

DATE OF DETERMINATION	24 October 2023
DATE OF PANEL DECISION	24 October 2023
DATE OF PANEL MEETING	20 October 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Tony Tuxworth and Lynette Hunt
APOLOGIES	Greg Flynn
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 20 October 2023, opened at 2:00 PM and closed at 2:15 PM.

MATTER DETERMINED

PPSHCC-193 – Central Coast – DA/619/2023 - 9 The Entrance Road, The Entrance 2261 - Shop-top housing (mixed use) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

The Panel has had the benefit of a number of briefings from the Council. The Panel notes that the applicant has commenced proceedings in the Land and Environment Court against the “deemed refusal” of the application.

The Panel, in its previous briefings, has identified a number of issues with the application that have not been addressed including, but not isolated to, the lack of a social impact assessment and displacement of existing residents, poor heritage and urban design outcomes and impacts on the amenity of surrounding residents.

The application lacks detail in terms of fundamental elements regarding flooding impacts, groundwater, and acid sulphate soils.

The Panel concurs with the assessment of the application contained in the Council report and considers that the development warrants refusal.

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 attached at Attachment A outlined in the Council assessment report and the following additional reason.

The Panel is not satisfied that:

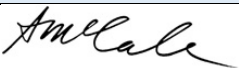
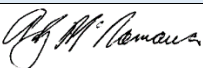



- (i) The applicant’s written request has adequately addressed the matters required to be addressed under cl 4.6 (3) of the LEP; and
- (ii) The development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in MU1 – mixed use zone.

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:

- Displacement of current occupants of El Lago
- Traffic impacts
- Building height
- Loss of views
- Vacancy rates for commercial tenancies
- Scale of development
- Condition of road network
- Flooding
- Impacts on possums
- Solar access
- Easements
- Building separation
- Visual and acoustic privacy
- Dewatering of proposed basement level and structural integrity

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)	 Tony McNamara
 Roberta Ryan	 Lynette Hunt
 Tony Tuxworth	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-193 – Central Coast – DA/619/2023
2	PROPOSED DEVELOPMENT	The proposal is for a shop-top housing (mixed use) development. The proposal consists of 11 retail/food and beverage tenancies (including 6 at site 1 & 5 at site 2), 1 gymnasium located at site 1, 414 residential apartments (including 309 on site 1 & 105 at site 2), 45 serviced apartments located at site 1, 854 parking spaces (including 642 at site 1 & 212 at site 2), associated landscaping and communal open space. Site 1_9-29 The Entrance Road, The Entrance & Site 2_31-33 The Entrance Road, The Entrance.
3	STREET ADDRESS	9 The Entrance Road, The Entrance 2261
4	APPLICANT OWNER	Universal Property Group Pty Ltd The Entrance Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Remediation of Land SEPP Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan 2022 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 15 August 2023 Written submissions during public exhibition:24 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Ian Richardson Anne Sibelja
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 14 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Anthony Tuxworth and Greg Flynn <u>Council assessment staff</u>: Alexandra Hafner, Tania Halbert, Rebecca Cardy and Emily Goodworth

		<ul style="list-style-type: none"> ○ <u>Department staff</u>: Leanne Harris and Lisa Foley ● Briefing: 8 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony Tuxworth and Greg Flynn ○ <u>Council assessment staff</u>: Alexandra Hafner, Sue-Anne Fulton and Emily Goodworth ○ <u>Department staff</u>: Leanne Harris, Holly McCann and Lisa Foley ● Site inspections: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 14 July 2023 ○ <u>Roberta Ryan</u>: ○ <u>Lynette Hunt</u>: 20 October 2023 ● Final briefing to discuss Council's recommendation: 20 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Tony Tuxworth and Lynette Hunt ○ <u>Council assessment staff</u>: Alexandra Hafner, Salli Pendergast, Andrew Dewar; John Noaks, Tania Halbert, Jon Scorgie, Michelle Gilson, Sue-Anne Fulton and Chris Barrett ○ <u>Department staff</u>: Leanne Harris and Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided