

Clause 4.6 Variation Floor Space Ratio

Clause 8.9(3)(b) – Development Incentives
Gosford LEP 2014

Mariners Plaza
108-118, 120A Mann Street, Gosford, NSW

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Revision C

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A	FOR DA LODGEMENT	26.08.14	KM	ND
B	AMENDED SITE AREA	02.04.15	KM	RL
C	GROUND FLOOR RETAIL AREA AMENDED	04.05.15	KM	



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1 Introduction

This request is part of the Statement of Environmental Effects (SEE) for the development application for a mixed use development including hotel, retail, and multi-unit residential development at 108-118 Mann Street, Gosford.

This written request is made pursuant to Clause 4.6 of Gosford LEP 2014, and justifies why compliance with Clause 8.9 – Development Incentives is unnecessary in the circumstances of the case, and demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard.

This request also explains how the proposed development will be in the public interest because it is consistent with the objectives of the Floor Space Ratio (FSR) standard and the objectives for development within the B3 Commercial Core Zone in which the development is proposed to be carried out.

For the reasons set out, contravention of the development standard raises no matter of significance for State or regional environmental planning and there is no public benefit in maintaining the development standard in this particular case.

1.1 Clause 4.6

Clause 4.6 of LEP 2014 states the following:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

1.2 Clause 4.6 Variation Criteria

The relevant criteria for the assessment of this request are expressly set out in the Clause 4.6. In summary they are that a written request from the applicant must be made to Council that seeks to justify the contravention of the development standard by adequately demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Council must be satisfied that the proposed development will be in the public interest because it is consistent with:

- (i) *the objectives of the particular standard and*
- (ii) *the objectives for development within the B3 Commercial Core Zone in this case*

The concurrence of the Director-General must be obtained. We assume that Council enjoys delegated authority of the DG in this regard.

In deciding whether to grant concurrence, Council must consider whether contravention of the development standard raises any matter of significance for state or regional environmental planning, and the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Director-General before granting concurrence.

We are not aware if there are any "other matters" required to be taken into consideration under subclause (5)(c) and assume there are none.

1.3 Standard from which variation is sought

This request for variation is submitted in relation to Clause 8.9 (3)(b) of Gosford Local Environmental Plan 2014 which allows a height of buildings of 5.2:1 (4:1+ 30% bonus).

1.4 Departure from the Standard

The Gosford LEP 2014 defines GFA as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and**
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

In our opinion, the proposed above ground car parking is parking to meet Council's required number of car parking spaces for the proposed development and therefore can technically be excluded from GFA. Furthermore, in the latest modifications to the Ground Floor Plan in response to the comments of the JRPP at their meeting of 30 April, a small amount of additional commercial floor space has been added to sleeve the substation plant room and the gas regulator plant room. However, at the same time it has been noted that previous GFA calculations submitted for ground floor included two plant rooms and a good loading area. Thus, the total reportable GFA is less being 40,495.6m².

If this approach is taken, the FSR of the proposed development is 7.29:1 (40.19% variation).

If the above ground car parking areas are included in the GFA of the development (over Levels 2, 3 and 4, the total proposed GFA is 53,753 m², an FSR of 9.67:1.

2 Grounds for Clause 4.6 Variation

It is unnecessary to comply with the Floor Space Ratio (FSR) standard due to the proposed development meeting the objectives of the B3 Zone, the Gosford Town Centre (Clause 8.1 of LEP 2014) and Clause 4.4 – Floor Space Ratio. The proposed development does not give rise to unreasonable environmental impacts. The scale and scope of the proposal establishes a landmark development which is economically feasible and meets the vision of the city centre core as set out by Council's City Centre Vision 2007.

2.1 Objectives of Gosford City Centre Incentives - Part 8.1 LEP 2014

Part 8.1 of the LEP provides objectives of the Gosford Town Centre-specific development controls (including Clause 8.9-Incentives), including the bonus incentives relating to and FSR Height of Buildings. The objectives are as follows:

- (a) *to promote the economic and social revitalisation of Gosford City Centre,*
- (b) *to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,*
- (c) *to protect and enhance the vitality, identity and diversity of Gosford City Centre,*
- (d) *to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,*
- (e) *to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,*
- (f) *to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,*
- (g) *to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,*
- (h) *to enhance the Gosford waterfront,*
- (i) *to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront.*

2.1.1 Assessment against the relevant objectives

- (a) *to promote the economic and social revitalisation of Gosford City Centre,*

Comment

The proposed development does not hinder the attainment of the objective to promote the economic and social revitalisation of Gosford City Centre. The proposed FSR results in a development density which contributes to the economic revitalisation of the city centre by creating

a landmark building with a high quality architectural expression. The quantum of floor space proposed is closely connected to achieving an economically viable building with a diverse mix of uses including hotel, retail, food and drink premises, event spaces, gym, spa and apartments.

Proposed Mix of Uses

The mix of uses on site promotes economic and social revitalisation by establishing a robust mix of uses. The proposed development also creates a “critical mass”, whereby new residents will support and create further demand for a range of services in the town centre.

The proposed combination of retail, tourist and visitor accommodation and food and drink-related uses has complex requirements with large back of house requirements, which do not contribute to leasable area, but are fundamental to creating a well-functioning building. These extensive back of house areas, service corridors, etc. contribute to FSR.

The proposed development provides a diverse mix of accommodation types. This includes tourist accommodation in close walking distance of major destinations including the sports stadium and waterfront. The proposed development also includes a mix of residential dwelling types and 15% (42/276) adaptable dwellings. The quantum of proposed adaptable units provides a significant social benefit taking into account the aging population.

The proposed development includes a mix of retail spaces suited for a range of uses from small supermarkets to local shops. The structure of the building is such that spaces are flexible and can be modified over time to meet changing demands.

The proposed inclusion of meeting and event spaces contributes to social and economic vitality by providing centrally located spaces for meetings and events to occur.

Public Domain and Streetscape

The proposed development also includes public domain improvements which will enhance pedestrian amenity in the centre. While the gross floor area is greater than permitted under the standard, the bulk and scale of the proposed street wall is consistent with the DCP, having a four storey character with tower forms setback above. This maintains a pedestrian scale to the street and is compatible with the existing four storey streetwall buildings which are located in close proximity to the site. The bulk and scale of the podium is broken down through façade articulation.

The iconic quality of the building, which is emphasised through its proposed scale, contributes to the character and vision for the centre, which seeks to create a vibrant regional hub.

Solar Access

The proposed development does not give rise to overshadowing impacts to key public open spaces including Kibble Park, Gosford City Park, the stadium, and the waterfront/foreshore.

Views

The proposed development also achieves reasonable view sharing through its form. The DCP sets out important view corridors to Presidents Hill and the waterfront. The proposed development maintains view corridors due to the following:

- Tower setbacks at the north and south to maintain view corridors from Kibble Park towards Presidents Hill and views down Donnison Street.
- Two towers oriented on the north-south access with setbacks to Mann Street and Baker Street and separation between the two towers of 24.4 m at a minimum. This allows for view sharing for properties to the north towards the water.

There is nothing about the proposed development which hinders the attainment of this objective. The intensity of development and mix of uses contributes to economic vitality providing a departure from the status quo. It is clear that Council, in offering incentives to promote development, recognises that the intensification of uses in the city centre is key to Gosford's revitalisation.

(b) to strengthen the regional position of Gosford City Centre as a multi-functional and innovative centre for commerce, education, health care, culture and the arts, while creating a highly liveable urban space with design excellence in all elements of its built and natural environments,

Comment

The proposed development creates a robust mix of uses which are in demand in the area. This includes visitor and tourist accommodation, meeting space, retail space, restaurants and residential development in close walking distance of major public transport infrastructure and ample parking. The proposed bulk, scale and intensity of the development is tied to creating a viable development which can be realised providing a catalyst further revitalisation of the area.

Tourism

The proposed development will bring in outside investment with the hotel and meeting/convention and event space. The proximity of the site to the waterfront, railway station and stadium makes it ideal for capturing Gosford's potential as a growing tourist destination.

Tourism alone supports 289,600 jobs in NSW (160,300 direct and 129,300 indirect jobs) and direct tourism employment in NSW ranks above employment for agriculture, forestry, fishing and mining. In the four years leading up to 2016/17 the NSW Government will invest \$500 million to fund implementation of a new tourism and events strategy. The NSW Government established the Visitor Economy Taskforce to develop a strategy to double overnight visitor expenditure to NSW by 2020. The Taskforce's report identifies Gosford as a popular tourist destination, with close proximity to the major population centres of Newcastle and Sydney and uses it as a case study for tourism funding and the forming of BIDs. (NSW Government. A Plan to Double Overnight Visitor Expenditure to NSW 2020, June 2012).

The proposed hotel, meeting rooms and food and drink premises will contribute to commerce related to tourism by providing needed accommodation and events spaces. These uses are provided with high quality outdoor areas as well as indoor spaces. The scale of the building contributes to its prestige as a landmark destination in Gosford. The proposed hotel use and size of the hotel also contributes to meeting the state-wide demand of tourist and visitor accommodation, noting that the region has one of the highest occupancy rates in the world.

It is noted that the quantum of floor space sought for tourist and visitor accommodation and related uses constitutes the additional quantum of floor space sought in the development above the

development control. The hotel use provides a public benefit in contributing to the tourism sector and providing meeting and events space within the heart of the city centre.

Residential

The proposed dwellings are designed in accordance with SEPP 65 principles with each unit achieving a high level of amenity. Common open space is proposed on the roof and residents will have convenient access to the amenities offered by the hotel, retail, supermarket and restaurants.

Liveable Urban Space

The proposed towers are setback from the podium reducing their impact on the pedestrian environment. The podium is designed to activate the street with glazing at ground and level 1 and awnings are proposed to provide weather protection.

The proposed development does not hinder the attainment of the objective and contributes to meeting the objective.

(c) to protect and enhance the vitality, identity and diversity of Gosford City Centre,

Comment

The proposed architectural expression of the development is of a high quality, creating a landmark form. At the same time, the bulk and scale of the development is such that the visual prominence of the landscaped ridges surrounding the city is retained. Refer to the visual assessment which forms part of this application for a full analysis.

The proposed development with its diverse range of uses and mix of apartment types contributes to the diversity of the city centre. In proposing a mixed use development of a different scale and character to the existing built form, the building shall contribute to the identity of the centre. At the same time, the proposed streetwall allows for an active and comfortable public domain compatible with the vision for the city centre set out in *Revitalising Gosford: City Centre Plan*, (2007).

It is noted that the quantum of floor space sought for tourist and visitor accommodation and related uses constitutes the additional quantum of floor space sought in the development above the development control. The hotel use provides a public benefit in contributing to the tourism sector and providing meeting and events space within the heart of the city centre.

The proposed scale and related intensity of the development contributes to attaining this objective.

(d) to promote employment, residential, recreational and tourism opportunities in Gosford City Centre,

Comment

Employment

The intensity and mix of uses proposed contribute to employment generation in the city centre, providing employment generating uses and residential accommodation in an accessible location, with transport connections to employment centres within Gosford and regionally.

Residential

Two hundred and seventy-six (276) new residential dwellings are proposed in the development, designed in accordance with SEPP 65 principles and the rules-of-thumb set out in the RFDC. A range of unit sizes is proposed and 15% (42/276) of the proposed dwellings are adaptable. The proposed scale of the development captures high value views and creates an urban living environment. The proposed mix and density of non-residential uses on the site contributes to the amenity for residents.

Tourism

The proposed development will bring in outside investment with the hotel and meeting/convention space. The proximity of the site to the waterfront, railway station and stadium makes it ideal for capturing Gosford's potential as a growing tourist destination.

Tourism alone supports 289,600 jobs in NSW (160,300 direct and 129,300 indirect jobs) and direct tourism employment in NSW ranks above employment for agriculture, forestry and fishing and mining. In the four years leading up to 2016/17 the NSW Government will invest \$500 million to fund implementation of a new tourism and events strategy. The NSW Government established the Visitor Economy Taskforce to develop a strategy to double overnight visitor expenditure to NSW by 2020. The Taskforce's report identifies Gosford as a popular tourist destination, with close proximity to the major population centres of Newcastle and Sydney and uses it as a case study for tourism funding and the forming of BIDs. (NSW Government. A Plan to Double Overnight Visitor Expenditure to NSW 2020, June 2012).

The proposed hotel and meeting rooms will contribute to commerce related to the tourism sector by providing good quality accommodation and events spaces. Events spaces including ballrooms and the required back-of-house require a large area. The size of these non-residential uses contributes to its prestige as a landmark destination in Gosford.

Support for Commercial Land Uses

The meeting and events spaces also provide a benefit to other commercial premises in the area by providing spaces for large events such as conferences, networking functions, speaking engagements and office parties.

The proposed development meets the objective and the FSR non-compliance in no way hinders the attainment of the objective.

- (e) *to encourage responsible management, development and conservation of natural and man-made resources and to ensure that Gosford City Centre achieves sustainable social, economic and environmental outcomes,*

Comment

The subject site in its current condition has 100% site coverage. It does not contain any flora or fauna. Because the site is located in the existing city centre core, away from important natural features such as the waterfront, landscaped open space, Mt. Mouat and Presidents Hill, it is well located for higher densities. By concentrating built form within the core of the town centre, it relieves pressure for development of areas around the waterfront and ridges which have a high natural value.

The subject site is in a highly accessible location. Locating greater development intensities in accessible locations in line with Urban Consolidation allows for more efficient use of infrastructure. The additional gross floor area sought in the proposed development allows for additional residential units to be located in a highly accessible location. It also allows for a multi-use building which contributes to the viability of the town centre.

The proposed height of the building is also related to the geotechnical and environmental issues with the site, specifically, the site's high water table. By locating the majority of car parking above ground in the podium, the proposed development reduces impacts on the water table by minimising excavation. This approach does result in increased FSR and visible bulk above ground to achieve a viable mix of uses, car parking and ancillary space such as storage, service corridors, etc. This alternative arrangement is employed while achieving a high quality streetscape.

Due to the locational attributes of the site, the proposed FSR non-compliance does not give rise to impacts on social, economic and environmental sustainability. Concentration of development on the site assists in encouraging responsible management by concentrating built form in a less sensitive location, allowing sensitive areas to retain their environmental integrity.

The additional height sought does not unreasonably increase overshadowing, visual or other amenity impacts. It is noted that the proposed development does not overshadow public parks or other key areas identified in Council's DCP.

The proposed development does not hinder the attainment of the objective.

(f) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Gosford City Centre for the benefit of present and future generations,

Comment

As mentioned under *objective (e)*, the concentration of built form on the subject site reduces pressure for redevelopment of more environmentally sensitive areas to meet housing and employment targets for the LGA. The proposed building is mixed use and provides a flexible layout to allow for uses to change over time. This is particularly the case in the podium levels.

The subject site is heritage listed due to the presence of the Union Hotel, putting a hotel use on the site since 1887. The existing hotel building has been modified extensively over time, and there is practically no inkling of its former character. However, the significance of the site is the continuing hotel use and the importance of the site in relation to tourism and culture in the area. The proposed development retains this land use on the site, with hotel accommodation, bars and restaurants.

The LEP FSR control for the site of 5.2:1 (Clause 8.9) demonstrates a significant departure from the existing built form character on the site. The proposed additional floor space sought results in a bulk and scale which is different to the existing built form but compatible with the desired future character of the area. The public benefit achieved via incorporate of state significant land uses related to tourism creates a benefit and the other land uses and intensity of land uses proposed makes the provision of the tourist and visitor accommodation feasible.

The proposed additional height does not hinder the attainment of this objective.

- (g) *to help create a mixed use place, with activity during the day and throughout the evening, so that Gosford City Centre is safe, attractive and efficient for, and inclusive of, its local population and visitors alike,*

Comment

The proposed additional height contributes to the achievement of a landmark mixed use development in the core of the town centre. The proposed development creates a high quality streetscape with active frontages, a visually interesting façade, weather protection and new public domain works. The increased intensity of the development achieved through additional height locates density within easy walking distance of the railway station, shopping, public open space, medical and other services contributing to an efficient urban form. The provision of tourist accommodation and residential accommodation caters to the needs of the local population and visitors. The proximity of the site to the stadium, railway station, waterfront and public car parking, make it ideal for tourist and visitor uses. The proposed development responds to this with a large hotel and convention centre/event facilities.

The proposed development does not hinder the attainment of this objective.

- (h) *to enhance the Gosford waterfront,*

Comment

The subject site is located a minimum of 400 m from the waterfront.

Views

The visual analysis undertaken demonstrates that the proposed development does not have an unreasonable visual impact on views of the waterfront or views from the waterfront. The proposed development does not block views from the waterfront to Presidents Hill and Mount Mouat. The proposed development reads as a distant landmark building when viewed from the waterfront and is compatible with the existing pattern of built form within the city centre core and up the slopes of the valley, sitting within the trough of the valley between the two hilltops. Refer to the figures below:



Figure 1: Photomontage from Sailing Club looking south towards city centre.

Future Built Form

It is noted that sites south of Donnison Street and north of the existing Council Chambers have the same height limit as the subject site. If these sites were to develop in accordance with the LEP height limit they would be closer to the waterfront than the proposed development and would be viewed as more significant built forms from the waterfront. The height controls within the city centre are such that because of the desire to protect the amenity of Kibble Park, greater development densities are generally permitted to the south of the park, around the railway station and east of Henry Parry Drive, up on the slope of Mount Mouat. In the future built form as anticipated by the LEP 2014, there will be a greater concentration of built form against the slopes of Mount Mouat and between the subject site and the waterfront.

Furthermore, the pattern of Height and FSR limits in the town centre is highly variable. For instance, with sites immediate to the north of the subject site have variable base height limits of 10.5 m – 24 m and an FSR limit of 4.75:1 (depending on the area of the development site). This points to a future built form which is likely to have a diversity of built form of varying bulk and scale rather than a smooth transition in bulk and scale from site to site. This means that the DCP controls relating to podium design are key to creating the desired character of the area and protecting pedestrian amenity. In this regard, the bulk and scale of the proposed podium is consistent with the DCP and the additional gross floor area sought, which largely manifests itself in additional building height, does not hinder the attainment of Council's desired streetscape.

Shadow

The proposed development, even at its proposed FSR, does not overshadow the waterfront or public open space near the waterfront.

The shadow diagrams reproduced below demonstrate the following:

- There is no overshadowing of public parks or recreation areas
- The slender profile of the tower and its north-south alignment create a slender shadow profile which moves quickly.
- The notable overshadowing occurs from the podium, which is consistent in height and bulk with the DCP.

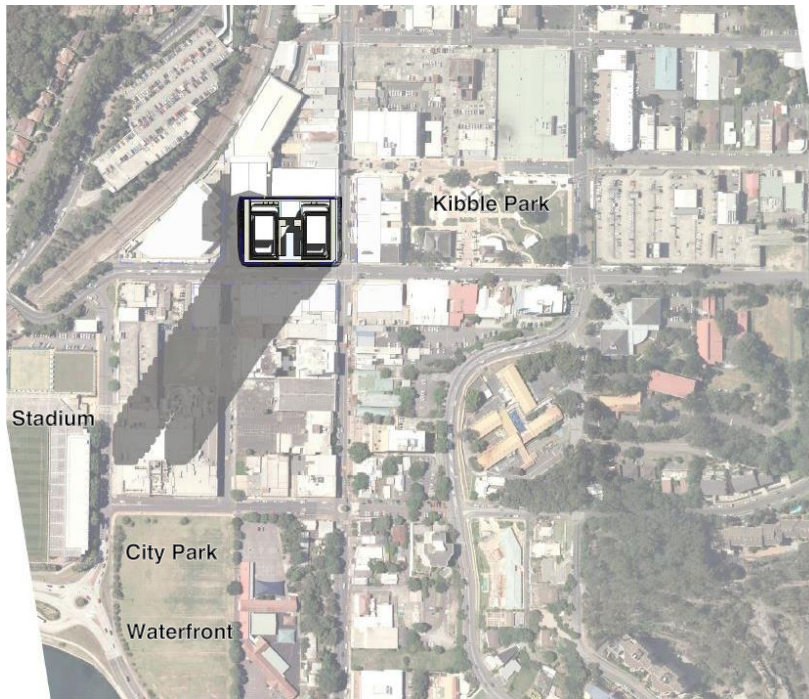


Figure 2: Shadow Impact Winter Solstice, June 21, 9 a.m.



Figure 3: Figure 1: Shadow Impact Winter Solstice, June 21, 12 p.m.



Figure 4: Figure 1: Shadow Impact Winter Solstice, June 21, 3 p.m.

The proposed development does not hinder the attainment of the objective.

- (i) *to provide direct, convenient and safe pedestrian links between Gosford City Centre and the Gosford waterfront.*

Comment

The FSR of the proposed development does not give rise to a negative impact on pedestrian links. The DCP does not identify mid-block links across the subject site but the importance of Mann Street, Donnison Street and Baker Street to achieving pedestrian amenity is very important. The proposed development achieves a DCP-consistent podium scale and includes weather protection to Mann Street and Donnison Streets. The proposed 2 m setback and 4 storey streetwall to Baker Street contributes to the definition to streetscape which in the current condition is ambiguous, and creates additional space for a footpath on the eastern side of Baker Street. Lighting is proposed and the proposed development achieves casual surveillance of the public domain.

The proposed development does not hinder the attainment of the objective

2.2 Objectives of the Development Standard

Clause 4.4, *includes the objectives of the FSR controls in the plan, and are repeated below:*

- (a) *to establish standards for the maximum development density and intensity of land use,*
- (b) *to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,*
- (c) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (d) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (e) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (f) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,*
- (g) *to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,*
- (h) *to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.*

2.2.1 Assessment against the relevant objectives

(a) to establish standards for the maximum development density and intensity of land use,

Comment

The LEP 2014, in setting FSR and Height bonuses for the city centre based on a DA lodgement deadline of 31 August 2014, demonstrates a clear direction for the city centre and recognises that Gosford is capable of supporting more intensive development. It also recognises that without greater Heights and FSRs, the town centre is unlikely to redevelop in line with Gosford Vision. Clause 8.9 of the LEP is not excluded from consideration under Clause 4.6, allowing flexibility in how the FSR control of 5.2:1 is applied.

The site is optimally located for more intense development than may have been contemplated in the past for the following reasons:

1. It is located within a 5 minute walk of the railway station.
2. It is located south and outside of key view and solar access corridors to Kibble Park.
3. It is located between the railway station and the stadium, making ideal for tourist-based uses.
4. It located along the central spine of the town centre, away from both President Hill and Mount Mouat.
5. It is located far enough north of the waterfront to avoid shadow impacts on open space around the foreshore including Gosford City Park.
6. The site is at a distance from the foreshore resulting in built form on the site to have the character of a distant view.

Due to the above attributes of the site, additional FSR proposed on the site does not give rise to unreasonable impacts.

The proposed increase in gross floor area and the resulting additional height of the development does not hinder compliance with DCP controls for Gosford City Centre which govern the character of the streetscape, pedestrian amenity and the spatial relationship between built forms.

The proposed additional FSR sought does not add significantly to negative visual impacts arising from the scale of the development.

The proposed site specific response does not hinder the attainment of the objective.

(b) to control building density and bulk in relation to site area in order to achieve the desired future character for different locations,

Comment

The subject site is located within the commercial core of the city centre. DCP 2013 describes the desired future character of the area as follows:

The commercial core is a destination for workers and visitors. It is the economic centre of the city centre and will have the capacity to be the liveliest part of the city centre during the daytime with the majority of the new 6,000 jobs located within this zone. Objectives for the zone include provisions for a wide range of retail, business, office, entertainment, and community uses. The commercial core is the employment focus and is adjacent to Kibble Park which will solidify its position as the civic heart of the city. Building heights will remain relatively low to ensure views to the local ridgelines are maintained. (DCP Chapter 4.1, pg 2)

The vision makes clear that the fundamental importance of the city centre core is to act as the economic engine of Gosford particularly geared towards works and visitors. Another key element of the desired future character statement is that a range of uses are desired.

The proposed development meets both of these key objectives, first by proposing a range of residential, tourist and visitor oriented uses, food and drink premises and retail tenancies of varying size. This mix of uses in a single development creates a nexus of uses that contribute to meeting Gosford's targets related to housing supply, tourism, employment and meeting the day to day needs of local residents. The quantum of tourism-based floor space is roughly equal to the additional gross floor area sought in the proposal.

The proposed development shall provide a mix of different types of employment, geared towards the service industry including hotel, events, restaurants, bars, supermarket and retail.

The DCP seeks a four storey podium with streetwall built to the site boundary (with the exception of Baker Street where a 2 m setback is provided to allow for wider footpaths). Given the site has three frontages, the additional floor space within the central portion of the podium, although arguably contributing to reportable GFA, does not contribute to building bulk when the development is viewed from the public domain. The interior part of the podium has reduced access to light and air due to the depth of the subject site. Therefore, locating parking within the podium represents an efficient use of space and allows habitable areas to be located where they have access to light and air. Furthermore, the lower levels of the development achieve an active façade where appropriate.

The character statement also posits that building heights are to be kept "relatively" low to ensure views of the ridgelines are maintained. It is noted that Height and FSR go hand in hand when determining the bulk and scale of a development. The proposed development while representing a departure in bulk and scale from existing built forms in the area, does not have an unreasonable impact on views to the ridgelines. From distant viewpoints such as around the waterfront, the towers site comfortably within the valley, with the top of each tower sitting below the ridgeline. From these vantages the towers also site within an established band of development which begins on the slopes of Mount Mouat and then extends westward towards the valley floor.



Figure 5: Photomontage, view from Sailing Club shoreline towards north

From a closer vantage, the ridgelines are screened by the lower portions of the building, mainly the podium levels and areas of the building well below the LEP height limit. The image below demonstrates that when the building is viewed from Donnison Street a block east of the subject site, it is the lower portions of the building which block ridgeline views, not the taller portions of the building. It is clear that any redevelopment, regardless of the proposed FSR and Height would screen views towards President's Hill from Donnison Street.

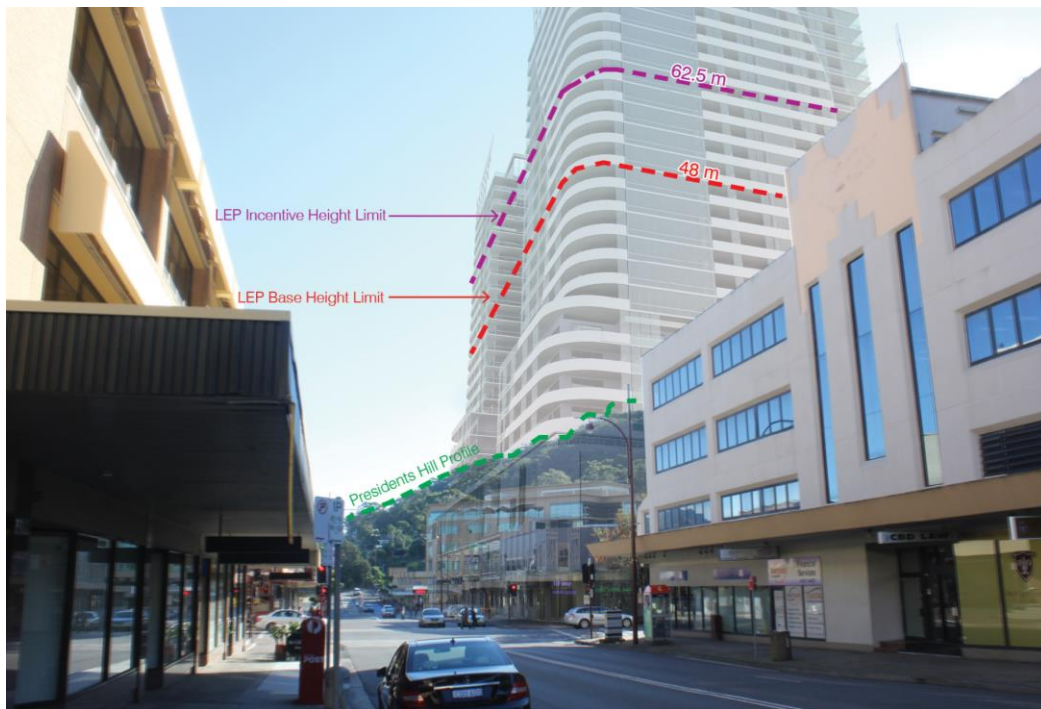


Figure 6: Photomontage, view of subject site from Donnison Street looking west

From a medium distance, the base height limit of 48 m is about level with the ridgeline created by Mount Mouat. The Incentive height limit of 62.5 is well above the ridgeline. The proposed FSR does not result in excessive bulk and scale. The proposed towers appear slender and are well separated from one another. The curved form of the towers and the space between the buildings creates visual relief. Refer to the figure below.

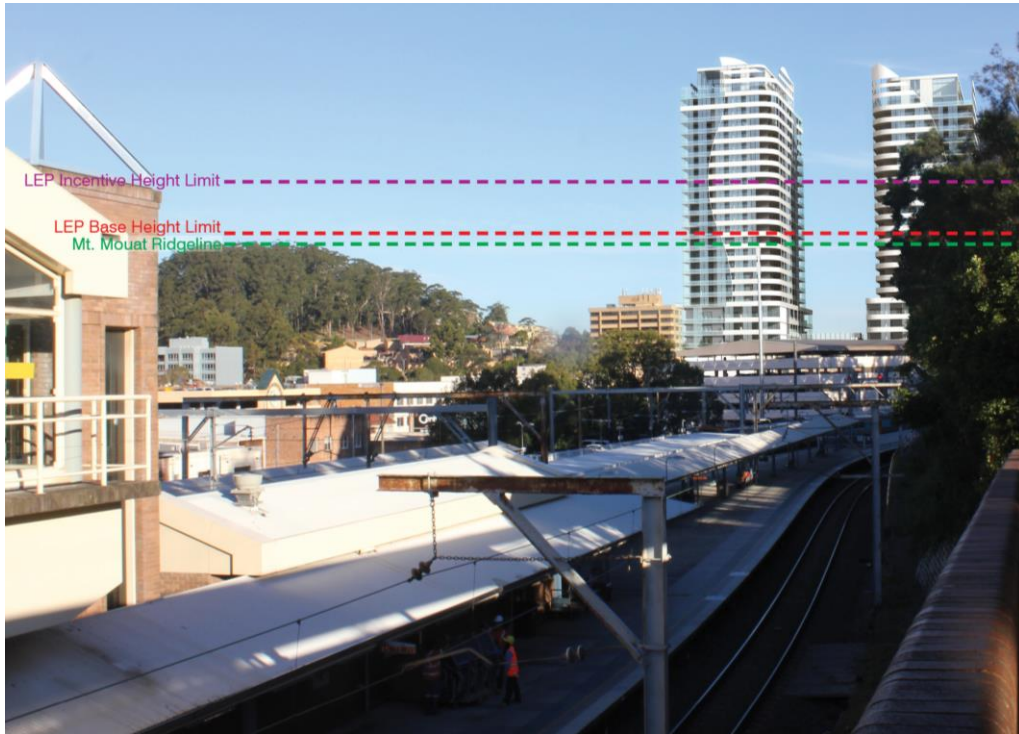


Figure 7: Photomontage, view from west of railway station looking south

The position of the site is such that the proposed built form is outside of views to Presidents Hill and Mt. Mouat when viewed from key public landmarks such as Kibble Park and around the water front. The figures above demonstrate the proposed development is located away from both Presidents Hill and Mount Mouat when viewed from the waterfront. The figure below is taken from Kibble Park looking west toward the subject site and Presidents Hill and demonstrates that from the Park, views of Presidents Hill are in no way affected.



Figure 8: Photomontage, view from Kibble Park looking west towards Presidents Hill

Because the subject site is located along the central spine of the commercial core formed along Mann Street, and is located south of the railway station and away from the waterfront, it is capable of sustaining increased bulk and scale with little impact. It is of a size which can accommodate more intensive and larger built form without encroaching on the amenity of surrounding sites or the public domain. The establishment of a street wall with a four storey character and setback towers above which are well separated achieves the desired future character of the streetscape for the city centre core. While the proposed development is greater in bulk and scale than a development which complied with the Height and FSR controls for the site, the proposed non-compliance does not give rise to significant additional impacts when compared to a complying development.

The proposed development is also compatible within the visual character of the birds eye visualisations which accompany the Gosford Vision which show a concentration of substantial buildings of varying height on both sides of Mann Street following the central spine of the city centre. It is clear that a denser spine of development is envisaged along Mann Street.

Please refer to the figure below.



Figure 9: Gosford Vision 2025, Page 15

While the proposed towers are greater in bulk and scale than may be permitted under the Development Standard, they are of a proportion and have separations which marry in with the vision for the area which clearly shows towers of varying heights above podium forms comfortably separated from one another. The towers in the image are generally slab towers oriented on the north-south axis, similar to the proposed development.

The proposed non-compliance does not hinder the attainment of this objective.

- (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

Comment

The proposed development shall not affect the use or enjoyment of adjoining properties and the public domain.

Adjoining Properties

The site is located at the southern end of the block bounded by Mann Street, Donnison Street, Baker Street and Erina Street. This position is ideal for minimising impacts on adjoining properties. The only property which shares a boundary with the site is to the north. The single shared boundary at the northern side of the subject site minimises any potential impacts in terms of overshadowing.

The proposed development maintains a podium consistent with the DCP heights and provides setbacks to the northern boundary consistent with the rules-of-thumb set out in the Residential Flat Design Code. This results in a minimal impact on adjoining properties.

In regard to properties not adjoining but near to the site, the additional bulk and scale sought increases the length of proposed shadows but the slender profile of the towers from east to west minimises the extent of shadow impacts on any one particular property by achieving a quick moving shadow. This thus maintains good direct solar access to other properties to the south of the site. The shadow diagrams below demonstrate how the proposed shadow sweeps across the landscape in mid-winter.



Figure 10: Shadow Impact Winter Solstice, June 21, 9 a.m.

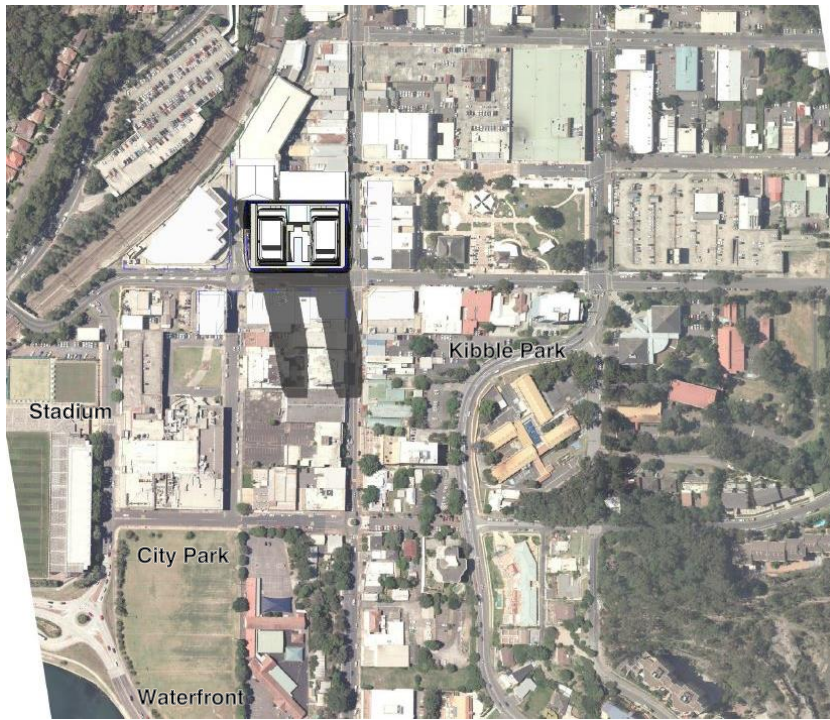


Figure 11: Shadow Impact Winter Solstice, June 21, 12 p.m.



Figure 12: Shadow Impact Winter Solstice, June 21, 3 p.m.

Also, please refer to the comprehensive, hour-by-hour, shadow studies (solstice and equinox) which form part of the architectural drawings (DA-740-745). It is noted that beginning before 10 a.m., the 24.4 m separation between the two proposed towers creates a gap in the shadow impact, improving solar access and daylighting to southerly properties. The curve of the towers at the south east and south west also reduce shadows in comparison to a rectilinear form. The splitting of the towers also maintains sky exposure around the site.

The proposed form of the development with two slender towers maintains a large north-south view corridor above the podium level. This is particularly beneficial given the varying topography of the area. The setbacks of the towers from each boundary further protect upper level views past the site. The curved form of the towers on the south east and south west portions of the site open up cross views.

The Public Domain

The proposed FSR non-compliance give rise to very little additional impact on the public domain when compared to a complying development. The overshadowing of the public domain around the site is primarily to Donnison Street, overshadowing which occurs due to the continuous podium, a form which Council's development controls dictate. The proposed podium is height is generally compliant with the DCP limit of 16 m, although there is a minor variation sought towards the west and northern portion the podium due to the sloping topography of the site. At the western boundary, the podium is setback to allow for footpath/road widening.

The key pedestrian links along Baker Street and Mann Street are only impacted for a short time in the morning and afternoon in mid-winter, respectively. This overshadowing arises from the podium and is not unreasonable in a city centre setting.

The proposed development does not overshadow any public parks, including Gosford City Park and Kibble Park. It is also noted that the proposed development does not have a shadow impact on the stadium to the southwest of the subject site or the Council Chambers Forecourt.

The proposed development contributes to a high quality public domain. This includes weather protection via awnings and active frontages. A setback to Baker Street is proposed to allow for an increased public domain area. Towers are setback from the boundary by 6 m at Mann Street, 9.8 m at Baker Street and 2.5 m at Donnison Street for the hotel levels and 5.1 m at Donnison Street for the residential levels.

The proposed development does not hinder the attainment of the objective.

- (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

Comment

The Gosford LEP and DCP, with the foundation of the Gosford City Centre Vision indicate a significant increase in height and density within the city centre on key sites while maintaining lower forms around Kibble Park. The building stock around the city centre is generally aged. Where there is new built form, it clearly indicates a different character to the older stock. Therefore, at a close range, the proposed development is not incompatible with the desired future character of the city centre. The site is located along the central axis of the city centre, formed by Mann Street putting it well away from the landscaped ridgelines to the east and west. As set out above and in the accompanying Visual Assessment, the proposed development, while having a different bulk and scale to the existing built form in the area, does not have an unreasonable visual impact.

The proposed development in having a greater in bulk and scale, achieves a greater development density, thus, relieving pressure for increased densities in areas which are more sensitive, such as areas towards the ridgelines which have a steep topography and a bushland character.

The increased bulk and scale proposed which allows increased density also relieved pressure for density near the sensitive waterfront. In this respect, the proposed development does not impact on areas which are unlikely to undergo a transformation and the proposed development attains this objective, notwithstanding the proposed FSR non-compliance.

On site near the subject site, it is noted that the LEP 2013 limits height for sites which are in proximity of Kibble Park. This includes sites which are immediately to the north of the subject site and immediately east across Mann Street. The proposed development achieves an appropriate transition to those sites primarily through the proposed streetwall which aligns with the existing streetwall established along Donnison Street and at Mann Street near the intersection of Donnison Street. The awnings are also of a similar scale. Refer to the figure below.



Figure 13: Proposed streetscape along Donnison Street demonstrating consistency with established streetwalls

- (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

Comment

The subject site is large with an area of 4,640 m². This area is significant given its commercial core location. The proposed scale of the development is achieved while maintaining consistency with the DCP which seeks a streetwall podium and the upper level building separations set out in the RFDC. The proposed development does not give rise to unreasonable overshadowing impacts, having no impact on Kibble Park, Gosford City Park, Council Chambers Forecourt, the foreshore,

or the stadium. The proposed development's shadow is long and narrow by virtue of the towers oriented on the north-south axis, allowing the shadow to sweep across the landscape quickly and thus not unduly impact on any one site. This ensures that nearby sites maintain at least 3 hours solar access in midwinter. Refer to the comprehensive shadow diagrams prepared by Dickson Rothschild at DA-740-745. The proposed development does not hinder the attainment of the objective.

- (f) *to facilitate design excellence by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design,*

Comment

The proposed development achieves a design excellence with a high quality streetscape achieved through:

- Active frontages
- Articulated Façade
- Variation in materials and finishes
- Stepping of built form
- Response to adjoining street wall heights to achieve a transition in built form
- Rhythmic alteration of solid and void
- Modern interpretation of the façade elements of existing buildings in the area
- Use of durable materials
- Upper level setbacks to each tower
- Incorporation of robust landscape elements which can be easily maintained
- Public Domain Improvements

At the upper portions of the façade, a streamlined design aesthetic is proposed with the key visual element being horizontal banding of parapets modulated by strong vertical elements. Laid on top of this structure is a dynamic curved form created through variation in colour and balustrade materials, bringing in an organic language and creating fluidity to each tower which accentuates the curved form of the towers at their edges, giving the impression that the towers are growing out of their more rectilinear solid base. This curved language above the podium provides a contra point to the horizontal solidity of existing taller buildings in the centre.

The proposed modulation of built form is achieved through varying setbacks, achieving RFDC building separation guidelines and thus the density achieved does not result from a lack of generous space within the building envelope for articulation. The proposed development meets this objective.

- (g) *to ensure that the floor space ratio of buildings on land in Zone R1 General Residential reflects Council's desired building envelope,*

Comment

This objective does not relate to the proposed development.

- (h) *to encourage lot amalgamation and new development forms in Zone R1 General Residential with car parking below ground level.*

Comment

This objective does not relate to the proposed development.

2.3 Objectives of the Zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of Gosford City Centre as the regional business, retail and cultural centre of the Central Coast.*
- *To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities and social, education and health services.*
- *To provide for residential uses if compatible with neighbouring uses and employment opportunities.*
- *To create opportunities to improve the public domain and pedestrian links throughout Gosford City Centre.*
- *To provide for the retention and creation of view corridors.*
- *To protect and enhance the scenic quality and character of Gosford City Centre.*

2.3.1 Assessment against the relevant objectives

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

Comment

The proposed development does not hinder the attainment of the objective to promote the economic and social revitalisation of Gosford City Centre. The proposed density of the development contributes to the economic revitalisation of the city centre by creating a landmark building with a high quality architectural expression. The proposed density of the proposed development is closely connected to achieving an economically viable mixed use building with a significant component of tourist related uses including hotel, food and drink and event spaces. It is noted that the quantum of tourism and events space proposed is similar to the proposed FSR non-compliance. The provision of parking above ground parking at upper podium levels avoids impacts on water services which cross the site. The proposed combination of retail, tourist and visitor accommodation and residential development has complex requirements with large back of house areas, loading facilities, waste rooms and parking.

The mix of uses on site promotes economic and social revitalisation by establishing a robust mix of uses. The proposed development also creates a “critical mass”, whereby new residents will support and create further demand for a diversity of services in the town centre.

The proposed development provides a diverse mix of accommodation types. This includes tourist accommodation in close walking distance of major destinations including the sports stadium and waterfront. The proposed development also includes a mix of residential dwelling types and includes 42 adaptable dwellings. The quantum of proposed adaptable units provides a significant social benefit taking into account the aging population.

The proposed development includes a mix of retail spaces suited for a range of uses from a supermarket to local shops. The structure of the building is such that spaces are flexible and can be modified over time to meet changing demands.

The proposed inclusion of meeting spaces contributes to social and economic vitality by providing centrally located spaces for meetings and events to occur.

The proposed development also includes public domain improvements which will protect pedestrian amenity in the centre. While the overall bulk and scale of the building is greater than the standard, the proposed streetwall is consistent with the DCP, with the tower forms setback above. This maintains a pedestrian scale to the street and is compatible with the four storey streetwall buildings which are located in close proximity to the site in the existing built form context.

The landmark quality of the building, which is emphasised through the proposed scale of the development, contributes to the character and vision for the centre, which seeks to achieve a vibrant regional hub.

The proposed development is also positioned to bring in outside investment with the hotel and meeting/convention space. The proximity of the site to the waterfront, railway station and stadium makes it ideal for capturing Gosford’s potential as a growing tourist destination.

Tourism alone supports 289,600 jobs in NSW (160,300 direct and 129,300 indirect jobs) and direct tourism employment in NSW ranks above employment for agriculture, forestry and fishing and mining. In the four years leading up to 2016/17 the NSW Government will invest \$500 million to fund implementation of a new tourism and events strategy. The NSW Government established the Visitor Economy Taskforce to develop a strategy to double overnight visitor expenditure to NSW by 2020. The Taskforce’s report identifies Gosford as a popular tourist destination, with close proximity to the major population centres of Newcastle and Sydney and uses it as a case study for tourism funding and the forming of BIDs. (NSW Government. A Plan to Double Overnight Visitor Expenditure to NSW 2020, June 2012)

The proposed hotel and meeting rooms will contribute to commerce related to tourism by providing needed accommodation and events space. The scale of the building contributes to its prestige as a landmark destination in Gosford. The quantum of floor space sought for tourist and events related uses generally constitutes the additional floor space sought beyond the FSR control, (notwithstanding whether above ground car parking areas to meet the parking requirements in Council’s DCP attracts GFA). The tourism and events space has significant benefits for the city

centre and meets state-wide strategic planning objectives. The balance between residential accommodation, hotel uses and car parking is what makes the project feasible and buildable.

It is further noted that the proposed development creates a multi-functional mixed use building which capitalizes on the accessibility of the site and its strategic location within the CBD between the railway station, stadium and waterfront. The additional density sought achieves a forward planning approach which creates a built form where uses can change over time and the building is built for a scale and density which rises to meet the needs of future generations as the Sydney region's population continues to grow more and more quickly while household sizes diminish and overall the population becomes more aged. Within such a context, intensity around transport is key to a sustainable urban form.

The scale and scope of the proposed development meets this objective.

- *To encourage appropriate employment opportunities in accessible locations.*

Comment

The proposed development provides a mix of different types of employment, geared towards the service industry including hotel, events, restaurants, bars, supermarket and retail. The intensity and mix of uses proposed contributes to employment generation in the centre, providing employment generating uses and residential accommodation in an accessible location with transport connections to employment centres within Gosford and throughout the region. The proposed mix of uses in a single development creates a nexus of uses that contributes to meeting Gosford's targets related to housing supply, tourism, employment while meeting the day to day needs of local residents.

As described above, tourism alone supports 289,600 jobs in NSW (160,300 direct and 129,300 indirect jobs) and direct tourism employment in NSW ranks above employment for agriculture, forestry and fishing and mining. In the four years leading up to 2016/17 the NSW Government will invest \$500 million to fund implementation of a new tourism and events strategy. The NSW Government established the Visitor Economy Taskforce to develop a strategy to double overnight visitor expenditure to NSW by 2020. The Taskforce's report identifies Gosford as a popular tourist destination, with close proximity to the major population centres of Newcastle and Sydney and uses it as a case study for tourism funding and the forming of BIDs. (NSW Government. A Plan to Double Overnight Visitor Expenditure to NSW 2020, June 2012)

The proposed development contributes significantly to the attainment of this objective and the scale and scope of the proposal is key to this contribution.

- *To maximise public transport patronage and encourage walking and cycling.*

Comment

The subject site is within a 5 minute walk of the Gosford Railway Station, making it ideal in terms of providing alternatives to total reliance on the private motor vehicle. It is also located in immediate proximity of the local bus network. The proposed development locates housing at the door step

of the range of services, infrastructure, and community facilities of the city centre core. This provides residents with the opportunity to meet their day-to-day needs without driving.

To encourage alternative means of transport, the proposed development includes large secure bicycle parking areas to provide opportunities for alternative modes of transport.

The proposed type of apartment living brought forward in the development is part and parcel of a kind of urban living which favours more sustainable modes of transport, in line with the principle of transit oriented development (TOD). However, to achieve TODs that function, a critical mass and density is necessary to maintain a nexus between supply and demand which supports infrastructure investment. The proposed development creates in itself a mix of land uses and density which contributes positively to the TOD model.

The proposed hotel uses in close proximity to the railway station also provide opportunities for tourists to visit Gosford without a private motor vehicle and enjoy easy access to the waterfront, stadium and amenities offered in the town centre. The proposed event space benefits both tourists and locals providing centrally located areas for events ranging from meetings to large celebrations.

- *To strengthen the role of Gosford City Centre as the regional business, retail and cultural centre of the Central Coast.*

Comment

The proposed development in its mix of uses and increased residential density is fully consistent with strengthening the role of Gosford City Centre as the regional business, retail and cultural centre. The proposed tourism-oriented uses together with food and drink premises and local retail contribute to meeting this objective.

The landmark character of the proposed development which is largely achieved through its range of uses, intensity of uses and visual scale shall contribute to the identity of Gosford, signalling it as a hub of activity.

- *To encourage a diverse and compatible range of activities, including commercial and retail development, cultural and entertainment facilities, tourism, leisure and recreation facilities and social, education and health services.*

Comment

This objective is closely related to several of the other objectives already addressed in this Clause 4.6 request. The intensity of and proposed mix of uses in a single development creates a nexus of uses that contributes to meeting Gosford's targets related to housing supply, tourism, employment and meeting the day to day needs of local residents. Beyond the construction phase, the proposed development shall provide a mix of different types of employment opportunities, geared towards the service industry including hotel, events, restaurants, bars, supermarket and retail. These uses are fully in keeping with the lifestyle based uses which are identified to be important in this objective.

Tourism alone supports 289,600 jobs in NSW (160,300 direct and 129,300 indirect jobs) and direct tourism employment in NSW ranks above employment for agriculture, forestry and fishing and mining. In the four years leading up to 2016/17 the NSW Government will invest \$500 million to fund implementation of a new tourism and events strategy. The NSW Government established the Visitor Economy Taskforce to develop a strategy to double overnight visitor expenditure to NSW by 2020. The Taskforce's report identifies Gosford as a popular tourist destination, with close proximity to the major population centres of Newcastle and Sydney and uses it as a case study for tourism funding and the forming of BIDs. (NSW Government. A Plan to Double Overnight Visitor Expenditure to NSW 2020, June 2012). The proposed development targets this strategically important sector.

The proposed development contributes significantly to the attainment of this objective and the scale and scope of the proposal is key to this contribution.

- *To provide for residential uses if compatible with neighbouring uses and employment opportunities.*

Comment

The proposed development does not hinder the attainment of the objective. Proposed residential uses are located in the upper portions of the tower, allowing employment generating uses within the podium and lower levels of the tower, closer to the commercial core's public domain. The proposed tourism-based uses and the proposed food and drink premises are highly compatible with neighbouring uses which include the Council car park and the sports stadium. It has been pointed out in discussions with Council that the journey from the railway station and car parking areas to the stadium are critically important to Gosford's image. By creating tourist accommodation, event space, food and drink premises and active retail tenancies along this journey, the proposed development is fully compatible with its neighbouring uses. Improvements to the streetscape particularly along Baker Street are key to this goal.

The proposed development stitches itself into the existing streetscape through the proposed podium with a four storey character, active frontages, and the alignment of awnings with neighbouring sites.

As discussed above, tourism is the key industry of NSW and the proposed hotel and event uses provide employment opportunities in this critical sector. The provision of retail and food and drink premises also contributes to employment in the service/lifestyle sector. The impacts of bulk and scale are mitigated by creating towers which are well setback from the properties boundaries. To the northern boundary the towers achieve one half of the building separation of 24 m sought in the RFDC for buildings over 24 m in height. The proposed towers cast a shadow to the south in midwinter which sweeps across the landscape quickly, not unduly burdening any one property. In this, regard the proposed residential density on the site compatible with the surrounding area.

The proposed development contributes positively and meets this objective.

- *To create opportunities to improve the public domain and pedestrian links throughout Gosford City Centre.*

Comment

The quality of the public domain and creating pedestrian links is largely dependent on the way in which the podium and street frontages function and ensuring that taller built form does not impact on lower levels of the development. The proposed development offers significant improvements to the quality of the public domain. In DCP 2013, a continuous podium with a 4 storey character is sought. The proposed development achieves this for each of its three frontages. Mann Street forms the main spine of the public domain in the city centre core and Baker Street is identified as an important desired pedestrian link. In the current condition, Baker Street is a highly ambiguous space with little pedestrian amenity.

Mann Street

It is clear that Mann Street is the key pedestrian link of the centre. The proposed development stitches itself into the existing streetscape by aligning the proposed podium with the podium on the site immediately to the north. The proposed development maintains the desired character of the streetscape through its streetwall, setback towers above and landscaped podium. Active retail frontages are proposed the full length of Mann Street and the proposed building wraps around to Donnison Street with a chamfered corner and glazed ground floor.

The proposed Level 1 of the podium also maintains a primarily glazed frontage with active uses (appropriate to an upper level) proposed including food and drink premises and event space. A continuous awning is proposed. Above Level 1 a variation in the materials and patterns within the podium provide visual interest. The proposed tower forms are setback sufficiently from the streetwall to reduce impacts. Public domain improvements are proposed.

Donnison Street

Donnison Street is an important street but is located at the southern end of the site. This means that regardless of building height on the site, the public domain will largely be in shadow for a majority of the year. Therefore, Donnison Street is proposed as a secondary active frontage with retail tenancies at the corners, a grand port cochere at the centre and two residential lobbies between. The position of the port cochere creates visibility for the hotel from people travelling to and from the stadium and waterfront and improves lighting of the public domain with large glazed areas to the podium facade. The port cochere provides very good weather protection for pedestrians and includes a visually pleasing environment including a fountain. The port cochere in effect increases the public domain as well. To form the port cochere, modification to the existing footpath is proposed.

Baker Street

Baker Street in its current form is in a poor condition. The workcover building west of the subject site, the surface car park on the subject site and the public car park and network of ramps make Baker Street a highly ambiguous space with little pedestrian amenity. Refer to the figure below:



Figure 14: View of Baker Street from intersection of Donnison Street looking north

While it is clear that Baker Street has and will continue to have a servicing character by virtue of the car parking building and the railway line abutting it, there is opportunity to improve the pedestrian environment. This is particularly important as the DCP 2013 identifies Baker Street between Erina Street and Donnison Street as a “desired pedestrian link” (DCP, Chapter 4.1, pg 25).

The proposed development locates the required vehicular entrance and loading dock on Baker Street, as close to the public car park as possible, to position it away from Donnison Street. The proposed 4 storey street wall is compatible with the scale of the workcover building and public car parking station and begins to define Baker Street as a more traditional street by aligning the streetwall and creating enclosure to the street. Refer to the figure below:



Figure 15: Photomontage, proposed development viewed from intersection of Donnisson Street and Baker Street looking north

At the same time, the proposed streetwall is setback a minimum of 2 m to the boundary to increase the footpath width at Baker Street and provide pedestrian amenity for those walking from the car parking area towards the south (to the stadium and waterfront). The proposed western tower is well setback above and as such would generally not have an impact on pedestrians walking along Baker Street.

The proposed vehicular entrance is configured to minimise pedestrian interruptions while still meeting the Australian Standard. Pedestrian refuges along the Baker Street footpath are proposed where appropriate. The corner retail tenancy creates activation at this otherwise inactive corner and assists in wayfinding for people walking along Baker Street. The proposed development facilitates the public domain character and provision of pedestrian links as dictated in DCP 2013.

Lighting is proposed and the proposed development achieves casual surveillance of the public domain from the active retail tenancy at the corner and the Level 1 restaurants and event space which overlook Baker Street.

Overall, the proposed treatment of the three street frontages contributes positively to pedestrian amenity, facilitates new pedestrian links and enhances existing links. In summary, the proposed development contributes to attaining the objective, notwithstanding the FSR non-compliance.

- *To provide for the retention and creation of view corridors.*

Comment

The retention of existing view corridors has been addressed in previous parts of this report. The proposed development does not impact on important view corridors as identified in Section 4.1.2.10 and Figure 2.14 on pages 19-25) of DCP 2013.

The proposed development also achieves “new view corridors” beyond those identified in the DCP. It is noted that the northern setback of the proposed towers expands the view arc from Kibble Park to the west. Furthermore, upper level setbacks above the streetwall to Donnison Street contribute to views along Donnison Street. Furthermore, the provision of 2 towers oriented on the north-south axis with a 25 m maximum width in the east-west direction and a 24.4 m separation between the two towers, opens up a north-south view corridor for future built form. The proposed curved corners of the towers also increase cross-viewing opportunities for future built form on other sites. The additional floor area and resulting bulk and scale sought does not hinder views when taking into account that where views are blocked the impact arises from lower portions of the proposed built form which comply with LEP and DCP controls. Therefore, the proposed height non-compliance does not hinder the attainment of this objective.

- *To protect and enhance the scenic quality and character of Gosford City Centre.*

Comment

The proposed development does not hinder the protection and enhancement of the scenic quality and character of Gosford City Centre. For instance, while the proposed development does represent a new scale and density for Gosford, the proposed built form does not impact on the visual prominence of Presidents Hill and Mt. Mouat when viewed from the waterfront. The proposed development also does not impact on views to the ridgelines from Kibble Park. Where the proposed development impacts on views of the ridgeline, from short and medium distance vantages, it is those parts of the building which comply with the LEP controls which screen views rather than the upper portions of the development which do not comply with the controls.

The existing built form of Gosford generally does not enhance the character of Gosford, whereby older stock has a blocky and aged character. The proposed development provides a new building character with a strong yet articulated podium base with slender towers above which combine a traditional rectilinear character with a more curvilinear and organic form. This architectural language fits well within the natural and manmade elements which make up Gosford City Centre’s scenic quality.

The subject site is located in the south central part of the commercial core, yet a comfortable distance away from the waterfront to be viewed as a distant form, contributing to the city centre skyline within the valley and away from the hills and ridgelines. It is noted that if development occurs in the city centre as per the LEP height limits, tall buildings between the subject site and the waterfront are likely to occur. The image below provides a from Mann Street near the Council chambers looking north along Mann Street with potential building envelopes shown with LEP height limits indicated.



Figure 16: Building Envelop Study future built form Mann Street, view from near Council Chambers looking north along Mann Street

The proposed development does not have any shadow impact on important public open spaces such as Kibble Park and Gosford City Park. It has no shadow impact on important venues such as the stadium, library and Council forecourt.

The proposed development includes landscape elements on the building including podium planting, a green roof and new street trees. This maintains a softer green element to the commercial core, something that is generally lacking in the current setting. All in all, the proposed development, while signalling a new direction in terms of bulk and scale, does not impact negatively on the scenic qualities of the area.

3 Concurrency of the DG - Clause 4.6(5)

It is assumed that the Council enjoys delegated authority from the DG to concur to this request.

There is no public benefit in maintaining a Height of 48 m or 62.5 m, when a building of greater height does not hinder the attainment of the objectives and in most cases contributes to attaining those objectives.

4 Conclusion

The consent authority should be satisfied that the request is justified.