

**Panel Members**

Chairperson	Jason Perica
Panel Experts	Greg Flynn Stacey Brodbeck
Community Representative/s	Lynette Hunt

**Central Coast Council Staff Attendance**

Dr Alice Howe	Director Environment and Planning
Emily Goodworth	Section Manager Employment and Urban Release
Ailsa Prendergast	Section Manager, Residential Assessments
Karen Hanratty	Senior Development Planner, Residential Assessments
Rebecca Samways	Development Planner, Employment and Urban Release
Lisa Martin	Civic Support Office / Meeting Support Officer

The Chairperson, Jason Perica declared the meeting open at 2.00pm and advised in accordance with the Code of Meeting Practice that the meeting is 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

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*That Panel Members confirmed that there were no conflicts of interest identified.*

## Public Forum

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The following people addressed the Panel:

**Item 2.1** – Error! No document variable supplied.

- 1 Francis Wiffen – For the recommendation
- 2 Rebecca & Sebastian Tauni (applicant) – Against the recommendation

**Item 2.2** – Error! No document variable supplied.

- 1 Stephen Martlew – Against the recommendation
- 2 Francis Wiffen – Against the recommendation
- 3 Alister Knight – Against the recommendation
- 4 Pranav Vase – Architect of ELK Designs (applicant) – For the recommendation

The Local Planning Panel public meeting closed at 3.05pm. The Panel moved into deliberation from 3:10pm.

## PLANNING REPORTS

### 2.1 DA/733/2023 - 22 Melba Road, Woy Woy - Staged Development Consisting of Demolition of Existing Primary Dwelling, Construction of Three Multi Dwelling Units, Change of Use of Existing Secondary Dwelling to a Fourth Multi Dwelling Unit and Strata Subdivision

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**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/733/2023 at Lot 44 DP 13501, 22 Melba Road, WOY WOY for Staged Development consisting of Demolition of Existing Primary Dwelling, Construction of three Multi Dwelling Units, Change of Use of Existing Secondary Dwelling to a fourth Multi Dwelling Unit and Strata Subdivision subject to the reasons for refusal as detailed in the Council staff Assessment Report to the Panel, excluding recommended reason no. 1, after 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** As the application has been refused, the reasons for the decision are included in the reasons of the decision itself. The Panel agreed with the issues of concern with the application, as outlined in the assessment report.

The applicant's representative(s) at the Panel meeting requested that the Panel approve revised plans of an alternative scheme, which they considered addressed all concerns outlined in staff assessment report. In the alternative, it was requested the proposal be deferred to allow such amended plans to be considered and assessed.

The Panel was bound to consider the application before, it, and it was noted Council staff had not accepted amended plans as a formal amendment to the application, so no full and proper

assessment of the amended proposal was before the Panel. Despite this, when considering whether determination of the proposal should be deferred to allow the amended plans to be accepted, it was clear to the Panel that the revised plans did not address all the issues outlined in the assessment report. A more fundamental approach to site planning and its development was required. Accordingly, the Panel did not support deferral of the determination for consideration of the amended plans.

The Panel also heard and understood concerns raised by the applicant's representatives regarding processing issues related to the DA. However, this did not alter fundamental concerns with the proposal and the Panel's decision.

**Votes** The decision was unanimous

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**2.2 DA/4365/2022 - 31 Burrawang Street Ettalong Beach - Multi-Dwelling housing (3 Units) & Demolition of Existing Structures**

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**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions

**Council Recommendation** Approval

**Panel Decision**

**1** ***That the Local Planning Panel grant consent to DA/4365/2022 - Lot 491 DP 10570, 31 Burrawang Street ETTALONG BEACH - Multi-Dwelling housing (3 Units) & Demolition of Existing Structures subject to the conditions detailed in this report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, with the following changes***

***Insert a new condition 2.9 to state:***

**"Submit to Council for its written approval, amended Architectural and Landscape Plans that must be updated to include the following information:**

**a) Relocate the stormwater system and stormwater pits**

to the centre of the access driveway and reshape the driveway, to maximise the width of the side boundary landscape strip and meet the requirements of Australian Standards AS2890 for vehicle manoeuvring.

- b) Remove the kerb at the boundary edge of the access driveway to enable more width for landscaping.
- c) Provide additional landscaping within the landscape strip.
- d) Reduce the height of the front courtyard fence to Unit 1 to a maximum 1.2 metres.
- e) Provide a minimum pot size of 75 litres (advanced specimens) for the two (2) street trees and all other proposed canopy trees within the site."

The above plans, after their approval, must be included in documentation associated with the approval of the Construction Certificate.

**2 Amend the following recommended conditions, as required in order to address the required changes to the proposal detailed in new condition 2.9 (as above).**

- Condition 2.7 parts b, d, e, f;
- Condition 6.5;
- Condition 6.17; and
- Condition 9.1.

**Reasons**

The Panel is satisfied with the following:

- The provisions of the following State Environmental Planning Policies have been considered and satisfied:
  - i) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
  - ii) Chapter 4, section 4.6(4) of the *State Environmental Planning Policy (Resilience and Hazards) 2021*
- 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.
- The proposed development is consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.
- 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.

- The proposed development is considered satisfactory having regard for the matters for consideration provided in section 4.15 of the EP&A Act.
- Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse environmental, social or economic impact.

While the Panel had some concerns with the form of the development, the Panel noted the proposal was largely compliant with applicable standards and controls, and non-compliances, where they existed, did not warrant refusal of the proposal.

In terms of the new condition to require reduction in height of the fence surrounding the front private open space of Unit 1 to 1.2m (new Condition 2.9(d)), the majority of the Panel was of the opinion this was reasonable and warranted given front private open space (albeit partial private open space in this instance) is not in accordance with the DCP controls, the DCP control for front fencing height is a maximum of 1.2m and landscaping could provide reasonable privacy mitigation. The applicant's representative verbally agreed to this change at the Panel meeting. Greg Flynn dissented to new Condition 2.9(d) for privacy reasons and resultant amenity issues on the private open space of unit 1.

**Votes**

The decision (apart from the terms of one new condition) was unanimous.