

MEMO TO PANEL

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC -87 DA/1163/2021
PROPOSAL	Redevelopment of fire damaged Registered Club and associated parking, landscaping and other works
ADDRESS	2-4 Park Road, The Entrance, Lot 1 DP 180642, Lot 1 DP 406038, 10 Warrigal Street, The Entrance, Lot 50 DP 661107
APPLICANT	Mingara Leisure Group C/- ADW Johnson Pty Ltd
OWNER	Central Coast Council (2-4 Park Road) & Mingara Recreation Club Ltd (10 Warrigal Street)
REGIONALLY SIGNIFICANT CRITERIA	Clause 3(b) Schedule 6 of the SEPP (Planning Systems) 2021. Council owned land with CIV exceeding \$5 million
CIV	\$9,663,059 (excluding GST)
RECOMMENDATION	Deferred Commencement Consent
SCHEDULED MEETING DATE	20 July 2022
PREPARED BY	Principal Development Planner – Salli Pendergast

MATTERS RAISED

DA/1163/2021 seeks approval for redevelopment of the existing fire damaged club and associated parking landscaping and other works.

Please find below response to the matters raised by the Panel in the email dated 14 July 2022.

Permissibility

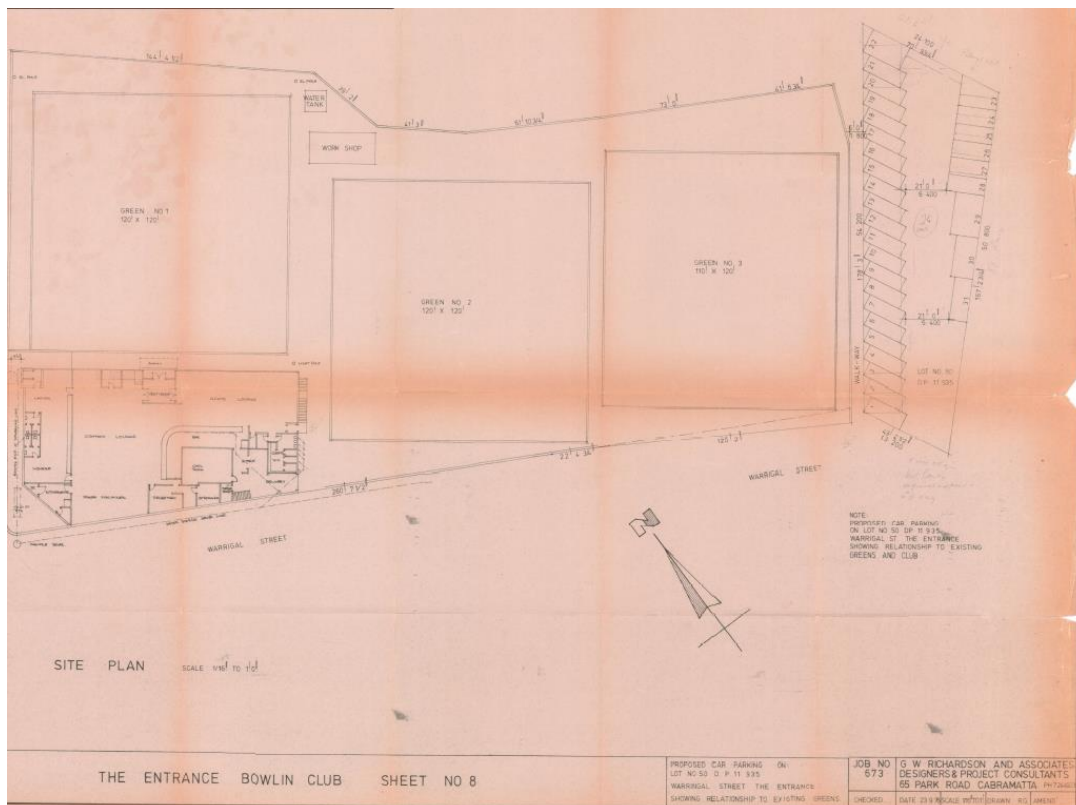
- Permissibility of parking for a recreation facility or registered club on 10 Warrigal Place – which is zoned R3. It isn't a separately defined car park if it is for the use – it is a function of the use. Or is it open to all the public? Was there a consent? May need to go to existing use rights. Can we also get a site plan of where 21 Park Road is.*

The site at 10 Warrigal Street (Part Lot 50, DP.11935) was approved for car parking under Development Consent No. 77/(274) dated 23 September 1977. Council resolved at the meeting held 22 Dec 1976 (Minute No.665) to support an application by The Entrance Bowling Club to alter the zoning of the site at 10 Warrigal Street to allow the site to be

constructed for car parking purposes. A suspension was granted by the NSW Planning and Environment Commission at the time to suspend the provisions of the prescribed planning scheme applicable to the site at 10 Warrigal Street. A copy of the NOD has been attached (Attachment A) and plans for the parking at 10 Warrigal Street (Attachment B).

The site provided for up to 31 existing spaces. This site has continued to be used for parking purposes ancillary to the club since that time and has also been included under subsequent consents granted for the club (for example stamped Consent plan for 1341/94 show both car parks at 10 Warrigal and 21 Park Road as parking for the club)

Existing use rights apply to a lawful use of the site. The applicant is not seeking a new or change of use but to continue the use of the site (at 10 Warrigal Street) for car parking to be in conjunction with the proposed club redevelopment. Conditions have been recommended for upgrading of the carpark at 10 Warrigal to current standards.



Above: Plan (Sept 1976) of parking at 10 Warrigal Street

Parking

2. Is the carparking proposed – now 116 (by condition) plus 67

Yes, the proposal includes construction of 37 new spaces on the site, plus the use of the existing parking spaces approved at 10 Warrigal Street (up to 30 spaces) plus (by condition) the continued use of the existing car parking on Lots 53, 54 & 55 at 21 Park Road (which has historically been used for the provision of 116 spaces associated with various club approvals over the years).

The applicant is proposing to continue the use of the existing car parking at 21 Park Road to address a shortfall of 51 spaces. Although the total shortfall under the DCP Chapter 2.11 is actually for 96 spaces, the applicant has argued in the traffic report that the 45 parking spaces required for the bowling greens are ancillary to the club

use and that all bowlers will use the club facilities and additionally that the club has always had a historic shortfall in parking so these 45 spaces should be discounted and that a shortfall of 51 parking spaces (rather than 96 spaces) apply.

The argument for a variation to the required parking based on the historic use of the site as a club is considered to have merit although this was not fully investigated and argued by the applicant. The use of the existing car park which was approved to accommodate 116 spaces is readily able to accommodate the full shortfall of 96 spaces. Recommended deferred commencement condition 2 and conditions 5.16 and 6.8 require the continued use of the existing car parking on Lots 53, 54 & 55 at 21 Park Road for the club operations.

A plan of the approved parking at 21 Park Road (on Lots 53, 54, & 55) is attached (Attachment C) and is included below. The 116 parking spaces on Lots 53, 54 & 55 date back to the 1960's and were included as existing parking for the club under Development Consent No.74/(105) approved by Council 27/9/73 and dated 31 May 1974 (refer to Attachment D) and the subsequent consents granted to date. The following memo accompanied the consent.

STAFF MEMORANDUM

Mr. J.S. Dawson - Shire Clerk.

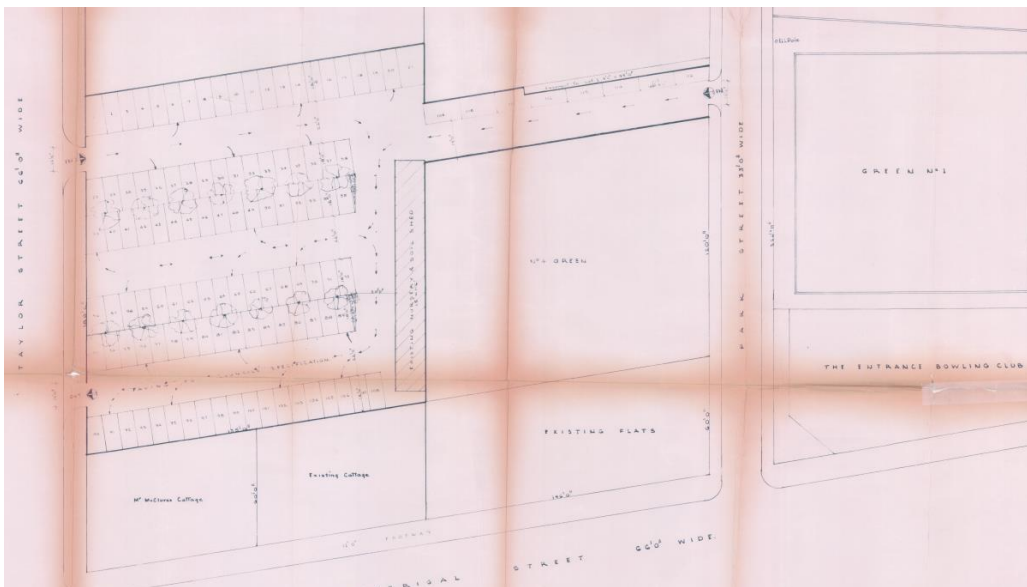
26th September, 1973.

Addendum to item 20 of Town Planning Committee Meeting:

The Entrance Bowling Club, The Entrance:

The Club owns 5 lots, being Lots 53, 54, 55, D.P. 10294, Taylor Street, The Entrance zoned Residential 2(a) in the Prescribed Wyong Planning Scheme and Residential 2(b) in the Exhibited Varying Scheme, also Lots 206 and 207, D.P. 10294 Park Road zoned Open Space 6(a) Recreation in the Prescribed Wyong Planning Scheme and unchanged in the Exhibited Varying Scheme. This land is currently used for car parking purposes. Lots 206 and 207 are an existing use having been purchased by the Club prior to 1960. Lots 53/54 were acquired by the Club prior to 1963 and Lot 55 was purchased on 8th December, 1967 (all existing uses).

The original Club was erected approximately 30 years ago and Council granted a lease on the 23rd March, 1960 for a period of 21 years. The land involved is a public reserve, being Taylor Park.

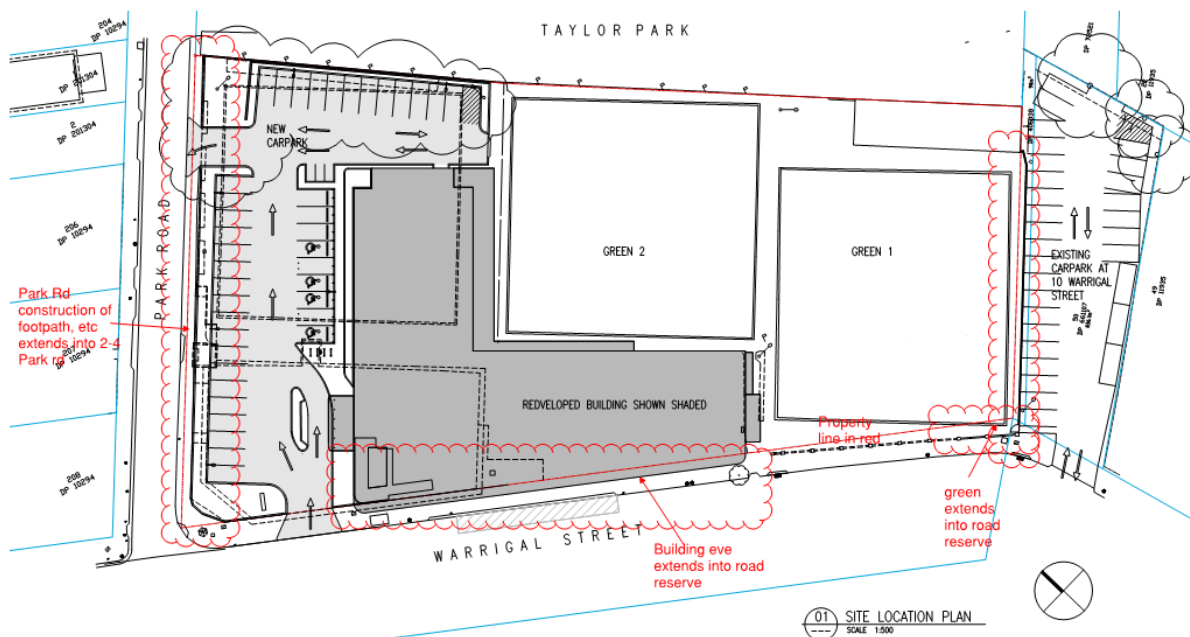


Above: Plan (Feb 1972) Parking plan for Lots 53,54 & 55 at 21 Park Road.

Road Encroachments

3. What are the encroachments and road widening issue referred to at page 30.

The paragraph refers to the existing encroachments on the site that were raised with the applicant during the assessment and for which the applicant has created new easements and road widening and lodged plans with Land Registry. Deferred commencement consent conditions have been imposed which address the matters referred to at page 30. For clarification, the Development Engineer's statement on page 30 was not advising that any road widening applies to the site under any Council planning controls.



Above: Location of encroachments raised with applicant

The encroachments that were raised during the assessment are shown in the plans above. A copy of the relevant plans and draft instruments lodged by the applicant with Land Registry to address the encroachments have been attached to this memo in (Attachment E, F, and G and were uploaded to the planning portal).

Deferred commencement consent conditions have been imposed which do not permit the consent to operate until registration at NSW Land Registry of the encumbrances, easements, covenants, caveats, and road widening needed to address the boundary encroachments and parking.