



DATE OF DETERMINATION	23 August 2018
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Michael Leavey, Cr. Chris Burke and Cr. Kyle MacGregor
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Gosford Council Chambers on 23 August 2018, opened at 4.15pm and closed at 6.14pm.

MATTER DETERMINED

Panel Ref: 2017HCC044 - LGA – Central Coast Council – DA53119/2017 AT LOT: 151 DP: 818343, LOT: 152 DP: 818343, LOT: 369 DP: 755251, 184 Brick Wharf Road WOY WOY, 186 Brick Wharf Road WOY WOY, 1 North Burge Road, WOY WOY (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 meeting 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 refuse the development application as described in Schedule 1 pursuant to section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979.

The decision was Unanimous.

REASONS FOR THE DECISION

1. Water NSW has not provided General Terms of Approval in accordance with the *Water Management Act 2000*.
2. The provision of independent and separate retail premises in the RE2 Private recreation zone under Gosford LEP 2014 is prohibited.
3. The Site Compatibility Certificate accompanying the development application should not be relied on in this instance, given the proposal exceeds the size and scale of the proposal submitted with the Site Compatibility Certificate.
4. The proposal cannot be supported as the Council has not received a written request seeking to justify the contravention of cl. 4.3(2) of *Gosford Local Environmental Plan 2014* and cl. 40(4) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in accordance with cl. 4.6 of *Gosford Local Environmental Plan 2014*.
5. The adjoining Crown reserve (Lot 7303 in DP: 1162281) is relied upon as a vehicular egress point from the site located at ground level. No evidence of approval for such access has been provided to Council.

6. The proposed development is not compatible with the tidal inundation and the flood hazard of the land and surrounding road system, having regard to access and evacuation, and particularly noting the sensitive nature of the proposed use, where assistance in evacuation may be important.

7. The proposed development will result in a significant departure from the required car parking associated with the proposed uses, contributing to unacceptable impacts on the adjacent public car park and boat and trailer parking, on street car parking in North Burge Road and the ability of these areas to perform the core public purpose for which they are reserved.

8. The proposed development will result in potential accessibility conflicts between the users of the club and residential accommodation located within the site.

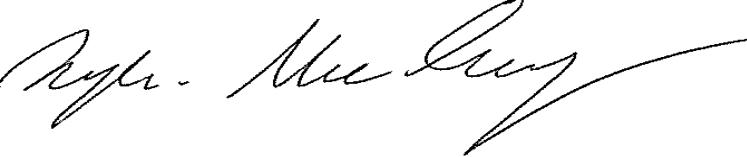
9. The proposed development will result in unacceptable amenity concerns including noise, visual amenity and light spill between the club use and residential accommodation located within and surrounding the site.

10. The size location and design of communal open space is inadequate having regard to the context and scale of the development.

11. Insufficient information has been provided to complete the assessment and determination of the proposed development, namely in relation to waste management, social impact, liquid trade waste, noise impact and attenuation, headlight glare, light spillage, geotechnical matters, acid sulphate soils, and the design of the roof.

12. The proposal does not provide an adequate and diverse mix of seniors housing.

13. The Panel considers the site is not suitable for the nature of the proposed use and approval of the proposal is not in the public interest.

PANEL MEMBERS	
	 Kara Krason
	 Chris Burke
	
Kyle MacGregor	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	Panel Ref: 2017HCC044 - LGA – Central Coast Council – DA53119/2017
2	PROPOSED DEVELOPMENT	INTEGRATED Seniors Living Accommodation; New Registered Club; and Retail Tenancies
3	STREET ADDRESS	LOT: 151 DP: 818343, LOT: 152 DP: 818343, LOT: 369 DP: 755251, 184 Brick Wharf Road WOY WOY, 186 Brick Wharf Road WOY WOY, 1 North Burge Road, WOY WOY
4	APPLICANT/OWNER	Applicant - Barker Ryan Stewart Pty Ltd – Sydney Owner - Woy Woy Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$20M and lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • Crown Land Management Act 2016 (Crown Land Act) • Water Management Act 2000 (Water Management Act) • State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) • State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) • State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) • State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004 (SEPP HSPD) • State Environmental Planning Policy (State and Regional Development) 2011 (SEPP State and Regional Development) • Gosford Local Environmental Plan 2014 (GLEP 2014) • Apartment Design Guide. Tools for improving the design of residential apartment development (ADG) • The Brisbane Water Foreshore Flood Study (October 2010) • The Brisbane Water Foreshore Floodplain Risk Management Study (March 2015) • The Brisbane Water Foreshore Floodplain Risk Management Plan (November 2015) • Handbook No. 7: Managing the Floodplain: A guide to Best Practice in Flood Risk Management in Australia • Central Coast Regional Plan 2036 • Gosford Plan of Management (Community Parks) • Gosford City Council Climate Change Policy • Gosford Development Control Plan 2013 (GDCP 2013) • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>

		<ul style="list-style-type: none"> • 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: July 2018 • Written submissions during public exhibition: 94 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – <ul style="list-style-type: none"> Gail Losurdo Francis Wiffen James Waugh June Mitchell Jeanette Dabron Ruth Herman Margaret Sullivan Kath Connor Norman Harris speaking on behalf of Australian Conservation Foundation Central Coast Branch Professor Ross Mcmurtrie speaking for Save Woy Woy Waterfront Group ○ On behalf of the applicant – <ul style="list-style-type: none"> Larry Altazilla
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection and Briefing Meeting – 25 January 2018 • Final briefing meeting to discuss council's recommendation, 23 August 2018, 3.30pm to 4.08pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: (Chair) Jason Perica, Kara Krason, Michael Leavey, Chris Burke and Kyle MacGregor ○ <u>Council assessment staff</u>: Antonia Stuart, Ailsa Prendergast, Jaimie Loader, Peter Sheath, Carlo Favetta.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A