

Panel Members

Chairperson	Kara Krason
Panel Experts	Greg Flynn
Community Representative/s	Glenn Watts

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Development Planner (South)
Rachel Callachor	Meeting Support Officer

The Chairperson, Kara Krason, declared the meeting open at 2.05pm.

The Local Planning Panel previously considered this at its meeting of 16 December 2021. Application for a Dwelling House and Detached Garage.

The application was deferred pending submission of additional information, with a further supplementary report distributed to the Panel on 12 October 2022, with a meeting held 18 October 2022. The matter was deferred at this time, with a request for further additional information.

The Panel considered a further supplementary report distributed to the Panel on 27 February 2022, and met to discuss and review the application, as well as receive information from, and put questions to, the Council staff present.

Apologies

The Panel noted that no apologies have been received.

1.1 Disclosures of Interest

The Panel Members confirmed that declaration forms lodged for the 16 December 2021 and the 18 October 2022 meeting were still current and no conflicts had been identified.

PLANNING REPORTS- OUTSIDE OF PUBLIC MEETING

2.1 DA 60589/2020 - 129 Alan St Niagara Park - Supplementary Report and Legal Advice - Dwelling House & Garage

Site Inspected	Yes
Relevant Considerations	As per Council assessment reports
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report – December 2021• Council supplementary assessment report – October 2022• Council supplementary assessment report – February 2023
Council Recommendation	Approval
Panel Decision	<p><i>That the Local Planning Panel further defer consideration of this matter for electronic determination, to seek the following:</i></p> <ol style="list-style-type: none"><i>1 Updated legal advice that addresses the further information provided by Council in the supplementary report advising that the proposed works on the adjoining property that do not form part of the application are not exempt development nor complying development, which alters the assumptions included in the currently provided legal advice. On the basis that such works are not exempt development, will the works beyond the site boundary require separate development approval either prior to any approval issued for the new dwelling becoming an operational consent (deferred commencement condition) or prior to commencement of works? How will the works be facilitated without development approval?</i><i>2 Legal review of the draft conditions of consent in the context of the legal advice provided to the panel confirming that the works beyond the boundary are not currently part of the application. The draft conditions include several conditions relating to design and</i>

development details for the off-site works, in addition to conditions proposed by external authorities which cover works subject to the DA and works on the adjoining land that do not form part of the DA. What is the legal mechanism for conditioning and carrying out works on an adjoining property where land owners consent and development approval for such works is not to be provided?

- 3** ***A further supplementary report that includes an assessment in response to the provision of legal advice that addresses the matters outlined above, including an updated set of draft conditions.***

Reasons

- 1 The Panel was not satisfied that it had sufficient information to properly determine the application, in the absence of the information noted above in the Decision.

Votes

The decision was unanimous

The Local Planning Panel meeting closed at 3:00pm.