

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

DATE OF DETERMINATION	7 April 2017
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Ken Greenwald
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Leavey has declared a conflict of interest as he provided consultancy services to the Council when the application was lodged and this may lead to a perception of a conflict.

Electronic meeting held between Friday, 3 March 2017 and 7 April 2017.

MATTER DETERMINED

2016HCC068 – Central Coast - DA49832/2016 at 98 Wisemans Ferry Rd Somersby (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 determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR DECISION

The Panel had regard to the assessment report by Council staff to the meeting of 23 February 2017, a site meeting, briefings and a supplementary assessment reports of 2 March 2017 and 30 March 2017 and generally agreed with conclusions and balance of the environmental assessment within the Council staff reports. This included agreeing with the conclusions relating to not requiring an EIS and consideration of the proposal as alterations and additions.

The Panel was concerned that the proposed carpark did not have the front landscaped setback to Wisemans Ferry Road, as required by the Land and Environment Court decision regarding a concrete pad on the same site (upon which arguments for alterations and additions and not requiring an EIS were largely based). However, with additional information and plans, the Panel was satisfied with the revised design, which, while not fully complying with a previous Court consent, provided appropriate landscaping, balanced with parking provision.




The proposal was consistent with the objectives of the zone, was a positive economic outcome and would provide jobs for the area and region, while having at minimal or manageable impacts. At the same time, the measures to treat water and flows from the site would mean that natural environmental impacts on surrounding retained bushland and waterways would be improved compared to the current approved (and commenced) situation. For these main reasons, the proposal was a positive outcome for the site and area.

There was a legal issue regarding “Integrated Development” provisions and processes, which the Panel received advice from the applicant, Council and Department of Planning and Environment, to the effect that nothing precluded determination of the DA subject to conditions regarding separate approvals.

The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report of 30 March 2017, with no amendments.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Ken Greenwald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC068 – Central Coast – DA 49832/2016
2	PROPOSED DEVELOPMENT	Alterations & Additions to Existing Industrial Building
3	STREET ADDRESS	98 Wisemans Ferry Rd SOMERSBY
4	APPLICANT OWNER	CSR Hebel CSR Panel Systems
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 – Section 97c Protection of the Environment Operations Act 1997 Threatened Species Conservation Act 1995 State Environmental Planning Policy 33 – Hazardous and Offensive Development Gosford Local Environmental Plan 2014 Local Government Act 1993 – Section 89 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Gosford Development Control Plan 2013 Somersby Industrial Park Plan of Management Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 14 February 2017 Written submissions during public exhibition: one (1) Council supplementary report: 2 March 2017 Legal advice from Department of Planning and Environment: 14 March 2017 Council supplementary report: 30 March 2017 Verbal submissions at the public meeting 23 February 2017: <ul style="list-style-type: none"> On behalf of the applicant – Steve Zebib, Allison Basford, Neville Hatting
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site Inspection: 23 February 2017 Briefing Meeting: 23 February 2017 Public Meeting: 23 February 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report