

Panel Members

Chairperson	Kara Krason
Panel Experts	Michael File Michael Ryan
Community Representative/s	Mark Elsley

Central Coast Council Staff Attendance

Andrew Roach	Unit Manager Development Assessment
Emily Goodworth	Section Manager, Employment and Urban Release
Robert Eyre	Principal Development Planner, Residential Assessments
Katrina O'Malley	Development Planner, Employment and Urban Release
Jenny Tattam	Senior Development Planner, Employment and Urban Release
John Noakes	Section Manager, Development Engineering
Nathan Burr	Senior Development Planner, Employment and Urban Release
Lisa Martin	Civic Support Officer
Briony Stiles	Civic Support Officer

The Chairperson, Kara Krason declared the meeting open at 2:03pm and advised in accordance with the Code of Meeting Practice that the meeting is 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 registered to address the Panel:

Item 3.1 – DA/42661/2012/E - 69 Avoca Drive, Avoca Beach - Alterations & Additions to existing Theatre

- 1 Karen Davis – FOR

- 2 Norman Hunter – Owner of Avoca Beach Theatre
Caine King – CKDS Principal Architect
Adam Crampton – ADW Town Planner
Daniel Holland – Northrop Civil Engineer
Braden Johnson – Johnson Projects CEO
Karen Zeuschner – Johnson Projects Project Manager
Dr Phillip Pollard – View Consultant – FOR

The registered speakers for **Item 3.1 – DA/42661/2012/E** were briefed by the Chair, that this matter would need to be rescheduled to another panel meeting due to procedural issues and will be re-scheduled – see Item 3.1.

The Chair explained that the main reasons for deferring consideration of this matter to a future public meeting included:

- Lack of certainty that reasonable notice had been given by Council to submitters of the public meeting as required by the Local Planning Panels Direction – Operational Procedures and that the notification requirements of Central Coast Local Planning Panel Operational Guideline had been met, which requires all people who have made written submissions to be notified of the Panel meeting the week prior to the meeting.
- The business papers inadvertently did not include a copy of the current set of proposed plans which the Panel was advised had not been notified. A set of plans were provided to the Panel on the day of the Panel meeting, however there was no opportunity for the Panel to review such late material ahead of the meeting; and
- Uncertainty whether the current plans were available to the public on Council's website notwithstanding they were not attached to the business paper and had not previously been notified.

Accordingly, to ensure procedural fairness and compliance with the relevant direction and guidelines are achieved, the Panel postponed hearing from speakers and considering this matter until all such matters had been satisfactorily met.

The Local Planning Panel public meeting closed at 2:27pm.

The Panel moved into deliberation from 2:33pm.

PROCEDURAL ITEMS

1.1 Disclosures of Interest

The Panel Members confirmed that they had each signed a declaration of interest form in relation to each matter on the agenda.

The Chair, declared an Insignificant Non Pecuniary Reasonably Perceived Conflict of Interest in Item 4.1 and stepped out of the meeting as it was discussed and determined. Item 4.1 was chaired by Michael File.

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

2.1 Confirmation of Minutes of Previous Meeting

The Panel noted the minutes of the previous Local Planning Panel Meeting held on 11 April 2024, which were endorsed by the Chair of that meeting.

PLANNING REPORTS

3.1 DA/42661/2012/E - 69 Avoca Drive, Avoca Beach - Alterations & Additions to existing Theatre

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions
- Memo dated 15 May 2024

Council Recommendation Approval

Panel Decision Deferred

Reasons *The Local Planning Panel deferred consideration of this matter to a future public meeting in order for Council to address the following matters detailed below:*

- ***A full set of the final proposed plans and the original court approved plans with the business papers.***
- ***Provide the Panel with copies of all supporting documentation related to and referenced in the assessment report and draft conditions. This should include a copy of the original conditions issued by the Land and Environment Court and reasons given by the Court for granting consent pursuant to S. 4.56(1A).***
- ***Provide a detailed assessment of the application against the original approval as required by Section 4.56 of the Environmental Planning and Assessment Act 1979. This should include but not be limited to key matters of building height, FSR, car parking, view loss, urban design and architectural quality.***
- ***The Panel noted that Council's Architect had significant concerns with the proposed modified design and that the matter has not been before a design review panel. In the absence of a design review panel and noting the matters not supported by Council's architect compared to the originally approved scheme, the Panel suggests Council consider obtaining an independent design review of the proposed modified scheme against the originally approved development as part of its detailed assessment against the provisions of Section 4.56 of the Act.***
- ***Confirm that the updated view impact assessment is based on an assessment of view impacts from all previously identified view impacted residences against the current set of proposed plans. Further, given the proposed increase in height provide confirmation that no additional properties would be significantly impacted by the proposed modification, beyond those previously considered acceptable by the Court approval.***
- ***Provide more detailed assessment in relation to Section 7.18(3) and (5) of CCLEP 2022.***
- ***Correct all reporting errors throughout the report in relation to proposed FSR and Height numerical figures and percentages and associated commentary regarding compliance and non-compliance.***
- ***Clarify whether a VPA applies to the site given inconsistencies in reporting between the consultant documentation, Council's assessment report and the***

Panel Decision **1** ***That the Panel grant consent to DA/723/2021 for the Temporary use of land for Outdoor Entertainment Events at Shelly Beach Golf Club at 86 Bonnieview Street and 87CR Oaks Avenue, Shelly 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.***

Reasons

The Panel is happy to support the application for the reasons contained in the Council assessment report and:

1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
2. 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 and Section 4.6 of Chapter 4 Remediation of Land.
3. The proposal has been considered against the permitted uses and objectives of the RE1 Public Recreation and RE2 Private Recreation zones. The proposal is permissible with development consent by virtue of the provisions of clause 2.8- Temporary Use of Land and considered satisfactory in terms of the objectives of the zones.
4. The proposal is satisfactory in terms of the precursor requirements of clauses 7.1 and 7.9 of *Wyong Local Environmental Plan 2013*.
5. The proposal is considered satisfactory in relation to the parking requirements of *Wyong Development Control Plan 2013*, Chapter 2.11 Access, and Parking.
6. There are no significant issues or impacts identified with the proposal under s. 4.15 of *Environmental Planning and Assessment Act 1979*.

Votes

The decision was unanimous (noting Kara Krason did not participate due to COI declaration)

4.2 DA/31/2024 - 8 Rankens Court, Wyong - Demolition of Heritage Structure

Site Orientation	Yes
Relevant Considerations	As per Council assessment report
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Memo – Supplementary Information• Submissions
Council Recommendation	Approval
Panel Decision	<p>1 The Panel grant consent to DA/3/2024 – 8 Rankens Court, Wyong subject to the conditions detailed in the schedule attached to the report including one additional condition and an amendment to condition 7 as outlined in the Supplementary memo dated 16/05/2024 and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.</p> <p>2 That Council advise those who made written submissions of the Panel's decision.</p>
Reasons	<ol style="list-style-type: none">1. The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.2. There are no significant issues or impacts identified with the proposal under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.3. The proposal is satisfactory with regard to Clause 2.7, 5.10, 7.1 and 7.6 of the <i>Central Coast Local Environmental Plan 2022</i>.4. An additional condition was added to ensure reasonable notice is provided to users of the Wyong Community Centre ahead of works commencing.
Votes	The decision was unanimous

REPORTS

5.1 **DA/982/2023 - Various demolition, remediation and repair works including the replacement of a retaining wall at Peat Island, Mooney Mooney - 60 Pacific Highway, Peat Island Road and Pacific Highway, Mooney Mooney**

Site Orientation Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Approval

Panel Decision *The Panel deferred consideration of this matter to allow time for the following to occur:*

- 1. Council to review and if necessary redraft the proposed conditions to correct anomalies in relation to ecological requirements; ensure the wording and timing of conditions is drafted as appropriate for Crown development approvals and post approval certification processes, in particular to what actions and documentation is required prior to demolition occurring; and ensure that references within the assessment report such as those contained in the Heritage and Archaeological Impact Statement are particularised in the draft conditions of consent.*
- 2. Council to issue a copy of its draft conditions to the Crown for approval of Council's recommended conditions.*
- 3. Council to provide a supplementary assessment report to the panel including a set of the final draft conditions and written confirmation of the Crown's approval of the draft conditions, at its earliest convenience.*

The supplementary report may be provided to all panel members for determination via email correspondence.

Reasons The Panel agreed to defer the determination of the matter to enable a set of draft conditions to be finalised with some anomalies and corrections to be made and to provide time for Council to obtain the required written approval of the conditions given this is a Crown development application.

The Panel understands that these matters will be addressed within the coming days with a report to follow shortly thereafter.

Votes

The decision was unanimous