

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA58457/2020
Delegation level	Delegated
Property Lot & DP	LOT: 12 DP: 716656
Property Address	13 Taurus Close KINCUMBER NSW 2251
Site Area	612 m ²
Zoning	R2 LOW DENSITY RESIDENTIAL
Proposal	Split-Level Addition, Minor Internal Alterations & Deck
Application Type	Development Application - Local
Application Lodged	29/05/2020
Applicant	Arthaus Building Design
Estimated Cost of Works	\$ 100,000
Notified Only	05 June 2020 to 26 June 2020
Submissions	One (1)
Disclosure of Political Donations & Gifts	No
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.

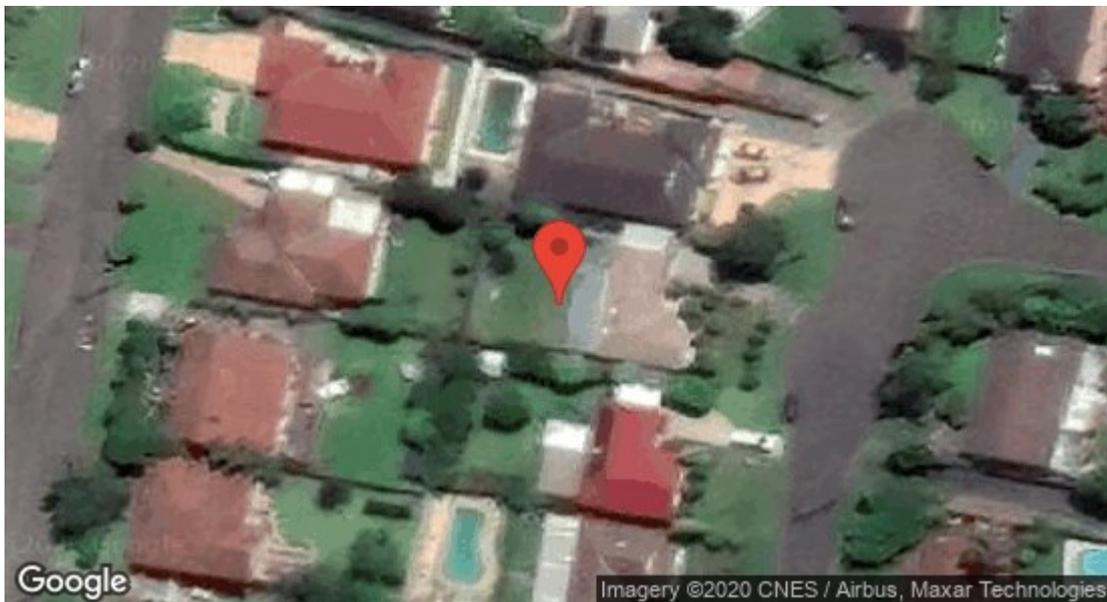
Background

Running parallel to the northern side boundary for a width of 3 metres is a stormwater drainage easement. A carport (which was subsequently constructed) was approved to be located within the drainage easement, subject to the carport posts being a certain distance from the pipe. (BA 59792/1990).

This proposal involves positioning of the sandstone logs within and on the southern edge of the easement. The sandstone wall would not be able to be readily moved like the carport and therefore, will be required to be positioned outside the easement. A condition of the consent will be included to address this matter.

Site & Surrounds

The site is located in a residential area and is not bush fire prone land as identified on Council's Bush Fire maps.



The Proposal

The proposal is for additions to the rear of the dwelling.

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 and Assessment Act 1979 - Section 4.15

Local Government Act 1993 - Section 89

State Environmental Planning Policy (Coastal Protection) 2018

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

Gosford Local Environmental Plan 2014

Gosford Development Control Plan 2013

Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

- Draft Central Coast Local Environment Plan

Permissibility

The subject site is zoned R2 LOW DENSITY RESIDENTIAL

The proposed development 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 (Coastal Management) 2018

Gosford Local Environmental Plan 2014

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 - Height of buildings	8.5m	5.7m	Yes	Nil	Yes
4.4 - Floor space ratio	0.5:1	0.27:1	Yes	Nil	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 ensure that development is compatible with the desired future character of the zone.
- 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.

In this instance, it is considered that the proposal is consistent with the stated objectives of the zone and consistent with the principles of Ecologically Sustainable Development as specified within the Local Government Act 1993.

Gosford Development Control Plan 2013

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.1.2.1 - Building Height	Maximum building height required	8.5m	5.7m	Yes	Yes
	Number of storeys required	2	1	Yes	Yes
	Building height Outbuildings and Detached Ancillary Development required				
3.1.2.2 - Site Coverage	Site coverage required	50%	39%	Yes	Yes
3.1.2.3 - Floor Space Ratio	FSR required	0.5:1	0.27:1	Yes	Yes
3.1.3.1b - Rear Setback	Rear setback to private allotment required	3m	7.5m	Yes	Yes
	Rear setback to parallel road or public reserve required				
	Rear setback within coastal hazard area required				
3.1.3.1c - Side Setback	Side setback for lots greater than 12.5m wide required	0.9m	3.1m to north elevation and 1m to south elevation	Yes	Yes
	Side setback for lots up to 12.5m wide required				
	Side setback for lots less than 8m wide required				
	Side setback for carports required				
3.1.4.1 - Views				Yes	Yes

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.1.4.2 - Visual Privacy				Yes	Yes

3.1.4.1 Views

The proposal is consistent with the objectives of Consideration of Views. The primary views and outlook from the existing neighbouring dwellings will not be substantially affected.

3.1.4.2 Visual Privacy

Minimal to nil impact on privacy considering the location, size and setbacks of the proposed habitable spaces and windows from allotment boundaries.

6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned.

6.7 Water Cycle Management

Whilst the BASIX certificate does not call for the requirements of a water tank under DCP 6.7 would be of a 3000 litre volume. The consent will be conditioned accordingly.

7.2 Waste Management

Waste Management Plan has been submitted. A condition has been included in the development consent.

Planning Agreements

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

Development Contribution Plan

The proposed development is a development type that is not subject to S94 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

Referrals

Internal Referral Body	Comments
Water and Sewer Assessment	Supported, subject to conditions

Political Donations

During assessment of the application there were no political donations 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 the 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. The proposed roof line appears imposing. A solution could be to lower the building with deeper excavation and other construction methods.

Comment - The proposed addition in the rear yard has step up to the contours of the site. The original dwelling was excavated into the site along its rear elevation. The overall height of the building is presented as a single storey dwelling and is 2.8m below the allowable height controls.

2. The formation of the hipped design roof creates a middle section that protrudes higher than the main ridge line.

Comment - Sitting above the proposed dining area, a small section of the roof design protrudes above the main ridge line formed by the gable ends of the additions. The subject roof form is positioned some 12 metres from the rear boundary and is 2.8 metres below the allowable height control. The height and scale of the proposed additions are consistent in style, character and form to other dwellings within the area and to refuse the application based on the comments received from the neighbour could not be justified.

3. Concerns of overshadowing

Comment - The additions are setback approximately 8m from the rear boundary and at ground level. The shadows cast by the additions during the winter solstice do not reach the rear boundary at 9am. The proposal would not impact the neighbour in relation to this concern.

4. Reflectivity of green metal roof.

Comment - The use of a metal roof for the dwelling and dwelling additions is an acceptable form of roof materials used on dwellings with an urban environment on the central coast. . Generally, when new metal roof sheets are used, they can be a some glare (irrespective what colour is used) for a short period, however the reflectance is dulled as the sheets are exposed to the elements.

Conclusion

This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & 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 an 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

Original Lodged Plans, CM9 Doc No. D14001542 Plans13 Taurus Close, KINCUMBER DA58457 Part 1 29/05/2020 at 4:22 PM 29/05/2020 at 4:22 PM

Supporting Documents for Binding with consent

Nil

Recommendation

- A. Council as consent authority grant consent to the development application as detailed in the body of this report, 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 objector(s) be notified of Council's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Stephen Goodworth Building Surveyor

Recommendation Reviewed by:

Grant Killen
Peer Review Complete - Principal

Conditions

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by: Arthaus Building design

Drawing	Description	Sheets	Issue	Date
DA01 to DA14, SA01 & SH01	Architectural details	16	Rev 4	undated

- 1.2 Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.3 Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
- Site investigation for the preparation of the construction, and / or
 - Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - Demolition
- 2.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000* that must detail:
- The repositioning of the sandstone retaining wall to be setback at least 3m from the northern side boundary to ensure the wall is clear of the 3m wide stormwater drainage easement.
 - The inclusion of a 3000 litre rain water tank.
- 2.4 Submit an application to Council under section 305 of the *Water Management Act 2000* to obtain a section 307 Certificate of Compliance. The *Application for a 307 Certificate under section 305 Water Management Act 2000* form can be found on Council's website www.centralcoast.nsw.gov. Early application is recommended.
- A section 307 Certificate must be obtained prior to the issue of any Construction Certificate.
- 2.5 Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent To Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1** All conditions under this section must be met prior to the commencement of any works.
- 3.2** Appoint a Principal Certifier for the building work:
- a. The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b. Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 3.3** Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- a. The name, address and telephone number of the Principal Certifier for the work; and
 - b. The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited
 - d. Remove the sign when the work has been completed.
- 3.4** Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au
- Contact Council prior to submitting these forms to confirm the relevant fees.
- This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.
- 3.5** Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - b. diverting uncontaminated run-off around cleared or disturbed areas, and
 - c. preventing the tracking of sediment by vehicles onto roads, and
 - d. stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- 3.6** Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.

- 3.7** Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - could cause damage to adjoining lands by falling objects, or
 - involve the enclosure of a public place or part of a public place

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the [Local Government Act 1993](#) or the [Roads Act 1993](#), respectively.

Note 2: The [Work Health and Safety Act 2011](#) and [Work Health and Safety Regulation 2011](#) contain provisions relating to scaffolds, hoardings and other temporary structures.

- 3.8** Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- more than 10m² of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

4. DURING WORKS

- 4.1** All conditions under this section must be met during works.
- 4.2** Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.3** During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- All excavation or disturbance of the area must stop immediately in that area, and
 - The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

- 4.4** Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5** Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.

- 4.6** Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 4.7** Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 4.8** Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9** Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.10** No fill other than that as indicated within the approved plans is permitted to be placed upon the site.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1** All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2** Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the Plumbing and Drainage Act 2011.

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

- 5.3** Install a rainwater tank with a minimum capacity of 3000 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from the roof area with suitable plumbing connections provided to collect rainwater from the roof area. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service the w.c. in the laundry and cold water tap for the washing machine applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%. All overflow must be connected via piped drainage line to street kerb outlet.
- 5.4** Drain all roof water, including the overflow from the water tank, by a piped drainage line to the street kerb outlet.

6. PENALTIES

- 6.1 Failure to comply with this development consent and any condition of this consent may be a criminal offence. Failure to comply with other environmental laws may also be a criminal offence.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and / or custodial sentences for serious offences.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a. Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b. Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c. Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d. Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e. Central Coast Council in respect to the location of water, sewerage and drainage services
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

This condition only applies if installation / alteration of plumbing and / or drainage works proposed (excludes stormwater drainage).

