

DATE OF DETERMINATION	11 December 2023
DATE OF PANEL DECISION	11 December 2023
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Tony Tuxworth, Greg Flynn
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 28 November 2023.

MATTER DEFERRED

PPSHCC-173 – Central Coast – DA/1260/2021/A at 315 The Entrance Road and 24-26 Gallipoli Road Long Jetty 2261 – Section 4.55(2) Modification to Seniors Housing Development (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 the meetings observed at the site inspection listed at item 8 in Schedule 1.

This application is a modification to an approval granted by the Hunter and Central Coast Regional Planning Panel (HCCRPP) in September 2022. The matter is recommended for refusal.

The Panel had the benefit of a briefing from the Council and the applicant. The applicant in their presentation to the Panel requested that the matter be deferred to allow time to address matters raised in the assessment report.

The Panel notes that the application has been amended twice since lodgement. There are inconsistencies in the documents which have made an assessment against the original plans challenging.

The applicant continues to pursue matters in respect to the applicability of SEPP 65 and 7.11 contributions – matters which were addressed and answered in the original determination. The Panels does not agree that SEPP 65 is not applicable to the development and does not agree with the applicants position on 7.11 contributions.

The introduction of larger units in the form of three (3) bedroom units is supported – noting that the applicant indicates that this is in response to market conditions – a reason also provided for the original mix. While provision of baths in one of the bathrooms has been proposed, the Panel questions whether this is absolutely necessary while acknowledging the choice it provides to future residents.

The Panel agrees that the FSR is proposed to increase by 388m² and remains compliant with the FSR development standard.

The modification results in an additional nine (9) bedrooms and larger units which has resulted in a number of discrepancies with the ADG requirements.

The original approval provided good amenity, storage and carparking appropriate to the future demographic.

The Panel is not supportive of modification applications that result in diminution of amenity and design outcomes when compared against the original approval. The application currently reduces the amenity outcomes of the original approval and would potentially warrant refusal.

The Panel is prepared to defer the application to allow the lodgement of amended plans that respond to the issues raised in the Council report and do not detract from the amenity and design outcomes of the original approval. This may require a reduction in units or bedrooms to address the key issues.

The applicant needs to meet with Council to identify key differences and provide plans that comply with SEPP 65 requirements or the objectives, and address Council concerns. These include compliance with SEPP 65, efficiency in layout and reasonable storage to meet the needs of the development i.e. aging population. To this end the Panel queries the utility of elevated storage over carparking spaces given the proposal is for a senior living development.

The Panel in the original determination had agreed to vary the bicycle parking requirement based on the ability to store bicycles in storage areas or the units. This will not be possible with above parking storage.

Forty-three scooter storage spaces were also reported as being provided. It is not sufficient to say this was a mistake on the plans – it was in the public report and needs to be addressed.

Carparking, visitor carparking, bicycle parking and scooter parking need to be revisited to ensure the outcomes of the original approval are not unreasonably reduced.

The Panel agrees to defer the determination of the matter. The matter was deferred to allow for the provision and assessment of amended plans and information that:

- provide sufficient storage that is responsive to the demographic;
- provide sufficient carparking including visitor carparking, bicycle storage and scooter spaces;
- do not reduce compliance with ADG when compared against the original approval; and
- address matters raised in the report.


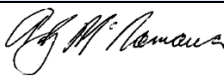

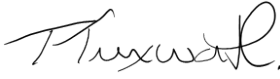

The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The applicant is to meet with Council officers before 20 December 2023.
2. A formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant by 19 January 2024 outlining:
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021
 - b. Updated plans and any technical reports relied on in the amended application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within four (4) weeks of the upload of the Applicants required information to the Planning Portal.
4. When the updated assessment report is received the Panel will undertake a final briefing and determine the application by way of electronic determination.

If the outstanding information is not provided by 19 January 2024 the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	 Tony Tuxworth
 Greg Flynn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-173 – Central Coast– DA/1260/2021/A
2	PROPOSED DEVELOPMENT	Seniors Housing Development comprising 89 Dwellings, Strata Subdivision & Associated Demolition and Other Works (Amended Application) (RPP)
3	STREET ADDRESS	315 The Entrance Road and 24-26 Gallipoli Road Long Jetty 2261
4	APPLICANT/OWNER	Tuggerah Lakes Memorial Club Ltd HCL1 Pty Ltd / Tuggerah Lakes Memorial Club Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Housing) 2021 Wyang Local Environmental Plan 2013 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wyang Development Control Plan 2013 Central Coast Development Control Plan 2022 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>. 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

		<ul style="list-style-type: none"> • 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: 28 November 2023 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Preliminary Briefing: 19 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Greg Flynn, Tony Tuxworth ○ <u>Council assessment staff</u>: Salli Pendergast ○ <u>DPE</u>: Lisa Foley • Site inspection: <ul style="list-style-type: none"> ○ <u>Panel members</u>: ○ Alison McCabe (Chair) – 29 October 2021 ○ Greg Flynn – 14 April 2023 • Final briefing to discuss Council’s recommendation: 5 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Greg Flynn, Tony Tuxworth ○ <u>Council assessment staff</u>: Salli Pendergast ○ <u>Applicant representatives</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A