

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	26 July 2018
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Abigail Goldberg and Cr Kyle MacGregor
APOLOGIES	Cr Chris Burke and Michael Leavey
DECLARATIONS OF INTEREST	None

Public meeting held at The Erina Centre on 26 July 2018, opened at 2.00pm and closed at 3.40pm.

MATTER DETERMINED

Panel Ref – 2016HCC023 - LGA – Central Coast Council – DA49558/2016 at 34-44 Hills Street, North 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 pursuant to section 4.16 and 4.17 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous

REASONS FOR THE DECISION

The Panel agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

The applicant had proactively responded to the previous reasons for deferral by the Panel, with a consequential significant improvement to the design and outcome. The proposal was now acceptable in its physical and legislative context.



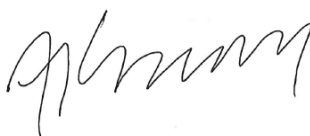

The Panel had regard to the applicants' Clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of the Gosford Local Environmental Plan 2014 ('the LEP'). This variation largely arose from a split height limit within the site, with the proposal still stepping down with the height limit, although at a step not aligning with the LEP height map. Given the location, height distribution, setbacks/separation distances, the transforming nature of the area and approved surrounding development in the locality, appropriate massing, design measures, the lack of negative impacts associated with the proposed height, the zoning objectives and height objectives, and acceptable design excellence response, the Panel was satisfied regarding the proposed height. The Panel formed the view the proposal and the applicant's written request satisfactorily 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 proposal was well within the FSR standard for the site and generally complied with the ADG and DCP guidelines.

In terms of considering community views, it was noted there was one submission to the re-exhibited proposal and previous submissions were outlined in the previous assessment report. The Panel agreed with the staff consideration of issues raised. The parking and privacy impacts of the proposal are not such to warrant refusal of the application.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Jason Perica (Chair	 Kara Krason
 Abigail Goldberg	 Cr Kyle MacGregor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2016HCC023 - LGA – Central Coast Council – DA49558/2016
2	PROPOSED DEVELOPMENT	Residential Flat Building – Two Towers (85 Units) & Demolition of Existing Structures
3	STREET ADDRESS	Lot 23 Sec:2 DP 1591, Lot 1 DP 874151, Lot 26 Sec 2 DP 1591, Lot 24 Sec 2 DP 1591, Lot 25 Sec 2 DP 1591, 44 Hills Street, North Gosford, 34-36 Hills Street, North Gosford, 38 Hills Street, North Gosford, 42 Hills Street, North Gosford and 40 Hills Street, North Gosford
4	APPLICANT/OWNER	Applicant – Beraldo Design Owner – Brighton Landing Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$20m and lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">Environmental planning instruments:<ul style="list-style-type: none">Local Government Act 1993Roads Act 1997Rural Fires Act 1997State Environmental Planning Policy No 55 – Remediation of LandState Environmental Planning Policy No 65 – Design Quality of Residential Apartment DevelopmentState Environmental Planning Policy (Building Sustainability Index: BASIX) 2004State Environmental Planning Policy (Coastal Management)

		<p>2018</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Gosford Local Environmental Plan 2014 ● Development control plans: <ul style="list-style-type: none"> ○ Gosford Development Control Plan 2013 ● 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 ● 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: 10 June 2018 ● Written submissions during public re-exhibition: 1 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Brett Brown and Maurice Beraldo
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing meeting – 12 May 2016 ● Site inspection, Final Briefing Meeting and Public Meeting (prior to revision) – 30 March 2017 ● Final briefing meeting to discuss council’s recommendation and Public Meeting - 26 July 2018. ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Abigail Goldberg and Cr Kyle MacGregor ○ <u>Council assessment staff</u>: Antonia Stuart
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report