

Central Coast

Local Planning Panel

Central Coast
Local Planning Panel Meeting
Business Paper
13 April 2023



Meeting Notice

**The Local Planning Panel Meeting
of Central Coast
will be held remotely - online,
Thursday 13 April 2023 at 2.00 pm,
for the transaction of the business listed below:**

1 Procedural Items

1.1 Disclosures of Interest.....3

2 Confirmation of Minutes of Previous Meetings

2.1 Confirmation of Minutes of Previous Meeting4

3 Planning Reports- Outside of Public Meeting

3.1 DA/1381/2022 - 28 Clyde Road, Holgate - Alterations & Additions to Existing
Dwelling9

Jason Perica
Chairperson

Item No: 1.1
Title: Disclosures of Interest
Department: Corporate Services

Central Coast
Local Planning Panel

13 April 2023 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

Recommendation

That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.

Item No: 2.1
Title: Confirmation of Minutes of Previous Meeting
Department: Corporate Services

Central Coast
Local Planning Panel

13 April 2023 Local Planning Panel Meeting

Reference: F2020/02502 - D15586135
Author: Rachel Callachor, Meeting Support Officer

Summary

The Minutes of the following Meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

- **Local Planning Panel Meeting held on 9 March 2023**
- **Local Planning Panel Supplementary Meeting held on 9 March 2023**
- **Local Planning Panel Supplementary Meeting held on 6 April 2023**

Recommendation

That the minutes of the previous Local Planning Panel Meeting held on 9 March 2023 and the Local Planning Panel Supplementary Meetings held on 9 March 2023 and 6 April 2023 which was endorsed by the Chair of those meetings, are submitted for noting.

Attachments

- | | |
|--|-------------------------------------|
| 1 ↓ MINUTES - Local Planning Panel - 9 March 2023 | D15579850 |
| 2 ↓ MINUTES - Local Planning Panel Supplementary meeting - 9 March 2023 | D15580351 |
| 3 ↓ MINUTES - Local Planning Panel Supplementary Meeting - 6 April 2023 | To Be Provided Under Separate Cover |



Local Planning Panel

Minutes of the
Local Planning Panel Meeting
Held Remotely - Online
on 9 March 2023

Panel Members

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Linda McClure
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Rachel Callachor	Meeting Support Officer
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The Chairperson, Donna Rygate, declared the meeting open at 2.03pm.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that declaration forms had been received and no conflicts had been identified.

2.1 Confirmation of Minutes of Previous Meeting

The minutes of the previous Local Planning Panel Meeting held on 15 December 2022 and the supplementary meeting on 28 February 2023, which were endorsed by the Chairs of those meetings, were noted.

Minutes of the Local Planning Panel Meeting 9 March 2023 contd

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

3.1 DA/69/2021 - 33 Torrens Avenue, The Entrance - Demolition works and erection of a 3 storey residential flat building

Site Orientation	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• 1 Submission
Council Recommendation	Refusal
Panel Decision	<p>1 That the Local Planning Panel defer the application to allow the applicant and assessment staff to meet to address the grounds for refusal outlined in the Council Assessment Report.</p> <p>2 The matter must be reported back to a meeting of the same Local Planning Panel, with a recommendation, on 6 April 2023.</p>
Reasons	<p>1 Council and the applicant agreed on the day of the Panel meeting to meet to discuss the application further.</p>
Votes	The decision was unanimous

3.2 DA/762/2021 - 458 Pacific Highway, Wyong - Telecommunications Facility

Site Orientation	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• 4 Submissions
Council	Approval

Minutes of the Local Planning Panel Meeting 9 March 2023 contd

Recommendation

Panel Decision **1** *The Panel considered the clause 4.6 written request relating to Building Height submitted by the applicant and is satisfied that there are sufficient environmental planning grounds to justify contravening the Height of Buildings development standard. Compliance with the standard is unnecessary and unreasonable in the circumstances of the case due to the topography of the land and the lack of environmental impact that would result from the noncompliance with the Height of Buildings standard.*

Further, the Panel considered that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the B6 Enterprise Corridor zone in which the development is proposed to be carried out.

The Local Planning Panel assumed the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Wyong Local Environmental Plan 2013, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.

2 *That the Local Planning Panel grant consent to DA/762/2021 – 458 Pacific Highway, Wyong – Telecommunications Facility, subject to the conditions detailed in the schedule attached to the report and additional condition 2.8 and amended condition 5.6 included below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*

2.8 Submit amendments to the approved plans to the Registered Certifier pursuant to the Environmental Planning and Assessment Regulation 2000 as follows:

a) Amend the landscape plan to include six Spotted Gum trees (minimum 25lt pot size). Three of the Spotted Gum trees must be located along the front boundary of the leased area adjacent to the Pacific Highway, one of the Spotted Gum trees is to be provided within the proposed southern landscaped area and two of the Spotted Gum trees are to be provided within the proposed northern landscaped area.

Minutes of the Local Planning Panel Meeting 9 March 2023 contd

5.6 Provide the Principal Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

- 3 That Council advise those who made written submissions of the Panel's decision.**
- 4 That Council advise relevant external authorities of the Panel's decision.**

Reasons

- 1 The proposal has been assessed using the heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979. It is generally considered the proposed development is suitable for approval subject to conditions.
- 2 The provision of this item of telecommunications infrastructure is in the public interest.

Votes

The decision was unanimous

The Local Planning Panel meeting closed at 2:33pm.

Item No: 3.1
Title: DA/1381/2022 - 28 Clyde Road, Holgate -
Alterations & Additions to Existing Dwelling
Department: Environment and Planning

Central Coast
Local Planning Panel

13 April 2023 Local Planning Panel Meeting

Reference: DA/1381/2022 - D15525025
Author: Brad Reilly, Building Surveyor
Manager: Wayne Herd, Section Manager, Building Assessment and Certification
Manager: Andrew Roach, Unit Manager Development Assessment
Executive: Alice Howe, Director Environment and Planning

Summary

An application has been received for alterations and additions to an existing dwelling at Lot 1 DP 775319 (28 Clyde Road, Holgate). The proposed additions include a bedroom and ensuite, entry way, laundry, workshop, garage and rear deck in a generally level area of the site. 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 the report.

The application is referred to the Panel as a result of the owner being a delegated member of staff within the Development Assessment Unit.

The application was notified with no submissions received. The proposed development is recommended for approval, subject to conditions.

Applicant	Osmond McLeod Architects
Owner	M J Prendergast and A J Prendergast
Application No	DA/1381/2022
Description of Land	Lot 1 DP 775319 -28 Clyde Road, HOLGATE NSW 2250
Proposed Development	Alterations and additions to Existing Dwelling
Site Area	10,000.00 m ²
Zoning	7(C2) Scenic Protection Rural under Gosford Interim Development Order No. 122
Existing Use	Rural/Residential Living (existing dwelling)
Employment Generation	N/A
Estimated Value	\$429,510

Recommendation

- 1 That the Local Planning Panel grant consent to DA/1381/2022 – Lot 1 DP 775319 -28 Clyde Road, HOLGATE NSW 2250 – Alterations and additions to Existing Dwelling 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.**

Key Issues

- The application is referred to the Panel by virtue of the site owner being a delegated staff member within the Development Assessment Unit.
- In accordance with *Gosford Development Control Plan 2013*, the required side boundary setback is 10m. The proposed development requires a variation to this DCP control to permit the development, with the required variation supported by the assessing officer.
- All other setback and other applicable development controls are in compliance with the provisions of Chapter 2.1 of the *Gosford Development Control Plan 2013*.

Precis:

Proposed Development	Alterations and Additions to Existing Dwelling
Permissibility and Zoning	<p>The subject site forms part of the 'deferred matters' land from the <i>Gosford Local Environmental Plan 2014 (Gosford LEP 2014)</i> and <i>Central Coast Local Environmental Plan 2022</i>. The land is zoned 7(C2) <i>Scenic Protection Rural</i> under the provisions of <i>Gosford Interim Development Order No 122</i>.</p> <p>The proposed development is defined as alterations and additions to an existing dwelling house.</p> <p>The proposed development is permissible with consent of the relevant Authority within the zone.</p>
Relevant Legislation	<p>The following planning policies and control documents are relevant to the development and were considered as part of the assessment.</p> <ul style="list-style-type: none"> • <i>Environment Planning and Assessment Act 1979 - Section 4.15 (EP&A Act)</i> • <i>Gosford Interim Development Order No 122</i> • <i>Gosford Development Control Plan 2013 Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development" (Gosford DCP 2013)</i>
Current Use	Dwelling House
Integrated Development	No
Submissions	The development application was notified (in accordance with the provisions of the <i>Gosford Development Control Plan 2013</i>) during the period 1 July to 15 July 2022.

3.1 DA/1381/2022 - 28 Clyde Road, Holgate - Alterations & Additions to Existing Dwelling (contd)

	No submissions were received.
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Variations to Policies

Chapter 3.1. Dwelling Houses, Secondary Dwellings and Ancillary Structures of Gosford Development Control Plan 2013

Clause	3.1.2.1 of Gosford Development Control Plan 2013
Planning Control	The required side boundary setback for dwellings and ancillary development (excluding outbuildings) on lots with a site area greater than 4,000m ² is 10.0m
Departure basis	The proposal seeks a reduced eastern side boundary setback ranging from 1.73m to 6.4m. This represents a maximum variation of 8.27m or 82.7%.

The Site

The site is a single lot identified as Lot 1 DP 775319, 28 Clyde Road, Holgate. The site is located on the northern side of Clyde Road, is approximately 10,000m² in area and is irregularly shaped. The site is adjoined by a mixture of residential/rural accommodation types.

The site currently contains a single dwelling and associated ancillary outbuildings, generally located within the south-eastern corner of the site facing Clyde Road. The remainder of the site is managed land. The site is mapped as being bushfire prone and is not constrained by flooding.

The subject site forms part of the 'deferred matters' land from the *Gosford Local Environmental Plan 2014 (Gosford LEP 2014)* and *Central Coast Local Environmental Plan 2022 (CCLEP 2022)*.

The land is zoned 7(C2) *Scenic Protection Rural* under the provisions of *Gosford Interim Development Order No 122*. (Figure 1).



Figure 1: Aerial view of the locality with the site etched in blue.

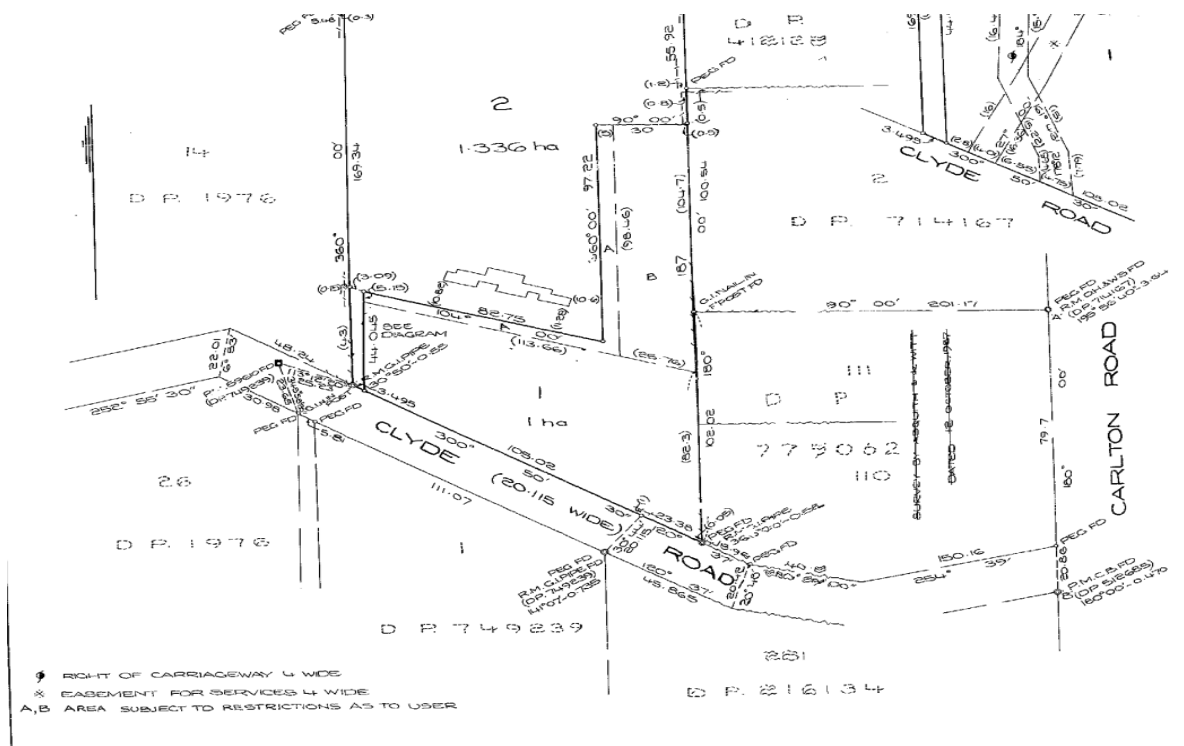


Figure 2: Deposited Plan for Lot 1 (subject land)



Photograph 1: Detailing the front elevation of the existing dwelling looking north.



Photograph 2: Detailing the area of the site where dwelling additions are proposed looking northeast.

Surrounding Development

The subject site is located within a well-established semi-rural area adjoined and surrounded by existing dwellings and associated ancillary development on rural-residential lots.

The Proposed Development

The proposed development includes alterations and additions to the existing dwelling inclusive of an additional bedroom and ensuite, new entry and laundry, an attached garage/workshop and rear deck.

The proposed dwelling has a generally linear form that follows the shape and topography of the site being consistent with the scale of dwellings located within proximity to the allotment.

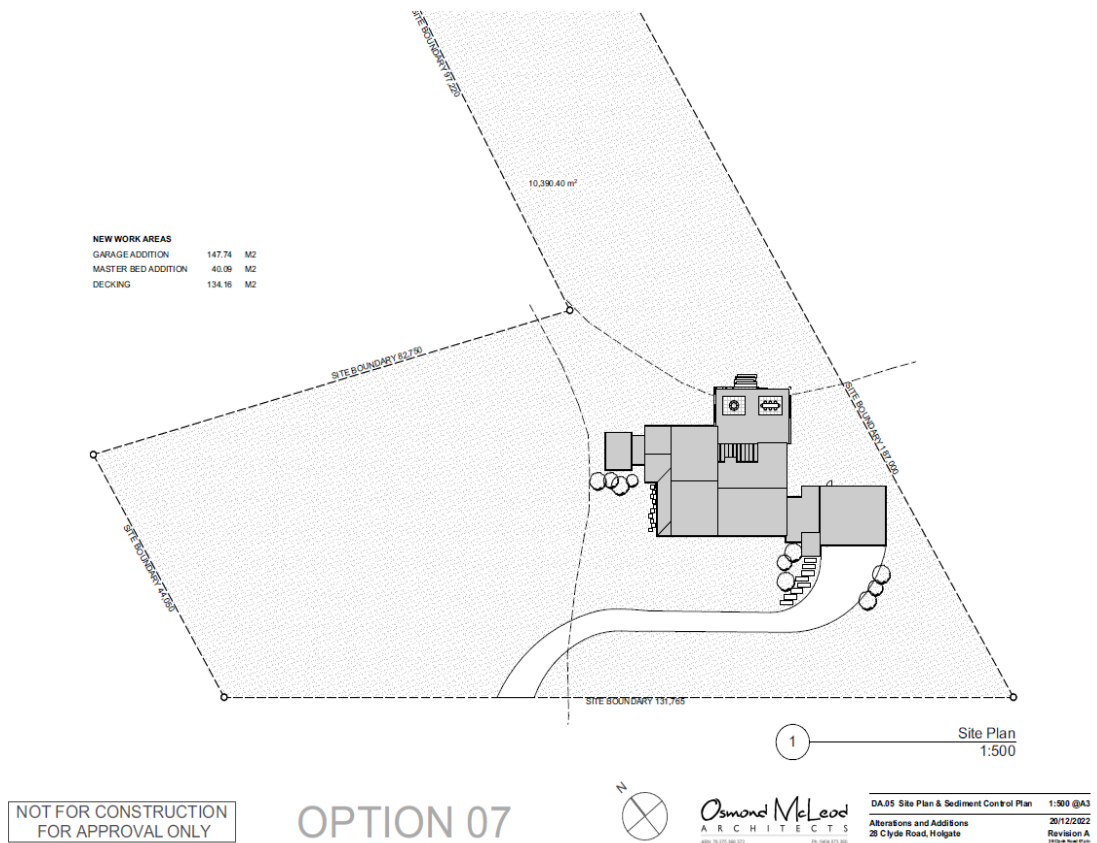


Figure 3: Detailing the proposed site plan.

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 no issues that would prevent the approval.

State Environmental Planning Policy (Building sustainability Index) BASIX 2004

A compliant BASIX certificate achieving the State Governments Energy Efficiency targets has been provided in support of the modification application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Coastal Zone is an area defined on maps issued by the NSW Department of Planning and Environment. The land falls wholly within the 'Coastal Environment Area' as identified within the SEPP. In addition, a portion of the land lies within the 'Coastal Use Area'

The provisions of the SEPP require the consent authority to consider the aims and objectives of the SEPP together with the matters for consideration under clause 2.10 (for land within the Coastal Environment Area), clause 2.11 (for and within the Coastal Use Area) and clause 2 (which relates to not increasing risk of coastal hazards).

Clause 2.10 of the SEPP (considerations for development of land within the Coastal Environment Area) states:

- '(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.'*

Clause 2.11 (for development of land within the Coastal Use Area) states:

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that—*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Clause 2.12 of the SEPP sets out general considerations for the Coastal Zone:

'Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.'

The proposed development has been considered against the provisions of the SEPP. The proposal does not have an adverse impact on the functioning of the Coastal Zone, including hydrological and ecological impacts, the proposal does not impact on public open space nor access to foreshore or public areas, and the proposal does not impede access to foreshores, beaches or the like. The proposal has no known impact on heritage and does not adversely impact on the visual amenity of coastal locations.

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

Interim Development Order No 122

The subject site forms part of the 'deferred matters' land from the *Gosford Local Environmental Plan 2014* (GLEP 2014) and *CCLEP 2022*.

Permissibility

The land is zoned 7(C2) *Scenic Protection Rural* under the provisions of *Gosford Interim Development Order No 122*.

The proposed development is defined as alterations and additions to an existing dwelling house and is permissible with consent of the relevant Authority within the zone.

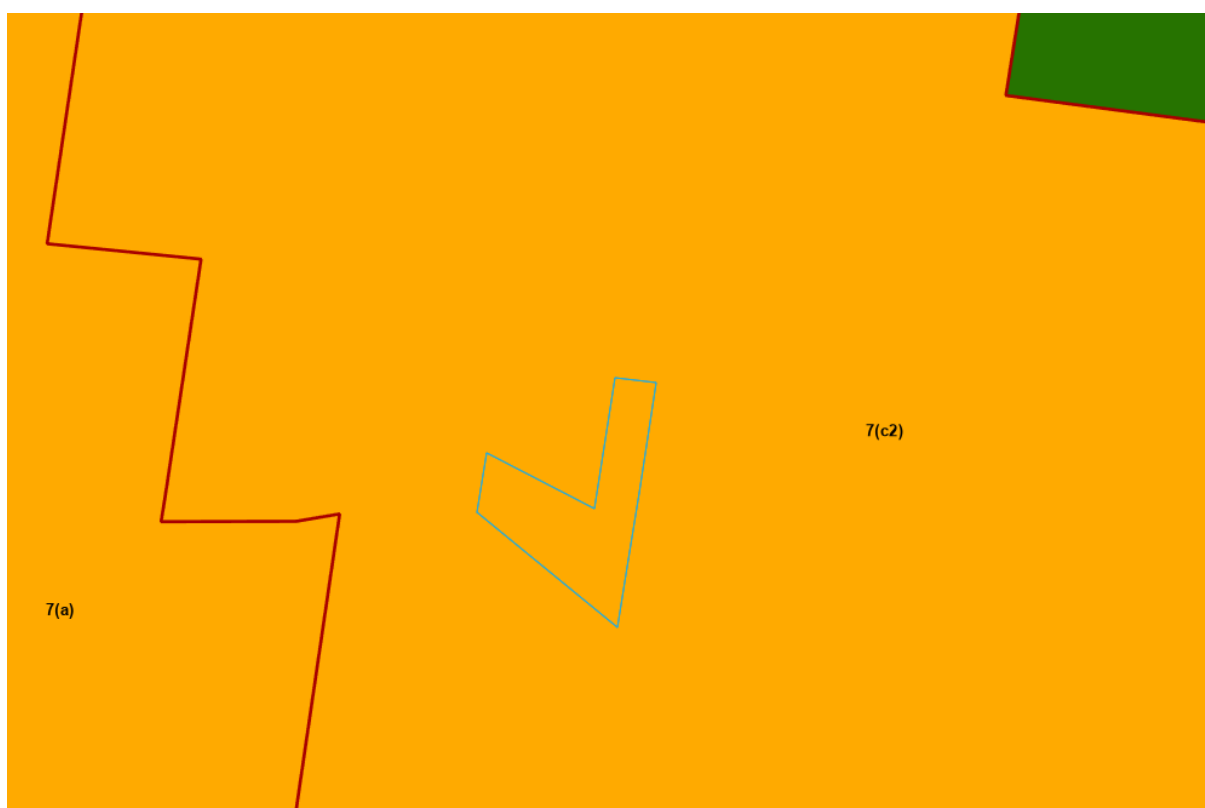


Figure 4: Zoning Map with the site highlighted in blue.

Zone Objectives

The objectives of the 7(C2) zone area as follows:

- *To provide for non-residential developments and uses that are compatible with the size and scale of rural residential forms of development that would otherwise be permissible on the land;*
- *To ensure that such forms of development are likely to adversely affect the principal role of the E3 and 7(c2) zones as a buffer or transition zone between conservation areas and/or urban areas;*
- *To ensure that development does not create an unreasonable demand for public services or substantially reduce existing level of service;*
- *To ensure that development does not create significant environmental effects;*
- *To maintain the aesthetic and scenic value of the land and its environmental character;*
- *To ensure that development has regard to the amenity of adjoining properties;*
- *To facilitate traffic management and/or pedestrian safety; and*
- *To ensure that development occurs with due regard to issues of bushfire.*

The proposed development provides for residential accommodation that is suited to the rural-residential nature of the locality and is consistent with development on nearby lands.

The proposal is of a scale and nature that does not compromise the scenic value of the area, nor the amenity of adjoining lands. The proposal has appropriate regard for bushfire considerations and does not pose undue impacts in relation to transport/road/pedestrian safety.

Gosford Development Control Plan 2013

A review of the application against the provisions of the Gosford Development Control Plan 2013 (GDCP 2013) is included below:

Chapter 3.1 "Dwelling Houses, Secondary Dwellings and Ancillary Development"

Clause	Requirement	Proposed	Compliance
3.1.2.1 - Building height	8.5 m	4.5m	Yes
	Maximum 2 storeys unless steeply sloping	1 storey	Yes
3.1.2.2 – Site coverage	Maximum 30%	5.2%	Yes
3.1.3.2 (a) (ii) Front Setbacks	20m	23.8m	Yes
3.1.3.2 (b) – Rear setback	10 metre rear setback	51m	Yes

Clause	Requirement	Proposed	Compliance
3.1.3.2 (c)ii) – Side setback	10m	1.7m	No – further comments below
3.1.4.3 - Private open space areas	Minimum 24m ²	In excess of 24m ²	Yes
	Minimum dimension 3m	Well in excess of 3m	Yes
	Maximum gradient 1:50	Level	Yes
3.1.6 – Earthworks	3.0 metres where located more than 1.0 metre from the allotment boundary	Less than 3.0m where located more than 1.0m from the allotment boundary	Yes
3.1.5 – Car parking and access	2 spaces if 4 or more bedrooms	2 car spaces	Yes
3.1.6.3 - Drainage	All stormwater drainage conveyed by a gravity fed or charged system to a public drainage system, or an Inter-allotment drainage system, or an on-site disposal system.	An on-site disposal system.	Yes

Variation (Setback)

As indicated above, the proposal seeks a variation to the required eastern side boundary setback to permit the development.

In reviewing this variation, consideration of the objectives of Chapter 3.1 is required. Relevant objectives of Chapter 3.1 relating to setbacks are as follows:

- *To ensure that setbacks are compatible with adjacent development and complements the character, streetscape, public reserve, or coastal foreshore;*
- *To ensure the visual focus of a development is the dwelling, not the garage;*
- *To protect the views, privacy and solar access of adjacent properties;*
- *To maintain view corridors to coastal foreshores and other desirable outlooks;*
- *To maintain the scenic and environmental qualities of natural waterbodies and their foreshores and respond to site attributes such as topography;*
- *To provide deep soil areas sufficient to conserve existing trees or accommodate new landscaping;*
- *To provide appropriate articulation of facades and horizontal elements reduce the appearance of bulk and provides visual interest to the building and subsequent streetscape where they face a street frontage/s.*

In reviewing the proposal against these objectives, the following commentary is provided in support of the application;

- The proposal is considered in keeping with existing developments in proximity to the site and is not considered out of character;
- The reduced side boundary setback still affords the adjoining property privacy noting the portion of the addition adjoining the allotment boundary is for a garage/workshop.
- The visual focus of the development remains the dwelling;
- The proposed dwelling is typical of the size of residential dwellings in proximity to the site and;
- The proposal is considered to have been designed to provide appropriate articulation to create visual interest.

Accordingly, in the circumstance, the proposal is considered to achieve the relevant objectives of Chapter 3.1 with the required eastern side boundary setback variation supported in this instance.

Central Coast Development Control Plan 2022, Chapter 3.3 On-Site Sewage Management

The development application has been reviewed internally by Environmental Health staff and found to be acceptable.

The following comments were provided by Council's Environmental Health Officer;

"The dwelling is currently serviced by a septic tank and an absorption trench. The proposed alterations to the dwelling will not result in any additional bedrooms, and therefore there will be no additional hydraulic loading placed on the system. Accordingly, there is no requirement for the submission of a wastewater report.

The initial proposed development included the provision of a swimming pool. As was noted in the comments from Council's Environmental Health Officer:

It is noted however that the proposed swimming pool is located where the existing septic tank is located. This issue has been raised with the applicant who has indicated that the swimming pool will be deleted from the proposed plans, which is considered acceptable.

However, should the swimming pool remain on the plans it will be necessary for the on-site sewage management system to be upgraded, and a wastewater report would need to be submitted to Council."

The Panel should note that swimming pool has been deleted from the proposed development.

Natural Hazards

Bushfire

The site is identified and mapped by Council as bushfire prone.

A bushfire assessment report and detailed plans has been submitted with the application correctly addressing bushfire risk and establishing minimum levels of bushfire construction and other related measures in accordance with *Planning for Bushfire Protection 2019*, the requirements of *Australian Standard AS 3959-2018 - Construction of Buildings in Bush Fire Prone Areas* and additional measures contained within Section 7.5.2 – 'NSW State variations to AS3959' of *Planning for Bush Fire Protection 2019*.

Conditions of consent are recommended requiring BAL12.5 level of construction in accordance with the *Planning for Bushfire Protection 2019*, the requirements of *Australian Standard AS 3959-2018 - Construction of Buildings in Bush Fire Prone Areas* and additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of *Planning for Bush Fire Protection 2019*.

Likely Impacts of the Development:

Built Environment

A thorough assessment of the proposed development's impact on the built environment has been undertaken in terms of IDO 122 and GDCP 2013 compliance. It is considered, on balance ,that the potential impacts are reasonable.

Access and Transport

The site is well served by the existing roadway and is also well served by public transport.

Context and Setting

The subject site lies within an established semi-rural area. The design of the development proposal is considered consistent with adjoining development and the areas context and setting.

Natural Environment

As indicated, the proposal requires no significant vegetation removal. Upon internal review, it is considered appropriately located noting the site's 7(C2) *SCENIC PROTECTION RURAL IDO 122* zoning. Accordingly, the proposal is considered satisfactory in relation to impacts on the natural environment.

Suitability of the Site for the Development:

There are considered no site constraints that would render the site unsuitable for the proposed development.

The proposal is consistent with the size and scale of development in proximity to the allotment. Accordingly, the proposal is considered in keeping with the character of the area.

Submissions

No submissions were received in relation to the proposal.

Submissions from Public Authorities

The application was not required to be referred to any public authorities.

Internal Consultation

The application was referred to the following internal staff

Environmental Health – On Site Sewage Management

Supported. Comments in relation to on-site sewer management are previously noted in the report.

Ecologically Sustainable Principles:

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control 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 as part of the assessment of the application.

This assessment has included consideration of such matters as potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought and flood as well as how the proposed development may cope / combat / withstand these potential impacts.

3.1 DA/1381/2022 - 28 Clyde Road, Holgate - Alterations & Additions to Existing Dwelling (contd)

The development proposal is not considered to be materially impacted by potential climate change.

Conclusion:

The development application has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The proposed development is considered suitable for the site. The development proposal is therefore recommended for approval subject to the conditions attached to this report.

Attachments

1 <u>↓</u>	Draft Conditions	D15501708
2 <u>↓</u>	Revised Development Plans Provided Under Separate Cover	D15490147
3 <u>↓</u>	Redacted Revised Plans	D15525150

Date: 12 January 2023
Responsible Officer: Brad Reilly
Location: 28 Clyde Road, HOLGATE NSW 2250
 Lot 1 DP 775319
Owner: M J Prendergast and A J Prendergast
Applicant: Osmond McLeod Architects
Date of Application: 27 April 2022
Application No: DA/1381/2022
Proposed Development: Alterations and additions to Existing including Deck
Land Area: 10000.00
Existing Use: XXXX

PROPOSED CONDITIONS

The development taking place in accordance with the approved development plans reference number DA/1381/2022 except as modified by any conditions of this consent, and any amendments in red.

1.PARAMETERS OF THIS CONSENT

Approved Plans and Supporting Documentation

- 1.1 Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
DA.01	A	Cover Page	Osmond McLeod Architects	20 December 2022
DA.03	A	Existing Conditions	Osmond McLeod Architects	20 December 2022
DA.05	A	Site Plan & Sediment Control Plan	Osmond McLeod Architects	20 December 2022
DA.06	A	Ground Floor Plan	Osmond McLeod Architects	20 December 2022
DA.07	A	Ground Floor Plan	Osmond McLeod Architects	20 December 2022
DA.08	A	Ground Floor Plan	Osmond McLeod Architects	20 December

				2022
DA.09	A	Ground Floor Plan	Osmond McLeod Architects	20 December 2022
DA.10	A	Elevations Sheet	Osmond McLeod Architects	20 December 2022
DA.11	A	Elevations Sheet	Osmond McLeod Architects	20 December 2022
DA.12	A	Section Sheet	Osmond McLeod Architects	20 December 2022
DA.13	A	Section Sheet	Osmond McLeod Architects	20 December 2022
DA.14	A	Window Schedule	Osmond McLeod Architects	20 December 2022
DA.15	A	Finishes Schedule	Osmond McLeod Architects	20 December 2022
DA.16	A	Exterior	Osmond McLeod Architects	20 December 2022
DA.17	A	Exterior	Osmond McLeod Architects	20 December 2022
DA.18	A	Exterior	Osmond McLeod Architects	20 December 2022
DA.19	A	Exterior	Osmond McLeod Architects	20 December 2022
DA.20	A	Exterior	Osmond McLeod Architects	20 December 2022

Document Title	Version No.	Prepared by	Dated
Bushfire Self-Assessment Report		Matthew Prendergast	Undated
Waste Management Report		Glenn McLeod	9 December 2022
Statement of Environmental Effects	A	Osmond McLeod Architects	Feb 2022
BASIX Certificate	A452508	Glenn Osmond McLeod	16 March 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 1.1. Carry out all building works in accordance with the National Construction Code Series, Building Code of Australia, Volume 1 and 2 as appropriate.
- 1.2. Comply with all commitments listed in the BASIX Certificate for the development as required under Section 75 *Environmental Planning and Assessment Regulation 2021*.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
 - a) Site investigation for the preparation of the construction, and / or
 - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
 - c) Demolition.
- 2.3. Assessment of the development against the provisions of Planning for Bush Fire Protection (2019) (NSW) has determined a Bush Fire Attack level (BAL) of 12.5.

Submit to the Registered Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2018: *Construction of buildings in bush fire prone areas and (where applicable) the additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of Planning for Bush Fire Protection (2019) (NSW)*.

No Conditions

3. PRIOR TO ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE

- 3.1. All conditions under this section must be met prior to the issue of any Subdivision Works Certificate.
- No Conditions

4. PRIOR TO COMMENCEMENT OF ANY WORKS

- 4.1. All conditions under this section must be met prior to the commencement of any works.
- 4.2. Appoint a Principal Certifier for the building work:
 - a) The Principal Certifier (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
 - b) Submit to Council a Notice of Commencement of Building Work form giving at least two (2) days' notice of the intention to commence building work. The forms can be found on Council's website: www.centralcoast.nsw.gov.au
- 4.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
 - a) The name, address and telephone number of the Principal Certifier for the work; and
 - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.
- 4.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: www.centralcoast.nsw.gov.au

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 4.5. Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
- 4.6. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

- 4.7. Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority.
- 4.8. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.

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

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

- 4.9. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 4.10. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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

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

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

5.DURING WORKS

- 5.1. All conditions under this section must be met during works.
- 5.2. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

- 5.3. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

"relic" means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and
- (b) is of State or local heritage significance; and

"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. To ensure the protection of objects of potential significance

- 5.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

- 5.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifier or an officer of Council.
- 5.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.

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

- 5.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.
- 5.8. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.
- 5.9. Cease all excavation works if acid sulfate soils are identified until such time as details of mitigation and treatment measures are submitted to, and approved by, the Principal Certifier.
- 5.10. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifier for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 5.11. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 5.12. Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 5.13. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.

6. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

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

- 6.3. Obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*.

This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

- 6.4. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 6.5. Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2019 (NSW)* and the requirements of Australian Standard AS 3959-2018 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures contained within section 7.5.2 – 'NSW State variations to AS3959' of *Planning for Bush Fire Protection (2019) (NSW)* for a Bush Fire Attack Level of BAL 12.5.
- 6.6. Implement the required Asset Protection Zone to the perimeter of the asset. The Asset Protection Zone must be fuel managed so as to maintain fuel loadings as detailed within requirements of *Planning for Bush Fire Protection 2019 (NSW)*,
- 6.7. Drain all roof water by a piped drainage line to the street kerb outlet / an interallotment drainage line / an infiltration trench.

Note: Infiltration trench details are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year Annual Exceedance Probability (AEP) storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

- 6.8. Install a rainwater tank with a minimum capacity of 1,000 litres. The tank should be fitted with suitable plumbing connections to collect rainwater from the area of roof as indicated within the BASIX certificate. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as nominated within the BASIX Certificate. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%. All overflow must be connected via piped drainage line to the street kerb outlet / allotment drainage line / infiltration trench.

Note: Infiltration trenches are to be designed by a practicing engineer experienced in hydraulics. The design details are to cater for a 1 in 20 year AEP storm event and are to allow for a minimum setback of three (3) metres from any sewer main and lot boundaries.

- 6.9. Provide written confirmation, for the approval of the Principal Certifier, that the proposed combustion fire conforms to the Australian Standard for pollution emissions (AS/NZS 4013:2014) and efficiency (AS/NZS 4012:2014).

- 6.10. Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

7. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 7.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.

No Conditions

No Conditions

8. PRIOR TO OCCUPATION OF THE MANUFACTURED HOME

- 8.1. All conditions under this section must be met prior to Occupation of the Manufactured Home.

No Conditions

9. ONGOING

No Conditions

10. PENALTIES

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

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

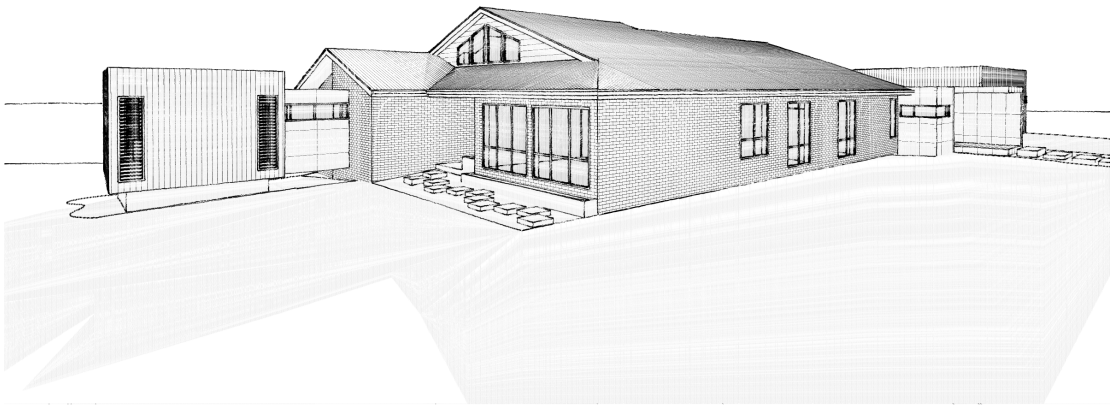
- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

Warnings as to Potential Maximum Penalties

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

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities may have separate requirements in the following aspects:
 - a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
 - b) Jemena Asset Management for any change or alteration to the gas line infrastructure
 - c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
 - d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
 - e) Central Coast Council in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry
- Dial Before You Dig
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.



ALTERATIONS AND ADDITIONS

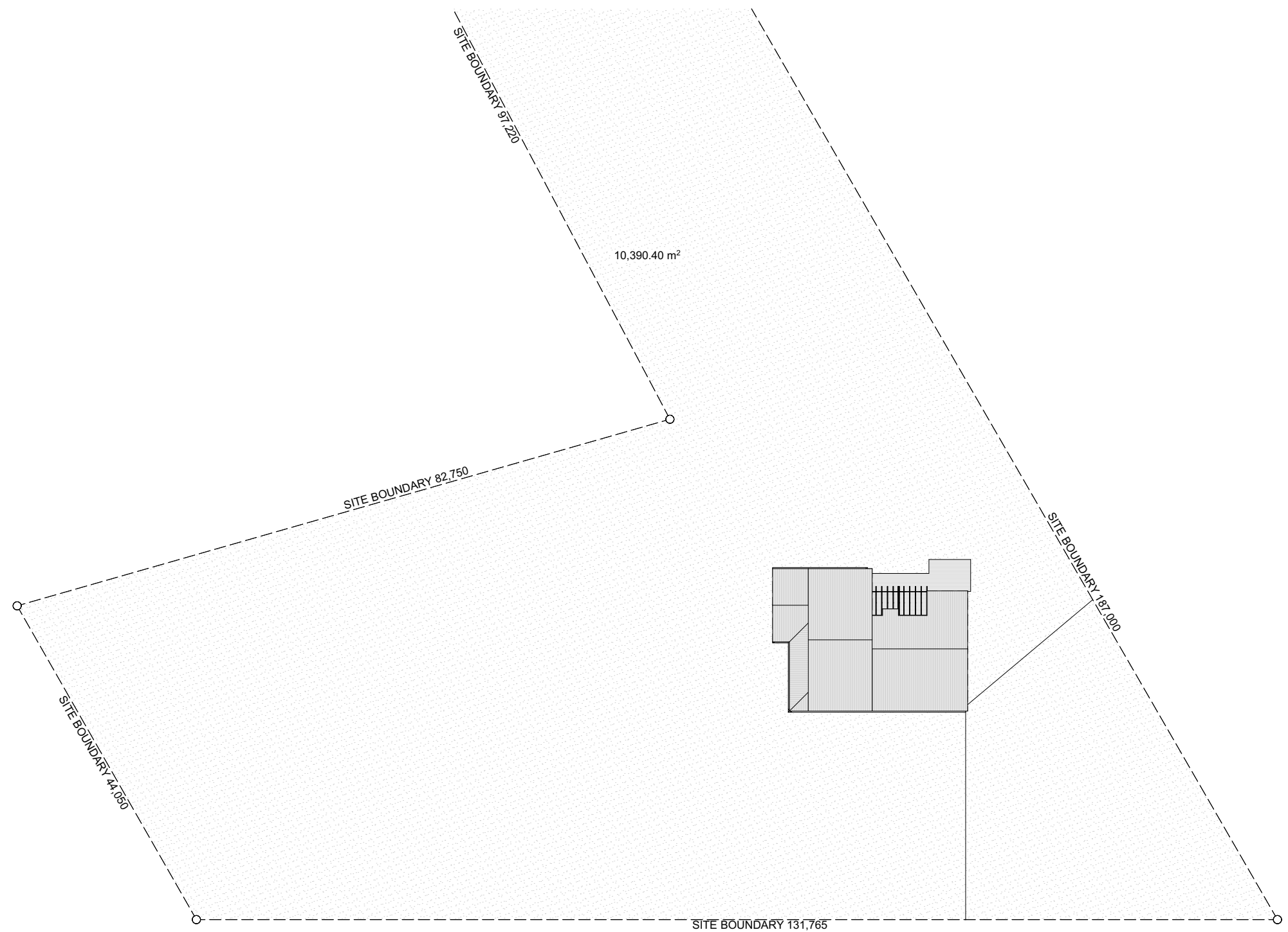
28 CLYDE ROAD
HOLGATE

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OPTION 07

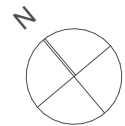
Osmond McLeod
ARCHITECTS
ABN: 76 275 366 373 Ph: 0404 073 360

DA.01 Cover Page	@A3
Alterations and Additions 28 Clyde Road, Holgate	20/12/2022 Revision A <small>28 Clyde Road 07.pln</small>



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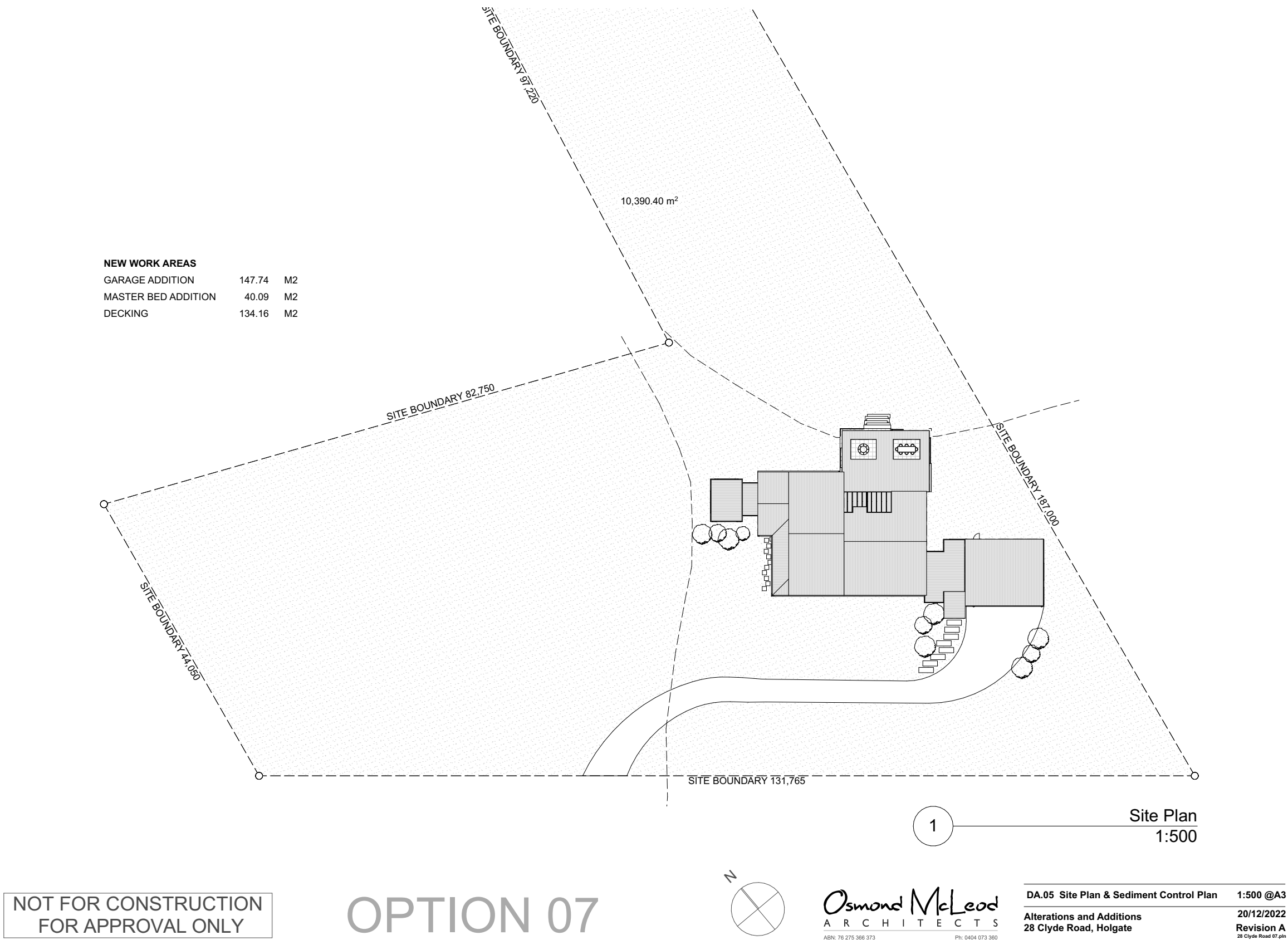
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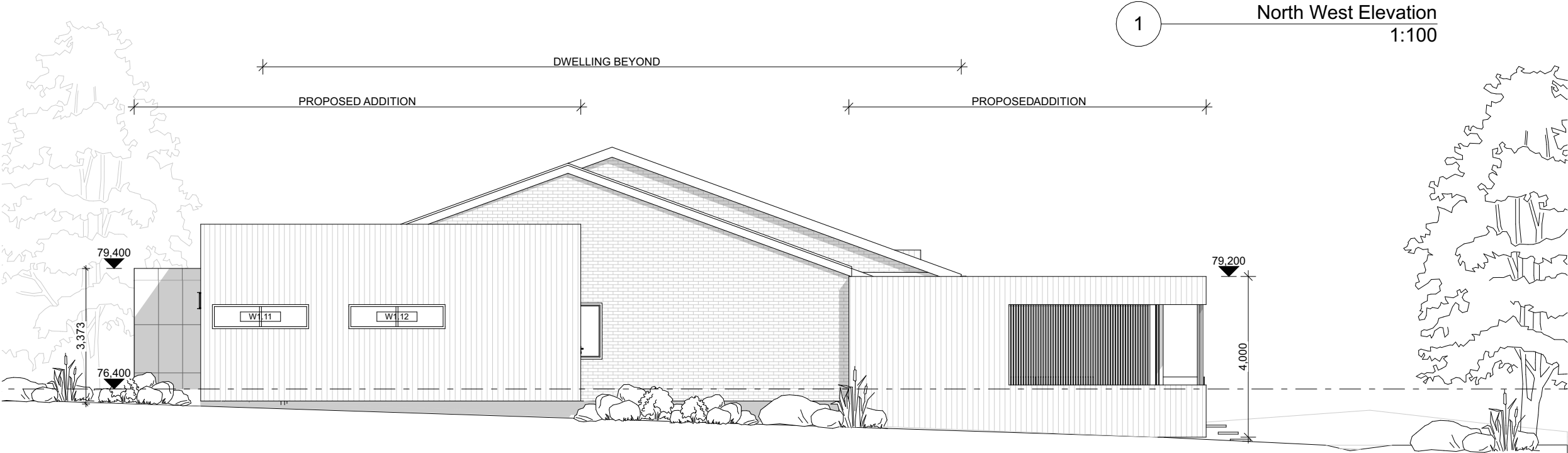
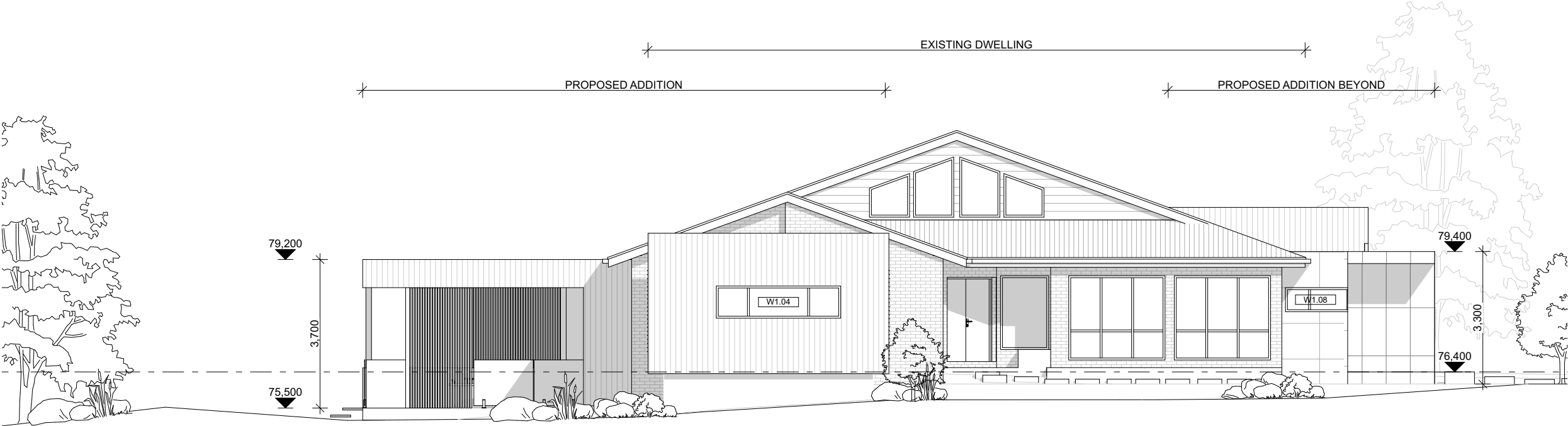


1 Existing Site Plan
1:500

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DA.03 Existing conditions	1:500 @A3
Alterations and Additions 28 Clyde Road, Holgate	20/12/2022 Revision A <small>28 Clyde Road 07.pln</small>



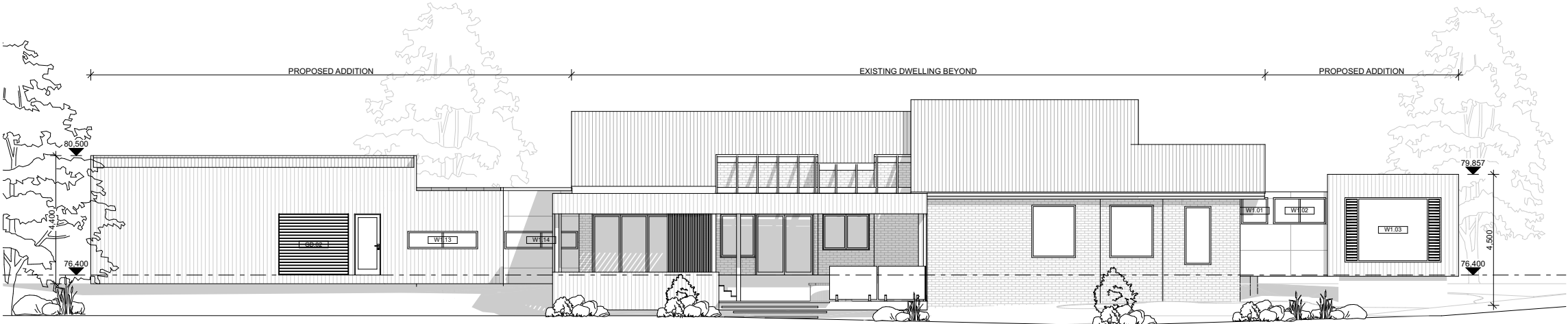


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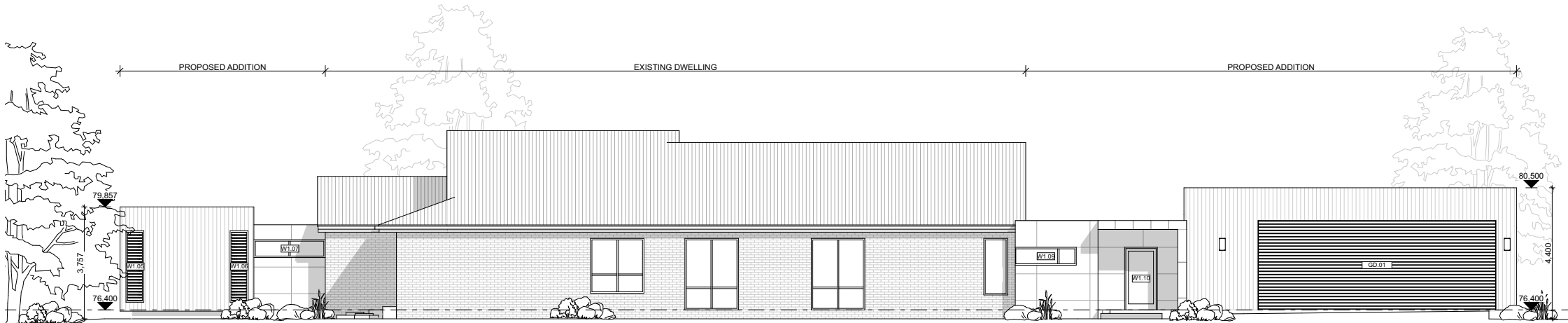
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DA.10 Elevations Sheet 1:100 @A3
Alterations and Additions
28 Clyde Road, Holgate
20/12/2022
Revision A
28 Clyde Road 07.pln



2

North East Elevation
1:150



1

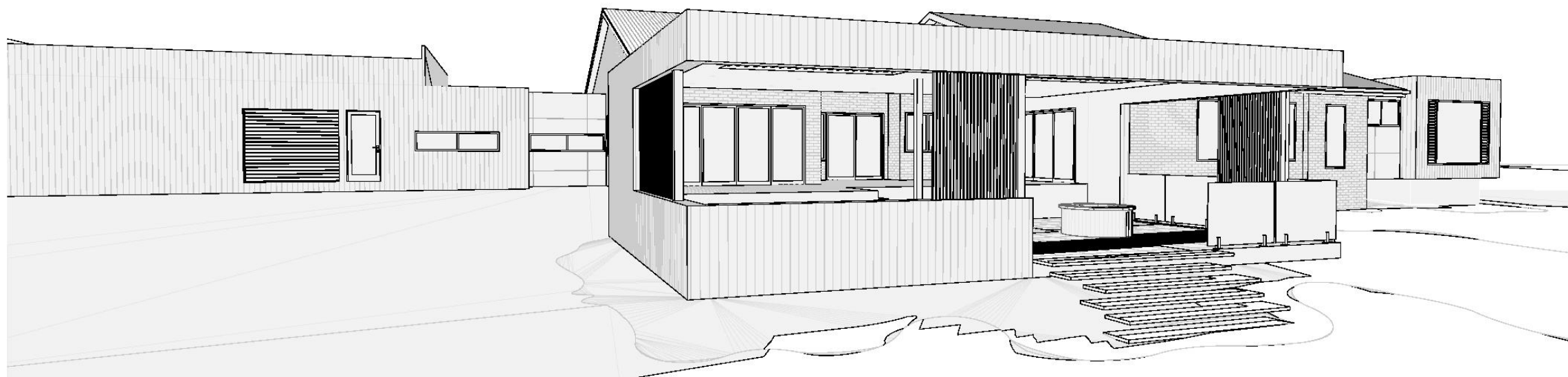
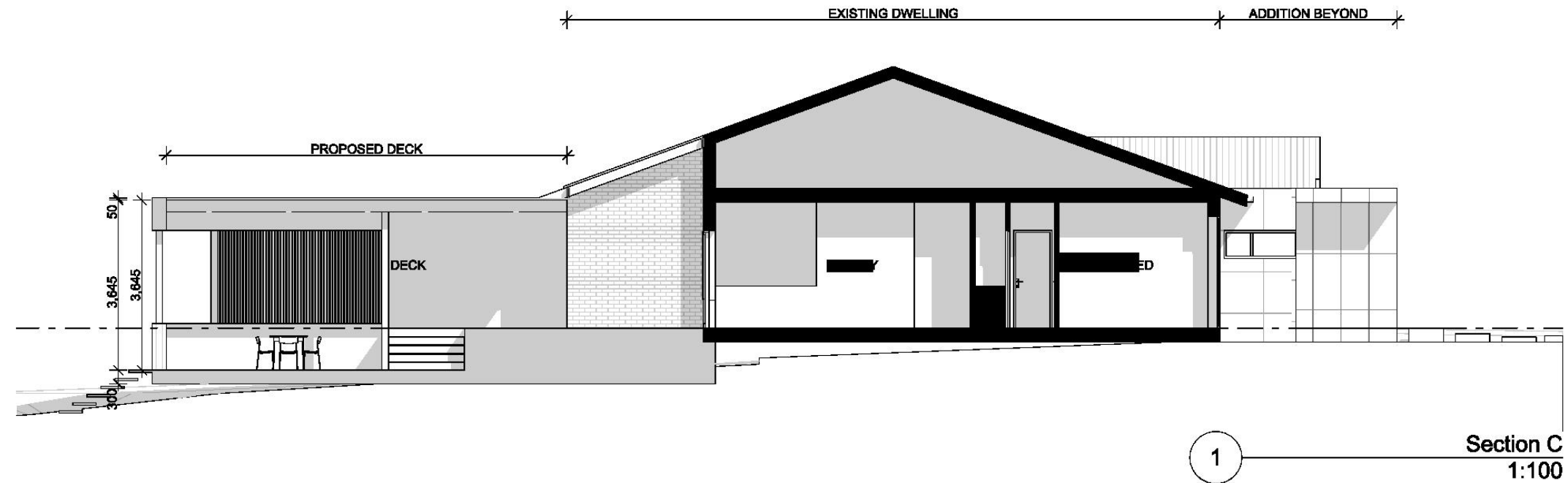
South West Elevation
1:150

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DA.11 Elevations Sheet 1:150 @A3
Alterations and Additions 20/12/2022
28 Clyde Road, Holgate Revision A
28 Clyde Road 07.pln

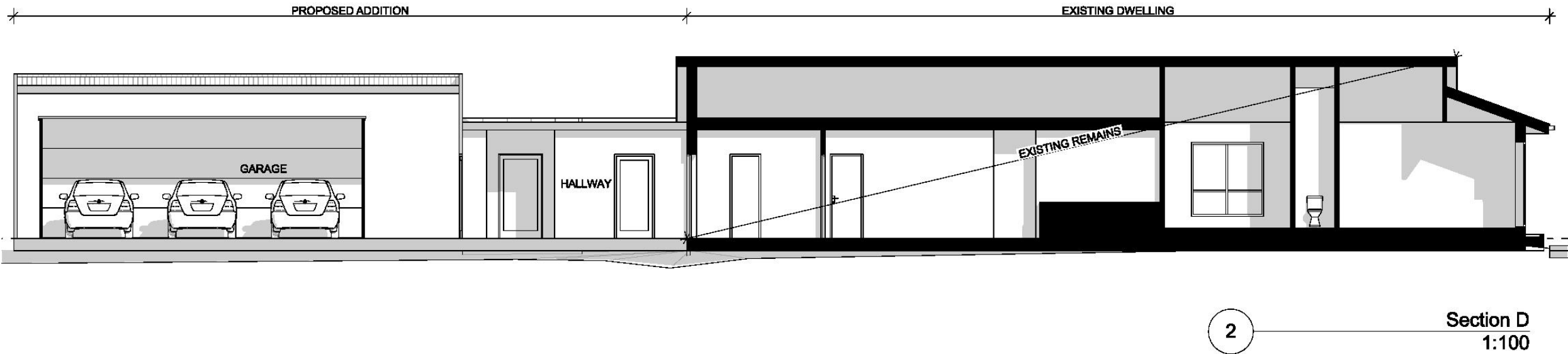
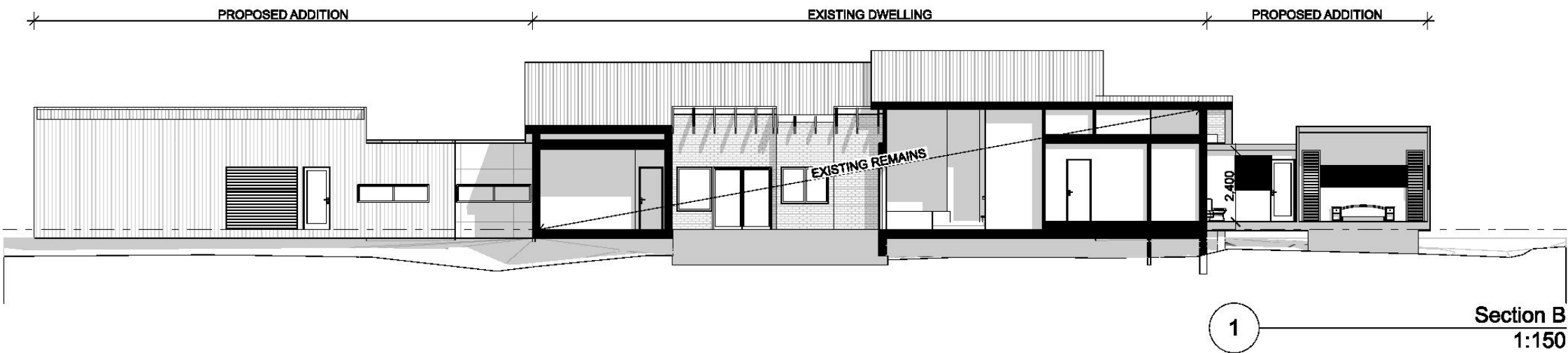


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DA.12 Section Sheet 1:100, 1:43.21 @A3
Alterations and Additions
28 Clyde Road, Holgate
20/12/2022
Revision A
28 Clyde Road 07.dgn

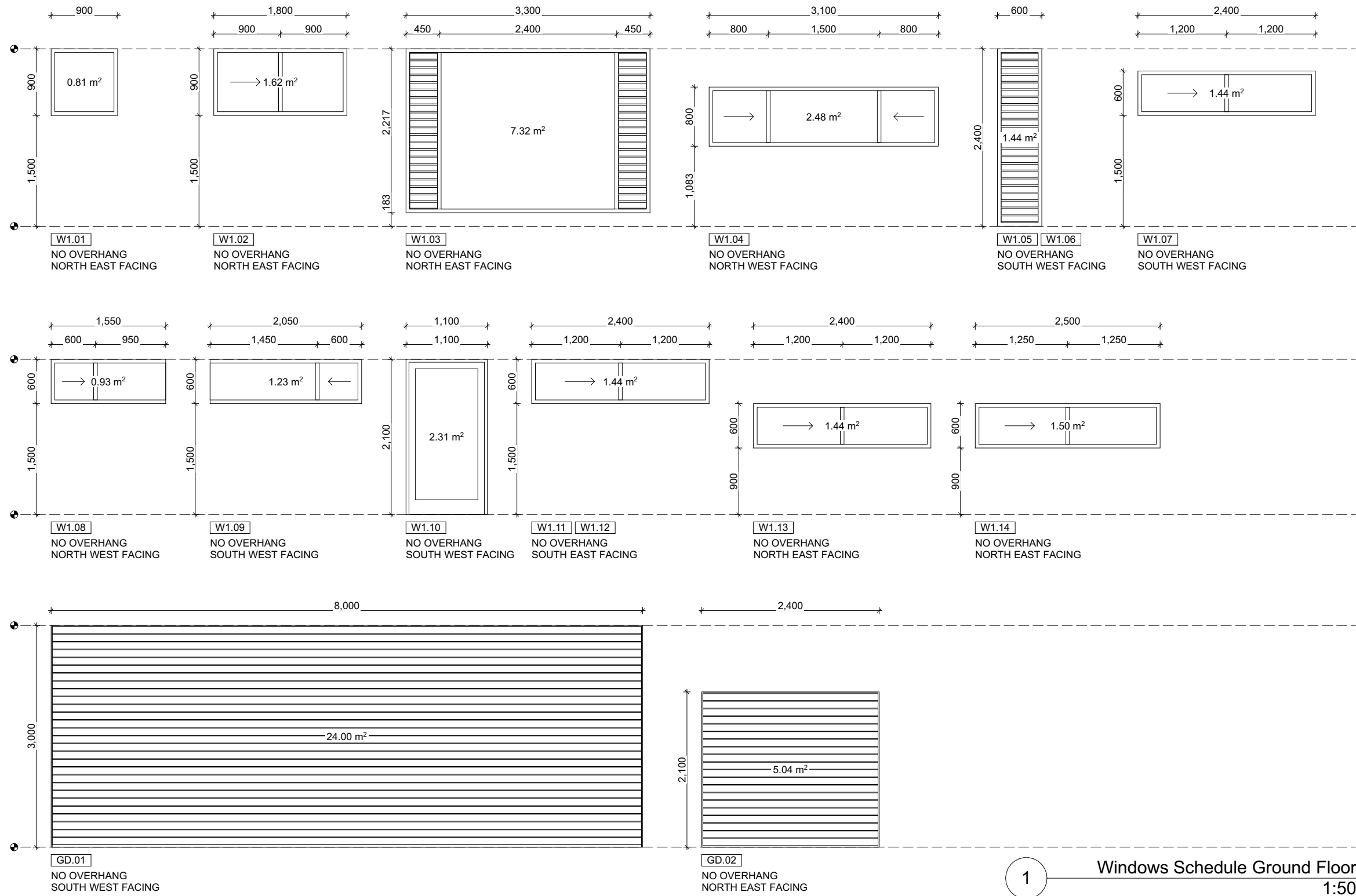


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DA.13 Section Sheet 1:150, 1:100 @A3
Alterations and Additions
28 Clyde Road, Holgate
20/12/2022
Revision A
28 Clyde Road 07.dgn



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DA.14 Windows Schedule
Alterations and Additions
28 Clyde Road, Holgate
1:50 @A3
20/12/2022
Revision A
28 Clyde Road 07.pln

FINISHES SCHEDULE

1

2





1. ROOFS FASCIAS
COLOURBOND SURFMIST OR EQ.



2. FASCIA METAL.



3. LIGHTWEIGHT CLADDING
AXON OR EQ.
CHARCOAL LIGHT PAINT FINISH



4. MATRIX CLADDING BLACK

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OPTION 07



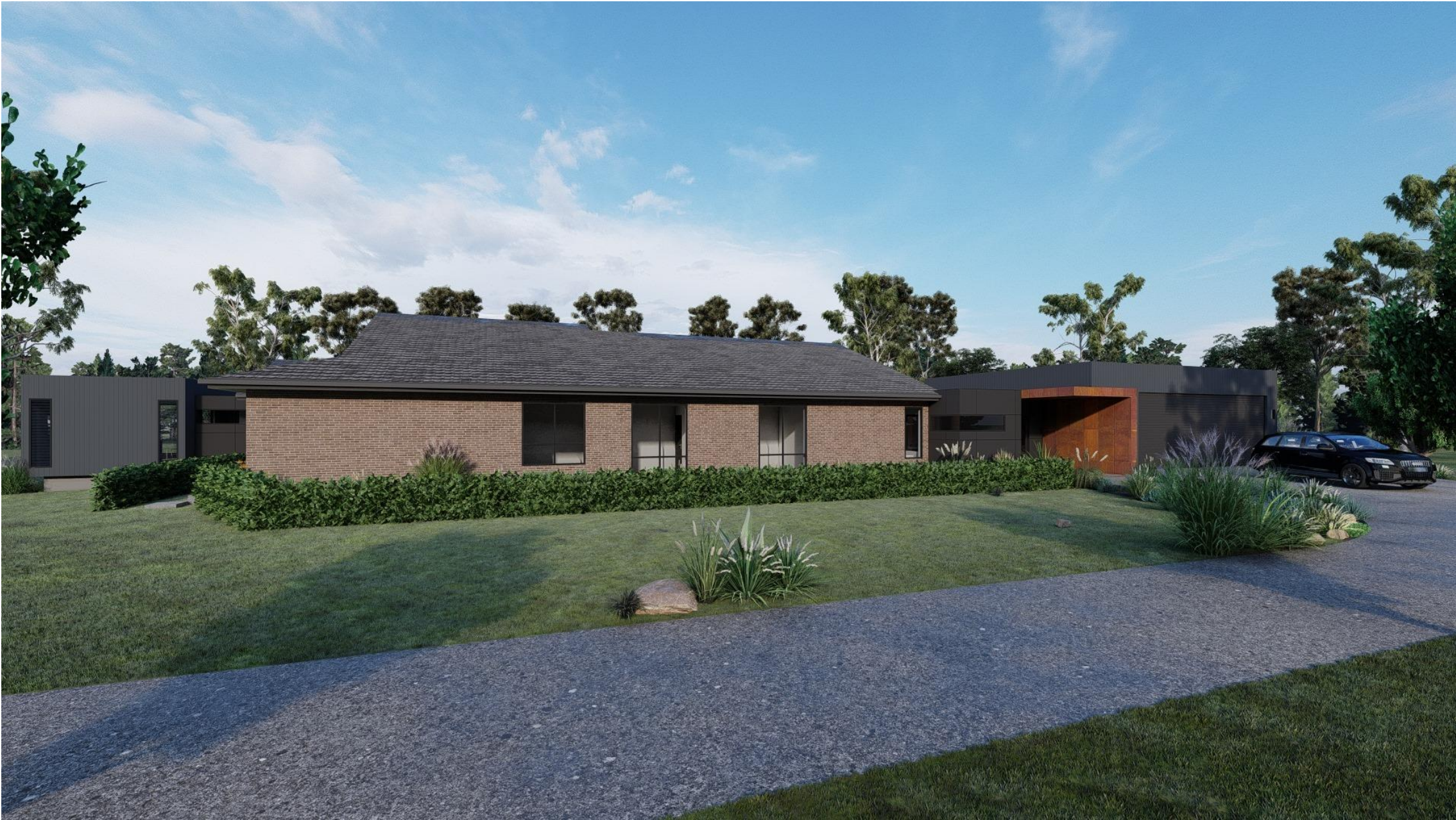
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OPTION 07



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FOR APPROVAL ONLY

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