

**Panel Members**

Chairperson	Kara Krason
Panel Experts	Greg Flynn Stephen Leathley
Community Representative/s	Stephen Glen

**Central Coast Council Staff Attendance**

Scott Cox	Director Environment and Planning
Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager Development Assessment North
Ailsa Prendergast	Section Manager Development Assessment South
Wayne Herd	Section Manager Building Assessment and Certification
Nathan Burr	Senior Development Planner (North)
Robert Eyre	Principal Development Planner (South)
Rebecca Samways	Development Planner (North)
James Sammut	Building Surveyor
Clayton Votano	Building Surveyor
Rachel Callachor	Meeting Support Officer
Zoie Magann	Meeting Support Officer

The Chairperson, Kara Krason, declared the meeting open at 2.02pm 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 have been received.***

**1.1 Disclosures of Interest**

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The Panel noted that declaration forms have been received and management actions will be taken including exclusion of members with an interest from consideration of relevant matters.

Stephen Glen declared a significant non-pecuniary conflict of interest in relation to Item 3.2 having discussed the matter with a couple of surrounding residents during the exhibition period not knowing at the time the matter would be reported to a panel meeting upon which he was sitting. Accordingly, Mr Glen managed the situation by leaving the meeting for that item and not participating in any discussions or voting on this matter.

Stephen Leathley declared a less than significant non-pecuniary interest in relation to Item 4.1 given he was previously engaged as an expert planner on a court case that one of the objectors Mr Wales was coordinating. The case concluded in early 2021 and Mr Leathley had no further contact with Mr Wales since the conclusion of that case and has no current involvement in any other projects of Mr Wales. The reasonably perceived conflict of interest was determined to be less than significant and appropriately managed and accordingly Mr Leathley could participate in discussion and voting on this matter.

Kara Krason declared a less than significant non-pecuniary interest in relation to Item 4.1, given she previously sat as a member on a planning panel with planning consultant Michael Leavey. Ms Krason's professional role on that panel ceased in 2019 and she has had no ongoing involvement with Mr Leavey since that time. The reasonably perceived conflict of interest was determined to be less than significant and appropriately managed through no contact over an extended period of time. Accordingly Ms Krason could participate in discussion and voting on this matter.

**2.1 Confirmation of Minutes of Previous Meeting**

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***The Panel noted the minutes of the Local Planning Panel meeting held on 19 August, which were endorsed by the Chair of that meeting.***

***Unanimous***

The Chair provided an overview of a supplementary memo that was provided by Council staff in relation to Item 3.2 for the information of speakers in the Public Forum. It was noted the relevant memo would be made available on Council's website.

**Public Forum**

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The following people addressed the Panel:

**Item 3.2 – DA/1849/2005/B - 2-6 Fairport Avenue & 46-48 Ocean Parade, The Entrance - Residential Flat Building and Demolition of Existing Structures (Amended Application)**

## **Minutes of the Local Planning Panel Meeting 23 September 2021 contd**

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1. Trevor Nicholson – against recommendation
2. Helen Monks – against recommendation
3. Colin Sugars – against recommendation
4. Robyn Parker – against recommendation
5. Evan Pearson (Architect) – for applicant
6. Giovanni Cirillo – applicant

The Local Planning Panel public meeting closed at 3.01pm. Mr Glen left the meeting following Item 2.1 and returned for deliberation of all matters, except for Item 3.2 where he again left the meeting. The Panel moved into deliberation from 3.15pm, which concluded at 5.13pm.

**3.1 DA/221/2014/B - 31 Aldenham Road, Warnervale - Increase to 43 residential lots, minor road layout and drainage changes**

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<b>Site Inspected</b>	Site orientation via video conference
<b>Relevant Considerations</b>	As per Council assessment report
<b>Material Considered</b>	<ul style="list-style-type: none"><li>• Documentation with application</li><li>• Council assessment report</li><li>• Supplementary memos provided by Council staff</li><li>• Submissions received</li></ul>
<b>Council Recommendation</b>	Approval
<b>Panel Decision</b>	<p><b>1 That the Local Planning Panel defer this matter to a future meeting, pending receipt and exhibition of amended plans for comment, and assessment by Council staff via a supplementary report.</b></p> <p><b>2 Matters to be addressed as part of the above include:</b></p> <ul style="list-style-type: none"><li>• <b>Redesign of sewer to satisfaction of the water authority and subsequent amendments to lot layout with respect to modification.</b></li><li>• <b>Identification of trees to be retained.</b></li><li>• <b>Updated subdivision and public domain plans to be provided.</b></li><li>• <b>Consideration to be given to retaining trees on boundary of Lot 20.</b></li></ul> <p><b>3 That the applicant to provide above information to consent authority within 6 weeks.</b></p>
<b>Reasons</b>	<p>1 There are inconsistencies with the planning documentation with regard to plans presented for approval.</p> <p>2 To ensure orderly provision of infrastructure and confirmation of potential encumbrances on proposed Lots 20-28.</p> <p>3 Uncertainty exists in relation to the ability of proposed Lot 26 to adequately cater for future dwelling, given the location of proposed sewer.</p> <p>4 The Panel notes that proposed Lots 26, 27, 28 and adjoining road reserve are currently well vegetated, however the tree</p>

removal plan proposes only four trees be removed from this land. Clarification is required about what trees will be retained via a tree retention plan.

**Votes** The decision was unanimous

Stephen Glen left the meeting for the following item and did not participate in any related discussion or decision in accordance with management actions agreed for conflicts of interest.

**3.2 DA/1849/2005/B - 2-6 Fairport Avenue & 46-48 Ocean Parade, The Entrance - Residential Flat Building and Demolition of Existing Structures (Amended Application)**

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**Site Inspected** Site orientation via video conference

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Supplementary memo provided regarding proposed conditions (to be made available on Council's website)
- Submissions received
- Email from Council Officer providing further information to the Panel on physical commencement matters referred to in the assessment report

**Council Recommendation** Approval

**Panel Decision**

**1** *That the Local Planning Panel defer this matter for electronic determination, pending provision of detailed evidence from the applicant within the next 28 days demonstrating the consent has physical commencement and therefore not lapsed.*

**2** *Matters to be addressed as part of the above include, but are not limited to:*

- *Copy of the deposited plan of the plan of consolidation required.*
- *Evidence from surveyor as to any physical work they undertook on site required.*

- ***Evidence that the demolition took place prior to the lapse of consent, including copies of receipts and dated aerial photos showing demolition before consent lapsed required.***

**3** ***That Council's Landscape Officer review the proposed landscaping within the north eastern corner of the lot to confirm the suitability of the proposed species and height, in consideration of potential view loss issue raised by adjoining resident.***

**4** ***Upon receipt of the additional material requested, that Council make this information available on their website and notify those who previously made submissions.***

**Reasons**

- 1 The applicant has not adequately demonstrated that the consent has physical commencement. In this regard the Panel does not rely on the letter provided by Council dated 29 September 2009.
- 2 To minimise any adverse impacts on the amenity of adjoining residents.

**Votes**

The decision was unanimous

**4.1 DA/62008/2021 - 81 Terrigal Esplanade, Terrigal - Alterations and additions to Terrigal Surf Club**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Supplementary memo provided regarding parking (to be made available on Council's website)
- Submissions received

**Council Recommendation** Approval

**Panel Decision** **1** ***That the Local Planning Panel grant consent to DA62008/2021 for alterations and additions to Terrigal***

***Surf Club building on Lots 1 and 3 DP 1060783, No 81 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.***

**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 for the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the provisions of *Gosford Local Environmental Plan 2014* and *Gosford Development Control Plan 2013* 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 proposed community facility is believed to be within the public interest.

**Votes**

The decision was unanimous

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**4.2 DA/61093/2021 - 3 Sublime Point Avenue, Tascott - Dwelling Alterations and Additions**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report

**Council** Approval

**Recommendation**

**Panel Decision**            **1**    ***That the Local Planning Panel grant development consent to DA/61093/2021 – 3 Sublime Point Road, Tascott for dwelling alterations and additions 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 and other relevant issues.***

**Reasons**

1    The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.

2    The proposal has been considered against the provisions of *Gosford Local Environmental Plan 2014* and *Gosford Development Control Plan 2013* and has been found to be satisfactory.

3    The proposed development is considered suitable for the site and is complementary to the streetscape and environment.

4    The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act 1979.

**Votes**                                    The decision was unanimous

**4.3            DA/60618/2021 - 26 Panorama Terrace, Green Point - Alterations & Additions - Dwelling House**

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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 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.***

**2** ***That the Local Planning Panel grant consent to DA/60618/2021 - 26 Panorama Terrace, Green Point - Alterations & Additions - Dwelling House, 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 for the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the provisions of *Gosford Local Environmental Plan 2014* and *Gosford Development Control Plan 2013* and has been found to be satisfactory.
- 3 The proposed development is considered suitable for the site and is complementary to the streetscape and environment.
- 4 The proposal is therefore recommended for approval pursuant to Section 4.16 of the EP&A Act 1979.

**Votes**

The decision was unanimous