

Panel Members

Chairperson	Kara Krason
Panel Experts	Stacey Brodbeck David Furlong
Community Representative/s	Scott McGrath

Central Coast Council Staff Attendance

Scott Duncan	Section Manager, Local Planning and Policy
Sian Holmes	Development Planner Consultant, Employment and Urban Release
Amy Magurren	Senior Development Planner, Residential Assessments
Bruce Ronan	Strategic Planner, Local Planning and Policy
Ailsa Prendergast	Section Manager, Residential Assessments
Gayan Abeywardena	Development Assessment Engineer, Development Engineering
Lisa Martin	Civic Support Officer
Karen Unsted	Civic Support Officer

The Chairperson, Kara Krason declared the meeting open at 2:00pm 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.

Public Forum

The following people addressed the Panel:

Item 3.1 – DA/3915/2022 – 6 Auburn Street, Point Fredrick

- 1 **Julian Scullin – AGAINST**

- 2 **Alain Assoum – Design Architect**
Anthony Nakhoul – Owner’s Representative
Bernard Moroz – Town Planner – FOR

The Local Planning Panel public meeting closed at 2:43pm.

The Panel moved into deliberation from 2:54pm.

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.

Stacey Brodbeck declared a less than-significant pecuniary interest for Item 4.2 having undertaken prior consulting work for Perception Planning, the applicant for DA/4110/2022 back in 2016 and has no ongoing relationship at present.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the previous two Local Planning Panel Meeting held on 16 May 2024 and 6 June 2024, which were endorsed by the Chairs of those meetings, were submitted for noting.

PLANNING REPORTS

- 3.1 DA/3915/2022 - 6 Auburn Street, Point Fredrick - Demolition of existing structures and construction of 4 storey residential flat building containing 8 x 2 bedroom units (including 4 affordable housing units) with 8 car spaces (including 2 x accessible spaces), 1 x motorcycle and 6 bicycle parking spaces
-

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Supplementary Memo

Council Recommendation Approval

Panel Decision 1. *That the Local Planning Panel grant consent to DA/3915/2022 at 6 Auburn Street, Point Frederick 2250 (Lot 13 DP17440) subject to the conditions detailed in the*

schedule attached to the report, including the following amendments, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

- 2. The Panel is satisfied that the applicant's clause 5.28 of the State Environmental Planning Policy (Precincts – Regional) 2021 written request demonstrates that compliance with the height development standard is unnecessary in the circumstances of the case, that compliance with the height standard would be unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening that development standard.*
- 3. Further, the Panel is satisfied 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 R1 General Residential zone in which the development is proposed to be carried out.*
- 4. That Council advises those who made written submissions of the Panel's decision.*

CHANGES TO CONDITIONS

The conditions are as outlined in the development assessment report, except with the following amendments:

FORMATTING

All numbering inconsistencies within the draft conditions are to be corrected.

NEW CONDITIONS

- Delete the wording of conditions numbered 1 on the top of page 98 of the report (after Condition 2.8) and insert new conditions to be worded as follows within the section "prior to the issue of a Construction Certificate".*

Prior to the issue of a Construction Certificate, amended architectural plans are to be submitted to the satisfaction of

Council's Manager Development Assessment which are to:

- a) Increase the sill height of the following windows to a minimum of 1.6 metres:***
 - West facing living room windows on level 2.***
 - West facing bedroom 2 window in the southern unit on level 3.***
 - West facing bedroom 1 window in north facing unit on level 3.***
- b) Show on the level 3 plans the proposed west facing windows to living rooms (x 2) with a minimum sill height of 1.6 metres consistent with the submitted elevations and sun eye plans.***
- c) Include windows in the kitchens and bathrooms of each apartment to facilitate improved light and ventilation with any necessary screening to protect privacy.***
- d) Show details of the location, height, and materials of the roof top communal area balustrade including its context with the proposed planters.***
- e) The roof top awning is to be no greater than 2.5 metres in height above the roof slab.***

Prior to the issue of a Construction Certificate amended landscape plans are to be submitted to the satisfaction of Council's Manager Development Assessment which:

- Remove the proposed paving in the rear deep soil zone and provide for landscape planting consistent with the architectural plans.***
- Provide details of the proposed watering system and maintenance regime for the proposed roof top planting.***
- Provide details of the proposed fixed furniture on the roof top.***

Prior to the issue of a Construction Certificate an updated BASIX certificate is to be submitted to the satisfaction of Councils Manager Development Assessment.

The numbering of all other conditions in this section of the consent are to be corrected to remove anomalies.

DELETED CONDITIONS

- **Delete condition 6.13**

Reasons

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies and agreed with the reasons for approval as outlined in the development assessment report.
2. The proposal is permissible in the zone and consistent with the objectives of the zone.
3. The Panel is satisfied the clause 5.28 written variation request seeking to vary the maximum height of building development standard meets the requirements of that Clause as outlined in the decision above.

Votes

The decision was unanimous

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

4.1 Request to prepare a Planning Proposal for 126 Somersby Falls Road, Somersby

Council

Recommendation

That the Local Planning Panel review the Planning Proposal and provide their advice in preparation for reporting this matter to Council.

Panel's Advice

The Central Coast Local Planning Panel considered the report on the matter and the material presented in the briefing meeting. The Panel's role in this matter is to provide advice, which is as follows:

- 1. The Panel considers the planning proposal to have strategic and site specific merit.***

2. ***The site is located within an existing employment lands precinct and the Panel supports the contextual relationship of the proposal.***
3. ***The Panel notes the planning proposal is supported by an initial bushfire risk assessment given the land is mapped as bushfire prone, and that the site immediately adjoins vegetated land to its north and east which the proposal identifies has some ecological and scenic quality value, including some vegetation that overhangs the boundary with the subject site. The Panel recommends that further clarity and certainty in regard to the relationship between any future APZs and the protection of ecology as outlined in the planning proposal be considered as part of the gateway determination to determine whether site specific DCP provisions are required.***

Accordingly, the Panel supports the staff recommendation and considers the Planning Proposal to have merit.

4.2 DA/4110/2022 - 120 Riviera Ave, TERRIGAL - Dual Occupancy

Site Orientation	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Submissions• Supplementary Memo
Council Recommendation	Approval
Panel Decision	<i>Deferred</i>

The Panel deferred consideration of this matter to a future meeting of the Panel to provide the applicant with an opportunity to submit amended plans and further justification that address the concerns outlined below. This must include but not be limited to, engineering design plans for all land works including all proposed excavation depths and retaining walls, for Council assessment as required by the DCP.

- 1. Insufficient engineering design detail with regard to the necessary land works to the site has been submitted with the application to ensure the structural adequacy of the works proposed and enable assessment with all relevant provisions of the DCP.**
- 2. The proposal does not comply with the requirements of clause 2.2.9.1 – Earthworks of the DCP**
- 3. Compliance with the relevant objectives of 2.2.9. Earthworks and Structural Support of the DCP which requires development to be accommodated without the need for excessive cutting and filling of the site or construction of high retaining walls.**
- 4. Inconsistency with Chapter 2.17 Character and Scenic Quality of the DCP.**

The above information is to be submitted to Council within 2 months, following which the Council is to provide a Supplementary Assessment report for the Panel's consideration.

When the above has been completed, the Panel may determine the matter electronically. Should the applicant choose not to submit any amended plans and a detailed response to this matter, the Panel shall reconvene to determine the matter on the basis of the material already submitted.

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

Reasons

While the Panel was generally supportive of the proposed land use and the design features of each residence, the building and pool area's relationship with the land and with each other raised some concerns.

The Panel has concerns about the extent of proposed excavation and the size of retaining walls necessary for the project to be constructed, particularly but not limited to the elevated pool and ancillary structures.

The Panel considered the requirements of Council's LEP and DCP in relation to these matters and is concerned that insufficient information and assessment has been provided to satisfactorily demonstrate that the relevant objectives and provisions of the LEP

and DCP in relation to earthworks, structural support character and suitability of the site for the development, have been demonstrated.

The panel agreed to defer the determination of the matter to provide the applicant with an opportunity to address these concerns.

Votes

The decision to defer was unanimous