

**Proposed Residential Flat Building
Lot 1 and Lot 2 in DP259824
#85-91 Karalta Road at Gosford**

**Development Report and Statement of Environmental
Effects in accordance with the
Gosford Local Environmental Plan 2014**

Pinnacle Karalta Development

January 2021

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Client:	Pinnacle Karalta Development C/- CKDS Architecture Suite 1/28 Adelaide Avenue EAST GOSFORD				
Contacts:	Miki McBride CKDS Architecture 1/28 Adelaide Avenue EAST GOSFORD				
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	SEPP65 Design Verification Statement prepared by CKDS Architecture	
	Bushfire Protection Assessment Report prepared by Clarke Dowdle & Associates	
	Site Survey Plans prepared by Chase Burke Harvey (Consulting Surveyors)	
	Preliminary Ecological Assessment prepared by Niche Environment & Heritage	
	Koala Assessment Report prepared by Niche Environment & Heritage	
	Landscape Plan prepared by Xeriscapes	
	Arboricultural Impact Assessment prepared by Michael Shaw (Consulting Arborist)	
	Water Cycle Management Plan prepared by Martens Consulting Engineers	
	ABSA BASIX Certificate and Thermal Performance Certificate prepared by Efficient Living	
	Parking and Traffic Assessment prepared by B.J. Bradley & Associates	
	Disability Access Report prepared by Lindsay Perry Access	
	Site Waste Management Plan prepared by Wales & Associates Pty Limited	

LIST OF ABBREVIATIONS AND GLOSSARY	
Abbreviation	Meaning
AS	Australian Standard
BAM	Biodiversity Assessment Method
BDAR	Biodiversity Development Assessment Report
CC	Construction Certificate
CCC	Central Coast Council
CCLEP	Draft Central Coast Local Environmental Plan 2018
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Central Coast Council
cumecs	Cubic metres per second
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound
dB(A)	Frequency weighting filter used to measure 'A-weighted' sound pressure levels, which conforms approximately to the human ear response, as our hearing is less sensitive at very low and very high frequencies
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water NSW
DoPI	Department of Planning & Infrastructure
EOH	Department of Environment & Heritage (NSW)
EPBC	Environment Protection and Biodiversity Conservation Act 1999
EP&A Act	Environmental Planning and Assessment Act 1979
ESD	Ecologically Sustainable Development
Emission	The release of material into the surroundings (ie: gas, noise and water)
GFA	Gross Floor Area
GLEP	Gosford Local Environmental Plan 2014
GPT	Gross Pollutant Trap
HRV	Heavy Rigid Vehicle
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m ²	Square metre
m ³	Cubic metre
PCT	Plant Community Type
PEA	Preliminary Ecological Assessment
PP	Planning Proposal
REF	Review of Environmental Factors
ROW	Right-of-way
RMS	Roads and Maritime Service
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	State Regional Environmental Policy
WA	Wales & Associates Pty Limited
WMP	Waste Management Plan

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DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

Date of Report: 29th January 2021

Applicant: Pinnacle Karalta Development
C/- Wales & Associates
P.O. Box 150
Ettalong Beach 2257

Client: Pinnacle Karalta Development
C/- CKDS Architecture
Suite 1/28 Adelaide Avenue
EAST GOSFORD

Location: Lot 1 and Lot 2 in DP259824
#85-91 Karalta Road at Erina

Site Area: Lot 1 = 5,358m² (proposed Lot G by subdivision)
Lot 2 = 5,356m² (proposed Lot H by subdivision)
Total = 10,714m² by DP259824

Subject of Report: **Proposed Residential Flat Building**

Current Zoning: Zone R1 – *General Residential*
under the Gosford Local Environmental Plan 2014
(see **Figure 1**)

Relevant Planning Controls:

- (i) New South Wales Government (1979) Environmental Planning & Assessment Act (as amended);
- (ii) State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (iii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
- (iv) Gosford Local Environmental Plan 2014;
- (v) Gosford Development Control Plan 2013;
- (vi) State Environmental Planning Policy No. 65 – Design Quality;
- (vii) State Environmental Planning Policy (Infrastructure) 2007;
- (viii) State Environmental Planning Policy – Contamination of Land;
- (ix) State Environmental Planning Policy (Koala Habitat Protection) 2019;
- (x) Draft Central Coast Local Environmental Plan 2018 (CCLEP)
- (xi) State Environmental Planning Policy (BASIX);

- (xii) Rural Fires Act, 1997 (Amended) – Sections 63 (1) and 63 (2);
- (xiii) Planning for Bushfire Protection (NSW Rural Fire Service, 2019); and
- (xiv) Planning for Bushfire Protection (NSW Rural Fire Service, 2018)

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared by Wales & Associates Pty Limited (WA) on behalf of Pinnacle Karalta Development in relation to the proposed three (3) and four (4) storey residential flat building containing one hundred and thirty one (131) units (including one (1) affordable housing unit) as shown on the attached **Architectural Plans** prepared by **CKDS Architecture** as submitted under separate cover.

It describes the site, its environs, the development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 – Evaluation of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It should be read in conjunction with the supporting information and documents lodged with the Central Coast Council.

This report should be read in conjunction with the following appended reports and plans:-

- (i) Architectural Plans prepared by CKDS Architecture;
- (ii) SEPP65 Design Verification Statement prepared by CKDS Architecture;
- (iii) Bushfire Protection Assessment Report prepared by Clarke Dowdle & Associates;
- (iv) Site Survey Plan prepared by Chase Burke Harvey (Consulting Surveyors);
- (v) Preliminary Ecological Assessment by Niche Environment & Heritage;
- (vi) Koala Assessment Report prepared by Niche Environment & Heritage;
- (vii) Landscape Plan prepared by Xeriscapes;
- (viii) Arboricultural Impact Assessment prepared by Michael Shaw (Consulting Arborist);
- (ix) Water Cycle Management Plan prepared by Martens Consulting Engineers;
- (x) ABSA BASIX Certificate and Thermal Performance Certificate prepared by Efficient Living;
- (xi) Parking and Traffic Assessment prepared by B.J. Bradley & Associates;
- (xii) Disability Access Report prepared by Lindsay Perry Access;
- (xiii) Site Waste Management Plan prepared by Wales & Associates Pty Limited; and
- (xiv) Preliminary Geotechnical Investigation prepared by Martens Consulting Engineers

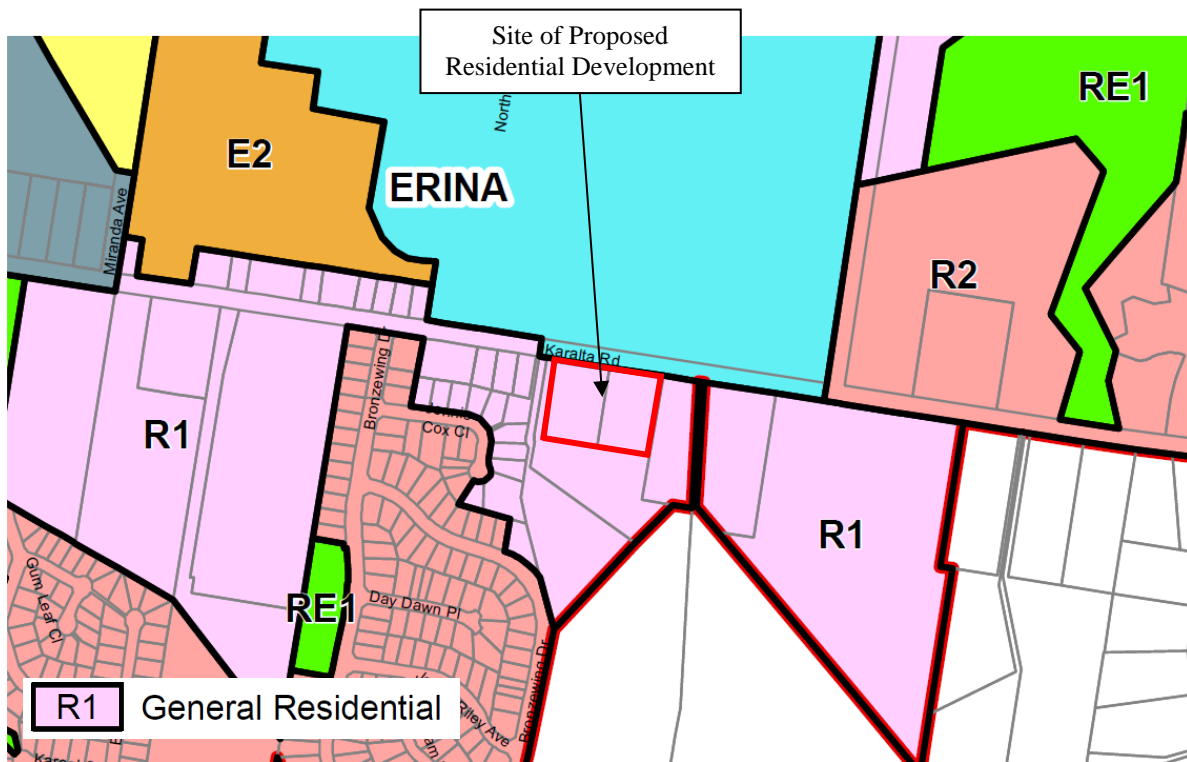


Figure 1

Extract from the Gosford Local Environmental Plan - Zone Map LZN_015C
(image courtesy of Central Coast Council via NSW Legislation portal)

1.0 THE PROPOSAL

1.1 General

The following report is for the proposed three (3) and four (4) storey residential flat building containing one hundred and thirty one (131) units including basement level car parking as shown on the attached **Architectural Plans** prepared by **CKDS Architecture**.

The sites is currently occupied by two single storey brick residences (tile roofs) and associated out-buildings. These improvements will be demolished and removed from the site.

The site has a land area of 10, 714m² by DP259824.

By way of subdivision as per DA/48585/2015, the total area is 9,501m² (ie: 4,772m² = proposed Lot G and 4,729m² = Lot H) as shown in **Figure 2** and **Figure 3**.

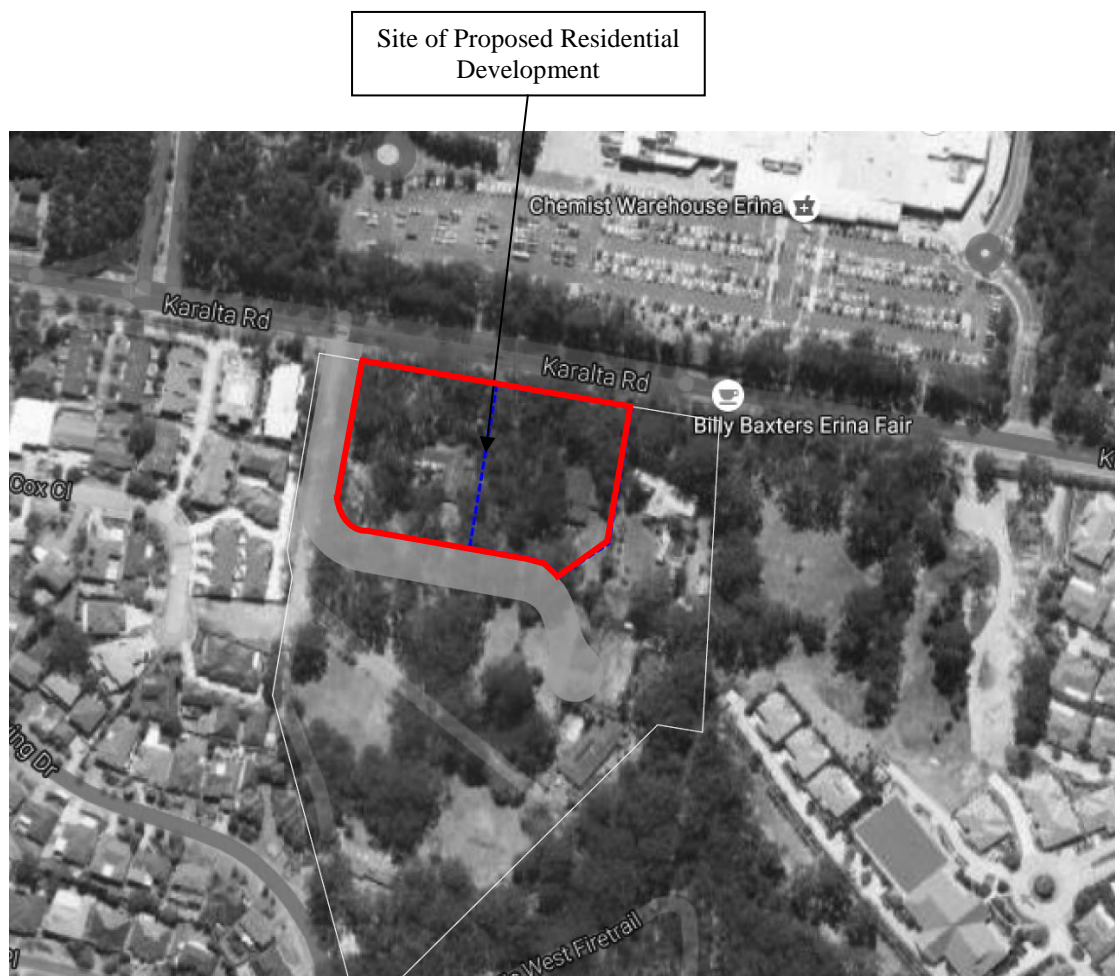


Figure 2
Aerial map showing subdivided lot boundaries
(image courtesy of Google Earth Pro)

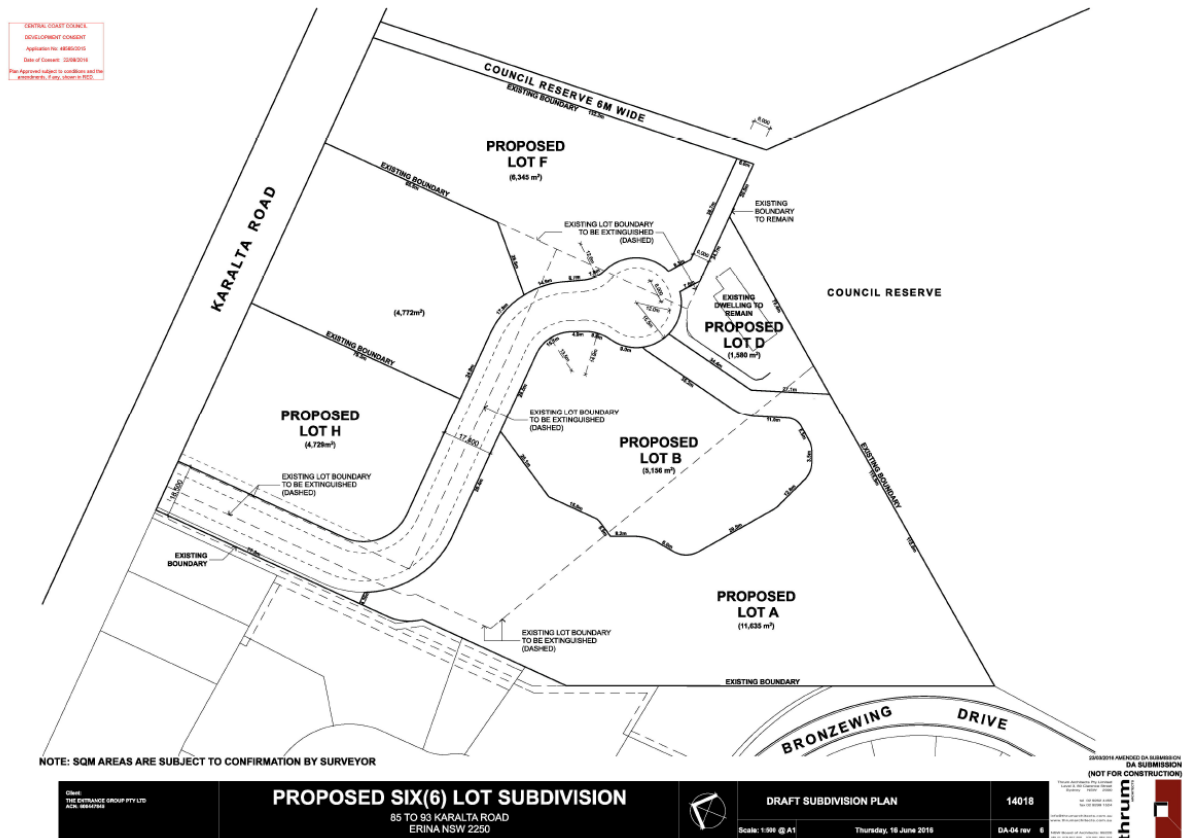


Figure 3
Extract from approved plans - DA/48585/2015

1.2 Staging

The development will be undertaken in one (1) single stage.

1.3 Pre-Application Meeting

A pre-application meeting was conducted with Gosford City Council on the 13th December 2019 at which time a number of issues were addressed including:-

- (i) provisions under the Gosford Local Environmental Plan 2014;
- (ii) provisions and variations to Clause 5.2 – Erina of the Gosford Development Control Plan 2013;
- (iii) provisions under the State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (iv) BASIX;
- (v) SEPP 65 – Design Quality provisions;
- (vi) provisions under the State Environmental Planning Policy (Koala Habitat Protection) 2019;
- (vii) provisions under the State Environmental Planning Policy No. 55 – Remediation of Land;
- (viii) considerations under the Central Coast Regional Plan 2036;
- (ix) provisions under the Gosford Development Control Plan 2013;
- (x) character assessment;
- (xi) geographic units;

- (xii) waste management requirements;
- (xiii) street network and street types - access considerations;
- (xiv) pedestrian access and networks;
- (xv) bushfire protection;
- (xvi) landscape buffers;
- (xvii) geotechnical considerations and PSI requirements;
- (xviii) engineering requirements including road access, pedestrian access and parking;
- (xix) Water Cycle Management Plan;
- (xx) environmental considerations under the NSW Biodiversity Offsets Scheme;
- (xxi) water and sewer connections; and
- (xxii) erosion and sedimentation controls

2.0 COMPLIANCE WITH PLANNING CONTROLS

2.1 Gosford Local Environmental Plan 2014

The proposed development is governed by the Gosford Local Environmental Plan 2014.

The [Gosford Local Environmental Plan \(LEP\) 2014](#) came into effect on the 11th February 2014.

The subject site is currently zoned Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014. Residential flat buildings are permitted in the zone with the consent of Council.

The **objectives** of the zone are:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) to ensure that development is compatible with the desired future character of the zone;
- (v) to promote best practice in the design of multi dwelling housing and other similar types of development;
- (vi) to ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The proposed development **meets the objectives** of the zone in that:-

- (i) it provides for the housing needs of the community;
- (ii) it provides for a variety of housing types and densities;
- (iii) the design ensures that the development is compatible with the desired future character of the zone; and
- (iv) the proposal promotes best practice in the design of multi dwelling housing and other similar types of development

Each of the relevant development standards contained within the Gosford Local Environmental Plan 2014 is dealt with, where appropriate, within the body of this report.

2.1.1 Floor Space Ratio

Clause 4.4 – *Floor space ratio* deals with issues relating to floor area and its ratio to the total site area. The **objectives** of this clause are as follows:-

- (i) to establish standards for the maximum development density and intensity of land use;
- (ii) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations;
- (iii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;
- (iv) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation;
- (v) to provide an appropriate correlation between the size of a site and the extent of any development on that site;
- (vi) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design;
- (vii) to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope;
- (viii) to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

In addition, Clause 7.7 – *Affordable Housing at 85-93 Karalta Road, Erina* also applies to the site. The **objective** of this clause is to increase the supply of affordable rental housing for very low, low and moderate income earning households by providing incentives for the development of new affordable rental housing.

This clause applies to development for the purpose of a residential flat building on land identified as “Area 1, Karalta Road” on the [Development Incentives Application Map](#) if:-

- (i) the development will include at least 1 dwelling that contains 2 bedrooms; and
- (ii) the gross floor area of the development that is to be used for the purpose of affordable housing is at least 80 square metres.

Despite clause 4.4(2) of the Gosford LEP 2013, the maximum floor space ratio for development to which this clause applies is 1:1.

The subject lands are designated K and currently have a maximum floor space ratio of 0.85:1 under the Gosford Local Environmental Plan 2014 as shown in **Figure 4**. However, as the proposal has an “affordable housing” component, the provisions of Clause 7.7 apply allowing a maximum FSR of 1 to 1.

Based on the total site area of Lots 1 and 2 (ie: 10,714m²), the proposed floor space ratio is 1.07:1 as shown on Drawing No. DA1108 in the attached **Architectural Plans** prepared by **CKDS Architecture**. This represents a minor departure of 7% for the standard under Clause 7.7 of the Gosford LEP 2014.

Based on the total site area of the proposed Lots G and H as per DA/48585/2015 of 9,501m² (ie: 4,772m² = proposed Lot G and 4,729m² = Lot H), the proposed floor space ratio is 1.2:1 as shown on Drawing No. DA1108 in the attached **Architectural Plans** prepared by **CKDS Architecture**. This represents a larger departure of 17% for the standard under Clause 7.7 of the Gosford LEP 2014.

The proposed development **COMPLIES** with the objectives of the Clause 4.4 standard in that it:-

- (i) meets the standards for the maximum development density and intensity of land use subject to a minor variation under Clause 4.6 (ie: 1.07:1 for the existing Lots 1 and 2 and 1.2:1 for the proposed Lots G and H);
- (ii) satisfies the building density and bulk in relation to site area so as to achieve the desired future character for the Erina precinct and provide an affordable housing component;
- (iii) minimises any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain through high quality design, generous setbacks and advanced comprehensive landscaping;
- (iv) maintains an appropriate visual relationship between new development and the existing character of the area keeping in mind that the location is an area in transition and is likely to undergo substantial transformation. This is achieved through high quality design and facades treatments, generous setbacks and advanced comprehensive landscaping;
- (v) provides an appropriate correlation between the size of a site and the extent of any development on that site;
- (vi) facilitates design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design;
- (vii) ensures that the floor space ratio of buildings on land in Zone R1 – *General Residential* reflects Council's desired building envelope albeit with a minor variation to the maximum FSR under Clause 7.7 of the Gosford LEP 2014;
- (viii) requires lot amalgamation; and
- (ix) provides for compliant car parking below and at ground level

The proposed development also **COMPLIES** with the objectives of the Clause 7.7 standard in that it increases the supply of affordable rental housing for very low, low and moderate income earning households.

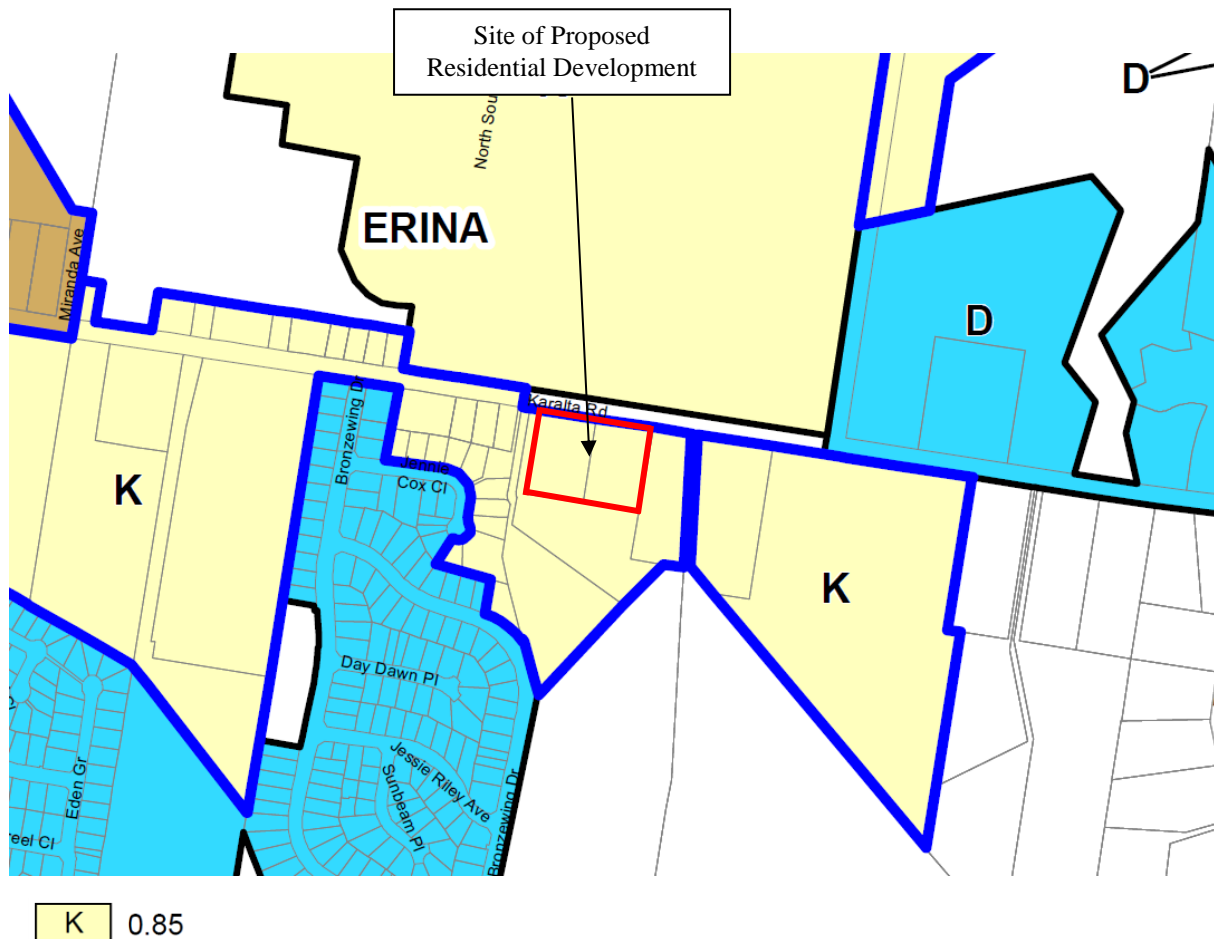


Figure 4
Extract from the Gosford Local Environmental Plan 2014 - Floor Space Ratio Map
FSR_015C
(image courtesy of Central Coast Council via NSW Legislation portal)

Introduction

As the proposed residential and affordable housing project slightly exceeds the maximum permitted floor space ratio, a variation request under Clause 4.6 – Exemption to Development Standard under the Gosford Local Environmental Plan 2014 in relation to the 1:1 FSR limit and the departure from this standard where an FSR of 1.07:1 is proposed based on the total area of existing Lots 1 and 2. The departure increases to 1.2:1 once the approved subdivision is effected and the public road dedicated.

As required by this clause, a written request for an exception to the required maximum FSR of 1:1 is made as part of the Statement of Environmental Effects which accompanies the development application. It is noted that Council acknowledges potential support for exceptions to the development standards to be varied pursuant to Clause 4.6 especially with the knowledge that similar variations have been approved. Consequently, the provisions of the clause and specifically sub-clause (4) need to be met.

Clause 4.6

Clause 4.6 – *Exceptions to development standards* under Gosford Local Environmental Plan 2014 states:-

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:-*
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:-*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that;*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Secretary must consider:-*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Development Standard to be Varied

It is proposed to vary the standard set out under Clause 4.4 – Floor Space Ratio of the Gosford Local Environmental Plan 2014 which deals with those issues relating to the maximum permissible floor space as a ratio to the site area.

Clause 4.4 states that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

Extent of the Variation to the Development Standard

The proposal seeks a variation to the maximum FSR from 1:1 to 1.07:1 based on the existing site area (and 1.2:1 post subdivision) which is higher than the maximum permissible FSR under the Gosford Local Environmental Plan 2014. This represents a minor variation of **7%** (increasing to 17% post subdivision and road dedication)

Objectives of the Standard

The **objectives** of Clause 4.4 of the Gosford Local Environmental Plan 2014 are as follows:-

- (i) to establish standards for the maximum development density and intensity of land use;
- (ii) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations;
- (iii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;
- (iv) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation;
- (v) to provide an appropriate correlation between the size of a site and the extent of any development on that site;
- (vi) to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design;
- (vii) to ensure that the floor space ratio of buildings on land in Zone R1 – *General Residential* reflects Council’s desired building envelope; and
- (viii) to encourage lot amalgamation and new development forms in Zone R1 – *General Residential* with car parking below ground level.

The **objectives** of Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014 are to:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) to ensure that development is compatible with the desired future character of the zone;
- (v) to promote best practice in the design of multi dwelling housing and other similar types of development; and
- (vi) to ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

Assessment

Under the Gosford Local Environmental Plan 2014, the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

In this instance, the minor variation to the FSR is in line with Council's long term objective to maximise yield outcomes in the Somersby to Erina Corridor under the Somersby to Erina Corridor Strategy (see **Figure 5**) adopted by Central Coast Council on the 9th December 2019.

The relevant key recommendations of the Strategy can be summarised as:-

- (i) creating a land use strategy that allows for, and infrastructure that supports, population increase of 6,395 residents in the Corridor between 2016 and 2036. This equates to approximately 8.5% of the anticipated growth of 75,500 for the Central Coast over the next 20 years;
- (ii) creates adequate employment lands and opportunities in centres for an increase of 9,866 jobs in the Corridor between 2016 and 2036 – 39% of the Central Coast LGA's anticipated growth in this time; and
- (iii) focus residential development in existing centres in the short to moderate term of Gosford City Centre, East Gosford and Point Frederick with the most density in Gosford City Centre – reinforcing its role as the capital city of the Central Coast.

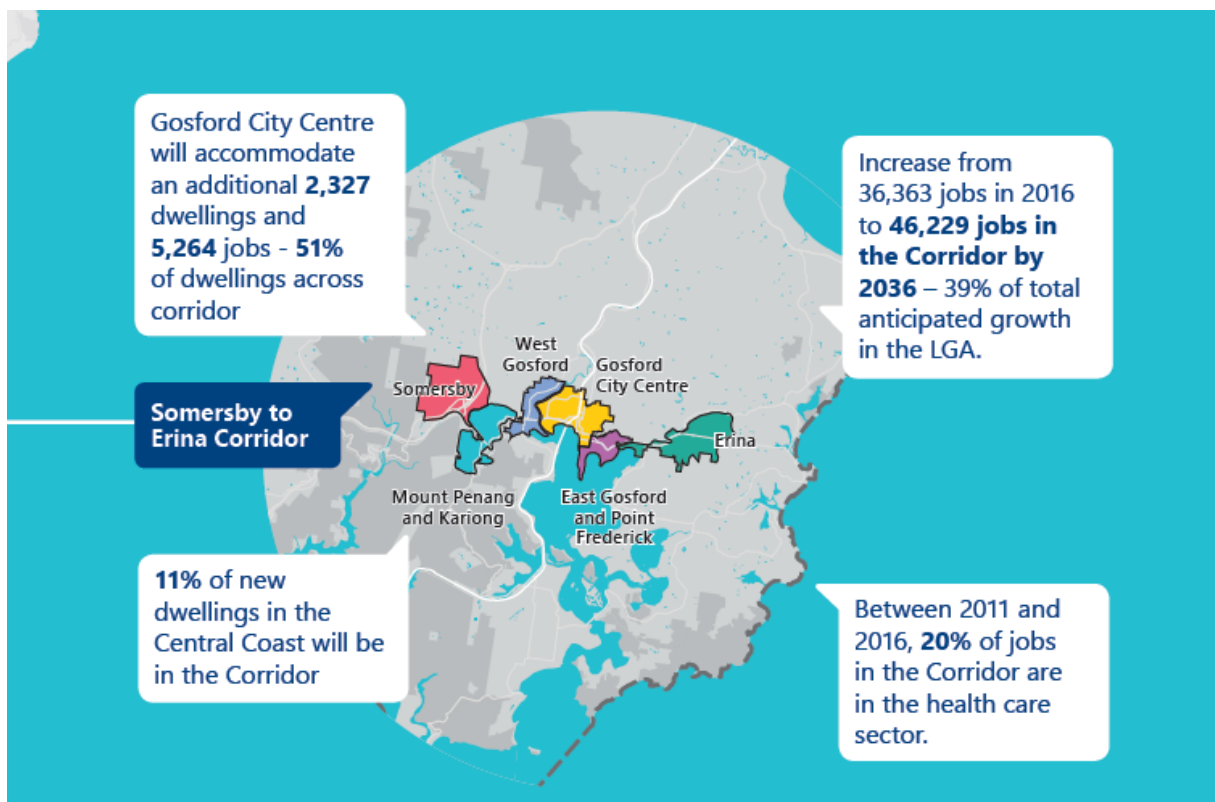


Figure 5
Diagram showing Somersby to Erina Corridor Strategy
(image courtesy of Central Coast Council – Somersby to Erina Corridor Strategy)

In addition, the minor variation to the FSR is also in line with Council's long term objective to increase the availability of affordable rental housing for very low, low and moderate income earning households.

The architect for the project, **CKDS Architects**, has designed the residential flat building and affordable housing project in such a manner as to:-

- (i) produce a high quality residential development that provides a high level of articulation and effective and efficient floor space;
- (ii) optimize the development outcomes for the site whilst being mindful of bulk and scale;
- (iii) meet the objectives of the Somersby to Erina Corridor Strategy;
- (iv) improve yields and development viability in line with both Council's and the public expectations for the precinct

Consequently, a variation is sought to the Floor Space Ratio development standard under the provisions set out in Clause 4.6 – Exceptions to development standards of the Gosford Local Environmental Plan 2014. The **objectives** of this clause are as follows:-

- (i) to provide an appropriate degree of flexibility in applying certain development standards to particular development; and
- (ii) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The FSR variation is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to Karalta Road and secondary frontage to the proposed new road. It is also consistent with the intent of Chapter 5.2 – Erina, 85-93 Karalta Road under the Gosford Development Control Plan 2013.

The residential flat building is proposed at three (3) storeys and four (4) storeys and integrates satisfactorily within the future site context (see **Figure 6**).



Figure 6
Site Context – Photomontage
(image courtesy of CKDS Architecture)

In relation to the *Underlying Objectives of the Standard of Clause 4.4 – Floor Space Ratio*, the proposed development and the variation to the Floor Space Ratio standard meets the underlying objectives by:-

- (i) being mindful of the existing maximum density and intensity of land use whilst acknowledging the intent of the Somersby to Erina Corridor Strategy;
- (ii) ensuring that the proposed residential flat building is compatible with the height, bulk and scale of the desired future character of the locality as articulated in Clause 5.2.11 – Buildings/Character of the Gosford Development Control Plan 2013;
- (iii) ensuring that building does not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities. The residential flat building is largely screened from view from Karalta Road by the required ten (10) metre landscape buffer along the street frontage;
- (iv) minimising adverse environmental effects on the use or enjoyment of adjoining properties and the public domain. The proposed residential flat building has its primary frontage to Karalta Road with the required ten (10) wide landscape buffer to reduce visual impacts from the public road. Similar buffers are provided on the northern side of Karalta Road adjacent to Erina Fair;
- (v) providing an appropriate correlation between the size of a site and the extent of any development on that site. The proposed bulk and scale (and FSR) is generally compliant with both the LEP and DCP provisions and also meets the objectives of the Somersby to Erina Corridor Strategy; and
- (vi) facilitating development that contributes to the economic growth of Erina through the provision of additional high quality residential floor space

It also meets the underlying objectives of Clause 7.7 – Affordable Housing at 85-93 Karalta Road, Erina in that the proposal increases the supply of affordable rental housing for very low, low and moderate income earning households.

In relation to Section 5(a)(i)(ii) – *Objects* of the Environmental Planning & Assessment Act, the variation to the development standard will not hinder the obtainment of the objectives.

Under Section 5(a)(i)(ii), the objects of this Act are:-

(a) to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land*

The variation to the Floor Space Ratio requirement will not hinder the proper management and development of the Karalta Road arterial road corridor and meets the long term objectives of the Somersby to Erina Corridor Strategy and Clause 7.7 – Affordable Housing at 85-93 Karalta Road, Erina.

The proposal will in fact improve the social and economic welfare of the local and wider community and create a better environment by substantially improving the availability of good quality residential accommodation that meets the objectives of the Somersby to Erina Corridor Strategy. Located strategically adjacent to Erina Fair and major bus routes along Karalta Road, the proposed development (and minor departure from the FSR standard) is ideally positioned to accommodate higher densities.

The proposal will integrate with the existing residential development to the west (low density and medium housing) and to the east (existing seniors housing) and compliment other development in the precinct. Further, the variation to the Floor Space Ratio requirement will not hinder the promotion and co-ordination of the orderly and economic use and the development of the land. In fact, the proposal ensures the highest and best use of the subject site by capitalizing on the increasing need for good quality high density housing.

(i) Clause 4.6(3)(a) – *Unreasonable and Unnecessary*

In relation to the question as to whether compliance with the development standard unreasonable or unnecessary in the circumstances (Clause 4.6 Sub-clause (3)(a)), it is the applicants view that strict compliance with the Floor Space Ratio development standard is considered to be unreasonable in this particular case as the proposed variation simply seeks to maximise the site outcomes in line with the Somersby to Erina Corridor Strategy and improve the availability of high quality residential accommodation without any significant impact on the adjoining properties or the streetscape.

It also proposes a high quality residential interface with the proposed internal road frontage in line with the Gosford Development Control Plan 2013 (Chapter 5.2 – Erina). It will ensure a more viable development and higher standard of residential yield compared to that which would otherwise be provided should strict adherence to the LEP standard be applied. The proposal is an efficient use of the land which delivers social, economic and environmental benefits to the local community.

The variation will not adversely affect the amenity of the immediate locality or compromise the objectives of Clause 4.4 of the Gosford Local Environmental Plan 2014 (GLEP 2014) or Section 5(a)(i)(ii) of the EP&A Act.

In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6(3)(a) is sought.

(ii) Clause 4.6(3)(b) – *Environmental Planning Grounds*

With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has particular circumstances in relation to its strategic location which has triggered the specific design response. The site is located in close proximity of Erina Fair (immediately opposite to the north) and the Erina town centre (750 metres to the west) which generate high demand for residential accommodation. Karalta Road directly connects Erina Fair to the Erina town centre.

It should also be noted that the proposal provides for an affordable rental housing component for very low, low and moderate income earning households.

The proposed development (with minor variation to FSR) is direct response to the high demand for high quality residential floor space which has also underpinned ongoing development on the adjoining and adjacent sites and for the need for affordable rental housing.

By allowing the variation to the FSR results in a more efficient and orderly use of the land that meets the growing demand for high quality residential accommodation and will produce a better outcome than would otherwise be the case if strict adherence to the standard were observed. In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded.

(iii) Clause 4.6(4)(a)(ii) – Public Interest

In relation to the question as to whether the proposed development would be in the public interest, it is considered that the proposal is consistent with both the objectives of the standard and for development within the zone.

With regard to the objectives for development within the zone, the subject site is currently zoned Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014.

The **objectives** of Zone R1 – *General Residential* are to:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) to ensure that development is compatible with the desired future character of the zone;
- (v) to promote best practice in the design of multi dwelling housing and other similar types of development; and
- (vi) to ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The proposed development and the minor variations to the FSR and building height **meet the objectives** of the zone in that the proposal:-

- (i) provides for good quality housing that meets the needs of the community;
- (ii) provides a variety of unit sizes and types;
- (iii) will be compatible with the desired future character of the precinct; and
- (iv) has been designed to promote best practice in design for residential flat buildings

Therefore, it is considered that the proposal satisfies the public interest test as it is consistent with both the objectives of the standard and for development within the zone. In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded.

Conclusion

Based on the above assessment, the attached architectural plans and supporting documents, it is considered that the proposed residential flat building and affordable housing component will deliver a better planning outcome than one that strictly complies with the 1:1 FSR limit for the following reasons:-

- (i) strict compliance would not be responsive to the intent of the Gosford Local Environmental Plan 2014 objectives and the intent of the Somersby to Erina Corridor Strategy;
- (ii) strict compliance would not be responsive to the high demand for high quality residential accommodation close to Erina Fair and the Erina town centre;
- (iii) strict compliance would not be responsive the need to provide affordable housing under Clause 7.7 of the Gosford LEP 2014;
- (iv) strict compliance would restrict floor space outcomes to the extent that the alternative would be an underutilisation of the site in an area close to Erina Fair that seeks higher density outcomes; and
- (v) strict compliance would not meet the emerging and desired future character of the precinct

It is considered that the objection to the Floor Space Ratio standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6 is sought.

2.1.2 Maximum Height

Clause 4.3 – Height of buildings deals with issues relating to building height and their effect on the urban form. The **objectives** of this clause are as follows:-

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

The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

The proposed development **COMPLIES** with the objectives of the standard in that it:-

- (i) seeks to comply with the maximum height limits for buildings subject to a minor variation under Clause 4.6;

- (ii) provides a high quality urban form;
- (iii) ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight;
- (iv) provides an appropriate transition in built form and land use intensity keeping in mind that the location is an area in transition;
- (v) ensures that the buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area; and
- (vi) protects public open space from excessive overshadowing and to allow views to identify natural topographical features

The subject lands are designated L1 and currently have a maximum height of eleven (11) metres under the Gosford Local Environmental Plan 2014 as shown in **Figure 7**.

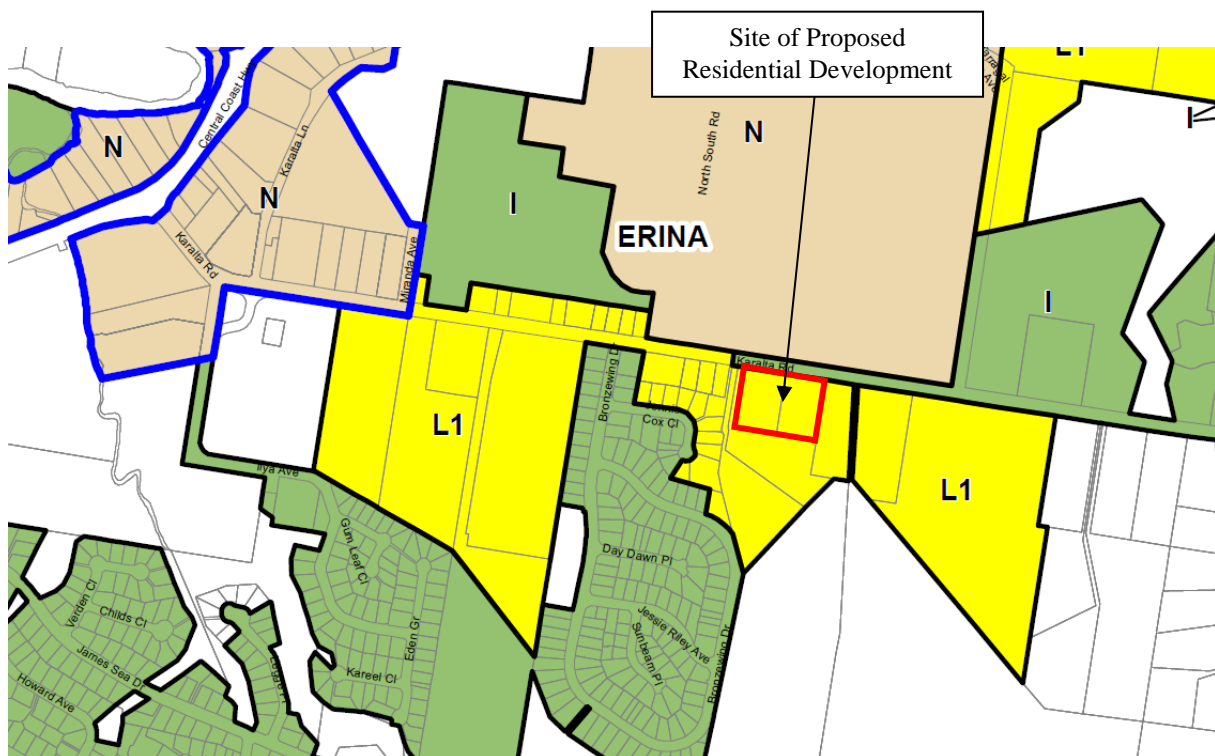


Figure 5
Extract from the Gosford Local Environmental Plan 2014 - Height of Building Map
HOB_015C

(image courtesy of Central Coast Council via NSW Legislation portal)

In this case, Clause 7.7 – Affordable housing at 85–93 Karalta Road, Erina applies and with regards to the maximum building height, sub-clause 7.7(3) also applies. This clause states that despite clause 4.3(2) of the Gosford LEP 2014, the maximum building height for development to which this clause applies is 13.75 metres.

In this case, the proposed development does not strictly comply with the height limitations as shown on the attached architectural plans prepared by **CKDS Architecture**.

The plans show the 13.75 metre height plane at various sections and elevations which also show several non-compliances (see **Figure 6**). The non-compliances are shown in **Figure 7** in 3D format.



Figure 6
South Elevation showing 13.75m maximum height line
(image courtesy of CKDS Architecture)

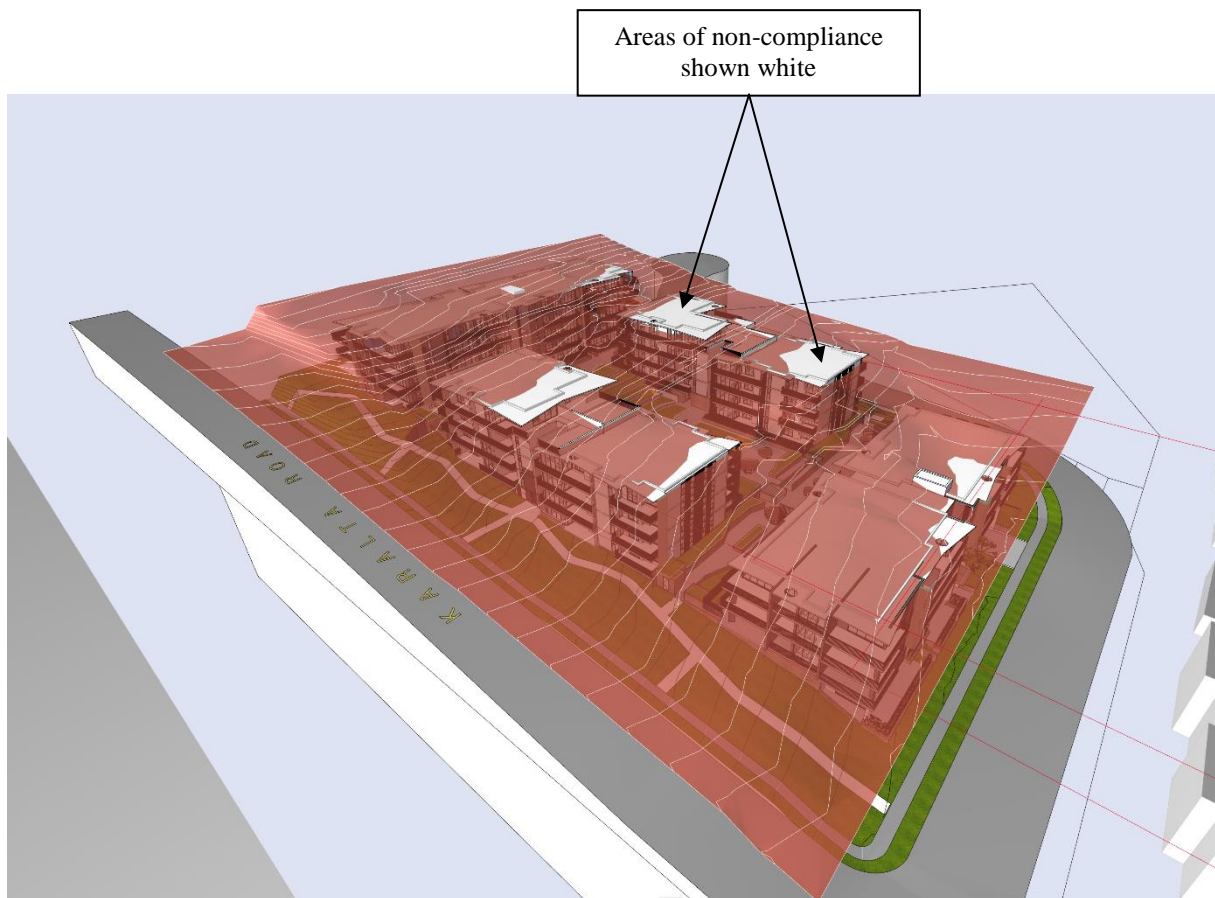


Figure 7
3D representation showing the 13.75m height plane and non-compliances
(RED = 13.75m height plane)
(image courtesy of CKDS Architecture)

Introduction

As the proposed residential and affordable housing project exceeds the maximum permitted building height, a variation request under Clause 4.6 – Exemption to Development Standard under the Gosford Local Environmental Plan 2014 in relation to the 13.75 metre building height limit and the departure from this standard where a building height of 15.28 metres (Block B) = 11.12% variation and 15.79 metres (Block C) = 14.8% variation is proposed.

As required by this clause, a written request for an exception to the required maximum building height of 13.75 metres is made as part of the Statement of Environmental Effects which accompanies the development application.

It is noted that Council acknowledges potential support for exceptions to the development standards to be varied pursuant to Clause 4.6 especially with the knowledge that similar variations have been approved. Consequently, the provisions of the clause and specifically sub-clause (4) need to be met.

Clause 4.6

Clause 4.6 – Exceptions to development standards under Gosford Local Environmental Plan 2014 states:-

4.6 Exceptions to development standards

(3) *The objectives of this clause are as follows:-*

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

(4) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

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

- (c) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (d) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that;*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

- (5) *In deciding whether to grant concurrence, the Secretary must consider:-*
- (d) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (e) *the public benefit of maintaining the development standard, and*
 - (f) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Development Standard to be Varied

It is proposed to vary the standard set out under Clause 4.3 – Height of Buildings of the Gosford Local Environmental Plan 2014 which deals with those issues relating to the maximum permissible building height in relation to the natural ground level.

Clause 4.3 states that the maximum building height for a building on any land is not to exceed the floor space ratio shown for the land on the Height of Buildings Map.

Extent of the Variation to the Development Standard

The proposal seeks a variation to the maximum building height of:-

- (i) 15.28 metres (Block B); and
- (ii) 15.79 metres (Block C)

from the 13.75 metre standard which is higher than the maximum permissible building height under the Gosford Local Environmental Plan 2014. This represents a variation of:

- (iii) Block B = **11.12%** variation; and
- (iv) Block C = **14.8%** variation

Objectives of the Standard

The **objectives** of Clause 4.3 – Height of Building of the Gosford Local Environmental Plan 2014 are as follows:-

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

Assessment

Under the Gosford Local Environmental Plan 2014, the maximum height of a building on any land is not to exceed the floor space ratio shown for the land on the Height of Buildings Map.

In this instance, the minor variation to the building height ensures that the proposed development achieves its maximum site yield and is in line with Council's long term objective to maximise yield outcomes in the Somersby to Erina Corridor under the Somersby to Erina Corridor Strategy (see **Figure 8**).

The relevant key recommendations of the Strategy can be summarised as:-

- (i) creating a land use strategy that allows for, and infrastructure that supports, population increase of 6,395 residents in the Corridor between 2016 and 2036. This equates to approximately 8.5% of the anticipated growth of 75,500 for the Central Coast over the next 20 years;
- (ii) creates adequate employment lands and opportunities in centres for an increase of 9,866 jobs in the Corridor between 2016 and 2036 - 39% of the Central Coast LGA's anticipated growth in this time; and
- (iii) focus residential development in existing centres in the short to moderate term of Gosford City Centre, East Gosford and Point Frederick with the most density in Gosford City Centre – reinforcing its role as the capital city of the Central Coast.

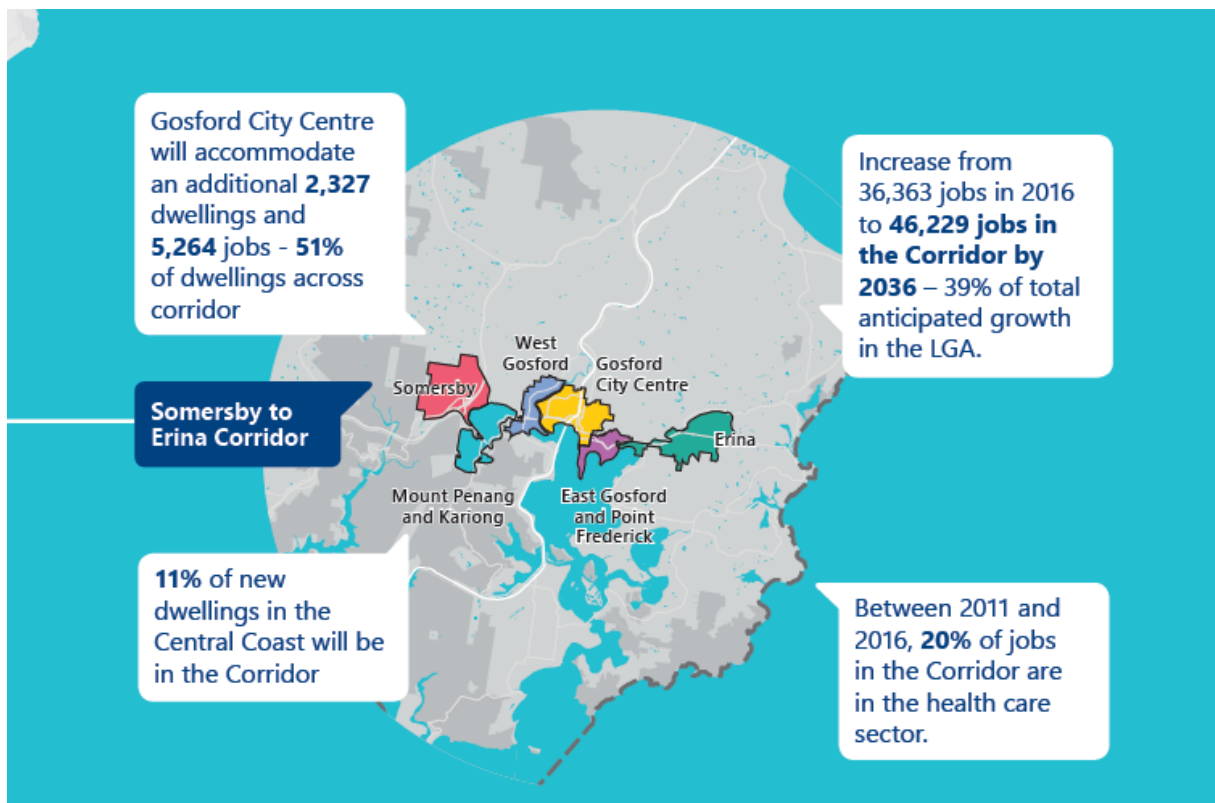


Figure 8
Diagram showing Somersby to Erina Corridor Strategy
(image courtesy of Central Coast Council – Somersby to Erina Corridor Strategy)

In addition, the minor variation to the FSR is also in line with Council's long term objective to increase the availability of affordable rental housing for very low, low and moderate income earning households.

The architect for the project, **CKDS Architects**, has designed the residential flat building and affordable housing project (including the minor variations to building height and FSR) in such a manner as to:-

- (i) produce a high quality residential development that provides a high level of articulation and effective and efficient floor space;
- (ii) optimize the development outcomes for the site whilst being mindful of bulk and scale;
- (iii) meet the objectives of the Draft Somersby to Erina Corridor Strategy; and
- (iv) improve yields and development viability in line with both Council's and the public expectations for the precinct

Consequently, a variation is sought to the Maximum Building Height development standard under the provisions set out in Clause 4.6 – Exceptions to development standards of the Gosford Local Environmental Plan 2014.

The **objectives** of this clause are as follows:-

- (i) to provide an appropriate degree of flexibility in applying certain development standards to particular development; and
- (ii) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The building height variation is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to Karalta Road and secondary frontage to the proposed new road. It is also consistent with the intent of Chapter 5.2 – Erina, 85-93 Karalta Road under the Gosford Development Control Plan 2013.

The residential flat building is proposed at three (3) storeys and four (4) storeys and integrates satisfactorily within the future street context (see **Figure 9**).



Figure 9
Image showing neighbourhood context
(image courtesy of CKDS Architecture)

In relation to the *Underlying Objectives of the Standard of Clause 4.3 – Height of Building*, the proposed development and the variation to the Maximum Building Height standard meets the underlying objectives by:-

- (i) being mindful of the maximum height limits for buildings but balancing compliance against good design and maximising site efficiency;
- (ii) allowing for building heights that encourage high quality urban form;
- (iii) ensuring that the proposed buildings and public areas continue to receive satisfactory exposure to sky and sunlight;
- (iv) proposing heights that will provide an appropriate transition in built form and land use intensity in line with Draft Somersby to Erina Corridor Strategy;
- (v) ensuring that the taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area;
- (vi) ensuring that public open space areas are protected from excessive overshadowing; and
- (vii) allowing views to the surrounding natural topographical features

In relation to Section 5(a)(i)(ii) – *Objects* of the Environmental Planning & Assessment Act, the variation to the development standard will not hinder the obtainment of the objectives.

Under Section 5(a)(i)(ii), the objects of this Act are:-

(c) *to encourage:*

- (iii) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (iv) *the promotion and co-ordination of the orderly and economic use and development of land*

The variation to the Maximum Building Height requirement will not hinder the proper management and development of the Karalta Road arterial road corridor and meets the long term objectives of the Somersby to Erina Corridor Strategy and Clause 7.7 – Affordable Housing at 85-93 Karalta Road, Erina.

The proposal will in fact improve the social and economic welfare of the local and wider community and create a better environment by substantially improving the availability of good quality residential accommodation that meets the objectives of the Somersby to Erina Corridor Strategy and also provide affordable housing outcomes within the proposal. Located strategically adjacent to Erina Fair and major bus routes along Karalta Road, the proposed development (and minor departure from the FSR standard) is ideally positioned to accommodate higher densities.

The proposal will integrate with the existing higher density residential development to the west (low density and medium housing) and to the east (existing seniors housing) and compliment other development in the precinct. Further, the variation to the Maximum Building Height requirement will not hinder the promotion and co-ordination of the orderly and economic use and the development of the land including an affordable housing component. In fact, the proposal ensures the highest and best use of the subject site by capitalizing on the increasing need for good quality high density housing.

(vii) Clause 4.6(3)(a) – *Unreasonable and Unnecessary*

In relation to the question as to whether compliance with the development standard unreasonable or unnecessary in the circumstances (Clause 4.6 Sub-clause (3)(a)), it is the applicants view that strict compliance with the Maximum Building Height development standard is considered to be unreasonable in this particular case as the proposed variation simply seeks to maximise the site outcomes in line with the Somersby to Erina Corridor Strategy and improve the availability of high quality residential accommodation without any significant impact on the adjoining properties or the streetscape.

It also proposes a high quality residential interface with the proposed internal road frontage in line with the Gosford Development Control Plan 2013 (Chapter 5.2 – Erina). It will ensure a more viable development and higher standard of residential yield compared to that which would otherwise be provided should strict adherence to the LEP standard be applied. The proposal is an efficient use of the land which delivers social, economic and environmental benefits to the local community.

The variation will not adversely affect the amenity of the immediate locality or compromise the objectives of Clause 4.4 of the Gosford Local Environmental Plan 2014 (GLEP 2014) or Section 5(a)(i)(ii) of the EP&A Act.

In relation to this clause, it is considered that the objection to the Maximum Building Height standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6(3)(a) is sought.

(viii) Clause 4.6(3)(b) – *Environmental Planning Grounds*

With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has particular circumstances in relation to its strategic location which has triggered the specific design response. The site is located in close proximity of Erina Fair (immediately opposite to the north) and the Erina town centre (750 metres to the west) which generate high demand for residential accommodation and necessitate an affordable housing response. Karalta Road directly connects Erina Fair to the Erina town centre.

The proposed development (with minor variation to building height) is direct response to the high demand for high quality residential floor space and affordable housing which has also underpinned ongoing development on the adjoining and adjacent sites.

By allowing the variation to the FSR results in a more efficient and orderly use of the land that meets the growing demand for high quality residential accommodation (with an affordable housing component) and will produce a better outcome than would otherwise be the case if strict adherence to the standard were observed. In relation to this clause, it is considered that the objection to the Maximum Building Height standard is well founded.

(ix) Clause 4.6(4)(a)(ii) – *Public Interest*

In relation to the question as to whether the proposed development would be in the public interest, it is considered that the proposal is consistent with both the objectives of the standard and for development within the zone.

With regard to the objectives for development within the zone, the subject site is currently zoned Zone R1 – *General Residential* under the Gosford Local Environmental Plan 2014.

The **objectives** of Zone R1 – *General Residential* are to:-

- (i) to provide for the housing needs of the community;
- (ii) to provide for a variety of housing types and densities;
- (iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- (iv) to ensure that development is compatible with the desired future character of the zone;
- (v) to promote best practice in the design of multi dwelling housing and other similar types of development; and
- (vi) to ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.

The proposed development and the minor variations to the FSR and building height **meet the objectives** of the zone in that the proposal:-

- (i) provides for good quality housing that meets the needs of the community;
- (ii) provides a variety of unit sizes and types including an affordable housing component;
- (iii) will be compatible with the desired future character of the precinct; and
- (iv) has been designed to promote best practice in design for residential flat buildings

Therefore, it is considered that the proposal satisfies the public interest test as it is consistent with both the objectives of the standard and for development within the zone. In relation to this clause, it is considered that the objection to the Floor Space Ratio standard is well founded.

Conclusion

Based on the above assessment, the attached architectural plans and supporting documents, it is considered that the proposed residential flat building and affordable housing component will deliver a better planning outcome than one that strictly complies with the 13.75 metre maximum building height limit for the following reasons:-

- (i) strict compliance would not be responsive to the intent of the Gosford Local Environmental Plan 2014 objectives and the intent of the Somersby to Erina Corridor Strategy;
- (ii) strict compliance would not be responsive the need to provide affordable housing under Clause 7.7 of the Gosford LEP 2014
- (iii) strict compliance would not be responsive to the high demand for high quality residential accommodation close to Erina Fair and the Erina town centre;
- (iv) strict compliance would restrict floor space outcomes to the extent that the alternative would be an underutilisation of the site in an area close to Erina Fair that seeks higher density outcomes; and
- (v) strict compliance would not meet the emerging and desired future character of the precinct

It is considered that the objection to the Maximum Building Height standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6 is sought.

2.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 applies to the site as it is proposed to provide one (1) affordable housing unit within the development scheme being Unit 11C.

2.2.1 *Aims of the Policy*

The **aims of this Policy** are as follows:-

- (i) to provide a consistent planning regime for the provision of affordable rental housing;

- (ii) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards;
- (iii) to facilitate the retention and mitigate the loss of existing affordable rental housing;
- (iv) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing;
- (v) to facilitate an expanded role for not-for-profit-providers of affordable rental housing;
- (vi) to support local business centres by providing affordable rental housing for workers close to places of work; and
- (vii) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation

2.2.2 Application

Clause 10 – *Development to which Division applies* states:-

“Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones”.

The proposed development **COMPLIES** with the provisions in that the subject site is within 400 metres walking distance to Erina Fair (directly opposite) which is zoned B2 – *Local Centre*.

2.2.3 Floor Space Ratio

Clause 13 – *Floor space ratio* does NOT apply to the site as the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is less than 20 per cent.

2.2.4 Standards that cannot be used to refuse consent

Clause 14 – *Standards that cannot be used to refuse consent* applies to the subject site. A consent authority must not refuse consent to development to which this Division applies on any of the following grounds

2.2.4.1 Site Area

A consent authority must not refuse consent to development to which this Division applies if the site area on which it is proposed to carry out the development is at least 450 square metres. In this instance, the proposed development **COMPLIES** as it has a combined site area of 10,714m².

2.2.4.2 Landscaped Area

A consent authority must not refuse consent to development to which this Division applies if (other than a social housing provider)—at least 30 per cent of the site area is to be landscaped. The appended **Landscape Plan** has been prepared by *Exeriscape* (Landscape Architects). In this instance, the proposed development **COMPLIES** as the total landscaped area is 3,254m² which represents 30.3% of the site area.

2.2.4.3 Deep Soil Zones

A consent authority must not refuse consent to development to which this Division applies if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:-

- (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the *deep soil zone*); and
- (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres; and
- (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area

The appended **Landscape Plan** has been prepared by *Exeriscape* (Landscape Architects). In this instance, the proposed development **COMPLIES** as the total deep soil zones are 2,080m² which represents 19.4% of the site area.

2.2.4.4 Solar Access

A consent authority must not refuse consent to development to which this Division applies if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9:00am and 3:00pm in mid-winter.

In this instance, the proposed development **COMPLIES** in that 70% of the apartments achieve the minimum 3 hours required sunlight to habitable rooms, primary windows and private open spaces as stated in the appended **SEPP65 Design Verification Statement** prepared by *CKDS Architects*. No more than 15% of the apartments are without sun in mid-winter.

2.2.4.5 Parking

A consent authority must not refuse consent to development to which this Division applies if, (other than in the case of a social housing provider) at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms. A total of 226 car parking spaces are provided.

In this case, the proposed development **COMPLIES**.

2.2.4.6 Dwelling Size

A consent authority must not refuse consent to development to which this Division applies if each dwelling has a gross floor area of at least:-

- (i) 35 square metres in the case of a bedsitter or studio, or
- (ii) 50 square metres in the case of a dwelling having 1 bedroom, or
- (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or
- (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.

In this case, the proposed development **COMPLIES** in that Unit 11C (two bedrooms) has a GFA of 80m².

2.2.5 Design Requirements

Clause 15 – *Design requirements* does NOT apply to the subject site as the development is subject to which Clause 4 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* which applies to the proposed development (see Section 2.3 – *State Environmental Planning Policy No. 65 – Design Quality* in this report).

2.2.6 SEPP 65 Design Quality

Clause 16 – *Continued application of SEPP 65* applies to the subject site. Nothing in this Policy affects the application of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* to any development to which this Division applies (see Section 2.3 – *State Environmental Planning Policy No. 65 – Design Quality* in this report).

2.2.7 Character

Clause 16A – *Character of local area* applies to the subject site. A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The proposed residential building will not adversely impact on the visual amenity of the surrounding residential precinct as the proposal seeks to comply with the character provisions under Gosford Development Control Plan 2014 Chapter 5.2 – *Erina, 85-93 Karalta Road sub-clause 5.2.11 – *Buildings/Character*.*

2.2.7.1 Character under Chapter 5.2 of the Gosford DCP 2013

The **objectives** of the clause are:-

“to encourage development generally in accordance with the desired future character of the area”.

The development controls require the following to be observed:-

- (i) conserve natural and scenic characters of wooded hillside properties by surrounding each residential development with leafy gardens that retain natural slopes along all boundaries and conserve existing visually prominent trees, particularly along rear boundaries and street frontages or verges, as well as providing space for new shady trees and shrubs planted as backdrops to new buildings;

- (ii) minimise the scale of new buildings using strongly articulated forms including floor levels that are stepped to follow natural slopes plus facades that vary in shape and height. Avoid the appearance of long and continuous buildings facing any front or side boundary. Step the shape and height of all visible facades, provide at least one wide landscaped setback that varies in width and line driveways with avenues of trees and shrubs;
- (iii) roofs should be gently pitched to minimise the height of ridges and flanked by wide eaves that disguise the scale and bulk of exterior walls;
- (iv) avoid tall retaining walls, elevated structures including terraces or pools or steep driveways that would interrupt the character of existing bushland hillsides; and
- (v) the lower storey should not be dominated by garages and should display elements of a traditional "street address" such as balconies, verandahs and living rooms and front doors or private terraces that are directly accessible from the street; and
- (vi) conceal parking in part or full basements and provide unobtrusive vehicle entrances to minimise disruption of the desirable street address.

The proposed development **meets the desired character outcomes** of the *Erina, 85-93 Karalta Road* precinct in that:-

- (i) the design conserves the existing visually prominent trees along the Karalta Road landscape buffer and seeks to enhance this corridor with additional plantings (see **Landscape Plan** prepared by *Xeriscapes*);
- (ii) the design provides for new shady trees and shrubs planted as backdrops to new buildings along the new public road frontage;
- (iii) the proposal minimises the scale of new building through the use of strongly articulated forms including floor levels that are stepped to follow natural slopes plus facades that vary in shape and height;
- (iv) the design avoids the appearance of long and continuous buildings facing the front and side boundary by stepping the shape and height of the visible facades and providing wide landscaped setback;
- (v) the roofs are gently pitched to minimise the height of ridges and flanked by wide eaves over balconies that disguise the scale and bulk of exterior walls;
- (vi) tall retaining walls are avoided or disguised;
- (vii) the lower storey is not dominated by garages and seeks to display a traditional "street address" with balconies, verandahs and living rooms and front doors or private terraces that are directly accessible from the street; and
- (viii) parking is concealed by way of a full basement and sub-basement behind the outer residential units and provides unobtrusive vehicle entrances which minimise disruption of the desirable street address.

The proposed residential development therefore **COMPLIES** with Chapter 5.2.11 – Buildings/Character.

2.2.8 Affordable Housing Commitment

Clause 17 – *Must be used for affordable housing for 10 years* applies to the subject site.

A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that for 10 years from the date of the issue of the occupation certificate:-

- (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing; and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider

A restriction is to be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of Section 17(1)(a) of the SEPP are met.

In this instance, the necessary restriction will be registered.

2.2.9 Subdivision

Clause 18 – Subdivision applies to the proposed development. Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.

In this instance, it is proposed that the development will be strata subdivided by way of separate subdivision application.

2.3 State Environmental Planning Policy No. 65 – Design Quality

The SEPP aims to raise the design quality of residential flat development across the state through the application of a series of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages. SEPP 65 applies to all residential flat development of three storeys or more and with four or more dwellings. The attached **SEPP65 Design Statement** prepared by **CKDS Architecture** details the level of design compliance with SEPP 65. The proposed development **COMPLIES** with the relevant standards in the SEPP.

2.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 applies to the subject site as the development is subject to the RTA Guide to Traffic Generating Developments which provides traffic generation data for High Density Residential Flat Buildings.

The **aim of this policy** is to facilitate the effective delivery of infrastructure across the State by:-

- (i) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and;
- (ii) providing greater flexibility in the location of infrastructure and service facilities, and

- (iii) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (iv) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (v) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (vi) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (vii) providing opportunities for infrastructure to demonstrate good design outcomes.

The attached **Traffic Assessment** prepared by **B.J. Bradley & Associates** (Traffic Engineers) addresses the requirements of the SEPP.

2.5 State Environmental Planning Policy No.55 – Contamination of Land

The above policy applies to the subject site. The **objectives** of this Policy is to provide for a state wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:-

- (i) by specifying when consent is required, and when it is not required, for a remediation work, and
- (ii) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (iii) by requiring that a remediation work meet certain standards and notification requirements.

A consent authority must not consent to the carrying out of any development on land unless:-

- (i) it has considered whether the land is contaminated, and
- (ii) 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, and
- (iii) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In this instance, the land has been used primarily for rural/residential uses and retains a significant degree of its natural vegetation with a degree of under scrubbing and clearing for the construction of residential dwellings and semi-urban property improvements. Being used primarily used for residential purposes, it is highly unlikely that the land has been contaminated in that it has not been used for:-

- (i) agricultural purposes;
- (ii) market gardening;
- (iii) orchards;
- (iv) fuel storage;
- (v) storage of significant rural products (ie: fertilizers etc)

It is **not considered** that a report is required specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

2.6 State Environmental Planning Policy (Koala Habitat Protection) 2019

This Policy commences on the 1st March 2020 and is required to be published on the NSW legislation website. The policy applies to the subject site.

The policy 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.

It is noted that the subject property is larger than one (1) hectare in size and is identified on the Koala Development Application Map and proposes the removal of native vegetation. Therefore, the application must provide information to satisfy the requirements of clause 9 (2) of the SEPP which states:-

(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must take into account—

- (a) the requirements of the Guideline, or*
- (b) information, prepared by a suitably qualified and experienced person in accordance with the Guideline, provided by the applicant to the council demonstrating that—*
 - (i) the land does not include any trees belonging to the feed tree species listed in Schedule 2 for the relevant koala management area, or*
 - (ii) the land is not core koala habitat.*

This is addressed in the attached **Koala Assessment Report** prepared by *Niche Environment & Heritage*.

2.7 Draft Central Coast Local Environmental Plan 2018 (CCLEP)

On the 23rd November 2016 Council resolved to prepare a Planning Proposal to consolidate the provisions of the Local Environmental Plans (LEPs) operating across the Central Coast Local Government Area (LGA). Council also resolved to prepare a consolidated Development Control Plan (DCP) to harmonise planning controls. The goal is to have one LEP and one DCP that will help improve the local environment, encourage investment, create new jobs and quality housing for the growing population of the Central Coast.

The following comments are made in relation to the key provisions including:-

- (i) permissible land uses;
- (ii) maximum floor space ratio; and
- (iii) maximum building height

2.7.1 *Land Use Provisions*

In relation to the proposed Land Use Provisions under the CCLEP, the proposed use remains permissible under the Draft CCLEP (ie: residential flat buildings).

2.7.2 Floor Space Ratio

The subject sites falls within Area 2 under the Draft CCLEP. Clause (6) in the Draft CCLEP states:-

Despite subclause 4.4, the maximum floor space ratio on land identified as “Area 2” is:

- (a) 0.6:1 if the building is used for any purpose other than a dwelling house.*
- (b) 0.85:1 if the building is used for the purpose of residential flat building or multi dwelling housing and all on-site car parking is located in the basement and the site area is 1,000 square metres or more.*
- (c) 0.7:1 if the if the building is used for the purpose of residential flat building or multi dwelling housing and all on-site car parking is located in the basement and the site area is less than 1,000 square metres.*

This is consistent with the current provisions as the land is greater than 1000m² and is to be used for the purpose of a residential flat building (with a small affordable housing component).

In addition, the Draft CCLEP makes provision for affordable housing on the subject lands under Clause 7.15 – Affordable housing at 85–93 Karalta Road, Erina. These provisions correspond to Clause 7.7 under the current Gosford Local Environmental Plan 2014.

2.7.3 Height of Buildings

Under the Draft CCLEP, the proposed height of buildings for the subject land remains at 11 metres which is consistent with the current provisions under the Gosford LEP 2014.

In addition, the Draft CCLEP makes provision for affordable housing on the subject lands under Clause 7.15 – Affordable housing at 85–93 Karalta Road, Erina. These provisions correspond to Clause 7.7 under the current Gosford Local Environmental Plan 2014 in that the maximum building height is 13.75 metres.

2.8 Gosford Development Control Plan 2013

2.8.1 Chapter 5.2 – Erina, 85-93 Karalta Road

2.8.1.1 General

The proposed development is controlled by Chapter 5.2 – Erina, 85-93 Karalta Road of the Gosford Development Control Plan 2013. This chapter provides more detailed provisions to expand upon the Gosford Local Environmental Plan 2014. This Chapter applies to the subdivision and development of Lots 1, 2 DP 259824 and Lots 6, 7 DP 1071636 and Lot 13 DP 550325, House Nos 85 - 93 Karalta Road Erina as shown in **Figure 7B**.

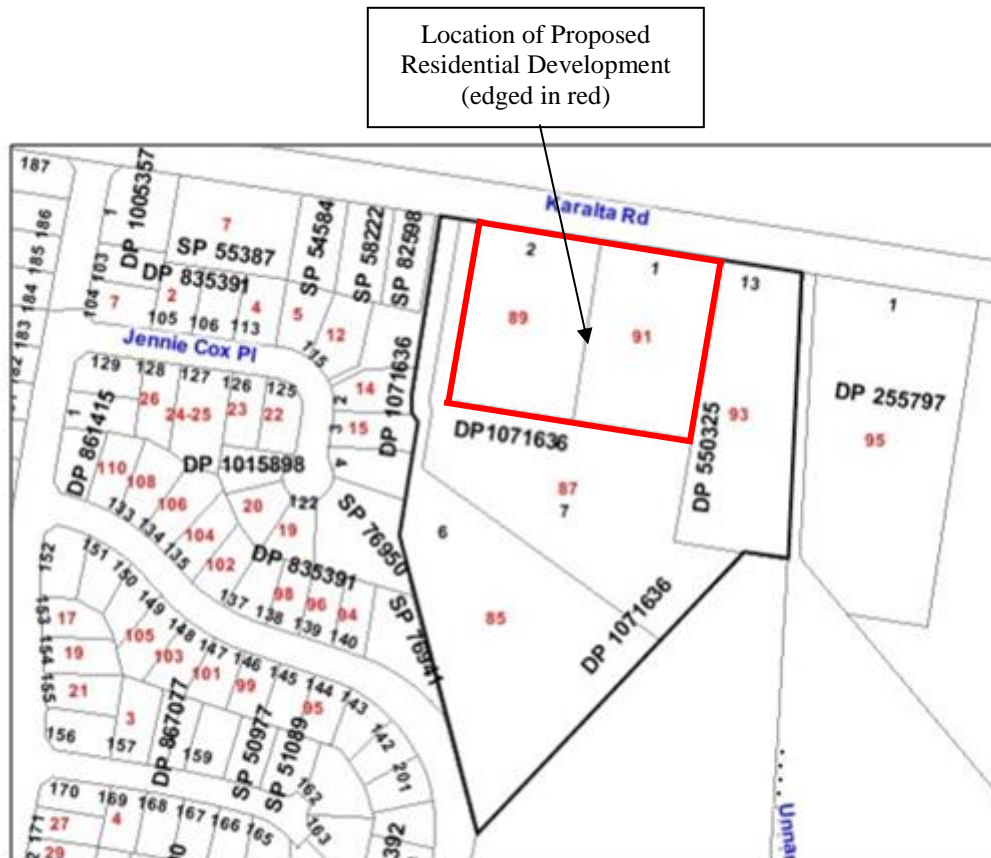


Figure 12
Extract from Chapter 5.2 – Erina, 85-93 Karalta Road

2.8.1.2 Objectives

The **objectives** of the clause are:-

- (i) to guide development of the land to support it's rezoning for residential development, primarily residential flat building;
- (ii) to ensure coordinated infrastructure provision;
- (iii) to provide owners with guidance as to the matters that need to be considered in the development of their properties.

The proposed development **COMPLIES** with the objectives in that:

- (i) the land is zoned for residential development and the application proposes a residential flat building;
- (ii) the proposal ensures coordinated infrastructure provision via consent conditions attached to DA#48585/2015 for the subject allotments contained within the land to which this Chapter applies;
- (iii) the application includes the matters that need to be considered in the development of the subject properties.

2.8.1.3 Street Network and Street Types

Clause 5.2.4 – *Street Network and Street Types* details the design requirements to provide for the internal road layout so as to service both the subject allotment (proposed Lot G and Lot H) and the balance for the precinct. This issue was dealt with during the assessment of DA#48585/2015 and is reflected in the consent conditions and approved plans (see **Figure 8**). The proposed residential flat building has been designed in accordance with the street network requirements and reflect the requirements of Condition 2.8 of DA#48585/2015 including the 9.6 metre wide internal road.

The proposed residential flat building therefore **COMPLIES** with the provisions under Clause 5.2.4.

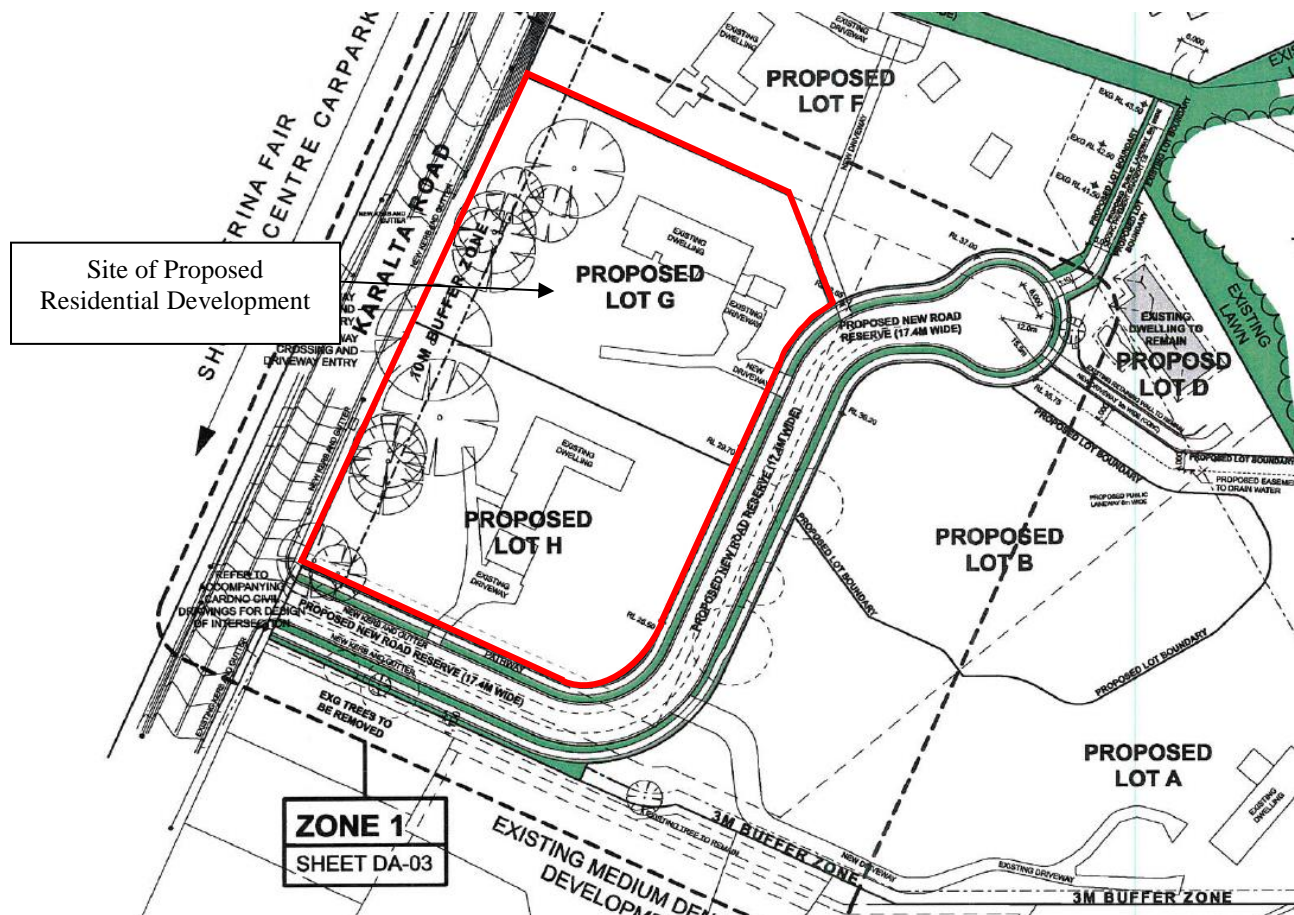


Figure 13
Extract from DA#48585/20126 Approved Plans

2.8.1.4 Pedestrian Network

Clause 5.2.5 – *Pedestrian Network* details the requirements for the creation a pedestrian pathway network that provides safe access to dwellings, open space areas and locations external to the precinct.

It requires that Development Applications contain provision for the construction of pedestrian pathways for the frontage to the subject property. This issue was dealt with during the assessment of DA#48585/2015 (subdivision) and is reflected in the consent conditions and approved plans. The proposed residential flat building has been designed in accordance with the pedestrian network requirements and reflect the requirements of Condition 2.8 of DA#48585/2015 (subdivision) approved on the 22nd August 2016.

2.8.1.5 Bushfire Protection

Clause 5.2.6 – Bushfire Protection deals with the issues associated with the requirements of the following:-

- (i) Environmental Planning & Assessment Act 1979;
- (ii) Rural Fires Act, 1997 (Amended), Sections 63 (1) and 63 (2);
- (iii) Planning for Bushfire Protection (NSW Rural Fire Service, 2018); and
- (iv) Planning for Bushfire Protection (NSW Rural Fire Service, 2019)

The standard requires that Bush Fire Protection Assessment and implementation occurs on a precinct wide and strategic basis and not a site by site basis. This was addressed as part of the assessment and approval of DA#48585/2015 (subdivision) approved on the 22nd August 2016.

The attached **Bush Fire Assessment Report** prepared by *Clarke Dowdle & Associates* deals specifically with the proposed residential development and follows on from the report prepared for the residential subdivision.

It is noted within the DCP controls that the internal road system is to be implemented to allow ingress and egress from the precinct in accordance with requirements of “Planning for Bushfire Protection” RFS 2006 (viz: now Planning for Bushfire Protection (NSW Rural Fire Service, 2019)).

Other requirements relating to Bushfire Protection for developments on the land are contained in the previous Bushfire Protection Assessment Report completed by Conacher Environmental Group dated April 2010 based on earlier “Planning for Bushfire Protection 2006”.

The proposed commercial and residential flat building **COMPLIES** with the provisions under Clause 5.2.6 – Bushfire Protection and the current Planning for Bushfire Protection (NSW Rural Fire Service, 2019). This dealt with in detail in Section 19.10 - Bushfire Effects.

2.8.1.6 Water Cycle Management

Clause 5.2.7 – Water Cycle Management deals with those issues related to the reduction in stormwater flows discharging from the subject precinct, improvements to water quality of stormwater flows discharging from the precinct and the conservation and reuse water. Chapter 6.7 – Water Cycle Management of the Gosford Development Control Plan 2013 applies to the precinct. This is dealt with in further detail under Section 8.0 – Stormwater Management.

A covenant will be required to be entered into as a condition of consent for the construction of a building on any parcel of land requiring the retaining of a water quality/retention system as well as the system’s maintenance.

2.8.1.7 Community Open Space

Clause 5.2.8 – Community Open Space (Public Reserves) deals with those matters relating to the provision of a level of community open space that will serve the needs of the local residents and which will create community open space areas that contribute to the amenity of the precinct and provide a link to Kincumber Mountain Reserve. This issue was dealt with during the assessment of DA#48585/2015 and is reflected in the consent conditions and approved plans. The proposed residential flat building has been designed with the knowledge that the community open space requirements have been met.

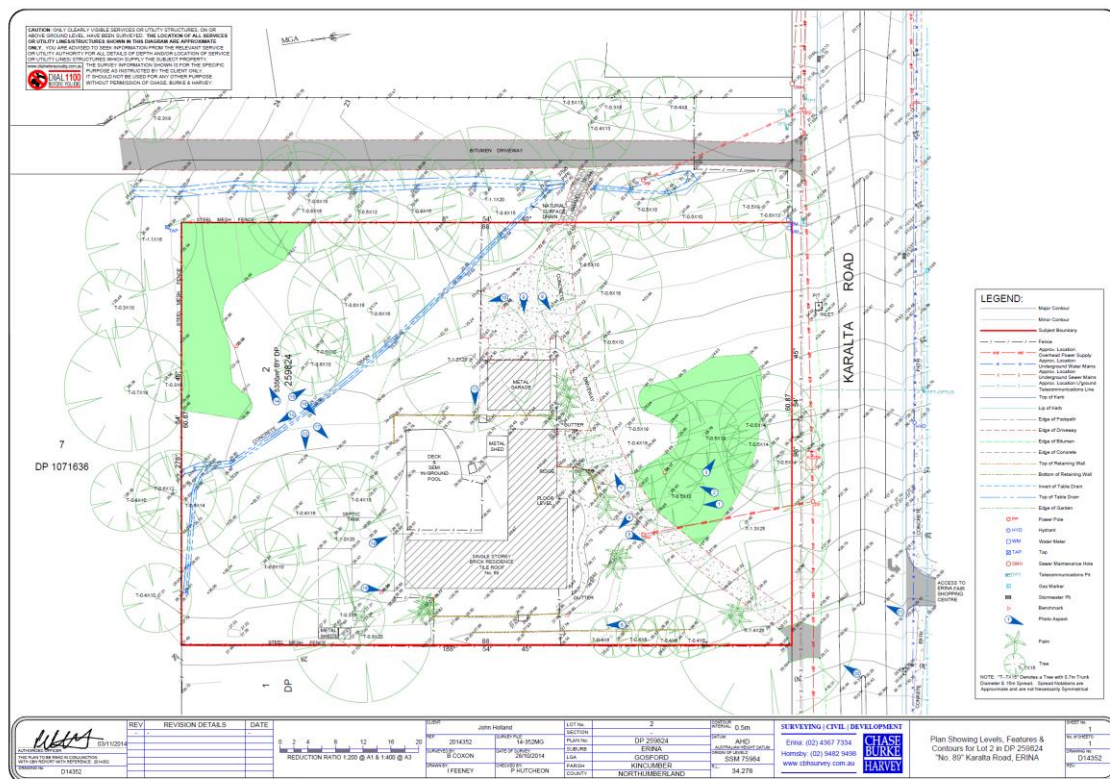
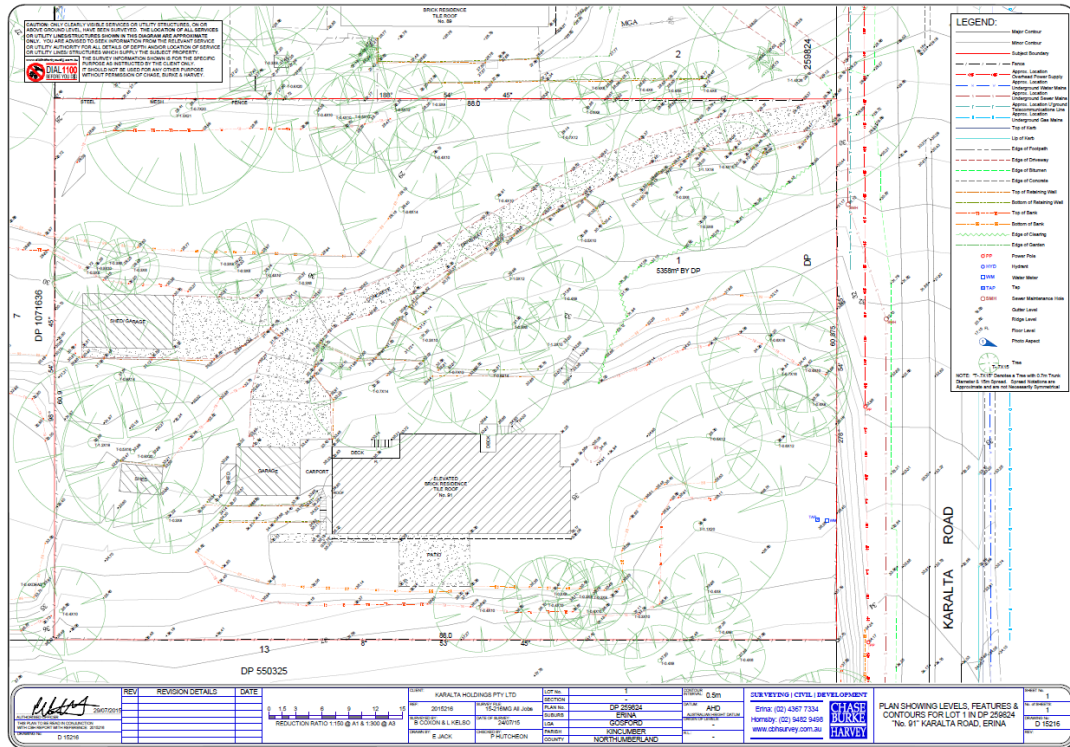
The proposed residential development **COMPLIES** with the community open space provisions.

2.8.1.8 Subdivision

Clause 5.2.9 – Subdivision deals with those matters relating to the subdivision of existing land parcels such that it occurs in a manner that enables integration of all services, does not impose unreasonable costs on other property owners through the provision of unplanned temporary infrastructure and ensures that the precinct develops in an ordered manner. It also aims to set lot sizes for subdivision that can accommodate development on the steeper land slopes on the land. It is also intended to provide sufficient land around proposed development for the protection of existing trees.

This issue was dealt with during the earlier assessment of DA#48585/2015 (subdivision) approved on the 22nd August 2016 and is reflected in the consent conditions and approved plans (see extract denoted as **Figure 14**). The proposed residential flat building is located on proposed Lot G and Lot H which has a total area of 9,501m² (including road dedication) with the existing site area of Lots 1 and 2 = 10,714m². The proposed development and lot size **COMPLIES** with the provisions under Clause 5.2.9.





4.0 EASEMENTS/RIGHTS-OF-WAY

The property is not encumbered by any known easements of rights-of-way as shown on the **Site Survey Plans** prepared by *Chase Burke Harvey* (Consulting Surveyors) of Hornsby.

5.0 EXISTING BUILDINGS AND IMPROVEMENTS

The existing site improvements are shown in **Table 1**. The site details are shown on the attached **Site Survey Plan**. The property is occupied by older style elevated single storey brick residential dwellings with tile roofs and associated out buildings. A number of introduced and remnant native trees are present on the site (see **Figure 17**). All site improvements will be removed as part of the overall development of the site.

Table 1
Existing Site Improvements

Location	Improvements	Status
#89 Karalta Road	(i) single storey brick residence with tile roof (ii) semi-inground swimming pool (iii) metal garage; (iv) concrete driveway; and (v) small metal sheds	Improvements to be demolished and site cleared
#91 Karalta Road	(i) elevated brick residence; (ii) attached carport/garage; (iii) detached shed/garage (iv) various outbuildings; and (v) concrete driveway	Improvements to be demolished and site cleared



Figure 17
Photograph showing existing site conditions from Karalta Road
(image courtesy of Wales & Associates Pty Limited)

6.0 LANDSCAPING AND VEGETATION

6.1 Existing Landscaping

The subject sites have a number of remnant native trees as shown on the **Site Survey Plan**. The existing trees can be seen in the background in **Figure 17**. The attached **Arboricultural Impact Assessment** has been prepared by **Michael Shaw Consulting Arborist** which identifies and assesses the existing trees on site and the impact from the proposed development with the view to ensuring the proposal complies with AS4970-2009 (Protection of Trees on Development Sites). The report identifies some one hundred and forty (140) trees on the site (see **Figure 18**) which will require removal to accommodate the proposed residential development. Tree species include and majority of Blackbutt and Smooth-barked Apple together with Forest Oak, White Mahogany, Sydney Peppermint and some introduced conifers.

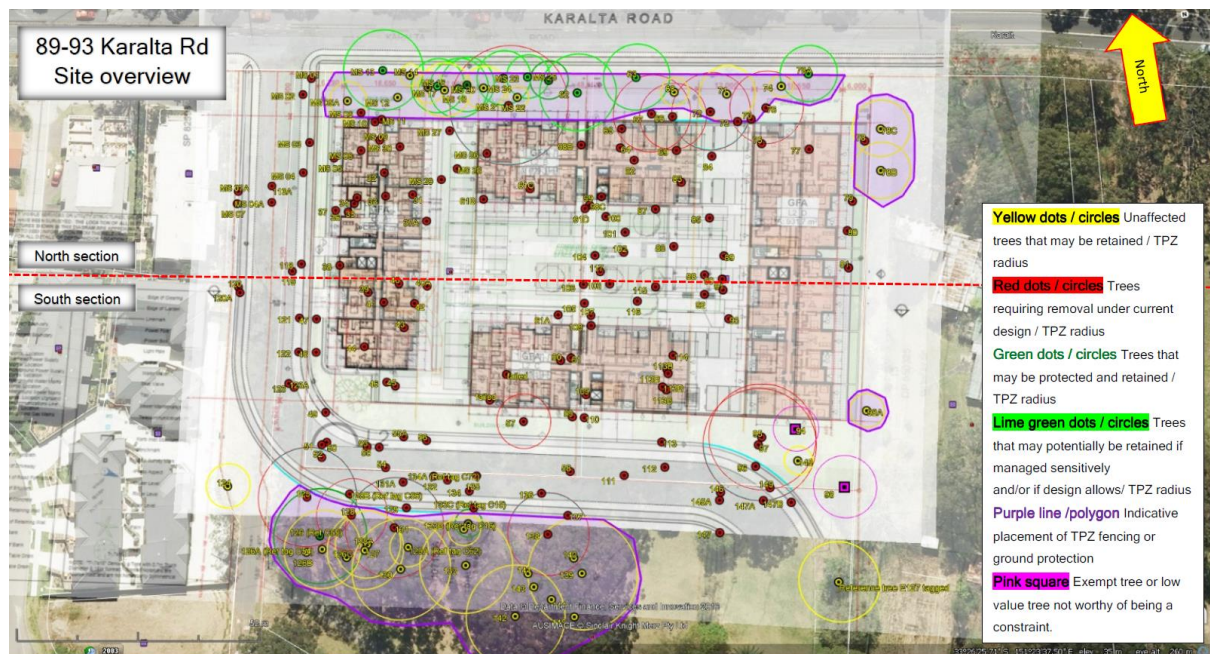


Figure 18
Site Overview - Extract from Arboricultural Impact Assessment (Appendix 4)

6.2 Proposed Landscaping

6.2.1 *General*

The attached **Landscape Plan** prepared by *Xeriscapes Landscape Architects* of East Gosford shows the proposed site landscaping.

6.2.2 *Private Open Space*

Private open space terrace and courtyard areas have been provided for each of the units on site and are in accordance with the minimum area requirements with the Gosford Development Control Plan and the NSW Planning & Environment; Apartment Design Guide. The landscape intent for these private open space terrace areas will include the following:-

- (i) private terrace or courtyard areas for the each of the apartments that can be used for outdoor entertaining;
- (ii) suitable screening between courtyard areas of each unit for privacy;
- (iii) landscape buffer zone between the private open space terrace areas and any common open space areas for privacy;
- (iv) raised garden beds/planters for individual private terrace areas and for residents to take ownership of their own garden bed (optional). Raised garden beds to provide a physical separation between private open space terrace areas and common open space terrace areas.

The private open space areas for the apartment/unit complexes will include raised planters on the structure. All raised planters to include minimum suitable soil media in relation to trees, shrubs and groundcovers to promote optimum plant growth and in accordance with NSW Planning & Environment; Apartment Design Guide; Part 4P, Planting on Structures.

6.2.3 Common Open Space Areas

Site landscaping plays an important role in residential flat buildings so that people can interact, make use of private space (including balconies and courtyards) and enjoy nature.

The common open space area of this development will be located on the ground floor on the podium (above basement car parks) level for communal use by all residents of the residential flat building development. The landscape intent for the common space terrace areas will include the following:-

- (i) shade/amenity tree planting in deep soil zones (where practical);
- (ii) open lawn areas;
- (iii) passive recreation areas such as break-out spaces, small paved courtyards for activities such as meditation, functions and communal barbeques etc;
- (iv) external structures & furniture elements that include fixed pergola structures and park seats;
- (v) common open space areas to be located in areas that provide suitable solar access;
- (vi) raised garden beds and buffer planting to provide a physical separation between private; and
- (vii) open space terrace areas and common open space terrace areas

Common open space areas located on podium level to include raised planters on structure. All raised planters to include minimum suitable soil media in relation to trees, shrubs and groundcovers to promote optimum plant growth and in accordance with NSW Planning & Environment; Apartment Design Guide; Part 4P, Planting on Structures.

6.2.4 Public Domain Areas

Public domain works with this residential flat building development will include street improvement works to Karalta Road and new works to the proposed road. These public domain improvement and new works will include the following:-

- (i) new in-situ concrete footpaths to Central Coast Council standards;
- (ii) new street tree planting and tree pits to Central Coast Council standards; and
- (iii) new turf verge to Central Coast Council standards

Species selection and location of all verge plantings will be in respect to existing/proposed services and infrastructure, on street car parking and car door openings.

6.2.5 Planting Design Strategy

The planting design strategy for the proposed residential flat building development is to include the following:-

- (i) tree planting within appropriate deep soil zones to reduce bulk and scale of the proposed development;
- (ii) evergreen tree planting to provide shade and amenity;
- (iii) deciduous tree planting to allow for solar access and seasonal change;
- (iv) a broad planting palette to include a variety native species and exotic species to provide colour, texture, aroma and form; and
- (v) implementation of some indigenous species to encourage canopy corridor links and bio-diversity

Where small courtyard areas are not adequate or accessible for a lawn mower, low spreading ground covers are to be planted as a substitute for turf so as to reduce ongoing landscape maintenance.

The proposed landscape design for this development seeks to implement the following safety planting initiatives:-

- (i) avoid planting tree species that are prone to potential limb drop;
- (ii) avoid planting species close to paths and hard paved areas that are known for excessive flower and foliage drop that may cause potential slip hazards;
- (iii) avoid planting species that are known for invasive root structure that may cause damage to existing infrastructure and damage paths and hard paved areas, which may cause potential trip hazards; and
- (iv) avoid planting species that are known to be toxic or may cause respiratory, allergy and/or skin irritations

Shrub species, sizing and locations are to ensure that passive surveillance is maintained at building, carpark and driveway entries path and all plantings are to be layered to with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

All proposed plant species selection has been considered in terms of soil types, species hardiness and on-going watering maintenance requirements. Predominantly low water use species (both native and exotic) have been grouped in regard to watering requirements and to reduce reliance on use of potable water.

7.0 CONTOUR LEVELS

The contour levels are shown on the attached **Site Survey Plans** prepared by **Chase Burke Harvey** (Consulting Surveyors) of Hornsby. The land falls generally east to west with site levels ranging from RL37.1m AHD at the north eastern corner of the Lot 1 to RL22.5m AHD at along the western boundary of Lot 2.

8.0 STORMWATER DRAINAGE

Chapter 6.7 – Water Cycle Management applies to the subject site and to all development in the former City of Gosford that requires consent.

The purpose of this plan is to minimise the impact of development on the natural predevelopment water cycle. This will lead to more sustainable outcomes that will protect the environment. The water cycle (or hydrological cycle) refers to all the processes and forms that water undertakes as it is used within the built and natural environment. Important water aspects include:-

- (i) stormwater (including groundwater);
- (ii) water-borne pollutants;
- (iii) wastewater;
- (iv) flood waters;
- (v) water supply; and
- (vi) water dependant ecosystems

Chapter 6.7 of the DCP has been prepared to facilitate the application of various principles of Water Sensitive Urban Design (WSUD), Integrated Water Cycle Management (IWCM) and Flood Mitigation in the LGA.

8.1 Existing Stormwater Drainage

The existing dwellings and associated structures have been constructed such that all roof water and surface runoff is collected in a system of gutters, pits and pipelines and discharged to Council's stormwater system in Karalta Road.

8.2 Proposed Stormwater Details

Under Council's engineering guidelines for on-site detention, it is required that post development flows be limited to less than or equal to pre-developed flows for all stormwater events up to and including the 1% AEP storm event. The attached **Water Cycle Management Plan** prepared by *Martens Consulting Engineers* details the proposed stormwater works and basement drainage. All works are in accordance with Chapter 6.7 – Water Cycle Management.

Further detailed engineering drawings and details will be submitted with the Construction Certificate application in accordance with Council's standard conditions relating to the disposal of stormwater.

9.0 WATERWAYS AND WATERCOURSES

The site is not affected by any waterways or watercourses. Not is the property known to be subject to stormwater inundation.

10.0 FLOODING

10.1 General

The property is NOT encoded as being affected by the 1% AEP storm event.

10.2 Proposed Mitigation Measures

No flood mitigation measures are required as part of the development application as the property is not flood prone.

11.0 CONSTRUCTION DETAILS

11.1 Location

The attached Site Analysis Plan (as part of the architectural plans) prepared *CKDS Architecture* of Erina shows the proposed residential flat building in relation to the existing and proposed boundaries.

There are a total of one hundred and thirty one (131) residential apartments (including ten affordable housing units) contained within the development which have been designed to maximise areas of private open space, capitalise on solar access and to generally articulate the development pattern.

11.2 Schedule of External Finishes

Proposed construction materials will be fully detailed in the building specification to be submitted with the Construction Certificate. The materials and finishes are shown on the amended **Architectural Plans** prepared **CKDS Architecture**. Generally, the materials to be used are as shown on **Table 2**.

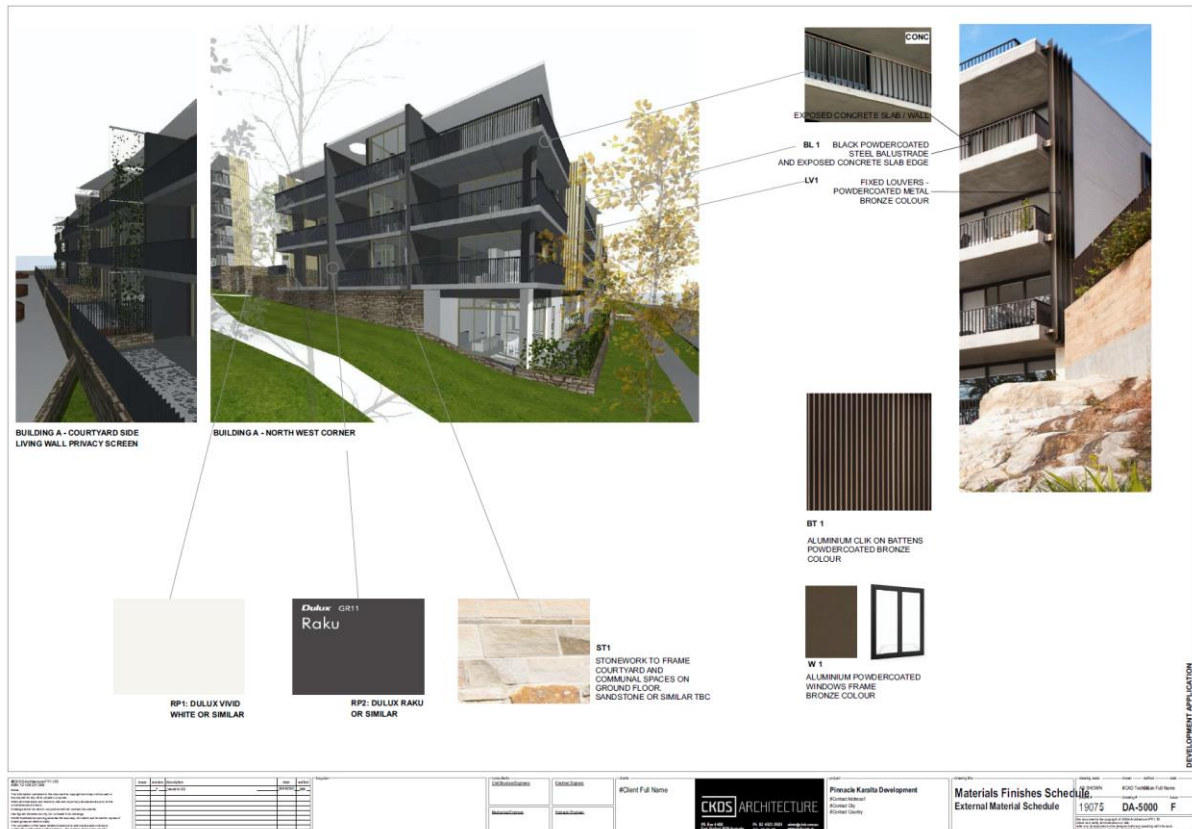


Table 2
Schedule of Materials
(image courtesy of CKDS Architecture)

11.3 Elevations and Sections

The attached architectural plans prepared by **CKDS Architecture** (Architects) show the proposed building floor plans, elevations and sections in relation to the existing boundaries and adjoining properties.

11.4 Floor Areas and Floor Space Ratio

The floor space ratio for the proposed residential flat building seeks to utilise the FSR provisions under the Gosford Local Environmental Plan 2014 and is shown on the **Architectural Plans** prepared by **CKDS Architecture**.

The subject lands are designated K and currently have a maximum floor space ratio of 0.85:1 under the Gosford Local Environmental Plan 2014 as shown in **Figure 4**. However, as the proposal has an “affordable housing” component, the provisions of **Clause 7.7** apply allowing a maximum FSR of 1 to 1.

Based on the total site area of Lots 1 and 2 (ie: 10,714m²), the proposed floor space ratio is 1.07:1 as shown on Drawing No. DA1108 in the attached **Architectural Plans** prepared by **CKDS Architecture**. This represents a minor departure of 7% for the standard under Clause 7.7 of the Gosford LEP 2014.

Based on the total site area of the proposed Lots G and H as per DA/48585/2015 of 9,501m² (ie: 4,772m² = proposed Lot G and 4,729m² = Lot H), the proposed floor space ratio is 1.2:1 as shown on Drawing No. DA1108 in the attached **Architectural Plans** prepared by **CKDS Architecture**. This represents a larger departure of 17% for the standard under Clause 7.7 of the Gosford LEP 2014.

A Clause 4.6 submission has been provided under Section 2.1.1 – Floor Space Ratio. The following floor areas apply:-

Table 3
Site Statistics/Floor Areas

GFA_BUILDING A	
LEVEL	M2
GF (B1)_A	796.0
GF (B2)_A	233.9
L1_A	797.7
L2_A	797.7
	2,625.3 m ²

BUILDING B GFA	
LEVEL	M2
GF (B1)_B	389.4
L1_B	691.2
L2_B	691.2
L3_B	688.8
L4_B	260.8
	2,721.4 m ²

BUILDING C GFA	
LEVEL	M2
GF (B1)_C	414.5
L1_C	694.0
L2_C	694.0
L3_C	689.4
L4_C	216.1
	2,708.0 m ²

BUILDING D GFA	
LEVEL	M2
L1_D	468.2
L2_D	511.4
L3_D	802.3
L4_D	802.8
L5_D	808.2
	3,392.9 m ²

AFFORDABLE UNITS_GFA		
Area m2	UNIT #	Quantity
51.5	UNIT 25D_GFA	1
51.5	UNIT 26D_GFA	1
54.7	UNIT 05D_GFA	1
60.0	UNIT 07D_GFA	1
60.0	UNIT 12D_GFA	1
60.5	UNIT 21A_GFA	1
77.2	UNIT 17D_GFA	1
77.5	UNIT 13A_GFA	1
77.8	UNIT 24D_GFA	1
78.6	UNIT 04A_GFA	1
649.3 m ²		10

TOTAL # OF UNITS: 131

FSR	
FSR	1 / 1
SUBDIVISION SITE AREA	9,501
MAX GFA (1:1)	9,501
PROPOSED GFA (INCLUDING AFFORDABLE UNITS)	11,447.6
Max. FSR: 1:1 = 9,501m ²	
Maximum = 10% GFA = 10,451m ²	

FSR	
FSR	1 / 1
SURVEY SITE AREA	10,714
MAX GFA (1:1)	10,714
PROPOSED GFA (INCLUDING AFFORDABLE UNITS)	11,447.6
Max. FSR: 1:1 = 10,714m ²	
Maximum = 10% GFA = 11,786m ²	

DEVELOPMENT APPLICATION

11.5 Energy Efficiency – BASIX Certificate

In accordance with the requirements of State Environmental Planning Policy (BASIX), the attached **NaTHERS and ABSA BASIX Certificate** is provided demonstrating compliance with the requirements of the SEPP. The NaTHERS and BASIX were prepared by *Efficient Living* (Accreditation No. HERA10033).



11.6 Access Report

Disability is often defined as any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least 6 months. Disabilities can be very varied. They can be physical, cognitive, intellectual, mental, sensory, or developmental. They can be present at birth or can occur during a person's lifetime. They can also be permanent or temporary. In Australia, almost one in five people – 4.3 million – have a disability with one in three having severe or profound core activity limitation.

The attached **Disability Access Report** prepared by *Lindsay Perry Access* provides an accessibility design assessment for Development Application phase documentation of the proposed four storey commercial and residential development located at #89-93 Karalta Road at Erina.

The purpose of the report is to identify the compliance status of the design with the following:-

- (i) relevant accessibility related 'deemed-to-satisfy' requirements of the Building Code of Australia 2015 (BCA) (as are contained within Part D3 and Clause E3.6 & F2.4 of the code);
- (ii) AS4299-1995 (Adaptable Housing) – Essential Class C requirements; and
- (iii) relevant associated accessibility requirements of Gosford City Council DCP 2013

The appended report demonstrates that the fundamental aims of accessibility legislation are achievable within the development. Spatial planning and general arrangements of facilities will offer inclusion for all building users.

11.7 Preliminary BCA Report

Blackett Maguire + Goldsmith Pty Ltd (BM+G) have been commissioned by Karalta Development C/- CKDS Architecture to undertake a National Construction Code – Building Code of Australia (BCA) 2019 assessment of the proposed development.

The report contains a BCA2019 and Access to Premises Standards 2010 assessment of the referenced Preliminary Architectural Drawings prepared by CKDS for the proposed residential development against the requirements of the Building Code of Australia 2019 (BCA).

Arising from our assessment, **Blackett Maguire + Goldsmith Pty Ltd (BM+G)** are satisfied that the project design can satisfy the requirements of the BCA2019 and the Access to Premises Standards 2010 if the works are designed and constructed in accordance with the requirements of this BCA Report, together with the Fire Engineering Assessment and the Access Report to be prepared by the respective consultants.

12.0 TRAFFIC MANAGEMENT

Car parking requirements are governed by the Gosford Development Control Plan 2013 under Chapter 7.1 – Car Parking. The proposed development will comprise a total of one hundred and thirty one (131) residential units over three (3) and four (4) levels with the basement level and ground level containing car parking for a total of two hundred and twenty five (225) vehicles. Traffic movements will be restricted to two ingress/egress points located on the western and southern frontage off the proposed new public roadway.

12.1 Parking Areas

The attached **Traffic Assessment Report** prepared by *B.J. Bradley & Associates* reviews the parking requirements for the proposed development which will comprise two hundred and twenty six (226) parking spaces provided on the two basement levels.

Vehicular access is proposed via two entry and exit driveways off the proposed public road along the western and southern boundaries of the site. The report has been prepared to support a development application to the Central Coast Council as the consent authority for the development.

Chapter 7.1 – Car Parking under the Gosford Development Control Plan 2013 applies to the subject site. This chapter applies where development occurs within the former City of Gosford and a need is thereby created for on-site car parking.

The purpose of this chapter is to ensure that sufficient, well designed on-site parking provisions are made in all new developments and when changes occur to the existing use/development of premises. It provides details of Council's requirements and guidelines for the planning and design of on-site car parking facilities which satisfy the demand resulting from the development of the site. The **objectives** of this chapter are as follows:-

- (i) to facilitate traffic management and safe traffic movement.
- (ii) to establish an appropriate environmental quality for parking facilities associated with site development
- (iii) to provide parking facilities which are convenient and sufficient for the use of service groups, employees, and visitors.
- (iv) to ensure that a balance is achieved between the needs of the proposed development and its use, and that of vehicular and pedestrian traffic.

The parking supply rates applicable to this development as a residential flat building within Council's DCP are as follows;

Residential Flats

- (i) *Residential car parking – 1.5 car spaces/dwelling*
- (ii) *Visitor car parking – 0.2 spaces per dwelling rounded up.*

Using the above rates the following car parking requirement for the proposed development can be calculated:-

On-site car parking = $131 \times 1.5 + 131 \times 0.2 = 222.7$ spaces (rounded up to 223 spaces).

The proposed development provides 226 car spaces and sufficient bicycle parking storage areas and therefore **COMPLIES** with the DCP requirements. Overall it is considered on the basis of the above discussion that the proposed development provides sufficient on-site parking to meet the likely peak parking demand generated by the development. The Traffic Assessment Report concludes that the proposed parking arrangement will be adequate and will NOT result in adverse traffic or parking implications within the immediate surroundings.

12.2 Traffic Movements

All traffic movements entering and exiting the development will be via two entry and exit points off the proposed public road along the western boundary (Basement 2 level) and southern boundary (Basement 1 level) using the contours of the site to provide compliant grades to the basement parking level as shown on the attached **Architectural Plans** prepared by **CKDS Architecture**.

The western ingress/egress services Basement 1 level parking area which have been designed to accommodate sixty two (62) vehicles and also provides access for the waste services vehicle. The ingress/egress to Basement 2 level has been designed to accommodate one hundred and sixty three (164) vehicles. All vehicles will be able to enter and leave the proposed development in a forward direction.

The proposed development site is well serviced by public transport services which comprise bus routes connecting Erina Fair and the Erina town centre to Gosford and other major centres. The existing bus route runs along Karalta Road as shown in **Figure 19**.

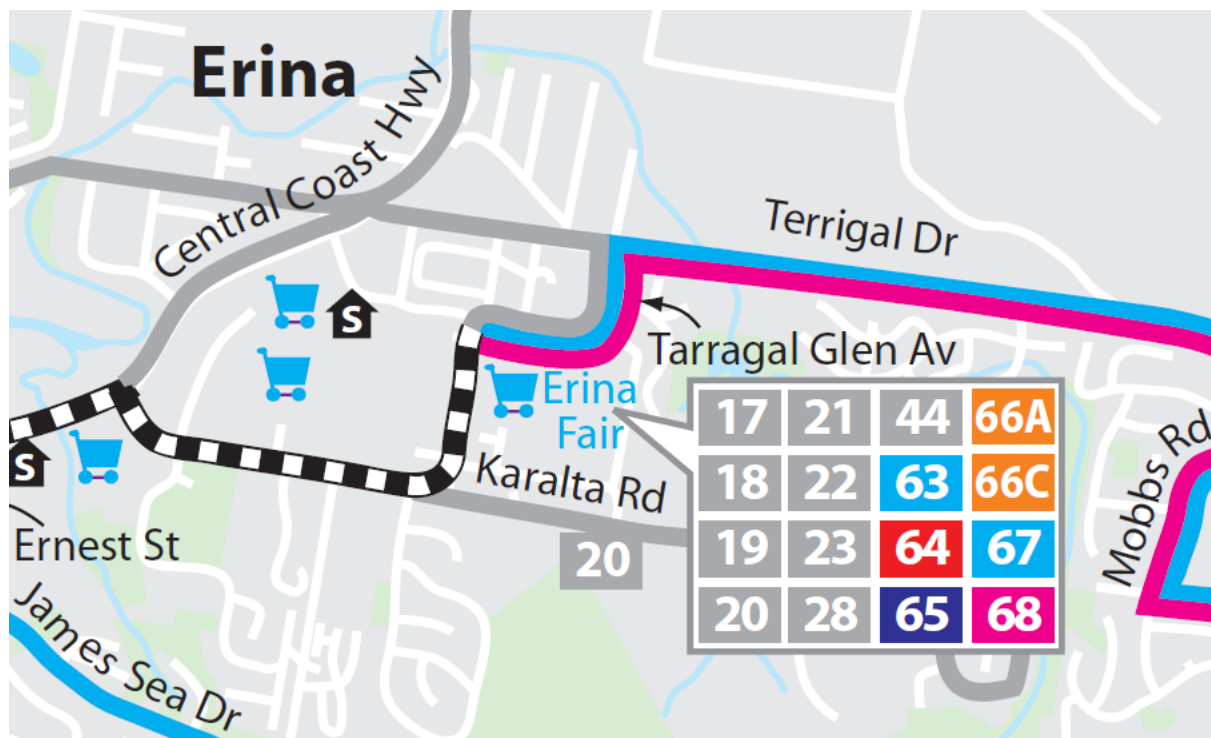


Figure 19
Extract from Busways Route Maps
(courtesy of Busways)

The attached **Parking and Traffic Assessment** prepared by **B.J. Bradley & Associates** dated April 2020 reviews the traffic and parking requirements for the proposed development. The following key observations are made within the report:-

- (i) access into the proposed residential flat building from the proposed access road will be via the two ingress/egress points in compliance with AS/NZS 2890.1 – 2004;
- (ii) Karalta Road is a local road linking The Entrance Road at Erina and connecting via other streets to Terrigal Drive;
- (iii) on-site parking provision of 226 spaces complies with the requirements of Council's DCP 2013, Table 7.1.3.2. The proposed basement parking includes 10 accessible spaces which will be designed and signposted in accordance with AS/NZS 2890.6 – 2009;
- (iv) the proposed residential development is likely to generate low traffic volumes (38 trips) during the weekday peak periods based on the RTA Guide to Traffic Generating Developments for high-density residential flat buildings;
- (v) the site of the proposed residential development is currently occupied by two residential dwellings that fully occupied would generate a total of approximately 4 trips in the weekday peak periods on Karalta Road;
- (vi) the performance of Karalta Road would not be adversely affected by the generation of 34 additional trips in the weekday peak periods compared with the existing residential dwellings on the site. Additional average delays on Karalta Road resulting from the proposed development would be negligible;
- (vii) the dual access points to the development from the proposed access road will enable closure of two existing driveways along the site frontage that service two (2) of the existing residential dwellings on the site;
- (viii) the existing speed zone on Karalta Road past the proposed residential development is 50km/hour; and
- (ix) service vehicle movements would be negligible. Garbage vehicles will access the site via the upgraded western access road from Karalta Road to enter the lower basement level in a forward direction to attend the bins collection room, manoeuvre with the site and exit the basement parking level in a forward direction

It can be concluded that the development will:-

- (i) not present any unsatisfactory traffic capacity, safety or environmental related implications;
- (ii) incorporate a suitable and appropriate parking provision for the proposed uses; and
- (iii) incorporate suitable vehicle access, internal circulation and servicing arrangements

13.0 SITE WASTE MANAGEMENT

Clause 7.2 – Waste Management of the Gosford Development Control Plan 2013 applies to the subject sites. This Chapter aims to facilitate sustainable waste management within the former Gosford Local Government Area in a manner consistent with the principles of ESD.

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

The sites are currently serviced by Council's waste services contractor with standard domestic waste collection. Domestic, recycle and green waste bins are delivered to the kerb side weekly on appointed collection days.

13.1 Garbage Collection Points

The proposed development has been designed with the main garbage collection room located at the western end of the basement level (B1) near the ingress/egress such that Council's waste contractor can service the bulk bins in the waste storage enclosure. The architectural plans indicate the ability of the minimum 10.7 metre long rear loading, dual rear axle residential waste collection HRV to enter and exit the site (see **Figure 14**).

The vehicle will enter the basement level and exercise a three point turn into the waste truck standing area and egress in a forward direction. A minimum 13.1 metre long waste servicing location is indicated adjacent to the residential waste storage enclosure to facilitate roll out of bulk waste bins for servicing. The waste servicing location does not impede general access to, from and within the site as all waste collection will be undertaken during the early morning. A minimum 4.0m height clearance is provided in the waste vehicle manoeuvring areas.

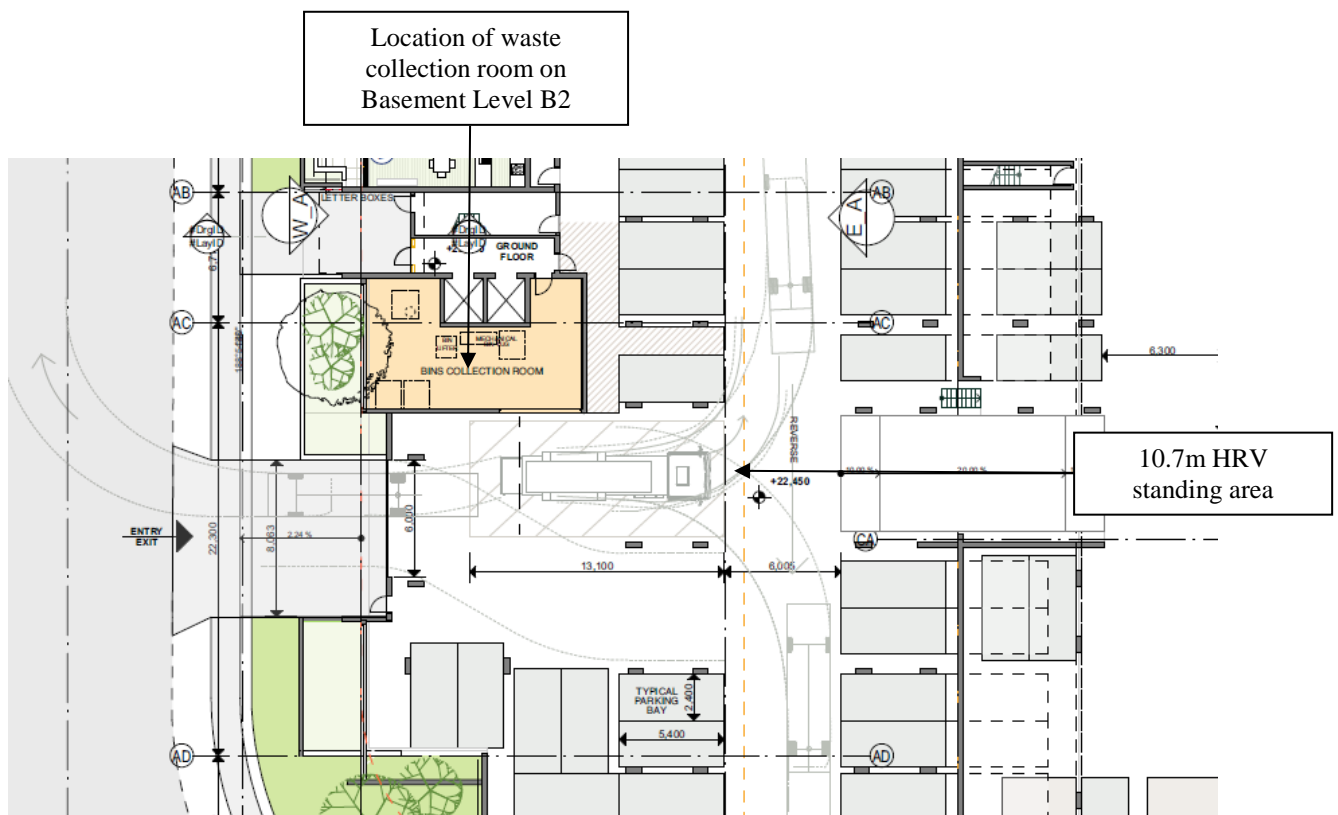


Figure 20
Extract from Architectural Plans (DA-1100 Issue F)
(image courtesy of CKDS Architecture)

The waste storage area will be provided with a bin lifter and mechanical bin tug (see **Figure 21**) so as to ensure the safe and efficient manoeuvring of the bulk bins for collection.



Figure 21
Typical bin tug for safe manoeuvring of bulk bins
(image courtesy of Master Mover Australia)

It is proposed that all residents of the development will deliver domestic waste as required to the dedicated refuse room on each floor which is provided with a garbage chute that delivers waste to Basement Level B2 for collection by management. Refuse rooms and with garbage chutes and storage bins are located at:-

- (i) Parking Level B1
 - eastern end of building adjacent to lifts to upper levels;
 - northern side of building adjacent to Unit 03B and lifts to upper levels. Bin storage area provided adjacent to refuse room and chute;
 - southern side of building adjacent to Unit 09A; and
 - western end of building adjacent to Unit 03C
- (ii) Ground Floor
 - eastern end of building adjacent to Unit 01D and lifts;
 - northern side of building adjacent to Unit 10B;
 - southern side of building adjacent to Unit 10C; and
 - western end of building adjacent to Unit 18A
- (iii) First Floor
 - eastern end of building adjacent to Unit 06D and lifts;
 - northern side of building adjacent to Unit 18B;
 - southern side of building adjacent to Unit 18C; and
 - western end of building adjacent to Unit 27A
- (iv) Second Floor
 - eastern end of building adjacent to Unit 19D and lifts;
 - northern side of building adjacent to Unit 29B; and
 - southern side of building adjacent to Unit 29C
- (v) Third Floor
 - eastern end of building adjacent to Unit 30D and lifts
- (vi) Fourth Floor
 - eastern end of building adjacent to Unit 40D and lifts

Management will ensure that all waste from the collection rooms on Parking Level B2 will be moved to the main waste storage room at the western end of the building adjacent to the HRV standing area. All waste will be serviced by Central Coast Council's waste services contractor Cleanaway.

The ingress/egress has been designed to accommodate a standard 10.7m HRV waste collection vehicle with a reversing movement within the proposed development such that the waste services vehicle enters and leaves the proposed public road in a forward direction.

Site landscaping will be serviced by private landscape contractor. No on-site storage of green waste is to be provided. All green waste will be removed from the site during maintenance cycles for offsite recycling and composting.

13.2 Controls for Site Waste Management

A **Site Waste Management Plan** is attached detailing the controls for site waste management to be implemented as part of the development process. The plan was prepared by **Wales & Associates Pty Limited**. The Site Waste Management Plan has been prepared in accordance with the requirements of Gosford City Council's Development Control Plan 2013 Chapter 7.2 – Waste Management.

14.0 EXTENT OF CUT AND FILL

The attached **Architectural Plans** prepared by **CKDS Architecture** show the extent of cut and fill required to accommodate the development. The attached **Preliminary Geotechnical Investigation** prepared by **Martens Consulting Engineers** details the existing site conditions and specifies recommendations for the development to proceed based on the key design considerations (see Section 19.11 – Geotechnical Effects).

15.0 EROSION AND SEDIMENTATION CONTROL

Clause 6.3 – Erosion Sedimentation Control applies to the subject site. This chapter applies to any activity that involves, or could involve:-

- (i) disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or
- (ii) changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

It covers the whole process of development and construction, from initial planning to final site stabilisation. Council's goal is to help achieve a healthy, productive and diverse catchment. Erosion of soil as a result of disturbance or mismanagement of land is inconsistent with this goal. As with all development work, the potential for soil erosion and sediment transfer is present. In order to limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's trunk drainage system in Karalta Road.

The attached **Sedimentation & Erosion Control Plan** prepared by **Martens Consulting Engineers** shows the controls to be implemented.

During the course of construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points. Due to the sloping nature of the site, erosion and sediment transfer will need to be carefully controlled. However, all works will be monitored on a daily basis and the construction area secured with control devices at the conclusion of each day's work.

At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible. All works will be carried out in accordance with Council's directions and in compliance with Clause 6.3 – Erosion Sedimentation Control.

16.0 ROAD FORMATIONS:

16.1 Existing Road Formation

The development fronts the Karalta Road which does not currently have kerb and gutter adjacent to the property frontage although the carriageway is bitumen sealed carriageway with formalized road shoulders adjacent and public utilities (see **Figure 22**). Kerb and gutter is provided on the northern side of Karalta Road adjacent to the Erina Fair shopping centre.



Figure 22
Existing road improvement looking west along the subject site frontage
(image courtesy of Google Earth Pro)

16.2 Road Upgrading

Road upgrading works were dealt with during the assessment of DA#48585/2015 and is reflected in the consent conditions (viz: Condition #2.2) and approved plans (see extract denoted as **Figure 23**). The works generally include:-

- (i) the proposed intersection in Karalta Road at the access to the development, generally in accordance with Concept Intersection details drawing number 80515013-C1-112 Rev 5 10/6/16 by Cardno and relevant Australian Standards;
- (ii) half width road including kerb and guttering, subsoil drainage, footpath formation, drainage and road pavement across the full frontage of the site in Karalta Road;

- (iii) footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Karalta Road;
- (iv) 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Karalta Road; and
- (v) piping of stormwater from within the site to Council's piped drainage system located in Karalta Road

These works are required to be completed prior to the issue of a Construction Certificate for the subdivision under DA#48585 that subsequently creates proposed Lot G and Lot H.

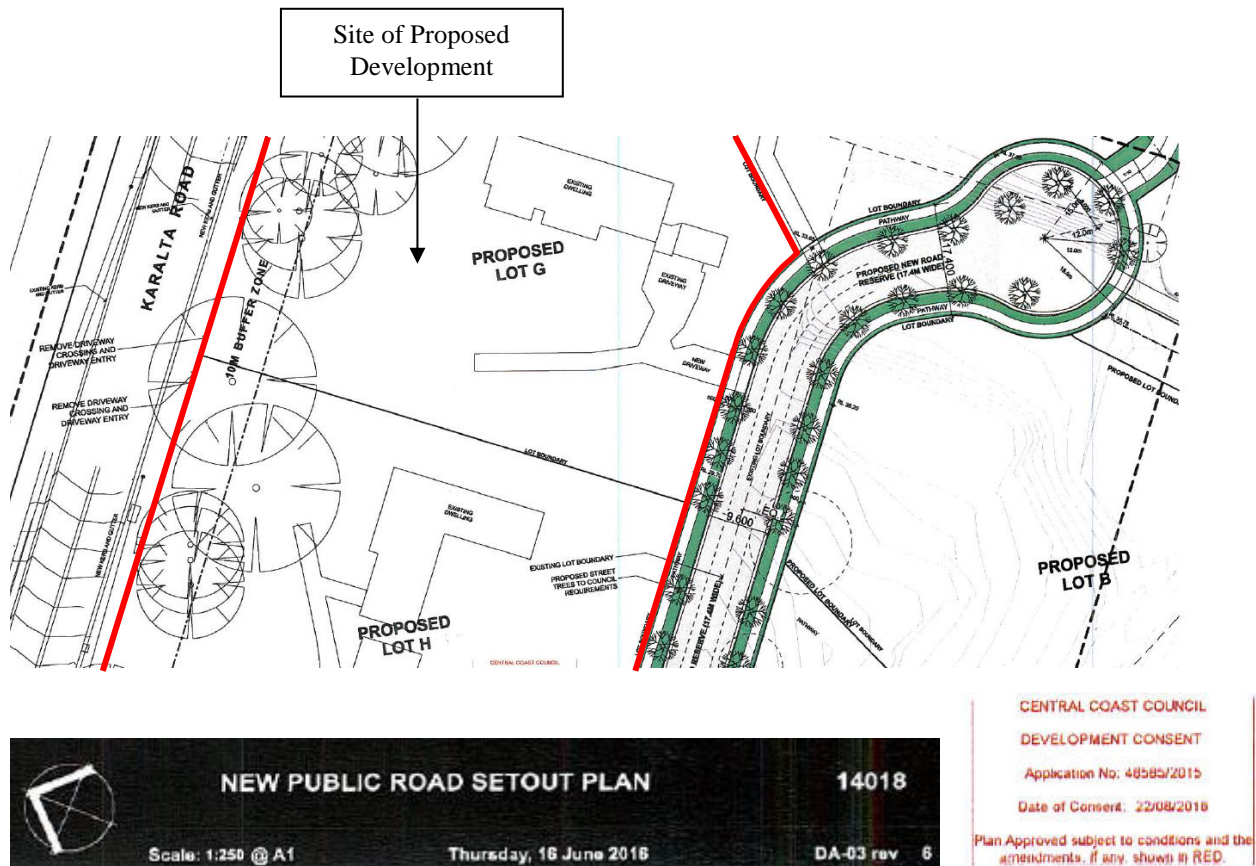


Figure 23
Extract from DA#48585/20126 Approved Plans
(New Public Road Setout Plan)

17.0 CLEARING:

The majority of the site is to be substantially cleared of a large part of the natural vegetation in order to accommodate the proposed residential development with a number of mature remnant native trees remaining on the site predominantly within the ten (10) metre landscape buffer adjacent to the Karalta Road frontage as shown on the attached **Architectural Plans** prepared by **CKDS Architecture**.

The removal of trees and vegetation loss is addressed in the attached **Preliminary Ecological Assessment** prepared by **Niche Environment & Heritage** and the appended **Arboricultural Impact Assessment** prepared by **Michael Shaw** (Consulting Arborist).

18.0 PUBLIC UTILITIES AND SERVICES:

The following information in relation to existing services and utilities was provided by Dial Before You Dig. Association of Australian Dial Before You Dig Services Ltd. does not maintain information regarding the location of underground assets. DBYD merely facilitates communication between the users of this service and Members/Participants. DBYD is not responsible for the accuracy of information received from users of this service, as to proposed excavation activity. There are also owners of underground assets which do not participate in the referral service operated by DBYD. Therefore, DBYD cannot make any representation or warranty as to the accuracy, reliability or completeness of the information contained in this notice. DBYD and its employees, agents and consultants shall have no liability (except insofar as liability under any statute cannot be excluded) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence. All users of this service acknowledge that they have a duty of care to observe with regards to underground networks when digging or excavating. All services should be located by survey prior to the commencement of all works.



18.1 Sewer Services

The site and existing structures are serviced from the existing Central Coast Council sewer mains (EX Line) which run adjacent to Karalta Road boundary as shown in **Figure 24**. The existing buildings are not currently connected to the Council's sewer. However, the proposed development is able to be connected to the existing infrastructure.



Figure 24

Extract from Central Coast Council's Infrastructure Records
(image courtesy of Central Coast Council through the Dial Before You Dig portal)

18.2 Water Reticulation

The site and existing structures are serviced from the existing Central Coast Council 100mm dia. AC water main which lies on the northern side of Karalta Road as shown in **Figure 24**. The existing residential dwellings are connected to the Council's reticulated water supply. The proposed development is able to be connected to the existing infrastructure.



18.3 Power Supply

The site can be serviced from existing Ausgrid overhead power lines in Karalta Road. The existing dwellings are connected to the power grid. Ausgrid has also confirmed that underground power cabling is also located in proximity to the subject site as shown in **Figure 25**. The proposed development is able to be serviced from the existing overhead infrastructure subject to application to Ausgrid.

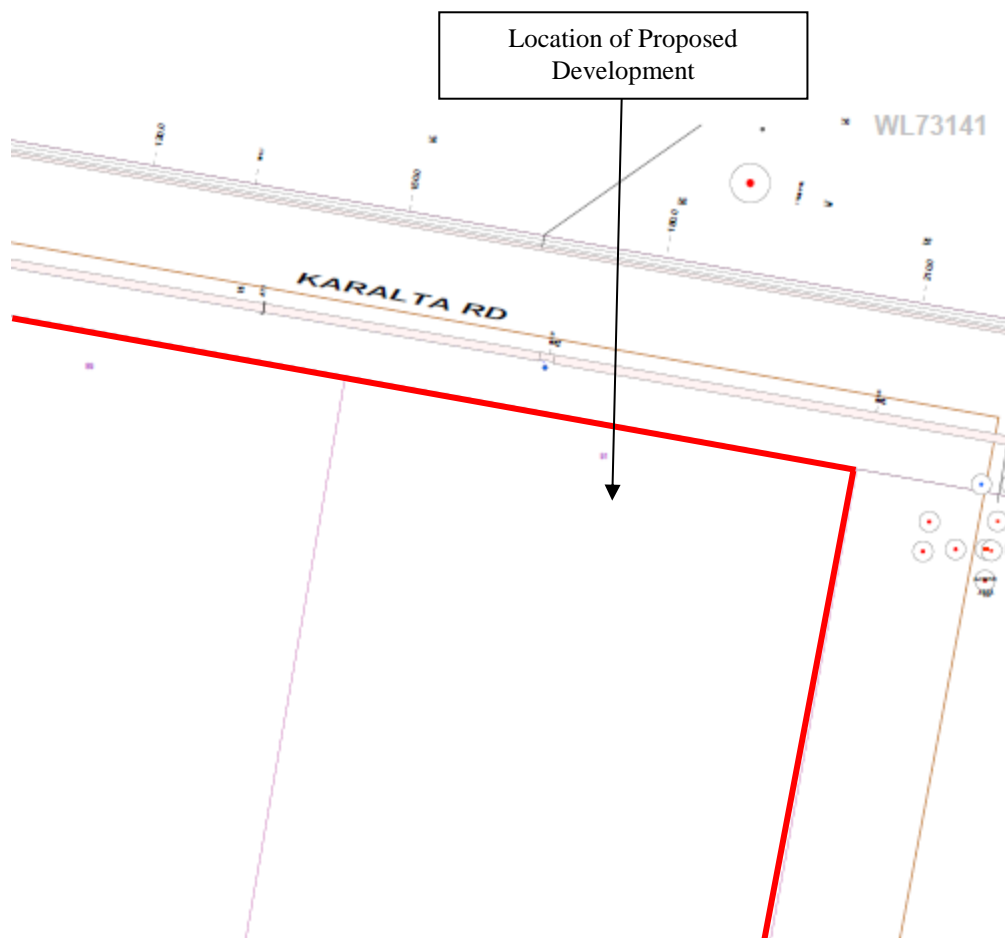


Figure 25
Extract from Ausgrid's Infrastructure Records
(image courtesy of Ausgrid through the Dial Before You Dig portal)

18.4 NBN Co.

NBN Co. has underground telecommunications cables available in Karalta Road as shown in **Figure 26**. The proposed development is able to be connected to the NBN Co. telecommunications network.

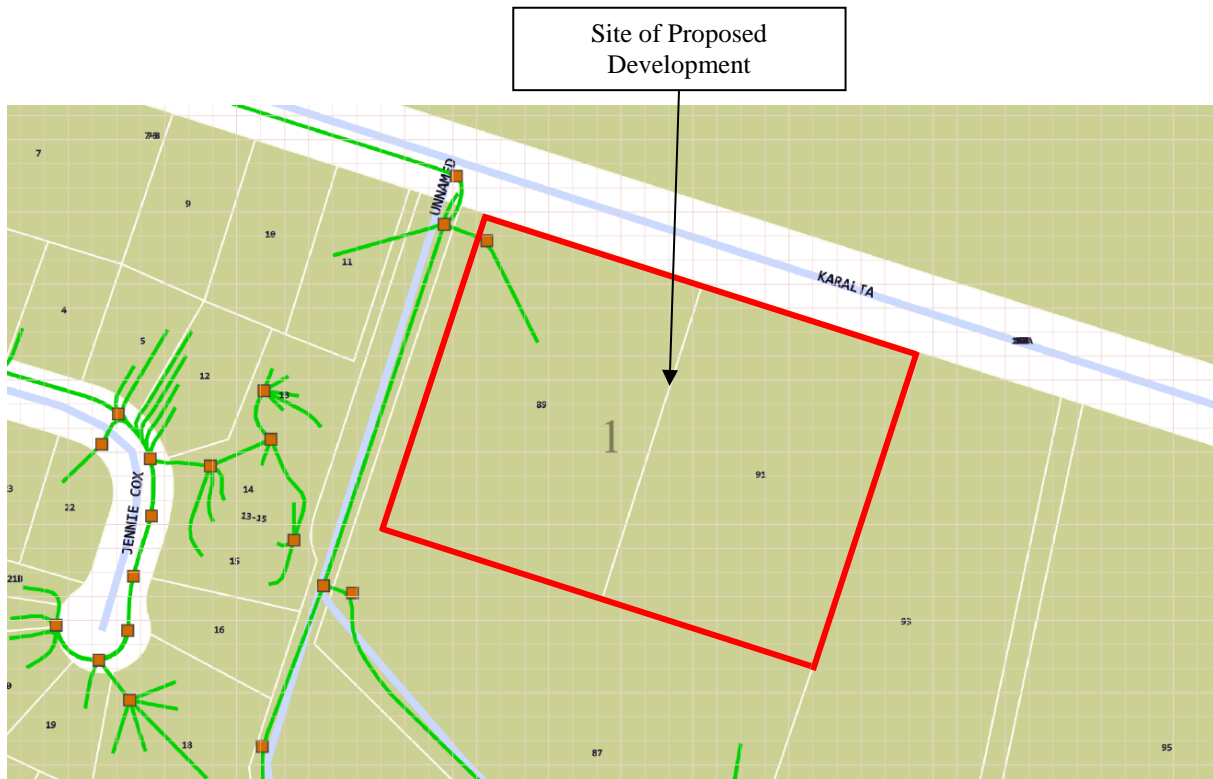


Figure 26
Extract from the NBN Co. Infrastructure Mapping
(image courtesy of NBN Co. through the Dial Before You Dig portal)

18.5 Nextgen Telecommunications

Nextgen has underground telecommunications cables available in Karalta Road to the east of the site as shown in **Figure 27**.

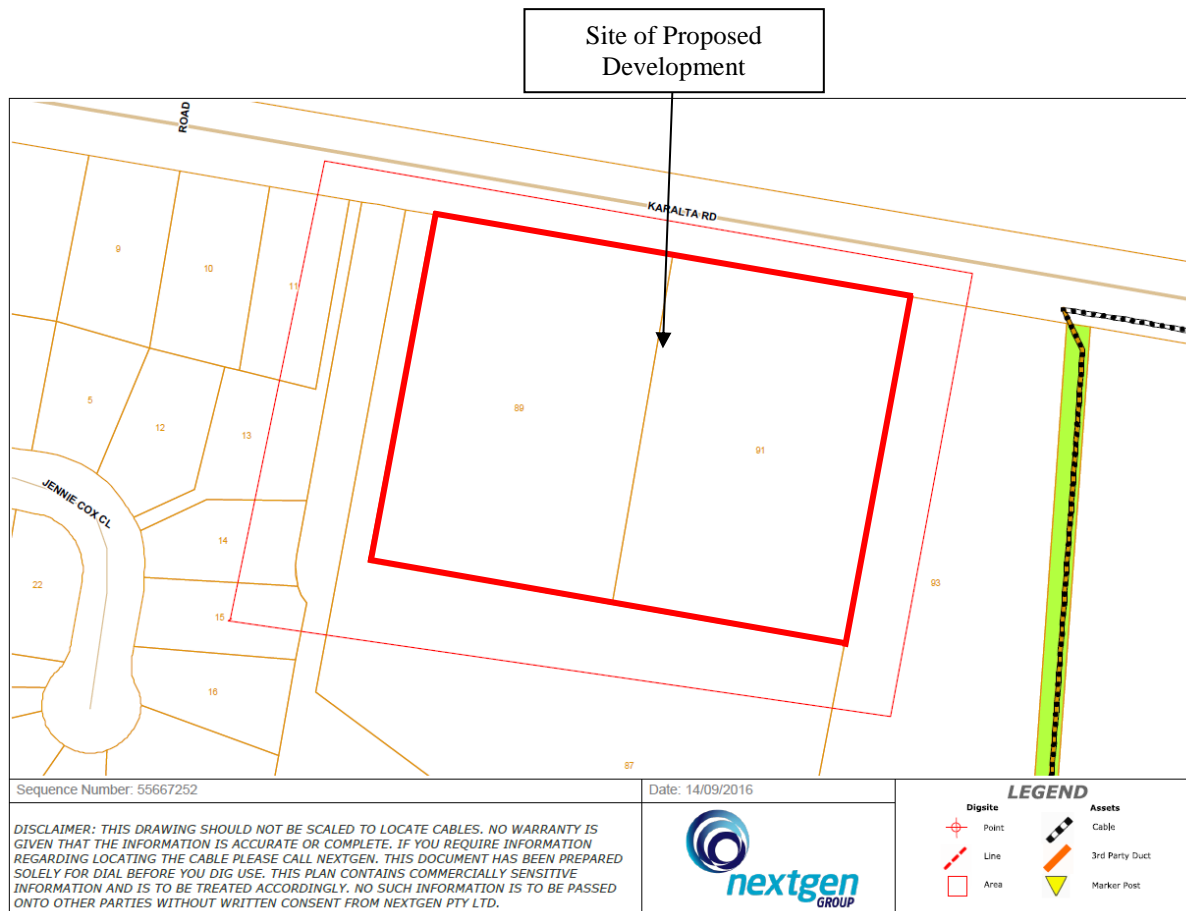


Figure 27
Extract from the Nextgen Infrastructure Mapping
(courtesy of Nextgen through the Dial Before You Dig portal)

18.6 Optus Communications

Optus has underground telecommunications cables available in Karalta Road as shown in **Figure 28**. The proposed development is able to be connected to the Optus telecommunications network

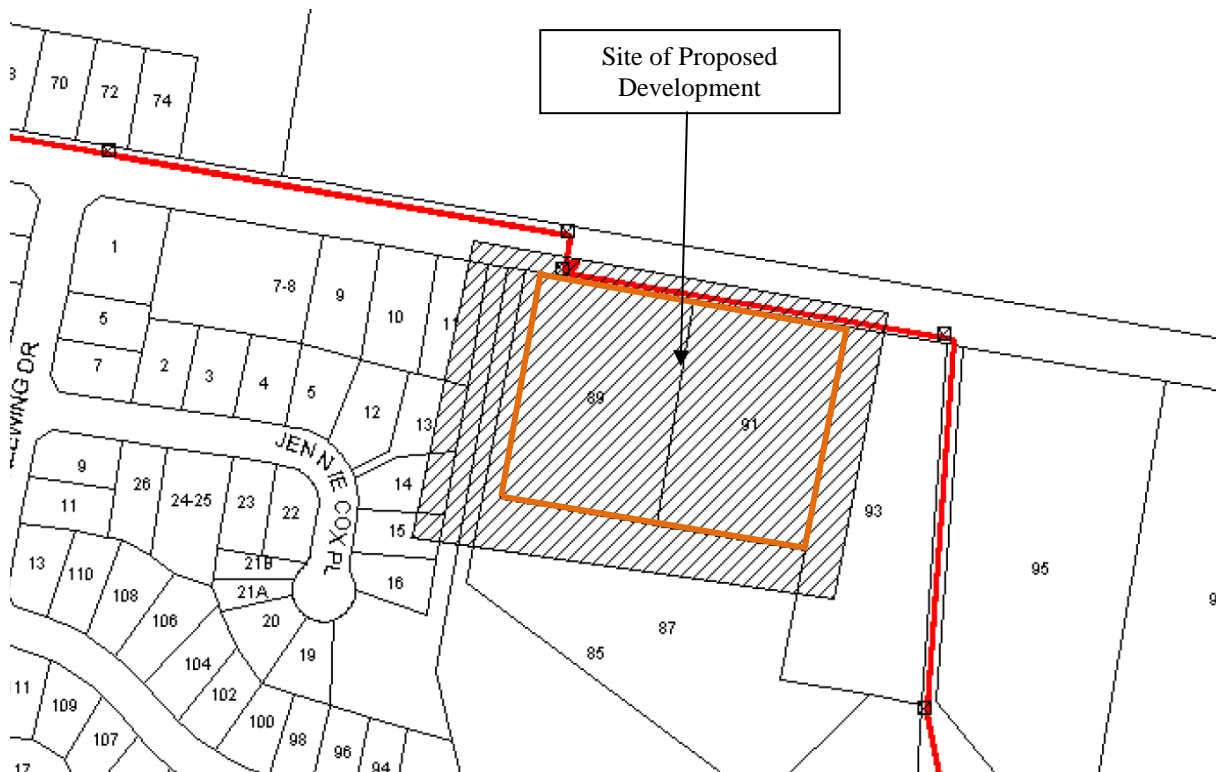


Figure 28
Extract from the Optus Infrastructure Mapping
(image courtesy of Optus through the Dial Before You Dig portal)

19.1 Flora Effects

19.1.1 *General*

Niche Environment and Heritage (Niche) was commissioned to undertake a **Preliminary Ecological Assessment (PEA)** at the subject site. The project comprises a multi-unit development and will involve clearing the majority of the native vegetation on the land. The PEA incorporates elements of Stage 1 of the Biodiversity Assessment Method (BAM) (OEH, 2017) to describe and assess the ecological values within the Study Area, determine the level of survey and assessment required and provide an understanding of the offset liability associated with the proposed development.

The subject site is approximately 1.06 ha in size and comprises two residential properties with dwellings, gardens, driveways, sheds, parking areas and native vegetation. Native vegetation on the land is largely restricted to mature canopy trees over maintained lawn, with small areas that retain a native shrub and ground layer.

19.1.2 *Existing Environment*

One Plant Community Type (PCT) was recorded on the land: PCT 1579: Smooth-barked Apple - Turpentine - Blackbutt open forest on ranges of the Central Coast. The PCT occurs in a similar condition throughout the property. The PCT is not associated with any threatened ecological communities. Habitat features are restricted to the foraging and shelter resources of the mature native canopy, with one potential hollow observed in the area of vegetation to be retained. Native understorey species are restricted to scattered small patches as the majority of the land comprises built areas or maintained lawn. Threatened flora and fauna were not recorded on the subject site and are unlikely to occur due to the limited habitat present.

19.1.3 *BAM Results*

The BAM Calculator generated a total requirement of eleven (11) ecosystem credits and no species credits. The ecosystem credits have a total final credit price of \$94,609.33 (excluding GST) (as calculated using the Biodiversity Offset Payment Calculator, version 2.0.1, 23 March 2020).

19.1.4 *Recommendations*

The native vegetation on the subject land is largely restricted to a native canopy over maintained lawn and therefore, habitat features are limited. A BDAR can be prepared based on the field survey undertaken for the appended PEA as it was undertaken in accordance with the requirements of the BAM. Additional targeted or seasonal surveys are not required. The appended PEA assesses the impacts of removal of all the native vegetation on the land with the exception of a ten (10) metre buffer along the frontage of Karalta Road. Avoidance and minimisation of impacts to native vegetation and habitat are key components of the BAM and proponents are required to demonstrate that avoidance has been considered and incorporated into the planning and design of proposed developments.

Retention of the ten (10) metre buffer contributes to this avoidance, however, further avoidance would reduce the costs of offsetting the project. A BDAR must also identify mitigation measures to reduce the impacts of project. Prior to preparation of a BDAR, Niche would liaise with the relevant authorities to identify suitable mitigation measures to be included in the BDAR.

19.2 Fauna Effects

Fifty one (51) threatened fauna were identified as predicted and/or candidate species for the on the subject land in the BAM Calculator (Table 3 and Table 4 of the appended Preliminary Ecological Assessment). The likelihood of occurrence assessment identified thirteen (13) species with a moderate likelihood of occurrence in the Study Area (Annex 3), based on the presence of foraging habitat.

19.3 Traffic Effects

Traffic issues are addressed under Section 12 – Traffic Management. All traffic movements entering and exiting the development will be restricted to two (2) entry and exit driveways off the western boundary and southern boundary of the site from the proposed public road using the contours of the site to provide access to two separate parking levels as shown on the attached **Architectural Plans** prepared by **CKDS Architecture**.

The ingress/egress services the basement level (B2) and sub-basement level (B1) parking areas which have been designed to accommodate a total of two hundred and twenty four (224) vehicles consisting of one hundred and ninety seven (197) resident spaces and twenty seven (27) visitor spaces. All vehicles will be able to enter and leave the proposed development in a forward direction.

The attached **Parking and Traffic Assessment** prepared by **B.J. Bradley & Associates** dated April 2020 reviews the traffic and parking requirements for the proposed development. The following key observations are made within the report:-

- (i) access into the proposed residential flat building from the proposed access road will be via the two ingress/egress points in compliance with AS/NZS 2890.1 – 2004;
- (ii) Karalta Road is a local road linking The Entrance Road at Erina and connecting via other streets to Terrigal Drive;
- (iii) on-site parking provision of 226 spaces complies with the requirements of Council's DCP 2013, Table 7.1.3.2. The proposed basement parking includes 10 accessible spaces which will be designed and signposted in accordance with AS/NZS 2890.6 – 2009;
- (iv) the proposed residential development is likely to generate low traffic volumes (38 trips) during the weekday peak periods based on the RTA Guide to Traffic Generating Developments for high-density residential flat buildings;
- (v) the site of the proposed residential development is currently occupied by two residential dwellings that fully occupied would generate a total of approximately 4 trips in the weekday peak periods on Karalta Road;
- (vi) the performance of Karalta Road would not be adversely affected by the generation of 34 additional trips in the weekday peak periods compared with the existing residential dwellings on the site. Additional average delays on Karalta Road resulting from the proposed development would be negligible;
- (vii) the dual access points to the development from the proposed access road will enable closure of two existing driveways along the site frontage that service two (2) of the existing residential dwellings on the site;
- (viii) the existing speed zone on Karalta Road past the proposed residential development is 50km/hour; and

- (ix) service vehicle movements would be negligible. Garbage vehicles will access the site via the upgraded western access road from Karalta Road to enter the lower basement level in a forward direction to attend the bins collection room, manoeuvre with the site and exit the basement parking level in a forward direction

It can be concluded that the development will:-

- (iv) not present any unsatisfactory traffic capacity, safety or environmental related implications;
- (v) incorporate a suitable and appropriate parking provision for the proposed uses; and
- (vi) incorporate suitable vehicle access, internal circulation and servicing arrangements

19.4 Noise Effects

The proposed residential development abuts established rural/residential areas to the east and south and low and medium density housing to the west along Karalta Road. Immediately to the north of the site in the Erina Fair shopping centre and Tarragal Glenn Retirement village.

As the land is zoned R1 – *General Residential* under the Gosford Local Environmental Plan 2014, some noise effects should be anticipated. There are already some noise effects as a result of existing higher density residential activities to the west, the busy Karalta Road corridor along the property frontage and the Erina Fair shopping centre immediately to the north.

The subject land is in an area of transition with traditional rural housing being replaced with higher density residential apartment buildings, seniors housing and medium density housing. Whilst some short term noise impacts will be experienced during the construction phase of the development, it is not anticipated that the proposed development will cause any significant adverse noise impacts in the longer term as a result of its operation.

The proposed development has been designed such that the ten (10) metre landscape buffer along Karalta Road is implemented which assists in noise mitigation and visual amenity.

19.5 Visual Amenity Effects

19.5.1 *General*

The proposed residential building will not adversely impact on the visual amenity of the surrounding residential precinct as the proposal seeks to comply with the character provisions under Gosford Development Control Plan 2014 Chapter 5.2 – Erina, 85-93 Karalta Road sub-clause 5.2.11 – Buildings/Character.

19.5.2 *Character*

The **objectives** of the clause are:-

“to encourage development generally in accordance with the desired future character of the area”.

The development controls require the following to be observed:-

- (vii) conserve natural and scenic characters of wooded hillside properties by surrounding each residential development with leafy gardens that retain natural slopes along all boundaries and conserve existing visually prominent trees, particularly along rear boundaries and street frontages or verges, as well as providing space for new shady trees and shrubs planted as backdrops to new buildings;
- (viii) minimise the scale of new buildings using strongly articulated forms including floor levels that are stepped to follow natural slopes plus facades that vary in shape and height. Avoid the appearance of long and continuous buildings facing any front or side boundary. Step the shape and height of all visible facades, provide at least one wide landscaped setback that varies in width and line driveways with avenues of trees and shrubs;
- (ix) roofs should be gently pitched to minimise the height of ridges and flanked by wide eaves that disguise the scale and bulk of exterior walls;
- (x) avoid tall retaining walls, elevated structures including terraces or pools or steep driveways that would interrupt the character of existing bushland hillsides; and
- (xi) the lower storey should not be dominated by garages and should display elements of a traditional "street address" such as balconies, verandahs and living rooms and front doors or private terraces that are directly accessible from the street. Conceal parking in part or full basements and provide unobtrusive vehicle entrances to minimise disruption of the desirable street address.

The proposed development **meets the desired character outcomes** of the *Erina, 85-93 Karalta Road* precinct in that:-

- (ix) the design conserves the existing visually prominent trees along the Karalta Road landscape buffer and seeks to enhance this corridor with additional plantings (see **Landscape Plan** prepared by *Xeriscapes*);
- (x) the design provides for new shady trees and shrubs planted as backdrops to new buildings along the new public road frontage;
- (xi) the proposal minimises the scale of new building through the use of strongly articulated forms including floor levels that are stepped to follow natural slopes plus facades that vary in shape and height;
- (xii) the design avoids the appearance of long and continuous buildings facing the front and side boundary by stepping the shape and height of the visible facades and providing wide landscaped setback;
- (xiii) the roofs are gently pitched to minimise the height of ridges and flanked by wide eaves over balconies that disguise the scale and bulk of exterior walls;
- (xiv) tall retaining walls are avoided or disguised;
- (xv) the lower storey is not dominated by garages and seeks to display a traditional "street address" with balconies, verandahs and living rooms and front doors or private terraces that are directly accessible from the street; and
- (xvi) parking is concealed by way of a full basement and sub-basement behind the outer residential units and provides unobtrusive vehicle entrances which minimise disruption of the desirable street address.

The proposed residential development therefore **COMPLIES** with Chapter 5.2.11 – Buildings/Character.

19.6 Air Quality Effects

In the short term, the potential impacts on the air quality will be limited to those effects caused from emissions from construction machinery and motor vehicle exhausts associated with the building works.

Atmospheric pollutants caused by such emissions are not expected to have a significant long term effect on the surrounding area. When construction is completed, impacts on air quality caused by the operation of the development are not expected to be appreciably more than currently created by the existing residential uses.

19.7 Erosion and Sedimentation Effects

Erosion controls are dealt with in Section 15 – Erosion and Sedimentation Controls earlier in this report.

Clause 6.3 - Erosion Sedimentation Control applies to the subject site. This chapter applies to any activity that involves, or could involve:-

- (iii) disturbance of, or placing fill on, the soil surface, and/or changes to the contours of the land; or
- (iv) changing the rate and/or volume of runoff flowing over land or directly/indirectly entering receiving waters.

It covers the whole process of development and construction, from initial planning to final site stabilisation. Council's goal is to help achieve a healthy, productive and diverse catchment. Erosion of soil as a result of disturbance or mismanagement of land is inconsistent with this goal.

As with all development work, the potential for soil erosion and sediment transfer is present. In order to limit this potential, it is intended to implement the necessary controls to restrict such transfer to within the construction zone and prevent any erosion and sediment transfer onto adjoining lands or to the Council's trunk drainage system in Karalta Road.

The attached ***Sedimentation & Erosion Control Plan*** prepared by ***Martens Consulting Engineers*** shows the controls to be implemented.

During the course of construction, filter fences will be provided adjacent to the exposed work face and hay bales anchored with star pickets will be provided at the site low points. Due to the sloping nature of the site, erosion and sediment transfer will need to be carefully controlled.

However, all works will be monitored on a daily basis and the construction area secured with control devices at the conclusion of each day's work. At the completion of each phase of the construction works, all exposed areas will be secured to ensure that the area is stabilised as quickly as possible.

All works will be carried out in accordance with Council's directions and in compliance with Clause 6.3 – Erosion Sedimentation Control.

19.8 Socio-Economic Effects

The proposed residential flat building will have numerous positive socio-economic benefits for the local community particularly in relation to:-

- (i) the provision of much needed residential accommodation close to Erina Fair and the Erina town centre; and
- (ii) the provision of high quality residential accommodation within the Erina Town Centre which is close to public transport links and city services;

The proposed residential units will complement similar uses already established along the Karalta Road transport corridor and will meet the growing demand to high quality long term residential floor space. Benefits will include:-

- (i) the provision of much needed quality residential floor space that will meet strong local demand in close proximity to Erina Fair;
- (ii) potential increase in local employment as the business draws on the local population for labour;
- (iii) an increase in street activation; and
- (iv) increased economic activity and services

19.9 Hours of Operation

The proposed development will be accessible 24 hours a day.

19.10 Bushfire Effects

The subject properties are considered to be affected by possible bushfire impact as determined from Council's Bushfire Prone Land Map. All property development within the affected area is subject to the conditions detailed in the document Planning for Bushfire Protection (NSW Rural Fire Service, 2019). This type of development is deemed infill under s79BA of the Environmental Planning & Assessment Act. However, as it also involves an increase in density, it requires to be assessed as if it were a residential subdivision under s100B of the Rural Fires Act 1997.

Clause 5.2.6 – Bushfire Protection under the Gosford Development Control Plan 2013 deals with the issues associated with the requirements of the NSW Rural Fire Service's "Planning for Bushfire Protection" 2006 (now Planning for Bushfire Protection (NSW Rural Fire Service, 2019). The standard requires that Bushfire Protection Assessment and implementation occurs on a precinct wide and strategic basis and not a site by site basis.

This was addressed as part of the assessment and approval of earlier residential subdivision under DA#48585/2015 approved on the 22nd August 2016.

The attached **Bush Fire Assessment Report** prepared by *Clarke Dowdle & Associates* deals specifically with the proposed residential development and follows on from the report prepared for the earlier residential subdivision.

It is noted within the DCP controls that the internal road system is to be implemented to allow ingress and egress from the precinct in accordance with requirements of "Planning for Bushfire Protection" RFS 2006 (now the Planning for Bushfire Protection (NSW Rural Fire Service, 2019).

The appended report has outlined that the proposed development can comply with Section 5 and Section 8 of the Planning for Bushfire Protection 2019 and the minimum asset protection zones (APZs) stipulated under Table A1.12.2 in PBP, 2019. This has been achieved through the deemed-to-satisfy methodology of PBP, 2019. Based upon the implementation of the compliant APZ's, Bushfire Attack Levels were provided in accordance with PBP, 2019.

In conclusion, the **Bushfire Assessment Report** has outlined and provided recommendations as to how the proposal may comply with the aims and objectives of PBP as follows:-

- (i) *"Afford occupants of any building adequate protection from exposure to a bushfire"*

The proposed residential flat building will be provided within an APZ/separation distance equating to a radiant heat exposure of less than 12.5kW/m². Therefore, the building will be recommended to be constructed to BAL 12.5 as per AS3959-2018

- (ii) *"Provide for a defensible space to be located around buildings"*

APZs and defensible spaces will form part of the development of which include APZ management within the site and the inclusion of lands adjoining of which meet with Section A1.10 (*Low Threat Vegetation-exclusions*) in PBP.

- (iii) *"Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition"*

APZs have been provided and future building construction will be in accordance with AS3959-2009. Fuel management will occur in the APZ and will be managed by the owners/body corporate.

- (iv) *"Ensure that safe operational access and egress for emergency service personnel and residents is available"*

Access complies with the performance requirements outlined in Table 5.3b in PBP, 2019

- (v) *"Provide for ongoing management and maintenance of BPMs"*

Fuel management within the development can be undertaken by the landowners under the guide of Appendix B in PBP. The remaining BPM's will be enforced by the conditions of consent and the responsibility will be upon the land owner to comply and continually comply with these requirements.

- (vi) *"Ensure that utility services are adequate to meet the needs of firefighters (and others who may assist in bushfire fighting)"*

Water supply, gas services and electricity are to comply with Table 5.3c in PBP, 2019

In summary, the proposed development is deemed to meet with the deemed-to-satisfy provisions of PBP, 2019. The determining authorities and Rural Fire Service may suggest additional measures to be implemented with any planning and construction upon the subject site.

The proposed residential flat building **COMPLIES** with the provisions under Clause 5.2.6 – Bushfire Protection and the “Planning for Bushfire Protection” RFS 2006 (now the Planning for Bushfire Protection (NSW Rural Fire Service, 2019).

19.11 Geotechnical Effects

Chapter 6.4 – Geotechnical Requirements For Development Applications under the Gosford Development Control Plan 2013 applies to the site. This chapter applies to all land in the former Gosford LGA.

The purpose of this chapter is to provide more detailed guidelines for the submission of Geotechnical Reports to support Development Applications. The **objectives** of this Chapter are:

- (i) to provide a management strategy for development in areas within the City identified as having a landslip potential;
- (ii) to establish guidelines relating to the development of quarry areas within the City; and
- (iii) to provide guidelines on the content and form of geotechnical reports submitted to Council.

The attached **Preliminary Geotechnical Investigation** prepared by *Martens Consulting Engineers* details the existing site conditions and specifies recommendations for the development to proceed. The recommendations include the following key design considerations:-

- (i) excavation and vibration;
- (ii) excavation support;
- (iii) earth pressure coefficients;
- (iv) earthworks;
- (v) footings and foundations;
- (vi) drainage requirements;
- (vii) trafficability; and
- (viii) site classification

The site is classified as a class ‘H1’ site in accordance with AS 2870 (2011). A reclassification to “A” may be considered for design of high level and lightly loaded shallow footings founding on rock.

19.12 Crime Prevention Through Environmental Design

CPTED refers to the principles specified under the “*Crime Prevention and the Assessment of Development Applications*” published by Department of Urban Affairs and Planning Guidelines for consideration under section 79C of the Environmental Planning and Assessment Act 1979 as amended. Under this section, all Councils are required to consider and implement CPTED principles when assessing Development Applications (DA).

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It includes the built environment, open space (including passive recreation space), pedestrian and transport corridors, conflicts of land use etc.

CPTED aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ‘ingredients’ (ie: law, offender, victim or target, opportunity) from intersecting in time and space.

In practice this means that predatory offenders often make “cost benefit assessment” of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits.

This is achieved by creating environmental and social conditions that:-

- (i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- (ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- (iii) minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- (iv) minimise excuse making opportunities (removing conditions that encourage / facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are:-

- (i) territorial re-enforcement,
- (ii) surveillance,
- (iii) access control, and
- (iv) space/activity management.

The following strategies are to be included in the development:-

Territorial Re-enforcement

The use of vegetation will assist in creating territorial reinforcement along all of the property boundaries. The attached Landscape Masterplan ensures that:-

- (i) vegetation does not inhibit a ‘line of sight’ into the development when looking into the development from outside;
- (ii) heavy vegetation has been avoided at the entrance areas of the buildings so as not to provide concealment opportunities;
- (iii) undergrowth on trees will be cleared and maintained to a height of 1.2 metres to enhance site lines;
- (iv) signage at entry points into the site will be erected stating “private property”;
- (v) lighting will be used at key entry points so as to assist in identifying the transition between public and private land;
- (vi) fencing will be provided along the boundaries of the property to reinforce formal entry points.

Surveillance

The proposed landscaping has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. In selecting and maintaining the proposed vegetation, consideration has been given to the possibility of areas becoming entrapment sites in the future. Shrubs are not greater than 1 metre in height and the canopy of tall trees are to be higher than 1.8 metres. The residential building design has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. It has been designed taking into consideration:-

- (i) the Australian and New Zealand Lighting Standard 1158.1 – *Pedestrian* which requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels; and
- (ii) vision and surveillance in the car park areas

Access controls

- (i) all entry points (pedestrian and vehicle) are to be clearly signposted and identify the area as being private property; and
- (ii) pedestrian access markings on site where road crossings are located will be clearly indicated

Space / Activity Management

Directional signage is to be provided throughout the development. The signage is to be clear, legible and useful so as to aid way finding throughout the development (particularly around entry, car parking and the common areas).

Gardens, hard walls, fencing and perimeter landscaping is to be well maintained. Any evidence of anti-social behaviour (eg: graffiti, malicious damage, broken lights etc) is to be cleaned, fixed, made good and replaced within 24 hours. A Maintenance Plan is to be prepared for the site. The garbage bin area to be secured and kept out of general sight.

20.0 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

It is prudent to take into consideration the principles of ecologically sustainable development as required in the management and development of the area.

These comments are in accordance with the *New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997* and partly addresses the Performance Criteria in the DCP.

Effective integration of economic and environmental considerations is recommended in decision making processes through the implementation of the following processes:-

- (i) *The Precautionary Principle – namely, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*

The site contains remnant native vegetation along the street frontage and the rear of the existing dwellings.

The property have been continuously used for rural residential purposes since the 1980's so as to establish a long term residential presence in the locality. This has been supported by a range of adjoining residential and commercial activities adjacent to the site including medium residential to the west of the site and Erina Fair shopping centre to the north.

All existing site improvements are to be removed in order to accommodate the proposed development together with the existing trees except for those within the ten (10) landscape buffer along the road frontage. There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the development.

- (ii) *Inter-generational Equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.*

The proposed residential development has been designed in accordance with all current engineering and environmental regulations and to such a standard that the local environment will be protected both during construction and as a result of its ongoing operation.

The development will also create both short and long term employment opportunities and provide both good quality residential accommodation that will specifically the growing number of people who wish to live in close proximity to the Erina Fair shopping complex and the wide range of community and public services in the area. It will also provide high quality residential accommodation within the Erina town centre precinct.

Therefore, the health, diversity and productivity of the environment will not be adversely affected by the proposed development.

- (iii) *Conservation of Biological Diversity and Ecological Integrity – namely, that the conservation of biological diversity and ecological integrity should be a fundamental consideration.*

As the property has been fully developed for residential purposes for over 40 years, the subject land has been significantly modified and degraded compared to its natural state.

Therefore, the application for the proposed residential flat building will not have any appreciable effect on the biodiversity or ecological integrity of the area.

21.0 CONCLUSION:

The proposed residential flat building is recommended to the Central Coast Council on the basis that it:-

- (i) it is permissible in the R1– *General Residential* zone under the Gosford Local Environmental Plan 2014;
- (ii) will provide much needed residential accommodation that will service the local community and the Erina town centre precinct;

- (iii) can be fully serviced with a range of utilities;
- (iv) has direct access to bus services in Karalta Road, Erina Fair and the Erina town centre precinct; and
- (v) is easily accessible to the local community.

22.0 LIMITATIONS:

Wales & Associates Pty Limited (WA) has prepared this report for a project at #85-91 Karalta Road at Erina in accordance with instructions of Pinnacle Karalta Development. The report is provided for the exclusive use of Pinnacle Karalta Development for this project only and for the purpose(s) described in the report.

It should not be used for other projects or by a third party. In preparing this report WA has necessarily relied upon information provided by the client and/or their agents. WA's advice is based upon the information supplied and encountered during this assessment.

The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other sub-consultants. The advice may also be limited by budget constraints imposed by others or by site accessibility. This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections.

WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report. Please contact the undersigned for clarification of the above as necessary.



29th January 2021

.....
Matthew Wales
Director – Wales & Associates Pty Limited

.....
Date

END

REFERENCES

The following documents were referenced:-

- (i) New South Wales Government (1979) Environmental Planning & Assessment Act (as amended);
- (ii) State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (iii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
- (iv) Gosford Local Environmental Plan 2014;
- (v) Gosford Development Control Plan 2013;
- (vi) State Environmental Planning Policy No. 65 – Design Quality;
- (vii) State Environmental Planning Policy (BASIX);
- (viii) Rural Fires Act, 1997 (Amended) – Sections 63 (1) and 63 (2);
- (ix) Planning for Bushfire Protection (NSW Rural Fire Service, 2019); and
- (x) Planning for Bushfire Protection (NSW Rural Fire Service, 2018)