



Local Planning Panel

Minutes of the **LOCAL PLANNING PANEL MEETING**

Held remotely - online
on 04 February 2021

Panel Members

Chairperson	Donna Rygate
Panel Experts	Linda McClure Stephen Leathley
Community Representative/s	Lyn Hunt

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Development Assessment South
Salli Pendergast	Section Manager Development Assessment North
Robert Eyre	Principal Development Planner Development Assessment South
Katrina O'Malley	Development Planner Development Assessment North
Rachel Callachor	Local Planning Panel Support Coordinator

The Chair declared the meeting open at 2:04pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair read an acknowledgement of country statement.

The Chair advised that per the State Government's guidelines for Planning Panels, a briefing had been held at the request of the applicant and representatives for agenda item 3.2. The applicant's representatives were advised in that briefing to limit their comments only to those matters that are commercial in confidence or otherwise confidential or complex technical issues because to the fullest extent possible the Panel wants to have matters discussed in the public forum this afternoon.

The Chair also noted that at the site visits the Panel met two of the speakers who will speak during the public forum for item 3.1, Sue Collett and Jan Perring.

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that disclosure forms had been submitted by members.

2.1 Confirmation of Minutes of Previous Meeting

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 10 December 2020
- Supplementary Meeting - DA/97/2020 held on 9 December 2020

Moved: Donna Rygate

Public Forum

Item 3.1

Keith Perring, Sarah Hartley, Sue Collett and Jan Perring all spoke against the recommendation.

Liam Cox – Project Manager, Reitsma provided responses to enquiries from the Panel.

Item 3.2

Peter Brell spoke against the recommendation and provided responses to enquiries from the Panel.

Margie Cartisano and Peter Gillis spoke against the recommendation.

Ravi Sharma – Town Planer, Clarke Dowdle & Associates provided responses to enquiries from the Panel.

The Local Planning Panel public meeting closed at 3:11pm. The Panel moved into deliberation from 3:17pm, which concluded at 4:10pm.

3.1 DA58829/2020 - 59 Terrigal Drive, Terrigal - Demolition and construction of Boarding House

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report and Amended Item 3.1 LPP Agenda
- Submissions
- Speakers

Council Recommendation Approval

- Panel Decision**
- 1** *That the Local Planning Panel grant consent to DA58829/2020 59 Terrigal Drive, Terrigal subject to the conditions detailed in the schedule attached to the report, and amendments detailed below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979:*
 - *Correction of numbering errors in the draft Conditions of Consent under condition 6.*
 - *Amendment to condition 2.8 to include:*
 - c) Amendment of landscape plan to provide additional native trees of minimum mature height of 3m along the side and rear setbacks of the building to provide a substantial visual screen to adjoining properties.*
 - 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 State Environmental Planning Policy (Affordable Rental Housing), 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 applicant has made significant changes to the original proposal including a reduction in the number of rooms, increased side and front setbacks, increased driveway width and landscaping, and amended Plan of Management.

- 5 The Plan of Management requires 24/7 phone contact details to be available should neighbours have any urgent complaints or concerns.

Votes The decision was unanimous.

3.2 DA 57779/2019 – 227-233 Ocean View Road, Ettalong Beach - Commercial premises and shop top housing

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Speakers

Council Recommendation Approval

- Panel Decision**
- 1 That the Local Planning Panel refuse the application for DA57779/2019 Commercial premises and shop top housing at 227- 233 Ocean View Road, Ettalong Beach for the reasons set out below, 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.***

- Reasons**
- 1 The applicant's written statement submitted with the application fails to adequately address the matters in clause 4.6(3) and 4.6(4) of Gosford Local Environmental Plan 2014 (GLEP2014) sufficient to justify departure from clause 4.3 of GLEP2014 in relation to the development standard for Height of Buildings.***
 - 2 The applicant's written statement does not demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances, and does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.***

3 *The proposed development is not consistent with the objectives of the height of buildings development standard. The height of the development does not provide an appropriate transition in built form, and circumstances of the site do not justify the height standard being exceeded.*

4 *The proposed development is not consistent with the objectives for development in the B2 Local Centre zone. An adequate range of retail, business, entertainment and community uses are not provided, and the proposed development does not increase the quantity of commercial floorspace on the site.*

5 *The proposed development would isolate the adjacent site at No. 235 Ocean View Road, and may diminish the potential development potential of that property, thereby undermining the zone objectives.*

The application does not provide evidence in relation to the potential isolation of the adjacent site as required under the Land and Environment Court planning principles.

There is no evidence that a formal offer of purchase has been made or that amalgamation is not feasible.

The potential for the orderly development and economic use of the isolated site consistent with the planning controls is not established. Rather, the economic potential of the isolated site could be reduced. The isolated site would be of such a size that its potential floor space when redeveloped could potentially be half of the maximum floor space ratio of an amalgamated site. As a consequence, this proposal fails to promote economically sustainable development.

A schematic design, which demonstrates that the isolated site can be developed with an appropriate urban form and an acceptable level of amenity, has not been provided. There is no evidence of the likely impacts that the potential development of both sites would have on each other, particularly solar access and privacy impacts for residential development.

6 *The proposed development fails to adequately respond to the objectives and criteria of State Environmental*

Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP No.65) and the Apartment Design Guide (ADG). The proposed development provides poor amenity for future residents and visitors, and would have adverse impacts on the neighbouring low density residential properties.

- 7 The development fails to meet, or adequately justify departures from, Gosford Development Control Plan 2013 (GDGP 2013).***
- 8 The proposal is not in the public interest as it is not consistent with the objectives of the GLEP2014, SEPP No.65 Apartment Design Guide, and GDGP2013.***

Reasons for dissent

- 1 While the written submission could have made a more substantial case justifying the variation to the height limit, it is considered that it will not impact on the streetscape or adjoining residential properties and will satisfy the underlying objectives of the standard. The variation is supported by the Council officers and was not raised as an issue by the independent architect during the SEPP 65 assessment.***
- 2 The height limit is set by the LEP and transition height zones are not reflected in it, nor is there anything in the DCP that requires such height transition.***
- 3 The site is on the fringe of the Ettalong Beach CBD, and the amount of space proposed for the business premises is considered commensurate with the site's location as a fringe CBD site.***
- 4 The isolated site is an undesirable outcome but it is not considered to be fatal to the approval of the application, based on the proponent's verbal submissions about the economic viability of the project, because the owner of 235 Ocean View Road has not objected to the development, and because the site can remain as is or be redeveloped.***
- 5 The development provides adequate setbacks to adjoining residential properties to the east and north, and a high level of landscaping. The design is considered to***

be of high quality and has been supported by both the independent architect and Council officers.

Votes The decision was split, 3-1.
Mr Leathley favoured approval of the application.

PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING

4.1 DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace - Proposed 88 lot subdivision

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 notes the Secretary's Concurrence has been granted for non-compliance with the development standard for lot size for lots zoned E3 Environmental Management, 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.***

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 lot size development standard and the objectives for development within zones R1 General Residential, R2 Low Density Residential, SP2 Infrastructure and E3 Environmental Management in which the development is proposed to be carried out.

2 ***That the Local Planning Panel grant consent to DA/1176/2017 - 94 Sparks Road, Hamlyn Terrace -***

Proposed 88 lot subdivision 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.

3 *That Council advise relevant external authorities of the Panel's decision.*

Reasons

- 1 The proposal is considered satisfactory under the heads of consideration set out in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2 The proposal is considered satisfactory having regard to the provisions of Wyong Local Environmental Plan 2013, particularly in relation to permissibility and zone objectives.
- 3 The proposal meets the objectives of Clauses 4.1 and 4.6 of the Wyong Local Environmental Plan 2013 in relation to the minimum lot size.
- 4 The proposal is considered satisfactory in relation to the requirements of Wyong Development Control Plan 2013, Chapter 2.1 – Dwelling Houses and Ancillary Structures, Part 4 – Subdivision and Chapter 6.5 – Warnervale South.
- 5 The variations proposed to the minimum lot size for E3 land, maximum retaining wall height, minimum lot size for corner lots and variation proposed to the road layout and hierarchy are considered reasonable and warranted in this instance.

Votes

The decision was unanimous.