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# **CENTRAL COAST QUARTER**

Concept SSD Modification  
(SSD-10114)

Prepared for

**SH GOSFORD RESIDENTIAL PTY LTD**

9 May 2022

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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Report Number	01 – 09/05/2022

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# 1. INTRODUCTION

This Modification Report has been prepared on behalf of SH Gosford Residential Pty Ltd pursuant to section 4.55(1a) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The application seeks to modify Development Consent SSD-10114 for the staged, mixed-use redevelopment of 26-32 Mann Street, Gosford, also known as 'Central Coast Quarter'.

Specifically, this application seeks to amend the land use of the approved Eastern Tower from hotel to commercial. No changes are sought to the approved building envelopes, or GFA allocations. For completeness, this application also seeks to delete or amend other conditions, where relevant, to reflect the most recent plans, which have also been revised in accordance with design modifications required by Condition B1.

This application is made consistent with pre-lodgement discussions held with DPE staff via a 'Scoping Meeting' on 22 February 2022.

## 1.1. APPLICANT DETAILS

The applicant details for the proposed modification are listed in the following table.

Table 1 – Applicant Details

Descriptor	Proponent Details
Full Name(s)	The Trustee for the SH Gosford Residential Trust
Postal Address	Level 3, 8 Windmill Street, Millers Point NSW 2000
ABN	52 590 834 109
Nominated Contact	Justin Ng (Development Director)

## 1.2. PROJECT BACKGROUND

On 24 August 2020, the IPC granted development consent for a Concept State Significant Development Application at the site (DPE Reference: SSD 10114).

The scope of this approval included:

- A building envelope including a podium and three towers, comprising:
  - Maximum tower heights including:
    - Northern Tower up to RL 71.3m and RL 81.4m.
    - Southern Tower up to RL 52.6m, RL 58.8m and RL 65.1m.
    - Eastern Tower up to RL 71.3m.
  - Maximum of 34,861sqm GFA for residential, hotel and commercial / retail uses.
  - Site-wide concept landscape plan including through site links.
  - Design guidelines and design excellence strategy.

In issuing the development consent, the IPC made the following concluding remarks in their Statement of Reasons (SoR):

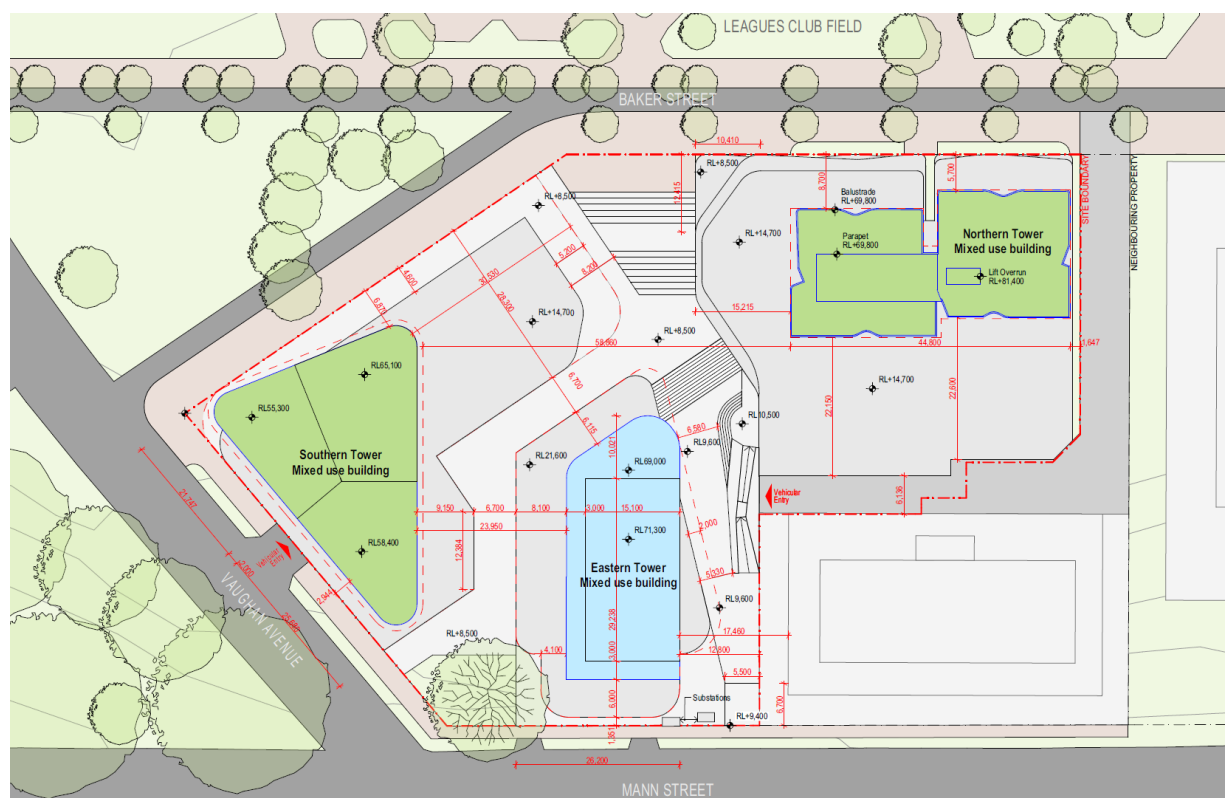
*"The Commission has also carefully considered the Material before it and determines that the Application should be approved subject to a condition requiring a reduction in the amount of permissible GFA in the Northern and Southern part of the building envelope. The reasons to reduce the available area for a building within the envelope ... are in order to:*

- *Reduce the visual impact of the development from key views to Rumbalara Reserve.*

- Reduce the bulk of building envelope and reduce the visual impact of the proposal for users of the newly upgraded major open space area, the Leagues Club Field.
- Reduce overshadowing of Leagues Club Field between 9 am and 10 am.
- Further mitigate the overshadowing of Poppy Park and Memorial Park, consistent with the objective of the control in the DCP.
- Increase the width of the through-site-links, by a reduction in the envelope of the podiums.
- Reduce overshadowing to the through-site links.
- Reduce the loss of views to Brisbane Water from surrounding residential apartment buildings.
- Reduce the visual bulk of the future buildings thus improving the visual impact on nearby heritage items."

The Applicant has prepared revised Concept drawings responding to Condition B1 of the Concept SSDA, which have been endorsed by DPE on 9 April 2021. Through the amendments to the drawings, the Applicant has been able to respond positively to the IPCs suggestions, including providing significant additional solar to the publicly accessible through site link and reducing the bulk form of the development.

Figure 1 – Approved Site Plan (as amended by Condition B1)



Source: DKO

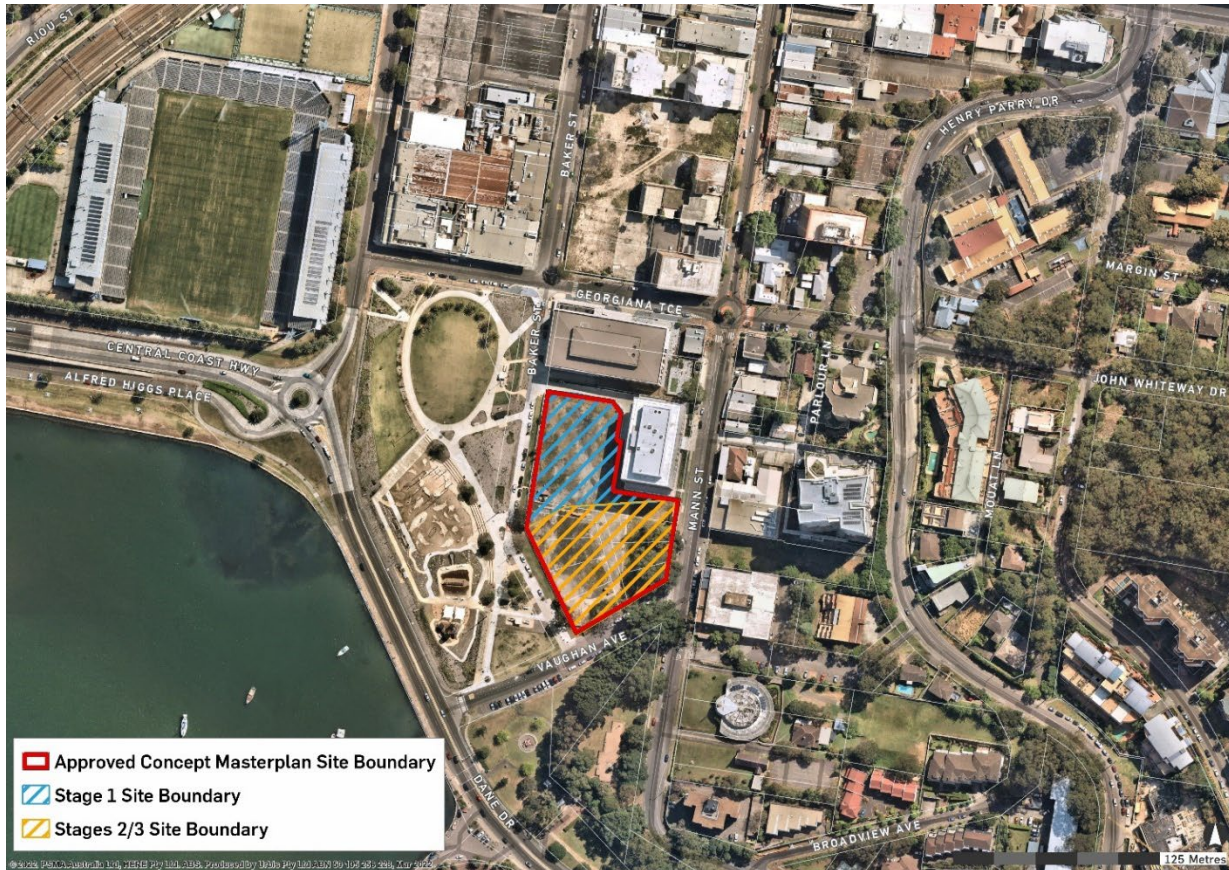
### 1.3. SITE DESCRIPTION

The following provides details of the site:

- The site is known as 26-30 Mann Street, Gosford and is in the Central Coast LGA.
- The site is legally described as Lot 111 DP 1265226, Lot 469 DP 821073 and Lots 2-7 DP 14761.
- The site (in its entirety) is 8,884sqm. The northern portion of the site (shown in blue below) comprises the first stage of development, and the southern portion (shown in yellow below) comprises the final two stages of development.

- The site interfaces with a commercial office building at 26 Mann Street, Gosford to the north, the recently embellished Leagues Club Park (including Baker Street) to the west, Mann Street to the east and Vaughan Avenue to the south.
- The site is proximate to Gosford Railway Station (approx. 600m south) and Central Coast Stadium (approx. 180m east).

Figure 2 – Aerial Photograph



Source: Urbis

The site is currently vacant and surrounded by hoardings. It has 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 7.85m wide access easement adjacent to the northern boundary of the site, which also provides vehicular access to neighbouring 32 Mann Street.

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 8m higher than the levelled western component of the site.

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.

Baker Street (south of Georgiana Terrace) was previously constructed to provide access to the ATO Building and the commercial building at 32 Mann Street. This section of Baker Street has recently been converted to one-way and has now been extended through to Vaughan Avenue as part of the Leagues Club Field upgrade. Baker Street is now a one-way (southbound) shared zone, with a 10/kph speed limit.

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

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



Figure 3 – Site Photographs



Picture 1 – Looking north from Baker Street



Picture 2 – Baker Street interface (looking north)



Picture 3 – Baker Street interface (looking south)



Picture 4 – Looking north from existing site entrance



Picture 5 – Interface with 32 Mann Street



Picture 6 – Looking south at site from Mann Street

Source: Urbis



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. The surrounding development includes:

- **North:** 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:** 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:** 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:** west of the site is the northern extension of Gosford City Park, commonly referred to as the Leagues Club Field. Beyond this is the Central Coast Highway, Brisbane Water foreshore and Central Coast Stadium.

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). Mann Street, Vaughan Avenue and Georgiana Terrace are all two-way local collector roads. Baker Street is a new road, which was constructed to provide access to the ATO Building and 32 Mann Street.

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). Mann Street, Vaughan Avenue and Georgiana Terrace are all two-way local collector roads. Baker Street is a new road, which was constructed to provide access to the ATO Building and 32 Mann Street.

Figure 4 – Context Map



Source: Urbis



## **1.4. PROPOSED AMENDMENTS**

This Section 4.55(1a) Modification Application seeks consent to amend the land use of the Eastern Tower from hotel to commercial. No changes are sought to the approved building envelopes, or GFA allocations. This amendment is made in response to the market conditions brought about by Covid, especially the significant downturn in the domestic and international tourism market; together with the opportunity to provide high quality commercial office space in Gosford CBD (meeting a gap in the market).

For completeness, this application also seeks to delete or amend other conditions, where relevant, to reflect the most recent plans, which have also been revised in accordance with design modifications required by Condition B1.

## **2. STRATEGIC CONTEXT**

This section describes the way in which the modified proposal addresses the strategic planning policies relevant to the site.

### **2.1. CENTRAL COAST REGIONAL PLAN 2036**

The Central Coast Regional Plan 2036 sets the vision for the Central Coast region to create a 'healthy natural environment, flourishing economy and well-connected communities'. To achieve this vision, the Government has set four goals:

- Goal 1 – A prosperous Central Coast with more jobs close to home.
- Goal 2 – Protect the natural environment and manage the use of agricultural and resource lands.
- Goal 3 – Well-connected communities and attractive lifestyles.
- Goal 4 – A variety of housing choice to suit needs and lifestyles.

The proposal (as amended) satisfies these priorities in the following ways:

- The proposal supports a significant increase of employment opportunities within the precinct and Gosford City Centre, with the 2,787 sqm retail / commercial floor space, together with a new 9,660sqm commercial building. This will result in varied employment options for the locality and wider catchment and satisfies a key strategic goal to create a 'prosperous Central Coast with more jobs to home'.
- 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.
- Provides housing supply and choice within the Gosford City Centre, which is an area supported by a concentration of infrastructure, facilities and services to accommodate residential and employment growth. The provision of high-quality residential dwellings in a convenient, accessible and naturally beautiful location affords future residents the opportunity to live in a high-amenity location. The proposal provides a variety of housing to suit the needs and lifestyles of existing and future residents of Gosford.

### **2.2. CENTRAL COAST LSPS 2020**

The interim Central Coast Local Strategic Planning Statement (LSPS), which was released in August 2020, provides a land use vision that seeks to guide sustainable growth and development across the Region to 2036 and beyond.

The 'Gosford CBD revitalisation' is nominated as one of 15 key 'enabling projects' across the LGA. The LSPS sets a vision for Gosford to be the principal City serving the Region, providing high and medium density housing supported by public transport connections, walking and cycling amenity and a high-quality public domain.

This proposal will continue to meet the following nominated LSPS 'priorities' for Gosford CBD:

- Support the objectives and design principles of the Gosford City Urban Design Implementation Framework and associated planning controls.
- Encourage a high standard of building design.
- Plan and design a transformational waterfront development.
- Focus on increase in residential development within the city to increase amenity, urban lifestyles and cultural life of the city.
- Long term evolution of transport to reduce dependence on cars, increase public transport, cycle and pedestrian movement around the city.
- Enable a full range of job opportunities, including large-scale commercial.

Overall, the proposal is considered to maintain strong strategic alignment with the Central Coast LSPS.

## 2.3. NSW GA GOSFORD URBAN DESIGN FRAMEWORK 2018

The Gosford Urban Design Framework (UDF) was released in October 2018 and sets a vision for the renewal of the Gosford City Centre. The UDF seeks to provide place-based approaches to strengthening Gosford's role as the regional capital of the Central Coast.

The UDF builds on previous work, plans and strategies undertaken for Gosford City Centre by the NSW Government and the former Gosford City Council (now Central Coast Council), including the 2008 Our City, Our Destiny Masterplan and the 2007 Revitalising Gosford City Centre Plan.

The UDF outlines the following four 'opportunities' for the City South region of Gosford:

- *For Gosford to be more than an 'event city'. There is the opportunity to enliven City South for more times of the day, and for more locals, regional visitors and tourists.*
- *To strengthen the image or identity of the city's landscape setting, particularly as the city is approached from the south by car and train.*
- *To capitalise on the investment in new jobs and homes in City South, helping to bring together the social and economic opportunities in this area.*
- *To create public connections to a unique and evolving water's edge that supports the identity of the regional capital.*

The proposal continues to align with these objectives because it:

- Supports an active interface with the Leagues Club Field, providing an attractive place for people to congregate both day and night, and caters for pre and post events at nearby entertainment venues.
- Maintains a sympathetic relationship to its landscape setting, through deliberate design interventions to preserve views to the escarpment from key public vantage points and provide a gesture and visual connectivity to the natural topography through slender tower forms.
- Enables new residential and commercial uses that will provide a boost to the local economy through jobs growth and a larger captive population to service those local economies.
- Delivers an accessible, open-air pedestrian connection from Mann Street to the Leagues Club and the water – providing both a physical and visual connection to the water's edge. The proposal similarly represents a bold design outcome, representative of Gosford's future aspirations.

Overall, the proposal is considered to maintain strong strategic alignment with the Gosford UDF, noting that it has been independently reviewed by the CoGDAP who were (in part) involved in the creation of the UDF.

## 2.4. GOSFORD CITY CENTRE DEVELOPMENT CONTROL PLAN 2018

The Gosford City Centre Development Control Plan 2018 (DCP) applies to the site. The DCP provides detailed controls for specific development types and locations. Many controls within the DCP relate to character, streetscape and public domain works.

The proposal does not include changes to the scale of the approved building envelopes. The proposal is considered to remain generally compliant with the provisions of the DCP. Future SSD applications will provide detailed assessments against the provisions of the DCP.

### 3. DESCRIPTION OF MODIFICATIONS

This Section 4.55(1a) Modification Application seeks consent to amend the land use of the Eastern Tower from hotel to commercial. No changes are sought to the approved building envelopes, or GFA allocations. This amendment is made in response to the market conditions brought about by Covid, especially the significant downturn in the domestic and international tourism market; together with the opportunity to provide high quality commercial office space in Gosford CBD (meeting a gap in the market).

For completeness, this application also seeks to delete or amend other conditions, where relevant, to reflect the most recent plans, which have also been revised in accordance with design modifications required by Condition B1.

#### 3.1. UPDATED PROJECT DESCRIPTION

- A building envelope including a podium and three towers, comprising:
  - Maximum tower heights including:
    - Northern Tower up to RL 71.3m and RL 81.4m.
    - Southern Tower up to RL 52.6m, RL 58.8m and RL 65.1m.
    - Eastern Tower up to RL 71.3m.
  - Maximum of 34,861sqm GFA for residential and commercial / retail uses.
  - Site-wide concept landscape plan including through site links.
  - Design guidelines and design excellence strategy.

#### 3.2. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

This section outlines the proposed modification to the description of the approved development and conditions of consent included in SSD-10114. The proposed modifications are shown by a strike through the deleted text and red text for new text.

##### 3.2.1 Condition A3. d) Development in accordance with plans and documents

Concept Proposal Drawings by DKO Architecture (NSW) Pty Ltd			
Drawing No.	Revision	Title	Date
DA3	<del>P5</del>	Envelope Plan	<del>March 2020</del>
	P8		April 2022
DA4	<del>P3</del>	Western Elevation	<del>March 2020</del>
	P8		April 2022
DA5	<del>P3</del>	Eastern Elevation	<del>March 2020</del>
	P8		April 2022
DA6	<del>P3</del>	Northern Elevation	<del>March 2020</del>
	P8		April 2022
DA7	<del>P3</del>	Sothern Elevation	<del>March 2020</del>
	P8		April 2022

##### Reason:

To update the plans to reflect the proposed change of use and post-consent amendments in response to Condition B1.



### 3.2.2 Condition B1. Amendments to the concept proposal

~~Prior to the lodgement of any future development application(s), revised concept proposal drawings shall be submitted to, and approved by, the Planning Secretary that include the following amendments:~~

- ~~a) the concept envelope amended in plan and in elevation, but not in height, to show a zone within the envelope that represents 85% of the volumetric fill of the envelope, plus an additional 5% zone beyond that which is the 'articulation zone'. The articulation zone represents the outer permissible limit for any built form.~~

~~This condition only applies to the 'Southern Building' and 'Northern Building' component of the envelope, as identified in the Proposed Concept Master Plan for Approval Yield Table, Drawing TP606, prepared by DKO Architecture, Revision P2, dated March 2020. The Eastern (Hotel) Building component is approved as shown in the Plan referred to in ToA A3.~~

- ~~b) a minimum additional 3m setback for the Northern Tower building envelope (both halves) from the western podium street wall edge, providing for the following minimum setbacks:
  - ~~i) 5.7m setback (northern half of the Northern Tower envelope)~~
  - ~~ii) 8.7m setback (southern half of the Northern Tower envelope)~~~~
- ~~c) the chamfering of the south-west corner of the Northern Tower podium as shown at page 10 of the Applicant's document titled 'Central Coast Quarter 26 Mann Street Gosford' prepared by DKO Architecture and dated 26 June 2020~~
- ~~d) increased solar access to the southern through site link (i.e. the north-west oriented component, located between the Eastern Tower and the Southern Tower) in mid-winter (having regard to any visual, view and heritage impacts of any proposed change), which may include:
  - ~~i) re-orientation, chamfering and/or setback of the Northern Tower envelope above podium level~~
  - ~~ii) reduction of the height of the western end of the Eastern Tower envelope podium from three to one storey~~
  - ~~iii) other option(s) that may achieve the aim of increasing solar access to the through site link as may be agreed with the Planning Secretary~~~~
- ~~e) amendment to the northern through site link or to the building envelope to show that a view line directly to the waterfront/Leagues Club Field is retained from when standing at the boundary of the site on the footpath on Mann Street.~~

~~The reason for Condition B1 is to ensure that the future built form of the towers will be more slender to improve impacts of views from the public domain, to improve private views, and to improve environmental impacts including wind, overshadowing, and solar access to the public domain and public open space. The condition is also imposed to increase the width of the through site links and to ensure important view corridors are retained.~~

#### Reason:

Amended plans have been prepared in satisfaction of this condition. These plans were formally endorsed by DPE on 9 April 2021. The plans submitted with this modification application are consistent with the endorsed plans and include the amendment to the Eastern Tower land use. Therefore, because the condition has been satisfied, it can be struck out of the consent.

### 3.2.3 Condition B2. Amendment to GFA

The maximum gross floor area (GFA) for the development shall not exceed 34,861 m2, and shall comprise:

- a) a maximum of 22,414 m2 residential GFA.
- b) a maximum of 9,660 m2 ~~hotel~~ **commercial** GFA.
- c) a minimum of 2,787 m2 commercial / retail GFA.

#### Reason:

Condition B2 needs to be amended to reflect the change in land use of the Eastern Tower from hotel to commercial.

### 3.2.4 Condition C6. Building design

~~In the event that a porte-cochere is proposed for the hotel use, future development application(s) for the hotel use shall address the porte-cochere location and design and impact on streetscape, heritage, pedestrian amenity and traffic considerations at FEAR C21.~~

#### Reason:

Because the proposal no longer includes a hotel, Condition C6 (which relates to a hotel porte-cochere) is no longer relevant and can be struck out.

### 3.2.5 Condition C20. Environmental Performance

Future development application(s) for new built form must address the National Construction Code of Australia 2019 and demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the new buildings. The development must meet or exceed environmental standards including those equivalent to the following:

- a) 4-star Green Star Design and As Built rating for the residential components.
- b) 4-star NABERS Energy and Water rating for the residential components.
- c) BASIX certification for the residential components.
- d) 5-star NABERS Energy rating for the commercial office component.**
- e) 4-star NABERS Water rating for the commercial office component.**
- f) 4-star Green Star Design and As Built rating for the commercial office component.**

#### Reason:

Because the proposal now includes a commercial building in place of a hotel, the ESD targets in Condition C20 should be amended to reflect this.

## 4. STATUTORY CONTEXT

This section of the report provides an overview of the key statutory requirements relevant to the site and the project as proposed to be modified.

### 4.1. MINIMAL ENVIRONMENTAL IMPACT

Section 4.55 (1A)(a) requires the consent authority to be *“satisfied that the proposed modification is of minimal environmental impact”*. The impacts of each discrete element are assessed in Section 5 below.

Cumulatively, these impacts are consistent with those envisaged under the existing Concept SSDA approval and are ‘minimal’ because:

- The proposed modifications do not alter the true mixed use nature of the development. Commercial uses were previously considered under the Concept SSDA. Besides the change of hotel to commercial use, all other uses are generally retained within their approved locations across the site.
- The site is a substantial land parcel of approximately 8,884sqm. As a result of the proposed modifications, the approved GFA and envelopes are unchanged. Therefore, the development will appear visually consistent with that approved.
- Parking and access arrangements for the site have been improved and maintain compliance with the Concept SSDA consent (i.e. the reference scheme includes an additional parking level to meet the parking count requirements). The main access points to and from the site remain the same as approved.
- It has been established in Section 5 that there will be no further negative environmental impacts associated with the amendments, except a minor increase in traffic volumes in the AM and PM peaks, which, once distributed on the surrounding road network, is expected to be minimal when compared to what is approved in the Concept SSDA.
- As outlined in the Urbis SEA, the change of land use from hotel to commercial will deliver significant economic benefits – including an additional 643 jobs and an additional \$113.7 million of Gross Value Added (GVA) per year for the NSW economy.
- Consent was originally granted in August 2020, and the site remains suitable for the proposed use, inclusive of the modifications sought by this application.
- There are no modifications proposed that would contravene the public interest or public benefits established under the original development consent (e.g. through site links, developer contributions). The proposal will continue to facilitate the activation of the site, create significant local employment and deliver a scheme that supports the revitalisation of Gosford CBD.

Accordingly, no more than minimal environmental impacts are expected to arise as a result of this modification and the application can be assessed under Section 4.55(1a) of the EP&A Act.

### 4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

Section 4.55(1a)(b) of the EP&A Act requires the consent authority to be *“satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The NSW Land and Environment Court has established several precedents as to what may be considered as being ‘substantially the same development’, and what should be factored into the consideration of this threshold test. Principles drawn from the judgments include that:

- The term ‘substantially’ means ‘essentially or materially having the same essence’.
- When a consent authority makes a determination as to whether a development is substantially the same it is a question of fact and degree and is not a question of law.
- The term to ‘modify’ means to ‘alter without radical transformation’.
- In comparing the approved development and the development as proposed to be modified it is necessary to undertake a qualitative and quantitative assessment of the developments in their proper context, and

- To undertake a numeric or quantitative assessment of the modification only in the absence of a qualitative assessment would be flawed.

These considerations apply to the modification of a development through design modifications as well as amendments to conditions that impact the nature of the proposal.

The consideration of the substantially the same development test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be 'essentially or materially' the same as that originally approved. An assessment of the qualitative and quantitative elements of the development approved and as proposed to be modified are provided below:

### **Qualitative Comparison**

The proposal is substantially the same development, in a qualitative sense, as that originally approved because:

- It does not propose any change to the building envelopes. Therefore, it will not result in any additional visual, view sharing or overshadowing impacts.
- It maintains the 'key moves' established in the Concept SSDA regarding the siting and design of the buildings, design criteria, through site links, open space etc. The CoGDAP have previously endorsed the envelope scheme, confirming it is capable of achieving 'design excellence'. This is unchanged by the amendments sought via this modification.
- Access, traffic, and parking arrangements at the site are unchanged by this modification. The Traffic Letter confirms that any difference in traffic generation will be negligible.
- The proposal will continue to generate significant local and regional employment opportunities. The modification does not alter the true mixed-use nature of the scheme and will continue to deliver significant public benefits.
- The proposal does not alter any previously assessed impacts in terms of flooding/stormwater, wind, noise, construction strategy, reflectivity etc. The Concept SSDA conditions remain unchanged with regard to these future assessment requirements.
- The proposal will continue to achieve positive ESD outcomes. The ESD Report sets updated benchmarks for the commercial office use, which will be carried through to detailed design.

### **Quantitative Comparison**

The proposal is substantially the same development, in a quantitative sense, as that originally approved because:

- The modification application maintains the same building heights and GFA calculations – thereby not increasing the overall 'density' of the development and not placing any additional burden on local or State infrastructure.
- While the modification will change the land use of the Eastern Tower, commercial uses were previously considered (and approved) as part of the Concept SSDA, and therefore the commercial use itself is not 'new'. While the arrangement of the use has changed, we contend this remains within the bounds of Section 4.55 as alterations 'without radical transformation'.
- Because the envelopes (and building separation) remain the same, there will be no impact to future residential amenity for the Northern and Southern residential towers, despite the change in land use.
- The proposal will remain compliant with the Concept SSDA consent with regard to parking numbers (Condition B3 will remain unchanged). The Traffic Letter demonstrates that compliance can be achieved.
- The amended proposal will remain compliant with the key EPIs, including the Gosford SEPP (refer below).

In conclusion, the modifications will not result in any significant additional social and environmental impacts as previously assessed for the approved development.



### 4.3. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

Table 2 below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments (EPIs).

Table 2 – Consistency with Applicable Legislation and Environmental Planning Instruments

Legislation / Instrument	Consistency
Biodiversity Conservation Act 2016	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>The purchase of two ecosystem credits for the removal of three Brush Box trees will still be required by the Concept SSDA consent.</p>
SEPP (Planning Systems) 2021 <i>Formerly SEPP (State &amp; Regional Development) 2011</i>	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>The proposal will remain SSD in accordance with clause 12 of the SEPP.</p>
SEPP (Transport and Infrastructure) 2021 <i>Formerly SEPP (Infrastructure) 2007</i>	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>Traffic noise intrusion will still need to be assessed in accordance with TfNSW guidelines and the proposal will remain 'traffic generating' development in accordance with the criteria noted under the SEPP.</p>
SEPP (BASIX) 2004	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>The residential towers will still need to be assessed against the relevant BASIX / ESD provisions.</p>
SEPP No 65 – Design Quality of Residential Flat Development	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>As above, because the building envelopes remain the same, no changes are proposed to building separation, solar access, apartment sizes, private and communal open space, deep soil etc.</p>
SEPP (Resilience & Hazards) 2021 <i>Formerly SEPP No 55 – Remediation of Land</i>	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>Contamination impacts have previously been addressed and the change in land use does not</p>

Legislation / Instrument	Consistency
	alter the previous findings that the site can be made suitable for the proposed development.
SEPP (Biodiversity and Conservation) 2021 <i>Formerly SEPP (Vegetation in Non-Rural Areas) 2017</i>	The proposed modification does not alter the approved development's consistency with this instrument.  As above, the proposal does not seek any additional tree removal, and will not amend Condition C10, which requires the purchase of two ecosystem credits.
SEPP (Resilience and Hazards) 2021 <i>Formerly SEPP (Coastal Management) 2018</i>	The proposed modification does not alter the approved development's consistency with this instrument.  The proposal will not change any previous assessments against the principles of the coastal environment area or the coastal use area.

### SEPP (Gosford City Centre) 2018

SEPP (Gosford City Centre) 2018 (the SEPP) is the primary environmental planning instrument applying to the site and the proposed development. The site is zoned B4 Mixed Use in accordance with the SEPP. The proposed land uses, including commercial premises are permitted with development consent in the B4 zone.

The aims of the Gosford City Centre SEPP are copied below. The proposal (as modified) is considered to meet and achieve all relevant objectives, as highlighted in bold.

- (a) to promote the economic and social **revitalisation of Gosford City Centre**.
- (b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments.
- (c) to protect and enhance the vitality, **identity and diversity** of Gosford City Centre.
- (d) to promote **employment, residential, recreational and tourism opportunities** in Gosford City Centre.
- (e) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes.
- (f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations.
- (g) to help create a mixed use place, with activity during the **day and throughout the evening**, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike.
- (h) to **preserve and enhance solar access** to key public open spaces.
- (i) to provide direct, **convenient and safe pedestrian links** between Gosford City Centre and the Gosford waterfront.
- (j) to ensure that development **exhibits design excellence** to deliver the highest standard of architectural and urban design in Gosford City Centre.

The following table assesses the compliance of the proposed development with other relevant clauses in the SEPP.

Table 2 – Consistency with SEPP (Gosford City Centre) 2018

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Zoning</b> B4 Mixed Use	The proposed land use (shop top housing and commercial premises) is permitted with consent in the B4 zone.	<b>Complies</b>
<b>Clause 4.3 Building height</b> 48 RL (m)	No amendment to the approved building heights is proposed.	<b>Complies with Concept SSDA approval</b>
<b>Clause 4.4 Floor Space Ratio</b> 3.5:1	<p>The total approved FSR across the entire site (under the Concept SSDA approval) is 3.92:1, which allows for 34,861sqm of GFA.</p> <p>Specifically, this approved GFA is broken down per land use as follows:</p> <ul style="list-style-type: none"> <li>• Max. 22,414sqm of residential GFA.</li> <li>• Max. 9,660sqm of hotel GFA; and</li> <li>• Minimum 2,787sqm of commercial / retail GFA.</li> </ul> <p>This modification application seeks to amend the 9,660sqm of hotel GFA to commercial.</p> <p>No additional GFA is sought by this application.</p>	<b>Complies with Concept SSDA approval</b>
<b>Clause 5.10 Heritage Conservation</b>  Consent authority may require a heritage assessment on land that is within the vicinity of a heritage item(s).  Consent Authority must consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object.	<p>Heritage impacts were assessed as part of the Concept SSDA. The Concept SSDA includes conditions for satisfaction as part of the 'detailed' SSDAs to manage/mitigate impacts.</p> <p>The modifications proposed under this application do not change the previous assessment of heritage impacts.</p>	<b>Complies</b>
<b>Clause 7.1 Acid sulfate soils</b>  Development cannot disturb, expose or drain acid sulfate soils and/or cause environmental damage.	<p>The site is located on Acid Sulfate Soil Class 2.</p> <p>As part of the Concept SSDA, Coffey undertook a preliminary acid sulfate soils assessment which found there is a relatively low likelihood of widespread presence of acid sulfate soils.</p>	<b>Complies</b>

Provision	Proposal	Compliance
	The modifications proposed under this application do not change the previous assessment of acid sulfate soils.	
<b>Clause 7.2 Flood Planning</b>  Development must be compatible with the flood hazard of the land	A Stormwater Management Report was submitted with the Concept SSDA and recommends measures to manage and mitigate drainage and flooding impacts.  The modifications proposed under this application do not change the previous assessment of flood planning.	<b>Complies</b>
<b>Clause 8.3 Design Excellence</b>  All development must exhibit design excellence.	No amendment is sought to the approved envelopes in this modification (which were extensively reviewed/endorsed by the CoGDAP, DPE and the IPC).  Stages 2 and 3 will be subject of a design competition. Therefore, the changes proposed under this modification will not inhibit the achievement of 'design excellence' for future stages.	<b>Complies</b>
<b>Clause 8.4 Exceptions to Height and Floor Space</b>  Development consent may be granted to development that exceeds the maximum height or floor space ratio if: <ul style="list-style-type: none"> <li>the site area of the development is at least 5,600 square metres, and</li> </ul>	The Concept SSDA site has an area of 8,884sqm, triggering this control.	<b>Complies</b>
<ul style="list-style-type: none"> <li>a design review panel reviews the development, and</li> </ul>	As noted elsewhere in this report, the approved envelopes underwent rigorous design review by the CoGDAP, DPE and the IPC.  This modification does not propose to amend the envelopes.	<b>Complies</b>
<ul style="list-style-type: none"> <li>if required by the design review panel, an architectural design competition is held in relation to the development, and</li> </ul>	The CoGDAP endorsed an Alternative Design Excellence Strategy for this project on 4 December 2020, which requires a design competition for Stages 2 and 3. This will be undertaken prior to the lodgement of a 'detailed' SSDA for these stages. This modification does not propose to alter this requirement.	<b>Complies</b>



Provision	Proposal	Compliance
<ul style="list-style-type: none"> <li>the consent authority takes into account the findings of the design review panel and, if held, the results of the architectural design competition, and</li> </ul>	<p>As noted elsewhere in this report, the approved envelopes underwent rigorous design review by the CoGDAP, DPE and the IPC.</p> <p>This modification does not propose to amend the envelopes.</p>	<b>Complies</b>
<ul style="list-style-type: none"> <li>the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and</li> </ul>	<p>In approving the Concept SSDA, DPE (and the IPC) were satisfied that the amount of commercial floor space being provided (throughout the development) was suitable.</p> <p>The conversion of hotel to commercial GFA is considered to satisfy the requirements of this clause.</p>	<b>Complies</b>
<ul style="list-style-type: none"> <li>the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.</li> </ul>	<p>The ESD Report submitted for this application describes a strategy towards superior sustainability and environmental performance outcomes (and has been updated to consider the commercial office use). Updated targets include:</p> <ul style="list-style-type: none"> <li>4-star Green Star Design and As Built rating for the residential components.</li> <li>4-star NABERS Energy and Water rating for the residential components.</li> <li>BASIX certification for the residential components.</li> <li>5-star NABERS Energy rating for the commercial office component.</li> <li>4-star NABERS Water rating for the commercial office component.</li> </ul>	<b>Complies</b>
<p><b>Clause 8.5 Car parking in Zones B3 and B4</b></p> <p>Development consent must not be granted on B4 zoned land unless</p> <ul style="list-style-type: none"> <li>at least 1 car parking space is provided for every 75 square metres of the gross floor area of the building that is to be used for commercial activities, and</li> </ul>	<p>In accordance with Condition B3 of the Concept SSDA consent, the development will provide:</p> <ul style="list-style-type: none"> <li>Residential parking at a rate no more than the requirements of the Gosford DCP but no less than the RMS guidelines; and</li> <li>Car parking for 'commercial activities' in accordance with the Gosford SEPP rate.</li> </ul> <p>The Traffic Letter included as part of this application demonstrates how the future stages can comply with these requirements.</p>	<b>Complies</b>

Provision	Proposal	Compliance
<ul style="list-style-type: none"> <li>at least 1 car parking space is provided for every 40 square metres of the gross floor area of the building that is to be used for the purpose of retail premises</li> </ul>		
<p><b>Clause 8.6 Active Street Frontages</b></p> <p>Development consent must not be granted to the erection of a building, or the change of use of a building, on land identified as “Active street frontage” on the Active Street Frontages Map unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p>	<p>The buildings have been designed to provide active interfaces at all applicable frontages.</p> <p>Baker Street has been considered in concert with the future development plans for the Leagues Club Field and the proposal is considered to integrate harmoniously with the desired future character of the space.</p> <p>The amendment from hotel to commercial use for the Eastern Tower is considered to provide a greater opportunity for an active interface on Mann Street, as there is no longer a requirement for a porte-cochere.</p>	<p><b>Complies</b></p>
<p><b>Clause 8.10 Solar access to key public open spaces</b></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>Solar diagrams prepared for the Concept SSDA demonstrate that the proposal complies with this control.</p> <p>This application does not seek to amend the approved envelopes and therefore maintains compliance with this control.</p>	<p><b>Complies</b></p>
<p><b>Clause 8.11 Key vistas and view corridors</b></p> <p>The objective of this clause is to protect and enhance key vistas and view corridors in Gosford City Centre.</p>	<p>This application does not seek to amend the approved envelopes and therefore will not cause any additional visual or view sharing impacts.</p>	<p><b>Complies</b></p>

## 5. ASSESSMENT OF IMPACTS

This section provides a comprehensive summary of the updated technical studies undertaken to assess the potential impacts of the proposed modifications and the updated mitigation, minimisation and management measures recommended to avoid unacceptable impacts.

The detailed technical reports and plans prepared by specialists and appended to the Modification Report are individually referenced within the following sections. A summary of the updated mitigation measures is provided below.

### 5.1. ESD

An Updated ESD Report has been prepared by S4B (Appendix B), which updates and supersedes the previous report initially prepared for the Concept SSDA in 2019. The report identifies design initiatives and features of the proposal that can/will reduce its overall environmental impact. Specifically, the report has been prepared to address the change of use sought as part of this modification application.

A summary of all ESD targets that are proposed to apply to the development are provided below:

- 4-star Green Star Design and As Built rating for the residential components.
- 4-star NABERS Energy and Water rating for the residential components.
- BASIX certification for the residential components.
- 5-star NABERS Energy rating for the commercial office component.
- 4-star NABERS Water rating for the commercial office component.

These ESD parameters will be further addressed (and incorporated) as part of subsequent (detailed) SSDAs.

### 5.2. TRAFFIC

Stantec have prepared a Traffic Letter in support of this modification application (Appendix C). The letter confirms:

- Adequate car parking can be provided to the development, using the rates stipulated in Condition B3 of the Concept SSDA consent. Notably, the rate for hotel and commercial is the same, so the change of land use does not generate any additional car parking requirements under the Gosford SEPP.
- An updated basement/parking reference scheme is provided as an attachment to the Traffic Letter, which shows that the parking requirement of 289 spaces can be met across three levels of parking. This is provided for information, as its acknowledged each subsequent 'detailed' SSDA will be accompanied by a CPAR, which will determine the most appropriate number of on-site car spaces for the development.
- Compliant levels of accessible, motorcycle and bicycle parking can be readily provided in future stages of the development.
- The proposed modification would result in a net increase of 33 vehicles during the AM peak and 6 vehicles during the PM peak compared to the approved scheme. The proposed net change in traffic generation once distributed on the surrounding road network is expected to be minimal when compared to that approved in the Concept SSDA. Any required mitigation measures will be explored as part of future 'detailed' SSDAs, in collaboration with DPE, Central Coast Council and TfNSW.
- There is no proposed change to the loading and waste collection arrangements, as per the Concept SSDA, the proposed loading dock for the entire site will be developed as part of the northern tower development (SSD-23588910).

In summary, the updated reference scheme demonstrates that adequate parking numbers can be provided in accordance with the conditions of consent; and the additional traffic generation resulting from the change of land use is minimal when distributed on the surrounding road network. For further information, refer to Appendix C.

## 5.3. ACOUSTIC

Acoustic Logic have prepared an Acoustic Report which assesses the differences between the approved hotel use and the proposed commercial office use. The report makes the following conclusions:

- Commercial office has a lower sensitivity to traffic noise compared with the approved hotel use (there are no specific noise criteria or requirements for commercial office noise intrusion). Notwithstanding, traffic noise levels at the site are not high and typical commercial office building constructions would provide sufficient acoustic attenuation.
- Compared with a hotel use, noise emissions (from commercial office) would generally be reduced. Notwithstanding, noise emissions from plant and equipment should be controlled to comply with the EPA Noise Policy for Industry. In this respect, the primary conclusions of the previous assessment for the site remain applicable.
- The small increase in traffic movements during the morning and afternoon peaks arising from the commercial office use would not be audible at any receiver outside the Central Coast Quarter development site, and any minor impact to the southern (residential) tower can be addressed via specification of the façade.

In conclusion, it is considered that any acoustic impacts can be adequately mitigated. Refer to Appendix D for further information.

## 5.4. SOCIAL AND ECONOMIC IMPACTS

Urbis have prepared an updated Social and Economic Impact Assessment for the proposal, in light of the proposed change of use. The letter outlines the economic rationale for the proposal, being:

- The COVID-19 pandemic has heavily impacted the tourism sector, rendering the approved hotel use no longer commercially feasible; and
- There is currently a lack of high-quality commercial office space within the Gosford city centre, and the proposed development presents an opportunity to deliver this higher quality space.

The proposed amendment to introduce high quality commercial office space in Gosford CBD presents the following key benefits from an economic perspective:

- The proposed commercial office space will compliment the Gosford CBD by improving the overall commercial office offer in the local area and by contributing a critical mass of A-Grade commercial space. It is noted that St Hilliers have successfully delivered an A-Grade commercial building at the 32 Mann Street. This development demonstrates the level of quality and offer that will be delivered as part of the proposed scheme
- Providing higher quality commercial space will attract new businesses into the CBD who are currently put off by the poor quality of the existing vacant space.
- Delivering highly accessible commercial space that is well serviced by major bus routes, with a bus stop located at the north-eastern corner of the site at the corner of Mann Street and Georgiana Terrace. Gosford Railway Station is also located 800 metres north of the site, offering convenient access by commuters, local residents and visitors to the site.

Using REMPLAN analysis, Urbis have calculated the following direct economic benefits:

- The proposal will generate an additional 643 jobs compared with the existing approval.
- The proposal will generate an additional \$113.7 million of GVA per year for the NSW economy.

Regarding social impacts, the updated assessment found that demand for childcare will increase to around 15-16 places, but that this in itself will not trigger the need for a childcare facility. Demand for childcare places is likely to be absorbed by existing facilities or future facilities that the private market may provide given the broader population growth anticipated for Gosford CBD. The higher worker population will not generate demand for any other community facilities.

Overall, the proposed modification is considered to provide a far stronger social and economic outcome for Gosford CBD compared with the existing approval.

## **5.5. BASEMENT EXCAVATION**

As discussed with DPE during the Scoping Meeting, an additional level of car parking will be required to meet compliance with the applicable criteria – resulting in a lower excavated basement level (RL -2.6m). While the basement level is not approved in the Concept SSDA, potential environmental impacts resulting from the ‘reference scheme’ need to be considered and assessed.

EDP have considered the previous investigations undertaken for the site/project, including the Detailed Site Investigation, Acid Sulfate Soils Management Plan and Geotechnical Investigation. These studies have allowed EDP to make an assessment of the proposed basement excavation level with regard to the extent of known contamination and the depth of the water table.

The proposed excavation level will result in additional natural sand/sediment which will require management in accordance with the Acid Sulfate Soils Management Plan. The depth of groundwater (at ~ RL1.2m) will likely require the basement to be ‘tanked’ to prevent ingress.

EDP concludes that the proposed basement excavation level is feasible and practical following the completion of the detailed design phase (including implementation of the ASSMP and a ‘tanked’ basement arrangement).

## **5.6. WASTE**

An updated Waste Management Brief has been prepared by Elephant’s Foot (Appendix G) which:

- Confirms the reference scheme maintains adequate spatials (i.e. size of waste room/s) to accommodate the change of use; and
- That the basement has designed to accommodate Central Coast Council’s Waste Collection truck size.

Each subsequent ‘detailed’ SSDA will ensure compliance with these specifications and ensure that the waste rooms and access are appropriately sited and designed.



## 6. JUSTIFICATION OF MODIFIED PROJECT

This Modification Report has been prepared on behalf of SH Gosford Residential Pty Ltd in support of an application to modify Development Consent SSD-10114 for the staged redevelopment of 26-32 Mann Street, Gosford, also known as 'Central Coast Quarter'.

The Modification Application seeks consent to amend the land use of the Eastern Tower from hotel to commercial. The project (as modified) represents a positive development outcome for the site and surrounding area for the following reasons:

- It remains compliant with the applicable statutory requirements, and strongly aligned with the relevant strategic planning policy objectives.
- The change in land use will not generate any additional environmental impacts that were not previously assessed as part of the original Concept SSDA. Notably the building envelopes, which underwent significant design review as part of the initial application, are unchanged.
- The modification application does not seek any additional GFA, thereby not increasing the overall 'density' of the development and not placing any additional burden on local or State infrastructure.
- It maintains the 'key moves' established in the Concept SSDA regarding the siting and design of the buildings, design criteria, through site links, open space etc. The CoGDAP have previously endorsed the envelope scheme, confirming it is capable of achieving 'design excellence'. This is unchanged by the amendments sought via this modification.
- The modification does not alter the true mixed-use nature of the scheme and will continue to deliver significant public benefits. As outlined in the Urbis SEA, the change of land use from hotel to commercial (for the Eastern Tower) will deliver significant economic benefits – including an additional 643 jobs and an additional \$113.7 million of Gross Value Added (GVA) per year for the NSW economy.
- The modification application does not seek to alter any future assessment requirements (FEARs) embedded within the consent, and still provides an appropriate framework for future 'detailed' SSDAs.
- The proposal will continue to achieve positive ESD outcomes. The ESD Report sets updated benchmarks for the commercial office use, which will be carried through to detailed design.
- The proposal will continue to deliver significant public benefits, including the through site links and payment of Section 7.12 contribution levies; and
- The proposed modification is of minimal environmental impact and is substantially the same development as approved.

**Having considered all relevant matters, the development as modified has significant merit and should be approved.**

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