

Panel Members

Chairperson	The Hon Terry Sheahan AO
Panel Experts	Lindsey Dey Michael Ryan
Community Representative	Robert Carter

Central Coast Council Staff Attendance

Robert Eyre	Principal Development Planner, Residential Assessments
Amy Magurren	Senior Development Planner, Residential Assessments
Briony Stiles	Team Leader, Civic Support
Lisa Martin	Civic Support Officer
Tess McGown	Civic Support Officer

The Chairperson, The Hon Terry Sheahan AO declared the meeting open at 12:11pm.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies have been received.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

That Panel Members confirmed that they have signed a declaration of interest form in relation to each matter on the agenda for this meeting and will take any management measures identified.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

That the minutes of the previous Local Planning Panel Meeting held on 5 September 2024, which were endorsed by the Chair of that meeting, were submitted for noting.

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

3.1 DA/1391/2023 - 2 South Scenic Road, Forresters Beach - Alterations & Additions to Residential Development

Site Inspected	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report
Council Recommendation	Approve
Panel Decision	<ol style="list-style-type: none">1 <i>The Panel grant consent to DA/1391/2023, 2 South Scenic Road, Forresters Beach, proposed additions and alterations to existing dwelling house, 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.</i>2 <i>The Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with the height development standard is unnecessary in the circumstances of the case because of the proposed height that would result from the noncompliance with the height development standard, that compliance with the height standard would be unreasonable in the circumstances of the case because of existing surface levels and slope and</i>

that there are sufficient environmental planning grounds to justify contravening that 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 development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

Reasons 1 The Panel believes this offers a significant improvement in urban design. It will have positive streetscape impacts on the neighbourhood, including the public domain.

Votes The decision was unanimous

3.2 DA/1552/2023 - 7 Sun Valley Road Green Point - Proposed Telecommunications and Communication Facilities

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Supplementary Memo

Council Recommendation Approve

Panel Decision

- 1 That the Local Planning Panel considers that the public interest requires improvement in telecommunications services in the Council area and grants consent to DA/1552/2023 at 7 Sun Valley Road Green Point for a Telecommunications and communication facility 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 agrees that the applicant's clause 4.6 written request demonstrates that compliance with the height of buildings development standard is unreasonable in the circumstances of the case because of the nature of the proposed telecommunications infrastructure tower which***

is constructed to the height required to provide essential mobile telecommunications services. Construction of a telecommunications tower has an unavoidable noncompliance with the height of buildings standard, as such 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 development standard and the objectives for development within the E1 Local Centre zone in which the development is proposed to be carried out.

- 3** ***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 Central Coast Local Environmental Plan 2022, in accordance with the provisions of clause 55 of the Environmental Planning and Assessment Regulation 2021.***
- 4** ***That Council advise relevant external authorities of the Panel's decision.***
- 5** ***That Council advise those who made written submissions of the Panel's decision.***

Reasons

The Panel concurs with the officers report that:

1. Assessment of the application has concluded the proposed development is permitted with the current *E1 – Local Centre* zone under the provisions of the *Central Coast Local Environmental Plan 2022* and meets the objectives for the zone.
2. Assessment of the application has concluded the proposed development meets the objectives related to the building height development standard contained in *Central Coast Local Environmental Plan 2022*.
3. Assessment of the application has concluded 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.

4. With regard to the variation to development standards, the assessment of the application has concluded 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 development in the zone; and
 - c. The concurrence of the Secretary can be assumed.
 - d. The height of the permanent structure of the monopole is to be 30m, the attached antenna exceeding 30m is considered to be excluded from the overall height of the telecommunications tower in accordance the Central Coast Local Environmental Plan 2022 definition of building height.

In addition, the Panel has added further conditions concerning the security fencing to protect the facility and bollards for traffic management of the area.

The decision was unanimous

The meeting closed at 12:26pm.