

Panel Members

Chairperson	Kara Krason
Panel Experts	Stephen Leathley Linda McClure
Community Representative/s	Tony Tuxworth

Central Coast Council Staff Attendance

Scott Cox	Director Environment and Planning
Andrew Roach	Unit Manager Development Assessment
Ailsa Prendergast	Section Manager Development Assessment South
Brian McCourt	Development Planner Development Assessment South
Anna McKeough	Team Leader Business Support North
Rachel Callachor	Administration Officer Business Support South
Kathryn Williams	Administration Officer Business Support South

The Chairperson, Kara Krason, declared the meeting open at 2.07pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair, read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.

Unanimous

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the following meetings of the Local Planning Panel, which have been endorsed by the Chair of those meetings, were submitted for noting:

- *Meeting held on 13 May 2021 and*
- *Supplementary Meeting Minutes regarding DA57958/2020 – dated 2 June 2021.*

Moved and Confirmed – Kara Krason

Public Forum

The following people addressed the Panel:

Agenda item 3.1

1. Tracy Rogers - for recommendation
2. Gail Santi, President of Springfield Residents Association - for recommendation
3. Luke Gemmill - for recommendation
4. Cheryl Walsh – for recommendation
5. Glenys Ray - for recommendation
6. Ross Wellington - Ecologist - Australian Environmental Surveys (on behalf of applicant) - against recommendation
7. Shane McKinnon - Owner - against recommendation

The Local Planning Panel public meeting closed at 2:49pm. The Panel moved into deliberation from 2:50pm, which concluded at 5:15pm.

3.1 DA 55715/2018 - 35-45 Clarence Road, Springfield - Four (4) lot subdivision

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Submissions
Council Recommendation	Refusal
Panel Decision	<i>1 That the Local Planning Panel refuse the application Development Application No. 55715/2018 for Four (4) lot subdivision on Lot 6 -7 DP 9777248, 35 - 45 Clarence</i>

Road Springfield for the following reasons:

- i. The application relies on flexible zone boundary provisions provided by Clause 39A in IDO122. State Environmental Planning Policy (Coastal Management 2018) cl.20 states that flexible zone provisions do not apply where this SEPP applies to this site. Consequently there is no legal basis on which the application can be approved by relying on Clause 39A of the IDO.***
- ii. The subdivision is contrary to the provisions of Clause 18(3) of Interim Development Order 122 (IDO 122) relating to compliance with the minimum lot size.***
- iii. The subdivision is contrary to the provisions of the zone objectives of Interim Development Order 122 (IDO 122).***
- iv. The subdivision is contrary to the provisions of Clause 18 (4) of Interim Development Order 122 (IDO 122) relating to the character of the site and surrounding area.***
- v. Inadequate information has been provided in relation to GDCP 2013 Clause 3.6 .4.2(c)(i) Subdivision of Rural and Non – Urban Land Arrangement of Lots – Tree Preservation.***
- vi. The proposal would adversely impact on the biodiversity of the site as it would facilitate significant vegetation removal associated with future residential development, construction and bushfire asset protection.***
- vii. The land has strategic value as part of the Coastal Open Space System (COSS) which identifies the land for voluntary land acquisition.***
- 2 That Council advise those who made written submissions of the Panel’s decision.***
- 3 That Council advise relevant external authorities of the Panel’s decision.***

Reasons

- 1** The proposal is unable to rely on the flexible zone provisions under cl. 39A of IDO 122 as the site is subject to the State Environmental Planning Policy (Coastal Management 2018). Therefore the proposal does not comply with minimum lot size under IDO 122;

- 2 The proposal would adversely impact on the biodiversity of the site as it would facilitate significant vegetation removal associated with future residential development, construction and bushfire asset protection; and
- 3 The application is not in the public interest.

Votes The decision was unanimous

4.1 Request to prepare Local Environmental Plan Amendment (Planning Proposal) – 43-49 The Esplanade, Ettalong Beach

Stephen Leathley did not participate in this matter due to a declaration of a significant non pecuniary interest.

The Panel considered the report on the matter and the material presented by Council Officers at the briefing meeting.

- 1 The Panel supports the report recommendation included below and offers the following advice:

That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal to amend the Gosford Local Environmental Plan 2014 or Central Coast Local Environmental Plan (if in effect), to:

a) increase the maximum building height from 11.5m to 17m and floor space ratio from 1:1 to 1.75:1 on the following lots:

- Lot 117 in DP 10650 (No 46 The Esplanade);
- Lot 118 in DP 10650 (No 46 The Esplanade);
- Lot 119 in DP 10650 (No 46 The Esplanade);
- Lot 120 in DP 10650 (No 45 The Esplanade);
- Lot 121 in DP 10650 (No 44 The Esplanade); and
- Lot 122 in DP 10650 (No 43 The Esplanade), and

b) to increase the maximum building height and floor space ratio on Lot 2 in DP1249007 and 0/SP 99403 (No 49 The Esplanade) to be consistent with the planning controls approved as part of the State Significant Project Approval (MP 09_0121) for this site.

- 2 The Panel supports the strategic intent of the proposal for redevelopment of this key site and considers that it has site specific merit, subject to the following qualifications:
 - Proposed height and FSR for No. 43-46 The Esplanade, Ettalong Beach is supportable provided the site is developed as one consolidated lot. Standards relating to minimum allotment size, minimum frontage and site consolidation must be included within the LEP.

- The proposed LEP controls rely on detailed urban design controls being developed in a future Development Control Plan, which should preferably be exhibited alongside the Planning Proposal. If this is not possible, then the DCP should be finalised prior to the gazettal of the amending LEP. This should include, but not be limited to:
 - limiting the overshadowing of the beach, public open space and bushland in the area
 - allowing for view sharing to the water from other B2 zoned land in the centre
 - providing for acceptable building separation and setbacks
 - incorporating active street frontage provisions
 - transition in height to the adjacent low density areas
 - design excellence

- The Panel supports the proposed intent to prepare a Planning Agreement alongside a Planning Proposal.

- The Panel requests consideration as part of the Planning Proposal of public benefits such as affordable housing, through site links and public realm improvements along The Esplanade and Picnic Parade.