

## RECORD OF DEFERRAL

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	Wednesday, 27 November 2019
<b>PANEL MEMBERS</b>	Kara Krason (Chair), Michael Leavey, Peter Brennan, Chris Burke and Kyle MacGregor
<b>APOLOGIES</b>	Jason Perica
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Central Coast Council – Gosford Office – 49 Mann Street, Gosford on 27 November 2019, opened at 2:24pm and closed at 4:20pm.

#### MATTER DETERMINED

2017HCC027 – Central Coast Council – DA/1029/2017 at 27-61 Nikko Road Warnervale – 70 lot residential subdivision, small lot housing (70 dwellings) & associated ancillary works (as described in Schedule 1)

#### REASONS FOR DEFERRAL

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel resolved to defer determination of the development application, pending further documentation, amended plans and advice, as outlined below.

The decision was unanimous.

The Panel was conceptually supportive of the proposed development subject to more certainty relating to the ability to service the site with regard to sewer line extending over neighbouring properties, and to the provision of a new neighbourhood park within the development site.

The Panel had regard to the inability of the applicant to make contact to date with AUSGRID to seek agreement for the proposed sewer line to traverse their property. The Panel also considered the advice of the developer provided at the meeting that an alternative site could potentially be used should AUSGRID consent not be forthcoming. The Panel understands from Council Officers that only the former option (as proposed in the application) had been considered within the assessment report and that further ecological testing would be required should the applicant wish to pursue the alternative option.

The Panel also considered the applicant's proposal to not include a neighbourhood park within the development on the basis that the DCP referred to the park as optional. However, given the proposed increase in density associated with the small lot housing and the smaller rear yards of individual residences, the Panel was of the opinion that the new community would benefit from a neighbourhood park within the development site offering passive recreation facilities that could perhaps include seating and children's play equipment. The Panel felt there was some flexibility for the applicant to consider an alternative location for the neighbourhood park within the subject development site than that shown in the DCP and that the location, size, landscape design and features should be discussed with Council prior to submission of the revised scheme.

## TERMS OF THE DEFERRAL

Having regard to the issue of obtaining land owners consent over neighbouring properties for the proposed sewer line, and the view of the Panel that a neighbourhood park should be provided within the proposed site as suggested by the DCP, determination of the development application is **deferred** to allow for the following to be addressed:

- The applicant is to undertake further consultation and discussion with AUSGRID and other adjoining land owners to obtain land owners consent for the proposed sewer line over their properties in order to provide greater certainty that an agreement will be obtained to ensure the proposed sewer line connection can be developed as proposed. The plans are to be updated to show the agreed sewer line alignment to enable Council to assess any such impacts;
- Council to consider seeking legal advice on the wording of any conditions relating to the proposed sewer line connection, and provide confirmation that the application meets owner's consent requirements and provides certainty of the outcome;
- The applicant is to review in consultation with Council the provision of a neighbourhood park within the subject site, with appropriate amenity and inclusions provided to service the proposed new community and surrounding community with a different type of passive community open space than that provided within the nearby sportsground. The location, size and design of the neighbourhood park are to be shown on updated architectural and landscape plans.
- An addendum planning report is to be provided by the applicant that details the revisions outlined above, including but not limited to a description of the revised number of dwellings and lots to accommodate the neighbourhood park.






Upon receipt of the amended information by Council, a Supplementary Assessment report is to be prepared by Council Officers for the consideration of the Regional Planning Panel. The Panel requests that the Supplementary Assessment Report reviews relevant conditions related to the above matters, and further reviews the draft contamination conditions including the timing of actions in relation to remediation and site audit, including addressing remediation of zinc and copper, as identified in the site contamination report.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Reporting on number of submissions
- Ecological issues
- Character considerations including impacts on Kanowna Road
- Scenic values
- Road and traffic impacts including cumulative impacts
- Pedestrian access to the station

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and recommended conditions of consent, and with further potential conditions of consent once the matter is determined, particularly in relation to managing ecological impacts, road and traffic impacts, design of built form and landscape character.

PANEL MEMBERS	
 Kara Krason (Chair)	 Michael Leavey
 Chris Buke	 Kyle MacGregor
 Peter Brennan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC027 – Central Coast Council – DA/1029/2017
2	PROPOSED DEVELOPMENT	61 lot subdivision (56 small lot housing development, 2 x battle axe lots for the intent of 2 x dual occupancies), 3 residue lots, road construction and associated works in 2 stages.
3	STREET ADDRESS	27-61 Nikko Road Warnervale
4	APPLICANT/OWNER	Applicant: Kingston Property Fund No. 2 Pty. Ltd. c/- Shaddock Architects Owner: George Alexander Wilson
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy 55- Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy 44 – Koala Habitat Protection</li> <li>Wyong Local Environment Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wyong Shire Development Control Plan 2013 <ul style="list-style-type: none"> <li>Chapter 1.2 – Notification of Development Proposals</li> <li>Chapter 2.1 – Dwelling House and Ancillary Structures</li> <li>Chapter 2.3 – Dual Occupancy</li> <li>Chapter 2.11 – Parking and Access</li> <li>Chapter 3.1 – Site Waste Management</li> <li>Part 4 – Subdivision</li> <li>Chapter 6.5 – Warnervale South</li> </ul> </li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> </ul>

		<ul style="list-style-type: none"> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 27 November 2019</li> <li>• Written submissions during public exhibition: 18</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In objection – Phil King</li> <li>○ Council assessment officer – Ross Edwards and Steve McDonald</li> <li>○ On behalf of the applicant – Jonathan Langille</li> <li>○ Memo from Andrew Roach on late submission received by Council on 25 November 2019</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: Wednesday, 22 March 2017 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Kara Krason, Chris Burke and Kyle MacGregor</li> <li>○ <u>Council assessment staff</u>: Ross Edwards</li> </ul> </li> <li>• Briefing: Wednesday, 22 March 2017 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Kara Krason, Chris Burke and Kyle MacGregor</li> <li>○ <u>Council assessment staff</u>: Ross Edwards</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, Wednesday, 27 November 2019 at 2:15pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Kara Krason (Chair), Michael Leavey, Chris Burke and Kyle MacGregor</li> <li>○ <u>Council assessment staff</u>: Ross Edwards and Emily Goodworth</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Deferral
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report