

## HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Gosford City Council on Thursday 14 May 2015 at 11:30 am

Panel Members: Jason Perica (Chair), Kara Krason, John Colvin, Lawrie McKinna and Danielle Dickson

Apologies: Garry Fielding, Declarations of Interest: none

### Determination and Statement of Reasons

**2014HCC023 Gosford City DA 46256/2014 at 110, 114, 116, 118A Mann Street and 108 Donnison Street, Gosford as described in Schedule 1.**

**Date of determination:** 14 May 2015

#### Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Motion moved by John Colvin and seconded by Lawrie McKinna. Voted and carried four (4) votes in favour (John Colvin, Kara Krason, Lawrie McKinna and Danielle Dickson) and one (1) vote against (Jason Perica)

#### Panel consideration:

The panel considered: the matters listed at item 6, the material and listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### Reasons for the panel decision:

Panel members Lawrie McKinna, Danielle Dickson, John Colvin and Kara Krason adopted the assessment of those matters in the Council Assessment Report. The principal reason for the decision of the majority of the panel was that the proposed development is in the public interest and that the panel is satisfied that the applicant's clause 4.6 variations relating to building height and floor space ratio satisfactorily address the requirements of Clause 4.6 of Gosford LEP 2014 by demonstrating that it is unreasonable or unnecessary to comply with these development standards in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravention of the standard. Matters that contributed to the panel reaching this decision in its majority include, but are not limited to:

- The proposed development is generally consistent with the direction of State and Regional planning policies, particularly the development of housing and jobs in existing centres with good access to services and transport.
- The proposal was developed through a competitive design process and reflects a development that exhibits design excellence worthy of landmark tower status for Gosford Town Centre.
- The assessment report demonstrates that the development is unlikely to have any adverse impacts on the amenity of surrounding properties or public domain.
- The proposed development satisfactorily addresses the objectives of the zone and the objectives of the applicable development standards.
- The proposed hotel development and retail development will have a positive effect on the local economy and assist in supporting trade and tourism in Gosford.

Mr Perica did not support the proposal due to the significant departures from the development standards relating to height and floorspace ratio and his view that the variations were not justified by either the objectives of the standards, the environmental impacts related to the proposal, the adverse precedent nor the public interest.

**Conditions:** The development application was approved subject to the conditions in Appendix A of

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the Council Assessment Report dated 9 April 2015 and amended as described in the Supplementary Council Assessment Report dated 7 May 2015 and as amended at the meeting.

### Panel members:



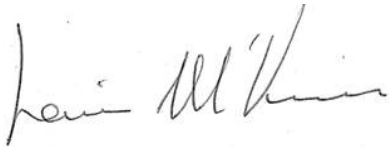
**Jason Perica (chair)**



**Kara Krason**



**John Colvin**



**Lawrie McKinna**



**Danielle Dickson**

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## SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014HCC023 Gosford City DA 46256/2014
2	<b>Proposed development:</b> Mixed use development, commercial/retail, supermarket, hotel and shop top housing development
3	<b>Street address:</b> 110, 114, 116, 118A Mann Street and 108 Donnison Street, Gosford
4	<b>Applicant:</b> Gosford City Development <b>Owner:</b> Mistlake Investments Pty Ltd & Malachite Holdings Pty Ltd
5	<b>Type of Regional development:</b> Capital Investment Value > \$20M
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979- Section 79C</li> <li>• Local Government Act 1993 – Section 89</li> <li>• Gosford Local Environmental Plan 2014</li> <li>• Gosford Development Control Plan 2013</li> <li>• State Environmental Planning Policy (SEPP) No 71 – Coastal Protection</li> <li>• SEPP (Building Sustainability Index BASIX) 2004</li> <li>• Section 94A Contribution Plan – Gosford City Centre</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP 65 – Design Quality of Residential Flat Buildings</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated 9 April 2015 Written submissions during public exhibition: 130 Verbal submissions at public meeting on 30 April 2015: Support- Bob Bourne, Alison Vidler, Doug Sneddon, Gabby Bowles, Rory Glassford, Michael Goodwin, Christopher Golden, Chris Holstein; Against- Edward Powell; On behalf of the applicant- Nigel Dickson, Glenn Barker, Edgar Adams. Addendum Council Assessment Report dated 7 May 2015 Verbal submissions at the panel meeting: Support- Susan Bradfield, Edgar Adams; Against- Edward Power, Malcolm Brooks on behalf of Friends of Gosford; On behalf of the applicant - Nigel Dickson
8	<b>Meetings and site inspections by the panel:</b> Site visit, briefing meeting and public meeting on 30 April 2015 (not including John Colvin) and 14 May 2015.
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Supplied with Council Assessment Report dated 9 April 2015 and amended as described in the Supplementary Council Assessment Report dated 7 May 2015 along with the following amendments/additions made at the meeting; <ul style="list-style-type: none"> <li>i. The amendment of Condition 1.1 to reflect the amended plans including the replacement of the following;  Drawing No D002 Development Summary be replaced with Revision E dated 12/05/2015.  Drawing No D204 Level 3 Car Parking be replaced with Revision C dated 12/05/2015.</li> <li>ii. Refinement of Condition 1.1 to include details of author and dates of the reports/documentation</li> </ul>

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|  | <ul style="list-style-type: none"><li>iii. Add to end of Condition 1.1 a requirement that prior to the issue of the construction certificate, those plans affected by the revisions made to the ground floor plan DA201 (dated 5 May 2015) are to be updated accordingly.</li><li>iv. Amendment to Condition 5.22 to include the requirement of timing (prior to issue of Occupational Certificate)</li><li>v. The addition of new condition in relation to car parking as follows;<br/>A Plan of Management for the operation of the public car park to be completed by a traffic engineer/consultant and approved by Council prior to the issue of a Construction Certificate. The Plan of Management is to demonstrate to the satisfaction of Council that an acceptable number of car parking spaces are provided in the public car park for retail/residential visitor parking in addition to any hotel parking to be provided.</li><li>vi. Condition 6.3 be amended to read;<br/>6.3. The 213 car parking spaces allocated for the commercial and retail component shall be retained at all times for public car parking. Allocation to the residential use in any future strata title scheme is prohibited.</li></ul> |
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