

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING
PANEL

DATE OF DETERMINATION	31 May 2018
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Michael Leavey and Cr. Chris Burke
APOLOGIES	Cr. Kyle MacGregor
DECLARATIONS OF INTEREST	None

Public meeting held at Wyong Civic Centre on 31 May 2018, opened at 3.45 pm and closed at 4.45pm.

MATTER DETERMINED

PANEL REF – 2016HCC038 - LGA – Central Coast Council – D/624/2016 AT 10 Denning Street & 1-5 Short Street, The Entrance Lots D. E. F, & G DP 348224, Lot 1 102735, Lot 11 DP 17376, Lots 1 & 2 DP 1219145 (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

The decision was Unanimous.

REASONS FOR THE DECISION





The Panel generally agreed with the balance of environmental considerations within the report by the independent planning consultant engaged by the Council, as outlined in the assessment report to the Panel. As the application was refused, the reasons are embedded in the decision itself.

TERMS OF REFUSAL

The development application was refused subject to the reasons within the Assessment Report to the Panel, with the following amendments:

- Deletion of Reason 5 (as the Panel did not agree a Design Verification Statement was necessary given the concept design stage);
- Rewording of Reason 6 to state:
"Inadequate information has been submitted to demonstrate the principles of SEPP 65, the Apartment Design Guide and Wyong Development Control Plan 2013 have been adequately considered and addressed"
- Rewording of Reason 6 to state:
"The Concept Development Application as "an alternative to a DCP" as enabled by Section 4.23 of the EPA Act 1979 does not adequately address the requirements of Clause 7.11(3) of Wyong LEP 2013."

- Addition of the following sentence at the end of Reason 10:
"The proposal also does not provide a requisite material public benefit as required by Clause 7.11 of Wyong LEP 2013 and Clause 6.11 of Wyong DCP 2013."

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	 Cr. Chris Burke

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PANEL REF – 2016HCC038 - LGA – Central Coast Council – D/624/2016
2	PROPOSED DEVELOPMENT	Masterplan/Staged development application for mixed use development comprising 81 residential units (in two tower elements), retail space and car parking.
3	STREET ADDRESS	10 Denning Street & 1-5 Short Street, The Entrance Lots D. E. F, & G DP 348224, Lot 1 102735, Lot 11 DP 17376, Lots 1 & 2 DP 1219145
4	APPLICANT/OWNER	Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	Development with a CIV exceeding \$5million and Council related
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings ○ State Environmental Planning Policy No. 71 – Coastal Protection ○ Draft State Environmental Planning Policy – Coastal Protection ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Wyong Local Environmental Plan 2013 • Wyong Shire Development Control Plan 2013 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or Regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: March 2018 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection and Briefing Meeting – 13 October 2016 • Site Inspection – 13 October 2016 and 31 May 2018 • Final briefing meeting to discuss council’s recommendation, 31 May 2018, 3.30 pm to 3.45 pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chair name - Jason Perica, Kara Krason, Michael Leavey and Chris Burke ○ <u>Council assessment staff</u>: Shannon Butler
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A