

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number</b>	DA/89/2024
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<b>Delegation Level</b>	Delegated
<b>Property Lot &amp; DP</b>	Lot 18 DP 243865
<b>Property Address</b>	32 Connex Road, UMINA BEACH NSW 2257
<b>Site Area</b>	925.00m <sup>2</sup>
<b>Zoning</b>	R2 Low Density Residential

<b>Proposal</b>	Secondary Dwelling
<b>Application Type</b>	Development Application – Local
<b>Application Lodged</b>	05/02/2024
<b>Applicant</b>	Ian Cubitts Classic Home Improvements Pty Ltd
<b>Estimated Cost of Works</b>	\$206686

<b>Notified Only</b>	23/02/2024
<b>Submissions</b>	One (1)
<b>Disclosure of Political Donations &amp; Gifts</b>	No
<b>Site Inspection</b>	09/02/2024

<b>Recommendation</b>	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.

### Background

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

DA/53567/1989 for Dwelling House, completed on 28/12/1994.

DA/10068/2000 for Carport, approved on 01/12/2000.

CC/10068/2000 for Carport, approved on 01/12/2000.

DA/10238/2000 for Workshop/Storage, approved on 04/01/2001.

CC/10238/2000 for Workshop, approved on 04/01/2001.

TA/2162/2007 for Removal of One Eucalyptus and Pruning of Branches of Eucalyptus in Front Yard, approved on 07/06/2007.

TA/2229/2007 for Removal of One Tree in Front Yard and Pruning of Melaleuca Tree Overhanging from Neighbours Property in Back Yard, approved on 05/07/2007.

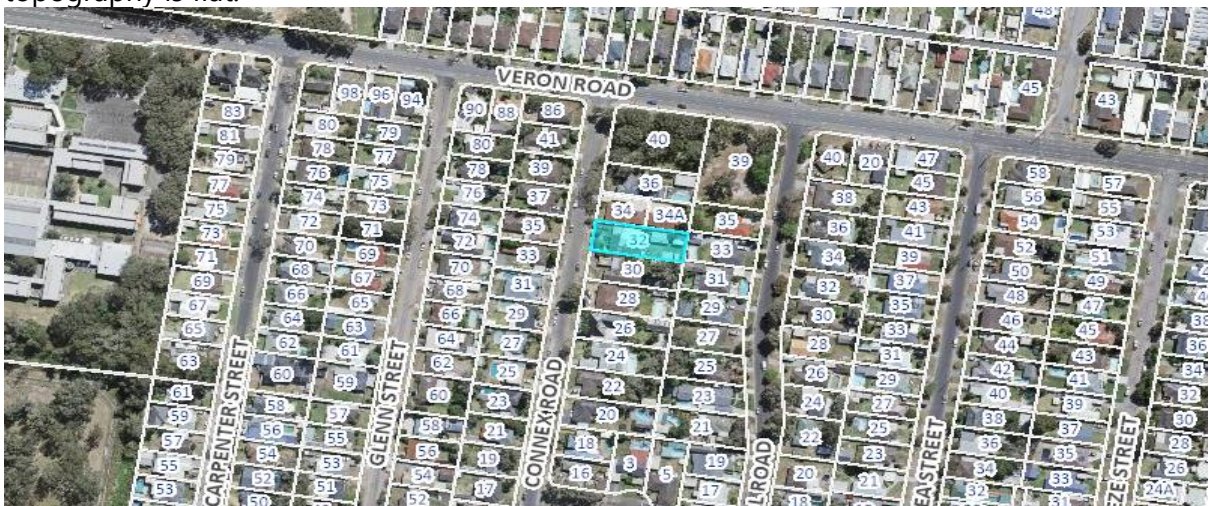
CDP/61416/2021 for Dwelling Alts & Adds-CDC 2021-120/01, approved on 21/04/2021.  
CDP/61145/2021 for Dwelling Addition, approved on 29/04/2021.  
OCP/61145/2021 for Dwelling Addition, approved on 20/09/2021.  
OCP/3259/2022 for Dwelling Alts & Adds, completed on 30/11/2022.  
DA/2215/2023 for Inground Swimming Pool, approved on 28/01/2024.  
WMA/1969/2023 for Inground Swimming Pool-DA/2215/2023, S307 issued on 01/02/2024.  
CCP/138/2024 for Inground Swimming Pool, approved on 09/02/2024.

## Site & Surrounds

The site is not identified as being "bushfire prone land" on Council's bushfire maps.



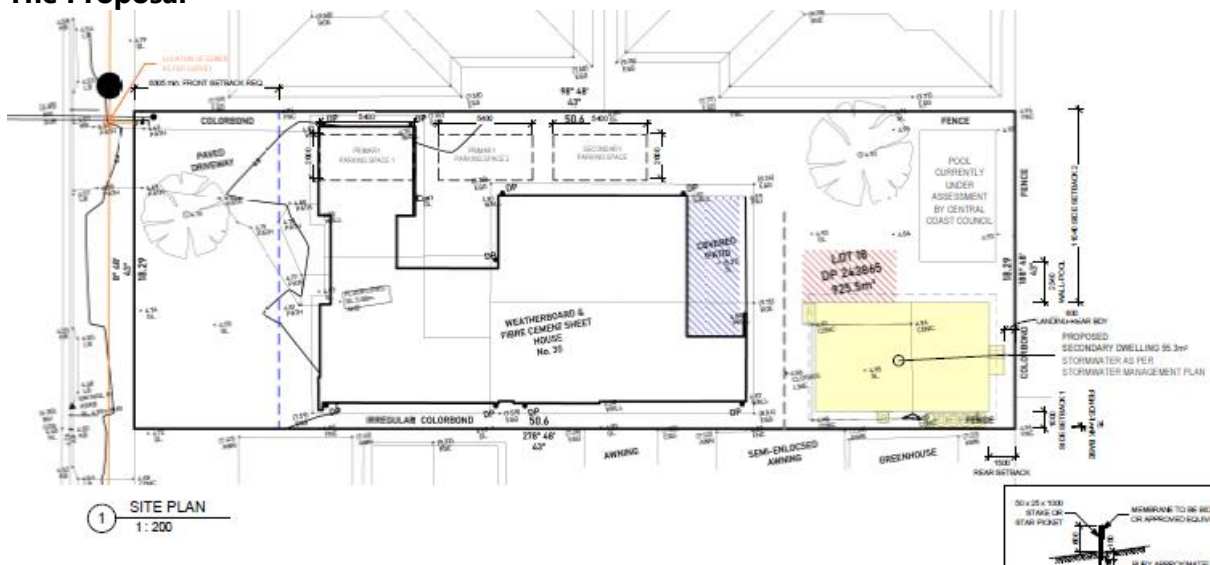
The site is located on the East side of Connex Road between Vernon Road and Burilla Close. Adjoining development comprises single storey, brick veneer dwelling houses. The topography is flat.



The site contains a single storey dwelling house and outbuilding. Outbuilding has since been removed since this photo was taken.



## The Proposal



The proposal comprises:

The proposal involves the construction of a Secondary Dwelling to the rear of the existing site.

## 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
- Central Coast Council Local Environmental Plan 2022
- Central Coast Council Development Control Plan 2022
- Water Management Act 2000
- 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 R2-Low Density Residential under Central Coast Council Local Environmental Plan 2022. The proposed development is defined as Secondary 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 (Housing) 2021**

The provisions of State Environmental Planning Policy (Housing) 2021 require Council consider the Principles of Policy of the SEPP when determining an application.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated Principles of Policy.

### **Central Coast Council Local Environmental Plan 2022**

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 / Height of Buildings	8.5 m	5.175m	Yes	-	Yes
4.4 / Floor Space Ratio	0.50:1 Desired	Not mapped	Yes	-	Yes

### **Zone R2-Low Density Residential**

The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage best practice in the design of low-density residential development.
- To 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.

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.

**Part 5.21 CCLEP and Chapter 3.1 CCDCP Flood plain management/water cycle management**

The land has been classified as being under a “flood planning level” and subject to the imposition of a minimum floor level. The development is considered satisfactory in respect to Part 5.21 and Chapter 3.1 Flood Plain Management/Water Cycle Management as applicable.

Introduction:

DA/89/2024 has been submitted to Central Coast Council for construction of a secondary dwelling at 32 Connex Road, Umina Beach, as shown on the drawings attached to the DA.

Access:

The internal driveway and the parking areas are existing.

Flooding:

The site is a flood control lot affected by Woy Woy Peninsula Study, 2010.

The minimum habitable floor level is RL 5.50m AHD and the 1% AEP is RL 5.00m AHD.

Materials and electricals will be conditioned.

The submitted secondary dwelling is proposed as a suspended structure (bearers and joists) with a complete open underfloor. The proposed minimum floor level is RL 5.60m AHD.

This type of structure with a FFL of RL 5.60m AHD is supported by Council’s Development Assessment Engineering.

Drainage:

Not applicable.

**Central Coast Development Control Plan 2022**

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
2.1.2.1	Building Heights	Principle building: 8.5m Out buildings 4.8 / 7.0m	5.175m  N/A	Yes	Yes
2.1.2.2	Site coverage	Maximum <input type="checkbox"/> 60% <input type="checkbox"/> 50% <input checked="" type="checkbox"/> 40% <input type="checkbox"/> 30%	34.1%	Yes	Yes
2.1.2.3	Floor space ratio	0.5:1 Desired	Not mapped	Yes	Yes
2.1.3.1	Setbacks	Front: Average of	N/A	Yes	Yes



		<p>Within 7.5m of primary frontage – 10m</p> <p>&lt;4.5m secondary road frontage - 10m</p>			
2.1.3.3.2	Garage door articulation	<p>Within 7.5m of primary or parallel road frontage –</p> <p>12m or less lot width – 6m</p> <p>&gt;12m lot width – 6m or 60% width of building</p>	N/A	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	Min Width 3m Area	>3m	Yes	Yes
		16m <sup>2</sup> lot width <10m	>24m <sup>2</sup>	Yes	Yes
		24m <sup>2</sup> lot width > 10m Near level	Level	Yes	Yes
2.1.4.4	Sunlight access	<p>On June 21</p> <p>At least 3 hours sunlight to 50% principal private open space</p> <p>Adjoining land at least 3 hours sunlight to 50% principal private open space</p>	Complies	Yes	Yes
2.1.5	Car parking & Access	<p>1 space if dwelling has 3 or less bedrooms</p> <p>2 spaces if dwelling</p>	2 Spaces	Yes	Yes

		has 4 or more bedrooms			
2.1.6.1	Earthworks	<p>Minimal Fill/ excavation outside existing footprint. Excavation max 1m if &lt;1m from boundary or Max 3m &gt; 1m from boundary</p> <p>Fill not &gt; 1m No fill within 1m of side boundary unless within 1.5m of external wall of dwelling</p>	<p>Minimal for footings</p> <p>No fill to be imported</p>	Yes	Yes
2.1.6.2	Retaining walls	<p>&gt;600mm if within 1.0m of any boundary: <b>or</b> more than 1.0m above or below existing ground level in any other location to be designed by Professional Engineer</p> <p>Batter slope gradient compliant not to extend by more than 3m from dwelling and toe of batter not &lt;1m from boundary</p>	N/A	Yes	Yes
2.1.6.3	Drainage	To public system or other approved system	To existing	Yes	Yes
2.1.7.1	Outbuildings	<p>Site areas/max Floor area (m2): up to 600=45 600-700=60 700-800=75 800-900=85 &gt;900= 100</p>	N/A	Yes	Yes



2.1.7.2	Detached studio	One per lot  Maximum floor area 50m <sup>2</sup> Located behind main building line and integrated design.	N/A	Yes	Yes
2.1.7.3	Swimming pool	Locate in rear yard unless justified. Setbacks compliant Suitably located pool pump/ plant or Sound insulation	N/A	Yes	Yes
2.1.7.4	Fencing		Existing	Yes	Yes
2.1.8.1 (Secondary Dwelling)	Setback of secondary dwelling	Set back rear yard unless consistent with existing design of dwelling	Back Yard	Yes	Yes
2.1.8.2	Access	Via primary or secondary road	Primary	Yes	Yes
2.1.8.3	Private opens space	Min 16m <sup>2</sup> : 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	16m <sup>2</sup> 4m Off main living  Level  Outside front setback	Yes Yes Yes  Yes  Yes	Yes Yes Yes  Yes  Yes
2.14	Site Waste Management	Appropriate disposal	WMP submitted	Yes	Yes
2.17.1	Character & Scenic Quality	Desired Character	Consistent	Yes	Yes
3.1	Flood Plain & Water Cycle Management	Calculation <0L	3,000L	Yes	Yes

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3.2	Coastal Hazard Mapping Northern Area		N/A	Yes	Yes
3.3	Onsite effluent	No sewer connection	N/A	Yes	Yes
3.4	Water Catchment Areas		N/A	Yes	Yes
3.5	Tree removal	Prevent significant vegetation removal.	N/A	Yes	Yes
3.6	Heritage Conservation		N/A	Yes	Yes
3.7	Geotechnical requirements	Is Geotech report required	Not required	Yes	Yes
7.1	Acid sulfate soil	Class of land 4	Geotech report not required	Yes	Yes
Other	Bushfire BAL <i>(Planning for Bushfire Protection 2019)</i>	Compliance	N/A	Yes	Yes
Other	Bushfire APZ	Compliance	N/A	Yes	Yes
Aboriginal Heritage	Various considerations for impact on aboriginal heritage	Due diligence	Complies	Yes	Yes
Biodiversity Conservation Act 2016	Various considerations for impact on biodiversity	Compliance	Complies	Yes	Yes

## 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 where defined use 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.

Refer to Condition 2.5

## Referrals

Internal Referral Body	Comments
Flood Engineer	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

One (1) public submission was received in relation to the application. Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the Environmental Planning and Assessment Act 1979.

A summary of the submission is detailed below.

1. Issue: Road has potholes and should be fixed prior to adding more dwellings.

Comment – The fixing of potholes is scheduled roadworks as part of Councils ongoing Operational Plan. Development for purpose of secondary dwelling cannot be deferred until such time as road works is completed. The applicant is required to pay contributions as part of the consent conditions. Part of the contributions are dedicated to roadworks.

## 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 consent pursuant to section 4.16 of the Environmental Planning and Assessment Act.

### **Plans for Stamping**

Final Assessment Plans for Stamping CM Doc No. D16078377

### **Supporting Documents for Binding with consent**

BASIX Certificate Number 1378655S, CM Doc No. D16043597

Acid Sulphate Management Report, CM Doc. No. D16043600

### **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/89/2024 for Secondary Dwelling on Lot 18 DP 243865, 32 Connex 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.
- C The objectors are notified of Council's decision.

<b>Recommendation:</b>	Approval, subject to conditions
<b>Assessing Officer:</b>	Jeff Adams
<b>Recommendation Reviewed by:</b>	Wayne Herd