

# HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Wyong Shire Council on Thursday 24 September 2015 at 4.00 pm

Panel Members: Garry Fielding (Chair), Kara Krason, John Colvin, Cr Lloyd Taylor

Apologies: None    Declarations of Interest: None

## Determination and Statement of Reasons

**2014HCC001 – DA1034/2013 – Wyong Shire Council, Residential Flat Development consisting of 100 units Plus 1 Manager's Unit (SEPP Affordable Housing), Lot 18, 19 & 20 (Nos 2-6) Glen Road, Ourimbah**

**Date of determination:** 24 September 2015

### **Decision:**

The panel determined to grant a Deferred Commencement consent approval for the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

### **Panel consideration:**

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.

### **Reasons for the panel decision:**

- The proposed boarding house development is consistent with the aims and provisions of State environmental Planning Policy (Affordable housing) 2009.
- The design modifications specified in the deferred commencement consent conditions are required to satisfactorily address Clause 30A Character of Local Area in State Environmental Planning Policy (Affordable Rental housing) 2009.
- The modifications to the conditions clarify that vegetation on the adjoining site to the west is not to be impacted by the proposed development and to assist in mitigating impacts associated with the future operation of the boarding house on neighbouring properties.

**Conditions:** The panel determined to grant a Deferred Commencement Consent to the proposed development subject to the proposed conditions as further modified below and including the following deferred commencement conditions:

#### Deferred commencement consent conditions:

1. The design is to be modified to completely delete the western wing building (as shown marked in red on attached plan) containing a total of 18 boarding house units. The design of the carpark area is to be adjusted to meet the revised number of car parking spaces required for the 82 boarding house units plus one manager's residence approved under this determination. The design is to include enhanced landscaping on that part of the site previously occupied by the proposed west wing and car parking area.
2. An updated arboricultural assessment report is to be prepared and submitted which assesses and references the revised plans referred to in deferred commencement consent condition 1, above.
3. A revised landscape plan incorporating arborist recommendations and the additional landscaping outlined in deferred commencement condition 1 is to be submitted to the satisfaction of Council.
4. A revised operational plan of management is to be submitted to and approved by Council.
5. The submission of amended plans incorporating a maximum of 82 units within the 3 storey eastern building in addition to 1 manager's residence.
6. The submission of structural engineering details for a suspended driveway within the root zone of tree No 2 and foundation design for the front portion of the building within the root zone of tree No 1. Trees No 1 and 2 are identified in the Arborist assessment by Advanced Treescape Consulting, dated 25 August 2015. The engineering design is to be undertaken with regard to the updated arboricultural assessment report requested in Condition No 2 of the Deferred Commencement conditions.

Note: Pursuant to Clause 95(3) of the EP&A Regulation, the "Deferred Commencement" consent conditions must be satisfied within 12 months from the date of determination, otherwise this consent shall lapse.

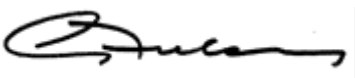



#### Modified conditions to read as:

6. Certification of compliance with the general terms of approval of the Rural Fire Service as outlined in its correspondence dated 26 February 2014 and the Office of Water as outlined in its correspondence dated 25 March 2014.

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7. Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal as specified in the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting (Amendment 2) dated 25/8/2015 must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. Any proposed lopping of Tree 1 (the Tallowwood on site) shall be the subject of approval by the Council following consideration of an arborist's report and any subsequent lopping of the tree is to be supervised by a qualified arborist.
21. The Camellias located on the subject site and the adjoining site to the west along Glen Road are to be retained and protected appropriately in accordance with the recommendations contained in the Arboricultural Impact Assessment by Advanced Treescape Consulting (Amendment 2) dated 25/08/2015.
35. During the construction phase the Camellias located on the subject site and the adjoining site to the west along Glen road are to be protected appropriately in accordance with the recommendations contained in the Arboricultural Impact Assessment by Advanced Treescape Consulting (Amendment 2) dated 25/08/2015.
44. Prior to the issue of an Occupation Certificate, a revised Plan of Management is to be submitted and approved by Council's Social Planner or Director of Planning.
71. A complaints register is to be maintained by the operator and made available to Council for inspection at anytime upon request. The complaints register must log all complaints received and specify actions taken by the operator to address each complaint.
72. During the first 2 years of operation the boarding house operator shall organise and conduct community liaison meetings with the local community, including adjoining and adjacent residents, adjoining businesses and the boarding house manager, at least every six months. Council is to be provided with an invitation to attend each meeting. The frequency of meetings thereafter is to be as deemed necessary by Council.
73. Visiting hours are to be restricted to the hours of 10am and 9pm daily and all visitors are to sign in with the on-site manager.
74. No more than 1 person shall occupy each room with the exception of double rooms and the manager's residence where a maximum 2 persons are permitted.
79. On-site management shall be provided on a 24 hour basis seven days per week. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.
81. The development shall be operated in accordance with the Plan of Management to be approved by Council prior to the issue of an Occupation Certificate. The Plan of Management can only be amended with the written agreement of Council's Social Planner or Director of Planning.
82. The external open space areas shall not be used outside the hours of 9am to 9pm daily.

### Panel members:

 <p><b>Garry Fielding (Chair)</b></p>	 <p><b>John Colvin</b></p>	 <p><b>Kara Krason</b></p>
 <p><b>Lloyd Taylor</b></p>		

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## SCHEDULE 1

1	<b>JRPP Reference – 2014HCC001, LGA – Wyong Shire Council, DA1034/2013</b>
2	<b>Proposed development:</b> Residential Flat Development consisting of 94 units (SEPP Affordable Housing)
3	<b>Street address:</b> Lot 18, 19 & 20 (Nos 2-6) Glen Road, Ourimbah
4	<b>Applicant/Owner:</b> Wyong Shire Council
5	<b>Type of Regional development:</b> Development has a capital investment value of \$5m for affordable housing.
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ Wyong Local Environmental Plan (WLEP) 2013</li> <li>◦ Wyong Local Environmental Plan 1991</li> <li>◦ State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>◦ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Wyong Development Control Plan 2013</li> <li>◦ Wyong Development Control Plan 2005</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>◦ Environmental Planning and Assessment Act Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b>  Original Council Assessment Report, Development Plans, Photomontages, Conditions of Consent, List of Objectors and written submissions. Supplementary Report for JRPP 16 July 2015 Supplementary Report for JRPP 24 September 2015  Written submissions during public exhibition: Original notification period – 168 submissions of objections, Second notification period – 131 submissions of objections, Third notification period – 169 submissions of objections, Fourth notification period – 182 submissions of objections and 200 submissions of support. Verbal submissions at the panel meeting: 14
8	<b>Meetings and site inspections by the panel:</b> 27 February 2014 - Briefing Meeting; 21 August 2014 - Site Inspection and Final Briefing; 16 July 2015 – Final Briefing Meeting. 24 September 2015 – Final Briefing Meeting.
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to council assessment report