

# **Development Application**

in accordance with the

## **Environmental Planning & Assessment Act 1979**

### **Planning Report and Statement of Environmental Effects for**

### **Alterations and Additions to Existing Dwelling including New Studio and Cabana**

**Lot A in DP339787  
#166 Booker Bay Road  
Booker Bay**

Frank and Wendy Laureti

January 2023

Job Ref: 062/2022

Issue: 03-062/2022 (FINAL)

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	Site Detail Survey prepared by Clarke Dowdle & Associates (Consulting Surveyors)	
	BASIX Certificate prepared by LAW Building Design	
	Limited Geotechnical Investigation prepared by 5QS Consulting Group	
	Site Waste Management Plan prepared by LAW Building Design	

LIST OF ABBREVIATIONS AND GLOSSARY	
Abbreviation	Meaning
AHD	Australian Height Datum
AS	Australian Standard
CC	Construction Certificate
CCC	Central Coast Council
CCDCP	Central Coast Development Control Plan 2022
CCLEP	Central Coast Local Environmental Plan 2022
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Central Coast Council
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
EP&A Act	Environmental Planning & Assessment Act
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
DoPI	Department of Planning & Infrastructure
Emission	The release of material into the surroundings (for example, gas, noise and water)
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m <sup>2</sup>	Square metre
m <sup>3</sup>	Cubic metre
MFL	Minimum Floor Level
PP	Planning Proposal
REF	Review of Environmental Factors
REP	Regional Environment Plan
RL	Reduced Level
ROW	Right-of-way
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
TfNSW	Transport for New South Wales
WA	Wales & Associates Urban Design Partners
WMP	Waste Management Plan

# DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

CENTRAL COAST COUNCIL DEVELOPMENT APPLICATION MATRIX

Date of Report: 1<sup>st</sup> January 2023

Applicant: Frank and Wendy Laureti  
C/- **WALES & ASSOCIATES**  
P.O. Box 150  
Ettalong Beach 2257

Client: Frank and Wendy Laureti  
C/- Wales & Associates Pty Limited  
P.O. Box 150  
Ettalong Beach 2257

Location: Lot A in DP339787  
#166 Booker Bay Road  
Booker Bay

Subject of Report: **Alterations and Additions to Existing Residential Dwelling  
including New Studio and Cabana**

Current Zoning: R1 – *General Residential* under Central Coast Local  
Environmental Plan 2022  
(see **Figure 1** on following page)

Site Area: 696.6m<sup>2</sup> (by calculation)

Planning Instruments:

- (i) Environmental Planning & Assessment Act 1979;
- (ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
- (iii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (iv) Central Coast Local Environmental Plan 2022; and
- (v) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Policy Documents:

- (i) Central Coast Development Control Plan 2022;

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## EXECUTIVE SUMMARY

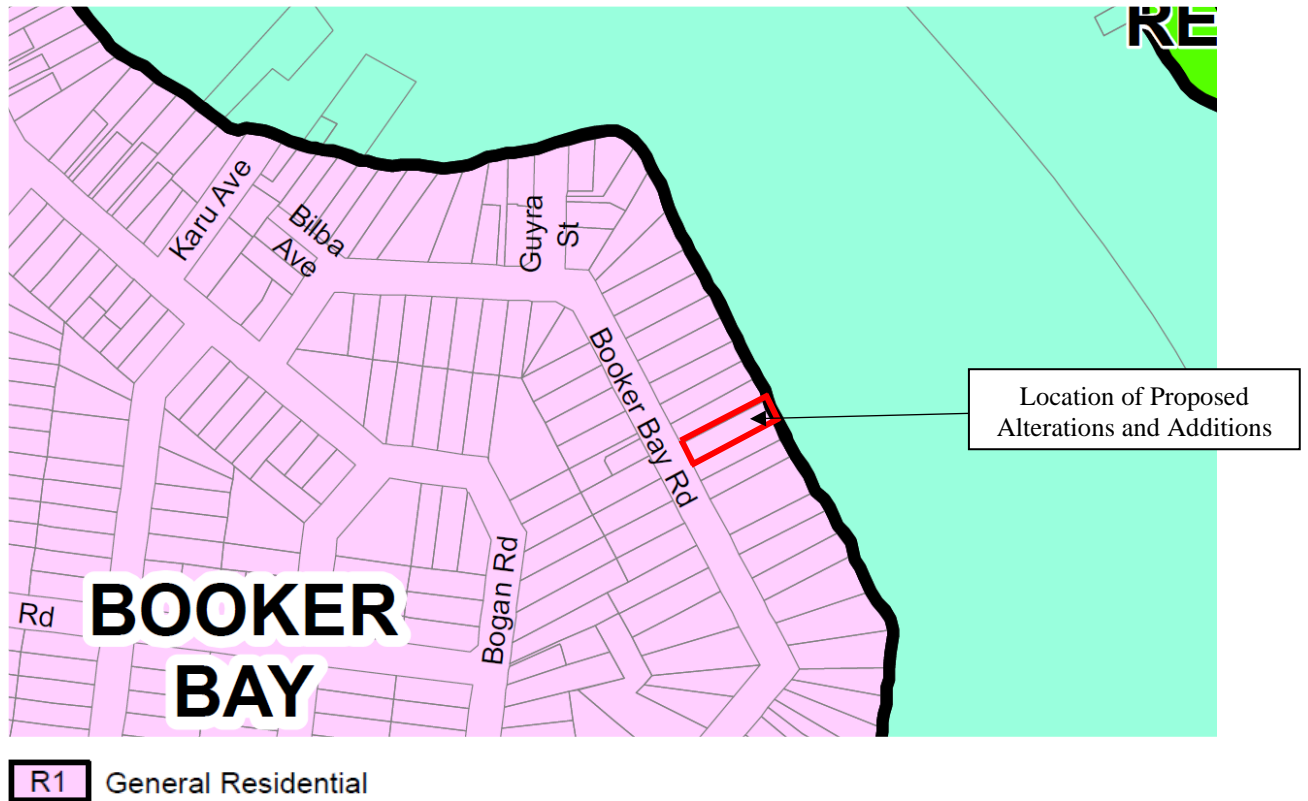
This Statement of Environmental Effects for the alterations and additions to the existing residential dwelling has been prepared by Wales & Associates Urban Design Partners (WA) on behalf of Frank and Wendy Laureti. It describes the site, its environs, the proposed development and provides an assessment 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 **Architectural Plans** prepared by **LAW Building Design** appended to this report. The subject property falls within that area of the Central Coast Council. The proposal has been considered against the relevant provisions of the Central Coast Local Environmental Plan (CCLEP) 2022 which is now in force.

The aim of the application is to gain approval for the proposed alterations and additions to the existing residential dwelling including new studio and cabana.

This report should be read in conjunction with the following documents:-

- (i) Architectural Plans prepared by LAW Building Design;
- (ii) BASIX Certificate prepared by LAW Building Design;
- (iii) Detail Survey Plan prepared by Clarke Dowdle & Associates;
- (iv) Flood Information Certificate provided by Central Coast Council;
- (v) Limited Geotechnical Investigation prepared by 5QS Consulting Group; and
- (vi) Site Waste Management Plan prepared by LAW Building Design



**Figure 1**  
**Extract from the Central Coast Local Environmental Plan 2022 Zoning Plans**  
(courtesy of Central Coast Council)

## **Zone R1 General Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.

### **2 Permitted without consent**

Home occupations; Recreation areas

### **3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewage reticulation systems; Shop top housing; Signage; Tank-based aquaculture; Water recycling facilities; Water reticulation systems; Water storage facilities

### **4 Prohibited**

Any development not specified in item 2 or 3

## 1.0 THE PROPOSAL

### 1.1 General

The following report is for alterations and additions to the existing residential dwelling as shown in the attached **Architectural Plans** prepared by **LAW Building Design**. The proposal includes:-

- (i) extensions to ground level terrace;
- (ii) extensions to first floor balcony;
- (iii) construction of new studio and cabana area over existing garage;
- (iv) removal and replacement of existing roof and creation of internal void space;
- (v) construction of new roof balcony; and
- (vi) upgrading of the entry driveway

The **Architectural Plans** prepared by **LAW Building Design** show the proposed alterations and additions to the existing residential dwelling described in this report.

## 2.0 CONSISTENCY WITH PLANNING CONTROLS

### 2.1 Central Coast Local Environmental Plan 2022

The Central Coast Local Environmental Plan 2022 is the principal planning instrument affecting land use within the City. The Local Environmental Plan (LEP) defines what purpose land may be used for. The plan consists of a written statement and a number of maps. The plan, although prepared by Council, is vetted by the State Government to ensure consistency with [Environmental Planning and Assessment Act, 1979](#) and State Environmental Planning Policies before being gazetted by the Minister for Planning and Infrastructure.

#### 2.1.1 *Zoning*

The property is current zoned R1 – *General Residential* under the Central Coast Local Environmental Plan 2022. The **objectives** of Zone R1 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; 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 following application **meets the objectives** of zone in that:-

- (i) it provides for the housing needs of the community within a low-density residential environment;
- (ii) provides for a variety of housing types and densities;

- (iii) it ensures that development is compatible with the desired future character of the zone as described in the Central Coast Development Control Plan 2022; and
- (iv) it encourages best practice in the design of low-density residential development

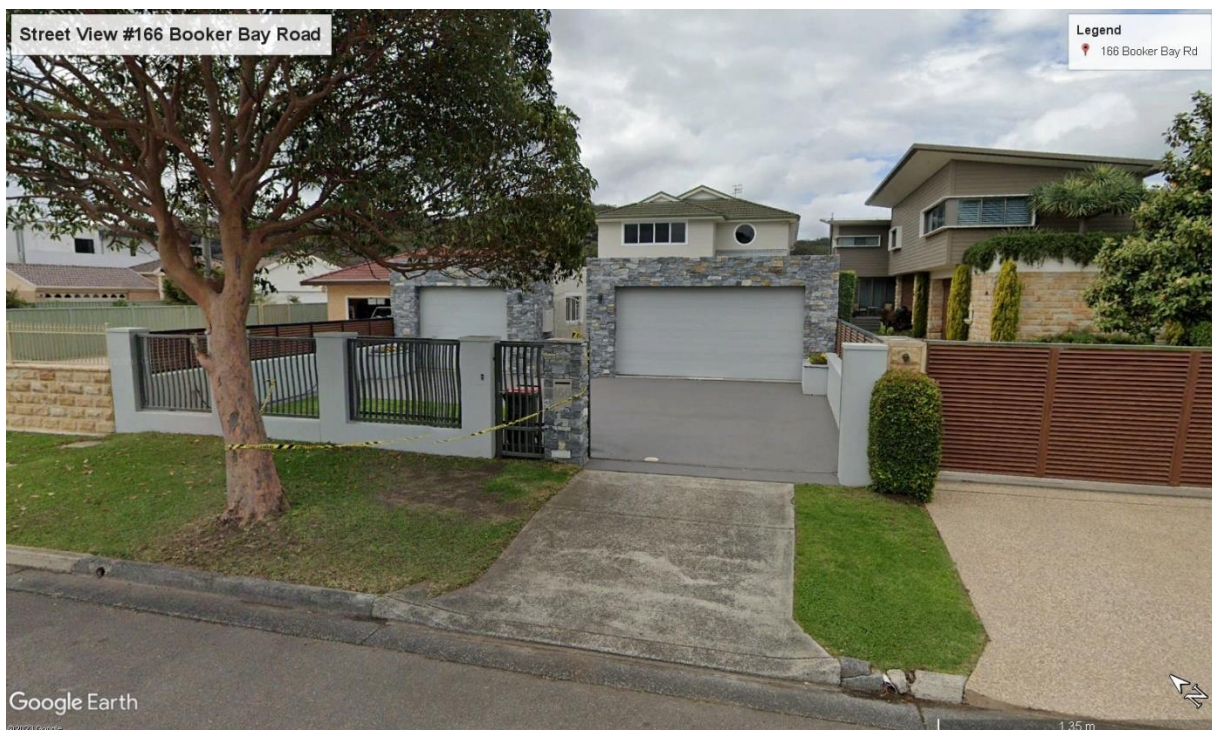
Therefore, the proposed residential dwelling **COMPLIES** with the **objectives** of the zone.

### 2.1.2 Demolition

Clause 2.7 – Demolition requires development consent requires that the demolition of a building or work may be carried out only with development consent.

It should be noted that if the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or [\*State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008\*](#), as exempt development, the Act enables it to be carried out without development consent.

This application includes minor demolition works to the existing two storey brick residential dwelling and brick garage on the site (see **Figure 3**) to accommodate the proposed alterations and additions.



**Figure 3**  
**Street View showing existing residential dwelling**  
(photograph courtesy of Google Earth Pro)

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### 2.1.3 Height of Buildings

Clause 4.3 – Height of Buildings deals with issues relating to building height and the impact on built form and amenity.

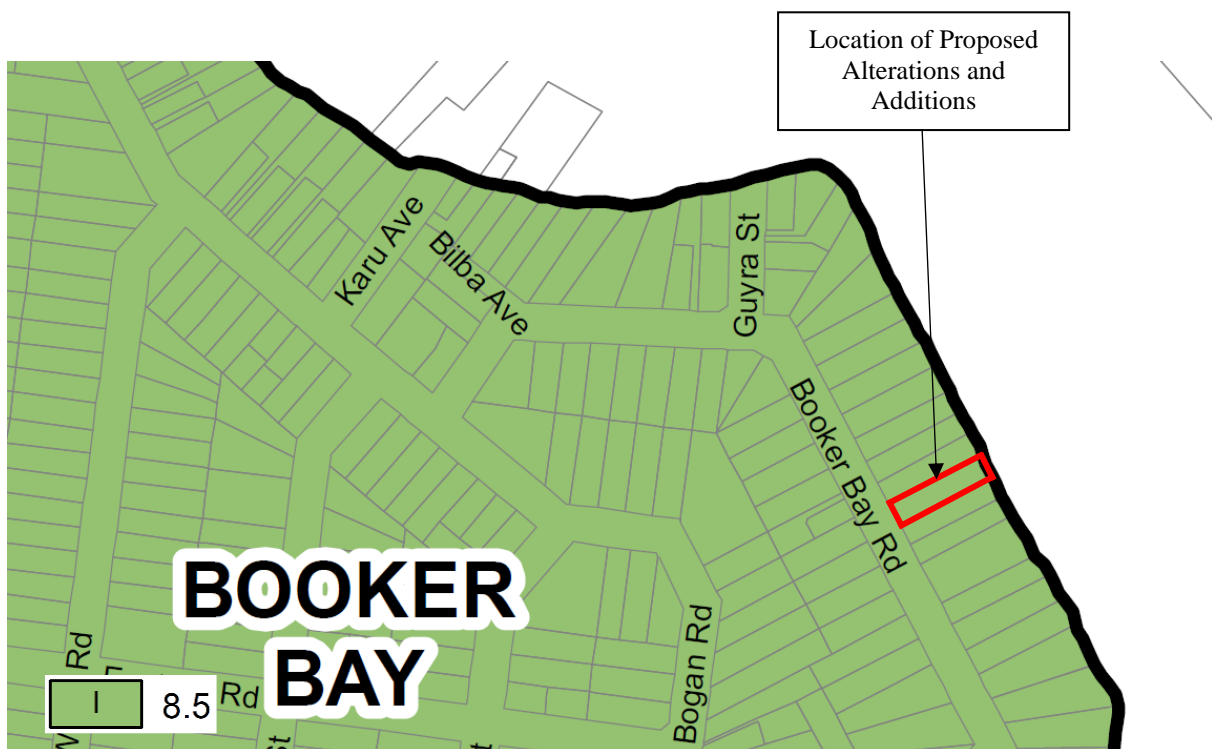
The **objectives** of this clause are as follows:-

- (i) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape;
- (ii) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

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](#).

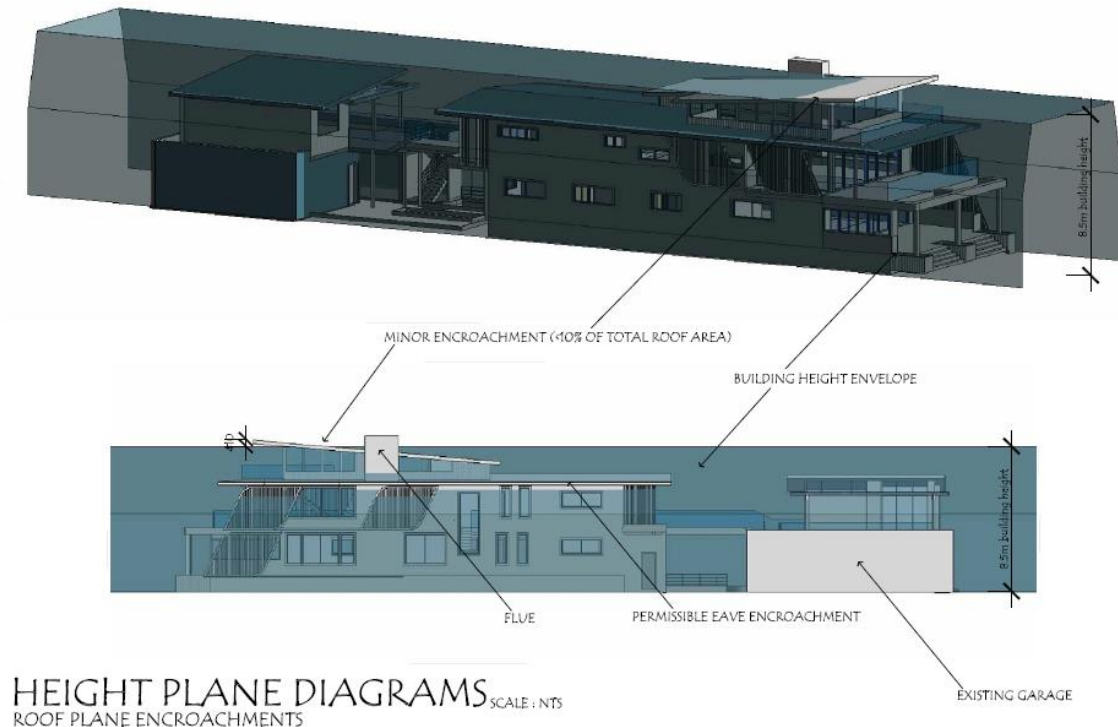
The subject lands have a maximum building height of 8.5 metres under the Central Coast Local Environmental Plan 2022 as shown in **Figure 4**.

The height of the proposed building is shown on the attached **Architectural Plans** prepared by **LAW Building Design**. The proposed roof over the roof level balcony does not fully comply with the provisions under Clause 4.3 with small sections of the upper floor roof elements encroaching outside the 8.5 metre height plane (as measured from natural ground level) as shown **Figure 5**.



**Figure 4**  
**Extract from the Central Coast Local Environmental Plan 2022 - HOB**  
(courtesy of Central Coast Council)





**Figure 5**

**Extract from architectural plans showing 3D representation of the 8.5m height plane**

The following assessment is provided in relation to the variation to the 8.5 metre height limit under Clause 4.6 – Exemption to Development Standard under the Central Coast Local Environmental Plan 2022.

#### Introduction

Reference is made to the requirement for a variation request under Clause 4.6 – Exemption to Development Standard under the Central Coast Local Environmental Plan 2022 in relation to the 8.5 metre height standard and the departure from this standard where a portion of the upper floor roof protrudes above the height plane partly because of the adopted minimum floor level of RL2.06m AHD. The departure from the standard is reasonable and will not significantly impact on the adjoining residences to the north and south beyond those impacts that would have arisen should the development fully comply. The residence to the north is the most affected as it is single storey. As required by this clause, a written request for an exception to the required maximum 8.5 metre height is now made. It is noted that for Council to support the variation to the development standard pursuant to Clause 4.6 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 the Central Coast Local Environmental Plan 2022 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 4.3 – Height of Buildings of the Central Coast Local Environmental Plan 2022 which deals with those issues relating to the maximum permissible building height.

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Clause 4.3 states:-

### 4.3 Height of buildings

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
  - (b) *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*
- (2) *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](#).*

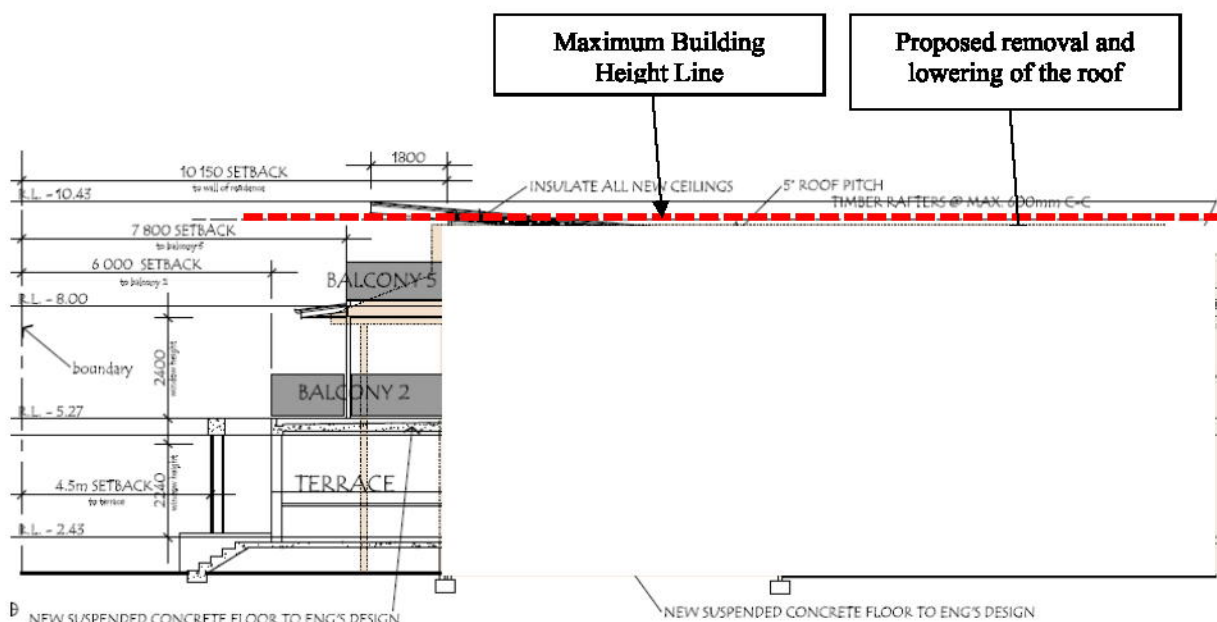
The subject lands currently have a maximum building height of 8.5 metres under the Central Coast Local Environmental Plan 2022 as shown in **Figure 3**.

#### Extent of the Variation to the Development Standard

The proposal seeks a building height of RL10.43m AHD or approximately 8.91m above ground level (ie: a variation of 4.8%). This is only slightly outside the 8.5 metre height limit (ie: 410mm) which is wholly attributable to the minimum floor level (MFL) requirement of RL2.06m AHD. This reduces the available height by 0.54 metres.

The extent of the variation to the height controls is shown in **Figure 5** with only minor encroachments from the upper storey roof elements through the 8.5 metre height plane as measured from the natural ground level.

It should be noted that the proposed alterations and additions also include the removal and replacement of the existing roof which appreciably reduces the overall bulk and scale of the residential development offsetting the roof encroachment at the eastern end of the building (see **Figure 6**).



**Figure 6**  
**Section Thru A-A**

### Objectives of the Standard

The **objectives** of Clause 4.3 of the Central Coast Local Environmental Plan 2022 are as follows:-

- (i) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape;
- (ii) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

The subject site is currently zoned Zone R1 – *General Residential* under the Central Coast Local Environmental Plan 2022. 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; 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 Central Coast Local Environmental Plan 2022, 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.

Subclause (2) of the Central Coast Local Environmental Plan 2022 states:-

*“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”*

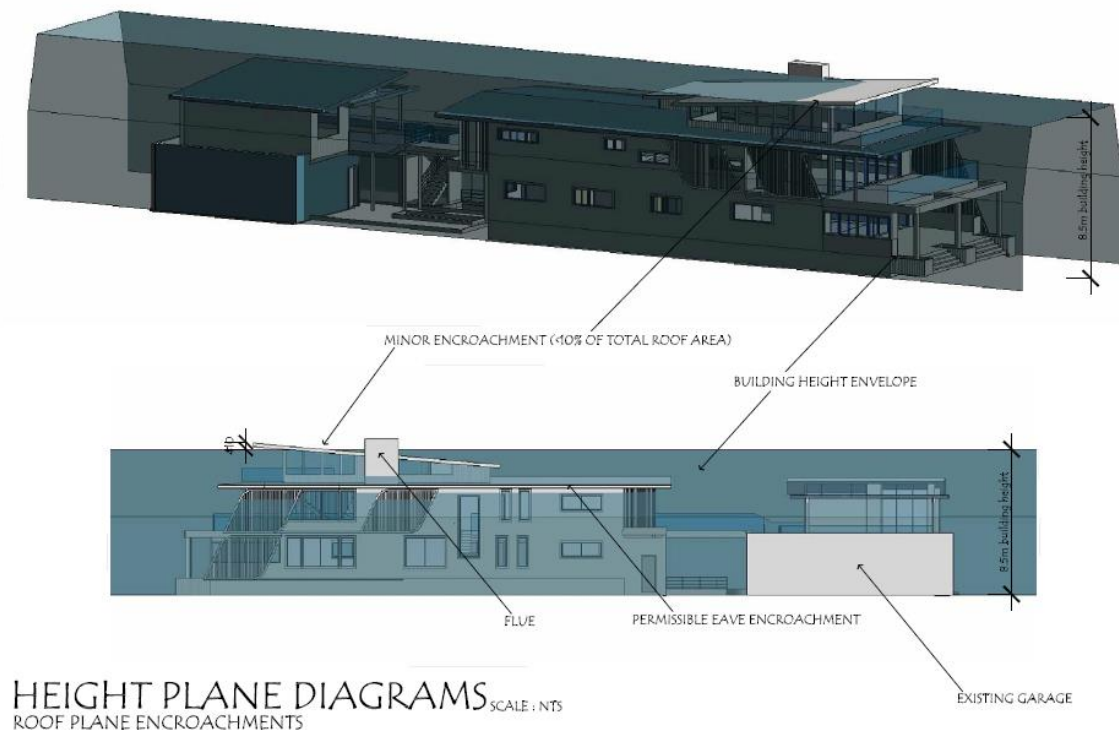
This is to ensure that the height of buildings is compatible with that of adjoining development and the overall streetscape and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In this instance, the site is level and lies adjacent to Brisbane Water. It is therefore subject to a minimum floor level (MFL) of RL2.06m AHD. The natural ground level is approximately RL1.52m AHD which is some 0.54 metres below the MFL.

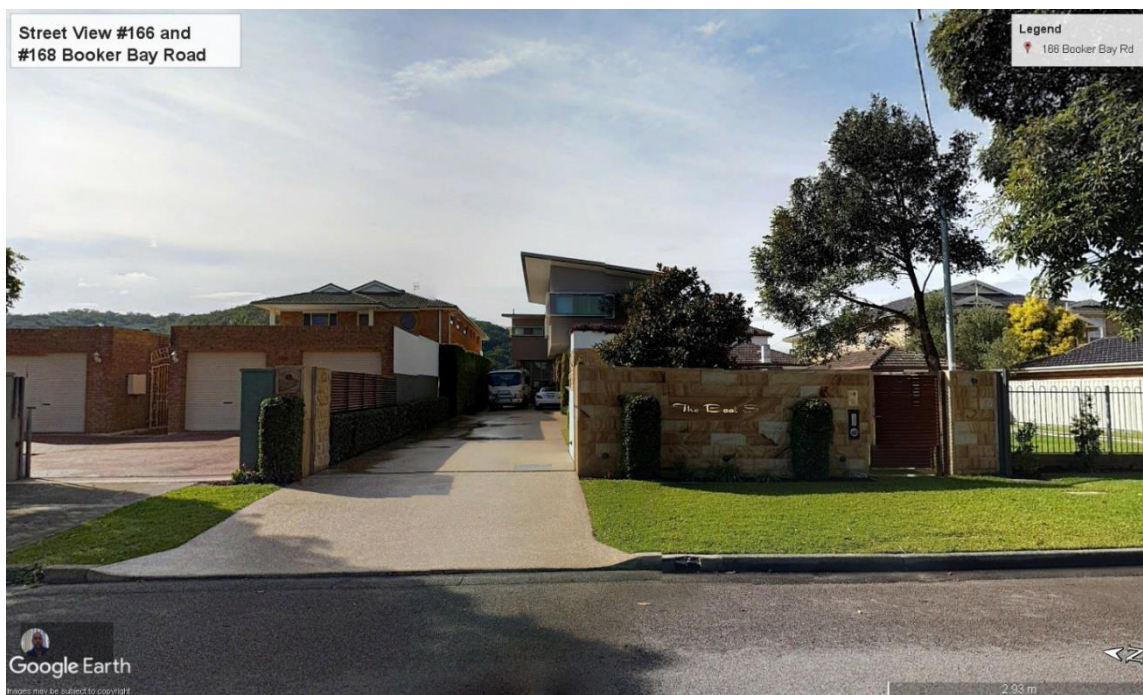
For the purposes of this assessment, the height of the building should be measured from the MFL of RL2.06m AHD so as not to create a disadvantage to the available building envelope. To limit the building height based on the adopted flood levels would be unreasonable and restrict orderly development of the land.

The architectural plans (Site Plan and Sections) show both the height plane as measured from natural ground level and from the minimum floor level (see **Figure 7**).

It is considered that the design (with the height variation) ensures that the building height remains compatible with the adjoining building heights especially to the south as shown in **Figure 8**. In fact, the proposed building represents a continuing improvement to the architectural quality of the streetscape/reserve front compared to the existing older style single storey structure to the north-west. This represents an ongoing trend toward the replacement of older single storey dwellings with more modern two storey structures that take better advantage of the outlook over Brisbane Water.



**Figure 7**  
Extract from architectural plans (Site Plan and Sections) showing 8.5m height planes  
(courtesy of LAW Building Design)



**Figure 8**  
**Street view showing relationship to adjoining #168 Booker Bay Road looking east**  
**towards Brisbane Water**  
(photograph courtesy of Google Earth Pro)

Further, the small height variation will not have any significant visual impact on the adjoining property to the north or south nor create any appreciable loss in privacy as the modifications to the roof serves two functions. Firstly, it creates a raked cathedral ceiling on the first floor living and dining area with “high light” windows as shown in **Figure 9**. Sliding privacy screens are proposed at room level to protect the amenity of adjoining neighbours.

Secondly, it provides sufficient height to accommodate the proposed under roof balcony (Balcony 5) with stair access to the first floor living/dining area.

Thirdly, the existing roof is to be removed and lowered (See **Figure 6**) which appreciably reduces the overall bulk and scale of the residential development offsetting the roof encroachment at the eastern end of the building.

The single storey dwelling to the north-west (#164 Booker Bay Road) is unaffected from overshadowing or loss of privacy as the existing dwelling is set back from the waterfront.

The dwelling to the north-east (#168 Booker Bay Road) has a substantial first floor external deck/terrace within the reserve front setback (see **Figure 10**). To preserve adequate levels of privacy, sliding privacy screens are proposed at room level to protect the amenity of adjoining neighbours.





**Figure 9**  
**Render showing the first floor living/dining room with cathedral type ceiling**  
(rendering courtesy of LAW Building Design)



**Figure 10**  
**Aerial view showing adjoining residential developments**  
(image courtesy of LAW Building Design)

Consequently, a variation is sought to the Height of Buildings development standard under the provisions set out in Clause 4.6 – Exceptions to development standards of the Central Coast Local Environmental Plan 2022.

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 architect for the project, **LAW Building Design**, has designed the proposed new residential development in such a manner as to:-

- (i) produce high quality alterations and additions to the existing residence that provides a high level of articulation and effective and efficient use floor space;
- (ii) optimize the development outcomes for the site whilst being mindful of bulk and scale bearing in mind the impacts of the prescribed minimum floor level requirements. The bulk and scale of the dwelling was carefully considered resulting in the bulk of the building form being set back to the rear of the site; and
- (iii) improve yields and development viability in line with both Council's and the public expectations for the Booker Bay residential precinct

The height variation is reasonable when considered within the context of the overall streetscape with its primary frontage to Booker Road and the intent of the Central Coast Local Environmental Plan 2022. In recent years, existing single storey bungalows are being replaced with more substantial two storey residences and existing two storey residences are undergoing extensive renovations.

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

- (i) ensuring the height of the proposed building is compatible with that of adjoining development to the north and newer two storey dwellings further to the south and the overall streetscape;
- (ii) minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

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 Height of Buildings requirement will not hinder the proper management and development of the Booker Bay residential catchment. It will in fact be consistent with recent trends that include the demolition and replacement of older single storey dwellings with more substantial two storey residences that ensure a higher and better use of the valuable waterfront lands.

The proposal will in fact improve the social and economic welfare of the local community and create a better environment by substantially improving the livability and amenity of the locality by improving the architectural standard of the Booker Bay frontage and the Brisbane Water foreshore through the provision of high quality alterations and additions to the existing residential space.

The proposal will improve the architectural standard of the locality and compliment other development in the precinct which has tended towards the replacement of older style single storey residential homes with more modern two storey residences that better utilize the foreshore location and views across Brisbane Water. Further, the variation to the Height of Buildings 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 formalizing the trend to higher quality residential dwellings utilising the natural features of the land and activating the primary Brisbane Water frontage whilst being mindful of the minimum floor level constraints.

(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 Height of Buildings development standard is considered to be unreasonable in this particular case as the proposed minor variation simply seeks to maximise the site outcomes and improve the residential standard of the site and the surrounding precinct in line with similar developments to the north and further to the south.

It also proposes a high-quality residential interface with the Booker Bay Road frontage in line with the Central Coast Local Environmental Plan 2022 and Chapter 2.17 – Character and Scenic Quality of the Central Coast Development Control Plan 2022. 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 especially in relation to the MFL requirements. 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 4.3 of the Central Coast Local Environmental Plan 2022 (CCLEP 2022) or Section 5(a)(i)(ii) of the EP&A Act.

In relation to this clause, it is considered that the objection to the Height of Buildings 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 the flood affectation and the requirement that the floor level meet the flood planning level.

In this instance, the site is level and lies adjacent to the Brisbane Water foreshore. It is therefore subject to a minimum floor level (MFL) of RL2.06m AHD. When the existing dwelling was approved in 1998, the minimum floor level was RL2.43m AHD which raised the building some 900mm above natural ground level. The MFL has now been lowered with the natural ground level at approximately RL1.52m AHD which is some 0.54 metres below the current MFL. This historically higher MFL has now exacerbated the current proposal in terms of building height. For the purposes of this assessment, the height of the building is measured from the current MFL of RL2.06m AHD so as not to create a disadvantage to the available building envelope. To limit the building height based on the prescribed flood level would be unreasonable and restrict orderly development of the land. The architectural plans show both the height plane as measured from natural ground level and from the minimum floor level (see **Figure 6**). By accommodating the height variation results in a more efficient and orderly use of the land 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 Height of Buildings 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. It reflects the continuing trend along the Brisbane Water foreshore at Booker Bay for the replacement of older style single storey dwellings with newer two storey residences that enhance the streetscape and make more efficient use of the land and the renovation of existing residences.

In relation to Clause 4.3 – Height of Buildings of the Central Coast Local Environmental Plan 2022, this standard deals with those issues relating to the maximum permissible building height. The **objectives** of this clause are as follows:-

- (i) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape;
- (ii) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

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

- (i) ensuring the height of the proposed building is compatible with that of adjoining development particularly to the north and also newer dwellings further to the south and the overall streetscape;



- (ii) minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. The shadow diagrams (see attached **Architectural Plans**) demonstrate the impact of overshadowing for the 22<sup>nd</sup> June period. Whilst some impacts are evident for the June periods, full compliance with the height and building envelope standards would not appreciably lessen those impacts

With regard to the objectives for development within the zone, the subject site is currently zoned Zone R1 – *General Residential* under the Central Coast Local Environmental Plan 2022. 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; 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 **meets the objectives** of the zone in that:-

- (i) it provides for the housing needs of the community within a low-density residential environment;
- (ii) provides for a variety of housing types and densities;
- (iii) it ensures that development is compatible with the desired future character of the zone as described in the Central Coast Development Control Plan 2022; and
- (iv) it encourages best practice in the design of low-density residential development

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 Height of Buildings standard is well founded.

### Conclusion

Based on the above assessment, the attached architectural plans and the submitted supporting documents, it is considered that the proposed residential development will deliver a better planning outcome than one that strictly complies with the current 8.5 metres height limit for the following reasons:-

- (i) strict compliance would not be responsive to the flood planning level constraints;
- (ii) strict compliance would not be responsive to the intent of the Central Coast Local Environmental Plan 2022;
- (iii) strict compliance would not be responsive to the intent of Chapter 2.17 – *Character and Scenic Quality* of the Central Coast Development Control Plan 2022;

- (iv) strict compliance would restrict building height and subsequent floor space outcomes to the extent that the alternative would be an underutilization of the site in an area within the Booker Bay residential precinct that seeks high quality residential development outcomes; and
- (v) strict compliance would not meet the desired future character of the precinct

It is considered that the objection to the Height of Buildings 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.

#### **2.1.4 Floor Space Ratio**

Clause 4.4 – Floor Space Ratio of the Central Coast Local Environmental Plan 2022 deals with the issues relating to gross floor area and its relationship to the site area.

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

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

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](#).

The subject lands have a designated floor space ratio denoted as **0.5 to 1** under the Central Coast Local Environmental Plan 2022 as shown in **Figure 11**.

The subject site has an area of 696.6m<sup>2</sup> and a gross floor area of 378.58m<sup>2</sup> resulting in a floor space ratio of **0.543:1** (ie: a departure of **9.2%**).

Therefore, the proposal **does not comply** with the specific development standard under Clause 4.4 for residential development.

The following assessment is provided in relation to the variation to the floor space ratio limit under Clause 4.6 – Exemption to Development Standard under the Central Coast Local Environmental Plan 2022.

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**Figure 11**  
**Extract from the Central Coast Local Environmental Plan 2022 – FSR Mapping**  
(courtesy of Department of Planning ePlanning Spatial Viewer)

The subject site has an area of 696.6m<sup>2</sup> and a gross floor area of 378.58m<sup>2</sup> resulting in a floor space ratio of **0.543:1** (ie: a departure of **9.2%**).

Therefore, the proposal **does not comply** with the specific development standard under Clause 4.4 for residential development.

The following assessment is provided in relation to the variation to the floor space ratio limit under Clause 4.6 – Exemption to Development Standard under the Central Coast Local Environmental Plan 2022.

#### Introduction

Reference is made to the requirement for a variation request under Clause 4.6 – Exemption to Development Standard under the Central Coast Local Environmental Plan 2022 in relation to the Floor Space Ratio standard and the departure from this standard where the proposal seeks an FSR of 0.543:1 as opposed to the maximum FSR of 0.5:1 under Clause 4.4. This represents a departure of **9.2%**.

The departure from the standard is considered to be reasonable in that the proposed development can still meet the underlying objectives of the standard and will not impact on the adjoining residences (especially to the north) beyond those impacts that would have arisen should the development fully comply. The residence to the north is the most affected. As required by this clause, a written request for an exception to the required maximum floor space ratio is now made. It is noted that for Council to support the variation to the development standard pursuant to Clause 4.6 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 the Gosford Local Environmental Plan 2014 states:-

#### **4.6 Exceptions to development standards**

- (1) *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.*
- (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:*
  - (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 4.4 – Floor Space Ratio of the Central Coast Local Environmental Plan 2022 which deals with those issues relating to the maximum permissible floor area expressed as ratio to the land area.

The subject lands have a designated floor space ratio denoted as **0.5 to 1** under the Central Coast Local Environmental Plan 2022 as shown in **Figure 11**.

### Extent of the Variation to the Development Standard

The subject site has an area of 696.6m<sup>2</sup> and a gross floor area of 378.58m<sup>2</sup> resulting in a floor space ratio of **0.543:1** (ie: a departure of **9.2%**).

The proposal seeks a floor space ratio of 0.543:1. This is a variation of 9.2% to the standard as as denoted on the applicable Floor Space Ratio Map under the Central Coast Local Environmental Plan 2022. The extent of the variation to the Floor Space Ratio standard is shown in **Table 1** with a total floor area of 378.58m<sup>2</sup> which would be reduced to 348.3m<sup>2</sup> should strict compliance be observed.

#### SITE STATISTICS :

##### AREAS:

##### PRIOR TO RENOVATION

EXISTING UPPER FLOOR	= 166.09 m <sup>2</sup>
EXISTING LOWER FLOOR	= 160.91 m <sup>2</sup>
EXISTING GARAGE 1	= 44.28 m <sup>2</sup>
EXISTING GARAGE 2	= 40.11 m <sup>2</sup>
EXISTING FRONT PORCH	= 7.0 m <sup>2</sup>
EXISTING TERRACE (DOWNSTAIRS)	= 29.91 m <sup>2</sup>
EXISTING BALCONY (UPSTAIRS)	= 35.56 m <sup>2</sup>
EXISTING BOAT SHED	= 31.08 m <sup>2</sup>

SITE AREA	= 696.6m <sup>2</sup>
EXIST SITE COVERAGE	= 48.92% (340.76m <sup>2</sup> )
FLOOR SPACE RATIO	= 0.47 : 1 (327.0 m <sup>2</sup> )
OPEN SPACE AREA	= 123.90m <sup>2</sup> (GROUND LEVEL) > 24m <sup>2</sup> – COMPLI

##### AFTER RENOVATION

UPPER FLOOR	= 170.11 m <sup>2</sup>
LOWER FLOOR	= 188.86m <sup>2</sup>
GARAGE 1 (UNCHANGED)	= 48.83 m <sup>2</sup>
EXISTING GARAGE 2	= 38.9 m <sup>2</sup>
ENTRY PORCH	= 16.2 m <sup>2</sup>
TERRACE 1 (DOWNSTAIRS)	= 42.8 m <sup>2</sup>
BALCONY 2 (UPSTAIRS)	= 45.4 m <sup>2</sup>
NEW BALCONY 3	= 21.69 m <sup>2</sup>
NEW BALCONY 4	= 35.7 m <sup>2</sup>
NEW BALCONY 5 (ROOF)	= 21.0 m <sup>2</sup>
NEW CABANA (OPEN)	= 27.2 m <sup>2</sup>
NEW STUDIO	= 19.61 m <sup>2</sup>

SITE AREA	= 696.6m <sup>2</sup>
SITE COVERAGE	= 53.5% (372.86 m <sup>2</sup> )
FLOOR SPACE RATIO	= 0.54.3 : 1 (378.58 m <sup>2</sup> )
OPEN SPACE AREA	= 68.5m <sup>2</sup> (GROUND LEVEL) > 24m <sup>2</sup> – COMPLIES



EXISTING W<sup>2</sup>  
REMAIN IN P  
VOLUME



**Table 1**  
**GFA Calculation**

### Objectives of the Standard

The **objectives** of Clause 4.4 – Floor Space Ratio of the Central Coast Local Environmental Plan 2022 are as follows:-

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

### Assessment

Under the Central Coast Local Environmental Plan 2022, the floor space ratio is not to exceed the maximum FSR shown for the land on the Floor Space Ratio Map.

Subclause (2) of the Central Coast Local Environmental Plan 2022 states:-

*“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”*

This is to ensure that the height of buildings is compatible with that of adjoining development and the overall streetscape and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. The subject site falls within the wider Booker Bay/Ettalong residential catchment all of which is subject to a maximum FSR of 0.5:1 on the Floor Space ratio Map (see **Figure 10**).

To limit the building floor area based on the requirements of Clause 4.4 would be unreasonable, restrict the ability to make architectural improvements and achieving its highest and best use. With a site area of 696.6m<sup>2</sup> and a proposed gross floor area of 378.58m<sup>2</sup>, full compliance with Clause 4.4 would reduce the available floor area by 30.28 metres (ie: the maximum GFA at 0.5:1 is 348.28m<sup>2</sup>). The additional floor area will not prevent the development meeting the underlying objectives of the standard. It is considered that the design (with the FSR variation) ensures that the building bulk and scale is compatible with the adjoining building heights to the north and south as shown in **Figure 12**. In fact, the proposed building represents a continuing improvement to the architectural quality of the streetscape compared to the existing older style two storey structure. This represents an ongoing trend toward the replacement of older style dwellings with more modern two storey structures and renovations to existing dwellings so as to take better advantage of the outlook over Brisbane Water.



**Figure 12**  
**Street view looking east towards Brisbane Water**  
(photograph courtesy of Google Earth Pro)

Further, the Floor Space Ratio variation will not have any significant visual impact on the adjoining property to the north or south nor create any appreciable loss in privacy as:-

- (i) the northern elevation consists of highlight windows to the upper level and privacy screens to the upper balconies; and
- (ii) the southern elevation consists of highlight windows to the upper level and privacy screens to the upper balconies

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 Central Coast Local Environmental Plan 2022.

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 architect for the project, **LAW Building Design**, has designed the proposed new residential development in such a manner as to:-

- (i) through the alterations and additions, produce a high quality residence 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 bearing in mind the impacts of the prescribed minimum floor level requirements. The bulk and scale of the dwelling was carefully considered including the lowering of the roof of the main dwelling; and
- (iii) improve yields and development viability in line with both Council's and the public expectations for the Booker Bay residential precinct

The Floor Space Ratio variation is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to Booker Road and the intent of the Central Coast Local Environmental Plan 2022. In recent years, existing single storey bungalows are being replaced with more substantial two storey residences.

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) ensuring, despite the variation to the standard, that the development meets the desired future character for different locations as described in Section 19.5 – Visual Amenity Affects;
- (ii) minimising any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;
- (iii) maintaining an appropriate visual relationship between new development and the existing character of the surrounding area which is undergoing progressive transformation as older style single storey dwellings are demolished and replaced by newer two storey dwellings that take better advantage of views and the foreshore aspect;
- (iv) providing an appropriate correlation between the size of a site and the extent of any development on that site especially in relation to the existing development to the north;
- (v) facilitating design excellence that ensures the extent of floor space in the building envelope leaves generous space for the articulation and modulation of design; and
- (vi) ensuring that the floor space ratio of buildings on land in Zone R1 – *General Residential* reflects Council's desired building envelope albeit subject to encroachments arising from the required minimum floor level

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:-

*(b) 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 standard will not hinder the proper management and development of the Booker Bay residential catchment.



It will in fact be consistent with recent trends that include the demolition and replacement of older single storey dwellings with more substantial two storey residences that ensure a higher and better use of the valuable waterfront lands.

The proposal will in fact improve the social and economic welfare of the local community and create a better environment by substantially improving the livability and amenity of the locality by improving the architectural standard of the Booker Bay frontage and the Brisbane Water foreshore through the provision of high-quality residential space.

The proposal will improve the architectural standard of the locality and compliment other development in the precinct which has tended towards the replacement of older style single storey residential homes with more modern two storey residences and alterations and additions to existing waterfront homes that better utilize the foreshore location and views across Brisbane Water. 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 formalizing the trend to higher quality residential dwellings utilising the natural features of the land and activating the primary Brisbane Water frontage whilst being mindful of the minimum floor level constraints.

(iv) 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 and improve the residential standard of the site and the surrounding precinct in line with similar developments to the north and south and across the wider residential precinct.

It also proposes a high quality residential interface with the Booker Bay Road frontage in line with the Central Coast Local Environmental Plan 2022 and Chapter 2.17 – Character and Scenic Quality of the Central Coast Development Control Plan 2022. 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 especially in relation to the underlying Floor Space Ratio Maps requirement. 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 Central Coast Local Environmental Plan 2022 (CCLEP 2022) 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.

(v) 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 under the Central Coast Local Environmental Plan 2022, the floor space ratio is not to exceed the maximum FSR shown for the land on the Floor Space Ratio Map.

Subclause (2) of the Central Coast Local Environmental Plan 2022 states:-

*“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”*

As previously discussed, this is to ensure that the height of buildings is compatible with that of adjoining development and the overall streetscape and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. The subject site falls within the wider Booker Bay/Ettalong residential catchment all of which is subject to a maximum FSR of 0.5:1 on the Floor Space Ratio Map (see **Figure 11**).

To limit the building floor area based on the requirements of Clause 4.4 would be unreasonable and restrict orderly development of the land and achieving its highest and best use. With a site area of 696.6m<sup>2</sup> and a proposed gross floor area of 378.58m<sup>2</sup>, full compliance with Clause 4.4 would reduce the available floor area by 30.28m<sup>2</sup> (ie: the maximum GFA at 0.5:1 is 348.3m<sup>2</sup>). The additional floor area will not prevent the development meeting the underlying objectives of the standard as detailed earlier in this submission.

By accommodating the proposed increased GFA results in a more efficient and orderly use of the land 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.

(vi) 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 generally consistent with both the objectives of the standard and for development within the zone. It reflects the continuing trend along the Brisbane Water foreshore at Booker Bay for the replacement of older style single storey dwellings with newer two storey residences that enhance the streetscape and make more efficient use of the land. It is the applicant's contention that the public interest is not compromised by the variation sought.

In relation to Clause 4.4 – Floor Space Ratio of the Central Coast Local Environmental Plan 2022, this standard deals with those issues relating to the maximum permissible floor space in relation to the total site area.

The public interest test is met as the underlying objectives of the standard are satisfied by:-

- (i) ensuring, despite the variation to the standard, that the development meets the desired future character for different locations as described in Section 19.5 – Visual Amenity Affects;
- (ii) minimising any adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;

- (iii) maintaining an appropriate visual relationship between new development and the existing character of the surrounding area which is undergoing progressive transformation as older style single storey dwellings are demolished and replaced by newer two storey dwellings that take better advantage of views and the foreshore aspect;
- (iv) providing an appropriate correlation between the size of a site and the extent of any development on that site especially in relation to the existing development to the north;
- (v) facilitates design excellence that ensures the extent of floor space in the building envelope leaves generous space for the articulation and modulation of design; and
- (vi) ensuring that the floor space ratio of buildings on land in Zone R1 – *General Residential* reflects Council’s desired building envelope albeit subject to encroachments arising from the required minimum floor level

Further, with regard to the objectives for development within the zone, the subject site is currently zoned Zone R1 – *General Residential* under the Central Coast Local Environmental Plan 2022. The public interest test is met as the underlying objectives of the zone are satisfied by:-

- (i) it provides for the housing needs of the community within a low density residential environment;
- (ii) provides for a variety of housing types and densities;
- (iii) it ensures that development is compatible with the desired future character of the zone as described in the Central Coast Development Control Plan 2022; and
- (iv) it encourages best practice in the design of low-density residential development

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 the submitted supporting documents, it is considered that the proposed residential development will deliver a better planning outcome than one that strictly complies with the current floor space ratio limits for the following reasons:-

- (i) strict compliance would not be responsive to the underlying intent of the Floor Space Ratio Map applicable to the subject site;
- (ii) strict compliance would not be responsive to the intent of the Central Coast Local Environmental Plan 2022;
- (iii) strict compliance would not be responsive to the intent of Chapter 2.17 – *Character and Scenic Quality* of the Central Coast Development Control Plan 2022;
- (iv) strict compliance would restrict floor space outcomes to the extent that the alternative would be an underutilization of the site in an area within the Booker Bay residential precinct that seeks high quality residential development outcomes; and
- (v) strict compliance would not meet the 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.

## **2.2     State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The Building Sustainability Index (BASIX) aims to deliver equitable, effective water and greenhouse gas reductions across the state. BASIX is one of the strongest sustainable planning measures to be undertaken in Australia. An integrated part of the planning system, BASIX is implemented under the Environmental Planning and Assessment Act. BASIX applies to all residential dwelling types and is part of the development application process in NSW. BASIX is assessed online using the BASIX assessment tool. The tool checks elements of a proposed design against sustainability targets.

BASIX reduces water and energy consumption in homes across New South Wales. These environmental outcomes also provide a long term financial saving for the homeowner – and a valuable contribution to the sustainable future of our communities.

Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:-

- (i) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
- (ii) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.

The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. Consequently, a **BASIX Certificate** prepared by *LAW Building Design* is attached to this application which satisfies the requirements of the SEPP. The development therefore **COMPLIES** with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

## **2.3     Climate Change and Sea Level Rise**

In relation to climate change and sea level rise, these effects will be felt through:-

- (i) increased in intensity and frequency of storms, storm surges and coastal flooding;
- (ii) increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- (iii) increased coastal erosion;
- (iv) inundation of low lying coastal communities and critical infrastructure;
- (v) loss of important mangroves and other wetlands; and
- (vi) impacts on marine ecosystems

There is a general lack of knowledge on the specifics of climate change and the likely impact it will have on the existing development.

Government action may mitigate the impact of climate change and the question of sea level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time. In the absence of any detailed information, it is considered that such affects will have minimal impact on the proposed residential development.

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

The proposed residential development is subject to the provisions of the new Central Coast Development Control Plan 2022 and in particular Chapter 2.1 – Dwelling Houses, Secondary Dwelling and Ancillary Structures. Each of the relevant DCP controls are addressed in the body of this report where appropriate including the following chapters:-

- (i)     Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Structures;
- (ii)    Chapter 2.13 – Transport and Parking;
- (iii)   Chapter 2.17 – Character and Scenic Quality;
- (iv)    Chapter 3.1 – Flood Plain Management and Water Cycle Management;
- (v)     Scenic Quality and Character Statements;
- (vi)    Waste Control Guidelines; and
- (vii)   Civil Works Specifications

## **3.0     PROPERTY DETAILS**

The property is known as Lot A in DP339787 at #166 Booker Bay Road at Booker. The land is currently occupied by a two-storey brick residential dwelling with detached garages and contains remnant examples of both introduced and native vegetation (see **Figure 13**).

The existing site features are shown on the attached **Site Survey Plan** prepared by **Clarke Dowdle & Associates** (Consulting Surveyors) and the **Architectural Plans** prepared by **LAW Building Design**.



**Figure 13**  
**Aerial View of Subject Site**  
(image courtesy of Central Coast Council GIS Mapping)

#### **4.0 EASEMENTS/RIGHTS-OR-WAY**

The property is not affected by any known easements or rights-of-way.

#### **5.0 EXISTING BUILDINGS AND IMPROVEMENTS**

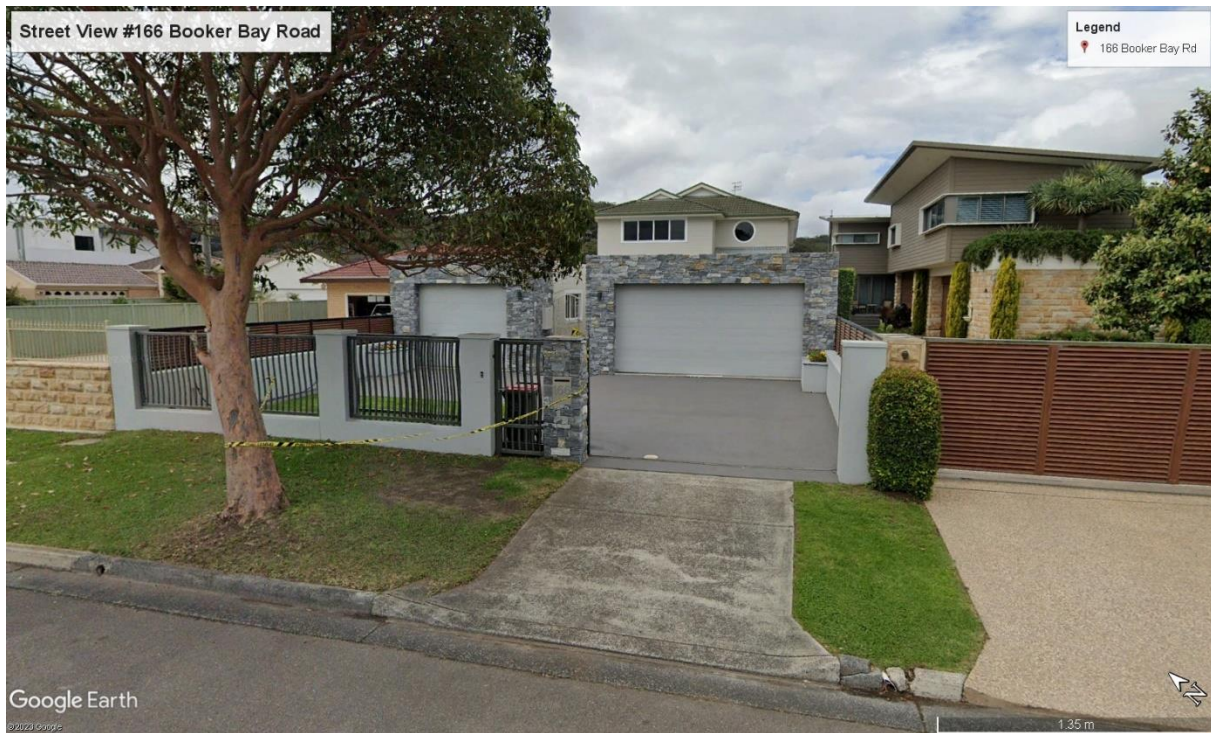
The property is currently occupied by a two storey brick residential dwelling with tile roof located at the eastern end of the property adjacent to Brisbane Water with two detached brick garages set back from Booker Bay Road with concrete access forecourt as shown in **Figure 14**. The property is accessed from Booker Bay Road which is kerbed and guttered with bitumen sealed carriageway with a full range of services.

The existing double and single garages provide three (3) vehicle parking spaces. All vehicles ingress in a forward direction and egress via a reversing movement onto Booker Bay Road.

The property is serviced with a full range of utilities including power, water, sewer and telecommunications.

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**Figure 14**  
**Street View from Booker Bay Road**  
(image courtesy of Google Earth Pro)

## 6.0 LANDSCAPING

### 6.1 Existing Vegetation

The surrounding land to the north and south is occupied by fully developed residential allotments containing predominately managed curtilage throughout with a combination of introduced and native trees and shrubs. The subject lands contain typical suburban landscaping consisting of small introduced plants and shrubs which will generally be retained to accommodate the new development.

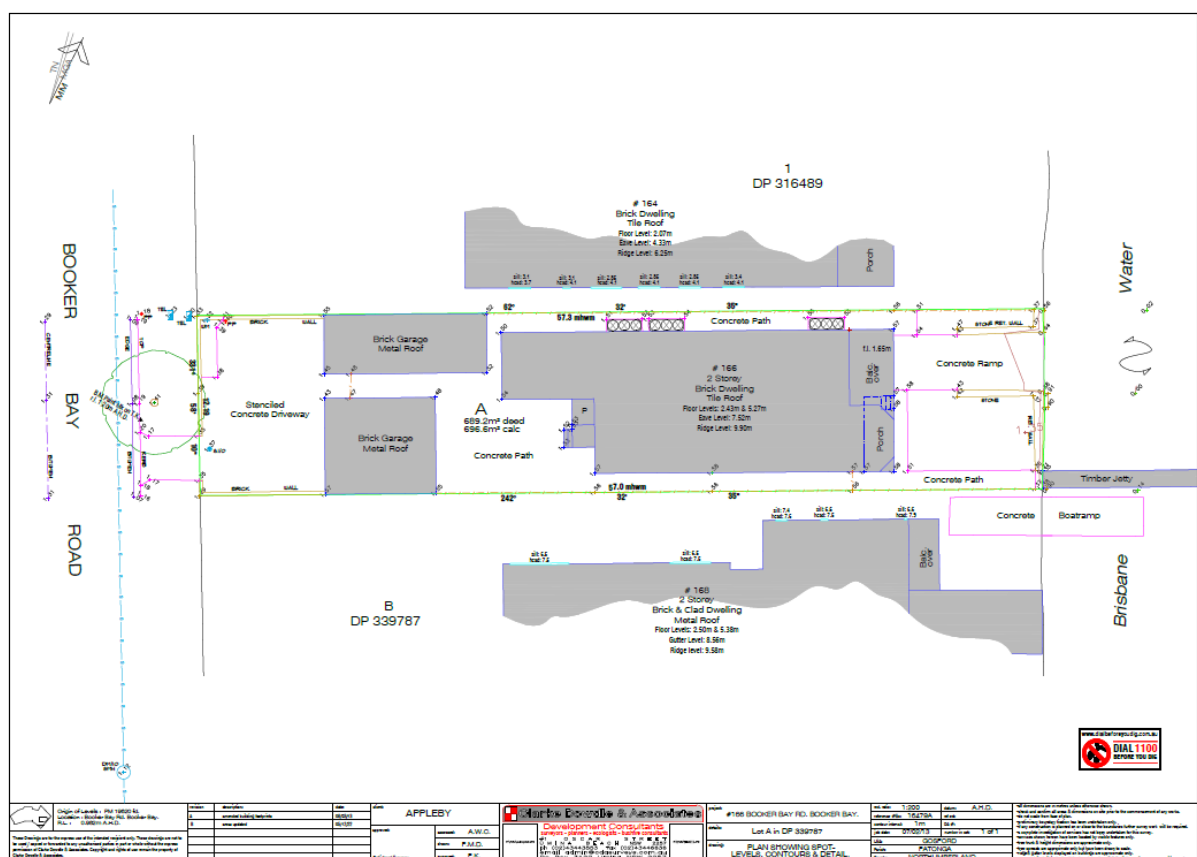
### 6.2 Proposed Landscaping

The application for the proposed residential dwelling and site access will include formal plantings adjacent to the new dwelling and formal landscaping within the outdoor entertaining areas as shown on the attached **Architectural Plans** prepared by **LAW Building Design**. The existing street tree will require removal to accommodate the modified ingress/egress which is to be centrally located along the street frontage.

## 7.0 CONTOUR LEVELS

The attached **Site Survey Plan** (see **Figure 15**) prepared by **Clarke Dowdle & Associates** (Consulting Surveyors) shows the existing spot levels and contours over the subject area and are tied to Australian Height Datum. Levels range around RL1.35m AHD.

The existing floor level is RL2.43m AHD which is above the required minimum floor level of RL2.06m AHD.



## 8.0 STORMWATER DRAINAGE

### 8.1 Existing Stormwater Drainage

The site is currently occupied by an existing two brick residential dwelling and garages which discharges all roof water via a series of gutters, pits and pipelines to Brisbane Water at the rear of the site. Two (2) existing rainwater tanks are located along the north-western side of the existing residence (3,000 litres total) and will be retained.

### 8.2 Proposed Stormwater Details

All impervious runoff from roof and internal paved areas will be directed to Brisbane Waters via the existing piped stormwater system. No additional stormwater infrastructure will be required. Two (2) existing rainwater tanks are located along the north-western side of the existing residence (3,000 litres total) and will be retained. Final engineering details will be provided at Construction Certificate stage subject to appropriate consent conditions.

## 9.0 WATERWAYS/WATERCOURSES

The property lies adjacent to Brisbane Waters which forms the eastern boundary of the site as shown in **Figure 13**.

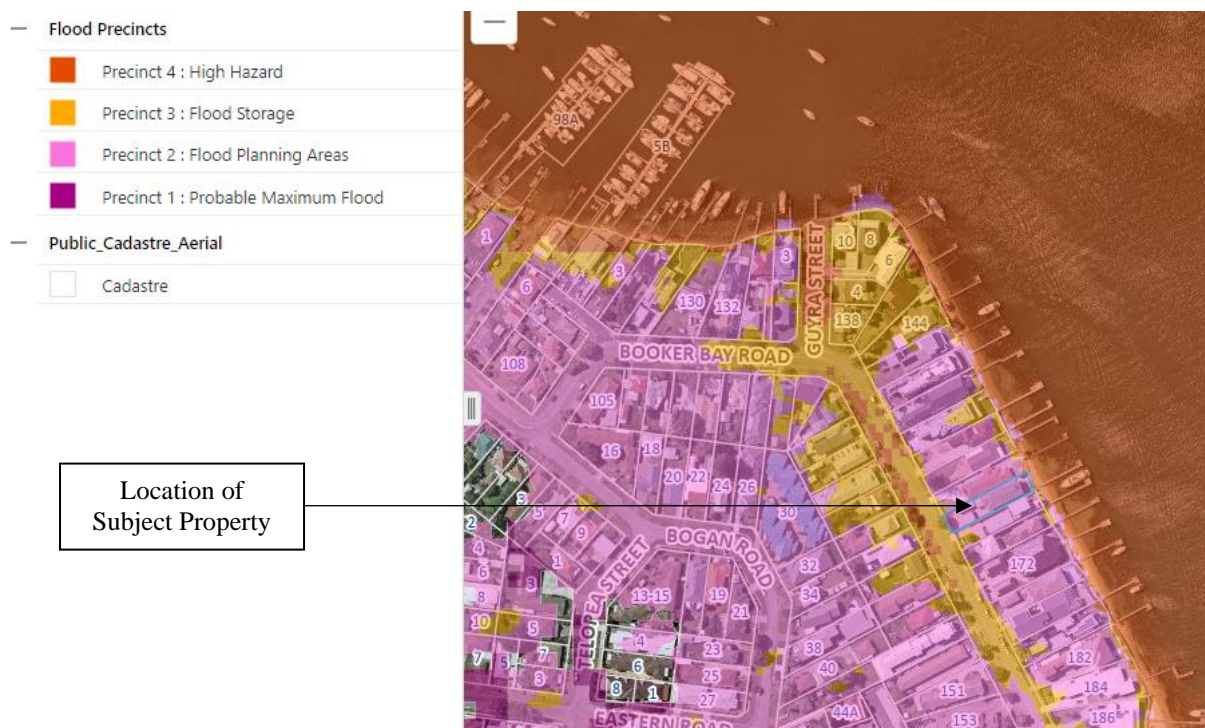


## 10.0 FLOODING

### 10.1 General

The property is affected by the 1% AEP Flood Event as shown on the extract from Central Coast Council GIS Flood Mapping in **Figure 16**. Council has advised that the current 1% AEP Flood Level is RL1.56m AHD and that a Minimum Floor Level of RL2.06m AHD applies.

The existing floor level (ie: RL2.43m AHD) is shown on the attached **Architectural Plans** prepared by **LAW Building Design**.



**Figure 16**  
**Extract from Central Coast Council's GIS Flood Mapping**  
(courtesy of Central Coast Council GIS Mapping)

### 10.2 Proposed Mitigation Measures

The subject land is affected by the 1% AEP Flood Event and therefore, all habitable floor levels must comply with the minimum floor level requirement of RL2.06m AHD. The existing floor level is RL2.43m AHD (ie: the required MFL at the time of the original 1998 approval) and therefore **COMPLIES**. No additional mitigation measures are required.

### 10.3 Climate Change and Sea Level Rise

In relation to climate change and sea level rise, these effects will be felt through:-

- increased in intensity and frequency of storms, storm surges and coastal flooding;

- (ii) increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- (iii) increased coastal erosion;
- (iv) inundation of low-lying coastal communities and critical infrastructure;
- (v) loss of important mangroves and other wetlands; and
- (vi) impacts on marine ecosystems

There is a general lack of knowledge on the specifics of climate change and the likely impact it will have on the proposed commercial development. Government action may mitigate the impact of climate change and the question of sea level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time. In the absence of any detailed information, it is considered that such affects will have minimal impact on the proposed development.

## 11.0 CONSTRUCTION DETAILS

The design and location of the proposed residential dwelling is controlled by the Central Coast Development Control Plan 2022 under Clause 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Structures.

### 11.1 New Building Location/Design

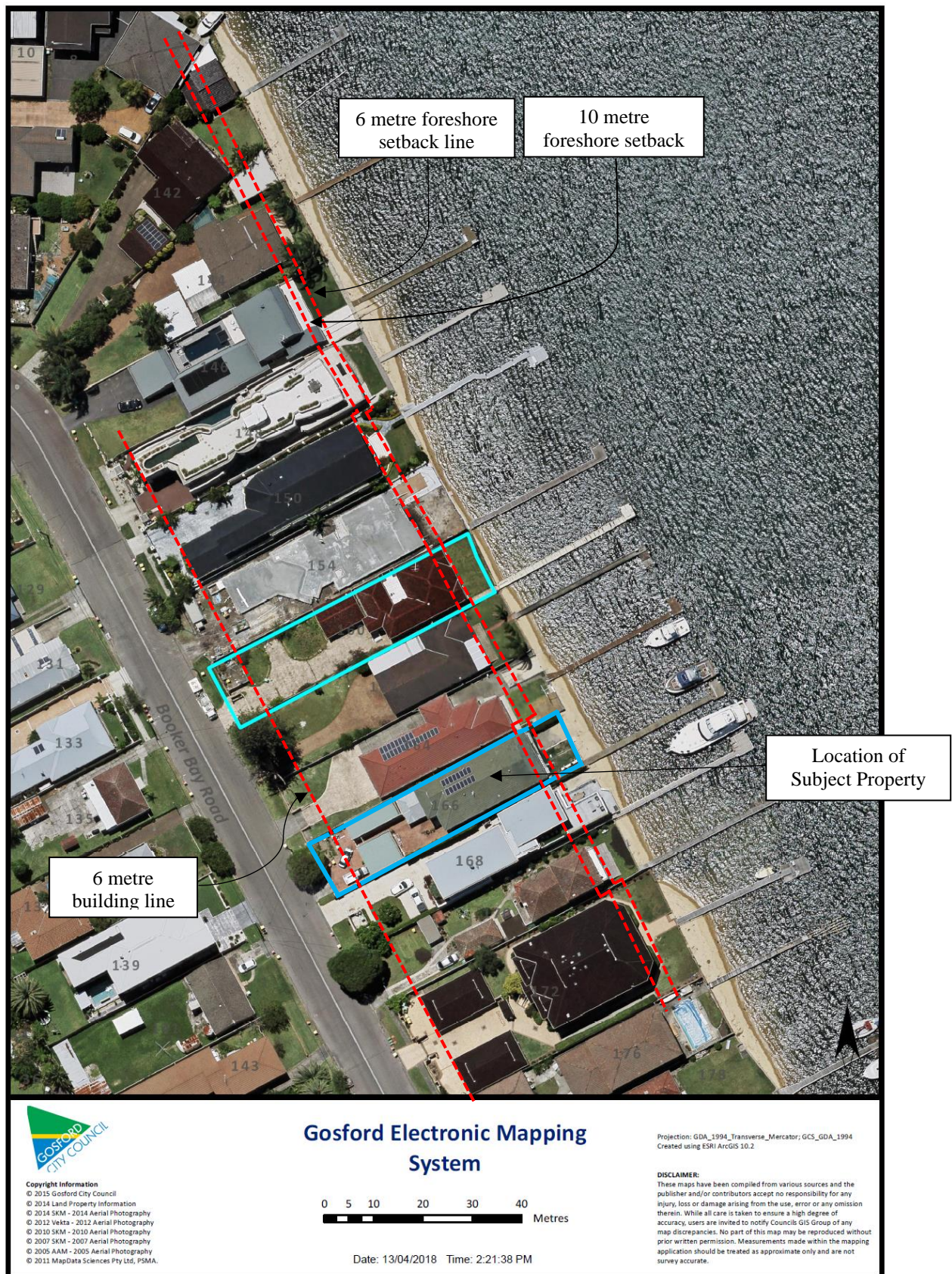
The **Architectural Plans** prepared by **LAW Building Design** show the location of the existing dwelling, garages, courtyards and the vehicle access arrangements.

### 11.2 Building Setbacks

Building setbacks for residential dwellings are controlled by Clause 2.1 – Dwelling Houses and Ancillary Structures Sub-clause 2.1.3.1 – Setbacks (Residential Lots) under the Central Coast Development Control Plan 2022. Clause 2.1.3 applies to all residential zoned land and also applies to all land where residential accommodation land uses is permissible.

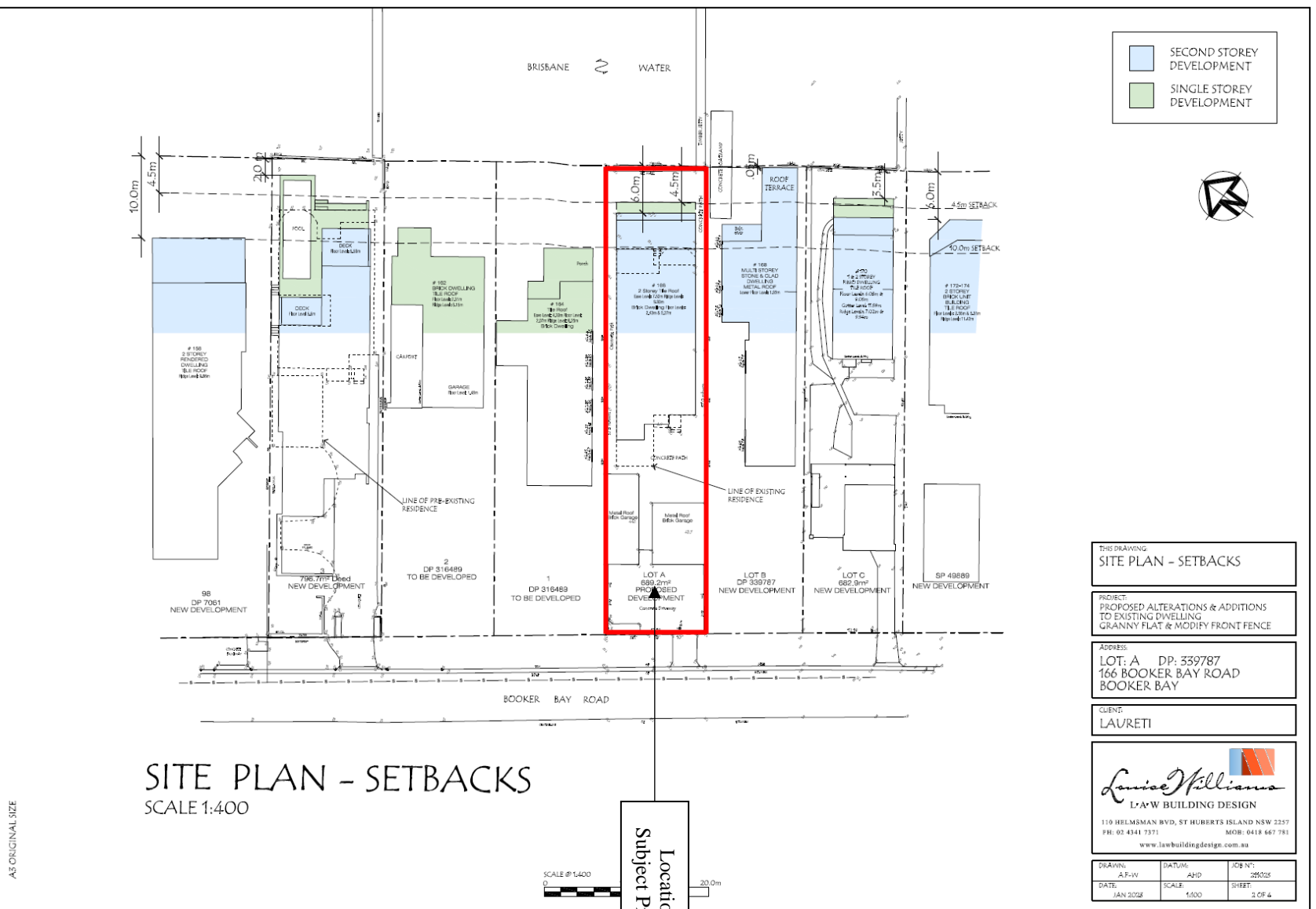
In this instance, the proposed new dwelling will result in variations to the development standards under Clause 2.1.3.1 – Setbacks (Residential Lots) under the Central Coast Development Control Plan 2022. Any variations are largely attributable to the existing development pattern along Booker Bay Road and the historic orientation of both older 20<sup>th</sup> century dwelling stock and newer residential development. The Booker Bay residential precinct is undergoing a period of transition as older single storey dwellings are demolished and replaced with new two storey residences (particularly along the foreshore) and dual occupancies/residential flat buildings. This has led to an eclectic range of front setbacks to Booker Bay Road. It has also led to an eclectic range of rear setbacks to the Brisbane Water foreshore as shown in **Figure 17** showing standard rear building setback lines and **Figure 18** showing existing rear setbacks.





**Figure 17**  
**Aerial View showing standard building setback lines**  
(base image courtesy of Central Coast Council's GIS Mapping)





The proposed setbacks are shown in **Table 2**.

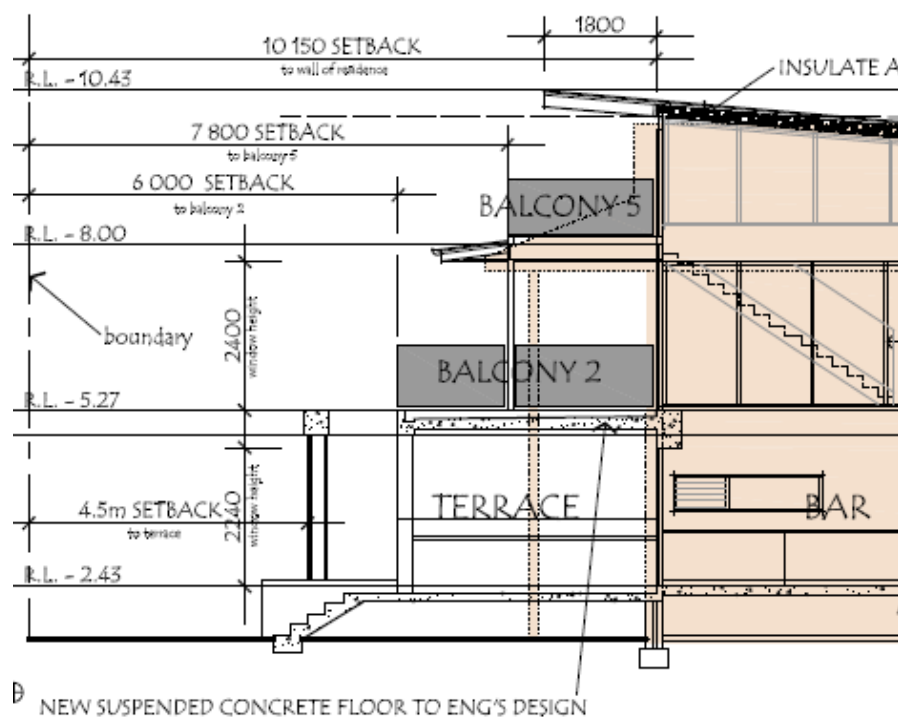
**Table 2**  
**Setbacks**

<b>Location</b>	<b>Proposed Setback</b>	<b>Required Setback</b> (under Clause 3.1)	<b>COMPLIANCE</b>
Front (Booker Bay Road)	8.460 metres to main wall of studio 7.460 metres to proposed planter boxes 8.460 metres to existing garage	The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected  (under Clause 2.1.3.1a)	<b>YES</b> <b>YES</b> <b>YES</b>
Side (North)	1.0 metre to main wall of existing dwelling  1.0 metre to proposed studio/cabana balcony (planter boxes on boundary)  3.980 metres to main wall of proposed studio	0 (Zero) to one side only for a maximum length of 10m; and 0.9 metres (for any part of the building with a height of up to 4.5m; and 0.9 metres plus one-quarter of the height of the building above 4.5m (for any part of the building with a height of more than 4.5m)  (under Clause 2.1.3.1c)	<b>YES</b> <b>(for ground level up to 4.5m)</b>  <b>YES</b>  <b>YES</b>  <b>YES</b>
Side (South)	1.50 metres to main wall of existing dwelling  1.50 metres to main wall of proposed studio	0 (Zero) to one side only for a maximum length of 10m; and 0.9 metres (for any part of the building with a height of up to 4.5m; and 0.9 metres plus one-quarter of the height of the building above 4.5m (for any part of the building with a height of more than 4.5m)  (under Clause 2.1.3.1c)	<b>YES</b> <b>(for ground level up to 4.5m)</b>  <b>YES</b>  <b>YES</b>

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**Table 2**  
**Setbacks**  
(continued)

Location	Proposed Setback	Required Setback (under Clause 3.1)	COMPLIANCE
Rear (Brisbane Water) as shown in <i>Figure 19</i>	10.150 metres to main wall 4.50 metres to front terrace (ground level) 6.0 metres to the first storey balcony 7.8 metres to top level balcony	Where a setback is not specified in any EPI or study, development is to be setback from the waterbody or from land that is unzoned land or zoned public recreation or open space which adjoins the waterway as follows:  (i) 6m for the ground storey;  (ii) 10m for any storey above the ground storey; or  (iii) 30m from the Hawkesbury River or any of its tributaries  (under Clause 2.1.3.1e)	YES  YES – to main wall NO – to top level balcony  Not applicable



**Figure 19**  
**Proposed Foreshore Setbacks**  
(Plan courtesy of LAW Building Design)

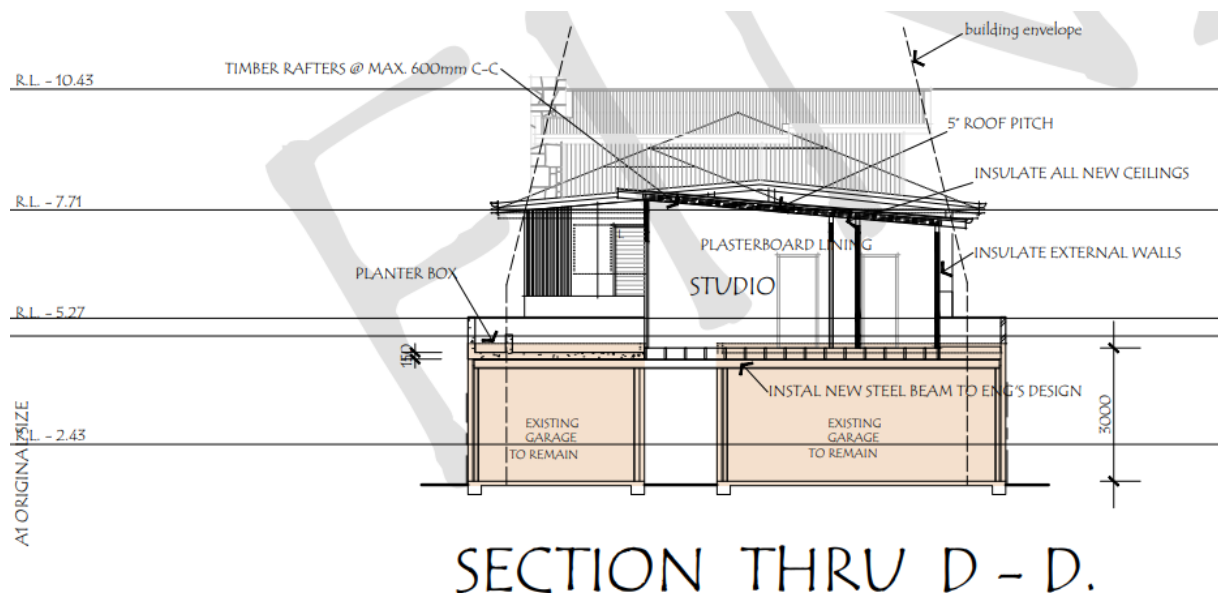
Each of the variations are dealt with in the following assessment.

### 11.2.1 Side Setbacks

In relation to the side setbacks, Clause 2.1.3.1(c) – Side Setbacks under the Central Coast Development Control Plan 2022 states that for all lots up to 12.5m wide at the building line, the side setbacks shall be:-

- (i) 0 (zero) to one side only for a maximum length of 10m; and
- (ii) 0.9 metres (for any part of the building with a height of up to 4.5m; and
- (iii) 0.9 metres plus one-quarter of the height of the building above 4.5m (for any part of the building with a height of more than 4.5m)

The building envelope controls are shown on the architectural plans which also shows both the height plane as measured from natural ground level (see **Figure 20**).



**Figure 20**  
**Building Envelope – Section Thru D-D**  
(diagram courtesy of LAW Building Design)

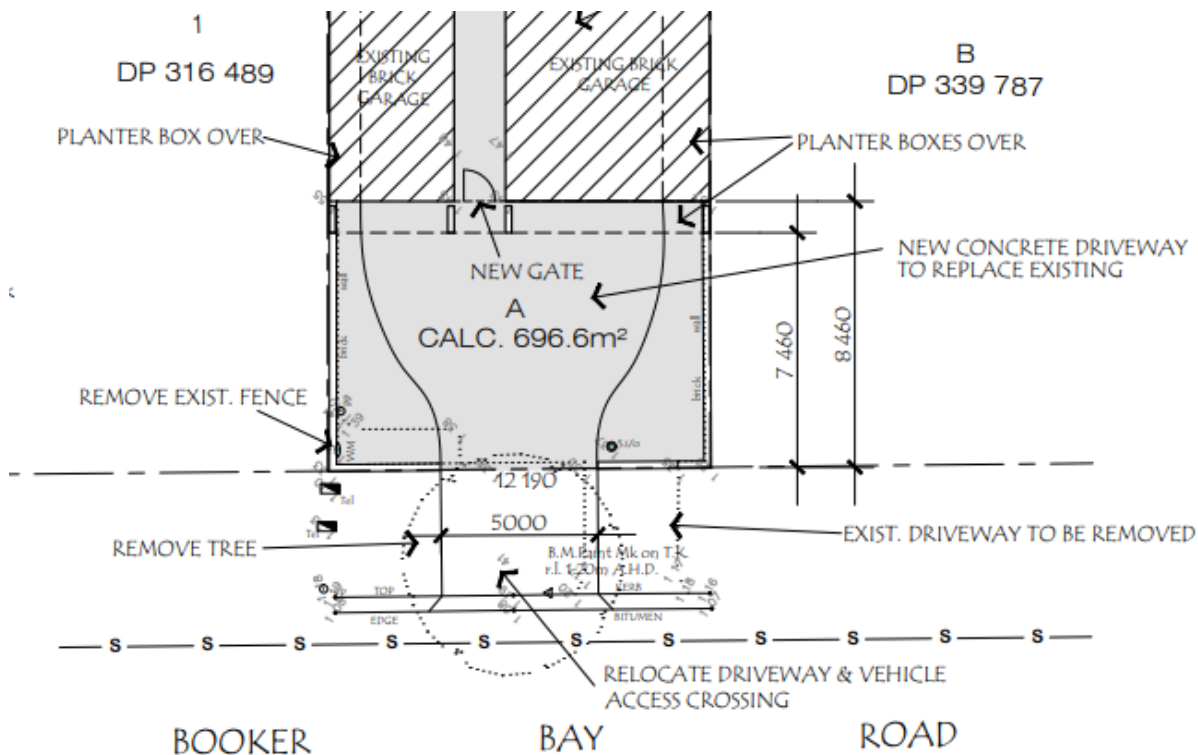
### 11.2.2 Front Setbacks

In relation to the front setbacks, Clause 2.1.3.1(a) – Front Setback states that the front setback to a local roadway on lots with a site area greater than 300m<sup>2</sup> is:-

*“the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected or if 2 dwelling houses are not located within 40m of the lot - 4.5m”*

In this instance, the proposal seeks to maintain the existing garages which have a setback off Booker Bay Road of 8.460 metres. The proposed studio, cabana and balcony over the existing garages will maintain the same setback to the main wall.

However, the proposed planter boxes will overhang by 1 metre with a setback off the street frontage of 7.460 metres. The planter boxes will provide privacy screening. Therefore, the existing front setback to the main wall will remain unchanged as shown in **Figure 21**.



**Figure 21**  
**Front Setbacks**  
(diagram courtesy of LAW Building Design)

### 11.2.3 Rear Setbacks

The site lies adjacent to the Brisbane Water foreshore along the rear boundary. Therefore, in relation to the rear setback, Clause 2.1.3.1(e) – Natural Waterbody applies.

Clause 2.1.3.1(e) states that the setback natural waterbody as defined in Gosford LEP 2014 is:-

*“In accordance with the Foreshore Building Line Map and the provisions of Clause 7.3 of Central Coast LEP 2022.*

*Where a setback is not specified as outlined above, development is to be setback from the waterbody or from land that is unzoned land or zoned public recreation or open space which adjoins the waterway as follows:*

- (i) 6m for the ground storey; or
- (ii) 10m for any storey above the ground storey; or
- (iii) 30m from the Hawkesbury River or any of its tributaries”



In this instance, the proposed new dwelling will result in a variation to the development standards for the foreshore setback under Clause 2.1.3.1(e) – Waterfront Setback under the Central Coast Development Control Plan 2022 in relation to the patio and balconies.

However, the proposed setbacks to the main wall of the dwelling **COMPLIES**. The variations to the patio and balconies are largely attributable to the existing development pattern along the Brisbane Water foreshore and the historic orientation of both older 20<sup>th</sup> century dwelling stock and newer residential development. Older style dwellings which were generally smaller building footprints, were located close to the waterfront to take advantage of the foreshore aspect resulting in large front setbacks from Booker Bay Road (6 metres to 30 metres). The Booker Bay residential precinct has been undergoing a period of transition as older single storey dwellings are demolished and replaced with larger new two storey residences along the foreshore. The larger dwellings have resulted in greater site coverage and thus reducing historic setbacks to both Booker Bay Road and the waterfront. This has led to an eclectic range of rear foreshore setbacks to Brisbane Water as shown in *Figure 17* and *Figure 18*.

The proposed dwelling has a rear setback (ground and upper floor to the main wall) to the foreshore which **COMPLIES with variations sought for the balcony setbacks**.

### **11.3**    Construction Details/Finishes Schedule

Full construction details will be shown on the Construction Certificate drawings. Generally, construction will be in accordance with the detail shown on the attached **Architectural Plans** prepared by *LAW Building Design*.

#### **11.4** Elevations and Sections

The **Architectural Plans** prepared by **LAW Building Design** show the proposed elevations for the residential dwelling.

#### **11.5** Floor Areas and Density/Site Coverage

Density and Site Coverage are dealt with under Section 2.1.4 – Floor Space Ratio/Site Coverage.

Clause 4.4 – Floor Space Ratio of the Central Coast Environmental Plan 2022 deals with the issues relating to gross floor area and its relationship to the site area.

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](#).

The subject lands have a designated floor space ratio denoted as **0.5 to 1** under the Central Coast Local Environmental Plan 2022 as shown in **Figure 22**.



**Figure 22**  
**Extract from the Central Coast Local Environmental Plan 2022 – FSR Mapping**  
(courtesy of Department of Planning ePlanning Spatial Viewer)

The subject site has an area of 696.6m<sup>2</sup> and a gross floor area of 378.58m<sup>2</sup> resulting in a floor space ratio of **0.543:1** (ie: a departure of **9.2%**).

Therefore, the proposal **does not comply** with the specific development standard under Clause 4.4 for residential development.

An assessment is provided in relation to the variation to the floor space ratio limit under Clause 4.6 – Exemption to Development Standard under the Gosford Local Environmental Plan 2014 under Section 2.1.4 – Floor Space Ratio.

## **11.6 Building Height**

Building height is dealt with under Section 2.1.3 – Height of Buildings.

Clause 4.3 – Height of Buildings deals with issues relating to building height and the impact on built form and amenity.

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

- (iii) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape;
- (iv) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

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 subject lands currently have a maximum building height of 8.5 metres under the Gosford Local Environmental Plan 2014 as shown in **Figure 23**.

The height of the proposed building is shown on the attached **Architectural Plans** prepared by **LAW Building Design**. The proposed new residential building does not fully comply with the provisions under [Clause 4.3](#) with small sections of the upper floor roof elements encroaching outside the 8.5 metre height plane (as measured from natural ground level) as shown **Figure 23**.



**Figure 23**  
**Extract from the Central Coast Local Environmental Plan 2022 – FSR Mapping**  
(courtesy of Department of Planning ePlanning Spatial Viewer)

A Clause 4.6 – Exemption to Development Standard under the Central Coast Local Environmental Plan 2022 is provided earlier in this report seeking a variation to the building height standard (see Section 2.1.3 – Height of Buildings).

## 11.7 Site Coverage

Site coverage is the proportion of a site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. The amount of the site that can be built upon varies depending on the size of a lot. Site coverage is controlled by Clause 2.1.2.2 – Site Coverage under the Central Coast Development Control Plan 2022. The **objectives** of the standard are:-

- (i) to ensure that the density, bulk and scale of development is appropriate for a site;
- (ii) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located; and
- (iii) to provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

The standard requires that the site coverage shall be is a maximum of:-

- (i) if the lot has an area of less than 450m<sup>2</sup>—60% of the site area;
- (ii) if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup> – 0% of the site area;
- (iii) if the lot has an area of at least 900m<sup>2</sup> but less than 1,500m<sup>2</sup> – 40% of the site area;
- (iv) if the lot has an area of 1,500m<sup>2</sup> or more —30% of the site area

In this instance, the standard requires that site coverage is not to exceed 50% of the total site area as the subject site has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup> (ie: 696.6m<sup>2</sup>). The site coverage calculations are shown in Table 3 below:-

**Table 3**  
**Site Coverage**

SITE AREA	= 696.6m <sup>2</sup>
SITE COVERAGE	= 53.5% (372.86 m <sup>2</sup> )
FLOOR SPACE RATIO	= 0.54.3 : 1 (378.58 m <sup>2</sup> )
OPEN SPACE AREA	= 68.5m <sup>2</sup> (GROUND LEVEL) > 24m <sup>2</sup> – COMPLIES

The proposed development does not comply with the provisions under Clause 2.1.2.2 – Site Coverage under the Central Coast Development Control Plan 2022 as the site coverage exceeds the required 50% (ie: 53.5%). This presents a variation to the DCP control of 7% and is considered only minor. A variation is sought to Clause 2.1.2.2 – Site Coverage.

## 12.0 **TRAFFIC MANAGEMENT**

### 12.1 Existing Access

The subject site fronts Booker Bay Road, which is bitumen, sealed, kerbed and guttered with a full range of services (see **Figure 24**). The existing dwelling has access off Booker Bay Road which services the existing double and single brick garages. The access point will be modified so as to service the existing covered parking spaces as shown on the **Architectural Plans** prepared by **LAW Building Design**.



**Figure 24**  
**Street View showing existing road infrastructure and existing access point**  
(courtesy of Google Earth)

## 12.2 Proposed Parking Provisions

The attached **Architectural Plans** prepared by **LAW Building Design** show the existing double and single car garages and access driveway off Booker Bay Road. The access will be modified so that the driveway cross-over is centrally located. This will require the removal of the existing street tree. The provisions for on-site car parking are contained within Chapter 2.13 – Transport and Parking of the Central Coast Development Control Plan 2022.

Sub clause 2.13.3.2 – Car Parking Requirements sets out the required parking for residential dwellings as shown in **Table 4** below:-

**Table 4**  
**Schedule of Car Parking Requirements**

Land Use	Requirements	
a Dwellings	i 3 or fewer bedrooms	1 space per dwelling
	ii 4 or more bedrooms	2 spaces per dwelling

The proposed development **COMPLIES** with the provisions of the DCP in that three (3) space are provided in accordance with Sub clause 2.13.3.2 as the dwelling contains more than 4 bedrooms. The number of car parking spaces provided is three (3) contained within one x single car garage and one double garage.

### **12.3 Traffic Movements**

Booker Bay Road is a standard two lane fully engineered bitumen road. The traffic generated by the proposed residential dwelling is not expected to have any detrimental impacts on traffic flows. Three (3) covered car parking spaces are provided via the existing two (2) car garage and single car garage. Currently, all vehicles ingress in a forward direction and egress via a reversing movement on to Booker Bay Road. The current arrangements are to remain unchanged albeit the location of the ingress/egress point will be modified so that it is centrally located along the property frontage.

## **13.0 SITE WASTE MANAGEMENT**

### **13.1 Garbage Collection Points**

The existing dwelling will continue to be serviced by Council's current waste services contractor. Bins will be stored within the existing courtyard areas. Bins will be moved to the road side on the designated collection day and collected weekly by Council's waste contractor.

### **13.2 Controls for Site Waste Management**

A **Site Waste Management Plan** is attached prepared by **LAW Building Design** which details the waste generated and the method of disposal. The site waste management plan has been undertaken in accordance with the requirements of Chapter 2.14 – Site Waste Management of the Central Coast Development Control Plan 2022.

## **14.0 EXTENT OF CUT/FILL**

The proposed development does NOT involve any substantial site excavation as shown on the **Architectural Plans** prepared by **LAW Building Design**. It is expected that appropriate conditions of consent will be applied should approval be granted requiring the submission of final structural and engineering design plans.

## **15.0 EROSION AND SEDIMENTATION CONTROL**

The Council's *Civil Works Specification* applies to the subject site. This specification 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 because of disturbance or mismanagement of land is inconsistent with this goal. The **objectives** of this chapter are:-

- (i) to prevent land from being degraded by soil erosion or unsatisfactory land and water management practices;
- (ii) to protect streams and waterways from being degraded by erosion and sediment caused by unsatisfactory land and water management practices; and



- (iii) to promote and protect biodiversity.

Erosion and sedimentation controls will be installed and maintained in accordance with Civil Works Specification. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Central Coast Council. Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary. The attached **Architectural Plans** prepared by **LAW Building Design** shows the controls to be implemented.

## 16.0 ROAD FORMATIONS

### 16.1 Existing Road Formation

The development fronts Booker Bay Road, which is kerbed and guttered, bitumen sealed with a full range of services (see **Figure 24**).

Whilst the road reserve is a standard 20 metres wide, the existing road pavement is a fully engineered two lane bitumen road.

### 16.2 Road Upgrading

No road upgrading is required as part of this application.

## 17.0 CLEARING

The existing street tree will require removal to accommodate the modified ingress/egress as shown on the **Architectural Plans** prepared by **LAW Building Design**.

## 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 is currently serviced from Central Coast Council's existing gravity sewer main (DM Line) which is located adjacent to the western boundary of the site in Booker Bay Road as shown in **Figure 25**. The existing dwelling is currently connected to the sewer system.



**Figure 25**  
**Extract from Central Coast Council's Infrastructure Mapping**  
(courtesy of Central Coast Council through Dial Before You Dig)

### 18.2 Water Reticulation

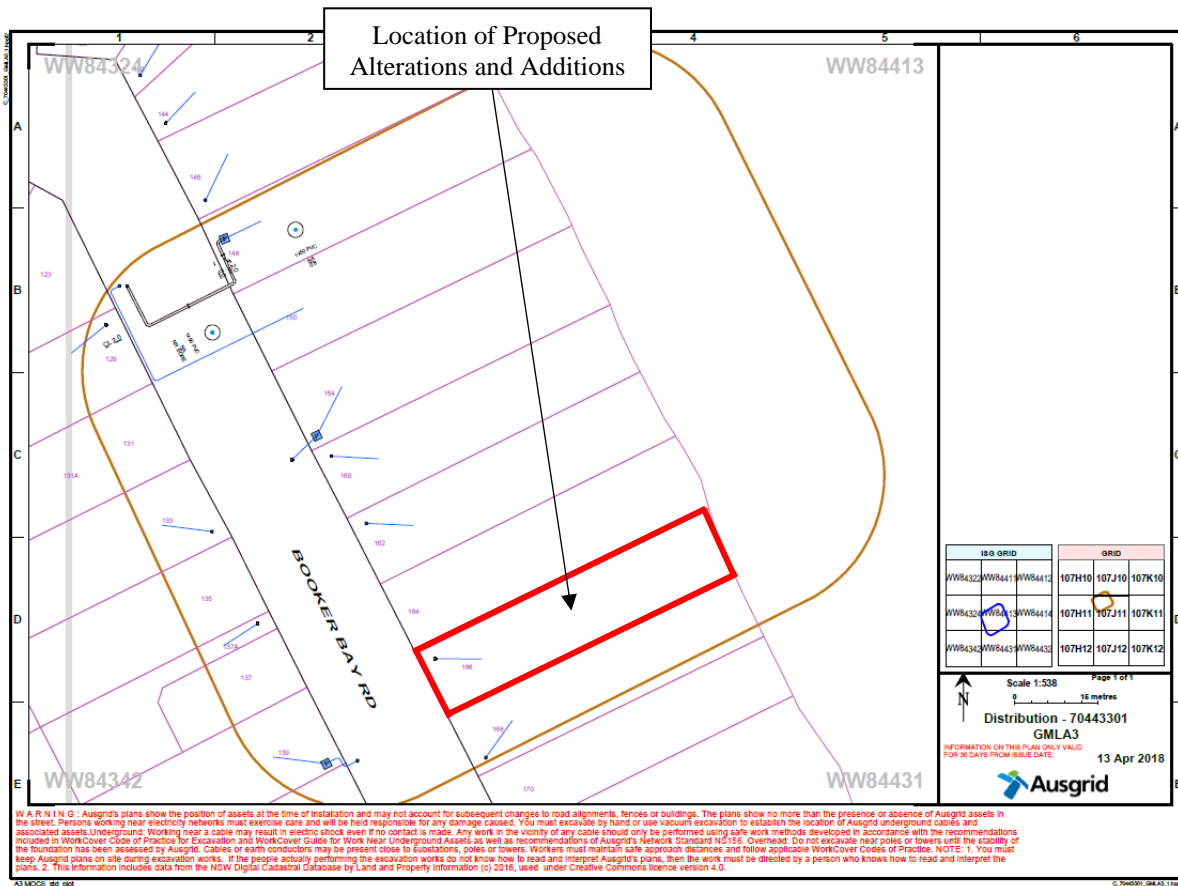
Central Coast Council provides water supply from an existing 150mm diameter CICL water main located on the western side of Booker Bay Road (see **Figure 25**). The existing residential dwelling is currently connected to Council's water supply system.



### 18.3 Power Supply

The site is serviced from existing Ausgrid overhead power lines in Booker Bay Road. The existing dwelling is currently connected to the local power grid. There are no known underground cables in the vicinity of the development as shown in **Figure 26**.

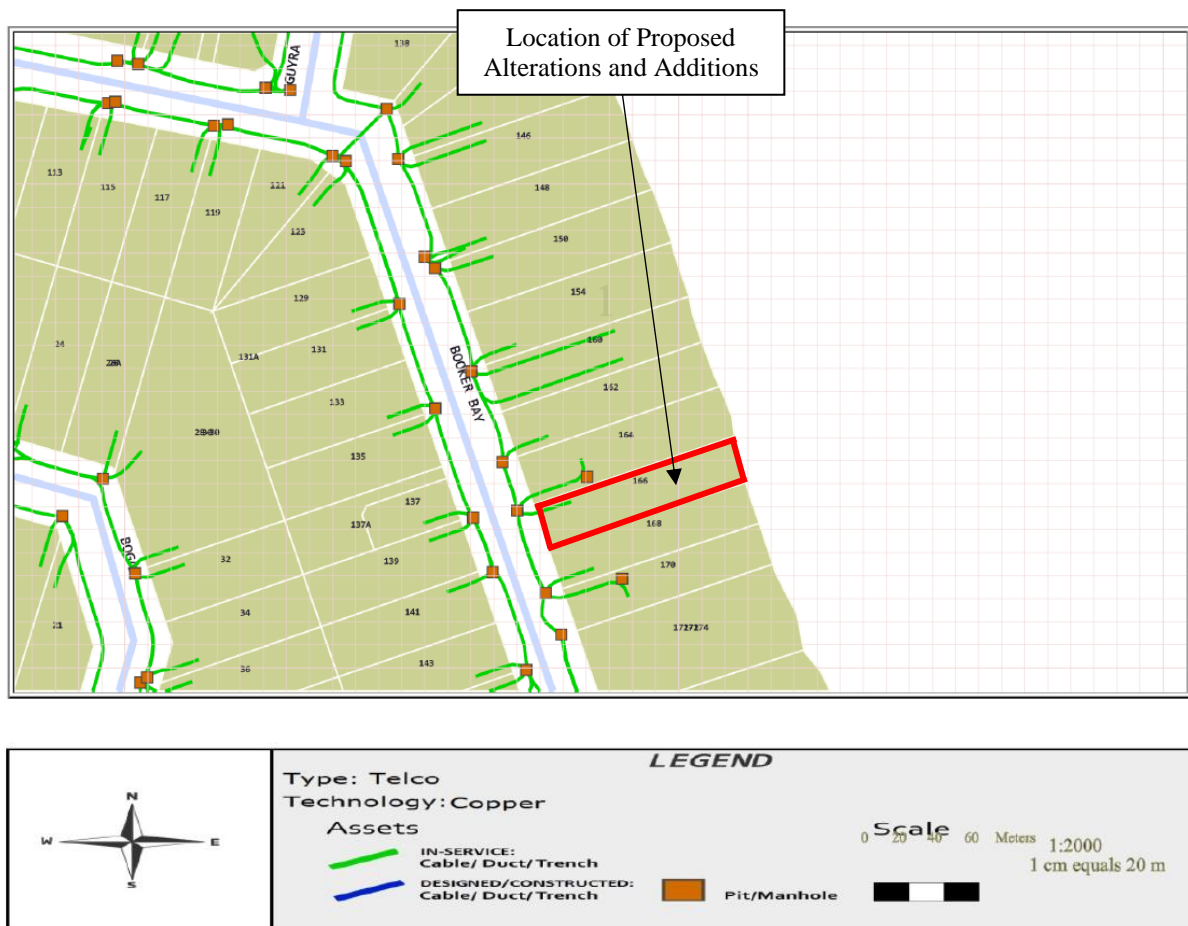




**Figure 26**  
**Extract from Ausgrid's Infrastructure Mapping**  
(courtesy of Ausgrid through Dial Before You Dig)

## 18.4 Telecommunications

NBN Co. has underground telecommunications cables available in Booker Bay Road. The existing and adjoining dwellings to the north and south are currently connected to the local NBN Co. telecommunications network as shown in **Figure 27**.



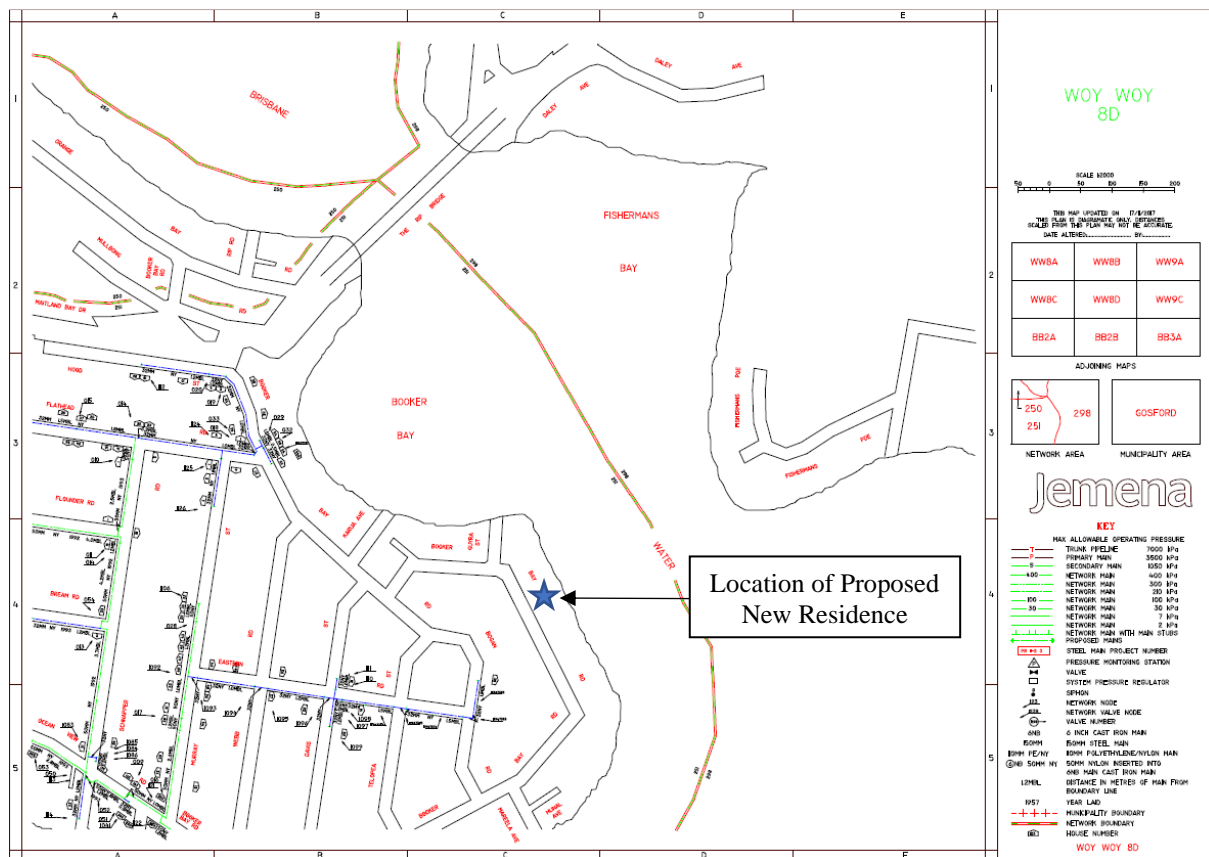
**Figure 27**  
**Extract from NBN Co. Infrastructure Mapping**  
(courtesy of Dial Before You Dig mapping services)

### 18.5 Gas Reticulation

Jemena does not currently have gas mains in the vicinity of the development site as shown in *Figure 28*.







## 19.0 STATEMENT OF ENVIRONMENTAL EFFECTS:

The proposed alterations and additions to the existing residential dwelling and construction of the new studio and cabana over the existing garage will have some effect on the local environment as will any residential development project. The following details highlight the measures proposed to reduce the potential effects of the development. All measures will be incorporated into the development so as to create an environmentally acceptable residential development proposal.

### 19.1 Flora Effects

The subject site is already cleared of much of the original vegetation. No significant trees require removal. Site landscaping is proposed to compliment the new residential works as shown on the attached **Architectural Plans** prepared by **LAW Building Design**. The development will not adversely impact on any rare or endangered flora species. Nor will any wildlife corridors or habitat be affected because of the proposed residential works.

### 19.2 Fauna Effects

Most of the original native vegetation, as described above, has been removed from the site. Therefore, the development will not adversely impact on any rare or endangered fauna species. Nor will any wildlife corridors or habitat be affected because of the proposed residential works. No significant natural fauna exists on the site.

### 19.3 Traffic Effects

As all the works are primarily within the property, the proposed application is not expected to adversely impact on traffic movements in Booker Bay Road nor adversely impact of local traffic circulation. See Section 12 – Traffic Management for further details.

Booker Bay Road is a two-lane bitumen road with regular traffic movements. Traffic generated by the proposed alterations and additions the existing residential dwelling and construction of the new studio and cabana over the existing garage is not expected to have an adverse impact on the operation of Booker Bay Road or the surrounding street system.

### 19.4 Noise Effects

The existing residential dwelling abuts existing residential properties to the north west and south east of the site. The adjoining properties have varied setbacks and are screened from subject site by existing buffer vegetation and fencing. As a result of the proposed construction works, some short term noise impacts will be experienced. However, such noise levels are not expected to cause any detrimental effects on the neighbourhood and once works are completed, background noise will return to current residential levels.

### 19.5 Visual Amenity Effects

#### 19.5.1 *General*

The proposed alterations and additions to the existing dwelling and construction of the proposed studio and cabana area will have some impact on the visual amenity of the property and the immediate precinct as minor demolitions and construction works will need to be undertaken to accommodate the development. This will be mitigated by the construction of high-quality residential alterations that will lift the architectural standard of the immediate precinct.

The proposed development is consistent with Council’s adopted character statements for the Booker Bay area. The current proposal is consistent with the provisions of Chapter 2.17 – Character and Scenic Quality and *Scenic Quality and Character Statements* under “**Booker Bay**” (1 – Mixed Density Foreshores) of the Central Coast Development Control Plan 2022. See **Figure 29** on the following page for Council’s precinct map.





**Figure 29**  
**Extract from Council's Scenic Quality and Character Statements – Character (Booker Bay Precinct)**  
(courtesy of Central Coast Council)

### 19.5.2 *Desired Character*

Consistent with the desired character, it is considered that the proposed alterations and additions to the existing residential dwelling, access and site works complies with the desired character in that the design:-

- (i) ensures that the area will remain a mixed-density residential foreshore where the scenic quality of prominent backdrops to the city's coastal waterways is enhanced by new developments of detached and multi-unit dwellings that are surrounded by leafy gardens, and improved standards of amenity and urban design quality are achieved;
- (ii) ensures that the new structures do not dominate the informal scenic qualities of foreshore settings or disrupt development patterns established by surrounding properties by ensuring that the design (including bulk and scale) is compatible with other newer two storey residences to the north of the site;
- (iii) does not disturb natural landform (ie: the proposal is for alterations and additions only);
- (iv) avoids terraces and retaining walls, plus fences or any other outdoor structure that would disrupt the desired informal scenic quality, or compromise the privacy and amenity of neighbouring dwellings;
- (v) avoids the appearance of a continuous wall of development along the waterfront by stepping the shape and height of all visible facades;
- (vi) maintains the waterfront setbacks such that it is similar to the surrounding properties;
- (vii) minimises the scale of the new building by using strongly-articulated forms, with facades that vary in shape and height; and
- (viii) minimises the scale of all visible facades by incorporating extensive windows that are shaded by framed balconies with some painted finishes and sheet or board cladding rather than expanses of plain masonry

The proposed new residence therefore **COMPLIES** with Chapter 2.17 – Character and Scenic Quality under “**Booker Bay**” (1 – Mixed Density Foreshores) of the Central Coast Development Control Plan 2022.

### 19.6 Air Quality Effects

In the short term, the potential effects on the air quality will be limited to those effects caused by the construction works emanating 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 effect on the surrounding area. When alterations and additions and site works are completed, impacts on air quality caused by the operation of the development will be no greater than that currently experienced.

### 19.7 Erosion and Sedimentation Effects

The Council's *Civil Works Specification* applies to the subject site. This specification 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 because of disturbance or mismanagement of land is inconsistent with this goal. The **objectives** of this chapter are:-

- (iv) to prevent land from being degraded by soil erosion or unsatisfactory land and water management practices;
- (v) to protect streams and waterways from being degraded by erosion and sediment caused by unsatisfactory land and water management practices; and
- (vi) to promote and protect biodiversity.

Erosion and sedimentation controls will be installed and maintained in accordance with Civil Works Specification. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Central Coast Council. Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary. The attached **Architectural Plans** prepared by **LAW Building Design** shows the controls to be implemented.

#### **19.8 Socio-Economic Effects**

The proposed alterations and additions to the existing residential dwelling and construction of the new studio and cabana will have numerous positive socio-economic benefits including:-

- (i) the provision of high quality residential floor space that will improve the amenity of the precinct and complement adjoining development to the north and south of the site; and
- (ii) the provision of short-term construction jobs

#### **19.9 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 Clause 4.15 – Evaluation 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).

This application has been prepared on the basis that the existing and previous residential dwelling and site improvements have been in existence for over 60 years and were designed and constructed based on contemporary building styles in the area.

Notwithstanding, 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 can be applied to the proposed alterations and additions to the existing heritage listed building:-

#### Territorial Re-enforcement

Generally, the use of vegetation can assist in creating territorial reinforcement along the property boundary. In this instance:-

- (i) there is no vegetation that could inhibit a “line of sight” into the residential development when looking into the development from outside;
- (ii) there is no heavy vegetation that needs to be avoided at the entrance areas of the buildings so there are no concealment opportunities; and
- (iii) lighting will be used at key entry points to assist in identifying the transition between public and private land

#### Surveillance

There is no external landscaping that could inhibit natural surveillance (ie: block sight lines) or provide concealment and entrapment opportunities.

The proposed alterations and additions to the existing residential building has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. The new studio and cabana addition will in fact improve casual surveillance at the street frontage.

#### Access controls

- (i) all entry points (pedestrian and vehicle) are clearly identified as being private property; and
- (ii) pedestrian access to the front of the building and the rear foreshore are clearly visible

### Space / Activity Management

Not applicable

### **19.10 Geotechnical Effects**

The attached **Limited Geotechnical Investigation** prepared by **5QS Consulting Group** has been prepared in support of the application for the alterations and additions. The report addresses:-

- (i) Acid Sulfate Soil Risk;
- (ii) Site Classification; and
- (iii) Geotechnical Guidelines (footings, earthworks and drainage)

### **19.11 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

On the 2<sup>nd</sup> December 2020, the Minister for Planning and Public Spaces Rob Stokes announced nine (9) key principles and themes for the NSW planning system. The theme-based focus areas will make the planning system more accessible and user-friendly. The state environmental planning policies (SEPPs) were consolidated to align with the focus areas. This review included State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) which consolidates and repeals the provisions of the following SEPPs:-

- (i) SEPP (Coastal Management) 2018 (Coastal Management SEPP);
- (ii) SEPP 33 – Hazardous and Offensive Development (SEPP 33); and
- (iii) SEPP 55 – Remediation of Land (SEPP 55)

These changes are part of a broader administrative consolidation of SEPPs. Planning Circular PS – 21-007 gives an overview of all changes made as part of the SEPP consolidation initiative. It is important to note that no policy changes have been made. The SEPP consolidation does not change the legal effect of the existing SEPPs, with section 30A of the Interpretation Act 1987 applying to the transferred provisions.

The SEPP consolidation is administrative and has been undertaken in accordance with section 3.22 of the Environmental Planning and Assessment Act 1979. The new Resilience and Hazards SEPP does the following:-

- (i) transfers most existing provisions from the above SEPPs being consolidated into chapters 2, 3 and 4 of the new SEPP. Chapter 1 contains the preliminary information and commencement details; and
- (ii) repeals the 3 SEPPs being consolidated.

Benefits of the changes include:-

- (i) aligning SEPPs with the planning principles focus areas – the SEPP changes are part of a package of reforms to consolidate the forty five (45) existing SEPPs into eleven (11) new SEPPs based on nine (9) themed focus areas.;

- (ii) simplifying the planning system – the SEPP consolidation builds on previous work to simplify, consolidate and reduce the number of SEPPs. The consolidation reflects the NSW Government’s commitment to reduce the complexity of the NSW planning system. The changes will simplify and improve the effectiveness and usability of current policies by reducing the number of separate planning instruments

The Resilience and Hazards SEPP incorporates provisions from the SEPPs being consolidated as follows:-

- (i) Chapter 2 – Coastal management which contains planning provisions from the Coastal Management SEPP for land use planning within the coastal zone consistent with the Coastal Management Act 2016;
- (ii) Chapter 3 – Hazardous and offensive development contains planning provisions from SEPP 33 to manage hazardous and offensive development; and
- (iii) Chapter 4 – Remediation of land contains planning provisions from SEPP 55, which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The Resilience and Hazards SEPP began on the 1<sup>st</sup> March 2022. The three SEPPs being consolidated were repealed on the same day. References in planning legislation and policies to the three (3) SEPPs being consolidated will be taken as references to the equivalent provisions in the Resilience and Hazards SEPP. Provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged. The changes should not impact development application assessment. The Resilience and Hazards SEPP should be used for new development and rezoning applications.

Savings and transitional provisions from the consolidated SEPPs will not be transferred to the Resilience and Hazards SEPP. However, all savings and transitional provisions of the repealed SEPPs continue to have effect due to sections 5(6) and 30(2)(d) of the Interpretation Act 1987. This matter is dealt with in Section 2.4 – State Environmental Planning Policy (Resilience and Hazards) 2021.

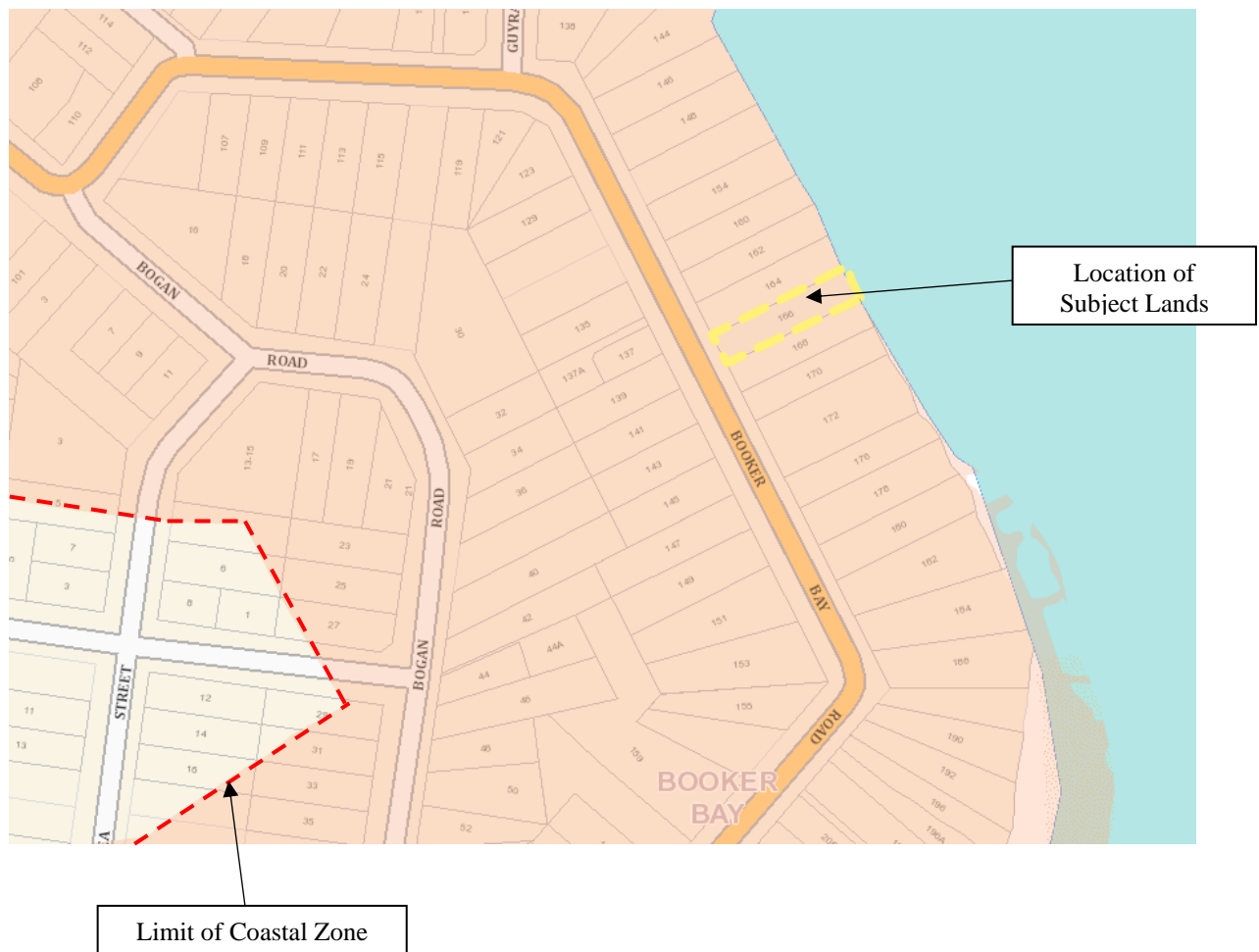
Reference is made to the NSW State Government legislation which requires the applicant to submit additional information outlining how the proposal satisfies the aims and objectives of the former SEPP (Coastal Management) 2018.

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the [Coastal Management Act 2016](#), including the management objectives for each coastal management area, by:-

- (i) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (ii) establishing a framework for land use planning to guide decision-making in the coastal zone; and
- (iii) mapping the four (4) coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the [Coastal Management Act 2016](#).



The subject property falls within the Coastal Use Area mapping as shown in **Figure 30**. The coastal use area is the land identified as such by the Coastal Use Area Map.



**Figure 30**  
**Extract from the NSW Department of Planning Coastal Use Zone Maps**  
(courtesy of the NSW Department of Planning and Environment)

Under Division 4 – Coastal Use Area, development on land within the coastal use area must not be granted consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:-

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands;
- (iv) Aboriginal cultural heritage, practices and places; and
- (v) cultural and built environment heritage

Further, the consent authority must be satisfied that:-

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

The consent authority must also consider the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. The following comments are made in relation to the **aims and objectives of the act**.

The following comments are made in relation to the aims and objectives of the act.

**(a) Aim – manage development in the coastal zone and protect the environmental assets of the coast**

The proposed development will not adversely affect the *management of the coastal zone* of this section of the NSW coast as the proposal is to be constructed within an established residential area that already has substantial residential accommodation. Nor will the proposed development adversely affect the *environmental assets* of the coast. The size, bulk and scale is consistent with desired character outcomes for the precinct as expressed in the Central Coast Development Control Plan 2013. The development also largely complies with the relevant provisions under the Central Coast Development Control Plan 2022 and represents a considerable improvement to the existing built form.

The proposal therefore **COMPLIES** with the above objective.

**(b) Aim – establish a framework for land use planning to guide decision-making in the coastal zone**

The proposed development will not adversely affect the *establishment of the required framework* for land use planning within the coastal zone as the proposal is to be constructed within an established residential area that already has a substantial residential pattern. The size, bulk and scale is consistent with desired character outcomes for the precinct as expressed in the Central Coast Development Control Plan 2012. The proposal therefore **COMPLIES** with the above objective.

**(c) Aim - mapping the four (4) coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016**

The proposed alterations and additions to the existing residential development will not adversely affect the *mapping of the four coastal management zones* as the proposal is to be constructed within an established residential area that already has substantial historical residential pattern whereby mapping is required to consider the existing built environment. The proposal therefore **COMPLIES** with the above objective.

The following comments are made in relation to the **matters to be considered under the act**.

**(a) Consideration – impacts on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability**

The subject site is adjacent to the Booker Bay foreshore. Public access to this portion of the foreshore is not available. The proposed development does not alter the current circumstances.

The proposal therefore **COMPLIES** with the above consideration.

(b) Consideration – impacts on overshadowing, wind funneling and the loss of view from public spaces to foreshores

As above, the subject site is adjacent to the Booker Bay foreshore or the foreshore reserve. The development does NOT create overshadowing, wind funneling or loss of views from public access to these areas.

The proposal therefore **COMPLIES** with the above consideration.

(c) Consideration – impacts on visual amenity and scenic qualities of the coast including coastal headlands

The proposed development is consistent with the desired character under Council's Chapter 2.17 – Character and Scenic Quality under the Central Coast Development Control Plan 2022.

The proposed bulk, height and scale of the building is also consistent with the desired future character for the precinct which represents an area in transition with existing residential building stock being upgraded and/or replaced with better quality residential accommodation.

The subject site is in a relatively prominent waterfront position along Booker Bay Road. However, the proposal will not have any significant adverse visual impacts on the coastline due to its high degree of architectural treatment, articulation and boundary setbacks. Therefore, it is considered that the proposal **COMPLIES** with the above consideration.

(d) Consideration – impacts on Aboriginal cultural heritage, practices and places

The proposed alterations and additions to the existing residential development does not impact on any known items of Aboriginal cultural heritage and therefore, **COMPLIES** with the above consideration.

(e) Consideration – impacts on cultural and built environment heritage

The subject lands and the proposed alterations and additions to the existing dwelling are not located within a heritage listed area nor close to any heritage listed items. The immediate precinct is mix of detached residential dwellings, dual occupancies and residential flat buildings within an area of urban transition. The traditional built form does not represent a significant built environmental heritage that would cause the proposed development to adversely impact on the cultural attributes of the area and therefore, **COMPLIES** with the above consideration.

(f) Consideration – design, siting and management

The proposed development has been designed in accordance with the requirements of the Central Coast Development Control Plan 2022 and the National Construction Code of Australia such that the bulk, scale and orientation of the building takes into consideration the above consideration (a) to (e). The proposed design has been prepared giving due consideration to all matters that are required to be addressed under the SEPP in that it:-

- (i) complies with the aims and objectives of the SEPP as described above;

- (ii) does not affect existing public access to and along the coastal foreshore;
- (iii) does not affect opportunities for provide new public access to and long the coastal foreshore;
- (iv) addresses and considers the issue of sustainability given its type, location and design and its relationship to the surrounding area. This is addressed in the development report and Statement of Environmental Effects appended to the development application;
- (v) does not cause any detrimental impact on the amenity of the coastal foreshore especially in relation to overshadowing or loss of views;
- (vi) does not adversely impact on the scenic qualities of the NSW coastline. Whilst the property is in a prominent location, the design (including setbacks and articulation) are complimentary to the precinct and are consistent with the desired future outcomes for the area;
- (vii) does not impact on threatened flora or fauna nor impact on sensitive habitats;
- (viii) does not impact on marine life or marine vegetation;
- (ix) does not impact of wildlife corridors;
- (x) is not affected by Aboriginal cultural places, beliefs, customs or traditional knowledge;
- (xi) will not impact on water quality. All appropriate erosion and sedimentation controls will be implemented in accordance with Council's codes and practices; and
- (xii) does not affect any items of heritage, archaeological or historic significance

## **20.0 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT**

It is prudent to take into consideration the principles of ecologically sustainable development 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*.

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 is currently occupied by an older style two storey brick dwelling and garage with numerous small introduced trees together with typical suburban landscaping. The allotments to the north and south of the site have been cleared, modified and developed for residential purposes. It is proposed to undertake the alterations and additions to the existing residential dwelling and construction of the new studio and cabana area. There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the proposed 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 alterations and additions to the existing residential dwelling and construction of the new studio and cabana is to be undertaken in accordance with all current engineering and environmental regulations and to a standard that the local environment is protected both during the construction process and rehabilitation of the site. The proposal will also create both short employment opportunities, improve the residential amenity of the precinct and provide high quality residential accommodation.

Therefore, the health, diversity and productivity of the environment will not be affected by the proposed alterations and additions and site works.

- (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 existing allotment and the allotments to the north and south of the site have been previously used for residential purposes, the lands have been significantly modified and degraded compared to their natural state. Therefore, the proposed alterations and additions to the existing residential dwelling will have limited effect on the biodiversity or ecological integrity of the area. No significant trees will require removal. It is not expected that the alterations and additions will adversely impact to any significant degree on the biological diversity or ecological integrity of the site.

## **21.0 CONCLUSION:**

The proposed alterations and additions to the existing residential dwelling is recommended to Central Coast Council on the basis that it:-

- (i) is a permissible use within the current R1 – *General Residential* zone under the Central Coast Local Environmental Plan 2022;
- (i) is consistent with the objectives of the Central Coast Local Environmental Plan 2022;
- (ii) is serviced by a range of public utilities including sewer, water and telecommunications; and
- (iii) close to a range of public facilities and public transport

## **22.0 LIMITATIONS:**

Wales & Associates Pty Limited (WA) has prepared this report for a project at #166 Booker Bay Road at Booker Bay in accordance with instructions from the owners, Frank and Wendy Laureti. The report is provided for the exclusive use of Mr & Mrs Laureti 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 provide clarification of the above as necessary.

1<sup>st</sup> January 2023

.....  
Matthew Wales  
Manager  
Wales & Associates Urban Design Partners

.....  
Date

<b>REFERENCES</b>
-------------------

The following documents were referenced:-

Planning Instruments:

- (i) Environmental Planning & Assessment Act 1979;
- (ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
- (iii) State Environmental Planning Policy (Resilience and Hazards) 2021;
- (iv) Central Coast Local Environmental Plan 2022; and
- (v) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Policy Documents:

- (i) Central Coast Development Control Plan 2022;