

**Panel Members**

Chairperson	Donna Rygate
Panel Experts	Grant Christmas Garry Fielding
Community Representative/s	Scott McGrath

**Central Coast Council Staff Attendance**

Ailsa Prendergast	Section Manager Development Assessment South
Robert Eyre	Principal Planner Development Assessment South
Susana Machuca	Senior Development Planner Development Assessment South
Chris Ross	Senior Development Planner Development Assessment South
Anthony Favetta	Senior Development Assessment Engineer Engineering Assessment South
Steve Green	Traffic and Transport Engineer, Engineering Assessment South
Guy Smith	Ecologist, Environmental Strategies
Rebecca Cardy	Heritage Officer Local Planning and Policy
Sherie Cheers	Environmental Protection Officer Environment and Public Health
Rachel Callachor	Local Planning Panel Support Coordinator

**Public Forum Attendance**

Vic Brown on behalf of the applicant for item 3.1

Louise Watts against the recommendation for item 3.2

Paul Jacka against the recommendation for item 3.2

Technical issues prevented Mike Mitchelmore on behalf of the applicant for item 3.2

Fiona Morrison for the recommendation for item 3.3

Craig McGaffin for the recommendation for item 3.3

Graham Murray Kincumber & Picketts Valley Community Action Group for the recommendation for item 3.3

Steve Fortey, President, Avoca Beach Community Association for the recommendation for item 3.3

Maree DelCasale for recommendation for item 3.3

Josh Abdurahman for recommendation for item 3.3

Pauline Wright on behalf of Kincumber & Picketts Valley Community Action Group for recommendation for item 3.3  
Chris Smith ADW Johnson on behalf of the applicant for item 3.3  
Philip Goodman PHL Solutions on behalf of the applicant for item 3.3

The Chair, Donna Rygate, declared the meeting open at 2.03pm 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**

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***The Panel noted that disclosure forms had been submitted and no conflicts of interest had been identified. The Chair noted that an approach had been made to Panel members on a site visit, by Mr Meehan, in relation to agenda item 3.1. Concerns expressed were mainly in relation to PCYC parking on the site and as per his prior written submission.***

### **2.1 Confirmation of Minutes of Previous Meeting**

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***The Panel confirmed the minutes of the previous Meeting held on 23 July.***

***Moved: Donna Rygate***

***Seconded: Grant Christmas***

## **Public Forum**

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***Vic Brown spoke on behalf of the applicant for item 3.1 and provided responses to enquiries from the Panel.***

***Louise Watts spoke against the recommendation for item 3.2***

***Paul Jacka spoke against the recommendation for item 3.2***

***Mike Mitchelmore was unable to address the Panel due to technical difficulties, however provided text of his prepared speech and additional information via email to the Panel, on behalf of the applicant for item 3.2 (see attachment 1)***

***Fiona Morrison spoke for the recommendation for item 3.3***

***Craig McGaffin spoke for the recommendation for item 3.3***

***Graham Murray Kincumber & Picketts Valley Community Action Group spoke for the recommendation for item 3.3***

***Steve Fortey, President, Avoca Beach Community Association spoke for the recommendation for item 3.3***

***Maree DelCasale spoke for recommendation for item 3.3***

**Josh Abdurahman spoke for recommendation for item 3.3**

**Pauline Wright spoke on behalf of Kincumber & Picketts Valley Community Action Group spoke for recommendation for item 3.3**

**Chris Smith ADW Johnson spoke on behalf of the applicant for item 3.3 and provided responses to enquiries from the Panel**

**Philip Goodman PHL Solutions spoke on behalf of the applicant for item 3.3 and provided responses to enquiries from the Panel.**

The Local Planning Panel public meeting closed at 3:59pm. The Panel moved into deliberation from 4:11pm, which concluded 5:22pm.

**3.1 DA 57593/2019 - 90 Osborne Avenue, Umina Beach - Community Facility  
Umina Men's Shed**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submission

**Council Recommendation** Approval subject to conditions

**Panel Decision**

**1 That the Local Planning Panel grant consent to the proposed development, subject to amendment of the conditions in the schedule attached to the report, and addition to conditions, as detailed below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**

**2 That draft Condition 1.4 be replaced with a new Condition 1.4 as follows:**

***This consent shall lapse within ten (10) years of date of issue and in the manner prescribed by clause 97 of the Environmental Planning and Assessment Regulation 2000.***

**3 That Draft Condition 6.18 be replaced with a new Condition 6.18 as follows:**

***In the event that Council verifies two written complaints***

***it has received of offensive noise as defined by the Protection of the Environment Operations Act 1997 and/or measured noise levels from the activities conducted at the premises exceed 5dB (A) above background noise, an acoustic assessment prepared in accordance with the NSW EPA Noise Policy for Industry (2017) must be undertaken by an acoustic consultant, within 60 days. The acoustic consultant must have a current membership to the Association of Australasian Acoustical Consultants. The acoustic assessment / noise verification monitoring must be undertaken during hours of operation and identify any areas where further noise mitigation measures will be required. A copy of the Report shall be submitted to Council's Compliance and Health team within fourteen (14) days of the review being undertaken. Any recommendations must be completed within 30 days.***

- 4 That Council advise those who made written submissions of the Panel's decision.**
- 5 That Council advise the relevant State Government Agencies of the Panel's decision.**

**Reasons**

- 1 The Proposal is of public benefit and is in the public interest.
- 2 Adjoining property owners were notified of the proposed development in accordance with Council's policy and concerns raised in the one submission have been considered and addressed where applicable.
- 3 Consent conditions are agreed subject to amendment in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

**Votes**

Unanimous

3.2 DA 57206/2019 - 86A Copacabana Drive, Copacabana - Copacabana  
Community Men's Shed

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions

**Council Recommendation** Approval subject to conditions

**Panel Decision**

- 1** *That the Local Planning Panel grant consent to the proposed development, subject to amendment of the conditions in the schedule attached to the report and addition to conditions detailed below, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.*
- 2** *That condition 2.11 be amended as follows:  
Preparation of an Acoustic Report by a suitably qualified acoustic consultant that meets the technical eligibility criteria for membership with the Association of Australasian Acoustical Consultants. The report must be prepared in accordance with the NSW EPA's Industrial Noise Policy (2000).  
The acoustic report must include details of equipment, tools and material used at the proposed development, and must identify all rectification measures that will be required to ensure the development does not cause nuisance to adjoining properties as a result of the use of the building. The report is to specify, at a minimum:  
a) the hours the roller door can be used,  
b) what measures are required to be implemented to ensure the acoustic integrity of the roller door and all other openings (windows and doors) of the building when the building is in use;  
c) Any limitations to use of machinery/power tools, including time limits on any specific pieces of equipment;  
d) Any required noise amelioration measures (such as insulation/building treatment);*

- e) ***The hours of service access (deliveries, waste removal);***
- f) ***Any recommended additional noise attenuation measures (fencing, acoustic barrier, landscaping, other external treatments, if required); and***
- g) ***Any other relevant matter which will assist in noise attenuation and limiting impacts on any adjoining lands.***

***The report is to be submitted to Council's Environmental Health Unit for approval and its satisfaction that the rectification measures recommended have been incorporated in the design of the building, prior to release of the Construction Certificate.***

**3 That an additional condition be included as follows:**

***In the event that Council verifies two written complaints it has received of offensive noise as defined by the Protection of the Environment Operations Act 1997 and/or measured noise levels from the activities conducted at the premises exceed 5dB (A) above background noise, an acoustic assessment prepared in accordance with the NSW EPA Noise Policy for Industry (2017) must be undertaken by an acoustic consultant, within 60 days. The acoustic consultant must have a current membership to the Association of Australasian Acoustical Consultants. The acoustic assessment / noise verification monitoring must be undertaken during hours of operation and identify any areas where further noise mitigation measures will be required. A copy of the Report shall be submitted to Council's Compliance and Health team within fourteen (14) days of the review being undertaken. Any recommendations must be completed within 30 days.***

**4 That condition 6.3 be amended as follows:**

***The hours of operation of the workshop area of the building are restricted to the following:***

- ***8:30am – 3:30pm Monday to Friday***

***No workshop activity is to be undertaken on weekends, or outside of the hours specified.***

***The hours of operation of the social area of the building are restricted to the following hours:***

- **8:30am – 10.00pm Monday to Saturday**
- **9:00am – 8:00pm Sunday**

**No operation of any part of the building is to be undertaken on a public holiday.**

**This consent for the hours stated above in relation to the social area of the building is for a twelve (12) month period only and accordingly the use of the social area of the building outside of the workshop hours must cease at the expiration of twelve (12) months from the date of the commencement of the approved activity. Council must be informed in writing at the time of the commencement of the use, otherwise it will be determined that the approved use was commenced at the determination date of this consent. Any extension of the approved use beyond twelve (12) months will require the prior submission and approval of an application under section 4.55 of the Environmental Planning and Assessment Act 1979. In considering any application for the extension of this consent, Council would have regard for relevant matters under the Environmental Planning and Assessment Act 1979, including any submissions received during the period.**

**4 That an additional condition regarding alcoholic beverages be included as follows:  
No alcohol is to be sold, served or consumed on the premises at any time.**

**5 That condition 2.3b regarding the landscape plan be revised as follows:-**

**b) Landscape Plan (sheet 13) drawn by 870-trend is to be amended to indicate a minimum of seven (7) trees such as Tuckeroo and Coastal Banksia for re planting around the building, though spaced far enough from the building so as not to cause future issues.**

**6 Deletion of proposed conditions 5.3 and 6.7 as the conditions have been duplicated.**

**Reasons**

- 1 The Proposal is of public benefit and is in the public interest.
- 2 Adjoining property owners were notified of the proposed

development in accordance with Council's policy and concerns raised in submissions have been considered and addressed where applicable.

- 3 Consent conditions are agreed subject to amendment in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

**Votes** Unanimous

**3.3 DA 57698/2019 - 255, 255A, 255B Avoca Drive, Kincumber and 19 Picketts Valley Road, Picketts Valley - Integrated Staged Residential Land Lease Community**

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**Site Inspected** Yes

**Relevant Considerations** As per Council assessment report

**Material Considered**

- Documentation with application
- Council assessment report
- Submissions plus petitions

**Council Recommendation** Refusal

**Panel Decision** **1** ***That, having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, the Local Planning Panel refuses the application for the following reasons:***

- a) The proposed development is not consistent with the objectives of the E4 Environmental Living zone under the provisions of the Gosford Local Environmental Plan 2014.**
- b) The proposed development would result in additional stormwater run-off and increased downstream flooding.**
- c) The proposed development would result in significant cut and fill, earthworks and removal of vegetation on the site which would impact the ecological values, visual and scenic quality of the area.**



- d) The site is not suitable for the proposed development due to its landscape, scenic and ecological qualities which should be preserved.**
- f) Insufficient information has been provided on potential contamination, road works within the site, ecology impacts, heritage impacts, waste impacts, soil and water management, emergency and construction access, bush fire hazard, and tree retention.**
- g) The proposal is an overdevelopment of the site, inconsistent with the current and future desired character of the locality and approval is not in the public interest.**
- h) Pursuant to Draft Central Coast LEP (2018) the proposed development is prohibited within E4 Environmental Living zone.**

**2 That Council advise those who made written submissions of the Panel's decision.**

**3 That the Council advise external authorities of the Panel's decision.**

**Reasons** See above

**Votes** Unanimous

**From:** [coordinator@copamensshed.org.au](mailto:coordinator@copamensshed.org.au)  
**To:** [Local Planning Panel](#)  
**Subject:** Today's LPP meeting  
**Date:** Thursday, 6 August 2020 3:12:16 PM

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Madam chair,

I do apologise for the computer problems that resulted in my not being able to address the Panel meeting today.

Fortunately, you have a copy of my intended presentation and I would ask that you take those considerations into account. In particular, any requirement for additional consultants' reports before a Construction Certificate can be issued would cut into the limited funds we have available and further delay the commencement of works.

There is one other item we are concerned about. Our Certified has raised concerns about Item 2.4 on page 85 of the Agenda. This item would require an independent consultant to verify that the development complies with the Building Code of Australia. But, as I understand it, that is the function of the Certifier. He is legally responsible for ensuring compliance with the BCA and there is no requirement for further certification. We therefore request that you delete this item from the list of conditions for consent.

As regards the objections raised today and in their earlier submissions, I believe they have all been answered in the assessors' report. Briefly:

- The workshop on their side of the shed will only operate within the hours of 8.30am - 3.30pm on weekdays, and there will never be more than 25 men using the shed at any one time. At the times the shed is open, children should be at school and not in the skate park. When children could be using the skate park, the workshop will be securely locked.
- Our bye-laws strictly forbid the consumption of alcohol anywhere on the site. The social area (on the side away from the neighbours) will only be available to community groups such as quilting groups and would not cause any disturbance to the neighbourhood.
- The parking space that residents of the private road use is private land and they have no claim on it. However, there will be a similar space remaining after construction is complete and we could consider allowing parking there provided there is no obstruction to the workshop (when it is session) or the ramps designed to allow wheelchair access.
- We are conscious of the noise issue but we expect the required Acoustic Report to provide ways of avoiding problems. The shed is a light metal construction and there will be no problems in insulating the walls after the shed is built; restrictions may also be placed on how often and at what time the roller door may be opened. We would be happy to work with the neighbours to ensure that the noise emanating from the shed is not greater than that of a lawnmower, say, or a passing truck.

Thank you for your attention, and my apologies once more for the disruption.

Sincerely,

Mike

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Dr Michael Mitchelmore  
Men's Shed Coordinator  
Copacabana NSW, Australia



**Development Application No. 011.2019.00057206.001: Copacabana Community Men's Shed**

*Address to Central Coast Local Planning Panel, 6 August 2020*

**Thank you, madam chairman, and good afternoon ladies and gentlemen:**

I am the Coordinator of Copacabana Community Men's Shed Incorporated, the applicant for this Development Approval.

We would like to thank the Council's development planning officers for their careful and detailed assessment of both our application and the objectors' arguments.

However, we would like to request four minor modifications to the recommended conditions for consent.

**1. The landscape plan**

Item 2.3(b) (page 85 of the Agenda) refers to the landscape plan in Item 1.1 (p. 84), noting that two additional trees need to be removed. That plan was submitted by BuildPlan without our approval. The landscape plan we approved was submitted with the full Development Application and may be found on page 110. On this plan, the two trees are already indicated.

We request that the landscape plan be deleted from Item 1.1 and that Item 2.3(b) be amended accordingly.

**2. The acoustic report**

On page 76, Council recommended that an acoustic report and subsequent works be completed prior to release of the Occupation Certificate. However, the corresponding condition for approval is included in Section 2... PRIOR TO CONSTRUCTION CERTIFICATE (Item 2.11 on p. 88) as well as in Section 5... PRIOR TO OCCUPATION CERTIFICATE (Item 5.3 on p. 92).

We request that Item 2.11 be deleted.

### **3. Lighting design drawings**

We consider the requirement for professional lighting design drawings (Item 2.10, p. 87) to be unduly onerous. Lighting at the shed will consist only of modest downlights illuminating the paths and entrances when the social area is in use plus a small number of household-quality, movement-activated security lights.

We request that Item 2.10 be deleted.

If the Panel cannot agree to this request, then we request that Item 2.10 be moved to Section 5 and not require a professional designer.

### **4. The Construction Traffic and Pedestrian Management Plan**

We also consider Item 2.7 (p. 86) to be unduly onerous. The site is quite small and deliveries will not be frequent. Vehicles reversing into the site will only briefly obstruct the private access road, which carries very little traffic.

We therefore request that Item 2.7 be varied to allow us to prepare a CTPMP without professional input—for example, by expanding the Site Management Plan submitted with the architectural drawings (see p. 109).

**Thank you** for your attention.

Michael Mitchelmore  
Shed coordinator  
4 August 2020