

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA/4296/2022
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Delegation Level	Delegated
Property Lot & DP	Lot 5 DP 23987
Property Address	5 Vidler Avenue, WOY WOY NSW 2256
Site Area	670.00m ²
Zoning	R1 General Residential

Proposal	Health Service Facility
Application Type	Development Application – Local
Application Lodged	24/01/2023
Applicant	Perception Planning Pty Ltd
Estimated Cost of Works	\$698,000

Advertised and Notified / Notified Only	10 February 2023 - 24 February 2023
Submissions	Two (2) submissions received.
Disclosure of Political Donations & Gifts	No
Site Inspection	26 April 2023

Recommendation	Approval, subject to conditions
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Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979*, Council policies and adopted Management Plans.

Summary of Non Compliance

Policy	Clause / Description	% Variance
Central Coast DCP 2022	Clause 2.13.3.1 – Carparking	16% or 2 spaces

Background

Council's records show that the following applications were previously lodged on this site:

DA/43423/2013 for Alterations & Additions to Medical Centre & Demolition of Existing House, Approved on the 13th May 2013.



Site & Surrounds

The site is legally described as Lot 5 DP 23987 and is known as 5 Vidler Ave, Woy Woy.

The site is located on the western side of Vidler Street between Dwyer Ave and Rawson Road. Adjoining development comprises low density residential development to the north and east and commercial developments to the rear with other health services facilities to the south. The topography is generally level.

The site contains an existing dwelling and ancillary structures constructed prior to council's current records.

The site is not identified as being "bushfire prone land" on Council's bushfire maps.



Figure 1: Site Locality Plan



Figure 2, 3 and 4: The proposed development site



History

The original application sought consent for the construction of a Health Services Facility that contained five (5) consulting rooms, 2 procedure rooms, conference room, office, reception, kitchen, lift, toilets and reception area. A total of twenty one (21) parking spaces were required for the development. A total of only ten (10) parking spaces were proposed. The initially proposed development was not supported by Council staff and a request for further information was issued to the applicant on the 9th May 2023. Additionally further investigations were requested to be undertaken in relation to soil disturbance and potential site contamination.

Revised development plans were received from the applicant on the 1st November 2023 and a revised Preliminary Site Investigation report was received on the 13 February 2024. The revised plans and reports have been accepted by Council for further assessment and are the basis of the following report prepared for determination.

The Proposal

The development application seeks consent for the construction of a Health Services Facility with associated civil works, landscaping, and demolition of existing dwelling house over 5 Vidler Avenue, Woy Woy.

The proposal comprises:

- Demolition of the existing dwelling house
- Construction of two storey health services facility consisting of three health consulting rooms, lift, reception; kitchen and amenities.
- Construction of a new access from Vidler Avenue;
- Construction of new car parking area on the ground floor consisting of Ten (10) parking spaces including one disabled parking space.
- Access via a double-width crossover from Vidler Avenue.
- Landscaping and associated works.

The operational details of the proposed development are as follows:

Staff numbers – 3 health practitioners. The applicant has advised that there will be no receptionist or any other support staff on site.

Operating hours

- Monday – Friday 8:30am – 5pm
- Saturday and Sunday – closed





Artists Impression

Figure 5 – The proposed development

Applicable Planning Controls

The following planning policies and control documents are relevant to the development and were considered as part of the assessment.

- Environmental Planning & Assessment Act 1979 – Section 4.15
- Local Government Act 1993 – Section 89
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Central Coast Local Environmental Plan 2022
- Central Coast Development Control Plan 2022

Environmental Planning & Assessment Act, Section 4.15 and Local Government Act, Section 89

The application has been considered in light of the variations and is considered acceptable.

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to this application.

Permissibility

The subject site is zoned R1 General Residential under Central Coast Local Environmental Plan 2022. The proposed development is defined as Health Services Facility which is not permissible in the zone with consent of Council under the LEP.

Health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,



- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The application is made under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, which is a permissible use in the zone and overrides the Central Coast Local Environmental Plan 2022.

Chapter 2, Division 10 Health services facilities – Clause 2.60 (1) of SEPP Transport and Infrastructure states that land zoned R1 General Residential is a prescribed zone and permits development for the purpose of health services facilities to be carried out by any person with consent on land in a prescribed zone. As such, the proposed development is permissible pursuant to the provisions of SEPP Transport and Infrastructure 2021 (Chapter 2, Division 10).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2 require Council consider the aims and objectives of Chapter 2 when determining an application within the Coastal Management Area. The Coastal Management Area is an area defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within this zone.

The aims of Chapter 2 are to be considered when determining an application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning & Environment and the subject property falls within the mapped coastal management areas.

The relevant matters have been considered in the assessment of this application. The application is considered consistent with the stated aims and objectives.

Chapter 4 Remediation of Land

Clause 4.6 of Chapter 4 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The application has been referred to Councils Environmental Health Officer who provided the following comments:

“A submission provided by SLR Consulting dated 24 March 2023 indicates that Environmental Earth Sciences undertook a Preliminary Site Investigation and Hazmat Assessment (‘PSI’) at the site. Ten soil samples were taken and analysed for contaminants of concern. Asbestos was detected in an unknown quantity of samples and three samples returned elevated lead contamination above the human health screening levels, most likely due to weathering of the existing dwelling due to its age and



condition. The PSI concluded that the site required remediation works to address the contamination which is a risk to current and future human users of the site.

An asbestos clearance certificate has been provided, which confirms that the soils surface is free from visual asbestos, however the lead contamination and asbestos within soils was not addressed and a contamination assessment was requested.

The Preliminary Site Investigation (PSI), 5 Vidler Avenue, Woy Woy NSW, dated December 2023, prepared by Foundation Earth Sciences ('PSI') was reviewed and it did not meet the requirements of the NSW EPAs Guidelines, nor did it meet the Data Quality Objectives set within the PSI. Three (3) samples were collected and analyzed, however a minimum of eight (8) samples are required to ensure compliance with the Guidelines. Sufficient justification has not been provided to support this deficiency and would not be supported by Council due to the presence of fill material of unknown origin and the presence of the existing dilapidated dwelling, both of which are sources of contamination.

The amended Preliminary Site Investigation dated February 2024 has been reviewed. The amended PSI has generally been prepared in accordance with the guidelines and concludes that the site is suitable for the proposed land use subject to the following recommendations:

- waste classification,
- preparation of a Hazardous Materials Assessment prior to demolition,
- an Asbestos Clearance Certificate to be completed post demolition,
- compliance with the prepared Unexpected Finds Protocol."

The revised PSI has been reviewed by Councils Environmental Health Officer and the application is now supported, subject to conditions.

Central Coast Local Environmental Plan 2022 (CCLEP 2022)

The proposal has been assessed in accordance with the relevant development standards of CCLEP 2022.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
Clause 4.4 – Height of Buildings	8.5m	6.45m	Yes	Nil	Yes
Clause 4.3 Floor Space Ratio	0.5:1	0.337:1	Yes	Nil	Yes

Zone R1 General Residential

The objectives for the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.



- To promote best practice in the design of multi dwelling housing and other similar types of development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.

The proposed development is permissible under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* which aims at enabling other land uses to meet the needs of residents. The development is located within the general vicinity of the neighbouring hospital and other health services facilities which is an appropriate use of the land. The proposed development is there for consistent with the objectives of the zone.

5.21 Flood Planning

The land has been classified as being under a "flood planning level" and subject to the imposition of a minimum floor level. Council's records (Woy Woy Peninsula Flood Study) indicate that the site is affected by flooding and flood planning controls for which the following advice was provided in a pre-DA meeting for this site / development:

- *The 5%AEP Flood Level is RL 4.73m AHD.*
- *The 1%AEP Flood Level is RL 4.87m AHD (Australian Height Datum).*
- *The Flood Planning Level (Minimum Floor Level) RL 5.37m AHD.*
- *The Probable Maximum Flood (PMF) Level RL 4.92m AHD*
- *Building materials below RL 5.37m AHD to be able to withstand the effects of immersion in flood waters.*
- *The ground flood level is non-habitable and as such the minimum level of the car park is recommended to be at the 1%AEP level (RL 4.87m AHD).*
- *Architectural and any civil plans (including stormwater) submitted with the DA are to indicate levels to Australian Height Datum to enable assessment related to flood controls.*

The proposed development as originally lodged indicated a ground floor which primarily comprised non-habitable parking areas at reduced levels of RL 5.84m AHD graded to internal pits with levels of RL 5.75m AHD which is above the 1%AEP and flood planning levels. Therefore, in relation to flooding, it was noted that the levels of the development could be lowered. Revised plans were located that indicate the car park level is now proposed RL 5.56m which is still 0.19m above the Flood Planning Level requirement.

It is recommended any building material utilised below RL 5.37m AHD are of a type that can withstand the effects of immersion in flood waters.

The application has been reviewed by Councils Development Engineer who has provided conditions of consent in relation to the finished floor levels and flooding.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of *Central Coast Local Environmental Plan 2022*. have been considered. The site contains Class 3 Acid Sulfate Soils. The Geotechnical Report has been reviewed and testing indicates a low probability of actual ASS, therefore an ASS Management Plan is not required for



this development. Standard condition will be applied. In this instance, the proposal works are not considered to impact on Acid Sulfate Soils.

7.6 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that all of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access,
- (f) the collection and management of waste.

Council is satisfied that all the above-mentioned services are available to the site and that adequate arrangements have been made.

Central Coast Development Control Plan 2022 (CCDCP 2022)

The relevant controls of Central Coast Development Control Plan 2022 are considered below:

Chapter 2.13 Transport and Parking

Chapter 2.13 provides car parking requirements for medical centres/health consulting rooms in accordance with clause 2.13.3.2 Car Parking Requirements as follows:

Development Type	Required	Proposed	Compliance with Control	Compliance with Objective
Health Services Facility	3 spaces per consulting room; and 3 spaces per practitioner – 12 spaces required for the proposed development.	10 spaces	No	No

- 3 spaces per surgery or consulting room
- plus 1 space for each professional practitioner; and other staff present at any one time.

Disability parking rate. Generally, this rate is 1-2% of total parking provided is to be for disabled parking. For carparks containing more than 10 car spaces then a rate of 1 Disabled space is to be provided for every 100 spaces additional spaces.

Applying the above parking rate, the following is noted:

- 3 x surgery or consulting rooms = 9 spaces
- 3 x professional practitioner = 3 spaces
- Disabled parking spaces = 1 spaces (Included)



The applicant has advised there will be no other support staff including receptionist or office staff on site.

Total parking requirement = 12 spaces

The application is supported by a Traffic Impact Assessment prepared by Amber Traffic and Transportation Direction dated December 2022 and a revised report was provided dated October 2023. The revised report provides a Transport Management Plan to address the shortfall in parking in accordance with the requirements of Appendix B of Chapter 2.13 Transport and Parking and the proposal is consistent with the objectives of Chapter 2.13 of CCDCP 2022.

Chapter 2.14 Site Waste Management

A Waste Management Plan has been submitted with the proposal.

The proposal has demonstrated compliance with this chapter of the CCDCP 2022 and associated Waste Control Guidelines. Appropriate conditions are included in the development consent.

Chapter 2.17 Character and Scenic Quality

Character

The site is located within the character area: Woy Woy 9: Sandplains mixed density of Central Coast Development Control Plan 2022.

The character statement provides for the desired character as follows:

“These areas should remain leafy mixed-density residential neighbourhoods that retain some of the original midTwentieth Century bungalows which remain distinctive elements of the Woy Woy Peninsula’s identity, and future developments achieve significantly improved standards of amenity and urban design quality by reflecting features of those traditional bungalows, as well as providing a variety of low-rise dwellings that include apartments, town houses and villas.

Surround each development with leafy gardens to conserve existing visually-prominent trees, particularly along back fences and street frontages or verges, as well as to provide space for shady trees and shrubs planted as backdrops to new buildings. Maintain the informal qualities of existing wide grassy street verges and conserve existing shady street trees. Complement the surviving canopy by planting a combination of trees and shrubs that are mostly indigenous along all property boundaries, and use hedges or fences that are low or see-through rather than tall and opaque in order to maintain the informal character of existing street frontages.

Ensure that new developments complement the siting, form and scale of surviving traditional bungalows upon nearby properties, as well as maintaining reasonable levels of sunlight, privacy and amenity for neighbouring dwellings plus their private open spaces. Maintain street setbacks that are similar to surrounding properties, and minimise the extent of hard-paved surfaces. Avoid the appearance of long or continuous buildings facing any front or side boundary by stepping the shape of visible facades, by providing at least one wide landscaped setback that varies in width, and lining driveways with avenues of trees and shrubs.



Reflect the modest scale of traditional mid-Twentieth Century bungalows, for example by dividing new developments into individual dwelling pavilions with a varied form or orientation, separated by landscaped courtyards and verandahs or parking structures. Any facades that are taller or longer than neighbouring buildings should be disguised by a combination of extra setbacks, stepped forms, and balconies or verandahs. Roofs should be gently-pitched to minimise the height of ridges, and flanked by wide eaves that disguise the scale and bulk of exterior walls. Parking is preferable in open carports or part-basements, rather than in wide garages that would accentuate building bulk or dominate visible facades.

In order to complement the scale and design character of traditional bungalows, a “light-weight appearance” is preferable for all visible facades, incorporating walls of windows that are shaded by framed balconies or verandahs plus exterior sunscreens, painted finishes and some sheet or board cladding rather than extensive plain masonry. Where facades face a street, a laneway or a driveway, provide a traditional “street address” with visible verandahs, living rooms and front doors.

Screen driveways, terraces, courtyards and balconies to protect the privacy and amenity of neighbouring dwellings”

The proposal is compatible with the desired and likely future character of the of the area.

Scenic Quality

The proposal is located within the Peninsula geographic unit and the Woy Woy Bays landscape unit, of Central Coast Development Control Plan 2022 which is of local significance and described as follows:

The Woy Woy Bays Landscape Unit consists of mangrove-fringed inlets with naturally vegetated steep hills and cliffs on the Brisbane Water Escarpment as the western backdrop, the railway embankment to the east. Isolated groups of huts and more modern dwellings at the slope foot and lower parts.

The Woy Woy/Umina Landscape Unit is an extensively urbanised area of essentially flat land on sand sheets and sand dunes at the southern entrance to Brisbane Water. Strict road grid pattern with many older style dwellings, beach huts, beachcomber style shacks plus extensive more recent infill redevelopment. Pleasant beach and bay side outlook from locations at the fringes with some enclosure provided from surrounding vegetated escarpment.

The proposal maintains the character and scenic quality of the area while considering the desired and likely future character of the area.

Chapter 3.1 Floodplain Management/Water Cycle Management

Chapter 3.1 seeks to minimise the impact of development on the natural predevelopment water cycle. This will lead to more sustainable outcomes that will protect the environment.

The Stormwater Management Report submitted with the application has been reviewed by Councils Development Engineer which noted:



"A 'Stormwater Management Report' prepared by DRB Consulting Engineers (Ref: Project No: 2221732 dated 24/10/22 and associated and Civil Engineering Plan prepared by DRB Consulting Engineers (Ref: 221732 Drawing No CIV-011 Rev A dated 24/10/2022) were submitted with the application that indicate the following in relation to the proposed stormwater management for the site and compliance with Chapter 3.1 Part C of the Central Coast DCP2022:

- *Retention Target: The deemed to comply water retention volume is calculated to be 17.61m³. This is being provided in water tanks and a bio-retention basin.*
- *Onsite Detention Target: A runoff routing method ('DRAINS') was utilised for the purposes to the analysis and design of the proposed on-site detention measures. The proposed modelled onsite detention system comprises the following: three x 7,373 litre above ground rain water tanks incorporating 4,438 litres in each tank for OSD. The capacity of the roof guttering must be upsized to cater for the 1%AEP storm event on the basis that roof water is discharged to the above ground rainwater tanks. Overflows from the OSD tanks are directed to a bioretention basin within the front setback. The summary of results indicate that the proposed OD measures will limit post development flows back to pre-development flows for all stormwaters & recurrence intervals up to and including the 1%AEP.*
- *Stormwater Quality: A 'MUSIC' model was utilised to determine the performance of the proposed stormwater measures in relation to stormwater quality. The proposed stormwater quality elements include the rainwater tanks and bio-retention basin. The results indicate that the proposed measures will achieve the reduction criteria requirements specified on the DCP. The bio-retention basin will need to be fenced off for safety.*

It is recommended that the stormwater management be amended by lowering the levels of the bioretention basin and associated retaining walls. "

The applicant was sent a request for further information on the 05 May 2023 which requested amended information which has been provided by the applicant and reviewed by Council Development Engineer.

Revised details in the form of a 'Stormwater Management Report' prepared by DRB Consulting Engineers (Ref: Project No: 221732 Revision C dated 30/10/2023 and associated and Civil Engineering Plan prepared by DRB Consulting Engineers (Ref: 221732 Drawing No CIV-011 Rev C dated 30.09.23) were submitted that indicates the following in relation to the proposed stormwater management for the site and compliance with Chapter 3.1 Part C of the Central Coast DCP2022:

- Retention Target: The deemed to comply water retention volume is calculated to be 11.87m³. This is being provided in water tanks and a bio-retention basin.
- Onsite Detention Target: A runoff routing method ('DRAINS') was utilised for the purposes to the analysis and design of the proposed on-site detention measures. The proposed modelled onsite detention system comprises the following: three x 7,373 litre above ground rain water tanks incorporating 4,438 litres in each tank for OSD. Overflows from the OSD tanks are directed to a bioretention basin within the south-eastern corner of the site. The summary of results indicate that the proposed OSD measures will limit post development flows back to pre-development flows for all stormwaters & recurrence intervals up to and including the 1%AEP. (It is noted that the capacity of the roof guttering must be upsized to cater for the 1%AEP storm event on the basis that roof water is discharged to the above ground rainwater tanks.)



- Stormwater Quality: A 'MUSIC' model was utilised to determine the performance of the proposed stormwater measures in relation to stormwater quality. The proposed stormwater quality elements include the rainwater tanks, a SPEL stormwater sack and a vegetated filter strip within the south-eastern area of the site to reduce the Site Discharge Index to <0.1. The results indicate that the proposed measures will achieve the reduction criteria requirements specified on the DCP. It is recommended that a restriction on use of land be created on the lot to ensure the area of the vegetated filter strip is not removed by any future development.

The revised application has been reviewed by Council Development Engineer and is supported subject to conditions.

Chapter 3.5 Tree and Vegetation Management

The proposal does not propose, impact nor require removal of prominent trees.

Chapter 3.7 Geotechnical Requirements for Development

Chapter 3.7 provides a management strategy for development in areas identified as having landslip potential and guidelines on the content of geotechnical reports. The application is not mapped as having an impact on landslip and there are no further requirements for geotechnical reports at the DA stage.

Planning Agreements

The proposed development is not subject to a planning agreement / draft planning agreement.

Development Contribution Plan

The subject site is located within Central Coast Regional Section 7.12 Development Contribution Plan where developments are subject to section 7.12 contributions. The applicable contribution amount was calculated and imposed as a standard condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate.

Refer to Condition **x.x**

Referrals

Internal Referral Body	Comments
Engineering	Supported, Subject to conditions
Environmental Health	Supported, Subject to conditions
Water and Sewer	Supported, Subject to conditions

Political Donations

During assessment of the application there were no political donations were declared by the applicant, applicant's consultant, owner, objectors and/or residents.



Public Submissions

Two (2) public submissions were received in relation to the application. Those issues associated with key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within section 4.15 of the *Environmental Planning and Assessment Act 1979*.

A summary of the submissions are detailed below.

1. Parking

"I am writing to voice my concerns about the DA proposed for 5 Vidler Ave Woy Woy. Whilst I am not against the new development, I am very concerned about the parking situation.

Parking In Vidler Ave presently during the working week is horrible, I can attest that parking in Vidler Ave is non-existent after 8:30am on Monday / Tuesdays and after 9am the rest of the week. The car parks for the hospital are always full around 8am in the morning so there is an overflow of cars onto Dwyer and Vidler Ave, This is due to surgery happening at Brisbane Waters Private Hospital. Also the construction work happening right now at Brisbane Waters, means we have tradies and assorted building trades trucks waiting in the street for space before they are able to deliver their materials. Also, the existing medical centre / Skin Cancer Centre's at 7 Vidler Ave car park is always full and that means patient parking is overflowed onto Vidler Ave. If I have to go out for business during the day Mon – Fri after 9am on return I regularly have to park in Rawson Road well away from my home.

The parking plan submission by the applicant I feel is overly generous in favour themselves as in the period of the couple of weeks in the lead up to Xmas 22 was not exactly full on for the hospital building works and the medical centre at 7 Vidler. I believe that if the exercise conducted by the applicants contractor a vastly different result would be spelt out in the resulting report."

Comment – This has been addressed elsewhere in this report.

2. Contamination

"Thank you for the opportunity to provide comment on the abovementioned DA for the proposed health services facility located at 5 Vidler Avenue, Woy Woy. Our client, Australian Unity Funds Management Limited (AUFM), is the landowner of 9 Vidler Avenue, Woy Woy which contains the Brisbane Water Private Hospital and is familiar with the development history of the site and has concerns regarding the recent application. This letter supplements the previous submission already submitted by AUFM in relation to the proposal.

AUFM wishes to highlight the known presence of contamination at the site and request due consideration of the requirements State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) as part of the development assessment process.



The main concern raised with the application is the lack of information regarding contamination and the need for consideration of the requirements under Chapter 4 Remediation of Land of the Resilience and Hazards SEPP within the submitted Statement of environmental Effects (SEE).

As part of a due diligence, AUFM engaged Environmental Earth Sciences to undertake a Preliminary Site Investigation and Hazmat Assessment (PSI) of the subject site to investigate the for potential contamination of the site. The PSI included a desktop investigation, site inspection, and soil sampling/testing along with a hazmat investigation undertaken by GreenPlus Property. The soil sampling involved the excavation of ten boreholes excavated across the site with samples obtained and tested for a range of potential contaminants of concern.

Based on the investigations undertaken, the site was deemed to be contaminated due to the presence of highly weathered Asbestos Containing Material; observed scattered across the site and elevated levels of Lead above residential human health levels at three sampled borehole locations. The PSI concluded that remediation works were necessary to address the discovered contamination which posed an unacceptable risk to current or future human users of the site.

The submitted SEE only includes a limited consideration of Chapter 4 of the Resilience and Hazards SEPP. The assessment relies on a search of the NSW EPA contaminated land record which only contains records registered with the NSW EPA and does not provide a comprehensive database of contamination records. The SEE also asserts the existing residential land use is not considered to be contaminating whilst later acknowledging the presence of asbestos located on the site which is a known contaminating process.

It is requested the applicant further consider the potential for contamination of the site and appropriately address the provisions of Chapter 4 Remediation of Land of the Resilience and Hazards SEPP prior to the determination of the development application.

In addition, we request that Council ensure that consideration of carparking is not reliant on the car parking provided by the Brisbane Waters Private Hospital, which is located on private property for users of the Hospital."

Comment – This has been addressed elsewhere in this report.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for **approval** pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.



Plans for Stamping

Amended Lodged Plans CM Doc No. D15932142

Supporting Documents for Binding with consent

Waste Management Plan, CM Doc No D15489172

Stormwater Management Report, CM Doc No D15932178

Preliminary Site Investigation Report, CM Doc No D16065547

Asbestos Clearance Certificate, CM Doc No D15932137

Traffic Impact Assessment, CM Doc No D15932134

Recommendation

- A Council as consent authority grant consent to Development Application No. DA/4296/2022 for Health Service Facility on Lot 5 DP 23987, 5 Vidler Avenue, WOY WOY NSW 2256, subject to the conditions attached.
- B In accordance with section 4.53(1) of the *Environmental Planning & Assessment Act 1979*, this consent shall be valid for a period of five (5) years.
- D The objectors are notified of Council's decision.

Recommendation:	Approval, subject to conditions
Assessing Officer:	Amy Magurren – Development Planner
Recommendation Reviewed by:	Robert Eyre – Principal Planner

