

DATE OF DETERMINATION	29 April 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Stephen Gow, Kyle MacGregor and Chris Burke
APOLOGIES	None
DECLARATIONS OF INTEREST	Juliet Grant declared a conflict of interest as her current employer, City Plan Services, produced the SEE for this project. Ms Grant did not participate in any discussion of this application.

Public meeting held via teleconference on 29 April 2020, opened at 10:55 am and closed at 11:10am.

MATTER DETERMINED

PPS-2016HCC024 – Central Coast Council – DA49578/2016 at Mann St, 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the Council report amended as follows.

1. Delete Condition 1.1(b)(i).
2. Delete Condition 3.3 and replace with the following:
 - 3.3 An amended landscape plan is to be submitted and approved by Central Coast Council. The plan must include but is not limited to:
 - a. Details of how the amended Architectural Plans (Revision M) are incorporated into the landscape plans (Prepared by 24GRP Landscape dated March 2017) with particular regard to the Level 4 Podium.
 - b. Detail how the plants for the planter boxes on all elevations have been chosen with consideration for them being:
 - (i) low maintenance
 - (ii) specific to the aspects (north, south, east and west)
 - (iii) appropriate for the available soil depth.
 - c. Be accompanied by written certification that the plans have been prepared by a qualified landscape designer.
 - d. Include details of the landscape treatment, including canopy trees within the 6m setback to the eastern boundary and show that there are no structures (including balconies) other than approved accessways.

- e. A depth of one (1) metre must be provided to all landscape planters, except for the individual lightweight 'nano self-cleaning composite aluminium' boxes for the individual resident balconies to the northern and southern elevations.
3. Delete Condition 3.13(e).
4. Amend condition 3.13(g) to read as follows:

3.13(g) The external colour schedule and materials of the development must be consistent with the photomontage and Drawing DA-004 External Finishes Rev M dated 10/02/2020.
5. Amend Condition 3.21 to read as follows:

3.21 The recommendation under part 6 of the Traffic Noise Assessment prepared by RCA Australia version 3 dated 03/07/2017 are to be detailed in the plans accompanying the construction certificate.
6. Addition of the following conditions:
 - (a) Under - Prior to issue any Construction Certificate
 - (i) Amended plans are to provide deletion of all references to balcony structures encroaching into the landscaped setback from the basement and ground floor plans and elevations on the eastern side of commercial tenancies A, C, H and D. The only structure permitted are those required for access.
 - (ii) Submit to Central Coast Council for approval a design concept for public artwork for the development site.
 - (iii) The sewer must be replaced as shown on James E Allen & Partners Sewer Main Diversion Works version P4 dated 11/08/2019. The detailed design of the sewer relocation is to be carried out in accordance with Council Building Over or Near Council Sewer and Water Main Guidelines.
 - (b) Under - Prior to issue any Occupation Certificate
 - (i) Provide Council and the Principal Certifier a certificate of completion signed by the artist for the installation of public artwork in accordance with the approved public art design concept.
 - (ii) Prior to the release of any occupation certificate an appropriately qualified acoustic consultant must provide to the certifying authority a compliance certificate that the building has been constructed in accordance with the recommendations of the Traffic Noise Assessment, prepared by RCA Australia, version 3, dated 03/07/17 and the Department of Planning and Environment (DP&E) document "Development Near Rail Corridors and Busy Roads – Interim Guideline" (2008).

7. That the Conditions be renumbered as necessary.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel had the benefit of a further memo regarding the applicability of the State Environmental Planning Policy (Coastal Management) 2018 or otherwise.

- The proposed development is consistent with the policy framework applicable at the time of lodgement.
- The form and scale of the building is considered appropriate to the emerging context and location of the site within a city centre close to transport facilities.
- The proposed building exhibits design excellence.
- The impacts of the development are reasonable and adequately mitigated.
- The impacts of the off-site sewer works are acceptable.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report and amended as above.

CONSIDERATION OF COMMUNITY VIEWS



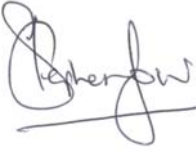
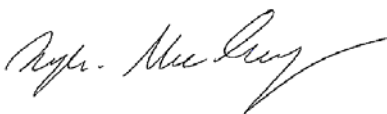

In coming to its decision, the Panel considered written submissions made during the public exhibition. The previous Panel had heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- 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 the approved conditions of consent as further amended.

The Panel considered the impact of the sewer works on the adjoining property and reviewed the sewer plans and were satisfied that the impacts were reasonable.

Additional conditions were imposed to ensure the appropriate landscape setting was achieved at the property interface.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Stephen Gow	 Kyle MacGregor
 Chris Burke	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2016HCC024 – Central Coast Council – DA49578/2016
2	PROPOSED DEVELOPMENT	Proposed mixed use commercial and shop top housing development with 182 units, including the demolition of existing structures and staged construction
3	STREET ADDRESS	321 Mann St, 325 Mann St and 331 Mann St, Gosford
4	APPLICANT/OWNER	Mann St Enterprises Pty Ltd
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 Roads Act 1993 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 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Gosford City Centre) 2018 Central Coast Regional Plan 2036 Draft Central Coast Local Environmental Plan 2018 Gosford Local Environmental Plan 2014 Apartment Design Guide Draft environmental planning instruments: Nil 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> 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: five (5) Verbal submissions at the public meeting on 27 November 2019: <ul style="list-style-type: none"> In objection – Jill Erem Council assessment officer – Erin Murphy and Andrew Roach On behalf of the applicant – Renee Read and James Moses Council supplementary assessment report: 15 April 2020 Council addendum memorandum: 28 April 2020 Verbal submissions at the public meeting on 29 April 2020: <ul style="list-style-type: none"> On behalf of the applicant – 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), Kyle MacGregor and 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, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Erin Murphy • Final Briefing to discuss council's recommendation, Wednesday, 27 November at 12:45 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Kara Krason (Chair), Peter Brennan, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Erin Murphy, Ailsa Prendergast, Andrew Roach and Steven Green • Site inspections: <ul style="list-style-type: none"> ○ <u>Panel members</u>: ○ Alison McCabe (Chair): 3 April 2020 ○ Sandra Hutton: Monday, 27 April 2020 • Final briefing to discuss council's recommendation, 29 April 2020, 9:50am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Stephen Gow, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Erin Murphy, Ross Edwards and Ailsa Prendergast
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report