

GYDE

Statement of Environmental Effects

Residential Flat Building Development
94 Sparks Rd, Hamlyn Terrace

submitted to Central Coast Council
on behalf of Bathla Group

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Report Version: Final

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APPENDICES

APPENDIX	DOCUMENT	PREPARED BY
A	Architectural Package	Rothelowman
B	Bushfire Report	Roger Fenwick
C	Landscape Plans	Conzept Landscape Architects
D	Traffic Impact Assessment	The Transport Planning Partnership
E	Services Plan	Bathla Group
F	Cost Estimate Report	Thomas Lander
G	BCA Report	360 Certification
H	Preliminary Site Investigation	NG Child and Associates
I	BAXIS Certificate	SLR Consulting
J	Access Report	Morris Goding Access Consulting
K	Civil Engineering Plans	Stantec
L	Operational Waste Management Plan	Elephants Foot
M	CPTED Report	GYDE Consulting
N	Structural Report	ACOR Consultants
O	Correspondence with Central Coast Council	Guy Smith
P	Acoustic Report	RAPT Consulting

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by GYDE Consulting on behalf of Bathla Group, the applicant. The statement has been prepared to accompany a Development Application (DA) to Central Coast Council for a two (2) storey Residential Flat Building (RFB) at 94 Sparks Road, Hamlyn Terrace.

The subject site forms part of a larger allotment that was part of a subdivision approved under DA/1176/2017. A Section 4.55 Modification Application has been lodged with Council on the 19 November 2021 to amalgamate lot 54 to lot 87 of DA/1176/2017 to accommodate the proposed RFB development.

To provide a high-quality residential development, and maximise the site's development potential, the applicant has engaged award winning architecture firm, Rothelowman, to formulate a development design for the site. Key features of the proposed development include:

- Site preparation works,
- Implementation of civil infrastructure,
- Construction of four (4) 2-storey Residential Flat Buildings (RFB),
- Sub-ground level carparking, and
- Associated landscaping.

The proposed development is defined as "Residential Flat Building" a type of "Residential Accommodation" under the *Wyang Local Environmental Plan 2013* (WLEP 2013) and is permissible with consent within the R1 General Residential zone.

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this SEE is to:

- Describe the proposed development and its context,
- Assess the proposal against the applicable planning controls and guidelines, and
- Assess the potential environmental impacts and mitigation measures.

A Pre-Development Application (DA) meeting was held with Council on the 01 August 2021. Section 3.12.1 of this SEE provides a more detailed response to the items discussed with Council at the Pre-DA. Subject to addressing these issues, we understand that Council is generally supportive of the proposal.

The proposal has been found to be compliant with the controls of the *Wyang Local Environmental Plan 2013* (WLEP 2013) and a majority of the controls within the *Wyang Development Control Plan 2013*. Only minor variations to the development controls are present and have been thoroughly justified within this statement.

The SEE concludes this proposal is of an appropriate scale and mass for the site, is consistent with the desired future character of the area, is well designed and has no adverse amenity impacts. It is considered that the proposal will deliver a suitable and appropriate development for the site and is worthy of approval.

2. SITE ANALYSIS

2.1. Regional Context

The site is located within the Central Coast Local Government Area (LGA), specially within the former Wyong catchment. The site is approximately 8.8km north of the Wyong CBD, and 109km north of the Sydney CBD. An extract of the site's regional context is provided in Figure 1 below.

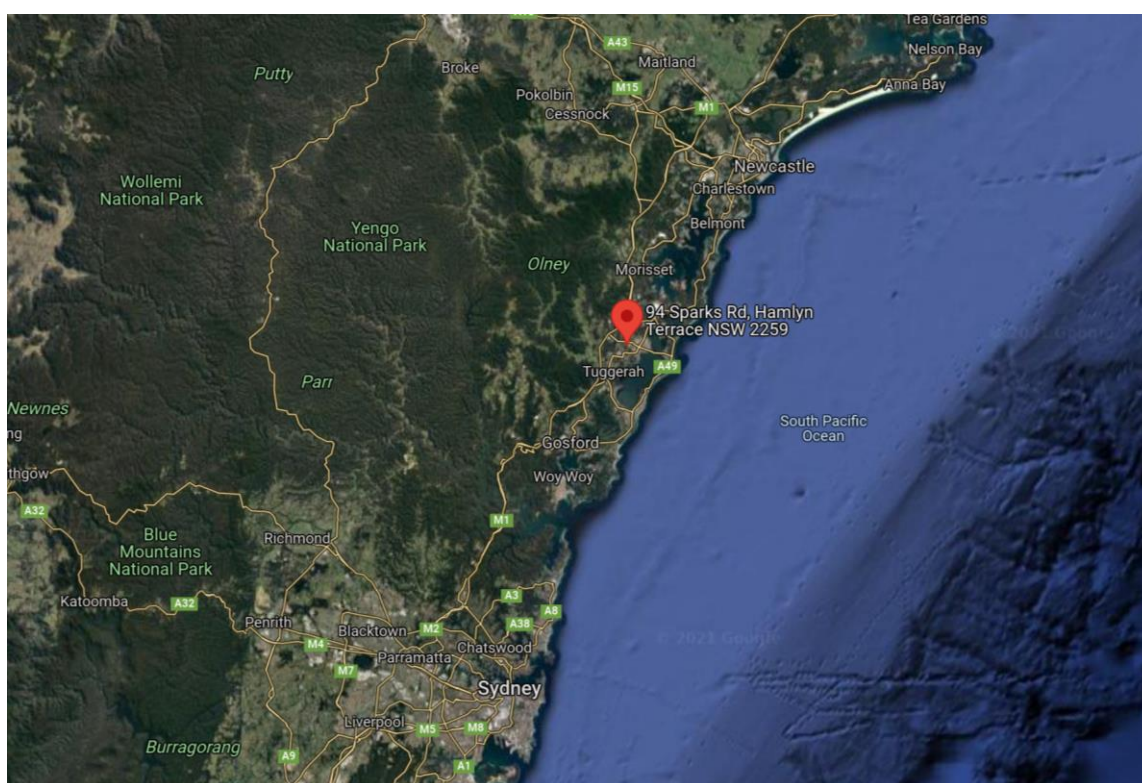


Figure 1: Regional Context Extract (Source:

The site is suitably located within 2km to the Warnervale Train and 4.3km to the Pacific Motorway, key transport nodes, providing efficient and convenient access South to Sydney, or north to the Hunter. The site is well located within the region to provide additional housing opportunity with access to the appropriate transport nodes.

2.2. Local Context

The site is located in the growing area of Warnervale, located approximately 5km from the Pacific Motorway which provides direct access to Sydney (south), and Newcastle (north) and approximately 4km from the Pacific Highway which provides direct access to Wyong and Gosford (South). The local area comprises of a mix of land uses, including low density residential, educational establishments, village shopping centres, green space, and other recreational facilities. The area immediately adjoining the site, is dominated by residential development.

Located approximately 3.2km south of the site is the Wadalba Village Shops which includes a range of services such

as a general practitioner, medical centre, grocery stores, pharmacies, restaurants, and cafes.

Sparks Road is a primary arterial road and provides access to Pacific Highway and Norah Heads to the east, and the Pacific Motorway to the west.

Existing development in the vicinity of the site is identified below:

- **Northern Direction:** Directly north of the site is Sparks Road, a primary arterial road that provides linkage to the Pacific Motorway (west), Pacific Highway (east), and the Warnervale Train Station (west). Across Sparks Road is a new residential subdivision, and an educational establishment (Mackillop Catholic College).
- **Eastern Direction:** Directly east of the site is 1-2 storey residential dwellings and a seniors housing development known as 'Our Lady of Loreto Gardens'.
- **Southern Direction:** To the south of the site land is zoned for E3 Environmental Conservation, E2 Environmental Management and R1 General Residential. The land zoned R1 General Residential has been developed for a residential subdivision. Further south of the site is the Wadalba Village Shops.
- **Western Direction:** To the west of the site is land zoned R2 Low Density Residential which has received development consent for a residential subdivision. Further west of the site is the Warnervale Athletic Field and the Warnervale Train Station.
- **Public Transport and Accessibility:** A public bus stop is located to the northwest of the site at Sparks Road, providing access to Route 11, 29, and 78 bus services to Wyong, Warnervale, Bateau Bay Square, Caves Beach, Warnervale Station, Tuggerah, Wyong Station, and a variety of educational establishments within the locality. Additionally, the bus stop provides a 3min bus ride to Warnervale Station which provides train services to Sydney Central Station via Strathfield or Gordon, Newcastle, Tuggerah, Lake Haven, and Dooralong.

2.3. Site Address and Legal Description

The site is known as 94 Sparks Road, Hamlyn Terrace formally described as Lot 11 DP 125673. The site has previously received development consent for a residential subdivision including a network of road and stormwater infrastructure. This proposal comprises only a portion of the site and intends to maintain the existing road network and infrastructure previously approved in DA/1176/2017.

The whole site is identified below in yellow and the portion of the site applicable to this development application (the subject site) is identified below in red.

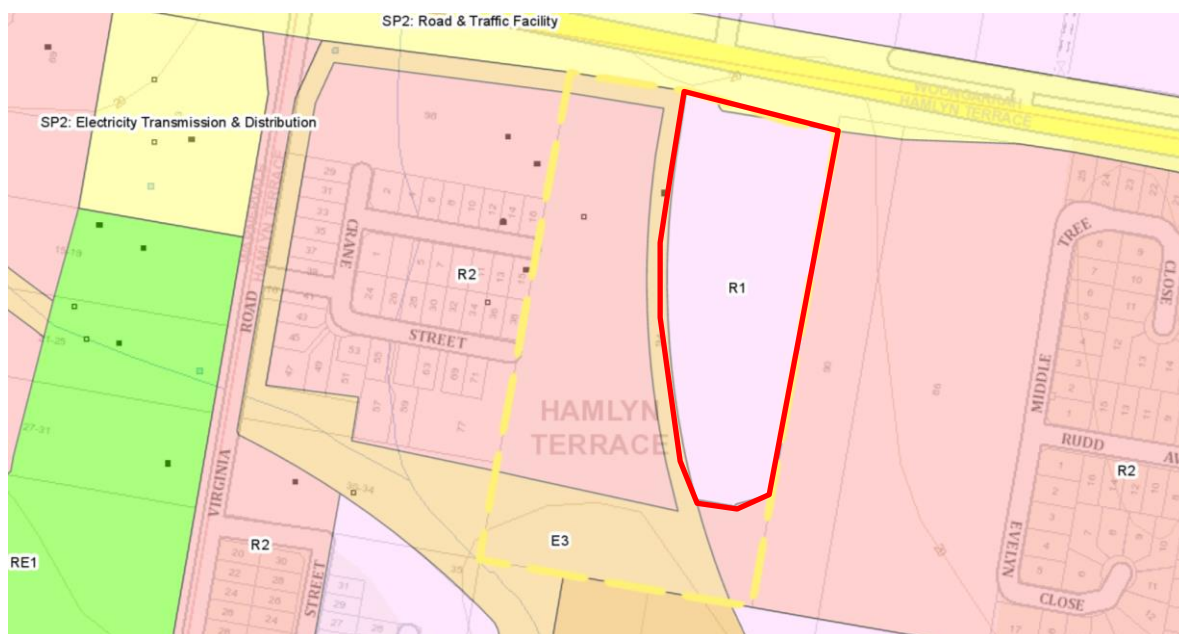


Figure 2: Subject Site

2.4. Site Description

The site includes a portion of 94 Sparks Road, Hamlyn Terrace, identified above in Figure 2. The site is described as Lot 11 DP 1252673 and has the following key attributes.

The site comprises a large, irregular shaped parcel of land with an area of approximately 23,380sqm. The site has a northern frontage to Sparks Road of approximately 75m and a western frontage to “collector road” of approximately 250m. The site is currently vacant land which contains development consent for a residential subdivision, internal road network and stormwater infrastructure.

The site can be described as relatively flat in topography. The site presents a longitudinal fall (gradient 1:70) from the high point (southeast corner) of the site to the low point (northwest corner) of the site.

2.4.1. Vegetation

The subject site currently contains remnant vegetation however, the previous development consent (DA/1176/2017) received approval to remove the vegetation required for the development of the site. Works associated with vegetation removal have commenced onsite for the construction of the approved works. This proposal does not intend to remove any additional vegetation onsite.

2.4.2. Hazards

The site is classified as Bushfire Prone Land. A Bushfire Assessment Report has been prepared by Roger Fenwick and is available in Appendix B.

The site is located within the Porters Creek Catchment however, previous infrastructure works undertaken as part of

SCC/15/2017 has reduced the flood risk to the site, which is no longer affected by the 1% AEP as identified within Council's Assessment Report associated within the larger subdivision (DA/1176/2017).

2.4.3. Soils and Geotechnical Conditions

A Preliminary Site Investigation has been prepared by NG Child and Associates and is available in Appendix H. The investigation involved the collection of 23 soil samples collected at various depths throughout the site. The soil samples identified that the underlying soils at the site are not contaminated, and the soil is appropriate for the proposed development.

2.4.4. Site photos

Images of the subject site (in current form) are provided in Figure 3 and Figure 4 below.



Figure 3: Image of Subject Site from Sparks Road (Source: Google)



Figure 4: Image of Subject Site from Sparks Road 2 (Source: Google)

2.5. Relevant Planning History

Development consent was granted by Central Coast Council on the 04 February 2021 (DA/1176/2017) for a residential subdivision comprising 88 Lots, earthworks, retaining walls and associated road, other infrastructure, and servicing.

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

The proposal seeks to develop the subject site to accommodate the growing demand for housing in accessible locations. The site's proximity to key transport infrastructure such as the Pacific Motorway, Pacific Highway, the Warnervale Train Station, and the local bus service is an asset to the area.

In summary, the proposed development comprises the construction of four (4) 2-storey Residential Flat Buildings (RFB) comprising a total 160 dwellings across the four (4) buildings, ranging in size from studio to 3-bedroom, providing a range of housing opportunity.



Figure 5: 3D Photomontage Extract

Refer to the Architectural Plans prepared by Rothelowman at Appendix A for further detail.

3.2. Proposed Site Plan

An extract of the proposed Site Plan is provided in Figure 6 below.



Figure 6: Site Plan Extract

3.3. Development Statistics

The key statistics and elements of the project are shown in the table below:

Table 1: Development Statistics

ELEMENT	DEVELOPMENT STANDARD / CONTROL	PROPOSAL
General		
Site Area	19,671.1sqm (Super Lot)	
Total Apartments	160	
Gross Floor Area	11,330.1sqm	
Wyong Development Control Plan		
Floor Space Ratio	0.6:1	0.48:1
Maximum Height	7m floor to ceiling height	7.2m floor to ceiling height
Total Parking	187 Residential and 32 Visitor	302 (277 Residential and 25 Visitor)
Landscaping	25% of site area (4,917.7sqm)	32.1% of the site area (7496.8sqm)
Deep Soil Zone	50% of the 25% (2,458.8sqm)	87% of total proposed landscaping (6517.4sqm)

3.4. Site Preparation and Earthworks

The site preparation works only involve earthworks. Vegetation removal and demolition have been undertaken as part of the larger subdivision consent (DA/1176/2017).

The proposed development involves bulk earthworks to accommodate the proposed development, particularly the basement level car parking. The maximum cut depth is proposed at approximately 3m. Please refer to the Section Plan (Appendix A) for further information.

3.5. Development Details

3.5.1. General

A summary of the proposed buildings, level by level, is provided in Table 2 below. Generally, not involving the four (4) buildings, a private driveway is proposed from the Collector Road, which provide 25 visitor car parking spaces and four (4) driveway access point to the proposed basement levels. Furthermore, the APZ area is proposed to be used as managed landscaped open space and pedestrian landscaped linkages are proposed throughout the site to provide connections.

Please refer to the Architectural Package (Appendix A) for further detail.

Table 2: Construction Summary

Location / Level	Works / Use	Details
Building A		
Basement	Car Parking Resident Storage Courtyard (COS) Services	<ul style="list-style-type: none"> 66 resident car parking spaces Circulation core comprising access lift Secured resident access to basement car parking Courtyard area of COS, including high level landscaping
Ground Level	Residential Dwellings Services Visitor Car Parking	<ul style="list-style-type: none"> 18 residential dwellings: Comprising six (6) 1-bedroom and 12 2-bedroom dwellings Bin room to service building Circulation core comprising access lift
Level 1	Residential Dwellings Services	<ul style="list-style-type: none"> 19 residential dwellings: Comprising six (6) 1-bedroom and 13 2-bedroom dwellings Circulation core comprising access lift
Roof Level	Areas of Private Open Space	<ul style="list-style-type: none"> 895.4sqm of proposed private terrace areas, associated with the dwellings

Location / Level	Works / Use	Details
Building B		
Basement	Car Parking Resident Storage Courtyard (COS) Services	<ul style="list-style-type: none"> 88 resident car parking spaces Circulation core comprising access lift Secured resident access to basement car parking Courtyard area of COS, including high level landscaping
Ground Level	Residential Dwellings Services Visitor Car Parking	<ul style="list-style-type: none"> 24 residential dwellings: Comprising two (2) studios, seven (7) one-bedroom, 13 2-bedroom, and two (2) 3-bedroom dwellings Bin room to service building Circulation core comprising access lift
Level 1	Residential Dwellings Services	<ul style="list-style-type: none"> 24 residential dwellings: Comprising two (2) studios, seven (7) one-bedroom, 13 2-bedroom, and two (2) 3-bedroom dwellings Circulation core comprising access lift
Roof Level	Areas of Private Open Space	<ul style="list-style-type: none"> 1069.5sqm of proposed private terrace areas, associated with the dwellings
Building C		
Basement	Car Parking Resident Storage Courtyard (COS) Services	<ul style="list-style-type: none"> 82 resident car parking spaces Circulation core comprising access lift Secured resident access to basement car parking Courtyard area of COS, including high level landscaping
Ground Level	Residential Dwellings Services Visitor Car Parking	<ul style="list-style-type: none"> 25 residential dwellings: Comprising two (2) studios, five (5) one-bedroom, and 18 2-bedroom dwellings Bin room to service building Circulation core comprising access lift
Level 1	Residential Dwellings Services	<ul style="list-style-type: none"> 25 residential dwellings: Comprising two (2) studios, five (5) one-bedroom, and 18 2-bedroom dwellings Circulation core comprising access lift
Roof Level	Areas of Private Open Space	<ul style="list-style-type: none"> 1280.2sqm of proposed private

Location / Level	Works / Use	Details
		terrace areas, associated with the dwellings
Building D		
Basement	Car Parking Resident Storage Courtyard (COS) Services	<ul style="list-style-type: none"> 41 resident car parking spaces Circulation core comprising access lift Secured resident access to basement car parking Courtyard area of COS, including high level landscaping
Ground Level	Residential Dwellings Services Visitor Car Parking	<ul style="list-style-type: none"> 12 residential dwellings: Comprising two (2) studios, two (2) one-bedroom, and 8 (eight) 2-bedroom dwellings Bin room to service building Circulation core comprising access lift
Level 1	Residential Dwellings Services	<ul style="list-style-type: none"> 13 residential dwellings: Comprising two (2) studios, two (2) one-bedroom, and nine (9) 2-bedroom dwellings Circulation core comprising access lift
Roof Level	Areas of Private Open Space	<ul style="list-style-type: none"> 611.3sqm of proposed private terrace areas, associated with the dwellings

3.6. Architectural Intent, Materiality and Façade Treatment

The proposed façade treatment and materials allow for the introduction of detail, texture, and colour to create an interesting design that provides streetscape activation while also providing visual privacy for residents. The proposed materiality provides a combination of a strong yet simple material palette. An extract of the proposed materials and colours is provided in Figure 7 below.



Figure 7: Schedule of Materials and Colours

3.7. Landscaping, Communal Open Space and Public Domain

A detailed Landscape Plan has been prepared by Conzept Landscape Architects and is available as Appendix C. The development proposes a comprehensive landscaping strategy which provides high quality landscaping design for the amenity of residents. The Landscape Plans provide a variety of vegetation as well as structures and pathways which allow for interaction and utilisation within the areas of communal open space (COS).

The proposed landscaping is also anticipated to provide a level visual privacy while creating an aesthetic outlook for residents from their areas of private open space (POS).

An extract of the proposed Landscape Plan is provided below in Figure 8.



Figure 8: Proposed Landscape Plan Extract

3.8. Access and Parking

The development proposes secured basement level car parking for residents. Basement car parking is proposed to be provided for each building; the following details apply to each respective building:

- Building A – 66 residential car parking spaces
- Building B – 88 residential car parking spaces
- Building C – 82 residential car parking spaces
- Building D – 41 residential car parking spaces

The basement level will be secured and only accessible with the relevant key.

Visitor car parking is proposed at grade on the private driveway, ensuring visitor and public vehicles are not entering the basement level car parking. A total of 25 visitor car parking spaces are proposed.

Access to the site is available from a private driveway which connects to the Collector Road. The Collector Road provides connection to the arterial road (Sparks Road). The private driveway has been designed to ensure Council waste vehicle and a fire truck have access and appropriate turning area.

Please refer to the Traffic Impact Assessment (TIA) prepared by The Transport Planning Partnership (TTPP) available within Appendix D.

3.9. Infrastructure and Utility Works

Essential infrastructure and utilities are available to the site as included within the subdivision consent (DA/1176/2017). The proposed development is accompanied by a comprehensive Services Plan (Appendix E).

3.10. Project “Need”

Development of the subject site is proposed in response to the growing desire for high quality housing choice in

proximity to key infrastructure and services. The site is well located within proximity to key transport nodes, including the Pacific Motorway, Pacific Highway, Warnervale Train Station, and local bus services providing future residents will ample access to transport opportunities.

Furthermore, the site is strategically located within Warnervale South Area pursuant to Part 6 Chapter 6.5 of the Wyong Development Control Plan (WDCP) applies. The objectives of the precinct include providing high quality and varied residential environment, provide attractive streetscapes, and provide opportunity for a variety of housing types.

The proposed development provides a high quality of architectural design, which presents more affordable residential housing in a location central to major transport nodes. The site is located in an area identified for future residential development which will encourage the facilitation of additional services and centres.

3.11. Capital Investment Value

The capital investment value (CIV) of the project is estimated at \$37,020,797. Refer to the Cost Estimate Report prepared by Thomas Lander and provided at Appendix F.

In accordance with Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) and Section 2.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), the DA will be assessed by Council, but determined by the Joint Regional Planning Panel.

3.12. Pre-Lodgement Consultation

3.12.1. Council

A Pre-Development Application (DA) meeting was held with Council in relation to the proposed development. The meeting was held on the 01 August 2021 during which a number of items were discussed in relation to planning, architecture, traffic, ecology, and waste management. A list of the issues discussed with Council in the Pre-DA meeting has been provided below in Table 3. All issues have been addressed throughout the preparation of this development application and are discussed throughout this statement.

Table 3: Pre-Lodgement issues raised by Council.

ITEM	COMMENT
Building Height	The proposed development presents a ceiling height of 7.2m. Addressed at Section 5.3 / Appendix A of this report.
Setbacks	The development presents a merit-based solution for the proposed front setbacks. Addressed at Section 5.3 / Appendix A of this report.
Private and Communal Open Space	The proposed development exceeds the requirements for POS and COS pursuant to the controls within the WDCP. Addressed at Section 5.3 / Appendix A of this report.
Demand for units outside of town centres on the Central Coast	The proposed development provides a different residential housing density to the other residential development within the locality, in accordance with the objectives of the zone. The site is well located within proximity to major transport nodes and provide a more affordable housing opportunity within the area. Further addressed at Section 3.10.
Size of APZ	A Bushfire Report has been prepared. Addressed at Section 6.7.1 / Appendix B.
Koala SEPP 2021	Council requested commentary to provide justification against the provisions of the Koala SEPP 2021. However, as all vegetation removal has been previously approved as part of DA/1176/2017 we sought additional advice from Council which is included as Appendix O. Guy Smith (Ecologist) advised that commentary within the SEE is satisfactory in this regard. Please refer to Section 4.4.5 of this statement.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Koala Habitat Protection) 2021

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objects of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development, and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

(j) to provide increased opportunity for community participation in environmental planning and assessment.

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposed development will provide for the social needs of the community in providing medium density housing accommodation in a well-serviced location within proximity to several transport nodes.
- The proposed development will create additional employment opportunities during the construction phase.
- The proposal will result in the orderly and economic development of the land, as the subject site is of an appropriate size, location and land use zoning to enable the development.
- Appropriate utility services are available to services the subject site (associated with the subdivision consent (DA/1176/2017).
- There are no unreasonable adverse environmental impacts anticipated as a result of the proposed development.

4.2.2. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 4: Section 4.15 of EP&A Act 1979.

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Planning agreements are not applicable to or proposed as part of this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

4.2.3. Section 4.46 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposal is not integrated development.

4.3. Environmental Planning and Assessment Regulation 2000

4.3.1. Clause 92 – Demolition

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

4.3.2. Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work "must be carried out in accordance with the requirements of the Building Code of Australia".

A BCA Report has been prepared by 360 Certification and is available in Appendix G which identifies that the proposed development is capable of complying with the relevant Australian Standards. Compliance will be ensured as the Construction Certificate stage.

4.4. State Environmental Planning Policies

4.4.1. State Environmental Planning Policy No 55 – Remediation of Land

This SEPP establishes State-wide provisions to promote the remediation of contaminated land. Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A Preliminary Site investigation, Geotechnical and Salinity Assessment report was prepared by NG Child and Associates an 88 lot residential subdivision (DA/1176/2017). The report concluded that the site is considered to be sound, and the physical inspection of the site did not indicate any environmental or contamination issues prejudicial to the residential development proposed on the subject site.

Please refer to the Preliminary Site investigation, Geotechnical and Salinity Assessment report in Appendix H for further detail.

4.4.2. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the development is provided at Appendix I.

The proposed development complies with the BAXIS Scheme. No other specific provisions of the SEPP are relevant to the proposal.

4.4.3. State Environmental Planning Policy (Infrastructure) 2007

Clause 101 relates to development with a frontage to a classified road and seeks to ensure that new development does not compromise the effective and on-going operation and function of classified roads.

The subject site has a frontage to Sparks Road which is a classified road. As such, the application will be referred to Transport for NSW (TfNSW) for comments regarding the proposed development.

Clause 104 relates to 'traffic generating development.' This clause applies as the proposed comprises 160 apartments and therefore falls within the category of '75 or more dwellings.'

Detailed consideration of the road safety and parking design of the proposal is provided within Section 6.5.1 and within the Traffic Report prepared by The Transport Planning Partnership (TPPP) in Appendix D.

4.4.4. State Environmental Planning Policy (State and Regional Development) 2011

The aim of this SEPP, relevant to this proposal, is to confer functions on Joint Regional Planning Panels to determine development applications in certain circumstances.

Part 4 of the SEPP provides that a regional panel (in this case the Hunter & Central Coast Joint Regional Planning Panel) may exercise consent authority functions, including the determination of development applications, for development identified within Schedule 7 of the SEPP. Clause 2 of Schedule 7 includes general development that has a Capital Investment Value (CIV) of more than \$30 million.

The proposed development has a CIV of \$37,020,797 as identified within the Cost Summary Report, available within Appendix F.

4.4.5. State Environmental Planning Policy (Koala Habitat Protection) 2021

The aim of the SEPP is to support a permanent free-living population over their present range and reverse the current trend of koala population decline.


The SEPP is applicable to land over 1ha where development may impact on koalas or koala habitat. In this particular case, the provisions of the Koala SEPP 2021 do not apply to the proposed development as no vegetation is proposed to be removed as part of this application.

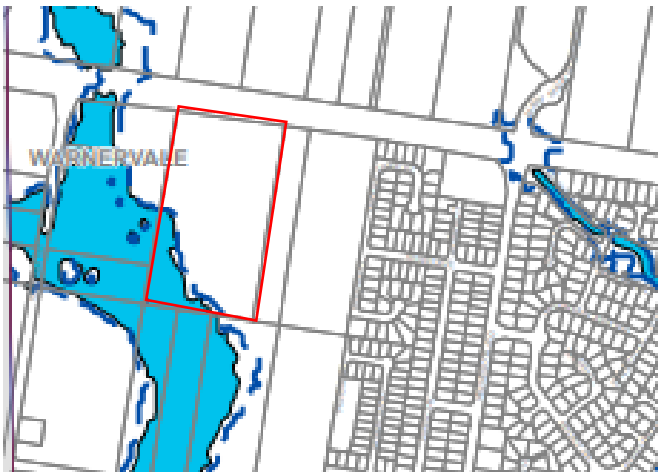
4.5. Wyong Local Environmental Plan 2013

The *Wyong Local Environmental Plan 2013* (WLEP) applies to the subject site. The provisions relevant to the proposed development are addressed in Table 5 below.

In Summary, the proposed development will comply with the provisions of the WLEP.

Table 5: Wyong LEP Compliance Table

Clause	Comment	Comply
1.2 Aims of Plan	<p>This clause outlines the aims of the Wyong LEP.</p> <p>The proposed development is consistent with the aims of the Wyong LEP. The proposed development has included a number of design features to minimise potential bulk and scale impacts.</p> <p>The proposed use is consistent with that which is already approved on site and adjacent properties, and the scale of the proposal will not result in overdevelopment of the site or lead to undesirable neighbourhood impacts.</p>	Yes
2.2 Zoning of land to which Plan applies	<p>The site is zoned R1 General Residential, R2 Low Density Residential, E3 Environmental Management, and SP2 Infrastructure (Figure 9). The proposed development is wholly located in the R1 General Residential zoning. The assessment will be based on this zone.</p>  <p>Figure 9: Land Zoning Map (Source: NSW eplanning Portal)</p>	Yes
2.3 Zone objectives and Land Use Table	<p>This clause and associated Land Use Table outlines the land use objectives and permissible development within each zone.</p> <p>The development of 'multi-dwelling housing' and 'residential flat buildings' are permissible with consent in the R1 zones.</p>	Yes
4.3 Height of Buildings	There is no maximum building height shown on the Height of Buildings LEP map.	N/A
4.4 Floor space ratio	There is no floor space ratio shown on the Floor Space Ratio LEP map.	N/A
5.10 Heritage conservation	This clause requires consideration of both European and Aboriginal Heritage.	N/A

Clause	Comment	Comply
	The subject site is not in proximity to any heritage items or heritage conservation areas. An AHIMS search was also undertaken, and the site is not in proximity to any recorded Aboriginal sites or declared Aboriginal places.	
7.1 Acid Sulphate Soils	This clause sets out provisions to ensure that development does not disturb, expose, or drain Acid Sulfate Soils and cause environmental damage. The site is not mapped to contain Acid Sulfate Soils.	Yes
7.2 Flood planning	<p>The larger site context is mapped within the Flood Planning Area (Figure 10). However, the proposed development is located on a portion of the site which is not identified as containing flood prone land. Therefore, the proposal is not considered to be impacted by flooding constraints.</p>  <p>Figure 10: Flood Map (Source: Wyong LEP)</p>	Yes
7.9 Essential services	<p>This clause requires that the consent authority must not grant development consent unless it is satisfied that the following services are available or that adequate arrangements have been made to make them available when required.</p> <ul style="list-style-type: none"> 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. <p>The proposed development is connected to essential services as demonstrated in the Service Plan (Appendix E).</p>	Yes

5. OTHER PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report comprises:

- Central Coast Local Environmental Plan
 - Draft Central Coast Development Control Plan
- Draft State Environmental Planning Policy Design and Place

5.1. Central Coast Local Environmental Plan

The *Central Coast Local Environmental Plan* (CCLEP) and Draft Central Coast Development Control Plan was adopted by Council on the 14 December 2020. The adoption of the CCLEP aims to consolidate the four (4) different planning instruments and two (2) development control plans which currently provide inconsistent planning controls throughout the LGA.

The adopted CCLEP involves the rezoning of lands deferred from the *Gosford Local Environmental Plan 2014* (GLEP) into a Standard Instrument Principle Environmental Plan zone. The site is located within the jurisdiction of the *Wyong Local Environmental Plan 2013* and will retain its current zoning with the impending gazettal of the CCLEP.

A review of the CCLEP has been undertaken and identifies that the controls applying the subject site remain largely unchanged. Consistency with the CCLEP will be comparable to that outlined within the WLEP Compliance Table (Table 5) within Section 4.5 of this statement.

5.2. Draft State Environmental Planning Policy Design and place

The *Draft State Environmental Planning Policy Design and Place* (Draft Design and Place SEPP) was exhibited by the Department of Planning, Infrastructure and Environment (DPIE) until 28 April 2021. The final Design and Place SEPP is expected to go on public exhibition for four (4) weeks in mid-November 2021 to provide additional opportunity for feedback.

DPIE has advised that Council has been instructed to confirm the Draft Design and Place SEPP package is not a mandatory matter for consideration under Section 4.15 of the EP&A Act on the basis that what is exhibited is for feedback / consultation and not definitive.

Nonetheless, it is noted that the Draft Design and Place SEPP will be relevant to all new development on urban land in NSW. The new SEPP will repeal the SEPP No. 65 – Design Quality of Residential Apartment Development (2002) and SEPP (Building Sustainability Index: BASIX) 2004 and include their content within the new Design and Place SEPP.

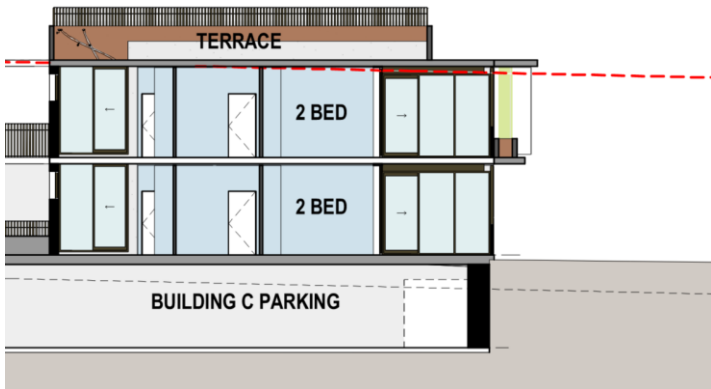
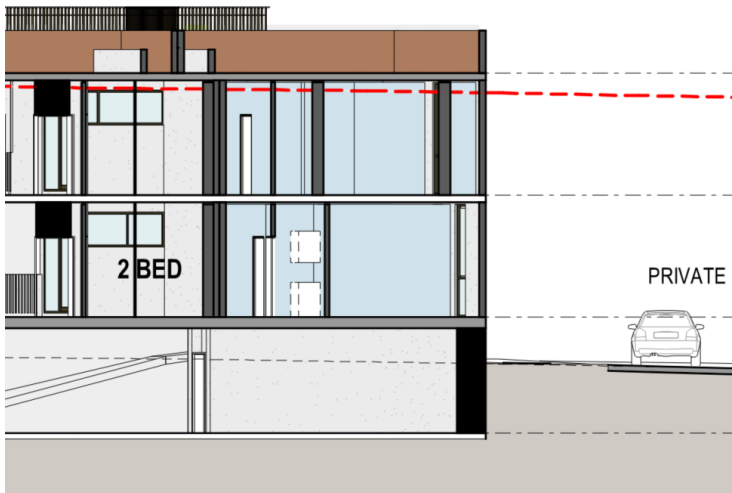
The full extent of the impacts resulting from the introduction of the Draft Design and Place SEPP is unable to be quantified as a result of the limited information available. The draft provisions are not certain, nor imminent, and therefore, no further consideration is required.

5.3. Wyong Development Control Plan 2013

Consideration of compliance and/or consistency with the relevant provisions within the WDCP 2013 is provided in the Planning Compliance Table below.

Table 6: WDCP Planning Compliance Table

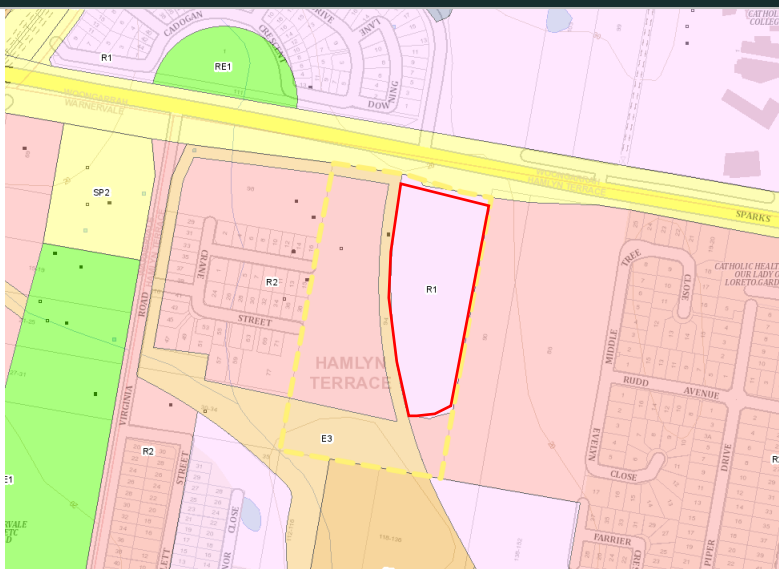
Section	Comment	Comply
Chapter 2.4 Multiple Dwelling and Residential Development		
Section 2.0 Context		
2.1.1 Site Analysis	The proposed development appropriately responds to the character and features of the site context within the immediate and surrounding locality.	Yes
2.1.2 Contextual Analysis	<p>The contextual analysis of the site within the subject locality is discussed above in Section 2.2 of this statement. The subject site is located within a growing area, located within proximity to commercial and transport services.</p> <p>The local area comprises a mix of land use forms, including low density residential, educational establishments, village shopping centres, public parks, and outdoor recreation facilities.</p> <p>The proposed development complements the intended future growth identified for the area, while providing high quality design and additional housing choice.</p>	Yes
Section 3.0 Scale		
3.1.1 Overall Building Height	The WLEP 2013 does not provide a building height for the subject allotment. This section is not application to the assessment of the proposed development.	N/A
3.1.2 Natural Ground level to Ceiling Height (Ceiling Height)	Section 3.1.2 of the WDCP requires a maximum 7m ground level to ceiling height. The proposal is generally in compliance with this control, the proposal presents a maximum natural ground level to ceiling height of 7.2m. An extract of the ceiling height is provided in Figure 11 and Figure 12 below.	Merit Based Solution

Section	Comment	Comply
	 <p><i>Figure 11: Section Plan Extract</i></p>  <p><i>Figure 12: Section Plan Extract 2</i></p> <p>The proposed development has been designed to ensure no unreasonable impact results from the proposal. Although the proposal presents a minor 0.2m non-compliance with the control the proposal achieves an appropriate bulk and scale, is not visually obtrusive, enhances residential amenity and maintains solar access in accordance with the objectives of this Section.</p>	
3.2 Site Coverage	<p>The WDCP requires a minimum 25% of the site are at ground level shall be 'soft' landscaping. The proposal presents 32.1% landscaping area in exceedance of the minimum requirement.</p> <p>Furthermore, a comprehensive landscaping strategy has been prepared by Concept Landscape Architects (Appendix C) which presents high quality design that provides amenity for future residents.</p>	Yes

Section	Comment	Comply
Section 4.0 Built Form		
4.1.1 Building Design	<p>The proposed RFB has been designed to respond the context and presents a high-quality residential design. The development proposes ground floor area of landscaping and communal open space, while providing well connected pedestrian pathways throughout the internal network of the site.</p> <p>Pedestrian access is encouraged by providing a variety of pathways that allow access to and from each building, while also providing access to each street frontage.</p> <p>Although the proposal does not trigger the requirement to address the Apartment Design Guide (ADG), the provided Solar Diagrams (Appendix A) demonstrate that approximately 90% of the proposed apartments achieve 3hr of sunlight, consistent with the provisions of the ADG.</p> <p>The closest adjoining development to the proposed RFB is across the Collector Road and will maintain solar access.</p>	Yes
4.1.2 Roof Design	<p>The development proposes roof terraces for the units on the second first floor. The roof terraces will provide the residents the opportunity to enjoy sunlight and outdoor entertaining above what is generally expected of higher density living.</p> <p>The design of the roof terraces has been considered to provide greater amenity of residents, with consideration of the contextual understanding of the locality, generally with larger backyards and areas of open space.</p> <p>The closest neighbour is across the Collector Road over 30m away from the nearest point. The roof terraces have been designed to ensure residents will not overlook any areas of principle private open space (POS) or communal open space (COS).</p>	Yes
4.2. Cut and Fill 4.2.2 Development to Two Storeys in Height	<p>Basement carparking is proposed for residential car parking. To facilitate the basement carparking, earthworks to a maximum depth of approximately 3.9m is proposed.</p> <p>The earthworks are generally setback from the relevant boundaries, at varying distances between approximately 0.72m and 6.05m.</p> <p>The proposal presents a minor variation to the controls within Section 4.2 of the WDCP. Nonetheless, the design provides basement level car parking to accommodate the needs of the future residents. The design is considered to be appropriate for the site conditions and does not reduce the amenity of adjoining properties.</p> <p>The proposal is considered to meet the objectives of the standard and provides a high-quality design.</p>	Yes: Merit-based Solution

Section	Comment	Comply									
4.3.2 Setbacks - Multi Dwelling Housing - No Greater than 2 Storeys in Height	<p>The proposed setbacks for the RFB not greater than 2-storeys in height are provided in Table 7 below.</p> <p><i>Table 7: Setbacks</i></p> <table border="1"> <thead> <tr> <th>Aspect</th><th>DCP Control</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>Front – Sparks Road</td><td>‘Category A’ roads: 7.5m</td><td>7.5m compliant</td></tr> <tr> <td>Front – Collector Road</td><td>‘Category b’ roads: 6.0m</td><td>Varies between 5.5m and 6.1m</td></tr> </tbody> </table> <p>The proposed development presents a minor non-compliance in the front setback to the Collector Road. The proposed setback varies between 5.5m and 6.1m. The variation is considered minor as the encroachment is negligible and will not threaten privacy and solar access or adjacent development and maintains the intended streetscape character.</p> <p>The proposal is considered to comply with the objectives of Section 4.3 of the WDCP in this particular case.</p>	Aspect	DCP Control	Proposed	Front – Sparks Road	‘Category A’ roads: 7.5m	7.5m compliant	Front – Collector Road	‘Category b’ roads: 6.0m	Varies between 5.5m and 6.1m	Yes: Merit-based Solution
Aspect	DCP Control	Proposed									
Front – Sparks Road	‘Category A’ roads: 7.5m	7.5m compliant									
Front – Collector Road	‘Category b’ roads: 6.0m	Varies between 5.5m and 6.1m									
4.4.2 Resident Parking	<p>A total of 183 car parking spaces are required in accordance with the controls of the WDCP. The proposed development intends to provide 277 residential car parking spaces exceeding the requirements of the WDCP.</p> <p>Additional residential car parking is proposed due to the individual context of the proposed development. Although the site is well located within proximity to the Warnervale Train Station and a major bus stop, it is expected that the future residents will utilise private vehicle transportation, with consideration of the proximity to the Pacific Highway.</p> <p>Two (2) car parking spaces are provided per unit, located within a private and secured basement. This is proposed to ensure the development will function more safely, and visitors will not be competing with residents for access into the basement level car parking.</p> <p>Furthermore, the basement level does not take up any additional building footprint. The proposal overall provides a landscaping and deep soil percentage in exceedance to the required 25%. The proposed additional car parking does not reduce the amount of deep soil landscaping proposed nor reduce amenity for residents. It is considered it will make the development function more effectively.</p> <p>It is specifically noted that the surrounding land uses consist of low density residential which provides double garage car parking and on street parking for visitors. The proposal provides a development consistent with the surrounding land uses.</p>	Yes: Merit Based Solutions									

Section	Comment	Comply
4.4.3 Visitor Parking	<p>Visitor parking is required at a rate of 1 space per 5 units, equalling 32 visitor spaces. The proposed development provides 25 visitor spaces, presenting a minor non-compliance with the controls of the WDCP.</p> <p>The minor variation is considered acceptable in this particular case given the site's proximity to major transport nodes. The application is supported by a Traffic Impact Assessment (TIA) which is available within Appendix D.</p> <p>All visitor spaces are proposed along the private driveway at ground level. The proposal presents an all-residential development and has been designed to function similar to other nearby residential uses with secure basement parking for the residents and visitor parking at grade along the private driveway.</p>	Yes: Merit Based Solution
4.4.4 Bicycle Facilities	The provisions of the WDCP require one (1) bicycle space per three (3) dwellings, totalling 53 spaces. The proposal complies with the requirements of the WDCP and provides 54 bicycle spaces.	Yes
4.6 Pedestrian Access Design	<p>Pedestrian pathways are proposed throughout the development to connect residents to street frontages and areas, services, and areas of Communal Open Space (COS) as well as Sparks Road.</p> <p>An Access Report has been prepared by Morris Goding Access Consulting (Appendix J). The report identifies that proposed development is capable of achieving compliance with the relevant Australian Standards which will be ensured at the Construction Certificate stage.</p>	Yes
Section 5.0 Density		
5.1 Floor Space Ratios	The WDCP prescribes a FSR of 0.60:1. The site is permitted a GFA of 11,802sqm. The site area for the purpose of this calculation includes the area outlined (in red) in Figure 13 below which equates to 1971.1sqm.	Yes

Section	Comment	Comply
	 <p><i>Figure 13: Calculating FSR</i></p> <p>The built form proposes a GFA of 11,330.1sqm which equals an FSR of 0.48:1, complying with the provisions of the WDCP.</p>	
Section 6.0 Amenity		
6.1.4 Residential Flat Buildings (Private Open Space)	<p>The proposed development presents ample area of Private Open Space (POS) for the proposed dwellings.</p> <p>The WDCP requires a minimum area of 10sqm with a minimum width of 2m directly accessible for the living room area. The proposed development provides POS ranging from 18.9sqm for a studio up to 123.7sqm for a 3-bedroom, well in exceedance of the WDCP control.</p> <p>The development provides a high level of amenity and private usable area of residents, demonstrating a considerate design in accordance with the low-density residential character of the locality.</p>	Yes
6.2 Communal Open Space	<p>The WDCP requires communal open space in two locations at a minimum rate of 10sqm per dwelling with a minimum width of 5m, equalling a requirement of 1,600sqm.</p> <p>The proposal presents 1,813.8sqm of COS, compliant with the provisions of the WDCP. A Communal Open Space Plan has been provided within the Architectural Package (Appendix A), please refer to the plan for further details.</p>	Yes
6.3.2 Multi Dwelling Housing (Solar Access)	<p>The WDCP requires at least 70% of required COS and POS receive three (3) hours of sunlight between 9am and 3pm on the 21 June, and that a maximum of 10% of dwelling have a southerly aspect.</p>	Yes

Section	Comment	Comply
	<p>No less than 90% of the proposed dwellings will achieve at least three (3) hours of sunlight between 9am and 3pm on the 21 June and less than 10% of the proposed dwellings have a southerly aspect.</p> <p>The proposal provides full compliance with this section of the WDCP.</p>	
6.4.1 Visual Privacy	<p>The proposed development resides wholly within a large allotment which is separated from other residential development by a collector road, and landscaping. The proposed development has been sited, designed, and located to ensure no overlooking of adjacent residential properties which are located a minimum of approximately 30m across the Collector Road.</p> <p>The development presents a minimum separation distance between habitable areas of approximately 12.24m, complying with the WDCP.</p>	Yes
6.4.2 Acoustic Privacy	<p>An Acoustic Impact Assessment has been prepared by RAPT Consulting and is available within Appendix P.</p> <p>The report concludes that the proposed development and design is expected to comply with all noise goals.</p> <p>Please refer to the Acoustic Impact Assessment (Appendix P) for further information.</p>	Yes
Section 7.0 Services		
7.1 Services	<p>A Servicing Plan has been prepared by Bathla Group and is available as Appendix E. The plan identifies that the proposed development will be connected to the appropriate services in accordance with the controls of the WDCP.</p> <p>Please refer to the Servicing Plan for further detail.</p>	Yes
7.2 Civil Works & 8.0 Stormwater Management	<p>A Civil Engineering Plan has been prepared by Stantec and are available within Appendix K.</p> <p>The plans detail the site layout of kerb and guttering, street drainage, pedestrian pathway configuration, stormwater, and sewer connectivity.</p> <p>Please refer to Appendix K for further detail.</p>	Yes
Section 9.0 Landscape		
9.1.2 Deep Soil Zones	<p>A comprehensive landscaping strategy has been prepared by Conzept Landscape Architecture and is available within Appendix C. The WDCP requires a minimum 50% of the 25% required 'soft landscaping' to be provided as deep soil zones.</p> <p>The proposed development provides 32.1% of the site as landscaped area and 87% of the total landscaped area as deep soil zones, far in exceedance of the required landscaping requirements.</p>	Yes
9.1.4 Street Trees	<p>The DCP requires street tree plantings at a rate of at least two (2) trees per 15m of the frontage. The Landscape Plan (Appendix C) includes street trees in accordance with Council's requirements.</p>	Yes

Section	Comment	Comply
	Please refer to the Landscape Plan for further detail.	
Section 10.0 Sustainability		
10.1 Waste Management & 10.1.3 Ongoing Management	<p>A comprehensive Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot and is available within Appendix L.</p> <p>The report identifies that the waste for each building will be provided within a communal waste room on the ground level of each separate building. The waste rooms will contain 1100L bin for general waste and recycling and 140L bin for green waste. The residents will be responsible for transferring their own waste to the communal waste rooms.</p> <p>A total of four (4) waste rooms are proposed and have been designed to be serviceable by Council's waste vehicle.</p>	Yes
Section 11.0 Safety and Security		
11.1 Crime Prevention	CPTED designs principles have been incorporated into the design of the proposed development. A comprehensive CPTED Report has been prepared by GYDE Consulting to support this application and is available as Appendix M.	Yes
Section 12.0 Social Dimensions		
12.1 Housing Choice	<p>The proposal provides a mix of individual living units includes Studio,1-, 2- and 3-bedroom apartments.</p> <p>Please refer to the Architectural Package (Appendix A) for further detail.</p>	Yes
Chapter 2.11 Parking and Access		
Section 2.0 Applications		
2.3 Traffic Impact Study	<p>A Traffic Impact Assessment (TIA) has been prepared by The Transport Planning Partnership (TPPP) and is available within Appendix D.</p> <p>In summary, the traffic and parking aspects of the proposed development is considered to be satisfactory. Please refer to Appendix D for further information.</p>	Yes
3.0 Development Provisions - Parking Requirements		
3.3 Dimensions of Parking Spaces	<p>In accordance with AS 2890.1 and 2890.6 the proposed car parking spaces have a minimum length of 5.4m, a minimum width of 2.4m and a minimum aisle width of 5.8m.</p> <p>Please refer to the TIA (Appendix D) for additional information.</p>	Yes
4.0 Development Provisions - Access Design		
4.3 Access Design	The Traffic Impact Assessment (TIA) (Appendix D) details the proposed site access arrangements.	Yes

Section	Comment	Comply
	<p>In summary, access is proposed from Sparks Road to the proposed collector road, and then to the private driveway. The TIA demonstrates that the driveway access has been designed in accordance with AS 2890.1.</p> <p>Please refer to the TIA (Appendix D) for additional information.</p>	
4.4 Manoeuvring	The TIA demonstrates that vehicles can enter and exit the site in a forward direction, and all turning areas have been designed in accordance with AS 2890.	Yes
4.5 Parking in Building Setbacks	As identified on the Ground Floor Plan, the proposed car parking arrangements are not located within the front setback of the property. The proposal is considered to comply with the requirements of Section 4.5 of the DCP.	Yes
4.7 Materials	The surfaces are to be either concrete or sealed in accordance with Council's Civil Works - Design Guideline and Construction Specifications.	Yes
4.8 Signage and Pavement Marking	The DCP identifies for larger development generally exceeding 20 parking spaces, signage and pavement marking plans are to be submitted for consideration by the Local Traffic Committee. The application will be referred to the Local Traffic Committee as required.	Yes
4.9 Pedestrian Facilities	<p>Pedestrian footpaths have been provided throughout the development that create well-defined links between buildings. The location of the pedestrian footpaths is demonstrated on the Ground Floor Plan available within Appendix A.</p> <p>The pedestrian linkages have been designed to provide connections between the four (4) building, areas of communal open space (COS) and the road frontages to both the Collector Road and Sparks Road. An Access Report (Appendix J) has been prepared which identifies that the design is capable of complying with the relevant Australian Standards which will be ensured at the Construction Certificate stage.</p>	Yes
Chapter 3.1 Site Waste Management		
Section 2.0 Waste Management controls		
2.2 Waste Control Guideline	<p>A Waste Management Plan has been prepared in accordance with Council's Waste Control Guidelines.</p> <p>Please refer to the OWMP (Appendix L) for additional information.</p>	Yes
Chapter 6.5 Warnervale South		
3.3 Residential Development – General Residential (Zone R1)	<p>The WDCP identifies that the zone should provide a diverse range of housing that provide relatively higher densities of residential development.</p> <p>The proposed development provides a type of housing which has been designed to present consistency with the low-density character of the area while also providing additional housing choice and density.</p>	Yes

Section	Comment	Comply
	<p>The site is well located within proximity to major transport nodes and provides large areas of private open space, communal open space, and landscaping to ensure residents receive great amenity.</p> <p>The proposal is considered to be consistent with the objectives of this Section.</p>	

The Table of Compliance demonstrates the proposed development demonstrates full compliance with the objectives of the WDCP 2013 or complies with intent.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

6.2. Context and Setting

The context and setting of the development site is described in Section 2.4 of this Statement.

The proposal is compatible within the context and built form of the character of the existing subdivision and future intended character of the Warnervale South area and presents a development form consistent with the intention of R1 General Residential Zone. The proposed development provides high quality residential development well located in relation to major transport nodes and future growth areas.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

1. Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposed development presents minor to nil impacts on surrounding development and land uses and is therefore considered acceptable with consideration of question 1. The proposal does not result in any unreasonable amenity impacts, with adjoining development maintaining solar access, visual privacy, and acoustic privacy.

2. Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

The objectives of the R1 General Residential zone are to provide for the housing needs of the community, provide for a variety of housing types and densities, to enable other land uses, to promote walkability and to ensure development is compatible with the scale and character of the local area. The proposed development is consistent with objectives of the zone, particularly providing a variety of housing types and densities within an established residential subdivision.

The proposal has been designed to ensure the form represents development within the vicinity of the proposal, being one (1) to two (2) storey dwelling houses. The comprehensive landscaping strategy presents a high level of amenity along all road frontages as well as internally to presents amenity for residents.

6.3. Built Environment

6.3.1. Height, Bulk and Scale

The proposed height, bulk, and scale has been designed to maintain consistency with the applicable planning controls, being the Wyong Development Control Plan (WDGP), which requires a maximum natural ground level to ceiling height of 7.2m. The proposed built form presents a two (2) storey height which is consistent with the scale of other residential development within the locality.

The scale of the development presents variety within the locality which is consistent with the objectives of the R1 General Residential zone.

6.3.2. Solar Access

Shadow Diagrams have been prepared to demonstrate solar access. The proposed development achieves adequate solar access, approximately 90% of the proposed development achieves at least three (3) hours of sunlight between 9am and 3pm on the 21 June.

Please refer to the Solar Diagrams available within Appendix A for further details.

6.3.3. Building and Construction

Compliance with the BCA will be demonstrated with the Construction Certificate documentation.

A comprehensive BCA Report has been prepared by 360 Certification and is available as Appendix G. The report identifies that the proposed development is capable of complying with the relevant Australian Standards.

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

Furthermore, a Structural Design Report has been prepared by ACOR Consultants and is available within Appendix N. The report identifies the initial structural analysis of the architectural layout. Compliance with the relevant Australian Standard will be ensured at the Construction Certificate stage.

6.4. Natural Environment

6.4.1. Flora, Fauna and Trees

All vegetation on the subject allotment is proposed to be removed as part of the larger subdivision works. As such, no threatened species of flora and fauna or significant ecological communities will inhabit the subject site. The existing physical condition of the site does not present any ecological attributes. Furthermore, the provisions of the *State Environmental Planning Policy (Koala Habitat Protection) 2012* do not apply to the site as no vegetation is proposed to be removed as part of this application.

The proposed development is supported by a comprehensive landscaping strategy. The Landscape Plans have been prepared by Conzept Landscape Architecture and are available as Appendix C. an extract of the proposed landscaping is provided in Figure 14 below.



Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

An Acoustic Assessment Report has been prepared by RAPT Consulting and is available as Appendix P. The assessment determines that the proposed development is expected to comply with all noise goals.

Please refer to the Acoustic Assessment Report for further evaluation of the acoustic assessment.

6.5.1. Transport, Parking, and Traffic

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Furthermore, a Traffic Impact Assessment (TIA) has been prepared by TTPP and is available as Appendix D. The TIA has assessed the anticipated traffic generation as a result of the proposed development. In summary, it is anticipated that the proposed development will increase traffic by 57 additional trips in the AM peak and 21 additional trips in the PM peak. This equates to one additional vehicle movement every one to three minutes, which is considered negligible.

Vehicular access to the proposed development is available from the Collector Road which provides access to an arterial road (Sparks Road). The development proposes a private driveway off the Collector Road which will provide resident and visitor access to the proposed development. The private driveway has been designed to accommodate private vehicles, Council's waste vehicle, and a fire truck.

The proposal presents basement level car parking for residents, including 277 secured spaces within a locked basement. Visitor car parking is proposed along a portion of the private driveway at ground level.

6.5.2. Servicing / Waste

A comprehensive Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot and is available within Appendix L.

The report identifies that each building will be provided within a communal waste room on the ground level. Each of the four (4) waste rooms will contain 1100L bin for general waste and recycling and 140L bin for green waste. The residents will be responsible for transferring their own waste to the communal waste room.

Please refer to the OWMP (Appendix L) for additional information.

6.5.3. Accessibility

An Access Report has been prepared by Morris Goding Access Consulting and is available within Appendix J. The Access Report identifies that the proposed development is capable with complying with the relevant Australian Standards which will be ensured at the Construction Certificate stage.

It is accepted that relevant conditions ensuring compliance will be placed on any consent issued for the proposed development.

6.6. Social and Economic Effects

6.6.1. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

A formal Crime Prevention through Environmental Design (CPTED) Report has been prepared by GYDE Consulting and is available in Appendix M. In summary, the proposed development has been designed with strict consideration of the CPTED principles to ensure the risk of crime is substantially reduced.

6.7. Site Suitability

6.7.1. Bushfire

The site is classified as Bushfire Prone Land. A Bushfire Assessment Report has been prepared by Roger Fenwick and is available in Appendix B.

The Bushfire Assessment Report identifies that the site shall be managed as an 'Inner Protection Area' as outlined in Appendix 4 of PBP and the RFS document '*Standards for Asset Protection Zones*,' and all new construction shall comply with Section 3 and 7 of AS 3959-2018, as modified by the provisions of PBP 7.5.2 and shall meet the construction requirements of BAL-29.

Please refer to the Bushfire Assessment Report (Appendix B) for further information.

6.7.2. Public interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is "Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional housing supply and density opportunity within a well serviced area outweigh any disadvantage and as such the proposed development will have an overall public benefit.

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7. CONCLUSION

This DA seeks approval for a two (2) storey Residential Flat Building (RFB) at 94 Sparks Road, Hamlyn Terrace.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality, to provide additional housing choice and density within the area.

In summary, the proposal is considered to:

- Be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- Provide a built form consistent with and appropriate to the desired future character of the site.
- Provide quality of amenity for residential uses.
- Have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.