

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

DATE OF DETERMINATION	1 November 2018
PANEL MEMBERS	Stuart McDonald (Acting Chair), Mark Grayson, Peter Brennan, Kyle MacGregor and Chris Burke
APOLOGIES	Jason Perica, Michael Leavey and Kara Krason
DECLARATIONS OF INTEREST	<p>Peter Brennan advised that he knows Mr Tuxworth who is speaking on behalf of all the residents of the Forresters Beach Village and does not believe that he has any conflict of interest.</p> <p>Cr Chris Burke advised that he knows Mr Tuxworth who is speaking on behalf of all the residents of the Forresters Beach Village and does not believe that he has any conflict of interest.</p>

Public meeting held at Wyong Civic Centre on 9 October 2018, opened at 3.30pm and closed at 4.58pm.

MATTER DETERMINED

Panel Ref – 2017HCC033 - LGA – Central Coast Council – DA52814/2017 – Address – Lot: 600 DP: 1099102, 1001 The Entrance Road, Forresters Beach (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 4.55 of the Environmental Planning and Assessment Act 1979.

The decision was Unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

REASONS FOR THE DECISION

1. The Panel accepts the applicant's written request under Clause 4.6 of Gosford Local Environmental Plan 2014 (GLEP 2014) for a contravention of the height of buildings development standard applying to the site under GLEP 2014 and determines that strict compliance with the height of buildings development standard is unnecessary in the circumstances of the case.
2. The Panel accepts the applicant's written request to contravene the height of buildings development standard applying to the site under SEPP Housing for Senior or People with a Disability - 2004 and determines that compliance with the height of buildings development standard is unnecessary in the circumstances of the case.

3. The proposal will add to the supply of seniors housing, in this case assisted care apartments, in the location within an established retirement village.
4. The proposal includes associated support services to serve the needs of future residents.
5. The proposal satisfactorily responds to, and generally complies with, the suite of State of Local Planning Controls applicable to the development, including State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, State Environmental Planning Policy No. 55 – Remediation of Land, Gosford Local Environmental Plan 2014 and Gosford Development Control Plan 2013.
6. The proposal, subject to the imposition of the recommended conditions of consent will not have any unacceptable impacts on the local road network or on adjoining and surrounding properties.
7. For the reasons 1-6 above, approval of the application is considered to be in the public interest.

CONDITIONS



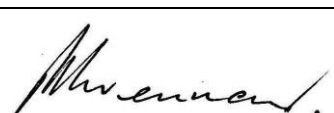


The development application was approved subject to conditions in the Council Addendum report with further amendment to Condition 4.3 and a new condition 3.11 (c) to read as follows –

Condition 43 – Carry out construction or demolition works during the construction phase of the development only between the hours as follows –

- 7.00am and 5.00pm Monday to Friday
- 7.00am to 1.00pm Saturday

Condition 3.11 (c) –

The adoption of appropriate traffic control measures that are to be in place during the construction of the proposed development including the provision of traffic controllers to manage the potential traffic and pedestrian conflicts at the construction entry and exit at Bellevue Road.

PANEL MEMBERS	
 Stuart McDonald (Acting Chair)	 Mark Grayson
 Peter Brennan	 Chris Burke
	

Kyle MacGregor	
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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017HCC033 - LGA – Central Coast Council – DA52814/2017
2	PROPOSED DEVELOPMENT	Integrated construction of seventy five (75) assisted care apartments under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
3	STREET ADDRESS	Lot: 600 DP: 1099102, 1001 The Entrance Road, Forresters Beach
4	APPLICANT/OWNER	Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	Development with a CIV exceeding \$20million lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Local Government Act 1993 Water Management Act 2000 Rural Fires Act 1997 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings State Environmental Planning Policy – Coastal Management 2018 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (State and Regional Development) 2011 Gosford Local Environmental Plan 2014 Apartment design guide. Tools for improving the design of residential apartment development. Gosford Development Control Plan 2014 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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</i>

		<p><i>Planning and Assessment Act 1979</i> or Regulations</p> <ul style="list-style-type: none"> • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council addendum report with conditions dated 22 October 2018 • Council assessment report: August 2018 • Written submissions during public exhibition: 142 • Revised conditions dated 8 October 2018 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Catherine Webb, Terry Moriarty and Darcy Smith ○ On behalf of the applicant – Tim Shelley and Bill Clyesale
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting – 25 January 2018 • Site Inspection and Public meeting – 9 October 2018 • Public meeting – 1 November 2018 • Final briefing meeting to discuss council's recommendation, 1 November 2018, 3.00pm to 3.30pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Acting Chair - Stuart McDonald (Acting Chair), Mark Grayson, Peter Brennan, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Antonia Stuart, Mark Wasson and Anthony Fauetta
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with Council report