

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA/1458/2022
Delegation Level	Delegated
Property Lot & DP	Lot 46 DP 222791
Property Address	36 Breeze Street, UMINA BEACH NSW 2257
Site Area	588.06 m ²
Zoning	R2 LOW DENSITY RESIDENTIAL
Proposal	Alterations and additions
Application Type	Development Application – Local
Application Lodged	02-Jun-2022
Applicant	Mr J Te Puia
Estimated Cost of Works	\$90000
Advertised and Notified / Notified Only	28 June 2022
Submissions	Three (3)
Disclosure of Political Donations & Gifts	No
Site Inspection	18-Jul-2022
Recommendation	Approval, subject to conditions

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.





Figure 1 – Aerial photo

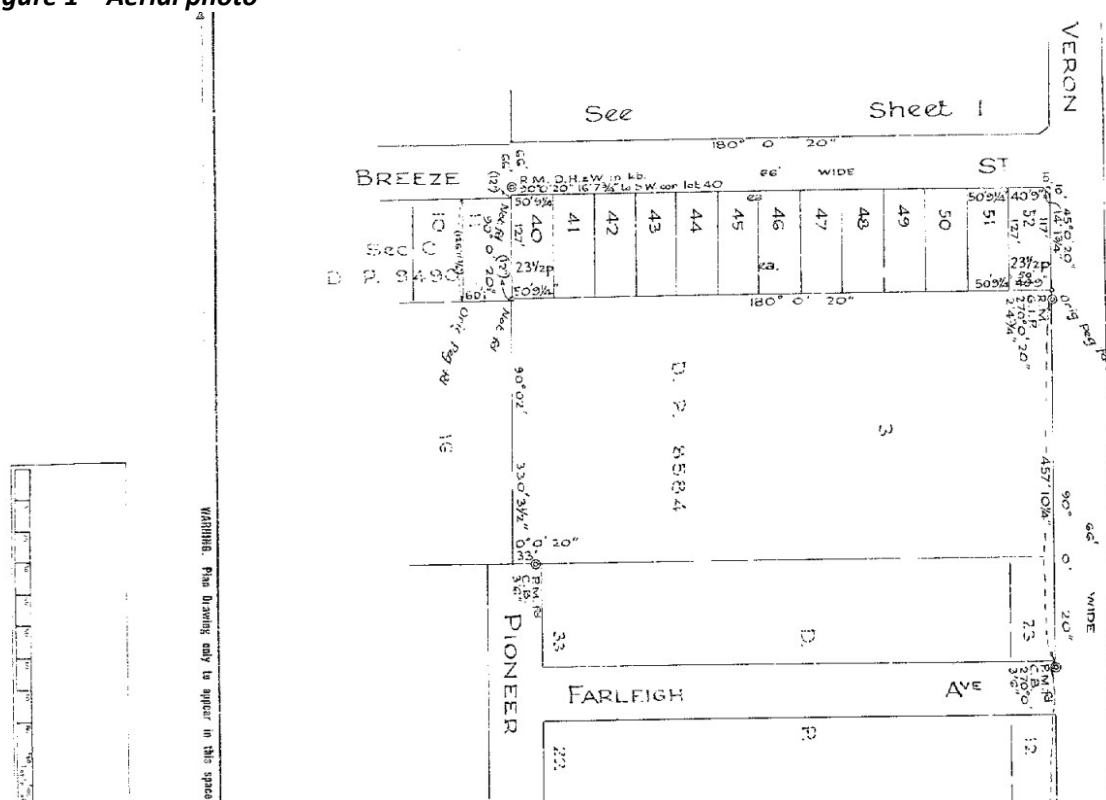


Figure 2 – Deposited plan





Figure 3 – Site photo



Figure 4 – Site Photo





Figure 5- Site Photo



Figure 6 – Site Photo



Background

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

Site & Surrounds

The site is located on the eastern side of street. Adjoining development comprises residential development. The topography has a minimal slope from south to north

The site contains existing two storey dwelling with an attached awning.

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

The Proposal

The proposal comprises:

- Ground floor, internal reconfiguration including relocation of w/c, laundry. New additions of kitchen/dining, butler's pantry workshop, living and alfresco
- First floor details a reconfiguration and additions of Bedroom 1 – 5 including an ensuite to main and bathroom

Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 – Section 4.15
- Local Government Act 1993 – Section 89
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013

Environmental Planning & Assessment Act, Section 4.15 and Local Government Act, Section 89

- Environmental Planning & Assessment Act 1979 - Section 4.15
- Local Government Act 1993 - Section 89
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to this application.



Permissibility

The subject site is zoned R2 LOW DENSITY RESIDENTIAL under Gosford Local Environmental Plan 2014. The proposed development is defined as alterations and additions which is permissible in the zone with consent of Council.

State Environmental Planning Policies

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

Gosford Local Environmental Plan 2014

Zone R2 LOW DENSITY RESIDENTIAL

The objectives for the R2 LOW DENSITY RESIDENTIAL 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 promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

The proposed development meets the objectives of the zone.



Height of Buildings

Clause 4.3(2) applies to the height of buildings on any land. The proposed building is not to exceed the maximum height shown for the land on the Height of Buildings Map in order to achieve the following objectives:

- to establish the maximum height limit for buildings to enable the achievement of appropriate development density,
- to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views.

The subject allotment is mapped as having a maximum building height of 8.5 m with the proposed development proposing a lesser building height than 8.5m therefore being compliant.

Floor Space Ratio

Clause 4.4(2) applies to the maximum floor space ratio for a building on any land. The proposed building is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map in order to achieve the following objectives:

- to ensure that the density, bulk and scale of development is appropriate for a site,
- to ensure that the density, bulk and scale of development integrates with the streetscape and character of the area in which the development is located,
- to facilitate development in certain areas that contributes to economic growth.

The subject allotment is mapped as having a maximum floor space ratio of 0.5:1 with the proposed development proposing a lesser floor space ratio than 0.5:1 therefore being compliant.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class four (4) Acid Sulfate Soils. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

7.2 Flood planning

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 clause 7.2 of Gosford Local Environmental Plan 2014.



Gosford Development Control Plan 2013

3.1.2.1 - Building Height

The proposed development includes compliant height, bulk and scale design elements being compatible with the existing and desired future character of the area as well as amenity outcomes for the subject and surrounding properties. Prescriptive building height design elements are complied with as follows;

- The proposed development does not exceed the maximum height contained in the GLEP 2014 clause 4.3 (2) Height of Building Map for the subject land where applicable;

3.1.2.2 - Site Coverage

The proposed and any existing development include a compliant proportion of the site that is covered by buildings and ensures that there is an appropriate area of the site that is not built upon. Prescriptive site coverage is complied with as follows;

- The site coverage of dwellings and all ancillary development does not exceed 50% on a lot that has a site area between 450m² and 900m².

3.1.2.3 – Floor Space Ratio

- a) The proposed development does not exceed the Floor Space Ratio (FSR) in the GLEP 2014 clause 4.4 (2) FSR Map for the subject land where applicable.

3.1.3.1 Setbacks – Residential Sized lots R1, R2, R3 or RU5

The proposed development includes compliant setbacks from property boundaries and between buildings to complement the streetscape and any surrounding reserve or foreshore. The compliant setbacks also provide for visual interest with placement of structures and protect privacy and view corridors and comply with fire safety. Prescriptive setback provisions are complied with as follows; -

Primary Road Setbacks

- The proposed development has a front boundary (primary frontage) setback (excluding permissible articulation) of an average distance of the setbacks of the nearest two dwelling houses having the same primary road frontage.

Rear Boundary Setbacks

- The proposed development has a rear boundary setback of at least 6.0 metres for any part of the building with a height greater than 4.5 metres; or



Side Boundary Setbacks

- The proposed development for an allotment having a width greater than 12.5 metres at the building line, has side boundary setbacks of 0.9 metres plus one-quarter of the height for the portion of the building above 4.5 metres in height;

3.1.3.3.2 Garage Door Articulation lots R1, R2, R3 or RU5

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

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

3.1.4.3 Private Open Space Areas

The proposed development includes compliant principal private open space providing a practical outdoor living area for residents. Prescriptive principal private open space provisions are complied with as follows;

- 24m² for a lot with a width greater than 10m wide at the building line with a minimum dimension of 3m and a maximum grade of 1:50; and
- Directly accessed from and adjacent to a habitable room other than a bedroom; and
- Located behind the front building line.

3.1.4.4 Sunlight Access

The proposed development includes compliant sunlight access to the subject dwelling and neighbouring properties private open space areas, facilitating adequate solar access. Prescriptive solar access provisions are complied with as follows: -

- On June 21, 50% of the required principal private open space area for all dwellings receives at least 3 hours of unobstructed sunlight access between 9am and 3pm; and
- On June 21, 50% of the required principal private open space on adjoining land receives at least 3 hours of unobstructed sunlight access between 9am and 3pm.

3.1.5 Car Parking & Access

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

- 2 spaces for a dwelling with 4 or more bedrooms; and



- An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.
- A maximum driveway width is 4m at the street crossover.
- Have driveway access to a public road.

3.1.6 Earthworks

The proposed development includes compliant earthworks (cut & fill) achieving an acceptable design, appropriate for site specific conditions. Prescriptive cut and fill provisions are complied with as follows: -

- Excavation does not exceed a maximum depth measured from existing ground level of 1m if less than 1m from any boundary, or 3m if located more than 1m from any boundary. and
- Fill for the purpose of erecting a dwelling does not exceed 1m above existing ground level. No retaining wall for fill is within 1m of a side or rear boundary unless within 1.5m of any external wall of a dwelling. and
- No excavation or fill is proposed within any easement for drainage or sewer burdening the allotment.

3.1.6.3 Drainage

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

- To the existing drainage system.

Other Matters for Consideration

None.

Planning Agreements

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

Development Contribution Plan

The site is not subject to the provisions of any section 7.11 development contribution plan. Therefore, no contributions are applicable.



Referrals

Internal Referral Body	Comments
Referral group	Supported, without conditions / Supported, subject to conditions / Not supported
Tree Officer	Supported, without 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

Three (3) public submissions were 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 submissions are detailed below.

1. The removal of the Melaleuca quinquenervia (broad-leaved paperbark) has been approved. This is situated at the rear of the property. It is a valuable tree for our native birdlife. It should not have been approved. Where is the arborist report? Is the applicant aware of its value?

Comment – The proposal nominates removal of one (1) tree from the back yard located against the new building. The tree appears to be a Camellia, which is a planted ornamental. The architectural plans indicate the Melaleuca quinquenervia at the rear of the property to remain.

2. Not sure where you thought the tree would be removed - The SEE states "Vegetation: No removal of trees is sought"

Comment – As addressed previously. The proposal nominates removal of one (1) tree from the back yard located against the new building. The tree appears to be a Camellia, which is a planted ornamental.

3. Just because we all do not see the report does not mean there is no report. Do people really think these guys who approve the removal of these trees do their job Willy nilly I do not think so. These approvals are approved for legitimate reasons. If you really want to read the arborists report contact council. I would not want the council guys job who approves these applications because of all the people who think they are not doing their job. You need a valid genuine reason to have trees removed.



Comment - As addressed previously. The proposal nominates removal of one (1) tree from the back yard located against the new building. The tree appears to be a Camellia, which is a planted ornamental.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval pursuant to section 4.16 of the Environmental Planning and Assessment Act.

Plans for Stamping

Amended Plans CM Doc No. D15328880

Supporting Documents for Binding with consent

Statement of Environmental Effects, CM Doc No D15143815

BASIX Certificate Number A450252, CM Doc No D15143819

Waste Management Plan, CM Doc No D15143812

Recommendation

- A Council as consent authority grant consent to Development Application No DA/1458/2022 for Alterations and additions on Lot 46 DP 222791, 36 Breeze Street, 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.
- D The objectors are notified of Council's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Brad Reilly
Recommendation Reviewed by:	Not required as compliant

