

# CENTRAL COAST COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA59241/2020
Delegation level	Delegated
Property Lot & DP	LOT: 14 DP: 655477 LOT: 2 DP: 1213233
Property Address	530 Orange Grove Road BOOKER BAY NSW 2257 24 Booker Bay Road BOOKER BAY NSW 2257
Site Area	765 m <sup>2</sup> 987 m <sup>2</sup>
Zoning	R2 LOW DENSITY RESIDENTIAL R2 LOW DENSITY RESIDENTIAL
Proposal	Boundary Re-alignment
Application Type	Development Application - Local
Application Lodged	21/08/2020
Applicant	D F Duffield
Estimated Cost of Works	\$ 20,000
Advertised and Notified	04 September 2020 to 25 September 2020
Submissions	Nil
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

Council's records show the following applications have been lodged on this site:

DA5766/1999 (011.1999.00005766.001)

Development Application - DWELLING-HOUSE

Lodged: 18/10/1999 ( **Withdrawn by Applicant** : 19/12/2000 )

DA45747/2014 (011.2014.00045747.001)

Development Application - Works for Site Establishment for Manufactured Dwelling and Tree Removal and Installation of Manufactured Home and Associated Structure (Garage)

Lodged: 02/06/2014 ( **Approved by IDEP** : 28/08/2014 )

CC5766/1999 (012.1999.00005766.001)

Construction Certificate - DWELLING-HOUSE

Lodged: 18/10/1999 ( **Withdrawn by Applicant** : 19/12/2000 )

CC45747/2014 (012.2014.00045747.001)

Construction Certificate - Proposed Excavations & Retaining Wall Removal and Installation of Manufactured Home and

## Site & Surrounds

The site is located on the eastern side of Booker Bay Road, north of its intersection with Flathead Road. Proposed Lot 2 has direct access from Booker Bay Road and Proposed Lot 1 has direct access from Orange Grove Road. Adjoining development comprises a mix of low and medium density residential development, with predominately single dwelling houses along the foreshore. The topography is level/slightly sloping to the south east, toward the waterfront. Proposed Lot 2 is a waterfront property.

The site contains a dwelling house standing wholly on Lot 1 and a dwelling house standing wholly on proposed Lot 2..

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



## The Proposal

The proposal comprises:

- Boundary Realignment/Resubdivision of existing residential lots (2 into 2). No encroachments are created as a result of the proposed boundary realignment.
- Proposed Lot 1 - 647m<sup>2</sup> - having direct frontage to Orange Grove Road (containing an existing dwelling house)
- Proposed Lot 2 - 1115m<sup>2</sup> having direct frontage to Booker Bay Road (containing an existing dwelling house.
- The existing dwelling houses and driveways are wholly contained within their respective proposed allotments and no encroachments are created as a result of the boundary realignment.

## 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 (Coastal Management) 2018  
Gosford Local Environmental Plan 2014  
Gosford Development Control Plan 2013

## Draft Environmental Planning Instruments

The following draft Environmental Planning Instruments apply to this application:

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- Draft Central Coast Local Environment Plan 2018

It is not considered that the current proposal is contrary to the aims and objectives of the proposed zoning of the subject property under Draft Central Coast LEP 2018.

## Permissibility

The subject sites LOT: 14 DP: 655477 is zoned R2 LOW DENSITY RESIDENTIAL, LOT: 2 DP: 1213233 is zoned R2 LOW DENSITY RESIDENTIAL The proposed development is defined as Boundary Realignment/resubdivision which is permissible in the zone with consent of Council.

## State Environmental Planning Policies

### State Environmental Planning Policy (Coastal Management) 2018

The provisions of State Environmental Planning Policy (Coastal Management) 2018 require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas.

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

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.1 - Minimum subdivision lot size	550m2	Proposed Lot 1 - 647m2 & proposed Lot 2 - 1115m2	Yes	Nil	Yes

## Gosford Development Control Plan 2013

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
3.5.3 - Arrangement of Lots	Min allotment area and width (zone R2) required	550m2	Proposed Lot 1 - 647m2 & proposed Lot 2 - 1115m2	Yes	Yes
	Min allotment area and width (zone R1) required	n/a	n/a	n/a	n/a
	Min area and width (corner lots) required	n/a	n/a	n/a	n/a
	Min area and width (lot adjoining public reserve) required	n/a	n/a	n/a	n/a
	Max slope required	<15%	<15%	Yes	Yes
	Min lot area (battle axe lot) required	550m2	1115m2	Yes	Yes

Development Standard	Description	Required	Proposed	Compliance with Controls	Compliance with Objectives
	Max longitudinal grade for access driveway (battle axe lot) required	20%	<5%	Yes	Yes
3.5.8.1 - Land Subdivision				Yes	Yes

### **Booker Bay**

The proposed development is consistent with the desired character of Booker Bay 2 - Open Woodland Hillsides.

### **Chapter 2.2 Scenic Quality**

The visual and scenic impact has been assessed and the development is considered to be consistent with the objectives of scenic quality. The proposed development does not unreasonably contribute to the loss of characteristics of the natural or built environment, nor does it unreasonably dominate the local area.

### **3.5.3 Arrangement of Lots**

The proposed subdivision is subject to the development guidelines within Clause 3.5.3 of the DCP as summarised in the tables below:

**Table 1 - Site Area**

Proposed Lot No	Area Required m <sup>2</sup>	Area Proposed m <sup>2</sup>	Comply with Controls?	Comply with Objectives?	% Variance
1	550.0m <sup>2</sup>	647.0m <sup>2</sup>	Yes	Yes	Nil
2	550.0m <sup>2</sup>	1115.0m <sup>2</sup>	Yes	Yes	Nil

**Table 2 - Width at Building Line**

Proposed Lot No	Width Required m	Width Proposed m	Comply with Controls?	Comply with Objectives?	% Variance
1	15.0m	15.24m	Yes	Yes	Nil
2	15.0m	15.2m	Yes	Yes	Nil

## **Planning Agreements**

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

## **Development Contribution Plan**

The proposed development is a development type that is not subject to section 7.11 or 7.12 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

## **Referrals**

Internal Referral Body	Comments
Engineering	Supported, without conditions
External Referral Body	Comments
Transport for NSW	Referral not required

## 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

The development has been notified in accordance with the provisions of Gosford Development Control Plan 2013. There were no submissions received in relation to this proposal.

## 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 DOCUMENT D14137683 PUBLIC Plans 24 Booker Bay Road & 530 Orange Grove Road BOOKER BAY DA59241 Part 1

### 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.

<b>Recommendation:</b>	Approval, subject to conditions
<b>Assessing Officer:</b>	Jennifer Montaser Town Planner
<b>Recommendation Reviewed by:</b>	Robert Eyre 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: ADW Johnson

Drawing	Description	Sheets	Issue	Date
Sheets 1 of 2 & 2 of 2	Existing & Proposed Lot Layout - Subdivision Plan	2	C	08/10/18

## 2. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 2.1** All conditions under this section must be met prior to the issue of any Subdivision Certificate.
- 2.2** Obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority, prior to issue of the Subdivision Certificate.
- 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](http://www.centralcoast.nsw.gov). Early application is recommended.

## 3. PENALTIES

- 3.1** 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.