

STATEMENT OF ENVIRONMENTAL EFFECTS

'Alterations and Additions to an existing Dwelling House, including a new Secondary Dwelling with associated demolition, site and landscape works'

492A OCEAN BEACH ROAD UMINA BEACH NSW (LOT 131 IN DP863874)

Reference: 1/2023

Date: 11 January 2023

CONTENTS

1.	Executive Summary	5
2.	The Site	6
	Site Photos	8
3.	Surrounding Development.....	9
	Surrounding Locality Photos.....	9
4.	Proposed Development.....	11
5.	Development Statistics.....	12
6.	Statutory Planning Considerations	13
	Section 4.15 Of Ep&A Act 1979.....	13
7.	Environmental Planning Instruments.....	17
8.	State Environmental Planning Policies.....	17
	State Environmental Planning Instruments	17
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	19
	State Environmental Planning Policy (Resilience And Hazards) 2021	19
	State Environmental Planning Policy (Biodiversity And Conservation) 2021	19
	State Environmental Planning Policy (Transport And Infrastructure) 2021	20
	State Environmental Planning Policy (Planning Systems) 2021	20
9.	Local Environmental Planning Instruments	21
	Central Coast Local Environmental Plan 2022	21
10.	Local Development Control Plans.....	24
	Central Coast Development Control Plan 2022.....	24
11.	Other Matters For Consideration.....	32
	Flora And Fauna Assessment	32
	Integrated Development	32
12.	Conclusion.....	34

This document has been prepared in good faith and is based on an opinion as to the interpretation of the documentation listed in this report and what was considered to be the applicable key planning controls at the time of writing.

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RELEVANT DOCUMENTS

- Architectural Plans prepared by Alan Powell, Dates 12/11/2022 Ref. A000, A010, A011, A100-104, A200-A203, A300, A700-A706, A800 & A900
- Survey Plan prepared by Frankham Engineering Surveys Ref. 222088 dated x17/5/22
- BASIX Certificates References: A475888 & 1344531S

1. **EXECUTIVE SUMMARY**

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) to Central Coast Council.

This Development Application seeks consent under Part 4 of the Environmental Planning and Assessment Act 1979 (*EPA Act 1979*) for '*Alterations and Additions to an existing Dwelling House, including a new Secondary Dwelling with associated demolition, site and landscape works*' on land at Lot 131 in DP863874 No. 492A Ocean Beach Road Umina Beach (*the site*).

The site is currently occupied by a modest three-bedroom, single storey brick dwelling house with a pitched roof and generous setbacks in a landscape setting. Pedestrian access is available to Ocean Beach Road via a 'right of way' which burdens 492A Ocean Beach Road, Umina Beach, however the primary frontage with pedestrian and vehicle access via from an unnamed laneway adjacent to the eastern site boundary.

The site is situated within an established low density R1 General Residential zone under the Central Coast Local Environment Plan 2022 (CCLEP). It is relatively flat with a slight fall to the east with a single tree to the southwest corner, along with other non-significant understorey vegetation.

This SEE has been prepared in accordance with s4.12 of the EPA Act 1979. The purpose is to:

- Identify relevant characteristics of the site and surrounding lands
- Outline a description of the proposed development
- Provide an evaluation of the proposal against the heads of consideration pursuant to s4.15 of the EPA Act 1979 including relevant Environmental Planning Instruments and Development Controls Plans
- Consider the Environmental, Social and Economic Impacts of the proposal

From the analysis undertaken, the author has concluded that the proposal:

- Is appropriate for the site and its context
- Is consistent with the applicable planning controls
- Maintains the areas existing low density residential character with a built form and mass commensurate with the site area
- Maintains generous setbacks and a landscape setting
- Will not result in any adverse amenity, environmental, social or economic impacts; and
- Will deliver a development form and use consistent with the objectives of the EPA Act 1979, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) for Diverse Housing and the R1 General Residential under the Central Coast Local Environment Plan 2022 (CCLEP).
- Represents an orderly and economic use and development of the site, which has an appropriate size, environmental character, and location of the structure; and
- Will have no unreasonable or adverse amenity impacts on adjoining development, the environment, traffic network, public domain or other external features or services.

The development is local development as defined by the EPA Act 1979 and as such Central Coast Council is the consent authority. The proposal does not constitute Integrated or Designated Development.

Accordingly, the development will appropriately contribute locality's Desire Future Character and is suitable and appropriate development form for the site and is worthy of approval.

2. THE SITE

The site is situated described as Lot 131 in DP863874 and is commonly known as No. 492A Ocean Beach Road Umina Beach.

The site is in a beach suburb, centrally located between the Sydney and Newcastle CBDs within the Central Coast Local Government Area (LGA). The site is located within walking distance, (less than 500m) to the Umina Beach Local Centre which offers a range of retail, services, and supermarkets for residents. The site is also situated 150m north of Umina Beach.

An aerial view and location plan is provided at Figure 1 - 3 below.



Figure 1: Aerial View of Site outlined in Red (Source: SIXMaps)

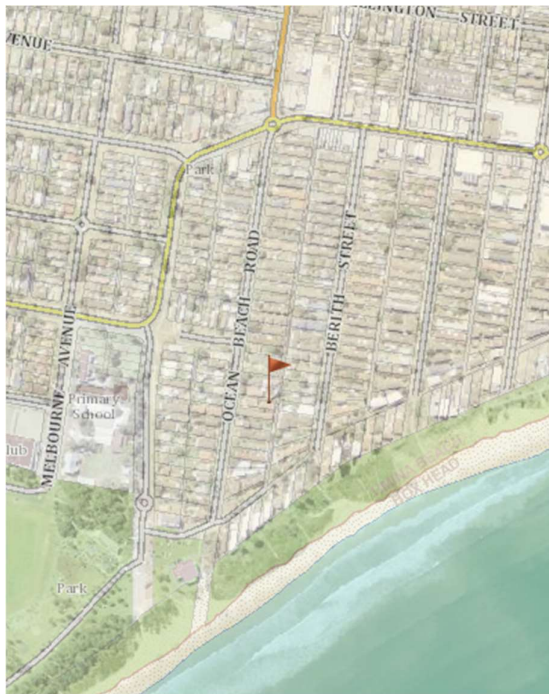


Figure 2: Location Plan, site outlined with red flag (Source: SIXMaps)

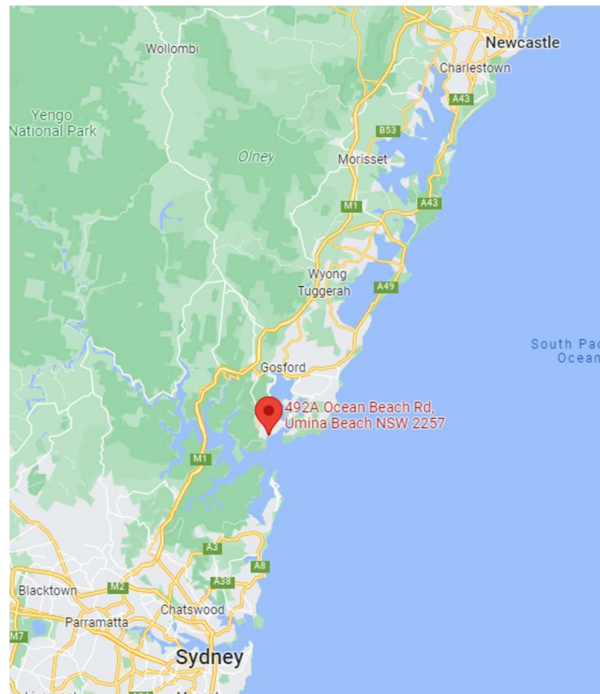


Figure 3: Location Plan, site outlined in red marker (Source: Google Maps)

The site is 'regular' in shape and is provided with the attributes identified below:

- The Site Survey details a Site Area of 382.6sqm with site boundaries of:
 - 15.2m frontage to an Unnamed Rear Lane
 - 25.1m northern common boundary of No 490 Ocean Beach Road
 - 25.1m southern common boundary of No 494 Ocean Beach Road
 - 15.2m rear western common boundary to No 492 Ocean Beach Road
- Key site features of the site include:
 - An existing three-bedroom single storey brick detached dwelling house with a pitched roof with generous setbacks and a landscape setting
 - Primary pedestrian and an off street garaged for two car parking spaces via an unnamed laneway to the sites east in addition to informal vehicle access to the yard via an existing access gate
 - Pedestrian access from Ocean Beach Road via an easement over the adjoining allotment to the west (No 492 Ocean Beach Road)
 - Private open space and landscaped gardens consisting of understorey vegetation surround the established residential dwelling and a single tree located in the southwest corner of the site. The primary private open space is located to the north of the dwelling with an existing timber deck area
 - Flat terrain with a slight slope towards the rear lane of about 1.77% from the southwest corner to the southeast corner and a crossfall of 0.3% from the northwest corner to the southeast corner
 - There are no significant site features such as rock outcrops or the like
 - Being mapped with a Class Acid Sulfate Soils classification under CCLEP
- The site is serviced by relevant Utility Providers including electricity, gas, water, sewer and telecommunications

The site is not identified as:

- A heritage item or being in a heritage conservation area under CCLEP
- Subject to biodiversity values affectation such as Environmental Protection, Foreshore Building Line and Riparian Land controls under CCLEP
- Subject to acquisition under CCLEP
- Bushfire Prone Land

A visual representation of the site is provided below.

SITE PHOTOS

Figure 4: Site Photo – North Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 5: Site Photo – South Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 6: Site Photo – West Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 7: Site Photo – South Direction from subject site, common boundary of 492 & 492A (Source: Applicant)



Figure 8: Site Photo – East Direction from subject site, common boundary of 490 & 492A (Source: Applicant)



Figure 9: Site Photo – East Direction from subject site, common boundary of 494 & 492A (Source: Applicant)

3. SURROUNDING DEVELOPMENT

The site is situated within an established low density residential area which primarily comprises of larger one to two storey residential dwellings interspersed by ancillary structures such as garages and pools within a landscape setting.

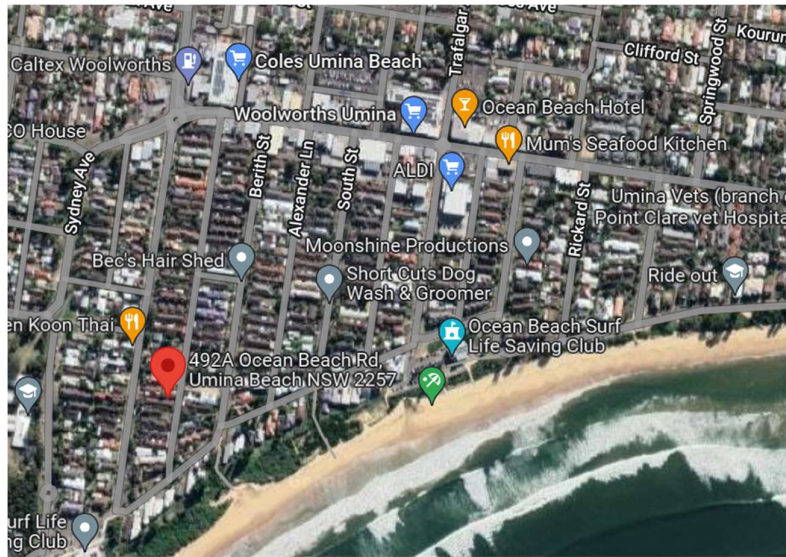


Figure 10: Location Plan, site outlined in red marker (Source: Google Maps)

Images of the surrounding development in the locality detailed below.

SURROUNDING LOCALITY PHOTOS



Figure 11: Site Photo – North Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 12: Site Photo – South Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 13: Site Photo – South Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 14: Site Photo – Northwest Direction from subject site, common boundary of 490 & 492A (Source: Applicant)



Figure 15: Site Photo – North Direction from unnamed laneway, site outlined in red marker (Source: Applicant)



Figure 16: Site Photo – North West Direction from subject site, common corner boundary of 490, 492 & 492A (Source: Applicant)



Figure 17: Site Photo – North West Direction from subject site, common corner boundary of 492 & 492A (Source: Applicant)



Figure 18: Site Photo – South West Direction from subject site, common corner boundary of 494 & 492A (Source: Applicant)

4. PROPOSED DEVELOPMENT

This Development Application seeks consent under Part 4 of the Environmental Planning and Assessment Act 1979 (*EPA Act 1979*) for *Alterations and additions to an existing Dwelling House, including a new Secondary Dwelling with associated demolition, site and landscape works*. The works specifically include:

REFERENCE	EXISTING	PROPOSED
Land Use	<ul style="list-style-type: none"> Dwelling house 	<ul style="list-style-type: none"> Dwelling house: Unchanged Secondary Dwelling located within the principal dwelling
Ground Floor	<ul style="list-style-type: none"> Dwelling Access 3 Bedrooms 2 Bathrooms Lounge Kitchen Dining Laundry Garage for 2 vehicles Private Open Space area including low rise deck area Informal Vehicle Access to rear yard 	<ul style="list-style-type: none"> Unchanged except: <ul style="list-style-type: none"> Removal of separate laundry for inclusion of stair access to first floor Reconfiguration of main bath Reconfiguration of garage and access New independent pedestrian stair (adjacent to site access point) for access to secondary dwelling at first floor
First Floor	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Additions to principal dwelling including: <ul style="list-style-type: none"> Stair Access from Ground Floor to first floor and roof terrace 2 additional Bedrooms 1 additional Bathroom First Floor Courtyard to the west of Bed 5, incorporating, substantive planters and privacy screens Stair Access to Roof Terrace New Secondary Dwelling incorporated into the principal dwelling including: <ul style="list-style-type: none"> 1 Bedroom 1 Bathroom Kitchen Dining Laundry 35sqm of dedicated Private Open Space Area for the Secondary Dwelling, including separate pedestrian stair access, substantive planters and privacy screens
Roof	<ul style="list-style-type: none"> Non trafficable pitched roof area 	<ul style="list-style-type: none"> Non trafficable roof area Photovoltaic Cells for solar power Roof terrace incorporating access stairs, substantive planters and privacy screens

REFERENCE	EXISTING	PROPOSED
Outdoor Site Area	<ul style="list-style-type: none"> Primary pedestrian and an off street garage for two vehicles via an unnamed laneway adjacent to the eastern site boundary Pedestrian access from Ocean Beach Road via an easement over the adjoining allotment to the west (No 492 Ocean Beach Road) Private open space and landscaped gardens consisting of understorey vegetation surround the established residential dwelling and a single tree located in the southwest corner of the site. The primary private open space is located to the north of the dwelling with an existing timber deck area 	<ul style="list-style-type: none"> Unchanged except: <ul style="list-style-type: none"> Separate pedestrian stair access to first floor secondary dwelling Rainwater tanks adjacent to the southern boundary to meet BASIX requirements At grade AC units adjacent to the southern boundary New separate 35sqm private open space at first floor level for the new secondary dwelling New roof terrace at third floor level New terrace area at first floor level to the western building elevation for the primary dwelling

5. DEVELOPMENT STATISTICS

REFERENCE	EXISTING	PROPOSED
Site Area	382.6sqm	Unchanged
Gross Floor Area	108sqm	191sqm
FSR	0.28:1	0.50:1
Site Coverage	160sqm	Unchanged
Maximum Height	4.8m	8.45m
No. of Storeys	1 storey	2 storeys plus roof terrace
Basement levels	Nil.	Unchanged
Built Form Setbacks	<p>Ground Floor:</p> <p>Front (East): 1.52m</p> <p>Side (North): 3.78m</p> <p>Side (South): 2.25m-3.4m</p> <p>Rear (West): 1.4m-2.0m</p> <p>First Floor:</p> <p>Front (East): Not applicable</p> <p>Side (North): Not applicable</p> <p>Side (South): Not applicable</p> <p>Rear (West): Not applicable</p> <p>Roof Terrace:</p> <p>Front (East): Not applicable</p> <p>Side (North): Not applicable</p> <p>Side (South): Not applicable</p> <p>Rear (West): Not applicable</p>	<p>Ground Floor:</p> <p>Front (East): Unchanged</p> <p>Side (North): Unchanged</p> <p>Side (South): Unchanged</p> <p>Rear (West): Unchanged</p> <p>First Floor:</p> <p>Front (East):</p> <ul style="list-style-type: none"> 1.52m Private Open Space to Garage Roof. 7.53m to dwelling <p>Side (North): 3.78m</p> <p>Side (South): 3.5m</p> <p>Rear (West):</p> <ul style="list-style-type: none"> 1.42m Private Open Space 3.9m to dwelling <p>Roof Terrace:</p> <p>Front (East): 6.0m</p> <p>Side (North): 4.4m</p> <p>Side (South): 4.4m</p> <p>Rear (West): 6.6m</p>
Total Parking	3 (2 Garage, 1 Informal Hardstand)	Unchanged
Deep Soil Landscape Area	222.6sqm	Unchanged

6. STATUTORY PLANNING CONSIDERATIONS

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

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- Central Coast Local Environmental Plan 2022
- Central Coast Development Control Plan 2022

Where relevant, these controls are addressed in the following sections.

SECTION 4.15 OF EP&A ACT 1979

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

S4.15 EVALUATION REQUIREMENT	COMMENT
Section 4.15(1)(a)(i) Any Environmental Planning Instrument	See discussion on “Environmental Planning Instruments” under Section 7 of this SEE.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	There are no Draft Environmental Planning Instruments applicable to the assessment of this application.
Section 4.15(1)(a)(iii) Any development control plan	See discussion on “Development Controls Plans” under Section 10 of this SEE.
Section 4.15(1)(a)(iiia) Any planning agreement	There are no identified planning agreements relevant to the assessment of this application.
Section 4.15(1)(a)(iv) Provisions of the regulations	<p>Clause 24 Stipulates the required content of development applications. It is considered this application has been accompanied by all the relevant plans and documentation to enable the consent authority to assess and determine the application. All information has been submitted through the NSW Planning Portal. Appropriate documentation has been provided to enable the consent authority to favourably determine the application.</p> <p>Clause 61 requires consideration of AS 2601 – 1991 Demolition of Structures. As this is an application for development consent, this matter can be address via a condition of consent.</p> <p>Clause 69 requires consideration of the provisions of the Building Code of Australia. As this is an application for development consent, this matter can be address via a condition of consent.</p>
4.15(1)(b) The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental impacts of the proposed development are considered throughout this statement having due regard to specific requirements of the relevant Environmental Planning Instrument and Development Control Plans, notwithstanding a generalised consideration of the developments impact

S4.15 EVALUATION REQUIREMENT	COMMENT
	<p>upon the natural, built, social and economic environments as required by the Act are considered as follows:</p> <p><i>Natural Environment</i> The proposed development is not considered to result in unreasonable impacts upon the natural environment given the nature of the development, its location onsite, use of an existing structure and its cleared surrounds. Furthermore, the proposal includes a series of BASIX commitments including rainwater tanks, glazing and photovoltaic cells which will improve the environmental sustainability of the site. Furthermore, appropriate measure for construction will be included such sediment control measures</p> <p><i>Built Environment</i> The onsite buildings have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and do not visually dominate the surrounding spaces or low-density residential landscape. Furthermore, the proposed development is not considered to result in unreasonable amenity impacts e.g. loss of privacy, noise, view loss, reduction in solar access etc. to the adjoining or nearby property owners or occupiers.</p> <p><i>Traffic Generation</i> The proposed development is for alterations and additions to a dwelling house, and additional car parking is not required under SEPP Housing for the proposed secondary dwelling. Therefore the proposed development will not result any variation to use of the road network in terms of traffic generation. Any additional traffic generation created by a limited construction time can be adequately catered for within the road network and is regulated through existing traffic restrictions and road rules.</p> <p><i>Provision of carparking</i> Adequate off-street carparking is provided within the subject property boundaries having regard to the land use and the scale of the development</p> <p><i>Management of stormwater</i> Proposed works maintain existing site coverage and do not increase impervious area. Stormwater collection will be collected and discharged to existing system, except where necessary for water collection to rainwater tanks to meet BASIX requirements.</p> <p>The proposal will not result in any additional runoff therefore not adversely impacting any natural or constructed drainage system either downstream or upstream of the development site from the current system.</p> <p><i>Aboriginal Heritage</i> A AHIMS Web Services search has been undertaken which indicated that there is no registered Aboriginal Sites or Places at or within the vicinity of the subject site.</p>

S4.15 EVALUATION REQUIREMENT	COMMENT
	<p><i>European Heritage</i> The site is not heritage listed nor is the site located in a Heritage Conservation Area. Accordingly, the site is acceptable in terms of heritage.</p> <p><i>Noise and Vibration</i> The proposed use will not generate any additional noise to that of an ordinary residential use with longer term residents. Privacy issues are appropriately mitigated through the development design and the provision of an appropriate landscape setting.</p> <p><i>Social Impact in the Locality</i> The proposed development is considered satisfactory in terms of potential social impact in the locality considering the nature of the proposal. In the longer term, the continued occupation, in addition to the construction of the secondary dwelling will provide greater benefits enabling the occupant to age in place whilst diversifying the housing typology in the locality.</p> <p><i>Economic Impact in the Locality</i> The proposal is positive in terms of potential economic impact in the locality given the proposed construction requirements. In the longer term, the continued occupation of the dwelling will provide benefits to the local business through use of services.</p> <p><i>Site Design</i> The proposal has responded to the existing onsite topography and structures. The internal layout and design are considered satisfactory and adequate for the proposed development as the proposal is not considered to result in unreasonable environmental or amenity impacts.</p> <p><i>Cumulative Impacts</i> The proposal is consistent with the surrounding land uses, the site zoning and broader SEPP Housing objectives. In this regard, it is considered that there is no significant element of the proposal, which would set an undesirable precedent, or contribute to an existing undesirable precedent in the locality.</p> <p>The environmental impacts of the proposed development on the natural and built environment are considered to be acceptable.</p> <p>See further discussion on “Environmental Planning Instruments and Development Control Plans” in this report.</p>

S4.15 EVALUATION REQUIREMENT	COMMENT
<p>Section 4.15(1)(c) The suitability of the site for the development</p>	<p>The proposed development is appropriate in the context of the site given its location, design, site topography and consistency with the intent of the R1 Zone.</p> <p>The development is also consistent with surrounding built forms. The site has an area and dimensions that are capable of accommodating the proposed development of this type and scale, that predominately complies with the applicable controls, and maximise the internal and external amenity. Furthermore, no hazards prevent the development from proceeding as proposed.</p>
<p>Section 4.15(1)(d) Any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>The consent authority will consider any submission made in relation to the application, as such no further comment can be provided in this regard.</p>
<p>Section 4.15(1)(e) The public interest</p>	<p>In considering the public interest, consideration should be given to a broad view of all relevant planning matters. This includes looking at the development and seeing whether or not it will achieve the broader planning objectives detailed under relevant legislation including State Planning Policies and Local Planning Controls and the sectionalised public interest relating to local issues such as impacts from the development.</p> <p>In this regard, the State and Council has previously determined through its strategic planning and gazettal of SEPPs and the LEP and the implementation of Development Standards. The proposal is consistent with the zoning requirements and standards of the 'R1Zone'. As such, it is considered that the proposed development satisfies the requirements of the broader public interest.</p> <p>When viewing the proposed development from the sectionalised public interest view point, a review of amenity impacts have been considered throughout this report. In this regard it is considered that the proposed development is not anticipated to result in any unreasonable amenity impacts with regard to view loss, privacy impact, noise, traffic generation, flora and fauna or reduction in solar access.</p> <p>Accordingly in balancing the wider public interest against the sectionalised public interest, it is considered that the site is suitable for the proposed development and there is no discernible reason for consent not to be granted in term of the public interest.</p>

7. ENVIRONMENTAL PLANNING INSTRUMENTS

8. State Environmental Planning Policies

State Environmental Planning Instruments

The application is designed having regard to the provisions of Housing SEPP and as such the provisions of Chapter 3 Part 1 relating to secondary dwelling are applicable to the application.

The following table is an assessment of the provisions listed under the SEPP as applicable to secondary dwellings.

SEPP PROVISION	DEVELOPMENT PROPOSAL	COMPLIES
<p>49 Definition Development for the purposes of a secondary dwelling includes the following:</p> <ul style="list-style-type: none"> (a) the erection of, or alterations or additions to— <ul style="list-style-type: none"> (i) a secondary dwelling, or (ii) an ancillary structure within the meaning of Schedule 1, (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling. <p><u>Note.</u> The standard instrument defines secondary dwelling as follows: secondary dwelling means a self-contained dwelling that:</p> <p>secondary dwelling means a self-contained dwelling that—</p> <ul style="list-style-type: none"> (a) is established in conjunction with another dwelling (the principal dwelling), and (b) is on the same lot of land as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling. 	<p>Not Applicable.</p> <p>Alteration and addition are proposed to the dwelling house, a new secondary dwelling will be incorporated into the principal dwelling.</p> <p>The proposed secondary dwelling will be constructed in conjunction with the existing principal dwelling house.</p> <p>The proposed secondary dwelling is located on the same lot of land as the principal dwelling.</p> <p>The proposed secondary dwelling is attached to the principal dwelling.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>50 Application of Part This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.</p>	<p>The subject site is zoned R1 – General Residential.</p> <p>A Dwelling House and Secondary Dwelling are identified as permissible within the zone under CCLEP.</p>	<p>Yes</p>
<p>51 No subdivision Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.</p>	<p>Subdivision not proposed.</p>	<p>Not applicable.</p>
<p>52 Development may be carried out with consent</p>		<p>YES</p>

SEPP PROVISION	DEVELOPMENT PROPOSAL	COMPLIES						
<p>(1) Development to which this Part applies may be carried out with consent.</p> <p>(2) Development consent must not be granted for development to which this Part applies unless—</p> <p>(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and</p> <p>(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</p> <p>(c) the total floor area of the secondary dwelling is—</p> <p>(i) no more than 60m², or</p> <p>(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.</p>	<p>CCLEP and this division permits secondary dwelling developments on the subject allotment.</p> <p>No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land.</p> <p>The permitted Floor Space Ratio (FSR) according to the CCLEP is 0.5:1 as per clause 6.5. The proposed FSR is 0.5:1 – 191sqm.</p> <p>Total floor area is 57sqm, complying with the maximum permitted GFA for the site under the CCLEP Cl6.5 FSR control.</p>	<p>YES</p> <p>YES</p> <p>YES</p>						
<p>53 Non-discretionary development standards—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—</p> <p>(a) for a detached secondary dwelling—a minimum site area of 450m²,</p> <p>(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>	<p>Noted. No assessment required.</p> <p>Secondary Dwelling proposed is incorporated into principal dwelling.</p> <p>Identified onsite car parking prior to application:</p> <table><tr><td>Garage:</td><td>2</td></tr><tr><td>Informal Hardstand:</td><td>1</td></tr><tr><td>Total:</td><td>3</td></tr></table> <p>Onsite Car parking will be unchanged by the proposal.</p>	Garage:	2	Informal Hardstand:	1	Total:	3	<p>Not applicable.</p> <p>Not applicable</p> <p>YES</p>
Garage:	2							
Informal Hardstand:	1							
Total:	3							
<p>Division 3 Complying development Clauses (54) through to and including (59)</p>	<p>Development is not complying development.</p>	<p>N/A</p>						

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

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data. SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". The proposal is a BASIX affected building. BASIX Certificates (A475888 & 1344531S) have been prepared by the architect for the proposed development and accompanies this application. The BASIX documentation confirms the proposal achieves the targets for water, thermal and energy.

State Environmental Planning Policy (Resilience and Hazards) 2021

The object of Chapter 4 is to provide a State-wide planning approach for the remediation of contaminated land. Pursuant to Section 4.6 of the Resilience and Hazards SEPP the consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

An existing dwelling currently occupies the subject site with no previously identified land use. The proposal does not propose significant excavations and is limited to undertaking partial demolition works and modifying the layout of the dwelling to add a second storey and roof terrace.

Furthermore, the site and the immediate locality have a historical residential use and no change of use is proposed that will present a more sensitive land use than what currently exists. Furthermore, it is also considered that it is unlikely that the site is contaminated given there are no industrial / potentially harmful land uses within the immediate vicinity of the site.

Based on the above, Council can be satisfied that no further investigation is warranted, and the site is unlikely to be contaminated.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The SEPP applies to clearing of:

- (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The objectives of the SEPP are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within the R1 General Residential zone.

The proposal does not require the removal of any significant trees or vegetation and therefore meets the requirements of the SEPP.

Chapter 4 Koala habitat protection 2021

Although the Central Coast LGA is listed in schedule 2 as a LGA in which Chapter 4 applies to, the site is not within the vicinity of any known Koala habitat corridors or known Koala colonies. Furthermore, no trees or vegetation is proposed to be removed as part of the application. As such the development is consistent with the aims of this chapter being: *“to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline”*.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Section 2.48 - Determination of development applications – other development

These provisions requires that before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must:

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Given the site is situated in an established residential area and currently is provided electrical services, there is no disenable reason for this matter to prevent consent being issued for the proposal. Nonetheless, this is a procedural matter for the consent authority to consider in the processing of the application.

State Environmental Planning Policy (Planning Systems) 2021

The proposal is identified as Local Development. There are no identified triggers which would result in the proposal being State Significant Infrastructure, State Significant Development nor Regionally Significant Development. Accordingly, Council is the consent authority for the application.

9. Local Environmental Planning Instruments

Central Coast Local Environmental Plan 2022

Zoning

The Central Coast Local Environmental Plan (CCLEP) 2022 is the primary Environmental Planning Instrument (EPI) that applies to the site. The zoning of the site is R1: General Residential pursuant to the CCLEP. Refer to figure below.

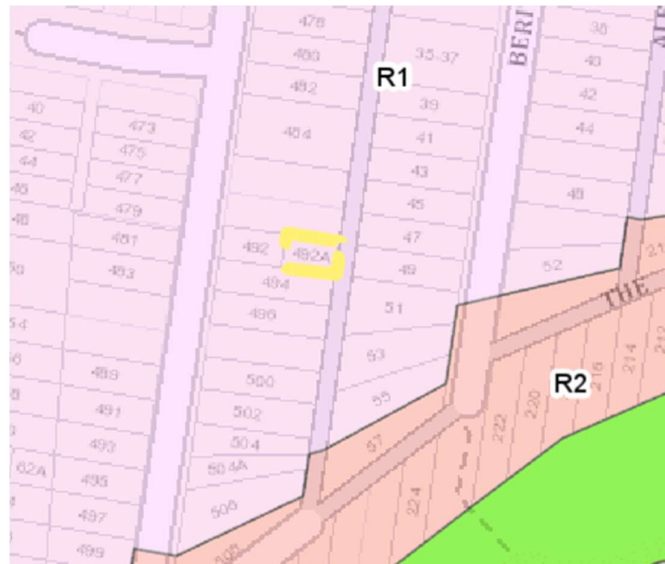


Figure 19: Land Zoning Map, site outlined in red (Source: NSW Legislation)

Permissibility

As noted previously, this Development Application seeks consent for ‘*Alterations and Additions to an existing Dwelling House, including a new Secondary Dwelling with associated demolition, site and landscape works*’.

The Dictionary identified by Cl 4 of CCLEP provides the requisite land use definitions for the proposal as follows:

dwelling house means a building containing only one dwelling.

Note—

*Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—

See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings. Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Under Part 2 of CCLEP, the provisions for the R1 General Residential Zone provide a list of permissible and prohibited land uses. An extract of the relevant LEP provisions is provided in below.

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

As a result of the Land Use Table, the defined used (Dwelling House and Secondary Dwelling) are permissible land uses with Consent.

Consideration of relevant LEP Provisions

LEP REQUIREMENT	COMMENT	COMPLIANCE
Part 4 Principal development standards		
4.3 Height of buildings	Permitted: 8.5m Existing: 4.8m Proposed: 8.45m	YES
4.4 Floor space ratio & 4.5 Calculation of floor space ratio and site area	Permitted: 0.5:1 (191.3sqm GFA) Existing: 0.28:1 Proposed: 0.5:1 (191sqm GFA)	YES

LEP REQUIREMENT	COMMENT	COMPLIANCE
4.6 Exceptions to development standards	Not applicable, proposal complies with Development Standards.	Not applicable
Part 5 Miscellaneous provisions		
5.4 Controls relating to miscellaneous permissible uses (9) Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater— (a) 60 square metres, (b) 30% of the total floor area of the principal dwelling.	Total proposed GFA of the Dwelling House (191sqm GFA) Total GFA of Secondary Dwelling (57sqm included in 191sqm GFA) = 29.8%	YES
5.6 Architectural roof features	No architectural roof features proposed.	Not applicable
5.7 Development below mean high water mark	No development proposed below the MHWM.	Not applicable
5.9 Dwelling house or secondary dwelling affected by natural disaster	Development Site not impacted by natural disaster.	Not applicable
5.10 Heritage conservation	The site is not a heritage item, nor is within a heritage conservation area. Furthermore, the site is does not adjoins any heritage items.	Not applicable
5.21 Flood planning	The site is not identified on Councils online mapping as being located within an area subject to a 1 in 100-year flood event.	Not applicable
Part 7 Additional local provisions		
7.1 Acid sulfate soils Works more than 2m below the natural ground surface. Works by which the water table is likely to be lowered more than 2m below the natural ground surface.	Works more than 2m below the natural ground surface are not proposed. Works are not likely to lower water table.	Not applicable
7.2 Drinking water catchments	The site is not identified on as being located within the drinking water catchment	Not applicable

LEP REQUIREMENT	COMMENT	COMPLIANCE
7.3 Limited development on foreshore area	The site is not identified on as being located within foreshore area	Not applicable
7.4 Airspace operations & 7.5 Development in areas subject to aircraft noise	The proposed development is for the alterations and additions to a dwelling and complies with the building height requirements. It is unlikely to penetrate the Limitation or Operations Surface.	Not applicable
7.6 Essential services	<p>The subject site is currently serviced by:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access, (f) the collection and management of waste. <p>The proposed development will not alter current utility service provision.</p>	YES

10. Local Development Control Plans

Central Coast Development Control Plan 2022

Consideration of compliance with the relevant provisions within the Central Coast Development Control Plan 2022 (CCDCP) is provided below in the Compliance Table. The assessment against the relevant provisions of the CCDCP demonstrates the proposed development demonstrates full compliance with the relevant provisions of the CCDCP or complies with intent.

DCP REQUIREMENT	COMMENT	COMPLIANCE
Chapter 2		
2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development <u>2.1.2.1 Building Height</u> The construction of a dwelling house, secondary dwelling or ancillary structure is restricted to a maximum building height The LEP Building Height Development Standard is 8.5m	The proposed development provides a building height of 8.45m	YES
2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development <u>2.1.2.2 Site Coverage</u> The site coverage shall be a maximum of: <ul style="list-style-type: none"> • if the lot has an area of less than 450m²—60% of the site area 	Existing: Site Area: 382.6sqm Site Coverage: 160sqm = 41.8%	Unchanged Existing Non-Compliance Acceptable on Merit

DCP REQUIREMENT	COMMENT	COMPLIANCE
		<p>The proposed site coverage is considered acceptable as:</p> <ul style="list-style-type: none"> • The proposal results in an improvement in design and visual amenity to the currently approved scheme • The proposed built form is an appropriate density, bulk and scale for a site • The proposal is consistent with the surrounding development forms • The proposal provides an improved and appropriate landscape treatment to the site • The proposal provides more useable private open space for outdoor activities at the site • Stormwater has been appropriately addressed through the submitted stormwater management plans <p>It is noted that the proposal satisfies the DCP provision objectives and pursuant to</p>

DCP REQUIREMENT	COMMENT	COMPLIANCE
		s4.15(3A) of the Environmental Planning and Assessment Act 1979 is required to be flexible in the applicable of Development Control Plan provisions.
<p><u>2.1.2.3 Floor Space Ratio</u></p> <ul style="list-style-type: none"> In accordance with Clause 4.4 (2) of Central Coast LEP 2022, the maximum floor space ratio for building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. 	The proposed development has a FSR of 0.52:1 which is compliant with the permissible FSR of 0.5:1.	YES
<p><u>2.1.3.1 Setbacks</u></p> <p>a. Front boundary (from the primary frontage) for primary and secondary dwellings and ancillary development (including outbuildings)</p> <p>(i) To a local roadway on lots with a site area greater than 300m² (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)</p> <p>(iv) The minimum required setback for garage and carport structures and the like (A minimum of 1m behind the front boundary setback)</p> <p>b Rear boundary setbacks for primary and secondary dwellings and ancillary development (excluding outbuildings)</p> <p>(i) To a private allotment (• For single storey development - 0.9 m for a maximum width 50% of the length of the rear boundary and • For any part of the building with a height of up to 4.5m - 3m for any part of the building with a height greater than 4.5m – 6m)</p>	<p>Front (East):</p> <p>Ground Floor:</p> <ul style="list-style-type: none"> 1.52m to Garage 7.7m (Dwelling) <p>First Floor:</p> <ul style="list-style-type: none"> 1.52m (Garage Terrace) 7.53m (Dwelling) <p>Roof Terrace:</p> <ul style="list-style-type: none"> 6.0m (Terrace) 14.0m (Access Stair) <p>Rear (West):</p> <p>Site Width 25.1m</p> <p>Ground Floor:</p> <ul style="list-style-type: none"> 1.4m-2.0m 28% site width <p>First Floor:</p> <ul style="list-style-type: none"> 1.42m POS 3.9m to dwelling 28% site width <p>Roof Terrace:</p> <ul style="list-style-type: none"> 6.6m (Terrace) 9.2m (Access Stair) 28% site width 	<p>YES - Existing YES - Existing</p> <p>YES YES</p> <p>YES YES</p> <p>YES - Existing YES - Existing</p> <p>No* No* Yes</p> <p>YES YES YES</p>

DCP REQUIREMENT	COMMENT	COMPLIANCE
<p>c. Side Boundary setback for primary and secondary dwellings and ancillary development (excluding outbuildings)</p> <p>(i) all lots greater than 12.5m wide at the building line (• for any part of the building with a height of up to 4.5m—0.9m, and • for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m)</p>	<p>Side (North)</p> <p>Ground Floor: 3.78m First Floor: 3.78m Roof Terrace: 4.4m</p> <p>Side (South)</p> <p>Ground Floor: 2.25m-3.4m First Floor: 3.5m Roof Terrace: 4.4m</p>	<p>YES YES YES</p> <p>YES YES YES</p> <p>*The proposed rear setback to are considered acceptable as:</p> <ul style="list-style-type: none"> • Planting and privacy screens are proposed • Development Maintains compliant solar access • Setbacks are consistent with the setbacks of the existing approved onsite dwelling • The variation is minimal, and would not be visually observable <p>It is noted that the proposal satisfies the DCP provision objectives and pursuant to s4.15(3A) of the Environmental Planning and Assessment Act 1979 is required to be flexible in the applicable of Development Control Plan provisions.</p>
<p><u>2.1.3.3.2 Garage Door Articulation</u></p> <p>To ensure the visual focus of a development is the dwelling, not the garage doors facing and dominating the streetscape, the need to limit garage door openings when within close proximity of a road frontage is required.</p>	Existing and unchanged	YES

DCP REQUIREMENT	COMMENT	COMPLIANCE
<p><u>2.1.4 Residential Amenity</u></p> <ul style="list-style-type: none"> Where relevant, applications must address the NSW Land and Environment Court Planning Principles relating to view sharing. Development is sited and designed to enable a sharing of views with surrounding private properties, particularly from habitable rooms Development steps down the hillside on a sloping site The design of the roof form provides for view sharing. This may be achieved by consideration of the roof pitch and type (including flat roofs), increasing the setback on an upper level or by lowering the proposal in whole or in part. 	<p>The proposed development maintains a reasonable sharing of views and satisfy the principals outlined under <i>Tenacity v Warringah</i> given:</p> <ul style="list-style-type: none"> The existing setbacks are maintained The height of the proposal is 8.45m metres, which is which is compliant. Proposed flat roof As a result of the existing allotment pattern, topography and built forms in the locality no adverse view loss is envisaged as a result of the proposal. 	YES
<p><u>2.1.4.2 Visual Privacy</u></p> <p>All development is to minimise visual impact on adjoining development through one or more of the following design solutions:</p> <ul style="list-style-type: none"> Windows, in particular to main living areas and balconies, must not face directly onto windows, balconies or the principal private open space of adjoining dwellings Staggering or splaying windows in relation to the windows of opposite adjoining dwellings Designing elevated terraces or decks to minimise overlooking of adjoining properties Use of landscaping and other screening devices of a height and design sufficient to screen direct views into main living areas and areas of principal private open space of adjoining dwellings Increasing sill heights from finished floor level to windows, including highlight or clerestory style windows to restrict overlooking 	<p>The proposed development maintains a reasonable privacy to adjoining properties including mitigation measures below:</p> <ul style="list-style-type: none"> Ground floor windows will remain unchanged Generous side setbacks proposed Windows are not directed to main living areas and balconies, do not face directly onto windows, balconies or the principal private open space of adjoining dwellings Elevated terraces have been provided with generous planter boxes to create setbacks and in addition to appropriately located privacy screens. This will mitigate view lines to adjoining properties. Sight lines are guided to distant views and public spaces The external stairs to the terrace area of the secondary dwelling are situated centrally onsite 	YES

DCP REQUIREMENT	COMMENT	COMPLIANCE
<p><u>2.1.4.2 Private Open Space Areas</u></p> <p>For all dwellings the principal private open space areas shall be directly accessible from and adjacent to a habitable room other than a bedroom and shall be provided in accordance with the following:</p> <ul style="list-style-type: none"> • Lots with a width greater than 10m wide at the building line 24m². • Minimum dimension of 3m. 	<p>The proposal presents compliance with the private open space controls providing an excess 3m width and 24m² of private open space for the principal and secondary dwellings from living spaces.</p>	YES
<p><u>2.1.4.4 Sunlight Access</u></p> <ul style="list-style-type: none"> • On June 21, 50% of the required principal private open space area for all dwellings should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. • On June 21, 50% of the required principal private open space on adjoining land should receive at least 3 hours of unobstructed sunlight access between 9am and 3pm. Council may consider adopting a lesser standard than provided under this provision in circumstances where: • the proposed development complies with the building height and building envelope setbacks with this chapter • the proposal adequately considers site constraints including slope and site orientation • it can be identified that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space. 	<p>The shadow diagrams are provided within the Architectural Plans demonstrates that the proposed development complies with the DCP requirements.</p> <p>Both the principal private open space for the subject site and adjoining dwelling receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June.</p> <p>Additionally, the proposal has been designed in a manner that is compliant with the maximum height requirements and exceed setbacks</p>	YES
<p><u>2.1.5 Car Parking and Access</u></p> <p>Minimum off-street car parking provisions is required to be provided or retained for all dwelling houses as follows:</p> <ul style="list-style-type: none"> • 1 space if dwelling has 3 or less bedrooms. • 2 spaces if dwelling has 4 or more bedrooms. • Car parking should be located behind the primary road setback and/or secondary road setback. • Car parking provision for a battle-axe lot, classified roadway or busy street should be designed to enable vehicles to enter and exit the site in a forward direction for safer vehicle entry and exit and pedestrian access. • An open hard stand car parking space must measure at least 2.6m wide and 5.4m long. 	<p>Requirement:</p> <p>Existing Dwelling: 3 bedrooms: 1 space</p> <p>Proposed Alterations to primary dwelling: 5 Bedrooms: 2 spaces</p> <p>Secondary Dwelling: Nil, as per Housing SEPP</p> <p>Current Parking Provision:</p> <p>3 spaces; 2 inside the garage area and one via an informal access to the rear yard.</p>	YES

DCP REQUIREMENT	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> Maximum driveway width is 4m at the street crossover Have driveway access to a public road. Driveways are to be designed in accordance with the relevant Australian Standard and provisions of Council's Civil Works Specification 		
<u>2.1.6.1 Earthworks</u> a Excavation for the purposes of development must 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. b Fill for the purpose of erecting a dwelling must not exceed 1m above existing ground level. No retaining wall for fill is to be within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling. c Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement	No excavation proposed.	Not applicable
<u>2.1.6.2 Retaining Walls and Structural Support a</u> Retaining walls that are 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, must be designed by a professional engineer.	No retaining walls proposed.	Not applicable
<u>2.1.6.3 Drainage All stormwater drainage</u> collecting as a result of the erection of, or alterations or additions to, a dwelling, outbuilding or ancillary development must be conveyed by a gravity fed or charged system to a public drainage system, or an inter-allotment drainage system, or an on-site disposal system.	Proposed works maintain existing site coverage and do not increase impervious area. Stormwater collection will be collected and discharged to existing system, except where necessary for water collection to rainwater tanks to meet BASIX requirements. See Concept Drainage Plan A104 prepared by Alan Powell Architect.	YES
2.1.7 ANCILLARY DEVELOPMENT	Not proposed	Not applicable
<u>2.1.8 Secondary Dwellings</u> Secondary dwellings are permitted subject to approval on certain land under Central Coast LEP 2022 and State Environmental Planning Policy (Housing) 2021. Central Coast LEP 2022 defines secondary dwellings and associated provisions.	See Assessment Above. Note: Secondary Dwelling Compliant with CCLEP and Housing SEPP requirements	YES
<u>2.1.8 Secondary Dwellings</u> <u>2.1.8.1 Setbacks</u> a Setbacks for secondary dwellings are to be in accordance with the requirements for the principal dwelling house section of this chapter. b The secondary dwelling is to be located behind the main building line of	See Assessment Above. Note: Secondary Dwelling Setbacks Compliant.	Consistent with Objectives

DCP REQUIREMENT	COMMENT	COMPLIANCE
the principal dwelling unless it is consistent with the design of the dwelling		
<u>2.1.8 Secondary Dwellings</u> <u>2.1.8.2 Access</u> a Separate pedestrian access must be provided to a primary or secondary road frontage and be located to minimise the potential for adverse amenity impacts on the main house. b Pedestrian accessibility must be provided to the secondary dwelling from the road for the purpose of garbage and mail collection.	Separate access for both primary and secondary provided.	YES
<u>2.1.8 Secondary Dwellings</u> <u>2.1.8.3 Private Open Space</u> a Secondary dwellings be provided with an area of private open space in accordance with the following: i Minimum area of 16m ² which is separate to the required open space for the primary dwelling ii Minimum dimension of 3m iii Is directly accessible to a main living area (living or dining room) iv Has adequate solar access and privacy as per the requirements for dwelling houses v Is not steeper than a 1:50 gradient b Development of the secondary dwelling must not result in the private open space of the principal dwelling being located within the front setback	Secondary dwelling provided with separate private open space which is 35sqm and greater than 3m width. POS is directly accessible to a main living area Has adequate solar access and privacy as per the requirements for dwelling houses Is not steeper than a 1:50 gradient Private open space area of the principal dwelling is unchanged and will not be located within the front setback.	YES

11. OTHER MATTERS FOR CONSIDERATION

FLORA AND FAUNA ASSESSMENT

Section 1.7 of the EP&A Act provides a link to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* in terms of impact assessments associated with terrestrial and aquatic environment.

The proposal does not involve any works within a waterway, as such the Fisheries Management Act 1994 has no relevance to the assessment of the application.

In terms of the Biodiversity Conservation Act 2016, this legislation lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the Biodiversity Offset Scheme Development Thresholds.

The proposal will not result in the removal of any trees or vegetation and therefore will not have an adverse impact on threatened species, populations and ecological communities that are under threat of extinction in NSW. Furthermore, in this instance, the proposal will not exceed the Biodiversity Offset Scheme Development Thresholds.

INTEGRATED DEVELOPMENT

Division 4.8 of the *EPA Act 1979* contains provisions requiring approvals under various pieces of legislation to be considered as part of the Development Application process. Consideration of the relevant provisions is as follows:

Act	Provision	Approval Type	Development Triggers Integrated Referral?
<i>Fisheries Management Act 1994</i>	s 144	aquaculture permit	NO
	s 201	permit to carry out dredging or reclamation work	NO
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	NO
	s 219	permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	NO
<i>Heritage Act 1977</i>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	NO
<i>Mine Subsidence Compensation Act 1961</i>	s 15	approval to alter or erect improvements within a mine subsidence district or to subdivide land therein	NO
<i>Mining Act 1992</i>	ss 63, 64	grant of mining lease	NO
<i>National Parks and Wildlife Act 1974</i>	s 90	grant of Aboriginal heritage impact permit	NO
<i>Petroleum (Onshore) Act 1991</i>	s 16	grant of production lease	NO

Act	Provision	Approval Type	Development Triggers Integrated Referral?
<i>Protection of the Environment Operations Act 1997</i>	ss 43 (a), 47 and 55	Environment protection license to authorise carrying out of scheduled development work at any premises.	NO
	ss 43 (b), 48 and 55	Environment protection license to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	NO
	ss 43 (d), 55 and 122	Environment protection licenses to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	NO
<i>Roads Act 1993</i>	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	NO No identified works within the road reserve.
<i>Rural Fires Act 1997</i>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	NO
<i>Water Management Act 2000</i>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	NO

12. CONCLUSION

This DA seeks approval for *'Alterations and Additions to an existing Dwelling House, including a new Secondary Dwelling with associated demolition, site and landscape works'*.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality. The proposed development is acceptable under the relevant considerations of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

In summary, the proposal:

- Is appropriate for the site and its context
- Is consistent with the applicable planning controls
- Maintains the areas existing low density residential character with a built form and mass commensurate with the site area
- Maintains generous setbacks and a landscape setting
- Will not result in any adverse amenity, environmental, social or economic impacts; and
- Will deliver a development form and use consistent with the objectives of the EPA Act 1979, State Environmental Planning Policy (Housing) 2021 (Housing SEPP) for Diverse Housing and the R1 General Residential under the Central Coast Local Environmental Plan 2022 (CCLEP).
- Represents an orderly and economic use and development of the site, which has an appropriate size, environmental character, and location of the structure; and
- Will have no unreasonable or adverse amenity impacts on adjoining development, the environment, traffic network, public domain or other external features or services.

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