

Panel Members

Chairperson	Kara Krason
Panel Experts	Greg Flynn
Community Representative/s	Glenn Watts

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager, Residential Assessments
Robert Eyre	Principal Development Planner, Residential Assessments
Lisa Martin	Civic Support Officer
Karen Unsted	Civic Support Officer
Marianne Dalli	Civic Support Officer

Legal Representative

Cecilia Rose	Wilshire Webb Staunton Beattie Lawyers
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The Chairperson, Kara Krason declared the meeting open at 1.00pm.

Apologies

The Panel noted that no apologies had been received.

The Panel were briefed by Council Officers and Council's legal representative prior to moving into deliberation from 2:22pm.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

The Panel Members confirmed that they had each signed a declaration of interest form in relation to the item on the agenda.

PLANNING REPORTS

2.1 DA/60589/2020 - 129 Alan Street, Niagara Park - Proposed Dwelling House & Garage - LPP Supplementary Report

Site Orientation	Yes
Relevant Considerations	As per Council's supplementary assessment report and previous assessment reports
Material Considered	<ul style="list-style-type: none">• Documentation submitted with the application including further documentation submitted post lodgement• Council's original assessment report• Council's supplementary assessment reports
Council Recommendation	Approval
Panel Decision	<i>Refusal</i>
Reasons	<ol style="list-style-type: none">1. Plans and reports included in the documents listed for approval under Draft condition 1.1 include works on adjoining land. The panel cannot approve works on an adjoining site that does not form part of the application. Furthermore, land owners consent for the proposed works on land outside the boundary of the site has not been provided. Verbal legal advice was provided to the Panel at the briefing meeting that confirmed this.2. The Panel has not been provided with a copy of the late submission referred to in the Supplementary Assessment Report.3. The Panel is concerned that some of the documentation referred to in the draft conditions of consent, particularly the Integrated Bushfire Vegetation Management Plan Rev C which

is referenced in several draft conditions, has not been made available to the Panel or the public. Furthermore, draft condition 1.1 includes several plans and reports submitted following lodgement of the application which have not been notified or made available on Council's DA Tracking, although some are attached to the business paper. This includes but is not limited to the final signed version of the EIS dated, updated Flora and Fauna Reports and the updated Integrated Bushfire and Vegetation Management Plan.

4. The assessment is inconclusive in relation to the proposed access to the dwelling from Alan Street, demonstrated by inconsistencies in various plans and reports. Despite a set of engineering plans for construction of a driveway on land outside the boundary of the subject site being included in the draft conditions of consent and referenced and assessed through several reports and referrals, the Environmental Impact Statement relies on the proposed new dwelling being accessed via an existing unformed driveway. The Panel does not support approval for a new dwelling house located on and immediately surrounded by bushfire prone land without certain and appropriate access consistent with the requirements of the NSW Rural Fire Service.
5. The Council report does not provide an assessment of the proposal in relation to the requirements of Section 4.14 of the Environmental Planning & Assessment Act (EP&A Act). Accordingly the Panel was unable to reach a state of satisfaction required to be reached under Section 4.14.
6. An updated assessment of the proposal against all relevant provisions under Section 4.15(1)(a) of the EP&A Act has not been provided to the Panel, noting that a significant amount of time has passed since the Council undertook its initial assessment. It is uncertain whether an assessment against all relevant environmental planning instruments has been undertaken to enable consideration of all matters for consideration under Section 4.15(1)(a).
7. The Panel could not adequately consider the application against the matters for consideration mandated under Section

4.15(1) of the Environmental Planning and Assessment Act, without understanding exactly what is proposed given the inconsistencies between the plans, the Environmental Impact Statement and other supporting documents, and without a copy of the Integrated Bushfire and Vegetation Management Plan referred to in several draft conditions.

8. The assessment has not satisfactorily demonstrated the suitability of the site for the proposed development under Section 4.15(1)(c) of the Act.

9. The proposed development is considered inconsistent with the objectives of 7(a) Conservation and Scenic Protection (Conservation), particularly in relation to the land being mapped as bushfire hazard and well vegetated, thereby requiring tree removal for the proposed dwelling and establishment of an asset protection zone.

Votes

The decision was unanimous