

Panel Members

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Linda McClure
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Dr Alice Howe	Director Environment and Planning
Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager Development Assessment North
Ailsa Prendergast	Section Manager Development Assessment South
Karen Hanratty	Principal Development Planner (South)
Brad Deane	Development Planner (South)
Leah Hitchenson	Senior Environmental Protection Officer Environment and Public Health
Rachel Callachor	Meeting Support Officer

The Chairperson declared the meeting open at 2.05pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement and noted that Council is acknowledging Refugee Week.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that declaration forms had been received and no conflicts had been identified.

2.1 Confirmation of Minutes of Previous Meeting

The minutes of the previous Local Planning Panel Meeting held on 9 June 2022 which were endorsed by the Chair of that meeting, were noted.

Public Forum

The following people addressed the Panel:

Agenda item 3.1 - DA/47946/2015 -10-16 Painters Lane, Terrigal - Modification of Consent for Commercial Premises and Shop Top Housing

1. Dino Seraglio (applicant) and Peter Israel - PTI Architecture – on behalf of the applicant (Glen Fernandes also attended)
2. John Hancock – SJH Planning and Design – on behalf of the applicant

Agenda item 3.2 - DA/62839/2021 - 149 Somersby Falls Road, Somersby - DESIGNATED & NOMINATED INTEGRATED Expansion to Concrete Manufacturing Facility

1. Ralf Dahmen – against recommendation
2. Peter Bowen – against recommendation
3. Kate Heaney – against recommendation
4. Craig McGaffin, Director, Catalyze Property Consulting Pty Ltd – against recommendation
5. Natasha Moring, Senior Registered Planner, Beveridge Williams (on behalf of applicant)
6. Mr Dan Dang, Acoustic Engineer Acoustic Consulting Engineers Pty Ltd (on behalf of applicant)
7. Nicole Bartels, State Manger, RCPA (applicant)

The Local Planning Panel public meeting closed at 3.25pm. The Panel moved into deliberation from 3.35pm, which concluded at 4.29pm.

3.1 DA/47946/2015 -10-16 Painters Lane, Terrigal - Modification of Consent for Commercial Premises and Shop Top Housing

Site Orientation	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• 22 submissions
Council Recommendation	Refusal
Panel Decision	<p>1 That the Local Planning Panel refuse the application to modify DA47946/2015/2 for commercial premises and shop top housing on 10-16 Painters Lane Terrigal for the reasons below and having regard to the matters for consideration detailed in Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979.</p> <p>2 That Council advise those who made written submissions of the Panel's decision</p>
Reasons	<p>1 The proposed modification is not substantially the same development for which consent was originally granted. As such, the Panel has formed the view that it has no power to modify the Consent.</p> <p>2 The proposed modification would result in additional unreasonable impacts as a result of additional floor space and reduction in distance between buildings as required under SEPP 65 and the Apartment Design Guidelines.</p> <p>3 The proposed modification has not suitably responded to the concerns raised in public submissions and is not in the public interest.</p>
Votes	The decision was unanimous

3.2 DA/62839/2021 - 149 Somersby Falls Road, Somersby - DESIGNATED & NOMINATED INTEGRATED Expansion to Concrete Manufacturing Facility

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Additional noise information received from an objector
- Advice from Council staff on the additional noise information
- 10 Submissions

Council Recommendation Approval

Panel Decision **1 That the Local Planning Panel grant consent to DA/62839/2021 149 Somersby Falls Road, Somersby - DESIGNATED & NOMINATED INTEGRATED Expansion to Concrete Manufacturing Facility subject to the conditions detailed in the schedule attached to the report as modified and supplemented below and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**

Condition 1.4 is amended to read:

1.4. The use is permitted to operate for 24 hours / 7 days per week (the Extended Hours) except that:

- (a) the northern storage area of the site shall not be used between 10.00pm and 7.00am;**
- (b) only half of the western storage area (closer to the existing factory) shall be used between 10.00pm and 7.00am;**
- (c) loading cement from trucks into cement silos shall not take place between 10.00pm to 7.00am; and**
- (d) sand, gravel and cement deliveries to the site shall not take place between 10.00pm and 7.00am.**

The Extended Hours cannot commence until an occupation certificate for the acoustic walls one, two and three is issued for the premises the subject of this consent.

The Extended Hours are permitted for a period of 24 months from the date that the site operator advises the Council in writing that the Extended Hours will commence. A development application or modification application can be lodged seeking to make the Extended Hours permanent

following the 24 month period. Such application should be made to the Council at least 3 months before the expiry of the Extended Hours and is to be accompanied (at a minimum) by a peer-reviewed report from a qualified acoustic engineer which reviews the compliance of the use with the conditions of the EPA Licence and the conditions of this consent with respect to noise. The Extended Hours can continue until such time as any such development or modification application is approved or, if such application is refused, the hours of operation are to revert to those imposed by development consent DA/47599/2015 (Part 6 now Part E) Stage 3a, Section 6 Ongoing.

Condition 1.5 is amended to read:

1.5. The restrictions to hours of operation, number of delivery and dispatch trucks including hours and location for loading/unloading, use of forklifts and power tools imposed by development consent DA/47599/2015 (Part 6 now Part E) Stage 3a, Section 6 Ongoing, no longer apply to the operation of the site on the commencement of the Extended Hours as provided by condition 1.4.

The following condition is to be included:

1.5A. The following mitigation measures are required to control and minimise potential noise impacts from the additional storage area to the north and the extension of night-time operation:

- (a) construction of an acoustic barrier / earth mound or combination of acoustic barrier and earth mound on the western boundary (refer to Figure 4 and Appendix 1 (acoustic wall-1) of the report of Acoustic Consulting Engineers Pty Ltd dated 1 February 2022). The top of the acoustic barrier/earth mound shall be at RL225 (or higher) commencing from the south to RL223 (or higher) finishing at the north;**
- (b) construction of acoustic barriers on the northern and western sides of the factory (refer to Figure 4 and Appendices 2 and 3 (acoustic wall-2 and wall-3) of the Acoustic Consulting Engineers Pty Ltd dated 1 February 2022). The top of the acoustic barrier shall be at RL232 (or higher) (the acoustic barriers shall be a minimum of 7m above the ground level outside the western side of the factory where the front-end-loader and cement trucks work);**
- (c) construction of an acoustic barrier/earth mound or**

- combination of acoustic barrier and earth mound on the northern boundary (refer to Figure 4 and Appendix 4 (acoustic wall-4) of the Acoustic Consulting Engineers Pty Ltd dated 1 February 2022). The acoustic barrier/earth mound shall be a minimum of 3.5m above the finished ground level where the forklifts work (RL224 commencing from the west to RL227 finishing at the east);*
- (d) *the acoustic barriers shall be constructed of masonry (eg. concrete) or proprietary lightweight concrete panel achieving a weighted sound reduction index of not less than Rw32. A combination of acoustic barriers and earth mounds may be constructed to the recommended heights (refer to Figure 4 and Appendices 1 to 4 of the Acoustic Consulting Engineers Pty Ltd dated 1 February 2022). Any gaps between the construction elements and/or between the construction elements and the ground shall be back-filled with soil / overlapped / detailed to control noise from flanking paths;*
- (e) *the factory-side of 7m high acoustic barriers (acoustic wall-2 and acoustic wall-3 of the Acoustic Consulting Engineers Pty Ltd dated 1 February 2022) shall be backed with 50mm thick acoustic absorptive lining (eg. Reapor or Stratocell Whisper) on the upper half of the barriers;*
- (f) *flexible acoustic screen (eg. Flexshield Sonic Curtain with a weighted sound reduction index of not less than Rw27) shall be provided around the batching area (refer to Figure 6 of the Acoustic Consulting Engineers Pty Ltd dated 1 February 2022); and*
- (g) *fork lift reverse alarms shall be replaced with broadband reverse alarms.*

The following condition is to be included:

2.8A. Prior to the issue of any Construction Certificate an Operational Management Plan (OMP) is to be prepared and submitted to the Council's Development Planner for approval. The OMP is to provide for management practices to minimise potential noise impacts from the night-time operation and the additional storage area to the north. The OMP must include:

- **management objectives;**
- **activities to be undertaken;**
- **quality standards;**
- **desired outcomes;**
- **staffing and resource requirements;**
- **implementation timetables; and**

- **monitoring process including a complaint procedure.**

Condition 4.2 is to be amended as follows:

4.2. The principal certifier must ensure that building work, earthworks, demolition or vegetation removal is only carried out between:

7.00 am and 5.00 pm on Monday to Friday

8.00am and 1.00pm Saturdays

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not visit nor be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Condition 4.15 is to be deleted as it duplicates condition 4.13.

The following new condition is to be included:

6.1A Comply at all times with the Operational Management Plan.

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 proposal is consistent with the zoning of the land and can operate in a satisfactory manner subject to the imposition of conditions.
- 2 The Panel acknowledges the concerns raised by the public submissions concerning operational noise impacts of the proposal, hence the on-going environmental performance of the proposal should be monitored and a time limited consent of 2 years should be imposed.

Votes The decision was unanimous

PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING

4.1 DA1209/2021 - Lot R/918 Rd, The Entrance Road, The Entrance - Markets and Function Centre for community events

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Approval

Panel Decision **1** *That the Local Planning Panel grants consent to DA/1209/2021 – Lot R/918 Rd ROAD, The Entrance Road, The Entrance – Markets and Function Centre for community events 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 considered satisfactory under the heads of consideration set out in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2 The proposal is considered satisfactory with regard to WLEP 2013 with regard to permissibility, and zone objectives.
- 3 The proposal is considered satisfactory in relation to the requirements of WDCP 2013, Chapters 2.11, 3.7 and 5.3.
- 4 The proposed development is consistent with the aims and objectives of The Entrance Town Centre Masterplan and The Entrance Planning Strategy.

Votes The decision was unanimous

4.2 DA/2059/2021 - 17 Kunala Lane Horsfield Bay - Alterations & Additions to Existing Dwelling

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- 1 submission

Council Recommendation Approval

Panel Decision

1 *The Local Planning Panel agrees the Applicant's Clause 4.6 written variation request demonstrates compliance with the Height of Buildings development standard is unnecessary in the circumstances of the case because of the minimal environmental impact that would result from the noncompliance with the Height of Buildings standard.*

Compliance with the Height of Buildings development standard would be unreasonable in the circumstances of the case because of the steep sloping nature of the block, compliance would not allow the lift, 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 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 *That 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 grants development consent to DA2059/2021 – 17 Kunala Lane Horsfield Bay to construct a lift over two levels, carport and turning bay 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 1979 and other relevant issues.

4 Those who made a submission be notified of the outcome of the development application.

Reasons

- 1 The development application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 and relevant instruments and policies.
- 2 The proposed development is considered suitable for the site, despite the identified variations.

Votes

The decision was unanimous

4.3 Request to prepare a Planning Proposal for 60 Wyong Road, Tuggerah (Tuggerah Gateway Site)

The Panel reviewed this planning proposal and information provided and concurs that it has strategic and site specific merit. The Panel supports the planning proposal for the reasons outlined:

- The proposed rezoning to R1 General Residential is consistent with surrounding residential development and will provide additional housing in close proximity to existing infrastructure and services, bringing increased vitality and viability to the Tuggerah Town Centre.
- The retention of the B4 zoned land will provide for short term bulky goods retail development, transitioning to mixed use development along Wyong Road in the longer term. This will ensure ongoing job opportunities with the potential for a range of employment generating land uses including retail, office, short stay accommodation, childcare, education and medical facilities.
- The retention of the C2 Environmental Conservation zoned land will facilitate the protection, conservation and enhancement of environmentally sensitive areas with ongoing management of the land to be funded by the proponent.
- The proposed maximum height and floor space ratio (FSR) limits for the B4 portion of the site are considered appropriate and consistent with surrounding development including the proposed Woodberry Park residential development opposite the site (with a maximum height of 37.5m) and the Wyong Town Centre (with a range of FSR limits from 1.1:1 to 3.0:1).

- A site-specific Development Control Plan (DCP) will be prepared to support the planning proposal to ensure appropriate built form guidelines are applied in the development design for the site. The proposal incorporates a number of parks and accessible open space areas that enable active and passive recreation opportunities and will provide a high-quality amenity for the future residential population.
- A planning agreement will be prepared to support the planning proposal to provide monetary contributions and works in kind to support the development. A letter of offer has been submitted with the proposal which outlines approximately \$11.6 million of improvements including:
 - \$1 million in management of conservation land;
 - \$6.5 million in provision of open space facilities;
 - \$1.5 million for delivery of a new youth centre; and
 - \$2.5 million in new pedestrian and vehicular connections including a range of new and upgraded shared pedestrian paths and cycleways both throughout the development and connecting to Tuggerah train station and bus interchange.

The proposal has been assessed having regard to all State Environmental Planning Policies (SEPPs), Ministerial Directions and relevant guidelines of the Central Coast Regional Plan 2036 (CCRP) as detailed in Attachment 2 - Strategic Assessment. As the proposal has strategic merit it is recommended that a planning proposal be prepared and forwarded to the Minister for Planning requesting a Gateway Determination.

- The proposal rezones the land to an appropriate zone under either the CCLEP or WLEP 2013.
- The proposal will provide additional housing to meet the growing housing demand adjacent to existing infrastructure and services.
- The proposal will provide for additional employment generating land uses to expand and complement the existing services within the Tuggerah Town Centre.

The proposal respects the scenic values and character of the site, ensuring the environmentally sensitive areas of the site will be retained, enhanced, and protected.

GENERAL REPORTS

5.1 Central Coast Local Planning Panel - Membership

That the Local Planning Panel:

- 1 Note the information contained within this report.**
- 2 Agree to write to retiring Panel member, Mr Garry Fielding, thanking him for his service on the Panel.**