

**Panel Members**

Chairperson	The Hon Terry Sheahan AO
Panel Experts	Michael Ryan Kevin Hoffman
Community Representative/s	Jerome Favand

**Central Coast Council Staff Attendance**

Ailsa Prendergast	Section Manager Residential Assessments
Wayne Herd	Section Manager Building Assessment and Certification
Karen Hanratty	Senior Development Planner Residential Assessments
Gary Evans	Principal Building Surveyor Building Assessment and Certification
Susana Machuca	Senior Development Planner Residential Assessments
Danielle Allen	Principal Ecologist Development Advisory Services
Asha McNeill	Development Planner Residential Assessments
Lisa Martin	Civic Support Officer
Briony Stiles	Team Leader Civic Support

The Chairperson, The Hon Terry Sheahan AO 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 read an acknowledgement of country statement.

**Apologies**

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

**Public Forum**

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The following people addressed the Panel:

**3.1 - DA/2106/2023 - 120A Ocean Parade Blue Bay**

**- Alterations & Additions to Existing Dwelling and Plunge Pool**

- 1 Marion Lourens – Against
- 2 Terry Shanahan – Against
- 3 Greg Abbott – Against
- 4 David Moore – Against
- 5 Carol Angelosanto – Against
- 6 Paul Salter – *(the Applicant)* – For

**3.2 - DA/1955/2023 - New Dwelling House & Swimming Pool**

**- 67 Ocean View Drive Wamberal**

- 1 Mark Lamont – Against

The Local Planning Panel public meeting closed at 3:02pm.

The Panel moved into deliberation from 3:17pm.

## 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 3 October 2024, which were endorsed by the Chair of that meeting, were noted.*

## PLANNING REPORTS

### 3.1 DA/2106/2023 - 120A Ocean Parade Blue Bay - Alterations & Additions to Existing Dwelling and Plunge Pool

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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</li></ul>
<b>Council Recommendation</b>	Approval
<b>Panel Decision</b>	<ol style="list-style-type: none"><li><b>1</b> <i>That the Local Planning Panel grant consent to DA/2106/2023 – 120A Ocean Parade Blue Bay – Alterations and Additions to Existing Dwelling and Pool 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></li><li><b>2</b> <i>That Council advise those who made written submissions of the Panel's decision.</i></li></ol>
<b>Reasons</b>	<ol style="list-style-type: none"><li><b>1</b> The existing house is a modest size structure compared to the apartment buildings adjoining the site and the additions are</li></ol>

considered reasonable.

- 2 The property is to be used as a single residence only.
- 3 The view sharing is consistent with established view sharing principles. The view sharing is largely not from the principal living room windows or decks which afford panoramic views along the coast line.

**Votes** The decision was unanimous

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**3.2 DA/1955/2023 - New Dwelling House & Swimming Pool - 67 Ocean View Drive WAMBERAL NSW 2261**

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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 Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with clause 4.3(2) Height of Building development standard of Central Coast Local Environmental Plan 2022 is unnecessary in the circumstances of the case and 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 zone in which the development is proposed to be carried out.***
- 2 *That the Local Planning Panel grant consent to DA/1955/2023 on Lot 12 DP 12022, 67 Ocean View Drive Wamberal NSW 2261 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.***

***Subject to the modifications below***

***2.4. Submit amendments to the approved plans to the Registered Certifier that must detail:***

- a) ***Fencing along the front site boundary shall be a maximum of 1.8m in height and be constructed from high quality durable materials such as rendered concrete, stone or treated and painted timber.***
- ***Metal panelling and untreated timber palings are not permitted.***
  - ***Fencing shall integrate with the colour scheme and design of the dwelling house.***
  - ***Fence opening for provision of vehicle access shall comply with AS/NZS 2890.1 Parking facilities, Part 1: Off-street car parking to ensure pedestrian and vehicle sight distance safety is maintained.***
  - ***Front fencing and gates to be as illustrated as shown in Figure 15 of the Statement of Environmental Effects prepared by Doug Sneddon Planning Pty Ltd, March 2024.***

***6.14. Erect a 1.8 metre high fence along the length of the side boundaries landward of the seaward extent of the new dwelling house and swimming pool.***

***Fencing (footings and/ retaining walls where required) to be located wholly with the site boundary.***

***All fencing is to be at the cost of the developer.***

Reasons

- 1 The proposal is considered to have an acceptable risk from impact of coastal hazard. The site is in a coastal hazard zone and extensive technical studies have been completed as part of the application to ensure that the house will be safe and secure in a major storm event. –
- The proposed development satisfies the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* having regard for Chapter 2 Coastal Management, section 2.10 – Development on land within the coastal environment area and section 2.11 – Development on land

within the coastal use area.

- The proposed development satisfies the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* having regard for the suitability of the site in terms of land contamination as required under Chapter 4 – Remediation of Land.
- 2 There are extensive conditions for restoration of any coastal erosion affecting the site to ensure its stability of the beach front and its continued use for public recreation.

**Votes** The decision was unanimous

**3.3 DA/2461/2023 - New Dwelling House & Demolition of Existing Structures - 42 North Avoca Parade North Avoca NSW 2250**

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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 Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with clause 4.3(2) Height of Building development standard of Central Coast Local Environmental Plan 2022 is unnecessary in the circumstances of the case and 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 zone in which the development is proposed to be carried out.*

**2** *That the Local Planning Panel grant consent to DA/2461/2023 on Lot 1 DP 1296711, 42 North Avoca*

***Parade North Avoca NSW 2250 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.***

**Reasons**

- The proposed development satisfies the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* having regard for Chapter 2 Coastal Management, section 2.10 – Development on land within the coastal environment area and section 2.11 – Development on land within the coastal use area.
- The proposed development satisfies the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* having regard for the suitability of the site in terms of land contamination as required under Chapter 4 – Remediation of Land.

**Votes**

The decision was unanimous

**3.4 DA/862/2023 - 1 Agate Avenue PEARL BEACH - New Dwelling and Demolition of Existing Dwelling**

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**Site Orientation**

Yes

**Relevant Considerations**

As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions
- Supplementary Memo

**Council Recommendation**

Approval

**Panel Decision**

- 1 That the Local Planning Panel grant consent to DA/862/2023 for New Dwelling House and Demolition of Existing Dwelling on Lot: 192 DP:14817 No. 1 Agate Avenue PEARL BEACH 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 That Council advises those who made written***

***submissions of the Panel's decision.***

**Reasons**

Fraser Ecological Consulting completed Assessments of significance ('5 part tests') to meet the requirements of Section 7.3 of the Biodiversity Conservation Act 2016 (BC Act), and concluded that the proposal is unlikely to have a significant impact on species, populations and communities listed under the NSW Biodiversity Conservation Act 2016. Council's Ecologist is satisfied that the proposal does not trigger the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016, and a Biodiversity Development Assessment Report (BDAR) is not required to be submitted with the application.

Fraser Ecological Consulting completed an Assessments of significance ('5 part test') were undertaken in accordance with Section 7.3 of the Biodiversity Conservation Act 2016 (BC Act) and concluded that the proposal is unlikely to have a significant impact on species, populations and communities listed under the New South Wales Biodiversity Conservation Act 2016 and Commonwealth Environment Protection Biodiversity Conservation Act 1999.

The majority of the Panel was satisfied that in its amended form the proposal was compliant with the LEP and DCP, however one member of the Panel was concerned with the approval of a substantial change in the character of Pearl Beach.

**Votes**

The decision was 3:1