

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 25 October 2018
PANEL MEMBERS	Jason Perica (Chair), Peter Brennan, Kyle MacGregor, Jeff Sundstrom
APOLOGIES	Michael Leavey, Kara Krason & Chris Burke
DECLARATIONS OF INTEREST	None

Public meeting held at Central Coast Council – Wyong Office, 2 Hely Street, Wyong on 25 October 2018, opened at 1:00pm and closed at 2.30pm.

MATTER DETERMINED

2017HCC037 – Central Coast Council - DA/793/2017 at 6-10 Battley Avenue, The Entrance (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to Section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicant's Clause 4.6 written request regarding the Building Height contravention within Clause 4.3 of Wyong Local Environmental Plan (LEP) 2013 and formed the view it satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the Building Height development standard, notwithstanding the non-compliance, and granting consent would be in the public interest. In reaching this conclusion, the Panel had regard to the Council staff report, the proposal and observations at the site inspection, the nature and location of the height non-compliance and the relationship with surrounding development and land. It was noted the proposed height contravention was relatively minor and limited to rooftop structures, which did not add any significant apparent bulk to the streetscape or neighbours.

The setbacks were compliant at the most sensitive interface to the north (rear) and together with landscaping and some further refinements through conditions, the setbacks and overall siting was considered acceptable. The carparking met requirements of the Affordable Rental Housing State Environmental Planning Policy, as did the gross floor area. The stepping of the development down with the topography and lowering of the height to the west, at the interface with a change in zoning, was appropriate for the site and consistent with the wider character of the area, which is undergoing change.

The provision of affordable rental housing would provide some wider public benefits, and while there are some localised impacts, the overall proposal warranted support. However, the commitment of a

Community Housing Provider was warranted, which was addressed by recommended and amended conditions.

The bulk and scale of the proposal was generally consistent with that to be envisaged by the planning controls.



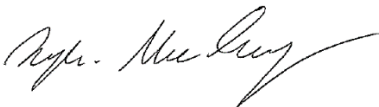
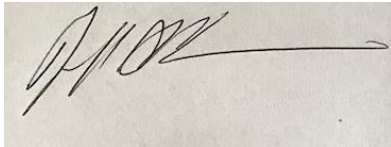
The comments and general support by the Council's various experts were noted.

In terms of consideration of submissions and community views, the Panel agreed with the consideration of issues raised and the general conclusions reached in the Council staff assessment report.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 5.25 be moved within the Schedule of Conditions to be satisfied prior to the issue of a Construction Certificate and also include an additional point at the issues to be addressed, as a first item, as follows:
 - *"Written proof of a contractual arrangement with a registered Community Housing Provider for the management of the 15 affordable housing units, who is also aware of and agrees with the terms of the Operational Management Plan"*Further, the words *"submitted for Council review"* within condition 5.25 be changed to *"submitted for the written approval of Council"*.
- Condition 6.8 be amended to add the following words at the end: *", except during eastern daylight savings time, when the use may be permitted until 9pm"*.
- Incorporation of the following additional conditions:
 - "1.1A The balustrades to the balconies in the northern elevation at first floor and above shall not be glazed, but shall be solid and visually impermeable"*
 - "1.1B The north-facing windows to the bedrooms in the northern elevation shall be redesigned so that the sill height is a minimum of 1500mm above finished floor level, without being made wider or higher, with the details to be included In the application for a Construction Certificate to the satisfaction of the Certifying Authority"*.
 - "1.1C The privacy louvres to the northern balconies in the northern elevation at Level 1 and above shall be moveable, along the balustrade and to the soffit, although shall not be removable or removed, as these screens helped address the privacy interface to the north. Details are to be included In the application for a Construction Certificate to the satisfaction of the Certifying Authority"*.
- The numbering of conditions be corrected in the Notice of Determination.

PANEL MEMBERS	
 Jason Perica (Chair)	 Peter Brennan
 Cr Kyle MacGregor	 Cr Jeff Sundstrom

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC037 – Central Coast Council – DA/793/2017
2	PROPOSED DEVELOPMENT	Residential Flat Building consisting of 29 units under SEPP (Affordable Rental Housing) 2009 and associated demolition works.
3	STREET ADDRESS	6-10 Battley Avenue, The Entrance
4	APPLICANT/OWNER	Applicant: Kemby P/L c/-Ghazi Al Ali Architect Owner: Kemby Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Affordable Rental Housing) 2009. State Environmental Planning Policy no. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy No. 71 – Coastal Protection State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Wyong Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wyong Shire Development Control Plan 2013 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 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: 11 October 2018 Written submissions during public exhibition: 12 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Object – Catherine Zammit, Deborah Henderson, Elaine Matus, Paul Zammit On behalf of the applicant – Michael Brewer
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing 14 December 2017 and 25 October 2018 Final briefing to discuss council's recommendation, Thursday 25 October 2018, 11:30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Peter Brennan, Kyle MacGregor, Jeff Sundstrom <u>Council assessment staff</u>: Salli Pendergast
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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