

Gosford Regional Library

Part 4 Development Application (DA 21/14779)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Central Coast Council
CBD	Central Business District
CIV	Capital Investment Value
Council	Central Coast Council
CoGDAP	City of Gosford Design Advisory Panel
DA	Development Application
Department	Department of Planning and Environment
Development	The development as described in the SEE and RTS for the new Regional Library at 123A Donnison Street, Gosford
EHG	Environment and Heritage Group, of the Department of Planning, Industry and Environment
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000 (now Environmental Planning and Assessment Regulation 2021)
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GDCP	Gosford City Centre Development Control Plan 2018
GUDF	Gosford Urban Design Framework
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
RFI	Request for Information
RTS	Response to Submissions letter titled <i>DA 21/14779 – Response To Request For Further Information Regarding New Regional Library 123a Donnison Road, Gosford (Lot 100 DP 711850)</i> by Milestone Pty Ltd dated 21 April 2022
SEE	Statement of Environmental Effects titled <i>Demolition of All Existing Structures and Construction of a Four-Storey Building for Use as a New Regional Library</i>

for Central Coast Council 123A Donnison Street, Gosford (Lot 100 DP 711850) by Milestone Pty Ltd dated 22 September 2021

SEPP	State Environmental Planning Policy
TfNSW	Transport for New South Wales

Executive Summary

Introduction

This report provides an assessment of a development application (DA 21/14779) for the demolition of the existing building and construction of a new Regional Library at 123A Donnison Street, Gosford, lodged by Central Coast Council (the Applicant) on 9 November 2021.

The application seeks approval for the demolition of the existing two storey commercial building on site and construction of a four-storey building for a new Regional Library, including:

- Innovation Hub
- Council customer service centre
- meeting rooms and public collaboration spaces
- staff work areas
- flexible multi-use hall accommodating up to 300 seats
- signage
- 21 parking spaces
- site works and remediation.

The site is located within the Central Coast local government area. The proposal has a capital investment value of \$27,143,163 and is predicted to generate up to 136 construction jobs and 15 operational jobs.

Engagement

The application was publicly exhibited between 17 November 2021 and 14 December 2021 (28 days). The Department received two submissions from the public, as well as comments from TfNSW, Central Coast Local Health District and Biodiversity Conservation Division (BCD) (now Environment and Heritage Group). The Department also engaged the City of Gosford Design Advisory Panel (the Panel) to review and provide advice on the proposal. A referral to the Panel was not required under clause 8.4 of *State Environmental Planning Policy (Gosford City Centre) 2018*, however, given the importance of the proposal as a key civic building in Gosford, the Department sought advice from the Panel regarding the design of the building.

The Applicant provided a response to submissions (RTS) which included:

- updated Architectural plans including additional relief to the precast wall panels along the eastern and western facades
- a section of the through-site link location
- sun shading modelling for the public living room
- additional stormwater and flooding clarification
- updated landscape plans.

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) and has carefully considered the issues raised in the submissions and the Applicant's response to those issues.

The key assessment issues considered in the Department's assessment are design excellence, built form and urban design, traffic, parking and the provision of a through-site link.

The Department considers that the proposal should be supported, as it:

- is consistent with the strategic planning context for Gosford
- complies with the land use zone, building height and floor space controls in the relevant environmental planning instrument
- would provide a key Civic Building within the Gosford City Centre, providing a new Regional library and associated facilities for Central Coast residents
- exhibits design excellence with a high standard of architectural design appropriate for a key civic building
- is consistent with the future character of the area and does not adversely impact surrounding amenity, in terms of solar access, view impacts or heritage
- provides adequate onsite car parking to meet the needs of staff and can be accommodated without adversely impacting the surrounding road network.

However, noting concerns raised in submissions and during the assessment, the Department recommends the following conditions, in addition to the standard conditions to manage environmental impacts:

- conditions requiring additional information regarding contamination and flooding on the site
- provision of a motorcycle parking space and four parking spaces dedicated to the innovation hub
- a management plan for the multi-use hall including noise, parking and traffic measures.

Conclusion

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

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1 Introduction

1.1 The Department's Assessment

This report provides the Department of Planning and Environment's (Department's) assessment of a development application for the demolition of the existing building and construction of a new Regional Library at 123A Donnison Street, Gosford (DA 21/14779) located within the Central Coast local government area (LGA).

The application was lodged on 9 November 2021 by Central Coast Council (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for demolition of the existing building and construction of a Regional Library.

The Department's assessment has considered all documentation submitted by the Applicant, including the Statement of Environmental Effects (SEE), Response to Submissions (RTS), additional information and advice from government agencies. The Department's assessment also considered the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised by agencies and the Department. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts.

1.2 Site Description

The site is 123A Donnison Street, which is located within the Civic Heart of the Gosford CBD, adjacent to Kibble Park (**Figure 1**). The Civic Heart is within the centre of the city and focuses on Kibble Park as a central meeting place that brings the character of the bushland into the city.

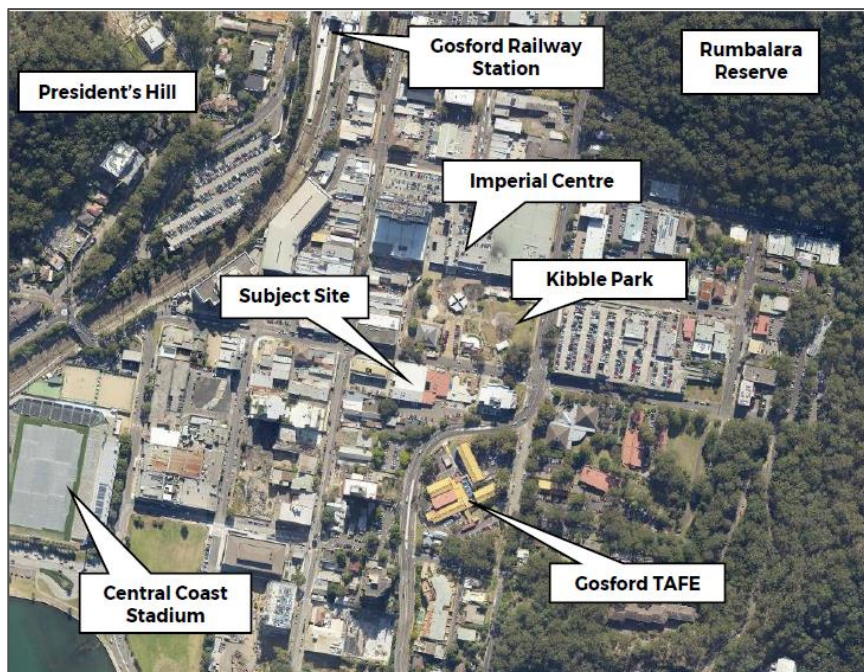


Figure 1 | Regional context (Base source: Nearmap)

The subject site is rectangular in shape and covers an area of 1,450m². It has a frontage of 37.73m to Donnison Street, and vehicular access via easement from Henry Parry Drive (**Figure 2**).



Figure 2 | Site Map (subject site outlined in red) (Base source: Sixmaps)

The site is occupied by a part single and two storey commercial building known as “Parkside” which operates as a youth support facility (**Figure 3**). There are no trees or State or local heritage items located on the site. The site falls by approximately 5m from the south east at the rear of the property (RL 13.00) to the north west at Donnison Street frontage (RL7.7).



Figure 3 | Existing development on site (Source: Department)

An at-grade car park is located at the rear of the site, which is accessed from Henry Parry Drive via a right-of way easement (**Figure 4**) and is currently used for car parking by the subject site and 123B-125A Donnison Street.

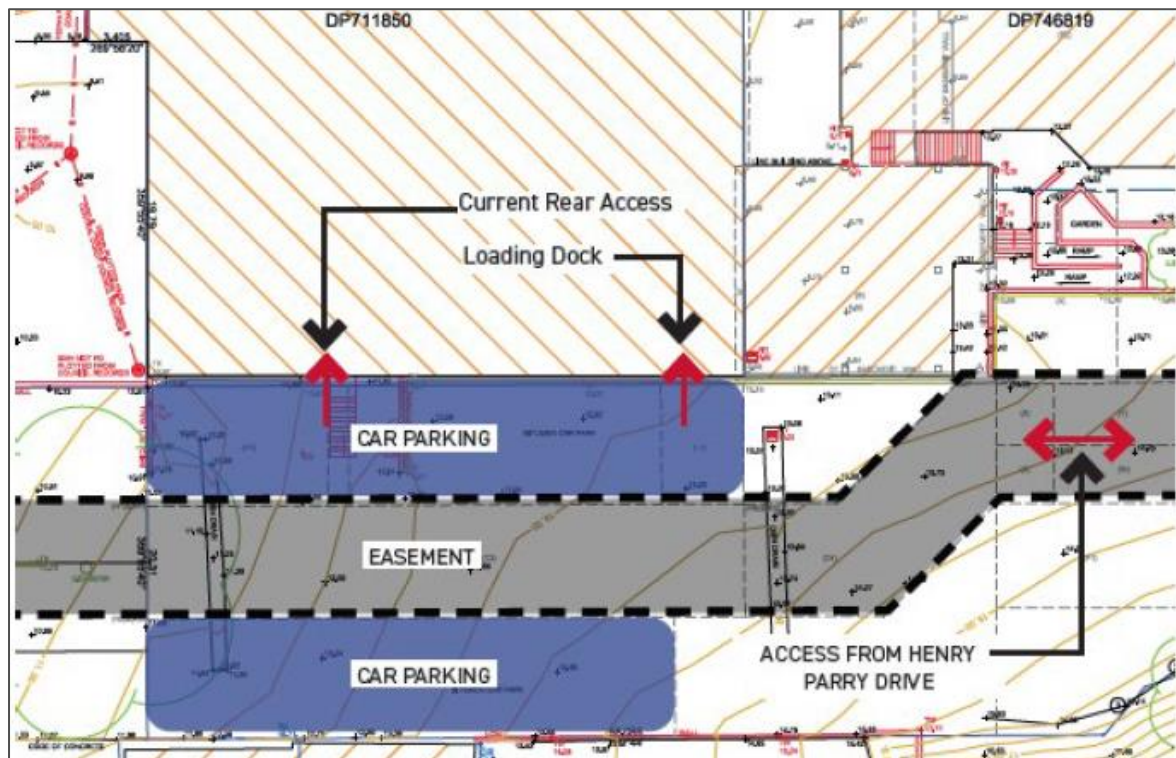


Figure 4 | Car parking arrangement via easement (Source: Applicant's documentation)

1.3 Surrounding Land Uses and Road Network

The site is located in the Civic Heart of the Gosford CBD, in an area with a mix of public open spaces, commercial and retail developments as well as educational establishments and sporting facilities.

The surrounding context is summarised below:

- to the north of the site is Kibble Park and the existing Library building. Further north-west of the site (approximately 550m) is the Gosford Train Station
- immediately to the east of the site are 2 and 3 storey buildings comprising an education establishment and church. Further east, is Henry Parry Drive, the Courthouse and the Rumbalara Reserve
- immediately south of the site is a car park and further to the south-east, beyond Henry Parry Drive is the Gosford TAFE
- directly west of the site is a 3 storey commercial building, and Central Coast Stadium is located 800m to the south west of the site.

The site is not identified as a Heritage Item nor within a Heritage Conservation Area in accordance with *State Environmental Planning Policy (Gosford City Centre)* 2018. Local Heritage Item No. 41 – Fig Tree was located on the boundary of properties at 81, 83 and 85 Mann Street and 123B-125A Donnison Street. However, a site visit undertaken in May 2021 revealed that this tree has been removed (**Figure 5**).

2 Project

2.1 Description of the Development

The application seeks consent for the demolition of the existing building and construction of a new Regional Library in the Gosford City Centre.

The main components of the development are described in **Table 1** below and described in full in the SEE and RTS report included in **Appendix A** – List of Documents. The layout and design of the proposal are included at **Figures 5** to **7**.

Table 1 | Main components of the proposed development

Component	Description
Project summary	Construction of a four-storey Regional Library, including: <ul style="list-style-type: none"> • innovation Hub • Council customer service centre • meeting rooms and public areas including collaboration and innovation spaces • staff work areas • flexible multi-use hall accommodating up to 300 seats • signage • 21 parking spaces • site works and remediation.
Site area	1,450 m ²
Gross Floor Area (GFA)	2,862.5m ²
Floor Space Ratio (FSR)	FSR 1.97:1
Maximum height	4 storeys (or maximum 21.05m / RL 29.05)
Operating Hours	Monday – Wednesday and Friday: 9am – 6pm Thursday: 9am – 8pm Saturday – Sunday: 10am – 2pm *Multi Use Hall to operate until 12 midnight, 7 Days
Access	<ul style="list-style-type: none"> • Vehicular access to the car park and loading area from Henry Parry Drive • Pedestrian access to the building and open space area from Donnison Street
Parking	21 car parking spaces on the adjoining site to the south at No. 123B-125A Donnison Street, Gosford (Lot 11 DP 746819) accessed via easement, including: <ul style="list-style-type: none"> • 2 accessible spaces • 2 visitor bicycle parking spaces

Component	Description
Landscaping	<p>Landscaping works, including:</p> <ul style="list-style-type: none"> • provision of a landscaped 'neighbourhood room' facing Donnison Street • An additional landscaped area is provided at the rear of the site in the south-western corner • six new street trees.
Signage	<ul style="list-style-type: none"> • A building identification wall sign on the Donnison Street frontage measuring 0.7m by 7.9m.
Jobs	<ul style="list-style-type: none"> • 136 construction jobs • 15 operational jobs
Capital investment value (CIV)	<ul style="list-style-type: none"> • \$27,143,163.00

2.2 Applicant's Need and Justification for the Development

The Applicant outlines that the Gosford City Centre is currently undergoing a period of renewal and revitalisation. The proposed Gosford Regional Library building will facilitate the revitalisation of the precinct by driving new development and changes to the built environment whilst strengthening the culture and community values through the creation of a new civic presence in the heart of Gosford.

In 2014, the State Library of NSW conducted a review of potential sites for a new Library in Gosford and eight potential options were investigated, including a 'do nothing' option and the option for 'no central library'. Following the amalgamation of Gosford City and Wyong Shire Councils, Central Coast Council resolved to approve the preferred site location for the Regional library and Innovation Hub at the existing Parkside building site.

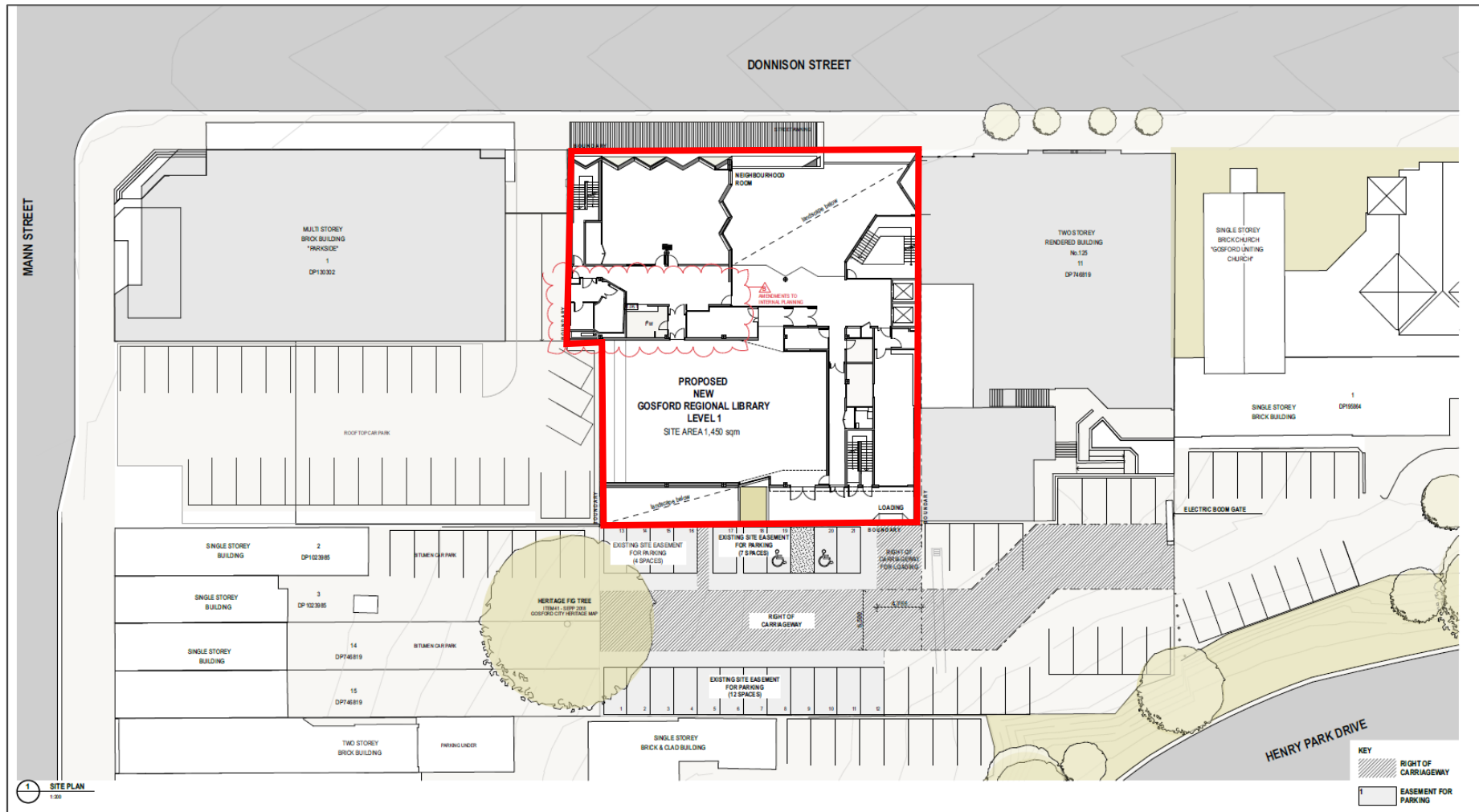


Figure 5 | Site Layout (subject site outlined in red) (Base source: Applicant's documentation)

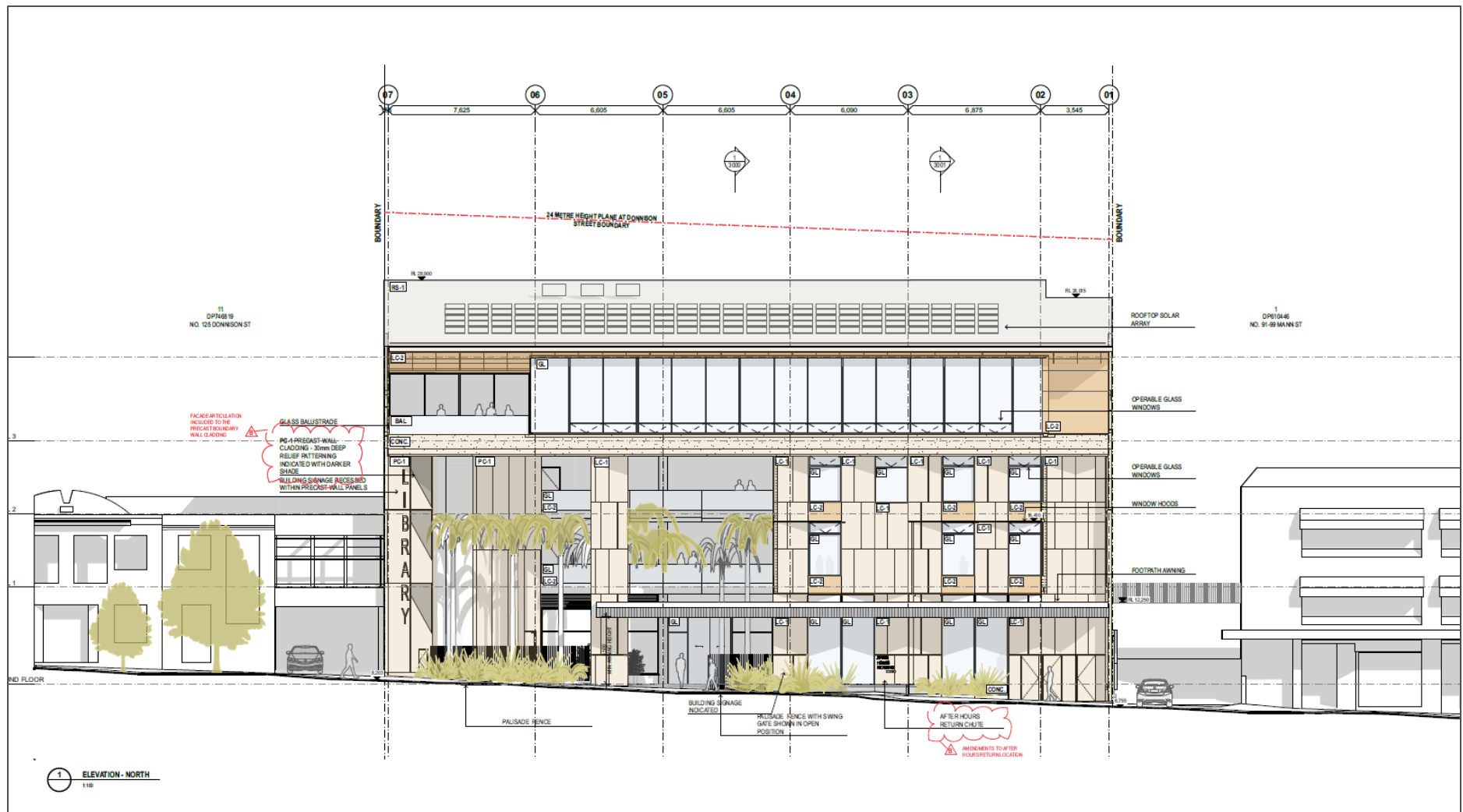


Figure 6 | Proposed (Donnison Street) Northern Elevation (Source: Applicant's documentation)

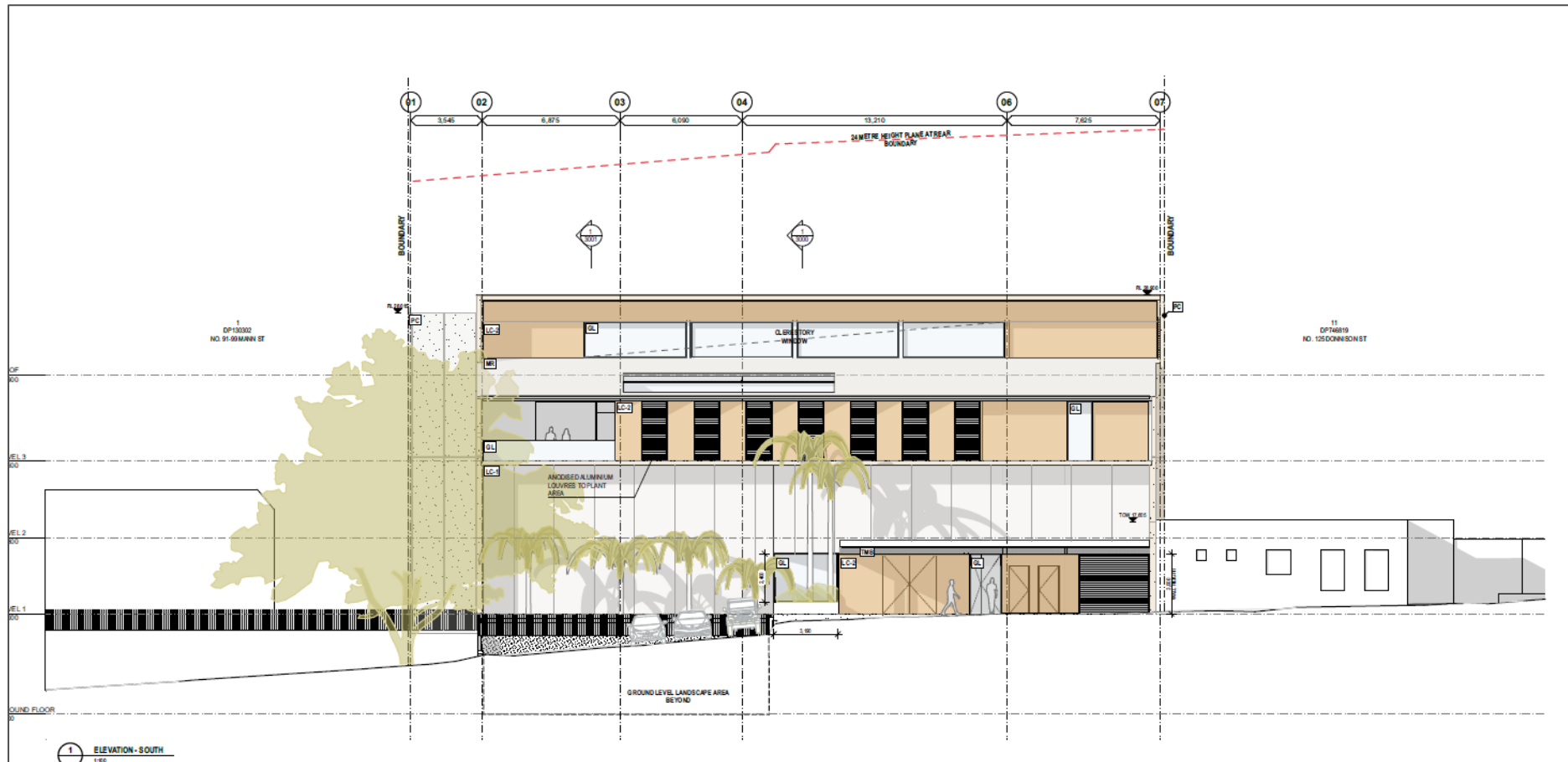


Figure 7 | Proposed Southern Elevation (Source: Applicant's documentation)

3 Strategic context

3.1 Central Coast Regional Plan 2036

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 by:

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

The proposed development supports the delivery of the following CCRP 2036 goals and directions:

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

- Goal 1, Directions 1 and 2 to grow Gosford City Centre as the region's capital and focus growth within the Southern Corridor, by providing new regional facilities for residents
- Goal 1, Direction 7 to increase job containment in the region by providing a new innovation hub for start-up businesses.

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

- Goal 2 to protect the natural environment, as the proposal within the Gosford City Centre reduces pressure for environmental and resource land to be used for new development.

Goal 3: Well-connected communities and attractive lifestyles

- Goal 3, Direction 18.1 to facilitate Council-led revitalisation of centres to integrate land use and transport planning, improve the quality of the public domain and encourage ecologically sustainable development.

3.2 Gosford Urban Design Framework

The Gosford Urban Design Framework (GUDF), prepared by the Government Architect NSW (GA NSW), supports the ongoing revitalisation of Gosford into a regional capital with well-connected, well-designed and revitalised places containing attractive lifestyles, safe neighbourhoods and greener places.

The subject site is identified for a new regional library in the Structure Plan at Section 1.7 (**Figure 8**). The proposed development is consistent with the GUDF key design principles as it will provide a regional community facility for Gosford City Centre and the broader regional population catchment.



Figure 8 | Structure Plan- Civic Heart (Source: Gosford Urban Design Framework)

The proposal is consistent with the following GUDF key design principles for the Civic Heart:

- 1.8.1 for the new library to be an important community hub for all ages, while Mortimer Lane becomes a flexible community space with active frontages linking the library to the park and William Street Plaza through to Mann Street
- 1.9.2 to improve street edge condition to encourage and strengthen 'green room', while providing visual/ acoustic buffer to vehicular traffic.

Section 1.8 notes that a through site link and pedestrian crossing should be made between TAFE and the new library, into the park. The provision of this link has been investigated by the Applicant and determined to be unfeasible given the current topography and surrounding land uses as outlined at **Section 5.4**.

3.3 Draft Somersby to Erina Corridor Strategy

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.

The site is located within Gosford City Centre, in the centre of the Southern Growth Corridor, and will support delivery of the following recommendations and actions in the draft strategy, as it will:

- implement the GUDF recommendations for Gosford and the Civic Heart
- contribute to creating a busy and exciting Gosford City Centre through the provision of a key civic building with spaces for various community events.

3.4 Central Coast Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) Provides a land use vision that will guide the future growth and development across the Region to 2036 and beyond. The proposal is consistent with the LSPS, as it will contribute towards Gosford City Centre as the regional Capital of the Central Coast, providing regional-level facilities and a positive local identity. The provision of a new Gosford Regional Library and Innovation Hub is identified as a key enabling project in the LSPS to achieve the priorities for the Gosford City Centre.

3.5 Draft Central Coast Regional Plan 2041

The draft Central Coast Regional Plan 2041 (the draft plan) was on public exhibition from 6 December 2021 until 4 March 2022. The draft plan is the 20-year strategic planning blueprint to ensure the ongoing prosperity of the Central Coast's vibrant and connected communities. The draft plan builds on the CCRP 2036 and responds to an era of rapid change within the Central Coast, to promote sustainable growth, connected communities, resilience and a region that all residents have a stake in.

As a response to the new ways people live and work in light of the COVID-19 pandemic, the draft plan's key focus is creating a sustainable '15-minute region' of connected neighbourhoods where people's everyday needs are close to home and can be met with a short walk and bike ride or a car trip in rural areas. The close access to jobs and services will encourage exercise, public transport use and reduce dependency on cars. The proposed development is generally consistent with goals and objectives of the draft plan as it:

- will contribute towards the provision of civic and education uses within the Civic Heart Precinct to enliven this part of the city centre
- provides for employment and civic services in an area well connected to public transport and other services.

4 Statutory Context

4.1 Consent Authority

Pursuant to clause 1.6(b) of the *State Environmental Planning Policy (Gosford City Centre) 2018* (Gosford SEPP) (now consolidated within *State Environmental Planning Policy (Precincts – Regional) 2021*), the Minister for Planning is the consent authority under Part 4 of the EP&A Act as the development has a CIV of between \$10 million and \$75 million.

In accordance with the Minister's delegation, dated 9 March 2022, the Director, Regional Assessments may determine the application as:

- the Applicant has not disclosed a reportable political donation in connection with the application
- there are less than 15 public submissions in nature of objections
- Council did not object under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

4.2 Permissibility

The site is zoned B3 Commercial Core under the Gosford SEPP (now consolidated within *State Environmental Planning Policy (Precincts – Regional) 2021*). The development is identified as an information and education facility, with components of a community facility, function centre and commercial premises, all of which are permitted with consent in the B3 zone.

The development meets the relevant objectives of the B3 Commercial Core as discussed further in **Section 6**.

4.3 Mandatory Matters for Consideration

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
- Ecologically Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) (now Environmental Planning and Assessment Regulation 2021).

Section 4.15 matters for consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**.

Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (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. The Department has considered the project in relation to ESD principles.

The development proposes ESD initiatives and sustainability measures, including:

- a solar photovoltaic array of approximately 60 kWp on the roof
- reduction in greenhouse gas emissions by 10% when compared with a NCC Section J Code Compliant building
- an in-ground rainwater tank to store approx. 20,000 litres, diverted from the roof of the development
- high efficiency appliances, water fittings and fixtures that minimises water consumption and greenhouse gas emissions.

The precautionary and inter-generational equity principles have been implemented throughout the decision-making process and assessment of the development application's environmental impacts are detailed in **Section 6** of this report. Overall, the application is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

The application was submitted prior to 1 March 2022 and the commencement of Environmental Planning and Assessment Regulation 2021. Therefore, the proposal has been assessed under the now repealed Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) pursuant to the savings and transitional arrangement within Clause 3 of Part 1 of Schedule 6 of Environmental Planning and Assessment Regulation 2021.

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for notification (Part 6, Division 7) and fees (Part 15, Division 1) have been complied with.

Environmental Planning Instruments

Since lodgement of the DA, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of *State Environmental Planning Policy (Housing) 2021*, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the DA was lodged.

The relevant EPIs that apply to the proposed development include:

- Gosford SEPP (now consolidated within *State Environmental Planning Policy (Precincts- Regional) 2021*)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) (now consolidated within *State Environmental Planning Policy (Resilience and Hazards) 2021*)
- State Environmental Planning Policy (Infrastructure) 2007 (now consolidated within *State Environmental Planning Policy (Infrastructure and Transport) 2021*)
- State Environmental Planning Policy No.64 (Advertising and Signage) (now consolidated within *State Environmental Planning Policy (Industry & Employment) 2021*)
- State Environmental Planning Policy (Coastal Management) 2018 (now consolidated within *State Environmental Planning Policy (Resilience & Hazards) 2021*)

The Department is satisfied that the proposal is consistent with the relevant requirements of these EPIs, as

contained in the detailed assessment in **Appendix C** – Consideration of Environmental Planning Instruments.

4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application is required to be publicly exhibited for at least 14 days. This aligns with the minimum exhibition period set out in the Department's Community Participation plan for a development application of this nature.

The application was on public exhibition from Wednesday 17 November 2021 until Tuesday 14 December 2021. Details of the exhibition process and notifications are provided in **Section 5.1**.

4.5 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act.

The Department has fully considered the relevant objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Appendix B**).

4.6 Other approvals

The Applicant has not indicated that the proposal is integrated development under section 4.46 of the EP&A Act. A condition has been recommended requiring appropriate approvals to be sought under section 138 of the *Roads Act 1993*, noting the application was lodged by Council who would be the relevant roads authority.

5 Engagement

5.1 Consultation by the Department

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 19 November 2021 to 16 December 2021 (28 days) on the NSW Planning Portal. A 28 day exhibition period was considered appropriate given the proposal was for a key civic building in Gosford and a new Regional Library in for all Central Coast residents.

The Department notified adjoining landowners and relevant State and local government authorities in writing during the exhibition.

5.2 Submissions and Advice

During the exhibition period, the Department received two submissions from the public, as well as comments from TfNSW, Central Coast Local Health District and Biodiversity Conservation Division (BCD) (now Environment and Heritage Group). Council advised that it would not be providing comments.

A summary of the submissions is provided below. A link to the full copy of the advice is provided in **Appendix A – List of Documents**.

5.3 Key issues raised in submissions

Key Issues – Public Authorities

Central Coast Local Health District did not object to the proposal and provided comments regarding the need for bicycle parking and end of trip facilities provision in accordance with the Austroads Guides as referenced in the DCP.

TfNSW did not object to the proposal and advised that construction traffic measures, internal arrangements, parking, maneuvering and provision for people with disabilities should be considered.

BCD advised that it has no comments on the proposal.

Key Issues – Community

Two submissions from members of the community were received during exhibition. One submission objected to the proposal and one provided support. The objection raised concerns about inadequate parking provision and use of spaces on the adjoining site via an easement.

5.4 Response to submissions

Following exhibition, the Department placed all submissions on its website and on 4 March 2022 requested the Applicant respond to the issues raised in submissions and additional information requested by the Department.

On 5 May 2022, the Applicant submitted its RTS (**Appendix A**), which provided additional information and clarification in response to the issues raised in submissions and by the Department including:

- updated Architectural plans including additional relief to the precast wall panels along the eastern and western facades

- a section of the through-site link location
- sun shading modelling for the public living room
- additional stormwater and flooding clarification
- updated landscape plans.

The RTS was made publicly available on the Department's website, but was not referred back to the relevant agencies as the Department was satisfied that the concerns raised were addressed by the Applicant or could be mitigated through conditions of consent.

The Department has considered the comments raised in submissions during its assessment of the application (**Section 6** and **Appendix C**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

5.5 Additional Information

On 20 September 2022, the Applicant requested that the application be updated to include approval for:

- construction outside of standard hours
- the signage
- a bespoke ESD statement rather than compliance with a green star rating.

The following supporting documentation was provided

- an additional Acoustic Report and letters from adjoining landowners in support of the extended construction hours
- signage plans and details of the materials and illumination
- a detailed ESD matrix outlining key sustainability initiatives and targets to be referenced in the consent.

6 Assessment

The Department has considered the SEE, the issues raised by public authorities and the community and the Applicant's RTS and additional information in its assessment of the development. The Department considers the key assessment issues to be:

- built form and urban design
- traffic and parking; and
- the absence of a through site link.

Each of these issues is discussed in the following sections of this report. Other issues considered in the assessment of the application are discussed at **Table 3**.

6.1 Built Form and urban design

The proposal seeks approval for a four-storey building with a height of 21.05 m and FSR of 1.97:1. Minor variations to the setbacks required under the DCP are proposed, as outlined below.

The Applicant advises that the building has been designed to create a link between the new Library and Kibble Park by creating a semi-outdoors landscaped forecourt within the site known as the 'Neighbourhood Room'. The proposal is centred around this covered space that connects three levels of the building and provides a weather protected environment, containing tall mature Cabbage Tree palms.

The Applicant contends that the built form and street presence is intended to reflect the municipal nature of the building. The children's library is located on the ground level at the street front with extensive glazing to activate Donnison Street, and the main reading room is located on the fourth floor to take advantage of views to Presidents Hill and Rumbalara Reserve.

The Donnison Street frontage provides a mix of glass and coloured compact fibre cement panels. The fibre cement will be coloured with two muted colour tones. The external finishes and materials to the east and west elevations are comprised of high quality precast concrete panels as outlined at **Figure 9** below.



Figure 9 | Proposed 3D View (Source: Applicant's documentation)

The Department considers the proposed bulk, scale and materiality is appropriate for the building type and location and would positively contribute to the streetscape and public domain. The Department has assessed in detail below whether the proposal exhibits design excellence and whether the proposed street, side and rear setbacks to the building are appropriate.

Design Excellence

Clause 8.3 of the Gosford SEPP (now Precincts-Regional SEPP) ensures that new development within the Gosford City Centre exhibits design excellence. Clause 8.3 applies to all applications for the erection of new buildings within the Gosford City Centre and therefore the Gosford SEPP design excellence provisions apply.

Under the Gosford SEPP, the consent authority is required to consider design excellence against the following:

- 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.

A referral to the City of Gosford Design Advisory Panel (the Panel) Panel was not required under clause 8.4 of *State Environmental Planning Policy (Gosford City Centre) 2018*, however, given the importance of the proposal, as a civic building and regional library in Gosford, the Department engaged the Panel to review and provide advice on the proposal.

The Panel advised it was satisfied that the development application has the potential to achieve Design Excellence under clause 8.3 of *State Environmental Planning Policy (Gosford City Centre) 2018*. The Panel also noted that the regional library delivers a strong architectural expression and is considered an appropriate built form and scale for an important regional civic building located opposite Kibble Park. The proposed variations to the setback controls under the Gosford Development Control Plan were supported.

The Panel recommended that the Applicant:

- review opportunities for embellishments to the proposed precast concrete panels along the eastern and western facades (side boundaries) to enhance its visual appearance, where exposed to the public view
- investigate options to strengthen the southern (rear) entrance and provide a functional internal through site link during operating hours
- investigate building sustainability and environmental performance. Concern was raised regarding glazing performance and solar shading to the public living room and outdoor deck facing north on level 4.

The Applicant responded to the Panel's comments, noting:

- the provision of an internal link is not feasible due to the significant change in levels between the southern boundary and the footpath at Henry Parry Drive, and the requirement for back of house operations for the library at the southern portion of the building close to the loading dock
- amended plans have been provided showing additional relief to the precast wall panels along the eastern and western facades
- the sun shading modelling for the public living room demonstrates that the current roof overhang provides adequate shading during summer and at the equinoxes and that internal blinds are proposed to control

sunlight and glare. It was also noted that the deck is 7m deep so it will provide users opportunity to sit in either sunlight exposed or shaded areas.

Based on the above, the Department is satisfied that the issues raised by the Panel have been satisfactorily addressed. On Balance, the proposal exhibits design excellence and achieves a high standard of design that will positively contribute to the quality and amenity of the public domain and wider revitalisation of the Gosford City Centre. A detailed assessment of the proposal against Clause 8.3 is provided at **Appendix C**.

Setbacks

Street and Rear Setbacks

Section 5.2 of the GDCP outlines a maximum permissible street wall height for the site ranging from 6m to 9.5m, and a front setback of 3m is required above the street wall height.

The proposal seeks to vary the front setback above the street wall height, and rather than the stepping back at the podium height of 9.5 metres, the street wall height is generally maintained at zero setback creating a minor encroachment into the desired building envelope (refer to **Figure 10**).

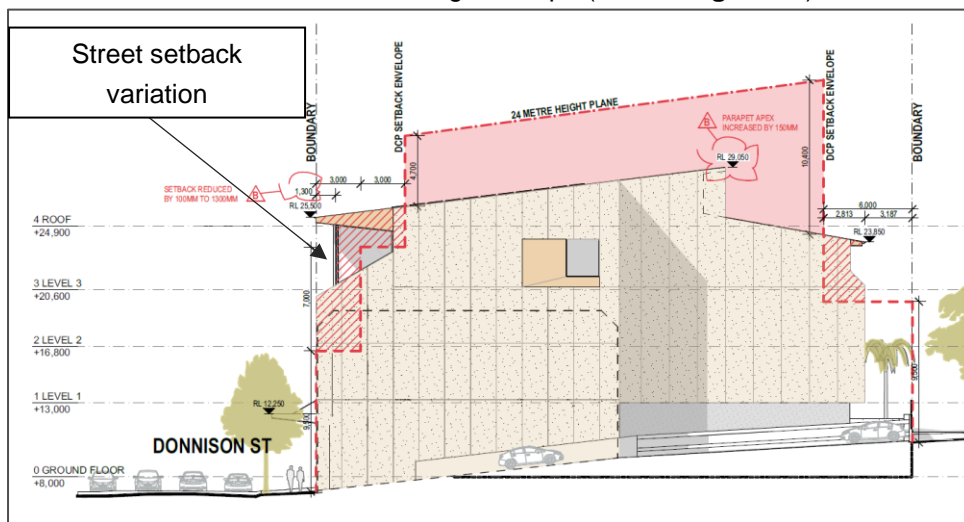


Figure 10 | Proposed front setback variation (Source: Applicant's documentation)

The Applicant contends that despite the setback variation, the front elevation provides appropriate articulation and diversity in elevational treatment through the use of the awning and void element. The Applicant states that the design results in a human scale and maintains access to sunlight along the main street frontage. In addition, the Applicant justifies the variation stating the proposed development requires the delivery of a strong architectural expression appropriate for a Civic Building use and the minor encroachment provides significant benefits to the pedestrian amenity and provision of a more cohesive built form outcome.

The Panel reviewed the proposed setback variation and advised that the proposed scale and setback is appropriate for an important regional civic building. The Department considers the proposal would still provide appropriate spatial proportions of the street, define the street edge and provide for high quality pedestrian amenity and activity in accordance with the objectives of the DCP.

Noting the above, the Department is satisfied that the proposed street setback variation is appropriate for the proposed Regional Library, as it is an important civic building, and the variations would not result in adverse impacts in terms of streetscape, architectural expression or overshadowing.

Side setbacks

The GDCP requires 6m side setbacks for the building above the street wall height. The proposal seeks to vary this requirement and provides 0m setbacks for the entire building, except for the portion 5m from Donnison Street along the fourth floor which is glazed and setback between 3.7m and 7.3m.

The Applicant contends that despite the variation, the proposal exhibits a high level of design excellence with minimal overall impacts to the locality and is well below the FSR and height controls. Potential envelopes on adjoining sites were modelled by the Applicant (**Figure 11**) to demonstrate the likely outcome.



Figure 11 | Proposed future adjoining development (Source: Applicant's documentation)

The variation includes 11.4m (45%) of the building above the street wall height not complying with the 6m upper podium setback requirement. The Department has considered the impacts of the side setback variation on the adjoining properties, and notes that it is unlikely to constrain future development. The podium level of adjoining development would be required to provide non-residential uses on the ground and first floor in accordance with clause 8.7 of the Gosford SEPP and future development is likely to be of a retail and commercial nature. Notwithstanding, any residential towers proposed above non-residential podium uses would be of a slender design in accordance with the DCP, and capable of achieving appropriate residential amenity and satisfactory compliance with the Apartment Design Guide.

Noting the above, the Department is satisfied that the proposed side setbacks would not result in adverse impacts on overshadowing or sightlines and do not pose constraints to the future redevelopment of the adjacent sites.

6.2 Traffic and Parking

Traffic

The Applicant provided a Traffic Impact Statement (TIS) in support of the proposal. The TIS concludes that the library use would not have any noticeable traffic impacts on the road network during peak periods, as visitors would arrive at various times and many would already be in the city centre for other functions. A maximum of 15 staff would be required on-site for the library at any one time, and the traffic generation is unlikely to result in unacceptable impacts on the network.

The proposed multi-purpose hall has a capacity of 300 seats or persons and will be used for events. The TIS notes that there is no standard method for calculating the trip generation of a function. However, based on a first principles analysis, the function centre could generate approximately 84 two way vehicle trips per hour. This equates to 1-2 vehicles per minute and is considered a manageable volume of traffic noting that it would be distributed over the surrounding road network and public car parks, and not concentrated on any one intersection.

The Department is satisfied that the proposal would result in minimal impacts on the surrounding road network and has recommended a condition requiring a management plan for the function centre to be prepared. This would ensure that traffic and parking impacts associated with events will be appropriately managed, taking into consideration the purpose, time and likely patronage.

Vehicle Parking

The proposal includes the new line marking of 21 car parking spaces for staff and special visitors in car park at the rear, which is currently used for car parking by the subject site. Two of the car parking spaces are designated as accessible car parking spaces.

Clause 8.5 (1) (a) the Gosford SEPP (now consolidated with *State Environmental Planning Policy (Precincts – Regional) 2021*) requires 1 parking space per 75 sqm of GFA that is to be used for commercial activities. The Applicant contends that the innovation hub on level 2 of the library is not categorised as commercial activity, as it is intended to be used for new start up businesses and supports the community use of the library. However, the Department considers the use of the space will meet the definition of a commercial activity (office premises) as it will be used for the purpose of administrative, clerical, technical, professional or similar activities.

The innovation hub area has an area of 260.5m² and therefore 4 parking spaces are required, which can be accommodated within the proposed parking at the rear of the site. A condition of consent requiring 4 spaces to be allocated for the commercial use has been recommended.

Parking requirements for other uses within the Gosford City Centre are outlined at Table 2 of the GDCP. Where a use is not listed at Table 2, a Traffic Impact Statement (TIS) is required to provide recommendations on the appropriate provision for on-site car, motorcycle and bicycle parking. The Applicant provided a TIS which recommends appropriate parking rates for the library use, as outlined at **Table 2** below.

Table 2 | Car parking provision

	DCP Rate	GFA (m ²)	DCP Requirement	Proposed
Library	Not specified	1,237	Not specified	3
Staff area	1 space per 75m ² for car parking 1 space/25 car spaces or part thereof for motorcycles	182.5	3 car spaces 1 motorcycle	4
Innovation hub	1 space per 75m ² for car parking 1 space/25 car spaces or part thereof for motorcycles	260.5	4 car spaces 1 motorcycle	4

Multi-use hall	1 space per 10 seats or per 20m ² for car parking 1 space/25 car spaces or part thereof for motorcycles	384	19 car spaces 1 motorcycle	8*
Visitors	Not specified		Not specified	8
Accessible spaces	4% of required spaces		1 (4% of 24)	2
Total			25	21

*Shared with visitor spaces, 21 spaces available outside business hours

The proposal does not provide any motorcycle parking. Based on the DCP requirements, a minimum of 3 spaces are required for the proposed uses. Noting the proposed car parking provision, and availability of surrounding public parking and transport, it is considered appropriate for 1 space to be provided for the development. A condition of consent has been recommended requiring updated plans to be submitted incorporating one motorcycle parking space.

The DCP requires parking provision to be wholly underground, unless there are unique site conditions that prevent basement parking. In this instance, the Department supports the utilisation of the existing at grade car parking, as it is not visible from the street and the provision of any basement car parking on the site accessed via Donnison Street would reduce the ability to achieve street activation and enhance pedestrian amenity along the main frontage of a key Gosford City Centre site.

During exhibition, concerns were raised in one public submission that the proposal does not provide sufficient parking, and that the use of the adjoining site via an easement does not provide certainty.

The Department considers the proposed vehicle parking provision is acceptable, as:

- it is consistent with the existing Library and other key regional libraries which do not provide on-site public parking
- the site is located within the heart of the Gosford CBD and is well connected to public transport, being 550m from the station and adjacent to a bus stop
- an operational management plan for the function centre will be prepared to manage parking and traffic during large events, and many of these are likely to be outside of core business hours
- conditions have been imposed requiring 4 spaces to be allocated for the commercial use (innovation hub) in accordance with the Gosford SEPP, and one motorcycle space to be provided
- the car park is visually hidden from Donnison Street and no additional vehicular access is required
- the easement for parking is registered on the title and cannot be extinguished without Council approval.

Bicycle Parking

The proposal includes 12 publicly accessible bicycle parking spaces on the Donnison Street frontage and six staff spaces within the building.

During exhibition, the Central Coast Local Health District raised concerns about the proposed bicycle parking, noting that the proposed number of spaces (12) is five less than the Austroads Guide which would require 17 visitor spaces.

The Applicant responded, noting that various options were explored with Council to provide additional visitor bicycle parking spaces on the Donnison Street footpath. However, to accommodate 17 spaces, nine hoops would be required, which would occupy the entire frontage of the proposed public building and only allow for a gap along the frontage at the entry point.

The Department considers that the saturation of bicycle parking at the front of the site, through the provision of additional hoops, would diminish the visual presentation to the street and detract from pedestrian movements along the primary frontage. The proposed provision of six hoops along the frontage is considered to sufficiently serve the needs of the new Regional Library whilst balancing the visual quality of the streetscape to ensure a positive public domain outcome is delivered. It is also noted that six staff spaces are provided within the building, and there are public bicycle racks along Donnison Road across from the site that can accommodate three bicycles as well as additional bicycle parking opportunities available within Kibble Park.

Noting the above, the Department considers the proposed bicycle parking is sufficient for the proposed use and would maintain an appropriate public domain.

6.3 Absence of a Through-Site Link

The Gosford DCP requires open air links for pedestrians to be provided in the locations identified at **Figure 12** below, including a 6m wide north/south link through the subject site.

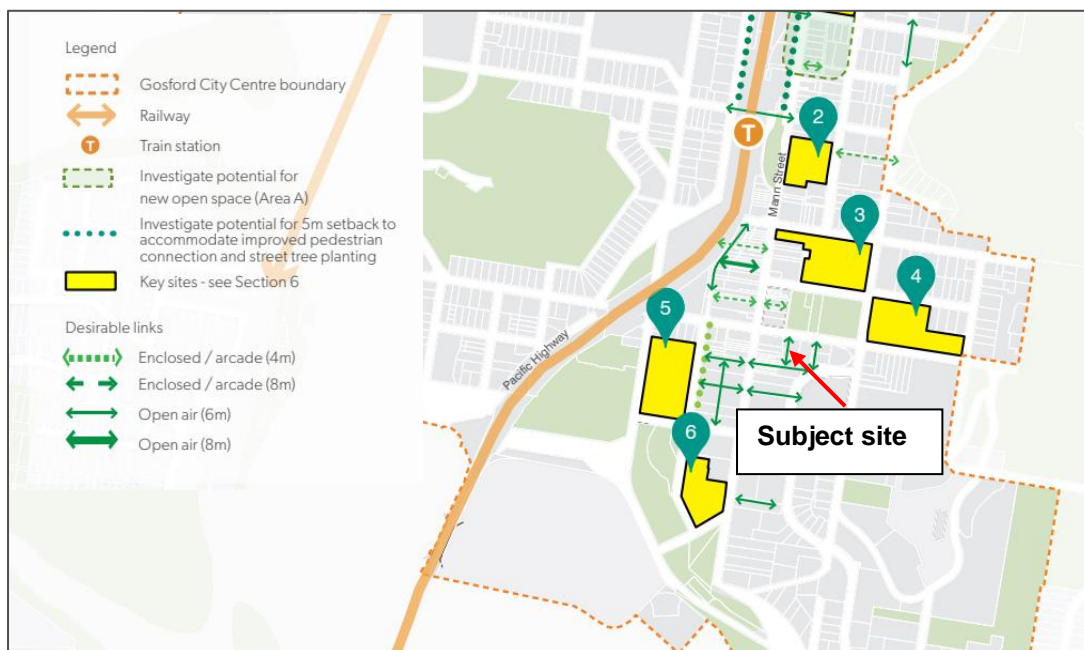


Figure 12 | Structure Plan- Civic Heart (Source: Gosford Urban Design Framework)

The Applicant advised that they investigated the potential for an open air through site link during the design phase and contends that the provision of such a link is not feasible due to the topography of the site and the land ownership.

In accordance with the Panel's advice, the Department requested that the Applicant reconsider opportunities to provide a functional internal through site link during operating hours in lieu of the open-air link.

The Applicant responded as part of the RTS, noting that the provision of an internal link is incompatible with the surrounding land uses, the topography (as illustrated at **Figure 13** and **14**) and would result in conflict between 'back of house' activities associated with the running of the library such as loading and waste management. The Department visited the site in May 2021 and confirmed that the topography and travel path from Henry Parry Drive through the existing car park and agrees that the site is not conducive for a safe and desirable pedestrian link.

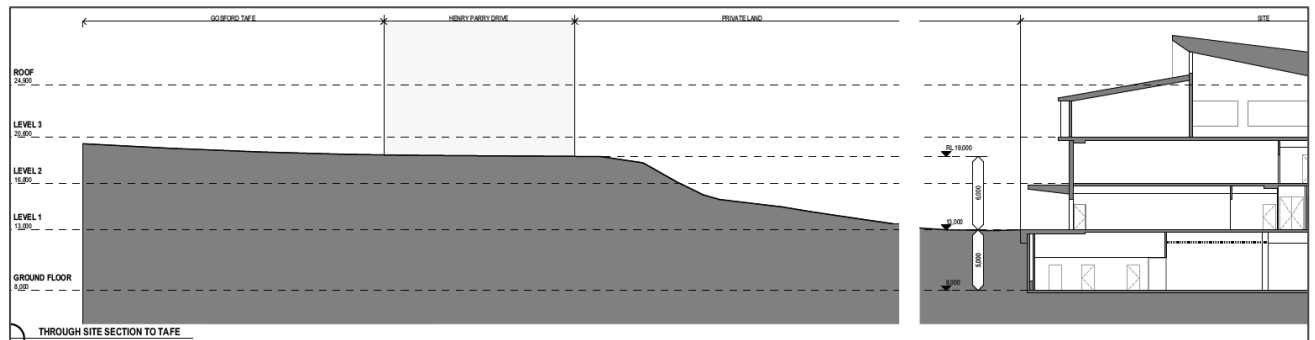


Figure 13 | Through site link section (Source: Applicant's documentation)



Figure 14 | View from Henry Parry Drive towards site (Source: Department)

The Department considers the absence of the through-site link and variation to the DCP is acceptable as:

- the existing topography of the land to the south of the site does not promote safe and desirable environment for pedestrian access
- access to the site from the south is via an easement and existing car parking

- opportunities exist for future links to be provided on adjoining sites in accordance with the DCP if surrounding conditions change.

Noting the above, the Department is satisfied that the provision of a through-site link at the subject site is not practical and would not result in a safe or desirable pedestrian outcome and supports a variation to the DCP.

6.4 Other issues

The Department's assessment of other issues is provided in **Table 3**.

Table 3 | Other Issues

Issue	Findings	Recommendations
Overshadowing	<p>The Applicant provided shadow diagrams with the proposal, which illustrate that:</p> <ul style="list-style-type: none"> • it would not have any adverse impacts on surrounding open space, including Kibble Park • additional overshadowing to adjoining properties would be negligible, with the bulk of the impact to the car park • the landscaped 'neighbourhood room' within the development would receive sunlight to at least 50% of the area for 3 hours on 21 June. <p>The Department is therefore satisfied that the proposal would not result in adverse solar access or overshadowing impacts.</p>	No recommendation necessary.
Visual Impacts	<p>The Applicant advised that the impact of the proposal on key views and vistas has been considered and incorporated into the design.</p> <p>The Department notes that the proposed height is below the permitted 24m, the design of the frontage with the glazing along the fourth level preserves views to Rumbalara Reserve from adjoining development.</p> <p>Noting the above, the Department is satisfied that the proposal would positively contribute to the Gosford City Centre and would not result in adverse visual impacts.</p>	No recommendation necessary.
Contamination	<p>A detailed site investigation (DSI) was submitted with the proposal, noting that the site is generally compatible with the proposed Gosford Regional Library from a site contamination standpoint, with the exception of asbestos management during demolition and construction and the preparation of a long-term environmental management plan.</p>	<p>Conditions of consent have been included requiring Remediation Action Plan to be prepared (B10) and implemented, a long term environmental management plan to be prepared and</p>

		<p>The Department has reviewed the DSI and is satisfied that the site is compatible with the proposed use, and that asbestos can be appropriately managed, and the site remediated.</p> <p>Conditions of consent have been recommended to ensure that asbestos is managed during demolition and construction, the review of the site post construction and requiring a Remediation Action Plan to be prepared and implemented.</p>	<p>asbestos to be handled in accordance with relevant standards (C35, C43, E35).</p>
Acid Soils	Sulfate	<p>The site is mapped with the potential for Class 5 Acid Sulfate Soils.</p> <p>The Detailed Site Investigation notes that an acid sulfate soil assessment was completed as part of the previous geotechnical investigation, which concluded that acid sulfate soils are not present within the depth of investigation. Therefore, excavations for the proposed development can be undertaken without reference to an acid sulfate soil management plan (ASSMP).</p> <p>The Department has reviewed the DSI, and is satisfied that the level of excavation proposed is unlikely to disturb acid sulfate soils.</p> <p>A condition has been recommended requiring an Acid Sulfate Soil Management Plan to be prepared if it becomes evident during construction that acid sulfate soils are present.</p>	<p>A condition of consent (C32) is included requiring an Acid Sulfate Soils Management Plan to be prepared if it becomes evident during construction that acid sulfate soils will be disturbed.</p>
Aboriginal Cultural Heritage		<p>An assessment under Section 8 of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales was undertaken by the Applicant, and the Aboriginal Heritage Information Management System (AHIMS) search confirmed that no Aboriginal sites have been recorded and no Aboriginal places have been declared within 50m of the site.</p> <p>The Department also notes that the proposal does not seek any excavation beyond the existing levels and is in a highly disturbed urban area.</p> <p>Conditions of consent are recommended relating to the Unexpected Finds Protocol for Aboriginal objects. Subject to these conditions, the Department is satisfied the proposal would not result in adverse impacts on Aboriginal cultural heritage.</p>	<p>A condition of consent (D30) is included to ensure that any unexpected finds are appropriately managed.</p>
Heritage		<p>The proposal is within the vicinity of the following Local Heritage Items:</p>	<p>A condition of consent (D31) is included to ensure that any</p>

- Item No. 41 – Feature tree-fig is located on the boundary of Nos. 81, 83 and 85 Mann Street and No. 123B Donnison Street to the south of the site. unexpected heritage finds are appropriately managed.
- Item No. 324- William Street Well within Kibble Park is located to the north of the site.

The Department's site inspection in May 2022 revealed that the fig tree has been removed. As this is an item of Local Heritage significance, the removal is a matter for Council's Compliance Team.

The proposal is on the southern side of Kibble Park and would not result in any overshadowing or adverse visual impacts to the William Street Well.

Noting the above, the Department is satisfied that the proposal would not result in any detrimental impact to the heritage significance of any nearby heritage items.

Demolition	<p>The proposal seeks approval for demolition to be carried out in accordance with relevant Australian Standards. The Waste Management Plan includes details on demolition, outlining that Waste management (and spoil) disposal is to be in accordance with the <i>Protection of the Environment Operations Act 1997</i> and the <i>Waste Avoidance and Resource Recovery Act 2001</i>. Waste that is unable to be reused or recycled will be disposed of offsite to an EPA approved waste management facility following classification.</p> <p>The Department has recommended conditions to ensure that demolition works, including the handling of asbestos, are undertaken in accordance with all required standards.</p>	<p>Conditions of consent are included to ensure demolition is undertaken in accordance with the relevant standards (C7 – C9, D4 – D6).</p>
Stormwater	<p>The Applicant provided a Concept Stormwater Management Plan in accordance with Council's DCP, in Council's OSD guidelines and industry best practice. It confirms that the proposed development can be adequately managed and address all known regulatory and agreed requirements pertaining to stormwater runoff.</p> <p>The Department has recommended conditions to ensure the stormwater design is completed in accordance with Council's requirements and maintained appropriately.</p>	<p>Conditions of consent (E25 - E28) are included requiring the stormwater design to be designed and maintained in accordance with Council's specifications.</p>
Flooding	<p>The Stormwater and Flooding Report contains correspondence from Central Coast Council advising that the site is not flood control lot.</p>	<p>Conditions of consent (B24 and B25) are included requiring confirmation that the development complies with the relevant floor levels, and</p>

The Department has reviewed the Stormwater and Flooding Report, including the correspondence from Council, and notes that the rear south-western corner of the site is marginally affected by a flood planning level, and that the rear of the site is affected by overland flows related to the PMF (Probable Maximum Flood).

confirming that measures to redirect overland flow will not impact adjoining properties to be submitted prior to the issue of a Construction Certificate

The Applicant has advised that measures to address overland flow have been incorporated into the design, including:

- (a) regrading at the interface between the loading dock and vehicular access at the south eastern corner of the site to discourage overland flows from the existing car park on the adjoining site to the rear entering the loading dock, and
- (b) the raised hump at the top of the vehicle crossing for the proposed loading dock and the re-instatement of the existing kerb at the rear of the proposed building to redirect overland flows away from the ingress of the building.

A condition has been recommended requiring details that the development complies with the relevant floor levels, and confirming that measures to redirect overland flow will not impact adjoining properties to be submitted prior to the issue of a Construction Certificate.

Waste

The Applicant provided a Waste Management Plan for the demolition, construction and operational aspects of the proposal.

Conditions of consent (B16 and C52) are included to implement the Operational Waste Management Plan.

General and recyclable waste will be appropriately deposited into the screened waste refuse store area stored on site and will be removed by Council on a weekly basis from the waste collection area adjacent to the loading dock.

Waste collection vehicle swept paths were provided, confirming that a medium rigid vehicle (MRV) can access the collection area.

The Department is satisfied that the waste storage area is appropriately located adjacent to the loading area, and will not adversely impact the amenity of uses within the proposal or surrounding developments.

Acoustic impacts

An Acoustic Assessment was submitted with the proposal, noting that with the recommendations for mitigating noise, the proposal can comply with the DCP and *Noise Policy for Industry 2017*.

Conditions of consent are included requiring:

	<p>It is noted that there is one residential apartment building located approximately 180m south of the site at 127 Georgiana Terrace.</p> <p>The Assessment notes that detailed acoustic control measures for the plant will be determined at the Construction Certificate Stage.</p> <p>Conditions have been recommended requiring the recommendations of the Acoustic Report relating to glazing, the loading dock roller door, balustrades and speakers within the multi-use hall to be implemented and for an acoustic assessment for the plant to be submitted to the Certifier prior to construction.</p> <p>The Department is satisfied that, subject to the recommended conditions, the proposal would not have adverse acoustic impacts on surrounding development.</p>	<ul style="list-style-type: none"> - Further acoustic assessment for the plant (B13 and C51) - The recommendation of the Acoustic Report to be implemented in the building design and during operation (C51 and E21).
Multi-use hall	<p>The proposal seeks approval for a 300-seat multi-use hall as part of the development. It is noted that this centre will be used for events and these may occur outside of the business hours for the library.</p> <p>A detailed assessment of the operational impacts of the multi-use hall has not been undertaken, as the scale and timing of use will vary. A condition is recommended requiring an Event Management Plan to be prepared in consultation with Council and submit it to the Council and Planning Secretary.</p>	<p>A condition of consent is included (F1) requiring a plan of management for the multi-use hall to be submitted to the Secretary prior to the issue of an Occupation Certificate.</p>
Signage	<p>On 20 September 2022, the Applicant requested the Department include proposed signage as part of the development application and provided additional plans and details to enable an assessment.</p> <p>The proposal includes a building identification wall sign on the Donnison Street frontage at across all levels of the building. The sign consists of lettering recessed into the precast concrete, and is 7.9m by 0.7m in size. The sign itself is not illuminated, but will be lit by a downlight.</p> <p>The Department has included the signage within the assessment, with a full assessment of <i>State Environmental Planning Policy No 64 – Advertising and Signage</i> in Appendix C.</p> <p>The Department is satisfied that the proposed signage is appropriate for the development, subject to the recommended conditions.</p>	<p>A condition of consent (E36) is included requiring the signage to be provided in accordance with the approved plans.</p>

Public Domain Improvements	<p>The proposal includes 6 native street trees, bicycle hoops and rubbish bins along Donnison Street as public domain improvements.</p> <p>The Department is satisfied that the proposal would result in an updated public domain and a condition has been imposed to ensure the works are completed in accordance with Council's requirements.</p>	<p>A condition (E33) is included requiring works in the public domain to be undertaken to the satisfaction of Council.</p>
Crime Prevention through Environmental Design	<p>The Applicant notes that the proposal has been designed to maximise interaction with Donnison Street, and the majority of building frontages are glazed which provides for passive surveillance. The landscaped 'neighbourhood room' has a fence, and access will be managed by the Council.</p> <p>The Department considers the proposed building layout would not result in unacceptable safety impacts and would allow for passive surveillance to public spaces in accordance with the principles of Crime Prevention through Environmental Design (CPTED).</p>	<p>A condition of consent (B9) is including requiring plans showing CPTED measures included to be provided.</p>
Access and manoeuvrability	<p>TfNSW advised that the Department should be satisfied that construction traffic measures, internal arrangements, parking, maneuvering and provision for people with disabilities has been considered.</p> <p>A condition of consent is recommended requiring a Construction Traffic Management Plan to be prepared, requiring construction vehicles to be accommodated on site.</p> <p>The Applicant submitted swept path diagrams demonstrating that adequate space for library and waste trucks is provided, and the BCA report confirms that the design will be suitable for people with disabilities.</p> <p>Conditions have been imposed to ensure that these requirements are implemented into the design.</p>	<p>Conditions of consent have been included requiring:</p> <ul style="list-style-type: none"> • A Construction Traffic Management Plan (C29) • Access to be provided in accordance with all relevant standards (C49).
Construction Hours	<p>Following lodgment, the Applicant requested approval for construction hours outside of the standard hours, to minimise impacts on the adjoining businesses during their core hours.</p> <p>The Applicant seeks approval for all construction, including rock breaking, rock hammering, sheet piling, pile driving be permitted between 6am - 10pm Monday-Friday inclusive.</p>	<p>Conditions of consent have been included (D8–D12) requiring:</p> <ul style="list-style-type: none"> - the Applicant to carry out noise measurements to confirm the levels in the Desktop Acoustic Assessment (B14)

Standard construction hours include normal construction between 7am and 6pm, Mondays to Fridays inclusive, and rock breaking, rock hammering, sheet piling, pile driving and similar activities restricted to occurring between:

- 9.00 am to 12.00 pm, Monday to Friday;
- 2.00 pm to 5.00 pm Monday to Friday.

A desktop construction noise assessment was provided, addressing the potential noise impacts from the out of hours construction activities, focusing on sleep disturbance for the nearest residential receiver approximately 180m to the south.

The assessment concludes that the predicted L_{Amax} noise levels generally comply with the requirements of the NSW Interim Construction Noise Guideline (ICNG) at receiver locations when any of the noisiest plant items are operating, with the exception of a minor exceedance of 1 dB(A) at Receiver R1B when the hydraulic breaker / rock hammer is operating. A number of recommendations to mitigate the impacts were recommended, including:

- the requirement for solid hoarding
- noise testing on-site to confirm the predicted levels
- modifications to equipment to reduce tonal alarms

Letters of support for the extended hours were also provided from the:

- adjoining educational establishment at 125 Donnison Street, advising that out of hours construction would minimise disruption to their operation.
- adjoining commercial building at 91-99 Mann Street confirming that they support construction outside of core business hours to minimise disruption.

The Department considers that the request for extended construction hours is appropriate given:

- the site is located within the commercial core and the nearest residential receiver is unlikely to be impacted
- all works would cease from 10pm, minimising any risk of sleep disturbance
- the extended hours between 6am and 9am and between 2pm and 10pm are unlikely to result in additional adverse impacts to Kibble Park beyond the standard hours, however it is recommended that and rock breaking, rock hammering, sheet piling, pile

- the mitigation measures outlined at Section 7 of the *Desktop Construction Noise Assessment for Out of Hours Works prepared by Renzo Tonin & Associates*, dated 15 July 2022 to be implemented for works outside of standard hours

- any complaints to be recorded on a register

- allowing for the Department to revoke the extended construction hours if they are not being managed appropriately.

driving and similar activities are still restricted between 12pm and 2pm

- the extended hours would minimise disruptions to the adjoining educational establishment.

Subject to the recommendations outlined in the Acoustic Report, and recommended conditions, the Department supports the amended construction hours.

Construction Impacts	<p>The proposal has the potential for construction impacts on existing residents and surrounding neighbours including noise and vibration impacts.</p> <p>A Construction Environmental Management Plan (CEMP) is recommended to be prepared to manage and mitigate the impacts of construction, including sediment and erosion, contamination, waste, traffic, noise and vibration and flooding.</p> <p>The Applicant must also prepare and implement a Community Communication Strategy for the duration of construction and the 12 months following to allow for surrounding neighbours and residents to raise any concerns of construction impacts.</p> <p>The Department is satisfied that the impacts of construction will be appropriately managed through conditions.</p>	<p>Conditions of consent have been included requiring:</p> <ul style="list-style-type: none"> - a CEMP to be prepared prior to construction (C28) - a Community Communication Strategy to be prepared (C18).
ESD Statement	<p>The Applicant provided an ESD statement as part of the EIS, comprising broad strategies for the sustainable design of the building.</p> <p>The Department considered the level of detail provided in the ESD statement was not appropriate, as specific targets that the development could be measured against were not clearly outlined.</p> <p>The Department advised the Applicant that a revised document outlining specific targets should be provided.</p> <p>The Applicant provided a revised ESD Initiatives and Targets Matrix, outlining the key sustainability measures for construction and operation. Key measures include:</p> <ul style="list-style-type: none"> • a solar photovoltaic array of approximately 60 kWp on the roof • reduction in greenhouse gas emissions by 10% when compared with a NCC Section J Code Compliant building • an in-ground rainwater tank to store approx. 20,000 litres, diverted from the roof of the development 	<p>Conditions of consent have been included requiring construction in accordance with the measure outlined in the ESD Initiatives and Targets Matrix (C26, E41 and F8).</p>

- high efficiency appliances, water fittings and fixtures that minimises water consumption and greenhouse gas emissions.

The Department has reviewed the revised ESD Initiatives and Targets Matrix and considers it would result in appropriate ESD measures on site.

Contributions

The Gosford City Centre Special Infrastructure Contribution (SIC) applies to all new development on residential and business zoned land within the Gosford City Centre that has a delivery cost of \$1 million or more.

Circumstances exist where the SIC does not apply, however, the Applicant has not provided information to confirm that an exemption is applicable.

The Department has recommended the standard condition requiring the payment of the SIC. The Applicant can provide information as a post approval matter to confirm whether an exemption is applicable.

Central Coast Council also has a local 94A Development Contribution Plan– Gosford City Centre (now a 7.12 plan), known as the Civic Improvement Plan. This plan applies to all development with a cost of more than \$250,000 that increases the gross floor area on land. The plan originally levied 4% until 2018 when the SIC was introduced and is now amended to trigger payment of a 1% levy. A condition has been recommended requiring the payment of this contribution, unless otherwise agreed by Council post approval, given the proposal is for a new Regional Library for the local community.

Conditions of consent have been included requiring:

- the payment of local contributions, unless otherwise agreed by Council (B5)
- the payment of SIC, unless otherwise agreed by the Planning Secretary determining that payment is not required (B7).

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development and advice received from the relevant public authorities.

Council and State government agencies did not object to the proposal. The Department has sought to address any issues raised during public and agency consultation.

The Department's assessment of the development identified built form and urban design, traffic, parking and the provision of a through-site link as the key issues for consideration. The Department concludes the development would be managed to an acceptable level of environmental performance and has recommended a range of conditions to support this.

Overall, the Department has considered the merits of the proposal and this assessment has concluded the development:

- is consistent with the strategic planning context for Gosford
- complies with the land use zone, building height and floor space controls in the relevant environmental planning instrument
- would provide a key Civic Building within the Gosford City Centre and new library and associated facilities for Central Coast residents
- exhibits design excellence with a high standard of architectural design appropriate for a key civic building
- is consistent with the future character of the area and does not adversely impact surrounding amenity, in terms of streetscape, solar access, view impacts or heritage
- provides adequate onsite car parking to meet the needs of staff and can be accommodated without adversely impacting the surrounding road network.

Following assessment, the Department considers the development is approvable, subject to conditions of consent.

8 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA 21/14779, subject to the recommended conditions
- **signs** the attached Development Consent (**Appendix D** – Recommended Instrument of Consent).

Recommended by:



Emma Butcher
Senior Planner
Regional Assessments

Recommended by:



Louise Densmore
Team Leader
Regional Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a long horizontal stroke.

Keiran Thomas

Director

Regional Assessments

Appendices

Appendix A – List of Documents

The Department relied upon the following key documents during its assessment of the proposed development:

Statement of Environmental Effects

- Statement of Environmental Effects- *Demolition of All Existing Structures and Construction of a Four-Storey Building for Use as a New Regional Library for Central Coast Council 123A Donnison Street, Gosford (Lot 100 DP 711850)* prepared by Milestone Pty Ltd date September 2021

Submissions

- All submissions received from relevant public authorities

Response to Submissions

- Response to Request for Further Information prepared by Milestone Pty Ltd, dated 21 April 2022.

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B** – Considerations under the EP&A Act)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C** – Consideration of Environmental Planning Instruments)

All documents relied upon by the Department during its assessments of the application may be viewed at: <https://pp.planningportal.nsw.gov.au/daex/under-consideration/new-regional-library-123a-donnison-street-gosford>

Appendix B – Considerations under the EP&A Act

Table 4 | Considerations Against the Objects of the EP&A Act

Object	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,	<p>The development will promote:</p> <ul style="list-style-type: none"> the proper management and development of suitably identified land the social welfare of the community by providing a new civic building for community uses a suitable environment through appropriate environmental management during construction and operation.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The Department has considered ecologically sustainable development (ESD) in its assessment of the development. The Department is satisfied the development can be carried out in a manner that is consistent with the principles of ESD.
(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, that is in close proximity to existing services and public transport, for a new Regional Library.
(d) to promote the delivery and maintenance of affordable housing,	The proposal involves the provision of a community facility in a commercial zone.
(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 the redevelopment of a previously developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The proposal does not contain any native vegetation clearing.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>No impacts to built or cultural heritage have been identified. There are no listed Aboriginal sites or places recorded or declared in or near the site.</p> <p>Two items of Local Heritage Significance under the Gosford SEPP (now consolidated within <i>State Environmental Planning Policy (Precincts – Regional) 2021</i>) are within proximity of the subject site, Item No. 41 – Feature tree-fig is located on the boundary of Nos. 81, 83 and 85 Mann Street and No. 123B Donnison Street to the south of the site and the William Street Well, Item No. 324 is located to the north of the site in Kibble Park.</p> <p>A site visit has revealed that the fig tree (Item 41) has been removed, therefore the proposal will not have any impacts, and the building would not result in any overshadowing or visual impacts to Kibble Park that would impact on William Street Well.</p> <p>Heritage impacts of the proposal are considered in Section 6. The proposal will not have an adverse impacts on the nearby heritage items and standard conditions are recommended to ensure any heritage items found during construction are adequately considered.</p>

(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as discussed in Section 6 and Appendix C – Consideration of Environmental Planning Instruments .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department referred the development to relevant government agencies and Council during the exhibition period and invited them to comment. The Department has given due consideration to their advice.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the development application as outlined in Section 5.1 . Property owners within the vicinity of the development were directly notified in writing.

Table 5 | 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 C – Consideration of Environmental Planning Instruments .
(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	Satisfactorily complies. The Department's consideration of the application against <i>Draft Remediation SEPP</i> is included at Appendix C – Consideration of Environmental Planning Instruments .
(a)(iii) any development control plan	Satisfactorily complies. The Department's consideration of the relevant controls under the Gosford City Centre Development Control Plan (GDCP) is provided in Section 6 and Appendix C – Consideration of Environmental Planning Instruments .
(a)(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	No existing planning agreements apply to the site.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, requirements for notification and fees.
(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 and Appendix C – Consideration of Environmental Planning Instruments .
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 .
(d) any submissions made in accordance with this Act or the regulations	Consideration has been given to the submissions received during the exhibition period as discussed at Sections 5 and 6 .

(e) the public interest	The Department considers the proposal is in the public interest as discussed at Section 6 .
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Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

- Gosford SEPP (now consolidated within *State Environmental Planning Policy (Precincts-Regional) 2021*)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) (now consolidated within *State Environmental Planning Policy (Resilience and Hazards) 2021*)
- State Environmental Planning Policy (Infrastructure) 2007 (now consolidated within *State Environmental Planning Policy (Infrastructure and Transport) 2021*)
- State Environmental Planning Policy No.64 (Advertising and Signage) (now consolidated within *State Environmental Planning Policy (Industry & Employment) 2021*)
- State Environmental Planning Policy (Coastal Management) 2018 (now consolidated within *State Environmental Planning Policy (Resilience & Hazards) 2021*)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) (now consolidated within *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

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 certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The scale and location of the development does not trigger Schedule 3 of the ISEPP. A referral to Transport of NSW was made, and no objections were raised or conditions recommended.

State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) (now consolidated within *State Environmental Planning Policy (Industry & Employment) 2021*) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes building identification signage on the Donnison Street façade. Under clause 8 of SEPP 64, consent must not be granted for any signage unless the development is consistent with the objectives of the SEPP and with the assessment criteria contained in Schedule 1. The Department considers the development to be compatible with the desired amenity and visual character of the area, provide effective communication and is of high-quality design and is therefore consistent with the objectives of SEPP 64. The Department's assessment of Schedule 1 of SEPP 64 is provided in **Table 6** below.

Table 6 | Assessment of SEPP 64

Criteria	Department's Consideration	Compliance
1 Character of the area		
Is the development compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is located on street level and is business identification signage integrated into the design of the building. Therefore, the proposed signage is considered compatible with the surrounding character of the site.	Yes
Is the development consistent with a particular theme for outdoor advertising in the area or locality?	The development does not include any advertising however includes building identification signage which is consistent with the theme of the locality.	Yes
2 Special areas		
Does the development detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from the amenity or visual quality of the surrounding area.	Yes
3 Views and vistas		
Does the development: <ul style="list-style-type: none"> • obscure or compromise important views? • dominate the skyline and reduce the quality of vistas? • respect the viewing rights of other advertisers? 	<p>The proposed signage is flush with the building and:</p> <ul style="list-style-type: none"> • will not obscure any views, including important views. • does not dominate the existing skyline • will not disturb the viewing rights of other advertisers in the vicinity. 	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the development appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the setting of the proposed development. The size of the sign reflects the civic nature of the building as a Regional Library.	Yes
Does the development contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the building by providing identification and recognition of the site. The colour and material integrates with the overall building design.	Yes
Does the development reduce clutter by simplifying existing advertising?	The site does not contain any existing advertising.	N/A
Does the development screen unsightliness?	The proposed signage is integrated into a new development that exhibits design excellence, therefore there is no unsightliness.	Yes
Does the development protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is integrated into the building façade and does not protrude above the building.	Yes

Does the development require ongoing vegetation management?	The proposed signage does not require any ongoing vegetation management	N/A
5 Site and building		
Is the development compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and other characteristics of the building and appropriate for the civic use.	Yes
Does the development respect important features of the site or building, or both?	The proposed signage will not detract from the important features of the site and building.	Yes
Does the development show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is innovatively located and appropriately relates to the building.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage is for business identification only.	Yes
7 Illumination		
<p>Would illumination:</p> <ul style="list-style-type: none"> • result in unacceptable glare? • affect safety for pedestrians, vehicles or aircraft? • detract from the amenity of any residence or other form of accommodation. • Can the intensity of the illumination be adjusted? • Is the illumination subject to a curfew? 	The signage itself will not be illuminated. A downlight will ensure the sign is visible at night, however, this lighting will be consistent with AS 1158.3.1-2005 <i>Pedestrian Area (Category P) Lighting</i> and AS 4282:1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> and will not cause unacceptable safety or amenity impacts.	Yes
7 Safety		
<p>Would the development reduce safety for:</p> <ul style="list-style-type: none"> • pedestrians, particularly children, by obscuring sightlines from public areas? • for any public road? • pedestrians or bicyclists? 	<p>The Department considers that as the signage is located on the building façade, it:</p> <ul style="list-style-type: none"> • will not reduce the safety for any public road or pedestrians or cyclists. • will not obscure any sightlines, and therefore is not considered to reduce the safety of pedestrians. 	Yes

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP)

The Koala SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Clause 11 of the Koala SEPP applies to land with an area of at least one hectare that does not have a Koala Plan of Management. The Department is satisfied that there is no vegetation on the site (as confirmed by the Applicant) and no native vegetation clearing and therefore the development will have no impact on koalas or koala habitat.

State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management SEPP commenced on 3 April 2018. The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection). From March 1 2022, the SEPP was consolidated within *State Environmental Planning Policy (Resilience & Hazards) 2021*.

The Coastal Management SEPP gives effect to the objectives of the Coastal Management Act 2016 (NSW) from a land use planning perspective. It defines four coastal management areas and specifies assessment criteria that are tailored for each coastal management area. The consent authority must apply those criteria when assessing proposed developments for development that fall within one or more of the mapped areas.

The site is mapped as a coastal environment area under the Coastal Management SEPP. These relevant matters are addressed in **Table 7** below.

Table 7 | Consideration of SEPP (Coastal Management) 2018

Criteria	Department's Consideration	Compliance
Division 3 Coastal environmental area		
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		
(a) The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	The proposal would not have a significant impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	Yes
(b) The coastal environmental values and natural coastal processes.	The site is within an existing developed urban area and on a highly disturbed site. As such, it is not expected the proposal will have an impact on the coastal environmental and natural coastal processes.	Yes
(c) The water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes.	The proposal will not impact on the Marine Estate or any sensitive coastal lakes.	Yes
(d) Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	The site is void of any significant vegetation.	Yes
(e) Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	The site does not contain existing public open space or provide access to and along the foreshore.	Yes
(f) Aboriginal cultural heritage, practices and places.	The proposal will not impact upon any Aboriginal cultural heritage, practices	Yes

	and places.	
(g) The use of the surf zone.	The site is not located within a surf zone.	Yes

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

The aim of the Vegetation SEPP is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site does not contain any native vegetation that needs to be cleared. The Department is satisfied that there is minimal vegetation on the site (as confirmed by the Applicant) with no native vegetation to be cleared, therefore the development will have no impact on koalas or koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 (now consolidated within *State Environmental Planning Policy (Resilience and Hazards) 2021*) aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The Applicant submitted a Detailed Site Investigation for the site. The Assessment included a review of the site history and on-site testing of seven boreholes.

The Assessment concludes that the site is considered to be generally compatible with the proposed Gosford Regional Library from a site contamination standpoint, with the exception of asbestos management during demolition and construction and the preparation of a long-term environmental management plan. Conditions of consent have been recommended to ensure that asbestos is managed during demolition and construction, the review of the site post construction and requiring a Remediation Action Plan to be prepared and implemented.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy (Gosford City Centre) 2018

The Department has considered the proposal against the Gosford SEPP (now consolidated within State Environmental Planning Policy (Precincts - Regional) 2021). These relevant matters are addressed in **Table 8** below

Table 8 | Consideration of Gosford SEPP

Relevant Clause	Consideration and Comments	Complies
1.6 Consent authority	The proposal has a capital investment value of \$27.1 million and as such, the Minister for Planning is the consent authority.	N/A
2.3 Zone objection and Land Use Table	<p>The site is zoned B3 Commercial Core.</p> <p>The proposal provides for a new regional Library, comprising an innovation hub, Council customer service centre, meeting rooms and public areas including collaboration and innovation spaces, staff work areas and a flexible multi-use hall accommodating up to 300 seats and is consistent with the zone objectives.</p> <p><i>Information and education facilities, community facilities, function centres and commercial premises are permitted with consent in the B3 zone.</i></p>	Yes
2.7 Demolition Requires Development Consent	The proposed demolition is permitted with development consent.	Yes
4.3 Height of Buildings	The maximum building height permitted for the land is 24m, and the proposed building height of 20.9m complies with this.	Yes
4.4 Floor Space Ratio	The site is identified as having a floor space ratio (FSR) of 1.8:1, which complies with the required FSR of 4:1.	Yes
5.10 Heritage conservation	<p>A Local Heritage Item No. 41 – Feature tree-fig is located on the boundary of Nos. 81, 83 and 85 Mann Street and No. 123B Donnison Street to the south of the site. However, a site visit has confirmed that this tree has been removed.</p> <p>William Street Well, Local Heritage Item No. 324 within Kibble Park is located to the north of the site. The proposal will not result in any overshadowing or detrimental impact to the heritage significance of any nearby heritage items including the Local Heritage Items No. 41 and No. 324. Noting the location of the proposal, and the absence of Item 41, the Department considers a Heritage Assessment is not required.</p>	Yes
7.1 Acid Sulfate Soils	<p>The site is mapped with the potential for Class 5 Acid Sulfate Soils. The Detailed Site Investigation notes that an acid sulfate soil assessment was completed as part of the previous geotechnical investigation which concluded that acid sulfate soils are not present within the depth of investigation. Therefore, excavations for the proposed development can be undertaken without reference to an acid sulfate soil management plan (ASSMP).</p> <p>A condition has been recommended requiring an Acid Sulfate Soil Management Plan to be prepared if it becomes evident during construction that acid sulfate soils are present</p>	Yes
7.2 Flood Planning	<p>Council has advised that the site is not flood control lot, however, the rear south-western corner of the site is marginally affected by a flood planning level, and that the rear of the site is affected by overland flows related to the PMF (Probable Maximum Flood).</p> <p>Conditions have been imposed to ensure that the development complies with the flood planning level and appropriately considers the impact of stormwater & overland flows that may impact the rear of the subject site.</p>	Yes

7.3 Floodplain Risk Management	<p>The Stormwater and Flooding Report contains correspondence from Central Coast Council advising that the site is not flood control lot.</p> <p>The Department has reviewed the Stormwater and Flooding Report, including the correspondence from Council, and notes that the rear south-western corner of the site is marginally affected by a flood planning level, and that the rear of the site is affected by overland flows related to the PMF (Probable Maximum Flood).</p> <p>The Applicant has advised that measures to address overland flow have been incorporated into the design, including:</p> <ul style="list-style-type: none"> (a) regrading at the interface between the loading dock and vehicular access at the south eastern corner of the site to discourage overland flows from the existing car park on the adjoining site to the rear entering the loading dock, and (b) the raised hump at the top of the vehicle crossing for the proposed loading dock and the re-instatement of the existing kerb at the rear of the proposed building to redirect overland flows away of the ingress of the building. <p>A condition has been recommended requiring details that the development complies with the relevant floor levels, and confirming that measures to redirect overland flow will not impact adjoining properties to be submitted prior to the issue of a Construction Certificate.</p>	Yes
8.3 Design excellence	<p>A referral to the City of Gosford Design Advisory Panel (the Panel) was not required under clause 8.4 of State Environmental Planning Policy (Gosford City Centre) 2018, however, given the importance of the proposal as a civic building the Department sought advice from the Panel.</p> <p>The Panel advised it was satisfied that the development application has the potential to achieve Design Excellence under clause 8.3 of State Environmental Planning Policy (Gosford City Centre) 2018. The Panel noted that the regional library delivers a strong architectural expression and is considered an appropriate built form and scale for an important regional civic building located opposite Kibble Park.</p>	Yes
8.4 Exceptions to height and floor space in Zones B3, B4 and B6	No variation to the height under Clause 8.4 is sought.	N/A
8.5 Car Parking in Zones B3 and 4	<p>The innovation hub on level 2 of the proposed development is categorised as a commercial activity and 1 space per 75 sqm is required.</p> <p>The innovation hub has an area of 144.7 sqm and therefore 2 parking spaces are required.</p> <p>A total of 21 car parking spaces are proposed on site, with 4 allocated to the commercial activities, therefore the proposal meets the requirements of Clause 8.5 (1) (a).</p>	Yes
8.6 Active street frontages	The proposal provides a continuous active frontage to Donnison Street and delivers a building that creates active public spaces and enhanced connectivity with the public domain.	Yes

8.7 Non-residential ground and first floor of buildings in Zone B3	The proposal does not include any residential accommodation on the ground or first floor.	Yes
8.10 Solar access to key public open spaces	The proposed development will not result in any additional overshadowing to Kibble Park.	Yes
8.11 Key vistas and view corridors	The GCC DCP identifies key vistas and street views to Rumbalara Reserve and Presidents Hill within proximity to the site. However it is considered the proposal is in keeping with the desired future character for the area and will not block views noting the proposed height of 20.9m which is below the 24m limit.	Yes

Table 9 | Consideration of Clause 8.3 of Gosford SEPP

Relevant Clause	Consideration and Comments	Complies
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	A mix of glass and coloured high quality precast concrete panels, coloured with two muted tones is proposed. The external finishes and materials are of a high standard and are considered appropriate for the location and civic use of the building.	Yes
b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed design will contribute to the quality and amenity of the public domain through the provision of additional landscaping and the 'neighbourhood room' providing an interface between the development and Donnison Street.	Yes
(c) whether the development is consistent with the objectives of clauses 8.10 and 8.11,	As noted at Table 7 above, the proposal is consistent with clauses 8.10 and 8.11 and would not have any adverse overshadowing or visual impacts on key vistas or view corridors.	Yes
(d) any relevant requirements of applicable development control plans,	The proposal is consistent with the Gosford City Centre Development Control Plan, as outlined at Table 9 below. Variations to the controls have been assessed and considered appropriate.	Yes
(e) how the development addresses the following matters— (i) the suitability of the land for development,	The proposed development was identified in this location under the Gosford Urban Design Framework. The design appropriately responds to the location adjacent to Kibble Park and the natural slope of the site.	Yes

(ii) existing and proposed uses and use mix,	The proposed library and associated uses are permitted with consent on the site and is consistent with the relevant strategic documents for the area.	Yes
(iii) heritage issues and streetscape constraints,	The proposal would not impact on any nearby heritage items and has been designed in accordance with the slope of the land.	Yes
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposal would not result in adverse privacy, visual or overshadowing impacts on adjoining buildings or open space. Minor setback variations have been addressed at Section 6 and are considered appropriate.	Yes
(v) bulk, massing and modulation of buildings,	The proposal does not exceed the height or GFA permitted on the site, and the Donnison Street frontage is appropriately activated.	Yes
(vi) street frontage heights,	<p>The proposal seeks to vary the front setback above the street wall height, and rather the stepping back at the podium height of 9.5 metres, the street wall height is generally maintained at zero setback. The Panel advised that this design is appropriate for the proposal as a key civic building.</p> <p>It is considered that the proposal would still provide appropriate spatial proportions of the street, define the street edge and provide for high quality pedestrian amenity and activity in accordance with the objectives of the DCP.</p>	Yes
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	<p>Given the four-story design, the proposal would not result in unacceptable overshadowing to adjoining properties, open space or the public domain or adverse wind impacts.</p> <p>A condition of consent relating to reflectivity has been imposed.</p>	Yes
(viii) the achievement of the principles of ecologically sustainable development,	The proposal is within a developed area and does not propose any tree removal. It will be designed in accordance with bespoke ESD initiatives and targets relating to building materials, energy efficiency and water consumption, appropriate	Yes

for the proposed use.

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,	The proposal includes appropriate loading and vehicle circulation spaces, bicycle parking and end of trip facilities.	Yes
(x) the impact on, and any proposed improvements to, the public domain.	The proposal would improve the public domain through the provision of 6 native street trees, bicycle hoops and rubbish bins along Donnison Street	Yes

Gosford City Centre Development Control Plan 2018

The GCC DCP applies to land subject to the GCC SEPP and provides the controls for development in the Gosford CBD.

The Department's assessment of the relevant development controls is provided in **Table 10** below.

Table 10 | Relevant GCC DCP Controls

Control	Consideration and Comments	Complies
Chapter 3: Places and character		
3.3 Civic Heart	<p>The site is located in the Civic Heart which is focused around Kibble Park as a central meeting place.</p> <p>The application satisfies Objectives 1 and 2 as the proposal would not impact views to Presidents Hill or Rumbalara Reserve and would maintain solar access to Kibble Park.</p> <p>The high quality design of the proposal with diverse elevational treatment and the 'neighbourhood room' fronting Donnison Street meets Objective 4 to ensure active and defined street frontages and frontages to all park edges and Objective 5 to promote a diversity of built form and high quality mixed use developments.</p> <p>Through the provision of a new Regional Library, the proposal contributes towards Objective 6 to promote new commercial development in the core for job growth and to protect Gosford's role as a regional city and associated regional functions</p>	Yes
Chapter 4: Public spaces		
4.1 Pedestrian network	<p>Existing pedestrian footpaths along Donnison Street will be maintained.</p> <p>The 6m wide open air links for pedestrians as shown in Figure 2 is not proposed. The Department's assessment of this is provided at Section 6.4.</p>	<p>Partial</p> <p>Refer to Section 6.4</p>
4.3 Solar access to key public spaces	The shadow diagrams submitted with the proposal confirm that it will not result in any overshadowing to Kibble Park.	Yes

4.4 Views and vistas	The proposal has no significant impacts on key views and vistas identified in the DCP.	Yes
4.5 Footpath crossings and pedestrian overpasses and underpasses	<p><u>Vehicle Footpath Crossings</u></p> <p>No vehicle access is proposed from Donnison Street and the vehicle access is from the easement accessed via an existing crossing at Henry Parry Drive.</p>	Yes
Chapter 5: Built form		
5.1 Site size and design excellence	<p>The site has more than a 36m frontage to the primary street (Donnison Street) and is therefore classified as "Medium site" as it is within in a 'B' zone.</p> <p>The site was not subject to a design excellence with the City of Gosford Design Advisory Panel pursuant to Clause 8.4 of the Gosford City Centre SEPP as no height or FSR variations are proposed.</p>	Noted
5.2 Built form provisions	<p><u>5.2.1 Street setbacks and rear setbacks</u></p> <p>A minimum front setback of three metres is required above the street wall height. The proposal seeks to vary this and maintains the 0m setback above the street wall height.</p> <p>The variation is considered at Section 6.2.</p>	Considered acceptable – refer to Section 6.2
	<p><u>5.2.2 Street wall heights and upper podium</u></p> <p>Street wall height of 9.5m is proposed, compliant with the 6-9.5m requirement.</p> <p>The upper podium is differentiated through material selection and was reviewed by the CoGDAP determined the proposal has achieved design excellence.</p>	Considered acceptable – refer to Section 6.42
	<p><u>5.2.3 Active street frontages and street address</u></p> <p>The proposal provides a continuous active frontage to Donnison Street and delivers a building that creates active public spaces and enhanced connectivity with the public domain with extensive glazing. A clear designated entrance is provided to the building. The proposed 'neighbourhood room' provides a weather protected environment, with tall mature Cabbage Tree palms, which acts to draw the public domain including Kibble Park into the building and provide visual interest and high connectivity.</p> <p>No vehicular access is proposed along the Donnison Street frontage to maximise activation along the site's key frontage and enhance overall pedestrian amenity and positive safety outcomes.</p>	Yes
	<p><u>5.2.4 Building setback and separation</u></p> <p>6m side setbacks are required above the street wall height. No towers are proposed, but a minor variation to the side setback above the street wall height is proposed.</p> <p>Above the street wall height, the building is articulated and blank walls are not proposed.</p>	Considered acceptable – refer to Section 6.42
	<p><u>5.2.6 Fine grain frontages</u></p> <p>The proposal is broken up into forms of less than 40m in length.</p> <p>The built form seeks to connect the public domain and the building via the landscaped 'neighbourhood room' and the provision of the children's reading and play area fronting Donnison Street.</p>	Yes
	<p><u>5.2.7 Awnings</u></p>	Partial

The proposal provides an awning extending from the western boundary to the 'neighbourhood room', but does not extend to the eastern boundary, to allow solar access into the landscaped 'neighbourhood room'.

The proposed awning is 3.2m wide and is consistent with the adjoining developments.

The proposed awning provision is considered acceptable as it provides suitable weather protected entry to the building, whilst allowing solar access.

5.2.9 Above Ground Parking

Yes

The Department is satisfied that the utilisation of existing above ground carparking is suitable at this site, as outlined at **Section 6.3**.

The provision of any basement car parking on the site accessed via Donnison Street would reduce the ability to achieve street activation and enhance pedestrian amenity along the main frontage of a key Gosford City Centre site.

5.2.11 Internal Amenity

Partial

Due to the topography of the site, the library staff area is located on the ground level, which does not have access to a window along the southern boundary. However, this space is within easy access of the rear landscaped area and neighbourhood room.

The meeting rooms on Level 1 and Innovation Hub space on Level 2 are within 10m of a window or door.

5.2.12 Building services and the streetscape

Yes

All electrical infrastructure is proposed within the building, and will not be visible from Donnison Street.

5.2.13 Landscape Design

Yes

The proposal includes a semi-outdoor landscaped forecourt facing the Donnison Street frontage, identified as the 'neighbourhood room', which provides high quality landscaping and planting as well as paving and seating. Further, six new street trees are proposed to enhance the site's presentation and contribute to the canopy cover and vegetation planting in the Gosford City Centre.

An additional landscaped area is provided at the rear of the site. Noting the current site conditions are devoid of any vegetation, the introduction of high quality landscaping including mature trees on the site and along the public footpath, will positively contribute to desirable visual impacts and biodiversity outcomes for Gosford City Centre.

5.2.14 Site cover and deep soil zones

Yes

The proposal does not exceed the 77% maximum site coverage, which complies with the permitted 100% in the commercial core.

5.2.16 Safety and Security

Yes

The proposal has been designed to integrate within the character of the surrounding developments and has achieved design excellence through the CoGDAP.

Building facades incorporate a mix of suitable materials to add visual interest and will be constructed with high quality and durability.

5.2.19 Advertising and Signage

A condition requiring further details of the proposed sign on the Donnison Street frontage to be submitted to the Secretary for approval prior to the issue of a Construction Certificate is recommended.

Condition recommended

Chapter 7: Access and Parking

7.2 Pedestrian Access and Mobility

The front façade clearly articulates the front entrance which is visible from the street.

Facilities have been designed in accordance with the relevant Australian Standards and an Access Report has been provided with the application

Yes

7.3 Vehicular Driveways and Maneuvering Areas

The existing vehicular access from Henry Parry Drive will be utilised, no new driveway or crossings are proposed.

Swept path diagrams have been provided demonstrating that there is appropriate maneuvering space service vehicles accessing the loading dock.

Yes

7.4 On-Site Parking

A TIS has been provided as a library is not included at Table 2 of the DCP. The TIS confirms that the proposed 21 spaces are appropriate for the proposal.

2 spaces are required for commercial component (innovation hub) pursuant to the Gosford City Centre SEPP, and 4 are provided.

Two spaces for people with a disability are allocated on the site which is 9% of the total provision, and complies with the 4% requirement.

Parking is proposed to be located at the existing area to the rear of the site, and will not have adverse amenity impacts.

Refer to
Section 6.3

7.5 Site Facilities and Services

Mailboxes

There is appropriate space for a mailbox to be provided in an accessible location adjacent to the main entrance to the development.

Yes

Communication structures, air conditioners and service vents

Compliance will be achieved with building specifications at Construction Certificate stage.

Yes

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

Waste handling and storage will be located on site within an allocated storage area, A Waste management Report has been provided with the application. Waste storage facilities will be well lit, easily accessible and located on a suitable grade.

Yes

Location requirements for waste storage areas and access

The waste storage area is behind the building setback and façade. Vehicle Swept Paths are compliant.

Yes

Service docks and loading/unloading areas

The loading area is located at rear of the building (southern boundary) and is appropriately located to minimise impacts to surrounding development.

All service doors and loading docks are screened from the street.

Yes

Chapter 8: Environmental Management

8.2 Energy Efficiency and Conservation	The proposal will incorporate energy efficient heating and cooling, hot water and lighting as outlined at the ESD Statement, and will be compliant with Section J of the National Construction Code.	Yes
8.3 Water Conservation	The proposal will minimise potable water consumption by using non-potable water for non-potable demands and has an in-ground rainwater tank to store approx. 20,000 litres, diverted from the roof of the development.	Yes
8.4 Reflectivity	The proposed materials and finishes are unlikely to result in glare.	Yes
8.5 Wind Mitigation	The proposal does not include any towers, and the 20.9m height is unlikely to generate adverse wind impacts.	Yes
8.6 Waste and Recycling	A Waste Management Plan was provided with the application that addresses the requirements of the DCP. A suitable location of the waste storage area is provided on-site adjacent to the loading dock.	Yes
8.7 Noise and Vibration	Subject to the recommendations of the Acoustic Assessment prepared by Acoustic Logic dated 27 July 2021 being addressed in the final building design and during operations, the proposed development will achieve compliance with DCP in relation to noise emissions. There will be a negligible overall impact on the surrounding noise environment as a result of the development. All required mitigation and operation measures nominated in the Acoustic Assessment report will be addressed and complied with for the proposed development. A condition has been recommended requiring a plan of management for the multi-use hall, provisions to: a. Ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open to the public. b. Manage noise levels within the premises to prevent an unreasonable effect on the amenity of the locality.	Yes

Appendix D – Recommended Instrument of Consent