

**Panel Members**

Chairperson	Jason Perica
Panel Experts	David Crofts David Furlong
Community Member	Jerome Favand

**Central Coast Council Staff Attendance**

Jenny Tattam	Senior Development Planner, Employment and Urban Release
Salli Pendergast	Section Manager, Employment and Urban Release
Lisa Martin	Civic Support Officer
Tess McGown	Civic Support Officer

The Chairperson, Jason Perica declared the meeting open at 2:00pm.

The Chair read an acknowledgement of country statement.

**Apologies**

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

The Local Planning Panel meeting closed at 2:14pm.

The Panel moved into deliberation from 2:14pm.

## 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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*That the minutes of the previous Local Planning Panel Meeting held on 19 September 2024, which were endorsed by the Chair of that meeting, were noted.*

The following people addressed the Panel:

### Item 3.1 – DA/4077/2022 - 12 Beach Parade, Canton Beach - Mixed Use Development

#### 1 Goran Stojanovic (applicant's rep) – AGAINST Recommendation

## PLANNING REPORTS

### 3.1 DA/4077/2022 - 12 Beach Parade Canton Beach - Mixed Use Development

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<b>Site Inspected</b>	Yes, either directly by individual Panel members or by electronic means.
<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></ul>
<b>Council Recommendation</b>	Refuse, with reasons.
<b>Panel Decision</b>	<b>Having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, the Local Planning Panel refuse development application DA/4077/2022, for construction of a 5-storey mixed use development comprising of shop top housing (4</b>

dwelling), food and drink premises and basement level car parking to 12 Beach Parade, Canton Beach for the reasons detailed in Attachment 1 to the Council Assessment Report to the Local Planning Panel meeting of 3 October 2024, subject to additional reasons as outlined below, which shall appear as Reasons 1 and 2 of the refusal, with other reasons outlined in the Council assessment report to follow:

- 1 In accordance with Clause 4.6 of Central Coast Local Environmental Plan 2022, the Panel is not satisfied that the applicant has demonstrated that compliance with the maximum Building Height development standard is unreasonable or unnecessary in the circumstances of this case, nor that there are sufficient environmental planning grounds to justify the contravention of the development standard. The constraints of the site do not give rise to an automatic assumption of non-compliance. Given the non-provision of communal open space, the proposal could achieve height compliance, or much greater height compliance, by removal of the top level and replacement with a rooftop communal open space area. The Panel also did not agree with the urban design analysis that the top level is visually recessive.**
- 2 There are several non-compliances with design guidelines within the Apartment Design Guide, "ADG", (given effect through SEPP (Housing) 2023), and these are a direct result of the site constraints, particularly its size and shape. The proposed parking access points to both streets also results in the removal of a significant tree. The non-compliance with the side setback/building separation controls within 3F of the ADG is not supported. While the objectives of this guideline relate to visual privacy, the control is also important for spatial separation between buildings and landscaping opportunities. The resulting defensive design compromises the design and presentation, which is likely to be visible for some time, and even after assumed surrounding redevelopment, likely to take some time. While the Panel notes there is no minimum site area or site width control (nor amalgamation controls) within the Council's planning controls which apply to the site, which are not uncommon elsewhere, the site constraints, various non-compliances, context and design issues, as well as other issues outlined in Reasons for Refusal below, would favour amalgamation of the site with the**

**adjoining similar vacant site to the south.**

**Reasons** As the application is refused, the reasons for refusal are contained in the terms of the decision, as outlined above.

The Panel included additional reasons for refusal having regard to the nature and constraints of the site, the surrounding context, the applicable planning controls, the proposal itself and associated impacts.

**Votes** The decision was unanimous

**3.2 DA/2267/2023 - 262 Manns Road, West Gosford - Change of Use to Restricted Premises - internal alterations & signage**

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**Site Inspected** Yes, either directly by individual Panel members or by electronic means.

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Supplementary Memo dated 3 October 2024

**Council Recommendation** Approval subject to conditions.

**Panel Decision** **Having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, the Local Planning Panel grant consent to DA/2267/2023 – 262 Manns Road, West Gosford subject to the conditions detailed in the schedule attached to the report to the Local Planning Panel meeting of 3 October 2024, subject to the additional condition outlined below, to be included in the Operational Conditions:**

***No Sexual Services***

*The premises shall not be used for the provision of sexual services.*

***Reason:***

*To ensure the premises are used for the purpose applied for and considered.*

**Reasons** 1 The Panel agreed with the assessment and reasons outlined in

the Council assessment report.

2 The Panel noted no public submissions were made.

**Votes**

The decision was unanimous