

**DETERMINATION AND STATEMENT OF REASONS**  
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	16 August 2021
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Greg Flynn and Tony Tuxworth
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 5 August 2021.

**MATTER DETERMINED**

PPSHCC-61 – Central Coast – 59571/2020 at 89-91 Karalta Rd, Erina – residential flat buildings (as described in Schedule 1)

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel had the benefit of a final briefing from Council officers. The applicant and those who made a submission did not take the opportunity afforded to them to present to the Panel.

The site is well located for the development of a RFB and provision of affordable housing.

However, the Panel considers that the proposed development has not appropriately considered the site context and constraints, nor responded to the landscape character of the area sufficiently.

The bulk, scale and siting of the proposal is not supported. There is no justification to vary ADG requirements on what is essentially a greenfield site. The traffic impacts arising from this development have not been adequately addressed. The application lacks detailed information on a range of matters to allow for a proper assessment.

The Panel is of the opinion the clause 4.6 requests have not demonstrated that compliance with the height and FSR standards is unreasonable or unnecessary, or that there are sufficient environmental planning grounds to justify the contraventions. The Panel notes that maximising yield is not an environmental planning ground to support a breach of a development standard. The development as proposed is not in the public interest.

**Development application**

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determined to refuse the application for the reasons outlined in the council assessment report.






**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Traffic, road safety and parking concerns

- Removal of vegetation
- Character and context

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Juliet Grant	 Greg Flynn
 Tony Tuxworth	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-61 – Central Coast – 59571/2020
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of four residential flat buildings, containing 131 units including 10 affordable housing units, basement parking and landscaping works
3	STREET ADDRESS	89-91 Karalta Rd, Erina Lot 1 and Lot 2, DP 259824
4	APPLICANT OWNER	Cain King CKDS Architecture Pty Ltd DJ & DE McNeish
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Roads Act 1993 (Roads Act)</li> <li>Environment Protection and Biodiversity Conservation Act 1999</li> <li>Biodiversity Conservation Act 2016</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No 55 - Remediation of Land</li> <li>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development</li> <li>Apartment Design Guide</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>Gosford Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li>Draft Central Coast Local Environmental Plan 2018</li> <li>Draft Housing State Environmental Planning Policy</li> <li>Draft Design and Place State Environmental Planning Policy</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Gosford Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 5 August 2021</li> <li>Cause 4.6 variation request to vary cl. 4.4 - Floor Space Ratio</li> <li>Cause 4.6 variation request to vary cl. 4.3 - Height of Buildings</li> <li>Cause 4.6 variation request to vary cl. 7.7 – Affordable Housing at 85-93 Karalta Rd, Erina</li> <li>Written submissions during public exhibition: two (2)</li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 11 February 2021               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Greg Flynn and Tony Tuxworth</li> <li>○ <u>Council assessment staff</u>: Erin Murphy and Emily Goodworth</li> <li>○ <u>Department representatives</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>• Site inspection:               <ul style="list-style-type: none"> <li>○ <u>Alison McCabe (Chair)</u>: 13 June 2021</li> <li>○ <u>Sandra Hutton</u>: 8 February 2021</li> <li>○ <u>Juliet Grant</u>: 11 February 2021</li> <li>○ <u>Greg Flynn</u>: 11 August 2021</li> <li>○ <u>Tony Tuxworth</u>: 11 August 2021</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 12 August 2021               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Greg Flynn and Tony Tuxworth</li> <li>○ <u>Council assessment staff</u>: Erin Murphy and Emily Goodworth</li> <li>○ <u>Department representatives</u>: Leanne Harris and Lisa Foley</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided