

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	14 June 2022
DATE OF PANEL DECISION	14 June 2022
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Tony Tuxworth and Greg Flynn
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 June 2022.

MATTER DETERMINED

PPSHCC-125 – Central Coast – DA63014/2021/1 at 9-21 and 10-16 Vidler Ave, Woy Woy – alterations to health services facility (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 had the benefit of a final briefing from Council and the Applicant.

The Panel in their deliberations sort clarification of the materiality of the north western elevation and façade treatment and the landscape proposed along the common boundary, at the residential interface, for the north western boundary.

The Panel notes that the residential interface is a colourbond fence and side service yards.

The Panel is satisfied having regard to the broader character of the area that the built form relationship is acceptable – noting that the form presents as a two (2) storey form within the permitted height limit. Windows are proposed to be partly obscure at the upper level to minimise overlooking and protect privacy.

The amended landscape plans have included canopy planting into the car park. However, there is limited landscaping along the street frontages of either car park and the hospital frontage.

The streetscape surrounding the development is devoid of a tree canopy or street trees – other than one on the north eastern corner of the site.

The Panel considers that street planting is required to mitigate the open car park proposed and improve the streetscape generally. Accordingly, a condition has been included.

The proposed development is compatible with the form and scale of the surrounding development.

The impacts arising from the development are reasonable and can be adequately mitigated.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the Council Report and the additional conditions attached at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and the following reasons:

- The proposed development will provide much needed health facilities to the area.
- The impacts of the development can be appropriately mitigated.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Additional conditions require the landscape plan to be amended to include street tree planting and implementation before issue of an occupation certificate (Condition 1.3 and 5.11).
- Additional condition requiring protection of existing street trees (Condition 3.10).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Setbacks, height, and impact on neighbours to the west
- Overlooking and privacy
- Overshadowing
- Incremental and cumulative impact of hospital extensions
- Noise impacts from driveway, plant and machinery

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Juliet Grant	 Greg Flynn
 Tony Tuxworth	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-125 – Central Coast – DA63014/2021/1
2	PROPOSED DEVELOPMENT	Alterations to Health Services Facility and Additional Car Parking
3	STREET ADDRESS	9 Vidler Avenue, Woy Woy 2256 - Lot 1 DP787109 16 Dwyer Avenue Woy Woy 2256 - Lot 3 DP778360 20 Vidler Avenue, Woy Woy 2256 - Lot 2 DP778281
4	APPLICANT OWNER	Health Care Australia C/- SLR Consulting Australia Pty Ltd Australian Unity
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No. 55 – Remediation of Land (repealed) - State Environmental Planning Policy (State and Regional Development) 2011 (repealed) - State Environmental Planning Policy (Infrastructure) 2007 (repealed) - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - Draft Central Coast Local Environmental Plan 2018; - Gosford Local Environmental Plan 2014 - Draft environmental planning instruments: - Development control plans: - Gosford Development Control Plan 2013 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> - Coastal zone management plan: Nil - 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	- Council Assessment Report: 30 May 2022 - Written submissions during public exhibition: one (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 31 March 2022 <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Tony Tuxworth and Greg Flynn <u>Applicant</u>: Kale Langford and Melissa Thomas <u>Council assessment staff</u>: Erin Murphy and Salli Pendergast <u>Department staff</u>: Carolyn Hunt and Lisa Foley - Site inspections: - Sandra Hutton: 3 June 2022 - Tony Tuxworth: 6 June 2022 - Greg Flynn: 8 June 2022 - Final briefing to discuss Council's recommendation: 9 June 2022

		- o <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Tony Tuxworth and Greg Flynn - o <u>Council assessment staff</u>: Erin Murphy, Ailsa Pendergast, Emily Goodworth, Amy Magurren and Brad Deane - o <u>Department staff</u>: Leanne Harris and Lisa Foley • Applicant Briefing: 9 June 2022 - o <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Tony Tuxworth and Greg Flynn - o <u>Council assessment staff</u>: Erin Murphy, Ailsa Pendergast, Amy Magurren and Brad Deane - o <u>Department staff</u>: Leanne Harris and Lisa Foley - o <u>Applicant</u>: Melissa Thomas, Kale Langford, Stephen Sinclair, Karen Gallagher, Greg Campbell and Deb Ritter <u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

Additional condition 1.3

1.3 Submit amendments to the approved Landscape Plans to the Council for approval pursuant to the Environmental Planning and Assessment Regulation 2000 that must detail:

- a) Street Tree Planting Plan, to provide street trees plantings along the eastern and western of the Vidler Avenue frontage and northern and southern site of the Dwyer Avenue frontage for the length of the subject site that:
 - (i) Are at a generally regular 8-10m spacing
 - (ii) Are a smaller native species like Callistemon viminalis or Blue Berry Ash.
 - (iii) Are an advanced specimen (minimum 25 litre pot size)
 - (iv) Are adequately staked / protected to prevent vandalism.

Do not locate trees within an authority's underground service easement nor be closer than:

- (v) 12m from an intersection, or
- (vi) 3m from a driveway or access way, or
- (vii) 3m from a power pole.

Additional condition 5.11 (Prior to OC)

5.11 Plant street trees on the road reserve as per the Landscape Street Tree Plan to the satisfaction of Council, approved under condition 1.3.

Additional condition 3.10 (Prior to commencement of any works)

3.10 Establish Tree Protection Zones (TPZ) around the large tree on the north eastern corner of 9 Vidler Ave at its boundary with 7 Vidler Ave (to the east of car parking space 10). The distance from retained trees to the boundary of the tree protection zones can be determined by the following extract from AS4970-2009: Protection of trees on development sites:

"DETERMINING THE TPZ

The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.

TPZ = DBH x 12

DBH = trunk diameter measured at 1.4m above ground

Radius is measured from the centre of the stem at ground level."

Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: Protection of Trees on Development Sites. All required tree protection measures are to be maintained for the duration of construction works.

Sign-post fences around Tree Protection Zones to warn of its purpose.