
Panel Members

Chairperson	Donna Rygate
Panel Experts	Garry Fielding Linda McClure
Community Representative/s	Paul Dignam

Central Coast Council Staff Attendance

Salli Pendergast	Section Manager Development Assessment North
Robert Eyre	Principal Development Planner Development Assessment South
Nathan Burr	Senior Development Planner Development Assessment North
Karen Hanratty	Senior Development Planner Development Assessment South
Amanda Hill	Development Planner Development Assessment North
Sarah Georgiou	Section Manager Councillor Support
Rachel Callachor	Local Planning Panel Support Coordinator
Maggie Rowland	Meeting Support Officer

The Chair, Donna Rygate, declared the meeting open at 2:00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Chair recognised NAIDOC week and 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 disclosure forms had been submitted by all members and no conflicts of interest had been identified.

2.1 Confirmation of Minutes of Previous Meeting

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

- ***Local Planning Panel Meeting held on 29 October 2020.***

Moved: Donna Rygate
Unanimous

The Chair moved a motion to hear agenda items 3.2 and 3.3 concurrently, as content is related.

Moved: Donna Rygate
Unanimous

Public Forum

Item 3.1

There were no registered speakers.

Item 3.2 and Item 3.3

Bruce Farrar, on behalf of Louise Pitman, Stephen Woodley, Graham Woodley, Jim Welby, Reg Ingram and Samantha Farrar (For recommendation)
Fleur Goulding (Against recommendation)

Richard Haydon, Acoustic consultant - Acoustic Dynamics, Con Perry and Jill Cooney (Perry), Owners of The Hillview, Bonnie Doolan, Everlong Events Centre and Tim Shelley, Director, Tim Shelley Planning, all spoke on behalf of the applicant regarding the matter and provided responses to enquiries from the Panel.

Lisa Wrightson, Planning Manager / Heritage Advisor, Barker Ryan Stewart provided responses to enquiries from the Panel.

Item 3.4

Peter Pond (Against recommendation)
Jane Ann Gray (Against recommendation)
Adrian Player, Wyong Community Action Group (Against recommendation)
Gary Chestnut, Wyong Community Action Group (Against recommendation)
Ian Johnston (Against recommendation)
Jenny Pond, Wyong Community Action Group (Against recommendation)

Joe Coyte, The Glen for Women (applicant) and Chris Smith, Town Planner, ADW Johnson spoke regarding the matter and responses were provided to enquiries from the Panel.

The Local Planning Panel public meeting closed at 3:50pm. The Panel moved into deliberation from 3:55pm, which concluded at 4:45pm.

3.1 DA 58066/2020 - 2 High Valley Close, Wamberal - Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Approval as a deferred commencement consent

Panel Decision

- 1 That the Local Planning Panel grant deferred commencement consent subject to the conditions detailed in the schedule attached to the report, with amendments as follows, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**

Replacement of deferred commencement section with the following:

A. DEFERRED COMMENCEMENT

In accordance with section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, a deferred commencement consent is granted to Development Application No. 58066/2020 for a Centre Based Child Care Facility on Proposed Lot 1 in the Realignment of the Boundary between Lots 70 & 71 of DP1215036 on Lot 70 DP1215036, No. 2 High Valley Close Wamberal, subject to the following conditions being met to the satisfaction of Council within twenty – four (24) months from the date of this consent. Such satisfaction will be achieved by:

1. Completion and registration with the NSW Land Registry Services of the boundary realignment between Lot 70 DP1215036 and Lot 71 DP1215036.

Evidence must be produced to the consent authority sufficient to enable it to be satisfied that above conditions have been complied within twenty-four (24) months of the date of this approval, otherwise this consent will lapse.

This consent does not operate until the deferred commencement condition has been satisfied, as confirmed in writing by Council.

B. OPERATIVE CONDITIONS

1. PARAMETERS OF THIS CONSENT

1.1. **Approved Plans and Supporting Documents**

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Amended condition 2.2:

2.2 Submit amendments to the approved plans to the Accredited Certifier pursuant

to clause 139 of the Environmental Planning and Assessment Regulation 2000 that must detail:

- a) Provision of 22 staff car spaces. Car spaces 10, 11 and 12 to be designated for staff car spaces to reduce turnover of vehicles in these spaces and further reduce any likelihood of queuing within the immediate entry of the car park.
- b) Amendment of the Landscape Plan to provide 5 trees of the species 'Waterhousia Floribunda' along eastern boundary of the site.

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

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

Reasons

- 1 The proposal is satisfactory having regard for the relevant environmental planning instruments, plans and policies.
- 2 The proposal has been considered against the provisions of Interim Development Order No 122 and has been found to be satisfactory.
- 3 There are no significant issues or impacts identified with the proposal under 4.15 of the Environmental Planning and Assessment Act 1979.

Votes

The decision was unanimous

3.2 DA/1418/2016/B - 1376 Yarramalong Road, Wyong Creek - Function Centre and use of Heritage Item (dwelling) for temporary short-term accommodation - Conservation Incentives (Amended application - seeking continuation of use)

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

- 1 That the Local Planning Panel refuse the modifications to Development Application 1418/2016/B for the reasons detailed in the schedule attached to the report and having regard for the matters for consideration detailed in 4.55 (1A) and Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**

Reasons

- 1 The proposed modification is not of minimal environmental impact and s4.55(1A) is not enlivened and there is no statutory authority to grant approval to the application to modify the consent.
- 2 The development as proposed to be modified would be for a prohibited land use.
- 3 The proposed modification is adverse to the public interest and would entrench a use of the site which negatively impacts on the amenity of the surrounding area.
- 4 The modified development is not consistent with the original reasons for the granting of consent.
- 5 The modified development does not demonstrate adequate future conservation of the heritage item.

Votes The decision was unanimous

3.3 DA/410/2019 - 1376 Yarramalong Road, Wyong Creek - Function Centre use of a heritage item (dwelling) for temporary short term accommodation (under Clause 5.10(10) of Wyong Local Environmental Plan 2013

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Refusal

Panel Decision

- 1 That the Local Planning Panel refuse the application subject to the reasons for refusal 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.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Reasons

- 1 The development is a prohibited land use under the current E3 Environmental Management zoning of the subject land in accordance with the provisions of the Wyong Local Environmental Plan 2013.
- 2 Clause 5.10(10) – 'Conservation Incentives' of the Wyong Local Environmental Plan 2013 is not applicable because:
 - a) It has not been demonstrated that the proposed development will facilitate the conservation of the heritage item in accordance with Clause 5.10(10)(a)
 - b) It has not been demonstrated that the use will not have a significant adverse effect on the amenity of the surrounding area as required by Clause 5.10(10)(e)
- 3 The proposed development is likely to have an adverse impact on the surrounding area, including by virtue of noise/acoustic impacts.
- 4 The proposed development is adverse to the public interest.

Votes The decision was unanimous

3.4 DA/587/2020 - Transitional Group Home - The Glen for Women Drug and Rehabilitation Facility - 253 Yarramalong Road, Wyong Creek

Site Inspected Yes

Relevant Considerations As per Council assessment report

Material Considered

- Documentation with application
- Council assessment report
- Submissions

Council Recommendation Approval

Panel Decision

- 1 That the Local Planning Panel grant consent subject to the conditions detailed in the schedule attached to the report, with an additional condition requiring landscape screen planting to a minimum height at maturity of 3 metres on the eastern and western boundaries, and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.**
- 2 That Council advise those who made written submissions of the Panel's decision.**
- 3 That Council advise relevant external authorities of the Panel's decision.**

Reasons

- 1 The proposal is considered satisfactory having regard to the heads of consideration set out in Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 2 The proposal is considered satisfactory having regard to the the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- 3 The proposal is considered satisfactory having regard to the relevant provisions of Wyong Local Environmental Plan 2013.
- 4 The proposal is suitable for the site.

Votes The decision was unanimous