



Telephone: 1300 463 954
Please Quote: 61540/2021

Paul Anderson Consulting Pty Ltd
17 Currawong Road
WAMBERAL NSW 2260

paul@pmandersonconsulting.com.au

Notice of Determination of a Development Application

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

Development Application No: 61540/2021 Part 1
Applicant: Paul Anderson Consulting Pty Ltd
Property: Lot: 33, 32 & 35 SEC: A DP: 8872, 1-3 Alfred Street & 315 West Street, UMINA BEACH
Proposal: Demolition & Shop Top Housing & Commercial Premise

Dear Sir/Madam

I refer to the above matter and advise that the application was considered by the Local Planning Panel at its meeting held on 09 December 2021.

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:

- 1 The proposed development does not meet the Height of Buildings development standard. The height of the proposed development exceeds the height of buildings development standard cl 4.3 of the Gosford Local Environmental Plan 2014 (GLEP2014).
- 2 The proposed height of five storeys exceeds the four storey limit for the site set out in the Gosford Development Control Plan 2013 (GDGP2013).
- 3 No compelling reason has been put forward to justify exceedance of these height limits.
- 4 Proposed building setbacks/building separation do not comply with the State Environmental Planning Policy No. 65 (SEPP65) Apartment Design Guide (ADG) Building Separation requirements or GDGP2013 setback requirements.



Wyang Office: 2 Hely St / PO Box 20 Wyong NSW 2259
Gosford Office: 49 Mann St / PO Box 21 Gosford NSW 2250

P 1300 463 954 | E ask@centralcoast.nsw.gov.au | W centralcoast.nsw.gov.au | ABN 73 149 644 003

- 5 The proposed amount of communal open space appears to be inadequate having regard to the requirements of SEPP65 ADG.
- 6 The proposed building footprint may have a potentially negative impact on the future development potential of adjoining sites.
- 7 The proposed development pattern does not promote efficient use of land, as per DCP Objective 1 – Umina Beach Village Centre.
- 8 The proposed non-compliance with the Gosford LEP 2014, SEPP65 and Gosford DCP 2013 would constitute an undesirable precedent for future development and threaten the future achievement of the strategic planning objectives for the desired future character of the area.
- 9 Granting consent does not promote the orderly and economic use and development of the land in accordance with S1.3(c) of the Environmental and Assessment Act, 1979.

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, providing it is made in time for Council to determine the review.

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

David Farmer

Chief Executive Officer

Per: *RA Eyre*

Date: 09/12/2021