



Local Planning Panel

Minutes of the **LOCAL PLANNING PANEL MEETING**

Held remotely - online
on 10 December 2020

Panel Members

Chairperson	Donna Rygate
Panel Experts	Garry Fielding Linda McClure
Community Representative/s	Tony Tuxworth

Central Coast Council Staff Attendance

Alisa Prendergast	Section Manager Development Assessment South
Salli Pendergast	Section Manager Development Assessment North
Emily Goodworth	Section Manager Major Projects
Robert Eyre	Principal Planner Development Assessment South
Janice Wheeler	Senior Development Planner Section Manager Major Projects
Tracy Sharp	Senior Development Planner Development Assessment North
Chris Ross	Senior Development Planner Development Assessment South
Karen Hanratty	Senior Development Planner Development Assessment South
Guy Smith	Ecologist Environmental Strategies
Rachel Callachor	Local Planning Panel Support Coordinator
Maggie Rowland	Meeting Support Officer

The Chair declared the meeting open at 2.03pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of country statement.

The Chair advised that per the State Government's guidelines for Planning Panels, a briefing had been held with at the request of the applicant and representatives for agenda item 3.2 in relation to matters that are commercial in confidence or otherwise confidential or of a highly technical nature. The applicant's representatives were advised in that briefing to limit their comments only to those matters because to the fullest extent possible the Panel wants to have matters discussed in the public forum this afternoon.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that disclosure forms had been submitted by members and no conflicts of interest had been identified. Tony Tuxworth provided a verbal declaration in relation to no conflicts, as his emailed form had not been received by the Chair before the meeting commenced.

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 26 November 2020.**

Moved: Donna Rygate

Seconded: Linda McClure

Public Forum

Item 3.1

Nick Karahalios – on behalf of applicant

Item 3.2

Noel Denchfield – for recommendation

Doug Waud - President Kariong Progress Association – for recommendation

Lara Davies – for recommendation

Lin Armstrong, Stevens Group - addressed the Panel and provided responses to enquiries from the Panel.

Ben Calvert – Extent Heritage and Tim Rogers – Traffic Consultant, CBRK provided responses to enquiries from the Panel.

The following representatives of the applicant were also in attendance to answer questions from the Panel if required: Michael Delbridge – ADW Johnson – Surveyor, David Turner – ADW Johnson – Surveyor, Ben Myles – ADW Johnson – Engineer and Craig Anderson – AEP Ecological – Ecology

Item 3.3

Tim Shelley - Tim Shelley Planning addressed the Panel and provided responses to enquiries from the Panel.

Hy Chheng, Architect addressed the Panel and provided responses to enquiries from the Panel.

Charlie Zeaiter, owner was registered to attend and be available to answer questions from the Panel if required.

Item 3.4

Farah Georges - Design Cubicle addressed the Panel and provided responses to enquiries from the Panel. Pratip Patil, also from Design Cubicle was in attendance to answer questions from the Panel if required.

Item 3.5

Adam Crompton – ADW Johnson - addressed the Panel and provided responses to enquiries from the Panel.

The Local Planning Panel public meeting closed at 3:29pm. The Panel moved into deliberation from 3:38pm, which concluded at 4:30pm.

3.1 DA/1505/2018 - 741 Pacific Highway, Kanwal - Boarding house containing 27 boarding rooms and manager's residence

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Supplementary memo, 9 December 2020
- Comments from speaker

Council Recommendation Approval

Panel Decision **1** ***That the Local Planning Panel grant consent to DA/1505/2018 - 741 Pacific Highway, Kanwal - demolition of existing structures and construction of a boarding house containing 27 rooms and a manager's residence 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, subject to the amendment of the conditions as follows:***

5.18 The Plan of Management contained within Appendix C of the Social Impact Assessment prepared by Judith Stubbs and Associates dated April 2019 shall be amended to include the following:

a) The hours during which the onsite Manager will be working and suitable arrangements for outside these hours to ensure safety for residents and amenity for neighbours.

- b) *The qualifications/experience required by the onsite Manager, to ensure that adequate management is provided.*
- c) *How emergency services will be able to access each room in case of emergency.*
- d) *The recommended actions specified in the Acoustic Report prepared by PKA Acoustic Consulting dated 16 April 2019, Project ref: 11416 R01v3.*
- e) *The recommendations of NSW Police as specified in Condition 5.17.*
- f) *The requirements of and be consistent with the operational conditions specified in Conditions of Consent 6.1, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9 and 6.10.*

Following amendment of the Plan of Management, a copy is to be provided to the NSW Police local area command, including 24 hour contact details for the on site boarding house manager.

- 6.2. *Undertake the operation and management of the boarding house in accordance with the Plan of Management contained within Appendix C of the Social Impact Assessment prepared by Judith Stubbs and Associates dated April 2019 as amended by Condition 5.18.*
- 6.4 *The boarding house shall be managed by the on-site manager, as outlined within the Plan of Management submitted with the application as amended by Condition 5.18. The boarding house manager shall be available at all times to ensure that the boarding house does not operate in a manner that disturbs residential amenity.*
- 6.8 *The Plan of Management submitted with the application as amended by Condition 5.18 shall be implemented and tenancy agreements shall be utilised. These mechanisms clearly identify to residents that anti-social behaviour will not be tolerated and may result in eviction from the boarding house.*
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

- Reasons**
- 1 This application has been assessed having regard to the matters for consideration under the Section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments, plans and policies.
 - 2 The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development in its current form.
 - 3 The proposal is consistent with the objectives of the R2 Low Density zoning of the site. The development provides for the housing needs of the community within a low density residential environment and maintains the residential amenity of the surrounding area. The development is a permissible use within the R2 Low Density zone of the Wyong Local Environmental Plan 2013.
 - 4 The proposal is satisfactory having regard to State Environmental Planning Policy (Infrastructure) in relation to development with frontage to a classified road.
 - 5 The development application provides sufficient information and detail to adequately assess the impacts of the proposed development.
 - 6 The provision of purpose-built affordable housing is in the public interest.

Votes The decision was unanimous

3.2 DA 58290/2020 - 5 The Avenue, Kariong - 6 Lot Subdivision and Fast Food Restaurants

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Comments from speakers

**Council
Recommendation**

Refusal

Panel Decision

- 1 That the Local Planning Panel refuse the application for DA 58290/2020 6 Lot Subdivision and Fast Food Restaurants on Lot 101 DP1256044 No 5 The Avenue, Kariong for the reasons detailed in the assessment report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.**
- 2 That the Panel recommends that Council make representations to the Hunter Central Coast Development Corporation, Transport for NSW, Heritage NSW and other stakeholders encouraging them to prepare a comprehensive strategy that addresses all environmental and planning issues relating to future use of the precinct.**
- 3 That Council advise those who made written submissions of the Panel's decision.**
- 4 That Council advise relevant external authorities of the Panel's decision.**

Reasons

- 1 The refusal of concurrence to the proposed access driveway by Transport for NSW (TfNSW).
- 2 The refusal by the Heritage Council of NSW to grant General Terms of Agreement (GTA) due to the impact on environmental heritage.
- 3 The proposal is not satisfactory having regard of the relevant environmental planning instruments, plans and policies.
- 4 The proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 and Gosford Development Control Plan 2013 and has been found to be not satisfactory.
- 5 There are significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.

Votes

The decision was unanimous

3.3 DA58026/2020 - 259 Burge Road and 200 Blackwall Road, Woy Woy - Multi Dwelling Housing

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Comments from speakers

Council Recommendation Refusal

Panel Decision

- 1** *That the Local Planning Panel refuse the application DA58026/2020 - Multi Dwelling Housing - 259 Burge Road and 200 Blackwall Road, Woy Woy for the reasons for refusal outlined in the assessment report having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.*
- 2** *That Council advise those who made written submissions of the Panel's decision.*
- 3** *That Council advise relevant external authorities of the Panel's decision.*

Reasons

- 1 The development fails to adequately justify departures from clause 4.4 of Gosford Local Environmental Plan 2014 (GLEP) in relation to Floor Space Ratio.
- 2 The development fails to meet, or adequately justify departures from clause 101 of State Environmental Planning Policy (Infrastructure) 2007.
- 3 The development fails to meet, or adequately justify departures from, Gosford Development Control Plan 2013 (GDGP).
- 4 The submitted documentation does not provide adequate information to enable a proper assessment of the proposal.

5 The proposal is not in the public interest.

Votes The decision was unanimous

3.4 DA57766/2019 - 24-28 Campbell Crescent and 26 Campbell Crescent, Terrigal - Demolition of Existing Structures and Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Comments from speaker

Council Recommendation Approval

Panel Decision **1** *Pursuant to the provisions of clause 4.6 of Gosford Local Environmental Plan 2014 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP.*

The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within Zone R1 General Residential in which the development is proposed to be carried out.

2 *That the Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non-compliance with the development standard under Clause 4.6 of the Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning*

and Assessment Regulation 2000.

- 3 That the Local Planning Panel grant consent DA57766/2019 - 24-28 Campbell Crescent and 26 Campbell Crescent, Terrigal for Demolition of Existing Structures and Construction of 4-storey Residential Flat Building containing 13 Units & 2 Levels of Basement Car Parking subject to the conditions detailed in attachment 1 to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 4 That Council advise those who made written submissions of the Panel's decision.**

Reasons

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 There are no significant issues or impacts identified with the proposal under s.4.15 of the Environmental Planning and Assessment Act 1979.
- 3 The proposal is suitable for the site.
- 4 The proposal is in the public interest.

Votes

The decision was unanimous

3.5 DA/968/2020 - 15-23 Hely Street, Wyong - Use of existing converted shipping container as a cafe

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Comments from speaker

Council Recommendation Approval

Panel Decision **1 That the Local Planning Panel grant consent to DA/968/2020 Use of existing converted shipping container as a cafe - 15-23 Hely Street, Wyong 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 satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the objectives of B3 Commercial Core zone and has been found to be satisfactory.
- 3 There are no significant issues or impacts or impacts identified with the proposal under section 4.15 of the Environmental Planning and Assessment Act 1979.
- 4 The proposed variation to the car parking requirement under the WDCP 2013, Chapter 2.11 Parking and Access is considered reasonable and acceptable in the circumstances.
- 5 The proposal is suitable for the site.
- 6 The proposal is in the public interest.

Votes

The decision was unanimous

3.6 Request to Prepare a Planning Proposal - Sandra Street, Jilliby

1. The Panel agrees with the conclusion of the report and that the Planning Proposal has strategic merit.
2. The Panel recommends that prior to exhibition, an updated ecology report be prepared on the subject land, including an analysis of the likely impact of bush fire protection measures and access, together with utility service provision to potential dwelling sites.

4.1 Operation of the Central Coast Local Planning Panel in 2021

Council Recommendation

- 1 That the Panel receive and note the report in relation to upcoming meeting dates and potential for delegation of matters to Council staff.

- 2 That the Central Coast Local Planning Panel agree, in accordance with Section 2.20(8) of the Environmental Planning & Assessment Act 1979, to delegating to Council staff the determination of matters as set out in Table 1 of this report.
- 3 That the Central Coast Local Planning Panel adopt the proposed schedule of meeting dates for 2021 as set out in Table 2 of this report.
- 4 That the Panel note that the schedule of meetings can be amended as required throughout the year (ie additional meetings added or meetings vacated as workload demands).

Panel decision:

- 1 That the Panel receive and note the report in relation to upcoming meeting dates and potential for delegation of matters to Council staff, notwithstanding that the Panel rejects the value for money implications in the paper, and questions the full meeting cost estimate provided in the paper and its suggestion of significantly increased costs were face to face meetings held.**
- 2 That the Central Coast Local Planning Panel agree, in accordance with Section 2.20(8) of the Environmental Planning & Assessment Act 1979, to delegating to Council staff the determination of matters as set out in Table 1 of this report, subject to reference to 'events' being changed to 'one-off events', and Council obtaining the written concurrence of the Department of Planning, Industry and Environment to the proposed increase from 10 to 15 of the unique written objections threshold.**
- 3 That the Central Coast Local Planning Panel adopt the proposed schedule of meeting dates for 2021 as set out in Table 2 of this report.**
- 4 That the Panel note that the schedule of meetings can be amended as required throughout the year (ie additional meetings added or meetings vacated as workload demands).**
- 5 That the Panel note Council's intention to pay 'business undertaken outside of meetings' rates for matters determined by circulation of papers only.**
- 6 That planning proposals be dealt with via video or teleconference to allow discussion, for which 'business undertaken outside of meetings' rates will be paid.**
- 7 That, in addition to consulting with the Panel Chair re selection of panel members for each meeting as soon as agenda items and specific panel member expertise preferences have been identified by planning staff, the Panel secretariat is to provide a report to the Panel Chair by 30 June and 30 December each year to ensure that, while Panel members are selected based on specific expertise where appropriate, the opportunity to participate in**

Panel meetings and activities is also shared around.

- 8 That the Pipeline/180 days report be provided to the Panel Chair each month, and that a video or teleconference be convened between the Chair, one expert, one community representative and relevant staff to allow its discussion, for which 'business undertaken outside of meetings' rates will be paid.**
- 9 The number of applications to be heard per meeting remains at 4, unless in special circumstances and with the Chair's approval.**