

## RECORD OF DEFERRAL

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 21 November 2018
<b>PANEL MEMBERS</b>	Michael Leavey (Chair), Susan Budd, Stuart McDonald, Cr Kyle MacGregor, Cr Jeff Sundstrom
<b>APOLOGIES</b>	Jason Perica, Kara Krason & Cr Chris Burke
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Central Coast Council – Wyong Office, 2 Hely Street, Wyong on 21 November 2018, opened at 4:00pm and closed at 6.40pm.

#### MATTER DEFERRED

2018HCC004 – Central Coast Council – DA/44/2018 at 6-10 Dunleigh Street Toukley, Lots 4,5 and 6 DP.22986 (as described in Schedule 1)

#### PANEL CONSIDERATION AND 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 determined to defer consideration of the development application, and to request the applicant to provide:

1. Revised plans that:
  - (a) provide a direct and safe pedestrian link between the development and the communal open space and community garden;
  - (b) remove the storage cages adjacent to the western-most car parking spaces to allow for access and also to enable passive surveillance for the full length of the communal open space and community garden; and
  - (c) revise the ground floor plan layout to provide the required storage within the footprint of the building as proposed.
2. Further information to address the isolation of the adjoining site at 14 Tamar Avenue, including demonstration of a reasonable development outcome in accordance with the Council's planning controls, or alternatively to address the Land and Environment Court planning principle on the isolation of sites (Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at 17-19)

The Panel also determined that the revised plans and further information are to be submitted to Council before the end of January 2019.

The decision was unanimous.

PANEL MEMBERS



Michael Leavey (Chair)



Susan Budd



Stuart McDonald



Kyle MacGregor



Jeff Sundstrom

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC004 – Central Coast Council – DA/44/2018
2	PROPOSED DEVELOPMENT	Residential Flat Building consisting of 34 dwellings under SEPP (Affordable Rental Housing) 2009 and associated demolition works.
3	STREET ADDRESS	6-10 Dunleigh Street Toukley, Lots 4,5 and 6 DP.22986
4	APPLICANT/OWNER	Applicant/Owner: Barr Property and Planning
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
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 (Affordable Rental Housing) 2009.</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.</li> <li>○ State Environmental Planning Policy No 71 – Coastal Protection</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Wyong Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments</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 2.4 – Multiple Dwelling Residential Development</li> <li>- Chapter 2.11 – Parking and Access</li> <li>- Chapter 3.1 Site Waste Management</li> <li>- Chapter 5.4 – Greater Toukley</li> </ul> </li> </ul> </li> <li>• Planning agreements</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan</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> <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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 6 November 2018</li> <li>• Written submissions during public exhibition: 53</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Jennifer Wilde, Paul Cahill, Mrs Kathleen Watson, Kevin Humphrey, Nick Tschanter, Ken Derry, Ian Wagstaff, Lou Calzolari, Allan Anderson, Lan Wagstaff, Robert Mcpherson, Louis Calzolari, David James Harding, Jainece Harding, Paul Hodges, Lee Forcombe</li> <li>○ Council assessment officer - Salli Pendergast, Emily Goodworth</li> <li>○ On behalf of the applicant – Kirsty Tepper (Barr Property and Planning), Donald Proctor (Compass Housing), Paul Jones (CKDS Architecture)</li> </ul> </li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing Wednesday 22 March 2017</li> <li>• Additional site inspection Wednesday 21 November 2018</li> <li>• Final briefing to discuss council's recommendation, Wednesday 21 November 2018 3.30pm</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Michael Leavey (Chair), Susan Budd, Stuart McDonald, Kyle MacGregor &amp; Jeff Sundstrom</li> <li>○ <u>Council assessment staff</u>: Salli Pendergast, Emily Goodworth, Masa Kimura</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report