

Panel Members

Chairperson	Kara Krason
Panel Experts	Grant Christmas Sue Francis
Community Representative/s	Tony Tuxworth

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager, Residential Assessments
Amy Magurren	Senior Development Planner, Residential Assessments
Shannon Turkington	Unit Manager, Strategic Planning
Rachelle Hardaker	Senior Strategic Planner, Local Planning and Policy
Scott Duncan	Section Manager, Local Planning and Policy
Robert Eyre	Principal Development Planner, Residential Assessments
Lisa Martin	Civic Support Officer

The Chairperson, Kara Krason, declared the meeting open at 2:04pm.

The Chair read an acknowledgement of Country statement.

Apologies

The Panel noted that no apologies had been received.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

Panel Members confirmed that there were no conflicts of interest identified.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

The minutes of the previous Local Planning Panel Meeting held on 9 November 2023, which were endorsed by the Chair of that meeting, were noted.

The Local Planning Panel meeting concluded at 3:20pm.

PLANNING PROPOSAL

3.1 Planning Proposal - 310 Terrigal Drive, Terrigal

The Central Coast Local Planning Panel considered the report on the matter, additional background technical reports provided by Council and the material presented in the briefing meeting. The Panel's role in this matter is to provide advice, which is as follows:

- 1 The Panel does not consider the planning proposal to have strategic or site specific merit.
- 2 There is a lack of strategic justification for the proposed increase in height and yield on the subject site. There is no precinct or local strategy to indicate the appropriateness of the site and the surrounding area for increased development capacity. In the absence of such a strategy the planning proposal has no contextual planning justification and is not supported.
- 3 The Panel considers the planning proposal fails the site specific merit test for the following reasons:-
 - A. The site shape and dimensions constrain future development.
 - B. The traffic access to the site on a busy intersection is constrained and access to the site results in the loss of significant and sensitive vegetation.
 - C. The density proposed would conflict with the ecological sensitivity of the site together with the potential bushfire and flooding risk.
 - D. Surrounding development is predominantly single storey and two storey form and the proposed 32 metre tower would be anomalous.
 - E. The site is not considered a gateway site to Terrigal.
- 4 While the Panel's advice is that it does not support the planning proposal for the reasons provided above, should the Council decide to proceed with the planning proposal a maximum size for the retail use should be nominated, because as currently drafted the whole development could potentially become a retail use.

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

3.2 Land and Environment Court Proceedings Class 1 - Case 2023/00155034 - Appeal of Refusal - Central Coast Council ats Kyle Bay Holdings Pty Ltd - DA/578/2021 16 Bayview Avenue The Entrance

- Council Recommendation**
- 1 *That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court to the refusal of Development Application DA/578/2021.*
 - 2 *In accordance with Section 2.20(8) of the Environmental Planning and Assessment Act 1979, the Local Planning Panel delegate to appropriate Council officers the ability to give legal instruction to Council's external legal counsel at any upcoming proceedings relating to the appeal, including any conciliation conference in accordance with Section 34 of the Land and Environment Court Act 1979.*

Panel Decision **This matter is to be referred to the Chair of the relevant Panel who refused the application. A decision on the Council recommendation is deferred to the relevant Chair/Panel.**

REPORTS

4.1 Operation of the Local Planning Panel in 2024

Council Recommendation *That the Central Coast Local Planning Panel note the information in the report and adopt the proposed schedule of meeting dates for 2024, noting that additional meetings can be called by the Chair as required, depending on workload and application volume.*

Panel Decision **Noted**

4.2 DA/1144/2023 - 18 Wagstaffe Ave, Wagstaffe - Demolition of existing Heritage Dwelling

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

- Supplementary Mem dated 29 November 2023
- Submissions

**Council
Recommendation**

Approval

Panel Decision

- 1 The Local Planning Panel grant development consent to DA/1144/2023 – 18 Wagstaffe Avenue, Wagstaffe – Demolition of existing heritage listed dwelling subject to the conditions detailed in the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 The Panel recommends that Council's Strategic Planning unit be advised of this decision as it relates to removal of a heritage item.**
- 3 That Council advise those who made written submissions of the Panel's decision.**

Reasons

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 There are no significant issues or impacts identified with the proposal under Section 4.15 of the Environmental Planning and Assessment act 1979.

Votes

The decision was unanimous

4.3 DA/796/2023 - 3 Wilkie-King Ave Saratoga - Alterations and Additions to an Existing Dwelling

Site Orientation

Yes

**Relevant
Considerations**

As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Supplementary Memo 30 November 2023

**Council
Recommendation**

Approval

Panel Decision

The Local Planning Panel is satisfied that the applicant's written request under clause 4.6 of the Gosford Local Environmental Plan 2022 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:

- a. compliance with the standard is unreasonable and unnecessary in the circumstances of the case; and**
- b. there are sufficient environmental planning grounds to justify the contravention.**

Further, the Panel consider that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives of the development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

- 1 The Local Planning Panel assume the concurrence of the Secretary of the Department of Planning to permit the non- compliance with the development standard under clause 4.6 of the Central Coast Local Environmental Plan 2022, in accordance with the provisions of clause 55 of the Environmental Planning and Assessment Regulation 2021.**
- 2 The Local Planning Panel grant development consent to Development Application DA/796/2023 on Lot 3 DP 221372, for 3 Wilkie-King Ave Saratoga, subject to the conditions as detailed in the schedule to the report and having regard to the matters for consideration detailed in section 4.15 of the environmental Planning and Assessment Act and other relevant issues.**

Reasons

- 1 The proposed development is considered to be satisfactory with all relevant planning policies including the objectives of GLEP 2014 and GDCP 2013.**
- 2 The proposed development will not have unreasonable impacts on the streetscape, residential amenity of neighbouring properties or the surrounding locality.**

Votes

The decision was unanimous

4.4 DA/1922/2022 - Assessment Report - 121 Ocean Parade, BLUE BAY

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Briefing Report dated 28 November 2023
- Supplementary Memo dated 29 November 2023
- Email regarding lift dated 30 November 2023

Council Recommendation *Approval*

Panel Decision

1 The Local Planning Panel is satisfied that the applicant's written request under clause 4.6 of the Wyong Local Environmental Plan 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:

a) Compliance with the standard is unreasonable and unnecessary in the circumstances of the case; and

b) There are sufficient environmental planning grounds to justify the contravention.

Further, the Panel consider that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the R1 General Residential zone in which the development is proposed to be carried out.

2 That the Local Planning Panel grant consent to DA/1922/2022 – 121 Ocean Parade, Blue Bay – Demolition and Residential Flat Building subject to the conditions detailed in the report including additional new condition below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

New Condition – Lift

The lift must not exceed the approved maximum building height of RL26.17 certification is to be provided by a registered surveyor confirming this prior to the issue of an occupation certificate.

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

Reasons

- 1 The proposed development is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2013 and WDCP 2013.
- 2 The proposed development will not have unreasonable impacts on the streetscape, residential amenity of neighbouring properties or the surrounding locality.

Votes

The decision was unanimous