

Panel Members

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| Chairperson | Jason Perica |
| Panel Experts | Greg Flynn Stephen Leathley |
| Community Representative/s | Tony Tuxworth |

Central Coast Council Staff Attendance

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| Dr Alice Howe | Director Environment and Planning |
| Andrew Roach | Unit Manager Development Assessment |
| Neil Skeates | Senior Building Surveyor Development Assessment and Certification |
| Rachel Callachor | 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 have been received.

1.1 Disclosures of Interest

The Panel noted that declaration forms had been received and no conflicts had been identified.

2.1 Confirmation of Minutes of Previous Meeting

The minutes of the previous Local Planning Panel Meeting held on 26 May 2022 which were endorsed by the Chair of that meeting, were submitted for noting.

Public Forum

The following people addressed the Panel:

3.1 DA/63207/2021 - 1 Yumbool Close Forresters Beach - Demolition of Existing Dwelling House down to slab level and demolition of Swimming Pool, New Dwelling on existing slab, Secondary Dwelling, Front Fence, Swimming Pool & Associated Works including a Lift and Fire Place

- 1 Marguerite Grey – against recommendation

Answered questions of the Panel in relation to the proposal:

- 2 Tim Shelley – Director, Tim Shelley Planning
- 3 Kirsten Lisbet Taylor, Ab3d Building Design
- 4 Chris Hajje (owner of the site)

The Local Planning Panel public meeting closed at 2:44pm. The Panel moved into deliberation from 2.53pm, which concluded at 3.24pm.

3.1 DA/63207/2021 - 1 Yumbool Close Forresters Beach - Demolition of Existing Dwelling House down to slab level and demolition of Swimming Pool, New Dwelling on existing slab, Secondary Dwelling, Front Fence, Swimming Pool & Associated Works including a Lift and Fire Place

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| Site Inspected | Yes – site orientation via video conference, and individual site visits by some members of the Panel to compliment this. |
| Relevant Considerations | As per Council assessment report |
| Material Considered | <ul style="list-style-type: none">• Documentation with application• Council assessment report, including updated assessment of submissions and information provided upon request of the Panel in relation to plans and calculations• 15 Submissions |
| Council Recommendation | Approval |
| Panel Decision | 1 The Local Planning Panel refuse Development Application DA/63207/2021 - 1 Yumbool Close Forresters Beach - Demolition of Existing Dwelling House down to slab level and demolition of Swimming Pool, New Dwelling on existing slab, Secondary Dwelling, Front Fence, Swimming |

Pool & Associated Works including a Lift and Fire Place subject to the reasons outlined below and having regard to the matters for consideration under 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

- 1 The applicant's written request in accordance with Clause 4.6(3) of Gosford Local Environmental Plan 2014 ("the LEP") has not adequately demonstrated that a non-compliance with the provisions of Cl.4.3 (Height of Buildings development standard) is unnecessary or unreasonable in the circumstances of this case, nor that there are sufficient environmental planning grounds to justify the proposed contravention.
- 2 The Panel is not satisfied, having regard to Cl. 4.6(4) of the LEP, that granting consent would be in the public interest as the proposal is inconsistent with the objectives of the Building Height development standard and inconsistent with the objectives of the R2 Low Density zone.
- 3 The Panel specifically disagrees with observations, arguments or conclusions in the applicant's written request in accordance with Clause 4.6 of the LEP, specifically:
 - a. The proposition that the height limit has been abandoned for the area. There is no evidence before the Panel to support this conclusion. Some examples in the wider appear to be older dwellings and approvals of variations for sites need to be assessed on their own merits.
 - b. The proposition that the proposal is a "better planning outcome" than a building complying with the height standard, as such a compliant proposal would necessarily have a larger footprint. To the contrary, there are areas of excessive parking, undercrofts (over two levels) and inefficient planning/design (including for access) that could readily be utilised for the quantum of habitable floorspace currently contained in the upper (non-complying) level, within the same or similar overall footprint as proposed.

- c. The depiction of a 10% variation to the Building Height development standard, as it has no relevance and serves to visually confuse or underestimate the contravention sought.
 - d. The proposition that the proposal is consistent with the objectives of the zone and Building Height Development standard. The Panel is of a contrary opinion.
 - e. The proposition that the proposed height exceedance leads to a high quality urban form. The Panel is of a contrary opinion.
- 4 The proposal is inconsistent with the following objectives of the Building Height development standard:
- (b) to permit building heights that encourage high quality urban form,*
 - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity,*
 - (e) to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area.*
- 5 The proposal is inconsistent with the following objectives of the R2 Low Density Residential zone:
- To ensure that development is compatible with the desired future character of the zone.
 - To encourage best practice in the design of low-density residential development.
- 6 Both the surrounding predominant form in the area (particularly on the low side of the street) and the desired future character of the area favours a 1-2 storey presentation to the street and a potential additional level to the rear resulting due to land slope. The proposal is antipathetic to this form on a visually prominent site atop a ridge, while the proposal (changed or new) could readily achieve height and form compliance and desirable congruity.
- 7 The proposed non-compliance with the Gosford LEP 2014

would constitute an undesirable precedent for future development and threaten the achievement of the strategic planning objectives for the desired future character of the area.

- 8 The development results in unnecessary and reasonable adverse impacts to the streetscape and amenity of the area as a result of non-compliance with the height standard of the LEP, while the excessive parking and the treatment of the ground floor presentation is also contrary to a typical dwelling form in the low density zone and context.
- 9 The proposal has not included areas of Gross Floor Area within the Secondary Dwelling which should be included. The ground floor laundry and storage area (and the internal stair to the level above) should be included in the Secondary Dwelling floor area calculations and this will result in the proposal contravening the non-discretionary standard within Clause 5.4 of the LEP.
- 10 Other areas which should be included in Gross Floor Area calculations appear to have been excluded, making the compliance with the Floor Space Ratio Development standard uncertain, based on the information before the Panel.
- 11 The provisions of an imminent Draft Central Coast Local Environmental Plan 2018 (Draft CCLEP 2018) retains the zoning (with some altered objectives which also do not support the proposal) and the current height standard, and this will continue to help inform the future and desired future character of the area.
- 12 The proposal is inconsistent with various objectives within Part 3.1.1.1, 3.1.2.1, 3.1.2.2, 3.1.3, 3.1.5, 3.1.6 and 3.1.8 of Gosford Development Control Plan 2013.

Votes

The decision was unanimous