

Panel Members

Chairperson	Jason Perica
Panel Experts	Ian Arnott Michael File
Community Representative/s	Robert Carter

Central Coast Council Staff Attendance

Stephen Goodworth	Senior Building Surveyor, Building Assessment and Certification
Emilia Ellis	Development Planner, Employment and Urban Release
Alexandra Allouche	Senior Development Planner, Employment and Urban Release
Emily Goodworth	Section Manager, Employment and Urban Release
Cecilia Rose	Wilshire Webb (engaged by Council)
Lisa Martin	Civic Support Officer
Tess McGown	Civic Support Officer

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

The following people addressed the Panel:

Item 3.1 – DA/2304/2023 - 1 Ficus Avenue Avoca Beach
Demolition of Existing Dwelling House and the erection of a two storey Dwelling House with Roof Terrace

- 1 **Peter Horton of Horton Coastal Engineering Pty Ltd**
- 2 **Matthew Barry of Mills Oakley**
- 3 **Craig Schulman of Myriad Consulting**
- 4 **Johnny Elice-Flint – Studio Jef**

The Local Planning Panel public meeting closed at 2:49pm.

The Panel moved into deliberation from 2:50pm.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

The Panel Members confirmed that they have signed a declaration of interest in relation to each matter on the agenda. No members of the Panel identified any Conflicts of Interest for this meeting.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

The Panel confirmed that the minutes of the previous Local Planning Panel Meeting held on 14 November 2024, which were endorsed by the Chair of that meeting, were submitted for noting.

PLANNING REPORTS

3.1 DA/2304/2023 - 1 Ficus Avenue Avoca Beach - Demolition of Existing Dwelling House and the erection of a two storey Dwelling House with Roof Terrace.

Site Inspected	In person by individual members or by electronic means
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Submissions• Memo dated 27 November 2024
Council Recommendation	Refusal
Panel Decision	1 <i>The Local Planning Panel refuse consent to DA/2304/2023 at 1 Ficus Avenue, Avoca Beach, Lot 23 in DP 20094 for New Dwelling House & Demolition of Existing Dwelling House subject to the reasons outlined</i>

below and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

1. The proposal is not acceptable in relation to the matters for consideration under section 4.15 of *Environmental Planning and Assessment Act 1979*.
2. The proposed development does not satisfy the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* having regard to the surrounding Coastal Environment and Coastal Use Areas as required to be taken into account under clause 2.10 and 2.11.
3. The Local Planning Panel cannot be satisfied, that granting consent would be in the public interest as the proposal is inconsistent with the objectives of the SEPP (Resilience and Hazards) 2021 and inconsistent with the objectives of the R2 Low Density Residential zone.
4. The proposal is inconsistent with the following objectives of the R2 Low Density Residential zone:
 - a. *To encourage best practice in the design of low density residential development.*
 - b. *To maintain and enhance the residential amenity and character of the surrounding area.*
5. The setting and location of the proposed dwelling house in relation to the established rear building alignment is inconsistent with the objectives within CCDCP 2022 Chapter 2.17 – Character of Scenic Quality and the related document to this DCP being the Character and Scenic Quality Statements of Avoca1: Ocean Beachfront – Desired Character Requirements.
6. The development results in unnecessary and unreasonable adverse impacts when viewed from the neighbour's land, public spaces and amenity of the area as a result of inconsistency with the established rear building alignment.
7. The proposal is inconsistent with various objectives within Parts 2.1.4.1 and 2.17 of Central Coast Development Control Plan 2022.
8. Both the surrounding predominant form in the area and the desired future character of the area favors a two-storey presentation at consistent rear setbacks to other residential buildings along the Avoca Lake frontage. The proposal is antipathetic to this form on a visually prominent site from public spaces around the lake, while the proposal (changed

or new) could readily achieve form compliance and desirable congruity.

9. The Panel had concerns about the combination of threats and hazards at this very exposed site, including potential sea level rise, flooding and storm surges, and noting the exposure of the site to a severe East Coast Low. Predicted flooding, storm surge and climate change impacts relative to an appropriate floor level are predictions that may warrant a precautionary approach in this instance.

2 That Council advises those who made written submissions of the Panel's decision.

Reasons As the matter was refused, the reasons are outlined above.

Votes The decision was unanimous

REPORTS

4.1 Operation of the Local Planning Panel in 2025

Panel Decision *That the Central Coast Local Planning Panel note the information in the report and recommends the report be circulated to the substantive chair of the Panel, to consider and decide whether the report should be circulated to all Panel members for noting and any comments back to the Chair.*

Votes The decision was unanimous

4.2 DA/1355/2023 - 76 Tramway Road, North Avoca - Alterations and additions to an existing residential dwelling

Site Inspected In person by individual members or by electronic means

Relevant Considerations As per Council assessment report

- Material Considered**
- Documentation with application
 - Council assessment report
 - Supplementary Memo dated 27 November 2024

Council Approval, with conditions (Conditions being as an attachment to a

Recommendation Supplementary Memo dated 27 November 2024)

Panel Decision **1** ***The Local Planning Panel is satisfied that the applicant's clause 4.6 written request regarding the contravention of the maximum Building Height Development standard established through Clause 4.3 of Central Coast Local Environmental Plan 2022 demonstrates that compliance with the development standard is unnecessary in the circumstances of the case, that compliance with the height standard would be unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening that development standard. Further, the Local Planning Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the Building Height development standard and the objectives for development within the R2 – Low Density Residential zone in which the development is proposed to be carried out.***

2 ***That the Local Planning Panel grant consent to DA/1355/2023 for No. 76 Tramway Road, North Avoca, for the alterations and additions to the existing residential dwelling subject to the conditions detailed in the schedule attached to a Supplementary Memo dated 27 November 2024, received by email dated 27 November 2024, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, subject to recommended Condition 25 being amended to read:***

DP amended include 88B

Amend the Deposited Plan (DP) for Lot 3472 DP520890 to:

- i) Include an Instrument under the Conveyancing Act 1919 for the following restrictive covenants; with Council having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan. The plan and instrument must:*
- ii) The creation of a 1.00m wide easement to drain water over the Lot 3472 DP 520890, 78 Tramway Rd, North Avoca to benefit the subject site being Lot 3471 DP520890, 76 Tramway Rd, North Avoca.*

Documentation confirming the creation of the easement shall

be submitted to Council prior to the issue of any Construction Certificate or the commencement of works.

Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

Reasons

The Panel agreed with the assessment of the proposal as outlined in the Council staff assessment report. Mr Robert Carter had some concerns about the loss of view glimpses from the public domain given the extent of height noncompliance, but on balance agreed with the conclusions that the proposal be approved.

The Panel noted no public submissions opposing the proposal were received.

Votes

The decision was unanimous

4.3 DA/539/2024 - 1CR Oleander Street, CANTON BEACH - Temporary Use of Land for Community Event (5 years)

Site Inspected

In person by individual members or by electronic means

Relevant Considerations

As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Supplementary Memo dated 27 November 2024, including recommended changes to conditions, a full set of which was sent as a draft determination notice to the Panel by email on 28 November 2024.

Council Recommendation

Approval, subject to conditions.

Panel Decision

- 1 That the Local Planning Panel grant consent to DA/539/2024 for the Temporary Use of Land for Community Events in Public Reserve at 1CR Oleander Street, Canton 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 and subject to the following amendment:***

Condition 20 be amended to read:

<p>Portable Toilet facilities to be provided on site</p> <p><i>A minimum of four unisex portable toilets shall be provided on site for the duration of the events. The portable toilets are to be regularly cleaned and maintained, as a minimum at the end of each day. However, if the applicant/operator is able to provide suitable written agreement(s) with the adjoining caravan park operator to use their toilet facilities for the life of the consent, the number of portable toilet facilities may be reduced to three.</i></p>
<p>Condition reason: <i>To ensure safe and sanitary access to facilities is provided for the event.</i></p>

Reasons

The Panel generally agreed with the analysis and conclusions within the Council staff Assessment Report. In terms of available toilets, the Panel noted the relevant guideline would require provision of four porta-loos, given the capacity. However, some flexibility was applied through a revised condition if access was able to be shown to be available to toilets within the adjoining caravan park.

In terms of public submissions, the Panel noted no objections were received.

Votes

The decision was unanimous

CONFIDENTIAL ITEMS

5.1 Land and Environment Court Proceedings Class 1 - Central Coast Council ats The Trustee for Vicary Family Trust Case 2024/00237002 - Appeal of Deemed Refusal of DA/2209/2023 - 75 Ocean View Drive Wamberal

Site Inspected

No

Panel Decision

- 1 That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court of the deemed refusal of Development Application DA/2209/2023.**
- 2 In accordance with section 2.20(8) of the Environmental Planning and Assessment Act 1979, the Local Planning Panel delegates the instructions for the Court case to Council's Unit Manager, Development Assessment, on the**

basis that any consent orders be subject to Council's appointed experts being in agreement with the consent orders.

Reasons

The case has progressed, with experts engaged to represent the Council. The outcome should be driven by opinions of the independent experts engaged by Council, and overseen by Council's legal representatives.

Votes

The decision was unanimous.