

# Central Coast

## Local Planning Panel

Central Coast  
Local Planning Panel Meeting  
Business Paper  
**14 November 2024**



# Meeting Notice

**The Local Planning Panel Meeting  
of Central Coast  
will be held remotely - online,  
Thursday 14 November 2024 at 2.00pm,  
for the transaction of the business listed below:**

## **1 Procedural Items**

1.1 Disclosures of Interest.....3

## **2 Confirmation of Minutes of Previous Meetings**

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## **3 Planning Reports**

3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong .....13

## **4 Confidential Items**

4.1 Land and Environment Court Proceedings Class 1 - Central Coast Council at Haibiao Lin Case 2024/00258004 - Appeal of Deemed Refusal of DA/309/2024 - 23 Coogee Road Point Clare

**The reason for dealing with the report confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

Heather Warton  
**Chairperson**

**Item No:** 1.1  
**Title:** Disclosures of Interest  
**Department:** Governance

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14 November 2024 Local Planning Panel Meeting

Reference: F2020/02502 - D14205789

The NSW Local Planning Panel Code of Conduct states that all panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting.

### **Recommendation**

***That Panel Members now confirm that they have signed a declaration of interest in relation to each matter on the agenda for this meeting and will take any management measures identified.***

**Item No:** 2.1  
**Title:** Confirmation of Minutes of Previous Meeting  
**Department:** Corporate Services

**Central Coast**  
Local Planning Panel

14 November 2024 Local Planning Panel Meeting

Reference: F2020/02502 - D16477405

Author: Lisa Martin, Civic Support Officer Civic Support

### Summary

*The Minutes of the following Meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:*

- ***Local Planning Panel Meeting held on 17 October 2024***

### Recommendation

***That the minutes of the previous Local Planning Panel Meeting held on 17 October 2024, which were endorsed by the Chair of that meeting, are submitted for noting.***

### Attachments

1   MINUTES - Local Planning Panel - 17 October 2024 D16464129



















**Item No:** 3.1  
**Title:** DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong

**Central Coast**  
Local Planning Panel

**Department:** Environment and Planning

14 November 2024 Local Planning Panel Meeting

Reference: DA/612/2024 - D16413952  
Author: Dean Wooding, Development Planner, Employment and Urban Release  
Manager: Emily Goodworth, Section Manager Employment and Urban Release  
Executive: Andrew Roach, Unit Manager. Development Assessment

## Summary

A Development Application has been received for a Temporary Use of Land - Community Event - Love Lanes Festival - 2025-2029 at Chapmans Store, 14-16 Alison Rd, McKinnon Hall, 19 Rankens Court - 17 Rankens Court - 21 Rankens Court - 1-11 Alison Rd - 98 Pacific Hwy - Wyong Town Park, 10 Rankens Court - Bakers Lane Wyong. The application has been assessed having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements.

The application is referred to the Panel following Local Planning Panels Direction – Ministerial Direction dated 06/05/2024 as Council is the applicant and landowner for some of the lots the subject of the application. Preceding this Direction, a resolution was made at provided at the Local Planning Panel Meeting of 10 December 2020 that ‘one off events’, with Council being either the applicant or landowner, could be delegated to Council Staff. As the application is for a reoccurring event over 5 years, the application is referred to the Panel.

The application is recommended for approval.

<b>Applicant</b>	Central Coast Council
<b>Owner</b>	Mr D J Hajje and Uniting Church in Australia Property Trust NSW and Mrs K M Koopman and Gallery Precinct Investments Pty Ltd and Rural State Property Pty Ltd and Central Coast Council and Central Coast Council - Roads and GBN Commercial Pty Ltd
<b>Application No</b>	DA/612/2024
<b>Description of Land</b>	Lot 6 Sec 2 DP 3136, Lot 7 Sec 2 DP 3136, Pt Lot 16 Sec 3 DP 3136, Lot 15 DP 656584, Lot 1 DP 319879, Lot A DP 191017, Lot 1 DP 1237827, Lot 1 DP 1119567, Lot 171 DP 727765, Lot R/1560 Rd ROAD, Lot R/2106 Rd ROAD, Lot R/1222 Rd ROAD, Lot R/17 Rd ROAD, Lot R/404 Rd ROAD, Lot R/1415 Rd ROAD

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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	Chapmans Store, 14-16 Alison Rd, McKinnon Hall, 10, 17-21 Rankens Court - 1-11 Alison Rd - 98 Pacific Hwy - Wyong Town Park, Bakers Lane Wyong
<b>Proposed Development</b>	Temporary Use of Land – Community Event – Love Lanes Festival – 2025-2029
<b>Site Area</b>	9674.60 sqm
<b>Zoning</b>	E2 Commercial Centre & RE1 Public Recreation
<b>Existing Use</b>	Various Uses
<b>Employment Generation</b>	n/a
<b>Estimated Value</b>	\$148,533 (per year)

**Recommendation**

- 1 That Council grant consent to DA/612/2024 at Lot 6 Sec 2 DP 3136, Lot 7 Sec 2 DP 3136, Pt Lot 16 Sec 3 DP 3136, Lot 15 DP 656584, Lot 1 DP 319879, Lot A DP 191017, Lot 1 DP 1237827, Lot 1 DP 1119567, Lot 171 DP 727765, Lot R/1560 Rd ROAD, Lot R/2106 Rd ROAD, Lot R/1222 Rd ROAD, Lot R/17 Rd ROAD, Lot R/404 Rd ROAD, Lot R/1415 Rd ROAD, Chapmans Store, 14-16 Alison Rd, McKinnon Hall, 19 Rankens Court - 17 Rankens Court - 21 Rankens Court - 1-11 Alison Rd - 98 Pacific Hwy - Wyong Town Park, 10 Rankens Court - Bakers Lane Wyong for a Temporary Use of Land - Community Event - Love Lanes Festival - 2025-2029 subject to the conditions provided in Attachment 1**
- 2. That Council advise those who made written submissions of Council's decision.**

**Key Issues**

1. Parking & Traffic

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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**Precis:**

<b>Proposed Development</b>	Temporary Use of Land – Community Event – Love Lanes Festival – 2025-2029
<b>Permissibility and Zoning</b>	E2 Commercial Centre & RE1 Public Recreation
<b>Relevant Legislation</b>	<i>Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy Resilience and Hazards 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central Coast Local Environmental Plan 2022 Central Coast Development Control Plan 2022</i>
<b>Current Use</b>	Various
<b>Integrated Development</b>	No
<b>Submissions</b>	None

**The Site & Surrounds**

The site covers several lots within the Wyong Town Centre as shown in Figure 1. The proposal also includes portions of the local roads including Alison Road, Hely Street, Rankens Court, Bakers Lane, Peters Lane and Robleys Lane. The land over which the proposal is to take place is a combination of private ownership and Council owned land.

The site is an area of mixed-use development that contains various commercial and community facilities. The uses include shops, food and drink premises and community facilities including a police station and public park. The part of the site containing the park (RE1 zoned land) is classified as operational land.

3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)



Figure 1 – Site Location

### The Proposed Development

The proposed development is for the temporary use of land for a community event known as the Love Lanes Festival.

The festival is a one-day event that is proposed to be held annually for five years, on a single Saturday in February. The event will include market stalls and four stages offering varying entertainment.

The event will include food and produce stalls from within the region, market stalls, outdoor dining, live music, roving entertainment, aerial circus, free activities, and performances. The event is to be undertaken between 4:00pm and 9:00pm and could attract around 18,000 people based on previous event attendance. The festival is expected to grow 5% over 5 years to 18,900 visitors.

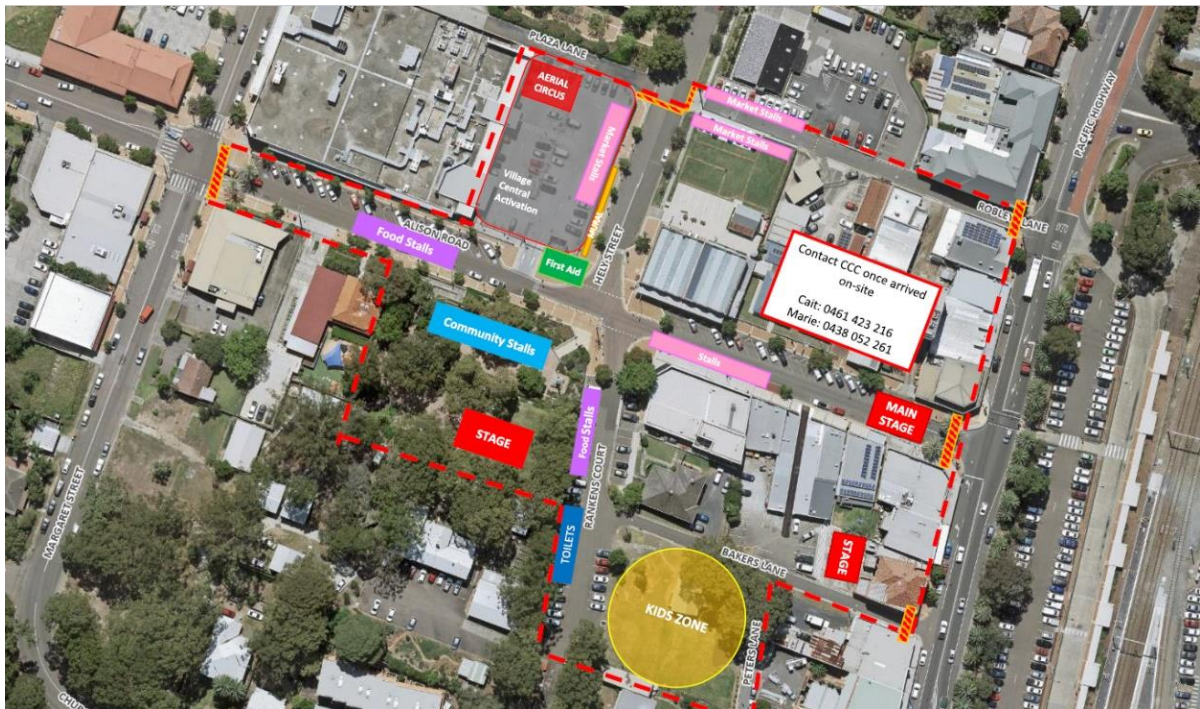


**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

The proposed event will include the following road closures:

- Alison Road between the Pacific Highway and Margaret Street
- Bakers Lane between the Pacific Highway and Rankens Court
- Robleys Lane between the Pacific Highway and Hely Street
- Hely Street from Plaza Lane to Alison Road
- Rankens Court from No. 20 to the intersection with Alison Road

All road closures will be the subject to a separate application with Council's Road Section.



**Figure 2 - Site Map**

**Summary**

The proposed development has been assessed against the relevant policies and guidelines and has been found to be compliant with the requirements. The proposed event has operated from the site six times previously and has increased in popularity with each event. The proposed development is recommended for approval subject to suitable conditions of consent.

**Variations to Policies**

There are no variations proposed under the current application.

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

**History - Love Lanes Festival**

<b>Application Number</b>	<b>Description</b>	<b>Status</b>	<b>Decision</b>	<b>Lodged</b>
DA/1289/2016	The 'Love Lanes Festival' Saturday 11 February 2017 - vicinity of Bakers Lane, Robleys Lane, Peters Lane and Alison Road Wyong	Approved	Approved	31/10/2016
DA/907/2017	Community Event - 'Love Lanes Festival' (Saturday 17 February 2018)	Approved	Approved	25/07/2017
DA/1407/2018	Temporary Use of Land - Community Event - 'Love Lanes Festival to be held from 2019 to 2023 inclusive	Approved	Approved	26/11/2018
DA/1407/2018/A	Temporary Use of Land - Community Event - 'Love Lanes Festival to be held from 2019 to 2023 inclusive (Amended application)	Approved	Approved	18/11/2019
DA/1407/2018/B	Temporary Use of Land - Community Event - Love Lanes Festival to be held from 2019 to 2023 inclusive (Amended Application)	Approved	Approved	22/02/2022
DA/1407/2018/C	Temporary Use of Land - Community Event - 'Love Lanes Festival' to be held from 2019 to 2023 inclusive (Amended Application)	Withdrawn		30/05/2023

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

DA/1713/2023	Temporary Use of Land - Community Event - Love Lanes Festival 2024	Approved	Approved	24/08/2023
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DA/1407/2018- was approved February 2019 for Loves Lanes for five years between February 2019 and 2023. Not all events were undertaken during this approved period due to covid.

DA/1407/2018/A- was amended February 2020 to change the road closures, inclusion of the plaza shopping centre carpark and fireworks display.

DA/1407/2018/B - was amended February 2022 to specify the dates for the event.

DA/1407/2018/C - proposed to remove the condition specifying the approved dates of the event to allow it to run every February in perpetuity. It was considered that this approach is not consistent with the temporary use clause that permits the use and as such the application was withdrawn.

DA/1713/2023 - Temporary Use of Land (Community Event – Love Lanes Festival 2024) – Approved 30/01/2024.

**History – 8 - 10 Ranken Court – RE1 Lands**

<b>Application Number</b>	<b>Description</b>	<b>Status</b>	<b>Decision</b>	<b>Lodged</b>
DA/3457/2022	Events - Wyong Christmas Carols Saturday 3rd December 2022	Returned	Returned	19/10/2022
DA/658/2020	Use of Wyong CBD to Host an Arts Festival, 1 Event per year for 5 Years.	Withdrawn	Withdrawn	18/03/2021
DA/2958/2003	Monthly community market to be held on the second Sunday of each month	Approved – Under Condition 9 – consent expired 01 April 2005	Approved	15/12/2003

**Ecologically Sustainable Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered consistent with the principles.

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope / combat / withstand these potential impacts. In this particular case, given the proposed temporary use of the land, there are no matters that warrant further discussion.

### **Assessment**

Having regard for the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues, which are discussed for Council's information.

### **Relevant Regulations**

*Environmental Planning and Assessment Regulations 2021* (Regulation)

The *Environmental Planning and Assessment Regulation 2021* applies to all development applications regarding items such as application type, compulsory contributions, notification of development applications and a range of many other details regarding development application requirements.

Section 66A requires that Council related development applications must not be determined by the consent authority unless:

- a) *The council has adopted a conflict-of-interest policy, and*
- b) *The council considers the policy in determining the application.*

Central Coast Council's Council Related Development Applications Conflict of Interest Protocol, Revision 1, was adopted by Council in 2023.

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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The Protocol aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development. The RE1 land is classified as operational land and forms part of the application. There is no management strategy in this instance given the proposed development is for the temporary use of land for a community event.

In accordance with the Protocol, appropriate and correct owners' consent was obtained from Council in relation to the proposed development and the application was notified for a period of 28 days from 5 July 2024 to 2 August 2024 with no submissions being received.

Section 61(1) of the *Environmental Planning and Assessment Regulation 2021* (Regulation) requires Council to take into consideration the provisions in Australian Standard AS2601-2001: The Demolition of Structures. Demolition is not proposed as part of this application.

No other provisions that the consent authority must consider in relation to the Regulation apply.

**Relevant State Environmental Planning Policies (SEPPs)**

*State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 2 Coastal Management

The subject property falls within the mapped coastal management areas including: the 'Coastal Environmental Area' and 'Coastal Use Area' under Chapter 2.

Under Chapter 2.10, 'Coastal Environmental Area'.

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority-

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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As the proposal is for a temporary (annual) event with no permanent structures, the proposal is not likely to cause any adverse impacts under subclause (a) - (g).

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that –

- (a) the development is designed, sited, and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Under subclause (a), the application has been assessed as complying with subclause (1). Accordingly, subclauses (b) and (c) are not applicable.

The Panel can therefore be satisfied that the development is designed, sited, and will be managed to avoid any impacts listed above and the nature of the development is appropriate under (s.2.10(1) and (2)).

Under Chapter 2.11, 'Coastal Use Area'.

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority.
  - (a) has considered whether the proposed development is likely to cause an adverse impact on the following.
    - (i) existing, safe access to and along the foreshore, beach, headland, or rock platform for members of the public, including persons with a disability,
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
    - (iv) Aboriginal cultural heritage, practices, and places,
    - (v) cultural and built environment heritage, and

The site is located at some distance to any foreshore, beach headland and rock platform, so there is no impact under subclause (a)(i). As the proposal is for a temporary (annual) event with no permanent structures, there are no impacts under subclause (a)(ii) to (v).

(b) is satisfied that—

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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- (i) the development is designed, sited, and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development

Under subclause (b)(i), the application has been assessed as complying, with subclause (a), subclauses (b)(ii) and (iii) are not applicable.

In terms of subclause (c), as a temporary (annual) event with no permanent structures, there are no impacts on the surrounding coastal and built environment. In terms of its capacity, scale and size and suitability for the site, the festival has been running successfully for several years. The Security & Alcohol Management Plan and the Waste Management Plan, identifies the site has a capacity of 21,000 visitors. The festival has been identified as growing by 5% over 5 years to 18,900 visitors. This is within the capacity of the site and satisfies subclause (c).

The Panel can therefore be satisfied that the development is designed, sited, and will be managed to avoid any impacts listed above and the nature of the development is appropriate under (s.2.11(a) to (c)).

#### Chapter 4 -Remediation of Land

Under Section 4.6

- (1) A consent authority must not consent to the carrying out of any development on land unless-
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Having regard for subsection (1)(a), none of the proposed lots are on Councils Contaminated Lands register and there is no permanent change of use proposed to any of the land specified in subsection (4). Moreover, the development does not involve any building or other invasive works. Accordingly, it is considered a preliminary investigation was not required (4.6(3)) and the Panel can be satisfied the proposed temporary use of the land for a community event is suitable.

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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*State Environmental Planning Policy (Transport and Infrastructure) 2021*

The application was referred to TfNSW under Schedule 3 of the SEPP as a traffic generating development (section 2.122). TfNSW provided conditions of consent requiring advanced warning signs, the need for a road occupancy license and the need for advance notice being made to TfNSW. These conditions will form conditions of consent and the panel can be satisfied that impacts upon the state's road network have been resolved.

On the advice of TfNSW, the application was also referred to TfNSW (Sydney Trains) under section 2.98 (development adjacent to rail corridors) of the SEPP. TfNSW provided conditions of consent in and around rail infrastructure. These conditions will form conditions of consent and the panel can be satisfied that impacts upon the states rail network have been resolved.

**Central Coast Local Environmental Plan 2022 (CCLEP 2022)**

The *Central Coast Local Environmental Plan 2022 (CCLEP 2022)* is the applicable local environmental plan applying to the site.

***Land Zoning***

The subject site is zoned E2 (Commercial Centre) and RE1 (Public Recreation) under the CCLEP 2022, as illustrated in Figure 3 below.



**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**



**Figure 3 - Zoning Map**

**Permissibility**

The proposed development is a one-off community event, which occurs annually over a period of 5 years. It is permissible by virtue of clause 2.8 of CCLEP 2022 which allows for development on land in any zone for a temporary use for a maximum period of 28 days (whether consecutive days) in any period of 12 months.

**Zone Objectives**

Subclause 2.3(2) of the CCLEP 2022 requires the consent authority to have regard to the objectives for development in a zone when determining a development application. The objectives of the RE1 and E2 zones are as follows:

*RE1 Public Recreation*

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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- *To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection.*
- *To provide space for integrated stormwater treatment devices for flow and water quality management.*
- *To enable ancillary development that complements land zoned for recreational purposes.*

*Zone E2 Commercial Centre*

- *To strengthen the role of the commercial centre as the centre of business, retail, community, and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse, and functional streets and public spaces.*
- *To support the role of Gosford City Centre as the regional business, retail, and cultural centre of the Central Coast.*
- *To reinforce the role of the Tuggerah-Wyong economic corridor as a key strategic centre in the Central Coast.*
- *To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure, and recreation facilities and social, education and health services.*
- *To provide for residential uses, but only as part of mixed-use development.*
- *To protect and enhance scenic quality and to provide for the creation and retention of view corridors in commercial centres.*

The proposed development is comprised of a community event that takes advantage of the natural environment and complements the land zoned RE1 for recreational purposes.

The proposal is consistent with the objectives of the E2 zone, in that it would not impact upon the future commercial use of the area and would encourage users into the area. In this regard the proposed development is in keeping with the objectives of the relevant zones.

**Clause 2.8 – Temporary Use of Land**

Clause 2.8 enables the temporary use of land if the use does not compromise future development of the land or have detrimental economic, social amenity or environmental effects on the land. The temporary use can only be for a maximum period of 28 days in any 12-month period.

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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In accordance with Clause 2.8(3), *development consent must not be granted unless the consent authority is satisfied that:*

- (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

In terms of the proposed location of the event, no conflicting temporary events, subject to a DA consent, have been identified. It is proposed to hold the community event for just a single day per year over a 5-year period. The development will therefore only involve the use of the site for one day throughout the year which is consistent with the requirements of subclause (a).

- (b) *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*

The Love Lanes Festival has been successfully operating for several years. It is unlikely to have an adverse impact on adjoining land or the wider neighbourhood, consistent with subclause (b).

- (c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

The Love Lanes Festival has been successfully operating for several years. The location of the event is in the commercial town centre of Wyong. It is unlikely to adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards, consistent with subclause (c).

- (d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

As it is carefully managed by Council, the land on which the event is held will be restored to the condition it was before the event, in accordance with subclause (d).

The Panel can therefore be satisfied that the temporary use of land will be suitable having regard for the matters for consideration set out in subclauses (a) –(d).

***Heritage***

Clause 5.10 of the CCLEP 2022, requires Council to consider the impact of development on heritage items.

The locality and site contain several heritage items, namely:

**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**

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I367- Police Station and Quarters

I368 - Chapmans Store

I387 - Former Rural Bank

I395 - WWI and WWII Monument

I396 - McKinnon Hall

I397 – Commercial Office Building

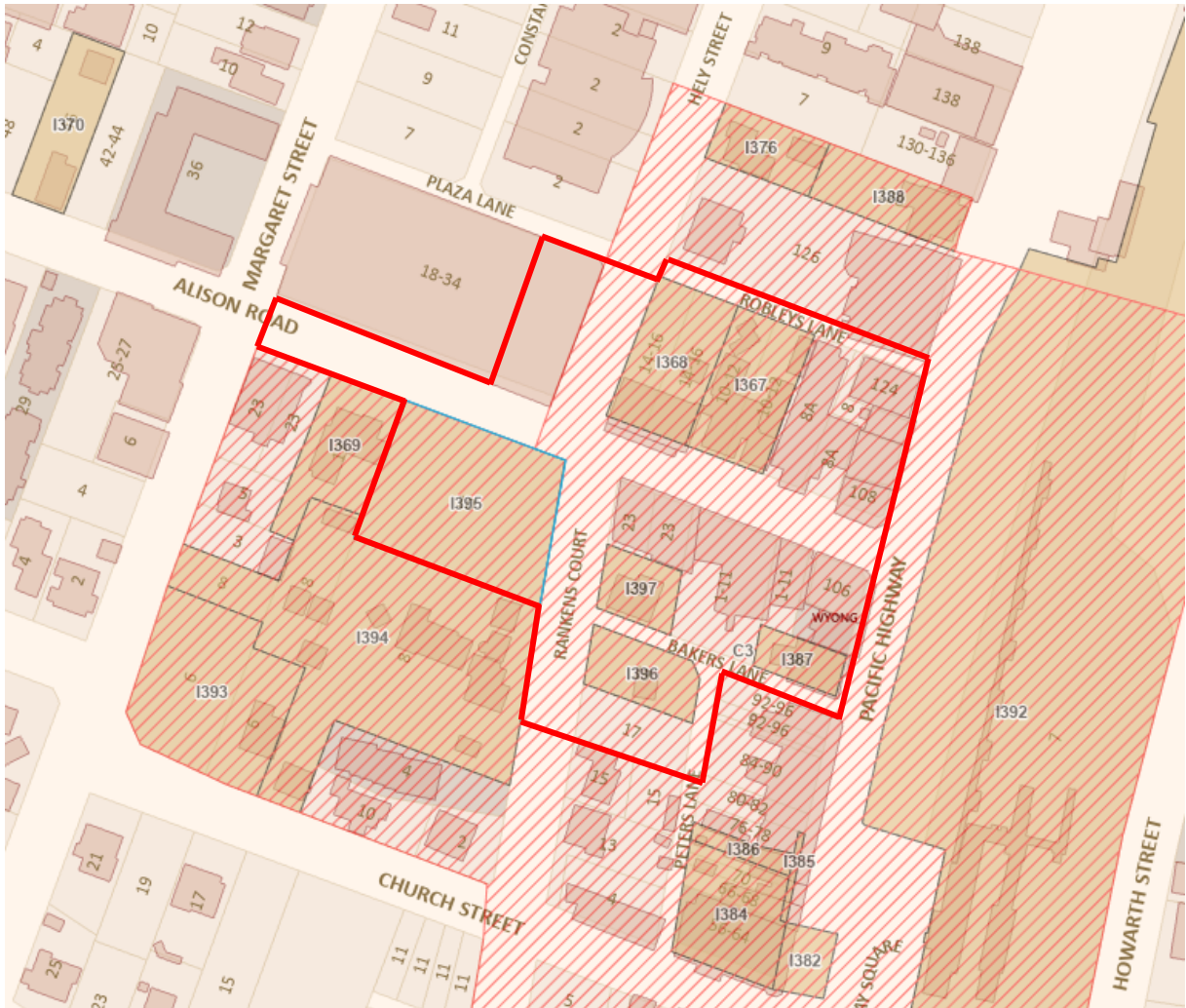
The site is also located within the Wyong Town Centre heritage conservation zone, which is characterised as follows:

*"The Wyong Town Centre is a fine representative example of a town centre that retains good examples of civic, commercial, and residential development constructed up until c. 1945 of high integrity. It remains largely intact in terms of retaining its historical subdivision pattern, its natural features located above the river, its built fabric and landscaping and the prominence of the Railway. Collectively, the built environment, transport links and natural features of the town centre contributes to it being a unique precinct that captures the historical development of an important town centre that retains its historical setting and character.*

*The town centre retains examples of its historic development across a broad range of historic themes including Aboriginal heritage, European heritage, other cultural and social heritage, natural heritage, and themes such as transport, agriculture, commerce, education, health, government and law and order. The conservation area is of historic, aesthetic, technical and cultural significance. Given its level of intactness and integrity, it is of high local heritage significance."*



**3.1 DA/612/2024 - Chapmans Store - 14-16 Alison Road, McKinnon Hall, 10, 17-21 Rankens Court, 1-11 Alison Rd, 98 Pacific Hwy, Bakers Lane, Wyong (cont'd)**



**Figure 4 - Heritage Map**

Under Clause (4) the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The proposed development is for the temporary use of land and does not propose any works to any heritage items within the locality. The proposed development also not involve the installation of any permanent structures and it is considered there will be no impact on the Wyong Town Centre heritage conservation zone. Given the proposal is not likely to impact upon any heritage significance, the preparation of a heritage assessment was not deemed necessary. The proposed development is consistent with the requirements of the above clause.

The Panel can therefore be satisfied the temporary use of land is appropriate having regard for the provisions of Clause 5.10.

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***Flood Planning***

Clause 5.21 of the CCLEP 2022, requires Council to have due consideration of flooding. Councils Flood mapping does not identify the site as subject to flooding.

***Essential Services***

Clause 7.6 of the CCLEP 2022, requires Council to consider if water, electricity, sewerage, stormwater, vehicular access, and waste management services are available for the development. The proposal is for the temporary use of land. However, the provision of services is available on the land e.g., electricity, and is able to cater for the development. Where not available on the site, these will be bought onto the site on a temporary basis (e.g., portaloos).

The Panel can therefore be satisfied the relevant essential services are available for the temporary use of land.

**Central Coast Development Control Plan 2022 (CCDCP)**

***CCDCP Chapter 2.13 Transport and Parking***

The above chapter does not have any specific parking requirements for events. Clause 2.13.3.13 of the above chapter requires that events are to demonstrate how parking demand will be met and, in some cases, a traffic management plan is to be provided.

Parking for the event will be within the existing public parking areas and surrounding streets. Given the event is to be undertaken on a weekend, large amounts of parking should be available given many of the businesses within the locality would not be operating that would normally generate parking demand.

Based upon past attendance of 18,000 people, the Events Team have indicated that there is a projected growth from the festival of approximately 5% over 5 years to 18,900 visitors. This is within the site's capacity identified as 21,000 visitors.

The proposed event is also to be located within proximity to the Wyong train station and associated bus interchange which will provide an alternative way for event patrons to attend. The event organisers have also promoted the use of public transport to reduce any parking demands within the Wyong Town Centre.

The proposal is supported by a Traffic Management Plan prepared by Workforce Road Services. The plan specifies the safe management of traffic in and around the venue, including for local business owners and emergency vehicles. Councils Traffic Officer and Traffic Engineer are supportive of the proposal subject to conditions of consent. Transport for

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NSW, and Transport for NSW (Sydney Trains) have no objections subject to conditions of consent.

The Traffic Engineer supports the proposal subject to additional conditions regarding consultation with stakeholders prior to the event, liaison with TfNSW and NSW Police, and emergency access arrangements. These are reflected within the conditions of consent.

The Love Lanes festival has been running successfully for several years. As no concerns have been raised regarding the impact of the festival on traffic flows or parking, the proposal is considered satisfactory.

***CCDCP Chapter 2.14 Site Waste Management***

The application is accompanied by Waste Management Plan, and this supported by Councils Waste Officer. Arrangements are satisfactory in accordance with Chapter 2.14 of the DCP.

***CCDCP Chapter 3.6, Heritage Conservation***

The site currently contains several existing heritage items (see above) and is located within the Wyong Town Centre Heritage Conservation Area. The above chapter outlines the requirements for development that involves heritage items and heritage conservation zones. The above chapter has no specific requirements for the temporary use of land.

The proposed development is for a temporary event and any structures that are to be installed as part of the event would not be permanent and would be removed at the end of the event. This would ensure that there would be no ongoing impacts to any heritage items within the locality. The proposed development would therefore not have any heritage impacts within the site and locality.

**THE LIKELY IMPACTS OF THE DEVELOPMENT**

a) Built Environment

A thorough assessment of the aspects of the proposed development on the built environment has been undertaken in terms of DCP compliance. The proposed development is for a temporary use of land and any structures that are to be installed as part of the event are not permanent. It is considered there will be minimal impact on the built environment during the event.

b) Natural Environment

There will be no significant impact upon the natural environment as a result of the proposal.

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All other relevant issues regarding the likely impacts of the development have been discussed throughout this report. In general, it is considered that the property is suitable for an approval subject to conditions.

c) Social Impact

Givens its popularity, the proposed festival will have a positive social impact for residents of the Central Coast.

d) Economic Impact

The proposed festival will have a positive social economic impact on residents of the Central Coast.

e) Safety

The application is accompanied by an Emergency Management Plan, a Security Management Plan and WHS Risk Assessment to address the safe running of the event. The Event Organisers also closely liaise with NSW Police to safely police the event.

f) Flood Planning

The areas downhill from the festival grounds to the north, south and west are subject to flooding. The application is accompanied by an Emergency Management Plan and a Wet Weather Plan which identifies that the Event Management Team monitors the weather and can cancel the event at two hours' notice.

## **THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

A review of Council's Land Information mapping has identified no site constraints. The site is therefore suitable for development.

## **ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS**

### **Any submission from the public.**

The application was notified for 28 days in accordance with CCDCP 2022 – Chapter 1.2 Notification of Development Proposals with no submissions being received.

### **Any submission from public authorities.**

Transport for NSW



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The application was referred to Transport for NSW under Section 2.122 / Schedule 3 of *SEPP (Transport and Infrastructure) 2021* who provided the following comments in relation to the application.

- Advance warning signage shall be placed on the Pacific Highway on the northbound and southbound approaches to the Pacific Highway / Alison Road signalised intersection to advise motorists of the changed traffic conditions and that there is no right turn movements or left turn movements respectively permitted into Alison Road.
- The event organiser/s should contact TfNSW Network Operations one week prior to the weekend of the event to enable temporary adjustment of the Pacific Highway / Alison Road traffic control signal phases for the event to maintain efficiency on the classified road network.
- Prior to any proposed event, the proponent must lodge an application for a Road Occupancy License (ROL). ROL reference is NTH24/00492. Proponents must allow a minimum 10 working days for processing from the date of receipt. As a minimum, applications must be submitted with a Traffic Management Plan (TMP) including applicable Traffic Guidance Schemes (TGS). The TMP and TGS must comply with AS 1742.3 and be prepared by a qualified person who holds the Prepare Work Zone Traffic Management Plan SafeWork accreditation (PWZTMP). The plan must address an activity's impact on traffic flow. The TMP describes the activities being proposed, their impact on the general area (including public transport passengers, cyclists, pedestrians, motorists, and commercial operations), and how these impacts, including identified risks will be addressed.

The above comments will form conditions of consent.

Transport for NSW (Sydney Trains)

The application was referred to Sydney Trains under Section 2.98(2) of *SEPP (Transport and Infrastructure) 2021* who provided the following comments in relation to the application.

- At no stage are any of the Rail Access Gates & Commuter Access Points to be blocked or restricted. Sydney Trains always requires unfettered access pre-, during and on completion of the event.
- All barricades near the operational rail corridor, TAHE Land and assets are to be manned during the event and shall not be left unattended and must not restrict Sydney Trains' Personnel from undertaking their duties.
- The Rail Commuter Car Park (CCP) is not to be used by Event Organisers or event attendees. The CCP is solely to be used and restricted to Rail Commuters, Sydney Trains' Station & Operational Staff.

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- No Lifting/Craneage activities are to be undertaken within Ten (10)m of the Rail Boundary and Assets.

These comments will comprise conditions of consent.

*NSW Police*

The application was referred to the NSW Police who were provided with 28 days to make comment on the proposal. To date no response has been received. However, it is understood the Event Management Team closely liaise with NSW Police.

*NSW Health*

The application was referred to the NSW Health who were provided with 28 days to make comment on the proposal.

The following comments were provided.

- The Emergency Management Plan version control shows the last update being in 2022 but includes a 2025 site plan. Is there a plan for a review of the document with updates to contacts for the 2025 event and updating the version control?

In response, the Events Management Team updated The Emergency Management Plan in July 2024.

- St John Ambulance is listed in the EM plan as the first aid company being contracted. Do they have a first aid plan outlining their service levels for the event?

In response, the Events Management Team confirmed the First Aid supplier is determined closer to the event date. Also, the first aid supplier will change year to year, and this is why details of the First Aid supplier are not listed on the EM plan.

- The site plan provided doesn't list a first aid location. Is there a static location being established?

In response, the Events Management Team, provided a revised site plan with the first aid location.

This response and the revised EMP and Site Plan were provided to NSW Health, who raised no further concerns.

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**OTHER MATTERS FOR CONSIDERATION**

**Internal Consultation**

Traffic Engineer	No issues or conditions required.
Transport Officer	Supported subject to conditions.
Environmental Health Officer (Food and Acoustic)	Supported subject to conditions.
Waste Officer	Supported subject to the submitted WMP.
Property and Economic Development Officer	No comments

*Contributions*

Given the type of development proposed and the value of works Section 7.11 and 7.12 Contributions are not applicable to the proposal.

*Conflict of Interest Policy*

The subject site for the proposed development is partially on Council Land and this matter is discussed earlier in the report under the section on the EPA Regulation.

*Panel Planning Directions*

The application is for an event on Council owned land which needs to be forwarded to the Local Planning Panel (LPP) for determination under Schedule 2 of the Ministers Directions. A resolution was made at the Local Planning Panel Meeting of 10 December 2020 that 'one off events', with Council being either the applicant or landowner, could be delegated to Council staff. As the application is for a reoccurring event over 5 years, the application has been referred to the Panel for determination.

**Conclusion**

The proposal has been assessed using the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is generally considered the proposed development is suitable for approval subject to conditions, noting that:

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

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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 proposed development satisfies the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* having regard for Schedule 3 (traffic generating development), section 2.122 (flood prone land) and 2.98 (development adjacent rail corridors).
4. The proposal has been considered against the permitted uses and objectives of the RE1 Public Recreation and E2 Commercial Centre zones. The proposal is permissible with development consent by virtue of the provisions of Clause 2.8 'Temporary Use of Land' of *Central Coast Local Environmental Plan 2022* and is considered satisfactory in terms of the objectives of the zones.
5. The proposal is satisfactory in terms of the precursor requirements of clause 7.6 of *Central Coast Local Environmental Plan 2022*.
6. The proposal is considered satisfactory in relation to the parking requirements of Central Coast Development Control Plan 2022, Chapter 2.3 – Transport and Parking.
7. There are no significant issues or impacts identified with the proposal under s. 4.15 of *Environmental Planning and Assessment Act 1979*.

As such, the application is recommended for approval, subject to conditions.

### **Attachments**

- 1  Appendix A - Draft Conditions - Rev 2      D16463746













