



# Mann Street, Gosford (Central Coast Quarter)

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State Significant Development Assessment  
SSD 10114

July 2020



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Title: Mann Street, Gosford (Central Coast Quarter)

*Cover image: View east from Baker Street along proposed through site link towards Mann Street  
(Source: Applicant's RtS)*

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# Glossary

Abbreviation	Definition
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>ADG</b>	State Environmental Planning Policy 65, Apartment Design Guide
<b>AHD</b>	Australian Height Datum
<b>AOL</b>	aviation obstruction lighting
<b>Applicant</b>	The Trustee for the SH Gosford Residential Trust
<b>ATO Building</b>	Australian Tax Office building, 99 Georgiana Terrace
<b>BASIX</b>	State Environmental Planning Policy (Building Sustainability Index) 2004
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCD</b>	Biodiversity and Conservation Division of the Department of Planning, Industry and Environment
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>CC Health</b>	Central Coast Local Health District
<b>CCRP 2036</b>	Central Coast Regional Plan 2036
<b>CCPS</b>	draft Central Coast Car Parking Study
<b>CIV</b>	Capital Investment Value
<b>Commission</b>	Independent Planning Commission
<b>Consent</b>	Development Consent
<b>Contributions Plan</b>	Central Coast Council 7.12 Contributions Plan for Gosford City Centre (known as the Civic Improvement Plan)
<b>Council</b>	Central Coast Council
<b>CNVMP</b>	Construction Noise, Vibration Management Plan
<b>CPTED</b>	Crime Prevention through Environmental Design
<b>CPTMP</b>	Construction Pedestrian Traffic Management Plan
<b>DA(s)</b>	Development application(s)
<b>DAP</b>	City of Gosford Design Advisory Panel
<b>dB</b>	Decibels
<b>DCP</b>	Development Control Plan
<b>Department / DPIE</b>	Department of Planning, Industry and Environment
<b>DES</b>	Design Excellence Strategy
<b>Design Guidelines</b>	Central Coast Quarter Design Guidelines
<b>DSI</b>	Detailed Site Investigation
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>FEAR</b>	Future Environmental Assessment Requirement
<b>FPL</b>	Flood planning level
<b>FSR</b>	Floor space ratio

<b>GANSW</b>	Governmental Architect NSW
<b>GDCP</b>	Gosford City Centre Development Control Plan 2018
<b>GFA</b>	Gross floor area
<b>Gosford SEPP</b>	State Environmental Planning Policy (Gosford City Centre) 2018
<b>GUDF</b>	Gosford Urban Design Framework
<b>HCCDC</b>	Hunter and Central Coast Development Corporation
<b>HIS</b>	Heritage Impact Statement
<b>ICNG</b>	Interim Construction Noise Guideline
<b>Indicative scheme</b>	The Applicant's indicative proposal showing how a detailed development might appear, respond to the building envelope parameters, Design Guidelines and be laid out, but will be subject to approval through future development applications.
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local government area
<b>LoS</b>	Level of service
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NIA</b>	Noise Impact Assessment
<b>Overshadowing Analysis</b>	Applicant's shadow diagrams showing the predicted overshadowing impacts on the adjoining parks
<b>OWMP</b>	Operational Waste Management Plan
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>PWES</b>	Pedestrian Wind Environment Statement
<b>RL</b>	Reduced level
<b>Remediation SEPP</b>	Draft Remediation of Land State Environmental Planning Policy
<b>RMS Guide</b>	Roads and Maritime Guide to Traffic Generating Developments 2002
<b>RtS</b>	Response to Submissions
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEIA</b>	Social and Economic Impact Assessment
<b>SEPP</b>	State Environmental Planning Policy
<b>SEPP 55</b>	State Environmental Planning Policy No.55 – Remediation of Land
<b>SIC</b>	Gosford City Centre Special Infrastructure Contribution Levy
<b>Site</b>	26 & 32 Mann Street, Gosford
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>TIA</b>	Transport Impact Assessment
<b>ToA</b>	Term of Approval
<b>VVIA</b>	Visual and View Impact Assessment

# Executive Summary

## Introduction

This report provides an assessment of a concept State significant development (SSD) application (SSD 10114) for the staged redevelopment of 26 and 32 Mann Street, Gosford (the Proposal).

The application seeks approval for a building envelope comprised of a podium and three towers, 39,242 m<sup>2</sup> gross floor area of residential, hotel and commercial uses, landscape masterplan, design guidelines and design excellence strategy (Concept Proposal).

The application has been lodged by SH Gosford Residential Pty Ltd (the Applicant) under Part 4, Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The site is located within the Central Coast local government area (LGA). The Capital Investment Value (CIV) of the development is \$150,000,000 and the development is predicted to generate up to 375 construction jobs and 75 operational jobs across all stage.

## Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) between 11 October 2019 and 7 November 2019 (28 days). The Department received nine submissions, comprising seven from Government agencies providing comments, one from Central Coast Council (Council) raising objections and one public submission from the Community Environment Network Inc. also raising objections.

Council raised objections relating to design excellence, built form, landscaping, flooding, sustainability, traffic and parking, environmental health and planning considerations. The key concerns raised in the public submission relate to building envelope height, design excellence and recommending the Independent Planning Commission should determine the application.

In response to the issues raised, the Applicant provided its response to submissions (RtS), which was subsequently updated. The RtS included additional information and made changes to the proposal including amendments to the tower heights and setbacks and the introduction of design guidelines and a design excellence strategy.

## Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions and the Applicant's response to these.

The key assessment issues associated with the proposed development are design excellence, density, building envelopes, open space and through site links, car parking and traffic and public benefits.

The Department considers the proposal is acceptable for the following reasons, the:

- proposal, provides a height, scale and density that is compatible and appropriate within the Gosford City Centre and would not have an adverse impact on nearby heritage items
- proposed maximum tower building envelope heights are consistent with the emerging character of the Gosford City Centre, stepped in height and are generally less than other recent approvals

- detailed design of future developments would be subject to independent GDRP review and would also be guided by amended Design Guidelines, to ensure developments achieve design excellence
- the scale of the envelopes are acceptable subject to an increase to the Northern Tower envelope setback, appropriate tower articulation, consideration of floorplate size at future DA stage and a limit on the maximum volumetric fill of the building envelopes of 85% (unless otherwise agreed by the DAP).
- the envelopes establish view corridors and preserve views towards Rumbalara Reserve
- proposal would alter views from existing and proposed adjoining residential developments. However, this impact is considered to be acceptable as view sharing principles have been employed and view corridors would retain parts of existing views
- overshadowing impact on the adjoining Leagues Club Field and Memorial and Poppy Park public open spaces is acceptable noting the Leagues Club field would maintain more than 70% direct sunlight for five hours a day during mid-winter
- proposal would overshadow the proposed through site links. The Department recommends the Applicant explore opportunities to improve solar access to the through site link in mid-winter, which could include the re-orientation and/or setback of the Northern and Eastern Tower envelopes
- proposal includes a site-wide concept landscape masterplan including new through site links, open spaces, hard and soft landscaping and tree planting. The masterplan demonstrates that future developments can provide landscaping that achieves a high standard of design and treatment
- provision of a reduced amount of on-site car parking aligns with strategic policy/guidance and is likely to be acceptable subject to further assessment and justification as part of future DA(s)
- future developments would be designed in accordance with ESD principles.

## **Conclusion**

The issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent.

Following its detailed assessment, the Department concludes the proposal is consistent with the state's strategic planning objectives, is an appropriate density, well designed, would not have adverse heritage or amenity impacts and traffic impacts can be managed and/or mitigated.

The Department concludes the proposal would result in benefits to the local community and is therefore in the public interest, subject to appropriate conditions.

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# 1 Introduction

## 1.1 Introduction

1.1.1 This report provides an assessment of a concept State significant development (SSD) application (SSD 10114) for a mixed use development at 26 and 32 Mann Street, in the Gosford City Centre.

1.1.2 The application seeks approval for a concept proposal, including:

- a building envelope comprised of a podium and three towers, with a:
  - maximum tower building heights between reduced level (RL) 52.6 metres (m) and RL 81.4m
  - maximum gross floor area (GFA) of 39,242 square metres (m<sup>2</sup>) comprised of residential, hotel and commercial uses/floorspace
- site-wide concept landscape plan including through site links
- design guidelines and design excellence strategy to guide future development.

1.1.3 The application has been lodged by The Trustee for the SH Gosford Residential Trust (the Applicant) under Part 4, Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

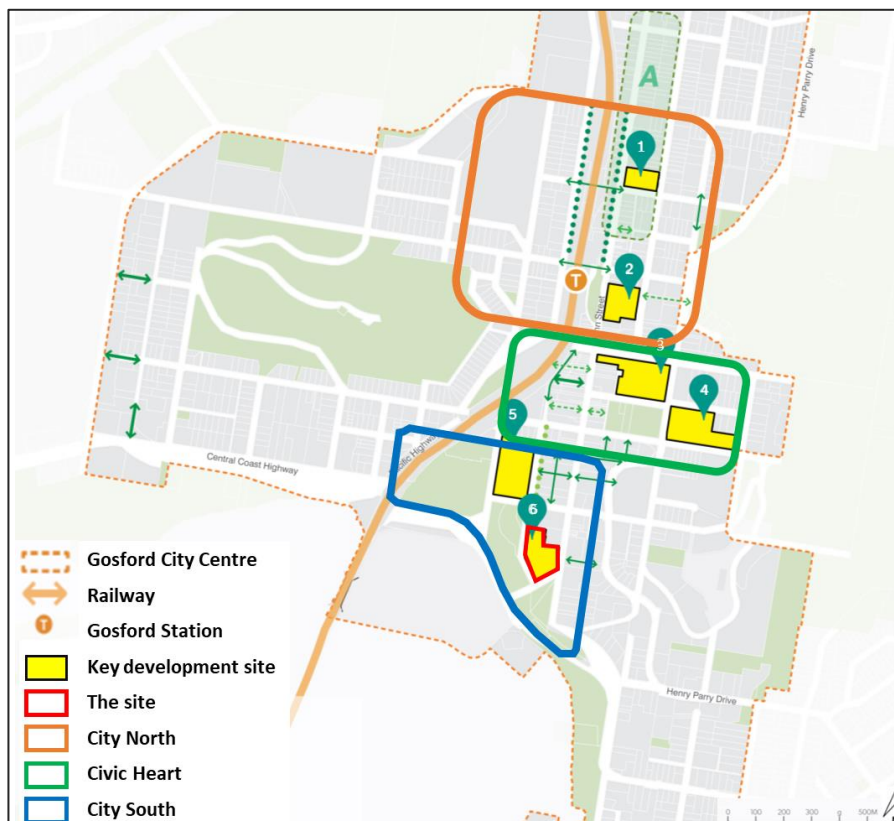
## 1.2 Gosford City Centre

1.2.1 The Gosford City Centre is located within a valley framed by the densely forested Waterview Park (Presidents Hill) to the west, Rumbalara Reserve to the east and Brisbane Water / harbour to the south (**Figure 1**). The City Centre is laid out on a grid of roads that generally run north to south, located either side of a central spine (Mann Street).



**Figure 1** | Aerial view looking north and showing the Gosford City Centre setting within a valley. The application site is highlighted red (Base source: Gosford Urban Design Framework)

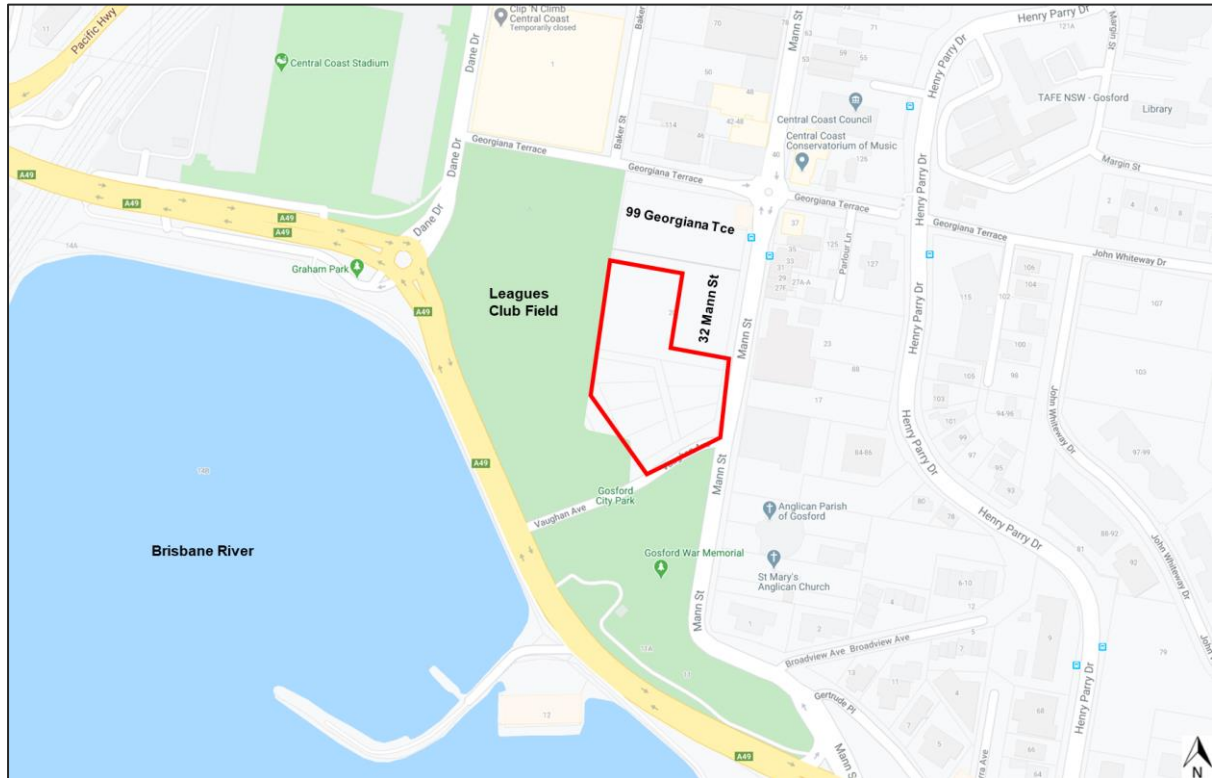
- 1.2.2 Originally home to the Darkinjung and the Guringai indigenous people, Gosford was founded in 1823 and expanded rapidly. The Gosford City Centre contains the Gosford Hospital, Gosford train station, local, State and government agency offices and a mix of retail and commercial uses. Residential areas are located to the northeast, west and southeast of the City and the Brisbane Water foreshore is located to the south.
- 1.2.3 The Gosford City Centre is currently undergoing a period of renewal and revitalisation, with significant investment in the city over recent years driving new developments, changes to the built environment, increased job opportunities and new housing supply.
- 1.2.4 This revitalisation of Gosford is promoted by Regional and State planning policy, which aims to grow Gosford City Centre as the Central Coast's regional capital, attract new investment, residents, businesses, tourists, cultural activity and improve the built environment and connectivity.
- 1.2.5 The planning framework establishes a design-led, flexible and efficient approach to the future redevelopment and ongoing evolution of the Gosford City Centre in order to achieve the projected future vision for the city, including to:
- improve people's quality of life, ensuring that the region is a desirable place to live, work and play
  - provide well-designed places with vibrant streets, attractive lifestyles, safe neighbourhoods, greener places, and better-connected transport systems and communities
  - create Gosford as a destination for commerce, culture and recreation, with great places for everyone.
- 1.2.6 The site is located in the City South area of Gosford City Centre and is identified as a key development site within the Gosford City Centre Development Control Plan 2018 (GDCCP) (**Figure 2**).



**Figure 2** | The Gosford City Centre and location of key development sites (Base source: GDCCP)

### 1.3 Site description

- 1.3.1 The site is irregular in shape, covers an area of approximately 8,884 m<sup>2</sup> and consists of eight lots which previously formed part of the Gosford Public School. The site is bounded by Mann Street to the east, Vaughan Avenue to the south, Baker Street and the Leagues Club Field to the west and 32 Mann Street and 99 Georgiana Terrace to the north (**Figure 3** and **Figure 6**). The site is located within the Central Coast local government area (LGA).



**Figure 3** | The site location (Base source: Nearmap)

- 1.3.2 The site is currently vacant and surrounded by a hoarding (**Figure 4**). It has previously been used for construction storage, car parking and site office associated with the redevelopment of nearby sites. The principal frontages and access to the site are from Mann Street and Vaughan Avenue. Secondary access is provided via a 7.85 m wide access easement adjacent to the northern boundary of the site, which also provides vehicular access to neighbouring 32 Mann Street.
- 1.3.3 Due to levelling associated with previous development, the western half of the site is generally flat. However, the eastern and southern parts of the site are sloped, rising up to Mann Street, which is approximately 8 m higher than the levelled western component of the site.
- 1.3.4 Existing mature trees are located along the eastern, southern and western boundaries of the site. A large Port Jackson Fig tree is located at the south eastern corner of the site adjacent to the Mann Street and Vaughan Avenue intersection. There are no State or local heritage items located on the site.

### 1.4 Surrounding context

- 1.4.1 The site is located within a diverse urban context at the southern end of the Gosford City Centre and the buildings and spaces surrounding the site vary in use, form, age height and architectural design.



**Figure 4** | Aerial view of the site (outlined in red) and its surrounding context (Base source: Nearmap)

1.4.2 The surrounding context is summarised below and shown at **Figure 4**. To the:

- north of the site is a six storey modern commercial building at 32 Mann Street, including service access road / easement connected to Baker Street. Further north is 99 Georgiana Terrace, which comprises the five storey Australian Tax Office building (ATO Building) on the corner of Georgiana Terrace and Baker Street and the Former School of Arts building (local heritage item) on the corner of Georgiana Terrace and Mann Street
- east of the site is a variety of two and three storey commercial buildings fronting Mann Street and including the Gosford South Post Office (local heritage item). Further east, is a 15 storey residential tower at 21-37 Mann Street (currently in the final stages of construction) and older established apartment buildings and houses
- south of the site is the Gosford City Park, which includes the Gosford War Memorial (local heritage item) and substantial mature trees and grassed open space areas. Further south is the Brisbane Water foreshore, including the Gosford Wharf, Breakwater and Sailing Club
- west of the site is the northern extension of Gosford City Park, commonly referred to as the Leagues Club Field, which is a broad grassed public open space that is currently being upgraded. Beyond this is the Central Coast Highway, Brisbane Water foreshore and Central Coast Stadium.

1.4.3 No residential properties directly adjoin the site or are located on the opposite side of adjoining roads. The closest residential property to the site is 21-37 Mann Street, which is located approximately 80 m to the east. Other residential properties are also located along Henry Parry Drive (**Figure 4**).

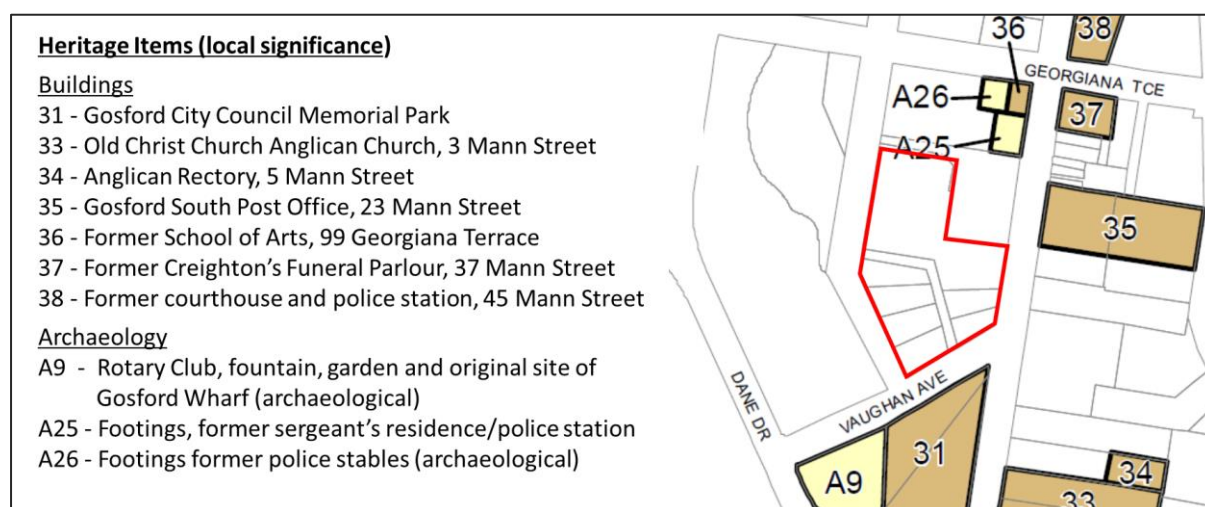
1.4.4 The surrounding road network consists of a variety of local and State roads. The Central Coast Highway is a State arterial road, which is a divided two-way road (four lanes) with no kerb-side parking. Mann Street, Vaughan Avenue and Georgiana Terrace are all two-way local collector roads

with time restricted kerb-side parking. Baker Street is a new road, which was constructed to provide access to the ATO Building and 32 Mann Street. Baker Street is a two-way road that terminates south of the ATO Building and includes time restricted parking (90 minutes).

1.4.5 The site is within walking distance of existing public transport connections including:

- Mann Street bus stop (17 bus services to Gosford City Centre and Central Coast), approximately 50 m to the north of the site
- Gosford Train Station (to Newcastle and Sydney), approximately 600 m to the north of the site.

1.4.6 The site is adjacent to a number of local heritage items listed under the State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP) (**Figure 5**). The site is not adjacent to, or nearby, any State heritage items.



**Figure 5** | The relationship of the site to adjoining and nearby heritage items (Base source: Gosford SEPP)

## 1.5 Relevant planning history

### Former Gosford Public School

1.5.1 The site previously formed part of the Gosford Public School site, which included 32 Mann Street and 99 Georgiana Terrace (**Figure 6**). The NSW Government determined the Gosford Public School site was surplus to requirements and in 2015 sold for redevelopment.

1.5.2 Central Coast Council (Council) approved the following development applications (DAs) on the former Gosford Public School site (**Table 1**):

**Table 1** | Previous DAs relevant to the former Gosford Public School site

DA Reference	Address	Description of Development	Approval Date
DA45393/2014	Gosford Public School site	Demolition of the former Gosford Public School	14 May 2014
DA47221/2015	Gosford Public School site	Boundary adjustment to create new lots	20 May 2015
DA49223/2016	99 Georgiana Terrace (ATO Building)	Construction of a five storey, mixed use office and retail development including adaptive reuse of 99 Georgiana Terrace	30 June 2016

- 1.5.3 Other than works associated with the demolition of the school, there are no previous DAs on the subject site that are relevant to this proposal.



**Figure 6 |** Aerial view of the site and its subdivision (outlined red), 32 Mann Street (outlined yellow) and 99 Georgiana Terrace (outlined purple) and the surrounding context (Base source: Applicant's EIS)

### Leagues Club Field

- 1.5.4 In May 2018, the then Minister for Planning announced a program of public domain improvements in Gosford to accelerate growth, private investment and development in the Central Coast region. As part of this program the Hunter and Central Coast Development Corporation (HCCDC) is redeveloping the Leagues Club Field into public open space and a regional playground.
- 1.5.5 HCCDC is delivering the park on behalf of Council and once complete Council will be responsible for its management and maintenance. The park upgrades are expected to be completed by the end of 2020 and key features of the park include (**Figure 7**):
- community node for active and passive recreation
  - an open space area for informal sports and to host markets and larger events (Ray Maher Field)
  - regional playground including nature-based play areas
  - tidal terrace connecting the park to the Brisbane Water through the rise and fall of tidal water
  - barbecue and picnic facilities, amenities block and a variety of seating options.
- 1.5.6 HCCDC is also exploring the opportunity to extend Baker Street south to connect with Vaughan Avenue, along the eastern boundary of the League Club Field public open space.



**Figure 7** | Artist's impression of the upgraded Leagues Club Field (Source: HCCDC projects website)

### Relevant planning approvals to nearby redevelopment sites

1.5.7 In 2014 and 2015, three DAs were approved by the Hunter and Central Coast Joint Regional Planning Panel (JRPP) relating to properties adjoining and nearby the site (**Table 2**). These are relevant to the current proposal due to the approved height and scale of buildings and the transformative impact these may have on the character and setting of the Gosford City Centre (**Figure 8** to **Figure 11**).

**Table 2** | Approved DAs to nearby and adjoining development sites

DA Reference	Address	Description of Development	Approval Date
DA47046/2015	50-70 Mann Street, 114 Georgiana Terrace	Construction of three towers up to 35 storeys (RL 88.6m to RL 117.03m) for residential, hotel, commercial, cinema and tavern uses ( <b>Figure 9</b> )	29 January 2015
DA46209/2014	27-37 Mann Street	Construction of an 18 storey (RL 74.3m) tower for residential, commercial and restaurant uses ( <b>Figure 10</b> )	22 August 2014
DA46272/2014	Merindah, 21-23 Mann Street	Construction of a 17 storey (RL 67m) tower for residential uses	22 November 2015
DA28605/2005	17 Mann Street	Construction of two buildings up to 7 storeys for residential and commercial uses ( <b>Figure 11</b> )	10 January 2006

1.5.8 While construction of 21-23 Mann Street is nearly complete, it does not appear that any substantive works have commenced on 27-37 Mann Street or 50-70 Mann Street.



**Figure 8 |** Aerial view of the site and adjoining residential properties (Base source: Applicant's RtS)



**Figure 9 |** Photomontage of view west along Georgiana Terrace (left) towards the approved 50-70 Mann Street development (Source: DA47046/2015)





Figure 10 | Approved Mann Street (west) elevation of 27-37 Mann Street (Source: DA46209/2014)



Figure 11 | Approved southern elevation of 17 Mann Street (Source: Applicant's RtS)

## 2 Project

### 2.1 Description of development

- 2.1.1 This concept SSD application seeks approval for a building envelope comprising a podium with three towers providing residential, hotel and commercial uses.
- 2.1.2 The key components and features of the proposal (as amended by the Response to Submissions (RtS) and the Applicant's response to the Department's further information request (RRFI)) are summarised at **Table 3** and shown at **Figure 12** to **Figure 16**. A link to the Applicant's EIS, RtS and RRFI is provided at **Appendix A**.

**Table 3** | Main components of the concept proposal

Component	Description
Site area	<ul style="list-style-type: none"> <li>8,884 m<sup>2</sup></li> </ul>
Building envelope	<ul style="list-style-type: none"> <li>Building envelope including:               <ul style="list-style-type: none"> <li>Podium: maximum heights RL 14.7m and 21.6m</li> <li>Northern Tower: maximum heights RL 71.3m and RL 81.4m</li> <li>Southern Tower: maximum heights RL 52.6m, RL 58.8m and RL 65.1m</li> <li>Eastern Tower: maximum height RL 71.3m.</li> </ul> </li> </ul>
GFA, land use and floor space ratio (FSR)	<ul style="list-style-type: none"> <li>Maximum 39,242 m<sup>2</sup> GFA comprising:               <ul style="list-style-type: none"> <li>26,369 m<sup>2</sup> GFA for residential use</li> <li>9,660 m<sup>2</sup> GFA for hotel accommodation</li> <li>3,213 m<sup>2</sup> GFA for retail/commercial floorspace.</li> </ul> </li> <li>FSR 4.42:1</li> </ul>
Parking	<ul style="list-style-type: none"> <li>Residential, hotel and commercial car parking in accordance with Roads and Maritime Guide to Traffic Generating Developments 2002 (RMS Guide)</li> <li>Bicycle and motorcycle parking in accordance with the GDCP rates</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>Concept landscape masterplan including:               <ul style="list-style-type: none"> <li>retention of the existing Port Jackson Fig tree</li> <li>creation of publicly accessible through site links between Mann Street, Vaughan Avenue and Baker Street</li> <li>public and private hard and soft landscaping.</li> </ul> </li> </ul>
Guidelines	<ul style="list-style-type: none"> <li>Design guidelines (Design Guidelines) and design excellence strategy (DES) to inform the detailed built form design of the development</li> </ul>
Indicative staging	<ul style="list-style-type: none"> <li>The development is proposed to be constructed in three stages:               <ul style="list-style-type: none"> <li>Stage 1 (2020-2022) – Eastern Tower (hotel) and podium</li> <li>Stage 2 (2021-2023) – Southern Tower and podium (residential / commercial) and podium</li> <li>Stage 3 (2022-2025) – Northern Tower and podium (residential / commercial) and podium.</li> </ul> </li> </ul>
Jobs	<ul style="list-style-type: none"> <li>375 construction jobs</li> <li>75 operational jobs</li> </ul>
Capital investment value (CIV)	<ul style="list-style-type: none"> <li>\$150,000,000</li> </ul>



Figure 12 | The concept proposal layout and location of uses (Base source: Applicant's RtS)



Figure 13 | View north from Brisbane Water towards the concept proposal building envelopes (grey) in context with other planned / approved developments (red) and Rumbalara Reserve (Source: Applicant's RtS)

## 2.2 Applicant's indicative scheme

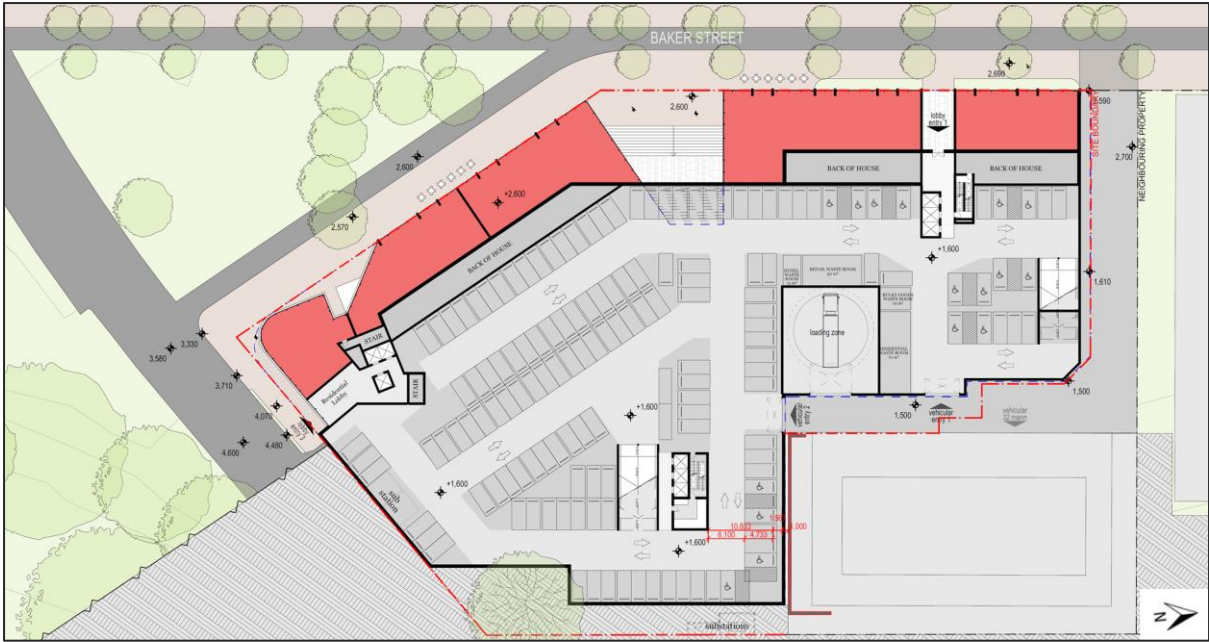
2.2.1 The Applicant has provided an indicative scheme that, while not proposed or assessed as part of this application, demonstrates how a detailed development might appear, respond to the building envelope parameters (GFA, FSR and height) and Design Guidelines, and be laid out and accessed (**Figure 14 to Figure 16**). The indicative scheme comprises 295 dwellings (85x1 bed, 157x2 bed, 53x3 bed); 3,215m<sup>2</sup> commercial / retail GFA; 9,660m<sup>2</sup> hotel GFA and 182 hotel rooms; and 380 car parking spaces.



**Figure 14** | Perspective looking east along the Central Coast Highway towards the site and indicative buildings (within the building envelopes) (Source: Applicants Rts)



**Figure 15** | Indicative perspective along the through site link towards Baker Street and Brisbane Water (Source: Applicant's EIS)



**Figure 16 |** Indicative Baker Street level layout (top) and typical upper level layout, above podium (bottom)  
 (Source: Applicant's RtS)

# 3 Strategic context

## STRATEGIC PLANNING POLICY

### 3.1 Central Coast Regional Plan 2036

3.1.1 The Central Coast Regional Plan 2036 (CCRP 2036) identifies the Gosford City Centre as the capital of the Central Coast and aims to achieve its ongoing revitalisation through:

- increasing the proportion of higher density residential and commercial development, to provide a range of services and dwellings for the growing population, within the centre and broader region
- creating active public spaces and enhanced connectivity between key sites and landmarks
- economic growth, jobs and development, as part of a broader strategy to support strategic centres and growth corridors.

3.1.2 The CCRP Implementation Plan 2018-20 identifies the ongoing revitalisation and delivery of the current planning framework for Gosford as a key focus area for delivering the CCRP 2036. The proposed development supports the delivery of the following CCRP 2036 goals and directions:

#### Goal 1: A prosperous Central Coast with more jobs close to home

- Goal 1 and Directions 1 and 2 to grow Gosford City Centre as the region's capital and focus economic development within the Southern Growth Corridor. In addition, it:
  - provides 3,213 m<sup>2</sup> for commercial/retail uses to support delivery of Action 1.1 to 'focus professional, civic and health services in the City Centre' and Action 1.3 to 'facilitate greater commercial development in the City Centre'
  - includes through-site links which connect Mann Street to Baker Street and the Leagues Club Field and provides commercial street frontages to activate Baker Street, which supports delivery of Action 1.8 to 'ensure development complements the public domain' and Action 2.3 to 'support delivery of renewal plans for Gosford City Centre'.

#### Goal 2: Protect the natural environment and manage the use of agricultural & resource lands

- Goal 2 as the proposed growth in the City Centre reduces pressure for environmental and resource land to be used for new development areas.

#### Goal 3: Well-connected communities and attractive lifestyles

- Goal 3, Direction 18 and Action 18.3 as it proposes places that are inclusive, well-designed and enhance amenity and attractiveness of the area. In particular, the proposal includes a through-site link and active commercial street frontages capable of accommodating a variety of retail, dining and entertainment uses.

#### Goal 4: A variety of housing choice to suit needs and lifestyle

- Goal 4, Direction 19 and Action 20.1 as it provides housing supply and choice within the Southern Growth Corridor. In addition, it includes residential dwellings within the Gosford City Centre (which is a central location within a regional centre).

- The proposal also provides infill development in an area with infrastructure to support growth and is supported by a concentration of infrastructure, facilities and services to accommodate residential and employment growth.

### 3.2 Gosford Urban Design Framework

- 3.2.1 The Gosford Urban Design Framework (GUDF) supports the activation of the public domain linking places and key sites, and improvements to building design to respond to the natural setting of Gosford City Centre. The GUDF identifies the site as a 'key site' and within the City South 'waterfront parklands', due to its location opposite Leagues Club Field and being close to the waterfront.
- 3.2.2 The proposal is consistent with the following GUDF key design principles:
- 3.6.3 to improve walkability from the City Centre to the City South as it provides a public through-site link from Mann to Baker Streets while presenting active frontages on both streets and in the through-site link, with commercial shop frontages for retail, dining and entertainment uses along Baker Street
  - 3.6.4 to promote a diversity of uses and attractors in City South as it provides commercial and residential floor space for apartments, a hotel and opportunities for retail, dining and entertainment uses. The GUDF identified hotels as being particularly desirable for Gosford to fulfil its role as the capital of the Central Coast region
  - 3.6.5 and 3.6.6 to maintain views from Leagues Club Field to the water, city and hills, as the development maintains view corridors to Rumbalara Reserve between the building envelopes, a through-site link that addresses the Leagues Club Field and a promenade overlooking the waterfront.
- 3.2.3 The GUDF also identifies the need for an integrated access and movement strategy, including car parking study for Gosford City Centre (**Section 3.5**).

### 3.3 Draft Somersby to Erina Corridor Strategy

- 3.3.1 Council's Draft Somersby to Erina Corridor Strategy responds to the CCRP 2036 actions for the Southern Growth Corridor. Gosford is identified as one of six centres in the corridor connected by the Central Coast Highway, with Gosford noted as the Central Coast's regional city. The vision for Gosford is a premier waterfront city with medium to high density neighbourhoods, civic uses, education, health, retail, art and culture, and genuine housing choice.
- 3.3.2 The proposal will support delivery of the following recommendations and actions in the draft strategy:
- focus residential development in existing centres with a mix of medium and high-density options
  - enhance the public domain and improve pedestrian connections between Mann and Baker Streets to the waterfront
  - additional residential floorspace with the potential to contribute to housing choice within Gosford.

### **3.4 Draft Central Coast Urban Spatial Plan**

3.4.1 Council's Draft Urban Spatial Plan (Draft USP) responds to the CCRP 2036 and establishes how Council intends to manage sustainable growth across the LGA. The proposal is consistent with the Draft USP as it:

- provides mixed-use residential and commercial/retail development within the Gosford City Centre, which contributes to the Draft USP's vision for compact centres with a mix of higher densities and provision of a range of services within the City Centre
- includes active pedestrian through-site links, which implement the plan's vision for connected urban squares and green spaces and built form that prioritises pedestrians
- includes active street frontages on Henry Parry Drive, which contributes to the 'revitalise our centres' growth strategy in the plan
- provides infill development, aligning with the protection of environmental lands by relieving pressure on further greenfield expansion for housing delivery.

## **OTHER EMERGING PLANNING POLICY**

### **3.5 Draft Gosford City Centre Transport Plan**

3.5.1 The Gosford City Centre is expected to grow from its current population of 5,660 people to over 11,000 people in 2036 (94.8% growth). In addition, by 2036:

- dwellings are expected to increase by 2,327 dwellings (from 4,376 to 6,703)
- jobs are expected to increase by 5,264 jobs (from 14,385 to 19,649)
- future improvements are likely along connections between Sydney and the Greater Newcastle metropolitan areas.

3.5.2 In recent years there has been an increase in development approvals, construction and interest in development in and around Gosford City Centre and consequently the above projections could be exceeded. Cumulatively and individually, developments could have a significant impact on movement to, from and throughout Gosford City Centre.

3.5.3 The Department is currently working with Transport for NSW to prepare the Gosford City Centre Transport Plan (GCCTP). The GCCTP will identify how the Gosford City Centre fits within the broader transport networks and intends to establish a:

- transport network vision that meets the needs of the city centre, including its residents, workers, visitors and investors as well as responds to the changing needs of users, over time
- framework to inform the preparation and assessment of development proposals and management of any related transport impacts
- framework for the identification and prioritisation of government expenditure on transport-related infrastructure and services in Gosford and likely necessary road infrastructure improvements and upgrades.

3.5.4 The draft GCCTP is expected to be finalized later in 2020.



### 3.6 Draft Central Coast Car Parking Study

- 3.6.1 Council has prepared the draft Central Coast Car Parking Study (CCPS). The CCPS outlines Council's commitment to support the region's growth and deliver robust, ongoing improvements to parking and transport infrastructure, management practices and resources. The study also provides a framework to improve the management and overall quality of parking and transport services in the region.
- 3.6.2 The CCPS confirms that existing parking demand in Gosford is very high (more than 5,000 vehicles during peak periods) and the City Centre has an immediate need to find new car parking options to offset expected development and cater for recent developments in the commercial core. In addition, there is also a long term need for more all-day parking.
- 3.6.3 The CCPS identifies short-term (2023), medium term (2028) and long term (2038) strategies to address parking in the City Centre, including:
- use of parking space in existing facilities
  - provision of parking on the city fringe, supported by frequent shuttle bus services, on-demand bus services and infrastructure for pedestrians and cyclists
  - on-street metered parking and conversion of long-stay to short-stay parking
  - improve public transport services and smart parking initiatives.
- 3.6.4 The site is located within the City South precinct of the Gosford City Centre and proposes car parking in accordance with a combination of the RMS Guide and GDCP. The Department has considered car parking provision in detail at **Section 6.6**.

## 4 Statutory context

### 4.1 State Significant Development

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development is within the Gosford City Centre with a CIV of more than \$75 million (\$150 million) pursuant to clause 15 of Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 4.2 Consent Authority

- 4.2.1 In accordance with section 4.5 of the EP&A Act and Clause 8A of the SRD SEPP, the Independent Planning Commission (Commission) is the consent authority as Council objects to the proposal.
- 4.2.2 The Application is therefore referred to the Commission for determination.

### 4.3 Permissibility

- 4.3.1 The Gosford SEPP is the principal environmental planning instrument (EPI) that applies to the site.
- 4.3.2 The site is zoned B4 Mixed Use under the Gosford SEPP. The Gosford SEPP states that hotel accommodation, residential flat buildings and commercial premises may be carried out with consent.
- 4.3.3 The proposal is therefore permissible with consent and the Commission may determine the carrying out of the development.

### 4.4 Secretary's Environment Assessment Requirements

- 4.4.1 On 22 July 2019, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs). The Department is satisfied that the EIS and RtS adequately address the requirements of the SEARs to enable the assessment and determination of the application.

### 4.5 Biodiversity Development Assessment Report

- 4.5.1 Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
- 4.5.2 The RtS included a BDAR, which assesses the proposal in terms of biodiversity impacts in accordance with the BC Act. The BDAR identified the site comprises cleared areas, planted native trees and exotic species, including 11 high-threat weed species. The BDAR states that it is difficult to determine an appropriate principal plant community type (PCT) for the site due to the altered physical and vegetation conditions. Notwithstanding this, the BDAR suggests a closest best-fit classification of:

PCT 1556 – *Tallowood Smooth-barked Apple – Blackbutt grass tall open forest of the Central and lower North Coast* (approximately 1,300 m<sup>2</sup>)

- 4.5.3 As the site has been significantly disturbed the BDAR assessment concludes the PCT on the site does not comprise a threatened ecological community and no threatened flora were identified during surveys. The site was not considered to contain habitat for threatened species and limited foraging

habitat for mobile species. Hollows exist within the Port Jackson Fig and this tree is proposed to be retained.

- 4.5.4 The proposed development results in the removal of 1,300 m<sup>2</sup> of PCT 1556 (direct impact). In response to a request by the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (BCD), the BDAR was updated to include an assessment of the direct and indirect impacts of the proposal using the Biodiversity Assessment Method (BAM). The BAM determined that two ecosystem credits are required to offset the direct impact of the removal of 1,300 m<sup>2</sup> of PCT 1556. No species credits are required.
- 4.5.5 The Department has recommended a FEAR requiring the two ecosystem credits must be retired prior to offset the biodiversity impact. The Department has considered landscaping and trees further at **Section 6.5**.

#### 4.6 Mandatory matters for consideration

4.6.1 The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecological Sustainable Development (ESD)
- *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

#### Section 4.15(1) matters for consideration

4.6.2 The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 4**.

**Table 4** | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at <b>Section 6</b> and <b>Appendix C</b> .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to the relevant controls under the Gosford City Centre Development Control Plan (GDCCP) at <b>Section 6</b> .
(a)(iiia) any planning agreement	No existing planning agreements apply to the site.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(a)(v) any coastal zone management plan	The site is within the Coastal Environment Area and Coastal Use Area under the State Environmental Planning Policy (Coastal

	Management) 2018 (Coastal SEPP). Consideration has been given to the requirements of the Coastal SEPP at <b>Appendix C</b> .
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned as discussed in <b>Section 6</b> .
(c) the suitability of the site for the development	The site is suitable for the development as it comprises an existing urban development site and can accommodate the proposed development without significant adverse impacts on the surrounding area, as discussed in <b>Section 6</b> .
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as discussed at <b>Sections 3 and 6</b> .
(e) the public interest	The proposal is a significant development within the Gosford City Centre and is therefore in the public interest as discussed at <b>Section 6</b> .

### Environmental Planning Instruments

- 4.6.3 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI relevant to the proposal. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPI(s) that substantially govern the project and that have been taken into account in the assessment of the project.
- 4.6.4 The EPI's relevant to the proposal are:
- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
  - State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
  - State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
  - Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
  - State Environmental Planning Policy No.65 – Residential Apartment Development (SEPP 65)
  - State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)
  - State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP).
- 4.6.5 The Department has undertaken a detailed assessment of these EPIs in **Appendix C** and is satisfied the application is consistent with the requirements of the EPIs.
- 4.6.6 Particularly relevant to the assessment of the proposal are the development standards contained within the Gosford SEPP. The Department's consideration of the proposal against these standards is summarised below.

### Gosford SEPP development standards

4.6.7 The Gosford SEPP applies numerical height and FSR development standards to the site and the proposal seeks to exceed these development standards, as summarised at **Table 5**.

**Table 5** | Comparison between the Gosford SEPP height and FSR development standards and the proposal

Development Standard	Gosford SEPP control (maximum height)	Concept Proposal (maximum height)	Difference (+/-)	Complies with standard
Clause 4.3 - Height of Buildings	RL 48m	Northern Tower, RL 81.4m	+33.4m (+69%)	No
		Southern Tower, RL 65.1m	+17.1m (+36%)	
		Eastern Tower, RL 71.3m	+23.3m (+48%)	
Clause 4.4 - FSR	Maximum 3.5:1	4.42:1	+0.92:1 (+26%)	No

4.6.8 Concern was raised in the public submission about the proposed exceedance of the Gosford SEPP development standards. Council stated the proposal does not exhibit design excellence and therefore the proposed exceedances of the Gosford SEPP height and FSR development standards are unjustified.

4.6.9 Clause 8.4(4) of Part 8 of the Gosford SEPP provides that exceptions to the height and FSR development standards (**Table 5**) may be granted to developments zoned B4 Mixed Use located within the Gosford City Centre where they meet the specified exceptions criteria (**Table 6**).

**Table 6** | Consideration of Gosford SEPP clause 8.4(4) development standards exception criteria

Clause 8.4(4) requirements	Department's consideration	Complies
a) the site area of the development is at least 5,600 square metres, and	The site area is 8,884 m <sup>2</sup> .	Yes
b) a design review panel reviews the development, and	The City of Gosford Design Advisory Panel (DAP) was established by the Government Architect NSW (GANSW) to review the proposal, as summarised at <b>Section 5.5</b> . It reviewed the proposal on four occasions.	Yes
c) if required by the design review panel, an architectural design competition is held in relation to the development, and	The DAP did not require an architectural design competition be held.	Yes
d) the consent authority takes into account the findings of the design review panel and, if held, the results of the architectural design competition, and	The DAP has confirmed the proposal exhibits design excellence. The Department has considered the findings of the DAP in <b>Section 6</b> . The recommendations of the DAP have been incorporated into the design of the proposal and/or addressed by way of terms of approval (ToAs) and future environmental assessment requirements (FEARs).	Yes

e) the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and	The Department has considered the proposed land uses at <b>Section 6.8</b> and is satisfied the amount of commercial floorspace provided by the proposal is appropriate.	Yes
f) the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.	As discussed at paragraphs 4.6.15 to 4.6.21, the future buildings are capable of being designed to achieve ESD. The Department has recommended FEARs requiring that future DA(s) demonstrate how ESD principles have been incorporated into the proposal, include the appropriate sustainability measures, achieve minimum and explore stretch sustainability targets.	Yes

4.6.10 Noting the advice of the DAP, the Department is satisfied that the proposal exhibits design excellence (**Section 6.2**). The Department has also considered the merits of the proposed height and FSR of the building envelopes (**Sections 6.3** and **6.4**) and concludes the proposal is acceptable in this regard. Consideration of the proposal against the other requirements of the Gosford SEPP is provided at **Appendix C**.

4.6.11 The Department is satisfied the proposal meets the criteria in clause 8.4(4) for the height and FSR development standard exception and therefore the exceedances of the height and FSR development standards can be considered.

#### Objects of the EP&A Act

4.6.12 Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of the Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

4.6.13 The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act, as detailed in **Table 7**.

**Table 7** | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal promotes social and economic welfare by increasing employment opportunities and dwellings, and through the creation of new public open space and facilitating improved pedestrian connectivity between Mann Street, Baker Street and Vaughan Avenue. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social	The proposal includes measures to deliver ESD (paragraphs 4.6.14 to 4.6.20).

considerations in decision-making about environmental planning and assessment,	
(c) to promote the orderly and economic use and development of land,	<p>The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site that is in close proximity to existing services and public transport. The proposal will facilitate redevelopment of the site for residential, hotel and commercial purposes, the merits of which are considered in <b>Section 6</b>.</p> <p>The development of the site will also provide economic benefits through job creation and infrastructure investment during construction stage.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The proposal will not result in the loss of any existing affordable housing provisions in the locality. As the proposal does not provide affordable housing, the Department has recommended a FEAR requiring future DA(s) explore opportunities to include affordable housing within the residential component of the development (<b>Section 6.8</b>).</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The project involves redevelopment of an existing urban site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. Notwithstanding this, the BDAR recommends the proposal offset two ecosystem credits (<b>Section 4.5</b>).</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The Department has considered the heritage impacts of the proposal at <b>Section 6.4</b> and concludes the proposal will not adversely impact on the nearby heritage items. However, the Department has recommended a FEAR requiring future DA(s) include a Heritage Impact Statement.</p>
(g) to promote good design and amenity of the built environment,	<p>The Department is satisfied the proposed building envelopes will have acceptable impacts, subject to the recommended conditions, as discussed at <b>Section 6</b>. The proposal is supported by the DAP. The Design Guidelines and DES ensure a high standard of design for any future development. The Department has recommended FEARs relating to building form, to ensure future developments within the building envelopes will achieve a high standard of design.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The proposal does not seek approval for construction of buildings. However, future DA(s) will include detailed report(s) to demonstrate how future development meets relevant construction standards.</p>

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in <b>Section 5</b> , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in <b>Section 5</b> , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council's office during the exhibition period.

### Ecologically sustainable development

4.6.14 The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

4.6.15 The development proposes ESD initiatives and sustainability measures, including:

- a minimum 4-star NABERS Energy rating, with a target of 5 stars or greater
- maximise thermal efficiencies and minimise uncontrolled leakage
- highly efficient façade design and thermally efficient glazing
- mixed-mode natural ventilation within residential buildings
- high efficiency plant and systems, including monitoring controls
- centralised gas hot water systems for the hotel and residential buildings with minimum 50% solar contribution
- high efficiency lighting and fixtures and motion sensors
- water efficient appliances and fixtures and minimum 50 kilolitre rainwater tank.

4.6.16 Concern was raised in the public submission that insufficient information has been provided on sustainability and environmental performance standards. Council recommends future DA(s) be required to provide robust and innovative benchmarks and sustainability initiatives that are commensurate with the scale of development and go beyond the minimum standards.

4.6.17 The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the project.

4.6.18 The Department agrees with Council that future DA(s) should strive to improve on minimum standards, particularly as the Applicant intends to deliver a development that achieves design excellence. The Department also notes the GDCP recommends that developments commit to achieve a minimum 4-star rating under the Australian Building Greenhouse Rating Scheme and that buildings comply with or where



possible exceed the State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX) by 10% for residential development.

4.6.19 The Department therefore recommends a FEAR requiring future DA(s) demonstrate how ESD principles have been incorporated into the proposal and achieve the following sustainability measures and targets:

- a minimum a 4-star Green Star Design and As Built rating
- a minimum 4-star NABERS Energy and Water rating
- BASIX certification
- explore the potential to achieve increased stretch targets beyond these minimum standards.

4.6.20 Subject to the above FEARs, the Department is satisfied the proposed development is consistent with ESD principles and future detailed development is capable of facilitating ESD, in accordance with the objects of the EP&A Act. Furthermore, in response to a request from the Department, the Applicant provided amended Design Guidelines to further address ESD and general sustainability principles in the detailed building design.

#### **Environmental Planning and Assessment Regulation 2000**

4.6.21 Subject to any other references to compliance with the EP&A Regulation in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

### **4.7 Other approvals**

4.7.1 As the proposal is a concept application, the Department has recommended conditions for the proposal in accordance with the following requirements:

- all physical works and subsequent stages of the concept proposal are to be subject to future DA(s) (section 4.22(4) of the EP&A Act)
- the determination of future DA(s) cannot be inconsistent with the terms of the concept approval (section 4.24(2) of the EP&A Act)
- any subsequent part of the development that is not State significant development pursuant to the State Environmental Planning Policy (State and Regional Development) 2011 is to be determined by the relevant consent authority (in accordance with the Gosford SEPP) and that part of the development ceases to be State significant development
- the concept approval lapses five years after the date of the consent unless works the subject of future DA(s) has physically commenced on the site (section 4.53 of the EP&A Act).

## 5 Engagement

### 5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act and Part 6, Division 6 of the EP&A Regulation, the Department publicly exhibited the application from 11 October 2019 and 7 November 2019 (28 days). The application was made publicly available on the Department's website, at the NSW Service Centre and at Council's office.
- 5.1.2 The Department placed a public exhibition notice in the Central Coast Express Advocate on 10 October 2019 and notified surrounding landholders, Council and relevant public authorities in writing.
- 5.1.3 The Department has considered the comments raised in public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix F**.
- 5.1.4 The submissions are summarised in the following sections of this report.

### 5.2 Summary of submissions

- 5.2.1 In response to the exhibition of the EIS, the Department received nine submissions, comprising submissions from seven public authorities, one from Council and one from the public. Council and the public submission objected to the proposal.
- 5.2.2 A summary of the submissions is provided at **Table 8** and a summary of the issues raised in the submissions is provided at **Section 5.3**. Copies of the submissions may be viewed at **Appendix A**.

**Table 8** | Summary of public authority, Council, community and special interest group submissions

Submitters	Number	Position
<b>Public Authority</b>	<b>7</b>	
<ul style="list-style-type: none"> <li>Transport for New South Wales (including comments from former Roads and Maritime Services (RMS)) (TfNSW)</li> </ul>	1	Comments
<ul style="list-style-type: none"> <li>Central Coast Local Health District (CC Health)</li> </ul>	1	
<ul style="list-style-type: none"> <li>Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (BCD)</li> </ul>	1	
<ul style="list-style-type: none"> <li>Environment Protection Authority (EPA)</li> </ul>	1	
<ul style="list-style-type: none"> <li>Department of Industry</li> </ul>	1	No comments
<ul style="list-style-type: none"> <li>Department of Primary Industries</li> </ul>	1	
<ul style="list-style-type: none"> <li>Crown Lands, the Department of Planning, Industry and Environment</li> </ul>	1	
<b>Council</b>	<b>1</b>	Objection
<b>Public submissions</b> (Community Environmental Network Inc.)	<b>1</b>	Objection
<b>TOTAL Submissions</b>	<b>9</b>	

## 5.3 Submissions

### Public authority submissions

- 5.3.1 While the Department of Industry, Department of Primary Resources and Crown Lands advised they had no comments, a summary of the issues raised in remaining public authority submissions is provided at **Table 9**.

**Table 9** | Summary of public authority submissions to the exhibition of the proposal

#### TfNSW

TfNSW does not object to the proposal and provided the following comments:

- the Central Coast Highway and Dane Drive are classified State roads. Mann Street, Georgiana Terrace, Vaughan Avenue and Baker Street are local roads and Council is the roads authority for these roads and all other public roads in the area
- the Transport Impact Assessment (TIA), including SIDRA traffic modelling, should be updated to clarify trip rate calculation, road network and intersection performance, trip distribution, vehicle queuing impacts, traffic growth, model calibration and validation
- further consideration should be given to the impact on the Central Coast Highway / Dane Drive and Central Coast Highway / Mann Street intersection performance
- an assessment of the expected queue lengths at the driveway for the stage 2 and 3 car park entry / exit is required
- hotel car parking rates should be in accordance with the GDCP or Roads and Maritime Guide to Traffic Generating Developments 2002 (whichever is less)
- the development should ensure overall impacts are mitigated, consistency with any resulting infrastructure requirements and timely delivery of identified upgrade works for each stage of development
- cost sharing of future road upgrade works should be shared equitably between development sites
- the Construction Management Plan (CMP) should be updated to clarify how pedestrian and cyclist movements will be maintained during construction.

TfNSW recommended conditions requiring the provision of appropriate bicycle parking and end of trip facilities and associated wayfinding / signage.

#### CC Health

CC Health does not object to the proposal and provided the following comments:

- the impact on health services, traffic and open space should be considered cumulatively with the likely impacts of other significant planned and approved developments in the Gosford City Centre.
- a green travel plan should be prepared
- due to the height of the development an assessment of the impact on helicopter flight paths is required.

CC Health recommended future DA(s) should address:

- potential air quality impacts, including any necessary management strategies
- potential construction noise impacts on the local community, including future residents
- land contamination, including work required to make the site suitable for its intended use
- stormwater and wastewater reuse
- Crime Prevention through Environmental Design (CPTED) principles for building and open space design
- compliance with public open space solar access requirements
- construction impacts and include Construction Management and Environmental Management Plans
- community consultation during the construction phase(s) of the development
- the potential provision of childcare facilities

- 
- development contributions levied under the Gosford City Centre Special Infrastructure Contribution (SIC) or planning agreements should address off-site open space creation/improvement.

#### BCD

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BCD does not object to the proposal and provided the following comments:

- the BDAR should be updated to include a BAM credit calculator
- a full Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared
- a full process of Aboriginal community consultation should be undertaken within the project area
- the basement car park flood gate should be appropriately designed and maintained.

BCD confirmed it has no coastal management comments.

#### EPA

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EPA does not object to the proposal noting the proposal:

- does not require an environmental protection licence under the *Protection of the Environment Operations Act 1997*
  - is not being undertaken on behalf of a NSW Public Authority and does not include activities for which the EPA is the appropriate regulatory authority.
- 

### Council's submission

5.3.2 A summary of the issues raised in Council's submission is provided at **Table 10**.

**Table 10** | Summary of Council's submission to the exhibition of the proposal

#### Council

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Council objects to the proposal on the following grounds:

##### Built form

- the proposal does not achieve design excellence and therefore the height and FSR exceedances beyond the Gosford SEPP are not justified
- the towers should be reduced in height and the tower cluster should be provided with greater height difference. The northern tower should be no taller than complying height of 48m
- tower floorplates should be reduced in size to provide more slender tower forms with greater separation distance provided between each tower
- the podium lacks the 'fine grain frontage' required by the GDCP
- the design lacks differentiation between floors and a definitive 'top' to the towers
- the proposal overshadows the Leagues Club Field and War Memorial Park (including Poppy Park)
- the cumulative traffic impacts of the proposal and other Gosford CBD developments should be considered
- the proposal adversely impacts on public views to Rumbalara Reserve
- accessible units should be provided within the development

##### Landscape, sustainability and flooding

- insufficient public open space has been provided on-site and the open space provided is overshadowed and poorly integrated into the development
- the residential and commercial area of the southern podium should be reduced in length, a public area provided in its place and integrated with the main staircase with landings
- appropriate wheelchair access should be provided within public areas and spaces
- future DA(s) should include an Arboricultural Impact Assessment, Landscape Plan and the Applicant should engage an Arborist to monitor trees during development

- 
- the proposal should target sustainability measures beyond the minimum requirements
  - future development should consider the GDCP 2013 water cycle management
  - the basement car park should have a minimum crest level or flood gate of RL 3.0m Australian Height Datum (AHD)
  - Council approval will be required for the relocation of existing sewer mains that cross the site, with relocation of infrastructure at the Applicant's cost
  - the development necessitates the augmentation of Council's water and sewerage infrastructure and water and sewer developer services contributions shall apply. The Applicant must submit a Section 305 *Water Management Act 2000* application to Council

#### Traffic, parking and access

- car parking should be provided in accordance with the GDCP requirements
- the recently constructed two-way extension of Baker Street and car parking should be retained
- a turning head is required on the southern side of Baker Street (or the site), with appropriate sight-lines for 12.5m heavy rigid vehicles to turn and exit onto Georgiana Terrace
- the part of Baker Street between the two-way extension and Vaughan Avenue shall be constructed as a pedestrian boulevard with access for emergency vehicles only
- vehicle access and car parking should comply with Australian Standard (AS) 2890
- the Dane Drive approach to the Central Coast / Dane Drive roundabout should be upgraded to address operational capacity issues of the intersection
- the Donnison Street and Etna Street railway overpasses should be upgraded to provide improved vehicle, bus, pedestrian and cyclist access across the railway corridor
- operational waste should be stored and collected in accordance with Council's requirements
- the cumulative traffic impacts of the proposal and other Gosford CBD developments should be considered

#### Environmental health

- future DA(s) should include plans to address acid sulfate soils, asbestos removal, land contamination and site suitability, overall construction management, construction and operational noise impacts

#### Planning considerations

- the proposal should include affordable housing and community facilities
- the Minister should delegate the determination of future DA(s) to Council.

### **Community submissions**

5.3.3 One public submission was received in response to the public exhibition, being from the Community Environmental Network Inc., which raised the following objections to the proposal:

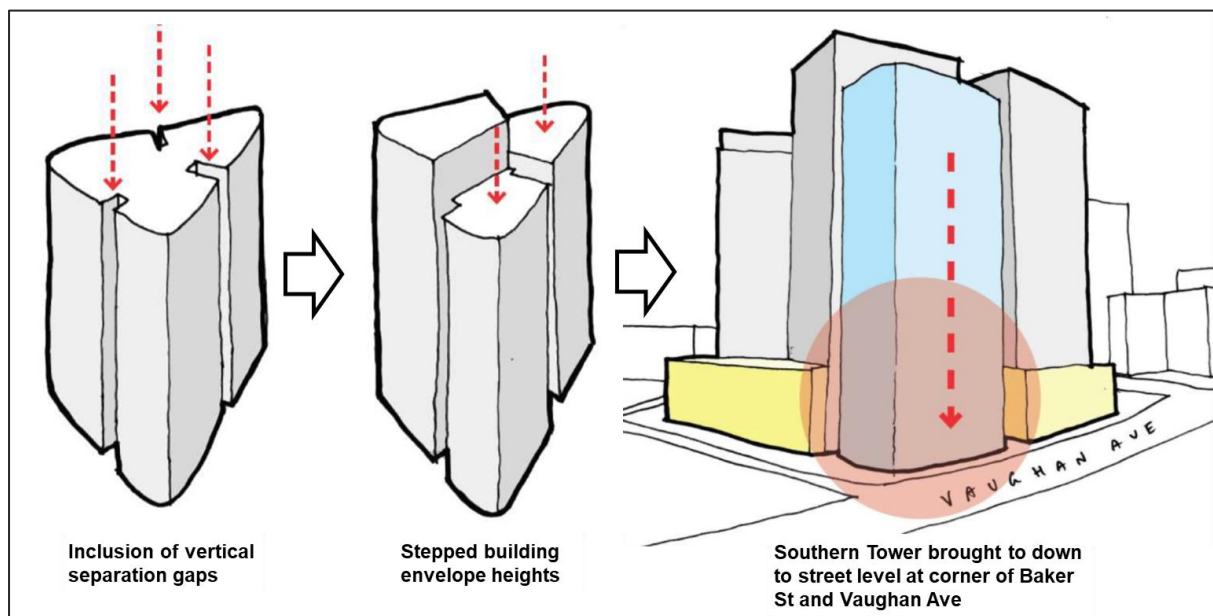
- non-compliance with the Gosford SEPP maximum height and FSR controls for the site
- the proposal does not meet the requirements of clause 8.4(4) of the Gosford SEPP that allow exceedance of height/FSR controls, as:
  - the DAP recommendations are not publicly available
  - the amount of floorspace for commercial premises is not satisfactory
  - insufficient information has been provided on sustainability and environmental performance standards
- the development does not achieve design excellence
- the Commission should determine the application.

## 5.4 Response to submissions

5.4.1 Following exhibition of the proposal, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions and matters raised by the Department.

5.4.2 On 23 March 2020, the Applicant submitted its RtS (**Appendix A**). The RtS provided additional information and clarification in response to the issues raised in submissions. The RtS also included the following key amendments to the proposal (**Figure 17** and **Figure 18**):

- amend the Southern Tower envelope to reduce its bulk and scale and provide opportunities for articulation of the envelope, including (**Figure 17**):
  - provide a stepped tower form, with heights of RL 52.6m, RL 58.8m and RL 65.1m (originally, a uniform tower height of RL 65.1m)
  - introduce vertical separation gaps between the stepped components of the building envelope to articulate the facades
  - bring the tower down to street level at the corner of Baker Street and Vaughan Avenue
  - relocate the Eastern Tower building envelope (above the podium level) westwards (or further away from Mann Street) by 2.89m (**Figure 18**)
- amend the Northern Tower building envelope to include an expansion mid-way along the eastern elevation measuring 3 m deep and 6.2 m wide
- introduce Central Coast Quarter Design Guidelines (the Design Guidelines) to guide future development within the building envelopes
- introduce a DES to ensure ongoing design review/integrity.



**Figure 17** | Amendments to the Southern Tower, including stepped heights, vertical gap separation and grounding of tower at corner of Baker Street and Vaughan Avenue (Base source: Applicant's RtS)



**Table 12** | Summary of Council's submission to the notification of the RtS

## Council

Council maintained its previous objection, stating the amendments have not resulted in significant change to the proposal. Council reiterated its comments about the Baker Street turning head, drainage and flooding.

Council raised the following new concerns:

### Heritage

- the proposal will interrupt the historic visual connection between heritage items and Gosford Wharf and Brisbane Water, particularly in relation to the Courthouse Building
- the scale of the building will have an adverse impact on the character of Mann Street and the heritage significance of small-scale of surrounding heritage items
- the Heritage Impact Statement (HIS) should be updated to consider the above heritage impacts.

### Northern Tower

- the northern tower requires greater articulation and separation between the two tower elements
- the northern tower floorplate (900m<sup>2</sup>) is 150m<sup>2</sup> larger than recommended by the GDCP (750m<sup>2</sup>).

Council elaborated on its previous concerns raised in response to the EIS stating:

- it is essential the Leagues Club Field amenity is maintained in terms of solar access and views
- the proposal has not achieved design excellence and the variation to the Gosford SEPP height and FSR development controls are not justified as:
  - the bulk of and scale of the towers is unacceptable given the site location and prominence and the towers would visually dominate the Leagues Club Field
  - insufficient open space is provided, through site links are overshadowed and the podium is poorly integrated into the site
  - the comparative visual impact analysis between the proposed / compliant schemes is unreasonable
- the continuous Baker Street podium frontage is not a 'fine grain frontage' as required by the GDCP
- sustainability measure should exceed minimum standards and could include renewable energy generation, storage, storm/grey water recycling and passive solar design
- indicative tree planting appears unrealistic given the soil depth/volume proposed.

## 5.5 Further information provided during the assessment

5.5.1 On 14 May 2020, the Applicant submitted a response to the Department's request for additional information (RRFI) regarding confirmation of envelope heights, GFA, tower floorplate sizes and staging and other minor matters (**Appendix A**).

5.5.2 On 25 June 2020 and in response to a request from the Department, the Applicant:

- provided amended Design Guidelines to reflect specific suggestions from the Department (see **Section 6.2**)
- confirmed its agreement to increase the Northern Tower setbacks by an additional 3m (**Figure 24**).

## 5.6 City of Gosford Design Advisory Panel

5.6.1 The City of Gosford Design Advisory Panel (DAP) was established by the NSW Government in October 2018 to provide independent and expert design advice on development proposals in the Gosford City Centre. The DAP operates as the design review panel under Clause 8.4 of the Gosford SEPP to encourage design excellence.



5.6.2 In accordance with Clause 8.4 of the Gosford SEPP, the DAP has reviewed the proposal on the following four occasions:

- March and May 2019 prior to lodgement of the application
- November 2019 in response to the exhibition of the EIS
- March 2020 prior to lodgement of the RtS.

5.6.3 In the DAP's most recent review of the proposal (as set out in the RtS), it concluded:

*'The Panel believes the proposal, for this stage of the concept masterplan process, exhibits design excellence and noting that sufficient amendments have been made in response to the Panel's previous comments'.*

## 6 Assessment

### 6.1 Key assessment issues

6.1.1 The Department has considered the EIS, RtS and responses to requests for information (RRFI) and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- design excellence
- density
- building envelopes
- open space and through-site links
- car parking and traffic
- public benefits.

6.1.2 Each of these issues is discussed in the following sections of this report. Other issues considered during the assessment of the application is discussed at **Section 6.8**.

### 6.2 Design excellence

6.2.1 Clause 8.3 of the Gosford SEPP ensures that new development within the Gosford City Centre exhibits design excellence. As it applies to all applications for new buildings within the Gosford City Centre, the Gosford SEPP design excellence provisions will apply to the design of future buildings.

6.2.2 In considering whether a development exhibits design excellence, the following matters are to be considered:

- the attainment of a high standard of architectural design, materials and detailing
- form and external appearance and quality and amenity of the public domain
- impact on solar access to identified open spaces, vistas and view corridors
- how the development addresses land use, heritage and streetscape, built form relationship (on and off site), bulk, massing and modulation of buildings, heights, environmental impacts, ESD, pedestrian, cycle, vehicular and service access, circulation and requirements, the public domain and site suitability.

6.2.3 Under clause 8.4(c) of the Gosford SEPP, the proposal is not required to undertake a design excellence architectural competition (**Table 6**) and one is not proposed.

6.2.4 Concern was raised by Council and in the public submission that the proposal does not achieve design excellence.

6.2.5 In response to a request from the Department, the Applicant prepared a DES and Design Guidelines to ensure the detailed design of the future development achieves design excellence.

#### Design excellence strategy

6.2.6 In March and May 2019, the Applicant met with the DAP to seek its advice prior to lodging the application. At these meetings, the DAP provided preliminary comments focused on public realm, views and tower arrangement and design. The Applicant reviewed the application and updated the design in light of the DAP's preliminary comments.

- 6.2.7 The Department referred the proposal to the DAP for further advice as part of public exhibition on the EIS and requested the Applicant consult further with the DAP in the preparation of the RtS. The DAP concluded the proposal exhibits design excellence (**Section 5.5**).
- 6.2.8 Concern was raised in the public submission that the DAP's comments were not made publicly available. The Department notes the DAP's detailed observations, advice and recommendations are included at Appendix K of the RtS and **Appendix E** of this report. The Department has considered the DAP's advice in its assessment of the proposed building envelopes at **Section 6.4**.
- 6.2.9 The DES confirms the Applicant is committed to the Gosford SEPP design excellence process, application of the Design Guidelines and the ongoing involvement of the DAP. The DES states the DAP's role is to:
- fulfil the function of the design review panel under clause 8.4 of the Gosford SEPP
  - fulfil the function of the GANSW's State Design Review Panel (SDRP) as they may have applied to the Gosford City Centre
  - provide independent, expert and impartial advice on the design quality of the development
  - guide the design of the development and inform the assessment process.
- 6.2.10 The Department notes the DAP has been involved with the proposal since its inception and has provided detailed advice and recommendations to guide the design of the development throughout the evolution of the proposal. The DAP has also considered the concept proposal and concluded it exhibits design excellence (**Appendix E**).
- 6.2.11 Subject to the continued involvement of the DAP in accordance with the Gosford SEPP and DES, the Department considers future developments are capable of being designed to achieve design excellence and maintain design integrity. The Department has recommended a FEAR requiring future development be undertaken in accordance with the DES and that future DA(s) are reviewed by, and respond to the advice of, the DAP.

### **Design Guidelines**

- 6.2.12 The application is for concept approval and therefore does not seek approval for the detailed design of buildings, which are reserved for assessment as part of the future DA(s).
- 6.2.13 In response to a request from the Department, the Applicant prepared Design Guidelines which sets out the key principles and design parameters to inform the detailed design of buildings within the envelopes and ensure they achieve design excellence. The Design Guidelines provide whole-of-site and building specific guidance relating to building height, scale and architectural character and through site links.
- 6.2.14 No comments were provided by Council or the DAP on the Design Guidelines.
- 6.2.15 The Department notes, although the Design Guidelines are high-level in nature, they generally provide an appropriate starting point for the design of future buildings and spaces. In response to a request from the Department, the Applicant amended the Design Guidelines to require future DA(s) to provide:
- a high standard of design, layout, permeability and usability of the through-site links and provision of public art
  - appropriate modulation, façade articulation, materials and architectural rooftops

- podiums that include appropriate articulation, street activation, interface with the surrounding public domain and include fine grain frontages
- ESD and general sustainability principles.

6.2.16 Noting the above, the Department is satisfied the updated Design Guidelines are appropriate and suitably robust. The Department recommends FEARs requiring detailed elevations and design statement(s) be included in future DA(s) and that future developments respond to the building envelope parameters (GFA, FSR and height) and the Design Guidelines.

### Conclusion

6.2.17 The Department is satisfied that the Applicant is committed to a rigorous design process and to delivering the highest standard of design across the development.

6.2.18 The Department has reviewed the DES and the Design Guidelines and considers, subject to the ongoing involvement of the DAP and the Department's recommended conditions and FEARs, future developments will exhibit design excellence.

6.2.19 Based on the advice of the DAP, the Department is satisfied that the proposal exhibits design excellence in accordance with the Gosford SEPP for the reasons outlined above.

### 6.3 Density

6.3.1 The proposal seeks approval for 39,242 m<sup>2</sup> of residential, hotel and retail/commercial floorspace (a FSR of 4.42:1). The proposal exceeds the Gosford SEPP FSR development standard (3.5:1) by 8,148 m<sup>2</sup>. This represents a 26% increase above the FSR control. As summarised at **Section 4.3**, clause 8.4(4) allows developments to exceed the base FSR control when the exception criteria have been met.

6.3.2 The Applicant has stated the exceedance of the base FSR control is acceptable as the clause 8.4(4) exception criteria have been met, the proposed GFA is appropriate for the site and would not result in any additional adverse environmental impacts. In addition, greater flexibility with key development standards has resulted in more slender tower forms, less overshadowing and preserves view corridors through the site.

6.3.3 Concern was raised in the public submission and by Council about the exceedance of the base FSR control.

6.3.4 The Department has carefully considered the concerns raised about the proposed density. The Department considers an acceptable density is informed by the appropriateness of the built form and having regard to potential impacts of the floorspace, such as traffic generation, amenity impacts and demand on existing/future infrastructure.

6.3.5 The Department acknowledges the proposal exceeds the base FSR for the site. However, as discussed in **Section 3**, the Department considers the redevelopment of the site has strategic merit, particularly given it will provide increased housing choice and new employment opportunities within a regional centre, has excellent access to public transport and provides active through-site links.

6.3.6 The Department considers the site can accommodate a greater density than the FSR in the Gosford SEPP as the proposal satisfies the clause 8.4(4) exception criteria and:

- the proposal achieves design excellence and has been reviewed, and supported, by the independent DAP (**Section 5.5**)
- the building height and scale is appropriate within its context and compatible with the emerging character of the Gosford City Centre (**Section 6.4**)
- the building envelopes have acceptable amenity impacts (**Section 6.4**) in relation to:
  - visual or heritage impacts
  - amenity impacts in terms of overshadowing, overlooking or view loss
- future developments will be designed in accordance with ESD principles and meet appropriate sustainability targets, including exploring stretch-targets (**Section 4.6**)
- traffic impacts can be managed and mitigated and future DA(s) will undertake detailed assessments to determine the appropriate on-site car parking provision (**Section 6.6**)
- future developments will include publicly accessible through-site links, which represent a public benefit (**Section 6.5**)
- future DA(s) would include an appropriate amount of commercial floorspace as a proportion of the total GFA provided within the development (**Section 6.7**)
- future DA(s) will consider the inclusion of additional appropriate public benefits and pay development contributions in accordance with the State and local requirements (**Section 6.7**).

6.3.7 The Department therefore concludes the proposed density of the development is appropriate for the site and it would not unreasonably impact on the surrounding area in terms of built form, visual, traffic or amenity impacts.

## 6.4 Building envelopes

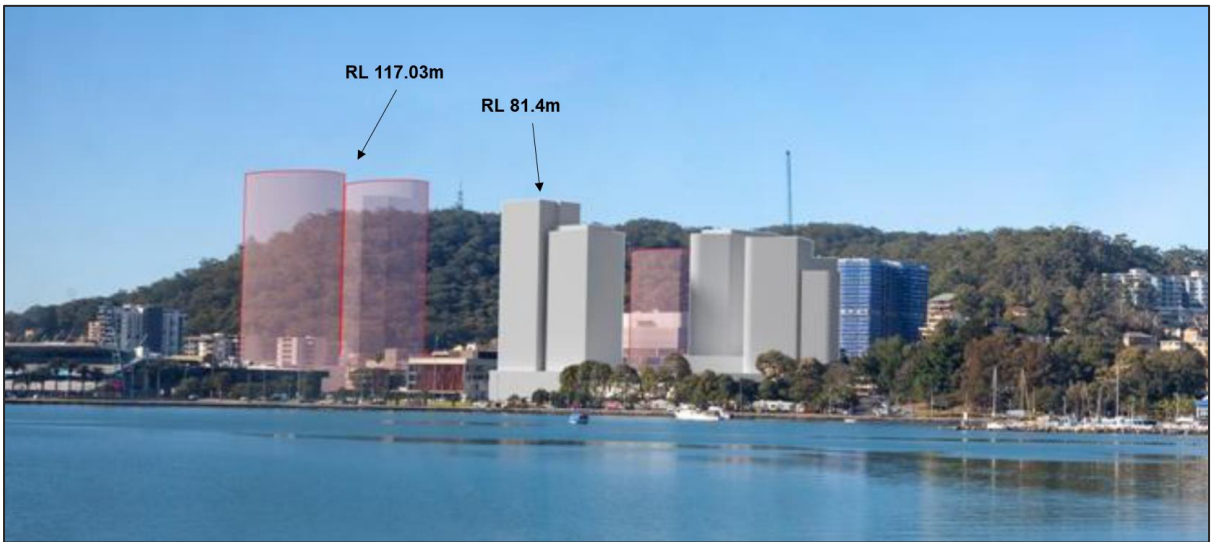
- 6.4.1 The proposal seeks concept approval for a building envelope comprising a built form typology of a podium and three towers. The proposal includes building envelope parameters (height, GFA and FSR) as summarised at **Table 3** and shown at **Figure 12** and **Figure 22**. The maximum heights of the building envelope are:
- Podium: RL 21.6m
  - Northern Tower: RL 81.4m (approximately 25 storeys, including podium)
  - Southern Tower: RL 65.1m (approximately 19 storeys, including podium)
  - Eastern Tower: RL 71.3m (approximately 19 storeys, including podium).
- 6.4.2 While the proposal does not seek approval for the detailed building design, the Applicant has provided details of an indicative scheme for illustrative purposes (paragraph 2.2).
- 6.4.3 The Application includes a Visual and View Impact Assessment (VVIA), and provides perspectives of the building envelope as seen from key vantage points (**Figure 19** to **Figure 21**).
- 6.4.4 In order to thoroughly assess the appropriateness of the building envelopes, the Department has carefully considered the character of the Gosford City Centre and the surrounding built form context.
- 6.4.5 The Department notes that in the past the Gosford City Centre was characterised by low-rise buildings nestled within a valley floor framed by forested hills and the Brisbane Water. However, as discussed at **Section 1.2**, Gosford is undergoing a period of renewal, which has and will result in changes to the built environment.

6.4.6 The GUDP envisages higher developments on key sites within the three Gosford City Centre precincts and significant improvements to public domain and connectivity. The GDCP also promotes the construction of tall, slender towers in appropriate locations.

6.4.7 The Department notes that new developments, including tall buildings, have been approved and constructed along the central spine of the Gosford City Centre (Mann Street), which establish a new built form character and an evolution away from the low-rise valley-floor character of Gosford (**Section 1.5**). These approvals and developments reinforce the new strategically planned direction/vision for Gosford established by the Gosford SEPP and outlined within the GUDP and the GDCP.



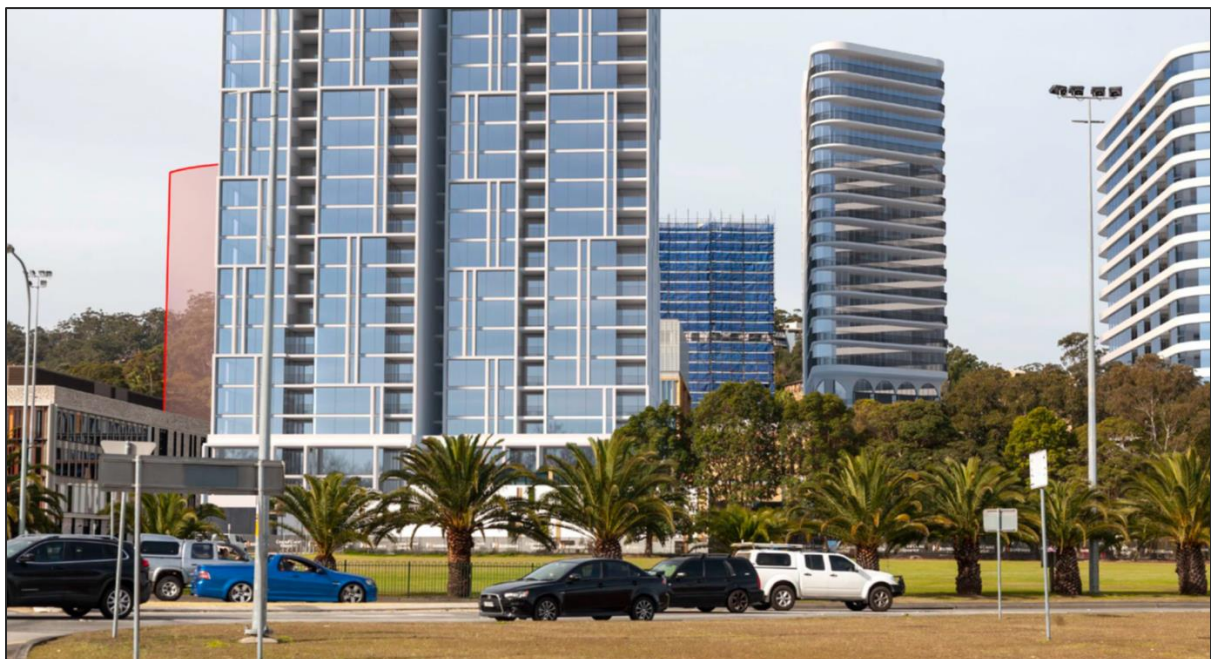
**Figure 19** | View east from Brian McGowan Bridge towards the site showing the existing/proposed development (top) and a notional FSR and height compliant development (bottom) (Base source: Applicant's RtS)



**Figure 20** | View north-east from Brisbane Water towards the site showing the existing (top) and proposed development (bottom) with existing DA approvals (**Section 1.5**) shown in red (Base source: Applicant's RTS)

- 6.4.8 In this context the prevailing character of Gosford can no longer be primarily defined by low-rise buildings. Instead, through the Gosford SEPP, GUDF and GDGP, the emerging character of Gosford is changing to become an area characterised by a variety of building heights, scales and designs, which include some very tall, slender buildings located along and near its central spine. In addition, this new prevailing character makes a positive contribution to the visual experience within Gosford and reinforces its role as a vibrant focal point, economic destination and regional centre.
- 6.4.9 Concerns were raised in the public submission about the height, scale and bulk of buildings, interruption of public and private views, overshadowing and heritage impacts.
- 6.4.10 Having carefully considered the concerns raised in submissions, the proposed building envelopes and the existing and emerging character of Gosford, the Department considers the key issues of consideration are:
- height
  - bulk and scale

- overshadowing of public open space
- private view loss
- heritage.



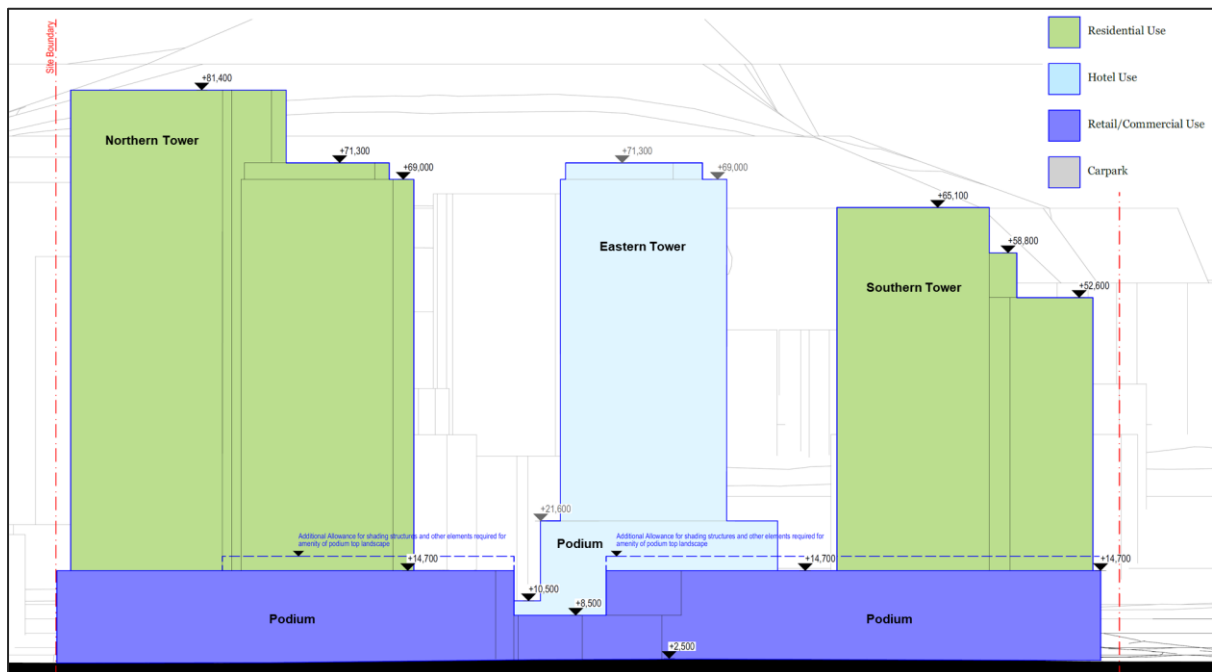
**Figure 21** | View east across the Leagues Club Field towards the site showing the existing (top) and proposed development (bottom) with existing DA approval (**Section 1.5**) shown in red (Base source: Applicant's RTS)

## Height

6.4.11 The tallest of the three proposed towers (Northern Tower) exceeds the Gosford SEPP height of buildings development standard (RL 48m) by 33.4m, which represents a 69% increase above the numerical height control. As summarised at **Section 4.3**, clause 8.4(4) allows developments to exceed the height control when the exception criteria have been met.



- 6.4.12 The GDCP identifies the site as 'Key Site 6' and confirms the height of future development should be determined through a master planning process that provides for slender towers and the consideration of views, overshadowing and heritage impacts.
- 6.4.13 Concern was raised in the public submission that the proposal exceeds the Gosford SEPP height of building development standard for the site (RL 48 m). Council object to the proposal stating the towers should be reduced in height, include greater height difference and the Northern Tower should be no taller than RL 48m. Council also raised concern that the massing of the notional compliant height development (**Figure 19**) is unrealistic.
- 6.4.14 The Applicant contends that the exceedance of the height control is acceptable as the clause 8.4(4) exception criteria have been met. In addition, the height of the proposed towers follows the DAP's advice and recommendations and that it is appropriate for the site.
- 6.4.15 In response to concerns about the height of the development, the Applicant amended the Southern Tower by stepping down the eastern and southern corners of the building (**Figure 18** and **Figure 22**).



**Figure 22** | Baker Street elevation of the Concept Proposal building envelope (Base source: Applicant's RtS)

- 6.4.16 The DAP confirmed it supports the proposal, the building envelopes exhibit design excellence and did not raise any concern with the proposed height of building envelopes. In addition, the DAP confirmed it supports the Applicant's amendments to the proposal including the provision of varied rooflines and the reduced stepped height of the Southern Tower, which ensure the development is sympathetic to Gosford's natural setting, waterfront and the Rumbalara ridge line.
- 6.4.17 The Department acknowledges the notional compliant development (**Figure 19**) is a simple representation of the maximum extent of FSR and height controls. However, it provides a realistic reference point as represents the FSR and height control in a regular form and the elevations could be articulated in an attempt to visually modulate the facades (**Figure 19**).
- 6.4.18 The Department has carefully considered the appropriateness of the proposed maximum tower building envelope heights. The Department recognises that in isolation the proposed variation to the

height controls of up to 34.4m (being an increase of 69%) is numerically significant. However, while the proposal is at the upper limits of what could be supported, the site is capable of accommodating the proposed building heights as:

- the application meets the clause 8.4(4) exception criteria, has been developed in consultation with the DAP and the DAP supports the development concluding the proposal exhibits design excellence
- the emerging character of Gosford, as established by planning policy and recent planning approvals, includes the provision of tall buildings either side of Mann Street within the Gosford City Centre, City South precinct (**Section 1.5**)
- the tower building envelopes step down in height from the Northern Tower (RL 81.4m) to the Eastern Tower (RL 71m) and the Southern Tower (RL 65.1 to RL 52.6m), which:
  - provides an appropriate built form transition down to adjoining public open space
  - establishes a visual relationship with the sloping topography of Rumbalara Reserve behind
- the maximum height of the proposal is lower than recent approvals at 50-70 Mann Street (70m north of the site) and 27-37 Mann Street (80m north east of the site). In this regard:
  - the height of the proposed Northern Tower (the tallest building envelope, RL 81.4m):
    - is 7.2m shorter than the smallest 50-70 Mann Street tower (RL 88.6m), which is the closest tower to the site (on the opposite side of Georgiana Terrace)
    - is 35.6m shorter than the tallest 50-70 Mann Street tower (RL 88.6m)
  - the height of the Eastern Tower is closest to, and 3m shorter than, the 27-37 Mann Street tower
  - all these tall buildings contribute to a cluster of towers within Gosford City Centre City South precinct and establish visual markers that positively enhance the built environment
- if the building envelopes were reduced to RL 48m (height compliant) it is likely they would appear squat, inelegant, relate awkwardly to surrounding open space, adjoining Mann Street DA approvals and jeopardise the attainment of design excellence
- the towers have varied heights, do not match the Mann Street DA approvals heights and therefore establish a modulated and rich visual skyline
- the height of the tower envelopes will result in the provision of tall slender towers. The Department supports this approach as it improves opportunities for solar access, building separation, ventilation, view sharing, reduce the appearance of bulk and promotes higher amenity for the public domain
- the proposal does not have adverse view, overshadowing or heritage impacts as discussed within the following sections.

In response to a request from the Department, the Applicant provided updated Design Guidelines to ensure the rooftops of the towers are appropriately designed and contribute positively to the appearance of the buildings.

## **Bulk and scale**

### Rumbalara Reserve

- 6.4.19 Council objected to the bulk and scale of the development stating it is unacceptable given the site's location and prominence. In particular, the tower envelopes would have adverse impacts on views towards Rumbalara Reserve.

6.4.20 The Applicant contends the flexibility with the development standards (FSR and height) has allowed for the creation of tall slender towers, substantial tower separation distances and small tower footprints. This arrangement creates a distinctive skyline which provides view corridors and preserves views through to Rumbalara Reserve.

6.4.21 The DAP confirmed it supports the amendments to the Southern Tower building envelope, which presents as a more slender tower form, reduces its visual dominance from key vantage points and enhances views through the site.

6.4.22 The Department notes the VVIA imagery from Brian McGowan Bridge and Brisbane Waters (**Figure 19** to **Figure 21**) and acknowledges the proposed building envelopes reduce current views towards Rumbalara Reserve. However, the Department considers this is acceptable as the:

- proposal establishes view corridors between towers, which continues to allow the height, slope and forested nature of the reserve to be appreciated from key views
- views of the reserve would continue to be possible to the north and south of the site
- emerging character of Gosford City Centre establishes clusters of tall buildings within the South Precinct along the Mann Street spine, and therefore maintaining the visual dominance and integrity of the natural topography and landscape
- subject to the Department's recommended FEARs and the updated Design Guidelines, future developments would provide slender, well-articulated towers with high amenity
- notional height compliant development option explored by the Applicant has significant undesirable built form impacts (**Figure 19**) and would not improve views through the site.

#### Northern Tower relationship to Leagues Club Field

6.4.23 The Northern Tower envelope is divided vertically into two halves. The northern half is setback 2.7m from the three storey podium edge and the southern half is setback 5.7m from the podium edge fronting the Leagues Club Field (**Figure 23**).

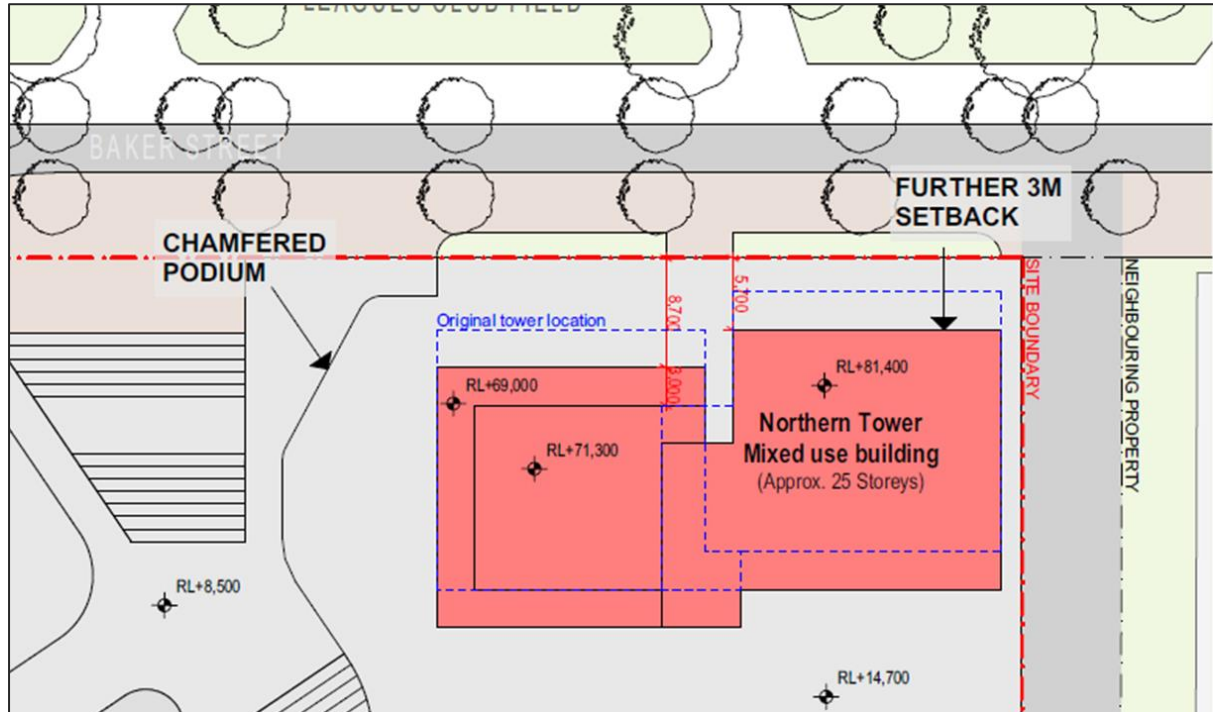


**Figure 23** | Perspectives looking from Leagues Club Field to the Northern Tower, its setback and podium (Base source: Applicant's RtS)

- 6.4.24 The GDCP recommends towers above podium levels be setback between 8m and 6m above a three storey podium to reduce the apparent bulk and scale of buildings and mitigate potential adverse impacts that towers might have on the public domain. In addition, podiums should provide fine grain frontages.
- 6.4.25 Council objected to the bulk and scale of the Northern Tower envelope stating the tower would visually dominate the Leagues Club Field and the podium would not provide a fine grain frontage.
- 6.4.26 The DAP confirmed it supports the Applicant's amendments to the proposal including the articulation of the Northern Tower, increased Eastern Tower setback and the articulation of the façade of the Southern Tower noting the changes reduce the perceived bulk. The DAP also stated future DA(s) should take care to minimise any impacts of any vertical breaks (or articulation) at ground level.
- 6.4.27 The Applicant has stated the stepped height of the tower envelopes and vertical articulation proposed across the residential towers will reduce their perceived bulk and scale. In addition, the Applicant has coordinated design documentation with the Leagues Club Field redevelopment to ensure the podium interface with the open space is appropriately designed and activated. However, the detailed design of buildings will be determined at future DA stage.
- 6.4.28 The Department notes when viewed from the Leagues Club Field, the proposed tower setback of the northern half of the Northern Tower dilutes the visual differentiation between podium and tower, reduces the human scale of the podium, and results in that half of the tower appearing more dominant.
- 6.4.29 The Department supports the Applicant's articulation of the Northern Tower into two halves. However, recommended the tower, as a whole, be setback an additional 3m from the podium edge (in accordance with the GDCP) to reduce its perceived bulk as viewed from the Leagues Club Field, increase the visual dominance of the podium and provide for a more relatable scale of development.
- 6.4.30 In response, the Applicant confirmed its agreement to amend the setbacks (**Figure 24**). The Department therefore recommends a condition for the plans to be modified to address this issue prior to the first DA. The Department also notes its recommended amendments (to improve solar access to the southern through site link in mid-winter (**Section 6.5**)) may result in additional modulation to the southern half of the Northern Tower, which may further improve the tower's overall relationship to the Leagues Club Field.
- 6.4.31 The Department notes the podium complies with the GDCP recommended podium height (three storeys). However, while the perspectives (**Figure 23**) show the Northern Tower podium divided into two halves and the provision of fine grain ground floor shopfronts, this is an indicative scheme only and does not form part of the concept proposal.
- 6.4.32 To ensure the proposal provides an appropriate podium design and relationship to the Leagues Club Field, the Department recommends a FEAR requiring future DA(s) to provide active frontages at ground floor levels. In response to a request from the Department, the Applicant updated the Design Guidelines to require the design of podiums include appropriate articulation, include fine grain frontages where possible and ensure breaks at ground floor level do not have adverse design or security impacts.
- 6.4.33 The Southern Tower provides a nil to 5.9m setback from the southern end of the Leagues Club Field. This arrangement is satisfactory as that building is located on the prominent corner of Baker Street

and Vaughan Avenue and appropriate to provide a strong visual marker in that location. In addition, the DAP confirms it supports the Applicant's design of the Southern Tower envelope.

6.4.34 The Department considers, subject to the recommended amendments to the Northern Tower setback and podium design, the proposal will provide an appropriate relationship to the Leagues Club Field.



**Figure 24** | Amended Northern Tower setbacks (Source: Applicant's RRFI)

#### Tower articulation

6.4.35 The GDCP recommends the maximum tower width be limited to 45m and building frontages longer than 30m include stepped heights, two vertical forms and include breaks of no less than 1m.

6.4.36 Council raised concern the Northern Tower envelope should include greater articulation and separation between the two tower elements.

6.4.37 The Applicant has stated the vertical articulation proposed across the residential towers will reduce their perceived bulk and scale.

6.4.38 The Department considers the proposed Northern and Southern Tower envelopes are appropriately modulated and articulated as:

- the Northern Tower envelope includes a step in height and is divided into two vertical halves (both 21.3m wide), which are separated by a 2.2m building separation gap facing Leagues Club Field
- the Department's recommended modification to the southern half of the Northern Tower envelope (**Section 6.5**) may result in greater building separation distances between the southern and northern halves of the Northern Tower
- the Southern Tower includes two steps in height. While the envelope is not articulated, the Design Guidelines require future developments include a building separation gap on each of its three elevations, which will appropriately articulate the facades

- the proposed articulation of the building envelopes ensure future towers would appear slender and provide an interesting and varied skyline.

6.4.39 The Southern Tower envelope maximum length (48.7m) is 3.7m longer than the GDCP recommended maximum length. However, this is supported as the exceedance is minor and the tower elevations include appropriate articulation that effectively reduce the visual bulk and scale of the facades.

6.4.40 The Eastern Tower envelope does not include envelope articulation. The envelope comprises a narrow (18m) north-south width and 42.2m east-west length. The Department supports the narrow width of the envelope as this will ensure the tower appears slender when viewed from the east and west. However, while the long elevation is less than the GDCP maximum length (45m), it would be visible in mid-long distance views south along Mann Street and therefore would benefit from some articulation to reduce the appearance of its scale. In response to a request from the Department, the Applicant provided updated Design Guideline to require the long elevation include appropriate articulation.

6.4.41 The Department concludes the tower envelopes include a high degree of modulation and articulation, including stepped height and building separation generally in accordance with the recommendations of the GDCP. The Department is satisfied these measures establish a good basis to ensure the future buildings within those envelopes are appropriately articulated to reduce the appearance of their bulk and scale. The Department is satisfied that the updated Design Guidelines will ensure a high standard of design, by requiring the detailed architectural design of future buildings be carefully considered by the DAP and include appropriate modulation, façade articulation and use of materials.

#### Tower floorplates and volumetric fill of building envelopes

6.4.42 The GDCP recommends tower floorplates be no greater than 750m<sup>2</sup>. SEPP 65 and associated Apartment Design Guide (ADG) recommends that, as a starting point or rule of thumb, building envelopes should be 25% - 30% greater than the achievable floor area to allow flexibility in the building design.

6.4.43 Council raised concern the Southern Tower envelope exceeds the GDCP recommended maximum tower floorplate (750m<sup>2</sup>).

6.4.44 The Applicant has clarified that the envelopes are a 'shrink wrap' of the indicative scheme, which was being prepared before the Gosford SEPP was gazetted in 2018 and was later presented to the DAP before a conceptual envelope was established. This results in a 'tight fit' within the proposed envelopes, providing the following maximum tower floorplate sizes and volumetric fill:

<b>Tower</b>	<b>Floorplate Size</b>	<b>Volumetric Fill</b>
Northern Tower	724 m <sup>2</sup>	95.4%
Southern Tower	779 m <sup>2</sup>	97.5%
Eastern Tower	573 m <sup>2</sup>	98.7%

6.4.45 While filling more of the envelope than is 'typical', the Department acknowledges that the envelope reflects the indicative scheme, which is supported by the DAP. The Department also acknowledges that the envelope is able to accommodate the building mass, allowing sufficient articulation through recesses, breaks and articulation.

6.4.46 The Department acknowledges the Southern Tower (of the indicative scheme) exceeds the GDCP recommended maximum tower floorplate size (by 29 m<sup>2</sup>). However, this is supported as the:

- the exceedance is minor and the indicative scheme has demonstrated that towers can be designed so that residential floors provide a high standard of amenity in terms of solar access, ventilation, privacy, communal corridor length and apartments per floor
- proposal is for concept approval and the exact floorplate size (and associated impacts) would be considered as part of the assessment of future DA(s)
- future developments will be required to be appropriately modulated, articulated and include building separation gaps to reduce the visual bulk and scale of the towers.

6.4.47 While noting that the envelopes are based on a ‘shrink wrap’ of the indicative scheme, there is no guarantee that the indicative scheme will be the final design submitted as part of future DA(s). Therefore, to ensure future developments do not unreasonably fill the building envelopes in their entirety (at the cost of appropriate building articulation), the Department recommends a FEAR establishing a maximum building envelope efficiency of 85%, in accordance with the aims / objectives of the ADG guidance, unless it can be demonstrated that a higher building efficiency can be achieved without causing adverse visual or architectural design impacts and where supported by DAP.

#### Overshadowing of public open space

6.4.48 The site adjoins Gosford Park, which comprises two large public open space areas including the Leagues Club Field to the west and the Memorial and Poppy parks to the south.

6.4.49 Clause 8.10 of the Gosford SEPP and Section 4.3 of the GDCP states that developments should ensure at least 70% of the Leagues Club Field receives four hours of sunlight between 9 am and 3 pm at the winter solstice. The GDCP also recommends solar access should be contiguous and impacts should be considered cumulatively between all developments.

6.4.50 Council objected to overshadowing impacts and recommended solar access be maintained to the Leagues Club Field.

6.4.51 The Applicant has submitted shadow diagrams showing the predicted overshadowing impacts on the adjoining parks during the summer and winter solstices and autumn and spring equinoxes (Overshadowing Analysis). The Overshadowing Analysis indicates that during the winter solstice the proposal would result in additional overshadowing of the Leagues Club Field by 21% at 9am and 12% at 10am and would not result in any additional overshadowing after 11am (**Table 13** and **Figure 25**).

6.4.52 The Overshadowing Analysis concludes the proposal meets the GDCP solar access requirement as the Leagues Club Field would continue to receive between 85% and 96% of direct sunlight for four hours in mid-winter between 11am and 3pm.

**Table 13** | Existing, predicted and cumulative overshadowing impact to the Leagues Club Field

Time	Current Overshadowing (existing / approved developments)	Predicted overshadowing (building envelopes)	Cumulative Overshadowing (all developments)
9am	63%	21.3%	84.5%
10am	33.5%	12.4%	45.9%
11am	6.3%	0%	6.3%

Noon	5.0%	0%	5.0%
1pm	4.1%	0%	4.1%
2pm	3.7%	0%	3.7%
3pm	15.2%	0%	15.2%

6.4.53 Having carefully considered the Applicant's Overshadowing Analysis and Council's comments, the Department considers the overshadowing (winter solstice) impact resulting from the proposed building envelopes on the Leagues Club Field and Memorial and Poppy parks is acceptable as the:

- proposal complies with the requirements of the Gosford SEPP and GDCP as the proposal, and the cumulative impact of developments (existing/approved and proposed), would maintain more than 70% direct sunlight for four hours (11am to 3pm) to the Leagues Club Field
- additional overshadowing to the Leagues Club Field is limited to the early morning (9am to 10am), which is outside the usual peak demand times, including the lunchtime period
- Leagues Club Field is already overshadowed by existing (and approved) developments more than 70% between 9am and 10am and the proposal does not overshadow the Leagues Club Field after 10am (**Figure 25**)
- additional overshadowing of Poppy Park is limited to between 10am and 11am. The remainder of War Memorial Park experiences additional overshadowing between 10am and 3pm. However, it is noted that the remainder of the park is already heavily overshadowed by dense tree plantings
- Gosford SEPP identifies the site for redevelopment and given parkland adjoins the western and southern site boundaries, some degree of overshadowing from redevelopment is inevitable and the overshadowing impacts of the proposal are largely consistent with that of a complaint RL 48 building on the site (**Figure 25**)
- predicted overshadowing impact is based on building envelopes and therefore represents a maximum. Future development will be unlikely to fill the entire envelope and therefore overshadowing impacts may be less than predicted.







**Figure 25** | Overshadowing impact on adjoining public open spaces during the winter solstice (Base source: Applicant's RtS)

6.4.54 For the reasons above, the overshadowing impact on neighbouring public open spaces is minor and supported. The Department has recommended a FEAR requiring future DA(s) include overshadowing analysis and demonstrate that the overshadowing impact on the neighbouring public open spaces has been minimised.

#### Private view loss

6.4.55 Several existing and proposed residential apartment buildings east of the site have a range of views of Brisbane Water and district views over the site. The VVIA provides an analysis of the view impacts of the proposed development, characterising the view loss at the affected premises.

6.4.56 The VVIA considered view impacts and states the following four properties to the east of the site are likely to be most affected by the proposal (**Figure 8**):

- 'The Broadwater' 127-129 Georgiana Terrace
- 'Merindah' 21-23 Mann Street (under construction)
- 'Georgiana Quay' 107-115 Henry Parry Drive
- 17 Mann Street (planning approval).

6.4.57 The VVIA view sharing analysis indicates neighbouring properties would generally experience a moderate reduction in existing water and district views and the proposal has been designed to address view sharing principles.

6.4.58 The VVIA considered the impact of a height compliant scheme and concludes that while a potentially 'complying' scheme would retain views from the upper levels of some adjoining buildings, the majority of the apartments at the lower levels would have reduced views due to the wider floor plates of the compliant height. It concluded that a more desirable view sharing outcome is provided through the provision of tall and slender towers.

6.4.59 No submissions were received from the public or from Council regarding view loss impacts.

6.4.60 The Department agrees with the VVIA that the four properties listed above are the most affected properties. The Department notes the residential components of 21-27 Mann Street and 50-70 Mann

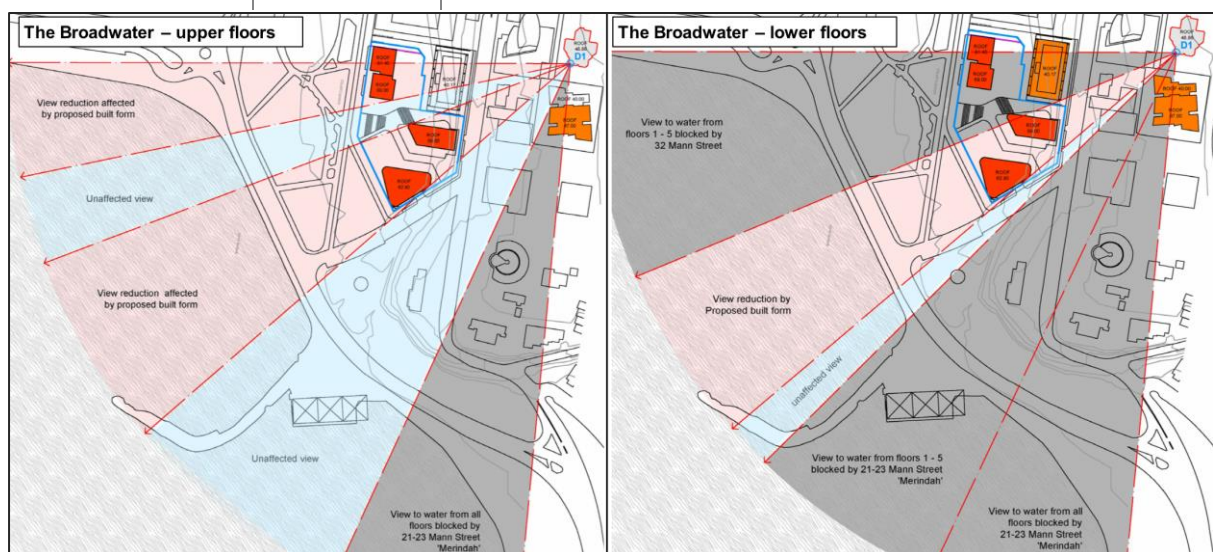
Street (approved but not yet constructed) (**Table 2**) have windows directed away from the site and therefore any view impacts on those future developments caused by the proposal would be negligible.

6.4.61 The Department has considered the view impacts of the proposed building envelopes on adjoining properties using the four-step assessment in accordance with the principles established by Tenacity Consulting Vs Warringah [2004] NSWLEC 140. The steps / principles adopted in the decision are provided below and the Department’s assessment of Steps 1-3 is provided in **Table 14**:

1. Assess what views are affected and the qualitative value of those views.
2. Consider from what part of the property the views are obtained.
3. Assess the extent of the impact (Tenacity principles establish an impact spectrum including ‘negligible’, ‘minor’, ‘moderate’, ‘severe’ and ‘devastating’).
4. Assess the reasonableness of the proposal that is causing the impact.

**Table 14** | Department’s consideration of view impacts to the affected properties

Step 1 - View Affected	Step 2 - View Location	Step 3 – Extent of impact
<b>The Broadwater</b>		
Views south-west over the site and south over other sites towards Brisbane Water and district views	Upper floors – level 6, 7, 8  Lower floors – below level 5	<p>At upper levels Brisbane Water and district views are partially retained through two view corridors established between tower envelopes. Affected views relate to living room and balconies from south-west facing apartments. The impact is considered to be <b>moderate</b>.</p> <p>At lower levels, views west and south are already interrupted by existing developments. The proposal would reduce the south-west view of Brisbane Water and the foreshore. Affected views relate to living room and balconies from south-west facing apartments. The impact is considered to be <b>severe</b>.</p> <p>District views west and north west are unaffected.</p>



## Merindah

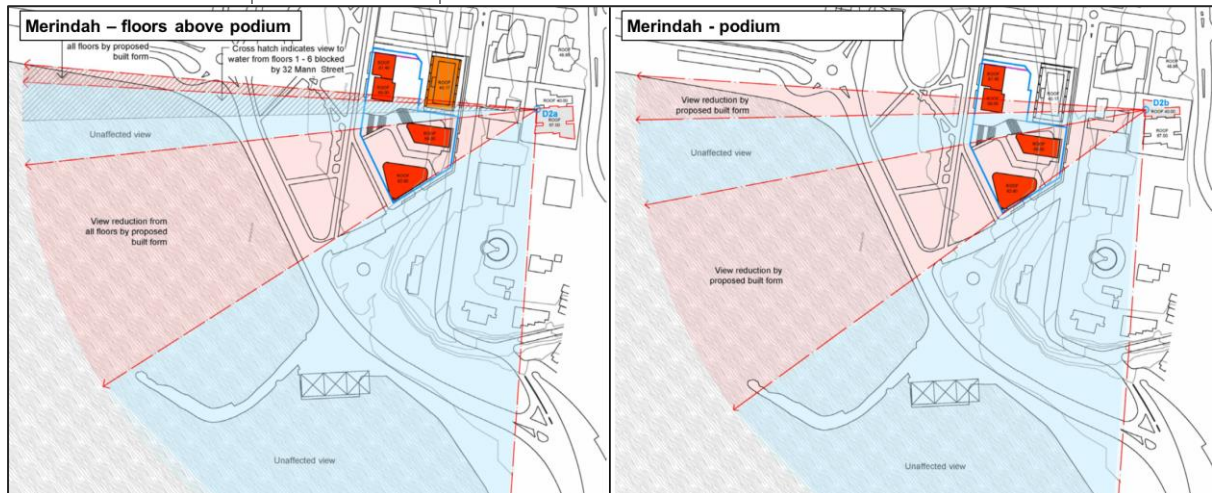
Views west over the site and south over other sites towards Brisbane Water and district views

Floors 1-6 above podium level

Podium level

At all floors views west of Brisbane Water and district views are partially retained through view corridors established between tower envelopes. Affected views relate to living room and balconies from west facing apartments and the podium level communal open space. The impact is considered to be **moderate**.

At podium level views west are partially obscured by 32 Mann Street. Water views south and district views north-west are unaffected.



## Georgiana Quay

Views west over the site and south over other sites towards Brisbane Water and district views

All floors

At all floors views south-west of Brisbane Water and district views are partially retained through view corridors established between tower envelopes. A portion of existing south-west views are already obscured by the Merindah development. The impact is considered to be **moderate**.

Water views south and district views west / north-west are unaffected.



## 17 Mann Street

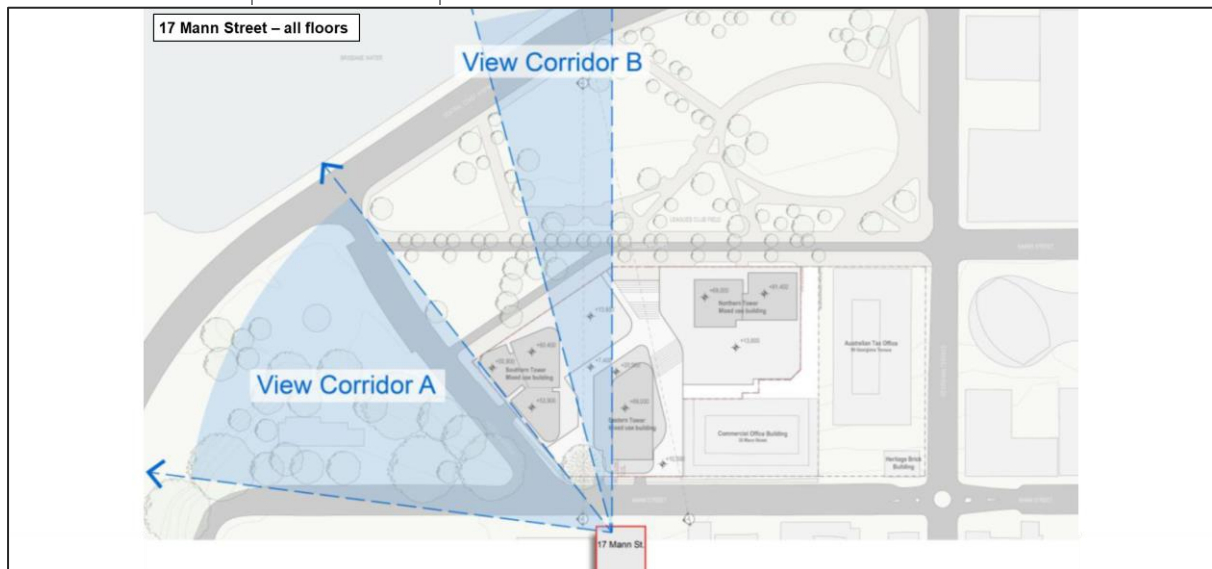
Views west over the site and south over

All floors

At all floors, views west of Brisbane Water and district views are partially retained through a view corridor established between tower

other sites towards  
Brisbane Water and  
district views

envelopes. Affected views relate to living room and balconies from  
west facing apartments. The impact is considered to be **moderate**.  
Water views south and district views north-west are unaffected.



- 6.4.62 The fourth step of the Tenacity planning principles is to assess the reasonableness of the proposal that is causing the impact. The Department has also taken into account the height and location of buildings in the surrounding area and the site's 'key site' designation. The Department notes that the proposal meets the Gosford SEPP exception criteria to exceed the height of building development standards and the Department has concluded the heights are acceptable and proposal exhibits design excellence (**Sections 6.2 and 6.4**).
- 6.4.63 Even when a proposal complies with all relevant planning controls, the Tenacity planning principles require the question be asked whether a more skilful design could provide similar development potential and amenity while reducing the impact on views from neighbours. The Applicant argues the view sharing is acceptable noting the transition of the Gosford City Centre to higher densities and the inevitability of the interruption of existing views in this context.
- 6.4.64 The Department notes the proposal establishes view corridors between the tower building envelopes which ensure neighbouring properties maintain views through to Brisbane Water and the foreshore and this approach is representative of the aim of view sharing principles.
- 6.4.65 While the majority of view impacts on these properties results from existing or approved development, the proposal will result in some further reductions to existing views from adjoining residential properties. However, the site is located within the Gosford City Centre, on an identified, vacant, redevelopment site. In this context and noting there were no submissions raising concerns about this issue, the Department agrees with the Applicant that changes to existing views are unavoidable.
- 6.4.66 The Department acknowledges that view loss as a result of existing / approved development and the proposal range from moderate to severe. However, the key aspects of the views (such as water and foreshore views) are situated at mid/distant locations from affected properties, where there is a lower expectation of view retention for development located a distance away from the water's edge. The Department considers that, on-balance, most affected properties retain some elements of existing views and in most cases, water views, and therefore the view impacts are reasonable in this context.

- 6.4.67 The Department considers that outlook is also an appropriate measure of residential amenity in a city environment. The Department notes the distance between the closest residential buildings and the proposed development is approximately 80m and considers this distance ensures that a suitable level of outlook is maintained to all neighbouring apartments.
- 6.4.68 Future developments would be contained within the building envelope and therefore the Department notes the Applicant's predicted view losses represent the maximum and the detailed design of future developments may result in lesser impacts. To address view loss, the Department recommends a FEAR requiring all future DAs consider view loss impacts and opportunities to increase view sharing.
- 6.4.69 Subject to the above changes and the recommended FEARs, the Department is satisfied the proposal provides equitable view sharing and the changes to existing residential views are reasonable and acceptable. The Department therefore concludes the proposal strikes an appropriate balance between view sharing and the appropriate development of the site in this location.

### Heritage

- 6.4.70 The site is located near to a number of existing locally listed heritage items (**Figure 5**). The closest buildings to the site all front Mann Street and include the former Gosford Courthouse (the Courthouse), Creighton's Funeral Parlour (CFP), former School of Arts and Gosford South Post Office (GSPO). The War Memorial Park is located to the south of the site.
- 6.4.71 The GDCP recommends developments conserve and protect heritage items, their settings and existing views to buildings and places of historic and aesthetic significance.
- 6.4.72 Council has raised concern the proposal interrupts the historic visual connection between heritage items and the water, particularly in relation to the Courthouse. In addition, the scale of building envelopes adversely impacts on the small-scale character of heritage items and the HIS should consider the heritage impact.
- 6.4.73 The Applicant's HIS considers the heritage impact of the proposal and concludes the proposal will have minimal impact on the heritage significance of nearby heritage items, primarily due to their distance from the site, are effectively screened by existing buildings / trees and are grouped facing Mann Street.
- 6.4.74 The Department has carefully considered the visual connection of nearby heritage items to the water and considers the proposal does not have an adverse impact, as the:
- views from the Courthouse and CFP to the water, at eye level, are already entirely obscured by existing intervening developments, including 32 Mann Street and the new ATO Building on Georgiana Terrace (**Figure 26**)
  - an oblique view of the water is currently possible from the front of the GSPO, only possible due to the demolition of the former buildings on the site and clearing of vegetation along its northern boundary
  - the heritage listings do not indicate that views from the properties form part of their heritage significance, and the proposal does not interrupt any views towards the heritage items.



**Figure 26** | View from the Courthouse in the direction of Brisbane Water and the site (both located behind intervening developments) (Base source: Nearmap)

6.4.75 The Department has considered the scale of the development and acknowledges the tower components are significantly greater than the existing low-rise buildings on Mann Street, including the heritage items. However, the Department does not consider this difference in scale would have an adverse impact on the character of Mann Street or the setting of heritage items as the:

- site is an identified development site and the Gosford SEPP and GDCP envisage a scale of development that is significantly greater than the historic low-scale of Mann Street
- proposed Mann Street frontage includes:
  - a three storey (11.1m) podium in accordance with the GDCP, providing a relatable human scale of development that is similar in height to the existing buildings on the northern side of Mann Street and approximately half the height of the adjoining building at 32 Mann Street
  - a 6m tower setback above the Mann Street podium to ensure the tower is recessive and to reduce its apparent bulk from the Mann Street pedestrian perspective
  - two through-site links, which limit the width of the podium to approximately 23m, provide visual links through to Brisbane Water and create a sense of openness along Mann Street.

6.4.76 The Department therefore concludes the proposed height and scale of the building envelope would not have an adverse impact on the heritage significance of nearby heritage items. To ensure the design of future developments respect nearby heritage items, the Department:

- has recommended a FEAR requiring future DA(s) include a HIS and consider the impacts on adjacent and nearby heritage items
- notes that the Design Guidelines require future buildings to not have adverse setting or visual impacts on heritage items and include appropriate materials.

## Conclusion

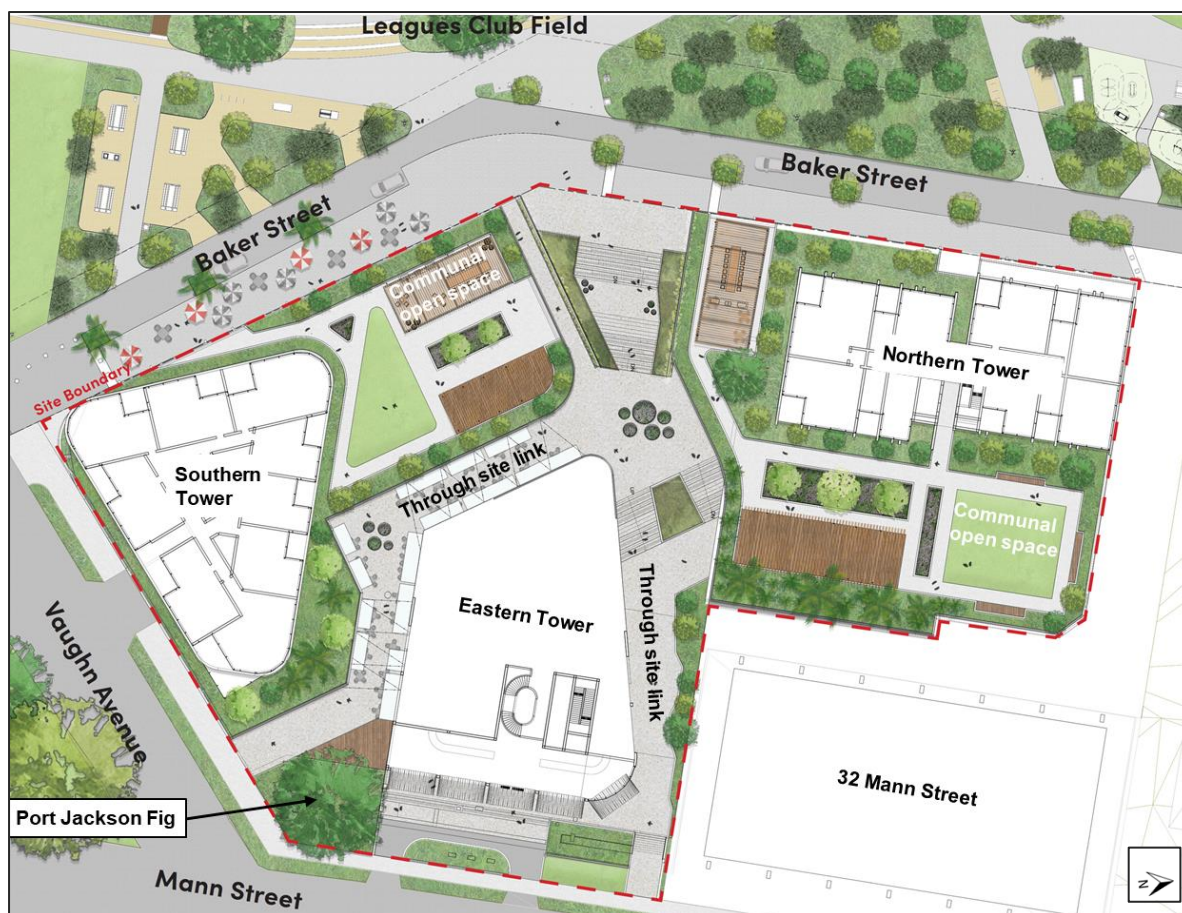
6.4.77 The Department has considered the proposed tower building envelope heights and concludes they are acceptable as a maximum as they meet the clause 8.4(4) exception criteria, they are consistent

with the emerging character of the Gosford City Centre, supported by the DAP, stepped in height and are generally lower than other recent DA approvals.

- 6.4.78 The bulk and scale of the building envelopes are supported noting the proposal includes view corridors and preserves views towards Rumbalara Reserve. Subject to an increase to the Northern Tower envelope setback and appropriate articulation, the proposal will have an appropriate relationship to the Leagues Club Field. In addition, tower floorplate sizes will be considered as part of the assessment of future DA(s).
- 6.4.79 The Department carefully considered the potential overshadowing impact on the adjoining Leagues Club Field and Memorial and Poppy park public open spaces. The overshadowing impact is supported noting the Leagues Club field would only be affected between 9am and 11am and would maintain more than 70% direct sunlight for four hours. In addition, the overshadowing impact to Poppy Park is limited to between 10am and 11am and the remainder of War Memorial Park is already heavily overshadowed by dense tree plantings. The Department has recommended future DA(s) ensure overshadowing impacts are minimised.
- 6.4.80 The proposal, together with existing / approved developments, will have a moderate to severe impact on existing views from nearby residential apartment buildings. However, this impact is supported as the proposal has been designed in accordance with view sharing principles, establishes view corridors, retains parts of existing key water views and maintains the outlook of existing apartments. The Department recommends future DA(s) consider view loss impacts and opportunities to increase view sharing.
- 6.4.81 The proposed height and scale of the building envelope will not have an adverse impact on the heritage significance of nearby heritage items and the Department recommends FEARs to ensure future DA(s) consider heritage impacts.

## 6.5 Open space and through-site links

- 6.5.1 The key public domain / landscaping features of the site is the establishment of two publicly accessible through-site links connecting Mann Street in the east to Baker Street and the Leagues Club Field in the west. There is a significant (approximately 8 m) fall in levels across the site and consequently the links are arranged in terraces.
- 6.5.2 The application includes a concept landscaping masterplan (Landscaping Plan) for the development and envisages (**Figure 27**):
- a grand Baker Street entrance to the through-site links comprising a large staircase with bleacher seating oriented towards the Leagues Club Field
  - creation of through-site links which will include retail interfaces the hotel lobby and amenities
  - retention of the Port Jackson Fig tree adjacent to Mann Street and planting, lighting and public art throughout the through-site links
  - residential communal open space located above the elevated podiums of the residential towers.



**Figure 27** | Concept landscape masterplan (Base source: Applicant's RtS)

### Open space provision

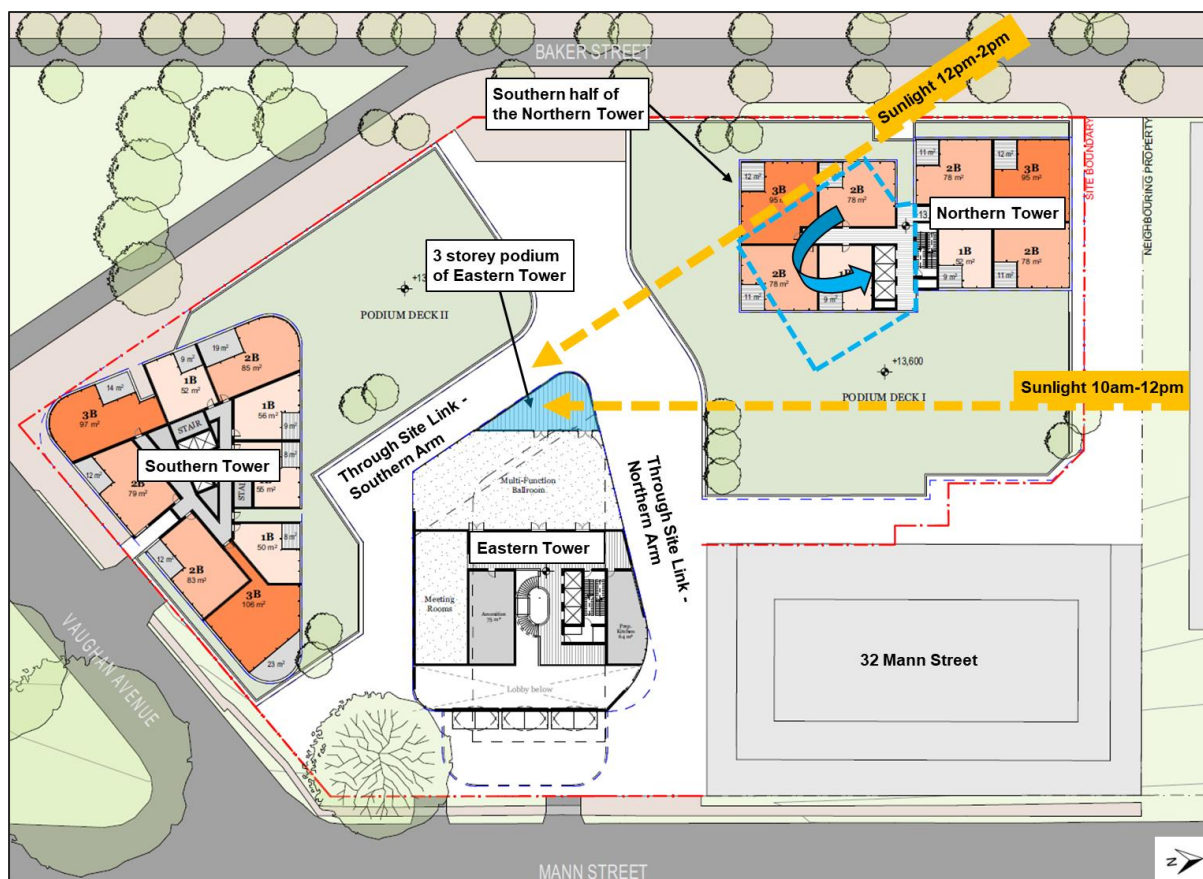
- 6.5.3 Council raised concern that insufficient public open space is provided. CC Health has stated demand for open space is expected to be met by the Leagues Club Field, proposed public plaza and private open space within the development.
- 6.5.4 The application includes a Social and Economic Impact Assessment (SEIA) which considered future resident/occupant's likely demand for open space and concludes the demand would be met by existing public open space and communal open space provided on-site.
- 6.5.5 The Department notes the site is located opposite the Leagues Club Field, which as discussed at **Section 1.5**, is currently undergoing a major upgrade to establish a regional park with significant amenities for the broader Central Coast community.
- 6.5.6 Consistent with the advice of CC Health, as the site is located opposite significant existing public open space, provides publicly accessible areas (as discussed below) and is capable of including sufficient communal open space for residents, it is not necessary for the proposal to provide any additional open space.
- 6.5.7 The Department supports the creation of the through-site links, noting this is a key recommendation of the GDCP, the links represent a public benefit and will align with the landscape design of the upgraded Leagues Club Field (**Figure 27**).



- 6.5.8 The Department considers, although not a traditional form of 'open space', the through-site links also provide public spaces for general enjoyment, gathering and relaxing, and therefore they will serve a similar purpose and benefit to open space. In addition, the through site links offer a different experience to that provided within the upgraded Leagues Club Field and therefore add to the vibrancy and community experience adjacent to the Brisbane Water foreshore.
- 6.5.9 The Department recommends a FEAR requiring future DA(s) be appropriately designed and staged to ensure and appropriate interface and physical transition between the redeveloped Leagues Club Field layout (paragraph 1.5.5) and the site, including the Baker Street entrance to the through-site links.

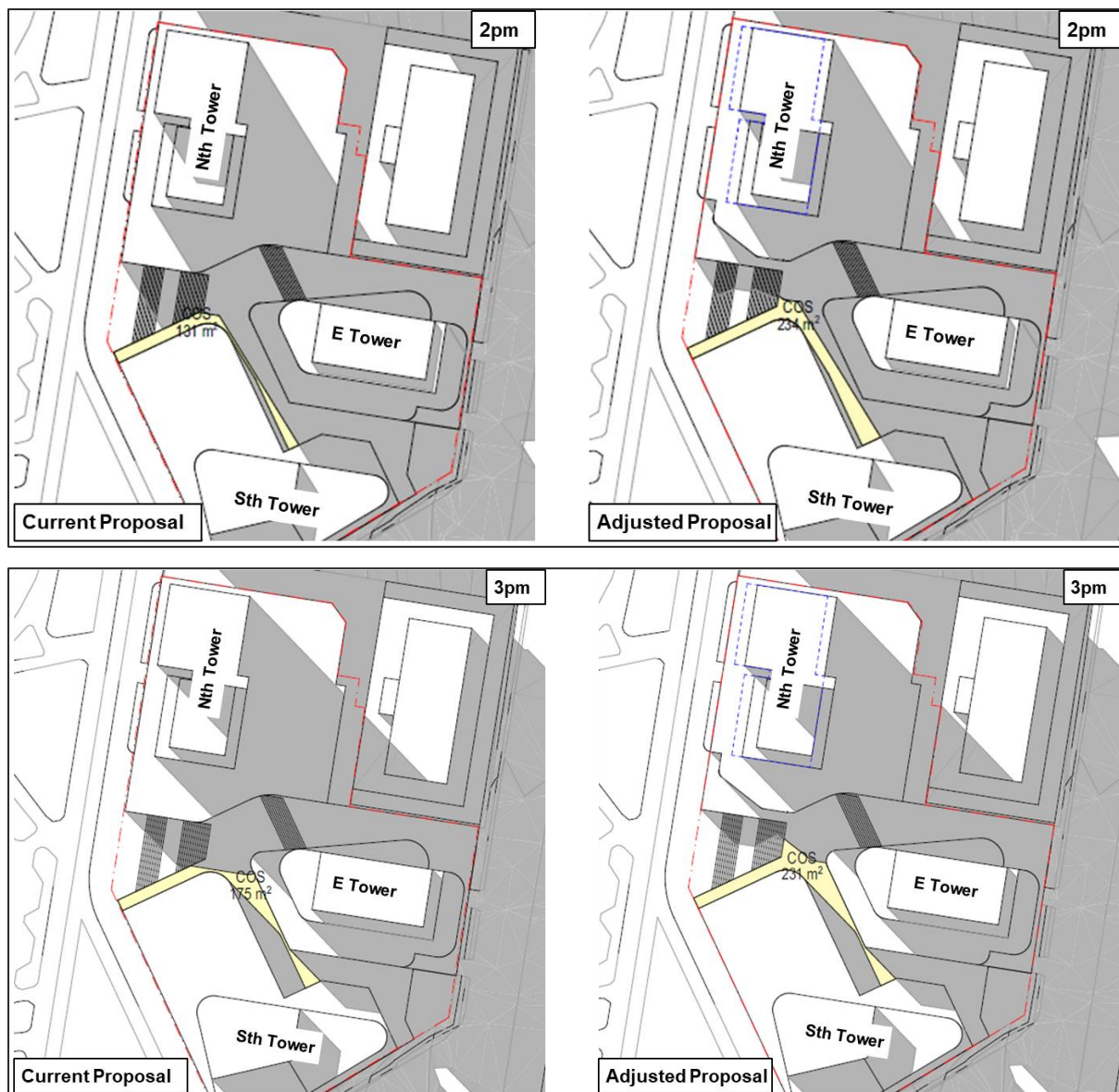
#### **Design and amenity of through-site links**

- 6.5.10 Council raised concern the through-site links would be overshadowed and are poorly integrated into the site.
- 6.5.11 The Applicant has stated the design of the through-site links would be activated to enhance the pedestrian experience and enable an accessible, physical and visual connection between Mann Street to Baker Street (and the waterfront). The Applicant's shadow diagrams indicate the overshadowing impact to the through-site links (**Figure 25** and **Figure 29**).
- 6.5.12 The Department has carefully considered the Applicant's EIS and RtS and the Council's comments. The Department acknowledges the through-site links would be largely overshadowed during mid-winter. However, the Department considers this is, on-balance, acceptable in relation to the northern through-site link arm, as:
- the through-site link is orientated east-west and in the most appropriate location to provide a strong visual and physical connection between Mann and Baker Streets and Brisbane Water
  - to see a minor improvement in solar access during mid-winter the built form to the north of the link would likely need to be removed altogether, which is an extreme and unreasonable response with little benefit
  - the overshadowing caused by the existing 32 Mann Street development (between 9am and 12pm) is unavoidable
  - the overshadowing affects only hotel accommodation and the hotel ground floor amenities
  - additional direct sunlight to the through-site link would be provided outside winter months
  - an alternative Northern Tower envelope location is unlikely to greatly improve solar access.
- 6.5.13 The north-west oriented component of the southern through sight link arm is overshadowed between 10am and 2pm by the Northern Tower envelope and the western, three storey, podium component of the Eastern Tower envelope (**Figure 25**). By amending the Northern and Eastern Tower envelopes, it may be possible to meaningfully improve solar access to the southern arm particularly during the key lunchtime period of the day (and potentially the morning), during mid-winter.
- 6.5.14 The Department requested the Applicant consider amending the building envelopes to improve solar access and noted this could be achieved by (**Figure 28**):
- relocating and/or re-orienting the southern, shorter stepped half, of the Northern Tower envelope
  - lowering the podium height of the Eastern Tower envelope to a single storey.



**Figure 28** | Approximate sunlight paths and potential building envelope amendments to the Northern and Eastern Tower envelopes (blue) (Base source: Applicant’s indicative proposal, RtS)

- 6.5.15 In response, the Applicant confirmed the additional setback of the Northern Tower from Baker Street (**Section 6.4**) will improve solar access to the through site link. In addition, the Applicant has proposed to ‘chamfer’ the Northern Tower podium to provide further solar access to the ground plane. Collectively, these above changes would increase solar access in mid-winter by 112 m<sup>2</sup> (**Figure 29**).
- 6.5.16 The Applicant contends that further amendments to the Northern Tower may impact on solar access to the Southern Tower. The Applicant also states that it is in discussions with potential hotel operators (Eastern Tower) and is not able to amend that component of the development.
- 6.5.17 While the Applicant’s proposed changes result in some improvement to solar access to the southern through-site link, the Department maintains that further minor changes could result in greater improvements, which subject to no other unforeseen amenity or design impacts would be in the public interest.



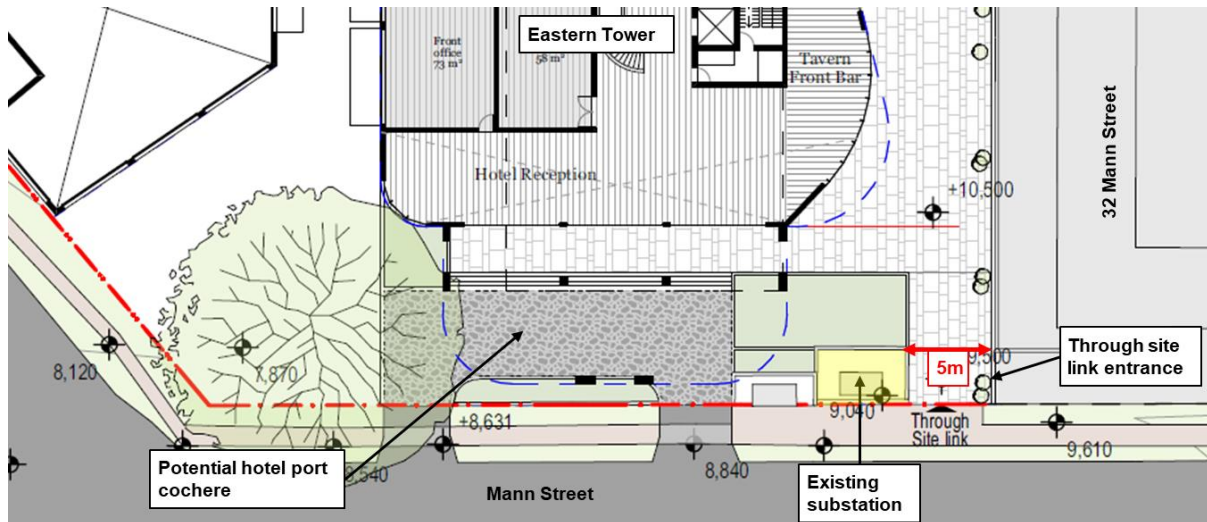
**Figure 29** | Current (left) and the Applicant's adjusted (right) proposed envelopes and the effect of the adjustment on solar access to the southern through site link arm (Base source: Applicant's RRFI)

6.5.18 The Department therefore recommends a FEAR requiring the Northern Tower building envelope be amended prior to the lodgement of the first DA to include the Applicant's proposed changes and explore further opportunities to improve solar access to the southern through site link arm, including:

- the Northern Tower envelope to be re-orientated and Eastern Tower envelope to be refined to improve solar access to the southern through-site link arm, while ensuring the changes do not have other negative visual, view or heritage impacts
- demonstrate solar access to the through-site links has been maximised.

6.5.19 The Department notes the through-site links are shown in concept form at this stage and the detailed design and treatment of the links will be considered as part of future DA(s). The indicative location and the concept landscape design of the through-site links is acceptable and, subject to future detailed assessment, the links are capable of integrating into the broader development. The Department recommends FEARs requiring future DA(s) include further detail in the form of a landscape report and detailed landscape drawings.

6.5.20 The Department notes the indicative scheme shows a substation at the Mann Street entrance of the northern through-site link and this limits the width of the entrance to 5 m (**Figure 30**). While this entrance is narrow, the Applicant has confirmed the substation is existing, located outside the site boundary, was installed as part of the neighbouring 32 Mann Street development and cannot be moved. The Department considers it important that the through-site link Mann Street entrance is not narrowed further and the legibility of the entrance and the visual connection to Brisbane Water is maintained. The Department therefore recommends a FEAR requiring future DA(s) ensure the width of the entrance to the northern through site link arm be no less than 5 m (being the distance between substation and property boundary).



**Figure 30** | Indicative ground floor of the Eastern Tower and the northern through site link arm entrance (Base source: Applicant's RtS)

6.5.21 The Department supports the Applicant's commitments to provide public access to the through-site links and also the inclusions of art to enliven the spaces. The Department recommends a FEAR requiring the through-site links be accessible 24 hours a day seven days a week. In addition, the Department recommends a FEAR to require the preparation of a Public Art Strategy indicating how public art can be incorporated into the through-site links and/or the development.

6.5.22 In response to a request from the Department, the Applicant has amended the Design Guidelines to require future DA(s) provide a high standard of design, layout, permeability, public art and usability of the through-site links.

### Landscaping

6.5.23 Council raised concern the proposed trees may be too large having regard to soil depths/volumes and insufficient information is provided on planting.

6.5.24 The application includes an Arborist Report and Landscaping Plan, which considers all existing trees on the site and includes concept details of potential treatments for new pedestrian through-site links, open spaces, hard and soft landscaping, including tree planting. The Applicant has confirmed a detailed landscaping proposal will be submitted with future DA(s).

6.5.25 The Landscaping Plan provides a highly permeable development and the proposed public domain aligns appropriately with key features and connections within the adjoining urban environment.

- 6.5.26 The Department is satisfied that the Landscaping Plan provides adequate detail of the future approach to landscaping within the site and demonstrates that future developments can achieve a high standard of landscaping treatment. The Department is satisfied that the detailed nature of the landscaping, including tree species selection and associate soil depths, can be reserved for consideration at future DA stage and recommends a FEAR requiring future DA(s) provide a detailed landscaping report and plans.
- 6.5.27 The Department also recommends a FEAR requiring future DA(s) include an Arboricultural Impact Assessment which details the retention of the Port Jackson Fig tree, ensures the basement does not adversely impact on the tree's health, longevity or structural stability and confirms tree protection measures during construction.

### **Conclusion**

- 6.5.28 The Department concludes that the provision of open space is supported given the development's location opposite significant existing public open space, its inclusion of communal open space for residents and provision of publicly accessible through-site links, which is a public benefit.
- 6.5.29 The Department considers the overshadowing impact on the northern through-site link arm is, on-balance, acceptable given the site constraints. However, the Department recommends the Applicant explore opportunities to improve solar access to the southern through-site link arm, which could potentially be achieved through amendments to the Northern and Eastern Tower envelopes.
- 6.5.30 The Department considers the location and concept landscape design of the through-site links is acceptable and the links are capable of integrating into the broader development. The Department also recommends the entrance to the northern through-site link arm be no less than 7m wide, the links be publicly accessible 24 hours a day seven days a week and include public art.

## **6.6 Car parking and traffic**

- 6.6.1 Car parking provision, traffic impacts and vehicular access are key considerations of the Department's assessment of the concept proposal. The Department acknowledges on-site car parking provision has a direct link to traffic generated by the development and its impact on surrounding roads.

The application includes a concept Transport Impact Assessment (TIA), which considers the existing and proposed vehicular and pedestrian conditions, provision of parking and potential traffic impacts on the surrounding area.

The Department considers the key assessment issues to be:

- car parking
- traffic generation.

### **Car parking**

- 6.6.2 The application proposes that future DA(s) provide car parking in accordance with the residential, hotel and retail car parking rates contained within the Roads and Maritime Guide to Traffic Generating Developments 2002 (RMS Guide).
- 6.6.3 The Gosford SEPP includes hotel and commercial car parking rates and the GDCP includes residential, hotel and retail car parking rates for developments within the Gosford City Centre. The

ADG recommends that car parking for residential developments on land zoned B4 Mixed Use, within a regional centre, should be in accordance with the RMS Guide or local controls (whichever is the less).

6.6.4 A comparison between the Gosford SEPP, GDCP and RMS Guide car parking rates are shown at **Table 15**.

**Table 15** | Comparison between the GDCP and proposed / RMS Guide car parking rates

Guideline	Residential Car Parking Requirement				Total Spaces*
	1 bed 85 units*	2 bed 157 units*	3 bed 53 units*	Visitor	
GDCP rate (required spaces*)	1 space per bed (85)	1.2 space per unit (188)	1.5 space per unit (80)	0.2 space per unit (59)	412
RMS Guide rate (required spaces*)	0.4 space per unit (34)	0.7 space per unit (110)	1.2 space per unit (64)	0.14 space per unit (42)	250

\* Based on the indicative scheme, which includes 295 apartments (paragraph 2.2)

Guideline	Hotel / Retail / Commercial Car Parking Requirement			Total Spaces*
	Hotel Use 9,660 m <sup>2</sup> / 182 beds*	Retail Use 2,315 m <sup>2</sup> *	Commercial Use 1,098 m <sup>2</sup> *	
Gosford SEPP rate (required spaces*)	1 space per 75m <sup>2</sup> (129)	1 space per 40m <sup>2</sup> (58)	1 space per 75m <sup>2</sup> (15)	202
GDCP rate (required spaces*)	1 space per unit (182)	1 space per 40m <sup>2</sup> (58)	1 space per 75m <sup>2</sup> (15)	255
RMS Guide rate (required spaces*)	1 space per 4 bed (46)	1 space per 40m <sup>2</sup> (58)	1 space per 40m <sup>2</sup> (27)	131

\* Based on the indicative scheme, which includes 9,660m<sup>2</sup> hotel GFA and 182 hotel rooms and 3,213 m<sup>2</sup> commercial/retail GFA (paragraph 2.2)

- 6.6.5 Council objected to the car parking rates noting parking should be provided in accordance with the GDCP rates. In addition, car parking design should meet appropriate Australian Standards.
- 6.6.6 TfNSW initially recommended car parking be reviewed and that the hotel and retail car parking should be provided in accordance with the Gosford SEPP requirements. After reviewing the RtS TfNSW recommended future DA(s) include a detailed TIA to be prepared in consultation with TfNSW and Council to identify and assess key traffic/transport issues, and confirm car parking requirements.
- 6.6.7 The Applicant has stated that as a concept application it does not seek minimum or maximum car parking numbers. Further, the RMS Guide provides the appropriate car parking rates for the site in accordance with ADG requirements. The Applicant also stated it has sought to minimise basement excavation (for car parking) due to site flood constraints, access and nearby intersection performance.
- 6.6.8 The Gosford SEPP, GDCP and RMS Guide each establish different car parking requirements for Gosford City Centre. Based on the indicative proposal, the GDCP requires the most car parking

spaces (667 spaces), the RMS Guide requires the least (381) and the Gosford SEPP lies between the two (between 452 and 614 spaces).

6.6.9 The overall strategic objective of current transport policies is to reduce car parking provision within city centres, including regional centres, especially within centres well served by public transport. The draft CCPS notes parking demand in the Gosford City Centre is very high during peak periods and there is a long-term vision (10-20 years) to improve car parking provision and sustainable transport modes in Gosford (**Section 3**).

6.6.10 Given the site's regional centre location and good public transport accessibility (including bus and train), there is strong justification to warrant a reduction in the maximum residential car parking rates below that envisaged by the GDCP. Furthermore, it is appropriate to balance the demands for future residential car parking and minimising the likely traffic generated by the development, noting the existing and projected parking demand in Gosford.

6.6.11 Notwithstanding the above strategic direction, the Department notes:

- the RMS Guide car parking rates would result in 286 (57%) less spaces on the site when compared with the GDCP and this difference is significant
- the Applicant has applied the RMS Guide rates in response to the ADG recommendation and without supporting justification (e.g. needs based assessment, parking surveys, analysis of car ownership, comparative analysis with other similar schemes or green travel plan initiatives)
- based on the indicative scheme (295 apartments), a total of 98 (33%) apartments would not be provided with on-site car parking, including:
  - 51 one bedroom apartments
  - 47 two bedroom apartments.

6.6.12 In light of the above, the Department supports a reduction in car parking and considers the provision of car parking less than the GDCP maximum is likely to be supported. However, the Department is concerned that further detailed assessment of the appropriate amount of car parking is required to ensure the correct balance between meeting car parking demand from the development on site, not increasing (or displacing) car parking demand elsewhere in the City and minimising traffic impacts. The Department has therefore recommended a FEAR requiring future DA(s):

- include a detailed TIA
- provide car parking at a rate no less than the RMS Guide and no more than the GDCP
- include a Car Parking Assessment Report which provides detailed justification for the car parking provision
- include the preparation and implementation of a Green Travel Plan (GTP) to encourage a shift away and reliance on private vehicle use.

### **Traffic generation**

6.6.13 The TIA included a survey of the existing traffic conditions on the roads surrounding the site and predicts future trips generated by the proposal, based on the indicative scheme, as summarised at **Table 16**.

**Table 16** | Peak hour additional vehicle trip movements (Source Applicant's RtS)

Travel Mode	Vehicle movements per hour (vph)		
	Existing	Proposed	Difference (+/-)
AM Peak	13,435	13,822	+387
PM Peak	13,829	14,153	+324

6.6.14 The TIA also considered the performance of nearby intersections including the level of service (LoS) and vehicle delay at the predicted completion of the development (2022) and at 10 years following completion (2038) (**Table 17**).

**Table 17** | Intersection performance LoS (Source Applicant's EIS)

Intersection	Control	Base (2022)		Base with Proposal (2022)		Future base (2032)		Future with Proposal (2032)	
		AM	PM	AM	PM	AM	PM	AM	PM
Georgiana Terrace / Dane Drive	Priority	B	B	B	A	C	B	C	B
Georgiana Terrace / Baker Street	Priority	B	C	C	C	C	C	C	D
Georgiana Terrace / Mann Street	Roundabout	A	A	A	A	A	A	A	A
Mann Street / Vaughan Avenue	Priority	B	B	B	B	C	B	D	B
Central Coast Hwy / Mann Street	Traffic lights	B	B	B	C	B	F	C	F
Central Coast Hwy / Dane Drive	Roundabout	E	F	F	F	F	F	F	F

6.6.15 The TIA indicates all Georgiana Terrace intersections and the Mann Street / Vaughan Avenue intersection will continue to operate satisfactorily with some spare capacity. However, the Central Coast Hwy / Dane Drive intersection would operate over capacity at LoS F during the 2022 and 2032 scenarios in the base and base with proposal scenarios. In addition, the Central Coast Hwy / Mann Street intersection will operate over capacity at LoS F during the 2032 PM scenario, also in the base and with proposed scenarios.

6.6.16 The TIA concludes that based on existing and forecast growth in the area, improvements will be required to the state and local network to improve intersection operation, particularly in the PM peak periods.

6.6.17 TfNSW and Council recommended potential traffic and transport infrastructure improvements to Central Coast Highway / Dane Drive intersection should be investigated as part of future DA(s) and the cost of future road upgrade works should be shared equitably between development sites within Gosford City Centre. Council also recommended the Donnison Street and Etna Street railway overpasses should be upgraded.

6.6.18 The Gosford City Centre Special Infrastructure Contribution Levy requires a 2% levy (SIC) for local and state infrastructure improvements, including road infrastructure improvements.

6.6.19 The Applicant noted TfNSW is currently preparing the GCCTP, which will holistically determine the appropriate road upgrades which the SIC levy may be directed towards. The Applicant confirmed it does not object to the SIC levy and would accept a FEAR requiring levies be paid at each detailed stage of the development.



- 6.6.20 Based on the information provided within the TIA, and with the exception of the Central Coast Highway intersections, the Department is satisfied that the proposal will not have an adverse impact on the operation of the surrounding road network and performance of nearby intersections as:
- the proposed increase in vehicle movements during peak periods (**Table 16**) is minor in the context of the existing vehicle movements and is unlikely to result in a noticeable difference when compared to the existing situation
  - the proposal would result in intersection LoS that is largely the same for the base and base with proposal for all scenarios, which means there is unlikely to be a noticeable impact on intersection performance or delay when compared with than the base case. (**Table 17**)
  - appropriate sustainable travel measures can be encouraged through the preparation and implementation of a GTP.
- 6.6.21 The Department agrees with Council and TfNSW that road infrastructure upgrades will be required to address likely impacts on the Central Coast Highway intersections. The Department notes the proposal is made in concept and therefore the detail of future developments is not known at this stage. In addition, the Gosford Transport Plan is still being finalised and the SIC levy may be used towards any required intersection upgrades, but this is not levied on the concept proposal but the future DA(s). The Department therefore considers it appropriate that the requirement for road infrastructure upgrades be addressed as part of future detailed DA(s) and recommends a FEAR accordingly.
- 6.6.22 The Department concludes the traffic impacts of the proposal are acceptable and can be appropriately managed and mitigated. The Department recommends FEARs requiring the TIA submitted with future DA(s) should consider traffic generation and operational traffic impacts resulting from the detailed design of the development.

## 6.7 Public benefits

- 6.7.1 The Application includes an indicative scheme, which suggests 295 apartments may be provided within future developments on the site. The site therefore could provide an estimated residential population of approximately 735 persons (based on Council's 'Community Profile' average dwelling size for the Central Coast LGA of 2.49 persons per household).
- 6.7.2 The Application includes a Social and Economic Impact Assessment (SEIA), which considered the economic and social impact of the development. The SEIA concluded the proposal would have significant economic benefits, particularly in terms of providing jobs. The SEIA did not predict the development would have negative social impacts or generate sufficient demand for community facilities.
- 6.7.3 Council stated there is a need for affordable housing across the Central Coast region, community facilities within the Gosford City Centre and future development should consider including both. CC Health recommended the proposal consider including a childcare facility.
- 6.7.4 In response to Council's comments the Applicant has stated:
- there is no planning policy requirement for affordable housing contribution on the site
  - while the development would not trigger the need for an additional community centre, the Applicant will discuss a range of on / off-site improvements as part of a future public benefits offer

- while the development will generate demand for 10 childcare places, it does not trigger the need for a new facility. However, the provision of a centre may be considered as part of a future planning agreement.

6.7.5 The Department notes the SEIA did not consider the need, benefit or capability of providing affordable housing within the development.

6.7.6 Noting likely population density on the site (735 persons) and the significant height and FSR variation (**Section 4.3**), the proposal maximises the development potential of the site. The proposal includes a public benefit in the form of publicly accessible through-site links (**Section 6.5**) and will be required to pay local and State contributions in respect of future DA(s) (approximately \$1.5 million and \$3 million respectively).

6.7.7 While there is no site specific planning policy mandating the provision of affordable housing under the Gosford SEPP or GDCP, the delivery of affordable housing is promoted as an object of the EP&A Act (clause 1.3(d)).

6.7.8 Therefore, given the proposed maximisation of the site’s development potential, the Department considers it reasonable to require future developments to consider the provision of additional public benefits proportionate to the development of the site.

6.7.9 The Department recommends a FEAR requiring future DA(s) investigate the potential, in consultation with Council, for the development to accommodate:

- affordable housing and/or community facilities
- a childcare facility.

6.7.10 The Department concludes subject to the appropriate provision of affordable housing, community facilities and/or a childcare facilities, together with the through-site link, local and State contributions, the future DA(s) will deliver a reasonable public benefit.

## 6.8 Other issues

6.8.1 The Department’s consideration of other issues is provided at **Table 18**.

**Table 18** | Department’s consideration of other issues

Issue	Consideration	Recommended condition(s)
Future residential amenity	<ul style="list-style-type: none"> <li>• The Applicant has stated the building envelope parameters ensure future detailed developments are capable of complying with the requirements of SEPP 65 and the ADG</li> <li>• Council has stated future development should include accessible units.</li> <li>• The Department has considered the proposal against the aims and objectives of SEPP 65 at <b>Appendix C</b> and concludes future developments are capable of achieving an appropriate standard of residential amenity.</li> <li>• The ADG recommends a tower separation distance of 25m. The towers exceed this requirement except between the southern (residential) and eastern (hotel) towers, which has a separation of 24m. The Department considers this is acceptable as the non-compliance is minor, future developments could include</li> </ul>	<p>The Department has recommended a FEAR requiring future DA(s) include an assessment of the residential components of the development against the ADG recommended amenity standards.</p> <p>The Department has recommended a FEAR requiring</p>

	<p>architectural treatments to prevent overlooking and both towers are not used for residential purposes (one is a hotel).</p> <ul style="list-style-type: none"> <li>• As the application is concept, it is not required to include detailed apartment design/layouts. Notwithstanding, the Department has considered the indicative scheme floor plan layouts against the key amenity criteria within the ADG and notes the indicative scheme will: <ul style="list-style-type: none"> <li>○ meet or exceed the various ADG minimum apartment sizes</li> <li>○ provide 32% communal open space, exceeding the ADG 30% requirement</li> <li>○ provide 71% of apartments achieving 2 hours of solar access in mid-winter, exceeding the ADG 70% requirement for metropolitan areas</li> <li>○ provide 63% of apartments achieving natural ventilation, exceeding the ADG 60% requirement</li> <li>○ is located 80m west of the closest neighbouring residential property (the Merindah) and therefore exceeds the ADG minimum 25m building separation requirement (privacy) to neighbouring properties.</li> </ul> </li> <li>• While the proposal is capable of achieving the recommended direct sunlight for metropolitan areas (being 2 hours), the ADG recommends 70% of apartments outside of metropolitan areas receive 3 hours of direct sunlight in mid-winter (including Gosford). The indicative scheme indicates 46% of apartments would achieve 3 hours of solar access. While this is low, the Department notes that the proposal is concept only and can be improved in the detailed design stage. Given the changing character of Gosford, there may be some merit in applying the recommendation for metropolitan areas. Notwithstanding, this will be further considered at the detailed DA stage.</li> <li>• The ADG also recommends sites include 7% deep soil areas for tree planting. While it is concept only, the proposal indicates a deep soil area of 1.9%. The Department considers this is acceptable as the site is located within the city centre, adjoins extensive parkland, retains an existing mature Port Jackson Fig tree and is capable of including planting within the through-site links and at podium levels.</li> <li>• The Department concludes the residential component of the development is generally capable of meeting or exceeding the ADG recommended amenity standards and the minor non-compliances relating to buildings separation, 3 hours solar access and deep soil areas area acceptable and/or can be improved through FEARs.</li> </ul>	<p>future DA(s) consider accessibility.</p>
<p>Flooding and stormwater</p>	<ul style="list-style-type: none"> <li>• The Application includes a Stormwater Management Report (SMR), which considers existing stormwater infrastructure, proposed requirements and the site's flooding profile and potential impacts.</li> <li>• The SMR confirms the site does not contain existing stormwater infrastructure, however, a large stormwater culvert exists beneath the adjoining Leagues Club Field. The site is subject to isolated flooding due to the current grading of the surface of the site.</li> <li>• The proposal indicates future developments will: <ul style="list-style-type: none"> <li>○ include stormwater drainage converging on a single outlet point to connect to the existing off-site culvert</li> <li>○ be designed to address the site's flood planning level (FPL) RL 3m by locating habitable floors above the FPL, providing a</li> </ul> </li> </ul>	<p>The Department has recommended a FEAR requiring future DA(s) include flooding and stormwater assessment reports and Council's water cycle management requirements.</p>

	<ul style="list-style-type: none"> <li>basement car park crest above the FPL and using flood compatible material below the FPL <ul style="list-style-type: none"> <li>o collect, treat and reuse rainwater/runoff</li> <li>o be designed in accordance with the GDCP requirements.</li> </ul> </li> <li>• Council and BCD recommended future development be designed to address the FPL. Council recommended future DA(s) comply with the GDCP Water Cycle Management requirements. CC Health recommended future DA(s) consider stormwater and wastewater reuse.</li> <li>• The Applicant has agreed to consider Council, BCD and CC Health’s requirements during the detailed design phase of the development.</li> <li>• The Department notes the proposal demonstrates future developments can be appropriately designed to address stormwater and flooding impacts. The Department therefore recommends future DA(s) include stormwater and flooding assessment reports and management and mitigation measures.</li> </ul>	
Wind	<ul style="list-style-type: none"> <li>• The Application includes a Pedestrian Wind Environment Statement (PWES), which undertook a desktop study to determine the likely wind conditions affecting various outdoor areas within and around the development.</li> <li>• The PWES confirms that due to the location of nearby mid-rise buildings and hills, the site is shielded from north-easterly winds. The development is however exposed to southerly and westerly prevailing winds which will impact on pedestrian comfort within the trafficable areas of the development.</li> <li>• To ensure spaces are comfortable for their intended use, the PWES recommends future DA(s) undertake wind tunnel testing and include wind mitigation measures to address identified wind impacts, such as: <ul style="list-style-type: none"> <li>o retention of trees along Vaughan Avenue and provision of densely foliating, evergreen planting, provided in clusters with interlocking canopies</li> <li>o awnings over trafficable areas and localised screening and screens at cafés, shopfronts and main entrances</li> <li>o wind screens within through site links, near corners of buildings and at balconies.</li> </ul> </li> <li>• Council did not raise concerns about potential wind impacts.</li> <li>• Given the proposal includes the provision of towers, the Department acknowledges the proposal could result in a changed wind environment.</li> <li>• To ensure wind impacts are appropriately addressed, the Department considers it necessary that a detailed Wind Assessment is undertaken, including wind tunnel testing, consideration of cumulative impacts with other Mann Street DA approved towers and provide wind management and mitigation measures to address any impacts.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a Wind Assessment
Contamination	<ul style="list-style-type: none"> <li>• The EIS includes a Detailed Site Investigation (DSI), which provides a summary of likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for its intended use.</li> <li>• The DSI has reviewed the history of the site and identified potential site contaminants could include remnants of hazardous</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include detailed site contamination assessments.

	<p>building materials, various chemicals, contamination in site fill and hazardous ground gas. Despite this, the DSI concluded the site can be made suitable for its intended use.</p> <ul style="list-style-type: none"> <li>• Council and Hunter Health both recommended future DA(s) include contamination investigations and address site suitability. Council also recommends the preparation of an Acid Sulfate Soil Management Plan and asbestos unexpected finds protocol</li> <li>• The Department has considered land contamination in detail at <b>Appendix C</b>. The Department notes the DSI confirms the site can be made suitable for its intended use and agrees with Council and Hunter Health that future DA(s) should consider land contamination and any necessary remediation.</li> </ul>	
Noise impact	<p><u>Construction noise</u></p> <ul style="list-style-type: none"> <li>• The Application was accompanied by a Noise Impact Assessment (NIA), which considers the existing noise environment, indicative noise and vibration impacts on surrounding properties and recommends potential management and mitigation measures.</li> <li>• As indicated at <b>Section 1.4</b>, the closest residential property to the site is the Merindah located 80 m to the east.</li> <li>• The NIA has considered the requirements of the Interim Construction Noise Guidelines (ICNG) and proposes construction hours between 7am to 6pm. The NIA indicates the existing rated background noise level is between 55dB(A) adjacent to the site and 57dB(A) at Henry Parry Drive.</li> <li>• The NIA indicates that construction works may have noise impacts on adjoining commercial properties on Mann Street and Georgiana Terrace, particularly during site establishment works. However, exceedance of the ICNG 'background +10dB(A)' noise management level at the closest residential property is not expected as it is some distance from the site.</li> <li>• The NIA recommends future DA(s) include management and mitigation measures to address construction noise and vibration impacts as part of future DA(s) including mitigation measures such as noise and vibration monitoring, selection of quiet plant/machinery and preparation of a Construction Noise and Vibration Management Plan (CNVMP).</li> <li>• Council and Hunter Health both recommended future DA(s) consider construction noise impacts.</li> <li>• The Department considers the NIA has demonstrated, subject to future detailed assessment, construction noise and vibration can be appropriately managed and mitigated. The Department recommends future DA(s) include a NIA and CNVMP.</li> </ul> <p><u>Operational Noise</u></p> <ul style="list-style-type: none"> <li>• The NIA recommends future DA(s) consider noise impacts associated with traffic, mechanical plant and hotel operation. The NIA recommends mitigation measures including appropriate façade and window treatments, consideration of use of hotel outdoor amenities / performance space and provision of acoustic screens to rooftop plant.</li> <li>• Council recommends future DA(s) consider operational noise impacts.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a NIA and CNVMP.

	<ul style="list-style-type: none"> <li>The Department recommends future DA(s) include a NIA considering operational noise impacts, including hours of operation of hotel uses/spaces that may have noise impacts.</li> </ul>	
Construction impacts	<ul style="list-style-type: none"> <li>The Application includes a preliminary Construction Management Plan (CMP) relating to erosion and earthworks, dust control, tree protection, materials handling, waste and utilities.</li> <li>CC Health recommended future DA(s) address construction impacts and include CMP and Environmental Management and Community Consultation Plans during the construction phase(s) of the development.</li> <li>Council has recommended future DA(s) address likely construction impacts (in addition to noise and contamination impacts discussed above) and the CMP also address general construction site operational mitigation, construction waste, air quality, soil, water and dewatering management.</li> <li>The Applicant has agreed to submit CMPs with future DA(s). In addition, the Applicant has confirmed future DA(s) would include a Construction and Pedestrian Traffic Management Plan (CPTMP) to address impacts associated with construction vehicles.</li> <li>The Department considers construction impacts can be appropriately addressed at future DA stage. The Department supports the preparation of the CMPs and the CPTMP to manage and mitigate potential traffic and pedestrian impacts.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a CMP and a CPTMP
Non-Aboriginal and Aboriginal Archaeology	<ul style="list-style-type: none"> <li>The site does not contain any identified archaeological heritage items. However, located nearby are three items of local significance, as shown at <b>Figure 5</b>.</li> <li>The proposal included a Baseline Archaeological Assessment (BAA) and an Interim Aboriginal Archaeological Report, which include archaeological assessments of the potential for archaeological remains on the site.</li> <li>BCD recommended the Applicant prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the site and consult with the local Aboriginal community. Council did not comment on potential impacts on non-Aboriginal archaeological heritage.</li> <li>The Applicant provided an ACHAR with the RtS and undertook consultation with Aboriginal stakeholders. The BAA and ACHAR concluded the site has been moderately-highly disturbed by previous development and has low potential for any non-Aboriginal or Aboriginal artefacts.</li> <li>The BAA concluded as there is no known evidence of relics or historic development identified on the site no further archaeological work is required. The ACHAR recommended mitigation measures be considered as part of future DA(s).</li> <li>The Department notes that the proposal would include partially submerged basement levels and therefore could have an impact on any unexpected archaeological deposits that may exist.</li> <li>To ensure archaeological impacts are appropriately managed, the Department recommends future DA(s) include detailed archaeological assessments in accordance with the recommendations of the ACHAR.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include an Aboriginal archaeological assessment.

Baker Street	<ul style="list-style-type: none"> <li>Baker Street is proposed to be extended southward to connect with Vaughan Avenue, as part of separate works being undertaken by HCCDC and associated with the redevelopment of the Leagues Club Field (<b>Section 1.5</b>).</li> <li>The existing Baker Street, adjacent to the ATO Building is a two way road with car parking that terminates at the northern end of the site. The extension is proposed to be a one-way shared zone.</li> <li>Council raised concern the existing Baker Street should be retained as a two-way road, a turning head be provided for large vehicles and the Baker Street extension be a pedestrian boulevard with emergency vehicle (only) access.</li> <li>The Applicant noted the Baker Street extension is being undertaken by a separate process and would be a one-way shared zone.</li> <li>The Department notes the application does not propose any works to Baker Street and the extension/upgrade of that road forms part of a separate process. The Department considers the TIA submitted with future DA(s) should consider the development's relationship to and impact on Baker Street.</li> </ul>	The Department has recommended a FEAR requiring the TIA submitted with future DA(s) consider the development's relationship and impact on Baker Street.						
Hotel porte cochere	<ul style="list-style-type: none"> <li>The GDCP states porte cocheres should only be considered for hotels subject to urban design, streetscape, heritage and pedestrian amenity considerations. In addition, when proposed, porte cocheres should be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.</li> <li>The indicative scheme includes a porte cochere relating to the hotel (Eastern Tower envelope) (<b>Figure 30</b>). The porte cochere is shown largely within the ground floor podium and has a separated one-way entry/exit arrangement onto Mann Street. The TIA confirms the provision of the porte cochere, and creation of a bus coach parking bay on Mann Street, would necessitate the removal of seven existing on-street car parking bays on the western side of Mann Street.</li> <li>Council and TfNSW did not provide comment on the potential provision of a porte cochere or the removal of existing on-street parking bays. The DAP noted the indicative scheme porte cochere has been appropriately designed to prioritise pedestrian movement.</li> <li>The Department notes the application is for concept approval and the indicative scheme has been provided for illustrative purposes only. The Department considers it is therefore not possible to adequately assess the acceptability of the provision of a porte cochere at this stage and recommends this issue be addressed as part of future DA(s).</li> </ul>	The Department has recommended a FEAR requiring future DA(s) consider the design and impact of the a porte cochere (if proposed) and the proposal's impact on existing on-street car parking bays.						
Bicycle facilities	<ul style="list-style-type: none"> <li>The application proposes future DA(s) include the provision of bicycle parking (<b>Table 19</b>) and end of trip facilities (toilets, change/locker rooms and showers) in accordance with the GDCP bicycle parking requirements.</li> </ul> <p><b>Table 19</b>   GDCP bicycle parking rates</p> <table border="1" data-bbox="405 1892 1165 1953"> <thead> <tr> <th>Resident / staff rate</th> <th>Visitor rate</th> <th>Bicycle Parking*</th> </tr> </thead> <tbody> <tr> <td colspan="3">Residential</td> </tr> </tbody> </table>	Resident / staff rate	Visitor rate	Bicycle Parking*	Residential			The Department has recommended a FEAR requiring future DA(s) include bicycling parking in accordance with GDCP and explore options for providing additional visitor parking.
Resident / staff rate	Visitor rate	Bicycle Parking*						
Residential								

	<table border="1"> <tr> <td>Residents</td> <td>1 space per 3 apartments</td> <td>99 residential</td> </tr> <tr> <td>Visitor</td> <td>1 space per 12 apartments</td> <td>25 visitor</td> </tr> </table>	Residents	1 space per 3 apartments	99 residential	Visitor	1 space per 12 apartments	25 visitor	
Residents	1 space per 3 apartments	99 residential						
Visitor	1 space per 12 apartments	25 visitor						
	<b>Commercial / Retail</b>							
	<table border="1"> <tr> <td>Staff</td> <td>1 space per 200 m<sup>2</sup></td> <td>17 staff</td> </tr> <tr> <td>Visitor</td> <td>1 space per 750 m<sup>2</sup></td> <td>5 visitor</td> </tr> </table>	Staff	1 space per 200 m <sup>2</sup>	17 staff	Visitor	1 space per 750 m <sup>2</sup>	5 visitor	
Staff	1 space per 200 m <sup>2</sup>	17 staff						
Visitor	1 space per 750 m <sup>2</sup>	5 visitor						
	<p>* Based on the indicative scheme (paragraph 2.2)</p> <ul style="list-style-type: none"> <li>TfNSW recommended conditions requiring the provision of appropriate bicycle parking and end of trip facilities and associated wayfinding / signage.</li> <li>The Department supports the proposed bicycle parking provision rates, noting cycling would form a key component in encouraging future sustainable transport options.</li> <li>The Department recommends a FEAR requiring future DA(s) provide bicycle parking facilities in accordance with the GDCP and include appropriate wayfinding signage where necessary. In addition, and noting the Applicant's intention to provide reduced on-site car parking, the Department recommends future DA(s) consider the provision of visitor bicycle parking, in excess of the GDCP rates, for general public use within the public domain around and within the site.</li> </ul>							
Above ground car parking	<ul style="list-style-type: none"> <li>The indicative scheme includes above ground car parking, which would be hidden from public view behind commercial tenancies and residential apartments.</li> <li>The Department supports this approach as the provision of untreated/exposed car parking levels, on main elevations, is likely to jeopardise the attainment of design excellence.</li> <li>To ensure the parking levels are appropriately designed to integrate with the buildings, the Applicant amended the Design Guidelines in response to a request from the Department to require any above ground car parking to be screened and treated to ensure it is not visible from the surrounding public open spaces and through-site links.</li> </ul>	No additional conditions or amendments are necessary.						
Air space / Helicopter flight paths	<ul style="list-style-type: none"> <li>The proposal includes an Aviation Due Diligence Report (ADDR), which considers the potential impact of the height of buildings on the helicopter flight paths to and from Gosford Hospital. The ADDR concluded the proposal would not have an adverse impact on the approach or departure flight paths and AOL of future buildings would not be required.</li> <li>CC Health recommends construction cranes include AOL as they would necessarily be taller than the tallest part of the proposed development,</li> <li>The Department agrees with CC Health and recommends future DA(s) include an Aviation Impact Assessment (AIA) which includes an assessment of potential impacts on helicopter flight paths and management and mitigation measures to address any impacts during construction phase.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include an AIA.						
Signage	<ul style="list-style-type: none"> <li>The proposal does not seek consent for signage.</li> <li>TfNSW recommended future DA(s) consider way finding signage.</li> </ul>	No additional conditions or amendments are necessary.						



	<ul style="list-style-type: none"> <li>The Applicant has stated signage would be considered as part of the detailed design of future buildings.</li> <li>In the absence of detailed building design(s), the Department considers it would be premature to impose detailed signage requirements at this stage.</li> <li>In response to a request from the Department, the Applicant updated the Design Guidelines to ensure future signage, if proposed, is appropriately designed in terms of signage location, size, design and illumination.</li> </ul>	
Reflectivity	<ul style="list-style-type: none"> <li>The Department notes that the indicative development includes modern tower buildings that may contain a high proportion of glazing.</li> <li>The Department considers it important that future DA(s) consider potential reflectivity impacts and recommends a FEAR accordingly.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a Reflectivity Assessment.
Health facilities	<ul style="list-style-type: none"> <li>CC Health has recommended the Applicant consider the cumulative impact of the development (in the context of the other developments proposed within the Gosford City Centre) on the need for health services for the Gosford area.</li> <li>The SEIA considered the impact of the proposal on existing health services and concluded the incoming population would generate demand for one additional hospital bed. The SEIA concluded, as Gosford Hospital has undergone recent upgrades, and a new private hospital is planned within 2km of the site, the health facility needs of the development would be met.</li> <li>The Department notes the conclusion of the SEIA. However, the Department notes CC Health's concern about the cumulative impacts of this development in context with other planned large developments within the City Centre and concludes future DA(s) should include a broader cumulative assessment of impacts.</li> </ul>	The Department has recommended a FEAR requiring the SEIA submitted with future DA(s) also consider cumulative health impacts.
Utilities	<ul style="list-style-type: none"> <li>The Application includes a Site Servicing Strategy for the development relating to natural gas, water and sewer, electricity and telecommunications infrastructure.</li> <li>Council confirmed its sewer crosses the site and this would need to be relocated before future construction works begin.</li> <li>The Applicant has confirmed the potential relocation of Council's sewer and provision of all other services would be considered as part of future DA(s).</li> <li>The Department notes, in addition to addressing the Council's sewer, future development would need to connect to and potentially augment existing services/utilities.</li> <li>The Department recommends the Applicant engage with the relevant utility providers to determine utility requirements and any connection/mitigation measures and future DA(s) include a Utilities Report.</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include a utilities report.
Operational waste	<ul style="list-style-type: none"> <li>Council has recommended operational waste storage, collection and waste vehicle access and manoeuvrability should be in accordance with Council's requirements. In addition, future DA(s) should include an Operational Waste Management Plan (OWMP).</li> </ul>	The Department has recommended a FEAR requiring future DA(s) include an OWMP.

	<ul style="list-style-type: none"> <li>The Department agrees future DA(s) should consider operational waste management and recommends the preparation of an OWMP.</li> </ul>	
Delegation of future DA(s)	<ul style="list-style-type: none"> <li>Council has recommended the Minister should delegate the assessment and determination of future DA(s) to Council.</li> <li>The Department considers that the consent authority is already clearly defined in Gosford SEPP and SRD SEPP, where Council is the consent authority for developments under \$10m.</li> </ul>	No additional conditions or amendments are necessary.
Contribution levies	<ul style="list-style-type: none"> <li>Development contributions levies (3%) for local and state infrastructure apply to the site under the: <ul style="list-style-type: none"> <li>Central Coast Council 7.12 Contributions Plan for Gosford City Centre – 1% levy of CIV (Contributions Plan)</li> <li>SIC levy 2% of CIV.</li> </ul> </li> <li>CC Heath recommended development contributions arising from the development be used to create/improve off-site public open space(s). As discussed at <b>Section 6.6</b>, TfNSW and Council recommended road infrastructure upgrades be undertaken to address traffic impacts.</li> <li>The Applicant confirmed it does not object to the SIC and Contribution Plan levies and would accept a FEAR requiring levies be paid at each detailed stage of the development.</li> <li>The Department supports the application of the development contributions levies to address the impacts of the development and recommends a ToA accordingly.</li> </ul>	The Department has recommended a ToA requiring development contributions levies apply to future developments.
Quantum of commercial floorspace	<ul style="list-style-type: none"> <li>The proposal includes 3,213 m<sup>2</sup> GFA for retail / commercial floorspace (8% of total GFA). The indicative scheme shows commercial floorspace located at ground floor levels fronting Baker Street and the through-site links.</li> <li>Concerns were raised in the public submission that the commercial floorspace is not satisfactory and therefore fails to meet the requirement of clause 8.4(4)(e) of the Gosford SEPP (<b>Table 5</b>).</li> <li>The Applicant has stated the commercial floorspace would be high quality and attract new businesses.</li> <li>The Department notes in addition to the commercial floorspace (3,213 m<sup>2</sup>) the proposal includes 9,660 m<sup>2</sup> hotel floorspace and together these non-residential uses comprise 32% of the total GFA provided.</li> <li>The Department is satisfied the indicative scheme has demonstrated the proposed commercial floorspace would be appropriately located to activate existing and proposed streets and through-site links and would appropriately screen above-ground car parking levels.</li> <li>The Department considers the proposal meets the objectives of the B4 Mixed Use zone as it provides for a mixture of compatible and diverse range of land uses in an accessible location, improves public domain and pedestrian links, enlivens the waterfront and protects the scenic qualities of Gosford City Centre.</li> <li>The Department concludes the commercial component of the proposal is sufficient, would provide for new employment</li> </ul>	The Department recommends a ToA securing a minimum amount of retail / commercial GFA.

opportunities and complement existing floorspace in the Gosford City Centre. The proposal therefore meets the requirement of clause 8.4(4)(e) of the Gosford SEPP.

## 7 Evaluation

- 7.1.1 The Department has reviewed the EIS, RtS and RRFI and assessed the merits of the proposal, taking into consideration advice from the public authorities and comments made by Council. Issues raised in the public submission have also been considered and all environmental issues associated with the proposal have been thoroughly assessed.
- 7.1.2 The proposal will provide new buildings within the Gosford City Centre that will positively contribute to the emerging character and revitalisation of Gosford in accordance with the strategic vision for the area. Consistent with the advice from the DAP, the proposal has demonstrated future developments are capable of achieving design excellence and providing a high degree of amenity with minimal environmental impacts.
- 7.1.3 The Department has considered the merits of the proposal and considers it acceptable as the:
- proposal is consistent with the objects of the EP&A Act, including facilitating ESD, and is consistent with the State's strategic planning objectives
  - the detailed design of future developments would be subject to further independent DAP review and will be guided by the Design Guidelines (updated in response to comments by the Department) to ensure developments achieve design excellence
  - height, scale and setbacks of building envelopes are acceptable subject to the:
    - increased setback to the northern half of the Northern Tower envelope from Baker Street to ensure the future tower does not have an adverse visual impact on the Leagues Club Field
    - improvement of solar access to the southern through-site link during mid-winter
  - provision of car parking at a rate less than the GDGP aligns with strategic policy/guidance and is likely to be acceptable subject to further assessment and justification as part of future DA(s)
  - impact of predicted traffic generation can be managed or mitigated and necessary road infrastructure improvements can be agreed as part of future DA(s)
  - proposal would provide for appropriate development contributions and public benefits
- 7.1.4 The impacts of the proposal have been addressed in the EIS / RtS / RRFI. Conditions, modifications and FEARs are recommended to ensure that future DA(s) are appropriately designed and impacts are appropriately managed and mitigated, key requirements include:
- GFA and building height controls
  - amendments to the building envelope setbacks and the design
  - further detailed assessment of car parking provision
  - retention of the Port Jackson Fig tree
  - compliance with the ADG recommended amenity standards
  - consideration of the inclusion of additional public benefits.

7.1.5 The application is referred to the Commission as Council objects to the proposal. The Department considers the proposal is approvable, subject to the conditions of consent outlined within this report. This assessment report is hereby presented to the Commission for determination.

**Recommended by:**

A handwritten signature in black ink, appearing to read 'B. Roberts', with a long horizontal stroke extending to the right.

**Brendon Roberts**  
Acting Director  
Regional Assessments

**Recommended by:**

A handwritten signature in blue ink, appearing to read 'A. Sargeant', with a stylized 'S'.

**Anthea Sargeant**  
Executive Director  
Regions, Industry and Key Sites

# Appendices

Appendix A – List of Documents

Appendix B – Relevant Supporting Information

Appendix C – Environmental Planning Instruments

Appendix D – Summary of Department’s Consideration of Submissions

Appendix E – City of Gosford Design Advisory Panel Advice

Appendix F – Recommended Instrument of Consent

## Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Environmental Impact Statement and attachments, prepared by Urbis Pty Ltd and dated September 2019
- Response to Submissions report and attachments, prepared by Urbis Pty Ltd and dated 23 March 2020
- Applicant's response to the Department's request for further information received on 14 April and 20 April 2020 and including:
  - letter titled '*Response to Council Letter Dated 14 April 2020*' prepared by Urbis Pty Ltd and dated 24 April 2020
  - Additional information provided on 20 April 2020, comprising revised envelope plans (DA3 Rev P5, dated March 2020), indicative scheme floor plans (TP001-TP012, dated March 2020), staging plans (DA10 Rev P2, dated March 2020), TIA (dated 14 May 2020) and yield table (TP606 Rev P2, dated March 2020)
- Applicant's response to the Department's RFI, including letter and attachments titled '*SSD-10114 Response to Draft Conditions*' prepared by Urbis Pty Ltd and dated 25 June 2020.

## Appendix B – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows.

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/9661>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9661>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9661>

4. Response to Request for Future Information

<https://www.planningportal.nsw.gov.au/major-projects/project/9661>



## Appendix C – Environmental Planning Instruments

### Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No.65 – Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP)
- State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP).
- other relevant plans, policies or guidance:
  - Gosford City Centre Development Control Plan 2018 (GDCCP).

### State Environmental Planning Policy (State and Regional Development) 2011

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 20**.

**Table 20** | SRD SEPP compliance table

Relevant Sections	Department's consideration	Compliance
<p><a href="#">3 Aims of Policy</a></p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	<p>The proposed development is identified as SSD (<b>Section 4.1</b>).</p>	<p>Yes</p>
<p><a href="#">8 Declaration of State significant development: section 4.36</a></p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development is permissible with development consent. The development is specified in Schedule 1 and Schedule 2.</p>	<p>Yes</p>

<p>Schedule 2 State significant development — identified sites (Clause 15)</p> <p>Development within the Gosford City Centre with a CIV of more than \$75 million.</p>	<p>The proposal is development within Gosford City Centre with a CIV of \$150 million.</p>	<p>Yes</p>
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### State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal is of a relevant size / capacity under Schedule 3 of the ISEPP and therefore triggers the traffic generating development provisions (clause 104). The Department referred the application to TfNSW in accordance with the ISEPP and has considered TfNSW's submissions on the proposal (Sections 5 and 6). The Department has recommended conditions to manage and/or mitigate the impacts of the development (**Appendix F**).

The proposal is located adjacent to a road specified under clause 102 of the ISEPP. The application includes a NIA. The Department has considered construction and operational noise at **Section 6.8** and concludes noise impacts can be managed and/or mitigated. The Department recommends a FEAR requiring future DA(s) consider construction and operational noise impacts.

### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX requires all new dwellings meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

The Department have recommended a FEAR requiring future DA(s) for the residential components of the development include a BASIX assessment.

### State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The EIS includes a DSI, which provides a summary of previous investigations, likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for the proposed use.

The DSI confirmed that the site has a history of educational use since 1954, including classrooms, offices and amenity buildings, with the remaining areas comprising a mix of concrete or asphalt pavements, gardens or grassed areas. Two chemical storage rooms were identified within the former school.

As the proposal is for a Concept Proposal, the DSI did not undertake soil and ground water testing and a conclusive assessment of land contamination status cannot therefore be made at this stage. The DSI reviewed previous contamination assessment reports relating to the site and identified

potential site contaminants could include remnants of hazardous building materials, incidental spillage at chemical storage rooms, contamination in site fill and hazardous ground gas.

The DSI states that the potential contaminants do not present an unacceptable health or environmental risk to the intended receptors with respect to the proposed development.

The DSI concludes the site can be made suitable for the proposed use, subject to the following:

- offsite disposal of basement excavation will be managed in accordance with waste classification guidelines and regulations. An assessment should be carried comprising a visual assessment of the footprints of the construction equipment and material storages, as well as confirmation sampling and laboratory testing of the fill and surface soils to supplement the preliminary waste classification
- implementation of an Unexpected Finds Protocol during excavation and construction, to address potential presence of asbestos (if any) and to mitigate risks associated with new finds of previously undetected contamination.

The Department recommends a FEAR requiring future DA(s) include a detailed site contamination assessment in accordance with the findings of the DSI.

### Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, subject to future DA(s), the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

### State Environmental Planning Policy No. 65 – Residential Apartment Development, including Apartment Design Guide

State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential developments and encourage innovative design. The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments.

The Department has assessed the proposal against the SEPP 65 aims / objectives at **Table 21**.

**Table 21** | Consideration of the aims and objectives of SEPP 65

SEPP 65 Principle	Department's Response
1. Context and Neighbourhood Character	The development is located to the South City area of Gosford City Centre and is consistent in its form and function with the desired future character of this part of Gosford as discussed in <b>Section 6.4</b> . The Department has recommended FEARS to ensure the future detailed design of buildings respond to the existing and future context of the site and surrounding area, maintaining adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The maximum height of the building envelope is appropriate in this location and context and is of a similar height and scale as the other new nearby developments within Gosford City Centre. Future developments are required to achieve design excellence as discussed in <b>Section 6.2</b> . The development would have an appropriate relationship with nearby heritage

	items. The publicly accessible through site links would be spacious yet proportionate to the size of the development and expected level of pedestrian activity.
3. Density	The development is compatible with the emerging South City character. The density of the development has strategic merit and the proposal has demonstrated that it would not have adverse built form, traffic, amenity or heritage impacts ( <b>Section 6</b> ). The Department has recommended FEARs to ensure the detailed design of the buildings respond to the context of the site and surrounding area.
4. Sustainability	The Department has recommended FEARs requiring future DA(s) demonstrate developments have been designed in accordance with ESD principles and that minimum Green Star and NABERS ratings are achieved and stretch targets are explored.
5. Landscape	The concept landscaping proposal consists of a publicly accessible through site links including hard and soft landscaping and the retention of an existing mature Port Jackson Fig tree. Semi-private open space is provided at podium roof level for future residents. The Department has recommended a FEAR requiring future DA(s) include details of landscaping.
6. Amenity	The proposal generally complies with the requirements of SEPP 65 and the proposal has demonstrated that future residential buildings would be capable of achieving satisfactory residential amenity, including satisfactory levels of solar access, natural ventilation and privacy ( <b>Section 6.8</b> ). The Department has recommended a FEAR requiring future DA(s) consider the ADG and GDCP residential development controls.
7. Safety	The buildings, as proposed at a conceptual level, are capable of achieving safe and secure environments, allowing for passive and active surveillance of the surrounding area. The future detailed design of the will further address other safety and security issues around public and private areas. The Department has recommended a FEAR requiring future DA(s) include a Crime Prevention Through Environmental Design assessment.
8. Housing Diversity and Social Interaction	The development will improve housing supply and choice and has the ability to provide for a mix of apartment types to cater for a range of households. The provision of new housing will aid in the creation of a mixed and balanced community.  The Department has recommended a FEAR requiring Future DA(s) explore opportunities to include affordable housing as part of the residential component of the development.
9. Architectural Expression	The building envelope, including tower envelopes, allow for appropriate building articulation, modulation and include appropriate setbacks to complement the existing and desired character for the site and surrounding area ( <b>Section 6.4</b> ). The Department has recommended a FEAR to requiring future developments achieve design excellence.

The ADG sets out a number of guidelines for residential flat development to ensure apartments are provided with an appropriate level of residential amenity.

The application only seeks approval for concept building envelopes at this stage. Detailed floor plans layouts and façade design will be the subject of future DA(s). Indicative floor plans have been provided to demonstrate how the buildings envelopes may achieve the ADG guidelines.

The Department has considered the indicative scheme against the key ADG amenity criteria (**Section 6.8**) and concludes it is acceptable in terms of apartment sizes, communal open space, solar access, natural ventilation and privacy. The proposal would result in minor inconsistencies with the building

separation and deep soil amenity standards. However, the Department concludes this is acceptable as discussed at **Section 6.8**.

The Department considers that the proposal is generally consistent with the aims and provisions of the ADG and the development is capable of addressing the ADG guidelines at future DA stages.

### State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.

The Coastal SEPP identifies the site is located within the Coastal Environment Area and Coastal Use Area. An assessment of the proposal against the requirements under Divisions 3 to 5 of the Coastal Management is provided at **Table 22**.

**Table 22** | Consideration of Division 3 to 5 of the Coastal SEPP

Coastal Management SEPP	Department Comment/Assessment
<p><b>Clause 13 Development on land within the coastal management area</b></p> <p>1. Development consent must not to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</p>	
<p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p>	<p>The Department has recommended a FEAR requiring future DA(s) include detailed assessment of flooding and drainage impacts and include mitigation measures where necessary.</p>
<p>(b) coastal environmental values and natural coastal processes,</p>	<p>The site is located approximately 110m north-east of the Brisbane Water foreshore and is separated from the foreshore by intervening parkland.</p> <p>Having regard to these characteristics, it is not considered that the coastal environmental values or natural processes would be impacted by the proposal.</p>
<p>(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p>	<p>The site is not located near any sensitive coastal lakes and future DA(s) will consider flooding and drainage impacts.</p>

<p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p>	<p>The proposal would not impact on any marine vegetation, native fauna or impact on any undeveloped headlands and rock platforms.</p> <p>The proposal commits to offsetting two ecosystem credits for the removal of existing native vegetation on the site. The Department concludes the biodiversity impacts of the proposal are acceptable as summarised at <b>Section 4.5</b>.</p>
<p>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p>	<p>The Department has considered the impact of the proposal on the adjoining Leagues Club Field and Gosford Park (<b>Section 6.4</b>).</p> <p>The proposal would not impact on access to any existing foreshore, beach or headland areas and the Concept Proposal includes provision of appropriate through-site pedestrian permeability (<b>Section 6.5</b>).</p>
<p>(f) Aboriginal cultural heritage, practices and places,</p>	<p>The site has been identified as having little archaeological potential, however, it may have cultural significance to the Aboriginal community (<b>Section 6.8</b>).</p> <p>The Department has recommended a FEAR requiring future DA(s) include a detailed archaeological assessment including management and mitigation measures where necessary.</p>
<p>(g) the use of the surf zone.</p>	<p>The proposal will not impact on any surf zones.</p>

2. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

<p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p>	<p>The proposal located within an existing urban B4 Mixed Use zoned site. The proposed scale of development would not have any adverse impacts on the coastal management area.</p>
<p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p>	
<p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	

Clause 14 Development on land within the coastal use area

1. Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

<p>i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p>	<p>The proposal would not impact on access to any existing foreshore, beach or headland areas and the Concept Proposal includes provision of appropriate through-site pedestrian permeability (<b>Section 6.5</b>).</p>
<p>ii. overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>	<p>The Department has considered overshadowing, wind and view impacts at <b>Sections 6.4, 6.5 and 6.8</b> and concludes the proposal has acceptable impacts on surrounding amenity. The Department has recommended future DA(s) include detailed analysis of overshadowing, wind and view impacts.</p>
<p>iii. the visual amenity and scenic qualities of the coast, including coastal headlands,</p>	<p>The visual amenity of the local coastal zone and its surroundings will not be impacted on by this proposal. The site is setback from the Brisbane Water foreshore and the tower components include varied maximum heights. The proposal would not adversely interrupt the appreciation of Gosford's valley setting framed by hills.</p>
<p>iv. Aboriginal cultural heritage, practices and places</p>	<p>Refer to the response to Clause 13(1)(f).</p>
<p>v. cultural and built environment heritage, and</p>	<p>The building envelope would not have an adverse impact on the setting or heritage significance of nearby heritage items (<b>Section 6.4</b>).</p>

(b) is satisfied that:

<p>i. the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p>	<p>The site is located within an existing urban B4 Mixed Use zoned site and would not have any adverse impacts on the coastal management area.</p> <p>The proposed use of the site for residential, hotel and commercial uses would not give rise to adverse impacts on the existing coastal use area.</p>
<p>ii. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p>	

<p>iii. if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>	
<p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p>The Department has considered the height, scale and impact of the proposed building envelope at <b>Section 6.4</b> and concludes the proposal is acceptable. The Department recommends future DA(s) demonstrate developments achieve design excellence and include detailed design and landscape reports.</p>

**Clause 15 Development in coastal zone generally – development not to increase risk of coastal hazards**

<p>Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.</p>	<p>The proposal involves the redevelopment of an existing urban B4 Mixed Use zoned site. The proposal would not increase the risk of coastal hazards on the site or other surrounding land.</p>
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**State Environmental Planning Policy (Gosford City Centre) 2018**

The Gosford SEPP was gazetted in October 2018 and seeks to promote the economic and social revitalisation of Gosford City Centre. In addition, it aims to seeks to strengthen Gosford’s regional position, enhance its vitality, identity and diversity, promote employment, residential, recreational and tourism opportunities, manage natural and man-made resources, protect and enhance the environment, preserve solar access to open spaces, create a mixed-use place and pedestrian links and ensure developments exhibit design excellence.

The Department has considered the relevant provisions of the Gosford SEPP at **Table 23** and concludes the development is consistent with the Gosford SEPP.

**Table 23** | Consideration of the relevant clauses of the Gosford SEPP

Clause	Control	Department’s consideration	Compliance
<p><a href="#">Clause 2.1</a> Land use zones</p>	<p>The proposed development is on land zoned B4 Mixed Use</p>	<p>The proposal is permissible with consent and meets the objectives of the zone.</p>	<p>Yes</p>
<p><a href="#">Clause 4.3</a> Height of buildings</p>	<p>A height of buildings development standard of RL 48 m applies to the site</p>	<p>The maximum height of the building envelope is RL 81.4m and exceeds the maximum height of buildings control for the site.</p>	<p>No (refer to clause 8.4)</p>
<p><a href="#">Clause 4.4</a></p>	<p>An FSR development standard of 3.5:1 applies to the site.</p>	<p>The proposed development proposed an FSR of 4.42:1 and</p>	<p>No</p>



Floor space ratio		exceeds the maximum FSR for the site.	(refer to clause 8.4)
<a href="#">Clause 5.10</a> Heritage conservation	To conserve the environmental heritage of the City of Gosford, the significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.	A HIS was submitted with the application and recommends measures to manage and mitigate impacts on heritage and archaeological artefacts. The Department concludes the impact of future development on heritage items can be managed and/or mitigated ( <b>Section 6.4</b> ).	Yes
<a href="#">Clause 6.1</a> Acid sulfate soils	The site is mapped as being located on Class 2 acid sulfate soils. Development should not disturb, expose or drain acid sulfate soils and cause environmental damage.	The Department has recommended that future DA(s) include an Environmental Management Plan, which will consider acid sulfate soils ( <b>Section 6.8</b> ).	Yes
<a href="#">Clause 7.2</a> Flood Planning	To minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the land's flood hazard and avoid significant adverse impacts on flooding behaviour.	A Stormwater Management Report was submitted with the application and recommends measures to manage and mitigate drainage and flooding impacts. The Department concludes flooding and drainage impacts can be managed and/or mitigated ( <b>Section 6.8</b> ).	Yes
<a href="#">Clause 8.2</a> Building height on Mann Street	Building height must not exceed three storeys at the building's Mann Street frontage.	The podium Mann Street frontage does not exceed three storeys.	Yes
<a href="#">Clause 8.3</a> Design Excellence	All developments must exhibit design excellence	The Department's assessment concludes the proposal exhibits design excellence and recommends future DA(s) be subject to the DES and review by the DAP ( <b>Section 6.2</b> ).	Yes
<a href="#">Clause 8.4</a> Exceptions to height and FSR in Zone B4	Development consent may be granted to development that results in a building with a height of buildings and FSR that exceeds the height of buildings and FSR controls.	The proposal meets the criteria in clause 8.4(4) for the height and FSR development standard exception and therefore exceedances of the height and FSR development standards can be considered. The Department concludes the variation of the height of buildings and FSR controls are acceptable ( <b>Section 4.3</b> ).	Yes

<p>Clause 8.5</p> <p>Car parking in Zone B4</p>	<ul style="list-style-type: none"> <li>at least 1 car parking space is provided for every 75 m<sup>2</sup> commercial GFA</li> <li>at least 1 car parking space is provided for every 40 m<sup>2</sup> of retail GFA.</li> </ul>	<p>The indicative development confirms the proposal is capable of complying with these car parking requirements.</p> <p>The Department has recommended a FEAR requiring future DA(s) include a TIA and consider the appropriate rate of car parking for the site (<b>Section 6.6</b>).</p>	<p>Yes</p>
<p>Clause 8.6</p> <p>Active street frontages</p>	<p>Consent authority must be satisfied that the building will have an active street frontage as identified on the Active Street Frontages Map.</p>	<p>The indicative scheme demonstrates the proposal is capable of providing active street frontages to surrounding streets and the through site links.</p> <p>The Department has recommended a FEAR requiring future DA(s) consider the provision of active street frontages (<b>Section 6.4</b>).</p>	<p>Yes</p>
<p>Clause 8.10</p> <p>Solar access to key public open spaces</p>	<p>The development must not result in any more than 30 per cent of Leagues Club Field receiving less than 4 hours of sunlight between 9 am and 3 pm at the winter solstice.</p>	<p>The proposal has demonstrated building envelopes would not result in overshadowing of the Leagues Club Field in excess of the 30% requirement (<b>Section 6.4</b>).</p> <p>The Department has recommended a FEAR requiring future DA(s) include overshadowing analysis.</p>	<p>Yes</p>
<p>Clause 8.11</p> <p>Key vistas and new view corridors</p>	<p>To protect and enhance key vistas and view corridors in Gosford City Centre.</p>	<p>The proposal has demonstrated building envelopes provide for view sharing and create appropriate view corridors (<b>Section 6.4</b>).</p> <p>The Department has recommended a FEAR requiring future DA(s) include visual and view analysis.</p>	<p>Yes</p>

### Gosford City Centre Development Control Plan 2018

In accordance with Clause 11 of the SRD SEPP, development control plans do not apply to SSD. Notwithstanding this, the Department notes that the GDCP would apply to the site were it not for the development being SSD and that the GDCP includes standards and guidelines that relate specifically to the site.

The Department considers, in the absence of other detailed planning controls (beyond those in the Gosford SEPP) applying to the site, the GDCP represents a useful guide to inform the assessments of the merits of the proposal. The Department has therefore considered the proposal against the relevant controls and guidelines within the GDCP at **Table 24**.

**Table 24** | Compliance with the relevant GDCP objectives and controls

GDCP objectives and controls	Department's consideration	Complies
<b>Section 3.4 – City South</b>		
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. Maintain strong visual connections and views to Presidents Hill and Rumbalara Reserve.</li> <li>3. Provide improved connections to the waterfront.</li> <li>4. Promote a diversity of uses and attractors to accommodate a range of uses at all times of the day and week.</li> <li>6. Conserve significant local heritage buildings and landscapes which contribute to the character of the City South.</li> </ol>	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. The building envelopes would alter the views towards Rumbalara Reserve. However, this is considered acceptable (<b>Section 6.4</b>).</li> <li>3. The proposal includes the creation of through site links connecting Mann Street to Vaughan Avenue, which connects to the waterfront (<b>Section 6.5</b>).</li> <li>4. The proposal includes residential, hotel and commercial uses, which would ensure the activity at all times of the day and week.</li> <li>6. The proposal would not have an adverse impact on nearby heritage items (<b>Section 6.4</b>).</li> </ol>	Yes
<b>Section 4.1 – Pedestrian Network</b>		
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>A. Provide high pedestrian comfort for pedestrian amenity and safety.</li> <li>B. Retain and enhance existing through site links.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>6. Reference should be made to relevant guidelines in Austroads Guides, Australian Standards, NSW Government Planning Guidelines for Walking and Cycling and NSW Roads and Maritime Services technical directions.</li> </ol>	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>A. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider pedestrian movements, connectivity and safety</li> <li>B. The proposal includes new through site links</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>6. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider relevant Australian Standards and other guidelines.</li> </ol>	Yes
<b>Section 4.2 – Public Open Space</b>		
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>A. Provide accessible and safe high quality open spaces.</li> <li>B. Retain and enhance existing public open spaces, especially Kibble Park, the Leagues Club Field and the waterfront.</li> <li>D. New open spaces are required in the city to support a growing population and to ensure residents are in walking distance of quality open space.</li> </ol>	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>A. The site is opposite significant areas of existing open space and includes publicly accessible through site links. The Department does not consider it necessary that it provide a new open space (<b>Section 6.5</b>).</li> <li>B. The proposal would not have an adverse impact on solar access to the Leagues Club Field and would appropriately frame the eastern boundary of the park (<b>Section 6.4</b>).</li> <li>D. Refer to response to Objective A above.</li> </ol>	Yes

### Section 4.3 – Solar Access to Key Public Spaces

<p><b>Control</b></p> <p>3. For Key Open Space 2 (Leagues Club Field), buildings must be designed to ensure at least 70% of the field receives 4 hours of direct sunlight between 9am and 3pm on the winter solstice (21 June). Note – This performance standard is contiguous hours, and is cumulative between developments.</p>	<p><b>Control</b></p> <p>3. The design of the building envelopes ensures more than 70% of the field receives direct sunlight for more than 4 hours in mid-winter (<b>Section 6.5</b>).</p>	<p>Yes</p>
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### Section 4.4 – Views and Vistas

<p><b>Objectives</b></p> <p>A. Enhance Gosford’s unique identity and sense of place that is created by the current significant views and vistas, particularly those identified in Figure 4.</p> <p>B. Protect Gosford’s character of visual openness with the surrounding landscape.</p> <p>C. Maintain and enhance significant view corridors from public spaces and streets to Brisbane Water and the identified view corridors which afford views of the ridgelines of Rumbalara Reserve and Presidents Hill.</p> <p>D. Open up new significant views, where possible.</p> <p><b>Controls</b></p> <p>1. The floorplates of buildings above street frontage heights should be designed in accordance with the slender tower provisions in Chapter 5 of this DCP.</p> <p>2. <b>Key views</b> (identified in Figure 4) are those existing views of the ridgelines of Presidents Hill, Rumbalara Reserve and views of Brisbane Water from important locations, including the centre of Kibble Park, Leagues Club Field and Brian McGowan Bridge.</p>	<p><b>Objectives</b></p> <p>A. The proposal is not located within the view-cones identified in the GDGP Figure 4.</p> <p>B. The building envelopes and design guidelines ensure future towers are slender and include appropriate setbacks to ensure the character and visual openness of Gosford is maintained in the City South area. The Department has recommended amendments to the building envelopes to improve their relationship to public open space (<b>Section 6.4</b>).</p> <p>C. The building envelopes would alter general views towards Rumbalara Reserve (not identified in the GDGP). However, this is considered acceptable (<b>Section 6.4</b>).</p> <p>D. The proposal includes the creation of new through site links, which would open up new vistas (<b>Section 6.5</b>).</p> <p><b>Controls</b></p> <p>1. The Department includes a FEAR requiring future DA(s) consider appropriate floorplate sizes and that building envelopes are limited to 85% volumetric fill.</p> <p>2. Refer to response to Objective C and D.</p>	<p>Yes</p>
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### Section 4.5.1 – Vehicle Footpath Crossings

<p><b>Objectives</b></p> <p>A. To make vehicle access to buildings more compatible with pedestrian movements.</p> <p>B. Reduce the impact of vehicular access on the public domain.</p> <p><b>Controls</b></p> <p>Location of Vehicle Access</p> <p>1. One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.</p> <p>2. Where practicable, vehicle access is</p>	<p><b>Objectives</b></p> <p>A. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider pedestrian movements, connectivity and safety.</p> <p>B. The proposal includes a concept landscape proposal. The Department has recommended a FEAR requiring future DA(s) consider landscape and public domain impacts.</p> <p><b>Controls</b></p> <p>Location of Vehicle Access</p> <p>1. Two vehicular access points are proposed, one off Vaughan Avenue and the other from the rear service lane shared with 32 Mann Street.</p>	<p>No (red) refer to <b>Section 6.6</b></p>
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<p>to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity.</p> <p>3. Where practicable, adjoining buildings are to share or amalgamate vehicle access points.</p> <p>Porte Cocheres</p> <p>10. Porte cocheres are not favoured and may only be permitted for hotels subject to urban design, streetscape, heritage and pedestrian amenity considerations.</p> <p>11. Where practicable, porte cocheres are to be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.</p>	<p>2. See response to control 1 above.</p> <p>3. See response to control 1 above.</p> <p>Porte Cocheres</p> <p>10. The indicative hotel drawings include a porte-cochere with separate one-way in and out arrangement. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider the design and operation of the porte-cochere.</p> <p>11. See response to control 4 above.</p>	
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**Section 5.2.1 – Street Setbacks and Rear Setbacks**

<p><b>Objectives</b></p> <p>A. Provide for public amenity of the street including:</p> <ul style="list-style-type: none"> <li>- landscape and deep soil zones in appropriate locations,</li> <li>- to establish the desired spatial proportions of the street and define the street edge</li> <li>- to provide for high quality pedestrian amenity and activity.</li> </ul> <p>B. Enhance the setting and street address of the building.</p> <p>C. Provide front setbacks appropriate to building function and character, including entries and setbacks for ground floor apartments.</p> <p>D. Create a transition between public and private space.</p> <p>E. Maintain sun access to the public domain.</p> <p><b>Controls</b></p> <p>1. Buildings should be designed to comply with streetscape controls as shown in Figure 8 (being nil podium setback for the site). These setbacks should be deep soil and contain no parking structures.</p> <p>2. In addition to the above, street building alignment and street setbacks are to comply with Figure 8. Parking structures may encroach into these setbacks by up to 1m (except for 0m ground setbacks).</p> <p>5. Building separation and visual privacy requirements of SEPP65 and the Apartment Design Guide will also apply as well as to the controls described above.</p>	<p><b>Objectives</b></p> <p>A. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports.</p> <p>B. Refer to response to Objective A above</p> <p>C. Refer to response to Objective A above</p> <p>D. Refer to response to Objective A above</p> <p>E. The Department has concluded the building envelopes would not adversely overshadow the Leagues Club Field (<b>Section 6.4</b>) and has recommended a FEAR requiring future DA(s) consider overshadowing impacts on neighbouring public domain and open spaces.</p> <p><b>Controls</b></p> <p>1. The building envelopes provide for a nil podium setback from the site boundary in accordance with the GDCP requirement. Building setbacks will be assessed as part of future DA(s).</p> <p>2. Refer to response to Control 1 above.</p> <p>5. The Department has recommended a FEAR requiring future DA(s) to consider the recommendations of the ADG and the GDCP.</p>	<p>Yes</p>
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**Section 5.2.2 – Street Wall Heights and Upper Podium**

<p><b>Objectives</b></p>	<p><b>Objectives</b></p>	<p>No</p>
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- A. Achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.
- B. Reinforce the intrinsic character and scale of existing and heritage buildings in Gosford City Centre whilst also enable flexibility in contemporary building design.
- C. Protect solar access to key streets and public spaces.
- D. Encourage a strong architectural expression.
- E. Provide for views of the hillsides from key locations.
- F. Achieve a consistent and strong building line where desirable for urban design and streetscape reasons.

**Controls**

- 1. The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 8 (being nil setback up to three storeys, maximum 14m street wall height, for this site)
- 2. All built form above the street wall height should be set back a minimum of 3m from the building line of the street wall frontage. This may include:
  - a. an 'upper podium' of up to 2 storeys/7m (in height) and side setbacks should be provided consistent with the Apartment Design Guide; and
  - b. a tower element above this, which is to be consistent with the controls in Section 5.2.5 of this document.
- 3. For development fronting Mann Street, a building's street wall must:
  - a. not be greater than 3 storeys at the building street frontage to Mann Street to maintain its existing scale, character and relative human scale, and to access to direct sunlight (refer clause 8.2 in GCC SEPP). Note - This control relates only to the ground level street wall at the building street frontage to Mann Street, and does not relate to any street wall of an upper podium that fronts Mann Street, and is set back from the (ground level) street wall.
  - b. comply with the height in metres as shown in Figure 8.

- A. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports.
- B. Refer to response to Objective A above
- C. The Department has recommended a FEAR requiring future DA(s) consider overshadowing impacts on neighbouring public domain and open spaces.
- D. Refer to response to Objective A above
- E. The building envelopes would alter general views towards Rumbalara Reserve (not identified in the GDCP). However, this is considered acceptable (**Section 6.4**).
- F. Refer to response to Objective A above

**Controls**

- 1. The podium heights comply with the GDCP requirement.
- 2. The Eastern Tower is setback greater than 3m from Mann Street. The Northern Tower is setback 2.7m from Baker Street and the Southern Tower is setback 2m from Vaughan Avenue and between nil and 5.9m from Baker Street.
- 3. Refer to response to Control 1.

(red)  
refer to  
**Section**  
6.4

### Section 5.2.3 – Active Street Frontages and Street Address

<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. Ensure frontages are pedestrian oriented and of high quality design to add vitality to streets.</li> <li>B. Provide continuity of shops along streets and lanes within the City Centre and other identified locations.</li> <li>C. To promote pedestrian activity and the vibrancy of Gosford.</li> <li>D. To provide excellent pedestrian experience in the public domain.</li> <li>E. To promote active and safe streets in the Gosford City Centre.</li> <li>F. To provide buildings with clear address and direct access to the street.</li> <li>G. To promote commercial and retail uses in Gosford</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. The indicative scheme includes the provision of commercial uses to ground floor street and through site link frontages. The Department has recommended a FEAR requiring future DA(s) demonstrate ground floor frontages are appropriately activated.</li> <li>B. Refer to response to Objective A.</li> <li>C. Refer to response to Objective A.</li> <li>D. Refer to response to Objective A.</li> <li>E. Refer to response to Objective A.</li> <li>F. Refer to response to Objective A.</li> <li>G. Refer to response to Objective A.</li> </ul>	<p>Yes</p>
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### Section 5.2.4 – Building Setbacks and Separation

<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. To provide good amenity for building occupants including daylight, outlook, visual privacy, acoustic amenity, ventilation, wind mitigation and view sharing.</li> <li>B. To achieve usable and pleasant streets and public domain areas.</li> <li>C. To maximise view corridors and maintain Gosford's character of visual openness with the surrounding landscape.</li> <li>D. Provide for the preferred building typology.</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. The Department has recommended FEARs requiring future DA(s) consider amenity for building occupants and view sharing.</li> <li>B. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports.</li> <li>C. The Department concludes the building envelopes achieve appropriate view sharing and view corridors (<b>Section 6.4</b>).</li> <li>D. Refer to response to Objective B above.</li> </ul>	<p>Yes</p>
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### Section 5.2.5 – Slender Towers with High Amenity

<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. Achieve high amenity for the public domain including access to sun light and views.</li> <li>B. Allow for view sharing and view corridors.</li> <li>C. Achieve an attractive city skyline which is sympathetic to the topography and context.</li> <li>D. Allow for high internal amenity to development, including natural light and ventilation</li> <li>E. Mitigate potential adverse impacts that tall and bulky buildings might have on the public domain</li> <li>F. Reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.</li> <li>G. Provide viable and useable floor</li> </ul>	<p><b>Objectives</b></p> <p>The Department has recommended a FEARs requiring future development achieve design excellence and that future DA(s) include:</p> <ul style="list-style-type: none"> <li>A. overshadowing analysis</li> <li>B. view sharing and view loss analysis</li> <li>C. design and landscape reports</li> <li>D. assessment of future amenity</li> <li>E. as above</li> <li>F. as above</li> </ul> <p>G. the proposal includes a diverse variety of compatible uses.</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>1. The Department includes a FEAR requiring future DA(s) consider appropriate floorplate sizes and that building envelopes are limited to 85%</li> </ul>	<p>No (red) refer to <b>Section 6.4</b></p>
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space.

### Controls

1. For development within the B zones (B3, B4 and B6), the maximum floorplate size for towers is:
  - a. 750sqm GFA for residential uses, serviced apartments and hotels.
  - b. 1500sqm GFA for commercial uses (office space).

Note - This maximum floor plate control applies only to towers, and not to podium level development.

3. The maximum building length for towers in any direction is 45m.
4. All tower forms must be set back a minimum 8m from the street wall frontage, however reductions may be accepted (from 8m to 6m) on some sites where it is demonstrated that this control would compromise the ability to design the podium or tower appropriately.
5. All building frontages for a tower with a length over 30m should be:
  - c. expressed as two vertical forms
  - d. include a clear 'break' of minimum 1m width and 1m depth
  - e. include a stepped height difference of minimum two storeys
6. Tower heights should be varied. Where two towers are provided on one site, their height above ground level should have a minimum of 15% variation between each tower (e.g. with three towers, the tallest should be minimum 30% taller than the shortest).
7. For sites with more than one tower, separation between buildings should be considered in accordance with the specified distances for each component use, as if there is a boundary between them.

volumetric fill.

3. Maximum length of the southern tower building envelope is 48.7m.
4. The Northern and Southern Tower envelopes are setback less than 6m from the podium wall frontage. The Eastern Tower envelope is setback 6m from the podium edge.
5. The Southern and Northern Towers are longer than 30 m and are expressed as more than one vertical form, include vertical breaks and stepped heights.
6. The maximum height of the tower building envelopes are varied. The highest point of the northern tower (RL 81.4 m) is 35.4% taller than the shortest point of the southern tower (RL 52.6 m). The proposal therefore exceeds the 30% height variation requirement across the site.
7. The Department has concluded that appropriate separation distances have been provided between the building envelopes (**Section 6.4**).

### Section 5.2.6 – Fine grain frontages



<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. Ensure that development responds to the human scale.</li> <li>B. To provide a high quality and diverse retail environment for Gosford.</li> <li>C. To respond to the character and grain of existing buildings at street level (even when taller buildings are provided).</li> <li>D. Provide a variety of architectural character.</li> <li>E. Ensure that the scale, modulation and façade articulation of development responds to its context.</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports.</li> <li>B. The indicative scheme includes the provision of commercial uses to ground floor street and through site link frontages. The Department has recommended a FEAR requiring future DA(s) demonstrate ground floor frontages are appropriately activated.</li> <li>C. Refer to response to Objective A and B.</li> <li>D. Refer to response to Objective A and B.</li> <li>E. Refer to response to Objective A and B.</li> </ul>	<p>Yes</p>
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**Section 5.2.7 – Building Sustainability and Environmental Performance for Key Sites**

<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. To provide enhanced building sustainability and environmental performance controls for key sites in Chapter 6 of this DCP), or medium and large sites seeking to vary heights or floor space using clause 8.4(3) or 8.4 (4) GCC SEPP.</li> <li>B. To minimise energy use through passive building design and energy efficient systems.</li> <li>C. To minimise potable water use.</li> <li>D. To minimise waste and promote the reuse and recycling of materials.</li> <li>E. To promote thermal comfort through natural ventilation in residential developments.</li> <li>F. To promote passive cooling and air flow through innovative and renewable sources of heating and cooling.</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>2. Buildings are to comply with or where possible exceed the Building Sustainability Index (BASIX) by 10% for residential development.</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. The Department has recommended FEARS requiring future DA(s) demonstrate developments have been designed in accordance with ESD principles and that minimum Green Star and NABERS ratings are achieved and stretch targets are explored (<b>Section 4.6</b>).</li> <li>B. Refer to response to Objective A.</li> <li>C. Refer to response to Objective A.</li> <li>D. Refer to response to Objective A.</li> <li>E. Refer to response to Objective A.</li> <li>F. Refer to response to Objective A.</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>2. The Department has recommended a FEAR requiring future DA(s) for the residential towers comply with or where possible exceed BASIX.</li> </ul>	<p>Yes</p>
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**Section 5.2.9 Above ground car parking**

<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. To ensure excellent streetscape activation</li> <li>B. To minimise the visual impact of parking</li> <li>C. To ensure excellent amenity, activation and use in building areas that have a visual relationship to the street</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>1. Car parking is to be provided wholly</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. The indicative scheme demonstrates all adjoining street frontages can be activated.</li> <li>B. All above ground car parking has been screened from view.</li> <li>C. Refer to response to Objectives A and B.</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>1. The indicative scheme includes above ground car parking. Such an</li> </ul>	<p>Yes</p>
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<p>underground unless the determining authority is satisfied unique site conditions prevent achievement of parking in basements. The determining authority may require the provision of a supporting report (for example, a geotechnical report), prepared by an appropriately qualified professional as information to accompany a development application to the determining authority.</p> <ol style="list-style-type: none"> <li>2. On-site car parking provided at or above ground level is to have a minimum floor to floor height of over 3.5m so it can be adapted to another use in the future.</li> <li>3. On-site parking is to be accommodated underground, or otherwise fully integrated into the design of the building as illustrated in Figures 10 and 11. Where integration is not achieved, car-parking areas will count towards gross floor area for the purposes of calculating Floor Space Ratio.</li> <li>4. Any on site above ground parking should be 'sleeved' by a minimum 8m depth activation (commercial or residential use) facing any street as illustrated in Figure 11.</li> </ol>	<p>arrangement would be assessed as part of future DA(s).</p> <ol style="list-style-type: none"> <li>2. The indicative scheme shows appropriate floor to ceiling heights.</li> <li>3. The indicative scheme shows the above ground car parking is 'sleeved' by uses and screened from view.</li> <li>4. Refer to response to Control 3.</li> </ol>	
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**Section 5.2.14 Site cover and deep soil zones**

<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>A. To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.</li> <li>B. To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.</li> <li>C. To provide passive and active recreational opportunities.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>1. The maximum site cover for development is 60% for development in the Mixed Use Zone</li> <li>2. All developments with a residential component in all zones except the Commercial Core must include a deep soil zone.</li> <li>3. The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6 metres.</li> </ol>	<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>A. The proposal includes through site links, which include hard and soft landscaping. The proposal retains the existing Port Jackson Fig tree.</li> <li>B. The Department has recommended a FEAR requiring future DA(s) provide for an appropriate standard of amenity.</li> <li>C. The through site links would provide for active and passive recreational opportunities. The site is located opposite the Leagues Club Field.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>1. The proposal has a site coverage of almost 100%</li> <li>2. The indicative scheme shows the basement car park setback from the Port Jackson Fig tree. The Department has recommended a FEAR requiring future DA(s) ensure the basement is designed to ensure it does not have an adverse impact on the health, longevity or structure of the tree.</li> <li>3. The deep soil zone would be less than 15% of the total site area.</li> <li>4. The proposal could provide for varied soil soil depths on the structure. The</li> </ol>	<p>No (red) Refer to <b>Section 6.8</b></p>
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<ol style="list-style-type: none"> <li>4. Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure. In such cases, compensatory storm water management measures must be integrated within the development to minimise storm water runoff.</li> <li>5. Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.</li> <li>6. No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).</li> </ol>	<p>Department has recommended a FEAR requiring future DA(s) include flooding and stormwater assessments.</p> <ol style="list-style-type: none"> <li>5. The proposal retains the existing mature Port Jackson Fig tree. The Department has recommended a FEAR requiring future DA(s) include a landscaping report and plans.</li> <li>6. The Department has recommended a FEAR requiring basement levels take account of street trees and deep soil zones.</li> </ol>
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**Section 6.4 – Key Site 6, 26-32 Mann Street**

<p><b>Principles</b></p> <ol style="list-style-type: none"> <li>1. This site must be subject to a master planning process to ensure holistic consideration of site specific urban design issues.</li> <li>2. The provision of visual connections and pedestrian links between Mann Street and Baker Street (to Leagues Club Field) are priorities for development of this site.</li> <li>3. Publicly accessible podium open space above Baker Street, at the level of Mann Street and overlooking the waterfront should be considered and integrated into development of the site.</li> <li>4. The appropriate height for development of this site will be determined through a master planning process, which is to <ul style="list-style-type: none"> <li>- include design testing and consideration of impacts on views and overshadowing.</li> <li>- include test options to maximise views through to the park and the water.</li> <li>- comply with the view, slender towers, and solar access provisions contained in this DCP.</li> <li>- potential impacts on existing heritage items in the vicinity of this site.</li> </ul> </li> <li>5. Baker Street (extension) is a desired pedestrian boulevard (emergency vehicle access only).</li> <li>6. Vehicular access to the site and servicing should be provided from Vaughan Avenue and not from either Mann Street or the Baker Street extension, which are two of the most important active street frontages in</li> </ol>	<p><b>Principles</b></p> <ol style="list-style-type: none"> <li>1. The Concept Proposal seeks to establish the masterplan planning framework for the future development of the site. The DAP and the Department conclude the proposed built form of building envelopes are acceptable and achieve design excellence (<b>Section 6.4</b>).</li> <li>2. The proposal includes the provision of through site links between Mann Street and Vaughan Avenue.</li> <li>3. The proposed through site links would be publicly accessible.</li> <li>4. As discussed at <b>Section 6</b>, the Department has considered overshadowing, view loss, view sharing, overshadowing and heritage impacts together with the built form of the proposed towers. The Department has concluded the proposed building envelopes would have acceptable impacts and are therefore appropriate.</li> <li>5. The HCCDC is undertaking upgrades to the Leagues Club Field, which includes the extension to Baker Street. The Department recommends a FEAR requiring future DA(s) consider the development’s impact on, and interface with, Baker Street (<b>Section 6.8</b>).</li> <li>6. Vehicular access for the residential towers is proposed off Vaughan Avenue. Vehicular access for servicing is proposed off the shared access road to the north of the site and Vaughan Avenue.</li> <li>7. The Concept Proposal has considered the future plans for adjoining public spaces. Future DA(s) would consider any necessary improvements to surrounding infrastructure.</li> </ol>	<p>Yes</p>
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<p>Gosford.</p> <p>7. Any development must consider any future plans for the adjoining public spaces and investigate the conversion of the western section of Vaughan Avenue (beyond Baker Street to the Waterfront) to a shared way to improve pedestrian connectivity between the two adjacent public open spaces.</p>		
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**Section 7.4 – On-Site Parking**

<p><b>Objectives</b></p> <p>A. To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types.</p> <p>G. To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.</p> <p><b>Controls</b></p> <p>1. On-site vehicle and bicycle parking is to be provided in accordance with Table 2 of this chapter.</p> <p>Bicycle lockers and shower facilities</p> <p>1. For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be conveniently located close to bike storage areas.</p>	<p><b>Objectives</b></p> <p>A. The Department has considered the appropriateness of the Applicant’s proposed car parking rates for the site at <b>Section 6.6</b>. The Department has concluded the site is capable of providing for car parking at a rate less than the GDCP. The Department recommends a FEAR requiring future DA(s) to provide an assessment of the appropriate car parking rate for the site.</p> <p>G. Refer to response to Objective A.</p> <p><b>Controls</b></p> <p>1. The proposal may not provide car parking in accordance with the GDCP rates. Refer to response to Objective A.</p> <p>Bicycle lockers and shower facilities</p> <p>1. The Department has recommended a FEAR requiring future DA(s) include bicycle parking and end of trip facilities for cyclists.</p>	<p>No (red) refer to <b>Section 6.6</b></p>
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**Section 8.2 – Energy Efficiency and Conservation**

<p><b>Objectives</b></p> <p>A. To reduce the necessity for mechanical heating and cooling.</p> <p>B. To minimise greenhouse gas emissions.</p> <p>C. To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun.</p> <p><b>Controls</b></p> <p><i>Residential</i></p> <p>1. New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p> <p><i>Non-Residential</i></p> <p>For all non-residential development:</p> <p>2. Improve the control of mechanical space heating and cooling by</p>	<p><b>Objectives</b></p> <p>A. The Department has recommended FEARS requiring future DA(s) demonstrate developments have been designed in accordance with ESD principles and that minimum Green Star and NABERS ratings are achieved and achieving stretch targets are explored.</p> <p>B. Refer to response to Objective A above.</p> <p>C. Refer to response to Objective A above.</p> <p><b>Controls</b></p> <p><i>Residential</i></p> <p>1. The Department has recommended a FEAR requiring future DA(s) for the residential towers comply with or where possible exceed BASIX.</p> <p><i>Non-Residential</i></p> <p>For all non-residential development:</p> <p>2. Refer to response to Objective A above.</p>	<p>Yes</p>
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<p>designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building.</p> <p>3. Improve the efficiency of hot water systems by:</p> <p>c. insulating hot water systems, and</p> <p>d. installing water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators.</p> <p>4. Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.</p> <p><i>For all commercial development over \$5 million</i></p> <p>5. Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development with a construction cost of \$5 million or more that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme.</p> <p>6. All non-residential development Classes 5 to 9 need to comply with the Building Code of Australia energy efficiency provisions.</p>	<p>3. Refer to response to Objective A above.</p> <p>4. Refer to response to Objective A above</p> <p><i>For all commercial development over \$5 million</i></p> <p>5. Refer to response to Objective A above</p> <p>6. The Department includes a FEAR requiring future DA(s) demonstrate compliance with the BCA.</p>
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#### Section 8.4 – Reflectivity

<p><b>Objectives</b></p> <p>A. To restrict the reflection of sunlight from buildings to surrounding areas and buildings.</p>	<p><b>Objectives</b></p> <p>A. The Department has recommended a FEAR requiring future DA(s) consider solar glare and reflectivity.</p>	<p>Yes</p>
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#### Section 8.5 – Wind Mitigation

<p><b>Objectives</b></p> <p>A. To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p>	<p><b>Objectives</b></p> <p>A. The Department has considered the wind impacts associated with the proposed building envelope at <b>Section 6.8</b> and concludes wind impacts can be managed and/or mitigated. The Department has recommended a FEAR requiring future DA(s) include a wind assessment.</p>	<p>Yes</p>
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#### Section 8.6 – Waste and Recycling

<p><b>Objectives</b></p> <p>A. To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.</p> <p>B. To minimise the generation of waste through design, material selection, building and best waste management practices.</p>	<p><b>Objectives</b></p> <p>A. The Department has included FEARs requiring future DA(s) consider construction and operational waste management.</p> <p>B. Refer to response to Objective A above.</p> <p>C. Refer to response to Objective A</p>	<p>Yes</p>
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- C. To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.
- D. To ensure efficient storage and collection of waste and quality design of facilities.

above.  
D. Refer to response to Objective A above.

**Section 8.7 – Noise and Vibration**

**Objectives**

- A. To ensure development is designed so noise and vibration from new businesses, light industrial and leisure / cultural / entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.
- B. To ensure development is designed and constructed so that noise and vibration impacts from existing neighbouring activities do not unreasonably compromise the amenity of occupants of the proposed development
- C. To ensure noise and vibration impacts between different uses and occupancies within a development provide reasonable amenity to all occupants of the development.

**Objectives**

- A. The Department has included FEARs requiring future DA(s) consider construction and operational noise management and mitigation measures.
- B. Refer to response to Objective A above.
- C. Refer to response to Objective A above.

Yes

**Section 9 – Residential Development Controls**

The provisions in the Apartment Design Guide associated with State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) will be applied as the design controls for residential development within Gosford City Centre (including flats, any residential component of a mixed use development, and serviced apartments that are strata titled).

Multi-dwelling housing is to be designed in accordance with the general provisions of this DCP and this chapter, to the extent that they apply.

The Department has considered the indicative development against the requirements of the ADG and GDCP and concludes future DA(s) would be capable of designing residential development generally in accordance with those guidelines (**Section 6.8** and **Appendix C**).

The Department has recommended FEARs requiring future DA(s) consider the ADG and GDCP residential development controls.

Yes

**Section 10.1 – Heritage Items**

**Objectives**

- A. For development that affects a heritage item, information addressing relevant issues must be included in a Statement of Heritage Impact submitted with the development application (DA). The SOHI must be prepared in accordance with the guidelines published by the NSW Office of Environment and Heritage.
- B. To facilitate the conservation and

**Objectives**

- A. The proposal includes a HIS. The Department has considered the impact of the building envelope, including towers, on heritage items and concludes the height and scale of the development would not have an adverse impact on their heritage significance (**Section 6.4**). The Department has recommended a FEAR requiring future DA(s) include a

Yes

<p>protection of heritage items and heritage conservation areas and their settings.</p> <p>C. To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.</p>	<p>HIS which considers impacts on heritage items.</p> <p>B. Refer to response to Objective A above.</p> <p>C. Refer to response to Objective A above.</p>	
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Note: As the application is for concept approval only, the above table has excluded objectives and controls, and the following sections of the GDCP, as they relate specifically to the detailed design of future development(s) and are therefore not considered relevant at this stage:

- 5.2.11 Internal Amenity
- 5.2.12 Building Services and the Streetscape
- 5.2.13 Landscape Design
- 5.2.15 Front Fences
- 5.2.16 Safety and Security
- 5.2.17 Building Exteriors
- 5.2.18 Public Artwork
- 5.2.19 Advertising and Signage
- 7.2 Pedestrian Access and Mobility
- 7.3 Vehicular Driveways and Manoeuvring Areas
- 7.5 Site Facilities and Services
- 8.3 Water Conservation
- 9.1 Housing Choice and Mix
- 9.2 Storage
- 9.3 Multi-Dwelling Housing

## Appendix D – Summary of Department’s Consideration of Submissions

A summary of the Department’s consideration of the issues raised in submissions is provided at **Table 25**.

**Table 25** | Department’s consideration of key issues raised in submissions

Issue raised	Department’s consideration
Exceedance of Gosford SEPP height and FSR controls	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The proposal meets the clause 8.4(4) height and FSR development standard exception criteria and exceedances of the height and FSR controls can therefore be considered.</li> <li>The Department considered the FSR and concluded the density of the development is appropriate for the site and it would not unreasonably impact on the surrounding area in terms of built form, visual, traffic or amenity impacts.</li> <li>The Department considered the height of the tower building envelopes and concluded the site is capable of accommodating building heights in excess of the Gosford SEPP height control. The Department notes the proposed building heights are consistent with the emerging character of Gosford City Centre and are less than recently approved nearby developments.</li> </ul> <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> <li>Future DA(s) are required to include a detailed a design report and plans that consider the building design and relationship to its context.</li> </ul>
Proposal does not exhibit design excellence	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The DAP has been involved with the proposal since its inception and has provided detailed advice and recommendations to guide the design of the development throughout the evolution of the proposal.</li> <li>The DAP has considered the Concept Proposal and concluded it exhibits design excellence.</li> </ul> <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> <li>Future developments are required to exhibit design excellence and future DA(s) will be reviewed by the DAP and shall be carried out in accordance with the DES and Design Guidelines.</li> </ul>
Inadequate sustainability measures	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department considers the proposal should strive to improve on minimum sustainability standards and this is supported by the GDCP which recommends developments commit to at least a 4 star rating under the Australian Building Greenhouse Rating Scheme.</li> </ul> <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> <li>Future developments are required to achieve minimum 4 star Green Star and NABERS Energy and Water ratings, BASIX and explore the potential to exceed these targets.</li> </ul>
DAP comments not available	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant included the DAP’s advice at Appendix K of its RtS.</li> <li>The Department has included the DAP’s advice at Appendix E of its assessment report.</li> </ul> <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> <li>No conditions required.</li> </ul>



Inadequate commercial floorspace

*Assessment*

- The proposal includes 3,215m<sup>2</sup> commercial floorspace GFA. In addition, a total of 9,660m<sup>2</sup> hotel GFA is also included.
- The Department is satisfied the indicative scheme has demonstrated the proposed commercial floorspace would be appropriately located to activate existing proposed streets and through site links.
- The Department is satisfied sufficient commercial (and non-residential) floorspace has been incorporated into the proposal.

*Recommended Conditions*

- Future developments are required to provide 3,213 m<sup>2</sup> commercial floorspace.

The Commission should determine the application

*Assessment*

- In accordance with Clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Commission is the consent authority as Council has made an objection to the proposal.
- The Department has therefore referred the Application to the Commission for determination.

*Recommended Conditions*

- No conditions required.

## Appendix E – City of Gosford Design Advisory Panel Advice

### E1 - DAP submission in response to the exhibition of the EIS

#### Attachment A – Design Review Panel Advice

City of Gosford Design Advisory Panel*	
Panel meeting	31 October 2019
Panel members	Gary White, Chief Planner, Department of Planning, Industry and Environment (Chair) Peter Smith, Design Reference Group Paul Walter, Design Reference Group
Proposal name	Central Coast Quarter
Proposal description	Exhibited SSD proposal
Most recent Panel Advice considered	1 May 2019 - Design Reference Group advice 28 May 2019 – Panel meeting

\* The Panel operates as the design review panel for development proposals under clause 8.4 of State Environmental Planning Policy (Gosford City Centre) 2018 and to encourage design excellence in Gosford City Centre.

#### Panel observations:

A summary of the Panel's observations provided at the 31 October 2019 meeting is provided below:

- The Panel acknowledges the proponent's support to design excellence and the design review process, demonstrating a willingness to respond to comments and improve site outcomes.

#### Panel advice:

A summary of the Panel advice provided at the 31 October 2019 meeting is provided below:

1. The footpath/driveway treatments at the *porte cochère* should ensure the footpath is dominant and pedestrians are prioritised.
2. The southern tower is short, squat and undifferentiated. The Panel recommends that it be differentiated/broken in to separate segments, and the heights shifted so that the southern corner (Vaughan Ave/Baker St corner) is the lowest corner (stepping or tiering is recommended).
3. The Panel recommends that consideration be given to continuing the expression down, removing the commercial frontage on Vaughan Avenue and replacing it with residential down to street level.
4. The Panel recommends that the northern tower have greater articulation with slender towers and variable roof levels, as they were in the version presented to the Panel in May 2019.

#### Panel recommendations:

The Panel has reviewed the exhibited proposal against the previous advice provided to the Proponent following the 28 May 2019 Panel meeting. The Panel recommends additional refinement of the exhibited proposal, in line with the above advice.

### Attachment A – Design Review Panel Advice

City of Gosford Design Advisory Panel*	
Panel meeting	Workshop on 3 March 2020
Panel members	Ben Hewett, Deputy Government Architect, Department of Planning, Industry and Environment (Chair) Peter Smith, Design Reference Group Paul Walter, Design Reference Group
Proposal name	Central Coast Quarter
Proposal description	Exhibited SSD proposal and RTS Respnse Pack – final version provided 13 March 2020 Design Guideline – final version provided 6 March 2020
Most recent Panel Advice considered	31 October 2019 - Panel meeting 3 March 2020 – Panel meeting

\* *The Panel operates as the design review panel for development proposals under clause 8.4 of State Environmental Planning Policy (Gosford City Centre) 2018 and to encourage design excellence in Gosford City Centre.*

#### Panel observations

A summary of the Panel’s response to your design changes is provided below:

- The Panel believes the proposal, for this stage of the concept masterplan process, exhibits design excellence and noting that sufficient amendments have been made in response to the Panel’s previous comments.

#### Panel response and advice

The Panel’s responses to your amended design responses to the matters identified at the 31 October 2019 meeting is provided below:

1. *The footpath/driveway treatments at the porte cochère should ensure the footpath is dominant and pedestrians are prioritised.*

Panel response:

The Panel notes that the indicative diagrams show that the footpath is will be dominant, therefore pedestrian movement is being prioritized. Subsequent applications should show this treatment in greater detail, with more than diagrammatic treatment shown.

- 2. The southern tower is short, squat and undifferentiated. The Panel recommends that it be differentiated/broken in to separate segments, and the heights shifted so that the southern corner (Vaughan Ave/Baker St corner) is the lowest corner (stepping or tiering is recommended).*

Panel response:

The Panel supports the proponent's response to this comment, in terms of massing and articulation to reduce the perceived bulk and scale.

- 3. The Panel recommends that consideration be given to continuing the expression down, removing the commercial frontage on Vaughan Avenue and replacing it with residential down to street level.*

Panel response:

The Panel supports the approach the proponent has taken in the expression of the building form for the Southern Tower, noting a key intent of this comment is to maximise surveillance of the street, with the provision of apartments and commercial floor space at the lower and ground levels is supported.

- 4. The Panel recommends that the northern tower have greater articulation with slender towers and variable roof levels, as they were in the version presented to the Panel in May 2019.*

Panel response:

The Panel supports the articulation of the tower roof lines, including the articulation of the northern tower as shown in the draft Design Guideline document.

#### **Additional matter raised by the Department's development assessment team**

The Panel also reviewed the proponent's response to additional design issues raised by the assessment team, as shown in the draft Design Guideline document.

- 5. Reducing the mass and bulk of the Southern Tower envelope, so that it presents as a more slender tower form, reduces its visual dominance from key vantage points and enhances views through the site.*
- 6. Reducing the height of the Southern Tower envelope, to be sympathetic to Gosford's natural setting, including the ridgeline and the Waterfront, and improves solar access impacts to Leagues Club Field, Poppy Park and Memorial Park.*

Panel response:

The Panel supports the proponent's response to this comment, in terms of massing and articulation to reduce the perceived bulk and scale.

7. *Relocating the Southern Tower envelope, to be further setback from the southern corner of the site, as well as Vaughn Avenue and Baker Street.*

Panel response:

The Panel supports the approach the proponent has taken in the expression of the building form for the Southern Tower and the provision of apartments and commercial floor space at the lower and ground levels.

8. *Providing additional vertical articulation in all the buildings, to reduce the perceived bulk and scale of the buildings when viewed from key vantage points.*

Panel response:

The Panel supports the proponent's response to this comment, in terms of massing and articulation to reduce the perceived bulk and scale. Care must also be taken to minimise potential detrimental impacts of the vertical break at the ground level, however, this level of detail can be provided in subsequent proposals.

9. *Relocating the Eastern Tower envelope to increase the setback from the podium street wall to respect the scale of Mann Street.*

Panel response:

The Panel supports the proponent's response to this comment.

10. *Increasing the width of the northern through site link to provide greater amenity to the site's public domain.*

Panel response:

The increase to the width of the northern through site pedestrian and visual link is supported.

11. *Noting Council's concerns about potential solar and amenity impacts associated with the proposal, the Department requests amended shadow diagrams showing the solar access impacts (for summer and winter solstice and spring and autumn equinox, at hourly intervals between 9am and 3pm) to the surrounding public domain, including Leagues Club Field, Poppy Park, the Memorial Park and the Waterfront and likely solar access to the proposed through site links.*

Panel response:

While the issue of shadowing (noting the significant overshadowing created by existing trees) and Council's concerns relating to shadowing and heritage impacts should be determined by the Department's assessment team, the Panel is satisfied with the proposed height, bulk and scale of the proposal.

## Appendix F – Recommended Instrument of Consent

The recommended instrument of consent can be found on the Department's website as follows.

<https://www.planningportal.nsw.gov.au/major-projects/project/9661>