



Central Coast Council

Local Planning Panel Meeting

**ATTACHMENTS PROVIDED UNDER
SEPARATE COVER**

Thursday 9 June 2022

Central Coast Council
Attachments Provided Under Separate Cover to the
Local Planning Panel Meeting
To be held Remotely - Online,
on Thursday 9 June 2022
Commencing at 2:00pm

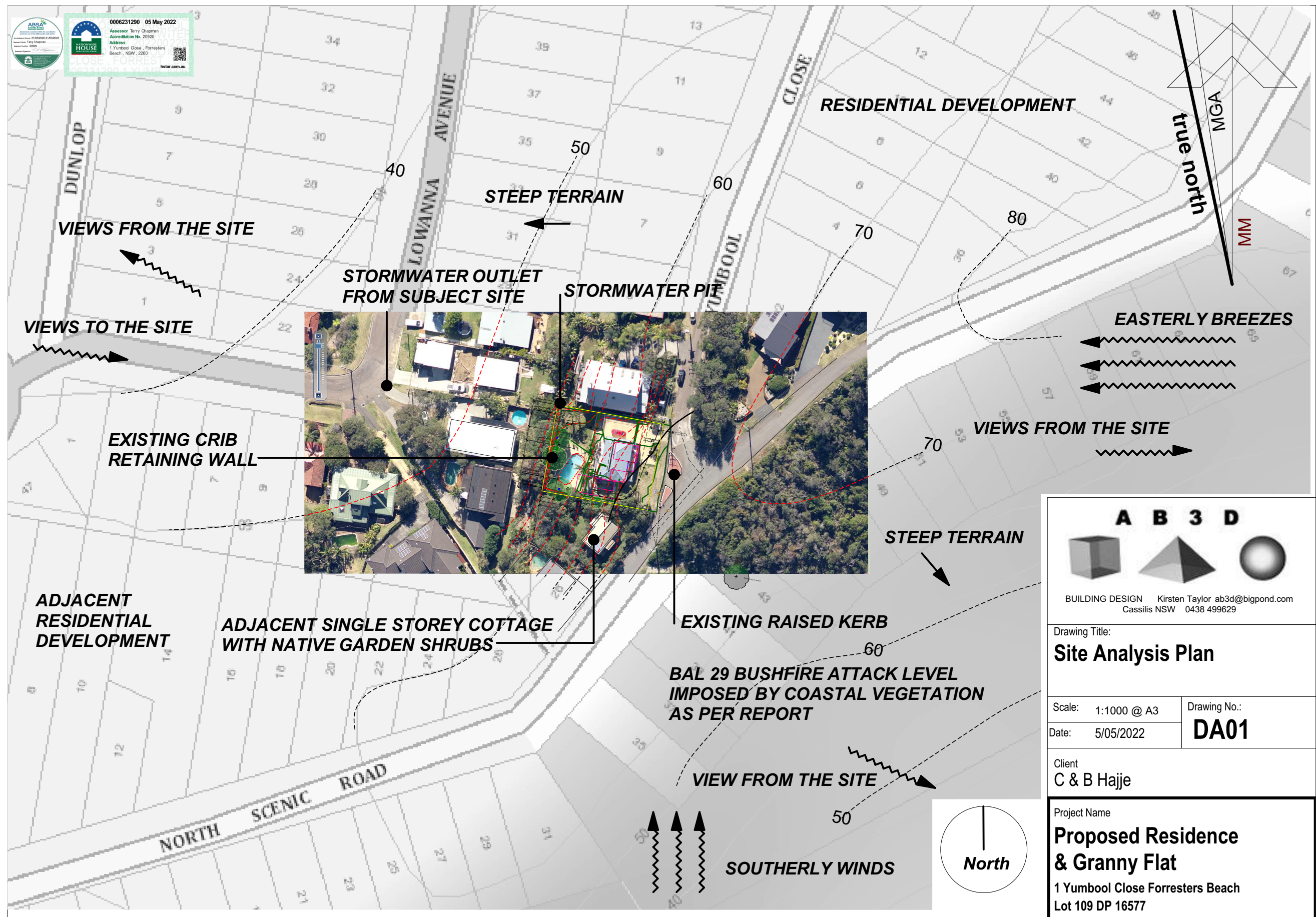
INDEX

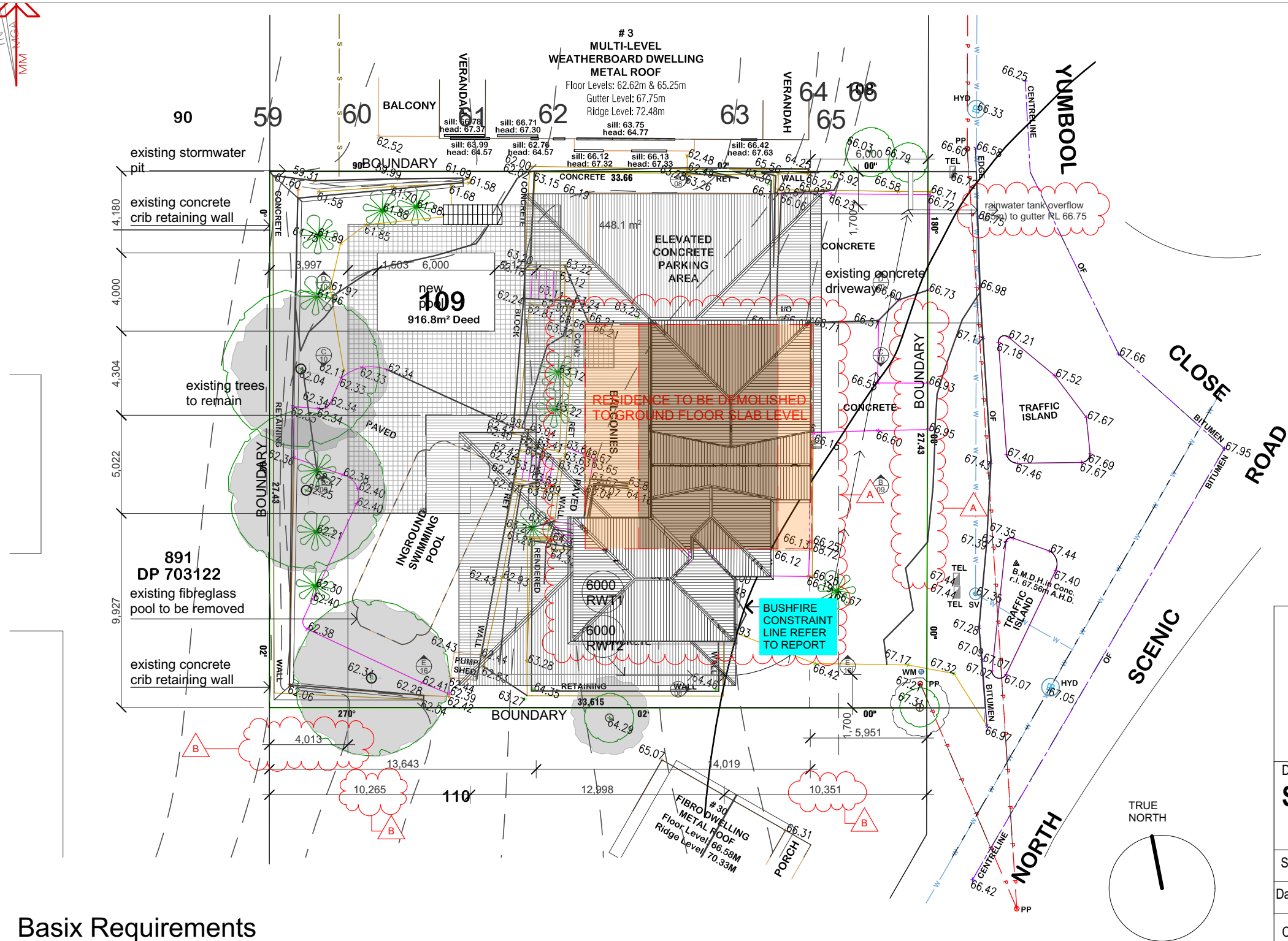
PLANNING REPORTS

3.1 DA/63207/2021 - 1 Yumbool Close Forresters Beach - Demolition of Existing Dwelling House down to slab level and demolition of Swimming Pool, New Dwelling on existing slab, Secondary Dwelling, Front Fence, Swimming Pool & Associated Works including a Lift and Fire Place

Attachment 1: Redacted Plans for LPP 1 Yumbool Close FORRESTERS BEACH DA/63207/2021 3

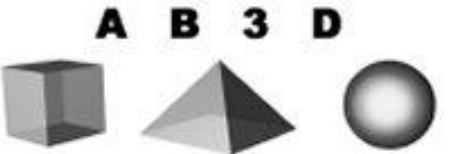
Attachment 2: Statement of Environmental Effects Rev C May 2022, DA63207/2021, H1 Yumbool Close FORRESTERS BEACH 17





Area Calculations

Site Area:	916.80
Lower Ground Floor:	
GFA Rumpus	76.09
Garage over 36m2	36.18
Lobby	9.42
Sub-total	121.69
Ground Floor:	
GFA Residence	60
Granny Flat	246.83
Sub-total	
Upper Floor:	
GFA Residence	65.45
Sub-total	65.45
Total GFA	433.97
FSR	0.47:1



Kirsten Taylor ab3d@bigpond.com
Cassilis NSW 0438 499629

Drawing Title:
Site Plan - Roof Plan

Scale: 1:200 @ A3
Date: 5/05/2022

Drawing No.:
DA02'B'

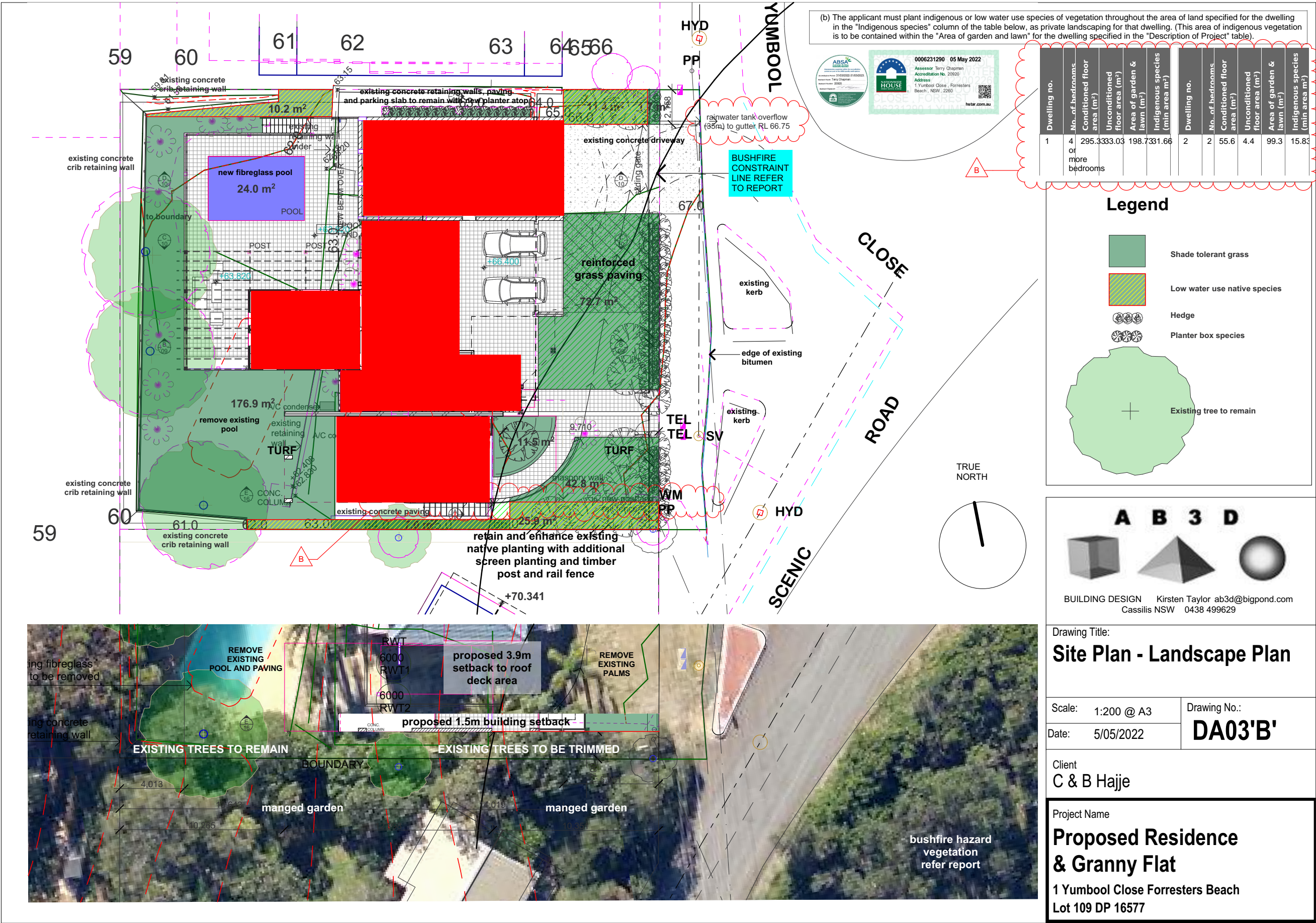
Client
C & B Hajje

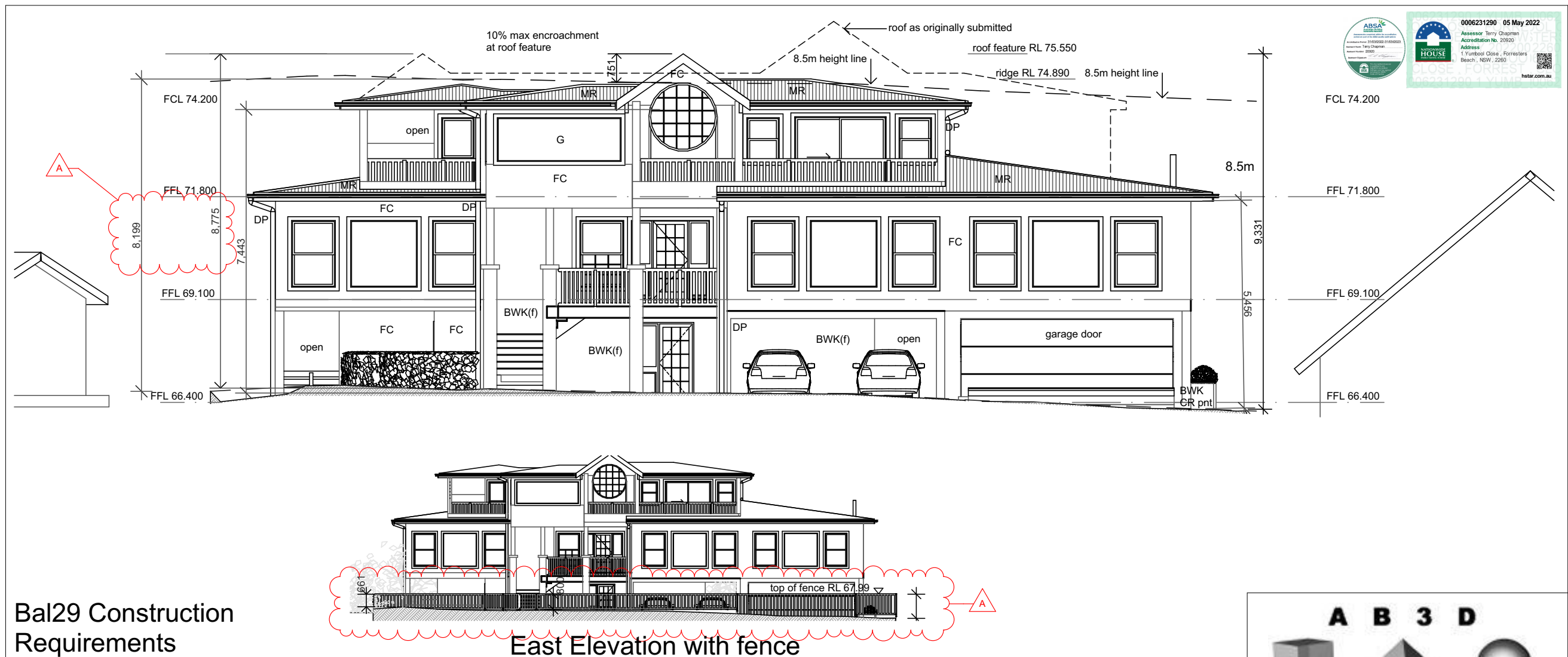
Project Name
Proposed Residence
& Granny Flat
1 Yumbool Close Forrester's Beach
Lot 109 DP 16577

Basix Requirements

Central energy systems		Type	Specification				
Alternative energy supply		Photovoltaic system	Rated electrical output (min): 3.0 peak kW				
	Alternative water source						
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up
1	individual water tank (no. 1)	Tank size (min) 5000.0	To collect run-off from at least: 226.0 square metres of roof area;	yes	yes	yes	yes
All other dwellings	individual water tank (no. 2)	Tank size (min) 5000.0	To collect run-off from at least: 226.0 square metres of roof area;	yes	yes	yes	-

Clarke Dowdle & Associates		
project:	#1 YUMBOOL CLOSE, FORRESTER'S BEACH.	ref. ratio: 1:200
reference #/doc:	11164D	status: A.H.D.
details:	Lot 109 in DP 16577	contour interval: 1m
job date:	24/03/2021	DA #: 1 of 1
drawing:	PLAN SHOWING SPOT-LEVELS, CONTOURS & DETAIL.	LGA: CENTRAL COAST
		Parish: KINCUMBER
		County: NORTHUMBERLAND





Bal29 Construction Requirements

REFER ALSO TO AS3959-2018 AND BUSHFIRE REPORT

DOORS & WINDOWS

Glazed Timber Entry Doors

External timber door frame material is to be bushfire resistant timber
 External door leaf materials is to be bushfire resistant timber
 External door panels are to be 35mm thick solid timber
 for the bottom 400mm minimum.
 Glazing to be 6mm toughened glass
 Doors are to be fitted with draught excluders.

Aluminium Sliding Doors and Windows

Glazing is to be 5mm toughened glass
Sliding panels are to be tight fitting in the frames
Where the door or window sill is less than 400mm from decks or a roof with pitch less than 18deg. they are to be protected with external screens of non-corrosive metal (steel, bronze or aluminium) with 2mm max. aperture.
The opening sash of all windows are to be fitted with external screens of non-corrosive metal (steel, bronze or aluminium) with 2mm max. aperture.

WALLS

WALLS

Cladding & Fascias

Timber studwork sarked and clad on the outside with fibre cement 6mm minimum thick.

Joints & Gaps

All joints in the external surface material of walls shall be covered, sealed, overlapped, backed or butt jointed. All joints (except in cover strips and decorative trims) shall be backed by breathable sarking or non-corrosive metal mesh of 2mm max. aperture. All gaps including vents, weepholes and the like shall be screened, except for weepholes to the sills of windows and doors.

ROOFS (including penetrations, eaves, fascias and gables, and gutters and downpipes)

Sheet Roof

- All roofing to be non-combustible zincalume steel and be fully sarked with non-combustible sarking or foil backed insulation
- The roof/wall and roof/roof junctions shall be sealed at the fascia or wall line, hips and ridges by non corrosive metal mesh of 2mm max.aperture, mineral wool or other non-combustible flexible fire caulking material.
- Roof ventilation openings, such as gable and roof vents shall be fitted with ember guards made of non-corrosive metal mesh of 2mm max. aperture.

Verandah Roof

Verandah roof is to be fully sarked with non-combustible sarking and sealed as per main roof where combustible timber soffit lining is to be installed.

Roof Penetrations

- Roof lights, roof ventilators, aerial, vent pipes and supports for solar collectors or the like, shall be sealed with a flexible fire caulking material.
- Vent pipes are to be of PVC.
- Eaves lighting shall be adequately sealed

Skylights

- | | |
|---------|---|
| • | Openings in vented roof lights, roof ventilators or vent pipes shall be screened with |
| non- | corrosive metal mesh of 2mm max. apertures. |
| • | All overhead glazing shall be Grade A safety glass conforming with AS1288. (external |
| pane of | double glazed units) Polymere glazed skylights to have safety glass diffuser below. |

GABLES

Timber cladd gables

Timber clad gables
Timber studwork sarked and clad on the outside with fibre cement 6mm minimum thick or bushfire resistant timber.

EAVES

- Eaves linings shall be 4.5mm thick fibre cement with plastic cover/joining strips
- Eaves penetration shall be protected as per roofs.
- Ventilation openings shall be fitted with ember guards made of non-corrosive metal mesh of 2mm max. aperture.

GUTTERS AND DOWNPIPES

Gutters are to be zincalume steel, where installed, gutter leaf guards are to be non-combustible.

VERANDAHS

Posts are to bushfire resisting timber or steel

Beam to be bushfire resisting timber or steel



- Soffit linings shall be 6mm thick fibre cement with plastic cover/joining
- Verandah floors are to be clad with 6mm min. FC to underside and tiled finish

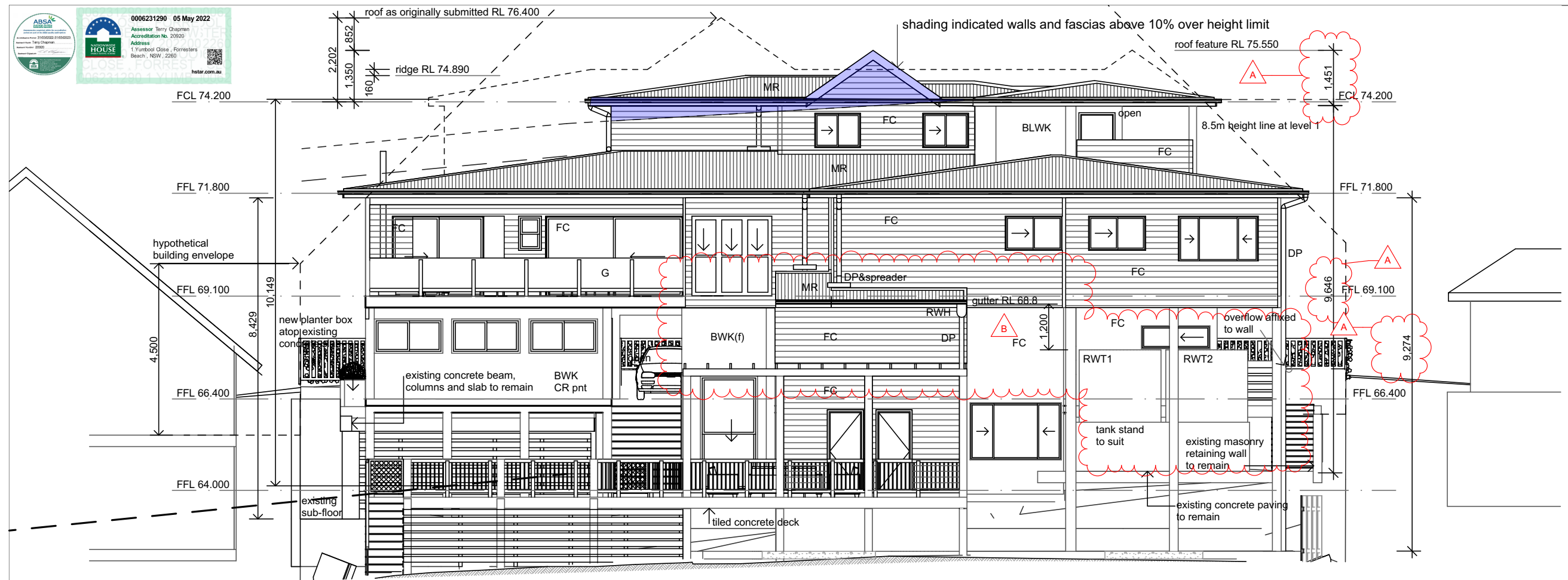
TIMBER DECKS, STEPS AND LANDINGS (POOL)

Tiled concrete slab surround to pool including stairs

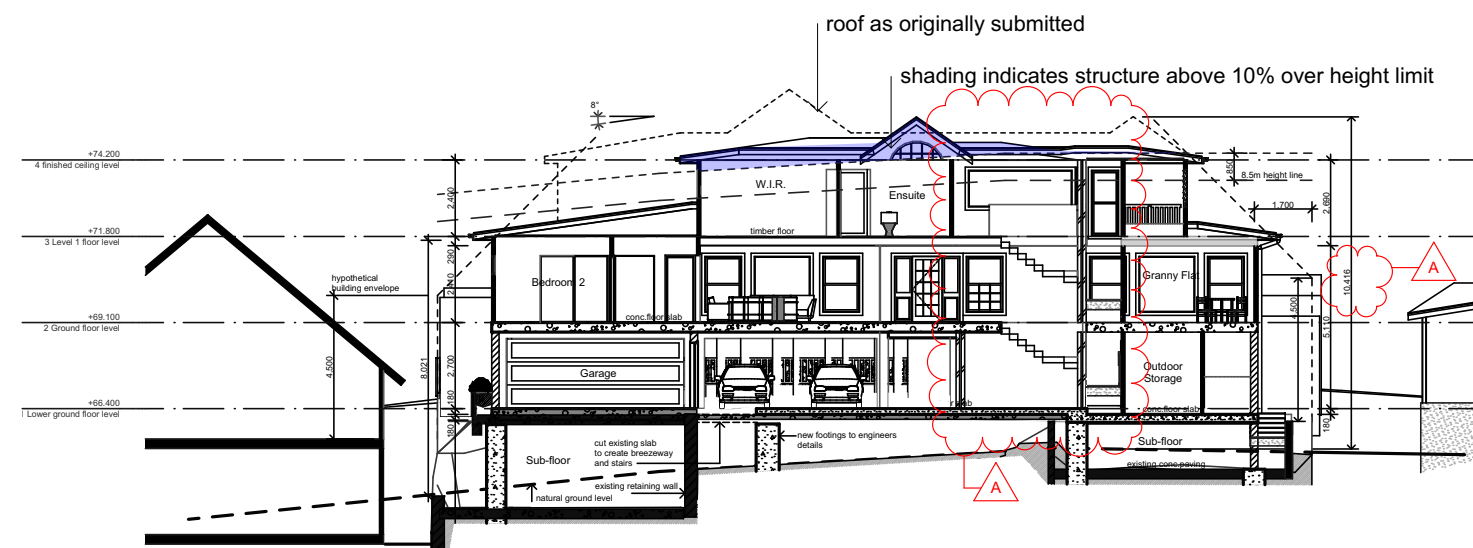
WATER AND GAS PIPES

Above ground, exposed water supply pipes and fittings (including to water tanks) are to be metal
External gas pipes and fittings above ground shall be of steel or copper construction having a minimum wall thickness in accordance with gas regulations or 0.9mm whichever is the greater. The metal pipe shall extend for a minimum of 400mm inside the building and 100mm below ground.

<div style="display: flex; justify-content: space-around; align-items: center;"> A B 3 D </div> <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 10px;">    </div>	
BUILDING DESIGN Kirsten Taylor ab3d@bigpond.com Cassilis NSW 0438 499629	
Drawing Title: <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">East Elevation</div>	
Scale: 1:100, 1:200 @ A3	Drawing No.: <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">DA07'B'</div>
Date: 5/05/2022	
Client <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">C & B Hajje</div>	
Project Name <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">Proposed Residence & Granny Flat</div> <div style="margin-top: 10px;"> 1 Yumbool Close Forresters Beach Lot 109 DP 16577 </div>	



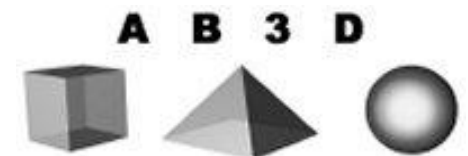
West Elevation



Section A

Note

All materials and construction is to be strictly in accordance with the Building Code of Australia, the National Construction Code and all relevant Australian Standards.



BUILDING DESIGN Kirsten Taylor ab3d@bigpond.com
Cassilis NSW 0438 499629

Drawing Title:

West Elevation & Section

Scale: 1:100, 1:200 @ A3

Date: 5/05/2022

Drawing No.:

DA08'B'

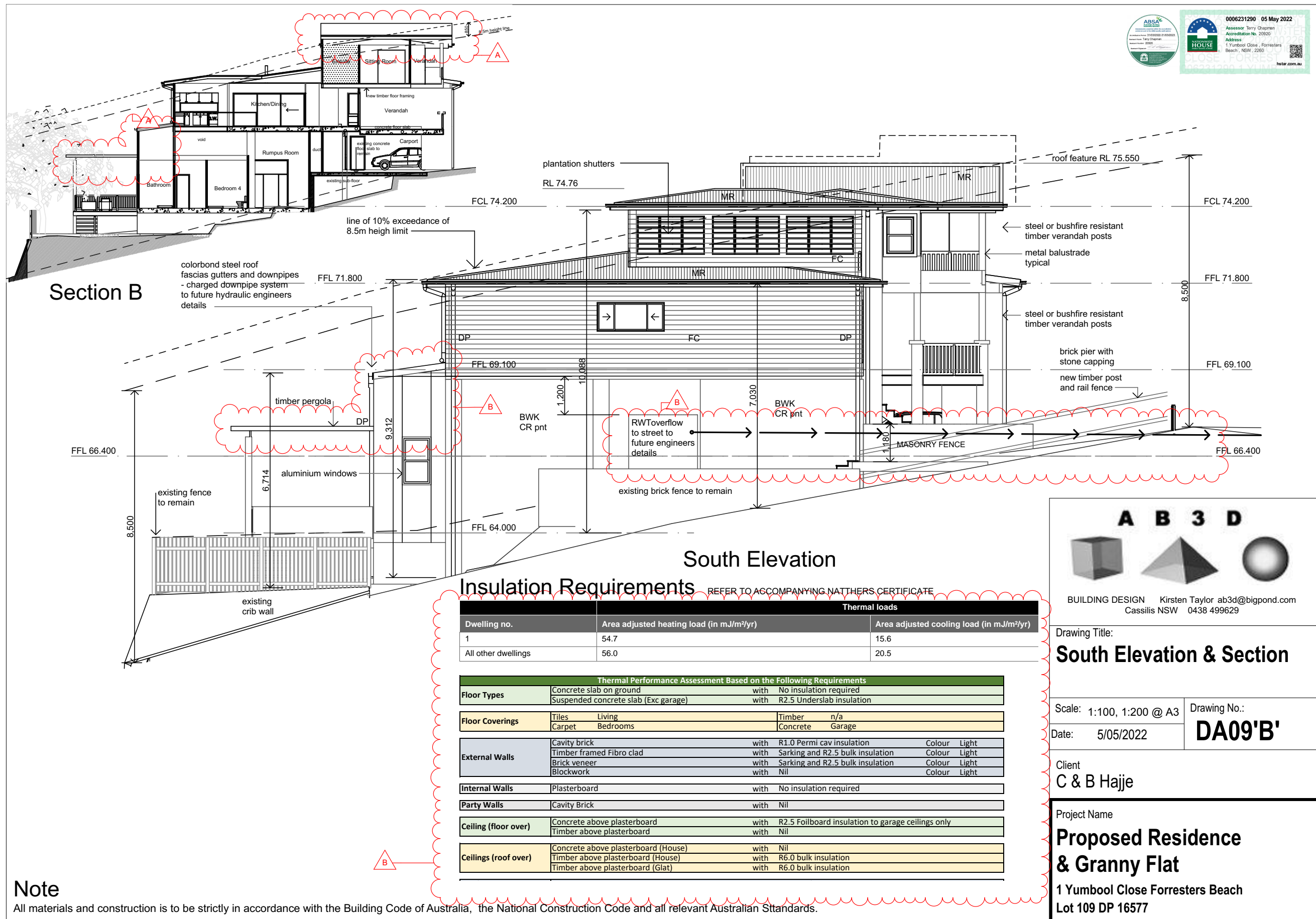
Client

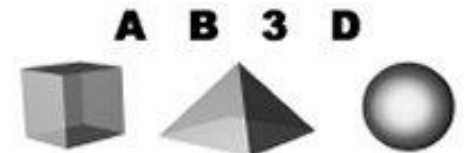
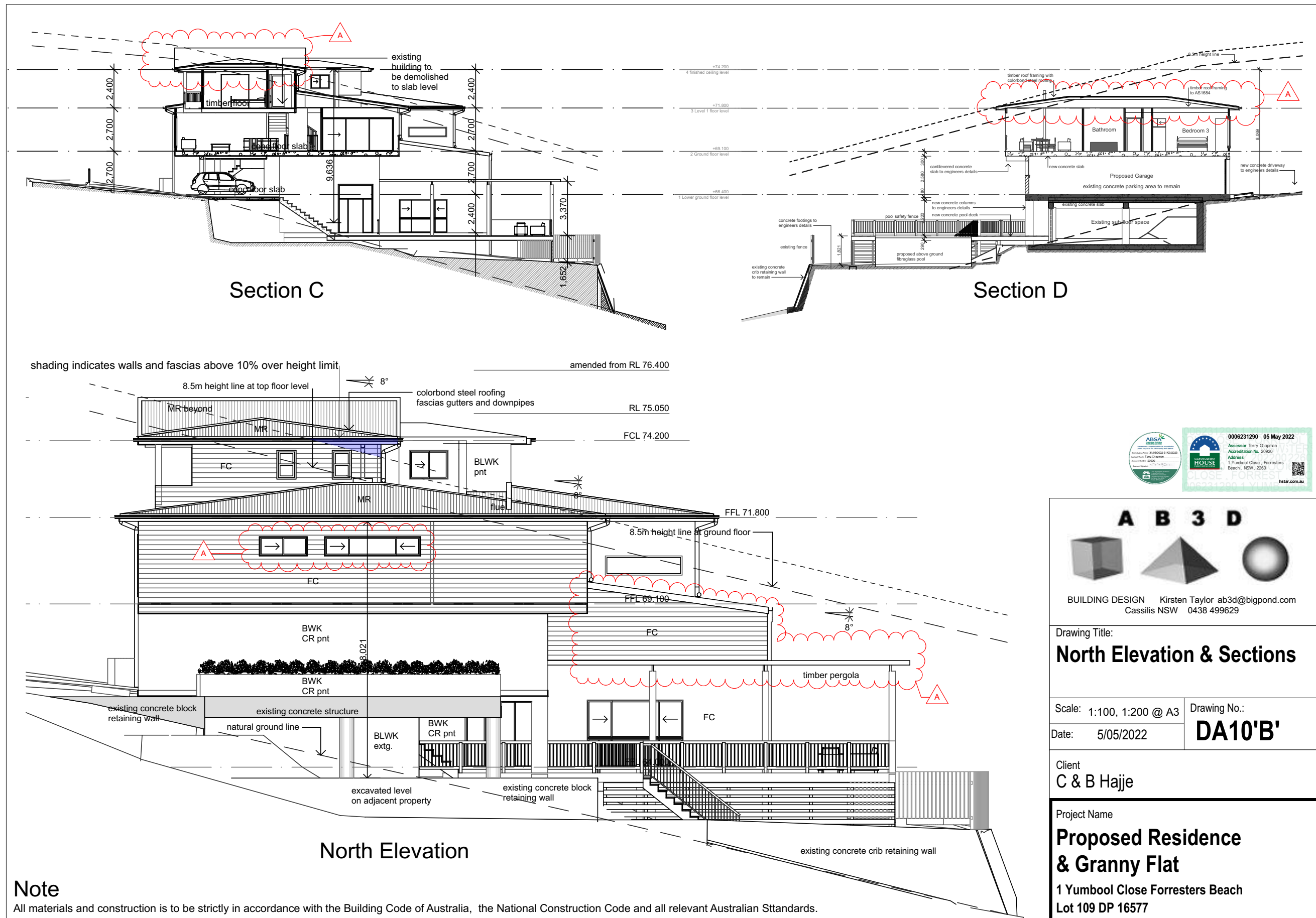
C & B Hajje

Project Name

**Proposed Residence
& Granny Flat**

1 Yumbool Close Forrester's Beach
Lot 109 DP 16577





BUILDING DESIGN Kirsten Taylor ab3d@bigpond.com
Cassilis NSW 0438 499629

Drawing Title:

North Elevation & Sections

Scale: 1:100, 1:200 @ A3

Date: 5/05/2022

Drawing No.:

DA10'B'

Client

C & B Hajje

Project Name

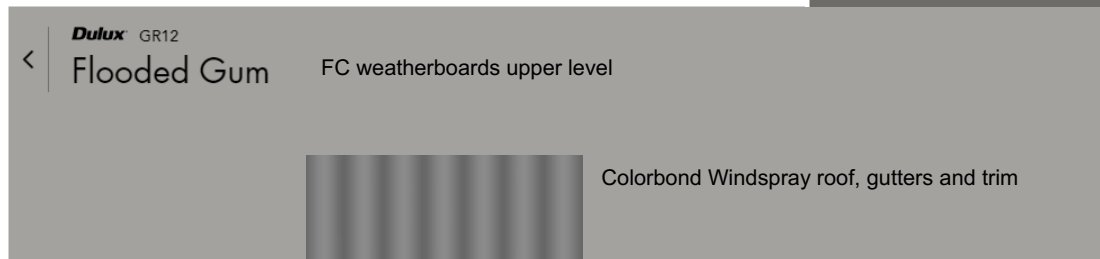
**Proposed Residence
& Granny Flat**

**1 Yumbool Close Forresters Beach
Lot 109 DP 16577**



FC gable

Dulux GR11
Malay Grey

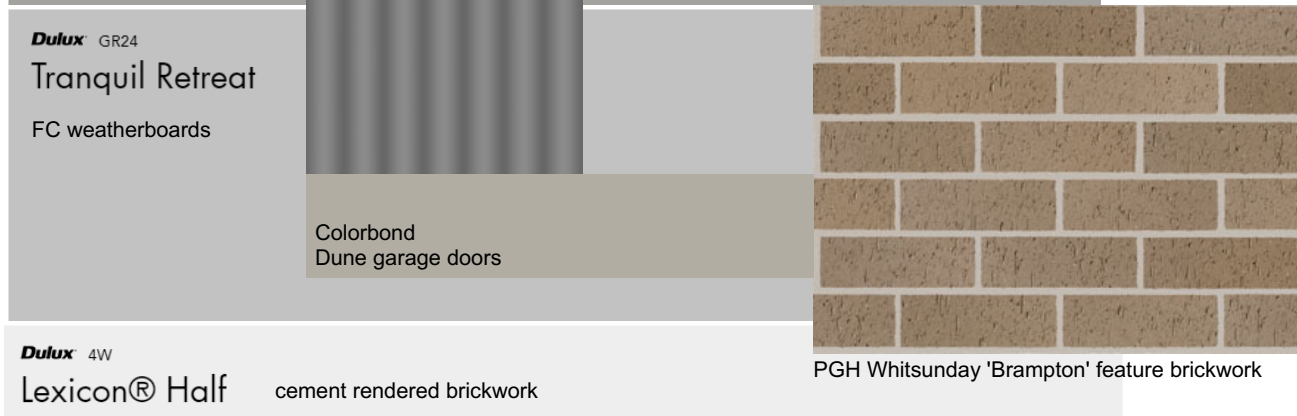


Dulux GR12

Flooded Gum

FC weatherboards upper level

Colorbond Windspray roof, gutters and trim



Dulux GR24

Tranquil Retreat

FC weatherboards

Colorbond
Dune garage doors

Dulux 4W

Lexicon® Half

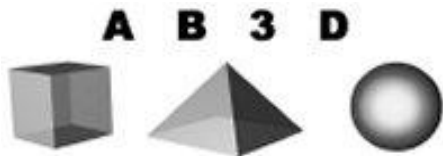
cement rendered brickwork

PGH Whitsunday 'Brampton' feature brickwork



SCHEDULE OF FINISHES

Roof: colorbond steel
Walls: face brickwork feature, rendered brickwork
FC clad studwork paint finish
Columns: Steel/hardwood paint finish
Balustrades: Powdercoat metal
Windows: Powdercoat aluminium



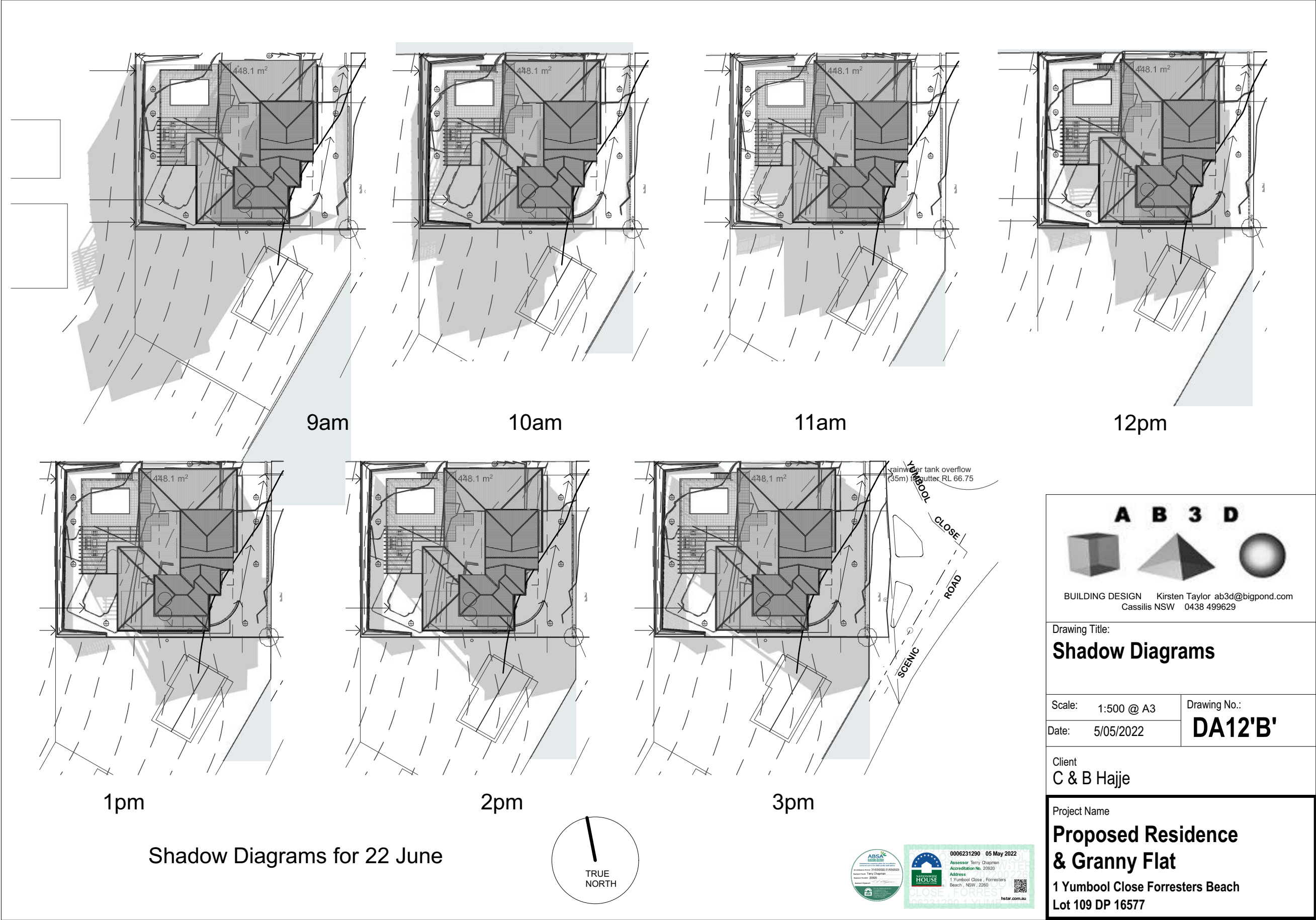
BUILDING DESIGN Kirsten Taylor ab3d@bigpond.com
Cassilis NSW 0438 499629

Drawing Title:
3D & Schedule of Finishes

Scale: NTS	Drawing No.: DA11'B'
Date: 5/05/2022	

Client
C & B Hajje

Project Name
**Proposed Residence
& Granny Flat**
1 Yumbool Close Forresters Beach
Lot 109 DP 16577



no glazed panes to D1																											
windows shown with architraves																											
windows shown with architraves																											
windows shown with architraves																											
Glazed Window/Door No. Room Size (HxW) Function Frame	D1(S) Stair 2 2050x820 leaf swinging aluminium bushfire resistant timber leaf	D2(E) Lobby 2100x1500 swinging with sidelight aluminium	W1(E) granny flat Lounge Size 1800x1200 double hung aluminium	W2(E) granny flat lounge Size 1800x1800 fixed aluminium	W3(E) granny flat Lounge Size 1800x1200 double hung aluminium	W4(E) Stair 1 Size 1800x1200 double hung aluminium	D3(E) Entry Size 2100x2100 swinging with sidelights aluminium	W5,8(E) Lounge, Bed 1 Size 1800x1200 double hung aluminium	W6,9(E) Lounge, Bed 1 Size 1800x1800 fixed aluminium	W7,10(E) Lounge, Bed 1 Size 1800x1200 double hung aluminium																	
no coner meeting stile																											
Glazed Window/Door No. Room Size (HxW) Function Frame	D4(W) Bed 2 Size 2100x2400 sliding aluminium	W11(W) Bathroom Size 1200x600 double hung aluminium frosted glass	D5(W) Size 2100x3600 sliding aluminium fixed pane frosted					D6(N) Dining Size 2100x4500 sliding stacker aluminium																			
Glazed Window/Door No. Room Size (HxW) Function Frame	W12(W) Dining Size 2100x2100 double hung aluminium	W13(N) Kitchen Size 600x2400 fixed aluminium	W14,15(W) Laundry, granny flat kitchen Size 900x1500 sliding aluminium																								
BAL 29 BUSHFIRE REQUIREMENTS DOORS & WINDOWS Glazed Timber Entry Doors External timber door frame material is to be bushfire resistant timber External door leaf materials is to be bushfire resistant timber External door panels are to be 35mm thick solid timber for the bottom 400mm minimum. Glazing to be 6mm toughened glass Doors are to be fitted with draught excluders. Aluminium Sliding Doors and Windows Glazing is to be 5mm toughened glass Sliding panels are to be tight fitting in the frames Where the door or window sill is less than 400mm from decks or a roof with pitch less than 18deg. they are to be protected with external screens of non-corrosive metal (steel, bronze or aluminium) with 2mm max. apperture. The opening sash of all windows are to be fitted with external screens of non-corrosive metal (steel, bronze or aluminium) with 2mm max. apperture.																											
Note All materials and construction is to be strictly in accordance with the Building Code of Australia, the National Construction Code and all relevant Australian Sttandards.																											
<div><div><div>0006231290 05 May 2022</div><div>Assessor Terry Chapman</div><div>Accreditation No. 20920</div><div>Address</div><div>1 Yumbool Close - Forresters Beach - NSW - 2209</div><div>hstar.com.au</div></div><div>Basix Requirements REFER TO ACCOMPANYING NATTERS CERTIFICATE FOR GLAZING SPECIFICATION</div></div>																											
<div><div><div>A B 3 D</div><div><div>BUILDING DESIGN Kirsten Taylor ab3d@bigpond.com</div><div>Cassilis NSW 0438 499629</div></div></div><div>Drawing Title: Glazed Window/Door Schedule Sheet 1</div><div><div>Scale: 1:50 @ A3</div><div>Drawing No.: DA13'B'</div></div><div>Client C & B Hajje</div><div>Project Name Proposed Residence & Granny Flat 1 Yumbool Close Forresters Beach Lot 109 DP 16577</div></div>																											

	windows shown with architraves							
	windows shown with architraves							
Glazed Window/Door No. Room Size (HxW) Function Frame Glazing Furniture	W16(W) granny flat bed 1 Size 1200x2100 sliding aluminium	W17(S) granny flat bed 2 Size 900x2100 sliding aluminium	W18(S) Sitting room Size 1200x900 double hung aluminium	W19(E) Sitting room Size 1200x3300 fixed aluminium	W20(E) Sitting room Size 3000x1800 fixed aluminium	W21(E) Bed 1 Size 1200x900 double hung aluminium	D7(E) Bed 1 Size 2100x2400 sliding aluminium	W22(E) Bed 1 Size 1200x900 double hung aluminium
Glazed Window/Door No. Room Size (HxW) Function Frame Glazing Furniture	W23,24(N) Bedroom 1, WIR Size 900x600 double hung aluminium	W25, 26(W) Ensuite, Stair 1 Size 900x1200 sliding aluminium	W27(N) Stair 1 Size 900x1200 sliding aluminium	W28(S) Stair 2 Size 2100x900 double hung aluminium	W29(W) outdoor store Size 900x2100 sliding aluminium	W30(W) bar Size 1500x2400 sliding aluminium	W31, W32(S) Bathroom, Ensuite Bed 4 Size 1500x900 double hung aluminium	
Glazed Window/Door No. Room Size (HxW) Function Frame	W33(N) Bedroom 4 Size 2400x3000 sliding aluminium	W34(W) Rumpus Room Size 3000x1500 double hung aluminium	D08(N) Rumpus Room Size 3000x2100 entry set aluminium	D09(W) stair 2 Size 2050x820 swinging aluminium				



Basix
Requirements
REFER TO ACCOMPANYING
NATHERS CERTIFICATE FOR
GLAZING SPECIFICATION



BUILDING DESIGN Kirsten Taylor ab3d@bigpond.com
Cassilis NSW 0438 499629

Drawing Title:
**Glazed Window/Door
Schedule Sheet 2**

Scale: 1:50 @ A3	Drawing No.: DA14'B'
Date: 5/05/2022	

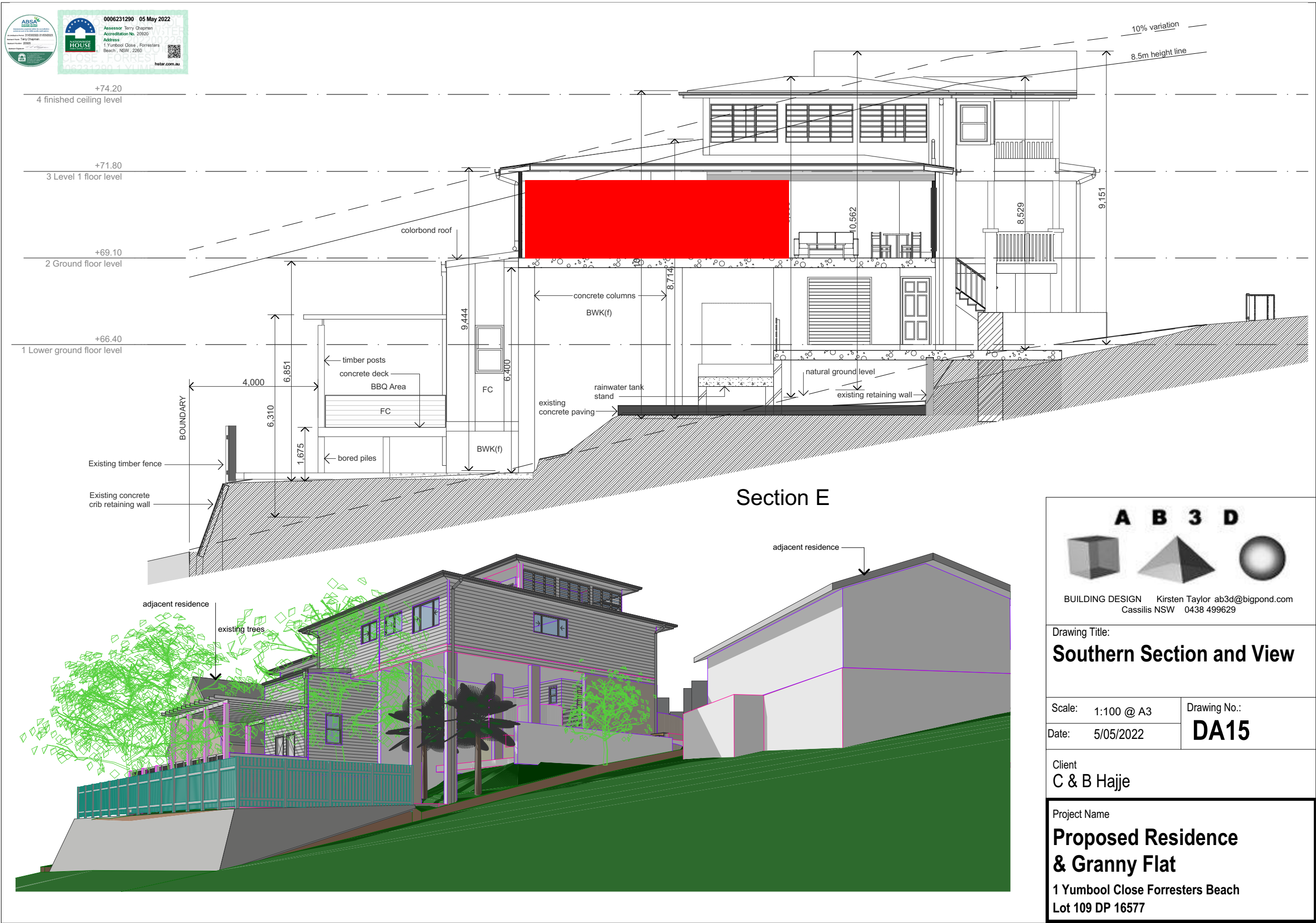
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C & B Hajje

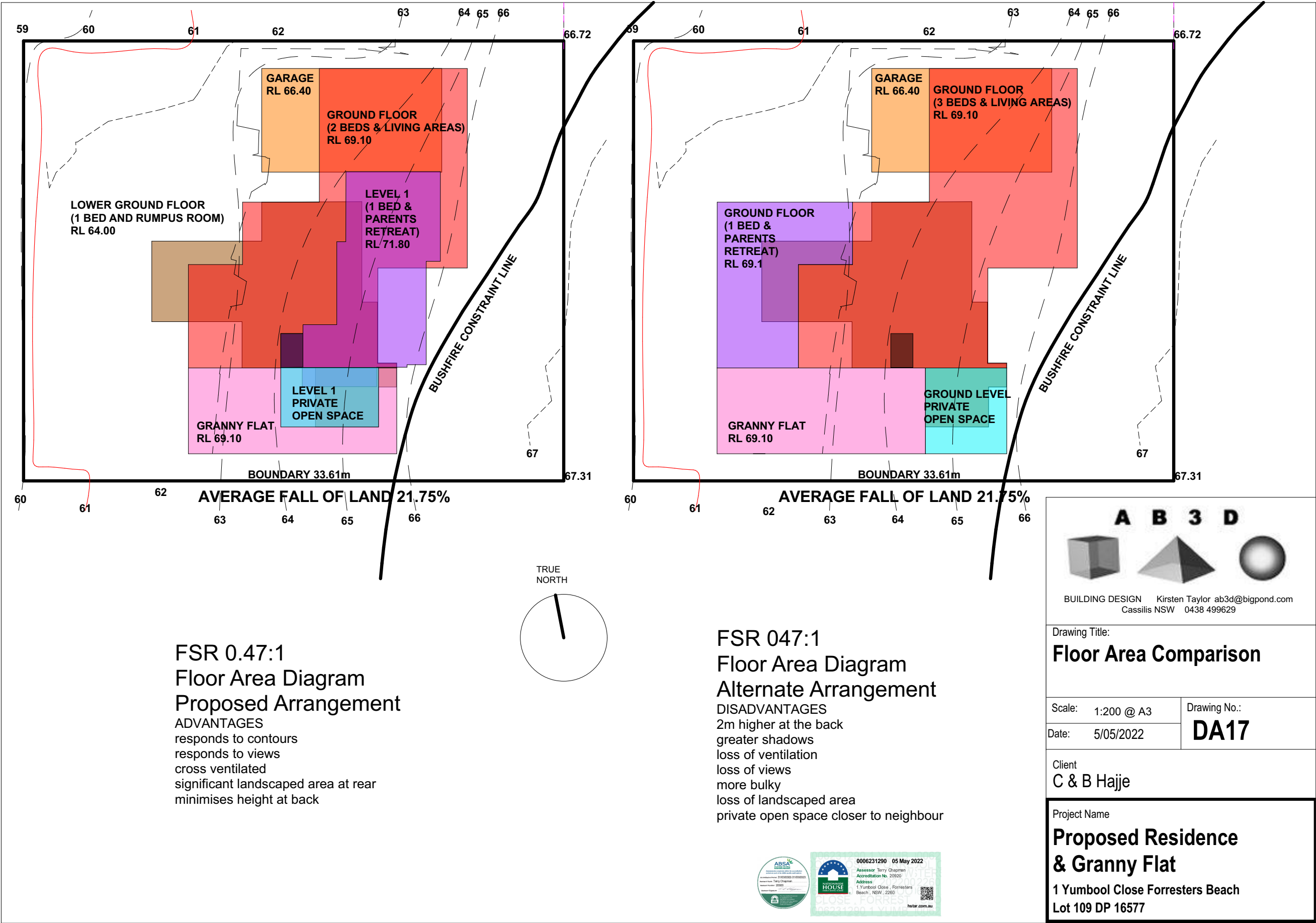
Project Name
**Proposed Residence
& Granny Flat**
1 Yumbool Close Forresters Beach
Lot 109 DP 16577

Note

All materials and construction is to be strictly in accordance with the Building Code of Australia, the National Construction Code and all relevant Australian Standards.

**BAL 29 BUSHFIRE REQUIREMENTS
DOORS & WINDOWS**
Glazed Timber Entry Doors
External timber door frame material is to be bushfire resistant timber
External door leaf materials is to be bushfire resistant timber
External door panels are to be 35mm thick solid timber for the bottom 400mm minimum.
Glazing is to be 6mm toughened glass
Doors are to be fitted with draught excluders.
Aluminium Sliding Doors and Windows
Glazing is to be 5mm toughened glass
Sliding panels are to be tight fitting in the frames
Where the door or window sill is less than 400mm from decks or a roof with pitch less than 18deg. they are to be protected with external screens of non-corrosive metal (steel, bronze or aluminium) with 2mm max. aperture.
The opening sash of all windows are to be fitted with external screens of non-corrosive metal (steel, bronze or aluminium) with 2mm max. aperture.







A

B

3

D

BUILDING DESIGN

Kirsten Taylor ab3d@bigpond.com

Cassilis NSW 0438 499629

Drawing Title:

Front 3D

Scale:

Drawing No.:

Date: 5/05/2022

DA16

Client

C & B Hajje

Project Name

Proposed Residence & Granny Flat

1 Yumbool Close Forresters Beach

Lot 109 DP 16577

STATEMENT OF ENVIRONMENTAL EFFECTS

New Dwelling-house and Secondary Dwelling

Property:

**Lot 109 DP 16577
No. 1 Yumbool Close, Forresters Beach**

Applicant:

Tim Shelley Planning

Prepared by:

tim shelley planning

phone: 0409 306186

email: tim@tsplanning.com.au

postal address: PO Box 3165 Erina NSW 2250

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Document Control Sheet

JOB No.	REVISION No.	AMENDMENT	DATE
21-11	A	Initial Draft for Client	9 th August, 2021
21-11	B	Final for Lodgement with DA	19 th August, 2021
21-11	C	Update to reflect amended plans dated 5/5/22 and address additional information submitted since lodgement of DA	9 th May, 2022

STATEMENT PREPARED BY:

Tim Shelley
Director – Tim Shelley Planning

Bachelor Urban and Regional Planning, University of New England

Waiver

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed with Tim Shelley Planning and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by Tim Shelley Planning and any sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information contained herein or for any consequences of its use will be accepted by Tim Shelley Planning.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

1.0 INTRODUCTION

1.1 EXECUTIVE SUMMARY

Introduction

Tim Shelley Planning has been engaged by Mr Chris Hajje to prepare and lodge a development application ("the application") with Central Coast Council ("Council") for a new dwelling-house and secondary dwelling at No. 1 Yumbool Close, Forresters Beach.

Purpose of Statement

To assist Council in making a determination on the subject application, this Statement has been prepared by Tim Shelley Planning in accordance with the Environmental Planning and Assessment Act 1979 and accompanying regulations, particularly the requirements of Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000. To this end, this Statement will:

- describe the proposed development;
- identify the degree to which it complies with the relevant planning controls;
- describe its impact on the local environment and any measures proposed to ameliorate any such impacts;
- identify the suitability of the site for the proposed development and any measures proposed to address constraints posed by the site or external sources; and
- justify approval of the application.

NOTE:

This Statement has been updated to reflect amended plans dated 5/5/22 and address additional information submitted since lodgement of the DA, including a Bushfire Assessment Report and Geotechnical Assessment.

Structure of Report

This Statement has been structured under appropriate sections and headings to allow Council to make an informed assessment of the application against the relevant heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Development Summary

In summary, the proposed development involves:

- demolition of the existing dwelling-house and removal of the existing fibreglass inground swimming pool;
- construction of a new predominantly two-storey but part one and part-three storey dwelling-house comprising 4 bedrooms and a total floor space of 373.97m²;
- construction of a secondary dwelling of 60m² **within the ground floor of the proposed new dwelling-house**. The secondary dwelling would be located on the ground floor on the southern side of the dwelling-house, comprise two (2) bedrooms and have a gross floor area of 60m²;
- construction of a new 36,000 litre concrete pool and associated cabana and BBQ;
- car parking for six (6) vehicles in a double-garage and semi-enclosed carport;
- new front fencing and upgraded landscaping; and
- retention of the existing ground floor slab and concrete block and crib retaining walls within the site.

The dwelling-house is to be constructed in a combination of feature face brick, rendered brickwork and painted FC weatherboard walls, with powder-coated aluminium privacy screens, louvres and balustrades, aluminium windows and doors, and colourbond steel roof, fascias and gutters.

Overall, the proposed development comprises 433.97m² of floorspace.

Compliance with Applicable Planning Controls

The proposed dwelling-house and secondary dwelling are permissible within the R2 zone and comply with the relevant provisions and clauses of Gosford LEP 2014 ("the LEP"), with the exception of an encroachment of the 8.5 metre height limit by 2.06m (or 24.2%). Accordingly, an objection under Clause 4.6 of the LEP has been submitted in support of the variation which indicates that the impact of this encroachment is negligible and is justified on the basis of the slope and topography of the site; the overall design and siting of the building; the improved built-form outcome; the nature, location and character of surrounding development; and the ability to retain the existing suspended concrete slab and concrete piers, sub-floor and existing rainwater tank beneath and in doing so, avoid extensive additional excavation and site modification.

The proposed development complies with all relevant requirements of Gosford Development Control Plan 2013 ("the DCP"), particularly Chapter 3.1 – *Dwelling Houses, Secondary Dwellings and Ancillary Development* and Chapter 2.1 – *Character*.

Likely Impacts

The proposed development has been designed and sited that avoids or minimises any adverse impact on the amenity of surrounding residences by way of overshadowing or diminished privacy, whilst the orientation and level of the subject site and position of dwellings on adjoining properties ensure the development results in no view loss.

The proposed development also involves no removal of any native vegetation and avoids major earthworks due to the proposed retention of the existing suspended concrete slab and foundations and piling for the existing dwelling, thereby minimising any adverse impact on the local environment.

Benefits

The proposed development provides an opportunity to replace the existing dwelling-house with a high-quality, contemporary style dwelling-house, consistent with the nature, scale and constantly-evolving coastal character of the surrounding residential area.

The secondary dwelling will provide a relative's residence or additional rental accommodation to the local market in a premium location as part of a completely integrated component of the principal dwelling-house.

Summary

Given the above, consent is sought from Council to the application.

DA/63207/2021 - 1 Yumbool Close Forresters Beach - Demolition of Existing Dwelling House down to slab level and demolition of Swimming Pool, New Dwelling on existing slab, Secondary Dwelling, Front Fence, Swimming Pool & Associated Works including a Lift and Fire Place

Attachment 2

Statement of Environmental Effects Rev C May 2022, DA63207/2021, H1 Yumbool Close FORRESTERS BEACH

1.2 APPLICATION DETAILS

PROJECT DETAILS:	
Applicant Name:	Tim Shelley Planning
Applicant Contact Details:	PO Box 3165 ERINA NSW 2250 Phone: 0409 306186 Email: tim@tsplanning.com.au
Owner's Name:	Christopher John Hajje
Property Description:	Lot 109 DP 16577 No. 1 Yumbool Close, Forresters Beach 2260
Project Description:	<ul style="list-style-type: none"> • demolition of the existing dwelling-house and removal of the existing swimming pool; • construction of a new dwelling-house ("the principal dwelling") and a secondary dwelling; • construction of a new 36,000l concrete swimming pool; and • associated landscaping, fencing, rainwater tanks and driveway.

1.3 SUMMARY OF KEY APPLICABLE PLANNING CONTROLS

PLANNING CONTROL	REQUIREMENT	COMPLIES/APPLICABLE?
GOSFORD LEP 2014		
Zoning/permissibility	R2 Low Density Residential	YES Permissible in zone
Building Height (clause 4.3)	8.5 metres	NO Proposed development encroaches height limit. Clause 4.6 submission lodged to justify variation.
Floor Space Ratio (clause 4.4)	0.5:1	YES (0.47:1)
Maximum floor space for Secondary Dwelling (Clause 5.4(9))	60m ²	YES (60m²)
GOSFORD DCP 2013		
Chapter 2.1 – Character		YES
Chapter 2.2 – Scenic Quality		YES
Chapter 3.1 – Dwelling Houses Secondary Dwellings and Ancillary Development		YES
Chapter 6.4 – Geotechnical Requirements for Development Applications		YES

**DA/63207/2021 - 1 Yumbool Close Forresters Beach - Demolition of Existing Dwelling
House down to slab level and demolition of Swimming Pool, New Dwelling on
existing slab, Secondary Dwelling, Front Fence, Swimming Pool & Associated Works
including a Lift and Fire Place**

Attachment 2

**Statement of Environmental Effects Rev C May 2022, DA63207/2021, H1 Yumbool
Close FORRESTERS BEACH**

PLANNING CONTROL	REQUIREMENT	COMPLIES/APPLICABLE?
GOSFORD DCP 2013 (cont'd)		
Chapter 7.2 – Waste Management		YES
INTEGRATED DEVELOPMENT		
Any approvals required under Section 4.46 of EPAA		NO
SEPPs		
SEPP (Coastal Management) 2018	Within both "Coastal Use Area" and "Coastal Environment Area". (Coastal Environment Area prevails).	YES Complies with Matters under Clauses 13, 15 & 16
SEPP 19 – Urban Bushland		N/A
SEPP Exempt and Complying Development Codes		N/A Doesn't apply/cannot be used as development exceeds height limit under LEP

2.0 THE SITE

2.1 LOCATION AND CONTEXT

The subject site is located on the western side of Yumbool Close at Forresters Beach, at its intersection with North Scenic Road. The location of the site in the context of the surrounding area is identified on Figure 1 below.

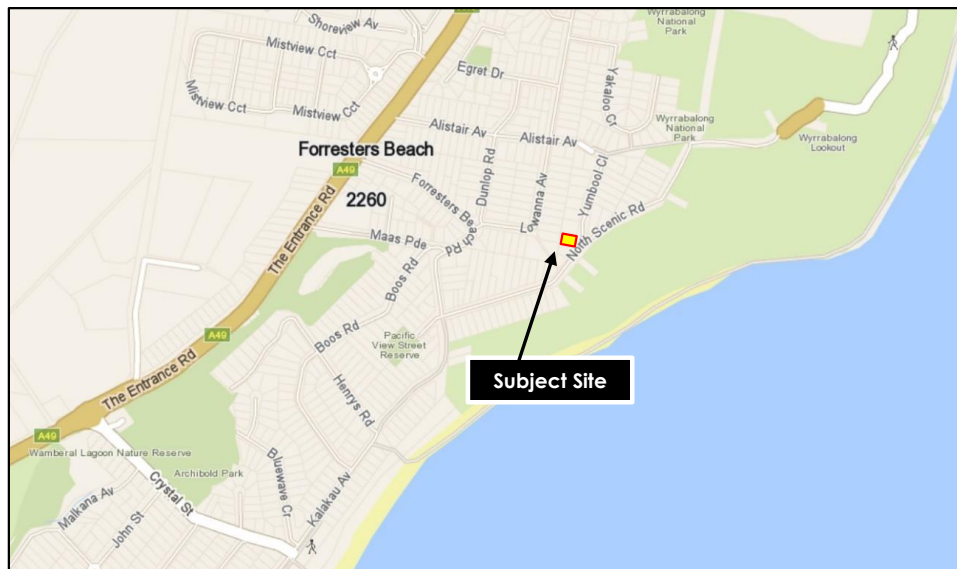


Figure 1 – Locality Plan

The property is surrounded by the following land uses:

- to the north – a residential allotment containing a clad weatherboard two/three storey dwelling-house with pitched steel roof;
- to the west – a residential allotment fronting Lowanna Avenue (No. 23) containing a two-storey cement-rendered dwelling-house (at a substantially lower level than the subject land). The rear boundary also slightly adjoins No. 25 Lowanna Avenue to the north-west and No. 21 Lowanna Avenue to the south-west;
- to the south – a residential allotment containing a single-storey timber-and fibro dwelling-house; and
- to the east – Yumbool Close and North Scenic Road and then a grassed cliff and sloped which forms part of the Wyrrabalong National Park.

The area in the vicinity of the site is a low-density residential neighbourhood, characterised by a mixture of one, two and many three-storey dwellings in a range of materials, including older brick and timber homes constructed mainly between the 1950's and 1990's, as well as recently renovated, rebuilt or new dwellings of a more contemporary, coastal design constructed in range of materials such as lightweight cladding, FC sheeting, feature timber and steel.

An aerial photograph identifying the location of the subject site in the context of the surrounding area and nature of surrounding land uses is provided on the following page. Further details of the surrounding land uses are also provided on the site analysis forming part of the submitted plans.



Figure 2 – Aerial Photograph Showing Subject Site and Surrounding Area (Source: CCC Online Mapping System).

Note: the underlying Council cadastre (shown in white and blue) is incorrect/off-centre by a number of metres to the west.

2.2 LAND TITLE AND PROPERTY RESTRICTIONS

2.2.1 Property Description and Details

The site is identified as Lot 109 in DP 16577. As shown on the survey plan provided as an appendix to this Statement, the property is rectangular in shape with a front and rear boundary measuring 27.43 metres wide, side boundaries of 33.66m and 33.615m in length to the north and south respectively and a total area of 916.8m².

2.2.2 Rights of Carriageways, Easements or 88B/Title Restrictions

The land is not affected by any known road widening or burdened by any rights of way, rights of access, rights of carriageway or restrictions on the property title.

2.2.3 Council Planning or LEP Mapping Affections

As indicated on the S.10.7 Certificate for the property and the relevant mapping layers of the LEP, the land is not identified for any acquisition and is not subject to any flooding, potential acid sulphate soils or any known contamination. The land does not contain any listed items of European heritage under Schedule 5 of the LEP nor any Aboriginal sites. The land is not subject to any known land slip and is not located within a coastal hazard area as identified under Gosford DCP 2013 Chapter 6.2 – Coastal Frontage.

The land is bushfire prone and the implications of this affection is discussed in more detail later in this Statement. The land is also located in the "coastal use area" as identified under SEPP (Coastal Management) 2018, however, this affection has no impact on the proposed development as discussed in more detail later in this Statement.

2.3 OWNERSHIP

The owner of the land is Mr Christopher John Hajje. The consent of Mr Hajje to the lodgement of the development application has been provided.

2.4 PHYSICAL DESCRIPTION

2.4.1 Slope and Topography

As shown by the contours and spot heights on the survey plan, the land falls away from the front property boundary at Yumbool Close down to the rear boundary of the property by approximately 5.0 metres (from approx. 66.71m AHD to down to approx. 61.60m AHD on the northern side of the property and from 67.31m AHD down to 62.06m on the southern side of the property). This drop in level has been contained within the footprint of the existing dwelling and also by the suspended slab on the ground floor of the dwelling, as well as via retaining walls across and down the side of the rear yard. This slab and these walls are to be retained as part of the new development.

2.4.2 Vegetation

A number of trees exist on the site, the majority of which are non-native/exotic species. In this regard, a number of Cocos palms are located immediately to the rear of the dwelling, along the northern side boundary and next to the swimming pool. In addition, a large or phoenix palm is located in the front setback of the house towards the southern boundary, in addition to two further palms in the north-western corner of the site. These trees will be removed as and where necessary. A number (say 3 or 4) of native trees are located along the southern side and rear boundary which provide screening to the properties to the south and to the west. These trees are proposed to be retained. The location of all significant trees on the site is shown on the survey plan which comprises sheet DA02B of the submitted plans. These trees are also visible in the various photographs of the site provided on the following pages.

2.4.3 Existing Uses, Improvements and Structures

A two-storey dwelling-house with rendered brick walls and a pitched tiled roof is currently erected on the property. The dwelling-house is currently erected on approximately a 6.0 metre front setback to Yumbool Close, with the upper floor balcony setback slightly less. The dwelling is setback approximately 3.9m from the southern side boundary and approximately 7.8m from the northern side boundary. A large suspended concrete slab used for carparking is constructed between the dwelling house and the northern side boundary. This slab is supported by large concrete piers and covers an open storage below. An underground rainwater tank is installed beneath the concrete floor of the storage area below the slab. The suspended concrete slab, as well as the supporting piers and the concrete floor below the slab and the rainwater tank beneath this floor are all proposed to be retained as part of the proposed development.

A fibreglass inground swimming pool is currently located behind the dwelling in the southern half of the rear yard. This pool is to be removed as part of the proposed development and replaced with a new concrete pool in the north-western corner of the property.

2.4.4 Access and Road Infrastructure

Vehicular access to the existing dwelling-house is provided directly off Yumbool Close via a driveway at the northern end of the property. Yumbool Close is sealed but not kerb and guttered on the western side of the pavement adjacent to the subject site or any adjoining properties for its entire length to the north. A concrete roll-kerb/dish drain is constructed along the eastern side of Yumbool Close. There is no footpath constructed along either side of Yumbool Close nor North Scenic Road to the south.

Two (2) large raised concrete traffic islands are constructed immediately in front of the property at the intersection of Yumbool Close with North Scenic Road. These islands have been constructed to better define and delineate the intersection and to allow vehicles to approach, enter and leave North Scenic Road at a perpendicular angle to improve safety and sight distance. The gap between the two islands in front of the property is proposed to be used to access the additional driveway and garage proposed under this application.

2.4.5 Services

Reticulated water and sewerage services are currently provided to the site. Electricity and telecommunications facilities are also available to the site from above-ground power poles on the western side (the property side) of Yumbool Close.

2.4.6 Survey and Photographs

A survey plan of the property is provided as a separate appendix to this Statement. In addition, various details from this survey plan are overlaid on the site plan provided as part of the submitted plans, whilst photographs showing a number of the features of the site as described above are provided on the following pages.



Photograph 1 – looking west from the intersection of North Scenic Road and Yumbool Close at the subject site. The two-traffic islands are visible in front of the existing dwelling.



Photograph 2 – looking south-west from Yumbool Close at the subject site.



Photograph 3 – looking west from the intersection of North Scenic Road and Yumbool Close at the subject site and the adjoining property to the immediate north (No. 3 Yumbool). The suspended slab to the right of the dwelling is to be retained.



Photograph 4 – looking south from Yumbool Close at the subject site and down North Scenic Road. The dwelling-house on the adjoining property to the south (No. 30 North Scenic Road) is not visible due to the extensive vegetation currently screening same. The palm tree immediately to the left of the dwelling is to be removed but the vegetation behind is located on the adjoining property to the south and is to be retained.



Photograph 5 – Looking east from the rear yard at the existing suspended concrete slab and piers beneath same on the northern side of the dwelling. This slab, as well as the floor and piers beneath, is to be retained. The dwelling on the property to the north is visible to the left of the photograph.



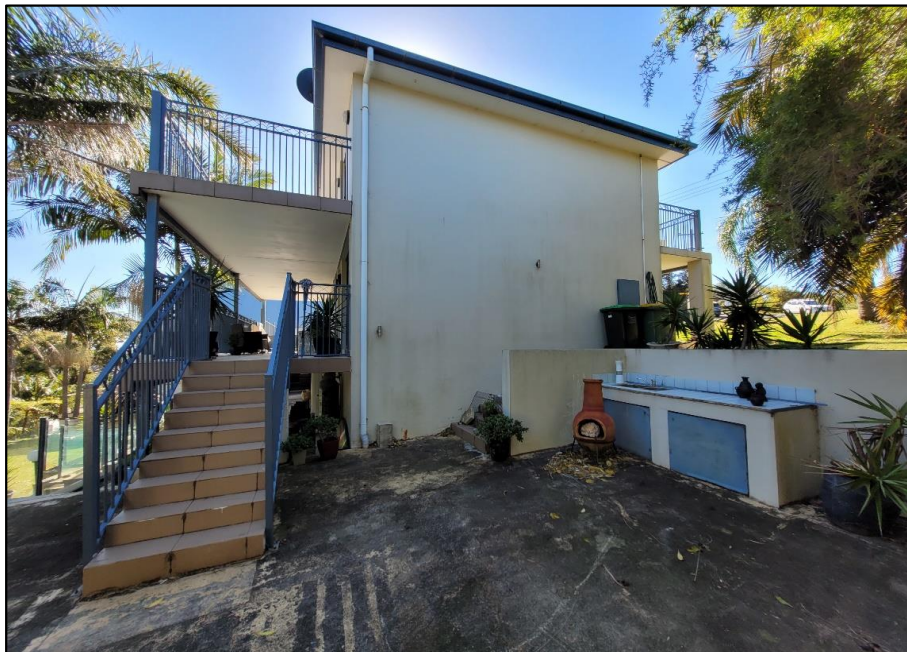
Photograph 6 – Looking east from the rear yard at the rear (western) facade of the existing dwelling.



Photograph 7 – Looking south-west across the rear yard of the subject property. The swimming pool is to be removed.



Photograph 8 – Looking south across the rear yard of the subject property and the rear facade of the existing dwelling.



Photograph 9 – looking north at the southern façade of the existing dwelling.



Photograph 10 – Looking south-east towards the existing dwelling on the property to the south.



Photograph 11 – Looking south-east from the rear of the existing dwelling. The vegetation behind the pool is to be retained.



Photograph 12 – Looking north across the suspended slab on the property towards the dwelling on the property to the immediate north.



Photograph 13 – Looking east from the upper-floor balcony of the existing dwelling across Yumbool Close and North Scenic Road. The vacant land across the road is part of the Wyrabalong National Park.



Photograph 14 – Looking south from the upper-floor balcony towards the adjoining property to the south. The two palm trees visible to in the left and foreground are to be removed.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 PROPOSED DEVELOPMENT

The proposed development involves the following works:

- Demolition of the existing dwelling-house and removal of the existing swimming pool (but retention of the existing slab beneath the dwelling, suspended slab to the north of the dwelling and associated piers and underground rainwater tank, and the existing concrete block and crib retaining walls in the rear yard and along the side boundaries);
- Preparation of the site, removal of existing palm trees within the new building footprint as necessary, installation of temporary construction fencing, installation of sediment and erosion control measures and the undertaking of earthworks as required;
- Construction of a part one, two and three-storey dwelling-house comprising four (4) bedrooms. On a floor by-floor-basis, the dwelling-house comprises the following:

Lower Ground Floor:

- one (1) bedroom (bedroom 4) and ensuite;
- separate bathroom and sauna;
- rumpus room, storage room and laundry;
- one double-garage providing parking for four (4) vehicles (including two (2) stacked spaces);
- open car parking area for two (2) vehicles; and
- lift and stairwell to upper floors.

Ground Floor:

- one (1) bedroom (bedroom 3), covered verandah and ensuite;
- lobby, linen store and powder room;
- kitchen and butler's pantry, dining room, lounge room;
- covered alfresco/deck/cabana area; and
- lift and stairwell to upper and lower floors.

Upper Floor (Level 1):

- two (2) bedrooms (bedrooms 1 and 2), each with ensuites;
- sitting room; and;
- lift and stairwell to lower floors.

The dwelling-house is to be constructed in a combination of feature face brick, rendered brickwork and painted FC weatherboard walls, with powder-coated aluminium privacy/sun screens, louvres and balustrades, aluminium windows and doors, and a pitched gable colourbond steel roof with steel fascias, gutters and downpipes.

Total floor space of the new dwelling-house would be 373.97m².

- Construction of a secondary dwelling **within the ground floor of the proposed new dwelling-house**. The secondary dwelling would be located on the ground floor on the southern side of the dwelling-house, comprise two (2) bedrooms, bathroom, kitchen and a living room.

Total floor space of the secondary dwelling would be 60m².

- Construction of a new 36,000 litre concrete pool and associated open cabana and BBQ area to the rear of the sauna and bathroom of the lower ground floor with an area of 36m²;
- Erection of a 0.8m high metal post and rail front fence erected across the property frontage to Yumbool Close;
- New motorised steel gates across the driveway;
- Upgraded landscaping to augment the existing landscaping, noting that most of the existing landscaping – including trees along the southern boundary – is to be retained, along with most of the existing garden walls, planter boxes and paving where possible;
- Installation of a stormwater management system comprising, pits, pipes, sub-soil drains, the existing underground rainwater tank and two (2) new above-ground 6,000L rainwater tanks (i.e. 12,000L); and
- The extension and/or upgrading of existing water, sewer, gas, electricity and telecommunication services as necessary.

A number of 3D renders of the proposed development prepared by AB3D Building Design are provided below and on the following pages as Figures 3, 4 and 5.



Figure 3 – 3D Render of proposed development from the east (Yumbool Close)



Figure 4 – 3D Render of proposed development from the south-east



Figure 5 – 3D Render of proposed development from the north-west

3.2 SUBMITTED DOCUMENTATION

In addition to and in support of this Statement, the following information has been submitted with the application:

- Plans of the proposed development prepared by *AB3D Building Design*, including site plan/site analysis, floor plans, roof plan, sections, elevations, shadow diagrams, 3D perspectives, concept landscape plan, notification plans and BASIX commitments;
- Survey plan prepared by *Clarke Dowdell and Associates*;
- Stormwater Management Plan and Access Design prepared by *SRB Consulting*;
- BASIX Certificate prepared by *AB3D Building Design* and *NatHERs Certification* from *Chapman Environmental Services*;
- Bushfire Assessment Report by *Building Code & Bushfire Hazard Solutions Pty Ltd*;
- Geotechnical Assessment and Risk Analysis prepared by *D. Katauskas Geotechnical Consultant*; and
- Waste Management Plan prepared by *Chris Hajje*.

4.0 PLANNING CONTROLS

As per Section 4.15(a) of the Environmental Planning and Assessment Act 1979, the following section identifies the planning controls relevant to the proposed development.

4.1 GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

4.1.1 Zoning and Permissibility

As shown on Figure 6 below, the subject site is zoned R2 Low Density Residential under Gosford Local Environmental Plan 2014 (the LEP), as gazetted on 11th February, 2014. The proposed development is defined as both a dwelling-house and secondary dwelling under the dictionary to the LEP, both of which are permissible uses in the R2 zone with the consent of the consent authority.



Figure 6 – Extract from Gosford LEP 2014 Zoning Map

With particular respect to the secondary dwelling, under the dictionary of the LEP, a “secondary dwelling” is defined as:

“secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.”

The proposed secondary dwelling is located wholly within the principal dwelling as also proposed under this application and is therefore compliant with this definition.

Whilst secondary dwellings can be undertaken as complying development in a number of circumstances under State Environmental Planning Policy (Affordable Rental Housing) 2009, this is not the case in this instance as the secondary dwelling forms part of the principal dwelling which in itself does not comply with the criteria for complying development under the Codes SEPP due to the encroachment of the height limit. As such, development consent for both components of the development is required to be granted by the consent authority.

4.1.2 Zone Objectives

Clause 2.3 of the LEP stipulates that the consent authority must have regard to the objectives for a development in a zone when determining a development application in respect of land within the zone. The proposed development comprises a low-density dwelling-house and secondary dwelling and is therefore consistent with the objectives of the R2 Low Density zone.

4.1.3 Clause 4.3 – Height of Buildings

Under Clause 4.3 of the LEP, a maximum building height has been adopted for most land within the former Gosford LGA. Under the relevant map, the subject site has been identified as Category I, which equates to a maximum height limit of 8.5 metres.

As indicated on the southern elevation on sheet DA15 of the submitted plans, the maximum height of the proposed dwelling-house is 10.56 metres to the top of the roof, which represents a 2.06m encroachment (or 24.2%) of this height limit. This is shown more clearly on the excerpt of sheet DA15 provided as Figure 7 on the next page. There are a number of other locations where the dwelling-house exceeds the maximum height limit, but these are limited and are all less than the maximum identified above.

Accordingly, a detailed Clause 4.6 submission to justify the height encroachment is provided as a separate appendix to this Statement. In summary, this submission indicates that the impact of these encroachments is negligible and is justified on the basis of the site constraints and topography; the overall design and siting of the building; the improved built-form outcome; the nature, location and character of surrounding development; and the ability to retain the existing concrete slab, piers and existing rainwater tank beneath and in doing so, avoid extensive additional excavation and site modification. To this end, the following points are noted:

- the design responds to topography, with the building exceeding 8.5 metres in height in some places only due to the fall of the land. As such, the encroachments are essentially unavoidable;
- the encroachments only apply to small sections of the dwelling-house and essentially only comprise roof structures or the top section of the upper floor, with the majority of the dwelling-house being within the 8.5 metre height limit (see height plane on the elevations in the submitted plans);
- the encroachments don't result in any adverse impact on any existing dwellings or on adjoining or nearby properties either by way of view loss, overshadowing, or overlooking and privacy due to:
 - the size and position of the subject property;
 - the extensive fall of the land (particularly to the west) such that no-one to the rear enjoys any views to the east; the fact there are no dwellings on the opposite side of the road, but rather a cliff (such that the height of the dwelling does not create any overlooking or impact on the streetscape);
 - the screening provided by the existing large trees along the rear (western) boundary which is to be retained;
 - the extent of vegetation on the property immediately to the south; and
 - the large roof of the dwelling house on the property to the immediate north which includes only one window (see photographs earlier in the Statement);
- the overall height of the building is consistent with the height of many dwelling houses – particularly many constructed in the recent past – in the immediate vicinity which are 3-storey in nature and of similar or even greater height than the dwelling house proposed;
- the building – inclusive of the height encroachments – meets all setbacks and design criteria of Chapter 3.1 of Gosford DCP (see separate DCP compliance table); and
- the dwelling-house is located slightly below road level, which reduces its apparent height;
- the height of the building is consistent with the R2 zone objectives that allows dwellings up to 3 storeys where appropriate, noting that this dwelling house is essentially only two-storeys (and even one-storey) for the greater part.

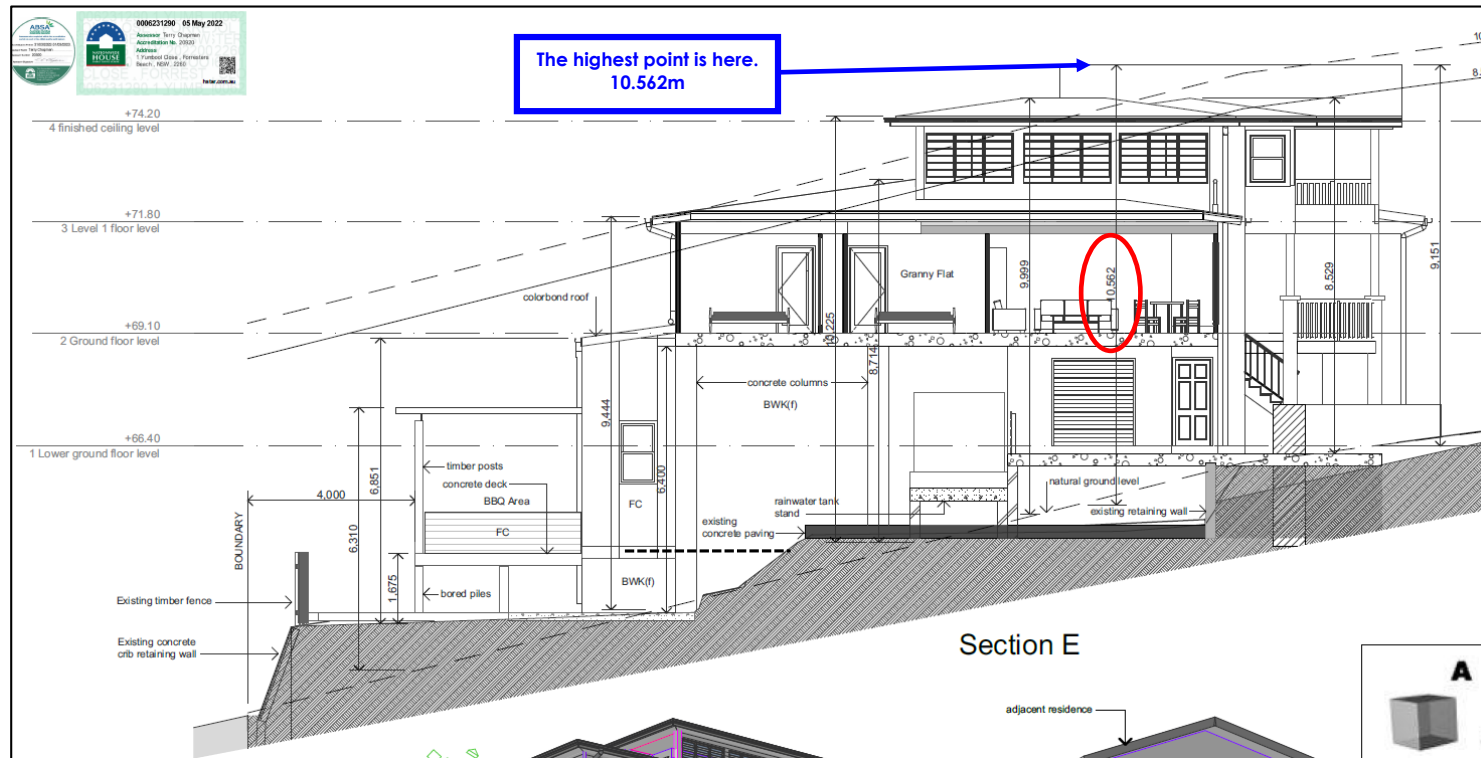


Figure 7 – Excerpt of sheet DA15 showing maximum height encroachment

Given the above (and as explained in greater detail in the Clause 4.6 submission), it is clear that the height of the proposed dwelling-house is appropriate and will have little adverse impact on any surrounding properties and in turn, that extensive justification exists to satisfy Council the proposed encroachments have merit and can be supported.

4.1.4 Clause 4.4 – Floor Space Ratio

Under Clause 4.4 of the LEP, a maximum floor space ratio (FSR) has been adopted for a range of zones and specific sites within the former Gosford LGA. Under the relevant map, the subject site has been identified as Category D, which comprises a maximum FSR of 0.5:1.

As shown on the calculations on sheet DA02 of the submitted plans, the proposed development has a gross floor area of 433.97m². When compared to a site area of 916.8m², this equates to an FSR of 0.47:1 which complies with the maximum FSR allowable on the site.

Note: for the sake of caution, this figure includes the additional floorspace space of 36.18m² comprising the additional 2 spaces in the northern garages which are over and above the 2 spaces required for the development under Chapter 3.1 of the DCP (noting that the further two spaces in front of the rumpus room are now open as opposed to enclosed and do not comprise floor space). If not including these spaces as additional floorspace, the floor area would be 397.79m² (i.e. with no car parking included whatsoever), which equates to an FSR of 0.43:1.

4.1.5 Other Mapping Layers

The subject site, or proposed development as the case may be, is not affected by the remaining mapping layers of the LEP as follows:

- Heritage Map – the subject site is not identified as containing any items of archaeological or European heritage on the Heritage map nor contains any local heritage items listed under Schedule 5;
- Acid Sulphate Soils – the site is not subject to any known acid sulphate soils and the proposed development does not involve any construction works;
- Flood Planning Map – the subject site is not affected by flooding;
- Urban Release Area Map – the subject site is not identified as being located within an urban release area;
- Key Sites/Development Incentives Application Map – the land is not identified as being subject to development incentives;
- Minimum Allotment Size Map – the proposed development does not include subdivision;
- Additional Permitted Use Map – no additional uses are permitted on the subject site under Schedule 1 of the LEP; and
- Land Reserve Acquisition Map – the subject site is not identified as – nor contains any – land required for acquisition by Council or any other authority.

4.1.6 Clause 4.6 – Exceptions to Development Standards

Under Clause 4.6(3) of the LEP, development consent must not be granted for development that contravenes a development standard unless the Council is satisfied that the applicant's written request has adequately addressed the following matters:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Further, under Clause 4.6(4), the proposed development must be shown to be “in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

As such, a detailed submission addressing the requirements of Clause 4.6(3) and (4) has been provided as a separate appendix to this Statement In summary and further to the discussion above under Section 4.1.3, this submission provides suitable justification on environmental planning grounds to demonstrate that compliance with the maximum building height standard is unnecessary in the circumstances of the case, as the proposed development would:

- satisfy the objective of the maximum building height development standard;
- satisfactorily achieve the objectives of the R2 Low Density Residential zone; and
- be in the public interest.

On the basis of this submission, Council is requested to vary the maximum building height by 2.06m (or 24.2%) in this instance to permit the proposed development. It is also noted that Council can assume concurrence to the proposed variation and use of Clause 4.6 in this instance pursuant to the Department of Planning and Environment's Planning Circular PS 08-003 to determine the application.

4.1.7 Clause 5.4 – Controls Relating to Miscellaneous Permissible Uses

Under Clause 5.4(9) of the LEP, development standards are specified for the floor space of secondary dwellings. In this regard, Clause 5.4(9) states as follows:

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of the principal dwelling.

The proposed development is not in a rural zone and hence is subject to the restrictions above. Of these two figures, the greater one is that of 20% of the principal dwelling which, with a floor area of 337.79m² when not including any of the parking (i.e. 373.97m² less 36.18m² for the additional 2 spaces, noting that the remaining 2 spaces in the garage as well as the open spaces to the south were already excluded from the floor space calculation) equates to a maximum floor area of 67.6m². The proposed secondary dwelling has a floor area of 60m² and therefore complies with the requirements of this clause.

4.2 STATE ENVIRONMENTAL PLANNING POLICIES

4.2.1 State Environmental Planning Policy No 19 – Bushland in Urban Areas

SEPP 19 relates to land within the former Gosford LGA requires that a person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council and provides criteria for a public authority where it proposes to carry out development on land zoned or reserved for public open space or proposes to grant approval on such land. As neither of these two circumstances relate to the proposed development, this SEPP is not relevant.

4.2.2 SEPP (Coastal Management) 2018

NOTE: it is acknowledged that SEPP (Coastal Management) 2018 was repealed in March 2022 and incorporated into SEPP (Resilience and Hazards) 2021. However, as the DA was lodged prior to this change, the reference to the former SEPP has been retained as this was the instrument in place at the time of lodgement and which therefore continues to be relevant. The provisions and mapping relevant to this site from the former SEPP remain the same but have simply been included under different headings and renumbered clauses in the new SEPP.

Under SEPP (Coastal Management) 2018 (the Coastal SEPP), the subject site is located within both the "Coastal Environment" and "Coastal Use" areas as shown in blue and salmon hatching respectively on Figures 8 and 9 on the following page.

Clause 18 of the Coastal SEPP provides that where a parcel of land is identified as being within more than one coastal management area (as is the case here), the development controls of the highest management area prevail, with Coastal Environment Area listed higher than Coastal Use Area. As can be seen from Figure 8, the subject site lies partially within this area.



Figure 8 – SEPP (Coastal Management) 2018 Map Showing “Coastal Environment” Area



Figure 9 – SEPP (Coastal Management) 2018 Map Showing “Coastal Use” Area

As such, in their assessment of the application, Council is required to have regard to the matters for consideration identified under clause 13, which relates specifically to development within the Coastal Environment Area, as well as those additional matters identified under clauses 15 and 16 (development in the coastal zone generally).

Given the elevation of the site, its significant distance from the coastline (approximately 175m to the base of the cliff and a further 50m to the water) and the fact it comprises a developed residential parcel within an established residential area with no coastal features, the proposed development is consistent with each of the matters set out in clauses 13, 15 and 16.

4.3 INTEGRATED DEVELOPMENT

The proposed development does not require the approval of any other body specified under Section 4.46 of the Environmental Planning and Assessment Act, 1979 ("the Act") and hence does not constitute "Integrated Development".

4.4 GOSFORD DEVELOPMENT CONTROL PLAN 2013

4.4.1 Chapter 2.1 – Character

Chapter 2.1 contains desired character statements for individual "places" within each suburban locality. Within the Forresters Beach Character Statement, the site falls within the sub-category "Forresters Beach 3: Open Woodland Hillsides" as shown on Figure 10 below.

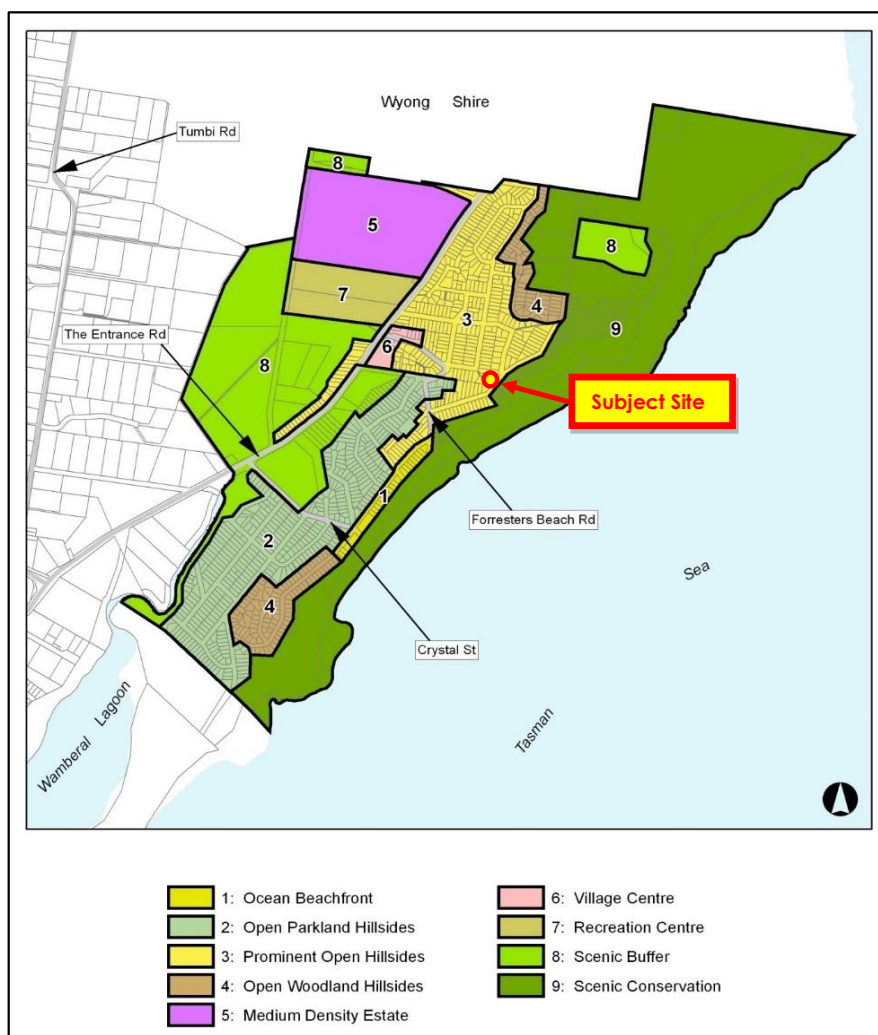


Figure 10 – Gosford DCP Chapter 2.1 Character Statement Map for Forresters Beach

The desired character identified this area under the DCP and a comment as to how the proposed development is consistent with same is discussed as follows:

These prominent backdrops to Gosford City's town centres, waterways and main roads should become leafy low-density residential hillsides, where new developments do not dominate their landscape setting, and improved standards of scenic-and-urban design quality are achieved by leafy hillside gardens around each dwelling.

Comment:

The proposed development remains below the maximum allowable floor space ratio, thereby maintaining the low-density nature of the site and surrounding area. In addition, significant vegetation will be retained along the rear and southern boundaries to screen and scale the new dwelling-house and maintain the scenic backdrop and setting of the site.

Enhance the scenic potential of cleared hillside properties and road verges by retaining existing natural slopes in gardens and along street verges. Plant clusters of trees and shrubs throughout each garden to screen buildings and driveways, as well as to provide shady backdrops to roadways. Facing each street or any vantage points located downhill, emphasise a leafy garden character by planting taller trees that are indigenous plus hedges of shrubs, and avoid tall retaining walls, elevated structures including terraces or pools, and steep driveways that would visibly compromise the desired leafy hillside character. In any garden that is close to a bushland reserve, do not plant identified noxious or environmental weeds.

Comment:

The site is already extensively vegetated and landscaped to ensure continuity of its existing character. This will be augmented by additional landscaping comprising hedges and shrubs in both new and existing garden beds and planter boxes around the site. Conversely, it is also proposed to removal of a number exotic and undesirable palm species (particularly Cocos palms) from the site which are inconsistent with the character of the area.

Avoid disturbing natural slopes by low-impact construction such as suspended floors and decks rather than extensive cut-and-fill. On the steeper sites, locate parking next to the street in structures that would blend with the desired leafy setting. Avoid the appearance of a continuous wall of development along any street or hillside by locating buildings behind front or rear setbacks that appear similar to their surrounding properties, and providing at least one wide side setback or stepping the shape of front and rear facades.

Comment:

It is proposed to incorporate the slab and foundations of the existing dwelling as far as possible to limit the need for any further major excavation or retaining works for the new dwelling-house. In addition, the existing concrete block and crib retaining walls in the rear yard are also being retained, thereby limiting further retaining works across the remainder of the site and ensuring existing land levels and stormwater patterns are maintained at property boundaries. Furthermore, the proposed dwelling is located slightly below the level of the road and will incorporate a variety of materials and design features and articulations such as balconies, recesses and changes to the roof profile, all of which will combine to minimise its visual prominence and greatly enhance the streetscape.

Minimise the scale and bulk of buildings by stepping floor-levels to follow natural slopes and by using irregular floorplans to create well-articulated forms. For example, divide floorspace into linked pavilions that are capped by individual roofs and separated by courtyards. Front or rear facades that are taller than neighbouring dwellings should be screened by balconies, verandahs, stepped forms or extra setbacks. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves to disguise the scale of exterior walls.

Comment:

As can be clearly seen from the elevations, the new dwelling-house responds to the slope of the land by stepping down the site and incorporating living areas and bedrooms on different levels which significantly reduces the overall height, bulk and scale of the proposed development. Whilst it is noted on the eastern elevation that the front facade of the dwelling-house is taller than neighbouring dwellings (particularly to the south), this façade has incorporated balconies, verandahs and stepped forms as encouraged to provide an appropriate visual form and streetscape when viewed from North Scenic Road and Yumbool Close.

Furthermore, as can be seen from the sections and 3D renders, the roof has been broken into a number of different levels and is gently-pitched (other than the two roof features) to minimise the height of ridges and is flanked by wide eaves, particularly to the north and south.

Minimise the scale of prominent facades by using extensive windows and verandahs plus a variety of materials and finishes rather than expanses of plain masonry. All dwellings should display a traditional "street address" with verandahs or decks, and living rooms or front doors that are visible from the roadway. Avoid wide garages that would visually-dominate any front façade or block views from dwellings to the street. Locate and screen all balconies or decks to maintain the existing levels of privacy and amenity that are enjoyed by neighbouring dwellings.

Comment:

As can be seen from the elevations and the 3D renders, a variety of window shapes and sizes have been included, particularly to the eastern facade facing the street (see top render on sheet DA11B). In this regard, this façade incorporates large windows and – as already stated above – a range of materials and various articulations, verandahs and design features to avoid repetition in the external appearance. The upper floor balconies on the eastern side of the dwelling have also been setback a considerable distance from the side boundaries and orientated towards the east to limit any impact on the privacy of adjoining dwellings to the north or south.

The incorporation of these features, in combination with the retention of major trees on the site, new fencing and upgraded landscaping, result in a high-quality built-form outcome to ensure the proposed development is entirely consistent with the desired future and emerging character of the surrounding area.

4.4.2 Chapter 2.2 – Scenic Quality

Given the proposed development involves replacement of an existing residential dwelling-house on an existing residential parcel within an existing urban area and the retention of large native trees along the rear boundary, there will be no adverse impacts on the existing scenic quality of the surrounding area. As a result, the proposed development is entirely consistent with the objectives of this Chapter of the DCP.

4.4.3 Chapter 3.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development

A detailed table has been prepared to indicate the extent to which the proposed development complies with requirements of Chapter 3.1 pertaining to both new dwelling-houses and secondary dwellings. This table is provided as a separate appendix to this report. From this table, it is apparent that the proposed development meets – or can meet – all relevant requirements of the Chapter.

4.4.4 Chapter 6.4 – Geotechnical Requirements for Development Applications

Chapter 6.4 applies to that part of the Central Coast LGA located within the former Gosford LGA and specifies those development applications that are required to be accompanied by geotechnical reports. It also provides detailed guidelines for the content and submission of such reports and a management strategy for areas identified as having landslip potential.

To this end, the Chapter categorises the former Gosford LGA into four areas of land slip and instability hazard (Low, Medium, High and Immediate High Hazard Area) and then identifies the level of geotechnical information required to be submitted in support of development applications lodged on land within these areas.

From the survey details on sheet DA02B of the submitted plans, it can be seen that the site exhibits of a fall of only around 7.5m fall over 36m, which equates to approximately 25% or a 14-degree slope. Based on Tables M1 and M2 under this Chapter, this site would be categorised as Category 2 – Medium Hazard, as the slope is between 12.5 degrees and 22 degrees and the site is located within 25 metres of a prominent cliff line.

As per section 6.4.4.3 (immediately following Tables M1 and M2), this assessment indicates that where a lot has a Hazard Category of 2 or above, Council may require that the development application (DA) be supported by a report on the site (and adjoining lots) geotechnical conditions, stability and impact of development on the stability prepared by a recognised Geotechnical Engineer.

As such and as requested by Council following lodgement, a Geotechnical Assessment and Risk Analysis prepared by D. Katauskas Consulting Geotechnical Engineer has been submitted. This assessment finds as follows:

- *The subject site has been identified by Central Coast Council as being situated in a Category 2 Medium Hazard Area category, which is based on land steepness and proximity to cliff lines. Council's interpretation is acknowledged, although it is considered over-conservative for the subject site.*
- *Based on the results of the site inspection and nature of the proposed new works. I am of the opinion that there are no significant hazards, and any that arise during construction may be resolved readily in the course of site inspections as required. In view of the above, I am of the opinion that redevelopment of the site is of VERY LOW RISK and is therefore ACCEPTABLE under Council's Risk Policy.*

Further to these findings, the report recommended as follows:

(a) Geotechnical Inspections

As good construction and management policy, allowance should be made for geotechnical inspections to assess ground conditions when excavation is undertaken, and to provide recommendations for support requirements as necessary.

(b) New Foundations

It is recommended that all new foundations be founded on the very stiff to hard natural silty clay stratum or on weathered bedrock. Indicative Allowable Bearing Pressures of 200kPa and 800kPa respectively may be adopted, subject to geotechnical verification.

It is understood Council can require compliance with these recommendations as a condition of consent.

4.4.5 Chapter 7.2 – Waste Management

In accordance with the requirements of this Chapter of the DCP, a Waste Management Plan (WMP) has been prepared for the proposed development by the owner (who runs a building company) which addresses demolition and construction waste (ongoing waste removal arrangements are unchanged from the existing dwelling). A copy of this WMP is provided as a separate appendix to this Statement.

4.5 BASIX

A BASIX Assessment has been undertaken by AB3D Building Design for the proposed dwelling-house in accordance with Schedule 1 of the EPA Regulation 2000. This Assessment indicates compliance with the relevant water reduction, thermal comfort and energy targets for the proposed additions. A copy of the BASIX Certificate is provided as a separate appendix to this Statement.

5.0 ISSUES RELEVANT TO THE APPLICATION

In addition to the issues identified in the preceding section, the following issues relating to the suitability of the site and the impact of the proposed development flagged under Section 4.15(b) and (c) of the Environmental Planning and Assessment Act 1979 are also relevant to the application and require further discussion.

5.1 AMENITY

The proposed development is unlikely to result in any adverse or additional impact on the amenity of adjoining properties to the south, west or north by way of either diminished privacy, solar access or loss of view.

With respect to the property to the south the following is noted:

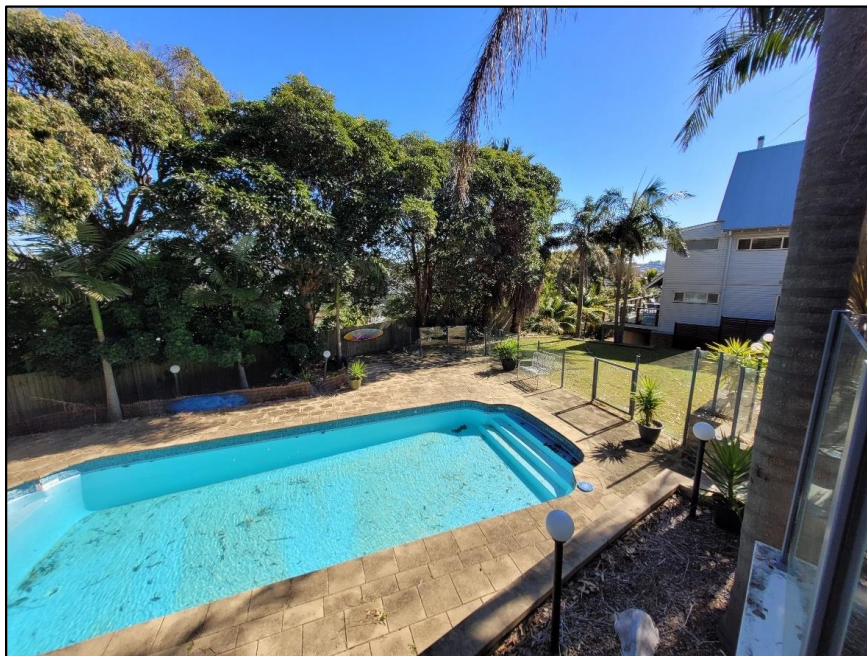
- The side setback to the dwelling-house on the ground level is 1700mm, which is well in excess (almost double) of the minimum requirement of 900mm. At this level, there is little opportunity for any overlooking as there is only one (1) window proposed on this facade of the building, which provides limited opportunity for overlooking given it is a highlight window and located in a bedroom of the secondary dwelling. This can be seen on sheets DA09B and DA15 of the amended plans. This setback increases to 3.9m for the upper floor, which is occupied by a private outdoor open space area/courtyard for the secondary dwelling.
- As also shown on plans DA09B and DA 15, the private outdoor open space area/courtyard for the secondary dwelling is completely enclosed on the southern side by a wall and louvre screens, thereby removing the opportunity for any potential overlooking to the property to the south. This potential is further restricted by the presence of large existing trees along the southern side of the dwelling-house on both sides of the boundary, with additional screen planting to be undertaken within the subject site to augment this existing screen into the future, as shown on the landscape plan (DA03B).
- Overshadowing of the property to the south will be satisfactory, with the shadow diagrams provided with the plans indicating that majority of the rear yard is no longer overshadowed by 12 noon on 21st June, such that the private open space of this property will continue to enjoy over 3 hours of solar access following construction of the proposed development, in full compliance with the requirements of section 3.1.4.4(b) Chapter 3.1 of the DCP.

With respect to the property to the west the following is noted:

- There are essentially no opportunities for overlooking of this adjoining property due to the existing trees adjacent to the rear boundary, which provide an extensive screen, as well as the significant drop in the views of the land which effectively preclude any view of this property whatsoever. Rather, views from the proposed dwelling-house in this direction (i.e. westward) will be distant views to the valleys of Tumby Umbi, with the existing residence on the adjoining property essentially unable to be seen from the rear of the new dwelling-house. The drop in levels and the inability to see the dwelling on the property to the west is evident on photographs 15 and 16 on the following page.
- The proposed setback from the actual dwelling (the rear wall of the sauna and bathroom to bedroom 4 on the lower ground floor) to the rear boundary is approximately 8.0 metres, which is well in excess of the 3.0 metres required at this location. This is only a small section of the building, with the remainder of the lower ground floor setback over 13.0 metres. In addition, the ground and first floors of the dwelling-house are setback over 10 metres and 16 metres from the rear boundary respectively.
- Overshadowing of the property to the west is extremely limited due to distance and slope as shown on the shadow diagrams.



Photograph 15 – Looking roughly south-west from the existing dwelling showing the extensive screening provided by the existing vegetation to be retained along the rear boundary.



Photograph 16 – Looking north-west over the rear boundary of the subject site from the existing dwelling showing the extensive screening provided by the existing vegetation to be retained along the rear boundary and the extremely limited visibility of the existing dwelling on the adjoining property to the west.

With respect to the property to the north the following is noted:

- There is extremely limited potential impact on privacy due to the fact that the majority of the southern facade of the existing dwelling to the north is comprised of a large pitched steel roof with only one window, as clearly evident on the photographs earlier in the Statement. Whilst there are additional windows lower on the southern facade of the adjoining dwelling, these currently look at/into the concrete slab and sub-floor to the north of the existing dwelling, a view that will not change as this slab and sub-floor are being retained (other than the slab being converted to a garage which has no impact on privacy either).
- Of the five (5) windows proposed to be installed above ground level on the northern facade of the new dwelling, two (2) are highlight windows in bedroom 2 and the ensuite on the ground floor, whilst the remaining two (2) are very small windows in the bedroom and walk-in robe of the first floor, which are setback approximately 8.0 metres from the site boundary. These windows are shown on sheet DA10B. As such, the new windows of the proposed dwelling house are also unlikely to cause any adverse impacts on privacy.
- The upper floor balcony on the eastern side of the dwelling-house is setback an extensive distance from the northern side setback to limit any potential overlooking from this area (the utility of which is limited anyway due to its narrow width and the fact it is located off a bedroom). This balcony has also been orientated more towards the east to focus on the ocean views.
- Being located to the north, there will be no impact from overshadowing.

Given the above, it is apparent that any potential impact on the amenity of any adjoining or nearby properties from the proposed development by way of privacy or overshadowing will be limited due to existing site conditions and then further minimised by the siting and design of the proposed dwelling house.

5.2 ACCESS

As noted earlier in the Statement, two (2) large raised concrete traffic islands are constructed immediately in front of the property at the intersection of Yumbool Close with North Scenic Road. A photograph showing the location of these islands is provided as Figure 11 below.



Figure 11 – Aerial photograph showing existing traffic island in front of the dwelling

The existing driveway immediately to the north of these two islands is to be retained to provide access to the garage being constructed on the existing suspended slab (which is currently used for parking).

Longitudinal sections for this driveway have been prepared and form part of the submitted stormwater/engineering design and show the driveway complying with Council's requirements.

5.3 NATIONAL CONSTRUCTION CODE

The proposed development will be required to meet the requirements of the National Construction Code (formerly the Building Code of Australia – BCA). It is expected that a condition can be attached to the consent requiring such compliance, with details to be provided with the construction certificate as necessary.

5.4 STORMWATER

A Stormwater Management Plan (SMP) has been prepared by SRB Consulting and submitted with the application. The SMP indicated that run-off from the new structure was to be collected by roof gutters and directed into the large existing rainwater tank located beneath the suspended concrete slab on the northern side of the property, and into two (2) additional 5,000L rainwater tanks on the southern side of the new dwelling-house for reuse in toilets, washing machines, landscaping and car washing.

All run-off from impervious surfaces and any overflow from the tanks was to be collected by a sub-soil pit and pipe network beneath the driveways and inside the side boundaries and then directed to the existing outlet in the north-western corner of the property for disposal into Lowanna Avenue as is currently the case.

Following review of the system, Council advised that no legal point of connection was available to the rear of the lot for disposal into Lowanna Avenue such that this was no longer an option for discharge. As such, Council indicated that the plans needed to be amended to bring the water tanks up to the secondary dwelling store room level to ensure the tank overflow can reach the street. Specifically, Council requested that the following amendments be made to the proposed stormwater management system:

1. Update to the plans detailing how the rain water tank overflow will discharge to the street water table (including ensure the tank RLs are above the road level and no pumps).
2. Increase the rain water tank capacity to a total of 12,000 litres either as an extra 2,000 litre tank or two 6,000 litre tanks to account for the swimming pool requirement.

Following liaison between the architect and SRB Consulting, the stormwater strategy has been modified as follows:

- The rainwater tanks have been raised, such that the overflow level for the tanks will be at least 1.2m above the corresponding boundary level adjacent to the south-eastern corner of the site;
- A charged overflow pipe is proposed from the rainwater tanks to a new boundary pit in the south-eastern corner of the site, where a gravity pipe will be laid through to Yumbool Close/North Scenic Road;
- A charged downpipe system will be provided to direct runoff from the total roof area to the rainwater tanks, which will have a total volume of 12,000L as requested by Council;
- The existing rainwater tank located on the lower level of the site that overflows to the pipeline traversing HN25 Lowanna Ave will be decommissioned;
- Runoff from the driveway and any other 'non-roof' hardstand areas will be directed to a gravel absorption trench located within the rear landscaped yard area (as is typically undertaken in the Gosford locality for properties draining away from the street with no inter-allotment drainage easement);

- No concentrated runoff will be directed into the existing pipeline that traverses HN25 Lowanna Ave; and
- As the existing dwelling and all hardstand areas currently drain to the rear of the site, it is anticipated that the proposed stormwater strategy will result in a net decrease in runoff flowing to the rear of the property.

It is understood that the above changes to the stormwater strategy can be conditioned on the consent. In this regard, it is suggested that an updated stormwater management plan addressing the above items be submitted with the construction certificate application.

5.5 BUSHFIRE

As shown on Figure 12 on the following page, the subject site is classified as "bushfire prone" land under the bushfire maps adopted by Central Coast Council. Under the provisions of Section 4.14 of the EPAA, the consent authority needs to be satisfied that the development conforms to the specifications and requirements of the document entitled *Planning for Bush Fire Protection 2019* (PFBP) prepared by the RFS.

To this end, a Bushfire Assessment Report has been prepared for the proposed development by *Building Code and Bushfire Hazard Solutions* (BCBHS) in accordance with the requirements of PFBP. A copy of this Report is provided as a separate appendix to this Statement.

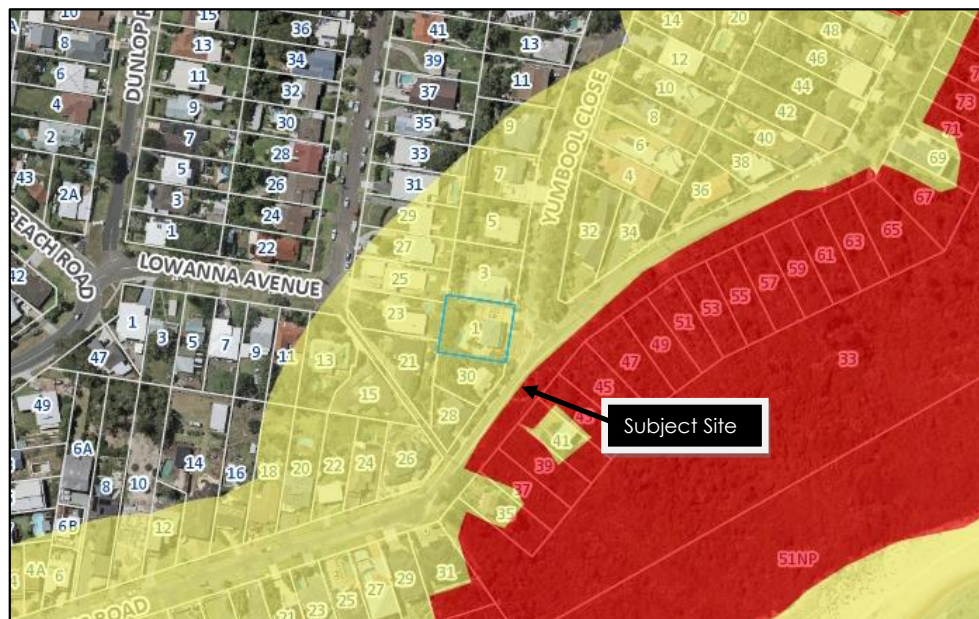


Figure 12 – Extract from CCC Bushfire Prone Land Map

To adequately protect the proposed development from the threat of bushfire from vegetation to the south and east of the subject property, the Report recommends the implementation of a number of measures based on the requirements of PFBP, with the main ones being:

- the maintenance of a 25m Asset Protection Zone (APZ) to the south of the site, which is already provided by the maintained land within the subject property and North Scenic Road; and
- the proposed building is to comply with section 3 and BAL 29 section 7 under AS 3959 – 2018 and the additional construction requirements under section 7.5 of PFBP or NASH Standard (NS 300 2021) 'NASH Standard Steel Framed Construction in Bushfire Areas – 2021' as appropriate.

The Report also indicates that both access and water supply are satisfactory for firefighting purposes and provides guidance for the location and protection of gas fittings.

The full range of recommendations is provided in section 8.0 of the Report and subject to their adoption, the new dwelling-house and secondary dwelling can satisfactorily comply with the aims and objectives of PFBP and will be adequately protected from the bushfire threat posed to the site.

5.6 VEGETATION REMOVAL

As noted earlier in the Statement, a number of trees are required to be removed to make way for the new dwelling house. These include a number of Cocos palms located immediately to the rear of the dwelling and next to the swimming pool, and two (2) further palms (one Cocos and one Phoenix) located in the front setback of the house towards the southern boundary. These trees will be removed as and where necessary. Given these trees are non-native exotic species (with Cocos palms actually declared as noxious weeds) and inconsistent with the character of the area, there is no issue with their removal.

Conversely, a number of native trees located along the southern side and rear boundary which provide screening to the properties to the south and west are proposed to be retained.

5.7 LANDSCAPING

A concept landscape design has been prepared by AB3D Building Design for the proposed development and forms part of the submitted plans.

The design identifies the retention of the existing large native trees along the southern and western boundaries as well as additional planting along the southern boundary to maintain shade and screening of the site to adjoining properties. In addition, landscaping comprising hedges, planter boxes and turfing is to be undertaken elsewhere across the site to soften the building and provide amenity for future residents. The plan also provides details of proposed courtyard and boundary fencing, as well as the treatment of any new driveway, pathways and other external surfaces surrounding the dwelling-house.

5.8 EROSION AND SEDIMENT CONTROL

Sediment and erosion controls will be put in place during the construction phase in accordance with Council's *Civil Works – Design Guideline and Construction Specification*. Plans of the proposed sedimentation and erosion control measures prepared by SRB Consulting in accordance with Council's *Civil Works – Design Guideline and Construction Specification* form part of the submitted Stormwater Management Plan.

6.0 CONCLUSION

From the preceding statement it is apparent that:

- The proposed development is permissible in the R2 zone and complies with all relevant provisions and clauses of Gosford LEP 2014, with the exception of an encroachment of the 8.5 metre maximum building height, a variation to which has been extensively justified in the Clause 4.6 submission lodged with the application.
- The proposed development complies with the relevant requirements of Chapter 3.1 of Gosford Development Control Plan 2013 – inclusive of site coverage and all setbacks – and provides for a dwelling-house and secondary dwelling that are of a design and appearance consistent with the desired future character of the Forresters Beach locality as identified under Chapter 2.1 of the DCP.
- The proposed development involves no removal of any native trees and minimal earthworks (due to the retention of the existing slab and dwelling foundations) and as such, is unlikely to have an adverse impact on the local environment or amenity of the surrounding area.
- All necessary utilities and infrastructure required for the proposed development – including water, sewerage, electricity, gas and telecommunication services – are available to the subject site.
- The proposed development has been designed and sited such that any impact on the amenity of any adjoining or nearby properties by way of privacy or overshadowing will be minimised, whilst separate areas of open space have been provided for both the principal dwelling-house and secondary dwelling in locations that will provide suitable privacy and amenity for future residents.
- The proposed development represents an opportunity to replace the existing dwelling with a high quality, contemporary style dwelling-house and secondary dwelling, consistent with the nature, scale and constantly-evolving coastal character of the surrounding residential area.
- The proposed development will result in a significant social benefit to the owners of the property by providing a self-contained secondary dwelling that has been designed as a completely integrated component of the principal dwelling-house.

As such, the proposed development is deemed to be reasonable and appropriate when assessed against the relevant heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

On this basis, Council is requested to grant consent to the application.