

Panel Members

Chairperson	Heather Warton
Panel Experts	Louise Menday Greg Woodhams
Community Representative	Margaret Harvie

Central Coast Council Staff Attendance

Lachlan Anderson	Building Surveyor, Building Assessment and Certification
Wayne Herd	Section Manager, Building Assessment and Certification
Chelle Leith	Senior Strategic Planner, Local Planning and Policy
Alexander Batten	Strategic Planner, Local Planning and Policy
Lisa Martin	Civic Support Officer
Kylie Blakely	Civic Support Officer

The Chairperson, Heather Warton declared the meeting open at 12.03pm 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 3.2 – DA/1703/2023 – 28 Bungary Road, Norah Head

- 1 Noel Honeybrook – AGAINST
- 2 Sharron Courte – AGAINST
- 3 Lisa Wrightson – AGAINST
- 4 Megan Etchell – FOR, on behalf of the applicant.

The Local Planning Panel public meeting closed at 12:45pm.

The Panel moved into deliberation from 1:08pm.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

The Panel members confirmed that they have signed a declaration of interest in relation to each matter on the agenda. No members of the Panel identified any Conflicts of Interest for this meeting.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the previous Local Planning Panel meeting held on 19 March 2025, which were endorsed by the Chair of that meeting, were noted.

PLANNING REPORTS

3.1 DA/1627/2023 - 42 Hobart Avenue, Umina Beach - Dual Occupancy and two lot strata subdivision

This application was withdrawn from the agenda by Council and will be determined at a future Panel Meeting.

3.2 DA/1703/2023 - 28 Bungary Road, Norah Head - Studio, Alterations & Additions

Site Inspected Yes, virtually in Council briefing

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Written submissions
- Submissions at the Public Meeting by objectors and on behalf of the Applicant.

Council Recommendation Approval, subject to conditions.

Panel Decision

1 The Local Planning Panel grants consent to DA/1703/2023 for 28 Bungary Road, Norah Head for alterations and additions to the existing dwelling house subject to the conditions attached to the assessment report, with the additional conditions specified below; and

2 No approval is given for the proposed studio addition to the existing garage;

This is having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

3 The following are the amendments and additions to the conditions of consent:

a) In the table in Condition 1.1:

- reference is to be added to the approved BASIX Certificate A50205_2 dated 2 April 2025, prepared by Etchells Building Design;
- all reference to the drawings showing the studio component are to be deleted.

b) Condition 9.1 is to be deleted (due to the deletion of the

studio).

Additional consent conditions are to be included under "Prior to Issue of Any Construction Certificate", as follows:

- c) Submit amended plans to the Certifier that delete the Studio proposed above the existing garage. The existing garage must be depicted on the amended plans consistent with Building Application BA/2433/1971. The amended plans must form part of the Construction Certificate documents.
- d) Submit amended plans to the Certifier showing the overall roof height of the BBQ area lowered by a minimum of 400mm. and with a lightweight roof structure.
- e) Submit a dilapidation report, prepared by a suitably qualified and experienced expert, at the expense of the Applicant, detailing the dwelling houses at 26 and 26 A Bungary Road, Norah Head.

The report must document and provide photographs that clearly depict the existing condition of the existing dwellings and any existing damage.

The dilapidation report will be required to be submitted to the Certifier and a copy provided to Council prior the issue of any construction certificate.

The report will be used by the Certifier to establish any damage to the adjoining dwellings resulting from the development works. A copy of the report is to be provided to the owners of the adjoining dwellings prior to commencement of work. If the owners decline permission to access their property, then the Certifier and Council is to be notified of the adjoining owner's position in writing and Council may waive the requirement for the report at its discretion.

- f) Submit an updated Geotechnical Report, with reference to the current works proposed, to the Certifier and a copy provided to the Council.

The recommendations of the updated Report are to be implemented in the construction certificate drawings and specifications and during construction, including the provision of engineers details from a suitably qualified and experienced Civil or Structural Engineer regarding the design the footings/slab, including the depth of the footings of the rear additions in accordance with the soil profile and foundations.

Additional consent conditions are to be included under "Prior to Issue of Any Occupation Certificate", as follows

- g) Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to all adjoining properties.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre- construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

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

Reasons for Decision - refusal of the proposed studio

- 1 The studio is likely to have an adverse visual impact on views from adjoining properties, particularly from 57 Bungary Road. This is evident from the information provided. The proposal does not comply, with the Objectives and Requirements of cause 2.1.4.1 Views in Central Coast DCP 2022.

Further, the application is inadequate in terms of the lack of a view analysis based on survey data and certified photomontages; there was no survey plan submitted; and the Statement of Environmental Effects does not provide an adequate analysis of views.

- 2 The proposed studio will set an undesirable precedent for ancillary development above garages in this section of Bungary Road.
- 3 The proposed studio will have an undesirable impact on the streetscape and on the character of the street. The position of the existing garage across on the full frontage of the site is an existing anomaly, and poor streetscape outcome, the impact of which will be exacerbated by the additional storey and associated works for the studio.
- 4 The studio will result in a non-compliance with the front boundary setback of 28.5m as required under clause 2.1.3.1(a) of Central Coast DCP 2022. The location of the existing non-compliant single storey garage does not provide an acceptable justification to vary this control at the first floor level. The variation to the controls is not consistent with the objectives the clause.
- 5 The studio will result in a non-compliance with the height limit of 4.8m for outbuildings and detached ancillary development under clause 2.1.21. of Central Coast DCP 2022. The variation to the controls is not consistent with the objectives the clause.
- 6 The studio is contrary to the objectives of the R2 Low Density Residential General Zone, which are a matter for which regard is to be given under clause 2.3(2) of Central Coast LEP 2022 , in particular, in regard to maintaining and enhancing residential amenity and the character of the area.

Reasons for Decision – approval of alterations and additions to dwelling house

The Panel supports the alterations and additions component of the proposal generally for the reasons in the Assessment Report. However, the Panel is of the view that the rear extension is unnecessarily high and bulky and causes view impacts to the

adjoining property. The roof over the BBQ area is to be reduced. Additional conditions are proposed to address potential impacts on neighbours given the landform and an updated geotechnical report is required given that the submitted report is over 10 years old and does not relate to the subject development.

Votes The decision was unanimous

REPORTS

4.1 Request to amend Central Coast Local Environmental Plan to allow rezoning at 30 and 32 Caroline St and 2A Melbourne St, East Gosford

Site Inspected	Yes, virtually at Council briefing
Relevant Considerations	As per Council report and Attachment being Draft Report dated 6 May 2025 Environment and Planning Committee Meeting
Material Considered	<ul style="list-style-type: none">• Draft Planning Proposal• Council report on draft planning proposal
Council Recommendation	Panel support that planning proposal proceeds to gateway
Panel Decision	<p><i>The Panel advises Council to proceed with the Planning Proposal for Lot 1 DP 996521 – 32 Caroline Street, Lot 2 DP 518926 – 30 Caroline Street and Lot 1 DP 518926 – 2A Melbourne Street, East Gosford, to amend the Central Coast Local Environmental Plan (LEP) 2022 to:</i></p> <p><i>a) Rezone the sites to R1 General Residential;</i> <i>b) Apply a floor space ratio of 0:5:1;</i> <i>c) Include the land in 'Area 1' on the Floor Space Ratio Additional Controls Map.</i></p>
Reasons	<p>As documented in the Attachment 1 to the Council Report, the Planning Proposal is consistent with both the Central Coast Regional Plan (CCRP) 2041 and the Central Coast Local Housing Strategy to encourage the provision of housing in locations that support the 15-minute region and 30-minute connected communities.</p>

The Planning proposal has site specific and strategic merit.

The Panel recommends that the Council review the controls in the

DCP with regard to managing the interface with development in the adjoining lower density R2 zone.

Votes

The decision was unanimous