

Panel Members

Chairperson	Donna Rygate
Panel Experts	Sue Francis Linda McClure
Community Representative/s	Glenn Watts

Central Coast Council Staff Attendance

David Milliken	Director, Environment and Planning (Acting) <i>attendance from 2:35pm</i>
Ailsa Prendergast	Section Manager Development Assessment South
Amy Magurren	Development Planner
Grant Killen	Principal Building Surveyor, Building Assessment and Certification
Shane Smith	Building Surveyor, Building Assessment and Certification
Brian Pike	Tree Assessment Officer, Development Assessment Pre Lodgement
Craig Glynn	Tree Risk Management Officer, Development Assessment Pre Lodgement
Rachel Callachor	Meeting Support Officer

The Chairperson, Donna Rygate, declared the meeting open at 2.03pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

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

Apologies

The Panel noted that no apologies had been received.

1.1 Disclosures of Interest

The Panel noted that declaration forms had been received and no conflicts had been identified.

2.1 Confirmation of Minutes of Previous Meeting

The minutes of the previous Local Planning Panel Meeting held on 24 February 2022 which were endorsed by the Chair of that meeting, were submitted for noting.

Public Forum

The following people addressed the Panel:

Agenda item 3.1 - DA/63281/2021 - 40 Webb Road Booker Bay - Dual Occupancy Attached and Demolition of Existing Dwelling

- 1 Francis Wiffen - against
- 2 Sandra Trad, Building Designer/Drafter, Red Apple Design – on behalf of applicant

Agenda item 3.2 - DA/1508/2021 - 11 Trelawney Street, Killarney Vale - Demolition of existing & new dwelling

- 1 Joseph Halwagy – against
- 2 Gill Boehringer – against
- 3 Adam Roser – Director, South Coast Building Design – on behalf of applicant
- 4 Russell Kingdom – Arborist, Advanced Treescape Consulting – on behalf applicant
- 5 Karen Goodman – applicant

The Local Planning Panel public meeting closed at 3:00pm. The Panel moved into deliberation from 3:05pm, which concluded at 4:00pm.

3.1 DA/63281/2021 - 40 Webb Road Booker Bay - Dual Occupancy Attached and Demolition of Existing Dwelling

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• 15 submissions• Memo from Council dated 24 March 2022 re: landscaping
Council Recommendation	Approval

Panel Decision

- 1 ***That the Local Planning Panel grant consent to DA/63281/2021– 40 Webb Road Booker Bay – Dual Occupancy Attached and Demolition of Existing Dwelling subject to the conditions subject to the conditions detailed in the schedule attached to the supplementary report, and as modified below, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.***

Addition of the following conditions, as per red text, to the Conditions of Consent, as follows:

8.1 Plant a minimum of three (3) replacement trees (advanced specimens min 45lt pot size) within the road reserve along Eastern Road and one (1) replacement tree along Webb Road. Replacement trees are to be evenly spaced and adequately staked/protected to prevent vandalism. Street Trees must be a native species such as Water Gum capable of achieving a minimum height of 10m.

8.2 Maintain all works associated with the approved Landscape Plans for a period of twelve (12) months from the date of any Occupation Certificate to ensure the survival and establishment of the landscaping.

8.3 Replace all damaged, dead or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.

- 2 ***That Council advise those who made written submissions of the Panel's decision.***

Reasons

- 1 The proposal is satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 2 There are no significant issues or impacts identified with the proposal under s.4.15 a. of the Environmental Planning and Assessment Act 1979.

Votes

The decision was unanimous.

3.2 DA/1508/2021 - 11 Trelawney Street, Killarney Vale - Demolition of existing & new dwelling

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- 152 submissions
- Supplementary Memo, 24 March 2022 re: flooding

Council Recommendation Approval

Panel Decision

1 *That the Local Planning Panel defer consideration of this matter in order for Council assessing officers and the applicant to address the following matters detailed below.*

2 *The applicant is requested to:*

2.1 *Provide Council with advice as to the current arrangements allowing it to use the driveway and attempts made to secure the driveway's continued use through legal means (eg via an easement). If no such attempts have been made, advice on the rationale for this position is requested.*

2.2 *Provide Council with documents to support its assertion in the public meeting that it had a previous design for the development that allowed the Norfolk Island Pine (tree) in front of the site to be retained, and its assertion that Council advised against this approach.*

3 *Council is to:*

3.1 *Provide the Panel with the detailed plans it referred to in the public meeting that show proposed stormwater flow and detention on site. The Panel notes the memo from Council officers regarding flooding and minimum floor levels for the property that was distributed to it prior to the meeting.*

3.2 *Provide advice to the Panel re the process undertaken, the factors it considered and the circumstances in which it determined that the tree should be listed on the*

Significant Tree Register.

3.3 Commission at Council's cost a thorough independent assessment of the medium and long term viability of its tree (including root assessment):

- a. should no development proceed,**
- b. should development proceed that simply demolishes the above ground part of the existing garage, with no disturbance to the existing garage slab and existing driveway, and**
- c. should development proceed as proposed.**

3.3 Provide documents to the Panel to support its response to the second assertion referred to in 2.2 above.

3.4 Provide advice to the Panel as to the work it has undertaken with the applicant to finalise a design that allows the tree to be retained, unless the independent assessment referred to at 3.2 above shows the tree's retention is not viable under any circumstances. Redesign options to be considered must include modifying the current design so the garage is on the south west rather than south east side of the proposed building, achieving setbacks as per the DCP, having a single garage in the building on the south west side and retaining the current garage slab as both an additional parking place and turning space, and environmentally friendly options to over-top the existing driveway and garage slab.

3.5. Provide a supplementary assessment report to the Panel on all of the above, including its analysis of the additional material submitted by the applicant, and a recommendation in relation to approval or refusal of the application in this context. The report is to be provided to the Panel before 31 May 2022.

Reasons Insufficient information and inadequate analysis for the Panel to make a decision.

Votes The decision was unanimous.

4.1 DA/1825/2021 - 3 Vintage Court, Watanobbi - Construction of New Dwelling Including Tree Removal

Site Inspected Yes

Relevant As per Council assessment report

Considerations

- Material Considered**
- Documentation with application
 - Council assessment report
 - 1 submission

Council Recommendation Approval

- Panel Decision**
- 1 That the Local Planning Panel grant consent to DA/1825/2021 – Lot 7040 DP 849117, 3 Vintage Court Watanobbi NSW – Dwelling and tree removal 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 The Panel notes that the site is bush fire prone land and notes the conditions of consent in this regard (2.3, 6.3 and 6.4).**

Reasons

- 1 The development application has been assessed in accordance with Section 4.15 of the EP&A Act and all relevant instruments and policies. The proposed development is considered suitable for the site.

Votes The decision was unanimous.