

REGIONAL PLANNING PANEL (Hunter Central Coast)

Supplementary Planning Report

RPP No	2018HCC004
DA Number	DA/44/2018
Local Government Area	Central Coast Council
Proposed Development	Residential Flat Building consisting of 34 dwellings under SEPP (Affordable Rental Housing) 2009 and associated demolition works.
Street Address	Lots 4, 5 and 6 DP 22986 Nos 6-10 Dunleigh Street Toukley,
Date lodged	19 January 2018
Applicant	Compass Housing c/- Barr Property and Planning
Architect:	CKDS Architecture
Number of Submissions:	53 submissions (original DA)
Estimated value:	CIV \$9.1 million
Regional Development Criteria	Capital investment value exceeding \$5 million for affordable housing
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Affordable Rental Housing) 2009.</i> • <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> • <i>State Environmental Planning Policy No. 71 – Coastal Protection</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy 55 – Remediation of Land</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>Wyang Local Environmental Plan 2013</i> • <i>Wyang Shire Development Control Plan 2013</i> <ul style="list-style-type: none"> - <i>Chapter 1.2 Notification of Development Proposals</i> - <i>Chapter 2.4 - Multiple Dwelling Residential Development</i> - <i>Chapter 2.11 - Parking and Access</i> - <i>Chapter 3.1 Site Waste Management</i> - <i>Chapter 5.4 - Greater Toukley</i>

List all documents submitted with this report for the panel's consideration	Attachment 1 –Applicant's amended plans and information Attachment 2– Revised draft recommended conditions Attachment 3- Previous Documents considered by the Panel (Council Assessment Report, Plans, Numerical Compliance Tables, Applicant's Clause 4.6 Exception to development standard – height of building and Draft recommended conditions)
Recommendation	Conditional Approval
Report by	Salli Pendergast – Principal Development Planner

CENTRAL COAST COUNCIL

Development Assessment

Proposed demolition works and the construction of a residential flat building (34 dwellings) under the provisions of SEPP (Affordable Rental Housing) 2009

DA/44/2018

Author: S Pendergast

Summary

The purpose of this report is for the Regional Planning Panel to consider a supplementary report for Development Application No.DA/44/2018 for demolition works and the construction of a residential flat building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley.

Applicant	Compass Housing C/-Barr Property and Planning
Owner	J J I Kim & Y Choi
Application No	DA/44/2018
Description of Land	6-10 Dunleigh Street, Toukley, Lots 4, 5 and 6, DP 22986
Proposed Development	Construction of a residential flat building (34 dwellings) under the provisions of SEPP (Affordable Rental Housing) 2009 and associated demolition works
Site Area	2161.2m ²
Zoning	R3 – Medium Density Residential
Existing Use	Three dwelling houses
Value of Works	\$9.1 million

Recommendation

- 1. That the additional information be considered in the Panel's determination of the application.***
- 2. That the Regional Planning Panel grant consent to DA/44/2018 at 6-10 Dunleigh Street, Toukley for construction of a residential flat building (34 dwellings) under the provisions of SEPP (Affordable Rental Housing) 2009 and associated demolition works subject to the conditions provided in Attachment 2.***
- 3. That the Regional Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment in accordance with the written notification of assumed concurrence issued under clause 64 of the Environmental Planning and Assessment Regulation 2000.***
- 4. That Council advise those who made written submissions of its decision.***

Background

The development application was considered by the Regional Planning Panel at its meeting held Wednesday 21 November 2018.

The Planning Report recommended the following:

1. *That the Regional Planning Panel grant consent to DA/44/2018 at 6-10 Dunleigh Street, Toukley for construction of a residential flat building (34 dwellings) under the provisions of SEPP (Affordable Rental Housing) 2009 and associated demolition works subject to the conditions provided.*
2. *That Council advise those who made written submissions of Council's decision.*
3. *That the Regional Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment in accordance with the written notification of assumed concurrence issued under clause 64 of the Environmental Planning and Assessment Regulation 2000.*

The Panel deferred a decision on the application pending the resolution of several issues as outlined in the minutes as reproduced below.

The Panel determined to defer consideration of the development application, and to request the applicant to provide:

1. *Revised plans that:*
 - (a) *provide a direct and safe pedestrian link between the development and the communal open space and community garden;*
 - (b) *remove the storage cages adjacent to the western-most car parking spaces to allow for access and also to enable passive surveillance for the full length of the communal open space and community garden; and*
 - (c) *revise the ground floor plan layout to provide the required storage within the footprint of the building as proposed.*
2. *Further information to address the isolation of the adjoining site at 14 Tamar Avenue, including demonstration of a reasonable development outcome in accordance with the Council's planning controls, or alternatively to address the Land and Environment Court planning principle on the isolation of sites (Karavellas v Sutherland Shire Council [2004] NSWLEC 251 at 17-19).*

The Panel also determined that the revised plans and further information are to be submitted to Council before the end of January 2019.

The decision was unanimous.

Further Information and Applicant's response

The applicant provided amended plans and a formal response to the Panel's request for information as outlined in the minutes of the meeting of 21 November 2018, on 19 December 2018. This information is provided in Attachment 1 for consideration by the Panel.

Additional written submissions after the Panel meeting (21 November 2018)

Since the application was deferred by the Regional Planning Panel at their meeting held on 21 November 2018, there have been a further 38 submissions (including a petition with 41 signatures) lodged with Council requesting rejection of the DA by the Panel and raising the following issues:

- Fire safety
- Emergency access
- Pedestrian safety
- Traffic generation, management and impacts (congestion, safety, blind bend)
- Social impacts and security/crime management (increased crime rate, nearby pub limited employment opportunities and limited transport)
- Site unsuitable for development (narrow lane width, poor surface, unsafe unsuitable access and isolated site location, no regular transport)
- Parking - Insufficient off street parking, disabled parking
- Intensity of development (FSR, height, bulk, scale, overcrowding, overdevelopment, too many units and too small in size)
- Appearance of development (visual amenity, character)
- Non-compliance with planning controls
- Property values and economic impacts
- Infrastructure inadequate (roads, crossings, parking)
- Community consultation inadequate

The majority of the issues outlined above were raised during the two notification periods and addressed in the Council Assessment Report considered by the Regional Planning Panel meeting of 21 November 2018. Those additional matters not raised previously have been considered below.

- *No fire accessibility report and no consultation with NSW Fire and Rescue.*

Comment:

The proposal is for construction of a four storey residential flat building and there is no requirement for consultation with NSW Fire and Rescue for the assessment of the development application. The proposed development will need to comply with the relevant fire safety requirements applicable to residential flat buildings in NSW and in accordance with the Building Code of Australia (BCA). Under Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*, a Construction Certificate is required for the erection of a building in accordance with the development consent. Fire safety matters will need to be addressed under the Construction Certificate as all building work needs to comply with the BCA which forms part of the National Construction Code.

No consideration of the impact of this development on the approved 121 bed Age Care Facility along Main Road

Comment:

Although the site of the aged care facility and the proposed affordable housing are located in close proximity to one another, the vehicle and pedestrian access arrangements for each of these two developments are physically separated. The frontage for the aged care development is along Main Road with no access proposed via Tamar Avenue. The site frontage for the affordable housing is the corner of Tamar Avenue and Dunleigh Street with the proposed vehicular access being 'entry only' via Tamar Avenue and 'exit only' via Dunleigh Street.

It is noted that no pedestrian access is proposed from the aged care development to Tamar Avenue (with hedged planting and a boundary fenced approved along the boundary of the site) and as such, it is considered unlikely that on street parking from the aged care facility will take place in Tamar Avenue. *The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH) allow for reduced parking to a rate well below Council's planning requirements and this may result in some on-street parking impacts in the vicinity of the site, however, the SEPP ARH legislation takes precedence over Council's car parking requirements for the purpose of the assessment.

The area has been the subject of earlier traffic studies and traffic planning in preparation of the Toukley Planning Strategy. Main Road is a classified (State) road and both applications were referred to the NSW Roads and Maritime Services for their assessment with no objection being raised to either development, as it was considered by the RMS that there will be no significant impact on the nearby classified (State) road network. Council's Transport and Traffic Engineer reviewed the proposal and the cumulative impacts of the increase in traffic generation from recent development approved in the area were considered as part of the assessment. The development is considered to have negligible effect on the safety and operating outcome of the surrounding transport network, even in consideration of the cumulative traffic impacts resulting from the approved aged care development.

- *No consideration of the impact of increased parking along Tamar Avenue would have in the event of a fire or other emergency in Tamar Avenue.*

Comment:

The proposal is for construction of a four storey residential flat building and does not require any specified emergency services vehicle access arrangements. Such emergencies would not be a typical scenario but an exceptional circumstance and police and emergency vehicles have legislative exemptions for parking and stopping that apply during emergencies.

It is noted that the application was notified for two separate periods in accordance with Wyong DCP 2013 – Chapter 1.2 Notification of Development Proposals. Under the initial notification period, 25 submissions plus 2 petitions (21 names and 25 names) were received. Following receipt of amended plans, the application was notified for a second period with 53 submissions being received.

Conclusion

The application seeks approval for demolition works and the construction of a residential flat building for 34 units under the provisions of *SEPP (Affordable Rental Housing) 2009*.

Additional information has been provided by the applicant to address the matters raised in the meeting minutes of the Regional Planning Panel meeting of 21 November 2018.

The site is considered to be in a suitable context for the nature, scale and type of development proposed. The issues raised in submissions have been addressed under the details of the proposal and recommended conditions.

The proposal is recommended for approval subject to conditions.

Attachments:

Attachment 1 Supplementary Officers Assessment Report

Attachment 2 Applicant's Amended Plans and Information:

- 2a *Ground Floor Plan***
- 2b *Typical Floor Plan***
- 2c *Tamar Ave Feasibility***
- 2d *Response to JRPP Deferment Matters.***

Attachment 3 Revised Draft Recommended Conditions

Attachment 4 Previous Documents Considered by the Panel

- 4a *Council Assessment Report – incorporating Numerical Compliance Tables and Original Draft Recommended Conditions;***
- 4b *Development Plans; and***
- 4c *Applicant's Clause 4.6 Exception to development standard – height of building.***