

**COUNCIL ASSESSMENT REPORT**  
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>PANEL REFERENCE &amp; DA NUMBER</b>                          | PPSHCC-363 – DA/2371/2023                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>PROPOSAL</b>                                                 | Demolition of 2 dwellings, tree and vegetation removal. Construction of 16 x 2 bedroom and 4 x 3 bedroom affordable and social multi-dwelling affordable houses, 12 car spaces, waste room (21 bins), 70m <sup>2</sup> communal open space.                                                                                                                                                                                                                                            |
| <b>ADDRESS</b>                                                  | Lot 1 in DP 1230068<br>12 – 14 Jennings Road, Wyong                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>APPLICANT</b>                                                | Hume Community Housing Association Company Limited                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>OWNER</b>                                                    | Hume Community Housing Company Association Limited                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>DA LODGEMENT DATE</b>                                        | 10 January 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>APPLICATION TYPE</b>                                         | Integrated Development (NSW Rural Fire Services)                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b>                          | Section 2.19 (1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the development is affordable and social housing with a capital investment value of more than \$5 million.                                                                                                                                                                                               |
| <b>CIV</b>                                                      | \$8,790,000 (excluding GST)                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>CLAUSE 4.6 REQUESTS</b>                                      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>KEY SEPP/LEP</b>                                             | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (SEPP Housing) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• Central Coast Local Environmental Plan 2022</li> </ul> |
| <b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b> | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| <b>DOCUMENTS<br/>SUBMITTED FOR<br/>CONSIDERATION</b>         | <p>Attachment A: D17086587 Draft conditions/reasons</p> <p>Attachment B: D17087927 Attachment B - Central Coast Development Control Plan 2022</p> <p>Attachment C: D16922863 Appendix A - HA Funding Announcement</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                              | <p>Attachment D: D17040653 Hume Response to Panel</p> <p>Attachment E: D17040646 Accessibility Statement</p> <p>Attachment F: D17040635 Hume Lettings Strategy</p> <p>Attachment G: D17040626 Crime Prevention through Environmental Design (CEPTED) Security Plans</p> <p>Attachment H: D17040617 Social Impact Assessment</p> <p>Attachment I: D17040607 Civil Engineering Plan - G - Hydraulic Plans</p> <p>Attachment J: D17040604 Statement of environmental effects SEE Addendum 2</p> <p>Attachment K: D17040599 Architectural Plans - C4 - Overview of Design Amendments</p> <p>Attachment L: D17040597 Civil Engineering Plan - H</p> <p>Attachment M: D17040596 Solar and Daylight Access Report - C2 - Solar Access and Shadow Diagrams</p> <p>Attachment N: D17040594 Landscape Plans - C3</p> <p>Attachment O: D17040592 Architectural Plans - C1- Amended Architectural Plans</p> <p>Attachment P: D16922806 Design Verification Statement</p> <p>Attachment Q: D16765046 Traffic Impact Assessment</p> <p>Attachment R: D16765036 Waste Management Plan</p> <p>Attachment S: Contamination and/or remediation action plan</p> <p>Attachment T: D16587252 Flood risk management report</p> <p>Attachment U: D15984352 Noise Impact Assessment</p> <p>Attachment V: D15984348 Bushfire Assessment</p> <p>Attachment W: D15984280 Operational Management Plan</p> <p>Attachment X: D15984278 NatHERS</p> <p>Attachment Y: D15984358 Cost Estimate</p> <p>Attachment Z: Construction - Waste Management Plans</p> <p>Attachment AA: D16106743 Central Coast Council Letter to Hume, dated 14 March 2024</p> <p>Attachment BB: D17085363 Flood risk management report - Updated Flood Advice</p> <p>Attachment CC: D17086150 Dan Lincoln Project Proposal Letter</p> <p>Attachment DD: NSW Rural Fire Service Approval Letter</p> <p>Attachment EE: D15984305 Geotechnical Investigation</p> <p>Attachment FF: D15984414 Statement Environmental Effects</p> <p>Attachment GG: D16587252 Flood risk management report</p> |
| <b>SPECIAL<br/>INFRASTRUCTURE<br/>CONTRIBUTIONS (\$7.24)</b> | <p>Affordable Housing is Exempt from the Housing Productivity Contribution</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|--------------------------------------|-------------------------------------------------------------------------------|
| <b>RECOMMENDATION</b>                | Approval, subject to recommended amendments and conditions                    |
| <b>DRAFT CONDITIONS TO APPLICANT</b> | N/A                                                                           |
| <b>SCHEDULED MEETING DATE</b>        | 7 October 2025                                                                |
| <b>PLAN VERSION</b>                  | Attachment O: D17040592 Architectural Plans - C1- Amended Architectural Plans |
| <b>PREPARED BY</b>                   | Emma Brown – Senior Development Planner                                       |
| <b>DATE OF REPORT</b>                | 30 September 2025                                                             |

## EXECUTIVE SUMMARY

The development application (DA/2371/2023) seeks consent pursuant to State Environmental Planning Policy (Housing) 2021 for the demolition of 2 x dwellings, tree and vegetation removal and the construction of an affordable housing development comprising 20 x two storey (2 and 3 bedroom) multi dwelling houses split across 6 building blocks, waste room (21 bins), 12 car spaces and 70m<sup>2</sup> communal open space.

Hume Community Housing has applied to the Housing Australia Future Fund Facility and National Housing Accord Facility for funding under the Housing Australia Future Fund Facility (HAFFF) and the National Housing Accord Facility (NHAF).

The social housing dwellings will be kept as social housing in perpetuity and managed by Hume Community Housing on behalf of the NSW government with the Certificate of Title notated accordingly.

The affordable housing is intended to be managed by Hume for a minimum of 25 years from the date of practical completion as required by Housing Australia. A statement provided by Hume Community Housing that sets out the funding arrangements stating that there is no intention to convert the proposed dwellings to conventional rental market housing.

The site at 12–14 Jennings Road, Wyong (Lot 1 in DP 1230068) is an “L”-shaped parcel with a combined area of 3,160m<sup>2</sup>, approximately 41 metres wide and ranging from 62 to 95 metres in length. Vehicular access is available via multiple crossovers on Jennings Road. The site slopes from rear to street frontage and is partly affected by bushfire risk, Class 5 Acid Sulphate Soils, and is identified as being subject to flooding in a Probable Maximum Flood event.

The site is within walking distance of Wyong Town Centre and Wyong Railway Station, zoned R3 Medium Density Residential, and surrounded by detached dwellings and townhouses. Jennings Road terminates at Wyong High School, contributing to peak-hour traffic volumes.

The proposal was notified between 25 January 2024 and 16 February 2024 in accordance with the Central Coast Council’s requirements. No submissions were received.

A ‘kick off’ briefing to the Hunter and Central Coast Regional Planning Panel (the Panel) took place on 22 July 2025.

On 25 August 2025, an amended scheme was submitted making improvements to private open space, solar access and accessibility. Amendments include a reduced front setback (4.5 metres), rear access pathways to dwelling No.s 1-6 removed, and reconfiguration of levels to provide step free access to dwelling No.s 8, 9, 12, 13, 17, 18 rather than stairs. 70% of dwellings achieve 3 hours solar access between 11am and 3pm. The amended scheme was not re-notified as considered to have less impact.

Open space is generally underprovided within the development with only 7 out of 20 dwellings including a minimum of 45m<sup>2</sup> private open space (POS) at rear ground level attached to principle living areas. The proposal provides 70m<sup>2</sup> of communal open space comprising 40m<sup>2</sup> soft landscaping and ground cover acting as a gathering space with play mound and bench seating, and 30m<sup>2</sup> landscaped area with tree planting. The relevant development control plan requires a minimum of 200m<sup>2</sup> Communal Open Space and the development is considered to undersupply opportunities within the site.

An Operational Management Plan (**Attachment W**) provides information relating to the management structure of Hume Community Housing, site maintenance, lighting, noise management, waste management, emergency and complaint management procedures, and provision for the periodical review of the Operational Management Plan.

As part of the additional information package a revised Social Impact Assessment was provided which identifies security improvements including a lighting plan and provision for Closed-Circuit Television. The Social Impact Assessment concludes that the local services are sufficient to support the expected future residents anticipated to be primarily families.

To address potential flood impacts, a shelter-in-place strategy is proposed, with evacuation measures available if critically required. According to the Shelter in Place Guideline for Flash Flooding by the Department of Planning, Housing and Infrastructure (DPHI), the site is not subject to flash flooding. Therefore, the appropriate emergency management strategy is off-site evacuation. The site is only marginally affected by the PMF event, with all dwellings located above the PMF level, and flood-free access maintained up to and including the 0.5% AEP (1-in-200-year) event. Inundation of the site frontage occurs only after approximately 18 hours, allowing sufficient time for safe evacuation.

Vehicles access and on-site manoeuvring are constrained. It will be difficult for service or delivery vehicles to enter the site and park. Large removalist trucks will not be able to access the site and a number of dwellings will require furniture to be manoeuvred up stairways into the dwellings.

The Hunter and Central Coast Regional Planning Panel is the consent authority for determination pursuant to Section 2.19(1) and Clause 5 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* that declares the proposal regionally significant development as the development is affordable housing with a capital investment value of more than \$5 million.

The development has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and although deficient in terms of open space provision it is considered that the provision of social and affordable housing despite the failings of the design is in keeping with the public interest. is considered satisfactory. Accordingly, it is recommended that the application be approved subject to amendments and the draft conditions/reasons contained in Attachment A.

## 1. THE SITE AND LOCALITY

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### 1.1 The Site

The site comprises allotments at 12–14 Jennings Road, Wyong, legally described as Lot 1 in DP 1230068. It is located on the northern side of Jennings Road, approximately 100 metres west of Hope Street, and is within walking distance of Wyong Town Centre and Wyong Railway Station.

The site is “L”-shaped with a combined area of 3,160m<sup>2</sup>, approximately 41 metres wide, and ranging from 62 to 95 metres in length. It contains two dwellings—a fibro/weatherboard residence at the front and a newer brick dwelling at the rear. The site slopes upwards from Jennings Road at a grade of 1:10 (10%), with an overall level difference of approximately 7 metres.

The site has frontage and vehicular access to Jennings Road via multiple crossovers. The site has existing connections to essential services, including water, sewer, electricity, stormwater drainage, waste collection, and vehicular access. The site is not constrained by any easements or covenants. The site is partly bushfire affected, marginally impacted by probable maximum flood (PMF) levels, and affected by Class 5 Acid Sulphate Soils. It maintains flood-free access up to the 0.5% AEP (1-in-200-year) event. The site is not located within a heritage conservation area, nor is it near any items of European or Aboriginal cultural significance.

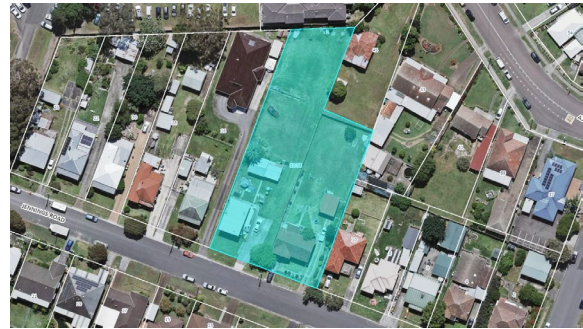
To the north are multi-dwelling developments at 45 and 47 Alison Road, comprising 4 and 8 two-storey dwellings respectively. To the east, 10 Jennings Road (607m<sup>2</sup>) contains a split-level brick dwelling. To the west, 16 Jennings Road (1,752m<sup>2</sup>) accommodates a detached dual occupancy. Jennings Road terminates at Wyong High School, which contributes to traffic volumes during school start and finish times.

Under the *Central Coast Local Environmental Plan 2022* (CCLEP 2022) the site is zoned R3 Medium Density Residential, has a maximum height of building standard of 12m and a maximum floor space ratio standard of 0.9:1.

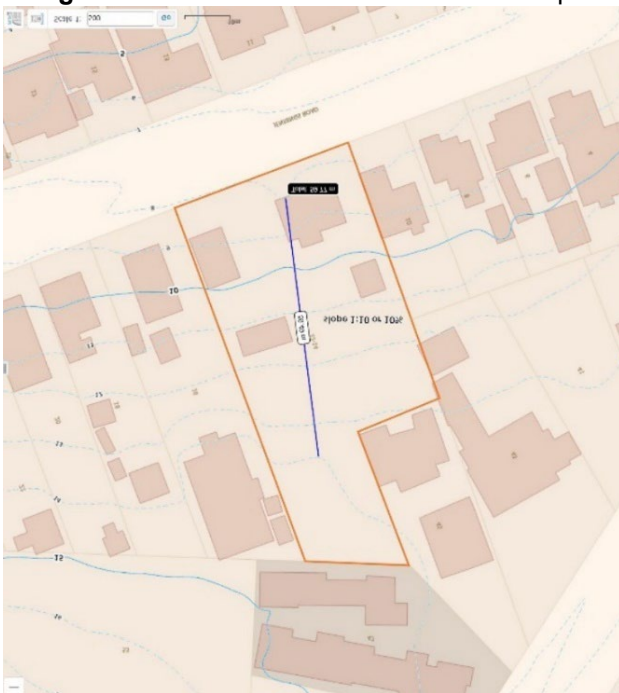
The site is not located within the Wyong Local Centre High of Building area under the CCLEP 2022 but is located with a Floor Space Ratio bonus area. Accordingly pursuant to Clause 4.4B of CCLEP 2022, the site may exceed the 0.9:1 FSR permitted by 15% (0.135) allowing an FSR of up to 1.035:1.



**Figure 1:** Aerial of site identified with a blue pin



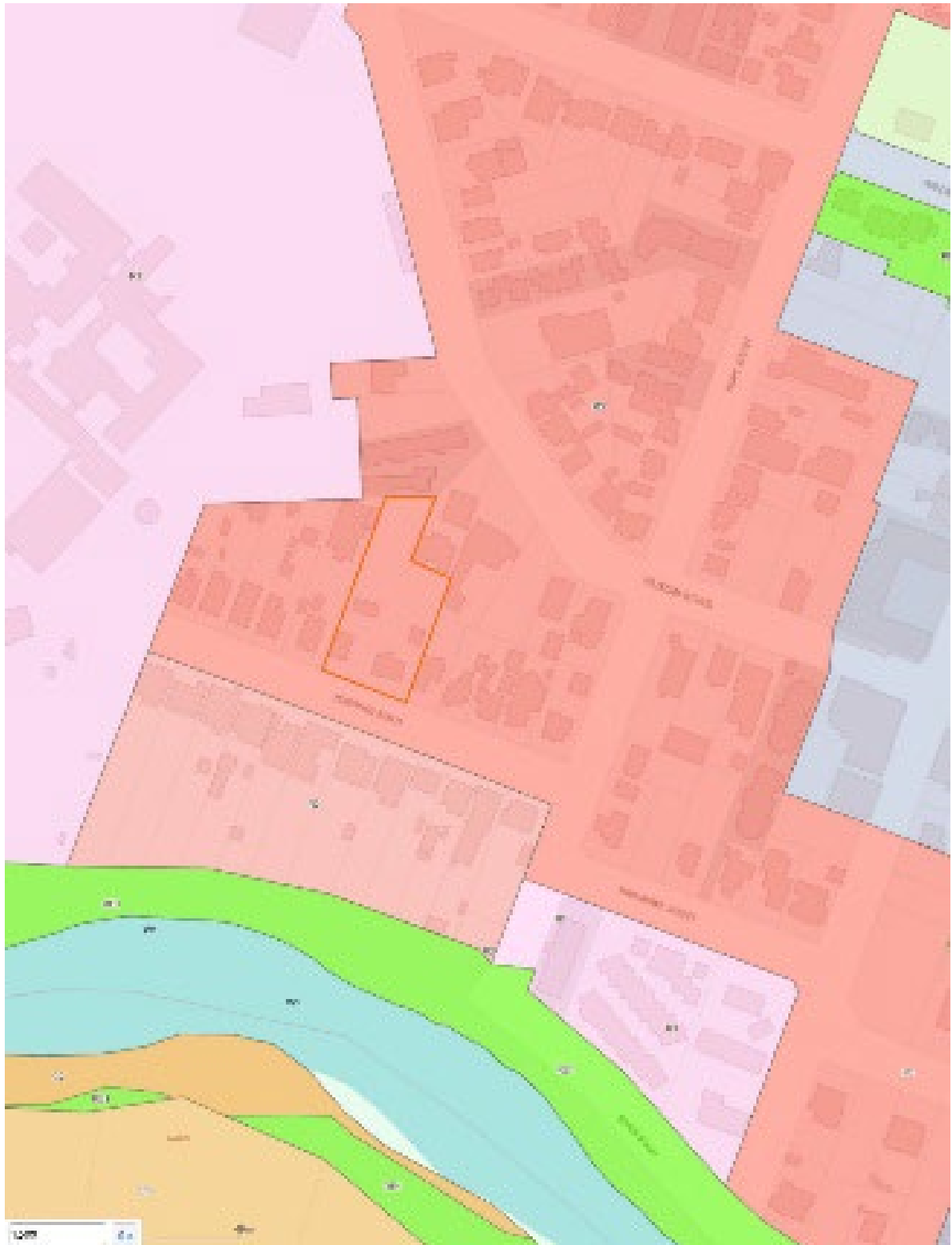
**Figure 2:** Aerial of site



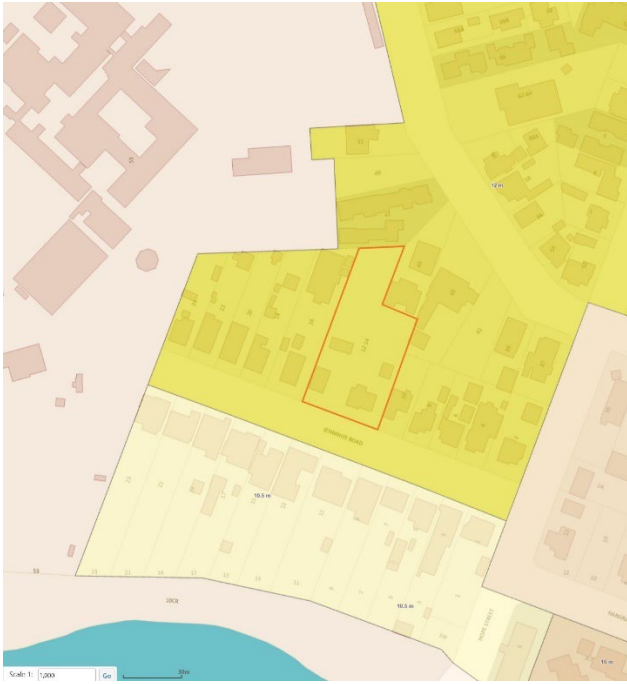
**Figure 3:** Aerial of site with 1 metre contours and subject site outlined in orange



**Figure 4:** Geoview image showing approximate dimensions with the site outlined in orange



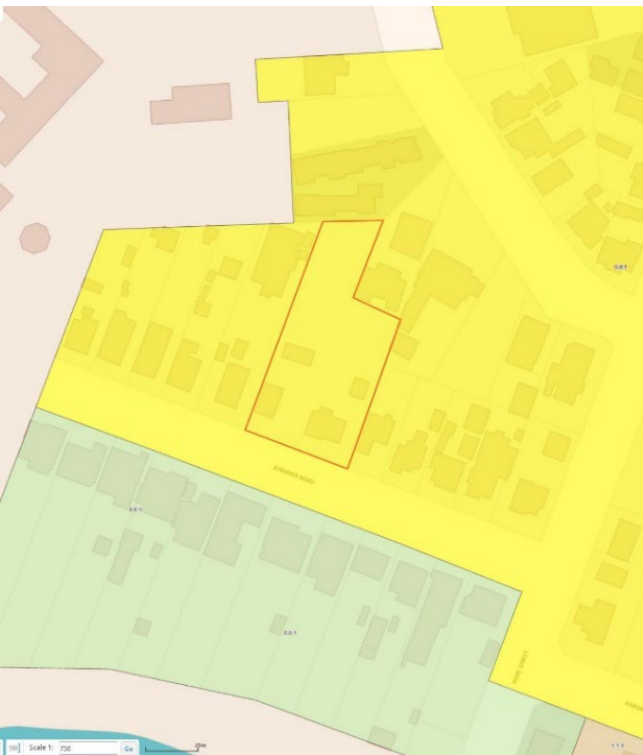
**Figure 5:** Zoning Map



**Figure 6: Building Height Map 12M**



**Figure 7: Wyong Local Centre Map – Exceptions to height**



**Figure 8: FSR Map 0.9:1**



**Figure 9: Exceptions to FSR**

## Site Inspection

A site inspection was carried out 31 April 2025.

The subject site can be seen in the photos below:



**Photograph 1:** View of the site from Jennings Road



**Photograph 2:** View of the site



**Photograph 3:** View of the site, access driveway and neighbouring development



**Photograph 4:** View neighbouring development



**Photograph 5:** View neighbouring development



**Photograph 6:** View neighbouring development



**Photograph 7:** View of neighbouring development



**Photograph 8:** View of development on the southern side of Jennings Road



**Photograph 9:** View of Jennings Road towards school entry



**Photograph 10:** View of Jennings Road



**Photograph 11:** View of Jennings Road streetscape

## 1.2 The Locality

The proposal is located within the Central Coast Local Government Area (LGA) within the suburb of Wyong.

The site is surrounded by predominately single storey low density residential dwellings, with the Wyong Public High School in close proximity with access at the end of Jennings Road.

The town centre of Wyong is the closest commercial zoned land to the site and provides several services including supermarkets, take away food and drinks premises, retail stores and health services facilities.

A bus stop is located within walking distance although not entirely on dedicated footpaths. This bus stop provides a loop service to the town centre and Wyong Railway Station.



**Figure 10:** Aerial of site locality and proximity to shops, transport and other facilities

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The proposal seeks consent for the following:

#### Site Preparation Works

- Demolition of 2 x existing single storey dwellings and ancillary structures on the site and any related fencing.
- Earthworks to create a level building footprint, including retaining.

#### Construction

- Construction of 20 x two storey multi-dwelling houses comprised of 16 x 2 bedroom (90m<sup>2</sup>) and 4 x 3 bedroom (115.3m<sup>2</sup>) dwellings.
- Mix comprises 7 social and 13 affordable houses spilt across 6 separate building blocks.
- Civil works, stormwater and site infrastructure.

#### Dwelling Floorplans

##### Ground Floor

- Dining and kitchen area
- Living room
- Toilet facilities
- Internal laundry facilities
- Stairwell to first floor
- Patio area
- Private Open Space

##### First Floor

- Bedrooms, each with a built-in-robe
- Shared bathroom with shower and bath
- Hallway
- Stairwell to ground floor
- Balconies

##### Roof

- Solar Hot Water Panels (SHW)

#### Access and Parking

- Access to the site is proposed from a new driveway accessed on Jennings Road.
- 12 parking spaces (including 2 small spaces).
- No visitor or disabled spaces are provided.
- Internal layout of the proposed car park complies with AS2890.1 for width and gradient.
- Access arrangements and driveway width comply with manoeuvrability and sight distance requirements.
- Adequate sightlines are available both for vehicles and pedestrians at the exit side of the proposed access driveway.
- Pedestrian pathways are proposed adjacent to the driveway to enable access to the dwellings and to minimise pedestrian and vehicle conflicts.

#### Waste

- A screened refuse waste room to house 21 bins is located at the Jennings Road entry.
- Refuse will be collected from the kerbside.
- Heavy vehicle access is available for emergency only.

#### Vegetation and Tree Removal

- Vegetation proposed to be removed includes 3 trees which are threatened tree species (*Syzygium paniculatum* (Magenta Lilly Pilly; a small to medium sized tree that is listed as a Vulnerable entity under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)).
- Note: There is a National Recovery Plan for *Syzygium paniculatum*). The identified individuals are classified as Planted Specimens, not naturally occurring.
- Planting canopy trees will offset the removal of vegetation.
- Shrubs, groundcovers, grasses and planter boxes are proposed throughout the site to provide landscape coverage and includes 116 x *Acmena smithii* (Lilly Pilly), 8 x *Archontophoenix cunninghamiana* (Bangalow Palm), 21 x *Cupaniopsis anacardioides* (Tuckeroo).

#### Open Space

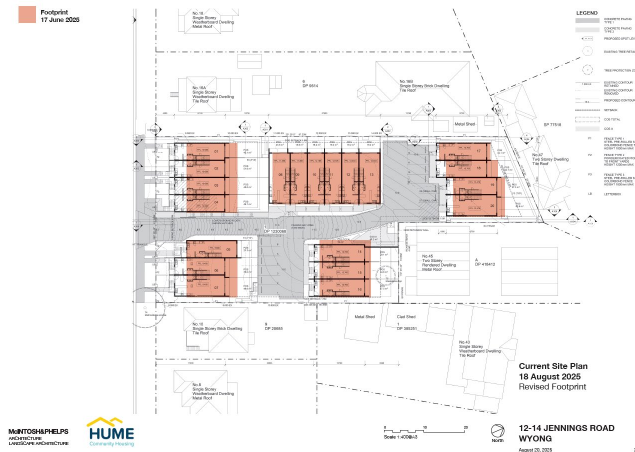
- 70m<sup>2</sup> Communal Open Space

#### Tenure

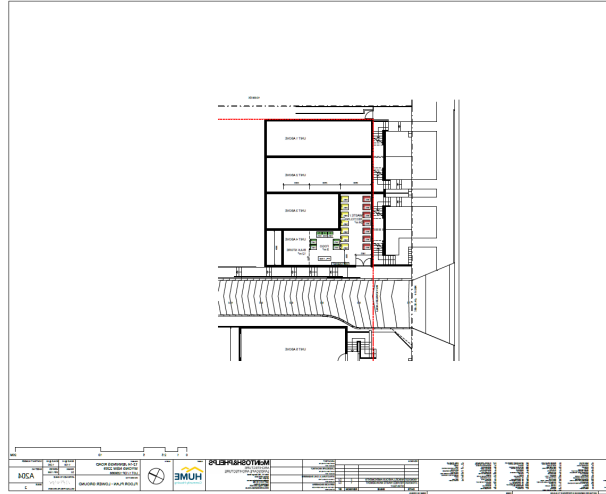
- Social Housing Tenure: These will be operated by Hume as Social Housing on behalf of the NSW Government and will be listed on the Certificate of Title to ensure they are retained as social housing indefinitely.
- Affordable Housing Tenure: These will be retained for a minimum of 25 years from the date of Practical Completion, exceeding the statutory minimum of 15 years. Hume intends to maintain these dwellings as affordable housing for their economic lifespan, until such time that condition requires that they are renewed.



**Figure 11:** Artists Impression of proposed development



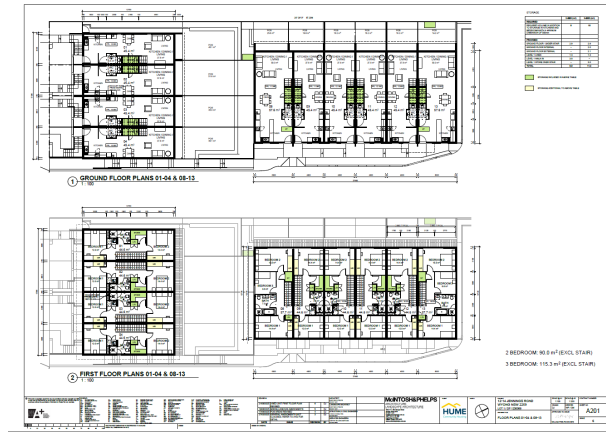
**Figure 12: Proposed Site Plan**



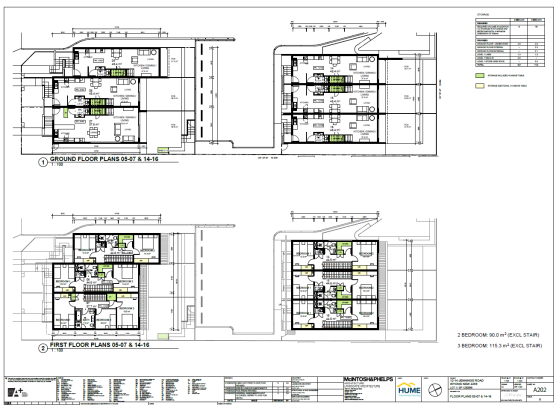
**Figure 13: Proposed lower ground floor plan (refuse room for 21 bins)**



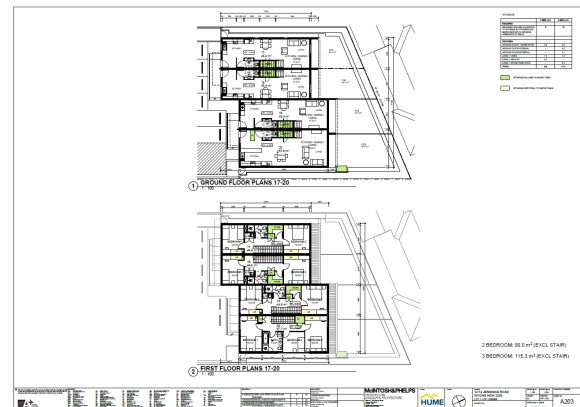
**Figure 14: Proposed Site Sections and Elevations**



**Figure 15: Proposed floor plans (1-4, 8-13)**



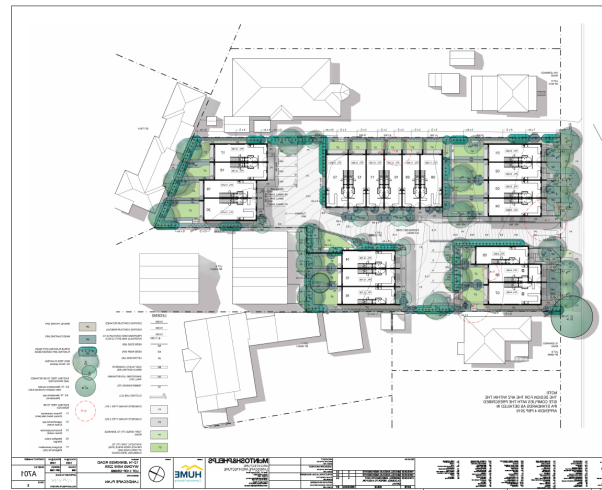
**Figure 16: Proposed floor plans (5-7, 14-16)**



**Figure 17: Proposed floor plans (17 – 2)**



**Figure 18:** Artist's impression of the proposed development viewed from the south-east



**Figure 19:** Landscape Plan

## 2.2 Background

The development application was lodged on **10 January 2024**.

A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

| Date                              | Event                                                          |
|-----------------------------------|----------------------------------------------------------------|
| <b>5 October 2023</b>             | Pre-DA/186/2023                                                |
| <b>10 January 2024</b>            | DA lodged                                                      |
| <b>15 January 2024</b>            | DA referred to external agencies and/or internal staff         |
| <b>25 January - February 2024</b> | Exhibition of the application                                  |
| <b>31 October 2024</b>            | Request for Information (RFI) from Council issued to applicant |
| <b>27 February 2025</b>           | Request for Information from Council issued to applicant       |
| <b>27 May 2025</b>                | Request for information from Council issued to applicant       |
| <b>24 June 2025</b>               | Applicant provided response to RFI                             |
| <b>22 July 2025</b>               | Panel initial 'kick off' briefing                              |

|                          |                                     |
|--------------------------|-------------------------------------|
| <b>25 August 2025</b>    | Revised scheme provided to Council  |
| <b>18 September 2025</b> | NSW RFS Letter of Approval          |
| <b>20 September 2025</b> | Council Assessment Report finalised |

“Kick off” Briefing minutes (dated 22 July 2025) state the following:

- *The Panel want a very clear understand of the compliance or otherwise with the SEPP criteria and any non-discretionary development standards.*
- *The Panel heard from the applicant regarding grant funding and management arrangements for the site, the way in which housing would be allocated and the types of people who the development has been designed for in relation to accessibility, open space, and numbers of bedrooms. This needs to be articulated in the DA package to assist with the assessment of the application.*
- *The Panel raised concerns with the Social Impact Assessment, requiring further information in relation to the mix of people living on the site, availability and adequacy of services and ongoing management arrangements for the site.*
- *The Panel raised concerns regarding the lack of communal open space and size of private open space.*
- *The Panel noted that all units were only accessible via stairs.*
- *The Panel questioned the traffic and parking impacts, lack of visitor parking, access to public transport and relationship to the adjoining school and on-street parking, all of which should be considered in the assessment.*
- *The Panel need to understand the flood impacts and specific details regarding isolation timeframes for any shelter in place arrangements.*
- *Solar access impacts need to be clarified and should be discussed further with Council.*
- *CPTED matters need to be considered and addressed and a lighting plan should be provided with the application.*
- *The Panel note the length of time since the application was lodged and given it is for housing will give it priority. In this respect Council have agreed to complete their assessment report to enable a Panel determination on the 7th of October 2025. The Panel encourage the applicant and Council to work together to ensure that this timeframe can be met.*

### 2.3 Site History

The site has historically been used for low density residential purposes. The most relevant recent records of any historical applications lodged over the site on Council's electronic records are discussed below:

**On 5 October 2023, PDA/186/2023** was held with Council Officers seeking multi dwelling housing comprising 16 x 3 bedrooms and 4 x 2 bedrooms. Please see **Attachment CC**.

**On 30 August 2023, DA1522/2021** for 16 x Unit Multi-Dwelling Housing & Community Title Subdivision Including Demolition of Existing Structures was withdrawn.

**WMA/811/2018** for subdivision was withdrawn on 31 August 2018.

**DA596/2018** for a 2 lot residential subdivision was withdrawn on 31 August 2018.

On 24 November 2016, DA/773/2016 approved a residential flat building comprising 35 units and subdivision including demolition of existing structures. This application which has now lapsed, proposed the following development as shown below (**Figures 20-23 Elevations**):

- Demolition of 2 existing dwellings, outbuildings, garages and driveways.
- Removal of vegetation and excavation of the sites.
- Construction of a part 3 and part 4 storey residential flat building comprising 35 units including 6 x 1 bedroom units, 27 x 2 bedroom units and 2 x 3 bedroom units.
- Construction of a 2 level basement carpark to accommodate 54 vehicles.
- Construction of onsite water management system.
- Landscaping, pergola and retaining walls.
- Construction of a new driveway and cross over.
- Lot consolidation and strata subdivision of the apartment units.



**Figure 20: Jennings Road Elevation**



**Figure 21: Rear Elevation**



**Figure 22: West Elevation**



**Figure 23: East Elevation**

### 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

It is noted that the proposal is:

- Integrated Development (s4.46) – NSW Rural Fire Services.

#### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

##### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (SEPP Housing) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Central Coast Local Environmental Plan 2022*
- *Central Coast Development Control Plan 2022*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

| EPI                                                                    | Matters for Consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Comply (Y/N) |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| State Environmental Planning Policy (Biodiversity & Conservation) 2021 | <p><b>Chapter 2: Vegetation in non-rural areas</b><br/>The proposal requires the removal of or impact to trees and vegetation located on the site.</p> <p><b>Chapter 4: Koala Habitat Protection 2021</b><br/>The site is not mapped as koala habitat.</p> <p>The arborist report submitted did not identify any trees requiring protection. However, the Magenta Lilly Pilly proposed to be removed is a threatened species under the <i>Biodiversity Conservation Act 2016</i> (BC Act) and <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). There is a National Recovery Plan for this species. The landscape plan should be revised to include replanting this species. The following options would be ideal to rectify/remedy their removal:</p> <ol style="list-style-type: none"> <li>1. Replace the <i>Cupaniopsis anacardioides</i> (Tuckeroo) individuals (total 9) that are located within the centre of the site to <i>Syzygium paniculatum</i> (Magenta Lilly Pilly).</li> <li>2. Replace <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) individuals (total 8) to <i>Syzygium paniculatum</i> (Magenta Lilly Pilly).</li> </ol> <p>Suitable conditions are recommended.</p> | Yes          |
| State Environmental Planning Policy (Sustainable Buildings) 2022       | <p><b>Chapter 2: Standards for residential development – BASIX</b><br/>Given the proposal involves the construction of a BASIX affected building, this chapter applies. A BASIX and NatHERS has been provided.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes          |
| State Environmental Planning Policy (Housing) 2021                     | <p><b>Chapter 2: Affordable Housing</b><br/>Division 1 – Division 1 of the Housing SEPP applies to certain in-fill affordable housing developments within 800m walking distance of land in a relevant zone or equivalent land use zone.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Yes          |
| State Environmental Planning Policy (Planning Systems) 2021            | <p><b>Chapter 2: State and Regional Development</b><br/><i>Section 2.19 (1) and Clause 5 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the development is affordable and social housing with a capital investment value of more than \$5 million.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Yes          |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |
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| SEPP (Resilience & Hazards) | <b>Chapter 4: Remediation of Land</b><br>Section 4.6 – The site has no record of previous contamination, has no evidence that potentially contaminating activities have occurred on the site and the proposed development is not considered a potentially contaminating activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes |
| LEP                         | <b>Central Coast Local Environmental Plan 2022</b> <ul style="list-style-type: none"> <li>• Clause 2.3 – Permissibility and zoning objectives – The proposal is permissible under the CCLEP 2022.</li> <li>• Clause 2.6 – Subdivision consent requirements – The proposal would not result in a principal dwelling and secondary dwelling being situated on separate lots and is therefore permissible.</li> <li>• Clause 2.7 – Demolition requires development consent – The proposal includes demolition.</li> <li>• Clause 4.1 – Minimum subdivision lot size – The subject site does not have a minimum lot size requirement.</li> <li>• Clause 4.3 – Height of buildings – The subject site has a maximum building height of 12 metres. The proposal complies with this clause. The maximum height of the proposed buildings will be 7.6m to 10m. The buildings will not exceed 2 storeys in height.</li> <li>• Clause 4.4 - A maximum floor space ratio (FSR) is prescribed under the FSR map contained within CCLEP 2022. The maximum FSR for the site prescribed on the maps is 0.9:1. The GFA for the development is 1,905m<sup>2</sup>. The proposed FSR is 0.6:1 and complies with the development standard.</li> <li>• Clause 4.6 – Exceptions to development standards – No request to vary the development standards have been received.</li> <li>• Clause 5.10 – Heritage conservation – There are no local or state heritage items on the site. The site is also not in proximity to sensitive landscape features that may indicate the presence of potential Aboriginal items.</li> <li>• Clause 5.21 – Flood planning – The site is flood prone land (Precinct 1 Probably Maximum Flood and Precinct 2 Flood Planning Areas).<br/><br/>The site has flood free access in all events up to and including the 0.5% AEP (1 in 200 year) flood event. The site is marginally affected by the PMF event. The PMF level on the Site is 7.93m AHD. Provided that the floor level is set at 7.93m AHD, the buildings have a safe refuge during the PMF event. Given that the access road is only inundated during the PMF event and the site is mainly dry thus shelter in place to be appropriate at this location if required. Council's Development Engineer has supported the proposal from a flood perspective.</li> </ul> | Yes |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|     | <ul style="list-style-type: none"> <li>• Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The subject site is classified as Class 5. The site is situated well above 5m AHD and the proposed lowest point of the basement excavation is not below 5m AHD.</li> <li>• Clause 7.2 – Earthworks – The earthworks are considered to be ancillary to the proposed development and not considered likely to impact neighbouring properties.</li> <li>• Clause 7.5 – Airspace operations – Not applicable, as the proposal would not penetrate the Limitation or Operations Surface.</li> <li>• Clause 7.6 – Essential services – it is required that for the development are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable road access. Additionally, vehicular access is achieved via a new crossover from Jennings Road and a Stormwater Management Plan has been provided with the application which includes an extension of the public stormwater system. The proposal will be connected to the existing services that are available to the site therefore complying with the requirements of this clause.</li> </ul> |     |
| DCP | <b>Central Coast Development Control 2022</b> <ul style="list-style-type: none"> <li>• Please see <b>Attachment B</b> Compliance Checklist.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Yes |

Consideration of the relevant SEPPs is outlined below

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Chapter 2: Vegetation in non-rural areas

This chapter aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. This chapter applies to the proposed development as the site is zoned R3 Medium Density Residential. The chapter further provides that Council may issue a permit for tree removal if it does not exceed the Biodiversity Offsets Scheme (BOS) threshold. The development does not include the removal of vegetation that exceeds the BOS clearing threshold and therefore no referral to the Native Vegetation Panel is required. Additionally, a permit is not required as the clearing is proposed as part of a Development Application. Council Ecologist has recommended suitable plant species to be included in a revised landscape plan.

Chapter 4: Koala habitat protection 2021

This chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The site is not mapped as mainly cleared koala habitat. The proposal does not involve the removal of any koala feed trees and is not identified as being within a koala corridor or habitat buffer and considered to be consistent with this policy.

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

##### Chapter 2: Standards for residential development - BASIX

*State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development. The application is accompanied by BASIX Certificate committing to environmentally sustainable measures. The certificate demonstrates the proposed development satisfies the relevant water, thermal, energy and materials commitments as required by the Sustainable Buildings SEPP. The proposal is consistent with the Sustainable Buildings SEPP subject to the recommended conditions of consent.

#### *State Environmental Planning Policy (Planning Systems) 2021*

##### Chapter 2: State and Regional Development

The proposal is regionally significant pursuant to Section 2.19 (1) as it satisfies Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is affordable and social housing which has a capital investment value of more than \$5 million. Accordingly, the Hunter and Central Coast Regionally Planning Panel is the consent authority for the application.

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

##### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In order to consider this, a review of historical records and aerial imagery has been conducted to understand how the site has been previously used. The assessment of historical uses and aerial imagery determined that the site was historically cleared and bush before being developed for residential. Since then, the site has been continually used for residential, as has the land immediately surrounding the site. As such, potential sources of contamination are considered low. As the proposal does not involve a change of use, the site is considered suitable in its current state. A condition has been recommended for an unexpected finds protocol to be implemented.

#### *State Environmental Planning Policy (Housing SEPP) 2021*

Chapter 2 Affordable Housing, Part 2 Development for affordable housing, Division 1 In-fill affordable housing of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP)

applies to the proposed development. The amended proposal's demonstrates merit based numerical and non-numerical compliance with the applicable non-discretionary development standards prescribed by Clause 19 of the Housing SEPP is outlined below.

Table 4 below outlines the applicable non-discretionary development standards prescribed by Clause 19 of the Housing SEPP. Pursuant to S4.15(2)(a) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), as the proposed development complies with those development standards, the consent authority is not entitled to take those standards into further consideration in determining the development application.

The merits of the development have also been evaluated in terms of compliance against the CCDCP 2022 (**Attachment B**).

**Table 4: Summary of Housing SEPP (Clause 19)**

| No.  | Control                                                                                                                                                                                                                                                                  | Compliance |    | Comments                                                                                                                                                                                                                                                                                                      |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                                                                                          | Yes        | No |                                                                                                                                                                                                                                                                                                               |
| 19   | Non-discretionary development standards – the Act, s4.15                                                                                                                                                                                                                 |            |    |                                                                                                                                                                                                                                                                                                               |
| 1    | Objective<br>The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. | -          | -  | Noted.                                                                                                                                                                                                                                                                                                        |
| 2a   | Site Area<br>A minimum site area of 450m <sup>2</sup>                                                                                                                                                                                                                    | ✓          |    | Complies. The site area is 3,160m <sup>2</sup>                                                                                                                                                                                                                                                                |
| 2b   | Landscaped Area<br>A minimum landscaped area that is the lesser of-                                                                                                                                                                                                      | ✓          |    | Complies. The development requires 700m <sup>2</sup> of landscaped area. The development provides an area of 952.6m <sup>2</sup> .                                                                                                                                                                            |
| (i)  | 35m <sup>2</sup> per dwelling, or                                                                                                                                                                                                                                        | ✓          |    | Complies. There are 20 dwellings therefore a 700m <sup>2</sup> landscaped area is required. Drawing no. A703 shows 952.6m <sup>2</sup> which exceeds the minimum requirement. All hardstand areas have been excluded from the calculation.                                                                    |
| (ii) | 30% of the site area                                                                                                                                                                                                                                                     | -          | -  | N/A. 30% of the site area is 948m <sup>2</sup>                                                                                                                                                                                                                                                                |
| 2c   | Deep Soil Zone<br>A deep soil zone on at least 15% of the site area, where-                                                                                                                                                                                              | ✓          |    | Complies. See comment below. 15% of the site area is 474m <sup>2</sup> .                                                                                                                                                                                                                                      |
| (i)  | Each deep soil zone has minimum dimensions of 3m, and                                                                                                                                                                                                                    | ✓          |    | Complies. Drawing number A703 shows deep soil zone areas that have a minimum dimension of 3 metres in a hatched dark green outline. The total deep soil zone area with this dimension is 677.3m <sup>2</sup> which exceeds the minimum requirement. All landscaped areas that have a dimension of less than 3 |

|      |                                                                                                                                                                         |   |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                         |   |   | metres have been excluded from the calculation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| (ii) | If practicable, at least 65% of the deep soil zone is located at the rear of the site                                                                                   | - | - | Not practicable. The development is for multi-dwelling housing. Most deep soil zones are located in the private open space (POS) areas to the rear of each dwelling. It is not practicable or desirable to have 65% of POS located at the rear of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2d   | Solar Access<br>Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter | ✓ |   | <p>70% compliance as per merit based assessment discussed below. To achieve the required 70%, 14/20 dwellings need to comply.</p> <p>The rear of the site is north facing, with side boundaries facing east and west.</p> <p>The proposed orientation of the dwellings, living and private open space areas has been chosen to optimise solar access. Solar access is constrained by shadows cast from neighbouring northern development and dwellings within the proposed development itself and fences.</p> <p>The existing two storey residential buildings at no 45 and no 47 Alison Road cast shadows on the rear dwellings POS on the 21<sup>st</sup> of June at 9am, and by 12pm, all POS is in shade.</p> <p>The overshadowing is exacerbated by the sloping topography and aspect of the site.</p> <p>Dwelling No. 5 does not achieve the solar access requirement, as the "View from Sun" diagrams include solar access to the front yard at 2pm. It is not clear if the solar access is for a full hour, notwithstanding the front yard is not "private" open space and has not been included as part of POS and cannot be included as a compliant area.</p> <p>Dwelling Nos.8-12: These dwellings are located along the western boundary and generally have relatively small POS areas with a minimum dimension of 4m. (Note that dwelling number 13 is also</p> |

|       |                                                                                                                                                                                          |     |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                                                                                                          |     |   | <p>located in this row but it has side windows to living areas and so does not have the same solar access problems). The living areas of these dwellings do not receive any solar access from 9am-11am inclusive. Therefore, these dwellings need to rely on solar access after 11am onwards. At 12 midday the living areas to these dwellings just start to achieve solar access. Noting that the POS also achieves solar access at this time.</p> <p>Based on the above, these dwellings do not achieve the required 3 hours minimum of solar access to both living areas and POS at the same time in mid-winter.</p> <p>It is recommended to bolster solar amenity that retractable sun hoods to the sliding doors of the living areas.</p> <p>The proposed development has been suitably designed so that the neighbouring sites that contain single domicile dwellings receive a minimum of 3 hours solar access in accordance with the relevant planning controls.</p> |
| 2e    | <p>Parking</p> <p>The following number of parking spaces for dwellings used for affordable housing-</p>                                                                                  | ✓   |   | Complies. 12 parking spaces are required and 12 have been provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (i)   | For each dwelling containing 1 bedroom- at least 0.4 parking spaces                                                                                                                      | -   | - | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| (ii)  | For each dwelling containing 2 bedrooms- at least 0.5 parking spaces                                                                                                                     | ✓   |   | 16 x 2-bedroom dwellings require 8 parking spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| (iii) | For each dwelling containing at least 3 bedrooms- at least 1 parking space                                                                                                               | ✓   |   | 4 x 3-bedroom dwellings require 4 parking spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2g    | <p>Internal Area of RFB units</p> <p>The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development</p>                              | -   | - | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2h    | For development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)- the minimum floor area specified in the Low Rise Housing Diversity Design Guide | N/A |   | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|     |                                                                                                                                      |   |   |                                                                       |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|---|---|-----------------------------------------------------------------------|
|     | 1 bed – 65m <sup>2</sup>                                                                                                             | - | - | N/A                                                                   |
|     | 2 bed – 90m <sup>2</sup>                                                                                                             | ✓ |   | 16 x 2-bedroom dwellings have a floor area of 90m <sup>2</sup>        |
|     | 3+bed – 115m <sup>2</sup>                                                                                                            | ✓ |   | 4 x 3-bedroom dwellings have a floor area of 115.3m <sup>2</sup>      |
| 2i  | Floor Area for other dwellings<br>If paragraphs (g) and (h) do not apply, the following minimum floor areas-                         | - | - | N/A                                                                   |
| i   | For each dwelling containing 1 bedroom- 65m <sup>2</sup>                                                                             | - | - | N/A                                                                   |
| ii  | For each dwelling containing 2 bedrooms- 90m <sup>2</sup>                                                                            | - | - | N/A                                                                   |
| iii | for each dwelling containing at least 3 bedrooms- 115m <sup>2</sup> plus 12m <sup>2</sup> for each bedroom in addition to 3 bedrooms | - | - | N/A                                                                   |
| 3   | Does not apply to Chapter 4 Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.                        | - | - | N/A. The development is not for seniors or persons with a disability. |

### *Central Coast Local Environmental Plan 2022*

The relevant local environmental plan applying to the site is the *Central Coast Local Environmental Plan 2022* ('the LEP').

### *Zoning and Permissibility (Part 2)*

The site is located within the R3 Medium Density Residential Zone.

The development is characterised as a multi-dwelling housing which is a permissible use with consent in the Land Use Table in Clause 2.3. The development also is considered to meet the definition of affordable housing for the purposes of determining relevant development controls.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity of the surrounding area.*
- *To encourage the consolidation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots.*

The proposal is considered to be consistent with the zone objectives for the following reasons:

- The proposal will provide social and affordable housing to provide for the needs of the community.

- The proposal will replace aging housing with a more modern and modest multi dwelling housing development to reinforce and enhance the residential amenity and character of the area.

*General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 7** below.

**Table 7: Consideration of the LEP Controls**

| Control                               | Requirement                                                                                                                                        | Proposal                                                                                                                                                                                                                                                                                                     | Comply                       |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Minimum subdivision Lot size (CI 4.1) | N/A                                                                                                                                                | N/A                                                                                                                                                                                                                                                                                                          | Subdivision is not proposed. |
| Height of buildings (CI 4.3(2))       | 12 metres                                                                                                                                          | Max height of development - 7.55 metres above existing ground level<br><br>Housing SEPP – Affordable housing height bonus control - 15.6 metres                                                                                                                                                              | Yes                          |
| FSR (CI 4.4(2))                       | 0.9:1<br><br>The site is within an area identified as the “Wyong Local Centre” and is subject to bonus FSR in certain circumstances.               | The GFA for the development is 1,905m <sup>2</sup> .<br><br>The proposed FSR is 0.6:1 and complies with the development standard.<br><br>The site is over 3,000m <sup>2</sup> so the development may exceed the FSR of 0.9:1 by 15% however the development does not rely upon the provision for compliance. | Yes                          |
| Land acquisition (CI 5.1/5.1A)        | N/A                                                                                                                                                | N/A                                                                                                                                                                                                                                                                                                          | N/A                          |
| Heritage (CI 5.10)                    | Clause 5.10 specifies the requirements for consent and associated assessment requirements for impacts relating to European and Aboriginal heritage | There are no local or state heritage listed items on the site and the site is not within a heritage conservation area. Additionally, a search of the                                                                                                                                                         | Yes                          |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Aboriginal Heritage Information System (AHIMS) did not identify any known Aboriginal objects or places on the site or in proximity to the site. The development is not in proximity to any sensitive landscape features, exhibits evidence of previous ground disturbance and does not involve any substantial excavation more than 2m below existing ground level. As such, the development is not expected to impact Aboriginal heritage and an unexpected finds condition has been recommended.</p>                                             |     |
| Acid sulphate soils (CI 6.1) | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Mapped Class 5 Acid Sulfate Soils. The development is not likely to lower the water table on any class 1,2,3 or 4 land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes |
| Flood planning (CI 5.21)     | <p>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 complies with the following matters identified in 5.21(2):</p> <p>(a) is compatible with the flood function and</p> <p>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</p> | <p>The site is partially located on flood prone land, with approximately 50% of the site being identified as a Low Hazard Flood Fringe area.</p> <p>The site has flood free access in all events up to and including the 0.5% AEP (1in 200 year) flood event. The site is marginally affected by the PMF event. The PMF level on the site is 7.93m AHD. It takes longer than 6 hours for the site frontage to become inundated; inundation actually occurs after approximately 18 hours. The flood hazard is not considered to be flash flooding.</p> | Yes |

|                                 |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |     |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                 | <p>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</p>                                   | <p>The flood affectation can be suitably mitigated via evacuation in a PMF event and it is noted that all dwellings are above the PMF level. Therefore, given the flood category of the site, the proposed development is compatible with the flood function and behaviour of the land.</p> <p>As discussed above, development within flood fringe areas is not considered to have a significant effect on the pattern of flood flows and/or flood levels. Additionally, the proposed dwellings are located in similar areas already occupied by existing dwellings. As such, the development is not considered to adversely affect flood behaviour.</p> <p>The proposed development incorporates appropriate measures to manage risk to life by ensuring the FFL of all dwellings are raised to the FPL and are above the PMF Event. This enables residents to safely shelter in place until flood waters recede.</p> <p>Council Flood Engineer supports the application.</p> |     |
| Essential Services (clause 7.6) | <p>The following essential services must exist or suitable arrangements are in place– the supply of water, electricity, disposal and management of sewage, stormwater drainage, suitable vehicular access and the collection and management of waste.</p> | <p>The development will utilise existing reticulated services. Waste will be managed within the site for kerbside collection. Suitable vehicular access has been</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Yes |

|  |  |                                            |  |
|--|--|--------------------------------------------|--|
|  |  | provided to accommodate resident vehicles. |  |
|--|--|--------------------------------------------|--|

The proposal is considered to be generally consistent with the LEP.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- Central Coast *Development Control Plan 2022*.

A comprehensive assessment against **CCDCP 2022 – Chapter 2.2 Dual Occupancy and Multi Dwelling Housing** is found at **Attachment B**. Importantly, the proposed private open space and common open space requirements of the chapter and relevant non-compliances are shown below in **Table 8**.

**Table 8: CCDCP Clause 2.2.2.7.3 (Private Open Space) and Clause 2.2.2.7.4 (Communal Open Space)**

| No.            | Control                                                                                                                                                                                                                                                                     | Compliance |    | Comments                                                                                                                                                                        |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |                                                                                                                                                                                                                                                                             | Yes        | No |                                                                                                                                                                                 |
| <b>2.2.7.3</b> | <b>Private Open Space Areas</b>                                                                                                                                                                                                                                             |            |    |                                                                                                                                                                                 |
| a              | Private Open Space<br><i>Private open space for each dwelling is to have a minimum area of 45m<sup>2</sup> and a minimum dimension of 4.5m. These areas are required to be generally located at ground level, directly accessible from a living area within a dwelling.</i> |            | ✗  | Does not comply. 3/20 dwellings (15%) have POS with a minimum area of 45m <sup>2</sup> and a minimum dimension of 4.5 metres.                                                   |
| b              | Grade<br><i>Required private courtyards shall not exceed a maximum grade of 1:14 to optimise useability for residents.</i>                                                                                                                                                  | ✓          |    | Complies. Retaining walls have been provided to allow for height differences between the POS and its surroundings. Actual RLs to be verified at Construction Certificate stage. |
| c              | Calculation<br><i>Wherever a dimension is less than the required minimum width (i.e. 2m for balconies or 4.5m for courtyards) it shall not be counted as part of the calculation for private open space areas.</i>                                                          |            | ✗  | Does not comply. Their calculations of POS include areas that have a dimension of less than 4.5 metres.                                                                         |
| d              | Locations<br><i>Required ground level private open space may be provided</i>                                                                                                                                                                                                | ✓          |    | Complies.                                                                                                                                                                       |

|                                                                                  |                                                                                                                                                                          |   |   |                                                                                                                                                                                        |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                  | <i>in up to two locations for each dwelling, subject to compliance with the minimum dimension</i>                                                                        |   |   |                                                                                                                                                                                        |
| e                                                                                | <i>Ground level courtyards are not permitted within the front building setback area fronting local roads.</i>                                                            | ✓ |   | Complies.                                                                                                                                                                              |
| <b>2.2.7.4 Common Open Space – Multi Dwelling Housing and Attached Dwellings</b> |                                                                                                                                                                          |   |   |                                                                                                                                                                                        |
| a                                                                                | <i>Requirement for COS<br/>Communal open spaces shall be provided for developments with more than ten dwellings</i>                                                      | ✓ |   | Complies.                                                                                                                                                                              |
| b                                                                                | <i>COS Area<br/>Communal open space shall be provided in no more than two locations at a minimum rate of 10m<sup>2</sup> per dwelling and with a minimum width of 5m</i> |   | ✗ | Does not comply. 20 dwellings x 10m <sup>2</sup> = 200m <sup>2</sup> of COS with a minimum dimension of 5m. None of the COS provided has a minimum dimension of 5m in both directions. |
| c                                                                                | <i>COS Qualities<br/>The location and design of communal open space shall:</i>                                                                                           | - | - |                                                                                                                                                                                        |
| i                                                                                | <i>Protect the privacy of adjoining dwellings</i>                                                                                                                        | ✓ |   | Complies.                                                                                                                                                                              |
| ii                                                                               | <i>Provide for both sunlight and shaded areas</i>                                                                                                                        |   | ✗ | Does not comply. The space is too small to provide a variety of areas.                                                                                                                 |
| iii                                                                              | <i>Be usable and accessible to all occupants</i>                                                                                                                         |   | ✗ | Does not comply. The space allocated does not have a usable minimum dimension.                                                                                                         |
| iv                                                                               | <i>Include landscaping works and planting</i>                                                                                                                            | ✓ |   | Complies.                                                                                                                                                                              |

### Central Coast Contributions Plan

The site is within the *Wyong District Section 7.11 Plan 2020* plan area and in this instance, there are no exemptions under the plan for the proposed development. Accordingly, the following contributions are payable under the contributions plan prior to the issue of any Construction Certificate. For 20 dwellings the contribution is calculated as follows.

|                                           |                      |
|-------------------------------------------|----------------------|
| Wyong Open Space Works                    | \$ 58,160.80         |
| Wyong District Community Facilities Land  | \$ 13,789.45         |
| Wyong District Community Facilities Works | \$ 63,962.25         |
| <b>Total</b>                              | <b>\$ 135,912.50</b> |

However, Council recommends 2 dwellings are deleted. The revised contribution is \$122,967.80 and provides for a credit for 2 existing lots (this contribution amount is valid until 31 October 2025).

|                                           |                      |
|-------------------------------------------|----------------------|
| Wyong Open Space Works                    | \$ 57,953.25         |
| Wyong District Community Facilities Land  | \$ 12,317.75         |
| Wyong District Community Facilities Works | \$ 52,696.80         |
| <b>Total</b>                              | <b>\$ 122,967.80</b> |

### Housing and Productivity Contribution (HPC)

The HPC applies to the whole of the Central Coast Local Government area and came into effect on 1 October 2023. A Ministerial planning order captures a decision of the Planning Minister relating to a range of development issues, such as nominating assessment authorities through to declaring state significant sites. All orders are published on the NSW Planning Portal.

The Ministerial planning order brought Housing and Productivity Contributions into effect and sets out where the contributions apply, the types of development they apply to, how much the contributions rates are, the timing of when payment is due and the types of development that are exempt.

Housing and Productivity Contributions are also not required for any of the following types of development (see schedule 2 to the order) includes public housing provided by on behalf of the Land and Housing Corporation or Aboriginal Housing Office, affordable housing that: – is provided by or on behalf of a social housing provider (within the meaning of the Housing SEPP).

In this instance the development is considered to be exempt from the provisions of the HPC.

### **(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

### **(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal. S61(1) requires that if a development application includes the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*. Appropriate conditions have been recommended to address demolition requirements. These provisions of the EP&A Regulation 2021 have been considered and are addressed in the recommended draft conditions (where necessary).

### **3.2 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, LRHDDG, CCLEP and CCDCP controls outlined above and the Key Issues section below.

## Built Environment

The site is surrounded predominantly by single-storey low-density residential development, with two-storey medium-density housing located on the adjacent rear and south-eastern lots. The site is zoned R3 Medium Density Residential, which permits a variety of housing types, including in-fill development.

The surrounding housing stock is generally older and likely to be redeveloped in the near future. The proposed development introduces a contemporary residential form that aligns with the future character of the area and may help establish a precedent for neighbouring redevelopment.

The proposed buildings incorporate thoughtful design elements including height, bulk, scale, materiality, facades, and articulation to enhance visual interest and contribute positively to the streetscape. While the project is intended for affordable and social housing, it maintains essential standards of privacy, amenity, and liveability for future residents.

Proposed setbacks are generally consistent with existing development controls. The 4.5-metre front setback slightly projects forward of the prevailing building line but is considered appropriate given the age and redevelopment potential of neighbouring properties.

Sterilising land in the R3 zone would discourage future housing supply in a strategically located area close to essential services. The proposed development supports low to moderate income housing and contributes to the diversity and accessibility of the local housing market.

The use of modest materials such as face brick, corrugated metal cladding, and awnings provides visual variety and helps break up building mass. Privacy concerns can be addressed through fixed screens or translucent glazing, while further external articulation and material diversity is encouraged to enhance the overall appearance.

## Natural Environment

The proposed development seeks to remove trees and vegetation of which none are of valued species requiring retention. None of the vegetation proposed to be removed contains hollows, preferred koala feed trees or identified habitat for threatened species. As the vegetation is located within an established residential area, the tree removal is not expected to result in any significant adverse biodiversity impacts.

Vegetation is to be removed to facilitate including a threatened species, the Magenta Lilly Pilly which is listed as a Vulnerable entity under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

It is recommended, native species be included where possible and dwelling occupants be provided with deep soil planters on terrace, balcony or within private open space areas to plant vegetable gardens, and mature plants to also attract native fauna and birdlife. It is noted that 5 x Tuckeroo native street trees are included in an amended landscape plan. It would be ideal to incorporate more diversity along the streetscape to provide a greater visual interest the canopy such as a banksia or a grevillea species. To supplement the removal of the threatened species, the following options are recommended to be included in a revised plan:

- Replace the *Cupaniopsis anacardioides* (Tuckeroo) individuals (total 9) that are located within the centre of the site to *Syzygium paniculatum* (Magenta Lilly Pilly).
- Replace *Archontophoenix cunninghamiana* (Bangalow Palm) individuals (total 8) to *Syzygium paniculatum* (Magenta Lilly Pilly).

Noting the above, the proposed development is considered to mitigate any possible significant adverse impacts on the natural environment.

### Social and Economic Impact

The application was supported by a Social Impact Assessment (SIA) to understand the potential impacts of the proposed development.

The SIA was prepared in accordance with the Department of Planning, Housing and Infrastructure's *Social Impact Assessment Guidelines for Significant Developments 2023*. In preparing the SIA, data from the Australian Bureau of Statistics, local crime data, social and affordable housing availability, and demographic statistics were considered and consultation with the community was undertaken.

The SIA found that the development would have an overall positive social impact through the provision of dedicated community housing, provision of modern and secure housing, employment generation during construction and ongoing maintenance and a contribution to the social and affordable housing stock in the Central Coast LGA. In particular, the report noted that there has been a reduction in public housing stock within the Central Coast LGA.

As such, the development would help mitigate the impacts of reduced public housing stock. Additionally, the SIA noted that there would be positive impacts on minimising the contributing factors to domestic and family violence through the provision of secure affordable and social housing. While some negative impacts may occur during construction, primarily by noise disturbance and there would be a minor increase in traffic and demand for on-street parking on completion, these impacts were considered minimal and can be effectively managed.

Furthermore, a CPTED and lighting / CCTV strategy has been provided to supplement mitigation of the identified potential for anti-social behaviours on and around the site. Crime Prevention Through Environmental Design (CPTED) addresses the key principles for safety for emergency services attending the site and provide strong sightlines and accessibility throughout the site and development.

Overall, the development has been designed to maximise passive surveillance of all the communal areas while internal safety is ensured by controlled access to the individual dwellings and parking. The design incorporates surveillance, access control, territorial reinforcement and space management not only for the future residents of the building but also for the safety of the existing residents within the area too.

Vehicle and pedestrian entries are direct and highly visible from Jennings Road allowing passive surveillance to occur from the street. Wide common circulation areas with clear sight lines are provided with no obscured corners. High quality architectural lighting throughout the development will assist in securing the area at night.

The proposed development provides a range of home sizes (2 and 3 bedrooms). The proposal will attract appropriate couples and families into the area that will utilise the existing services

and transport facilities in the area. This in turn will increase the economic stability in the area which provided local services expected for those on low to very low incomes.

For these reasons, the proposed development is anticipated to have positive social impacts.

The proposed development is also anticipated to result in positive economic impacts. The proposal would provide employment opportunities in the local construction industry during construction and further employment opportunities would be provided during the ongoing maintenance of the development.

Furthermore, the provision of secure affordable and social housing would assist future residents in attaining employment which would have direct and indirect monetary inputs into the local economy. Ultimately, the proposed development is considered to result in positive economic impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The site is considered suitable for the proposed development for the following reasons:

- The site is located within an established residential area and the development is consistent with the existing and desired character of the area.
- The site is conveniently located in a close proximity to essential services for future residents.
- There is a bus stop in proximity to the site which would provide greater accessibility for future residents.
- The site is in close proximity to public parks and reserves.
- The site is identified as an area in need of housing including affordable housing within Council's LSPS which aims to ensure protection of Affordable Housing and investigate opportunities to provide additional affordable housing options in Centres. The proposal is consistent with the adopted Wyong/Tuggerah Planning Strategy and with the Central Coast Regional Plan that has earmarked future increased residential and commercial development within the Wyong Township. The proposal is consistent with development controls outlined in the CCLEP 2022 for height and density requirements.
- The proposal addresses the priorities and actions of the Central Coast Local Housing Strategy.
- The site does not contain any major constraints other than topographical that would significantly impact on or be impacted by the proposed development.
- Impacts from the proposed development have been appropriately assessed and mitigated as required. Improved access and amenity is recommended. Suitable conditions are imposed.
- The development would not adversely impact the amenity of adjoining properties or the public domain.

Based on the above, the site is suitable to accommodate the proposal.

### **3.4 Section 4.15(1)(d) - Public Submissions**

The proposal was notified in accordance council requirements between 16 January and 24 February 2024. No submissions were received during this time.

### 3.5 Section 4.15(1)(e) - Public interest

The development is considered to be in the public interest as it would not have any significant adverse impacts on the built or natural environment and has positive social and economic impacts.

The proposal is consistent with the relevant of environmental planning instruments applying to the land and provides needed affordable and social housing. In addition to the above, the proposal is consistent with the Central Coast Local Strategic Planning Statement, Central Coast Affordable and Alternative Housing Strategy and Local Housing Strategy which all have identified the need for in-fill and affordable housing in the Wyong area.

The Central Coast Council is required to manage the increasing population and housing demand over the next 20+ years, addressing issues like low-cost rental shortages and a lack of diverse housing.

The strategy, aligned with the Central Coast Regional Plan 2041, aims to promote sustainable and varied housing options by focusing growth in key centres, supporting the local economy, and ensuring housing is connected to jobs and services for a "One Central Coast" community.

On this basis, the proposal is considered to be in the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to the following agency for comment as required by the EP&A Act and outlined below in **Table 9**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 9:** Concurrence and Referrals to agencies

| Agency                                                 | Concurrence/<br>referral trigger                                                                                                                                                                                                                                                                                                                                | Comments                                                                      | Resolved |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------|
| <b>Integrated Development</b> (S 4.46 of the EP&A Act) |                                                                                                                                                                                                                                                                                                                                                                 |                                                                               |          |
| NSW Rural Fire Service                                 | S100B - Rural Fires Act 1997<br>The subject site is bushfire affected. The NSW Rural Fire Service (NSW RFS) has, under the <i>Rural Fires Act 1997</i> , a statutory obligation to protect life, property and the environment through fire suppression and fire prevention. Section 4.14 of the <i>Environmental Planning and Assessment Act 1979</i> indicates | A referral was received from the NSW Rural Fire Service on 18 September 2025: | Y        |

|  |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | that all new development on bush fire prone land to comply with <i>Planning for Bush Fire Protection 2019</i> (PBP 2019). The proposed Development Application (DA) must be accompanied by a Bush Fire Assessment Report (BFAR) that explains how compliance with PBP 2019 is to be achieved. | <br>Central Coast Council<br>PO Box 20<br>WYONG NSW 2259<br><br>Your reference: (CNR-86666) DA/2371/2023<br>Our reference: DA/20250909003637-Original-<br>Date: Thursday 18 September 2025<br><br>ATTENTION: Emma Brown<br><br>Dear Sir/Madam,<br><br>Development Application<br>45-14 - 1st St - Multi Dwelling Housing<br>12-14 Jennings Road Wyong NSW 2259, 1/DP1230068<br><br>I refer to your correspondence dated 09/09/2025 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the Environmental Planning and Assessment Act 1979.<br><br>The New South Wales Rural Fire Service (NSW RFS) has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.<br><br>For any queries regarding this correspondence, please contact Kristy Chedd on 1300 NSW RFS.<br><br>Yours sincerely,<br><br>Adam Small<br>Supervisor Development Assessment & Plan<br>Built & Natural Environment |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 10**.

**Table 10: Consideration of Council Referrals**

| Officer                 | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Resolved |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Development Engineering | The application was referred to Council's Development Engineering team to review the proposal from a traffic, access, stormwater, and flooding perspective. The revised application is supported subject to conditions of consent which have been included in the recommended conditions of consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Yes      |
| Ecology                 | <p>Council's Ecologist confirmed that the site is not mapped on the Biodiversity Values Mapping and is unlikely to exceed the area clearing threshold or to significantly impact a threatened species. The development does not trigger the BOS, therefore a Biodiversity Development Assessment Report (BDAR) is not be required.</p> <p>The arborist report submitted identified a threatened tree species – <i>Syzygium paniculatum</i> (Magenta Lilly Pilly) proposed to be removed. The identified only one tree however, a total of 3 trees are on site. This tree is a small to medium sized tree that is listed as a Vulnerable entity under the <i>Biodiversity Conservation Act 2016</i> (BC Act) and <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). There is a National Recovery Plan for <i>Syzygium paniculatum</i>.</p> <p>The trees are planted not naturally occurring. However, due to it being a threatened species, the landscape plan should be revised to include replanting this species alongside the 116 x <i>Acmena smithii</i> (Lilly Pilly), 8 x <i>Archontophoenix cunninghamiana</i> (Bangalow Palm), and 21 x <i>Cupaniopsis anacardioides</i> (Tuckeroo).</p> | Yes      |

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                           | <p>The following options would be ideal to rectify/remedy the removal of the threatened species (<i>S.paniculatum</i>):</p> <ul style="list-style-type: none"> <li>• Replace the <i>Cupaniopsis anacardioides</i> (Tuckeroo) individuals (total 9) that are located within the centre of the site to <i>Syzygium paniculatum</i> (Magenta Lilly Pilly).</li> <li>• Replace <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) individuals (total 8) to <i>Syzygium paniculatum</i> (Magenta Lilly Pilly).</li> </ul> <p>Suitable conditions are recommended.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |     |
| Tree Officer              | <p>The referral found that the proposed tree and vegetation removal was unlikely to result in any significant adverse environmental impacts and the application was supported with conditions. An Arborist Report by Tattersall Lander dated September 2023 submitted supports removal of agree that trees 1-3,6 and 7. Trees 4,5 are to be protected as to the conditions provided. The conditions have been included in the recommended conditions of consent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Yes |
| Development Contributions | <p>The application was referred to Council's Development Contributions Officer. It was determined that the proposal is subject to s7.11 contributions. A condition has been recommended.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Yes |
| Waste Officer             | <p>The application was referred to Council's Waste Management Officer who supported the application. Waste management storage area is proposed under No. 4 to accommodate 21 bins. This bin collection area will be required to have a maximum grade of 3% as per Councils Waste Management Guidelines.</p> <p>The travel pathways between the waste collection room and the front verge where the bins will be collected on Jennings Road includes a section at 5% grade and a section at 11.25% grade, as per the proposed long section of the driveway MC00 of the Civil Engineering Plans by Tonkin. This section of 11.25% exceeds the 7% included in the discussion with the applicant at the meeting of 6 March 2025 and Councils Waste Management Guidelines.</p> <p>A safety rail will be required along the interface between the bin room landing area on the footpath and the driveway to ensure separation between vehicles and the safety of the people transferring bins to and from collection on Jennings Road. The footpath will be required to be 2 metres width along the full frontage of the development on Jennings Road, to facilitate adequate space for the storage of bins on collection day and pedestrian thoroughfare.</p> | Yes |
| Flood Engineer            | <p>Flooding was identified as a key matter at the 'kick off' briefing with the HCCRPP. It was identified that further details regarding the flood characteristics of the site be provided to ensure the requirements of Clause 5.21 of the CCLEP are addressed and to determine if the site is suitable for the proposed development.</p> <p>Council Flood Engineer has confirmed that a shelter-in-place and an evacuation option in a worst case scenario event is suitable. The <i>Shelter-in-place Guideline for Flash Flooding</i> prepared by the Department of Planning, Housing and Infrastructure requires that</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Yes |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                 | <p>a development must be generally consistent with the considerations raised within these guidelines, further reaffirming that shelter-in-place is an appropriate emergency strategy and that the development is suitable for the flood characteristics of the site.</p> <p>In this instance, the probable maximum flood encroaches onto the front section of the lot and along Jennings Road to the east. There is a small section of low flood hazard in the PMF that would need to be traversed as part of an evacuation route if occupants from the development traversed to the east to Hope Street, which is a rising road out of the floodwaters. The letter provided by Tonkin indicates the lowest floor level of the property is proposed at RL9.90 mAHD, with the PMF level at the same location RL7.94 mAHD. The applicant has stated that shelter-in-place is the proposed flood emergency response for this development. This approach is supported by Council.</p> <p>In taking these flood characteristics into account, the finished floor level of the development has been designed so as to be at the FPL is above the maximum PMF event level. Given the finished floor level of the development, shallow inundation depths and short inundation time, 'shelter-in-place' is considered an appropriate response strategy for residents in a flood event.</p> <p>As such, the consent authority can be satisfied that the matters raised in Clause 5.21 of the CCLEP 2022 have been satisfactorily addressed.</p>                                                                                                                                                                                                                                                                                                           |     |
| Water and Sewer | <p>Water and sewer services are available to the land. This development requires a Section 307 Certificate of Compliance to be obtained under the Water Management Act 2000. To obtain the Certificate of compliance, a Section 305 Water Management Act application is required. After application is made, a Section 306 letter of requirements will be issued. The letter will contain Water Authority conditions that need to be satisfied prior to the associated milestone in the Consent.</p> <p>These requirements include:</p> <ul style="list-style-type: none"> <li>• <i>Payment of developer contributions for increased loading on the network. More information is found on Councils <a href="#">website</a></i></li> <li>• <i><a href="#">Building in proximity to water / sewer pipeline</a> Engineering requirements apply for piercing of the proposed building</i></li> <li>• <i>Relining is required due to the presence of Asbestos or Clay pipe in close proximity to the proposed works. The renewal of the pipe is to be brought forward due to the obstruction in the corridor. The fee is currently \$2,948.30 for residential development up to dual occupancy, subject to change annually from 1<sup>st</sup> July</i></li> <li>• <i>If the applicant wants to adjust the sewer pipe refer to proposed stormwater then the proposed adjustments to Council's assets will require a detailed design to be prepared by the applicant. The plans are to be submitted to Council for approval prior to the issue of the Construction Certificate. Any adjustment or protection of the sewer mains are to be fully funded by the developer.</i></li> <li>• <i>Each sewer junction needs 1.5 m radial clearance otherwise relocation is required. There are two sewer junctions and one can be capped off.</i></li> </ul> | Yes |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                              | <ul style="list-style-type: none"> <li>• <i>There is a DN150 Asbestos Cement Water Main near to the front boundary in Jennings Rd. The depth and location of the water main are mentioned in the service locator report with the depth between 480mm to 650mm which are acceptable for driveway.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |
| Social Planner               | <p>Part 5 of the EP&amp;A Act 1979 mandates the assessing officer conducts a holistic examination of proposed development projects, encompassing not only their economic and environmental impacts but also their social ramifications.</p> <p>The updated Social Impact Assessment (SIA) and integrated Crime Prevention Through Environmental Design (CPTED) report include appropriate methodologies and reliable data. The SIA evaluates identified social impacts, considering significance and magnitude and highlights proposed mitigation measures for effectiveness and feasibility.</p> <p>Council's Social Planner deemed the proposed mitigation measures compliant with relevant planning policies and regulations and supports this development, with conditions.</p> <p>At the 'kick off' briefing an updated SIA and Lighting Plan was requested. An updated report was been provided.</p>                        | Yes |
| Environmental Health Officer | <p>Council Environmental Health Officer advised the works do not trigger the need to provide an Acid Sulfate Soil Assessment and or Management Plan. The area of potential soil disturbance is over 2500m<sup>2</sup>. The applicant has provided a Soil and Water Management Plan (Tonkin, 27.03.25, Rev I, Drawing No. 101, 111, 112). The Plan has been prepared generally in accordance with the Blue Book. Conditions recommended.</p> <p>A Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) was submitted which generally address State Environmental Planning Policy (Resilience and Hazards) 20212, suitable conditions are recommended.</p> <p>A Noise Impact Assessment has been submitted and although the NIA does not consider noise and vibration impacts on surrounding sensitive receivers during construction, this can be addressed prior to issue of a Construction Certificate.</p> | Yes |
| Urban Designer               | Supported subject to the recommendations in the body of this report. Council has assessed compliance against the CCDCP 2022. A merit-based assessment has been made; POS and COS is in part compliant; 2 dwellings are to be deleted and replaced by improved COS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes |
| Traffic Engineer             | According to the <i>Guide to Transport Impact Assessment</i> , the proposal will create an additional 10 vehicle trips during the AM peak hour (2 in, 8 out), and 9 vehicle trips during the PM peak hour (8 in, 1 out). This additional traffic can be accommodated within the existing local road network. The proposed development makes provision for a total of 12 car spaces, compliant with the non-discretionary parking requirements specified in the Housing SEPP 2021 which prevents the consent authority from requiring more onerous standards for the matter. No accessible or visitor spaces                                                                                                                                                                                                                                                                                                                       | Yes |

|  |                                                                                                                  |  |
|--|------------------------------------------------------------------------------------------------------------------|--|
|  | are included within the proposal. In this instance, there is no objection from traffic management point of view. |  |
|--|------------------------------------------------------------------------------------------------------------------|--|

There are no outstanding issues raised by Council officers and all officers have supported the application unconditionally or with recommended conditions of consent.

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's requirements between 25 January 2024 and 16 February 2024. No submissions were received during this time.

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Flooding

Flooding was identified as a key matter at the 'kick off' briefing with the HCCRPP. It was identified that further details regarding the flood characteristics of the site be provided to ensure the requirements of Clause 5.21 of the CCLEP are addressed and to determine if the site is suitable for the proposed development. Council Flood Engineer has confirmed that a shelter-in-place and an evacuation option in a worst case scenario event is suitable. The *Shelter-in-place Guideline for Flash Flooding* prepared by the Department of Planning, Housing and Infrastructure requires that a development must be generally consistent with the considerations raised within these guidelines, further reaffirming that shelter-in-place is an appropriate emergency strategy and that the development is suitable for the flood characteristics of the site.

In this instance, the probable maximum flood encroaches onto the front section of the lot and along Jennings Road to the east. There is a small section of low flood hazard in the PMF that would need to be traversed as part of an evacuation route if occupants from the development traversed to the east to Hope Street, which is a rising road out of the floodwaters. The letter provided by Tonkin indicates the lowest floor level of the property is proposed at RL9.90 mAHD, with the PMF level at the same location RL7.94 mAHD. The applicant has stated that shelter-in-place is the proposed flood emergency response for this development. This approach is supported by Council.

In taking these flood characteristics into account, the finished floor level of the development has been designed so as to be at the FPL is above the maximum PMF event level. Given the finished floor level of the development, shallow inundation depths and short inundation time, 'shelter-in-place' is considered an appropriate response strategy for residents in a flood event. As such, the consent authority can be satisfied that the matters raised in Clause 5.21 of the CCLEP 2022 have been satisfactorily addressed.

### 5.2 Roads, Access, Traffic & Parking

The development is compliant with Clause 19(2)(e) of the Housing SEPP. Pursuant to S4.15(2)(a) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), as the proposed development complies with those development standards, the consent authority is

not entitled to take those standards into further consideration in determining the development application.

Jennings Road, a dead-end local access street, serves as a secondary access to Wyong High School and experiences high traffic during peak school times. The proposal includes one driveway for 20 dwellings and 12 car spaces, with two designated for small vehicles and none allocated for disabled or visitor parking. It is considered that visitor parking would be a better outcome for residents. Visitors, home care workers, delivery drivers, uber and the like will be required to park and climb the hill to attend to the needs of the residents. It is noted that an additional two temporary drop-off points have been proposed in the amended scheme.

The driveway is 5.5 metres wide at the boundary, widening to 11 metres at the kerb, then narrowing to 4 metres to ensure safe vehicle and pedestrian movement. The applicant has not presented any supporting design or evidence to indicate anything other than a B99 vehicle can enter and exit the site in a forward direction. Vehicle tracking was included on the long sections in the civil engineering drawings by Tonkin that show a vehicle entering and exiting the property along both the main driveway MC00 and secondary driveway in front of No.s 14 - 16. No information was presented on the areas where these vehicles would actually turn around to enable them to exit the property in a forward direction, nor was vehicle swept path clearances submitted to support these vehicle movements. As such, vehicles larger than a B99 passenger vehicle will be prohibited from entering the site. This includes vehicles over 6 metres in length, including but not limited to MRV and HRV vehicles. These vehicles can be restricted by regulatory signages by the applicant and included in the ongoing operational management plan by the housing provider. Vehicle access and egress from the site is to occur in a forward direction only.

On street parking is likely to be increased, however the SIA suggests existing residents of the Wyong area typically report lower rates of car ownership compared with elsewhere in NSW.

It is noted that the existing pavement condition of Jennings Road is in poor condition and appears to be deteriorating due to inadequate pavement/subsoil drainage issues and will require the provision of road works in association with the development. A 1.5 metre wide footpath will be required across the full frontage of the property. Up to half road construction will be required for the full frontage of the site. This is conditioned.

### **5.3 Streetscape Presentation**

The streetscape presentation of the development is a key matter to address given the encroachment of the buildings into the predominant front setback, this needs to be balanced by good landscape outcomes and street trees. Furthermore, as viewed from the street, the development could be better articulated to establish a more visually interesting façade by incorporating a greater variety of colour, material and architectural relief.

The amended scheme has improved amenity although no changes have been included from a visual and aesthetic perspective. Furthermore, internally the development could provide improved communal open space activated areas within a landscaped garden setting.

The vegetation proposed is limited, it is recommended species be included on the site to emulate and establish a native habitat to encourage fauna and birdlife. The front setback shall be better landscaped to ensure that from the street frontage that the development is not bulky nor overbearing.

This can be reinforced by demure fenestration and additional landscaping outcomes are achieved by the planting of street trees along the Jennings Road verge, providing canopy coverage to help soften hardstand areas. It is noted that 5 x Tuckeroo native street trees are included in an amended landscape plan. It would be ideal to incorporate more diversity along the streetscape to provide a greater visual interest the canopy such as a banksia or a grevillea species.

Accessibility as well as built form are key matters for considering whether a good planning outcome is achieved. The site provides 8 dwellings with at grade entry whilst the remainder are accessed by flights of stairs (not considered the best outcome).

The modest built form strikes an expected balance between what would be provided for a luxury development versus an affordable development to service those in the community most in need of housing.

The development will necessitate the provision of road construction works within Council's road reserve including the design and construction of standard kerb and guttering, 1.5 metre wide footpath and up to half road pavement construction for the full street frontage of the development.

Associated street drainage including the replacement of the kerb inlet and drainage pit will also be required with connection of the internal drainage system. Adjustment (i.e. lowering and/or realignment) of water and sewerage infrastructure and other public utilities (eg. Telstra, Ausgrid etc) within the Council footway area may also be required to facilitate construction of the required works.

All works are to be undertaken in accordance with the requirements of Council's Civil Works Design & Construction specification. It is also noted that the developer may be required to repair/replace any damaged pavement as a result of construction traffic during the works.

#### **5.4 Private Open Space**

Several concerns were raised regarding some of the dwellings private open space, including solar access, interaction with waste storage areas and fencing and security for future residents.

POS was also impacted being undersized and overshadowed by both internal development and existing neighbouring development. Private open spaces located forward of the front setback are in principle not supported by Central Coast Council. POS in the front setback places limitations on improved privacy, amenity and security for future residents (especially when you families would be required to enjoy this area for recreational play).

The amended scheme has provided more superior rear ground level POS to dwellings, although some remain well below the recommended 45m<sup>2</sup>.

The amended built form massing and setbacks have been altered to allow for increased solar access to the living areas of the dwellings. However, as discussed above the COS is recommended to be increased and improved in both quality and quantity. The COS will ten supplement the dwellings with undersized POS.

#### **5.5 Ecology**

Vegetation has been proposed to be removed to facilitate the proposed development. The landscape plan has been provided which nominates species to revegetate.

The existing Magenta Lilly Pilly on the site are listed as a Vulnerable entity under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). There is a National Recovery Plan for this species.

The landscape plan should include the following options to rectify/remedy the removal of the threatened species:

- Replace the *Cupaniopsis anacardioides* (Tuckeroo) individuals (total 9) that are located within the centre of the site to *Syzygium paniculatum* (Magenta Lilly Pilly).
- Replace *Archontophoenix cunninghamiana* (Bangalow Palm) individuals (total 8) to *Syzygium paniculatum* (Magenta Lilly Pilly).



**Figure 33:** Example of replacing nominated species to *Syzygium paniculatum* (Magenta Lilly Pilly) – highlighted in red.



**Figure 34:** *Syzygium paniculatum* individuals (larger shrubs).

Suitable conditions are recommended.

## 5.6 Communal Open Space

CCDCP requires 10m<sup>2</sup> per dwelling with a minimum of 5 metre dimension. The proposal does not comply with the required 200m<sup>2</sup> area of COS. The proposal provides a total of 70m<sup>2</sup> (2.2% of the total site area).

The communal open space should provide a high-quality passive open space area. 40m<sup>2</sup> soft landscaping and ground cover is included acting as a gathering space with play mound and bench seating. 30m<sup>2</sup> landscaped area supports tree planting.

The purpose of COS is to compliment POS of individual dwellings by providing additional outdoor space for residents, as well as an informal gathering space that promotes a sense of community.

The communal open space should provide practical and flexible space for a broad demographic range and provides opportunities for social interaction, whilst complimenting the landscaping on site.

## **5.7 Accessibility**

Council recommended a lift be incorporated to enable better accessibility from the street. The amended scheme has not included a lift, the revised design has adjusted levels to provide step free access to eight (8) dwellings, being 8-9, 12-13, 17-18, 19 and 20.

An updated accessibility assessment has been prepared by Accessible Building Solutions which confirms that the amended scheme from the accessibility consultant assessed the amended scheme and confirms the design can achieve compliance with the access provisions of the Building Code of Australia (BCA), the Access to Premises Standard & Liveable Housing Guidelines – Silver Level.

The applicant contests that consideration has been given to the inclusion of a lift next to the waste bin room to provide access to the bin room from the upper dwellings. However, to install a lift in this location, it would either provide access to only a single dwelling (No. 4), or the front entries of dwellings No. 1- 4 would need to be combined along a single balcony to provide access to all four dwellings. This would remove private entry for these dwellings, and given the dwellings have internal stairs, would not be suitable for people with mobility issues. The accessibility consultant has also confirmed that accessible access to the dwellings fronting the street is not required due to the slope of the land.

## **5.8 Solar Access**

The rear of the site is north-facing and the sides of the site face east and west. The orientation of the dwellings, living and private open space areas, is good in terms of optimising solar access. There are some constraints to solar access namely shadows cast from neighbouring buildings, shadows from the buildings within the development itself, and shadows from fences.

The shadows cast are also elongated because of the slope of the land downhill away from the sun. There is also the problem of small areas of POS without much depth (dwelling No.s 8-13) which reduces the opportunity for solar access. The updated design improves solar access opportunities. Dwelling No.s 1, 2, 3, 4, 6, 7, and 17-20 have been shifted south which has increased the size of the POS and allowed more sun to reach it. Some of the dwelling levels and POS have been raised which allows better sunlight access. In addition, the overshadowing from neighbouring development has been reduced by moving the proposed dwellings further away from the boundary.

To achieve 70% of dwellings getting solar access, 14/20 dwellings need to achieve the requirement. The applicant's assessment is that 15/20 dwellings (75%) achieve the requirement. Council's assessment findings are that 14/20 dwellings (70%) achieve the requirement. The assessment differences relate to dwelling No. 5. Council agrees that dwelling No.s 8-12 meet the minimum requirements.

Dwelling No.5 solar access does not achieve the requirement, as their "View from Sun" diagrams appear to include solar access to the front yard at 2pm. The front yard is not "private" open space and has not been included as part of any POS calculation in the final version of documentation. It is also not clear that the sunlight to this area is for a full hour, which it would need to be to contribute to the 3 hours of required solar access. The applicant's assessment is incorrect and this dwelling does not comply with the requirements for solar access.

Dwelling Nos.8-12 are located along the western boundary and generally have relatively small POS areas with a minimum dimension of 4 metres. It is noted dwelling No.13 is also located in this row however has side windows to living areas thus more solar access. The principle living areas of dwelling No.s 8-12 do not receive any solar access between 9am-11am inclusive thus need to rely on solar access from 11am onwards. At 12pm the living areas to dwelling No.s 8-12 start to achieve solar access, it is noted the POS also achieves solar access simultaneously at this time.

Based on the above, the dwellings do not get the required 3 hours minimum of solar access to living areas and POS concurrently in mid-winter. However, based on a merit assessment: the living areas get 3 hours of solar from 12noon to 3pm, and the POS gets solar from 11am to 2pm. A resident could therefore find 3 hours of sunlight in either the POS or the living areas from 11am – 3pm. The overall development meets the requirements for solar access with 14/20 dwellings or 70%. Although not ideal, the development is compliant with the non-discretionary standard for solar access as prescribed by Clause 19(2)(d) of the Housing SEPP. It is noted it would be rare 100% of a development would provide solar access midwinter.

## **5.9 Social and Economic Impact**

A Lighting Plan and CCTV Plan are provided to supplement the principles of CPTED which are to design and manage the environment to reduce the opportunity for crime to be committed.

The four (4) CPTED principles have been considered as part of the proposed development in the following manner as discussed in the SIA.

### *Surveillance*

*The proposed development orientates all dwellings to overlook either the public street or the internal roads. All dwellings include a front door and a window to a habitable room that overlooks the front yard and street of the dwelling to ensure passive surveillance over the common areas. The communal open space is visible from all areas within the development and allows additional passive surveillance. Appropriate lighting is provided as shown on the Lighting Plan.*

### *Access Control*

*All dwellings accessible directly from Jennings Road are provided with a front entry gate to ensure effective access control. Fencing is used to secure dwellings and private open space areas from the public domain. Clear paths of travel are provided through the development to guide pedestrian movement through the complex.*

### *Territorial Reinforcement*

*All dwellings will be clearly identified with building numbers, and all dwellings fronting Jennings Road have front fencing to clearly define public and private areas.*

### *Space Management*

*The proposed development utilises materials which are hard-wearing (such as sandstone) to reduce maintenance and provide the basis for an attractive, well cared for development. The complex will be managed by a social housing provider to ensure vegetation does not become overgrown and respond to maintenance requests.*

The SIA provides the following recommendations which will be factored into the design and management plan at the detailed design stage:

- *To maintain good surveillance, it is recommended that landscaping be regularly maintained to ensure existing natural surveillance across the site and to and from the street is maintained.*
- *To ensure good visibility and increase a sense of safety at night, lighting is to be installed:*
  - *at all dwelling entrances and exits;*
  - *at all front gates to the dwellings fronting Jennings Road o along footpaths (foot level lighting) to front doors for dwellings fronting Jennings Road o on all stairwells to front doors o along the driveway (foot level lighting);*
  - *in the car parking areas with lighting installed at a sufficient height to reduce the potential for tampering, and of a design to minimise light spill;*
  - *within the communal open space;*
  - *a sensor light is recommended for the bin area.*
- *Bin area to be secured to prevent access by non-residents.*
- *A clearly visible street number is to be provided on the site frontage.*
- *Signage to be installed to advise that the premises is under 24-hour CCTV surveillance.*
- *Clear directional signage to be included to indicate where different dwellings are located within the site, and to indicate the location of the garbage bins.*
- *Each dwelling to have a visible number on the front of the dwelling.*
- *The proposed space management practices suggested to be implemented at the proposed development include:*
  - *regular maintenance of the premises, including cleaning up of litter or rubbish from the car parking areas and grounds;*
  - *regular waste removal;*
  - *rapid removal of any graffiti that may be undertaken on the site;*
  - *regular checks of and rapid repairs to lighting and signage and any damage on the site.*
- *Individual letterboxes should be lockable to impeded unauthorised access.*

## **5.10 Waste**

A waste management storage room is proposed under dwelling No. 4. The collection area is required to have a maximum grade of 3% as per Councils Waste Management Guidelines. The travel pathways between the bin collection room and the front verge where the bins will be collected on Jennings Road includes a section at 5% grade and a section at 11.25% grade, as per the proposed long section of the driveway MC00 of the Civil Engineering Plans by Tonkin.

This section of 11.25% exceeds the 7% included in the discussion with the applicant at the meeting of 6 March 2025 and Councils Waste Management Guidelines. A safety rail will be required along the interface between the bin room landing area on the footpath and the driveway to ensure separation between vehicles and the safety of the people transferring bins to and from collection on Jennings Road. The footpath will be required to be 2 metres width along the full frontage of the development on Jennings Road, to facilitate adequate space for the storage of the 21 bins on collection day and pedestrian thoroughfare.

## **5.11 Stormwater Drainage**

The stormwater drainage plan included in the civil engineering set of drawings includes an Onsite Detention (OSD) tank with a volume of 47m<sup>3</sup> located under the driveway at the front of the site. Post developed flows for the 20%, 5% and 1% AEP will be maintained for the post developed flows so they do not exceed the existing discharge rate from the site. The stormwater drainage outlet from site will connect into a new kerb inlet pit in Jennings Road which will be constructed as part of this development. A 375 mm diameter stormwater drainage pipe will connect into the new kerb inlet pit in front of proposed dwelling No. 6 from the internal stormwater drainage network.

Existing services in the road verge, including water, sewer and telecommunications, have been included on the stormwater drainage plan and their location has been taken in to account with the stormwater drainage connection into the new kerb inlet pit in Jennings Road.

The Tonkin plans state that the “existing sewer to be locally adjusted to sit below stormwater pipe, to be resolved at detail design stage”. This area of conflict between the levels of the existing 150mm diameter VC sewer pipeline that runs in the road reserve of Jennings Road and the proposed 375mm diameter stormwater drainage pipe from the site will need to be resolved through the Section 68 and Section 307 approval process as additional adjustments may be required to the public infrastructure to ensure adequate clearance is achieved between the various underground services. This stormwater drainage design is supported.

## **5.12 Earthworks and Acid Sulphate Soils, Soils (Sediment and Erosion/Water)**

The site is located within an area mapped to have Class 5 Acid Sulphate Soils. The proposed works do not trigger the need to provide an Acid Sulfate Soil Assessment and or Management Plan.

Earthworks are proposed across the site in both cut and fill. The area under proposed dwelling No. 4 in the front of the site will be used as the waste room which will require excavation depth of up to 2.5 metres. Fill is proposed along the eastern boundary on top of the existing 150mm diameter VC sewer main.

Potential soil disturbance exceeds 2500m<sup>2</sup>. A Soil and Water Management Plan (Tonkin, 27.03.25, Rev I, Drawing No. 101, 111, 112) complies with the Blue Book.

It is not clear if any significant retaining walls, or those greater than 0.6 metres in height are proposed within the development or along the boundaries. Any retaining walls supporting excavation or fill across the site are to be wholly located within the site and include a 60 year design life.

Retaining wall designs for a wall greater than 600mm in height must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards. Furthermore, the location of trees proposed as part of the landscaping work needs to take into account the location of retaining walls and ensure that the retaining wall will not be impacted by the growth of trees and their ultimate tree root system. It has been assumed that any existing retaining walls on this site, including but not limited to the existing minor retaining wall in the north-west of the lot, will be removed as part of the works on the site.

A Dilapidation Report is recommended to be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. The dilapidation report is to verify that the proposed

excavation will not have an impact on the stability of the neighbouring sites. A suitable condition is recommended.

### **5.13 Asbestos/Contamination**

A Preliminary Site Investigation (PSI) (JKEnvironments, 2023) has been reviewed. The PSI identified zinc contamination exceeding ecological criteria and other data gaps that required further review. Further, the sampling was limited and did not meet the minimum requirements in EPA Sampling Design Guidelines 2022. The PSI concludes that a Detailed Site Investigation is to be completed to undertake a more thorough site contamination investigation and establish whether remediation is required.

A Detailed Site Investigation (DSI) has been reviewed. The DSI has generally addressed the requirements under State Environmental Planning Policy (Resilience and Hazards) 2021 by considering the PSI, site history, undertaking a site investigation and considering the sampling & analysis to support any conclusions made. Although, exceedances were detected in the soil for Zinc and Asbestos, I can generally concur that any contamination on the site would be isolated to the specific areas of concern and any contamination can be resolved by including specific conditions with any development consent issued.

### **5.14 Noise**

A Noise Impact Assessment (NIA) was submitted providing sampling data and methodology. The NIA provides required acoustic performance for the glazing of facades along Jennings St and suggests any mechanical plant (such as air conditioners) be located and designed to meet noise levels in Table 6 for surrounding sensitive receivers. The NIA doesn't consider construction noise and vibration impacts on surrounding sensitive receivers. Council Environmental Health Officer has recommended suitable conditions to be satisfied prior to the issue of a Construction Certificate.

## **6. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report.

Despite the development not providing adequate communal open space, approval is considered warranted as the proposal aligns with the public interest by delivering low-cost housing in a location that is both well-served and highly accessible. The development responds to a strategically identified need for affordable accommodation, contributing to broader social and planning objectives by supporting housing diversity and inclusivity within the community.

Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported. It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## **7. RECOMMENDATION**

That the Development Application for the demolition of dwellings and ancillary development, vegetation and tree removal, and construction of multi-dwelling housing at 12 – 14 Jennings Road, Wyong be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning*

*and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

Attachment A: D17086587 Draft conditions/reasons  
Attachment B: D17087927 Attachment B - Central Coast Development Control Plan 2022  
Attachment C: D16922863 Appendix A - HA Funding Announcement  
Attachment D: D17040653 Hume Response to Panel  
Attachment E: D17040646 Accessibility Statement  
Attachment F: D17040635 Hume Lettings Strategy  
Attachment G: D17040626 Crime Prevention through Environmental Design (CEPTED) Security Plans  
Attachment H: D17040617 Social Impact Assessment  
Attachment I: D17040607 Civil Engineering Plan - G - Hydraulic Plans  
Attachment J: D17040604 Statement of environmental effects SEE Addendum 2  
Attachment K: D17040599 Architectural Plans - C4 - Overview of Design Amendments  
Attachment L: D17040597 Civil Engineering Plan - H  
Attachment M: D17040596 Solar and Daylight Access Report - C2 - Solar Access and Shadow Diagrams  
Attachment N: D17040594 Landscape Plans - C3  
Attachment O: D17040592 Architectural Plans - C1- Amended Architectural Plans  
Attachment P: D16922806 Design Verification Statement  
Attachment Q: D16765046 Traffic Impact Assessment  
Attachment R: D16765036 Waste Management Plan  
Attachment S: Contamination and/or remediation action plan Attachment T: D16587252 Flood risk management report Attachment U: D15984352 Noise Impact Assessment  
Attachment V: D15984348 Bushfire Assessment  
Attachment W: D15984280 Operational Management Plan  
Attachment X: D15984278 NatHERS  
Attachment Y: D15984358 Cost Estimate  
Attachment Z: Construction - Waste Management Plans  
Attachment AA: D16106743 Central Coast Council Letter to Hume, dated 14 March 2024  
Attachment BB: D17085363 Flood risk management report - Updated Flood Advice  
Attachment CC: D17086150 Dan Lincoln Project Proposal Letter  
Attachment DD: NSW Rural Fire Service Approval Letter  
Attachment EE: D15984305 Geotechnical Investigation  
Attachment FF: D15984414 Statement Environmental Effects  
Attachment GG: D16587252 Flood risk management report