

DATE OF DETERMINATION	14 September 2017
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Abigail Goldberg, Ken Greenwald
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Leavey declared a non-pecuniary interest, as he had dealings with the applicant and immediate neighbor as a consultant to the Council.

Public meeting held at Erina Centre, 620 Terrigal Drive, Erina. Opened at 6.40 pm and closed at 7:00 pm.

MATTER DETERMINED

2016HCC021 – Central Coast – DA49556/2016 at 280, 290 & 300 Mann St, Gosford (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 the matters observed at site inspections listed at Item 8 in Schedule 1.

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*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the balancing of the assessment of environmental considerations as outlined in the council report.

The Panel agreed with the conclusion in the report that the proposal would not necessarily result in the isolation of an immediately adjoining site, despite some concerns expressed by Council's architect.

The Panel had regard to the applicants' clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of the Gosford Local Environmental Plan 2014 ('the LEP'). Given the relatively minor and localised height exceedance and the setting of the site, the Panel was satisfied the applicant's written request addressed required matters within clause 4.6 of the LEP, and it was considered compliance with the height limit was unnecessary and unreasonable in this case. The overall site planning, including aspects significantly below the height limit, tower location, scale, design and orientation were such that the proposal was well-considered and suited to the site.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments, which were imposed to ensure the appropriate activation of Mann Street, a visual softening of the western elevation at the lower level and for safety of inhabitants. Given the provision of parking was above RMS rates and the location of a nearby train station, the Panel favoured greater streetscape activation, which may be at the expense of some on-site parking, if necessary.

The following new Conditions are to be added to the Notice of Determination:

- 1.3 *The ground level uses and interface with Mann Street, south of the southern-most proposed driveway entrance, shall be reviewed with a view to increasing active use(s), including the addition of another retail use/tenancy, and the servicing uses for the building be redesigned to minimise their width and presentation to Mann Street to the greatest extent possible and practicable. The plans shall be amended to this effect, which may involve the replanning of the*

parking layout (although not the driveway locations and not by compromising other uses north of the southern driveway) and may also involve the loss of up to 6 car spaces, if necessary. Revised plans complying with this condition shall be prepared and written approval obtained from Council prior to the issue of a Construction Certificate.

- 1.4 *The approved plans and landscape plans shall be amended to include details of planting to the lower two levels of the western masonry wall (adjoining the railway), to provide climbing vines or screen planting (which may be in combination with architectural detailing such as artworks or architectural relief of visual interest), with the intent to soften and make more visually interesting the western presentation of the building as viewed from the west. Revised plans complying with this condition shall be prepared and written approval obtained from Council prior to the issue of a Construction Certificate.*
- 1.5 *The external cladding material shall be detailed in the application for a Construction Certificate and have thermal qualities which do not pose a fire safety threat to inhabitants of the building.*

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Abigail Goldberg	 Ken Greenwald

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC021 – Central Coast – DA49556/2016
2	PROPOSED DEVELOPMENT	Mixed Use Development - 219 Units, Retail uses, associated parking and Demolition of Existing improvements
3	STREET ADDRESS	280, 290 and 300 Mann Street, Gosford
4	APPLICANT/OWNER	Karedis Nominees Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments, including: • State Environmental Planning Policy (SEPP) No 55 – Remediation of Land ◦ State Environmental Planning Policy (SEPP) No 65 – design Quality of Residential Apartment Development ◦ State Environmental Planning Policy (Building Sustainability Index: (BASIX) 2004 ◦ State Environmental Planning Policy (Infrastructure) 2007 ◦ Gosford Local Environment Plan 2014 • Development control plans: ◦ Gosford Development Control Plan 2013 • Local Government Act 1993 – Section 89 • Protection of the Environment Operations Act 1997 • Roads Act 1997 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>. • 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 • Submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and Regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: Received by the Secretariat 28 August 2017, dated 14 September 2017 • Written submissions during public exhibition: Two (2) • Verbal submissions at the public meeting: ◦ On behalf of the applicant – Nathan Shea (Arkadi Property Services)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing Meeting 12 May 2016 • Site inspection 14 September • Final briefing meeting to discuss council's recommendation, 14 September 2017 at 2:30 pm. Attendees: ◦ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Abigail Goldberg, Ken Greenwald ◦ <u>Council assessment staff</u>: Robert Eyre, Tanya O'Brien
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report