

Panel Members

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Grant Christmas
Community Representative/s	Glenn Watts

Central Coast Council Staff Attendance

Dr Alice Howe	Director Environment and Planning
Andrew Roach	Unit Manager Development Assessment
Ailsa Prendergast	Section Manager Residential Assessments
Robert Eyre	Principal Development Planner – Residential Assessments
Brian McCourt	Development Planner – Residential Assessments
Paul Davies	Senior Building Surveyor – Building Assessment and Certification
Shannon Turkington	Unit Manager – Strategic Planning
Brad Deane	Environmental Project Manager – Asset Delivery
Lachlan Muir	Development Planner – Residential Assessments
Lisa Martin	Civic Support Officer
Rachel Gibson	Team Leader – Civic Support

The Chairperson, Donna Rygate declared the meeting open at 2:02pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

Panel Members confirmed that there were no conflicts of interest identified.

2.1 Confirmation of Minutes of Previous Meeting

The minutes of the previous Local Planning Panel Meeting held on 10 August 2023, and which were endorsed by the Chair of that meeting, were noted.

Public Forum

The following people addressed the Panel:

Item 3.1 – DA/1107/2004/F - 30-36 Toowoon Bay Rd, 17A-21 Kitchener Rd & 11 Centennial Ave, Long Jetty - RFB comprising 7 Buildings up to 10 Storeys comprising 217 Units, Pool, Basement Carparking & Demolition of Existing Structures

1. Sean Piper – FOR
2. Darcy Smith (Applicant) – AGAINST

Item 3.2 – DA/2115/2022 - Lot 32 DP 7061 - 83 Booker Bay Road, Booker Bay - Demolition of existing dwelling and construction of two-storey dual occupancy and pool

1. Francis Wiffen – AGAINST
2. Roslyn Palmer (represented by Glen Rogers) – AGAINST
3. Louise Scobie (represented by Glen Rogers) – AGAINST
4. Glen Rogers – AGAINST
5. Callan Patrick and Tim Harwood (Applicant and Arborist) – FOR

Item 3.3 – DA/2144/2021 - 168 West Street, Umina Beach - Multi Dwelling Housing including Demolition of existing

1. Francis Wiffen – AGAINST
2. Ravi Sharma (Applicant's representative) – FOR

The Local Planning Panel public meeting closed at 3:02pm. The Panel moved into deliberation from 3:10pm, which concluded at 4:25pm.

PLANNING REPORTS

3.1 DA/1107/2004/F - 30-36 Toowoon Bay Rd, 17A-21 Kitchener Rd & 11 Centennial Ave, Long Jetty - RFB comprising 7 Buildings up to 10 Storeys comprising 217 Units, Pool, Basement Carparking & Demolition of Existing Structures

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Briefings

Council Recommendation Refusal

Panel Decision

- 1. That the Local Planning Panel refuse application DA/1107/2004/F – Nos. 30-36 Toowoon Bay Road, Nos. 17A-21 Kitchener Road and No. 11 Centennial Avenue, Long Jetty – Residential flat development comprising seven buildings up to 10 storeys with 217 residential units subject to the reasons for refusal 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.***
- 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.***
- 4. In accordance with Section 2.20(8) of the Environmental Planning and Assessment Act 1979, the Local Planning Panel delegate to appropriate Council officers the ability to give legal instruction to Council's external legal counsel at any upcoming proceedings relating to the appeal, including any conciliation conference in accordance with Section 34 of the Land and Environment Court Act 1979.***

Reasons

1. The application is not substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.

2. The amended architectural plans and accompanying documentation do not adequately detail the modifications suggested, meaning that insufficient detail is provided in relation to proposed changes to the building's footprint, elevations, sections, floor space ratio, pedestrian access, landscaping and overshadowing of neighbouring properties to enable a proper assessment of the impacts of the modified proposal.
3. The application fails to provide an adequate description of the expected impacts of the modified development.
4. The application fails to provide a statement by a qualified designer that verifies a qualified designer designed the modification, nor explain how the development addresses the design quality principles and objectives in the Apartment Design Guide.
5. The application and accompanying Statement of Environmental Effects do not provide adequate justification for the increase to building heights.
6. The amended building height and large new podium structure are not compatible with the zone objectives nor the desired future character of the locality.
7. Insufficient details are provided in relation to the amended stormwater design to enable a proper assessment of the conditions sought to be modified.
8. The proposed modifications to the development consent are not in the public interest.

Votes

The decision was unanimous

3.2 DA/2115/2022 - Lot 32 DP 7061 - 83 Booker Bay Road, Booker Bay - Demolition of existing dwelling and construction of two-storey dual occupancy and pool

Site Inspected Yes

Relevant Considerations As per Council assessment report

- Material Considered**
- Documentation with application
 - Council assessment report
 - Submissions
 - Supplementary Report and Memo
 - Briefings

Council Recommendation Approval

Panel Decision

1. That the Local Planning Panel grant consent to DA/2115/2022 – Lot 32 DP 7061, 83 Booker Bay Road, Booker Bay NSW 2257- Demolition of existing dwelling and construction of two-storey dual occupancy and pool - subject to the conditions detailed in the schedule attached to the report, as amended below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

Amended condition 6.9 Plant an advanced specimen replacement street tree on the road reserve, and another advanced specimen on the site. Advanced specimens are to be 4-5 meters in height. The specimen on the road reserve is to be evenly located and adequately staked/protected to prevent vandalism. The street tree replacement must a native tree species suitable for the limited available planting area. Use either Elaeocarpus or Corymbia as recommended in the Aboricultural Impact Assessment by Harwood 25/11/22.

Do not locate street tree within an authority's service easement. Where a street tree dies or is substantially damaged within 5 (five) years of planting, it must be replaced and maintained.

2. That Council advise those who made written submissions of the Panel's decision.

Reasons

1. The Panel is satisfied that the provisions of the following State Environmental Planning Policies have been considered and satisfied:
 - Chapter 4, section 4.6(4) of the State Environmental Planning Policy (Resilience and Hazards) 2021
 - The NSW State Environmental Planning Policy (Biodiversity and Conservation) 2021.
2. The Panel is satisfied that the provisions of clause 7.1 Acid Sulfate Soils and 7.6 Essential Services of Central Coast Local Environmental Plan 2022 have been considered and satisfied.
3. The proposal is permitted with development consent and complies with relevant development standard provisions under the Central Coast Local Environmental Plan 2022, including height and floor space ratio.
4. The proposal aligns with the development objectives of the R1 General Residential zone under the Central Coast Local Environmental Plan 2022.
5. The proposal complies with setback and building envelope requirements under the Central Coast Development Control Plan 2022.
6. The proposal provides additional housing within an existing residential setting.
7. Although the proposal includes the removal of a street tree, this removal involves the replacement of a naturalised flora species with placement planting of an endemic flora species. Internal consultation has raised the fact that the street tree to be removed would likely have damage to structural roots in the event of any future repair of the existing Booker Bay Rd box gutter or via excavation required for construction of a footpath along the frontage of the subject site. Conditions of consent have been recommended for maintenance of street tree planting, with replacement planting required in the event that the planted tree fails to establish.
8. Approval of the proposed development is in the public interest.

Votes

The decision was unanimous

3.3 DA/2144/2021 - 168 West Street, Umina Beach - Multi Dwelling Housing including Demolition of existing

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Supplementary Report and Memo
- Briefings

Council Recommendation Deferral

Panel Decision

- 1. That the Local Planning Panel defer determination of the application for DA/2144/2021– 168 West Street Umina Beach - demolition of the existing two storey dwelling, other structures and the construction of multi dwelling housing consisting of 4 townhouses to allow the applicant to submit a revised design that provides a minimum one metre landscape strip along the eastern boundary of the site, extending from the front property boundary to the rear elevation of townhouse 4.***
- 2. The matter is to come back to the Panel within four (4) weeks of the date of today's meeting.***

Reasons The Panel considers that providing suitable landscaping to side and rear boundaries is an important design consideration.

Votes The decision was unanimous

3.4 DA/62950/2021 - 23 MacDonald Street, Killcare Heights - Alterations and Additions

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Briefings

Council Recommendation Approval

Panel Decision

- 1. The Local Planning Panel is satisfied with the applicant's clause 4.6 written request demonstrating that compliance with the Height of Buildings development standard is unreasonable in the circumstances of this application because of the steep sloping nature of the block and the proposed alterations and additions are a substantial reduction in the current constructed height, and because is satisfied that there are sufficient environmental planning grounds to justify contravening that development standard.***

Further, the Local Planning Panel is satisfied the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

- 2. The Local Planning Panel assumes 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 development consent to DA62950/2021 – 23 MacDonald Steet, Killcare Heights to construct the alterations and additions subject to appropriate conditions as 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 and other***

relevant issues.

Reasons

1. The Panel is satisfied that the application complies with the provisions of Section 4.14 of the Environmental Planning and Assessment Act 1979.
2. The Panel is satisfied that the Proposal is compliant with Clause 4.6 of the Gosford Local Environmental Plan, 2014 as the assessment of the application has concluded that:
 - a. The applicant's written request in respect to the noncompliance with the development standard (height) adequately addresses the matters required to be addressed under clause 4.6(3) of the *Gosford Local Environmental Plan 2014*; and
 - b. The development is in the public interest because it is consistent with the objectives for development in the zone; and
 - c. The concurrence of the Secretary can be assumed.
3. Assessment of the application has concluded the proposed development is permitted with the current R2 – Low Density Residential zone under the provisions of the *Gosford Local Environmental Plan 2014* and meets the objectives for the zone.

Votes

The decision was unanimous

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

4.1 Request to Prepare a Planning Proposal - Reclassification of Council Land

The Local Planning Panel advises as follows:

- 1. The Panel supports the reclassification of land except those sites zoned SP2 – Infrastructure or RE1 – Public Recreation. Such sites should be deferred until the completion of an environmental assessment of their rezoning potential. Once completed, appropriate classification of the sites can be determined. If required any future planning proposal would include:**
 - **Rezoning of the land including supporting environment assessment studies, and**
 - **Reclassification of the land under the Local Government Act 1993.**