

Central Coast Council DA Report

Dwellings & Ancillary Development

SUMMARY

The development application is for a secondary dwelling, alterations and additions to garage and demolition of existing secondary dwelling on the subject property. The application has been examined having regard to the matters for consideration as detailed within Section 4.15 of the *Environmental Planning and Assessment Act* (EP&A Act) and other relevant statutory requirements, with the issues requiring attention and consideration being addressed within the report.

Applicant	A R Manuelle
Owner	4u & Me Nominees Pty Ltd
Application No	DA/532/2023
Description of Land	Lot 50 Sec C DP 13328 205 Ocean Beach Road, WOY WOY NSW 2256
Proposed Development	Secondary dwelling, alterations and additions to garage and demolition of existing secondary dwelling
Site Area	607.00m ²
Zoning	R2 Low Density Residential
Estimated Value	\$220000

RECOMMENDATION

1. That consent be granted subject to the conditions detailed in the schedule attached to the report.
2. That Development Control Plan 2022 Chapter 2.1 be varied to permit the development.

INTRODUCTION

Description of the site, including surrounding properties

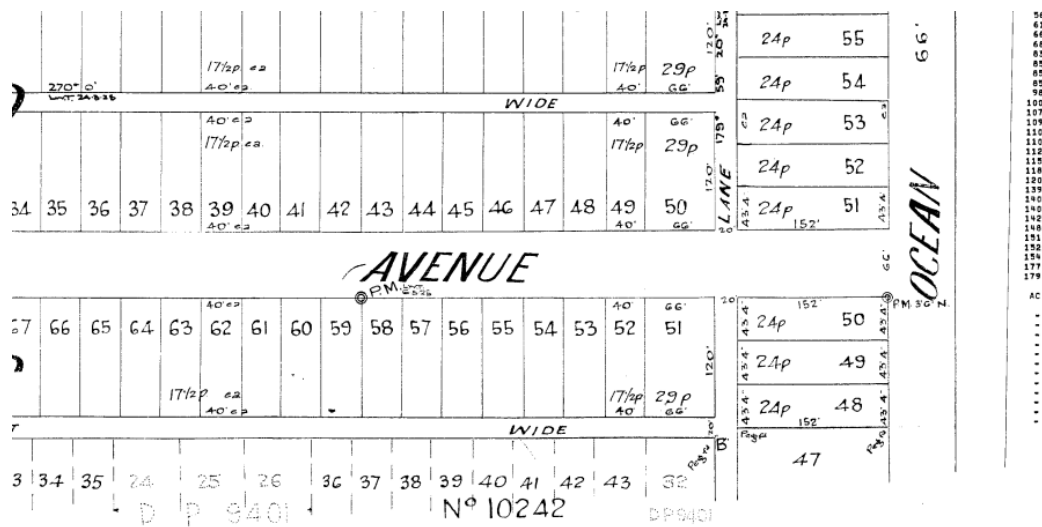
The site is located on the western side of Ocean Beach Road. The site contains existing low-rise development and is surrounded by other describe surrounding development. The site topography is relatively flat. There is no significant vegetation removal proposed.

The Proposed Development

The proposed development consists of secondary dwelling, alterations and additions to garage and demolition of existing secondary dwelling and the assessment of the application has revealed no significant land constraints or issues that would prevent the approval of the application.



Figure 1 – Aerial view



DP 13328 ©

Figure 2 - Deposited plan



Figure 3 - Primary dwelling viewed from Ocean Beach Road



Figure 4 - Site



Figure 5 - Site



Figure 6 - Site



Figure 7 - Site

VARIATIONS TO POLICIES

Clause	Clause 2.1.2.2 – Site Coverage
Standard	If the lot has an area of at least 450m ² but less than 900m ² —50% of the site area
LEP/DCP	DCP 2013- Chapter 2.1; Houses and Ancillary Structures
Departure basis	The application proposes site coverage of 320.11m ² for the proposed outbuilding. The site coverage permissible for the allotment under the provisions of Clause 2.1.2.2 given the allotments size, is a maximum 303.50m ² . This represents a variation of some 5.1%.

Clause	Clause 2.1.7.1 Outbuildings
Standard	75m ² for lots with an area from 700 - 800m ² .
LEP/DCP	DCP 2013- Chapter 2.1; Houses and Ancillary Structures
Departure basis	The application proposes a floor area of 98.17m ² for the proposed outbuilding. The floor area permissible for the allotment under the provisions of Clause 2.1.7.1 given the allotments size, is a maximum 60m ² . This represents a variation of some 38.8%.

HISTORY

Nil to report.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- SEPP Basix
- Central Coast Local Environmental Plan 2022
- Development Control Plan 2022, Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development
- Development Control Plan 2022, Chapter 3.1 Floodplain Management and Water Cycle Management

ECOLOGICALLY SUSTAINABLE PRINCIPLES

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory storm water, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (Section 4.15(1)(a) – (e):

State Environmental Planning Policy (Building sustainability Index) BASIX 2004

A compliant BASIX certificate achieving the State Governments Energy Efficiency targets has been provided in support of the application.

Central Coast Local Environmental Plan 2022

Permissibility

The subject site is zoned under the provisions of Central Coast Local Environmental Plan 2022. The proposed development is permissible with consent and complies with the objectives of the zone as follows:

Zone R2 Low Density Residential - Objectives of zone

- 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 ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
- To maintain and enhance the residential amenity and character of the surrounding area.

The proposed development is a permissible land use within this residential zone which is considered to be development that provides for a style of housing use commensurate with the scale, character and desirable amenity of the surrounding area.

Flood Planning

Clause 7.2 applies to the site as it is identified as flood planning land under Council's maps. Consent must not be granted to land identified by this clause unless the consent authority is satisfied that the development:

- Is compatible with the flood hazard of the land.
- Is not likely to significantly adversely affect flood behavior resulting in worsened flood hazard to other development or properties.
- Incorporates appropriate measures to manage risk to life from flood.
- Is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.
- Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Internal referral advice confirms that the development is permissible and supported with suitable conditions of consent.

Acid Sulfate Soils

Clause 7.1 applies to development that has the potential to disturb, expose or drain acid sulfate soils and cause environmental damage. The specified works that requires development consent is per table below.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the water table is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the water table is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The proposed works falls outside its class of land/works threshold thus not requiring an acid sulfate soils management plan to be prepared for the proposed works in accordance with the Acid Sulfate Soils Manual.

Development Control Plan 2022, Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development

The proposed development has been assessed against the relevant provisions of Chapter 2.1 - Dwelling Houses, Secondary Dwellings and Ancillary Development as follows:

2.1.2.1 – 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 CCLEP 2022 clause 4.3 (2) Height of Building Map for the subject land.

2.1.2.2 – Site Coverage

Variation to standard

A variation is required in relation to the proposed site coverage.

The application proposes site coverage of 320.11m² for the proposed outbuilding. The site coverage permissible for the allotment under the provisions of Clause 2.1.2.2 given the allotments size, is a maximum 303.50m². This represents a variation of some 5.1%.

In support of this variation, the applicant has provided justification for the proposed variation.

In considering the proposed size variation, the objectives of Clause 2.1.2.2 need to be taken into consideration. Objectives of Clause 2.1.2.2 are as follows:

- 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 provide an appropriate area on site for landscaping, outdoor activities and stormwater infiltration

In considering the proposed setback variation in terms of the aims and objectives of Clause 2.1.2.2, the following points are considered relevant.

- The variation is minimal exceeding the prescriptive requirements by approximately 17m² only.
- The density, bulk and scale of proposed development contains minimal changes to the development that is currently existing onsite and in that light is deemed negligible.
- The applicant has provided appropriate private open space for the primary dwelling and secondary dwelling.
- The stormwater impacts have been adequately addressed via a stormwater management plan.

2.1.2.3 – Floor Space Ratio

- a) The proposed development does not exceed the Floor Space Ratio (FSR) in the CCC LEP 2022 clause 4.4 (2) FSR Map for the subject land.

2.1.3.1 – 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:

Primary Road Setbacks

- Existing – No change

Rear Boundary Setbacks

- Existing – No change

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.

2.1.3.3.2 – Garage Door Articulation lots R1, R2, R3 or RU5

The proposed development includes compliant garage door articulation so as not to dominate the streetscape. Prescriptive garage door articulation provisions are complied with as follows:

- Garage door openings do not exceed 6.0 metres, or 60% of the width of the building (whichever is the greater) for a lot having a width of 12.0 metres or more measured at the building line.

2.1.4.2 – Private Open Space Areas

The proposed development includes a compliant private open space area providing a practical outdoor living area for residents. Prescriptive 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.
- Directly accessed from and adjacent to a habitable room other than a bedroom.
- Located behind the front building line.

2.1.4.4 – 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
- 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.

2.1.5 – Car Parking & Access

The proposed development includes compliant car parking provision, including safe access from a roadway as follows:

- 2 spaces for a dwelling with 4 or more bedrooms.
- Maximum driveway width of 4.0 metres at the street crossover.
- A driveway access profile complying with Council's Civil Works- Design Guideline and Construction Specification.

2.1.6.3 – Drainage

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

- Or an on-site disposal system.

2.1.7.1 - Outbuildings

Variation to standard

A variation is required in relation to the proposed shed size.

The application proposes a floor area of 98.17m² for the proposed outbuilding. The floor area permissible for the allotment under the provisions of Clause 2.1.7.1 given the allotments size, is a maximum 60m². This represents a variation of some 38.8%.

In support of this variation, the applicant has provided justification for the proposed variation.

In considering the proposed size variation, the objectives of Clause 2.1.7 need to be taken into consideration. Objectives of Clause 2.1.7 are as follows:

- To ensure that ancillary development is appropriately sited, sized and compatible with the local context
- To minimise the impact of ancillary development on scenic quality natural environment, in particular environmental, conservation and rural zoned land associated with additional clearing bushfire protection and site effluent disposal
- To ensure development does not compromise the privacy, views and solar access of adjoining properties
- To ensure fencing and other ancillary development meets the requirements of residents in terms of privacy and security, as well as contributing positively to the character and visual quality of the streetscape

In considering the proposed setback variation in terms of the aims and objectives of Clause 2.1.7, the following points are considered relevant.

1. The proposed addition to the existing garage is only slightly larger than what already exists onsite. The extra size is required for storage of the owner's caravan and boat.
2. The density, bulk and scale of proposed development contains minimal changes to the development that is currently existing onsite and in that light is deemed negligible.
3. The proposal will not reduce existing view corridors, privacy and solar access.

Accordingly, given the above considerations, the proposed outbuilding size variation is supported.

2.1.8 – Secondary Dwellings

The proposed secondary dwelling:

- Has a maximum floor area of 60m²

2.1.8.1 – Setbacks

- Setbacks for the proposed secondary dwelling comply with those requirements that apply for primary dwellings.
- The secondary dwelling is located behind the main building line of the primary dwelling unless consistent with the design of the primary dwelling.

2.1.8.2 – Access

- Compliant pedestrian access is provided from the primary or secondary roadway to the secondary dwelling and is located to minimise amenity impacts to the primary dwelling; and
- Compliant pedestrian access is provided from the primary or secondary roadway to the secondary dwelling to permit garbage and mail collection.

2.1.8.3 – Open Space

The secondary dwelling is provided with a compliant area of private open space in accordance with the following:

- Has a minimum area of 16m² which is separate to open space appurtenant to the primary dwelling.
- Has a minimum dimension of 3.0 metres.
- Is directly accessible from a main living area (living or dining room).
- Has adequate solar access and privacy as per the requirements for primary dwellings.
- Has a gradient not steeper than 1:50.

Principles of View Sharing - The Impact on Neighbours

Nil to report

Principles of Solar Access - The Impact on Neighbours

Nil to report

THE LIKELY IMPACTS OF THE DEVELOPMENT (Section 4.15(1)(b):

*The relationship to the regional and local **context and setting**.*

The proposed works are a permissible form of development, appropriate in the proposed location and are considered to be in keeping with the character of the local area.

*The **access, transport and traffic** management measures.*

The proposed development will not create any adverse effect on access, transport and traffic measures within the local area. The site has compliant parking and hardstand for the residents without any impact to nearby residents.

*The impact on the **public domain** (recreation, public open space, pedestrian links).*

The local area is adequately provided with recreation, public open space and pedestrian links to cope with the maximum population density available within the local area, therefore the proposed development will not impact on the public domain.

*The impact on **utilities** supply.*

The proposed development will not impact on the existing utilities supply of the local area.

*The effect on **heritage** significance.*

There is no heritage significance on this lot.

*Any effect on **other land resources**.*

The proposed development will not have any effect on any other land resources.

*Any impact on the conservation of **water**.*

The proposed development has received a compliant Basix Certificate achieving this water use efficient objective through the use of water saving devices and rainwater tank collection for reuse. All relevant Basix commitments have been indicated on the development plans as required.

*Any effect on the conservation of **soils** or acid Sulfate soils.*

This has previously been discussed in this report with the proposed development assessed as being manageable to not cause environmental damage.

*Any effect on quality of **air and microclimate conditions**.*

There may be some effect on the air quality during the construction stage. However, it is considered that it would be minimal and of short duration.

*Any effect on the **flora and fauna**.*

The proposed development does not include the removal of any significant vegetation that falls under the requirements of chapter 3.6 Tree & Vegetation Management.

*The provision of **waste** facilities.*

Existing waste collection available to the subject property is considered adequate to service the proposed development. Household and recycling bins are provided to manage waste disposal for collection and can be contained within the curtilage of the dwelling without nuisance to surrounding land.

*Whether the development will be **energy** efficient.*

The proposed development has received a compliant Basix Certificate achieving this energy efficient objective. All relevant Basix commitments have been indicated on the plans as required.

*Whether the development will cause **noise and vibration**.*

The proposed development during the construction works/phase will be managed through the inclusion of conditions of consent for hours of construction, protection of adjoining land and or assets, and dilapidation as applicable.

*Any risks from **natural hazards** (flooding, tidal inundation, bushfire, subsidence, slip etc).*

Flooding

The site is identified and mapped by council as a "flood planning area" on the flood planning map, however the development is permissible and has been previously discussed within this report.

*Any risks from **technological hazards**.*

There are no risks from any technological hazards that would impose on the proposed development.

*Whether the development provides **safety, security and crime prevention**.*

The proposed development provides for casual surveillance of the street frontage therefore contributing to the safety, security and crime prevention within the local area.

*Any **social impact** in the locality.*

The proposed development will provide a positive social impact by providing a quality development. The development has been designed to ensure the layout provides capacity for integration with the existing community including access to public open space, transport and support facilities.

*Any **economic impact** in the locality.*

The proposed development will impact positively on the local economy by providing a quality development contributing to the overall land values of the local area.

*Any impact of **site design and internal design**.*

No issues to report.

*Any impacts of **construction** activities (construction site management, protection measures).*

The site is easily accessible with car parking available on site and within the adjacent roadway during construction. Appropriate sedimentation, storm water disposal and building controls will be implemented as necessary and forms part of the development consent conditions. It is unlikely that there would be any adverse impacts of construction activities.

*Any **cumulative impacts**.*

It is considered that the proposed development will not have any adverse cumulative impacts.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (Section 4.15(1)(c):

*Whether the **proposal fits in the locality**.*

The development is located within a residential area mainly consisting of single dwellings and associated ancillary development. The proposal will result in development that is compatible with the surrounding area.

*Whether the **site attributes are conducive to development**.*

The subject site is conducive to development and does not impact adversely on any critical habitats or threatened species.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (Section 4.15(1)(d):

*Any **submission from the public.***

The application was notified in accordance with the provisions of Council's Notification DCP. No submissions were received.

THE PUBLIC INTEREST (Section 4.15(1)(e):

*Any **Federal, State and Local Government interests and community interests.***

Section 7.11 Contributions

The property is within Section 7.11 contribution plan created under the provisions of Section 7.11 of the EP&A Act 1979. Section 7.11 contributions are applicable to secondary dwellings under this plan as defined under the Affordable Housing SEPP and have been applied to the consent accordingly.

CONCLUSION

The proposed development complies with the objectives of subject zone and will be compatible with the existing and desired future character of the area. The proposal complies with objectives and desirable outcomes of Chapter 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development. The proposal raises no significant issues under Section 4.15 of the EP&A Act 1979 to warrant refusal, and as such the application is recommended for approval.

Endorsement

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 interest to disclose in respect of the application.

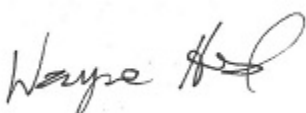


Shane Smith

BUILDING SURVEYOR

Date: 02-June-2023

Reviewing Officer



Wayne Herd

Section Manager

CENTRAL COAST BUILDING CERTIFICATION

2/6/23