

Panel Members

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Sue Francis
Community Representative/s	Mark Elsley

Central Coast Council Staff Attendance

Scott Cox	Director Environment and Planning
Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager Development Assessment North
Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Planner Development Assessment South
Martin Ball	Principal Solicitor Governance & Legal
Susana Machuca	Senior Development Planner Development Assessment South
Amy Magurren	Development Planner Development Assessment South (observer)
Johnson Zhang	Team Leader Water Assessment
Danielle Allen	Senior Ecologist Development Assessment Pre Lodgement
Kim Holding	Civil Works Engineer
Rachel Callachor	Meeting Support Officer Civic Support
Kelly Drover	Meeting Support Officer Civic Support
Sophie Kennedy	Civic Support Officer Civic Support
Zoie Magann	Meeting Support Officer Civic Support

The Chairperson, Donna Rygate, declared the meeting open at 2.02pm and advised in accordance with the Code of Meeting Practice that the meeting was 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

The Panel noted that declaration forms had been received and no conflicts had been identified.

Unanimous

2.1 Confirmation of Minutes of Previous Meeting

The Minutes of previous Local Planning Panel Meetings, which had been endorsed by the Chairs of those meetings, were submitted for noting:

- ***Local Planning Panel meeting held on 22 July 2021***
- ***Electronic Determination regarding DA59637/2020 dated 27 July 2021***

Unanimous

Public Forum

The following people addressed the Panel:

Agenda item 3.1 - DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower

- 1 Josephine Howie - against recommendation
- 2 Rodney Dawson - against recommendation
- 3 Michael Allen - for recommendation
- 4 Mike Allsop (President, Wagstaffe to Killcare Community Association) - for recommendation
- 5 Tony Denny - against recommendation
- 6 Joanna Ward (Lendlease) - on behalf of applicant

Agenda item 3.2 - DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility

- 1 Peta Harris (Perception Planning) - on behalf of applicant

The Local Planning Panel public meeting closed at 2:49pm. The Panel moved into deliberation from 3:02pm, which concluded at 3:30pm.

3.1 DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower

Site Inspected	Site orientation via video conference, individual site visit
Relevant Considerations	As per Council assessment report Supplementary memo dated 18.08.21
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Submissions• Council advice regarding notification• Addresses in public meeting and responses to Panel questions
Council Recommendation	Approval
Panel Decision	<ol style="list-style-type: none"><i>1 The Local Planning Panel notes the advice received from Council in relation to the fourth round of notification of previous submitters in relation to this matter and is satisfied that notification has occurred consistent with Council's policies.</i><i>2 The Panel is satisfied with Council's legal advice on the issue of whether the subject site is Community/Operational land.</i><i>3 The Local Planning Panel deferred the determination of the application to allow the applicant to submit a revised Clause 4.6 request. Such revised request to be provided within four weeks of today's meeting.</i><i>4 The Panel also requests Council to consult Darkinjung Local Aboriginal Land Council (DLALC) about the application during this period and to report its response, if any, to the Panel</i><i>5 The Panel requests Council to submit a supplementary assessment report addressing the above matters to a special electronic Panel public meeting within 8 weeks of today's meeting.</i>
Reasons	<ol style="list-style-type: none">1 The Panel considers that the Applicant's Clause 4.6 request submitted with the Addendum to the Statement of Environmental Effects does not fully satisfy the

requirements of clause 4.6(3) of the Gosford LEP 2014.

- 2 While the Panel accepts the advice from Council staff in respect of current protocols, the Darkinjung Local Aboriginal Land Council should be consulted about the proposal, with any outcome included in a supplementary report to the LPP.

Votes The decision was unanimous

3.2 DA/57957/2020 - 396 & 404 The Entrance Road, Erina Heights - Centre-Based Child Care Facility

Site Inspected Site orientation via video conference, individual site visit

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Address in public meeting and responses to Panel questions

Council Recommendation Approval

Panel Decision

- 1 That development consent be granted to DA57957/2020 for a Centre-Based Child Care Facility on No. 396 and 404 The Entrance Road, Erina Heights subject to 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.**
- 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 satisfactory having regard to the relevant environmental planning instruments, plans and policies.

- 2 The proposal has been considered against the provisions of Interim Development Order No 122 and has been found to be satisfactory.
- 3 There are no significant issues or impacts identified with the proposal under s.4.15 of the *Environmental Planning and Assessment Act 1979*.

Votes The decision was unanimous

4.1 DA/61991/2021 - 23 Anchorage Crescent, Terrigal - Alterations and Additions

Site Inspected Site orientation via video conference, individual site visit

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Approval

Panel Decision **1** ***That development consent be granted to DA61991/2021 Part 1 - LOT: 15 DP: 202199, 23 Anchorage Crescent, Terrigal - Alteration/Additions to Existing Dwelling subject to 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.***

Reasons

- 1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 2 The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.
- 3 Subject to the imposition of appropriate conditions, the proposed development is not expected to have an adverse social or economic impact.

- 4 It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Votes The decision was unanimous

4.2 DA/61627/2021 - 7 Helen Drive, Copacabana - Demolition of Existing and new Three Storey Dwelling

Site Inspected Site orientation via video conference, individual site visit

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Deferred Commencement Approval

Panel Decision

1 *That the Local Planning Panel assumes 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.*

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 Height of Buildings development standard and the objectives for development within zone R2 – Low Density Residential in which the development is proposed to be carried out.

2 *That deferred development consent be granted to DA61627/2021 – 7 Helen Drive, Copacabana - Demolition of dwelling and construction of single dwelling over three levels - subject to appropriate conditions as 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.***

Reasons

- 1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 2 The development is considered suitable for the site despite the listed variations.

Votes

The decision was unanimous

5.1 Request to prepare a Planning Proposal for 437 Wards Hill Road, Empire Bay

The Panel supports Council progressing with the Planning Proposal, however Council should ensure that any subsequent development application for use of the land thoroughly addresses the issues of flooding, evacuation and suitability of the future proposed use.