

Panel Members

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Stephen Leathley
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 . Employment and Urban Release
Ailsa Prendergast	Section Manager . Residential Assessments
Amy Magurren	Development Planner. Residential Assessments
Rebecca Samways	Development Planner . Employment and Urban Release
Andrew Dewar	Development Flooding Engineer . Floodplain Management
Lisa Martin	Civic Support Officer
Rachel Gibson	Team Leader, Civic Support

The Chairperson, Donna Rygate declared the meeting open at 2:06pm 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.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the previous Local Planning Panel Meeting held on 22 June 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/28072022 – 36 Kourung Street, Ettalong Beach

- 1 **Lynne Robertson – AGAINST**
- 2 **Francis Wiffen – AGAINST**
- 3 **Sandra Trad – Red Apple Design – FOR**

Item 3.2 – DA/1708/2021 – Teraglin Lakeshore Village, 2 & 10 Malloway Road, Chain Valley Bay

- 4 **Ian Benson – Ecologist AEP – FOR**
- 5 **Stuart Greville of BFPA, Stephanie Van Dissel and Jason Yeo of ADW Johnson, and Joseph Waugh – Hometown Australia Communities were also present to answer questions**

The Local Planning Panel public meeting closed at 2:37pm. The Panel moved into deliberation from 2:55pm, which concluded at 3:22pm.

PLANNING REPORTS

3.1 DA/2807/2022 - 36 Kourung Street Ettalong Beach - Multi Dwelling Housing

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Submissions• Supplementary Memo 1• Supplementary Memo 2
Council Recommendation	Approval
Panel Decision	<p>1 That the Local Planning Panel grant consent to DA/2807/2022 – 36 Kourung Street, Ettalong Beach – Lot 553 in DP 10570 for multi dwelling housing (3 units) and demolition of existing dwelling, 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.</p> <p>1.1 The Panel amended condition 6.11 such that “(minimum 45 litre pot size; becomes sapling at least 1.5 metres high)”.</p> <p>2 That Council advise those who made written submissions of the Panel’s decision.</p>
Reasons	<p>1 The Panel is satisfied that the proposed application complies with the flood planning provisions of clause 5.21 (2) of the Central Coast Local Environmental Plan 2022 and essential services provisions of clause 7.6 of the Central Coast Local Environmental Plan 2022.</p> <p>2 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies of the Central Coast Local Environmental Plan 2022.</p> <p>3 There are no significant issues or impacts identified with the proposal under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Votes	The decision was unanimous

3.2 DA/1708/2021 - Teraglin Lakeshore Village, 2 & 10 Malloway Road, Chain Valley Bay - Nominated Integrated and Integrated Development - Change of use to manufactured home estate, including 73 additional dwelling sites, new communal amenities, demolition & environmental protection works

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Supplementary Memo
- Amended Biodiversity Development Assessment Report
- Vegetation and Fauna Management Plan

Council Recommendation Approval

Panel Decision

1 *The Local Planning Panel grants consent to DA/1708/2021 – Lot 1 DP 806503 and Lot 22 DP 588107, Teraglin Lakeshore Village, 2 & 10 Malloway Road, CHAIN VALLEY BAY NSW 2259, for the change of use to a manufactured home estate, including 73 additional dwelling sites, new communal amenities, demolition and environmental protection works, 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.*

1.1 *Condition 6.3 is amended to replace its definition of manufactured home with the following definition from the State Environmental Planning Policy (Housing) 2021 Schedule 7:*

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and

- (b) that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.

- 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 Panel is satisfied that the development is consistent with Section 4.14(1) of the Environmental Planning and Assessment Act 1979 and the application meets the requirements of Planning for Bushfire Protection 2019, subject to compliance with the General Terms of Approval provided by NSW RFS.
2. The Panel is of the opinion that approval of the proposed application is not inconsistent with Section 7.16(2) of the Biodiversity Conservation Act 2016 as assessment has determined that impacts from the development are not serious and irreversible.
3. The Panel is satisfied that the proposed application complies with the provisions of State Environmental Planning Policy (Housing) 2021.
4. The Panel is satisfied that the proposed application complies with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021.
5. The Panel is satisfied that the proposed application complies with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
6. The Panel is satisfied that the proposed application complies with the flooding planning provisions of Clause 5.21(2) of Wyong Local Environmental Plan 2013 and the Essential Services provisions of Clause 7.9 of Wyong Local Environmental Plan 2013.
7. The proposal has been assessed under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the proposed additional sites and change of use are satisfactory having regard to the established and proposed built form which will remain consistent with the existing and future character of the surrounding area.

8. The proposed development has had suitable regard to the environmental impacts on the site and will support the management of vegetation and future habitat on the adjoining lot to the north of the manufactured home site.
9. In considering all relevant plans and policies, public submissions and agency comments, the development is in the public interest.
10. The Panel notes the informal email comments of Transport for NSW of 11 July 2023 to the effect that it does not object to the development proceeding now, however a condition is required to prevent the manufactured homes being occupied so additional traffic cannot use the Chain Valley Bay Road/Pacific Highway intersection until its upgrade is completed (scheduled for in September 2025). The Panel is of the view that such a condition would be unenforceable and unnecessary given the comments of the Council's traffic engineer incorporated in Council's Assessment Report such that the additional 73 sites would only generate an additional 14 AM and 11 PM vehicle movements so would not have a significant impact on the existing service level at the intersection and would not trigger a nexus to upgrade it.

Votes

The decision was unanimous