

Panel Members

Chairperson	Donna Rygate Stephen Leathley (for item 3.2 only)
Panel Experts	Stephen Leathley Linda McClure
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager Development Assessment North
Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Erin Murphy	Senior Development Planner Development Assessment South
Susana Machuca	Senior Development Planner Development Assessment South
Rachel Callachor	Meeting Support Officer Civic Support
Sophie Kennedy	Civic Support Officer Civic Support

The Chairperson, Donna Rygate, declared the meeting open at 2:09pm 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 Stephen Leathley would take role of the Chair for item 3.2 - Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley, because she was part of the Panel that considered the application previously. (In accordance with Section 8.2(5) of the Environmental Planning & Assessment Act 1979, the review must be referred to the Local Planning Panel. The Local Planning Panels Operational Direction states that: 'the determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination'. The Panel members at the 6 August 2020 meeting were: Donna Rygate, Grant Christmas, Garry Fielding and Scott McGrath.)

Apologies

The Panel noted that no apologies had been received.

The Chair advised that the application listed at agenda item 3.1 - DA/60262/2020 - 2 Scenic Highway, Terrigal - Ex- HMAS Adelaide Mast at the Terrigal Haven onto a plinth footing with landscaping and provision for a flagpole - was withdrawn by applicant prior to the public meeting and would therefore not be considered by the Panel.

1.1 Disclosures of Interest

Declaration forms have been received and management actions will be taken including exclusion of members with an interest from consideration of relevant matters.

2.1 Confirmation of Minutes of Previous Meeting

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

- ***Local Planning Panel meeting held on 24 June 2021***
- ***Electronic Determination regarding DA51538/2017 dated 28 June 2021***

Moved: Linda McClure

Seconded: Stephen Leathley

Unanimous

Donna Rygate left the public meeting at 2.16pm and was not present for agenda item 3.2.

Public Forum

The following people addressed the Panel:

Agenda item 3.2

- 1 Tessa Green - Secretary and Vice-President, Kincumber and Picketts Valley Community Action Group Inc. (KPVCAG) - for recommendation.
- 2 Steve Fortey – President, Avoca Beach Community Association - for Recommendation.
- 3 Fiona Morrison - for recommendation.
- 4 Pauline Wright, representative for Kincumber and Picketts Valley Community Action Group Inc. (KPVCAG) – for recommendation.
- 5 Roger Johnson - for recommendation.
- 6 Chris Smith, Consultant ADW Johnson on behalf of applicant, and Ian Tregoning, Director, LivingChoice (for applicant).

The Local Planning Panel public meeting closed at 3:00pm.

The Panel moved into deliberation from 3:05pm, which concluded at 3:28pm. Stephen Leathley left the deliberative meeting at 3:07pm and was not present for discussion of item 4.2, returning at 3:15pm.

Donna Rygate left the deliberative meeting at 3:16pm and was not present for discussion of item 3.2 and did not return to the meeting. Stephen Leathley took over the Chair for item 3.2.

3.2 Section 8.2 Review of Determination - DA/57698/2019 - Staged Caravan Park (165 sites) at 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley

Site Inspected Yes – briefing via video conference

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

- Panel Decision**
- 1** *That the Local Planning Panel refuse the application Section 8.2(a) review of determination of Development Application Ref DA/57698/2019 for the integrated and Staged 'Residential Land Lease Community' (Caravan Park) comprising 165 sites, community facilities, retained farmhouse, demolition of structures, removal of dams, roads and infrastructure and landscaping at Nos 255, 255A, 255B Avoca Drive Kincumber, and 19 Picketts Valley Road Picketts Valley, subject to the reasons for refusal 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.*
 - 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 proposed development is not properly characterised as a 'caravan park' as the two short-term dwelling sites must be proposed for a proper use to satisfy the requirements of the definition for a caravan park. The two short-term dwelling sites have been nominated for parking for visitors of residents.
 - 2 The proposed development is not consistent with the objectives of the E4 Environmental Living zone under the provisions of the *Gosford Local Environmental Plan 2014*.

- 3 The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.
- 4 The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.
- 5 Insufficient information has been provided in relation to stormwater run-off and downstream flooding impacts, ecology, waste, soil and water management, emergency and construction access and tree retention.
- 6 The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.
- 7 The proposed development does not have adequate regard to achieving compliance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*

Votes The decision was unanimous

4.1 DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining Structures

Site Inspected Yes – via video conference given lockdowns

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation Approval

Panel Decision **1** ***That the Local Planning Panel grant consent to DA/58327/2020/2 - 15 Lynnette Crescent, East Gosford - Alterations & Additions to the Existing Dwelling, Carport, Cabana, Inground Swimming Pool & Retaining***

Structures, 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.

Reasons

- 1 This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning & Assessment Act 1979 and all relevant instruments and policies. Upon completion of this assessment, given the minor variations sought by the development, with these variations demonstrating general compliance with both the stated objectives of Chapter 3.1 and the area's desired future character statement, it is considered that the site is suitable for the proposed development.

Votes

The decision was unanimous

4.2 DA/58543/2020 - Alternations & Additions to Shop Top Housing - 60 Terrigal Esplanade, Terrigal

Site Inspected

Yes – via video conference given lockdowns

Relevant Considerations

As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report

Council Recommendation

Approval

Panel Decision

- 1 ***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.***

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 (FSR) development standard and the objectives for development within zone B2 – Local Centre in which the development is proposed to be carried out.

- 2** ***That the Local Planning Panel grant consent to DA58543/2020 for a Shop Top Housing development on Lot: 1 DP: 214139 and Lot: B in DP: 374520, No. 60 Terrigal Esplanade, Terrigal, 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 proposal has been considered against the provisions of Gosford Local Environmental Plan 2014 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