

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA/47/2023
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Delegation Level	Delegated
Property Lot & DP	Lot 131 DP 863874
Property Address	492A Ocean Beach Road, UMINA BEACH NSW 2257
Site Area	382.60m ²
Zoning	R1 – General Residential

Proposal	Alterations, Additions & Secondary Dwelling
Application Type	Development Application – Local
Application Lodged	20/1/2023
Applicant	Mr D W Dittmer
Estimated Cost of Works	\$525000

Advertised and Notified / Notified Only	Notified Only
Submissions	Nil
Disclosure of Political Donations & Gifts	No
Site Inspection	26/7/2023

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.

Summary of Non-Compliance

Policy	Clause / Description	% Variance
Central Coast Council DCP 2022	2.1.3.1c – Rear Setback	77%

Background

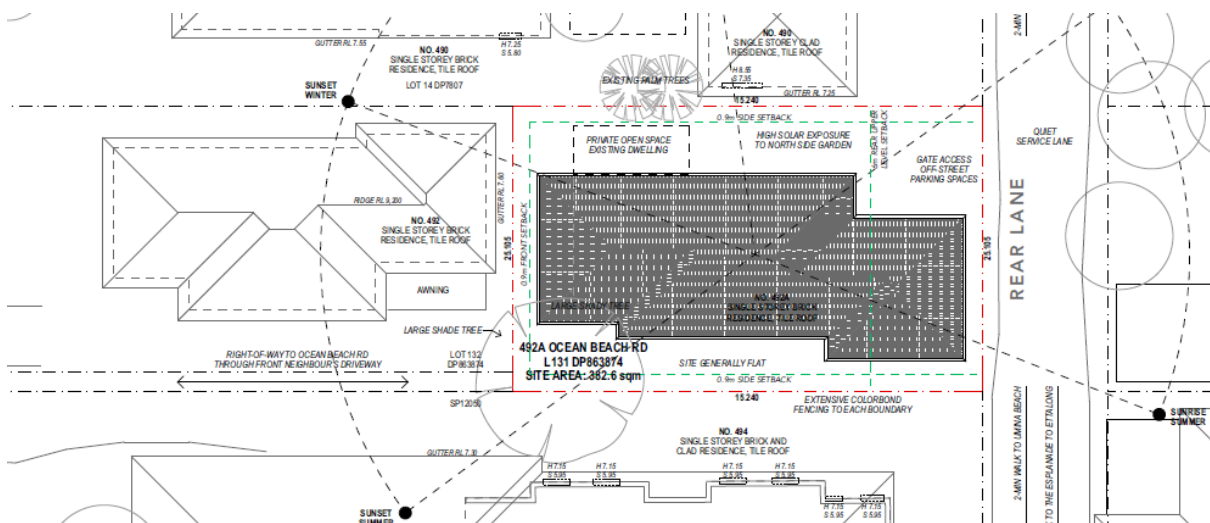
Council's records show no prior applications have been lodged on this site.

Site & Surrounds



The site is not identified as being "bushfire prone land" on Council's bushfire maps. The site is located on the eastern side of Ocean Beach Road, with access via the rear lane. The site is relatively flat with no vegetation removal proposed. The site contains an existing single storey dwelling with surrounding development being residential.

The Proposal



The proposal comprises:

Ground Floor

- 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

- Additions to principal dwelling including:
 - 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:
 - 1 Bedroom
 - 1 Bathroom
 - Kitchen
 - Dining
 - Laundry
 - 35m² of dedicated Private Open Space Area for the Secondary Dwelling, including separate pedestrian stair access, planters, and privacy screens

Roof

- Non trafficable roof area
- Photovoltaic Cells for solar power
- Roof terrace incorporating access stairs, planters, and privacy screens

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 (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Central Coast Council Local Environmental Plan 2022
- Central Coast Council Development Control Plan 2022
- State Environmental Planning Policy (Housing) 2021

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to this application.

Permissibility

The subject site is zoned R1 General Residential under Central Coast Council Local Environmental Plan 2022. The proposed development is defined as dwelling which is permissible in the zone with consent of Council.

State Environmental Planning Policies

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

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

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.

Central Coast Council Local Environmental Plan

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 / Height of Buildings	8.5 m	8.45m	Yes	Nil	Yes
4.4 / Floor Space Ratio	0.50:1	0.50:1	Yes	Nil	Yes

Zone R1 – General Residential

The objectives of the R1 zone are:

- 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.

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and is consistent with the principles of Ecologically Sustainable Development as specified within the Local Government Act 1993.

Central Coast Development Control Plan 2022

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
2.1.2.1	Building Heights	8.5m	8.45m	Yes	Yes
2.1.2.2	Site coverage	Maximum <input checked="" type="checkbox"/> 60% <input type="checkbox"/> 50% <input type="checkbox"/> 40% <input type="checkbox"/> 30%	42%	Yes	Yes
2.1.2.3	Floor space ratio	0.5:1	0.5:1	Yes	Yes
2.1.3.1 (Residential Lots)	Setbacks	Front (West) \geq 2m Sides \geq 1.89m Rear (East) \geq 6.0m	30m (From Ocean Beach Road) 1.1m (From western front boundary) 2.25m (South) 3.78m (North) 1.4m	Yes No (Existing) – See Comments below Yes Yes No – See Comments below	Yes Yes Yes Yes Yes
2.1.4.1	Views	View sharing- Compliance	Complies with view sharing	Yes	Yes
2.1.4.2	Visual privacy	Minimise overlooking	Complies with objectives	Yes	Yes
2.1.4.3	Private open space	24m ²	35m ²	Yes	Yes
2.1.4.4	Sunlight access	On June 21 At least 3 hours	Complies with Sunlight Access	Yes	Yes

		<p>sunlight to 50% principal private open space</p> <p>Adjoining land at least 3 hours sunlight to 50% principal private open space</p>			
2.1.5	Car parking & Access	2 spaces if dwelling has 4 or more bedrooms	2 garages 1 hard stand	Yes	Yes
2.1.6.1	Earthworks	<p>Minimal Fill/ excavation outside existing footprint. Excavation max 1m if <1m from boundary or Max 3m >1m from boundary</p> <p>Fill not > 1m No fill within 1m of side boundary unless within 1.5m of external wall of dwelling</p>	<p>None proposed</p> <p>None proposed.</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>
2.1.6.2	Retaining walls	<p>>600mm if within 1.0m of any boundary:</p> <p>or</p> <p>more than 1.0m above or below existing ground level in any other location to be designed by Professional Engineer</p>	None proposed.	Yes	Yes
2.1.6.3	Drainage	To public system or other approved system	To street kerb	Yes	Yes
2.1.8.1 (Secondary Dwelling)	Setback of secondary dwelling	Set back rear yard unless consistent with existing design of dwelling	Secondary dwelling within primary dwelling, see 2.1.3.1 for	Yes	Yes

			further details.		
2.1.8.2	Access	Via primary or secondary road	Separate access for primary dwelling through front or rear lane garage, and secondary dwelling access via rear lane only.	Yes	Yes
2.1.8.3	Private opens space	Min 16m2: Min width 3.0m: Main living access or dining room access Solar access and privacy per dwelling requirement Not steeper than 1:50 Private open space of principal dwelling not located within front setback	35m ² 4.48m Main Living Meets requirement Meets requirement First floor courtyard and rooftop garden.	Yes Yes Yes Yes Yes Yes	Yes Yes Yes Yes Yes Yes
2.14	Site Waste Management	Appropriate disposal	Conditioned to submit WMP	Yes	Yes
2.17.1	Character & Scenic Quality	Desired Character	Complies with objectives	Yes	Yes
3.5	Tree removal	Prevent significant vegetation removal.	None proposed	Yes	Yes
7.1	Acid sulfate soil	Class of land	Class 4 – No Geotech report required	Yes	Yes

Variation to 2.1.3.1 – Front and Rear Setbacks

The variation for the front boundary as defined by standard 2.1.3.1a, is an existing variation from the approved single storey dwelling on the lot. As the proposed development does not alter this setback, in this instance no further investigation is deemed warranted.

The rear setback control value as defined by standard 2.1.3.1c is a minimum of 6m. The development proposes a setback of 1.1m from the rear boundary which is a variation of 77% to this control. This variation is not readily observed by the public and there are no issues

with respect to solar access, amenity or views impacted by this variation. The site is limited by its small lot size thus the design of the development matches the lots site constraints. Council has considered and made comment on the relevant objectives of the control, below.

The following setback objectives were considered:

1. *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore*
2. *To protect the views, privacy and solar access of adjacent properties*

Comments:

1. The proposed setbacks are consistent with adjacent developments and complements the aging streetscape and rear lane. Given the small size of the lot, the bulk and scale is consistent with surrounding developments, thus meeting this objective.
2. The proposed development is fully compliant with privacy with several privacy screens and slim highline windows proposed. Solar access is also consistent with the adjacent properties with the provided shadow diagrams and perspectives submitted, thus meeting this objective.

As per the comments above the variations are supported as proposed.

Other Matters for Consideration

As per the BCA, the proposed development will change the class of the existing development from a Class 1A building to a Class 2 building. As per this change of class, the Environmental Planning and Assessment Regulation 2021 is to be considered, particularly Section 64 'Consent authority may require upgrade of buildings'. Council has considered and made comment as below.

S64 Reads as below:

- (1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—*
- a) the proposed building work and previous building work together represent more than half of the total volume of the building, or*
 - b) the measures contained in the building are inadequate—*
 - (i) to protect persons using the building, if there is a fire, or*
 - (ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or*
 - (iii) to restrict the spread of fire from the building to other buildings nearby.*
- (2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

Council comment: Council has considered and conditioned the application as per Section 64 of the Environmental Planning and Assessment Regulation 2021. See condition 2.4.

Planning Agreements

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

Development Contribution Plan

The subject site is located within Development Contribution Plan 31A where secondary dwelling developments are subject to section 7.11 contributions. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate.

Referrals

Internal Referral Body	Comments
Engineering	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 Chapter 1.2 of Central Coast Development Control Plan 2022. 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

Located in CM Doc No. D15803444

Supporting Documents for Binding with consent

Primary Dwelling BASIX Certificate Number A475888, CM Doc No D15501270

Secondary Dwelling BASIX Certificate Number 1344531S, CM Doc No D15501269

Landscape Plan, CM Doc No D15501274

Statement of Environmental Effects, CM Doc No D15501280

Delegations

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary conflict of interest or non-pecuniary conflict of interest to disclose in respect of the application.

The staff authorised to determine the application have no pecuniary conflict of interest or non-pecuniary conflict of interest to disclose in respect of the application.

Reason for Recommendation

- A Council as consent authority grant consent to Development Application No DA/47/2023 for Alterations, Additions & Secondary Dwelling on Lot 131 DP 863874, 492A Ocean Beach Road, 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:	Alvi Imam
Recommendation Reviewed by:	Wayne Herd