

Panel Members

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| Chairperson | Jason Perica |
| Panel Experts | David Furlong Michael File |
| Community Representative/s | Robert Carter |

Central Coast Council Staff Attendance

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| Emily Goodworth | Section Manager Employment and Urban Release |
| Ailsa Prendergast | Section Manager Residential Assessments |
| Jenny Tattam | Senior Development Planner Employment and Urban Release |
| Emma Brown | Senior Development Planner Employment and Urban Release |
| Lisa Martin | Civic Support Officer |
| Briony Stiles | Team Leader, Civic Support |

The Chairperson, Jason Perica declared the meeting open at 12:08pm.

PROCEDURAL ITEMS

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

Panel Members confirmed they had signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures 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 17 July 2025, which were endorsed by the Chair of that meeting, were submitted for noting.

Electronic Meeting

The following people addressed the Panel, with the prior agreement from the Panel Chair:

Item 3.1 DA/4341/2022 - 53 Gindurra Road, Somersby Designated Development Concrete Batching Plant

- 1 David White
- 2 Anthony Williams Director and Planner from WPP Planning (applicant's rep)

The Panel moved into deliberation from 12:32pm.

ITEMS CONSIDERED AND DETERMINED

3.1 DA/4341/2022 - 53 Gindurra Road, Somersby Designated Development Concrete Batching Plant

Site Inspected Yes, by individual members or by electronic means.

Relevant Considerations As per Council assessment report.

Material Considered

- Documentation with application
- Council assessment report

- Submissions
- Memo from Council staff dated 12 August 2025
- Late submission circulated to the Panel by David White, dated 14 August 2025

**Council
Recommendation**

Approve, with conditions.

Panel Decision

That, in accordance with the provisions of Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, the Local Planning Panel grants consent to DA/4341/2022 at 53 Gindurra Road, Somersby for Concrete Batching Plant (Designated Development), new 'drive thru' area, overhead cement silos with access platform and ladders, aggregate material bins, a feed conveyor, and dual stump stand, subject to the conditions attached to the Council staff assessment report to the Panel meeting on 14 August, 2025, with the following amendments:

- 1. The description be amended, as above;***
- 2. Conditions 3.4-3.6 to refer to the "Principal Certifying Authority"***
- 3. Condition 4.11 to delete reference to "EPA recommends" and add "in accordance with EPA recommendations"***
- 4. Condition 4.14 and Condition 6.9 to delete reference to "EPA recommends" and add "the following requirements shall be met (consistent with EPA recommendations)"***
- 5. Condition 5.7 to refer to the "Principal Certifying Authority"***
- 6. Conditions 6.10, 6.11 and 6.12 be deleted and combined into Conditions 6.9 (a) - (r)***
- 7. A new Condition 6.10 be inserted which refers to the maximum number of employees.***

Reasons

The Panel agreed with the reasons to approve the proposal, as outlined in the Council staff assessment report to the Panel meeting of 14 August 2025.

The Panel had regard to the submissions made regarding the proposal, all from or on behalf of the owner of the neighbouring property at 6 Chivers Road, Somersby. This included a late submission from Mr White, while the Panel also heard from Mr White and considered comments made. The Panel was satisfied the recommended conditions, as amended by the Panel, reasonably managed and mitigated concerns held.

Votes

The decision was unanimous.

3.2 DA/1009/2024 - 264-266 Booker Bay Road, Booker Bay - Proposed Subdivision

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| Site Inspected | Yes, by individual members or by electronic means. |
| Relevant Considerations | As per Council assessment report. |
| Material Considered | <ul style="list-style-type: none">• Documentation with application• Council assessment report• Council staff Memo dated 12 August 2024 |
| Council Recommendation | Approve, with conditions |
| Panel Decision | <ol style="list-style-type: none"><i>1. The Panel is satisfied that the document setting out the grounds for a contravention to the development standard regarding lot sizes for dual occupancies within Central Coast Local Environmental Plan 2022 demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.</i><i>2. That, in accordance with the provisions of Sections 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, the Local Planning Panel grant consent to DA/1009/2024 at 264-266 Booker Bay Road, Booker Bay for Two Lot Torrens Title Subdivision of an Existing Detached Dual Occupancy subject to the conditions attached to the Council staff assessment report to the Panel meeting on 14 August, 2025.</i> |
| Reasons | The Panel agreed with the reasons for approval as outlined in the Council staff assessment report. |
| Votes | The decision was unanimous. |

REPORTS

4.1 DA/1904/2023 - 9, 10 Beach Parade, 1, 3, 5 Crossingham Street, 1, 3, 5, 7 Kantara Road, Canton Beach - 5 Storey Mixed Use Development

Site Inspected Yes, by individual members or by electronic means

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Council staff Memo dated 12 August 2024

Council Recommendation Refusal

Panel Decision *That, in accordance with the provisions of Sections 4.16 of the Environmental Planning and Assessment Act 1979 the Local Planning Panel refuse the application DA/1904/2023 at 9,10 Beach Parade, 1, 3, 5 Crossingham Street, 1, 3, 5, 7 Kantara Road, CANTON BEACH subject to the reasons for refusal below.*

- 1 Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and State Environmental Planning Policy (Housing) 2021 the proposed development fails:**
 - a. to meet the minimum required clause 141(a) design principles for residential apartment development and design criteria of the Apartment Design Guide (ADG);**
 - b. to satisfy Part 2B Building Envelope, Part 2C Building Height, Part 2E Building Depth, Part 2F Building Separation, Part 2G Street Setbacks, Part 2H Side and Rear Setbacks requiring a maximum height under Central Coast Local Environmental Plan 2022 Clause 4.3 of 16 metres, depth of 12 metres to 18 metres, and separation minimum of 12 metres to 25 metres;**
 - c. to meet Objective 3D-1 of the ADG which requires direct, equitable access for all residents to communal open space;**
 - d. to meet Objective 3F1 requiring adequate building separation shared equitably for external and internal visual privacy;**
 - e. to achieve Objective 3F2 for the site and building design elements increase privacy without compromising access to light and air and balance outlook and views from**

- habitable rooms and private open space;*
 - f. *to address;*
 - i. *Objective 4A1 which encourages optimisation of apartments receiving sunlight to habitable rooms, primary windows, and private open space;*
 - ii. *Objective 4A2 ensuring daylight access is maximised. Courtyards, skylights and high-level windows only as a secondary light source;*
 - iii. *Objective 4A3 design for shading and glare control to protect equitable solar and daylight;*
 - iv. *Objective 4G1 requiring adequate, well-designed storage provided in apartments;*
 - v. *Objective 4M1 ensuring facades provide visual interest, respect local character;*
 - vi. *Objective 4M2 requiring building functions are expressed by the façade.*
- 2. *Pursuant to Section 23(1) of the Environmental Planning and Assessment Regulation 2021, owner's consent was not provided for the ground anchor impacts.*
- 3. *Pursuant to Section 29 of the Environmental Planning and Assessment Regulation 2021, the submitted design verification statement does not address the objectives in Parts 3 and 4 of the Apartment Design Guide.*
- 4. *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and State Environmental Planning Policy (Sustainable Buildings) 2022, the proposed development has failed to demonstrate it meets the standards set out in schedule 1 standards for erection of BASIX buildings.*
- 5. *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and State Environmental Planning Policy (Resilience and Hazards) 2021, the proposed development fails to satisfy the provisions of Section 2.10. The site is located within the Coastal Use Area and the Coastal Environment Area and is therefore subject to the provisions of Chapter 2. The development proposal is not consistent with the relevant provisions of Section 2.10 in respect of the Coastal Environment Area as it may cause an adverse impact on the following matters for consideration.*
- 6. *Pursuant to Section 4.15(1)(a)(i) of the Environmental*

Planning and Assessment Act 1979, and State Environmental Planning Policy (Resilience and Hazards) 2021, the proposed development fails to satisfy the provisions of Section 2.11 in relation to appropriate built form (height, bulk, scale and size), nor does it satisfy the provisions of Section 4.6 in demonstrating to the consent authority that the land is satisfactory having regard for land contamination.

7. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979, and the Central Coast Local Environmental Plan 2022, the proposed development:

- a. will place additional on-street parking demand upon the local street network and has failed to demonstrate there will be no impact to the natural environment in relation to acid sulfate soils and land contamination as required by the objectives of the SP3 – Tourist zone;***
- b. has not demonstrated acid sulfate soils will not be disturbed, exposed, or drained and will not cause environmental damage having regard for the provisions of Clause 7.1;***
- c. has not satisfactorily demonstrated that a variation to the development standard relating to the maximum building height of 16 metres permitted by Clause 4.3 is reasonable and not an overdevelopment. The Clause 4.6 written request seeking to vary the development standard (Site 1 proposed height is 18.7 metres (16.2% variation) and Site 2 is 18.6 metres (16.8% variation). The lift overruns exceed the height limit by 2.9 metres (18.1% variation) and 3.8m (23.75% variation) respectively) will contribute to the FSR of 1.5:1 (9523.2m² GFA) overall area/volume of non-compliant GFA on level 4 which protrudes above the allowable height plane. This equates to 1,797m² or 18% of the overall development;***
- d. the Clause 4.6 request has not demonstrated that the proposal in its current form is suitable for the site. The proposal is deemed an overdevelopment which will cause environmental impact. The design has excessive built form (height, bulk, and scale), building depth and inadequate building separation and setbacks which are required to maintain privacy, amenity, reduce overlooking and overshadowing.***

9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental

Planning and Assessment Act 1979, and the Central Coast Development Control Plan, 2022, the proposed development fails:

- a. to provide street setbacks required by Chapter 2.3 Residential Flat Buildings and Shop Top Housing, Clause 2.3.4.1 Setbacks for Residential Flat Buildings required 6 metres;***
 - b. to provide side and rear setbacks under Chapter 2.3 Residential Flat Buildings and Shop Top Housing, Clause 2.3.4.1 Setbacks for Residential Flat Buildings requiring 6 metres to 9 metres;***
 - c. Chapter 2.3 Residential Flat Buildings and Shop Top Housing Clause 2.3.5.1 for Facades and Articulation Requirements.***
- 10. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is considered unsatisfactory with regards to impacts to the amenity of surrounding residential developments including traffic, transport and parking and general disruption to surrounding residential developments.***
- 11. Insufficient information has been provided in relation to tree removal, land contamination, acid sulfate soils, stormwater management having regard for impacts on the environment.***
- 12. Insufficient and inaccurate information has been provided to accurately assess the application including and Incorrect Estimated Development Cost (EDC) which ordinarily would have required the application to be referred to the Hunter and Central Coast Regional Planning Panel (RRP) for determination.***
- For the reasons stated above, including not being compatible with or suitable for the site, and pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is not in the public interest.***
- 13. That Council advise those who made a written submission of the Panel's decision.***
- 14. That Council advise AUSGRID of the decision.***

Reasons As the application has been refused, the reasons for the decision are outlined above.

Votes The decision was unanimous