

Panel Members

Chairperson	Jason Perica
Panel Experts	Stacey Brodbeck Michael Ryan
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
Amy Magurren	Development Planner Residential Assessments
Lisa Martin	Civic Support Officer

The Chairperson, Jason Perica declared the meeting open at 2:02pm and advised in accordance with the Code of Meeting Practice that the meeting is 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

That the minutes of the previous Local Planning Panel Meeting held on 13 July 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/62615/2021- 40 Bradys Gully Road, North Gosford Nominated & Integrated - 45 Self Care Housing Units for Seniors and People with Disabilities and Demolition of Existing Dwelling

1. Matthew Wales (Applicant representative)
2. Anthony Kelly (Applicant Architecture representative)

Item 3.2 – DA/1776/2022 – 23 Bangalow Street, Ettalong Beach – Dual Occupancy and Demolition of Existing Structures

1. Matthew Wales (Applicant representative)

Item 3.3 – DA/2501/2022 – Everglades Country Club – 1 Dunban Road, Woy Woy – Demolition, Construction of Pro-shop, Bowls Office and Amenities

1. Karyn Patching
2. Brent Fitzpatrick (Applicant representative)
3. Robin Heaton (Applicant Acoustic representative)

The Local Planning Panel public meeting closed at 3:25pm.

PLANNING REPORTS

3.1 DA/62615/2021- 40 Bradys Gully Road, North Gosford Nominated & Integrated - 45 Self Care Housing Units for Seniors and People with Disabilities and Demolition of Existing Dwelling

Site Inspected Yes (individual members, as deemed necessary, otherwise using electronic methods)

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

1. That the Local Planning Panel refuse the application DA/62615/2021 – 40 Bradys Gully Rd, North Gosford for the Construction of 45 Self Care Housing Units for Seniors and People with Disabilities and Demolition of Existing Dwelling, after having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, subject to the reasons for refusal detailed in the schedule attached to the Council staff report, with the following additional reasons:

10. The proposal involves significant excavation, including close to a side boundary. It is understood this equates to over 15,000m³ of excess cut, to accommodate basement parking and the proposed site layout/design. This is inconsistent with Principle 4 (Sustainability) in SEPP 65 (Design Quality of Residential Apartment Development) due to excessive waste, and is inconsistent with the a stated desired character of the area as contained in Chapter 2.1 of Gosford DCP 2013, and in particular the following:

“These should remain low-density residential hillsides where existing streetscape quality and amenity are enhanced substantially by further “greening” of

gardens and street verges. Minimise disturbance to natural slopes and any existing trees that are visually-prominent. Retain existing ground levels along all boundaries, and on the steeper slopes, use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill."

11. The proposed access to the basement parking is inadequate and unsuitable for aged and disabled residents. There are two separate basement parking areas serviced by one lift each, leading to substantial distances between the car parking and some units. If a lift broke down, there would be no alternatives apart from stairs to access/exit the basement parking. There are also long and circuitous travel distances to the street, and overall the proposal is unsatisfactory when considering Principle 36 (Accessibility) within the Seniors Living Policy: Urban Design Guidelines for Infill Development.

Reasons

As the matter is refused, the reasons are contained in the terms of the decision above. The applicant attended the Panel meeting and requested the application be deferred to allow consideration of an amended design. From discussions with the applicant's representatives, it was likely such amended plans would not address concerns of the Panel. As indicated above, the Panel agreed with the Council staff recommendation, with additional reasons for refusal.

Votes

The decision was unanimous

3.2 DA/1776/2022 - 23 Bangalow Street Ettalong Beach - Dual Occupancy and Demolition of Existing Structures

Site Inspected

Yes (individual members, as deemed necessary, otherwise using electronic methods)

Relevant Considerations

As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision **That the Local Planning Panel refuse the application DA/1776/2022 - 23 Bangalow Street Ettalong Beach - Dual Occupancy and Demolition of Existing Structures after having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, subject to the reasons for refusal detailed in the schedule attached to the Council staff report.**

Reasons As the matter is refused the reasons are contained in the terms of the decision above (and the reasons in the Council staff Assessment Report for refusal). The applicant attended the Panel meeting and requested the application, as amended, be approved. As indicated above, the Panel agreed with the Council staff recommendation.

Votes The decision was unanimous

3.3 DA/2501/2022 - Everglades Country Club - 1 Dunban Road Woy Woy - Demolition, Construction of Pro-shop, Bowls Office and Amenities

Site Inspected Yes (individual members, as deemed necessary, otherwise using electronic methods)

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Approval

Panel Decision ***1. That the Local Planning Panel grant consent to DA/2501/2022 – Everglades Country Club, 1-9 Dunban Road WOY WOY for Demolition of Existing Structures, Construction of a Pro-shop, Bowls Office and Amenities subject to the conditions detailed in the schedule attached to the report, and as amended below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and***

Assessment Act 1979.

Incorporate new conditions of Consent to state;

A. The design of the pro-shop shall be amended so that the entry doors are relocated from the southern elevation to the eastern elevation. A window may replace the relocated doors from the southern elevation. In order to provide some further weather protection an awning or similar may be erected and extended over the revised eastern entry, while retaining the southern porte-cochere (awning). Details shall be submitted to the satisfaction of the Council's Unit Manager of Development Assessment, prior to the issue of a Construction Certificate.

Reason: To reasonably minimise acoustic impacts to close neighbours, given the relocated pro-shop and associated uses.

B. The full length of the western wall shall be acoustically treated in such a manner to have the same or better acoustic attenuation as the existing hebel block wall. The final details shall be verified in writing by a qualified acoustic expert, prior to the issue of a Construction Certificate.

Reasons

- The Panel generally agreed with the assessment of environmental impacts, as contained within the Council staff assessment report.
- The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies, is permitted in the zone and consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.
- The proposed structure replaces similar existing structure(s) and impacts are able to be reasonably managed and mitigated by the conditions of consent (including additional conditions deemed reasonable and appropriate by the Panel, noting proximity of neighbouring residential development).
- Granting consent would be in the wider public interest.

Votes The decision was unanimous

REPORTS

4.1 Land and Environment Proceedings Class 1 - Case 2023/00154551 - Appeal of Deemed Refusal - Central Coast Council ats Andrey Vinogradov - DA/4367/2022 33 Burrawang Street, Ettalong Beach

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered Memorandum by External lawyers and associated material (Confidential)

Council Recommendation Note and Delegate

Panel Decision

- 1** *That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court to the deemed refusal of Development Application DA/4367/2022.*
- 2** *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 To allow the orderly management of the Court proceedings.

Votes The decision was unanimous

4.2 Land and Environment Proceedings Class 1 - Case 2023/00152496 - Appeal of Deemed Refusal - Central Coast Council ats Andrey Vinogradov - DA/185/2023 21 Burrawang Street, Ettalong Beach

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	Memorandum by External lawyers and associated material (Confidential)
Council Recommendation	Note and Delegate
Panel Decision	<p>1. That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court to the deemed refusal of Development Application DA/185/2023.</p> <p>2 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.</p>
Reasons	To allow the orderly management of the Court proceedings.
Votes	The decision was unanimous

4.3 Land and Environment Proceedings Class 1 - Case 2023/00155066 - Appeal of Deemed Refusal - Central Coast Council ats Andrey Vinogradov - DA/3526/2022 34 Picnic Parade, Ettalong Beach

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered Memorandum by External lawyers and associated material (Confidential)

Council Recommendation Note and Delegate

Panel Decision

- 1** ***That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court to the deemed refusal of Development Application DA/3526/2022.***
- 2** ***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 To allow the orderly management of the Court proceedings.

Votes The decision was unanimous