



Donnison Street, Gosford (Gosford Alive)

State Significant Development Assessment

SSD 9813

August 2020



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Title: 136-146 and 148 Donnison Street, Gosford (Gosford Alive)

Cover image: Perspective view south-east towards the indicative scheme from the intersection of William Street and Henry Parry Drive (Source: Applicant's RtS)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADG	State Environmental Planning Policy 65, Apartment Design Guide
AHD	Australian Height Datum
AHDD	Aboriginal Heritage Due Diligence Report
AOL	Aviation obstruction lighting
AIS	Aviation Impact Statement
Applicant	Lederer Group Pty Ltd
BASIX	State Environmental Planning Policy (Building Sustainability Index) 2004
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity and Conservation Division of the Department of Planning, Industry and Environment
BDAR	Biodiversity Development Assessment Report
CC Health	Central Coast Local Health District
CCRP 2036	Central Coast Regional Plan 2036
CCPS	Draft Central Coast Car Parking Study
CIV	Capital Investment Value
Commission	Independent Planning Commission
Consent	Development Consent
Contributions Plan	Central Coast Council 7.12 Contributions Plan for Gosford City Centre (known as the Civic Improvement Plan)
Council	Central Coast Council
CNVMP	Construction Noise, Vibration Management Plan
CPTED	Crime Prevention through Environmental Design
CPTMP	Construction Pedestrian Traffic Management Plan
Crown Lands	Department of Planning, Industry and Environment - Crown Lands
DA(s)	Development application(s)
DAP	City of Gosford Design Advisory Panel
dB	Decibels
DCP	Development Control Plan
Department / DPIE	Department of Planning, Industry and Environment
DES	Design Excellence Strategy
Design Guidelines	Gosford Alive Draft Design Guidelines March 2020
EDDR	Engineering Due Diligence Report
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FEAR	Future Environmental Assessment Requirement

FSR	Floor space ratio
GANSW	Governmental Architect NSW
GDCP	Gosford City Centre Development Control Plan 2018
GFA	Gross floor area
GCC Streetscape Guidelines	Gosford City Centre Streetscape Guidelines 2011
Gosford SEPP	State Environmental Planning Policy (Gosford City Centre) 2018
GUDF	Gosford Urban Design Framework
ICNG	Interim Construction Noise Guideline
Indicative scheme	The Applicant's indicative scheme showing how a detailed development might appear, respond to the building envelope parameters, Design Guidelines and be laid out and accessed, but will be subject to future development applications.
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
LEP	Local Environmental Plan
LGA	Local government area
LoS	Level of service
Minister	Minister for Planning and Public Spaces
NIA	Noise Impact Assessment
Overshadowing Analysis	Applicant's shadow diagrams showing predicted overshadowing impacts
OWMP	Operational Waste Management Plan
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
QWA	Qualitative Wind Assessment
RL	Relative Level
Remediation SEPP	Draft Remediation of Land State Environmental Planning Policy
RMS Guide	Roads and Maritime Services Guide to Traffic Generating Developments 2002
RtS	Response to Submissions
RRFI	Response to Request for Further Information
SEARs	Planning Secretary's Environmental Assessment Requirements
SEA	Socio-Economic Assessment
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No.55 – Remediation of Land
SIC	Gosford City Centre Special Infrastructure Contribution Levy
Site	136-146 and 148 Donnison Street, Gosford
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State significant development
SSI	State significant infrastructure
TfNSW	Transport for NSW
TIA	Transport Impact Assessment
ToA	Term of Approval
VIA	Visual Impact Assessment

Executive Summary

Introduction

This report provides an assessment of a staged State significant development (SSD) application (SSD 9813) for the redevelopment of 136-146 and 148 Donnison Street, Gosford (Gosford Alive).

The application seeks approval for:

- Concept Proposal: building envelopes comprising a basement, podiums and five towers, 72,782 m² gross floor area of residential and commercial uses, vehicular access, landscaping masterplan and through site links, design guidelines and design excellence strategy
- Stage 1 works: demolition of existing buildings and substation, removal of all existing on-site vegetation, extinguish easements and realignment of stormwater / sewer infrastructure.

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

The site is located within the Central Coast local government area. The proposal has a Capital Investment Value (CIV) of \$345,478,611 and is predicted to generate up to 354 construction jobs and 211 operational jobs across all stages.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the application between 11 October 2019 and 7 November 2019 (28 days). The Department received 10 submissions, comprising eight from Government agencies providing comments, one from Central Coast Council (Council) raising objections and one public submission from the Community Environment Network Inc. also raising objections.

Council raised objections relating to design excellence, built form, amenity, landscaping, flooding, sustainability, car parking provision, removal of existing parking, environmental health, provision of affordable housing and community facilities and Council should determine future development applications (DAs). The key concerns raised in the public submission relate to building envelope height, density, design excellence, sustainability, car parking and that the Independent Planning Commission (Commission) should determine the application.

In response to the issues raised, the Applicant provided its response to submissions (RtS). The RtS included additional information and made changes to the proposal, including amendments to the tower heights and setbacks, street activation, ecological sustainable design, landscaping, increase of commercial floorspace, introduction of design guidelines and a design excellence strategy.

Assessment

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

The key assessment issues associated with the proposal are design excellence, density, building envelopes, car parking, traffic and road infrastructure, and public benefits.

The Department considers the proposal is acceptable, as:

- it is consistent with and contributes to the delivery of the strategic planning context for the area, and in particular the revitalisation of the Gosford City Centre and delivery of jobs and homes close to shops, services and public transport
- it is consistent with the key principles of the Gosford Urban Design Framework for the civic heart of the City Centre
- it complies with the requirements of the Gosford SEPP, and meets the criteria that allows additional height and floor space
- the Design Advisory Panel (DAP) advised that it exhibits design excellence, which will be maintained in the detailed building design through further DAP review, a Design Excellence Strategy and Design Guidelines
- the maximum envelope heights are consistent with the emerging character of the Gosford City Centre, stepped in height and comparable with other recent approvals within the area
- the scale establishes a new east / west view corridor, preserves views to Rumbalara Reserve, has an appropriate relationship to Kibble Park and will be appropriately modulated and articulated
- overshadowing of Kibble Park complies with the requirements of Gosford DCP, is limited to only one hour in the south eastern corner of the park and the shadow will pass by 10am in mid-winter
- it includes a site-wide concept landscape masterplan, including new through site links, open spaces, hard and soft landscaping and tree planting, and ensures future developments will provide a high standard of landscape design and treatment
- the removal of the existing 535 public car parking spaces is acceptable as the land is privately owned, the public use was granted on a temporary basis by the land owner, Council has a short-long term parking strategy for the city and the Applicant will provide 170 temporary car parking spaces for public use during the staged construction of the development
- traffic can be adequately accommodated within the road network and the reduced on-site car parking aligns with strategic policy / guidance and is likely to be acceptable subject to further assessment and justification as part of future DAs
- it provides appropriate public benefits, subject to future DA(s) providing community facilities and a childcare centre and exploring the potential to include affordable housing
- future developments would be designed in accordance with ESD principles
- environmental impacts associated with the Stage 1 demolition and site preparation works and stormwater and sewer pipe relocation can be managed and mitigated, subject to conditions.

Conclusion

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

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

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

Contents

1	Introduction	1
1.1	Introduction.....	1
1.2	Gosford City Centre.....	1
1.3	Site description.....	3
1.4	Surrounding context	5
1.5	Relevant planning approvals and current applications	6
2	Project.....	7
2.1	Description of development.....	7
2.2	Applicant’s indicative scheme	11
3	Strategic context.....	13
	STRATEGIC PLANNING POLICY.....	13
3.1	Central Coast Regional Plan 2036.....	13
3.2	Gosford Urban Design Framework	14
3.3	Draft Somerby to Erina Corridor Strategy	14
3.4	Draft Central Coast Urban Spatial Plan	14
	OTHER EMERGING PLANNING POLICY	15
3.5	Draft Gosford City Centre Transport Plan.....	15
3.6	Draft Central Coast Car Parking Study	15
4	Statutory Context.....	16
4.1	State Significant Development	16
4.2	Consent Authority.....	16
4.3	Permissibility	16
4.4	Secretary’s Environment Assessment Requirements.....	16
4.5	Biodiversity Development Assessment Report	16
4.6	Mandatory matters for consideration.....	16
4.7	Other approvals.....	20
5	Engagement.....	21
5.1	Department’s engagement.....	21
5.2	Summary of submissions	21
5.3	Submissions	22
5.4	Response to submissions	25
5.5	City of Gosford Design Advisory Panel (DAP)	28
5.6	Further information provided during the assessment.....	28
6	Assessment	29
6.1	Key assessment issues.....	29
6.2	Design excellence	29

6.3	Density	32
6.4	Building envelopes	32
6.5	Car parking, traffic and road infrastructure	46
6.6	Public benefits	50
6.7	Other issues relating to the Concept Proposal	51
6.8	Stage 1 works.....	60
7	Evaluation.....	64
	Appendices	66
	Appendix A – Relevant Planning Approvals and Current Applications	67
	Appendix B – List of Documents.....	70
	Appendix C – Relevant Supporting Information	71
	Appendix D – Environmental Planning Instruments	72
	Appendix E – Summary of Department’s Consideration of Public Submissions.....	93
	Appendix F – Gosford Design Advisory Panel Advice.....	95
	Appendix G – Design Guidelines	100
	Appendix H – Recommended Instrument of Consent	105

1 Introduction

1.1 Introduction

1.1.1 This report provides an assessment of a State significant development (SSD) application (SSD 9813) for the staged redevelopment of 136-146 and 148 Donnison Street, Gosford.

1.1.2 The application seeks approval for a Concept Proposal and Stage 1 works, comprising:

Concept Proposal

- building envelopes comprising a basement, three podia and five towers, with:
 - maximum tower heights between relative level (RL) 73 metres (m) and RL 101 m
 - maximum gross floor area (GFA) of 72,782 square metres (m²) providing residential and commercial uses
- site-wide concept landscape plan, including through site links
- design guidelines and design excellence strategy to guide future development.

Stage 1 works to demolish existing buildings and substation, remove all on-site vegetation, extinguish easements and realign stormwater/sewer infrastructure.

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

1.2 Gosford City Centre

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

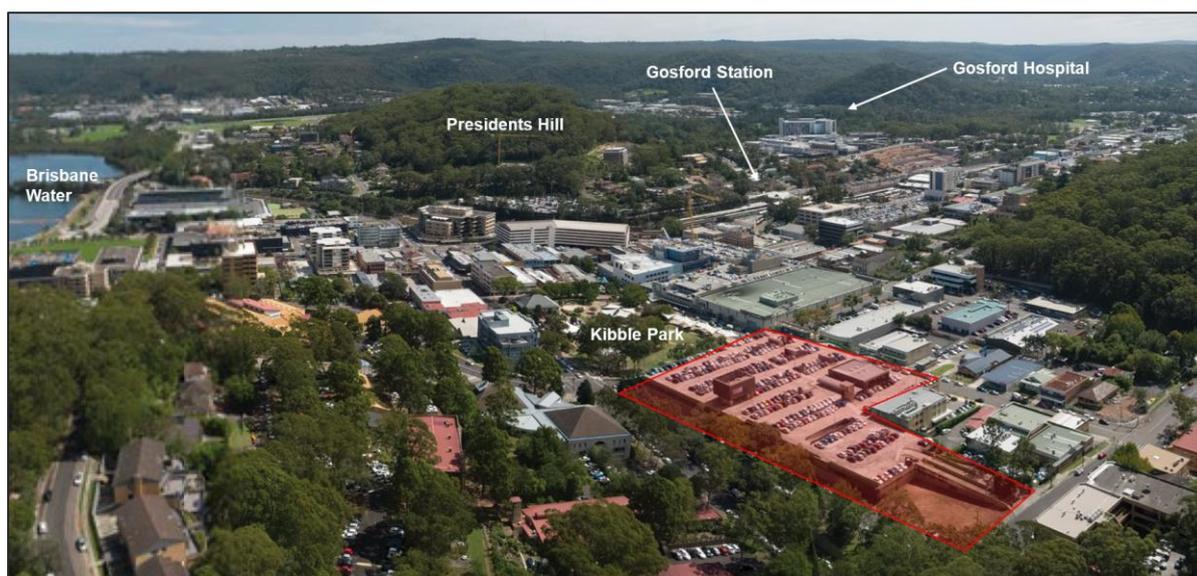


Figure 1 | Aerial view looking west (from Rumbalara Reserve) showing the Gosford City Centre setting within the valley. The application site is highlighted red (Base source: Gosford Urban Design Framework)

- 1.2.2 Originally home to the Darkinjung and the Guringai indigenous people, Gosford was founded in 1823 and expanded rapidly. The City Centre contains the Gosford Hospital, Gosford train station, local, State and government agency offices and a mix of retail and commercial uses. Residential areas are located to the northeast, west and southeast of the City and the Brisbane Water foreshore is located to the south.
- 1.2.3 The Gosford City Centre is currently undergoing a period of renewal and revitalisation, with significant investment in the city over recent years driving new developments, changes to the built environment, increased job opportunities and new housing supply.
- 1.2.4 The revitalisation of Gosford is promoted by Regional and State planning policy, which aim to grow Gosford City Centre as the Central Coast's regional capital, attract new investment, residents, businesses, tourists, cultural activity and improve the built environment and connectivity.
- 1.2.5 The planning framework establishes a design-led, flexible and efficient approach to the future redevelopment and ongoing evolution of the Gosford City Centre in order to achieve the projected future vision for the city, including to:
- improve people's quality of life, ensuring that the region is a desirable place to live, work and play
 - provide well-designed places with vibrant streets, attractive lifestyles, safe neighbourhoods, greener places, and better-connected transport systems and communities
 - create Gosford as a destination for commerce, culture and recreation, with great places for everyone.
- 1.2.6 The site is located in the Civic Heart area of Gosford City Centre and is identified as a development site (Key Site 4) within the Gosford City Centre Development Control Plan 2018 (GDGP) (**Figure 2**).

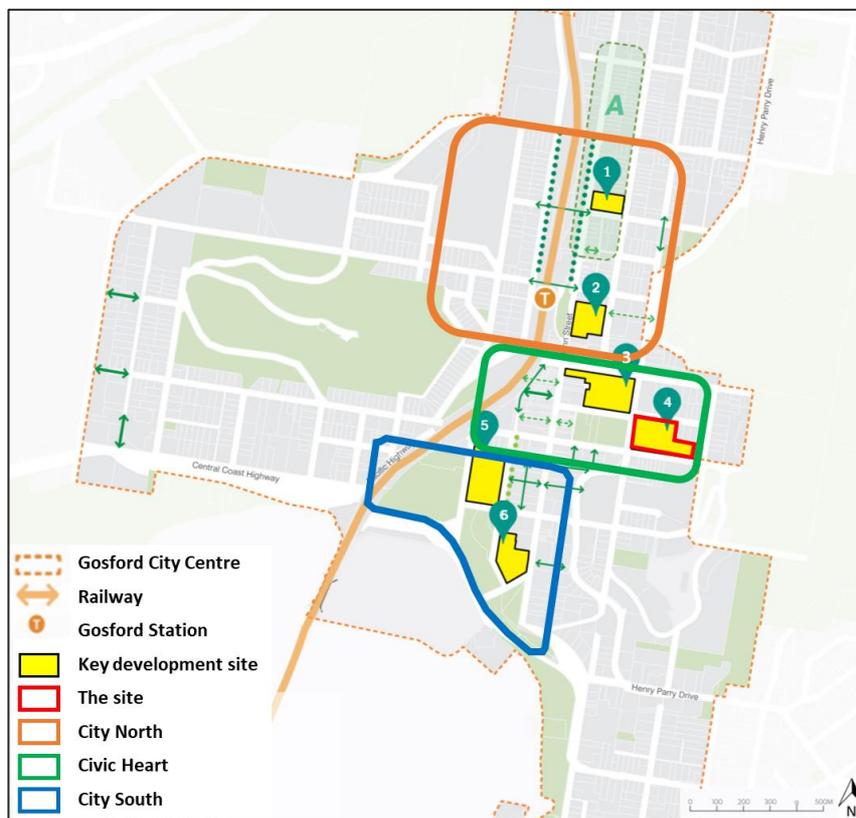


Figure 2 | The Gosford City Centre and location of key development sites (Base source: GDGP)

1.3 Site description

1.3.1 The site is rectangular in shape, covers an area of approximately 14,194 m² and is bounded by William Street to the north, Donnison Street to the south, Albany Street North to the east and Henry Parry Drive to the west (**Figure 3** and **Figure 7**). It is located within the Central Coast local government area (LGA).

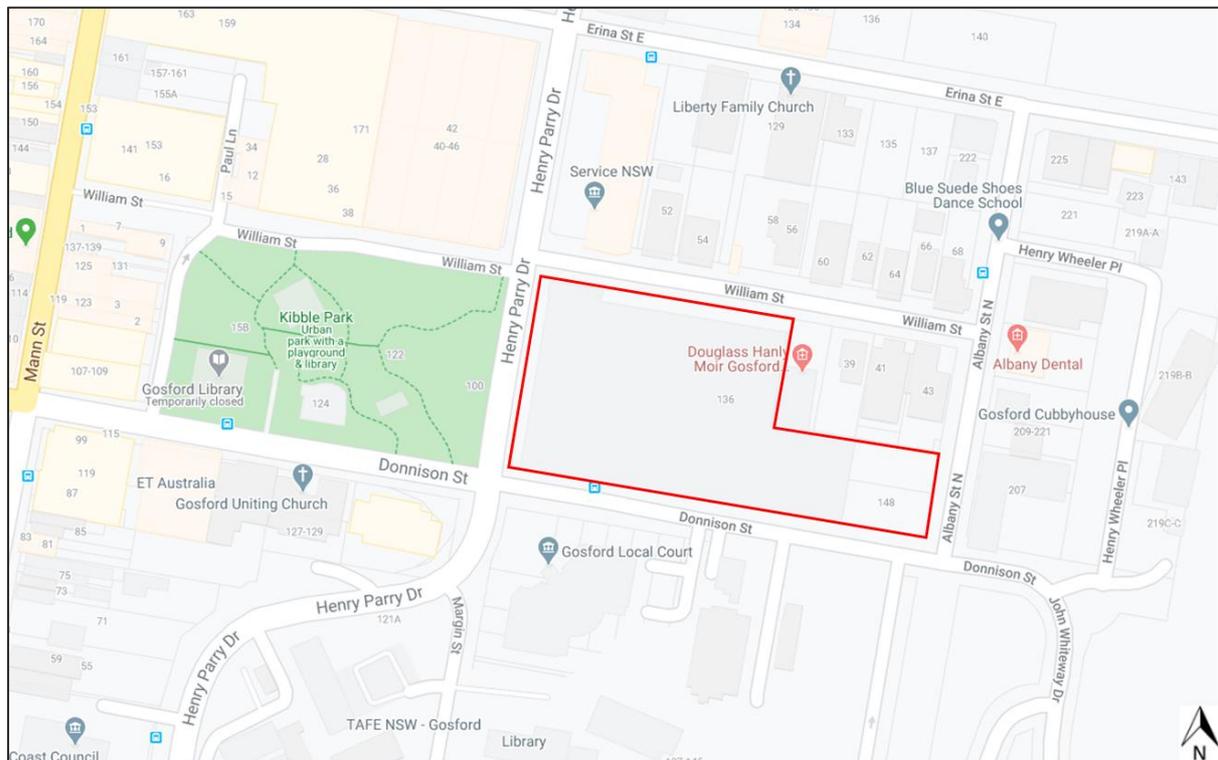


Figure 3 | The site location (Base source: Nearmap)

1.3.2 The site contains the two to four storey former Kibbleplex Shopping Centre building (Kibbleplex), which comprises of the following key elements (**Figure 4** to **Figure 7**):

- approximately 12,000 - 15,000 m² commercial floorspace (currently vacant)
- 535 car parking spaces, located at the top floor and rooftop (currently used as a public car park)
- ramped vehicle entrance to the car park off Albany Street North and two ramped vehicle exits onto William Street
- pedestrian entrances on William Street, Henry Parry Drive and Donnison Street
- loading dock accessed off Albany Street North and William Street
- an undeveloped rectangular piece of land (south-eastern corner) comprising a grassed area.

1.3.3 The site falls approximately 11.5 m from east (Albany Street North) to west (Henry Parry Drive). Several trees and shrubs (native and exotic) are located near the ramped vehicular entrance at Albany Street North (**Figure 5**) and within a planted setback fronting Henry Parry Drive. Nine street trees are located within the footpaths adjoining the site at Henry Parry Drive (three), Donnison Street (five) and William Street (one).

1.3.4 There are no State or local heritage items located on the site.



Figure 4 | View east along William Street to the Henry Parry Drive frontage of Kibbleplex (Source: Nearmap)



Figure 5 | View northwest towards the site, undeveloped piece of land and car park entrance (Source: Nearmap)



Figure 6 | View west along William Street towards the site loading dock, car park exits and adjoining commercial development (Source: Nearmap)

1.4 Surrounding context

1.4.1 The site is located within the commercial core of the Gosford City Centre and the buildings and spaces surrounding the site vary in use, form, age, height and architectural design. The surrounding context is summarised below and shown at **Figure 7**. To the:

- west of the site is Kibble Park, which comprises a public open space, library and restaurant, occupying a prominent location within the heart of City Centre. North of Kibble Park is the two storey Imperial Shopping Centre, 171 Mann Street (Imperial Centre) and south of Kibble Park are one to five storey commercial and office buildings and a place of worship
- east of the site, fronting Albany Street North, is a four storey office building, beyond which is the base of the Rumbalara Reserve
- south of the site is the two storey Gosford Local Court complex and further south are the Gosford TAFE buildings
- north of the site is a mix of one and two storey commercial buildings fronting William Street, beyond which are one to three storey commercial buildings and a place of worship fronting Erina Street East.



Figure 7 | Aerial view of the site (outlined in red) and its surrounding context (Base source: Nearmap)

1.4.2 No residential properties or heritage items directly adjoin or are located within the vicinity of the site.

1.4.3 The surrounding road network consists of a variety of local and State roads. Henry Parry Drive is a State arterial road, which is two-way (four lanes) with no kerb-side parking. William Street, Donnison Street, Albany Street North and Erina Street East are all two-way local roads with time restricted kerb-side parking (1-2 hours). Part of William Street located between the southern entrance of the Imperial Centre and Mann Street is a shared zone.

1.4.4 All nearby intersections are priority intersections, except for the following which contain traffic lights:

- Henry Parry Drive intersections with Donnison Street, William Street and Erina Street East
- Mann Street intersections with Donnison Street and Erina Street East.

1.4.5 The site is located approximately 500 m south-east of Gosford Station and therefore has excellent access to public transport. The Station provides public transport connections including:

- 20 bus services between the Gosford City Centre and Central Coast
- train services (to Newcastle and Sydney).

1.5 Relevant planning approvals and current applications

- 1.5.1 In 2014 and 2015, Council or the Hunter and Central Coast Joint Regional Planning Panel approved six development applications (DAs) in the Gosford City Centre (**Table 1**). These DAs are relevant to the proposal as the approved height and scale shows the future transformation to the character and setting of the Gosford City Centre (see **Figure 8** and figures within **Appendix A**).

Table 1 | Approved DAs to nearby development sites

DA Reference	Address	Description of Development	Approval	Status
DA46274/2014 (map ref: 1)	120-122 Erina Street East	Construction of a 15 storey residential and commercial tower (Figure 27 in Appendix A).	20 May 2015	No substantial works
DA47056/2015 (map ref: 2)	159 Mann Street	Construction of a 14 storey residential and commercial tower (RL 51.9 m) (Figure 27 in Appendix A).	8 Dec 2015	Construction completed in April 2019
DA46256/2014 (map ref: 3)	108-118 Mann Street	Construction of two towers up to 29 storeys (RL 93.6 m and RL 99.7 m) for residential, hotel and commercial uses (Figure 28 in Appendix A).	28 Apr 2014	Construction commencing mid-late 2020
DA47046/2015 (map ref: 4)	50-70 Mann Street, 114 Georgiana Terrace	Construction of three towers up to 35 storeys (RL 88.6 m to RL 117 m) for residential, hotel, commercial, cinema and tavern uses (Figure 29 Appendix A).	29 Jan 2015	No substantial works
DA46209/2014 (map ref: 5)	27-37 Mann Street	Construction of a 18 storey (RL 74.3 m) tower for residential, commercial and restaurant uses (Figure 30 in Appendix A).	22 Aug 2014	No substantial works
DA46272/2014 (map ref: 6)	Merindah, 21-23 Mann Street	Construction of a 17 storey (RL 67 m) tower for residential uses (Figure 30 in Appendix A).	22 Nov 2015	Construction nearing completion

- 1.5.2 A concept SSD application (SSD 10114) at 26 Mann Street (Ref 7 in **Figure 8** and **Appendix A**) is currently with the Independent Planning Commission (Commission) for determination. The proposal seeks approval for a building envelope comprising a podium and three towers up to RL 81.4 m providing 39,000 m² GFA for residential, hotel and retail / commercial uses.



Figure 8 | Aerial view of the site (highlighted red), with nearby development sites (highlighted blue) and the Imperial Centre which is also owned by the Applicant (red-dash outline) (Base source: Nearmap)

2 Project

2.1 Description of development

- 2.1.1 This SSD application seeks approval for the staged redevelopment of the site, comprising a basement, three podia and five tower envelopes for residential uses and commercial premises.
- 2.1.2 The key components and features of the Concept Proposal and Stage 1 works (as amended by the Response to Submissions (RtS) and response to the Department's request for further information (RRFI)) are summarised at **Table 2** and shown in **Figure 9** to **Figure 14**. A link to the Applicant's EIS, RtS and RRFI is provided at **Appendix B**.

Table 2 | Main components of the Concept Proposal

CONCEPT PROPOSAL																
Component	Description															
Building envelopes	<ul style="list-style-type: none"> • Three building envelopes, including: <ul style="list-style-type: none"> ○ Tower 1 and podium comprising: <ul style="list-style-type: none"> - podium with a maximum height of RL 21 m - Tower 1 with maximum heights of RL 70 m and RL 82.4 m ○ Tower 2 and podium comprising: <ul style="list-style-type: none"> - podium with a maximum height of RL 21 m - Tower 2 with maximum heights of RL 60.7 m and RL 73 m ○ Towers 3, 4 and 5 and shared podium comprising: <ul style="list-style-type: none"> - podium with maximum heights of RL 24 m and RL 31 m - Tower 3 with a maximum height of RL 88.6 m - Towers 4 and 5 with maximum heights of RL 91.7 m and RL 101 m. 															
GFA, land use and floor space ratio (FSR)	<ul style="list-style-type: none"> • Maximum 72,782 m² GFA comprising: <ul style="list-style-type: none"> ○ 67,360 m² GFA for residential use ○ 5,422 m² GFA for commercial premises, including: <ul style="list-style-type: none"> - 886 m² retail GFA - 4,536 m² commercial GFA to be determined in future DAs, which may comprise business and office uses • FSR 5.13:1 															
Parking rates	<ul style="list-style-type: none"> • Car parking provided in accordance with the following rates: <table border="1" data-bbox="533 1541 1222 1832" style="margin-left: 20px;"> <thead> <tr> <th>Use</th> <th>Car Parking Rate</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Residential</td> <td>1 bed</td> <td>0.9 space per unit</td> </tr> <tr> <td>2 bed</td> <td>1 space per unit</td> </tr> <tr> <td>3 bed</td> <td>1.5 space per unit</td> </tr> <tr> <td>visitor</td> <td>1 space per 7 units</td> </tr> <tr> <td>Retail</td> <td>1 space per 50 m²</td> </tr> <tr> <td>Commercial</td> <td>1 space per 75 m²</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Bicycle and motorcycle parking provided in accordance with the GDCP rates • Car-share spaces to be determined in future DAs • Eight on-street car park parking spaces (within the north/south through site link). 	Use	Car Parking Rate	Residential	1 bed	0.9 space per unit	2 bed	1 space per unit	3 bed	1.5 space per unit	visitor	1 space per 7 units	Retail	1 space per 50 m ²	Commercial	1 space per 75 m ²
Use	Car Parking Rate															
Residential	1 bed	0.9 space per unit														
	2 bed	1 space per unit														
	3 bed	1.5 space per unit														
	visitor	1 space per 7 units														
Retail	1 space per 50 m ²															
Commercial	1 space per 75 m ²															
Landscaping	<ul style="list-style-type: none"> • Concept landscape masterplan, including: <ul style="list-style-type: none"> ○ creation of publicly accessible through site links comprising: 															

	<ul style="list-style-type: none"> - north/south shared link (pedestrians and vehicles) between Donnison and William Streets - east/west pedestrian link connecting Henry Parry Drive and the north/south link o large urban forecourt fronting Henry Parry Drive o public and private hard and soft landscaping.
Guidelines	<ul style="list-style-type: none"> • Design guidelines (Design Guidelines) and design excellence strategy (DES) to inform the detailed built form design of the development
Indicative staging	<ul style="list-style-type: none"> • The development is proposed to be constructed in six stages: <ul style="list-style-type: none"> o Stage 1: demolition works as set out below (timeframe: 3-4 months, commencing mid 2021) o Stage 2: Tower 1 and podium (timeframe: 2 years, commencing end 2021) o Stage 3: Tower 2 and podium (to be determined) o Stage 4: Tower 3 and podium for Tower 3 and Tower 4 (to be determined) o Stage 5: Tower 4 (to be determined) o Stage 6: Tower 5 and remainder of the shared podium (to be determined).
Jobs	<ul style="list-style-type: none"> • 354 construction jobs • 211 operational jobs
Capital investment value (CIV)	<ul style="list-style-type: none"> • \$345,478,611

STAGE 1 WORKS

Component	Description
Demolition works	<ul style="list-style-type: none"> • Demolish the existing Kibbleplex building and substation
Infrastructure	<ul style="list-style-type: none"> • Extinguish all existing easements • Redirect existing stormwater and sewer infrastructure
Vegetation	<ul style="list-style-type: none"> • Remove all existing vegetation on the site
Construction hours	<ul style="list-style-type: none"> • 7am to 5pm Monday to Friday • 7:30am to 3pm Saturdays • No work on Sundays and public holidays.
Jobs	<ul style="list-style-type: none"> • 50-60 construction jobs
CIV	<ul style="list-style-type: none"> • \$3,661,500

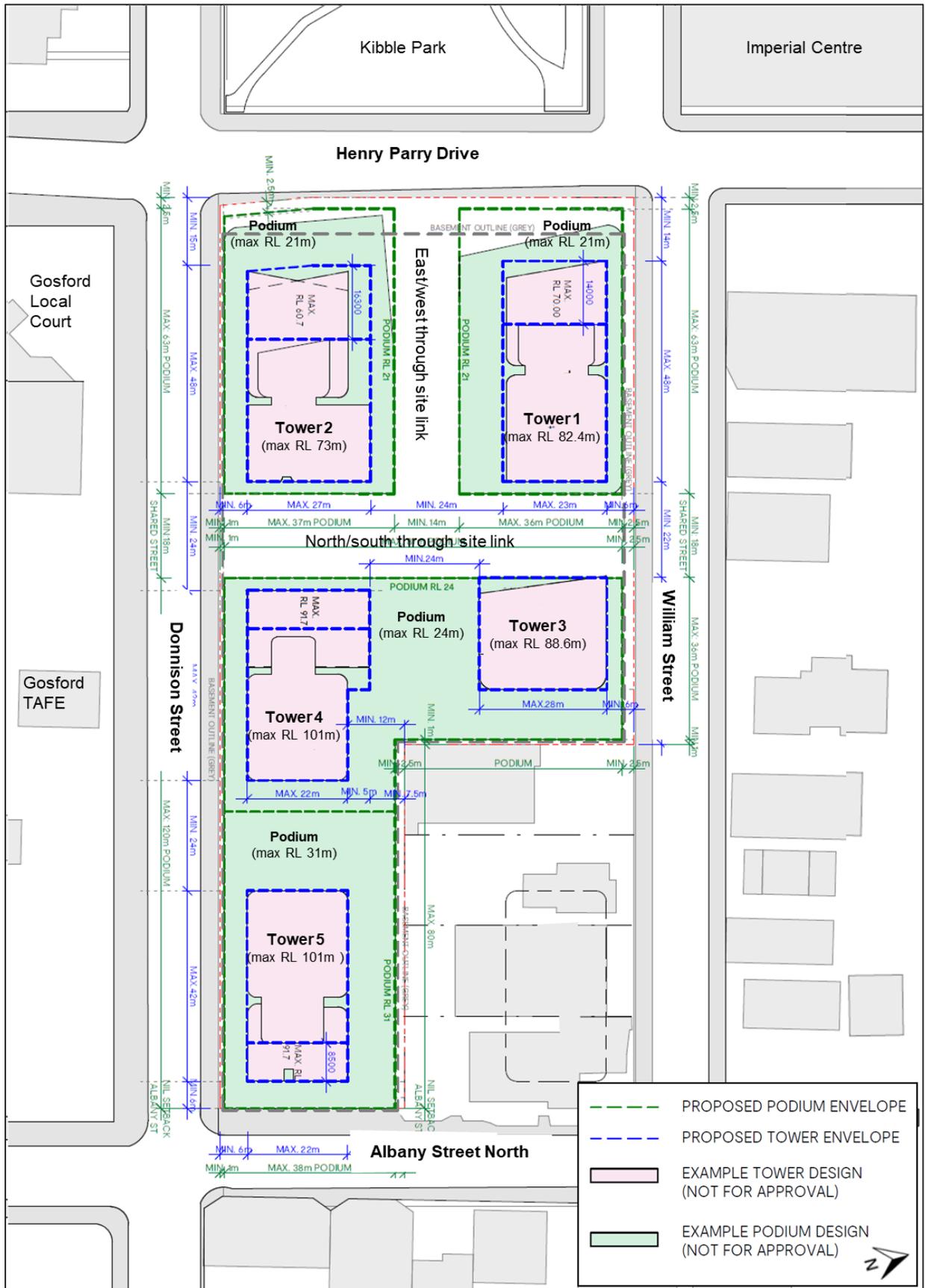


Figure 9 | The Concept Proposal podium and tower layout (Base source: Applicant's RtS)

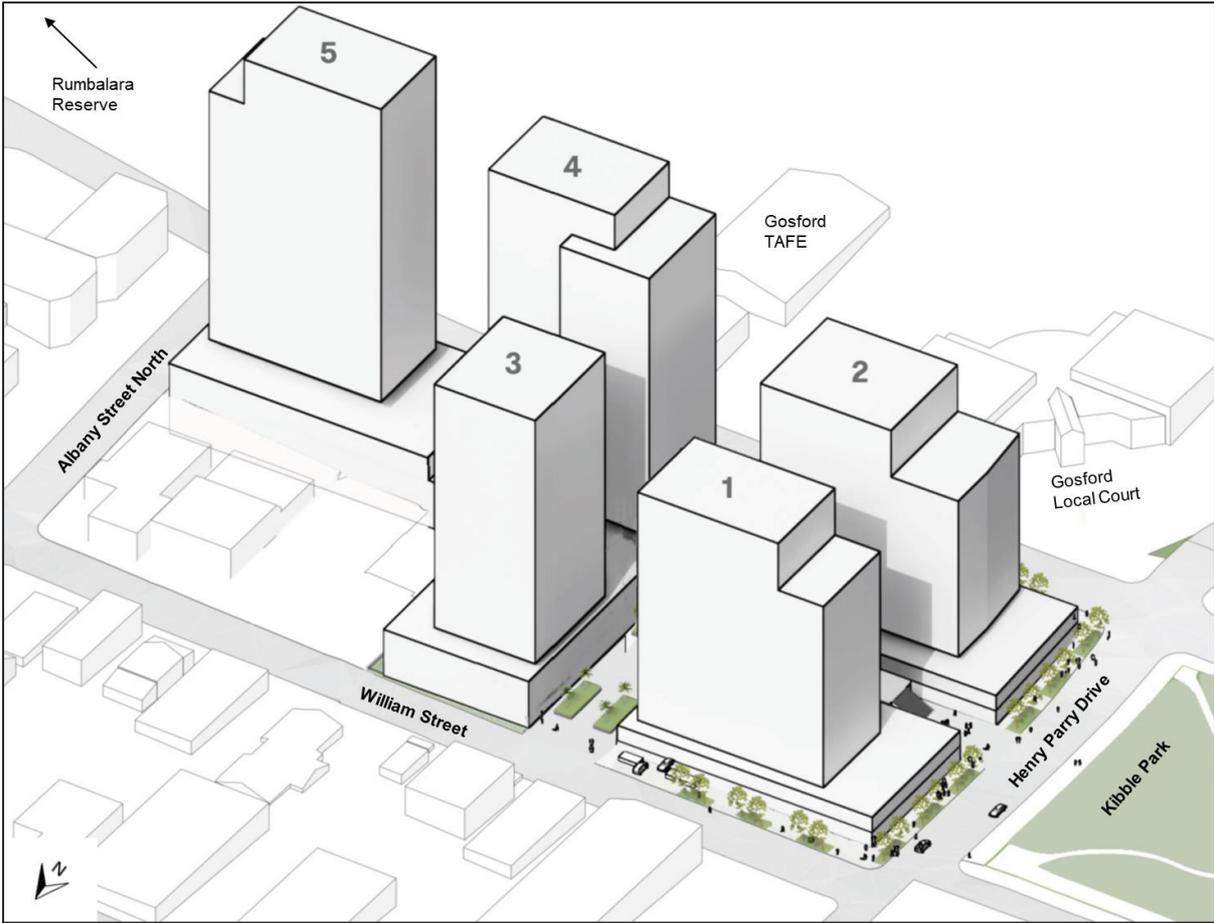


Figure 10 | Axonometric view south-east showing the 3D mass of the proposed envelopes and surrounding context (Base source: Applicant's RtS)



Figure 11 | Concept landscape masterplan (based on indicative scheme layout) (Base source: Applicant's RtS)

2.2 Applicant's indicative scheme

2.2.1 The Applicant has provided an indicative scheme that, while not proposed or assessed as part of this application, demonstrates how a detailed development might appear, be accessed and respond to the building envelope parameters (GFA and height) and Design Guidelines (**Figure 12** to **Figure 14**).

2.2.2 The indicative scheme comprises:

- five towers ranging in height from 18 to 27 storeys (including podium)
- 727 dwellings, comprising 180x1 bed, 399x2 bed, 148x3 bed apartments
- 5,422 m² commercial premises GFA, including:
 - 4,536 m² commercial GFA
 - 886 m² retail GFA
- FSR 5.13:1
- gross building envelope efficiency (i.e. volumetric fill of building envelope) of 85%
- 1,015 on-site car parking spaces, including:
 - 829 resident and 104 residential visitor spaces
 - 60 commercial and 22 retail spaces.
- eight on-street car parking spaces (within the north/south through site link).



Figure 12 | Perspective looking east from Kibble Park to the site and the indicative buildings (within the building envelopes) fronting Henry Parry Drive (Source: Applicants RtS)

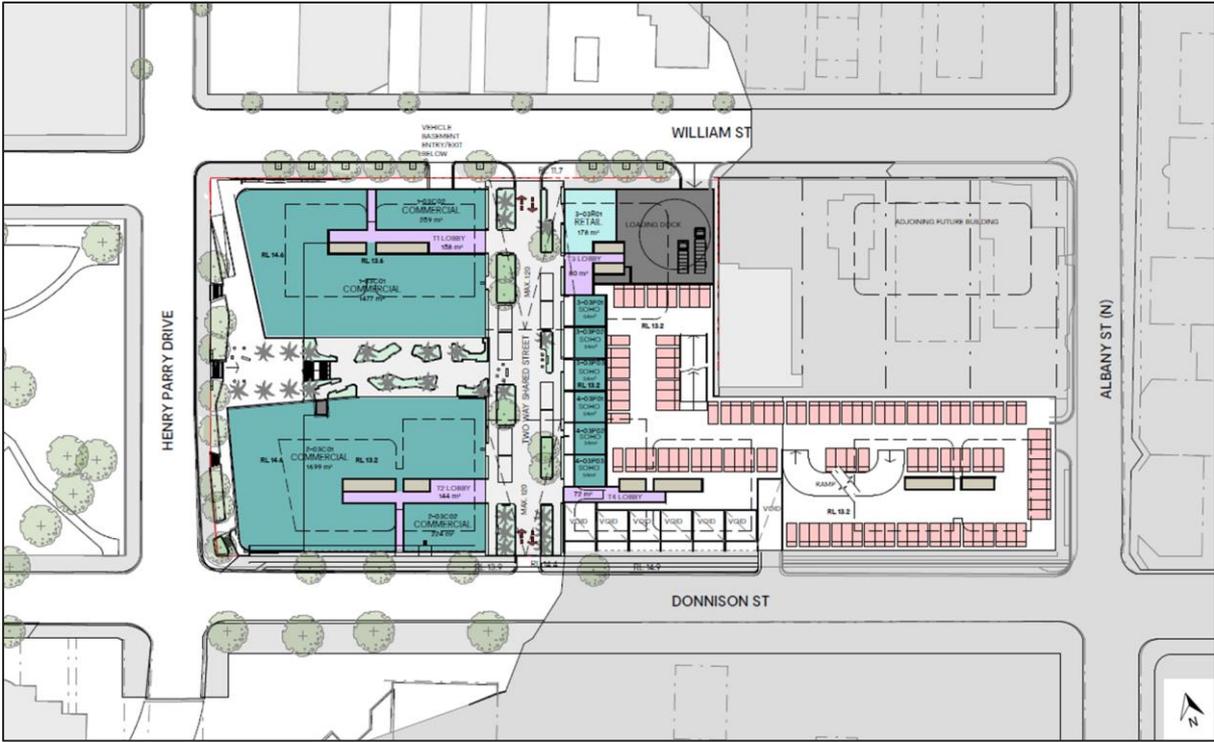


Figure 13 | Indicative ground floor layout (fronting Henry Parry Drive) with through site links and part basement level (fronting Albany Street North) (Source: Applicant's RTs)



Figure 14 | Indicative upper level plan (Source: Applicant's RTs)

3 Strategic context

STRATEGIC PLANNING POLICY

3.1 Central Coast Regional Plan 2036

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

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

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

3.1.3 The proposed development would support delivery of the following CCRP 2036 goals and directions:

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

- Goal 1 and Directions 1 and 2 to grow Gosford City Centre as the region's capital and focus economic development within the Southern Growth Corridor. In addition, it:
 - provides 5,422 m² GFA for commercial premises to support delivery of Action 1.1 to 'focus professional, civic and health services in the City Centre' and Action 1.3 to 'facilitate greater commercial development in the City Centre'.
 - includes two through-site links which support delivery of Action 1.8 to 'ensure development complements the public domain' and Action 2.3 to 'support delivery of renewal plans for Gosford City Centre'.

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

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

Goal 3: Well-connected communities and attractive lifestyles

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

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

- Goal 4, Direction 19 and Action 20.1 as it provides housing supply and choice within the Southern Growth Corridor. In addition, it includes residential dwellings within the Gosford City Centre (which is a central location within a regional centre).
- The proposal also provides infill development in an area with infrastructure to support growth and is supported by a concentration of infrastructure, facilities and services to accommodate residential and employment growth.

3.2 Gosford Urban Design Framework

3.2.1 The Gosford Urban Design Framework (GUDF) supports the activation of the public domain linking places and key sites, and improvements to building design to respond to the natural setting of Gosford City Centre. The GUDF identifies the site as 'key site' within the Civic Heart.

3.2.2 The proposal is consistent with the following GUDF key design principles:

- 1.4.7, 1.5.5 and 1.8 by activating Henry Parry Drive and providing active frontages, including shops, fronting Kibble Park and will provide 170 temporary public parking spaces during the staged construction (**Section 6.4**)
- 1.5.4 by minimising overshadowing of Kibble Park and preserving direct sunlight to 50% of the park for at least 4 hours between 9am and 3pm in mid-winter (**Section 6.7**)
- 1.5.7 and 1.6.4 as the tower envelopes have slender east/west forms and protect view corridors from Kibble Park to Rumbalara Reserve (**Section 6.4**)
- 1.8 which recommends Kibble Park retain a sense of protection and tranquillity even as key sites that surround the park are developed.

3.2.3 The GUDF also identifies the need for an integrated access and movement strategy (**Section 3.5**), including car parking study for the Gosford City Centre (**Section 3.6**).

3.3 Draft Somersby to Erina Corridor Strategy

3.3.1 Council's Draft Somersby to Erina Corridor Strategy responds to the CCRP 2036 actions for the Southern Growth Corridor. Gosford is identified as one of six centres in the corridor connected by the Central Coast Highway, with Gosford noted as the Central Coast's regional city. The vision for Gosford is a premier waterfront city with medium to high density neighbourhoods, civic uses, education, health, retail, art and culture, and genuine housing choice.

3.3.2 The proposal will support delivery of the following recommendations and actions in the draft strategy:

- focus residential development in existing centres with a mix of medium and high-density options
- enhance the public domain and improve pedestrian connections, including to Kibble Park within the 'Civic Heart'
- additional residential floorspace with the potential to contribute to housing choice within Gosford.

3.4 Draft Central Coast Urban Spatial Plan

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

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

OTHER EMERGING PLANNING POLICY

3.5 Draft Gosford City Centre Transport Plan

- 3.5.1 The Gosford City Centre is expected to grow from its current population of 5,660 people to over 11,000 people in 2036 (94.8% growth). In addition, by 2036:
- dwellings are expected to increase by 2,327 dwellings (from 4,376 to 6,703)
 - jobs are expected to increase by 5,264 jobs (from 14,385 to 19,649)
 - future improvements are likely along connections between Sydney and the Greater Newcastle metropolitan areas.
- 3.5.2 In recent years there has been an increase in development approvals, construction and interest in development in and around Gosford City Centre and consequently the above projections could be exceeded. Cumulatively and individually, developments could have a significant impact on movement to, from and throughout Gosford City Centre.
- 3.5.3 The Department is currently working with Transport for NSW to prepare the Gosford City Centre Transport Plan (GCCTP). The GCCTP will identify how the Gosford City Centre fits within broader transport networks. In this regard, the GCCTP intends to establish a:
- transport network vision that meets the needs of the city centre, including its residents, workers, visitors and investors as well as responds to the changing needs of users, over time
 - framework to inform the preparation and assessment of development proposals and management of any related transport impacts
 - framework for the identification and prioritisation of government expenditure on transport-related infrastructure and services and likely necessary road infrastructure improvements and upgrades.
- 3.5.4 The draft GCCTP is expected to be finalised towards the end of 2020.

3.6 Draft Central Coast Car Parking Study

- 3.6.1 Council has prepared the draft Central Coast Car Parking Study (CCPS). The CCPS outlines Council's commitment to support the region's growth and deliver robust, ongoing improvements to parking and transport infrastructure, management practices and resources. The study also provides a framework to improve the management and quality of parking and transport services in the region.
- 3.6.2 The CCPS confirms that existing parking demand in Gosford is very high (more than 5,000 vehicles during peak periods) and identifies an immediate need to find new car parking options to offset expected development and a long term need for more all-day parking.
- 3.6.3 The CCPS identifies short term (2023), medium term (2028) and long term (2038) strategies to address parking in the City Centre, including:
- use of parking space in existing facilities
 - provision of parking on the city fringe, supported by frequent shuttle bus services, on-demand bus services and infrastructure for pedestrians and cyclists
 - on-street metered parking and conversion of long-stay to short-stay parking
 - improve public transport services and smart parking initiatives.
- 3.6.4 The site is located within the Civic Heart precinct of the Gosford City Centre. While it proposes some car parking to meet the need of the development, the proposal involves the removal all existing public car parking. The Department has considered car parking provision in detail at **Section 6.5**.

4 Statutory Context

4.1 State Significant Development

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development is within the Gosford City Centre with a CIV of more than \$75 million (\$345.5 million) pursuant to clause 15 of Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Consent Authority

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

4.3 Permissibility

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

4.4 Secretary's Environment Assessment Requirements

- 4.4.1 On 1 February 2019, the Department notified the Applicant of the Planning Secretary's Environment Assessment Requirements (SEARs). The Department is satisfied that the EIS and RtS adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.5 Biodiversity Development Assessment Report

- 4.5.1 Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.
- 4.5.2 On 28 August 2019, the Biodiversity and Conservation Division (BCD) determined that the proposal is not be likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported BCD's decision and on 6 September 2019 determined that the application is not required to be accompanied by a BDAR under section 7.9(2) of the *BC Act*.

4.6 Mandatory matters for consideration

- 4.6.1 The following are the relevant mandatory matters for consideration:
- the matters in section 4.15(1) of the EP&A Act
 - relevant EPIs
 - objects of the EP&A Act

- Ecological Sustainable Development (ESD)
- *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Section 4.15(1) matters for consideration

4.6.2 The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 3**.

Table 3 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at Section 6 and Appendix D .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to the relevant controls under the Gosford City Centre Development Control Plan (GDCP) at Section 6 and Appendix D .
(a)(iia) any planning agreement	No existing planning agreements apply to the site.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(a)(v) any coastal zone management plan	The site is not within a designated coastal area under the State Environmental Planning Policy (Coastal Management) 2018 (Coastal SEPP).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned as discussed in Section 6 .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as discussed at Sections 5 and 6 and Appendix E .
(e) the public interest	The proposal is in the public interest as discussed at Section 6 .

Environmental Planning Instruments

4.6.3 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any EPI relevant to the proposal. Therefore, the assessment report must include a copy of, or reference

to, the provisions of any EPI(s) that substantially govern the project and that have been taken into account in the assessment of the project.

4.6.4 The EPIs relevant to the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- State Environmental Planning Policy No.65 – Residential Apartment Development (SEPP 65)
- State Environmental Planning Policy (Gosford City Centre) 2018 (Gosford SEPP).

4.6.5 The Department has undertaken a detailed assessment of these EPIs in **Appendix D** and is satisfied the application is consistent with the requirements of the EPIs.

4.6.6 The Department’s assessment of the proposal against the development standards within the Gosford SEPP, and in particular consideration of the criteria where the development standards may be exceeded, is set out in **Section 6.4** and **Appendix D**.

Objects of the EP&A Act

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

4.6.8 The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 4**.

Table 4 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources	The proposal promotes social and economic welfare by increasing employment opportunities and dwellings, and through the creation of new public domain and facilitating improved pedestrian connectivity. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ESD (paragraphs 4.6.9 to 4.6.11 and Section 6.7).
(c) to promote the orderly and economic use and development of land,	The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site near to existing services and public transport. The proposal

	<p>will facilitate redevelopment of the site for residential and commercial purposes, the merits of which are considered in Section 6.</p> <p>The development of the site will also provide economic benefits through job creation and infrastructure investment during construction.</p>
(d) to promote the delivery and maintenance of affordable housing,	The proposal will not result in the loss of any existing affordable housing in the locality. As the proposal does not provide affordable housing, the Department has recommended a FEAR requiring future DA(s) explore opportunities to provide affordable housing within the residential component of the development (Section 6.7).
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The project involves redevelopment of an existing urban site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. As confirmed in Section 4.5 , a BDAR waiver was issued on 6 September 2019.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is not adjacent to or nearby any heritage items. The proposal will therefore not have any adverse heritage impacts.
(g) to promote good design and amenity of the built environment,	The DAP has confirmed the proposal exhibits design excellence. Subject to conditions, the Department is satisfied the proposal does not result in unacceptable impacts (Section 6). The Design Guidelines and DES ensure a high standard of design for future development, and the Department has recommended FEARs to ensure future developments within the envelopes achieve a high standard of design.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal does not seek approval for construction of buildings. Future DA(s) will include detailed report(s) to demonstrate how future development meets relevant construction standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council's office during the exhibition period.

Ecologically sustainable development

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

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

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

- minimum 4-star National Australian Benchmarking Energy Rating Scheme (NABERS) rating and 4 star Green Star Design & As Built (residential component)
- meet BASIX targets as a minimum and explore opportunities to exceed targets by 10%
- high thermal mass construction and performance glazing
- natural ventilation (where possible) and high efficiency air-conditioning (where required)
- efficient lighting and fixtures and sustainable lighting controls (e.g. sensors) within common areas
- water efficient appliances and fixtures and rainwater recycling (minimum 20,000 litre capacity)
- on-site stormwater detention tank strategy and Water Sensitive Urban Design (WSUD) principles
- sustainably sourced, non-toxic, building materials/substances and recycled concrete aggregate
- green roof and vertical gardens to podium
- min 200m² photovoltaic panels on the towers and min 25 electric vehicle charging stations.

4.6.11 The Precautionary and Inter-generational Equity Principles have been applied in the decision making process by a thorough assessment of the environmental impacts of the project. The Department is satisfied the future developments are capable of encouraging ESD, as considered in **Section 6.7**.

Environmental Planning and Assessment Regulation 2000

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

4.7 Other approvals

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

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

5 Engagement

5.1 Department's engagement

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

5.2 Summary of submissions

- 5.2.1 In response to the exhibition of the EIS the Department received 10 submissions, comprising submissions from eight public authorities, one from Council and one from the public. Council and the public objected to the proposal.
- 5.2.2 A summary of the submissions is provided at **Table 5** and a summary of the issues raised in the submissions is provided at **Section 5.3**. Copies of the submissions may be viewed at **Appendix B**.

Table 5 | Summary of public authority, Council, community and special interest group submissions

Submitters	Number	Position
Public Authority	8	
<ul style="list-style-type: none"> Transport for New South Wales (including comments from former Roads and Maritime Services (RMS)) (TfNSW) 	1	Comments
<ul style="list-style-type: none"> Central Coast Local Health District (CC Health) 	1	
<ul style="list-style-type: none"> Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (BCD) 	1	
<ul style="list-style-type: none"> NSW Rural Fire Service (RFS) 	1	
<ul style="list-style-type: none"> Environment Protection Authority (EPA) 	1	
<ul style="list-style-type: none"> Water and the Natural Resources Access Regulator of the Department of Planning, Industry and Environment (DPIE Water / NRAR) 	1	
<ul style="list-style-type: none"> Department of Primary Industries 	1	No comments
<ul style="list-style-type: none"> Crown Lands, the Department of Planning, Industry and Environment 	1	
Council	1	Objection
Community (Community Environmental Network Inc.)	1	Objection
TOTAL Submissions	10	

5.3 Submissions

Public authority submissions

- 5.3.1 While the Department of Industries and Crown Lands advised they had no comments, a summary of the issues raised in remaining public authority submissions is provided at **Table 6**.

Table 6 | Summary of government authority submissions to the exhibition of the proposal

TfNSW

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

- the Transport Impact Assessment (TIA) should be updated to:
 - take account of existing public transport, clarify the development's impact on surrounding transport infrastructure and identify improvements (if necessary) between the site and Gosford Station
 - clarify retail and residential peak traffic generation rates, background growth rates (worst case scenario predictions), SIDRA traffic modelling and methodology and trip distribution assumptions
 - further consider potential impacts on the Henry Parry Drive intersections with Donnison and William Streets, including pedestrian movements at and between these intersections
 - outline the cumulative future year intersection performance, including surrounding approved developments, and consider the cumulative impact on the State road network
 - consider the anticipated traffic generation for each stage of the development and the potential staged provision of infrastructure
- consider the cumulative impacts of the development and other approved developments within the Gosford City Centre, to determine appropriate State road network upgrades
- cost sharing of future road upgrade works should be shared equitably between development sites.

TfNSW recommended conditions requiring future DA(s) include a Construction Pedestrian and Traffic Management Plan (CPTMP) and Green Travel Plan (GTP).

CC Health

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

- the impact on health services and transport infrastructure should be considered cumulatively with the likely impacts of other significant planned and approved developments in the Gosford City Centre
- due to the height the development an assessment of the impact on helicopter flight paths is required
- consider and mitigate dust impacts from the Stage 1 works and minimise overshadowing
- supports the preparation of the GTP.

CC Health recommended future DA(s) should address:

- potential air quality impacts, including any necessary management strategies
- potential construction noise impacts on the local community, including future residents
- land contamination, including work required to make the site suitable for its intended use
- Crime Prevention through Environmental Design (CPTED) principles for building and open space design
- compliance with Kibble Park solar access requirements
- construction impacts and include Construction Management and Environmental Management Plans
- community consultation during the construction phase(s) of the development
- the quality and design of publicly accessible spaces on the site
- bicycle parking and infrastructure to encourage bicycle use
- the potential provision of childcare facilities
- development contributions levied under the Gosford City Centre Special Infrastructure Contribution (SIC) or planning agreements should address off-site open space creation/improvement.

DPIE Water / NRAR

DPIE Water / NRAR does not object to the proposal, and requested the following:

- a groundwater assessment, including management and mitigation measures, information on dewatering and potential contamination
- relevant Water Access Licenses should the development intercept groundwater
- detailed construction designs, including geotechnical information, provided to DPIE Water / NRAR.

BCD

BCD does not object to the proposal and confirmed it was satisfied with the flooding assessment. BDC noted a BDAR waiver was issued on 6 September 2019 and confirmed no future biodiversity assessment is required.

RFS

RFS does not object to the proposal and recommended conditions relating to future construction and detailed design of buildings, including water and utility services, landscaping and establishment of asset protection zones.

EPA

EPA does not object to the proposal noting the proposal:

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

Council's submission

5.3.2 A summary of the issues raised in Council's submission is provided at **Table 7**

Table 7 | Summary of Council's submission to the exhibition of the proposal

Council

Council objects to the proposal on the following grounds:

Built form

- height and FSR exceedances are not justified and the proposal does not achieve design excellence
- towers are overly dominant when viewed from Kibble Park and surrounding streets and adversely impact views towards Rumbalara Reserve
- height of Tower 1 should be reduced by 5 storeys and Tower 3 by 3 storeys to maximise solar access to Kibble Park and reduce cumulative overshadowing impacts
- towers to include a 15% variance in height and floorplates should be no larger than 750 m²
- Donnison Street should have an active street frontage and above ground car parking is not supported
- lack of detailed plans, elevations, sections or material schedule has been provided

In other respects, Council considered the built form to be generally acceptable, including the podium relationship to the street and the through site links proposed, and supports the 2.5 m setback to Henry Parry Drive.

Amenity

- residential apartments should comply with SEPP 65 and the Apartment Design Guide (ADG)
- communal open space is inadequate and communal open space and through site links are overshadowed, and may be further overshadowed by future development of the adjoining site to the north-west
- accessible units should be provided within the development
- lacking details on private open space, unit layouts, communal facilities or pedestrian access

Landscape, sustainability and flooding

- existing street trees should be removed and replaced with advanced specimens in accordance with the Gosford City Centre Streetscape Guidelines 2011 (GCC Streetscape Guidelines)
- the proposal should target sustainability measures beyond the minimum requirements
- the materials, floor levels and parking areas in future developments should be designed to mitigate flooding
- clarify the location of, and connection to, existing stormwater infrastructure on the site

- drainage infrastructure to be provided in accordance with Gosford Development Control Plan 2013 (DCP 2013)
- relocation of sewer mains crossing site requires Council approval and should be no cost to Council
- proposal necessitates augmentation of Council's water and sewerage infrastructure. Water and sewer services contributions apply, and requires a Section 305 *Water Management Act 2000* application

Traffic, parking and access

- a pedestrian bridge should be constructed over Henry Parry Drive to connect the site to Kibble Park
- car parking to be provided in accordance with the Gosford SEPP and GDCP car parking rates, and comply with the GCC Streetscape Guidelines and relevant Australian Standards
- assess the impact of the removal of 600 public car parking spaces
- not support the detailed road designs of the landscaped median, narrowing of pavements, removal of bus stop, installation of kerb blisters, changes to Donnison Street parking and kerb returns into footways
- TIA to review predicted traffic distribution assumptions on surrounding roads and investigate intersection capacity and potential upgrade requirements
- right turn lane from Henry Parry Drive into William Street would operate beyond capacity, so need to relocate the car parking entrance on William Street further east or to Donnison Street or construct a median in William Street to prevent right turns into the Tower 1 car park
- provide details of pedestrian movements during peak periods at Henry Parry Drive intersections with William and Donnison Streets
- the Donnison Street railway overbridge should be upgraded to allow improved bus, vehicle, pedestrian and cyclist access across the bridge

Environmental health and utilities

- operational waste should be stored and collected in accordance with DCP 2013
- future DA(s) should include plans to address air quality, acid sulfate soils, asbestos removal, land contamination, construction and operational noise impacts and soil and water management

Social and economic considerations

- the economic impact on other existing and proposed commercial/retail developments in the City Centre should be considered and the proposal should include affordable housing and community facilities
- contributions should be required for the upgrade of Henry Parry Drive (State road) and intersections
- the Minister should delegate the determination of future DA(s) to Council

Council recommended future DA(s) include a CTPMP, dilapidation reports, flood mitigation measures, NRAR approvals / licenses for dewatering, approval of any changes to road signage, section 307 Certificate under the Water Management Act 2000 and approvals (as necessary) under section 138 of the Roads Act 1993.

Stage 1 works

- demolition works should be delayed until future stages are approved to prevent environmental impacts and the removal of existing publicly accessible car parking until necessary
- a demolition waste management plan is required, including details of haulage and disposal of waste
- the concept stormwater strategy, including potential stormwater infrastructure diversion(s), should be undertaken in accordance with Council's requirements and carried out as part of the Stage 1 works.

Council recommended conditions relating to the management and mitigation of the Stage 1 works.

Community submission

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

- non-compliance with the Gosford SEPP maximum height and FSR controls for the site
- does not meet requirements to allow exceedance of height / FSR controls, as:

- it is unclear whether the proposal has addressed the requirements of the DAP
- the amount of floorspace for commercial premises is not satisfactory
- insufficient information has been provided on sustainability and environmental performance standards
- negative impact of removing the existing commuter car parking spaces
- the proposal does not meet minimum sustainability standards
- the development does not achieve design excellence in relation to impact on view corridors, height of podiums, size of floorplates, overshadowing and pedestrian / cycle access and street activation
- adverse visual impact of above ground car parking
- the Commission should determine the application.

5.4 Response to submissions

5.4.1 Following exhibition of the proposal, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions. The Department also requested additional information in relation to design excellence and built form considerations, visual and solar impacts, amenity, ESD, social and economic impacts, transport and accessibility, staging, public benefits and geotechnical investigations. The Department also requested further review by the DAP and the preparation of a DES and Design Guidelines to guide future development and ensure design excellence is maintained.

5.4.2 On 20 April 2020, the Applicant submitted its RtS (**Appendix B**). The RtS provided additional information and clarification in response to the issues raised in submissions and requested by the Department. In response to the issues raised, the RtS also included the following key amendments to the proposal (**Figure 15** and **Figure 16**):

- reduction of 276 m² total GFA comprising:
 - increase of 1,730 m² commercial GFA (from 3,692 m² to 5,422 m²)
 - reduction of 2,006 m² residential GFA (from 69,366 m² to 67,360 m²)
- amendments to tower building envelopes, including:
 - reduce height of Tower 1 by 6.6 m (from RL 89 m to RL 82.4 m)
 - reduce width of Tower 1 fronting Kibble Park by 4 m (from 27 m to 23 m)
 - reduce Tower 1 eastern (Henry Parry Drive) setback by 1 m (from 15 m to 14 m)
 - reduce height of Tower 3 by 3.4 m (from RL 92 m to RL 88.6 m)
 - reduce height of Tower 5 by 9 m (from RL 110 m to RL 101 m)
 - introduce stepped building heights to Towers 1, 2, 4 and 5
- amendments to podium building envelopes, including:
 - increase height of Tower 5 podium by 7 m (from RL 24 m to RL 31 m)
 - reduce Tower 5 podium setback to Albany North Street by 2.5 m (from 2.5 m to nil)
 - reduce Tower 2, 4 and 5 southern podium setback by 1.5 m (from 2.5 m to 1 m)
- introduce townhouses and small-office / home-office (SOHO) units to activate the full length of Donnison Street and the through site links (resulting in the proposal no longer seeking a variation of clause 8.6 of the Gosford SEPP (Active Street Frontages))
- all above ground car parking sleeved by accommodation or hidden from public view
- amend public domain and landscaping and remove all adjoining street trees and the William Street planted median strip

- amend staging diagrams and provide 170 temporary public car parking spaces during construction
- introduce Design Guidelines to guide future development within the building envelopes
- introduce a DES to ensure ongoing design review/integrity.

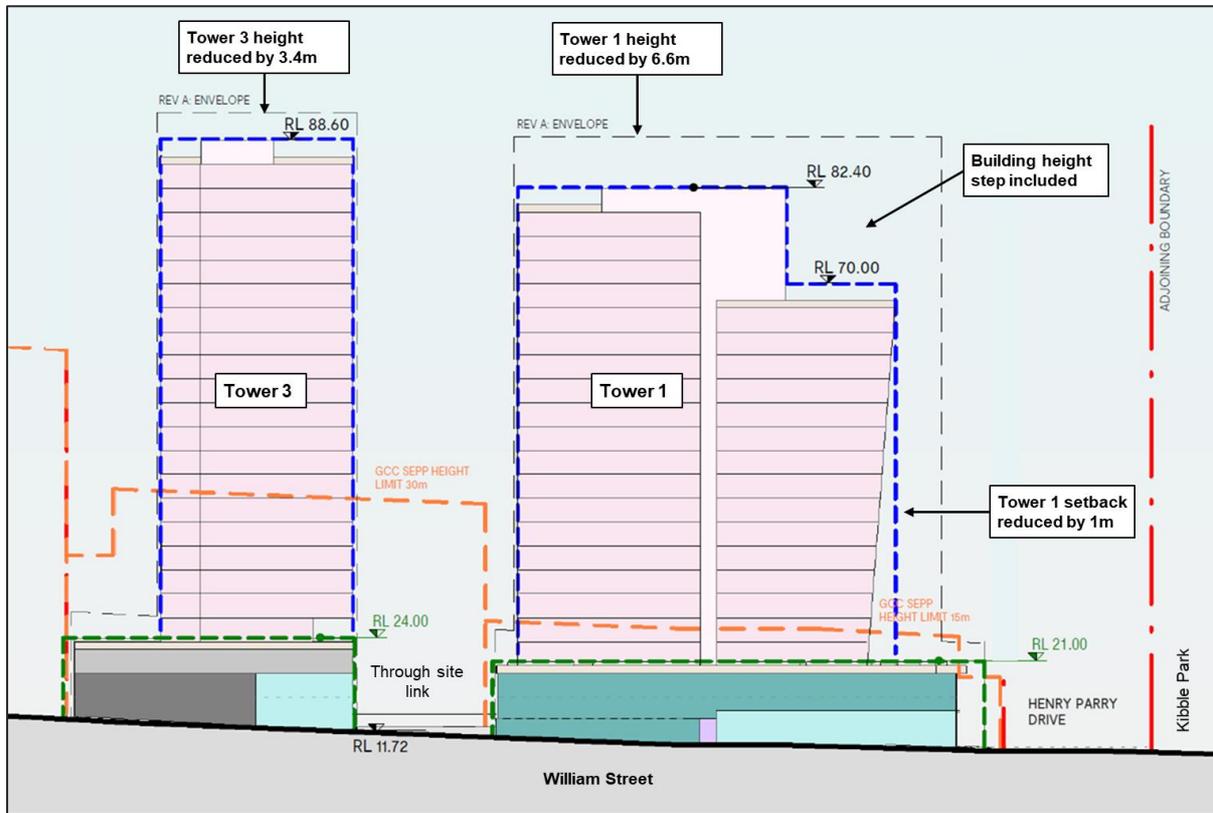


Figure 15 | Changes to Tower 1 and Tower 3 building envelopes (Base source: Applicant's RtS)

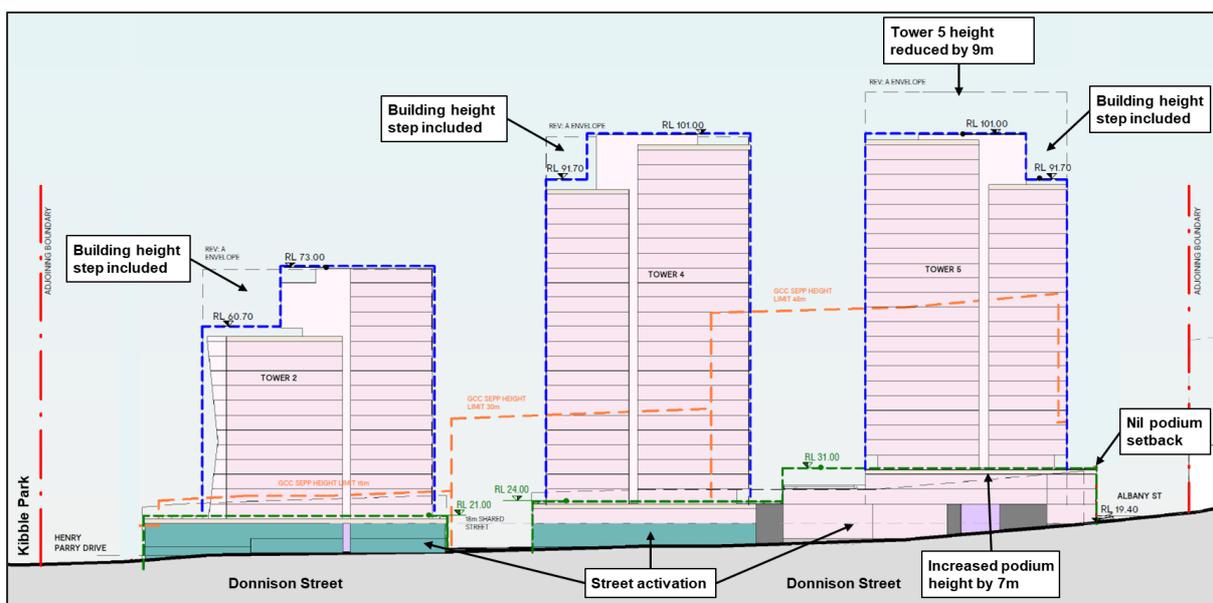


Figure 16 | Changes to Towers 2, 4 and 5 building envelopes (Base source: Applicant's RtS)

5.4.3 The RtS was made publicly available on the Department website and referred to Council and relevant public authorities. An additional four submissions were received from public authorities and one from

Council. A summary of the issues raised in the submissions is provided at **Table 8** and **Table 9** and copies of the submissions may be viewed at **Appendix B**.

Table 8 | Summary of government authority submissions to the notification of the RtS

TfNSW

TfNSW reiterated the following of its previous comments:

- consider the cumulative impact of the development and other approved developments within the Gosford City Centre to determine appropriate State road network upgrades
- cost sharing of future road upgrade works should be shared equitably between development sites
- future DA(s) should include a CPTMP and GTP.

CC Health

CC Health reiterated its previous comments recommending further consideration of cumulative health services and transport impacts and minimising overshadowing. CC Health also reiterated recommended future DA(s) requirements.

CC Health also provided new comments recommending Towers 4 and 5 and construction cranes be fitted with aviation obstruction lighting (AOL) to address helicopter flight paths.

BCD

BCD reiterated its previous comments in relation to biodiversity and flooding. BCD also recommended an Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared.

DPIE WATER / NRAR

DPIE Water / NRAR reiterated its previous comments and recommended conditions to ensure ground water impacts are identified and mitigated and any groundwater use will be licenced.

Table 9 | Summary of Council's submission to the notification of the RtS

Council

In response to the RtS, Council advised that it supports the:

- reduction in height, FSR, number of residential units, overshadowing of Kibble Park
- the increase of commercial floorspace and activation of Donnison Street
- division of the Tower 1 and 2 podia fronting Henry Parry Drive
- removal of existing street trees and provision of 23 replacement street trees
- response to detailed road / footway design (excluding kerb return treatments)
- built form is acceptable other than as discussed below.

Notwithstanding, Council reiterated its objection to the proposal and provided the following comments:

Built form and amenity

- despite the amendments, the proposal still exceeds the height and FSR controls and adversely impacts on views to Rumbalara Reserve from Kibble Park, Williams Street Mall, Donnison Street and Henry Parry Drive. In addition, the:
 - towers rise above the ridgeline of Rumbalara Reserve when viewed from most locations in the city
 - view to the ridge between the towers is only seen from the small area in the centre of Kibble Park
 - the proposal does not exhibit design excellence
- the scale of revised Tower 1 and 2 continues to be visually dominant when viewed from Kibble Park
- all podia should be constructed in the second stage, including car parking and drainage infrastructure
- the proposed above ground car parking is excessive
- the Applicant's architect should be retained for the life of the project to ensure design integrity
- demonstrate future developments are capable of meeting ADG requirements, including unit layouts, private open space, communal open space and facilities and pedestrian access

-
- communal spaces should comply with the solar access objectives of the ADG.

Landscape, sustainability and flooding

- through site links should be publicly accessible and not closed at night or outside business hours
- parking areas on Donnison and Williams Street should allow deep soil zones and planting in both frontages
- should target sustainability measures beyond the minimum requirements
- some large trees should be included in the public spaces
- relocation of existing sewer mains crossing the site requires Council approval and should be carried out at no cost to Council. Buildings should not encroach within easements.
- the existing Council stormwater / sewer infrastructure that crosses the site should be diverted as part of Stage 1 works and design should be amended in accordance with Council's specifications.
- the development would necessitate the augmentation of Council's water and sewerage infrastructure and water and sewer developer services contributions shall apply.

Traffic, parking and access

- should provide, or contribute to, a future pedestrian access / bridge across Henry Parry Drive
- should undertake road infrastructure improvements to Henry Parry Drive / intersections or be paid for via the SIC
- CTPMP, Operational Waste Management Plan and Loading Dock Management Plan are required

Council also provided comments about the future detailed design of footways, regulatory signage, car park design, site servicing, waste collection, flooding drainage measures, civil engineering works.

Council recommended future developments comply with the DCP 2013, Gosford City Centre Streetscape Design Guidelines 2011, Council's Civil Works Specification, relevant AS (car parking), relevant necessary approvals under the Water Management Act and Roads Act 1993, and from NSW Office of Water

5.5 City of Gosford Design Advisory Panel (DAP)

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

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

- 25 June 2019 prior to the lodgement of the application
- 31 October 2019 in response to the exhibition of the EIS
- 27 March 2020 prior to lodgement of the RtS.

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

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

5.6 Further information provided during the assessment

5.6.1 During the assessment, the Applicant responded to several requests for further information (RRFI) from the Department, such as in relation to clarification of the gross floor area, construction timeframes, contamination assessment, noise impact assessment, drawings and images, visual impact assessment, solar access, tower floor plates and confirmation of Stage 1 works (**Appendix B**).

6 Assessment

6.1 Key assessment issues

- 6.1.1 The Department has considered the EIS, RtS and RRFI and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the Concept Proposal are:
- design excellence
 - density
 - building envelopes
 - car parking, traffic and road infrastructure
 - public benefits.
- 6.1.2 Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the Concept Proposal and are discussed at **Section 6.7**.
- 6.1.3 Consideration of the Stage 1 works is provided at **Section 6.8**.

6.2 Design excellence

- 6.2.1 Clause 8.3 of the Gosford SEPP seeks to ensure that new development within the Gosford City Centre exhibits design excellence. Clause 8.3 applies to all developments for the erection of new buildings within the Gosford City Centre, and therefore the Gosford SEPP design excellence provisions apply to the site, and have been considered in this section and at **Appendix D**.
- 6.2.2 In considering whether a development exhibits design excellence, the Department has considered the following matters (in the sections below and in **Appendix B**):
- the attainment of a high standard of architectural design, materials and detailing
 - form and external appearance and quality and amenity of the public domain
 - impact on solar access to identified open spaces, vistas and view corridors
 - how the development addresses land use, heritage and streetscape, built form relationship (on and off site), bulk, massing and modulation of buildings, heights, environmental impacts, ESD, pedestrian, cycle, vehicular and service access, circulation, public domain and site suitability.
- 6.2.3 Under clause 8.4(c) of the Gosford SEPP, the proposal is not required to undertake a design excellence architectural competition (**Section 6.4 / Table 21**) and one is not proposed.
- 6.2.4 Concern was raised by Council and in the public submission that the proposal does not achieve design excellence.
- 6.2.5 In response to a request from the Department, the Applicant prepared a DES and Design Guidelines to ensure the detailed design of the future development achieves design excellence.

Design excellence strategy

- 6.2.6 In June 2019, the Applicant met with the DAP to seek its advice prior to lodging the application. At this meeting, the DAP provided preliminary comments on public domain improvements, deep soil areas, relationship with Kibble Park, through-site links, FSR, tower articulation and podium activation. The Applicant reviewed the proposal and updated the design in light of the DAP's preliminary comments.

- 6.2.7 The Department referred the proposal to the DAP for further advice as part of the public exhibition on the EIS. The DAP commented on the building envelope height, setbacks and articulation, public realm, residential amenity and visibility of above ground car parking.
- 6.2.8 The Applicant's RtS refined the proposal in light of the DAP advice and in response to comments from the Department. In response to a request from the Department, it also included a DES confirming the Applicant's commitment to the Gosford SEPP design excellence process, application of Design Guidelines and the ongoing involvement of the DAP. The DES proposes:
- future development be designed by high quality architectural firm(s) that have received awards or commendations from the Australian Institute of Architects within four years from DA lodgement
 - designs to be prepared in accordance with, and assessed against, Design Guidelines
 - incorporation of ESD principles
 - architectural peer review of future development designs
 - engaging with the DAP.
- 6.2.9 At a meeting in March 2020, the DAP reviewed the draft RtS and concluded the proposal exhibits design excellence and recommended the DES be amended to:
- increase the period for the consideration of awards or commendations from four to five years from DA lodgement
 - reference to the design principles set out in the Design Guidelines
 - include a section on design integrity, which describes the role of the design architect and ensure the lead architect is involved until the end of the completion of the project.
- 6.2.10 Council also recommended the Applicant's architect be retained for the life of the project to ensure design integrity.
- 6.2.11 The DAP has been involved with the proposal since its inception and has provided detailed advice and recommendations to guide the design of the development throughout its evolution. The DAP has also considered the concept proposal and concluded it exhibits design excellence (**Appendix F**). The Department has considered the DAP's advice in its assessment of the proposed building envelopes at **Section 6.4**.
- 6.2.12 The Department supports the proposed engagement of high quality architects and that future developments address the requirements of the Design Guidelines. However, the DES does not explicitly confirm when the DAP will be involved in the design process, include guidance or measures to ensure architectural variety across the five towers and consider ongoing design integrity. The Department therefore recommends the DES be amended to require:
- the consideration of awards or commendations from four to five years from DA lodgement
 - future DA(s) to be presented to the DAP prior to lodgement, which is consistent with Gosford SEPP. This would ensure independent, expert and impartial design advice to be addressed by the Applicant prior to lodgement of each application
 - the Applicant either engage a variety of architects / design teams or demonstrate how the precinct would foster appropriate architectural diversity throughout the precinct
 - the ongoing retention of the architectural firm selected for each stage of development until the completion of that stage.

6.2.13 Subject to the implementation of the amended DES and continued involvement of the DAP in accordance with the Gosford SEPP, the Department considers future developments are capable of being designed to achieve design excellence and maintain design integrity. The Department has recommended FEARs requiring future development be undertaken in accordance with the amended DES and future DA(s) are reviewed by, and respond to the advice of, the DAP.

Design Guidelines

6.2.14 The proposal is for concept approval and therefore does not seek approval for the detailed design of buildings, which are reserved for assessment as part of the future DA(s).

6.2.15 In response to a request from the Department, the Applicant prepared preliminary Design Guidelines to ensure future developments exhibit design excellence and help guide the design of buildings and spaces. The DAP reviewed these guidelines and recommended they be updated to also address design principles, Henry Parry Drive interface, the character of the shared through site link and requirements for future apartments to achieve ADG compliance.

6.2.16 In response, the Applicant submitted amended Design Guidelines with its RtS. The Design Guidelines provide whole-of-site and building specific guidance relating to building height, scale and architectural character and through site links.

6.2.17 The Department notes, although the Design Guidelines are high-level in nature, they generally provide an appropriate starting point for the design of future buildings and spaces. However, as discussed in **Section 6** and **Appendix G**, the Department recommends several amendments to strengthen the guidelines, including in relation to:

- ESD and general sustainability principles
- appropriate modulation, façade articulation and use of materials
- visual and physical connection between podia and the surrounding streets
- a high standard of design, layout, permeability, usability and amenity of the through site links
- screening of above ground car parking be designed, screened, treated to ensure it is not visible from the surrounding streets, public open spaces and the through site links.

6.2.18 The Department also recommends FEARs requiring detailed elevations and design statement(s) in future DA(s) and future developments demonstrate consistency with the Design Guidelines.

Conclusion

6.2.19 The Department is satisfied the Applicant is committed to a rigorous design process. Further, recommendations that future DAs be reviewed by the DAP prior to lodgement and the DES be amended to foster architectural variety across the precinct will ensure the highest standard of design is achieved across the future development.

6.2.20 The Department supports the establishment of Design Guidelines for the future development and considers, subject to the recommended amendments, they provide appropriate guidance for the future buildings on the site.

6.2.21 Based on the above, and in particular the advice of the DAP and consideration of the matters under clause 8.3, the Department is satisfied that the proposal exhibits design excellence in accordance with the Gosford SEPP and design integrity will be maintained.

6.3 Density

- 6.3.1 The proposal seeks approval for 72,782 m² of residential and commercial floorspace (an FSR of 5.13:1). This exceeds the base FSR in the Gosford SEPP by approximately 29,000 m², which is allowed under Clause 8.4(4) when the proposal meets certain criteria.
- 6.3.2 The Applicant contends the additional floor space is acceptable as the proposal meets the clause 8.4(4) criteria, the proposed GFA is appropriate for the site and would not result in any additional adverse environmental impacts.
- 6.3.3 Concern was raised in the public submission and by Council about the exceedance of the base FSR control.
- 6.3.4 The Department has carefully considered the concerns raised about the proposed density. The Department considers that, under the Gosford SEPP, an acceptable density is informed by the appropriateness of the built form and having regard to potential impact of the floorspace, such as traffic generation, amenity impact and demand on existing/future infrastructure.
- 6.3.5 As discussed in **Sections 1** and **3** above and **Section 6.4**, the redevelopment of the site has strategic merit. This is particularly due to its size, being a key site contributing the revitalisation of Gosford, the existing building is largely disused (except for parking) and dilapidated, it will provide increased housing choice and new employment opportunities within a regional centre, has excellent access to public transport and provides active through site links.
- 6.3.6 The Department considers the site can accommodate the proposed floor space as:
- the proposal satisfies the criteria for additional floor space under Clause 8.4(4) of the Gosford SEPP, as assessed in **Appendix D (Table 21)**
 - the proposal achieves design excellence and has been reviewed, and is supported, by the independent DAP (**Section 5.5**)
 - the building height and scale is appropriate within its context and compatible with the emerging character of the Gosford City Centre (**Section 6.4**)
 - the building envelopes have acceptable amenity impacts in relation to view impacts and overshadowing (**Sections 6.4** and **6.7**)
 - future developments will be designed in accordance with ESD principles and meet appropriate sustainability targets, including exploring stretch-targets (**Sections 4.6** and **6.7**)
 - traffic impacts can be managed and mitigated and future DA(s) will undertake detailed assessments to determine the appropriate on-site car parking provision (**Section 6.5**)
 - future DA(s) will include publicly accessible through site links, which represent a public benefit and the Department recommends future DA(s) consider additional appropriate public benefits (**Section 6.6**).
- 6.3.7 The Department therefore concludes the proposed density of the development is appropriate for the site and it would not unreasonably impact on the surrounding area in terms of built form, visual, traffic or amenity impacts.

6.4 Building envelopes

- 6.4.1 The proposal seeks concept approval for a building envelope comprising a podium and tower built form typology. The proposal includes building envelope parameters (maximum height and GFA) as summarised at **Table 2** and shown at **Figure 9** and **Figure 10**. While the proposal does not seek

approval for the detailed building design, the Applicant has an indicative scheme for illustrative purposes (**paragraph 2.2**).

- 6.4.2 Concern was raised in the public submission about the proposed exceedance of the Gosford SEPP base height and FSR development standards. Council stated the proposal does not exhibit design excellence and the exceedances of the Gosford SEPP height and FSR controls are unjustified.
- 6.4.3 The Department notes the proposal exceeds the base height and floor space development standards in the Gosford SEPP (**Appendix D, Table 20**). Under Clause 8.4(4) of the Gosford SEPP, additional height and floor space is allowed when the proposal meets certain criteria.
- 6.4.4 The Department has carefully considered the proposal against these criteria (**Appendix D, Table 21**), and is satisfied the proposed height and floor space is allowed and the merits of which can be assessed further.
- 6.4.5 The Application includes a Visual and View Impact Assessment (VVIA), and provides perspectives of the proposed envelope viewed from key vantage points (**Figure 21 to Figure 23**). The relationship between the site and nearby existing, approved or notional developments is shown in **Figure 17**.



Figure 17 | Aerial view south-east towards the site and including proposed and approved Mann Street towers and a notional Imperial Centre redevelopment (Base source: Applicant's RtS)

- 6.4.6 In order to thoroughly assess the appropriateness of the building envelopes, the Department has carefully considered the character of the Gosford City Centre and the surrounding built form context.
- 6.4.7 The Department notes that in the past the Gosford City Centre was characterised by low-rise buildings nestled within a valley floor framed by forested hills and Brisbane Water. However, as discussed at **Sections 1.2 and 1.5**, Gosford is undergoing a period of renewal, which has and will result in changes to the built environment.
- 6.4.8 The GUDP envisages higher developments on key sites within the three Gosford City Centre precincts and significant improvements to public domain and connectivity. The GDCP also promotes the construction of tall, slender towers in appropriate locations.

- 6.4.9 New developments, including tall buildings, have been approved and constructed along the central spine of the Gosford City Centre (Mann Street), which establishes a new built form character and an evolution away from the low-rise valley-floor character of Gosford (**Section 1.5** and **Appendix A**). These approvals and developments reinforce the new strategically planned direction/vision for Gosford established by the Gosford SEPP and outlined within the GUDP and the GDCP.
- 6.4.10 In this context the prevailing character of Gosford can no longer be primarily defined by low-rise buildings. Instead, through the Gosford SEPP, GUDF and GDCP, the emerging character of Gosford is changing to become an area characterised by a variety of building heights, scales and designs, which include some very tall, slender buildings located along and near its central spine. In addition, this new prevailing character makes a positive contribution to the visual experience within Gosford and reinforces its role as a vibrant focal point, economic destination and regional centre.
- 6.4.11 Concerns were raised in the public submission and by Council about the height and scale of the building envelopes, interruption of public views and overshadowing.
- 6.4.12 Having carefully considered the concerns raised in submissions, the proposed building envelopes and the existing and emerging character of Gosford, the key issues for consideration are:
- height (tower and podium)
 - bulk, scale and visual impact
 - overshadowing of through site links.

Height

[Tower envelopes](#)

- 6.4.13 As considered in **Appendix D (Table 21)**, the Department is satisfied that the proposal complies with the criteria that allows additional height and floor space in accordance with clause 8.4(4) of the Gosford SEPP.
- 6.4.14 The GDCP identifies the site as 'Key Site 4' and confirms the height of future development should be determined through a master planning process and that tall towers should be slender and have limited impacts on key views and Kibble Park.
- 6.4.15 Concerns were raised in the public submission that the proposal exceeds the Gosford SEPP height of building development standards for the site. Council objected to the proposal stating the tower heights are overly dominant.
- 6.4.16 The Applicant contends the proposed height is acceptable as the clause 8.4(4) criteria have been met. In addition, the height of the proposed towers has been arrived at following consideration of the DAP's advice and recommendations and is appropriate for the site.

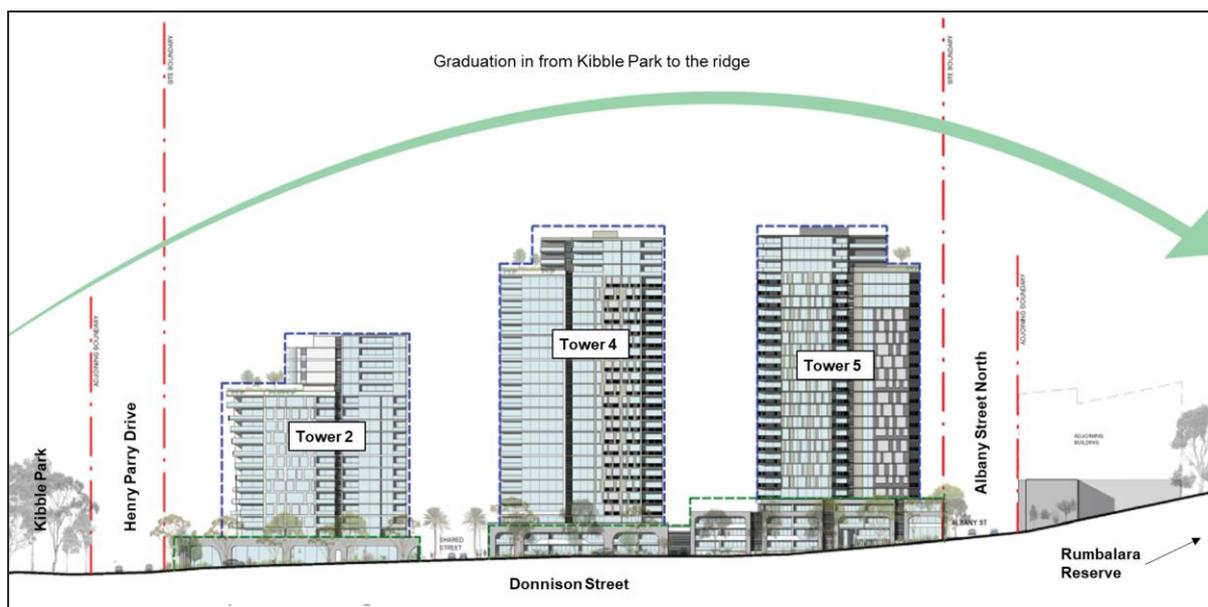


Figure 18 | Donnison Street perspective showing the graduation of buildings heights between Henry Parry Drive and Albany Street North (Base source: Applicant's RtS)

6.4.17 In response to concerns about the proposed height and built form raised by the Department, the Applicant amended the tower envelope heights (as summarised at **paragraph 5.4.2**) to:

- reduce the maximum heights of Towers 1, 3 and 5 by between 3.4 m and 9 m (**Figure 15**)
- step tower height of Towers 1, 2 and 4 (eastern ends) and Tower 5 (western end) (**Figure 16**).

6.4.18 The DAP confirmed it supports the revised proposal, noting it exhibits design excellence and it did not raise any concerns with the proposed maximum envelope height.

6.4.19 The Department has carefully considered the appropriateness of the proposed maximum tower envelope heights. While at the upper limits of what could be supported, the Department considers the site is capable of accommodating the proposed tower heights as:

- the proposal satisfies the criteria for additional height and floor space under Clause 8.4(4) of the Gosford SEPP, as assessed in **Appendix D (Table 21)**
- it has been developed in consultation with the DAP and the DAP supports the development concluding the proposal exhibits design excellence
- the proposal promotes the GDCP and GUDF principles for slender east / west tower forms, which help preserve solar access to Kibble Park and protect view corridors from Kibble Park to Rumbalara Reserve
- the emerging character of Gosford, as established by planning policy and recent planning approvals, includes the provision of tall buildings either side of Mann Street (**Section 1.5**)
- the tower envelopes step down in height to the eastern (Henry Parry Drive) and western (Albany Street North) boundaries, which provides a dome-shaped graduation of built form across the site and an appropriate built form transition between Kibble Park and Rumbalara Reserve (**Figure 18**)
- the maximum height is lower than recent approvals at 50-70 Mann Street (290 m north-east of the site) and consistent with approvals at 108-118 Mann Street (220 m east of the site). In this regard:
 - the height of Towers 4 and 5 (the tallest towers at RL 101 m) are:
 - 16 m shorter than the tallest 50-70 Mann Street tower (RL 117 m)
 - 1.3 m taller than the tallest 108-118 Mann Street tower (RL 99.7 m)

- the height of Tower 2 (the shortest proposed tower, RL 73 m) is:
 - 15.6 m shorter than the smallest 50-70 Mann Street tower (RL 88.6 m)
 - 20.6 m shorter than the smallest 108-118 Mann Street tower (RL 93.6 m)
- the proposed tower heights contribute to an emerging cluster of towers within Gosford City Centre and establish visual markers that positively enhance the built environment
- the development provides a western 'bookend' to Kibble Park and balances the height and scale of development provided east of Kibble Park by 108-118 Mann Street
- the proposed articulation of the envelopes will help the future towers appear slender and create an interesting and varied skyline
- a reduction in envelope height may make the future towers appear less slender with less height variance, therefore potentially compromising design excellence
- the proposal does not have adverse view or overshadowing impacts (as discussed below).

Tower height variance

- 6.4.20 The GDCP recommends where two or more towers are provided on one site, there should be a minimum height variation between each tower of 15%. (i.e. in the case of five towers, the shortest tower should be 60% shorter than the tallest) (GDCP Tower Height Rule).
- 6.4.21 The proposed height variation between the shortest tower (Tower 2) and the tallest towers (Towers 4 and 5) is 28 m, which equates to a difference of 38%, and the maximum height of Towers 4 and 5 is the same.
- 6.4.22 Council raised concern the towers do not provide sufficient height variance and should comply with the GDCP Tower Height Rule.
- 6.4.23 The Applicant contends the height variation between the proposed towers is acceptable as the proposal has been subject to a design excellence process in which height articulation was a key consideration and the DAP has confirmed it supports the proposal.
- 6.4.24 The Department considers the proposal is acceptable in this regard and adequately responds to the intent of the GDCP Tower Height Rule, as:
- the DAP considers the proposal exhibits design excellence (**Section 6.2**)
 - tower heights are not uniform or monotonous, are graduated, relate appropriately to each other and respond to the emerging character of the Gosford City Centre
 - envelopes were amended in the RtS to introduce stepped heights to Tower 1, 2, 4 and 5, which have increased height variation across the site
 - differences between the tower heights will be noticeable when viewed from a pedestrian's perspective and from key view points
 - tower heights differ from the approved heights of the nearby Mann Street developments and therefore contribute to a further modulated and rich visual skyline within the Gosford City Centre.

Podium height

- 6.4.25 The GDCP recommends maximum podium heights fronting surrounding streets as summarised at **Table 10** and shown at **Figure 19**.

Table 10 | Comparison between GDCP recommended podium height and proposed podium heights

Street Frontage	GDCP Podium Height	Proposed Podium Height	Difference (+/-)
Henry Parry Drive	6 to 9.5 m	14 m (Tower 1) 14 m (Tower 2)	+4.5 m +4.5 m
Donnison Street	6 to 14 m	12.3 m (Tower 4) 17 m (Tower 5)	-1.7 m +3 m
William Street	6 to 14 m	14 m (Tower 1) 12.3 m (Tower 3)	0 m -1.7 m
Albany Street North	6 to 14 m	11.6 m (Tower 5)	-2.4 m

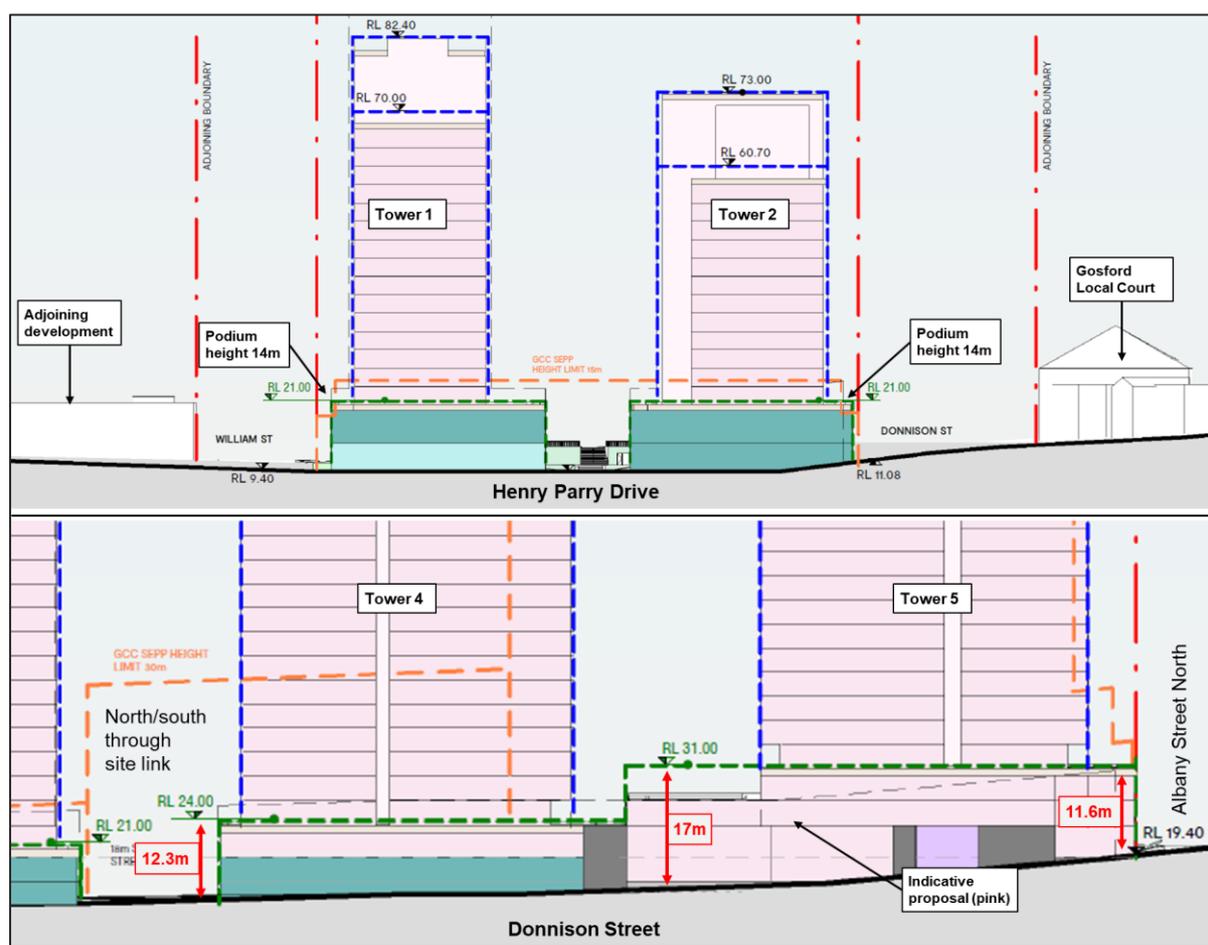


Figure 19 | Height of podia fronting Henry Parry Drive (top) and Donnison Street (bottom) (Base source: Applicant's RtS)

- 6.4.26 As shown at **Table 10**, the Tower 1, 2 and 5 podium heights exceed the GDCP recommended maximum podium heights.
- 6.4.27 Council did not raise concern about the proposed podium heights noting that the inclusion of the east-west and north-south through-site links divide the podia and have the effect of reducing the bulk and scale the development to surrounding streets.
- 6.4.28 The DAP recommended the Design Guidelines be amended to include principles to ensure the floor levels related to the street level.

- 6.4.29 The Department supports the podium height fronting Henry Parry Drive, as it is comparable to the height of the adjoining developments on the western side of Henry Parry Drive, the east / west through site link reduces the visual scale of the podium and the podium is appropriately framed by the western end of Kibble Park (**Figure 19**).
- 6.4.30 The RtS increased the Tower 5 podium height fronting Albany Street North from RL 21 m to RL 31 m (being approximately 12 m from ground level). The Department supports this amendment, as the revised podium height is an appropriate scale fronting Albany Street North. However, the RtS amendment also increased the Tower 5 podium height fronting Donnison Street to approximately 17 m (where the Tower 4 and Tower 5 podia meet).
- 6.4.31 The Department is concerned the proposed Tower 5 podium height exceedance has an adverse visual impact on the Donnison Street streetscape. Particularly as it (**Figure 19**):
- is inconsistent with other podia on the site, which are approximately one storey lower in height and comparable with the heights of surrounding existing developments
 - is approximately a two storey step up in height from the adjoining Tower 4 podium at that location on Donnison Street.
- 6.4.32 The indicative scheme suggests the Tower 5 podium will be stepped down where it adjoins the Tower 4 podium on Donnison Street (**Figure 19**), which goes some way to resolving the above concerns. The Department therefore recommends an amendment to the Design Guidelines to require future developments consider the height and scale of the Tower 5 podium to ensure is it acceptable within the Donnison Street streetscape.
- 6.4.33 In addition, the Department notes the land falls approximately 11.5 m from west to east, which results in complex floor level relationships to adjoining streets. The Department therefore agrees with the DAP, and recommends the Design Guidelines be updated to include principles to address this issue.

Bulk, scale and visual impact

Views and visual impact

- 6.4.34 Clause 8.11 of the Gosford SEPP and GDCP seek to protect and enhance key vistas and view corridors within the Gosford City Centre. The GDCP identifies the key view corridors (**Figure 20**) and notes the importance of views of the ridgelines of Rumbalara Reserve from the centre of Kibble Park.
- 6.4.35 The bulk and scale of the development will change existing views within the Gosford City Centre. The key views relevant to the site are shown at **Figure 20** and include View 1 from the Brian McGowan Bridge (Central Coast Highway) and Views 2a and 2b from the centre of Kibble Park towards Rumbalara Reserve.
- 6.4.36 The VIA includes an assessment and visualisations of the impact of the proposal on these three key views (**Figure 21** to **Figure 23**). The VIA contends the scale of the envelopes provide a respectful response to the site and surroundings. In particular, the tower massing has minimised visual impacts on Kibble Park and other public amenity areas within close proximity to the site.
- 6.4.37 The reduction of the maximum tower heights and stepping of Tower 1 and 2 towards Henry Parry Drive reduces the development's silhouette against the sky and the escarpment to the east. The VIA concludes the development would have low to medium visual impacts, is compatible with the existing visual context and satisfies the intent and objectives of the Gosford SEPP and GDCP.

6.4.38 Council objected to the bulk and scale of the development stating the tower envelopes would have adverse view impacts toward Rumbalara Reserve and views from Kibble Park and surrounding streets.

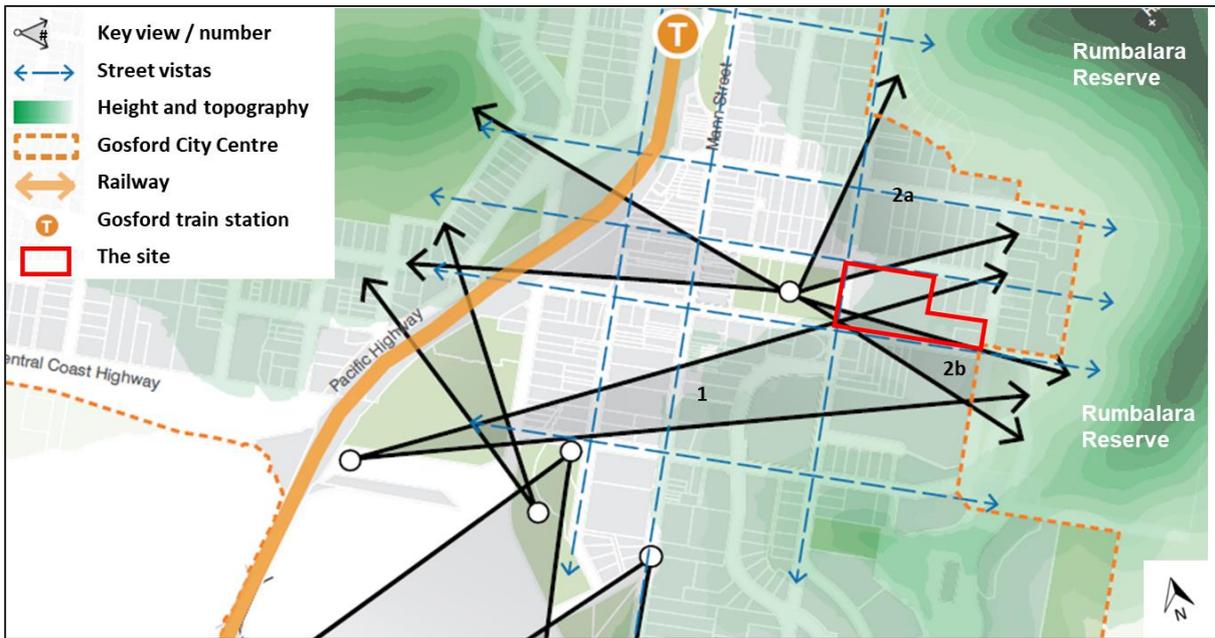


Figure 20 | The location of the site (outlined red) and the relevant GDCP key views (being View 1, 2a and 2b, Department's numbering) (Base source: Applicant's RtS)



Figure 21 | View from the Brian McGowan Bridge towards Gosford City Centre, the proposed building envelopes (green) and Rumbalara Reserve (Base source: Applicant's RtS)

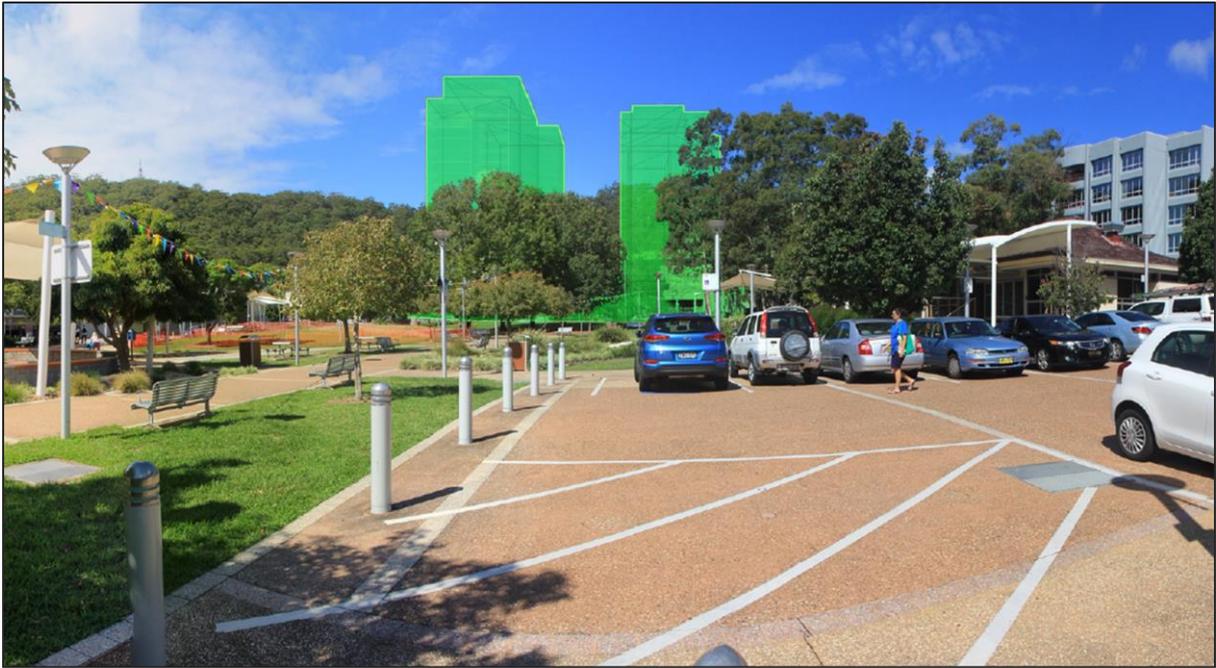


Figure 22 | View from the centre of Kibble Park towards the proposed building envelopes (green) and Rumbalara Reserve (Source: Applicant's RtS)



Figure 23 | View from the centre of Kibble Park towards the indicative scheme and Rumbalara Reserve (Source: Applicant's RtS)

6.4.39 The Department notes from the VIA that the proposal will change views of Rumbalara Reserve from Brian McGowan Bridge and Kibble Park. However, the scale of the envelopes and their impact on these views is acceptable as:

- the view cones of Views 2a and 2b are directed to the north-east and south-east over the site boundaries (not east, through the middle of the site) (**Figure 20**) and the setbacks of Tower 1 and

2 (being 15 m from Henry Parry Drive and 6 m from William and Donnison Streets) ensure there is minimal incursion into these views

- the VIA demonstrates that when viewed from View 1 (Brian McGowan Bridge) the proposal is below the ridgeline of Rumbalara Reserve and will therefore not adversely obstruct the view towards the reserve (**Figure 21**)
- the proposal establishes an east/west view corridor through the towers, which allows the appreciation of the height, slope and forested nature of the reserve when viewed from Kibble Park
- the building envelopes step down to Henry Parry Drive and Kibble Park and provides an appropriate built form relationship to Kibble Park
- the emerging character of the Gosford City Centre includes clusters of tall buildings and the interruption of views towards the reserve are unavoidable and expected
- subject to the Department's recommended FEARs and amendments to the Design Guidelines future developments will require slender, well-articulated towers
- while views from surrounding streets are not identified as 'key views', the proposed two to three storey street wall heights with 6 m setback towers above relates to the scale of development on surrounding streets.

Tower articulation

6.4.40 The GDCP recommends:

- a maximum building length of 45 m for towers (in any direction)
- all building frontages for a tower with a length over 30m be expressed as two vertical forms, include stepped heights and include vertical breaks of no less than 1m.

6.4.41 The Department notes Towers 1 and 2 are 48 m long and Towers 4 and 5 are 42 m long. Each tower includes stepped heights, as required in the GDCP, but do not include vertical separation of the tower mass into two forms or breaks.

6.4.42 The Department has considered the form of the tower envelopes and supports the proposed length, as the future buildings are capable of providing appropriate articulation, through:

- the proposed tower heights, including the stepping, to ensure the rooflines are modulated and articulated, providing a varied and interesting skyline
- the Design Guidelines, which require future towers provide architectural solutions to articulate and reduce the perceived visual bulk of buildings, which may include vertical articulation
- amendments to the Design Guidelines to require future buildings be carefully designed to provide appropriate modulation, façade articulation and use of materials
- the indicative scheme, which has demonstrated vertical breaks could be incorporated into the long elevations of the towers to articulate these facades.

6.4.43 Subject to the recommended amendments, the Department is satisfied that the Design Guidelines will provide appropriate guidance to ensure future buildings within the tower envelopes are appropriately articulated to reduce the appearance of their bulk and scale.

Tower floorplates and the volumetric fill of building envelopes

6.4.44 The GDCP recommends tower floorplates be no greater than 750m² to promote slender towers with high amenity. SEPP 65 and the ADG recommends that, as a starting point or rule of thumb,

residential building envelopes should be 25% - 30% greater than the achievable floor area to allow flexibility in the building design.

6.4.45 Council raised concern the tower floorplates should be no greater than 750m² in accordance with the GDCP.

6.4.46 Four of the five tower envelopes exceed the GDCP recommended floorplate size. However, the indicative scheme shows that future tower floorplates within the envelope largely comply with the requirement, with four of the five buildings complying with the 750 m² requirement (**Table 11**).

Table 11 | Comparison between GDCP recommended maximum tower floorplates size, concept envelope floorplates and indicative scheme floorplates

Tower	GDCP (GFA) Floorplate Size	Concept Envelope Floorplate Size (Difference)	Indicative Scheme (GFA) Floorplate Size (Difference)
Tower 1	750 m ²	1,104 m ² (+ 354 m ²)	720 m ² (- 30 m ²)
Tower 2		1,287 m ² (+ 537 m ²)	800 m ² (+ 50 m ²)
Tower 3		672 m ² (- 78 m ²)	480 m ² (- 270 m ²)
Tower 4		1,044 m ² (+ 294 m ²)	720 m ² (- 30 m ²)
Tower 5		924 m ² (+ 174 m ²)	670 m ² (- 80 m ²)

6.4.47 While the application does not seek approval for a minimum or maximum floorplate size or a limit on the volumetric fill of the proposed envelopes, the Applicant has confirmed the indicative scheme buildings would fill approximately 85% of the envelopes (building envelope efficiency).

6.4.48 Envelopes are typically designed to be greater than the achievable floor area to allow for detailed building design features and articulation, such as balconies, lifts, stairs or open circulation space.

6.4.49 The Department acknowledges the Tower envelopes exceed the GDCP recommended maximum tower floorplate size. However, this is acceptable as the:

- proposal is for concept approval and the exact floorplate size (and associated impacts) will be considered as part of the assessment of future DA(s)
- Design Guidelines require the future developments to be appropriately modulated, articulated and include building separation gaps to reduce the visual bulk and scale of the towers
- indicative scheme demonstrates that future tower floorplates generally comply with the requirement
- indicative scheme demonstrates that towers can be designed at 85% building envelope efficiency, so that residential floors provide an appropriate level of façade articulation and a high standard of internal residential amenity.

6.4.50 To ensure future buildings do not fill the envelopes in their entirety (at the expense of building articulation or other amenity impacts), the Department recommends a FEAR requiring a maximum building envelope efficiency of 85%, unless it can be demonstrated that a higher building efficiency target can be achieved without resulting in adverse visual, architectural design or amenity impacts.

Podium setbacks

6.4.51 The GDCP recommends building podiums provide a street wall (up to three storeys) with no setback fronting all of the four surrounding streets.

6.4.52 The proposal provides the following podium setbacks:

- 2.5 m to Henry Parry Drive and William Street
- 1 m to Donnison Street
- nil to Albany Street North.

6.4.53 Council has confirmed it supports the 2.5 m podium setback to Henry Parry Drive.

6.4.54 The Department considers the proposed podium setbacks to be acceptable as the:

- Henry Parry Drive and William Street setbacks (2.5 m) is largely consistent with surrounding buildings, which include a variety of setbacks to allow deep soil areas for tree planting / landscaping and additional space for level changes and additional public domain space
- Donnison Street setback (1 m) is a minor non-compliance with the GDCP requirement and unlikely to be noticeable
- Albany Street North setback (0 m) complies with the GDCP.

6.4.55 To ensure an appropriate interface is provided for all street level tenancies, the Department recommends the Design Guidelines be amended to ensure the podia fronting Henry Parry Drive, William and Donnison Streets are designed to be visually and physically connected to the surrounding streets.

Above ground car parking

6.4.56 The indicative scheme provides between one and three levels of above ground car parking within the podia of Towers 1 to 5.

6.4.57 Concern was raised in public submissions that the above ground car parking would have an adverse visual impact and the proposal does not provide sufficient street level activation. Council stated the amount of above ground car parking is excessive.

6.4.58 The DAP has confirmed it is satisfied the proposed building envelopes address the requirement to screen the car parking along Donnison Street and activate the southern elevation.

6.4.59 In response to concerns raised in submissions and by the Department, the RtS amended the indicative scheme to show all ground car parking within the podia will be 'sleeved' with retail, commercial or residential uses to screen from the street. In addition, the scheme would activate all adjoining streets in accordance with the requirements of the Gosford SEPP.

6.4.60 The Department supports the amended design to sleeve car parking levels on main elevations, as exposed car parking levels would likely compromise design excellence and adversely reduce street level activation. Provided the above ground car parking is appropriately screened from view, the above ground parking proposed is acceptable. The indicative scheme shows future developments can appropriately activate the street level of adjoining streets.

6.4.61 To ensure an appropriate building design, the Department recommends the Design Guidelines be updated to ensure above ground car parking does not have any adverse visual impacts by requiring

any above ground car parking be designed, screened and treated to ensure it is not visible from the surrounding streets, public open spaces and the through site links.

Overshadowing / solar access

Through site links

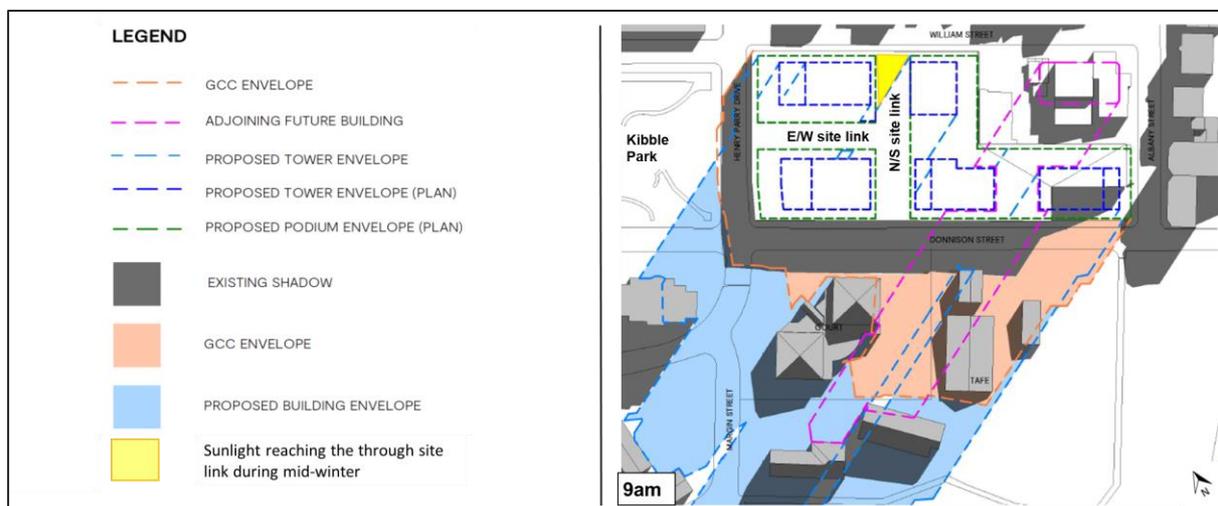
6.4.62 The key public domain / landscaping feature of the site is the establishment of two publicly accessible through site links, comprising:

- 18 m wide north / south shared (pedestrian and vehicular) through site link connecting Donnison and William Streets
- 14 m wide east / west pedestrian through site link connecting Henry Parry Drive to the north / south link.

6.4.63 In response to a request by the Department, the Applicant has submitted an overshadowing analysis showing the predicted overshadowing impacts of the proposal on the through site links during the winter solstice. This analysis indicates that at mid-winter the east / west through site link will be largely overshadowed and the north / south through site link will receive approximately 1.5 hours of direct sunlight (**Figure 24**).

6.4.64 Council raised concern the through site links would be overshadowed and CC Health noted that open spaces should be welcoming in their design and be publicly accessible.

6.4.65 The Department supports the creation of the through site links, as these are a key requirement of the GDCP and represent an important public benefit. The Department acknowledges that, given the orientation of the required links and proposed envelopes, overshadowing of these links, and in particular the east/west link, are inevitable during mid-winter.



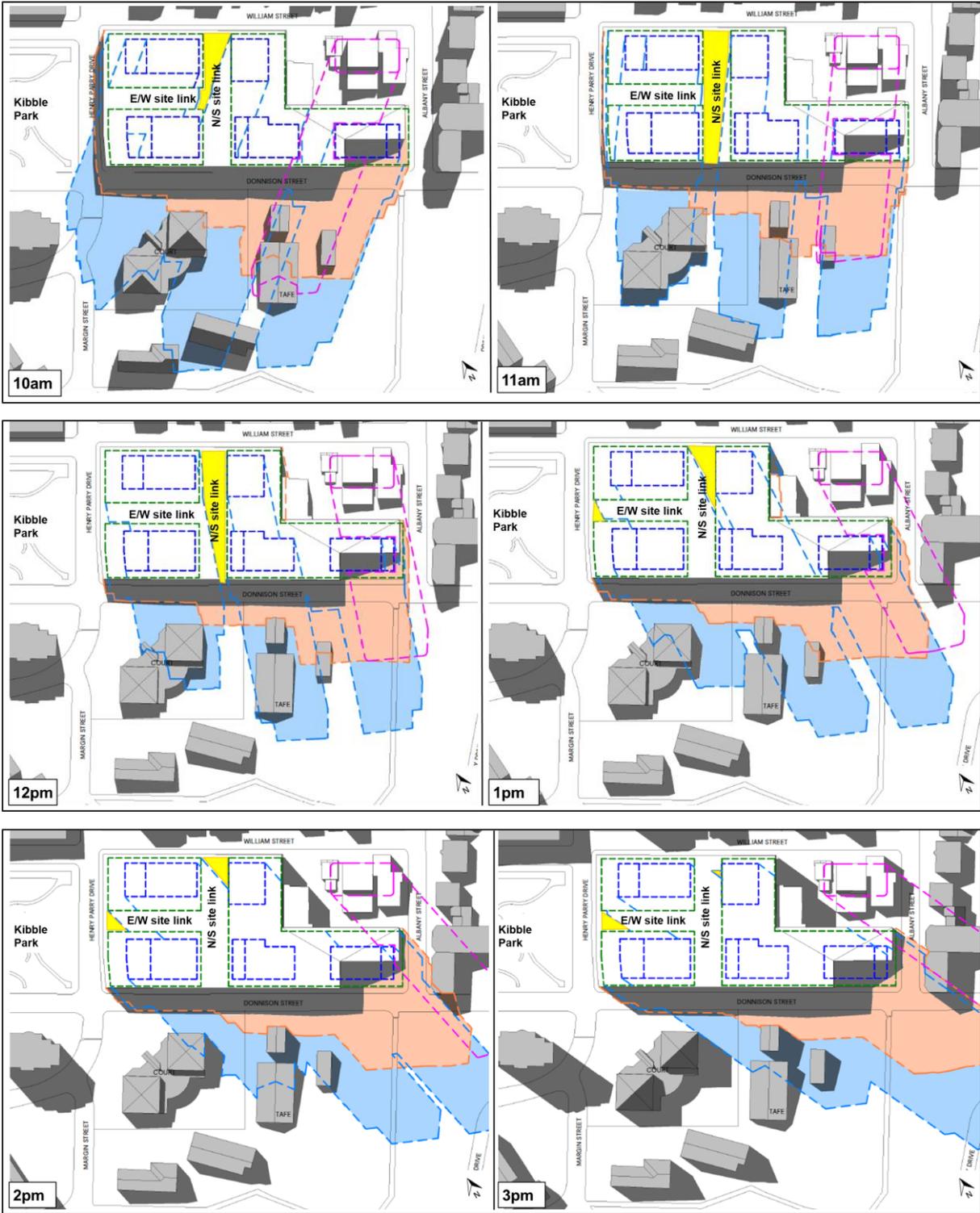


Figure 24 | Overshadowing impact on internal through site links and adjoining Kibble Park during the winter solstice (Base source: Applicant's RTs)

Kibble Park

6.4.66 Clause 8.10 of the Gosford SEPP and Section 4.3 of the GDCP state that developments should ensure at least 60% of Kibble Park receives 4 hours of sunlight between 9 am and 3 pm on the winter solstice. The GDCP also recommends solar access should be contiguous and impacts should be considered cumulatively between all developments.

- 6.4.67 The Overshadowing Analysis shows the proposal will overshadow a corner of Kibble Park for approximately one hour (from 9am to 10am) (**Figure 24**).
- 6.4.68 Council originally objected to overshadowing impacts on Kibble Park. However, Council confirmed the revised building envelopes in the RtS improve solar access to the park and the proposal only affects a small area of the park. CC Health noted the proposal should not overshadow Kibble Park.
- 6.4.69 The Department considers the overshadowing impact from the amended building envelopes on Kibble Park to be acceptable, as the:
- additional overshadowing is limited to approximately one hour in the south-eastern corner of the park
 - proposal complies with the solar access requirements to the park in the Gosford SEPP and GDCP
 - Gosford SEPP identifies the site for redevelopment and given parkland adjoins the western and southern site boundaries, some limited overshadowing from redevelopment is inevitable.

Neighbouring sites to the south

- 6.4.70 The Department notes the proposal would overshadow the Gosford Local Court and Gosford TAFE to the south of the site (**Figure 24**). However, this impact is considered acceptable as the:
- Gosford Local Court is not a use that requires specific protection of amenity, although the overshadowing impact is significantly reduced after midday
 - Gosford TAFE is a large 'L' shaped site and the proposal would only affect the Donnison Street frontage of that property
 - Taller, slender towers provide faster moving shadows, than other development options on site, improving solar access opportunities for neighbouring sites.
- 6.4.71 The Department concludes the overshadowing impact on the through site link, adjoining public open spaces and buildings to the south is acceptable. Notwithstanding, the Department recommends FEAR(s) requiring future DA(s) include overshadowing analysis to demonstrate that the overshadowing impact to these spaces has been minimised.

6.5 Car parking, traffic and road infrastructure

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

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

The Department considers the key assessment issues to be:

- car parking
- traffic generation
- road infrastructure improvements

Car parking

6.5.2 The Gosford SEPP includes commercial car parking rates and the GDCP includes residential and retail car parking rates for developments within the Gosford City Centre. The ADG recommends that car parking for residential developments on land zoned B4 Mixed Use, within a regional centre, should be in accordance with the RMS Guide or local controls (whichever is less).

6.5.3 A comparison between the Gosford SEPP, GDCP, RMS Guide and the proposed car parking rates is shown at **Table 12**.

Table 12 | Comparison between the Gosford SEPP, GDCP, RMS Guide and the proposed car parking rates

Guideline	Residential Car Parking Requirement				Total Residential Spaces*
	1 bed 180 units*	2 bed 399 units*	3 bed 148 units*	Visitor	
GDCP rate (required spaces*)	1 space per unit (180)	1.2 space per unit (479)	1.5 space per unit (222)	0.2 space per unit (145)	1,026
RMS Guide rate (required spaces*)	0.4 space per unit (72)	0.7 space per unit (293)	1.2 space per unit (178)	0.14 space per unit (104)	647
Proposed rate (required spaces*)	0.9 space per unit (162)	1 space per unit (399)	1.5 space per unit (222)	0.14 space per unit (104)	887

* Based on the indicative scheme, which includes 727 apartments (paragraph 2.2)

Guideline	Retail / Commercial Car Parking Requirement		Total Retail / Commercial Spaces*
	Retail Use 886 m ² *	Commercial Use 4,536 m ² *	
Gosford SEPP / GDCP rates (required spaces*)	1 space per 40m ² (22)	1 space per 75m ² (60)	82
RMS Guide rate (required spaces*)	1 space per 40m ² (22)	1 space per 40m ² (113)	135
Proposed rate (spaces provided*)	1 space per 50m ² (18)	1 space per 75m ² (60)	78

* Based on the indicative scheme, which includes 886 m² retail and 4,536 m² commercial GFA (paragraph 2.2)

Guideline	Total
Gosford SEPP / GDCP	1,108
Proposal	965
RMS Guide	782

6.5.4 Based on the indicative scheme, the proposal suggests a car parking rate approximately midway between the Gosford SEPP / GDCP and RMS Guide rates (**Table 14**).

6.5.5 Council initially objected to the proposed car parking rates stating parking should be provided in accordance with the GDCP rates. However, Council did not reiterate this objection in its response to the RtS. Council recommended car parking should meet appropriate Australian Standards.

- 6.5.6 TfNSW recommended future DA(s) include a Green Travel Plan (GTP) to be prepared in consultation with TfNSW and Council, in order to manage car parking demand and develop travel strategies for the site. CC Health supports the preparation of a GTP.
- 6.5.7 The Applicant has stated the proposed bespoke car parking rates are appropriate as adequate parking would be provided for future occupants/visitors and the site is close to public transport services. In addition, the Applicant confirms the:
- proposal adopts the RMS Guide for residential visitor parking rates as they better reflect the visitor parking demand and avoid underuse and misuse by residents
 - future residents are likely to walk to shops within the site and a reduced retail parking rate is therefore appropriate.
- 6.5.8 The Gosford SEPP, GDCP and RMS Guide each establish different car parking requirements for Gosford City Centre. Based on the indicative scheme, the Gosford SEPP / GDCP requires the most car parking spaces (1,108 spaces), the RMS Guide requires the least (782) and the proposal lies between the two (965 spaces).
- 6.5.9 The overall strategic objective of current transport policies is to reduce car parking provision within city areas, including regional centres, especially within centres well served by public transport. The draft CCPS notes parking demand in the Gosford City Centre is very high during peak periods and there is a long-term vision (10-20 years) to improve car parking provision and sustainable transport modes in Gosford (**Section 3**).
- 6.5.10 Given the site's regional centre location and good public transport accessibility (including bus and train), there is strong justification to warrant a reduction in the maximum residential car parking rates below what is envisaged by the GDCP. Furthermore, it is appropriate to balance the demands for future residential car parking and minimising the likely traffic generated by the development, noting the existing and projected parking demand in Gosford.
- 6.5.11 Notwithstanding the above strategic direction, the Department notes:
- the difference between the requirements in the RMS Guide and GDCP is approximately 326 spaces (30%), which is significant
 - the Applicant has proposed bespoke car parking rates for the residential component of the development without supporting justification (e.g, needs based assessment, parking surveys, analysis of car ownership, comparative analysis with other similar schemes or GTP initiatives)
- 6.5.12 The Department supports a reduction in car parking and considers the provision of car parking less than the GDCP maximum is likely to be supported. However, the Department is concerned that further detailed assessment of the appropriate amount of car parking for the site is needed to ensure the correct balance is struck between car parking demand and minimising traffic impacts.
- 6.5.13 The Department therefore recommends a FEAR requiring future DA(s):
- include a detailed TIA
 - provide car parking at a rate no less than the RMS Guide and no more than the GDCP
 - include a Car Parking Assessment Report which provides detailed justification for the car parking provision
 - include the preparation and implementation of a GTP to encourage a shift away from a reliance on private vehicle use.

Traffic generation

6.5.14 The TIA included a survey of the existing traffic conditions on the roads surrounding the site and predicts future trips generated by the proposal, based on the indicative scheme, as summarised at **Table 13**.

Table 13 | Peak hour additional vehicle trip movements (Source Applicant's RtS)

Peak Period	Vehicle movements per hour (vph)		
	Existing	Proposed	Difference (+/-)
AM Peak	233	318	+ 85
PM Peak	218	378	+ 160
Saturday Peak	8	484	+ 476

6.5.15 The TIA also considered the performance of nearby intersections including the level of service (LoS) and vehicle delay as at the predicted completion of the development and at nine years following completion (**Table 14**).

Table 14 | Intersection performance LoS (Source Applicant's EIS)

Intersection	Existing Operation			Proposed Operation			Future Operation		
	AM	PM	Sat	AM	PM	Sat	AM	PM	Sat
Henry Parry Drive / Donnison Street	C	C	B	C	C	B	D	E	B
Henry Parry Drive / William Street	A	B	A	B	B	B	B	B	A
Henry Parry Drive / Erina Street East	B	B	A	B	B	A	B	B	A
Mann Street / Erina Street East	A	B	A	A	B	A	B	B	A
Mann Street / Donnison Street	B	B	B	B	B	B	B	C	B

6.5.16 The TIA indicates all intersections would continue to operate satisfactorily with some spare capacity. However, the Henry Parry Drive / Donnison Street intersection is predicted to experience some congestion (LoS D and E) during the future operation. The TIA concludes the existing and forecasted growth in the area would require improvements to the state and local network to address intersection operation, particularly in the PM peak periods.

6.5.17 Following consideration of the RtS, TfNSW and Council did not raise any concern with the proposed traffic generation or intersection performance.

6.5.18 Based on the information provided within the TIA, the Department considers that the proposal would not have an adverse impact on the operation of the surrounding road network and the performance of nearby intersections as:

- the increase in vehicle movements during weekday peak periods is not significant and can be accommodated within the surrounding road network (**Figure 15**)
- the increase in vehicle movements during the Saturday peak period may appear numerically significant, but this reflects the existing car park being underused during the Saturday peak and can be accommodated on the surrounding road network given reduced traffic volumes
- the proposal results in only minor additional delays and impacts to LoS at the key intersections following completion of the development (**Table 14**)

- appropriate sustainable travel measures will be achieved through the implementation of a GTP
- future road infrastructure improvements could address future potential congestion on Henry Parry Drive (discussed below).

Road infrastructure improvements

- 6.5.19 The Gosford City Centre Special Infrastructure Contribution Levy – 2% levy (SIC) for local and state infrastructure applies to the site, in order to secure improvements, including road infrastructure improvements, where necessary.
- 6.5.20 TfNSW noted the impacts of the development and cumulative impacts of new developments within the Gosford City Centre should be considered to inform road network improvements. The cost of future road upgrade works should be shared equitably between development sites.
- 6.5.21 Council requested road infrastructure improvements to the Henry Parry Drive / Donnison Street and Henry parry Drive / William Street intersections be undertaken by the Applicant or paid for via the SIC. Council has also requested the development provide or contribute to a pedestrian bridge linking the site to Kibble Park over Henry Parry Drive.
- 6.5.22 The DAP has stated that the proposed design is capable of being amended to accommodate a more direct pedestrian link / crossing across Henry Parry Drive to Kibble Park.
- 6.5.23 The Applicant confirmed it does not object to the SIC levy or a works-in-kind / voluntary planning agreement for road works as part of future DA(s). In addition, a pedestrian crossing / connection linking the site to Kibble Park over Henry Parry Drive (State road) would only be provided should it be deemed necessary by TfNSW (the roads authority).
- 6.5.24 The Department notes the draft GCCTP will establish a framework to manage transport impacts within Gosford City Centre and identify necessary road infrastructure improvements / upgrades to respond to the changing needs of users, over time. The GCCTP is likely to apply to future DA(s) and will set out any specific road or infrastructure upgrades.
- 6.5.25 The Department notes the proposal is concept and therefore the precise detail and impact of future developments is not confirmed at this stage. The Department therefore considers it appropriate that the requirement for road infrastructure upgrades be addressed as part of future detailed DA(s) and recommends ToAs requiring development contributions to be levied accordingly.
- 6.5.26 The Department concludes the traffic impacts of the proposal are acceptable and can be appropriately managed and mitigated. The Department recommends FEARs requiring the TIA submitted with future DA(s) should consider traffic generation and operational traffic impacts resulting from the detailed design of the development.

6.6 Public benefits

- 6.6.1 The application includes a Social and Economic Assessment (SEA), which considers the economic and social impact of the development.
- 6.6.2 The SEA predicts the development could provide an estimated resident population of approximately 1,380 people (based on an average of 1.9 people per household (ABS Census 2016 – Gosford Suburb) and a worker population of approximately 144 people.

6.6.3 The SEA concluded the:

- proposal would have significant economic benefits, particularly in terms of providing employment, investment and retail expenditure
- incoming resident and worker population will generate some demand for social infrastructure and recommended consideration be given to the provision of a multi-purpose community space and childcare centre.

6.6.4 Council noted there is a need for affordable housing across the Central Coast region and community facilities within the Gosford City Centre, and future development should consider including both. CC Health recommended the proposal consider including a childcare facility.

6.6.5 The Department notes the SEA does not contemplate providing affordable housing within the development.

6.6.6 The Department also notes the Applicant has maximised the development potential on the site, noting likely population density on the site (1,380 persons) and that the development has taken advantage of clause 8(4) of the Gosford SEPP to exceed the development height and FSR controls (**Section 4.3**). The proposal includes a public benefit by providing public through site links (**Section 6.4**).

6.6.7 The Department notes the SEA recommends the provision of a community facility and childcare centre. Acknowledges there is no site-specific policy requiring affordable housing under the Gosford SEPP or GDCP. However, an object of the EP&A Act (clause 1.3(d)) is to promote the delivery of affordable housing. In addition, Council’s Central Coast Affordable and Alternative Housing Strategy seeks to improve access to affordable housing and reduce homelessness in its LGA over the next 10 years.

6.6.8 The Department concludes therefore that, given the proposal maximises the site’s development potential, it is reasonable to require future developments to consider the provision of additional public benefits proportionate to the development of the site.

6.6.9 The Department recommends a FEAR requiring future DA(s) requiring future developments to:

- include a community facility and childcare facility (consistent with recommendations in the SEA)
- investigate the potential for the development to accommodate affordable housing.

6.7 Other issues relating to the Concept Proposal

6.7.1 The Department’s consideration of other issues is provided at **Table 15**.

Table 15 | Department’s consideration of other issues

Issue	Consideration	Recommended condition(s)
Ecologically Sustainable Development (ESD)	<ul style="list-style-type: none"> • Concern was raised in public submissions that insufficient information has been provided on sustainability and environmental performance standards. Council recommends the proposal comply with, and be encouraged to go beyond, minimum standards. • The proposed ESD initiatives are set out Section 4.6. • The Department agrees with Council that future DA(s) should strive to improve on minimum standards, particularly as the Applicant 	The Department therefore recommends a FEAR requiring future DA(s) demonstrate how ESD principles have been incorporated into the proposal and

	<p>intends to deliver a development that achieves design excellence. The Department also notes the GDCP recommends as a minimum, developments commit to achieve at least a 4-star rating under the Australian Building Greenhouse Rating Scheme and that buildings comply with or where possible exceed the BASIX requirement by 10% for residential development.</p> <ul style="list-style-type: none"> • The Department therefore recommends a FEAR requiring future DA(s) to demonstrate how ESD principles have been incorporated into the proposal and achieve the following sustainability measures and targets: <ul style="list-style-type: none"> ○ a minimum 4-star Green Star Design and As Built rating ○ a minimum 4-star NABERS Energy and Water rating ○ BASIX certification ○ explore the potential to achieve increased stretch targets beyond minimum standards. • Subject to the above FEARs, the Department is satisfied the proposed development is consistent with ESD principles and future detailed development is capable of facilitating ESD, in accordance with the objects of the EP&A Act. Furthermore, the Department recommends a section be included in the Design Guidelines setting out how the detailed design will achieve ESD and general sustainability principles. 	<p>achieve sustainability measures and targets.</p>
<p>Future residential amenity</p>	<ul style="list-style-type: none"> • The Applicant contends the envelope parameters ensure future buildings are capable of complying with the requirements of SEPP 65 and the ADG • Council has stated future residential development should comply with ADG recommended standards and include accessible units. • The DAP notes compliance with the ADG requirements will need careful consideration in subsequent applications. The Overshadowing Analysis should be updated to clearly demonstrate solar access to future apartments. • The Department has considered the proposal against the aims and objectives of SEPP 65 at Appendix D and concludes future developments are capable of achieving an appropriate standard of residential amenity. • As the proposal is for concept approval it does not include detailed apartment design/layouts. Notwithstanding this, the Department has considered the indicative proposal floor plan layouts against the key amenity criteria within the ADG and notes the proposal: <ul style="list-style-type: none"> ○ meets or exceeds the various ADG minimum apartment sizes ○ provides 30% communal open space, in accordance with the ADG 30% minimum requirement ○ provides 78% of apartments achieving 2 hours of solar access in mid-winter, exceeding the ADG 70% requirement for metropolitan areas ○ provides 62% of apartments achieving natural ventilation, exceeding the ADG 60% requirement ○ provides a minimum 12 m setback from the adjoining site to the north-east (fronting William Street), which is half the ADG tower separation requirement (24 m). This is acceptable as it equitably shares the ADG building separation requirement between the two sites. • While the proposal is capable of achieving the recommended direct sunlight for metropolitan areas (being 2 hours), the ADG recommends 70% of apartments outside of metropolitan areas 	<p>The Department has recommended a FEAR requiring future DA(s) include an assessment of the residential components of the development against the ADG recommended amenity standards.</p>

	<p>receive 3 hours of direct sunlight in mid-winter (including Gosford). The indicative scheme indicates 68% of apartments would achieve 3 hours of solar access. While this is just short of the requirement, the Department notes that the proposal is concept only and can be improved in the detailed design stage. Further, given the changing character of Gosford, there may be some merit in applying the recommendation for metropolitan areas. Notwithstanding, this will be further considered at the detailed DA stage.</p> <ul style="list-style-type: none"> • The ADG recommends a tower separation distance of 24m between towers (habitable rooms) within the site. The tower envelopes exceed this requirement except between Tower 1 and Tower 3, which has a separation of 22 m. The Department considers this is acceptable as the non-compliance is minor and could be addressed by architectural treatments to prevent overlooking and/or apartment layouts. • The ADG also recommends sites include 7% deep soil areas (the GDCP recommends 15%) for tree planting. The proposal includes a deep soil area of approximately 1,000 m² (7% of the total site area), which complies with the ADG but falls short of the GDCP requirements. The Department considers this is acceptable as the site is located within the city centre, adjoins extensive parkland and is capable of including additional planting within the through site links and at podium levels. • The Department concludes the residential component of the development is capable of meeting the ADG recommended amenity standards and the minor non-compliances relating to buildings separation and deep soil areas are acceptable or can be addressed in the future DA(s). 	
<p>Landscaping and through site links</p>	<ul style="list-style-type: none"> • The application includes a concept landscaping masterplan (Landscaping Plan), which provides details of potential treatments for new pedestrian through site links, open spaces, hard and soft landscaping (including tree planting). • The Landscaping Plan envisages (Figure 11): <ul style="list-style-type: none"> ○ creation of an urban forecourt fronting Henry Parry Drive with sloped embankment, ramp and stairs leading to the east/west through site link ○ paving, seating and planting within both through site links and car parking within the north/south link ○ communal decks, seating, planting, pool, communal BBQ and other active/passive spaces within the residential communal open spaces above the podium and towers ○ removal of nine existing street trees and replacement with 23 new street trees of native species. • The Applicant states the through site links will be publicly accessible. In addition, a detailed landscaping proposal will be submitted with future DA(s). • Council supports the removal of the nine existing street trees surrounding the site and replacement with 23 new street trees. Council recommended: <ul style="list-style-type: none"> ○ through site links be publicly accessible 24 hours, seven days ○ some large trees be included in future developments. • The DAP recommended the Design Guidelines require a 2.5m setback for ground level apartments fronting the through site links. • The Department is satisfied that the Landscaping Plan provides adequate detail of the future approach to landscaping and 	<p>The Department recommends a FEAR requiring future DA(s) provide a detailed landscaping report / plans and demonstrate the through site links are accessible 24 hours a day seven days a week.</p> <p>The Department recommends the Design Guidelines be amended to require a high standard of design and amenity for through site links.</p>

	<p>demonstrates that future developments can achieve a high standard of landscaping treatment.</p> <ul style="list-style-type: none"> • The Department considers, although not a traditional form of 'open space', the through site links provide public places for general enjoyment, gathering and relaxing and therefore serve a similar purpose and benefit to open space. • The through site links are shown in concept form at this stage and the detailed design and treatment of the links will be considered as part of future DA(s). The Department considers the indicative location and the concept landscape design of the through site links is acceptable and concludes, subject to future detailed assessment, the links are capable of integrating into the broader development. • The Department supports the Applicant's commitment for public access to the through site links. The indicative proposal shows 2.5 m deep courtyards for accommodation fronting through site links. The Department supports the creation of this separation between public and private space. • The Department recommends: <ul style="list-style-type: none"> ○ a FEAR requiring a detailed landscaping report and plans ○ a FEAR requiring the through site links be accessible 24 hours, seven days ○ the Design Guidelines be amended to require future developments provide: <ul style="list-style-type: none"> - appropriate amenity standards to residential apartments fronting the through site links, including the provision of a minimum 2.5 m deep courtyard - a high standard of design, layout, permeability and usability of the through site links. 	
Public art	<ul style="list-style-type: none"> • The GDCP recommends developments over 5,000 m² include a public art plan to contribute to physical attractiveness and quality of life in the Gosford City Centre. • The proposal does not include a public art plan. • The Department considers a site of this size warrants the inclusion of public art in accordance with the GDCP. The Department therefore recommends a FEAR requiring the preparation of a public art plan indicating how public art can be incorporated into the development. 	The Department recommends a FEAR requiring future DA(s) include a public art plan.
Flooding and stormwater	<ul style="list-style-type: none"> • The Application includes an Engineering Due Diligence Report (EDDR), which considers existing stormwater infrastructure, proposed requirements and the site's flooding profile and potential impacts. • The EDDR confirms the site is not subject to flooding. However, the adjoining road reserves (William and Donnison Streets and Henry Parry Drive) are subject to flooding. The EDDR indicates future developments would: <ul style="list-style-type: none"> ○ include onsite stormwater detention and overland flow paths ○ collect, treat and reuse rainwater/runoff and include water saving measures ○ be designed in accordance with the DCP 2013 requirements. • Council recommended future DA(s) comply with the DCP 2013 flooding and stormwater requirements and address Council's detailed flooding requirements relating to the design of the future buildings and basements. 	The Department has recommended a FEAR requiring future DA(s) include flooding and stormwater assessment reports and address the DCP 2013 requirements.

	<ul style="list-style-type: none"> The Applicant has agreed to address Council's recommended flooding and stormwater design requirements as part of the detailed design of future developments. The Department notes the RTS has demonstrated future developments can be appropriately designed to address flooding and stormwater impacts. The Department therefore recommends future DA(s) include flooding and stormwater assessments, management and mitigation measures. 	
Wind	<ul style="list-style-type: none"> The Application includes a Qualitative Wind Assessment (QWA), which undertook a desktop study to determine the likely wind conditions affecting various outdoor areas within and around the development. A wind tunnel test was not undertaken. The QWA confirms Rumbalara Reserve would provide protection from prevailing winds. In addition, the inclusion of podia with tower setbacks limits wind impacts at the pedestrian level. The QWA concludes all public areas are expected to be comfortable for walking and standing and satisfy wind safety/distress criterion. Notwithstanding this, the QWA recommends future DA(s) include local screening, landscaping and overhead protection for areas intended for long-term seating or outdoor dining. The QWA considers residential tower balconies (particularly those located on building corners) and the podium level communal open space may be subject to relatively strong wind conditions. The QWA recommends balconies be designed to address wind conditions and the podia include canopies / awnings and vertical screening. Given the proposal includes the provision of towers, the Department acknowledges the proposal could result in a changed wind environment. To ensure wind impacts are appropriately addressed, the Department considers it necessary that a detailed Wind Assessment is undertaken, including wind tunnel testing, consideration of cumulative impacts with other developments and provide wind management and mitigation measures to address any impacts. 	The Department has recommended a FEAR requiring future DA(s) include a Wind Assessment
Contamination	<ul style="list-style-type: none"> The EIS includes a Phase 1 Contamination Assessment (P1CA), which provides a summary of likely contaminants, recommendations on further investigation, remediation and management. The P1CA undertook a desktop study including review of the site history and concludes there is a medium potential for soil contamination on the site. The potential for groundwater contamination is not known. Council and CC Health both recommended future DA(s) include contamination investigations and address site suitability. The Department has considered land contamination in detail at Appendix D. The P1CA confirms the site can be made suitable for its intended use and agrees with CC Health that future DA(s) consider land contamination and any necessary remediation. 	The Department has recommended a FEAR requiring future DA(s) include detailed site contamination assessments.
Noise impact	<p><u>Construction noise</u></p> <ul style="list-style-type: none"> The Application was accompanied by a Noise Impact Assessment (NIA), which considers the existing noise environment, indicative noise and vibration impacts on surrounding properties and recommends potential management and mitigation measures. 	The Department has recommended a FEAR requiring future DA(s) include a NIA and CNVMP.

- As indicated at **Section 1.4**, there are no residential properties adjoining or near to the site. However, the site is located opposite to a church on William Street and Gosford TAFE on Donnison Street (between 30 and 60 m), which are sensitive receivers.
- The NIA has considered the requirements of the Interim Construction Noise Guidelines (ICNG) and proposes construction hours between 7am to 6pm Monday to Friday and 8am to 1pm on Saturdays. The NIA indicates the existing rated background noise level is between 56dB(A) on Donnison Street to 66.5dB(A) at Henry Parry Drive.
- The NIA indicates that construction works may have noise impacts and may exceed the ICNG noise management levels for commercial properties (70 dB(A)) and educational establishments and places of worship (45 dB(A)) at surrounding properties.
- The NIA recommends future DA(s) include management and mitigation measures to address construction noise and vibration impacts, such noise and vibration monitoring, selection of quiet plant/machinery, acoustic barriers and complaints management.
- CC Health recommended future DA(s) consider construction noise impacts.
- The Department considers the NIA has demonstrated, subject to future detailed assessment, construction noise and vibration can be appropriately managed and mitigated. The Department recommends future DA(s) include a NIA and prepare a Construction Noise and Vibration Management Plan (CNVMP).

Operational Noise

- The NIA recommends future DA(s) consider noise impacts associated with traffic and mechanical plant. The NIA recommends mitigation measures, including appropriate façade, window and balcony treatments and acoustic screens to rooftop plant.
- Council recommends future DA(s) consider operational noise impacts.
- The Department recommends future DA(s) include a NIA considering operational noise impacts.

Construction impacts

- The Application includes a preliminary Demolition and Construction Management Plan (DCMP) relating to erosion and earthworks, dust control, tree protection, materials handling, waste and utilities.
- Council and CC Health recommended future DA(s) address likely construction impacts (air quality, acid sulfate soils, asbestos, soil and water management and waste), in addition to noise and contamination impacts discussed above. CC Health also recommended future DA(s) include Construction Management, Environmental Management and Community Consultation Plans.
- Council and TfNSW recommended future DA(s) include a Construction and Pedestrian Traffic Management Plan (CPTMP).
- DPIE Water/NRAR recommended future DA(s) undertake a groundwater assessment including dewatering management and mitigation measures and obtain appropriate licenses.
- The Applicant has confirmed future DA(s) would include all necessary reports and plans to manage and mitigate construction impacts.

The Department has recommended a FEAR requiring future DA(s) include construction and environmental management plans and a CPTMP.

	<ul style="list-style-type: none"> The Department considers construction impacts can be appropriately addressed at future DA stage. The Department supports the preparation of the various construction and environmental management plans and the CPTMP and recommends a FEAR accordingly. 																			
Aboriginal Archaeology	<ul style="list-style-type: none"> The Application includes an Aboriginal Heritage Due Diligence Report (AHDD), which includes an archaeological assessment of the potential for archaeological remains on the site. The AHDD concluded the site has been significantly disturbed and there are no Aboriginal cultural heritage sites, and therefore the potential to encounter Aboriginal objects is low. The AHDD recommends an unexpected finds protocol be followed during construction. In response to the RtS, BCD confirmed the AHDD does not consider the site's potential Aboriginal cultural values and therefore recommended the Applicant prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) in consultation with the local Aboriginal community to inform the cultural value. The Applicant has stated given the conclusions of the AHDD, the preparation of an ACHAR is not warranted and adherence to an unexpected finds protocol during construction is sufficient and appropriate. The Department notes the findings of the AHDD in that the risk of encountering Aboriginal objects is low. However, the Department agrees with BCD that consultation with the aboriginal community should occur to ensure any cultural values are adequately considered prior to the commencement of any works on site. The Department considers it is appropriate that an ACHAR be prepared and submitted for approval (or a waiver be sought) prior to the commencement of any works on site and adherence to an Aboriginal archaeology unexpected finds protocol during demolition and construction works. 	<p>The Department has recommended a condition requiring an ACHAR be prepared and submitted for approval (or a waiver be sought) prior to the commencement of the Stage 1 works on site, in addition to the adherence to an Aboriginal archaeology unexpected finds protocol during Stage 1 works.</p> <p>The Department has also recommended a FEAR requiring future DA(s) include an Aboriginal archaeology unexpected finds protocol.</p>																		
Bicycle facilities	<ul style="list-style-type: none"> Concern was raised in the public submission about bicycle parking. CC Health stated future DA(s) should address bicycle parking and infrastructure. The application proposes future DA(s) include the provision of bicycle parking (Table 16) and end of trip facilities (toilets, change/locker rooms and showers) in accordance with the GDCP bicycle parking requirements. <p>Table 16 GDCP bicycle parking rates</p> <table border="1" data-bbox="391 1541 1152 1823"> <thead> <tr> <th>Use</th> <th>Resident / staff rate</th> <th>Visitor rate</th> <th>Bicycle Parking*</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residential</td> <td>Residents</td> <td>1 space per 3 apartments</td> <td>242 residential</td> </tr> <tr> <td>Visitor</td> <td>1 space per 12 apartments</td> <td>61 visitor</td> </tr> <tr> <td rowspan="2">Commercial / Retail</td> <td>Staff</td> <td>1 space per 200 m²</td> <td>27 staff</td> </tr> <tr> <td>Visitor</td> <td>1 space per 750 m²</td> <td>7 visitor</td> </tr> </tbody> </table> <p>* Based on the indicative scheme paragraph 2.2</p> <ul style="list-style-type: none"> The Department supports the proposed bicycle parking rates, noting the importance of cycling in encouraging future sustainable transport options. The Department recommends a FEAR requiring future DA(s) provide bicycle parking facilities in accordance with the GDCP. 	Use	Resident / staff rate	Visitor rate	Bicycle Parking*	Residential	Residents	1 space per 3 apartments	242 residential	Visitor	1 space per 12 apartments	61 visitor	Commercial / Retail	Staff	1 space per 200 m ²	27 staff	Visitor	1 space per 750 m ²	7 visitor	<p>The Department has recommended a FEAR requiring future DA(s) include bicycling parking in accordance with GDCP and explore options for providing additional visitor parking.</p>
Use	Resident / staff rate	Visitor rate	Bicycle Parking*																	
Residential	Residents	1 space per 3 apartments	242 residential																	
	Visitor	1 space per 12 apartments	61 visitor																	
Commercial / Retail	Staff	1 space per 200 m ²	27 staff																	
	Visitor	1 space per 750 m ²	7 visitor																	

	<p>Noting the Applicant's intention to provide reduced on-site car parking, the Department also recommends future DA(s) consider the additional visitor bicycle parking in excess of the GDCP rates, for public use within the public domain around and within the site.</p>	
Aviation Impacts (Helicopter flight paths)	<ul style="list-style-type: none"> The proposal includes an Aviation Impact Statement (AIS), which considers the impact of the proposal on helicopter flight paths to and from Gosford Hospital. The AIS concluded the proposal would not have an adverse impact on the approach or departure flight paths and recommends the rooftops of Towers 4 and 5 be lit with AOL and any cranes used in construction should be referred to CC Health for approval. CC Health agreed with the AIS conclusion that Tower 4 and 5 require AOL lighting and recommended detailed conditions relating to construction crane lighting. The Department agrees with CC Health and recommends future DA(s) include an AIS to assess potential impacts on helicopter flight paths and permanent tower and construction crane AOL. 	The Department has recommended a FEAR requiring future DA(s) include an AIS.
Health facilities	<ul style="list-style-type: none"> CC Health recommended the Applicant consider the cumulative impact of the development on the need for health services for the Gosford area. The SEA considered the impact of the proposal on existing health services and concluded the incoming population would generate demand for one to two additional hospital beds. The SEA concluded the health needs of the development would be met, as Gosford Hospital has undergone recent upgrades and the site is located near to Gosford Private Hospital and Gosford Family Care Cottage. The Department notes CC Health's concern about the cumulative impacts of this development in context with other planned large developments within the City Centre and concludes future DA(s) should include a broader cumulative assessment of impacts. 	The Department has recommended a FEAR requiring the SEA submitted with future DA(s) also consider cumulative health impacts.
Utilities	<ul style="list-style-type: none"> The EDDR considers natural gas, water and sewer, electricity and telecommunications infrastructure. The Application proposes to realign existing stormwater and sewer pipes that currently cross the site (Section 6.8 / Figure 26). The Department notes future development would need to connect to and potentially augment existing services / utilities. The Department therefore recommends the Applicant engage with the relevant utility providers to determine utility requirements and any connection / mitigation measures and future DA(s) include a Utilities Report. 	The Department has recommended a FEAR requiring future DA(s) include a utilities report.
Operational waste	<ul style="list-style-type: none"> Council has requested operational waste storage, collection and waste vehicle size, access and manoeuvrability should be in accordance with Council's DCP 2013 requirements. In addition, future DA(s) should include an Operational Waste Management Plan (OWMP) and address Council's detailed waste management requirements. The Department considers the location, design and operation of waste storage areas is best reserved for consideration as part of future DA(s). The Department therefore recommends future DA(s) consider operational waste management, the requirements of the DCP 2013 and prepare a OWMP. 	The Department has recommended a FEAR requiring future DA(s) consider waste management and include an OWMP.

<p>Contribution levies</p>	<ul style="list-style-type: none"> • Development contribution levies for local and state infrastructure apply to the site under the: <ul style="list-style-type: none"> ○ Central Coast Council 7.12 Contributions Plan for Gosford City Centre – 1% levy (Civic Improvement Plan) ○ SIC levy 2%. • CC Heath recommended development contributions arising from the development be used to create / improve off-site public open space(s). TfNSW and Council recommended road infrastructure upgrades be undertaken to address traffic impacts. • The Applicant confirmed it does not object to: <ul style="list-style-type: none"> ○ the SIC and Civic Improvement Plan levies, or ○ a works-in-kind / voluntary planning agreement (in place of monetary contributions) for certain road upgrades or civic improvements. • The Department considers it appropriate that the contribution requirements for the proposal be confirmed as part of the assessment of future DA(s). 	<p>The Department recommends ToAs requiring future DA(s) consider the SIC and Contribution requirements.</p>
<p>Bushfire</p>	<ul style="list-style-type: none"> • The Application included a Bushfire Report, which recommended compliance with Planning for Bush Fire Protection 2006 and Australian Standard 3959 'Construction of Buildings in Bushfire-Prone Area'. • The RFS recommended conditions relating to construction, water utilities, landscaping and the establishment of asset protection zones for future development. • The Department considers the detail of bushfire protection associated with future development is best reserved for consideration as part of future DA(s). • The Department therefore recommends future detailed DA(s) for buildings include a Bushfire Assessment Report (BAR). As only a portion of the site is mapped as bushfire prone, the Department also recommends that applications may be exempt from this requirement where approved by RFS. 	<p>The Department recommends a FEAR requiring future DA(s) include a Bushfire Assessment Report.</p>
<p>Reflectivity</p>	<ul style="list-style-type: none"> • The Department notes that the indicative development includes modern tower buildings that may contain a high proportion of glazing. • The Department considers it important that future DA(s) consider potential reflectivity impacts and recommends a FEAR accordingly. 	<p>The Department has recommended a FEAR requiring future DA(s) include a Reflectivity Assessment.</p>
<p>Quantum of commercial floorspace</p>	<ul style="list-style-type: none"> • The proposal includes 5,422 m² GFA for retail / commercial floorspace (7.5 % of total GFA). The indicative scheme shows commercial floorspace located at ground floor levels fronting all surrounding streets and the through site links. • Concerns were raised in public submission that the commercial floorspace fails to meet the requirement of clause 8.4(4)(e) of the Gosford SEPP (Section 5.3). • In response to submissions and a request by the Department, the Applicant increased the amount of commercial floorspace by 46% (from 3,692 m² to 5,422 m²). • The Department is satisfied the indicative scheme demonstrates the proposed retail / commercial floorspace is appropriately located to 	<p>No additional conditions or amendments are necessary.</p>

	<p>activate existing and proposed streets and through site links and appropriately screen above-ground car parking levels.</p> <ul style="list-style-type: none"> • The Department considers the proposal meets the objectives of the B4 Mixed Use zone as it provides a mix of compatible and diverse land uses in an accessible location, improves public domain and pedestrian links and protects the scenic qualities of Gosford City Centre. • The Department concludes the retail / commercial component of the proposal is sufficient, provides new employment opportunities and complements existing floorspace in the Gosford City Centre. The proposal therefore meets the requirement of clause 8.4(4)(e) of the Gosford SEPP. 	
Detailed design	<ul style="list-style-type: none"> • Council commented on the detailed design of footways, regulatory signage, car park, site servicing, waste collection, flooding drainage measures and civil engineering works. Council also recommended future developments comply with various Acts, legislation, policies and guidelines. • The Applicant has stated that these matters would be considered as part of the detailed design of future developments. • The Department agrees the detailed design of the development and compliance with relevant Acts, legislation, policies and guidelines (relating to detailed design) is best addressed as part of the consideration and assessment of future DA(s). 	The Department recommends ToAs ensuring future detailed DA(s) are submitted and that they are consistent with the concept approval.

6.8 Stage 1 works

- 6.8.1 In addition to the concept approval, the application seeks approval for early works, including **(Figure 25)**:
- demolition of the Kibbleplex building and associated structures
 - site preparation works, including realignment of stormwater and sewer lines and removal of existing on-site vegetation
 - decommission of existing substation and extinguish existing easements.
- 6.8.2 The demolition and site preparation works are predicted to take approximately 3 - 4 months.
- 6.8.3 In response to requests from Council and the Department, the Applicant provided a preliminary Demolition and Construction Management Plan (DCMP) that includes an indicative demolition process and assessment of impacts, management and mitigation.
- 6.8.4 Concerns were raised in the public submission about the removal of 535 publicly accessible car parking spaces. Council recommended its existing stormwater and sewer pipes that cross the site be realigned as part of the Stage 1 works. Council also recommended conditions relating to the management and mitigation of impacts during the Stage 1 works.

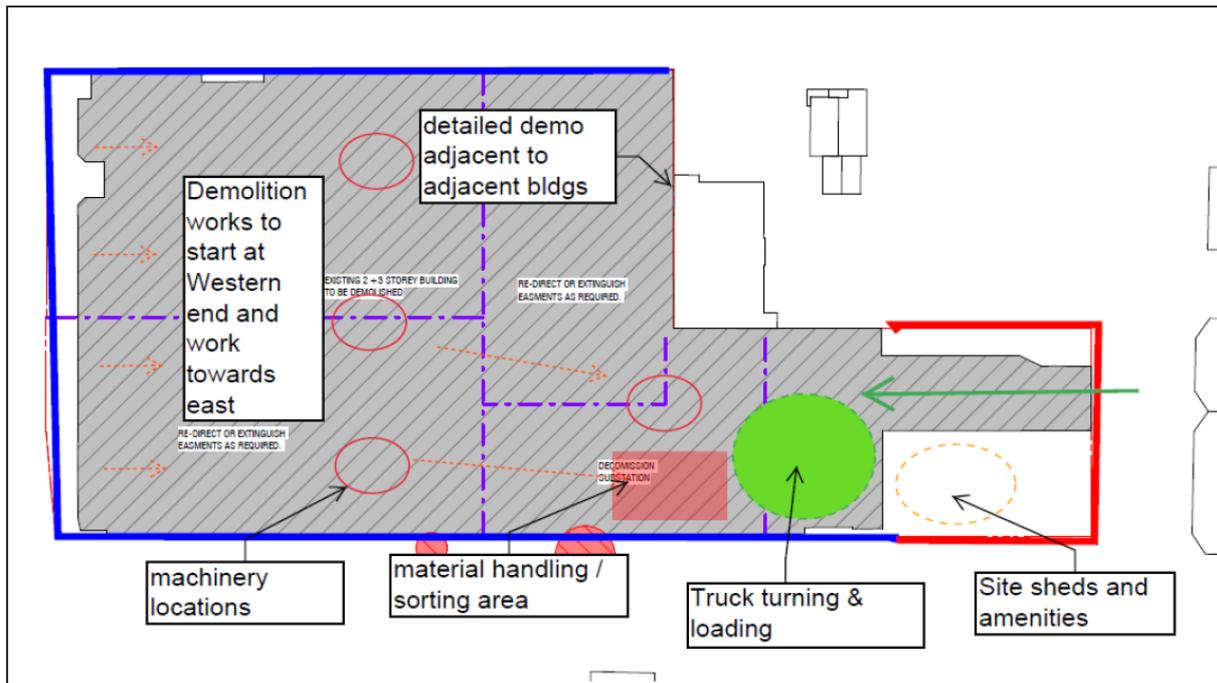


Figure 25 | Demolition plan (Base source: Applicant's RtS)

6.8.5 The key considerations in the assessment of the proposed Stage 1 works are:

- removal of existing car parking spaces
- realignment of Council's infrastructure
- other environmental impacts.

[Removal of existing on-site public car parking](#)

6.8.6 Under an existing (voluntary and non-binding) agreement with Council, the Applicant allows it's site to be used for a free public car park, providing 535 car parking spaces. The TIA indicates the 535 car parking spaces are at capacity most weekdays.

6.8.7 The Applicant confirmed the proposal will remove the 535 car parking spaces and no new public car parking is proposed, except for the 8 on-street bays within the north/south shared through site link.

6.8.8 Concern was raised in the public submission about the loss of 535 commuter car parking spaces. Council initially objected to the loss of public car parking, but did not reiterate its objection in its response to the RtS.

6.8.9 The Applicant stated the redevelopment of the site (and resultant loss of 535 spaces) is reasonable as it is private land and it is not the Applicant's responsibility to manage or provide public car parking in Gosford. Notwithstanding this, the Applicant has offered to provide temporary surface car parking spaces for public use during the staged construction of the development (170 spaces at Stage 1, reducing to 120 spaces at Stage 2).

6.8.10 The Department has considered the proposal and acknowledges the removal of 535 publicly accessible car parking spaces will affect the availability of public car parking in Gosford City Centre. However, the Department considers the proposal to be acceptable as:

- Council has developed a detailed short, medium and long term parking strategy for Gosford City Centre (outlined in the CCPS) to address demand for public car parking. Council has started implementing key actions within this strategy, including building new and updating existing car parking sites on the periphery of the city centre with an associated (pilot) shuttle bus service
- the public car parking agreement between Council and the Applicant was a temporary measure, which took advantage of the vacant site. In this context it would be unreasonable to require the Applicant to make provision for permanent on-site public car parking
- eight publicly accessible on-street car parking spaces are to be provided within the north/south through site link
- the fact that public car parking on the site was free may have influenced the high demand for spaces.

6.8.11 The Department supports the Applicant's offer to provide up to 170 temporary surface public car parking spaces during the initial construction stages (Stages 1 and 2) to mitigate and manage the impact. The Department recommends:

- a condition requiring the Stage 1 works include the provision of 170 temporary publicly accessible surface car parking spaces on the site
- a FEAR requiring the future Stage 2 include 120 temporary publicly accessible surface car parking spaces.

Realignment of Council's infrastructure

6.8.12 Existing stormwater drainage infrastructure is located along the Donnison Street, Henry Parry Drive and partially William Street road reserves. In addition, Council's stormwater drainage and sewer pipes (and associated easements) cross through the centre of the site from the south-western corner of the adjoining property at 37 William Street towards Henry Parry Drive (**Figure 26**).



Figure 26 | Location of stormwater (green) and sewer (red) pipes crossing the site (yellow) (Base source: Applicant's EIS)

6.8.13 The EDDR recommends the Applicant realign / relocate Council's existing stormwater and sewer lines to the site boundary(s) and provide appropriate easements. The EDDR notes the relocation of lines is

likely to require amendments to the proposed basement level setback(s) to ensure an appropriate easement is established.

- 6.8.14 Council recommended the stormwater and sewer lines be relocated before future construction works begin and carried out in consultation with Council and in accordance with its requirements.
- 6.8.15 In response to Council's comments, the Applicant has agreed to relocate Council's stormwater and sewer lines (and extinguish associated easements) as part of the Stage 1 works and provide construction details of the relocation for Council's approval prior to commencement of demolition.
- 6.8.16 The Department considers it appropriate for the existing stormwater and sewer lines to be relocated as part of the Stage 1 works and notes the Applicant has agreed to Council's request. The Department recommends a condition requiring the Applicant consult with Council about the relocation of the stormwater and sewer lines and submit the necessary civil reports and drawings for Council's approval prior to the commencement of any demolition works.
- 6.8.17 In addition, in the event that the relocation of stormwater sewer infrastructure and creation of easements requires an amendment to the extent of basement or building envelopes, the Department recommends a FEAR requiring the concept drawings be updated to take account of any changes.

Other environmental impacts

- 6.8.18 Council recommended the DCMP be updated to consider air quality, acid sulfate soils, management of potential asbestos containing material (ACM) within the building, noise and soil / water management (in accordance with the DCP 2013). Council also recommended a suite of conditions relating to the management and mitigation of demolition works. TfNSW recommended the preparation of a CTPMP.
- 6.8.19 In response to Council's comments, the Applicant has updated the DCMP to include methods of how demolition would be controlled to reduce the risk of impacts on surrounding areas. The Applicant confirmed it accepts appropriate conditions to address air quality, ACM, noise and soil / water management.
- 6.8.20 The Department acknowledges due to the size of the site and the nature of demolition works, the proposed works may have additional environmental impacts on surrounding properties in terms of traffic, noise, waste, air quality and dilapidation.
- 6.8.21 To address these impacts, the Department has recommended Council's conditions relating to the management and mitigation of demolition impacts together with other conditions requiring the preparation of appropriate demolition environmental management plans to ensure the demolition works do not have an adverse impact on the surrounding area or the environment.
- 6.8.22 The Department notes the Applicant has not suggested a timeframe for the submission of the first DA. Consequently, the Department recommends a condition requiring the site be appropriately treated to prevent adverse environmental impacts (e.g. dust, erosion, runoff etc) in the period following demolition and prior to the commencement of construction.

7 Evaluation

- 7.1.1 The Department has considered the EIS, RtS and RRFI and assessed the merits of the proposal, taking into consideration advice from the public authorities and comments by Council. Issues raised in the public submission have also been considered and all environmental issues associated with the proposal have been thoroughly assessed.
- 7.1.2 The proposal will provide new buildings within the Gosford City Centre that will positively contribute to the emerging character and revitalisation of Gosford in accordance with the strategic vision for the area. Consistent with the advice of the DAP, the proposal has demonstrated future developments are capable of achieving design excellence and providing a high degree of amenity with minimal environmental impacts.
- 7.1.3 The Department has considered the merits of the proposal and considers it acceptable as:
- it is consistent with the objects of the EP&A Act, including facilitating ESD, and is consistent with the State's strategic planning objectives
 - it complies with the requirements of the Gosford SEPP, and meets the criteria that allows additional height and floor space
 - the Design Advisory Panel (DAP) advised that it exhibits design excellence, which will be maintained in the detailed building design through further DAP review, a Design Excellence Strategy and Design Guidelines (subject to the recommended changes)
 - the height, scale, setbacks of building envelopes are acceptable, and future DA(s) will consider detailed design matters such as tower articulation, modulation and materials
 - the proposed envelopes will not adversely impact on the amenity of the surrounding area, and any overshadowing of Kibble Park is limited to one hour that will pass by 10am
 - car parking at a rate less than the GDCP aligns with strategic policy/guidance and is likely to be acceptable subject to further assessment and justification as part of future DA(s)
 - the impact of predicted traffic can be managed or mitigated and necessary road infrastructure improvements can be agreed as part of future DA(s)
 - future development will provide appropriate development contributions and public benefits
 - environmental impacts associated with the Stage 1 works are appropriately managed and mitigated to not adversely impact the amenity of the surrounding area.
- 7.1.4 The impacts of the proposal have been addressed in the EIS / RtS / RRFI. ToAs, modifications and FEARs are recommended to ensure that future DA(s) are appropriately designed and impacts are appropriately managed and mitigated.

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

Recommended by:



Brendon Roberts
Acting Director
Regional Assessments

Recommended by:



Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

Appendices

Appendix A – Relevant Planning Approvals and Current Applications

Appendix B – List of Documents

Appendix C – Relevant Supporting Information

Appendix D – Environmental Planning Instruments

Appendix E – Summary of Department’s Consideration of Submissions

Appendix F – Gosford Design Advisory Panel Advice

Appendix G – Design Guidelines

Appendix H – Recommended Instrument of Consent

Appendix A – Relevant Planning Approvals and Current Applications



Figure 27 | 120-122 Erina Street East (left) and 159 Mann Street (right) (Sources: DA46274/2014 & DA47056/2015)



Figure 28 | View north-west to the Donnison Street elevation of 108-118 Mann Street (Source: DA46256/2014)



Figure 29 | View west along Georgiana Terrace (left) towards the 50-70 Mann Street development (right) (Source: DA47046/2015)



Figure 30 | 27-37 Mann Street (left) and 21-23 Mann Street (right) (Source: DA46209/2014 and DA46272/2014)



Figure 31 | Perspective looking east along the Central Coast Highway towards the 26 Mann Street site and indicative buildings (Source: Applicants RtS SSD 10114)



Figure 32 | View from the Brian McGowan Bridge towards Gosford City Centre and the approved DAs and 26 Mann Street (highlighted red) and the proposal (highlighted green) (Base source: Applicant's RRFI).

Appendix B – List of Documents

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

- Environmental Impact Statement report and attachments, prepared by Mecone Pty Ltd and dated 27 September 2019
- Response to Submissions report and attachments, prepared by Mecone Pty Ltd and dated April 2020
- Additional information provided by the Applicant including:
 - Letter titled '*BCD Advice, State Significant Development (SSD-9813), 36-48 Donnison Street, Gosford*' prepared by Joseph Bell of Mecone and dated 18 May 2020 and attachment titled '*Gosford 'Kibbleplex' CBD Redevelopment - Aboriginal Due Diligence Assessment*' prepared by Extent Heritage Advisors and dated 15 May 2020
 - Letter titled '*Central Coast Council advice, State Significant Development (SSD-9813), 36-48 Donnison Street, Gosford*' prepared by Adam Coburn of Mecone and dated 19 May 2020.
 - Letter titled '*Central Coast Council advice, State Significant Development (SSD-9813), 36-48 Donnison Street, Gosford*' prepared by Adam Coburn of Mecone and dated 5 June 2020 and attachments.
 - Letter Titled "*Response to DPIE Request for Information dated 19 June 2020*" prepared by Adam Coburn of Mecone and dated 30 June 2020 and attachments (including updated Appendix 1D SEPP 65 dated 24 June 2020)
 - Emails from Joseph Bell of Mecone dated 26 June 2020 and 3 July and 10 July 2020

Appendix C – Relevant Supporting Information

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/12746>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/12746>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/12746>

4. Response to Request for Further Information / RRFI

<https://www.planningportal.nsw.gov.au/major-projects/project/12746>

Appendix D – Environmental Planning Instruments

Environmental Planning Instruments (EPIs)

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

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

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

State Environmental Planning Policy (State and Regional Development) 2011

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 17**.

Table 17 | SRD SEPP compliance table

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

<p>Schedule 2 State significant development — identified sites (Clause 15)</p> <p>Development within the Gosford City Centre with a CIV of more than \$75 million.</p>	<p>The proposal is development within Gosford City Centre with a CIV of \$345,478,611.</p>	<p>Yes</p>
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State Environmental Planning Policy (Infrastructure) 2007

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

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

The proposal is located adjacent to a road specified under clause 102 of the ISEPP. The Department has considered construction and operational noise at **Section 6.7** and concludes noise impacts can be managed and/or mitigated. The Department recommends a FEAR requiring future DA(s) consider construction and operational noise impacts.

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

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

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

State Environmental Planning Policy No.55 – Remediation of Land

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

The EIS includes a P1CA, which provides a summary of previous investigations, likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for the proposed use.

The P1CA confirmed that the site has been in use since the early 1950s. Although, the use of the site prior to the development of Kibbleplex in 1978 is not well known, the P1CA indicates evidence of saw milling and former industrial uses on the site. The P1CA confirmed it is not known whether surface soils on the site were removed or imported fill material was used during the construction of Kibbleplex.

As the proposal is for a Concept Proposal, the P1CA did not undertake soil and ground water testing and a conclusive assessment of land contamination status cannot therefore be made at this stage. Based on the history of the site, the P1CA predicts there is a medium potential for soil contamination.

Potential site contaminants could include asbestos, lead paint, copper / chrome / arsenic compounds, Benzene, Toluene, Ethylbenzene and Xylenes, Polycyclic Aromatic Hydrocarbons, Organochlorine Pesticides, Organophosphorous Pesticides and volatile organic compounds.

The P1CA concludes further assessment is necessary to ensure the site can be made suitable for the proposed use and recommends:

- obtaining NSW WorkCover dangerous goods records for the site, if available, to assess if dangerous goods such as fuel tanks may be present
- a hazardous materials survey of the existing buildings, prior to demolition, and a hazardous materials clearance, after demolition of the buildings, to ensure hazardous materials are removed
- a visual inspection of the site, after demolition of the existing buildings, to assess the presence of potential former wells or other underground infrastructure such as storage tanks as well as fill and potential asbestos containing materials
- collection of soil samples across the site, after demolition of existing buildings. The minimum number of samples should comply with the NSW EPA (1995) Sampling Design Guidelines
- if soil contamination is identified, the risk of groundwater contamination should be assessed and groundwater sampling carried out if required
- if volatile substances are identified, the risk of vapour contamination should be assessed and vapour sampling carried out if required
- if materials are proposed to be removed from site for the development, the material will require waste classification in accordance with the NSW EPA (2014) Waste Classification Guidelines.

The Department recommends a FEAR requiring future DA(s) include a detailed site contamination assessment in accordance with the findings of the P1CA.

Draft Remediation of Land State Environmental Planning Policy

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

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

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

The Department has assessed the proposal against the SEPP 65 aims / objectives at **Table 18**.

Table 18 | Consideration of the aims and objectives of SEPP 65

SEPP 65 Principle	Department’s Response
1. Context and Neighbourhood Character	The development is located in the Civic Heart area of Gosford City Centre and is consistent in its form and function with the desired future character of this part of

	Gosford as discussed in Section 6.4 . The Department has recommended FEARs to ensure the future detailed design of buildings respond to the existing and future context of the site and surrounding area, maintaining adequate levels of amenity for existing neighbouring properties.
2. Built Form and Scale	The maximum height of the building envelopes are appropriate in this location and context and are of comparable heights and scale as other new nearby developments within Gosford City Centre. Future developments are required to achieve design excellence as discussed in Section 6.2 . The publicly accessible through site links provide for a permeable site and are proportionate to the size of the development and expected level of pedestrian activity.
3. Density	The development is compatible with the emerging Civic Heart character. The density of the development has strategic merit and the proposal has demonstrated that it would not have adverse built form, traffic or amenity impacts (Section 6). The Department has recommended FEARs to ensure the detailed design of the buildings respond to the context of the site and surrounding area.
4. Sustainability	The Department has recommended FEARs requiring future DA(s) demonstrate developments have been designed in accordance with ESD principles and that minimum Green Star and NABERS ratings are achieved and stretch targets are explored.
5. Landscape	The concept landscaping proposal consists of publicly accessible through site links including hard and soft landscaping and tree planting. Residential communal open space is provided at podium roof level for future residents. The Department has recommended a FEAR requiring future DA(s) include details of landscaping.
6. Amenity	The proposal generally complies with the requirements of SEPP 65 and the proposal has demonstrated that future residential buildings would be capable of achieving satisfactory residential amenity, including satisfactory levels of solar access, natural ventilation and privacy (Section 6.7). The Department has recommended a FEAR requiring future DA(s) consider the ADG and GDGP residential development controls.
7. Safety	The buildings, as proposed at a conceptual level, are capable of achieving safe and secure environments, allowing for passive and active surveillance of the surrounding area. The future detailed design of the buildings will further address other safety and security issues around public and private areas. The Department has recommended a FEAR requiring future DA(s) include a Crime Prevention Through Environmental Design assessment.
8. Housing Diversity and Social Interaction	The development will improve housing supply and choice and has the ability to provide for a mix of apartment types to cater for a range of households. The provision of new housing will aid in the creation of a mixed and balanced community. The Department has recommended a FEAR requiring Future DA(s) explore opportunities to include affordable housing as part of the residential component of the development.
9. Architectural Expression	The building envelopes, including tower envelopes, allow for appropriate building articulation, modulation and include appropriate setbacks to complement the existing and desired character for the site and surrounding area (Section 6.4). The

Department has recommended a FEAR to require future developments to achieve design excellence.

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

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

The Department has considered the indicative proposal against the key ADG amenity criteria (**Section 6.7**) and concludes it is acceptable in terms of apartment sizes, communal open space, solar access, natural ventilation and privacy. The proposal would result in minor inconsistencies with the building separation and deep soil amenity standards. However, the Department concludes this is acceptable as discussed at **Section 6.7**.

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

State Environmental Planning Policy (Gosford City Centre) 2018

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

The Department has considered the relevant provisions of the Gosford SEPP at **Table 19, Table 20 and Table 21** and concludes the development is consistent with the Gosford SEPP.

Table 19 | Consideration of the relevant clauses of the Gosford SEPP

Clause	Control	Department's consideration	Compliance
Clause 2.1 Land use zones	The proposed development is on land zoned B4 Mixed Use	The proposal is permissible with consent and meets the objectives of the zone.	Yes
Clause 4.3 Height of buildings	Height of buildings development standards apply to the site, including: <ul style="list-style-type: none"> 15 m 30 m 48 m 	The maximum height of the building envelope is RL 101 m and exceeds the maximum height of buildings control for the site (refer to Table 20 and Table 21).	No (refer to clause 8.4)
Clause 4.4 Floor space ratio	Three different FSR development standards apply to the site. A site-wide (average) FSR of 3.1:1 applies to the site.	The proposed development has an FSR of 5.13:1 and exceeds the maximum FSR for the site (refer to Table 20 and Table 21).	No (refer to clause 8.4)

<p>Clause 5.10</p> <p>Heritage conservation</p>	<p>To conserve the environmental heritage of the City of Gosford, the significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The site is not located adjacent to or nearby any heritage items. The Department concludes the proposal would not have any adverse heritage impacts. The Department recommends a FEAR requiring future DA(s) consider Aboriginal archaeological impacts.</p>	<p>Yes subject to ACHAR (refer to Section 6.7)</p>
<p>Clause 6.1</p> <p>Acid sulfate soils</p>	<p>The site is mapped as being located on Class 5 acid sulfate soils.</p> <p>Development should not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The Department has recommended that future DA(s) include an Environmental Management Plan, which will consider acid sulfate soils (Section 6.7).</p>	<p>Yes</p>
<p>Clause 7.2</p> <p>Flood Planning</p>	<p>To minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the land's flood hazard and avoid significant adverse impacts on flooding behaviour.</p>	<p>The site is not subject to flooding. However, adjacent road reserves are affected by the 1% AEP event. An Engineering Report was submitted with the application and recommends measures to manage and mitigate drainage and flooding impacts. The Department concludes flooding and drainage impacts can be managed and/or mitigated (Section 6.7).</p>	<p>Yes</p>
<p>Clause 8.3</p> <p>Design Excellence</p>	<p>All developments must exhibit design excellence and when considering whether a development exhibits design excellence the consent authority must have regard to the matters in subclause 4 (a) to (e).</p>	<p>The proposed envelopes are concept, and therefore the architectural design, external appearance, materials and detailing will be considered in the assessment of future development applications.</p> <p>The DAP has advised that the concept proposal exhibits design excellence.</p> <p>Subject to future DA(s) being assessed against the Gosford SEPP and the recommended TOAs, the DES and the Design Guidelines and reviewed by the DAP (Section 6.2), the Department is satisfied future detailed design can also achieve design excellence and maintain design integrity.</p> <p>The Department has also considered the proposal against the matters in subclause 4(a) –</p>	<p>Yes</p>

(e) throughout the assessment report, as summarised below:

(a) future detailed DAs will achieve a high standard of architectural design, materials and detailing through the DES, Design Guidelines, further involvement of the DAP, together with recommended conditions and FEARs.

(b) the form and external appearance of the development will improve the quality and amenity of the public domain through the DES, Design Guidelines, further involvement of the DAP, together with recommended conditions and FEARs.

(c) the impact on solar access to identified open spaces, vistas and view corridors is acceptable (refer **Section 6.4** above and clause 8.10 and 8.11 in this table below).

(d) while development control plans do not technically apply to SSD, the Department has comprehensively assessed the proposal against the requirements of GDCP (**Table 22**).

(e) how the development addresses:

(i) the suitability of the land for the development is considered in Table 3 (**Section 4.6**), under permissibility in **Section 4.3** and throughout **Section 6**

(ii) the proposed uses are permissible on the site (**Section 4.3**) and the proposed land use mix is considered in **Section 6.8**.

(iii) heritage and streetscape constraints are considered in **Sections 1.4, 1.5, 6.3, 6.4 and 6.5** and **Appendix D**.

(iv) built form relationships are considered in **Sections 6.2, 6.3 and 6.4** and future residential amenity (i.e. internal building separation) is considered in **Section 6.8**.

(v) bulk, massing and modulation of buildings is considered in **Sections 6.2, 6.3 and 6.4**.

(vi) street wall heights are considered in **Section 6.4, Section 6.5** and **Appendix D**.

(vii) sustainable design (including the principles of ecologically sustainable development) is considered in **Sections 4.6 and 6.7, Appendix D and E**. Overshadowing is considered in **Section 6.4 and Appendix D**. Wind and reflectivity are considered in **Section 6.7**.

		<p>(viii) sustainable design (including the principles of ecologically sustainable development) is considered in Section 4.6, Appendix D and E.</p> <p>(ix) car parking and traffic are considered in Section 6.5. Open space and through site links are considered in Section 6.4 and 6.7. Cycling provision (parking and services) is considered in Section 6.7.</p> <p>(x) public domain impacts and improvements are considered throughout the report, and in particular in Section 6.2, 6.3, 6.4, 6.5 and 6.7. The Department supports the provision of through site links (Section 6.4) noting this is a key recommendation of the GDCP and they represent a public benefit.</p>	
<p>Clause 8.4</p> <p>Exceptions to height and FSR in Zone B4</p>	<p>Development consent may be granted to development that results in a building with a height of buildings and FSR that exceeds the height of buildings and FSR controls.</p>	<p>The Department concludes the variation of the height of buildings and FSR controls are acceptable, as assessed in Table 21 and Section 6.4.</p>	<p>Yes</p>
<p>Clause 8.5</p> <p>Car parking in Zone B4</p>	<ul style="list-style-type: none"> at least 1 car parking space is provided for every 75 m² commercial GFA at least 1 car parking space is provided for every 40 m² of retail GFA. 	<p>The indicative development confirms the proposal is capable of complying with these car parking requirements.</p> <p>The Department has recommended a FEAR requiring future DA(s) include a TIA and consider the appropriate rate of car parking for the site (Section 6.5).</p>	<p>Yes</p>
<p>Clause 8.6</p> <p>Active street frontages</p>	<p>Consent authority must be satisfied that the building will have an active street frontage as identified on the Active Street Frontages Map, which requires active frontages to:</p> <ul style="list-style-type: none"> Henry Parry Drive Donnison Street 	<p>The indicative proposal demonstrates the proposal is capable of providing active street frontages to surrounding streets and the through site links.</p> <p>The Department has recommended a FEAR requiring future DA(s) consider the provision of active street frontages (Section 6.4).</p>	<p>Yes</p>
<p>Clause 8.10</p> <p>Solar access to key public open spaces</p>	<p>The development must not result in any more than 40 per cent of Kibble Park receiving less than 4 hours of sunlight between 9 am and 3 pm at the winter solstice.</p>	<p>The proposal has demonstrated building envelopes would not result in overshadowing of Kibble Park in excess of the 40% requirement (Section 6.4).</p> <p>The Department has recommended a FEAR requiring future DA(s) include overshadowing analysis.</p>	<p>Yes</p>
<p>Clause 8.11</p>	<p>To protect and enhance key vistas and view</p>	<p>The proposal has demonstrated building envelopes provide for appropriate view corridors</p>	<p>Yes</p>

Key vistas and new view corridors	corridors in Gosford City Centre.	and would not have an adverse impact on identified key views (Section 6.4). The Department has recommended a FEAR requiring future DA(s) include visual and view analysis.
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Table 20 | Comparison between the Gosford SEPP height and FSR development standards and the proposal

Development Standard	Gosford SEPP maximum control	Concept Proposal maximum	Difference (+/-)	Complies
Clause 4.3 - Height of Buildings	15 m (Height Zone 'O')	Tower 1: RL 82.4 m (approx. 21 storeys including podium) Tower 2: RL 73 m (approx. 18 storeys including podium)	+67.4 m +58 m	No
	30 m (Height Zone 'U')	Tower 3: RL 88.6 m (approx. 22 storeys including podium) Tower 4: RL 101 m (approx. 30 storeys, including podium)	+58.6 m +71 m	No
	48 m (Height Zone 'X')	Tower 5: RL 101 (approx. 30 storeys including podium)	+53 m	No
Clause 4.4 – FSR	2.5:1 (FSR Zone 'U1')	Towers 1 & 2: 5.38:1	+ 2.88:1	No
	3:1 (FSR 'V')	Towers 3 & 4: 4.98:1	+ 1.98:1	No
	4.75:1 (FSR 'Y')	Tower 5: 4.96:1	+ 0.21:1	No
	3.1:1 (averaged site wide FSR)	5.13:1	+ 2.03:1	No

Table 21 | Consideration of Gosford SEPP clause 8.4(4) development standards exception criteria

Clause 8.4(4) requirements	Department's consideration	Complies
a) the site area of the development is at least 5,600 square metres, and	The site area is 14,194 m ² .	Yes
b) a design review panel reviews the development, and	The City of Gosford Design Advisory Panel (DAP) was established by the Government Architect NSW (GANSW) to review the proposal, as summarised at Section 5.5 . The DAP reviewed the proposal on three occasions.	Yes
c) if required by the design review panel, an architectural design competition is held in relation to the development, and	The DAP did not require an architectural design competition be held.	Yes

d) the consent authority takes into account the findings of the design review panel and, if held, the results of the architectural design competition, and	The DAP has confirmed the proposal exhibits design excellence. The Department has considered the findings of the DAP in detail at Section 6 and concludes the recommendations of the DAP are incorporated into the design and/or addressed by way of terms of approval and/or future environmental assessment requirements.	Yes
e) the consent authority is satisfied with the amount of floor space that will be provided for the purposes of commercial premises, and	The Department has considered the proposed land uses at Section 6.7 and is satisfied the amount of commercial floorspace provided by the proposal is appropriate.	Yes
f) the consent authority is satisfied that the building meets or exceeds minimum building sustainability and environmental performance standards.	The future buildings are capable of being designed to achieve ESD. The Department has recommended FEARs requiring that future DA(s) demonstrate how ESD principles have been incorporated into the proposal, include the appropriate sustainability measures, achieve minimum and explore stretch sustainability targets.	Yes

Gosford City Centre Development Control Plan 2018

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

The Department considers, in the absence of other detailed planning controls (beyond those in the Gosford SEPP) applying to the site, the GDCP represents a useful guide to inform the assessments of the merits of the proposal. The Department has therefore considered the proposal against the relevant controls and guidelines within the GDCP at **Table 22**.

Table 22 | Compliance with the relevant GDCP objectives and controls

GDCP objectives and controls	Department's consideration	Complies
Section 3.3 – Civic Heart		
Objectives <ol style="list-style-type: none"> 1. Protect view corridors to Presidents Hill and Rumbalara Reserve. 2. Ensure excellent solar access and amenity to Kibble Park. 4. Ensure active and defined street frontages and frontages to all park edges. 5. Promote a diversity of built form and high quality mixed use developments. 6. Promote new commercial development in the core for job growth and to protect Gosford's role as a regional city and associated regional functions. 	Objectives <ol style="list-style-type: none"> 1. The building envelopes would alter the views towards Rumbalara Reserve. However, this is considered acceptable (Section 6.4). 2. The building envelopes would not adversely reduce solar access to Kibble Park (Section 6.7) 4. Future developments would activate all adjoining street frontages 5. The tower building envelopes are varied in height and the indicative proposal demonstrates future development can provide for high quality mixed use development. 6. Commercial premises are proposed at ground floor levels fronting surrounding streets and the through site links. 	Yes
Section 4.1 – Pedestrian Network		

<p>Objectives</p> <p>A. Provide high pedestrian comfort for pedestrian amenity and safety.</p> <p>B. Retain and enhance existing through site links.</p> <p>Controls</p> <p>6. Reference should be made to relevant guidelines in Austroads Guides, Australian Standards, NSW Government Planning Guidelines for Walking and Cycling and NSW Roads and Maritime Services technical directions.</p>	<p>Objectives</p> <p>A. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider pedestrian movements, connectivity and safety</p> <p>B. The proposal includes new through site links</p> <p>Controls</p> <p>6. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider relevant Australian Standards and other guidelines.</p>	<p>Yes</p>
<p>Section 4.2 – Public Open Space</p>		
<p>Objectives</p> <p>A. Provide accessible and safe high quality open spaces.</p> <p>B. Retain and enhance existing public open spaces, especially Kibble Park, the Leagues Club Field and the waterfront.</p> <p>D. New open spaces are required in the city to support a growing population and to ensure residents are in walking distance of quality open space.</p>	<p>Objectives</p> <p>A. The site is opposite significant areas of existing open space and includes publicly accessible through site links. The Department does not consider it necessary that it provide a new open space.</p> <p>B. The proposal would not have an adverse impact on solar access to Kibble Park and would appropriately frame the eastern boundary of the park (Section 6.4).</p> <p>D. Refer to response to Objective A above.</p>	<p>Yes</p>
<p>Section 4.3 – Solar Access to Key Public Spaces</p>		
<p>Controls</p> <p>1. For Key Open Space 1 (Kibble Park), buildings must be designed to ensure at least 60% of the park receives 4 hours of direct sunlight between 9am and 3pm on the winter solstice (21 June). Without limiting the above, it is preferred that Kibble Park receives 70% of direct sunlight for 4 hours during that time if it can be achieved through good design. Note – This performance standard is contiguous hours, and is cumulative between developments</p>	<p>Controls</p> <p>1. The design of the building envelopes ensures more than 60% of Kibble Park receives direct sunlight for more than 4 hours in mid-winter (Section 6.7).</p>	<p>Yes</p>
<p>Section 4.4 – Views and Vistas</p>		

<p>Objectives</p> <ul style="list-style-type: none"> A. Enhance Gosford's unique identity and sense of place that is created by the current significant views and vistas, particularly those identified in Figure 4. B. Protect Gosford's character of visual openness with the surrounding landscape. C. Maintain and enhance significant view corridors from public spaces and streets to Brisbane Water and the identified view corridors which afford views of the ridgelines of Rumbalara Reserve and Presidents Hill. D. Open up new significant views, where possible. <p>Controls</p> <ul style="list-style-type: none"> 1. The floorplates of buildings above street frontage heights should be designed in accordance with the slender tower provisions in Chapter 5 of this DCP. 2. Key views (identified in Figure 4) are those existing views of the ridgelines of Presidents Hill, Rumbalara Reserve and views of Brisbane Water from important locations, including the centre of Kibble Park, Leagues Club Field and Brian McGowan Bridge. 	<p>Objectives</p> <ul style="list-style-type: none"> A. The proposal creates view corridors and has an acceptable impact on existing views towards Rumabalara Reserve. B. The building envelopes and Design Guidelines ensure future towers are slender and include appropriate setbacks to ensure the character and visual openness of Gosford is maintained in the Civic Heart area (Section 6.4). C. Refer to response to Objective A. D. The proposal includes the creation of new through site links, which would open up new vistas (Section 6.7). <p>Controls</p> <ul style="list-style-type: none"> 1. The Department includes a FEAR requiring future DA(s) consider appropriate floorplate sizes and that building envelopes are limited to 85% volumetric fill. 2. Refer to response to Objective C and D. 	<p>Yes</p>
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Section 4.5.1 – Vehicle Footpath Crossings

<p>Objectives</p> <ul style="list-style-type: none"> A. To make vehicular access to buildings more compatible with pedestrian movements. B. Reduce the impact of vehicular access on the public domain. <p>Controls</p> <p>Location of Vehicular Access</p> <ul style="list-style-type: none"> 1. One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. 2. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity. 3. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. 	<p>Objectives</p> <ul style="list-style-type: none"> A. The Department has recommended a FEAR requiring future DA(s) to include a TIA, which will consider pedestrian movements, connectivity and safety. B. The proposal includes a concept landscape proposal. The Department has recommended a FEAR requiring future DA(s) consider landscape and public domain impacts. <p>Controls</p> <p>Location of Vehicle Access</p> <ul style="list-style-type: none"> 1. Two vehicular access points are proposed on William Street. 2. See response to control 1 above. 3. See response to control 1 above. 	<p>No (red) refer to Section 6.5</p>
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Section 5.2.1 – Street Setbacks and Rear Setbacks

<p>Objectives</p> <p>A. Provide for public amenity of the street including:</p> <ul style="list-style-type: none"> landscape and deep soil zones in appropriate locations, to establish the desired spatial proportions of the street and define the street edge to provide for high quality pedestrian amenity and activity. <p>B. Enhance the setting and street address of the building.</p> <p>C. Provide front setbacks appropriate to building function and character, including entries and setbacks for ground floor apartments.</p> <p>D. Create a transition between public and private space.</p> <p>E. Maintain sun access to the public domain.</p> <p>Controls</p> <p>1. Buildings should be designed to comply with streetscape controls as shown in Figure 8 (being nil podium setback for the site). These setbacks should be deep soil and contain no parking structures.</p> <p>2. In addition to the above, street building alignment and street setbacks are to comply with Figure 8. Parking structures may encroach into these setbacks by up to 1m (except for 0m ground setbacks).</p> <p>5. Building separation and visual privacy requirements of SEPP65 and the Apartment Design Guide will also apply as well as to the controls described above.</p>	<p>Objectives</p> <p>A. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports.</p> <p>B. Refer to response to Objective A above</p> <p>C. Refer to response to Objective A above</p> <p>D. Refer to response to Objective A above</p> <p>E. The Department has concluded the building envelopes would not adversely overshadow Kibble Park (Section 6.4) and has recommended a FEAR requiring future DA(s) consider overshadowing impacts on neighbouring public domain and open spaces.</p> <p>Controls</p> <p>1. The podium building envelopes provide:</p> <ul style="list-style-type: none"> 2.5 m setbacks to Henry Parry Drive and William Street 1 m setback to Donnison Street nil setback to Albany Street North. <p>2. Refer to response to Control 1 above.</p> <p>5. The Department has recommended a FEAR requiring future DA(s) to consider the recommendations of the ADG and the GDCP.</p>	<p>No (red) refer to Section 6.4</p>
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Section 5.2.2 – Street Wall Heights and Upper Podium

<p>Objectives</p> <p>A. Achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.</p> <p>B. Reinforce the intrinsic character and scale of existing and heritage buildings in Gosford City Centre whilst also enable flexibility in contemporary building design.</p> <p>C. Protect solar access to key streets and public spaces.</p> <p>D. Encourage a strong architectural expression.</p> <p>E. Provide for views of the hillsides from key locations.</p> <p>F. Achieve a consistent and strong building line where desirable for urban design and streetscape reasons.</p> <p>Controls</p> <p>1. The street frontage height of buildings must comply with the minimum and</p>	<p>Objectives</p> <p>A. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports.</p> <p>B. Refer to response to Objective A above</p> <p>C. The Department has recommended a FEAR requiring future DA(s) consider overshadowing impacts on neighbouring public domain and open spaces.</p> <p>D. Refer to response to Objective C above</p> <p>E. The building envelopes would alter general views towards Rumbalara Reserve. However, this is considered acceptable (Section 6.4).</p> <p>F. Refer to response to Objective A above</p> <p>Controls</p> <p>1. All podium heights comply with the GDCP requirement, except:</p> <ul style="list-style-type: none"> Tower 1 and 2 podium (RL 21 m), which are 14 m fronting Henry Parry 	<p>No (red) refer to Section 6.4</p>
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<p>maximum heights above mean ground level on the street front as shown in Figure 8 (being maximum 9.5m to Henry Parry Drive and 14 m to William and Donnison Streets)</p> <p>2. All built form above the street wall height should be set back a minimum of 3m from the building line of the street wall frontage. This may include:</p> <ol style="list-style-type: none"> an 'upper podium' of up to 2 storeys/7m (in height) and side setbacks should be provided consistent with the Apartment Design Guide; and a tower element above this, which is to be consistent with the controls in Section 5.2.5 of this document. 	<p style="color: red;">Drive</p> <ul style="list-style-type: none"> • Tower 5 podium (RL 31m), which is 17m fronting Donnison Street where it joins with the Tower 4 podium <p>2. No upper podium is proposed. Towers are setback a minimum of 6 m in accordance with Section 5.2.5.</p>	
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Section 5.2.3 – Active Street Frontages and Street Address

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

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

<p>Objectives</p> <ol style="list-style-type: none"> Achieve high amenity for the public domain including access to sun light and views. Allow for view sharing and view corridors. Achieve an attractive city skyline which is sympathetic to the topography and 	<p>Objectives</p> <p>The Department has recommended a FEARs requiring future development achieve design excellence and that future DA(s) include:</p> <ol style="list-style-type: none"> overshadowing analysis design and landscape reports assessment of future amenity 	<p>No (red) refer to Section 6.4</p>
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context.

- D. Allow for high internal amenity to development, including natural light and ventilation
- E. Mitigate potential adverse impacts that tall and bulky buildings might have on the public domain
- F. Reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.
- G. Provide viable and useable floor space.

Controls

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

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

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

E. as above

F. as above

- B. The site is not located nearby any existing residential properties and would not have an adverse impact on existing private views.
- G. the proposal includes a diverse variety of compatible uses.

Controls

- 1. The envelopes are greater than the maximum floorplate size, however the indicative scheme illustrates potential tower floorplates for Towers 1, 3, 4 and 5 are capable of compliance. The Department includes a FEAR requiring future DA(s) consider appropriate floorplate sizes and that building envelopes are limited to 85% volumetric fill.
- 3. **Maximum length of the tower envelopes is 48 m.**
- 4. All tower envelopes are setback at least 6 m from the street wall frontage.
- 5. No tower envelope has a frontage wider than 30 m. Notwithstanding this, the Design Guidelines require towers to be articulated.
- 6. The maximum height of the tower building envelopes are varied. **However the variance between towers is less than 15% between each tower.**
- 7. The Department has concluded that appropriate separation distances have been provided between the building envelopes (**Section 6.4**).

Section 5.2.6 – Fine grain frontages

<p>Objectives</p> <ul style="list-style-type: none"> A. Ensure that development responds to the human scale. B. To provide a high quality and diverse retail environment for Gosford. C. To respond to the character and grain of existing buildings at street level (even when taller buildings are provided). D. Provide a variety of architectural character. E. Ensure that the scale, modulation and façade articulation of development responds to its context. 	<p>Objectives</p> <ul style="list-style-type: none"> A. The Department has recommended a FEAR requiring future development achieve design excellence and that future DA(s) include design and landscape reports. B. The indicative proposal includes the provision of commercial uses at street level and through site link frontages. The Department has recommended a FEAR requiring future DA(s) demonstrate ground floor frontages are appropriately activated. C. Refer to response to Objective A and B. D. Refer to response to Objective A and B. E. Refer to response to Objective A and B. 	<p>Yes</p>
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Section 5.2.8 – Building Sustainability and Environmental Performance for Key Sites

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

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

<p>Objectives</p> <ol style="list-style-type: none"> A. To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size. B. To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy. C. To provide passive and active recreational opportunities. <p>Controls</p> <ol style="list-style-type: none"> 1. The maximum site cover for development is 60% for development in the Mixed Use Zone 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 	<p>Objectives</p> <ol style="list-style-type: none"> A. The proposal includes through site links, which include hard and soft landscaping. The indicative proposal shows the basement car park setback from Henry Parry Drive and the ability to provide an area of deep soil planting in that location. B. The Department has recommended a FEAR requiring future DA(s) provide for an appropriate standard of amenity. C. The through site links would provide for active and passive recreational opportunities. The site is located opposite Kibble Park. <p>Controls</p> <ol style="list-style-type: none"> 1. The proposal has a site coverage of 93% 2. The indicative proposal shows the basement car park setback from Henry Parry Drive and the ability to provide an area of deep soil planting in that location. 3. The deep soil zone would be less than 15% of the total site area. 4. The proposal could provide for varied soil soil depths on the structure. The Department has recommended a FEAR requiring future DA(s) include flooding and stormwater assessments. 5. Existing trees on the site do not have a high amenity or habitat value and are proposed to be removed. The Department has recommended a FEAR requiring future DA(s) include a landscaping report and plans. 6. The Department has recommended a FEAR requiring basement levels take account of street trees and deep soil zones. 	<p>No (red) Refer to Section 6.7</p>
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<p>as well as allowing for the planting of trees/shrubs that will grow to be mature plants.</p> <p>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).</p>		
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Section 5.2.18 – Public Artworks

<p>Objectives</p> <p>A. To contribute to Gosford City’s physical attractiveness and the quality of life that it offers visitors and residents.</p> <p>B. To provide the opportunity to interpret and express Gosford’s historical and cultural themes.</p> <p>C. To increase the amount of public artworks in Gosford.</p> <p>Controls</p> <p>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.</p> <ol style="list-style-type: none"> Public art is to respond to the particular site of the development as well as the city as a whole. Provide well designed and visually interesting public art made by artists or organisations that are competent in the selected field. Construct public art of materials that are hardwearing, resistant to vandalism and constructed to ensure minimal maintenance. 	<p>Objectives</p> <p>A. The application does not propose the inclusion of public art.</p> <p>B. Refer to response to Objective A</p> <p>C. Refer to response to Objective A</p> <p>Controls</p> <ol style="list-style-type: none"> The application does not propose the inclusion of public art. Refer to response to Condition 1 Refer to response to Condition 1 	<p>No (red)</p> <p>Refer to Section 6.7</p>
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Section 6.5 – Key Site 4 136-148 Donnison Street (former Market Town)

<p>Principles</p> <ol style="list-style-type: none"> This is a key site due to its size, location and address to key public spaces, including Kibble Park and Henry Parry Drive. The site also offers important urban renewal opportunities in the Civic Heart of Gosford City facing Kibble Park. Accordingly, this site must be subject to a master planning process to ensure holistic consideration of site specific urban design issues. Any development must protect and maximise solar access to Kibble Park and protect key views and street vistas. Development on the western and north-western part of the site should be lower in height to maximise solar access to Kibble Park. Maximising solar access to Kibble Park and views from Kibble Park to Rumbalara Reserve are priorities for development of this site. Taller buildings may be appropriate for this site, subject to design testing to determine the optimum location. 	<p>Principles</p> <ol style="list-style-type: none"> The Concept Proposal seeks to establish the masterplan planning framework for the future development of the site. The Department concludes the proposed built form of building envelopes are acceptable (Section 6.4). The proposal would not adversely reduce solar access to Kibble Park and establishes view corridors. The building envelopes step down at the eastern and western ends As discussed at Section 6, The Department has considered built form, overshadowing and view and visual impacts. The Department has concluded the proposed building envelopes would have acceptable impacts and are therefore appropriate. North/south and east/west through site links are provided. Refer to response to Principle 3. The indicative proposal demonstrates that 	<p>Yes</p>
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<p>The preferred location of taller buildings on this site is to the southern and eastern part of the site to minimise overshadowing impacts to Kibble Park.</p> <ol style="list-style-type: none"> 4. North-south through site links should be provided to improve pedestrian connectivity and to break up the length of the street block. 5. The appropriate height for development of this site will be determined through a master planning process, which is to include design testing and consideration of impacts on views and overshadowing. 6. An active frontage is required on two street frontages. Retail or commercial uses are appropriate fronting Henry Parry Drive while multiple lobby and residential entries (maisonettes) should have adequate street address to, and contribute positive design outcomes for, Donnison Street. 	<p>active street frontages can be provided to all street frontages.</p>	
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Section 7.4 – On-Site Parking

<p>Objectives</p> <ol style="list-style-type: none"> A. To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types. G. To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking. <p>Controls</p> <ol style="list-style-type: none"> 1. On-site vehicle and bicycle parking is to be provided in accordance with Table 2 of this chapter. <p><i>Bicycle lockers and shower facilities</i></p> <ol style="list-style-type: none"> 1. For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be conveniently located close to bike storage areas. 	<p>Objectives</p> <ol style="list-style-type: none"> A. The Department has considered the appropriateness of the Applicant’s proposed car parking rates for the site at Section 6.5. The Department has concluded the site is capable of providing for car parking at a rate less than the GDCP. The Department recommends a FEAR requiring future DA(s) to provide an assessment of the appropriate car parking rate for the site. G. Refer to response to Objective A. <p>Controls</p> <ol style="list-style-type: none"> 1. The proposal may not provide car parking in accordance with the GDCP rates. Refer to response to Objective A. <p><i>Bicycle lockers and shower facilities</i></p> <ol style="list-style-type: none"> 1. The Department has recommended a FEAR requiring future DA(s) include bicycle parking and end of trip facilities for cyclists. 	<p>No (red) Refer to Section 6.5)</p>
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Section 8.2 – Energy Efficiency and Conservation

<p>Objectives</p> <ol style="list-style-type: none"> A. To reduce the necessity for mechanical heating and cooling. B. To minimise greenhouse gas emissions. C. To use natural climatic advantages of the coastal location such as cooling summer breezes, and exposure to unobstructed winter sun. <p>Controls</p> <p><i>Residential</i></p> <ol style="list-style-type: none"> 1. New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State 	<p>Objectives</p> <ol style="list-style-type: none"> A. The Department has recommended FEARs requiring future DA(s) demonstrate developments have been designed in accordance with ESD principles and that minimum Green Star and NABERS ratings are achieved and achieving stretch targets are explored. B. Refer to response to Objective A above. C. Refer to response to Objective A above. <p>Controls</p> <p><i>Residential</i></p> <ol style="list-style-type: none"> 1. The Department has recommended a FEAR requiring future DA(s) for the residential towers comply with or where 	<p>Yes</p>
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<p>Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p> <p><i>Non-Residential</i></p> <p>For all non-residential development:</p> <ol style="list-style-type: none"> 2. 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. 3. Improve the efficiency of hot water systems by: <ol style="list-style-type: none"> c. insulating hot water systems, and d. installing water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators. 4. Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular 'off-peak' time, not the whole building. <p><i>For all commercial development over \$5 million</i></p> <ol style="list-style-type: none"> 5. Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development with a construction cost of \$5 million or more that demonstrates a commitment to achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme. 6. All non-residential development Classes 5 to 9 need to comply with the Building Code of Australia energy efficiency provisions. 	<p>possible exceed BASIX.</p> <p><i>Non-Residential</i></p> <ol style="list-style-type: none"> 2. Refer to response to Objective A above. 3. Refer to response to Objective A above. 4. Refer to response to Objective A above <p><i>For all commercial development over \$5 million</i></p> <ol style="list-style-type: none"> 5. Refer to response to Objective A above 6. The Department includes a FEAR requiring future DA(s) demonstrate compliance with the BCA. 	
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Section 8.4 – Reflectivity

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

<p>Objectives</p> <p>A. To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p>	<p>Objectives</p> <p>A. The Department has considered the wind impacts associated with the proposed building envelope at Section 6.7 and concludes wind impacts can be managed and/or mitigated. The Department has recommended a FEAR requiring future DA(s) include a wind assessment.</p>	<p>Yes</p>
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Section 8.6 – Waste and Recycling

<p>Objectives</p> <p>A. To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling.</p> <p>B. To minimise the generation of waste</p>	<p>Objectives</p> <p>A. The Department has included a FEARs requiring future DA(s) consider construction and operational waste management.</p>	<p>Yes</p>
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<p>through design, material selection, building and best waste management practices.</p> <p>C. To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development as well as the ongoing generation of waste.</p> <p>D. To ensure efficient storage and collection of waste and quality design of facilities.</p>	<p>B. Refer to response to Objective A above.</p> <p>C. Refer to response to Objective A above.</p> <p>D. Refer to response to Objective A above.</p>	
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Section 8.7 – Noise and Vibration

<p>Objectives</p> <p>A. To ensure development is designed so noise and vibration from new businesses, light industrial and leisure / cultural / entertainment venues and other noise generating activities do not unacceptably affect the amenity of nearby residential and other noise or vibration sensitive uses.</p> <p>B. To ensure development is designed and constructed so that noise and vibration impacts from existing neighbouring activities do not unreasonably compromise the amenity of occupants of the proposed development</p> <p>C. To ensure noise and vibration impacts between different uses and occupancies within a development provide reasonable amenity to all occupants of the development.</p>	<p>Objectives</p> <p>A. The Department has included FEARs requiring future DA(s) consider construction and operational noise management and mitigation measures.</p> <p>B. Refer to response to Objective A above.</p> <p>C. Refer to response to Objective A above.</p>	Yes
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Section 9 – Residential Development Controls

<p>The provisions in the Apartment Design Guide associated with State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) will be applied as the design controls for residential development within Gosford City Centre (including flats, any residential component of a mixed use development, and serviced apartments that are strata titled).</p> <p>Multi-dwelling housing is to be designed in accordance with the general provisions of this DCP and this chapter, to the extent that they apply.</p>	<p>The Department has considered the indicative development against the requirements of the ADG and GDCP and concludes future DA(s) would be capable of designing residential development generally in accordance with those guidelines (Section 6.7 and Appendix D).</p> <p>The Department has recommended FEARs requiring future DA(s) consider the ADG and GDCP residential development controls.</p>	Yes
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Note: As the application is for concept approval only, the above table has excluded objectives and controls, and the following sections of the GDCP, as they relate specifically to the detailed design of future development(s) and are therefore not considered relevant at this stage:

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

Appendix E – Summary of Department’s Consideration of Public Submissions

A summary of the Department’s consideration of the issues raised in submissions is provided at **Table 23**.

Table 23 | Department’s consideration of key issues raised in public submissions

Issue raised	Department’s consideration
Exceedance of Gosford SEPP height and FSR controls	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal meets the clause 8.4(4) height and FSR development standard exception criteria and exceedances of the height and FSR controls can therefore be considered. • The Department considered the FSR and concluded the density of the development is appropriate for the site and it would not unreasonably impact on the surrounding area in terms of built form, visual, traffic or amenity impacts. • The Department considered the height of the tower building envelopes and concluded the site is capable of accommodating building heights in excess of the Gosford SEPP height control. The Department notes the proposed building heights are consistent with the emerging character of Gosford City Centre and are comparable to recently approved nearby developments. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Future DA(s) are required to include a detailed design report and plans that consider the building design and relationship to its context.
Proposal does not exhibit design excellence	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The DAP has been involved with the proposal since its inception and has provided detailed advice and recommendations to guide the design of the development throughout the evolution of the proposal. • The DAP has considered the Concept Proposal and concluded it exhibits design excellence. • The Department’s assessment has considered built form, overshadowing and amenity impacts and concludes future developments are capable of achieving design excellence. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Future developments are required to exhibit design excellence and will be reviewed by the DAP prior to submission and during the assessment of future DA(s).
Negative impact of removal of existing public car parking	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The demolition of Kibbleplex would result in the removal of existing on-site publicly accessible car parking. • Although it is acknowledged the removal of existing car parking would result in a reduction of publicly accessible parking in the Gosford City Centre, this is considered acceptable as: <ul style="list-style-type: none"> ○ Council can implement the key actions of its parking strategy ○ the agreement for public use of the available on-site parking was temporary by the private land owner ○ the proposal includes 8 new publicly accessible car parking spaces within the north/south through site link. • The Applicant has offered to provide 170 temporary publicly accessible surface car parking spaces on the site during the initial stages of construction. <p><i>Recommended Conditions</i></p>

	<ul style="list-style-type: none"> The 170 temporary publicly accessible car parking spaces be provided during Stage 1, reducing to 120 car parking spaces at Stage 2.
Adverse visual impact of above ground car parking	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Application has been amended so that above ground car parking would be 'sleeved' by uses or screened from view. This aspect of the proposal would be considered as part of the assessment of future development applications. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Future developments are required to consider the design of above ground car parking and to ensure, where proposed, it does not have an adverse visual impact.
Inadequate sustainability measures	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposal should strive to improve on minimum sustainability standards and this is supported by the GDCP which recommends developments commit to at least a 4 star rating under the Australian Building Greenhouse Rating Scheme. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Future developments are required to achieve a minimum 4 star Green Star and NABERS Energy and Water ratings, BASIX and explore the potential to exceed these targets.
The Commission should determine the application	<p><i>Assessment</i></p> <ul style="list-style-type: none"> In accordance with Clause 8A of the SRD SEPP and section 4.5 of the EP&A Act, the Commission is the consent authority as Council has made an objection to the proposal. The Department has therefore referred the Application to the Commission for determination. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No conditions required.

Appendix F – Gosford Design Advisory Panel Advice

F1 - DAP submission in response to the exhibition of the EIS

Attachment A – Design Review Panel Advice

City of Gosford Design Advisory Panel*	
Panel meeting	31 October 2019
Panel members	Gary White, Chief Planner, Department of Planning, Industry and Environment (Chair) Peter Smith, Design Reference Group Paul Walter, Design Reference Group
Proposal name	Gosford Alive
Proposal description	Exhibited SSD proposal
Most recent Panel Advice considered	25 June 2019 – Panel meeting 24 July 2019 - Design Reference Group advice

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

Panel advice:

A summary of the Panel advice is provided below:

Observations

1. The western end of the proposal is well-resolved, the eastern end needs further refinement
2. The Panel recommends that the through-site link should be designed as if the link across Henry Parry Drive has been resolved so pedestrians can access the development from the length of the Henry Parry frontage.
3. The Panel recommends that the ground level apartments fronting the north-south through-site link have sufficient of a set-back from the new road to provide privacy e.g. could be done through the addition of courtyards.
4. The Panel recommends further refinement of Tower 5 at the corner of Donnison and Albany Streets. The tower needs a stronger relationship to Albany Street and existing development on the eastern side of Albany Street and greater articulation towards the top of the tower should be considered (including stepping down towards Albany Street).
5. The Panel recommends further refinement of the Donnison Street frontage with consideration given to further residential development, at street level, whilst appropriately screening car parking. Consideration could be given to a skin of residential development along the Donnison Street frontage.

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Panel recommendations:

The Panel has reviewed the exhibited proposal against the previous advice provided to the Proponent following the 25 June 2019 Panel meeting. The Panel recommends additional refinement of the exhibited proposal, in line with the above advice.

F2 - DAP submission in response to the draft RTS

Attachment A – Design Review Panel Advice

City of Gosford Design Advisory Panel*	
Panel meeting	27 March 2020 The Panel requested additional meeting after the meeting and the review of that information has informed the final observations and advice below
Panel members	Ben Hewett (Chair) John Choi, Design Reference Group Peter Smith, Design Reference Group
Proposal name	Gosford Alive
Proposal description	Exhibited SSD proposal Draft Design Excellence Strategy – received 3 April Draft Gosford Design Guidelines – received 3 April Appendix 1E – Shadow Diagrams – received 3 April Envelopes for Approval Rev E draft – received 18 March Example Scheme – Rev B draft – received 18 March Gosford Alive_CoGDAP Cover Letter – received 18 March
Most recent Panel Advice considered	19 November 2019 (response from 31 October 2019 Panel meeting)

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

Panel observations

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

- The Panel believes the proposal, for this stage of the concept masterplan process, exhibits design excellence and notes that sufficient amendments have been made in response to the Panel's previous comments.
- The Panel noted several matters which should be addressed in any subsequent development stages for the Gosford Alive proposal:
 - The issues of height in relation to floor levels to street, privacy and activation continue to be appropriately managed to maximise amenity and the interface to the public domain;
 - Achieving direct linkages to Henry Parry through ramps and stairs for the frontage between Donnison and William Streets;
 - Incorporating a front setback space to the units on the north-south through-site link.

Panel responses and advice:

The Panel's responses to your amended design responses to the matters identified at the 19 November 2019 meeting is provided below:

1. *The western end of the proposal is well-resolved, the eastern end needs further refinement.*

Panel response:

- The proposed building envelopes represent sufficient refinement of the eastern tower that will improve its relationship to Albany Street and the development beyond Albany Street at street level through;
 - Reduction of the eastern tower height
 - Amending the podium setback
 - Sleeving the car park in those areas
- It is noted that the Example scheme indicates that Tower 5 is sleeved by retail uses on the ground floor at Albany Street and that this use sits below the footpath. For subsequent applications, it is recommended that issues of height in relation to floor levels to street, privacy and activation continue to be adequately managed, post concept approval.
- Design principles with respect to the relationship of floor levels to street levels should be included in the Design Guidelines.

2. *The Panel recommends that the through-site link should be designed as if the link across Henry Parry Drive has been resolved so pedestrians can access the development from the length of the Henry Parry frontage.*

Panel response:

- The Panel is comfortable the proposed building envelopes and proposed landscaping response can accommodate a future, more direct pedestrian link/crossing across Henry Parry Drive, to Kibble Park.
- While it is noted that the Example Scheme indicates it is possible to achieve the direct linkage to Henry Parry through ramps and stairs, detailed design in subsequent applications would need to coordinate with location of crossing on Henry Parry Drive and Kibble Park plans. Detail of this direct pedestrian link should be noted on the 'Drawings for approval' and provided for in the Design Guidelines.

3. *The Panel recommends that the ground level apartments fronting the north-south through-site link have sufficient of a set-back from the new road to provide privacy e.g. could be done through the addition of courtyards.*

Panel response:

- The proposed building envelopes can incorporate a front setback space to the units on the north-south through-site link. More detail on this front setback space will be required to be demonstrated in future applications. It is recommended that the section in the Design

Guideline be amended to incorporate this setback and a reference made to the character of the 'shared street' including tree planting, pavement, building alignments and uses.

4. *The Panel recommends further refinement of Tower 5 at the corner of Donnison and Albany Streets. The tower needs a stronger relationship to Albany Street and existing development on the eastern side of Albany Street and greater articulation towards the top of the tower should be considered (including stepping down towards Albany Street).*

Panel response:

The Panel supports the changes made to Tower 5 by splitting the extruded, vertical form and amending the podium to create a stronger relationship to the existing 2-3 storey development on Albany Street. Notwithstanding these changes to the proposed building envelopes, the Panel recognises the need for solar access impacts to be appropriately assessed and that this assessment will be undertaken in more detail by the development assessment team.

5. *The Panel recommends further refinement of the Donnison Street frontage with consideration given to further residential development, at street level, whilst appropriately screening car parking. Consideration could be given to a skin of residential development along the Donnison Street frontage.*

Panel response:

The Panel is satisfied that the proposed building envelopes address the requirement to screen the car parking space along Donnison Street with residential development to activate the southern elevation.

Additional matters raised

The Panel noted that compliance with the Apartment Design Guideline (ADG) sustainability requirements will need careful consideration in subsequent applications. The proponent provided the following additional material to address ADG sustainability requirements for the Panel's consideration on 3 April 2020 including;

- Draft Gosford Alive Design Guideline
- Gosford Alive – Design Excellence Strategy prepared by Mecone dated April 2020
- Appendix 1E – Shadow Diagrams prepared by Buchan dated 3 April 2020

The Panel was not able to determine whether all future apartments will achieve the ADG solar access requirements for the proposed southern towers. The solar study should be updated to include the view from the sun and any shadow impacts on the proposed envelopes to allow it to be considered as part of the current assessment process. The Design Guidelines to ensure that future apartments in the development achieve, as a minimum, ADG compliance, noting the Panel's view that the proposed tower envelopes, from an urban design perspective, are acceptable.

Design Guidelines

The Panel recommends the Design Guidelines be updated to ensure the following matters are addressed in subsequent applications and to ensure that design excellence and design integrity continued from concept design through to the construction phase:

- Design principles detailed in the Design Report,
- Interface at Henry Parry Drive including level difference and landscape treatment,
- Character and design of 'shared street' including pavement, landscape, tree planting dimensioned building alignments, residential interface, and
- Future apartments to achieve ADG compliance, as a minimum.

Design Excellence Strategy

- The design excellence strategy should ensure that design excellence and design integrity is continued from concept design through to the construction phase,
- Selection of architects – the criteria could be expanded out to include architects awarded in the last 5 years,
- Reference design guidelines with respect to design, materials and public domain interface,
- It is recommended that a section on Design Integrity is added that describes the role of the design architect to ensure the lead design architect:
 - Maintains a leadership role over design decisions until the completion of the project i.e. The lead design architect may work in association with other architectural practices but is to retain a leadership role over design decisions,
 - Prepares or provide oversight and peer review for the preparation of development applications and the design drawings for a construction certificate and contract documentation,
 - Represents the design in all relevant meetings with the community, authorities and stakeholders, as required, and
 - Continues the oversight and peer review role during the construction phases, through to the completion of the project.

Appendix G – Design Guidelines

The proposal includes Design Guidelines (titled ‘Gosford Alive Draft Design Guidelines’ and dated March 2020), which are intended to inform the design excellence process and the detailed design of the development. The Design Guidelines provide guidance on a range of matters including urban design, public domain and built form considerations.

The Department supports the creation of design guidelines for the development. However, the Department recommends a number of amendments to ensure the detailed design of the development achieves the urban design, public domain and open space objectives for the development and incorporates the various changes recommended throughout this report.

The Department’s recommended amendments to the design guidelines (shown by the insertion of the following **bold and underlined** words/numbers and deletion of ~~**bold and struck out**~~ words/numbers) are provided below. The Department also recommends the Design Guidelines (including imagery) be updated to take account of changes to GFA, building envelope heights and setbacks.

- 1) After page 2 Executive Summary insert a new Section 1.0 Design Guidelines as follows:

Design Guidelines

These Design Guidelines are intended to be used as a tool to achieve design excellence and a built form that is appropriate within the context of Gosford City Centre as well as providing for a human scale of development.

To this end, future development applications should aim to demonstrate consistency with these Design Guidelines. Where a future design varies from the Design Guidelines, such variation will need to be adequately explained and justified in the development application documentation.

- 2) Page 6, amend 1.3 Set Backs as follows:

1.3 Set backs

~~The following diagrams provide approved set backs.~~ Tower forms and podiums shall be designed / articulated within ~~these the~~ set backs and **building** separations **set out in the concept approval.**

Future design is to provide adequate tower separation ensuring **the following is met:**

- preserve internal amenity,
- compliance with ADG,
- Breakdown scale of 5 towers
- View sharing – both apartments and ground level.

At Henry Parry Drive, future podium and tower designs should implement angled setbacks which extend further back from the envelopes, as envisaged in the reference design and to encourage a greater provision of publicly accessible open area.

3) Page 7, amend 2.1 Building Height as follows:

2.1 Building Height

Building heights have been studied to achieve the best design outcomes for the site, maintaining views from Kibble Park to the ridgeline, minimising overshadowing, and providing for horizontal articulation.

Developments shall not exceed the building heights set out in the concept approval.

The following building heights shall not be exceeded:

- ~~Tower 1: RL 82.4~~
- ~~Tower 2: RL 73.0~~
- ~~Tower 3: RL 88.6~~
- ~~Tower 4: RL 101~~
- ~~Tower 5: RL 101~~

4) Page 9, amend 2.3 Building Envelope as follows:

2.3 Building Envelope

The Masterplan Envelopes allow for variation and flexibility in achieving the proposed GFA ~~per tower, shown in the below table.~~

Future applications will ensure variability in the bulk and scale is maintained between individual towers, with a distribution of **residential** floorspace generally aligning with the individual tower breakdowns and efficiencies indicated below.

Tower	<u>Residential GFA (m²)</u>	<u>Masterplan Envelope (m²)</u>
T1:	12,655	26,600
T2:	11,449	26,100
T3:	9,960	20,700
T4:	17,217	29,900
T5:	16,128	29,500
Total	67,360	132,800

Development's shall not exceed the GFA or the building envelope efficiency set out in the concept approval.

5) Page 9, amend 2.3 Building Envelope as follows:

2.4 Vertical Articulation

The design of towers should achieve an architectural solution that is appropriately articulated and strives to reduce the perceived visual bulk.

Create a design that provides good visibility, **daylight receives good solar access**, captures views, is energy efficient, while reducing the need for mechanical cooling/heating.

Key design notes:

- Ensure vertical articulation
- Split towers to create a vertical proportion

- Orient and optimise each tower element
- Create visual pairs of towers

Building articulation is to be generated through the expression of overall massing as well as separate parts of a building. Building articulation could comprise (but not be limited to) vertical recesses/shadow gaps within the elevations, architectural treatments (window grouping, blades / fins, louvres and other expressions), entries and stairs, sun shading and balconies.

Consideration should also be given to the following matters:

- The long north and south elevations of the tower shall be articulated to break down the massing of those facades and reduce the perception of their scale and appearance when viewed from surrounding streets**
- the podium/tower relationship is to be clearly differentiated through means such as facade articulation, recesses, setbacks, colours and materials**
- the buildings must demonstrate contemporary architectural expression and respond to the urban character (existing/emerging) of the Gosford City Centre**
- architectural elements that create a sense of scale or rhythm on the facades are to be employed to add to the richness of the architectural expression**
- elements that are required to moderate environmental conditions shall be designed to enliven a building's facade**
- building entries must be clearly articulated and be visible from the public domain.**

6) Page 11, amend 2.5 Building Envelope as follows:

2.5 Design Language

~~**Towers are to be appropriately designed to capture the language of Gosford and the region.**~~

Drawing on inspiration from the layered nature of the local landscape, the proposal envisions a series of paired towers, each with a slightly different architectural language responding to their unique position and outlook.

Each pair should complement each other within the broader scheme. Mass design repetition across the five towers is to be avoided, but ~~a similar~~ **complementary** designs ~~language is to~~ **should** be adopted to balance and pair towers.

Achieve an architectural solution that is appropriately articulated, with language and materials that reduce perceived bulk

2.5.1 Materials

Materials shall reinforce the contemporary and modern expression of buildings within the development. The following shall be considered:

- a materials palette should be adopted for the precinct that complements the surrounding urban fabric and the existing/emerging character of Gosford**
- utilise variation in materials application and texture to achieve richness in architecture, with:**
 - a clear distinction expressed between podium and tower elements**
 - a greater richness in materiality and texture provided at the lower levels.**
 - the materiality of the towers is to respond to its context in the city skyline and to form a cohesive, distinctive precinct.**
- longevity, durability, flexibility and maintenance shall be considered in the choice of materials.**

- 7) Page 12, amend 3.1 Podium / Streetscape as follows:

Consider human scale in the design of podiums to reduce the perceived tower heights at the ground level. Achieve this through activated podiums, broken up shopfront interfaces, fine grain design elements, landscaping, and awnings

Through Site Link and Podia Guidelines

Podia elevations facing surrounding streets and the through site links shall:

- a) **provide for a human scale 'street wall' and present a fine grain frontage to surrounding streets and through site links**
- b) **include the principal entrances to each of the residential apartment buildings, which shall be provided with a strong sense of arrival**
- c) **ensure above ground podium level car parking is**
 - i) **screened / sleeved by uses at ground floor level fronting surrounding streets and through site links**
 - ii) **concealed by uses or high quality architectural treatments so as not to be noticeable at upper floor levels**
- d) **provide for commercial and retail tenancies that have a high degree of visual transparency to reveal active uses**
- e) **supports the use of bicycles and provision of visitor bicycle parking around and within the development**
- f) **ensure buildings have street numbers prominently displayed on the main street elevations.**

Podia shall be appropriately designed to respond to adjoining streets and through site links, provide an appropriate relationship between floor levels and streets / through site link levels and ensure the development:

- a) **is visually and physically connected to the street / through site link and allows for a seamless connection between buildings and the public domain**
- b) **does not result in inactive facades fronting the public domain**
- c) **does not result in extended sections of walls, ramps or barriers that unreasonably separate the ground floors of buildings from the public domain**
- d) **provides for appropriate and integrated hard and soft landscaping within proposed setbacks.**

- 8) Page 17, amend 4.1 Open Space as follows:

4.1 Open space

Provide clearly delineated public and private spaces.

People activate spaces - create open public domain spaces that invite use by the public and residents. Use retail to create activation and creative passive public spaces

The through site links shall:

- a) **include appropriate uses that avoid back of house elevations, support the character of the development and provide activation and animation**
- b) **allow pedestrians to permeate through the site and facilitate safe pedestrian movements within the links**
- c) **be open to the sky along their entire length, any canopies or awnings shall not enclose the space or reduce the perception of openness**

- d) provide spaces that are accessible and inviting and include convenient and direct mobility impaired access to all parts of the ground level uses and within the through site links
- e) include areas within soil volumes / depths that can accommodate landscape and tree planting
- f) include courtyards for any residential uses fronting the through site links at ground floor level with a depth of no less than 2.5 m.

9) After page 19, insert new Section 6 as follows:

6 Sustainability

The development shall be designed in accordance with ecologically sustainable development (ESD) principles, in accordance with the concept approval environmental standards and the following objectives:

- a) incorporate best practice passive design features, such as thermal mass, orientation and solar shading, to minimise reliance on technologies to achieve low greenhouse emissions and low energy demand
- b) integrate modern energy efficient systems, technology, controls and metering
- c) use of high performance glazing and efficient façade design/construction
- d) reduce the dependence on mains water by incorporating water efficient fixtures and fittings and integrating rainwater tanks throughout the precinct and incorporate Water Sensitive Urban Design elements
- e) incorporate material choices that reduce environmental impacts
- f) consider opportunities for natural ventilation

Appendix H – Recommended Instrument of Consent

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

<https://www.planningportal.nsw.gov.au/major-projects/project/12746>