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**Panel Members**

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Garry Fielding
Community Representative/s	Paul Dignam

**Central Coast Council Staff Attendance**

Alisa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner Development Assessment South
Rachel Callachor	Local Planning Panel Support Coordinator

The Chair, Donna Rygate, declared the meeting open at 2:07pm, apologised for the delay pending the community representative's attendance, 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**

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***The Panel noted that disclosure forms had been submitted by three members and no material conflicts of interest had been identified.***

***Paul Dignam made a verbal declaration that he had no conflicts of interest identified and committed to submit his disclosure form after the meeting.***

**2.1 Confirmation of Minutes of Previous Meeting**

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***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 1 October 2020.***

***Moved: Donna Rygate***  
***Unanimous***

**Public Forum**

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**Item 3.1**

There were no registered speakers.

**Item 3.2**

Shea Cullen, ADG Architects on behalf of the applicant, was available to provide responses to enquiries from the Panel.

Garry Fielding noted and thanked the project architect for the amendments made to this proposal to make it more compliant with the Apartment Design Guide.

**Item 3.3**

There were no registered speakers.

The Local Planning Panel public meeting closed at 2:18pm. The Panel moved into deliberation from 2:20pm, with Paul Dignam joining at 2:26pm. The deliberative meeting concluded at 2:52 pm.

**3.1 DA/1234/2016/B - 12 Debra Anne Drive, Bateau Bay - Change of use from community centre to educational establishment (Amended Application - Increase the maximum number of students from 45 to 60)**

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**Site Inspected** Yes

**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 approves the modification to the development consent to Development Application 1234/2016/A as the proposal is satisfactory having regard to the relevant matters for consideration detailed in Section 4.15 and Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979.**

**Reasons**

- 1 The modification to development consent 1234/2016, involving the amendment to condition 9 to increase student numbers from 45 to 60, is considered reasonable and warranted.
- 2 The modification is of minimal environmental impact and will result in substantially the same development for which consent was originally granted.

**Votes** The decision was unanimous.

**3.2 DA 57624/2019 - 55 Holden Street, Gosford - Residential Flat Building - 16 units and basement parking**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report

**Council Recommendation** Approval

**Panel Decision**

- 1 ***That numbering be replaced with letter referencing in Conditions of Consent 2.6, 2.8 and 5.9.***
- 2 ***That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report (as amended by 1. above) 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 State Environmental Planning Policy (Gosford City Centre) 2018 and Gosford City Centre Development Control Plan 2018 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.
- 4 The design of the proposed building has been appropriately amended to address the issues identified in relation to the Apartment Design Guide by Council's appointed external Architect.

**Votes** The decision was unanimous

**3.3 DA/1108/2019 - 28-30 Denning Street, THE ENTRANCE - Demolition of existing dwellings and ancillary structures and construction a Residential Flat Building - 19 dwellings, basement parking and associated works**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- 1 Submission

**Council Recommendation** Approval

**Panel Decision**

***1 Pursuant to the provisions of clause 4.6 of Wyong Local Environmental Plan 2013 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 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 height of buildings development standard and the objectives for development within Zone R3 Medium Density Residential 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 Wyong Local Environmental Plan 2013, in accordance with the provisions of Clause 64 of the Environmental Planning and Assessment Regulation 2000.**
- 3 That the Local Planning Panel grant consent 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.**
- 4 That Council advise those who made written submissions of the Panel's decision.**

#### **Reasons**

1. As detailed by the applicant in their Request seeking to justify the contravention of the development standard, the Panel agrees that: *the height exceedance within the streetscape and locality will not be readily identifiable nor incongruous within this context, and as a result will not have any significant impact on the establishment and emerging setting in any appreciable way. The visual context will remain unaltered, and in this way the impact to the amenity and character of the surrounding development is negligible.*
2. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development in its current form.
3. The proposal is consistent with the objectives of the R3 Medium Density zoning of the site. The development maintains the residential amenity of the surrounding area and amalgamates lots to achieve a medium density development that is generally compliant with the Apartment Design Guide without resulting in the isolation of adjoining lots.
4. The development is a permissible use within the R3 Medium Density zone of the *Wyong Local Environmental Plan 2013*.
5. The proposal meets the objectives of Clauses 4.3 and 4.6 of the *Wyong Local Environmental Plan 2013* in relation to built form. The proposal has a compatible bulk that is appropriate for the site, integrates with the emerging streetscape and character of the area and results in acceptable amenity outcomes.
6. The proposal achieves fundamental design quality that is required by *State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)*.

7. The proposal satisfactorily addresses likely impacts to the coastal environment as required by the provisions of *State Environmental Planning Policy (Coastal Management) 2018*.

**Votes**                      The decision was unanimous