

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA/1301/2022
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Delegation Level	Delegated,
Property Lot & DP	Lot 22 DP 709308
Property Address	20 Homan Close, UMINA BEACH NSW 2257
Site Area	660.9 m ²
Zoning	R2 LOW DENSITY RESIDENTIAL

Proposal	Pool Cabana & Retaining Walls
Application Type	Development Application – Local
Application Lodged	03-Jun-2022
Applicant	Mr M Cassidy
Estimated Cost of Works	\$90000

Advertised and Notified / Notified Only	28 June 2022
Submissions	Nil
Disclosure of Political Donations & Gifts	No
Site Inspection	18-Jul-2022

Recommendation	Approval, subject to conditions
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Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.



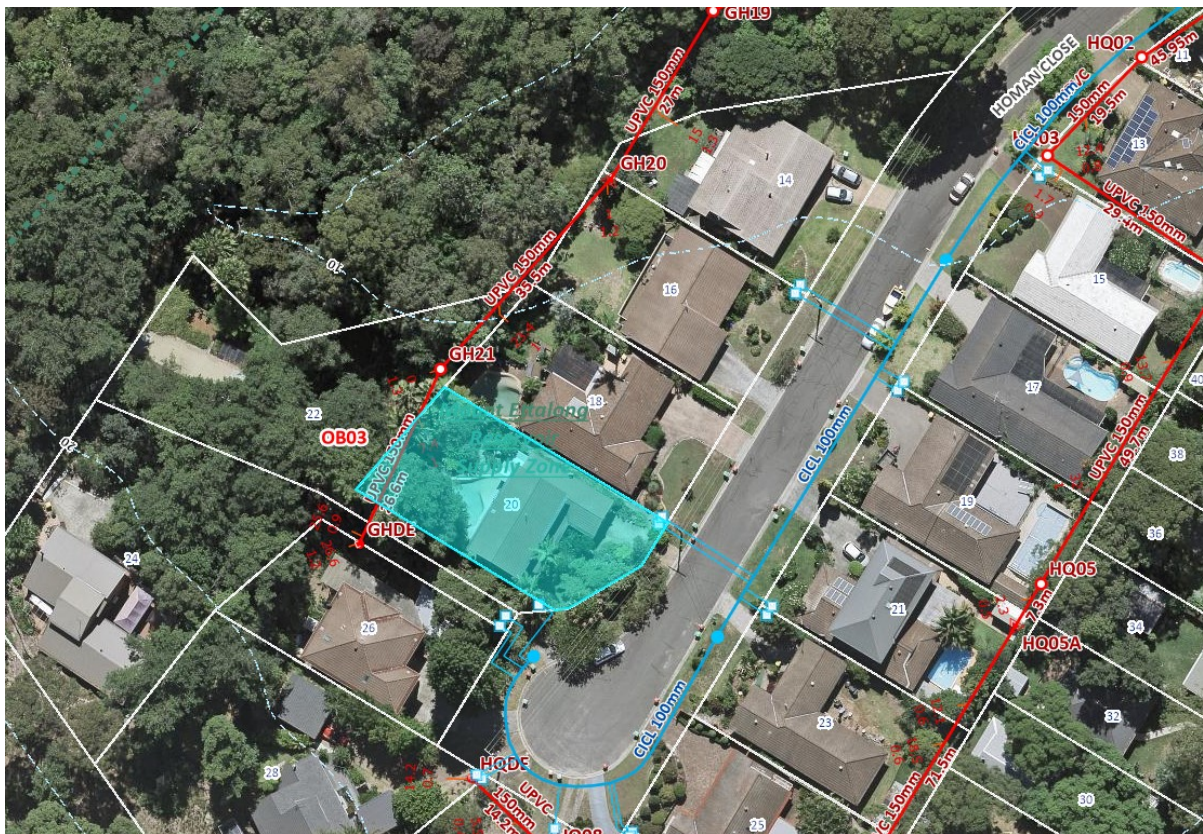


Figure 1 – Aerial Photo

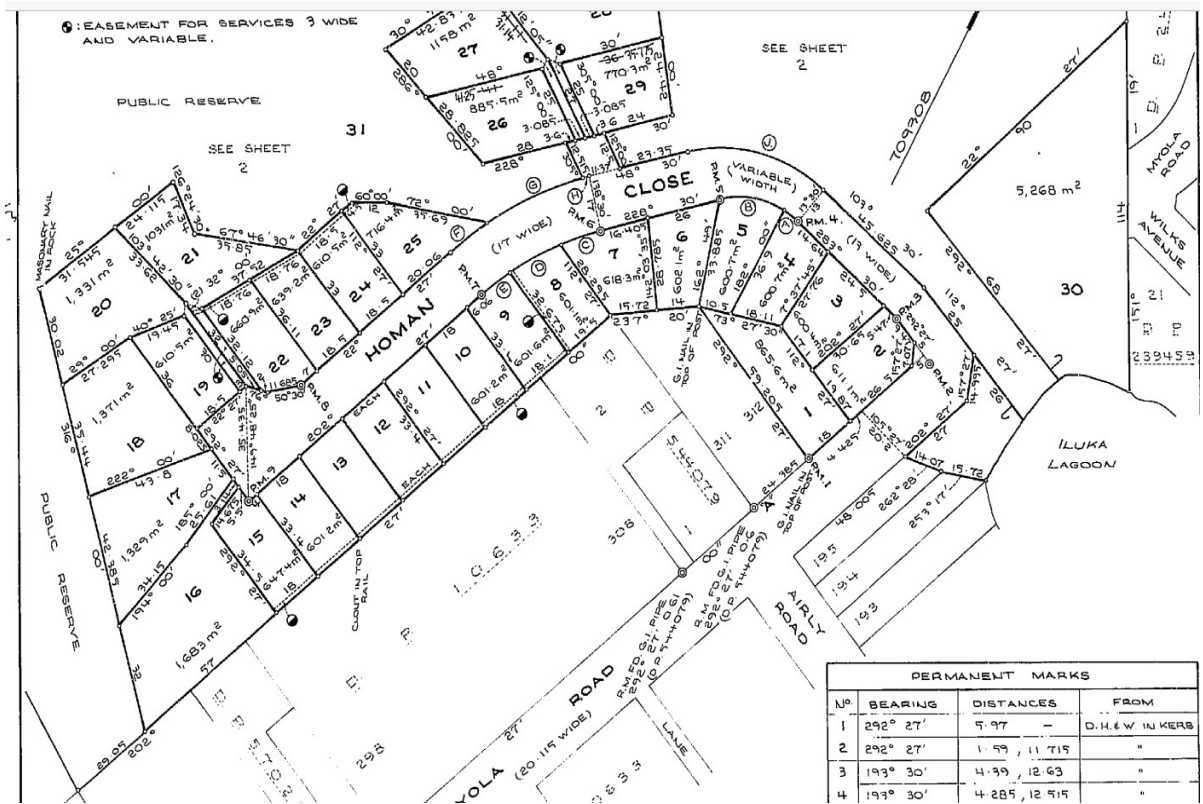


Figure 2 – Deposited Plan





Figure 3 – Site Photo



Figure 4 – Site Photo





Figure 5 – Site Photo



Figure 6 – Site Photo



Background

Council's records show that the following applications were previously lodged on this site:

- DA/9295/1988 Approved 15th April 1988 DWELLING-HOUSE
- DA/47254/1988 Approved 28th April 1988 DWELLING-HOUSE
- DA/50902/1988 Approved 30th December 1988 SWIMMING POOL (OTHER)

Site & Surrounds

The site is located on the western side of street. Adjoining development comprises of residential development. The topography is sloping from front to rear.

The site contains single storey dwelling with attached awning and inground swimming pool with retaining walls.

The site is identified as "bushfire prone land" on Council's bushfire maps. A Bushfire Assessment Report prepared by Clarke Dowdle & Associates reference GO: 24753A dated March 2022 was submitted with the application recommending the proposal comply with BAL-40.

The Proposal

The proposal comprises:

- Cabana
- Retaining walls
- Tree removal x 3

Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 – Section 4.15
- Local Government Act 1993 – Section 89
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013

Environmental Planning & Assessment Act, Section 4.15 and Local Government Act, Section 89

- Environmental Planning & Assessment Act 1979 - Section 4.15
- Local Government Act 1993 - Section 89
- Rural Fires Act 1997
- Water Management Act 2000
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Gosford Local Environmental Plan 2014



- Gosford Development Control Plan 2013

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to this application.

Permissibility

The subject site is zoned R2 LOW DENSITY RESIDENTIAL under Gosford Local Environmental Plan 2014. The proposed development is defined as ancillary which is permissible in the zone with consent of Council.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

Gosford Local Environmental Plan 2014

Zone R2 LOW DENSITY RESIDENTIAL

The objectives for the R2 LOW DENSITY RESIDENTIAL are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford

To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

The proposed development meets the objectives of the zone.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class five (5) Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.



7.2 Flood planning

The land has not been classified as being under a “flood planning level” and not subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to clause 7.2 of Gosford Local Environmental Plan 2014.

Height of Buildings

Clause 4.3(2) applies to the height of buildings on any land. The proposed building is not to exceed the maximum height shown for the land on the Height of Buildings Map in order to achieve the following objectives:

- to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
- to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

The subject allotment is mapped as having a maximum building height of 8.5 m with the proposed development proposing a lesser building height than 8.5m therefore being compliant.

Floor Space Ratio

Clause 4.4(2) applies to the maximum floor space ratio for a building on any land. The proposed building is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map in order to achieve the following objectives:

- to ensure that the density, bulk and scale of development is appropriate for a site,
- 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,
- to facilitate development in certain areas that contributes to economic growth.

The subject allotment is mapped as having a maximum floor space ratio of 0.5:1 with the proposed development proposing a lesser floor space ratio than 0.5:1 therefore being compliant.

Gosford Development Control Plan 2013

3.1.2.1 - Building Height

The proposed development includes compliant height, bulk and scale design elements being compatible with the existing and desired future character of the area as well as amenity outcomes for the subject and surrounding properties. Prescriptive building height design elements are complied with as follows;

- The proposed development does not exceed the maximum height contained in the GLEP 2014 clause 4.3 (2) Height of Building Map for the subject land where applicable;

3.1.2.2 - Site Coverage

The proposed and any existing development include a compliant proportion of the site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. Prescriptive site coverage is complied with as follows;

- The site coverage of dwellings and all ancillary development does not exceed 50% on a lot that has a site area between 450m² and 900m².

3.1.2.3 – Floor Space Ratio

- a) The proposed development does not exceed the Floor Space Ratio (FSR) in the GLEP 2014 clause 4.4 (2) FSR Map for the subject land where applicable.

3.1.3.1 Setbacks – Residential Sized lots R1, R2, R3 or RU5

The proposed development includes compliant setbacks from property boundaries and between buildings to complement the streetscape and any surrounding reserve or foreshore. The compliant setbacks also provide for visual interest with placement of structures and protect privacy and view corridors and comply with fire safety. Prescriptive setback provisions are complied with as follows; -

Rear Boundary Setbacks

- The proposed single storey development has a rear boundary setback of at least 0.9 metres for a maximum 50% of the length of the rear boundary;

Side Boundary Setbacks

- The proposed development for an allotment having a width greater than 12.5 metres at the building line, has side boundary setbacks of 0.9 metres for a building up to 4.5 metres in height;

3.1.4.3 Private Open Space Areas

The proposed development includes compliant principal private open space providing a practical outdoor living area for residents. Prescriptive principal private open space provisions are complied with as follows;

- 24m² for a lot with a width greater than 10m wide at the building line with a minimum dimension of 3m and a maximum grade of 1:50; and
- Directly accessed from and adjacent to a habitable room other than a bedroom; and



- Located behind the front building line.

3.1.4.4 Sunlight Access

The proposed development includes compliant sunlight access to the subject dwelling and neighbouring properties private open space areas, facilitating adequate solar access. Prescriptive solar access provisions are complied with as follows: -

- On June 21, 50% of the required principal private open space area for all dwellings receives at least 3 hours of unobstructed sunlight access between 9am and 3pm; and
- On June 21, 50% of the required principal private open space on adjoining land receives at least 3 hours of unobstructed sunlight access between 9am and 3pm.

3.1.6 Earthworks

The proposed development includes compliant earthworks (cut & fill) achieving an acceptable design, appropriate for site specific conditions. Prescriptive cut and fill provisions are complied with as follows: -

- Excavation does not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary. and
- Fill for the purpose of erecting a dwelling does not exceed 1m above existing ground level. No retaining wall for fill is within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling. and
- No excavation or fill is proposed within any easement for drainage or sewer burdening the allotment.

3.1.6.2 Retaining Walls & Structural Support

The proposed development includes compliant retaining achieving an acceptable design appropriate for site specific conditions. Prescriptive retaining walls and structural support provisions are complied with as follows;

- Retaining walls more than 600mm above or below existing ground level and within 1m of any boundary, or more than 1m above or below existing ground level in any other location, form a condition of consent to be designed by a professional engineer.

3.1.6.3 Drainage

All stormwater drainage collecting as a result of the erection of the proposed development will be conveyed by a piped system to: -

- To the street drainage system. or
- An inter-allotment drainage system. or



- Or an on-site disposal system.

3.1.7.2 Outbuildings

The proposed outbuilding on R1, R2, R3 and RU5 zoned allotments, complies with the prescriptive requirements as follows: -

- The outbuilding is not to be used as a habitable building; and
- The outbuilding has a maximum floor area of 60m² for allotments between 600m² and 700m² in area;

Other Matters for Consideration

Not applicable

Planning Agreements

The proposed development is not subject to a planning agreement / draft planning agreement.

Development Contribution Plan

The proposed development is a development type that is not subject to section 7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

Referrals

Internal Referral Body	Comments
Referral group	Supported, without conditions / Supported, subject to conditions / Not supported
Water & Sewer Management	Supported, subject to conditions

Political Donations

During assessment of the application there were no political donations were declared by the applicant, applicant's consultant, owner, objectors and/or residents.

Public Submissions

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013. There were no submissions received in relation to this proposal.



Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval pursuant to section 4.16 of the Environmental Planning and Assessment Act.

Plans for Stamping

Original Lodged Plans CM Doc No. D15129767

Supporting Documents for Binding with consent

Bushfire Assessment Report, CM Doc No D15129768

Structural Engineering Detail, CM Doc No D15129772

Waste Management Plan, CM Doc No D15129774

Statement of Environmental Effects, CM Doc No D15129771

Recommendation

- A Council as consent authority grant consent to Development Application No DA/1301/2022 for Pool Cabana & Retaining Walls on Lot 22 DP 709308, 20 Homan Close, UMINA BEACH NSW 2257 subject to the conditions attached.
- B In accordance with section 4.53(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Brad Reilly
Recommendation Reviewed by:	Not required



Brad Reilly

