

## SITE COMPATIBILITY CERTIFICATE

### RECORD OF DECISION

#### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DECISION</b>	Thursday, 17 January 2019
<b>PANEL MEMBERS</b>	Kara Krason (Chair), Cr Kyle MacGregor & Cr Jeff Sundstrom
<b>APOLOGIES</b>	Michael Leavey & Cr Chris Burke
<b>DECLARATIONS OF INTEREST</b>	Jason Perica

#### SITE COMPATIBILITY CERTIFICATE APPLICATION

**Redevelopment of Woy Woy Leagues Club for Seniors Living Purposes at 82 Blackwall Road Woy Woy (AS DESCRIBED IN SCHEDULE 1)**

The panel convened on the 15 November 2018 at 3.45pm at The Department of Planning and Environment, Central Coast Gosford Office, Level 3, 107-109 Mann Street Gosford.

The Panel requested additional information which was received by the Panel on 3 December 2018. The Panel considered the additional material and has determined the application via electronic means.

#### PANEL CONSIDERATION AND DECISION

By circulation of papers the Panel considered: the material listed at item 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined that the application:

- ☐ **should** be issued with a site compatibility certificate subject to satisfaction of certain requirements (as listed below), because the application has demonstrated that the proposed development is suitable for more intensive development and it is compatible with the surrounding environment.
- ☒ **should not** be issued with a site compatibility certificate, because the application:
  - ☒ **has not** demonstrated that the site is suitable for more intensive development as proposed in the application; and
  - ☒ **has not** demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004.

The Panel authorises the Chair to refuse the issue of a Site Compatibility Certificate and notify the applicant, Council and the Department of Planning and Environment of the Panel's decision.

The decision was unanimous.

#### REASONS FOR THE DECISION

In reaching an opinion on whether to issue a site compatibility for the proposed development the Panel noted the following:

- The application outlined the proposed intended development outcome in detail comprising approximately 143 individual apartments, 2 levels of basement parking, a registered club, a restaurant, retail space and recreation facilities for residents of the development and club members and including a maximum height of 23.1m to accommodate 7 storeys plus a further 3m height allowance for plant. The proposed floor space ratio is described as 3.237:1.
- The site is on land zoned B2 Local Centre under Gosford Local Environmental Plan 2014 and is subject to a maximum height limit of 19.75m and maximum FSR of 2.3:1 under the provisions of the LEP. The Panel notes that seniors housing is not permissible in the zone however a range of uses permissible with consent in this zone include, but are not limited to, commercial premises, community facilities, medical centres, registered clubs, shop top housing and tourist and visitor accommodation.
- The application included detailed contextual consideration and justification for the positioning of the built form, the proposed density, height and FSR, and non-compliance with some setbacks. The application identified that it is be unable to meet the 70% solar access target. The shadow diagrams also identified significant overshadowing to the adjoining property to the south midwinter that could impact on future uses/redevelopment potential of the land to the south.
- The Panel noted the character, lot configuration and siting of low-density residential development to the east of the site which would be impacted by the proposed development described in the subject application.




The Panel did not support the issue of site compatibility certificate for the proposed development for the following key reasons:

- The Panel was of the opinion that the proposed development is not compatible with the surrounding land uses having regard to the the criteria listed in Clause 25(5)(b)(i), Clause 25(5)(b)(ii) and Clause 25(5)(b)(v) of SEPP (Housing for Seniors or People with a Disability) 2004.
- The Panel considered that the proposed development, for approximately 143 dwellings with a building height and FSR significantly above the scale of existing surrounding development in the Woy Woy Town Centre and exceeding the anticipated future development potential of surrounding lands under the LEP provisions, is incompatible with the surrounding land uses having regard to the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses and future uses of land in the vicinity of the development. In reaching this conclusion, the Panel took into consideration the opportunities and constraints of the subject land and surrounding properties and the impacts on the existing and potential future land uses on these sites.
- The Panel had some concerns regarding whether the proposed development is compatible with the surrounding land uses and suitable for more intensive development of the kind described having regard to potential flooding and drainage issues and impacts, however this was not the principal issue in the determination of this matter.
- In principle, the Panel considered the use of ‘seniors housing’ as being a suitable land use for the subject land given its location close to shops and services within the Woy Woy Town Centre subject to:
  - (i) a proposal being able to demonstrate that the site of the proposed development is suitable for more intensive development in a form described in the application; and
  - (ii) a proposed development being able to satisfy relevant criteria in relation to the natural environment, specifically flooding and drainage hazards affecting the site and surrounding access roads, and the impacts of the proposed development;

- (iii) a proposed development being able to have an acceptable impact on the uses that in the opinion of the Panel are likely to be the future uses of the surrounding land; and
- (iv) a proposed development having an acceptable bulk, scale, built form and character with respect to the impacts that it is likely to have on the existing uses and future uses of land in the vicinity of the development.

In order for the Panel to be satisfied that the proposed development could meet the criteria required to be considered before issuing a site compatibility certificate, particularly the matters outlined above, the Panel is of the opinion that it would need to impose requirements that drastically changed the nature of the proposed development. Accordingly, while the Panel had no objection to the seniors housing land use on the site, the Panel decided it was unable to support issuing a site compatibility certificate for the proposed development in the form proposed in the site compatibility certificate application.

Based on consideration of the material contained in the subject application and the opportunities and constraints of the site and surrounding lands, the Panel was generally of the view that the density, bulk, scale, built form and character of a proposed development would need to be considerably less than the proposed development in order to be able to meet the requirements of Clause 25(5)(b). As a general guide, the Panel considered that this could potentially be less than the maximum height and FSR requirements for the subject site under the LEP given the impacts on adjoining lands and the criteria required to be satisfied under the SEPP. The impacts could potentially be mitigated and development potential optimised through site consolidation with neighbouring land to the south and east.

PANEL MEMBERS	
 Kara Krason (Chair)	 Jeff Sundstrom
 Kyle MacGregor	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	2019HCC004 - Central Coast Gosford – SCC_2018_CCOAS_002_00
2	SITE DESCRIPTION	82 Blackwall Road, Woy Woy
3	PROJECT DESCRIPTION	Seniors housing comprising 143 infill self-care apartments.
4	APPLICATION MADE BY	Eastern Suburbs Leagues Club c/o Hampton Property Services
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Site compatibility certificate application documentation</li> <li>• Memo from Department of Planning &amp; Environment dated Monday 3 December 2019.</li> <li>• Assessment report from Department of Planning and Environment <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> </ul> </li> </ul>
6	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>• <b>Site inspection:</b> Thursday 15 November 2018 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Kara Krason (Chair), Cr Kyle MacGregor &amp; Cr Jeff Sundstrom</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: Glenn Horal &amp; Garry Hopkins</li> </ul> </li> <li>• <b>Briefing meeting with Department of Planning and Environment (DPE): Thursday 15 November 2018 at 3.45pm</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Kara Krason (Chair), Cr Kyle MacGregor &amp; Cr Jeff Sundstrom</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: Glenn Horal &amp; Garry Hopkins</li> </ul> </li> <li>• Papers were circulated electronically between Monday, 14 January 2019 – Thursday, 17 January 2019.</li> </ul>