

**GOSFORD CITY COUNCIL
HUNTER AND CENTRAL COAST
JOINT REGIONAL PLANNING PANEL
SUPPLEMENTARY REPORT**

JRPP Reference No.	2014HCC023
DA Number	46256/2014
Proposed Development	Mixed Use Development, Commercial/Retail, Supermarket, Hotel and Shop Top Housing Development
Property Description	No 108 Donnison Street and No 110, 114, 116, 118, 118A Mann Street GOSFORD
Applicant Name	Gosford City Development
Owner Name	Mistlake Investments Pty Ltd & Malachite Holdings Pty Ltd
Capital Investment Value	Value greater than \$20 million - (\$157 million)
Zone	B3 Commercial Core
Recommendation	Approval (subject to conditions)



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1. EXECUTIVE SUMMARY

1.1 Reason for the Report

This supplementary report is prepared pursuant to the decision of the Hunter and Central Coast Regional Planning Panel (JRPP) meeting on 30 April 2015 to defer determination of DA 46256/2014 and to receive further information on:

- (a) Car parking;
- (b) Economic viability of above ground car parking versus below ground car parking;
- (c) Linking hotel lobby to Mann Street frontage;
- (d) Relocation of sub-station;
- (e) Variation of S94 Contributions;
- (f) Linking of Council car park to the development;
- (g) Floor Space Ratio (FSR); and
- (h) Statement of Strategic Intent (SOSI)

1.2 The proposal

It is proposed to demolish the existing buildings on the site and erect a proposed building containing:

- Hotel lobby, Retail/Commercial/Supermarket on ground floor level with:
 - o 134 room Hotel
- 276 Residential apartments as shop top housing consisting of:
 - o 68 x 1 bedroom
 - o 170 x 2 bedrooms
 - o 38 x 3 bedrooms
- A total of 53,925m² gross floor area including above ground parking levels.
- 476 on-site car parking spaces within basement level and on levels 2, 3 and 4.

The proposed building has:

- 26 storeys on the western side tower with a right height of RL 97.20m AHD;
- 28 storeys in the eastern side tower with a ridge height of RL 103.20m AHD.

The following are contained within each level:

- Basement 1 – car parking, access from Baker Street and waste storage;
- Ground Floor Level – hotel lobby, supermarket and other retail shops (3,123m² GFA);
- Level 1 – hotel kitchen, bar, offices, function rooms, restaurant (3,995m² GFA);
- Levels 2, 3 and 4 – car parking (13,070m² GFA);
- Level 5 – hotel rooms and gym (2,045m² GFA);

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- Level 6 – hotel rooms and pool lounge (1,889m² GFA);
- Levels 7 and 8 – hotel rooms (3,778m² GFA);
- Levels 9-25/27 – residential units (26,025m² GFA);
- Level 26 – West tower – communal open space (158m²); and
- Level 28 – East tower – communal open space (192m²).

Details of the proposal are outlined in the report previously provided to the JRPP and considered at its meeting of 30 April 2015.

1.3 The site

The site is located on the corner of Mann Street, Donnison Street and Baker Street. The site is bounded to the north by existing commercial/retail premises and the north-west boundary adjoins the Baker Street car parking station.

The site currently contains the Union Hotel on the corner of Mann Street and Donnison Street with other commercial premises to the north (hairdresser, subway, discount store) orientated to Mann Street. Existing buildings are two-storey.

The western, or Baker Street, side of the site generally contains parking areas at the rear of the site serving the existing premises, with access off Baker Street. Parking currently exists on the site for 67 vehicles.

All road frontages are fully constructed.

1.4 The issues subject to this supplementary report

(a) Car Parking

Clause 8.6 of Gosford LEP 2014 requires the provision of 1 space/75m² for commercial activities (hotel, restaurant, bar), and 1 space/40m² for retail use. There are no LEP parking standards for shop-top housing.

Council's DCP requires one space per shop-top housing unit.

The amended plans have increased the amount of commercial floor space, and an addendum to the Traffic and Parking Impact Assessment has been submitted.

The revised car parking calculations now require:

- 272 spaces for commercial/retail
- 276 spaces for shop-top housing
- 548 Total spaces.

The amended plans provide for 272 commercial/retail spaces, and 205 spaces for shop-top housing.

As the proposal complies with the requirements of Clause 8.6 of the LEP in respect to commercial/retail parking, no submission under Clause 4.6 is required for this component.

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The variation to the shop-top housing component is 71 spaces or 25.7% under the DCP.

The applicants contend that the variation to car parking for shop-top housing is acceptable for the following reasons:

- The proposed parking provision for commercial and retail uses complies with Council's LEP 2014 Clause 8.6(1).
- The proposed residential car parking provision is consistent with most inner city council's, to restrict the maximum number of car parking spaces to be provided for any development to minimise the use of motor vehicles in their CBD's and to encourage the use of public transport, pedestrian and cycling access and facilities.
- The site is within the heart of the Gosford CBD within walking distance to Gosford Public School, retail shops, library and medical facilities. Therefore residents would not need to rely upon the use of a vehicle for their day to day needs.
- The site is within easy walking distance to public transport, including Gosford railway station and bus stops in the immediate vicinity in Mann Street and Donnison Street.
- Although the DCP does not require the provision for visitor parking there is adequate parking available for visitors to the residents in the commercial/retail parking areas and in the adjacent Council car park.
- The Gosford City Car Park will be linked to the development by a public walkway. This car park currently operates under capacity and is an underutilised asset. The 'Gosford Car Parks Review' prepared by Cardno found that on 27th July 2011 during peak periods the car park is underutilised with 191 vacant spaces. The ROAR DATA car park survey indicated that the car park on Thursday 22nd May 2014 there were 251 vacant spaces at 10:30am and 229 vacant spaces at 2:30pm.
- The provision of bicycle storage for 135 bicycles and 46 motorcycles parking spaces exceeds the Gosford DCP 2013 requirements and further reduces the need for car parking by promoting the use of these forms of transport over motor vehicles.
- The hotel bar and restaurant, supermarket and retail would be readily used by the residents living within the development further reducing the need for residents to use motor vehicles.

The peak usage time of the commercial/retail parking is likely to be different to the peak usage of the residential component. That is, the public car parking

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allocated to the commercial/retail use will also be available for residents of a night-time.

Therefore, pursuant to Clause 8.6(2) of the LEP, Council considers that adequate car parking has been provided on site, or is available within the vicinity.

A further condition of consent is recommended to prohibit future strata titling of the commercial/retail car parking spaces and this parking area to be retained for public use.

(Refer new Condition 6.3)

(b) Economic Viability of Above ground versus below ground car parking

Private and confidential information will be provided separately to the Panel on this issue.

(c) Linking the hotel lobby to Mann Street

The applicant has submitted amended plans to address this issue.

(Refer amended Condition 1.1 and Plans)

(d) Relocation of Sub-station

The applicant has submitted amended plans to address this issue.

(Refer amended Condition 1.1 and Plans)

(e) Variation of Section 94 Contributions

Clause 25k of the Environmental Planning and Assessment Regulation 2000 specifies a maximum percentage Council may levy in a S94 Plan. Council may, therefore, levy a lesser contribution. However, under Part 4 of the Civic Improvement Plan (CIP), Council must require the contribution to be paid prior to the issue of a Construction Certificate. It cannot defer the payment to be prior to issue of an Occupation Certificate without amending the CIP itself. Therefore, Condition 5.6 must be deleted and a new Condition 2.16 added to reflect this.

(f) Linking of the Council car park to the development

This is provided for in the amended development plans. A condition is recommended to ensure the connection occurs.

(Refer new Condition 5.22)

(g) Floor Space Ratio (FSR)

The amended plans provide a minor increase in commercial/retail floor space due to the reduction in the plant room and extension of the retail area on the corner of Baker Street and Donnison Street.

The applicant advises that previous GFA calculations included plant rooms and loading dock which are now excluded from the GFA definition.

The applicant has submitted a revised Clause 4.6 submission based on the amended plans.

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The GFA excluding the aboveground car parking areas is 40,495.6m² giving an FSR of 7.29:1 (40.19% variation).

If the aboveground car parking areas are included, the GFA is 53,753m² giving an FSR of 9.67:1 (85.9%) variation)

A copy of the revised Clause 4.6 variation request is attached.

As stated in the JRPP Report of 30/4/2015, the definition of gross floor area in the LEP excludes car parking required for the development. However, Clause 8.6(3) of the LEP states that any area of the building above ground level used for car parking is to be included in the GFA.

The maximum FSR permitted under Clause 8.9 of the Gosford LEP 2014 is 5.2:1 (including the 30% bonus). This is a development standard.

The proposal has a FSR of 9.7:1 including the above ground car parking levels. This is a variation of 4.67:1 or 85.9% to the development standard.

The revised submission addresses the objectives of the B3 Zone, the objectives of the development standard, and the objectives of Clauses 8.1 and 8.9 of the Gosford LEP to revitalize the Gosford City Centre.

It is considered the applicant's written submissions have adequately justified that compliance with the development standards of both height and FSR are unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify the development standard.

The development will not have unreasonable impacts on the neighbouring properties or character of the area and is consistent with the objectives of the B3 Commercial Core Zone and the objectives of the development standards.

The Statement of Strategic Intent (SOSI) identifies this site is one of a number of sites in the Gosford City Centre which has the ability to achieve much higher heights and floor space to revitalize the City Centre.

Approval of the proposal is in accordance with the State and Regional Strategy for Gosford to be the regional capital of the Central Coast.

Therefore the request to utilise Clause 4.6 to vary the maximum height and FSR controls is considered to be well founded and is recommended for support based on merit. The proposed development is in the public interest and is consistent with the Gosford City Centre MasterPlan, and the objectives to revitalize the Gosford City Centre. Whilst the variations are significant, such variations are not a broad approach to vary heights to such an extent across the whole City Centre or Local Government Area.

Council and the JRPP may assume the concurrence of the Director-General when considering exceptions to development standards under Clause 4.6 with no limit on the extent of variation proposed.

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(h) Statement of Strategic Intent (SOSI)

Background

At the Joint Regional Planning Panel meeting of 30 April 2015, members of the Panel responded to a question from a speaker and requested background information from Council on the *Statement of Strategic Intent* and the public consultation involved.

Purpose of the Statement of Strategic Intent

The *Statement of Strategic Intent* is not a traditional planning instrument such as a planning strategy, local environmental plan or development control plan. Rather it was developed through a consideration of previous planning studies which enabled Council to reflect on past planning practices.

The purpose for the *Statement of Strategic Intent* was to determine whether current planning reflected the vision of the community, current market trends and the opportunities that currently exist in our planning environment.

Currently Council's planning instruments reflect old controls which have not been supported by the market, and as such no development has occurred in Gosford Centre. This clearly does not reflect the vision of the community which is set out in the *Gosford 2025 Community Strategic Plan* where:

- Gosford is a place that attracts people to work, live and visit;
- Gosford attracts and supports new and existing business and investment
- Gosford City Centre thrives as the regional hub

In order to achieve this vision the *Statement of Strategic Intent* set out a direction informed by the *Gosford 2025 Community Strategic Plan*, Council's upcoming Growth Framework and the *Central Coast Regional Strategy*.

Council endorsed the *Statement of Strategic Intent* at a Strategic Policy Meeting in late 2014 and resolved to undertake further actions to achieve:

- Core planning principles for development that support a liveable and loveable centre
- A well-defined city core with clear role and function
- Stronger relationships between the waterfront, CBD and railway station
- Greater precinct clarity including the opportunity for character areas
- Application of density across super blocks and plots
- Distribution of height along the Mann Street corridor
- Fine grain podium design that supports activation of the public realm
- Towers that elegantly address the skyline and view sharing principles
- Transferable development rights and other implementation tools

Planning for the Future – Gosford City Centre Growth Framework

The next stage of the implementation of the *Statement of Strategic Intent* is to develop a city-wide Growth Framework. This action responds to Council's

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Vision adopted in late 2014 '*Building Community, Enabling Futures*', underpinned by five key priority areas:

1. *Plan for the Future*
2. *Closing the Gap*
3. *People and Culture*
4. *Job Creation / Economic Development*
5. *Securing the Future*

The inception report for this process titled *Planning for the Future – Gosford City Centre Growth Framework* represents Council's strategic response to '*Plan for the Future*', which will ensure that planning aligns with the community's vision and that Council focuses its resources in response to the *Central Coast Regional Growth and Infrastructure Plan*.

The *Planning for the Future –Gosford City Centre Growth Framework* inception report provided Council an opportunity to review its planning practices, and set out how a city-wide Growth Framework will deliver:

- City-wide Growth Strategy
- Corridor and Precinct Development Plans
- Area Based Master Plans
- Planning Instruments

This is not only an opportunity to inform plan making at State as well as the local level. The Growth Framework will also enable Council to undertake meaningful discussions with industry, community and other government agencies as to how development, business, investment and infrastructure can be planned, managed and delivered.

It is intended that the Growth Framework provide the foundation for the development of improved planning instruments that will achieve the community's vision. The major benefits include improved implementation tools and less complexity in determining where and how the community grows and thrives.

Community Representation

The *Statement of Strategic Intent* and the *Planning for the Future –Gosford City Centre Growth Framework* inception report were considered by Council where community representations were made. Since then Council has received positive feedback from residents, industry and market leaders on Council's response to planning for the future.

The development of the Growth Framework will be supported by a well-developed community engagement process which will enable industry, the community and other government agencies to shape how the area grows.

The platform for the realisation of these community objectives is in part a responsibility of the urban planning process, where the built environment is supported by movement, social and community networks to achieve a vibrant, thriving and economic regional centre.

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However, at the local level public exhibition of development applications situated within the Gosford City Centre have provided the panel with a current and real public opinion on how development should occur in the City. The existing support for development above the current statutory planning controls has already indicated the willingness for change.

The public support for the City Centre is widespread and resonated throughout residents, industry, and community leaders. This willingness for change is supported by Council's Statement of Strategic Intent to rethink current controls to reflect development consistent with the community's vision, the applications currently before Council, design excellence, and achieving outcomes that improve how buildings address the ground and sky.

Conclusion

The objectives set out in the Statement of Strategic Intent reflect the design outcomes of the current development applications that are strongly supported by the community.

At this time the support and involvement from the community in the development assessment process is the best and clearest public opinion for willingness for change to planning controls in the Gosford City Centre, as well as support for development that achieves their vision for a vibrant regional centre with housing, jobs and opportunities.

2. RECOMMENDATION

Gosford City Council supports this proposed development and recommends that the JRPP grants approval to this development application subject to the recommended conditions of consent provided with the original report, with the following amendments:

(i) Replace Condition 1.1 with the following:

1.1. Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

Architectural Plans by Dickson Rothschild & AECOM

Drawing	Description	Sheets	Issue	Date
DA000	Cover Page	1	B	05/05/2015
DA002	Development Summary	1	D	05/05/2015
DA003	Location Plan	1	A	27/08/2014
DA004	Site Analysis 1 – Wind & Solar	1	A	27/08/2014
DA005	Site Analysis 2 – Topography	1	A	27/08/2014

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	and Views			
DA006	Site Plan	1	A	27/08/2014
DA007	Public Domain	1	A	27/08/2014
DA200	Basement 1 Plan	1	C	05/05/2015
DA201	Ground Floor Plan – Hotel Lobby and Retail	1	C	05/05/2015
DA202	Level 1 Plan – Restaurant and Conference	1	B	05/05/2015
DA203	Level 2 Plan – Car Parking	1	B	05/05/2015
DA204	Level 3 Plan – Car Parking	1	B	05/05/2015
DA205	Level 4 Plan – Car Parking	1	A	27/08/2014
DA206	Level 5 Plan – Hotel and Gym	1	A	27/08/2014
DA207	Level 6 Plan 6 – Hotel and Pool/Lounge	1	A	27/08/2014
DA208	Level 7-8 Plan – Typical Hotel	1	A	27/08/2014
DA209	Level 9 Plan – Residential	1	A	27/08/2014
DA210	Level 10-22 Plan – Residential	1	A	27/08/2014
DA211	Level 23-24 Plan – Residential	1	A	27/08/2014
DA212	Level 25 Plan	1	A	27/08/2014
DA213	Level 26 Plan	1	A	27/08/2014
DA214	Level 27 East Plan	1	A	27/08/2014
DA215	Level 28 East Plan	1	A	27/08/2014
DA216	Roof Plan	1	A	27/08/2014
DA218	West Tower – Typical Residential Plan – Level 10-22	1	A	27/08/2014
DA219	West Tower – Typical Residential Level 23-24	1	A	27/08/2014
DA300	Section AA	1	A	27/08/2014
DA301	Section BB – West Tower	1	A	27/08/2014
DA400	North Elevation	1	A	27/08/2014
DA400A	North Elevation	1	A	27/08/2014
DA401	South Elevation	1	B	20/11/2014
DA401A	South Elevation Coloured	1	B	20/11/2014
DA402	East Elevation	1	C	05/05/2015
DA402A	East Elevation Coloured	1	C	05/05/2015
DA403	West Elevation	1	C	05/05/2015
DA403A	West Elevation Coloured	1	C	05/05/2015
DA404	Inner East Elevation	1	A	27/08/2014
DA405	Inner West Elevation	1	A	27/08/2014
DA406	Podium Elevation – South Entrance	1	A	27/08/2014
DA407	Podium Elevation – South Corner	1	A	27/08/2014
DA408	Podium Elevation – East	1	B	05/05/2015
DA409	Podium Elevation – West	1	B	05/05/2015
DA700	Materials and Finishes Schedule A	1	A	27/08/2014
DA701	Materials and Finishes	1	A	27/08/2014

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	Schedule B			
DA710	Adaptable Units	1	A	27/08/2014
DA711	Accessible Hotel Rooms	1	A	27/08/2014
DA720	GFA Diagrams Sheet 1	1	C	05/05/2015
DA721	GFA Diagrams Sheet 2	1	D	05/05/2015
DA740	Shadow Diagrams 21 June Sheet 1	1	B	20/11/2014
DA741	Shadow Diagrams 21 June Sheet 2	1	B	20/11/2014
DA742	Shadow Diagrams March/September Sheet 1	1	B	20/11/2014
DA743	Shadow Diagrams March/September Sheet 2	1	B	20/11/2014
DA744	Shadow Diagrams December Sheet 1	1	B	20/11/2014
DA745	Shadow Diagrams December Sheet 2	1	B	20/11/2014
DA750	Cut and Fill Plan	1	A	27/08/2014
DA760	Elevation Detail A	1	A	27/08/2014
DA761	Elevation Detail B	1	A	27/08/2014
DA762	Elevation Detail C	1	A	27/08/2014
DA763	Elevation Detail D	1	A	27/08/2014
DA770	Waste Travel Paths - Basement Level	1	A	20/11/2014
DA771	Waste Travel Paths – Ground Level	1	A	20/11/2014
DA772	Waste Travel Paths – Level 1	1	A	20/11/2014
DA773	Waste Travel Paths – Levels 10-22 (Residential)	1	A	20/11/2014
DA900	Photomontage Sheet 1	1	B	20/11/2014
DA901	Photomontage Sheet 2	1	C	05/05/2015
DA902	Photomontage Sheet 3 (view from Mann Street)	1	A	05/05/2015
Project 60327943	Landscape Package	1	A	August 2014
DA00	Content	1	A	26/08/2014
DA01	Site Context	1	A	26/08/2014
DA02	Landscape Plan Ground Floor	1	A	26/08/2014
DA03	Landscape Plan Level 1	1	A	26/08/2014
DA04	Landscape Plan Level 4	1	A	26/08/2014
DA05	Landscape Plan Level 5	1	A	26/08/2014
DA06	Landscape Plan Level 6	1	A	26/08/2014
DA07	Landscape Plan Level 9	1	A	26/08/2014
DA08	Landscape Plan Level 26	1	A	26/08/2014
DA09	Landscape Plan Level 28	1	A	26/08/2014
DA10	Landscape Sections	1	A	26/08/2014
DA11	Landscape Sections	1	A	26/08/2014
DA12	Landscape Sections	1	A	26/08/2014

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DA13	Materials and Planting Palette	1	A	26/08/2014
DA14	Materials and Planting Palette	1	A	26/08/2014
DA15	Character Images	1	A	26/08/2014
DA16	Character Images	1	A	26/08/2014

Supporting Documentation

Document	Title	Date
Project 14-022	Statement of Environmental Effects Revision A	27/08/2014
Project 14-022	Clause 4.6 Variation Building Height Revision A	27/08/2014
Project 14-022	Clause 4.6 Variation Floor Space Ratio Revision A	26/08/2014
Project 14-022	Crime Prevention Through Environmental Design Assessment Revision A	25/08/2014
Project 14-022	SEPP 65 Design Verification statement	27/08/2014
Project 14-022	Visual Assessment	27/08/2014
	Visual Assessment Addendum 1	22/10/2014
	Building Code of Australia Capability Statement	27/08/2014
141303	Structural Design Report	21/08/2014
	Heritage Report	August 2014
CC140046R02	Traffic and Parking Impact Assessment	August 2014
CC140046R02A	Addendum to Traffic and Parking Impact Assessment	28/11/2014
CC140046R03	Waste & Loading Bay Management Plan	August 2014
Coffey	Geotechnical Assessment	09/07/2014
Coffey	Phase 1 Contamination report	09/07/2014
60327943	DA Services Report – Mechanical, Electrical, Fire and Hydraulics	25/08/2014
60327943	Standards, Codes, Guides and Legislation for Design Development	25/08/2014
60327943	Concept Design – Vertical Transportation	25/08/2014
60327943	Development Application Acoustic Assessment Report	25/08/2014
	Waste Management Plan and Strategy	17/02/2015
	NATHERS Rating Certificate No 1006791048	26/08/2014
569169M-02	BASIX Certificate	26/08/2014
569185M-02	BASIX Certificate	26/08/2014
563734M-02	BASIX Certificate	26/08/2014
141303	Water Cycle Management Plan	21/11/2014
60327943	Waste Management Plan and Strategy	25/11/2014
CC140046R02B	Addendum (2) to the Traffic and Parking Impact Assessment	May 2015

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(ii) Delete Condition 5.6.

(iii) Add new Condition 2.16 to read:

2.16 The payment to Council of a Contribution \$1,570,000.00 in accordance with the Gosford City Council Section 94A Development Contribution Plan - Gosford City Centre.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Gosford City Council Section 94A Development Contribution Plan – Gosford City Council. The basis of the calculation and the total amount is to be indexed quarterly in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

The contribution is to be paid prior to the issue of any Construction Certificate.

A Construction Certificate is not to be issued by a certifying authority until the developer has provided the certifying authority with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid in accordance with the wording of this condition. A copy of this receipt is to accompany the documents required to be submitted by the certifying authority to Council under Clause 104 of the Environmental Planning and Assessment Regulation 2000.

A copy of the Contributions Plan may be inspected at the office of Gosford City Council, 49 Mann Street or on Council's website.

www.gosford.nsw.gov.au/customer/document_gallery/contribution_plans

(iv) Add new Condition 5.22 to read:

5.22 Completion of the pedestrian connection of the car parking on Level 2 to the Council Baker Street car parking station.

(v) Add new Condition 6.3 to read:

6.3 The 272 car parking spaces allocated for the commercial and retail component shall be retained at all times for public car parking. Allocation to the residential use in any future strata title scheme is prohibited.

Attachments

- Attachment 1: Plans
- Attachment 2: Clause 4.6 Variation to FSR Development Standard