

Panel Members

Chairperson	Heather Warton
Panel Experts	Lindsey Dey Heather Irish
Community Representative/s	Adam Koutsamanis

Central Coast Council Staff Attendance

Ailsa Prendergast	Section Manager Residential Assessments
Kirra Hartley	Senior Development Planner Development Advisory Services
Rebecca Cardy	Senior Heritage Officer Strategic Planning Projects
Cecilia Rose	External Legal Advisor
Lisa Martin	Civic Support Officer
Tess McGown	Civic Support Officer
Sarai Vallaydam	Civic Support Officer

The Chairperson, Heather Warton declared the meeting open at 12:34pm.

The Chair read an acknowledgement of country statement.

Apologies

The Panel noted that no apologies had been received.

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

That the minutes of the previous Local Planning Panel meeting held on 19 June 2025, which were endorsed by the Chair of that meeting, were noted.

PLANNING REPORTS

3.1 DA/71/2024 - 464 Ruttleys Road MANNERING PARK NSW 2259 - Industrial Storage Shed

Site Inspected	Yes, by electronic means.
Relevant Considerations	As per Council assessment report and the Supplementary Report dated 15 July 2025.
Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report• Approved Conservation Management Plan• Supplementary Memo dated 15 July 2025.
Council Recommendation	Approval, subject to conditions.
Panel Decision	<p>Panel Decision</p> <p>1 The Panel grants consent to DA/71/2024 – 464 Ruttleys Road, MANNERING PARK – for construction and use of an industrial storage shed having regard to the matters for consideration detailed in Section 4.14 and 4.15 of the Environmental Planning and Assessment Act 1979. This subject to the conditions detailed in the schedule attached to the Assessment Report, amended follows:</p>

Under the heading 'APPROVED PLANS AND SUPPORTING

DOCUMENTATION':

- A. In the table of Approved Documents in Condition 1.1, add the document *Bulk Store Building, Mannering Park Revised Conservation Management Plan*, dated February 2009, prepared by Godden Mackay Logan Heritage Consultants (the CMP).
- B. Add new Condition 1.4:

1.4 Limits of approval

- a) The approved use of the building is for storage associated with the use of the site under the consent for DA204/2007 as modified, that approved the 'Adaptive re-use of a heritage item for industrial purposes'.
- b) The use approved under this consent is confined to the storage of materials such as bagged concrete, plaster, drum render and heavy hardware items and timber within the proposed new building. No approval is granted under this consent for the creation or use of any other area for storage or stockpiles, shown on the approved Plan referenced in Condition 1.1.
- c) This consent allows for the storage of materials already located on the site. No intensification of the use, increase in deliveries or processing output is approved.
- d) No vegetation is to be removed on the site other than that within the footprint of the proposed building and as allowed under Condition 5.4.

Reason: to confirm and clarify the extent of the development approved under this consent.

Under the heading 'PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE':

- C. After Condition 2.3, add new Condition 2.4, the s.712 Contribution as identified on pages 40 and 42 of the Assessment Report:

2.4 Section 7.12 local infrastructure development contribution

Prior to the issue of the Construction Certificate, pursuant to Section 7.12 of the EP & A Act, the applicant must pay to Council a contribution in the amount of **\$686.07** as calculated at the date of this consent, in accordance with the *Central Coast Section 7.12 Local Infrastructure Plan 2023*.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the

Development Contribution Plan.

Contributions under the Central Coast Section 7.12 Local Infrastructure Contributions Plan 2023 are subject to quarterly indexation by CPI. A copy of the Contributions Plan is available for inspection at 2 Hely St, Wyong or on Council's website: <https://www.centralcoast.nsw.gov.au/plan-andbuild/development-contributions-plans-and-planningagreements>.

D. After new Condition 2.4, add new Condition 2.5:

2.5 Implementation of CMP

Prior to the issue of the construction certificate:

- a) The CMP shall be reviewed, updated by a suitably qualified heritage expert and re-approved by the Council.
- b) The schedule of Cyclic Inspection and Maintenance of the Bulk Store Shed, as required by section 7.2.11 of the CMP must be submitted to the Council (also see new Condition 9.3b)).
- c) Documentation of the past maintenance undertaken since 2009 and the proposed future maintenance to be undertaken immediately or within six months of any previous maintenance, shall be submitted to Council.

Reason: Consent for this DA is only possible under cl 5.10(10) of Central Coast LEP 2012 Evidence of consistency with the Approved CMP is required. It is noted that the CMP was to be reviewed every five years from 2009 (or whenever new documentary evidence has been found).

E. After new Condition 2.5, add new Condition 2.6:

2.6 Earthworks

If any cut or fill earthworks are required for the proposed building, earthworks plans prepared by a registered practicing engineer are to be submitted to the Certifier, prior to issuing a construction certificate.

F. After new Condition 2.6, add new Condition 2.7:

2.7 Internal circulation

Prior to the issue of the construction certificate a plan of the internal vehicular circulation within the site, as a result of the access to the new storage building with regard to truck parking, turning areas, safe pedestrians shall be submitted.

Under the heading 'DURING WORKS':

Condition 5.4 is amended to read:

All native vegetation including *Angophora costata* (Smooth-barked Apple) trees is to be retained on the site, including within the asset protection zone (APZ). Within the APZ, all exotic species, such as Bitou Bush and Pine trees are to be removed without causing damage to the *Angophora costata* and any other native trees.

Under the heading 'PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE':

G. Condition 6.2 is to be reworded to read:

6.2 During the operation of the use, all non-native species within the Asset Protection Zone are to be removed and the APZ maintained in accordance with the requirements of the RFS in Condition 1.3 of this consent.

H. Condition 6.3 is to be reworded to read:

6.3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifier. Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Under the heading 'ONGOING':

I. Condition 9.2.1 shall be renumbered as 9.2.

J. After Condition 9.2, add new Condition 9.3:

9.3 Review of CMP

- a) The approved CMP referred to in Condition 1.1 shall be reviewed every five years following the review undertaken under Condition 2.5 of this consent, or whenever new physical or documentary evidence is sourced. The owner of the bulk store is responsible for the review, which is to be by a suitably qualified heritage expert. A copy of the updated CMP is to be submitted to council for approval.
- b) Evidence of compliance with the schedule of Cyclic Inspection and Maintenance of the Bulk Store Shed, as approved by the Council under Condition 2.5b) of this consent shall be submitted to the Council every two years

Reason: To ensure the CMP, on which the approved development relies, is kept up date in accordance with Part 7.2.9 of the CMP and implemented in accordance with Part 7.2.11 of the CMP.

The Council advise the relevant external authorities of the Panel's decision.

Reasons

Following the site inspection and briefing on 15 July 2024, the Panel requested additional information to be provided including the previous approvals for the site and a copy of the approved CMP. Additional questions including regarding the permissibility of the use, were addressed in the Supplementary Memo dated 15 July 2025.

With the addition of the conditions proposed above, the Panel is satisfied that the proposal can be approved, using clause 5.10(10)(a) of Central Coast LEP 2012. The proposed additional conditions relating to the CMP are to ensure that there is a nexus between this proposal and the conservation of the heritage item on the site, the Bulk Storage Shed. The Panel is also satisfied that there are no adverse impacts arising from the proposed new building on the Bulk Storage Shed (cl 5.10(10)(d)).

Other conditions are imposed to clarify the approved use and works and to that no vegetation clearing is undertaken outside that approved.

The Panel otherwise generally agrees with the reasons for approval outlined in the Assessment Report.

Votes

The decision was 4/0.

**ADDITIONAL LATE
ITEM (Confidential)**

The Panel was briefed at the Electronic Meeting on 17 July 2025 by Cecilia Rose, external solicitor acting for the Council in a Class 1 Appeal for DA/1849/2005 for a residential flat building comprising 45 units and demolition of existing structures at 2-4 Fairport Avenue and 44-48 Ocean Parade, The Entrance.

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.

A Memo dated 17 July 2025 with background to this matter and supporting legal advice was provided to the Panel on 18 July 2025.

Panel Decision

The Panel notes the status of the appeal and in accordance with section 2.20(8) of the Environmental Planning and Assessment Act

1979, the Local Planning Panel delegates to the Unit Manager of Development Assessment the ability to give legal instruction to Council's external legal counsel at any upcoming proceedings relating to the appeal, including entering into a section 34 Agreement with the Applicant to finalise the proceedings.

Votes:

The decision was unanimous

The Panel was advised of the details of the Applicant, Applicant's planner and Applicant's legal firm and there were no conflicts of interest declared.

Ms Dey notes that she was a member of the Panel at the previous meeting when this application was determined on 31 October 2024.