

## RECORD OF DEFERRAL

### HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	Thursday 24 January 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Kara Krason, Michael Leavey & Cr Kyle MacGregor
<b>APOLOGIES</b>	Cr Chris Burke
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Central Coast Gosford Office on 24 January 2019, opened at 4:00pm and closed at 6.55pm.

#### MATTER DEFERRED

2018HCC008 – Central Coast Gosford Office – DA53784 at 45 Hillview Street Woy Woy (as described in Schedule 1)

#### REASONS FOR DEFERRAL

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to defer the development application for subsequent determination, which may be by electronic means.

The decision was to defer 3:1 in favour, against the decision was Cr Kyle MacGregor.

The Panel was supportive of the use for the site.

While there is an approved Senior Housing development for the site which has commenced, on advice from Council, the application needed to be assessed on its own merits.

The following comments represent the majority view of the Panel.

Conceptually, the Panel was supportive of the proposal, for the following main reasons:

- While the proposed building includes some significant height non-compliances, the nature of the site and proposal was unique. The proposal was well below the FSR density control which regulated bulk, and a smaller footprint building and an additional storey on a site with high bushland conservation values was conceptually sound.
- The site itself is unique. It is large, well vegetated, removed from residential development and surrounded by roads or reserves which significantly reduce the visual and amenity impacts related to building height and bulk on neighbouring land. The large site size and the location of the building envelope relative to retained bushland also provides significant landscaped setbacks to public land and the streetscape, to help mitigate the visual impacts of the building upon the streetscape. These factors help avoid an abrupt change in scale in the streetscape, being a core objective of the height limits in the applicable State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004 ("Seniors Housing SEPP").
- The use was suited to the site and will provide services and social benefits to the ageing community and a service which is needed in the region.
- The development is essentially contained within the cleared area of the site. The removal of a corkwood tree and its replacement with an appropriate native tree was supported by Council's landscape and ecological experts, and the applicant's arborist, and the tree is in declining health.

- The use has limited traffic and parking impacts and the access arrangements are appropriate.
- There are no significant amenity impacts on surrounding land

Despite conceptual support, there were a number of factors which required or warranted additional information or changes prior to determining the matter. These included:

- The need for more time to properly consider a CI 4.6 amended submission and Council's response, which was received just prior to the meeting commencing (relating to Clause 40(4)(c) of the Seniors Housing SEPP);
- The need to verify the requirements of Clause 7.1 of the Gosford Local Environmental Plan 2014 ("the LEP") have been met;
- The need to ensure that current obligations regarding the bushland conservation outcome have been met and the bushland conservation outcome related to the proposal is equivalent or better than the existing approved regime;
- To potentially remove the boardwalk from the conservation lands, which the applicant verbally supported;
- To consider additional conditions including a commitment to provide a 16 seater bus to occupants of the aged car facility (in addition to bus stops);
- Opportunities to improve the indoor-outdoor relationship for residents and visitors, and passive recreation on site.

These matters warranted deferral of the application for subsequent determination, which may be by electronic means.

In terms of considering community views, the Panel generally agreed with the summation and response by Council staff within the assessment report, although noting the comments above. There were also late submissions asking for the Panel meeting to be postponed due to the time of year. This was considered, however, the date in January was not unreasonably close to the Christmas holiday season, Operating Procedures had been followed and the Council assessment report was available for longer than the required period. The attachments to the Council report were essentially applicant documents available during the previous public exhibition. The Panel was satisfied procedural fairness had not been unduly compromised.




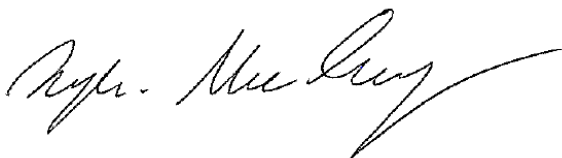
Cr Kyle MacGregor disagreed with the majority decision for deferral, having a view that the application should be refused because of his concerns over the following issues or potential issues that were discussed during the meeting. The issues surrounding the impact on the Umina coastal sand plain woodland area, of which this site is 1 of only 3 remaining sites that are on the endangered ecological communities list of the NSW Government Office of Environment and Heritage. The impact on the unique flora and fauna in this area. Unresolved issues and lack of clarity about the inclusion or non-inclusion of the boardwalk. The late submission of the 4.6 submission. The bulk and scale of the development and its contrast to local planning controls. Particularly but not limited to the significant non-compliance with height controls. Including but not limited to the ever-increasing scale of the development and number of residents and staff required on site and the impact of this on the amenity of the area and traffic and car parking issues caused by increasing the density of the development. The potential impact on the water table and flooding issues on the Woy Woy Peninsula. Cr MacGregor noted former refusals of the former Gosford City Council of the same site in the past. The removal of the corkwood tree, degradation of native vegetation and clarification of the replacement of previously removed and slated to be removed vegetation was also of concern. Finally concerns over the design and the aesthetics of the development and its contrast to the character and nature of nearby developments within the Woy Woy Peninsula.

## **TERMS OF DEFERRAL**

The development application be deferred, and both the applicant and Council staff attend to the matters below as appropriate and relevant, as soon as practicable but no later than within 6 weeks from the meeting, with a subsequent report to be prepared for consideration of the Panel, which may be by electronic means:

1. A revised Clause 4.6 Variation request to address Clause 40(4)(c) of the Seniors Housing SEPP, and Council's consideration

2. Verification the requirements of Clause 7.1 of the Gosford Local Environmental Plan 2014 ("the LEP") have been met, noting that if there are works below 2m of ground level, an ASS Management Plan is needed;
3. Written confirmation from the applicant, including and any supporting evidence, that the requirements of previous/current development consent conditions have been met for the bushland conservation outcome (including replacement planting) and a review of all previous consent conditions to ensure the obligations regarding bushland conservation, in terms of quality, management in perpetuity and funding mechanisms are met or improved in the recommended conditions;
4. To either remove the boardwalk within the conservation lands from the DA (to be subject to a future DA if desired), or provide details, given the state of the site has changed since previously approved;
5. To consider additional conditions including a commitment to provide a 16-seater bus to occupants of the aged care facility (in addition to bus stops), and any relevant requirements under the Seniors Housing SEPP;
6. Consider opportunities to improve the indoor-outdoor relationship for occupants and visitors, at both ground and first floor, and passive recreation around the site, while also seeking to improve and articulate the facades.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	 Cr Kyle MacGregor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC008 – Central Coast Gosford Council – DA53784
2	PROPOSED DEVELOPMENT	Seniors Housing – Residential Care Facility
3	STREET ADDRESS	Lot: 20 DP: 1123934, 45 Hillview Street, Woy Woy
4	APPLICANT/OWNER	Doug Sneddon Planning
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning &amp; Assessment Act 1979 – section 4.15 (EP&amp;A Act)</li> <li>Roads Act 1993 (Roads Act)</li> <li>Heritage Act 1977 (Heritage Act)</li> <li>Water Management Act 2000 (WM Act)</li> <li>Water Management (General) Regulation 2011 (WMG Regulation)</li> <li>State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19)</li> <li>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</li> <li>State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) (repealed 3 April 2018)</li> <li>State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional SEPP)</li> <li>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004 (Seniors Housing SEPP)</li> <li>Gosford Local Environmental Plan 2014 (GLEP 2014)</li> </ul> </li> <li>Draft environmental planning instruments: Draft Central Coast Local Environmental Plan 2018 (CCLEP)</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Gosford Development Control Plan 2013 (GDCP 2013) <ul style="list-style-type: none"> <li>Chapter 2.1 Character</li> <li>Chapter 2.2 Scenic Quality</li> <li>Chapter 6.6 Preservation of Trees or Vegetation</li> <li>Chapter 6.7 Water Cycle Management</li> <li>Chapter 7.1 Car Parking</li> <li>Chapter 7.2 Waste Management</li> <li>Chapter 7.3 Notification of Development Proposals</li> </ul> </li> </ul> </li> <li>Planning agreements:</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>:</li> <li>Coastal zone management plan:</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 12 December 2018. Additional Clause 4.6 variation request and Council response (just prior to meeting)</li> <li>Written submissions during public exhibition: 10</li> </ul>

		<ul style="list-style-type: none"> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – nil</li> <li>○ In objection – Norman Harris, Mark Snell &amp; Charmaine Beckett</li> <li>○ Council assessment officer – Karen Hanratty</li> <li>○ On behalf of the applicant – Doug Sneddon, Doug Thompson, Andrew Elmslie, Vince Cubis &amp; Phil Conacher</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing: Thursday 31 May 2018 and 24 January 2019</li> <li>• Final briefing to discuss council's report and recommendation, Thursday 24 January 2019, 3:30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Michael Leavey, Cr Chris Burke &amp; Cr Kyle MacGregor</li> <li>○ <u>Council assessment staff</u>: Karen Hanratty</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report