

---

**Panel Members**

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Linda McClure
Community Representative/s	Glenn Watts

**Central Coast Council Staff Attendance**

Salli Pendergast	Section Manager Development Assessment North
Amanda Hill	Development Planner Development Assessment North
Rachel Callachor	Local Planning Panel Support Coordinator

The Chair, Donna Rygate, 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.***

**1.1 Disclosures of Interest**

---

***The Panel noted that disclosure forms had been submitted and no conflicts of interest had been identified.***

**2.1 Confirmation of Minutes of Previous Meeting**

---

***The Minutes of the following Meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, were submitted for noting:***

- ***Local Planning Panel Meeting held on 20 August 2020.***

***Moved:*** Donna Rygate

***Seconded:*** Greg Flynn

## Public Forum

---

**No members of the public or representatives of the applicants registered to address the Panel.**

The Chair noted that the Panel would consider the Development Applications and Planning Proposal detailed in the Agenda, with only the first item meeting the State Government's new Public Meeting trigger for Local Planning Panels of '10-or-more' objections.

The Chair also noted that the Panel had received Supplementary Reports and information from Council Officers in relation to Items 3.1 and 3.3.

The Panel were invited to ask any questions of Council officers in relation to the application for agenda item 3.1 that they would like to ask in the public meeting. There were no questions asked.

The Local Planning Panel public meeting closed at 2:06pm. The Panel moved into deliberation from 2:08pm, which concluded at 2:55pm.

### **3.1 Section 8.2 Review Development Application No. DA/993/2019 - Proposed Boarding House - 17 Burns Road, Ourimbah**

---

<b>Site Inspected</b>	Yes
<b>Relevant Considerations</b>	As per Council assessment report
<b>Material Considered</b>	<ul style="list-style-type: none"><li>• Documentation with application</li><li>• Council assessment report and supplementary report</li><li>• Submissions</li></ul>
<b>Council Recommendation</b>	Refusal
<b>Panel Decision</b>	<ol style="list-style-type: none"><li><b>1 That the Local Planning Panel refuse the application subject to the reasons for refusal detailed below and having regard to the matters for consideration detailed in Section 8.2 of the Environmental Planning and Assessment Act.</b></li><li><b>2 That Council advise those who made written submissions of the Panel's decision.</b></li><li><b>3 That Council advise the relevant State Government authorities of the Panel's decision.</b></li></ol>
<b>Reasons</b>	<ol style="list-style-type: none"><li>1. Pursuant to Clause 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i>, the proposal does not satisfy the provisions of Clause 30AA of <i>State Environmental Planning</i></li></ol>

*Policy (Affordable Rental Housing) 2009.*

2. The proposal includes structures located within a right of carriageway and is not consistent with the objects of the *Environmental Planning and Assessment Act 1979* in that it does not promote the orderly and economic use and development of the land. The proposed structures over the land would impede the rights of carriageway that exist over the land.
3. The proposal does not satisfy the provisions of Clause 7.9 of *Wyong Local Environmental Plan 2013*. The proposal is inadequate in the provision of essential services including vehicle access and storm water.
  - a. The proposal has not provided passing opportunities at least every 30 metres as per clause 3.2.2 of AS2890.1. The proposed single lane width is not supported.
  - b. A turning path assessment for the largest design vehicle likely to access the site including any delivery and service vehicles has not been undertaken.
  - c. The proposal does not provide a 5 metres wide right of access from the public road to each Ausgrid asset, as required by Ausgrid.
  - d. Owners consent has not been provided by adjoining land owners at 11, 11A and 13-15 Burns Road that may be impacted by earthworks such as battering and/or retaining walls for the internal roadway formation.
  - e. Details and modelling of the 1% AEP event have not been provided to allow an assessment of any adverse impacts on adjoining land owners from filling and diverting a natural overland flow path. Details of stormwater connection and management of adjoining properties to the west have not been provided.
  - f. On-site stormwater detention has not been adequately detailed and is required as there are downstream overland flooding issues.
4. Inadequate information to determine the likely impacts of the development as required by Clause 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
  - a. The site is in proximity (directly opposite) a listed heritage site (I48) at 2 Burns Road. The applicant has not

addressed the objectives of Clause 5.10 of *Wyong Local Environmental Plan*.

b. The Social Impact Assessment (SIA) did not include community consultation and does not provide for any mitigation against the perceived impacts of the community.

c. The Operational Plan of Management for the ongoing use of the boarding house is inadequate and does not provide confidence that the development will be well managed.

d. Building 1 is subject to the energy efficiency provisions of Section J of the BCA. The BASIX report submitted by the applicant has not identified the alternative assessment process required for Building 1.

e. A turning path assessment for the largest design vehicle likely to access the site has not been undertaken, to demonstrate the functionality of the driveway design.

5. The proposal results in amenity impacts to neighbouring properties, the streetscape and the immediately surrounding area and impacts to intended residents of the boarding house.
- a. Inadequate regard for the existing prevailing development pattern and privacy impacts of immediately adjoining properties.
  - b. Inadequate setback of the proposed driveway to boundaries with neighbouring properties and insufficient building and structural elements to reduce privacy impacts with neighbouring properties.
  - c. The proposed development does not provide a safe pedestrian route between neighbouring dwellings and Burns Road.
  - d. The proposed aesthetic of the development does not adequately reflect the residential character of the intended use or the residential character of the area.
  - e. There is insufficient information to adequately assess solar access is achieved to the communal room in building 1.
6. Adjoining property owners were notified of the proposed development in accordance with Council's

policy. The Panel considered the concerns raised by the community in the submissions have been adequately addressed in the assessment report..

**Votes** The decision was unanimous

**3.2 DA 57912/2020 - 14 Balgara Rise NARARA  
Narara Eco Village - 18 Lot Strata Subdivision and easement for car parking**

---

**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report

**Council Recommendation** Approval subject to conditions

**Panel Decision**

- 1 The Panel is satisfied that the clause 4.6 written request from the applicant to vary the minimum lot size standard in Clause 4.1 of Gosford Local Environmental Plan 2014 adequately addresses the matters required to be addressed and demonstrated under clauses 4.6(3) and 4.6(4) of the LEP. The Panel is satisfied that the written request demonstrates that there are sufficient environmental planning grounds to justify the non-compliance with the development standard and that compliance with the development standards is unreasonable and unnecessary in the circumstances of the case, as the proposed development will be consistent with the objectives of the clause, the R2 – Low Density Residential zone and the Environmental Planning and Assessment Act 1979. Further, the variation is in the public interest as it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. The concurrence of the Secretary of the Department of Planning Industry & Environment may be assumed.***
- 2 That the Panel grant consent to Development Application No. DA57912/2020 for strata subdivision (18 lots) of an approved cluster housing development on Lot: 36 DP270882, 14 Balgara Rise and easement for two car parking spaces on Lot 49 DP270882, Narara, subject to the conditions detailed in the schedule attached to the report***

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

**Reasons**

- 1 The proposal is consistent with the previously approved development applications.
- 2 The proposal is consistent with the objectives of the Gosford Development Control Plan 2013 (GDGP2013).
- 3 The proposal is in the public interest and meets housing needs of the community and local area.

**Votes**

The decision was unanimous

---

**3.3 Planning Proposal - 239 Debenham Road North, Somersby**

---

**Advice only**

The Panel generally supports the recommendations and offers the following advice:

1. The Planning Proposal should prohibit sub division of the site and prohibit any development on the E2 land, other than environmental management.
2. Prior to exhibition (post Gateway), Council should investigate options for the management of stormwater - on-site and/or off-site.