

Panel Members

Chairperson	Donna Rygate
Panel Experts	Sue Francis Greg Flynn
Community Representative/s	Mark Elsley

Central Coast Council Staff Attendance

Scott Cox	Director Environment and Planning
Emily Goodworth	Section Manager Development Assessment North
Ailsa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner (South)
Erin Murphy	Senior Development Planner (South)
Janice Wheeler	Senior Development Planner (North)
Jed Field	Ecologist
Amy Magurren	Development Planner (observer)
Rachel Callachor	Meeting Support Officer
Maggie Rowland	Civic Support Officer

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, Donna Rygate read an acknowledgement of country statement.

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 23 September 2021 which were endorsed by the Chair of that meeting, were submitted for noting.

Unanimous

Public Forum

The following people addressed the Panel:

Item 3.1 - DA/62171/2021 - 1- 23 Florida Road, 36 Hastings Road, 2A Willoughby Road, 9, 25 and 27 Terrigal Drive, Terrigal - Upgrade and extension of existing walking track around Terrigal Lagoon

- 1 Roger Johnston - Against recommendation
- 2 Doug Williamson – Against recommendation
- 3 Brad Draper, NGH Consulting - on behalf of the applicant (Zeina Jokadar was also available to answer questions)
- 4 Tony Biland, Central Coast Council (on behalf of applicant)
- 5 Ben Fullagar, Central Coast Council (on behalf of applicant)

Item 3.2 DA/59732/2020 - 302-306 Ocean View Road, Ettalong Beach - Partial demolition of existing structures and construction of a mixed use building comprising shop top housing, retail premises, serviced apartments and associated works

- 1 Peter Brell – For recommendation
- 2 Matthew Wales (on behalf of applicant) - Against recommendation

Item 3.3 DA/60666/2021 - 170 - 176 Blackwall Road and 8 Farnell Road Woy Woy - Multi Dwelling Housing

- 1 Frank Wiffen - For recommendation

The Local Planning Panel public meeting closed at 3.14pm. The Panel moved into deliberation from 3:20pm, which concluded at 4:00pm.

3.1 DA/62171/2021 - 1- 23 Florida Road, 36 Hastings Road, 2A Willoughby Road, 9, 25 and 27 Terrigal Drive, Terrigal - Upgrade and extension of existing walking track around Terrigal Lagoon

Site Inspected Site orientation via video conference

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Memo from Council – Supplementary report dated 27 October 2021
- 28 Submissions

Council Recommendation Approval

Panel Decision

- 1 That the Local Planning Panel grant consent to DA62171/2021 1- 23 Florida Road, 36 Hastings Road, 2A Willoughby Road, 9, 25 and 27 Terrigal Drive, Terrigal, Lots 29-40 DP12402, Lot 497 DP823129, Lot 271 DP1976, Lot 2 DP523530, Lot 16 DP625312, Lot 305 DP663731 for Upgrade and extension of existing walking track around Terrigal Lagoon 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.**
- 2 That the following condition be added:**

4.20 The concrete pathway shall be constructed of "yorkstone" or "terracotta" colour oxide mix ratio that will be refined to match the adjacent Banjo Skate Park concrete pathway colour.
- 3 That Council advise those who made written submissions of the Panel's decision.**
- 4 That Council advise relevant external authorities of the Panel's decision.**
- 5 That Council should investigate the need for upgrading of pedestrian pathways along Willoughby Road between Florida Road and Terrigal Drive, including the need for improved pedestrian pathway across the bridge and a pedestrian crossing across Willoughby Road.**

Reasons

- 1 The Panel notes the land is classified as Community Land and covered by the Community Land - Natural Areas-Bushland**

Plan of Management and that the proposal is consistent with the Plan.

- 2 This application has been assessed against the heads of consideration of Section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies.
- 3 The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact.
- 4 It is considered that the proposed development will complement the locality and meet the desired future character of the area.
- 5 Accordingly, the application is recommended for approval pursuant to Section 4.16 of the Environmental Planning and Assessment Act.

Votes The decision was unanimous.

3.2 DA/59732/2020 - 302-306 Ocean View Road, Ettalong Beach - Partial demolition of existing structures and construction of a mixed use building comprising shop top housing, retail premises, serviced apartments and associated works

Site Inspected	Site orientation via video conference
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Memo from Council – Supplementary report dated 25 October 2021• 18 Submissions
Council Recommendation	Refusal
Panel Decision	1 That the Local Planning Panel refuse development

application 59732/2020 for partial demolition of existing structures and construction of a mixed use building containing shop top housing, retail premises, serviced apartments and associated works at 302 – 306 Ocean View Road, Ettalong Beach, subject to the reasons for refusal detailed in the schedule attached to the report and additional reasons as determined by the Local Planning Panel, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.

2 That Council advise those who made written submissions of the Panel's decision.

Reasons

- 1 For the reasons outlined in the published Council Assessment Report, and additional reasons as detailed below:
 - 11 No demonstrated compliance with the solar access and cross ventilation provisions of the ADG.
 - 12 Inconsistent floor to ceiling levels throughout the development, lack of clarity and consistency between the Plan view and the elevations, and the implications of this for access to the building including for emergency evacuation and emergency services access.
 - 13 Lack of clarity as to what part of the existing building fabric is to be retained and what is to be newly constructed, particularly in relation to the corner retail use.
 - 14 Lack of clarity as to the physical and proposed use relationship between the shop top housing and the adjoining dwelling. It is all on one site and yet there is a lack of clarity as to how the two uses would operate and whether the dwelling is to form a lot in a future strata.

Votes

The decision was unanimous

3.3 DA/60666/2021 - 170 - 176 Blackwall Road and 8 Farnell Road Woy Woy - Multi Dwelling Housing

Site Inspected	Site orientation via video conference
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none"> • Documentation with application • Council assessment report • 17 Submissions
Council Recommendation	Refusal
Panel Decision	<p>1 That the Local Planning Panel refuse the application 60666/2021 at No. 170 – 176 Blackwall Road and No. 8 Farnell Road, Woy Woy for the demolition of existing structures and construction of 2 storey multi-dwelling housing development with 18 dwellings subject to the reasons for refusal as determined by the Local Planning Panel and detailed below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.</p> <p>2 That Council advise those who made written submissions of the Panel's decision.</p> <p>3 That Council advise relevant external authorities of the Panel's decision.</p>
Reasons	<p>1 The proposal exceeds the Floor Space Ratio of 0.6:1 under Clause 4.4 of the Gosford Local Environmental Plan 2014. A written request to vary the development standard under Clause 4.6 of Gosford Local Environmental Plan 2014 has not been lodged and accordingly there is no power to approve the application, despite the apparent relative merits of the design.</p> <p>2 The application has not adequately addressed the provisions of Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 as insufficient information has been provided to adequately demonstrate that the new development does not compromise the effective and ongoing operation and function of the classified road with respect to the intersection upgrade plan and requirements.</p> <p>3 The proposal does not comply with or has provided</p>

insufficient information to address the following sections of the Gosford Development Control Plans 2013: 3.3.3.3.4 Car Parking, 3.3.3.4.2 Articulation, 3.3.3.5.5 Open Space, 3.3.3.5.6 Communal Open Space, 3.3.4.2 Residential Address, 3.3.4.3 Facades, 3.3.4.4 Landscaped Areas, 3.3.4.5.2 Stormwater, 3.3.4.5.3 Garbage bin enclosures, 6.6 Preservation of Trees or Vegetation, 6.7 Water Cycle Management, 7.1 Car Parking, 7.2 Waste Management.

4 Insufficient information has been provided preventing a thorough assessment of the likely impacts of the proposed development in accordance with s.4.15 of the Environment Planning and Assessment Act 1979, particularly having regard to engineering, access and parking, tree removal/retention, stormwater and drainage and waste management matters.

5 Clarity is required as to solar access.

Votes

The decision was unanimous

4.1 DA/1368/2017/B - 21 Elizabeth Drive Noraville - Dwelling including Demolition of Existing Dwelling (\$4.55 Modification Application)

Site Inspected Site orientation via video conference

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- 1 Submission

Council Recommendation Approval

Panel Decision

1 That the Local Planning Panel grant consent to DA/1368/2017/B - 21 Elizabeth Drive, Noraville for Dwelling including Demolition of Existing Dwelling 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.

2 That Council advise those who made written

submissions of the Panel's decision.

- Reasons**
- 1 The modified development application has been assessed in accordance with Section 4.15 of the EP&A Act and all relevant instruments and policies. The proposed modified development is considered suitable for the site despite the listed variations and is considered to be substantially the same as that approved by the original development consent.

Votes The decision was unanimous

4.2 DA/790/2020 - 20 Jack Grant Avenue, Warnervale - Resource Recovery Facility (Waste or Resource Management Facility)

Site Inspected Site orientation via video conference

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 grant consent to DA/790/2020 at Lot 9 DP 240709, 20 Jack Grant Avenue, Warnervale for a Resource Recovery Facility (Waste or Resource Management Facility) subject to the conditions detailed in the schedule attached to the report as revised and additional conditions as detailed below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***
 - 2 ***Revised conditions 2.2, 2.3, 2.4, 2.5, 2.6 and 5.4 to be inserted as follows:***
 - 2.2 ***The following documents are to be prepared:***
 - a) ***A Remediation Action Plan in accordance with the recommendations specified in the Qualitest Laboratory (NSW) Pty Ltd report titled Detailed Contamination Assessment (CCC CM: D14548942) shall be prepared by an appropriately qualified***

contamination consultant and shall be submitted and to the satisfaction of the Principal Certifying Authority. The remediation strategy will comprise:

- Removal of ACM and/or AF and FA contaminated soil from the site to an appropriately licensed waste facility**
- Removal of any type of asbestos from the site under an Asbestos Removal Plan (ARP), which should form part of the RAP.**
- Ongoing ground water monitoring at the eastern and southern extent of the development footprint.**

b) An Unexpected Finds Procedure to manage potential unexpected finds of contamination (i.e. stained or odorous soils, additional asbestos finds) during earthworks and construction for the proposed development.

The Unexpected Finds Procedure shall form part of the Construction Environmental Management Plan, to be prepared by the site owner/manager, or contractor.

2.3. Prior to the issue of any construction certificate an appropriately qualified contamination consultant must be engaged to supervise the remediation works and provide validation certificates to the satisfaction of the Principal Certifying Authority that the land has been successfully remediated in accordance with the Remedial Action Plan and is suitable for the intended use. A copy of the validation report shall be provided to Central Coast Council.

2.4. Remediate the site in accordance with the Remediation Action Plan in accordance with the recommendations specified in the Qualtest Laboratory (NSW) Pty Ltd report titled Detailed Contamination Assessment. During remediation works, the Soil and Water Management Plan (SWMP) prepared by ADW Johnson (ref: 190633, 10 July 2020) is to be implemented to manage potential offsite discharge of surface water and/or sediment.

2.5. All contaminated material must be removed from the property and disposed of at a licensed

waste management facility.

- 2.6. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979, pay to Council a total contribution amount of \$548,751.99, that may require adjustment at the time of payment, in accordance with the Warnervale District Development Contributions Plan with the applicable amounts as follows:**

WD - WVALE DISTRICT - ROADS - WEZ SOUTH/WEST	\$ 350,814.00
WD - WVALE DIST - DRAINAGE WORKS WEZ/SOUTH WEST	\$ 197,937.99
TOTAL	\$ 548,751.99

The contributions amount will be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.

Contact Council on 1300 463 954 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contributions Plan may be inspected at the offices of Central Coast Council, 2 Hely Street Wyong or 49 Mann Street Gosford or on Council's website: Development Contributions

- 5.4. An Environmental Management Plan (EMP) shall be submitted to the Principal Certifying Authority.**

The condition requires that the plan includes:

- Responsibilities;***
- Environmental monitoring;***
- Ground water monitoring on the eastern and southern extent of the development footprint;***
- An unexpected finds procedure for contamination;***
- Environmental requirements;***
- Complaints management;***
- Induction and training;***

- ***Environmental management and contingencies;***
- ***Environmental procedures for key aspects of the operation such as health and safety, security, traffic, water management, dust management, noise management, contamination prevention, waste management;***
- ***Incorporation of approvals, licences and permits;***
- ***Incorporation of conditions of consent.***

New condition 2.16 to be inserted as follows:

- 2.16. The submission of amended landscape plans to the Principal Certifying Authority indicating the removal of trees from the on site sewer management irrigation area, and the provision of appropriate planting within that area in accordance with the species identified in Appendix C of Chapter 3.8 On Site Effluent Disposal in Non Sewered Areas of Wyong Development Control Plan 2013. These plans are to be incorporated into the construction certificate documentation.***

New condition (during works) 4.18 to be inserted as follows:

- 4.18. Implement the Soil and Water Management Plan (SWMP) prepared by ADW Johnson (ref: 190633, 10 July 2020) to manage potential offsite discharge of surface water and/or sediment during earthworks and construction.***

3 That Council advise relevant external authorities of the Panel's decision.

Reasons

- 1 The proposal was advertised in accordance with the designated development provisions and no submissions were received. The site is in a suitable context for the nature, scale and type of development proposed.
- 2 Appropriate measures to address potential environmental, amenity and safety impacts have been recommended as conditions of consent.
- 3 The proposal has been assessed using the matters for

consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979.

Votes The decision was unanimous

5.1 Operation of the Local Planning Panel in 2022

Recommendation

- 1 *That the Central Coast Local Planning Panel adopt the proposed schedule of meeting dates for 2022 as set out in this report, noting that additional meetings can be called by the Chair as required, depending on workloads and application volume.***

Panel decision:

- 1 That the Central Coast Local Planning Panel adopt the proposed schedule of meeting dates for 2022 as set out in this report, noting that additional meetings can be called by the Chair as required, depending on workloads and application volume.