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**URBIS**

# **CENTRAL COAST QUARTER**

Stage 1 – Northern Tower  
Modification to SSD 23588910

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

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Project Code	P39344
Report Number	Final – 21/06/2022

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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 SSD-23588910, which granted consent for the construction of a 25-storey mixed-use building comprising residential apartments and retail, including 183 car parking spaces and associated works at 26-30 Mann Street, Gosford, also known as 'Central Coast Quarter – Stage 1'.

Specifically, this application seeks to amend the approved drawings to reflect various design development related changes that have occurred since the consent was granted. Most of these works are internal and will have no environmental impacts. Accordingly, the proposal represents substantially the same development for which the consent was granted and can be assessed under Section 4.55(1a) of the EP&A Act.

The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves 'design excellence'.

The changes sought under this modification are wholly consistent with the Concept Approval for the site (SSD-10114) and accordingly, no modification is required to this consent.

This application is made consistent with pre-lodgement discussions held with the CoGDAP and DPE staff on Thursday, 5 May 2022. At this meeting, the Applicant was given feedback on draft plans and was instructed to proceed to lodgement of the modification application.

## 1.1. APPLICANT DETAILS

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

Table 1 – Applicant Details

<b>Descriptor</b>	<b>Proponent Details</b>
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

### Concept SSDA Consent ('Parent Consent')

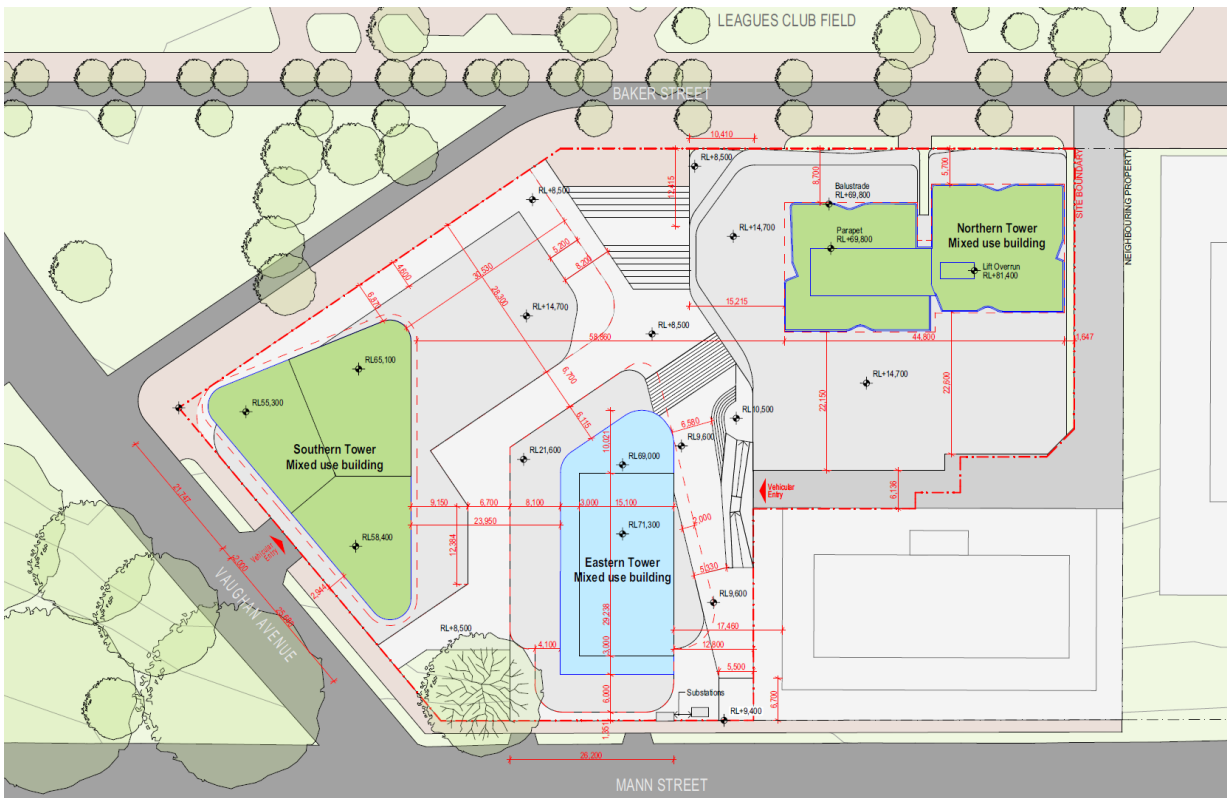
On 24 August 2020, the IPC granted development consent for a Concept State Significant Development Application at the site (DPE Reference: SSD 10114).

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.

Following Concept SSDA consent, the project was staged (per building), with the 'Northern Tower' comprising the first 'detailed' stage of development.

Figure 1 – Approved Site Plan (SSD 10114)



Source: DKO

## **SSD-23588910 – Central Coast Quarter – Stage 1, Northern Tower ('Detailed Consent')**

Following the Concept SSDA consent, the Applicant lodged a 'detailed' SSDA for the 'Northern' Tower in September 2021. On 31 March 2022, DPE granted consent for:

- Site establishment works.
- Construction of a 22 to 25 storey tower (RL 69.76 and RL 84.1) including podium providing for:
  - 136 apartments.
  - 621sqm (retail accommodation).
- On-site parking spaces for 183 cars, 10 motorcycles, 63 bicycles and a service vehicle; and
- Provision of hard and soft landscaping, communal open space, a publicly accessible through site link and public art.

**This modification application is seeking consent to amend SSD-23588910.**

Figure 2 – Photomontage of Northern Residential Tower (SSD-23588910)



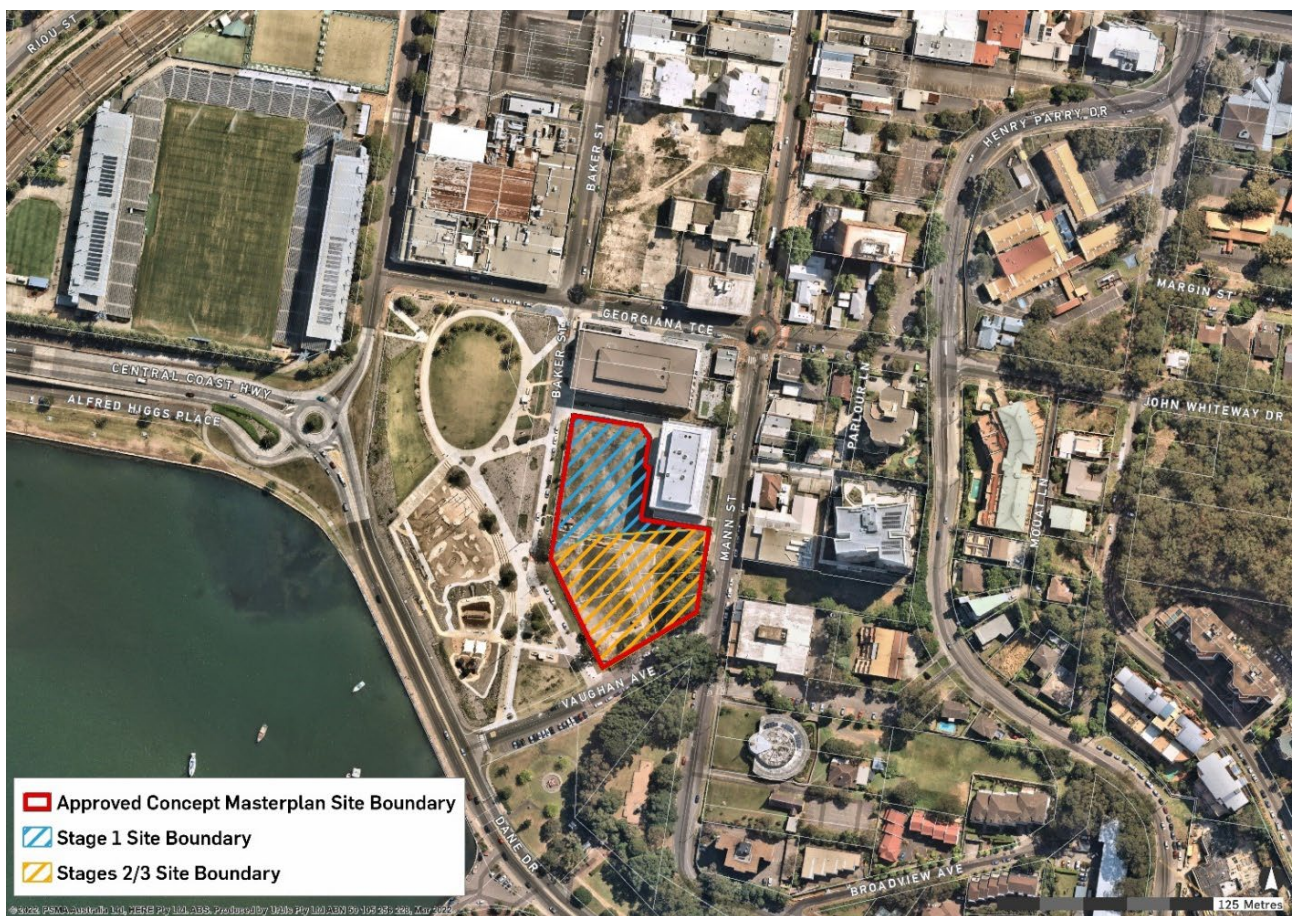
Source: DKO

### 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 Stage 1 (Northern Tower) site is 4,255sqm in size and irregular in shape. Note: site establishment works will occur across the masterplan site and will not be limited to the Stage 1 site boundary.
- 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 3 – 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 4 – 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 5 – Context Map



Source: Urbis

## **1.4. PROPOSED AMENDMENTS**

This Section 4.55(1a) Modification Application seeks consent to amend the approved drawings to reflect various design development related changes that have occurred since the consent was granted. Most of these works are internal and will have no environmental impacts.

The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves 'design excellence'.

It is also noted that the drawings fix the discrepancy in allotment boundaries shown on the originally approved drawing set, in response to Condition A5. Accordingly, this condition can be deleted from the consent.

The proposed design changes sought are described in further detail in Section 3.

## **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’. The proposal (as amended) continues to align with the Regional Plan in the following ways:

- 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. 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.

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 provides place-based approaches to strengthening Gosford’s role as the regional capital of the Central Coast. The proposal continues to align the UDF 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.

# 3. DESCRIPTION OF MODIFICATIONS

This Section 4.55(1a) Modification Application seeks consent to amend the approved drawings to reflect various design development related changes that have occurred since the consent was granted. Most of these works are internal and will have no environmental impacts.

It is noteworthy that no change is proposed to the site area, extent of excavation, number of apartments, dwelling mix, building height, parking numbers (cars, motorbikes, bicycles) or quantum of communal open space / landscaping.

As noted above, the drawings fix the discrepancy in allotment boundaries shown on the originally approved drawing set, in response to Condition A5. Accordingly, this condition can be deleted from the consent.

## 3.1. OVERVIEW OF AMENDMENTS

A full list of changes (per level) is provided below:

### Architectural Amendments

#### Ground Level

- Fire hydrant booster location moved from the facility entrance to the Baker Street entry into the through site link.
- Extension of shop-front glazing in lieu of original fire booster location.
- Water meter location moved next to substation.
- Gas meter moved to the original water meter location.
- Ramping introduced in front of the substation to achieve authority compliance.
- External wall at the entry to the switch room adjusted to accommodate for fire egress stairs.
- RL levels (and stairs) adjusted in front of fire stair exits and entry into the fire control room to ensure head-height clearance within the fire stair passageway
- Location of doors into Fire Pump Room adjusted.
- Cold Water Pump Room introduced under the through site link stairs.
- Access created from carpark into retail lift.
- Grease Arrestor move to beneath Retail Garbage Holding.
- Bicycle repair location moved to within Bicycle Store.
- Comms room size increased.
- Car-wash Bay location moved.
- Blade wall introduced adjacent to vehicle entry 1 for structural bracing.
- New fire egress door provided adjacent to vehicle entry 1 to achieve compliance.
- Minor structural column adjustments.
- Carpark and bicycle layout adjusted to achieve compliance.
- Note that overall project car, bicycle and storage numbers remain consistent with DA documentation.
- The mailroom extends into the fire control room (~2m). Note that the Fire Control Room functionality/compliance is not impacted by this change (it is currently oversized).

#### Level 1

- Amendment to fire tank to allow for carpark circulation.
- Residential carparks relocated incl storage and pedestrian thoroughfare to suit.

- Blade wall introduced adjacent to vehicle entry 1 for structural bracing.
- Entrance into “lobby circulation stairs” adjusted.
- Minor structural column adjustments to suit ground level.
- Carpark layout adjusted to achieve compliance.

#### **Level 2**

- Garbage Chute Room adjusted to facilitate pedestrian thoroughfare from carpark to lobby.
- Blade wall introduced adjacent to vehicle entry 1
- Goods lift adjusted to stop at level 2 with lift over-run going into level 3 only.
- Minor structural column adjustments.
- Carpark layout adjusted to achieve compliance.

#### **Level 3**

- Minor ramping introduced to address the level differences.
- Access from carpark into Garbage chute room introduced.
- Access into goods lift removed (lift overrun only at this level).
- Minor column adjustments to suit lower levels.
- Carpark layout adjusted to achieve compliance.

#### **Level 4-20**

- Wall and door introduced to enclose/weatherproof services riser room.
- Joinery to Level 4 – second bedroom adjusted to meet glazing edge.
- Glazing adjacent wardrobe and bathroom to be changed from coloured backed glass to frosted glass.

#### **Level 21**

- Fixed BBQ introduced adjacent communal lounge area.
- Fixed joinery included within communal lounge.
- Ramp extended from rooftop terrace into lobby.
- Wall and door introduced to enclose/weatherproof services riser room.
- Glazing to northern elevation within Unit 21:02 living room adjusted from colour backed glass to clear glass.

#### **Level 22-23**

- Wall and door introduced to enclose/weatherproof services riser room.
- Glazing to northern elevation within Unit 22/23:02 living room adjusted from colour backed glass to clear glass.

#### **Level 24**

- Wall and door introduced to enclose/weatherproof services riser room.
- Door into fire stair adjacent Southern Elevation relocated down the page to deconflict fire stair from the glazing.
- Glazing within master bedroom ensuite changed from Colour Backed Glass to Frosted Glass (Northern Elevation).

## Northern Elevation

- Level 4 – 20 & Level 24: Glazing changed from GL2 - Colour Backed Glass to GL3 Translucent Glass (frosted).
- Level 21 – 23: Glazing changed from GL2 – Colour Backed Glass to GL1 Clear Glass.

## Landscape Amendments

### Ground Floor

- Removal of vanishing steps and instruction of planter to remove DDA issue.
- Fire booster moved to ensure compliance with fire codes.

### Through site link

- Rationalisation of the bleacher steps so ensure head heights below, soil depths and buildability can be achieved.
- Seat added to through site link east for improved amenity.

### Level 4 podium

- Fire access path shifted to ensure compliance.
- Planting added over lift over run to improve amenity and hid lift shaft.

### Level 21

- BBQ added outdoors.

## 3.2. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. The proposed modifications are shown by a ~~strike through~~ the deleted text and **red** text for new text.

### Condition A2. d) Development in accordance with plans and documents

Architectural plans prepared by <i>DKO Architecture</i>			
Plan No.	Rev	Name of Plan	Date
DA101	B	Staging Plan	06/12/2021
DA102	B	Site Plan	06/12/2021
DA103	B	Site Survey	06/12/2021
DA201	<del>B</del> <b>C</b>	Ground Floor	<del>18/11/2021</del> <b>28/04/2022</b>
DA202	<del>B</del> <b>C</b>	Level 1	<del>06/12/2021</del> <b>29/04/2022</b>
DA203	<del>B</del> <b>C</b>	Level 2	<del>18/11/2021</del> <b>28/04/2022</b>
DA204	<del>B</del> <b>C</b>	Level 3	<del>18/11/2021</del> <b>28/04/2022</b>
DA205	<del>B</del> <b>C</b>	Level 4	<del>18/11/2021</del> <b>28/04/2022</b>
DA206	B	Level 5	<del>06/12/2021</del> <b>28/04/2022</b>
DA207	<del>B</del> <b>C</b>	Level 6-12	<del>06/12/2021</del> <b>29/04/2022</b>
DA208	<del>B</del> <b>C</b>	Level 13-20	<del>06/12/2021</del> <b>29/04/2022</b>
DA209	<del>B</del> <b>C</b>	Level 21	<del>06/12/2021</del> <b>29/04/2022</b>

DA210	B C	Level 22-23	06/12/2021 29/04/2022
DA211	B C	Level 24	06/12/2021 29/04/2022
DA212	B	Roof Plan	06/12/2021
DA301	B	North Elevation	06/12/2021 28/04/2022
DA302	B	South Elevation	06/12/2021 28/04/2022
DA303	B	East Elevation (Mann Street)	06/12/2021 28/04/2022
DA304	B	West Elevation (Baker Street)	06/12/2021 28/04/2022
DA305	B	Sections - AA	06/12/2021
DA306	B	Sections - BB	06/12/2021
DA307	B	Materials & Finishes	06/12/2021
DA401	B	GFA Calculations	06/12/2021 28/04/2022
DA402	B	GFA Calculations	06/12/2021 28/04/2022
DA403	B	Unit Mix	06/12/2021
DA404	B	Cross Ventilation Calc.	06/12/2021
DA410	B	Communal Open Space & Deep Soil	06/12/2021
DA414	B	Apartment Types 1/3	06/12/2021
DA415	B	Apartment Type 2/3	06/12/2021
DA416	B	Apartment Type 3/3	06/12/2021
DA417	B	Storage Diagram 1/2	06/12/2021
DA418	B	Storage Diagram 2/2	06/12/2021
DA419	B	DDA & Liveable Unit Calc.	06/12/2021
DA420	B	Pre & Post Adaptable	06/12/2021
DA421	B	Pre & Post Adaptable & Liveable	06/12/2021

**Landscape plans prepared by *Turf Design Studio***

Plan No.	Issue	Name of Plan	Date
L-DA-8	C	LANDSCAPE PRINCIPLES   CONNECTING TO COUNTRY	AUGUST 2021
L-DA-9	C	PLACE PRINCIPLES   LANDSCAPE	AUGUST 2021
L-DA-10	C	PLACES   LANDSCAPE	AUGUST 2021
L-DA-17	C	GROUND FLOOR LANDSCAPE PLAN	AUGUST 2021
L-DA-18	C	SECTION GROUND FLOOR	AUGUST 2021
L-DA-20	C	THROUGH SITE LINK LANDSCAPE PLAN	AUGUST 2021
L-DA-21	C	THROUGH SITE LINK DETAIL WEST LANDSCAPE PLAN	AUGUST 2021
L-DA-22	C	THROUGH SITE LINK DETAIL EAST LANDSCAPE PLAN	AUGUST 2021
L-DA-23	C	SECTION 1 THROUGH SITE LINK	AUGUST 2021
L-DA-24	C	SECTION 2 THROUGH SITE LINK	AUGUST 2021
L-DA-27	C	PODIUM LANDSCAPE PLAN	AUGUST 2021
L-DA-28	C	PODIUM TREE PLAN	AUGUST 2021
L-DA-29	C	SECTION 1 + 2 PODIUM	AUGUST 2021
L-DA-30	C	SECTION 3 + 4 PODIUM	AUGUST 2021
L-DA-31	C	SECTION 5	AUGUST 2021
L-DA-34	C	ROOFTOP LANDSCAPE PLAN	AUGUST 2021
L-DA-35	C	SECTION ROOFTOP	AUGUST 2021

L-DA-37	G	PLANTING PALETTE	AUGUST 2021
L-DA-38	G	PLANTING PALETTE	AUGUST 2021
L-DA-39	G	PLANTING CHARACTER	AUGUST 2021
L-DA-40	G	MATERIAL PALETTE	AUGUST 2021
L-S4.55-200	1	Ground Floor Plan	27/04/2022
L-S4.55-250	1	Through Site Link	31/05/2022
L-S4.55-251	1	Through Site Link West	27/04/2022
L-S4.55-252	1	Through Site Link East	31/05/2022
L-S4.55-253	1	Level 4 Podium	16/05/2022
L-S4.55-254	1	Level 21	27/04/2022

### **Condition A5. Amendments to Plans and Documentation**

A5. In accordance with Section 4.17(1)(g) of the EP&A Act, revised plans and documentation for the development are to be submitted to the Secretary for approval prior to the issue of any construction certificate which reflect the allotment boundary between Lots 111 and 112 in DP1265226 and any resulting adjustment to the development.

## 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.

The proposal will not result in any changes that will result in additional environmental impacts. Indeed, most changes sought are minor and internalised within the building. The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves ‘design excellence’.

As above, it is noteworthy that there are no changes sought to the site area, extent of excavation, number of apartments, dwelling mix, building height, parking numbers (cars, motorbikes, bicycles) or quantum of communal open space / landscaping.

On this basis 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 of land use, arrangement of land uses, or propose any changes which would have a detrimental impact on surrounding land uses.
- Does not result in any perceivable visual impact(s) from the public domain, noting the building maintains the same architectural language as approved.
- Maintains the same access arrangement for the site.

## Quantitative Comparison

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

- Does not propose to change the building height or building envelope.
- Does not radically alter the GFA calculation (26sqm decrease). This will not alter the appearance of the development.
- Does not alter the parking count/provision. The same number of spaces (cars, motorbikes, bicycles) are provided in accordance with the relevant conditions of consent.
- Does not modify compliance with the Gosford SEPP or Gosford City Centre DCP.

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 (EPs).

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 consent (Conditions B20-22).</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>The modification does not alter the previous assessments conclusions regarding traffic noise intrusion and the impacts associated with traffic generation.</p>
SEPP (BASIX) 2004	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>The BASIX commitments outlined in Condition B11 will be adhered to in the construction of the development.</p>

<b>Legislation / Instrument</b>	<b>Consistency</b>
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>Because the building envelope, apartment layouts and mix remain the same – no changes are proposed to building separation, solar access, apartment sizes, private and communal open space, landscaping 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 assessed, and it was found that the site can be made suitable for the proposed development.</p>
SEPP (Biodiversity and Conservation) 2021 <i>Formerly SEPP (Vegetation in Non-Rural Areas) 2017</i>	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>The proposed modifications do not seek consent for any additional tree removal. The modification to the consent will not amend the Applicant's requirement to purchase two ecosystem credits.</p>
SEPP (Resilience and Hazards) 2021 <i>Formerly SEPP (Coastal Management) 2018</i>	<p>The proposed modification does not alter the approved development's consistency with this instrument.</p> <p>The proposal will not change any previous assessments against the principles of the coastal environment area or the coastal use area.</p>

## 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 are permitted with development consent in the B4 zone.

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 proposal is permissible with consent and meets the objectives of the zone.	<b>Complies</b>
<b>Clause 4.3 Building height</b> 48 RL (m)	No amendment to the approved building height is proposed.	<b>Complies with Concept SSDA approval</b>
<b>Clause 4.4 Floor Space Ratio</b> 3.5:1	The proposed modifications will result in the reduction of 26sqm of GFA. This will remain compliant with the parameters of the Concept DA and the SSD-23588910 consent.	<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.	The modifications proposed under this application do not change the previous assessment of heritage impacts.	<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.	The modifications proposed under this application do not change the previous assessment of acid sulfate soils.	<b>Complies</b>
<b>Clause 7.2 Flood Planning</b> Development must be compatible with the flood hazard of the land	The modifications proposed under this application do not change the previous assessment of flood planning.	<b>Complies</b>

Provision	Proposal	Compliance
<p><b>Clause 8.3 Design Excellence</b></p> <p>All development must exhibit design excellence.</p>	<p>The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves 'design excellence'.</p>	<p><b>Complies</b></p>
<p><b>Clause 8.4 Exceptions to Height and Floor Space</b></p> <p>Development consent may be granted to development that exceeds the maximum height or floor space ratio if:</p> <ul style="list-style-type: none"> <li>• the site area of the development is at least 5,600 square metres, and</li> </ul>	<p>The Concept SSDA site has an area of 8,884sqm, triggering this control.</p>	<p><b>Complies</b></p>
<ul style="list-style-type: none"> <li>• a design review panel reviews the development, and</li> </ul>	<p>As noted above, The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves 'design excellence'.</p>	<p><b>Complies</b></p>
<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>	<p>The CoGDAP endorsed an Alternative Design Excellence Strategy for this project on 4 December 2020, which does not require a competition for Stage 1 of the development.</p>	<p><b>Complies</b></p>
<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 above, The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves 'design excellence'.</p>	<p><b>Complies</b></p>
<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 was suitable. This application does not seek to change the amount of commercial space provided throughout the development.</p>	<p><b>Complies</b></p>

Provision	Proposal	Compliance
<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>This modification application does not seek to amend any of the approved ESD related parameters of the consent.</p>	<p><b>Complies</b></p>
<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> <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>The proposal does not seek to amend the carparking count, which was approved and is compliance with the parameters of the Concept SSDA consent.</p>	<p><b>Complies</b></p>
<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 proposal will not diminish the active street presentation of the building to Baker Street.</p>	<p><b>Complies</b></p>

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
<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>This application does not seek to amend the approved building envelope 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 building envelope and therefore will not cause any additional visual or view sharing impacts.</p>	<p><b>Complies</b></p>

### **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 GDCP relate to character, streetscape and public domain works. The proposal is considered to remain generally compliant with the provisions of the DCP.

## 5. ASSESSMENT OF IMPACTS

Section 4.55(3) requires the consent authority to *“take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application”*.

The EIS (September 2021) and Response to Submissions (December 2021) submitted as part of original SSDA addressed:

- The provisions of all relevant environmental planning instruments.
- The likely impacts of the development – environmental, social and economic.
- The suitability of the site for the development; and
- The public interest.

The assessment of the proposal (as modified) against Section 4.55(3) remains unchanged with respect to the above considerations given:

- The proposed modifications maintain general compliance with the applicable environmental planning instruments and policies.
- The proposed amendments reflect the natural design development of the project as it moves from concept design to construction. Changes of this nature are common and should be expected on large scale projects. Notwithstanding, the changes do not radically alter the development (as approved) and will not generate any detrimental environmental impacts.
- No changes sought to the site area, extent of excavation, number of apartments, dwelling mix, building height, parking numbers (cars, motorbikes, bicycles) or quantum of communal open space / landscaping.
- The proposed modifications will not alter the nature of the development. The development remains visually consistent what that approved in terms of architectural language and materiality.
- The CoGDAP have reviewed the proposed changes and have provided written advice (dated 11 May 2022) to confirm that the proposal still achieves ‘design excellence’.
- The proposal does not result in a detrimental impact on the public domain. The Baker Street presentation will continue to be visually engaging and well connected with the refurbished Leagues Club Field.
- Parking and access arrangements are slightly modified (internally), however this is considered to represent an improvement on the approved layout and will not impact the surrounding road network.
- Consent was originally granted in December 2021 and the site remains suitable for the proposed use/s.
- There are no modifications proposed that would contravene the public interest. The proposal will continue to facilitate the activation of the site, create significant local employment and deliver a building that supports high-amenity lifestyles in Gosford City Centre.

## **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-23588910 for Stage 1 (Northern Tower) of the 'Central Coast Quarter' development at 26-30 Mann Street, Gosford.

The Modification Application seeks consent to adopt various design development related changes to the approved building design. The project (as modified) represents a positive development outcome for the site and surrounding area.

Having regard to the above, DPE may modify SSD-23588910 pursuant to Section 4.55(1a) of the EP&A Act because the proposal represents substantially the same development for which the consent was granted and is of 'minimal' (or no additional) environmental impact.

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

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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