
Panel Members

Chairperson	Donna Rygate Grant Christmas (for item 3.3 only)
Panel Experts	Grant Christmas Sue Francis
Community Representative/s	Glenn Watts

Central Coast Council Staff Attendance

Wayne Herd	Section Manager Building Certification South
Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Karen Hanratty	Senior Development Planner Development Assessment South
Anna McKeough	Team Leader Business Support North
Rachel Callachor	Administration Officer Business Support South
Belinda Jennett	Administration Officer Business Support South
Kathryn Williams	Administration Officer Business Support South

The Chairperson, Donna Rygate, declared the meeting open at 2:07pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement.

The Chair advised that Grant Christmas would take role of the Chair for item 3.3.

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.

Moved: Grant Christmas

Seconded: Sue Francis

Unanimous

2.1 Confirmation of Minutes of Previous Meeting

The Minutes of the following Meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, were submitted for noting:

- **Local Planning Panel Meeting held on 22 April 2021.**

Moved: Grant Christmas
Unanimous

Public Forum

The following people addressed the Panel:

Agenda item 3.2

Pierre Le Bas, Kelvin Templeton, Bruce Swalwell against the application
Peter Elias and Milos Obradovic (on behalf of applicant)

Donna Rygate left the public meeting at 2:46pm and was not present for agenda item 3.3.

Agenda item 3.3

David Cooper, Victoria Kossoff Gaborit, Chris Gaborit, Helen Monks, Simone Tsigolis
against the application
Matt Thitchener (on behalf applicant)

The Local Planning Panel public meeting closed at 3:17pm. The Panel moved into deliberation from 3:23pm and Donna Rygate rejoined the meeting. Donna Rygate left the deliberative meeting at 3:38pm and was not present for discussion of item 3.3. Grant Christmas took over the Chair for item 3.3.

3.1 DA 60262/2020 - 2 Scenic Highway, Terrigal - Ex-HMAS Adelaide Mast at the Terrigal Haven on to a plinth footing with landscaping and provision for a flagpole

Due to the need to obtain advice on a late request from the applicant, the matter was not considered.

3.2 DA59347/2020 - 2C Amethyst Avenue Pearl Beach - New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report

- 31 submissions

Council

Approval

Recommendation

Panel Decision

- 1 That the Local Planning Panel grant consent to DA59347/2020 for New Dwelling House Alterations & Additions Keeping Existing Ground Floor Cottage in its Current Form on LOT: 2 DP: 838892, 2C Amethyst Avenue PEARL BEACH subject to the new condition below and the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**

New Condition:

That the proposed deck and associated screening on the eastern boundary of the first floor be deleted in its entirety. All access to the eastern side deck is to be removed. All proposed doors are to be deleted and replaced with windows. At the juxtaposition of the eastern deck with the rear deck the length of the rear deck is to be reduced by the width of the proposed eastern deck at that point and appropriate balustrades provided. Details of the amendments to be provided on plans and approved prior to the issue of a Construction Certificate

- 2 That Council advise those who made written submissions of the Panel's decision.**

Reasons

- 1 The Panel considered the submissions from residents and the applicant. The Panel accepts that the proposal can be determined as alterations and additions to an existing lawfully created dwelling house on a lawfully created lot.

The Panel also considers that the existing lot, whilst undersized, was lawfully created and that no Clause 4.6 variation is required pursuant to Clause 4.1 of the GLEP 2014 to the minimum lot size standard as subdivision is not sought in this proposal.

Nevertheless, the Panel was concerned with the extent of the first floor decking off the proposed living area. Given the proximity of the decks to the boundaries and the adjoining

residents it was considered undesirable due to amenity impacts to have a deck and its associated screening on the eastern boundary.

In relation to the access to the proposed upper level from an external stair, whilst this would allow both levels of the building to be occupied independently, this is not proposed and the position put by the applicant's architect in respect of the minimal space in the existing ground floor for a stair is reasonable in this case.

On balance, the proposal has merit subject to the deletion of the eastern side deck and the proposed conditions of consent would address any potential detrimental impact.

Votes The decision was unanimous.

4.1 Request to Prepare Planning Proposal - 79 Central Coast Hwy, West Gosford

The Panel supported the recommendations in the report. In particular, the Panel considered that the proposed height of building was excessive.

4.2 Request to prepare a Planning Proposal - 18 Macleay Avenue, Woy Woy

The Panel supported the recommendations in the draft report and noted the importance of ensuring no impact on threatened species, both flora and fauna.

3.3 DA60516/2020 - 63 Wagstaffe Avenue Wagstaffe - Dwelling House (New) and Garage

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• 15 submissions
Council Recommendation	Approval

Panel Decision

- 1** *That pursuant to the provisions of clause 4.6 of the Gosford Local Environmental Plan 2014 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the floor space ratio development standard in clause 4.4(2) of the LEP has adequately addressed the required matters in clause 4.6 of the LEP. The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the floor space ratio standard and the objectives for development within the R2 - Low Density Residential zone in which the development is proposed to be carried out.*

- 2** *That 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 Gosford Local Environmental Plan 2014, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.*

- 3** *That the Local Planning Panel grant consent to DA60516/2020 – 63 Wagstaffe Avenue Wagstaffe – New Dwelling House and Garage subject to the conditions detailed in the schedule attached to the report; the additional conditions required by the Panel as detailed in these Minutes below; and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.*

New Conditions:

- (a)** *To ensure privacy across common boundaries, the glass to the walkway between the western and eastern pavilions is to be obscure on both the northern and southern sides of the walkway or, in the alternative, both sides of the walkway are to have fixed external privacy screens permanently angled at 45 degrees.*

(b) To allow accessibility around the site the ground floor and first floor of the eastern pavilion is to be setback 630mm from the northern boundary for the whole of their length (the same as that proposed for the western pavilion).

(c) To allow for view sharing across sites at the water's edge, the ground and first floor deck of the eastern pavilion is to have openings/apertures in both the northern and southern walls of 1.5 metres in width, commencing at 1.0m above floor level and continuing to the ceiling height of the deck.

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

5 That Council advise relevant external authorities of the Panel's decision.

Reasons

- 1 The Panel was concerned regarding the likelihood of overlooking between neighbours on what are very narrow blocks. Further, legitimate concern was raised by objectors and shared by the Panel regarding the sharing of views across boundaries at the waterfront and to the accessibility around the site (particularly given the breach of the FSR). Accordingly, the Panel requires that the above conditions be imposed on the consent.
- 2 The Panel considered that, subject to the additional conditions proposed, the development was of a reasonable scale and was well designed having regard to the narrow width and small site area of the subject property.
- 3 The Panel considered that, subject to the additional conditions, the proposal would not have unreasonable impacts on neighbouring properties.

Votes

The decision was unanimous.