

### **Panel Members**

Chairperson	Donna Rygate
Panel Experts	Sue Francis Linda McClure
Community Representative/s	Lyn Hunt

### **Central Coast Council Staff Attendance**

Ailsa Prendergast	Unit Manager Development Assessment (Acting)
Erin Murphy	Senior Development Planner (South)
Rachel Callachor	Meeting Support Officer

The Chairperson, Donna Rygate, declared the meeting open at 2.01pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair, Donna Rygate, read an acknowledgement of country statement.

### **Apologies**

***The Panel noted that no apologies had been received.***

#### **1.1 Disclosures of Interest**

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

#### **2.1 Confirmation of Minutes of Previous Meeting**

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***The minutes of the previous Local Planning Panel Meeting held on 24 March 2022 and the Local Planning Panel Supplementary Meeting held on 22 March 2022 which were endorsed by the Chairs of those meetings, were submitted for noting.***

**Public Forum**

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The following people addressed the Panel:

**Agenda item 3.1**

- 1 Christina Clarke – against recommendation
- 2 Natalie Rogers – against recommendation

Tim Shelley, Director Tim Shelley Planning and Katy Pawlak (property owner) did not address the Panel, but answered questions from the Panel.

**Agenda item 3.2**

- 1 Ventry Bowden – against recommendation
- 2 Sue Fletcher – against recommendation
- 3 Francis Wiffen – against recommendation
- 4 Les Madigan – against recommendation
- 5 Thomas Bowyer – applicant

The Local Planning Panel public meeting closed at 2:55pm. The Panel moved into deliberation from 3:00pm, which concluded at 4:30pm.

**3.1 DA/60833/2021 - 14 York Street, Point Frederick - Demolition and construction of a 23 room Boarding House including Manager's room**

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<b>Site Inspected</b>	Site orientation via video conference
<b>Relevant Considerations</b>	As per Council assessment report
<b>Material Considered</b>	<ul style="list-style-type: none"><li>• Documentation with application</li><li>• Council assessment report</li><li>• 22 Submissions</li></ul>
<b>Council Recommendation</b>	Approval
<b>Panel Decision</b>	<ol style="list-style-type: none"><li>1 <b><i>That the Local Planning Panel refuses consent DA60833/2021 at Lot 1 DP 618378 No. 14 York Street, Point Frederick for demolition and construction of a 23 room Boarding House including manager's room subject to the reasons detailed below and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.</i></b></li><li>2 <b><i>That Council advise those who made written submissions of the Panel's decision.</i></b></li></ol>

**3 That Council advise relevant external authorities of the Panel's decision.**

**Reasons**

- 1 The proposal is an overdevelopment of the site by virtue of the dimensions of the site and the form and design of the proposed single building.
- 2 Clause 30A of the Affordable Rental Housing 2009 SEPP provides that a consent authority must not consent to boarding house development unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The proposal is not compatible with the character of the local area for the following reasons:
  - a) The anticipated maximum floor space ratio for a site area of less than 1000m sq with a street frontage of less than 24m is 0.75:1. The proposal seeks 0.97:1 which results in a building of greater bulk than anticipated by the controls which establish the desired future character of the area. Having not met the character test under clause 30A any bonus floor space ratio is not warranted.
  - b) The proposed height and length of the building, retaining the footprint of the existing building, results in a building which has reduced side boundary setbacks and unarticulated elevations.
  - c) Clause 8.3 of SEPP Gosford City Centre 2018 requires design excellence for any development on the site and in the local area. The proposal does not exhibit design excellence (8.3 (4) (a),(b),(d) and (e) (i) the suitability of the land for development, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity), and therefore is not consistent with the expectations of the future character of the local area.
- 3 The building as designed, incorporating a breezeway on the eastern elevation, not only introduces an elevated amenity

impact in terms of noise and visual privacy for adjoining lots but also adds bulk to the building. Likewise, on the western boundary the introduction of balconies close to adjoining boundaries presents a poor amenity relationship particularly as regards to noise and privacy.

- 4 The narrowness of the site, inadequate side setbacks and the development's height unreasonably exacerbates overshadowing of adjoining sites.

**Votes** The decision was unanimous

**3.2 DA/61493/2021 - 95 Paton Street Woy Woy - Multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings**

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**Site Inspected** Site orientation via video conference

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- 64 Submissions

**Council Recommendation** Approval

**Panel Decision** **1** ***The Panel does not agree that the applicant's clause 4.6 written request demonstrates that compliance with the Clause 4.1B "Minimum lot sizes for attached dwellings, dual occupancies, multi dwelling housing and residential flat buildings" development standard is unnecessary in the circumstances of the case because of the environmental impact that would result from noncompliance with the Minimum lot sizes standard.***

***Compliance with the Minimum lot sizes standard would not be unreasonable in the circumstances of the case because the proposed development does not meet the underlying intent of the control and is not a compatible form of development that results in reasonable environmental and amenity impacts, and there are insufficient environmental planning grounds to justify contravening that development standard.***

***Further, the Panel considers that the proposed development will not be in the public interest because it is inconsistent with the objectives of the development standard and the objectives for development within the R1 General Residential zone in which the development is proposed to be carried out.***

- 2** ***That the Local Planning Panel refuses consent to DA/61493/2021 at 95 Paton Street, Woy Woy, Lot 47 of Sec 5 in DP 5099 for the multi dwelling housing development including alterations and additions to a retained existing dwelling on site and the erection of 2 x 3-bedroom dwellings, subject to the reasons below and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***
- 3** ***That Council advise those who made written submissions of the Panel's decision.***

**Reasons**

- 1 The applicant's Clause 4.6 Variation request does not demonstrate compliance is unnecessary in the circumstances of the case, as detailed above in *Decision*.
- 2 The proposal is an overdevelopment of the site by virtue of the following matters:
  - Nature of the built form (retaining the existing dwelling).
  - Inadequate landscaping, lack of deep soil planting.
  - Internal ceiling height.
  - Lack of provision of adequate private open space
  - Poorly located bin storage.
  - Parking does not comply with Council's controls, 5 spaces are provided, however design is inadequate in relation to turning paths and site landscaping particularly on boundaries.

**Votes**

The decision was unanimous