

Supplementary Report



To: CENTRAL COAST LOCAL PLANNING PANEL
From: Amy Magurren
Subject: Report – Incorrect report uploaded
Date: 16 December 2024
Ref: DA/2056/2023 – Multi Dwelling Development – 4 Units
Location: 140 Trafalgar Ave, Umina Beach

The meeting agenda issued for the Local Planning Panel meeting scheduled for the 19th of December contained the incorrect planning report for DA/2056/2023 being for a 4-unit multi dwelling development at 140 Trafalgar Ave, Umina Beach.

The planning report was updated to consider the submissions received during the second notification period which concluded on the 6th December. The report contained in the compiled agenda, from **page 194 to 219** should be disregarded and the attached report considered in its place, all other documents relating to the development are correct. The correct report considers all the submissions raised in both notification periods as per below:

1. Submissions

The proposal was formally advertised and notified, in accordance with CCDCP 2022 Chapter 1.2 Notification of Development Proposals, between 1 December 2023 and 16 January 2024. Thirteen (13) submissions were received in total during the first notification period, comprising eleven (11) unique submissions and two (2) duplicate submissions.

The proposed development was amended in response to the issues raised by Council and by the submitters. The amended plans were renotified, in accordance with CCDCP 2022 Chapter 1.2 Notification of Development Proposals, between 15 November 2024 and 6 December 2024. Twelve (12) submissions were received in total during the second notification period, comprising ten (10) unique submissions and two (2) duplicate submissions.

The number of unique submissions received during the initial notification period is eleven (11) which requires the application to be considered by the Local Planning Panel. A further twelve (12)

submissions received during the second notification period have also been considered in relation to the application.

Contact and authors

Contact: amy.magurren@centralcoast.nsw.gov.au
Name: Amy Magurren
Title: Senior Development Planner - Residential Assessment

Signature

A handwritten signature in black ink, appearing to read 'A Magurren', written on a light grey rectangular background.

Amy Magurren
Development Planner
DEVELOPMENT ASSESSMENT

Item No: 3.3
Title: DA/2056/2023 - 140 Trafalgar Ave Umina Beach - Multi- Dwelling Housing - 4 Units - Modified
Department: Environment and Planning

Central Coast
Local Planning Panel

19 December 2024 Local Planning Panel Meeting

Reference: DA/2056/2023 - D16468644
Author: Amy Magurren, Senior Development Planner. Residential Assessments
Section Manager: Ailsa Prendergast, Section Manager. Residential Assessments
Unit Manager: Andrew Roach, Unit Manager. Development Assessment

Summary

An application has been received for construction of a Multi Dwelling Housing development (comprising four units) including demolition of existing structures and tree removal at 140 Trafalgar Avenue, Umina Beach. The application has been examined having regard to the matters for consideration detailed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements with the issues requiring attention and consideration being addressed in this report.

The application is required to be referred to the Local Planning Panel as a result of submissions received during notification. Thirteen (13) submissions were received in total during the first notification period, comprising eleven (11) unique submissions and two (2) duplicate submissions. Twelve (12) submissions were received in total during the second notification period, comprising ten (10) unique submissions and two (2) duplicate submissions.

The application is recommended for **approval**, subject to conditions.

Applicant	Live Well Developments Pty Ltd
Owner	A E Hawkins
Application No	DA/2056/2023
Description of Land	Lot 3 Section 8 DP 19850
Proposed Development	Multi Dwelling Housing Development (4 Units) & Demolition
Site Area	937.3m ²
Zoning	R1 General Residential
Existing Use	Residential Dwelling
Employment Generation	No
Estimated Value	\$1,700,000.00

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Recommendation

- 1 That the Local Planning Panel grant consent to DA/2056/2023 at 140 Trafalgar Avenue, Umina Beach being Lot 3 Section 8 in DP 19850 subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**

Key Issues

- Non-compliance with Chapter 2.2 Dual Occupancy & Multi Dwelling Housing of the Central Coast Development Control Plan 2022 in regard to the floor space ratio, setbacks, amenity, tree removal, overshadow, carparking and landscaping.
- Matters raised in public submissions, including parking, tree removal, overshadow, private open space, setbacks and amenity impacts.

Precis:

Proposed Development	Multi Dwelling Housing (4 units), demolition of existing structures and tree removal.
Permissibility and Zoning	The subject site is zoned R1 General Residential under the provisions of Central Coast Local Environmental Plan 2022 (CCLEP 2022). The proposed development is defined as multi dwelling housing, which is permissible in the zone with consent of Council.
Relevant Legislation	The following planning policies and control documents are relevant to the development and were considered as part of the assessment: <ul style="list-style-type: none"> • Environment Planning and Assessment Act 1979 – Section 4.15 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Central Coast Local Environmental Plan 2022 (CCLEP 2022) • Central Coast Development Control Plan 2022 (CCDCP 2022)
Current Use	Residential dwelling
Integrated Development	No
Submissions	Notification period 1: 13 submissions (11 unique, 2 duplicate) Notification period 2: 12 submissions (10 unique, 2 duplicate)

Variations to Policies

Clause	Chapter 2.2.5 Building Setbacks
Standard	Average of the nearest two dwellings being 7.85m
Departure basis	0.65m or 8% Variation

Clause	Chapter 2.2.10.2 Street Trees
Standard	2 trees per 15m of frontage
Departure basis	1 provided – 50% Variation

The Site & Surrounding Development

The site is legally described as Lot 3, Section 8 in DP19850 and is commonly known as 140 Trafalgar Avenue, Umina Beach. The overall site has a total area of 937.3m² by survey with a frontage of 16.815m to Trafalgar Ave.

The site contains a single residential dwelling and is located on the eastern side of Trafalgar Avenue, between Donald Avenue and Bourke Road. The topography of the site is generally flat with levels throughout the site in the vicinity of RL5.88 at the front boundary and to the rear boundary.

The site has an east/west orientation and is adjoined by five (5) individual allotments which all contain single storey residential dwellings.

The site is not mapped as being impacted by Bushfire Prone Land.



Figure 1: Site locality plan

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Figure 2: The proposed development site – 140 Trafalgar Ave, Umina Beach

Surrounding Development

The site is bordered to the north by a single storey residential dwelling located at 138 Trafalgar Ave, Umina Beach.

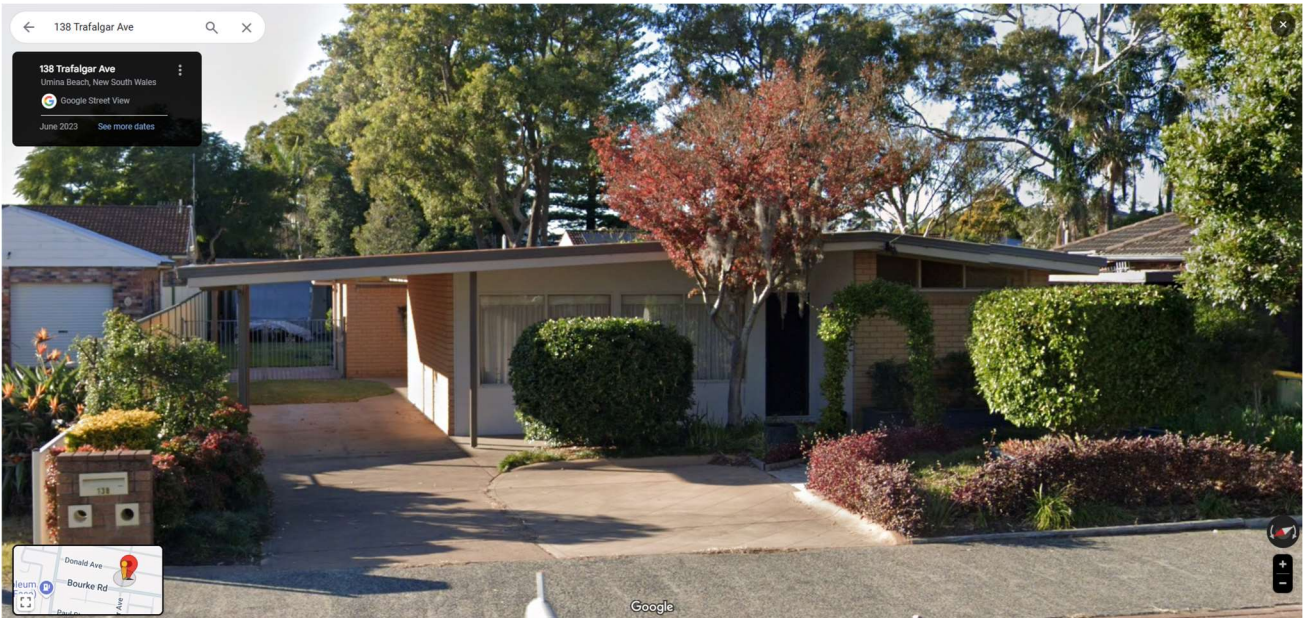


Figure 3: Residential development at 138 Trafalgar Ave, Umina Beach.

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The site is bordered to the south by 142 Trafalgar Ave.

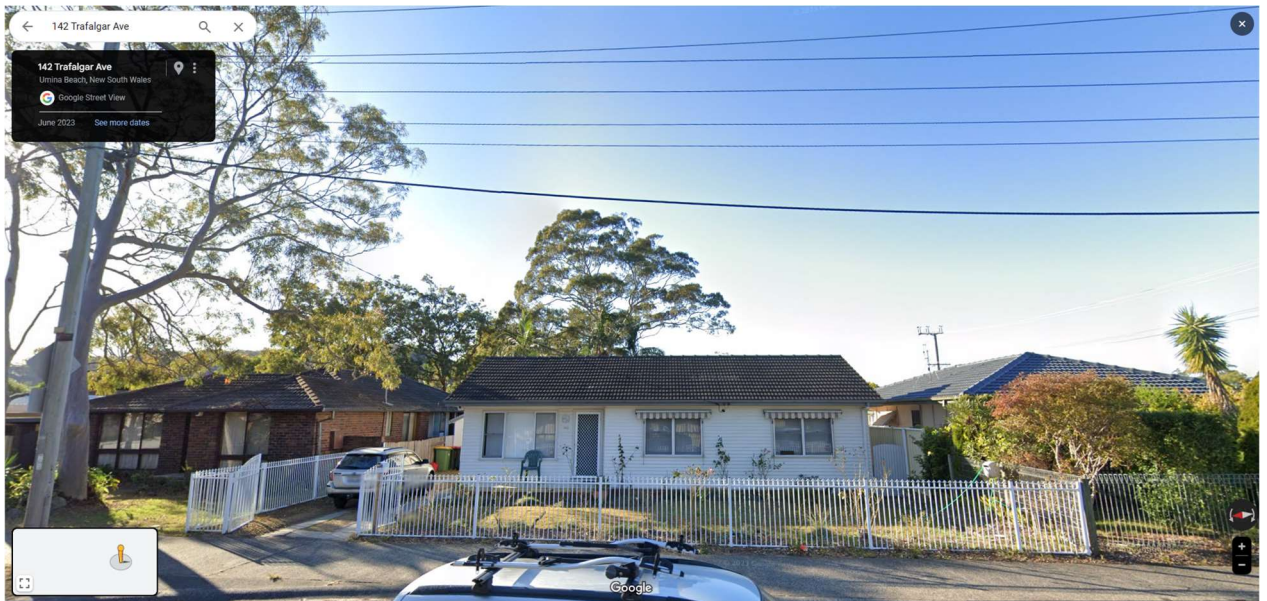


Figure 4: Residential development at 142 Trafalgar Ave, Umina Beach.



Figure 5: Residential development along Bourke Road. Subject site located behind 134A Bourke Road (Centre)

Application Background

On the 13 November 2023, Council formally received development application DA/2056/2023 for a multi-dwelling development comprising 5 Units, associated driveway, stormwater, front fencing and landscape works. The application proposed a floor space ratio of 0.55:1 and sought a variation of 10% to the mapped floor space ratio control for the site, being 0.5:1. The variation to the FSR control was not supported by Council on the basis that the Clause 4.6 request did not adequately justify why a variation to the FSR should be supported on the site without sufficient environmental planning grounds to justify the contravention of the development standard. The originally lodged development also sought variations to the controls relating to the front setback, side setback, rear setback, private open space, sunlight, site coverage and visitor parking controls. Additionally, the written clause 4.6 request incorrectly attempts to justify the variation by asserting that no additional overshadowing will occur or reduction in landscaping will result from the increased floor area of the development. It asserts that:

"Strict compliance with the 0.5:1 FSR standard would not result in improved amenity outcomes for the site or the surrounding sites. The additional floor area located within the building for the occupants does not result in any additional overshadowing or reduction of landscaping that is notably complaint neighbouring sites and does not result in privacy impacts to adjoining sites."

After an initial assessment of the application, it was identified that the proposed development did result in unreasonable impacts to the overshadowing of neighbouring properties to the south, had significant issues with privacy and overlooking to neighbouring properties to the north and the site coverage calculations relied on the supported the justification were inaccurate.

Additionally, the site itself is a relatively flat level allotment of land, not impacted by environmental planning constraints such as flood, bushfire, slope, easements or access issues. In the circumstances of the case, for this reason it is not considered 'unreasonable and unnecessary' for the applicant to provide a compliant development that is capable of adhering to the FSR development standards. Further assessment identified numerous non-compliances with the proposed development that indicated an overdevelopment of the site, as such the development in its original form was not supported by Council.

On the 5th of August 2024, a request for information was issued to the Applicant outlining the following issues with the development:

- **Height of Buildings** – Building height is to be indicated from existing ground level, not finished ground level and indicated on all elevations and sections, so correct setback calculations could be made.
 - **Floor Space Ratio** - The clause 4.6 request to vary the development standard lacked adequate justification for the exceedance in the floor space ratio control and was not supported.
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- **Site Coverage** – Areas of permeable paving are not considered soft landscaping and should be removed from the calculation of site coverage. The permeable paving areas for the driveway and parking areas are not consistent with the areas indicated on the landscape plan. On this basis the site coverage calculations did not appear to be accurate, and the proposed development did not provide adequate soft coverage and deep soil areas.
- **Setbacks** – The development proposed variations to the front, rear and both side setback controls.
- **Facades and Articulation** – The proposed development did not include adequate articulation to the northern elevation including an unbroken wall of 33m in length.
- **Sunlight** – It is acknowledged that the irregular arrangement of the lots in this location mean that some overshadowing will occur to the properties to the south however the unbroken length of the building did not attempt to reduce the impact to the neighboring property to the south in terms of providing any building separation to allow sunlight to ensure adequate levels of sunlight are maintained to the neighboring dwellings.
- **Privacy** – Balconies overlooking the neighboring property were poorly positioned which resulted in significant screening that almost completely encloses the balcony.
- **Car Parking** – The proposed development required 8 parking spaces for residents and one visitor space. The application did not contain a visitor space and combined with the removal of an on street carparking space it is unclear why the provision of a carparking space was not included.
- **Landscaping** – The landscape plans were inconsistent with the architectural plans provided and conflicted with the proposed development plans.
- **Waste Services** – Waste generation rates used in the WMP were inconsistent with Council guidelines. Waste storage areas were inadequate to support the reasonable movement of bins from the storage area to the front of the site for collection.
- **Driveway** – Inadequate information in relation to access and maneuvering throughout the proposed development was provided for Councils Engineering team to make an assessment.

The applicant was advised:

"The proposed development would result in adverse environmental, amenity and social impacts to the site and surrounding development. The proposal is excessive in bulk and scale and does not create a lightweight appearance, which is exacerbated by the minimal level of articulation. Further consideration shall be given to a revised development that satisfactorily addressed the issues raised in this letter."

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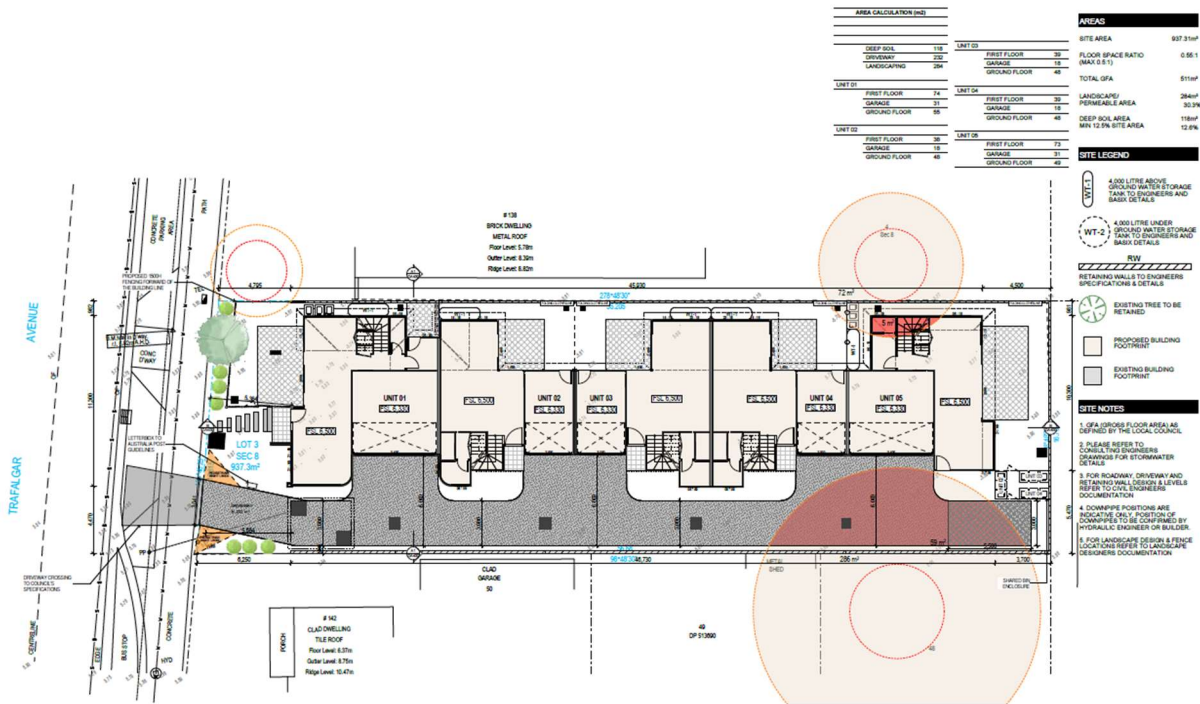


Figure 6: Originally proposed development

On the 20th of August 2024, the applicant provided revised concept plans to Council for review prior to submission of full revised documents.

On the 4th of October 2024, the revised plans were discussed directly with the applicant and a follow up email sent to, which provided the following comments:

- **FSR** – Reduced FSR to 0.5:1 is more reflective of the expected density for the site.
- **Setbacks** – Front setback at 7.2m can be supported, given the rear setback is 4.5m which provides better amenity to the rear POS.
- **Side and Rear Setbacks** – Ground level at 1m, first floor at 1.9m & 2.04m can be supported. The increased setback on the boundary with #138 will improve/reduce the impact to the neighbours. The northern first floor POS will receive nice sunlight.
- Although there are no elevations provided to review, the separation of the built form improves the bulk and scale of the development and a much-improved solar impact to the neighbouring houses to the south.
- Privacy screens to the balconies have been provided.
- **Parking** – 6 spaces have been provided and 1 visitor space which can be supported.
- **Facades** have been suitably articulated, particularly at first floor level.
- Just noting the location of waste bins has not been included, should be considered in the final plans.

On the 4th of November 2024, the applicant uploaded revised application documentation to the NSW Planning Portal. Revised information was re-referred to Council officers for review.

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Revised plans were renotified from the 1st December 2024 to 16th January 2024, a further 12 submissions were received, comprising ten (10) unique submissions and two (2) duplicate submissions.

The remainder of this report is based on the revised plans and amended supporting information provided by the applicant on the 4th of November 2024. Submissions received during both notification periods have been considered and are addressed within the report.

The Proposed Development

The amended application seeks development consent for:

- Demolition of all existing structures.
- Construction of a 4 x 3-bedroom multi-unit development on the site;
- Six (6) carparking spaces and 1 visitor space;
- Tree removal;
- Landscaping and site access.

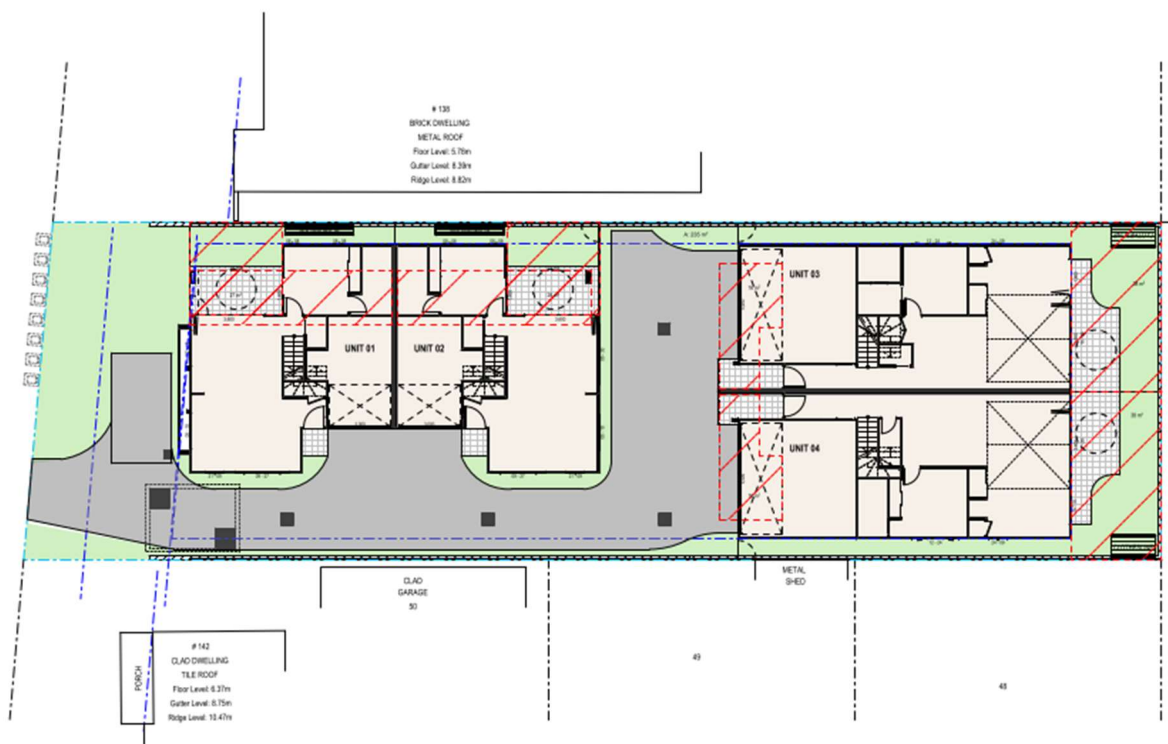


Figure 6: Amended proposed development

ASSESSMENT:

Having regard for the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided as an attachment.

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 came into force on 1 March 2022 and replaces / consolidates *State Environmental Planning Policy No. 55 – Remediation of Land* and *State Environmental Planning Policy (Coastal Management) 2018*. However, it is noted that no policy changes have been made. All savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

The provisions for the former *State Environmental Planning Policy No 55 - Remediation of Land* (SEPP 55) still apply to all development and requires consideration and management of site contamination issues as part of the development assessment process. The current use of the site is for domestic residential purposes, and there are no known previous uses that would lead to the site being contaminated or unsuitable for the proposed use.

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) require Council consider the aims and objectives of the SEPP when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning and Environment and the subject property falls outside the mapped coastal management areas. However, the relevant matters have been considered in the assessment of this application and it is considered consistent with the stated aims and objectives.

Central Coast Local Environmental Plan 2022 (CCLEP 2022)

Zoning and Permissibility

The subject site is zoned R1 General Residential under the provisions of CCLEP 2022.

Development for the purposes of multi-dwelling housing is permissible within the R1 General Residential zone:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The R1 General Residential zone is based on the following objectives:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To promote best practice in the design of multi dwelling housing and other similar types of development.*
- *To ensure that non-residential uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for multi dwelling housing or other similar types of development.*

The amended proposal appropriately addresses its impacts and represents an acceptable design and is therefore consistent with the R1 General Residential zone objectives.

Central Coast Local Environmental Plan 2022 – 4.3 Height of Buildings

Clause 4.3(2) of CCLEP 2022 provides that the height of a building on any land will not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown on the relevant map is 8.5m.

The proposed development has a maximum building height of 8.38m at the maximum and complies with this development standard.

Central Coast Local Environmental Plan 2022 – 4.4 Floor Space Ratio

The provisions of Clause 4.4 establish the Floor Space Ratio for the land. The site is identified on the CCLEP 2022 FSR map as being 0.5:1.

The proposed development has a 0.5:1 and complies with this development standard.

Central Coast Local Environmental Plan 2022 – 5.21 Flood Planning

The Woy Woy Peninsula Flood Study indicates that the site is affected by the 1% AEP Flood Event. The Flood Level shows an elevation of 6.0m AHD. The habitable floor level of each unit is set at 6.5m AHD and is deemed satisfactory as it includes the required 500mm freeboard. The garages are set at 6.330 m AHD and are deemed satisfactory.

Central Coast Local Environmental Plan 2022 – 7.1 Acid Sulfate Soils

The site is mapped as containing Class 4 acid sulfate soils (ASS). The site is approximately 4.20m AHD with minimal excavation required for the establishment of footings, with no works more than 1m below natural ground surface. In this instance, the proposal works are not considered likely to impact on Acid Sulfate Soils.

Standard conditions of consent are included to ensure any unexpected finds of acid sulfate soil will be appropriately managed.

Central Coast Development Control Plan 2022 (CCDCP 2022)

The *Central Coast Development Control Plan 2022 (CCDCP 2022)* provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice.

CCDCP 2022 – Chapter 2.2 Dual Occupancy and Multi Dwelling Housing

The relevant provisions of Chapter 2.2 have been considered in the assessment of application as summarised in the table on the following page.

3.3

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Clause	Required	Proposed	Complies	Compliance With Objectives
2.2.3.1 Height	<ul style="list-style-type: none"> Max height LEP = 8.5m Max 3 storeys 	<ul style="list-style-type: none"> Max height = 8.38m Max 2 storeys 	Yes	Yes
			Yes	
2.2.4.2 Floor Space Ratio	<ul style="list-style-type: none"> 0.5:1 	<ul style="list-style-type: none"> 0.50:1 	Yes	Yes
2.2.4.3 Site Coverage	<ul style="list-style-type: none"> Minimum 25% soft landscaping 	<ul style="list-style-type: none"> 25% 	Yes	Yes
2.2.5 Building Setbacks	<ul style="list-style-type: none"> Front Setback – Average distance of the nearest two houses having the same primary road being 7.85m 	<ul style="list-style-type: none"> Front setback – 7.2m 0.65m or 8% Variation 	No	Yes – See comments below
	<ul style="list-style-type: none"> Side setbacks - for any part of the building with a height of up to 4.5m—0.9m, and ii for any part of the building with a height of more than 4.5m—0.9m plus one-quarter of the height of the building above 4.5m 	<ul style="list-style-type: none"> Northern setbacks to Units 1, 2 and 3 – 1m at ground floor and 2.352m at first floor. Southern setback to Unit 4 – 1m at ground floor and 1.990m at first floor. 	Yes	Yes
	<ul style="list-style-type: none"> Rear setback – 4.5m 	<ul style="list-style-type: none"> Unit 3 & 4 – 4.5m 	Yes	Yes
2.2.6.1 Articulation	<ul style="list-style-type: none"> Unbroken lengths of wall not to exceed 10m in length and 3m in height. Garages are to be located behind the front setback of the building to not dominate the street scape. 	<p>There are no blank walls longer than 10m proposed above ground level.</p> <p>Garages are located within the site and are hidden from view of the street.</p>	Yes	Yes
2.2.6.2 Roof Elements	<ul style="list-style-type: none"> Roof design does not detract from the architectural merit of the building and maintains the privacy of adjoining sites. 	<p>The roof form is varied through the site for the various units and has architectural merit.</p> <p>Louvres and highlight windows have been used throughout the site to reduce any overlooking or privacy impacts for adjoining sites.</p>	Yes	Yes

3.3

DA/2056/2023 - 140 Trafalgar Ave Umina Beach - Multi- Dwelling Housing - 4 Units - Modified (cont'd)

2.2.6.3 Residential Address	<ul style="list-style-type: none"> Ensure that the street can be seen from windows of regularly occupied rooms, as well as from upper-storey balconies and private terraces or courtyards at ground level. 	<p>The street can be viewed clearly from Unit 1 and from the upper bedroom of unit 4.</p> <p>Balconies have been suitably screened to avoid overlooking and reduce privacy impacts to surrounding developments.</p>	Yes	Yes
2.2.6.4 Design Integration	<ul style="list-style-type: none"> To ensure that building elements are integrated into the overall building form and façade design 	<p>A high level of architectural detail has been provided with the application.</p>	Yes	Yes
2.2.7.1 Views	<ul style="list-style-type: none"> Facilitate view sharing outcomes 	<p>The proposed development does not unreasonably obstruct any public or private views.</p>	Yes	Yes
2.2.7.2 Privacy	<ul style="list-style-type: none"> Maintain reasonable levels of privacy both internally and externally. Maximise outlook and views from living rooms and private open space. Protect the privacy of residents both within dwellings and in POS. 	<p>Reasonable levels of privacy are achieved both internally and externally. Any windows overlooking neighboring dwellings are either highlight windows or will have louvres. This will be conditioned.</p> <p>Privacy is protected in the Private open space.</p>	Yes	Yes
2.2.7.3 Private Open Space	<ul style="list-style-type: none"> POS for each dwelling is to have a min area of 45m². Minimum dimension of 4.5m 	<p>Unit 1 – 54m² Total (27m² GF and 27m² balcony)</p> <p>Unit 2 – 52m² Total (26m² GF and 26m² balcony)</p> <p>Unit 3 – 54m² Total (38m² GF and 16m² balcony)</p> <p>Unit 4 – 54m² Total (38m² GF and 16m² balcony)</p> <p>All units meet the minimum 4.5m dimension</p>	Yes	Yes

2.2.7.5 Sunlight Access	<ul style="list-style-type: none"> • Sunlight min 3 hrs/day in living, dining, family rooms and 50% of principle Open Space areas. • Sunlight retained to existing neighbours 	<p>Shadow diagrams have been provided to demonstrate the minimum levels of sunlight can be achieved.</p> <p>The built form of the development has been separated to reduce the impacts of overshadow to the neighboring dwellings to the south, which will occur to some degree due to the arrangements of the allotments.</p>	Yes	Yes
2.2.8.1 Car Parking	<ul style="list-style-type: none"> • At least one of the required resident spaces is to be enclosed in a garage. • Visitor parking must be provided at a rate of 1 space per 5 units. • Comply with requirements of Chapter 2.13 being 1.5 spaces per dwelling. 	<p>6 Spaces provided. All units have one garage enclosed. Visitor parking has been provided in the front setback surrounded by a generous landscaping buffer.</p>	Yes	Yes
2.2.8.2 Access Design	<ul style="list-style-type: none"> • Access is to comply with relevant standards and councils' civil works specification. 	<p>Swept paths have been provided demonstrating compliance with AS1890.</p>	Yes	Yes
2.2.9.1 Earthworks	<ul style="list-style-type: none"> • Excavation must not exceed a maximum depth measured from existing ground level of 1m if less than 1m from a boundary or 3m if greater than 1m. 	<p>No excavation greater than 1m is proposed.</p>	Yes	Yes
2.2.9.2 Retaining Walls	<ul style="list-style-type: none"> • No more than 600mm within 1m of boundary. 	<p>Retaining walls of up to 600mm on the northern side and up to 520mm on the southern side are proposed</p>	Yes	Yes

2.2.10 Landscaping	<ul style="list-style-type: none"> Landscaping to contribute to the amenity and character of the area 	Landscape plan provided and is considered to meet the objectives of the controls.	Yes	Yes
2.2.10.2 Street Trees	<ul style="list-style-type: none"> 2 street trees provided per 15m of frontage 	Conditions have been applied. Only 1 tree will be able to be accommodated within the frontage located within the front setback.	No	Yes- See comments below.
2.2.10.3 Deep Soil	<ul style="list-style-type: none"> 50% of soft landscaping be capable of deep soil 	Landscape plan provided and is considered to meet the objectives of the controls.	Yes	Yes
2.2.10.4 Fencing	<ul style="list-style-type: none"> Meets the requirements of privacy and security 	Fencing to be conditioned. 1.2m front fence has been provided and is decorative in nature.	Yes	Yes
2.2.11 Building Services	<ul style="list-style-type: none"> Have adequate services to cater for the resident's needs. 	Council is satisfied all required services are available to the property.	Yes	Yes
2.2.11.3 Stormwater Management	<ul style="list-style-type: none"> Complies with Councils Civil specifications. 	A stormwater Management Plan has been submitted with the application and complies with council's specifications.	Yes	Yes
2.2.11.4 Garbage and Waste Services	<ul style="list-style-type: none"> Complies with Councils Chapter 2.14 Waste Management. 	Waste management plan has been provided to support the application. 3 x mobile bins are proposed per dwelling. Bin storage for Unit 1 and 2 will be located within the proposed garages and bin storage for Unit 3 has been provided outside Unit 1 and travel paths are clear and level for moving bins to the street.	Yes	Yes

The non-compliances with Chapter 2.2 Dual Occupancy and Multi Dwelling Housing of the CCDCP 2022 are discussed below.

CCDCP 2022 – Chapter 2.2.5 Building Setbacks

The building setback for 138 Trafalgar Ave is 9m, when measured from the scaled site plan., this is also commensurate with the approved plans for the site which also include a 9m setback. The building setback for 142 Trafalgar Ave is 6.7m, when measured from the scaled site plan. The front setback for the proposed development is required to be an average

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distance of the front setbacks of 138 & 142 Trafalgar Ave, which would require a 7.85m setback.

The amended development layout proposes a 7.2m front setback, which is a 650mm or 8% variation to the average for the two neighboring dwellings.

The front setback for the proposed development has been located in a position that is compatible with the neighboring dwellings and would not dominate the streetscape by being forward of the established building line. The development also proposes a generous landscaped setback area to the street to soften the appearance of the development, consistent with desired future character of the area.

The variation to the proposed setback for the surrounding development on the street would not adversely impact the views, privacy and solar access of adjacent properties and is supported by Council in this instance given the context of the site.

CCDCP 2022 – Chapter 2.2.10.2 Street Trees

Trafalgar Avenue has a rolled kerb with visitor parking included in nominated parking bays within the road reserve to provide visitor parking in the street where traditional parking does not exist, which is unique in this area of the Woy Woy/Umina Peninsula. Due to the rolled kerb, many of the residents of the dwellings along the street park on the road reserve and in the front setbacks of their properties. One side of Trafalgar Avenue has a 3m wide pedestrian path, there are no street trees located on this side of the road. The opposite side of the road has no pedestrian pathway and large established street trees.

The development site itself, is fronted with the existing 3m wide pedestrian path and a visitor parking space located in the road reserve. The limited space remaining would not reasonably accommodate a street tree without pedestrian sight lines along the pathway or have adequate space to grow without impacting the infrastructure.

Parking congestion was raised as a issue in many of the submissions received. The proposed development complies with the numerical requirements of Chapter 2.13 for parking for multi dwelling development.

Only one (1) large tree planting has been requested by Council on this occasion due to most of the road reserve being taken up with existing concrete parking areas. The tree will be planted in the front setback as indicated on the Landscape plan.

CCDCP 2022 – Chapter 2.13 Transport and Parking

This section of the CCDCP 2022 requires 1.5 resident car spaces per dwelling, and 0.2 visitor spaces per dwelling, (rounded up to the next whole number). This results in a minimum of 6 spaces and 1 visitor space which have been provided in the amended development plans.

CCDCP 2022 - Chapter 2.14 Site Waste Management

An appropriate Waste Management Plan has been provided. 3 x mobile bins are proposed per dwelling, plans indicate the location of the bins per unit within the private open space areas of the development. The proposal has demonstrated compliance with this chapter of the CCDCP 2022.

CCDCP 2022 – Chapter 2.17 Character and Scenic Quality

The site is located with the character area: Umina 3: Sandplain Mixed Density area of the Central Coast Development Control Plan 2022 Chapter 2.17 Character and Scenic Quality. The desired character of this area is set out below:

“These areas should remain medium-density residential neighbourhoods where improved standards of amenity and urban design quality are achieved by new low-rise multi-unit developments that reflect features of the traditional mid Twentieth Century bungalows which remain distinctive elements of the Woy Woy Peninsula’s identity.

Surround each multi-unit development with leafy gardens that conserve existing visually-prominent trees, particularly along back fences and street frontages or verges, as well as providing space for new shady trees and shrubs planted as backdrops to new buildings. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees. Plant a combination of trees and shrubs around courtyards as well as along all property boundaries, and use hedges or fences that are low or see-through rather than tall and opaque in order to complement the informal character of existing garden frontages.

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

Reflect the modest scale of traditional mid-Twentieth Century bungalows, for example by dividing new developments into individual dwelling pavilions with a varied form or orientation, separated by verandahs or parking structures and landscaped courtyards. Any facades that are taller or longer than neighbouring buildings should be screened by a combination of extra setbacks and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in open carports or part-basements, rather than in wide garages that would accentuate building bulk or dominate visible facades.

In order to complement the scale and design character of traditional bungalows, a “light-weight appearance” is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, painted finishes and some sheet or

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board cladding rather than extensive plain masonry. Where facades face a street, a laneway or a driveway, provide a traditional "street address" with visible verandahs, living rooms and front doors.

Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings."

The proposal will largely retain the streetscape character and presentation of the surrounding area with a simple modern design combined with appropriate materials and articulation. Courtyards are located behind the front setback of the development and the development is screened with a generous landscape buffer to soften the visual appearance. The separation of the buildings allows for improved articulation throughout the development and improved solar access to the neighbouring development. The proposal is consistent with the existing and emerging residential character and amenity of the surrounding area.

CCDCP 2022 – Chapter 3.1 Floodplain Management and Water Cycle Management

The Water Cycle Management Plan submitted has been reviewed by Councils Development Engineer and addresses the requirements of the Chapter 6.7 of Council's CCDCP 2022.

CCDCP 2022 – Chapter 3.5 Tree and Vegetation Management

The proposal is supported by an Arborist Report, prepared by Accurate Tree Assessments, dated October 2024, nominating removal of all trees from the site. Trees to be removed consist of two (2) large, planted Gum trees from the front yard located close to new driveway and dwelling. Both trees have been regularly pruned from power wires resulting in their crowns overhanging existing and future dwellings.

Two (2) Gum trees are also to be removed from the back yard. Both located within the building footprint.

Trees located on adjoining properties are not expected to be adversely impacted. The Arborists tree protection recommendations have included as conditions of consent.

Landscape Plan nominates planting seven (7) suitable native trees and three (3) smaller exotics such as Weeping Lilly Pilly, Water Gum, Quandong, Magnolia and ornamental Pear. Two (2) Quandongs are to be planted over stormwater pipe of Unit 04, which is considered acceptable given the species and toughness of PVC pipe.

Street tree planting was not shown on plan therefore a condition has been provided to plant an advanced native tree on the road reserve. Only one (1) street tree planting is requested.

CCDCP 2022 – Chapter 3.7 Geotechnical Requirements

The site is not located within an area mapped as being impacted by landslip. The proposed development is not impacted by this Chapter of the CCDCP 2022.

Likely Impacts of the Development:

Built Environment, Context and Setting

The subject site is zoned R1 General Residential and is predominately surrounded by one storey single residential dwellings, with some more recent two storey developments starting to filter through in the surrounding areas.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of CCLEP 2022 and CCDCP 2022 compliance. Despite the non-compliance to the front setback discussed in this report the proposal will not have any unreasonable impacts on the character or amenity of the area. The proposed built form is considered acceptable in the context of the site.

The proposed development is not considered to have any significant adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views subject to the recommended conditions of consent.

Natural Environment

The subject site does not contain any threatened species or habitat and is satisfactory in relation to impacts on the natural environment as identified throughout this report. There will be no significant impact upon the natural environment as a result of the proposal.

Economic and Social Impacts

The proposed development will contribute to the supply of housing needs in the locality and is considered to be satisfactory from an economic perspective. No unreasonable social impacts will arise from the approval of this residential development given its appropriate scale and density.

Suitability of the Site for the Development:

The site is zoned R1 General Residential which permits multi dwelling housing.

There are no environmental hazards which would prevent development of the site, existing utilities are available to the site and is located near public transport facilities as well as public recreation / community facilities.

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The site is suitable for the proposal in principle and adequately addresses the site constraints and impacts.

The Public Interest: (s79C(1)(e)):

Any Submission made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

The proposal was formally advertised and notified, in accordance with CCDCP 2022 Chapter 1.2 Notification of Development Proposals, between 1 December 2023 and 16 January 2024.

Thirteen (13) submissions were received in total during the first notification period, comprising eleven (11) unique submissions and two (2) duplicate submissions.

The proposed development was amended in response to the issues raised by Council and by the submitters. The amended plans were renotified, in accordance with CCDCP 2022 Chapter 1.2 Notification of Development Proposals, between 15 November 2024 and 6 December 2024.

Twelve (12) submissions were received in total during the second notification period, comprising ten (10) unique submissions and two (2) duplicate submissions.

The number of unique submissions received during the initial notification period is eleven (11) which requires the application to be considered by the Local Planning Panel. A further twelve (12) submissions received during the second notification period have also been considered in relation to the application.

The issues raised are summarized in the table below:

Summary of Submissions	Response
Setbacks – Do not meet numerical controls.	Setbacks have been addressed in the revised design and the side and rear setbacks are now in-line with the numerical controls for the site. The front setback has a minor variation, which has been discussed above.
FSR – Exceeds 0.5:1	FSR has been addressed and is now compliant.
Private Open Space areas do not meet the minimum areas	POS areas have been addressed and are now compliant.
No visitor parking space provided	Visitor parking has been addressed and is now compliant.
Removal of existing parking bay	The existing parking space in the road reserve is not proposed to be replaced, which will allow for the planting of a street tree. Due to the limited space in the road reserve only one tree has been required as a replacement in the front setback.

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Summary of Submissions	Response
Solar access to adjoining lots	The amended development provides separation in the built form allowing for sunlight to reach the POS of the neighboring development and is now compliant.
Removal of street trees	There are no street trees proposed to be removed. The two trees at the front of the site are located within the private property and are in conflict with the proposed development. A replacement tree has been conditioned to be provided within the front setback as indicated on the Landscape Plan.
Overlooking from first floor balconies	The revised plans provide generous setbacks and screening to first floor balconies and is now compliant.
Large native trees planted along the northern boundary	The revised landscape plan has considered the location and species of the proposed trees and is well considered and supported by Council.
Too many townhouses and not enough open space	The number of units has been reduced and the private open space has been increased in the revised design. The development has a compliant FSR which is appropriate development density for the land and zone.
Visitor parking space in the front setback in non-compliant	Trafalgar Ave is not a classified road. Visitor parking is permitted in the front setback for multi dwelling development were an appropriate landscape buffer is provided.

Internal Consultation

Development Engineer	Supported subject to conditions.
Tree Assessment Officer	Supported subject to conditions 6.4, 6.5 and 6.7.
Waste Services	Supported subject to conditions.
Water and Sewer	Supported subject to conditions 2.3 and 6.6.

The Public Interest

The approval of the application is considered to be in the public interest. The proposal will not have any adverse impact on the natural environment and will not unreasonably impact the amenity of neighbouring properties.

Political Donations

During assessment of the application there were no political donations were declared by the applicant, applicant's consultant, owner, objectors and/or residents.

Other Matters for Consideration:

Development Contribution Plan

The subject site is located within Contribution Plan No. 31 Peninsula, where multi-dwelling housing developments are subject to s7.11 *Contribution towards provision or improvement of amenities or services* of the EP&A Act. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate. Refer to Condition 2.8.

Ecologically Sustainable Principles:

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.

Following assessing of the application, it is considered that:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Accordingly, the application is recommended for **approval** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

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Attachments

1	PUBLIC - Revised Statement of Environmental Effects - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023		D16497671
2	PUBLIC - Revised Redacted Plans - 140 Trafalgar Road, Umina Beach - DA/2056/2023		D16498790
3	Portal Doc - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023 - Architectural Plans - Stamped Architectural Plans - 140 Trafalgar Road, Umina Beach_Stamped Plans_24-11-04.pdf -	Provided Under Separate Cover	D16497677
4	PUBLIC - Revised BASIX - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023		D16497708
5	PUBLIC - Revised Arborists Report - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023		D16497680
6	PUBLIC - Revised Stormwater Engineering Plans - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023 - Civil Engineering Plan - Stormwater - 140 Trafalgar Ave, Umina Beach NSW - 241104.pdf -		D16497686
7	Portal Doc - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023 - Civil Engineering Plan - Swept Paths Letter - 140 Trafalgar Ave.pdf -	Provided Under Separate Cover	D16497690
8	Portal Doc - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA 2056 2023 - Civil Engineering Plan - Swept Paths Letter - 140 - REDACTED		D16554114
9	PUBLIC - Revised B85 Vehicle Turning Paths - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023		D16497692
10	PUBLIC - Revised Landscape Plan - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023 - Rev 2		D16497696
11	PUBLIC - Revised Survey Plan - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023 - Rev C		D16497704
12	PUBLIC - Revised Waste Management Plan - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023		D16497699
13	Draft conditions/reasons - 140 Trafalgar Avenue, UMINA BEACH NSW 2257 - DA/2056/2023 - Draft conditions/reasons - Central Coast Council		D16527976

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Units - Modified (cont'd)**
