

CLARKE DOWDLE & ASSOCIATES

DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

Statement of Environmental Effects

Multi-Dwelling Housing Development

40 Bogan Road, Booker Bay

Our Ref: 23512



CLARKE DOWDLE & ASSOCIATES

DEVELOPMENT CONSULTANTS

SURVEYORS • PLANNERS • ECOLOGISTS • BUSHFIRE CONSULTANTS

ABN 15 114 156 740

Postal Address: PO Box 3122, Umina Beach NSW 2257

Ph: (02) 4344 3553

Fax: (02) 4344 6636

EMAIL: admin@cdasurveys.com.au

WEBSITE: www.cdasurveys.com.au

Office Address: 1 Oscar Street UMINA BEACH NSW 2257

Prepared by Ravi Sharma
Town Planner

B.A., Grad Dip URP (MPIA)
Dip. Surveying, Dip. Building Surveying

REPORT DISCLAIMER

This report has been prepared for the clients identified in section 1.0 of this report. Any representation, statement, opinion or advice, expressed or implied in this report is made in good faith but on the basis that Clarke Dowdle and Associates are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in any respect of any representation, statement, or advice referred to in this report.

Table of Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Metropolitan Context.....	5
3.1 Utility Services	6
3.2 Description of Proposal.....	6
4.0 Environmental Planning Controls and Consideration	6
5.0 Objectives of the Environmental Planning and Assessment Act 1979.....	7
5.1 Statutory and Policy Compliance – Section 4.15	8
5.2 State Environmental Planning Policy (Building Sustainability Index: BASIX)	8
5.3 Central Coast Local Environmental Plan 2022	9
5.4 Central Coast DCP 2022.....	10
5.4.1 - Chapter 3.2 – Multi-dwelling development Developments.....	14
5.6 The likely Impact of Development.....	21
6.0 Suitability of the Site for the development.....	21
7.0 The Public Interest	21
8.0 Conclusion.....	22

1.0 Introduction

This Statement of Environmental Effects is part of a development application submission to Central Coast Council for approval for the erection of a multi-unit housing development consisting of 4 dwellings at 40 Bogan Road, Booker Bay. This application has been prepared on behalf of the owners of the land and has been based on the plans and information provided in the relevant Titles and survey information prepared by *Elk Designs*. An on-site inspection has been undertaken and a photographic record of the inspection is provided in the document. The designers for the project have supplied all the relevant information required for the preparation of this document and should be read in conjunction with the accompanying plans together with any other supporting documentation.

2.0 Site Location and Description

The subject land is legally described as SP 15362 and is known as 40 Bogan Road, Booker Bay. The flat 1119m² site is located on the north-eastern side of the road reserve and contains three units with managed lawns within a suburban setting. The surrounding medium density residential development is characterised by an eclectic blend of post-world war fibre-cement clad dwellings that are being redeveloped to cater for multi-dwelling housing development within the medium density zone.



Figure 1. Aerial photograph of the site

NearMap (Dec 2023)

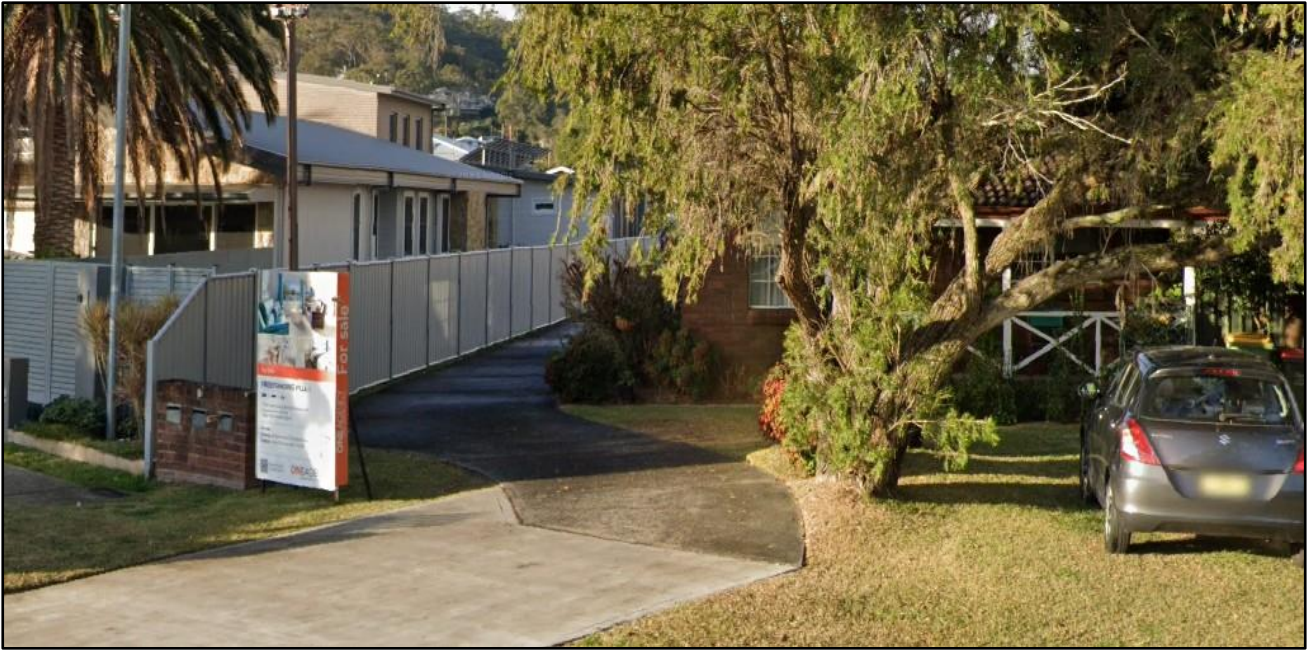


Figure 2. View of the existing dwelling-house viewed from the street

CDA (Dec 2023)



Figure 3. Neighbouring development

CDA (Dec 2023)

3.0 Metropolitan Context

The site is located within the Local Government Area of Central Coast and is located within close proximity of the Ettalong Beach and Woy Woy Town Centres. The area is characterised by a mixture of residential of development and small scale commercial, retail, medical and educational establishments of varying height, bulk and scale. The site is located near public bus transport, recreational reserves, retail facilities, medical centers / hospitals and sporting grounds. It is considered that the proposal is in keeping with the existing and likely future development of the surrounding area.

3.1 Utility Services

All utility services including water, sewerage, electricity and communications are already connected.

3.2 Description of Proposal

The application seeks consent for the demolition of 3 units and the erection of a two storey multi-unit development consisting of 4, 3 bedroom dwellings with associated driveway, stormwater and front fencing with landscaping works. Each unit would include garages, living / dining areas and adjoining private open space located on the ground floor and bedrooms with bathrooms located on the first floor.

The proposal includes an aesthetic front façade with gable front deck design that is consistent with the roof design that is encouraged by the character statement for the precinct. The proposal includes refreshing schedule of finishes that will establish a new benchmark in terms of dwelling appearance within a somewhat tired and austere suburban landscape.

The units would be separated by and have direct access from their living areas to a private open space as indicated in the site plan. The proposal would have the ability to provide separate waste storage areas, utility services and incorporate the appropriate easements for vehicular access and services. In association with the dwellings, the application includes a driveway located along the southern side of the site, stormwater provisions, front courtyard fencing and landscaping, including the replanting of native trees.

Attached with the application is a BASIX Certificate demonstrating compliance with energy efficient measures in the design of the dwelling.

The proposed units provide sufficient areas to store mobile waste collection bins away from the street and clothes drying areas that would be screen from other dwellings and the public domain.

4.0 Environmental Planning Controls and Consideration

In preparation of this Statement of Environmental Effects, consideration has been given to the provisions within the relevant Statutory Planning Controls which include:

- *The Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy - Coastal Management*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX)*
- *Central Coast Local Environmental Plan 2022*
- *Central Coast Development Control Plan 2022*

5.0 Objectives of the Environmental Planning and Assessment Act 1979

It is considered that the development satisfies the objectives of the *The Environmental Planning and Assessment Act 1979*.

The objects of the act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

(iii) the protection, provision and co-ordination of communication and utility services,

(iv) the provision of land for public purposes,

(v) the provision and co-ordination of community services and facilities, and

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing, and

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

Comment:

The multi-dwelling design would not result in any adverse environmental, amenity, social or economic impacts to the site and surrounding area. The proposal entails an upgrading of housing stock in the medium density zone as encouraged by Council's planning controls.

The use of the land would not adversely impact on the surrounding properties and would allow the existing environment to be adequately protected whilst allowing suitable and appropriate creation of a new dwelling and allotment to proceed. The use of the land for

residential development is considered to be orderly and economic use of the subject land, whilst reflecting the character of the locality and the environment. The multi-dwelling housing development would be consistent with the established residential subdivision pattern in the locality and meets the objectives outlined of the act and would be in the public interest.

5.1 Statutory and Policy Compliance

The provision of: *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

The following Environmental Planning Instruments are subject to the subject land and have been duly considered in the preparation of this development proposal and application.

5.2. State Environmental Planning Policy (Resilience and Hazards)

Chapter 2 Coastal Management

Under the SEPP the site is identified as being located within a Coastal Environment Area (CEA) and is also located within the coastal use area. Any development on land identified as a CEA is required to be in accordance with Clause 2.11 Development on land within the coastal environment area of the above SEPP. The proposal will incorporate appropriate nutrient control in regards to stormwater and thus will not have an impact upon the coastal environment and is therefore consistent with the requirements of the SEPP.

Chapter 4 Remediation of Land

The objective of this chapter within the SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment. The use of the area of the land to be utilised for residential purposes has been for residential use and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use for residential purposes.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to ensure consistency in the implementation of the BASIX scheme throughout the State. A BASIX certificate is required for all new dwellings and has been considered in this application as a BASIX certificate has been submitted as part of this application.

5.4 Central Coast Local Environmental Plan 2022

The *Central Coast Local Environmental Plan 2022* is Council's primary planning control for development in the Central Coast Municipality and establishes the requirements for the use and development of within the Central Coast City Local Government Area. The LEP provides objectives, zones and principal development standards including minimum lot sizes, floor space ratios and height of buildings.

The zoning maps provided by Central Coast Council's website indicate the subject site is currently zoned Zone R1 (Residential Zone).

The objectives of the Zone No R1 Residential Zone include:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote "walkable" neighbourhoods.*
- *To ensure that development is compatible with the scale and character of the local area and complements the existing streetscape.*

Comment:

The proposed multi-dwelling development is a permissible land use and would be commensurate with the established scale of development within the medium density residential zone and consistent with the desired character in relation to the built form of structures outlined in the Central Coast LEP. The proposal has been designed in manner so that the development would provide additional dwellings that would be commensurate with the character of the medium density residential zone.

Central Coast LEP 2022			
Development Standard	Requirement	Proposal	Compliance
CI 4.3 Height	8.5m max.	8.26m	Yes
CI 4.4A(5)(c) FSR	0.5:1	0.46:1	Yes

5.4.1 – CCLEP 2022 - Clause 7.1 Acid sulfate soils

The site is mapped as having class 2 acid sulfate classification. Generally Acid Sulphate Soils are found lower than 1 metre Australian Height Datum (AHD) and often 0-0.3 metre AHD. The proposal entails minimal excavation in relation to the construction for the building. Should acid sulphate soils be encountered during construction works, Council would be notified immediately and an Acid Sulphate Soils Management Plan, written in accordance with the NSW Acid Sulphate Soil Manual 1998 would be to be submitted to Council. Accompanying the application is a Geotech Report from 5QS that has assessed the adjoining lot – same owner and covers this application given the proximity of the subject site.

5.5 Central Coast DCP 2022

Along with the Central Coast Local Environment Plan 2022, Council's Development Control Plan 2022 (DCP 2022) outlines overarching objectives and prescriptive measures in relation to development standards and the use of land within the Central Coast LGA. In this instance the proposed multi-dwelling housing development is assessed as having regard to the relevant performance and prescriptive design standards within the Central Coast DCP 2022.

5.5.1 CCDCP 2022 – Chapter 2.17 – Character

The subject allotment is located in the suburb of Booker Bay and is classified as being located within Place 3: Sandplain Mixed Density within the Character Statement map. The desired character of the area as outlined within the character statement is outlined below:

“These areas should remain mixed -density residential neighbourhoods where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit developments that reflect features of the traditional mid Twentieth Century bungalows which remain distinctive elements of the Woy Woy Peninsula's identity. Surround each multi-unit development with leafy gardens that conserve existing visually prominent trees, particularly along back fences and street frontages or verges, as well as providing space for new shady trees and shrubs planted as backdrops to new buildings. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees. Plant a combination of trees and shrubs around courtyards as well as along all property boundaries, and use hedges or fences that are low or see-through rather than tall and opaque in order to complement the informal character of existing garden frontages.

Ensure that new multi-unit developments complement the siting, form and scale of surviving traditional bungalows on nearby properties. Maintain street setbacks that are similar to surrounding properties, and minimise the extent of hard-paved surfaces. Avoid the appearance of long and continuous buildings facing any front or side boundary. Step the shape and height of all visible facades, provide at least one wide landscaped setback that varies in width, and line driveways with avenues of trees and shrubs.

Reflect the modest scale of traditional mid-Twentieth Century bungalows, for example by dividing new developments into individual dwelling pavilions with a varied form or orientation, separated by verandahs or parking structures and landscaped courtyards. Any facades that are taller or longer than

neighbouring buildings should be screened by a combination of extra setbacks and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in open carports or part-basements, rather than in wide garages that would accentuate building bulk or dominate visible facades.

In order to complement the scale and design character of traditional bungalows, a "lightweight appearance" is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, painted finishes and some sheet or board cladding rather than extensive plain masonry. Where facades face a street, a laneway or a driveway, provide a traditional "street address" with visible verandahs, living rooms and front doors. Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings.”

Comment:

The entire Woy Woy Peninsula includes a mix of post-war fibre-cement clad dwelling houses, a mix of larger contemporary dwelling houses, older single storey villas and newer multi-dwelling housing development of various styles. This eclectic mix is evident within Bogan that includes a mix of older housing stock, often with austere facades and minimal landscape treatment and emerging multi-dwelling development.

In relation to multi-dwelling development that has recently been constructed in the area the proposal is would be commensurate with the height, floor area, site coverage, height and scale of new multi-dwelling residential development within the immediate vicinity and in relation to the Booker Bay. The proposal incorporates sufficient open space to maintain the low rise medium density setting and incorporates various cladding finishes utilising an appropriate schedule of finishes that would be compatible with the contemporary dwellings that have been erected in the locality and the wider coastal fringe of the Central Coast within recent times. The multi-dwelling design would incorporate balconies and terraces and that would be modulated in a manner to alleviate monotonous design.

The design incorporates a balance of horizontal and vertical elements to incorporate breaks in form. The building would be modulated in a manner to alleviate monotonous design. The design incorporates a balance of horizontal and vertical elements to incorporated breaks in form that is encouraged by the design criteria of the DCP. On the basis outlined above, the proposed multi-dwelling housing design adheres to the desired character of Booker Bay and entails and urban renewal in light of the ageing housing stock in the street – refer to figure 2.

The proposed development includes a suitable area to incorporate landscaping round the periphery of the site and within the front setback to soften the built form when presented to street, including 2 medium sized street trees to establish tree canopy and encouraged by the DCP.



Figure 5. Dwelling House – austere character established

CDA Dec 2023



Figure 6 . Eclectic mix of multi-dwelling and austere dwellings.

CDA Aug 2023



Figure 7. Opposite side of the street

CDA Dec 2023

The proposal maintains reasonable levels of visual amenity for neighbouring properties, and the built form divides up the units to break up bulk and provide visual relief. The proposal utilises various materials and building articulation to achieve a light weight appearance, and is considered maintaining a low rise medium density setting with the desired future character of the locality, being a similar scale and bulk to other multi dwelling housing in the and within the immediate vicinity

5.5.2 - Chapter 2.2 – Multi-dwelling development Developments

The proposed development is assessed as having regard to the relevant performance and prescriptive design standards within Council’s DCP 2022 - Chapter 2.2 Multi-dwelling Housing. The following table sets out the assessment of proposal against the relevant prescriptive standards of the planning instruments.

DCP Control Requirement	Proposal	Compliance	
		Requirements	Objectives
2.2.2.1.1 Site Analysis The Site Analysis Plan identifies existing conditions relating to the development site and existing design constraints on adjacent sites, which are likely to influence design choices	A site analysis has been undertaken and a plan prepared as part of the DA submission	Yes	Yes
2.2.3.1 Height 8.5m 2 storeys	8.26m 2 storeys	Yes	Yes
2.2.4.2 FSR 0.5:1 (per CCLEP)	0.46:1	Yes	Yes
2.2.4.3 Site Coverage Min 25% ‘soft landscaping’	28.1%	Yes	Yes
2.2.10.4 Landscaping Qualified Landscape plan 50% of soft landscaping DSZ	>50% of soft landscaping DSZ	Yes	Yes
2.2.10.2 Street Trees two semi-advanced trees per 15 metres of frontage	Sufficient space for 2 mature native street trees – condition of consent	Yes	Yes
2.2.5(a) Front Setback Average of adjoining and street or 4.5m if no adjoining within 40m 7.5m – classified road	Commensurate with adjoining setbacks and street in general	Yes	Yes
2.2.5(b) Side Setback • for any part of the building with a height of up to 4.5m— 0.9m and • for any part of the building with a height of more than 4.5m— 0.9m plus one-quarter of the height of the building above 4.5m	Building is located within the side and height envelope	No – minor variation sought	Yes Yes – refer to variation
2.2.5(c) Rear Setback 4.5m	3.7m – 4.5m – ground floor 4.5 – first floor	4.5	Yes
2.2.6 Built Form & Articulation Articulation Features: • entry feature or portico, • a balcony, deck, patio, pergola, terrace or verandah, • a window box treatment such as a bay window or similar feature, • an awning or other sun shading feature over a window.			

<p>2.2.6.1(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.</p>	<p>Articulation is provided to the elevations using fenestration, together with changes in building lines, setbacks and heights to break up the side elevations of the building.</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.6.1(b) Garage Door prominence Total width 6m or 60% of lot width</p>	<p>Garages internal</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.6.2 Roof Elements Design to respond to solar access.</p>	<p>low pitch and height to maintain solar access</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.6.3 Residential Address</p> <ul style="list-style-type: none"> • Street can be seen from windows of regularly occupied rooms • Parking structures not to impede sight lines from front façade • Street number and building access to be easily identified from the street 	<ul style="list-style-type: none"> • Street can be seen from windows of regularly occupied rooms • Parking structures not to impede sight lines from front façade • Street number and building access to be easily identified from the street 	<p>Yes</p>	<p>Yes</p>
<p>2.2.7 Residential Amenity</p>			
<p>2.2.7.1 Views</p> <ul style="list-style-type: none"> • Where there is a potential loss of view for nearby properties, applications are to address the NSW Land and Environment Court Planning Principles relating to view sharing 	<p>No view impacts from the development</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.7.2 Visual Privacy</p> <p>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.</p> <p>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</p>	<p>Windows positioned in manner to alleviate overlooking into adjoining lots windows and pos</p>	<p>Yes</p>	<p>Yes</p>

<p>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.</p> <p>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.</p>	<p>Recreational areas and driveway located away from bedrooms</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.7.3 Private Open Space Areas 45m² – min dim. 4.5m Max Grade – 7% Multiple areas to make total Courtyards not permitted fronting local roads</p>	<p>Unit 1 – 47m² Unit 2 – 45m² Unit 3 - 45m² Unit 4 - 45m²</p> <p>Portion of Unit 1 pos within front setback</p>	<p>Yes</p>	<p>Yes - refer to minor variation against the performance objectives below</p>
<p>2.2.7.5 Sunlight Access 50% pf POS – 3hrs on 21 June for subject lot and neighbouring lots variation to this provision must demonstrate: i the proposed development complies with the building height and building setback requirements of this chapter ii the proposal adequately considers site constraints including slope and site orientation iii that the adjoining development has not sufficiently considered likely future development and site constraints such as lot orientation in the location of private open space.</p>	<p>>50% pf POS – 3hrs on 21 June for subject lot and neighbouring lots</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.8.1 Car Parking and Access</p> <p>Parking Rate 1.5cps / dwelling 1 Visitor parking = 6 spaces (rounded up)</p>	<p>6 cps provided</p> <p>Visitor</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>

<p>Car parking should be located behind the primary road setback and/or secondary road setback.</p> <p>Min 3m wide 2m offset to boundary</p>	<p>Min 3m wide 2m offset at boundary</p>	<p>Yes</p>	<p>Yes</p>
<p>2.2.10.1 Landscape Design</p> <p>i. provision of appropriate shade from trees or structures;</p> <p>ii. provision of accessible routes within the site and between buildings;</p> <p>iii. screening of car parking communal drying areas, swimming pools and courtyards on ground level.</p> <p>iv. the use of planting, fencing and other landscape elements appropriate to the scale of the development;</p> <p>v. the visual softening the bulk of large development for the person on the street;</p>	<ul style="list-style-type: none"> • Shade trees can be provides as the required 2 native street trees • Accessible routes provided • Screening between each pos and to some degree the carparking with landscaping flanking the driveway • Landscape plan provided indicating landscaping can be implemented within the site to soften the built form 	<p>Yes</p>	<p>Yes</p>
<p>2.2.10.2 Street Trees</p> <p>a All development shall incorporate street tree plantings at a rate of at least two semi-advanced trees per 15 metres of frontage. Details of the proposed street tree planting including species and locations shall be submitted with the development application and included as part of the landscape plan. Street trees are to be maintained and nurtured until established.</p> <p>b A street tree planting plan shall be included as part of the landscape design report.</p>	<ul style="list-style-type: none"> • Two trees can be provided within the nature strip and within rear setback 	<p>Yes</p>	<p>Yes</p>
<p>2.2.10.3 Deep Soil</p> <p>Where a courtyard is proposed, the enclosing fence shall be of a decorative nature and 1.8 metres in height. Where a courtyard in the front setback area is considered acceptable the fence shall be erected no</p>	<p>1.5m</p> <ul style="list-style-type: none"> • Light weight • Integrates with the landscaping 	<p>Yes</p>	<p>Yes</p>

<p>closer than a minimum of 1.5 metres from the front boundary alignment and this 1.5 metre setback shall be properly landscaped. Fences staggered with planting over the 1.5 metre setback may also be considered.</p>			
---	--	--	--

The application has been assessed against the prescriptive measures outlined in CCDCP 2022 Chapter 2.2 – Dual Occupancy and Multi-dwelling housing chapter. Minor variations to the numerical requirements and compliance with the overarching performance based objectives are provided for the following elements:

- Side Setback (eave only)
- Private Open Space (minor departure)

cl.2.2.5(b) Side Setback

The DCP prescribes a maximum height in line with the LEP and also a building envelope from a point 4.5m above the boundary. The proposal is within the 8.5m height limit, however a minor section of the roof protrudes outside the northern side setback envelope.



Figure 6. Section AA

In association with the non-compliance with the building envelope it is noted the area outside the envelope is located on northern side of the site that does not create additional shadowing to the southern lot during the winter months. The departure is considered negligible would not involve additional amenity impacts when compared to a complaint scheme. Subsequently the side setback complies with the performance objectives.

cl.2.2.7.3 Private Open Space Areas

Private open spaces – Unit 1

The total pos areas for units 1 is 38m² that entails a minor shortfall with the 45m² total requirement.

This is a minor numerical shortfall and such a variation does not contravene the overarching performance based 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*

The ground floor opens spaces have direct connectivity with the living areas established on the ground floor of all the units and the upper floor balconies are discretely recessed into the northern upper floor elevation that provides articulation along this side and include suitable privacy screening to mitigate overlooking into the neighbouring lot.

The proposed pos area obtains optimal solar access within the winter months as the subject portion of land is not located in between two buildings.

Typically, the demographic profile that reside in smaller dwellings, in this case 2 bedrooms would not require larger open spaces to cater for more active pursuits and the private open space areas are suited to that demographic as allowed under the planning controls outlined above.

- Under the CCDCP 2022, private open space requirements for this type of development are 45m² with a minimum 4.5m dimension, whilst under the same DCP, a single dwelling house only requires 24m² with a minimum dimension of 3m.
- Similarity under the NSW Housing Code, a new Dwelling house requires 24m² with a minimum dimension of 3m.
- Further it is noted that under the NSW Housing Code, a Dual Occupancy Dwelling requires 16m² with a minimum dimension of 3m.

The pos for unit 2 and 3 are 23 m² (with an 8m² service area) which is twice the 24m² single dwelling house pos requirement or 32m² greater than a dual

occupancy dwelling requirement established under the NSW Housing Code for residential development permitted within the R1 General Residential zone.

It is noted that the recently approved 3 x 3br multi-dwelling housing located at 121 Burrawang Street Ettalong Beach, that is of a similar scale included variations to the required DCP pos size and minimum dimensions. As such the pos areas pursued under this application would be consistent with the pos established within the area and accepted by the community for such housing typologies.

Please note such variations to allow pos to be established as front courtyards have recently been approved at the NSW Land and Environment Court including:

- 31 Burrawang Street, Ettalong Beach
- 21 Burrawang Street, Ettalong Beach
- 34 Picnic Parade, Ettalong Beach
- 33 Burrawang Street, Ettalong Beach
- 102 Bay Road, Ettalong Beach

5.5.2 CCLEP 2022 – Chapter 3.5 Trees and Vegetation

The proposal required the removal of 1 tree to be removed from the site to allow for the erection of the multi-dwelling housing development. As outlined within the arborist reports prepared by Bradley Magus subject trees are somewhat low in health and vigour and that appropriate replacement tree planting with a more suitable location that can be established on the site to maintain a leafy setting.

5.5.3 CCDCP 2022 – Chapter 3.1 Floodplain / Water Cycle Management

The intent of Water Cycle Management is to minimise the impact of development on the natural water cycle. In this instance the development would relate this plan in relation to storm water re-use and stormwater discharge. The proposed development would incorporate water retention and nutrient control devices in accordance with the Water Cycle Chapter with engineering plans prepared for the Construction Certificate. Nutrient / pollution control measures would be designed in accordance with Council's DCP 2022 Chapter 3.1 - Water Cycle Management along with a nutrient / pollution control report including an operation and maintenance plan would accompany the design. It is noted that all existing building and structures being connected to the stormwater systems with engineering plans and any associated reports for the above requirements would form part of the Construction Certificate. The Brisbane Water Flood Modeling indicates that the site is not affected by the potential 100 ARI event.

5.5.4 CCDCP 2022 – Chapter 2.14 Site Waste Management

The proposed dwellings will have access to the existing street waste collection system from the street. The proposal would allow sufficient area to locate MGB's behind screen areas that would allow easy access for transportation to the road reserve for collection. The proposal would be consistent with the provisions of the waste management collection in the area, with waste collection bins to be collected from the street frontage. In accordance with chapter 2.14 within the CCDCP 2022 a Waste Management Plan has been prepared and is attached with this application.

5.6 The likely Impact of Development

Context and setting – The proposed multi-dwelling housing development is considered generally consistent with the medium low rise pattern in the immediate locality and will not compromise the context and the setting of the surrounding area. The proposed multi-dwelling housing development merely formalises the current situation together with ownership and arrangements.

Utilities – Electricity, telephone / internet are currently available to the site.

Water and Sewer – A reticulated water and sewerage system is available to the site and currently services each dwelling. The provision for water, sewerage disposal and drainage will remain unchanged and unaffected by the proposed subdivision development and where possible will wholly be contained within each respective allotment.

Social and Economic Impacts - No adverse social or economic impacts are anticipated as a result of the proposed subdivision. The development provides a positive effect as it will provide the opportunity to provide the Central Coast LGA with additional dwellings to cater for the acute demand for additional housing in the locality.

6.0 Suitability of the Site for the development

The site is well served by public transport and is located within close proximity of various services such as shops, schools, recreational parks and medical facilities. In view of the fact that the site is located within an established residential area and that all utility services would be available for the site, the proposed development would not infringe on these established services and is suitable infill development within an established medium density residential context.

7.0 The Public Interest

The public interest is well served by the proposed multi-dwelling housing development. In view of the careful nature of the design it is considered that the health and safety of the public will not be affected. The proposal provides the local area with a new dwellings on a site that

is inherently suitable for such development. The proposal would not increase the intensity of development on the land which reinforces and supports the planning objectives of the residential zone.

8.0 Conclusion

As detailed within this report, the proposed multi-dwelling housing development at 40 Bogan Road, Booker Bay is consistent with the objectives, planning strategies and controls applicable to the site. The proposal provides increased housing density and additional smaller dwellings that is in acute demand which is well designed to meet residential needs and is commensurate with the character of the surrounding area.

Given the compliance with the requirements and objectives of the relative planning controls the DA is submitted to Council for assessment and approval, subject to necessary conditions of consent.