

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

<b>DATE OF DETERMINATION</b>	7 July 2023
<b>DATE OF PANEL DECISION</b>	7 July 2023
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Tony Tuxworth
<b>APOLOGIES</b>	Tony McNamara
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 28 June 2023.

**MATTER DETERMINED**

PPSHCC-138 – Central Coast – DA/46209/2014/D at 27-37 Mann Street, Gosford – modification application (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 has had a number of briefings on this matter from both Council and the applicant. The matter is also the subject of Land and Environment Court (LEC) proceedings against the deemed refusal of the application. These proceedings are running parallel to the Panel consideration and assessment of the matter.

The modification application is seeking both additional height and FSR from that originally approved, which results in further noncompliance from the development standards and results in impacts on adjoining properties and compromised design and heritage outcomes.

The Panel is not satisfied that the development as proposed to be modified is substantially the same development as the development for which consent was originally granted. For the reasons outlined in the Council report, the Panel is of the view that the modification application should be refused.

The applicant requested that the matter be deferred to allow the LEC process to continue noting that amended plans had been prepared and under consideration. This process will continue irrespective of the Panel's decision. The Panel saw no utility in deferring the decision on the application where LEC proceedings were continuing.

**Development application**

The Panel determined to refuse the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**





The Panel determined to refuse the application for the reasons outlined in the council assessment report.

## 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:

- Loss of solar access
- Loss of privacy
- Loss of views and outlook
- Loss of airflow
- Excessive height and scale
- Acoustic impacts
- Increased traffic impacts and safety impacts from vehicles
- Lack of parking
- Increased costs to prevent access to existing visitor parking
- Social impacts
- Construction impacts
- Lack of a dilapidation report
- Adverse heritage impacts

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Greg Flynn	 Tony Tuxworth

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-138 – Central Coast – DA/46209/2014/D
2	PROPOSED DEVELOPMENT	Modification of DA approved by Regional Planning Panel Variations to height and FSR over 10%
3	STREET ADDRESS	Lots A & C, DP 355117; Lots 10 & 11, DP 591670; and Lots 1 - 4, DP 382784 27 - 37 Mann Street and 125 Georgiana Terrace, Gosford
4	APPLICANT OWNER	Doug Sneddon Planning Pty Ltd Rola Property Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Precincts – Regional) 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Gosford City Centre Development Control Plan 2018</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 11 May 2023</li> <li>Written submissions during public exhibition: eight (8)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 7 September 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Tony Tuxworth and Greg Flynn</li> <li><u>Council assessment staff</u>: Erin Murphy, Emily Goodworth, Jenny Tattam and Eliza Williamson</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>Briefing: 21 February 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Tony Tuxworth</li> <li><u>Council assessment staff</u>: Erin Murphy and Emily Goodworth</li> <li><u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>Site inspections: <ul style="list-style-type: none"> <li><u>Greg Flynn</u>: 30 June 2023</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 5 July 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Tony Tuxworth</li> <li><u>Council assessment staff</u>: Ailsa Prendergast, Brett Brown and Emily Goodworth</li> <li><u>Department staff</u>: Leanne Harris, Tim Mahoney and Lisa Foley</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Submitter Briefing: 5 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Tony Tuxworth</li> <li>○ <u>Council assessment staff</u>: Ailsa Prendergast and Emily Goodworth</li> <li>○ <u>Department staff</u>: Leanne Harris, Tim Mahoney and Lisa Foley</li> <li>○ <u>Submitters</u>: Kay Bayliss on behalf of the Owners Corporation for adjacent property</li> </ul> <p><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report</p> </li> <li>• Applicant Briefing: 5 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Greg Flynn and Tony Tuxworth</li> <li>○ <u>Council assessment staff</u>: Ailsa Prendergast</li> <li>○ <u>Department staff</u>: Leanne Harris, Tim Mahoney and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Doug Sneddon, Paul Anderson, Trevor DeWaal, Eric Leung, Josie Hertner, Maria Youssef, Mark Taouk and Igor Yatsenko</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided