

**Panel Members**

Chairperson	Donna Rygate
Panel Experts	Mike Ryan Louise Menday
Community Representative/s	Glenn Watts

**Central Coast Council Staff Attendance**

Dr Alice Howe	Director Environment and Planning
Ryan White	Development Planner Consultant, Employment and Urban Release
Edward Hock	Unit Manager, Enterprise Risk Project
Louise Rampling	Principal Solicitor, Legal
Briony Stiles	Civic Support Officer
Lisa Martin	Civic Support Officer

The Chairperson, Donna Rygate declared the meeting open at 2:04pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

The Chair read an acknowledgement of country statement.

**Apologies**

***The Panel noted that no apologies had been received.***

## PROCEDURAL ITEMS

### 1.1 Disclosures of Interest

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*Panel Members confirmed that there were no conflicts of interest identified.*

## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 2.1 Confirmation of Minutes of Previous Meeting

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*The Panel noted the minutes of Local Planning Panel Meetings held on 30 November 2023, 7 December 2023 and 14 December 2023 which were endorsed by the Chair of those meetings.*

## Public Forum

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The following people addressed the Panel:

**Item 3.1 – DA/4112/2022 – 15 Allfield Street Woy Woy - Demolition and construction of Multi Dwelling Housing (4 Dwellings)**

1 **Andrew Self – Against**

The Local Planning Panel public meeting closed at 2:18pm.

The Panel moved into deliberation from 2:28pm.

## PLANNING REPORTS

### 3.1 DA/4112/2022 - 15 Allfield Road WOY WOY

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<b>Site Orientation</b>	Yes
<b>Relevant Considerations</b>	As per Council assessment report
<b>Material Considered</b>	<ul style="list-style-type: none"><li>• Documentation with application</li><li>• Council assessment report</li><li>• Submissions and comments from speaker at public meeting</li><li>• Amended draft conditions</li></ul>
<b>Council Recommendation</b>	Approval
<b>Panel Decision</b>	<p><b>1 That the Local Planning Panel grant consent to DA/4112/2022 – 15 Allfield Road, Woy Woy – Lot 67 DP 6846 subject to the conditions attached to the assessment report and the additional condition below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.</b></p> <ul style="list-style-type: none"><li>• <b>Immediately notify Council of any unexpected finds which come to light during remediation, demolition or construction works which have the potential to alter previous conclusions about site contamination, acid sulfate soils and/or remediation.</b></li></ul> <p><b>2 That Council advise those who made written submissions of the Panel’s decision.</b></p>
<b>Reasons</b>	<p>1) The Panel is satisfied that the provisions in the following State Environmental Planning Policies have been considered and are satisfied:</p> <ol style="list-style-type: none"><li><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li><li><i>Chapters 2 (Coastal Management) and 4 (Remediation of Land) of State Environmental Planning Policy (Resilience and Hazards) 2021</i></li><li><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li></ol> <p>2) The Panel is satisfied that the provisions in clause 7.1 (Acid</p>

- Sulfate Soils) and 7.6 (Essential Services) of *Central Coast Local Environmental Plan 2022* have been considered and satisfied.
- 3) The Panel is satisfied that the proposal is permissible in the land use zone, upholds the zone objectives, and complies with the relevant development standards in Part 4 of the *Central Coast Local Environmental Plan 2022*.
  - 4) The Panel is satisfied that, as amended and conditioned, the proposal upholds the objectives of the *Central Coast Development Control Plan 2022*.
  - 5) The Panel is satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.
  - 6) The Panel is satisfied that the proposal, as amended and conditioned, will not have any non-compliant or unreasonable adverse impacts upon the amenity of the neighbouring properties or the locality.
  - 7) The Panel is satisfied that the proposed development is considered satisfactory having regard for the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

**Votes**                      The decision was unanimous

## **PLANNING REPORTS - OUTSIDE OF PUBLIC MEETING**

### **4.1              Land and Environment Court Proceedings Class 1 - Case 2023/00065846 - Appeal of Deemed Refusal - Central Coast Council ats CCS Design Pty Ltd - DA/3337/2022 - 16 Sydney Avenue Umina Beach**

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**Material Considered**     •     Council report

**Council Recommendation**                      Note

- Panel Decision**
- 1              *That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court to the deemed refusal of Development Application DA/3337/2022.***
  - 2              *In accordance with Section 2.20(8) of the Environmental***

***Planning and Assessment Act 1979, the Local Planning Panel delegate to appropriate Council officers the ability to give legal instruction to Council's external legal counsel at any upcoming proceedings relating to the appeal, including any conciliation conference in accordance with Section 34 of the Land and Environment Court Act 1979.***

**Votes** The decision was unanimous

**1.1 Land and Environment Court Proceedings Class 1 - Case 2023/00117090 - Appeal Refusal - Central Coast Council ats Kassem Khanafer - Application Class 1 2023/00117090 - DA/61592/2021 - 16 Warrah Street Ettalong**

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**Material Considered** • Council report

**Council Recommendation** Note

**Panel Decision**

**1** ***That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court to the refusal of Development Application DA/61592/2021.***

**2** ***In accordance with Section 2.20(8) of the Environmental Planning and Assessment Act 1979, the Local Planning Panel delegate to appropriate Council officers the ability to give legal instruction to Council's external legal counsel at any proceedings relating to the appeal, including any conciliation conference in accordance with Section 34 of the Land and Environment Court Act 1979.***

**Votes** The decision was unanimous

## REPORTS

**5.1 Supplementary Report - DA/60589/2020 - Dwelling House and Garage - 129 Alan Street, Niagara Park**

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**Site Orientation** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered** • Documentation with application

- Council assessment report

**Council Recommendation** Approval

**Panel Decision** ***That the matter be considered within the next fortnight by a Panel constituted of the same individuals who have been dealing with this matter for many months.***

**Reasons** 1. Despite being given the opportunity, Council has offered no reason why this application should be referred to a Panel made up of different people from those who have been dealing with it over a number of months and are very familiar with it.

**Votes** The decision was unanimous

**5.2 DA/1436/2023 - 52-54 Fishermans Parade, Daleys Point - Alterations & Additions**

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**Site Orientation** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report

**Council Recommendation** Approval

**Panel Decision**

1. ***The Local Planning Panel is satisfied that the applicant's clause 4.6 written request adequately demonstrates that compliance with the Height of Buildings development standard is unnecessary in the circumstances of the case because of the minimal environmental impact that would result from the noncompliance with the Height of Buildings standard.***
2. ***Compliance with the Height of Buildings development standard would be unreasonable in the circumstances of this application because of the steep sloping nature of the block, and there are sufficient environmental planning grounds to justify contravening the***

***development standard.***

***Further, the Panel considers the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.***

- 3. The Local Planning Panel grant development consent to DA/1436/2023 – 52- 54 Fishermans Parade, Daleys Point to construct the alterations and additions subject to appropriate conditions as 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 and other relevant issues.***
- 4. The Local Planning Panel assumes 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 Central Coast Local Environmental Plan 2022 in accordance with the provisions of clause 55 of the Environmental Planning and Assessment Regulation 2001.***

## **Reasons**

The development application has been assessed having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Following a thorough assessment of the relevant planning controls and the key issues identified in this report it is considered that the application can be supported because:

- 1) The Panel is satisfied the requirements of clause 4.6 (3) and (4) of *Central Coast Local Environmental Plan 2022* have been satisfied and that variation to the maximum building height provisions of the *Central Coast Local Environmental Plan 2022* is warranted.
- 2) The Panel is satisfied that:
  - a. The applicant's written request for a variation to development standards (height) adequately addresses

- the matters required to be addressed under clause 4.6 (3) of the *Central Coast Local Environmental Plan 2022*;  
and
- b. The development is in the public interest because it is consistent with the objectives for the particular standard and objectives for development in the zone;  
and
  - c. The concurrence of the Secretary can be assumed.
- 3) The Panel is satisfied the application has been assessed against the requirements of Section 4.14 of the *Environmental Planning and Assessment Act 1979* in relation to bushfire prone land and is considered satisfactory.
  - 4) The Panel is satisfied that the proposed development is satisfactory having regard to the matters for consideration provided in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
  - 5) The application has been assessed against the requirements of clause 61 of the *Environmental Planning and Assessment Regulation 2021* in respect of demolition and is considered satisfactory.
  - 6) The Panel is satisfied that the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2 Coastal Management, sections 2.10, 2.11 and 2.15 have been considered and satisfied.
  - 7) The Panel is satisfied that the proposed development is consistent with the zone objectives as set out in the *Central Coast Local Environmental Plan 2022*.
  - 8) The Panel is satisfied the proposed development meets the objectives related to the building height development standard contained in *Central Coast Local Environmental Plan 2022*.
  - 9) The Panel is satisfied that the provisions of clause 7.1 Acid Sulfate Soils and 7.6 Essential Services of *Central Coast Local Environmental Plan 2022* have been considered and satisfied.



10) The Panel is satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.

11) Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse environmental, social or economic impact.

**Votes**

The decision was unanimous