

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING
PANEL

DATE OF DETERMINATION	24 February 2017
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Ken Greenwald, Susan Budd
APOLOGIES	Bob Ward
DECLARATIONS OF INTEREST	Michael Leavey has declared a COI as he provided consultancy services to the Council when the applications were lodged and this may lead to a perception of a conflict of interest.

The meeting held electronically (noting 2 prior public meetings on the proposal).

MATTER DETERMINED

2016HCC028 – Central Coast Council – DA49685/2016 – 32 Mann Street, 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 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 3:1 in favour, against the decision was Mr Ken Greenwald.

REASONS FOR THE DECISION

In terms of wider considerations, the Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment reports. The proposal and supporting information had evolved since the original consideration of the DA by the Panel and following two prior deferrals by the Panel (following public meetings), leading to an overall proposal now acceptable to the majority of the Panel.

The prior lengthy public meetings were informative and helpful for the Panel. It is clear there are passionate views about the future of the site and Gosford more generally. The submissions regarding the proposed development can generally be categorised as those supporting the proposal and those not. In this case, both perspectives are understandable. For those supporting the proposal, the investment and economic benefits, locally-based jobs, activation of the area and wider flow-on benefits of the proposal to the town centre fringe and wider region were noted. For those against the proposal, a key, although not exclusive, concern was the previous identification of the site (and adjoining sites) as an Art Precinct, within a 2010 Masterplan which the Panel was advised had been endorsed by the State and local Council, which followed wide public consultation.

For whatever reason, the previous intention for an Arts precinct on the site had not been realised, either through any land/asset agreement between the State and Council, nor in the subsequent planning controls. The planning controls (particularly the provisions for the precinct in the DCP, and more widely and recently in the Central Coast Regional Plan) appear to have had some regard to the prior Masterplan. In the overall context of the

applicable planning regime, the 2010 Masterplan cannot be given any substantive weight in the development assessment of the proposal. It is the current applicable planning controls, particularly the current Local Environmental Plan and Development Control Plan, which have primary consideration in determining the current proposal (together with matters prescribed by the EPA Act and Regulations).

In this regard, the Panel particularly noted the following:

- The permissibility of the proposal in the B4 Mixed Use zone;
- The consistency of the proposal with the objectives of the zone;
- The compliance with key development standards in GLEP 2014;
- The proposal meets the objectives of clause 4.3 Height of Building and clause 4.4 Floor Space Ratio of GLEP 2014.
- Improvements to the proposal and an appropriate outcome in terms of articulation, materiality, future linkages and overall design excellence provisions in GLEP 2014;
- The proposal meets the objectives of Clause 8.1 and provisions of clause 8.5 of GLEP 2014 in relation to design excellence.
- The proposed amended design satisfactorily addresses the matters for consideration listed in clause 8.5(3) and accordingly exhibits design excellence.
- The general consistency with relevant provisions of GDCP 2013;
- The appropriate activation of the street and relationship with the adjoining approved development to the north including improved façade treatment and a design that provides for the required tree protection on the adjoining site.
- Improved façade treatment along the western elevation including the integration of vertical landscape elements and sandstone cladding into the amended design to achieve a building that will have a positive visual impact when entering Gosford;
- Appropriate consideration of issues related to Acid Sulphate Soils and land contamination (subject to conditions and mitigation through construction).
- The panel is satisfied (on the basis of reports provided to the panel and the proposed conditions of consent) that the land will be suitable, after remediation, for the purpose for which the development is proposed to be carried out, and that the land will be remediated before the land is used for that purpose.

Ken Greenwald disagreed with the majority decision in regards to the consistency of the proposal with the GDCP 2013, Chapter 4.4 Gosford Waterfront section 4.4.3.4 Mixed Use Buildings for the following reasons:

The proposal does not fully meet the objectives set out under the GDCP 2013 for the Gosford Water front section 4.4.3.4 Mixed Use Buildings;

As stated in section 4.4.3.4; " *Mixed use developments provide for a variety of use and activities, encouraging use of the Gosford Waterfront outside of the working day adding vibrancy and life to the city streets.* "

As such Ken Greenwald assessed that objectives 2 and 4 as stated in that section have not been met.

- 2. The proposal is unlikely to create lively streets and public spaces particularly outside of the working day.
- 4. The development does not enhance public safety by increasing activity in the public domain on week nights and on weekends.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report of February 2017 and amended set of conditions provided by Council on 28 February 2017.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Ken Greenwald	 Susan Budd

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC028 – Central Coast Council – DA49685/2016
2	PROPOSED DEVELOPMENT	Mixed Use Commercial Development
3	STREET ADDRESS	LOT 2 DP 1210298, 32 Mann Street GOSFORD
4	APPLICANT/OWNER	Government Property NSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments (including those below and as identified in the assessment reports): - Gosford Local Environmental Plan 2014 - State Environmental Planning Policy No 55- Remediation of Land <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> - Draft environmental planning instruments: Nil - Development control plans: - Gosford Development Control Plan 2013 - Planning agreements: 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	- Council assessment report of 16 February 2017 and previous assessment reports to prior public meetings - Written submissions during public exhibition: 57 to original exhibition/notification - Verbal submissions to previous two public meetings - Detailed Site Investigation Report, Douglas Partners, November 2016 - Email advice from Council regarding amended conditions on 28 February 2017
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing meeting on 15 September 2016, 5 December 2016 and 23 January 2017 - Matter previously deferred following public meetings on 15 September 2016 & 5 December 2016
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the Council assessment report (dated February 2017)
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