

**RECORD OF DEFERRAL
DECISION REVIEW PANEL OF THE HUNTER & CENTRAL COAST
REGIONAL PLANNING PANEL**

DATE OF PANEL DECISION	23 November 2021
PANEL MEMBERS	Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a reasonably perceived conflict of interest as a client of her employer, ADW Johnson, is negotiating and pursuing land use planning outcomes for one or more of the lots within the proposed development.
EXCLUDED BY OPERATIONAL PROCEDURES	Alison McCabe, Juliet Grant and John Brockhoff were excluded by the Operational Procedures from participating in this determination as they formed the Hunter & Central Coast Regional Planning Panel for the original decision.

Papers circulated electronically on 16 November 2021.

MATTER DEFERRED

Review of PPSHCC-84 – Central Coast - 919/2018 at 236-260 Hakone Road & 99-107 Sparks Road, Woongarah – subdivision (as described in Schedule 1)

BACKGROUND

The Hunter & Central Coast Regional Planning Panel refused a development application at the 99-107 Sparks Road, Woongarah on 21 December 2020. The Panel members were Alison McCabe (Chair), Juliet Grant and John Brockhoff. Following this determination, the applicant requested a review of the Panel's decision in response to amended plans and information which addresses the previous reasons for refusal.

REASONS FOR DEFERRAL

The Panel agreed that there had been significant improvements to the proposed subdivision layout but found it necessary to defer determination of the matter to allow the Applicant to submit amended plans and additional information to the Council, detailing the following:

- Stage 7 plans to be amended to include the redesign of residential lots 705 to 722, inclusive, so that each lot has not less than 15 metres frontage to Mataram Road (Road 01) and proposed Road 14 on the southern side of the lots.
- All proposed lots on the Plan of Proposed Subdivision to be numbered and stages of development clearly shown.
- All easements for services, access and for all retaining walls (support and maintenance), to be documented on the Plan of Proposed Subdivision, and the draft terms of the easements be provided.
- Stage 6a plans to be amended to include:
 - The location of the easement for stormwater basin, secondary flow and access to the basin, in lot 601, and
 - Access arrangements to lot 601 via Road 02 and Road 03 as far as the intersection with Road 11
- A maintenance plan, indicating how the retaining wall, fence and planter boxes (including planting) in proposed lots 705 to 722 inclusive will be maintained in perpetuity.
- A revised description of the proposal reflecting the number of proposed lots and development within each stage including residue lots, to be included in all documentation relied on.

The Panel requires the plans and information, as referred to above, be submitted to Council by 30 November 2021.

Council is requested to undertake an assessment of the amended plans and information and prepare a supplementary report including a detailed Subdivision Compliance Table with revised draft conditions of consent by 8 December 2021. If the revised information from the Applicant is not provided by 30 November, the Panel will determine the review application based on the information currently at hand.

The Council in preparing the revised draft conditions to ensure that:

- The description of the development reflects the application before the Panel
- The conditions reflect any amendments or detail requirements identified in the Subdivision Compliance Table
- The conditions reflect the amended material present to the Panel

When this information has been received, the Panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Clare Brown
 Penny Holloway	 Tony Tuxworth
 Greg Flynn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-84 – Central Coast - 919/2018
2	PROPOSED DEVELOPMENT	The proposed development comprises a Section 8.2 review of determination of the Torrens title subdivision to be carried out in a number of stages (Stages 6a, 6b & 7) creating 92 residential lots between 314m2 and 650m2, one residential super lot, one commercial lot, and three residue lots
3	STREET ADDRESS	Lot 1 DP 371647, Lot 1 DP 375712, Lot 1 DP 376264, Lot 41 DP 1200210, Lot 51 and 52 DP 561032 and Lot 54 and 55 DP 7527 - 99-107 Sparks Road and 236-260 Hakone Road Woongarah NSW 2259
4	APPLICANT OWNER	Julie Garratley – Beveridge Williams Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	Review of Decision
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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 (Koala Habitat Protection) 2021 - Wyang Local Environmental Plan 2013 - Draft environmental planning instruments: - Draft Central Coast Local Environmental Plan 2018 - Draft Design and Place State Environmental Planning Policy (Design and Place SEPP) - Draft State Environmental Planning Policy Environment (SEPP Environment) - Review of Clause 4.6 of the Standard Instrument LEP - Development control plans: - Wyang Shire Development Control Plan 2013 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - 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	- Council assessment report: 16 November 2021 - Council supplementary memorandum: 19 November 2021 - Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 19 August 2021 <u>Panel members</u>: Julie Savet Ward (Chair), Clare Brown and Penny Holloway <u>Applicant representatives</u>: Julie Garratley and Anthony Price <u>Council assessment staff</u>: Nathan Burr

		- o <u>Department staff</u>: Alexandra Hafner, Leanne Harris, Lisa Foley, Sharon Edwards and Holly McCann • Site inspection: - o Tony Tuxworth: 20 November 2021 • Final briefing to discuss council's recommendation: 22 November 2022 - o <u>Panel members</u>: Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth - o <u>Council assessment staff</u>: Nathan Burr, Mark Dowdell, Emily Goodworth, Andrew Roach and Scott Cox - o <u>Department Staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley • Applicant Briefing: 22 November 2022 - o <u>Panel members</u>: Julie Savet Ward (Chair), Penny Holloway, Clare Brown, Greg Flynn and Tony Tuxworth - o <u>Council assessment staff</u>: Nathan Burr, Mark Dowdell, Emily Goodworth, Andrew Roach and Scott Cox - o <u>Department Staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley - o <u>Applicant representatives</u>: Anthony Price, Anthony Oliver, Chris Slater and Julie Garratley <u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report