



Proposed Development 27-37 Mann Street, Gosford DA 46209

***Proposed amendments
in response to JRPP 2014HCC21 schedule of
considerations dated 17th December
2015***

Issued 28th June 2016

Table of Contents

	Page
Introduction	3
Executive Summary	4
Table of Compliance to JRPP	5
1. Response to Bulk & Scale	6
2. Response to Façade Design	9
3. Response to Character, Scale & Form	10
4. Response to view loss impact	12
5. Response to previous mortuary position	14
6. Response to retain southern garage wall	15
7. Response to increase landscape	16
8. Response to SEPP 65	17
9. Response to Clause 4.6	18





*17th December 2015
DA as presented to the JRPP
Deferred to allow
9 matters to address*



*21st April 2016
Amended Plans prepared for
Early Briefing by Council to the
JRPP
Feedback received:
“Heading in the right direction”
But raised concern over the
increase in height and floor space
from the December plans*



*Amended DA lodged 28th June
2016
Reduced height (4 floors)
Reduced area & mass of tower
Tower set back and recessed
Podium set back to open garage
frontage*

Introduction

The Hunter & Central Coast Joint Regional Planning Panel (JRPP), met on the 17th of December 2015 to consider the recommendation for approval by Central Coast City Council (CCCC) for the mixed used redevelopment of 27-37 Mann Street, Gosford, DA application DA46209/2014

The recommendation by the JRPP was deferred to enable the proposal to be amended by addressing the following matters:

1. The bulk and scale of the proposed development being substantially reduced to appropriately minimise the impacts on the heritage item and to appropriately address view sharing impacts in relation to the nearby Broadwater Apartments in Parlour Lane.
2. Reduce the busyness and flamboyance of the development and provide a quieter façade treatment in order to improve the Design Excellence outcomes.
3. Further consideration of design criteria such as character, scale, form, siting, materials, colours and detailing in the redesign of the development to better respond to the heritage and the urban context.
4. A revised approach to view sharing to reduce the impacts from this development on the nearby Broadwater Apartments in Parlour Lane and to consider the cumulative view loss impacts within the locality having regard to existing and approved development permitted under the planning controls.
5. An exploration of the previous mortuary position and opportunities to interpret that key element in the design and re-use.
6. Further investigation is carried out to identify an approach to retain the southern garage wall and ensure the structural suitability of the existing sandstone wall.
7. Increased landscaping including the quantum of deep soil planting, particularly at the podium level.
8. The amended design comprehensively addressing the provisions of SEPP 65 and the Residential Flat Design Code.
9. Provision of a revised clause 4.6 submission under Gosford LEP 2014 in respect of the amended proposal.

Council officers were encouraged to provide an early briefing to the panel upon submission of amended concept plans by the applicant .

The plans were amended and an early briefing took place with CCCC and the JRPP.

The feedback from that meeting suggested that the design is heading in the right direction but the JRPP raised concern over the increase in height and floor space

This report consolidates the amended concept plans in response to each of the above points for Council and JRPP consideration as part of their assessment of the amended plans submitted on the 28th June 2016

Executive Summary

The new concept plans have evolved through the comprehensive analysis and considered response to the issues raised by CCCC and the JRPP. In order to undertake this challenge, the original plans were scrutinised against the issues raised by CCCC and the JRPP. In keeping with a genuine desire to develop a thoughtful design and vibrant urban place making outcome, the design team was further enhanced by the following additional expert consultants:

- Phillip Graus from COX Architects who undertook a comprehensive peer review of the design
- Dr Richard Lamb who reviewed the concept in relation to the visual impact matters
- Heritage 21 who scrutinised the design in relation to the heritage issues and undertook a detailed review of the issues raised by the JRPP in relation to the original design and made recommendations that have ultimately influenced the new proposed design

The resulting new concept design demonstrates a complete overhaul of the original concept and has resulted in a well thought out design that aptly and gracefully responds to the matters aired by the JRPP.

The amended scheme proposes a number of significant changes to that of the previous scheme which are outlined in the following points:

- The full retention of the Creighton Building and garage;
- The retention of the southern garage wall
- The Street frontage has been opened up in front of the garage increasing curtilage and opening up the views creating much better transition and urban space at this critical transition point.
- Integration of the garage as a focal central statement to the precinct;
- The height of the main building has been reduced by 4 floors
- The height of the podium and street frontage has been reduced by 1 level
- The footprint and floor area has been significantly reduced.
- The proposed tower has been shifted further west;
- The proposed tower is now visually detached from the Creighton Building due to the additional setback of the proposed tower;
- The proposed tower has also been further recessed up to level 4, to improve the dialogue with the heritage buildings
- The revision of the podium design provides a better curtilage to the garage and the open space in front of the garage with improved views to and from the items of heritage significance identified on site;

All of the above have contributed to sensitively respond to the issues raised by CCCC and the JRPP

The table on the next page is offered as a summary to describe how the amended slender design in the new concept plans, responds to each of the issues raised by the JRPP.



Table of Compliance to JRPP Expectations

No.	JRPP Feedback	Response
1	The bulk and scale of the proposed development being substantially reduced to appropriately minimise the impacts on the heritage item and to appropriately address view sharing impacts in relation to the nearby Broadwater Apartments in Parlour Lane.	<p>A complete redesign has been developed by Thrum and peer reviewed by COX Architects in consultation with Heritage 21. The shape of the tower has been substantially changed to a curved diamond shape with an orientation that offers significant improvements on many fronts from the previous design.</p> <p>The benefits of this bold and significant changes include:</p> <ul style="list-style-type: none"> • A softer edge to the building from all directions • A shift of the building bulk further away from the heritage building • A reduction in height with a further 4 floors removed from the tower • A further setback on the lower floors of the tower to created a larger separation from the Creighton Building • A reduction in height and scale of the podium levels • Significantly reduced visual impact • Reduced scale / bulk with the footprint has been considerably reduced from 1034 m2 to 689 m2. <p>The more slender and articulated tower form now responds more positively to the heritage item and adjoining apartments. The tower form now appears slender in form and proportioned from all viewpoints including Mann Street, from the south and from more distant points including on approach to Gosford.</p>
2	Reduce the busyness and flamboyance of the development and provide a quieter façade treatment in order to improve the Design Excellence outcomes.	The Tower form is simpler and more elegant, not competing with the heritage item. The evolution of the building skin has been a careful collaboration between thrum architects, COX Architects and heritage 21. The relatively simple form with fine detailing will complement rather than clash with the overall form and offers a respectful transition in the dialogue between the heritage buildings and the new form
3	Further consideration of design criteria such as character, scale, form, siting, materials and colours and detailing in the redesign of the development to better respond to the heritage and the urban context.	Character, scale and siting has also been carefully considered from a heritage perspective, accounting for the dialogue of the new built form with the preserved Creighton Building and the Urban context. The new design responds very positively to all the criteria
4	A revised approach to view sharing to reduce the impacts from this development on the nearby Broadwater Apartments in Parlour Lane and to consider the cumulative view loss impacts within the locality having regard to existing and approved development permitted under the planning controls.	<p>The revised design offers significant improvements and reduces the visual impact substantially.</p> <p>Views to the west from Broadwater Apartments have increased with priority given to the water views in the setting of our development</p> <p>Dr Richard Lamb has undertaken a Visual impact Statement and endorses the approach</p>
5	An exploration of the previous mortuary position and opportunities to interpret that key element in the design and re-use.	<p>No original finishes or physical evidence of the mortuary or preparation room remain in situ and the area where these spaces may have potentially existed have been the subject of significant alterations and changes in a number of approved development applications.</p> <p>Be that as it may, the new design responds to this area by retaining the entry and the south walls.</p>
6	Further investigation is carried out to identify an approach to retain the southern garage wall and ensure the structural suitability of the existing sandstone wall.	The entry wall and south wall will be kept
7	Increased landscaping including the quantum of deep soil planting, particularly at the podium level.	New plans have been developed with substantial increase in landscaped areas
8	The amended design comprehensively addressing the provisions of SEPP 65 and the Residential Flat Design Code.	<p>The new design envelope provides the right framework for the compliance of these guidelines with smaller tower floor plate, shallower and broader relationship within the floor plate perimeter thereby granting better amenity with respect to natural light, ventilation and direct solar ingress into the lift lobby of each tower floor, and direct view sight lines out from same .</p> <p>The critical controls including number of apartments per core, natural light and ventilation to lobbies, solar access and cross ventilation to apartments will be carefully addressed in the next stage of concept development and these will also be peer reviewed as detailed floor plans are developed.</p>
9	Provision of a revised clause 4.6 submission under Gosford LEP 2014 in respect of the amended proposal.	Will be thoroughly developed with the final DA submission.

1. The bulk and scale of the proposed development being substantially reduced to appropriately minimise the impacts on the heritage item and to appropriately address view sharing impacts in relation to the nearby Broadwater Apartments in Parlour Lane.



The following significant changes have been made:

- The shape of the tower has been substantially changed to a curved diamond shape with an orientation that offers significant improvements on many fronts from the previous design.
- The benefits of these bold and significant changes include:
 - A softer edge to the building from all directions
 - A shift of the building bulk further away from the heritage building
 - Significantly reduced visual impact
 - Reduced visual scale / bulk with smaller floor plate and reduced height
 - Recess and further set back on the lower floors of the main building
 - Setback and reduction of commercial space opening up the views and entries to the heritage buildings and precinct

It is important to note that the process of amending the design has resulted in questioning all aspects of the original plans and challenging the design team to address the issues raised by the JRPP. In order to best achieve this, the re-design was carried out by Thrum Architects in consultation with Heritage 21.

The re-design was progressively peer reviewed by COX Architect's Philip Graus who's influence has contributed significantly to the final design.

We feel that this process has resulted in a high quality design deserving of our region, community, current and future stakeholders. In supporting the new slender Thrum Architect design are endorsements from COX Architects, Heritage 21 and Dr Richard Lamb.

The typical footprint has been considerably reduced by approximately 35% from 1034 m² to 689 m².

With regards to impacts on the heritage item, the northern edge of the main building was modified so it no longer sails over the heritage building. Furthermore, the northern edge of the main building has been set back further considerably on the lower floors offering a larger separation in this areas

The main building is now visually separated from the heritage building and responds well to the vertical proportion of the heritage item and creates a good scale to the street with the entire podium now also lowered by one level

The more slender and softer form now responds more positively to the heritage item and the adjoining apartments.

Montages for the new design are included in Volume 4.1 of the submission

1. The bulk and scale of the proposed development being substantially reduced to appropriately minimise the impacts on the heritage item and to appropriately address view sharing impacts in relation to the nearby Broadwater Apartments in Parlour Lane.

Governor Phillip Tower



Central Park Broadway



60 Martin Place



Treasury Heritage Perth



The following is an extract from Heritage 21 report submitted in March 2016 to CCCC

The proposed scale of the development would not, in our opinion, diminish the cultural significance of the heritage item on site but would contribute to a new backdrop initiated by the existing high-scale developments located to the rear of the R.H. Creighton building. Additionally, we are of the view that the proposed podium along Mann Street with its reduced height is a well-designed modern interpretation of the historic form of the building and believe that it would enable a rejuvenation of the character of the area while also acknowledging the historic context as its inspiration. Overall, the bulk and scale has been significantly softened and realigned with respect to the Creighton building and offers a significantly improved dialogue between new and existing. It has been noted that the latest scheme included softening aspects through new skin treatment, layout and shape which have positively altered the bulk of scale of the proposed development.

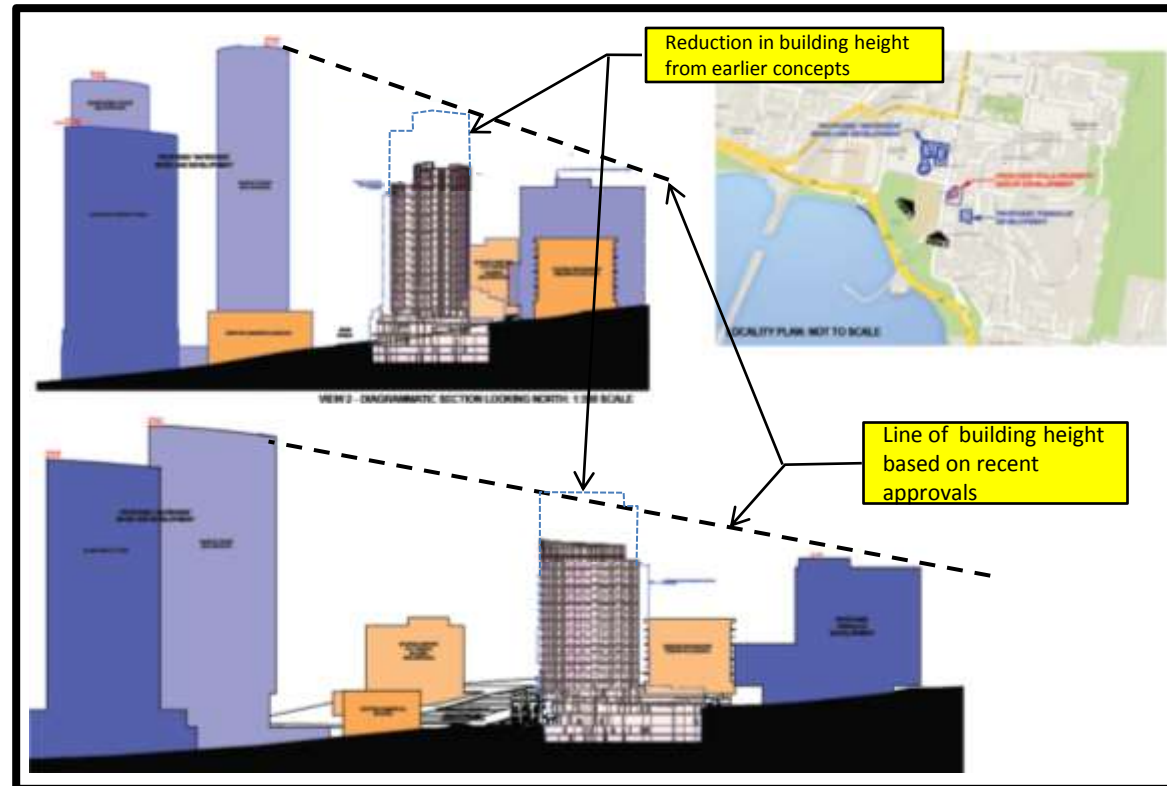
From a heritage perspective, we are of the view that the very strong separation of the podium level and tower element assists in breaking up the solid bulk of the proposed structure. There is a very clear delineation between the heritage item—R.H. Creighton Funeral Parlour—and the proposed contemporary tower. The front physical curtilage of the Creighton building would be retained, and the new components set back and away from the established visual curtilage. The siting of the proposed tower, well behind and above, would allow it to remain a vertically isolated element in which the residential component would be housed, and would be visually completely distinct.

The podium level distinguishes itself at street level. The tower takes up a relatively little proportion of the entire site curtilage and allows verticality over the important structures of the podium, especially the former funeral home. The podium has been reduced in height to two storeys, to more closely approximate and match the height of the funeral home.

The images opposite illustrate examples of other projects that have successfully dealt with the bulk and scale issue within the curtilage of existing heritage buildings.

These were investigated and design principles were observed and drawn from these benchmark developments.

1. The bulk and scale of the proposed development being substantially reduced to appropriately minimise the impacts on the heritage item and to appropriately address view sharing impacts in relation to the nearby Broadwater Apartments in Parlour Lane.



The opposite image illustrates how the proposed bulk/massing of the new building design sits in the context of the overall skyline of Gosford CBD. This demonstrates that the scale is well below the alignment within the CCCC's vision for this area based on already approved Developments.

This scale responds to the heritage aspects of the site

Of note we highlight:

- The tower footprint size has been reduced to 689m² GFA (35% reduction)
- This shape of the tower has been dramatically altered to appropriately respond to the heritage context of the site and convey a more graceful and slender shape
- Both the above making the tower much more slender than the former version
- The tower typical floor plate is also reduced in overall length and width to be within the City centre DCP guidelines
- The podium height and size has been reduced from three levels down to two levels
- The podium has been removed from the heritage precinct and a very open frontage is now dedicated to offer a much larger presence and dominance of the heritage precinct.

2. Reduce the busyness and flamboyance of the development and provide a quieter façade treatment in order to improve the Design Excellence outcomes.



The new building shape and skin that is now proposed has been dramatically altered from the earlier design that went before CCCC and the JRPP. The new façade fabric is visually softer and less dominant offering a complimenting blend that unifies with the surrounding urban fabric

This has been achieved by:

1. Modifying the shape of the building and how it responds to the sun
2. Altering the concept design of the skin by selecting softer materials and colours
3. Providing a transition to the skin on the lower levels of the NE corner to provide a sensitive marriage with the heritage building on the NE corner

The Tower form is simpler and more elegant, not competing with the heritage item. The relatively simple form with fine detailing will complement rather than clash with the overall form

It also embodies a language that subtly expresses its residential function by including appropriate components for solar control and residential amenity



Heritage 21 comment in their report issued under volume 3.4 of our submission:

In conjunction with the revision of the building shape to reduce the bulk and scale of the proposed development, the revised skin of the proposed development has been amended to emulate a visually softer and less dominant tower. The façade design has been streamlined and dramatically softened to include no disruptive accents with use of mismatched materials and instead comprises curtain wall façades.

Through the reduction in the number of material types and the refined design details, the proposed development now presents a relatively simple form with fine detailing. The impact on the Art-Deco heritage item has been minimised as the proposed tower seeks to complement rather than clash with the overall form of the heritage significant buildings identified on site.

3. Further consideration of design criteria such as character, scale, form, siting, materials and colours and detailing in the redesign of the development to better respond to the heritage and the urban context.



A number of these parameters have been addressed earlier. The character of the revised building addresses both the streetscape of fine grained commercial / retail buildings that are generally appropriately compacted and vertical in proportion, as well as the tower which will appear vertical and slender when viewed from all viewpoints including on approach to Gosford. The palate of materials will be high quality and durable including at the street level which is most visible to pedestrians. The articulated glazed façade is a significant benefit as a more masonry façade would overpower the heritage item and add significantly to the impression of bulk. The building design dynamics have been reinterpreted by Thrum Architects to better respond to the heritage and urban context.

The character of the precinct is now in heavy transition as is evidenced by the nature of the very recent series of DA applications and approvals for new towers and other buildings on neighbouring sites. Whereas the general feel of this particular precinct was until recently considered to have more of a residential and institutional character, the size and flavour of the new surrounding buildings will now be evolving it toward having a more high end ‘commercial’ set of townscape aesthetics. The new design on the subject site responds to two things, firstly the benefits of having reduced visual complexity and a more androgynous form of façade language increasing compatibility with the heritage building, whilst also at the same time, observing the more ‘commercial’ typology or character that is now coming to this precinct as it transitions.

The scale (being the height, breadth and general bulk) of the proposed new building, has been calibrated to suit the scale of the structured environment of both the streetscape and the surrounding buildings. Part of this calibration has also carefully taken into account that of the newly approved neighbouring developments, as is necessary in order to achieve a well balanced urban composition that will be relevant into the future.

3. Further consideration of design criteria such as character, scale, form, siting, materials and colours and detailing in the redesign of the development to better respond to the heritage and the urban context.



With regards to the siting of the building, the envelope of the proposed new building, has been sited within the parcel of land, in a position providing sensitivity for the integrity of the heritage building on the corner, in a way that also achieves a benign optimal outcome for the amenity of residents in the adjacent Broadwater apartment building at the rear. The design of the proposed new tower moves it further back away from both the heritage building and also from the Broadwater Building. In this manner the site suits a single tower envelope composition. A two tower scenario would simply not be an option at all on this site for reason of a myriad of fundamental RFDC criteria.

Character, scale and siting has also been considered from a heritage perspective, accounting for the dialogue of the new built form with the preserved Creighton Buildings.

Heritage 21 observes the following:

The scale of the proposed tower has been adjusted and calibrated in order to be compatible with the structured environment of both the streetscape and surrounding buildings. The revised design utilises the tower and the podium to transition the height difference between the proposed and the existing heritage item. The gradual progression between the different elements would prevent the proposed scheme from dominating the heritage item which instead would blend the new and the old whilst maintaining and highlighting the unique attributes of both.

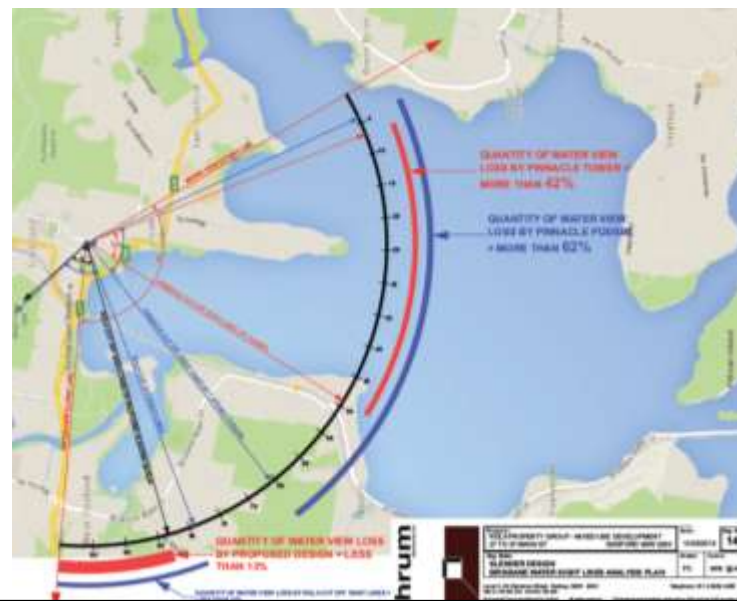
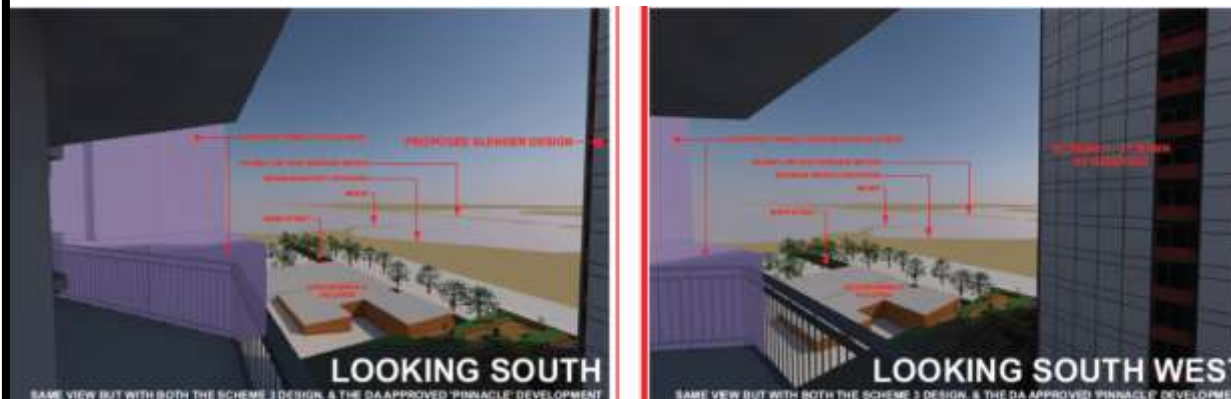
In addition, Heritage 21 is of the opinion that the proposed podium along Mann Street with its reduced height is a well-designed modern interpretation of the historic form of the building. In effect, the proposed development would successfully enable a rejuvenation of the character of the area while also acknowledging the historic context as its inspiration.

4. A revised approach to view sharing to reduce the impacts from this development on the nearby Broadwater Apartments in Parlour Lane and to consider the cumulative view loss impacts within the locality having regard to existing and approved development permitted under the planning controls.

Previous design impact on views



New design impact on views



The new design offers very significant improvements in view sight lines and reduces the visual impact substantially. View angles to the west from Broadwater Apartments have increased with priority given to the water views in the setting of our development

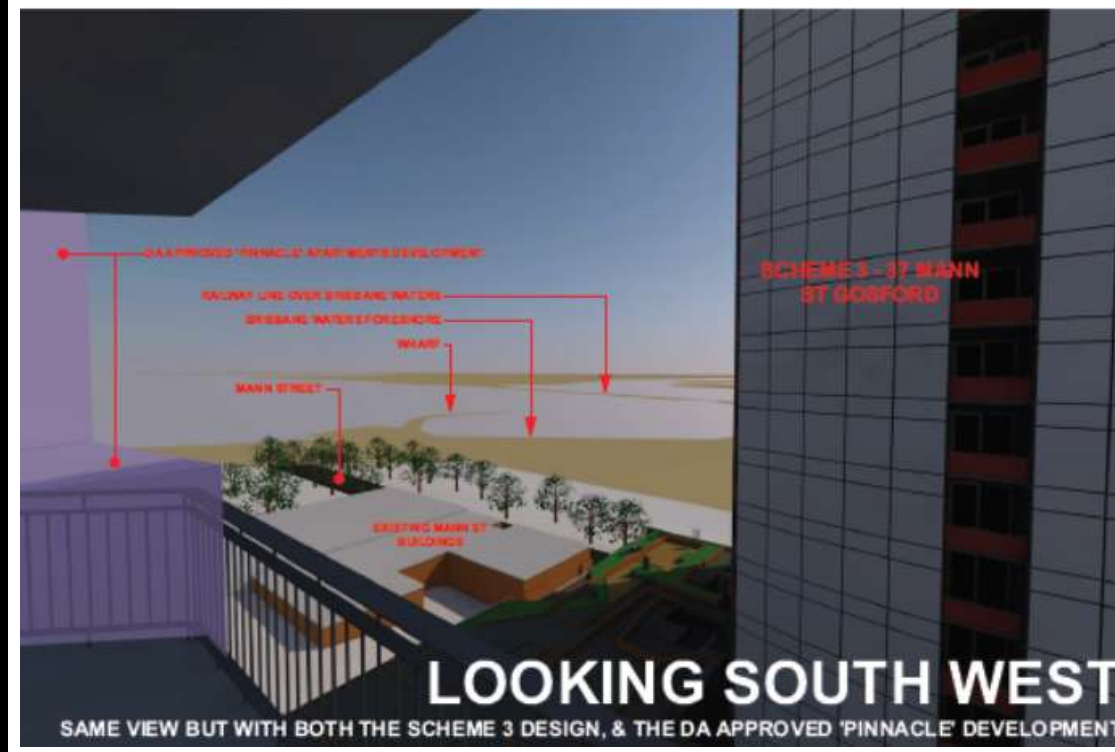
The CCC's recommendation for the earlier design concluded that *..” none of the variations contribute to any view loss that would not result from a fully compliant proposal. The extent of the building floor plate variation is marginal and would not provide a notable improvement to the ultimate view loss impacts. A more skilful design would not result in a notable reduction to view loss, either to non-compliances, the development as a whole or to the design of the tower. The view loss assessment concludes that the proposal will not unreasonably reduce the amenity of residents within The Broadwater Apartments.”*

Despite this, the new design offers a substantial reduction to visual impact. A reduction in height on the tower would also not improve nor change the impact on the heritage item. A reduction in the tower footprint at the south end would improve view sharing and offers a better result than a fully compliant lower tower with just the minimum setbacks in the DCP. The more slender and articulated tower form now responds more positively to the heritage item and adjoining apartment. The tower form will appear slender in form and proportion from all viewpoints including Mann Street, from the south and from more distant points including on approach to Gosford.

Detailed perspectives and views analysis drawings have been prepared by Thrum Architects and are included in the submission

4. A revised approach to view sharing to reduce the impacts from this development on the nearby Broadwater Apartments in Parlour Lane and to consider the cumulative view loss impacts within the locality having regard to existing and approved development permitted under the planning controls.

Expected uninterrupted views from Broadwater Apartments



Dr Richard Lamb has overseen this development and his Visual Impact Statement is included in Volume 3.6 of the submission. The following is an extract from Dr Richard Lamb's conclusion:

The tower form of the proposed development has a wide setback from the Broadwater Apartments above podium level. The bulk of its form has been located and 'cut back' at an oblique angle, defined by a potential view line from west-facing apartment No.2 which was identified in DA Report 46209/2014 at Page 25. This 'cut back' provides for a wide view corridor to the south-west from all apartments across the proposed development's podium component.

The majority of the view including areas of natural landscape eg, the Kariong Plateau and Brisbane Water National Park which will remain available after the construction of the Pinnacle Development, will remain unaffected by the proposal.

Existing views to the west would be lost but would be lost as a result of the construction of any development which complies with the existing zoning and height controls.

The cut back tower has been decreased in floor plate area.

In my opinion the approach taken to minimise view loss as shown in the further Amended Scheme 3, successfully minimises potential visual effects and impacts of the proposed development in relation to views from the Broadwater Apartments. In this context I consider that the proposed development can be supported on view loss grounds.

5. An exploration of the previous mortuary position and opportunities to interpret that key element in the design and re-use.



A thorough investigation of this area has been undertaken by Thrum Architects, Heritage 21 and Cardno MBK.

This is reflected in the report submitted by Heritage 21 in Appendix D. The main conclusions from this detailed recognisance and audit are as follows:

- No archival evidence remains of the original layout of the garage before it was altered
- In 1987, R.H. Creighton submitted plans for additions
- Materials in this area including a concrete girder suggest that the built form in the back of the bar area is not original.
- In 2010 plans were approved to modify this specific area
- In 2011 further plans were approved to modify this area again.
- The only remaining original structure appears to be the front and south walls

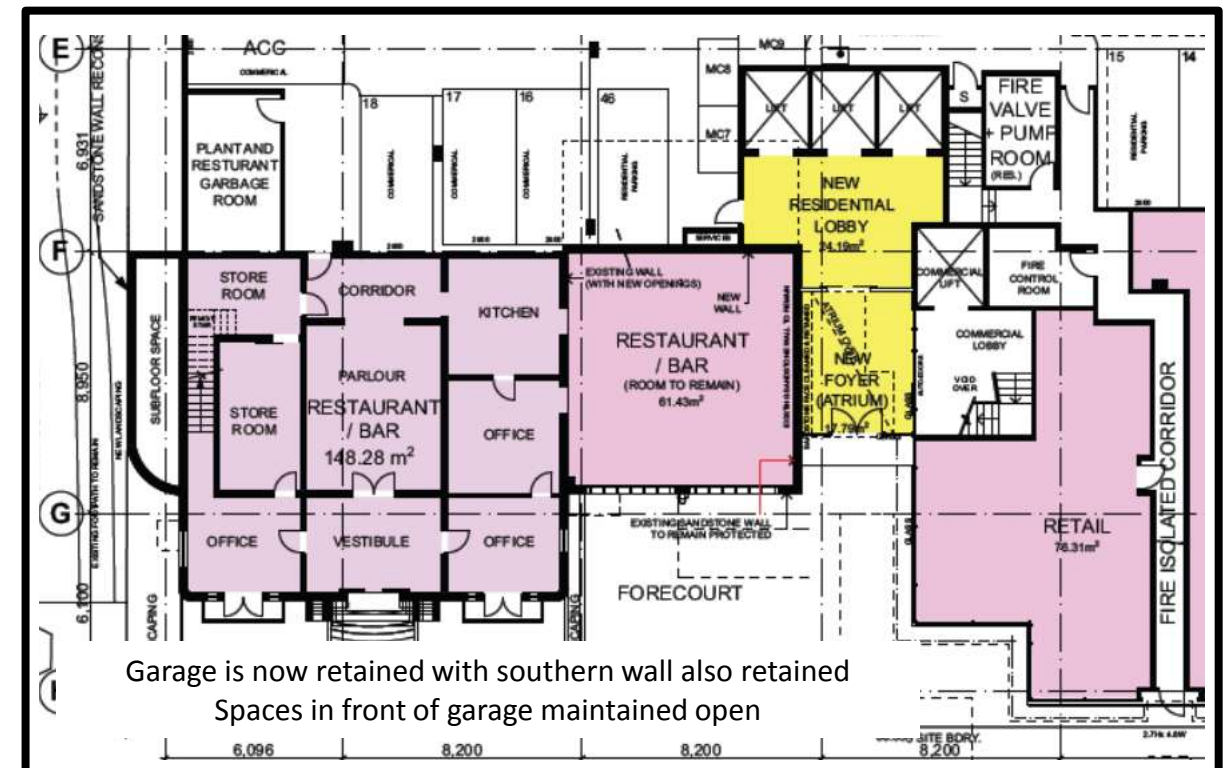
In conclusion, no original finishes or physical evidence of the mortuary or preparation room remain in situ and the area where these spaces may have potentially existed have been the subject of significant alterations and changes in a number of approved development applications.

Be that as it may, the new design responds to this area by retaining the entry and the south walls.

6. Further investigation is carried out to identify an approach to retain the southern garage wall and ensure the structural suitability of the existing sandstone wall.



The design has been amended to include the retention of the entry sandstone wall and the south sandstone wall as requested. This has been inspected and investigated with engineers Cardno MBK to ensure the structural adequacy of this proposal



7. Increased landscaping including the quantum of deep soil planting, particularly at the podium level.



A new landscape report has been prepared by Site Image and is included in Volume 3.5 of the Submission



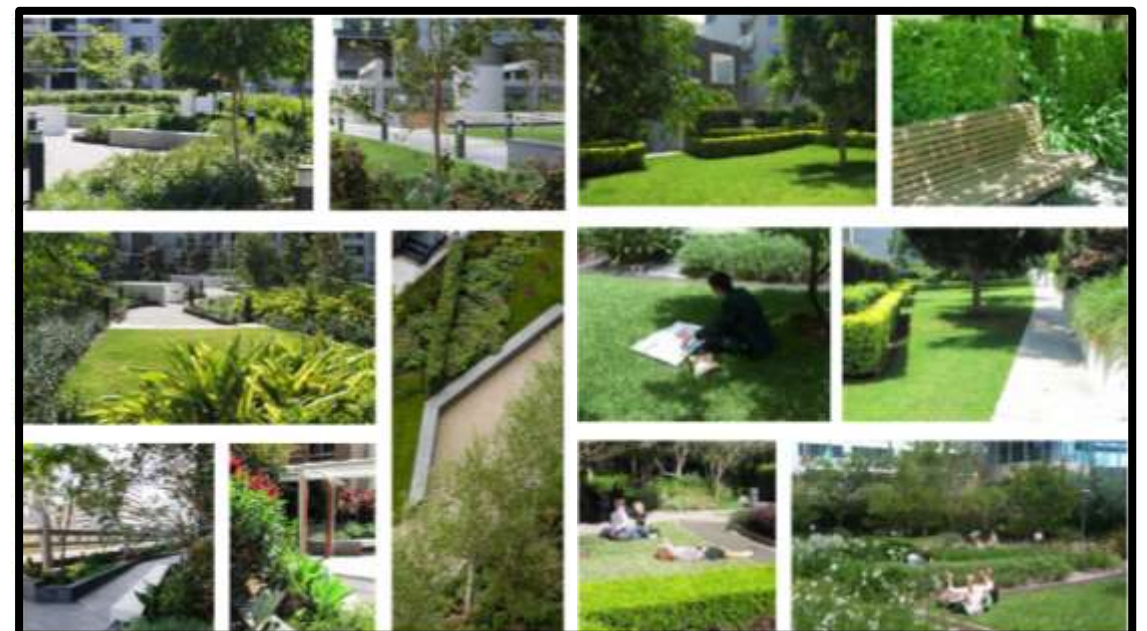
This will be looked at in the development of the new concept design but some of the features currently addressed in the landscape design include marked increase in landscape areas.

The new design is 30% larger in common open space than the previous design. The revised landscape podium design has three times more lawn area provided than the previous scheme, reflecting the more open visual character and increased amenity we believe is provided by the area. The lawn is allied with adjacent seating and pergola areas, and with this opportunity for parents to sit on the lawn is suitable for children and general passive use.

The following represents the proposed improvements in the landscape design:

New design	Improvement from previous design
Lawn & gardens: 350m ²	300% increase
Paving: 300m ²	70% increase
Timber Decking: 85m ²	Similar
Planting: 450m ²	Similar

Overall, an open character has been considered as the important design and urban planning criteria for this setting.



8. *The amended design comprehensively addressing the provisions of SEPP 65 and the Residential Flat Design Code.*



The new design will meet and or exceed all the criteria that benchmarks quality outcomes for residential apartments developments.

As set out in the NSW Apartment Design Guidelines and the preceding Residential Flat Design Code.

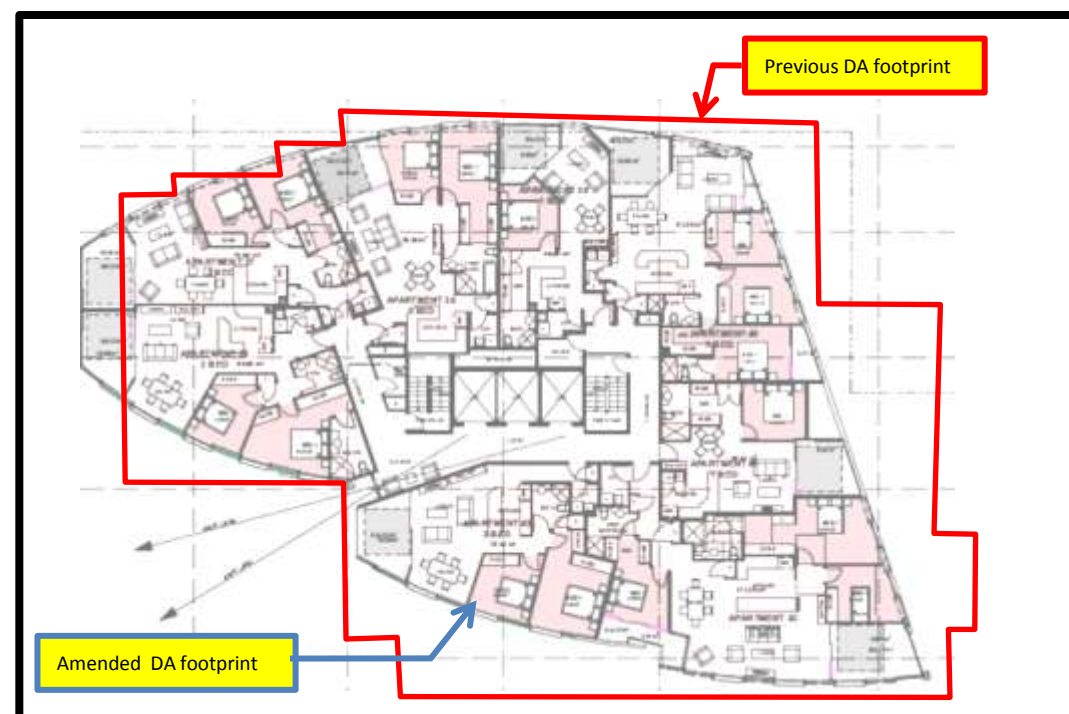
The new design envelope is already providing the right framework for the compliance of these guidelines in the following manner:

- Smaller tower floor plate resulting in less apartments per floor
- Apartments will have a shallower and broader relationship within the floor plate perimeter thereby granting better amenity with respect to natural light, ventilation etc.
- All habitable rooms will enjoy best practise levels of privacy, natural light and ventilation
- Direct solar ingress into the lift lobby of each tower floor, and direct view sight lines out from same .

In conclusion, critical controls including number of apartments per core, natural light and ventilation to lobbies, solar access and cross ventilation to apartments will be addressed in the next stage of concept development and these will also be peer reviewed as detailed floor plans are developed.

•The design was scrutinised and evolved through a peer reviewed process led by Phil Graus from COX Architects.

•COX have endorsed the design developed by Thrum for compliance



9. Provision of a revised clause 4.6 submission under Gosford LEP 2014 in respect of the amended proposal.

CCCC's response to the previous DA recommendation for approval noted:

"The variations will not result in the building providing an inappropriate transition in built form between existing/approved development on adjoining land, is not inappropriate in relation to the protection of view corridors and view impacts, is not inconsistent with the natural topography of the area and will not result in excessive overshadowing of open space. Therefore the proposed variations to the height controls are consistent with the objectives of the height of buildings development standard".

CCCC also added:

"The proposed development minimises adverse environmental effects on adjoining properties, maintains an appropriate visual relationship between new development and the existing character (insofar as possible), does not result in an inappropriate correlation between the size of the site and extent of the development proposed, and facilitates design excellence. Therefore the proposed variation to the FSR control is consistent with the objectives of the FSR development standard".

CCCC had concluded as follows for the previous DA:

"The Clause 4.6 variation submitted by the applicant is considered well founded. The above assessment concludes that the proposed variations to building height and FSR can be supported when considered on merit".

The new DA is a significantly improved response to the issues raised by the JRPP and the earlier recommendations and deductions by GCC should be strengthened with the proposed amended DA plans for a more slender design.

It is considered that any requirement for the proposed development to strictly comply with the applicable 31.2m and 46.8m maximum permissible building height development standards of Clause 4.3 (2) and 8.9 of Gosford LEP 2014 and the maximum 5.2:1 permissible floor space ratio development standard of Clause 4.4 (2) and 8.9 of Gosford LEP 2014, is unnecessary in the particular circumstances of this project as listed below:

- The proposed development is in the public interest as it will facilitate the economically viable redevelopment of the subject land in a manner consistent with the strategic planning objectives for the revitalisation of Gosford City Centre and will result in the retention and protection of the heritage building on the land, for which it is reasonable for the consent authority to agree to exceedance of the applicable maximum permissible building height and floor space ratio development standards in the particular circumstances applicable to DA 46209/2014;

(Continued next page)



9. Provision of a revised clause 4.6 submission under Gosford LEP 2014 in respect of the amended proposal.

- The proposed development is consistent with objectives for development within the B4 Mixed use zone applying to the subject land under Gosford Local Environmental Plan 2014;
- The proposed development is consistent with the objectives of the maximum building height development standard as expressed in Clause 4.3 (1) of Gosford Local Environmental Plan 2014 and the objectives of the maximum permissible floor space ratio development standard as expressed in Clause 4.4 (1) of Gosford Local Environmental Plan 2014;
- The particular circumstances relating to the subject land and the proposed development are unique to this application and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality;
- The proposed exceedence in maximum permissible building height is accompanied by a smaller building footprint and does not significantly increase the bulk and scale of the proposed development; provides for improved view sharing with neighbouring residential properties; and does not have any significant adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on either the public domain, or neighbouring residential properties, in comparison to a complying development;
- The proposal to configure the proposed development almost entirely within the area to which the maximum permissible 5.2:1 FSR applies, resulting in a FSR of 6.9:1 over that part of the site, does not increase the density of development otherwise permitted under existing controls over the entire site; and
- There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height and floor space ratio development standards of LEP 2014.

