

REGIONAL PLANNING PANEL (Hunter and Central Coast)

Council Assessment Report

Panel Reference	Panel Reference No. 2018HCC008
DA Number	53784/2018
Local Government Area	Central Coast Council
Proposed Development	Seniors Housing - Residential Care Facility
Street Address	LOT: 20 DP: 1123934, 45 Hillview Street WOY WOY
Applicant	Doug Sneddon Planning Pty Ltd
Owner	DJ Thompson Pty Ltd
Date of DA Lodgement	13/02/2018
Number of Submissions	Ten (10)
Recommendation	Approval - subject to conditions
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act 1979 – section 4.15 (EP&A Act)</i> • <i>Roads Act 1993 (Roads Act)</i> • <i>Heritage Act 1977 (Heritage Act)</i> • <i>Water Management Act 2000 (WM Act)</i> • <i>Water Management (General) Regulation 2011 (WMG Regulation)</i> • <i>State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19)</i> • <i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i> • <i>State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) (repealed 3 April 2018)</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional SEPP)</i> • <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004 (Seniors Housing SEPP)</i> • <i>Draft Central Coast Local Environmental Plan 2018 (CCLEP)</i> • <i>Gosford Local Environmental Plan 2014 (GLEP 2014)</i> • <i>Gosford Development Control Plan 2013 (GDGP 2013)</i> <ul style="list-style-type: none"> • Chapter 2.1 Character • Chapter 2.2 Scenic Quality • Chapter 6.6 Preservation of Trees or Vegetation

	<ul style="list-style-type: none"> • Chapter 6.7 Water Cycle Management • Chapter 7.1 Car Parking • Chapter 7.2 Waste Management • Chapter 7.3 Notification of Development Proposals
List all documents submitted with this report for the Panel's consideration	<p>Attachments:</p> <ol style="list-style-type: none"> 1. Conditions of Consent, ECM Doc No. IR 26472856 2. Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(a) and (b) Height State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, ECM Doc No. 26409260 3. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Compliance Table, ECM Doc No. 26472858 4. Architectural Plans, ECM Doc No. 26256363 5. Landscape Plans, ECM Doc No. 26256368 <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Architectural & Site Analysis Report, ECM Doc No. 26256366 • Statement of Compliance - Access for People with a Disability (prepared by Accessible Building Solutions - 15th March 2017, ECM Doc No. 24300857 • Site Survey, ECM Doc No. 26445913 • Arboricultural Assessment, ECM Doc No. 26256369 • Traffic Impact Statement, ECM Doc No. 25552839 • Civil Drawings & Vehicle Swept Path, ECM Doc No. 26256365 • Water Cycle Management Plan, ECM Doc No. 26256371 <ul style="list-style-type: none"> ○ Appendix B, Project Survey, ECM Doc No. 26256358 ○ Appendix C, Music Model Output, ECM Doc No. 26256359 ○ Appendix D, Enviropod Data, ECM Doc No. 26256360 ○ Appendix E, Drains Modelling Data, ECM Doc No. 26256362 • Supplement to Annexure A, Waste Management Plan, ECM Doc No. 25552840 • Correspondence – Certifying Waste Vehicle Design, ECM Doc No. 26050244 • Bushland Plan of Management prepared by Anne Clements & Associates Pty Limited & Attachments, ECM Doc No. 3635264 • Deposited Plan 1123934 and 88b Instrument, ECM Doc No. 26446462
	K Hanratty
Report date	12/12/2018

Summary of s. 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

Not Applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable comments to be considered as part of the assessment report.

Yes

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA53784/2018
---------------------------	--------------

Summary

An application has been received for development of a three (3) storey Seniors Housing - Residential Care Facility at No. 45 Hillview Street, Woy Woy. The development provides for 160 nursing home beds, including a dementia wing of 20 rooms and 52 basement car parking spaces, 1 ground level accessible car parking space and 1 ambulance bay. The application is made pursuant to the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The site contains remnant vegetation comprising an ecologically endangered community *Umina Coastal Sandplain Woodland* which is contained within a designated bushland protection/conservation area of 6,647m² under positive covenant and delineates the development envelope. The site has been previously cleared in accordance with DA30219/2006 approved on 14 May 2007 for Senior Living Housing (56 sole occupancy units). The proposed Residential Care Facility will be located within the previously cleared area of the site.

The application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and relevant Council policies.

Recommendation

A *That the Hunter and Central Coast Regional Planning Panel as consent authority grant consent to Development Application No 53784/2018 for Seniors Housing - Residential Care Facility on LOT: 20 DP: 1123934, 45 Hillview Street WOY WOY subject to the conditions attached.*

B *That Council advise those who made written submissions of the Panel's decision.*

Precis

Delegation Level	Regional Planning Panel
Reason for Delegation Level	Development over \$20 million
Property Lot & DP	LOT: 20 DP: 1123934
Property Address	45 Hillview Street WOY WOY
Site Area	11660 m ²
Zoning	R2 Low Density Residential

Proposal	Seniors Housing - Residential Care Facility
Application Type	Development Application - Local
Application Lodged	13/02/2018
Applicant	Doug Sneddon Planning Pty Ltd

Estimated Cost of Works	\$27,852,010.00
--------------------------------	-----------------

Advertised and Notified / Notified Only	Exhibition period 22 February 2018 to 15 March 2018
Submissions	Ten (10)
Disclosure of Political Donations & Gifts	No
Site Inspection	08/03/2018

Recommendation	Approval, subject to conditions
-----------------------	---------------------------------

Variations to Policies

Policy	Clause / Description	% Variance
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause 40 (4) - Height in zones where residential flat buildings are not permitted: (a) Height – 8m or less (to ceiling of topmost floor) – proposes 10.95m (b) Height – maximum 2 storeys – proposes 3 storeys	2.95m or 36.88% 1 storey or 50%

Site & Surrounds

The site is vacant land with an area of 1.166ha and is located on the western side of Hillview Street between Dulkara Road and Veron Road. The site has a street frontage and rear western boundary of 156m and northern and southern side boundaries of 74m.

The site is located to the north of an unnamed Council reserve at the intersection of Hillview Street and Veron Road. Adjoining development to the north comprises low density residential housing. To the west occurs Council drainage reserve and further west an educational establishment. Adjacent the site occurs Everglades Golf Club located on the eastern side of Hillview Street, refer Figure 1.

The land is flat (at RL 4.10m AHD) with a slight fall from east to west at an average grade of 0.5%. The site is not identified as being "bushfire prone land" on Council's bushfire maps. It is partly occupied by remnant ecologically endangered community (EEC), *Umina Coastal Sandplain Woodland*, comprising of an area of 6,647m² which is contained within a designated bushland protection/conservation area (Bushland Management Zone) under positive covenant DP 1123934 identified from the site detail survey, prepared by Chase Burke & Harvey, Ref: 2012010, dated 21 February 2012, refer Figure 2. The approved development footprint and roadway access under DA30219/2006 has been cleared of vegetation.



Figure 1- Site and Locality Plan

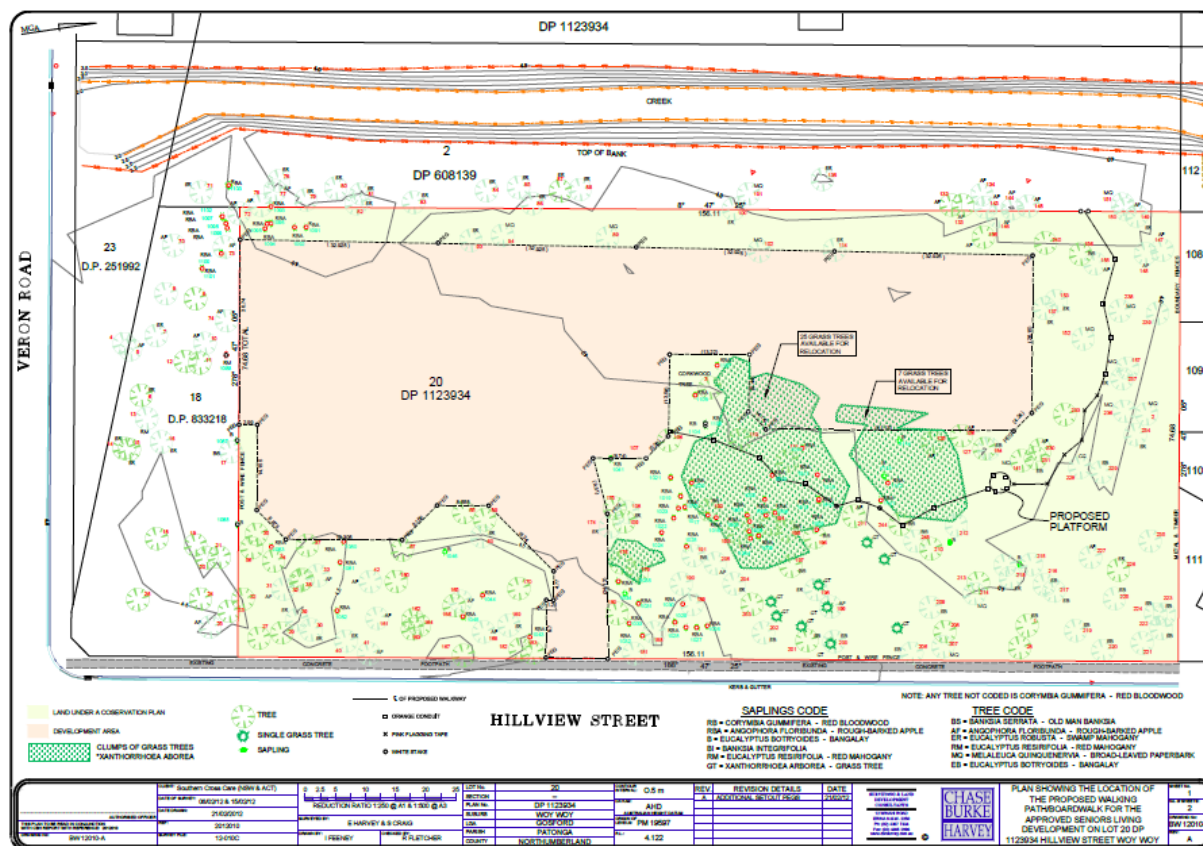


Figure 2- Survey Plan by Chase Burke & Harvey

The Proposal

The proposal comprises:

- Construction of a three (3) storey Residential Care Facility for seniors as defined by Clause 10(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, providing 160 nursing home beds in 152 rooms, including a dementia wing of 20 rooms:
 - The building is divided into two sectors per level, being the south wing and the north wing,
 - Internal room size ranges from 25m² for a typical single king bed and ensuite bathroom up to 36m² for the largest twin bed suites with ensuite bathroom,
 - Provision of a variety of common activity and recreational spaces.
- Fifty-two (52) basement car parking spaces, together with one (1) ground floor accessible space and one (1) ground level ambulance bay,
- Deep soil vegetation (67% of the site), including remnant vegetation located within the 'dedicated' Bushland Management Zone.
- Removal of the Corkwood Tree located in the centre of the site and replacement with a *Eucalyptus robusta*

The site plan, western elevation and sections of the proposed development are shown in Figures 3, 4, 5, and 6 below:

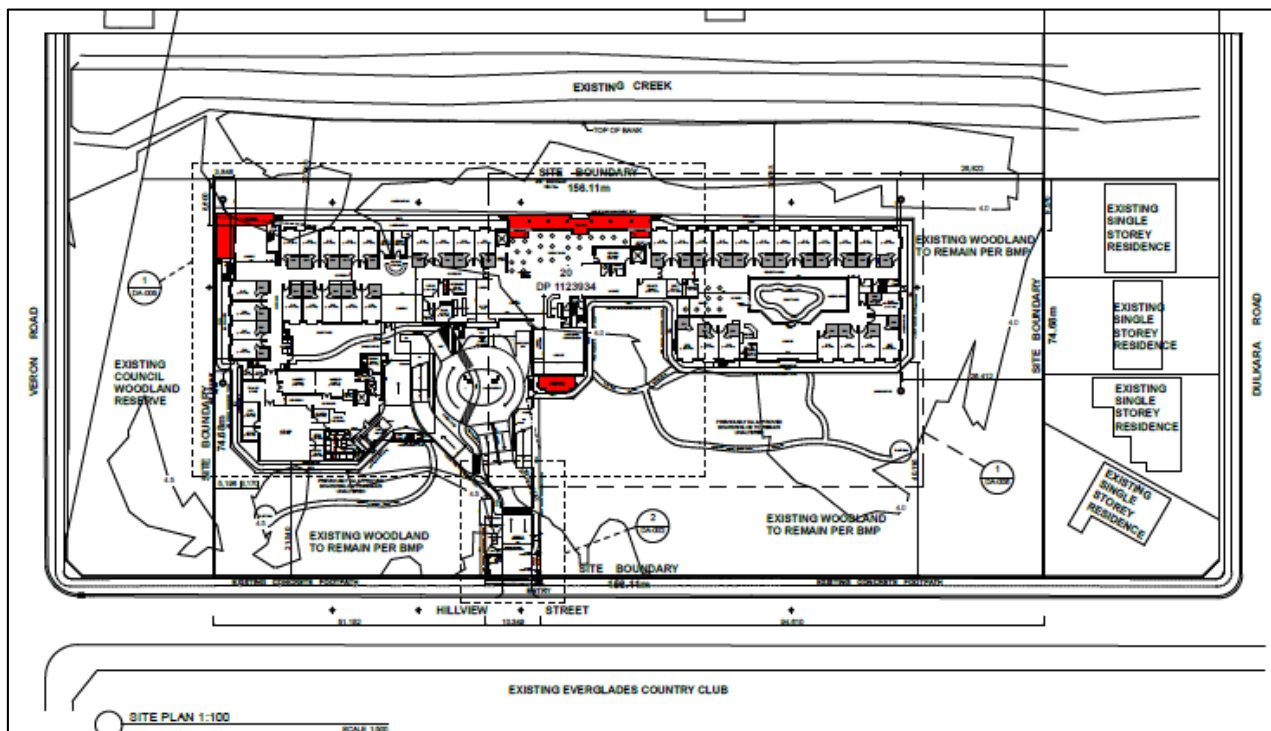


Figure 3 - Site Plan



Figure 4 - Western Elevation

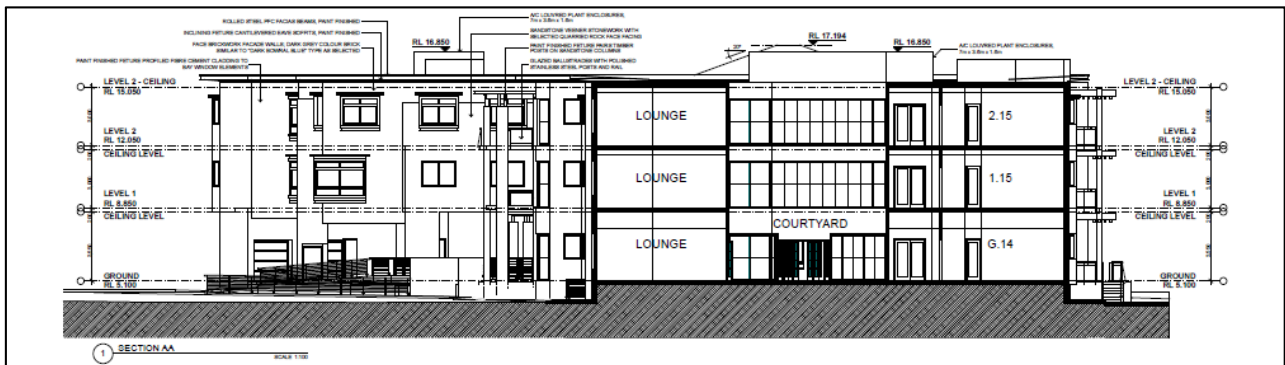


Figure 5 - Section AA – North

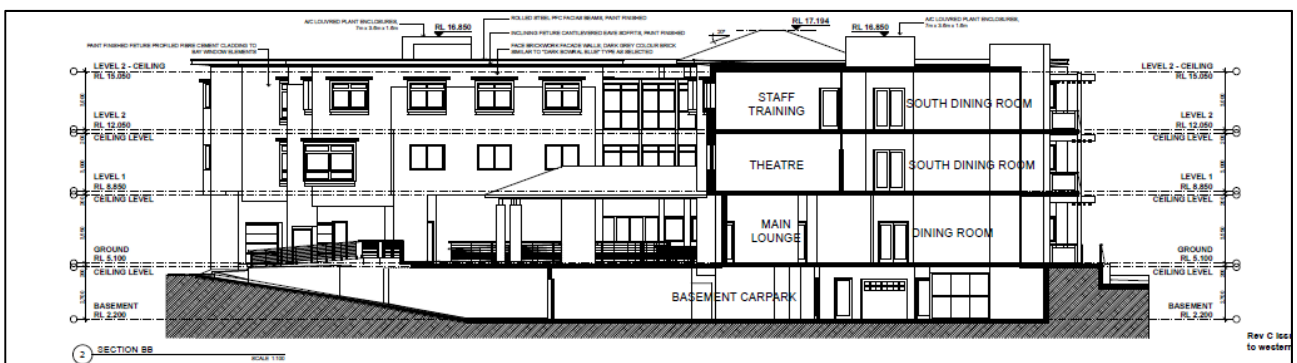


Figure 6 - Section BB – South

History

DA24044/2004 for a Seniors Living development containing 41 dwellings together with community and recreational facilities was refused by the former Gosford City Council at its meeting of 1 February 2005.

The applicant appealed Council's refusal to the NSW Land and Environmental Court (*Providence Projects Pty Ltd v Gosford City Council* [2006] NSWLEC 52). During the Appeal, the proposal was amended to 39 units. The Court subsequently upheld the Council's refusal. The Court's reasons for upholding Council's refusal were that even though the applicant produced a Species Impact Statement (that had previously not accompanied the application) to the Court, the Court ruled that the Council could not have determined the application without having sought the concurrence of the Department of Environmental and Conservation (DEC) (now known as the NSW Office of Environment and Heritage).

Development Consent 30216/2006 was granted on 14 May 2007 for Subdivision excising the subject site from the larger site containing the educational establishment; the purpose of the subdivision to allow separate title and ownership of the subject site for seniors housing under DA30219/2006. The drainage reserve, known as No. 169 Veron Road, provides separation of the sites. The subdivision was registered on 18 March 2008 and created the positive covenant for the preservation/protection of the remnant *Umina Coastal Sandplain Woodland* under the Bushland Plan of Management prepared by Anne Clements & Associates Pty Limited, dated 15 June 2007 (Bushland Plan of Management).

Development Consent 30219/2006 was granted on 14 May 2007 for Seniors Living Housing and Ancillary Facilities (indoor swimming pool, basement car parking and community hall), contained within two pavilions, subject to conditions. This consent approved 37 self-care units. Physical works have been carried out under the consent as follows:

- Site clearing for the building footprint and access,
- Part of the subject land has been registered with the Land Titles Office as conservation land for protection in perpetuity, site security (fencing) measures have been taken to prevent vandalism, and a financial contribution of \$225,000 has been made to the Council's Environment Trust Fund,
- A Bushland Plan of Management has been prepared for the site and a number of bushland monitoring reports have been prepared by Robert Payne prior to the 14th May 2012,
- Water and sewer connections to Lot 20 DP 1123934 have been designed and constructed. Sewer connection to the land has been constructed from Dulkara Road via Council's adjoining drainage reserve. Council advised by letter dated 6th February 2008 that the "works as executed plan" (prepared by Chase Burke Harvey) for the completed sewer extension has been approved.

Council confirmed on 30 May 2016, based on evidence provided to Council, of the site preparation works carried out prior to the date upon which the consent would have otherwise lapsed, that Development Consent 30219/2006 has 'commenced'. This consent has been modified five (5) times and the current development (approved Part 6) contains 56 self-care senior living dwellings, including a community hall, indoor swimming pool, 75 car parking spaces, car wash bay, ambulance bay and Bushland Management Zone. The approved development contains basement car parking and 2 residential levels above with a pitched roof, refer Figure 7.

Further modification to the consent (Part 7) was lodged and subsequently refused on 16 August 2017. The modification sought to modify the internal layout, external building elevations and the addition of a third residential level to reconfigure the approved seniors housing to a 150 bed residential care facility providing 152 separate bedrooms, resident recreational spaces, staff and operational facilities and 52 basement car parking spaces. The height of the modified building was proposed to slightly increase from the approved building height and the steeply pitched roof form modified to a flat roof form.

Following a preliminary assessment of the Part 7 modification, Council advised the applicant that the changes resulted in the development not being substantially the same development. The Applicant was advised that the modification application should be withdrawn and a new development application be lodged. The applicant submitted legal advice and advised that they wish Council to determine the application. Subsequently, modification under s96AB of the EP&A Act was lodged for review of the refusal determination: a determination of the s96AB application

has not been made. Consequently, the subject development application, DA53784/2018 was lodged.

Briefing – Regional Planning Panel

A site inspection and briefing onsite with the Regional Planning Panel (the Panel) occurred on 31 May 2018 for the proposed development. The key issues discussed include the following:

- History/previous consent
- Footprint of the building
- Impact on vegetation and corkwood tree
- Design
- Visibility/relationship with surrounding area
- Height and form of the building
- Submissions – Issues raised
- Application of Seniors Housing SEPP
- Waste Management and access for waste vehicles servicing the development
- Social Impact Assessment – Council to determine if required

The Applicant was advised of the briefing directly by the Panel. Additional information, submitted to Council on 11 October 2018, supports the assessment of the development application in relation to the above matters. The additional information submitted includes the following:

- Revised character statement assessment,
- Amendment to the façade architecture of the western elevation and provision of new communal terraces adjacent the central dining rooms on each floor level on the western elevation to break up the continuous length of the building and add visual interest, slightly reducing the floor space ratio to 0.78:1,
- Revised Architectural & Site Analysis Report detailing the building design and its visibility/relationship with surrounding area,
- Supplementary assessment, Seniors Housing SEPP, Clause 26 - Location and access to facilities
- Objection to development standard in Seniors Housing SEPP, Clause 40(4)(a) and (b) – Height, under Clause 4.6 Exception to Development Standard, of GLEP 2014,
- Revised Flora & Fauna Assessment Report,
- Arboricultural Assessment of the Corkwood Tree and amendment to the proposal for the removal of the tree and replacement tree,
- Revised Landscape plans to include native species consistent with the EEC *Umina Coastal Sandplain Woodland*,
- Supplementary Assessment Social and Economic Impacts – Council determined a Comprehensive Social Impact Statement was not required,
- Amended Waste Management Plan incorporating updated operational waste management arrangements, waste vehicle servicing arrangements and amended architectural plans providing detail of bin configuration within the ground floor waste room.
- Amended set of architectural plans detailing the minor amendments listed above.

The design amendments are considered minor amendments and did not require re-notification of the proposed development in accordance with Chapter 7.3 of *Gosford Development Control Plan* 2013 (GDGP 2013).

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

Public Submissions

The application was notified in accordance with Chapter 7.3 of *Gosford Development Control Plan 2013* (GDGP 2013) from 22 February 2018 to 15 March 2018. A total of ten (10) public submissions were received.

The issues raised in the submissions are detailed below.

- ***Protection of Umina Coastal Sandplain Woodland***
 - *the whole site should be compulsorily acquired for the protection of the Umina Coastal Sandplain Woodland EEC*
 - *that the whole site is rare bushland and should not be developed,*
 - *that the proposed development is inconsistent with the retention of bushland within the site*

Comment:

The submissions raise past matters relating to the deliberations of the former Gosford City Council and the Land and Environment Court, predating the granting of Development Consent 30219/2006 (as modified) for Seniors Living Housing (56 Sole Occupancy Dwellings) on the subject land. Due consideration was undertaken prior to the granting of DA30219/2006 to the ecological site assessments. The landowner is required to comply with a number of consent conditions requiring the ongoing protection of the Endangered Ecological Community (EEC) *Umina Coastal Sandplain Woodland* over part of the land.

Clearing of the currently approved development envelope within the site was approved by Council with the concurrence of the Director General of the Department of Environment and Conservation (now known as the NSW Office of Environment and Heritage). Clearing of the approved development site has since occurred in a manner consistent with the terms of DA30219/2006.

Potential impacts on the site's bushland and fauna species were previously assessed for the currently approved development through the Species Impact Statement (SIS) prepared by Robert Payne (2006). Mitigation, compensation and long term management and monitoring strategies were documented in the Species Impact Statement and a Bushland Plan of Management prepared by Anne Clements & Associates Pty Ltd, dated 15 April 2007.

A peer review of the currently approved development for the site, including the Species Impact Statement and Bushland Plan of Management documentation was completed by Professor Paul Adam. Professor Adam is a botanist, plant geographer and ecologist with a PhD from Cambridge University. Professor Adam identified that compared to the 'do nothing' alternative, the currently approved development layout for this site provides 'for conservation based management of a significant stand of *Umina Coastal Sandplain Woodland*, an endangered ecological community

which is otherwise not conserved' and 'if no development occurs and the site is left 'as is', then continuing degradation and loss of conservation value will occur'. The biodiversity impacts and benefits of the currently approved development (seniors housing: 56 self-care apartments) and the now proposed development (seniors housing: residential care facility - 160 aged care beds) for this site, are principally the same.

Conditions 66 and 67 of DA30219/2006 (as modified) relating to the protection of the identified 'conservation area' within the site have been satisfied by the creation of a restriction of use and positive covenant for the preservation/protection and maintenance of the remnant *Umina Coastal Sandplain Woodland* under the Bushland Plan of Management (amended 15 June 2007) and the implementation of the Bushland Plan of Management.

The balance of the site, including the access handle to Hillview Street, is unrestricted and available for the seniors housing development currently permitted under DA30219/2006 and the seniors housing development now proposed under DA53784/2018.

In addition to the above, part of the subject land has been registered with the Land Titles Office as conservation land for protection in perpetuity, site security (fencing) measures have been undertaken to prevent vandalism, a financial contribution of \$225,000 has been made to the Council's Environment Trust Fund, and a number of bushland monitoring reports have been prepared by Robert Payne, since the granting of consent for DA30219/2006.

The site has been cleared in accordance with the approved DA30219/2006. The demarcation line between the conservation site area and the available site development area shown on land title has been surveyed by registered surveyor and is clearly pegged on site.

By email dated 30 May 2016, Council confirmed that, based on evidence provided to Council of site preparation works carried out prior to the date upon which the consent would have otherwise lapsed (i.e. 14 May 2012) that DA30219/2006 has commenced.

A comparative analysis is provided by the Applicant of the overall building and lower ground basement excavation footprint of both the development approved under DA30219/2006 and the development now proposed under DA53784/2018, refer Table 1, and shows that:

- the registered 'bushland conservation area' of 6,647m² is unchanged;
- whilst the comparative building footprints are generally the same, the building footprint of DA 53784/2018 (2,958m²) is slightly reduced (i.e. -206m²) from the 3,164m² building footprint currently approved under DA30219/2006, refer Figure 8, and
- the comparative basement excavation footprints shows that the development proposed under DA53784/2018 has a significantly reduced basement excavation in comparison to that currently approved under DA30219/2006 (i.e. - 1017.41m²), due to the reduced demand for on-site car parking associated with the proposed residential care facility (53 spaces) in comparison to the currently approved self-care seniors housing (76 spaces), refer Figure 9.

Table 1 - Comparative site calculations and building footprint

	Consent DA30219/2006	Proposed Development
Seniors Housing	56 sole occupancy apartments	160 aged care beds
Existing Conservation Bushland (per Bushland Management Plan)	6,647 m ²	6,647 m ² (no change)
Building Footprint	3,164 m ²	2,958 m ² (-206 m ²)
Area of soft landscaping	901 m ²	842 m ² (-59 m ²)
Hard surfaced open space	948 m ²	1,213 m ² (+265 m ²)
Car Parking	75 spaces	53 spaces (-23 Spaces) Including 3 accessible spaces
Ambulance Bay	1	1
Gross Floor Area	6,427 m ²	9,130 m ² (+2,733 m ²)
Floor Space Ratio	0.55:1	0.78:1 (+0.24:1)

The applicant has provided a footprint and long section comparison of the approved DA drawings with the proposed application. These drawings comprise 3 plans in the plan set submitted with the application, Drawings DA-019 Rev C, DA-020 Rev B, DA-021 Rev B prepared by Thrum Architects, dated 3 October 2018. The original building profile under DA30219/2006 is identified by a green outline, the modified building profile under Part 6 is identified by a blue outline, and the proposed new building footprint is shown by the red outline in Figures 7, 8 & 9 below.

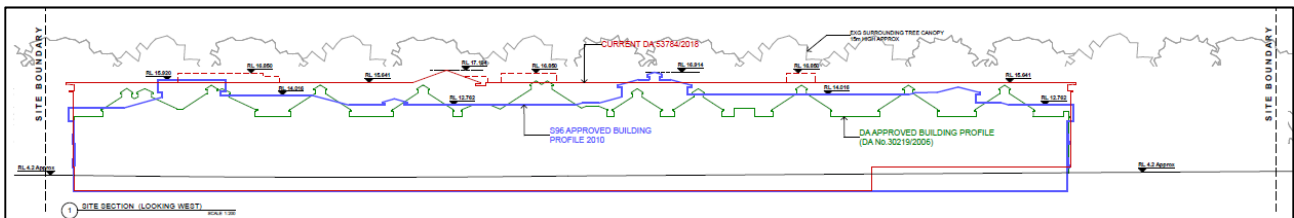


Figure 7 - Approved DA Comparison with Proposed DA for Height – Long Site Section Looking West

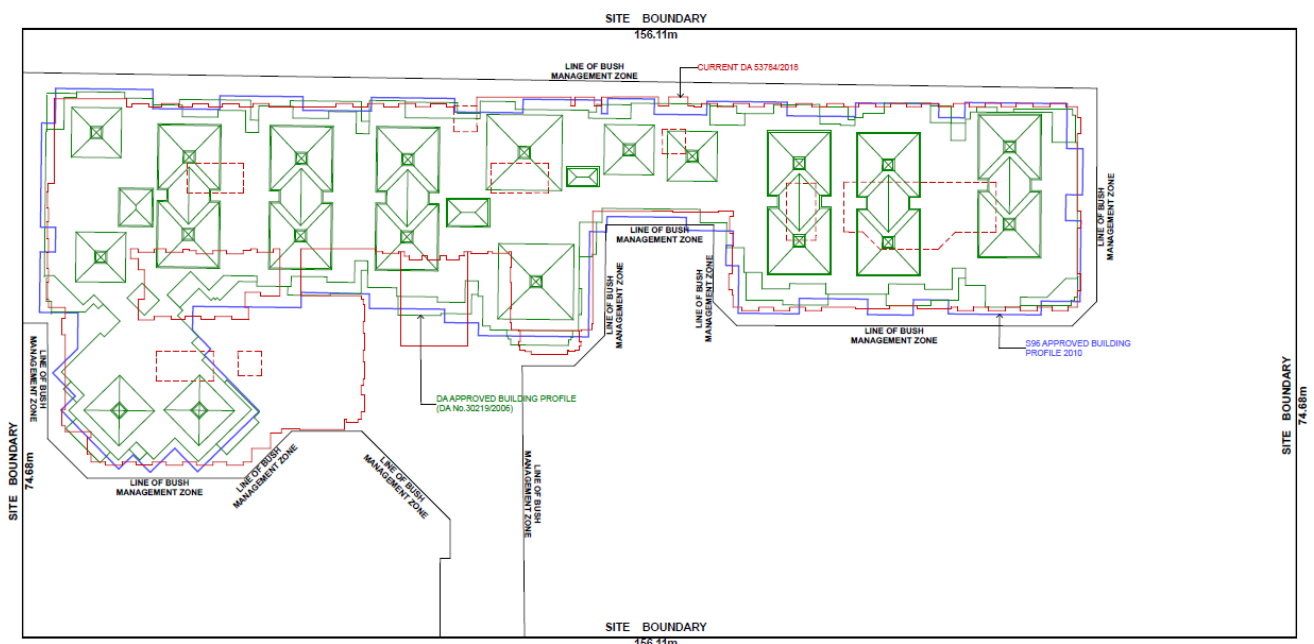


Figure 8 - Footprint Comparison Approved DA with Proposed DA - Site Plan

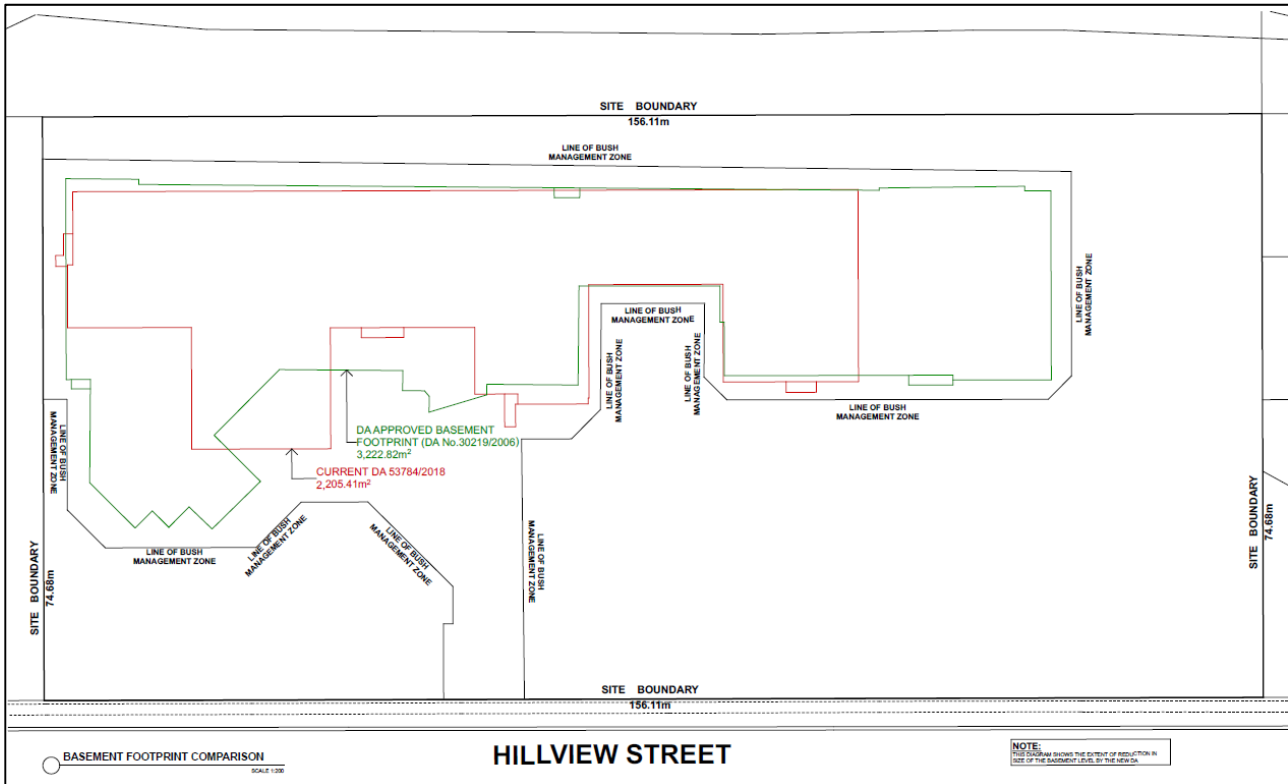


Figure 9 - Basement Footprint Comparison Approved DA with Proposed DA - Site Plan

Shadow Diagrams in the plan set submitted with the application, Drawings DA-017 Rev E and DA-023 Rev D (Thrum Architects, dated 3 October 2018) indicate the overshadowing impact on the vegetation on the site and adjoining sites.

The Flora & Fauna Report prepared by Conacher Consulting Pty Ltd , Ref: 8047 dated October 2018 concludes that any additional impacts on native vegetation within the conservation area associated with the building footprint and elevation modification (compared with DA30219/2006) and resulting minimal increased shadow cast would be minor and would not significantly impact the retained or surrounding vegetation.

Further, the Landscape Plan for the proposal has been amended to include local native species consistent with the adjacent vegetation communities. Council's Ecologist has reviewed the proposal and raises no objection to the development. Conditions of consent are recommended to protect the vegetation during construction and ensure protection and maintenance measures of the vegetation are in place in perpetuity.

The assessment considers adequate attention has been given to potential environmental impacts of the proposed development taking into consideration the existing operational development DA30219/2006 or the comparative building/excavation footprints and environmental character of the proposed residential care facility and the application on its merits is recommended for support.

- **Architectural Design Quality and Character of the Locality**

- *the design is architecturally poor and will have an adverse aesthetic and financial impact on the neighbourhood;*
- *the design does not allow the provision of a high standard of aged care;*
- *the activity will have a detrimental effect on the local economy and other providers of aged care on the Peninsula; and*
- *the proposal is out of character with the area and inappropriate in the neighbourhood.*

Comment:

DA53784/2018 is supported by an Architectural and Site Analysis Report (prepared by Thrum Architects, dated 3 October 2018) and a Statement of Compliance - Access for People with a Disability (prepared by Accessible Building Solutions, dated 15th March 2017). Both reports suitably demonstrate that the proposed residential care facility is of high architectural quality, satisfy access requirements and that the proposal will provide a high standard of aged care.

The proposal is consistent with the R2 Low Density Residential zone objectives in that:

- The proposed development is considered to be compatible with the desired future character of the zone.
- The proposed development is of high quality architectural design.
- The proposed development is ecologically, socially and economically sustainable.

Council's Architect has reviewed the proposal and raises no objection to the application on architectural grounds. The surrounding, existing and likely future context is predominantly single residences of one to two storeys on individual blocks. However, the proposal is located on a large site fronting Hillview Street on the east with the golf course on the opposite side. The site characteristics enable the proposed three storey building to be screened from the public domain by the bushland protection area occupying most of the site. To the west is a 25m wide creek reserve with a school beyond this. To the south is an 18m wide woodland reserve facing Vernon Road. Extensive building separation distances comprising of the 25m Bushland Management Zone are proposed to the only adjoining low density residential development, adjacent to the northern boundary of the site. The proposed building will occupy substantially the same building footprint and building height (although it proposes a three storey building) as the approved two storey seniors housing development on the land.

The western façade has been modified and includes the provision of new communal terraces adjacent to the central dining rooms on each floor level on the western elevation to break up the continuous length of the building and add visual interest. On balance it is considered that despite the continuous length of the building, the visual scale and built form is acceptable and when combined with the large landscaped setbacks will not result in any detrimental impacts on privacy and amenity of adjoining sites and the public domain.

There are currently a high proportion of older residents (i.e. the over 60 age cohort) residing in the Peninsula area and consequently there is a high demand within the community for residential care facilities which allow aging in place. The limited availability of flat accessible land on the Woy Woy Peninsula necessitates that existing facilities of this type maximise the amount of land that is

available. The proposal provides additional capacity for high care nursing home accommodation on the Woy Woy Peninsula.

- **Character of the area and neighbourhood**

- *the locality is a low density area where the prevailing developed character is single and two storey detached dwellings, other than two nearby schools and a golf course. There are no other three storey institutional buildings in the vicinity*
- *the development does not meet the objectives of the zone*
- *the proposal is an intense activity that goes well beyond the limits set by SEPP (Housing for Seniors or people with a Disability) 2004; and*
- *proposed building height exceeds the maximum permitted height for housing in the zone*

Comment:

The proposed development involves the construction of a three storey building, which will be generally screened from view by the surrounding bushland retained within the site. The proposal will have limited visual impact on the streetscape and surrounding properties. The contribution of remnant vegetation within the subject land to the naturally vegetated streetscape character of Hillview Street is retained as the proposed development is contained within the previously approved 'development area' which is delineated on land title and does not result in any further loss of remnant bushland within the site. The protection of bushland within the dedicated site conservation area is secured by restrictions on title imposed under DP 1123934.

It is noted that the floor space ratio (FSR) provisions of the Senior Housing SEPP permits seniors housing development on the subject land having a maximum FSR of 1:1. The proposed development has a floor space ratio below the maximum FSR of 0.78:1. The proposed development is considered acceptable from a residential density and development character perspective.

The proposed development exceeds the 8m ceiling height and 2 storey development standard in Clause 49(4)(a) and (b) of the Seniors Housing SEPP. The Applicant has submitted a written request to vary the development standard and has demonstrated that the development standard is unreasonable and unnecessary and there are sufficient planning grounds to justify contravention of the standard. The proposal has been considered on its merits and is supported.

- **Consistency with the provisions of State Environmental Planning Policy (Housing for Seniors or people with a Disability) 2004 (Seniors Housing SEPP)**

Comment:

An assessment has been undertaken against the main relevant requirements of the Seniors Housing SEPP for the proposed residential care facility and is provided in **Attachment 3**. The proposed development complies with the aims of the policy and development standards with the exception of height stipulated in clause 40(a) and (b) of the Seniors Housing SEPP, exceeding the 8m ceiling height and 2 storey development standard. The proposal complies with the FSR and car parking requirements and is not considered to have unacceptable visual impact on the streetscape or amenity impacts on adjacent residential development. The proposal is considered acceptable from a residential density and development character perspective.

The Applicant has submitted a written request to vary the development standard and has demonstrated that the development standard is unreasonable and unnecessary and there are sufficient planning grounds to justify contravention of the standard.

The objection demonstrates that:

- *The objectives of the R2 Low density Residential zone and the 8m building height development standard of Clause 48(a) of State Environmental Planning Policy (Housing For Seniors or People with a Disability) 2004 are achieved by the proposed development;*
- *The proposed development will be compatible with the desired/future character of the locality and will not have unreasonable amenity impacts on neighbouring dwellings, or the public domain generally;*
- *The proposed development is consistent with State, regional and local planning strategies for the locality; and*
- *Having regard to the unique dimensions and biophysical characteristics of the subject land; the high quality architectural design of the proposed aged care facility: the comparative analysis of the proposed development and the currently approved development in respect to building footprint and elevations, which demonstrate that the proposed development is substantially the same as the currently approved development in terms of building bulk and scale, the retention of the majority of the site (6,647m² or 67% for protection and management of the remnant woodland vegetation - Umina Coastal Sandplain Woodland) providing effective visual screening of the proposed development; and as no planning purpose is served by strictly applying the 8m building height development standard of Clause 40 (a) so as prevent the proposed development, the strict application of the development standard would be unnecessary and unreasonable in the circumstances.*

The design height of the proposed three storey residential care facility should also be considered within the context of the surrounding tree canopy height. The main canopies of the vegetation within the Bushland Management Zone, which surround the proposed residential care facility, have an overall height of 18m - 19m above ground level. Within this context, the visual impact of the localised increase in maximum overall (roof) building height from the currently approved development under Consent 30219/2006 (12.94m above ground level) to the proposed development under DA53784/2018 (13.194m above ground level), is minor (i.e. + 0.254m).

- **Car Parking and Traffic Planning**

- insufficient provision of parking for doctors, staff and visitors;
- capacity of Hillview Road to accommodate traffic flows; and
- the proposed development will add to traffic congestion in both Veron Road and Dulkara Road during school drop-off and pick-up times.

Comment:

The development application is supported by a Traffic Impact Statement prepared by SECA Solution Pty Ltd, dated 8 February 2018 to evaluate the potential traffic impacts of the proposed development. The Traffic Impact Statement concludes the following:

- The current peak hour two way flows along Hillview Street are 702 vehicles per hour during the afternoon peak, split between 543 vehicles southbound and 159 vehicles northbound.

Daily flows along Hillview Street would be in the order of 7,000 vehicles per day, reasonably balanced in both directions.

- Local roads operate well throughout the day with minimal delays and congestion during the peak hours and provide an acceptable level of safety.
- The proposed development will not significantly increase daily traffic flows along Hillview Street and will therefore have minimal impact upon the overall road safety. The proposed development will increase daily flows along Hillview Street by up to 152 vehicles (i.e. + 2.5%). This is well within the capacity of Hillview Street with no reduction in the current 'Level of Service' along this road and the impact on any one intersection in the locality will be minimal. Therefore the additional traffic associated with the proposed development will have an acceptable impact.
- During construction, there will be a requirement for construction vehicles to access the site as well as additional traffic associated with workers. These movements can be catered for within the local road network.
- The proposal will allow for a 3 storey residential care facility (160 beds) with basement car parking. All vehicles are required to enter and exit the site in a forward direction, with the internal site layout and access driveway allowing for all vehicle movements in accordance with AS2890. The driveway and basement car park allow for two way movements.
- Access will be provided via a single driveway from Hillview Street, located approximately 50 metres from the southern site boundary. Hillview Street at this location provides a straight and flat road alignment which allows good visibility in both directions for a vehicle entering or exiting the site and sight distances satisfy the requirements of AS2890. No queues are expected at the site entry due to low traffic volumes.
- Service vehicles will be able to park, access and leave the ground level loading dock along a one-way circulating road and will be controlled by a loading dock management plan. The site will require minimal servicing with a low frequency of service vehicles entering the site. The layout of this area is consistent with the requirements of AS2890 for a small rigid vehicle.

The Traffic Impact Statement has been reviewed by Council's Traffic Engineer and no objections are raised to the proposal.

The proposed development will accommodate all required vehicle parking and manoeuvring on-site and will not generate levels of traffic to cause congestion in the local road network. The proposed development provides 53 car parking spaces, in excess of the 34 car parking spaces required in accordance with the provisions of the Seniors Housing SEPP.

Issues raised by objectors in relation to school drop-off and pick-up traffic in Dulkara and Veron Roads are considered to be unrelated to the proposed development and would not be exacerbated by the proposed development.

- ***Site Excavation and ground water impacts***

Comment:

A comparative analysis of basement excavation footprints shown in Figure 9 in the report shows that the development now proposed under the current proposal has a significantly reduced basement excavation in comparison to the current development approval under DA30219/2006 (i.e. -1011.41m²) due to the reduced demand for on-site car parking associated with a residential

care facility (53 spaces) in comparison to the currently approved self-care seniors housing (76 spaces).

The Water Cycle Management Plan prepared by Cubo Consulting Pty Ltd, dated 5 June 2018 seeks to protect and enhance natural water systems (creeks, rivers, wetlands, estuaries, lagoons and groundwater systems). The site is noted as being relatively flat and situated on natural highly permeable sands. No concerns are raised in relation to the impact of the proposed basement excavation on ground water flows, or vice versa. The proposal has been considered satisfactory by Council's Development Engineer and is supported, subject to conditions.

- **No Bushfire Report**

Comment:

The subject land is not identified a bushfire prone land on Council's bushfire maps and therefore a bushfire impact assessment it not required for the proposed development.

- **Landscaping Species Selection**

Comment:

Amended Landscape Plans, prepared by Conus Landscape Architecture, Project 16:50 dated 28 September 2018 have been submitted indicating native species to be used and is consistent with the EEC *Umina Coastal Sandplain Woodland* on the site.

In addition, the Corkwood Tree located in the centre of the site is to be removed due to deteriorating health. An arborist conducted an assessment on the tree and recommends removal of the tree and replacement with a similar species. Council's Ecologist has reviewed the Arboricultural Assessment Ref: 18-201 prepared by Advanced Treescape Consulting, dated 20 September 2018 and supports the removal of the tree however recommends replacement with an advanced *Eucalyptus robusta* (this is agreed to by the Applicant).

- **Acoustic Report**

Comment:

An acoustic report was not required to accompany the development application as there are no external noise sources (plant and equipment) associated with the proposed development.

- **No Lighting/Illumination Plan**

Comment:

The subject land contains a small and isolated area of bushland which is surrounded by land which has been historically developed for urban and recreation purposes (schools, roads, golf course and detached housing). The proposed development footprint within the subject site is surrounded by bushland vegetation which directly adjoins Veron Road and Hillview Street, both of which have streetlights, by residential dwellings along the northern property boundary which are lit at night

and by schools which have security night lighting. Consequently, the majority of the subject site is already affected by artificial lighting at night emanating from existing surrounding sources.

Conacher Consulting Pty Ltd advises that any nocturnal fauna species utilising this site would already be capable of inhabiting disturbed areas affected by artificial night lighting from sources adjoining the site. Further adverse impacts to native fauna due to artificial lighting within the site will be insignificant, as exterior lighting will be limited to areas necessary for amenity, public safety and security. Lighting impacts will also be managed through careful and strategic and partial shielding of lights to reduce light spill on the Bushland Management Zone and by the use of environmentally friendly low lux, long wavelength light sources which are more readily tolerated by fauna species.

A condition of consent is recommended to operate and maintain all external lighting so as to minimise impact on any adjoining property, and minimise overspill into the Bushland Management Zone, refer Condition 6.1.

Internal Consultation

Architect

- The proposal has been assessed by Council's Architect who has reviewed the submitted report and plans. There is no objection to the application on architectural grounds however as the existing trees within the bushland management zone make a major contribution to the context and provide screening to and from adjoining sites and outlook for residents, it is considered essential that the issues raised by Council's Environmental Officer must be fully addressed before the application could be supported.

Comment

Matters raised by Council's Environmental Officer (Ecologist) have been satisfactorily addressed and the proposal is supported by the Ecologist.

Ecology

- The proposal has been assessed by Council's Ecologist who has reviewed the amended reports and plans. The proposed development is considered satisfactory, subject to conditions.

Trees

- The proposal has been assessed by Council's Tree Assessment Officer who has reviewed the amended Arboricultural Assessment. The removal of the Corkwood Tree is supported.

Building

- The proposal has been assessed by Council's Building Surveyor who has reviewed the reports and plans. The proposed development is considered satisfactory. (Condition, Advisory Notes, Ensure compliance with the Disability Discrimination Act 1992.

Engineering

- The proposal has been assessed by Council's Engineer who has reviewed the amended reports and plans. The proposed development is considered satisfactory, subject to conditions.

Waste Services

- The proposal has been assessed by Council's Waste Management Assessment Officer who has reviewed the amended reports and plans. The proposed development is considered satisfactory, subject to conditions.

Water & Sewer

- The proposal has been assessed by Council's Water & Sewer Officer. Water and sewer services are available to the land. Section 307 Certificate of Compliance and development contributions are required. (Condition 2.15)

Submissions from Public Authorities

Office of Environmental Heritage

- Not required. The impact on the vegetation has not changed from the approved consent DA30219/2006.

Ecologically Sustainable Principles

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed building footprint is located within the site development area identified on the property title and substantially the same building footprint approved under DA30219/2006 and this site development area has been cleared to prepare for the approved development. Remnant vegetation within the subject land and located within the Bushland Management Zone identified under property title, is retained and is unaffected by the proposed development.

The proposed development is consistent with the relevant development objectives as it will not have an adverse impact on the Brisbane Water Escarpment which forms a vegetated backdrop to the locality and the subject site is visually capable of accommodating the proposed development as the existing vegetated streetscape of Hillview Street and the identified Bushland Management Zone within the site will be retained. There is no significant difference between the proposed development and the currently approved development under DA30219/2006 in regard to impact on scenic quality.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for

future generations. The proposed development is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change

Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the EP&A Act, and relevant Council policies. The assessment has identified the following key issues, which are elaborated upon for the Panel's information.

s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies

The relevant Environmental Planning Instruments are addressed below:

Draft Environmental Planning Instruments

Draft Central Coast Local Environmental Plan 2018

The application has been assessed under the provisions of the *Draft Central Coast Local Environment Plan 2018* (DCCLEP 2018) currently on exhibition in respect to zoning, development standards and special provisions.

Under the DCCLEP 2018 the proposal is to be located on land zoned R2 Low Density Residential. Building height, floor space ratio or site coverage in the R2 zone is proposed to be controlled under the *Draft Central Coast Development Control Plan 2018* (DCCDCP 2018), unless specifically mapped under the DCCLEP 2018. The DCCDCP 2018 is currently on exhibition with the DCCLEP 2018. Building height for dwellings in areas not specifically mapped by the draft DCCLEP 2018 will be 10m with the building height generally not exceeding two storeys.

The development application for seniors housing is lodged pursuant to the Seniors Housing SEPP which prevails over local planning controls to the extent of any inconsistency.

The assessment concluded the proposal is consistent with the *Draft Central Coast Local Environment Plan 2018*.

State Environmental Planning Policies

State Environmental Planning Policy No 19 – Bushland in Urban Areas

State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) requires that Council consider the Aims and Objectives of SEPP 19 together with the matters for consideration listed in Clause 9 when determining an application adjoining bushland zoned or reserved for public open space purposes. The subject land adjoins bushland within the public reserve zoned RE1 Public Recreation under GLEP 2014. The adjacent public reserve is located to the west and south of the subject land and is predominantly associated with a major open stormwater drainage channel.

The proposed development will have some overshadowing impacts to the west of the development in the mornings and to the south of the development throughout the day during the winter months, however the impact is significantly reduced during the equinox. The overshadowing impact is generally consistent with the overshadowing impacts of the approved development under DA30219/2006. Winter generally coincides with slower plant growth. The Flora & Fauna Assessment Report, by Conacher Consulting Pty Ltd, dated October 2018 states that the potential additional overshadowing impacts of the current proposal to that of the approved development are likely to be minor. The proposed development is not considered to have an adverse impact on the adjoining public reserve. The bushland within the public reserve currently protected under the RE1 Public Recreation zone will continue to be protected and preserved by that zone.

Erosion and siltation control measures will be implemented during construction and contained within the identified site development area. Construction and site landscaping works will not result in the spread of weeds or exotic plants within the bushland. The proposed development will be contained within the previously approved site development area and the shared boundary with the RE1 Public Recreation zone land predominantly contains that part of the site subject to the Bushland Management Zone identified under the property title, thereby containing any ecological development impacts to within the site.

It is considered that the proposed development is consistent with the stated aims and objectives of SEPP 19.

State Environmental Planning Policy (SEPP) No 55 – Remediation of Land

Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires the consent authority to consider whether the land is contaminated when determining a Development Application.

The provisions of SEPP 55 aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The site remains in a natural state other than for clearing of the site development area approved under Consent 30219/2006. The nature of the use is for residential purposes as a result the proposal is considered satisfactory under the provision of SEPP 55.

State Environmental Planning Policy No 71 – Coastal Protection - (Repealed on 3 April 2018)

State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71) was repealed on 3 April 2018 when the *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP) came into effect. The savings and transitional provisions contained within the Coastal Management SEPP state SEPP 71 continues to apply if a development application is lodged and not finally determined prior to the commencement of the Coastal Management SEPP. Development application 53070/2017 was lodged prior to, but not determined, on 3 April 2018.

The Coastal Management SEPP does not apply to the subject property. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning and Environment and the subject property does not fall within this zone.

SEPP 71 requires that Council consider the Aims and Objectives of SEPP 71 together with the matters for consideration listed in Clause 8 when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the NSW Department of Planning and Environment and the subject property falls within this zone.

The relevant matters have been considered in the assessment of this application. The bulk and scale of the development is visually contained within the site and screened by the remnant vegetation, *Umina Coastal Sandplain Woodland* which is protected on the land title within the bushland protection/conservation area. The proposal preserves the native coastal vegetation and does not adversely impact on the natural scenic quality of the surrounding area.

The proposal is not considered to have a cumulative impact on the environment with appropriate measures for water and energy use, stormwater and effluent disposal. The application is considered consistent with the stated aims and objectives of SEPP 71.

State Environmental Planning Policy (State and Regional Development) 2011

The aims of *State Environmental Planning Policy (State and Regional Development) 2011* (the SEPP) are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure or regionally significant development and to confer functions on the relevant state or regional planning panels to determine development applications.

Amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) came into force on 1 March 2018 and resulted in amendments to the SEPP. The categories of regionally significant development are identified in schedule 7 of the SEPP. The threshold for general development has changed; development that has a capital investment value (CIV) of more than \$30 million is now considered regionally significant development.

The application was lodged prior to the amendment of the EP&A Act. Transitional provisions apply in this instance. Any development applications lodged but not determined before 1 March 2018 that met the former CIV threshold of more than \$20 million will remain with the Regional Planning Panel for determination. The proposed development has a capital investment value of \$27,852,010 and is identified as regional development for the purposes of the SEPP. The Hunter and Central Coast Regional Planning Panel is therefore the determining authority for this application.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The aims of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) are to encourage the provision of housing (including residential care facilities) that will:

- *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- *make efficient use of existing infrastructure and services, and*
- *be of good design.*

These aims will be achieved by:

- *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

An assessment has been undertaken against the main relevant requirements of the Seniors Housing SEPP for the proposed residential care facility and is provided in **Attachment 3**. The proposed development complies with the aims of the policy with the exception of the topmost ceiling height stipulated in clause 40.

Clause 40 prescribes several minimum site and design related development standards. The proposal complies with the development standards for site size (clause 40(2)) and site frontage (clause 40(3)) however does not comply with the height controls in clause 40(4)(a) and (b) which states as follows:

40(4) *Height in zones where residential flat buildings are not permitted*

If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) *the height of all buildings in the proposed development must be 8 metres or less, and*
Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).
- (b) *a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

- (c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

Height is defined in Clause 3 of the Seniors Housing SEPP as follows:

***Height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

The proposal has a topmost ceiling height of 10.95m. The site has a ground level of RL 4.10m AHD and the ceiling of the topmost floor is at RL 15.01m AHD and is three storeys in height. In this regard, it is expected that there will be some roof forms above the 8m ceiling height limit. The variation to the development standard is 2.95m; a variation of 36.87%.

In accordance with clause 40(5), Thompson Health Care is a registered social housing provider and as a consequence clause 40(4)(c) does not apply to the proposed development.

The applicant has submitted a request to vary the development standard of clause 40(4) (a) and (b) in the Seniors Housing SEPP under Clause 4.6 of *Gosford Local Environmental Plan 2014* (GLEP 2014).

Exception to Development Standards

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the maximum topmost ceiling height and two storey development standard in clause 40(4)(a) and (b) of the Seniors Housing SEPP. The subject site is located on land zoned R2 Low Density Residential under GLEP 2014 where residential flat buildings are not permitted.

The proposed residential care facility:

- Has a ceiling height of 10.95m (RL 15.05m AHD) above natural ground level (RL 4.10) (a variation of 36.87%) thereby exceeding the maximum permitted 8m building height development standard of Clause 40(4)(a).
- Is three storeys in height thereby exceeding the maximum permitted two storey building height development standard of Clause 40(4)(b).

A copy of the clause 4.6 variation is included as **Attachment 2**.

The Applicant's written request to vary the maximum building height development standard concludes the following:

- *The proposal raises no adverse matters of significance for State and regional environmental planning.*

- *The proposal achieves the aims of the Seniors Housing SEPP to increase the supply and diversity of housing for seniors or people with a disability.*
- *The proposal would not undermine planning objectives for the locality and would not result in an abrupt change in the scale of development in the streetscape.*
- *The proposal would not cause unreasonable amenity impacts on neighbouring land uses.*
- *The proposal is consistent with the objectives of the 8m topmost ceiling height and two storey development standard of the Seniors Housing SEPP and the R2 Low Density Residential zone notwithstanding the variation sought to the maximum height.*
- *The request seeks flexibility in applying the standard because of the limited environmental impacts, and would result in a development of low visual/scenic impact as it is effectively screened by surrounding bushland vegetation retained in the site and retains the existing bushland streetscape of the Hillview Street frontage with sufficient environmental planning grounds to justify the contravention of the standard.*
- *The request will allow for flexibility to relax the development standard in this circumstance, given the public benefit of providing additional well-serviced high care nursing home accommodation in a location well served with infrastructure and services, in a manner which ensures the continuing protection of the remnant woodland vegetation Umina Coastal Sandplain Woodland) present on the subject site. This will achieve a better planning outcome than if compliance with the development standard was required.*

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

1. *The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).*

Comment:

The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council* [2007] NSW 827) and how there are sufficient environmental planning grounds to justify the contravention. Council is satisfied that the matters required to be demonstrated in subclause 4.6(3) have been adequately addressed for the variation to the height development standard of Clause 40(4) (a) and (b) of the Seniors Housing SEPP.

2. *The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Comment:

The Seniors Housing SEPP does not provide specific objectives on the intent of the height controls in Clause 40(4)(a) and (b). However, an explanatory note to Clause 40(4)(b), limiting the height of a building adjacent to the boundary of a site to two storeys indicates that *"The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape."*

Therefore, the intent for seniors' housing development in areas where residential flat buildings are not permitted is to ensure that the development does not dominate the streetscape by virtue of its scale and bulk and is consistent with the character of the area.

The site had a previous approval for a two storey development containing 55 units. The application proposes increasing this to 160 units and the FSR from 0.55:1 to 0.78:1.

It is acknowledged that the building footprints are similar however the visual bulk of the amended application is significantly greater. The approved application appears as a two storey building with some areas of pitched roofs to disguise the profile. The amendment proposes a flat roofed three storey building up to 98m long on the west elevation that emphasises the uniform visual bulk.

In this instance this is considered acceptable. The choice of materials divides the elevation into three sections with sandstone cladding in the centre of the building and both end sections in dark grey face brick divided by lighter projecting three level bay windows. This breaks up the continuous length and the dark brick and vertical bays in particular providing tonal contrasts that blend with the adjoining bushland to further disguise the scale of the building.

Other elevations are divided or much shorter but use similar projecting windows and materials to disguise scale, add visual interest and provide a high quality appearance at ground level.

Figure 7 in this report provides a comparison of the approved development height to the proposed building height. The Architectural & Site Analysis Report prepared by Thrum Architects, dated 3 October 2018 provides a comparison between the bulk and scale of the approved development (DA30129/2006) and the proposed development. In summary:

- The approved development has two prominent high roof elements that are at RL 15.920m AHD, 12.94m above the existing ground line of the site and are 280mm higher than the main horizontal roof line of the subject building.
- The proposed development has only one small pitched roof element that has its ridge higher at RL 17.194m AHD than that of the approved development, being a height of 13.194m, a difference of only 290mm and confined to a very small single localised position only.
- The average height of the surrounding tree canopies is approximately 3m-4m higher than the peak roof line with an overall height of 18m to 19m above ground level.

The site characteristics enable the proposed three storey building to be screened from the public domain by the bushland protection area occupying most of the site. The proposed building will occupy substantially the same building footprint and building height (although proposes a three storey building) as the approved two storey seniors housing on the land.

Extensive building separation distances of 40m are proposed to the adjoining residences, adjacent to the northern boundary of the site and comprises 25m of the Bushland Management Zone. The separation distance will allow sightline to open sky and despite the height, bulk and scale of the building, the existing residential development will continue to enjoy the aesthetic benefits of having generous quantity open space around them.

The proposed landscaping treatment and Bushland Management Zone provides effective visual screening to the public domain and surrounding development and does not impact adversely on the residential amenity of neighbours.

On balance it is considered that despite the continuous length of the eastern elevation, the visual scale and built form is acceptable and when combined with the large landscaped setbacks will not result in any detrimental impacts on adjoining sites or the public domain.

The clause 4.6 request submitted by the Applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the Applicant has demonstrated compliance with these objectives such that the proposal is in the public interest.

3. The concurrence of the Secretary has been obtained.

Comment:

Planning Circular PS 18-003 issued 21 February 2018 states that the Regional Planning Panel may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The Regional Planning Panel is therefore empowered to determine the application.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90

The clause 4.6 request submitted by the Applicant appropriately addresses the relevant principles and exhibits consistency with the relevant state and local planning objectives.

This assessment concludes that the clause 4.6 variations are well founded and are worthy of support.

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning & Permissibility

The site is zoned R2 Low Density Residential under *Gosford Local Environmental Plan 2014* (GLEP 2014) as shown in Figure 10.



Figure 10 - Zoning Map

The proposed development is defined as **seniors housing** under the provisions of the GLEP 2014. The proposed development is permissible in the zone with consent of Council.

The definition of **seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital

The proposed development is a 'residential care facility' under the definition of seniors housing.

The proposal is also permissible on urban land with consent under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP).

The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To ensure that development is compatible with the desired future character of the zone.*
- To encourage best practice in the design of low-density residential development.*
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*

The proposed development does not comprise a low density residential development. However, the proposed development is compatible with surrounding low density residential environment as follows:

- The proposal for seniors housing provides for the future housing needs of the community by providing aged and disabled accommodation and residential care facilities to facilitate ageing in place for residents within the Peninsula area.
- The limited availability of flat accessible land on the Woy Woy Peninsula necessitates that existing facilities of this type maximise the amount of land that is available. The proposal provides additional capacity for high care nursing home accommodation on the Woy Woy Peninsula.
- The site characteristics enable the proposed three storey building to be generally screened from the public domain by the Bushland Management Zone occupying most of the site. Extensive building separation distances are proposed to the only adjoining low density residential development, adjacent to the northern boundary of the site. The proposed building will occupy substantially the same building footprint and building height, although proposes a three storey building, as the approved two storey seniors housing on the land.
- The proposed development is considered to be compatible with the desired future character of the zone. The proposed landscaping treatment and bushland protection area provides effective visual screening to the public domain and surrounding development and does not impact adversely on the residential amenity of neighbours.

Principal Development Standards

The table below summarises the compliance of the proposal with the relevant development standards of GLEP 2014.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of Buildings	8.5m	10.95m	No	-	SEPP Seniors Housing overrides local planning controls See Comments below
4.4 – Floor Space Ratio	0.5:1	0.78:1	No	-	

In accordance with the Height of Buildings map and Floor Space Ratio map the proposed development will exceed the maximum height and floor space ratio development standards. The proposed development has been lodged pursuant to the provisions of the Seniors Housing SEPP. The height of building and floor space ratio controls of the Seniors Housing SEPP prevails over local planning controls to the extent of any inconsistency.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 4 Acid Sulfate Soils.

The site is approximately 4m AHD and located remote from the coastal foreshore, therefore significant acid sulfate soils are unlikely to be encountered. Further, the proposed development involves basement construction at the same level (RL 2.200) as the basement approved under Consent 30219/2006. The proposed new basement is significantly reduced in area compared to the currently approved basement. The proposed reduced basement excavation works are not considered to impact on potential Acid Sulfate Soils to any greater degree than the current development approval.

Notwithstanding this, a condition of consent is recommended to cease works should Acid Sulfate Soils be identified and details of mitigate and treatment measures are provided and approved by the Principal Certifying Authority, refer Condition 4.8.

7.2 Flood planning

The land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level.

The site is affected by the Woy Woy Peninsula Flood Study and Council's Flood Management Policy. In this regard, minimum habitable or non-habitable floor levels are to be at or above the flood level of 4.5m AHD. The proposed ground floor level of 5.1m AHD will comply with the minimum floor level.

All access roads and driveways, and external parking areas are to be above the PMF flood level of 4.4m AHD. Entry and exit driveways and roadway crest level of access to basement car parking to be minimum 4.5m AHD.

The proposed development has been reviewed by Council's Engineer and the development is considered satisfactory in respect to clause 7.2 of Gosford Local Environmental Plan 2014.

s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan

Draft Development Control Plans

Draft Central Coast Development Control Plan 2018

The application has been assessed under the provisions of the *Draft Central Coast Development Control Plan 2018* currently on exhibition with the *Draft Central Coast Local Environment Plan 2018*.

The development application for seniors housing is lodged pursuant to the Seniors Housing SEPP which prevails over local planning controls to the extent of any inconsistency. The assessment concluded the proposal is consistent with the *Draft Central Coast Development Control Plan 2018*.

Gosford Development Control Plan 2013 (GDCP 2013)

Chapter 2.1 Character

The site is located within the 'Scenic Buffer (Future Residential) character precinct of Woy Woy of *Gosford Development Control Plan 2013* (GDCP 2013) Chapter 2.1 Character. However, the existing and desired character statements describe the area as being within a 'Scenic Conservation' character precinct which relates to public reserves and three parcels of land under Council's care control and management.

The character statements have no practical application to the land for seniors housing - residential care facility, other than to management of public reserves adjoining the site. Notwithstanding this, the proposal is considered to comply with the objectives of Chapter 2.1 Character which are to protect and enhance environmental character of the development site and the surrounding area whereby the development displays improved standards of scenic, urban and civic design quality.

Much of the surrounding existing and likely future context is predominantly single residences of one to two storeys on individual blocks. The application however is located on a large site fronting Hillview Street on the east with the golf course on the opposite side. To the west is a 25 metre wide creek reserve with a school beyond this. There is an 18 metre wide woodland reserve on the south facing Vernon Road on the south. It is acknowledged that the site to the north is occupied by single residences but the proposed building is separated from this by a 25 metre deep Bushland Management Zone.

The proposed development involves the construction of a three storey building, which will be extensively set back from Hillview Street and the neighbouring residential development to the north and will be generally screened from view by the surrounding bushland conserved within the site. The maximum height of the proposed development sits below the maximum canopy height of surrounding trees within the site and consequently the proposed development will not be visually prominent in the surrounding landscape.

The contribution of remnant vegetation within the subject land to the naturally vegetated streetscape character of Hillview Street is retained intact as the proposed development is contained within the previously approved "development area" which is delineated on land title and does not result in any further loss of remnant bushland within the site. The protection of bushland within the dedicated site conservation area is secured by restrictions on title imposed under DP 1123934.

The proposal has characteristics of a medium density residential development in a generally low density residential environment, the floor space ratio provisions of the Seniors Housing SEPP permits seniors housing development on the subject land having a maximum FSR of 1:1. As the proposed development has a floor space ratio of 0.78:1, it is considered acceptable from a residential density and development character perspective.

An amended landscape plan provides the use of suitable native species. The Corkwood Tree located in the middle of the site is to be removed as recommended by the Arboricultural Assessment prepared by Advanced Treescape Consulting, dated 20 September 2018. The tree is to be replaced with a suitable species, *Eucalyptus robusta*.

Chapter 2.2 Scenic Quality

The proposal is located within the Peninsula geographic unit and the Woy Woy/Umina, Woy Woy Bays landscape unit, which is of local significance.

The principle aim of the Scenic Quality Development Control Plan is to provide guidelines for the interpretation and management of the scenic quality of the area and provides for the following objectives:

- i to provide a detailed assessment of Gosford's landscape character which highlights the diversity between and within landscape units;*
- ii to detail the components of that landscape character;*
- iii to provide a comparative ranking of the landscapes; and*
- iv to develop appropriate guidelines for the management of the landscape character.*

The proposed development is consistent with the relevant development objectives as it will not have an adverse impact on the Brisbane Water Escarpment which forms a vegetated backdrop to the locality and the subject site is visually capable of accommodating the proposed development as the existing vegetated streetscape of Hillview Street and the identified bushland protection area within the site will be retained.

Chapter 6.6 Preservation of Trees or Vegetation

The vegetation on the site is identified through two disturbance regimes:

- Cleared: Previously cleared in accordance with DA30219/2006 and forms the building footprint for the new proposal.
- Intact remnant vegetation mapped by Bell (2009) as E33bi *Umina Coastal Sands Woodland* commensurate with Endangered Ecological Community (EEC) *Umina Coastal Sandplain Woodland* (Schedule 2 of the Biodiversity Conservation Act 2016). This vegetated area is considered to be in good condition.

The EEC is protected under a Bushland Plan of Management. The site is subject to a restriction of use and public positive covenant requiring the area marked A' on DP 1123934 to be maintained in accordance with the Bushland Plan of Management prepared by Anne Clements & Associates Pty Limited dated 15th June 2007. The balance of the site, including the access handle to Hillview Street, is unrestricted and available for the seniors housing development currently permitted under DA30219/2006 and the seniors housing development now proposed under DA53784/2018.

Currently, the internal boundary of the Bushland Management Zone has sediment fencing; the external boundary has post and wire fencing. There are no footpaths evident within the Bushland Management Zone.

A small amount of additional clearing is proposed exceeding that stated in the original consent DA30219/2006, trimming of overhanging vegetation and removal of a large *Endiandra siebri* (Corkwood) is to be cleared as part of the proposal, this is to be replaced. The site visit by Council's Ecologist confirmed the Corkwood tree is in declining condition.

The application is supported by the following reports and conclusions:

1. Flora & Fauna Assessment Report, Ref: 8047 prepared by Conacher Consulting Pty Ltd, dated October 2018:

- Due to the position of the site in the context of the surrounding landscape, the Flora & Fauna Report concludes that the habitats within the site are not likely to be of significant importance to the long-term survival of the threatened species, populations or ecological community within the locality. The proposal is not likely to have a significant effect on threatened species, populations or ecological communities or their habitats.
- The proposal will require the removal of 0.12 ha of EEC vegetation and retain approximately 0.65 ha within the site. The clearing limited to within the previous approved development envelope and boardwalk location within the site which currently contains some vegetation, however is subject to a current approval for clearing and transplantation of the existing grass trees. The grass trees will also be transplanted within the site as part of the current proposal, refer Figure 2 – Site Survey.
- The change in roof line being overall slightly higher than the approved development will have some overshadowing impacts to the west of the development in the mornings and to the south of the development throughout the day during the winter months, however the impact is significantly reduced during the equinox. The overshadowing impact is generally consistent to the overshadowing impacts of the approved development under Consent 30219/2006. Winter generally coincides with slower plant growth. It is considered the proposed third floor will not significantly increase adverse impacts associated with the shadowing on the retained or surrounding vegetation.
- Suitable protection fencing will be utilised during construction of the proposal to prevent trampling. The boardwalk to be constructed through the conservation zone areas will assist with access and prevent trampling once operational.
- Some trimming of tree branches overhanging the conservation zone is likely to be required.
- An erosion and sediment control plan is to be implemented and construction wash down zones are to occur outside of the Bushland Management Zone and contained to the development footprint.
- The Bushland Plan of Management is to continue to be implemented for the site. Suitable native plantings and non-invasive ornamental species are proposed for the landscaped area in the amended Landscape Plan prepared by Conus Landscape Architects. This will prevent future incursions of exotic landscape species into the Bushland Management Zone of the site.
- The Corkwood tree will be removed due to deteriorating health and replaced with an advanced *Angophora costata*. The removal of the tree is recommended by Advanced Treescape Consulting in the Arboricultural Assessment dated 20 September 2018. The tree

contains three hollows which will be compensated for by the installation of six fauna nest boxes within the site.

- It is considered the proposal is not likely to substantially and adversely modify the composition of the *Umina Coastal Sandplain Woodland* such that its local occurrence is likely to be placed at risk of extinction.

2. Arboricultural Assessment, Ref: 18-201, prepared by Advanced Treescape Consulting, dated 20 September 2018:

- An assessment was carried out in relation to the Corkwood Tree located towards the centre of the site.
- The site originally contained an interlocking canopy of large eucalypts covering the site. Before any clearing on the site this tree was previously a mid-story canopy tree with the large eucalypts providing adequate shade for the species. The approved development application works (DA30219/2006) has already had a significant impact on the Hard Corkwood Tree. This tree is now a dominant tree. The crown of the tree has visibly declined since the last site inspection (03 August 2017). Its useful life expectancy has been dramatically reduced.
- The construction of the approved development or the proposal will increase the impact on the tree and will contribute to the senescent state it is already in.
- The assessment recommends the removal of the Hard Corkwood Tree and replacement with a similar species; an advanced *Angophora costata*.

Comments:

- Council's Ecologist has reviewed the proposed replacement species of an *Angophora costata* as replacement to the removal of the Corkwood Tree, it is noted that no *Angophora costata* are identified on the site. The Determination for *Umina Coastal Sandplain Woodland* states this species occurs within this community greater than 2km from the beach. As the location of the site is within 2km of the beach *Angophora floribunda* may be a more suitable species. The applicant has addressed Council's request to change the species and a *Eucalyptus robusta* is to be used as a replacement.
- The setbacks of the building footprint from the bushland area are not specified. Consideration has been given to construction methods and processes without harming the Bushland Management Zone. Conditions of consent are recommended.
- Landscape plans have been modified to include native species; these species are native to the area and are consistent with EEC *Umina Coastal Sandplain Woodland*.
- The Bushland Management Zone as identified on the architectural plans is in good condition with less than 5% weed coverage within the internal boundaries. Monitoring and maintenance of the bushland area is to be included within any landscaping plans as an ongoing maintenance task and reports sent to Council's ecologist on the 30 June each year in perpetuity.
- Bushfire management is required under the Bushland Plan of Management to be assessed each August to ensure fuel loads are kept to below 8t/ha. This is an adequate assessment method. Monitoring and maintenance included within any landscaping plans as an ongoing maintenance task in perpetuity.
- The previous approved consent DA30219/2006 included the construction of raised footpaths (identified as elevated timber boardwalk on the architectural plans) within the Bushland Management Zone. These were initially assessed in the Species Impact Statement as cleared used paths, since the 2007 these paths have revegetated. No machinery is likely

to enter the Bushland Management Zone. Conditions of consent are recommended to use hand tools during construction of the raised footpaths.

- Conservation fencing is recommended in the form of a wooden log type bollard, refer Figure 11, and chain fence along the boundary of the area identified on the approved plan as being Bushland Management Zone. Signage is also to be erected identifying the area as an environmental protection area.



Figure 11 - Example of bollards

Council's Ecologist has assessed the ecological impact of the proposed development in accordance with section 4.15 of EP&A Act, former planning provisions under section 5A of the EP&A Act and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The development application was lodged on 13 February 2018 and therefore impacts to biodiversity values are assessed in accordance with the former planning provisions (i.e. section 5A of the EP&A Act), pursuant to the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. No objection is raised to the proposal, subject to conditions.

Chapter 6.7 Water Cycle Management

A Water Cycle Management Report and plans, and Erosion Sedimentation Control Plan have been submitted and reviewed by Council's Development Engineer. Drainage connection is required to Council's stormwater system located within the public land (drainage reserve) Lot 2 DP 608139, No. 169 Veron Road, Woy Woy.

The proposal is satisfactory in relation to water cycle management. No objections are raised by Council's Engineer, subject to conditions.

Chapter 7.1 Car Parking

Car Parking

Chapter 7.1 of GDCP 2014 does not provide a required car parking rate for seniors housing. However, the proposed development complies with the parking rate required for the proposed

development by the Seniors Housing SEPP, clause 48(d) being a development standard that cannot be used as grounds to refuse consent for residential care facilities. Clause 48(d) stipulates the proposal requires a minimum of 34 car spaces, based upon 160 beds and the presence of 36 peak time staff. The proposed development provides 53 car spaces, comprising 50 general car spaces, 3 accessible car spaces and an ambulance bay.

The vehicle access from Hillview Street is located within the site development area and does not impact on the Bushland Management Zone identified on the land title under DP 1123934.

Traffic Impact Statement

A Traffic Impact Statement prepared by SECA Solution, Ref: P0775 TA Hillview Street Woy Woy, dated 8 February 2018 supports the proposed development and concludes the following:

From the site work undertaken and the review of the development proposal and associated plans against the requirements of the RMS Guide to Traffic Generating Developments and Austroads Guide to Traffic Management, it is considered that the proposed development application should have no objections raised on traffic and access grounds. The additional traffic movements generated by the development are well within the capacity of the local roads and will have an acceptable impact on the surrounding road network.

Parking provided on site is consistent with the parking demands outlined within the SEPP (Housing for Seniors or People with a Disability) 2004 and is appropriate for the use on site.

Access to the site is consistent with the requirements of AS2890 and the Gosford Development Control Plan with a loading dock management plan to provide direction on vehicle controls associated with site servicing.

The Traffic Impact Statement has been reviewed by Council's Traffic Engineer and no objections are raised to the proposal. A loading dock management plan is required to be prepared and submitted to the Principal Certifying Authority prior to the issue of any construction certificate, refer Condition 2.10.

Installation of Bus Stops in Veron Road

Busways is the local bus operator for this area. It provides a single service through this location, Route 57: Umina Beach (west) to Woy Woy which offers hourly services throughout the day with more frequent services during the peak periods.

Whilst the proposal generally satisfies the requirements of the Seniors Housing SEPP under clause 26 – *location and access to facilities* for access to a bus route that provides an hourly service, pedestrian facilities provided in Hillview street and Veron Road are to bus stops on the southern side of Veron Road, although are within the required 400m, there is no bus stop on the same side of Hillview Street as the development site.

The applicant has obtained in writing a commitment from Busways Group Pty Ltd that the company will install a bus stop on each side of Veron Road adjacent to the development site on completion of the development; approximate location of the bus stops are indicated in Figure 12.



Figure 12 – Bus Stop location (blue circle)

A footpath will be required to be constructed to the northern side of Veron Road from the existing footpath in Hillview Street up to and across the full frontage of the bus stop to be provided in Veron Road, refer Condition 5.14.

The proposal is consistent with the parking provisions of Seniors Housing SEPP and will not have any significant impact on the capacity of the local road network.

Chapter 7.2 Waste Management

The proposal has been assessed in accordance with the provisions of the former Gosford City Council Waste Management requirements. Conditions of consent are recommended for the ongoing waste management storage and servicing.

The submitted Waste Management Plan dated 22 December 2017 and 1 October 2018 by Thrum Architects significantly underestimates or does not provide Construction waste estimates. Therefore a Waste Management Plan is to be submitted and approved by the certifying authority prior to the issue of a construction certificate, Refer Condition 2.9.

Waste servicing is proposed by a private commercial waste contractor. Waste servicing is to be in accordance with the swept turning paths indicated on Dwg No 16077-CI-020, revision 3 dated 30 July 2018 prepared by Cubo Consulting Pty Ltd and correspondence dated 30 July 2018 certifying the waste vehicle design and capability to AS2890.2.

The proposal requires preparation and approval by the Certifying Authority of a Loading Dock Management Plan as outlined in the Traffic Report by Seca Solutions dated 8 February 2018 to outline how vehicles are controlled and how inbound vehicles will be held whilst service vehicles are exiting the site, Refer Condition 2.10.

s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

a) Built Environment

The subject site is zoned R2 Low Density Residential under GLEP 2014 and adjoins residential developments to the northern site boundary comprising single dwellings, Council drainage reserve zoned for public recreation to the western and southern boundary.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the Seniors Housing SEPP and GDGP 2013 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Hillview Street as the proposed development is generally located within the footprint of the approved development under DA30219/2006 and is extensively set back from Hillview Street and screened from the public domain by existing vegetation.

The contribution of remnant vegetation within the subject land to the naturally vegetated streetscape character of Hillview Street is retained intact as the proposed development does not result in any loss of bushland within the site, which is protected within the dedicated conservation area, secured by restrictions on the use of the land imposed under DP 1123934.

The maximum height of the proposed development at three storeys is located below the prevailing canopy height of the retained bushland vegetation located within the site and surrounding the proposed development.

There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

The proposed development provides for employment growth in both the Health Care and Social Assistance Sector and the Construction sector, initially generating short term construction employment and thence providing approximately 100 direct full time and part time jobs in the operation of the facility. Employment multipliers will occur with regard to externally provided medical and pharmacy services, the provision of maintenance services; the provision of services to care for residents of the nursing home once operational, and the provision of kitchen food supplies, general goods and services.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide much needed high care nursing home accommodation (including 20 dementia beds) on the Woy Woy Peninsula and

provide economic multipliers in the form of additional employment in construction and the provision of services to care for residents of the nursing home once operational.

The *Gosford Community Strategic Plan 2025* indicates that the former Gosford LGA continues to experience a dual pattern of population growth, with older people attracted for retirement and families drawn by an affordable coastal lifestyle, whilst still having access to the Sydney Metropolitan Area. The strategic plan forecasts population of Gosford to increase by 15,238 persons to around 182,000 (in 2031) and that the number of people aged over 60 is expected to increase to 50,923 (in 2031) which will be over a quarter of the total population.

The *Central Coast Structure Plan 2036* indicates (*Goal 4: A variety of housing choice to suit needs and lifestyles*) that the demographic trend towards smaller households and an ageing population will fuel the need for greater housing diversity in locations with good access to transport, health and community services and more affordable housing. Providing a variety of housing types will allow people to age-in-place and maintain their connections with social networks and family

The Applicant provides the following statistics in relation to increase in aging population:

A dramatic increase in the number of Australians turning 65 over the next 20 years is an established demographic trend. The over 65s make up 15% of the national population today and forecasts project that this cohort will make up 17% in 2024 and by 2044, 1 in 5 Australians (20%) will be aged over 65. The over 85s (where there an even greater need for aged care services) are growing at an even faster rate. In 2044 there will be 1.2 million more Australians aged over 85 than there are today.

To support this growing seniors demographic, there needs to be a large corresponding increase in the supply of purpose built seniors housing in all regions, particularly the Central Coast. The proponent for the development, Thompson Health Care is an established provider of high care residential accommodation for seniors.

The proposal will provide positive social impacts as follows:

- Increasing the supply and choice of high care seniors housing close to where people want to live, thereby avoiding seniors from being displaced and forced to move away from the communities that they know,
- Providing age-suitable housing which reduces the incidence of home injuries, (in housing which may not be age appropriate) thereby lessening the burden on the medical system;
- Providing dignity, certainty and security to the most vulnerable people in the community when they need it most,
- Providing residents with the highest standards of professional care, a comfortable and secure environment, privacy, dignity and participation in daily decision makings,
- Providing passive and active surveillance within the site to provide safety and security for residents, staff and visitors. Entry/exit to the building is via one central location to enable entry/exit to the facility to be controlled and monitored.

s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development

The site is zoned R2 Low Density Residential under GLEP 2014. Seniors Housing is permissible under the Seniors Housing SEPP and in the R2 Low Density Residential zone under GLEP 2014.

A review of Council's GIS Mapping data reveals the following potential constraints:

- Acid Sulfate Soils – The subject site is identified as containing Class 5 Acid Sulfate Soils. The site is considered low risk and the proposed works are not considered to impact on Acid Sulfate Soils.
- Flooding – The site is affected by the Woy Woy Peninsula Flood Study and Council's Flood Management Policy. In this regard, minimum habitable or non-habitable floor levels are to be at or above the flood level of 4.5m AHD. The proposed ground floor level of 5.1m AHD will comply with the minimum floor level. All access roads and driveways, and external parking areas are satisfactory in relation to flooding impacts.
- Ecologically Endangered Community *Umina Coastal Sandplain Woodland* - The proposal will protect the EEC vegetation within the subject land and does not result in any loss of bushland within the site, which is protected within the dedicated conservation area, secured by restrictions on the use of the land imposed under DP 1123934.

As such the site is considered suitable for this type of development subject to conditions of consent relating to flooding impacts, the provision of landscaping and protection of the EEC vegetation.

s. 4.15 (1)(e) of the EP&A Act: The Public Interest

The approval of the application is considered to be in the public interest.

- The proposal will generate social and economic benefits for the community by providing much needed high care nursing home accommodation for the elderly;
- It will not have any adverse impact on the natural environment as the proposed building footprint is smaller than the approved building footprint under DA30129/2006 and will retain the *Umina Coastal Sandplain Woodland* which is protected by covenant on title; and
- It will not unreasonably impact the amenity of neighbouring properties.

Other Matters for Consideration

Water Management Act 2000

The site adjoins at its western boundary, a drainage reserve, Lot 2 DP 608139 No. 169 Veron Road. There is potential for works to occur within 40m of the creek line in the drainage reserve and drainage connection is required to Council's stormwater system located within the public land.

The works may constitute a controlled activity under the Water Management Act 2000. The proposal was not lodged as Integrated Development under the Water Management Act 2000 and was not referred to the NSW Government, National Resources Access Regulator. The impact of the works on the creek and riparian area required of the development is unknown. A condition of consent is recommended to obtain a Controlled Activity Approval under the Water Management Act 2000, refer Condition 2.17.

Crime Prevention through Environmental Design (CEPTED)

The proposed development is for high care seniors housing and will incorporate security measures to minimise the opportunity for crime through provision of adequate lighting of surrounds and the basement car park, signage and CCTV.

A condition of consent is recommended to apply CEPTED principles including a condition to operate external lights so as not to cause a nuisance or adverse impact on the amenity of adjoining properties whilst minimising overspill into the Bushland Management Zone, refer Condition 6.1.

Construction Management

A Construction Environmental Management Plan (CEMP), including a Traffic Management Plan (CTMP), Vehicle Movement Plan and Traffic Control Plan will be prepared and submitted to the certifying authority which will detail environmental management, waste and stockpile management, erosion and sediment control plan, traffic management. Council is not required to approve these plans, refer Condition 2.11.

Section 7.11 Contributions

The subject site is located within Development Contribution Plan CP 31 Peninsula. The proposed development is a development type that is not subject to section 7.11 development contributions under the Contribution Plan. Therefore, no contributions are applicable.

Planning Agreements

The proposed development is not subject to a planning agreement / draft planning agreement.

Political Donations

During assessment of the application there were no political donations were declared by the Applicant, Applicant's consultant, owner, objectors and/or residents.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for **approval** pursuant to section 4.16 of the Environmental Planning and Assessment Act.

Attachments

1. Conditions of Consent, ECM Doc No. IR 26472856
2. Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(a) and (b) Height State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, ECM Doc No. 26409260
3. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Compliance Table, ECM Doc No. 26472858
4. Architectural Plans, ECM Doc No. 26256363
5. Landscape Plans, ECM Doc No. 26256368