



Telephone: 1300 463 954
Please Quote: 49565/2016

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Notice of Determination of a Development Application

issued under the *Environmental Planning and Assessment Act 1979*
section 4.18(1)(a)

Development Application No:	49565/2016 Part 1
Applicant:	CKDS Architecture Pty Ltd
Property:	Lot: 25 SEC: A DP: 1591, Lot: 26 SEC: A DP: 1591, Lot: 1 SEC: A DP: 1591, Lot: 2 SEC: A DP: 1591, Lot: 3 SEC: A DP: 1591, LOT: 4 DP: 15954, LOT: 5 DP: 15954, LOT: 31 DP: 553523, Lot: 2A DP: 407164 No 76 Hills Street NORTH GOSFORD, 41A Dwyer Street NORTH GOSFORD, 397 Mann Street NORTH GOSFORD, 395 Mann Street NORTH GOSFORD, 393 Mann Street NORTH GOSFORD, 374 Mann Street NORTH GOSFORD, 372 Mann Street NORTH GOSFORD, 37 Dwyer Street NORTH GOSFORD, 35 Dwyer Street NORTH GOSFORD
Proposal:	Mixed Use Development - Shop Top Housing, Cafe, Restaurant & Commercial (6 Towers) (RPP)
Determination:	Refused
Determination Date:	26 October 2020

Dear Sir/Madam

I refer to the above matter and advise that the application was considered by the Hunter & Central Coast Regional Planning Panel (HCCRPP) at its meeting held on 16 September, 2020.

In accordance with section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, and following consideration of the issues involved, it was resolved that the application be refused for the following reasons:



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1. The application has not adequately addressed Clause 87 of *State Environmental Planning Policy (Infrastructure) 2007* therefore the impacts of rail noise or vibration are unknown.
2. The application has not adequately addressed Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* as insufficient information has been provided to satisfy the consent authority in relation to accessibility, road congestion, efficiency and of movement of people and safety of the site and the surrounding road network.
3. The application has not addressed the provisions of Clause 7 of *State Environmental Planning Policy No 55—Remediation of Land* to satisfy the consent authority that the land is not contaminated or if it is contaminated, is suitable in its contaminated state, or will be suitable after remediation, for the purpose for which the development is proposed to be carried out.
4. The proposal has not demonstrated that it is consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
5. The proposed development has not demonstrated that adequate regard has been given to the following design quality principles contained within *State Environmental Planning Policy No. 65* with respect to Principle 1: Context and Neighbourhood Character, Principle 2: Built Form and Scale, Principle 3: Density, Principle 4: Sustainability, Principle 5: Landscape, and Principle 6: Amenity.
6. The proposal has not provided adequate justification for significant non-compliances to the Apartment Design Guide in relation to the separation required under Objective 3F-1 Visual Privacy, including separation to both the southern boundary, the western boundary and between towers on the site which will result in unacceptable amenity and built form outcomes.
7. Insufficient information has been provided to allow for a detailed assessment of the proposal against SEPP 65 in regard to meeting the following objectives of the Apartment Design Guide: Objectives: 3E-1 Deep Soil Zone, 4A-1 Solar and Daylight Access, 4O Landscape Design, 4P Planting on Structures and 4V Water.
8. The proposal has not provided adequate justification for significant non-compliances with certain design criteria of the Apartment Design Guide nor has it been demonstrated how the following objectives of the Apartment Design Guide are achieved in light of these non-compliances: 3D-1 Communal Open Space, 3F-1 Visual Privacy, 4B-3 Natural Ventilation, 4E-1 Balconies, 4H Acoustic Privacy and 4J Noise and Pollution.
9. The proposal has not adequately demonstrated the proposed residential use is compatible with the site with particular regard to the noise and vibration impacts of the adjacent rail corridor and therefore does not meet the objectives of the B4 Mixed Use zone that requires compatible land uses and activities.

10. The proposal has not demonstrated that it is compatible with the desired future character of the zone, with particular regard to height and inadequate boundary and building setbacks, or that the design represents best practice in the design of multi dwelling housing given the proposal has not demonstrated a high level of amenity is achieved in relation to acoustic impacts, visual and acoustic privacy, natural ventilation, solar access, sustainable design and landscaping. Therefore, the proposed development does not meet the objectives of the R1 General Residential zone.
11. The Clause 4.6 written request does not adequately address the provisions of Clause 4.6(3) to demonstrate that the building height development standard is unreasonable or unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to deviate from the standard.
12. The proposal does not comply with the objectives of Part 8 – Additional Local Provisions – Gosford City Centre of GLEP 2014, in the context of revitalisation of the Gosford City Centre as the proposal's non-compliance's with the southern boundary setbacks will have significant impacts on, and unfairly prejudice, the development potential of sites to the south. In addition, the noncompliance's with building separation required to both the southern boundary, the western boundary and between towers on the site result in unacceptable amenity and built form outcomes and does not exhibit design excellence.
13. The proposal does not achieve design excellence with regard to Clause 8.5 (f) (iv), (vii) and (viii) of the GLEP 2014.
14. The proposal does not adequately address the following sections of GDCP 2013: 4.1.1.4 City Centre Character, 4.1.2.8 Landscape Design, 4.1.2.9 Planting on Structures, 4.1.3.10 Corner Treatments, 4.1.3.11 Public Artwork, 4.1.4.3 Vehicle Footpath Crossings and Vehicular Driveways and Manoeuvring, 4.1.4.5 Site Facilities, 4.1.5.3 Water Conservation, 4.1.5.6 Waste and Recycling, 4.1.5.7 Noise and Vibration, 4.1.6.2 Housing Choice & Mix and 6.3 Erosion and Sediment Control.
15. The site is not suitable for the proposed development having regard for the provisions of Section 4.15(1)(c) and (g) of the *Environmental Planning and Assessment Act 1979*.
16. The proposal is not in the public interest.

Review of Determination

In accordance with sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979*, the applicant may make an application seeking a review of this determination.

Right of Appeal

Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* confers on an applicant, who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court. To ascertain the date upon which the determination becomes effective refer to section 4.20 and 8.3 of the Act.

For further information contact Central Coast Council Customer Service Centre on 1300 463 954.

Yours faithfully
Gary Murphy
Chief Executive Officer

Per: *Erin Murphy*

Date: 28/10/2020