



planning consultants

APPENDIX C

Statutory Compliance Table

SSD-69773460

35-37 Dwyer Street and 372-3734 Mann Street, North Gosford

Prepared for: Stockbridge Properties
July 2025

1 Environmental Planning & Assessment Act 1979– Consistency with the Objects

Proposed Development's Consistency with the Objects of the EP&A Act 1979		
Object of the EP&A Act	Assessment	Consistent
(a) <i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	This State's natural and other resources are not affected by the proposed development and the development has considered environmental impacts	Yes
(b) <i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The project is consistent with the object as it provides for ecologically sustainable development as it provides housing, employment opportunities, considers environmental impact and incorporates sustainability measures including meeting BASIX criteria. Refer Section 6.7 of the EIS and Appendix P .	Yes
(c) <i>To promote the orderly and economic use and development of land,</i>	The project is consistent with the object as it allows for the development of the site as a mixed use development which is consistent with the zoning (B4 Mixed Use) and its intent to allow for housing and commercial development.	Yes
(d) <i>To promote the delivery and maintenance of affordable housing,</i>	This object is not applicable to the project.	N/A
(e) <i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	The project is consistent with the object as the project assesses environmental impact in relation to the relevant legislation in place for the protection of the environment. Refer Section 6.6 of the EIS and Appendix R .	Yes
(f) <i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The project is consistent with the object being informed by detailed and involved input regarding heritage, and it is not identified as a heritage item or a site of Aboriginal heritage significance. Refer Section 6.15 and Section 6.16 of the EIS and Appendix Z .	Yes
(g) <i>To promote good design and amenity of the built environment,</i>	The project is consistent with the object as it addresses good design and amenity of the built environment. Refer Section 6.1 of the EIS and Appendix H .	Yes
(h) <i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The project is consistent with the object as the design has been assessed as being capable of complying with the National Construction Code and relevant Australian Standards. Refer Section 6.2.1 of the EIS and Appendix J and K .	Yes
(i) <i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The project is consistent with the object through an assessment against the various Commonwealth and State statutes and local policies and has involved consultation with relevant levels of government.	Yes
(j) <i>To provide increased opportunity for community participation in environmental planning and assessment.</i>	The project is consistent with the object as it provides for increased opportunity for community participation through engagement during the preparation of the EIS. Refer to Section 5 of the EIS, Appendix AA and Appendix DD .	Yes

2 SEPP Resilience and Hazards 2021

SEPP Resilience & Hazards 2021 – Chapter 4 Remediation of Land

Provision	Assessment
Section 4.1 – Objects	
(1) <i>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i>	The project has been assessed against the Statewide planning approach to the remediation of contaminated land as expressed in Chapter 4 of SEPP RH.
(2) <i>In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i> (a) <i>by specifying when consent is required, and when it is not required, for a remediation work, and</i> (b) <i>by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i> (c) <i>by requiring that a remediation work meet certain standards and notification requirements.</i>	Chapter 4 is relevant in relation to Section 4.1(2)(b) in that it specifies certain considerations in determining development applications in general.
Section 4.6 - Contamination and remediation to be considered in determining development application	
(1) <i>A consent authority must not consent to the carrying out of any development on land unless—</i> (a) <i>it has considered whether the land is contaminated, and</i> (b) <i>if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i> (c) <i>if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>	A Detailed Site Investigation (DSI) has been prepared by Douglas Partners (Appendix Y) and a summary of the findings detailed in Section 6.13 of the EIS. It provides the information necessary for the consent authority to determine the project site can be made suitable for use subject to remediation.
(2) <i>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</i>	The DSI contains a reference to a preliminary investigation conducted in 2021.
(3) <i>The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</i>	The PSI determined a DSI was warranted. The DSI does not require any further investigations or a Remediation Action Plan (RAP).

SEPP Resilience & Hazards 2021 – Chapter 4 Remediation of Land

Provision	Assessment
(4) <i>The land concerned is—</i> (a) <i>land that is within an investigation area,</i> (b) <i>land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i> (c) <i>to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</i> (i) <i>in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</i> (ii) <i>on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i>	The land concerned is subject to Section 4.6(4)(c) as the proposed development is for educational purposes to which there is incomplete knowledge.

3 SEPP Planning Systems 2021

SEPP Planning Systems 2021 - Chapter 2 State and Regional Development	
Provision	Assessment
Section 2 – Aims	
(a) <i>to identify development that is State significant development,</i>	The development is State significant development (SSD).
(b) <i>to identify development that is State significant infrastructure and critical State significant infrastructure,</i>	N/A
(c) <i>to identify development that is regionally significant development.</i>	N/A
Section 2.6 – Declaration of State significant development: section 4.36	
(1) <i>Development is declared to be State significant development for the purposes of the Act if—</i> (a) <i>the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i> (b) <i>the development is specified in Schedule 1 or 2.</i>	The development is not permissible without development consent under Part 4 of the Act. The development is SSD as it is specified under SEPP PS Schedule 2 – State significant development – Identified sites as follows: 15 Development in Gosford City Centre <i>Development that has an estimated development cost of more than \$75 million on land identified on the Land Application Map (within the meaning of State Environmental Planning Policy (Gosford City Centre) 2018).</i>

4 SEPP (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 - Chapter 2 Infrastructure

Provision

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Subdivision 2 – Development likely to affect an existing electricity transmission or distribution network Section 2.48 – Determination of development applications – other development

(1) <i>This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</i> (a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i> (b) <i>development carried out—</i> (i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> (ii) <i>immediately adjacent to an electricity substation, or</i> (iii) <i>within 5m of an exposed overhead electricity power line,</i> (c) <i>installation of a swimming pool any part of which is—</i> (i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> (ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i> (d) <i>development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i> (2) <i>Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i> (a) <i>give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i> (b) <i>take into consideration any response to the notice that is received within 21 days after the notice is given.</i>	N/A The project includes development within 5m of an exposed overhead electricity powerline. N/A Central Coast Council Street Design Guidelines require the undergrounding of power. The consent authority will be required to give written notice of the project to the electricity supply authority and take into consideration any response that is received.
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Subdivision 2 – Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements

Section 2.98 – Development adjacent to rail corridors

(1) <i>This section applies to development on land that is in or adjacent to a rail corridor, if the development—</i> (a) <i>is likely to have an adverse effect on rail safety, or</i>	The project may, the unlikely event a crane is installed in the south-western corner of the site, require the installation of a crane which could include a boom arm that extends into the air space above a rail corridor. Accordingly, a referral to the rail authority is recommended in accordance with Section 2.98 of SEPP TI.
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SEPP (Transport and Infrastructure) 2021 - Chapter 2 Infrastructure

Provision	Assessment
(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or (c) involves the use of a crane in air space above any rail corridor, or (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities. Note— Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line. (2) Before determining a development application for development to which this section applies, the consent authority must— (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. (3) Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement. (4) Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.	
Section 2.100 – Impact of rail noise or vibration on non-rail development	
(1) This section applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration— (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—	The project is adjacent to a rail corridor and includes residential accommodation. The project has considered the <i>Development near rail corridors and busy roads – interim guidelines</i> and Planning Circular No. PS21-018 refer Appendix S and Section 6.9 of the EIS. The NVIA (Appendix S) prepared to accompany the EIS stipulates these requirements and includes the measures to ensure internal noise criteria are met including glazing, roof and wall construction requirements.

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(a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> (b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>	
Subdivision 2 – Development in or adjacent to road corridors and road reservations Section 2.119 – Development with frontage to classified road	
(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The project fronts Mann Street which is a classified road. Vehicle access is provided from another road (Dwyer Street). The impacts on the operation of the classified road are considered generally acceptable and manageable as outlined in Appendix Q and Section 6.8.3 of the EIS.
Section 2.120 – Impact of road noise or vibration on non-road development	
(1) <i>This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</i> (a) <i>residential accommodation,</i> (b) <i>a place of public worship,</i> (c) <i>a hospital,</i> (d) <i>an educational establishment or centre-based child care facility.</i> (2) <i>Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</i> (3) <i>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to</i>	Mann Street is known to have an average daily traffic volume of 18,920 vehicles in 2010 according to the Transport for NSW Traffic Volume Viewer. Accounting for background growth it is assumed for the purpose of this assessment that the traffic volume now exceeds 20,000 vehicles and Section 2.120 of SEPP TI applies. The project has considered the <i>Development near rail corridors and busy roads – interim guidelines</i> and Planning Circular No. PS21-018 refer Appendix S and Section 6.9 of the EIS. The NVIA (Appendix S) prepared to accompany the EIS stipulates these requirements and includes the measures to ensure internal noise criteria are met including glazing, roof and wall construction requirements.

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Provision	Assessment
ensure that the following LAeq levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	
Section 2.122 – Traffic-generating development	
(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. (2) In this section, relevant size or capacity means— (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3. (3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has— (a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given. (4) Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including—	The project is traffic-generating development under Section 2.122 of SEPP TI. The proposed driveway on Dwyer Street is within 90m of a classified road and accordingly Column 3 of the Table to Schedule 3 applies. The project includes residential accommodation with more than 75 dwellings proposed. N/A Referral to Transport for NSW will be required. The project site is in an accessible location. The project will upgrade the roads to the frontage of the site to contribute to the efficient movement of people. The project provides for compliant parking and will cause minor impacts to traffic congestion at peak travel periods.

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(A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> (B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i> (iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i> (5) <i>The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.</i>	

5 SEPP (Precincts – Regional) 2021

Chapter 5 – Gosford City Centre	
Provision	Assessment
Section 5.1 - Aims	
<i>The aims of this Chapter are as follows—</i> (a) <i>to promote the economic and social revitalisation of Gosford City Centre,</i> (b) <i>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,</i> (c) <i>to protect and enhance the vitality, identity and diversity of Gosford City Centre,</i> (d) <i>to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,</i> (e) <i>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,</i> (f) <i>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,</i> (g) <i>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,</i> (h) <i>to preserve and enhance solar access to key public open spaces,</i> (i) <i>to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront,</i> (j) <i>to ensure that development exhibits design excellence to deliver the highest standard of architectural and urban design in Gosford City Centre.</i>	The project is consistent with the relevant objectives of Chapter 5 – Gosford City Centre of SEPP PR. The project is located in the northern part of Gosford City Centre which is planned to accommodate an additional 10,000 residents over the next 25 years. The provision of a higher density residential development in the city fringe area will assist in providing a population density necessary to support the viability of the city centre. The project will contribute to the strengthening of the regional position of Gosford City Centre through the provision of a high density residential development that achieves design excellence and contributes to a highly liveable urban space.
Section 5.12 – Zoning	
(2) <i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i>	The objectives of the B4 Mixed Use zone are as follows: • <i>To provide a mixture of compatible land uses.</i> Comment: The project provides residential development and a quantum of commercial premises in a suitable location fronting Mann Street. • <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> Comment: The project is an accessible location by way of direct access to key public transport infrastructure. • <i>To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities, social, education and health services and higher density residential development.</i>

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	Comment: The project provides for higher density residential development which will support and encourage a range of other uses towards the commercial core of Gosford City Centre. <i>To allow development in Point Frederick to take advantage of and retain view corridors while avoiding a continuous built edge along the waterfront.</i> Comment: N/A <i>To create opportunities to improve the public domain and pedestrian links of Gosford City Centre.</i> Comment: The project improves the public domain in accordance with the Central Coast Council Street Design Guideline and provides opportunities for further pedestrian linkages through the through-site link and new private road. <i>To enliven the Gosford waterfront by allowing a wide range of commercial, retail and residential activities immediately adjacent to it and increase opportunities for more interaction between public and private domains.</i> Comment: N/A <i>To protect and enhance the scenic qualities and character of Gosford City Centre.</i> Comment: The project is does not impact any identified scenic qualities (e.g. Section 5.53 of SEPP PR).
Section 5.25 – Height of Buildings	
(1) <i>The objectives of this section are as follows—</i> (a) <i>to establish maximum height limits for buildings,</i> (b) <i>to permit building heights that encourage high quality urban form,</i> (c) <i>to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight,</i> (d) <i>to nominate heights that will provide an appropriate transition in built form and land use intensity,</i> (e) <i>to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area,</i> (f) <i>to protect public open space from excessive overshadowing and to allow views to identify natural topographical features.</i> (2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i> Note— Sections 5.28, 5.33, 5.44 and 5.46 provide exceptions to the maximum height shown for the relevant land on the Height of Buildings Map in certain circumstances.	The Height of Buildings Map applies a maximum height of 18 m to 35-37 Dwyer Street and 36m to 372-374 Mann Street. The project has a maximum building height of 72.45m on Site A (36m maximum height limit) and 25.69m on Site B (18m maximum height limit). The project seeks to utilise Section 5.46 to provide an exception to the maximum height limits contained in Section 5.25 of SEPP PR.
Clause 5.26 – Floor Space Ratio	
(1) <i>The objectives of this section are as follows—</i> (a) <i>to establish standards for the maximum development density and intensity of land use,</i>	The Floor Space Ratio Map applies a maximum FSR of 2.75:1 to 35-37 Dwyer Street and a maximum FSR of 4:1 to 372-374 Mann Street, North Gosford.

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(b) <i>to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,</i> (c) <i>to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</i> (d) <i>to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,</i> (e) <i>to provide an appropriate correlation between the size of a site and the extent of any development on that site,</i> (f) <i>to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,</i> (g) <i>to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,</i> (h) <i>to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.</i> (2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i> Note— Sections 5.28, 5.46 and 5.55 provide exceptions to the maximum floor space ratio shown for the relevant land on the Floor Space Ratio Map in certain circumstances.	The proposed FSR for Site A is 6.48:1 (4:1 maximum FSR) and for Site B is 2.14:1 (2.75:1 maximum FSR). The proposed FSR for Site B complies with Section 5.26 of SEPP PR. The proposed FSR for Site A does not comply with Section 5.26 but seeks to utilise Section 5.46 of SEPP PR.
Section 5.36 – Heritage Conservation	
(5) Heritage assessment - <i>The consent authority may, before granting consent to any development—</i> (a) <i>on land on which a heritage item is located, or</i> (b) <i>on land that is within a heritage conservation area, or</i> (c) <i>on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i> (8) Aboriginal places of heritage significance <i>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—</i> (a) <i>consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve</i>	Section 5.36(5)(a) and (b) do not apply to the site. The land is within vicinity of land to which Section 5.10(a) and (b) apply and assessment is provided in Section 6.16 of the EIS. An Aboriginal Cultural Heritage Assessment report (ACHAR) has been prepared by McCardle Cultura Heritage (Appendix Z).

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consideration of a heritage impact statement), and (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.													
Section 5.39 – Acid Sulfate Soils													
(1) The objective of this section is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. (2) Development consent is required for the carrying out of works described in the Table to this subsection on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. <table> <tr> <th>Class of land</th><th>Works</th></tr> <tr> <td>1</td><td>Any works</td></tr> <tr> <td>2</td><td>Works below the natural Ground surface. Works by which the watertable is likely to be lowered.</td></tr> <tr> <td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td></tr> <tr> <td>4</td><td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td></tr> <tr> <td>5</td><td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr> </table> (3) Development consent must not be granted under this section for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. (4) Despite subsection (2), development consent is not required under this section for the carrying out of works if— (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the	Class of land	Works	1	Any works	2	Works below the natural Ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	The site is mapped as Class 5 Acid Sulfate Soils. Douglas Partners have prepared a geotechnical assessment addressing the SEARs requirements and groundwater. Douglas Partners have made no recommendation for an Acid Sulfate Soils Management Plan to be prepared.
Class of land	Works												
1	Any works												
2	Works below the natural Ground surface. Works by which the watertable is likely to be lowered.												
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.												
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.												
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.												

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<i>assessment by notice in writing to the person proposing to carry out the works.</i> (5) <i>Despite subsection (2), development consent is not required under this section for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</i> (a) <i>emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</i> (b) <i>routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</i> (c) <i>minor work, being work that costs less than \$20,000 (other than drainage work).</i> (6) <i>Despite subsection (2), development consent is not required under this section to carry out any works if—</i> (a) <i>the works involve the disturbance of less than 1 tonne of soil, and</i> (b) <i>the works are not likely to lower the watertable.</i>	
Section 5.40 – Flood Planning	
(3) <i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i> (a) <i>is compatible with the flood hazard of the land, and</i> (b) <i>is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i> (c) <i>incorporates appropriate measures to manage risk to life from flood, and</i> (d) <i>is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i> (e) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</i>	A Flood Risk Management Report (Appendix W) has been prepared which has assessed flood hazard, flood behaviour, identifies measures and addresses broader impacts. The project suitably provides freeboard and flood storage volume on-site and will not result in any adverse flooding impacts to adjoining properties. Suitable mitigation measures are proposed by the flood engineer and contained in Appendix E.
Section 5.44 – Building Height on Mann Street	
<i>Development consent must not be granted to the erection of a building on land identified as “Mann Street” on the Additional Provisions Map unless the building height will not exceed 3 storeys at the building’s street frontage to Mann Street.</i>	N/A – While the site has a frontage to Mann Street, the provisions do not extend north to the subject site. In any event the frontage is limited to 3 storeys.
Section 5.45 – Design Excellence	

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(3) <i>Development consent must not be granted for development to which this section applies unless the consent authority considers that the development exhibits design excellence.</i> (4) <i>In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</i> (a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> (b) <i>whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i> (c) <i>whether the development is consistent with the objectives of sections 5.52 and 5.53,</i> (d) <i>any relevant requirements of applicable development control plans,</i> (e) <i>how the development addresses the following matters—</i> (i) <i>the suitability of the land for development,</i> (ii) <i>existing and proposed uses and use mix,</i> (iii) <i>heritage issues and streetscape constraints,</i> (iv) <i>the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> (v) <i>bulk, massing and modulation of buildings,</i> (vi) <i>street frontage heights,</i> (vii) <i>environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> (viii) <i>the achievement of the principles of ecologically sustainable development,</i> (ix) <i>pedestrian, cycle, vehicular and service access, circulation and requirements,</i>	The City of Gosford Design Advisory Panel (CoGDAP) have advised the design/materials/detailing is of a high standard. This is reflected in CoGDAP minutes requiring retention of the high standard into the SSDA. The SSDA as submitted retains and enhances the design quality presented to CoGDAP. The quality and amenity of the public domain will be improved by the form and external appearance of the development. The development provides a sandstone podium to Mann Street, plaza and high-quality presentation to all street frontages. Further discussion of the form and appearance is provided in the Design Report by Curzon & Partners (Appendix H). The project does not offend solar access to any key public open space or impact any key vista or view corridor. Refer to table below. The detailed site analysis has informed key design decisions for the development. The sites location on the northern edge of Gosford City Centre allows for taller buildings to be sustained and impacts contained within Gosford City Centre itself. The use mix has considered the transitional nature of the site and the key objectives in the relevant strategic planning documents to provide housing and activate Mann Street. No significant heritage issues or streetscape exist for the subject site. The relationship to Gosford Showground is addressed in Section 6.16 of the EIS. The relationship of the development has been subject to significant analysis as detailed in the Design Report (Appendix H) and Architectural Drawings (Appendix B). The design provides suitable street wall heights and locates massing in such a way as to maximise the amenity benefits to adjoining sites appropriate to their existing and/or future character in addressing (iv) to (vii). Refer to Section 6.7 of the EIS. The project will enhance pedestrian and cycle movement through Gosford City Centre through upgraded public domain to the site frontages, on-site bicycle parking, and the potential for a future through-site link connecting Site B directly to Mann Street.

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(x) <i>the impact on, and any proposed improvements to, the public domain.</i>	The project will upgrade the public domain to the frontages of the site in accordance with Council's Street Design Guideline.
Clause 5.46 – Exceptions to height and floor space in Zones B3, B4 and B6	
(2) <i>Development consent may be granted to development on land to which this section applies that results in a building with a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map if—</i> (a) <i>the site area of the development is less than 2,800 square metres or the building has a street frontage of 36 metres or less, and</i> (b) <i>the floor space ratio does not exceed the ratio calculated in accordance with $2 + (X \times 0.02):1$, where X is the percentage of the gross floor area of the building that is used for a purpose other than residential purposes.</i>	N/A
(3) <i>Development consent may be granted to development on land to which this section applies that results in a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map, by an amount to be determined by the consent authority, if—</i> (a) <i>the site area of the development is at least 2,800 square metres but less than 5,600 square metres, or the building will have a street frontage of at least 36 metres, and</i> (b) <i>a design review panel reviews the development, and</i> (c) <i>the consent authority takes into account the findings of the design review panel, and</i> (d) <i>the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and</i> (e) <i>the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.</i>	N/A
(3) <i>Development consent may be granted to development that results in a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map, or a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map, or both, by an amount to be determined by the consent authority, if—</i> (a) <i>the site area of the development is at least 5,600 square metres, and</i> (b) <i>a design review panel reviews the development, and</i> (c) <i>if required by the design review panel, a competitive design process is held in relation to the development, and</i>	The site area is 7,038.5m² The City of Gosford Design Advisory Panel has reviewed the development on four occasions. No competitive design process was required by the Panel.

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(d) <i>the consent authority takes into account the findings of the design review panel and, if held, the results of the competitive design process, and</i> (e) <i>the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and</i> (f) <i>the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.</i> (5) <i>Despite any other provision of this Chapter and except as otherwise provided by this section, development on land to which this section applies on a site having an area of 2,800 square metres or more or a street frontage of 36 metres or more (or both) must not result in either or both of the following—</i> (a) <i>a building with a height that exceeds the maximum height shown for the land on the Height of Buildings Map,</i> (b) <i>a building with a floor space ratio that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map.</i> (6) <i>In this section—</i> competitive design process means a design competition held in accordance with the Design Competition Guidelines published by the Department in September 2023. design review panel means a panel of 3 or more persons established by the consent authority.	The findings of the City of Gosford Design Advisory Panel are provided at Appendix GG for consideration by the consent authority. A response to the remaining items is provided in Section 6.1 of the EIS. The quantum of floor space was discussed with the City of Gosford Design Advisory Panel and it was determined that commercial activation of Mann Street was the priority and that lower amounts of commercial floor space in the outer areas of Gosford City Centre were sustainable on the basis that the area was principally designated for housing to support the commercial core. The building will meet minimum building sustainability and performance standards. N/A – overridden by Section 5.46(4) of SEPP PR.
Clause 5.47 – Car parking in Zones B3 and B4	
(1) <i>Development consent must not be granted for development on land in Zone B3 Commercial Core or Zone B4 Mixed Use that involves the erection of a new building or an alteration or addition to an existing building that increases the gross floor area of the building unless—</i> (a) <i>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</i> (b) <i>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.</i> (2) <i>Car parking that is required to be provided must be provided on site unless the consent authority is satisfied that the provision of car parking is adequately provided elsewhere.</i>	Car parking for commercial activities is provided on-site at a rate of at least 1 space per 40 square metres of gross floor area.

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Provision	Assessment
Clause 5.48 – Active Street Frontages	
(1) <i>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.</i> (2) <i>Despite subsection (1), an active street frontage is not required for any part of a building that is used for any of the following—</i> (a) <i>entrances and lobbies (including as part of mixed use development),</i> (b) <i>access for fire services,</i> (c) <i>access for a back street or service lane,</i> (d) <i>vehicular access.</i>	N/A – The site is not mapped on the active street frontages map.
Clause 5.53 – Key vistas and view corridors	
(1) <i>The objective of this section is to protect and enhance key vistas and view corridors in Gosford City Centre.</i> (2) <i>Development consent must not be granted to development unless the consent authority is satisfied that the development is consistent with the objectives of this section.</i>	The project is not within key vistas or view corridors in Gosford City Centre (see Figure 4 of GCC DCP 2018).

6 Biodiversity Conservation Act 2016

Biodiversity Conservation Act 2016	
Provision	Assessment
Section 7.9 – Biodiversity assessment for State significant development or infrastructure	
(2) <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i>	A BDAR Waiver request prepared by Biosis (Appendix R) accompanies the SSDA.
(3) <i>The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i>	

7 SEPP (Housing) 2021

SEPP (Housing) 2021 - Chapter 4 Design of residential apartment development	
Provision	Assessment
Section 145 – Referral to design review panel for development applications	
(2) <i>Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</i> (3) <i>This section does not apply if—</i> (a) <i>a design review panel has not been constituted for the local government area in which the development will be carried out, or</i> (b) <i>a competitive design process has been held.</i>	The City of Gosford Design Advisory Panel has reviewed the project on four (4) occasions prior to the lodgement of the SSDA.
Section 147 – Determination of development applications for residential apartment development	
(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i> (a) <i>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> (b) <i>the Apartment Design Guide,</i> (c) <i>any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i> (2) <i>The 14-day period referred to in subsection (1)(c) does not increase or otherwise affect the period in which a development application or modification application must be determined by the consent authority.</i> (3) <i>To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</i> (4) <i>Subsection (1)(c) does not apply to State significant development.</i>	An evaluation is provided within the Design Report (Appendix H). An ADG assessment is contained within the Design Report (Appendix H). Does not apply to State significant development.
Section 148 – Non-discretionary development standards for residential apartment development – the Act, s4.15	
(2) <i>The following are non-discretionary development standards—</i> (a) <i>the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</i> (b) <i>the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area</i>	Complies Complies

SEPP (Housing) 2021 - Chapter 4 Design of residential apartment development

Provision	Assessment
<i>for the apartment type specified in Part 4D of the Apartment Design Guide,</i> (c) <i>the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</i>	Complies
Section 149 – Design Guide prevails over development control plans	
(1) <i>A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter—</i> (a) <i>visual privacy,</i> (b) <i>solar and daylight access,</i> (c) <i>common circulation and spaces,</i> (d) <i>apartment size and layout,</i> (e) <i>ceiling heights,</i> (f) <i>private open space and balconies,</i> (g) <i>natural ventilation,</i> (h) <i>storage.</i> (2) <i>This section applies regardless of when the development control plan was made.</i>	GCC DCP 2018 defers to the ADG requirements where applicable.

8 SEPP (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022 - Chapter 4 Design of residential apartment development	
Provision	Assessment
Section 1.3 – Aims of Policy	
<i>The aims of this Policy are as follows—</i> <i>(a) to encourage the design and delivery of sustainable buildings,</i> <i>(b) to ensure consistent assessment of the sustainability of buildings,</i> <i>(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,</i> <i>(d) to monitor the embodied emissions of materials used in construction of buildings,</i> <i>(e) to minimise the consumption of energy,</i> <i>(f) to reduce greenhouse gas emissions,</i> <i>(g) to minimise the consumption of mains-supplied potable water,</i> <i>(h) to ensure good thermal performance of buildings.</i>	The project is consistent with the aims of this Policy by complying with minimum standards for BASIX development under this Policy.
Section 2.1 – Standards for BASIX development and BASIX optional development	
<i>(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.</i> <i>(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i>	Embodied emissions have been quantified by the provision of a BASIX Certificate (Appendix P).

9 Gosford City Centre Development Control Plan

Gosford City Centre Development Control Plan	
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Part 3 – Places and character Section 3.5 – Other areas	
Objectives 1. <i>Encourage a mix of uses including employment, residential, recreation and retail that support the commercial core.</i> 2. <i>Provide a diversity of housing, including higher density residential development in the city fringe to support the viability of the city centre and encourage 24-hour use of the city's amenities.</i> 3. <i>Facilitate tourism and increased residential development along the waterfront.</i> 4. <i>Provide a mix of lower scale employment uses in the enterprise corridor zone to encourage employment generating opportunities that complement the commercial core.</i> 5. <i>Built form in the city fringe areas is to maintain the prominence of Presidents Hill and views to Brisbane Water.</i> Character <i>The city fringe areas allow a range of uses including residential, employment, light industrial and retail to support the city centre.</i> <i>The mixed use areas in the north provide opportunities for significant urban renewal through new retail and residential developments. The mixed use zone extends to the south along the edge of the waterfront to facilitate tourism and denser residential development.</i>	The project provides for a mix of uses. The project is in the city fringe and provides higher density residential to support the viability of the city centre. N/A N/A Satisfactory (see Figure 4 of GCC DCP 2018). The proposed development provides for residential and retail to support the city centre. The proposed development provides for significant urban renewal of an area in the north of Gosford City Centre.
Part 5 Built Form Section 5.2.1 Street setbacks and rear setbacks	
1. <i>Buildings should be designed to comply with streetscape controls as shown in Figure 8. These setbacks should be deep soil and contain no parking structures.</i> 2. <i>In addition to the above, street building alignment and street setbacks are to comply with Figure 8. Parking structures may encroach into these setbacks by up to 1m (except for 0m ground setbacks).</i> 3. <i>Outside the B zones (B3, B4 and B6), a minimum rear setback of 6m is required.</i> 4. <i>Balconies may project up to 600mm into front building setbacks, provided the cumulative width of all balconies at that level is no more than 50% of the horizontal</i>	A revised street setback control was discussed as part of the design development with DPHI and CoGDAP including rationalising tower setbacks on Site A to avoid a ziggurat appearance and to provide for design excellence. The reduced setbacks are to the street frontages above the podium only. A 6m tower setback is maintained to Mann Street and 3.010 podium setback. A 4.65m tower setback is proposed to Dwyer Street on Site A and 3m minimum podium setback on Site A and Site B. As above. N/A N/A

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<i>width of the building façade measured at that level. This control does not apply to buildings with 0m setbacks.</i> 5. <i>Building separation and visual privacy requirements of SEPP65 and the Apartment Design Guide will also apply as well as to the controls described above.</i>	The design complies noting the project provides for a range of separation conditions to the south of Site A and between Buildings B2 and B3.

Section 5.2.2 – Street wall heights and upper podium

1. <i>The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 8.</i> 2. <i>All built form above the street wall height should be set back a minimum of 3m from the building line of the street wall frontage. This may include:</i> <i>an 'upper podium' of up to 2 storeys/7m (in height) and side setbacks should be provided consistent with the Apartment Design Guide; and</i> <i>a tower element above this, which is to be consistent with the controls in Section 5.2.5 of this document.</i>	All podium wall heights comply with the DCP. The built form above the street wall height provides an additional 3m setback to Mann Street (Site A) and Dwyer Street (Site B). The tower on Site A provides 1.65m in lieu of 3m to Dwyer Street. The variation is considered acceptable as the variation occurs to the north (minimising any amenity impacts), Site B otherwise provides the required setback, Site A provides 6m to the longer Mann Street and the variation is unlikely to set an unacceptable precedent (i.e. along Dwyer Street which is limited in length). The tower element has been reviewed on numerous occasions by the CoGDAP and no concerns are raised in relation to its massing.
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Section 5.2.3 – Active street frontages and street address

1. <i>Frontages labelled 'primary active frontage' on Figure 8 are to:</i> <i>Include active uses (for example, retail and business premises) at ground level facing the street for sites within the following character areas: City North, City South and Civic Heart. For sites in other areas, high quality residential with street address may be provided at ground level</i> <i>Maximise operable and glazed shop frontages, entries for all uses, active office uses such as reception and any other activities which provide pedestrian interest and activation</i> <i>Minimise blank walls (with no windows or doors), fire escapes, service doors, plant and equipment hatches</i> <i>Not include more than 12m of frontage dedicated to office use (retail, business and other active uses should be provided at ground level)</i> <i>Provide elements of visual interest</i> <i>Provide a high standard of architectural finish and detail</i> <i>Not contain vehicular access unless demonstrated to be the only suitable location on the property for such access.</i>	The proposed design provides an active commercial premises (likely café or restaurant) to Mann Street which is the identified primary active frontage for the site. While the DCP allows for residential uses at ground floor in outer areas the proposal provides for even higher levels of activation in providing a future café / restaurant. The frontage has a high visual interest (glazing within arched sandstone), promotes activity (outdoor seating and plaza area) and the design has located service doors etc. away from the Mann Street frontage. 
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Section 5.2.4 – Building setbacks and separation

1. <i>Minimum side setbacks up to street wall height are defined in Figure 8.</i> 2. <i>In addition to the above, setbacks (including front, rear and side setbacks) for residential uses, serviced apartments and hotels should be compliant with the</i>	The proposal provides 0m up to street wall height on Mann Street, and 6m above in accordance with the DCP. The new private road on Dwyer Street ensures side setbacks are exceeded to Dwyer Street. The proposed design provides primarily for the habitable to habitable building separation condition within the exception of the southern elevation of Site A and between Building B2 and B3. The
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Gosford City Centre Development Control Plan

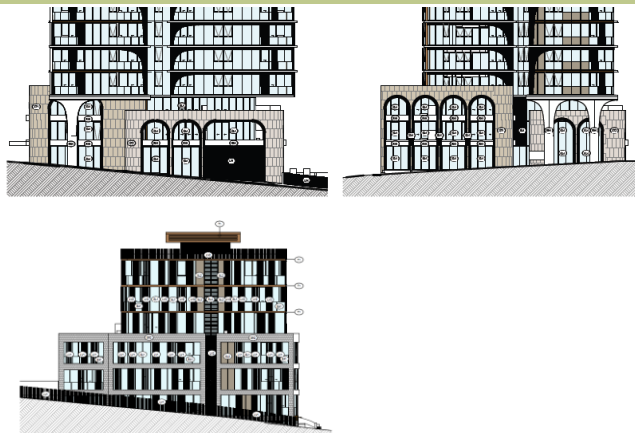
Provision	Assessment
<i>Apartment Design Guide that accompanies SEPP65 regarding visual privacy.</i>	design satisfies the alternate condition (e.g. non-habitable or blank wall) and as such still satisfies the ADG regarding visual privacy.
3. <i>Above the street wall height, all building facades should be well articulated to be attractive in all views. Blank walls with minimal articulation facing any boundary will not be permitted.</i>	The proposed design provides high levels of articulation and an attractive building design. No blank wall is provided above the street wall height.
Section 5.2.5 – Slender Towers with high amenity	
5. <i>All building frontages for a tower with a length over 30m should be:</i> a. <i>expressed as two vertical forms</i> b. <i>include a clear 'break' of minimum 1m width and 1m depth include a stepped height difference of minimum two storeys</i>	The project provides for a tower with a length of ~23m (Mann Street) x ~30m (30.5m) (Dwyer Street). Both tower frontages provide a clear 'break' as per the DCP in any event (greater than 2m x 2m), albeit the stepped height difference provided is 1 storey only.
6. <i>Tower heights should be varied. Where two towers are provided on one site, their height above ground level should have a minimum of 15% variation between each tower (e.g. with three towers, the tallest should be minimum 30% taller than the shortest).</i>	N/A
7. <i>For sites with more than one tower, separation between buildings should be considered in accordance with the specified distances for each component use, as if there is a boundary between them.</i>	N/A
Section 5.2.6 – Fine grain frontages	
1. <i>The maximum continuous street frontage length of an individual podium (below street wall height) is 40m. Where a podium form exceeds this length it will be visually broken into two or more podium forms. This is described in Figure 9. Each of these forms will:</i> a. <i>not exceed 40m in length with a preferred length of less than 30m.</i> b. <i>be separated from other podium forms by full height breaks of a minimum of 3m (note: separation requirements within the Apartment Design Guide will apply in addition to this where relevant). These breaks should extend to the top of the street wall however may not extend to ground level to ensure continuity of active frontages.</i> c. <i>be designed to relate to the pattern of vertical circulation cores where possible.</i> d. <i>have its own architectural character which establishes 'fine grain' (through massing, articulation, composition of building elements, material use and details for different building elements, etc.) so that the street block presents as a group of buildings rather than a single building.</i>	The podiums are less than 40m. Provided Continuity of active frontage to be provided up to street wall height on Mann Street. Full break provided on Dwyer Street. N/A The architectural character provided between Site A and Site B is unique, with a masonry podium to Site B and a sandstone podium to Site A.
2. <i>Each podium form (below street wall height) is to be articulated into smaller elements at a scale or grain. This is described in Figure 9. Each of these forms should respond to:</i> a. <i>the established height datum of adjacent buildings, particularly where</i>	The podium form is articulated into smaller elements as shown in the below excerpts to Mann Street (top right), Dwyer Street – Site A (top left) and Dwyer Street (bottom left).

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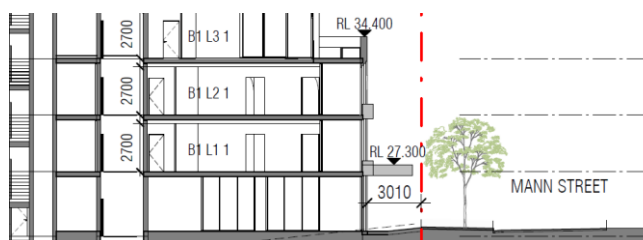
- the street wall height proposed significantly exceeds this.*
- b. the established rhythm of building frontages within the area (the lot pattern) of between 5 and 20 metres.*
- c. the use of the building and the various components of the building.*
- d. the location of the building, or that part of the building relative to pedestrian or outdoor recreation activity.*
- e. the details and building elements including building entries, ground floor, lower floors, top floor and roof.*



Section 5.2.7 Awnings

1. Continuous street frontage awnings are to be provided for all new developments identified as active frontages in Figure 8.
2. Awning dimensions should generally be:
 - a. horizontal in form,
 - b. minimum 2.4 metres deep (dependent on footpath width),
 - c. minimum soffit height of 3.2m and maximum of 4 metres,
 - d. steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm,
 - e. low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height), and
 - f. set back from the kerb to allow for clearance of street furniture, trees, etc. (typically 1.2m).
3. Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.
4. Wrap awnings around corners for a minimum 6m where a building is sited on a street corner.
5. Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage.
6. Provide under awning lighting to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.

An awning is provided to the Mann Street frontage in accordance with the DCP.



The awning integrates with the façade design. The adjoining property on Mann Street has not yet developed in accordance with GCC DCP 2018 and will be capable of matching the proposed awning level.

The proposed awning does not continue to the site corner. Alternatively, the project provides a corner awning under the plaza which is consistent with the intent of the DCP.

N/A

Can be conditioned to comply.

Section 5.2.8 – Building sustainability and environmental performance for key sites, medium sites and large sites

1. Measures to improve energy efficiency, water efficiency and waste minimisation should be investigated as part of the enhanced design excellence and design review process.

Water efficiency is incorporated into the design through BASIX requirements, water sensitive urban design in Dwyer Street and rainwater tank storage and re-use.

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2. <i>Buildings are to comply with or where possible exceed the Building Sustainability Index (BASIX) by 10% for residential development.</i>	The project complies with BASIX.
3. <i>Buildings are to achieve a 4.5 star as built NABERS rating for commercial office buildings.</i>	N/A
4. <i>To minimise energy use, buildings are to be designed to:</i> a. <i>include high levels of insulation to reduce energy consumption and include energy efficient appliances; and</i> b. <i>incorporate green roof and green facade/green wall elements to reduce heat loads on internal spaces.</i>	Provided. Communal open space is provided on rooftops including significant on-structure landscaping to reduce heat loads on internal spaces.
5. <i>Development is to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.</i>	A combination of BASIX and acoustic glazing, wall and roofing will reduce the need for active heating and cooling.
6. <i>All new water fittings and fixtures in all non-residential development, the public domain, and public and private parks are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.</i>	Can be a requirement for the commercial premises subject to a future occupation and fitout application.
7. <i>Rainwater tanks are encouraged to be installed for all non-residential development.</i>	Provided to the mixed use development.
8. <i>Where possible, use building materials, fittings and finishes that:</i> a. <i>have been recycled;</i> b. <i>are made from or incorporate recycled materials; and</i> c. <i>have been certified as sustainable or 'environmentally friendly' by a recognised third-party certification scheme.</i>	Building materials have not been specified to this level of detail at the SSDA stage. The project uses materials that can be locally sourced including Gosford sandstone.
Section 5.2.9 – Above ground parking	
1. <i>Car parking is to be provided wholly underground unless the determining authority is satisfied unique site conditions prevent achievement of parking in basements. The determining authority may require the provision of a supporting report (for example, a geotechnical report), prepared by an appropriately qualified professional as information to accompany a development application to the determining authority.</i>	Complies.
2. <i>On-site car parking provided at or above ground level is to have a minimum floor to floor height of over 3.5m so it can be adapted to another use in the future.</i>	N/A
Section 5.2.11 – Internal amenity	
1. <i>Building depth, deep soil requirements, communal open space and planting on</i>	Refer to ADG assessment in Appendix H .

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<i>structures should follow the guidance provided in the Apartment Design Guide that accompanies SEPP 65.</i> 2. <i>For commercial office uses, all areas should be within 10m of a source of daylight. An atrium/ lightwell can be provided to ensure that this is achieved in larger floorplate buildings.</i> 3. <i>Development applications are to demonstrate compliance with Apartment Design Guide sun access for residential uses.</i> 4. <i>Fixed shading devices are not to substantially restrict access to natural daylight and outlook.</i>	N/A Refer to ADG assessment in Appendix H. Complies.
Section 5.2.12 – Building services and the streetscape	
1. <i>Substations must be provided wholly within the subject site, either internal to the development or suitably located and integrated within the architectural or landscaping design. Substations are to be designed in accordance with Ausgrid's requirements for distribution substations which are set out in their network standards NS117 and NS141 for kiosks, and NS113 and NS114 for chambers (or as updated from time to time). Substations within the street will not be accepted.</i> 2. <i>Building entries, building services including fire services and parking and servicing locations should all be treated with high quality materials. Materials used to treat the external facade should 'turn in' and continue at least 3m into vehicular entry locations.</i> 3. <i>Ground floor substations are preferred to simplify substation access and avoid the need for forced ventilation. Ausgrid will only permit a basement substation by exception when there are no technically viable alternatives.</i>	The substation is proposed within the development within a landscaped area to the Dwyer Street frontage. The principal visible building entry/services in the public domain to Site A. Material's turn in and generally provide the high quality sand stone podium aesthetic. The new private road allows for the Site B entries and services to be located away from the public domain. Notwithstanding, this entrance is consolidated and also of a high visual quality. Provided.
Section 5.2.13 – Landscape design	
1. <i>For all development applications, a landscape plan shall be submitted by a suitably qualified landscape architect that includes:</i> <i>the planting schedule with numbers and species of plants including botanical and common names,</i> <i>the number and name including botanical and common names of mature trees on site,</i> <i>the type, levels and details of paving, fencing, retaining walls and other details of external areas of the site, and</i> <i>an outline of how landscaped areas are to be maintained for the life of the development.</i> 2. <i>All development proposals are to be designed to minimise the impact on significant trees on site, street trees and</i>	A landscape design report (Appendix M) and detailed landscape plans (Appendix N) have been prepared to accompany the SSDA. The project includes the removal of 13 trees including 2 street trees. The vegetation is not considered significant and significant

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trees on adjoining land including remnant vegetation.

replacement planting is proposed including new street trees in accordance with Council's Street Design Guideline.

3. *Landscaped areas are to be irrigated with recycled water.*

Capable of being conditioned given provision of significant rainwater tanks.

Section 5.2.14 – Site cover and deep soil zones

1. *The maximum site cover for development is specified in the following table:*

Zone	Commercial & Mixed Use	Residential
Commercial Core	100%	N/A
Mixed Use and Enterprise	75%	60%
All other zones	75%	50%

The building platform area (above ground) does not exceed 60% of the site (approx.. 50%).

2. *All developments with a residential component in all zones except the Commercial Core must include a deep soil zone.*
3. *The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6 metres.*
4. *Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure. In such cases, compensatory storm water management measures must be integrated within the development to minimise storm water runoff.*
5. *Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.*
6. *No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).*

Provided

The project complies with the DCP. At the ground level the residential GFA is 91% of all ground floor GFA. Accordingly, the deep soil requirement is 13.7%. The project provides a total of 13.8% (including a maximum 10% of that being permeable paving) with a minimum dimension of 6m (Refer to Drawing No. DA 141 of the Architectural Plans in **Appendix B**).

Not proposed.

Provided. Refer to **Appendix N**.

Deep soil zones calculated are exclusive of restrictive works.

Section 5.2.15 – Front Fences

1. *Front fences include fences to the primary and secondary street frontages, and side boundary fences forward of the building alignment.*
2. *Front fences must be a maximum weighted average height of 1.2m above street level.*
3. *Notwithstanding the above, the maximum height of any portion of a front fence must not exceed 1.4m above street level.*

Front fences are provided to Dwyer Street only complying with the DCP.

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4. <i>Front fences over 1m in height above street level must be at least 50% visually permeable.</i> 5. <i>The use of varied materials is preferred. The use of sheet metal is not permitted as a front fence material.</i>	
Section 5.2.16 – Safety and Security	
1. <i>Address ‘Safer-by-Design’ principles to the design of public and private domain, and in all developments (including the NSW Police ‘Safer by Design’ crime prevention through environmental design (CPTED) principles).</i> 2. <i>Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.</i> 3. <i>Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.</i> 4. <i>Maximise the number of residential ‘front door’ entries at ground level.</i> 5. <i>Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.</i> 6. <i>Clearly define the development boundary to strengthen the transition between public, semiprivate and private space. This can be actual or symbolic and can include landscaping, fences, change in paving material, etc.</i>	Refer to Section 6.1.3 of the EIS. Building design allows for passive design including of the through-site link, new private road and driveways and entries. The layout is rationalised and avoids blind corners and concealment opportunities. Site A provides a residential lobby and commercial activation. Site B provides two storey apartments fronting the new private road which maximises residential front door entries at ground level. Lobby entrances are visually prominent. The private and public is suitably defined where residential meets the ground level.
Section 5.2.17 – Building Exteriors	
1. <i>Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:</i> <i>appropriate alignment and street frontage heights,</i> <i>setbacks above street frontage heights,</i> <i>appropriate materials and finishes selection,</i> <i>facade proportions including horizontal or vertical emphasis.</i> 2. <i>Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.</i> 3. <i>Articulate façades so that they address the street and add visual interest.</i> 4. <i>External walls should be constructed of high quality and durable materials and finishes with ‘self-cleaning’ attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.</i> 5. <i>Finishes with high maintenance costs, those susceptible to degradation or</i>	N/A Provide to all facades. Articulation is provided to all street facing and visible facades. In particular Building B1 on Site A includes significant articulation to the tower form which provides visual interest. Glass proposed at upper levels and brickwork and stone for podium levels. Not proposed.

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<i>corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</i> 6. <i>To assist articulation and visual interest, expanses of any single material is to be avoided.</i> 7. <i>Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.</i> 8. <i>Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</i> 9. <i>Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (refer to Section 8.4.1).</i> 10. <i>A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.</i> 11. <i>Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as:</i> <i>expressed cornice lines that assist in enhancing the streetscape,</i> <i>projections such as entry canopies that add visual interest and amenity, and</i> <i>provided that the projections do not detract from significant views and vistas (refer to Figure 4).</i> 12. <i>The design of roof plant rooms and lift overruns are to be integrated into the overall architecture of the building.</i>	Not proposed. Not proposed. Provided through bringing the sandstone arches to break up large expanses of glass. Not proposed. The project is not built to the street edge but materials are identified in the submitted Design Report (Appendix H) and Architectural Drawings (Appendix B). Not proposed. Roof plant rooms and lift overruns are highly integrated.
Section 5.2.18 – Public Artworks	
<i>Major developments in the Gosford City Centre (over 5000sqm in floor space) are required to prepare a Public Art Plan as part of their development proposal.</i> 1. <i>Public art is to respond to the particular site of the development as well as the city as a whole.</i> 2. <i>Provide well designed and visually interesting public art made by artists or organisations that are competent in the selected field.</i> 3. <i>Construct public art of materials that are hardwearing, resistant to vandalism and constructed to ensure minimal maintenance.</i>	A public art plan is included within the Design Report (Appendix H).
5.2.19 – Advertising and signage	
1. <i>Signs are to be designed and located to:</i> <i>relate to the use of the building,</i> <i>be visually interesting and exhibit a high level of design quality,</i>	Not proposed.

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c. <i>be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes, and colours, and ensure that architectural features of the building are not obscured,</i> d. <i>have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline, and</i> e. <i>have only a minimal projection from the building.</i> 2. <i>Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products e.g. soft drinks, breweries, car brands, etc.) are not permitted.</i> 3. <i>Signs painted on or applied on the roof are prohibited.</i> 4. <i>Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.</i> 5. <i>In considering applications for new signs the determining authority must have regard to the number of existing signs on the site and in its vicinity and whether that signage is consistent with the provisions of this section and whether the cumulative impact gives rise to visual clutter.</i> Illuminated signs 1. <i>Illuminated signs are not to detract from the architecture of the supporting building during daylight.</i> 2. <i>Illumination (including cabling) of signs are to be:</i> a. <i>concealed; or</i> b. <i>integral with the sign; or</i> c. <i>provided by means of carefully designed and located remote or spot lighting.</i> 3. <i>The ability to adjust the light intensity of illuminated signs is to be installed where the determining authority considers necessary.</i> 4. <i>A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have other adverse environmental effects.</i> 5. <i>Uplighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.</i>	

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Signs and Road Safety 1. Signs are regarded as prejudicial to the safety of the travelling public if they: - obscure or interfere with road traffic signs and signals or with the view of a road hazard, oncoming vehicles, or any other vehicle or person, or an obstruction which should be visible to drivers or other road users, - give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs, - are of such a design or arrangement that any variable messages or intensity of lighting impair drivers' vision or distract drivers' attention, and - are situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes.	
Part 7 – Access and Parking Section 7.2 – Pedestrian access and Mobility	
1. Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Provided.
2. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	Capable of compliance.
3. Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.	Provided.
4. All development must provide at least one main pedestrian entrance with convenient barrier free access to at least the ground floor level.	Provided.
5. All development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	Provided.
6. Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	Provided.
Section 7.3 – Vehicular Driveways and Manoeuvring areas	
1. Driveways should be: - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such	Provided from Dwyer Street and new private road.

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as power poles, drainage inlet pits and existing street trees, c. located a minimum of 6 metres from the perpendicular of any intersection of any two roads, and d. if adjacent to a residential development, setback a minimum of 1.5m from the relevant side property boundary.	Provided. N/A
2. Vehicle access is to be integrated into the building design so as to be visually recessive.	Vehicle access is recessive to both Mann Street and Dwyer Street.
3. All vehicles must be able to enter and leave the site in a forward direction.	Provided.
4. Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Provided – noting the project is SSDA and consistent approval provisions apply.
5. Driveway widths must comply with the relevant Australian Standards. Car space dimensions must comply with the relevant Australian Standards. Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Provided.
6. Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 8. Ramp widths must be in accordance with AS 2890.2.	Provided.
7. Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Provided. N/A
8. For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways and parking areas to assist with storm water infiltration.	
9. Building entries, building services including fire services and parking and servicing locations should all be treated with high quality materials. Materials used to treat the external facade should 'turn in' and continue at least 3m into vehicular entry locations.	Provided.
Section 7.4 – On-site Parking	
1. On-site vehicle and bicycle parking is to be provided in accordance with Table 2 of this chapter.	Provided. Refer to Section 6.8.2 of the EIS.
2. Car parking and associated internal manoeuvring areas provided over and beyond that required by this chapter is to be calculated towards gross floor area.	N/A
3. Car parking above ground level is to have a minimum floor to ceiling height of 3.1m so it can be adapted to another use in the future.	N/A

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4. <i>On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended).</i>	Provided.								
5. <i>To accommodate people with disabilities, provide a minimum of 4% of the required parking spaces, or minimum of 2 spaces per development, (whichever is the greater) as an appropriately designated and signed disabled parking space.</i>	Provided.								
6. <i>A Transport Management Plan is required to accompany development applications to justify any proposed variation to parking rates.</i>	Refer to Appendix Q .								
7. <i>Uncovered on-site parking areas, including the top of front building setbacks, are prohibited.</i>	Not proposed.								
8. <i>Bicycle parking is to be in secure and accessible locations, with weather protection.</i>	Provided.								
9. <i>The impact of any on-grade car parking must be minimised by:</i> <i>locating parking on the side or rear of the lot away from the street frontage,</i> <i>provision of fencing or landscape to screen the view of cars from adjacent streets and buildings,</i> <i>allowing for safe and direct access to building entry points, or</i> <i>incorporating car parking into landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas).</i>	N/A								
10. <i>Reference should be made to relevant guidance in Austroads Guides, Australian Standards, NSW Government Planning Guidelines for Walking and Cycling and NSW Roads and Maritime Services technical directions.</i>	Noted.								
Bicycle lockers and shower facilities									
1. <i>For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be conveniently located close to bike storage areas.</i>	Not applicable.								
<table border="1"> <thead> <tr> <th>Land Use</th><th>Parking Requirement</th></tr> </thead> <tbody> <tr> <td>Residential</td><td></td></tr> <tr> <td>Shop Top Housing</td><td>Car parking: 1 space / dwelling</td></tr> <tr> <td>Multi Dwelling Housing, Residential Flat Buildings</td><td>Resident car parking: 1 Bedroom dwelling - 1 car space/dwelling 2 Bedroom dwelling - 1.2 car spaces/dwelling</td></tr> </tbody> </table>	Land Use	Parking Requirement	Residential		Shop Top Housing	Car parking: 1 space / dwelling	Multi Dwelling Housing, Residential Flat Buildings	Resident car parking: 1 Bedroom dwelling - 1 car space/dwelling 2 Bedroom dwelling - 1.2 car spaces/dwelling	Parking is provided in accordance with the DCP. Refer to Section 6.8.2 of the EIS for tables of compliance.
Land Use	Parking Requirement								
Residential									
Shop Top Housing	Car parking: 1 space / dwelling								
Multi Dwelling Housing, Residential Flat Buildings	Resident car parking: 1 Bedroom dwelling - 1 car space/dwelling 2 Bedroom dwelling - 1.2 car spaces/dwelling								

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	3 or more bedroom dwellings - 1.5 car spaces/dwelling Visitor car parking: 0.2 spaces/dwelling, provided on site and clearly marked for use by visitors only Disability accessible car parking: Not less than 10% of the required resident and visitor spaces Motorcycle parking: 1 space/15 dwellings (or part thereof) Bicycle parking: 1 resident's space/3 dwellings + 1 visitor space/12 dwellings (or part thereof)
Commercial & Retail Commercial Premises (including offices)	Car parking: Commercial Core and Mixed Use zones - 1 space/75m² of the gross floor area Other land use zones - 1 space/40m²/GFA Motorcycle parking: 1 space/25 car spaces or part thereof Bicycle parking: 1 space/200m² gross floor area per employee 1 space/750m² gross floor area for visitors
Shops	Car parking: In the City Core and Mixed Use zones - 1 space/40m² of the gross floor area All other zones - space per 30m² GFA Motorcycle parking: 1 space/25 car spaces or part thereof Bicycle parking: 1 space/200m² gross floor area for employees 1 space/750m² gross floor area for visitors

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Section 7.5 – Site Facilities and Services

Mailboxes

1. *Provide mail boxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.*
2. *They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.*
3. *Mail boxes shall be secure and large enough to accommodate articles such as newspapers.*

Mailboxes are integrated into the lobby entry wall.

As above.

Provided.

Communication structures, air conditioners and service vents

1. *Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:*
 - a. *away from the street frontage,*
 - b. *integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building, and*
 - c. *adequately setback from the perimeter wall or roof edge of buildings.*
2. *A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.*

The proposed development does not provide for unsightly rooftop services. Plant and equipment is highly integrated into the architectural design.

Waste (garbage) storage and collection - General (all development)

1. *All development is to accommodate waste handling and storage on-site.*
2. *Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways.*
3. *Waste storage areas are to be designed to:*
 - a. *ensure adequate driveway access and manoeuvrability for any required service vehicles,*
 - b. *be located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and*
 - c. *be screened from the public way and adjacent development that may overlook the area.*
4. *The storage facility must be well lit, easily accessible and on level grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts.*

The proposed development provides for on-site waste collection in accordance with Council requirements. Refer to **Section 6.14** of the EIS and **Appendix FF** for further detail.

Location requirements for waste storage areas and access:

1. *Where waste volumes require a common collection, storage and handling area, this is to be located:*
 - a. *for residential flat buildings, enclosed within a basement or enclosed carpark,*

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- b. for multi-unit housing, at ground behind the main building setback and façade, or within a basement or enclosed carpark, and
 - c. for commercial, retail and other development, on-site in basements or at ground level within discrete service areas not visible from main street frontages.
2. Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided.
3. Where a waste vehicle is required to enter the site, access and circulation areas shall be designed to accommodate a vehicle with the following specification:

Vehicle length	10.5m
Vehicle height	4.0m
Ramp width	4m
Turning circle	AUSROADS template for HRV, R=12.5m, speed 5kph
Minimum truck loading	23 tonne

Any access route for waste collection vehicles and operators is subject a Section 88B Instrument under the Conveyancing Act for right of access being provided prior to an occupational certificate being issued.

Service docks and loading / unloading areas

1. Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.
2. Preferably locate service access off rear lanes, side streets or rights of way.
3. Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.
4. Design circulation and access in accordance with AS 2890.1.

Fire service and emergency vehicles

1. For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of Practice - Building Construction – NSWFB Vehicle Requirements.
2. Generally provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where:
 - a. NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants, or
 - b. otherwise required by the NSW Fire Brigades Code of Practice - Building Construction NSWFB Vehicle Requirements.

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Part 8 – Environmental management	
Section 8.2 – Energy Efficiency and Conservation	
Residential 1. <i>New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</i> Non-Residential <i>For all non-residential development:</i> 2. <i>Improve the control of mechanical space heating and cooling by designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.</i> 3. <i>Improve the efficiency of hot water systems by:</i> <i>insulating hot water systems, and</i> <i>installing water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators.</i> 4. <i>Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building.</i> For all commercial development over \$5 million 5. <i>Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development with a construction cost of \$5 million or more that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme.</i> 6. <i>All non-residential development Classes 5 to 9 need to comply with the Building Code of Australia energy efficiency provisions.</i>	The project is accompanied by a BASIX Certificate (Appendix P). The project includes a single commercial tenancy on the ground level of Building B1 on Site A. The project does not include the occupation and fitout of this space. Energy efficiency and conservation requirements could form a condition of any consent for implementation by a future application. N/A – the commercial component does not exceed \$5 million.
Section 8.3 Water Conservation	
1. <i>New dwellings, or developments which contain a residential component within a mixed use building or serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</i> 2. <i>All new development shall demonstrate implementation of best practice water saving infrastructure including provision of rainwater / storm water retention tanks.</i>	Provided. Provided.
Section 8.4 - Reflectivity	
<i>All new development shall incorporate the following measures:</i> 1. <i>New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</i>	The project includes low-reflectivity glazing. The consent authority could condition compliance with minimum reflectivity requirements if required.

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2. *Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.*
3. *Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.*

Section 8.5 Wind Mitigation

1. *Site design for tall buildings (towers) should:*
 - a. *set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower,*
 - b. *ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre,*
 - c. *consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and*
 - d. *ensure usability of open terraces and balconies.*
2. *To ensure public safety and pedestrian comfort, a Wind Effects Report is required to accompany development proposals with buildings greater than 14m in height.*
3. *For buildings over 48m in height, results of a wind tunnel test are to be included in the report.*

A Qualitative Wind Impact Assessment has been prepared (**Appendix L**) and is discussed in **Section 6.3.4** of this EIS.

Section 8.6 Waste and Recycling

Non-residential

1. *Development applications for all non-residential development must be accompanied by a waste management plan that addresses:*
 - a. *best practice recycling and reuse of construction and demolition materials,*
 - b. *use of sustainable building materials that can be reused or recycled at the end of their life,*
 - c. *handling methods and location of waste storage areas that have no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians, and*
 - d. *procedures for the on-going sustainable management of green waste; garbage and recyclables including, glass, metals and paper; including access estimated volumes; required bin capacity and on-site storage requirements.*

Residential development

2. *All development is to provide for storage of waste bins on-site in an area of sufficient size to accommodate waste generated by the development in accordance with the following tables:*

Type of Waste	Quantity per dwelling	Collection frequency
General Waste	140 litres/week/	weekly

The applicable waste rates and storage requirements have been factored into the waste servicing design which is assessed in **Section 6.14** of the EIS and detailed in **Appendix FF**.

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	<i>unit</i>	
<i>Recycling</i>	<i>120 litres/week/unit</i>	<i>fortnightly</i>
<i>Garden Organics</i>	<i>A nominal number of 240 litre Green Waste MGB's for shared use of the residents may be provided subject to suitable storage provisions and available street frontage to the development for kerbside collection by the current Domestic Waste Collection Contractor</i>	<i>fortnightly</i>

The storage area must accommodate the number of individual mobile bins required or accommodate sufficient larger bulk bins with the following minimum dimensions:

Bin Type	Length (metres)	Width (metres)
<i>Mobile bin (140 or 240 litres)</i>	<i>0.65 x No. of bins</i>	<i>1.5m for single row and 2.5m for 2 rows between engaged piers or other obstructions within the enclosure</i>
<i>Bulk bins (e.g. 1,100 litres)</i>	<i>1.45 x No of bins</i>	<i>1.45 x No of bins + 1m corridor space</i>

3. The storage area must be located in a position which is:
 - a. visibly unobtrusive from the street and compatible with the design of the main building,
 - b. easily accessible to dwelling occupants,
 - c. accessible to waste collection vehicles and operators (or adequately managed by the body corporate to permit relocation of bins to an approved collection point),
 - d. has water and drainage facilities for cleaning and maintenance; and

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e. <i>does not immediately adjoin private open space, windows or clothes drying areas.</i> 3. <i>Provision is to be made to allow collection of the waste either directly from the waste storage area, or by transfer to a waste collection point. The collection point will be:</i> a. <i>where street frontage and WorkCover requirements permit, by placement of mobile bins in line at the kerbside, or</i> b. <i>on-site, with access in accordance with the requirements of Council's Waste Control Guidelines. Where waste bins are to be transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point prior to collection and returned on same day of collection.</i>	
Section 8.7 – Noise and vibration	
1. <i>Development should be designed to minimise the potential for offensive noise.</i> 2. <i>Where a proposed development includes an activity which may generate unreasonable noise or which may be affected by an existing noise source, an acoustic study is to be undertaken to establish noise levels and provide a mitigation strategy, demonstrating the measures to be taken to effectively mitigate noise.</i> 3. <i>Noise sensitive developments, such as dwellings, should be designed to reasonably protect the proposed development from noise sources such as arterial roads, railway lines, sporting complexes and entertainment venues.</i> 4. <i>Noise buffering should not be provided by high fences, garages or blank walls to public streets. Where screening by these or similar methods is the only practical solution, the screen should be no greater than 50% of the street frontage. Such screening should have visual interest and retain some surveillance from the building behind the screen's entries, windows or balconies, when practical.</i> 5. <i>Where proposed noise sensitive development may be affected by existing noise, the development should be designed to incorporate adequate shielding from those noise sources.</i> 6. <i>Entertainment venues, hotels, clubs, cinemas and the like, either licensed or unlicensed, should prepare a plan of management including provisions to:</i> a. <i>Ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open to the public.</i> b. <i>Manage noise levels within the premises to prevent an unreasonable effect on the amenity of the locality.</i>	A Noise and Vibration Impact Assessment has been prepared (Appendix S) as outlined in Section 6.9 of the EIS. The project will not include any activity likely to generate unreasonable noise. The acceptable noise criteria for residential apartments are capable of being satisfied subject to construction requirements having regard to the proximity to Mann Street and the rail line and minimum noise criteria under SEPP TI. The project does not rely on acoustic walls to achieve noise criteria. N/A N/A

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7. <i>Commercial, light industrial and retail developments; or mixed use developments, should have suitably located and designed goods delivery and garbage collection areas, vehicle entry and exits, and other noise sources, so that amenity of residents both within the development and in nearby buildings is reasonably protected.</i>	The goods delivery is contained within the basement which will minimise noise impacts.
8. <i>Home based businesses should not generate unreasonable levels of noise beyond their property boundary.</i>	N/A
9. <i>When a development consent is granted and includes conditions of consent requiring monitoring of noise levels and setting of acoustic performance standards, provision should be made to test actual noise levels after the development is occupied and when noise generating activities commence; and for corrective acoustic treatment to be applied if necessary.</i>	Not required.
Part 9 – Residential Controls	
Section 9.1 – Housing Choice and Mix	
1. <i>Where residential units are proposed at ground level within the Mixed Use zone and Special Activities zones, development must demonstrate how future commercial uses can be accommodated within the ground level design. The development must address:</i> <i>access requirements including access for persons with a disability,</i> <i>any upgrading works necessary for compliance with the Building Code of Australia, and</i> <i>appropriate floor to ceiling heights.</i>	Provided.
2. <i>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:</i> <i>provide a mix of bed-sitter/studio, one bedroom, two bedroom and three bedroom apartments,</i> <i>bed-sitter apartments and one bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development,</i> <i>two bedroom apartments are not to be more than 75% of the total mix of apartments within each development, and</i> <i>for smaller developments (less than six dwellings) achieve a mix appropriate to the locality.</i>	The proposed apartment mix provides a slight exceedance in the one bedroom mix. However, the two bedroom mix is 55% where a maximum of 75% is allowable. It is noted that the project also provides 12.5% or 31 x three bedroom apartments, where the DCP requires nil. The reduction in two bedroom apartments (not utilising 20% of the mix) and redistribution to a combination of one bedroom (7.5% of the mix) and three bedroom (12.5%) is considered reasonable and balances additional smaller apartments, with additional larger apartments. 81 x 1 bedroom (32.5%) 137 x 2 bedroom (55%) 31 x 3 bedroom (12.5%)
3. <i>Up to a 40% mix of studio and one bedroom apartments is permitted within residential development owned by the NSW Land and Housing Corporation (NSW LHC).</i>	N/A
4. <i>For residential apartment buildings and multi-unit housing on land with less than 20% slope, 15% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for</i>	Provided (15.2%) Building B1: 18

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disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "preadaptation" design details to ensure visitability is achieved.

5. *Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.*
6. *The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).*
7. *Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.*

Building B2: 11
Building B3: 9

Lift access is provided throughout the buildings.

Refer to **Appendix K**.

Refer to **Appendix K**.

Section 9.2 - Storage

1. *In addition to storage in kitchens, bathrooms and Bedrooms wardrobes. Storage is to be provided in accordance with the following:*

Dwelling type	Storage size volume
<i>Studio apartments</i>	<i>4m³</i>
<i>1 bedroom apartments</i>	<i>6m³</i>
<i>2 bedroom apartments</i>	<i>8m³</i>
<i>3+ bedroom apartments</i>	<i>10m³</i>

2. *At least 50% of the required storage is to be located within the apartment.*

Provided as required by the ADG.