

**Panel Members**

Chairperson	Kara Krason
Panel Experts	Grant Christmas Greg Flynn
Community Representative/s	Scott McGrath

A Supplementary Report was provided to the Local Planning Panel on 10 May 2021, as per request at the Panel meeting of 25 February 2021 where the matter was deferred.

The Local Planning Panel members considered the supplementary report and supporting documents for DA57958/2020 - 138-140 Davistown Road, Saratoga - Telecommunications Tower via electronic determination.

**Relevant Considerations** As per Council assessment report and Supplementary report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions
- Supplementary Memo, 24 February 2021
- Supplementary Report, 10 May 2021

**Council Recommendation** Approval subject to conditions

**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 pursuant to the provisions of clause 4.6 of the Gosford Local Environmental Plan 2014 ("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(2) 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***

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***proposed development will be in the public interest because it is consistent with the relevant objectives of the height of buildings development standard and the relevant non-residential land use objective for development within the R2 - Low Density Residential zone in which the development is proposed to be carried out.***

**3 That the Local Planning Panel grant consent to DA57958/2020 - 138-140 Davistown Road, Saratoga - Telecommunications Tower subject to the conditions detailed in the schedule attached to the report presented to the 25 February 2021 meeting 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 The proposal (as amended) is satisfactory having regard to the relevant environmental planning instruments, plans, policies the site and its context.
- 2 The environmental impacts are acceptable after consideration in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 3 Where environmental impacts exist, they are appropriately managed or mitigated by the proposed design or conditions of consent.
- 4 The public interest is served by providing for an improved and necessary technological service.

**Votes** The decision was unanimous

**Date:** 2 June 2021