

STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 32 Sec 2 IN DP 19850 – 7 Winifred Avenue, Umina Beach NSW

Knockdown/Rebuild 3 Unit Multi-Dwelling Development

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1.0 Site Details

Description:	Lot 32 Sec 2 IN DP 19850 – 7 Winifred Avenue, Umina Beach NSW
Area:	743.2m ² by Calc.
Zoning:	R1 – General Residential.
Dimensions:	Width 15.24 meters / Depth 48.77 meters.
Slope:	Slope North – South of 0.45m.
Improvements:	Existing Clad Dwelling & Garage.
Vegetation:	Low-level shrubs & Garden.
Proposed:	3 Unit Multi Dwelling Housing all 3 bedrooms.

2.0 Existing Built Environment

The site is located (Figure 1 & 2) within an established precinct of low to medium density developments. As encouraged by the R1 General Residential Zone, the proposal seeks to achieve a new three unit multi-dwelling development.

Immediate to the site, existing single storey housing developments dominate the streetscape. Considering the nature of the property in question, the aims of the proposed development fit well within this streetscape by emulating that which is established with a single dwelling fronting the street while also providing a greater selection of housing to accommodate the growing population's housing needs.

3.0 Proposed Development

The proposal includes the demolition of an existing single storey, clad dwelling (figure 3), and construction of a three Unit multi Dwelling Housing Development. Existing improvements on the site have no significant architectural merit or historical significance and are currently in a level of disrepair.

The use and scale proposed with this development is consistent with and encouraged within the R1 General Residential Zone, whilst the overall concept and design is proven to meet the objectives of the zone.

The proposed development features three double storey architecturally designed units. The envelope is well modulated and the façade articulated to eliminate long runs of blank wall. The façade is to be of mixed external finishes emulating those materials commonly used in the precinct.

The Colorbond Steel roof has a pitch of 22.5 degrees with eave depths of 450mm throughout to provide shadow casts and further contrast to the façade.

The proposal provides all 3 units with a large courtyard area at ground level, featuring a mix of hard and soft finishes to enhance its livability. The courtyards are accessible and mated to their corresponding living areas.

Vehicular access and maneuvering is predominantly via a common driveway and is accessible from Winifred Avenue.

To the street frontage, mixed material (brick / timber) screen fencing is set back behind semitransparent plantings and articulated to avoid long flat runs. Waste bin storage is allocated within the development and screened for street view.



Figure 1 Subject Site



Figure 2 Surrounding sites



Figure 3 Existing improvements

SEPP - Coastal Management

Focus area 4: Resilience and Hazards

4.1 Flooding

Objectives

The objectives of this direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

Application

This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Direction 4.1

(1) A planning proposal must include provisions that give effect to and are consistent with:

- (a) the NSW Flood Prone Land Policy,
- (b) the principles of the Floodplain Development Manual 2005,
- (c) the Considering flooding in land use planning guideline 2021, and
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special

Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit development for the purposes of residential accommodation in high hazard areas,
- (d) permit a significant increase in the development and/or dwelling density of that land,
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

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(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and

probable maximum flood to which Special Flood Considerations apply which:

- (a) permit development in floodway areas,
 - (b) permit development that will result in significant flood impacts to other properties,
 - (c) permit a significant increase in the dwelling density of that land,
 - (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
 - (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or
 - (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.
- (5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.

Consistency

A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:

- (a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
- (b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or
- (c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or
- (d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.

4.2 Coastal Management

Objective

The objective of this direction is to protect and manage coastal areas of NSW.

Application

This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Direction 4.2

(1) A planning proposal must include provisions that give effect to and are consistent with:

(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;

(b) the NSW Coastal Management Manual and associated Toolkit;

(c) section 3.2 of the NSW Coastal Design Guidelines 2023; and

(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.

(2) A planning proposal must not rezone land which would enable increased development or more intensive

land-use on land:

(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or

(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:

i. by or on behalf of the relevant planning authority and the planning proposal authority, or

ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State

Environmental Planning Policy (Resilience and Hazards) 2021:

- (a) Coastal wetlands and littoral rainforests area map;
- (b) Coastal vulnerability area map;
- (c) Coastal environment area map; and
- (d) Coastal use area map.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (b) in accordance with any relevant Regional Strategic Plan or District Strategic Plan, prepared under Division 3.1 of the EP&A Act by the relevant strategic planning authority, which gives consideration to the objective of this direction, or
- (c) of minor significance.

4.3 Planning for Bushfire Protection

Objectives

The objectives of this direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) encourage sound management of bush fire prone areas.

Application

This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

Direction 4.3

(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.

(2) A planning proposal must:

(a) have regard to Planning for Bushfire Protection 2019,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:

i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and

ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,

(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

(d) contain provisions for adequate water supply for firefighting purposes,

(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,

(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

4.4 Remediation of Contaminated Land

Objective

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Application

This direction applies when a planning proposal authority prepares a planning proposal that applies to:

- (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
- (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Direction 4.4

(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would

permit a change of use of the land, unless:

- (a) the planning proposal authority has considered whether the land is contaminated, and
- (b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.

(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Note: In this direction, contaminated land planning guidelines means guidelines under clause 3 of Schedule 6 to the EP&A Act.

4.5 Acid Sulfate Soils

Objective

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Application

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.

Direction 4.5

(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the

Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate

works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or

(b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.

(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The

relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.

(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (b) of minor significance.

4.6 Mine Subsidence and Unstable Land

Objective

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Application

This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the Coal Mine Subsidence Compensation Regulation 2017 pursuant to section 20 of the Coal Mine Subsidence Compensation Act 2017, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.

Direction 4.6

(1) When preparing a planning proposal that would permit development on land that is within a declared

mine subsidence district, a relevant planning authority must:

- (a) consult Subsidence Advisory NSW to ascertain:

- i. if Subsidence Advisory NSW has any objection to the draft local environmental plan, and the reason for such an objection, and
 - ii. the scale, density and type of development that is appropriate for the potential level of subsidence, and
- (b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under 1(a)(ii), and
- (c) include a copy of any information received from Subsidence Advisory NSW with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary prior to undertaking community consultation in satisfaction of Schedule 1 to the Act.
- (2) A planning proposal must not permit development on land that has been identified as unstable as referred to in the application section of this direction.

Consistency

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy approved by the Planning Secretary which:
- i. gives consideration to the objective of this direction, and
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- (d) of minor significance.

In relation to the Coastal Management plan and the Focus Areas listed above, the subject property is;

1. Flood prone. The land or part of the land is between the flood planning area and the probable flood. A flood report was obtained from council and the minimum finish floor level applied to the plans.
2. **Not** Bushfire prone.
3. Does **not** contain contaminated land. And,
4. **Not** within a Mine Subsidence District.

The application does not seek to re-zone the land or change the existing land use. The proposal is consistent with the objectives of the management plan.

SEPP - Sustainable Buildings

1.3 Aims of Policy

The aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

The BASIX and Naters Certificates have been completed and provided with the plans and application.

CCDCP 2022- Chapter 2- Dual Occupancy and Multi Dwelling Housing

2.14 – Site Waste Management

OBJECTIVES:

Council's Strategy priorities are oriented around the following 4 objectives. These objectives work with the overarching priorities to provide waste services that are safe, secure, cost-effective, and deliver the recovery outcomes desired by the Central Coast community. These objectives are supported by a suite of wider actions, which are listed in the Strategy.

- Drive waste avoidance
- Deliver a step change in diversion from landfill and build a circular economy
- Strengthen triple bottom line outcomes
- Enhance street and open space appeal

The Waste Management Plan has been submitted with the application.

2.2.1 INTRODUCTION

2.2.1.1 Objectives

The Chapter aims to provide a practical design guide for dual occupancy and multi dwelling housing development by:

- Encouraging the provision of a variety of dwelling types and allowing for innovation in individual design.
- Promoting standards of design which functional and aesthetic quality in development.
- Encouraging designs of high architectural quality.
- Encouraging residential development appropriate to the local are context.
- protecting and enhancing the amenity of existing residential areas by encouraging dual occupancy and multi dwelling housing which is compatible with the existing or desired future character of the locality

2.2.3 BUILDING SCALE

2.2.3.1 Height

OBJECTIVES

- To ensure that buildings are compatible with the existing and desired future character of the locality
- To ensure that the height of buildings maintains reasonable amenity for neighbouring properties in terms of visual bulk, access to sunlight, privacy and views
- To ensure that building height is compatible with the scenic qualities of hillside and ridgetop locations

REQUIREMENTS

- a) Central Coast LEP 2022 contains a Height of Building Map for certain areas within the Local Government Area (LGA). In accordance with Clause 4.3 (2) of Central Coast LEP 2022, the height of a building in these areas is not to exceed the maximum height indicated on this map except as provided for by Central Coast LEP 2022 Clause 5.6-Architectural Roof Features.

- b) The maximum building height for dwellings in areas not specifically mapped by the Central Coast LEP 2022 is 10m.
- c) Building Height for development proposals under this chapter shall generally not exceed two storeys in height. Three storey development will generally only be supported on steeply sloping sites, where the three-storey component extends for only a small section of the development.

The Maximum Building Height that applies to the subject property is 8.5m. The proposal complies at 8.337m

2.2.4 BUILDING DENSITY

2.2.4.1 Lot Size Requirements

REQUIREMENTS

- a) Central Coast LEP 2022 specifies the minimum lot sizes for dual occupancy development.
- b) For sites where the dual occupancy development is configured in a front and rear or “battle-axe” style, the minimum area of the lot must be:
- i. 1000 m² on sites with a slope from 15 to 20%,
 - ii. 1200m² on sites with a slope greater than 20% and less than 25%,
- c) dual occupancy development is unlikely to be supported on sites with a slope of 25% or more.
Note – for proposals on sloping or steep sites, applicants should contact Council to ascertain the level of geotechnical information required.
- d) Where a dual occupancy development is proposed on an existing battle-axe allotment, the existing lot is to have a minimum area of 800 m² excluding the area of the access handle. On sloping sites the provisions of s. 2.2.4.1 b above apply.

2.2.4.2 Floor Space Ratio

OBJECTIVES

- To have development sites and densities that are appropriate in the zone and compatible with the local context
- To ensure building bulk and site coverage provisions are compatible with neighbouring development
- To ensure the intensity of the use of the site is appropriate

REQUIREMENTS

The maximum floor space ratio for development proposals subject to this Chapter that relate to land not included in the Floor Space Ratio Map of Central Coast LEP 2022 is specified as;

1. Dual Occupancy and semi-detached dwellings (except in rural or environmental living zones: **0.5:1**)
2. Multi-dwelling housing and attached dwellings: **0.6:1**

The applicable FSR is 0.5:1, the proposed FSR .49:1.

2.2.4.3 Site Coverage

OBJECTIVES

- To provide an area on site that enables soft landscaping and deep soil planting
- To provide suitable internal amenity
- To provide appropriate separation between buildings in the local context
- To provide areas on site that permit stormwater infiltration
- To protect the existing scenic quality and complement the landscape character of the locality

REQUIREMENTS

For all development types that are subject to this chapter a minimum 25% of site area at ground level shall be 'soft' landscaping, excluding all hardstand areas. Private Open space areas and setback areas may be included in this calculation only where these do not include hardstand surfaces.

Site coverage complies at 249m² (33.5%).

2.2.5 BUILDING SETBACKS

OBJECTIVES

- To ensure that setbacks are compatible with adjacent development and complements the character, streetscape and natural areas
- To ensure the visual focus of a development is the dwelling, not the garage
- To ensure views, privacy and solar access of adjacent properties are reasonably maintained
- To reasonably maintain view corridors to coastal foreshores and other desirable outlooks

- To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography
- To provide deep soil areas sufficient to provide new landscaping
- To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.

REQUIREMENTS

For all development proposed under this chapter the following setbacks shall apply:

- a Front setbacks
- i Classified roads: 7.5m
 - ii Local roads: The average distance of the front 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
Note: For the purpose of calculating the setbacks of the nearest 2 dwellings any ancillary development is to be disregarded
 - iii Roads where the road reserve is less than 12m wide: 6.0m
Note: Dwellings must have direct access to a public road for pedestrian access, mail and waste collection.
- b Side setbacks
- i for any part of the building with a height of up to 4.5m—0.9m, and
 - ii 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
Note: Unbroken lengths of wall exceeding 10m in length and 3 m in height shall not be permitted.
- c Rear setbacks
- (i) 4.5 m
 - (ii) To a parallel road or public reserve-3.0m
Note: Setbacks to Public Reserves adjoining a Natural Waterbody are specified below
- (iii) Where a property is within the Coastal Hazard Planning Area as per Chapter 3.2 Coastal Management
- d Garages
- i Local Roads 5.5m applies to garages where they are accessed directly from the road system, except
 - ii Classified roads - 7.5m applies
 - i 2.0m, plus compliance with sight preservation lines
- e Corner Allotments side street – dual occupancy
Note: On corner allotments the side street is generally taken to be the boundary with the greater frontage.
- f Detached dual occupancy on a corner allotment
- i A detached dual occupancy on a corner lot is required to address both street frontages. Each dwelling will have a frontage to a "nominated" primary road. Setbacks to the other boundaries on the site will be considered side boundary setbacks.

g Corner Allotments side street -multi dwelling housing
 h Waterfront setback (absolute water frontage)

i 3.0m, plus compliance with sight preservation lines

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

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

- 6m for the ground storey
- 10m for any storey above the ground storey
- 30m from the Hawkesbury River or any of its tributaries

Where a property is affected by coastal hazards additional setbacks may apply.

The proposal has the following setbacks;

	Unit 1	Unit 2	Unit 3
Front	7.65m	n/a	n/a
Side	Min 1.298m	Min 1.298m	Min 1.298m
Rear	n/a	n/a	3.08m

The proposal seeks variation to the rear setback to Unit 3 whereby a minimum of 3m setback is provided for a length of 6.6m (43%) of total site width.

The guide delineates five circumstances where compliance with a development standard might be considered unreasonable or unnecessary and addresses them:

1. Achieving the standard's objectives despite non-compliance.

The setbacks are compatible with similar developments in the area. There are no overshadowing impacts on the neighbouring properties as the rear boundary is North facing and the Unit 3 first floor has no windows facing the rear unless it's the bathroom

or ensuite which will have obscure glazing. This mitigates any privacy concerns. Unit 3 has also been provided with a minimum POS of 4.5m x 4.5m and 6.4m x 3 for deep soil planting.

2. Irrelevance of the standard's objective to the development, rendering compliance unnecessary.

This does not apply to this proposal.

3. Defeat or thwarting of the standard's objective if compliance is enforced, making it unreasonable.

As mentioned above, the proposal meets the requirements necessary for private open space and deep soil planting. It also mitigates overshadowing and privacy impacts by strategically placing window opening away from the North Boundary therefore it can be argued that strict adherence to the setback requirement is unreasonable.

4. The standard being essentially abandoned or disregarded due to the Council's consents departing from it.

Although the existing developments near the subject property may have been approved under the old Gosford DCP, it is worth mentioning they do not comply with the 4.5m rear setback. In addition to this, under the SEPP Part 3B Low Rise Housing Diversity Code, the rear setback for Multi-Dwelling developments is 3m.

5. Unreasonableness or inappropriateness of the standard concerning the zoning of specific land.

Multi-Dwelling are encouraged in R1 Zones.

2.2.6 BUILT FORM & ARTICULATION

2.2.6.1 Facades & Articulation

OBJECTIVES

- To ensure design of development is of a high quality which contributes positively to the streetscape
- To ensure design of development consistent with the desired character of the area
- To ensure design of development visually interesting, offering variety to the observer whilst presenting an integrated design outcome

REQUIREMENTS

- a) Facades are to be articulated in length and height. Unbroken lengths of wall exceeding 10 metres in length and 3 metres in height shall not be provided. In development of two or more storeys, physical design elements shall be used to provide visual interest to the building. These elements may include roof, wall and eave projections and indentations roofed decks, pergolas, awnings and other permanent shading structures, etc. A mixture of building materials including masonry, timber and glass is encouraged.

Please refer to the plans, the façade is articulated and complies with the controls set out above. A mixture of face brick, rendered brick and light weight cladding is with a feature batten screen is designed to articulate the façade and create interest in the streetscape.

- b) Garage prominence is to be minimised:
- i. For multi-dwelling housing or attached dwellings garages are to be located behind the front setback of the building so as not to visually dominate the streetscape. Garages which are visible from the street shall not exceed 50% of the lineal frontage of the building, must respect the architectural qualities of the building and integrate with the overall presentation of the development.

Each unit is provided with a single space garage all are setback behind the main building line.

- ii. For dual occupancy development or semi-detached dwellings, the total width of all garage door openings when within 7.5m and facing a primary road or parallel road must not exceed: 6m if:
 - the lot has a width measured at the building line of 12m or less, or
 - 6m, or 60% of the width of the building (whichever is the greater) if the lot has a width measured at the building line of more than 12m.

2.2.6.2 Roof Elements

OBJECTIVES

- To ensure that roof top structures and roof design do not detract from the architectural merit of the building and to maintain the privacy of adjoining sites.

REQUIREMENTS

- a) Roof design is to respond to the orientation of the site. For example by using eaves and skillion roofs to respond to solar access.
- b) Roof top gardens, terraces, decks and enclosures shall be suitably set back from the building edge to maintain the privacy of adjoining sites.
- c) Minimise the impact of service elements by integrating them into the design of the roof.

The proposal has been designed to minimize site cover. The roof elements are shown on sheet 1.10 and comply with the objectives.

2.2.6.3 Residential Address

OBJECTIVES

- To encourage positive social interaction between new residents,
- To promote a safe residential environment by providing for surveillance and by distinguishing private, semi-private and semi-public areas within new developments
- To provide easy identification for visitors and emergency services.

REQUIREMENTS

- a) For all dwellings located at the front of each development ensure that the street can be seen from windows of regularly occupied rooms, as well as from upper-storey balconies and private terraces or courtyards at ground level.
- b) Above-ground parking carports and fully-enclosed garages must not be located within any facade facing a street, a park or major communal open space, where they would block desired sight lines.
- c) Street number and building access to be easily identified from the street.

2.2.6.4 Design Integration

OBJECTIVE

- To ensure that building elements are integrated into the overall building form and façade design

REQUIREMENTS

a) Where existing buildings are to be retained as part of an overall proposal, they shall be sufficiently upgraded to integrate with the new development. The integration of old and new shall be carefully considered in terms of:

- i. architectural features and form;
- ii. roof form;
- iii. external building materials colours and finishes;
- iv. Location and orientation; and
- v. Dwelling curtilage.

Details of how the proposed development responds to these items are to be included in the Statement of Environmental Effects.

b) Development proposals which incorporate existing buildings shall be accompanied by a floor plan and elevations of the existing building, as well as a schedule of externals colours and materials for the development.

2.2.7 Residential Amenity

2.2.7.1 Views

OBJECTIVES

- To facilitate view sharing outcomes
- To have opportunities for public vistas and public views from streets and public places protected and enhanced through building design, location and landscape design
- To protect views by permitting development which minimises the obstruction of such views where enjoyed from internal and external living areas

The proposal does not interfere with any views.

2.2.7.2 Privacy

OBJECTIVES

- To provide and maintain reasonable levels of visual privacy both internally and externally, during day and night
- To maximise outlook and views from living rooms and private open space without compromising visual privacy
- To ensure a high level of amenity by protecting the privacy of residents both within dwellings and in private open space areas

Each unit has been provided with its own North-facing private open space completely separated from its neighbours.

REQUIREMENTS

2.2.7.2.1 Visual Privacy

- a) Direct overlooking of internal living areas and private open space and from surrounding dwellings must be minimised by building layout, location and design of windows and balconies, screening devices and landscaping.
- b) Where living area windows or balconies of dwellings are proposed within 12 metres of and facing living area windows or balconies of adjacent dwellings, windows should offset from the edge of the opposite window and balconies be screened or oriented to ensure visual privacy.

Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and this consequent loss of privacy.

Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties

All windows to the first floor have a minimum 1.4m sill and would not pose an overlooking concern for the neighbours.

2.2.7.2.2 Acoustic Privacy

- a Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings.

- b Development adjacent to potential sources of high levels of external noise shall minimise the entry of that noise through building design window placement, noise attenuation measures and external wall treatment.

2.2.7.3 Private Open Space Areas

OBJECTIVES

- To ensure private open space areas are functional and responsive to the environment, thereby promoting the enjoyment of outdoor living for residents
- To ensure private open space areas (in particular balconies) integrate with the overall architectural form and detail of the development

REQUIREMENTS

- Private open space for each dwelling is to have with a minimum area of 45 square metres and a minimum dimension of 4.5 metres. These areas are required to be generally located at ground level, directly accessible from a living area within the dwelling.
- Required private courtyards shall not exceed a maximum grade of 1:14 to optimise useability for residents.
- Wherever a dimension is less than the required minimum width (i.e. 2 metres for balconies or 4.5 metres for courtyards) it shall not be counted as part of the calculation for private open space areas.
- Required ground level private open space may be provided in up to two locations for each dwelling, subject to compliance with the minimum dimension.
- Ground level courtyards are not permitted within the front building setback area fronting local roads.

The proposed POS calculations;

	Unit 1	Unit 2	Unit 3
POS Dimension	8.7m x 4.5m	8.7m x 4.5m	Varies 4.5m x 4.5m & 3.08 X 11
POS Area	51.62m ²	55.26m ²	50.48m ²

2.2.7.4 Common Open Space – Multi Dwelling Housing and Attached Dwellings

OBJECTIVES

- To ensure adequate open space areas is provided for the enjoyment of residents in larger developments

- To encourage a greater sense of community within larger developments providing a gathering point for residents
- To ensure common open space areas are functional and responsive to the environment, thereby promoting the enjoyment of outdoor living for residents

REQUIREMENTS

- a) Communal open spaces are to be provided for developments with more than ten dwellings
- b) Communal open space shall be provided in no more than two locations at a minimum rate of 10 square metres per dwelling and with a minimum width of 5 metres.
- c) The location and design of communal open space shall:
 - i. protect the privacy of adjoining dwellings
 - ii. provide for both sunlight access and shaded areas
 - iii. be usable and accessible to all occupants
 - iv. include landscaping works and planting

No communal space is proposed.

2.2.7.5 Sunlight Access

OBJECTIVE

- To facilitate solar access to the living areas and private open space areas of the dwelling and neighbouring dwellings

Requirements

- a) 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.
- b) Dwellings should be orientated to allow optimum solar access for internal living areas.
- c) 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. Any proposed variation to this provision

must demonstrate: i the proposed development complies with the building height and building setback requirements of this chapter

- i. the proposal adequately considers site constraints including slope and site orientation
 - ii. 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.
- d) Developments that are 2 or more storeys in height or greater shall provide shadow diagrams based on a survey of the site and adjoining development, showing shadow casting at 9 am, 12 noon and 3 pm on June 21 (winter solstice). The shadow diagrams must show the impact of shadowing from the proposed development, fencing, cut and fill as well as existing development, on the proposed development and adjoining properties.

The living areas and POS to all units have a northern orientation and therefore receive the minimum amount of sunlight required by this DCP. The proposal complies.

2.2.8 PARKING AND ACCESS

2.2.8.1 Car Parking

OBJECTIVES

- To have car parking designed in sympathy with the development without becoming the dominant feature on the streetscape.
- To provide adequate on-site parking that relates to the environmental and physical constraints of the site
- To have car parking areas that minimise the potential for pedestrian and vehicle conflict
- To design connections to alternative transport modes such as walking, cycling and public transport
- To provide adequate on-site parking relative to the occupancy of the dwelling.

REQUIREMENTS

- a) Car parking within setbacks to classified roads shall not be permitted.
- b) Where parking is proposed within a side or rear building setback and is exposed to adjoining properties, suitable landscaping shall be provided along the boundary to soften the visual impact of the parking and to provide for stormwater infiltration.

- c) One of the required resident car parking spaces shall be provided in the form of an enclosed space for each dwelling with minimum dimensions of 3 metres width by 5.5 metres length and a minimum opening of 2.7 metres width.

Each unit is provided with a single space, enclosed garage of 3.48m width x 6.38m length. Considering it's proximity to public transport, the units were designed to provide an enhanced indoor/outdoor lifestyle in a compact dwelling. The courtyards will be compromised should the double garages be provided for two of the units. In this manner the units benefit from having a decent sized courtyard immediately accessible from their living areas.

- d) Consideration should be given to separate access driveways on corner allotments.
- e) All car parking calculations are to be rounded up to the next whole number.
- f) Resident car parking is to be provided in accordance with the parking rates identified in Chapter 2.13 Transport and Parking
- g) Visitor parking shall be provided for all multi dwelling housing and attached dwelling development at the rate of 1 space per 5 units, with a minimum of 1 visitor space per development. In addition:
- i. Visitor parking must be clearly identifiable, delineated by stencilling "VISITOR" on the space(s) and is to remain available for use at all times.
 - ii. One (1) visitor space where required is to be available for car washing and have appropriate tap and drainage facilities provided for that purpose.
 - iii. Visitor car parking is generally not encouraged within the front setback. Where this is considered to be the only feasible alternative, the space(s) shall be setback a minimum of 3.0 metres from the frontage and only where suitably screened by landscaping.

Visitor's parking has been provided within the front setback, screen by planting and mixed material fencing. This has been considered throughout the design process and seems to be the best option. Otherwise the visitor's parking would interfere with the units' private amenities if located within the residential units.

- h) All geometric standards applicable to site access and car parking layout shall be in accordance with Chapter 2.13 – Parking and Access and *Australian Standard AS/NZS 2890.1*. Applicants should obtain a copy of the relevant vehicle turning circles from *Australian Standard AS/NZS 2890.1* to ensure compliance with the 85th percentile vehicle.

2.2.8.2 Access Design

OBJECTIVES

- To position street vehicular crossings and driveways to minimise adverse visual impact
- To use existing rear lanes for vehicular access where appropriate
- To ensure safe entry and exit from the site

REQUIREMENTS

2.2.8.2.1 General Requirements

- a) Driveways and vehicular access shall be designed in accordance with relevant Australian Standard and provisions of Council's Civil Works Specification
- b) Use of plain concrete for driveways and open car parking areas is not supported by Council. Details of the proposed treatment shall be provided in the development application.
- c) Where appropriate, parking may be accessed from a laneway however no reliance can be given to a laneway for the purposes primary pedestrian access, waste collection and mail collection.

2.2.8.2.2 Ground Level Parking

- a) Fully enclosed garages must not visually dominate any building elevation.
- b) Driveways must not be continuous straight lines and shall be offset by landscaped sections
- c) A minimum pavement width of 3m is required
- d) Driveways shall be offset from any side boundary by 2 metres at the front boundary and may taper back to 500mm side setback within the front building line as illustrated in Figure 1. This offset area, and side setback for the length of the remaining driveway must be landscaped with trees and shrubs to soften the hardstand areas and provide for infiltration and provide visual appeal to the streetscape.
- e) The subdivision of a dual occupancy development into a battle-axe arrangement, where permitted will only be supported where a minimum access way width of 3.5 metres is available.

- f) Parking or access which is visible from any street or laneway elevation must not visually dominate the street and must respect the architectural qualities of the building and integrate with the overall presentation of the development.

The driveway swept paths have been provided with this application. Low lying plants and shrubs are proposed at the residence entrances to enhance the appeal of the access areas.

2.2.8.2.3 Basement Car parking

2.2.9 EARTHWORKS AND STRUCTURAL SUPPORT

CONCLUSION

The proposal is commended on its effort to provide a development that embraces the objectives of the planning instruments and control measures, and to understand the objectives when considering variations. The design employs with effectiveness the design guidelines of the Development Control Plan to create a functional development with high levels of amenity both for the end user and those it neighbours.

In the development of the concept, all siting, environmental and aesthetic influences and impacts have been assessed and addressed. The proposal when complete will add vibrancy and character to the streetscape.

It is demonstrated the development is of the character desired and encouraged in the location. It adds diversity, availability and affordability to the current housing stock.

This Multi-Dwelling development is in a precinct well served by daily requirements of the resident, is well served by public transport, places no stress on public services and is rightfully in the public interest.

Sandra Trad

Red Apple Design