

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	29 April 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Stephen Gow, Chris Burke and Kyle MacGregor
APOLOGIES	None
DECLARATIONS OF INTEREST	Juliet Grant declared a conflict of interest because her current employer, City Plan Services, produced the SEE for this project

Public meeting held via teleconference on 29 April 2020, opened at 3pm and closed at 4:20 pm.

MATTER DEFERRED

PPS-2017HCC027 – Central Coast Council – DA/1029/2017 at 27-61 Nikko Road, Warnervale – residential subdivision (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

A. The Panel agreed to defer the determination of the matter for the following information.

1. Submission of amended plans that:
 - (a) Reduce Lots 1 to 14 to a maximum of 10 lots and revise the buildings accordingly. Buildings should be single detached dwellings and provide some variety in roof profile/form and streetscape character.
 - (b) Consolidate Lots 151 and 152 as one (1) lot and review the building on this lot. Building should be a detached dwelling that addresses both street frontages.
 - (c) Identify Lot 522 as an interim park to be available for use of residents until such time as OS3, OS4 and OS5 identified on Figure 10 Open Space Works in the Warnervale District Contribution Plan are completed.
2. A revised landscape plan is to be prepared reflecting the above changes including identifying a landscape solution for Lot 522, which includes minimising tree removal and embellishment with appropriate facilities for use as a passive recreation area.

A restriction as to use is to be registered on the lot to ensure the ongoing use of the site as a park for residents of the subdivision until the completion of OS3, OS4 and OS5 identified on Figure 10 Open Space Works in the Warnervale District Contribution Plan.

B. The Panel resolved that the amended plans be readvertised.

- C. That Council prepare a further report addressing the amended plans and the following matters:
- (i) Structure of the Conditions of Consent to ensure that the conditions are drafted reflecting the correct certification regime.
 - (ii) Additional conditions requiring all contamination information and consideration to be required before issue of both a construction certificate for building works and subdivision works certificate.
 - (iii) Additional conditions requiring contamination matters to be validated before both issue of a subdivision certificate and occupation certificate.
 - (iv) Condition regarding appropriate restriction on use and release regarding the interim park on Lot 522.
 - (v) Subdivision of E3 Environmental Management

D. When this information has been received, the Panel will hold another public determination meeting.

- E. In the event that amended plans are not provided within a timeframe identified by Council – a further report be prepared advising the Panel of this.
- F. Where amended plans are not provided the Panel will determine the matter electronically based on the information previously provided.

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

The decision to defer the matter was unanimous.

REASONS FOR DEFERRAL

The Panel recognises that this matter has had a detailed history and the proposal has undergone a number of amendments. These amendments were necessary as the original proposal was an overdevelopment of the site.



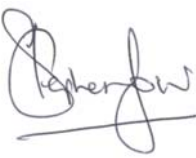
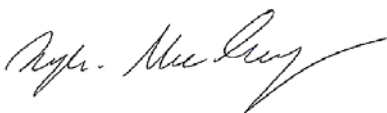

The latest version of the application, amended in response to the Panel decision of the 29th November 2019 does not:

- Adequately address the provision of local open space for the development.
- Provide an appropriate response to the streetscape character of Kanowna Road.
- Provide an appropriate landscape setting.

The Panel is of the view that the above amendments would provide for a development responsive to its context and consistent with the evolving character of the area and the policy framework.

These amendments in the Panel's view reasonably address the issues raised by the submitters.

In making this decision the Panel had the benefit of a further revised set of conditions and clarification regarding the certification regime and the Draft Central Coast Local Environmental Plan 2018.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Stephen Gow	 Kyle MacGregor
 Chris Burke	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-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	Kingston Property Fund No2 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011. State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy 44 – Koala Habitat Protection Wyang Local Environmental Plan 2013 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Central Coast LEP 2018 Development control plans: <ul style="list-style-type: none"> Wyang Shire Development Control Plan 2013 <ul style="list-style-type: none"> Chapter 1.2 - Notification of Development Proposals Chapter 2.1 – Dwelling House and Ancillary Structures Chapter 2.3 – Dual Occupancy Chapter 2.11 - Parking and Access Chapter 3.1 Site Waste Management Chapter 3.6 – Tree and Vegetation Management Part 4 – Subdivision Chapter 6.5 – Warnervale South Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 27 November 2019 Written submissions during public exhibition: 18 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Phil King Council assessment officer – Ross Edwards and Steve McDonald On behalf of the applicant – Jonathan Langille Council supplementary assessment report: 15 April 2020 Council addendum memorandum: 29 April 2020 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Lynne Burgoyne, Shane Burgoyne and Phil King Council assessment officers - Ros Edwards and Mark Dowdell

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Constantine Phillips and Jonathan Langille
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Wednesday, 22 March 2017 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Kara Krason, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Ross Edwards • Briefing: Wednesday, 22 March 2017 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Kara Krason, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Ross Edwards • Final Briefing to discuss council's recommendation, Wednesday, 27 November at 12:45 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Kara Krason (Chair), Michael Leavey, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Ross Edwards and Emily Goodworth • Site inspections: <ul style="list-style-type: none"> ○ <u>Panel members</u>: <ul style="list-style-type: none"> ○ Alison McCabe (Chair): 25 April 2020 ○ Sandra Hutton: 27 April 2020 • Final briefing to discuss council's recommendation, 29 April 2020, 1:45pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Stephen Gow, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Ross Edwards, Steven McDonald, Emily Goodworth, Guy Smith, Salli Pendergast, Mark Dowdell
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report