

Panel Members

Chairperson	Donna Rygate
Panel Experts	Greg Flynn Stephen Leathley
Community Representative/s	Tony Tuxworth

Central Coast Council Staff Attendance

Andrew Roach	Unit Manager Development Assessment
Sali Pendergast	Section Manager Development Assessment North
Shannon Butler	Senior Development Planner
Alisa Prendergast	Section Manager Development Assessment South
Brian McCourt	Development Planner

Public Forum Attendance

Mr Michael Bell	Resident spoke against the recommendation for item 2.1
Mr Mark Cavanagh	Aurecon Group spoke on behalf of the applicant for item 2.1

The Chairperson, Donna Rygate, declared the meeting open at 2.01pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chairperson, Donna Rygate read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

Item 2.1 DA 57859 – 103 Victoria Street, East Gosford – Telecommunications Tower

Mr Stephen Leathley declared a less than significant non pecuniary interest in the item as his current mobile phone provider is Telstra. Mr Stephen Leathley will manage the conflict as he has no financial interest in Telstra and the proposed communications facility will not be providing him with service as he does not live or work within the station's range. The Chair, Ms Donna Rygate acknowledged Telstra as her telephone etc service provider in the same context.

The Panel received the report on Disclosure of Interest and noted advice of disclosures.

The Panel moved into deliberation the time being 2.50pm

2.1 DA 57859/2020 - 103 Victoria Street, East Gosford - Telecommunications Tower

Site Inspected Yes

Relevant Considerations As per Council assessment report and addenda

Material Considered

- Council assessment report and addenda
- Documentation submitted with application
- 22 original and 6 additional submissions
- Two speakers

Council Recommendation Approval subject to conditions

Panel Decision

- 1 That the Local Planning Panel accepts that the Clause 4.6 request to vary the maximum height standard in Clause 4.3 of Gosford Local Environmental Plan 2014 has demonstrated that there are sufficient environmental planning grounds to justify the non-compliance with the development standard and that it is unreasonable and unnecessary to require compliance in this instance as the proposed development will be consistent with the objectives of the clause, the B2 Local Centre zone and the Environmental Planning and Assessment Act 1979.***
- 2 That the Local Planning Panel grant consent subject to 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 and other relevant issues***

subject to the amendment of condition 1.3 as detailed below;

- ***Pay to Council a contribution of \$5,995.00, that may require adjustment at the time of payment, for the loss of one (1) car parking space as a result of the proposed development, in accordance with Contribution Plan No 70 - Car Parking: East Gosford.***
- ***The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan.***
- ***Contact Council's Contributions Planner on Tel 1300 463 954 for an up-to-date contribution payment amount.***
- ***Any Construction Certificate and physical works must not commence until the developer has provided the Accredited Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council under Clause 104/Clause 160(2) of the Environmental Planning and Assessment Regulation 2000.***
- ***A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on Council's website:***
[Development Contributions - former Gosford LGA](#)

3 That the Local Planning Panel advise those who made written submissions of its decision.

Reasons

- 1 The proposed development complies with the relevant State and Local Planning instruments and policies, with the exception of the tower height.
- 2 A variation to the development standard for tower height is supported.
- 3 Adjoining property owners were notified of the proposed development in accordance with Council's policy and concerns raised in submissions have been considered and addressed where applicable.

- 4 One of the carparking spaces will be impacted and consequently a contribution is required to compensate its loss.
- 5 The Panel accepts the applicant's verbal submission and report accompanying the development application that future EME levels will be well within the acceptable standard set by the relevant regulatory/health authorities.

Consent conditions are agreed subject to amendment in accordance with section 4.33(1)(b) of the Environmental Planning and Assessment Act 1979.

Votes Unanimous

2.2 DA/405/2020 - 261W Cresthaven Avenue, Bateau Bay - Storage (shipping containers)

Site Inspected Yes

Relevant Considerations As per Council assessment report and addendum

Material Considered Council assessment report and addendum
Documentation with application
Nil submissions
Nil speakers

Council Recommendation Approval subject to conditions

Panel Decision *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 and other relevant issues, subject to the amendment of condition 1.3 as detailed below;*

- 1.2** *The shipping containers are permitted to remain on the site for up to five years from the date of this consent. Prior to the cessation of the five year period, the containers are to be removed at the expense of The Entrance Bateau Bay Football Club.*

Reasons The Panel supports the proposed development subject to the amendments made to condition 1.2. to give the football club adequate time to find alternative storage.

Consent conditions are agreed subject to amendment in accordance with section 4.33(1)(b) of the Environmental Planning and Assessment Act 1979.

Votes Unanimous

The Meeting closed at 3.50 pm.