



## Local Planning Panel

### Minutes of the **LOCAL PLANNING PANEL MEETING**

Held remotely - online  
on 22 April 2021

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#### **Panel Members**

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Linda McClure
Community Representative/s	Stephen Glen

#### **Central Coast Council Staff Attendance**

Rachel Callachor	Administration Officer Business Support
Belinda Jennett	Administration Officer Business Support
Kathryn Williams	Administration Officer Business Support

The Chairperson, Donna Rygate, declared the meeting open at 2:07pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair, Donna Rygate read an acknowledgement of country statement.

#### **Apologies**

***The Panel noted that no apologies had been received.***

#### **1.1 Disclosures of Interest**

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**The Panel noted that no disclosures have been identified and forms had been submitted by members.**

#### **2.1 Confirmation of Minutes of Previous Meeting**

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***That the minutes of the previous Local Planning Panel Meeting held on 8 April 2021 were submitted for noting.***

***Moved: Donna Rygate***

***Seconded: Grant Christmas***

Given the withdrawal of applications scheduled for the public meeting and no speakers being registered, the Local Planning Panel public meeting closed at 2:11pm.

The Panel moved into deliberation from 2:14pm, which concluded at 2:35pm.

## **PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING**

### **4.1 Section 8.2 Review of Determination - DA/162/2020 - Mixed use development - 135-136 Tuggerah Pde, Long Jetty**

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<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</li><li>• Supplementary Memo, 22 April 2021</li></ul>
<b>Council Recommendation</b>	Refusal
<b>Panel Decision</b>	<b>1 The Local Planning Panel reviewed the previous decision to refuse Development Application DA/162/2020 for a proposed mixed use building at 135-136 Tuggerah Parade, Long Jetty, as per the Section 8.2 (c )(2) application for review of determination, and reaffirmed the Refusal subject to the reasons for refusal detailed in the schedule attached to the report, and having regard to the matters for consideration detailed in Sections 8.2 and 4.15 of the Environmental Planning and Assessment Act 1979.</b>
<b>Reasons</b>	<ol style="list-style-type: none"><li>1 The proposal does not comply with the maximum 16 metres Height of Building provisions of Clause 4.3 of the Wyong Local Environmental Plan 2013.<ol style="list-style-type: none"><li>a. the height of the building of 17.39 metres to the lift overrun contributes to an unsympathetic development form that is not appropriate in the context of directly adjoining and nearby development sites and contrary to the objectives of the standard resulting in unacceptable scale, bulk, form and amenity concerns to neighbouring properties. The proposal does not achieve the objectives of the height of building development standard of Clause 4.3 because the proposal is not compatible with the bulk, height and scale of existing and future character and the development</li></ol></li></ol>

results in poor visual bulk and privacy impacts to neighbouring properties.

- b. The written request that has been submitted with the development application under the provisions of Clause 4.6 of the Wyong Local Environmental Plan 2013 does not adequately demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to justify contravening the standard.
  - c. The variation to the Height of Buildings development standard of Clause 4.3 is not in the public interest because it is not consistent with the objectives of the development standard and the objectives for the zone.
- 2 The proposal does not comply with the maximum 1.5:1 Floor Space Ratio provision of Clause 4.4 of the Wyong Local Environmental Plan 2013.
- a. The floor space ratio of the proposal is 1.75:1. The proposal does not achieve the objectives of the floor space ratio development standard of Clause 4.4 because the proposal does not achieve a compatible bulk that is appropriate for the site and it does not sufficiently integrate with the streetscape and character of the area. The proposed mass and scale of the building form is inappropriate for the corner location, does not adequately respond to the RE1 and R2 zone interface, and results in poor amenity outcomes.
  - b. The written request that has been submitted with the development application under the provisions of Clause 4.6 of the Wyong Local Environmental Plan 2013 does not adequately demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to justify contravening the standard.
  - c. The variation to the Floor Space Ratio development standard of Clause 4.4 is not in the public interest because it is not consistent with the objectives of

the development standard and the objectives for the zone.

- 3 The development does not achieve the zone objectives of the B2 Local Centre zoning of Wyong Local Environmental Plan 2013.

The proposed commercial premises and 'commercial multi-functional tenancy' (or 'function centre') do not achieve the zone objective of providing active retail, business and other non-residential uses at street level.

The proposal does not demonstrate that it achieves the zone objective of minimising conflict between land uses within the zone and land uses within adjoining zones. Insufficient information has been provided regarding the number and location of serviced apartments and how they will be managed. Commercial premises and a function centre are proposed at both the ground floor and within the rooftop cabana and open space. No detail is provided in relation to the hours of operation, number of patrons, potential noise sources or how any potential amenity conflicts with the residential apartments on the subject site or neighbouring sites can be managed.

- 4 The proposal has not addressed Clause 7.1 of the Wyong Local Environmental Plan 2013, which requires the submission of an Acid Sulfate Soil Management Plan.
- 5 The proposal does not adequately address the provisions of State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development). Adequate regard to the design quality principles and the objectives of the design criteria specified by the apartment design guide has not been given as required by Clause 30(2), including design quality, context, neighbourhood character, built form and character, density, amenity and safety.
- 6 The proposal does not satisfactorily achieve the objectives and design criteria of the Apartment Design Guide, including
  - a. Inadequate building separation and privacy impacts to neighbouring properties and within the development, and compromised safety and security as a result of the narrow diagonal alley with limited sight lines.
  - b. insufficient deep soil landscaping, façade treatment,

unit layout and space planning.

- 7 Car parking is inadequate for the intended uses and does not comply with Chapter 2.11 Parking and Access of the Wyong Development Control Plan 2013.
- 8 The proposal does not adequately address the provisions of State Environmental Planning Policy (Coastal Management) 2018 relating to visual amenity for a highly visible coastal location, and the bulk and scale of the development.
- 9 Insufficient information:
  - a. Application has not demonstrated how it meets the requirements of Chapter 3.1 of Wyong Development Control Plan 2013 and the former Wyong Shire Council Waste Control Guidelines.
  - b. A Loading Dock Management Strategy as referred to in the Traffic Impact Assessment report by Seca Solutions has not been provided.
  - c. No acoustic report or plan of management has been submitted to address the amenity conflicts arising from tourist and visitor accommodation and permanent residential apartments, nor the intended use or operation of the proposed "function space".
  - d. Application has not demonstrated that two vehicles can pass each other on the curved sections of the ramp driveway.
  - e. No information has been provided in relation to a Social Impact Assessment (SIA) that addresses any current tenant accommodation and the possible loss of affordable housing and available alternative housing for tenants.

**Votes**

The decision was unanimous

#### 4.2 Alterations and additions to Central Coast Conservatorium of Music

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<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</li><li>• Supplementary Memo, 14 April 2021</li></ul>
<b>Council Recommendation</b>	Approval
<b>Panel Decision</b>	<p><b>1 That the Local Planning Panel grant consent to DA60219/2020 for alterations and additions to the Conservatorium of Music on 45 Mann Street, Gosford subject to the conditions detailed in the schedule attached to the report, excluding condition 2.8 (as the development involves the adaptive reuse of a heritage item, no contribution is applicable), and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.</b></p> <p><b>2 That Council advise relevant external authorities of the Panel's decision.</b></p>
<b>Reasons</b>	<p>1 The proposal is satisfactory having regard to relevant environmental planning instruments, plans and policies.</p> <p>2 The proposal has been considered against the provisions of <i>State Environmental Planning Policy (Gosford City Centre) 2018</i> and <i>Gosford City Centre Development Control Plan 2018</i> and has been found to be satisfactory.</p> <p>3 There are no significant issues or impacts identified with the proposal under s.4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>4 The proposal provides for the upgrading and continued use of a heritage item for educational, social and cultural purposes while retaining the heritage value of the building.</p>
<b>Votes</b>	The decision was unanimous

**4.3 Request to Prepare a Planning Proposal for land at 39 Dell Road, West Gosford**

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The Panel considered the report on the matter. The Panel supports the rationale of the proposal, the conclusion of the Officer's Report, and the recommendation.

The request to rezone part of the subject land to IN1 General Industrial and the remainder of the land to E2 Environmental Conservation for dedication to Council for inclusion in the COSS reserves has strategic merit, subject to confirmation by updating of existing studies (post-Gateway Determination). It is recommended that a Planning Proposal be prepared and forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.