

Panel Members

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Sue Francis
Community Representative/s	Mark Elsley

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Development Assessment South
Susana Machuca	Senior Development Planner (South)
Martin Ball	Principal Solicitor, Governance & Legal
Danielle Allen	Senior Ecologist, Development Assessment
Johnson Zhang	Team Leader, Water Assessment
Rachel Callachor	Meeting Support Officer
Zoie Magann	Meeting Support Officer

The Chairperson, Donna Rygate, declared the meeting open at 2:02pm 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.

1.1 Disclosures of Interest

The Panel noted that declaration forms had been received and no conflicts had been identified.

Public Forum

The following people addressed the Panel:

Item 2.1 – Supplementary Report - DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower - Agenda Item 3.1 Local Planning meeting 19 August 2021

1. Rodney Dawson - against recommendation
2. Mike Allsop, President, Wagstaffe to Killcare Community Association - for recommendation
3. Michael Allen - for recommendation
4. Tony Wright - for recommendation
5. Michael Corbett - for recommendation
6. Josephine Howie - against recommendation
7. Tony Denny - against recommendation
8. Quentin Munro - for recommendation
9. Joanna Ward (Service Stream Limited) - on behalf of applicant

The Local Planning Panel public meeting closed at 2:53pm. The Panel moved into deliberation from 3:10pm, which concluded at 4:00pm.

2.1 Supplementary Report - DA/57736/2019 - 37 Wards Hill Road, Killcare Heights - Telecommunications Tower - Agenda Item 3.1 Local Planning meeting 19 August 2021

Relevant Considerations	As per Council assessment report and supplementary report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment and supplementary assessment report• Submissions and representations made in public meetings
Council Recommendation	Approval
Panel Decision	<ol style="list-style-type: none">1 The Panel accepts Council's advice on the composition of the Panel considering and determining the application.2 The Panel agrees that the applicant's clause 4.6 written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case because of the minimal environmental impact that would result from the non-compliance with the Height of Buildings standard and compliance would be unreasonable in the circumstances of the case because compliance with the Height of Buildings standard would not allow the proposed telecommunications tower to operate effectively. This would not be in the public interest. The Panel agrees that the demonstrated need for this infrastructure in the location and the broader public interest and benefit 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 relevant objectives of the Height of Buildings development standard and the relevant objectives for development within the E4 Environmental Living zone in which the development is proposed to be carried out.

- 3** *That the Local Planning Panel grant consent to DA57736/2019 for a telecommunications facility on Lot:1 DP:616676, 37 Wards Hill Road Killcare Heights, subject to the conditions detailed in the schedule attached to the supplementary report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act.*
- 4** *That Council advise those who made written submissions of the Panel's decision.*
- 5** *That the Council advise relevant external authorities of the Panel's decision.*

Reasons

- 1** The Panel noted that the matters raised in the Minutes of its meeting of 19 August 2021 had been addressed satisfactorily, including consultation with Darkinjung Local Aboriginal Land Council (DLALC) and the submission of a revised cl. 4.6 request.
- 2** It is in the public interest to grant consent because of the service the telecommunications tower will provide to the community on a daily basis and in times of emergency.
- 3** Any environmental impact of the proposal is not unreasonable and is mitigated by choice and colour of materials, vegetation and design.

Votes

The decision was unanimous