

DATE OF DETERMINATION	4 November 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton and Juliet Grant
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 4 November 2020, opened at 2pm and closed at 2:50pm.

MATTER DETERMINED

PPS-2019HCC002 – Central Coast – DA/1483/2018 at 10 Denning Street, 1, 3 & 5 Short Street, The Entrance – mixed use development (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel notes that this is the second Development Application for the site. The Panel notes that over the course of the application timeframe, some of the issues had been addressed. The Panel is of the view that a more strategic approach to the site is warranted with a detailed urban design study being undertaken to inform and provide a framework for:

- Built form outcomes and scale relationship with surrounding development
- Public domain and the site's role as part of the evolving town centre
- Identification of what form the public benefit required from the site should be
- Specific controls

This would ideally involve a whole of Council process and community consultation that is incorporated into planning controls, as distinct to a development application process, recognising that a staged development application process remains available.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons outlined in the council assessment report, prepared by an independent planner and supported by an urban design quality review by a member of the Central Coast Urban Design Panel, and the following additional reasons:

- The proposed development has failed to provide a framework for design excellence to be recognised in the future built form and fails to satisfy clause 7.11(3)(g)
- The development fails to identify in any meaningful and clear way the fundamental objective of a significant public benefit arising from this development, that would justify bonus height.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Height of the Proposal
- Size and Bulk of the proposal
- Larger than previously refused application

- Overshadowing
- Loss of views
- Reduction in Privacy
- Increase in traffic and noise
- Lack of parking
- Non-compliance with DCP
- Non-compliance with ADG
- Demand for retail floorspace
- Reduced residential amenity
- Out of date traffic report
- Width of and deliveries from Theatre Lane
- Access for garbage truck from Short Street

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Juliet Grant	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019HCC002 – Central Coast – DA/1483/2018
2	PROPOSED DEVELOPMENT	Masterplan development application for mixed use development comprising 102 residential units, retail space and car parking
3	STREET ADDRESS	10 Denning Street, 1, 3 & 5 Short Street, The Entrance
4	APPLICANT/OWNER	Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings ○ State Environmental Planning Policy – Coastal Protection 2018 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Wyong Local Environmental Plan 2013 <ul style="list-style-type: none"> ● Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Central Coast Local Environmental Plan 2018 ● Development control plans: <ul style="list-style-type: none"> ○ Wyong Shire Development Control Plan 2013 ● Planning agreements: Nil ● Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil ● Coastal zone management plan: Nil ● 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: 28 October 2020 ● Memorandum received: 4 November 2020 ● Written submissions during public exhibition: 33 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Grahame Ross, Alison Ryder and Dennis Nuttall ○ On behalf of the applicant – Caine King
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing and site inspection: 4 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Shannon Butler, Salli Pendergast, Mark Dowdell, Steven McDonald ○ <u>Other</u>: Jillian Sneyd ● Final briefing to discuss council's recommendation: 4 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton and Juliet Grant ○ <u>Council assessment staff</u>: Jillian Sneyd, Shannon Butler, Emily Goodworth

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided