

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-23588910 Central Coast Quarter - Stage 1, Northern Tower
Applicant	SH Gosford Residential Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director under delegation from the Minister for Planning and Homes has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available here:
<https://www.planningportal.nsw.gov.au/major-projects/project/42296>

A copy of the Department of Planning, Industry and Environment's Assessment Report is available here:
<https://www.planningportal.nsw.gov.au/major-projects/project/42296>

Date of decision

31 March 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including creation of a through site link, \$52,133,121 capital investment, 105 construction and 21 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - Central Coast Regional Plan 2036;
 - Gosford Urban Design Framework;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with design excellence and built form, traffic and parking, landscaping, trees, biodiversity and the through-site link, wind mitigation, flooding and drainage, tree planting, operational noise, waste and CPTED, construction impacts, contamination and developer contributions; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 21 September 2021 until 19 October 2021 (28 days) and received 17 public submissions, including 13 objections, one comment and three in support of the project.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include loss of private views, building height and scale, development density, visual impact, traffic and parking, construction noise, overshadowing, impact on open space, public benefit and property values. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Loss of private views</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The application includes a Visual and View Loss Assessment (VIVA), which concludes the development is consistent with the Concept Approval building envelope parameters and the established view sharing principle has been maintained. The Department is satisfied the proposal would not have any adverse impact on views from apartments within existing and proposed residential buildings east of the site, beyond what has already been considered acceptable via the Concept Approval as: <ul style="list-style-type: none"> the development is contained within the Concept Approval building envelope. the building fills only fill 85% of the building envelope and view loss impacts are overall less than the maximum assessed under the Concept Approval the proposal would not obstruct Concept Approval view corridors and therefore maintains the established view sharing principles.
<i>Building height and scale and development density</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The development comprises a tower with stepped roof line set above a split-level podium. The tower maximum building heights are between RL 81.4m and RL 69.7m and are therefore consistent with the Concept Approval maximum building heights. VIVA provided perspectives of the proposed development when viewed from key public vantage points. The Applicant contends the height and scale of the tower is appropriate within the Gosford City Centre context and has acceptable visual impacts. The Department concluded the proposed height and scale is acceptable as it complies with the Concept Approval built form development controls for the site and will be consistent with the future desired character of development within Gosford City Centre. In addition, the Gosford Design Advisory Panel (DAP) has considered the development in detail and confirms it achieves design excellence. Further the development provides for an appropriate built form relationship to existing and future adjoining buildings and would not have adverse amenity or visual impacts. The development includes the creation of 13,884m² GFA including 136 apartments and 621m² retail accommodation. The Department is satisfied the development is consistent with the Concept Approval height and GFA requirements and therefore provides for an acceptable density of development in accordance with the planning framework established for the Central Coast Quarter. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> Consistency with the Design Excellence Strategy for the site, establish a design integrity process, ongoing retention of the design team and involvement of the DAP throughout the construction of the development.
<i>Traffic and parking</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The TIA predicts the development would generate approximately 101 AM and 73 PM vehicle movements during peak times. The TIA concluded that the surrounding road network would operate at a similar level of performance as existing during the predicted 2023 and 2336 peak scenarios. In addition, the two Central Coast Highway intersections would operate over capacity, however, this would occur with or without the development. The proposal includes amendments to local road restrictions to improve the operation of the Vaughan Avenue / Mann Street intersection performance. The Department considers the proposal would not have adverse traffic impacts as traffic generation is consistent with the Concept Approval, would have a negligible

	<p>impact on road / intersection operation, the Applicant will pay the SIC levy and the GTP would encourage sustainable transport measures. The Department supports the amendments to road restrictions</p> <ul style="list-style-type: none"> • The application includes a Car Parking Assessment Report (CPAR), which has undertaken an assessment of parking demand and impact. The CPAR concluded the provision of 183 car parking spaces is consistent with the Concept Approval, would accommodate parking demand generated by the development. In addition, the Applicant proposes to prepare and implement a Green Travel Plan (GTP), which would encourage sustainable transport options. • The Department has considered the CPAR against the requirements of the Concept Approval and concludes the CPAR has undertaken an adequate assessment of car parking need relating to the development and therefore has adequately justified the provision of 183 on-site car parking spaces. The Department supports the implementation of the GTP. However, recommends it is prepared in consultation with TfNSW. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> • the road restriction amendments must be implemented prior to occupation of the development and car parking must be provided in accordance with the CPAR. • the Applicant must pay the relevant SIC contribution. • the GTP be prepared in consultation with TfNSW and implemented thereafter.
<i>Construction noise</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The application includes a Noise and Vibration Impact Assessment (NVIA), which confirmed construction may result in noise impacts on adjoining properties. The NVIA recommended mitigation measures including preparation of a Construction Noise and Vibration Management Plan (CNVMP), noise monitoring and mitigation measures where noise limits are exceeded. • The Department supports the Applicant's mitigation measures and recommends works be restricted to Council's standard hours of construction (7am to 6pm Monday to Friday and 8.00 am to 4.00 pm Saturdays). • To further manage noise impacts to residential receivers during standard construction hours, the Department also recommends conditions requiring the Applicant to implement the mitigation measures outlined in the AR, preparation and implementation of the CNVMP, respite periods and other controls. • The Department is satisfied that, subject to the conditions, noise and vibration impacts can be satisfactorily managed and mitigated to ensure the amenity and operations of surrounding sensitive receivers is not adversely impacted upon. <p><i>Recommended conditions</i></p> <p>Conditions include list summary of conditions that relate to the issue</p> <ul style="list-style-type: none"> • Construction work shall be carried out in accordance with the Applicant's management and mitigation measures. • Construction work shall be limited to standard construction hours, include respite periods, not be 'offensive noise' and all construction vehicles shall only arrive at the site during the permitted hours of construction. • preparation and implementation of a CNVMP.
<i>Overshadowing</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The application includes an Overshadowing Analysis, which confirms the development: <ul style="list-style-type: none"> ○ is contained wholly within the approved building envelopes ○ would result in a 4% reduction in overshadowing of the League Club Field when compared to the maximum impact of the approved Concept Approval building envelopes ○ would not result in overshadowing of any existing neighbouring residential properties between 9am and 3pm during mid-winter. • The Department is satisfied the development is contained wholly within the Concept Approval building envelopes, has minimised overshadowing on nearby public open spaces and would not overshadow nearby residential properties.
<i>Impact on open space</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The application includes a Social and Economic Impact Assessment (SEIA), which considered future likely demand for open space and concluded the predicted demand would be met by existing on-site communal open space and adjoining public open space.

	<ul style="list-style-type: none"> • The Department notes the site does not constitute 'open space' and its redevelopment does not constitute a loss of open space. • The Department is satisfied the public open space demands resulting from the development would be met by nearby public open spaces. In particular, the Department notes: <ul style="list-style-type: none"> ○ the recent completion of significant upgrades to the Leagues Club Field, which increase the functionality and usability of that space ○ the development includes 53% communal open space, which exceeds the recommended ADG standard (30%) ○ the development includes a landscaped, publicly accessible through site link.
<i>Public benefit</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department is satisfied the proposal would provide for appropriate public benefits including the new landscaped through site link, improved public domain and creation of approximately 105 construction and 21 on-going operational jobs • The Department also notes future stages of the Central Coast Quarter would also provide for public benefits including the second through site link, additional jobs and public domain improvements.
<i>Property values</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers matters relating to the private contracts of sale and/or value of properties are not planning matters for consideration and therefore objections based on loss of property value are not able to inform the assessment of the application. • Notwithstanding this, the Department assessed the merits of the modification in detail and concludes, subject to conditions, the development has acceptable impacts. Therefore, the Department is satisfied the proposal is unlikely to result in any significant adverse impacts on property prices