

**Panel Members**

Chairperson	Donna Rygate
Panel Experts	Linda McClure Michael Ryan
Community Representative/s	Scott McGrath

**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 Pike	Tree Assessment Officer, Development Advisory Services
Danielle Allen	Senior Ecologist, Development Advisory Services
Edward Hock	Unit Manager, Governance Risk and Legal
Lisa Martin	Civic Support Officer

The Chairperson, Donna Rygate, 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.

**Apologies**

***The Panel noted that no apologies had been received.***

## PROCEDURAL ITEMS

### 1.1 Disclosures of Interest

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

Ailsa Prendergast – Section Manager, Residential Assessments of Central Coast Council, declared an interest in item 3.2, therefore was not present for discussions on this item.

## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 Confirmation of Minutes of Previous Meeting

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***The minutes of the previous Local Planning Panel Meeting held on 12 October 2023, which were endorsed by the Chair of that meeting, were noted.***

## Public Forum

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The following people addressed the Panel:

### 3.1 DA/397/2023 - 8 Priestman Avenue, Umina Beach - Demolition & Multi-dwelling Housing

- 1 Francis Wiffen - FOR

### 3.2 DA/1760/2022 - 5 The Avenue, Kariong - Commercial Development and Six Lot Subdivision

- 1 Jason Crannage of Stevens Group – AGAINST  
Lin Armstrong of Stevens Group  
Paul Cutting of Stevens Group

The Local Planning Panel public meeting closed at 2:50pm. The Panel moved into deliberation from 2:55pm.

## PLANNING REPORTS

### 3.1 DA/397/2023 - 8 Priestman Avenue, Umina Beach - Demolition & Multi-dwelling Housing

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**Site Inspected** Yes

**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 consent for the demolition of existing structures and construction of multi-dwelling housing and associate landscaping - DA/397/2023 – 8 Priestman Avenue, Umina Beach subject to the reasons for refusal 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 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.*

**Reasons**

- 1** The proposed development is inconsistent with the following clauses of the *Central Coast Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*:
  - a) Clause 2.3 – The proposal is inconsistent with clause 2.3 as the proposal does not satisfy the objectives of the R1- General Residential zone,
  - b) Clause 4.3 - The proposal is inconsistent with clause 4.3 as the proposal fails to provide an accurate measurement of the proposed maximum building height,
  - c) Clause 4.4 – The proposal is inconsistent with clause 4.4 as the proposal fails to accurately demonstrate compliance with the permissible Floor Space Ratio (FSR),
  - d) Clause 4.6(3) - Exceptions to Development Standards, where in the absence of a written request to vary the

maximum height of buildings and FSR controls, the application cannot be approved.

The Panel cannot be satisfied that the provisions of these clauses of *Central Coast Local Environmental Plan 2022* have been satisfied.

- 2 The proposed development is inconsistent with the *Central Coast Development Control Plan 2022* pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* including (at least in part) the following sections:

- a) Chapter 2.2 – Dual Occupancy and Multi-Dwelling Housing

- 2.2.3.1 Building Height
- 2.2.4.2 Floor Space Ratio
- 2.2.5 Building Setbacks
- 2.2.7.2.1 Visual Privacy
- 2.2.7.2.2 Acoustic Privacy
- 2.2.7.3 Private Open Space Areas
- 2.2.7.5 Sunlight Access
- 2.2.8.1 Car Parking
- 2.2.9.1 Earthworks
- 2.2.9.2 Retaining walls and structural support
- 2.2.10 Landscaping

- 3 Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered unsatisfactory with regard to impacts on the surrounding natural and built environment, as it would result in a bulk and scale that was excessive for the site and would not fit within the context of its immediate surrounds.
- 4 Having regard to submissions received, the non-compliances with the planning controls and amenity impacts, the proposal is not in the public interest, pursuant to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act 1979*.
- 5 The Panel cannot be satisfied that the proposed development is satisfactory having regard to the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

**Votes**

The decision was unanimous

**3.2 DA/1760/2022 - 5 The Avenue, Kariong - Commercial Development and Six Lot Subdivision**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions
- Supplementary Memo

**Council Recommendation** Refusal

**Panel Decision**

- 1 That the Local Planning Panel refuse DA/1760/2022, being the proposed subdivision and commercial development 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 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.**

**Reasons**

- 1 The Panel notes the need for strategic planning for the entire Mount Penang site by the Hunter and Central Coast Development Corporation, and in particular the road network, the absence of which presents challenges for developers and council alike.
- 2 The proposed development and associated works do not respect the special natural characteristics of the site. The extent of proposed earthworks and roadworks (both within the site and on the Central Coast Highway) would result in significant adverse impact on the existing trees, biodiversity, visual and scenic quality of the site , and streetscape.
- 3 The extent of proposed earthworks, tree removal, and road construction would not result in minimal adverse impacts on the site or surrounding land and would not facilitate development that is in keeping with the special

characteristics of the site.

- 4 The proposed development does not meet the requirements of the NSW *Biodiversity Conservation Act 2016*.
- 5 The nature and scale of the proposed earthworks required for the proposed left-in lane are not in accordance with the land zone objectives and *Gosford Development Control Plan 2013* (DCP 2013).
- 6 The proposed development would result in significant cut and fill which may impact existing heritage values and vegetation to be retained, and could have negative visual impact from the Central Coast Highway.
- 7 Inadequate information has been provided in relation to existing and proposed ground levels (to Australian Height Datum) associated with site regrading works and retaining works.
- 8 Insufficient information has been provided to address the impact of the proposed site regrading and retaining works and services on the heritage listed scribbly gums located within the site.
- 9 The proposed development does not comply with the provisions of Chapter 5.3 of Gosford DCP 2013 - Kariong Mount Penang Parklands regarding landform, conservation and landscape setting, access, street hierarchy and the Precinct 2 design principles.
- 10 The proposed development is not suitable for the site in the location proposed and does not provide for the orderly development of the land.
- 11 Insufficient information has been provided in relation to the impact of traffic movements associated with the proposed development on the surrounding road network.
- 12 Insufficient information has been provided on the proposed plan of subdivision in relation to proposed right of accesses to accommodate passenger and service vehicles to reflect vehicular movements indicated in the Traffic Impact Assessment submitted with the application.
- 13 There are safety concerns related to conflicting travel paths associated with servicing arrangements particularly within the proposed north-south right of access link road.

**Votes** The decision was unanimous

**PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING**

**4.1 Land and Environment Court Proceedings Class 1 - Case 2023/00152530 - Appeal of Deemed Refusal - Central Coast Council ats Andrey Vinogradov - DA/349/2023 102 Bay Road, Blue Bay**

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- Panel Decision**
- 1** *That the Local Planning Panel note the receipt and progress of a Class 1 appeal in the Land and Environment Court to the deemed refusal of Development Application DA/349/2023.*
  - 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** The Panel was briefed by Edward Hock, Unit Manager of Governance Risk and Legal who advised that all of the concerns raised by council in its Statement of Facts and Contentions, have been addressed in the Section 34 agreement and conditions.

**Votes** The decision was unanimous