

Panel Members

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Lindsey Dey
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Emily Goodworth	Section Manager, Employment and Urban Release
Wayne Herd	Section Manager, Building Assessment and Certification
Ryan White	Development Planner Consultant, Employment and Urban Release
Gary Evans	Principal Building Surveyor, Building Assessment and Certification
Lisa Martin	Civic Support Officer
Briony Stiles	Team Leader, Civic Support Officer

The Chairperson, Donna Rygate declared the meeting open at 2:04pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

The Panel Members confirmed that they had each signed a declaration of interest form in relation to each matter on the agenda. No conflicts of interest were identified.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

The Panel noted the minutes of the previous Local Planning Panel Meeting held on 14 March 2024 were endorsed by the Chair of that meeting.

Public Forum

The following people addressed the Panel:

Item 3.1 – DA/1974/2023 – 1 Yumbool Close, Forresters Beach

1. Marguerite Grey – AGAINST
2. Christopher Hajje and John B Hajje – FOR (applicant's rep)

Item 3.2 – DA/1060/2023 – 315 Greta Road, Kulnura

1. Ian Sinclair – FOR

Item 3.3 – DA/1964/2023 – 46 Noamunga Crescent, Gwandalan

1. Bethany Fisher – AGAINST
2. Ted Roleski – FOR (applicant)

The Local Planning Panel public meeting closed at 2:56pm.

The Panel moved into deliberation from 3:05pm.

PLANNING REPORTS

3.1 DA/1974/2023 – 1 Yumbool Close Forresters Beach

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report and supplementary memo
- Submissions

Council Recommendation Approval

Panel Decision

- 1. The Panel is satisfied that the applicant's clause 4.6 written request adequately demonstrates that compliance with the Height of Buildings development standard is unnecessary in the circumstances of the case because of the minimal environmental impact that would result from the noncompliance with the Height of Buildings standard.***

Compliance with the Height of Buildings development standard would be unreasonable in the circumstances of this application because of the sloping nature of the block, and there are sufficient environmental planning grounds to justify contravening the development standard.

Further, the Panel considers 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 R2 Low Density Residential zone in which the development is proposed to be carried out.

- 2. That the Panel assume 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 Central Coast Local Environmental Plan 2022 in accordance with the provisions of clause 55 of the Environmental Planning and Assessment Regulation 2001.***

3. That the Panel grant development consent to DA/1974/2023 – 1 Yumbool Close Forresters Beach to construct the proposed dwelling and inground swimming pool inclusive of the demolition of existing dwelling and swimming pool retaining the existing northern retaining wall and terrace, subject to conditions as detailed in the schedule attached to the report and below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act and other relevant issues.

a) That the roof terrace and access staircase to same be deleted.

4. That Council advise those who made written submissions of the Panel's decision.

Reasons

The development application has been assessed having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

1. The roof terrace and access staircase should be deleted on the grounds of better meeting the objectives of the R2 low density residential zone in the *Central Coast Local Environmental Plan 2022*, maintaining the desired future character of the locality, minimising the negative impact on the public domain, mitigating privacy and visual impacts, and retaining the appearance of two storeys from street level consistent with the *Central Coast Development Control Plan 2022*.
2. The Panel is satisfied the application has been assessed against the requirements of Section 4.14 of the *Environmental Planning and Assessment Act 1979* in relation to bushfire prone land.
3. The Panel is satisfied that the proposed development is considered satisfactory having regard to the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
4. The application has been assessed against the requirements of clause 61 of the *Environmental Planning and Assessment*

Regulation 2021 in respect of demolition.

5. The Panel is satisfied that the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2 Coastal Management, sections 2.10, 2.11 and 2.15 have been considered and satisfied.
6. The Panel is satisfied that the proposed development as amended, is consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.
7. The Panel is satisfied the proposed development meets the objectives related to the building height development standard contained in *Central Coast Local Environmental Plan 2022*.
8. The Panel is satisfied the requirements of clause 4.6 (3) of *Central Coast Local Environmental Plan 2022* have been satisfied and that variation to the maximum building height provisions of the *Central Coast Local Environmental Plan 2022* is warranted.
9. The Panel is satisfied the applicant has demonstrated that,
 - *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - *there are sufficient environmental planning grounds to justify the contravention of the development standard.*
10. The Panel is satisfied that the provisions of clause 7.6 Essential Services of *Central Coast Local Environmental Plan 2022* have been considered and satisfied.
11. The Panel is satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.
12. Subject to the imposition of appropriate conditions, the proposed development as amended is not expected to have any adverse environmental, social or economic impact.

As such, the application is recommended for approval in accordance with Section 4.16 of the *Environmental Planning*

and Assessment Act, 1979, subject to recommended conditions detailed in the Attachment 1.

Votes The decision was unanimous

3.2 315 Greta Road KULNURA 2250 - Construction of a Machinery Shed & Ancillary Rural Supplies (Concrete Pipes & Structures) Operation

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

- 1. That the Local Planning Panel refuse the application DA/1060/2023 – 315 Greta Road, Kulnura (Lot 631 DP 599979) Rural Supplies and Machinery Shed subject to the reasons for refusal detailed in Council’s Assessment 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’s Environmental Compliance Services Unit be notified of the outcome of the application determination and determine whether to pursue enforcement action to seek compliance with the order issued to the landowners on 14 March 2023 (Notice/34/2023).**
- 3. That Council advise those who made written submissions of the Panel’s decision.**

Reasons The proposal has been assessed having regard to the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development cannot be characterised as ‘rural supplies’ as defined under *Central Coast Local Environment Plan 2022* and as such is prohibited in the RU1 Primary Production zone. Furthermore, the proposed development does not satisfactorily meet other relevant requirements of *Central Coast Local Environment Plan 2022* and *Central Coast Development Control Plan 2022*, has unsatisfactory and unreasonable adverse impacts, and is deemed unsuitable for the site and not in the public interest.

1. The proposed development is best characterised as a *warehouse or distribution centre* and a *specialised retail premises* which are prohibited uses the RU1 Primary Production zone under *Central Coast Local Environmental Plan 2022*.
2. The proposal does not protect water catchment areas or areas comprising high ecological value and will result in land use conflicts and therefore fails to satisfy the objectives of the RU1 Primary Production Zone as set out in *Central Coast Local Environmental Plan 2022*.
3. The proposal has not demonstrated that it meets the requirements of clause 7.2 of *Central Coast Local Environmental Plan 2022* with respect to impacts on the drinking water catchment.
4. The proposal does not comply with the maximum height requirement for outbuildings in the RU1 zone in accordance with Chapter 2.1, Clause 2.1.2 Building Scale.
5. The proposal fails to provide the necessary information required under s.4.14 of the *Environmental Planning and Assessment Act 1979* to satisfy the consent authority the proposed development conforms to the specifications and requirements of Planning for Bushfire Protection.
6. The proposal fails to provide for the safe and efficient operation of delivery/service vehicles within the site as required under Chapter 2.13, Clauses 2.13.3.5 and 2.13.4.5.
7. The proposal fails to provide a Resource and Waste Management Plan in accordance with Chapter 2.14, Clause 2.14.2.1.
8. The proposal fails to consider the visual impact on the scenic quality of the local rural environment in accordance with Chapter 2.17, Clause 2.17.1b
9. The proposal does not provide a Water Quality Management Plan in accordance with Chapter 3.4, Clause

3.4.2.1.

10. The proposed development has not considered whether the land is contaminated and the Panel is not satisfied that the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* have been met.
11. Pursuant to Section 4.15(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered unsatisfactory with regard to:
 - Amenity impacts, including noise and air pollution
 - Impacts on ecology, including threatened species
 - Traffic impacts
 - Bushfire access
 - Heritage
 - Impacts on water quality
 - Cumulative impacts having regard to the existing poultry production operation and its approved expansion.
12. The adverse impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
13. Having regard to submissions received, the non-compliances with the planning controls and amenity impacts, the proposal is not in the public interest, pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.

Votes The decision was unanimous

3.3 DA/1964/2023 - 46 Noamunga Crescent Gwandalan - Dwelling and Inground Swimming Pool Inclusive of Demolition of Site Structures

Site Orientation Yes

Relevant Considerations As per Council assessment report

- Material Considered**
- Documentation with application
 - Council assessment report and supplementary memo
 - Submissions

Council Recommendation Approval

- Panel Decision**
- 1 That the Panel grant consent to DA/1964/2023 – 46 Noamunga Crescent, Gwandalan – new dwelling and inground swimming pool inclusive of existing site structures, 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.**

Reasons

The Panel notes from the Council Assessment report the disconnect between new planning controls, including site coverage and setbacks, and the existing built environment. It requests Council to consider this issue in its next strategic review of planning controls for the Gwandalan area.

The development application has been assessed having regard for the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

1. The Panel is satisfied that the proposed development is considered satisfactory having regard to the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. The application has been assessed against the requirements of clause 61 of the *Environmental Planning and Assessment Regulation 2021* in respect of demolition.
3. The Panel is satisfied that the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2 Coastal Management, sections 2.10, 2.11 and 2.15 have been considered and satisfied.
4. The Panel is satisfied that the proposed development is consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.

5. The Panel is satisfied that the provisions of clause 5.21 of the *Central Coast Local Environmental Plan 2022* flood planning have been considered and met.
6. The Panel is satisfied that the provisions of clause 7.1 Acid Sulfate Soils and 7.6 Essential Services of *Central Coast Local Environmental Plan 2022* have been considered and satisfied.
7. The Panel is satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.
8. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse environmental, social, or economic impact.

Votes

The decision was unanimous