
4G-1 Storage	In addition to storage in kitchens, bathrooms and	The Consultant Urban Designer's Review Letter confirms that additional information provided illustrates the objectives and	Yes

Design Criteria	Required	Proposed	Compliance
	bedrooms, the following storage is provided: <ul style="list-style-type: none"> • 1 bedroom: 6m³ • 2 bedrooms: 8m³ • 3 bedrooms: 10m³ At least 50% of the required storage is to be located within the apartment.	design criteria of the ADG is adequately addresses in the documentation, pertaining to all units complying with the minimum storage requirements.	
4H Acoustic Privacy	Noise transfer is limited through the siting of the buildings and building layout	Development has generally been sited to avoid noise transfer.	Yes
4J Noise and Pollution	The impact of external noise transfer and pollution are minimised through the siting and layout of the building.	As above, the design seeks to minimise this.	Yes
4K Apartment Mix	A range of apartment types are provided to cater for different household types, and distributed throughout the building	Small boutique development comprising 4 X 3-bedroom units. The number of 3-bedroom units available is significantly less than 2-bedroom units therefore the development is catering for a wider market than is generally the case for apartments.	Yes
4L Ground Floor Apartments	Maximise street frontage activation and amenity. Design of ground floor apartments delivers amenity and safety	No apartments are located on the ground floor.	N/A
4M Facades	Provide visual interest whilst respecting the character of the area	The facades and external appearance of the building is contemporary and provides visual interest.	Yes
4N Roof Design	Roof features are incorporated in the roof design, respond to the street, and provide sustainability features	The design provides for a contemporary flat roof. No sustainability features are provided however this can be imposed as a condition of consent.	Yes – subject to condition.
4O Landscape Design	Landscape design is viable, sustainable, contributes to the streetscape and amenity	No amended landscape plan has been submitted to reflect amended architectural plans, therefore insufficient information has been submitted to enable proper assessment under this Part. Consequently, the Panel cannot be satisfied Objective 4O-1 and 4O-2 has been met,	No – Refusal Reasons 1e and 1f

Design Criteria	Required	Proposed	Compliance
		requiring landscape design to be viable and sustainable, contributing to streetscape and amenity.	
4V Water	Water Management and Conservation is achieved.	An amended BASIX Certificate has not been submitted with revised architectural drawings however, should the Panel see fit to approve the development, can be imposed as a condition of consent.	Yes – subject to condition.
4W Waste	Waste storage facilities are provided to minimise impacts on the streetscape, building entry an amenity of residents.	Waste storage is located within the waste storage area (commercial, residential waste) in the basement.	Yes

As noted in the table above, the proposed development does not comply with several of the ADG requirements. These are discussed in further detail below.

Part 3D - Communal open space

In accordance with Part 3D of the ADG, communal open space is an important environmental resource that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable breathing space between apartment buildings.

181.35sqm of communal open space is required to comply with Part 3D of the ADG, however the proposed development does not provide any form of communal open space, seeking a 100% variation to this standard. An independent design assessment by Dyer Design Company advises that this non-compliance should not be supported on the following grounds:

As stated in the ADG –

"Communal open space is an important environmental resource that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable 'breathing space' between apartment buildings. It also contributes to the appeal of a development and the wellbeing of residents."

The provision of no communal open space within the development deprives the residence the opportunity for immediate access to their own private communal space for enjoyment and wellbeing. The applicant is suggesting it is acceptable to have residence leave the safety of their own development and to travel to external sites to enjoy the outdoors.

It is agreed that the ADG should be seen as a flexible guideline when it comes to the ADG is focused on qualitative objectives, not rigid numeric compliance but the fact remains that no communal open space has been provided, which would seem contrary to the

objective of providing "an adequate area of communal open space to enhance residential amenity and to provide opportunities for landscaping".

Providing a unit development without communal open space is not consistent with the character or amenity of the area. The site is not in a business zone or dense urban environment so the common space should be provided.

It does not appear the applicant has reviewed the opportunity for roof top common areas or the reduction of the restaurant and/or outdoor seating to provide some appropriate common area for the benefit of the residence.

We believe that not providing any open communal area should not be supported.

In response to the above, the Applicant advised 'while the proposal does not provide the communal open space as recommended in the ADG, an analysis of open spaces in the area has been provided which indicates that there is an abundance of public open spaces within walking distance of the site, including, inter alia, Canton Beach, which is a large public open space directly across Beach Parade. Additionally, there are at least seven other public open spaces of various scales and configurations in the vicinity'.

Reference is made to the figure provided below.

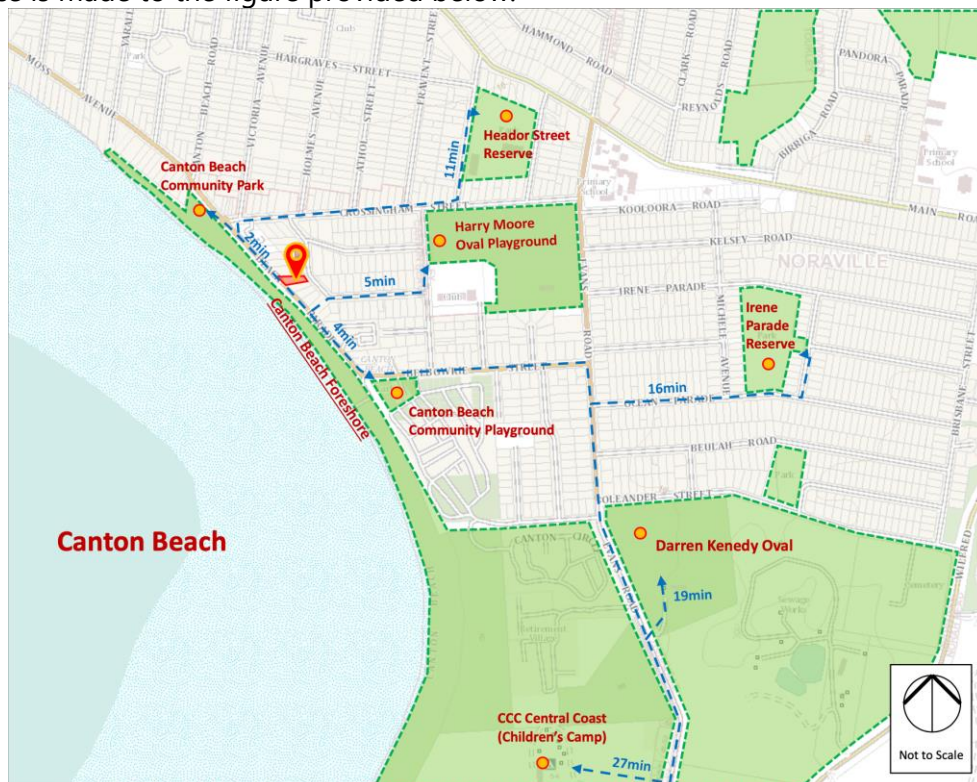


Figure 21. Public open space map.

Further, the Applicant submits that based on the above figure that the development has 'enhanced residential amenity and provided opportunities for landscaping, which is consistent

with *Objective 3D-1 of the ADG*. Further reference has been made to a recent LEC decision (*Construction Development Management Services Pty Ltd v City of Sydney* [2023] NSWLEC 1620) affirming that the ADG is a flexible document where the focus is on the achievement of qualitative objectives.

Whilst Council agrees that technical compliance with the numerical design criteria is not the only pathway to approval, Council notes that the Applicant has the opportunity to lower the development density and provide a rooftop terrace or ground floor communal open space that ensures outdoor recreation opportunities for residents wholly contained within the site itself.

In accordance with the design guidance contained within *Objective 3D-1*, direct, equitable access should be provided to communal open space areas from common circulation areas, entries, and lobbies. Absolute reliance on surrounding public open space parklands cannot be relied upon to this effect as it is not direct, nor is it equitable, failing to satisfy the objectives of design guidance in and of itself.

Additional guidance provisions requires that communal open space facilities be provided for children and young people that are safe and contained (*Objective 3D-3*). Again, absolute reliance on surrounding open space areas and parklands cannot be relied upon as it is not contained with potential risks to safety resulting from lack of passive surveillance for envisaged residents.

The 100% variation to communal open space is not supported based on the above and the application is recommended for refusal (**Refusal Reasons 1a and 1b**).

As previously stated, opportunities exist to demonstrate partial compliance with this requirement by decreasing the development density and providing communal open space on the roof top or via the reduction in the ground floor retail area, however this has not been explored. Decreasing the ground floor retail area would also lower the technical noncompliance generating in terms of parking spaces for the proposed development as well.

Part 3E - Deep soil

In accordance with Part 3E of the ADG, deep soil zones have important environmental benefits, promoting the health and growth of large trees with large canopies, and assist with temperature reduction in urban environments.

Council recognises that the proposed development provides minimal opportunities for deep soil planting and based on the amended architectural plans, only a small area in the south-west corner and front setback may be available to meet the minimum 3m dimension for deep soil planting. This is supported by the independent design review undertaken by DDC provided in March 2023. The Panel is advised that insufficient information is submitted to enable proper assessment by way of revised landscape plans to support the revised

architectural plans and ensure that the objectives and design criteria remain adequate since these revisions.

In absence of this information, the Panel cannot be satisfied that the design criteria of Part 3E relating to deep soil zones has been met and the application is recommended for refusal on this basis **(Refusal Reason 1c)**.

Consequently, the Panel cannot be satisfied that healthy plant and tree growth can be achieved, improving residential amenity, and promoting management of water and air quality can be achieved in accordance with Objective 3E-1 **(Refusal Reason 1d)**.

Setbacks

The Statement of Environmental Effects notes the following with respect to side setbacks:

The site adjoins a 3.5m-wide easement to the north. Beyond the easement, No. 11 Beach Parade is under construction for a five-storey shop top housing (DA/243/2015), and No. 9 Kantara Road contains a single dwelling with varied side setbacks. The subject site adjoins a vacant lot to the south. Many nearby developments are underdeveloped or undeveloped as existing, which are not necessarily characteristic of the future built form of the locality.

Recent development of a similar nature in the vicinity has been approved with side setback non-compliances. On 31 May 2018, the Panel (Hunter and Central Coast Joint Regional Planning Panel) approved DA/7/2017 for shop top housing at Nos. 5-8 Beach Parade in the same SP3 Tourist Zone, which had a comparable non-compliant side setback of 3m ... It was supported by Council staff based on similar arguments as those made in our submission (being compatible with surrounding development with no significant impact on neighbours).

Compared to the above recent approval, the subject site is more constrained in achieving compliant side setbacks given the narrower width. The shape of the subject site also tapers to the rear, which is an additional site constraint. Despite the challenging site conditions, the proposed building has been intentionally designed to achieve the 6m side setback on the northern side of the primary frontage, providing a compliant appearance as viewed from the northern part of Beach Parade This is considered consistent with the desired future character, through a contemporary mixed-use development that addresses both street frontages with compliant front/rear setbacks and provides a compliant, enhanced landscape setting.

In its initial independent assessment of the building design (dated 16 March 2023) Dyer Design Company noted the following matters needed consideration with respect to setbacks:

Setback to 9 Kantara Road (northern)

- *Further detail should be provided about the windows/openings in the existing dwelling to further test and confirm building separation and privacy.*

Southern boundary

- *Level 5 – 9.5m (3.5+6) or 6.5m (3.5+3) would be achievable in the future as a minimum – compliance difficult to achieve. Need to review the design of level 5 the location of the outer wall setback.*

Following design amendments by the applicant, Dyer Design Company issued a further review (dated 29 September 2023) noting that based on the design changes compliance to the northern and southern setbacks could be achieved and no further concerns were raised.

In summary and having regard to the above advice, it is considered that the proposed separation distances are appropriate given the privacy treatments and site circumstances.

Part 3G -Pedestrian access and entries

Pedestrian access should be high quality, equitable, and safe, providing pleasant walking environments along the street, into the development and to individual apartments. Pedestrian access and entries should also be prioritised over vehicle access.

The location of the accessible car parking space does not provide equitable and safe access into the building. Moreover, the pedestrian entry from the rear on-grade car parking to the building entry conflicts with the vehicle access from Kantara Road. The accessible entry to the ground floor level food and drink premises and apartment entry, involving a platform lift, is not considered equitable or of high quality (**Refusal Reason 1g**).

Part 3J -Bicycle and car parking

Parking and facilities should be provided for different modes of transport such as motorbikes, scooters and bicycle parking, and consideration should be given to charging stations for electric vehicles. In addition, this parking should be secure. The plans do not accommodate parking for other modes of transport except for bicycle parking that is located within the front setback on Beach Parade. The location is not secure and removes landscaping opportunities within the front setback.

On-grade parking should be avoided, but if unavoidable, should be appropriately screened from view of streets, incorporated into the landscape design of the site, and should provide safe and direct access to building entry points (objective 3J-5). The on-grade parking proposed at the rear of the site off Kantara Road has not been screened and any opportunity to provide some form of deep soil planting and landscaping on the Kantara Road frontage has been taken up by the location of the fire hydrant, driveway, and associated hardstand area.

The path of travel from the accessible parking space to the residential building entry point traverses the bin travel path, driveway access from Kantara Road and back of house facilities for the kitchen. This is not considered acceptable **(Refusal Reason 1h)**.

Part 4S -Mixed Use

The ADG promotes non-residential uses on lower levels of buildings that provide active street frontages and address the street. The proposed development includes a food and drink premises on the ground floor level which fronts Beach Parade.

Unfortunately, due to the flood affectation of the site, the proposed development cannot be located at grade and is subject to a minimum floor level which results in a ground floor level that sits above Beach Parade by approximately 1.36m. As such, the frontage of the site contains stairs, a ramp, and platform lift to accommodate the grade change, which leads to a disconnect between the pedestrian footpath on Beach Parade and the ground floor of the development.

The ADG promotes residential entries being separated from commercial entries and directly accessible from the street, with commercial service areas separated from residential components, residential parking separated or secured, and security at entries and safe pedestrian routes being provided. The proposed development provides a separate residential entry to that of the food and drink premises however, the distance from the proposed accessible car park at the rear of the site to the entry lobby is considered excessive and is not protected by the weather which is considered unacceptable. The location of the accessible car parking space to the loading area, assumed to be at the rear of the kitchen, has the potential to result in vehicular and pedestrian conflict, with the commercial and residential components of the development not being appropriately separated.

Furthermore, the accessible car park is not secured, it is easily accessed by members of the public from Kantara Road or those walking through the site, and the car parking space is not exclusive and can easily be utilised by members of the public. In addition, the proposed breeze blocks at the access to the entry lobby has the potential to conceal a person and provide an entrapment point **(Refusal Reason 1i)**.

Central Coast Local Environmental Plan 2022

The relevant local environmental plan applying to the site is the Central Coast Local Environmental Plan 2022 (CCLEP 2022). The aims of CCLEP 2022 are to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.

Zoning and Permissibility (Part 2)

The subject site is zoned SP3 - Tourist pursuant to clause 2.2 of CCLEP 2022 (Figure 14). Shop top housing and food and drink premises are permissible with consent within the SP3 zone.

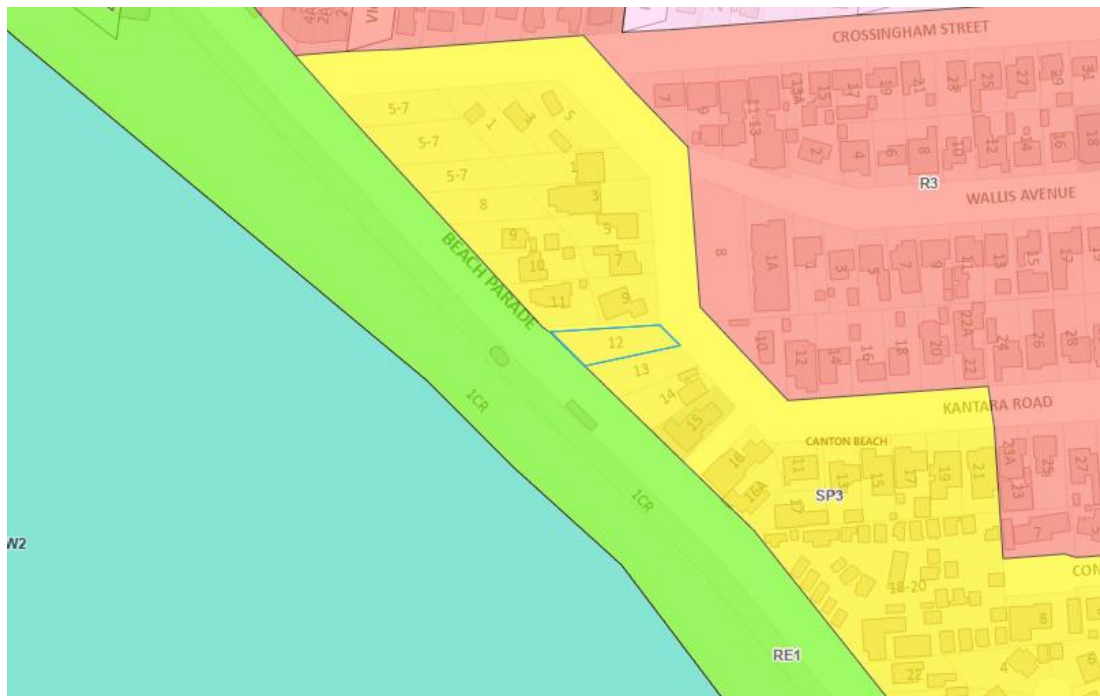


Figure 22: Zoning under CCLEP 2022

The objectives of the SP3 zone are:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To facilitate the provision of limited permanent accommodation in the form of mixed-use development to improve the off-season viability of tourist-based development.*
- *To protect and enhance the natural environment for tourist and recreational purposes.*

Whilst the proposed development seeks to activate the foreshore by providing tourist-oriented development, the scale of the ground floor commercial floor area and resulting car parking deficiency will place additional on-street parking demand on the surrounding street network, and the appropriate studies have not been undertaken, in terms of contamination and acid sulfate soils to satisfy the consent authority that the natural environment will be protected.

The Panel is advised that the proposed development fails to satisfy the objectives of the SP3 Tourist zone and is recommended for refusal on this basis **(Refusal Reason 5a)**.

General Controls and Development Standards (Parts 2, 4, 5, 6 and 7)

CCLEP 2022 contains controls relating to development standards, miscellaneous provisions, and local provisions. The relevant controls to the proposal are further set out in the table below.

Key controls under CCLEP 2022

Clause	Requirement	Proposal	Complies
4.3(2) – Height of buildings	Clause 4.3(2) permits a maximum overall building height of 16m.	Overall building height of 17.6m.	No – Further discussion below.
4.4(2) – Floor Space Ratio	Clause 4.4(2) permits a maximum overall FSR of 1.25:1.	Floor space ratio of 1.249:1.	Yes
4.6 – Exceptions to Development Standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other EPI instrument.	The application is accompanied by a written Clause 4.6 submission seeking to vary the maximum permissible building height in accordance with Clause 4.3 of the CCLEP 2022.	Yes
5.21 Flooding	Development consent must not be granted within a flood planning area unless the consent authority is satisfied of the relevant matters in 5.21(2).	While the site is within a flood planning area, Council's Development Assessment Engineer has advised that a flood study is not required. The development has been designed to ensure compatibility with matters identified in 5.21(2).	Yes – further discussion below.
7.1 – Acid Sulfate Soils	Development consent must not be granted until an ASS Plan in accordance with the Acid Sulfate Soils Manual has been prepared.	<p>The site is identified as Class 3 on the Acid Sulfate Soils map. The proposed development includes excavation of more than 1 metre below the ground surface to facilitate the basement car park and is likely to lower the watertable more than 1 metre below the natural ground surface as indicated in the Geotechnical Investigation Report prepared by Cardno.</p> <p>The Application is accompanied by an Acid Sulfate Soils Management Plan, prepared by Stantec, and dated 19 June 2024. The Report provides a framework for the monitoring and management of impacts of Acid Sulfate Soils in the event they are encountered throughout the construction and operational phasis of the project in accordance with the Acid Sulfate Soils Manual, 1998.</p>	Yes – subject to conditions.

Clause	Requirement	Proposal	Complies
7.6 – Essential Services	Essential services must be made available or adequate arrangements be made to make them available.	The proposed development has failed to demonstrate how suitable waste collection can occur during the ongoing operation of the site in addition to failing to demonstrate how suitable vehicular access is achieved for the development, including the proposed disabled access space from Kantara Road.	No – Refusal Reason 5b. Further discussion below.

Clause 4.3 Height of Buildings

The objectives of the maximum height of building clause are as follows:

- (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.*

Under the CCLEP 2022 maximum height of building maps (Clause 4.3), the site is prescribed a maximum building height of 16m (Figure 15).

The proposal seeks a maximum height of 17.6m which exceeds the development standard by 1.6m or 10%. The proposed height exceedance is primarily contained to the front portion of the site. The variation is considered acceptable having regard for the provisions of clause 4.6. A Clause 4.6 application was submitted with the DA which is discussed below.



Figure 23: Height of buildings map

Clause 4.4 Floor Space Ratio

The objectives of the maximum Floor Space Ratio clause are as follows:

- (a) to establish standards for the maximum development density and land use intensity,*
- (b) to ensure the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,*
- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (d) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

Clause 4.4(2) of CCLEP 2022 specifies the floor space ratio (FSR) for the site shall not exceed that indicated on the applicable map. The maximum permitted FSR is 1.25:1.

Revised architectural plans and GFA calculation and verification statements provided by the Applicant on Tuesday 4 June 2024 demonstrate compliance with the requirements of this Clause.

Clause 4.6 Exceptions to development standards

Clause 4.6 provides flexibility in applying certain development standards. The proposed development seeks consent for an overall building height of 17.6m, which exceeds the maximum permitted under Clause 4.3(2) of the CCLEP 2022 by 1.6m or 10% and is therefore accompanied by a Clause 4.6 Variation Request, prepared by GSA Planning, dated November 2022, provided at **Attachment 15**.

Clause 4.6(3) identifies matters to be demonstrated by the applicant in a written clause 4.6 request. These matters are:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.*

An established way to demonstrate that compliance with the standard is unreasonable or unnecessary is to use one or more of the five justifications identified in *Wehbe v Pittwater Council* [2007]. This is further detailed in *Initial Action* where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

The Applicant states the proposed development is unreasonable and unnecessary in the circumstances of this application as *'the proposed height is driven by flood constraints and the ground floor level is at the level required by the engineer, with a 2.7m floor to ceiling height proposed for all habitable levels to provide the required amenity'*.

The Applicant submits the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. Further, the Applicant states the proposal is consistent with the objectives of the standard because:

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

Applicant comment

The subject site is zoned SP3 Tourist and adjacent to Lakedge Caravan Park and Waterfront Tourist Park, which has been identified as tourist precincts, to promote tourist and residential accommodation and an active street front of cafes and tourist-related uses along Beach Parade. In our opinion, the proposed building height will enable appropriate development density.

To respond to the desired vision for the locality, the proposed building will have a compliant floor space ratio (FSR) of 1.249:1 and a visually compliant height ranging from 12.8m to 17.6m, which is appropriate for the density provided. The new building generally remains within the height standard along Kantara Road (see Figure below), and the flat roof design will appear height compliant overall as the maximum height proposed is mostly a function of the topography. The additional height is insignificant in the context of the development.



Figure 24. Proposed height exceedance when viewed from Kantara Road elevation.

A high degree of reticulation and recesses are incorporated into the design to present an appropriate height, bulk, and scale, revitalising the vacant lot. The height breach will enable a consistent roof design that is in line with the desired future character of the neighbourhood.

Accordingly, the proposed height is necessary and appropriate for the site and the proposed density, to provide a high-quality urban design outcome for the tourist precinct.

(b) To ensure that the height of buildings is compatible with the character of the locality.

Applicant comment

The SP3 Tourist zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character.

The new shop top housing development will contribute to the eclectic mix of permissible uses in the SP3 zone. It is compatible with the envelope of neighbouring developments recently approved and constructed on Beach Parade. This demonstrates the external envelope is contextually compatible. In other words, the proposal is consistent with the built form in the areas and the areas desired future character despite the height breach. In Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115[63], Preston CJ states, inter alia:

...the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.

As indicated, the non-compliance is mainly due to the flood constraints and sloping terrain. The proposal will sympathetically respond to the character of adjacent developments. It will not appear out of character when viewed in its context.

Council comment

Council also recently approved a nearby application with a height breach. This indicates that recently Council has considered a height breach in the area can be consistent with the desired future character. It is a relevant consideration to understand if Council has accepted breaches to the building height standard in the past, under what circumstances these were supported and if indeed there are any comparable principles to the subject application.

- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant provides the following grounds/reasons for the proposed variation to the development standard:

1. *The proposal will be in keeping with the desired future character of the development along Beach Parade as depicted by the transitioning character of the area. The proposed height of the development will facilitate an additional dwelling at the upper level and assist the development in satisfying the zone objectives by providing additional preeminent accommodation in a mixed-use context.*
2. *Strict compliance with the standard would require the lowering of the entire building. This would unreasonably and unnecessarily reduce the ceiling height of the residential units which currently have a 2.7m floor to ceiling height. This would compromise amenity and architectural design which has carefully considered flood engineering requirements. Alternatively, it would necessitate remove of the entire penthouse level which would result in an FSR that is substantially below the standard.*

Council comment

The numerical non-compliance is considered acceptable in this instance as it responds appropriately to a flooding consideration without unreasonably contributing to bulk and scale, nor does it result in adverse impacts to the streetscape or surrounding properties. The proposed floor to ceiling levels are already at the minimum required to ensure appropriate residential amenity and so the minor 1.6m breach is warranted in this instance.

The variation does not result in adverse privacy, overshadowing or view impacts for surrounding residential developments.

The written request has identified, and adequately justified, sufficient environmental planning grounds and the reasons provided have demonstrated circumstances which relate to the specific contravention of the height and how the objectives of the standard can be achieved even though it will not be a wholly compliant development (*Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245). The written request has also satisfied the consent authority that it is unreasonable to comply with the development standard in this instance. Accordingly, the consent authority is satisfied as to those matters stated in clause 4(3) of CCLEP 2022 (*RebellMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130).

Clause 4.6(4) requires the consent authority to keep a record of its assessment carried out under subclause (3). Consideration of subclause (3) is contained within this assessment report and may also be included in the decision of the Panel.

As identified in the above body of this Report, the proposal is demonstrated to be consistent with the stated objectives of the developments standard as the resultant density, bulk and scale of the development is deemed negligible in comparison to a compliant scheme and result only due to compliance with minimum floor levels from flooding matters.

Clause 4.6(8) provides circumstances under which the provisions of clause 4.6 cannot be utilised. These circumstances do not arise within this development application.

Having regard for the written request provided by the applicant and the above assessment, the proposed development is considered to satisfy the requirements of clause 4.6, achieving an appropriate built form outcome within the circumstances.

Development Application No. DA/7/2017

Importantly, the Panel shall note that any reference to the approved development at No. 5-8 Beach Parade under DA/7/2017 in the accompanying Clause 4.6 submission is not accepted on the basis that the DA was considered under the former Wyong Local Environmental Plan 2013, a different instrument to the current EPI in force, and determined by the former Hunter and Central Coast Joint Regional Planning Panel.

The request for the 1.6m or 10% variation to the maximum 16m building height permitted under Clause 4.3(2) of the CCLEP 2022 is considered acceptable based on the merit assessment of this application.

Clause 5.21 – Flooding

The site is affected by flood related development controls, being marginally impacted by overland flooding/ponding, and is not affected by Tuggerah Lake flooding. The proposed finished floor level of the café is 4.365m, which is above the minimum habitable floor level of 2.7m AHD. The crest level of the basement driveway is 2.9m AHD which again is above the PMF of 2.7m AHD.

In accordance with Clause 5.21(2), development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development –

- (a) *Is compatible with the flood function and behaviour on the land, and*
- (b) *Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *Incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.*

Council's Flood Development Engineer has reviewed the proposed development and confirmed it acceptable with regards to the provisions of Clause 5.21 and no additional flood study is required. They are also satisfied that the proposal does not increase the risk to life or impact evacuation requirements and the design generally avoids impacting on flood behaviour, hence the proposal is supported. In this regard, the Panel can be satisfied that the proposed development, subject to conditions:

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Clause 7.1 – Acid Sulfate Soils

The site is identified as Class 3 on the Acid Sulfate Soils (ASS) Planning Map which are likely to occur where there are works more than 1m below natural ground level and/or works by which the water table is likely to be lowered more than 1m below the natural ground surface. The proposed basement is to be excavated approximately 3m below the existing ground level.

The Preliminary Site Investigation report prepared by Stantec on behalf of the applicant recommended as follows with respect to acid sulfate soils:

Materials excavated or stockpiled during site development will require acid sulphate soil assessment and waste classification if intended to be disposed off-site to a licensed landfill. The classification should be in accordance with the NSW EPA Waste Classification Guidelines (2014) and should be facilitated by an experienced environmental scientist. Remediation action plan will be required if acid sulphate soil is encountered.

The conclusion of the report advised an acid sulfate soil assessment was required. No Acid Sulfate Soil Management Plan (ASSMP) or preliminary assessment has been undertaken with the Acid Sulfate Soils Manual as per the provisions of clause 7.1(4)(a) therefore the prerequisite to the granting of consent has not been achieved and the Panel cannot be satisfied the development will not disturb, expose, or drain acid sulfate soils and cause environmental damage in the absence of an ASSMP or preliminary assessment **(Refusal Reason 5c)**.

Clause 7.6 – Essential Services

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

- a) the supply of water,
- b) the supply of electricity,

- c) the disposal and management of sewage,
- d) stormwater drainage or on-site conservation,
- e) suitable vehicular access
- f) the collection and management of waste

The property is connected to electricity, reticulated water and sewer and however does not have the capacity to be serviced for waste collection.

The proposed vehicle ramp gradient is too steep for the safe transfer of mobile garbage bins which requires the travel path to be less than 30m and ramps no more than 1:14 in gradient. Further, any travel paths shall not be shared with vehicles which create an unnecessary vehicle and pedestrian interaction. Finally, the waste generation rates for the proposed café are not consistent with Central Coast Council guidelines or the NSW EPA guidelines.

The Panel cannot be satisfied that the proposed development complies with the provisions of Clause 7.6 having regard for waste collection and is recommended for refusal on this basis **(Refusal Reason 5b)**.

The stormwater plans have not been updated to be consistent with the updated architectural plans. Accordingly, insufficient information has been received to satisfy the consent authority that adequate stormwater arrangements have been made. The Panel cannot be satisfied that the proposed development complies with the provisions of Clause 7.6 having regard for waste collection and is recommended for refusal on this basis **(Refusal Reason 5b)**.

Additionally, the Applicant has failed to provide additional on-site car parking to address the 88% shortfall to Council's numerical requirements as previously identified. The proposed location of the disabled access space from Kantara Road is deemed unacceptable as it has no wet weather cover with disabled users required to negotiate a 28-metre-long uncovered footpath to access the building. The Applicant has failed to locate the disabled parking space within the proposed basement level directly adjacent to the proposed lift as requested on 13 October 2023.

Consequently, the Panel cannot be satisfied that the proposed development complies with the provisions of Clause 7.6 having regard for suitable vehicular access and is recommended for refusal on this basis **(Refusal Reason 5b)**.

SECTION 4.15(1)(a)(ii) – THE PROVISIONS OF ANY PROPOSED INSTRUMENT

There are no draft instruments for consideration in this regard.

SECTION 4.15(1)(a)(iii) – THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

The following application is considered under the remit of the Central Coast Development Control Plan 2022 (CCDCP) with an assessment provided below.

Central Coast Development Control Plan

The following Chapters of CCDCP 2022 are relevant to this application:

- *Chapter 1.2: Notification of Development Proposals*
- *Chapter 2.3: Residential Flat Buildings and Shop Top Housing*
- *Chapter 2.13: Transport and Parking*
- *Chapter 2.14: Site Waste Management*
- *Chapter 3.5 Tree and Vegetation Management*

Chapter 1.2: Notification of Development Proposals

The application was exhibited from 3 to 24 March 2023 inclusive. The Panel is advised that no submissions were received, and no further consideration is required under this Chapter.

Chapter 2.3 Residential Flat Buildings and Shop Top Housing

Chapter 2.3 of CCDCP 2022 applies to the proposed residential apartments component of the development. However, there are several requirements under CCDCP 2022 that are relevant to the proposal but superseded by similar controls within the ADG.

These are:

- Communal open space (required where 10 or more dwellings proposed)
 - Revised architectural plans fail to comply with the minimum requirements of communal open space.
- Private open space (a minimum area of 10 m² and a minimum dimension of 2m)
 - Revised architectural plans demonstrate compliance with this Part.
- Deep soil provision (12.5% site area)
 - Revised architectural plans fail to comply with minimum deep soil provisions with only 2% of the total site area proposed.
- Solar access (minimum of 3 hours midwinter between 9am and 3pm for 70% of dwellings)
 - Revised architectural plans demonstrate compliance with this Part.

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

- Building separation
 - Revised architectural demonstrate varied setbacks with partial non-compliances.
- Storage (3 or more bedrooms - 6m³ per dwelling)
 - Revised architecturals demonstrate compliance with this Part.

The following CCDCP 2022 requirements relevant to the proposal that are not provided within the ADG:

Part 2.3.3.1 - Building Height

Part 2.3.3.1(a) requires compliance with the Height of Building Map for areas within the LGA where residential flat development can be built in accordance with the CCLEP 2022, permitting an overall building height of 16m. The objectives are as follows:

- *To ensure that buildings are compatible with the existing and desired future character of the locality*
- *To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy, and views*
- *To ensure that building height is not visually obtrusive, is compatible with the scenic qualities of hillside and ridgetop locations and respects the sites natural topography*

As discussed above, the proposed development seeks consent for an overall building height of 17.6m, being a 10% variation. In accordance with clause 4.6 of CCLEP 2022, the proposed variation is considered suitably justified. Notwithstanding this, the Panel is advised that the minor 10% encroachment is considered acceptable insofar that the technical non-compliance does not detract from the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy, and views.

Part 2.3.3.3 Natural Landscape Area

Part 2.3.3.3 requires that a minimum 25% of site area at ground level shall be 'soft' landscaping, excluding all hardstand areas. Open space and setback areas may be included in this calculation only where these do not include hardstand surfaces. The objectives are as follows:

- *To provide an area on site that enables soft landscaping and deep soil planting considered appropriate for the Central Coast*
- *To provide a pleasant outlook*
- *To provide areas on site that permit stormwater infiltration*

As noted above, a suitably prepared and amended landscape plan has not been provided to reflect the amended architectural plans (**Refusal Reason 6a**). The amended architectural plans conflict with the nominated landscaped area along both the north-east and south-east setbacks, largely arising from the need to provide equitable access to the residential building as well as the café from the disabled parking at the rear, shown in figures 25 and 26 below.

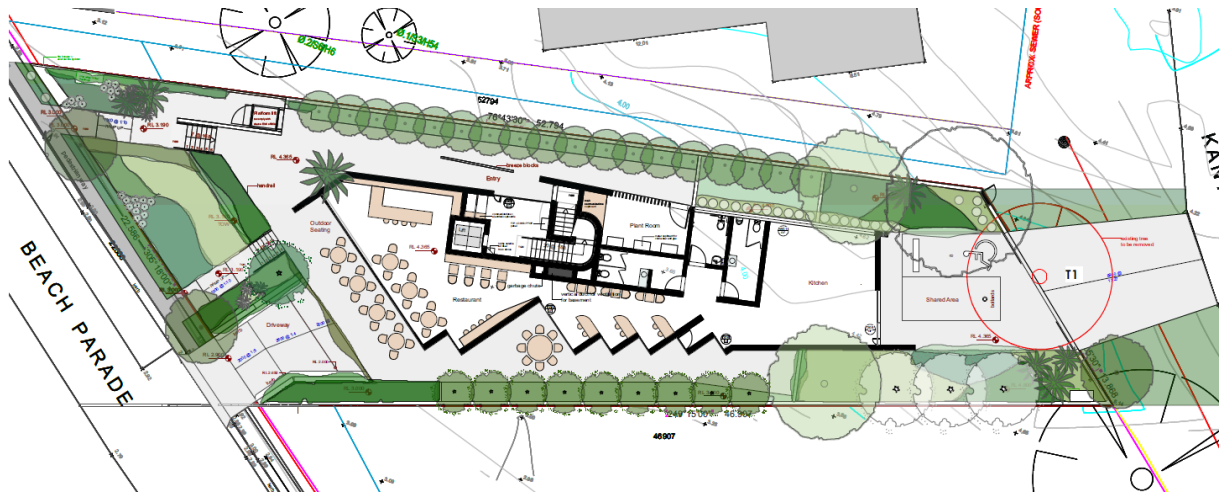


Figure 25: Current landscape plan

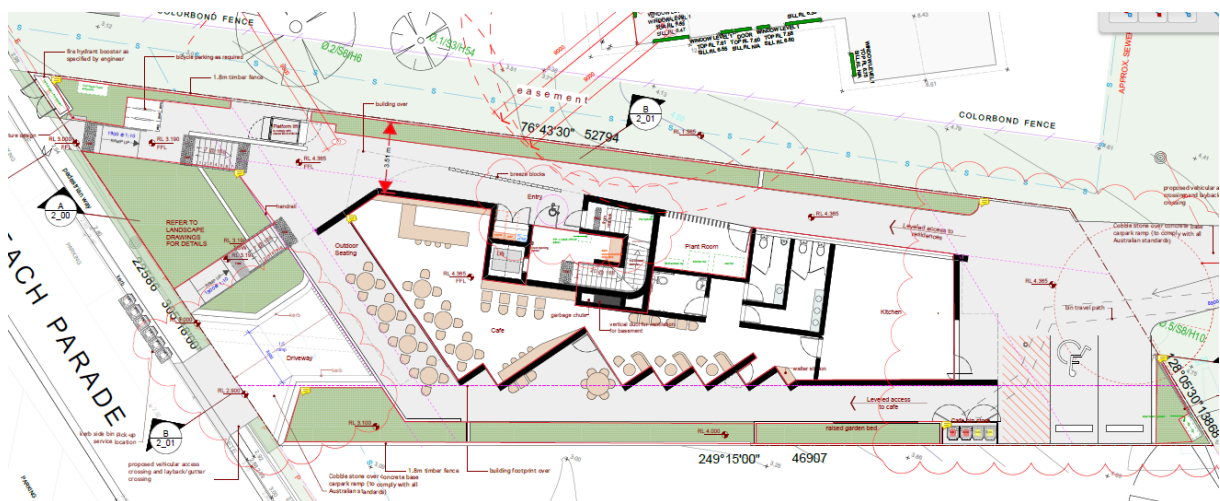


Figure 26: Amended architectural plan showing ground floor and reduced landscape areas.

Consequently, the proposed development fails to achieve the objectives of this Part, to ensure that there is an area on site that enables soft landscaping and deep soil planting, considered appropriate for this type of development.

The Panel is advised the application is recommended for refusal on this basis (**Refusal Reason 5b**).

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

Part 2.3.4 1 Setbacks for Residential Flat Buildings – 3 Storeys or more

Part 2.4.3.1 requires a 6m front setback for residential flat buildings 3 storeys or above. The objectives of this Part are as follows:

- *To maintain and enhance existing streetscapes*
- *To provide adequate privacy and solar access of adjacent properties*
- *Provide visual and acoustic privacy*

The proposed development provides the following:

Required	Proposed
Min 6m front setback to all aspects of the development except for a portico or an approved structure required for a waste collection area.	Ground – 6m to handrail. Level 1 -3 – 6.7m to balcony. Level 4 (Penthouse) – 6.7m to balcony.
Min 6m side and rear setbacks	Ground – Varying 5.5m to 6.5m on northern elevation, 2.9m throughout on southern elevation. Level 1 – 3 – 5.8m to 6.4m Level 4 (Penthouse) - 5.8m to 6.4m

The Applicant has not provided justification for the proposed variation to Council's DCP with general objectives and design criteria not adequately addressed. Notwithstanding this, Council recognises that compliance is difficult to achieve given the dimensions of the site, complete enforcement of the setbacks would render the site undevelopable and that the extent of the variations is generally between non-habitable and habitable rooms. On this basis, Council deems the variation to minimum setback requirements acceptable in this instance.

Part 2.3.5.1 Facades & Articulation

Part 2.3.5.1 requires that:

- Facades are to be articulated in length and height. Monotonous and unbroken lengths of wall exceeding 10 metres in length and 3 metres in height shall not be permitted. In development of two or more storeys, physical design elements shall be used to provide visual interest to the building.
- For mixed use development, residential apartments are to be separated and distinguished from commercial entries to provide security and an identifiable street address for each of the different users.
- Shop-top housing development should be setback from the front street boundary and buffered from the street by providing a balcony or similar.

The proposed development provides for articulated and modulated facades using balconies, glazing and a mix of materials and finishes. Dwellings are setback from the street and include balconies which buffer them from the street. Clear, separate entry is provided for the residential apartments alongside the northern elevation of the ground floor, however, as previously discussed, the accessible entry to the development from Beach Parade and the on-grade car park at the rear of the site is not considered adequate.

Part 2.3.6.1 Views

Part 2.3.6.1 requires that new development is designed to minimise loss of views from adjoining and adjacent properties.

The proposed development may block views of the water from properties to the east and north. The Statement of Environmental Effects has provided an assessment of view impacts, having regard to the NSW Land and Environment Court's view sharing principle of the *Tenacity v Warringah Council* [2004] NSWLEC 140 (*Tenacity*). The Statement of Environmental Effects notes as follows:

Properties to the rear (east) of the subject site appear to currently obtain views to Tuggerah Lake across the subject site. It is noted that as the topography is relatively flat in the locality and these adjoining properties are one to two storeys, even a modest development on the subject site would impinge on views, such as a compliant dwelling house. Given the low-rise nature of those affected properties, even a two-storey built form on the site would reduce views to an extent like the proposal. In fact, the view impact may even be greater in the alternative scenario as viewed from Kantara Road. This is because dwelling houses are entitled to much smaller side setbacks (0.9m) provided by the DCP, as opposed to the 3m average side setback proposed... On this basis, any compliant scheme on the site would likely result in a similar level of view loss.

Additionally, while Tenacity recognises that views obtained across side boundaries are more difficult to maintain, the proposal has been mindfully designed to comply with the 6m setback for the north-western portion, appropriately maintaining any views obtained across the side boundary by northern neighbours ...

For the above reasons, the side setback and height variations of the proposal will not have additional view impact, as a fully compliant development can have greater impact.

On the basis that the proposal does not result in view loss worse than that which would be the result of a compliant scheme, the proposal is considered to satisfy the tests in Tenacity and established by the Court. It is appropriate in this instance.

It is considered that any development of the site per se would impact on views from the east. It is also noted that views from the north-west would still be available. The application was exhibited, and nil submissions were received, and specifically, no submissions were received

regarding view loss/impacts which may result from the proposed development. The conclusions of the above assessment are therefore supported, and the proposed view impacts are considered reasonable.

Part 2.3.8 Earthworks

Part 2.3.8 requires that cut and / or fill be minimised and retaining wall details be provided with the development application.

The construction of the basement level will require excavation of up to 3.0 metres below the ground surface and dewatering of the groundwater table to construct the basement. The geotechnical investigation report identifies design parameters for the structural design of the foundation system.

The Panel is advised that due to the need to lower the groundwater table to construct the proposed basement, the Applicant would require a dewatering licence from WaterNSW under the *Water Management Act 2000*.

Part 2.3.10.2 Stormwater Management

The stormwater plan prepared by Stronghold Engineering Consultants was referred to Council's Development Engineer for review and comment. The Plan provides provisions for discharge via an on-site stormwater detention system (OSD basin) to limit peak discharge to the kerb and gutter in Beach Parade to 25 litres per second as per Council's Civil Works Design Specification 2020.

The Panel is advised that the stormwater plans were not updated to reflect most recent revisions to the architectural plans and cannot be relied upon for favourable consideration and determination. Therefore, insufficient information has been submitted by way of amended stormwater plans in accordance with this Part, including the basement, roof, and surface drainage system to be designed in accordance with Council's Civil Works Design Specification, 2020, Australian Rainfall and Runoff 2019 and Australian Standard AS/NZS 3500.3 – Stormwater Drainage.

The proposed development is recommended for refusal **(Refusal Reason 5b and 6c)**.

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

Chapter 2.13 – Transport and Parking

Chapter 2.13 of CCDCP 2022 requires car parking for the development to be provided at the following rates:

Land Use	Requirements
Residential flat buildings*	1.5 spaces per dwelling for residents 0.2 spaces per dwelling for visitors
Restaurants ⁺	Whichever is greater of: 15 spaces per 100m ² GFA, or 1 space per 3 seats

*Shop top housing parking rates do not apply to development which is defined as a residential flat building.

⁺No parking rates are identified for cafes.

Application of these requirements to the proposed development yields a parking requirement of seven residential spaces and 25 cafe spaces calculated as follows:

Land use	Control	Required	Provided
Residential flat building	3-bedroom units – 1.5 spaces per dwelling	6 spaces (4 dwellings x 1.5 = 6)	5 (4 in basement and 1 at grade to rear)
	0.2 visitor spaces per dwelling	0.8 spaces (rounded to 1 space) (0.2 x 4 = 0.8 spaces)	Nil
Restaurant (café)	15 spaces per 100m ² or 1 space per 3 seats – whichever is the greatest	25 spaces 166m ² x 15 spaces per 100m ²	3 (2 in basement and 1 loading/parking space to rear)

The application provides 8 spaces in the following mix:

- Residential: 5 spaces (5 in basement and 1 disabled space at grade)
- Café: 3 spaces (2 in basement and 1 space at grade)

The proposal therefore has a shortfall of 1 resident visitor space and 22 café spaces. The shortfall of 22 spaces for the café represents an 88% non-compliance.

The application is accompanied by a Traffic and Parking Assessment Report, prepared by Terraffic Pty Ltd and dated 29 November 2023. The report assesses the adequacy and suitability of the quantum of off-street parking and loading provided on the site as well as vehicle access arrangements.

Revised architectural plans detail basement parking for seven cars, comprising five residential spaces and two café staff/visitor parking spaces. No car wash bay or accessible car parking space is proposed in the basement. At grade parking at the rear of the site is proposed comprising one uncovered disabled parking space and one café loading/parking space.

Vehicular access to the basement level parking facilities is to be provided via a new entry/exit driveway accessed from Beach Parade. A turntable within the basement is intended to facilitate vehicles to exit the basement in a forward direction. The turntable is intended for use for rear residential parking spaces only.

The applicant's traffic report considers the shortfall acceptable based on the following:

- The proposal caters for the long term (residential) parking demand while relying on the availability of on-street parking for short-term parking.
- Based on parking surveys, the shortfall in parking generated by the proposal will have no unacceptable on-street parking impacts.
- It is expected that a high proportion of cafe patrons will be visitors to Canton Beach who have already parked nearby on the road network.
- Considering dual and complementary use of parking spaces (as referenced under clause 2.13.3.11 of the CCDCP), in this case the peak parking demand of the residents is typically outside of business hours, while the peak parking demand of the cafe will be during the weekday daytime and weekend.

Council's Development Engineer – Traffic and Transport has reviewed the Report and relevant documentation and concluded that Council cannot accept the survey undertaken as the site and its surrounds is commensurate to a residential area and not a commercial centre as the survey relies upon, therefore, the use of on-street parking to address the DCP variation is not supported. In the absence of a suitably prepared Traffic and Parking Assessment Report, the Panel cannot approve the variation and the application is recommended for refusal on this basis **(Refusal Reason 5d)**.

Traffic generation

Council's Traffic Engineer has advised that traffic generated by the proposal will have a significant impact on the surrounding road network and is not supported in this instance.

2.13.3.7 Parking and access for the disabled

The path of travel for a disabled parking space is to be a safe route with adequate width, manoeuvring, circulation area and gradients to allow satisfactory access, as a minimum in accordance with AS 1428.1 as amended. Furthermore, Part 2.13.3.7 requires that parking for people with a disability is to be located as close as possible to the nearest access for the

disabled within a particular building. If possible, this access path should be covered for all weather use.

The accessible car park at the rear of the development is not undercover and does not have direct undercover access to the residential entry. Therefore, the accessible space is not compliant with the provisions of AS/NZS 2890.6 also contravening the requirements of this Part and is recommended for refusal on this basis **(Refusal Reason 6e)**

Additionally, the proposed development fails to comply with the following:

- A turning area for delivery vehicles is proposed in the vicinity of the accessible car parking space. Swept paths for the accessible space extend outside of the driveway and no swept path for the delivery vehicle space is provided therefore it cannot be determined if compliance is achieved (CCDCP CI 2.13.3.5) **(Refusal Reason 6f)**
- While Level 1 unit is an accessible option no accessible car parking space is proposed in the basement carpark as part of the residential component (CCDCP CI 2.13.3.7) **(Refusal Reason 6g).**

Part 2.13.3.8.1 Bicycle Parking Rates

The following bicycle parking rates are specified under Part 2.13.3.8.1:

Shop Top Housing: 1 space per 3 dwellings = 1-2 spaces
Restaurants: 2 spaces = 2 spaces
Total required: 3-4 spaces.

The proposed development provides a total of three spaces within the front setback. The location of these spaces is within the front setback and provides no security. Whilst numerical compliance may be met, the location of the parking is not considered suitable.

Chapter 2.14 – Site Waste Management

The application is accompanied by a Waste Management Plan, dated October 2022, which discusses both construction, and ongoing waste management for the proposed development in accordance with Council Guidelines.

Notwithstanding this, Council's Waste Officer has reviewed the proposal and determined the proposed vehicle ramp gradient is too steep for the safe transfer of mobile garbage bins which requires the travel path to be less than 30m and ramps no more than 1:14 in gradient. Further, any travel paths shall not be shared with vehicles which create an unnecessary vehicle and pedestrian interaction. Finally, the waste generation rates for the proposed café are not consistent with Central Coast Council guidelines or the NSW EPA guidelines.

The proposed development fails to comply with the performance requirements of Part 2.14.2 and is recommended for refusal on this basis **(Refusal Reason 6h).**

Chapter 3.5: Tree and Vegetation Management

There is a large *Angophora costata* straddling the boundary between the site and Kantara Road. The tree is a large canopy tree however there is no mention of tree removal in the Statement of Environmental Effects and no arborist's report has been provided. The tree is shown for removal on the architectural and landscape plans.



Figure 27: Large tree to rear of site (Source: Google maps)

The tree needs to be removed to enable vehicle access from Kantara Road to the parking within the rear of the site. Whilst Council's Tree Officer accepts the tree is proposed for removal given it is within the footprint of the proposed VAC, from a design perspective, the removal of the access from Kantara Road would negate the need for its removal. In the absence of an arborist report advising of its health and associated Tree Protection Zone and Structural Root Zone, the Panel cannot be satisfied removal of this tree is warranted in this instance **(Refusal Reason 8)**.

In the event the Panel was of a mind to approve the development and associated tree removal, a condition of consent would need to be included that incorporates tree protection measures to ensure the Ficus tree located on the nature strip next door at No 13 Beach Rd Kantara Rd side remains viable during the development phase.

SECTION 4.15(1)(a)(iiia) – PLANNING AGREEMENTS UNDER SECTION 7.4 OF THE EP&A ACT

There are no planning agreements or draft planning agreements entered or proposed for the site. The Panel is advised that no further consideration is required in this regard.

SECTION 4.15(1)(a)(iv) – PROVISIONS OF REGULATION

Section 23(1)

A development application is required to be accompanied by the written consent of the owner of the land to which a development application relates in accordance with section 23(1) of the EP&A Regulation.

The Panel is advised the Applicant has submitted correct and appropriate landowners consent for the site to which the development relates. No demolition is proposed under this application.

The relevant provisions of the Regulations have been satisfied and no further consideration is required in this regard.

SECTION 4.15(1)(b) – LIKELY IMPACTS OF DEVELOPMENT

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and below.

Locality and Context

The subject site is zoned SP3 Tourist and shop top housing and food and drink premises are permissible with consent. The site and adjoining are undergoing transition with recent approvals and other applications of various stages of assessment by Council. The proposed built form is well articulated and composed and has considered its relationship to surrounding properties in addition to the site's visual prominence. However, it is considered the design of the development, particularly in relation to car parking and building entry and access needs greater resolution.

The private lands generally seek to have vehicular access crossings fronting Beach Parade with limited basement level parking and parking variations reliant upon the carrying capacity

of the surrounding local street network. View impacts are considered acceptable, noting that any development on the site is likely to restrict views of the water from properties to the east.

Insufficient information has been provided to Council to demonstrate that suitable consideration has been given to the changing context of Canton Beach and the cumulative impact of recent approvals with regards to traffic, transport, and parking on the local street network.

Natural Environment

The subject site does not contain any threatened species or habitat. Insufficient information has been provided to demonstrate there will be no impact to the environment via disturbance to Acid Sulfate Soils, potential land contamination, or through stormwater discharge **(Refusal Reason 8)**.

Economic Impacts

The proposed development is argued to contribute to the supply of housing in the locality and act as a catalyst to help stimulate redevelopment of the area. It is therefore considered appropriate from an economic perspective.

The application has not provided sufficient information to demonstrate that the development has appropriately responded to the site constraints with regards to traffic, transport, parking and accessibility, or how the development provides a high level of amenity for its occupants and neighbours with no communal open space within the site itself. The proposed development cannot be supported on this basis and is recommended for refusal **(Refusal Reason 7)**

SECTION 4.15(1)(c) – SUITABILITY OF THE SITE

The site is ideally situated opposite the beach front, providing future residents with high quality amenity. More broadly, however, the site and its immediate surrounds is undergoing transition and includes other shop top housing developments that have been approved along Beach Parade. Despite multiple requests for further refinements and information, it is yet to be demonstrated that the generation of the additional parking for the commercial component of the proposed development does not result in unreasonable traffic and parking impacts and congestion to Beach Parade and the surrounding street network.

Parking provisions within the site itself do not satisfy relevant Australian Standards nor the performance requirements of Council's own DCP, with major impediments and design flaws with regards to the proposed disabled access parking space from Kantara Avenue.

The lack of communal open space and full reliance upon surrounding public areas fails to ensure accessibility and equitability for users as required by the objectives of Part 3D-1 of the ADG. Whilst the proposed development is an appropriate form and scale, the Panel cannot

be satisfied that it will not adversely impact on the amenity of the users and residents of Beach Parade, both existing and future intended.

The site is, therefore, not suitable for the proposed development **(Refusal Reason 9)**.

SECTION 4.15(1)(d) – PUBLIC SUBMISSIONS

The application was notified and exhibited in accordance with Chapter 1.2 of CCDCP 2022. No submissions were received.

Submissions from Public Authorities

Ausgrid

The application was referred to Ausgrid who advised the proposal would have no direct impact on its assets and that normal construction considerations would apply.

Internal Consultation

Tree Assessment Officer	Supported.
Environmental Health Officer	Supported.
Contributions Officer	Supported.
Development Assessment Engineer	Supported.
Traffic Engineer	Not supported.

OTHER MATTERS FOR CONSIDERATION

Separate Development Application for Food and Beverage Premises

Should the Panel be of a view to approve the proposed development, a separate application is required for the future fit-out and operation of the proposed ground floor food and drink premises.

Section 7.11 Contributions

Should the Panel be of a view to approve the proposed development, the Panel is advised that the application falls under the Toukley District Section 7.11 Contributions Plan and the Shire Wide Section 7.11 Plan and contributions should be levied accordingly.

SECTION 4.15(1)(e) – PUBLIC INTEREST

The proposed development seeks consent for the construction of a 5 storey shop top housing development comprising 4 residential units with ground floor retail and associated basement car parking at No. 12 Beach Parade, Canton Beach, and is permitted with consent.

3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development (cont'd)

The proposed development however has failed to meet the minimum requirements of SEPP Resilience and Hazards in relation to consideration of land contamination and Council's LEP with regards to essential services and acid sulfate soils. The proposal has not provided the minimum necessary requirements under the ADG pertaining to deep soil planting and communal open space. Council cannot rely upon the surveying undertaken by Terraffic Pty Ltd as it is not commensurate with the surrounding residential development in which it exists with unrealized impacts to the local and surrounding street network in terms of traffic and parking.

Council considers that the public interest is maintained by upholding the integrity of the statutory provisions contained within the CCLEP 2022, SEPP Housing and associated ADG and on this basis, is recommended for refusal (**Refusal Reason 9**).

CONCLUSION

The proposed development has been assessed using the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As set out in this report, the proposed development:

- Does not satisfactorily meet the requirements or objectives of *State Environmental Planning Policy (Housing) 2021* nor the associated *Apartment Design Guidelines*;
- Fails to meet the objectives nor provisions of the Central Coast Local Environmental Plan 2022 or Central Coast Development Control Plan 2022;
- has unsatisfactory and unreasonable impacts;
- is deemed unsuitable for the site; and
- is not in the public interest.

For these reasons it is recommended that development application DA/4077/2022, for construction of a 5-storey mixed use development comprising of shop top housing (4 dwellings), food and drink premises and basement level car parking at 12 Beach Parade, Canton Beach be **refused** for the reasons detailed in Attachment 1 to this report.

Attachments

1 	Recommended Reasons for Refusal		D16401476
2 	DAU Request for Information		D15508145
3 	Design Verification Statement - Revision A		D15520884
4 	Request for Information - 11 May 2023		D15670491
5 	Acoustic Report		D16401504
6 	Preliminary Site Investigation		D15715099
7 	Urban Design Review by Consultant Urban Designer		D15882370
8 	Request for Information - 5 July 2023		D16401525
9 	Revised Landscape Plans		D15814427
10 	Request to Withdraw		D15901321
11 	Applicant response letter to Council RFI		D15980108
12 	Further revised architectural plans	Provided Under Separate Cover	D15980124
13 	Traffic Engineering Letter		D15980105
14 	Final Urban Design Review Letter from Urban Design Consultant		D16401603
15 	Clause 4.6 variation request		D15463257
16 	Revised Architectural Plans (Redacted) - 12 Beach Parade CANTON BEACH - PAN-280611 - DA/4077/2022		D16429216

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, and *State Environmental Planning Policy (Housing) 2021* the proposed development fails:
 - a. to meet the minimum 181.35sqm of communal open space required under Part 3D-1 of the Apartment Design Guide (ADG).
 - b. to satisfy Objective 3D-1 of the ADG which requires direct, equitable access for all residents to communal open space.
 - c. to provide a minimum 3m width of deep soil planting equating to 7% of the total site area in accordance with the requirements of Part 3E – Deep Soil of the ADG.
 - d. to satisfy Objective 3E-1 of the ADG which requires healthy plant and tree growth to be achieved resulting in improved residential amenity and water and air quality.
 - e. to provide sufficient information by way of an amended landscape plan to enable proper assessment against the requirements of Part 4O – Landscape Design of the ADG.
 - f. to satisfy Objective 4O-1 and 4O-2 of the ADG which requires landscape design to be viable and sustainable, contributing to streetscape and amenity.
 - g. to provide high quality, equitable and safe pedestrian access to and within the development and the location of the accessible care parking space fails to provide equitable and safe access into the building in accordance with Part 3G of the ADG.
 - h. to provide parking and facilities for different modes of transport and in appropriate locations, and the on-grade parking has not been sited to provide safe and direct access to building entries nor is it appropriately screened and landscaped as per the requirements of Part 3J of the ADG.
 - i. to satisfy Part 4S as the development has not adequately separated the commercial and residential components of the development, residential parking being separated and secure and safe pedestrian routes being provided.
2. Pursuant to Section 29 of the *Environmental Planning and Assessment Regulation 2021*, the submitted design verification statement does not address the objectives in Parts 3 and 4 of the Apartment Design Guide.
3. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, and *State Environmental Planning Policy (Sustainable Buildings) 2022*, the proposed development has failed to demonstrate it meets the standards set out in schedule 1 standards for erection of BASIX buildings.
4. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, and *State Environmental Planning Policy (Resilience and Hazards) 2021*, the

proposed development fails to satisfy the provisions of s. 2.11 in relation to appropriate bulk, scale and size, nor does it satisfy the provisions of s.4.6 in demonstrating to the consent authority that the land is satisfactory having regard for land contamination.

5. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*, and the *Central Coast Local Environmental Plan 2022*, the proposed development:
 - a. will place additional on-street parking demand upon the local street network and has failed to demonstrate there will be no impact to the natural environment in relation to acid sulfate soils and land contamination as required by the objectives of the SP3 – Tourist zone.
 - b. fails to provide essential services having regard for suitable vehicular access to the proposed rear, at-grade parking and basement level, suitable stormwater arrangements and waste collection from the proposed basement level to Beach Parade as required by Clause 7.6.
 - c. has not demonstrated acid sulfate soils will not be disturbed, exposed, or drained and will not cause environmental damage having regard for the provisions of clause 7.1.
6. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, and the *Central Coast Development Control Plan, 2022*, the proposed development
 - a. fails to provide sufficient information by way of an amended landscape plan demonstrating at least 25% of the site area at ground level be soft landscaping, excluding all hardstand areas as required by Part 2.3.3.3.
 - b. fails to satisfy the objectives of Part 2.3.3.3 which require an area on site that enable soft landscaping and deep soil planting.
 - c. fails to provide sufficient stormwater information demonstrating that the basement, roof and surface drainage design is designed in accordance with Part 2.3.10.2.
 - d. fails to provide the minimum number of 22 commercial parking spaces as required by Part 2.13.
 - e. does not provide direct and covered access to the basement level entry for the proposed disabled space contravening the requirements of AS/NZS 2890.6 and Part 2.13.3.7.
 - f. does not provide sufficient information demonstrating that swept paths for the delivery vehicle complies with Part 2.3.3.5.
 - g. fails to provide an accessible parking space in the proposed basement level carpark for the nominated accessible unit on Level 1, contravening Part 2.13.3.7.

- h. fails to provide an appropriate gradient to enable the safe transfer of mobile garbage bins which requires the travel path to be no less than 30 and ramps no more than 1:14, fails to ensure a separate travel path to vehicles and does not provide consistent waste generate rates in accordance with Central Coast Council guidelines as required by Part 2.14.2.
- 7. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered unsatisfactory with regards to impacts to the amenity of surrounding residential developments including traffic, transport and parking and general disruption to surrounding residential developments.
- 8. Insufficient information has been provided in relation to tree removal, land contamination, acid sulfate soils and stormwater management having regard for impacts on the environment.
- 9. For the reasons stated above, including not being compatible with or suitable for the site, and pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is not in the public interest.



19 January 2023

X. Pace Design Group Pty. Ltd
Unit 201,50 Marshall St
SURRY HILLS NSW 2066

projects@xpace.com.au

Dear X. Pace Design Group Pty. Ltd,

NSW Planning Portal Application – Request for Additional Information

Council Application Number:	DA/4077/2022
Property Address:	12 Beach Parade, CANTON BEACH NSW 2263
Description:	Shop Top Housing
Portal Application Number:	PAN-280611

I refer to your recent application as detailed above submitted via the NSW Planning Portal.

Before the application can be lodged by Council, the following additional information must be provided:

1. An updated Design Verification Statement is required that addresses the following:

Clause 29 of the Environmental Planning and Assessment Regulation 2021 requires the following for a development application to be made:

(2) The statement by the qualified designer must—

- (a) verify that the qualified designer designed, or directed the design of, the development**

Please also ensure the architectural plans supporting the DA are referenced appropriately in the updated Design Verification Statement not just a summary of the proposed development as it remains unclear as to what version, date of the development this verification refers to

The additional information requested above is to be submitted to Council via the NSW Planning Portal against the relevant application within fourteen (14) days of the date of this letter.



Please contact Council's Pre-Lodgement Section by emailing ask@centralcoast.nsw.gov.au to register any enquiry relating to the following:

- Clarification as to the information sought in this correspondence.
- Any requests for extensions to timeframes allowed for the submission of information.

Please note, your application will not be lodged until the requested information is received via the Portal and Council is able to issue an invoice for fees. If the requested information is not provided, or written advice from yourself not received, within fourteen (14) days of the date of this letter, your application will be returned.

In the event you do not wish to submit additional information in response to this correspondence, please provide written advice via the Portal and Council will proceed to lodgement and invoicing the fee.

Yours faithfully,

Development Assessment Review Team

DART

Central Coast Council



Design Verification Statement | January 2023

X.PACE™

projects@xpace.com.au

61.2.9358.1333

No 50 Marshall Street
Surry Hills NSW 2010

Australia

No 12 Beach Parade . Canton Beach _Design Verification Statement | January 2023 | RevA

Goran Stojanovic is a Registered Architect with New South Wales Board of Architects His registration number is 6949. He is a qualified Architect with extensive experience in the design of residential housing developments of varying scale. Goran Stojanovic has been responsible for the design of this project since its inception and has worked with a professional consultant team in preparing the Development Application.

The Design Verification Statement is to read in conjunction with the following drawings submitted with this DA:

Dwg No.	Title	Issue	Date
0_01	Location Plan	2	30.11.22
0_02	Site Plan	1	30.11.22
1_01	Basement Plan	2	23.12.22
1_02	Ground Entry Plan	2	23.12.22
1_03	Typical Plan Level 1-3	2	30.11.22
1_04	Typical Plan Accessible Option	2	30.11.22
1_05	Level 4- Pent Plan	2	30.11.22
1_06	Roof Plan		
2_00	Section AA	2	30.11.22
2_01	Section BB	2	30.11.22
3_00	Elevations	2	30.11.22
3_01	Elevations	2	30.11.22
4_00	Shadow diagrams	2	30.11.22
5_00	Materials & Finishes	2	30.11.22
6_00	Photomontage	2	30.11.22
7_00	GFA Calculation proposed	2	30.11.22
8_00	Landscape area calculation	2	30.11.22
9_00	Excavation plan	2	30.11.22

X.PACE Design Group Pty Ltd

ABN 880 797 815 70

Registered Architect:

Goran Stojanovic
Registration No 6949

Principle 1 _Context

The site is situated at the northeast corner of Tugerrah Lake. It is in the township of Canton Beach, on the corner of Beach Parade and Crossingham Street. Due to the qualities of its position and orientation the site has been classified as iconic by the Wyong Shire Council.

At the moment the site is overgrown and abandoned, with a single burned down house. The corner of Beach Parade and Crossingham Street however has the potential of being a future urban anchor point of the area.

If developed to a high standard the site can become a visual reference point and the seed of a positive change. It would be on the visual axis if approached from the northwest along Moss Avenue and then Beach Parade. It would be visible from many locations along the western side of Tugerrah Lake as well as from the adjacent Wyrabalong National Park to the east.

The adjacent beach and National Park provide potential for it to become a tourist destination.

The built environment context is average to poor. There are no buildings of any serious architectural or historic merit. Most of the surrounding buildings are single family houses, one to two stories in height. There is a lack of features and currently the only attraction in the area is waterfront area which has recently been upgraded by Council and the views from there.

The proposed five storey shop top housing [mixed use] building will have a strong positive impact on the surroundings. It will expand and strengthen the ambience which has established by the approval of No 5-8 Beach Parade, which we have designed in 2016. Creation of medium density housing and introduction of cafes and restaurants will activate the lake frontage and help revitalise the surrounding built environment area.

The future restaurants and cafes with large outdoor areas will stimulate the activity and enhance the waterfront atmosphere and provide for better utilisation of the actual beach. In fact it is likely that this area will become the local tourist hub and an anchor from where the tourist will venture to National Park, Golf Course, the town centre...

We believe that the proposal will significantly contribute in fulfilling the Council vision of desired future character of the area set in numerous documents.

Principle 2 _Scale

The area is occupied primarily with one or two storey single family dwellings set on relatively large blocks of land. There are a few examples of attached residential developments which are not significantly larger in scale than the surrounding houses.

In addition there is a near by Caravan Park but its' scale is rather small.

The proposed building is larger than anything else in the immediate existing vicinity, but completely in harmony with the scale of the approved building at No 5-8 Beach Parade and

desired future character, as defined by adopted Council policy and a number of different planning instruments.

The underlying logic is that the lake frontage environment provides opportunities for a high quality lifestyle and as such it is desirable area for habitation. With the given opportunities people will gravitate to the location and inevitably there will be an intensification of use.

The key planning controls respond to those opportunities and established policies and provide for a substantial increase in scale - height being 16m and the FSR being 1.25:1. The proposal complies with both and therefore one has to assume that impact of the building is acceptable and it's scale will fit into the future urban context.

Principle 3 _Built Form

The area is not characterised by any dominant built form. The variation is pronounced and it reflects various styles and development periods. There is a presence of pitched roofs, flat roofs, traditional, ornate and simplified modern building forms. Equally, there is little consistency in materials used, finishes, textures and colours.

Most of the older buildings are single family houses located in the middle of larger blocks with substantial surrounding garden space. Exception are some newer buildings who's form reflects a different use, in particular that of multi dwelling housing. These are attached building volumes which are situated close to, or on the boundary.

There is however no presence of residential flat building, neither in traditional nor modern form. This building archetype will be introduced through the previously discussed changes in the desired future character of the area and associated LEP.

The proposed building form is horizontally divided into four elements: slightly elevated basement, podium level, a three storey residential element above and a penthouse. The basement is elevated to respond to the sea level rise requirements. While towards the beach the basement is exposed, to the rear it is below the natural ground level and it will disappear into the gently sloping land.

The podium level comprises internal and external spaces which sit on top of the the larger basement floor plate. It is designed as semi public space where people will gather around food and drink, sitting inside and outside with the view of the lake in the atmosphere of waterfront summer holiday.

The upper residential levels are located on top of the commercial podium level. While the footprint of the floors is very similar the treatment and articulation of the facades associated with residential use is very different.

The top level is recessed and the facade has a deferent treatment.

The building form is fluid. It twists and turns to capture the best possible views and orientation. It responds to the geometry of the subdivision and at the same time the location of the water

views and sunlight. The form enables good cross ventilation and provides visual play which breaks the building volume.

Principle 4 _Density

The density of the area is in the process of change. The initial change seems to have been slow occurring - probably over the last twenty to thirty years. In this time old single family houses have partially been replaced with attached residential multi dwellings.

The next change will come as the result of the implementation of 2013 LEP. The new planning instruments promote higher density on the site and in the immediate surroundings through implementation of more intense zoning - greater FSR and height.

The adopted density is based on the given planning controls which we assume have been established through urban design research and analysis process conducted by the Council and form part of desired future character. We assume that these changes are also in response to general direction for intensification of local centres set by Department of Planning.

While the density of this development given the context might seem for time being like an anomaly in a medium to long term that will not be the case. As the amenity offerings improve and the popularity of the suburb grows people will embrace the development potential and the new buildings will infill the streetscape.

We believe that the improvement in the built environment will result in the improved social environment.

Principle 5 _Resource, Energy and Water Efficiency

The orientation and topography of the site offers limited opportunity for a building configuration which would result in a highly efficient energy model. The primary limitation is the orientation of the block which runs north to south with longer boundaries facing east and west. This problem is further amplified with the orientation of the water views which are primarily to the west.

The shape of the block with acute angles contributes to the level of difficulty through increased inefficiency in northwest and southeast corners.

Despite the orientation difficulties of the site where the main views across the lake are in the opposite direction to the midday sun the form of the building and the internal layout take a full advantage of the attributes of the site.

While the living spaces are oriented to embrace the view through the large widows to the south the frosted window to the north allows for the penetration of sun light. The reason the window is frosted is to eliminate any potential privacy issues and diffuse and soften direct northerly light.

Having a single unit per level ensure multiple options for cross ventilation.

Each unit has a covered balcony/awning to control low level western sunlight, which will result in minimisation of use of air-conditioning.

Hydraulic design allows for water collection/storage from the roof and across the site.

The footprint of the building is minimised to allow for as much as possible landscape area.

Finally, in our opinion one of the most important resources is the actual land and the existing infrastructure. From that point of view this building demonstrates high efficiency by providing ample car parking and very usable, high quality habitable space which embraces the natural qualities of the site.

Well planned, high quality building has an additional benefit of being a long term solution. The energy, resource and land fill association with the replacement of poorly planned buildings is one of the most critical environmental aspects.

Principle 6 _Landscape

Wyong Shire Council, through its planning instruments identifies the importance of sustainable landscape design through its local area. It is however inevitable that intensification of use and urbanisation of town centres implies decrease of green spaces.

Therefore more effort has to be made in design of buildings to provide high quality landscaping at more critical and effective locations.

The design of the basement is highly rational and the footprint is minimised. In fact the basement is at the rear partially covered by soil to allow for extension of landscape area. The landscape plan allows for planting of substantial trees and creation of green buffer zone right around the whole building. Along the boundaries towards the adjacent neighbours this buffer zone will be higher and more intense. Heavy planting will help improve visual privacy between properties as well as visual break in the built form. Along the street frontages the planting will be lower allowing views from the podium across to the lake.

The site and the immediate surroundings also rely on the landscaping along the lake waterfront which connects the locality to the nearby National Park. The Wyrabalong National Park will in fact provide very nice background to the future urban intensification of Canton Beach.

Principle 7 _Amenity

The quality of development is equally dependent on external and internal design solutions. The external factors relate to building position, orientation, setting and general configuration. Well conceptualised macro solutions are critical in achieving good internal planning outcomes and lead to a higher quality of space, solar access, natural ventilation, privacy, and access.

For us the amenity is also defined by the aesthetics of the building which project an image which occupants place them selves into. This influences psychological comfort and expectations.

The spatial organisation of the units is rational and efficient. We have chosen not to propose any small units as based on demographics and marketing information there would be little or no demand for those. As the result of site size and general constraints all the units are three bedroom with area of 160 to 188m².

While the units have a reasonable level of spatial luxury they are certainly not ostentatious. We have implemented a clear division between day and night part within each of the units which assists with internal acoustic and visual privacy. The position of living spaces is to capture the water and mountain views, while the sunlight is coming from the rear. Balconies are of usable size and always adjacent to living and dining spaces.

All bedrooms have an efficient point of entry and adequate storage while the circulation is kept to a minimum.

As we have only one unit per level the access to units is simple and direct and there is no requirement for common space.

The podium level is designed to provide access to the foyer and accommodate an area for a cafe/restaurant tenancy. We envisage that podium will be a lively tourist amenity with tables, chairs and umbrellas overlooking the sunset over the lake.

It is important to note that none of the apartments are on the ground level and therefore there are no privacy issues with use of the podium level.

Principle 8 _Safety and Security

From various reports we understand that the area is currently not particularly safe and secure. The abandoned site and low density of the area have been the magnet for problems. At some point last year the empty house on site was burned.

Council intention to intensify the area will be the trigger for redevelopment and gentrification. Influx of new residents, better utilisation of land and increased values of property will result in improvement in safety and security.

The design of the development responds well to the principles outlined in regard to safety and security. Podium public area is visible from multiple angles and numerous apartments. There are very few points within the site that have restricted observation abilities.

We have intentionally left the podium completely open and unrestricted. We hope that the change in the area will be sufficient not to require fences and gates. Obviously if in the future they are required there are a plenty of appropriate locations where they can be installed.

Principle 9 _Social Dimension

The social make up of the area will change with the new developments and expected greater density.

In general, providing greater level of amenity results in retaining the activities of the residents in the local area. This encourages foot traffic and greater level of encounters and interaction, which in turn strengthens community atmosphere.

The proposal is a small, boutique residential block with high level of amenity. This is very different than what is currently available in the immediate area. It therefore provides for a social diversification and social enrichment.

Good quality hospitality facilities which are envisaged for the site will attract tourists, which will change the image of the location to that of holiday destination, which in it self will foster a healthy social environment. The proposed development will therefore have a positive contribution to the social aspect of the neighbourhood.

Principle 10 _Aesthetics

The area does not have a dominant and distinguishing aesthetic character. There is a mixture of styles with different levels of success in terms of architectural outcomes.

Where the buildings are set into the deep courtyards there is greater level of aesthetic harmony. However, where the buildings are more exposed the composition is broken and there is frequent jarring between the various aesthetic expressions.

The existing buildings do not reflect the nature of their location. There is no recognition of either the lake or the ocean nor any activities associated with those.

The proposed building is designed to celebrate the life at the waterfront. Its' expression is that of the summer and holiday.

While very modern and slick it has the appropriate amount of detail which suggests the image of holiday and leisure. The continual horizontal solid bands are contrasted with the mixture of glazing, solid masonry, vertical louvers and deep balcony recesses. The play of those creates varied shade and shadow outcomes which contributes to the visual interest of the building.

The aesthetic language is fluid and non-aggressive and even though the proposal is of a different archetype and scale it is not going to create visual conflict with its neighbours. In due course when the urban context changes to align with established desired future character the proposed building will become a gentle, contributory item in the overall streetscape.

The white colour of the building's upper levels sharpens the forms and facilitates light reflectivity. Having a clean positive light reflected is critical in the delivery of holiday summer image. The podium level is distinguished through the use of large glazing elements and off form concrete.

The building form coupled with the composition of the facades and juxtapositioned against sculptural trees forms planted within the development will create numerous interesting and varied vistas of the building from different vantage points.

The overall geometry embraces its site and celebrates its orientation and location.

Conclusion

The proposal responds well to all the principles set out in SEPP 65. The intention of the design is to deliver a modern distinguishing building that will identify the locality and set the standard for future developments.

Our view is that the building will provide high quality residential accommodation solution benefiting the wider community and the environment.

Qualification

I confirm that I have designed and directed design of the subject building at No 12 Beach Parade, Canton Beach, NSW. I also confirm that that I am Qualified Designer in accordance with Clause 29 of the Environmental Planning and Assessment Regulation 2021.

I am Registered Architect with NSW Board of Architects and my registration number is 6949.

I am also registered as Design Practitioner with NSW Department of Fair Trading and my registration number is 2503.

Attached please see Statement of Currency from NSW Architects Registration Board and Notice of Registration from NSW Department of Fair Trading.

Goran Stojanovic _director
Registered Architect NSW, No 6949



Jayne Klein
DA/4077/2022

11 May 2023

X. Pace Design Group Pty. Ltd
Unit 201,50 Marshall St
SURRY HILLS NSW 2066

Dear Sir/Madam

Property: 12 Beach Parade, CANTON BEACH NSW 2263
Description: Shop Top Housing

I refer to the above application and advise that Council's Environmental Health Officer has reviewed the proposal and requires the following information to be provided. Please note that there are other internal and external referrals yet to be completed. If issues are raised through these referrals, you will be advised accordingly.

1. Please submit a noise impact assessment prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS).

The report should consider all noise sources (i.e. mechanical plant/equipment, patron noise) from the proposed development and their potential impact on both surrounding sensitive receivers and future residents of the development. The report shall provide noise attenuation recommendations where required to meet relevant criteria. The report should be prepared in accordance with the *NSW Environment Protection Authority Noise Policy for Industry* and any other relevant policy or standard.

2. A Stage 1 (Preliminary Site Investigation) Environmental Site Assessment is to be prepared by a suitably qualified environmental consultant in accordance with the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites* and the *National Protection of the Environment (Assessment of Site Contamination) Measure* (2013 Amendment) and submitted to Council for review.





Note: Should the PSI identify potential contamination at the proposed site, a Stage 2 (Detailed Site Investigation) Environmental Site Assessment must be prepared and submitted to Council for review.

Your response is requested within fourteen (14) days from the date of this letter so that Council may determine your application. Failure to respond within the prescribed period may result in Council determining the application on the information available.

The provision of electronic documents is required in PDF or Microsoft Office document format. Documents need to be submitted to Council via the **NSW Planning Portal**. To assist with our electronic processes, Council requires full sets of amended plans to be submitted.

In accordance with Clause 36 of the *Environmental & Planning Assessment Regulation 2021*, the assessment period for your application has ceased until the requested information, or your written advice, is received.

For any further enquiries, please contact the undersigned on (02) 4306 7900. As staff are required for field work or pre-arranged interviews, the preferred time to contact specific staff is between 8.45am and 10.45am.

Yours faithfully

A handwritten signature in black ink, appearing to read "JKL".

Jayne Klein

Development Planner Consultant
DEVELOPMENT ASSESSMENT





REPORT R230391R1

Revision 0

Noise Impact Assessment
Proposed Café
12 Beach Parade, Canton Beach

PREPARED FOR:
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26 June 2023

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Noise Impact Assessment

Proposed Cafe

12 Beach Parade, Canton Beach

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
R230391R1	Revision 0	26 June 2023	Brian Mendieta	Desmond Raymond	Rodney Stevens



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1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged by the X.PACE Design Group to prepare a Noise Impact Assessment for the proposed Café to be located at the proposed mixed-use building located at 12 Beach Parade, Canton Beach (the site). This assessment forms part of the supporting documentation for DA submission to Central Coast Council.

The purpose of this acoustic report is to determine potential noise impacts on nearby receivers and, if necessary, provide acoustic control recommendations so that the Café complies with the Central Coast Council's acoustic requirements and the NSW Noise Policy for Industry.

This report presents RSA's methodology, the established assessment criteria, operational noise impact predictions and noise control measures required for the operation of the proposed Café.

Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix A.

2 PROPOSED DEVELOPMENT

2.1 Site Description & Proposed Café

The Café is located on the ground floor of a multi-storey mixed-use building located at 12 Beach Parade, Canton Beach. The site is bounded by residential properties to the north and a vacant lot south from the site. Additional residential properties are located south from the site. The site is also bounded Kantara Road to the east and Beach Parade to the west. According to the City of Central Coast Council's Land Zoning Map, the site and the nearby surrounding structures are within a Special Purpose (SP3) area.

The proposed Café will be located on the ground floor of the proposed five-storey mixed-use development. The client is proposing to hold 24 patrons outside and 38 patrons inside, a total of 62 patrons. The proposed operation hours are Tuesday to Sunday 8am to 10pm and closed on Monday.

2.2 Surrounding Receivers

There are a number of sensitive receivers surrounding the proposed development, these receivers are identified to be potentially affected receivers. Table 2-1 presents the identified nearby receivers. Figure 2-1 shows an aerial image of the location of the proposed development, the surrounding receivers and the noise monitoring location.



Table 2-1 Sensitive Receivers

Receiver	Sensitive Receiver's Address
R1	13 Beach Parade, Canton Beach – Vacant Lot
R2	14 Beach Parade, Canton Beach
R3	10 Kantana Road, Canton Beach
R4	8 Kantana Road, Canton Beach
R5	9 Kantana Road, Canton Beach
R6	11 Beach Parade, Canton Beach



Figure 2-1 Site Location, Noise Logger Location and Surrounding Receivers

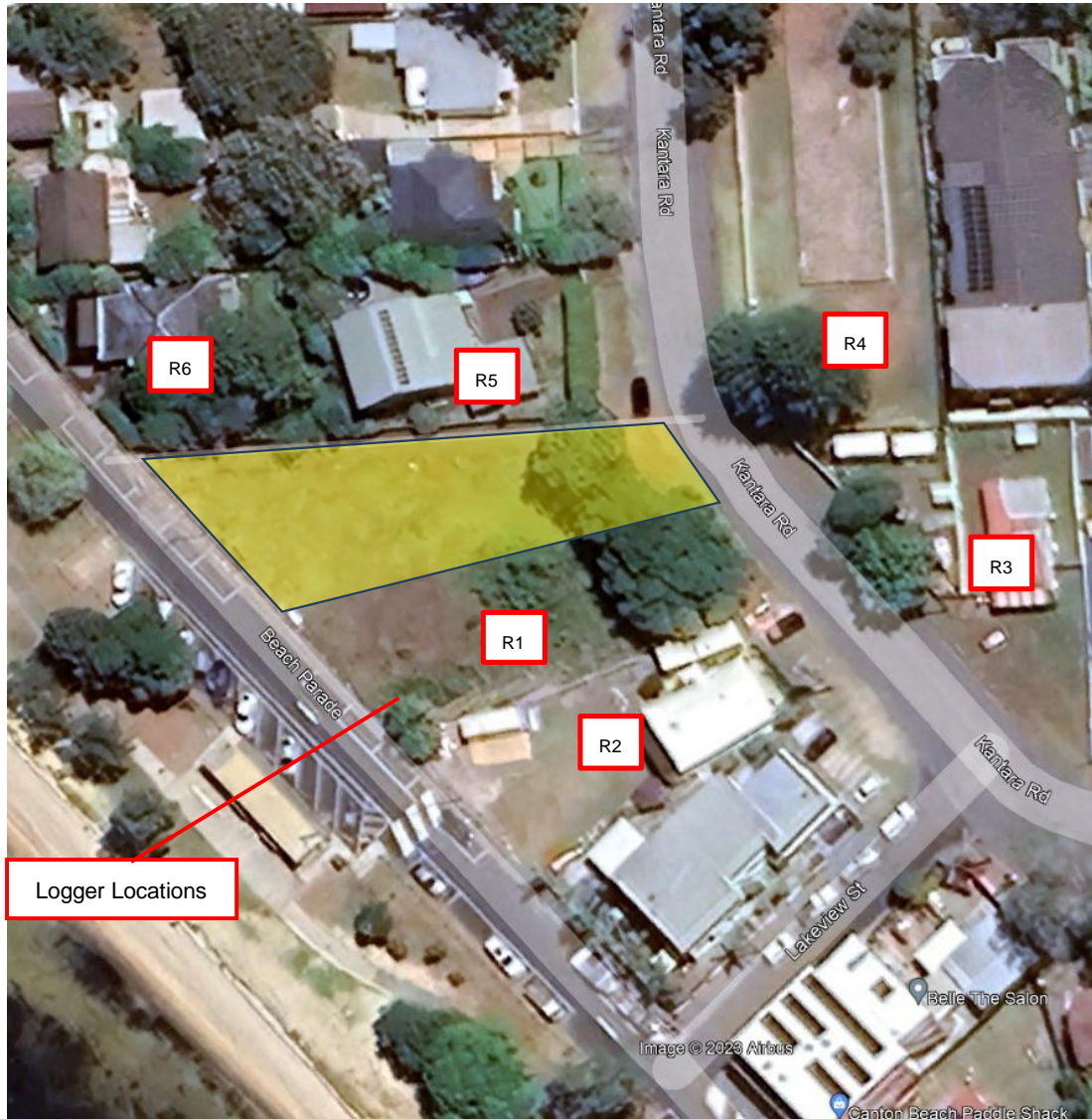
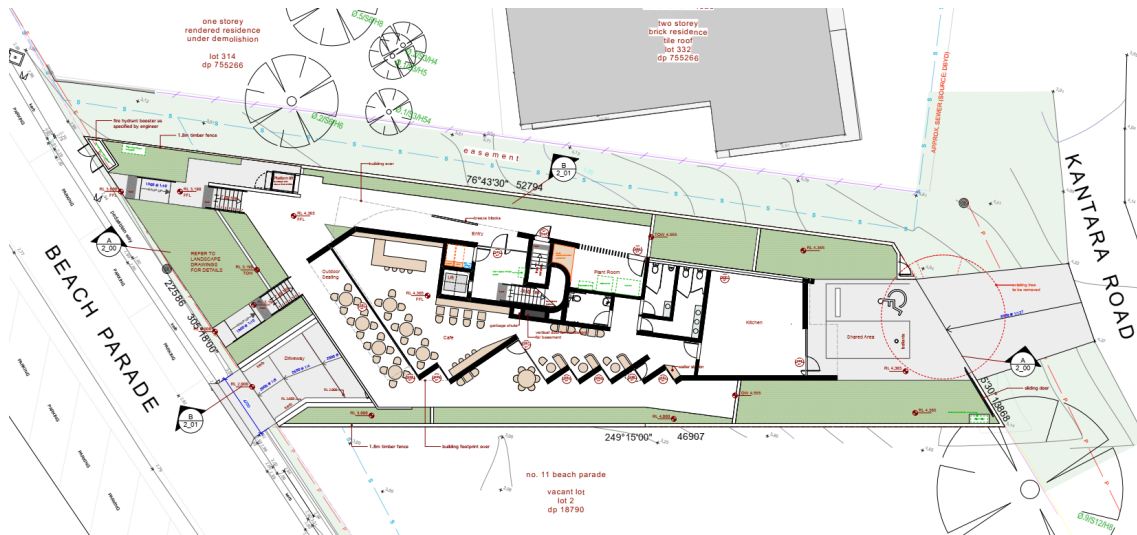


Image Courtesy of Google Maps © 2021.

Figure 2-2 Proposed Café - Ground Floor



3 BASELINE NOISE SURVEY

3.1 Unattended Noise Monitoring

In order to characterize the existing acoustical environment of the area, unattended noise monitoring was conducted between Wednesday 7th and Wednesday 14th June 2023. The noise logger was located at the vacant lot at 13 Beach Parade, this location is representative of the ambient noise levels of the area.

The noise logger location was selected with consideration to other noise sources which may influence readings, security issues for noise monitoring equipment and gaining permission for access from residents and landowners.

Instrumentation for the survey comprised of a Rion NL 42 Octave Frequency Analyzing Environmental Noise Loggers (serial numbers 322761) fitted with microphone windshield. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed ± 0.5 dB(A). All equipment carried appropriate and current NATA (or manufacturer) calibration certificates. Noise data affected by significant weather conditions (i.e. heavy rain and strong winds) was removed from the noise analysis; this includes measurement taken on the 13th June 2023.

The logger determines L_{A1} , L_{A10} , L_{A90} and L_{Aeq} levels of the ambient noise. L_{A1} , L_{A10} , L_{A90} are the levels exceeded for 1%, 10% and 90% of the sample time respectively (see Glossary for definitions in Appendix A). Detailed results at the monitoring location are presented in graphical format in Appendix B. The graphs show measured values of L_{A1} , L_{A10} , L_{A90} and L_{Aeq} for each 15-minute monitoring period.



3.2 Data Processing

In order to establish the ambient noise criteria of the area, the data obtained from the noise logger has been processed in accordance with the procedures contained in the NSW Environmental Protection Authority's (EPA) *Noise Policy for Industry* (NPfI, 2017) to establish representative noise levels that can be expected in the residential vicinity of the site. The monitored baseline noise levels are detailed in Table 3-1.

Table 3-1 Measured Baseline Noise Levels Corresponding to Defined NPfI Periods

Location	Measurement Descriptor	Measured Noise Level – dB(A) re 20 µPa		
		Daytime 7 am - 6 pm	Evening 6 pm – 10 pm	Night-time 10 pm – 7 am
13 Beach Parade, Canton Beach	L _{Aeq}	53	45	45
	RBL (Background)	39	34	31

Notes: All values expressed as dB(A) and rounded to nearest 1 dB(A);

L_{Aeq} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

L_{A90} Noise level present for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

4 NOISE CRITERIA

4.1 Central Coast Council Requirements

A letter from the Central Coast Council (Reference DA/4077/2022, dated 11 May 2023) was issued to the client outlining assessment requirements for the proposed Café. The letter outlines an acoustic assessment of the proposed Café to be undertaken. The letter states:

1. Please submit a noise impact assessment prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS).

The report should consider all noise sources (i.e. mechanical plant/equipment, patron noise) from the proposed development and their potential impact on both surrounding sensitive receivers and future residents of the development. The report shall provide noise attenuation recommendations where required to meet relevant criteria. The report should be prepared in accordance with the NSW Environment Protection Authority Noise Policy for Industry and any other relevant policy or standard.

4.2 Noise Policy for Industry

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPfI) October 2017 which provides a framework and process for deriving project trigger noise level. The NPfI is used to assess carpark noise from the venue site and should be used for mechanical noise when mechanical plans are prepared. The NPfI is used to assess the carpark noise from the hotel. The NPfI project noise levels for industrial noise sources have two (2) components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and



- Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

4.2.1 Intrusiveness Noise Levels

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness noise level essentially means that the equivalent continuous noise level (L_{Aeq}) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

4.2.2 Amenity Noise Levels

The amenity noise level is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. The noise levels relate only to other industrial-type noise sources and do not include road, rail or community noise. The existing noise level from industry is measured.

If it approaches the project trigger noise level value, then noise levels from new industrial-type noise sources, (including air-conditioning mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the project trigger noise level.

To prevent increases in industrial noise due to the cumulative effect of several developments, the project amenity noise level for each new source of industrial noise is set at 5dB(A) below the recommended amenity noise level.

The NPfl, project trigger noise levels and limits are assessed on a 15-minute assessment period. The NPfl provides the following guidance on adjusting the $L_{Aeq,period}$ level to a representative $L_{Aeq,15minute}$ level to standardise the time periods

$$L_{Aeq,15minute} = L_{Aeq,period} + 3dB(A)$$

4.2.3 Area Classification

The NPfl characterises the “Suburban” noise environment as an area with an acoustical environment that:

- has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry.
- This area often has the following characteristic: - evening ambient noise levels defined by the natural environment and human activity

The area surrounding the proposed development falls under the “Suburban” area classification.

4.2.4 Project Specific Trigger Noise Levels

Having defined the area type, the processed results of the unattended noise monitoring have been used to determine project specific project trigger noise levels. The intrusive and amenity project trigger noise levels for nearby residential premises are presented in Table 4-1.

These project trigger noise levels are nominated for the purpose of assessing potential noise impacts from the proposed development.. For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive project trigger noise levels are adopted. These are shown in bold text in Table 4-1.



Table 4-1 Operational Project Trigger Noise Levels

Receiver	Time of Day	ANL ¹ L _{Aeq}	Measured		Project Trigger Noise Levels	
			RBL L _{A90} (15min)	Existing L _{Aeq} (Period)	Intrusive L _{Aeq} (15min)	Amenity L _{Aeq} (15min)
Residential	Day	55	39	53	44	(55 - 5 +3) 53
	Evening	45	34	45	39	(45 - 5 +3) 43
	Night	40	31	45	36	(40 - 5 +3) 38

Note 1: ANL = "Amenity Noise Level" for residences in Urban Areas.

5 NOISE IMPACT ASSESSMENT

5.1 Assumed Noise Sources

Calculations of noise transmitted to the surrounding receivers from the proposed licensed venue have been based on voice levels as referenced in the AAAC Licensed Premises Noise Assessment Technical Guide V2.0. This document provides voice spectrums in different vocal efforts at 1 meter from the talker on axis of the mouth. The Sound Power Level (L_w) based on the 1 metre noise spectrum of male raised voice spectrum is given in Table 5-1.

The L_w of background music was obtained from noise assessments of various licensed venues undertaken by RSA. The sound power level spectrum of all relevant noise sources are also presented Table 5-1.

Table 5-1 Sound Power Level

Noise Descriptor	Noise Level (dB) at Octave Band Centre Frequency (Hz)									Overall dB(A)
	31.5	63	125	250	500	1 k	2 k	4 k	8 k	
Male (Raised)	-	-	64	71	73	70	65	60	54	74
Typical Background Music	70	79	87	84	79	82	80	78	71	87

5.2 Noise Modelling Scenarios

A preliminary noise prediction assessment (without noise control measures) was undertaken and noise emission had exceeded the relevant noise criteria. Therefore, noise control measures are to be implemented on site; this includes setting noise limit on background music and/or any kind of amplified music, limiting the number of patrons outside, using absorption inside, construction of a wall and acoustic upgrade of glazing systems.

Table 5-2 presents the three noise prediction scenarios considered in this noise assessment. The prediction is assumed to be within a 15-minute assessment period. The scenarios were prepared to address the worst-case scenarios.



Table 5-2 Noise Prediction Scenarios

Scenario	Period	Scenario Description within a 15-minute period
1	Day Time	The café will hold 16 patrons outside and 46 patrons inside, a total of 62 patrons. Ground Floor Mechanical in the plant room and café condenser units on the ground floor and Rooftop Exhaust Fan operating
1	Evening	46 Patrons inside the Café. Ground Floor Mechanical in the plant room and café condenser units on the ground floor and Rooftop Exhaust Fan operating
3	Night	Ground Floor Mechanical in the plant room

5.3 Noise Prediction Assumptions

Noise modelling scenario to assess the worst-case operational scenario of the proposed Café was undertaken. The following points have been assumed for our assessment (including noise control measures):

- The areas with proposed Café consists of the following:
 - Maximum of 46 patrons inside and 16 patrons outside (total of 62 patrons).
 - 50% of all patrons per room will be talking at any given time, this is assuming that 1 person will be talking and 1 person will be listening in each area.
 - Table 5-3 presents the noise spectrum of crowd noise:

Table 5-3 Sound Power Levels of People talking with Loud Voice - Lw – dB

Scenario	Resultant Sound Power Level per Octave Band (dB)							
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
46 patrons inside the Café (23 with raised voices)	-	78	85	87	84	79	74	68
16 patrons outside the Café (8 with raised voices) Daytime Only	-	73	80	82	79	74	69	63

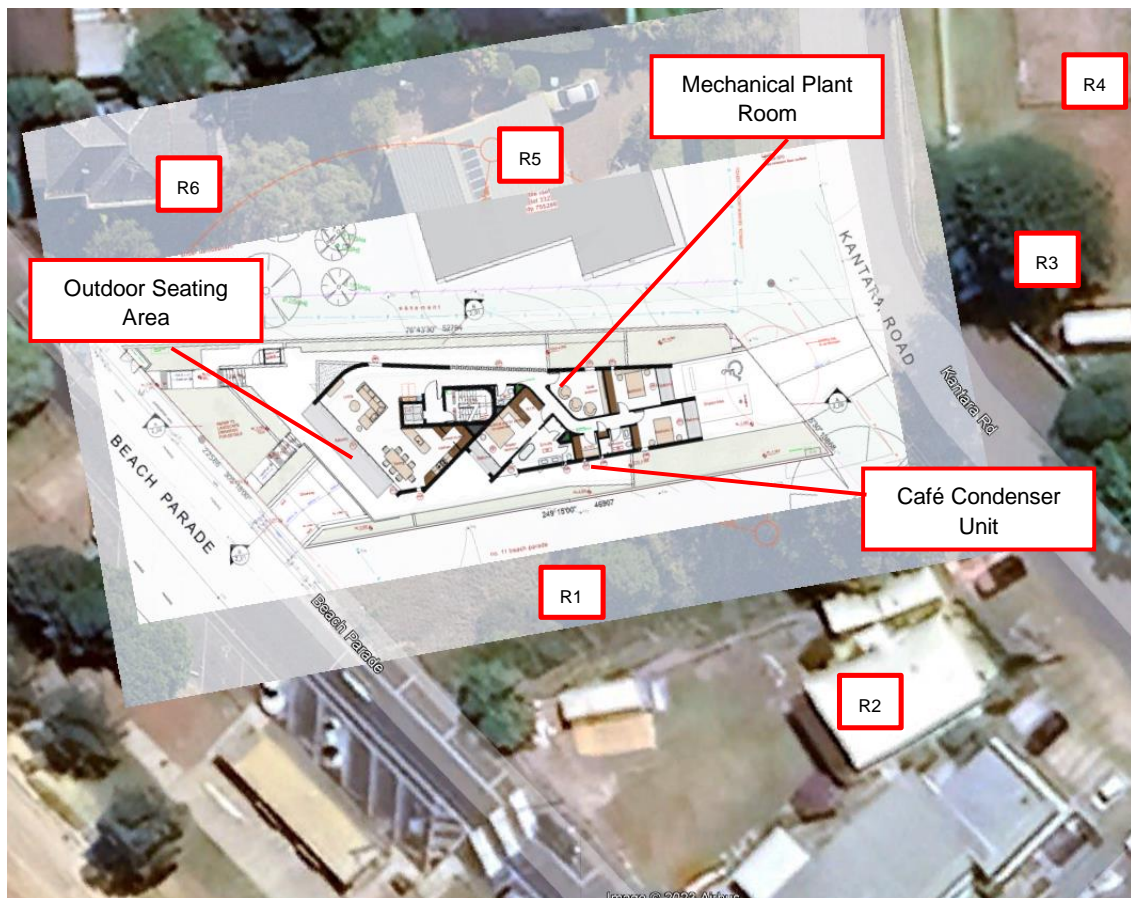
- Heights of receivers are assumed to be 1.5 m above their respective floor level.
- Resulting noise levels have been calculated to the most affected point on the boundary of the affected receivers
- Noise control measures outlined in Section 6 of this report are included in the noise predictions, these include:
 - The noise limiter is to be installed to ensure amplified music does not exceed 71 dB(A), 1 metre from the speaker(s).
 - Noise Walls and fences are to be constructed, as shown in Figure 6-1.
 - The front door and windows are to be upgraded to achieve an acoustic rating of Rw 35.
 - 35m² of the ceiling inside the Café should have acoustic absorption material/panels that achieves a Noise Reduction Coefficient (NRC) rating of 0.7.



- Noise Management including designated outdoor eating area, doors and windows closed, and maximum number people outside at one time during the day time.
- Sound Power (Lw) Limit of the Condenser Units and mechanical breakout noise

The following figure shows the proposed noise prediction layout in relation to the most affected receivers.

Figure 5-1 Noise Prediction Layout



5.4 Noise Impact Results

5.4.1 Scenario 1 Results - Café Operation Noise Result - Daytime

The resulting noise levels from the operation of the proposed Café (Scenario 1 – people inside and outside the Café and mechanical units operating) during the day time period are presented in Table 5-4. The result table presents the noise impact on nearby receivers and the results are compared against the daytime noise criterion.



Table 5-4 Scenario 1 Predicted Noise Impact Levels at Nearby Receivers

Period	Receiver	Calculated Noise Level	Daytime Criterion	Compliance
Daytime	R1	44	44	Yes
Daytime	R2	39	44	Yes
Daytime	R3	25	44	Yes
Daytime	R4	26	44	Yes
Daytime	R5	38	44	Yes
Daytime	R6	44	44	Yes

The daytime operations (7am to 6pm) comply with the relevant daytime noise criterion.

5.4.2 Scenario 2 Results - Café Operation Noise Result – Evening Time

The resulting noise levels from the operation of the proposed Café (Scenario 2 – people inside only and mechanical units operating) are presented in Table 5-4. The result table presents the noise impact on nearby receivers and the results are compared against the evening time noise criterion.

Table 5-5 Scenario 2 Predicted Noise Impact Levels at Nearby Receivers

Period	Receiver	Calculated Noise Level	Evening Time Criterion	Compliance
Evening	R1	39	39	Yes
Evening	R2	32	39	Yes
Evening	R3	24	39	Yes
Evening	R4	26	39	Yes
Evening	R5	38	39	Yes



Evening	R6	32	39	Yes
---------	----	----	----	-----

The daytime operations (7am to 6pm) comply with the relevant daytime noise criterion, provided there are no patrons outside the Café.

5.4.3 Scenario 3 Results - Café Operation Noise Result - Daytime

The resulting noise levels from the operation of the proposed Café (Scenario 3 – mechanical plant room operating) are presented in

Table 5-6. The result table presents the noise impact on nearby receivers and the results are compared against the night time noise criterion.

Table 5-6 Scenario 2 Predicted Noise Impact Levels at Nearby Receivers

Period	Receiver	Calculated Noise Level	Evening Time Criterion	Compliance
Night	R1	<20	36	Yes
Night	R2	<20	36	Yes
Night	R3	<20	36	Yes
Night	R4	<20	36	Yes
Night	R5	35	36	Yes
Night	R6	28	36	Yes

The daytime operations (7am to 6pm) comply with the relevant daytime noise criterion



6 NOISE CONTROL RECOMMENDATIONS

The following noise control measures are to be implemented to ensure the operation of the proposed multi-storey development (and the proposed café) comply with the relevant noise limits.

6.1 Noise Limiter

- The P.A. system or speakers noise level for live performance within the Bistro or lounge room should have a Sound Pressure Level of the following levels at the centre of the room:

Noise Descriptor	Noise Level (dB) at Octave Band Centre Frequency (Hz)									Overall dB(A)
	31.5	63	125	250	500	1 k	2 k	4 k	8 k	
Noise Limiter	54	58	71	68	63	66	64	62	55	71

6.2 . Mechanical Noise Limit

At this stage of the project, specific mechanical plant selection has not been supplied. Therefore the noise recommendation are generic and only general noise control measures can be provided, including the Sound Power Level limit for the mechanical units.

It is likely that the relevant noise criteria may be met through the use of conventional noise control methods (e.g. selection of equipment on the basis of quiet operation and, where necessary, providing acoustic louvres for the mechanical plant room, localised barriers, silencers and lined ductwork). Sound Power Level Limit of the mechanical units and breakout noise from mechanical plant can be provided at this stage. The site should adhere to the following noise limits:

- Rooftop Exhaust Fan Lw: 75dB(A)
- Café condenser unit(s) Lw: 63dB(A) for one condenser unit or 60dB(A) for each unit if two Condenser Units are to be installed.
- Mechanical Plant Room: 52dB(A). Acoustic Louvres are to be used for the mechanical plant rooms, but the acoustic performance of the acoustic louvres are to be provided once the mechanical plans have been finalised.

An appropriately qualified acoustic consultant should review the mechanical plant associated with the development at the Construction Certificate (CC) stage when final plant selections have been made.

6.3 Noise Management Plan

The Café should undertake the following management plan:

- Only the front area of the Café (as shown in Figure 6-1) should be used to seat patrons and not on the south side of the Café.
- A maximum of 16 patrons can be seated outside at one time.
- The outdoor seating area can only be used between 7am and 6pm.
- Music should not be played outside
- Windows and doors of the Café are to be closed



6.4 Café Glazing and Internal Acoustic Construction Requirements

The Beer Garden wall and roof/ceiling should have the following acoustic properties:

- The window and door glazing of the beer garden should achieve an acoustic performance rating of 35 Reduction weighting (Rw) value.
- 35m² of the ceiling inside the Café should consist of acoustic absorption with an acoustic rating of 0.65 Noise Reduction Coefficient (NRC).

6.5 Noise Wall and Fences

Noise Barriers onsite should consist of the following:

- 1.8m along the southern and northern boundary of the site. In addition to this, a noise wall along the southern side of the Café is to be constructed to attenuate noise from the outdoor patrons and the Café's condenser unit(s). A layout of the noise barrier is shown in Figure 6-1.
- The surface density of the should have a surface density greater than 12kg/m². Barriers that meet the required surface density requirement include the following:
 - 9mm Fibre Cement Sheet
 - AcousticMax 75
 - Acoustisorb 100
 - Modular Walls - Slimwalls
- The barrier must be free of gaps and penetration and it is particularly important to ensure that the gap at the bottom of the barrier is minimised as far as practicable.

[illegible]



7 CONCLUSION

A noise impact assessment has been conducted in relation to the operation of the proposed Café located at 12 Beach Parade, Canton Beach.

This assessment has been conducted and appropriate noise emission criteria have been established in accordance with the NSW Noise Policy for Industry.

This report shows compliance with the specific noise criteria provided the noise control measures outlined in Section 6 of this report are implemented. It is therefore recommended that planning approval be granted for the proposed alterations and additions on the basis of acoustics.

Approved:-

Rodney Stevens
Manager/Principal

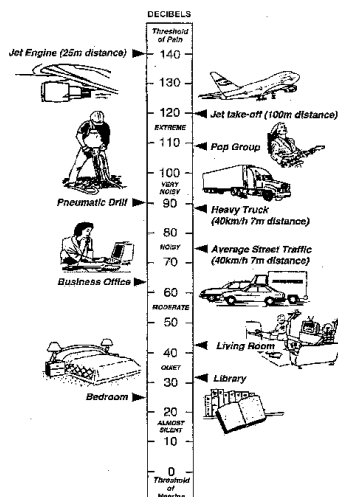


Appendix A – Acoustic Terminology

A-weighted sound pressure	The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic ' <i>A-weighting</i> ' frequency filter is applied to the measured sound level <i>dB(A)</i> to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted <i>dB(linear)</i> .
Ambient noise	The total noise in a given situation, inclusive of all noise source contributions in the near and far field.
Community annoyance	Includes noise annoyance due to: <ul style="list-style-type: none"> ■ character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content) ■ character of the environment (e.g. very quiet suburban, suburban, urban, near industry) ■ miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations) ■ human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).
Compliance	The process of checking that source noise levels meet with the noise limits in a statutory context.
Cumulative noise level	The total level of noise from all sources.
Extraneous noise	Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.
Feasible and reasonable measures	Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors: <ul style="list-style-type: none"> ■ Noise mitigation benefits (amount of noise reduction provided, number of people protected). ■ Cost of mitigation (cost of mitigation versus benefit provided). ■ Community views (aesthetic impacts and community wishes). ■ Noise levels for affected land uses (existing and future levels, and changes in noise levels).
Impulsiveness	Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.



Low frequency	Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.
Noise criteria	The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).
Noise level (goal)	A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.
Noise limits	Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.
Performance-based goals	Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.
Rating Background Level (RBL)	The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10 th percentile min L _{A90} noise level measured over all day, evening and night time monitoring periods.
Receptor	The noise-sensitive land use at which noise from a development can be heard.
Sleep disturbance	Awakenings and disturbance of sleep stages.
Sound and decibels (dB)	<p>Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2×10^{-5} Pa.</p> <p>The picture below indicates typical noise levels from common noise sources.</p>



dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power Level (SWL)

The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in $dB(A)$.

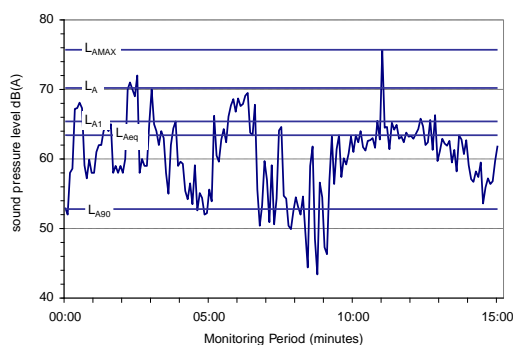
Sound Pressure Level (SPL)

The level of noise, usually expressed as SPL in $dB(A)$, as measured by a standard sound level meter with a pressure microphone. The sound pressure level in $dB(A)$ gives a close indication of the subjective loudness of the noise.

Statistic noise levels

Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:



Key descriptors:

L_{Amax} Maximum recorded noise level.

L_{A1} The noise level exceeded for 1% of the 15 minute interval.



L_{A10} Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.

L_{Aeq} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

L_{A90} Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Threshold	The lowest sound pressure level that produces a detectable response (in an instrument/person).
Tonality	Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dB(A) penalty is typically applied to noise sources with tonal characteristics

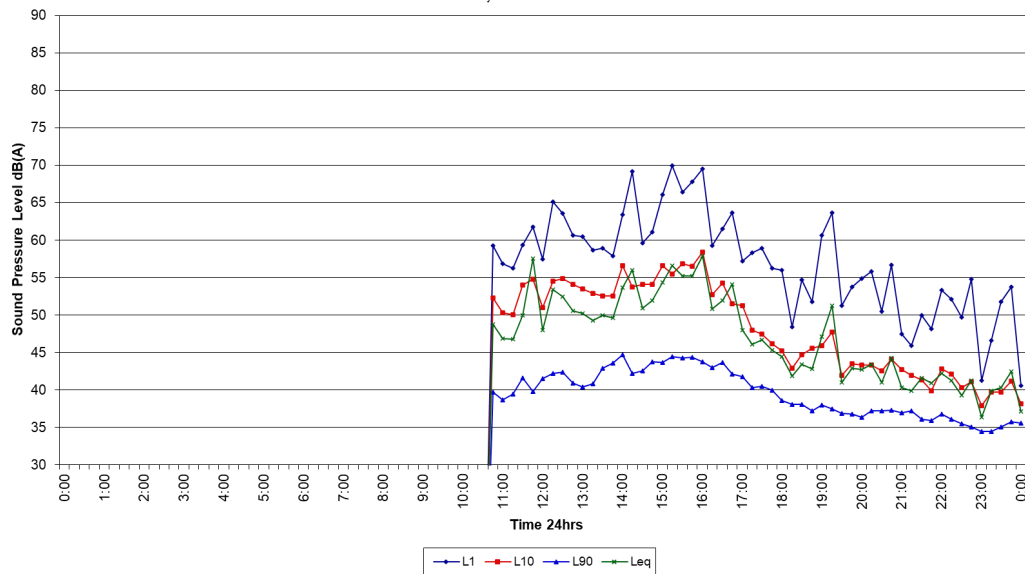


Appendix B – Baseline Noise Survey Graphs

Background Noise Measurement

12 Beach Parade, Canton Beach

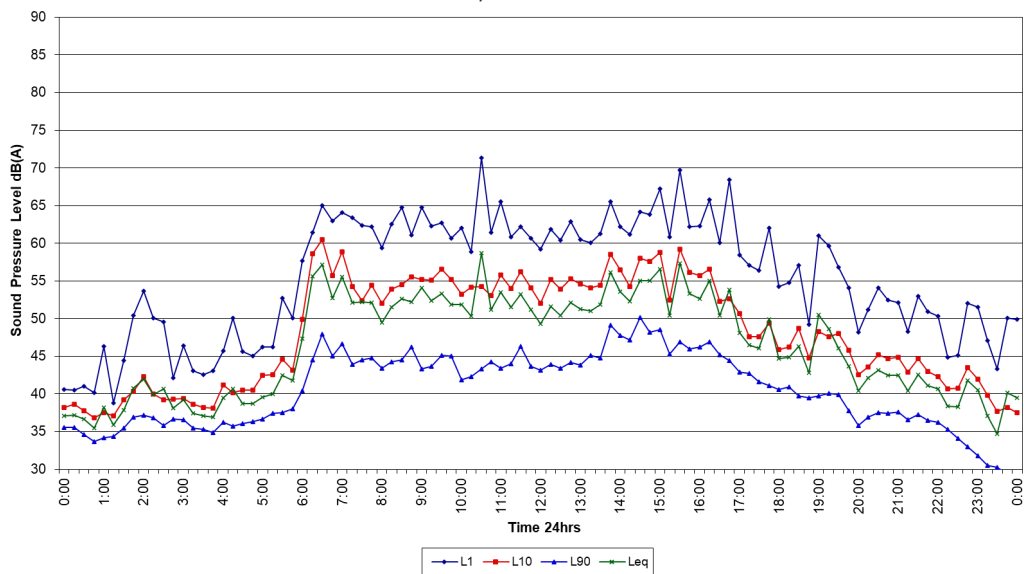
Wednesday 7/06/2023



Background Noise Measurement

12 Beach Parade, Canton Beach

Thursday 8/06/2023



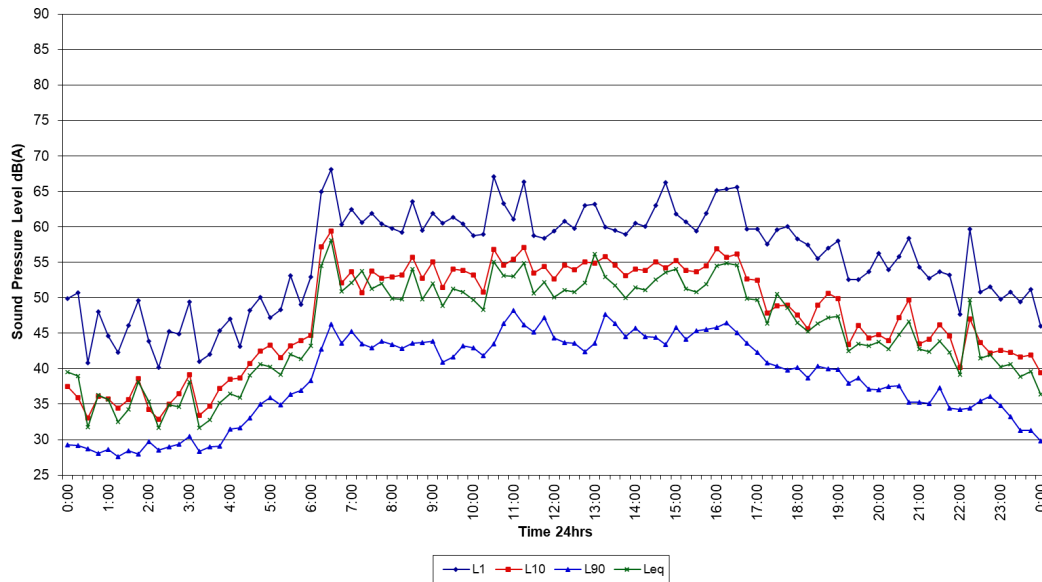


Background Noise Measurement

12 Beach Parade, Canton Beach

Friday

9/06/2023

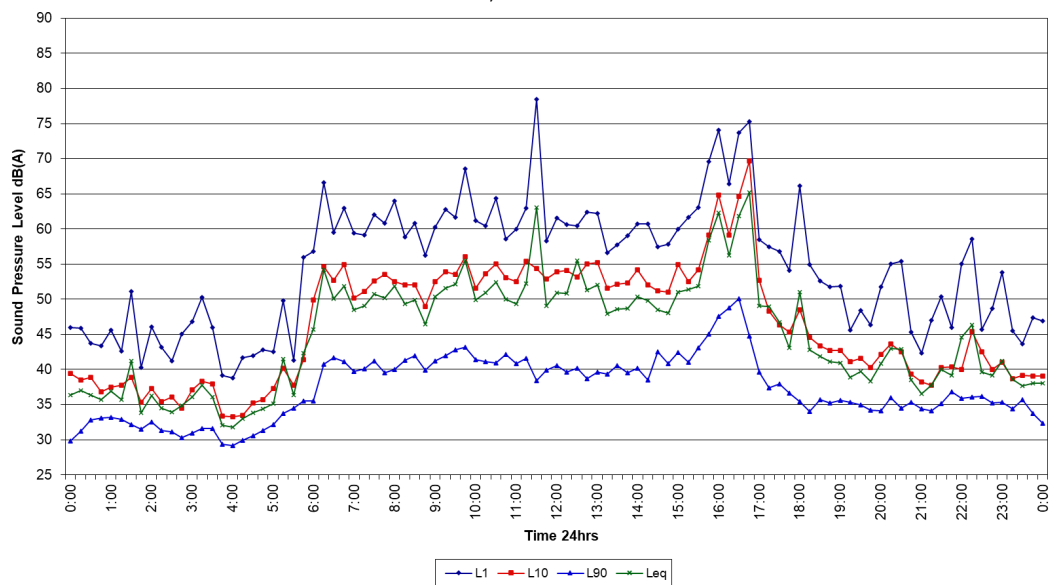


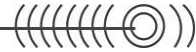
Background Noise Measurement

12 Beach Parade, Canton Beach

Saturday

10/06/2023

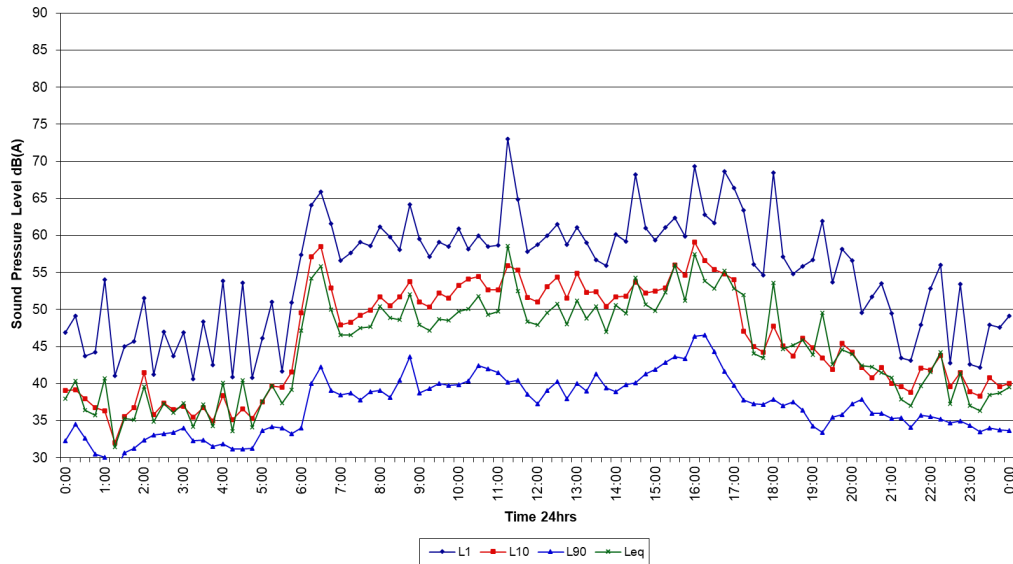




Background Noise Measurement

12 Beach Parade, Canton Beach

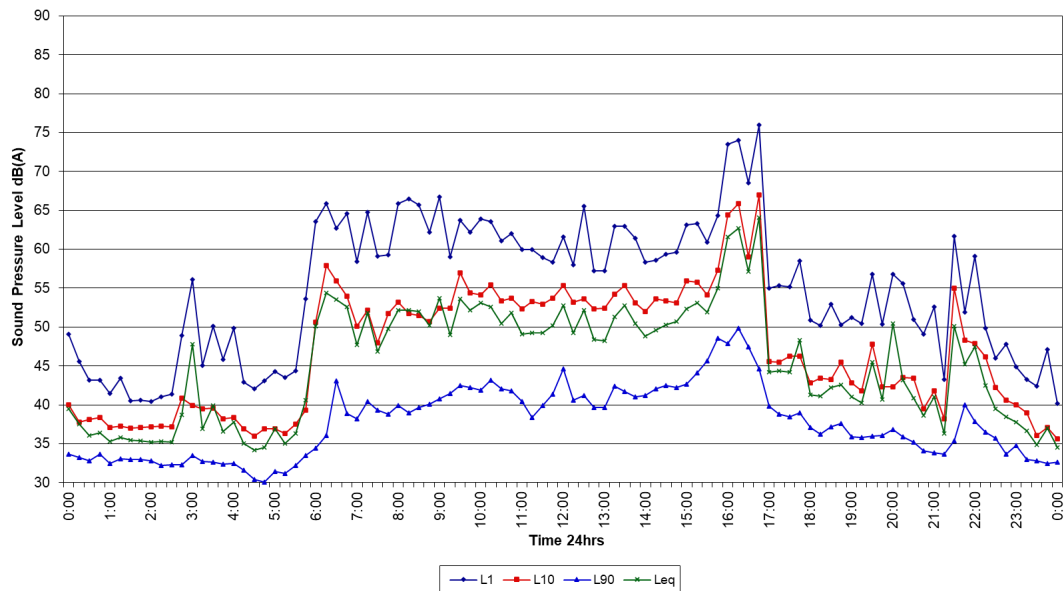
Sunday 11/06/2023



Background Noise Measurement

12 Beach Parade, Canton Beach

Monday 12/06/2023



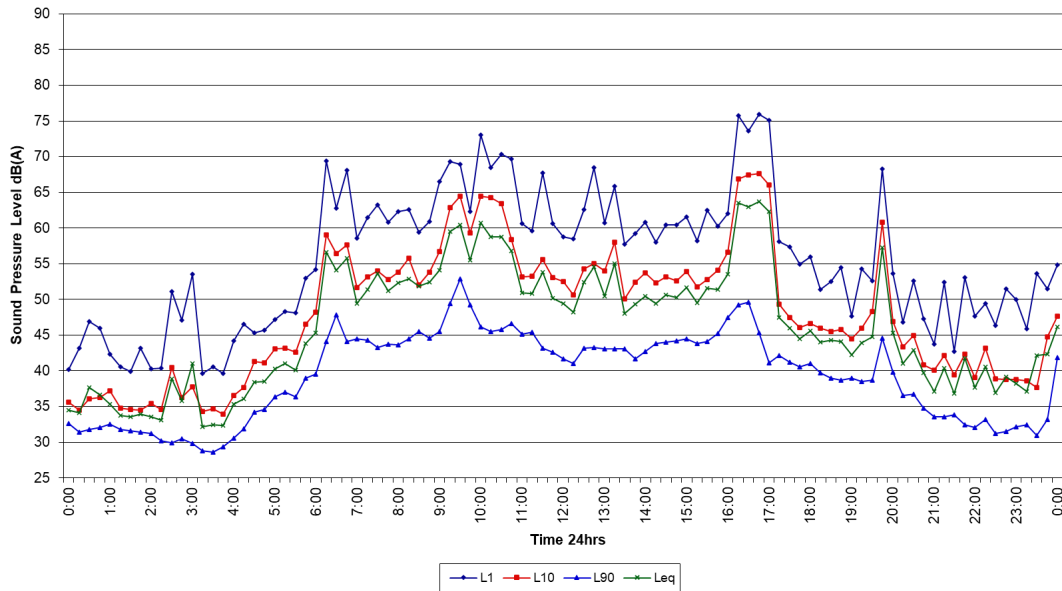


Background Noise Measurement

12 Beach Parade, Canton Beach

Tuesday

13/06/2023

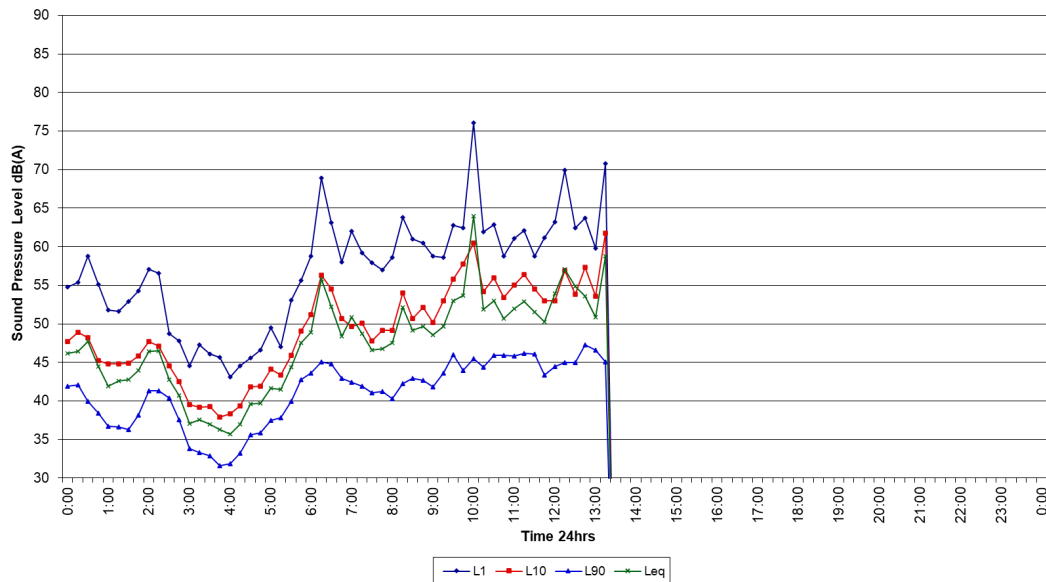


Background Noise Measurement

12 Beach Parade, Canton Beach

Wednesday

14/06/2023





Appendix C – Instrument Calibration Certificate



**Acoustic
Research
Labs Pty Ltd**

Unit 36/14 Loyalty Rd
North Rocks NSW AUSTRALIA 2151
Ph: +61 2 9484 0800 A.B.N. 65 160 399 119
www.acousticresearch.com.au

Sound Level Meter

IEC 61672-3:2013

Calibration Certificate

Calibration Number C22448

Client Details		Rodney Stevens Acoustics Pty Ltd 1 Majura Close St Ives Chase NSW 2075	
Equipment Tested/ Model Number :		Rion NL-42AEX	
Instrument Serial Number :		00322761	
Microphone Serial Number :		196485	
Pre-amplifier Serial Number :		15493	
Pre-Test Atmospheric Conditions		Post-Test Atmospheric Conditions	
Ambient Temperature : 20.2°C		Ambient Temperature : 22.5°C	
Relative Humidity : 66.8%		Relative Humidity : 59%	
Barometric Pressure : 101.07kPa		Barometric Pressure : 101.09kPa	
Calibration Technician : Lucky Jaiswal		Secondary Check: Dhanush Bonu	
Calibration Date : 5 Jul 2022		Report Issue Date : 7 Jul 2022	
Approved Signatory :		Ken Williams	
Clause and Characteristic Tested	Result	Clause and Characteristic Tested	Result
12: Acoustical Sig. tests of a frequency weighting	Pass	17: Level linearity incl. the level range control	N/A
13: Electrical Sig. tests of frequency weightings	Pass	18: Toneburst response	Pass
14: Frequency and time weightings at 1 kHz	Pass	19: C Weighted Peak Sound Level	Pass
15: Long Term Stability	Pass	20: Overload Indication	Pass
16: Level linearity on the reference level range	Pass	21: High Level Stability	Pass

The sound level meter submitted for testing has successfully completed the class 2 periodic tests of IEC 61672-3:2013, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-1:2013 because evidence was not publicly available, from an independent testing organisation responsible for pattern approvals, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-1:2013 and because the periodic tests of IEC 61672-3:2013 cover only a limited subset of the specifications in IEC 61672-1:2013.

Uncertainties of Measurement -			
Acoustic Tests		Environmental Conditions	
125Hz	±0.13dB	Temperature	±0.1°C
1kHz	±0.13dB	Relative Humidity	±1.9%
8kHz	±0.14dB	Barometric Pressure	±0.014kPa
Electrical Tests	±0.13dB		

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.



This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 14172.
Accredited for compliance with ISO/IEC 17025 - Calibration.

The results of the tests, calibrations and/or measurements included in this document are traceable to SI units.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

PAGE 1 OF 1



**PROPOSED RESIDENTIAL
REDEVELOPMENT PRELIMINARY SITE
INVESTIGATION REPORT**
12 Beach Parade Canton Beach

22 May 2023

Prepared for:
Huang Property Investment Pty Ltd

Prepared by:
Stantec Australia

Project Number:
304100818

**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

Document History

Version	Effective Date	Description of Revision	Prepared by	Approved by
0	22/05/2023	Final	Erin Millar Senior Environmental Scientist	Terence Huang Principal Engineer

The conclusions in the Report titled Proposed Residential Redevelopment Preliminary Site Investigation Report are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from Client and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided by the Client to applicable authorities having jurisdiction and to other third parties in connection with the project, Stantec disclaims any legal duty based upon warranty, reliance or any other theory to any third party, and will not be liable to such third party for any damages or losses of any kind that may result.

Approved by:



Signature

Terence Huang

Printed Name

Principal Engineer

BEng (Hons) & MEngSC (Geo), MIEAUST, CPEng, NER

NSW PDP, TfNSW AEO Accredited Engineer

Qualifications

**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

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Appendix A – Site Plan

Appendix B – Background Search



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

1 Introduction

1.1 Background

Stantec Australia (formerly Stantec) was engaged by Huang Property Investment Pty Ltd Pty Ltd ("the Client") to prepare a Preliminary Site Investigation (PSI) for 12 Beach Parade Canton Beach, New South Wales (NSW) ("the Site"). The location of the site is shown in **Appendix A**.

1.2 Purpose and Objectives

The purpose of this PSI was to provide the Client with preliminary advice on the contamination status of the Site in support of a development application for the proposed residential redevelopment. The PSI reviews current and historical activities undertaken at the Site and provides a preliminary environmental assessment of the potential for soil and/or groundwater contamination to be present on the Site.

The objectives of the PSI are to:

- > Identify the potential for past or present activities at the Site and to the extent practicable surrounding the Site to cause contamination of soil / or groundwater at the Site;
- > Identify potential areas and contaminants of concern at the Site;
- > Identify potentially sensitive receptors and assess the potential for the protected beneficial uses of the land and groundwater to be impacted due to contamination;
- > Assess the requirement, if any, for further environmental investigation to assess or make the Site suitable for the proposed land use.

1.3 Scope of Work

Stantec carried out the following scope of work to meet the objectives of the PSI:

- > Defined the Site, features and surrounds:
 - Listed the property title description and zoning
 - Defined site boundaries based on land title information
 - Defined site features including services, main buildings and other infrastructure
 - Defined topography, surface water flows and drainage
 - Identified nearby sensitive receivers
 - Reviewed regional and local geology and hydrogeology, including details on registered bores.
- > Assessed site conditions and the surrounding environment from the following sources:
 - Site inspection to confirm site features including visible evidence of fuel storage, cutting or filling of the site, subsidence, placement of wastes
 - Inspected the surrounding area (within approximately 200m of the Site for potential sources of soil or groundwater contamination
- > Completion of searches and review of historical information from the following sources:
 - Land titles
 - Aerial photographs
 - NSW EPA maintained registers



Proposed Residential Redevelopment Preliminary Site Investigation Report 12 Beach Parade Canton Beach

- Available historical environmental reports prepared for the site
- Assessment of the requirements (if any) for further investigations
- > Preparation of this report detailing the findings of the PSI and recommendations for further works in accordance with NSW EPA (2020) Contaminated Land Guidelines: Consultants Reporting on Contaminated Land.

2 Site Description

2.1 Site Definition

The Site is located at 12 Beach Parade Canton Beach, NSW, approximately 117 km north of the Sydney Central Business District (CBD). The Site location is shown in **Figure 1** in **Appendix A** with Site details presented in Table 2-1.

Table 2-1 Site Identification

Item	Details
Site Address	12 Beach Parade Canton Beach
Approximate Site Area (ha)	Approx 745 m ²
Title Details	1/DP18790
Local Government Area	Central Coast Council
Current Site Use	Vacant
Proposed Land Use	Residential apartment building

2.2 Site Description

An inspection of the Site was undertaken on 16th May 2023. Details of observations made during the site inspection are provided in Table 2-2, with the location of site presented in **Figure 1, Appendix A.s**

Table 2-2 Site Inspection

Item	Observations
Weather condition	Fine, sunny.
Site slope and drainage features	The site dips down from west to east at about 2-3 degrees.
Nearby surface water bodies	Shoreline is located at about 40m to the south-west of the site.
Site surface coverings and surface soils	Topsoil Silty Sand overlying Marine Sand deposit till Sandstone at about 8.2 to 8.8m depths bgl.
Site cut and fill	Extensive cut and fill was not evident.
Buildings	Vacant site
Potential asbestos in building materials	Hazardous building materials were not observed during inspection.



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

Item	Observations
Manufacturing, industrial or chemical processes and infrastructure	Not observed on-site.
Fuel storage tanks (USTs/ASTs)	Not observed.
Dangerous goods	Not observed.
Solid waste deposition	Not observed.
Liquid waste disposal features	Not observed.
Evidence of previous site contamination investigations	Not observed.
Evidence of land contamination (staining or odours)	Not observed.
Evidence of groundwater contamination	Not observed on-site.
Groundwater use	Not observed.
Vegetation	Appeared healthy.

2.3 Surrounding Land Uses

Land uses around the site are detailed in Table 2-3. The site and surrounding uses are illustrated in the Site Features Plan in **Figure 2** in **Appendix A**.

Table 2-3 Surrounding Land Use

Direction	Land Use or Activity
North	Residential houses
West	Beach Pde then shoreline
East	Kantara Rd then residential houses
South	Vacant lot then residential houses

2.4 Regional Geology

Reference to the Geological Map of Gosford to Lake Macquarie (1:100,000) indicates that the site is underlain by Marine Sand (Qhd), which comprises medium to fine grained marine sand with podsols.

A review of the regional soils map indicates that the site is located within the Woy Woy Soil Landscape Group, recognised by Holocene sediments of predominantly coarse to fine quartz sand with shell fragments and occasionally silt.

2.5 Groundwater Database

A search of the Water NSW Real Time Water Data Portal on 16th May 2023 identified forty-six (46) bores within a 1000m radius of the Site. Search results are contained in the Enviro Screen report attached in **Appendix B**.

Table 2-4 Groundwater Database Results

Groundwater Borehole ID	Authorised Purpose	Drilled Depth (m)	Standing Water Level (m)	Distance (m)	Direction
GW013548	Water Supply	5.1	No Record	3m	East
GW025531	Water Supply	7	No Record	16m	East
GW014423	Water Supply		No Record	79m	South East
GW019206	Water Supply	8.5	No Record	132m	North East



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

Groundwater Borehole ID	Authorised Purpose	Drilled Depth (m)	Standing Water Level (m)	Distance (m)	Direction
GW200608	Water Supply	5.5	4	181m	South West
GW202083	Water Supply	3.5	No Record	320m	North
GW080650	Water Supply		No Record	357m	North West
GW018556	Water Supply	4.5	No Record	361m	North West
GW022505	Water Supply	6	No Record	386m	East
GW080811	Monitoring		No Record	416m	South East
GW080812	Monitoring		No Record	511m	South East
GW014430	Irrigation	7.6	No Record	514m	North
GW019457	Water Supply	48.7	No Record	531m	North
GW080399	Water Supply		No Record	537m	North West
GW019075	Irrigation	9.7	No Record	544m	North
GW080813	Monitoring		No Record	598m	South East
GW080814	Monitoring		No Record	683m	South East
GW080651	Water Supply		No Record	705m	East
GW200316	Water Supply	6	4	716m	North East
GW202359	Monitoring	2.2	0.4	730m	North West
GW202361	Monitoring	2.2	0.6	733m	North West
GW200315	Water Supply	6	4	734m	North East
GW202062	Water Supply	3	No Record	737m	North West
GW202358	Monitoring	2.2	0.5	747m	North West
GW202360	Monitoring	1.8	0.7	748m	North West
GW202357	Monitoring	2.6	0.3	752m	North West
GW202357	Unknown		0.3	752m	North West
GW202362	Monitoring	1.6	0.7	758m	North West
GW202364	Monitoring	2	0.6	763m	North West
GW202363	Monitoring	1.8	0.2	763m	North West
GW202365	Monitoring	1.7	0.3	767m	North West
GW201613	Water Supply	15	2.8	769m	East
GW202355	Monitoring	1.8	0.8	770m	North West
GW202366	Monitoring	1.65	0.3	770m	North West
GW202368	Monitoring	1.7	0.1	774m	North West
GW202356	Monitoring	1.3	0.8	775m	North West
GW202367	Monitoring	1.7	0.2	781m	North West
GW023633	Unknown	10.7	No Record	787m	East
GW016748	Water Supply	4.5	No Record	804m	North West
GW080815	Monitoring		No Record	804m	South East
GW025634	Water Supply	8.5	No Record	812m	North
GW014416	Water Supply	6	No Record	812m	North
GW016749	Water Supply	4.5	No Record	824m	North West
GW022333	Water Supply	6.4	No Record	871m	North
GW080816	Monitoring		No Record	899m	South
GW080817	Monitoring	5.1	No Record	997m	South



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach****2.5.2 ACID SULFATE SOILS**

Based on the review of available Acid Sulfate Soil Risk Map, the site is classified as Class 3 acid sulphate soil – likely Low Probability of occurrence. 6-70% chance of occurrence of Acid Sulfate Soils. Works more than 1 metre below natural ground surface present an environmental risk; Works by which the watertable is likely to be lowered more than 1 metre below natural ground surface, present an environmental risk. The closest Acid Sulfate Soil Class 2 site is located at 30m east of the site along the shoreline.

2.5.3 SALINITY

Based on the Salinity Hazard Map generated using the NSW Office of Environment and Heritage (NSW OEH) soil data viewer, the occurrence of saline soil conditions at the Site is considered to be low potential.

2.6 EPA Records Search**2.6.1 LIST OF CONTAMINATED SITES NOTIFIED TO THE EPA**

The EPA publishes a list of contaminated land notified under section 60 of the Contaminated Land Management Act 1997 (CLM Act). These have been assessed by the EPA as being contaminated, but may not always require regulation under the CLM Act.

A search of the list of Contaminated Sites Notified to the EPA identified two (2) notified sites within a 1000m buffer of the Site. Search EPA records are shown in Appendix B.



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

Table 2-5 Contaminated Sites Notified to the EPA

Address/Location	Site Name	Status	Distance from Site (m)	Direction
287 Main Road	7-Eleven Australia	Current EPA List	596	North East
211 Main Road	Former Shell Toukley Autoport	Current EPA List	727	North West

2.6.2 LIST OF CONTAMINATED LAND NOTIFIED TO THE EPA

The contaminated land public record is a searchable database of:

- > orders made under Part 3 of the Contaminated Land Management Act 1997 (CLM Act)
- > notices available to the public under section 58 of the CLM Act
- > approved voluntary management proposals under the CLM Act that have not been fully carried out and where EPA approval has not been revoked
- > site audit statements provided to the EPA under section 53B of the CLM Act that relate to significantly contaminated land
- > where practicable, copies of anything formerly required to be part of the public record
- > actions taken by EPA (or the previous State Pollution Control Commission) under sections 35 or 36 of the Environmentally Hazardous Chemicals Act 1985 (EHC Act)

Actions taken by the EPA involve written notices. Section 58 of the CLM Act requires the EPA to make copies or details of these notices available to the public. As a result, the record includes all notices issued under the CLM Act including those prior to the commencement of the CLM Amendment Act 2008 on 1 July 2009.

A search of the Record of Notices identified zero (0) notified property notices within 1000m of the investigation site.

Table 2-6 Contaminated Land Record of Notices

Address/Location	Site Name	Site ID	Distance from Site (m)	Direction
NA				

2.7 Proposed Development

At the time of preparing this report, we understand that the proposed residential development includes:

- Construction of a five storey apartment with one level basement. Basement will incur excavation of up to 3m below the existing surface level.



Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach

3 Site History

3.1 Historical Business Directory Records

A review of the business directory records for the within a 150 m radius of the Site was undertaken for various years to assess the historical ownerships and the proximity of the Site. The business directory records from 1950 were reviewed.

Based on the available data, there are historical businesses previously located in the surrounding area (greater than 100m) with the potential to cause contamination at the site. Historical businesses with the potential to cause contamination, i.e. petrol stations, motor shops, and dry cleaning, have been identified as being located either up-gradient or cross-gradient of the Site.

3.2 Historical Aerial Photograph Review

Based on the review of available information, it is expected that the Site and around remain residential dwellings and no apparent changes since built around 1943. The review of historical aerial imagery did not indicate a significant potential for land contaminating activities to have occurred at the site. However, land contaminating activities associated with uncontrolled filling or construction with hazardous materials may have occurred.

Historical aerial photographs are shown in Appendix B.

3.3 Heritage Council

The Commonwealth, National and State Heritage Register did not identify sites with relevant significance within a of 200 m radius.

Table 3-1 Heritage Sites Listed in an LEP

Site Name	Significance	Distance
No Records within the buffer zone		

The location of the heritage items identified are summarised and presented with information contained in the Lotsearch report attached in **Appendix B**.

**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

4 Preliminary Conceptual Site Model

Generally, a conceptual site model (CSM) provides an assessment of the fate and transport of COPCs relative to site specific, subsurface conditions with regard to their potential risk to human health and the environment. The CSM considers site specific factors including:

- > Source(s) of contamination
- > Identification of COPC associated with past (and present) source(s)
- > Vertical and lateral distribution of COPC including presence of LNAPL and/or DNAPL
- > Site specific lithologic information including soil type(s), depth to groundwater, effective porosity, and groundwater flow velocity
- > Actual or potential receptors considering both current and future land use both for the site and adjacent properties, and any sensitive ecological receptors.

Based on the information sourced in this Preliminary Site Investigation, a CSM has been developed and is outlined in **Table 4-1**, below. Additional details are included in the sections that follow as necessary.

Table 4-1 Land Use History and Activities

CSM Element	Description
Site History/Contaminant Sources	Based on the review of historical information, Stantec has inferred that the site has undergone no land use changes since the initial use as a residential dwelling. The site was occupied by a residential property until the demolition in the recent years. No asbestos-containing materials (ACM) was present left on surface during site walk on 16 th October 2023.
Site Current and Future Use	The site is currently zoned as SP3 Tourism Zoning purposes. It is understood that the proposed future land use will continue to be for residential apartment purposes.
COPCs – Soil	Stantec considers there to be potential for impacted soil on the Site due to the potential for uncontrolled fill operation have been placed at the Site (and exposed within the front yard), and degradation of potential hazardous building materials given the age of the demolished structure. COPC associated with the above can include: <ul style="list-style-type: none"> ▪ Total Recoverable Hydrocarbons (TRH) ▪ Benzene, Toluene, Ethylbenzene and Xylenes (BTEX) ▪ Polycyclic Aromatic Hydrocarbons (PAH) ▪ Heavy metals and metalloids ▪ Polycarbonate biphenyls (PCB) ▪ Organochlorine Pesticides (OCP) ▪ Phenols ▪ Asbestos
COPCs – Groundwater	Groundwater level is expected to be at 1.5m bgl, which the proposed basement will intersect.
COPCs – Soil Vapour	Stantec considers the potential impact of soil vapour on the Site to be of very low risk based on the site walk observation and site historically being used for residential purposes since 1951 and the absence of industries upgradient of the Site that represent sources of contamination.
Potential Human Receptors (Onsite)	Onsite potential human receptors include: Current and future occupants and future construction workers including builders.
Potential Human Receptors (Offsite)	There are not considered to be any potential offsite human receptors of the Site.



Proposed Residential Redevelopment Preliminary Site Investigation Report 12 Beach Parade Canton Beach

4.2 Discussion

Based on the information sourced during preparation of this PSI, Stantec considers the potential risks to human health and the environment to be low to negligible. The Site has only been utilised for one use since at least 1930s as a residential property.

Stantec understands that the Site will continue to be used for medium density residential purpose with minimal access to site soils following re-development. Based on the outcome of site walk, review of the site history and the proposed development, Stantec believes that very low potential for COPCs to be present in concentrations at the site represent a significant risk of harm to site users.

At this time, additional assessment including an intrusive investigation such as vapour intrusion is unlikely to be required and the site is considered suitable for the proposed redevelopment. However, any soil proposed to be disposed off-site must be classified in accordance with the NSW EPA Waste Classification Guidelines (2014).

5 Conclusions and Recommendations

Stantec has completed a Preliminary Site Investigation (PSI) for 12 Beach Pde Canton Beach (the Site). The purpose of this assessment was to provide the client with preliminary advice on the contamination status of the Site to support a development application for the proposed residential redevelopment.

5.1 Summary of Contamination Potential

Based on the information reviewed relating to the site history and the site inspection, potential sources of contamination or potential areas of environmental concern identified included:

- Soil on the Site potentially impacted due to the possibility for uncontrolled fill to have been historically placed at the Site;
- Given the age of the residential dwellings and structures onsite, there may have be potential degradation of ACM or hazardous building materials used in dwellings;

Stantec considers it unlikely that contaminants of potential contaminants of concern are present; in site soils or groundwater, at concentrations that represent a potential risk to users of the site nor constrain the intended redevelopment.

5.2 Recommendations

Given the results of this assessment, Stantec recommends the following:

- Materials excavated or stockpiled during site development will require acid sulphate soil assessment and waste classification if intended to be disposed off-site to a licensed landfill. The classification should be in accordance with the NSW EPA Waste Classification Guidelines (2014) and should be facilitated by an experienced environmental scientist. Remediation action plan will be required if acid sulphate soil is encountered.
- Any future works involving soil disturbance should incorporate an unexpected finds protocol to facilitate the identification and management of potential sources not identified during this assessment.



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

6 References

Chapman, G.A. and Murphy, C.L. (1989) Soil landscapes of the Sydney 1:100,000 sheet. Soil conservation service of NSW, Sydney.

CSIRO. (2011) Atlas of Australian Acid Sulphate Soils.

Guideline on the Investigation Levels for Soil and Groundwater' of the *National Environment Protection (Assessment of Site Contamination) Measure* (NEPM) 1999 (NEPC, 1999) as varied May 2013 (the 'NEPM 2013').

Standards Australia (2005) *Australian Standard 4482.1-2005: Guide to the Investigation and Sampling of Sites with Potentially Contaminated Soil*.

Herbert, C. (1983) Sydney 1:100 000 Geological Sheet 9130. Geological Survey of New South Wales, Sydney

NSW EPA (2020) *Contaminated Sites: Consultants Reporting on Contaminated Land*. NSW Environment Protection Authority, Sydney. April 2020, updated May 2020.

NSW EPA (2015) *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997*. NSW Environment Protection Authority, Sydney. September 2015.

NSW EPA (2017) *Contaminated Land Management: Guidelines for the NSW Site Auditor Scheme (3rd edition)*. NSW Environment Protection Authority, Sydney. October 2017.

Office of Environment and Heritage (OEH) (2017) Acid sulfate soils. NSW Government, November 2017



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

7 Limitations

This assessment has been undertaken in general accordance with the current “industry standards” for a PSI for the purpose and objectives and scope identified in this report. These standards are set out in:

- > National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (NEPC, 1999) as varied May 2013 (the ‘NEPM 2013’).
- > AS4482.1- 2005: Guide to the sampling and investigation of potentially contaminated soil Part 1: Non-volatile and semi-volatile compounds. Standards Australia (2005).

The agreed scope of this assessment has been limited for the current purposes of the Client. The assessment may not identify contamination occurring in all areas of the site, or occurring after sampling was conducted. Subsurface conditions may vary considerably away from the sample locations where information has been obtained.

This Document has been provided by Stantec subject to the following limitations:

- > This Document has been prepared for the particular purpose outlined in Stantec’s proposal and no responsibility is accepted for the use of this Document, in whole or in part, in other contexts or for any other purpose.
- > The scope and the period of Stantec’s services are as described in Stantec’s proposal, and are subject to restrictions and limitations. Stantec did not perform a complete assessment of all possible conditions or circumstances that may exist at the site referenced in the Document. If a service is not expressly indicated, do not assume it has been provided. If a matter is not addressed, do not assume that any determination has been made by Stantec in regards to it.
- > Conditions may exist which were undetectable given the limited nature of the enquiry Stantec was retained to undertake with respect to the site. Variations in conditions may occur between investigatory locations, and there may be special conditions pertaining to the site which have not been revealed by the investigation and which have not therefore been taken into account in the Document. Accordingly, additional studies and actions may be required.
- > In addition, it is recognised that the passage of time affects the information and assessment provided in this Document. Stantec’s opinions are based upon information that existed at the time of the production of the Document. It is understood that the services provided allowed Stantec to form no more than an opinion of the actual conditions of the site at the time this Document was prepared and cannot be used to assess the effect of any subsequent changes in the quality of the site, or its surroundings, or any laws or regulations.
- > Any assessments made in this Document are based on the conditions indicated from published sources and the investigation described. No warranty is included, either express or implied, that the actual conditions will conform exactly to the assessments contained in this Document.
- > Where data supplied by the client or other external sources, including previous site investigation data, have been used, it has been assumed that the information is correct unless otherwise stated. No responsibility is accepted by Stantec for incomplete or inaccurate data supplied by others.
- > Stantec may have retained sub consultants affiliated with Stantec to provide services for the benefit of Stantec. To the maximum extent allowed by law, the Client acknowledges and agrees it will not have any direct legal recourse to, and waives any claim, demand, or cause of action against, Stantec’s affiliated companies, and their employees, officers and directors.



**Proposed Residential Redevelopment Preliminary Site Investigation Report
12 Beach Parade Canton Beach**

This assessment report is not any of the following:

- > A Site Audit Report or Site Audit Statement as defined under the *Contaminated Land Management Act, 1997*.
- > A Detailed ESA or Environmental Site Investigation sufficient for an Environmental Auditor to be able to conclude a Site Audit Report and Site Audit Statement.
- > A geotechnical report and the bore logs or test pit logs may not be sufficient as the basis for geotechnical advice.
- > A detailed hydrogeological assessment in conformance with NSW DEC (2007) Contaminated Sites: Guidelines for the Assessment and Management of Groundwater Contamination.
- > An assessment of groundwater contaminants potentially arising from other sites or sources nearby.

A total assessment of the site to determine suitability of the entire parcel of land at the site for one or more beneficial uses of land



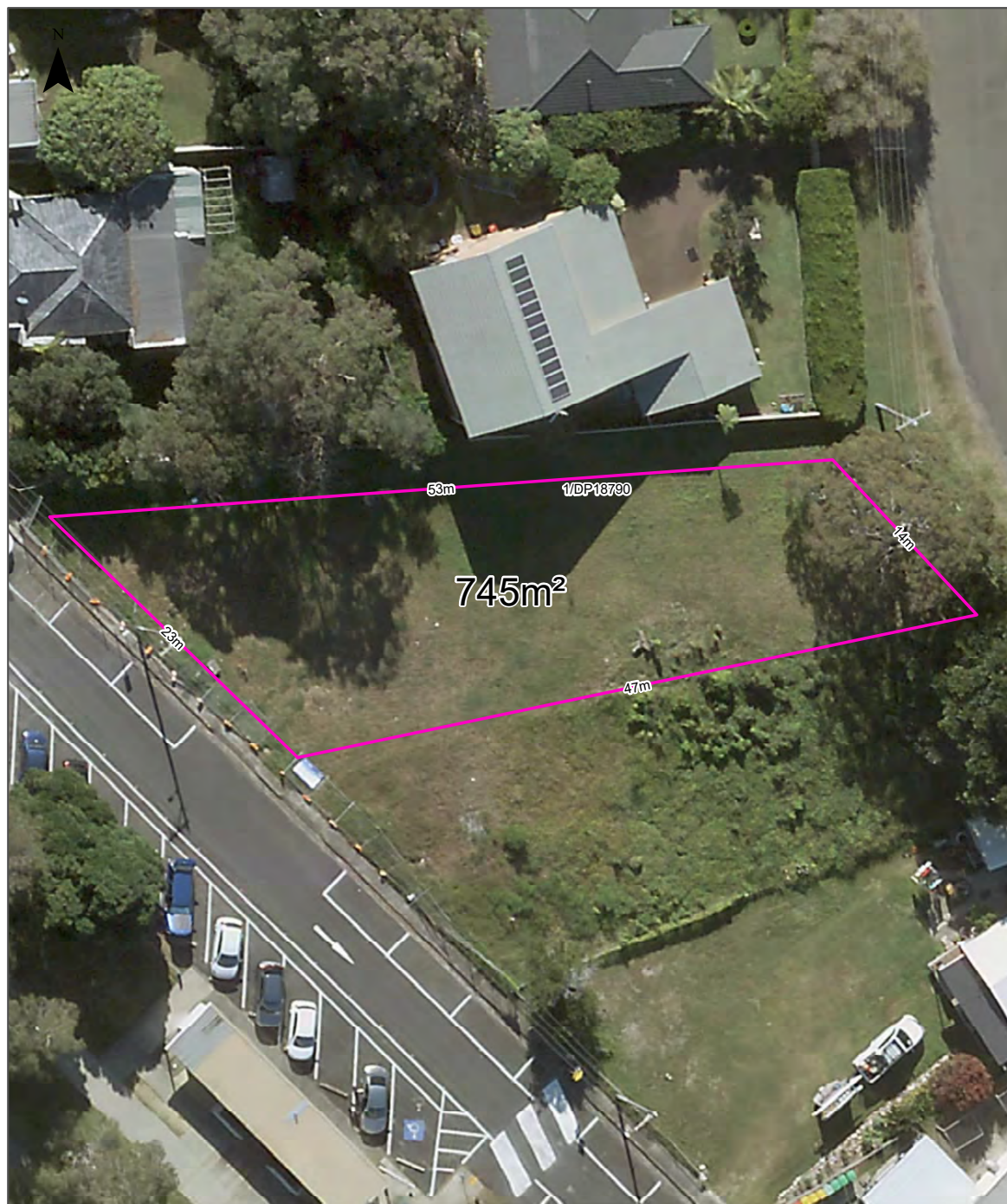
Proposed Residential Redevelopment Preliminary Site Investigation Report
Appendix A Site Plans

Appendix A Site Plans



Site Diagram

12 Beach Parade, Canton Beach, NSW 2263



Legend

- Site Boundary
- Internal Parcel Boundaries

Total Area: 745m²

Total Perimeter: 137m

Disclaimers:

Measurements are approximate only and may have been simplified or smaller lengths removed for readability.

Parcels that make up a small percentage of the total site area have not been labelled for increased legibility.

Scale:

0 10 20 Meters

Data Source Aerial Imagery:
© Aerometrex Pty Ltd

Coordinate System:
GDA 1994 MGA Zone 56

Date: 16 May 2023

Proposed Residential Redevelopment Preliminary Site Investigation Report
Appendix B Background Search

Appendix B Background Search





Date: 16 May 2023 10:21:25

Reference: LS043531 EP

Address: 12 Beach Parade, Canton Beach, NSW 2263

Disclaimer:

The purpose of this report is to provide an overview of some of the site history, environmental risk and planning information available, affecting an individual address or geographical area in which the property is located. It is not a substitute for an on-site inspection or review of other available reports and records. It is not intended to be, and should not be taken to be, a rating or assessment of the desirability or market value of the property or its features. You should obtain independent advice before you make any decision based on the information within the report. The detailed terms applicable to use of this report are set out at the end of this report.

Dataset Listing

Datasets contained within this report, detailing their source and data currency:

Dataset Name	Custodian	Supply Date	Currency Date	Update Frequency	Dataset Buffer (m)	No. Features On-site	No. Features within 100m	No. Features within Buffer
Cadastre Boundaries	NSW Department of Customer Service - Spatial Services	14/02/2023	14/02/2023	Quarterly	-	-	-	-
Topographic Data	NSW Department of Customer Service - Spatial Services	22/08/2022	22/08/2022	Annually	-	-	-	-
List of NSW contaminated sites notified to EPA	Environment Protection Authority	02/05/2023	11/04/2023	Monthly	1000m	0	0	2
Contaminated Land Records of Notice	Environment Protection Authority	04/05/2023	04/05/2023	Monthly	1000m	0	0	0
Former Gasworks	Environment Protection Authority	10/05/2023	14/07/2021	Quarterly	1000m	0	0	0
National Waste Management Facilities Database	Geoscience Australia	26/05/2022	07/03/2017	Annually	1000m	0	0	0
National Liquid Fuel Facilities	Geoscience Australia	23/08/2022	13/07/2012	Annually	1000m	0	0	0
EPA PFAS Investigation Program	Environment Protection Authority	02/05/2023	23/09/2022	Monthly	2000m	0	0	0
Defence PFAS Investigation & Management Program - Investigation Sites	Department of Defence	09/05/2023	09/05/2023	Monthly	2000m	0	0	0
Defence PFAS Investigation & Management Program - Management Sites	Department of Defence	09/05/2023	09/05/2023	Monthly	2000m	0	0	0
Airservices Australia National PFAS Management Program	Airservices Australia	09/05/2023	09/05/2023	Monthly	2000m	0	0	0
Defence 3 Year Regional Contamination Investigation Program	Department of Defence	02/09/2022	02/09/2022	Quarterly	2000m	0	0	0
EPA Other Sites with Contamination Issues	Environment Protection Authority	16/02/2022	13/12/2018	Annually	1000m	0	0	0
Licensed Activities under the POEO Act 1997	Environment Protection Authority	04/05/2023	04/05/2023	Monthly	1000m	0	2	2
Delicensed POEO Activities still regulated by the EPA	Environment Protection Authority	04/05/2023	04/05/2023	Monthly	1000m	0	0	0
Former POEO Licensed Activities now revoked or surrendered	Environment Protection Authority	04/05/2023	04/05/2023	Monthly	1000m	0	3	3
UBD Business Directories (Premise & Intersection Matches)	Hardie Grant			Not required	150m	0	1	1
UBD Business Directories (Road & Area Matches)	Hardie Grant			Not required	150m	-	1	3
UBD Business Directory Dry Cleaners & Motor Garages/Service Stations (Premise & Intersection Matches)	Hardie Grant			Not required	500m	0	0	0
UBD Business Directory Dry Cleaners & Motor Garages/Service Stations (Road & Area Matches)	Hardie Grant			Not required	500m	-	0	0
Points of Interest	NSW Department of Customer Service - Spatial Services	19/10/2022	19/10/2022	Quarterly	1000m	0	2	50
Tanks (Areas)	NSW Department of Customer Service - Spatial Services	19/10/2022	19/10/2022	Quarterly	1000m	0	0	0
Tanks (Points)	NSW Department of Customer Service - Spatial Services	19/10/2022	19/10/2022	Quarterly	1000m	0	0	0
Major Easements	NSW Department of Customer Service - Spatial Services	16/02/2023	16/02/2023	Quarterly	1000m	0	0	37
State Forest	Forestry Corporation of NSW	16/08/2022	14/08/2022	Annually	1000m	0	0	0
NSW National Parks and Wildlife Service Reserves	NSW Office of Environment & Heritage	16/02/2023	31/12/2022	Annually	1000m	0	0	0
Hydrogeology Map of Australia	Commonwealth of Australia (Geoscience Australia)	29/08/2022	19/08/2019	As required	1000m	1	1	1
Temporary Water Restriction (Botany Sands Groundwater Source) Order 2018	NSW Department of Planning, Industry and Environment	09/05/2023	23/02/2018	Annually	1000m	0	0	0
National Groundwater Information System (NGIS) Boreholes	Bureau of Meteorology; Water NSW	18/04/2023	13/07/2022	Annually	2000m	0	3	66

Dataset Name	Custodian	Supply Date	Currency Date	Update Frequency	Dataset Buffer (m)	No. Features On-site	No. Features within 100m	No. Features within Buffer
NSW Seamless Geology Single Layer: Rock Units	Department of Regional NSW	17/02/2022	01/05/2021	Annually	1000m	1	2	7
NSW Seamless Geology – Single Layer: Trendlines	Department of Regional NSW	17/02/2022	01/05/2021	Annually	1000m	0	0	0
NSW Seamless Geology – Single Layer: Geological Boundaries and Faults	Department of Regional NSW	17/02/2022	01/05/2021	Annually	1000m	0	0	0
Naturally Occurring Asbestos Potential	NSW Dept. of Industry, Resources & Energy	04/12/2015	24/09/2015	Unknown	1000m	0	0	0
Atlas of Australian Soils	Australian Bureau of Agriculture and Resource Economics and Sciences (ABARES)	19/05/2017	17/02/2011	As required	1000m	1	1	1
Soil Landscapes of Central and Eastern NSW	NSW Department of Planning, Industry and Environment	18/08/2022	27/07/2020	Annually	1000m	1	1	4
Environmental Planning Instrument Acid Sulfate Soils	NSW Department of Planning, Industry and Environment	28/02/2023	02/12/2022	Monthly	500m	1	-	-
Atlas of Australian Acid Sulfate Soils	CSIRO	19/01/2017	21/02/2013	As required	1000m	1	1	3
Dryland Salinity - National Assessment	National Land and Water Resources Audit	18/07/2014	12/05/2013	None planned	1000m	0	0	0
Mining Subsidence Districts	NSW Department of Customer Service - Subsidence Advisory NSW	15/05/2023	15/05/2023	Quarterly	1000m	0	0	0
Current Mining Titles	NSW Department of Industry	10/05/2023	10/05/2023	Monthly	1000m	0	0	0
Mining Title Applications	NSW Department of Industry	10/05/2023	10/05/2023	Monthly	1000m	0	0	0
Historic Mining Titles	NSW Department of Industry	10/05/2023	10/05/2023	Monthly	1000m	10	10	10
Environmental Planning Instrument SEPP State Significant Precincts	NSW Department of Planning, Industry and Environment	15/11/2021	07/12/2018	Monthly	1000m	0	0	0
Environmental Planning Instrument Land Zoning	NSW Department of Planning, Industry and Environment	15/12/2022	02/12/2022	Monthly	1000m	1	4	43
Commonwealth Heritage List	Australian Government Department of the Agriculture, Water and the Environment	03/06/2022	13/04/2022	Annually	1000m	0	0	0
National Heritage List	Australian Government Department of the Agriculture, Water and the Environment	03/06/2022	13/04/2022	Annually	1000m	0	0	0
State Heritage Register - Curtilages	NSW Department of Planning, Industry and Environment	18/10/2022	01/07/2022	Quarterly	1000m	0	0	0
Environmental Planning Instrument Local Heritage	NSW Department of Planning, Industry and Environment	28/02/2023	17/02/2023	Monthly	1000m	0	0	0
Bush Fire Prone Land	NSW Rural Fire Service	15/05/2023	25/10/2022	Weekly	1000m	0	0	2
Lower Hunter and Central Coast Regional Vegetation Survey	NSW Office of Environment & Heritage	28/02/2015	16/11/2009	Annually	1000m	0	0	7
Ramsar Wetlands of Australia	Australian Government Department of the Agriculture, Water and the Environment	09/05/2023	01/11/2022	Annually	1000m	0	0	0
Groundwater Dependent Ecosystems	Bureau of Meteorology	28/10/2022	26/10/2022	Annually	1000m	0	1	2
Inflow Dependent Ecosystems Likelihood	Bureau of Meteorology	28/10/2022	26/10/2022	Annually	1000m	0	1	2
NSW BioNet Species Sightings	NSW Office of Environment & Heritage	15/05/2023	15/05/2023	Weekly	10000m	-	-	-

Contaminated Land

12 Beach Parade, Canton Beach, NSW 2263



Contaminated Land

12 Beach Parade, Canton Beach, NSW 2263

List of NSW contaminated sites notified to EPA

Records from the NSW EPA Contaminated Land list within the dataset buffer:

Map Id	Site	Address	Suburb	Activity	Management Class	Status	Location Confidence	Dist	Direction
1327	7-Eleven Australia	287 Main Road	Toukley	Service Station	Regulation under CLM Act not required	Current EPA List	Premise Match	596m	North East
1328	Former Shell Toukley Autoport	211 Main Road	Toukley	Service Station	Regulation under CLM Act not required	Current EPA List	Premise Match	727m	North West

The values within the EPA site management class in the table above, are given more detailed explanations in the table below:

EPA site management class	Explanation
Contamination being managed via the planning process (EP&A Act)	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. The contamination of this site is managed by the consent authority under the Environmental Planning and Assessment Act 1979 (EP&A Act) planning approval process, with EPA involvement as necessary to ensure significant contamination is adequately addressed. The consent authority is typically a local council or the Department of Planning and Environment.
Contamination currently regulated under CLM Act	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. Management of the contamination is regulated by the EPA under the CLM Act. Regulatory notices are available on the EPA's Contaminated Land Public Record of Notices.
Contamination currently regulated under POEO Act	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation. Management of the contamination is regulated under the Protection of the Environment Operations Act 1997 (POEO Act). The EPA's regulatory actions under the POEO Act are available on the POEO public register.
Contamination formerly regulated under the CLM Act	The EPA has determined that the contamination is no longer significant enough to warrant regulation under the Contaminated Land Management Act 1997 (CLM Act). The contamination was addressed under the CLM Act.
Contamination formerly regulated under the POEO Act	The EPA has determined that the contamination is no longer significant enough to warrant regulation. The contamination was addressed under the Protection of the Environment Operations Act 1997 (POEO Act).
Contamination was addressed via the planning process (EP&A Act)	The EPA has determined that the contamination is no longer significant enough to warrant regulation. The contamination was addressed by the appropriate consent authority via the planning process under the Environmental Planning and Assessment Act 1979 (EP&A Act).
Ongoing maintenance required to manage residual contamination (CLM Act)	The EPA has determined that ongoing maintenance, under the Contaminated Land Management Act 1997 (CLM Act), is required to manage the residual contamination. Regulatory notices under the CLM Act are available on the EPA's Contaminated Land Public Record of Notices.
Regulation being finalised	The EPA has completed an assessment of the contamination and decided that the contamination is significant enough to warrant regulation under the Contaminated Land Management Act 1997. A regulatory approach is being finalised.
Regulation under the CLM Act not required	The EPA has completed an assessment of the contamination and decided that regulation under the Contaminated Land Management Act 1997 is not required.
Under assessment	The contamination is being assessed by the EPA to determine whether regulation is required. The EPA may require further information to complete the assessment. For example, the completion of management actions regulated under the planning process or Protection of the Environment Operations Act 1997. Alternatively, the EPA may require information via a notice issued under s77 of the Contaminated Land Management Act 1997 or issue a Preliminary Investigation Order.

NSW EPA Contaminated Land List Data Source: Environment Protection Authority
© State of New South Wales through the Environment Protection Authority

Contaminated Land

12 Beach Parade, Canton Beach, NSW 2263

Contaminated Land: Records of Notice

Record of Notices within the dataset buffer:

Map Id	Name	Address	Suburb	Notices	Area No	Location Confidence	Distance	Direction
N/A	No records in buffer							

Contaminated Land Records of Notice Data Source: Environment Protection Authority

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Terms of use and disclaimer for Contaminated Land: Record of Notices, please visit

<http://www.epa.nsw.gov.au/clm/clmdisclaimer.htm>

Former Gasworks

Former Gasworks within the dataset buffer:

Map Id	Location	Council	Further Info	Location Confidence	Distance	Direction
N/A	No records in buffer					

Former Gasworks Data Source: Environment Protection Authority

© State of New South Wales through the Environment Protection Authority

Waste Management & Liquid Fuel Facilities

12 Beach Parade, Canton Beach, NSW 2263

National Waste Management Site Database

Sites on the National Waste Management Site Database within the dataset buffer:

Site Id	Owner	Name	Address	Suburb	Class	Landfill	Reprocess	Transfer	Comments	Loc Conf	Dist	Direction
N/A	No records in buffer											

Waste Management Facilities Data Source: Geoscience Australia
Creative Commons 3.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/3.0/au/deed.en>

National Liquid Fuel Facilities

National Liquid Fuel Facilities within the dataset buffer:

Map Id	Owner	Name	Address	Suburb	Class	Operational Status	Operator	Revision Date	Loc Conf	Dist	Direction
N/A	No records in buffer										

National Liquid Fuel Facilities Data Source: Geoscience Australia
Creative Commons 3.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/3.0/au/deed.en>

PFAS Investigation & Management Programs

12 Beach Parade, Canton Beach, NSW 2263

EPA PFAS Investigation Program

Sites that are part of the EPA PFAS investigation program, within the dataset buffer:

Map ID	Site	Address	Loc Conf	Dist	Dir
N/A	No records in buffer				

EPA PFAS Investigation Program: Environment Protection Authority
© State of New South Wales through the Environment Protection Authority

Defence PFAS Investigation Program

Sites being investigated by the Department of Defence for PFAS contamination within the dataset buffer:

Map ID	Base Name	Address	Loc Conf	Dist	Dir
N/A	No records in buffer				

Defence PFAS Investigation Program Data Custodian: Department of Defence, Australian Government

Defence PFAS Management Program

Sites being managed by the Department of Defence for PFAS contamination within the dataset buffer:

Map ID	Base Name	Address	Loc Conf	Dist	Dir
N/A	No records in buffer				

Defence PFAS Management Program Data Custodian: Department of Defence, Australian Government

Airservices Australia National PFAS Management Program

Sites being investigated or managed by Airservices Australia for PFAS contamination within the dataset buffer:

Map ID	Site Name	Impacts	Loc Conf	Dist	Dir
N/A	No records in buffer				

Airservices Australia National PFAS Management Program Data Custodian: Airservices Australia

Defence Sites

12 Beach Parade, Canton Beach, NSW 2263

Defence 3 Year Regional Contamination Investigation Program

Sites which have been assessed as part of the Defence 3 Year Regional Contamination Investigation Program within the dataset buffer:

Property ID	Base Name	Address	Known Contamination	Loc Conf	Dist	Dir
N/A	No records in buffer					

Defence 3 Year Regional Contamination Investigation Program, Data Custodian: Department of Defence, Australian Government

EPA Other Sites with Contamination Issues

12 Beach Parade, Canton Beach, NSW 2263

EPA Other Sites with Contamination Issues

This dataset contains other sites identified on the EPA website as having contamination issues. This dataset currently includes:

- James Hardie asbestos manufacturing and waste disposal sites
- Radiological investigation sites in Hunter's Hill
- Pasminco Lead Abatement Strategy Area

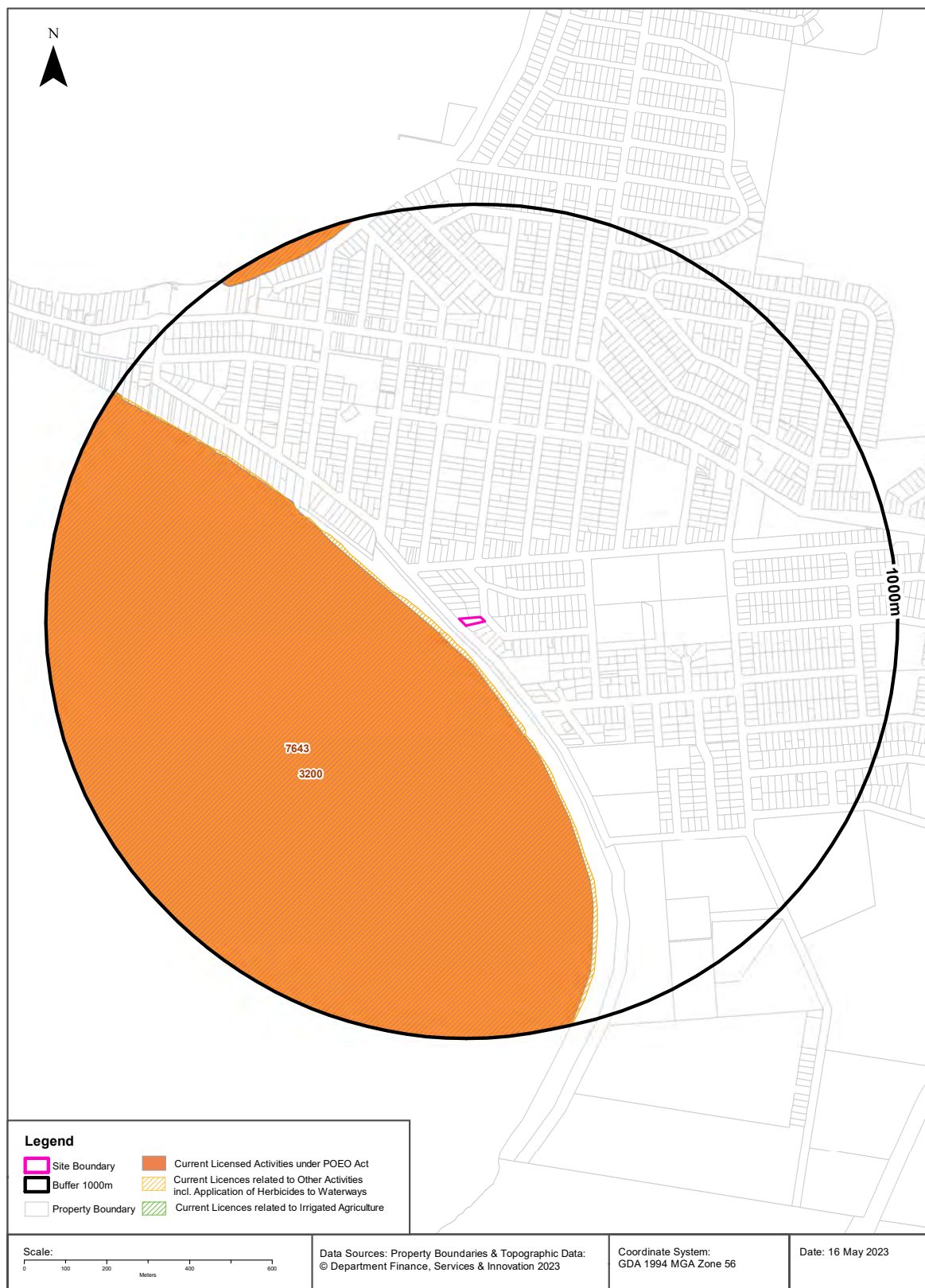
Sites within the dataset buffer:

Site Id	Site Name	Site Address	Dataset	Comments	Location Confidence	Distance	Direction
N/A	No records in buffer						

EPA Other Sites with Contamination Issues: Environment Protection Authority
© State of New South Wales through the Environment Protection Authority

Current EPA Licensed Activities

12 Beach Parade, Canton Beach, NSW 2263



EPA Activities

12 Beach Parade, Canton Beach, NSW 2263

Licensed Activities under the POEO Act 1997

Licensed activities under the Protection of the Environment Operations Act 1997, within the dataset buffer:

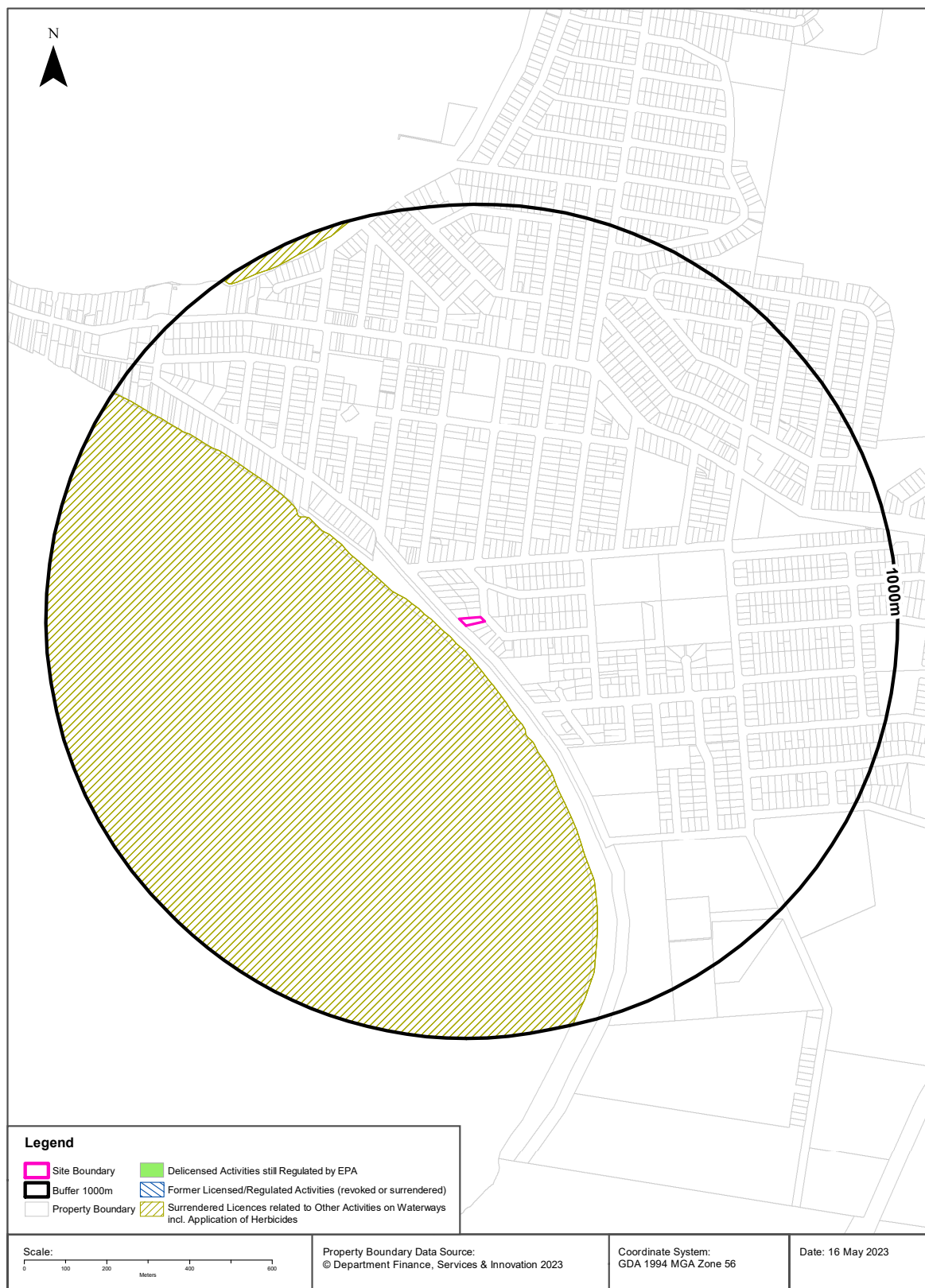
EPL	Organisation	Name	Address	Suburb	Activity	Loc Conf	Distance	Direction
7643	Central Coast Council	THE WATERS WITHIN THE CENTRAL COAST LOCAL GOVERNMENT AREA	MULTIPLE WATERWAYS, CENTRAL COAST MC, NSW 2252	GOSFORD	Other activities	Network of Features	46m	South West
3200	Central Coast Council		THE ENTRANCE TO TUGGERAH LAKES , THE ENTRANCE NORTH, NSW 2261	WYONG	Water-based extractive activity	Network of Features	58m	South West

POEO Licence Data Source: Environment Protection Authority

© State of New South Wales through the Environment Protection Authority

Delicensed & Former Licensed EPA Activities

12 Beach Parade, Canton Beach, NSW 2263



EPA Activities

12 Beach Parade, Canton Beach, NSW 2263

Delicensed Activities still regulated by the EPA

Delicensed activities still regulated by the EPA, within the dataset buffer:

Licence No	Organisation	Name	Address	Suburb	Activity	Loc Conf	Distance	Direction
N/A	No records in buffer							

Delicensed Activities Data Source: Environment Protection Authority
© State of New South Wales through the Environment Protection Authority

Former Licensed Activities under the POEO Act 1997, now revoked or surrendered

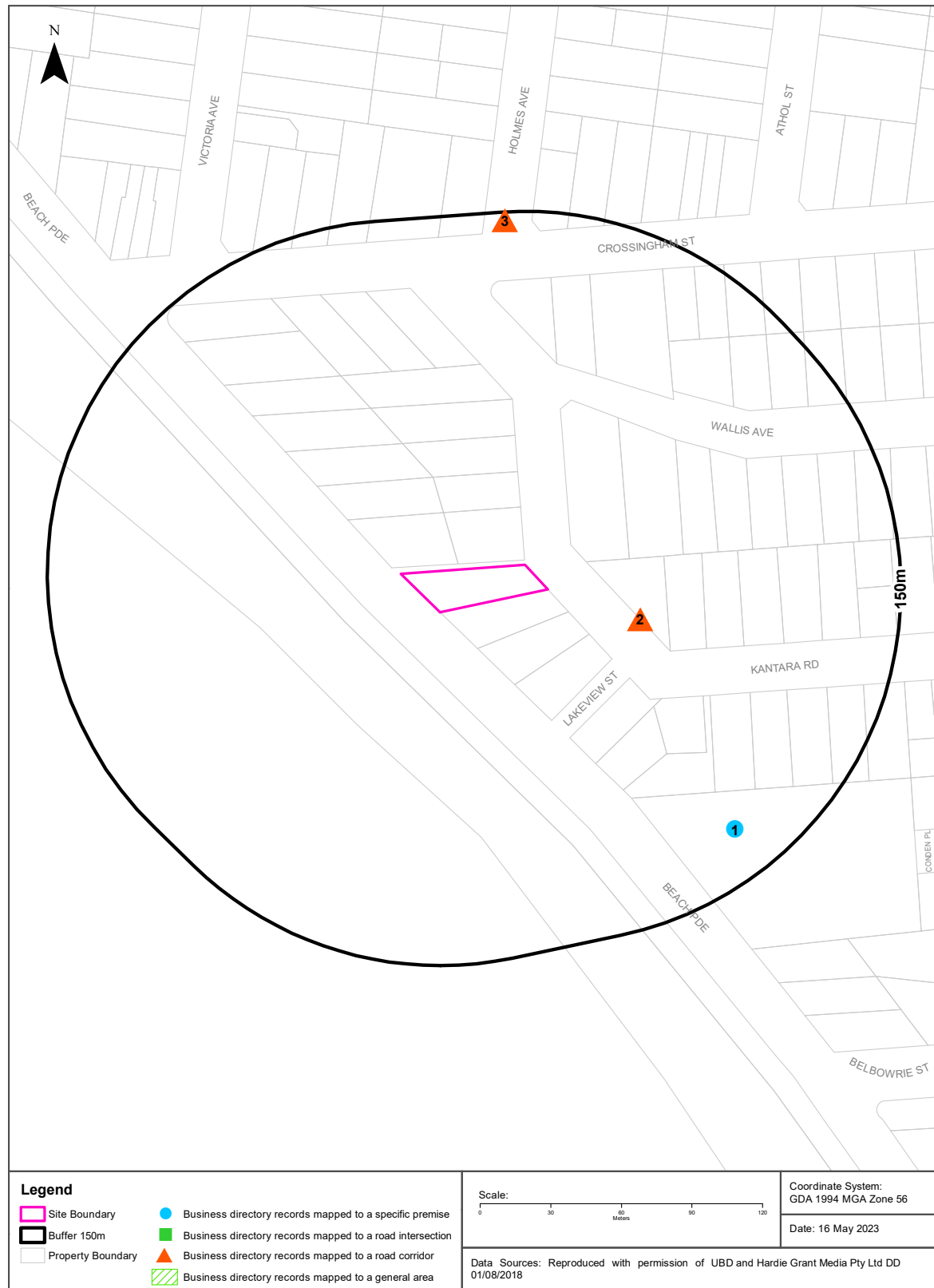
Former Licensed activities under the Protection of the Environment Operations Act 1997, now revoked or surrendered, within the dataset buffer:

Licence No	Organisation	Location	Status	Issued Date	Activity	Loc Conf	Distance	Direction
4653	LUHRMANN ENVIRONMENT MANAGEMENT PTY LTD	WATERWAYS THROUGHOUT NSW	Surrendered	06/09/2000	Other Activities / Non Scheduled Activity - Application of Herbicides	Network of Features	46m	South West
4838	Robert Orchard	Various Waterways throughout New South Wales - SYDNEY NSW 2000	Surrendered	07/09/2000	Other Activities / Non Scheduled Activity - Application of Herbicides	Network of Features	46m	South West
6630	SYDNEY WEED & PEST MANAGEMENT PTY LTD	WATERWAYS THROUGHOUT NSW - PROSPECT, NSW, 2148	Surrendered	09/11/2000	Other Activities / Non Scheduled Activity - Application of Herbicides	Network of Features	46m	South West

Former Licensed Activities Data Source: Environment Protection Authority
© State of New South Wales through the Environment Protection Authority

Historical Business Directories

12 Beach Parade, Canton Beach, NSW 2263



Historical Business Directories

12 Beach Parade, Canton Beach, NSW 2263

Business Directory Records 1950-1982 Premise or Road Intersection Matches

Universal Business Directory records from years 1982, 1970, 1961 & 1950, mapped to a premise or road intersection within the dataset buffer:

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Property Boundary or Road Intersection	Direction
1	NOT LISTED	Canton Beach Caravan Court., 18 Beach Pde., Toukley 2263	126207	1982	Premise Match	95m	South East

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Business Directory Records 1950-1982 Road or Area Matches

Universal Business Directory records from years 1982, 1970, 1961 & 1950, mapped to a road or an area, within the dataset buffer. Records are mapped to the road when a building number is not supplied, cannot be found, or the road has been renumbered since the directory was published:

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Road Corridor or Area
2	ELECTRICAL CONTRACTORS &/OR ELECTRICIANS	Morris, H. C., Kantara Rd. Toukley	170535	1950	Road Match	0m
3	ASSOCIATIONS, SOCIETIES, CLUBS & SPORTING BODIES	R.S.L. Hall, Holmes Ave. Toukley 2263	540026	1970	Road Match	141m
	ASSOCIATIONS & SOCIETIES	R.S.L. Hall, Holmes Ave., Toukley	227569	1961	Road Match	141m

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Historical Business Directories

12 Beach Parade, Canton Beach, NSW 2263

Dry Cleaners, Motor Garages & Service Stations Premise or Road Intersection Matches

Dry Cleaners, Motor Garages & Service Stations from UBD Business Directories, mapped to a premise or road intersection, within the dataset buffer.

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Property Boundary or Road Intersection	Direction
N/A	No records in buffer						

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Dry Cleaners, Motor Garages & Service Stations Road or Area Matches

Dry Cleaners, Motor Garages & Service Stations from UBD Business Directories, mapped to a road or an area, within the dataset buffer. Records are mapped to the road when a building number is not supplied, cannot be found, or the road has been renumbered since the directory was published.

Map Id	Business Activity	Premise	Ref No.	Year	Location Confidence	Distance to Road Corridor or Area
N/A	No records in buffer					

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Aerial Imagery 2022

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 2019

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 2016

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 2010

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 2007

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 2002

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 1994

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 1984

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 1976

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 1965

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 1954

12 Beach Parade, Canton Beach, NSW 2263



Aerial Imagery 1941

12 Beach Parade, Canton Beach, NSW 2263



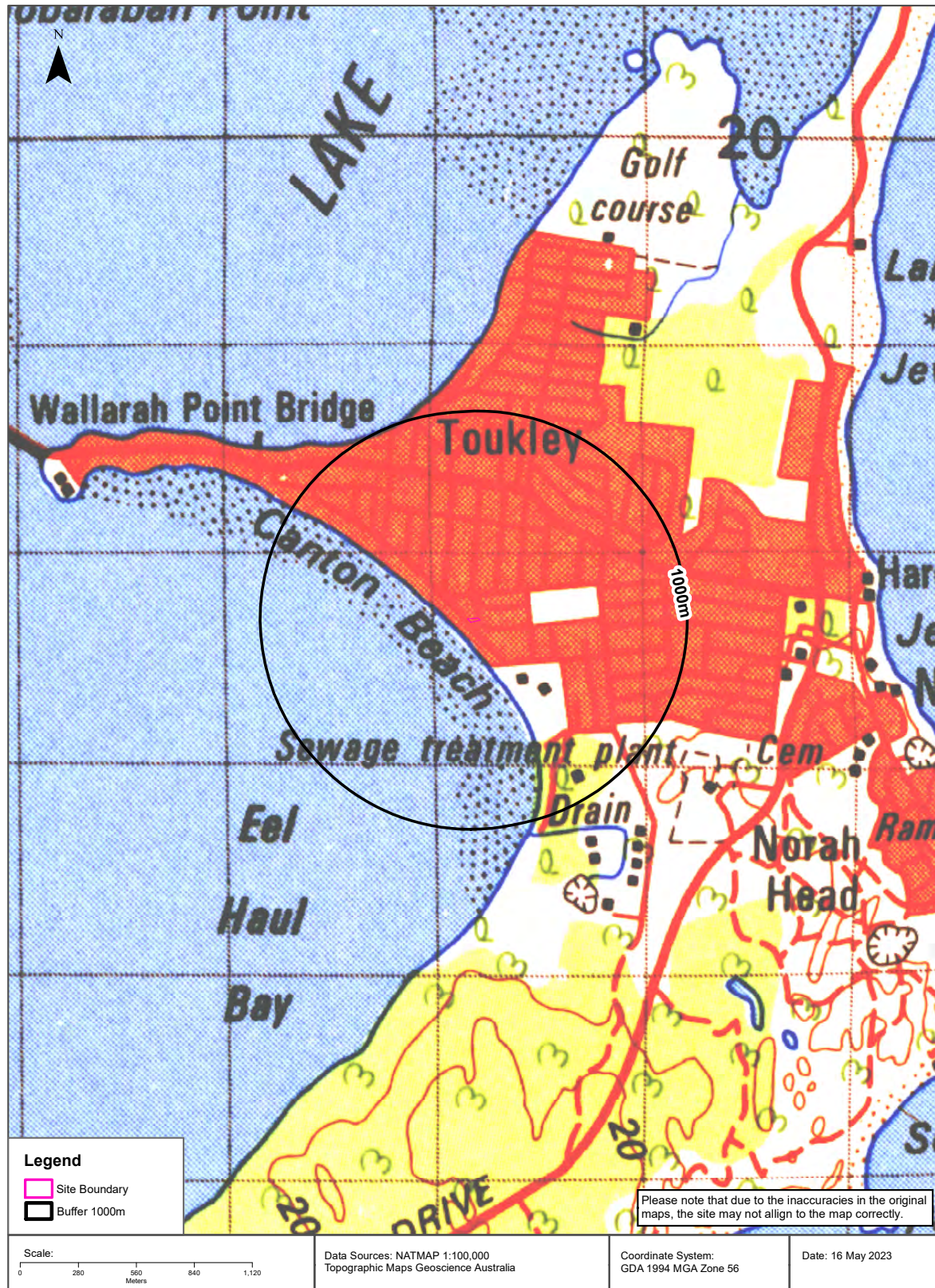
Topographic Map 2015

12 Beach Parade, Canton Beach, NSW 2263



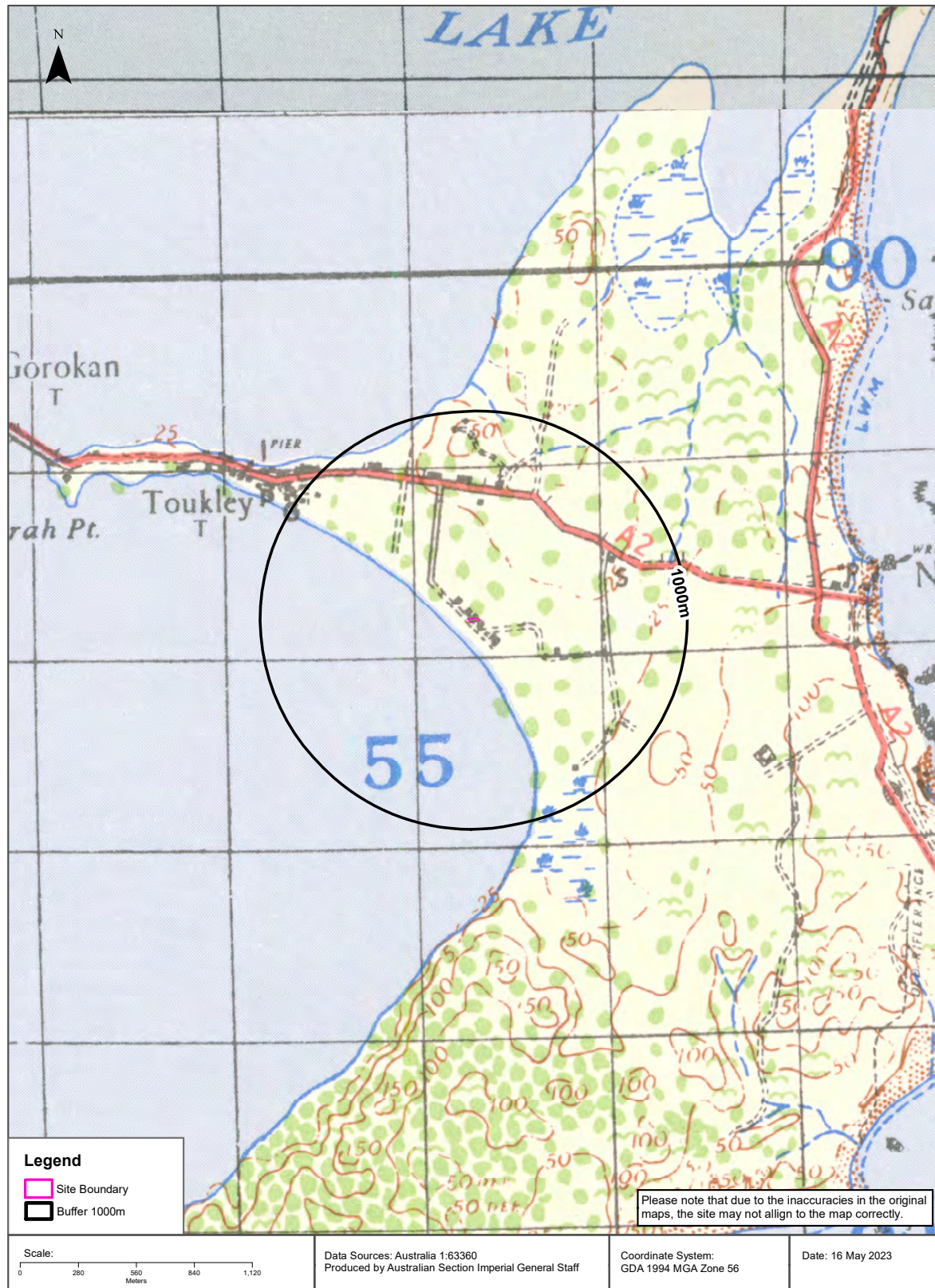
Historical Map 1976

12 Beach Parade, Canton Beach, NSW 2263



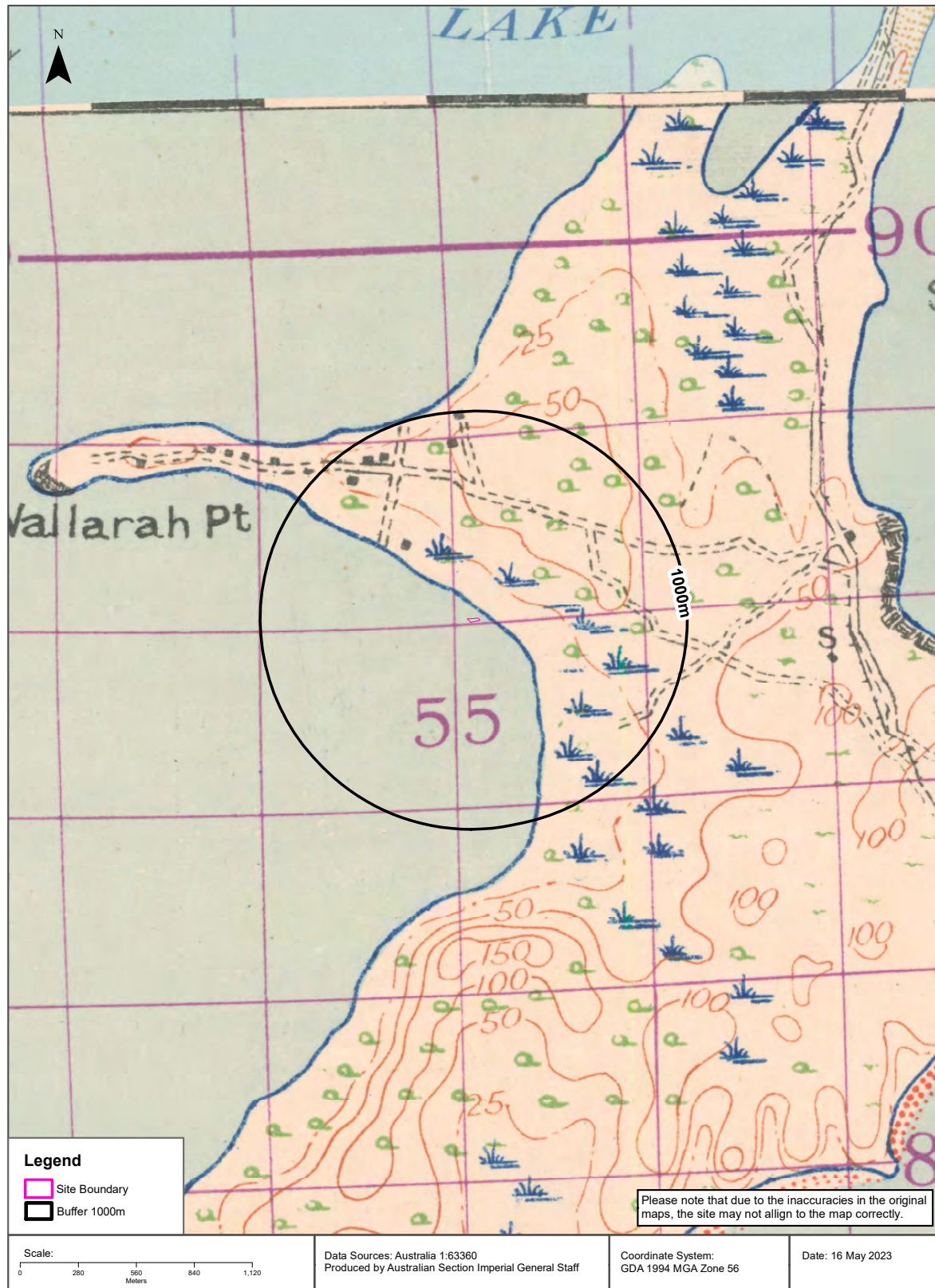
Historical Map c.1942

12 Beach Parade, Canton Beach, NSW 2263



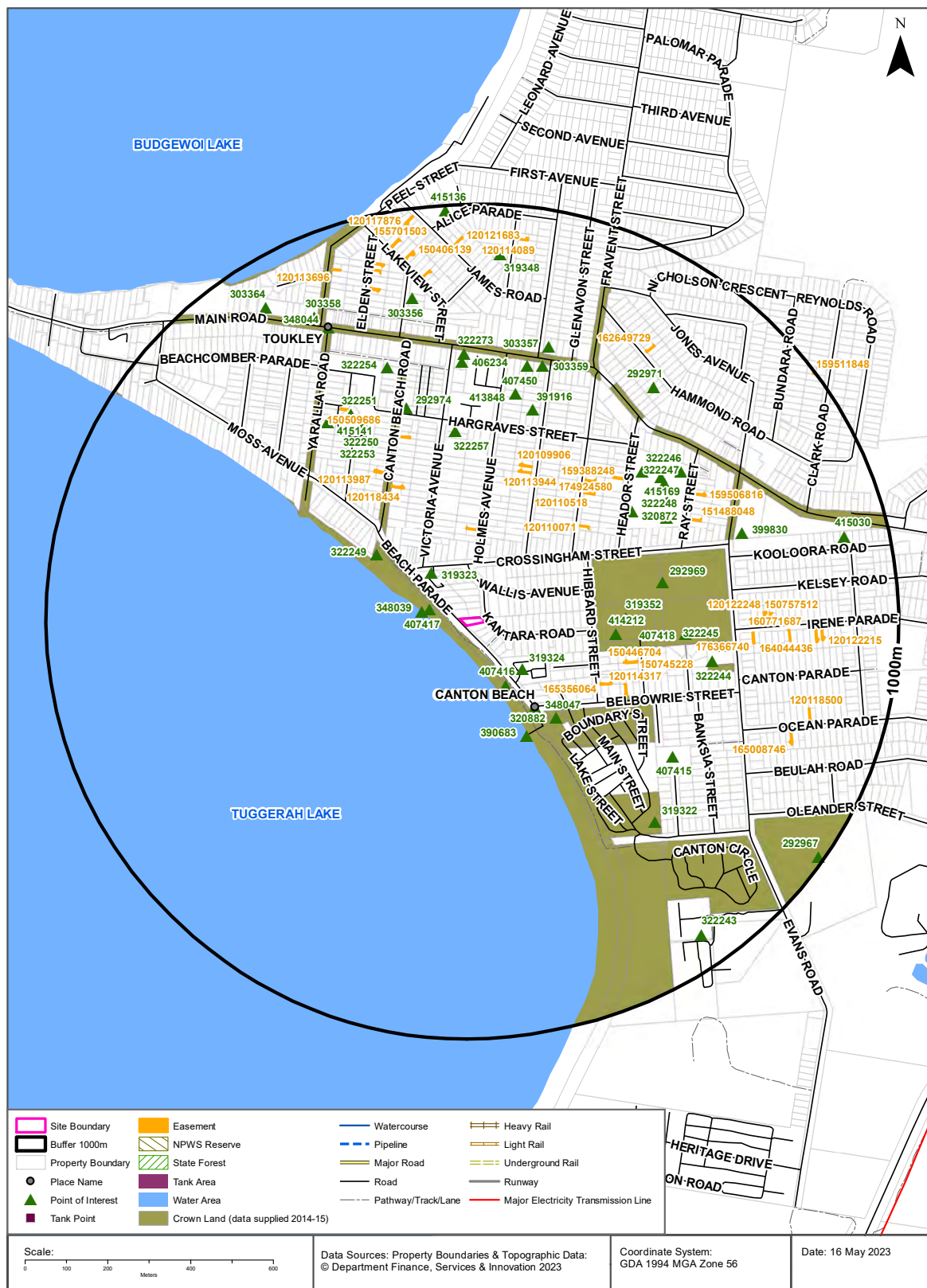
Historical Map 1921 - 1928

12 Beach Parade, Canton Beach, NSW 2263



Topographic Features

12 Beach Parade, Canton Beach, NSW 2263



Topographic Features

12 Beach Parade, Canton Beach, NSW 2263

Points of Interest

What Points of Interest exist within the dataset buffer?

Map Id	Feature Type	Label	Distance	Direction
407417	Park	Park	77m	West
348039	Beach	CANTON BEACH	93m	West
319323	Tourist Park / Home Village	LAKEDGE CARAVAN PARK	131m	North West
319324	Tourist Park / Home Village	WATERFRONT TOURIST PARK	145m	South East
407416	Park	Park	161m	South East
348047	Village	CANTON BEACH	239m	South East
322249	Community Facility	TOUKLEY SAILING CLUB	254m	North West
320882	Park	CANTON BEACH FORESHORE RESERVE	288m	South East
390683	Boat Ramp	Boat Ramp	293m	South East
414212	Club	CANTON BEACH SPORTS CLUB	317m	East
319352	Sports Field	BOWLING GREENS	339m	East
292969	Sports Field	HARRY MOORE OVAL	440m	East
322248	Community Facility	TOUKLEY NEIGHBOURHOOD CENTRE	445m	North East
322257	Place Of Worship	PRESBYTERIAN CHURCH	455m	North
407418	Sports Court	NETBALL COURTS	485m	East
322253	Community Facility	TOUKLEY SENIOR CITIZENS MEMORIAL HALL	491m	North West
320873	Sports Court	TENNIS COURTS	505m	North East
391916	Sports Field	BOWLING GREENS	517m	North
322250	Community Facility	TOUKLEY SENIOR CITIZENS CLUB	523m	North West
322252	Community Facility	CENTENARY HALL	524m	North West
322246	Child Care Centre	LITTLE COAST KIDS KARINYA	525m	North East
320872	Swimming Pool	TOUKLEY AQUATIC CENTRE	527m	North East
292974	Post Office	TOUKLEY POST OFFICE	527m	North
413848	Club	CLUB TOUKLEY RSL	547m	North
322247	Park	HEADOR STREET RESERVE	547m	North East
415169	Sports Court	SKATE PARK	550m	North East
322244	Place Of Worship	JEHOVAHS WITNESSES CHURCH	556m	East
407415	Park	MONTGOMERY AVENUE RESERVE	558m	South East
322251	Community Medical Centre	TOUKLEY COMMUNITY HEALTH CENTRE	560m	North West
415141	Park	TOUKLEY VILLAGE GREEN	574m	North West
322245	Child Care Centre	TOUKLEY PRE-SCHOOL	577m	East

Map Id	Feature Type	Label	Distance	Direction
322272	Community Facility	TOUKLEY LIONS CLUB HALL	597m	North East
407450	Monument	WAR MEMORIAL	619m	North
406234	Library	TOUKLEY LIBRARY	619m	North
303359	Police Station	TOUKLEY POLICE STATION	627m	North
322254	Park	VILLAGE GREEN	633m	North
319322	Tourist Park / Home Village	CANTON BEACH HOLIDAY PARK	634m	South East
322273	Community Facility	TOUKLEY COMMUNITY HALL	638m	North
399830	Primary School	TOUKLEY PUBLIC SCHOOL	656m	East
303357	Fire Station	TOUKLEY FIRE STATION	676m	North
292971	Place Of Worship	ANGLICAN CHURCH	695m	North East
348044	Village	TOUKLEY	773m	North West
303356	Place Of Worship	UNITING CHURCH	785m	North
303358	Ambulance Station	TOUKLEY AMBULANCE STATION	809m	North West
319348	Park	BERT EDMONDS RESERVE	880m	North
303364	Park	TOUKLEY GARDENS	887m	North West
415030	Preschool	TOUKLEY PUBLIC SCHOOL PRESCHOOL KOOLOORA	892m	East
322243	Retirement Village	LAKEFRONT VILLAGE	920m	South East
292967	Sports Field	DARREN KENNEDY OVAL	986m	South East
415136	Retirement Village	TOUKLEY WATERS VILLAGE	988m	North

Topographic Data Source: © Land and Property Information (2015)

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Topographic Features

12 Beach Parade, Canton Beach, NSW 2263

Tanks (Areas)

What are the Tank Areas located within the dataset buffer?

Note. The large majority of tank features provided by LPI are derived from aerial imagery & are therefore primarily above ground tanks.

Map Id	Tank Type	Status	Name	Feature Currency	Distance	Direction
N/A	No records in buffer					

Tanks (Points)

What are the Tank Points located within the dataset buffer?

Note. The large majority of tank features provided by LPI are derived from aerial imagery & are therefore primarily above ground tanks.

Map Id	Tank Type	Status	Name	Feature Currency	Distance	Direction
N/A	No records in buffer					

Tanks Data Source: © Land and Property Information (2015)

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Major Easements

What Major Easements exist within the dataset buffer?

Note. Easements provided by LPI are not at the detail of local governments. They are limited to major easements such as Right of Carriageway, Electrical Lines (66kVa etc.), Easement to drain water & Significant subterranean pipelines (gas, water etc.).

Map Id	Easement Class	Easement Type	Easement Width	Distance	Direction
171180032	Primary	Right of way	Var	210m	North
165356064	Primary	Right of way	VAR	315m	South East
120110071	Primary	Undefined		324m	North East
120118434	Primary	Undefined		343m	North West
150446704	Primary	Right of way		348m	East
120113944	Primary	Undefined		363m	North
120114317	Primary	Undefined		367m	South East
120109906	Primary	Undefined		378m	North
120110518	Primary	Undefined		389m	North East
150745228	Primary	Right of way	Variable	395m	East
120113987	Primary	Undefined		396m	North West
159388248	Primary	Right of way	VAR.	415m	North East
174431343	Primary	Right of way	3.6m to 4.945m	452m	North
174924580	Primary	Right of way	Var	464m	North East

Map Id	Easement Class	Easement Type	Easement Width	Distance	Direction
151488048	Primary	Right of way		552m	North East
150509686	Primary	Right of way		574m	North West
159506816	Primary	Right of way	3.5 and VAR.	589m	North East
176366740	Primary	Right of way		646m	East
120122248	Primary	Undefined		673m	East
150757512	Primary	Right of way	3.4m & variable	688m	East
160771687	Primary	Right of way	3&VAR	732m	East
162649729	Primary	Right of way	3m and Var.	755m	North East
165008746	Primary	Right of way	VAR	782m	East
164044436	Primary	Right of way	Variable	798m	East
120118500	Primary	Undefined		809m	East
120122215	Primary	Undefined		812m	East
120110478	Primary	Undefined		815m	North
172738500	Primary	Right of way	Var	827m	North
120109873	Primary	Undefined		857m	North
120117841	Primary	Undefined		871m	North
150406139	Primary	Right of way		876m	North
120113696	Primary	Undefined		889m	North
120121683	Primary	Undefined		901m	North
155701503	Primary	Right of way	3.5m & Var	913m	North
120114089	Primary	Undefined		917m	North
120117876	Primary	Undefined		961m	North
159511848	Primary	Right of way	3.7 and VAR.	993m	North East

Easements Data Source: © Land and Property Information (2015)

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Topographic Features

12 Beach Parade, Canton Beach, NSW 2263

State Forest

What State Forest exist within the dataset buffer?

State Forest Number	State Forest Name	Distance	Direction
N/A	No records in buffer		

State Forest Data Source: © NSW Department of Finance, Services & Innovation (2018)

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National Parks and Wildlife Service Reserves

What NPWS Reserves exist within the dataset buffer?

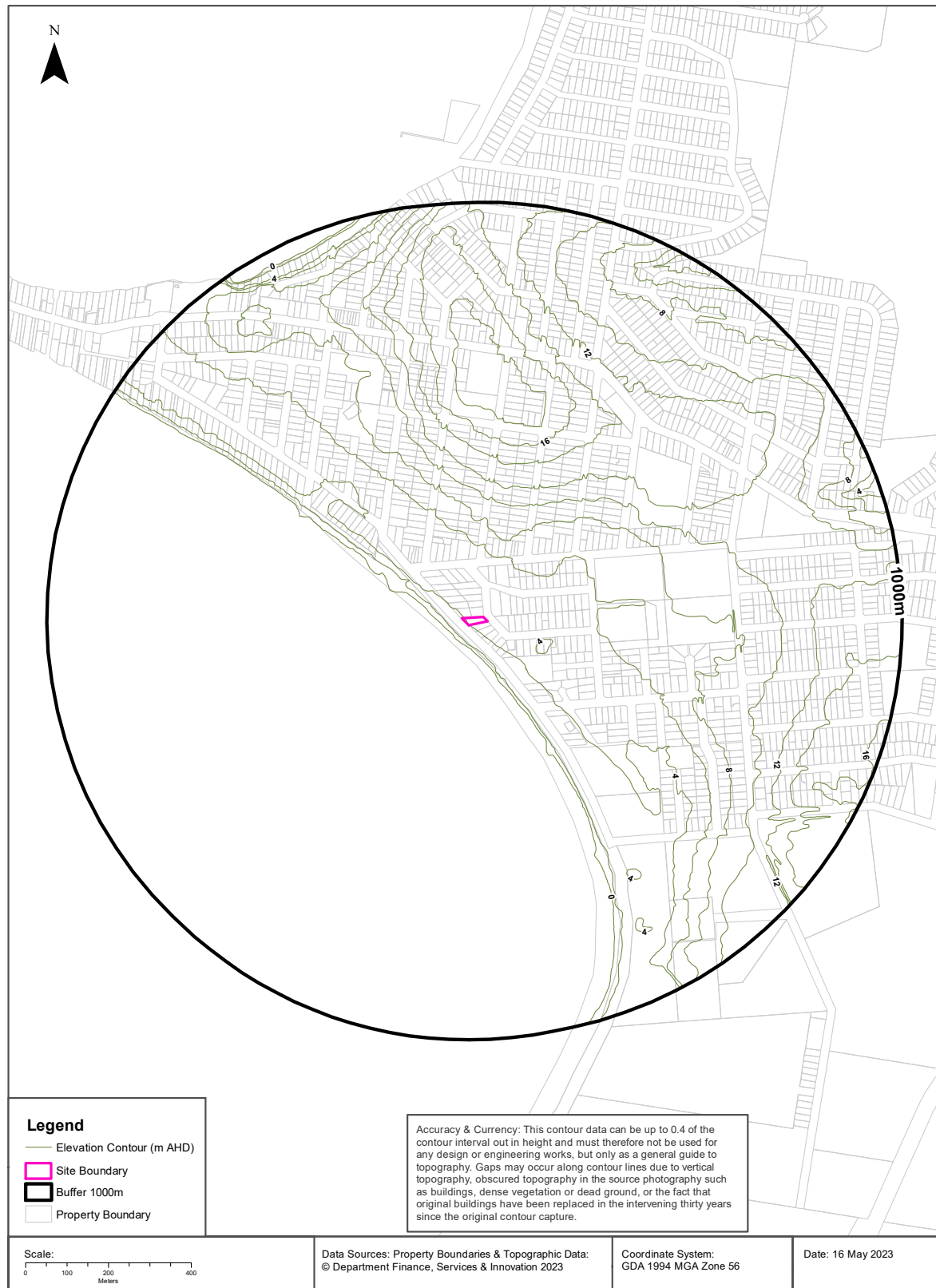
Reserve Number	Reserve Type	Reserve Name	Gazetted Date	Distance	Direction
N/A	No records in buffer				

NPWS Data Source: © NSW Department of Finance, Services & Innovation (2018)

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Elevation Contours (m AHD)

12 Beach Parade, Canton Beach, NSW 2263



Hydrogeology & Groundwater

12 Beach Parade, Canton Beach, NSW 2263

Hydrogeology

Description of aquifers within the dataset buffer:

Description	Distance	Direction
Porous, extensive aquifers of low to moderate productivity	0m	On-site

Hydrogeology Map of Australia : Commonwealth of Australia (Geoscience Australia)
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Temporary Water Restriction (Botany Sands Groundwater Source) Order 2018

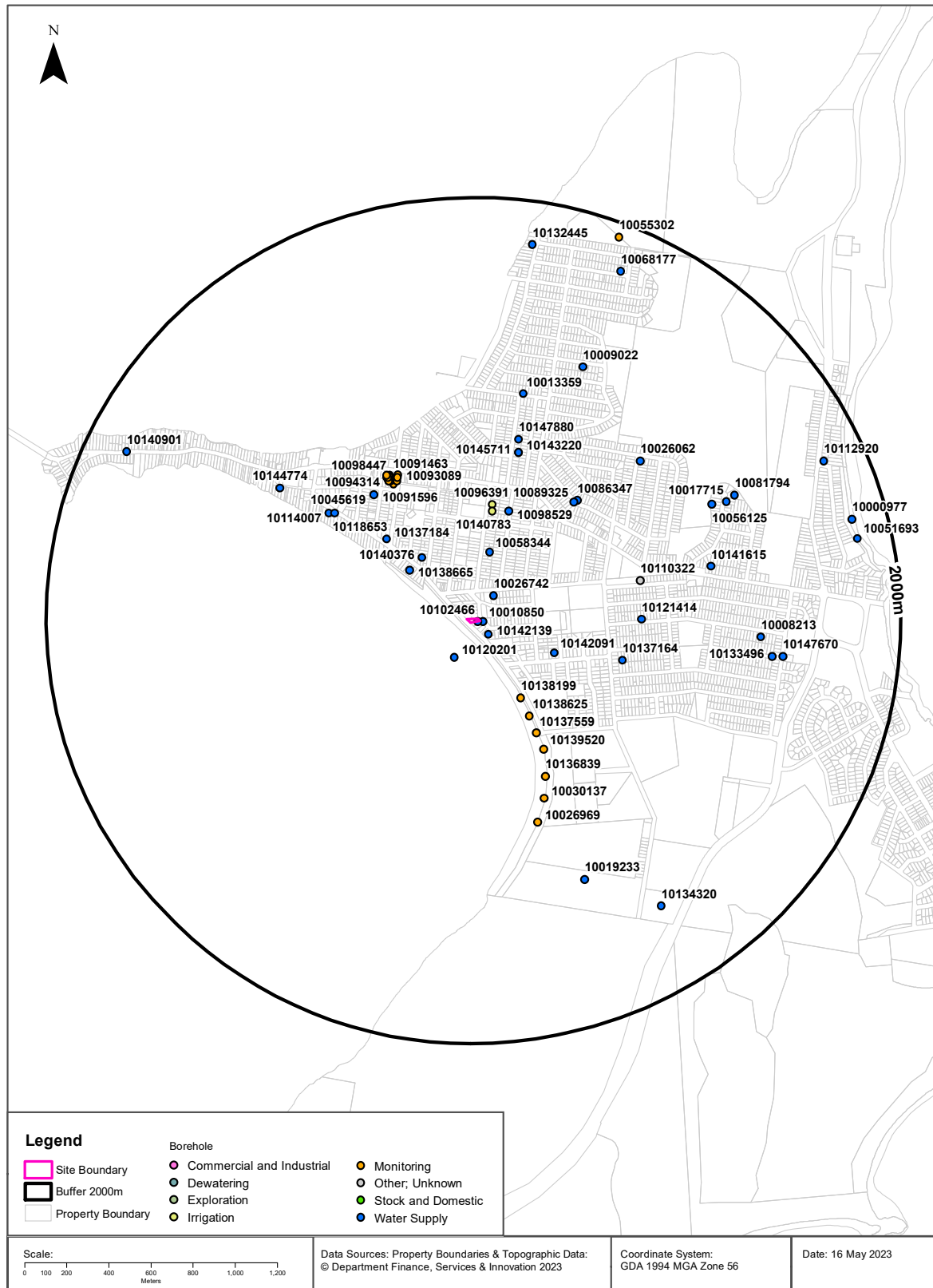
Temporary water restrictions relating to the Botany Sands aquifer within the dataset buffer:

Prohibition Area No.	Prohibition	Distance	Direction
N/A	No records in buffer		

Temporary Water Restriction (Botany Sands Groundwater Source) Order 2018 Data Source : NSW Department of Primary Industries

Groundwater Boreholes

12 Beach Parade, Canton Beach, NSW 2263



Hydrogeology & Groundwater

12 Beach Parade, Canton Beach, NSW 2263

Groundwater Boreholes

Boreholes within the dataset buffer:

NGIS Bore ID	NSW Bore ID	Bore Type	Status	Drill Date	Bore Depth (m)	Reference Elevation	Height Datum	Salinity (mg/L)	Yield (L/s)	SWL (mbgl)	Distance	Direction
10102466	GW013548	Water Supply	Functioning		5.10		AHD	Potable			3m	East
10010850	GW025531	Water Supply	Unknown	01/07/1965	7.00		AHD	Good			16m	East
10142139	GW014423	Water Supply	Functioning				AHD	0-500 ppm			79m	South East
10026742	GW019206	Water Supply	Unknown	01/08/1961	8.50		AHD				132m	North East
10120201	GW200608	Water Supply	Functioning	01/09/2004	5.50		AHD		0.250	4.00	181m	South West
10058344	GW202083	Water Supply	Removed	11/01/2007	3.50		AHD				320m	North
10138665	GW080650	Water Supply	Unknown	20/01/2005			AHD				357m	North West
10140376	GW018556	Water Supply	Unknown		4.50		AHD	Good			361m	North West
10142091	GW022505	Water Supply	Unknown	01/05/1965	6.00		AHD	Good			386m	East
10138199	GW080811	Monitoring	Unknown	06/09/2004			AHD				416m	South East
10138625	GW080812	Monitoring	Unknown	06/09/2004			AHD				511m	South East
10140783	GW014430	Irrigation	Unknown	01/05/1959	7.60		AHD	Good			514m	North
10098529	GW019457	Water Supply	Unknown		48.70		AHD	Salty			531m	North
10137184	GW080399	Water Supply	Unknown	16/05/2003			AHD				537m	North West
10096391	GW019075	Irrigation	Unknown	01/12/1960	9.70		AHD	Good			544m	North
10137559	GW080813	Monitoring	Unknown	06/09/2004			AHD				598m	South East
10139520	GW080814	Monitoring	Unknown	06/09/2004			AHD				683m	South East
10137164	GW080651	Water Supply	Unknown	20/01/2005			AHD				705m	East
10089325	GW200316	Water Supply	Unknown	21/12/2006	6.00		AHD		1.000	4.00	716m	North East
10091596	GW202359	Monitoring	Functional	12/07/2006	2.20		AHD			0.40	730m	North West
10100945	GW202361	Monitoring	Functional	13/07/2006	2.20		AHD			0.60	733m	North West
10086347	GW200315	Water Supply	Unknown	21/12/2006	6.00		AHD		1.000	4.00	734m	North East
10045619	GW202062	Water Supply	Removed	17/07/2006	3.00		AHD				737m	North West
10092691	GW202358	Monitoring	Functional	12/07/2006	2.20		AHD			0.50	747m	North West
10102023	GW202360	Monitoring	Functional	12/07/2006	1.80		AHD			0.70	748m	North West
10097599	GW202357	Monitoring	Functional	12/07/2006	2.60		AHD			0.30	752m	North West
10097784	GW202357	Unknown	Functional	12/07/2006			AHD			0.30	752m	North West
10093089	GW202362	Monitoring	Functional	13/07/2006	1.60		AHD			0.70	758m	North West
10094993	GW202364	Monitoring	Functional	13/07/2006	2.00		AHD			0.60	763m	North West

NGIS Bore ID	NSW Bore ID	Bore Type	Status	Drill Date	Bore Depth (m)	Reference Elevation	Height Datum	Salinity (mg/L)	Yield (L/s)	SWL (mbgl)	Distance	Direction
10095128	GW202363	Monitoring	Functional	13/07/2006	1.80		AHD			0.20	763m	North West
10094314	GW202365	Monitoring	Functional	13/07/2006	1.70		AHD			0.30	767m	North West
10121414	GW201613	Water Supply	Functioning	27/03/2007	15.00		AHD	good	0.013	2.80	769m	East
10098447	GW202355	Monitoring	Functional	10/04/2006	1.80		AHD			0.80	770m	North West
10120102	GW202366	Monitoring	Functional	13/07/2006	1.65		AHD			0.30	770m	North West
10115351	GW202368	Monitoring	Functional	13/07/2006	1.70		AHD			0.10	774m	North West
10091463	GW202356	Monitoring	Functional	10/04/2006	1.30		AHD			0.80	775m	North West
10123982	GW202367	Monitoring	Functional	13/07/2006	1.70		AHD			0.20	781m	North West
10110322	GW023633	Unknown	Unknown	01/06/1965	10.70		AHD	501-1000 ppm			787m	East
10118653	GW016748	Water Supply	Unknown	01/01/1960	4.50		AHD				804m	North West
10136839	GW080815	Monitoring	Unknown	06/09/2004			AHD				804m	South East
10143220	GW025634	Water Supply	Unknown	01/06/1966	8.50		AHD	Good			812m	North
10145711	GW014416	Water Supply	Functioning	01/01/1958	6.00		AHD				812m	North
10114007	GW016749	Water Supply	Unknown	01/01/1960	4.50		AHD	Good			824m	North West
10147880	GW022333	Water Supply	Unknown	01/03/1965	6.40		AHD	Good			871m	North
10030137	GW080816	Monitoring	Unknown	06/09/2004			AHD				899m	South
10026969	GW080817	Monitoring	Unknown	06/09/2004			AHD				997m	South
10026062	GW078484	Water Supply	Unknown	16/08/1999	6.00		AHD		0.500		1074m	North East
10144774	GW014437	Water Supply	Unknown	01/11/1958	3.60		AHD				1084m	North West
10013359	GW024567	Water Supply	Unknown	01/07/1965	10.60		AHD				1087m	North
10141615	GW013642	Water Supply	Unknown	01/09/1956	12.80		AHD				1128m	East
10056125	GW202059	Water Supply	Functioning	13/02/2006	4.00		AHD		1.000	1.50	1233m	North East
10009022	GW004974	Water Supply	Functioning		6.80		AHD				1293m	North East
10017715	GW024574	Water Supply	Unknown	01/04/1965	12.10		AHD	Good			1302m	North East
10019233	GW021770	Water Supply	Unknown	01/01/1959	15.20		AHD	Good			1328m	South East
10008213	GW024562	Water Supply	Unknown	01/07/1965	10.60		AHD				1339m	East
10081794	GW200699	Water Supply	Unknown	12/12/2007	9.00		AHD		0.500	7.00	1351m	North East
10133496	GW054148	Water Supply	Removed	01/01/1981	6.10		AHD				1400m	East
10147670	GW054166	Water Supply	Removed	01/01/1981	6.10		AHD				1451m	East
10134320	GW071208	Water Supply	Functioning	05/07/1993	6.00	8.00	AHD		1.000	1.00	1607m	South East
10068177	GW202082	Water Supply	Functioning	13/03/2007	31.00		AHD	200	0.100	6.00	1783m	North East
10132445	GW027446	Water Supply	Unknown	01/09/1965	15.20		AHD	Good			1793m	North
10140901	GW014415	Water Supply	Unknown	01/12/1957	4.50		AHD	Good			1801m	North West
10112920	GW019489	Water Supply	Functioning	01/10/1961	1.80		AHD				1802m	North East
10000977	GW018990	Water Supply	Functioning		3.60		AHD				1833m	East

NGIS Bore ID	NSW Bore ID	Bore Type	Status	Drill Date	Bore Depth (m)	Reference Elevation	Height Datum	Salinity (mg/L)	Yield (L/s)	SWL (mbgl)	Distance	Direction
10051693	GW031806	Water Supply	Functioning	01/12/1969	30.40		AHD				1837m	East
10055302	GW078112	Monitoring	Unknown	01/04/1998	120.00		AHD	2760			1932m	North

Borehole Data Source: Bureau of Meteorology; Water NSW. Creative Commons 3.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/3.0/au/deed.en>

Hydrogeology & Groundwater

12 Beach Parade, Canton Beach, NSW 2263

Driller's Logs

Drill log data relevant to the boreholes within the dataset buffer:

NGIS Bore ID	Drillers Log	Distance	Direction
10010850	0.00m-0.91m Loam Sandy 0.91m-4.87m Clay 4.87m-5.48m Sand Water Supply 5.48m-6.09m Clay 6.09m-7.01m Sand White Water Supply	16m	East
10026742	0.00m-2.43m Sand 2.43m-3.65m Sandstone Soft 3.65m-5.48m Clay White 5.48m-6.70m Gravel Red Clay 6.70m-7.62m Sandstone Soft 7.62m-8.53m Gravel White Water Supply	132m	North East
10120201	0.00m-3.90m sand 3.90m-4.20m loam (hard) 4.20m-5.50m sand	181m	South West
10058344	0.00m-1.00m Topsoil 1.00m-1.50m Clay, rocky 1.50m-3.50m Clay, red 3.50m-3.50m Rock	320m	North
10140376	0.00m-4.57m Sand Water Supply	361m	North West
10142091	0.00m-6.09m Sand Water Supply	386m	East
10140783	0.00m-0.45m Subsoil 0.45m-1.37m Gravel 1.37m-3.81m Sandstone Soft 3.81m-5.18m Clay 5.18m-5.33m Sand Water Supply 5.33m-7.62m Clay	514m	North
10098529	0.00m-0.60m Sand 0.60m-0.76m Gravel 0.76m-6.09m Clay 6.09m-7.92m Sandstone 7.92m-10.66m Clay 10.66m-48.76m Conglomerate Water Supply	531m	North
10096391	0.00m-0.60m Earth 0.60m-9.75m Clay Water Supply	544m	North
10089325	0.00m-4.00m sand 4.00m-6.00m water table (sand)	716m	North East
10091596	0.00m-0.10m Fill; Bitumen 0.10m-0.80m Fill 0.80m-1.50m Sand 1.50m-2.20m Clay	730m	North West
10100945	0.00m-0.30m Topsoil 0.30m-0.60m Fill 0.60m-1.70m Sand 1.70m-2.20m Clay	733m	North West
10086347	0.00m-4.00m sand 4.00m-6.00m water table sand	734m	North East
10045619	0.00m-3.00m Clay	737m	North West
10092691	0.00m-0.10m Fill; Bitumen 0.10m-0.50m Fill 0.50m-1.60m Sand 1.60m-2.20m Clay	747m	North West
10102023	0.00m-0.20m Topsoil 0.20m-0.60m Fill 0.60m-1.30m Sand 1.30m-1.40m Gravel 1.40m-1.80m Clay	748m	North West
10097599	0.00m-0.10m Fill; Bitumen 0.10m-0.30m Fill; Road base 0.30m-2.60m Sand	752m	North West

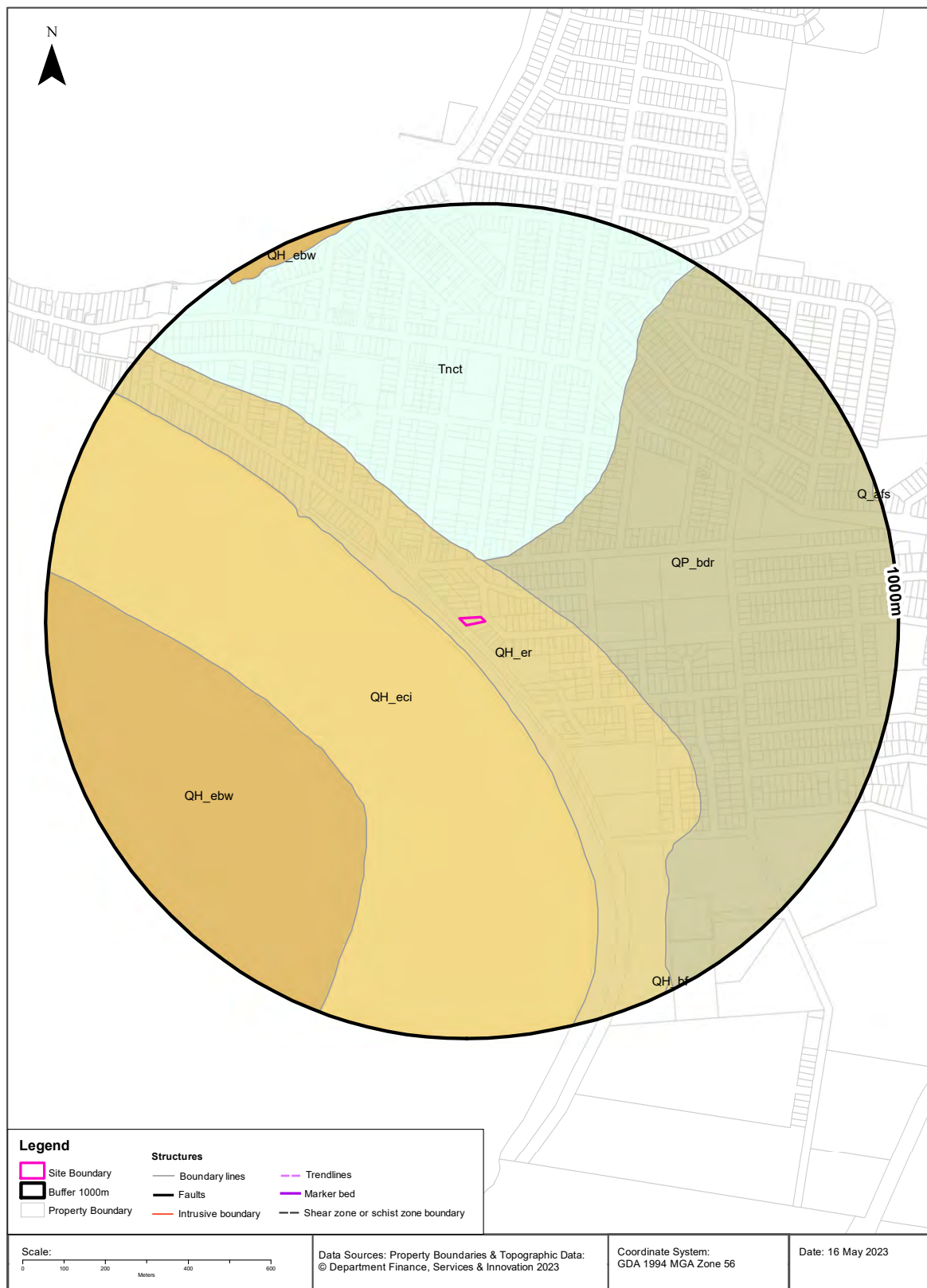
NGIS Bore ID	Drillers Log	Distance	Direction
10097784	0.00m-0.10m Fill; Bitumen 0.10m-0.30m Fill; Road base 0.30m-2.60m Sand	752m	North West
10093089	0.00m-1.10m Fill 1.10m-1.60m Sand	758m	North West
10094993	0.00m-0.30m Topsoil 0.30m-0.50m Fill 0.50m-1.50m Sand 1.50m-2.00m Clay	763m	North West
10095128	0.00m-0.40m Topsoil 0.40m-1.40m Sand 1.40m-1.80m Clay	763m	North West
10094314	0.00m-0.10m Topsoil 0.10m-0.50m Clay 0.50m-1.70m Sand	767m	North West
10121414	0.00m-1.50m Clay/Sands 1.50m-9.00m Clay, with coarse mixed gravel bands 9.00m-15.00m Clay, hard, to shales	769m	East
10098447	0.00m-0.10m Fill; bricks 0.10m-1.40m Sand 1.40m-1.80m Clay	770m	North West
10120102	0.00m-0.10m Fill; bricks 0.10m-0.30m Fill 0.30m-1.30m Sand 1.30m-1.65m Clay	770m	North West
10115351	0.00m-0.10m Fill; concrete 0.10m-0.30m Fill 0.30m-1.10m Sand 1.10m-1.70m Clay	774m	North West
10091463	0.00m-0.10m Fill; bricks 0.10m-0.90m Sand 0.90m-1.00m Gravel 1.00m-1.30m Clay	775m	North West
10123982	0.00m-0.10m Fill; concrete 0.10m-0.60m Sand 0.60m-1.70m Clay	781m	North West
10110322	0.00m-0.30m Soil 0.30m-2.44m Clay 2.44m-5.49m Stones Clay 5.49m-7.62m Conglomerate Loose Water Supply 7.62m-10.67m Conglomerate Water Supply	787m	East
10118653	0.00m-1.21m Soil 1.21m-4.57m Gravel River Water Supply	804m	North West
10143220	0.00m-0.24m Soil 0.24m-0.76m Clay 0.76m-1.82m Sandstone Soft 1.82m-4.26m Clay 4.26m-6.70m Sand Clay 6.70m-8.53m Sand White Water Supply	812m	North
10114007	0.00m-1.21m Soil 1.21m-4.57m Gravel River Water Supply	824m	North West
10147880	0.00m-0.30m Soil 0.30m-3.65m Clay 3.65m-5.18m Sand Clay 5.18m-6.40m Sand Water Supply	871m	North
10144774	0.00m-1.21m Clay 1.21m-3.65m Sand Water Supply	1084m	North West
10013359	0.00m-0.30m Soil 0.30m-0.91m Soil Sandy 0.91m-4.87m Clay 4.87m-6.09m Sand Clay Water Supply 6.09m-8.53m Clay 8.53m-10.66m Clay Gravel Water Supply	1087m	North
10141615	0.00m-2.43m Sand 2.43m-8.53m Clay 8.53m-12.80m Sand Water Supply	1128m	East
10056125	0.00m-1.50m Sand 1.50m-4.00m Sand, water bearing	1233m	North East
10009022	0.00m-0.60m Soil 0.60m-5.48m Clay Hard 5.48m-6.85m Driller	1293m	North East
10019233	0.00m-1.82m Sand 1.82m-1.98m Black Hard Cemented Seams 1.98m-15.24m Sand Gravel Water Supply 15.24m-15.25m Clay	1328m	South East

NGIS Bore ID	Drillers Log	Distance	Direction
10008213	0.00m-0.30m Soil 0.30m-0.91m Gravel Stoney 0.91m-4.57m Clay Stones 4.57m-6.09m Gravel Clay Water Supply 6.09m-9.14m Conglomerate Loose Water Supply 9.14m-10.66m Conglomerate	1339m	East
10068177	0.00m-1.00m Topsoil 1.00m-4.00m Clay, mixed 4.00m-6.00m Sandstone, orange/cream & Gravel mix 6.00m-9.00m Sandstone, orange/cream 9.00m-22.00m Sandstone, grey 22.00m-24.00m Shale, brown 24.00m-31.00m Sandstone, grey/Shale mix	1783m	North East
10132445	0.00m-1.82m Topsoil 1.82m-15.24m Rock Water Supply	1793m	North
10140901	0.00m-2.74m Sand 2.74m-4.57m Clay Water Supply	1801m	North West
10112920	0.00m-1.82m Sand Water Supply	1802m	North East
10051693	0.00m-0.24m Soil 0.24m-1.37m Clay Stones 1.37m-10.66m Clay 10.66m-10.97m Gravel 10.97m-12.19m Sandstone Water Supply 12.19m-12.80m Clay 12.80m-30.48m Shale Water Supply	1837m	East
10055302	0.00m-1.50m Overburden 1.50m-8.00m Clay Loam 8.00m-14.60m Gravels 14.60m-21.00m Clay 21.00m-26.70m Sandstone Grey M/G 26.70m-48.60m Conglomerate - Pebbles 48.60m-54.00m Sandstone Grey M/G 54.00m-59.00m Shale - Red 59.00m-62.00m Sandstone Grey M/G 62.00m-87.50m Conglomerate 87.50m-92.00m Sandstone Grey M/G 92.00m-94.00m Conglomerate 94.00m-100.00m Sandstone Grey M/G 100.00m-119.00m Conglomerate Pebbles 119.00m-120.00m Coal	1932m	North

Drill Log Data Source: Bureau of Meteorology; Water NSW. Creative Commons 3.0 © Commonwealth of Australia <http://creativecommons.org/licenses/by/3.0/au/deed.en>

Geology

12 Beach Parade, Canton Beach, NSW 2263



Geological Units

What are the Geological Units within the dataset buffer?

Unit Code	Unit Name	Description	Unit Stratigraphy	Age	Dominant Lithology	Distance
QH_er	Estuarine shoreline ridge and dune	Fine- to medium-grained lithic-quartz sand (fluvially deposited), very fine- to fine-grained lithic-carbonate-quartz sand (marine deposited), polymictic gravel, silt, clay, shell material.	/Estuarine deposits/Estuarine shoreline ridge and dune//	Holocene (base) to Now (top)	Sand	0m
QH_eci	Estuarine in-channel bar and beach deposits	Fine- to medium-grained lithic-carbonate-quartz sand (marine-deposited), silt, clay, shell, gravel.	/Estuarine deposits/Estuarine channel deposits/Estuarine in-channel bar and beach deposits/	Holocene (base) to Now (top)	Clastic sediment	46m
QP_bdr	Coastal deposits - bedrock-mantling dune facies	Indurated marine-deposited and aeolian-reworked fine- to coarse-grained quartz-lithic sand with abundant carbonate, sporadic humic debris in stabilised dunes.	/Coastal deposits//Coastal deposits - dune facies/Coastal deposits-bedrock-mantling dune facies/	Pleistocene (base) to Now (top)	Sand	117m
Tnct	Tuggerah Formation	Grey to green-grey laminite, to red-brown claystone and siltstone, (in turn interbedded with) fine- to medium-grained green-grey sandstone.	/Narrabeen Group/Clifton Subgroup/Tuggerah Formation//	Early Triassic (base) to Early Triassic (top)	Siliciclastic sedimentary rock	136m
QH_ebw	Estuarine basin and bay (subaqueous)	Clay, silt, shell, very fine- to fine-grained lithic-quartz (± carbonate) sand (fluvially- and/or marine-deposited).	/Estuarine deposits/Estuarine basin and bay/Estuarine basin and bay (subaqueous)/	Holocene (base) to Now (top)	Clastic sediment	457m
QH_bf	Coastal deposits - backbarrier flat facies	Fine- to medium-grained quartz-lithic sand with carbonate and humic components (marine-deposited), indurated sand, silt, clay, gravel, organic mud, peat.	/Coastal deposits/Coastal deposits - backbarrier flat facies//	Holocene (base) to Now (top)	Sand	971m
Q_afs	Alluvial floodplain deposits - swamp facies	Unconsolidated grey to grey-brown silty clay, sporadic very fine-grained sand.	/Alluvium//Alluvial floodplain deposits/Alluvial floodplain deposits - swamp facies/	Quaternary (base) to Now (top)	Clay	985m

Linear Geological Structures

What are the Dyke, Sill, Fracture, Lineament and Vein trendlines within the dataset buffer?

Map ID	Feature Description	Map Sheet Name	Distance
No Features			

What are the Faults, Shear zones or Schist zones, Intrusive boundaries & Marker beds within the dataset buffer?

Map ID	Boundary Type	Description	Map Sheet Name	Distance
No Features				

Geological Data Source: Statewide Seamless Geology v2.1, Department of Regional NSW
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Naturally Occurring Asbestos Potential

12 Beach Parade, Canton Beach, NSW 2263

Naturally Occurring Asbestos Potential

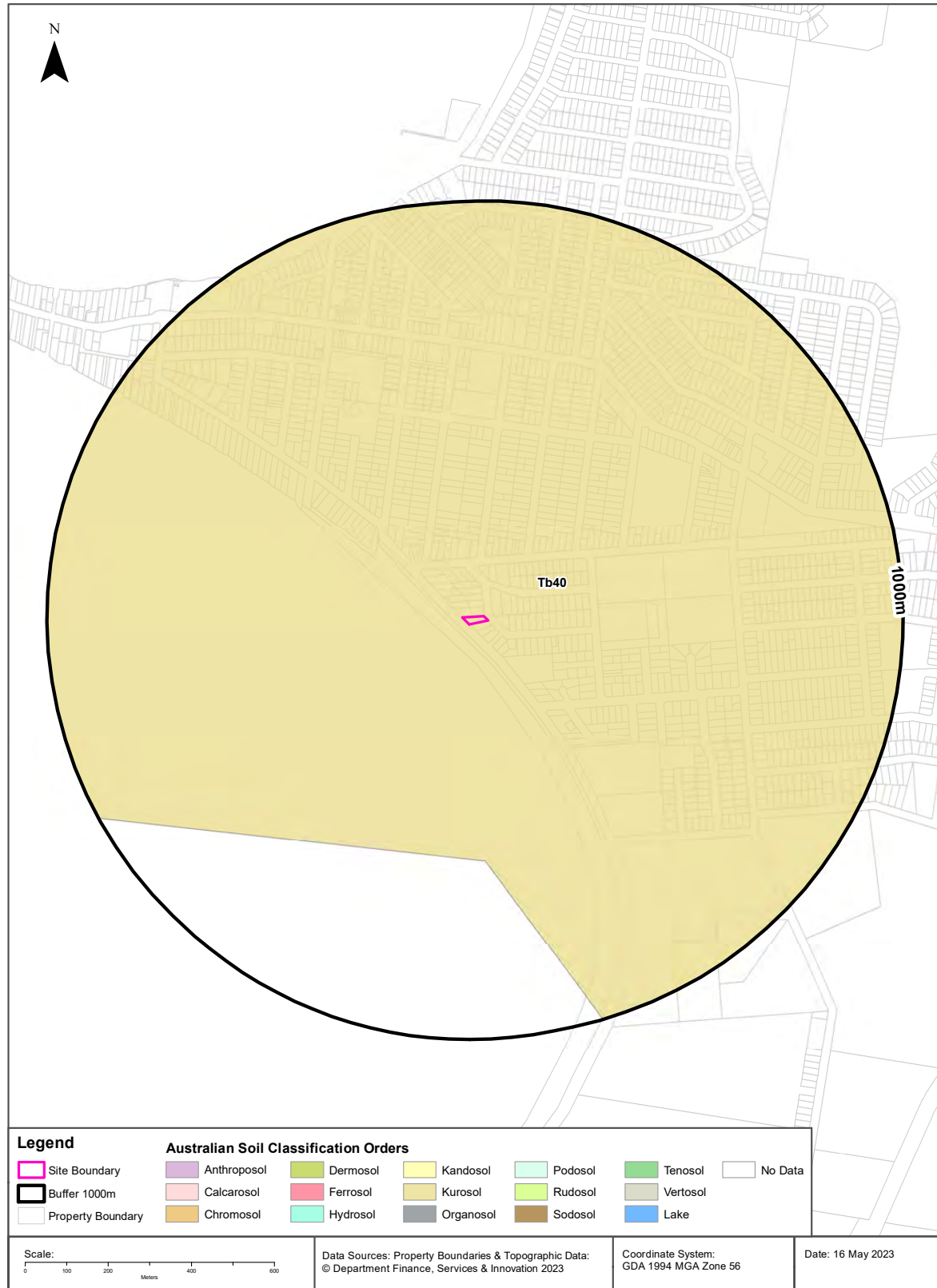
Naturally Occurring Asbestos Potential within the dataset buffer:

Potential	Sym	Strat Name	Group	Formation	Scale	Min Age	Max Age	Rock Type	Dom Lith	Description	Dist	Dir
No records in buffer												

Naturally Occurring Asbestos Potential Data Source: © State of New South Wales through NSW Department of Industry, Resources & Energy

Atlas of Australian Soils

12 Beach Parade, Canton Beach, NSW 2263



Soils

12 Beach Parade, Canton Beach, NSW 2263

Atlas of Australian Soils

Soil mapping units and Australian Soil Classification orders within the dataset buffer:

Map Unit Code	Soil Order	Map Unit Description	Distance	Direction
Tb40	Kurosol	Undulating to hilly areas with some steep slopes and cliffs, rock outcrops, and narrow terraced valleys: chief soils are hard acidic yellow mottled soils (Dy3.41) with some shallow soils such as (Um4.1) and (Uc4.1) on the steeper slopes. Associated are: (Gn2.2) soils and (Dd1) soils, both of which occur on slopes; undescribed soils in the valleys; and some (Dy5) and (Uc1 .2) soils along the coast. As mapped, small areas of units Gb10 and Cb28 are included.	0m	On-site

Atlas of Australian Soils Data Source: CSIRO

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Soil Landscapes of Central and Eastern NSW

12 Beach Parade, Canton Beach, NSW 2263



Soils

12 Beach Parade, Canton Beach, NSW 2263

Soil Landscapes of Central and Eastern NSW

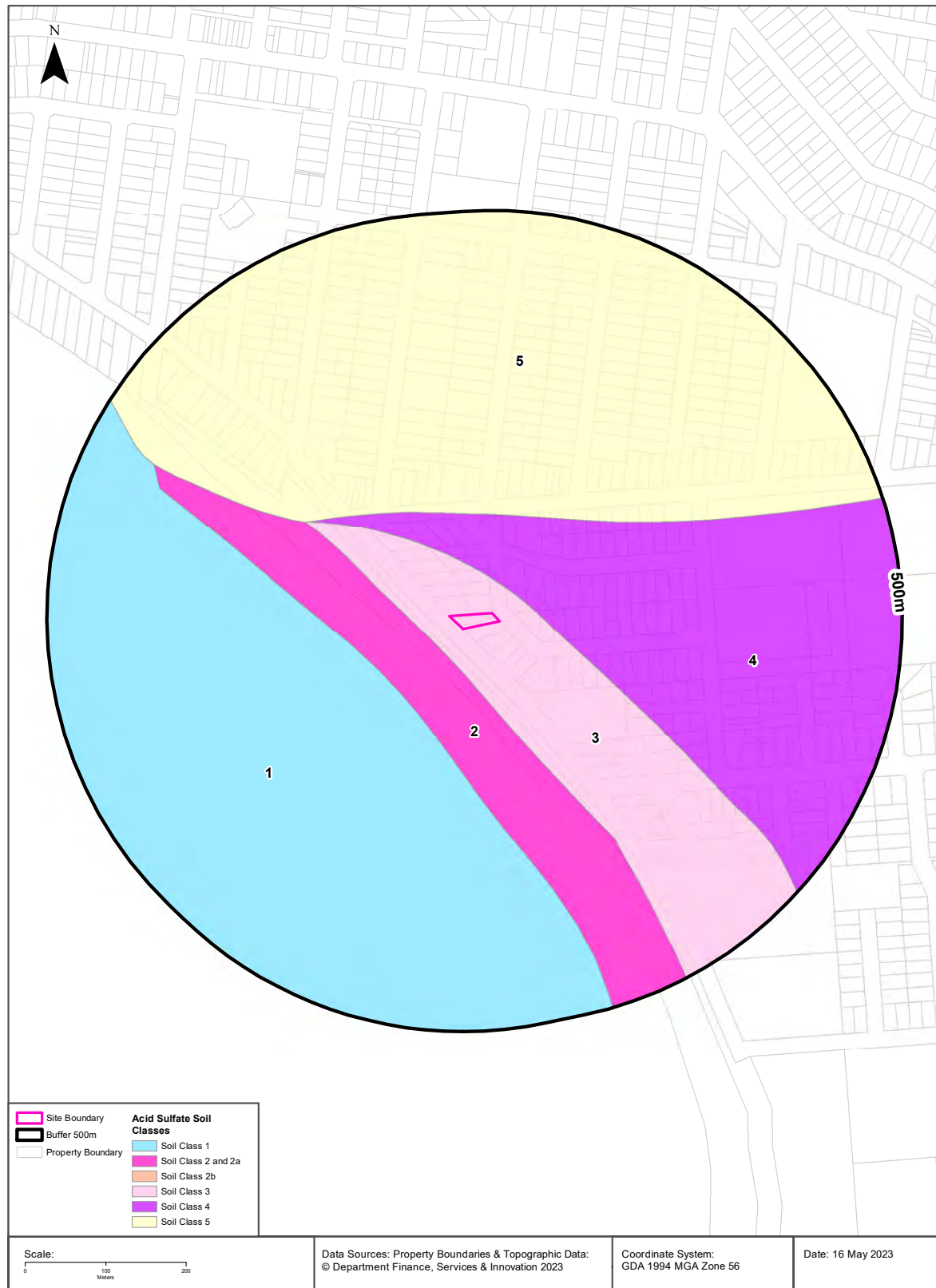
Soil Landscapes of Central and Eastern NSW within the dataset buffer:

Soil Code	Name	Distance	Direction
9131ww	Woy Woy	0m	On-site
9131gk	Gorokan	171m	North
9131nr	Norah Head	401m	East
9131xx	Disturbed Terrain	897m	South East

Soil Landscapes of Central and Eastern NSW: NSW Department of Planning, Industry and Environment
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Acid Sulfate Soils

12 Beach Parade, Canton Beach, NSW 2263



Acid Sulfate Soils

12 Beach Parade, Canton Beach, NSW 2263

Environmental Planning Instrument - Acid Sulfate Soils

What is the on-site Acid Sulfate Soil Plan Class that presents the largest environmental risk?

Soil Class	Description	EPI Name
3	Works more than 1 metre below natural ground surface present an environmental risk; Works by which the watertable is likely to be lowered more than 1 metre below natural ground surface, present an environmental risk	Central Coast Local Environmental Plan 2022

If the on-site Soil Class is 5, what other soil classes exist within 500m?

Soil Class	Description	EPI Name	Distance	Direction
N/A				

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Atlas of Australian Acid Sulfate Soils

12 Beach Parade, Canton Beach, NSW 2263



Acid Sulfate Soils

12 Beach Parade, Canton Beach, NSW 2263

Atlas of Australian Acid Sulfate Soils

Atlas of Australian Acid Sulfate Soil categories within the dataset buffer:

Class	Description	Distance	Direction
B	Low Probability of occurrence. 6-70% chance of occurrence.	0m	On-site
A	High Probability of occurrence. >70% chance of occurrence.	110m	South West
C	Extremely low probability of occurrence. 1-5% chance of occurrence with occurrences in small localised areas.	123m	North East

Atlas of Australian Acid Sulfate Soils Data Source: CSIRO

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Dryland Salinity

12 Beach Parade, Canton Beach, NSW 2263

Dryland Salinity - National Assessment

Is there Dryland Salinity - National Assessment data onsite?

No

Is there Dryland Salinity - National Assessment data within the dataset buffer?

No

What Dryland Salinity assessments are given?

Assessment 2000	Assessment 2020	Assessment 2050	Distance	Direction
N/A	N/A	N/A		

Dryland Salinity Data Source : National Land and Water Resources Audit

The Commonwealth and all suppliers of source data used to derive the maps of "Australia, Forecast Areas Containing Land of High Hazard or Risk of Dryland Salinity from 2000 to 2050" do not warrant the accuracy or completeness of information in this product. Any person using or relying upon such information does so on the basis that the Commonwealth and data suppliers shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Any persons using this information do so at their own risk.

In many cases where a high risk is indicated, less than 100% of the area will have a high hazard or risk.

Mining

12 Beach Parade, Canton Beach, NSW 2263

Mining Subsidence Districts

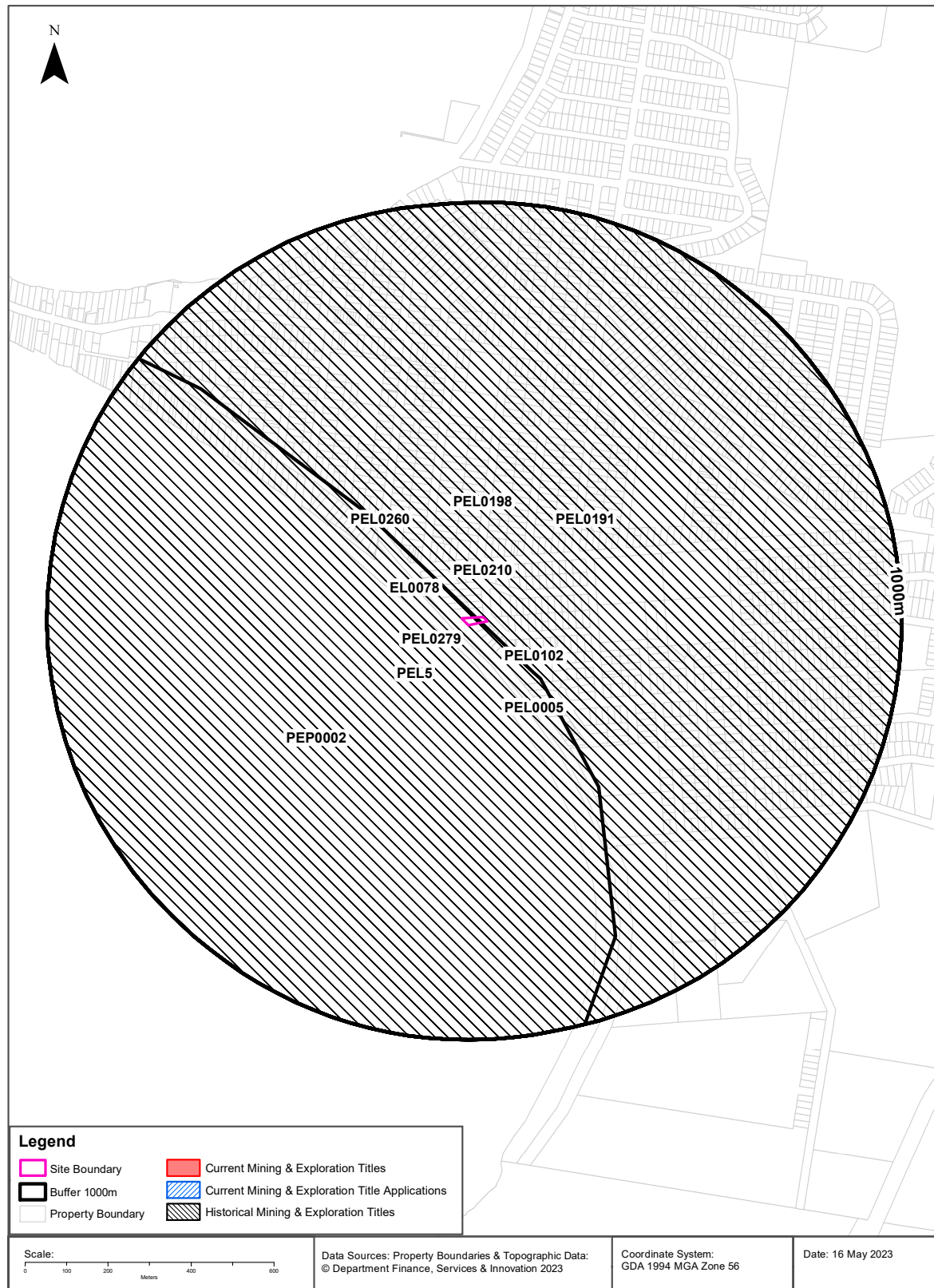
Mining Subsidence Districts within the dataset buffer:

District	Distance	Direction
There are no Mining Subsidence Districts within the report buffer		

Mining Subsidence District Data Source: © Land and Property Information (2016)
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Mining & Exploration Titles

12 Beach Parade, Canton Beach, NSW 2263



Mining

12 Beach Parade, Canton Beach, NSW 2263

Current Mining & Exploration Titles

Current Mining & Exploration Titles within the dataset buffer:

Title Ref	Holder	Grant Date	Expiry Date	Last Renewed	Operation	Resource	Minerals	Dist	Dir
N/A	No records in buffer								

Current Mining & Exploration Titles Data Source: © State of New South Wales through NSW Department of Industry

Current Mining & Exploration Title Applications

Current Mining & Exploration Title Applications within the dataset buffer:

Application Ref	Applicant	Application Date	Operation	Resource	Minerals	Dist	Dir
N/A	No records in buffer						

Current Mining & Exploration Title Applications Data Source: © State of New South Wales through NSW Department of Industry

Mining

12 Beach Parade, Canton Beach, NSW 2263

Historical Mining & Exploration Titles

Historical Mining & Exploration Titles within the dataset buffer:

Title Ref	Holder	Start Date	End Date	Resource	Minerals	Dist	Dir
PEL0005	AGL UPSTREAM INVESTMENTS PTY LIMITED	19931111	20150403	PETROLEUM	Petroleum	0m	On-site
EL0078	CONTINENTAL OIL CO OF AUSTRALIA LIMITED	19670201	19680201	MINERALS		0m	On-site
PEL0210	THE AUSTRALIAN GAS LIGHT COMPANY (AGL), NORTH BULLI COLLIERIES PTY LTD			PETROLEUM	Petroleum	0m	On-site
PEL0279	THE ELECTRICITY COMMISSION OF NSW (TRADING AS PACIFIC POWER)	19910504	19931111	PETROLEUM	Petroleum	0m	On-site
PEL0260	NORTH BULLI COLLIERIES PTY LTD, AGL PETROLEUM OPERATIONS PTY LTD, THE AUSTRALIAN GAS LIGHT CO.	19810909	19930803	PETROLEUM	Petroleum	0m	On-site
PEL5	AGL UPSTREAM INVESTMENTS PTY LIMITED	19931111	20011210	MINERALS		0m	On-site
PEL0102	AUSTRALIAN OIL AND GAS CORPORATION LTD			PETROLEUM	Petroleum	0m	On-site
PEP0002	LASKAN MINERALS LTD			PETROLEUM	Petroleum	0m	On-site
PEL0191	NORTHWEST OIL AND MINERALS CO NL			PETROLEUM	Petroleum	0m	On-site
PEL0198	JOHN STREVS (TERRIGAL) NL			PETROLEUM	Petroleum	0m	On-site

Historical Mining & Exploration Titles Data Source: © State of New South Wales through NSW Department of Industry

State Environmental Planning Policy

12 Beach Parade, Canton Beach, NSW 2263

State Significant Precincts

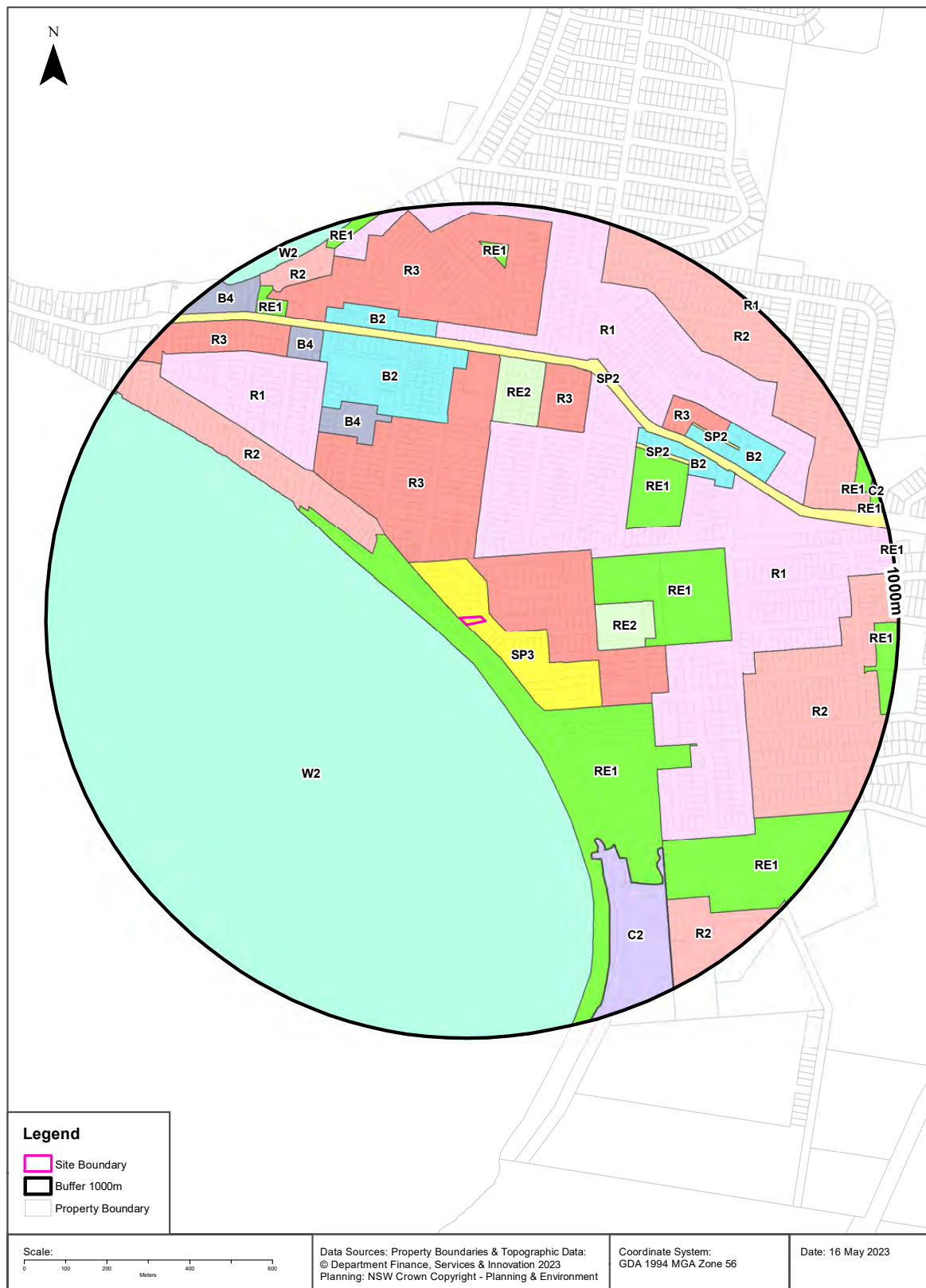
What SEPP State Significant Precincts exist within the dataset buffer?

Map Id	Precinct	EPI Name	Published Date	Commenced Date	Currency Date	Amendment	Distance	Direction
N/A	No records in buffer							

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EPI Planning Zones

12 Beach Parade, Canton Beach, NSW 2263



Environmental Planning Instrument

12 Beach Parade, Canton Beach, NSW 2263

Land Zoning

What EPI Land Zones exist within the dataset buffer?

Zone	Description	Purpose	EPI Name	Published Date	Commenced Date	Currency Date	Amendment	Distance	Direction
SP3	Tourist	Tourist	Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		0m	On-site
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		0m	South East
R3	Medium Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		20m	North
W2	Recreational Waterways		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		58m	South West
R1	General Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		141m	East
R2	Low Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		262m	North West
RE2	Private Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		267m	East
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		268m	East
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		406m	North East
B4	Mixed Use		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		468m	North West
B2	Local Centre		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		472m	North
RE2	Private Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		473m	North
R3	Medium Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		478m	North East
R1	General Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		501m	North West
SP2	Infrastructure	Road and traffic facility	Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		556m	North East
B2	Local Centre		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		564m	North East
C2	Environmental Conservation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		591m	South East
SP2	Infrastructure	Road and traffic facility	Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		601m	North
R1	General Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		625m	North East
R3	Medium Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		633m	North East
R2	Low Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		635m	East
B2	Local Centre		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		658m	North East
B2	Local Centre		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		682m	North
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		683m	South East
SP2	Infrastructure	Road and traffic facility	Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		689m	North East
R3	Medium Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		691m	North
B4	Mixed Use		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		709m	North West
R3	Medium Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		758m	North West

Zone	Description	Purpose	EPI Name	Published Date	Commenced Date	Currency Date	Amendment	Distance	Direction
R2	Low Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		803m	South East
R2	Low Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		817m	North East
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		842m	North West
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		844m	North
R2	Low Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		886m	North West
B4	Mixed Use		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		888m	North West
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		922m	East
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		942m	East
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		943m	North
W2	Recreational Waterways		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		955m	North West
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		966m	East
C2	Environmental Conservation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		983m	East
R1	General Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		994m	North East
R2	Low Density Residential		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		997m	East
RE1	Public Recreation		Central Coast Local Environmental Plan 2022	24/06/2022	01/08/2022	01/08/2022		997m	East

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Heritage

12 Beach Parade, Canton Beach, NSW 2263

Commonwealth Heritage List

What are the Commonwealth Heritage List Items located within the dataset buffer?

Place Id	Name	Address	Place File No	Class	Status	Register Date	Distance	Direction
N/A	No records in buffer							

Heritage Data Source: Australian Government Department of the Environment and Energy - Heritage Branch
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National Heritage List

What are the National Heritage List Items located within the dataset buffer?

Note. Please click on Place Id to activate a hyperlink to online website.

Place Id	Name	Address	Place File No	Class	Status	Register Date	Distance	Direction
N/A	No records in buffer							

Heritage Data Source: Australian Government Department of the Environment and Energy - Heritage Branch
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State Heritage Register - Curtilages

What are the State Heritage Register Items located within the dataset buffer?

Map Id	Name	Address	LGA	Listing Date	Listing No	Plan No	Distance	Direction
N/A	No records in buffer							

Heritage Data Source: NSW Crown Copyright - Office of Environment & Heritage
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Environmental Planning Instrument - Heritage

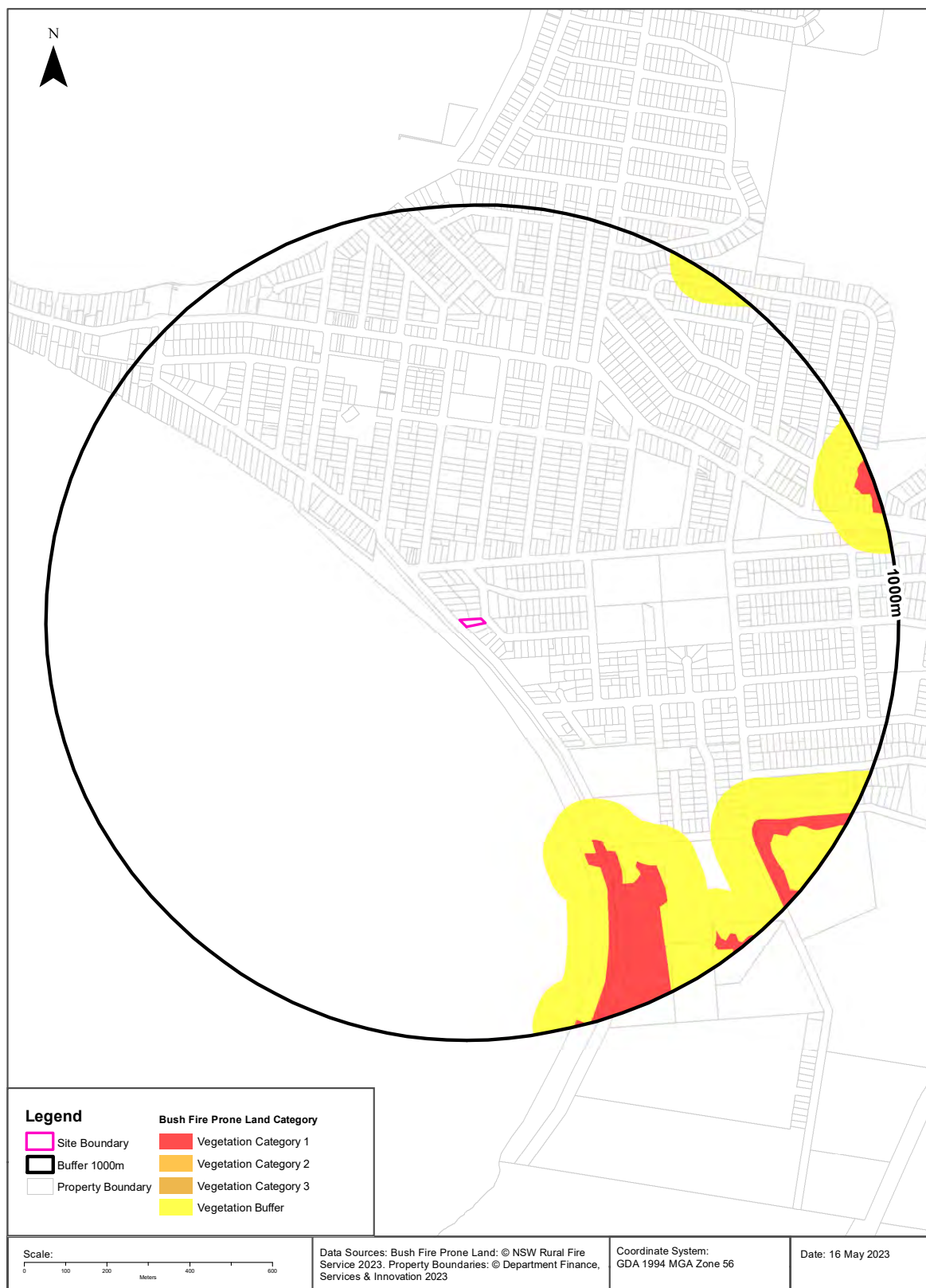
What are the EPI Heritage Items located within the dataset buffer?

Map Id	Name	Classification	Significance	EPI Name	Published Date	Commenced Date	Currency Date	Distance	Direction
N/A	No records in buffer								

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Natural Hazards - Bush Fire Prone Land

12 Beach Parade, Canton Beach, NSW 2263



Natural Hazards

12 Beach Parade, Canton Beach, NSW 2263

Bush Fire Prone Land

What are the nearest Bush Fire Prone Land Categories that exist within the dataset buffer?

Bush Fire Prone Land Category	Distance	Direction
Vegetation Buffer	484m	South East
Vegetation Category 1	584m	South East

NSW Bush Fire Prone Land - © NSW Rural Fire Service under Creative Commons 4.0 International Licence

Ecological Constraints - Vegetation & Ramsar Wetlands

12 Beach Parade, Canton Beach, NSW 2263



Ecological Constraints

12 Beach Parade, Canton Beach, NSW 2263

Lower Hunter and Central Coast Regional Vegetation Survey

What vegetation from the Lower Hunter and Central Coast Regional Survey exists within the dataset buffer?

Map Id	Unit Desc	Canopy Code	Canopy Cover	Species	Distance	Direction
33	Coastal Sand Apple - Blackbutt forest	OF	Mid Dense (Open Forest) 50- <100% cover	A. costata / E. pilularis / Banksia serrata	586m	South East
4	Littoral Rainforest	OF	Mid Dense (Open Forest) 50- <100% cover	Cupaniopsis anacardioides / Syzygium paniculatum / Glochidion ferdinandi	591m	South East
40	Swamp Oak Rushland Forest	OF	Mid Dense (Open Forest) 50- <100% cover	C. glauca / Melaleuca ericifolia / Baumea juncea	638m	South East
37	Swamp Mahogany - Paperbark Forest	OF	Mid Dense (Open Forest) 50- <100% cover	Melaleuca quinquinervia / E. robusta / C. glauca	687m	South East
34	Coastal Sand Wallum Woodland - Heath	OF	Mid Dense (Open Forest) 50- <100% cover	Banksia aemula / C. gummifera / A. costata	932m	East
31	Coastal Plains Scribbly Gum Woodland	OF	Mid Dense (Open Forest) 50- <100% cover	E. haemostoma / C. gummifera / E. capitellata / A. inopina	983m	North East
42	Riparian Melaleuca Swamp Woodland	OF	Mid Dense (Open Forest) 50- <100% cover	Melaleuca sieberi / E. robusta	992m	South East

Lower Hunter and Central Coast Regional Vegetation Survey: NSW Office of Environment and Heritage

Ramsar Wetlands

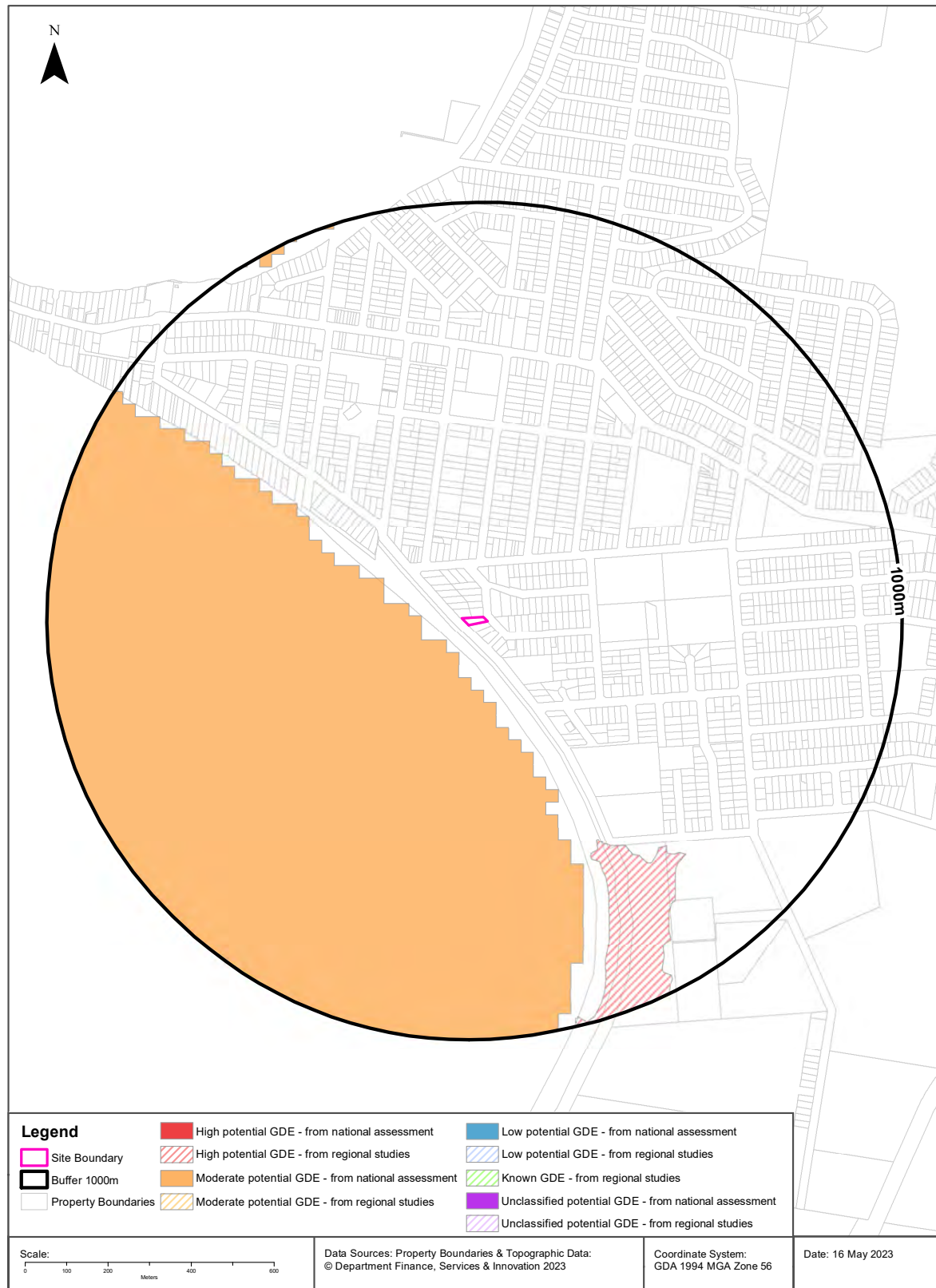
What Ramsar Wetland areas exist within the dataset buffer?

Map Id	Ramsar Name	Wetland Name	Designation Date	Source	Distance	Direction
N/A	No records in buffer					

Ramsar Wetlands Data Source: © Commonwealth of Australia - Department of Agriculture, Water and the Environment

Ecological Constraints - Groundwater Dependent Ecosystems Atlas

12 Beach Parade, Canton Beach, NSW 2263



Ecological Constraints

12 Beach Parade, Canton Beach, NSW 2263

Groundwater Dependent Ecosystems Atlas

Type	GDE Potential	Geomorphology	Ecosystem Type	Aquifer Geology	Distance	Direction
Aquatic	Moderate potential GDE - from national assessment	West	SOUTH-WEST COAST		63m	South West
Terrestrial	High potential GDE - from regional studies	Deeply dissected sandstone plateaus.	Vegetation		588m	South East

Groundwater Dependent Ecosystems Atlas Data Source: The Bureau of Meteorology
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Ecological Constraints - Inflow Dependent Ecosystems Likelihood

12 Beach Parade, Canton Beach, NSW 2263



Ecological Constraints

12 Beach Parade, Canton Beach, NSW 2263

Inflow Dependent Ecosystems Likelihood

Type	IDE Likelihood	Geomorphology	Ecosystem Type	Aquifer Geology	Distance	Direction
Aquatic		West	SOUTH-WEST COAST		63m	South West
Terrestrial	6	Deeply dissected sandstone plateaus.	Vegetation		588m	South East

Inflow Dependent Ecosystems Likelihood Data Source: The Bureau of Meteorology
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Ecological Constraints

12 Beach Parade, Canton Beach, NSW 2263

NSW BioNet Atlas

Species on the NSW BioNet Atlas that have a NSW or federal conservation status, a NSW sensitivity status, or are listed under a migratory species agreement, and are within 10km of the site?

Kingdom	Class	Scientific	Common	NSW Conservation Status	NSW Sensitivity Class	Federal Conservation Status	Migratory Species Agreements
Animalia	Amphibia	Crinia tinnula	Wallum Froglet	Vulnerable	Not Sensitive	Not Listed	
Animalia	Amphibia	Litoria aurea	Green and Golden Bell Frog	Endangered	Not Sensitive	Vulnerable	
Animalia	Amphibia	Uperoleia mahonyi	Mahony's Toadlet	Endangered	Not Sensitive	Not Listed	
Animalia	Aves	Actitis hypoleucos	Common Sandpiper	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Anthochaera phrygia	Regent Honeyeater	Critically Endangered	Not Sensitive	Critically Endangered	
Animalia	Aves	Apus pacificus	Fork-tailed Swift	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Ardenna carneipes	Flesh-footed Shearwater	Vulnerable	Not Sensitive	Not Listed	ROKAMBA;JAMBA
Animalia	Aves	Ardenna grisea	Sooty Shearwater	Not Listed	Not Sensitive	Not Listed	JAMBA
Animalia	Aves	Ardenna pacifica	Wedge-tailed Shearwater	Not Listed	Not Sensitive	Not Listed	JAMBA
Animalia	Aves	Ardenna tenuirostris	Short-tailed Shearwater	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Arenaria interpres	Ruddy Turnstone	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Artamus cyanopterus cyanopterus	Dusky Woodswallow	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Botaurus poiciloptilus	Australasian Bittern	Endangered	Not Sensitive	Endangered	
Animalia	Aves	Burhinus grallarius	Bush Stone-curlew	Endangered	Not Sensitive	Not Listed	
Animalia	Aves	Calidris acuminata	Sharp-tailed Sandpiper	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calidris alba	Sanderling	Vulnerable	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calidris canutus	Red Knot	Not Listed	Not Sensitive	Endangered	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calidris ferruginea	Curlew Sandpiper	Endangered	Not Sensitive	Critically Endangered	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calidris ruficollis	Red-necked Stint	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calidris tenuirostris	Great Knot	Vulnerable	Not Sensitive	Critically Endangered	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calonectris leucomelas	Streaked Shearwater	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Calyptorhynchus lathamii	Glossy Black-Cockatoo	Vulnerable	Category 2	Vulnerable	
Animalia	Aves	Charadrius mongolus	Lesser Sandpiper	Vulnerable	Not Sensitive	Endangered	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Charadrius veredus	Oriental Plover	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Chlidonias leucopterus	White-winged Black Tern	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA;JAMBA
Animalia	Aves	Circus assimilis	Spotted Harrier	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Climacteris picumnus victoriae	Brown Treecreeper (eastern subspecies)	Vulnerable	Not Sensitive	Not Listed	

Kingdom	Class	Scientific	Common	NSW Conservation Status	NSW Sensitivity Class	Federal Conservation Status	Migratory Species Agreements
Animalia	Aves	Daphoenositta chrysoptera	Varied Sittella	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Diomedea exulans	Wandering Albatross	Endangered	Not Sensitive	Endangered	
Animalia	Aves	Ephippiorhynchus asiaticus	Black-necked Stork	Endangered	Not Sensitive	Not Listed	
Animalia	Aves	Epthianura albifrons	White-fronted Chat	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Esacus magnirostris	Beach Stone-curlew	Critically Endangered	Not Sensitive	Not Listed	
Animalia	Aves	Fregata ariel	Lesser Frigatebird	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Fregata minor	Great Frigatebird	Not Listed	Not Sensitive	Not Listed	CAMBA;JAMBA
Animalia	Aves	Gallinago hardwickii	Latham's Snipe	Not Listed	Not Sensitive	Not Listed	ROKAMBA;JAMBA
Animalia	Aves	Gelochelidon nilotica	Gull-billed Tern	Not Listed	Not Sensitive	Not Listed	CAMBA
Animalia	Aves	Glossopsitta pusilla	Little Lorikeet	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Gygis alba	White Tern	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Haematopus fuliginosus	Sooty Oystercatcher	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Haematopus longirostris	Pied Oystercatcher	Endangered	Not Sensitive	Not Listed	
Animalia	Aves	Haliaeetus leucogaster	White-bellied Sea-Eagle	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Hieraaetus morphnoides	Little Eagle	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Hirundapus caudacutus	White-throated Needletail	Not Listed	Not Sensitive	Vulnerable	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Hydroprogne caspia	Caspian Tern	Not Listed	Not Sensitive	Not Listed	JAMBA
Animalia	Aves	Ixobrychus flavicollis	Black Bittern	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Lathamus discolor	Swift Parrot	Endangered	Not Sensitive	Critically Endangered	
Animalia	Aves	Limicola falcinellus	Broad-billed Sandpiper	Vulnerable	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Limosa lapponica	Bar-tailed Godwit	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Limosa limosa	Black-tailed Godwit	Vulnerable	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Lophoictinia isura	Square-tailed Kite	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Macronectes giganteus	Southern Giant Petrel	Endangered	Not Sensitive	Endangered	
Animalia	Aves	Macronectes halli	Northern Giant-Petrel	Vulnerable	Not Sensitive	Vulnerable	
Animalia	Aves	Neophema pulchella	Turquoise Parrot	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Ninox connivens	Barking Owl	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Ninox strenua	Powerful Owl	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Numenius madagascariensis	Eastern Curlew	Not Listed	Not Sensitive	Critically Endangered	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Numenius phaeopus	Whimbrel	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Onychoprion fuscata	Sooty Tern	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Pandion cristatus	Eastern Osprey	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Phaethon rubricauda	Red-tailed Tropicbird	Vulnerable	Not Sensitive	Not Listed	CAMBA;JAMBA
Animalia	Aves	Pluvialis fulva	Pacific Golden Plover	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA

Kingdom	Class	Scientific	Common	NSW Conservation Status	NSW Sensitivity Class	Federal Conservation Status	Migratory Species Agreements
Animalia	Aves	Pluvialis squatarola	Grey Plover	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Pterodroma leucoptera leucoptera	Gould's Petrel	Vulnerable	Not Sensitive	Endangered	
Animalia	Aves	Pterodroma neglecta neglecta	Kermadec Petrel (west Pacific subspecies)	Vulnerable	Not Sensitive	Vulnerable	
Animalia	Aves	Pterodroma solandri	Providence Petrel	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Ptilinopus magnificus	Wompoo Fruit-Dove	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Ptilinopus regina	Rose-crowned Fruit-Dove	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Ptilinopus superbus	Superb Fruit-Dove	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Stagonopleura guttata	Diamond Firetail	Vulnerable	Not Sensitive	Not Listed	
Animalia	Aves	Stercorarius parasiticus	Arctic Jaeger	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Stercorarius pomarinus	Pomarine Jaeger	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Sterna hirundo	Common Tern	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Sternula albifrons	Little Tern	Endangered	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Sula leucogaster	Brown Booby	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Thalassarche cauta	Shy Albatross	Endangered	Not Sensitive	Endangered	
Animalia	Aves	Thalassarche melanophrys	Black-browed Albatross	Vulnerable	Not Sensitive	Vulnerable	
Animalia	Aves	Thalasseus bergii	Crested Tern	Not Listed	Not Sensitive	Not Listed	JAMBA
Animalia	Aves	Thinornis cucullatus cucullatus	Eastern Hooded Dotterel	Critically Endangered	Not Sensitive	Vulnerable	
Animalia	Aves	Tringa brevipes	Grey-tailed Tattler	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Tringa incana	Wandering Tattler	Not Listed	Not Sensitive	Not Listed	JAMBA
Animalia	Aves	Tringa nebularia	Common Greenshank	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Tringa stagnatilis	Marsh Sandpiper	Not Listed	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Aves	Tyto novaehollandiae	Masked Owl	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Tyto tenebricosa	Sooty Owl	Vulnerable	Category 3	Not Listed	
Animalia	Aves	Xenus cinereus	Terek Sandpiper	Vulnerable	Not Sensitive	Not Listed	ROKAMBA;CAMBA; JAMBA
Animalia	Insecta	Petalura gigantea	Giant Dragonfly	Endangered	Not Sensitive	Not Listed	
Animalia	Mammalia	Arctocephalus forsteri	New Zealand Fur-seal	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Arctocephalus pusillus doriferus	Australian Fur-seal	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Cercartetus nanus	Eastern Pygmy-possum	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Chalinolobus dwyeri	Large-eared Pied Bat	Vulnerable	Not Sensitive	Vulnerable	
Animalia	Mammalia	Dasyurus maculatus	Spotted-tailed Quoll	Vulnerable	Not Sensitive	Endangered	
Animalia	Mammalia	Eubalaena australis	Southern Right Whale	Endangered	Not Sensitive	Endangered	
Animalia	Mammalia	Falsistrellus tasmaniensis	Eastern False Pipistrelle	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Micronomus norfolkensis	Eastern Coastal Free-tailed Bat	Vulnerable	Not Sensitive	Not Listed	

Kingdom	Class	Scientific	Common	NSW Conservation Status	NSW Sensitivity Class	Federal Conservation Status	Migratory Species Agreements
Animalia	Mammalia	Miniopterus australis	Little Bent-winged Bat	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Miniopterus orianae oceanensis	Large Bent-winged Bat	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Myotis macropus	Southern Myotis	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Petaurus norfolcensis	Squirrel Glider	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Phascogale cinerea	Koala	Endangered	Not Sensitive	Endangered	
Animalia	Mammalia	Pseudomys gracilicaudatus	Eastern Chestnut Mouse	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Pseudomys novaehollandiae	New Holland Mouse	Not Listed	Not Sensitive	Vulnerable	
Animalia	Mammalia	Pteropus poliocephalus	Grey-headed Flying-fox	Vulnerable	Not Sensitive	Vulnerable	
Animalia	Mammalia	Saccolaimus flaviventris	Yellow-bellied Sheath-tail-bat	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Scoteanax rueppellii	Greater Broad-nosed Bat	Vulnerable	Not Sensitive	Not Listed	
Animalia	Mammalia	Vespadelus troughtoni	Eastern Cave Bat	Vulnerable	Not Sensitive	Not Listed	
Animalia	Reptilia	Caretta caretta	Loggerhead Turtle	Endangered	Not Sensitive	Endangered	
Animalia	Reptilia	Chelonia mydas	Green Turtle	Vulnerable	Not Sensitive	Vulnerable	
Animalia	Reptilia	Dermochelys coriacea	Leatherback Turtle	Endangered	Not Sensitive	Endangered	
Animalia	Reptilia	Eretmochelys imbricata	Hawksbill Turtle	Not Listed	Not Sensitive	Vulnerable	
Animalia	Reptilia	Hoplocephalus stephensii	Stephens' Banded Snake	Vulnerable	Not Sensitive	Not Listed	
Plantae	Flora	Acacia bynoeana	Bynoe's Wattle	Endangered	Not Sensitive	Vulnerable	
Plantae	Flora	Acacia pubescens	Downy Wattle	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Angophora inopina	Charmhaven Apple	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Caladenia porphyrea		Not Listed	Category 2	Not Listed	
Plantae	Flora	Caladenia tessellata	Thick Lip Spider Orchid	Endangered	Category 2	Vulnerable	
Plantae	Flora	Callistemon linearifolius	Netted Bottle Brush	Vulnerable	Category 3	Not Listed	
Plantae	Flora	Chamaesyce psammogeton	Sand Spurge	Endangered	Not Sensitive	Not Listed	
Plantae	Flora	Clematis fawcettii	Northern Clematis	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Corunastylis sp. Charmhaven (NSW896673)		Critically Endangered	Category 2	Critically Endangered	
Plantae	Flora	Cryptostylis hunteriana	Leafless Tongue Orchid	Vulnerable	Category 2	Vulnerable	
Plantae	Flora	Cymbidium canaliculatum	Tiger Orchid	Not Listed	Category 2	Not Listed	
Plantae	Flora	Diuris praecox	Rough Doubletail	Vulnerable	Category 2	Vulnerable	
Plantae	Flora	Eucalyptus camfieldii	Camfield's Stringybark	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Eucalyptus nicholii	Narrow-leaved Black Peppermint	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Eucalyptus parramattensis subsp. parramattensis		Endangered Population	Not Sensitive	Not Listed	
Plantae	Flora	Genoplesium insigne	Variable Midge Orchid	Critically Endangered	Category 2	Critically Endangered	

Kingdom	Class	Scientific	Common	NSW Conservation Status	NSW Sensitivity Class	Federal Conservation Status	Migratory Species Agreements
Plantae	Flora	Grevillea parviflora subsp. parviflora	Small-flower Grevillea	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Maundia triglochoides		Vulnerable	Not Sensitive	Not Listed	
Plantae	Flora	Melaleuca biconvexa	Biconvex Paperbark	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Rhodamnia rubescens	Scrub Turpentine	Critically Endangered	Not Sensitive	Critically Endangered	
Plantae	Flora	Rhodomyrtus psidioides	Native Guava	Critically Endangered	Not Sensitive	Critically Endangered	
Plantae	Flora	Rutidosia heterogama	Heath Wrinklewort	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Syzygium paniculatum	Magenta Lilly Pilly	Endangered	Not Sensitive	Vulnerable	
Plantae	Flora	Tetralthea juncea	Black-eyed Susan	Vulnerable	Not Sensitive	Vulnerable	
Plantae	Flora	Thelymitra adorata	Wyong Sun Orchid	Critically Endangered	Category 2	Critically Endangered	

Data does not include NSW category 1 sensitive species.

NSW BioNet: © State of NSW and Office of Environment and Heritage

Location Confidences

Where Lotsearch has had to georeference features from supplied addresses, a location confidence has been assigned to the data record. This indicates a confidence to the positional accuracy of the feature. Where applicable, a code is given under the field heading "LC" or "LocConf". These codes lookup to the following location confidences:

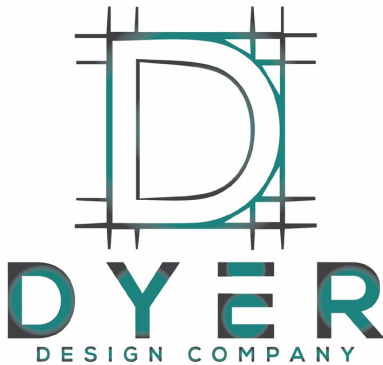
LC Code	Location Confidence
Premise Match	Georeferenced to the site location / premise or part of site
Area Match	Georeferenced to an approximate or general area
Road Match	Georeferenced to a road or rail corridor
Road Intersection	Georeferenced to a road intersection
Buffered Point	A point feature buffered to x metres
Adjacent Match	Land adjacent to a georeferenced feature
Network of Features	Georeferenced to a network of features
Suburb Match	Georeferenced to a suburb boundary
As Supplied	Spatial data supplied by provider

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Independent Design Review

(Revised Drawings)

For Central Coast Council

DA – 4077/2022

12 Beach Parade Canton Beach

Report Title: Independent Design Review
 Report No: DDC_103 – 12 Beach Parade Canton Beach
 Issue No: v2.0
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1. General

Purpose

The purpose of the Independent Design Review of the revised drawings is to consider the revised proposal against the deficiencies noted in Version 1.0 of the report

The report considers the 9 Design Quality Principles contained in State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and the Apartment Design Guide.

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

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

Details of Proposal

Property Address: 12 Beach Parade Canton Beach.

Application No 4077/2022

Land Zoned SP3 Tourist

Applicant: X. Pace Design Group Pty. Ltd

Description of development

It is proposed to construct a new five-storey shop top housing development with parking mostly in the basement. The contemporary design by X.PACE Design Group will comprise a café on the ground floor and four residential units at the upper levels..

Documents Reviewed (as provided via link)

- Revised Architectural Plans

Planning Controls

- New South Wales Government (1979) Environmental Planning & Assessment Act - Section 4.15(1)
- CENTRAL COAST LOCAL ENVIRONMENTAL PLAN (LEP) 2022
- CENTRAL COAST DEVELOPMENT CONTROL PLAN (DCP) 2022
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.
- Apartment Design Guide

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2. Review

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

Clause	Heading	Comments	Compliance Achieved	
			Yes	No
	Apartment Design Guide		-	-
Part 1	Identifying the context		-	-
Part 1A	Apartment building types	Shop Top Apartment	-	-
Part 1B	Local Character and context	Objectives adequately addressed in documentation.	✓	
Part 1C	Precincts and individual sites	Objectives adequately addressed in documentation.	✓	
Part 2	Developing the controls		-	-
Part 2A	Primary Controls	Refer the individual primary controls listed below	-	-
Part 2B	Building Envelopes	Objectives adequately addressed in documentation. <ul style="list-style-type: none"> The proposed development is consistent with the evolving design, bulk and scale of this regrowth area. General compliance with building envelope requirements although non-conformance issues as detailed below. 	✓	✓
Part 2C	Building Height - Central Coast LEP 2022	Objectives adequately addressed in documentation. <ul style="list-style-type: none"> 16m height limit (12.8 to 17.6m provided) – <i>Minor non-compliance</i> <i>The proposal has a height ranging from approximately 12.8m to a maximum of 17.6m. The non-compliance of the height occurs mostly at the roof level, which exceeds the control by maximum of 1.6m (10%).</i> 	✓	✓

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		<ul style="list-style-type: none"> The non-conformance is due to the slope of the land and compliance with flooding issues. The upper level building steps back to minimise impact and legibility of height nonconformance. Clause 4.6 Variation submitted and well founded and and considered. Would recommend support of this minor variation. 		
Part 2D	Floor Space Ratio Central Coast LEP 2022	General objectives and design criteria adequately addressed in documentation. Total permissible GFA: 1.25:1 – 906.75m ² Proposed – 906.2m ² and 1.249:1 Compliant	✓	
Part 2E	Building Depth	General objectives adequately addressed in documentation. <ul style="list-style-type: none"> 12-18m ADG required. Approx. 7-12m provided. 	✓	
Part 2F	Building Separation ADG requirements:- Minimum separation distances for buildings in ADG are: Up to four storeys (approximately 12m): <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms Five to eight storeys (approximately 25m): <ul style="list-style-type: none"> 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms Nine storeys and above (over 25m): <ul style="list-style-type: none"> 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms 	Northern Boundary: Set backs to 11 Beach Parade:- <ul style="list-style-type: none"> Level 1 to 4 – Proposed Setback is varied and generally between habitable and non-habitable room or blank wall : 10-16m – compliance achieved. Level 5 – Proposed Setback is varied and generally between habitable and non-habitable room or blank wall : 14-20m – compliance achieved. Set backs to 9 Kantara Rd:- <ul style="list-style-type: none"> Level 1 to 2 (Existing dwelling) – Proposed Setback is varied and generally between habitable and non-habitable room or blank wall : 9-12m – compliant with additional privacy measures in place. Note further details were provided about the windows/openings in the existing dwelling to further test and confirm building separation and privacy. 	✓ ✓	

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	<p>Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary.</p> <p>This distributes the building separation equally between sites (consider relationship with section 3F Visual privacy).</p> <p>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.</p>	<ul style="list-style-type: none"> Level 1 to 4 (Future development)– Proposed Setback is varied and generally between habitable and non-habitable room or blank wall : 9-10m – compliance could be achieved. Level 5 (Future Development) – Proposed Setback is varied and generally between habitable and non-habitable room or blank wall : 12-14m – compliance could be achieved. <p>Southern Boundary: Vacant Site:</p> <ul style="list-style-type: none"> Minimum setback any future development would be 6m (or possibly 3m based on this DA Proposal). Current proposal is mainly non-habitable room or blank wall to this boundary. Level 1 to 4 – 9m (3+6) or 6m (3+3) would be achievable in the future as a minimum – compliance could be achieved. Level 5 – additional information provided, and compliance could be achieved. 	✓	
Part 2G	<p>Street setbacks Central Coast DCP 2022 Chapter 2.3 Residential Flat Buildings & Shop Top Housing Clause 2.3.4.1 – Setbacks for Residential Flat Buildings – 3 Storeys or more 6 metres applies to all aspects of the development, with the exception of a portico, or an approved structure required for a waste collection area.</p>	<p>Objectives adequately addressed in documentation.</p> <p>7.5m setback - complies</p>	✓	
Part 2H	<p>Side and rear setbacks Central Coast DCP 2022 Chapter 2.3 Residential Flat Buildings & Shop Top Housing Clause 2.3.4.1 – Setbacks for Residential Flat Buildings – 3 Storeys or more i. First to fourth Storey: 6.0 m</p>	<p>With the additional information provided, the general objectives and design criteria adequately addressed in documentation. (refer also Part 2F & 3F)</p> <p>Rear Boundary</p> <ul style="list-style-type: none"> Required 6m (6m provided) - complies 	✓	

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	ii. Fifth to eighth Storey: 9.0 m iii. Ninth storey & above: 12.0 m Note: No more than 4 consecutive storeys of the building shall be at the same setback.	Side Boundary set back <ul style="list-style-type: none"> Required – 6m Proposed – 3m <p><i>Generally, variation sort that if the 6m setback enforced the site would be undevelopable.</i></p> <p>Northern Boundary:</p> <ul style="list-style-type: none"> Refer section 2F – building separation under the ADG could be generally achieved with some additional information. Then generally the proposed setback reduction could be supported. <p>Set backs to 9 Kantara Rd:-</p> <ul style="list-style-type: none"> Level 1 to 2 (Existing dwelling) – Proposed Setback is varied and generally between habitable and non-habitable room or blank wall : 9-12m – compliant with additional privacy measures in place. Note further details were provided about the windows/openings in the existing dwelling to further test and confirm building separation and privacy. <p>Southern Boundary:</p> <ul style="list-style-type: none"> Refer section 2F – building separation under the ADG could be generally achieved for levels 1-4. Then generally the proposed setback reduction at levels 1-4 could be supported. Level 5 – additional information provided, and compliance could be achieved. 	✓	
Part 3	Siting the development			
Part 3A	Site analysis	Objectives adequately addressed in documentation.	✓	

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	Objective 3A1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.			
Part 3B	Orientation Objective 3B1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development. Objective 3B2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Objectives adequately addressed in documentation.	✓	
Part 3C	Public domain interface Objective 3C1 - Transition between private and public domain is achieved without compromising safety and security. Objective 3C2 - Amenity of the public domain is retained and enhanced.	Objectives adequately addressed in documentation.	✓	
Part 3D	Communal and open space Objective 3D1 - An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping. Design Criteria <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site (excluding deep soil planting) Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter). Note communal open space should have a minimum dimension of 3m, Common open space should be collocated with deep soil planting, Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies, 	<i>Objectives and design criteria not adequately addressed in the documentation.</i> <i>Generally, not compliant -</i> <ul style="list-style-type: none"> <i>No Communal area has been nominated or designed as part of the project (only soft landscaping indicated).</i> <i>Required area = 181.35m²</i> <i>Not adequately addressed in the SEE for variation.</i> 		✓

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	<ul style="list-style-type: none"> Where communal open space cannot be provided at ground level, it should be provided on a podium or roof, Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room provide larger balconies or increased private open space for apartments, demonstrate good proximity to public open space and facilities and/or provide contributions to public open space. <p>Objective 3D2 - Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. Objective 3D3 - Communal open space is designed to maximise safety. Objective 3D4 - Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p> <p>Central Coast DCP 2022 Chapter 2.3 Residential Flat Buildings & Shop Top Housing Clause 2.3.3.6 – Common (and Public) Open Space</p> <ol style="list-style-type: none"> Communal open spaces is to be provided for developments with more than ten dwellings Communal open space shall be provided in no more than two locations at a minimum rate of 10 square metres per dwelling and with a minimum width of 5 metres. Minimum 25% of the site area at ground level shall be soft landscaping (planted areas). Communal open space areas shall be landscaped and include the provision of facilities such as barbecues, outdoor seating, tennis court, playground equipment or a swimming pool, as appropriate to the scale of the development. Details are to be included in the development application. 	<p><i>Objectives and design criteria not adequately addressed in the documentation (ie not included in the SEE Table 3 DCP compliance review).</i></p>		✓
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	<p>e. The required communal open space area shall not be provided within the front building setback area. Front setback areas are to be generally reserved for landscaping works.</p> <p>f. Roof-top communal open space may be considered for residential flat developments only where proposed in addition to the required communal open space at ground level. The implications of rooftop open space areas on the overall design of the development, and on privacy and view sharing shall be addressed in the development application.</p>			
Part 3E	<p>Deep soil zones Objective 3E1 - Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design Criteria Deep soil zones are to meet the following minimum – % of site area = 7% of the site. (excluding common area)</p> <p>Minimum dimension less than 650m² = Nil 650m² – 1,500m² = 3m Greater than 1,500m² = 6m</p> <p>Note - Deep soil zones are areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.</p> <p>Central Coast DCP 2022 Chapter 2.3 Residential Flat Buildings & Shop Top Housing Clause 2.3.3.3 – Natural Landscaping</p>	<p>Objectives and design criteria adequately addressed in documentation.</p> <p>Required = 50.7m² Provided = 96m² (scaled from drawing with compliant minimum dimensions) *</p> <p>*note drawing 8 has errors and miscalculations on drawing and should be updated and resubmitted.</p> <ul style="list-style-type: none"> Control calculation for landscaping/deep soil planting is incorrect. Part of landscaping over basement carpark to the north should not be included in deep soil planting. Revised ground floor plan indicates a café bin storage area adjacent Kantara Rd which now takes 10m² out of landscaping/deep soil planting. <p>Required = 181.35m²</p>	✓	

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	<p>A minimum 25% of site area at ground level shall be 'soft' landscaping, excluding all hardstand areas. Open space areas and setback areas may be included in this calculation only where these do not include hardstand surfaces.</p> <p>Central Coast DCP 2022 Chapter 2.3 Residential Flat Buildings & Shop Top Housing Clause 2.3.9.3 – Deep Soil PLanting A minimum 50% of the required soft landscaped area of the site at ground level shall be a deep soil zone.</p>	<p>Provided = 187m2 (scaled from drawing and reduced with new bin area location) *</p> <p>Required = 90.68m2 Provided = 163m2 (scaled from drawing and reduced by planting over basement and new bin area location)</p>		
Part 3F	<p>Visual privacy Objective 3F1 – Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Design Criteria –</p> <ol style="list-style-type: none"> 1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <ul style="list-style-type: none"> • up to 12m (4 storeys) : Habitable room or balconies – 6m / Non Habitable rooms – 3m • up to 25m (5-8 storeys) : Habitable room or balconies – 9m / Non Habitable rooms – 4.5m • Over 25m (+9 storeys) : Habitable room or balconies – 12m / Non Habitable rooms – 6m • <p>Objective 3F2 – Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>With the additional information provided, General objectives and design criteria NOT adequately addressed in documentation. (refer also Part 2F & 2H)</p> <p>Northern Boundary: Set backs northern boundary:-</p> <ul style="list-style-type: none"> • A drainage easement is adjacent the northern boundary approx. 3m wide. The intention of the ADG set back is to the boundary of an adjoining lot. The review below has included the easement in the calculation. (refer also Part 2F which reviews building separation requirements). • Level 1 to 4 – Proposed Setback is varied and generally minor windows of habitable rooms, non-habitable rooms or blank wall : 5-6m – Level of Compliance appears acceptable. • Level 5 – additional privacy details indicated show compliance could be achieved. • A reasonable level of privacy is provided to 11 Beach Parade. <p>Southern Boundary: Vacant Site:</p> <ul style="list-style-type: none"> • Level 1 to 4 – Proposed Setback is varied and generally minor windows of habitable rooms, non-habitable rooms or blank wall : 3m – Level of Compliance appears acceptable. 	✓	

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		<ul style="list-style-type: none"> Balcony to bedroom 1 angled to boundary – setback varies 5-9m measured at right angles to balcony – Level of Compliance appears acceptable. Level 5 – additional information provided, and compliance could be achieved. <p>Design elements have been utilized throughout to minimize the impact of reduced building separation to boundary like –</p> <ul style="list-style-type: none"> Solid or partially solid balustrades to balconies at lower levels, Screening devices, Pop out windows to provided privacy in in one direction and outlook in another. Planter boxes incorporated into walls and balustrades to increase visual privacy. On constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies. Stepped façade to abutting residential zone. Increased separation to living areas. Windows should be offset from the windows of adjacent buildings. Recessed balconies and/or vertical fins should be used between adjacent balconies. 	✓	
Part 3G	Pedestrian access and entries Objective 3G1 - Building entries and pedestrian access connects to and addresses the public domain. Objective 3G2 – Access, entries and pathways are accessible and easy to identify. Objective 3G3 - Large sites provide pedestrian links for access to streets and connection to destinations	Objectives adequately addressed in documentation.	✓	
Part 3H	Vehicle access	Revised drawings show the following:-	✓	

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	Objective 3H1 - Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	<ul style="list-style-type: none"> the turning circle for disable car park exiting in forward direction Specific delivery parking space to avoid conflict 		
Part 3J	<p>Bicycle and carparking</p> <p>Objective 3J1 – Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Design Criteria</p> <p>Car parking is to be provided in accordance with the following:</p> <ol style="list-style-type: none"> 1.5 spaces per dwelling 1 space per dwelling if the site is located within 400m walking distance of a train station. Visitor spaces, calculated on the basis of 0.2 spaces per dwelling, rounded up to the next whole number <p>Properties within 400 metres of train stations at nominated Regional Centres (Metropolitan Sub-Regional Centres - Gosford, Tuggerah and Wyong) adopt the parking rates identified under the RMS Guide to Traffic Generating Development (in accordance with the SEPP 65 Apartment Design Guide).</p> <p>Objective 3J2 – Parking and facilities are provided for other modes of transport.</p> <p>Objective 3J3 – Car park design and access is safe and secure.</p> <p>Objective 3J4 – Visual and environmental impacts of underground car parking are minimised</p> <p>Objective 3J5 – Visual and environmental impacts of on-grade car parking are minimised.</p> <p>Objective 3J6 – Visual and environmental impacts of above ground enclosed car parking are minimised.</p> <p>Central Coast DCP 2022 Chapter 2.13 Transport & Parking Clause 2.13.3.2 – Carparking Requirements</p>	<p><i>Objectives not adequately addressed in the documentation.</i></p> <ul style="list-style-type: none"> <i>Considerable short fall of carparking proposed.</i> <p><i>Proposal is non-compliant with these Design Criteria (4 units x 1.5 = 6 Spaces + 1 Visitor space = 7 Total spaces should be provided for residential portion).</i></p> <p>Bicycle parking has been proposed on the revised design drawings– although these are not under cover.</p> <p>Objectives adequately addressed in documentation.</p>		<p>✓</p> <p>✓</p>

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	<p>e) shop top housing – up to 3 bedrooms – 1 car space per dwelling</p> <p>Commercial premises should not be used for calculations. Café not defined but would suggest the following should apply:- II) take away food & drink premises with no drive through:- The greatest of 12 spaces per 100m² GFA or 1 space per 5 seats (internal and external) or 1 space per 2 seats (internal)</p>	<p>Required = 4 carparking spaces. Provided = 4 carparking spaces.* <i>*Note level 1 unit is shown as an accessible unit option yet no accessible carpark is proposed in the basement carpark as part of the residential component therefore no compliant. The disable carpark is at the rear of the development not under cover and with no direct (under cover) access to the residential entry.</i></p> <p><i>Objectives not adequately addressed in the documentation.</i></p> <ul style="list-style-type: none"> <i>Traffic report suggests 20 spaces required.</i> <i>Number of space required from the definition opposite 167/100 x 12 = 20 Spaces</i> <i>Number of spaces proposed = 4 Spaces.</i> <i>This would be considered a significant shortfall and additional parking provided.</i> 	✓	✓
Part 4	Designing the building			
	Amenity			
Part 4A	<p>Solar and daylight access Objective 4A1 – To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas (<i>not applicable to this site</i>) In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid winter 	<p>Additional information provided illustrates the Objectives and Design Criteria not adequately addressed in the documentation.</p>		

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	<p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter</p> <p><i>Note that the requirement for solar access is for living rooms and private open space not either/or.</i></p> <p>Objective 4A2 – Daylight access is maximised where sunlight is limited.</p> <p>Objective 4A3 – Design incorporates shading and glare control, particularly for warmer months.</p>			
Part 4B	<p>Natural ventilation</p> <p>Objective 4B1 – All habitable rooms are naturally ventilated.</p> <p>Objective 4B2 – The layout and design of single aspect apartments maximises natural ventilation.</p> <p>Objective 4B3 – The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	<p>Objectives and Design Criteria adequately addressed in documentation.</p> <p>Complies – all apartments dual access with cross ventilation.</p> <p>Components of the units are below 18m in length to promote cross ventilation.</p>	✓	
Part 4C	<p>Ceiling heights</p> <p>Objective 4C1 – Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> Habitable Rooms – 2.7m Non-Habitable – 2.4m 	<p>Objectives and Design Criteria adequately addressed in documentation.</p> <p>Complies – 2700 indicated on drawings.</p>	✓	

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	<p>3. For 2 storey apartments – 2.7 for Main Living Floor + 2.4m for second floor, where its area does not exceed 50% of apartment.</p> <p>4. Attic Space - 1.8m at edge of room with a 30 degree minimum ceiling slope</p> <p>5. If located in mixed use areas - 3.3m for ground and first floor to promote future flexibility of use.</p> <p>Objective 4C2 – Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms. Objective 4C3 – Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	Ground Floor Complies – generally shop top housing so first floor never likely to be used as alternative use other than residential.		
Part 4D	<p>Apartment size and layout Objective 4D1 – The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity. Design Criteria Minimum internal area – Studio – 35m² One Bed – 50m² Two bed – 70m² Three bed – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>Objective 4D2 – Environmental performance of the apartment is maximized. Design Criteria 1. Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Objectives and Design Criteria adequately addressed in documentation.</p> <p>Complies – all 3 bed apartments greater than 90m².</p>	✓	

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	<p>Objective 4D3 – Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> 1. Master beds rooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space) – 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) – 3. Living rooms or combined living and dining rooms have a minimum width of; 3.6m for studio/1 bed apartments or 4m for 2 & 3 bed apartments. 	Appears to comply, only by scaling drawings (no specific dimensions shown on plans)		
Part 4E	<p>Private open space and balconies</p> <p>Objective 4E1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Design Criteria</p> <p>Minimum area & depth:-</p> <p>Studio – 4m2</p> <p>One Bed – 8m2 + 2m wide</p> <p>Two Bed – 10m2 + 2m wide</p> <p>Three Bed – 12m2 + 2.4m wide</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3m</p> <p>Objective 4E2 – Primary private open space and balconies are appropriately located to enhance liveability for residents.</p> <p>Objective 4E3 – Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p> <p>Objective 4E4 – Private open space and balcony design maximises safety.</p>	<p>Generally, the Objectives and Design Criteria adequately addressed in documentation.</p> <p>Area of main living balcony complies but minimum width is only 2m which is non-compliant. Balconies have been increased to 2.4m.</p>	✓	
Part 4F	<p>Common circulation and space</p> <p>Objective 4F1 – Common circulation spaces achieve good amenity and properly service the number of apartments.</p>	Objectives and Design Criteria adequately addressed in documentation.	✓	

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	<p>Design Criteria</p> <ol style="list-style-type: none"> 1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40 <p>Objective 4F2 – Common circulation spaces promote safety and provide for social interaction between residents.</p>			
Part 4G	<p>Storage</p> <p>Objective 4G1 – Adequate, well designed storage is provided in each apartment.</p> <ol style="list-style-type: none"> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided; – <ul style="list-style-type: none"> • Studio Apartments – 4m3 • 1 Bed Apartments – 6m3 • 2 Bed Apartments – 8m3 • 3+ bed Apartments – 10m3 <p>At least 50% of required storage is to be located within the apartment.</p>	<p><i>Objectives and Design Criteria not adequately addressed in the documentation.</i></p> <p><i>Non-Compliant: Note that 10m3 of storage is in addition to Kitchen, bathrooms and bedrooms. The additional storage indicated on the plans in the laundry and linen cupboard is only approx. 4.2m3 as scaled from the drawings. Additional built in storage is required to be provided.</i></p>		✓
Part 4H	<p>Acoustic Privacy</p> <p>Objective 4H1 – Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Objective 4H2 – Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	Objectives adequately addressed in documentation.	✓	
Part 4J	<p>Noise and pollution</p> <p>Objective 4J1 – In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Objective 4J2 – Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	Objectives adequately addressed in documentation.	✓	

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	Configuration			
Part 4K	Apartment mix Objective 4K1 – A range of apartment types and sizes is provided to cater for different household types now and into the future. Objective 4K2 – The apartment mix is distributed to suitable locations within the building.	Objectives adequately addressed in documentation.	✓	
Part 4L	Ground floor apartments Objective 4K1 – Street frontage activity is maximised where ground floor apartments are located. Objective 4K2 – Design of ground floor apartments delivers amenity and safety for residents.	Not Applicable		
Part 4M	Facades Objective 4M1 – Building facades provide visual interest along the street while respecting the character of the local area. Objective 4M2 – Building functions are expressed by the façade.	Objectives adequately addressed in documentation.	✓	
Part 4N	Roof Design Objective 4N1 – Roof treatments are integrated into the building design and positively respond to the street. Objective 4N2 – Opportunities to use roof space for residential accommodation and open space are maximized. Objective 4N3 – Roof design incorporates sustainability features.	Objectives adequately addressed in documentation.	✓	
Part 4O	Landscaping Objective 4O1 – Landscape design is viable and sustainable. Objective 4O2 – Landscape design contributes to the streetscape and amenity.	Objectives adequately addressed in documentation.	✓	
Part 4P	Planting on structures Objective 4P1 – Appropriate soil profiles are provided.	Objectives adequately addressed in documentation.	✓	

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	Objective 4P2 – Plant growth is optimised with appropriate selection and maintenance. Objective 4P3 – Planting on structures contributes to the quality and amenity of communal and public open spaces.			
Part 4Q	Universal Design Objective 4Q1 – Universal design features are included in apartment design to promote flexible housing for all community members. Objective 4Q2 – A variety of apartments with adaptable designs are provided. Objective 4Q3 – Apartment layouts are flexible and accommodate a range of lifestyle needs.	Objectives adequately addressed in documentation. <i>Note level 1 unit is shown as an accessible unit option yet no accessible carpark is proposed in the basement carpark as part of the residential component therefore not compliant.</i>	✓	✓
Part 4R	Adaptive Reuse Objective 4R1 – New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Objective 4R1 – Adapted buildings provide residential amenity while not precluding future adaptive reuse.	Not Applicable		
Part 4S	Mixed Use Objective 4S1 – Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement. Objective 4S2 – Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	Objectives adequately addressed in documentation.	✓	
Part 4T	Awnings and signage Objective 4T1 – Awnings are well located and complement and integrate with the building design. Objective 4T2 – Signage responds to the context and desired streetscape character.	Not Applicable		

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	Performance			
Part 4U	Energy efficiency Objective 4U1 – Development incorporates passive environmental design. Objective 4U2 – Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer. Objective 4U3 – Adequate natural ventilation minimises the need for mechanical ventilation,	Objectives adequately addressed in documentation.	✓	
Part 4V	Water management and conservation Objective 4V1 – Potable water use is minimised. Objective 4V2 – Urban stormwater is treated on site before being discharged to receiving waters. Objective 4V3 – Flood management systems are integrated into site design.	Objectives adequately addressed in documentation.	✓	
Part 4W	Waste management Objective 4W1 – Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Objective 4W2 – Domestic waste is minimised by providing safe and convenient source separation and recycling.	Objectives adequately addressed in documentation.	✓	
Part 4X	Building Maintenance Objective 4X1 – Building design detail provides protection from weathering. Objective 4X2 – Systems and access enable ease of maintenance. Objective 4X3 – Material selection reduces ongoing maintenance costs.	Objectives adequately addressed in documentation.	✓	

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

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

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

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Principle 6	Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.	Objectives adequately addressed in documentation. <i>Non-compliance with provision of common area requirements – refer Part 3D</i>	✓	✓
Principle 7	Safety Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	Objectives adequately addressed in documentation.	✓	
Principle 8	Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.	Objectives adequately addressed in documentation.	✓	

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

The revised drawings have provided additional information addressing many of the previous deficiencies, especially in relation to providing compliance with visual privacy and setbacks.

There are still specific non-compliances that have not been addressed or resolved:-

- Lack of common external area and amenity for residents.
- Substantial shortfall of carparking.
- Location of the disable carpark, not providing direct, under cover access to the residential units.

The council may have already negotiated an alternative compliance position on these items above, like contributions.

The revised drawings have shown a better overall compliance with the ADG and other planning requirements.

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

Sincerely,



Ken Dyer

Architect (B.Arch)
NSW Reg No. 5838

DYER DESIGN COMPANY
Trading for Dyer Family Trust
ABN 67 787 548 438



Jayne Klein
DA/4077/2022

5 July 2023

X. Pace Design Group Pty Ltd
Unit 201, 50 Marshall St
SURRY HILLS NSW 2066

Dear Sir/Madam

Property: 12 Beach Parade, CANTON BEACH NSW 2263
Description: Shop Top Housing

I refer to the above application and advise that following an urban design and planning review of the proposal, the following information is to be provided. Please note that there are other internal and external referrals yet to be completed for engineering, traffic, survey and Ausgrid. If issues are raised through these referrals, you will be advised accordingly.

1. Building separation and setbacks:

The general objectives and design criteria of Chapter 2.3 of the DCP and of Part 3F Visual privacy of the Apartment Design Guide are not adequately addressed in the submitted documentation. The northern and southern boundaries do not comply with separation distances and setback requirements.

a) Northern boundary setbacks to the existing dwelling at 9 Kantara Rd:

The setbacks and separation distances at ground level and Level 1 vary and separation distances are generally between 7-10 metres. Further detail is to be provided about the windows/openings in the existing dwelling at 9 Kantara Rd to further test and confirm building separation and privacy.

On Level 4 (penthouse), the non-compliances with the setbacks and separation distances are significant, particularly as bedrooms 2 and 3 directly face the northern boundary and any future redevelopment of 9 Kantara Rd. The design and setbacks of Level 4 are to be reviewed to ensure privacy is retained for the occupants of Level 4 and for future adjoining development.





b) Southern boundary (vacant site):

The proposed Level 4 (penthouse) setback on the southern boundary makes building separation compliance difficult to achieve between this and any future development on the adjoining site to the south, under Apartment Design Guide requirements. The design of Level 4, in particular the location of the outer wall setback to the southern boundary, is to be reviewed to achieve compliance.

2. Communal and open space:

The objectives and design criteria of Part 3D Communal and open space of the Apartment Design Guide and of clause 2.3.3.6 – Common (and Public) Open Space of the DCP have not been adequately addressed in the submitted documentation. No communal area has been nominated or designed as part of the proposal (only soft landscaping indicated). The required area is 181.35m². You are advised that Council will not support a technical non-compliance or variation to this standard.

3. Deep soil zones:

The submitted Landscape Area Calculation, drawing 8_00, revision A, contains miscalculations of landscaping and deep soil areas and is to be updated and resubmitted. Part of the landscaping over the basement car park to the north should not be included in deep soil area. Reference is made to the definition of 'deep soil zones' in the Glossary of the Apartment Design Guide. The revised ground floor plan indicates a café bin storage area adjacent to Kantara Rd which takes 10m² out of landscaping/deep soil area.

4. Vehicle access:

The objectives and design criteria of Part 3H Vehicle access of the Apartment Design Guide are not adequately addressed in the documentation. The disabled car park at the rear does not exit the site in a forward direction. There is a conflict between service vehicles and the disabled car park which is not addressed in the documentation. It is unclear how deliveries occur if the disabled car park is occupied.

5. Driveway materials:

In accordance with clause 2.3.7.4 of the DCP, use of plain concrete for driveways is not supported by Council. Please advise of the materials proposed to be used for the driveway.

6. Basement car park:





Clause 2.3.12.2 of the DCP requires a car wash bay to be provided in the basement. The car wash bay is to be shown on the basement plan. As required by clause 2.3.6.5 of the DCP, information is to be provided as to how natural light and ventilation will be provided for the basement car parking area.

7. Solar and daylight access:

The objectives and design criteria of Part 4A Solar and daylight access of the Apartment Design Guide are not adequately addressed in the documentation. Although the SEE states this requirement is achieved, no specific solar access diagrams have been provided. The main living spaces/balconies are orientated towards the south east. The shadow diagrams indicate the living spaces/balconies are in complete shade at 9am and 12 noon. Only at 3pm there appears to be some possibility that some sunlight is received on the balcony. Therefore, the requirement for 3 hours of direct sunlight to living rooms and private open spaces does not appear to be achieved.

8. Private open space and balconies:

In accordance with Part 4E Private open space and balconies of the Apartment Design Guide, the area of the main living room balconies complies with the minimum size, however the minimum width is only 2m. The widths of these balconies are to be increased to the required 2.4m minimum width.

9. Storage:

Part 4G Storage of the Apartment Design Guide requires 10m³ of storage to be provided, in addition to storage provided in the kitchen, bathrooms and bedrooms. The submitted plans show additional storage in the laundry and linen cupboards is only approximately 4.2m³, therefore, additional built-in storage is required to be provided.

10. Street trees:

In accordance with clause 2.3.9.2 of the DCP, details of proposed street tree planting, including species and locations, are to be included on the landscape plan. In addition, a street tree planting plan is to be provided and is to include the location of any services within the footpath area.

11. Letter boxes:

As required by clause 2.3.10.1 of the DCP, the location of letterboxes is to be shown on the plans.

12. Bicycle parking:





In accordance with Chapter 2.13 of the DCP and Part 3J of the Apartment Design Guide, bicycle parking is to be provided for the proposed development.

Your response is requested within fourteen (14) days from the date of this letter so that Council may determine your application. Failure to respond within the prescribed period may result in Council determining the application on the above information alone. Council will not be providing any additional time beyond this period.

The provision of electronic documents is required in PDF or Microsoft Office document format. Documents need to be submitted to Council via the **NSW Planning Portal**. To assist with our electronic processes, Council requires full sets of amended plans to be submitted.

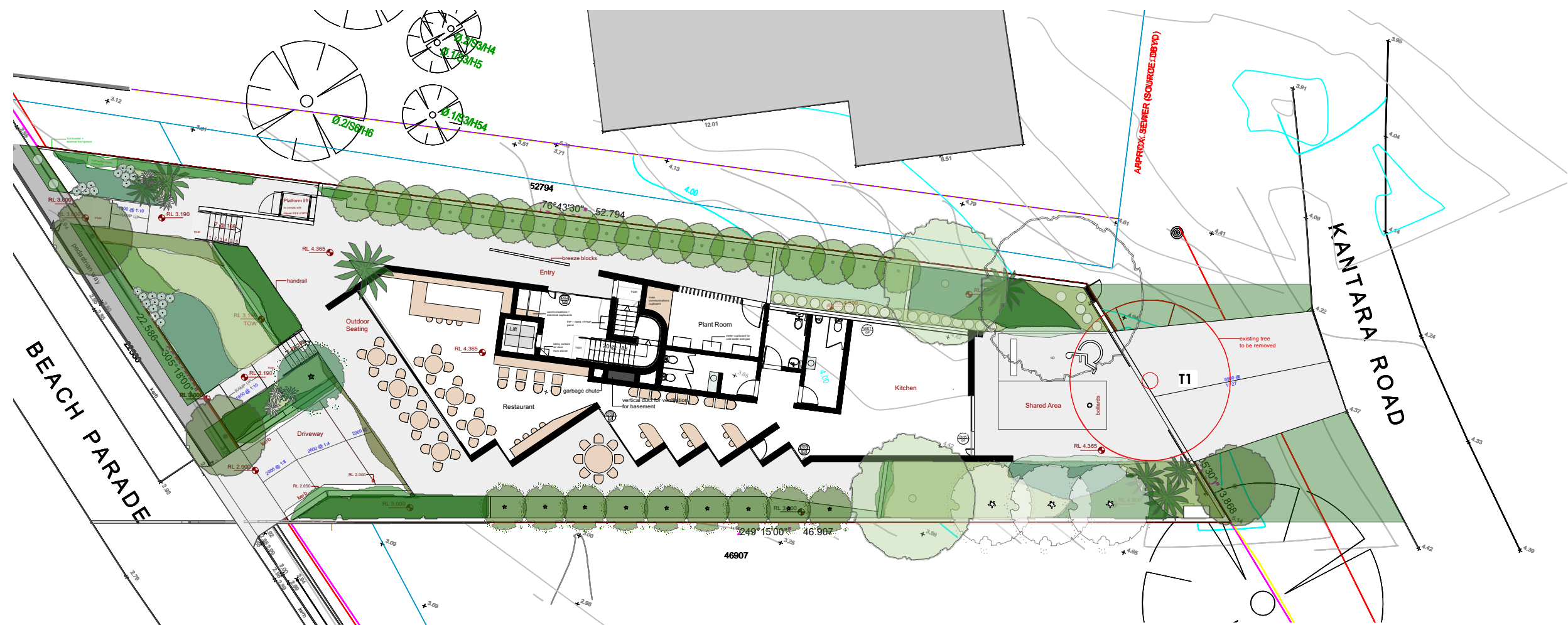
In accordance with Clause 36 of the *Environmental & Planning Assessment Regulation 2021*, the assessment period for your application has ceased until the requested information, or your written advice, is received.

For any further enquiries, please contact the undersigned on (02) 4306 7900. As staff are required for field work or pre-arranged interviews, the preferred time to contact specific staff is between 8.45am and 10.45am.

Yours faithfully

Jayne Klein
Development Planner Consultant
DEVELOPMENT ASSESSMENT





PLANT SCHEDULE				
Botanic Name	Common Name	Pot Size	Max Height (mm)	NO.
<i>Actinotis helianthi</i>	Flannel flower	200	groundcover	85
<i>Araucaria heterophylla</i>	Norfolk island pine	200L	50000	2
<i>Aptenia cordifolia</i>	Baby sun rose	200	spillover	5
<i>Angophora inopina</i>	Charmhaven apple	200L	8000	1
<i>Banksia spinulosa</i>	Birthday candles	200	groundcover	35
<i>Banksia integrifolia</i>	Coastal banksia	200L	10000	3
<i>Bougainvillea magnifica</i>	Bougainvillea	300	climber	1
<i>Cupaniopsis anacardioides tuckeroo</i> (street trees)	Tuckeroo	200L	6000	3
<i>Casuarina cousin</i>	Cousin it	200	spillover	80
<i>Carpobrotus glaucescens</i>	Pigs face	200	groundcover	45
<i>Correa alba</i>	White correa	200	600	59
<i>Cycas revoluta</i>	Cycad	300	1000	6
<i>Dichondra repens</i>	Native kidney weed	200	groundcover	50
<i>Hibbertia scandens</i>	Guinea flower	200	groundcover	20
<i>Hymenoparum flavum</i>	Native frangipani	200L	4000	1
<i>Howea forsteriana</i>	Kentia	broot	7000	7
<i>Lomandra longifolia</i>	Mat rush	200	1000	132
<i>Lomandra lime tuff</i>	Lime tuff	200	600	85
<i>Lomandra tanika</i>	Tanika	200	500	125
<i>Pandrea pandorana</i>	Wonga wonga vine	200	climber	45
<i>Senecio serpens</i>	Blue chalk sticks	200	groundcover	50
<i>Syzygium australe</i>	Lilly pilli	100L	5000	9
<i>Syzygium paniculatum</i>	Magenta lilly pilli	100L	8000	18
<i>Westringea fruticosa</i>	Coastal rosemary	300	1500	50

TREE SCHEDULE

T1 Angophora costata REMOVE

TWLA
TANYA WOOD
LANDSCAPE
ARCHITECTURE

PHONE 0421 968 038
EMAIL tanya@twla.com.au
WEB www.twla.com.au
ABN 61 100 972 986

DATE	REVISION	NOTE
05.09.2022	A	DA
19.09.2022	B	Updated post architect feedback
20.09.2022	C	Updated with new architectural base
05.12.2022	D	Updated with OSD location
12.07.2023	E	Updated with street tree location

RECIPIENT
Architect/client
Architect/client
Architect/client
Architect/client

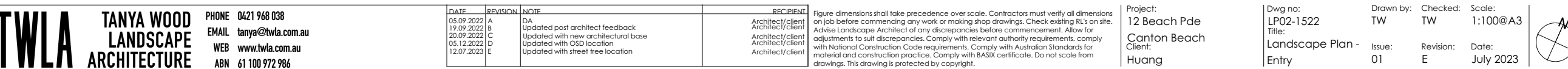
Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. Check existing RL's on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies. Comply with relevant authority requirements, comply with National Construction Code requirements. Comply with Australian Standards for material and construction practice. Comply with BASIX certificate. Do not scale from drawings. This drawing is protected by copyright.

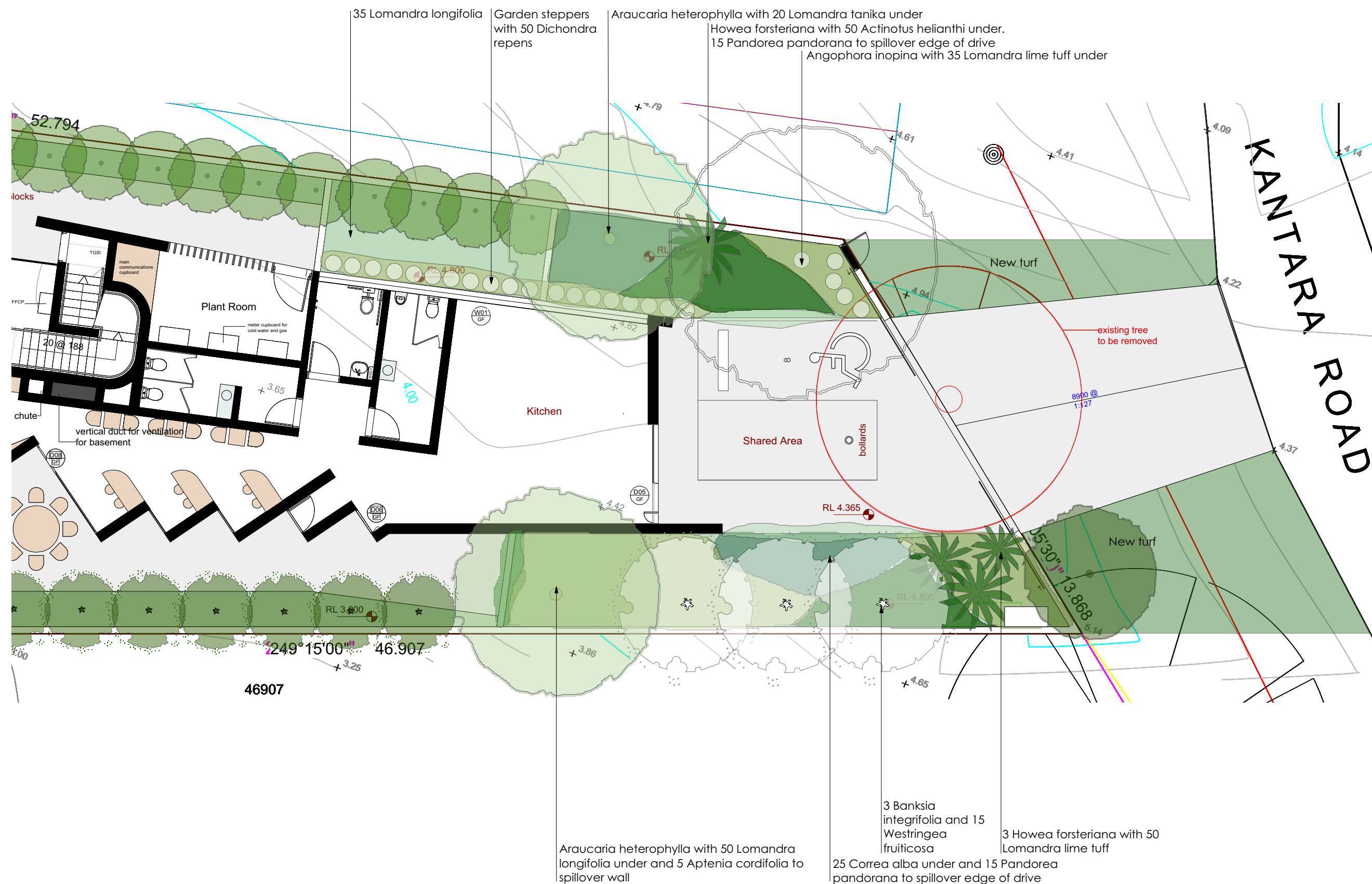
Project:
12 Beach Pde
Canton Beach
Client:
Huang

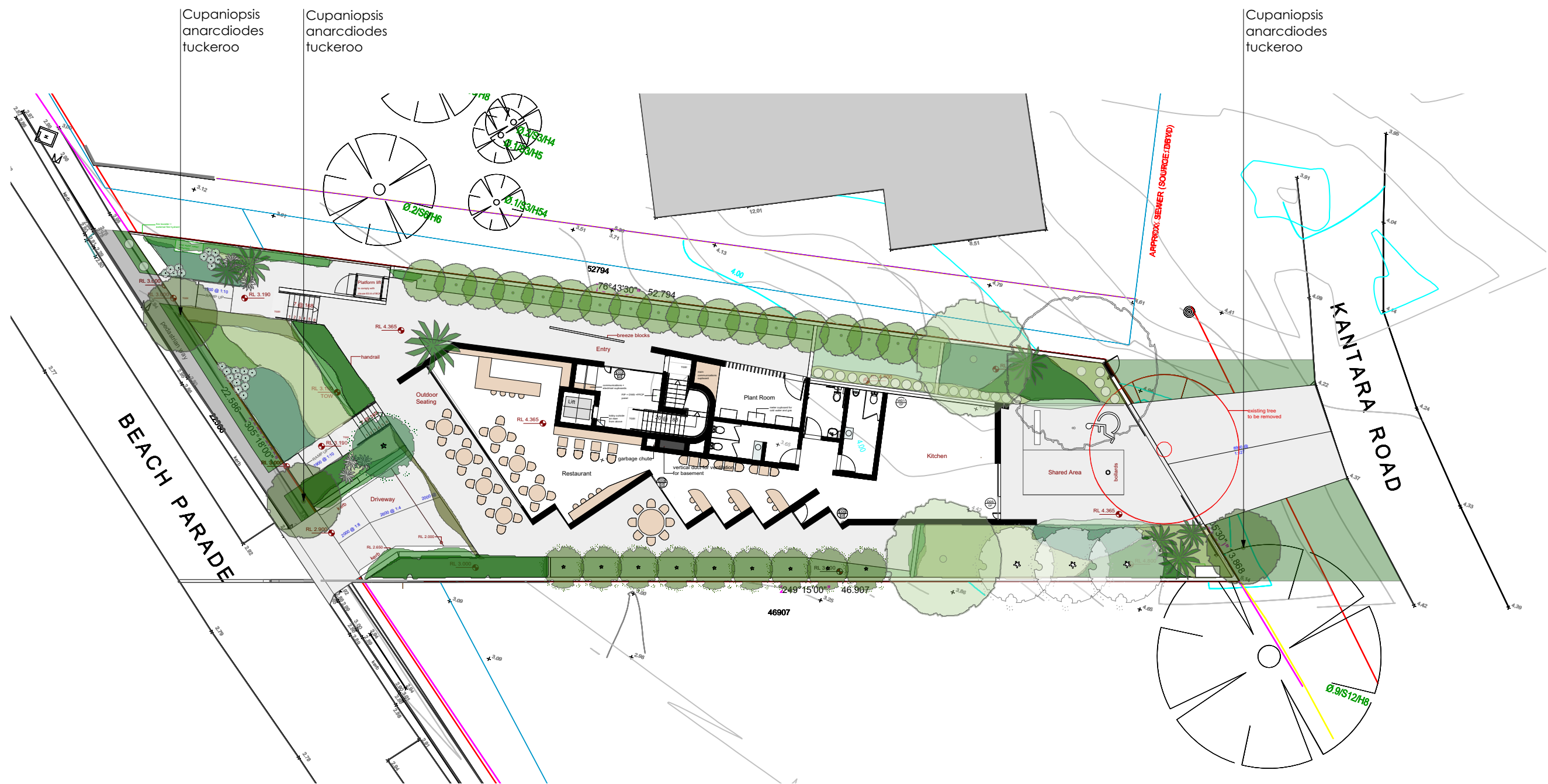
Dwg no:
LP01-1522
Title:
Site Plan

Drawn by: TW
Checked: TW
Scale: 1:200@A3
Issue: 01
Revision: E
Date: July 2023









TWLA TANYA WOOD
LANDSCAPE
ARCHITECTURE

PHONE 0421 968 038
EMAIL tanya@twla.com.au
WEB www.twla.com.au
ABN 61 100 972 986

DATE	REVISION	NOTE	RECIPIENT
05.09.2022	A	DA	Architect/client
19.09.2022	B	Updated post architect feedback	Architect/client
20.09.2022	C	Updated with new architectural base	Architect/client
05.12.2022	D	Updated with OSD location	Architect/client
12.07.2023	E	Updated with street tree location	Architect/client

Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. Check existing RL's on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies. Comply with relevant authority requirements, comply with National Construction Code requirements. Comply with Australian Standards for material and construction practice. Comply with BASIX certificate. Do not scale from drawings. This drawing is protected by copyright.

Project:
12 Beach Pde
Canton Beach
Client:
Huang

Dwg no:
LP04-1522
Title:
Landscape Plan -
Street Trees

Drawn by: TW
Checked: TW
Scale: 1:200@A3
Issue: 01
Revision: E
Date: July 2023





DA/4077/2022
13 October 2023

X. Pace Design Group Pty Ltd
Unit 201, 50 Marshall Street
SURRY HILLS, NSW, 2066

Dear Sir/ Madam,

Property: 12 Beach Parade, CANTON BEACH, NSW, 2263

Description: Shop Top Housing

I refer to the abovementioned development application which you are the registered applicant for. Council has undertaken an assessment of your development application and is unable to support it.

The following issues have been identified in your application:

1.1 Central Coast Development Control Plan 2022 (CCDCP): Clause 2.3.6.5 Sunlight Access

Insufficient information is provided on the architectural plans and shadow diagrams to determine if all dwellings receive adequate sunlight.

The main living spaces/balconies in each dwelling are oriented towards the southeast with some windows on the northern side of the dwellings. Amended plans sought to respond to concerns about the level of sunlight access, providing north-facing glazing to windows in the main living spaces of all units as well as removing the northern blade walls on the western balconies. Additionally, Council has identified that there is insufficient information provided to determine if sunlight access is compliant with the requirements of Clause 2.3.6.5 of the CCDCP. The placement of some windows that intend to provide sunlight to the main living areas appear to be blocked by the lift shaft in the centre of the units.

1.2 Apartment Design Guide: Communal Open Space

As the proposed development is a residential flat building, Clause 2.13.1.3 of the CCDCP requires the ADG to be considered. The ADG requires that a minimum area of 25% of the site area of 752.4m² is to be provided as communal open space. This results in a required area of communal open space of 188.1m². No communal open space is proposed as part of the development and Council is not supportive of non-compliance with this requirement.

1.3 Apartment Design Guide: Storage

The submitted plans indicate approximately 4.2m³ of storage per dwelling. Part 4G 'Storage' of the ADG requires 10m³ of storage to be provided per dwelling. Additional residential storage was provided in the basement, however this is only 3m³ of additional storage for the entire development. This amount of storage is not compliant with the ADG and is not supported.





1.4 CCDCP: Chapter 2.13 Transport and Parking

Council's Traffic and Transport Engineer and Development Assessment Engineer identified the following non-compliances.

Clause 2.13.3.2 of the CCDCP requires 1.5 car spaces per residential dwelling for residential flat buildings plus 0.2 visitor spaces per dwelling. The parking requirements for shop top housing are overridden by the parking requirements for residential flat buildings when the residential development component is at least 3 or more storeys and contains at least 4 or more dwellings. For a restaurant, the rate is the greatest of 12 spaces per 100m² GFA or 1 space per 5 seats (internal and external) which results in a requirement for 20 spaces for the café as $167\text{m}^2/100\text{m}^2 \times 12 = 20$. Therefore, the number of required spaces is 6 residential car parking spaces, 1 accessible car parking space, 1 visitor car parking space and 20 car parking spaces for the café. The development proposes 7 spaces in the basement and 1 disabled space at the rear of the development at ground level. This does not meet the required number of car parking spaces, being a 71% variation of the requirement and is not supported by Council.

The development proposes a vehicle turntable to facilitate access to two basement spaces. The submitted Traffic Report indicates that the turntable will be available to customers of the café. Council does not support a turntable for use by café customers as a level of training is required to use a vehicle turntable.

The Level 1 unit is shown as an accessible unit option however no accessible car park is proposed in the basement car park as part of the residential component. The accessible car park is at the rear of the development and is not undercover and does not have direct undercover access to the residential entry. Therefore, the accessible space is not compliant with the provisions of AS/NZS 2890.6, as required by Clause 2.13.3.7 of the CCDCP.

The amended plans include a turning area for delivery vehicles at the rear of the site where the accessible car parking space and space for delivery vehicles is located. Swept paths for the accessible space are provided however these extend outside of the driveway. In addition, no swept path for the delivery vehicle space is provided therefore it cannot be determined if compliance with Clause 2.13.3.5 of the CCDCP is achieved.

In addition, Council has determined that vehicle swept paths indicate that cars using car parking spaces 1, 2 and 3 in the basement cannot enter and exit the carpark using a single 3-point turn, which cannot be supported as this does not comply with the requirements of Clause 2.13.4.4 of the CCDCP.

1.5 CCDCP: Clause 2.13.3.7 Parking and Access for the Disabled

It has been identified that the Level 1 unit is an accessible option, however no accessible car parking space is proposed in the basement carpark as part of the residential component.





Those using the accessible car parking space to access the residential units on the site must go through the café and around the front of the site to access the entry to the lobby, which is on the northern side of the site. This does not comply with the requirements of Cause 2.13.3.7 of the CCDCP.

Options Available to Applicant

The proposal's non-compliances with the CCDCP represent an unsuitability of the proposed development to the site. Accordingly, the application is not supported. No amended plans will be accepted for this application given the significance of the variations.

Your response is requested within seven (7) days from the date of this letter so that Council may determine how to proceed with your application. Council is affording you two (2) options moving forward:

1. Withdraw the application; or
2. Request that Council determine the application which will result in a refusal.

Failure to respond within the prescribed period will result in Council determining the application on the information available.

For any further enquiries, please contact the undersigned on jayne.klein@smec.com.

Yours faithfully

A handwritten signature in black ink, appearing to read "Jayne Klein".

Jayne Klein

Development Planner Consultant
Central Coast Council



gsa planning

OUR REF: 22179 - Response

30 November 2023

The General Manager
Central Coast Council
2 Hely Street
Wyong NSW 2259

Attention: Jayne Klein

Dear Jayne,

95 paddington st, paddington nsw 2021
ph: 02 9362 3364 fax: 02 9362 3073
email: info@gsaplanning.com.au
www.gsaplanning.com.au
ABN 89 643 660 628

**RESPONSE TO COUNCIL REQUEST
DEVELOPMENT APPLICATION (DA-4077/2022) AT NO. 12 BEACH PARADE, CANTON BEACH**

This Response to Council Request has been prepared by George Karavanas Planning Pty Ltd (trading and hereafter referred to as GSA Planning). We act on behalf of X.PACE Design Group, applicant for the abovementioned Development Application (DA-4077/2022) for 'shop top housing'. We refer to Council's Withdrawal Request Letter dated 13 October 2023 which has raised below issues:

1. DCP: Clause 2.3.6.5 Sunlight Access;
2. ADG: Communal Open Space;
3. ADG: Storage;
4. DCP: Chapter 2.13 Transport and Parking; and
5. DCP: Clause 2.13.3.7 Parking and Access for the Disabled.

This response is to be read in conjunction with the amended documentation. The design has been revised to address Council's issues identified in the letter, by the modifications stated below:

- Additional diagrams to demonstrate all proposed dwellings receive adequate sunlight as per the DCP;
- Additional information to demonstrate all proposed dwellings have compliant storage as per the ADG;
- Reorient parking and amend turning area, both in basement and at rear; and
- Parking survey and traffic report to demonstrate sufficient parking in the area and appropriate parking arrangement on site.

An account of how the proposal has addressed or can address these issues will now be provided.



planning | urban design | expert evidence | development advice | traffic



1.0 DCP: Clause 2.3.6.5 Sunlight Access

Council's letter states:

Insufficient information is provided on the architectural plans and shadow diagrams to determine if all dwellings receive adequate sunlight.

The relevant DCP clause states:

- a. *Living rooms and private open spaces for at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.*

To address Council's solar access concerns as part of the amendments already provided, north-facing glazing has been provided for the main living space of all units, and the window size has been increased to allow for additional solar access on Levels 1-3. Furthermore, in the current revision, the window size on Level 4 has also been increased to allow for additional solar access. Additional diagrams are provided which now clearly demonstrate, in plan form and numerically, that all proposed dwellings will receive direct sunlight to living rooms and principal private open spaces from 9am to 3pm. Additionally, all dwellings' bedrooms and associated private open spaces will receive sunlight for at least 3 hours (see Drawing Sheet DA 4_01). Overall, a greater than compliant solar access is achieved for the proposed dwellings.

Accordingly, sufficient information is now provided that demonstrates the proposal will provide compliant solar access within the site, satisfying Council's request.

2.0 ADG: Communal Open Space

While the proposal does not provide the communal open space as recommended in the ADG, an analysis of open spaces in the area has been provided which indicates that there is an abundance of public open spaces within walking distance of the site, including, inter alia, Canton Beach, which is a large public open space directly across Beach Parade. Additionally, there are at least seven other public open spaces of various scales and configurations in the vicinity (see **Figure 1**).

Additionally, in our opinion and as per a recent Land and Environment Court (LEC) decision, the ADG is focused on qualitative objectives, not rigid numeric compliance. In *Construction Development Management Services Pty Ltd v City of Sydney* [2023] NSWLEC 1620, the LEC has approved an apartment development which (according to the council) had no apartments that met the solar access design criteria in the ADG. The decision affirms the **ADG is a performance-based document where the focus is on the achievement of qualitative objectives**. In other words, the design criteria are merely one way in which those objectives can be achieved.

In this case, the relevant objective is 3D-1:

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

The objective seeks that residential amenity to be enhanced and opportunities for landscaping to be provided. The proposal has enhanced residential amenity by providing greater than compliant private open space for each dwelling and greater than compliant landscaping across the site.

While the design criterion is not achieved, it is not a consequence of poor design choices. As indicated, the development site is within a foreshore area in the SP3 Tourist Zone, which is highly connected to public open

spaces and natural reserves. It is this location that poses a lesser need for communal open space. In fact, the ADG also states that 'high quality open space is particularly important and beneficial in higher density developments', indicating a lower priority for communal open space in medium density developments such as the proposal, especially as high quality open space is readily available and abundant in the area.

Hence, the development has enhanced residential amenity and provided opportunities for landscaping, which is consistent with Objective 3D-1 of the ADG. It is further complemented by the generous size of various public open spaces within walking distance.

The recent LEC decision reaffirms the ADG is a flexible document that is capable of promoting good design in a wide variety of circumstances, even where design criteria cannot be met. Despite this, it is also important to note that the proposal has achieved virtual compliance with all ADG provisions, except for communal open space.



Source: Google Maps & SIX Maps

Figure 1: Public Open Space Map

It should be reiterated that the proposal complies with Council's DCP in this regard, being a smaller development with only four dwellings (Council's DCP requires communal open space for developments with more than ten dwellings). Furthermore, as the development achieves the ADG's relevant objective, and numerous public open spaces are within walking distance of the site, the proposal is considered appropriate.

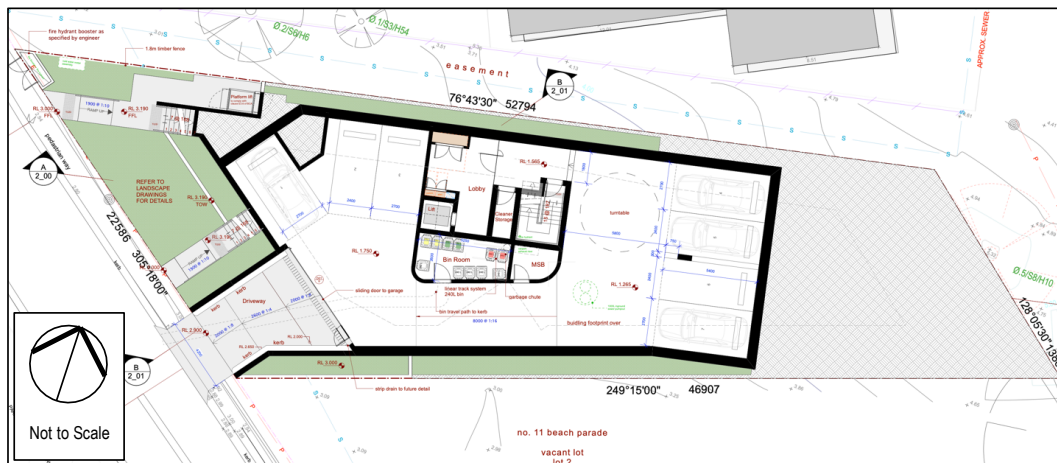
3.0 ADG: Storage

The amended architectural drawings have included additional information that shows at 4.34-5.32m³ of storage is provided in each unit and further 7.3m³ of storage is provided in the basement for each unit. This achieves greater than 10m³ of storage per dwelling, better than the ADG criterion.

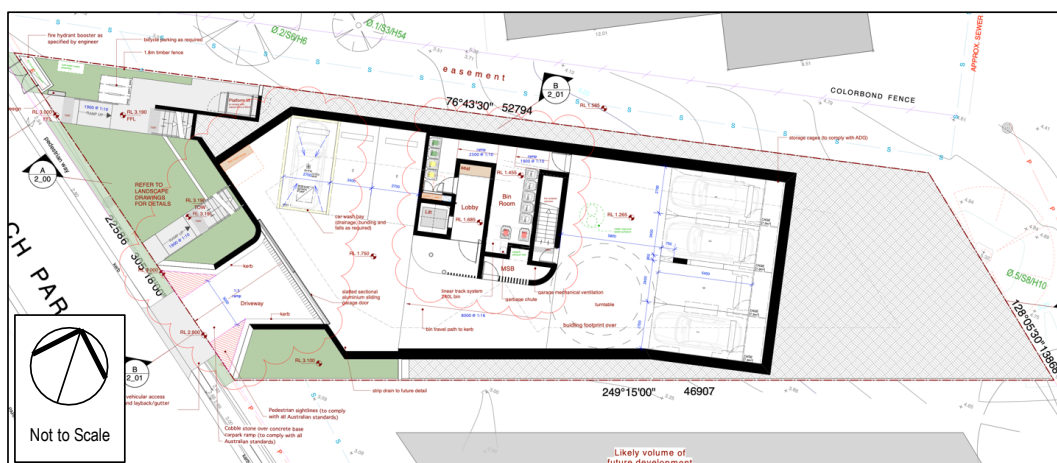
As the proposed storage is compliant, it has addressed Council's request.

4.0 DCP: Chapter 2.13 Transport and Parking

The amended drawings have reoriented parking and amended the the turning area, both in the basement and at rear (see **Figures 2 and 3**). Additionally, a parking survey and supplementary traffic report, prepared by Terrafic Pty Ltd (submitted separately), are now provided, which demonstrate that there is sufficient parking in the area and that the parking arrangement on site is appropriate under the circumstances.



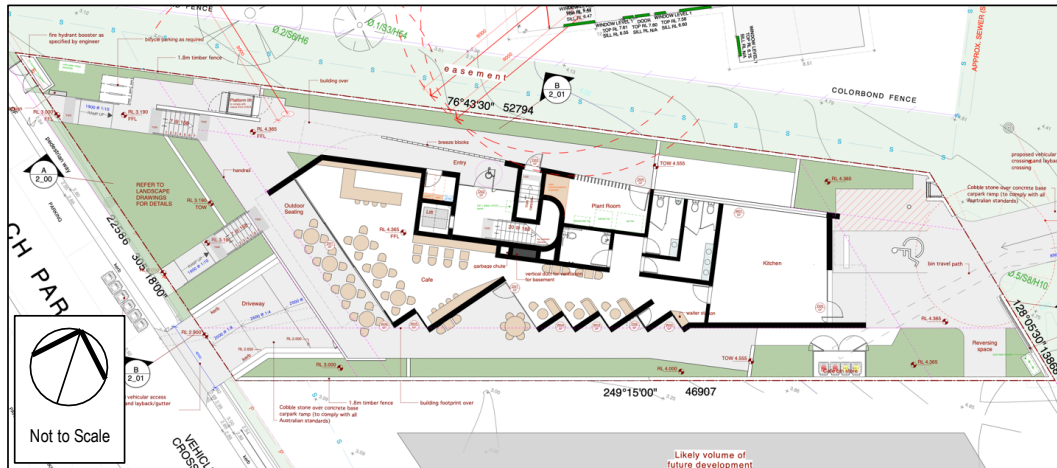
Previous Proposal



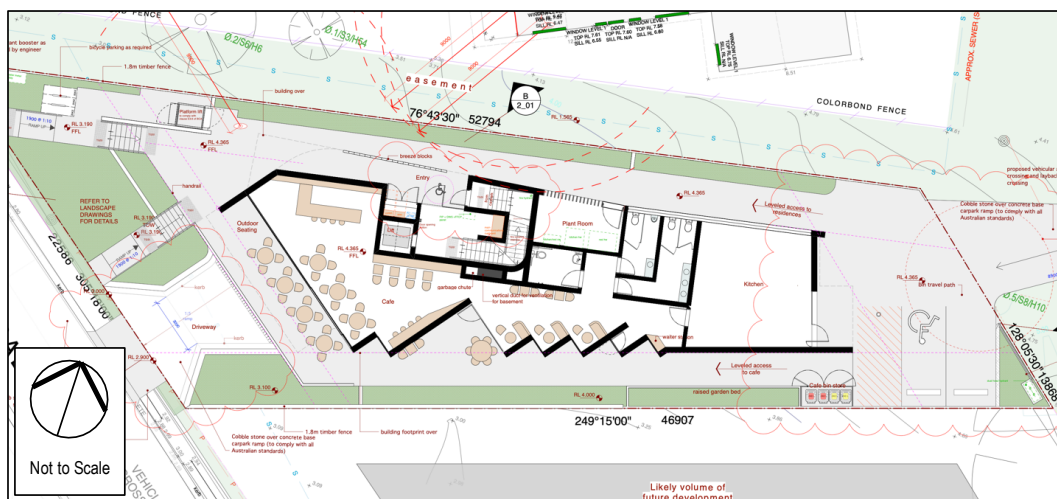
Current Amendment

Source: X.PACE Design Group

Figure 2: Previous & Current Amended Basement Floor Plan



Previous Proposal



Current Amendment

Source: X.PACE Design Group

Figure 3: Previous & Current Amended Ground Floor Plan

Accordingly, the amended design and additional information has addressed Council's request.

5.0 Conclusion

This letter has been prepared in response to the items raised in the request from Council with regards to DA-4077/2022.

Additional diagrams and information are provided, demonstrating compliant solar access and storage. Design amendments and further documentation are also provided, addressing Council's traffic concerns. The amended proposal remains compliant with the FSR and landscaping, and is consistent with surrounding developments and will present a sympathetic built form that will better maintain visual amenity. It will also maintain appropriate privacy, solar access and views. The remaining variations will provide a better planning outcome, given the constraints of the irregularly shaped site as well as the opportunities afforded by the location of the proposal in relation to the neighbours and Canton Beach locality. Accordingly, this letter has responded to the key issues raised in Council's letter, and should be read in conjunction with the supporting documentation.

Overall, the new shop top housing with basement parking is consistent with Council's desired future character for the area. The proposal has been designed to respond to the topography and is of a bulk and scale that is contextually appropriate and largely envisaged by Council's controls.

We trust this information is of assistance and if you wish to discuss this matter further, please do not hesitate to contact our office.

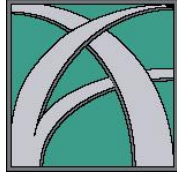
Yours faithfully,



George Karavanas
MANAGING DIRECTOR

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Terraffic Pty Ltd

Traffic and Parking Consultants

ABN 83 078 415 871

29th November 2023

Ref: 23066

The General Manager
Central Coast Council
2 Hely Street
Wyang NSW 2259

Attn: Jayne Klien

Dear Jayne,

**DA/4077/2022: 12 BEACH PARADE, CANTON BEACH
PROPOSED SHOP TOP DEVELOPMENT**

Terraffic Pty Ltd has been engaged by X Pace Design Group to assess the traffic and parking related concerns raised by Council in their RFI of the 13th October 2023.

The proposed shop top development comprises a 60 seat/166m² cafe on the ground level and 4 x 3 bedroom apartments on the upper levels. The development is served by 9 off-street parking spaces comprising with 7 spaces located in the basement and 2 at-grade spaces located at the rear of the site off Kantara Road. The 9 parking spaces are allocated as follows:

Basement carpark	5 x resident spaces + 2 cafe staff spaces
At-grade carpark	1 x disabled resident space + 1 cafe loading/parking space

Vehicular access to the basement is via a 3.0m wide combined entry/exit driveway off Beach Parade. Vehicular access to the rear carpark is via a driveway that widens from a 3m wide crossing at the kerb to a 6m wide opening at the boundary.

A vehicle turntable is proposed in the basement to facilitate access to the rear resident parking spaces.

It is envisaged that the cafe loading bay will be utilised by staff when deliveries are not scheduled. Due to the small scale of the proposed cafe, it is proposed that vehicles no larger than a typical van (B99 vehicle) will make deliveries to the cafe.

Pedestrian access between the rear disabled resident parking space and the lift lobby comprises a level 28m long walk alongside the northern site boundary. A level pedestrian path is also proposed alongside the southern alignment for cafe patrons that may park at the rear of the site.

Plans of the proposed development are reproduced in Annexure A.

PO Box 563 Sylvania Southgate NSW 2224
Mobile 0411 129 346
Web www.terraff.com.au Email logan@terraff.com.au

1

Car Parking Requirements

The residential parking requirements for shop top housing are overridden by the parking requirements for residential flat buildings when the residential component is at least 3 storeys and contains at least 4 dwellings. As the subject proposal has 4 dwellings over 4 levels (1 apartment per level), the parking rates for residential flat buildings are applicable.

Clause 2.13.3.2 in Chapter 2.13 of the Central Coast Development Control Plan 2022 specifies the following parking requirements that apply to the subject development:

Residential flat building (not within 400m of a train station)

- 1.5 spaces per dwelling for residents
- 0.2 spaces per dwelling for visitors

Restaurants (whichever is the greater of)

- 15 spaces per 100m² GFA, or
- 1 space per 3 seats

Application of these requirements to the proposed development yields a parking requirement of 7 residential spaces and 25 cafe spaces calculated as follows:

Residential Flat Building

4 x 3 bedroom units @ 1.5 spaces per dwelling	6.0 spaces
4 x dwellings @ 0.2 visitor space per dwelling	0.8 spaces (rounded to 1 space)
Total requirement	6.8 spaces (rounded to 7 spaces)

Restaurant/cafe (greater of)

166m ² cafe @ 15 spaces per 100m ²	24.9 spaces (rounded to 25 spaces)
60 seats @ 1 space per 3 seats	20.0 spaces

The proposed development makes provision for 9 spaces comprising 6 resident spaces and 3 tenant spaces. The proposal therefore has a shortfall of 1 resident visitor space and 22 cafe spaces. The proposal therefore caters for the long term parking demand while relying on the availability of on-street parking for short-term parking.

Dual and Complementary Use of Parking

Clause 2.13.3.11 of the CCDCP notes that parking requirements should take into account dual and complementary use of parking spaces that can be presented by the mixed-use development proposal.

Dual use of parking spaces occurs when patrons of one component of a development also patronise another. For example, a small proportion of cafe customers can also be expected to be residents. Furthermore, it is expected that a high proportion of cafe patrons will be visitors to Canton Beach who have already parked nearby on the road network.

Complementary use of parking spaces occurs when the peak parking demand of one component of a development does not coincide with the peak parking demand of another. In this case, the peak parking demand of the residents is typically outside of business hours, while the peak parking demand of the cafe will be during the weekday daytime and weekend.

On-Street Parking Surveys

As noted above, the proposal caters for the long term parking demand while relying on the availability of on-street parking for short-term users. In order to ensure there is no impact to the amenity of local residents, parking surveys were carried out within a 200m walk of the subject as follows:

Friday 17 th November 2023	7.00am to 6.00pm
Saturday 18 th November 2023	7.00am to 2.00pm

The survey was carried out by Trans Traffic Survey at 30 minute intervals and is reproduced in Annexure B revealing that:

- There are a total of 190 on-street parking spaces within a 200m walk of the site
- Of the 190 spaces, 112 are located along Beach Road with the remaining spaces on Kantara Road (42 spaces), Wallis Avenue (27 spaces) and Lakeview Street (9 spaces)
- The peak accumulation on the Friday occurred at 10.30am and 11.00am when 65 vehicles were recorded. At that time there were 125 vacant spaces within the surveyed area
- During that Friday peak, 42 of the 112 spaces on Beach Road were occupied. This leaves 70 vacant spaces that can be made available for cafe patrons
- The peak accumulation on the Saturday occurred at 9.30am when 64 vehicles were recorded. At that time there were 126 vacant spaces
- During that Saturday peak, only 39 of the 112 spaces on Beach Road were occupied. This leaves 73 vacant spaces that can be made available for cafe patrons

Based on these parking surveys, it can be concluded that the shortfall in parking generated by the proposal will have no unacceptable parking impacts.

Compliance with AS/NZS2890

The off-street carparking and vehicular access have been designed to satisfy the following requirements of the Australian Standard AS/NZS2890.1:2004 – “*Off-street car parking*”:

- Parking spaces have a minimum length of 5.4m and width of 2.4m
- An additional 0.3m clearance has been provided to spaces adjacent a side wall
- Pavement cross-falls do not exceed 5% in any direction
- The single lane ramp width is 3.6m comprising a 3.0m wide roadway and 2 x 300mm wide kerbs
- Ramp gradients do not exceed 25% with 12.5% transitions over a distance of 2.0m

- 2.5m x 2.0m pedestrian sight line triangles in accordance with Figure 3.3 of the Standard (reproduced below) have been provided

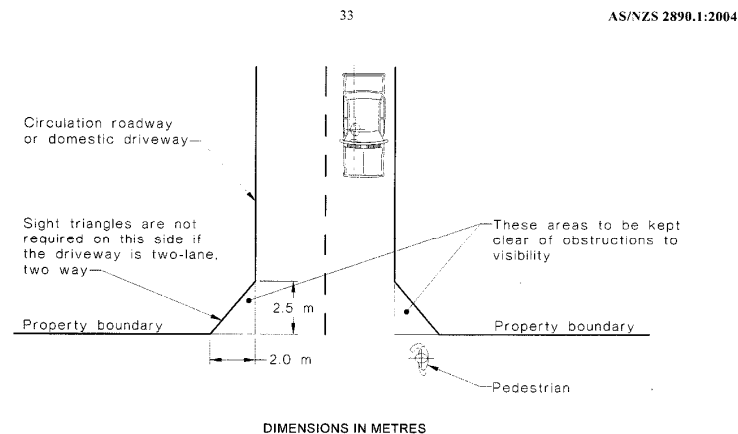


FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY

The disabled parking space has been designed in accordance with the Australian Standard AS/NZS2890.6:2009 – “Off-street parking for people with disabilities” as follows:

- A 5.4m long x 2.4m wide dedicated (non-shared) parking space
- An adjacent shared area that is also 5.4m long x 2.4m wide
- A minimum headroom of 2.5m above the disabled space
- Pavement cross-falls in disabled spaces do not exceed 2.5% (1 in 40) in any direction

Clause 2.13.3.7 of the CCDCP notes the following:

Parking for people with a disability is to be located as close as possible to the nearest access for the disabled within a particular building. The path of travel from the parking area is to be a safe route with adequate width, manoeuvring, circulation area and gradients to allow satisfactory access, as a minimum in accordance with AS 1428.1 as amended. If possible, this access path should be covered for all weather use.

As noted in the foregoing, the disabled parking space is located within the at-grade carpark at the rear of the site. A 28m long level footpath connects the parking space to the lift lobby and is considered acceptable. Furthermore, the DCP notes “If possible, the access path should be covered for all weather use”. It is understood that it is not possible to provide all weather cover over the parking space and access path.

Swept Path Analysis

The swept path of the Australian Standard B85 vehicle (Ford Falcon) accessing the parking spaces are reproduced on Architectural Drawing 9_01. The inner green line on the swept paths show the vehicle travelling in a forward direction while the blue line is the reverse vehicle path. The outer red line is the 300mm clearance path to walls and obstructions.

As can be seen, only cars accessing spaces 4 and 5 will utilise the turntable.

The drawing also includes the swept path of the B99 vehicle (Ford Transitvan) accessing the combined cafe parking/loading space at the rear of the site. As can be seen this vehicle can enter and exit the site in a forward direction with only 3 manoeuvres.

In the circumstances, it can be concluded that the proposed development has no unacceptable parking implications.

Should you require any further information, please do not hesitate to contact Michael Logan on 0411 129 346 during business hours.

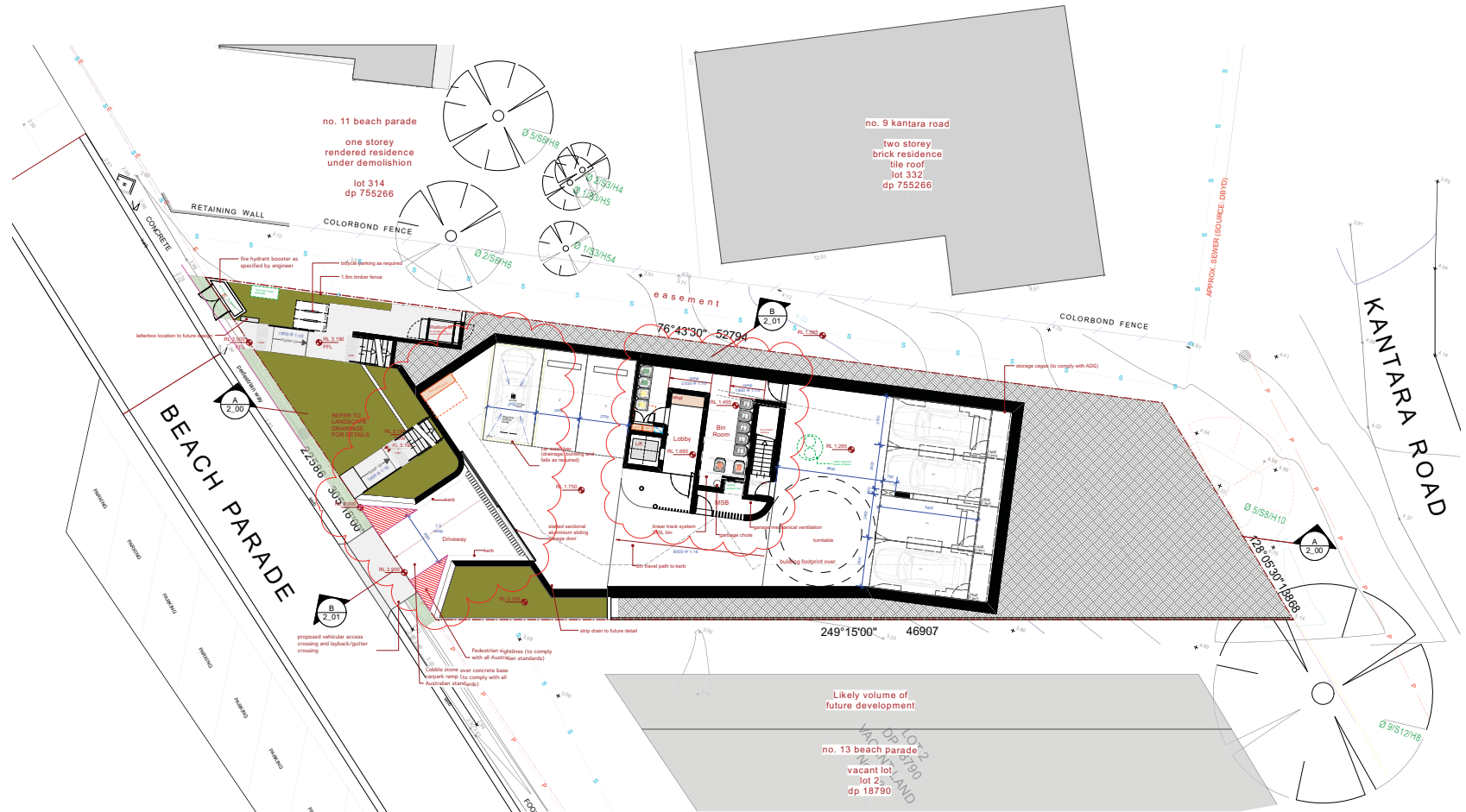
Yours faithfully



Michael Logan *MTraff* (Monash University)
Director
Terraflow Pty Ltd

ANNEXURE A

ARCHITECTURAL PLANS



STORAGE
As per ADG requirements 10m³ for 3 bedroom unit

	Unit	Total
Level 1-3	4.34m ³	13.02m ³
Level 4	5.32m ³	12.62m ³

CLIENT
Huang Property
Investment Pty Ltd

PROJECT NO.
21x012

ADDRESS
12 Beach Parade,
Canton Beach

DRAWN BY
MSP

CHECKED
M

Any variation of these drawings requires written permission from X.PACE
X.PACE
120-58-074 91 010

Unit 201, 50 Marshall Street, Surry Hills NSW 2010 T 61.2.9358.1333 F 61.2.9358.1344 e-mail mail@xpace.com.au

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AMENDMENTS

REV	DESCRIPTION
A	07.07.20 For information - draft
B	10.10.20 Final draft
C	10.10.20 RCH & ADG update
D	20.12.20 Water management update
E	01.10.22 VET response
F	01.12.22 Additional information response

ISSUE

REV	DATE	DESCRIPTION
07.07.20	1	Issue to Consultants
10.10.20	2	Issue to Council
01.10.22	3	Issue to Council
01.12.22	4	Issue to Council

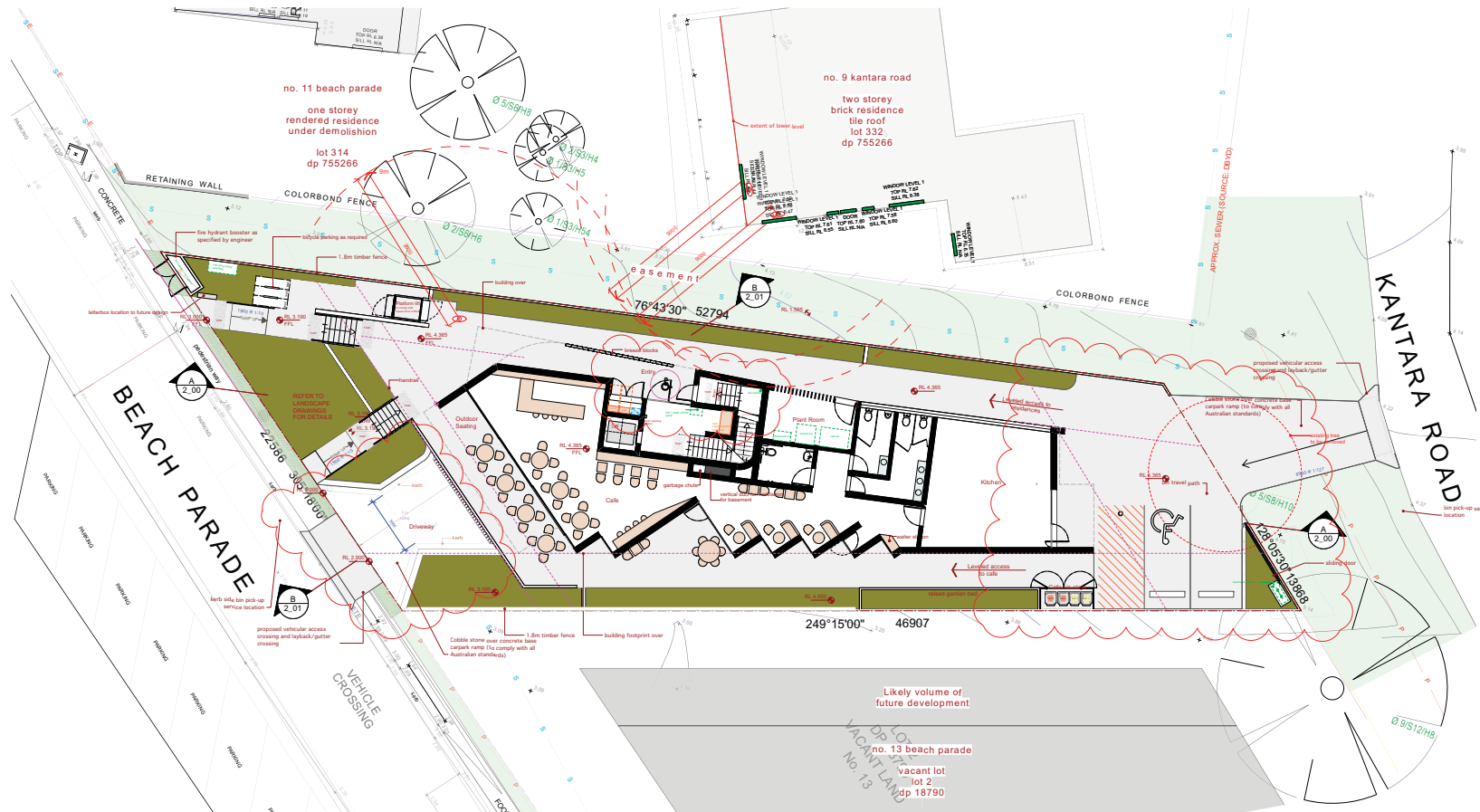
TITLE
Basement Plan

SCALE
1:100 @ A1

1.01

DATE SUBMITTED
20.11.20

12 Beach Parade, Canton Beach



CLIENT
Huang Property
Investment Pty Ltd

PROJECT NO.
21x012

ADDRESS
12 Beach Parade,
Canton Beach

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X.PACE

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AMENDMENTS

REV	DATE	DESCRIPTION
A	07.07.22	for information - draft
B	13.10.22	Final draft
C	14.10.22	Revised design
D	20.12.22	Revised design
E	01.12.23	Additional information response

ISSUE

REV	DATE	DESCRIPTION
1	07.07.22	Issue for consultation
2	20.12.22	Issue for Council
3	01.12.23	Issue for Council

TITLE
Ground Entry Plan

SCALE
1:100 @ A1

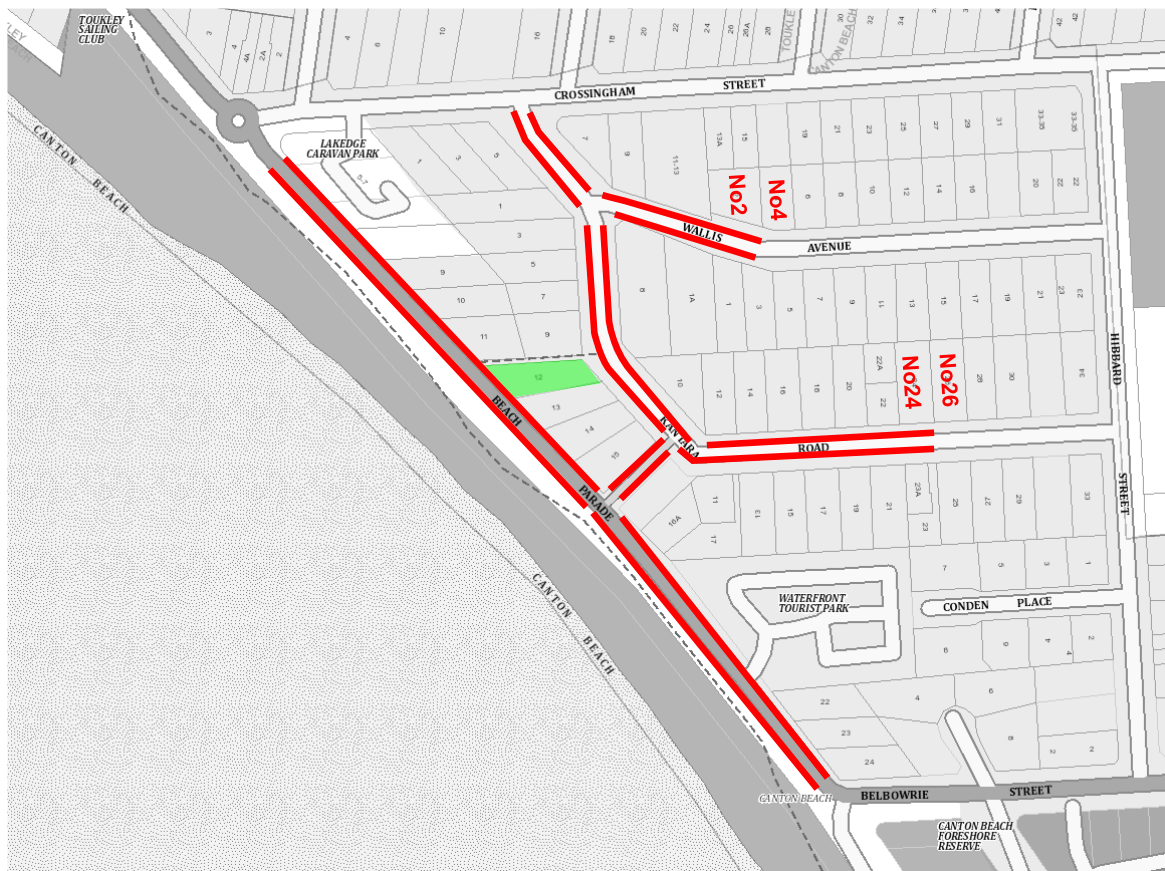
1.02

DATE SUBMITTED
30.11.23

12 Beach Parade, Canton Beach

ANNEXURE B

PARKING SURVEYS



3.1 Attachment 13

DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development Traffic Engineering Letter



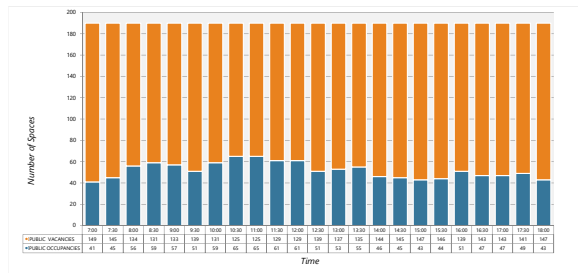
Parking Occupancy Survey

Date:	Friday, November 17, 2023
Location:	Canton Beach
GPS:	-33.270203, 151.943261
Weather:	Fine
Customer:	Tenaflic Pty Ltd

Parking Canton Beach

Public Parking (16)	Map Ref	Street	Section	Side	Restriction	Capacity	Parking Occupancy																								
							7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00	17:30	18:00		
1		Beach Parade	Crossingham St to Lakeview St	E	Unrestricted	23	2	3	4	5	5	4	8	7	9	9	9	4	5	8	5	4	4	6	5	4	4	4	4		
1			Lakeview St to Belbowrie St	E	14P	3	0	0	1	2	1	2	1	1	1	0	0	1	0	1	1	1	0	1	0	0	0	0	0		
1					Unrestricted	17	5	4	6	6	6	5	4	5	4	2	4	3	2	4	1	5	5	2	3	2	4	1	2		
1			Crossingham St to Belbowrie St	W	Unrestricted	6	0	1	1	1	2	1	3	2	1	2	1	1	2	1	1	1	0	0	1	0	0	0	0		
1					Unrestricted 60 Degree Angle Parking	19	5	6	8	8	7	5	4	8	5	4	5	4	6	6	3	4	2	4	5	4	2	6	5		
1					Disabled	1	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0			
1					Unrestricted	13	5	4	6	3	2	1	4	5	6	6	5	4	2	1	2	1	3	3	5	4	6	6	4		
1					Unrestricted 60 Degree Angle Parking	28	6	8	7	9	9	10	12	13	15	15	14	14	14	12	12	10	10	10	12	12	10	8	7		
1					Disabled	2	0	0	0	0	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0			
1		Wallis Ave	Crossingham St to Building No.4	E/N	Unrestricted	13	2	3	4	5	5	5	5	5	5	5	5	4	5	5	4	5	4	5	5	5	4	5	5		
1			Building No.3 to Kantara Rd	S/W	Unrestricted	10	4	4	4	4	4	4	2	2	3	4	4	2	3	3	4	2	3	3	3	3	3	4	2		
1			Kantara Rd to Crossingham St	S/W	Unrestricted	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
1		Kantara Rd	Wallis Ave to Building No.26	E/N	Unrestricted	21	4	5	6	6	5	4	6	6	6	6	5	4	5	6	6	6	5	4	5	5	4	3	4	2	
1			Building No.25 to Lakeview St	S/W	Unrestricted	12	5	4	6	6	6	5	4	5	6	6	6	5	4	5	5	6	5	4	6	6	6	6	6		
1			Lakeview St to Wallis Ave	W	Unrestricted	9	2	1	2	2	2	3	3	3	2	1	2	2	2	1	2	2	2	1	2	2	2	1	2		
1		Lakeview St	Beach Parade to Kantara Rd	N	Unrestricted	5	1	2	1	2	2	1	2	2	1	0	0	1	2	2	0	1	0	0	0	1	3	4	4		
1			Kantara Rd to Beach Parade	S	Unrestricted	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		PUBLIC CAPACITY						190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	190	
		PUBLIC OCCUPANCIES						41	45	56	59	57	51	59	65	65	61	61	51	53	55	46	45	43	44	51	47	47	49	43	
		PUBLIC VACANCIES						149	145	134	131	133	139	131	125	125	129	129	139	137	135	144	145	145	147	146	139	143	143	141	147
		PUBLIC % OCCUPANCIES						22%	24%	29%	31%	30%	27%	31%	34%	34%	32%	32%	27%	28%	29%	24%	24%	23%	23%	27%	25%	25%	26%	23%	

not available for public parking



3.1 Attachment 13

DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development Traffic Engineering Letter



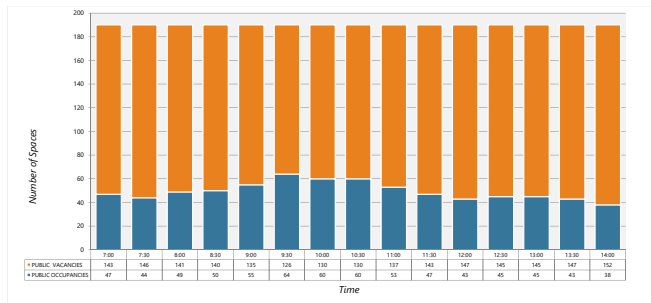
Parking Canton Beach

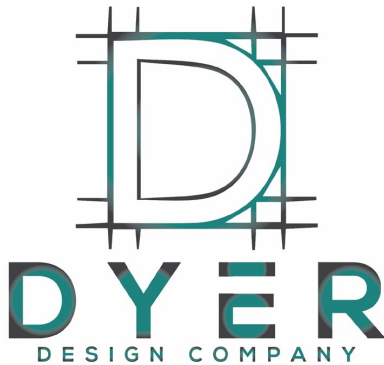
Parking Occupancy Survey

Date:	Saturday, November 18, 2023
Location:	Canton Beach
GPS:	33.270203, 151.543261
Weather:	Fine
Customer:	Terrafic Pty Ltd

Public Parking (1/0)	Map Ref	Street	Section	Side	Restriction	Capacity	Parking Occupancy														
							7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00
1		Beach Parade	Crossingham St to Lakeview St	E	Unrestricted	23	5	4	5	4	6	6	5	4	5	4	5	5	4	5	5
1			Lakeview St to Belbowrie St	E	1/4P	3	0	1	1	0	0	1	1	2	1	1	0	0	1	0	0
1					Unrestricted	17	2	3	4	5	4	7	8	7	6	5	4	3	4	4	2
1			Crossingham St to Belbowrie St	W	Unrestricted	6	0	0	0	1	2	1	0	0	0	0	0	1	0	0	0
1					Unrestricted 60 Degree Angle Parking	19	5	4	6	6	6	5	4	4	2	1	1	0	0	0	0
1					Disabled	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1					Unrestricted	13	5	3	2	4	2	3	4	2	2	2	1	2	3	3	3
1					Unrestricted 60 Degree Angle Parking	28	8	7	9	10	14	15	15	16	16	16	14	15	13	12	11
1					Disabled	2	0	0	0	0	0	1	1	1	1	0	0	0	0	0	0
1		Wallis Ave	Crossingham St to Building No.4	E/N	Unrestricted	13	5	5	5	5	5	5	5	5	4	5	5	5	5	5	5
1			Building No.3 to Kantara Rd	S/W	Unrestricted	10	3	3	3	3	3	4	4	4	4	2	3	3	3	3	3
1			Kantara Rd to Crossingham St	S/W	Unrestricted	4	0	0	0	1	1	1	1	1	0	0	0	0	0	0	0
1		Kantara Rd	Wallis Ave to Building No.26	E/N	Unrestricted	21	5	4	4	4	4	4	4	4	4	4	4	4	5	4	4
1			Building No.25 to Lakeview St	S/W	Unrestricted	12	6	5	4	5	4	5	5	5	4	5	5	5	4	5	4
1			Lakeview St to Wallis Ave	W	Unrestricted	9	1	2	2	1	2	2	1	2	1	0	0	0	0	0	0
1		Lakeview St	Beach Parade to Kantara Rd	N	Unrestricted	5	2	3	4	1	2	4	2	3	3	2	1	2	3	2	1
1			Kantara Rd to Beach Parade	S	Unrestricted	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		PUBLIC CAPACITY					190	190	190	190	190	190	190	190	190	190	190	190	190	190	190
		PUBLIC OCCUPANCIES					47	44	49	50	55	64	60	60	53	47	43	45	45	43	38
		PUBLIC VACANCIES					143	146	141	140	135	126	130	137	143	147	145	145	147	152	152
		PUBLIC % OCCUPANCIES					25%	23%	26%	26%	29%	34%	32%	32%	28%	25%	23%	24%	24%	23%	20%

not available for public parking





Ken Dyer

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Umina Beach
NSW 2257

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29th January 2024

Alexandra Hafner
Consultant
Development Assessment North
Central Coast Council
PO Box 20
Wyong, NSW 2259

Review of Response to Council Request: 12 Beach Pde Canton Beach – DA 4077/2022

Further to your email request dated 24/01/24 and email with documents 29/01/24, Please find attached my independent design review of the above-mentioned response to Council request.

The review should be read in conjunction with our previous UDP reports prepared for this application.

I have limited this review to the items nominated in the letter of response from GSA Planning dated 30 November 2023; namely:-

1. DCP: Clause 2.3.6.5 Sunlight Access;
2. ADG: Communal Open Space;
3. ADG: Storage;
4. DCP: Chapter 2.13 Transport and Parking; and
5. DCP: Clause 2.13.3.7 Parking and Access for the Disabled.

Documents Reviewed (as provided via link)

- Revised Architectural Plans
- Response Letter to Council
- Traffic Engineering Letter

Design Review

1. DCP: Clause 2.3.6.5 Sunlight Access;

Additional information provided illustrates the Objectives and Design Criteria of the ADG is adequately addressed in the documentation. In particular the following has been illustrated in the additional plans:-

“To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes”

2. ADG: Communal Open Space;

As stated in the ADG –

“Communal open space is an important environmental resource that provides outdoor recreation opportunities for residents, connection to the natural environment and valuable ‘breathing space’ between apartment buildings. It also contributes to the appeal of a development and the wellbeing of residents.”

The provision of no communal open space, within the development deprives the residence the opportunity for immediate access to their own private communal space for enjoyment and wellbeing. The applicant is suggesting it is acceptable to have residence leave the safety of their own development and to travel to external sites to enjoy the outdoors.

It is agreed that the ADG should be seen as a flexible guideline when it comes to the ADG is focused on qualitative objectives, not rigid numeric compliance but the fact remains that no communal open space has been provided, which would seem contrary to the objective of providing “*an adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping*”.

Providing a unit development without communal open space is not consistent with the character or amenity of the area. The site is not in a business zone or dense urban environment so the common space should be provided.

It does not appear the applicant has reviewed the opportunity for roof top common areas or the reduction of the restaurant and/or outdoor seating to provide some appropriate common area for the benefit of the residence.

We believe that not providing any open communal area should not be supported.

3. ADG: Storage;

Additional information provided illustrates the Objectives and Design Criteria of the ADG is adequately addressed in the documentation.

4. DCP: Chapter 2.13 Transport and Parking;

We are not an expert in this field but make the following comments from general urban design observations.

The development requires 32 car spaces and are only providing 9 this equates to a 71% shortfall.

The report relies on the shortfall of on-site parking with the use of existing on-street parking.

Our observation is that although there seems to be adequate on-street parking now, what happens when all the other sites are redeveloped in this high density zone? There would likely be congestion and a short fall of on-street parking in the future, exacerbated by this development not providing the correct allocated parking spaces.

Are there any other developments in the area that have not provided the required on-site carparking? If there is not, we don't believe this development should be approved with such a significant shortfall.

5. DCP: Clause 2.13.3.7 Parking and Access for the Disabled;

We still believe there is unfair bias and segregation against the resident with a disability having to use the current position of the disabled carpark at the back of the site, with no covered access, and not part of the secure basement carpark as other residential vehicles.

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

Sincerely,



Ken Dyer
Architect (B.Arch)
NSW Reg No. 5838

DYER DESIGN COMPANY

Trading for Dyer Family Trust
ABN 67 787 548 438



Central Coast LEP 2022 Clause 4.6 Exceptions to Development Standards – Height of Buildings

Shop Top Housing Development

No. 12 Beach Parade, Canton Beach

Prepared for:

Truslan Group

c/o XPACE Design Group

Unit 201, 50 Marshall Street

Surry Hills NSW 2010

Prepared by:

GSA PLANNING

Urban Design, Environmental & Traffic Planners

(A.B.N 89 643 660 628)

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JOB NO. 22179

November 2022

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**CENTRAL COAST LOCAL ENVIRONMENTAL PLAN (LEP) 2022
CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS**

APPLICANT'S NAME: Truslan Group

SITE ADDRESS: No.12 Beach Parade, Canton Beach

PROPOSAL: Shop top housing development

1. (i) Name of the applicable planning instrument which specifies the development standard:

Central Coast Local Environmental Plan (LEP) 2022

(ii) The land is zoned:

SP3 Tourist Zone. The objectives of the zone are:

- To provide for a variety of tourist-oriented development and related uses.
- To facilitate the provision of limited permanent accommodation in the form of mixed use development to improve the off-season viability of tourist-based development.
- To protect and enhance the natural environment for tourist and recreational purpose.

(iii) The number of the relevant clause therein:

Clause 4.3 – Height of Buildings which is stated as follows:

- (1) The objectives of this clause are as follows-
- To establish a maximum height of buildings to enable appropriate development density,
 - To ensure that the height of buildings is compatible with the character of the locality.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map.

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

2. Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation is consistent with the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.3 of the LEP – Height of buildings. This Clause operates in conjunction with the Height of Buildings Map which indicates a maximum 16 metres building height applies to the subject site. Clause 4.3 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

The proposed building height ranges from 12.8m to 17.6m, varying the building height standard by a maximum of 1.6m (10%). Due to the sloping topography, this is measured from the highest part of the flat roof, which has a consistent RL at 20.765 AHD (see **Figure 1**). The proposed height is driven by flood constraints and the ground floor level is at the level required by the engineer, with a 2.7m floor-to-ceiling height proposed for all habitable levels to provide the required amenity.



Source: X.PACE Design Group

Non-compliance

Figure 1: Proposed Height at Long Section (16m Height Line in Purple)

As indicated, the proposal generally complies at the Kantara Road frontage. The location of the variation is not easily perceivable from the street, as it is due to the gradual fall in terrain from Kantara Road. Especially given the intentionally recessed design of the top level, the proposal will have a compliant appearance.

The subject site is adjacent to two key renewal sites identified by Council known as the Lakedge Caravan Park and Waterfront Tourist Park. Council has prescribed significant uplift in height (up to 23m) and FSR in these Key Sites. This is to assist the transformation of those sites from a derelict Caravan Park to vibrant mixed use development that is consistent with the objectives of the SP3 zone.

On this basis, Council has accepted a height control that is higher than any current developments in the surrounding area. Therefore, the proposed maximum height of 17.6m and the variation of 1.6m are appropriate in this instance. The proposal is also considered as an appropriate architectural response for a particularly exposed site with two street frontages.

4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

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

Flexibility is sought in the application of the height development standard in the circumstance of this case. The design has worked around flood constraints to appropriately maximise development potential. The site is in the SP3 Tourist zone and adjacent to two Key Sites along Beach Parade under the provision of the LEP, which prescribes building height and density controls that encourages a variety of large-scale mixed use tourist-oriented and residential developments.

The proposal is for a variation up to 1.6m. Given the desired future character of the locality anticipated by Council's objectives and controls, the extent of variation is considered appropriate in this instance. The flexibility in these circumstances allows a better outcome for the development, by allowing the building to have a density that is consistent with the desired future character of the locality. Furthermore, the proposal will revive the existing vacant with an architecturally designed building, which will comprise an active ground floor cafe and provide an opportunity for improved pedestrian connectivity. It will also assist in supporting the tourism industry and the local economy of Canton Beach, as well as satisfying the demand for additional high-quality residential accommodation in the locality. In our opinion, the proposal will make a positive contribution to the future of Canton Beach and is consistent with the objective of the SP3 Tourist Zone.

Strict compliance with the building height would significantly reduce the development potential of the site, where a fourth floor cannot be achieved with sufficient roof space, due to flood constraints. Given the location, the proposal contributes significantly to the streetscape character, and reflects the future bulk and scale of Beach Parade. The development is also a better planning outcome for the site in terms economic use of the land and provides a contemporary development for the renewal of this dormant site.

Furthermore, there are a number of shop top housing developments in the vicinity, which have been approved by Council with building height non-compliances. The proposal is consistent in height and form with the immediate neighbours and within the broader context.

Therefore, the proposed building height provides a better planning outcome both for and from the development. In our opinion, the proposal is consistent with the objectives of Clause 4.6 and the variation is appropriate in this instance.

5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states, inter alia:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant test will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the height exceedance, the proposal is consistent with the desired mixed use character of the area, as required in the LEP. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. The proposal is also consistent with the LEP building height development standard's objectives, which will now be discussed.

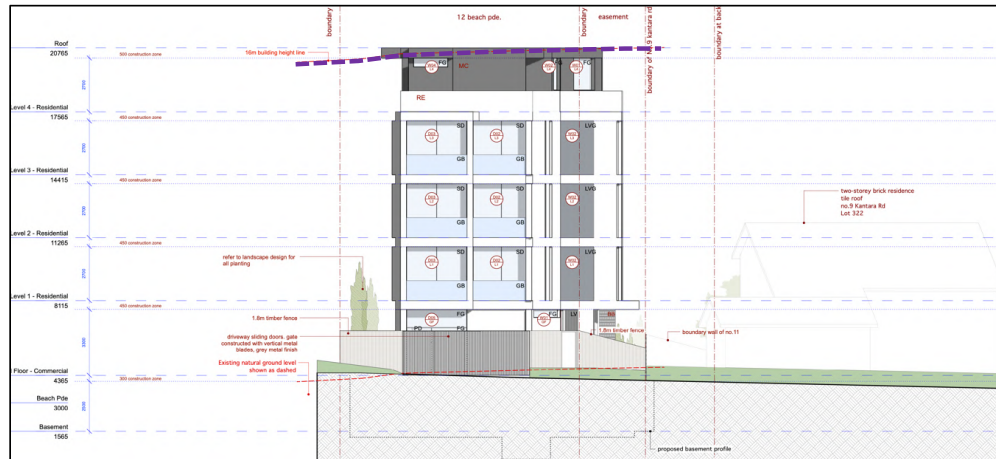
(a) To establish a maximum height of buildings to enable appropriate development density,

The subject site is zoned SP3 Tourist and adjacent to Lakedge Caravan Park and Waterfront Tourist Park, which has been identified as tourist precincts, to promote tourist and residential accommodation and an active street front of cafes and tourist-related uses along Beach Parade. In our opinion, the proposed building height will enable appropriate development density.

To respond to the desired vision for the locality, the proposed building will have a compliant floor space ratio (FSR) of 1.249:1 and a visually compliant height ranging from 12.8m to 17.6m, which is appropriate for the density provided. The new building generally remains within the height standard along Kantara Road (see **Figure 2**) and the flat roof design will appear height compliant overall as the maximum height proposed is mostly a function of the topography. The additional height is insignificant in the context of the development.

A high degree of reticulation and recesses are incorporated into the design to present an appropriate height, bulk and scale, revitalising the vacant lot. The height breach will enable a consistent roof design that is in line with the desired future character of the neighbourhood.

Accordingly, the proposed height is necessary and appropriate for the site and the proposed density, in order to provide a high-quality urban design outcome for the tourist precinct.



Source: X.PACE Design Group

Figure 2: Proposed Height at Kantara Road Elevation (16m Height Line in Purple)

(b) To ensure that the height of buildings is compatible with the character of the locality.

The relevant clauses in the LEP which relate to urban character and built form are:

- a. The zoning of the land (Clause 2.2 and the Land Zoning Map);
- b. The zone objectives (Clause 2.3);
- c. The land use table (at the end of Part 2); and
- d. The development standards in Part 4:
 - i. Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 16m; and
 - ii. Clause 4.4 Floor Space Ratio and Floor Space Ratio Map which provides a maximum FSR of 1.25:1.

The SP3 Tourist zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character. The permissible uses are:

*Amusement centres; Aquaculture; Attached dwellings; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Food and drink premises; Function centres; Helipads; Home businesses; Home occupations; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Secondary dwellings; Semi-detached dwellings; Sewage reticulation systems; **Shop top housing**; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities; Water reticulation systems*

The new shop top housing development will contribute to the eclectic mix of permissible uses in the SP3 zone. It is compatible with the envelope of neighbouring developments recently approved and constructed on Beach Parade. This demonstrates the external envelope is contextually compatible. In other words, the proposal is consistent with the built form in the areas and the area's desired future character despite the height breach. In *Woollahra Municipal Council v SJD DB2 Pty Limited* [2020] NSWLEC 115 [63], Preston CJ states, inter alia:

...the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard.

Accordingly, the desired future character is shaped by the LEP and other developments in the vicinity. The maximum height for the site and adjoining land recognises the desire for renewal of the area. Council intends to reinforce this by prescribing heights which are greatly in excess of the existing one, two and three-storey buildings. As indicated, the non-compliance is mainly due to the flood constraints and sloping terrain. The proposal will sympathetically respond to the character of adjacent developments. It will not appear out of character when viewed in its context. Council also recently approved a nearby application with a height breach. This indicates that recently Council has considered a height breach in the area can be consistent with the desired future character. It is a relevant consideration to understand if Council has accepted breaches to the building height standard in the past, under what circumstances these were supported and if indeed there are any comparable principles to the subject application.

On **31 May 2018**, Council approved a shop top housing development at Nos. 5-8 Beach Parade (DA/7/2017), with an 18.41m building height, exceeding the 16m standard by 2.41m (15%) (see **Figure 2** on the following page). This reflects the attitude of Council in anticipation of higher-scale development on the subject and nearby sites. In the Assessment Report, Council's reasons for supporting the height breach include, inter alia:

- *The development achieves an appropriate density by **complying with the maximum permitted FSR** for the site.*
- *The area is undergoing transition and the proposed height of the building will be **compatible with the future planned height and likely bulk and scale of future development within the area and the desired future character** of the locality. The proposal will result in a building height and size as was envisaged on the site under Council's long term planning for the site and surrounding lots for 'key site' development. The proposal demonstrates an appropriate scale in terms of bulk, height and building separation which contribute positively to the desired future character of the area.*
- *The development has been sensitively designed to respond to existing development surrounding the site and mitigates potential visual impacts. The development includes satisfactory articulation, sufficient landscaped setbacks and a unique design that responds to the orientation and location of the site. The proposal will make a positive contribution to the public domain (i.e. The Canton Beach reserve site context) by transforming the vacant site of limited streetscape appeal into a proposal that will **create visual interest, enhance the streetscape appearance and activate the street frontage**.*
- *The height of the building is appropriate and will preserve the residential amenity of neighbouring properties. Despite the variation the proposed building height will **not adversely impact on surrounding residential amenity** in respect of unreasonable or significant overshadowing, overlooking, view loss, bulk and scale and access. This is due to the internal and external design of the building and its form and orientation (see figure 8).*

Similarly, as the site is currently vacant, it presents poorly to the street and does not make any contribution to the locality. The proposal will revitalise the site by providing a contemporary mixed use development, which will activate the street frontages and contribute to the diversity of uses in the locality. The proposed more than compliant landscaped area at the ground floor level will also encourage pedestrian traffic and provide a more vibrant interface. New landscaping will improve the scenic quality of the site and enhance its visual presentation when viewed from the street and the Tuggerah Lake foreshore. The provision of residential units will also contribute to the evolution of dwelling types in the area. Finally, the FSR variation will not compromise the ability of the development to maintain appropriate residential amenity for neighbours, in terms of privacy, solar access and views. This is detailed in the SEE.

As indicated in **Figures 3 and 4**, whilst the proposal includes a numeric departure from the standard, it is not a character departure from recently approved developments nearby. In fact, the proposed building remains lower than the recently approved 18.41m height at Nos. 5-8 Beach Parade to the north (DA/7/2017). The variation is hence consistent with the desired future built form and character.



Source: X.PACE Design Group

Figure 3: Photomontage of Approved DA/7/2017 at Nos. 5-8 Beach Parade (Subject to Conditions)



Source: X.PACE Design Group

Figure 4: Photomontage of Proposal Along Beach Parade (Existing Tree in Foreground Faded to Show Extent of Proposal)

The proposed building will comply with front and rear setbacks, as well as the 16m building height standard generally at the Kantara Road frontage. The proposal achieves a five-storey built form which is envisaged by the standard and compatible within the context. In particular, it achieves consistency with recent approvals nearby at Nos. 5-8 Beach Parade (DA/7/2017) and No.11 Beach Parade (DA/243/2015), both for five-storey shop top housing development.

Accordingly, the proposed building height is an appropriate scale for the subject site and compatible with the character of the locality.

In our opinion, the height exceedance achieves the objectives of the standard. Full compliance would unreasonably and unnecessarily reduce the development potential and visual quality of the sympathetically designed building.

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are sufficient environmental planning grounds to justify the building height in this instance, including:

Contextual Compatibility & Consistency with Desired Future Character

The proposal is permissible in the SP3 Tourist Zone and consistent with the relevant objectives of both the zone and the height development standard. It satisfies an 'unreasonable and unnecessary' test established in *Wehbe*. The proposal is also consistent with the desired future character of the locality.

The proposal will be in keeping with the desired future character of development along Beach Parade as depicted by the transitioning character of the area. The proposed height of the development will facilitate an additional dwelling at the upper level and assist the development in satisfying the zone objectives by providing additional preeminent accommodation in a mixed use context.

Consistency in the context was recognised as an environmental planning ground in *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097 where Commissioner O'Neill states at [42] that:

I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).

In our opinion, the proposed built form with a height range of 12.8-17.6m and the extent of non-compliance up to 1.6m are modest in comparison to the five-storey shop top housing recently approved by Council at Nos. 5-8 Beach Parade (DA/7/2017), which has a maximum height of 18.41m. It is also noted that additional recesses have been incorporated at the top level (where the height variation occurs), increased from compliant front and rear setbacks. This minimises any perceivable bulk and scale from the street level.

Good Design & Amenity

As the height exceedance is integral to the architecturally designed contemporary building which will improve the amenity of occupants, residents and visitors, we consider the proposal is in the public interest.

The proposal reinvigorates the dormant site with an upgraded building, of a compatible height, to contribute to the area's existing, recently approved and desired high-quality buildings. The proposal promotes good design and amenity in accordance with the object of the EPA Act in Clause 1.3(g). The proposal provides a quality-built form which will not present as an overdevelopment on the site, given the compliant FSR.

Strict compliance with the standard would require the lowering the entire building. This will unreasonably and unnecessarily reduce the ceiling height of the residential units, which currently have a 2.7m floor-to-

ceiling height. This would compromise occupant amenity and the architectural design which has carefully considered flood engineering requirements. Alternatively, it would necessitate removal of the entire penthouse level, which would result in an FSR that is substantially below the standard. In our opinion, the proposal's height is appropriate in its setting, bounded by two street frontages.

Appropriate privacy and solar access will be provided for occupants and neighbours, as discussed in the SEE. In addition, given the existing nature of and Council's controls envisaged for the surrounding area, impact on views from surrounding properties is inevitable from any compliant building envelope, and the proposed development may have less impact compared to a fully compliant single dwelling (due to different setback controls). In this regard, the height variation can be considered to contribute to a good design that protects neighbour amenity.

The development also provides greater than compliant landscaping throughout, harmonising with the coastal character. The articulated façade will enhance the site's relationship with surrounding developments and the public domain. The incorporation of sympathetic materials and more than required landscaping will provide visual and amenity benefits. As indicated, strict compliance could be achieved by dropping the building. This would be difficult on a flood-constrained site and reduce number of storeys to four (above basement), which would not represent good design as it would be inconsistent with the streetscape envisaged by the 16m height standard.

Flexibility in these circumstances allows a better outcome for the building to introduce an appropriate built form that is anticipated for the locality. The form and scale proposed is also consistent with the desired future character of the locality, informed by the LEP and DCP. Especially considering the flood constraints, it is our view that technical compliance with the 16m height control is unreasonable in the circumstances of the case and that the proposed development exhibits sufficient planning reasons to vary the development standard.

In summary, the main grounds for contravening the standard are that the variation comprises a consistent flat roof form, recently approved five-storey shop top housing developments nearby have a largely similar envelope to the proposal, and the part of the non-trafficable roof beyond the height plane is unlikely to have unreasonable visual or amenity impact compared to a compliant envelope.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

6. Clause 4.6(4)(a) Requirements

Clause 4.6(4)(a) guides the consent authority's consideration of this Clause 4.6 variation request. It provides that:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

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The applicant submits that the consent authority can be satisfied of each of the requirements of Clause 4.6(4)(a), for all the reasons set out in this written request, and having regard to the site and locality.

In our opinion, the proposal is consistent with the objectives of the development standard, as already demonstrated; and the SP3 Tourist Zone, as discussed below:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To facilitate the provision of limited permanent accommodation in the form of mixed use development to improve the off-season viability of tourist-based development.*
- *To protect and enhance the natural environment for tourist and recreational purposes.*

The proposal comprises a mixed use development that will include a ground-floor cafe and residential uses above. The proposal will provide tourist-oriented services within the locality through the provision of the cafe on the ground floor. The provision of the street-level cafe will also assist in supporting the viability of tourist-based development in off-peak season.

The permanent accommodation at the upper levels will provide for additional residential accommodation for the community. Furthermore, the development will protect and enhance the natural environment of the locality, through the more than compliant landscaping proposed.

From this, we consider the proposal is in the public interest and should be supported.

7. Clauses 4.6(4)(b) and 4.6(5) Requirements

Clause 4.6(4)(b) of the LEP requires the concurrence of the Secretary (of the Department of Planning and Environment) before the consent authority can exercise the power to grant development consent for development that contravenes a development standard.

Under Clause 55 of the Environmental Planning and Assessment Regulation 2021, the Secretary has given written notice dated 5 May 2020, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under Clause 4.6, subject to the conditions in the table in the notice. While the proposal exceeds the development standard by 10%, the Planning Circular provides for the Local Planning Panel to assume concurrence.

Nevertheless, the matters in Clause 4.6(5) should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at [100] and *Wehbe* at [41]). In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposal is not considered to raise any matter of significance for State or regional environmental planning. The height non-compliance will enhance the amenity and functionality of the proposed shop top housing without significantly, unreasonably or unacceptably impacting neighbouring properties. This is because the exceedance appears generally compliant, as part of a consistent flat roof form. The area of height breach allows for compliant floor-to-ceiling height on a site constrained by flooding.

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The public benefit of maintaining the development standard is not considered significant given that, regardless of the non-compliance, the proposal will appear consistent in the streetscape with an articulated façade complemented by more than compliant landscaping.

Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted. The non-compliance contributes to a quality development which is consistent with the desired character of the precinct and is, in our opinion, in the public interest.

8. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and SP3 Tourist Zone pursuant to the LEP. On that basis, the request to vary Clause 4.3 should be upheld.

Table 1: Compliance Matrix

Para (Initial Action)	Requirement	Section of this Report	Summary	Satisfied
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.3: Height of Buildings	
12	What is the control	1 & 2	16m	
14	First Precondition to Enlivening the Power – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	1st Positive Opinion – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	First Aspect is Clause 4.6(3)(a) – That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> .	5.1	The proposal satisfies Tests 1 of <i>Wehbe</i> : <ul style="list-style-type: none"> The objectives of the standard are achieved notwithstanding the non-compliance with the standard; 	YES
23-24	Second Aspect is Clause 4.6(3)(b) – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. The environmental planning grounds must be "sufficient" in two respects: <ol style="list-style-type: none"> The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole. 	5.2	Sufficient environmental planning grounds include, inter alia: <ul style="list-style-type: none"> The proposed height is contextually compatible with recently approved five-storey shop top housing nearby. The height variation is a partial function of the sloping topography and driven by flood constraints. The proposal is generally limited to a compliant height at the Kantara Road frontage. The proposed building height is appropriate in the setting of the site and is consistent with the desired future character of the locality. The proposed height of the development will facilitate an additional dwellings at the upper level and assist the development in satisfying the zone objectives by providing additional preeminent accommodation in a mixed use context. The height breach contributes to good design and amenity. Strict compliance with the standard is unreasonable as it would require decreasing the compliant 2.7m ceiling height or substantial FSR reduction, which would reduce occupant amenity and development potential. 	YES

			<ul style="list-style-type: none"> The area of building height non-compliance maintains compliant amenity for neighbours. Flexibility in these circumstances allows a better planning outcome for the building to introduce an appropriate built form that is anticipated from the locality. 	
26-27	2nd Positive Opinion – That the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.	6	The proposed development is consistent with the objectives of the height standard as addressed under Test 1 of <i>Wehbe</i> . The proposal is also consistent with the objectives of the SP3 Tourist Zone.	YES
28-29	Second Precondition to Enlivening the Power – That the concurrence of the Secretary has been obtained [Clause 4.6(4)(b)]. On appeal, the Court has the power to grant development consent, subject to being satisfied of the relevant matters under Clause 4.6.	7	As the relevant matters for consideration under Clause 4.6 have been satisfied as outlined above, Council can grant development consent.	YES

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Development Application

DRAWINGS LIST

- 0_01 Location Plan
- 0_02 Site Plan

- 1_01 Basement Plan
- 1_02 Ground Entry Plan
- 1_03 Typical Plan - Level 1-3
- 1_04 Typical Plan Accessible Option
- 1_05 Level 4 - Pent Plan
- 1_06 Roof Plan

- 2_01 Section A
- 2_02 Section B

- 3_01 Elevation
- 3_02 Elevation

- 4_00 Shadow diagrams
- 4_01 Solar & Daylight access

- 5_00 Materials & Finishes

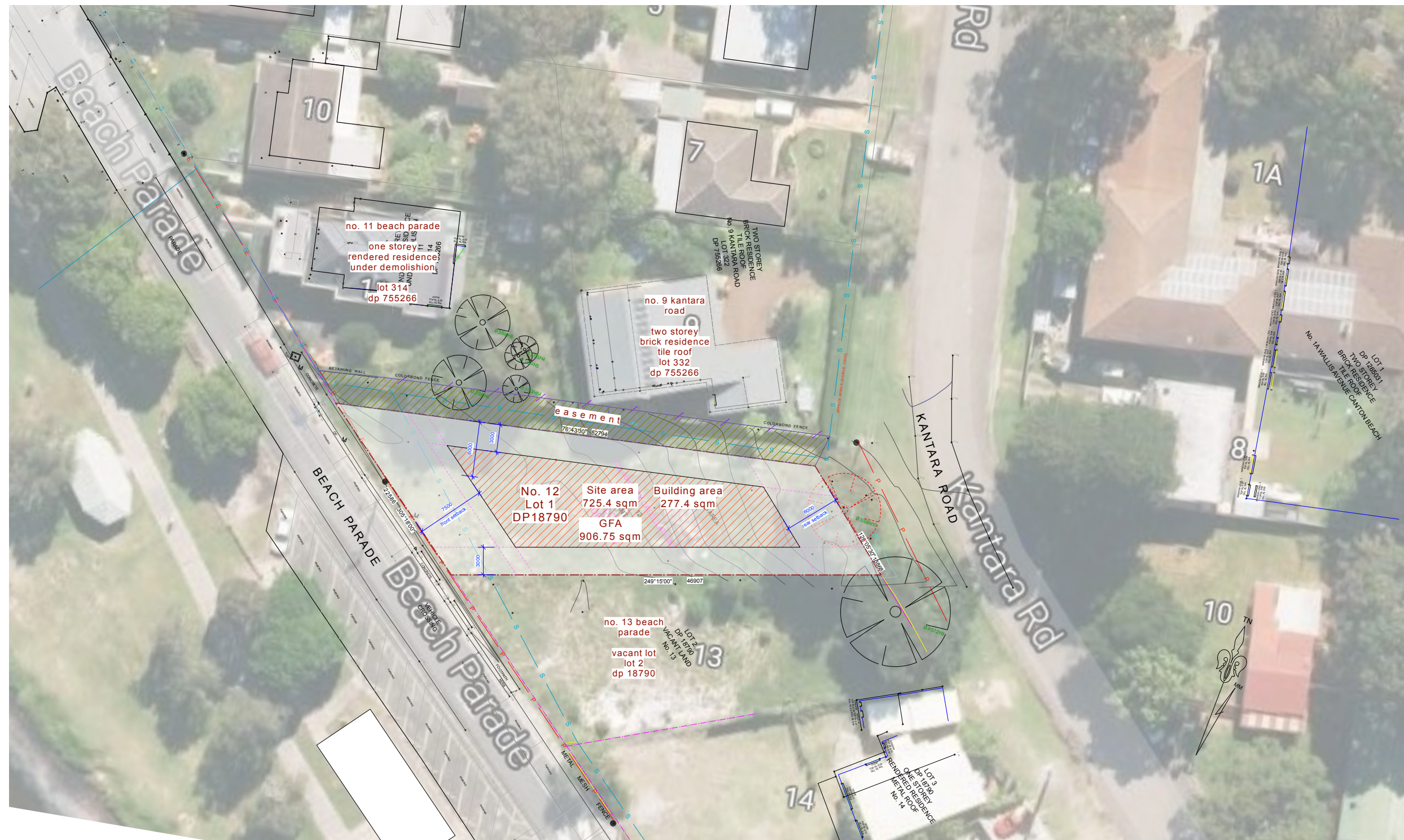
- 6_00 Photomontage

- 7_00 GFA Calculation proposed

- 8_00 Landscape area calculation

- 9_00 Excavation plan
- 9_01 Turning sweep

12 Beach Parade, Canton Beach

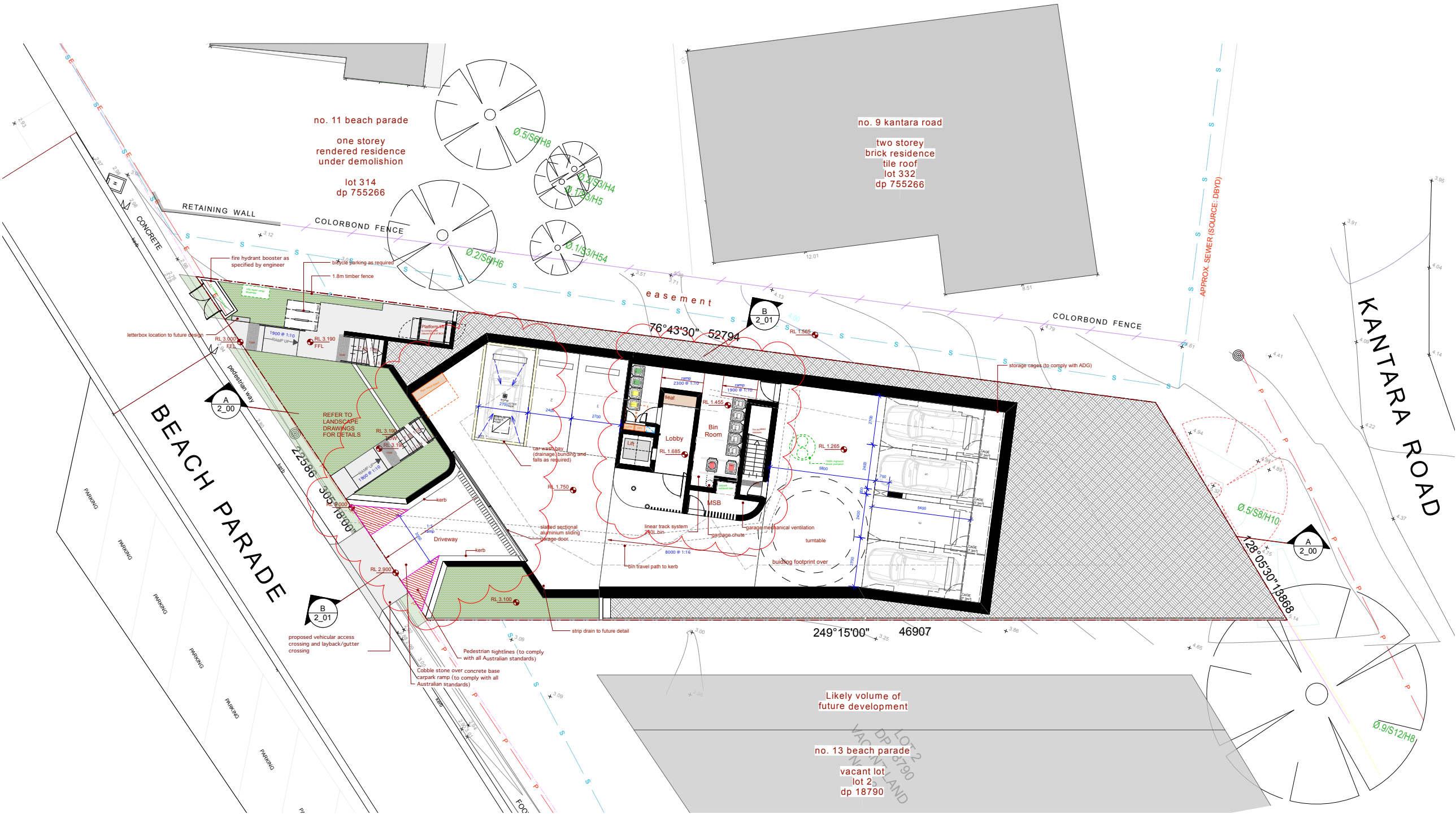


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PURPOSE	PLT DAT
DA SUBMISSION	1.12.23



STORAGE
As per ADG requirements 10m³ for 3 bedroom unit

	Unit	Basement	Total
Level 1-3	4.34m³	7.3m³	11.64m³
Level 4	5.32m³	7.3m³	12.62m³

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AMENDMENTS

REVISION	DATE	AMENDMENT DESCRIPTION
A	07.07.22	for information - draft
B	13.10.22	Final draft
C	19.10.22	BCA & Access update
D	23.12.22	Waste management update
E	01.08.23	RFI response
F	01.12.23	Additional information response

ISSUE

DATE	AMENDMENT NO.	ISSUED TO
07.07.22	1	Issue to consultants
23.12.22	2	Issue to Council
01.08.23	3	Issue to Council
01.12.23	4	Issue to Council

TITLE
Basement Plan

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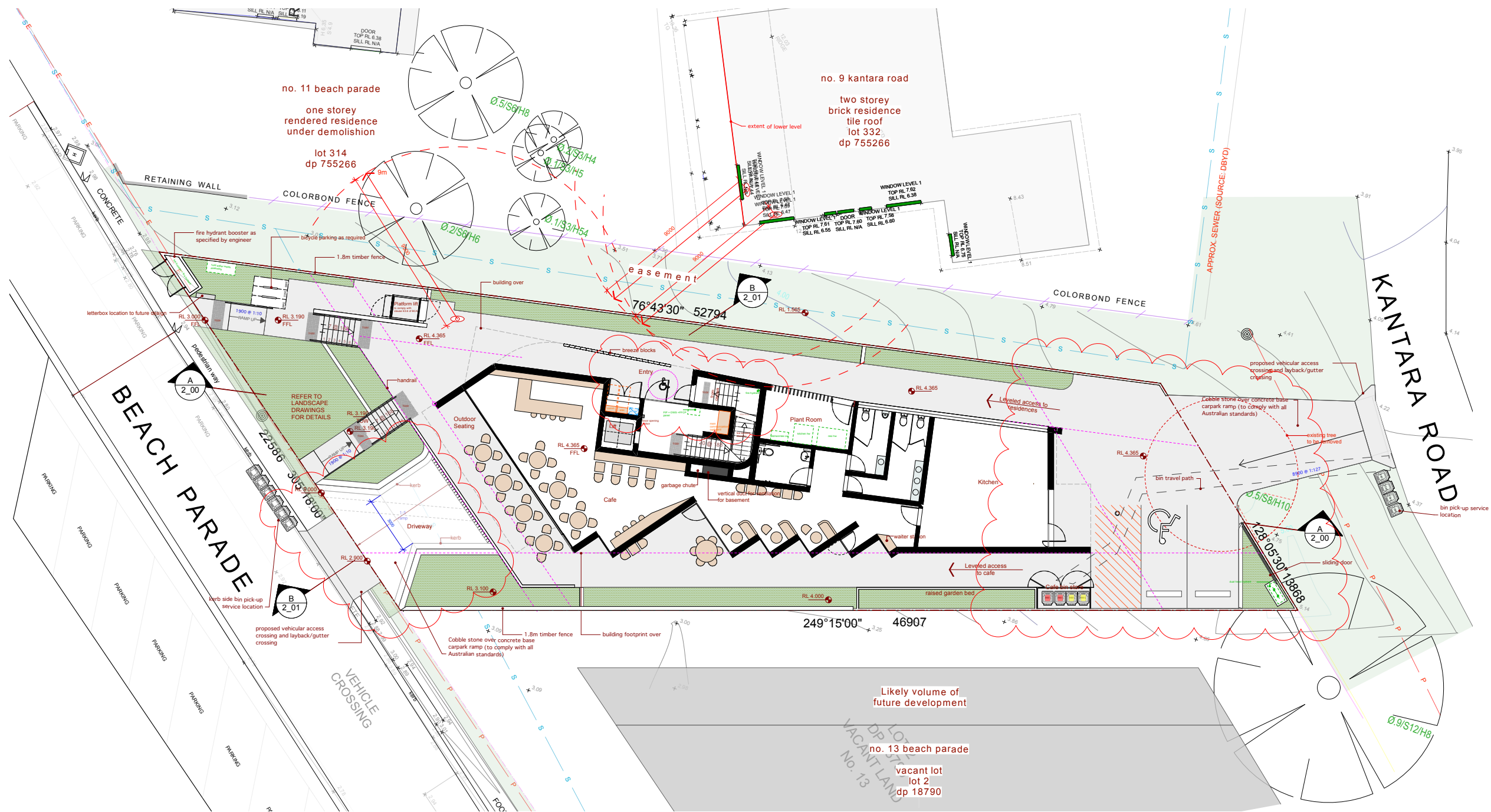
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01.12.23	4	Issue to Council

TITLE

Ground Entry Plan

SCALE

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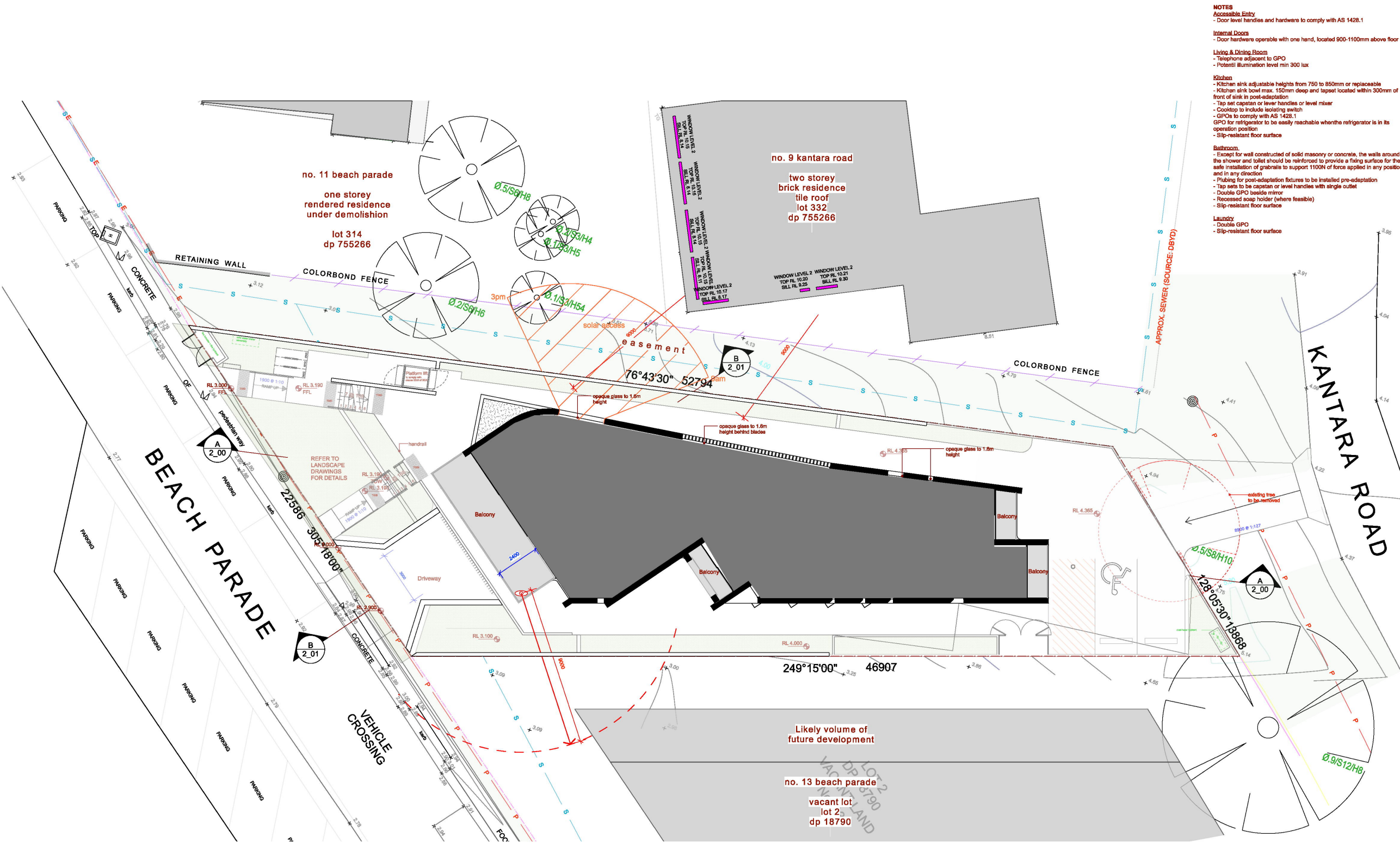
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- NOTES**
- Accessible Entry**
- Door level handles and hardware to comply with AS 1428.1
- Internal Doors**
- Door hardware operable with one hand, located 900-1100mm above floor
- Living & Dining Room**
- Telephone adjacent to GPO
 - Potential illumination level min 300 lux
- Kitchen**
- Kitchen sink adjustable heights from 750 to 850mm or replaceable
 - Kitchen sink bowl max. 150mm deep and tapset located within 300mm of front of sink in post-adaptation
 - Tap set capstan or lever handles or level mixer
 - Cooktop to include isolating switch
 - GPOs to comply with AS 1428.1
 - GPO for refrigerator to be easily reachable when the refrigerator is in its operation position
 - Slip-resistant floor surface
- Bathroom**
- Except for wall constructed of solid masonry or concrete, the walls around the shower and toilet should be reinforced to provide a fixing surface for the safe installation of grabrails to support 1100N of force applied in any position and in any direction
 - Plumbing for post-adaptation fixtures to be installed pre-adaptation
 - Tap sets to be capstan or lever handles with single outlet
 - Double GPO beside mirror
 - Recessed soap holder (where feasible)
 - Slip-resistant floor surface
- Laundry**
- Double GPO
 - Slip-resistant floor surface

STORAGE
As per ADG requirements 10m³ for 3 bedroom unit

	Unit	Basement	Total
Level 1-3	4.34m³	7.3m³	11.64m³
Level 4	5.32m³	7.3m³	12.62m³

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A	7.7.22	For information - draft
B	15.10.22	Final draft
C	16.10.22	BCA & Access update
D	1.8.23	RPT responses

ISSUE

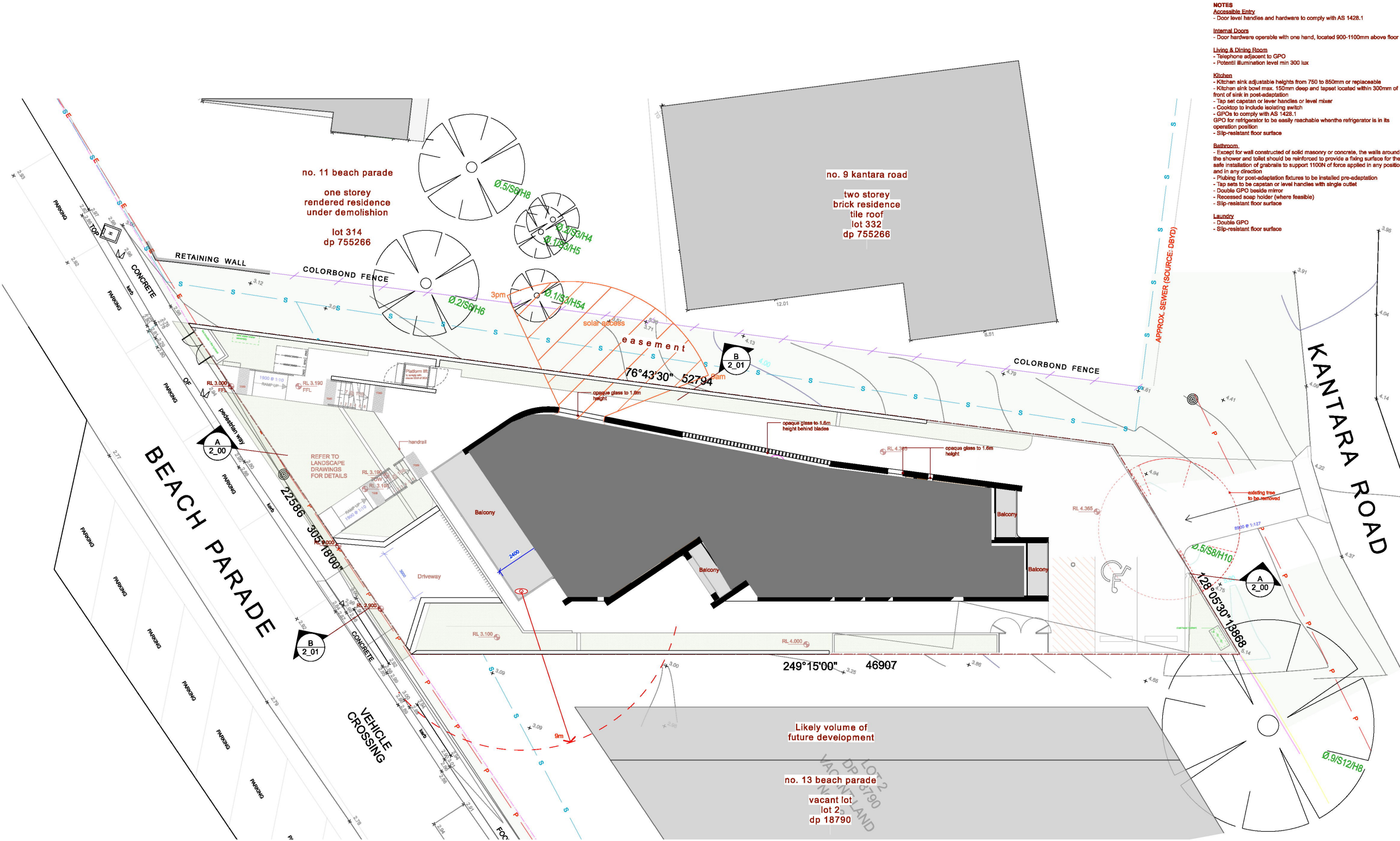
DATE	AMENDMENT NO	REVISION TO
7.7.22	1	Issue to consultants
1.8.23	2	Issue to Council

TITLE
Typical Plan - Level 1-3

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1_03
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- NOTES**
- Accessible Entry**
- Door level handles and hardware to comply with AS 1428.1
- Internal Doors**
- Door hardware operable with one hand, located 900-1100mm above floor
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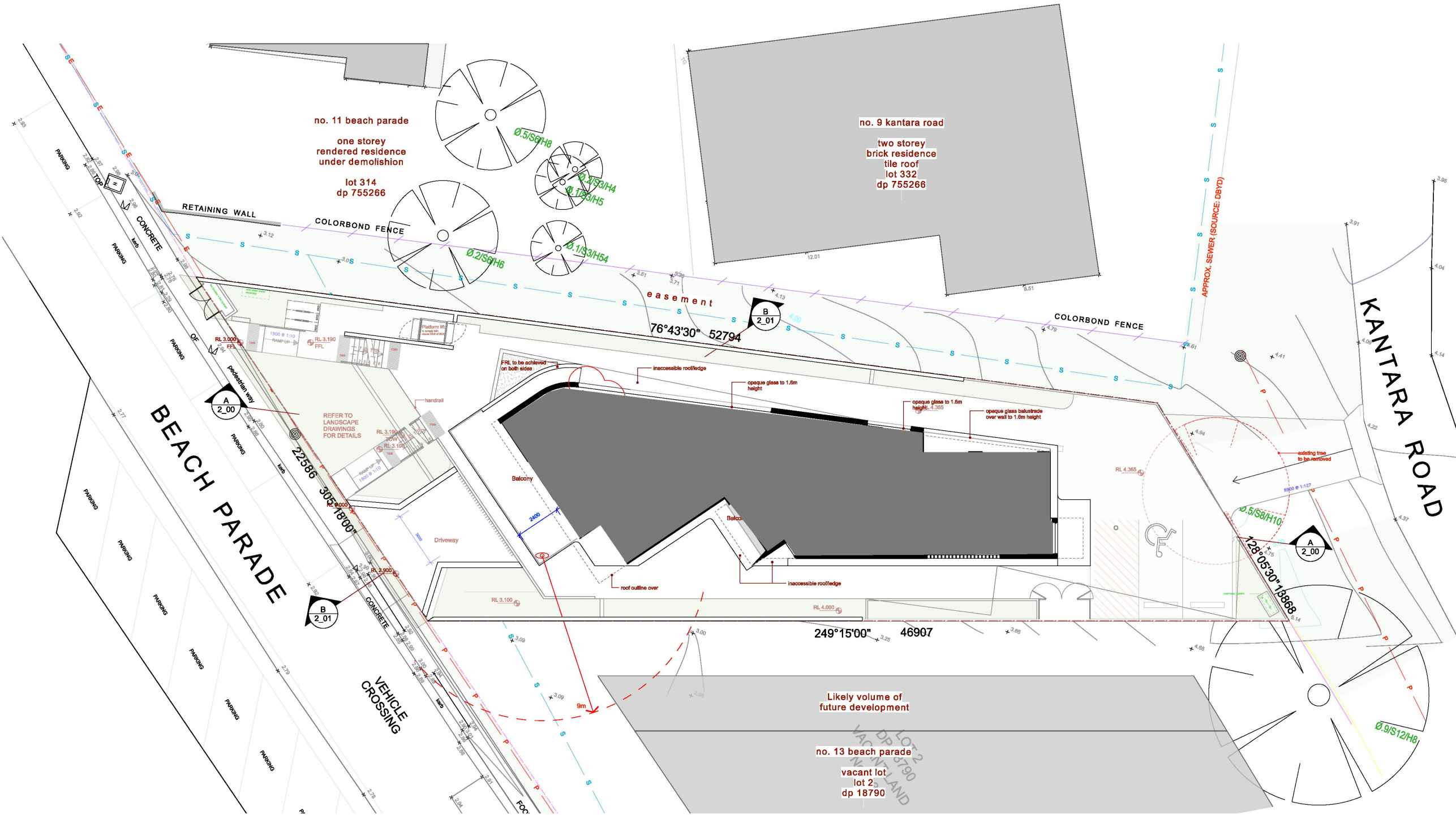
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AMENDMENTS

REVISION	DATE	AMENDMENT DESCRIPTION
A	07.07.22	For Information - draft
B	15.10.22	Final draft
C	16.10.22	BCA & Access update
D	01.08.23	RTI response
E	01.12.23	Additional Information response

ISSUE

DATE	AMENDMENT NO	RELEASE TO
07.07.22	1	Issue to consultants
01.08.23	2	Issue to Council
01.12.23	3	Issue to Council

TITLE
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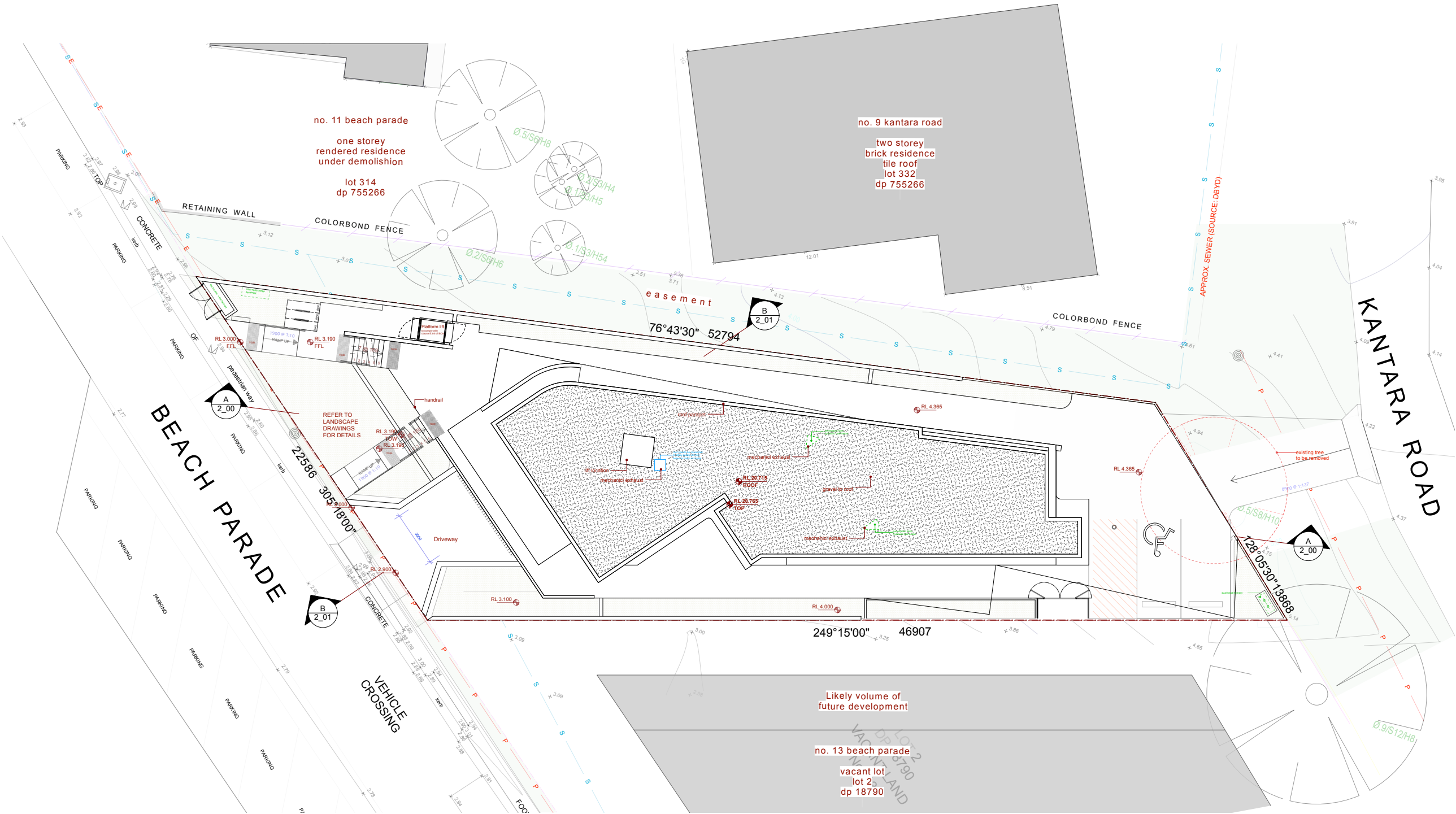
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A	7.7.22	for information - draft
B	13.10.22	Final draft
C	19.10.22	BCA & Access update
D	1.8.23	RPI response

ISSUE

DATE	AMENDMENT NO	ISSUED TO
7.7.22	1	Issue to consultants
1.8.23	2	Issue to Council

TITLE

Roof Plan

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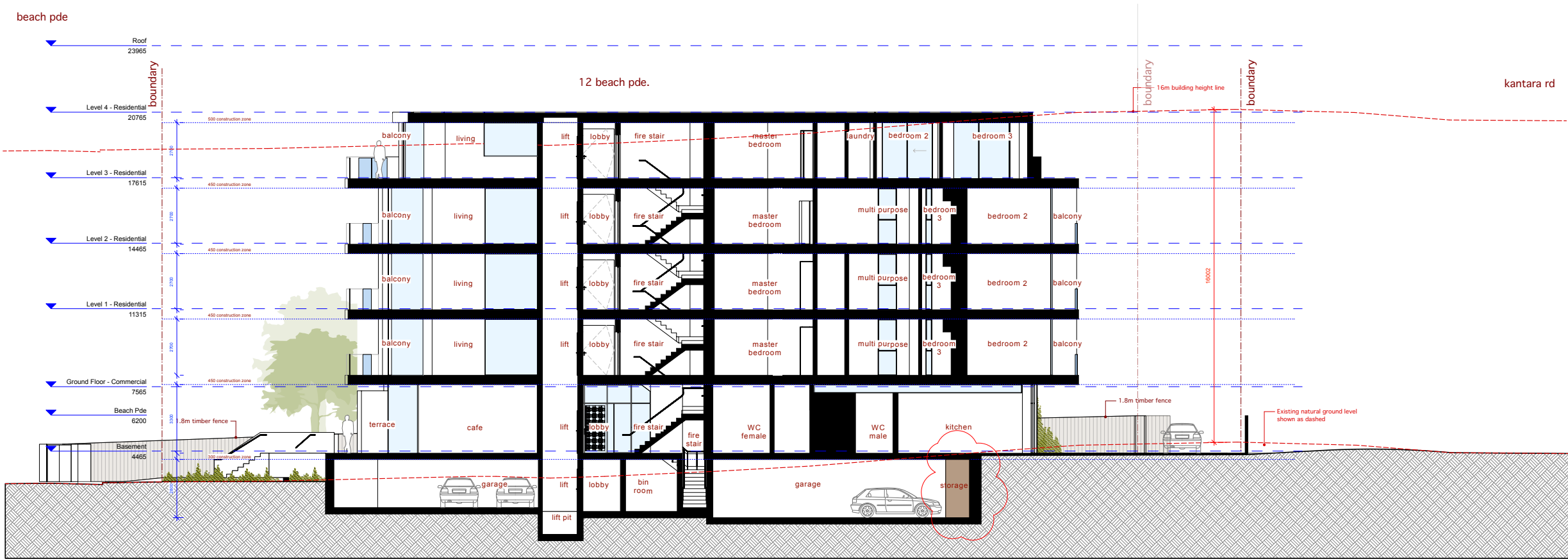
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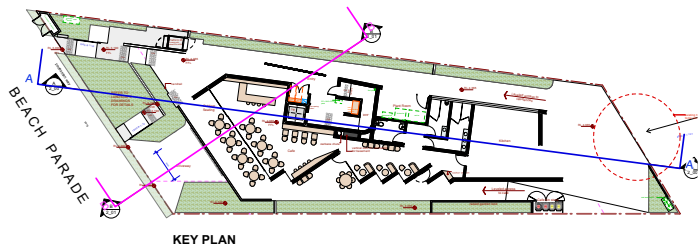
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4 Section AA
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LEGEND
AW Awning window
BB Breeze block (circle and colour TBC)
DH Double hung window
FG Fixed glass windows
GB Glass balustrade
HD Hinged door
LV Fixed blades louvres
LVG Fixed blades over fixed glass

MC Metal cladding
PD Pivot door
RE Rendered and Painted (White)
RD Rendered and Painted (Dark Grey)
SD Sliding glass doors (Aluminium Framed)

AMENDMENTS
REVISION DATE AMENDMENT DESCRIPTION
A 07.07.22 for information - draft
B 19.10.22 BCA & Access update
C 01.08.23 RPI response
D 01.12.23 Additional information response

ISSUE
Date AMENDMENT No. ISSUED TO
07.07.22 1 Issue to consultants
01.08.23 2 Issue to Council
01.12.23 3 Issue to Council

TITLE
Sections

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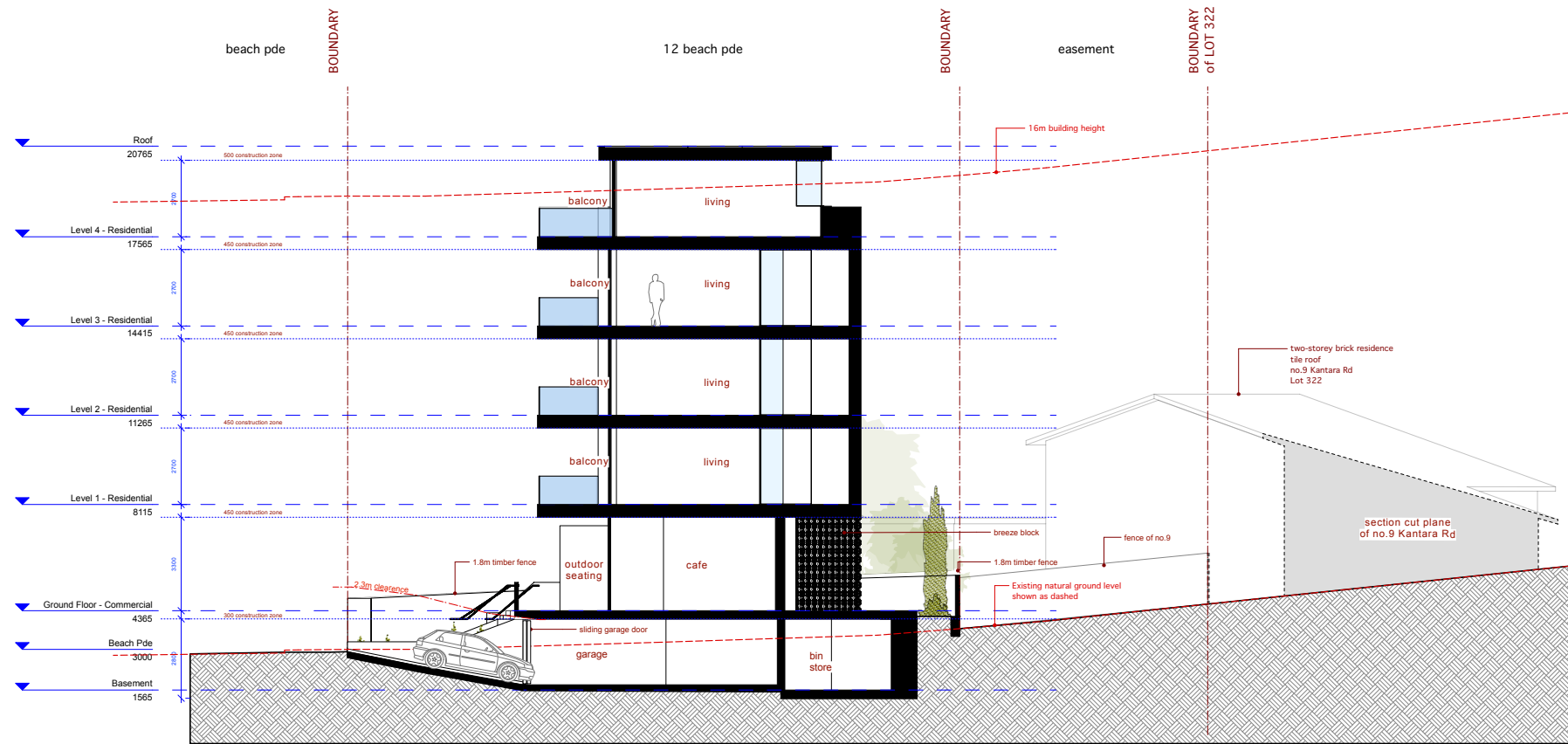
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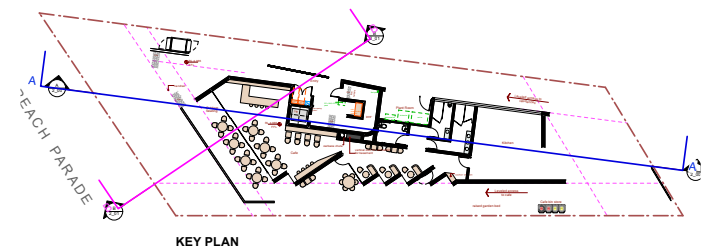
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01 Section BB
Scale: 1:100



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LEGEND
AW Awning window
BB Breeze block (circle and colour TBC)
DH Double hung window
FG Fixed glass windows
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C 1.8.23 RFI response

ISSUE
Date AMENDMENT No. ISSUED TO
7.7.22 1 Issue to consultants
1.8.23 2 Issue to Council

TITLE
Sections

SCALE
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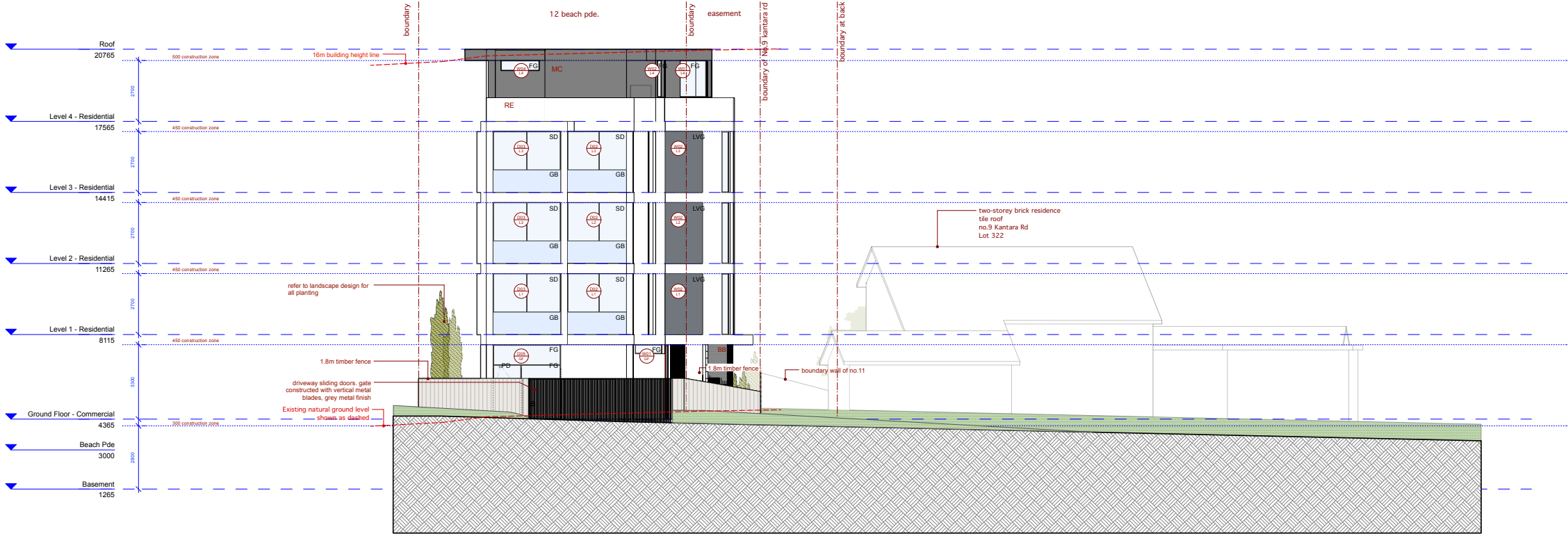
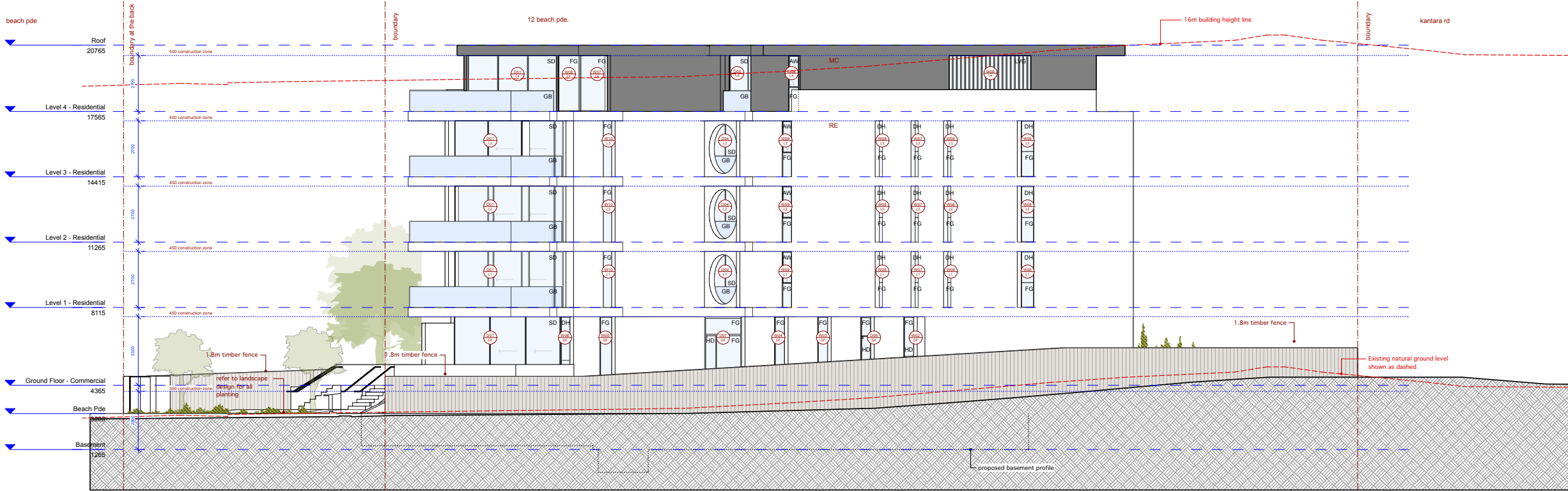
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LEGEND
AW Awning window
BB Breze block (circle and colour TBC)
DH Double hung window
FG Fixed glass windows
GB Glass balustrade
HD Hinged door
LV Fixed blades over fixed glass
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Date AMENDMENT NO. ISSUED TO
7.7.22 1 Issue to consultants
1.8.23 2 Issue to Council

TITLE
Elevations

SCALE
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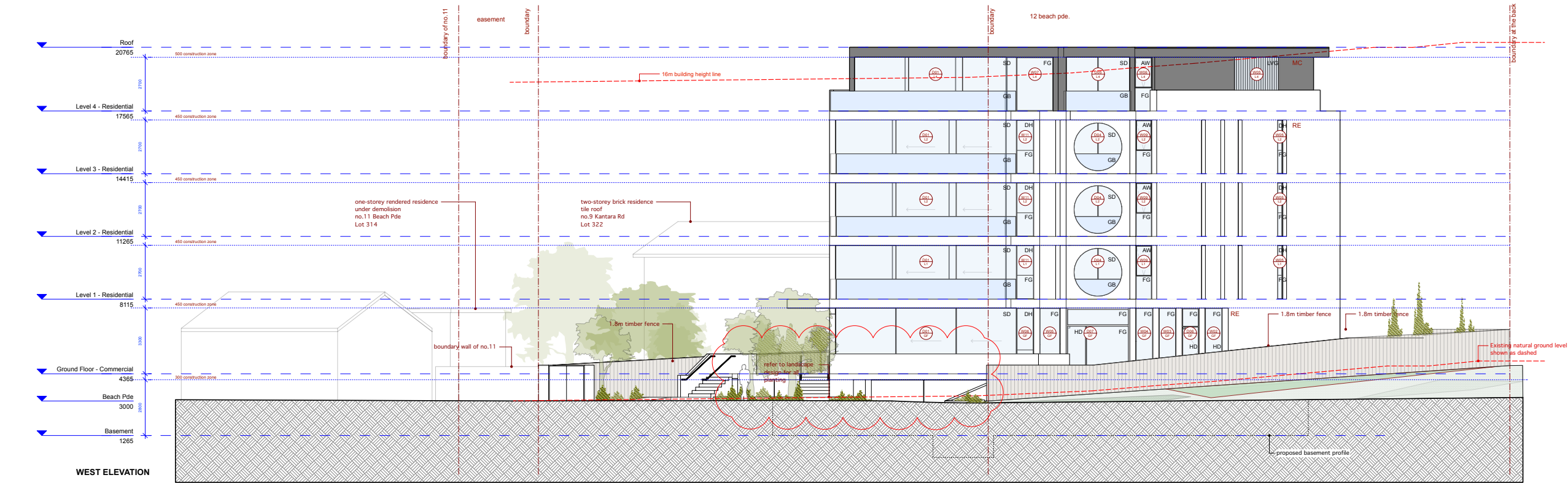
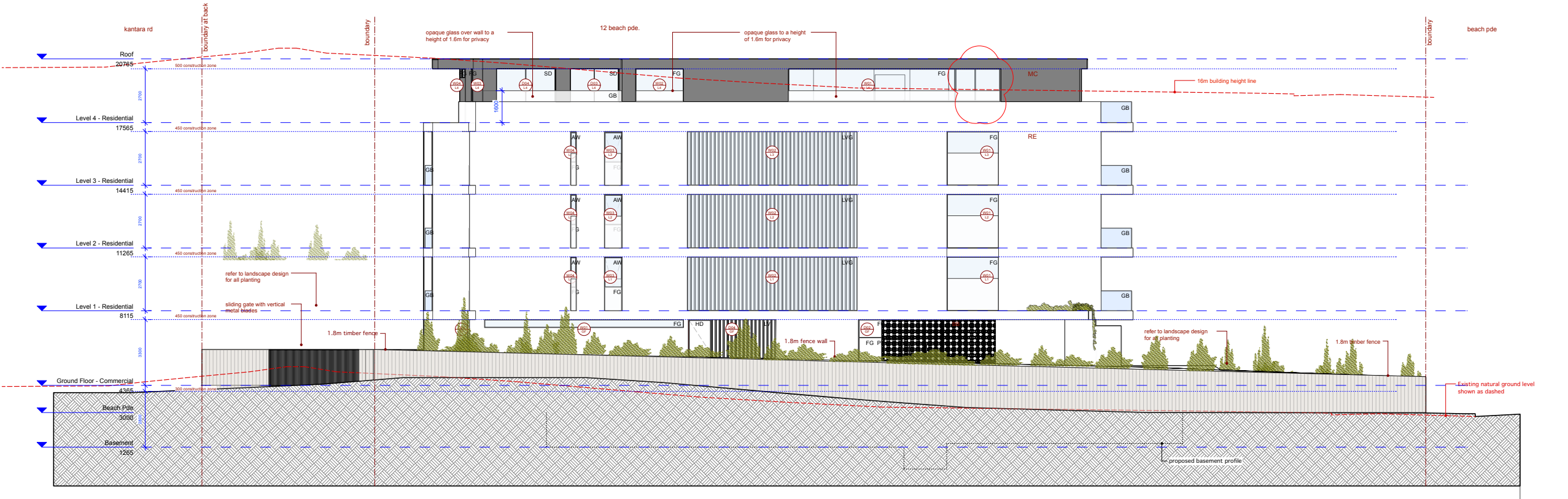
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12 Beach Parade, Canton Beach



CLIENT

Huang Property Investment Pty Ltd

PROJECT NO.

21x012

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LEGEND

AW

Awning window

BB

Breeze block (circle and colour TBC)

DH

Double hung window

FG

Fixed glass windows

GB

Glass balustrade

HD

Hinged door

LV

Fixed blades louveres

LVG

Fixed blades over fixed glass

MC

Metal cladding

PD

Pivot door

RE

Rendered and Painted (White)

RD

Rendered and Painted (Dark Grey)

SD

Sliding glass doors (Aluminium Framed)

AMENDMENTS

REVISION	DATE	AMENDMENT DESCRIPTION
A	07.07.22	For information - draft
B	19.10.22	RCA & Access update
C	01.08.23	RPI response
D	01.12.23	Additional information response

ISSUE

Date	AMENDMENT No.	ISSUED TO
07.07.22	1	Issue to consultants
01.08.23	2	Issue to Council
01.12.23	3	Issue to Council

TITLE

Elevations

SCALE

1:100 @ A1

3_01

D

DA SUBMISSION

1.12.23

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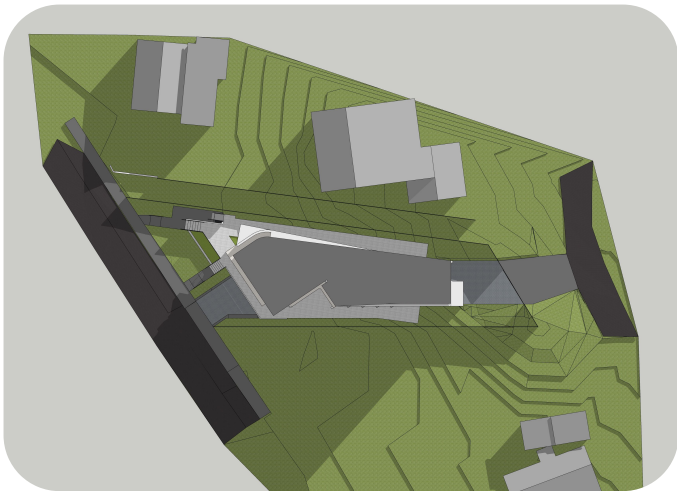
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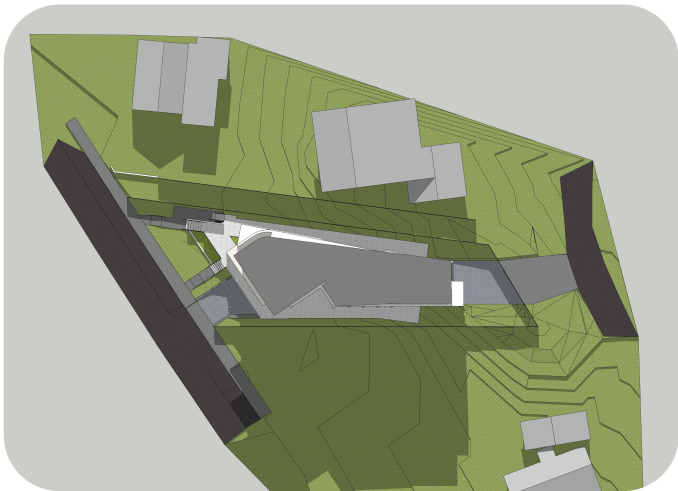
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Winter Solstice June 21st

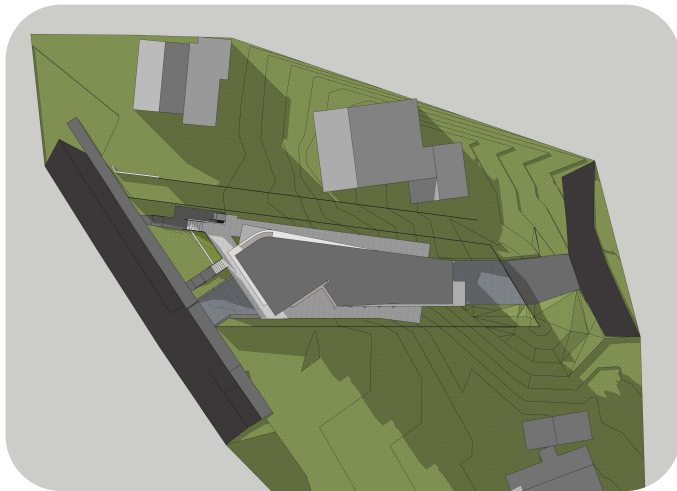
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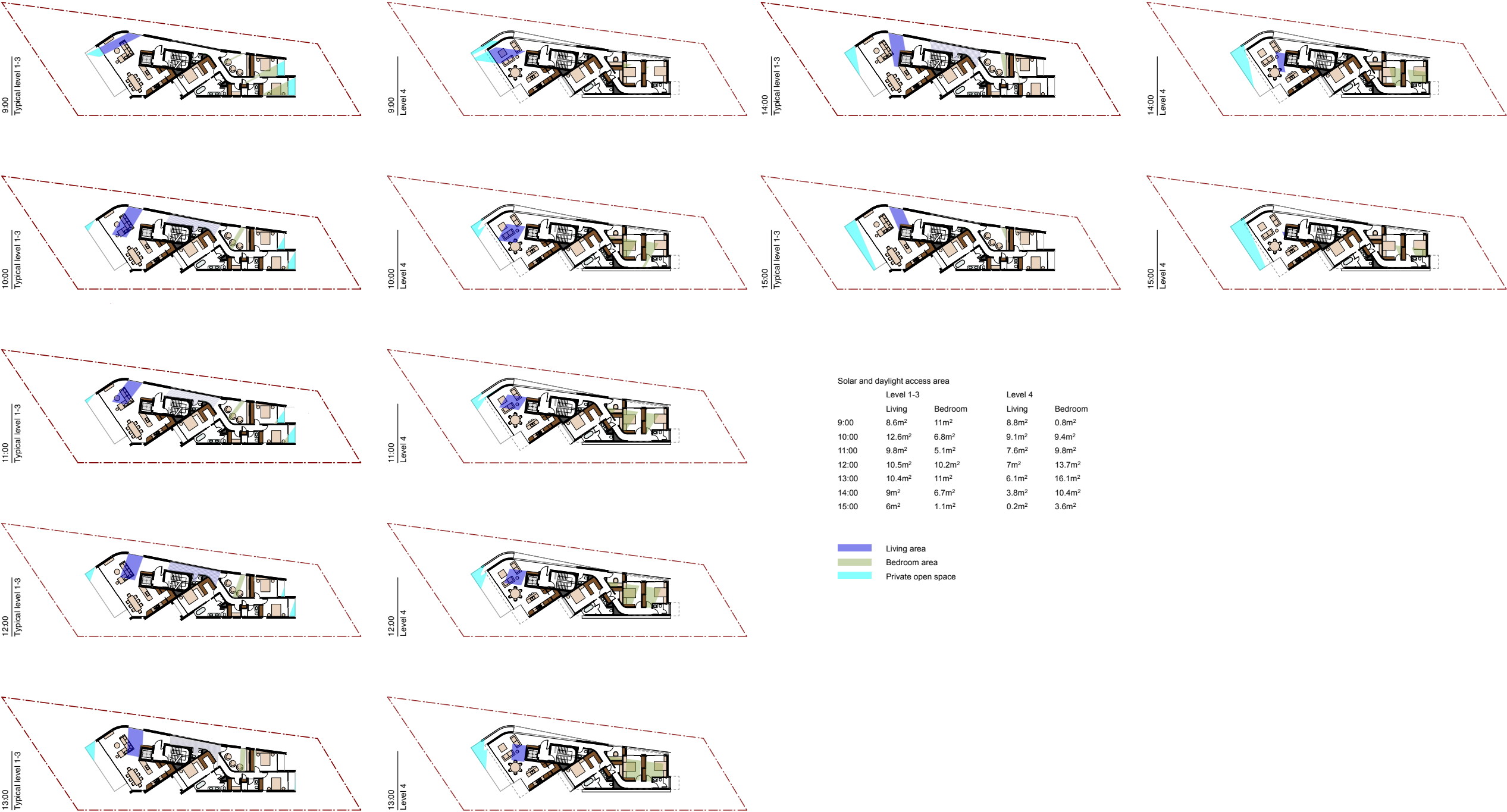
12:00



15:00



PROPOSED - Solar and daylight access
Winter Solstice June 21st



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ADDRESS
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AMENDMENTS
REVISION DATE AMENDMENT DESCRIPTION
A 01.12.23 Additional information response

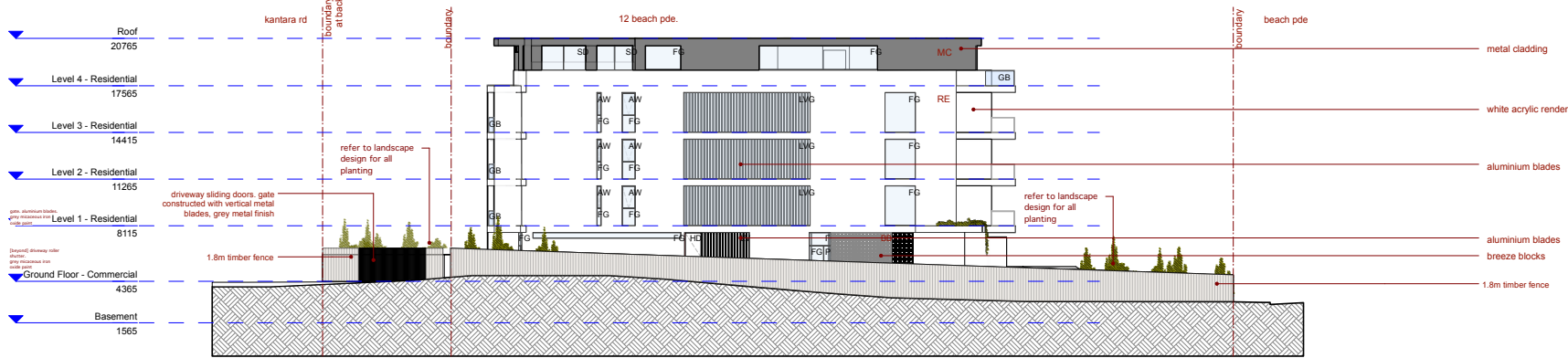
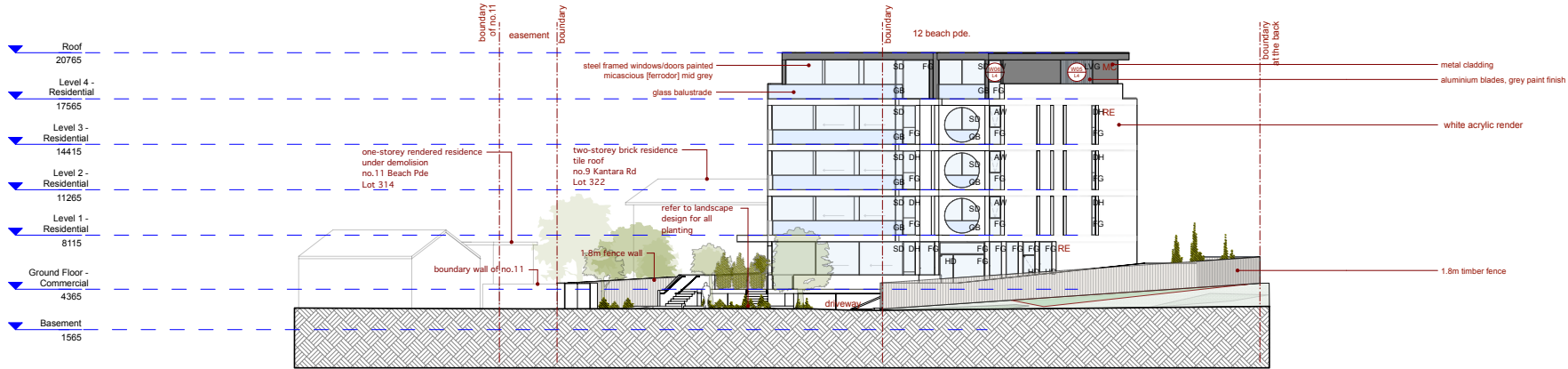
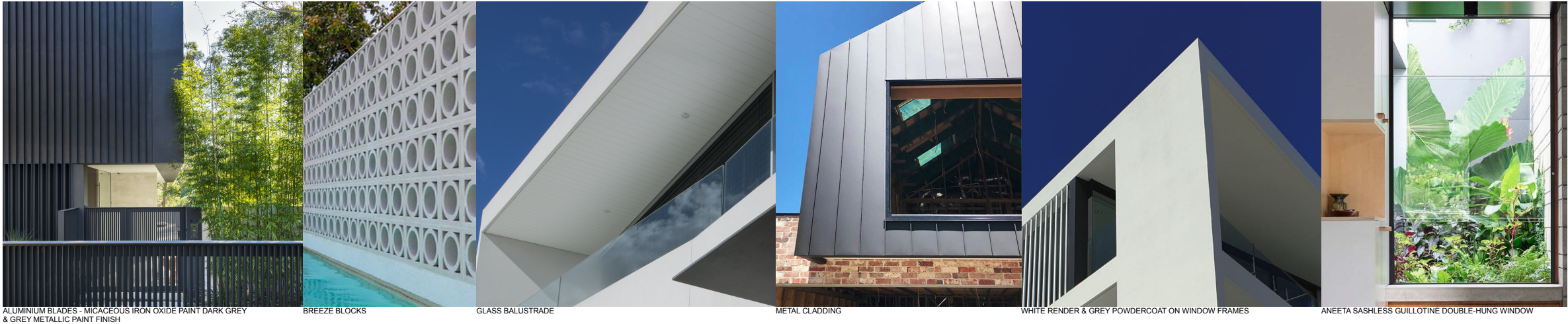
ISSUE
Date AMENDMENT No ISSUED TO
01.12.23 1 Issue to Council

TITLE
Solar & Daylight access

SCALE
@ A1

4_01
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1.12.23

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EXISTING



PROPOSED

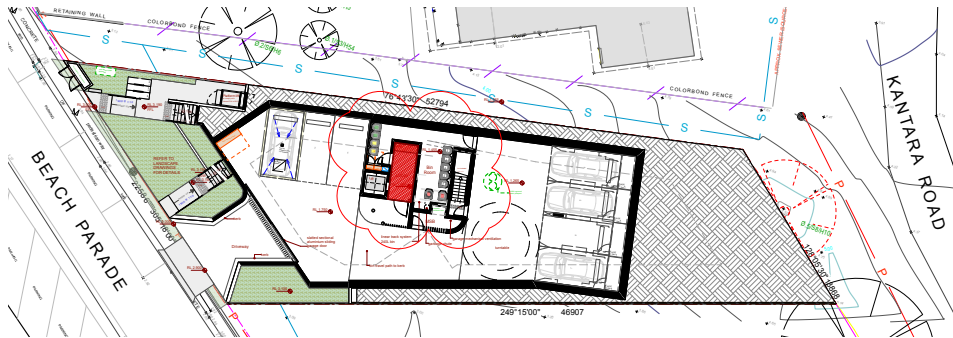


PROPOSED - 50% Tree cover

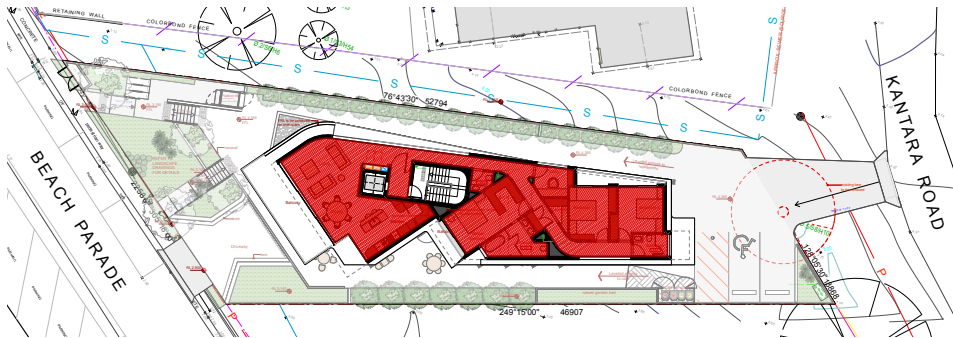


PROPOSED - No tree

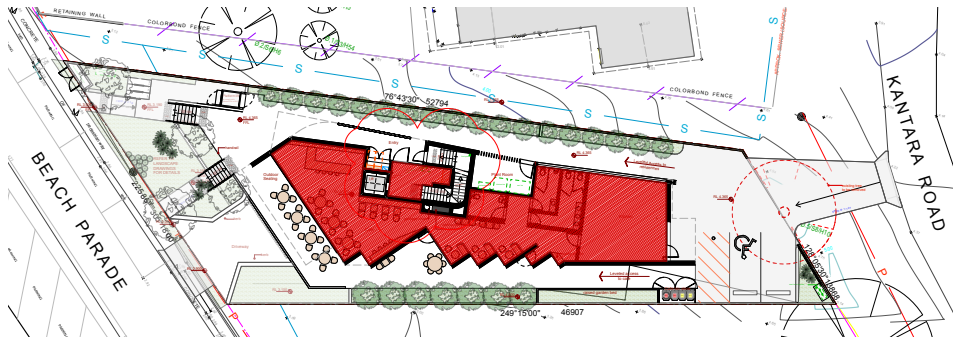




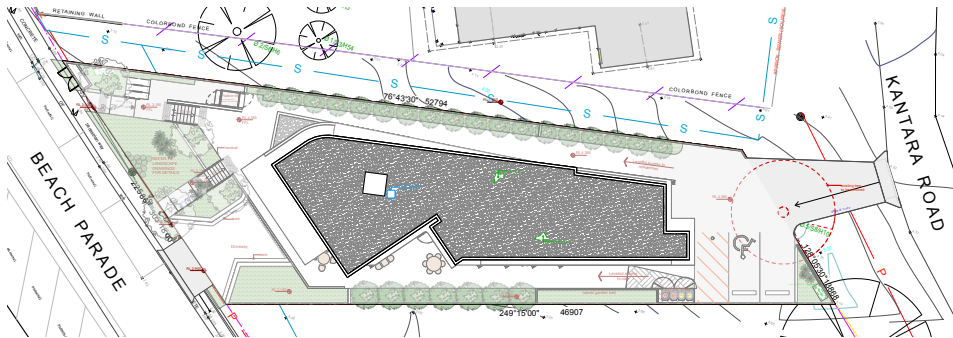
Basement level



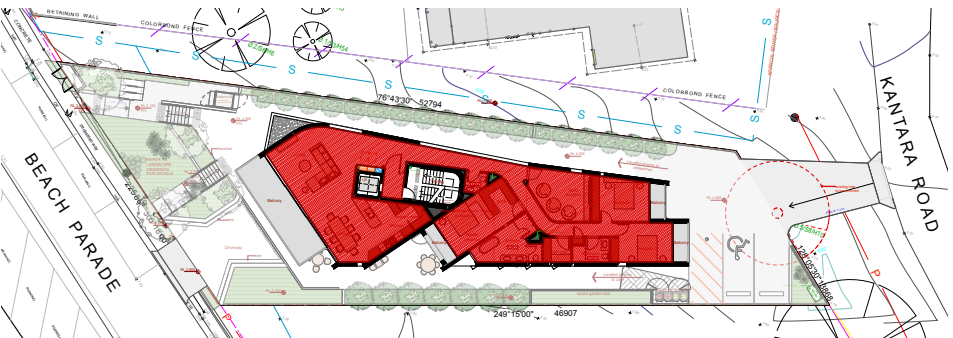
Level 4



Ground Floor



Roof



Typical - Level 1 - Level 3

PROPOSED FLOOR PLATE CALCULATIONS:

Lot area 725.4 sqm Buildable area: 277.4 sqm

-Control: Floor plate permitted = 725.4 x 1.25 = 906.75 sqm

-Proposed:

	Basement Level	total area	7.9 sqm
	Ground Level	total area	166 sqm
	Level 1	total area	189.5 sqm
	Level 2	total area	189.5 sqm
	Level 3	total area	189.5 sqm
	Level 4	total area	157.4 sqm

Total Floor plate proposed 899.8 sqm
906.75 - 899.8sqm = 6.95 sqm under permissible area

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AMENDMENTS

REVISION	DATE	AMENDMENT DESCRIPTION
A	07.07.22	For information - draft
B	24.10.22	Updated GFA to match layout
C	01.08.23	RPI response
D	01.12.23	Additional information response

ISSUE

DATE	AMENDMENT NO	ISSUED TO
07.07.22	1	Issue to consultants
01.08.23	2	Issue to Council
01.12.23	3	Issue to Council

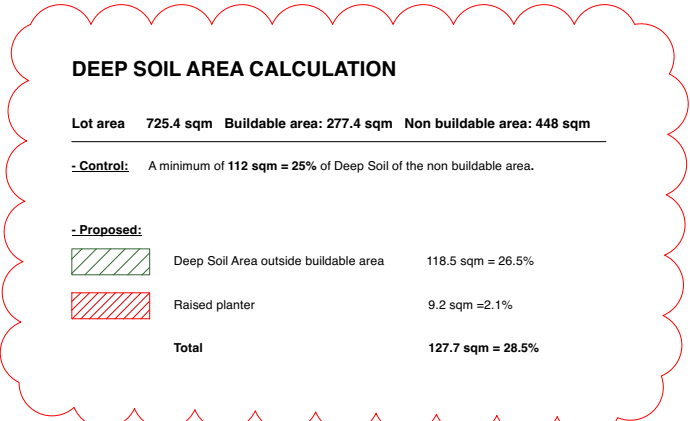
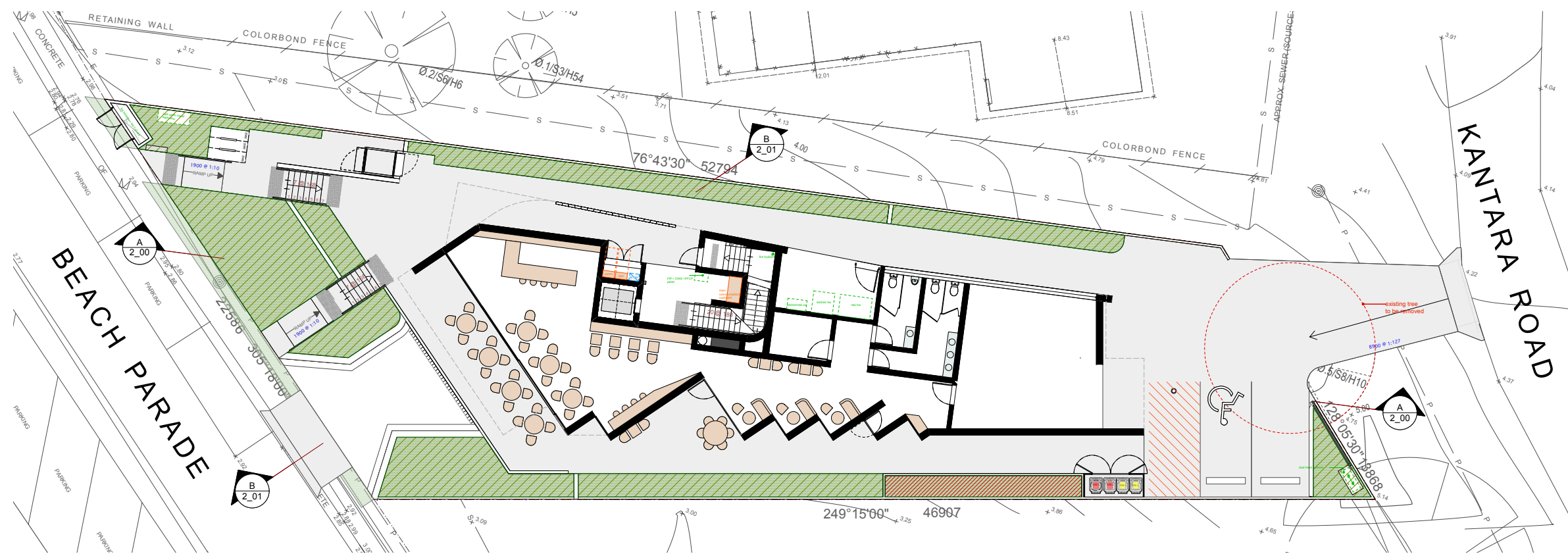
TITLE
GFA Calculation Proposed

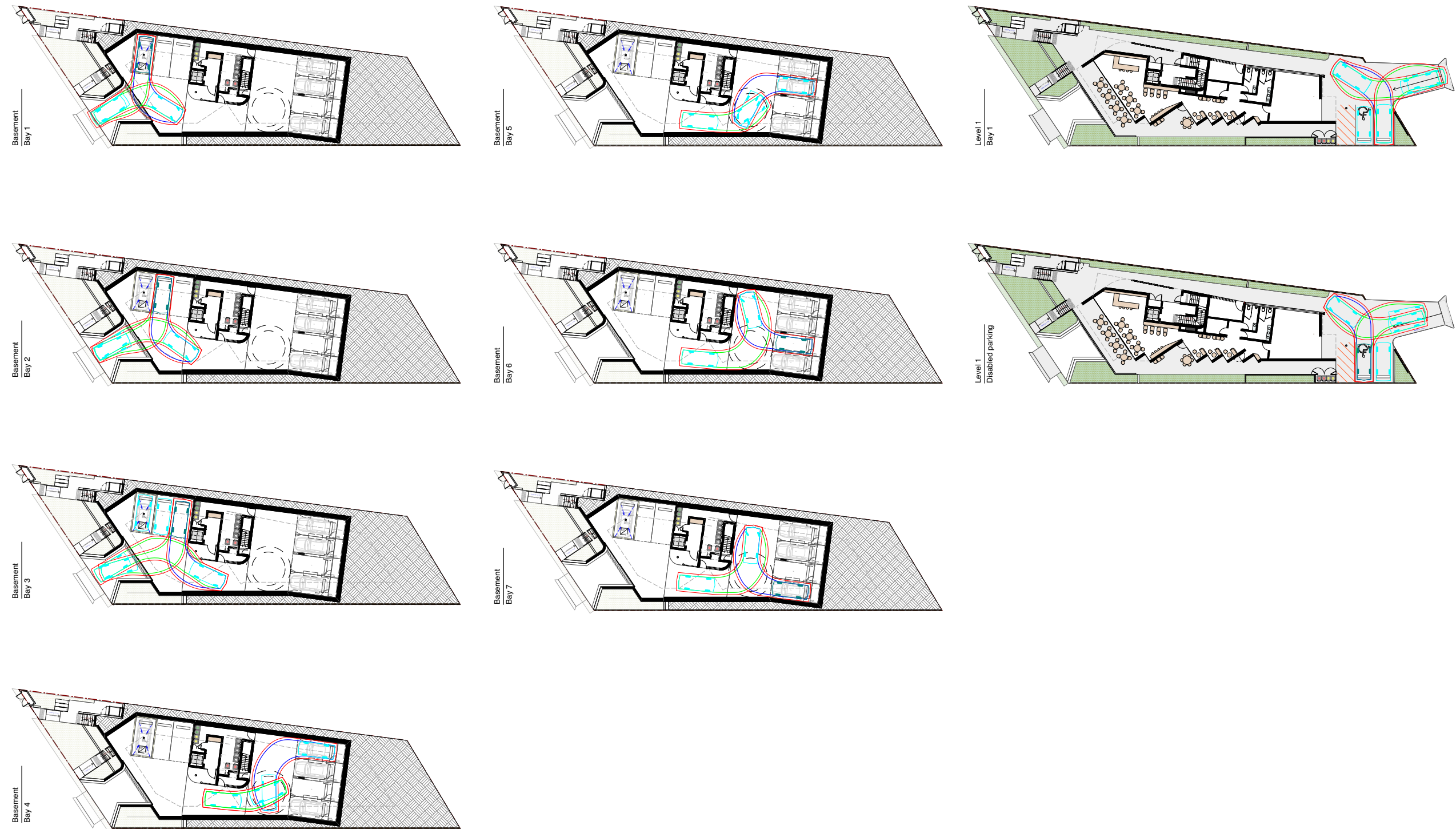
SCALE
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7_00

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AMENDMENTS

REVISION	DATE	AMENDMENT DESCRIPTION
A	01.12.23	Additional information response

ISSUE

Date	AMENDMENT No.	ISSUED TO
01.12.23	1	Issue to Council

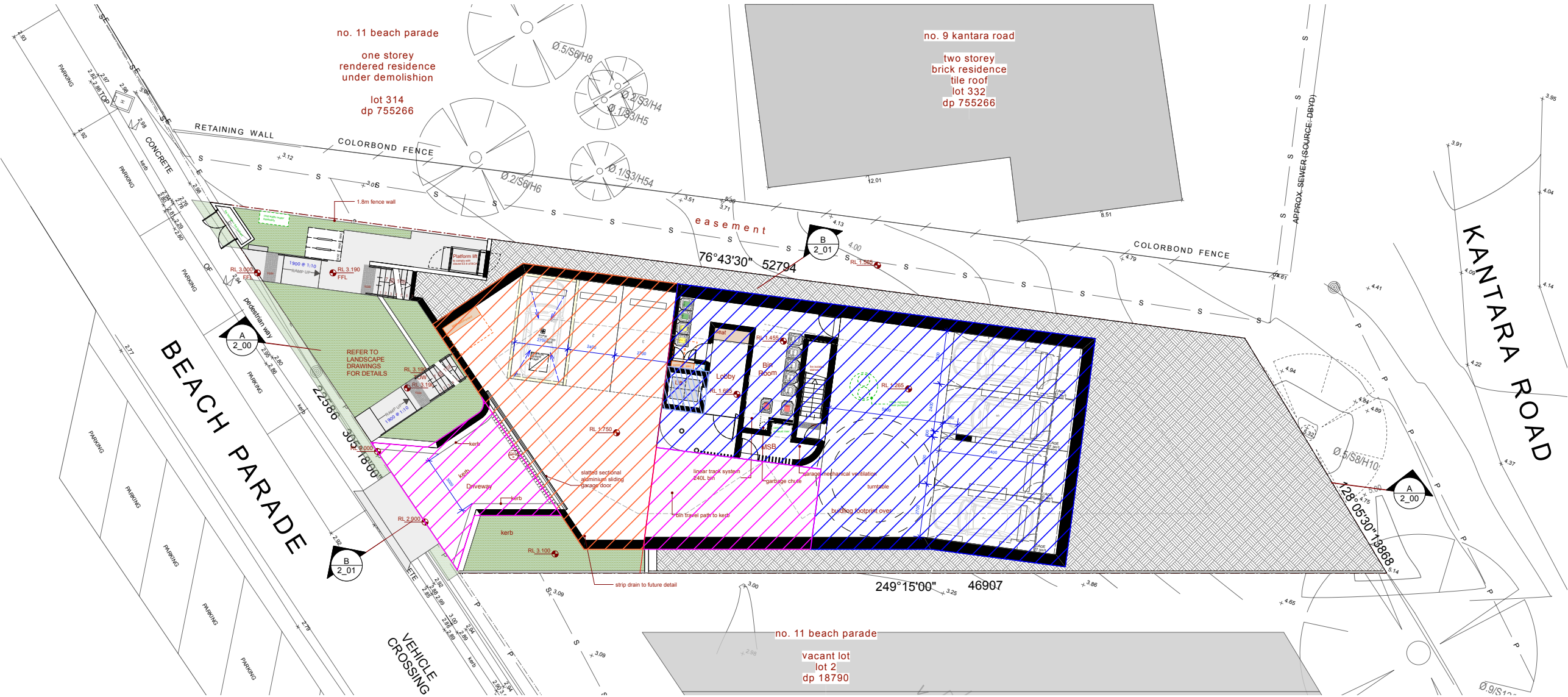
TITLE
Turning sweep

SCALE
@ A1





TYPE	NUMBER	AMENDMENT
9_01		A
DA SUBMISSION		PLOT DATE 1.12.23

12 Beach Parade, Canton Beach

- 310 -



PROPOSED EXCAVATION VOLUME CALCULATIONS:

Lot area	725.4 sqm	
-Proposed:		
	Basement RL1.750	112.9 sqm x 1.75 m = 197.58 cu m
	Basement RL1.565	222.7 sqm x 2.48 m = 552.30 cu m
	Basement Ramps	18.94 cu m + 70.15 cu m = 89.09 cu m
	Basement Lift	4.62 sqm x 1.1 m = 5.08 cu m
Total excavation volume proposed		844.05 cu m

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Canton Beach

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AMENDMENTS
REVISION DATE AMENDMENT DESCRIPTION
A 07.07.22 For information - draft
B 01.08.23 RFI response
C 01.12.23 Additional information response

ISSUE
DATE AMENDMENT NO. ISSUED TO
7.07.22 1 Issue to consultants
01.08.23 2 Issue to Council
01.12.23 3 Issue to Council

TITLE
Excavation Plan

SCALE
1:100 @ A1

9_00

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12 Beach Parade, Canton Beach

Item No: 3.2
Title: DA/2267/2023 - 262 Manns Road, West Gosford -
Change of Use to Restricted Premises (Sex Shop) -
internal alterations & signage
Department: Environment and Planning

Central Coast
Local Planning Panel

3 October 2024 Local Planning Panel Meeting

Reference: DA/2267/2023 - D16242940
Author: Dean Wooding, Development Planner, Employment and Urban Release
Section Manager: Emily Goodworth, Section Manager Employment and Urban Release
Unit Manager: Andrew Roach, Unit Manager. Development Assessment

Summary

An application has been received for Change of Use, Fitout and Signage for a Restricted Premises (Sex Shop). 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 referred to the Local Planning Panel due to the proposal being for a Restricted Premises (Sex Shop), which is specifically identified as a 'sensitive development' in accordance with the Ministerial Directions for matters to be referred to the Local Planning Panel.

The application was placed on public exhibition from 15 December to 22 January 2024. The application was re-notified from 24 May to 7 June 2024 to properly characterize the change of use as being for a Restricted Premises (Sex Shop). No submissions have been received.

The application is recommended for approval, subject to conditions.

Applicant	Mr J Hancock
Owner	Central Coast Brick Supplies Pty Ltd
Application No	DA/2267/2023
Description of Land	Lot 2 DP 705906 262 Manns Road, West Gosford
Proposed Development	Change of Use, Fitout & Signage for Restricted Premises (Sex Shop)
Site Area	2828.00 sqm
Zoning	E4 – General Industrial
Existing Use	Industrial
Employment Generation	Yes
Estimated Value	\$10000

Recommendation

- 1 That the Local Planning Panel grant consent to DA/2267/2023 – 262 Manns Road, West Gosford subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advises relevant external authorities of the Panel's decision.**

Key Issues

1. Parking
2. Signage

Precis:

Proposed Development	Change of Use, Fitout & Signage for a Restricted Premises (Sex Shop)
Permissibility and Zoning	E4 – General Industrial
Current Use	Vacant
Integrated Development	No
Submissions	None

Variations to Policies

CCDCP Chapter	2.11 - Restricted Premises and Sex Services Premises
Standard	2.11.4.3 - Only one sign per premises is permitted
LEP/DCP	CCDCP 2022
Departure basis	Two signs proposed

The Site & Surrounds

The site is located on the south side of Manns Road near its junction with Merinee Road and is legally known as Lot 2 in DP 705906.

The Lot contains two buildings, located in the western and eastern part of the site. The development site has been identified as the eastern part of the lot containing the eastern building extending from Manns Road in the north to Dignity Crescent in the south. The site is accessed via a vehicular cross over direct from Manns Road.

The host building is a two-story red brick building with a flat roof, measuring 32m in length and 14m in width. The building has an awning projecting over the ground floor entrance and along the western side of the building. This building contains at least 2 tenancies, Central

Coast Brick Supplies, at the rear of the premises, vacant offices formerly East Coast Roofing and Building Supplies (the subject premises). The subject tenancy will be in the northern part of the eastern building and will utilize the carparking area adjacent to Manns Road.

Behind the building, there is a large rear yard which contains open stored brick supplies (Central Coast Brick Supplies) and extends the full width of the development site and behind the western building.

The development site is bounded by several commercial, industrial and storage uses. To the west, the site forms the western part of Lot 2 in DP 705906 which contains a two-storey building occupied by "Central Coast Bricks and Heating". Behind the building, there is a large rear yard which contains brick supplies (Central Coast Brick Supplies).

To the east of the site at 258 Manns Road, the premises is occupied by "Gas and Gear" a gas supplies company. To the north of the site on the opposite side of Manns Road at no. 2 Merinee Road, the site is occupied by an Ampol Service Station. To the south of the site on the opposite side of Dignity Crescent, at no 14, the site is occupied by a warehouse / industrial building occupied by "Price Plastics".

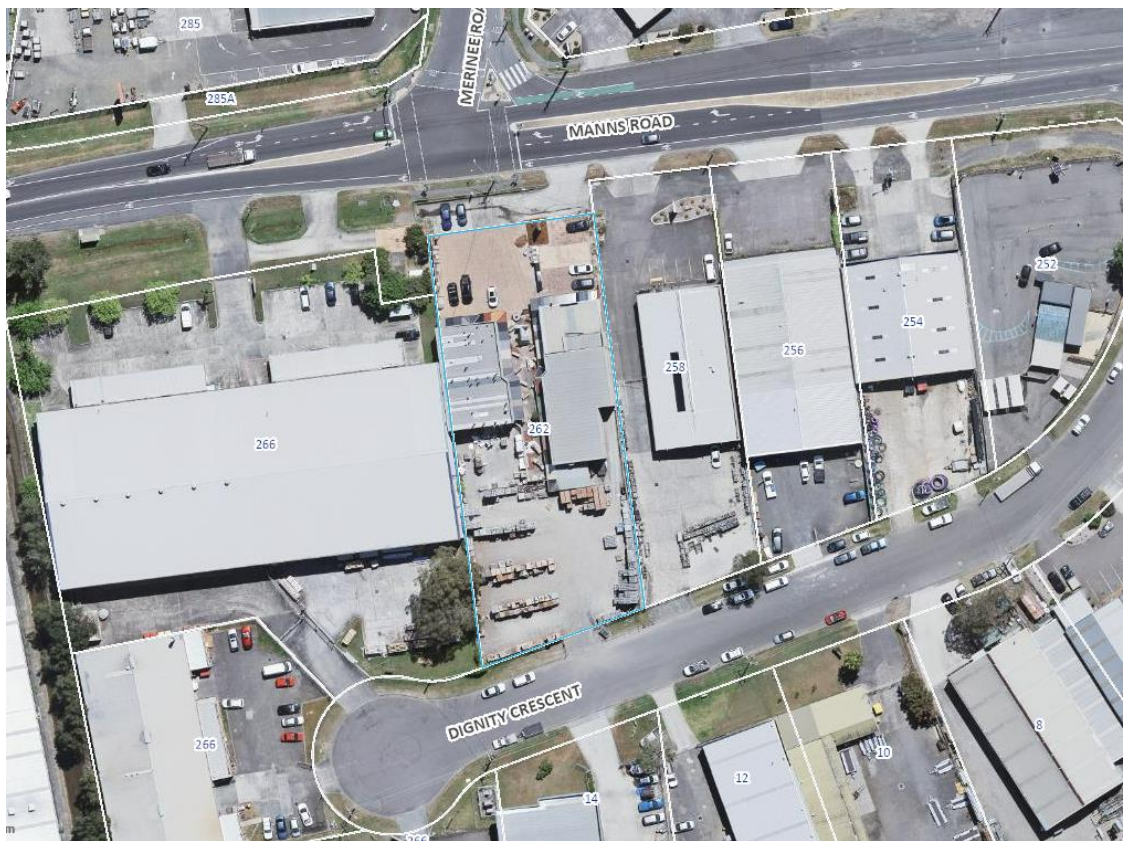


Figure 1: Site context (Source: GeoView Image 24 June 2024)



Figure 2 – Photograph of the subject site frontage. Image 3 April 2024.



Figure 3 – Photograph of the subject site's frontage from the adjacent tenancy. Image 3 April 2024.



Figure 4 – View of the ground floor interior. Image 3 April 2024.



Figure 5 – View of the first-floor interior. Image 3 April 2024.

The Proposed Development

The proposed development comprises the following:

- *Change of use to Restricted Premises (Sex Shop)*

Gross floor area = 139.15m²

- Ground Floor Retail – 43.75m²
- Ground Floor Areas (Ancillary Space) – 25.38m²
- First Floor (Ancillary Storage) – 70.029m²

- *Internal Fitout*

Installation of shelving and internal partitions including the creation of a new internal lobby.

- *Business Signage*

- Fascia Sign Approximately 15m in width and 1m in height positioned above first floor windows (approx. 8m in height above GL) with black background and white lettering, reading "love + lust" "lingerie and adult shop" and "Order online loveandlust.com.au".
- Door Signage approximately 800mm in width and 1m in height with black background and white lettering, reading "love + lust", "lingerie and adult shop", "Order online loveandlust.com.au", and "Restricted Premises – persons under 18yrs of age not permitted. Members of the public are warned that some materials displayed here may cause offence".

- *Other works*

- Frosted privacy film over shopfront windows.



Figure 6 – Site Plan. This identifies the eastern part of the lot as the development site. Source J Hancock. Accessed 24 June 2024.

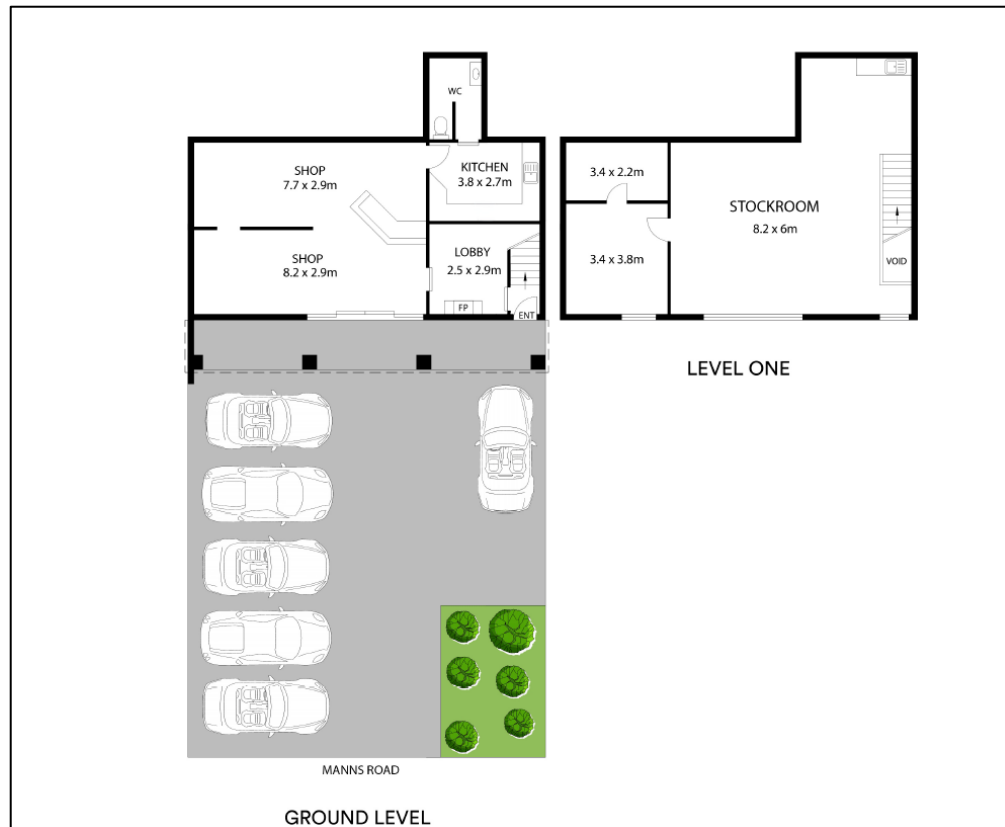


Figure 7 – Proposed Floor Plans. Note this is orientated south to north.
Source J Hancock. Accessed 24 June 2024.



Figure 8 – Proposed Signage. Source J Hancock. Accessed 24 June 2024.

History

The following table represents previous applications for the site.

Application Number	Description	Status	Decision	Lodged
DA/1544/1981	Factory Units	Approved	Approved	14/11/1981
DA17647/1981	Ground Floor Office	Approved	Approved	13/01/1982
DA18717/82	Ground Floor Office	Approved	Approved	05/11/1981
DA/9786/1988	Display Area – Incorporating Pool	Approved	Approved	26/06/1988
DA/58001/1989	Factory			15/12/1989
DA/11613/1989	Outbuilding			05/06/1989
DA61589/90	Multi Industrial Units	Withdrawn	Withdrawn	25/03/1991
DA/7914/94	Seven Factory Bays	Approved	Approved	03/03/1995
DA/20279/1995	Signs	Approved	Approved	14/06/1995
DA/8081/1995	Proposed Advertisement Sign	Approved	Approved	17/07/1995

ASSESSMENT:

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The subject property falls within the mapped coastal management areas including: the 'Coastal Environmental Area' and 'Coastal Use Area' under Chapter 2. The proposal is consistent with the relevant provisions of Section 2.10 in respect of the Coastal Environment Area as it will not cause an adverse impact on the following:

- the integrity and resilience of the environment
- coastal environmental values and natural coastal processes
- water quality
- existing public open space and safe access to and along the foreshore

- aboriginal cultural heritage practices and places or
- the use of the surf zone

The proposed development will be carried out within an existing building and there are no external changes to the building that would likely impact on the coastal environment. Accordingly, having regard for the provisions of s.2.10(2), the Panel can be satisfied that the development is designed, sited, and will be managed to avoid any impacts listed above.

Further, the proposal is consistent with relevant provisions Section 2.11 in respect of the Coastal Use Area in that it is not likely to cause an adverse impact on:

- existing, safe access to and along the foreshore, beach, etc.
- overshadowing, wind funnelling and the loss of views from public places to foreshores
- the visual amenity and scenic qualities of the coast, including coastal headlands
- Aboriginal cultural heritage, practices, and places or
- cultural and built environment heritage.

The Panel can therefore be satisfied that the development is designed, sited, and will be managed to avoid any impacts listed above and the bulk, scale and size of the proposed development is appropriate (s.2.11(b) and(c)).

Chapter 4 Remediation of Land

Section 4.6 of Chapter 4 of the SEPP 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 so whether it can and will be remediated such that it is suitable for the proposed use.

There is no evidence that the subject site is contaminated, and the land is not within an investigation area, and is not on land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines relates. However, the land immediately to the east, No. 258 Manns Road, is identified as being contaminated as a land use containing Gas works.

The proposed development is for a change of use of an existing premises. There are no external changes to the building, earthworks or similar that will disturb the existing ground level to the extent where a preliminary investigation would be warranted. Works proposed under this application involve internal fit-out works, and line marking and landscaping within the car parking area at the frontage of the site. If major earthworks had been proposed then as a matter of precaution, council would have requested a preliminary investigation given the land adjoining is identified as being contaminated.

The Panel can be satisfied the proposal does not involve a change of use on any land specified in subsection 4.6(4) and that given the nature of works and change of use proposed under this application, a preliminary investigation of the land was not warranted in this instance.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

In accordance with *SEPP (Industry and Employment) 2021 Chapter 3 Advertising and Signage*, consent must not be granted for the display of signage unless the consent authority is satisfied:

- a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)a), and*
- b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The aims of Section 3.1 (1)a) are:

- a. *To ensure that signage (including advertising):*
 - i. *Is compatible with the desired amenity and visual character of an area, and*
 - ii. *Provides effective communication in suitable locations, and*
 - iii. *Is of high-quality design and finish.*

The proposed signage is defined as business identification signage and is compatible with the desired and visual amenity of this area. The site context for the signage is within an established commercial / industrial strip along a busy main (classified) road.

The proposed business identification signage is in suitable locations so as not to impact upon vehicular safety and provides a high-quality design and finish. There are no residential land uses near the site.

The proposed business identification signs have been assessed against the provisions of Schedule 5 – Assessment Criteria of the SEPP and the proposed signage has satisfactorily addressed the assessment criteria outlined in the table and the proposal is acceptable in terms of design, road safety and satisfies the relevant requirements of this Chapter of the SEPP.

Requirement	Proposal	Complies?
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are located within an industrial zone and the signs are compatible with the area's desired character	Yes

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with outdoor advertising in the area.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas?	The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not dominate the skyline and reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposal does not compromise the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion, and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal has an appropriate form within the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Given the nature of the proposed development, the proposed signs are more discreet and not required to contribute to the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Some of the signs replaces existing signage.	Yes
Does the proposal screen unsightliness?	The proposal does not screen unsightliness	NA
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not project above the building.	Yes
Does the proposal require ongoing vegetation management?	Not applicable	NA
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is proportionate and sympathetic to the building.	Yes

Does the proposal respect important features of the site or building, or both?	The building has no important features	NA
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is suitable for the site	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	A logo is integral to the signage	Yes
7 Illumination		
Would the illumination result in unacceptable glare?	Not applicable	NA
Would illumination affect safety for pedestrians, vehicles, or aircraft?	Not applicable	NA
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable	NA
Can the intensity of the illumination be adjusted, if necessary?	Not applicable	NA
Is the illumination subject to a curfew?	Not applicable	NA
8 Safety		
Would the proposal reduce the safety for any public road?	The proposal has no impact on road safety	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal has no impact.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal has no impact.	Yes

Central Coast Local Environmental Plan 2022

The *Central Coast Local Environmental Plan 2022* (CCLEP 2022) came into effect 1 August 2022 and remains the applicable local environmental plan applying to the site.

Land Zoning

The subject site is zoned E4 (General Industrial) under the CCLEP 2022, as illustrated in Figure 9 below. The development is defined, as a 'restricted premises' under CCLEP2022, as follows:

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

The proposed use is permissible in the E4 zone.

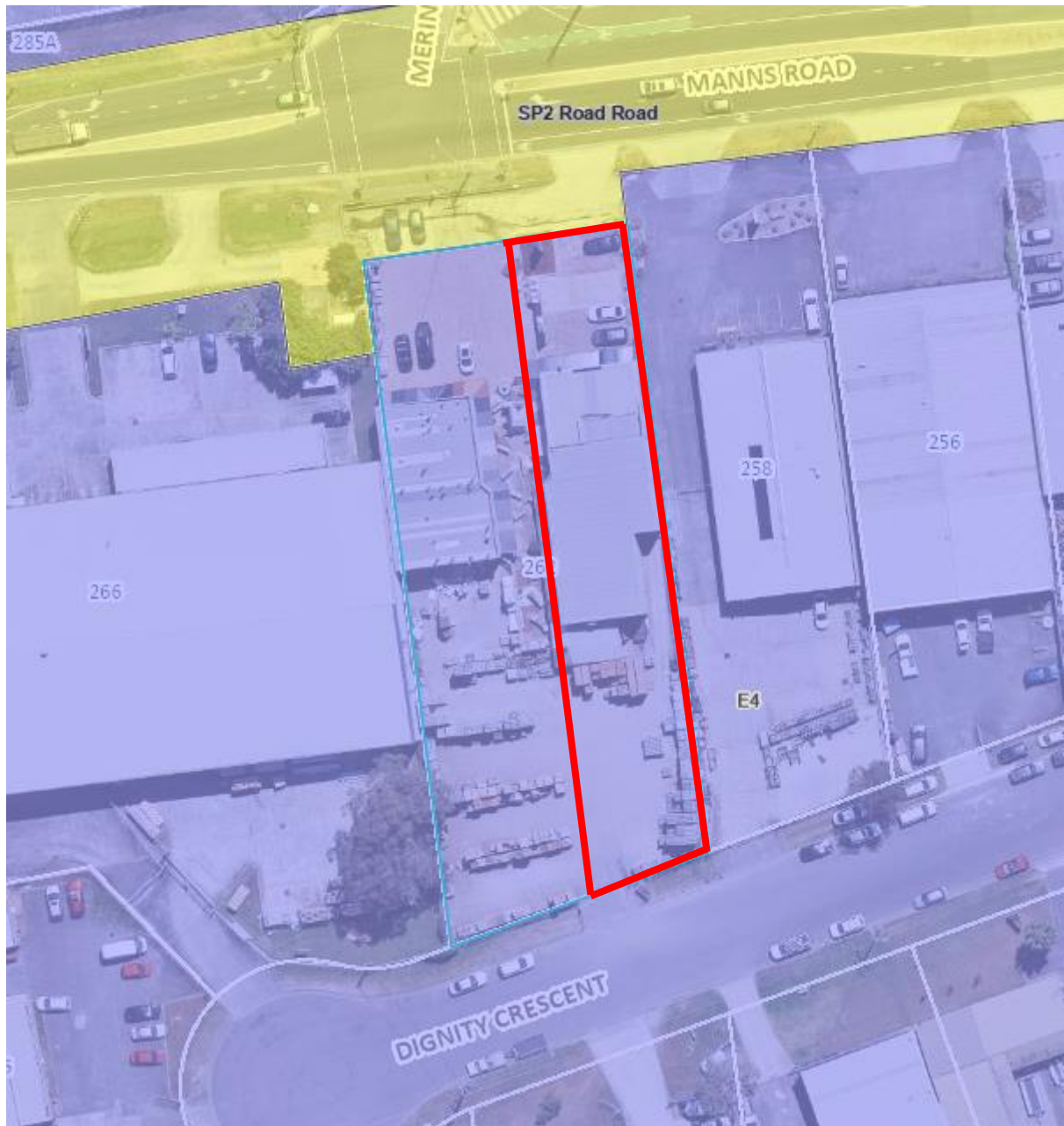


Figure 9: Zoning Map of subject site and surrounds E4 – General Industrial
Source GeoView sourced 15 August 2024

The objectives of the E4 – General Industrial zone are:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To encourage employment opportunities.*

Comment – The proposal will bring a vacant premises into viable economic use and results in employment generation.

- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.*

Comment – Although not defined as a retail use, the sex shop has a retail function in that it involves goods for sale. Although the proposed use is not ancillary to another use, given its relatively small size (approx.147.65sqm – 20.5%) in relation to the host building (approx. 719.92sqm) it is supported at this location.

- *To support and protect industrial land for industrial uses.*

Comment – The premises already has an existing lawful use as a shop.

The objectives of the SP2 –Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To recognise existing railway land, major roads, and utility installations and to enable their future development and expansion.*

Comment – The proposal is for the continued use of the crossover / access road for all uses on the lot, as existing.

Flood Planning

The site is identified as flood planning and is located within the Narara Creek Catchment and Council's records indicate that the site is affected by flooding and minimum floor level requirements.

In accordance with Clause 5.21(2), development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development –

- (a) *Is compatible with the flood function and behaviour on the land, and*
- (b) *Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *Incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.*

The site for the proposed development is affected by flooding with the 1% AEP flood level RL 2.67m AHD. The respective Flood Planning Level is RL 3.17m AHD.

Councils Engineer has advised that the use is suitable if the materials, below the flood planning level, are able to withstand the effects of immersion. As the proposed works involve shelving and the installation of partitions, they are capable of being constructed to withstand these impacts. This requirement can form a condition of consent.

In this regard, the Panel can be satisfied that the proposed development, subject to conditions:

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

Acid Sulfate Soils

Clause 7.1 requires an assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is identified as part Class 2 on the Acid

Sulphate Soils (ASS) Planning Map. An ASS management plan is not required in this instance as there are no works proposed more than 1m below the natural ground surface nor are any works proposed by which the water table is likely to be lowered more than 1m below natural ground surface (cl.7.1(2) & (3)).

The Panel can be satisfied that no further information is required in relation to clause 7.1 and development consent can be granted for the proposed works.

Essential Services

Clause 7.6 states that development consent must not be granted to a development application unless the consent authority is satisfied that the services that are essential for the development are available or that adequate arrangements have been made to make them available. The services include water supply, electricity supply, the disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access.

The Panel can be satisfied all required services are available for the proposed development.

Central Coast Development Control Plan 2022

Chapter 2.11 Restricted Premises and Sex Services Premises. The relevant sections of Chapter 2.11 relating to restricted premises have been addressed in the table below.

Requirement	Proposal	Complies?
2.11.4 Planning Matter and Provisions		
2.11.4.1 Location		
Restricted premises must not be sited within view of or within a 100-metre radius of a church, hospital, school, community facility, residential property, or any place regularly frequented by children for recreation or cultural activities.	The proposal is not located within 100m of church, hospital, school, community facility, residential property, or any place regularly frequented by children for recreation or cultural activities.	Yes
Restricted premises must not be sited within a radius of 200m of a licensed premises being a hotel, public bar nightclub or the like.	The proposal is not located within 200m of a licensed premises being a hotel, public bar nightclub or the like.	Yes
Access to or exit from a restricted premises shall not be provided within 100 metres of the property boundary of any premises used as a dwelling	There are no residential premises within 100m of the entrance/exit to the site.	Yes

2.11.4.2 Parking		
On site car parking shall be provided at the same rate as "business premises" being one (1) space per 2 working rooms	Not relevant as they relate to sex services premises not a restricted premises.	NA
Parking areas, access corridors and entrances are to be well lit and signposted at all times, but not interfere with the amenity of the area.	Not relevant as the requirement relates to sex services premises not a restricted premises.	NA
2.11.4.3 Signage		
Only one sign per premises is permitted	<p>The proposal is for one main sign visible from the public realm.</p> <p>The proposed signage on the doorway results in two signs. However, this sign is important for wayfinding for customers once on the premises and a variation is considered acceptable.</p>	Variation supported
Council must be satisfied that the content, illumination, size, and shape of the sign is not likely to interfere with the amenity of the locality	The sign has no impact on amenity	Yes
The sign shall not display words or images, which are in the opinion of the consent authority sexually explicit, lewd or otherwise offensive.	Complies	Yes
A clearly visible street number is to be displayed on the premises to avoid disturbance to surrounding premises arising out of confusion as to the location of the premises.	The fascia sign provides adequate wayfinding from the street and a street number sign is not considered to be required.	Yes
2.11.4.4 Design of Premises		
Any new building or refurbishment of an existing building to function as a restricted premises is to be designed to be compatible with the built form of adjoining premises and integrated into the streetscape.	The proposal is compatible with and integrated into the streetscape.	Yes

Street facades of restricted premises are to be articulated via changes of material, building form or setbacks that create a scale and proportion appropriate to the character of the local area.	The proposal is compatible with the character of the surrounding area.	Yes
Plain blank walls devoid of architectural features are not permitted along the street.	Not proposed	Yes
Front building facades must be designed in such a way that attention is not drawn to the premises, or the premises is not prominent in the streetscape.	The front building façade will not draw attention to the premises.	Yes
Window openings should be retained as an architectural feature but be screened appropriately. Examples of appropriate screening include frosted glazing, reflective or frosted window laminates, blinds, or curtains. Butchers paper, newspaper, sheets, blankets, or other poor-quality treatments in window openings are not permitted.	Windows are suitably frosted	Yes
2.11.4.5 Safety and Security		
The pedestrian entrance to a building must be easily recognisable and provided at the front of the building.	Pedestrian entrance is easily identifiable.	Yes
Opportunities to provide surveillance of vehicle routes, outdoor car parks and access to car parks must be maximised. This should be achieved by a building layout with windows overlooking these areas, provided there is no reduction in privacy or potential for offence or electronic surveillance where casual surveillance cannot be provided.	Electronic surveillance is provided to all carparking areas.	Yes

2.11.4.5.2 Landscaping

Landscaping must not conceal the building entrant from the street or obstruct sight lines between the building and the street. Any proposed plantings must not create entrapment spots or the concealment of intruders.	The proposed landscaping is located in the northwestern section of the car park and will obstruct the entrance of the building from the street.	
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Chapter 2.13 Transport and Parking

2.13.3.2 Car Parking Requirements

dd Shops	The premises has an area of 139.15m ² .	Yes
1 space per 30m ² GFA		
pp. Industrial ii. Warehouse/bulk store/self-storage	The ground floor provides for a retail component of 43.75m ² . The associated ancillary areas have an area of 25.38m ² . Combined with the retail space, this results in an area of 69.13m ² = 3 spaces (rounded up).	
1 space per 300m ²	The first floor has an area of 70.02m ² and will be used as ancillary storage for the use. It is considered reasonable to apply the controls for 'warehouse' to this part of the site. This generates 1 space (rounded up).	
	A total of 4 spaces is required for the proposed development.	
	As the proposal provides for 5 compliant spaces.	
	Notwithstanding, it is likely that as a specialty shop, retail footfall is likely to be less than a regular retail use.	

Under DA/17647/81, the subject unit was approved as an office with a first floor added under DA18717/82. This was approved with 8 off streetcar parking spaces and the car parking area extended across the entire frontage of the lot (see Figure 10).

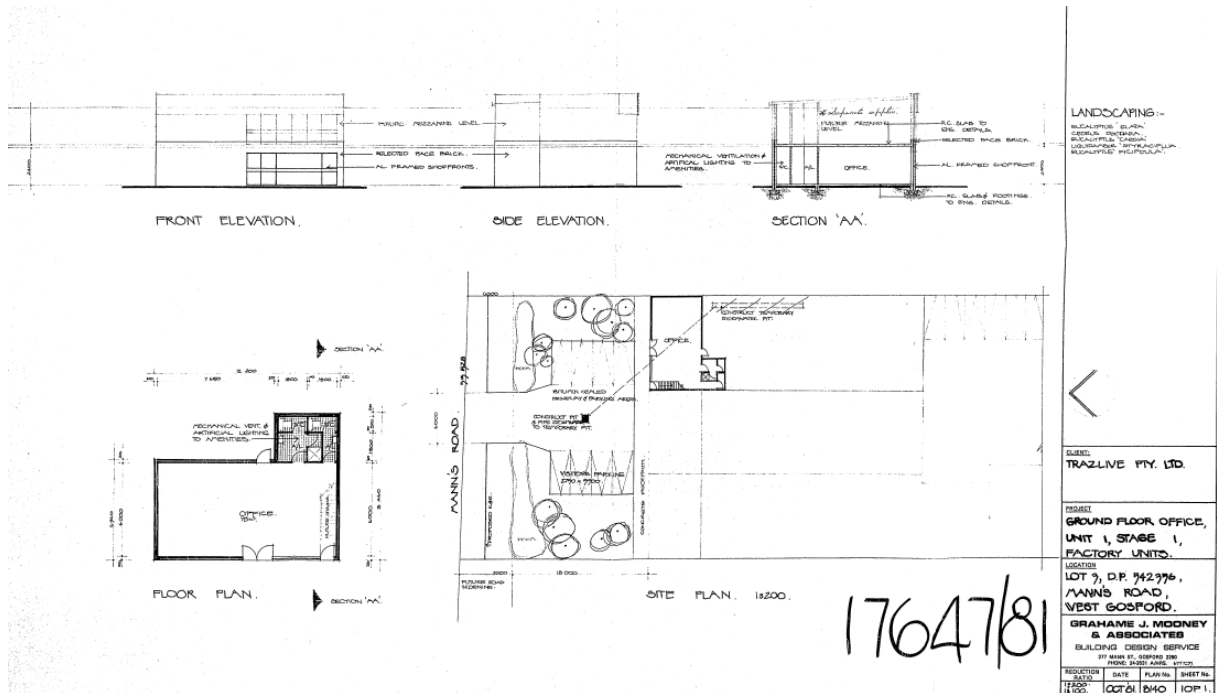


Figure 10: Approved Plans DA/17647/81. Source sourced 11 August 2024

Under DA/79146/94, the office was later absorbed into a larger development for 'seven factory bays' with the former office then forming part of Unit 1. This DA was approved with 18 car parking spaces, 6 spaces within the frontage and 12 spaces in the rear yard, together with a loading dock and extensive landscaping (see Figure 11 and 12).

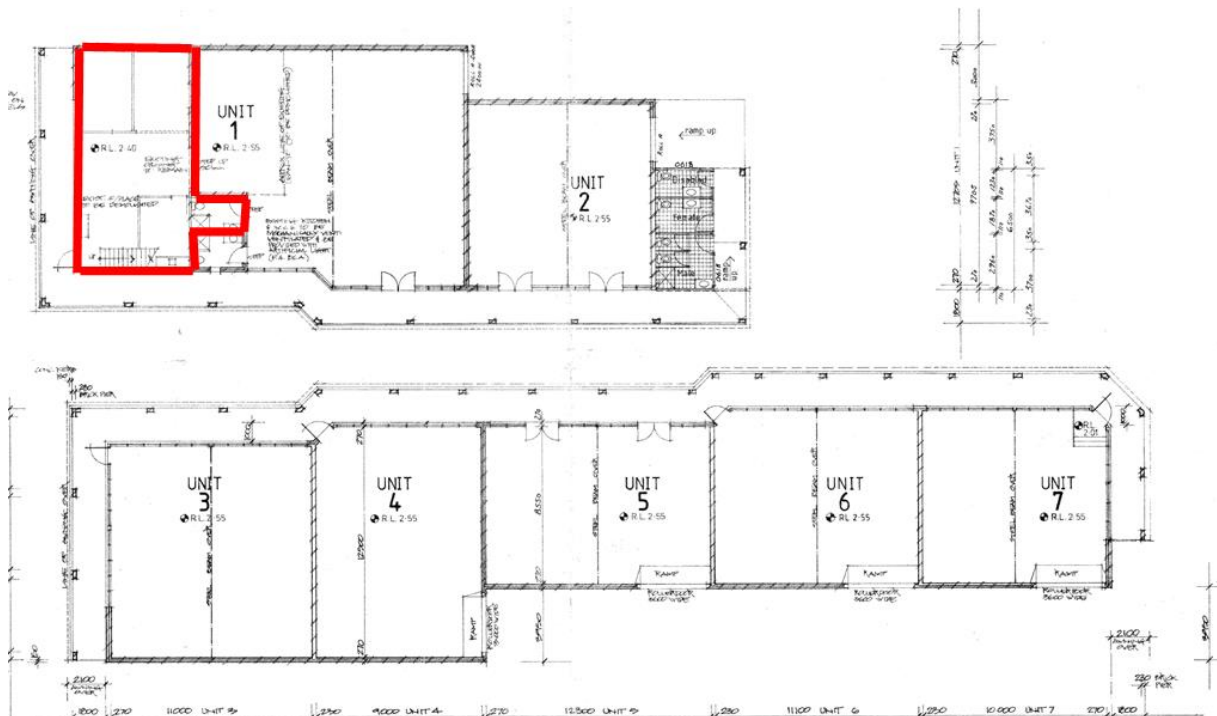


Figure 11: Approved Plans DA/79146/94 with the subject premises identified in red. Sourced 24 June 2024

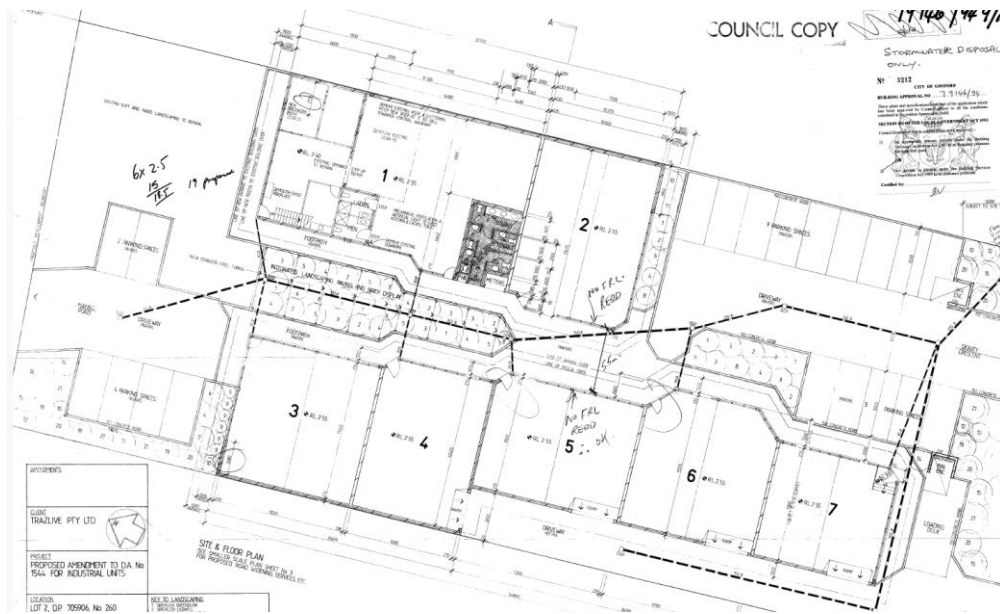


Figure 12: Approved Plans DA/79146/94. Sourced 24 June 2024

Former parking in front of Unit 1 is shown as removed under this plan and replaced with 2 spaces (see Figure 12).

However, aerial photographs from 2015 (see Figure 13) demonstrates the areas in front of the eastern and western buildings are devoted to carparking. In addition, Units 4 – 6 approved under DA/79146/94, were never constructed. This remains the situation today.



Figure 14: Aerial photograph 2015. Source AAM Pty Ltd. Sourced 25 June 2024

Within both buildings there are vacant tenancies, but the floor areas and last known uses of these tenancies are not known. However, as identified, the proposed use generates a maximum of 4 carparking spaces and is likely to generate less parking than a normal shop given it is a specialty shop and predominantly involves online retail sales. Five spaces have been provided.

In addition, the site is located within the same lot as the western building, which has an estimated 6 – 8 spaces within its front setback, and 1-3 cars are also parked within the TfNSW strip of land to the north. It is anticipated that carparking for the various tenancies could be utilised flexibly, which reduces the risk of displacing carparking to surrounding streets.

Councils Engineer supports the carparking scheme. However, they have advised that the use of the sixth space for car-parking (see Figure 7) would result in blocking other spaces. A condition of consent will ensure that the 5 row car parking spaces are provided.

Section 4.15(1) (iia) any planning agreement

There are no planning agreements applicable to the subject site or proposed development.

Section 4.15(1)(a)(iv) any matters prescribed by the regulations.

- *Environmental Planning and Assessment Regulations 2021 (Regs)*

The *Environmental Planning and Assessment Regulation 2021* applies to all development applications regarding such items as application type, compulsory contributions, notification of development applications and a range of many other details regarding development application requirements.

There are no specific matters under the Regulation that require further discussion.

Likely Impacts of the Development:

a) Built Environment

An assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance. The proposed restricted premises will be compatible with the character and amenity of the locality and streetscape and adjacent land uses. The proposal will achieve the objectives of Chapter 2.11.

To improve the appearance of the building, the existing redundant signage and north and west facing awning, which has been completed in multiple colours as part of a former use, will be conditioned to be removed and repainted.

b) Safety, security, and crime prevention

The proposal provides a Plan of Management that indicates that security measures, such as an internal lobby, and CCTV, being made available to the premises. These will form conditions of consent.

c) Social impacts

The proposal is in a suitable location that is a significant distance from any residential premises, licensed premises, other restricted premises and uses associated with children.

All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. It is considered that the property is suitable for a restricted premises (sex shop).

Suitability of the Site for the Development

Based upon the site's location, parking provision, permissibility within the zone, social impact and impact upon the built environment, the site is considered suitable.

Public Submissions

The application was advertised in accordance with CCDCP 2022, Chapter 1.2 Notification of Development Proposals, from 15 December to 22 January 2024 with no submissions received. The application was renotified from 24 May to 7 June 2024 to ensure the correct description of development was conveyed to the public. No submissions were received.

The Public Interest

Having regard to the above assessment it is considered that the proposal is in the public interest.

Other Relevant Considerations

Contributions

Contributions do not apply to the proposed development as the cost of works do not meet the threshold.

Political Donations

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

Referrals

The following internal consultation was undertaken:

Internal Referral Body	Comments
Engineer	Supported, subject to conditions
Building Surveyor	Supported.

The following external consultations were undertaken:

External Referral Body	Comments
NSW Police	No objections

Conclusion:

The subject application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and in accordance with all relevant instruments and policies. The site is considered suitable for the proposed development. Accordingly, the application is recommended for **approval** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the following reasons:

1. The proposal is satisfactory having regard with the relevant environmental planning instruments, plans and policies.
2. Having regard for Sections 2.8, 2.11 and 2.12 of *State Environmental Planning Policy (Resilience & Hazards) 2021*, the Panel can be satisfied that the proposed development is designed, sited, and will be managed to avoid an adverse impact referred to in s.2.8(1) and s.2.11(1), and the development is not likely to cause increased risk of hazards on the subject site or other land.
3. The Panel can be satisfied that the land is suitable for the proposed development and does not include land referenced in section 4.6(4) of the *State Environmental Planning Policy (Resilience and Hazards) 2021* nor does it involve a change of use of the land that warrants a preliminary site investigation. Accordingly, the development is satisfactory having regard for the provisions of section 4.6 of the same SEPP.
4. Having regard for the prerequisite conditions to the granting of consent under the *Central Coast Local Environmental Plan 2022*, the Panel can be satisfied that:
 - Clause 5.21 – Flood Planning

The proposed development:

- a) Is compatible with the flood function and behaviour on the land, and

- b) Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- c) Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- d) Incorporates appropriate measures to manage risk to life in the event of a flood and
- e) Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

environment in the event of a flood.

- Clause 7.1 -Acid Sulfate Soils

The proposed development will not involve any works more than 1m below the natural ground surface or by which the water table is likely to be lowered.

- Clause 7.6 – Essential services








All services essential for the proposed development remain available to the subject site.

5. The proposed development satisfies the provisions of State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3 Advertising and Signage.
6. The proposal has been considered against the objectives of the E4 zone and has been found to be satisfactory.
7. The proposal is considered satisfactory in relation to Central Coast Development Control Plan 2022, Chapter 2.13 – Transport and Parking.
8. The proposal is considered satisfactory in relation to the relevant requirements of Development Control Plan 2022, Chapter 2.11 Restricted Premises and Sex Services Premises.
9. The proposal is considered satisfactory regarding the amenity of surrounding development.
10. The proposed development is considered suitable within the context of the site and surrounding development.

3.2 DA/2267/2023 - 262 Manns Road, West Gosford - Change of Use to Restricted Premises (Sex Shop) - internal alterations & signage (cont'd)

11. There are no significant issues or impacts or impacts identified with the proposal under section 4.15 of the *Environmental Planning and Assessment Act 1979* and no submissions have been received.

Attachments

1	 Appendix A Draft Conditions / Reasons	D16302838
2	 Site Plan - 262 MANNS ROAD WEST GOSFORD 2250 - PAN-391406 - DA/2267/2023.pdf	D15959878
3	 Signage Plan - 262 MANNS ROAD WEST GOSFORD 2250 - PAN-391406 - DA/2267/2023.pdf	D15959879
4	 Shop Front Signage Plans - 262 MANNS ROAD WEST GOSFORD 2250 - PAN-391406 - DA/2267/2023.pdf	D15959880
5	 Floor Plans - 262 MANNS ROAD WEST GOSFORD 2250 - PAN-391406 - DA/2267/2023.pdf	D15959881
6	 PUBLIC - Statement of environmental effects - 262 MANNS ROAD WEST GOSFORD 2250 - PAN-391406 - DA/2267/2023.pdf	D15959890
7	 PUBLIC - Operation Management Plan West Gosford - 262 MANNS ROAD WEST GOSFORD 2250 - PAN-391406 - DA/2267/2023	D15967444

General Conditions

1

Erection of signs

1.

This section applies to a development consent for development involving building work, subdivision work or demolition work.

2.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

a.

showing the name, address and telephone number of the principal certifier for the work, and

b.

showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

c.

stating that unauthorised entry to the work site is prohibited.

3.

The sign must be—

a.

maintained while the building work, subdivision work or demolition work is being carried out, and

b.

removed when the work has been completed.

4.

This section does not apply in relation to—

a.

building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

b.

Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

Condition reason:

Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

2

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
		Site Plan	John Hancock	Received by Council 20/11/2023

		Floor Plan	John Hancock	Received by Council 20/11/2023
		Plan Signage	John Hancock	Received by Council 20/11/2023
		Plan Shopfront Signage	John Hancock	Received by Council 20/11/2023
Approved documents				
Document title		Version number	Prepared by	Date of document
Waste Management Plan			John Hancock	Received by Council 20/11/2023
Operational Management Plan			John Hancock	Received by Council 20/11/2023
In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.				
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				

Building Work

Before issue of a construction certificate

3	Car Parking Layout
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	<p>Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:</p> <ol style="list-style-type: none"> 1. The provision of line marking within the car parking area in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards <ol style="list-style-type: none"> a. The five row parking spaces to be marked b. Plans with vehicle turning paths demonstrating the ingress and egress of vehicles using the parking spaces. <p>Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation.</p> <p>Condition reason: To ensure there is sufficient off-street car-parking to accommodate the use.</p>
4	<p>307 Certificate application</p> <p>Submit an application to Council under section 305 of the <i>Water Management Act 2000</i> for a section 307 Requirements Letter.</p> <p><i>Note: The Application form can be found on Council's website centralcoast.nsw.gov.au. Early application is recommended.</i></p> <p>A section 307 Requirements Letter must be obtained prior to the issue of any Construction Certificate.</p> <p><i>Note: The section 305 application will result in a section 307 letter of requirements. 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.</i></p> <p>Condition reason: To ensure that the development has adequate water and wastewater services.</p>
5	<p>All conditions under this section to be met</p> <p>All conditions under this section must be met prior to the issue of any Construction Certificate.</p> <p>Condition reason: Compliance with requirements is necessary prior to the issue of any Construction Certificate.</p>

6	Compliance with Building Code of Australia
	Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the Building Code of Australia. All building work must be carried out in accordance with the requirements of the Building Code of Australia.
	Condition reason: Prescribed condition under section 69(1) of the EP&A Regulation.
7	Copy of stamped plans on site
	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.
	Condition reason: To ensure the development is constructed in accordance with the approved plans.
8	Flooding
	Submit to the Registered Certifier responsible for issuing the construction certificate for works within the development site detailed design drawings and design reports for the following engineering works:
	<ol style="list-style-type: none"> 1. Construction of buildings from materials that are used or located below Reduced Level (RL) 3.17m Australian Height Datum (AHD) must be of a type that is able to withstand the effects of immersion.
	Detailed design drawings and design reports acceptable to the Registered Certifier must be included in the Construction Certificate documentation
9	Entrance Lighting Design
	Before the issue of a Construction Certificate, submit to the Principal Certifier, responsible for issuing a Construction Certificate lighting design drawings approved by an accredited electrical designer for the site entrance.

	<p>The design must:</p> <p>(a) be prepared in accordance with the requirements of the current editions of Australian Standard AS/NZS 1158: Lighting for roads and public spaces and AS/NZS 4282: Control of the obtrusive effects of outdoor lighting; and</p> <p>(b) include provision of current best practice energy efficient lighting.</p> <p>Condition reason: To ensure user safety by ensuring the entrance is adequately lit</p>
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Before building work commences

10	<p>Appoint a Principal Certifier</p> <p>Appoint a Principal Certifier for the work:</p> <p>(1) 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.</p> <p>(2) 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</p> <p>Condition reason: To advise Council of the appointment of the Principal Certifier.</p>
11	<p>Erect Principal Certifier sign</p> <p>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:</p> <p>(a) the name, address and telephone number of the Principal Certifier for the work;</p> <p>(b) the name of the principal contractor and a telephone number at which that person can be contacted outside of working hours;</p> <p>(c) that unauthorised entry to the work site is prohibited; and</p> <p>(d) remove the sign when the work has been completed.</p> <p>Condition reason: Prescribed under sections 6.6 and 6.12 of the EP&A Act.</p>
12	<p>Garbage receptacle</p>

	<p>A garbage receptacle must be provided at the work site before any works begin and must be maintained until all works are completed.</p> <p>(1) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.</p> <p>(2) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.</p> <p>(3) Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.</p>
	<p>Condition reason: To maintain the site in a clean condition and protect local amenity.</p>

During building work

13	<p>All conditions under this section to be met</p> <p>All conditions under this section must be met during works.</p> <p>Condition reason: Compliance with requirements is necessary during any construction works.</p>
14	<p>Approved Plans to be On-Site:</p> <p>A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier.</p> <p>Condition reason: To ensure compliance with tree protection commitments.</p>
15	<p>Construction works times</p> <p>The Principal Certifier must ensure that construction work, building work, demolition or vegetation removal is only carried out between:</p> <p>7.00 am and 5.00 pm on Monday to Saturday</p> <p>The Principal Certifier must ensure construction work, building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan,</p>

	<p>construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p><i>Note: Any variation to the hours of work requires Council's approval.</i></p>
	Condition reason: To protect the amenity of the local area.
16	Waste Management
	Re-use, recycle or dispose of all materials in accordance with the approved Waste Management Plan.
	Condition reason: To ensure the management of waste to protect the environment and local amenity during construction.

Before issue of an occupation certificate

17	All conditions under this section must be met
	All conditions under this section must be met prior to the Occupation of the Manufactured Home.
	Condition reason: Compliance with requirements is necessary prior to the issue of any Occupation of the Manufactured Home.
18	Fire safety statement
	In accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> , upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building before the issue of any Occupation Certificate.
	Condition reason: To ensure the building is designed and constructed in accordance with fire safety measures.
19	Install CCTV
	Before issue of any Occupation Certificate, install a system of Closed Circuit Television (CCTV) of a type and in locations on the site that will provide high-quality images of all public areas within the site.

	Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area.
20	Obtain the Section 307 Certificate of Compliance Obtain the Section 307 Certificate of Compliance under the <i>Water Management Act 2000</i> for water and sewer requirements for the development from Council as the Water Supply Authority, prior to the issue of any Occupation Certificate. Condition reason: To ensure that the development has adequate water and wastewater services.
21	Awning Finish The north and west facing awning attached to the tenancy, must be finished in a consistent colour. In either black, grey or brick red or earth tones to compliment the shopfront. Condition reason: To ensure the use has a satisfactory presentation within the streetscape
22	Redundant Signage Removal All redundant signage attached to the exterior of the tenancy must be removed. Condition reason: To ensure the use has a satisfactory streetscape presentation

Occupation and ongoing use

23	Signage during ongoing use During ongoing use of the premises: <ol style="list-style-type: none"> 1. advertising signs must not be placed or displayed on any public space (including the public footpath or street) 2. any approved lighting of signs must comply with Australian Standard AS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting 3. no upward facing light sources can be displayed on signs on the premises. Condition reason: To protect the amenity of the local area
24	Car parking and deliveries

	<p>All car parking must be constructed and operated in accordance with Australian Standard AS2890.1-2004 Off Street Car Parking and Australian Standard AS2890.2-2002 Off Street Commercial and the following requirements:</p> <p>(1) Car parking, loading and manoeuvring areas must be used solely for nominated purposes.</p> <p>(2) Loading bays must remain clear at all times when not in use by delivery vehicles.</p> <p>(3) Vehicles awaiting loading, unloading, or servicing must be parked on site and not on adjacent or nearby public roads.</p> <p>(4) All vehicular entry on to the site and egress from the site must be made in a forward direction.</p> <p>(5) Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.</p> <p>Condition reason: To ensure parking facilities and vehicle manoeuvring areas are designed in accordance with Australian Standards.</p>
25	<p>Colours and animation on external surface of advertising sign</p> <p>Do not use any flashing light, animated or reflective or moving parts, iridescent or fluorescent colours or materials on the external surface of the advertising sign. The colours exhibited on the sign must be in keeping with the amenity of the surrounding area.</p> <p>Condition reason: To protect the amenity of the local area.</p>
26	<p>External lighting</p> <p>Operate and maintain lighting, including at the entrance, in accordance with the requirements of Australian Standard 1158: Lighting for roads and public spaces and AS4282: Control of Obtrusive Effects of Outdoor Lighting.</p> <p>Condition reason: To ensure lighting is provided for safety reasons and to protect the amenity of the local area.</p>
27	<p>Hours of operation</p> <p>Restrict the hours of operation of the use to those times listed below:</p> <ul style="list-style-type: none"> • Mondays to Saturdays: 7:00am to 6:00pm • Sundays and Public Holidays: 8:00am to 5:00pm <p>Any variation to these hours is subject to the prior consent of Council.</p> <p>Condition reason: To protect the amenity of the local area.</p>

28	Marking of Car Spaces
	The five row parking space markings are to be retained for the life of the development.
	Condition reason: To ensure the safety of vehicles and pedestrians
29	Maintain CCTV
	Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas, including the site entrance, for the life of the development.
	Condition reason: To ensure the safe operation of the premises.
30	No third-party advertisement allowed
	Do not erect third party advertisement on or in conjunction with the proposed development and the signage display /content must relate to the approved use of the site
	Condition reason: To protect the amenity of the local area.
31	Remove graffiti
	Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within fourteen (14) days.
	Condition reason: To protect the amenity of the local area.
32	Storage of waste
	Do not place or store waste material, waste product or waste packaging outside the approved waste storage enclosure.
	Condition reason: To maintain the site in a clean condition and protect local amenity.
33	Operational Management Plan
	The premises is to be always operated in accordance with the Operational Management Plan prepared by John Hancock and received by Council on 20/11/2023. A copy of the Operational Management Plan is to be kept on the premises and made available for inspection on the request of a police officer or council officer.
	Condition reason: To ensure adequate operating procedures are implemented at the site

34	Signage at first floor
	The signage at first floor level shall not project more than 20mm beyond the face of the building and shall not be illuminated.
	Condition reason: To ensure the sign has a satisfactory appearance within the streetscape.
35	Implementation of the Waste Management Plan
	Undertake the operation and management of the site in accordance with the Waste Management Plan prepared by John Hancock and received by Council on 20/11/2023.
	Condition reason: To maintain the site in a clean condition and protect local amenity.

Demolition Work**Before demolition work commences**

No additional conditions have been applied to this stage of development.

During demolition work

36	Asbestos removal work
	Undertake any demolition involving asbestos in accordance with the <i>Work Health and Safety Act 2011</i> . While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
	<p>(a) only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling, and disposal of any asbestos material;</p> <p>(b) asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</p> <p>(c) any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</p> <p>The licensed asbestos removalist must give notice to the regulator before work</p>

	commences in accordance with Clause 466 of the <i>Work Health and Safety Regulation 2011</i> .
	Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

On completion of demolition work

No additional conditions have been applied to this stage of development.





AWNING
FASCIA SIGN.
DIGITAL
PRINT

FROSTED
PRIVACY FILM



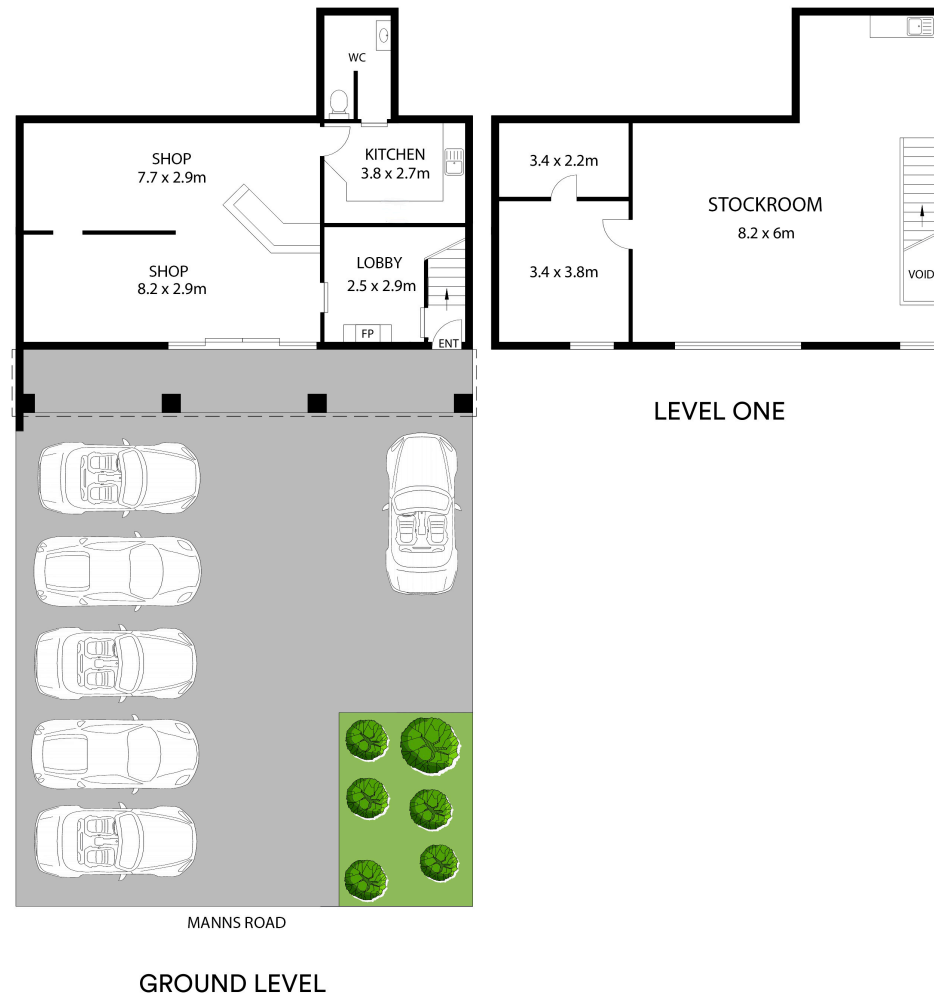
BLOCKOUT
DIGITAL
PRINT

MAIN ENTRANCE









All dimensions herein are approximate and gathered from sources believed to be reliable. Whilst every effort is made for the accuracy of our floor plans, interested parties should rely on their own enquiries.

1-2-260 MANNS ROAD,
WEST GOSFORD



Internal Area: 157m²
External Area: 21m²



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Establishment of Use
"Restricted Premises" (sex shop)
Removal of Text from Existing Signage and
Replacement with New Business Identification

Lot 2 DP 705906
Units 1 & 2, No. 262 Manns Road
West Gosford

October, 2023

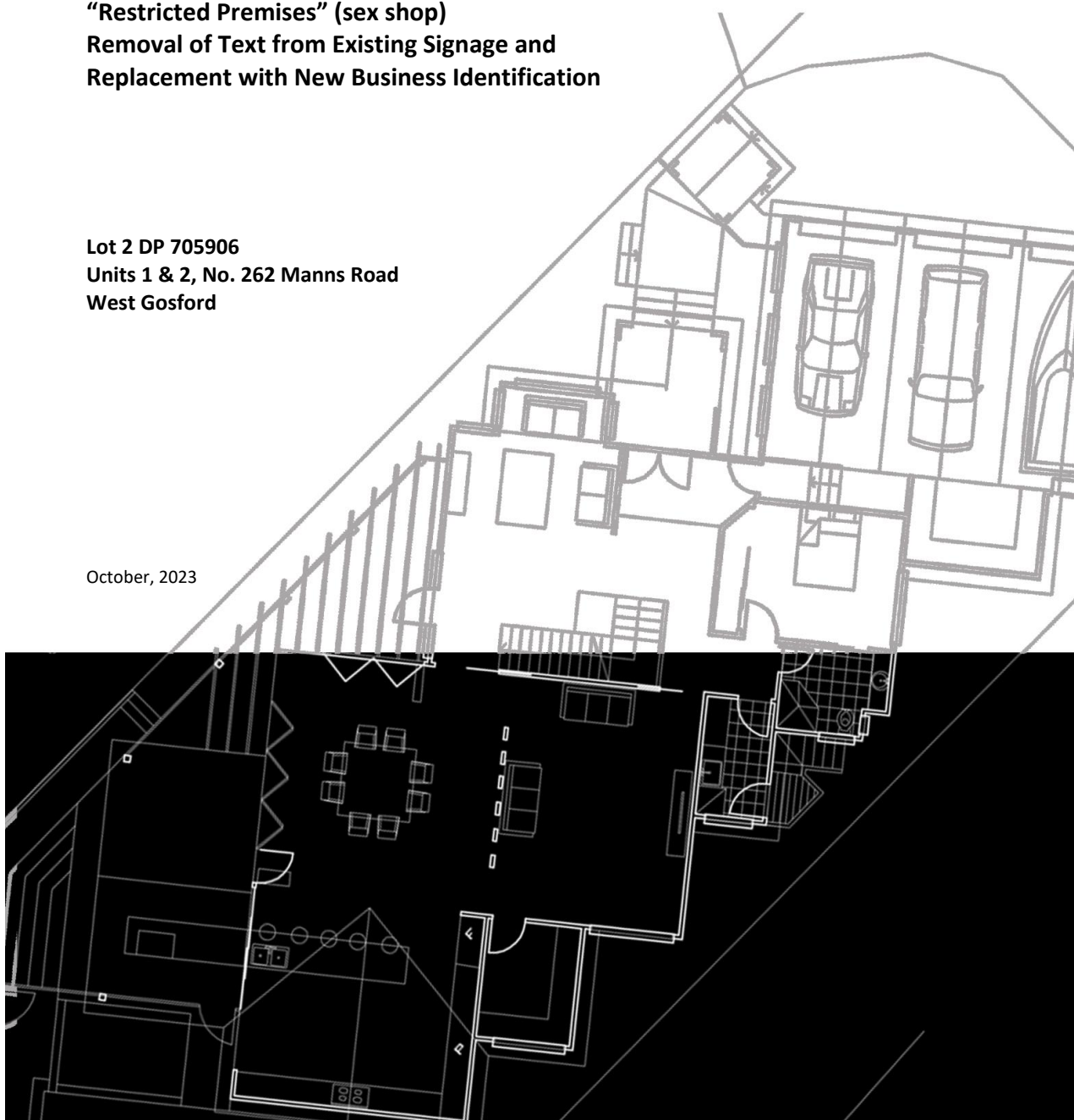


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ATTACHMENTS

Property Report (NSW Planning)
Plans of Proposal
Operational Management Plan
Composite Constraints Map (Source: Central Coast Council)
Waste Management Plan

1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application and assist Council in its assessment of the proposal to establish “restricted premises” as defined in and permitted by the Central Coast Local Environmental Plan 2022 (CCLEP2022).

In preparing this SEE the proposal has been assessed under the provisions of Central Coast Development Control Plan 2022 (CCDCP 2022). That assessment leads to the conclusion that the proponent is entitled to have the reasonable expectation that consent will be granted.

With an estimated cost of \$10,000.00 with fit out, furnishing and signage is as detailed in the attached plans supplied by the proponent; plans which demonstrate room dimensions and use. Comprising a total floor area of about 123 square metres, modest costs estimated not to exceed \$10,000 will be met in fit out, furnishing and signage to fulfill the discrete presentation of restricted premises to the public domain as is required by Central Coast Development Control Plan 2022 (CCDCP2022) Chapter 2.11 discussed below.

Plans which accompany the application demonstrate the adaptive use of the existing premises which continue to rely on the existing access off Manns Road and the existing carpark on site.

This SEE addresses matters relevant under Section 4.15 (1) of the Environmental Planning and Assessment Act; Environmental Planning Instruments including more relevant State Environmental Planning Policies and the Central Coast Local Environmental Plan 2022 (CCLEP2022) and Central Coast Development Plan 2022 (CCDCP2022).

Reference to the Planning Report and maps extracted from Council's online mapping reproduced in this Statement of Environmental Effects show, inter alia, statutory and physical constraints including the location of the site opposite the intersection of Manns and Merinee Roads, potentially requiring referral of the application to Transport for N S W.

Other information reproduced from Central Coast Council's Online service elsewhere in this document confirms the extent of local flood affection, the limited bushfire threat (buffer) constraints and the "low probability" of acid sulfate soils in "disturbed terrain".



Figure 1 – Acid Sulfate Soils/Disturbed Terrain/Flooding (Source: Central Coast Council)



Figure 2 – Bushfire Threat/Buffer (Source: Central Coast Council)

STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 2 DP 705906 Units 1 & 2 No. 262 Manns Road, West Gosford

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Figure 3 – 1% AEP and Contours (Source: Central Coast Council)

The Planning Report in the attachments and map extracts also confirm the zoning as E4 – General Industrial within which the proposal is permitted, with consent.

Complying with all relevant development standards and having minimal and manageable impacts, the proposal is one which warrants consent as set out in the conclusion of this statement.

2 THE SITE, THE LOCALITY AND HISTORY

Occupying a prominent commercial site in the West Gosford Industrial estate, the existing premises at ground and first floor of 262 Manns Road at West Gosford provides vehicular access to a large catchment via the local arterial road network. Located opposite the signalised intersection of Manns and Merinee Roads. Properly described as Lot 2 DP 705906, the property also has frontage to Dignity Crescent. That rear component is under separate tenancy and occupation and does not form part of the proposal.

The locational advantage of the site was first recognised by the property owner when the premises were first established (circa 1970s) and trading since that time as a building material showroom and retail sale.

The site now occupies a prominent location more suited to the intended use than that historical function which will continue via the Dignity Cres frontage.



Figure 4 - Aerial Photograph of Site and Surrounds (Source: Six Maps)



Figure 5 - Locality Map (Source: Six Maps)

STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 2 DP 705906 Units 1 & 2 No. 262 Manns Road, West Gosford

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3 DESCRIPTION OF THE PROPOSED DEVELOPMENT

Plans detail how it is intended to adapt and use the existing premises to incorporate discrete entry to the public at to the ground floor retail space.

All product display will be in accordance with industry wide provisions such that no explicit signage or product will be visible externally.

Staff kitchen and w/c will remain for staff only .

No public access will be permitted to the first floor. That space is to be used for stock room/storage, office and ecommerce packaging and sales.

That space generally south of the area to be occupied and used as “restricted premises” will continue to be utilised for building materials sale in separate tenancy/occupation relying on separate tenancy arrangements and access off Dignity Crescent.

The new building floor plan arrangement will enable the operator to meet expanding client requirements with finished floor levels provide Occupational Health & Safety compliant access.

As the proposal is contained within the existing building requiring no external work other than cosmetic enhancement and replacement of signage with “compliant” signs, stormwater generation will “mimic” the before development scenario with a neutral impact on stormwater disposal, zero chance of disturbing acid sulphate soil concerns or impacting and local flood issues. The evident neutral impacts thus dispenses with the need for detailed assessment of soil and water management.

Vehicular access will continue to rely on that supplied and all parking remains as existing maintaining compliance with AS 2890. Loading operations will continue to be managed by the loading/deliverables store manager and staff co ordinating deliveries and waste collection relying on “white vans” as the typical courier delivery vehicle associated with the modest scale of delivery.

4 PLANNING CONSIDERATIONS

4.1 State Environmental Policies (SEPPs)

The Property Report published by the Department of Planning confirms that there are multiple SEPPs applicable to the land including, for example, SEPP (Exempt and Complying Development Codes) and others that are not directly relevant to the proposal. Those SEPPs that are applicable are addressed below.

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

N/A

4.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The land is located within the Coastal Use area as mapped and is also defined on Council LEP mapping as “disturbed land” with low probability of acid sulfate soil as discussed below.

4.1.3.1 Chapter 2 Coastal Management

As the land located within 300m of Narara Creek, a tidal stream, the proposal may be caught by the provisions of Division 4 Coastal Use Area of the SEPP. Council, as the consent authority, must not grant consent unless it (the Council) has considered those matters scheduled under clause 2.11 of Division 4 of the SEPP.

Comment

Inspection of the site and surrounds and examination of the maps and plans which accompany the application should satisfy the Council that the development is so sited and designed to avoid an adverse impact as referred to in the relevant section of the SEPP.

Council, as the consent authority, can satisfy itself that the proposal is consistent with the aims of the policy and has no adverse impacts on the specific heads of consideration raised.

4.1.3.2 Chapter 4 Remediation of Land

This chapter of the SEPP concerns itself primarily to the identification and management of risks that might arise from previous uses of land. The previous uses of the land in this case were commercial and retail sale of building products with delivery mainly direct from the supplier.

Nothing in the review of the site or surrounds in the preparation of the application identified historical uses of the land that might give rise to the need for remediation.

4.1.4 State Environmental Planning Policy No. 65**Design Quality of Residential Apartment Development**

N/A

4.1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

With frontage to Manns Road , a local arterial road, and with access to and from that road adjacent to a controlled intersection ,the application may require referral to Transport for NSW by Council. In circumstances where the proposed use is neutral in traffic generation terms, such as is the case with this proposal, there is no need nor justification for a traffic management plan.

5 CENTRAL COAST LOCAL ENVIRONMENTAL PLAN, 2022 (CCLEP 2022)**5.1 Zoning and Permissibility**

The subject land is zoned E4 – General Industrial, confirmed by reference to the Planning Report, CCLEP 2022 and zoning map, extracts of which are reproduced below.

The use, defined as a “restricted premises” is permissible with consent in the zone and, Council, as the consent authority, is empowered to grant that consent.

Comment

The development is consistent with the primary zone objectives and, following referral to Transport for New South Wales and consideration of matters relevant, it is the reasonable expectation of the proponent that Council will grant its consent.

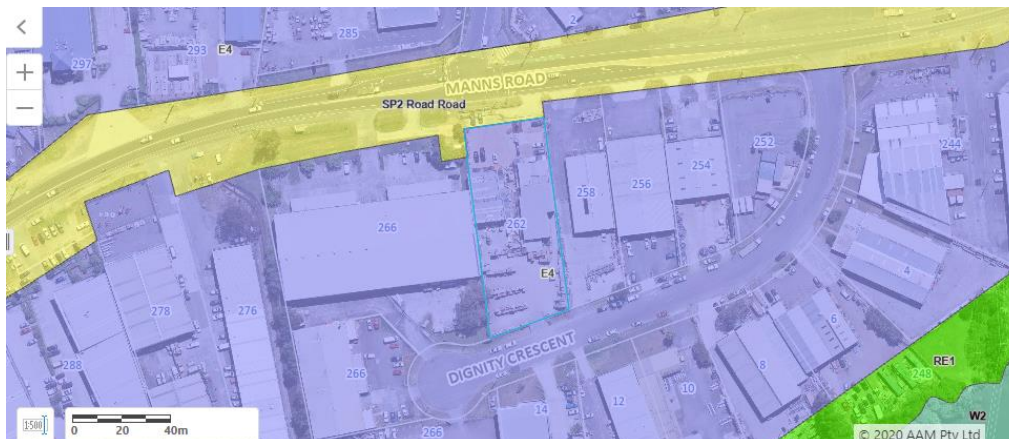


Figure 6 - Zoning Map (Source: Central Coast Council)

5.2 Clause 4.3 Height of Buildings

Reference to the Property Report as published and the relevant Height Map will confirm that there is no statutory control applicable. In any event, the proposal is to adapt the use of existing floor space with no increase in building dimensions or height.

5.3 Clause 4.4 Floor Space Ratio

Reference to the Property Report as published and the relevant FSR Map will confirm that there is no statutory control applicable. In any event, the proposal is to adapt the use of existing floor space with no increase in building dimensions or area.

5.4 Clause 7.1 Acid Sulfate Soils

Reference to the published Acid Sulfate Map layer of the LEP maps confirms that most of the site is identified as 'Disturbed Terrain' with a 'High Probability' of encountering acid sulfate soils. In such circumstances where works are not more than 2m in depth and are unlikely to lower the water table, consent for the works is NOT required.

Reference to the drawings will confirm that works are contained within the existing building. As no earthworks are contemplated and no impact on the water table is likely to arise negates the need for an acid soils management plan.

6.0 CENTRAL COAST DEVELOPMENT CONTROL PLAN, 2022 (CCDCP 2022) (Relevant Provisions)

6.1 Character

The previously applicable Character Statements contained in the now redundant Gosford CCDCP 2022 particularised the existing and desired future built environment for specific localities in the former Gosford City LGA.

Both the writer, the proponent and the authors of plans are cognisant of the underlying purpose of “character considerations” in planning and draw the conclusion that the proposal, being essentially a fitout of an existing building, demonstrably satisfies requirements.

6.2 Chapter 2.11 Restricted and Sex Services Premises

The purpose of Chapter 2.11 of the CCDCP2022 is “.. to provide criteria to identify where Central Coast Council may consider a development application ...for (inter alia) restricted premises.

The objectives of the chapter identify locational criteria reflecting Councils concerns regarding amenity impacts, both internal and external, as well as the health and occupational safety of those employed with an apparent focus on “sex premises” and prostitution coupling sex services premises and restricted premises with the ambition to accommodate such uses and avoid a concentration of like uses sensitively and discretely.

Modest in scale and excluding the complexities associated with the operation of “sex services premises” the premises satisfy the locational requirements of the DCP being not less than 100m removed from a church, hospital, school, community facility, residential property, or any place regularly frequented by children for recreational or cultural activities as required by Clause 2.11.4.1 of the CCDCP2022.

Inquiries conducted in the preparation of this Statement confirm that there are no identified sensitive receptors or other land uses which would impinge on the use of the premises for the intended purpose.

6.3 Submitting a Development Application

Clause 2.11.2 of the CCDCP2022 particularises the “...(additionally) .. generic development application submission requirements...” what additional information should accompany any development application for a home occupation (sex services) or sex services premises.

As the proposal is for “restricted premises, essentially a retail shop, the more fine-grained requirements of clause 2.11.2 do not apply.

Irrespective of the requirements of clause 2.11.2, the proponent has prepared the attached Operational management Plan which, when read in conjunction with the plans and content of this Statement Of Environmental Effects informs the reader that:-

- 1) There will be typically two staff members on sit at any one time.
- 2) The premises will be used for the discrete display and retail sale of adult products including sex toys, lingerie and costumes, publications.
- 3) Premises will be managed with retail sales and public access. confined to the ground floor.
- 4) “Frosted” film applied to existing glazing together with access access arrangements will conceal products from view from external vantage points in perpetuity.
- 5) Point of sale, kitchen and w/c and the whole first floor are to be accessed by staff only.
- 6) First floor space will be used as stock control, storeroom, packaging and dispatch (email order response).
- 7) Hours of operation typically 10am to 6pm

6.4 Plan of Management

The proponent is an experienced operator of “restricted premises” with an established client base of individuals and couples with special needs and others as diverse as marriage counsellors and sex therapists to casual hosts of “bucks “and “hens” celebrations.

The attached Plan of Management thus embeds the security and safety elements associated with the operation of “restricted premises” to meet industry standards and compliance with regulatory requirements. Fixing a copy of the document and updating it as may be required from time to time provides a permanent tool for staff reference, induction and training.

Unlike sex services premises, the need for dedicated health and safety policies for workers, other than ubiquitous Occupational Health and Safety requirements, does not arise in the conduct of a retail shop.

Similarly, no particular issues arise in relation to the maintenance and cleaning regime nor the disposal of waste which comprises typically packaging material destined for recycling or land fill by contractor collection.

6.5 Waste Management

No particular waste management issues arise in the conduct of retail sale of products offered in “restricted premises”. Paper, cardboard and plastic packaging is the primary form of waste generated. Separation at the source enables contractor collection and direction to be recycling or landfill. Volumes of waste will be unlikely to exceed that typically generated by a typical household removing the need for any specialised waste storage arrangements.

No sharps or other material, pharmaceutical, recreational or other require specialist equipment ,storage or disposal.

6.6 Planning Matters and Provisions.**6.6.1 Location**

The locational attributes of the site fulfil the objectives and the more specific requirements of clause 2.11.4.1 of the CCDCP2022 ensuring no adverse impact on the surrounding environment. There is no hotel or similar land use within 200m nor residential or sensitive receptor nearby.

6.6.2 Parking

Chapter 2.11 Clause 2.11.4.2 is silent in relation to parking requirements. In speaking to parking "one (1) space per 2 working rooms"; a reference clearly focused on sex services premises as opposed to restricted premises.

Plans furnished and plans upon which the proponent relies identify the existing parking arrangements on site. That existing parking arrangement accommodates one dedicated staff space plus five additional; a total of six spaces exceeding the requirement if ALL the space (about 123 square metres) to be occupied was assessed as retail shop with the requirement of 1 space / 30 square metres of retail floor area.

Parking as shown satisfies any practical requirement to satisfy demand and enables forward entry and exit as existing.

6.6.3 Signage

Existing signage is to be removed and replaced with compliant signage of identical dimensions with text, imagery and colour compliant with Council requirements. Fixed glazing is to be treated with frosted film with business address and identification including trading hrs (10 am - 6 pm) and contact details as might be expected.

6.6.4 Design of Premises

The adaptive use of the existing premises means that works are minimal and largely confined to painting, fixtures and furnishing. Externally there are no changes proposed other than the replacement of business identification signage as described above and in plans which accompany the application.

6.6.5 Safety and Security

No issues arise in the conduct of the retail sales and associated activities related to the conduct of “restricted premises” that give rise to particular health, safety or security requirements. Retail sale space will likely be fitted with video surveillance cameras in order to prevent and monitor product theft.

Retail staff may require proof of age (over 18) of any and all customers in order to fulfil statutory obligations. Limiting sales to daylight hours, typically 10 am to 6 pm removes the need for any specialised security or motion activated lighting. The level nature of the site and compliant access arrangements to the publicly accessible sales area removes the need for any special arrangements or adjustments regarding access.

7 CONSIDERATION

The above assessment addresses certain of the matters required to be considered by Council under Section 4.15 of the Environmental Planning & Assessment Act 1979 and may assist in the early issue of its approval. For completeness, we provide further commentary below.

Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instruments

Comment

The commentary above addresses the relevant provisions of applicable EPI's. The commentary, informed by review of the LEP and maps, confirms that the proposal is correctly described as a “restricted premises”, a use permitted in the zone.

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

Comment

There are no draft provisions that would limit the development of land as is proposed.

(iii) any development control plan

Comment

The proposal has been assessed against the Central Coast Development Control Plan and is found to perform satisfactorily when measured against the relevant Development Control Plan requirements.

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

Comment

There are no planning agreements relevant to the subject land or the proposal.

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

Comment

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

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

Comment

Environmental impacts have been considered and addressed in preparation of the application.

The social and economic impacts of the proposal are positive in terms of providing additional employment opportunities while the public interest is served by the improvement in the accessibility of specialised products only available for view within and from approved "restricted premises."

Constraints to development are identified in Councils online maps and are the (low probability of encountering) acid sulfate soils, flooding (the 1 % AEP impacts local streets) and proximity to tidal waters. Nothing in the review of identified hazards and constraints is fatal to the proposal.

The absence of any residential component and the physical separation of the site from the identified fire hazard removes the need for a formal Bush Fire Threat Assessment and referral to the RFS (with the site being mapped as within “buffer” 100 m from a bushfire threat).

Assessment of those constraints confirms that none are fatal to the application.

(c) the suitability of the site for the development

Comment

The site and the premises have been examined under the locational requirements of relevant parts of the DCP and found to be suitable for the proposed development.

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

Comment

Via the exhibition/notification process, Council in determination of the application will consider any public submissions.

(e) the public interest

Comment

The recognised need for “restricted premises” by definition and inclusion in the standard template LEP and the inclusion of specific controls in the DOP is acknowledgement of the legitimacy and public need for such facilities. The need for expansion of the current operation to complement existing retail operations from premises within the Gosford CBD premises is an endorsement of the current management in meeting client expectations and unregulated competition.

The opportunity to expanded services and address competition from remote and even offshore online retailers will complement the client requirements and, in doing so, improve service and contribute to local job opportunities for both full and part time positions.

8 CONCLUSION

Designed to facilitate the adaptive reuse and economic utility of an existing building, the proposal has been prepared in response to competition from evidentially unregulated local retail “start-ups” of like premises at Erina and Woy as well as online behemoths who offer no local job opportunity or industry expertise.

By committing to long term lease arrangements, the principal of Love and Lust, a Gosford based enterprise, the proponent is redoubling investment in an industry where legitimate operators are obliged to compete with online traders and others who avoid the regulatory obligations including the lodgement of applications such as that to which this Statement of Environmental Effects Relates.

In preparing the application, the proponent has demonstrated due regard to regulatory controls and has secured premises the suitability of which has been established as is evident by the advice contained in the plans and advice accompanying the application.

In the circumstances , we draw the conclusion that the proponent is entitled to have reasonable expectations that the approval of Council will issue without delay and that is our recommendation.

Any impacts identified are capable of management and mitigation via the attachment of conditions to the consent which the proponent might reasonably expect.

The proposed development is consistent with the likely and desired future built environment and is consistent with the statutory controls and those applicable DCP provisions aimed at controlling location and amenity impacts.

Similarly, impacts arising such as carparking, loading and waste management are all capable of management within the site consistent as are current operations.

Given the generally neutral impacts of the proposal, the demonstrated social and economic outcomes and the permissibility/consistency of the proposal when measured against statutory and local DCP requirements, we reaffirm the view that it is a reasonable expectation that the Council will issue its consent without delay and that is our recommendation.

Operation Management Plan – Love & Lust Adult Shop

RETAIL ASSISTANT LEVEL 3

Daily Tasks:

- PRE-OPEN: count till, ensure enough change for the day.
- Open store, put sign out, turn on Neon Sign at entrance.
- Re-stock any items missed from the day before. Please re-stock throughout the day where possible.
- GOSFORD LOCATION. Check Online Orders & complete if any. Orders to be taken to Post Office by 2:30pm at the latest. If order needs to be fulfilled from West Gosford location inform Owner.
- WEST GOSFORD LOCATION: Orders to be done by Owner.
- General tidy & clean, please check glass cabinet tops are clean.
- Greet every customer as they come in. This cuts downs on unwanted behaviours as the customer is aware we are aware of them. Since doing this thefts & creepy behaviour are now rare.
- When selling a product always give the Warranty spiel.
- Let customers know about our Loyalty Cards.
- Focus on education with customers.
- Get familiar with any new items.
- END OF DAY: Close shop, takings done, Neon sign off, A-frame sign in.
- GOSFORD LOCATION If all other businesses are closed, please lock the metal gates at each end of arcade.

As needed tasks:

- Replace faulty products & catalogue for each supplier.
- Inform Owner if low on any office & non-product supplies etc
- Charge displays.
- Check expiry on products with expiry dates.
- Cleaners come the 1st Tuesday of every month.

Security measures GOSFORD LOCATION:

- Gosford Police 4323 5599.
- Gosford Security 0406 043 310.
- Personal Alarms behind counter.
- 8 Channel 4K Camera's recording.
- Ensure counter gate is always closed so no-one but yourself can make it behind the counter.
- Post any incidents to group staff chat no matter how small.

Security measures WEST GOSFORD LOCATION:

- Gosford Police 4323 5599.
- Personal Alarms behind counter.
- 8 Channel 4K Camera's recording.
- Ensure counter gate is always closed so no-one but yourself can make it behind the counter.
- Post any incidents to group staff chat no matter how small.

Owner/Manager Tasks:

- Cover any staff unable to make their shift.
- Out of stock & Low stock items added to supplier purchase orders.
- Manage all orders out of WEST GOSFORD LOCATION.
- Manage inventory, particularly STOCKROOM above shop at WEST GOSFORD LOCATION.
- Keep websites, products descriptions & images up to date.
- Photos for social media & website to be taken weekly.
- Set up social media posts for the week.
- Set up & plan any website specials & deals.
- Purchase orders to be completed first week of every month.
- Update staff on new products or any changes regarding existing products.
- Manage returns with suppliers.
- Keep accounting records up to date.
- Transfer stock between shops & stockroom.

Love & Lust Adult Shop Shop 5/156 Mann St Gosford NSW 2250

- Staffed by 1 staff daily. Assisted by Owner as needed.
- Open to public 7 days a week during the following: Monday to Wednesday 10am to 6pm, Thursday to Saturday 10am to 7pm, Sunday 12pm to 5pm.
- Walls installed in a U-Shape to ensure public cannot see inside as they pass by or see any products on display until they have made there way through the entire entranceway.
- All Windows are blocked out to ensure no-one can see inside.
- Counter situated in centre of store; Staff are the first thing customers see when walking in.
- Motion sensor doorbell at entrance so staff are always aware when someone enters.
- Cameras throughout store but 2 are dedicated to facing outside the shop from both directions of the arcade so we can always see if someone is approaching to come in & we can see behaviour of people before they enter. Particularly helpful when dealing with school kids. We can meet them before they have a chance to try & enter.

PROPOSED Love & Lust Adult Shop 1 & 2/260 Manns Rd West Gosford NSW 2250

- Staffed by 1 staff daily. Assisted by Owner as needed.
- Open to public 7 days a week during the following: Monday to Saturday 10am to 6pm, Sunday 12pm to 5pm.
- Entrance leads into a lobby which leads into the shop. Public can only see the lobby when opening the door to enter. Lobby has no products on display. Customers must make their way past the lobby to enter the shop to see products.
- All Windows are blocked out to ensure no-one can see inside.
- Counter situated in centre of store; Staff are the first thing customers see when walking in.
- Motion sensor doorbell at entrance so staff are always aware when someone enters.
- Cameras throughout store but 2 are dedicated to facing outside the shop from both directions of the arcade so we can always see if someone is approaching to come in & we can see behaviour of people before they enter. Particularly helpful when dealing with school kids. We can meet them before they have a chance to try & enter.

Stockroom above West Gosford location.

- NO Public access.
- Entrance the same as the shop but the stairs leading up to the Stockroom are blocked by a chain & signage saying "STAFF ONLY PAST THIS POINT". Another sign on the walls states "We have cameras."
- Stockroom supports both shops & online stores.
- Stockroom also houses Owners office.
- 1 camera dedicated to monitoring stockroom. Other 7 are for the entrance to the building & the shop on the Ground Floor.