

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA/63997/2021
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Delegation Level	Delegated,
Property Lot & DP	Lot 328 DP 755251
Property Address	21 Patonga Ck, PATONGA NSW 2256
Site Area	336.5
Zoning	7(A) Conservation IDO 122

Proposal	New Dwelling
Application Type	Development Application – Local,
Application Lodged	14-Mar-2022
Applicant	Mr A Turner
Estimated Cost of Works	\$683500

Advertised and Notified / Notified Only	22 June 2022
Submissions	Two (2) re advertised new plans No submissions
Disclosure of Political Donations & Gifts	No
Site Inspection	10/06/2022

Recommendation	Approval, subject to conditions
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Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans.

Background

Council's records show no prior applications have been lodged on this site.

Site & Surrounds





The site is located on the Eastern side of Patonga Creek. Adjoining development comprises residential dwellings to the north and south. The topography is a sloping site.

The site contains single storey residential dwelling.

The site is identified as "bushfire prone land" on [Council](#)'s bushfire maps. A Bushfire Assessment Report prepared by Clarke Dowdle & Associates reference GO:24596A dated June 2022 was submitted with the application recommending the proposal comply with BAL-FZ/40.

The Proposal

The proposal comprises:



Demolish existing dwelling to the existing concrete and footings to remain

- Ground floor to include one bedroom with an adjoining living area and tv space, laundry and separate bathroom.
- First floor will include the main living and dining area, kitchen and pantry, master bedroom and second separate bathroom. There will be a large terrace that is accessed from the living and dining area.

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Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 – Section 4.15
- Local Government Act 1993 – Section 89
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Coastal Management) 2018
- Interim Development Order No 122
- Gosford Local Environmental Plan 2014
- Gosford Development Control Plan 2013

Draft Environmental Planning Instruments

The following draft Environmental Instruments apply to this application:

- *Draft Central Coast Local Environmental Plan 2018*

Section 4.15(1)(a)(ii) of the EP& A Act applies (Draft Environmental Planning Instruments).
The proposed zoning of this lot is *E4 Environmental Living* (Draft CCLEP).

Permissibility

The subject site is zoned 7(A) Conservation IDO 122 Development Order No 122.

The proposed development is defined as Dwelling House which is permissible in the zone with consent of Council.

Interim Development Order No 122

Zone 7(a) Conservation IDO 122

The objectives for the 7(a) Conservation IDO 122 are:

- (a) the conservation and rehabilitation of areas of high environmental value;
- (b) the preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape;
- (c) the provision and retention of suitable habitats for flora and fauna;
- (d) the prohibition of development on or within proximity to significant ecosystems, including rainforests and estuarine wetlands;



- (e) the provision and retention of areas of visual contrast within the City, particularly the “backdrop” created by the retention of the ridgelines in their natural state;
- (f) the provision of opportunities for informal recreational pursuits, such as bushwalking and picnics, in appropriate locations;
- (g) the minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental, individually minor developments;
- (h) the minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

As per subclause (5) in this instance as a dwelling house is already erected on the site and this is additions or alterations.

Clause 28

(1) Subject to subclause (2), the external surfaces of any building shall be of prescribed materials.

(2) The Council may relax the requirements prescribed by subclause

(1) - (a) in relation to the external surfaces of any alteration or enlargement of an existing building or building ancillary to an existing building, where the external surfaces of the existing building are not composed of prescribed materials; or

(b) in relation to the external surfaces of any building, to the extent of permitting not more than 10 per centum of the total area of those surfaces to be composed of materials other than prescribed materials.

The proposed development is an alteration to an existing building.

Clause 29

(1) Subject to subclause (2), the height of a building shall not exceed 8 metres.

(2) A building which departs from the minimum requirements prescribed by subclause (1) to a minor extent only may be erected with the consent of the Council.

The proposed dwelling is well under the 8.0m maximum height limit and can be determined under delegations.

Clause 34

On site where there is no tree preservation order this clause shall apply.

The proposed development meets the objectives of the zone.



Interim Development Order No 122

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
29 Height	8max	7.0	Yes	0%	Yes

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The proposed development meets the objectives of the zone.

Gosford Development Control Plan 2013

Development Standard	Description	Required	Proposed	Compliance with Control	Compliance with Objective
Clause number, name	Clause description	details	details	Yes	Yes
3.1.2.1	Building Height	8m for 7(a) zone	7	Yes	Yes
3.1.2.2	Site Coverage	Max 60%		Yes	Yes
3.1.2.3	Floor space ratio	0.5:1	0.46:1	Yes	Yes
3.1.3.2a	Front setbacks	1.900	1.900	Yes	Yes



3.1.3.2b	Rear setbacks	6.0	7.529		
3.1.3.2c	Side setbacks	1.525	1.717 1.867 1.868	Yes	Yes

3.1.4.1 Views

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

3.1.4.2 Visual Privacy

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

6.3 Erosion Sedimentation Control

Appropriate siltation control to be conditioned.

7.2 Waste Management

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

Planning Agreements

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

Referrals

Internal Referral Body	Comments
Environmental Health (OSSM)	Supported, subject to conditions

External Referral Body	Comments
Rural Fire Service	Supported, subject to conditions

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.

Public Submissions

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



The Application was re advertised with amended plans with No Public submissions received in relation to the re advertised application. Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the Environmental Planning and Assessment Act 1979.

As the application was re advertised with no submissions received it is considered the submissions have now been resolved.

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. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

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

Plans for Stamping

Amended Plans CM Doc No.D15194598

Supporting Documents for Binding with consent

Bushfire Assessment Report, CM Doc No. D15198792
NSW Rural fire service Determination , CM Doc No D15323881
Onsite Wastewater report , CM Doc No D15194613
Wastewater dosed bed details , CM Doc No D15239577

Recommendation

A Council as consent authority grant consent to Development Application No DA/63997/2021 for New Dwelling on Lot 328 DP 755251, 21 Patonga Ck, PATONGA NSW 2256 subject to the conditions attached.

C In accordance with section 4.53(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.



E The External Authorities be notified of the Council's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Robert Williams
Recommendation Reviewed by:	Reviewing Officer

