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| DATE OF DETERMINATION | Wednesday 12 December 2018 |
| PANEL MEMBERS | Susan Budd (Chair), Peter Brennan, Cr Kyle MacGregor & Cr Jeff Sundstrom |
| APOLOGIES | Jason Perica, Kara Krason & Cr Chris Burke |
| DECLARATIONS OF INTEREST | Michael Leavey - Had some initial involvement in the assessment of the application while providing consultancy services to the Council in 2016 |

Public meeting held at Central Coast Gosford Office, 49 Mann Street Gosford on 12 December 2018, opened at 2:00pm and closed at 3.52pm.

MATTER DETERMINED

2018HCC019 – Central Coast Gosford Office – DA47044/2015 Part 2 at Lot: 100 DP: 1066540 70 John Whiteway Drive 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 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 determined to approve the development application pursuant to section 4.55 (previously section 80/96) of the *Environmental Planning and Assessment Act 1979*, subject to the conditions recommended by the council assessment report as modified by this determination:

The decision was unanimous.

REASONS FOR THE DECISION

- The panel generally agrees with the assessment and balance of considerations in council's assessment report and is satisfied that the development as modified is substantially the same development as originally approved.
- The panel notes the modifications to the approved built form are generally within the approved built form envelope with some minor articulation of facades to improve design elements, and that the separation distances between Towers 3 and 4 of 80 John Whiteway Drive and the proposed development are either ADG compliant, or generally consistent with the approved DA.
- The panel agrees that the relocation of the communal open space from the ground level to the northern end of level four provides increased amenity for the occupants of the approved development. The panel further notes the provision of planter box screening and the imposition of the additional condition 6.16 restricting hours of operation of the rooftop communal open space will mitigate visual and aural impacts to the residents of adjoining properties.
- In relation to the increased excavation to accommodate additional basement car parking, the panel notes the advice of council and the applicant's town planner that the geotechnical report provided as part of the DA assessment was based on basement excavation generally commensurate with the extent of excavation proposed in the modification application. The panel also notes the changes to condition 2.10 requiring the geotechnical report to be provided to council and PCA prior to issue of construction certificate and the additional requirement for the geotechnical report to include an excavation methodology.

- The panel was satisfied that the application as modified provides a superior built form outcome and is generally in the public interest.

CONSIDERATION OF COMMUNITY VIEWS





In coming to its decision, the Panel considered written submissions (3) made during public exhibition.

- The Panel considers that concerns raised by the public have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed on the consent

CONDITIONS

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

- Condition 2.10 – To include an additional requirement after the fourth dot point as follows: *Provide a detailed excavation methodology including the use of appropriate plant such as rock breaking and rock sawing equipment.*
- Amend the second paragraph of 2.10 to read as follows: *A copy of the final geotechnical report shall be provided to the PCA and council, prior to the issue of the construction certificate. The recommendations and details shall inform the plans and supporting details with the construction certificate.*
- New condition 6.16 as follows: *The use and occupation of the communal open space at level 4 of the building being restricted to the areas of 8AM-8PM daily other than during eastern daylight savings time when the hours can extend to 9PM.*

| PANEL MEMBERS | |
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|  Susan Budd (Chair) |  Peter Brennan |
|  Cr Kyle MacGregor |  Cr Jeff Sundstrom |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2018HCC019 – Central Coast Council Gosford Office – DA47044/2015 Part 2 |
| 2 | PROPOSED DEVELOPMENT | Section 4.55 Amendment – Increase Unit from 66 to 72, Increase Parking Spaces, Height Decrease by 40mm. |
| 3 | STREET ADDRESS | Lot: 100 DP: 1066540 70 John Whiteway Drive Gosford |
| 4 | APPLICANT/OWNER | Applicant: Benson McCormack Architecture Owner: Emirates Pearl Gosford Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Section 4.55(2) Modification Application |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 (EP&A Act) ○ Rural Fires Act 1997 (RF Act) ○ Roads Act 1997 (Roads Act) ○ State Environmental Planning Policy No 19 – Urban Bushland (SEPP 19) ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) ○ Gosford Local Environmentla Plan 2014 (GLEP 2014) ○ Apartment Design Guide. Tools for improving the design of residential apartment development (ADG) • Draft environmental planning instruments • Development control plans: <ul style="list-style-type: none"> ○ Gosford Development Control Plan 2013 (GDGP 2013) • Planning agreements • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan • 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: 26 November 2018 • Geotechnical assessment report prepared by Pells Sullivan Meynink dated 27 April 2017. • Written submissions during public exhibition: Three • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – None ○ Object - None ○ On behalf of the applicant – Gerard Turrisi |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection and briefing Wednesday 12 December 2018 • Final briefing to discuss council’s recommendation, Wednesday 12 December 2018, 1:00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Susan Budd (Chair), Peter Brennan, Cr Kyle MacGregor & Cr Jeff Sundstrom ○ <u>Council assessment staff</u>: Antonia Stuart, Amy Cropley, Alisa Prendergast & Mark Wasson |

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| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |