

DATE OF DETERMINATION	26 October 2020
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Louise Camenzuli, Kyle MacGregor and Chris Burke
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton was not involved in any work for this site, but she declared a conflict of interest as her employer, ADW Johnson, is employed by the landowner for this development application. Ms Hutton did not participate in any Panel discussion or consideration of this development.

Papers circulated electronically on 1 October 2020.

MATTER DETERMINED

PPS-2016HCC020 – Central Coast – DA49565/2016 at 372, 374, 393, 395 & 397 Mann Street & Nos 35, 37 & 41A Dwyer Street & 76 Hills Street North Gosford – Mixed Use 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 Panel considered this matter at a public meeting on 16 September 2020 where the Panel resolved as follows:

1. The Panel defer the determination of the matter to provide an opportunity for additional submissions on the Council assessment report to be submitted to Council by close of business Monday, 21 September 2020.
2. That Council prepare a further report addressing any matters raised in the submissions for the Panel's consideration, or advise the Panel that no further submissions were received.
3. That the Panel determine the matter electronically.

The Panel provided an opportunity to those persons who addressed the public determination meeting on 16 September 2020 to provide written submission to the Panel given that they had not had seven (7) days to review the assessment report. The Panel has considered the additional submissions and the supplementary report in its determination of this matter.

Development application

1. The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons at Attachment 3 to Council's Supplementary Report.
2. The Panel does not agree to accept the amendment to the application under cl55 of the *Environmental Planning and Assessment Regulation 2000* as detailed in plans and documentation submitted on 16 June 2020 for the reasons stated in the original assessment report.

The decision was unanimous.

REASONS FOR THE DECISION






The Panel determined to refuse the application for the reasons outlined at Attachment 3 to Council's Supplementary Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Excessive height, bulk and scale
- Amenity impacts, including overshadowing, privacy, noise, loss of views as well as poor internal amenity
- Disregard for many LEP and DCP controls
- Sterilisation of the adjoining land
- Streetscape and character impacts
- Calculation of FSR
- Lack of design excellence
- Clause 4.6 variation request is poorly founded
- Non-compliance with the SEPP 65 principle and ADG
- BASIX report is not updated
- Not consistent with the SEPP (Gosford City Centre) 2018
- Scale of amendments mean current proposal should have been lodged as a new DA
- Traffic and road safety
- Lack of parking
- Photomontage is misleading
- Insufficient commercial space
- Safety and crime
- Rubbish will be left in street due to bulk collection issues
- Disruption during construction will lead to a loss of business in locality
- Geotechnical stability – excavation
- Interface to adjoining properties
- Stormwater and flooding
- Loss of property value

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 during the public meeting.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Louise Camenzuli	 Kyle MacGregor
 Chris Burke	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2016HCC020 – Central Coast – DA49565/2016
2	PROPOSED DEVELOPMENT	Mixed use development – commercial and shop top housing (2 Towers) residential flat building (4 towers)
3	STREET ADDRESS	372, 374, 393, 395 & 397 Mann Street & Nos 35, 37 & 41A Dwyer Street & 76 Hills Street North Gosford
4	APPLICANT OWNER	Caine King – CKDS Architecture K Schmidt
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Local Government Act 1993 Roads Act 1993 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 No 65 – Design Quality of Residential Apartment Development and associated Apartment Design Guide State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy No 71 – Coastal Protection State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Gosford City Centre) 2018 Central Coast Regional Plan 2036 Gosford Local Environmental Plan 2014 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"> Gosford Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 9 September 2020 Clause 4.6 (Exceptions to Development Standards) of GLEP 2014 Variation Request Written submissions during public exhibition: <ul style="list-style-type: none"> First round - 33 submissions, petition with 55 signatures Second round - 15 submissions, petition with 122 signatures. Third round - 25 submissions, petition with 121 signatures Fourth (final) round - 18 submissions, petition with 121 signatures. Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ Zina Harije, Diana Londish,, Geoffrey Dignam, Phillip Kingsmill and Gary Chestnut ○ On behalf of the applicant: Adam Crampton, Ken Schmidt, Bob Nation, Caine King • Written submissions received after public meeting: two (2) • Supplementary Council assessment report: 1 October 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 16 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Erin Murphy, Salli Pendergast, Andrew Roach, Emily Goodworth, Mark Wasson • Site inspections: <ul style="list-style-type: none"> ○ Alison McCabe (Chair): 9 September 2020 ○ Juliet Grant: 9 September 2020 • Final briefing to discuss council's recommendation: 16 September 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Louise Camenzuli, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Erin Murphy and Emily Goodsmith • Papers circulated electronically on 1 October 2020
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided