



Erin Murphy
DA/61540/2021
6 December 2022

Pmando Holding Pty Ltd
17 Currawong Rd
WAMBERAL NSW 2260

Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.18(1)(a)

Development Application No:	DA/61540/2021
Property Address:	Lot 32 Sec A DP 8872, Lot 33 Sec A DP 8872, Lot 35 Sec A DP 8872 1-3 Alfred Street & 315 West Street UMINA BEACH
Description of Development:	Shop Top Housing & Commercial Premise (S8.2 Review) -
Determination:	Refused
Determination Date:	24 November 2022

Reasons for Refusal

- 1 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.
- 2 The proposed development pattern does not promote efficient use of land, as per DCP Objective 1 – Umina Beach Village Centre.
- 3 The proposed building footprint may have a potentially negative impact on the future development potential of adjoining sites.



- 4 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).
- 5 The proposed height of five storeys includes some non-compliances with the minimum floor to ceiling heights under the Apartment Design Guide and exceeds the four storey limit for the site set out in the Gosford Development Control Plan 2013 (GDGP2013).
- 6 No compelling reason has been put forward to justify the exceedance of these height limits in the applicable planning controls.
- 7 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 and have negative impacts on adjoining properties.
- 8 The proposed amount of communal open space appears to be inadequate having regard to the requirements of SEPP65 ADG.
- 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.

Right of Appeal

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* provide that the applicant may request the Council to Review the determination, except where the application is Designated development or excluded under Section 8.2(2).

Signed on behalf of the Consent Authority



Erin Murphy
Senior Development Planner
DEVELOPMENT ASSESSMENT

