

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	19 August 2020
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Heather Warton and Jeff Sundstrom
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a conflict of interest as her employer, ADW Johnson, is the applicant for the development
EXCLUDED DUE TO OPERATIONAL PROCEDURES	Kyle MacGregor and Chris Burke participated in the Hunter & Central Coast Regional Planning Panel determination of the Site Compatibility Certificate application for this site, and therefore are precluded by the planning panels' operational procedures from participating in the determination of a related development application.

Papers circulated electronically between 11 August 2020 and 19 August 2020.

MATTER DETERMINED

PPSHCC-37– Central Coast – DA 163 2020 at 125 and 135 Johns Road and 95 Murrawal Road, Wadalba – seniors housing development (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 applicant had the opportunity to present to the Panel before a determination was made. The applicant requested that the matter be deferred to allow the applicant the opportunity to address the issues raised in the report, for the Panel to accept the amended plans, and to have the opportunity to submit further amendments.

In considering the request, the Panel were of the view that the threshold issues that were identified in the report were not matters that could be addressed in a reasonable timeframe. It was also of the view that a fundamental redesign was required informed by a detailed analysis of the site constraints, and urban design principles.

The Panel noted that the conditions attached to the Site Compatibility Certificate had not been properly address in the lodgement of the application. These were not new issues.

The application as lodged and even as amended has not demonstrated how the development would be compatible with the desired future character of the area, a key issue in the consideration of applications lodged under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Development application

The Panel determined not to accept the amended plans submitted under clause 55 of Environmental Planning and Assessment Regulation for the reasons contained in the Council report.

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons contained in the Council report.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development has not satisfactorily addressed the conditions in the Site Compatibility Certificate.
- The Panel cannot be satisfied that there is a potential resolution of ecological impacts, servicing requirements, bushfire, urban design, amenity and compatibility issues in a timely manner. Resolution of these issues would require a fundamental redesign of the proposal.
- The environmental impacts of the current proposal are unacceptable.

CONDITIONS





Not applicable

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Insufficient wildlife corridor on site
- Placement of stormwater basins
- Impact of stormwater connection
- Built form and setbacks, landscaping
- Impacts on future zoning and developments
- Future amenity to neighbouring properties
- Traffic safety

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Heather Warton	 Jeff Sundstrom

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-37– Central Coast – DA 163 2020
2	PROPOSED DEVELOPMENT	Seniors Housing facility comprising 199 residential units, community facilities & associated works
3	STREET ADDRESS	125 and 135 Johns Road and 95 Murrawal Road, Wadalba
4	APPLICANT OWNER	ADW Johnson Pty Ltd Tocae Group
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Rural Fires Act 1997 • Biodiversity Conservation Act 2016 • Biodiversity Conservation Regulation 2017 • Water Management Act 2000 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Koala Habitat Protection) 2019 ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ○ Wyong Local Environmental Plan 2013 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Central Coast Local Environmental Plan 2018 • Development control plans: <ul style="list-style-type: none"> ○ Wyong Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 • 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	<ul style="list-style-type: none"> • Council assessment report: 11 August 2020 • Written submissions during public exhibition: three (3)
8	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 25 May 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Chris Burke and Kyle MacGregor ○ <u>Council assessment staff</u>: Janice Buteux-Wheeler, Emily Goodworth, Danielle Allen, Brendan Dee, Andrew Roach, Shannon Butler, Jenny Mewing, Erin Murphy and Jillian Sneyd • Applicant briefing, 5 August 2020, 3pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Kyle MacGregor ○ <u>Council assessment staff</u>: Janice Buteux-Wheeler, Emily Goodworth

		<ul style="list-style-type: none"> ○ <u>Applicant</u>: Gordon Eacott, Jarrad Eacott, Chris Smith and Alex Hunter • Site inspections: <ul style="list-style-type: none"> ○ Alison McCabe: 25 July 2020 ○ Juliet Grant: 24 May 2020 • Final Council briefing to discuss council's recommendation, 19 August 2020, 2pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Heather Warton and Jeff Sundstrom ○ <u>Council assessment staff</u>: Janice Buteux-Wheeler, Emily Goodworth, Danielle Allen, Brendan Dee, Johnson Zhang • Final applicant briefing, 19 August 2020, 3pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Heather Warton and Jeff Sundstrom ○ <u>Council assessment staff</u>: Janice Buteux-Wheeler, Emily Goodworth, Danielle Allen, Brendan Dee, Johnson Zhang ○ <u>Applicant</u>: Chris Smith and Alex Hunter
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not supplied