

**Panel Members**

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

**Central Coast Council Staff Attendance**

Alice Howe	Director Environment and Planning (arrived at 2.10pm)
Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager Development Assessment North
Salli Pendergast	Principal Development Planner Development Assessment North
Rachel Callachor	Meeting Support Officer

The Chairperson, Kara Krason, 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.

**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 had been received and no conflicts had been identified.***

**2.1 Confirmation of Minutes of Previous Meeting**

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***The minutes of the previous Local Planning Panel Meeting held on 21 April 2022 which were endorsed by the Chair of that meeting, were submitted for noting.***

**Public Forum**

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The following people addressed the Panel:

**Item 3.1 - DA 52083/2017(C) Section 8.2 Review - 5-7 Church St, Terrigal**

- 1 Michael Leavey, Michael Leavey Consulting - on behalf of objector
- 2 Doug Sneddon, Doug Sneddon Planning - on behalf of applicant
- 3 John Aspinall, Urbaine Architecture - on behalf of applicant

Following the conclusion of the public meeting, having also applied and has been granted permission by the Panel Chair, Mr Sneddon addressed the Panel members and Council assessment staff in private on legal matters. This was strictly to address confidential material relating to legal advice from the applicant only, all other aspects of the application were addressed in the time allowed to the applicant, in the course of the public meeting.

This is a provision of the Department of Planning and Environment Planning Panel reforms, which include amendments to the *Local Planning Panel Directions – Operational Procedures*, which include:

*\* allow, at the chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material*

**3.1 DA 52083/2017(C) Section 8.2 Review - 5-7 Church St, Terrigal**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Supplementary information distributed 25 and 26 May 2022, including copies of Planning Reports and documents as follows:
  - \* DA Assessment Report - DA/52083/2017 (extracted from the Business Paper of the Ordinary Council Meeting of 10 December 2018).
  - \* DA Assessment Report - Section 8.2 Review of that original DA determination.
  - \* DA Assessment Report - DA 52083/2017 Part 4 for the Section 4.55 Modification Application (LPP Agenda item 3.1 of 24 Jun 2021 meeting) which is the original decision of the subject application at today's meeting.

- \* Development Consent and Assessment Report - DA/41598/2011, granted 24 May 2012.
  - \* Development Consent and Assessment Report - DA/46725/2014, granted 16 April 2015
  - \* Development Consent and Assessment Report - DA/35693/2008 granted 20 January 2009.
  - \* Development Assessment Report – DA 49519/2016 granted 20 April 2017.
  - \* Confidential document - Peter Tomasetti SC legal advice in response to Reason 1 provided by the Council/LPP for the refusal of DA 52083/2017 - Part 4
- Public submissions: 42 submissions received (first notification) and 31 submissions received (amended plans second notification)

**Council Recommendation**

Refusal

**Panel Decision**

- 1     *The Local Planning Panel reviewed the previous decision to refuse Development Application DA/52083/2017/C at 5 & 7 Church Street, Terrigal – as per the Section 8.2 application for review of determination, and reaffirmed the Refusal subject to the reasons outlined below and having regard to the matters for consideration under 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 modified development proposal is not substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).
- 2     The modified development proposal results in unreasonable adverse impacts as a result of non-compliance with GLEP and GDCP planning controls.
- 3     The modified development proposal is considered unsuitable for the site as a result of non-compliance with GLEP and GDCP planning controls.

- 4 The modified development proposal has not suitably responded to the concerns raised in submissions and is not in the public interest.

Additional reason for refusal:

- 5 The Panel considers there is no compelling reason in the current section 8.2 review application to support approval of the modification. The proposed non-compliances with the Gosford LEP 2014, SEPP65 and Gosford DCP 2013 would constitute an undesirable precedent for future development and threaten the achievement of the strategic planning objectives for the desired future character of the retail core of the Terrigal Village Centre area bounded by Kurrawyba Avenue, Church Street, Campbell Crescent and Terrigal Esplanade.

**Votes**

The decision was unanimous

The Local Planning Panel public meeting closed at 2:43pm. The Panel moved into deliberation from 3:30pm, which concluded at 4:35pm.