

DATE OF DETERMINATION	Friday, 29 March 2019
PANEL MEMBERS	Jason Perica (Chair), Kara Krason and Michael Leavey
APOLOGIES	Clr Chris Burke and Clr Kyle MacGregor
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 12 March 2019 and 29 March 2019.

MATTER DETERMINED

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

PANEL CONSIDERATION AND DECISION

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

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

The decision was to approve the development application, against the decision was Cr Kyle MacGregor.

REASONS FOR THE DECISION

The panel generally agreed with the environmental assessment outlined in the council assessment report(s).

The Panel was supportive of the use for the site, which was suited to the site.

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

The Panel had regard to the applicants' Clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of the Gosford Local Environmental Plan 2014 ('the LEP'). The Panel formed the view the proposal applicant's written request satisfactorily addressed the required matters within Clause 4.6(3) of the LEP. The Panel considered the proposal was consistent with the objectives of the height development standard and the objectives of the zone, and thereby in the public interest. The proposed height was both appropriate for the location and setting of the site, while the proposal resulted in a well-considered and contextually appropriate urban built form. This building bulk and height was appropriately located on a relatively unique site, including significant setbacks to the surrounding public domain, while landscaping and bushland helped to mitigate impacts associated with the building height.

The design and amenity of the building had been improved following the original Panel meeting, and appropriate conditions were included, subject to some refinement, as outlined below.

Other aspects noteworthy in granting approval included:

- Additional submitted information and details satisfactorily addressed issues raised or discussed at the Panel meeting on 24 January 2019.
- The nature of the site and proposal is 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

Cr Kyle MacGregor disagreed with the majority decision for the following reasons (consistent with his position when the DA was deferred at the Panel meeting):

Cr Kyle MacGregor disagreed with the majority decision, 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.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and Supplementary Report received Friday, 8 March 2019, subject to the following amendments:

1. adding the following additional condition 5.20:




Prior to the issue of any Occupation Certificate a Parking Management Plan is to be prepared and submitted for the Council’s approval. The Plan is to ensure an adequate allocation of off-street parking is provided and maintained for on-site staff.

2. amending Condition 6.5, as follows:

Implement the Bushland Plan of Management and submit progress reports to Council at intervals after initial works have been commenced, 6 months, 1 year, 2 years, 5 years and 10 years.

a. Restoration areas are to be maintained in perpetuity. Reports are to be prepared by the Ecologist or bush regenerator and submitted to Council detailing the progress of the bush regeneration works twice per year and any recommended additional actions, with a final report certifying completion of the Bushland Management Zone to be submitted within three years after initial works have been commenced or once the specific objectives of the plan have been met, whichever occurs first. Photo

monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	

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"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning & Assessment Act 1979 – section 4.15 (EP&A Act) Roads Act 1993 (Roads Act) Heritage Act 1977 (Heritage Act) Water Management Act 2000 (WM Act) Water Management (General) Regulation 2011 (WMG Regulation) State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) (repealed 3 April 2018) State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional SEPP) State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004 (Seniors Housing SEPP) Gosford Local Environmental Plan 2014 (GLEP 2014) Draft environmental planning instruments: Draft Central Coast Local Environmental Plan 2018 (CCLEP) Development control plans: <ul style="list-style-type: none"> Gosford Development Control Plan 2013 (GDGP 2013) <ul style="list-style-type: none"> Chapter 2.1 Character Chapter 2.2 Scenic Quality Chapter 6.6 Preservation of Trees or Vegetation Chapter 6.7 Water Cycle Management Chapter 7.1 Car Parking Chapter 7.2 Waste Management Chapter 7.3 Notification of Development Proposals Planning agreements: Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Coastal zone management plan: The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 12 December 2018. Additional Clause 4.6 variation request and Council response (just prior to meeting) Council supplementary report: 4 March 2019

		<ul style="list-style-type: none"> • Written submissions during public exhibition: 10 • Verbal submissions at the public meeting 24 January 2019: <ul style="list-style-type: none"> ○ In support – nil ○ In objection – Norman Harris, Mark Snell & Charmaine Beckett ○ Council assessment officer – Karen Hanratty ○ On behalf of the applicant – Doug Sneddon, Doug Thompson, Andrew Elmslie, Vince Cubis & Phil Conacher
8	PAPERS CIRCULATED ELECTRONICALLY	Papers were circulated electronically between Tuesday, 12 March 2019 and 29 March 2019.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report