

RECORD OF DEFERRAL

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	Wednesday, 27 November 2019
PANEL MEMBERS	Kara Krason (Chair), Peter Brennan, Chris Burke and Kyle MacGregor
APOLOGIES	Jason Perica
DECLARATIONS OF INTEREST	Michael Leavey – Declared a minor, non-pecuniary interest as he was involved in pre DA discussions for the application while providing consulting services to the former Gosford City Council.

Public meeting held at Central Coast Council – Gosford Council – 49 Mann Street, Gosford on 27 November 2019, opened at 4:20pm and closed at 6:13pm.

MATTER DEFERRED

2016HCC024 – Central Coast Council – DA49578/2016 at 321 Mann Street Gosford, Lots 8, 9, 10 & 11, Sec 1, DP 1591 and Lot: 12 SEC: 1 DP: 1591 Lot: 13 SEC: 1 DP: 1591 331 Mann Street Gosford NSW – Commercial & Shop Top Housing (JRPP) (as described in Schedule 1)

REASONS FOR DEFERRAL

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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel resolved to defer determination of the development application, pending further documentation, amended plans and advice, as outlined below.

The decision was unanimous.

The Panel was conceptually supportive of the proposed development subject to some design improvements being made to address concerns with the bulk of the building as read from Mann Street; additional information to address the lack of detailing regarding the design and ongoing maintenance of the proposed green façade; and amendments to address the unsatisfactory level 4 design response that provides insufficient visual and acoustic privacy to residents of the dwellings adjoining the communal open space areas and possibly inadequate solar access to living areas should high walls be used to provide increased privacy.

While the panel had some concerns with the bulk and scale of the development it noted that it complied with the applicable height and FSR standards under the LEP and that the proposed materials and finishes contributed to the design excellence of the building and would assist in mitigating the bulk and scale.

The Panel considered that the amenity of the residential apartments on Level 4 would be impacted by the proximity and design of the surrounding communal open space area. This included the proximity of the living room and terrace of the southern apartments to the proposed BBQ area, the proximity of the northern apartment terraces and habitable room windows to the pool area and associated deck area; and the east facing apartments to the communal walkway between the northern and southern communal open space areas. The Panel was also of the opinion that given the number of units proposed, a communal meeting room should be provided in accordance with 4F-2 of the Apartment Design Guide, preferably adjacent the pool area to provide some separation between apartments and active outdoor communal open spaces.

TERMS OF THE DEFERRAL

Having regard to the concerns of the Panel in relation to some aspects of the proposed design and the request for further assessment to be undertaken by Council's traffic engineer in relation to adequacy of sight lines and traffic conditions, determination of the development application is **deferred** to allow for the following to be addressed:

- Provide amended plans that increase the size of the slot between the two tower forms (mid units fronting Mann Street) to enable the tower form to read more as two separate tower forms from the Mann Street frontage.
- Level 4 is to be redesigned to achieve improved aural and visual privacy to all residential units while maintaining reasonable access to sunlight to living rooms and private open space areas for those apartments adjoining the communal open space areas.
- Consideration should be given in the amended plans to providing a community room at the northern end of Level 4 adjoining the pool area and the relocation of the southern BBQ area to the northern communal open space area to concentrate active communal space at the northern end of the podium and to enable a design capable of providing greater separation between the communal facilities and adjoining residential apartments. A satisfactory separation distance is to be provided between residential units and the active and passive communal open space areas with consideration given to siting of windows and achievement of adequate sunlight access and privacy.
- Units 5 and 11 are to be redesigned to provide for one communal corridor between both lifts and enabling direct access from the internal corridor to both the northern and southern communal open space areas.
- Provide amended plans that provides for the proposed awning at the front of the building to be setback 600mm from the kerb line in Mann Street.
- Council's traffic engineer is to confirm whether site lines are adequate and/or whether any modifications are required to address the RMS comments, particularly in relation to safety considerations. Consideration should also be given to a left in/left out scenario.
- Further details are to be provided for the proposed architectural and landscape design of the north and south façade planters, including but not limited to planting schedule including consideration of soil depth, access to sunlight and wind conditions, operational and maintenance details and architectural planter box façade design details. Consideration of an alternative façade treatment that exhibits design excellence may be submitted for further assessment by Council's Architect as an alternative to the planter boxes.

Upon receipt of the amended plans and documentation by Council, a Supplementary Assessment report is to be prepared by Council Officers for the consideration of the Regional Planning Panel. The Panel requests that the Supplementary Assessment Report reviews relevant conditions related to the above matters, and further reviews the draft conditions, including but not limited to the wording of the deferred commencement condition, wording of Condition 7.12 in relation to waste management, and ensuring appropriate conditions relating to number and allocation of accessible car spaces, parking design, adaptable housing, materials and finishes, and landscaping of the site.





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:

- Height, bulk and scale of the development
- Impacts on the streetscape
- Lack of visitor parking
- Traffic impacts
- Privacy to neighbouring properties

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. There is further potential for additional conditions of consent to be added once the matter is determined,

particularly in relation to managing traffic and parking, residential amenity and architectural and landscape design.

PANEL MEMBERS	
 Kara Krason (Chair)	 Peter Brennan
 Chris Burke	 Kyle MacGregor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC024 – Central Coast Council – DA49578/2016
2	PROPOSED DEVELOPMENT	Proposed mixed use commercial and shop top housing development with 184 units, including the demolition of existing structures and staged construction.
3	STREET ADDRESS	321 Mann Street Gosford, Lots 8, 9, 10 & 11, Sec 1, DP 1591 and Lot: 12 SEC: 1 DP: 1591 Lot: 13 SEC: 1 DP: 1591 331 Mann Street Gosford NSW
4	APPLICANT/OWNER	Applicant: Mann St Enterprises Pty Ltd Owner: Kathlim and Nathan Troy Motors Superannuation Fund
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning & Assessment Act 1979 (EP&A Act) Local Government Act 1993 (LG Act) Roads Act 1993 (Roads Act) State Environmental Planning Policy (State and Regional Development) 2011 (SEPP State and Regional Development) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) State Environmental Planning Policy (Gosford City Centre) 2018 Central Coast Regional Plan 2036 Draft Central Coast Local Environmental Plan 2018 (CCLEP) Gosford Local Environmental Plan 2014 (GLEP 2014) Apartment Design Guide (ADG) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Gosford Development Control Plan 2013 (GDCP 2013) Planning agreements: Nil

		<ul style="list-style-type: none"> • 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: 5 November 2019 • Legal advice provided by Lindsay Taylor Lawyers dated 3 October 2019 • Planning Advice letter prepared by FFP dated 15 November 2018 • Written submissions during public exhibition: 5 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Jill Erem ○ Council assessment officer – Erin Murphy and Andrew Roach ○ On behalf of the applicant – Renee Read and James Moses
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Thursday, 28 June 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Cr Kyle MacGregor and Cr Chris Burke ○ <u>Council assessment staff</u>: Robert Eyre, Emily Goodworth, Lyn Littlefield, Jane Doyle and Jamie Loader • Site inspection: Wednesday, 27 November 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Kara Krason (Chair), Peter Brennan, Chris Burke and Kyle MacGregor ○ <u>Council assessment staff</u>: Erin Murphy • Final briefing to discuss council's recommendation, Wednesday, 27 November 2019 at 12:45pmpm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Kara Krason (Chair), Peter Brennan, Chris Burke and Kyle MacGregor ○ <u>Council assessment staff</u>: Erin Murphy, Ailsa Prendergast, Andrew Roach and Steven Green
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	Attached to the council assessment report